

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
March 4, 2020 – 7:00 P.M.
East Hampton Town Hall Meeting Room

MINUTES

1. Call to Order and Seating of Alternates:

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

Present: Chairman Zatorski, Vice-Chairman Kuhr, Regular Members Roland Rux, Meg Wright, James Sennett, Angelus Tammaro, Alternate Members Mike Kowalczyk, Ted Hintz, Jr., Tim Puglielli and Zoning Official Jeremy DeCarli.

Absent: Roy Gauthier

Chairman Zatorski seated Mr. Kowalczyk.

2. Approval of Minutes:

A. February 5, 2020 Regular Meeting – Vice-Chairman Kuhr made a motion to approve the February 5, 2020 meeting minutes as written. The motion was seconded by Mr. Sennett. *Vote: 6-Yes; 0-No; 1-Abstention (Mr. Rux). The motion passed.*

B. March 3, 2020 Workshop – The minutes were not complete therefore they will be added to the next meeting agenda.

3. Communications, Liaison Reports, and Public Comments:

Communications:

There were 2 communications: a notice of the annual CFPZA Conference on 3/26/2020 and a letter from the Town of Portland regarding updates to their regulations for farm breweries and wineries.

Liaison Reports:

Mr. Tammaro did not have a report.

Mr. Kowalczyk attended the RPC meeting where they discussed the POCD and will meet in April to discuss various legislative matters.

Mr. Sennett attended the February 10, 2020 ZBA meeting 1 application was presented: Application ZBA-20-001, James Bansemer, 28 Tennyson Rd., to reduce the side setback from 15' to 4.5' to rebuild, improve and expand the existing entrance and exit. Map 10A/Block 81/Lot 71. The application was approved.

Vice-Chairman Kuhr did not have a report.

Chairman Zatorski stated that IWWA items will be addressed under the appropriate agenda items.

Mr. Rux, Ms. Wright and Mr. Puglielli did not have reports.

Chairman Zatorski asked for public comments at this time. Brian Gay of the Clean Energy Task Force introduced himself and said he was present to hear the Citrine Solar presentation and to answer any questions that the Commission may have.

4. Read Legal Notice for March 4, 2020: Staff read the March 4, 2020 legal notice into record.

5. Public Hearings for March 4, 2020:

A. Application PZC-19-020: Dean Brown, 26 Barton Hill Rd., for a Special Permit to host events at a B&B Map 02A/Block 47/Lot 40. Mr. DeCarli informed the members that he received new information from the Chatham Health District: the porto-potties are being placed within 75' of the well so they will have to be relocated and currently the events are to be catered but if there is any change or expansion that may affect food service they will then be required to contact the Chatham

Health District. Attorney Branse provided a brief overview of the proposal: outdoor events with no more than 30 people, 18 times a year, once a week. The proposal is for one event on either Friday, Saturday or Sunday. The event will end at 11 p.m. on Friday or Saturday and at 9 p.m. on Sunday. Set up for the event will be no more than 1 hour before the event and break down 1 hour after the event. There will be a walkway to the tent area, parking will be on areas that are already surfaced. Additional parking will be on the grass in area "A" on the site plan which will need to be stabilized with straw. The plan for muddy areas is to add a 6" subbase with millings. Chairman Zatorski stated that as a single Commission member, he would like to see a water mitigation plan depicting the re-enforcement of area "A". Chairman Zatorski opened the public hearing at this time. The following individuals spoke in favor of the application: Lois and Peter Villa of 3 Stonegate Rd., Bonnie Reilly of 41 Lake Blvd., Mairead Phillips of 34 Long Hill Rd., Rich Leone of 4 Sherry Dr., Betty Higgins of 1 Steeple View Dr. and there were multiple letters of support submitted via email and will be filed with the minutes. The following individuals opposed the application: Ben and Kim Smith of 25 Barton Hill and Richard Vesce of 56 Main St. There was a brief discussion about the potential noise. Mr. Brown stated that he would move the speakers to the west to decrease the noise. Ms. Wright made a motion to close the public hearing for Application PZC-19-020: Dean Brown, 26 Barton Hill Rd., for a Special Permit to host events at a B&B Map 02A/Block 47/Lot 40. The motion was seconded by Mr. Rux. **Vote: 7-0**. Chairman Zatorski made a motion to approve Application PZC-19-020: Dean Brown, 26 Barton Hill Rd., for a Special Permit to host events at a B&B Map 02A/Block 47/Lot 40 for the following reasons: it meets the Regulations and would be a benefit to the businesses and residents in East Hampton and is consistent with the POCD and with the following conditions: all parking is on site, no parking on the street, the events are limited to 30 persons per event with a maximum of 18 events per year and a maximum of 1 event per week that will only be on Friday, Saturday or Sunday, Town Staff be notified prior to events, a plan for the mitigation of potential parking issues on grassy surfaces be submitted to the satisfaction of Town Staff, hours of operation are noon to 11 p.m. on Friday and Saturday and 9 p.m. on Sunday, amplified sound be terminated no later than 10 p.m. on Friday and Saturday and 8 p.m. on Sunday, placement of toilet facilities must meet the requirements of the Chatham Health District in writing, amplification for sound be placed to minimize decibel levels, the noise must meet the DEEP Noise Regulations and the placement of the proposed event area be consistent with the site plan dated 1/20/2020 sheet 1 of 1 as submitted to the East Hampton Planning & Zoning Commission. The motion was seconded by Mr. Tammaro. **Vote: 7-0**

- B. Application PZC-20-001: Sports on 66, LLC., 265 West High St.,** for a Special Permit to sell Alcohol as an accessory use. (Sec. 8.4.B). Map 6/Block 12/Lot 20. Brian Cutler from Sports on 66. LLC. was present and asked the Commission for an extension of his application to the next regularly scheduled meeting. Chairman Zatorski made the motion to continue Application PZC-20-001: Sports on 66, LLC., 265 West High St., for a Special Permit to sell Alcohol as an accessory use (Sec. 8.4.B) Map 6/Block 12/Lot 20 to the next regularly scheduled meeting on April 1, 2020 per the request of the applicant.
- C. Application PZC-20-002: Stanislaw Oleksenko, 11 Cone Road,** 4 lot subdivision of 14.766 acres parcel. Map 6/Block 36/Lot 6A. Chairman Zatorski informed the members that they will be unable to vote on this application this evening because the application is still pending with the Inland and Wetlands Commission. At this time (8:25 p.m.), Mr. Tammaro excused himself and Chairman Zatorski seated Mr. Hintz, Jr. Frank Magnotta, P.E. presented. The revisions are not complete and the comments from staff and the Town Engineer have not been addressed yet. The information will be complete and submitted by early next week. The application is for a 4 lot subdivision off of Cone Rd. and Old West High St. He presented the survey map which showed the layout of the proposed lots. There is an existing house on the 14 acres which is the result of a first split. Access to the property is challenging particularly from a wetlands standpoint. They propose using the existing access as a temporary construction access since construction needs to take place on both sides of the culvert. The Inland Wetlands Commission requested an evaluation of feasible alternative access points. The proposed private and shared driveway will be 22' wide with a turnaround to access the parcels. Mr. Tammaro returned to the meeting at 8:28 p.m. Mr. Hintz, Jr. was unseated. The stormwater for the paved driveway will go into a detention basin that is designed for a 100 year storm event. Each lot will have its own detention basin for impervious surfaces. A 2 acre conservation easement will be given per the Subdivision Regulations. There is no dedication of open space. Mr.

Rux explained to the public that this is not a public hearing at this time therefore there will be no comments taken from the public at this time but that the public hearing will be opened at the next meeting on April 1st. Chairman Zatorski made a motion to continue Application PZC-20-001: Stanislaw Oleksenko, 11 Cone Road, 4 lot subdivision of 14.766 acres parcel Map 6/Block 36/Lot 6A to the next regularly scheduled meeting on April 1, 2020. The motion was seconded by Mr. Rux.

Vote: 7-0

- D. Application PZC-20-003: Lisa Sherman**, for an Amendment to Zoning Regulation 5.4.A PO/R Zone. Lisa Sherman explained that she would like to make an amendment to the Zoning Regulation 5.4.A PO/R. Mr. DeCarli added that Ms. Sherman purchased 50 Main St. and is a sole proprietor of a real estate business which she would like to run out of her home. East Hampton currently does not have regulations for home based businesses. Ms. Sherman would like to have a sign for clients and the only opportunity to do that is to make an amendment to the Zoning Regulation 5.4.A PO/R to include the area of 50 Main St. to allow her to request a zone change to PO/R. The area that she is asking for the option for a PO/R zone is the southern section of Main St.; north of the Village Center (250' north of the Village Center line up Main St.). Chairman Zatorski opened up the public hearing at this time. The following people opposed the application: Richard Vesce of 52 and 56 Main St. opposed the sign, Steve Maynard of 42 Main St., Amy Gould of 46 Main St. and Sally Raddatz of 24 West High St. Larry Lowe of 46 Walnut asked questions as did Peggy Selleck of 36 Main St. Shawn Kelly of 30 Skinner St. opposed the sign. Chairman Zatorski explained the rationale behind the PO/R Zone which is to retain the look, feel and purpose of Main St. but also to give people flexibility and to meet the concerns of the public. Mr. DeCarli stated that the proposed sign would have to be reviewed by another Commission and their recommendations and comments would be submitted to the Planning and Zoning Commission before any sign is approved or denied. Vice-Chairman Kuhr stated that as a single Commission member, he has an issue with having a sign and a problem with the residential aspect of the application. Mr. Puglielli inquired about the possibility of changing the sign requirements. Vice-Chairman Kuhr made a motion to close the public hearing for Application PZC-20-003: Lisa Sherman, for an Amendment to Zoning Regulation 5.4.A PO/R Zone. Mr. Rux seconded the motion. **Vote: 7-0.** Chairman Zatorski made a motion to continue Application PZC-20-003: Lisa Sherman, for an Amendment to Zoning Regulation 5.4.A PO/R Zone to the next regularly scheduled meeting on April 1, 2020 because the Staff Report and map was not included in the documents that were given to the Commission for their review and to give the Commission the opportunity to go to Main Street and get a visual of the area. The motion was seconded by Mr. Rux.

Vote: 7-0

- E. Application PZC-20-004: Lisa Sherman, 50 Main St.**, for a Zone Change: R-1 to PO/R. Map 02A/Block 47/Lot 25. Chairman Zatorski made a motion to continue Application PZC-20-004: Lisa Sherman, 50 Main St., for a Zone Change: R-1 to PO/R Map 02A/Block 47/Lot 25 to the next regularly scheduled meeting on April 1, 2020. The motion was seconded by Mr. Rux. **Vote: 7-0** At this time (10:00 p.m.), Chairman Zatorski asked for a 5 minute break. The meeting resumed at 10:06 p.m. Ms. Wright and Mr. Rux left the meeting, Chairman Zatorski seated Mr. Kowalczyk, Mr. Hintz, Jr. and Mr. Puglielli.

6. New Business:

- A. Application PZC-20-005: Skyline Estates**, to reduce the width of the cul-de-sac from 26' to 24' at Starview Way to reduce the impervious surface. Map 18/Block 44/Lot 78-OS2. Mike Schaller presented on behalf of the applicant:

The lower ½ of Highland View Terrace was previously amended to 24' width. They are proposing to reduce the cul-de-sac width on Starview Way to 24' (with a sidewalk on one side) to reduce the impervious surface and maintenance and because the area has minimal traffic and the adjacent roads are of a similar width. Mr. DeCarli said he has received favorable comments from the Police Chief and the Dept. of Public Works and added that 24' would be considered acceptable per the "Street Standards".

Chairman Zatorski made a motion to approve Application PZC-20-002: Skyline Estates, to reduce the width of the cul-de-sac from 26' to 24' at Starview Way to reduce the impervious surface Map 18/Block 44/Lot 78-OS2 for the following reasons: it will prevent further runoff to the lake and is consistent with the East Hampton Street Standards and with the following condition: updated map

and plans be submitted to Town Staff and to the satisfaction of Town Staff. Mr. Sennett seconded the motion. **Vote: 8-0**

B. Presentation by Citrine Solar for a solar field at 46 Skinner Street Map 20/Block

48C/Lot 17A. Chairman Zatorski stated that this is a courtesy presentation and that the project is regulated by the CT Siting Council/DEEP. Brad Parsons, P.E. with Allpoints explained the project: a ground mounted power plant on 8.6 acres on Skinner St. with a total of 14.93 acres of disturbance. The power will be exported through the Eversource line and in return they give a retail discount to the Town. There will be (2) systems, a 1 megawatt AC and a .975 megawatt AC. The site will be accessed via an existing gravel road (400'). There will be 7000 solar modules with posts with racking on top.

There are wetlands on the site so stormwater controls will be added. They will be clearing 14 acres of trees but leaving a 35' buffer along the property lines on the west and south side to maintain a natural buffer for screening. There is a 100' clearing to the fence line (a 6' chain link fence 6" off the ground with a single strand of barbed wire) that will be left natural. There will be a 16' wide access gate at the end of the driveway to get to the site as well as an access point on the west and southeast areas to access the stormwater management basins for maintenance purposes. The inverters are self-contained systems that put out 60 decibels and will be located just inside the main access gate. The property is a little over 27 acres and they will be using 14 acres which will not be visible from the road, from Airline Trail or the neighboring properties. They would like to break ground by June 2020 and it will be done by a phase approach.

C. Release Maintenance Bond – Skyline Estates, Phase 1A. The maintenance bond has not been used. Mr. DeCarli spoke with Matt Walsh, Director of Public Works who has reviewed it and has no issue with releasing the maintenance bond. Chairman Zatorski made a motion to release the maintenance bond for Skyline Estates, Phase 1A for the following reasons: it is a year old and they have satisfied all obligations. The vote was unanimous in favor.

D. Review of Whispering Woods Maintenance Bond- It has been a year since the roads were taken over by the Town. Mr. Walsh has reviewed the project and suggested some maintenance be done to the curbing and some other issues. He will review further and have a report ready for the next meeting.

7. Old Business:

A. Updates to Sec. 3.1 Lake Pocotopaug Protection Zone – Mr. DeCarli will have an update for the next meeting.

B. Updates to the Official East Hampton Zoning Map – Discussion continued to April 1, 2020 meeting.

8. Planner's Report – The gate installed along Fern Lane at Cobalt Lodge was removed and replaced a few days later after Mr. DeCarli contacted Cobalt Lodge and advised them to replace it. Phase 1 Environmental report has been delivered on the 1 Watrous property. A meeting is scheduled for next week with CT Brownfields Land Bank to start the Phase 2 process. The Town will likely issue an RPF at that point. The 2018 revision of the State POCD may be adopted, there will be a public hearing on March 9 and Mr. DeCarli will communicate with the Commission before he submits any comments. Construction has begun on the final phase of Skyline Estates and the project is being monitored by Mr. DeCarli and DPW to ensure proper E&S controls are in place. There are currently 153 open enforcement issues and the process is slow because of the lack of staff to enforce.

9. Set Public Hearing(s) for April 1, 2020 – None.

10. Adjournment – The vote was unanimous to adjourn at 10:45 p.m.

Respectfully submitted,

Christine Castonguay
Recording Secretary