

East Lyme Planning Commission
Public Hearing
November 10, 2009

Present: Lisa Picarazzi
Francine Schwartz
Michael Bowers
Paul Dagle
Michael Bowers
Alvin Sher
Drew Kenny

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Nov 19 20 09 at 1:20 AM (PM)

Esther B. Williams

EAST LYME TOWN CLERK

Also Present: Gary A. Goeschel, II, Director of Planning
Jack Hogan, ex officio
George McPherson
Mark Mangelinkx
Luane Lang
Brian Schuch
Mark Butterfield
Charles and Ruth Reluga
Barbara Johnston
Tom and Nancy Kalal
Jane Dauphinais, Director of SE Connecticut Housing Alliance

CALL TO ORDER. Chairlady Picarazzi called the East Lyme Planning Commission Public Hearing of November 10, 2009 to order at 7:03 p.m. Alternate members Drew Kenny and Alvin Sher were seated at the table.

PLEDGE OF ALLEGIANCE. The Pledge of Allegiance was observed.

1. PUBLIC HEARING. Chairlady Picarazzi introduced Planning Commission members. She asked for comments from the public.

Nancy Kalal, of 80 Grassy Hill Road, stated she was a member of the agricultural subcommittee of the Plan of Conservation and Development and worked with Cynthia Angelillo. Ms. Kalal reported there is agricultural land that is not in the Plan of Conservation and Development.

Mr. Goeschel received two telephone calls from Ms. Kalal regarding the pie charts in Chapter 2 on the division of land uses of the Town. There is a discrepancy in the percentage of agriculture. She also felt aquaculture needs to be included in agriculture.

She reviewed Chapter 1 on future open space and referred to the Latimer Brook Water Shed. She asked that three additional watersheds be included.

Ms. Kalal reported that the largest part of the Yale property is logged, which is not included in the percentage. Yale has much of its property logged which is active agriculture. Mr. Goeschel informed her since this was classified as institutional land, it was not included.

Barbara Johnston, of 35 Seacrest Avenue, stated she is member of the Harbor Management Commission and felt the Shellfish Plan should have come before the Harbor Management Commission. Ms. Johnston felt there were many questions to be asked of the Harbor Management Commission.

She also felt the maps need additional review. In Figure 10 she felt the green area should be defined, and it should be easier to read.

She noted it states the Town has plenty of industrial park areas. She thought there was only 3%.

Ms. Picarazzi informed her that the entire document has not been completed. Work will continue on it in the future.

Ms. Johnston felt this was a ten year vision of the Town.

Ms. Picarazzi stated we did not hire an outside consultant because of a lack of funding. We are volunteers working towards meeting state statute requirements.

Ms. Picarazzi stated the maps have been flagged and will be reviewed.

Mr. Goeschel suggested leaving the Public Hearing open until December 1 for the purpose of receiving comments.

Ms. Schwartz referred to page 139 which mentions Harbor Management. Ms. Johnson referred to Chapter 5. Mr. Bowers informed her that this Commission was unable to update Chapter 5 for this year's revision.

Ms. Schwartz added this is a working document and due to limitations and resources this Commission was unable to make changes to Chapter 5. She informed Ms. Johnston her comments will be taken into account as we go forward with this document.

Mr. Dagle stated the Commission plans to work on Section 5. At the present time we do not have the time or resources to do it. Ms. Picarazzi added we have not rewritten that section. When the Commission works on that section we will ask for comments from Harbor Management.

Mr. Bowers stated until December 1 we will leave the Public Hearing open on completed sections. Mr. Dagle stated some sections will not have changes. We plan to work on sections that have not been revised in the future. At that time affected commissions will be asked to participate.

Ms. Johnston felt it makes no sense to work on only part of the Plan of Conservation and Development since it is supposed to be a plan for ten years. Ms. Picarazzi stated since this work was done by all volunteers, it was the best option we had. Mr. Dagle added state statutes require us to update

the Plan of Conservation and Development every ten years. Mr. Bowers stated this document still needs to be revised.

Mark Butterfield, of 6 Upper Walnut Hills, East Lyme, stated he spoke to the Board of Selectmen and expressed his concerns about the Plan of Conservation and Development.

He felt this document is a guide to the Planning and Zoning commissions. There are sections in the residential section that were not updated. He asked that this section be flagged. In the northern end of Town the two acres will be changed to four acres. His property can be subdivided, and he is concerned that the value of his property will be reduced as a result of the required lot size. He did not feel it is in his best interests to give up his property rights. He referred to Section 3.1 in the residential section of the Plan of Conservation and Development.

The other area he is concerned with is in the area of agriculture. His family members have been able to build a house near his farm. He asked that consideration be given to allow continued development of these farms. Collectively they are able to maintain his farm. He felt pages 57-58 should be rewritten. He referred to Section 6, page 58 and felt that growth in the north end should be limited. He felt the percentage and the remaining part of the sentence should be removed.

He is concerned about the value of his property and his right to subdivide it. He feels the wording in the agricultural section needs to be softened. Mr. Goeschel did not believe anything would prevent Mr. Butterfield from subdividing his property. Ms. Picarazzi stated this is what's currently in place right now. Mr. Goeschel stated the land use department feels confident that SMART growth will allow more open space. The Town is working toward changing the value of existing lands. Ms. Schwartz stated the more current thinking is to introduce how we are viewing land use and development.

Mr. Butterfield felt this will be a living document. If we are current thinking, we don't want to upzone it. He referred to page 24 regarding marginal lands. Planning and Zoning is rezoning to encourage minimum buildable land.

Mr. Dagle stated upzoning would have to come before the Zoning Commission. The Plan of Conservation and Development only makes recommendations. It does not mandate changes.

Mr. Bowers referred to page 58 which states 83% of the respondents.

Mr. Butterfield felt this Plan is a valid study. It does add to this agricultural portion and the idea that we want to keep agriculture. The percentage 83% makes it feel like it's the majority of the Town. He felt this percentage is misleading. We should encourage farmers to keep their farms, and when a subdivision is made that we take into account the buildable area. This document is intended to give guidance. He does not intend to subdivide his property, but he cannot predict the future. If he needed to sell it, he would rather sell a piece of the property.

Mr. Kenny stated you can retain your property value. This is only to create stability there.

Mr. Butterfield stated he had four acres and acquired another ten acres. He would like to preserve his property rights.

Ms. Johnston asked that this Commission not rush to vote on December 1, because new representatives will be voted in, and she felt they should be allowed to understand it. Ms. Picarazzi stated this has been the timeline all along. Gary Goeschel referred to his Memo dated November 3, 2009 to the Board of Selectmen regarding draft 2009 Plan of Conservation and Development which addressed the statutory requirements for this Plan. State Statutes, Section 3(b) of Public Act No. 07-239 makes a municipality potentially ineligible for discretionary state funding if it is not in compliance with the ten year requirement beginning July 1, 2010 and beyond. The statute is clear that the Commission could leave the rest of the document for another ten years. Mr. Goeschel stated he intends to move forward on a regular basis with updates. In 2011 we should have new census data. At least once per year the Plan of Conservation and Development should be reviewed.

Ms. Johnston felt that since we are so close to swearing in new representatives, it would be helpful for them to review it too. Once they become seated they may also want to make changes.

Mr. Goeschel stated as staff to the Commission, it is his job to guide them to follow these recommendations to help the Town move forward.

Ms. Johnston asked if before December 1 the name Camp Rowland be changed to Camp Rell? Mr. Goeschel stated he would be happy to meet with Ms. Johnston and make recommendations to the Commission prior to December 1.

Mr. Goeschel stated the Planning Commission discussed Chapter 9 at previous meetings. Some of it is outdated.

Ruth Reluga, of 10 Bronson Street, commented on the idea of losing property rights. We often thought maybe we would build a house on another lot on our property. The Town changed its Zoning Regulations. We don't have the right to expect that Zoning Regulations will not change. My house is more valuable with the additional space. She felt if it were developed her property would devalue other property owner's property if it were not done well.

Mr. Dagle asked when we will receive feedback from COG? Mr. Goeschel stated they meet on November 23, and he expects to hear from them by the end of November.

Ms. Picarazzi asked Mr. Hogan to report on the review of the Plan of Conservation and Development by the Board of Selectmen. Mr. Hogan stated the Board of Selectmen want to meet the statutory requirements for the betterment of the Town. The Board of Selectmen supported Mr. Butterfield's concerns. Given the limited resources we had for developing this Plan, we agreed to it. Harbor Management will be addressed. The Planning Commission has the full support of the Board of Selectmen. This Commission is moving in the right direction given the amount of revisions that were possible. The Town did not have the funds to hire a consultant. He did not feel there would be a major shift in policy with any new members of the Planning Commission.

The Public Hearing will be continued to November 17 at 7 p.m. Additional comments will be welcomed.

MOTION: Ms. Schwartz moved to adjourn the November 10, 2009
East Lyme Planning Commission Public Hearing at
8:10 p.m. Seconded by Mr. Bowers. (6-0) Unanimous.

Respectfully submitted,

Frances Gheri, Substitute Recording Secretary