

**East Hampton Planning and Zoning Commission**  
**Regular Meeting**  
**August 3, 2011**  
**Town Hall Meeting Room**

<b>Unapproved Minutes</b>
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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, Roy Gauthier, Richard Gosselin, James Sennett, Alternate Members, Kevin Kuhr, Meg Wright, and Planning, Zoning & Building Administrator James Carey were present.

Absent: Regular Member Rowland Rux and Alternate Member Darin Hurne were not present. Alternate Member Kevin Kuhr was seated at this time.

2. **Approval of Minutes:**

**A. July 6, 2011 Regular Meeting:**

*Mr. Philhower moved, and Mr. Aarrestad seconded, to approve the Minutes of the July 6, 2011 meeting as amended. The motion carried (5-0-2). (Yes Votes: Aarrestad, Kuhr, Gosselin, Philhower, Zatorski. No Votes: None. Abstentions: Gauthier and Sennett.)*

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

**Communications:**

Mr. Carey reported that the packages for tonight's meeting include a copy of the letter the Commission sent Shelley Green thanking her, The Nature Conservancy, and the Horsley Whitten Group for their assistance with our new Open Space Subdivision Regulation, new Parking Requirements Regulation, and future updates to the Street Standards and Subdivision Regulations. He read a response, also included in the meeting packages, from Shelley Green to the Commission.

Mr. Carey reported that a scan of the 2011 Northeast Private Well Water Symposium to be held on November 14<sup>th</sup> and 15<sup>th</sup> in Southbury, CT was distributed to the members by email earlier today.

Staff informed the Commission that the revisions to the Planning & Zoning Regulations will be compiled and forward to them individually when the currently pending amendments are finalized. Copies of the Regulations available in the Planning & Zoning Office have been updated, as has the copy maintained for the Commission's use during meetings, to include the recent amendments to the Open Space Subdivision Regulation and the Parking Requirements Regulation.

**Liaison Reports:**

Mr. Zatorski reported that the IWWA held a special meeting this evening. During that meeting they approved the permit for the drainage improvements in the wetlands area at 11 North Main Street. The minutes for this special meeting will be available for viewing online and in the Town Clerk's Office.

Mr. Philhower reported that Midstate Regional Planning Agency (MRPA) met the night before and deliberated six separate applications, two of which were from East Hampton. All applications were determined to have no regional significance.

Mr. Philhower also updated the Commission on the pending, proposed merger of Midstate Regional Planning Agency with Connecticut River Estuary Regional Planning Agency (CRERPA). The process to combine the two agencies has begun. The Secretary of the Office of Policy and Management has been petitioned to re-designate the two regions as one pursuant to Section 16a-4a (4) of the Connecticut General Statutes. On May 12, 2011 Secretary Barnes redefined the MRPA and CRERPA boundaries by combining them into the 17 town Lower Connecticut River Valley Planning Region (LCRVPR). On July 27, 2011 all of the Towns present resolved, "That the Connecticut River Valley Council of Elected Officials become a council of governments, and towards that end, the Connecticut River Valley Council of Elected Officials, hereby formally adopts Sections 4-124i to 4-124p, set forth in Section 40124j of the Connecticut General Statutes, and, be it further resolved that this newly established council of governments be called, the Lower Connecticut River Valley Council of Governments" (Portland and East Hampton were not in attendance).

Ratification of the resolution by at least 60% of the legislative bodies of the member municipalities is expected to begin in September. Upon ratification of the 60% of the municipalities, each municipality shall submit a certified copy of the ratification ordinance to OPM, which will then certify to the said municipalities that the Council of Governments has been duly established within the planning region.

Three subcommittees will be created to oversee the transition and implementation of the merger. The subcommittees will be Transition Implementation (staffing, dues, facilities, transition period, search committee for a new Executive Director at end of transition period, etc), By-laws & Officer Nominations, and Formation of Regional Planning Commission.

Upon passage by Middletown and a sufficient number of other towns to equal 75% of the proposed Metropolitan Planning Agency (MPO), the legislative bodies of the member towns will petition Governor Malloy to merge the two existing MPOs. Finally, the Lower Connecticut River Valley Planning Region will be established and implemented.

Mr. Philhower further explained that both Agencies have chosen to take a pro-active stance regarding rumors that the State would be reducing the number of planning agencies from 16 agencies to perhaps a low as five agencies and began the process of combining these two Regional Planning Agencies (RPOs). The belief is that the MRPA communities and the CRERPA communities have more in common and would be a better fit they would with the Hartford and New Haven RPOs. The OPM is 100% behind the merger and is looking to this merger as a model for the other RPOs.

There are, however, concerns. Geoffrey Colegrove is the Director of MRPA currently. He has indicated he plans to retire and so has the CRERPA Director. They have proposed to hire a human resource consulting agency to search for the proper candidate to fill this position going forward after the merger. Also, Mr. Philhower is concerned about the cost to the Town of East Hampton. Currently MRPA charges the Town .66¢ per capita. Old Saybrook pays \$2.14 to \$2.28 to participate in CRERPA. The new fee would be split in favor of the RPA and it looks as though the new fee will be \$1.14 per capita. He questioned the feasibility of combining agencies, adding more members, and increasing the costs to its members. The problem is that

the CRERPA provides many more services for their members than the MRPA does. The search for the new director will include consolidation and means of cutting expenses.

Mr. Gauthier reported that he was not able to attend the last EDC meeting.

Mr. Sennett reported that at the July 11, 2011 the ZBA heard two applications. The first was for a rear yard setback variance from 15' to 3' and side yard setback variance from 6' to 3' to place a shed. This application was denied. The second application was for a side yard setback variance from 15' to 8' to construct a barn. This variance was granted. The minutes of the ZBA meeting may be viewed on line or in the Town Clerk's Office.

**Public Comments:** The Chairman opened the meeting to the public for comments regarding any item that would not be covered under the Public Hearing portion of the meeting. There were none.

4. **Set Public Hearing(s) for September 7, 2011:** None.

5. **Read Legal Notice:** Mr. Carey read the legal notice into the record.

6. **Public Hearing for August 3, 2011:**

A. **Application of LCS Properties, LLC**, for an Amendment to Zoning Regulations Section 7.11, Continued from July 6, 2011:

Mr. Gauthier recused himself at this time.

The Chairman seated Ms. Wright.

Mr. Carey reported that the Commission is in receipt of a black-lined revision to the amendment that the applicant has provided based on comments made during the last public hearing.

Attorney Harry Heller was present to represent the applicant. He explained that the overlay or floating zones generally are enacted to administer more complex projects. They are designed to provide flexibility both to the Commission and the applicant to formulate a site specific project that may be appropriate in a particular location but not everywhere where the underlying zone in which the floating zone is authorized. The benefit to both the community and the applicant is the flexibility in the legislative setting, which allows the applicant with the input of the Commission and its consultants to formulate what will be a better project. Additionally, the applicant is benefited by gaining approvals for the conceptual plan without having to incur the expenses of a fully engineered plan that may be disapproved by the Commission. With the master plan approval the applicant may be assured the plan has satisfied the Commission and is in compliance with the standards set forth in the regulation.

Mr. Heller explained that the Commission needs to be assured that what they have at the master plan stage is actually what they will see when they are deliberating the site plan stage. At the site plan review stage the Commission has significantly less discretion. To address the Commission's concerns in this regard the applicant has proposed changes to the draft regulation. The first change is incorporated into Section 7.11.B.1 which provides that if there is a reduction in the scope of the Mixed Use Development District (MUDD) the percentage of residential development will not be increased. The second change is that any substantial change in the general layout and arrangement of uses in neighborhoods within

the MUDD will require the applicant to reengage the legislative process through a master plan amendment including a public hearing and legislative discretion.

A constructability certification from an engineer, who will do a feasibility review of the master plan from an engineering perspective, has been added to the requirements for the master plan. The engineer will certify that the project is constructible, giving consideration to wetlands locations, soil conditions, access, and general engineering concerns. The Commission can expect that what the Commission receives when a site plan application is submitted is substantially similar to what the Commission considered when it granted master plan approval.

The proposed regulation has been amended to require that the master plan application include conceptual architectural elevations of the buildings.

Finally, the threshold acreage required for a MUDD has been proposed to be reduced from 60 acres to 40 acres.

Mr. Philhower expressed concern over the inclusion of the POR Zone in the zones eligible for a MUDD overlay. He explained the primary intention of the POR is residential and he does not believe that commercial should be considered. The Commission is in agreement with Mr. Philhower.

Mr. Carey explained that POR was created as a way to protect the many large Victorian houses in Town from rampant conversion to multi-family housing. There have been several efforts to expand the POR into vacant land as well as others and routinely those attempts have been rejected because the intention was to protect what already exists. The POR is probably not an appropriate zone to include in the MUDD regulation.

Mr. Philhower is also concerned about the building height of 52'. Mr. Carey explained that the Fire Marshal has reviewed it and discussed that with the proper fire fighting protections in place that height would be acceptable.

Mr. Carey discussed his concerns including that the Commission has the means to call for a peer review of the engineering studies that are submitted during an application at the expense of the developer.

Mr. Chalder was questioned regarding the frequency of the courts upholding Connecticut towns' denials of these floating zones. He responded that he could not provide the Commission with a percentage. He did indicate that the Commission has as much discretion as is afforded by Connecticut state law. The law affords the Commission a significant amount of discretion. The Commission does not have the ability to act arbitrarily, or capriciously, but in the zone change process the Commission can exercise local judgment in terms of whether a proposed development fits.

Mr. Chalder explained that if this regulation is adopted, it is added to the Town's Planning and Zoning Regulation but it does not appear anywhere on the map. The Commission has substantial control over the text amendment process. Once adopted an applicant may make an application to land it on a property and bring a master plan to the Commission. When an applicant applies to land the MUDD on a specific property, the development starts to become fixed, in terms of the location and the parameters of that development. At that time the Commission must ensure they have all the information necessary to make an

informed decision with full knowledge of what is being approved. After the Commission acts on the master plan, any further review is regarding site plans and engineering. The Commission's discretion in terms of saying no is significantly less.

Mr. Aarrestad referred the Commission to Section 7.11.B.1.d, Increased Residential Diversity and Opportunity. Mr. Heller explained that this refers not only to density, which is probably higher in this regulations, it is the incorporation into a village setting the mix of uses, including empty nester, in-home office, multi-family, single family, rental housing uses, etc. This mix of uses in a compact area with associated retail, restaurant, commercial, and office uses is the effect that cannot be attained with the existing Regulation.

Mr. Carey clarified that the only multi-family opportunities allowed in the existing Zoning Regulations is affordable housing regulation, active adult, duplexes, and the Incentive Housing Zone in the Village Center.

Mr. Heller addressed Section 7.11.B.2.a, Mixed Use Development District, and explained that a different owner than the applicant must consent to the application at the time of application.

The Commission indicated to Mr. Heller that they consider the permitted sale of gasoline as an accessory use to a principal retail use in Section 7.11.B.2.c.2, Commercial Uses, to be unacceptable. Mr. Heller responded that was acceptable to the applicant.

Mr. Heller will amend Section 7.11.B.3.2.d, Master Plan, to read, "... Where appropriate, the information may be provided in textual form in addition to graphic form".

Mr. Carey asked for clarification from Mr. Heller regarding properties involved in a zone change application that are not owned or controlled by the applicant. Mr. Heller responded that Section 7.11 is an enabling paragraph that will apply to all overlay zones. While it may not be appropriate for the MUDD it may be appropriate for others.

The Commission discussed the open space options for the regulation and Mr. Heller indicated that the regulation is crafted to have the flexibility to allow the Commission to determine what best meets the open space needs of the community. The consensus of the Commission is against a Fee-In-Lieu of Open Space option.

Mr. Heller indicated that the regulation allows for a single satellite dish to be installed at each building.

Mr. Chalder explained that he believes the general concept of this regulation is a good tool and that the Town of East Hampton will benefit by it. The text is very descriptive in an attempt to give the Commission comfort with the regulation. The Commission should have unfettered discretion in its oversight. There is a lot of responsibility placed upon the Commission at the master plan phase. He suggested it would serve this Commission well to review the plan for the Hop Brook Development in Simsbury that was submitted as an example of what to expect in a Master Plan Review. This is indicative of the level of detail to be expected at the master plan phase. It is important for the Commission to be comfortable with this level of detail because later on in the Site Plan Review the Commission will see less discretion than they are accustomed to. He discussed density, affordable housing, criteria for decisions on the zone change, limiting the Commission's discretion, per phase rather than per use basis, correlation between square footage of

commercial to the number of residential units, interchangeable nature of commercial and recreational development, Commission's need to initiate a zone change to MUDD, and statutory time frames.

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

Mr. Heller discussed the site plan submissions on a per phase basis rather than a per use basis and indicated that it the Commission would be presented with more information on plans submitted on a per phase basis. The per use plans would be for each individual building in each phase and it is possible to lose sight of the overall impact of each phase.

Mr. Carey suggested that the language be changed to read per building rather than per use phase.

Mr. Chalder indicated that the regulation merely needs to read that each phase of the project will be self-sustaining.

Mr. Heller provided the Commission with a written statement from the applicant consenting to an extension of the statutory time period an additional 65 days within which to conclude the public hearing pursuant to C.G.S. 8-7d.

The Commission discussed their concerns regarding the applicant granting the Commission an extension.

Mr. Heller submitted the regulations that were considered in Stonington, Preston, and Montville. Preston adopted their regulation, Stonington's regulation failed on a tie vote, and the applicant withdrew the application in Montville. Towns that are currently using a similar regulation are West Hartford for the Blue Back Square and Mashpee Massachusetts for the Mashpee Commons.

*Mr. Philhower moved to continue the public hearing to the next regularly scheduled meeting on September 7, 2011. Ms. Wright seconded the motion. The motion carried unanimously.*

*Mr. Philhower moved to continue the application of LCS Properties, LLC for an Amendment to Zoning Regulations Section 7.11 to the next regularly scheduled meeting on September 7, 2011. Mr. Gosselin seconded the motion. The motion carried unanimously.*

The Chairman recessed the meeting at this time.

The meeting reconvened at 8:56 p.m.

The Chairman reseated Mr. Gauthier and unseated Ms. Wright.

**B. Application of Hope Church, 0000 East High Street, for Text Amendment, Special Permit, and Site Plan Review of Proposed Church and Community Center – Map 32/Block 86/Lot 18:**

Mr. Carey discussed with the Commission that at some point in the creation of the existing regulations churches were omitted from the DD Zone. He explained that this was not by design but my omission. The applicant is applying for a text amendment to Section 7.9.1. The amendment shall read, "O. Libraries, churches, museums or auditoriums".

The Chairman discussed concerns he has received from several Commissioners regarding the inclusion of auditoriums in this amendment.

Mr. Philhower explained that he is concerned about the broad spectrum the term "auditoriums" may cover. Without a definition for "auditorium" the term could include uses that were not intended for the DD Zone.

Mr. Carey discussed that auditoriums could be very appropriate in the DD Zone as an economic development component. He further explained that the language proposed currently appears in the R-1, -2, -3, and -4 Zones and the individual uses appear in other contexts in C Zone.

The Commission discussed proceeding with the text amendment absent the reference to auditoriums or proceeding with the text amendment as is and addressing the removal of auditoriums across the regulations at a later date.

The Chairman opened the public hearing at this time.

Peter DeMallie, President of Design Professionals, discussed his support for the amendment, specifically with respect to houses of worship. He believes it is certainly an appropriate use within the DD Zone.

There being no other comments, *Mr. Philhower moved to close the public hearing. Ms. Wright seconded the motion. The motion carried unanimously.*

*Mr. Zatorski moved to approve the application of Hope Church, 0000 East High Street, for Text Amendment to include Section 7.9.1.O, Libraries, churches, museums or auditoriums. Ms. Wright seconded the motion. The motion carried unanimously.*

Peter DeMallie, was present to discuss the application of Hope Church, 0000 East High Street, for a special permit and site plan review to build a new house of worship. It is not in the Lake Pocotopaug Protection Area. He explained that this particular use is probably the least intrusive use with the least impact of any the uses allowed, whether by right or special permit, in the DD Zone. The location is a vacant parcel surrounded on all sides by residential. The most intensive utilization of this facility in terms of numbers of people arriving and departing will be off-peak. It is also a quiet use for the area. It is slightly less than eight acres in size. All the natural resource needs and restraints were carefully considered in preparing this plan. This application does include the requirements of the newly adopted parking regulations.

Mr. DeMallie explained that the Hope Church was originally the East Hampton Bible Church. In the 1970s they purchased a building which they out-grew and sold two and a half years ago. Since they sold their building they have been meeting in the East Hampton High School for their worship services. They also have bible studies in other locations. They are eager to get into their own house of worship.

The Sanctuary seating is much greater than they need at this point in time. A typical service currently has approximately 120 people, although their church family is roughly 150 to 175 people including children. It is a growing congregation that would like to get into their new facility as soon as possible. They would like to phase the construction for financial reasons and would appreciate your understanding regarding their financial considerations. Every dollar towards this project is raised from the congregation. All

criteria of the site plan review regulations are being met. The special exception criteria regarding impact on the neighborhood and meeting the intent of the zoning regulations are also in compliance.

Ben Wheeler, registered landscape architect with Design Professionals, explained that the site meets the requirement for site size, width, frontage, depth, coverage, height, front-, side-, and rear-yard setbacks. The recently adopted parking regulations require one parking space for every five seats in the Sanctuary. There are 273 seats proposed which will require a minimum of 55 parking spaces. The maximum allowance is one parking space for every three seats which will limit the number of spaces to 91 spaces. Any parking spaces over the maximum can be accomplished as long as they are on a pervious surface. This plan calls for 146 parking spaces including 85 space on bituminous concrete around the circumference of the building. This includes 5 handicapped spaces to meet the Code, one of which is van accessible. The remaining 61 spaces are to the rear of the building and will be on a gravel surface.

The applicant would like to construct this plan in phases. The first phase being the front portion which they would also like to keep as a gravel surface with the exception of the handicapped spaces and the entrance way until funds are raised to pave the entire surface. As attendance grows and the need arises they will construct the back parking spaces.

The site is wooded and has been logged recently. There is a logging road that runs through the site. The proposed entrance drive is in the same location as the logging road. The posted speed limit on Route 66 at this point is 45 mph. The design speed considered for the area is 55 mph. The stopping distance with respect to the downhill gradient in both directions is 595 feet. This is well exceeded in both directions.

The parking area has a minimum isle width of 24' and the parking spaces are 9'x18'. The proposed building is 11,960 sq. ft. Access is provided on three sides, with primary access being on the east and west sides. The south side has egress locations. All of the proposed door locations are served by concrete walk. Most of the walks in the area are a minimum of 6 feet wide. Some of the secondary walks are 3 feet wide. The drop off zone on the east side of the building will include a decorative paver patio. Generous radii throughout will provide for free movement of fire apparatus and buses.

A screened dumpster location is proposed off the main drive near the northeast corner of the building. The southwest corner of the building will have a fenced in nursery area which is indentified on the rendering as a lawn area. There is a door for access to the inside nursery adjacent to this play area. The south side of the building has the ability to accommodate a 25' building addition for the future. When that takes place all parking will remain in place and walks will need to be reconfigured to accommodate the addition and the new door locations. Phase 2 will also include a 24'x36' storage building at the east end of the gravel parking lot. Near that storage building is an open lawn/recreation area about a ½ acre in size to allow children to have a place to play. Eventually the church may place a playscape; however, it is not in the plans at this time.

Electric service will be distributed from an existing pole on Route 66 by overhead wires to a new pole placed on the site and then fed over the parking lot to the building. Sanitary service will connect to the new force main that has been installed along Route 66. The WPCA has granted approval to connect to the force main with comments. The applicant's

intent is to meet all of those comments. The Church will be served by a private well currently planned for the north side of the church across from the entrance drive. The Chatham Health District has approved the plans with a slight modification to the well location. The applicant will comply with their requirements.

The storm drainage for the front parking area will feed into five rain garden areas. Each will have an emergency overflow system. They will pond into a catch basin prior to spilling into the parking lot or adjacent areas. This storm system is a conventional system which has typical catch basins and yard drains draining from the west to the east to a small detention basin at the edge of the open recreation area. There are three proposed catch basins shown in the gravel parking area. The catch basins will be installed during Phase 1 because they are an integral part of the storm drainage regardless of the gravel parking construction.

There is an extensive wetlands system on the east end of the site. The applicant has received a wetlands permit from the IWWA. Under developed conditions the site will continue to drain in the same manner. There will be no drainage into the State stormwater system along Route 66. The proposed stormwater system meets the requirements for water quality and detention functions. The site was designed per the 2002 Connecticut Guidelines for Erosion and Sedimentation Control. The standards for water quality have been met. The Stormwater Management Plan, as submitted, indicates that the proposed detention basin significantly reduces peak flows from the site to below existing peak flow levels. An Erosion and Sedimentation Control Plan has been submitted including specific requirements that during and after construction the site is properly stabilized.

The applicant has received comments from Tom Cummings. The applicant intends to work with him to revise these plans to his satisfaction. Most of the comments are benign; however, the applicant would like to work out a couple of issues with Mr. Cummings.

Lighting and landscaped will be addressed during the phasing of construction. The proposal is to install site lighting for the front parking. The Lighting Plan has been submitted. The site lighting is an area that the applicant would like to phase in. As the need for lighting arises and the funding becomes available, they will install the site lighting. Building Code requirements will be met for exterior lighting at building entrances and exits. This will help to illuminate the parking area.

The proposed sign has not been place on the site plan yet due to concerns over ledge and the actual location of the entrance way. It will be a ground mounted sign and it will meet the regulations for size, height, and lighting.

The site plan calls for the preservation of a large majority of the mature trees along Route 66, with the exception of the entrance way and one of the rain gardens that is immediately off the entrance way, cutting in the electric service, and perhaps a few trees on either side of the entrance way based on site line distances. The applicant would like to clear some underbrush to open up the site a little but maintain the rural character as much as possible. Fourteen trees are proposed as part of the landscape plane. Six are ornamental trees. Eight large deciduous trees are proposed in the gravel parking area during Phase 2. There will be a couple areas of small foundation plantings at each of the main entrances. Each of the rain gardens will be planted with a variety of shrubs suitable for rain gardens.

Mr. Aarrestad explained that the DD Zone does not allow for overhead wiring. All utilities need to be underground.

The Chairman requested that a Phasing Plan be presented to the Commission including the lighting as it is to be phased in.

Mr. Carey explained that upon successful permitting the applicant will go to Connecticut DOT for their requirements, post the bonds, and cut in the driveway. The Town will do a site line analysis and the State will modify as they see necessary.

Howard House, Architect, was present to discuss the project. He explained that this is a pre-engineered metal building that the church has purchased. He is working on both the interior and exterior design of the building. The current plans for the interior consist of entrances on opposite sides of the building with a corridor with foyers and lobbies which connects both entrances. There is a small office area, a Sanctuary with a seating capacity of 273 with multiple entrances and exits for circulation and accessibility, a raised stage platform, a large room to support the function of a Sanctuary, a half gymnasium, restrooms, a small residential style kitchen, storage, mechanical space, a nursery, and meeting/class rooms. There are no wings proposed at this time.

The building is a simple, pre-engineered steel building with metal siding and roof. The windows are placed according to the function of the interior. Initially the building will be very simple. At the time of the building permit application the applicant will comply with all requirements of the building code for both the interior and exterior of the building.

Mr. DeMallie indicated that time is of the essence for the congregation of Hope Church. A number of factors are involved in their schedule. One is that winter is rapidly approaching. Another factor to keep in mind is their contract for the property allows for reduced costs the earlier they are able to close.

The Chairman clarified that the Commission does not have enough information to act on this application at this point. The applicant will need to resolve the issues identified in the letter from CLA Engineers, Inc. dated August 1, 2011. The Commission also requires a Phasing Plan for the construction as proposed.

The Chairman opened the public hearing at this time.

Glen Gustine, 67 Mott Hill Road, was present to support the project and believes it is well thought out. He is certain the Commission's concerns will be addressed and appreciates their support.

The Commission discussed the outstanding items required for the Commission to take action.

Mr. DeMallie indicated that he has had the final drainage calculations in since before the IWWA issued a permit to the applicant.

The Chairman explained that this type of problem is what happens when the time frames for plan submissions are not adhered to. The drainage issue may be a misunderstanding; however, the Phasing Plan is necessary before the Commission can act.

Mr. Ciccarello requested that the Commission consider approving the application tonight on a conditional basis. The applicant would agree to provide all the requirements the Commission makes.

The Chairman explained the legal constraints placed on the Commission regarding making approvals based on the approval of other agencies. The Commission is also not comfortable with setting a precedent for future approvals.

*Mr. Philhower moved, Mr. Gosselin seconded, to continue this public hearing to the next regularly scheduled meeting in September. The motion carried unanimously.*

*Mr. Philhower moved, Mr. Gauthier seconded, to continue the application of Hope Church, 0000 East High Street, for Special Permit and Site Plan Review of Proposed Church and Community Center, Map 32/Block 86/Lot 18, to the next regularly scheduled meeting in September. The motion carried unanimously.*

The Chairman reordered the Agenda at this time. He moved Item No. 8.A, Old Business – Application of Dream Developers on behalf of Laurel Ridge H.O.A., up ahead of Item No. 7, New Business.

## **8. Old Business:**

### **A. 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:**

Mr. Gauthier recused himself at this time.

The Chairman re-seated Ms. Wright.

Steve Motto, Dream Developers, was present on behalf of the Laurel Ridge H.O.A. He addressed the Commission regarding their individual site walks through the development. He reported that the Fire Marshal is satisfied with this request. The Fire Marshal indicated that he would label the roads as fire lanes.

Mr. Carey explained that the application had been referred to both the Police Chief and the Fire Marshal for comments. The Police Chief indicated that he had no comments on this request. The Fire Marshal responded that the elimination of sidewalks requires a minimum of a 20' width road and the creation of a fire lane along the existing route where sidewalks are removed. Signs will be posted to identify the fire lanes.

The Commission discussed this request. The Association By-laws require no parking on the streets as well. The roads are 20'. This is a private development and private roads. The need for signage was discussed. The Commission discussed the NFPA definition of a fire lane.

Mr. Motto reported that he verified that the ladder truck, which is the biggest apparatus that would be used by our Fire Department, is 9'8" wide. Even if there was parking on the road there is still enough room to pass without leaving the pavement.

The Commission discussed their concerns regarding removal of the requirement for sidewalks on the cul-de-sacs. The conversation included pedestrian safety, setting a precedent for public roads, wheelchair and motorized vehicles, length of drives, and locations.

*Mr. Aarrestad moved to approve 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. This approval applies to the sidewalks on South Hollow and South Ridge cul-de-sacs only. All other sidewalks must be installed as indicated on the original mylars per the approved site plan recorded in the Town Clerk's Office per. Mr. Philhower seconded the motion. The motion carried (6-1-0). (Yes votes: Aarrestad, Gosselin, Kuhr, Philhower, Wright, Zatorski. No votes: Sennett. Abstentions: None).*

**7. New Business:** (As re-ordered by the Chairman)

The Chairman added Item No. 7.A, Liaison to the Conservation/Lake Commission to the Agenda.

**A. Liaison to Conservation/Lake Commission:** Mr. Kuhr volunteered to act as the liaison from the Planning and Zoning Commission to the Conservation/Lake Commission.

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

The meeting adjourned at 10:25 p.m.

Respectfully submitted,

Daphne C. Schaub  
Recording Secretary