

Nov 22 20 10 at 10:00 AM PM

EAST LYME PLANNING COMMISSION

PUBLIC HEARING IV

Tuesday, NOVEMBER 16th, 2010

MINUTES

Esther B. Williams
EAST LYME TOWN CLERK

The East Lyme Planning Commission held a Public Hearing on the Application of New England National LLC for a proposed 2-lot Re-Subdivision of 46.95 acres of property having frontage on and located between 241 and 233 Upper Pattagansett Rd., East Lyme, CT; Tax Assessor's Map #39.0, Lot 10-1; with a request for the substitution and re-subdivision of previously designated open space to create one additional proposed lot of record and a request for a waiver of Section 6-16-1 through 6-16-6 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 7:46 PM after the three previously scheduled Public Hearings.

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

ALSO PRESENT: Jeffrey Torrance, 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 New England National LLC for a proposed 2-lot Re-Subdivision of 46.95 acres of property having frontage on and located between 241 and 233 Upper Pattagansett Rd., East Lyme, CT; Tax Assessor's Map #39.0, Lot 10-1; with a request for the substitution and re-subdivision of previously designated open space to create one additional proposed lot of record located at the terminus of Kensington Drive and north of Upper Kensington Drive, East Lyme, Connecticut, Tax Assessor's Map #40.0, Lot #14-1; and a request for a waiver of Section 6-16-1 through 6-16-6 of the Subdivision Regulations

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

Jeffrey Torrance, representing the applicant submitted **Exhibit P** for the record – a letter dated 11/2/2010 from Robert A. Blatt authorizing him to act on his behalf on this application.

Mr. Goeschel read the List of Exhibits into the record and added **Exhibit Q** – Plans revised through 11/16/2010 and **Exhibit R** – Certificates of Mailing dated 11/12/2010. (List attached at end of Minutes).

Mr. Torrance noted that the sign was posted on the property on November 1, 2010. He explained that this property is approximately 48 acres that was set aside for future development. It has access from two locations – the Nottingham Hills Subdivision and Pattagansett Road. The proposal is to make two lots from the one. One lot would be approximately 15 acres and the other would be 33 acres. A third lot is a parcel of land that was preliminarily designated as open space in a previous application – but was not finalized. There is a 3.04 acre parcel and 2.2 acres of conservation easement and they are designating an additional 10.63 acres on the 48 acre parcel as open space. This is far more than they are required to set aside and they want to reserve the right to use it for the open space requirement calculations on future development. He

continued that in working with the Town Engineer, they no longer need the waiver of Section 6-16-1 through 6-16-6 and Sheet SD4 shows the stormwater detention area. An area was originally designed to keep stormwater on site adjacent to this lot however they have added more. He summed up that he feels that they have met the requirements for the subdivision of the two parcels.

Mr. McPherson asked if the Commissioners had any questions or comments –

Mr. Goeschel asked if they were clear on the open space.

Mr. Balantic asked if the ¾ acre shift was to allow for the conservation easement.

Mr. Torrance said that went to wetlands and they approved it as a lot.

Mr. Balantic said that it looks like it is a good swap. He asked when the open space would be finalized.

Mr. Torrance said that per the opinion of Counsel, they do not have to do it until the development is finished so it could go on for quite some time. However – as per this 10 acre piece – he said they will put the conservation easement on it now but reserve the right to include it in future calculations.

William Scheer, Town Engineer explained the stormwater regulations noting that in a subdivision like this one where they are in the woods – there are basically swales and indentations in the ground. They are meant to catch the stormwater to pool and let it go into the ground. He said that he would review it out in the field when they start development but there is enough area and woods for the water to go into the ground.

Mr. Torrance said that while they requested a waiver of the stormwater regulations that it is basically a moot point and they do not need one.

Mr. McPherson called for any comments from the public –

Hearing none –

He called for a motion to close this Public Hearing –

****MOTION (1)**

Mr. Balantic moved to close this Public Hearing.

Mr. Bohmbach seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Mr. McPherson closed this Public Hearing at 8:05 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Nottingham Hills Phase 4 Resubdivision
List of Exhibit Items
(updated 11-16-10)

Exhibits

- A. Application for resubdivision, New England National, LLC, Applicant/Owner, dated 10/6/10.
- B. Letter from Robert A. Blatt to G. Goeschel, Planning Director, dated 10/18/10 regarding proposed application.
- C. Legal Notice to be published on 11/4 and 11/12/10.
- D. Letter from G. Goeschel II, Director of Planning to Robert Blatt of New England National, LLC, dated 10/28/10 regarding the scheduling of a public hearing and requirement for posting a sign.
- E. Comments from Brad Kargl, Utilities Engineer to G.Goeschel II, Director of Planning regarding no municipal water or sewer available.
- F. Memo from Mark E. Block Esq. to G. Goeschel, Director of Planning dated 11/9/10 regarding reclassification of open space and proper inclusion within the submitted application or the need for a separate application.
- G. Letter from Ryan McCammom, RS Senior Sanitarian of LLHD, dated 11/11/10 indicating Lots 20, 209, and 32 are not recommended suitable in their current condition.
- H. Stormwater Management Plan, prepared by Robert J. Pfanner and Associates, received 11/15/10 by the Director of Public works.
- I. Letter from Ryan McCammom, RS Senior Sanitarian of LLHD, dated 11/15/10 indicating Lots 20, 209, and 32 are recommended suitable in their current condition.
- J. Letter from G. Goeschel II, Director of Planning/Wetlands Enforcement Officer to Robert Blatt, Managing Member of New England National, LLC dated 11/16/10 regarding the Inland Wetlands Agency Determination of 11/8/10.
- K. Comments from William Mulholland, Zoning Official to G.Goeschel II, Director of Planning indicating the proposed subdivision complies with all applicable zoning requirements subject to a Zoning Compliance chart in conformance with Section 1.38 of the Zoning Code be provided on the plans.
- L. Memo from Bill Scheer, P.E., L.S., Town Engineer to G. Goeschel, Director of Planning dated 11/16/2010 regarding the Stormwater Management Plan, summary sheet and supporting reports.
- M. Subdivision Plan Entitled "Nottingham Hills Resubdivision Phase 4, New England National, LLC, East Lyme, Connecticut, dated October 20, 2010 revised through 10/20/10," prepared by J. Robert Pfanner & Associates, P.C. Civil Engineers & Land Surveyors, located at 37 Grand Street, Niantic, Connecticut.

N. Subdivision Plan Entitled "Nottingham Hills Resubdivision Phase 4, New England National, LLC, East Lyme, Connecticut, dated October 20, 2010 revised through 11/12/10," prepared by J. Robert Pfanner & Associates, P.C. Civil Engineers & Land Surveyors, located at 37 Grand Street, Niantic, Connecticut

O. 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.

~~P.~~ Letter from L. Blatt Dated 11/2/2010 Authorizing Jeff Tompsett to act on his behalf
Certificates of Mailing dated _____

Q. Revised Plans 11/16/20

R. Cert. of Mailing Dated Nov. 12, 2010

S.

T.

U.

V.

W.

X.

Y.

Z.