

**East Hampton Planning and Zoning Commission
Regular Meeting
May 1, 2013
Town Hall Meeting Room**

Unapproved Minutes

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

Present: Vice-Chairman Ray Zatorski, Members Roy Gauthier, Richard Gosselin, Rowland Rux (7:14), James Sennett, Alternate Members Scott Sanicki (7:20), Meg Wright, and Planning, Zoning & Building Administrator James Carey were present.

Absent: Chairman Mark Philhower, Member Peter Aarrestad, and Alternate Member Paul Hoffman were not present.

Ms. Wright was seated as a voting member by the Vice-Chairman at this time.

2. **Approval of Minutes:**

A. **April 3, 2013 Regular Meeting:**

Mr. Sennett moved to approve the Minutes of the April 3, 2013 meeting as written.

Mr. Gauthier seconded the motion. The motion carried unanimously.

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

Communications: Mr. Carey reported that the recent edition of the **Connecticut Town & City Magazine**, the Connecticut Federation of Planning, Zoning Agencies quarterly newsletter, and the Clearscapes winter newsletter have been forwarded to the Commission by email. A copy of the memo sent to the Town Manager and Town Council in support of a right to farm ordinance, and the letter of thanks to Linda Krause of Lower Connecticut River Valley Area Council of Governments (LCRVA) have been included in the packages for this meeting. Finally, there will not be a meeting of the Zoning Board of Appeals in May because there were no applications.

Liaison Reports:

Mr. Gauthier reported that East Hampton High School Building Committee has been meeting on a regular basis on Thursdays, as well as attending other commission and Town Council meetings. The project is currently working its way to Referendum which to date has been scheduled for June 4, 2013. The scope of the project has changed during the process, and since the 8-24 Review was completed by this Commission prior to the changes, this Commission will need to review it again. The amended project currently being considered is known as Concept 5 and will be reviewed later in this meeting.

Mr. Sennett reported that there was no ZBA meeting in April.

Mr. Gosselin reported that the EDC has been undergoing changes in membership. The Chairman and two other members resigned leaving only two members on the Commission. They have now seated two new members bring the number to four and, if they attain full attendance will have a quorum. They have begun work drafting a new tax abatement

ordinance for businesses. They also will be funding \$2,438 for an electric car charging station at the municipal parking lot in the Village Center adjacent to 87 Main Street. The intent is to attract people to the Village Center.

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.

Ms. Wright reported the Conservation-Lake Commission met on Thursday, April 11, 2013 and discussed the mascots that they have developed and plans for the costumes that will be made by the Senior Center in time for Old Home Days. They plan on having a booth on Saturday at the Old Home Days fair. They also worked on finalizing the Lake Pocotopaug Clean-up Day for this year's event that was last month. Ms. Wright reported that she did address the Salmon River Watershed Open Space Map and informed them that in addition to the hard copies available they may obtain an electronic version from the Planning, Zoning and Building Department. Finally, she reported that as of now the Conservation-Lake Commission does not have a staff member on board. The minutes of this meeting are available on line and in the Town Clerk's Office.

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

4. **Set Public Hearing for June 1, 2013:** None.
5. **Read Legal Notice:** None.
6. **Public Hearings for May 1, 2013:** None.
7. **New Business:**

A. Preliminary Discussion – 249 West High Street, Aquifer Protection Zone Determination:

Attorney Scott Jezek was present to represent the owners of the property known as 249 West High Street. The owners of the property have been interested in developing this piece and have been hampered by the possibility that the property was located in an aquifer protection zone. Attorney Jezek submitted for the record a copy of the Planning and Zoning Commission meeting minutes from January 5, 1994. Item No. 10, Public Hearing – Application for revision to the East Hampton Zoning Map re: alter aquifer protection zone, delete 249 West High Street, (Map 6, Block 12, Lot 1b), and 2 Sinco Place (Map 6, Block 14, Lot A), indicates that the Town initiate the application, explains the rationale and history, and reflects that the Planning and Zoning Commission unanimously approved to “delete 249 West High Street and 2 Sinco Place from the aquifer protection zone”.

Commissioner Rux joined the meeting at this time.

Attorney Jezek reported that through diligent research he has been unable to locate any further action by this Commission to further alter, change, or amend the Aquifer Protection Zone with respect to these properties. He submitted Connecticut General Statute Annotated §22a-354n for the record. He explained that it places the responsibility for the determination of aquifer protection zones exclusively within the planning and zoning commissions, the planning commission, or the zoning commission. In East Hampton the responsibility falls to this Commission. He has, as a result of his research, concluded that the 1994 action stands.

Attorney Jezek explained that the owners of the property would like to re-apply for the same activity as was applied for, and subsequently withdrawn, last year. The owner wants to confirm that this Commission agrees that the subject property is in fact removed from the Aquifer Protection Zone.

Mr. Carey explained that at the time of the 1994 action of the Commission the report indicated that it was not possible for this piece to be in the Pine Brook Aquifer. The report also did not extend beyond the property. A Level A aquifer study was not conducted by the Town or the State. This property was investigated and the Planning and Zoning Office expected the site plan application to follow immediately, which did not happen. It was anticipated at the time that the WPCA would be taking on a water system and would address the Level A, and eventually Level B full mapping, and the appropriate time to update the Zoning Map would follow. None of those things happened and the official zoning map remains as adopted on September 13, 1990.

Mr. Carey further explained the State qualifies aquifer protection as those areas that presently exist, taking ground water in excess of 500,000 gallons a day, for large water systems. They have been delineated and are listed on the DEEP Commissioners list as referenced in the C.G.S.A. §22a-354n submitted by Attorney Jezek. The applicant is proceeding with the application under the assumption that the original study conducted by Heynen Teale Engineers in 1994 sufficiently removed the subject property from the Aquifer Protection Zone. As procedures and policies have changed since 1994 regarding the Water Utility Control Commissions, certain responsibilities have fallen to the WPCA, who has responded that this piece is in the aquifer as there has not been a Level A or B mapping conducted.

The Commission further discussed the aquifer and the Zoning Map with Attorney Jezek and Mr. Carey. Vice-Chairman Zatorski instructed Staff to review the action of this Commission in 1994 with the WPCA and provide the Commission with a full report at the next meeting.

B. Application of Matthew Knowlton, 7 West High Street, Bell Town Tattoo and Art Gallery, for a Commercial Site Plan Review – Map 01A/Block 47/Lot 9:

Matthew Knowlton was present to discuss his application. He explained that he would like to open a tattoo parlor and an art gallery at 7 West High Street. He explained that at the most at any given time there would not be more than three cars in the parking lot. He will be the only artist working there. There will probably be one person receiving a tattoo and perhaps another looking at the art gallery or waiting for an appointment. The art gallery will be available to local artists to display their work for sale. He has been an artist his whole life and has been a tattoo artist in and out of state. He is fully certified in the State of Connecticut and has been in touch with the Chatham Health District. After he is granted an approval by this Commission, he will fully outfit the shop and bring in a physician for a review of the operations and ultimately an approval of the Chatham Health District. Mr. Knowlton explained the process for the approvals necessary and the operations of a certified tattoo parlor. He indicated he will have a sign on the front window and does not plan to have a large sign over the building.

Mr. Carey discussed the site as it currently exists and the applicant's plans for the building and signage. He explained it is a personal service shop very much like a barber or hairdresser and complies with the Town's Regulations. There will be no changes to the

building and no changes on the site. It is a change of use from a retail/sales shop to a personal service shop. The Commission discussed the requirements of the State of Connecticut for tattoo artists with the applicant.

Commissioner Sanicki was seated at this time.

Mr. Knowlton explained that the facility is being refitted with completely non-porous surfaces. The tattoo supply company provides spore-testing kits. A physician will supervise the facility with the oversight of the Chatham Health District.

Mr. Zatorski moved, and Mr. Rux seconded, that the Planning and Zoning Commission approve the application of Matthew Knowlton, 7 West High Street, Bell Town Tattoo and Art Gallery, for a Commercial Site Plan Review, Map 01A/Block 47/Lot 9, with the following conditions:

- *The exterior and signage be compatible with the Commercial Zone along West High Street;*
- *Subject to review by Town Staff in the event of changes to the exterior;*
- *All requirements of the Chatham Health District must be satisfied; and*
- *All requirements of the State of Connecticut must be satisfied.*

The motion carried unanimously.

C. 8-24 Review - East Hampton High School Renovation, Improvements, and Additions Project:

Amy Samuelson was present to represent the SLAM Collaborative for the East Hampton High School Renovation, Improvements, and Additions Project. She explained that since the February meeting of this Commission changes have been made to the project and it would be necessary for the Commission to conduct an 8-24 Review of the changes. She provided the Commission with a conceptual plan of Concept 5 and compared it to Concept 2B, which the Commission had previously reviewed.

The area that had been earmarked to house the Board of Education Offices has been removed. The modifications include a new addition to the front of the building for a science wing, an addition along the back of the building for expansion of the existing fitness center into a full size gymnasium, a new lecture hall, and a new room for family consumer science. This addition completes the circulation path along the west side of the school and allows for better circulation. The fire lane will be improved and allows for full perimeter access of the building. Bus and parent drop-off will be separated. Separate student parking will also be available, as well as increased parking for the athletic fields. When the project moves into a design phase, parking will be studied more thoroughly. A parking calculation has not yet been conducted.

Ms. Samuelson explained that the building is over the allowable maximum square footage for the State reimbursement rate; therefore, a portion of the Library will be removed. Further, 92,500 square feet will be renovated. The existing building is 125,217 square feet. After the renovation the building will be 127,000 square feet. There is approximately a 3,000 square feet difference from Concept 2B to Concept 5.

The Commission questioned the methodology for projecting the enrollment of the High School. Ms. Samuelson explained that they must use the highest projected enrollment over

the course of the next seven years as determined by the State of Connecticut. In 2020 to 2021 the population of the High School will be the highest in the range of years allowed by the State, which totals 579 students. Currently there are approximately 550 students in the High School. The open space requirement will not be impacted by this project.

Mr. Zatorski introduced, and Mr. Rux seconded, the following Resolution:

RESOLVED, That the Planning and Zoning Commission of the Town of East Hampton approves the following project pursuant to Section 8-24 of the General Statutes of Connecticut:

Renovations, improvements and additions to East Hampton High School, contemplated to include but not limited to renovation to like new status (20 year standard) of approximately 95,000 square feet of the existing building including abatement of hazardous materials, installation of new building systems including air conditioning and reconfiguration of the interior to create a more efficient and effective use of space; demolition of the two "1975" wings of the building; construction of approximately 32,000 square feet of additions consisting of a new science wing, cafeteria area, circulation, and lecture hall; upgrades to the exterior circulation (parent/student drop zones) and the creation of a "loop road" with additional parking; various site improvements; and related work and improvements.

This resolution is for the approval of conceptual plans only. The project is subject to and shall comply with all applicable laws, regulations and permit approvals, and this resolution shall not be a determination that the project is in compliance with any such applicable laws, regulations, or permit approvals.

The Resolution was accepted unanimously.

8. Old Business:

A. Scope of Work - Edit and Reformat Zoning Regulations: Mr. Carey explained that the Town Council declined to award the bid to Planimetrics for the Edit and Reformat of the East Hampton Zoning Regulations. The Council was concerned that only one bid was received. They did request Mr. Carey and Mr. Philhower to attend the next meeting, which is next Tuesday to discuss questions or concerns that they have. Planimetrics is willing to hold the price while this is being resolved, but they will be unable to keep to the time frame as initially planned.

Mr. Gauthier left the meeting at 8:20 pm.

B. Extension of Period to File Mylar - MazzCor LLC, MazzCor Subdivision Phase 1, 105 Colchester Avenue, for a 4-Lot Subdivision - Map 27/Block 87A/Lot 12A: Mr. Carey explained that the applicant ran into a delay filing the Mylar and would like an extension to the deadline for the filing.

Mr. Rux moved to grant a 90-day extension to file the Mylar for MazzCor LLC, MazzCor Subdivision Phase 1, 105 Colchester Avenue, for a 4-Lot Subdivision - Map 27/Block 87A/Lot 12A. Mr. Sennett seconded the motion. The motion carried unanimously.

Mr. Gauthier returned to the meeting at 8:22.

C. Lower Connecticut River Valley Area Council of Governments: Appoint Alternate Member to Regional Planning Commission:

Mr. Gauthier nominated Ms. Wright, Mr. Rux seconded the nomination, as an Alternate Member to the Regional Planning Commission of the Lower Connecticut River Valley Area Council of Governments. The vote was unanimous to appoint Meg Wright as the Alternate Member of the Lower Connecticut River Valley Area Council of Governments.

Mr. Gosselin announced that this would be his last meeting. He must resign from the Commission because he will be moving out of town in the next few months. The Commission expressed their gratitude to him for his dedication and service to the Town and the Commission.

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

The meeting adjourned at 8:26 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary