

**EAST LYME PLANNING COMMISSION
REGULAR MEETING
Tuesday, MAY 4th, 2010
MINUTES**

PRESENT: Mike Bowers, Chairman, George McPherson, Secretary, Francine Schwartz, Brian Schuch, Mark Mangelinkx, Joan Bengston, Alternate

ALSO PRESENT: Attorney Theodore Harris
Gary Goeschel, Planning Director
Jack Hogan, Board of Selectmen Ex-Officio
Norm Peck, Zoning Commission Liaison
Dick Waterman, Historic Properties Commission

ABSENT: Christopher Sandford, Greg Jackson, Alternate

Chairman Bowers called this Regular Meeting of the Planning Commission to order at 7:03 PM. He noted that he had seated Joan Bengston, Alternate at the table this evening.

Pledge of Allegiance

The Pledge was observed.

I. Additions to the Agenda

Mr. Goeschel asked that they add after Zoning Referrals – Ben Orvedal - Request for Extension of Time.

****MOTION (1)**

Mr. McPherson moved to add after Zoning Referrals – Ben Orvedal – Request for Extension of Time.

Mr. Mangelinkx seconded the motion.

Vote: 6 – 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 – Special Meeting Minutes of April 6, 2010
Public Hearing I Minutes of April 6, 2010
Regular Meeting Minutes of April 6, 2010**

Mr. Bowers called for any discussion or corrections to the Planning Commission Special Meeting Minutes of April 6, 2010.

****MOTION (2)**

Mr. Schuch moved to approve the Planning Commission Special Meeting Minutes of April 6, 2010 as presented.

Ms. Bengston seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Bowers called for any discussion or corrections to the Planning Commission Public Hearing I Minutes of April 6, 2010.

****MOTION (3)**

Mr. Mangelinkx moved to approve the Planning Commission Public Hearing I Minutes of April 6, 2010 as presented.

Mr. Schuch seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Bowers called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of April 6, 2010.

****MOTION (4)**

Mr. Mangelinkx moved to approve the Planning Commission Regular Meeting Minutes of April 6, 2010 as presented.

Mr. McPherson seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

IV. Pending Applications

There were none.

VI. Zoning Referrals (CGS 8-3a)

1. Application of Theodore A. Harris for New England National, LLC to amend the East Lyme Zoning Regulations to add Section 12B, SU-A Special Use District. This proposal will provide for single family and two family homes with provisions for mandated affordable housing.

Mr. Goeschel said that he had provided them with a memo outlining the areas of the POCD that would have both consistencies and inconsistencies with respect to Text Amendment for a SU-A District by Special Permit. He also provided them with a map showing the areas that would be affected by the proposal. He said that Attorney Harris was also present to further explain this to them or to answer any questions.

Attorney Harris explained the genesis of this amendment noting that the SU districts are floating zones granted by special permit. He said that the sections of the POCD that speak to multi-family housing covers broad areas. Some of the old CA/CB is 20 acres. What they are talking about here is focused on single and two-family homes and meant more for the urban transition areas than for dense areas. He said that they also make a revision and reduced the amount of two-family homes from 50% to 30%. What is being proposed fits well with the services available on the sites and essentially becomes a cluster type development. This is also one means of trying to get above the 10% for Affordable Housing. He said that he does think that it is consistent with the intent of the POCD.

Mr. Bowers said that between the POCD, the Subdivision Regulations and the Zoning Regulations that they have zoning that allows for overlay zones and the POCD and subdivision regulations that allow for specifics. He asked what makes this desirable for the Town.

Attorney Harris said that it makes for a better use of the land and they would not be boxed into 'specifics' which may not work well with the land.

Mr. Bowers asked Attorney Harris if he would be willing to tweak the Text Amendment so that it would eliminate the RU-40.

Attorney Harris said that it seems more oriented to the RU-40 as it is a subset of many multi-family types and is appropriate for the RU-40 transitional area. He said that they have specifically and purposefully kept it out of the RU-80.

Mr. Bowers said that the question then is that the 2009 POCD seems not to want this.
Attorney Harris reiterated that this is a subset.
Mr. Bowers said that it seems that he is not willing to change it and eliminate the RU-40.
Attorney Harris said that was correct.

Mr. McPherson said that he thinks that it is a great idea but has trouble with the RU-40 being in it.

****MOTION (5)**

Mr. Mangelinkx moved to find the Application of Theodore A. Harris for New England National, LLC to amend the East Lyme Zoning Regulations to add Section 12B, SU-A Special Use District – a proposal that will provide for single family and two family homes with provisions for mandated affordable housing - INCONSISTENT with the goals and objectives of the 2009 POCD.

Ms. Bengston seconded the motion.

Mr. Bowers asked that Mr. Goeschel explain in the response letter to Zoning that they have found it inconsistent due to the inclusion of the RU-40 zone as it would promote multi-family development in the RU-40 districts throughout the Town. He said that otherwise the concept is okay.

Vote: 6 – 0 – 0. Motion passed.

◆ **Request of Ben Orvedal for a 1-year Extension of Time of Conditional Approval for an 11-Lot Re-Subdivision located at 65 & 68 Holmes Road, East Lyme, CT**

Mr. Goeschel said that he had received a letter requesting this extension and that the approval expires this June 3, 2010.

****MOTION (6)**

Mr. McPherson moved to grant a one-year extension of conditional approval of the Application of Ben Orvedal for an 11-Lot re-subdivision located at 65 & 68 Holmes Road, East Lyme, CT.

Ms. Schwartz seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

VII. 8-24 Referrals (Municipal Improvements)

There were none.

VIII. New Business

There was none.

VIII. Old Business

1. Bylaws

Mr. Goeschel noted that the changes had been made and that they had been given the latest copies. After discussion, it was decided that the second line in paragraph two under Section III on page 2 should be deleted.

****MOTION (7)**

Mr. Mangelinkx moved to accept the By-Laws of the Planning Commission as amended.

Ms. Schwartz seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

2. Subdivision Regulations and Stormwater Management

Mr. Goeschel said that he had provided them with various articles of information that they could incorporate, some of which had been extracted from other Towns. He noted the concerns of who would maintain the rain gardens, etc. and in some circumstances it states that the Town could go in and take care of them if it becomes an issue. They might want to think about if that should become an expense and who would pay for it.

Mr. Bowers asked if they were saying that all people with homes in properties with retention basins would have to sign an agreement.

Mr. Goeschel said that essentially, yes. However; the question is if the Town wants to take over the retention structures as there is an associated cost. He noted Jordan Brook as an example where it is low maintenance and built into the landscape and the people who reside there take care of it. He said that they might want to modify some criteria on water quality volume and that he has spoken with Mr. Scheer who will come to the next workshop meeting to speak with them on this. He additionally noted the checklist that could be part of the subdivision regulations. They can also work on the bonding issue with Mr. Scheer. He asked that they review the information that he has provided them with so that they can discuss it at their Workshop Meeting two weeks from tonight.

3. POCD

Mr. Goeschel said that as they were aware, there has been no action on this since January. A meeting is being scheduled for Monday, 5/17/2010. He said that he was inviting Mr. Miniutti to it however he will be out of the country at that time.

4. Alternate Vacancy

Mr. Bowers said that Ms. Picarazzi had contacted him with a 'nomination' of a potential candidate to fill the vacancy from Mr. Kenny's resignation. He asked the person to attend this evening and as he is in audience, he asked that he introduce himself to the Commission.

Brian Bohmbach said that he lives at 38 Village Drive and that he works with Ms. Picarazzi as a Project Engineer at Millstone. He said that he has been in Engineering for 30 years and that he also owns his own business. He said that while he has no prior experience with this aspect that he is willing to learn and to be an alternate.

Mr. McPherson asked his party affiliation.
Mr. Bohmbach said that he is a Democrat.

****MOTION (8)**

Ms. Schwartz moved to nominate Brian Bohmbach of 38 Village Drive to fill the Alternate position vacancy on the Planning Commission.

Mr. McPherson seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Bowers thanked Mr. Bohmbach for volunteering and asked Mr. Goeschel to send a letter to the Town Clerk regarding Mr. Bohmbach, and Mr. Bohmbach to provide Gary with his contact information and see the Town Clerk to be sworn in.

X. Reports

1. Chairman

Mr. Bowers said that it appears that they have all of the alternate positions covered.

Mr. McPherson said that he has been in touch with the party representative regarding Mr. Jackson and that he would have information for them by the next meeting.

Mr. Bowers reported that they had a good CDD meeting on April 29, 2010 and that they are looking forward to finalizing the new CDD proposal.

Mr. Bowers and Ms. Schwartz asked that Zoning referral letters be addressed to Mr. Bowers as the Chairman.

2. Zoning Representative

Mr. Peck said that he was at the CDD meeting also the previous week and that it was a productive meeting and he is looking forward to the new CDD proposal as some developers are looking at it now and also making comments that they can consider that could make it better.

3. Regional Planning Commission Representative

This group only meets once per year.

4. Subcommittees

- **Conservation Development by Design (CDD) Subcommittee Report**

This was previously discussed.

- **POCD Steering Committee**

This was previously discussed

- **Sustainable Development and Climate Adaptation – (Gary Goeschel, Francine Schwartz, Mark Mangelinkx)**

Mr. Goeschel said that he would work on trying to set something up for this.

5. Ex-Officio – Jack Hogan

Mr. Hogan thanked Mr. Bohmbach for volunteering. He also noted the Annual Town Meeting would be held on this coming Monday evening and that the Referendum to vote on the budget is scheduled for Thursday, May 20, 2010 at the Community Center from 8 AM to 8 PM.

6. Staff/Communications

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

ADJOURNMENT

****MOTION (9)**

Mr. Mangelinkx moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 8:25 PM.

Mr. Schuch seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary