

EAST LYME PLANNING COMMISSION
PUBLIC HEARING II
Tuesday, NOVEMBER 17th, 2009
MINUTES

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Nov 23 20 09 at 10:45 AM PM

Esther B. Williams

EAST LYME TOWN CLERK

The East Lyme Planning Commission held a Public Hearing on the Application of Charles and Carol Hallas, Applicant/Owner for a proposed two-lot subdivision of land located at 191 Whistletown Road, Assessor's Map 24, Lot 5, zoned RU-80, Rural Residential and a request for a waiver from Section 6-16 of the Subdivision Regulations; on November 17, 2009 at Town Hall, 108 Pennsylvania Ave., Niantic, CT. Chairman Picarazzi opened the Public Hearing after the previously scheduled Public Hearing and called it to order at 7:24 PM.

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

ALSO PRESENT: Attorney Theodore Harris, representing the Applicant
Fred Finn, LS, representing the Applicant
Gary Goeschel, Planning Director
Drew Kenny, Alternate
Jack Hogan, Ex-Officio, Board of Selectmen

ABSENT: Tom Perron, Alvin Sher, Alternate

Pledge of Allegiance

The Pledge was previously observed.

Public Hearing I

1. Application of Charles and Carol Hallas, Applicant/Owner for a proposed two-lot subdivision of land located at 191 Whistletown Road, Assessor's Map 24, Lot 5, zoned RU-80, Rural Residential and a request for a waiver from Section 6-16 of the Subdivision Regulations

Ms. Picarazzi thanked everyone for coming and then noted that the Legal Ad for this application had run in the New London Day on November 6, 2009 and November 13, 2009. She then asked if any of the Commissioners had any conflict of interest with this application.

Mr. McPherson said that he would recuse himself for this application and left the room.

Ms. Picarazzi called upon the applicant or their representative to present this application.

Attorney Theodore Harris, place of business 351 Main Street, said that the purpose here is to create one new lot to allow the daughter and son-in law to put a house on. It is an RU-80 zone and the proposed lot is 80,000 sq. ft. He presented the certificates of mailing which was entered into the record as **Exhibit A**; The Conservation letter/permit dated 10/9/2009 finding that there was no impact – entered as **Exhibit B** and the letter from the Town Engineer dated October 29, 2009 stating that he is in support of granting the waiver request of Section 6-16 – entered into the record as **Exhibit C**.

Attorney Harris continued that the lot has two (2) areas of slope and that the house is proposed to be built on the plateau. They are proposing to use the same driveway so there would not be any need for a new curb cut. The septic system has been approved through Ledge Light and they have the letter in the record supporting it. They are requesting a waiver of Section 6-16 of the regulations and this request is the reason for this Public Hearing. The regulations allow for a waiver request for lots of three or less. The basic change in design here is because this is based upon a 25-year storm rather than the 100-year storm. The reason why it is not designed for a 100-year storm is because there is not enough room on the lot to do so and because the Town Engineer did not find that this would adversely affect the water flow and – they are adding a bare fraction of water to the site and will not have maximum coverage on the lot. Section 14 of the regulations relates to the general standards, this is a single lot subdivision and due to the slope of the lot,

they are limited with where the house can be placed and the Town Engineer has found that there will not be any adverse impacts.

With respect to bonding, this work can be completed quickly as it is a single home and he asked that the improvements be contingent upon the filing of the Mylars rather than posting and then having to get back a bond. The lot does meet the standards of both the subdivision and zoning regulations.

Mr. Goeschel asked with respect to the bonding issue and the Mylars -- if the 90 days to file the Mylars would be forcing the time factor.

Attorney Harris said that they could request an extension of time in which to file the Mylars if necessary. He added that they did do the computation and came up with \$2500 as the amount for a bond.

Mr. Sandford asked about the 25, 50 and 100 year storm designs that were mentioned in the regulations and said that they had spoken to the 100 year and 25 year storm but not to the 50 year storm. He asked why it was not mentioned here.

Mr. Goeschel said that both he and the Town Engineer were comfortable with the 25-year storm design.

Mr. Sandford asked was sits on the lot now.

Mr. Goeschel said that it is essentially forested except for the existing house. It is wooded upland area.

Ms. Picarazzi asked if the proposed driveway would be asphalt.

Rick Pape, applicant said no, it would be gravel.

Ms. Picarazzi called for anyone from the public who wished to speak regarding this application to please come forward and state their name and address for the record --

Hearing no one --

Ms. Picarazzi asked if the Commissioners had any further questions --

Mr. Dagle said that the original request did not mention the waiver request --

Mr. Goeschel said that in an October 21, 2009 letter from Mr. Pape that the waiver request was cited.

Mr. Dagle said that neither the request for a waiver or the letter from staff states the certain section of Section 6-16-7 that they are seeking the waiver on and there are several sections. He asked if they have to cite a specific section.

Attorney Harris said that it is understood the ones that would apply to this circumstance.

Fred Finn, LS representing the applicant explained that when you look at the difference between the 25, 50 and 100 years storms that you are looking at the differences in volume and rates of flow and this is basically a waiver of the provision of the 100 year storm. Based upon what you are doing, there is one house here and the provisions are written for large lots with large developments on them and a lot of the drainage calculations do not even work for the single house.

Mr. Dagle and Mr. Bowers maintained that the Town Engineer is saying that the entire section of regulations is waived and his position is that he is having trouble with waiving all of it.

Attorney Harris noted that he thinks that because the section is designed for large volumes of water and they will not be seeing those volumes, they have figured that the 25 year storm works here and the drainage would meet those standards.

Mr. Goeschel noted that the plan being filed and the Mylars or bonding ensures that they meet what is necessary here.

Ms. Picarazzi explained that she feels that they just need to make a finding here and not try to be engineers.

Mr. Sandford said that he is comfortable with the exemption but feels that there should be a posting of a bond (E & S). He added that the single family house is not why they created the stormwater regulations. They were created for the large scale developments.

Ms. Picarazzi suggested that they could change a few words in their regulations to make is clearer what the intent is. She suggested adding an 'or' to the section.

Mr. Dagle and Mr. Bowers said that they did not think that there was a need to change them.

Mr. Goeschel noted that the bond amount to complete the proposed work has been computed at \$2500.

Ms. Picarazzi asked if there were any other questions –
Hearing none – She asked if they were ready to close this Public Hearing -

****MOTION (1)**

Mr. Dagle moved to close this Public Hearing.

Mr. Bowers seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Ms. Picarazzi closed this Public Hearing at 7:55 PM.

Respectfully submitted,

Karen Zmitruk,

Recording Secretary

(Note: Mr. McPherson returned to the table)

