

East Hampton Planning and Zoning Commission
Regular Meeting
June 1, 2016
Town Hall Meeting Room

Unapproved Minutes

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

Present: Chairman Zatorski, Vice-Chairman Kevin Kuhr, Regular Members Roy Gauthier, Gary Hall, Rowland Rux, James Sennett, Meg Wright, Alternate Members Jason Jozefiak, Angelus Tammaro, and Planning and Zoning Official Jeremy DeCarli were present.

Absent: Regular Member James Sennett and Alternate Member Michael Kowalczyk were not present.

Alternate Member Angelus Tammaro was seated at this time.

2. **Approval of Minutes:**
A. **May 4, 2016 Regular Meeting:**

Mr. Kuhr moved, and Mr. Rux seconded, to approve the Minutes of the May 4, 2016 meeting as written. The motion carried unanimously.

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

Communications: Mr. DeCarli reported that the most recently revised copies of the Member Contact Information sheets are in the packages tonight.

The Commission is in receipt of an Informational Notice of Section 106 Filing for the replacement of a Communication Tower on the Eversource Property.

The State of Connecticut Department of Public Health will be convening the Central, Western, and Eastern Corridors of the Water Utility Coordinating Committee (WUCC). A meeting for the Central Corridor WUCC will be held on June 15, 2016 at 1:30 p.m. in the Common Council Chambers at the Middletown City Hall, 24 deKoven Drive, Middletown to implement the planning process established by CGS.

Kristina Newman-Scott, State Historic Preservation Officer, has notified the Commission that the State has launched a coastal historic preservation initiative designed to identify and protect sites in the state's coastal counties. Information on the initiative has been included in tonight's packages.

Liaison Reports:

Mr. Gauthier reported that the East Hampton High School renovation continues to proceed on schedule and is gearing up for a busy summer. The rear athletic fields will be open and have access for the public; however, there will be no parking on the site.

Mr. Hall reported that the Design Review Board had a meeting on May 5, 2016 where they heard the application of the Bevin House Bed and Breakfast. The DRB has now changed their meeting date to the third Thursday of the month to better accommodate the needs of both this Commission and applicants. The Minutes are available online and in the Town Clerk's Office.

Mr. Kuhr reported that he attended the Conservation-Lake Commission meeting of May 12th where they discussed a modification to a property on the Lake and deemed the project to be an improvement as it reduced impervious surface at the site. The Lake Consultant is close to completing the Nine Point Plan for the Lake, which is anticipated prior to the end of the fiscal year. The Minutes of this meeting are available online and in the Town Clerk's Office.

Mr. Zatorski reported that the actions of the Inland Wetland and Watercourses Agency will be covered under the individual applications on this evening's Agenda.

Mr. Rux was unable to attend the EDC meeting on May 17th; however, he was able to report that the EDC now has six members. They have been looking into a local magazine circular that will be beneficial to economic development in East Hampton. They will be showcasing the local business of Mimi Perrotti in the coming months. They also announced that the Town has received a grant for a traffic study on the Route 66 corridor from the Arrigoni Bridge east through East Hampton. Work has begun on the Christopher Brook project. The Minutes of this meeting are available online and in the Town Clerk's Office.

Mr. Rux also attended an informational meeting held by the State DOT regarding the replacement of a bridge on Route 66 in the area of American Distilling in 2018. He attended it as an individual and conveyed the potential plans for the work to be completed and the scheduling to the Commission.

Ms. Wright reported that she attended the Lower Connecticut River Valley Regional Planning Commission on May 23rd. They discussed the corridor study that has been approved. The RiverCOG also received \$125,000 for the region to look at climate changes in flood zones. They will be reviewing and mapping each town and their resiliency plans. There was one referral for the Town of Durham's POCD which was deemed to be substantially compliant with the requirements of the State. The RiverCOG will be absorbing a 13% cut in the budget and the schedule planned for the Regional POCD has again been pushed back because they are down another planner.

Mr. Rux reported the Water Development Task Force did not meet.

Public Comments: None.

4. **Set Public Hearing for July 6, 2016:** None.

5. **Read Legal Notice:** Mr. DeCarli read the Legal Notice into the record.

6. **Public Hearings for June 1, 2016:**

A. Application of Clark Hill Estates LLC, 0000 Clark Hill Road, for a 3-Lot Subdivision – Map 11/Block 39/Lot 2:

Pat Benjamin, a professional engineer from Durham Connecticut was present to discuss the application. He reported that the property is comprised of 75 acres in the R-3 Zone on the south side of Clark Road. The applicant would like to subdivide it into three building lots. Mr. Benjamin described the property to the Commission. He explained that the first split on the property, Lot No. 1 with 1.5 acres, has already been filed in the Land Records.

Mr. Benjamin explained that Lot No. 2 is 1.59 acres and has frontage on Clark Hill Road. Lot No. 3 is 1.95 acres with frontage on Clark Hill Road. Lot No. 4 is 70.76 acres and is a rear lot with 50' of frontage on Clark Hill Road and additional frontage of 141' further

to the south. Each of the front lots has 150' at the building setback line and over 100' of frontage. Mr. Benjamin also described the designs of each of the lots and their wells and septic systems. The IWWA has approved the application and issued a permit for the project. The Chatham Health District has also reviewed the application and made recommendations to the developer which the developer has agreed to. Mr. Benjamin reported that he has completed drainage calculations for pre- and post-development at the south end of the site which were less than 1 cubic foot per second.

Mr. DeCarli reported that the applicant received their approval from the IWWA over a month earlier and there were no concerns voiced by the Agency.

The Chairman opened the public hearing at this time.

Russ Smith, 15 Tiffany Court, asked the applicant to indicate the location of the stream that runs through the property. He would like the centerline of the stream added to the plans. The stream is running the entire year and is not an intermittent watercourse.

Peter Bergan, 118 Clark Hill Road, discussed his displeasure with the planned housing subdivision. He is concerned by the site lines on the road in that area. He is disappointed by the potential for additional subdivision on the fourth lot. This whole area is part of the Salmon River preservation area.

Susan Furbish, 15 Tiffany Court, is an abutting property owner and requested to hear the conditions issued by the IWWA with the wetland permit.

Staff read the specific conditions to the wetlands permit into the record and advised that copies of the entire permit with all conditions may be obtained in the Planning and Zoning Office.

Rick Cardillo, 133 Clark Hill Road, discussed his concerns regarding the site line.

Mr. Benjamin described the methods by which site lines are determined.

Russ Smith, 15 Tiffany Court, questioned the ability of the applicant to install a road to the fourth lot and provide access for further development. The applicant indicated that there is enough access for further development.

The Chairman explained that the application before the Commission is for four residential lots only. Any additional subdivision would need to be brought before the Commission again under a separate application.

Mr. Rux moved, and Mr. Kuhr seconded, to close the public hearing for the application of Clark Hill Estates LLC, 0000 Clark Hill Road, for a 3-lot subdivision, Map 11/Block 39/Lot 2. The motion carried unanimously.

Mr. Zatorski moved, and Mr. Kuhr seconded, that the application of Clark Hill Estates LLC, 0000 Clark Hill Road, for a 3-lot subdivision, Map 11/Block 39/Lot 2, be approved for the reason that it meets the requirements of the Zoning Regulations with the following conditions:

- 1) All IWWA conditions are met;*
- 2) All erosion & sedimentation controls must be in place, and satisfactory to Town Staff, prior to start of construction;*
- 3) Town Staff must be notified prior to construction and upon completion of construction; and*

4) *Applicant must submit drainage calculations to Town Staff prior to issuance of the permit.*

The motion carried (6-0-1). (Yes votes: Gauthier, Hall, Kuhr, Rux, Wright, Zatorski. No votes: None. Abstentions: Tammaro.)

B. Application of Stephen Acerbo, 000 Rear Old Young Street (AKA: Sexton Hill Road), for a 4-Lot Subdivision – Map 4/Block 31A/Lot 9:

Joel Fuller, Land Surveyor, was present to represent the applicant. He reported that the whole parcel 107.3 acres located in the R-4 Zone. Mr. Fuller described the location of the property. Lot No. 1 is 1.9 acres. Lot No. 2 is 2.1 acres. Lot No. 3 is 2.5 acres. Lot No. 4 is 100.8 acres and is to be the home site of the applicant.

Mr. Fuller described the project to the Commission. The applicant has proposed two conservation easements. A rear conservation easement will be entirely on Lot No. 4 and will include 8.6 acres. The front conservation easement will be on portions of Lot Nos. 2, 3, and 4 and will total 7.5 acres. These easements will protect the wetlands and there will be a total of 16.1 acres in conservation. The IWWA has issued a permit for this subdivision.

The Chatham Health District has reviewed the application and approved of the plan. The erosion and sedimentation plans are identified on the plans. The lots all have adequate frontage for the zone. Mr. Fuller discussed the road access and described an easement that has been used for access to this property. He described the terrain and the disturbances to the area.

Chairman Zatorski asked for clarity regarding the road access to the property. Mr. Fuller described the access and the easement created for John Farley, former owner of the property. This easement allowed access to the property owners in the absence of a passable town road. A copy of the map and the easement were provided to the Commission. The Commission discussed the easement and access to the subject property.

The Chairman opened the public hearing at this time.

Peter Koskinen, 61 Old Young Street, indicated that he maintains Pine Brook Road.

Steve Acerbo, applicant, explained that the easement being discussed is specifically for the purposes of the property that he owns.

Staff reported the easement is for the benefit of the owner of the subject parcel and that the town has maintained it for a number of years as the only access to this area since the town road was impassable.

Carole Bowerman, 33 Old Young Street, discussed her displeasure with the application.

Ted Shumbo, 261 Young Street, explained that he has lived on his property for 20 years. The easement runs through his property. The Town has maintained it and plowed it. He discussed the plans to improve the impassable road. He expressed concern over the liability to the town.

Mike Wolfe, 259 Young Street, indicated the location of his property on the easement map.

Rudolf Morin, 263 Young Street, indicated the location of his property on the easement map. He also discussed problems he experiences with drainage onto his property.

Staff read the easement into the record. The Commission discussed the easement and those who have the right to use the easement. The Chairman discussed the Commission's primary responsibility to ensure the health, safety, and welfare of citizens.

Staff reported that the proposal includes the applicant's willingness to improve the public road to eliminate the easement as the primary means of accessing the town roads unreachable any other way and the continued need for the Public Works Department to maintain and plow a private easement.

Steve Acerbo, applicant, discussed his plans for the improvement of the town road.

Staff explained State Statutes do not permit the offering for sale or the sale of lots that are not on improved roads. The application must meet the requirements of the Town's Subdivision Regulations and the Town's Zoning Regulations. Improvements to the existing town road should be addressed similarly to the improvements made to the roads in other subdivisions in East Hampton. Clearly the access to this property and other residential parcels in the area are not up to the standards set out in the Town's Street Standards. Mr. Acerbo has agreed to improve, at his own expense, the town road to this area. Unfortunately the Town is without a Director of Public Works at this time.

Peter Koskinen, 61 Old Young Street, discussed the Town's maintenance of the easement. He is concerned that the Town does not maintain Old Pine Brook Road.

Carole Bowerman, 33 Old Young Street, discussed the Town's maintenance practices.

The Chairman read an email dated May 27, 2016 from Bill Johnson, 31 Old Young Street, into the record. (Attachment No. 1)

Mr. Fuller reiterated that the applicant is not asking for anything that other property owners do not already enjoy. His client has legal access to the property and intends to use and develop his property.

The Chairman requested that drainage calculations be provided for the next regularly scheduled meeting.

Mr. Kuhr moved, and Mr. Rux seconded, the continuation of the application of Stephen Acerbo, 000 Rear Old Young Street (AKA: Sexton Hill Road), for a 4-Lot Subdivision, Map 4/Block 31A/Lot 9, to the next regularly scheduled meeting. The motion carried unanimously.

C. Application of Dean Brown, 26 Barton Hill Road, Bevin Mansion Bed & Breakfast, for a Special Permit pursuant to Section 8.4.I. Standards for Specific Uses – Bed and Breakfasts – Map 02A/ Block 47/Lot 40:

Dean Brown was present to discuss his application. He explained he purchased the Bevin mansion about eight months ago. The house dates back to 1872 and he has been working on restoring it. The house has 15 rooms, 3 ½ bathrooms, 6 bedrooms, library, parlor, ballroom, dining room, and kitchen. He would like to create a bed and breakfast in the house not only for the reason that it would be an appropriate use for the house but also because there are virtually no convenient guest rooms available to the community.

Mr. Brown discussed the parking requirements, period history, and heritage with the Commission. He will call it the Bevin House and will live in the house until he has established the business. At which time he will ask the Commission to consider a regulation change allowing for a caretaker. Mr. Brown hopes the Bed and Breakfast will be open for business in the Spring of 2017.

Mr. DeCarli explained that there is no handicapped parking requirement for a Bed and Breakfast in our regulations. The Zoning Regulations require a handicapped space per every 25 parking spaces. The requirement for this Bed and Breakfast will be 24 parking spaces; therefore, no handicapped space will be required. There is also no requirement for ADA accessibility for a Bed and Breakfast. There is no bedroom on the first floor. Probably, due to the historical nature and size, none of the Bed and Breakfasts in the area are handicapped accessible.

The Chairman opened the public hearing at this time.

Tom Adams, Design Review Board liaison, discussed the recommendations of the DRB for the application and their recommendation to the PZC that the application be approved.

Mr. Brown discussed his efforts to accommodate the needs of the Fire Marshal and his ongoing plan review with the Building Official.

Mr. Brown explained that he is also requesting a waiver pursuant to Article 8, Section I.18, "A waiver for the number of guest rooms may be allowed with a ¾ vote of all of the members of the Commission members, where the Commission determines that the structure and size of property will not impact abutting property owners."

The Chairman explained that the applicant will need to apply for and receive a regulation change regarding the requirement for the owner to occupy the premises before the applicant could move out of the Bevin House and continue operation of the Bed and Breakfast with a caretaker rather than the owner.

Staff read a letter dated May 31, 2016 from Victor Biondi to the Commission in support of the application.

Mr. Rux moved, and Mr. Gauthier seconded, to close the public hearing for the Application of Dean Brown, 26 Barton Hill Road, Bevin Mansion Bed & Breakfast, for a Special Permit pursuant to Section 8.4.I. Standards for Specific Uses – Bed and Breakfasts, Map 02A/ Block 47/Lot 40. The motion carried unanimously.

Mr. Zatorski moved, and Mr. Rux seconded, to approve the application and the request for the waiver pursuant to Article 8, Section I.18l, of Dean Brown, 26 Barton Hill Road, Bevin Mansion Bed & Breakfast, for a Special Permit pursuant to Section 8.4.I. Standards for Specific Uses – Bed and Breakfasts, Map 02A/ Block 47/Lot 40, with six guestrooms with the following conditions:

- 1) Town Staff must be notified and a Certificate of Use and/or Occupancy must be issued prior to use as a Bed and Breakfast;*
- 2) Recommendation of all departments, boards, commissions, and agencies must be reviewed and utilized to the satisfaction of Town Staff; and*
- 3) Any change in use with the exception of a return to primary residential use must be reviewed and approved by this Commission.*

The motion carried unanimously.

D. Plan of Conservation and Development (Effective 07-01-2016):

The Chairman explained the process required by State Statute for each community in the State to update their Plan of Conservation and Development every ten years.

The Chairman opened the public hearing for potential adoption of the POCD.

Perter Bergan, 118 Clark Hill Road, questioned the contents and purpose of the plan.

There being no further comments, the Chairman asked for a motion to close the public hearing.

Mr. Rux moved, and Mr. Kuhr seconded, to close the public hearing regarding the potential adoption of the Plan of Conservation and Development. The motion carried unanimously.

Mr. Zatorski moved, and Mr. Hall seconded, that the Plan of Conservation and Development of the Town of East Hampton be adopted as presented with an effective date of 07/01/2016. The motion carried unanimously.

7. **New Business:** None.

8. **Old Business:**

A. Extension of Permit - Application of Skyline Estates LLC for Five-Year Extensions of Permit Nos. PZ92335, PZ92364, and PZ92392 for the Skyline Estates Subdivision:

Mr. Rux recused himself at this time.

Wayne Rand, applicant, was present to discuss the application for an extension with the Commission. He explained that the Commission had asked for an updated Phasing Map of the subdivision. Mr. Rand provided that Map. He explained his current plans for the subdivision. Mr. Rand discussed with the Commission how and when the final improvements to the road would be completed.

Mr. DeCarli reported that the Phase 2 wetlands permit will require an extension as the current permit is scheduled to expire in August of this year.

The Chairman asked the Commission to hear the next item on the Agenda prior to taking action on this Agenda item.

B. Discussion: Review Open Road Maintenance Bonds:

Mr. DeCarli reported that Phase 1a, Sunrise Lane, has \$120,000 bond in place for the road performance bond. The Phase 1b, Skyline Drive and Highland Terrace to the east of Skyline Drive, has \$120,000 in bonding as well. Anchor Engineering and Mr. DeCarli have reviewed the figures again and recommend to the Commission that the bond for Phase 1a remain at \$120,000 and that the bond for Phase 1b be increased to \$170,000.

Mr. Zatorski moved, and Mr. Gauthier seconded, to approve the application of Skyline Estates LLC for Five-Year Extensions of Permit Nos. PZ92335, PZ92364, and PZ92392 for the Skyline Estates Subdivision because they are still in compliance with the original permits issued with the condition that Town Staff be kept apprised of the activities at the development. The motion carried unanimously.

Mr. Zatorski moved, and Mr. Kuhr seconded, to retain the required bond amount for Phase 1a, Sunrise Lane, at \$120,000 and to increase the required bond amount for Phase

1b, Skyline Drive and Highland Terrace east of Skyline Drive to \$170,000 as recommended by staff. Bond amounts shall be reviewed by staff and the Commission every two years. The motion carried unanimously.

Mr. Rux returned to the meeting at this time.

C. Discussion - Review Final Design Review Board Guidelines:

Mr. DeCarli reported that the final comments of the Commission have been addressed and he is awaiting receipt of the final draft of the Guidelines for distribution.

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

The meeting adjourned at 9:24 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary