

Town of East Hampton
**Planning and Zoning
Commission**
Regular Meeting January 4, 2023
Town Hall, Eaton Smith Council
Chambers Room #107 and Virtual
Meeting

MINUTES

1. Call to Order and Seating of Alternates:

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

Present: Chairman Zatorski, Regular Members: Vice-Chairman Kuhr, Meg Wright, Roy Gauthier, Jim Sennett, Ted Hintz, Jr. and Rowland Rux

Alternate Members: Mike Kowalczyk, Matthew Walton and Ted Hintz, Jr

Zoning Official Jeremy DeCarli

Absent: Angelus Tammaro.

Chairman Zatorski seated Matthew Walton

2. Election of Officers: James Sennett made a motion to nominate Kevin Kuhr as Chairman.

Rowland Rux seconded the motion. *Vote: 7-0* Rowland Rux made a motion to nominate Ray Zatorski as Vice-Chairman. James Sennett Seconded the motion. Rowland Rux made a motion to elect Kevin Kuhr as Chairman and Ray Zatorski as Vice-Chairman. Jim Sennett seconded the motion. *Vote: 7-0*

3. Approval of Minutes:

A. December 7, 2022 Regular Meeting: Vice-Chairman Zatorski made a motion to approve the minutes as written. Mr. Rux seconded the motion. *Vote: 7-Yes; 0-No*

4. Communications, Liaison Reports and Public Comments: Mr. Sennett attended the ZBA meeting December 12, 2022 and reported Application ZBA-22-014: Anthony Flannery, 1 Marshall Road, Reduce side setback from 15' to 4.7'. Map 08A/ Block 70A/ Lot 15 was approved and provided hardship. The following Commission Members did not have anything to report: Mr. Gauthier, Mr. Rux, Chairman Kuhr, Vice-Chairman Zatorski, Ms. Wright, Mr. Hintz, Mr. Kowalczyk and Mr. Walton. Chairman Kuhr asked for public comments at this time. Attorney Keith Shaw asked to speak regarding application PZC-22-010. Chairman Kuhr replied he will be given the opportunity to speak at the public hearing.

5. Read Legal Notice for January 4, 2023: Mr. DeCarli read the legal notice.

6. Public Hearings for January 4, 2023:

A. PZC-22-010: Connecticut Water Company, Install well metering building. Map 10A/ Block 85/ Lot 5C. Adam Wing, Project Engineer for Connecticut Water Company, 446 Smith Street, Middletown, presented proposed plans to install a well metering building. Mr. Wing explained the proposed building size will be 16 x 24 and briefly discussed design plans and location. Mr. Wing noted there will also be a proposed generator in the building for emergency purposes. Vice-Chairman Zatorski asked for

clarification of the purpose of the building. Mr. Wing replied the purpose of the building is to monitor wells. Vice-Chairman Zatorski asked for the well locations. Mr. Wing provided locations. Chairman Kuhr asked what phase the project is in and Mr. Wing replied the proposed meter building is needed to complete the current phase. Mr. Rux asked if the wells were already drilled and Mr. Wing replied they have been drilled, tested and a quality and quantity analysis was performed to find out how much water they can and are producing. Mr. Wing further explained the need to monitor the wells particularly in the summer and it will be monitored remotely. Mr. Kowalczyk asked for confirmation that a fuel tank was not required for generator. Mr. Wing replied a fuel tank is not needed. Mr. Rux asked for clarification about where the water on site is being sent to. Mr. Wing replied the water is being sent to a water treatment facility on Laurel Ridge. Mr. Rux asked if the laurel treatment facility is large enough to handle wells. Mr. Wing replied he believes the wells would accommodate some of the remaining apartment buildings and a few single-family homes. Mr. Wing explained he was not sure how water would be supplied for future homes and it is not proposed in this proposed phase with CT water, DPH and property owners. Mr. Rux asked if the Town received anything from DPH. Mr. DeCarli replied nothing was received for this specific project. Mr. DeCarli explained this proposed metering building is required to process water for the five-apartment buildings under construction and the remainder of the homes in that phase. Mr. Rux asked if DPH approval is required before they can move forward with construction. Mr. DeCarli replied approval it is not needed and that is between CT Water and DPH. Mr. Rux briefly discussed site plan approval and DPH. Mr. Rux asked for proposed start date for construction. Mr. Wing replied it is contingent when the Commission and DPH approves and believes the property owner would like to start this year in the spring. Mr. Rux asked if the project is bonded and Mr. Wing replied no. Chairman Kuhr asked where they were in phase two. Mr. Wing replied he is unsure where the developer is at in the phase. Mr. DeCarli briefly explained status of construction. Mr. Wing briefly discussed volume of the wells. Mr. Rux asked what bonds the Town had for project. Mr. DeCarli replied only erosion and sedimentation bonds and that is the only bond the Town has authority over. Chairman Kuhr asked if building meets state requirements and Mr. Wing replied yes. Mr. Rux asked if there is a tap in an emergency. Mr. Wing replied yes, they have an emergency fill valve at Laurel Ridge. Mr. Wing discussed current and future storage capacity at laurel ridge and water usage. Chairman Kuhr asked for public comments. Attorney Keith Shaw, Rocky Hill, representing Mark Toldeo and Ricardo Salazar at 211 Edgewater Circle discussed abutter notices and pictures of proposed well metering building in relation to his client's house. Commission Members briefly discussed proposed building location. Attorney Shaw expressed concern with the building design, property value, location, visibility, safety and noise. Attorney Shaw proposed the meter well building be located at a different location. Chairman Kuhr asked for barrier information. Mr. Wing replied they are open to working with neighbor. Mr. Walton asked if there is a final design drawing and Mr. Wing replied yes. Attorney Shaw had additional questions regarding design and construction. Mr. DeCarli explained the proposed structure will have to meet current building code, this application is a public hearing because it is in Lake Pocotopaug Watershed area. Mr. DeCarli recommended the land owners; CT water and property owners of 211 Edgewater have a conversation outside public hearing to discuss proposed plans and recommended the Commission to continue

hearing to the next regularly scheduled meeting. Mr. Rux asked for additional information regarding well metering building. Mr. Wing discussed well meter building function, noise and building design. Mr. Wing further discussed the generator that is in proposed structure. Chairman Kuhr asked if a buffer is required. Mr. DeCarli replied this property is in the MUDD zone, there is a proposed fence and recommended discussing fence with land owner. Vice-Chairman Zatorski recommended the application be continued to the next regularly scheduled meeting. Attorney Shaw asked for landscaping information. Mr. DeCarli clarified the MUDD zone. Mr. Wing briefly discussed screening of proposed structure. Attorney Shaw asked for clarification on wetlands. Mr. DeCarli explained Lake Conservation Commission is only advisory. Attorney Shaw asked how many building units are proposed. Mr. DeCarli replied he believed this plan is intended for apartments with 40 units. Mr. Rux made a motion to close the public hearing for application PZC-22-010: Connecticut Water Company, Install well metering building. Map 10A/ Block 85/ Lot 5C to the next regularly scheduled meeting February 1, 2023. The motion was seconded by Vice-Chairman Zatorski. *Vote: 7-Yes; 0-No* Commission Members asked Mr. Wing to provide well water flow calculations and noise decibels for the generator. Attorney Shaw asked for lighting details. Mr. DeCarli noted lighting plan is on proposed plans. Chairman Kuhr stated lighting details will be addressed at the next regularly scheduled meeting. Vice-Chairman Zatorski made a motion to continue the public hearing and the application PZC-22-010: Connecticut Water Company, Install well metering building. Map 10A/ Block 85/ Lot 5C to the next regularly scheduled meeting February 1, 2023. The motion was seconded by Mr. Rux. *Vote: 7-Yes; 0-No*

7. New Business:

A. Pre-Application Discussion: 37 South Main St., 22 lot conservation sub-division.

Mark Reynolds, Engineer, Colchester. Mr. Reynolds explained the lot was previously approved for 127-unit affordable housing that was never constructed. Mr. Reynolds briefly discussed property history and as of 2021 the property was transferred to Bakaj Construction. Mr. Reynolds explained the current property is 20 acres and noted 1.7-acre wetlands on the property. Mr. Reynolds explained the property is in two zones, R2 and R4. Mr. Rux asked for clarification of the properties zone history. Mr. Reynolds replied there is an HOD overlay. Mr. DeCarli further discussed the HOD floating zone and R2 and R4 zones. Mr. Reynolds presented proposed plans for an open space subdivision with 22 lots. Mr. Reynolds briefly discussed proposed entrance into the subdivision. Mr. Reynolds explained proposed plans for individual wells and noted the site is connected to sewer. Mr. Rux asked if they are using existing wells. Mr. Reynolds replied it is possible and he is not concerned with accessing well water at the site. Mr. Reynolds briefly discussed lot and building dimensions. Mr. Rux asked if it will be a Town road and Mr. Reynolds replied yes. Mr. Reynolds noted he has discussed proposed sewer system with WPCA. Mr. Reynolds discussed road width and sidewalk for the site. Vice-Chairman Zatorski explained he would like the road wider for emergency vehicles. Mr. Sennett asked for additional information regarding proposed open space and cul de sac requirement. Commission Members briefly discussed previous property site approval. Mr. Reynolds asked the Commission to consider previous approval versus current proposed plans. Chairman Kuhr asked if there are any proposed multi-family units. Mr. Reynolds replied there are five proposed duplexes. Mr. Sennett stated he would like

applicant to consider zone change. Mr. DeCarli briefly explained application process for open space and zone change. Mr. Reynolds noted an application will be submitted to IWWA. Mr. Rux asked the applicant to consider installing an underground storage tanks for the fire department. Mr. Sennett asked the applicant to refer to regulations regarding open space and R2 zone. Mr. Reynolds briefly discussed stormwater management.

- B. Pre-Application Discussion: Text Amendment to allow commercial kennels in the R-2 Zone.** Nicole Palazzo, 365 Moodus road, explained she has 17 acres in town and would like to open a commercial kennel in an R2 zone. Mr. DeCarli noted zoning regulations do not allow a commercial kennel in the R2 zone and they are only allowed in R4 and R3 with a minimum lot size of 10 acres. Mr. DeCarli recommended Ms. Palazzo discuss text amendment change in R2 zone with the Commission. Chairman Kuhr asked if the property could be removed out of R2 and Mr. DeCarli replied no. Mr. Walton asked how close the property is to neighbors. Ms. Palazzo replied any kennel would be off of the barn the furthest away from neighbors. Mr. DeCarli asked the Commission to consider text amendment change in entire R2 zone and not one particular parcel. Commission Members discussed dog kennels and noise. Commission Members further discussed possible noise and acreage limitations. Commission Members voted and the majority would entertain discussion for text amendment change. Chairman Kuhr asked Mr. DeCarli if he looked into other Towns regulations. Mr. DeCarli replied no and wanted direction from the Commission. Chairman Kuhr asked Mr. DeCarli to research other town regulations. Ms. Palazzo stated they wanted to do something to utilize the land and are open to different uses. Mr. DeCarli asked Commission Members to review Town regulations for commercial kennels. Mr. Sennett asked if any complaints were made regarding commercial kennels. Mr. DeCarli replied to his knowledge there are no commercial kennels operational in Town currently. Mr. DeCarli stated the only similar business currently in operation is a dog daycare. Mr. Sennett asked if he received any complaints about noise from that location and Mr. DeCarli replied no.

8. Old Business: None.

9. Planner's Report – Mr. DeCarli referred to his written report.

10. Set Public Hearing(s) for February 1, 2023: None.

11. Adjournment – Vice-Chairman Zatorski made a motion to adjourn at 9:01p.m., seconded by Ms. Wright. The vote was unanimous in favor. **Vote: 7-Yes; 0-No**

Respectfully submitted,



Cheryl Guiliano
Recording Secretary