

East Hampton Planning and Zoning Commission  
Special Meeting/Workshop  
June 3, 2009  
East Hampton Town Hall Meeting Room

Unapproved Minutes
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1. **Call to Order:** Chairman Zatorski called the meeting to order at 6:03 p.m.  
**Present:** Chairman Ray Zatorski, Vice-Chairman Rowland Rux, Members Peter Aarrestad, Roy Gauthier, Richard Gosselin, Mark Philhower, James Sennett, and Alternate Member Darin Hurne. Zoning Administrator, James Carey, was also present.  
**Absent:** Alternate Member Michael Brogan was absent.
2. **Discussion - Home Occupation Regulation:** Chairman Zatorski opened the meeting by explaining that the discussion regarding a Home Occupation Regulation has been continued from last month. They continued with the discussion regarding a recommendation made by Mr. Carey in the form of a memo dated April 1, 2009. Mr. Carey distributed a revised memo date June 3, 2009 amending bullets one and three on the second page. Chairman Zatorski read the amendments into the record:
  - Bullet No. 1. The business is primarily conducted on the premises by mail, telephone or computer. Occasional work involving arts, crafts, or assembly of materials shall not involve the storage or keeping of materials in excess of amounts normally found on non-business properties; and
  - Bullet No. 3. No external evidence of the business is visible or otherwise apparent.Chairman Zatorski further explained that in this revised recommendation Bullet Nos. 2, 4, and 5 would remain unchanged. He asked for additional discussion by the Commission. **\*Attachment 1\***  
Mr. Gosselin stated that the on-line zoning regulations are not up to date and requested that they be brought up to date. Mr. Gosselin pointed out that there is already a Section 6.16 and this new regulation must be proposed for Section 6.17. He discussed his concerns that Section 3 of the Zoning Regulations currently includes a definition for Home Professional Office and suggested that this proposed regulation may conflict with this definition.  
Mr. Aarrestad discussed the definitions that had been recently added to the regulations. Discussion ensued regarding the definitions.  
Mr. Gosselin discussed Section 7, Permitted Land Uses, and questioned whether it should be amended to include Home Occupation as of right.  
Mr. Carey stated that a bullet could be added to each of the residential zones indicating that Home Occupation use is permitted per Section 6.17.

Mr. Gosselin discussed the need to revise the section on accessory buildings and suggested revising it to include Home Occupation. Mr. Carey explained that home occupation use would include accessory buildings on the subject property. He further explained that the Commission could go forward with the regulation as is or it could consider more comprehensive changes. At the time he developed this recommendation it was his understanding that the Commission was interested in addressing this issue quickly to afford whatever protections were available to those affected as soon as possible.

Mr. Philhower is still unhappy with the first bullet. He believes this will involve policing as well. Discussion ensued regarding storage of materials, enforcement, and electrical service.

There being no further comments from the Commissioners, the Chairman opened the meeting to the public.

Wayne Rand, Old Saybrook, discussed his concerns about specific uses in the residential zone. He does not believe that blasters or gun sales, among others, should be allowed in residential zones.

The Commission discussed the effect this regulation would have on businesses in town. Mr. Carey clarified that he supports not having a regulation at all. It has been working for 20 years. He has made the recommendation that is before them now at the request of the Commission. The intent of this specific proposal is to protect those uses that are outwardly palatable and allows zoning enforcement a clear and direct path for pursuing violators.

Whitney Fielding, 11 Lake Drive, agrees with Mr. Carey. The less regulation the town has the better. Not having a regulation has been working for all these years. The proposal is becoming overly complex. He also believes small business owners should be allowed to work out of their homes.

Mary Ann Dostaler, 56 William Drive, explained that the reason EDC put together the proposal they did is because they faced exactly the same issues that the PZC is facing now. She discussed her concerns about the limitations of the proposal before the Commission. She urged the Commission to consider a more broad regulation.

Mr. Aarrestad questioned the legality of signs present in residential zones currently. Mr. Carey clarified that business signs are not permitted in residential zones.

Mr. Rux stated that it seems like the current system is working.

Mr. Gauthier thinks the Commission should table the whole regulation.

Mr. Gosselin stated that he doesn't believe we need to create something we already have. We have a sign regulation and a parking regulation. We don't need to make a special regulation for home occupation. The lack of a regulation in this regard is probably better than regulating.

Mr. Sennett believes that any regulation enacted should be very simple, similar to what Simsbury has and should operate much the way it is now.

Mr. Aarrestad doesn't have a real strong opinion one way or the other but he believes that the way we have been operating for the last 10 years or so is working fine. That

is not to say that there haven't been problems. Developing a regulation and an administrative process is not going to be the solution that we are seeking.

Mr. Rux likes to look for indicators that there is a need to make a change. He doesn't see a lot of complaints about the current process for addressing this issue. He believes the current policy has been working.

Mr. Philhower agrees with Mr. Rux.

Mr. Hurne agrees with Mr. Rux also.

Chairman Zatorski tabled the proposed regulation on Home Occupations at this time.

3. **Adjournment:** *The Chairman adjourned the special meeting/workshop at this time and thanked all those present for attending.*

The meeting adjourned at 6:50 p.m.

Respectfully submitted,

Daphne C. Schaub  
Recording Secretary