

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
March 6, 2019 – 7:00 P.M.
East Hampton Town Hall Meeting Room

MINUTES

1. Call to Order and Seating of Alternates:

Chairman Kuhr called the meeting to order at 7:00 p.m.

Present: Chairman Kuhr, Regular Members Meg Wright, James Sennett, Rowland Rux, Alternate Members Michael Kowalczyk and Tim Puglielli were present as well as Planning and Zoning Official Jeremy DeCarli.

Absent: Vice-Chairman Zatorski, Angelus Tammaro and Roy Gauthier.

Chairman Kuhr seated Mr. Kowalczyk and Mr. Puglielli at this time.

2. Approval of Minutes:

A. February 6, 2019 Regular Meeting – Mr. Sennett made a motion to approve the February 6, 2019 minutes as written. The motion was seconded by Mr. Rux. ***Vote: 6-Yes; 0-No. The motion passed.***

3. Communications, Liaison Reports, and Public Comments:

Communications: Mr. DeCarli reminded the members of the CFPZA Annual Conference on March 28, 2019 at the Aqua Turf.

Liaison Reports:

Mr. Puglielli did not have a report.

Mr. Kowalczyk stated that he attended the Lower CT River Valley Regional Planning Commission meeting and provided the following report: they are updating the Regional Metropolitan Transportation Plan. They are collecting various projects from towns. The 9 town transit district in Old Saybrook is starting a 3 month pile up project which is an on demand shuttle that will take people anywhere within 10 miles of the train station and in Portland and Middletown they are working on potentially linking the Airline Trail to the Farmington River Canal Trail thereby creating a 100 mile loop throughout the state. The Regional Plan is still being worked on and is starting to take shape.

Mr. Sennett attended the February 11th ZBA meeting and provided the following report: there were 2 applications ZBA-18-014, Ryan Donohue, 21 Seminole Trail, for a variance to increase the lot coverage by 3.2% from 34.8% (current) to 38%, to reduce the side setback from 15' to 18" and to reduce the rear setback from 25' to 30" to construct a 14' x 22' garage.

Map 09A/Block 73/Lot 114. The variance was granted.

ZBA-19-001, Alison F. Richard Trustee, 22 Knowles Road, for a variance to reduce the front setback from 50' to 18.2', to reduce the rear setback from 50' to 18.4', to reduce the north side setback from 25' to 0.5' and to increase the building height from 30' to 33.5' to construct a new 4865 sq. ft. single family home. Map 02C/Block 19A/Lot 6. The variance was granted.

Chairman Kuhr asked for any public comments not related to Agenda Items #5a and 5B. There were no comments.

4. Read Legal Notice for March 6, 2019: Staff read the Legal Notice for March 6, 2019 into the record.

5. Public Hearings for March 6, 2019:

A. PZC-19-001: Larry Marsiglio, 14 Flanders, for a special permit for a 22' x 28' accessory dwelling unit for rental purposes. Map 5A/Block 59/Lot 31. Mr. Marsiglio, P.E. presented on behalf of the homeowner. He stated that they are seeking a special permit for an attached accessory dwelling unit. They are not proposing any new construction. The existing building had 2 additions constructed (2007 and 2015) which will be utilized as a 900 sq. ft. accessory dwelling unit. It was previously occupied by a family member and they would like to get a special permit to be able to rent it out. There is a second floor that will be locked and isolated to provide storage for the family with no access by the tenant. Mr. Marsiglio went on to read the Regulation (8.4.M.B) and explained how this application complies. He stated that Don Mitchell from the Chatham Health District was at the property to do some testing and found that there was gray water coming from the house and no connection to the septic system. The owner is in the process of correcting that. Mr. DeCarli read a letter from Mr. Mitchell stating that the change of use would be acceptable if the water issue is rectified and plans are made to connect to public sewer by the summer of 2020. The letter is dated February 28, 2019 and was read into the minutes. Mr. DeCarli read aloud a letter from WPCA dated 2013 that states that it is feasible for this property to connect to the sewer line.

Currently there are 9 off street parking spaces available on the property.

The area that is available to the tenant is 900 sq. ft. which is based on the first floor and is exclusive of the staircase going to the second floor. There are also 2 exits to the patio that currently exist. Chairman Kuhr asked for public comments at this time. Chairman Kuhr asked Mr. Marsiglio if he was the power of attorney for the applicant which he is not but Mr. Joel Olzacki, owner of the property was present and provided a brief description of the updates that need to be done and agreed with the 2020 date that Chatham Health District gave him to complete the sewer hook- up. There were no public comments. Mr. Rux made a motion to close the public hearing for PZC-19-001: Larry Marsiglio, 14 Flanders, for a special permit for a 22' x 28' accessory dwelling unit for rental purposes. Map 5A/Block 59/Lot 31. The motion was seconded by Mr. Kowalczyk. **Vote: 6-Yes; 0-No.**

The motion passed. Mr. Rux made a motion to approve PZC-19-001: Larry Marsiglio, 14 Flanders, for a special permit for a 22' x 28' accessory dwelling unit for rental purposes Map 5A/Block 59/Lot 31 with the following conditions: all items stated in the letter from Chatham Health District addressed to Jeremy DeCarli and Larry Marsiglio dated February 28, 2019 must be completed as stated prior to any resident taking occupancy of the unit, the grey water outlet must be connected to the existing septic system to the satisfaction of the Chatham Health District and Town Staff, a dye test is to be conducted by the Chatham Health District with the cooperation of the homeowner and applicant to verify connection of grey water outlet to the septic system, the property must be connected to the public sewer system by the summer of 2020 as stated in the letter from the Chatham Health District. This is to be done as dictated by the WPCA through a grinder pump and force main to the existing manhole in Flanders Road and for the following reason: that it fulfills the obligations of our Regulations for a Special Permit for an Accessory Dwelling for rental purposes under Section 8.4.M.B. The motion was seconded by Mr. Sennett. **Vote: 6-Yes;**

0-No. The motion passed.

- B. Proposed Updates to Section 3.5 Floodplain Overlay Zone.** Mr. DeCarli explained that the proposed updates would bring our Regulations in line with the State Model Regulations as well as the 2018 Building Code and that letters were sent to the 3 Councils of Government (CRCOG, River COG and SECCOG) for which we have received positive comments. There have been no changes to the proposed updates since the last meeting. Chairman Kuhr opened the public hearing at this time. There were no public comments. Mr. Sennett made a motion to close the public hearing for Proposed Updates to Section 3.5 Floodplain Overlay Zone. The motion was seconded by Mr. Rux. ***Vote: 6-Yes; 0-No. The motion passed.*** Mr. Sennett made a motion to approve the Proposed Updates to Section 3.5 Floodplain Overlay Zone as revised for the Planning and Zoning Commission and with the approvals from the 3 Councils of Government per their letters and with an effective date of April 1, 2019. The motion was seconded by Mr. Rux. ***Vote: 6-Yes; 0-No. The motion passed.***

6. New Business:

- A. PZC-19-003: Sheila Mullen, 91 Main St.,** for a Special Permit to sell alcohol as an accessory to a used book/record shop. Map 06A/Block 60/Lot 3. Sheila Mullen of 47 Tartia Road presented. She is proposing a used book and record shop that serves beer and wine (“Dexters Tunes, Tales and Ales”). They will be applying for a Tavern Permit from the State and will offer pre-packaged snacks for sale. The beer will be served in recyclable cans or 16 oz. cups and the wine will be 4 oz. She envisions an adult community space where people can listen to records, read books and work on computers. She would like to have open mic nights and book clubs and proposes being open 5 days a week from 12 p.m. to 7 or 8 p.m. and one evening a week until 9 or 10 p.m. She said she would like to explore the possibility of selling crows (32 oz. cans of beer) in the winter months exclusively. There will be outdoor seating in the front of the building as well as in the rear where alcohol can be consumed and she proposed having open mic nights outdoors as the seasons permit. Mr. Rux stated that as a single Commissioner, he would not agree to open mic night outside due to possible complaints. Chairman Kuhr suggested having a parking plan to present at the public hearing as well as the requirements for a Tavern Permit (fenced in outdoor seating area was mentioned). Mr. Rux (as a single Commissioner) suggested to the applicant that she consider a secured outdoor seating area. Mr. Rux made a motion to set a public hearing for PZC-19-003: Sheila Mullen, 91 Main St., for a Special Permit to sell alcohol as an accessory to a used book/record shop. Map 06A/Block 60/Lot 3 for the next regularly scheduled meeting on April 3, 2019. The motion was seconded by Mr. Sennett. ***Vote: 6-Yes; 0-No. The motion passed.***
- B. 8-24 Review: Public Safety Radio System Upgrades Project –** Mr. DeCarli explained that the Police Department, the Fire Marshal and Glastonbury dispatch are working on upgrading the police radios because of the coverage issues. They are purchasing new equipment to use at existing towers in town (Baker Hill, Public Works and Young St.) to increase the coverage. The Town Attorney recommended an 8-24 Review because it is a public expenditure of funds and help them move forward with the purchase. Mr. Rux made a motion to recommend the 8-24 review and read aloud the resolution:

“Item 6B, Public Safety Radio System Upgrades Project: Attorney Richard Carella introduced the following resolution, which was seconded by Planning and Zoning Commission of the Town of East Hampton. 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 CT: Various public safety infrastructure improvements proposed as part of the upgrades to the Town’s public safety radio system, including infrastructure upgrades to the existing Baker Hill and Cobalt tower sites and the addition of a tower site on Young Street, and related improvements and work; provided that this resolution is for 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.” Mr. Sennett seconded the motion. ***Vote: 6-Yes; 0-No. The motion passed.***

- C. Updates to Sec. 3.1 Lake Pocotopaug Protection Zone** – Mr. DeCarli provided the members with some guidelines from New Hampshire and Vermont for them to consider using when updating the current Overlay Zone Regulations. He explained that updating the protection zone would provide better management of the watershed and that this will be a long term project between the Planning and Zoning Commission, Inland Wetlands and Watercourse Agency and the Conservation Lake Commission.

7. Old Business:

- A.** Amendments to Regulation requiring Public Hearing for new Commercial construction. In response to suggestions by the Commission, Mr. DeCarli changed the verbiage from “New Commercial construction” to: “New construction, structures or additions over 5000 sq. ft.” Chairman Kuhr suggested tabling this agenda item until the next meeting since not all the members are present this evening.

8. Planner’s Report – Mr. DeCarli did not have a report.

9. Set Public Hearing(s) for April 3, 2019 – A public hearing was set under agenda item# 6A.

10. Adjournment: Mr. Rux made a motion to adjourn at 8:33 p.m., seconded by Ms. Wright. The motion was unanimous in favor.

Respectfully submitted,
Christine Castonguay,
Recording Clerk