

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

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

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

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Feb 5 20 10 at 1:40 (AM
PM)

Esther B. Williams

ABSENT: Greg Jackson, Alternate, Drew Kenny, Alternate

EAST LYME TOWN CLERK

Chairman Bowers called this Regular Meeting of the Planning Commission to order at 8:25 PM after the previously scheduled Public Hearing.

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 Item X. D. #3. Establishment of a subcommittee entitled 'Sustainable Development and Climate Adaptation'.

****MOTION (1)**

Mr. Sandford moved to add Item #3 under Section X. D. Subcommittees – Establishment of a subcommittee entitled 'Sustainable Development and Climate Adaptation', to the agenda.

Ms. Schwartz 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.
There were none.

**III. Approval of Minutes – Public Hearing I Minutes of January 5, 2010
Regular Meeting Minutes of January 5, 2010**

Mr. Schuch asked that the spelling of his first name be changed to 'Brian'.

Mr. Bowers called for any discussion or corrections to the Planning Commission Public Hearing I Minutes of January 5, 2010.

****MOTION (2)**

Ms. Schwartz moved to approve the Planning Commission Public Hearing I Minutes of January 5, 2010 as presented.

Mr. Mangelinkx 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 Regular Meeting Minutes of January 5, 2010.

****MOTION (3)**

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

Mr. McPherson seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Sandford

IV. Pending Applications

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

(Mr. Schuch recused himself from discussion on this application and left the table)

Mr. Bowers seated Joan Bengtson, Alternate at the table for discussion on this item. He then called for discussion on the application.

Mr. Sandford said that they had discussed the application a great deal during the Public Hearing and said that he was ready to synopsize their findings and present a motion. He said that upon review of the above referenced subdivision and supporting documentation that they find the application to be in conformance with the Subdivision Regulations of the Town of East Lyme based on the following findings:

Whereas: The Commission has received a Subdivision Application from KSK Associates LLC, a.k.a Heritage at East Lyme Re-subdivision Phase 2, for the development of a 4 – Lot Subdivision on 203± acres of a parcel of land shown on the Town of East Lyme's Tax Assessor's Map# 36.0 as Lot(s)# 34 and 41 and located on and east of Goldfinch Terrace adjacent to and between Interstate I-95 to the south and Egret Road to the west and the East Lyme / Waterford Town boundary to the northeast. The applicant KSK Associates, LLC, is also the owner of record. The Commission received this application on November 6, 2009 and commenced a Public Hearing and received testimony on November 17, 2009. Subsequently, the Public Hearing was continued to the Commission's Regular Meeting of December 1, 2009, January 5, 2010 and February 2, 2010. The Public Hearing for said application was closed at the Commission's February 2, 2010 meeting. The Commission has reviewed the application, received testimony from the applicant. Town staff also provided the Commission with comment concerning this applications compliance with local requirements and regulations.

Whereas: The parcel of land constituting the property subject to this application is zoned RU-40 Rural Residential. The properties abutting the site are also zoned RU-40 Rural Residential and CA Commercial.

Whereas: The proposed re-subdivision is found to meet the requirements of the East Lyme Subdivision Regulations and more specifically, as demonstrated by the following:

Section 3-4 Plan of Development: The proposed re-subdivision conforms to the comprehensive Plan of Development for the Town of East Lyme (POCD) as adopted by the East Lyme Planning Commission as the proposed re-subdivision is located within a residential zoning district adjacent to existing lots which, were previously approved as part of a cluster subdivision. The proposed re-subdivision continues follow the pattern of development characteristic of the existing residential cluster development. In addition, the proposed subdivision uses creative subdivision design to reduce the potential impacts on water and soil resources by proposing Low Impact Development

(LID) techniques for the treatment of stormwater and Best Management Practices (BMPs) for soil erosion and sedimentation control.

Section 5-5 Sanitation Report: As indicated in Exhibit "24" correspondence dated 2/1/2010 from Ryan McCammon, Senior Sanitarian of the Ledge Light Health District, Lots 1 and 4 are suitable for on-site sewage disposal and Lots 2 and 3 are not suitable. As indicated in e-mail from Ryan McCammon, Senior Sanitarian, Exhibit "25", dated 2/1/2010 Lots 2 and 3 are not suitable as proposed, but could be made suitable by relocating the tank/and or rain garden on Lot 3 and relocating the sewer line and/or rain garden on lot 2. In addition, Exhibit "25" indicates Lots 2 and 3 have sufficient area to meet the separation requirements of the health code, but. As such, the land to be subdivided and subdivision plans are satisfactory for on-site sewage disposal systems provided the plans are modified as indicated in exhibit "24".

Section 5-6 Water Supply Report: The East Lyme Water and Sewer Commission has determined there is sufficient water and sewer capacity to serve the proposed 4-lot development as indicated in Exhibit "22", a Memo from Brad Kargl, Municipal Utility Engineer to Gary Goeschel, Director of Planning, Dated 2-1-2010.

Section 5-7 Stormwater Management Plan: As indicated in Exhibit "21", Storm Drainage Design Report prepared by Jeffrey P. Dewey, P.E., includes a narrative of the objectives, potential impacts resulting from the proposal or activity, and a description of the practices, techniques, structures and facilities proposed to mitigate such impacts. However, a narrative of the proposed designation of the party responsible for the operation, inspection and maintenance of the stormwater management system shall be provided. (note: According to the applicant, it is understood that the owner(s) of each lot in the subdivision, shall be responsible for the stormwater management system (rain gardens)).

Section 5-8 Erosion and Sedimentation Controls: The proposed Soil Erosion and Sedimentation Control Plan as indicated on sheet 5 of 5 of the proposed plan, Exhibit "26", contains proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. As such, The Planning Commission hereby certifies that the Soil Erosion and Sediment Control Plan complies with the requirements and objectives of this Subdivision Regulation.

Section 5-9 CAM Coastal Site Plan Review Required: As the site is not located within the coastal boundary of the Town of East Lyme in accordance with Sections 22a-105 through 22a-109 of the Connecticut General Statutes, a CAM Review is not required.

Section 5-11 Archeological Survey: The Heritage at East Lyme Phase 2 Re-subdivision is located in the uplands and in an area where topographical and environmental features suggest a low-to-moderate sensitivity for archeological resources however, steep embankments of the area provide for outcroppings of bedrock which may contain prehistoric campsites associated with the shelter provided with the overhang as indicated in Exhibit "2", letter from Nicholas F. Bellantoni, PhD, Connecticut State Archaeologist to Stephen Harney dated April 5, 2007. As such, an archeological survey should be conducted prior to any blasting of these ledges should be proposed.

Section 6 – 5 Open Spaces: As the indicated in Exhibit "23", Memo from Mark E. Block, Esq. to Gary Goeschel, Director of Planning, dated 2/1/10, with the original developer having met the open space requirements at the time of the Original Subdivision, and made the dedication of Open Space out of the Original Tract, the Commission can not require an additional dedication from the subject parcel which is a re-subdivision of the Original Tract/Subdivision.

Section 6 – 6 Requirements Regarding Flooding: As demonstrated by the Storm Drainage Design Report in Exhibit "21" and in Exhibit "___" Memo from Bill Scheer, P.E., Town Engineer to Gary Goeschel, Director of Planning, dated, 2/1/10, the proposed subdivision is reasonably safe from flooding.

Section 6 - 9 Streets: As indicated by Exhibit "26", Proposed Heritage at East Lyme Re-subdivision Phase 2 Plan, date October 2, 2009 revised to February 1, 2010, the area to be subdivided has frontage on, and access from, an existing street that is suitably improved and paved. In addition, no new streets are proposed.

Section 6- 10 Sidewalks: As indicated by Exhibit "26", Proposed Heritage at East Lyme Re-subdivision Phase 2 Plan, date October 2, 2009 revised to February 1, 2010, the proposed subdivision is proposed on an existing cul-de-sac of an abutting subdivision of 10 or more lots in which there are no existing sidewalks along Goldfinch Terrace.

Mr. Sandford then said that based on the above findings that he would make the following Motion:

****MOTION (4)**

Mr. Sandford moved to APPROVE (based on the above Findings) the application known as Heritage at East Lyme Re-subdivision Phase 2, KSK Associates, LLC, applicant, proposed 4 – Lot re-subdivision of 203± acres, Tax Assessor's Map# 36.0 as Lot(s)# 34 and 41; specific to plans entitled "Heritage at East Lyme Re-subdivision Phase 2, Goldfinch Terrace & Egret Road, East Lyme, Connecticut, Applicant/Owner KSK Associates, LLC, Prepared by James Bernardo, L.S. of James Bernardo Land Surveying, LLC of Waterford, Connecticut, dated October 2, 2009 revised to February 1, 2010", and further subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:

1. Modifications of the drainage infrastructure related to stormwater management on Lot 4 (not including rain gardens) may be revised upon review to the satisfaction of the Town Engineer and approval of the Director of Planning and to be constructed or bonded prior to filing of the Mylar on the land record. Said bond shall be determined and agreed upon by the Town Engineer, Town Planner, and the Applicant.
2. Applicable and properly executed legal documents, including warranty deeds for any transfers of title to the party designated to maintain and operate the stormwater management system, shall be submitted with the final subdivision plan to be filed. All such documents shall be acceptable to the Town Attorney and the Commission and shall be filed with the East Lyme Town Clerk simultaneously with the filing of the approved final subdivision maps.
3. As indicated in Exhibit "24" correspondence dated 2/1/2010 from Ryan McCammon, Senior Sanitarian of the Ledge Light Health District, the tank/and or rain garden on Lot 2 shall be relocated and the sewer line and/or rain garden on lot 3 shall be relocated and on said lots to the satisfaction of the Ledge Light Health District and the Town Engineer.
4. As indicated in Exhibit "27", Memo from Bill Scheer, P.E., Town Engineer to Gary Goeschel, Director of Planning, dated February 2, 2010 a drainage easement over Lot 4 in favor of the Town of East Lyme shall be provided in a form acceptable to the Town of East Lyme and approved by Town Counsel.
5. As indicated in Exhibit "27", Memo from Bill Scheer, P.E., Town Engineer to Gary Goeschel, Director of Planning, dated February 2, 2010 the following notes shall be added to the subdivision plan:
 - a. Rain gardens shall be constructed to catch and treat the required Water Quality Volumes
 - b. Rain gardens shall be positioned to catch the maximum amount possible from developed portions of the lots.
 - c. Rain gardens shall be maintained in a functional manner.
 - d. Footing drains and roof drains (essentially clean water) should be directed away from the rain gardens whenever possible.
 - e. Rain garden locations on the subdivision plan are schematic only. Final locations of the proposed rain gardens must be consistent with the subdivision approval and State Health Code. The Town Planner will review the proposed building plans to ensure that size and location is consistent with the subdivision approval.
6. A revised copy of the Subdivision Plan incorporating the above modifications signed, sealed and certified by a licensed land surveyor in the State of Connecticut shall be submitted to the Department of Planning, Town Engineer and the Ledge Light Health District.
7. A conservation easement in favor of the Town of East Lyme over a portion of the proposed lot, as depicted in the Heritage Phase I subdivision plan dated December 6, 1990 and filed on the land records, shall be submitted with the final subdivision plan to be filed.

The above items shall be accomplished prior to the filing of the subdivision on the land records, or other documentation of planning approval and no site work shall commence until all applicable conditions are satisfied.

This approval is specific to the subdivision plan submitted as application of KSK Associates, any change in the subdivision plan other than those identified herein shall constitute a new application and the modifications of this approval and any change in the development plan layout other than those identified herein shall constitute a new application.

The owner/applicant shall be bound by the provisions of this Application and Approval.

Mr. Mangelinkx seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

(Mr. Schuch returned to the table and Ms. Bengtson returned to the audience)

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)

There were none.

VIII. New Business

1. Bylaws

Mr. Bowers said that he and Mr. Goeschel had emailed back and forth the proposals that he had for changes and that they had sent the suggestions to the Commissioners. He asked the Commissioners how often they would like to see the budget report for the Commission and for their input on the suggested changes. The consensus of the Commissioners was that they would like to see a budget semi-annually.

Mr. Sandford suggested that the changes be incorporated into a clean copy of the Bylaws and presented at their next meeting so that they could review it prior to voting on it.

Mr. Goeschel said that he would put it together.

2. Subdivision Regulations and Stormwater Management

Mr. Goeschel explained that the Orvedal and Walnut Hill Subdivision applications had come in prior to any stormwater regulations. The most recent application was subject to it and was the first that they had to try to apply them to. As such, there are some concerns on the part of the developers, Town Staff and they, as Commissioners on how some areas might be applicable or non-applicable. He suggested that they put together a subcommittee to go over this or, that as the Planning Commission, in whole could discuss this. If so, he suggested that they do it during a workshop meeting.

Mr. Bowers noted his concern for Mr. Goeschel's time, which is already stretched and asked if Mr. Scheer could meet with them at their workshop meetings to discuss some changes. He also asked Mr. Scheer if he had some potential ideas in mind for discussion.

Mr. Scheer said that he could come to those meetings to discuss this with them and that he did have items for discussion in mind.

Mr. Sandford asked Mr. Goeschel if any other Towns have contacted him for our stormwater regulations. Mr. Goeschel said that he has had some inquiries on this although he has not heard of anything beyond that.

Mr. Bowers asked that Mr. Goeschel and Mr. Scheer please identify a list of the items that they would like to tackle (such as the bonding issue) and that the list be presented with the workshop agenda.

3. Planning Commission's Zoning Meeting Representative – Schedule

Mr. Bowers noted that they had a Zoning Commission representative at their last meeting and that they have Mr. Liska here this evening. He said that he would like a Planning Commission member to go to the Zoning meetings and that they rotate going. He passed around a list of the Zoning meeting dates for the Commissioners to sign. He said that he would attend the one coming up this Thursday evening. He asked Mr. Liska to identify himself to the Commissioners. Mr. Liska did so.

Ms. Schwartz noted that they had previously understood that when they went to other land use meetings that they could not speak at them in representation of the Commission.

Mr. Bowers said that they could listen and come back with a synopsis of what had transpired.

4. Discussion of Proposed Agriculture Commission

Mr. Bowers noted that a part of the 2009 POCD update had suggested the formation of an agricultural commission and that it was a topic at the most recent Board of Selectmen meeting.

Mr. Goeschel said that the Board of Selectmen has not taken an official vote on it yet and that the document is with the Attorney for review of the language for the ordinance.

Mr. Sandford suggested that there should be a Planning Commission representative on the committee. Mr. Goeschel said that he thought that it was going to be a Commission and that the members would be appointed by the Board of Selectmen.

5. Appointment - POCD Steering Committee and –

6. Appointment – Conservation Development by Design (CDD)

Mr. Bowers noted that Ms. Picarazzi has agreed to continue on as a non-voting 'member at large' of both of these committees and said that they would now need to make a motion on this.

****MOTION (5)**

Mr. Sandford moved to appoint Lisa Picarazzi to the POCD Steering Committee and the Conservation Development by Design Committee as a non-voting Member at Large.

Mr. Mangelinkx seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

VIII. Old Business

1. Plan of Conservation and Development (POCD)

Mr. Bowers noted that they had a Special Meeting of the POCD Steering Committee recently to set their course of action.

Mr. Goeschel noted that they would be doing a revised Section 3 of the POCD to incorporate the recommendations from the LUV Study. He said that the next meeting would be held on March 15, 2010 and that they would be working on some revisions to the Harbor Management section.

X. Reports

1. Chairman

Mr. Bowers said that he had no further comments.

2. Zoning Representative

Jim Liska from the Zoning Commission was present.

Mr. Bowers asked Mr. Goeschel the outcome of the last referral regarding the 10,000 sq. ft. that they had from Zoning.

Mr. Goeschel said that it had passed.

3. Regional Planning Commission Representative

Mr. Sandford said that there would only be one or two meetings a year and that there had not been one.

4. Subcommittees

- **Conservation Development by Design (CDD) Subcommittee Report**

This was previously discussed.

- **POCD Steering Committee**

This was previously discussed.

- **Establishment of Subcommittee – Sustainable Development and Climate Adaptation**

Mr. Goeschel said that this was at the suggestion of the COG and concerns the sea level water rise associated with global warming.

Mr. Bowers suggested that they put this on the workshop agenda for discussion.

5. Ex-Officio – Jack Hogan

There was no report.

6. Staff/Communications

Mr. Goeschel said that the CT Siting Council hearing on the cell tower would be held at Camp Rell on February 23, 2010.

ADJOURNMENT

****MOTION (6)**

Mr. Mangelinkx moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 9:40 PM.

Mr. McPherson seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

