

**East Hampton Planning and Zoning Commission
Regular Meeting
February 1, 2012
Town Hall Meeting Room**

Unapproved Minutes

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

Present: Chairman Mark Philhower, Vice-Chairman Ray Zatorski (7:18), Members Peter Aarrestad, Roy Gauthier, Richard Gosselin, Rowland Rux (7:08), James Sennett, Alternate Members Darin Hurne, Kevin Kuhr, Meg Wright and Planning, Zoning & Building Administrator James Carey were present.

Alternate Members Darin Hurne and Kevin Kuhr were seated at this time.

2. **Approval of Minutes:**

A. January 4, 2012 Regular Meeting:

Mr. Aarrestad requested that the vote for Item No. 2 be corrected to indicate that he voted in favor of the approval of the Minutes. Mr. Kuhr indicated that he abstained from that vote. Mr. Aarrestad asked that his Liaison Report under Item No. 3 be corrected to include his comments regarding Ms. Green's promotion and the uncertainty regarding a replacement. The report should read, Ms. Green "will not be able to provide the same level of commitment to the Partnership in the future." Mr. Aarrestad would like the next sentence to read, "The Salmon River will be used as a case study in support of similar initiatives elsewhere in Connecticut."

Mr. Aarrestad moved, and Mr. Sennett seconded, to approve the Minutes of the January 4, 2011 meeting as amended. The motion carried unanimously.

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

Communications:

Mr. Carey reported that the Connecticut Federation of Planning & Zoning Agencies will be holding their annual conference on March 15, 2012.

Tonight's packages include an insert, Section 7.14 – Village Housing Overlay Zone, for the Planning & Zoning Regulations.

Liaison Reports:

Mr. Gauthier reported that the EDC met at their regular meeting on January 17th. There was ongoing discussion about 82 Main Street. They are interested in the status of the Sports On 66 project. There is also interest in the new owner of 13 Summit Street and his plans for the future of that building. They also heard updates from the Parks & Recreation Director regarding the status of the Airline Trail Extension into the Village Center and the Sears Park Performing Arts Gazebo. Both projects are expected to be completed this spring. The business directory board on the corner of Main Street and Route 66 will be rehabbed and maintained by EDC going forward. The minutes of this meeting are available on line and are on file in the Town Clerk's Office.

Mr. Carey reported that he has been assigned to staff the EDC going forward. He also reported that 82 Main Street has been foreclosed upon. The lender was an investment group who has hired a management company. It does appear that an enforcement action that has begun will need to be carried out.

Mr. Kuhr reported that the Conservation-Lake Commission had their regular meeting on Thursday, January 12, 2012. At that meeting they discussed the following: Educational brochures have been completed and will be distributed in March to the residents of the 98 streets in the Lake Pocotopaug watershed area, all watershed signs have been posted, Ken Wagner will provide training to the members of the Conservation-Lake Commission in April, they are currently researching the availability of various State grants, they are finalizing their 2013 fiscal budget, the Conservation-Lake Commission has scheduled an informational meeting with the DEEP at Angelico's Lakehouse Restaurant on February 21, 2012 at 6 pm to discuss invasive plants in the watershed area, and they completed their review of the Spellman Point issue. The minutes of this meeting are available on line and are on file in the Town Clerk's Office.

Mr. Sennett reported that he attend the ZBA meeting on January 9, 2012. The ZBA granted a variance on 26 Childs Road to reduce the side-yard setback from 25' to 1' to construct a garage. 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 had not yet met in January.

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

The Chairman unseated Messrs. Kuhr and Hurne. He seated Messrs. Rux and Zatorski.

4. **Set Public Hearing:** Application of Donald A. DeVivo, 18 Wells Avenue, for a 2-lot Residential Subdivision and a Lake Pocotopaug Protection Area Special Permit, Map 05A/Block 63A/Lot 1. Mr. Carey explained that he is in receipt of an application for 18 Wells Avenue. This is for a 2-lot subdivision. The existing lot contains a two family house, and several small cottages, or "bunkies". It appears that each of these has a sewer lateral. The applicant is planning to propose to both WPCA and this Commission that all the kitchens in all the units, other than the two main houses being proposed, will be removed. This is in agreement with the definitions in our zoning regulations which differentiate between "dwelling units" and "accessory structures". No changes to the bunkies are proposed other than the removal of all cooking facilities. This will need to be coordinated with the WPCA in advance of the public hearing. Mr. Carey will be asking the WPCA to ensure that the existing lateral count is correct, as well as their acceptance of what is being proposed. Mr. Carey requested that the Commission set a public hearing date for this application at the next regularly scheduled meeting on March 7, 2012.

Mr. Carey clarified that in broad revisions made to the Planning and Zoning Regulations, Definitions Section, about five years ago the definition of a "dwelling unit" was retained and enhanced and a definition for a "housing unit" was added. A dwelling unit with no cooking facility became a housing unit which is an acceptable accessory structure by definition. The one house which exists on the property now is a two-family home. The parcel will be divided into two lots. The two-family will be removed and a single-family home built in its place, a second single-family home will be built on the second lot, and each lot will retain one bunkie for overnight guests.

Mr. Zatorski moved to schedule the public hearing for the Application of Donald A. DeVivo, 18 Wells Avenue, for a 2-lot Residential Subdivision and a Lake Pocotopaug Protection Area Special Permit, Map 05A/Block 63A/Lot 1, for the next regularly scheduled meeting on March 7, 2012. Mr. Rux seconded the motion. The motion carried unanimously.

5. **Read Legal Notice:** None.

6. **Public Hearing for February 1, 2012:** None.

7. **New Business:**

A. **Review of Bylaws:** The Chairman pointed out to the Commissioners that they are all within receipt of the Bylaws in their packages this evening. He asked them to review and discuss any issues they may have. Mr. Gosselin questioned the ambiguous language of Article XII, Section 1. He made suggestions to improve the language. The Commission discussed relevant language in Article V, Section 4.

Mr. Gosselin moved to re-write the language in Article XII, Section 1. There was no second. The motion failed.

B. **Review and Discussion of East Hampton Planning and Zoning Regulations:**

1. **Section 13, Garages and Motor Fuel Filling Stations:** Mr. Carey explained that in his dealings with Stop & Shop it has been brought to his attention that all filling stations have been included with auto dealers and repairers in our Regulations thereby restricting them all to the Industrial zone. Currently there is not one gas filling station in the Industrial Zone. Mr. Carey would like the Commission to have an informal discussion about the possibility of allowing a fuel filling station only or a fuel filling station with a convenience store by special permit in the Commercial Zone. The Commission discussed the possible locations for future fuel filling stations and the rationale behind limiting the locations initially. The Commission, by consensus, agreed that they were not interested in making any overt changes; however, it would be appropriate if Stop & Shop or anyone else came in and applied for a regulation change or a zone change and at that time the Commission would consider that application.

2. **Section 14.1.1, Alcoholic Beverages, Locations:** Mr. Carey explained that he brought this to the Commission's attention because of a possible proposed new use in an existing building in the Village Center. The Commission agreed that it would be appropriate for an applicant to request a change in use and regulation change and it would be considered based on that application.

C. **8-24 Review – Sears Park Easement and Land Transfer:** Mr. Carey explained that the review before the Commission is to finalize the plans for the Governor William O'Neill Performing Arts Gazebo. The Town has negotiated the elimination of a right-of-way easement across Sears Park in exchange for a small land transfer. The Commission reviewed the map as prepared by CLA Engineers, Inc. dated 07/05/2011 and revised on 10/27/2011 and 12/05/2011.

Mr. Zatorski moved, and Mr. Rux seconded, that the Commission resolve to recommend approval of the Sears Park Easement and Land Transfer pursuant to Section 8-24 of the General Statutes of Connecticut: That being the Sears Park Easement and Land Transfer between Bruce Tolhurst and Town of East Hampton as depicted in the Site Plan prepared by CLA Engineers, Inc dated 07/5/2011 and revised on 10/27/2011 and again on 12/5/2011 which has been deemed to be an appropriate undertaking for the Town of East Hampton.

The project is subject to, and shall comply with, all applicable laws, regulations, and permit approvals. The motion carried unanimously.

8. **Old Business:** None.

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

The meeting adjourned at 7:59 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary