

FILED IN EAST LYME
Mar 8, 2010 AT 2:00 PM

EAST LYME PLANNING COMMISSION
REGULAR MEETING
Tuesday, MARCH 2nd, 2010
MINUTES

L. Blain
EAST LYME TOWN CLERK

PRESENT: Mike Bowers, Chairman, George McPherson, Secretary, Christopher Sandford, Francine Schwartz, Brian Schuch, Joan Bengtson, Alternate

ALSO PRESENT: Attorney Mark Block, Town Counsel
Gary Goeschel, Planning Director
Steve Carpenteri, Zoning Commission Liaison
Bill Scheer, Town Engineer

ABSENT: Mike Mangelinkx, Greg Jackson, Alternate, Drew Kenny, Alternate

Chairman Bowers called this Regular Meeting of the Planning Commission to order at 8:15 PM after the previously scheduled Public Hearing. He noted that he had seated Joan Bengtson, Alternate at the table.

Pledge of Allegiance

The Pledge was previously observed.

I. Additions to the Agenda

Mr. Bowers said that Mr. Goeschel had one item to add to the agenda this evening.

Mr. Goeschel said that he would like to add under X. Reports - Letter G. Executive Discussion – for the purpose of discussion on Pending Litigation.

****MOTION (1)**

Mr. McPherson moved to add under X. Reports - Letter G. Executive Discussion – for the purpose of discussion on Pending Litigation.

Mr. Schuch 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.

Dr. Salame, 3 Boxwood Lane, Norwich, CT said that he owns property on Darrows Pond, Darrows Ridge Road and has a question on drains that exist because of a draining dam on Mostoway Road. He asked who is responsible for the structure and for maintaining it.

Mr. Goeschel said that if the dam is breached due to flooding that it is considered an Act of God and no one person is liable.

Mr. Scheer said that he was fairly certain that it is not a Town dam and that it is perhaps owned by the property owners on either side of it. He said that he recalled that this has come up before and suggested that Dr. Salame come into the office during business hours and they could go over the file that they have on it.

**III. Approval of Minutes – Special Meeting Minutes of February 2, 2010
Public Hearing I Minutes of February 2, 2010
Regular Meeting Minutes of February 2, 2010**

Mr. Bowers called for any discussion or corrections to the Planning Commission Special Meeting Minutes of February 2, 2010.

****MOTION (2)**

Mr. McPherson moved to approve the Planning Commission Special Meeting Minutes of February 2, 2010 as presented.

Ms. Bengtson seconded the motion.

Vote: 4 – 0 – 2. Motion passed.

Abstained: Mr. Schuch, Mr. Sandford

Mr. Bowers called for any discussion or corrections to the Planning Commission Public Hearing I Minutes of February 2, 2010.

****MOTION (3)**

Mr. McPherson moved to approve the Planning Commission Public Hearing I Minutes of February 2, 2010 as presented.

Ms. Bengtson seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Schuch

Mr. Bowers called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of February 2, 2010.

Mr. Goeschel asked that Page 5 under Item 2. regarding the regulations and stormwater management that the following be added to the end of the first sentence: *'however they had complied with the standard that was not required at that time.'*

****MOTION (4)**

Mr. McPherson moved to approve the Planning Commission Regular Meeting Minutes of January 5, 2010 as amended.

Ms. Schwartz seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

IV. Pending Applications

1. Application of New England National, LLC, Applicant/Owner for a proposed re-subdivision of 3.5 acres located at 70 Mostoway Road, East Lyme, Connecticut, Tax Assessor's Map 44.0, Lot 8; aka/ Darrow's Ridge Subdivision, Lot 25; and a request for a waiver of Section 6-16 of the Subdivision Regulations and the application fee.

Mr. Bowers noted that the Public Hearing is still open and has been continued.

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)

There were none.

VII. 8-24 Referrals (Municipal Improvements)

1. Phase II Main Street Streetscape

Mr. Goeschel noted that they are looking for consistency with the POCD. He said that Mr. Scheer was present to explain this to them.

Mr. Scheer explained that this is the second phase if the Main Street Streetscape project and that to be consistent with Phase I, it will have granite curbing, some trees, concrete sidewalks, radius curbing and also some brickwork and benches behind the sidewalks for people to sit and relax. He explained the plan showing where the clock would be placed.

****MOTION (5)**

Mr. Sandford moved to find Phase II of the Niantic Streetscape project from the railroad tracks west to Baptist Lane and beyond (funding permitting) consistent with the POCD. The project will include granite curb, concrete sidewalk, trees, most likely new streetlights, brickwork, a clock, and a small park area adjacent to the walkway to Hole in the Wall. All of the proposed improvements will be consistent with Phase I of the project.

Mr. McPherson seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

VIII. New Business

1. Bylaws

Mr. Bowers said that he would like them to all have a clean copy of the Bylaws so that they could look at it at the next meeting.

It was also suggested that they leave the election of officers as they are and that they hold a special meeting during the election years should there be a problem with their meeting falling prior to the inauguration since the inauguration date is a fixed Monday in December.

2. Sustainable Development and Climate Adaptation

Mr. Goeschel said that the information that he has provided in the packets is from the EPA and that he attended a workshop at COG on climate adaptation. He recommended that a subcommittee be formed to do some research on how this may impact East Lyme.

Mr. Bowers said that there has been a stir in the newspapers lately on global warming and asked for volunteers to work with Mr. Goeschel on this.

Ms. Schwartz volunteered and Mr. Bowers noted that Mr. Mangelinkx had also indicated that he was interested in volunteering for this subcommittee.

3. Subdivision Regulations and Stormwater Management

Mr. Bowers noted that they would discuss this at their workshop on March 16, 2010 as the last workshop was cancelled due to inclement weather.

4. Planning Commission's Zoning Meeting Representative – Schedule

Mr. Bowers noted that they had a copy of this and asked that if they could not attend to please try to find someone to cover for them or to trade dates with.

Ms. Schwartz asked that Mr. Bowers refresh how they are to act at these meetings.

Mr. Bowers said that they would just sit and take notes and bring them back to the Planning Commission to report on what had transpired at the meeting. They were not to speak at the meeting. He noted that Mr. Carpenteri was present from the Zoning Commission this evening and has not said anything, but has taken notes – and that was what they were to do at the Zoning meetings.

Mr. Sandford noted that many of the items that they were discussing here under New Business should be moved under Old Business as they have been discussing them for months.

VIII. Old Business

1. Plan of Conservation and Development (POCD)

Mr. Bowers noted that the next meeting of the Steering Committee would be on March 15, 2010.

Mr. Goeschel said that he has met with Mr. Miniutti and that all of the things that they have discussed are moving forward.

X. Reports

1. Chairman

Mr. Bowers said that he had no further comments.

2. Zoning Representative

Mr. Bowers said that he was at the Zoning Meeting of February 4, 2010 and that it was a very short meeting where they discussed their budget and approved it. They also had some discussion on the Affordable Housing District regulations.

Mr. Schuch said that he attended the February 18, 2010 meeting and that it was very short. A question on scenic roads was brought up and there was discussion on if they should take a reactive or active approach to it.

Mr. Bowers said that he was asked by two (2) people if they were going to nominate roads for this. He said that they were looking for people to come in with applications regarding roads.

Mr. Sandford asked if there were any applications.

Mr. Goeschel said that there were forms to submit and various background work that was to be done by the applicant(s). He added that he did get one request for a map of a road and a form to submit.

Mr. Sandford noted that there is a lot of legwork to making the application complete and that this is something for the people who want their road to be designated as a scenic road to do and not for the Commissioners to be out there knocking on doors, to gather the necessary information.

3. Regional Planning Commission Representative

Mr. Bowers noted that he received an email from Ms. Lange that the minutes of the Regional Planning Meeting state that there will be an annual meeting held and that applications will be handled by staff as necessary throughout the year.

4. Subcommittees

• Conservation Development by Design (CDD) Subcommittee Report

Mr. Goeschel said that they are moving ahead and that they have drafted some subdivision regulations in addition to the zoning regulations on this. They may have something for them to see during the June to July time frame. The next subcommittee meeting will be held on April 1, 2010.

• POCD Steering Committee

Mr. Goeschel reported that he met with Peter Miniutti and that he is making the changes that they requested and they will be done in the near future. He said that he also asked for some clarification on the maps such as transportation and open space and these will be fine tuned and refined. The next meeting of this committee is March 15, 2010.

5. Ex-Officio – Jack Hogan

There was no report.

6. Staff/Communications

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

7. Executive Session – Discussion – Pending Litigation

****MOTION (6)**

Mr. Sandford moved that they enter Executive Session at 8:55 PM for the purpose of discussion on Pending Litigation inviting Attorney Mark Block, Gary Goeschel Planning Director and Bill Scheer, Town Engineer to join them.

Mr. McPherson seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

****MOTION (7)**

Mr. Sandford moved that they exit Executive Session at 9:45 PM with no action taken and return to Regular Session.

Mr. McPherson seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

ADJOURNMENT

****MOTION (8)**

Mr. Sandford moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 9:46 PM.

Mr. Schuch seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

