

**East Hampton Planning and Zoning Commission
Regular Meeting
December 7, 2011
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, Meg Wright, and Planning, Zoning & Building Administrator James Carey were present.

Absent: Members Peter Aarrestad and Alternate Member Kevin Kuhr were not present.

Alternate Member Darin Hurne was seated at this time.

2. **Approval of Minutes:**

A. November 2, 2011 Regular Meeting:

Mr. Sennett moved, and Mr. Philhower seconded, to approve the Minutes of the November 2, 2011 meeting as written. The motion carried (6-0-1). (Yes votes: Gauthier, Gosselin, Hurne, Philhower, Sennett, Zatorski. No votes: None. Abstentions: Rux.)

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

Communications:

Mr. Carey reported that the Planning, Zoning & Building Department website has been repaired, is fully functional, and has been updated with all recent revisions to the P&Z Regulations.

Liaison Reports:

Mr. Carey delivered Mr. Kuhr's Liaison Report for the Conservation-Lake Commission (CLC) meeting held on November 10, 2011. The minutes of this meeting are available on line and are on file in the Town Clerk's Office. **Attachment 1**

Mr. Sennett reported that he attended a ZBA meeting on November 14, 2011. At this meeting a variance of Section 6.1 was granted to 18 Laurel Trail for a front yard reduction to construct an addition. A variance of Section 6.1 was also granted to effect a lot line adjustment to correct the existing lot lines. The minutes of this meeting are available on line and are on file in the Town Clerk's Office.

Mr. Gauthier reported that the EDC has three new members and briefly discussed a possible bidding policy to favor local businesses. They also received a presentation from the Edgewater Hill project managers. The minutes of this meeting are available on line and are on file in the Town Clerk's Office.

Mr. Philhower reported that Midstate Regional Planning Agency heard four zoning text amendment. One was from Meriden to limit residential building height to 60'. Haddam's amendment was for a new parking regulation. Berlin's amendment dealt with the definitions

of animal hospitals, veterinary clinics, and kennels. Cromwell's amendment dealt with drop off bins in the local business district. The annual meeting dates were set. The annual assessment has been re-set and will remain the same at .66¢ per person. Mr. Philhower reminded the Commissioners that as the plans to merge Midstate with Estuary are finalized the annual assessment will be raised to anywhere from \$1.14 - \$1.24 per person. Finally he provided Mr. Carey with the most recent Transportation Improvement Program draft for 2012-2015.

Mr. Zatorski requested that Mr. Foran, Chairman of the Inland Wetlands and Watercourses Agency (IWWA), who was present provide an update for the Commission on the IWWA meeting. Mr. Foran discussed the beaver dam off of Terp Road causing a flooding concern for the roads in the area of the Pine Brook Aquifer. The minutes for this meeting are available for view online and in the Town Clerk's Office.

Public Comments:

Mr. Judson Landon, 63 Spellman Point Road, discussed his concerns regarding the Town's policies regarding building around Lake Pocotopaug. He believes that the regulations should be drafted to forbid clearing around the lake. He wants to know why more emphasis isn't put on preserving this area. He believes that the IWWA and the P&Z are negligent in their responsibility to preserve the Lake.

Mr. Carey responded to Mr. Landon and explained that the laws have changed over the years and that the jurisdiction for the type of work being referred to is directly in the hands of the IWWA. He explained that there has never been a clearing limit and that all clearing in the upland review area, such as the project Mr. Landon is concerned about, is approved and managed on a case by case basis. The project in question has been reviewed by the Conservation-Lake Commission. Comments were directed to the IWWA, which granted a permit for the project with conditions including those suggested by the CLC. Since Mr. Landon's concerns were originally brought to the attention of the Town, Keith Hayden, Wetland Enforcement Officer, and Mr. Carey have been on site multiple times, inspected the E&S controls, ensured that all permit conditions have been met, and discussed these concerns with the contractor who is experienced in working around the Lake. It has been determined that all the appropriate steps were taken to permit and manage this activity. At this point it would be unwise to cease the activity as it is closer to completion.

Jeff Foran, IWWA Chairman, explained that the IWWA is mandated by State Statute and they are limited by that law as to what they may and may not require. The law allows the IWWA to use "guidelines" while reviewing applications in the upland review area. The law limits their ability to use a uniform "setback" requirement for all projects.

Chairman Zatorski indicated that he and Town Staff will further review Mr. Judson's concerns.

Cindy Rooth, EDC Vice-Chairman, came to speak to the plans for the Edgewater Hill development which the Commission will be seeing later in this meeting. She discussed the EDC's reaction to the project and believes that the project received the full support of the EDC.

4. **Set Public Hearing(s) for January 4, 2011:** None.
5. **Read Legal Notice:** None.
6. **Public Hearing for December 7, 2011:** None

7. New Business:

A. Release Maintenance Bond – Royal Oaks Phase 2: Mr. Carey explained that the bond to be released is the one-year maintenance bond held by the town for one year after the roads have been accepted by the Town. The Director of Public Works and the Town's Engineering Firm, CLA Engineers, Inc. have both inspected the roads. The Town is in receipt of a letter from Tom Cummings, Principal of CLA Engineers indicating that it would be appropriate at this time to release the maintenance bond for Phase 2 of Royal Oaks which is in the amount of \$38,000.

Mr. Philhower moved, and Mr. Sennett seconded, to release the Royal Oaks Phase 2 maintenance bond in the amount of \$38,000 because the roads have been completed and meet the standards of the Town for the required period of time after the roads have been accepted by the Town. The motion carried unanimously.

B. Preliminary Discussion - Edgewater Hill Master Plan:

Attorney Harry Heller was present to represent LCS Properties, regarding Edgewater Hill. He discussed the recently adopted addition of Section 7.11.B to the P&Z Regulations for a Mixed Use Development District as an overlay zone. LCS Properties intends to submit to the Commission within the next six to eight weeks an application for master plan approval for the Edgewater Hill project pursuant to the new regulation. The Regulation provides for a preliminary discussion with the Commission to informally review the proposal. The developer hopes to receive feedback from the Commission regarding concerns and suggestions before they have completed the formal application. This discussion is strictly informal and not binding on the applicant or the Commission in any way. Mr. Heller gave an overview of all the different areas of expertise that will be involved in the review of the master plan.

Kent Schwendy, Engineer with Fuss & O'Neill, discussed the sustainability, walkability/mobility, and the infrastructure of the project. He also discussed the vision as it is now for the Edgewater Hill project. ** Attachment 2**

Patrick Pinnell, Architect and Town Planner with offices in Haddam, discussed New Urbanism and designs of his making the Commission may be familiar with. His goal is to develop walkable communities and he discussed the needs of communities including the impacts of the current economy on communities. He discussed their goal of creating a community with different uses and their relationships with each other based on a desire to create economically strong communities whose residents support each other and local businesses.

Chris Ferrero, Fuss & O'Neill, discussed the creation of a community and neighborhood that are sustainable environmentally, socially, and economically. These concepts are important to Steve and Lisa Motto who strive to be responsible, sustainable landowners and developers.

Mr. Ferrero discussed the mixed uses of the individual phases of the project. Market Square will be solely commercial and retail uses. Predicated on market and engineering there will be about 42,000 square feet of retail that will be located on the first floor. This size of the retail component is predicated on tenancy which is predicated on marketability. The commercial uses could be office space, gym facilities, or something similar and will

occur on the second floors of the Market Square buildings and will be about 40,000 square feet depending on the tenancy and market. The second and third floors of the Market Square will include approximately 47 residential units. These uses and the 10,000 square foot daycare are the current work in progress. Mr. Ferrero explained that after the master plan is approved the developer will apply for site plan approvals for each phase as they proceed. Phase 1 will include the daycare area and a set of apartments. A site plan modification application for the existing daycare site plan approval will be submitted in the next few weeks. Phase 2 includes Market Square and housing which will be comprised of single-family attached units, single-family detached units (subdivided lots and bungalows), and townhouse units. At some point they will construct a community center and Phases 3 thru 6 will include single-family attached units, single-family detached, and multi-family housing. The project will include potentially a dog park, walking trails, and passive recreation.

The developer has been in communication with the State Department of Transportation and will be applying for a modification to the State Traffic Certificate for Laurel Ridge. The traffic flows will be integrated with both Laurel Ridge's existing entrance and the new proposed entrance off of Route 66. The developer will demonstrate that the traffic model will work for Phase 1 as well as the full build out.

Mr. Heller explained that the ownership model is a work in progress. It will be some form of a common interest community. The roads will be privately owned and maintained by an association. There may be a master association and a number of sub-associations. This is yet to be determined. The single-family lots will be individually owned, requiring subdivision approval at some point.

Mr. Rux discussed his interest in including an affordable component to this project in an effort to relieve some of the Town's affordable housing burden. He would like to see it included in this model and is concerned that without that component the Town's burden will be increased.

Mr. Carey explained that until such time as the Town has a minimum of 10% of its housing stock classified as affordable it will be under the pressure of the CGS Section 8-30g. This law does not give the P&Z Commission or any town the ability to mandate affordable housing in applications that come before them. The Town has actively attempted to provide incentives to developers to include affordable housing in their project models. An applicant has the right to choose to include that model or not.

Tony Amenta, Architect, discussed the style and design for the project. Their goal is to emulate the history of East Hampton in the design of this project. East Hampton's architectural history has been diverse and they have designed these buildings with an interest in East Hampton's early 20th Century mill history. Mr. Amenta described the designs of each phase to the Commission.

Mr. Schwendy discussed the plans for snow removal. He explained that the plan varies throughout the site. He indicated that in the formal submission he will be prepared to demonstrate the plan for the snow storage. He did briefly explain that the roads push to the sides in the residential areas. In the more urban areas there are areas designated for snow storage and there will be landscape features designed to accommodate the snow load. It is

an integrated plan. When there are snow accumulations as there were last year, the snow will need to be loaded and hauled to a designated place on site.

Mr. Schwendy explained that Laurel Ridge has a Connecticut Water system on site. The Baker Hill development also has a system which is connected by a 10" main to Laurel Ridge. The discussion is underway with Connecticut Water for Edgewater Hill to provide an additional water source, which will be interconnected as well.

Cindy Rooth, Vice-Chairman EDC, discussed EDC's interest in the dual entry to the project and suggested another form of access perhaps in the form of a bike/foot path from Baker Hill.

The Chairman asked the individual Commissioners to provide Mr. Carey with their concerns and feedback, who would in turn provide it to the Chairman and the applicant.

- C. Set 2012 P&Z Meeting Calendar:** Chairman Zatorski indicated that a proposed calendar had been provided to the Commission. The Commission asked for a correction to be made and the calendar to remain on the Agenda for the next meeting.

8. Old Business: None.

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

The meeting adjourned at 8:12 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary