

FILED IN EAST LYME  
Feb 8, 2010 AT 10:00 M

**EAST LYME PLANNING COMMISSION  
PUBLIC HEARING I  
Tuesday, FEBRUARY 2nd, 2010  
MINUTES**

*L. A. Blais, ATC*  
EAST LYME TOWN CLERK

The East Lyme Planning Commission held a Public Hearing on the Application of KSK Associates, LLC for a proposed four-lot re-subdivision of 203 acres of land located on and east of Goldfinch Terrace adjacent to and between I-95 to the south and Egret Road to the west and the East Lyme/Waterford Town boundary to the northeast, Assessor's Map 36, Lots 34 & 41 on February 2, 2010 at Town Hall, 108 Pennsylvania Ave., Niantic, CT. Chairman Bowers opened the continued Public Hearing and called it to order at 7:08 PM.

**PRESENT:** Mike Bowers, Chairman, George McPherson, Secretary, Christopher Sandford, Francine Schwartz, Mike Mangelinkx, Brian Schuch

**ALSO PRESENT:** Steve Harney, Applicant  
Joan Bengtson, Alternate  
Gary Goeschel, Planning Director  
Jim Liska, Zoning Commission Liaison  
Bill Scheer, Town Engineer  
Mike Giannattasio, Director of Public Works

**ABSENT:** Greg Jackson, Alternate, Drew Kenny, Alternate

**Pledge of Allegiance**

The Pledge was observed.

**Public Hearing I**

1. Application of KSK Associates, LLC for a proposed four-lot re-subdivision of 203 acres of land located on and east of Goldfinch Terrace adjacent to and between I-95 to the south and Egret Road to the west and the East Lyme/Waterford Town boundary to the northeast, Assessor's Map 36, Lots 34 & 41.

Mr. Schuch said that he would recuse himself from hearing this application and left the table. Chairman Bowers seated Ms. Bengtson, Alternate at the table for this hearing.

Mr. Goeschel noted that Staff had reviewed a revised set of plans and that he had a complete list of Exhibits for them. (Copy attached at end of Minutes) He said that the applicant was here to present the application and to answer any questions.

Steve Harney, 20 Islanda Court, representing KSK Associates said that they had received a letter and email from Ledge Light indicating septic suitability and also one from Bill Scheer, Town Engineer which notes that the plan exceeds the stormwater requirements.

Bill Scheer, Town Engineer went over his memo to them noting that the plan as presented exceeds the stormwater requirements. He also explained the rain gardens that were to be constructed to catch and treat the required water quality volumes. Deed restrictions would incorporate the rain gardens. If there is any conflict between the septic system and the rain garden, the engineering department would work with Ledge Light to indicate how the rain garden and septic system could co-exist.

Mr. Goeschel noted Attorney Block's letter indicating that if they put the rain gardens in the approval (should they decide to approve the application) that having them completed on the properties and making the lot owners responsible for their maintenance would be enforceable. He also said that Ledge Light had issued an email update regarding the lots that they had originally thought that the septic system location and location of the rain garden would be in conflict and that Mr. Scheer has also addressed that issue saying that if they are in conflict that they would work out suitable placement of the rain gardens.

Mr. Harney noted that issue was also something that is normally addressed at the building permit stage and not under this, the plan review stage.

Mr. Goeschel also noted that in the previous subdivision, Heritage, that the open space had been dedicated and that they could not ask for it again here. With regard to the easement that was mentioned, a conservation easement in favor of the Town will be dedicated and he suggested that they could add a seventh modification to address that.

Some discussion took place regarding if they could do a conditional approval or an approval with conditions and it was determined that they have, many times done approvals with conditions that would have to be met and that they could do that here should they choose to approve this application. The letter from Attorney Block indicated that they could enforce the modifications.

Mr. Goeschel indicated that he felt that the applicant has met the necessary requirements.  
Mr. Scheer also indicated that he felt that the applicant has met and exceeded the stormwater requirements.

Mr. Bowers asked if there were any other questions from the Commissioners –  
Hearing none –  
He called for any comments from the public regarding this application –  
Hearing none -  
Mr. Bowers called for a motion to close this Public Hearing –

**\*\*MOTION (1)**

**Mr. Sandford moved that this Public Hearing be closed.**

**Mr. Mangelinkx seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Bowers closed this Public Hearing at 8:22 PM.

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

Heritage at East Lyme  
KSK Associates LLC  
Exhibit List

Exhibit #	Description	Date
1	Open Space Heritage at East Lyme Subdivision Section 1 Property of The Heritage Development Group Inc, Southbury Connecticut dated November 17, 1988 by J Robert Pfanner & Associates PC, East Lyme, Connecticut	11/17/1988
2	Letter of Review from Nicholas F Bellantoni PhD from UCONN	4/5/2007
3	Letter of evaluation from GEOINSIGHT, INC	6/13/2007
4	Letter of review from Bill Scheer PE LS Town Engineer for the Town of East Lyme RE: Subdivision Goldfinch Terrace & Egret Road dated 1/4/2009	1/4/2009
5	Boundary Survey and Natural and Cultural Resources Map Heritage at East Lyme Resubdivision Phase 2 Goldfinch Terrace & Egret Road East Lyme, Connecticut Applicant/Owner KSK Associates LLC Dated October 2, 2009 by James Bernardo Land Surveying LLC, Waterford, CT	10/2/2009
6	Record Subdivision Plan Heritage at East Lyme Resubdivision Phase 2 Goldfinch Terrace & Egret Road, East Lyme, Connecticut Applicant/Owner KSK Associates, LLC dated October 2, 2009 by James Bernardo Land Surveying LLC, Waterford, CT	10/2/2009
7	Referral letter to Southeastern Connecticut Council of Governments James D Rabbitt sent Certified Mail RE: KSK Associates LLC	11/3/2009
8	Letter of notification of Public Hearing and Notification of Adjacent Property Owners Notice to Applicant/Owner Stephen Harney sent Certified Mail	11/3/2009
9	Referral letter to Robert Nye, Town Clerk for the Town of Waterford sent Certified Mail RE: KSK Associates LLC sent Certified mail	11/5/2009
10	Certificates of Mailing to Property Abutters	11/10/2009
11	Re-Subdivision Application	11/16/2009
12	Letter of review from Southeastern Connecticut Council of Governments Regional Planning Commission James D Rabbitt AICP dated November 16, 2009	11/16/2009
13	Letter of Review from Ledge Light Health District Ryan McCammon dated November 24, 2009	11/24/2009
14	Letter of request for 35 day extension of time to conduct Public Hearing to Planning Commission Chair from Stephen Harney, Applicant/Owner KSK Associates LLC	12/1/2009

2/2/2010

ZHI  
Attachment 2/2/2010

Heritage at East Lyme  
KSK Associates LLC  
Exhibit List

Exhibit #	Description	Date
15	Letter of review from Brad Kargl, Municipal Utility Engineer for the Town of East Lyme RE: Heritage at East Lyme Re-Subdivision Phase 2	12/21/2009
16	Boundary Survey and Natural and Cultural Resources Map Heritage at East Lyme Resubdivision Phase 2 Goldfinch Terrace & Egret Road East Lyme, Connecticut Applicant/Owner KSK Associates LLC Dated October 2, 2009 by James Bernardo Land Surveying LLC, Waterford revised to 1/4/2010	1/4/2010
17	Letter of request for 35 day extension of time to conduct Public Hearing to Planning Commission Chair from Stephen Harney, Applicant/Owner KSK Associates LLC	1/5/2010
18	Letter of review from Brad Kargl, Municipal Utility Engineer for the Town of East Lyme RE: Heritage at East Lyme Re-Subdivision Phase 2 dated January 15, 2010	1/15/2010
19	Watershed map Heritage at East Lyme Resubdivision Phase 2 Goldfinch Terrace & Egret Road East Lyme, Connecticut Applicant/Owner KSK Associates, LLC by James Bernardo Land Surveying LLC Waterford, CT dated January 19, 2010	1/19/2010
20	Boundary Survey and Natural and Cultural Resources Map Heritage at East Lyme Resubdivision Phase 2 Goldfinch Terrace & Egret Road East Lyme, Connecticut Applicant/Owner KSK Associates LLC Dated October 2, 2009 by James Bernardo Land Surveying LLC, Waterford revised to 1/21/2010	1/21/2010
21	Storm Drainage Design Report Heritage Subdivision by Jeffrey P Dewey PE Consulting Engineer dated December 8, 2007 Revised January 18, 2010 January 21, 2010	1/21/2010
22	Letter of review from Brad Kargl, Municipal Utility Engineer for the Town of East Lyme, RE: Heritage at East Lyme Re-subdivision Phase 2 dated February 1, 2010	2/1/2010
23	Memorandum to Gary Goeschel, Director of Planning from Mark E Block Esq., RE: Open Space Dedication - Heritage at East Lyme Resubdivision dated February 1, 2010	2/1/2010
24	Letter of review from Ledge Light Health District Ryan McCammon dated February 1, 2010	2/1/2010
25	Email from Ledge Light Health Department Ryan McCammon RE: Clarification of review of Heritage at East Lyme dated February 2, 2010	2/2/2010

26 Plans entitled Boundary Survey . . . Dated Oct 2, 09 Revised to 2/2/2010 .

2/2/2010

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Memo from B. H. Scher date 2-2-2010,