

East Hampton Planning and Zoning Commission
Regular Meeting
April 7, 2010
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, Members Peter Aarrestad, Roy Gauthier, Richard Gosselin, Rowland Rux, James Sennett, Alternate Members Darin Hurne, Meg Wright (7:02), and Planning, Zoning & Building Administrator James Carey, were present.

Absent: Vice-Chairman Mark Philhower and Alternate Member Kevin Kuhr were absent due to business responsibilities.

Alternate Member Darin Hurne was seated at this time.

2. **Approval of Minutes:**

A. **March 3, 2010 Regular Meeting Minutes:**

Mr. Aarrestad moved, and Mr. Sennett seconded, to approve the minutes of the March 3, 2010 regular meeting as amended. The motion carried (Yes votes: Aarrestad, Gauthier, Gosselin, Sennett, Hurne, Zatorski. No votes: None. Abstentions: Rux).

B. **March 17, 2010 Special Meeting/Workshop Minutes:** These minutes have not as of the time of this meeting been prepared for review and approval.

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

Communications: None.

Liaison Reports:

Mr. Zatorski reported that all information regarding IWWA will be discussed during the agenda item to which it relates.

Mr. Gauthier reported that there was no meeting to report on for EDC.

Mr. Sennett reported that the ZBA did not meet in the past month. They are scheduled to have a meeting on Monday, April 12, 2010.

Mr. Aarrestad reported that he attended the March 26, 2010 meeting of the Water Development Taskforce. The minutes for this meeting are on file in the Town Clerks Office and are available on the Town's website. The next meeting has not yet been scheduled.

Public Comments: The Chairman opened the meeting to the public for comments, there being none the Chairman moved on to the next agenda item.

4. **Read Legal Notice:** Mr. Carey read the legal notice into the record at this time.

5. Set Public Hearing(s) for May 5, 2010:

- A. Application of Butler Construction Co LLC, 9 Young Street, Excavation Plan, for Renewal of Special Permit pursuant to Section 26 of the Zoning Regulations – M 12/B 33/L 7A; and**
- B. Application of Peter Marlow Forest Products LLC, Hog Hill & Pine Brook Roads, Markham Timber Harvest, for a Special Permit per Section 24 of the Zoning Regulations for a Timber Harvest – M 14/B 31A/L 12, M 14/B 31/Lot 4B, M 7/B 23/L 1, and M 13/B 22/L 4.**

Mr. Rux moved, Mr. Sennett seconded, to schedule the application of Butler Construction Co LLC, 9 Young Street, Excavation Plan, for Renewal of Special Permit pursuant to Section 26 of the Zoning Regulations, M 12/B 33/L 7A, and the application of Peter Marlow Forest Products LLC, Hog Hill & Pine Brook Roads, Markham Timber Harvest, for a Special Permit per Section 24 of the Zoning Regulations for a Timber Harvest, M 14/B 31A/L 12, M 14/B 31/Lot 4B, M 7/B 23/L 1, and M 13/B 22/L 4.

Mr. Aarrestad reminded the Commission that at the last renewal of this Special Permit they had requested that they have a site walk upon the application for the next renewal. The Commission agreed to schedule a site walk for this application. The Chairman called for the vote.

The motion carried unanimously.

The Chairman instructed staff to schedule a site walk at this site.

6. Public Hearing for April 7, 2010:

- A. Applications of Hampton Woods Development LLC, 206 East High Street, Route 66, Hampton Woods, for a Zone Change from DD to HOD, an Amendment to the Zoning Regulations, and Residential Site Plan Review – Map 32/Block 86/Lot 4 – Continued from the March 3, 2010 Meeting:**

Mr. Carey read the letter from the Chatham Health District dated April 5, 2010. He further explained that the applicant has applied for a diversion permit. The DEP will decide whether or not the diversion permit is necessary. Mr. Carey referred to the Milone and MacBroom report presented at the last meeting. CLA Engineers has provided commentary to Mr. Carey indicating that they were satisfied with the proposed plan and their comments had been satisfactorily addressed.

Mr. Sherwood discussed the letter received on this date from Mr. Bellantoni, Connecticut State Archaeologist, who has indicated that the area has a low-to-moderate sensitivity for undiscovered archaeological sites. The letter further discussed areas that should be avoided and stated that the proposed plan does avoid these areas.

The Commission discussed the Phasing Plan with the applicant and staff.

Mr. Sherwood distributed binders to each of the Commissioners and staff. These binders contain the applicant's response to concerns that have been raised during the public hearing. Mr. Sherwood explained briefly the responses.

Chairman Zatorski responded to the applicant regarding their Response No. 1, final paragraph, and he clarified that Planimetrics is an outside consultant and the proposal referred to has not been accepted by the PZC. This recommendation is for a special Incentive Housing Zone potentially created in Town. It is not a recommendation for town-wide consideration or for any other application outside of the referenced area.

Rob Baltramaitis, Consulting Traffic Engineer and Licensed Professional Engineer, discussed the proposed plan and the parking provided exceeds the Town's regulations for both the Residential Zone and the HOD Zone. He referred to the publication by the Institute of Transportation Engineers and explained that it is a compilation of studies for various land uses that looks at peak parking demand for various uses. The publication is *Peak Parking Demand for Residential Uses*, Third Edition, Parking Generation, ITE, Autori, Ransford, McCourt, P.E. PTOE – Tech Editor Kevin G. Hooper, Institute of Transportation Engineers. The proposed project exceeds the recommendation per this publication by more than 10%.

The Commission would like to see an improvement in the overflow parking availability. This area could be graveled so as not to effect the water calculations.

Ted Hart, Professional Engineer, Milone & MacBroom, discussed the additional parking throughout the site and the mountable curb that is being utilized.

Mr. Sherwood explained that they have already committed all of the land that isn't wetlands to open space as requested by the IWWA.

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

John Perra, 8 South Hollow, questioned the configuration of the two emergency roads.

Terry Spankle, 13 South Hollow, discussed his concern for the standards used to project the number of school children that will be living in the development. He also questions the figures for the number of cars housed in the development and increasing congestion on Route 66.

Bob Tourville, 22 Tartia Road, is concerned about the number of children that will reside at this development.

The Chairman explained that based on the State Statute this commission could not consider the impact on taxes, schools, emergency services, infrastructure, and density when reviewing affordable housing applications.

Sal Nucifora, 147 Colchester Avenue, discussed his concerns for adequate water for fire suppression.

Mary Ann Dostaler, 56 William Drive, questioned the timing of the pump testing, what happens if the diversion permit is not granted, what is the projected time-line for the build out, and will there be a light on Route 66?

Sal Nucifora, 147 Colchester Avenue, questioned whether there would be an association for this project. At what point will the association be in control and able to set their own rules?

Bill Turner, 96 Laurel Ridge, questioned the economic viability and the methodology to building the phases so there is some assurance there is adequate funding to build the project.

Kim Sullivan-Clark, 210 East High, is very concerned about her privacy. She is worried that her farm animals may adversely affect the new community. She is concerned about flooding and stormwater runoff. Also the children living in the community will have a long walk home from the bus stop.

Mr. Carey reported that the pump test was begun on February 18th and concluded on the 23rd. He explained that the fire protection system is a series of cisterns that are to be hooked up by the Fire Department. With this type of construction it is not expected that all units will be engulfed if one kitchen sustains a fire. This construction has fire separation walls between each unit as required by the State Building Code. There is a provision for fire protection built into the plan.

Ted Hart, Milone & MacBroom, reported that there are twin tanks at the entrance, in the middle of the property, and a set at the end of the project. They are a total of 20000 gals each. They are designed to fill with overflow from the stormwater system. They will be continually replenished. The Fire Department will check them regularly. The cisterns are concrete.

Mr. Carey explained that if the diversion permit is for any reason denied the project will stop or be reduced to the size that it would not require a diversion permit.

Chairman Zatorski explained that although the applicant has provided the information on the economic feasibility the Commission may not consider it in its decision process.

Mr. Sherwood explained that the project under good economic conditions could be built out in two years. The applicant does not have a time-line. The project is phased and will proceed in a manner that will allow each phase to be sufficient in and of itself. The 30% affordable to market ratio must be maintained through the build out. The units must be fungible. They may not be built with substandard materials or less value than the market units. It is possible that there will not be the demand to build the project out in two years. In that case they will not.

Mr. Sherwood explained that the association will be formed prior to the conveyance of the first unit. The developer will retain an ownership interest in the land until such time as the future phases are built out. Any change in the project would require the approval of a site plan modification by the PZC.

Mr. Sherwood quoted the Town of East Hampton HOD Regulation No. 7.11.9 "... for projects that shall be developed as common interest ownership associations, private roads shall not be required to be constructed in accordance with town standards." The applicant's engineers believe that the road system as planned will function fine. The regulations are not being violated.

Mr. Sherwood explained that the applicant will be applying for a certificate from the State Traffic Commission. This review is handled by the State completely independent of the town. The decision as to whether there will be a traffic signal on Route 66 is not a decision of the Town or the applicant.

Finally, Mr. Sherwood reported that the applicant's water engineer does not think that the applicant needs a diversion permit. The reason the applicant applied for a diversion permit is because the Town's regulations require the applicant to do so. He requested that the Commission and the public not construe the applicant's attempts to conform to the Water Pollution Control Authority Regulations as the applicant agreeing that they need a diversion permit because that is not the case. Again the State will determine whether a diversion permit is necessary. If a permit is not necessary, the applicant has complied with the WPCA's regulations and the State will not issue a permit. If a permit is required additional testing will be conducted and they will do what is necessary to obtain the permit. It is academic whether or not a diversion permit is necessary because the applicant will not be able to obtain any funding until all of the state, local, and federal permits are obtained.

Mary Ann Dostaler, 56 William Drive, questioned the anticipated time-line for a decision from the State regarding the diversion permit and whether the applicant could move forward without an answer.

John Perra, 8 South Hollow, questioned whether the traffic study had reviewed the bus stop at the daycare currently on Route 66. He stated that the bus stop was highly supervised but the stop effected a four or five minute delay on Route 66.

Sal Nucifora, 147 Colchester Avenue, discussed the association rules and requirements that the owners have controlling interest in the development.

Kim Sullivan-Clark, 210 East High Street, discussed her concerns that there would be many more children in this project then indicated by the applicant's studies. She also would like to know how the community room will be supervised.

Mr. Carey reported that he has been in contact with DEP regarding the status of the diversion permit application. He has not heard anything definitive from them yet.

Mr. Sherwood briefly covered the issues raised this evening.

Mr. Carey reported that his review of the Phasing Plan was to ensure that if the project in fact was not completed the existing phases could be self-sufficient. He is expecting bond estimates shortly and the project will be fully bonded and funding will be available to cover the expenses of completing the project if it is not completed by the developer.

Mr. Carey will discuss with the Fire Marshal at what point it will be necessary to complete the emergency access road to Route 66.

Mr. Carey recommended that if this application should be approved the approval must be conditioned by payment in full of the outstanding application fees within 30 days of the approval.

Mr. Rux moved to close the public hearing for the applications of Hampton Woods Development LLC, 206 East High Street, Route 66, Hampton Woods, for a Zone Change from DD to HOD, an Amendment to the Zoning Regulations, and

Residential Site Plan Review, Map 32/Block 86/Lot 4. Mr. Aarrestad seconded the motion. The motion carried unanimously.

NOTE: THE CHAIRMAN REQUESTED THAT THOSE MEMBERS ABSENT FROM BOTH THIS MEETING AND THE LAST REGULAR MEETING BE SUPPLIED WITH THE RECORDINGS OF THE MEETINGS THEY MISSED AND THOSE MEMBERS LISTEN TO THOSE RECORDINGS IN FULL BEFORE THE NEXT MEETING.

Mr. Aarrestad moved, and Mr. Rux seconded, to continue the applications of Hampton Woods Development LLC, 206 East High Street, Route 66, Hampton Woods, for a Zone Change from DD to HOD, an Amendment to the Zoning Regulations, and Residential Site Plan Review, Map 32/Block 86/Lot 4, to the next regularly scheduled meeting. The motion carried unanimously.

The Chairman recessed the meeting at 8:55. The meeting was reconvened at 9:05 p.m.

B. Application of Pelletier Development Company LLC, 140 Colchester Avenue, Chatham Forest, for a 15-lot Conservation Subdivision and Special Permit pursuant to Section 30 of the Zoning Regulations for a Conservation Subdivision – M 27/B 90/L 3: The Chairman reported that the IWWA has not acted on this application as of this time; therefore, no decision will be rendered this evening.

Mr. Carey reported that this is an application for a conservation subdivision under Section 30 of the East Hampton Zoning Regulations. They have requested and received an Environmental Review of the proposed project. A few revisions were made to the plan based on this review. The Town's engineer has reviewed the project and subsequent revisions. The engineer has responded with final remarks that were received yesterday. He read these remarks into the record.

Mr. Aarrestad explained that the Senior Fisheries Biologist for DEP, Fisheries Division, Brian Murphy, is under his direct supervision in his capacity as the Supervisor of the Habitat Group of DEP. Mr. Murphy was a member of the Environmental Review Team which conducted the review of this project. Mr. Aarrestad does not in any way review or try to influence Mr. Murphy's comments in these reviews and did not do so in this review. He did not receive any of the information on this project until the report was completed and he does not believe there should be any perception of a conflict of interest. He believes he can review the application in an unbiased manner. Chairman Zatorski indicated he is aware of this situation and agrees with Mr. Aarrestad that there is no conflict of interest.

Matt Pelletier, Pelletier Development, was present to represent the applicant and he also agrees that there is no appearance of a conflict of interest for Mr. Aarrestad. He reported that the application was for a conservation subdivision. It will be called Chatham Forest and the applicant had a pre-application conference with this commission. The intent is to transfer the open space to the town fee simple. They will also transfer the title to the State depending on the preference of this commission. As a result of the Environmental Review they have made changes to the application. All comments from staff, CLA, and Chatham Health have been incorporated into the plans. The applicant

did receive the most recent comments from CLA yesterday and will speak to them this evening.

The IWWA was unable to act at their last meeting; however, they did find this activity to be non-significant and continued the application to their next regularly scheduled meeting. The applicant also met with the Conservation-Lake Commission who passed on favorable commentary.

Jim Dutton, Professional Engineer, stated that the length of the cul-de-sac will be 970', there will be 15 houses in the subdivision, water will be supplied by individual wells, and there will be septic systems on each parcel. He reported that the entire project is 42.3 acres. It fronts on Colchester Avenue, Route 16, to the north and Tartia Road to the west. The wetland area consists of forested wetlands. George Logan, Certified Soil Scientist, mapped these soils for the applicant. The access road is on the northeastern corner of the site off of Route 16. The site line to the west is 966' and east is 766'. This is far in excess of what will be required by the State Highway Department. The 970' road terminates in a permanent cul-de-sac. The first houses are approximately 300' off of Route 66. There is a water quality basin on the west side of the access road. This is not a detention basin. A detention basin is not required on this site and in fact a detention basin would aggravate flooding.

Mr. Dutton described the watershed area draining down to the site and explained why a detention basin would cause flooding concerns. The water quality basin is designed to clean the water before it goes into the watercourse not to hold water. He discussed the only wetland impact and explained that the total impervious surface associated with this project is less than 2 acres. This is about 4.3% of the entire site. He explained that this is critical number due to the location of the site. It is in the Salmon River Watershed and one of the environmental goals is to limit the impervious area to less than 10%. The total area of disturbance including the roadway and the land cleared and developed with septic systems, houses, driveways, etc. is approximately 5.9 acres of the entire site. The rest of the land will remain undisturbed. The total amount of open space proposed is 31.6 acres. This includes all the land to the west, the frontage on Tartia Road, a significant amount of frontage on Route 16, open space access to the east and south connecting the property to the Salmon River State Forest. The southern open space provides buffering to the Jacobson Farm Estates subdivision. The applicant will convey the open space to the Town or the State whichever the Commission chooses.

The homes proposed have approximately 2450 sq ft footprints with two car garages and will be serviced by onsite well and septic. The applicant has responded to Chatham Health comments but has not heard any further from them. CLA has responded and they are currently working with them on their suggestions.

The applicant is asking for a road width waiver. That request will be put in writing and forwarded to the Planning & Zoning Office.

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

Bob Tourville, 22 Tartia Road, discussed the topography and the soil types of the area with the Commission and the applicant.

Sal Nucifora, 147 Colchester Avenue, discussed the water quality basin, the size of the lots, and septic systems.

Mr. Dutton explained that every lot has been laid out with a primary and a reserve area for septic. If a septic system fails in 30 years there is adequate room for a second system. The water quality basin was added to the plan after the ERT review. He described the design and processing of the water quality basin. He explained that rain gardens and roadside swales are impractical for conservation subdivisions. The Town of East Hampton Road Standards do not allow for roadside swales. Houses on the east side of the road will have their roof drains connected to the storm sewer system. This is to eliminate an increase in peak flows in the watershed areas. With this design there will be no increase in peak flows for this project.

Mr. Rux moved to continue the public hearing for the application of Pelletier Development Company LLC, 140 Colchester Avenue, Chatham Forest, for a 15-lot Conservation Subdivision and Special Permit pursuant to Section 30 of the Zoning Regulations for a Conservation Subdivision, M 27/B 90/L 3, to the next regularly scheduled meeting. Mr. Sennett seconded the motion. The motion carried unanimously.

The Commission would like a site walk for this application. The applicant agreed.

Mr. Rux moved, and Mr. Sennett seconded, to continue the application of Pelletier Development Company LLC, 140 Colchester Avenue, Chatham Forest, for a 15-lot Conservation Subdivision and Special Permit pursuant to Section 30 of the Zoning Regulations for a Conservation Subdivision, M 27/B 90/L 3, to the next regularly scheduled meeting. The motion carried unanimously.

C. Application of Hull Forest Products Inc, 45 Champion Hill Road, Smith Timber Harvest, for a Special Permit per Section 24 of the Zoning Regulations for a Timber Harvest – M 12/B 40A/L 20B:

Chris Casadei, Forester for Hull Forest Products Inc, was present to discuss the application. He explained that this is a very small logging operation. There was a prior harvest done in the early 1990s. The total property is about 12 acres and the harvest is on about 9 acres. They will be harvesting about 22000 board feet. About a week's worth of work in good weather. There is one small stream crossing of an intermittent brook about three feet in width. There will be a bridge placed to cross the brook. It will be removed upon completion and the stream will be stabilized. Approximately 163 trees have been marked for removal.

Mr. Carey reported that there has been no comment as of yet from IWWA. He also reported that he is in receipt of an email from James A. Grant of 16 Serafin Terrace indicating that he has not yet been noticed by certified mail of this application and as an abutter he should have been. Mr. Carey questioned the applicant as to when the certified mailings of notice to abutters was mailed.

Mr. Casadei responded that he was not aware that he had to send certified mailings to the abutters.

Staff explained that the legal requirements for all public hearings are given to every applicant at the time they pick up the application package. Mr. Carey further instructed the applicant to insure that the certified mail notifications of this application be sent to all abutters two weeks prior to the next regularly scheduled meeting.

Mr. Zatorski moved, and Mr. Rux seconded, that the public hearing for the Application of Hull Forest Products Inc, 45 Champion Hill Road, Smith Timber Harvest, for a Special Permit per Section 24 of the Zoning Regulations for a Timber Harvest, M 12/B 40A/L 20B, be continued to the next regularly scheduled meeting to enable proper legal notice granted to all abutters. The motion carried unanimously.

Mr. Zatorski moved, and Mr. Rux seconded, that the Application of Hull Forest Products Inc, 45 Champion Hill Road, Smith Timber Harvest, for a Special Permit per Section 24 of the Zoning Regulations for a Timber Harvest, M 12/B 40A/L 20B, be continued to the next regularly scheduled meeting. The motion carried unanimously.

7. New Business:

- A. Application of Town of East Hampton, 105 Main Street, Senior Center Expansion, for a Commercial Site Plan Modification – M 06A/B 57/L 3:** Mr. Carey reported that this is an application to add to the back of the Senior Center. This is being funded by the \$750,000 grant the Town has been awarded. There is a site plan. The application is not yet complete. The Chairman continued this application to the next regularly scheduled meeting or when the Town is ready to proceed with the application.

8. Old Business:

- A. Discussion & Possibly Approve Task Priorities for 2010:** The Chairman moved this item to the next regularly scheduled meeting.
- B. O'Neill Lane Property Update:** Mr. Carey reported that there was no update available at this time.

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

The meeting adjourned at 10:10 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary

