

April 20 10 at 1:50 AM
PM

**EAST LYME PLANNING COMMISSION
PUBLIC HEARING I
Tuesday, APRIL 6th, 2010
MINUTES**

Ethel 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 re-subdivision of 3.5 acres located at 70 Mostoway Road, East Lyme, CT aka Darrow's Ridge Subdivision – Lot 25 and a request of waiver of Section 6-16, Assessor's Map 44, Lot 8 on April 6, 2010 at Town Hall, 108 Pennsylvania Ave., Niantic, CT. Chairman Bowers opened the continued Public Hearing and called it to order at 7:10 PM.

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

ALSO PRESENT: Attorney Mark Block, Town Counsel
Jeff Torrance, representing the Applicant
Joan Bengtson, Alternate
Gary Goeschel, Planning Director
Ed Gada, Zoning Commission Liaison
Bill Scheer, Town Engineer

ABSENT: Greg Jackson, Alternate, Drew Kenny, Alternate

Pledge of Allegiance

The Pledge was observed.

Public Hearing I

1. Application of New England National, LLC for a proposed re-subdivision of 3.5 acres located at 70 Mostoway Road, East Lyme, CT aka Darrow's Ridge Subdivision – Lot 25 and a request of waiver of Section 6-16, and application fee, Assessor's Map 44, Lot 8.

Mr. Bowers called the hearing to order and asked Mr. Goeschel if he had any information to add prior to the applicant presenting any further information that he might have.

Mr. Goeschel noted that there were further Exhibit items that had been added to the record:

Exhibit 20 - Letter dated 3/2/2010 from Ryan McCammon of Ledge Light Health District regarding suitability of Lots 25 & 31 from review of revised plans submitted 3/1/2010

Exhibit 21 - Letter dated April 1, 2010 from Brad Kargl, Municipal Utility Engineer regarding 70 Mostoway Rd. lot line modification after road abandonment stating that water mains exist on Chesterfield Road and that municipal sewers are not available. Lot 25 is currently connected to the water main and Lot 31 can access the water main.

Exhibit 22 – Plan review sheet from Director of Public Safety, dated April 6, 2010 indicating 'no issues' with plans submitted.

Exhibit 23 - Plan review sheet from Director of Public Safety, dated 3/2/2010 indicating 'no issues' with the plans submitted.

Exhibit 24 - Plan review sheet from Zoning Official William Mulholland and memo dated April 5, 2010 indicating that the proposal, as proposed complies with the zoning requirements however the 'barn' on sheet 2 of Lot 31 is viewed as a dilapidated structure of no use and it is recommended that it be demolished prior to the filing of the Mylars.

Exhibit 25 - Memo to Gary Goeschel, Town Planner from Bill Scheer, Town Engineer, dated April 5, 2010 noting that the proposed subdivision plans submitted demonstrate that there is no appreciable change of land use of the infiltrative abilities of the property that would result in an adverse effect to water quality or exacerbate down stream flooding; and outlining the DEP realignment of Mostoway Road application that has been filed.

Exhibit 26 - Letter dated April 6, 2010 from Ryan McCammon of Ledge Light Health District to James Bernardo, LS finding that Lots 25 & 31 are recommended suitable in their current condition with three notes indicated in the memo.

Exhibit 27 - Memo from Gary A. Goeschel, Director of Planning and Wetlands Enforcement Officer dated April 6, 2010 regarding Darrow's Ridge Re-subdivision of Lot 25, 70 Mostowy Road finding that the application is in conformance with the subdivision regulations of the Town of East Lyme and citing supporting findings A – J.

Mr. Bowers called upon the applicant or their representative to present this application.

Jeff Torrance, applicant, noted that they might wish to look at what the area would look like once the Mostowy Road realignment is done. He said that they have provided this within the subdivision plan. He also submitted **Exhibit 28** – a copy of the Town of East Lyme Application to the CT DEP for the Mostowy Road Realignment dated January 2010. He noted that they would be dealing with stormwater on these lots however they can not do it at this time as it is part of the Darrow's Ridge Phase I subdivision and tied up with that.

Mr. Sandford asked about the driveway point of access for Lot 31 and if it was for certain off of the new road and not off Rte. 161.

Mr. Torrance said that the permit shows the driveway coming off the new road.

Mr. Sandford asked what the timeline was on this.

Mr. Torrance said that Jason Pazzaglia is actually building the house and that he would like to start right away.

Mr. Sandford said that he was just asking as he was concerned about the driveway.

Jason Pazzaglia, 21 Darrow's Ridge said that the plan shows the lot split and the driveway will parallel that lot.

Mr. Sandford asked what they are approving here.

Mr. Goeschel said that they are approving sheets 1, 2 and 3 and that two (2) lots will be created as a result.

Mr. Torrance said with regard to the Town of East Lyme Application on the Mostowy Road re-alignment that as an example – if the DEP says that they cannot move the road then what they are approving would be what will be – with the contingency that shows what would have to be done when the road change is approved by the DEP.

Mr. Bowers said to Mr. Goeschel that it looks like Town Staff has indicated that their concerns have been met and asked if that was correct.

Mr. Goeschel said yes. He added that the Zoning Official had made the comment that the structure labeled as a barn has no apparent use and should be demolished prior to any filing of the Mylars.

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. McPherson moved that this Public Hearing be closed.

Mr. Schuch seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Bowers closed this Public Hearing at 7:42 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

List of Exhibits

Darrow's Ridge Re-Subdivision - 70 Mostowy Road
Public Hearing Exhibit List
April 6, 2010

1. Application – Received January 28, 2010 (w/request for waiver of Section 6-16)
2. Certified Letter dated February 9, 2010 requesting fee amount of \$2160.00 to conduct Public Hearing on application
3. Confirmation from The Day of ad submission for the Public Hearing
4. Copy of letter dated February 16, 2010 from Attorney Block regarding application fee
5. Memo dated February 22, 2010 to First Selectman Paul Formica from Gary Goeschel Planning Director with copy of the letter from Attorney Block
6. Letter dated February 22, 2010 to New England National, LLC from Gary Goeschel Planning Director requesting 10 and 12 copies of items necessary to complete the application
7. Design Report Letter dated February 26, 2010 Hand Delivered from Attorney Theodore Harris
8. Boundary Survey & Natural & Cultural Resources Map dated January 28, 2010 with revisions dated March 1, 2010
9. Check #2953 dated March 2, 2010 for \$2160.00 – application fee in full submitted 3/2/2010
10. Letter dated March 2, 2010 to Mike Bowers, Chairman EL Planning Commission regarding the fees tendered as a result of communication received from the Attorneys
11. Certificates of mailing to abutters as required with copies dated February 25, 2010
12. Pictures of sign posted on the site on February 14, 2010
13. Letter dated March 2, 2010 to Mike Bowers, Chairman Planning Commission from Robert Blatt of New England National LLC authorizing Jeffrey Torrance to act as his agent in any and all matters regarding the 70 Mostowy Road re-subdivision application submitted 3/2/2010
14. Copy of East Lyme Wetlands Agency Permit #06-05M dated 12/1/2008 and expiring 3/6/2011 regarding Mostowy Road lot line Modification & Wetland Mitigation for Lot 25
15. Copy of letter to Clint Webb, Environmental Consulting Services from Nancy Murray, DEP Environmental Analyst III dated November 21, 2003 regarding no known Federal or State endangered, threatened or of Special Concern species at the Darrow Ridge site
16. Copy of pages 2 – 20 U.S. Bankruptcy Court District of CT (New Haven) Compromise Agreement Case 02-33699 (NE National LLC) Filed and Entered 12/4/2008
17. Copy of Cover sheet of U.S. Bankruptcy Court District of CT Order Approving Compromise & Settlement Case No. 02-33699 LMW, Doc ID #472 dated December 4, 2008

Attachment

1

Planning PHE 4/6/10

18. Picture of existing services in the existing house submitted 3/2/2010
19. Letter dated 3/2/2010 from Ryan McCammon of Ledge Light Health District regarding suitability of Lots 25 & 31
20. Letter dated 3/2/2010 from Ryan McCammon of Ledge Light Health District regarding suitability of Lots 25 & 31 from review of revised plans submitted 3/1/2010
21. Letter dated April 1, 2010 from Brad Kargl, Municipal Utility Engineer regarding 70 Mostowy Rd. lot line modification after road abandonment stating that water mains exist on Chesterfield Road and that municipal sewers are not available. Lot 25 is currently connected to the water main and Lot 31 can access the water main.
22. Plan review sheet from Director of Public Safety, dated April 6, 2010 indicating 'no issues' with plans submitted.
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25. Memo to Gary Goeschel, Town Planner from Bill Scheer, Town Engineer, dated April 5, 2010 noting that the proposed subdivision plans submitted demonstrate that there is no appreciable change of land use of the infiltrative abilities of the property that would result in an adverse effect to water quality or exacerbate down stream flooding; and outlining the DEP realignment of Mostowy Road application that has been filed.
26. Letter dated April 6, 2010 from Ryan McCammon of Ledge Light Health District to James Bernardo, LS finding that Lots 25 & 31 are recommended suitable in their current condition with three notes indicated in the memo.
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28. Copy (submitted by applicant) of the Town of East Lyme Application to the CT DEP for the Mostowy Road Realignment dated January 2010.