

**East Hampton Planning and Zoning Commission
Regular Meeting
October 1, 2014
Town Hall Meeting Room**

Unapproved Minutes

- 1. Call to Order and Seating of Alternates:** Chairman Zatorski called the meeting to order at 7:04 p.m.

Present: Chairman Ray Zatorski, Vice-Chairman Rowland Rux, Members Peter Aarrestad, Roy Gauthier, Kevin Kuhr, James Sennett, Meg Wright, Alternate Members Gary Hall, Geoff Ricciardelli, and Planning, Zoning & Building Administrator James Carey were present.

Absent: All members were present.

- 2. Approval of Minutes:**
 - A. September 3, 2014 Regular Meeting:**

Mr. Aarrestad moved to approve the Minutes of the September 3, 2014 meeting as amended. Mr. Rux seconded the motion. The motion carried unanimously.

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

Communications: Mr. Carey reported that the Design Review Board will present to this Commission at the November meeting the draft guidelines for our consideration.

Mr. Carey reported that Chairman Zatorski has served on this Commission for 14 years this month.

Finally, Mr. Carey reported that the street name at the Chatham Forest Open Space Subdivision has been changed from Forest Lane to Tall Wood Drive. This is at the request of the public safety officials and the developer has agreed to this change.

Liaison Reports:

Mr. Zatorski reported that there was nothing to report from the IWWA relative to this meeting. The Minutes for the last meeting of the IWWA are on file in the Town Clerk's Office.

Mr. Gauthier reported that the E.H.H.S Building Committee is still working with the engineers, architects, other staff, and the State to complete final reviews in preparation for going out to bid. It is anticipated that the bid will be published in early October. The ground breaking for the High School project will be November 6, 2014 at 8a.m. and all members of this Commission are invited.

Mr. Hall reported that he attended the September Design Review Board meeting. They reviewed the application of Po Fong for the new restaurant in the Village Center. They also discussed making a presentation to this Commission on November 5, 2014. The Minutes for this meeting are on file in the Town Clerk's Office.

Mr. Sennett reported that the ZBA did not meet last month; however, they did have a meeting in August when they heard an application for a variance on Cornwell Terrace for a side yard variance from 15' to 10' to construct a garage. The variance was granted and the Minutes for this meeting are on file in the Town Clerk's Office.

Mr. Aarrestad he had nothing new to report for the Salmon River Watershed.

Ms. Wright attended the Water Development Task Force on September 11th. At this meeting a memo from the EPA dated 9/4/2014 was discussed regarding a balance of funds that is still available for a fiscal year 2006 grant. Peter Hughes, Planner from Town of Marlborough, discussed their experience with Connecticut Water.

Ms. Wright reported that she also attended the September meeting of the Lower Connecticut River Valley Regional Planning Commission meeting. During that meeting they reviewed eight referrals from Westbrook, Chester, and Clinton. None of them had any inter-municipal impact. Westbrook, however, proposed regulations for solar energy projects, which she has provided for distribution and review. A flyer was also distributed regarding a presentation on October 29, 2014 at 7 p.m. at the Chester Town Hall by Fred V. Carstensen, Professor of Finance and Economics entitled "Creating Value Through Preserving and Managing Open Space".

Mr. Rux requested that Staff look at erosion and sedimentation controls at the Northeast Utilities Project. He also reported that there will be a joint meeting of the Town Council, EDC and this Commission on Tuesday, October 7, 2014.

Public Comments: The Chairman opened the meeting to the public.

Robert Foberg, 81 Charles Mary Drive, was present to discuss the blighted nature of the corner of Hog Hill Road and Route 16. He would like the Town to address his concerns.

4. **Set Public Hearing for November 5, 2014:** None.
5. **Read Legal Notice:** Staff read the legal notice into the record.
6. **Public Hearings for September 3, 2014:**
 - A. **Application of James Gworek, 38 West High Street, The Lucky Goat Market, for a Commercial Site Plan Modification for a Custom Butcher Shop – Map 1A/Block 39A/ Lot 38 – Continued from September 3, 2014:**

Commissioner Rux reported that at the last meeting the Commission had determined that they needed to receive input from Mr. Carey to act on this application. The application was continued to tonight's meeting so that Mr. Carey could be present.

Chairman Zatorski reported that he had read the Minutes of September 3, 2014 and that he had also listened to the recordings.

Mr. Carey discussed the PO/R Zone and the specialty nature of the proposed butcher shop. The current and past uses of this piece were reviewed. The DOT has reviewed and approved the project. The area businesses were also reviewed by his department. These uses are the types of activities this Commission has been considering for this zone.

Mr. Carey reported that the applicant is interested in creating an area in the building where customers may view available and specialty products, place orders, and wait for orders as they are prepared.

James Gworek, 43 Wangonk Trail, explained that the business name is Lulu's Enterprise, LLC dba Lucky Goat Butcher Shop.

Mr. Carey explained that his office had never considered a restaurant at this location. The plans accurately reflect that at this time.

The Commission discussed the appropriate nature of these uses in the area and interpretation of the Regulations.

Mr. Gworek explained that there would be no wild game processed at this location. Most of the deliveries will come from local wholesalers. He explained that the material would come in on box trucks. The hours of operation would be 8a.m to 6p.m. and deliveries would be similar hours. The business will be able to direct the times of the deliveries. The site plan includes a loading dock at the rear of the building to eliminate the potential for the road being blocked.

Frank Magnotta, Professional Engineer, discussed the site with the Commission and explained that the second floor would continue to be residential in nature. The first floor will include an addition that will become part of the custom butcher shop. The existing driveway and the pavement associated with it will be removed. A new driveway will be installed on the east side of the building. The paved parking will also be removed and will be replaced with permeable stone. The back of the structure will accommodate all the deliveries. The front of the existing structure will retain the existing appearance. The DOT has required that the existing sidewalk at the front of the structure be removed.

Mr. Magnotta discussed the nature of the site. Currently there is no drainage on the site because the highway and the surrounding parcels are all higher than this site. There is a very thick layer of topsoil on the site. The top soil will be removed to aid in percolation of Storm water.

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

Robert Foberg, 81 Charles Mary Drive, discussed his interest in allowing a café at this location.

James Brown, 47 Wangonk Trail, discussed his support for this butcher shop and believes it is a perfect fit for the location.

John La Brun, 49 Wangonk Trail, explained that he believes this town is in need of this type of business and it is a perfect location.

Patty Marteka, 40 Terp Road, discussed the needs of this Town and its residents to have a custom butcher shop and new businesses.

Mary Ann Dostaler, 56 William Drive, spoke in support of the butcher shop. She further stated that the Commission should refer to Mr. Carey's recommendation, as Town Staff, this proposed use is an appropriate interpretation of the regulation.

Cathy Mayo, 50 Wangonk Trail, believes that this is a great opportunity for the Town and is comfortable with the showroom for placing orders.

Molly Davison Price, 35 Spice Hill Drive, discussed her support of this use at this location.

Jim Harrington, 20 Maplewood Drive, thanked the board for their commitment and supported the business proposed here and the location for that business.

Matt Gworek, 38 West High Street, explained that this application was not intended to be a restaurant. Their intentions are to open a butcher shop and cut meat.

Jason Gee, 30 Wangonk Trail, discussed his support for the butcher shop.

Mr. Magnotta pointed out that there is no one present in objection to this application.

Mr. Gworek requested that the Commission let the public comments at this meeting be allowed to speak for themselves. The support was unanimous. He and his employees will do everything they can to adhere to the needs of the Regulations and the neighborhood.

Mr. Rux moved, and Mr. Sennett seconded, to close the public hearing of the application of James Gworek, 38 West High Street, The Lucky Goat Market, for a Commercial Site Plan Modification for a Custom Butcher Shop, Map 1A/Block 39A/Lot 38. The motion carried unanimously.

Mr. Zatorski moved, and Mr. Gauthier seconded, to approve the application of James Gworek, 38 West High Street, The Lucky Goat Market, for a Commercial Site Plan Modification for a Custom Butcher Shop, Map 1A/Block 39A/Lot 38, as represented in plans last revised on 09/05/2014 for the reason that the Commission has received positive commentary from the Fire Marshal, DOT, and Chatham Health District and the application is for an acceptable use by special permit for a custom shop within this PO/R Zone with the following provisions:

- *Normal hours of operation will be 8a.m. to 6p.m. with the understanding that holiday and special occasions may require additional hours of operation;*
- *It is not the intention of the permit to allow a café or restaurant at this location;*
- *Applicant must meet all conditions as requested by the various entities of the Town and State as necessary.*

The motion carried (6-1-0). (Yes vote: Gauthier, Hall, Kuhr, Rux, Sennett, Wright. No vote: Aarrestad. Abstentions: None).

B. Application of Po Fong, 97 Main Street, for a Commercial Site Plan Modification Review and Special Permit pursuant to Section 5.1.C.1, Establishment for Retail Sales of Liquor for Consumption – Map 06A/Block 57/Lot 1A:

Mr. Carey reported to the Commission the application is to utilize the recently renovated site as a restaurant on the first floor and an apartment on the second floor. The establishment will serve beer, wine, and Asian cuisine with a food delivery service.

Po Fong, 97 Main Street, was present to discuss her application. The plan is for an Asian restaurant with 6 tables for seating. The menu will be 50% Chinese food, 30%

Thai food, and 20% will be gluten free. She plans on offering delivery to address the limited parking.

Ms. Fong has been in the business for many years and currently runs a restaurant in Colchester. She would like to run a small scale restaurant in East Hampton.

The Commission discussed the status of her business licenses at the Colchester restaurant.

Mr. Carey reported that this location is over 500' from the schools or churches in the area. The WPCA has indicated that there is sufficient water in the Village Center system for this use. A grease trap has been installed.

Ms. Fong indicated that the business will be closed on Monday, will be open on Tuesday thru Friday from 11a.m. to 2:30 p.m. and from 4:30 p.m. to 10 p.m., will be open on Saturday and Sunday from 11a.m. to 10p.m. The name of the restaurant will be Po's Rice and Spice.

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

Dale Maynard, 24 Quiet Woods Road, was present to discuss his support for this application, the benefits of this use in the Village Center, and the applicants experience in this type of business.

Mary Ann Dostaler, 56 William Drive, spoke in favor of this application and believes it will be a tremendous asset.

Mr. Carey reported that the Design Review Board unanimously found the application to be appropriate for its intended use with conditions. He also explained that the parking is subject to right of way easements for ingress/egress and parking. The Village Center is subject to shared parking and enjoys the benefit of several municipal parking lots. The Commission is also in receipt of favorable commentary from the EDC, Fire Marshal, and Chatham Health District.

Ms. Fong distributed hand-drawn site plans with two different options. The preferred option is on Page No. 2 and provides for parallel parking. The Commission agrees with the selection of the option on Page No. 2. (Attachment No.1)

Ms. Fong discussed the handicap access ramp with the Commission.

Mr. Rux moved, and Mr. Kuhr seconded, to close the public hearing for the application of Po Fong, 97 Main Street, for a Commercial Site Plan Modification Review and Special Permit pursuant to Section 5.1.C.1, Establishment for Retail Sales of Liquor for Consumption, Map 06A/Block 57/Lot 1A. The motion carried unanimously.

Mr. Zatorski moved, and Mr. Rux seconded, to approve the application of Po Fong, 97 Main Street, for a Commercial Site Plan Modification Review and Special Permit pursuant to Section 5.1.C.1, Establishment for Retail Sales of Liquor for Consumption, Map 06A/Block 57/Lot 1A for the reasons that it meets the requirements of the Regulations, the Commission has received favorable commentary from the Town's staff and consultants, meets ADA requirements; and requirements for retail sales for liquor

consumption in accordance with the plans dated 07/31/2014. The motion carried unanimously.

7. New Business:

A. Road Acceptance - Chatham Forest Open Space Subdivision, Tall Wood Drive:

Mr. Carey reported that the application has requested that the request for the road acceptance be changed to a bond reduction. The Town is currently holding a bond in the amount of \$150,000. Currently there is less than \$25,000 of work outstanding. Town Staff has recommended that the Commission reduce the bond amount to \$50,000 to cover any contingencies that may arise. The project is running very smoothly and there is no reason to believe that the road will not be completely ready for acceptance by the November meeting of this Commission.

Mr. Zatorski moved, and Mr. Rux seconded, to reduce the road bond for Chatham Forest Open Space Subdivision, Tall Wood Drive, from \$150,000 to \$50,000. The motion carried unanimously.

8. Old Business: None.

9. Adjournment: *Mr. Gauthier moved to adjourn the meeting. Ms. Wright seconded the motion. The motion carried unanimously.*

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary