

East Hampton Planning and Zoning Commission
Regular Meeting
May 5, 2010
Town Hall Meeting Room

Unapproved Minutes

1. **Call to Order and Seating of Alternates:** Chairman Zatorski called the meeting to order at 7:00 p.m.

Present: Chairman Ray Zatorski, Vice-Chairman Mark Philhower, Members Roy Gauthier, Richard Gosselin, Rowland Rux, James Sennett, Alternate Members Darin Hurne, Kevin Kuhr, Meg Wright, and Planning, Zoning & Building Administrator James Carey, were present.

Absent: Member Peter Aarrestad was absent due to business responsibilities.

Alternate Member Kevin Kuhr was seated at this time.

2. **Approval of Minutes:**

A. March 17, 2010 Special Meeting Workshop Minutes:

Mr. Philhower moved, and Mr. Sennett seconded, to approve the minutes of the March 17, 2010 special meeting/workshop as written. The motion carried unanimously.

- B. April 7, 2010 Regular Meeting Minutes:** *Mr. Rux moved, and Mr. Sennett seconded, to approve the minutes of the April 7, 2010 meeting as amended. Yes votes: Gauthier, Gosselin, Philhower, Rux, Sennett, Zatorski. No votes: None. Abstentions: Kuhr).*

3. **Communications, Liaison Reports, and Public Comments:**

Communications: Mr. Carey explained that Item No. 6.A, Applications of Hampton Woods Development LLC, was erroneously placed on the Agenda as a public hearing. The public hearing for Hampton Woods Development LLC was successfully closed at the last meeting of the PZC. This item should have been placed on the Agenda as Old Business.

Mr. Zatorski moved, and Mr. Philhower seconded, to reorder the Agenda so that this Item is moved to No. 8.A, Old Business, and all subsequent items are reordered sequentially. The motion carried unanimously.

Mr. Carey reported that Chris Edge is no longer with Connected to Connecticut and we will be working directly with Craig Stevenson.

Liaison Reports:

Mr. Gauthier reported that the EDC has resumed discussion of re-zoning Main Street from Route 66 to Summit Street as a POR Zone.

Mr. Sennett reported that the ZBA meeting was held on Monday, April 12, 2010. At that meeting two applications were heard. One of the applications was approved. The other application was denied. The minutes of that meeting are on file in the Town Clerk's Office and may be viewed on line as well.

Mr. Zatorski reported that all information regarding IWWA will be discussed during the agenda item to which it relates.

Mr. Philhower reported that one application was heard at the Midstate Regional Planning meeting held the night earlier. The application was for a home occupancy zoning change for the town of Durham and was deemed to have no regional significance.

Public Comments: The Chairman opened the meeting to the public for comments.

Sal Nucifora, 147 Colchester Avenue, was present and suggested that the Town should acquire the abandoned property adjacent to the Memorial Elementary School.

4. **Read Legal Notice:** Mr. Carey read the legal notice into the record at this time.
5. **Set Public Hearing(s) for June 2, 2010:** None
6. **Public Hearing for May 5, 2010:** (Agenda Item No. 6.A, Hampton Woods, has been moved to Minutes Item No. 8.A. All subsequent Agenda items have been re-numbered sequentially.)

A. Application of Pelletier Development Company LLC, 140 Colchester Avenue, Chatham Forest, for a 15-lot Conservation Subdivision and Special Permit pursuant to Section 30 of the Zoning Regulations for a Conservation Subdivision – M 27/B 90/L 3 – Continued from April 7, 2010:

Mat Pelletier, Pelletier Development Company, was present to discuss the application. He reported that on April 14th CLA Engineers indicated that there previous comments had been satisfactorily addressed. He believes that at this point all items of concern related to the project have been resolved.

Mr. Carey reported that CLA has indicated that they are satisfied with the plans for the project. They have suggested that the bond amounts be set at \$200,000 for the Road Bond and \$15,000 for the E&S Bond.

Mr. Carey read the letter dated May 3, 2010 from Paul Jacques who has a purchase agreement pending on an adjacent property. He explained that the concerns of the writer are not relevant to the subdivision application before the Commission. Further, most of the writer's questions cannot be answered by this Commission.

Mr. Carey read a letter dated April 27, 2010 from K. Nielson into the record. He further explained that although the comments in the letter are understandable to the Commission, the applicant did not have the ability of employing the suggestions in the letter as they are regarding regulations that have been recommended by the Salmon River Watershed Partnership but not yet adopted by the Town.

Mr. Carey read a letter dated today from Don Mitchell into the record. The letter indicated that the comments of the Chatham Health District have been satisfactorily addressed.

Mr. Carey indicated that the IWWA granted a permit to the applicant on April 28, 2010. Finally, he indicated that the open space in this subdivision will be conveyed to the Town.

The Chairman opened the public hearing at this time.

Sal Nucifora, 147 Colchester Avenue, explained that he is a neighbor of the property and has walked the property. He discussed that he is concern by the low hanging over head wires, believes there should be a bus shelter, does not believe there should be sidewalks, and believes Lot No. 15 is too large and should be cut back.

Mr. Pelletier explained that CLA did address the overhead lines with CL&P who will adjust those lines at their will. The developer has no control or jurisdiction over them. There is no provision for a bus shelter for this 15-lot subdivision. The sidewalk has been planned for the project. They are an additional expense for the applicant and they will forego the sidewalks if so directed. Finally, the size of Lot No. 15 seems appropriate to the developer.

Mr. Philhower moved to close the public hearing. Mr. Rux seconded the motion. The motion carried unanimously.

Mr. Philhower moved, and Mr. Rux seconded, to approve the Application of Pelletier Development Company LLC, 140 Colchester Avenue, Chatham Forest, for a 15-lot Conservation Subdivision and Special Permit pursuant to Section 30 of the Zoning Regulations for a Conservation Subdivision, M 27/B 90/L 3, with the following conditions:

- *Notify Town Staff prior to the commencement of construction;*
- *Road Bond in the amount of \$200,000; and*
- *E&S Bond in the amount of \$15,000.*

The motion carried unanimously.

Mr. Sennett moved to grant a road width waiver to reduce the road width from 28' to 26' with a sidewalk as is consistent with the Plan of Conservation and Development. Mr. Philhower seconded the motion.

Mr. Philhower discussed his concern that this waiver request is necessary. Any applicant for a Conservation Subdivision should be able to plan for reduced impervious surfaces without applying for a waiver. The Chairman called for the vote. *The motion carried unanimously.*

B. Application of Hull Forest Products Inc, 45 Champion Hill Road, Smith Timber Harvest, for a Special Permit per Section 24 of the Zoning Regulations for a Timber Harvest – M 12/B 40A/L 20B:

Chris Casadei, Forest Resource Manager with Hull Forest Products, was present to discuss the application. The harvest will be of about 20,000 board feet. It includes one small stream crossing. It is anticipated that at the time of harvest it will be dry. In the late '80s early '90s there was a high grade harvest. What is remaining is some suppressed quality trees without sufficient regeneration.

Certified letters have been mailed to the abutters and the green cards have been given to the Town Staff. The application has been approved by the IWWA.

Mr. Casadei indicated that 123 trees total will be harvested. The minimum size of the tree to be harvested is about 16" in diameter. After the harvest seed trees will be planted to establish regeneration.

The Chairman opened the public hearing at this time.

Jim Grant, 16 Serafin Terrace, was present to discuss his concerns with the harvest. He is the downstream abutter. He is concerned that the majority of the trees marked for harvest seem to be directly behind his house. He is concerned for the wetlands and losing part of his property to erosion. The concentration seems very heavy behind his home and appears that only scrub birch and scrub beech will remain. He is also concerned about the effect on the neighborhood and work hours for the harvest.

Tom Galvin, 6 Serafin Terrace, was present to discuss the stream going through the property and is concerned about debris being dropped into and damming up the stream.

Jim Grant, 16 Serafin Terrace, is also concerned that either the survey is wrong or the property line is not marked properly.

Mr. Casadei explained that he will be happy to double check the property line as it is marked to ensure that it is correct. He will do anything he can to keep the neighbors happy.

Mr. Gauthier moved to close the public hearing for the Application of Hull Forest Products Inc, 45 Champion Hill Road, Smith Timber Harvest, for a Special Permit per Section 24 of the Zoning Regulations for a Timber Harvest, M 12/B 40A/L 20B. Mr. Rux seconded the motion. The motion carried unanimously.

Mr. Philhower moved, and Mr. Rux seconded, to approve the Application of Hull Forest Products Inc, 45 Champion Hill Road, Smith Timber Harvest, for a Special Permit per Section 24 of the Zoning Regulations for a Timber Harvest, M 12/B 40A/L 20B, with the following conditions:

- *Town Staff inspect the project site prior to, during, and after the harvest; and*
- *Town Staff will review the A-2 Survey.*

The motion carried unanimously.

Chairman Zatorski unseated Mr. Kuhr and seated Ms. Wright at this time.

C. Application of Butler Construction Co LLC, 9 Young Street, Excavation Plan, for Renewal of Special Permit pursuant to Section 26 of the Zoning Regulations – M 12/B 33/L 7A:

The Chairman explained that this Excavation Plan is by special permit and it must be renewed annually.

Gregg Fedus, Fedus Engineering, was present to represent the applicant. He discussed the plan and provided the Commission with a status report on the project. The project is in Phase 2 and about 40% complete.

Mr. Carey reported CLA has been satisfied with the work to date and that there have been no complaints about the project either to the Planning Office or the Fire Marshal.

The Chairman opened the meeting to the public at this time. There being none, *Mr. Philhower moved to close the public hearing for the Application of Butler Construction Co LLC, 9 Young Street, Excavation Plan, for Renewal of Special Permit pursuant to Section 26 of the Zoning Regulations, M 12/B 33/L 7A. Mr. Rux seconded the motion. The motion carried unanimously.*

Mr. Rux moved to renew the special permit for another year for Butler Construction Co LLC, 9 Young Street, Excavation Plan, for Renewal of Special Permit pursuant to Section 26 of the Zoning Regulations, M 12/B 33/L 7A, with all the current conditions including:

- *Prior notice to Town Staff of blasting;*
- *Fire Marshal present at all blasting;*
- *Hours of operation are from 7am to 3:30p.m.;*
- *Entrance to the site should be maintained in a timely manner; and*
- *All previous conditions that might have been overlooked at this meeting.*

The motion carried unanimously.

7. New Business:

A. Application of Edward & Nancy Fatscher, 3 Smith Street, Belltown Learning Center & Daycare Extension, for a Commercial Site Plan Modification – M07A/B 56/L 15:

Mr. Carey explained that this application is to add a small mud room to the existing building. The addition will be 5 ft wide by 30 ft long and is to provide additional space to the applicant.

Nancy Fatscher, 3 Smith Street, discussed the addition and her plans for the area. This new area will function as a coat room to the infant/toddler room in her daycare. The construction materials will be wood frame. The finish will probably be vinyl. The doorway will continue to face Colchester Avenue.

Mr. Philhower discussed his concerns regarding the location of the playground on the corner of Colchester Avenue and Smith Streets. He believes that this playground was not on the plan at the time of the original application.

Ms. Fatscher stated that she believed the playground has been in that location since she opened this facility. It is actually a distance from the roads and safety is something she takes very seriously.

Mr. Philhower explained that he reviewed the history of this project and was unable to find anything that indicated the Commission stated the playground could not be in this location but that the Commission never specifically approved this location for a playground. Now that the applicant is before the Commission again he is obligated to bring it up.

Mr. Carey discussed the playground and believes that the playground evolved with the business and suggested that the daycare operator and their insurance carrier may be capable of addressing this issue.

Mr. Zatorski moved to approve the Application of Edward & Nancy Fatscher, 3 Smith Street, Belltown Learning Center & Daycare Extension, for a Commercial Site Plan Modification, M07A/B 56/L 15, with the following conditions:

- *Notification of Town Staff prior to commencement of construction;*
- *Construction must be in accordance with established building code for the Town of East Hampton; and*
- *Within three months of this date the applicant should return with a detailed site plan specifically indicating setback distances from the property lines, road easements, curbing, fenced area, building, and parking spaces. Including any information that was identified in the DOT traffic study as a result of accidents at this intersection.*

Mr. Rux seconded the motion. The motion carried unanimously.

B. 8-24 Review: Improvements to Memorial Elementary School:

Mr. Carey reported that it is his opinion that an 8-24 Review is not necessary for routine maintenance or other activities of that nature. However, the Finance Director has indicated that the Bond Counsel would prefer that we provide him with this Resolution. Mr. Carey read the resolution into the record.

The Commission discussed that routine maintenance on this site would be acceptable to them. Investigating the addition of solar or wind power at this site will require a full review of a modified site plan.

Mr. Philhower moved, and Mr. Rux seconded, to approve the Resolution as written. The motion was approved unanimously.

8. Old Business: (Agenda Item No. 6.A, Hampton Woods, has been moved to Minutes Item No. 8.A. All subsequent Agenda items have been re-numbered sequentially.)

A. Applications of Hampton Woods Development LLC, 206 East High Street, Route 66, Hampton Woods, for a Zone Change from DD to HOD, an Amendment to the Zoning Regulations, and Residential Site Plan Review – Map 32/Block 86/Lot 4:

Chairman Zatorski reported that the public hearing was closed on April 7, 2010. He explained that tonight discussion would be between the Commission and Town Staff in preparation for the motions which will be necessary. The Commission discussed all outstanding concerns they have about the applications with Town Staff.

Mr. Gauthier moved, and Mr. Philhower seconded, to continue the Applications of Hampton Woods Development LLC, 206 East High Street, Route 66, Hampton Woods, for a Zone Change from DD to HOD, an Amendment to the Zoning Regulations, and Residential Site Plan Review, Map 32/Block 86/Lot 4, to the next regularly scheduled meeting. The motion carried unanimously.

B. Application of Town of East Hampton, 105 Main Street, Senior Center Expansion, for a Commercial Site Plan Modification – M 06A/B 57/L 3: Mr. Carey reported that the application is not yet complete. The Chairman continued this application to the next regularly scheduled meeting.

C. Discussion & Possibly Approve Task Priorities for 2010: The Chairman moved this item to the next regularly scheduled meeting.

D. O'Neill Lane Property Update: Mr. Carey reported that the property is still in negotiations at this time.

9. **Adjournment:** *Mr. Zatorski moved to adjourn the meeting. Mr. Philhower seconded the motion. The motion carried unanimously.*

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary