

**East Hampton Planning and Zoning Commission  
Regular Meeting  
October 2, 2013  
Town Hall Meeting Room**

<b>Unapproved Minutes</b>
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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 (7:03), Members Peter Aarrestad, Roy Gauthier, Rowland Rux, James Sennett, Meg Wright, Alternate Member Paul Hoffman, and Planning, Zoning & Building Administrator James Carey were present.

Absent: Alternate Member Scott Sanicki was not present.

The Chairman seated Mr. Hoffman as voting member at this time.

2. **Approval of Minutes:**

**A. September 4, 2013 Regular Meeting:**

*Mr. Aarrestad moved to approve the Minutes of the September 4, 2013 meeting as written.*

*Mr. Rux seconded the motion. The motion carried unanimously.*

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

**Communications:** Mr. Carey congratulated Mr. Zatorski for completing his 13<sup>th</sup> year on the Commission. He also reported that the UCONN, College of Agriculture and Natural Resources' **CLEARscapes** Fall 2013 edition has been scanned and forwarded to the Commissioners by email. The PDF to the amended zoning map has been forwarded to you by email today with a list of the requested amendments. Please review for adoption at public hearing to be conducted simultaneously with the amendments to the Zoning Regulations. Finally, included in tonight's packages is the expanded Table of Contents for the Draft Zoning Regulations.

**Liaison Reports:**

Mr. Gauthier reported that the High School Renovation Project is in the schematic and design phase between the engineers and the architects. It is expected to be ready for the Building Committee approval at the end of November.

Mr. Sennett reported that the ZBA met in September when it heard an application for a side yard variance for the Fowler Dix VFW Post on North Maple Street. That application was granted. The Agency also heard an appeal of the ZEO's decision to require a map that delineates and clearly defines a right-of-way across property on Laurel Trail. The Agency continued the public hearing for the appeal to the next regularly scheduled meeting. The Minutes for this meeting are on file in the Town Clerk's Office and available for viewing on the Town website.

The Chairman unseated Mr. Hoffman and seated Mr. Zatorski at this time.

Ms. Wright reported that she attended the September 12, 2013 meeting of the Conservation-Lake Commission. At that meeting the new Director of Public Works, Philip Sissick, was introduced to the Commission. The Commission reviewed one plan for the repair of an existing 70' seawall. They also discussed the scope of work Dr. George Knoecklien has submitted. The Minutes for this meeting are on file in the Town Clerk's Office and available for viewing on the Town website.

Ms. Wright also attended the September 23, 2013 meeting of the RiverCOG Regional Planning Commission. They reported that Tighe and Bond have been contracted to do the regional mapping and will be collecting data for economic development information regarding small businesses, tourism, and home businesses. They heard three referrals from member towns. The first was to allow indoor training in an industrial zone. The City of Middletown has provided a Complete Streets Master Draft for the Agency. Copies are available through the RiverCOG. Finally, Madison requested a 9-month moratorium on medical marijuana producers and dispensaries. All three were found to have no impact on the Region. They continue to work on the Regional Plan and have, again, requested input from the member towns. They will begin to solicit input directly from the member towns in the upcoming months.

Mr. Carey reported that he has forwarded his comments to the RiverCOG and encourages the individual Commissioners to do the same either through his office or directly to Ms. Krause. If you do choose to contact Ms. Krause directly please copy Mr. Carey on the communication so his office may maintain a record.

Mr. Rux reported that the EDC cancelled their meeting in September.

Mr. Zatorski reported that the IWWA meeting covered nothing that would concern this PZC meeting. The Minutes for this meeting are on file in the Town Clerk's Office and available for viewing on the Town website.

Mr. Aarrestad reported that he has nothing new to report from the Salmon River Watershed Partnership.

**Public Comments:** The Chairman opened the meeting up to the public at this time. Hearing none the Chairman moved to Agenda Item No. 4.

4. **Set Public Hearing for November 6, 2013:** None.
5. **Read Legal Notice:** Mr. Carey read the legal notice into the record.
6. **Public Hearings for October 2, 2013:**
  - A. **Application of Melissa Guerrero, Guerrero Equestrian, 2A Flanders Road, for a Special Permit per Section 17.10 of the Zoning Regulations for Commercial Stables – Map 06A/Block 59/Lot 24A:**

Melissa Guerrero, President and Co-Founder of Guerrero Equestrian, 2A Flanders Road, was present to discuss her application with the Commission. She provided the Commission with an A-2 survey of 30 Summit Street indicating the driveway area. The owner of the subject property, Dean Brown, submitted to the Town earlier in the week an A-2 survey for the subject property. Town staff provided a survey prepared for the Town during the

Flanders Road renovation several years ago. Ms. Guerrero further explained that a topographical map of the site is not available to her. Instead she provided the Commission with a video of the topography available on Google Earth. Ms. Guerrero explained that the video indicates that the terrain does not lend itself to another access for the subject property. She provided those present with a video tour of the property including the barn, riding rings, and parking for up to 100 cars. She discussed the need for additional signage on the one-way portion of Flanders Road.

The Commissioners discussed the grade, proximity to wetlands, and the feasibility of installing an alternate access way from Bishop Hill.

Ms. Guerrero explained that the IWWA has indicated that the proposed activity will not require a wetland permit. She reported that there is a manure plan in effect and runoff will not be a concern. She also reported that from November to April or May the activity will be dramatically reduced as they will be conducting lessons from an indoor arena in Marlborough and will only access the property to care for the few horses that will remain there through the winter. The hours are Saturday and Sunday from 9 to 2 p.m. On Monday, Tuesday, and Wednesday they have the ability to have lessons all day but due to the school year schedule lessons are held from 4 to 7 p.m. and these lesson are further reduced by early sunset. There will be an increase in lessons during school vacation weeks and holidays.

Commissioner Hoffman asked about an advertisement for boarding horses at the facility. Ms. Guerrero explained that because they are moving most of their horses to Marlborough for the winter lessons, they are advertising to bring different horses in for boarding during those months. They are allowed per the lease to have up to 10 horses at the facility and plan to board up to 10 different horses for the winter.

Mr. Carey reported that he has received staff review from the Fire Department, Fire Marshal, Police Department, and Public Works. He read the reviews into the record. They included concerns regarding overhanging branches, signage, sightlines, and road width.  
\*\*Attachment I\*\*

Mr. Carey also read a letter from David Lord dated October 2, 2013 regarding his concerns about the application and request for denial into the record.

The Chairman opened the meeting to the public at this time.

Al Woynar, 77 Smith Street, spoke in favor of the application and believes this application will give the public access to the Airline Trail without the need to travel Smith Street.

Chris Ewing, 30 Summit Street, owner of the driveway that is the access way for this application, was present to discuss his opposition to this application. He did clarify that he retains the ownership and full rights to the driveway regardless of the easement in favor of Dean Brown. Use of this easement for sole access to the Brown property was denied by ZBA in 1978. He submitted a letter for the record at this time.

Mr. Carey read a letter from the IWWA which indicated that the Agency has determined that there is no regulated activity proposed for this application; and therefore, does not require a wetland permit.

John Suprono, 33 Walnut Avenue, discussed the application and his concerns regarding noise, the old driveway to Bishop Hill Road, and concerns from proximity to the wetlands.

Sue Weintraub, 25 Knowles Road, discussed her interest in the application as a resident of East Hampton and not as the Chairman of the Town Council. She discussed the Agriculture Ordinance the Town will be adopting and the State's right to farm initiative. Ms. Weintraub would like the P&Z Commission to be aware that this applicant has the right to farm, as legislated by the State, provided they employ best management practices. She hopes that the Commission is able to resolve this application in the best interest of our community, which she thinks is to both allow the equestrian operation and improve the existing traffic concerns.

Mr. Carey explained that there is a state statute regarding the right to farm and the intention of the statute is to prevent the encroachment of residential development on existing agricultural and farming operations. He further explained that the improvements on the site are all acceptable uses and locations.

Ms. Guerrero responded to the comments made by the public. She explained that the State recognizes equestrian activity as agriculture as set out in the Right to Farm Statute. The State also requires a farm to have at least 8 acres. The proposed site contains 15 acres. Ms. Guerrero also explained that the neighbors purchased the property fully aware that it was subject to the easement in favor of 2A Flanders Road. She reported that the open house was cancelled. They did host a family bar-b-cue that was to have been the open house. The Chief of Police and the Town Manager visited the operation before the bar-b-cue and told her that the Zoning Enforcement Officer could not cause her to cancel a family bar-b-cue and to keep it low-key. She does not plan to have any weddings. It is an option they would like for the future and would like the parking available. The majority of the activities are moving to Marlborough for the indoor arena with 39 stalls to utilize at that location. Guerrero Equestrian is based out of East Hampton and it would like to be part of the community and help to restore its agricultural heritage. Ms. Guerrero agreed that the traffic issues are a concern and she would like to help correct it for the Town. Her operation brings business in to the Town from Massachusetts, West Hartford, Avon, Guilford, New Haven, and Tolland because she is advertising and branding her business.

The Commission discussed their concerns with staff including the 12' right-of-way, the Fire Marshal's requirement of a 20' access way, liability for approval of a commercial application subject to limited access, allowing commercial business to cross a residential right-of-way through a residential property, and setting that precedent. Commercial driveway standards typically start at 24'. The Commission has allowed them to be as small as 20' for smaller operations and to reduce curb cuts. Commercial operations typically have two-way traffic. Commercial stable use is allowed throughout the Town if it meets the criteria for the Special Permit. The typical minimum for a residential driveway is 12' of paved driveway width. The Commission discussed the potential for replacing the Bishop Hill Road driveway, interior lots require a 25' access way, possibility to narrow the scope of the application, the history of the subject property and its access.

Mr. Carey explained that the time frame for deliberations, if the public hearing is closed this evening, allows up to 65 days for the Commission to act. During that period for deliberations the Commission may not speak to each other or any party involved. The only

allowed communication regarding this application is to be between the Commission and their staff.

The Commission discussed the commercial stable use and in general like its potential. They are concerned by the potential for the expanded use for wine tasting, birthday parties, and horse shows. The proposed plan as submitted to the Commission does not include any plans or specifications for accommodations for those expanded uses including the 12' driveway.

Ms. Guerrero responded that she will amend her application to exclude the events and will limit it to the commercial 10-horse stable. She restated that in November when the lessons move to Marlborough the traffic will be dramatically reduced.

Chris Ewing, 30 Summit Street, reported that he witnesses traffic on his driveway regularly. He is concerned about his liability for the commercial traffic on his driveway and does not believe that his concerns are being addressed. He understood there was a 12' easement when he purchased the property. He didn't know until last month that the ZBA had denied the driveway. The amount of traffic has increased exponentially since 1978. Even if the applicant limits their operation to a 10-horse commercial stable, the traffic that can be expected is more than the 1978 ZBA or he find acceptable, as it has been conducted all summer without the special events. On the day of the family bar-b-cue the applicant posted signs at the bottom of his driveway, and all over town, advertising an open house. He counted 52 cars that day.

The Commission agrees that the proposed use is not the problem they have in approving the application. In fact the use is a great use. The problem is the access to the property. The Commission is concerned about the liability of the Town and all the parties involved. The Commission discussed their options.

Sue Weintraub, 25 Knowles Road, informed the Commission and staff that she just checked the state statute regarding the right to farm and it is intended for agricultural operations that have been active for one year or more.

*Mr. Rux moved to close the public hearing for the application of Melissa Guerrero, Guerrero Equestrian, 2A Flanders Road, for a Special Permit per Section 17.10 of the Zoning Regulations for Commercial Stables, Map 06A/Block 59/Lot 24A. Mr. Zatorski seconded the motion. The motion carried unanimously.*

*Mr. Zatorski moved to continue the application of Melissa Guerrero, Guerrero Equestrian, 2A Flanders Road, for a Special Permit per Section 17.10 of the Zoning Regulations for Commercial Stables, Map 06A/Block 59/Lot 24A, to the next regularly scheduled meeting of November 6, 2013. Ms. Wright seconded the motion. The motion carried unanimously.*

The meeting was recessed for 5 minutes at 8:45 p.m.

The Chairman reconvened the meeting at 8:50 p.m.

**B. Application of the Town of East Hampton for a Site Plan Modification: East Hampton High School Athletic Field Lighting Project – Map 19/Block 39/Map 5A:**

Michael Mahoney, Musco Sports Lighting, was present to discuss the application. He made a PowerPoint Presentation to the Commission at this time. The presentation covered

the evolution of sports lighting, custom lighting, timing of lighting, satisfied customers and the International Dark Sky Association. The proposal is for four 80' poles with eight 1500 watt metal halide fixtures. This plan will provide an average of 30 foot-candles across the playing surface with a 2 to 1 uniformity ratio. There is a full team of field technicians that are available to make field adjustments when necessary. The fixtures are aimed in the facility to within a 10<sup>th</sup> of a degree of accuracy. As poles are being lowered during installation a laser is pointed to the center point of the field and the pole is perfectly aligned. The surrounding fields will have zero spillover from the soccer lights. The light will be zero foot-candles over 100' from all property lines. These lights will not need to be modified for a football field at this location.

Ruth Checko, Parks and Recreation Director, explained that this project has been approved by the Board of Education's Transportation, Buildings and Grounds Committee. This proposal is the scope of what that Committee desired. The Building Committee for the East Hampton High School will address the changing needs for the new facility as it develops.

John Fidler, 4 Brookside Court, Principal of the East Hampton High School, explained that the High School renovation plan has entered the schematic design phase and the lighting needs will be addressed during that phase.

Ms. Checko reported that the as-built plans for the original lighting project in 2003 indicate that the conduit runs parallel to the track, under the 13 yard line of the field, and connects on the other side of the track. The conduit is 4" PVC pipe. The power will not come from the high school building but from the field house. The two areas that helped to keep the price of this project down are the availability of the appropriate amperage and the conduit in place already. \*\*Attachment 2\*\*

The Chairman opened the public hearing at this time.

Dot Wild, 18 Sherry Drive, thanked the Commission for hearing this application and expressed her enthusiasm for this project.

Mike Chicoine, 56 North Maple Street, discussed his support for the lighting and requested that a curfew be considered for use of the facility.

Marc Lambert, 20 Brookside Court, President of the East Hampton Soccer Club, fully supports this project and doesn't believe this will be disruptive to the neighbors.

Dan Sano, 85 North Main Street, coaches for the East Hampton Travel Soccer League, and discussed his support of the lighting.

Glenn Gustine, 67 Mott Hill Road, asked everyone present in support of the lighting project to standup and a majority of the room stood up. He expressed his support of the project as well.

Sue Weintraub, 25 Knowles Road, Chairwoman of the Town Council reported that the Town Council voted for this project unanimously at their last Town Council meeting.

Mr. Carey explained that this application does not address standard on-sight lighting as is addressed in the Zoning Regulations. This is for specialized lighting and is regulated by the Commission as is appropriate for the project.

Mr. Aarrestad would like the Commission to consider potential for special need of the lighting to be available without a need to return to this Commission.

Mr. Mahoney reported that the current building code requires ability to withstand a wind velocity of 100 mph. The lamps are monitored at Musco and steps are taken to rectify the problem. There is a contact number for reporting problems as they arise on the off-chance that Musco is not aware of a problem. Airport beacons are required on poles of 120' or greater.

Bob Boscarino, 6 Beechcrest Drive, believes there is a timeframe on sports at the school facilities.

John Fidler, 4 Brookside Court, Principal of the East Hampton High School, stated that the intent is for activities at the school facilities to start to wind down by 9 p.m., the lights to be off and the buildings locked up by 11 p.m.

*Mr. Zatorski moved, and Mr. Rux seconded, to close the public hearing for the application of the Town of East Hampton for a Site Plan Modification, East Hampton High School Athletic Field Lighting Project, Map 19/Block 39/Map 5A. Motion carried unanimously.*

*Mr. Zatorski moved, and Mr. Rux seconded, to approve the application of the Town of East Hampton for a Site Plan Modification, East Hampton High School Athletic Field Lighting Project, Map 19/Block 39/Map 5A, for non-standard lighting of the athletic field with the condition that the lights are off by 11 p.m. except by special approval of the Board of Education and the Building Department for the reason that it increases the use of the athletic fields and the project is designed to limit light spillage to the adjacent properties. The motion carried unanimously.*

**7. New Business:**

- A. Discuss - Regional Plan of Conservation and Development 2015 – 2025:** Mr. Carey explained, as he did previously in the meeting, that the RiverCOG is continuing to seek input. As meetings are planned for the specific input of East Hampton the Commission will be included.

**8. Old Business:**

- A. Review Planning and Zoning Commission By-Laws:** The Commission agreed that they have reviewed their current By-Laws and find no changes necessary at this time.
- B. Discuss - EDC Request to Re-Consider Zone Change of Main Street from Route 66 to the Village Center from Lakeside and Village Residential, R-1, to Professional Offices/Residential, PO/R:** Mr. Carey explained the request before the Commission from EDC to change the zoning of Main Street from the Route 66 intersection to the Congregational Church. The Commission discussed their consideration of this request in the past and would like the EDC to meet with them for a workshop to ensure that the Commission is aware of the concerns that would be addressed by making this change. Staff will schedule a time for the EDC representatives to attend a meeting of this Commission.

**C. Discuss** - Business Incentive Program Ordinance: Mr. Carey distributed another draft of the Ordinance to the Commission and asked the Commissioners to review the document and provide their input.

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

The meeting adjourned at 9:33 p.m.

Respectfully submitted,

Daphne C. Schaub  
Recording Secretary