

**East Hampton Planning and Zoning Commission
Regular Meeting
April 3, 2013
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, Members Peter Aarrestad, Roy Gauthier, Richard Gosselin, Rowland Rux, James Sennett, Alternate Members Paul Hoffman, Meg Wright, and Planning, Zoning & Building Administrator James Carey were present.

Absent: Alternate Member Scott Sanicki was not present.

2. **Approval of Minutes:**

A. March 11, 2013 Regular Meeting:

*Mr. Rux moved to approve the Minutes of the March 11, 2013 meeting as written.
Mr. Sennett seconded the motion. The motion carried unanimously.*

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

Communications: Mr. Carey reported that the Salmon River Watershed Open Space Maps have been copied, posted, and distributed. He has also distributed a brochure on a regional workshop, Fiscal Value of Land Use, Results & Impacts in the Colchester Town Hall on Monday, April 29, 2013 at 7 pm.

Liaison Reports:

Mr. Sennett reported that there has been was no ZBA meeting in March.

Mr. Gosselin reported that the EDC meeting in March was cancelled because they only have two members currently. Three members including the Chairman have resigned. They will be holding a workshop on April 4, 2013 to try to revitalize the Commission and attract new members.

Ms. Wright reported that she was unable to attend the March meeting of the Conservation-Lake Commission and the minutes were not on the Town Website. (**NOTE:** As of this publication, the minutes are available online and in the Town Clerk's Office.)

Mr. Zatorski reported that he had nothing to report on IWWA. The minutes of the last meeting of the IWWA are available on line and in the Town Clerk's Office.

Mr. Aarrestad reported he had nothing new to report on the Salmon River Watershed Steering Committee. He is happy to see the Salmon River Open Space Map on the wall and encourages the Conservation-Lake Commission to become familiar with it and use it as a tool.

Mr. Gauthier reported that East Hampton High School Building Committee is still working the referendum question through the three boards. He explained the Board of Finance turned down

the proposal at their last meeting. On Tuesday, April 9, 2013 the second half of the regularly scheduled Town Council meeting will be a Tri-Board meeting to attempt to move the proposal forward to referendum and a town-wide vote on the High School Building Project.

The Commission discussed their concerns regarding information that was not presented to the PZC at the time of the High School Building Projects 8-24 Review.

Public Comments: The Chairman opened the meeting up to the public at this time. There was no one present to make comments.

4. **Special Presentation – Linda Krause, Executive Director Lower Connecticut River Valley Area Council of Governments (LCRVA):** Ms. Krause discussed the process of the merger of Midstate Regional Planning Agency (MRPA) and Connecticut River Estuary Regional Planning Agency (CRERPA) that has been going on since October. Both agencies moved from their existing locations in Middletown and Old Saybrook to the new office in Essex. Both staffs have been combined and there is a staff of 11 located in the new office. New by-laws, personnel policies, insurance programs, etc. were developed to combine the cultures of two separate agencies by a new board of 17 people who had never worked together before. All 17 people are the chief elected officials of the member towns.

Currently most of the planning stages for the LCRVA are completed. The two metropolitan planning organizations which were the transportation components of the two planning agencies have gone out of business and have been recreated as one transportation organization. The task at hand now is to meld and create a new program. Culturally there are differences between the two groups. CRERPA had many different activities that they had been responsible for. MRPA had been primarily limited to transportation planning.

The merger of the two agencies was assisted by the State of Connecticut, which provided incentive money to help pay the expenses of the merger. The LCRVACOG also requested from the State funds to create a new regional plan and received \$150,000 to create the new plan. Now that the LCRVA is in place, Ms. Krause is in the process of pulling together the regional planning commission. The Town of East Hampton should have received information requesting it to participate on the commission by sending a representative. The Regional Planning Commission (RPC) is advisory to the LCRVA. It is tasked with the same responsibilities as the regional agencies in the past. These responsibilities include inter-town referrals, long-term transportation planning, and preparing the new regional plan.

Through the creation of a regional plan the RPC will gather data that will help member Towns with the creation of their municipal plans. Many of the member towns are in need of updating these local plans. The RPC will gather the data on a town by town basis and transmit it to the member towns to aid in their updates. The RPC will be available to help some towns with their actual plans. Other towns will not avail themselves of this service as they have consultants or a planner in place.

The RPC, by statute, has to consist of a member of a member of the planning commission and an alternate that need not be from the planning commission of each member town. The member from the planning commission is elected by the planning commission. The alternate is also appointed by the planning commission; however, it is not necessary they be a member of the planning commission. The RPC is looking at the second Tuesday of every month for the meeting night. The Town of East Hampton has not yet identified who their representative will be and it is hoped that East Hampton will participate. Ms. Krause looks forward to the

opportunity for the member towns to share experiences and develop regional land trusts, agricultural councils, and a regional plan that is based on actual data from actual towns. The regional plan should be a bridge between the municipal plans and the state plan.

Ms. Krause concluded by discussing the many options, rationales, and ramifications for Regionalism.

The Chairman explained to Ms. Krause that at the regular meeting of December 5, 2012 the Commission unanimously moved to appoint himself, Mark Philhower, as the regular member of the new RPC. The Commission will appoint an alternate member in the near future.

5. Set Public Hearing for April 3, 2013: None.

6. Read Legal Notice: Mr. Carey read the legal notice into the record.

Mr. Gauthier excused himself from the meeting to assist Ms. Krause at this time. The Chairman seated Ms. Wright as a voting member.

7. Public Hearings for April 3, 2013:

A. Application of Robert Gagliardi, 136 Middle Haddam Road, for a 3-Lot Subdivision – Map 7/Block 21/Lot 11:

Mr. Carey explained that this is a continuation of the public hearing which opened last month. The Commission is in receipt of comments from the Chatham Health District. Mr. Carey read a letter from James Karrenberg, dated 03/19/2013 into the record.

The Chairman unseated Ms. Wright and reseated Mr. Gauthier.

Mr. Carey explained that an easement for water rights to a spring on the subject piece has been noted on the site plan. All the parties involved are fully aware that the easement exists.

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

Peter Minoli, 135 Middle Haddam Road, was present and identified himself as the holder of the easement previously mentioned. He discussed his interest in the easement and his plans.

Mr. Carey instructed Mr. Minoli to proceed with his plans by contacting the Connecticut DOT because it will involve the State Highway Route 151, the Chatham Health District, and the owner of 136 Middle Haddam Road at the time the work is to be undertaken.

Debbie Rotteck, 163 Hog Hill Road, expressed her concerns regarding Building Lot Nos. 2 and 3. She questioned whether there would be a need to blast, impacts on wetlands, and drainage which might affect her property.

Mr. Fuller explained that he expected there to be no blasting required, there was no activity in the wetlands or within 100' of the wetlands, and that drainage had been planned to avoid her property.

Mr. Carey explained that if blasting were to become necessary there are state mandated protocols which must be followed and she would be notified prior to any blasting. He also asked her to contact his office immediately should she have any problems with drainage.

Mr. Zatorski moved, and Mr. Rux seconded, to close the public hearing for the application of Robert Gagliardi, 136 Middle Haddam Road, for a 3-Lot Subdivision, Map 7/Block 21/Lot 11. The motion carried unanimously.

Mr. Zatorski moved, and Mr. Rux seconded, to approve the application of Robert Gagliardi, 136 Middle Haddam Road, for a 3-Lot Subdivision, Map 7/Block 21/Lot 11, in accordance with the plans last revised 03/18/2013 for the reason that the application is consistent with the Town of East Hampton Zoning Regulations with the following conditions:

- *Town Staff must be notified prior to commencement of any work conducted;*
- *All Erosion and Sedimentation Controls must be in place prior to commencement of any work conducted; and*
- *All necessary permits must be in place prior to commencement of construction.*

The motion carried unanimously.

B. Application of Kristin Olzacki, 14 Flanders Road, Olzacki Subdivision, for a 2-Lot Subdivision – Map 5A/Block 59/Lot 31:

Kristin Olzacki, applicant, was present to discuss the application. She explained that the subdivision conforms to all required regulations.

Michael Olzacki, 14 Flanders Road, explained to the Commission the standards as set out by the subdivision plan.

Mr. Carey reported that the proposed lot, known as Lot No. 31-A, meets or exceeds all the requirements for a lot, serviced by sewer, in the R-1 Zone. The existing lot, known as Lot No. 31, is serviced by a septic system, which has been approved to remain by the WPCA until such time as it needs to be replaced. The minimum requirements for a lot serviced by a septic system are higher and are also satisfactorily addressed by this plan. One piece was taken off the original piece years ago. This is the third parcel coming out of the original parcel. Town Staff has reviewed this application and the plan is in compliance. There is no further construction proposed with this plan. The existing pergola connection between the two structures will remain.

This being a public hearing the Chairman opened the meeting to the public. There was no one present to speak to the Commission.

Mr. Rux moved, and Mr. Zatorski seconded, to close the public hearing for the application of Kristin Olzacki, 14 Flanders Road, Olzacki Subdivision, for a 2-Lot Subdivision, Map 5A/Block 59/Lot 31. The motion carried unanimously.

Mr. Zatorski moved, and Mr. Rux seconded, to approve the application of Kristin Olzacki, 14 Flanders Road, Olzacki Subdivision, for a 2-Lot Subdivision, Map 5A/Block 59/Lot 31, for the reason that it meets the requirements of the East Hampton Zoning Regulations with the following conditions:

- *Any further construction on either of the two parcels be properly permitted; and*
- *Town Staff must be notified prior to any further construction.*

The motion carried unanimously.

8. New Business:

A. Scope of Work - Edit and Reformat Zoning Regulations: Mr. Carey reported to the Commission that he has received one proposal (which has been copied and distributed to

the Commissioners this evening) to edit and reformat the Zoning Regulations from Planimetrics in response to the Towns RFP advertised on March 22, 2013. The proposal includes three different tiers which were discussed by the Commission. The Commission expressed interest in accepting Tiers 1 & 2 and holding off on a decision for accepting Tier 3 until they have seen the completed, edited, and reformatted product. They are also interested in seeing the completed LCRVA Regional Plan prior to making any program changes to the existing regulations. (Attachment 1)

The Commission indicated consensus and requested the Town Council to award the bid for editing and reformatting the East Hampton Zoning Regulations to Planimetrics as set out in Planimetric's proposal dated April 3, 2013 for Tiers 1 and 2. The Commission also indicated that once the Regulations have been edited and reformatted and the new LCRVA Regional Plan, as discussed by Ms. Krause of the LCRVACOG, has been completed they would be interested in proceeding with Tier 3.

9. **Old Business:**

A. **Site Plan Review Modification, 265 West High Street, Site Plan Amendment – Map 6/Block 12/Lot 9:**

Steve McLarty, Coastal Enterprises, was present to represent the applicant. He distributed an updated site plan, dated 01/10 and last revised 04/01/13, to the Commission at this time.

Mr. Carey reported that he has double checked the parking specifications for this amended plan and they are in compliance. They have, however, proposed some addition parking in the front of the project. The pipe size coming off the back of the building has been increased substantially. The grading along the slope to the east will be riprapped due to the grade. A structural analysis of the retaining wall will be required. Additional under-drainage may be required as field conditions warrant.

Mr. McLarty reported that the building is 290'. This change is requested because Sports on 66 has been approached by several people to provide area for hard-surface sports. There was an area identified in the original plan for future additional building. That area has been changed to be additional parking. If additional parking is not necessary in the future, Sports On 66 will be interested in reverting that area back to addition building space with the Commission's approval.

Mr. Carey explained that there are no parking lot lights proposed at this time. The lighting for the entrances will be kept minimal and shaded. The lighting will be full-cutoff lighting. No flood lights will be allowed. No lights will be taller than 17' above grade. If lights are proposed in the future the applicant will need to return to this Commission for review and approval of that request. All retaining walls over 4' high will need to be included in the building permit. This is a steel frame building. The design of the building has not changed except that it is longer. The elevations of the original application continue to be representative of the desired appearance of the modified project with the addition included.

Mr. Zatorski moved, and Mr. Rux seconded, to approve the application of Traditional Innovations for Site Plan Review Modification, 265 West High Street, Site Plan Amendment, Map 6/Block 12/Lot 9, as presented in the site plan modification last revised April 1, 2013 for the reason that it meets the requirements of the East Hampton Zoning Regulations and will be a benefit to the Town of East Hampton with the following conditions:

- *All the original conditions of the original approval are to remain in place;*
- *Drainage, if necessary, may be modified to accommodate field conditions upon review and approval of Town Staff;*
- *All lighting must be full-cutoff, shaded and approved by Town Staff; and*
- *If field conditions warrant additional lighting in the parking lot, a photometric map must be submitted to and approved by Town Staff.*

The motion carried unanimously.

B. Discussion – Amendment to Livestock Regulations Regarding the Keeping of

Roosters: Mr. Carey explained that this is a continuation of last month’s discussion. He has distributed a study by the University of New Mexico in 2008 entitled **Residential Urban Chicken Keeping: An Examination of 25 Cities**. It covers the issues discussed previously, including the large interest in keeping urban chickens, and methods for controlling that activity. He reiterated that he has advocated previously for strong restrictions on roosters and he asks, again, that the Commission seriously consider those restrictions. (Attachment 2)

Mr. Carey read a letter dated April 2, 2013 from Andrew and Virginia Nowakowski into the record.

Michael Olzacki, Animal Control Officer, was present to discuss the issue and reported that he is aware of one, long-term unresolved, complaint regarding roosters. Other complaints have been resolved. He would like to see the Commission enact regulations which support the Right To Farm Act of the State of Connecticut. East Haddam has adopted the Right To Farm Act.

The Chairman is concerned about changing regulations because one person has a problem.

Mr. Olzacki explained that barking dogs are addressed by a State Statute regarding nuisance dogs. This Statute does not address roosters. He explained that he approached the Town Council with the necessary information to enact an animal control ordinance but nothing has come of it.

The Commission and the Animal Control Officer are supportive of the Town enacting an ordinance to control this issue and instructed Staff to refer the subject to the Town Council again.

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

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary