

REGULAR MEETING Tuesday, MAY 5th, 2009
EAST LYME PLANNING COMMISSION
MINUTES

PRESENT: Lisa Picarazzi, Chairman, Francine Schwartz, Secretary, Chris Sandford, Mike Bowers, Paul Dagle

ALSO PRESENT: Gary Goeschel, Planning Director
Jack Hogan, Ex-Officio, Board of Selectmen

ABSENT: Tom Perron, George McPherson, Alternate, Drew Kenny, Alternate

Chairman Picarazzi called this Regular Meeting of the Planning Commission to order at 7:00 PM.

Pledge of Allegiance

The Pledge was observed.

I. Emergent Additions to the Agenda

Mr. Goeschel indicated that there was an item to add to the agenda under Staff/Communications – Research for Zoning Referrals.

****MOTION (1)**

Mr. Bowers moved to add to the agenda under Reports – Staff/Communications – Research Zoning Referrals.

Mr. Dagle seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

II. Public Delegations

Public Delegations is the time when members of the public are invited to speak to the Commission about certain matters. Issues or concerns related to approved subdivisions under construction (Item IV.) and in-house proposals or general topics of discussion (Item VII.) are open to comment. Items, referrals, or applications subject to a decision by the Commission, a public hearing, or in litigation may not be discussed. The members of the Commission will not directly answer questions or make comment during delegations.

Ms. Picarazzi called for Public Delegations.
There were none.

III. Approval of Minutes – Workshop Minutes of April 21, 2009

Ms. Picarazzi called for any discussion or corrections to the Planning Commission Workshop Meeting Minutes of April 21, 2009.

****MOTION (2)**

Mr. Bowers moved to approve the Workshop Meeting Minutes of the Planning Commission on April 21, 2009 as presented.

Mr. Dagle seconded the motion.

Vote: 4 – 0 – 1. Motion passed.

Abstained: Ms. Picarazzi

Subdivisions (Approved and Under Construction)

(A list of approved subdivisions under construction will be posted on the Town web-site @ www.eltownhall.com under "Planning Commission". The Active Subdivision List will also be available upon request in the Land Use Office. This agenda item shall be reserved for items

requiring administrative action by the Planning Commission for already approved subdivisions.)

IV. Applications/Current Subdivision Approval/Construction Reports

1. Nottingham Hills, Phase III – Request for a modification of subdivision approval to waive the requirement for a secondary access pursuant to Subsection D of Section 6-9-2 of the East Lyme Subdivision Regulations.

Mr. Sandford recused himself from discussion on this item and left the table.

Mr. Goeschel noted that since the last meeting that he has spoken with the Fire Marshal regarding this request and that he has said that he does not have any problems with it. He has also spoken with Engineering on it and the applicant is present this evening to further explain this to them.

Attorney Theodore Harris said that this began with a misprint in the regulations and that two months prior to the application the Commission passed an amendment to Section 6.9.2 allowing an applicant to meet the requirements of a., b. & c. OR d. instead of inclusive of it. He said that it was clearly meant to be 'OR' which was what the regulations meant at the time. He and Ms. Parulis went over the misprint and once researched, it was subsequently corrected. He said that they are asking that the criteria for this application be modified to eliminate subsection d. as it was proposed at the time when the Darrow Pond project was viable and that currently it does not seem that project will be constructed in the manner that it was originally presented. There is an easement in place that would insure that passage could be established. He said that he also spoke with the Fire Marshal who said that he did not see problems with the elimination of subsection d. as it does not present a health and safety issue.

(Note: Jack Hogan joined the meeting)

Mr. Dagle asked why the waiver would need to be modified since there is an easement in place that essentially allows the same thing.

Attorney Harris said that is true, although it means that now another road would not have to be built to essentially nowhere.

Mr. Goeschel asked how many lots were involved.

Attorney Harris said that there were three phases and that there were 16 in the last phase.

****MOTION (3)**

Mr. Dagle moved to approve the Nottingham Hills, Phase III – Request for a modification of subdivision approval to waive the requirement for a secondary access pursuant to Subsection D of Section 6-9-2 of the East Lyme Subdivision Regulations.

Ms. Schwartz seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Mr. Sandford returned to the table.

V. Zoning Referrals (CGS 8-3a)

1. The East Lyme Zoning Commission proposal to amend Section 20.27 – Restaurant Outdoor Dining in CB Zones, Item No. 13 to add 13.1 – renewal language.

Mr. Goeschel explained that this is an effort to address the public concern over the length of time and cost of the renewals for outdoor dining permit which currently is renewable yearly. This would also delineate between those establishments that serve liquor and those that do not.

****MOTION (4)**

Mr. Bowers moved to find The East Lyme Zoning Commission proposal to amend Section 20.27 – Restaurant Outdoor Dining in CB Zones, Item No. 13 to add 13.1 – renewal language, CONSISTENT with the Plan of Conservation & Development goals to further economic development.

Mr. Sandford seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

2. The East Lyme Zoning Commission proposal to amend Sections of the East Lyme Zoning Regulations to regulate Adult Uses.

Ms. Picarazzi called for discussion on this item.

Mr. Sandford asked if the areas that were specified as to where this might go were so limiting that they would be found to be illegal by State statute. He said that this is basically his concern with this proposal. He would like to make sure that there is an area available within the Town for this type of use.

Mr. Goeschel explained that this is a result of a subcommittee that Zoning started quite awhile ago. He pointed out areas on the land use map where it might be allowed.

****MOTION (5)**

Mr. Bowers moved to find The East Lyme Zoning Commission proposal to amend Sections of the East Lyme Zoning Regulations to regulate Adult Uses CONSISTEN with the Plan of Conservation & Development goals to further economic development found in Section 6.

Ms. Schwartz seconded the motion.

Vote: 3 – 1 – 1. Motion passed.

For: Ms. Picarazzi, Ms. Schwartz, Mr. Bowers

Against: Mr. Sandford

Abstained: Mr. Dagle

VI. 8-24 Referrals (Municipal Improvements)

1. Water & Sewer Commission referral for general construction work for the implementation of system-wide chlorine disinfection and bulk chemical storage at Wells 1, 2, Bride Lake WTP, 4A, 5 and 6.

Mr. Goeschel explained that the Town is looking to make upgrades and improvements to the water supply system and that this referral is a routine matter.

****MOTION (6)**

Mr. Sandford moved in favor of the Water & Sewer Commission referral for general construction work for the implementation of system-wide chlorine disinfection and bulk chemical storage at Wells 1, 2, Bride Lake WTP, 4A, 5 and 6.

Mr. Dagle seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

VII. New Business

1. Final Draft of Scenic Roads Ordinance

Ms. Picarazzi called for discussion on this item.

Mr. Goeschel said that the final draft was reviewed by Mr. Miniutti and the Town Attorney who have found it consistent with the subdivision regulations.

Mr. Sandford noted that 8.1 which was added, limits extremely what qualifies and it is going to encourage some people to 'split hairs' over it. He further suggested that it flies in the face of the State Statutes or at the least is more restrictive. It also encourages dead ends, lightly traveled streets or local streets as all that could be considered.

Ms. Picarazzi asked Mr. Goeschel whom they would address these concerns to as it appears to be in its final stage.

Mr. Goeschel said that the Board of Selectmen has scheduled this for public hearing on May 20, 2009. He suggested that they could, by motion state that they are not in agreement with the addition of Section 8.1 and feel that it should be removed.

Mr. Dagle said that he would be in agreement with that as they had previously discussed this ordinance at length and also received input from departments and the Town Attorney and this is still kicking around.

****MOTION (7)**

Mr. Sandford moved that the Planning Commission finds that Section 8.1 should be removed from the Final Draft of the Scenic Road Ordinance as it is more restrictive than State Statutes allow and removes the flexibility from the Planning Commission which the State Statutes allow.

Mr. Bowers seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

VIII. Old Business

1. POCD Update

- **POCD Tasking Assignments**
- **Proposed draft language prepared by the POCD Steering Committee**
- **Goals & Objectives and Green Energy (Renewable Energy)**

Ms. Picarazzi reported that the Steering Committee had a meeting the previous evening and that they are preparing for another public meeting on May 12, 2009. She noted that the first public meeting was quite successful. They are now trying to accelerate the time line.

Mr. Goeschel said that he spoke with the DEP today as he had previously thought that they had to have this document to the DEP 90 days before the public hearing however he was told that it is actually 35 days prior to the public hearing. He said that he wants September 1, 2009 as the goal date so that he can send the POCD document to the DEP and SECCOG for their comments.

Mr. Bowers said that he is still concerned with the time table and that he is not sure that the committee and the Planning Commission are on the same page and that he is also not sure that they realize that this does not have to be done in one swoop and should be fed to them as completed.

Ms. Picarazzi said that she does share some concern on the time line however she heard Mr. Miniutti say that some things just needed to be tweaked a bit.

Mr. Bowers said that he would like a better time line.

Mr. Goeschel said that it might be better to update the sections going forward and noted that they also have the Affordable Housing section, transportation and open space items. He said that they could prioritize certain sections which are the most important.

Ms. Picarazzi asked if it would be realistic to take Mr. Miniutti's goals and objectives and set up how the sections could be provided to them over the next few months so that they can review them.

Mr. Goeschel said that they could choose the most important sections and concentrate on them.

Mr. Sandford offered to help get things out to the departments for their review and asked that Mr. Goeschel send him a word document with the sections that he could send out.

Mr. Goeschel said that he would.

Mr. Dagle said that he thinks that the lack of organized focus is hurting them and that they as the Planning Commission should set a course and stick to it.

Mr. Goeschel said that he has requested the cultural/historical and agricultural information by the end of May and the end of August would be when the Section 2 draft comes in from UConn. He suggested July 21, 2009 as a public hearing date for Chapter 1; and October 20, 2009 for the public hearing date for Chapter 2. He said that he would work up a time line plan and get it out to them and the POCD Steering Committee via email for the end of the week.

The Commissioners agreed that Sections 1, 2 and 4 were the most important and would require the most attention.

IX. Reports

1. Chairman

Ms. Picarazzi asked where they stand with the Alternate situation and filling the vacancy.

Mr. Hogan said that it would be discussed at the Board of Selectmen meeting the following evening.

2. Zoning Representative

There was no report.

3. Regional Planning Commission Representative – Christopher Sandford, Luane Lange, Alternate

Mr. Sandford noted that there had been no meeting since the last report.

4. Subcommittees

- Conservation Development by Design Subcommittee Report

Mr. Goeschel said that the CDD subcommittee is moving along and working towards some conservation development by design guidelines.

5. Ex-Officio – Jack Hogan

Mr. Hogan said that the budget has been sent to Town Meeting and to referendum with no increase in taxes if it passes.

6. Staff/Communications

- **Research – Zoning Referrals**

Mr. Bowers said that he has asked Mr. Goeschel about the zoning referrals and the background information that they do not see. He would like more information on the public hearing or what was presented so that they can make more informed decisions.

Mr. Goeschel said that in many instances he is passing on all the information to them that Mr. Mulholland has at this time. He said that he does speak with Mr. Mulholland regularly and that he would ask if there is other information available that they could have.

ADJOURNMENT

****MOTION (8)**

Mr. Bowers moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 9:25 PM.

Mr. Sandford seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary