

**EAST LYME PLANNING COMMISSION
PUBLIC HEARING III
Tuesday, NOVEMBER 16th, 2010
MINUTES**

Nov. 22 20 10 at 10:00 AM PM
Esther B. Williams
EAST LYME TOWN CLERK

The East Lyme Planning Commission held a Public Hearing on the Application of Pazz Construction, LLC Applicant/Owner for a proposed 3-lot Subdivision of 3.65 acres located at 41 Scott Road, East Lyme, Connecticut, Tax Assessor's Map #29.0, Lot #20-1; and a request for a waiver of Section 6-16 of the Subdivision Regulations on November 16, 2010 at Town Hall, 108 Pennsylvania Ave., Niantic, CT. Acting Chairman McPherson opened the Public Hearing and called it to order at 7:31 PM after the two previously scheduled Public Hearings.

PRESENT: George McPherson, Acting Chairman, Francine Schwartz, Frank Balantic, Alternate, Brian Bohmbach, Alternate

ALSO PRESENT: Robert Pfanner Jr, PE representing the Applicant
Attorney Mark Block, Town Counsel
Gary Goeschel, Planning Director
William Scheer, Town Engineer

ABSENT: Mike Bowers, Chairman, Mike Mangelinkx, Chris Sandford, Brian Schuch, Joan Bengtson, Alternate

Pledge of Allegiance

The Pledge was observed.

Acting Chairman McPherson noted that he had seated Frank Balantic Alternate and Brian Bohmbach, Alternate at the table this evening.

Public Hearing I

1. Application of Pazz Construction, LLC Applicant/Owner for a proposed 3-lot Subdivision of 3.65 acres located at 41 Scott Road, East Lyme, Connecticut, Tax Assessor's Map #29.0, Lot #20-1; and a request for a waiver of Section 6-16 of the Subdivision Regulations

Mr. McPherson called for the applicant or his representative to give a presentation on this application.

Robert Pfanner Jr explained that the decision was made that this would be done under the conventional subdivision standards due to location and soil remediation that is required for the site. Lot 1 is roughly an acre, Lot 2 an acre and a quarter and Lot 3 roughly an acre and a half in size. He noted that Sheet 3 of the plans shows the potential development of the lots with the location of the septic systems. With respect to stormwater, they will have rain gardens to collect the majority of the water at the top of the site. Lot 2 has a rain garden to collect water. Ledge Light has endorsed this for subdivision approval and the Town Engineer has also found this acceptable. He said that he would answer any questions that they might have.

Mr. McPherson said that they should take care of some housekeeping items and asked Mr. Goeschel to read the List of Exhibits.

Mr. Goeschel read the list of Exhibits into the record (Copy attached at end of Minutes).

Mr. McPherson asked if the Commissioners had any comments –
Hearing none –

Mr. McPherson then called for any comments from the public –

Craig Welch, 33 Scott Road said that the original print (plan) shown to him was different and in error. He said that he was also concerned with the remediation that would take place as the land slopes towards his well and he does not want it contaminated.

Jason Pazzaglia, Applicant, 21 Darrow's Ridge said that he had a licensed surveyor survey the property.

Marlene Welch, 33 Scott Road said that the licensed surveyor that Mr. Pazzaglia has is the exact same surveyor who surveyed it first so the survey would be the same as what he is presenting. She said that she has her deed stating that when they bought the property from John Bruce Scott that the shed was deeded to them and now the property line that is being presented goes right through the shed.

Mr. McPherson asked which property line was in dispute.
Mr. Goeschel said that it is the southerly one.

Mr. Pfanner said that he is not sure of what the discrepancy is as he does not have what they are talking about to look at and compare –

Mr. Welch, 33 Scott Road said that the discrepancy is an issue of some 20 feet.
Mr. Pfanner said that he does not have the deed or the very first survey but said that they would certainly fix it if it was found to be in error. In 2003 the property was subdivided and it shows the same property lines.

Mr. Goeschel said that the shed would be theirs with regard to the deed but in his opinion typically a boundary line dispute is a civil matter and not for them to determine here.

Mr. Balantic asked about the waiver of Section 6-16.
Bill Scheer, Town Engineer explained that it is with respect to the stormwater regulations and that they are geared more towards larger subdivisions and that the regulations allow for a waiver for a smaller number of lots. He said that he does support the waiver as he has reviewed this plan and feels that what has been proposed does mitigate the water run-off.

Mr. McPherson asked if anyone had any other comments –
Hearing none –

He called for a motion to close this Public Hearing –

****MOTION (1)**
Ms. Schwartz moved to close this Public Hearing.
Mr. Balantic seconded the motion.
Vote: 4 – 0 – 0. Motion passed.

Mr. McPherson closed this Public Hearing at 7:45 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

41 Scott Road- 3 Lot Subdivision
List of Exhibit Items
(updated 11-16-10)

Exhibits

- A. Application for subdivision, Pazz Construction, Applicant/Owner, dated 10/18/10.
- B. Conventional Subdivision Narrative
- C. List of Abutters within 200-feet
- D. Laboratory report from Connecticut Testing Laboratories, Inc. to D.W. Gerwick Engineering, dated November 10, 2003
- E. Natural Diversity Data Base Areas Map, prepared by CT DEP August 2010
- F. Subdivision Plan entitled "Conventional Subdivision Plan, 41 Scott Road, East Lyme, Connecticut, Owner/Applicant: Pazz Construction, LLC, PO Box 817, East Lyme, Connecticut, dated October 17, 2010, prepared by J. Robert Pfanner & Associates, P.C., Civil Engineers & Land Surveyors, 37 Grand Street Niantic, Connecticut
- G. Legal Notice to be published on 11/4 and 11/12/10.
- H. Letter from G. Goeschel II, Director of Planning to Jason Pazzaglia of Pazz Construction, LLC, dated 10/21/10 regarding the scheduling of a public hearing and requirement for posting a sign.
- I. Comments from Brad Kargl, Utilities Engineer to G. Goeschel II, Director of Planning dated 10/22/10 indicating the proposed subdivision is to be served by on-site septic and water..
- J. Comments from Chris Taylor, Asst. Fire Marshal to G. Goeschel II, Director of Planning dated 10/29/10 indicating no comment.
- K. Certificates of Mailing dated October 22, 2010.
- L. Subdivision Plan entitled "Conventional Subdivision Plan, 41 Scott Road, East Lyme, Connecticut, Owner/Applicant: Pazz Construction, LLC, PO Box 817, East Lyme, Connecticut, dated October 17, 2010, revised through 11/14/2010 prepared by J. Robert Pfanner & Associates, P.C., Civil Engineers & Land Surveyors, 37 Grand Street Niantic, Connecticut
- M. Comments from William Mulholland, Zoning Official dated 11/16/2010, to G. Goeschel, Director of Planning indicating the Subdivision complies with Zoning.
- N. Letter from Ryan McCammom, RS Senior Sanitarian of LLHD, dated 11/13/10 indicating Lots 1-3 are not recommended suitable in their current condition.
- O. Memo from Bill Scheer, P.E., L.S., Town Engineer to G. Goeschel, Director of Planning dated 11/16/2010 regarding the Drainage Report prepared by ~~Gerwick-Merzen, LLC~~ dated 8/27/2010.
- P. Letter from Nicholas F. Bellantoni, PhD, CT State Archeologist to Jason Pazzaglia, dated 11/16/2010 indicating the proposed subdivision will have no impact on archeological resources.
- Q. Copy of the Inland Wetlands Agency Permit for the proposed activity associated with the proposed 3 lot subdivision of land.

R. Memo from G. Goeschel II, Director of Planning to the East Lyme Planning Commission dated 11/16/10 regarding submission of the proposed application and supporting documentation.

S.

T.

U.

V.

W.

X.

Y.

Z.

AA.

BB.