

**EAST LYME PLANNING COMMISSION
REGULAR MEETING
Tuesday, JANUARY 5th, 2010
MINUTES**

PRESENT: Mike Bowers, Chairman, George McPherson, Secretary, Francine Schwartz, Mike Mangelinkx, Brian Schuch

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

ABSENT: Chris Sandford, Greg Jackson, Alternate, Drew Kenny,
Alternate

Chairman Bowers called this Regular Meeting of the Planning Commission to order at 7:25 PM after the previously scheduled Public Hearing.

Pledge of Allegiance

The Pledge was previously observed.

I. Additions to the Agenda

Mr. Bowers said that there was one addition to the agenda this evening. He would like to add as Item G. under Section X. Reports – Executive Session – Discussion on Pending Litigation. He asked that they make a motion to add this to the agenda and explained that it would require a two-thirds vote of the Commission in order to place it on the agenda.

****MOTION (1)**

Mr. McPherson moved to add Item G. under Section X. Reports – Executive Session – Discussion on Pending Litigation.

Mr. Mangelinkx 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 VI) and in-house proposals or general topics of discussion (Item VIII) 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.

Mr. Bowers called for Public Delegations.
There were none.

**III. Approval of Minutes – Public Hearing I Minutes of December 1, 2009
Public Hearing II Minutes of December 1, 2009
Regular Meeting Minutes of December 1, 2009
Special Meeting Minutes of December 8, 2009**

Mr. Bowers called for any discussion or corrections to the Planning Commission Public Hearing I Minutes of December 1, 2009.

****MOTION (2)**

Ms. Schwartz moved to approve the Planning Commission Public Hearing I Minutes of December 1, 2009 as presented.

Mr. Schuch seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Mr. Bowers called for any discussion or corrections to the Planning Commission Public Hearing II Minutes of December 1, 2009.

****MOTION (3)**

Ms. Schwartz moved to approve the Planning Commission Public Hearing II Minutes of December 1, 2009 as presented.

Mr. Schuch seconded the motion.

Vote: 5 – 0 - 0. Motion passed.

Mr. Bowers called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of December 1, 2009.

****MOTION (4)**

Mr. McPherson moved to approve the Planning Commission Regular Meeting Minutes of December 1, 2009 as presented.

Mr. Schuch seconded the motion.

Vote: 5 – 0 - 0. Motion passed.

Mr. Bowers called for any discussion or corrections to the Planning Commission Special Meeting Minutes of December 8, 2009.

****MOTION (5)**

Mr. Mangelinkx moved to approve the Planning Commission Special Meeting Minutes of December 8, 2009 as presented.

Mr. Schuch seconded the motion.

Vote: 5 – 0 - 0. Motion passed.

IV. Pending Applications

- 1. Application of KSK Associates LLC, applicant/owner for a proposed four-lot re-subdivision of 203 acres of land located on and east of Goldfinch Terrace adjacent to and between Interstate I-95 to the south and Egret Road to the west and the East Lyme/Waterford Town boundary to the northeast. Tax Assessor's Map 36, Lot 34 & 41.**

Mr. Bowers noted that they had just continued this Public Hearing until the February 2, 2010 regular meeting of the Commission.

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.)

V. Applications/Current Subdivision Approval/Construction Reports

There were none.

VI. Zoning Referrals (CGS 8-3a)

- 1. The East Lyme Zoning Commission proposal to amend Section 24.0 Site Plan Regulations. The purpose of the amendment is to require site plan review by the Zoning Commission for new**

commercial buildings over 10,000 square feet in area in CB commercial zones. Currently Commission review is limited to buildings over 20,000 square feet.

Mr. Goeschel noted that they had the information on Section 24 and that the areas that are being changed were underlined. He said that he was not sure that it falls under being consistent or inconsistent with the Plan of Conservation and Development as what it appears to do is to take some of the governing authority away from the Zoning Official and transfer it to the Commission.

Mr. Bowers said that he felt the same way when he had reviewed it. He added that he felt that it was a good idea and that it would be good for the Town.

****MOTION (6)**

Mr. McPherson moved to find the East Lyme Zoning Commission proposal to amend Section 24.0 Site Plan Regulations - to require site plan review by the Zoning Commission for new commercial buildings over 10,000 square feet in area in CB commercial zones, CONSISTENT with the Plan of Conservation and Development.

Ms. Schwartz seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

VII. 8-24 Referrals (Municipal Improvements)

There were none.

VIII. New Business

1. Conservation Development by Design (CDD) – Appointment of New Members

Mr. Bowers said that Lisa Picarazzi was asked to continue on this subcommittee in a non-voting capacity and that she had agreed to stay on. Her expertise will greatly help keep the continuity of this subcommittee. He asked for two other volunteers from the Commission to be on this subcommittee.

Mr. McPherson and Mr. Mangelinkx volunteered to represent the Planning Commission on this subcommittee.

2. POCD Steering Committee – Appointment of New Members

Mr. Bowers said that Ms. Picarazzi was also a member of this Committee and said that as the current Chairman, that he would fill the vacancy left by Ms. Picarazzi on the Steering Committee. He asked Mr. Goeschel when they planned on meeting.

Mr. Goeschel said that they would meet in February before the Planning Workshop meeting.

Mr. Bowers asked if they had received any letters of interest for the Alternate position vacancy.

Mr. Goeschel said that they had not. He added that as the time will expire for them to fill the position that the Board of Selectmen would now be filling it. If they should receive any interest, they could forward it to the Board of Selectmen for review.

VIII. Old Business

1. Status Recap of the POCD Update and discussion on the progression of future updates for 2010

Mr. Bowers noted that the first workshop meeting would be in February. He asked if they expected to be done in the spring and what chapters they would be addressing first.

Mr. Goeschel said that Chapter 3 is probably the most important to get done and that he would like to see them focus their energies there as they have an Affordable Housing Plan, a Land Use study and a section on Open Space. He suggested that they revise the language so that the Land Use study and Open Space concept can be integrated. The rest of the Chapters that he felt they could update this year were Chapters 4, 5, 7 and 8.

Mr. Schuch noted that there is no mention or reference to cell phone towers in the POCD.

Mr. Goeschel said that is covered in Zoning.

Mr. Bowers asked Mr. Goeschel which chapters they would tackle first.
Mr. Goeschel said that he felt that it would be Chapters 3 and 5 as they have more language written.

Mr. Bowers said that he had other old business to mention – with respect to the December 8, 2009 meeting on the election of officers. They had spoken about amending their Bylaws as the Statutes have changed and seated alternates can vote on the election of officers. He would like them to review their Bylaws and make some changes to them. He said that he would also like to see them amend the budget presentation issue so that prior to the budget being presented to the Boards of Selectmen and Finance that it is presented to the Commission. And, he would also like them to revisit the Stormwater Regulations to plug some of the holes that they have found in the real life application of them.

Mr. Goeschel noted that some of these issues are with respect to bonding and the public improvements versus private improvements. He said that he would put that on the next agenda.

Mr. Bowers also mentioned the need for a landscape architect to review how open space is designed.

Mr. McPherson asked where the cut-off on that would be as it did not seem reasonable to require someone with a two lot subdivision to spend that kind of money for a landscape architect.

Mr. Goeschel noted the Randall Arendt seminar and that they had put the cut off at four (4) lots or greater.

Mr. Schwartz asked if they amended their Bylaws if they needed a Public Hearing.
Mr. Bowers said that the Bylaws do not require a Public Hearing to amend them.

X. Reports

1. Chairman

Mr. Bowers said that he had no further comments.

2. Zoning Representative

There was no report.

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

Ms. Lange reported that in the meeting held in September of 2009 that there was discussion about dissolving this Commission – however they found that they could not do so totally so they had decided that they would meet once or twice a year and that many of their duties would be absorbed by other staff.

4. Subcommittees

- **Conservation Development by Design (CDD) Subcommittee Report**
- **POCD Steering Committee**

These items were previously discussed.

5. Ex-Officio – Jack Hogan

Mr. Hogan said that he would remain as their Ex-Officio for the next year. He said that Don Landers, Chairman of the Harbor Management Commission would work on updating the Harbor Management Plan and also aquaculture issues and meet with them on this. He noted that they do need to update their Bylaws regarding the seated alternates being able to vote for officers as it is in violation of the current State Statute. He lastly reported that the Town is moving forward on the cell tower issue and that Mr. Raia recently came out and said that they are in favor of siting it at their location at Pond Cliff. There are a couple of other locations to look at however it really falls under the domain of the Siting Council.

6. Staff/Communications

Mr. Goeschel said that he had nothing further to report.

7. Executive Session – Discussion on Pending Litigation

****MOTION (7)**

Mr. Mangelinkx moved to enter into Executive Session at 8:15 PM for the purpose of discussion on Pending Litigation, inviting Attorney Mark Block, Gary Goeschel, Town Planner and Jack Hogan, Ex-Officio to join them.

Mr. McPherson seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

****MOTION (8)**

Mr. McPherson moved to exit Executive Session at 8:50 PM with no action taken and return to the Regular Meeting.

Mr. Mangelinkx seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

ADJOURNMENT

****MOTION (9)**

Mr. Mangelinkx moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 8:51 PM.

Mr. McPherson seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary