

EAST LYME PLANNING COMMISSION
REGULAR MEETING
JUNE 15, 2010
MINUTES

June 15, 2010 at 10:00 AM PM

Esther B. Williams

EAST LYME TOWN CLERK

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

ALSO PRESENT: Gary Goeschel, Planning Director
Frank Balantic, Alternate

ABSENT: Joan Bengtson, Alternate, Brian Bohmbach, Alternate

Call to Order

Chairman Bowers called this Workshop Meeting of the Planning Commission to order at 7:06 PM.

Pledge of Allegiance

The Pledge was observed.

I. Additions to the Agenda

Mr. Goeschel asked that they add, after the Zoning Referrals - CGS 8-24 Municipal Review - Construction of Well 3B to the agenda. He said that he had received this request from Mr. Kargl, Municipal Utility Engineer.

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 and in-house proposals or general topics of discussion 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. Plan of Conservation and Development

Mr. Bowers reported that at the last meeting of the Planning Commission that they had voted to dissolve the Steering Committee.

Mr. Goeschel noted that he has spoken with Mr. Miniutti and asked him for a final presentation as they had not been able to connect with Peter as he was away in Italy, and the Steering Committee was not meeting that often. He said that they would try to line up the presentation for the July meeting and if not then, for the August one if necessary. Mr. Miniutti indicated that there would not be a problem with this.

Mr. Bowers recalled that they plan to have Sections 3, 4 and 5 updated by this December.

IV. Scenic Roads

Mr. Bowers recapped that they had a conversation at their previous meeting on this and that a request had been made to him from a zoning member to designate some scenic roads. He had asked this Commission to review the ordinance and to provide their comments on if they felt that they should involve themselves with this or not as they have established the ordinance.

Mr. Goeschel said that it entails a few things, such as knocking on doors to get support from the people who live on the road/street. He added that one person was interested and had requested a map but that he had not heard anymore on that.

Mr. Sandford asked who in Town Hall would go out and knock on the doors – Mr. Formica? Gary? – who would have the time to do this? He said that due to staffing he would not suggest that they should take this on and that his concern is that they are taking the lead and they are the ones who set the process in motion for the people who wanted this. The people should now do the work if they want this for their road, street, etc. He said that they could educate them on the process but not do it for them. They could set up a guide for the people who are interested in doing it – to do it and explain things to them if they need some guidance.

Mr. Bowers said that in all fairness that they did set this up as a mechanism for the public to do something that they expressed a great desire for.

Mr. Sandford added that they have to make sure that as they are a land use board that they do not put themselves as a Commission on the spot legally.

Mr. Mangelinkx suggested that they outline the concept more clearly to the people and then see what happens. If after some months pass, nothing happens they could look at another avenue.

Mr. Schuch said that it sounds like the ordinance is set up ideally to have a citizen initiate it. They could outline the process in the local paper and see what happens.

Mr. Sandford said that he does not like that appearance of conflict especially since it is this, the Planning Commission who is the author of this and who is also designated within it as the body that makes some decisions with regard to road and other changes – and that seems to be in direct conflict and create legal issues. He said that he also does not think that they should pick the roads – this should come from the public.

Mr. Goeschel and Mr. Bowers said that they would follow up with an information campaign on the Town website and perhaps have a paper to hand out at Celebrate East Lyme. They would then revisit this in some six to eight months.

V. Zoning Referrals – CGS 8-3A

- ◆ Application of KSM Enterprises Store II LLC dba/Five Guys Burgers and Fries to amend the East Lyme Zoning Regulations to permit outdoor dining in CA Commercial Zones. It is specifically proposed to amend Section 20.27 of the regulations by adding the CA designation to the heading of the Section. It currently states "Restaurant Outdoor Dining in CB Zones". The text amendment proposes to add CA (Commercial) after the word "in".

Mr. Bowers said that this is to allow outdoor dining in the CA zone – similar to what they have downtown now, in the CB zone.

Mr. Goeschel explained that it would be allowed by Special Permit which would require that specific criteria are met. Flanders is a larger area and anyone interested in this would have to meet the specifications and appear before the zoning commission.

Mr. Schuch asked why it was not included in the first place.

Mr. Goeschel said that he would guess that it started downtown and that they wanted to proceed cautiously to see how it went before expanding.

Mr. Mangelinkx said that he had looked at the various places that could apply for this and that he had some concerns.

Mr. Bowers said that the POCD does address this type of thing and does support it.

****MOTION (1)**

Mr. Sandford moved to find the Application of KSM Enterprises Store II LLC dba/Five Guys Burgers and Fries to amend the East Lyme Zoning Regulations to permit outdoor dining in CA Commercial Zones CONSISTENT with the goals and objectives of the POCD to foster local employment and opportunities.

Mr. McPherson seconded the motion.

Vote: 5 – 1 – 0. Motion passed.

Against: Mr. Mangelinkx

- ◆ Application of David M. Coonrod to amend the East Lyme Zoning Regulations Section 20.20.5 RE: Liquor for Motels/Hotels. It is specifically proposed to amend Section 20.20.5 to change "85 rooms" to "30 rooms".

Mr. Goeschel explained that this proposal would encourage business and provide smaller motels/hotels with the ability to compete with the larger ones now and in the future.

Mr. Mangelinkx said that he is vehemently against this, especially for 30 rooms and that it seems to just suit two (2) places that he can think of.

Mr. Sandford said that he would also vote against this as 85 rooms would typically have a restaurant and bar and this would allow them to get a better rating with the travel agencies. Typically a 30 room place does not have a restaurant or bar and would probably not have control.

Mr. Mangelinkx said that it is a fragile area of Town and that he would like to not alter the character.

Mr. Sandford said that there are several sections in the POCD that speak to the quality of life in the Town and that this would go directly against that philosophy. He stated that the Mission Statement speaks to safety, security and quality of life as does Section 3.2 and others. He said that he looks at the POCD in terms of the whole document with regard to the whole Town.

****MOTION (2)**

Mr. Sanford moved to find the Application of David M. Coonrod to amend the East Lyme Zoning Regulations Section 20.20.5 RE: Liquor for Motels/Hotels to change "85 rooms" to "30 rooms" INCONSISTENT with the goals and objectives of the POCD based upon the overall Mission Statement and that it adversely impacts the community character which would result in decreased land values.

Mr. Mangelinkx seconded the motion.

Vote: 4 – 2 – 0. Motion to find INCONSISTENT passed.

For: Mr. Sandford, Ms. Schwartz, Mr. McPherson, and Mr. Mangelinkx

Against: Mr. Bowers, Mr. Schuch

- ◆ Application of White Gate Farm to amend the East Lyme Zoning Regulations to add Section 20.17.2 Agriculture Farm Store (Accessory Use).

Mr. Goeschel explained that this would promote compatible and sustainable economic development and would help the commercial farms, in conjunction with the goals of the POCD; it would help to keep the farms viable and allow for locally grown products to be sold.

Mr. Mangelinkx said that he has reviewed this and is in favor of it.
Ms. Schwartz said that she thought that this was a great idea.

****MOTION (3)**

Mr. Mangelinkx moved to find the Application of White Gate Farm to amend the East Lyme Zoning Regulations to add Section 20.17.2 Agriculture Farm Store (Accessory Use) CONSISTENT with the goals and objectives of the POCD to promote compatible and sustainable economic development.

Ms. Schwartz seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

♦ **CGS-8-24 Municipal Review – Construction of Replacement Well 3B**

Mr. Goeschel explained that this is consistent with the intent to upgrade the water well and pumping system that was installed in 2009. This replaces Well 3 which has lost capacity over the years.

****MOTION (4)**

Mr. Sandford moved to find the construction of replacement Well 3B consistent with the 2009 Town of East Lyme POCD goals and objectives.

Mr. McPherson seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

ADJOURNMENT

****MOTION (5)**

Mr. Mangelinkx moved to adjourn this Workshop Meeting of the East Lyme Planning Commission at 8:10 PM.

Mr. Schuch seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary