

East Hampton Planning and Zoning Commission
Regular Meeting
February 9, 2011
(Rescheduled from the Regular Meeting Night of February 2, 2011 due to Inclement Weather)
Town Hall Meeting Room

Unapproved Minutes

1. **Call to Order and Seating of Alternates:** Chairman Zatorski called the meeting to order at 7:03 p.m.

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

Absent: Regular Member Rowland Rux was not present.

The Chairman seated Alternate Member Darin Hurne at this time.

2. **Approval of Minutes:**

A. January 5, 2011 Regular Meeting: *Mr. Sennett moved, and Mr. Aarrestad seconded, to approve the minutes of the January 5, 2011 Regular Meeting as written. The motion carried unanimously.*

B. January 19, 2011 Special Meeting/Workshop: *Mr. Philhower moved, and Mr. Sennett seconded, to approve the minutes of the January 19, 2011 Special Meeting/Workshop as written. The motion carried (6-0-1). (Yes votes: Aarrestad, Gauthier, Gosselin, Philhower, Sennett, Zatorski. No votes: None. Abstentions: Hurne.)*

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

Communications:

Mr. Carey reported that a scan of the Winter 2011 *Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter* and the Winter 2011 *CLEARscapes Newsletter* were forwarded by email to the Commissioners.

Liaison Reports:

Mr. Zatorski indicated that the IWWA had nothing of note for this meeting.

Mr. Aarrestad reported that there is a Steering Committee Meeting of the Salmon River Watershed Partnership tonight in Marlborough. Josh Wilson is there this evening representing East Hampton. The Town of Colchester is working on their Open Space Subdivision Regulations with the Partnership. They have written a draft of their own which they will send to the Horsley Witten Group for their input.

Mr. Sennett reported that the ZBA met on January 10th at which time a variance was denied to the East Hampton Little League for an increase in height of light poles to 60 and 70 feet. At the same meeting a variance was granted for The Wilson Brothers Enterprises, 203 West High Street to reduce the minimum required lot area from 40,000 sq. ft. to 35,000 sq. ft. to allow excess frontage on Long Crossing to become a separate parcel by subdivision. The minutes of this meeting are on file in the Town Clerk's Office and may also be viewed online.

Mr. Gauthier reported that the January EDC meeting was cancelled due to the weather.

Mr. Philhower reported that Midstate Regional Planning met on February 8, 2011 and discussed five Transportation Improvement Projects. They included the Arrigoni Bridge Rehabilitation Project, General Guardrail Illumination in Middletown, a Culvert Rehabilitation in Cromwell, an East Haddam Sidewalk and Crosswalk Improvement project, and a Culvert project in Haddam. All these projects were approved. The Agency also referred STEAP Grant solicitations for Urban Projects to their member towns. There were also three zoning referrals from North Branford, Killington, and Marlborough. North Branford and Killington were for standard changes to the language in their zoning regulations. Marlborough had a nine lot conservation subdivision on Route 66. They were deemed to have no regional significance.

Public Comments: The Chairman opened the meeting to the public for comments. There were none.

4. **Read Legal Notice:** None.

5. **Set Public Hearing(s) for March 2, 2011:** None (see Item No. 8.B.1 later in these Minutes).

6. **Public Hearing for February 9, 2011:**

A. **Application of Little League of East Hampton, 20 Smith Street, Seamster Park, Site Plan Modification for Illumination Plan – Map 27/Block 87A/Lots 19C & 20 – Continued from January 5, 2011:** Mr. Carey reported that he is in receipt of a written request from the Little League requesting that their application for an Illumination Plan be withdrawn.

Mr. Philhower moved to accept the withdrawal of the Application of Little League of East Hampton, 20 Smith Street, Seamster Park, Site Plan Modification for Illumination Plan, Map 27/Block 87A/Lots 19C & 20. Mr. Arrestad seconded the motion. The motion carried unanimously.

7. **New Business:**

A. **Extension Deadline to Record Mylars for Sports On 66, Traditional Innovations, 265 West High Street – Map 6/Block 12/Lot 9:** Mr. Carey explained that the applicant has requested in writing that the deadline for filing the mylars in the land records be extended. He recommended that the deadline be extended to April 30, 2011.

Mr. Arrestad moved, and Mr. Philhower seconded, to extend the deadline to record the mylars for Sports On 66, Traditional Innovations, 265 West High Street, Map 6/Block 12/Lot 9, to April 30, 2011. The motion carried unanimously.

B. **Application of Dream Developers on behalf of Laurel Ridge H.O.A., Site Plan Modification to eliminate the sidewalks in Phases III and IV – Map 32/Block 85/Lot 5D:**

Stephen Motto, developer of Laurel Ridge, was present on behalf of the Laurel Ridge Homeowners Association. He explained that the project was approved in 2001 in four phases. All four phases of the project had sidewalks. Phase I and II have been completed and the sidewalks have been installed. Phase III and IV will be completed in the next year including paving and sidewalks throughout the project. The homeowners of Laurel Ridge approached him as to the necessity of sidewalks in Phase III and IV. As the developer it will not make a difference to him whether this request is granted or not. His observations of the development have been that in Phase I and II the sidewalks are very rarely used by pedestrians because there are so few homes in the little cul-de-sacs. The homeowners are

interested in this as an attempt to save expenses on maintenance and to increase privacy for residents. As the developer and past president of the H.O.A. board, he always considers life safety; however, he rarely sees anyone use the walks in Phase I and II. All the sidewalks throughout the project are 4-ft. wide, asphalt, and on one side of each road.

The Commission discussed the original review process and the intention of the Commission at the time of the approval of the project. They discussed with Mr. Motto and Mr. Carey the responsibility of maintenance and snow clearing.

Sharon Reed, 58 Laurel Ridge, is a board member and is present to represent the Association. The Board has voted to accept a petition received from the residents in Phases III and IV requesting that the sidewalks be eliminated. They have 100% agreement of the residents for this elimination. She explained that most of the walking in the community takes place in the road as opposed to the sidewalks. They are interested in saving money on maintenance.

The Commissioners discussed their concerns about this request. The Commission discussed the importance of having a good knowledge of the function of the sidewalks in this community and believes that they would like to have a site walk at this location later in the year when the snow is gone. The applicant agreed.

Mr. Philhower moved, and Mr. Aarrestad seconded, to deny the application of Dream Developers on behalf of Laurel Ridge H.O.A., Site Plan Modification to eliminate the sidewalks in Phases III and IV, Map 32/Block 85/Lot 5D, without prejudice and to waive application fees of the future application for the same modification request. The motion carried unanimously.

C. Application of Carlevale Interiors, 10 Summit Street, for Site Plan Modification to allow Multi-Family (4 Units) - Map 06A/Block 61/Lot 2:

Jeff Jahnke, Architect, was present to represent the applicant. He reported that the property is a factory building on Summit Street. It has been used primarily to house the applicant's construction business. There is a tenant in the basement that operates a powder coating company. The applicant's vision for this property is to create New York City style loft/studio apartments on the second floor and a coffee shop or office space on the first floor. The applicant believes this project will enhance the Village Center. The renovation will include re-pointing everything on the exterior of the building as required and to re-seal the masonry. Everything will be brought up to Code for residential use. Mr. Jahnke described the plans submitted to the Commission.

There will be no changes made to the site other than adding a new transformer for the power upgrade. There will be ADA compliant parking spaces. Traffic will flow one way. A stop sign will be added. A stockade fence will be added to the rear of the property. There is an existing line of established trees and shrubs. No changes are planned for that buffer other than to replace some that may need to be replaced. The project will be done in phases beginning with the apartments on the second floor. In the mean time the applicant would like to work with the town to determine what businesses will succeed best in the first floor space.

Mr. Carey explained that he has discussed this application with the applicant and it has been made clear to him that the current powder coating use on the basement level cannot continue with the residential use. The site is already developed. All the pavement,

drainage, and improvements are present. The application is for a change of use in the building.

The Chairman questioned the Right Of Way indicated on the site plan submitted to the Commission. Mr. Jahnke explained that the Right Of Way is over 60' and paved between the subject building and the building to the east. The Commission discussed the area that is paved and a 4' to 6' drop in elevation into a gravel unimproved area adjacent to the neighboring building.

The Chairman requested that the applicant provide an A-2 survey including information on Right Of Ways and the location of the drastic drop in elevation adjacent to the area in question. It was explained that the Commission would need the A-2 Survey to allow them to factually determine the property lines and the intentions of the Right Of Ways in the area. He indicated that generally he likes the plan. He has some concern about the size of the apartments.

Mr. Jahnke explained that the applicant will be targeting a prospective tenant market of young, single, professionals just out of college.

The Commission would also like to see more detail of what the building will actually look like when it has been renovated. The site plan submitted shows quite a bit of parking. In reality there may not be enough room for the required parking. The A-2 Survey will allow the Commission to make that determination as well.

Mr. Aarrestad explained that currently the Commission is working on regulation changes for the Village Center that may address the parking concerns.

Mr. Carey reported that the WPCA has indicated that there is sufficient water to accommodate this project.

Mr. Jahnke questioned if it would be possible to add more residential units if it would not be possible to find acceptable uses and tenants for the ground floor.

Mr. Carey indicated that without some regulatory change to the zoning in the Village Center, the first floor would not be available for residential use. As stated earlier the Commission is working on new zoning regulations for this area.

Mr. Philhower moved, and Mr. Gosselin seconded, to continue the Application of Carlevale Interiors, 10 Summit Street, for Site Plan Modification to allow Multi-Family (4 Units), Map 06A/Block 61/Lot 2, to the next regularly scheduled meeting of March 2, 2011. The motion carried unanimously.

8. Old Business:

A. Workshop - Village Center Housing and Revitalization Program (IHZ):

Mr. Sennett moved, and Mr. Philhower seconded, to continue Agenda Item 8.A, Old Business, Workshop – Village Center Housing and Revitalization Program (IHZ) to the next regularly scheduled meeting on March 2, 2011. The motion carried unanimously.

B. Discussion:

1. Draft Open Space Regulation - Continued from the Special Meeting of February 9, 2011: The Chairman instructed the Commission to resume their discussion of the 50'

versus 100' buffer on page 12 of the Draft East Hampton CSD Regulations. The Commission discussed the differences and maintenance of the buffer.

After discussion of the Commentary on page 13 relative to Minimum Required Open Space and Density Bonus for Additional Open Space Section 30.9.1.A and B, the Commission agreed that Section 30.9.1.A shall be amended to read, "Minimum Open Space: R-1, 2, and 3 shall require a minimum of 40% Open Space and R-4 shall require a minimum of 50% Open Space", striking the remainder of Paragraph A and all of Paragraph B.

The Commission agreed to strike the example of pedestrian walks and bike paths in Section 30.9.2 and to add a second paragraph that reads, "At the discretion of the Commission any subdivision that results in 20 lots or more may be required to provide land suitable for active recreation which may consist of an open area suitable for organized sports, or onsite pedestrian and bicycle circulation with public access.

The Chairman requested staff to ensure that there is no conflict between the Dedication of Open Space in Section 30.9.4 and the definition of Open Space in Section 30.3.

The Commission would like staff to ensure that Severability is in place in all Regulations.

Mr. Gauthier moved to set a Public Hearing at the regularly scheduled meeting of March 2, 2011 on the draft revision of SECTION 30 – CONSERVATION SUBDIVISION, as drafted by Horsley Witten Group, Inc, dated November 5, 2010 and further amended by this Commission at subsequent Workshops. Mr. Philhower seconded the motion. The motion carried unanimously.

2. Draft Subdivision Regulation;
3. Draft Parking Regulation; and
4. Draft Street Standards:

Mr. Gauthier moved, and Mr. Philhower seconded, to continue Agenda Items 8.B.2, 3, and 4 to the next regularly scheduled meeting on March 2, 2011. The motion carried unanimously.

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

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary