

East Hampton Planning and Zoning Commission  
Regular Meeting  
April 6, 2011  
Town Hall Meeting Room

Unapproved Minutes
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1. **Call to Order and Seating of Alternates:** Chairman Zatorski called the meeting to order at 7:01 p.m.

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

**Absent:** Roy Gauthier was absent.

Alternate Darin Hurne was seated at this time.

2. **Approval of Minutes:**

A. March 2, 2011 Regular Meeting:

Ms. Wright indicated that the Minutes of the March 2, 2011 omitted the name of the second in the approval motion for the February 9, 2011 minutes. (The Clerk reviewed the record and determined that Mr. Sennett was the second to that motion).

*Mr. Philhower moved, and Mr. Aarrestad seconded, to approve the Minutes of the March 2, 2011 meeting as amended. The motion carried unanimously.*

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

**Communications:**

Mr. Zatorski reported that the UCONN School of Engineering CONNECTICUT TECHNOLOGY TODAY reported that in excess of 6000 tickets for cell phone use and in excess of 340 tickets for texting were issued in the State of Connecticut from April thru December 2010.

Mr. Carey reported that a bill has been passed by the State Planning Committee that will limit local planning & zoning commission's ability to hold public hearings on subdivision site plan review. It will go before the full House and the Senate before it goes to the Governor. The vote that it received in the Planning Committee looks as if it will be approved. Exactly how this change will impact this Commission will play out over time. Public participation has always been a priority for this, and most other, planning & zoning commissions.

Mr. Carey reported that the Sears Park Master Plan will be coming to this Commission for an 8-24 Review. The Master Plan has been designed by CLA Engineers in conjunction with the Parks and Recreation Commission. Parks and Recreation, Public Works, and Facilities would like to proceed with one small portion of this Plan and would like a building permit for the new bandshell. They were informed that they would need a site plan review and prior to that review they would need an 8-24 Review. This review is anticipated to take place at the May meeting. Additionally, this brings to the table the issue that there is an active lawsuit at present on the issue of outdoor entertainment as an accessory use. We are also a community that will use State grant money to put outdoor entertainment in Sears Park without having this decision

rendered. The Parks and Recreation, Public Works, and Facilities Departments have been informed that they would be held to the same level of scrutiny in terms of their sound acoustics design work as everyone else has been.

Mr. Carey also reported that Peter Aarrestad and Ray Gauthier were reappointed to the Commission by the Town Council.

Finally, the most recent issues of the CT Technology Transfer and the CT Town & City magazines were scanned and forwarded to you for your information.

**Liaison Reports:**

Mr. Sennett reported that the ZBA met on March 14<sup>th</sup> at which time a variance was granted for a reduction in the front yard setback from 50' to 23.6' and a side yard setback from 25' to 14.2' to construct an addition on the front of the building, another addition on the side of the building, and a three lane remote teller drive-thru pavilion. The Agency also elected officers for the coming year. Charlie Nichols is Chairman and Brendan Flannery is Vice-Chairman. The minutes of this meeting are on file in the Town Clerk's Office and may also be viewed online.

Mr. Zatorski indicated that the IWWA had nothing of note for this meeting. He reported that he did present information to them on the IHZ. The Agency was very supportive of the IHZ proposal. The minutes of this meeting are on file in the Town Clerk's Office and may also be viewed on line.

Mr. Philhower reported the Midstate Regional Planning Agency held their regular meeting on April 5<sup>th</sup>. They heard four zoning referrals: Two were from Berlin, one from Lyme, and our Open Space Subdivision Regulation from East Hampton. The East Hampton Open Space Regulation was met with favorable commentary and deemed to have no regional significance. The 2011-2040 Regional Transportation Plan and Bridge Repair Implementation Chart were also reviewed. Mr. Philhower submitted both to Staff for retention.

Mr. Aarrestad reported that Shelley Green from The Nature Conservancy and Nate Kelly from Horsely Whitten were present tonight on behalf of the Salmon River Watershed Partnership. Mr. Aarrestad thanked them for being with the Commission tonight.

Mr. Rux reported that the Public Water Task Force had not met.

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

4. **Read Legal Notice:** Mr. Carey read the legal notice into the record.
5. **Set Public Hearing(s) for May 4, 2011:** No public hearings were scheduled for May 4, 2011.

Chairman Zatorski explained the while there are no public hearings to be scheduled for the May 4, 2011 meeting there are potential public hearings to be scheduled for the June 1, 2011 meeting. Therefore, he requested that the Commission move Agenda Item No. 5, Set Public Hearings, to later in the Agenda where the Commission may revisit setting the public hearings as may be determined appropriate at that time.

*Mr. Rux moved, and Mr. Philhower seconded, to move Agenda Item No. 5, Set Public Hearings, for reconsideration after Agenda Item No. 8.B. The motion carried unanimously.*

6. Public Hearing for April 6, 2011:

A. **Proposed Revised Open-Space Regulation:** Mr. Carey explained that in the most recent draft of the Open Space Subdivision Regulation the most common revision notated is to exchange the reference for "Conservation Subdivision" to "Open Space Subdivision". The next revision is located at the top of Page 5 where the language "Applicants may also be eligible for a density bonus to increase the maximum number of allowable lots through the dedication of additional Open Space as provided under Section 30.9." has been deleted. In reference to amendments made to Section 30.8.2.E. Roads and Sidewalks, Mr. Carey explained that the road standards that are prescribed in this regulation will apply to the Open Space Subdivisions only in cases where they will be owned and operated by an association. The town equipment will not be maintaining these private subdivisions. The public safety concerns of these subdivisions will be handled by the East Hampton Police Department, Fire Department, and Ambulance Association. The Fire Marshal has indicated to this Commission that 18' does not comply with the NFPA standards for access roads for firefighting purposes. The NFPA is Fire Prevention Code. The NFPA standard calls for a minimum width of 20'.

Rich Klotzbier, East Hampton Fire Marshal, thanked the Commission for inviting him to the meeting. He reported that effective July 2010 the State of Connecticut adopted a fire prevention code versus a fire safety code. In conjunction with that adoption fire access roads were addressed. A fire access road is any road that a fire truck would drive on to reach a building. Mr. Klotzbier distributed copies of excerpts of the Fire Prevention Code. He referred to Section 18.2.2.5.1.1, "Fire department access roads shall have an unobstructed width of not less than 20 ft (6.1 m) and an unobstructed vertical clearance of not less than 13 ft 6 in (4.1 m)." To explain this Mr. Klotzbier stated that a road with a 20' width would prohibit any parking in the road. A subdivision with 20' roads would require not parking signs throughout. Mr. Klotzbier then referred to Section 18.2.3.1.1, which refers directly to the required width of a fire department access road and specifically states the road shall not be obstructed in any manner, including by the parking of vehicles. Going forward all new roads must be a minimum of 20' for fire department access. Mr. Klotzbier summarized the Fire Prevention Code indicating that it deals with angle of access, turning radiuses, building distances from the access road, distance of the nearest exterior door from a fire department access surface, and appropriate surfaces for access points.

Mr. Carey questioned whether the Fire Marshal saw any ability to relax these requirements if there were a full hydrant system. Mr. Klotzbier responded that he did not see a way to relax these requirements with a full hydrant system but he did see this ability when a full sprinkler system is available in the building.

The Commission discussed the Code with Mr. Klotzbier. He indicated that the definition of a fire department access road is any road that the fire department uses to access a building. The Commission expressed concern over that definition and suggested that a fire department access road is an additional, gated, barriered road put into place in addition to the public road to provide better access to the fire department. Mr. Klotzbier agreed to provide clarification on that definition.

Nate Kelly, Horsley Whitten Group, explained that they perform the function of drafting regulations nationwide; although their work does focus on the New England region. He is interested to hear that this is a recent change. They have documentation from the National

Firefighters Association, 5 or 6 years old, indicating that 18' was the lowest they would go. It is quite possible for things to have changed in a 5-year period. It may also be a standard that is specific to Connecticut. The Salmon River Watershed Partnership's policy has been to bring down road widths to as thin as they can go without compromising safety. The research needs to be done to identify the actual requirements. A means of resolving this issue in an expeditious manner is to add the language "...and also consistent with state law." to the end of Section No. 30.8.2.E. That would include a mechanism to address this and any future changes in the law.

Sergeant Garrett Kelly, East Hampton Police Department, was present to represent the interests of the East Hampton Police Department and indicated that they support the Fire Marshal's depiction of the National Fire Prevention Code. He further explained that upon arrive at a scene one of the primary concerns is not to be blocked in by vehicles arriving subsequent to your own arrival and conversely not to block anyone in who may have arrived previously.

Nate Kelly referenced the Pine Hills Open Space Subdivision in Plymouth Massachusetts. Plymouth Massachusetts is the largest land area town east of the Mississippi. A private developer bought 3000 acres in Plymouth and wanted to develop 1 house per acre using this methodology. Including golf courses 70% of the 3000 acres is open space. The 3000 homes are laid out in a compact area throughout. These homes sell for between \$500,000 and \$2,000,000 a piece. These homes are a part of the highest selling micro-market in the region. Horsely Whitten is responsible for monitoring the performance of the development and it is extremely successful in all its environmental goals.

Shelley Green, The Nature Conservancy, referred the Commission to the Hearth Stone Drive Conservation Subdivision in Hebron. It was designed in a similar manner and has been showcased by the Conservancy. It is also very successful both environmentally and fiscally.

Nate Kelly also pointed out the use of reinforced shoulders in the right-of-ways so that they do not create the same stormwater impacts that a paved surface does but they do allow for the safe passage of vehicles. These are typically not curbed.

The Chairman opened the public hearing to the public at this time. There were no comments.

The Commission discussed the road widths and options at their disposal. The consensus is that Section No. 30.8.2.E be amended to read "...the Commission may reduce the road width to eighteen (18) feet for cul-de-sacs, with the number of lots determined at the discretion of the Commission and consistent with state laws, codes, and regulations."

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

*Mr. Philhower moved, and Mr. Gosselin seconded, to adopt the revised Open Space Regulation as amend up to and including this meeting effective July 1, 2011. The motion carried (6-1-0). (Yes votes: Aarrestad, Gosselin, Hurne, Philhower, Rux, Zatorski. No votes: Sennett. Abstentions: None.) Mr. Sennett asked that the record reflect that had the road widths been required to be a minimum of 20 ft he would have voted in favor of adopting the revised Open Space Regulation as well.*

The Chairman recessed the meeting at 8:16.

The Meeting was reconvened at 8:25.

**7. New Business:**

- A. Application of Liberty Bank, 2 West High Street, for Commercial Site Plan Modification to Construct an Addition to the Front of Building, a Covered Entry Way, and 3 Remote Teller Drive-Up Lanes:** The Chairman explained that Liberty Bank has been before the Commission previously for pre-application discussions related to this project. He reported that the Commission had previously enthusiastically received this project. He further reported that the applicant has received variances from the Zoning Board of Appeals for both the front and side yard setbacks and has been approved by the Inland Wetlands Agent.

Joe Wren of Indigo Land Design, Professional Engineer, was present to represent the applicant. Mr. Wren described the project, conditions, and approvals in place. The DOT has approved the plan with the requirement that the exit drive be increased in width from 14.7' to 18' thus allowing for two 9' exit lanes. The entrance will be a single two way entrance off of North Main Street. It has been shifted further away from the intersection. Currently the drive-thru teller tends to stack cars up onto North Main Street. These modifications will bring everyone into the site and off the public roadways. The drive-thru lanes will include an escape lane. The site is served by a well and public sewer. Landscaping will be significantly enhanced. There will be a reduction in parking spaces. Currently there are 20 or 21 spaces. The new parking area will accommodate 14 vehicles. This is four short of the recommended number in the zoning data table. In light of the stacking ability created by the enhanced drive-thru lanes it is anticipated that at least 50% of the customers will be using the drive-thru as opposed to the parking area. Of the 14 spaces, one will be a standard building code, handicap accessible parking space.

David Stein, Silver, Petricelli & Associates, explained that the existing walk-up ATM will remain in the vestibule. An additional ATM will be added in the drive-thru pavilion. Mr. Stein explained that the primary focus of this project is to enhance site circulation and to provide a better customer experience. The cueing condition at present is unsafe and provides a hazard for the customers. Additionally, the proposal will create a remote kiosk-type canopy which will have 3 lanes. There will be typical remote ATM kiosk and two drive-thru teller lanes. All three will be serviced by pneumatic tubes and audio visual connections to the teller. The architecture has been designed to provide substance and enhance the existing structure. The future plan is to add three new offices in a 10' x 38' addition and a small vestibule addition to create more of a weather lock. The improved cueing is what must be achieved now. The siding will match what exists now. Safety is a big concern with 24 hr ATMs and down lighting will be provided for the property with a concern to keep it from shedding out into the surrounding properties. There will be concrete curbing to keep people from going the wrong way and bollards to protect the structures. Signage will be rear illuminated with the halo effect. The time and temperature sign will remain.

The Commission discussed the need for sidewalks to and around the property. The current sidewalk is deficient and the Commission would like that situation corrected.

Mr. Wren indicated that the front sidewalk will be removed when the addition is completed on the front of the building. Ingress and egress will be provided at the side door and the front door will be eliminated.

Paul Edwards, Liberty Bank, sees no benefit to a sidewalk at this location.

The Commission believes the sidewalks to be a part of the plan for this intersection and believes the intention was to have the entire area sidewalked in the future. They discussed different options to the existing sidewalk but the consensus of the Commission was that the sidewalk should not be eliminated.

The Commission requested that the record of abutting properties be reviewed to determine the status of the requirement for area sidewalks. They would also like the issue of the steel casing around the well head to be investigated as to its compliance with State Health Code. They do not want to hold up the improvements to the cueing of traffic on this property or into this intersection.

*Mr. Philhower moved, and Mr. Rux seconded, to approve the site plan improvements to the parking lot and canopy pavilion for drive-thru ATM and teller lanes as represented in the plans dated February 15, 2011 with the conditions that staff be notified prior to commencing the project, all requirements of the Inland Wetlands Agent must be met as required. The phase to include the additions to the building and the sidewalks will be reviewed at a later date. The motion carried unanimously.*

**B. Preliminary Discussion - Potential Uses - 20 Lakeview Street, FKA The Heidelberg Inn:** Mr. Carey explained that this Preliminary Discussion must be removed from the agenda and will be brought back to the Commission at a later date.

8. **Old Business:** The Chairman requested that to benefit those in attendance Item No. 8.B be heard first.

**B. Workshop - Draft Parking Regulation:** Mr. Carey discussed the draft regulation. He explained that he considers it to be a good modernization of the existing regulation. The Parking Table is much stronger, it employs more modern techniques in terms of pervious pavement and environmental issues, and it brings into the regulation the concept of a maximum amount of parking space. Over parking has been found to be a real problem in standard municipal regulations. This regulation was modeled after East Haddam's parking regulation which has been in use, and successful, for some time. Section 21.8, Bicycle and Pedestrian Accommodations, was very directed in the draft form and caused some concern regarding the practicality of the requirements. To address this concern Mr. Carey suggested that Section 21.8.1 be amended to read, "...To this end, all parking lots, where practical, must be designed...".

The Chairman suggested that Section 21.8.2, Bicycle Access Design Standards, be amended to read, "Bicycle parking facilities, where practical, shall be designed ..." and Section 21.8.3, Pedestrian Access Design Standards, be amended to read, "...All walkways, where practical, shall be constructed to provide ...".

Mr. Aarrestad expressed concern over decreasing parking space requirements because of a drive-thru presence. This regulation does address cueing but it does not address a drive-thru presence.

Nate Kelly of Horsley Whitten explained that it is his experience that when you drop the minimums to the kind of numbers in this regulation the issue of applicants pushing for over-reduction of requirements does not come up.

**A. Workshop - Village Center Housing and Revitalization Program (IHZ):** Mr. Carey explained that it will be necessary for the Commission to complete three steps in order to proceed with adoption of this program. They are:

1. Amend the Plan of Conservation and Development (POCD) to reflect the efforts of the Commission to establish a Village District designation and to support the goals and focus area of the IHZ concept;
2. The Commission must discuss and deliberate whether to have a Village Center District; and
3. Discuss, deliberate, and act upon the IHZ.

With these three requirements in mind, Mr. Carey recommends that the public hearings for these three steps be set for June 1, 2011. If need requires they be continued, schedule a special meeting for the continuation on June 15<sup>th</sup> and plan to make the effective date the first day of fiscal year 2011-2012. A revision date on the POCD will also be accomplished.

*Mr. Rux moved, and Mr. Gosselin seconded, to schedule the public hearing date for the revised Parking Regulation, the amendment to the POCD, the IHZ, and the Village District designation for the June 1, 2011 meeting. The motion carried unanimously.*

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

The meeting adjourned at 9:31 p.m.

Respectfully submitted,

Daphne C. Schaub  
Recording Secretary