

Town of East Hampton
Planning and Zoning Commission
Regular Meeting May 4, 2022
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: Meg Wright, Jim Sennett, Rowland Rux, Angelus Tammaro and Vice-Chairman Kuhr.

Alternate Members: Mike Kowalczyk and Ted Hintz, Jr.

Zoning Official Jeremy DeCarli.

Absent: Roy Gauthier

Chairman Zatorski seated Ted Hintz, Jr.

2. Approval of Minutes:

A. April 6, 2022 Regular Meeting: Mr. Sennett made a motion to accept the minutes as written. Mr. Hintz seconded the motion.

Vote: 6-Yes; 0-No; 1 Abstention (Vice-Chairman Kuhr)

3. Communications, Liaison Reports and Public Comments: Mr. Sennett attended the ZBA meeting April 11, 2022 and reported a public hearing to be held on Application ZBA-22-002: Atlantis Marketing, 1 Colchester Ave., 5 Colchester Ave., and 157 Main St., for a variance to increase lot coverage from 30.4% to 36.9% and reconstruction and expansion of legal non-conforming uses in the R-2 zone has been continued to June 1, 2022. Mr. Kowalczyk reported RPC met last week and had a thorough discussion how towns are approaching marijuana production/sales. Mr. Kowalczyk noted a summary will be made available to Mr. DeCarli. The following Commission Members did not have anything to report: Mr. Hintz, Vice-Chairman Kuhr, Chairman Zatorski, Ms. Wright, Mr. Tammaro, and Mr. Rux.

4. Read Legal Notice for May 4, 2022: Mr. DeCarli read the legal notice.

5. Public Hearings for May 4, 2022:

A. PZC-22-004: Saint Clements Marina, 49 Oakum Dock Road for Site Plan Modification in C Zone – Section 5.2.B. Map 02/ Block 9A/ Lot 4. Peter Callan, 17 Bay Rd., representing St. Clements Castle Marina presented proposed plans for a boat to dock and enter the property through the pier rather than the existing basin. Mr. Callan stated anytime a boat arrives it will be tied to an event at the castle. Chairman Zatorski asked for clarification to what they are asking for as far as site plan modification. Mr. Callan replied it is for usage of the pier to dock boats. Chairman Zatorski asked if they are making modifications to the pier. Mr. Callan replied yes, they are adding pylons and dolphins to protect the pier. Mr. Callan stated DEEP supports the proposed plans. Chairman Zatorski asked if the use was strictly with the current banquet use that has 150 max occupancy, Mr. Callan replied yes. Chairman Zatorski asked if it was strictly with

the arrival for that event space. Mr. Callan replied it would be for that banquet space and the castle. Chairman Zatorski asked if they would have additional tourist boats similar to Lady Katharine, Mr. Callan replied no. Mr. Callan explained from May to October, Friday, Saturday and Sunday they will have a wedding, and will not have a boat similar to Lady Katharine sitting at the end of site. Mr. Callan stated the boat docked there will 100% be tied to an event at banquet as another source of arrival. Chairman Zatorski asked for public comments at this time. Attorney William Grady, 10 Oakum Dock Rd. explained on February 5, 2020 a special permit was issued for construction of an assembly hall. Attorney Grady explained the current application is for additional uses not provided in the special permit approval: docking boats up to 125', use of expanded pier for local boats which may operate and use pier and planned activities such as cruises. Attorney Grady cited an article dated April 19, 2022 which discusses the 64' RiverQuest boat is permanently docked at CT River Museum in, Essex for cruises and events. Attorney Grady stated he believes the current proposal would be similar to article and uses proposed by Applicants are inconsistent with special permit granted in 2020. Attorney Grady explained the proposed site plan to create an access point is inaccurate and the access point must be from Oakum Dock Road to the river to conduct the activities. Attorney Grady stated the application is more than just an access but an expansion of the use of the property. Attorney Grady stated he believes the applicants should apply to modify the special permit to define the new activities and the site plan should be withdrawn or denied. Attorney Grady further explained expansion to the change of use. Chairman Zatorski briefly discussed change of use. Susan Grady, 10 Oakum Dock Rd. discussed special permit approval in 2020 and proposed expanded use. Mrs. Grady explained the new access point would be a 125' boat with the capacity to transport 150 people to site and conduct cruises. Mrs. Grady expressed concern with proposed plans. Chantell Foster, 56 Bartlett St. Portland, speaking on behalf of the Middlesex Land Trust which owns abutting property to the pier. Ms. Foster expressed concern with docked boats blocking preserve views for visitors and erosion of banks. Michael Carey, Lawyer with Suisman, Shapiro, Wool, Brennan, Gray & Greenberg P.C. representing Middlesex Land Trust. Attorney Carey explained he did not believe regulations allow for the proposed activities. Chairman Zatorski discussed previous commercial use of the property. Attorney Carey stated he believes the proposed plans are a new use and it is an illegal extension to a non-conforming use. Attorney Carey expressed concern a sign was not posted for the public hearing. Attorney Carey discussed the principle use of property, non-conforming use and questioned the potential abandon use of the marina. Mr. Tammaro and Mr. DeCarli clarified comments about abandonment and marina use. Attorney Carey discussed special use permit and Town Regulations. Stuart Linquist, 11 South Main St. Chairman of Middlesex Land Trust, expressed concern with boat size, increased erosion since deck installation, increased noise and pylons damaging the well easement. Pat Hatfield, 37 Fern Lane, explained proper public hearing notice was not posted at the property. Ms. Hatfield discussed opposition of proposed plans and believes the fishing pier poses a safety risk. Ms. Hatfield additionally expressed concern with increased noise levels in a residential neighborhood, impacts to Middlesex Land Trust property, environmental concerns and marina use. David Brown, Executive Director for Middlesex Land Trust discussed public hearing notice. Mr. Brown expressed concern with use of docked boats damaging shore, noise, pollution, river views, and use

of preserve. Thomas Obligado, 38 Oakum Dock Rd. spoke in opposition and expressed concern with kayaks launching with a large boat docked at pier.

At 8:05 p.m. Chairman Zatorski called for a 5-minute break. The meeting reconvened at 8:12 p.m.

Douglas Bonoff, 8 Spice Hill Dr., Board Member with Middlesex Land Trust spoke in opposition of proposed plans and expressed concern with well easement damaged by driving 12 casings into riverbank and erosion of shoreline. Mr. Callan asked to withdraw application.

6. New Business:

A. PZC-22-006: James Marino, 27 Salmon Run for 2 lot Subdivision Map 35/ Block 95/ Lot 7/ 51. Adam Dawidowicz, Project Manager, KOR Enterprises, LLC, 56 Tartia Rd. presented proposed plans to subdivide 2 lots. Vice-Chairman Kuhr asked if there is Chatham Health approval for septic. Mr. Dawidowicz replied the property owner was using a previous engineer and they have made revisions and addressed comments from Chatham Health. Chairman Zatorski asked if this was an open space subdivision and does this fit in with permitted use of the subdivision. Mr. DeCarli replied yes and the original subdivision was approved with a yield plan of 62 lots and believes only 57 lots were developed leaving 5 lots available. Vice-Chairman Kuhr asked about open space. Mr. DeCarli replied the open space has already been transferred to CT DEEP. Mr. Sennett asked how many lots were built. Mr. DeCarli replied 57 and they could go up to 62 lots. Mr. Rux asked if the Town accepted both roads. Mr. DeCarli replied Salmon Run has been accepted but anticipates Deer Meadow will by the end of the summer. Vice-Chairman Kuhr made a motion to schedule a Public Hearing for June 1, 2022 for Application PZC-22-006: James Marino, 27 Salmon Run for 2 lot Subdivision Map 35/ Block 95/ Lot 7/ 51. The motion was seconded by Mr. Rux. **7-Yes; 0-No**

B. PZC-22-007: Carrie Sue Clausi, 124 Tartia Road, for 2 Subdivision Map 27/ Block 54/ Lot 7. Frank Magnotta, Engineer representing Ms. Clausi presented proposed plans to subdivide 2 lots on a 19-acre parcel on Town Farm Road and Tartia Road creating 2.2 acre and 17-acre lot. Mr. Magnotta explained there are wetlands on the parcel and is under review by IWWA. The site plan is under review by Chatham Health Department. Mr. Sennett asked how many lots were in the parcel. Mr. Magnotta replied 2 lots and further explained previous lot cuts. Commission Members briefly discussed open space requirements. Vice-Chairman Kuhr made a motion to schedule a Public Hearing for June 1, 2022 for Application PZC-22-007: Carrie Sue Clausi, 124 Tartia Road, for 2 Subdivision Map 27/ Block 54/ Lot 7. The motion was seconded by Mr. Sennett. **7-Yes; 0-No**

7. Old Business: Updates to Zoning Regulations to comply with PA 21-29: Mr. DeCarli explained Articles 5 and 6 of the zoning regulations have been reviewed by the Town

Attorney and asked if Commission Members could review it and discuss 1-6 articles at the next meeting. Mr. DeCarli explained the primary change is the primary use of the word character.

- 8. Planner's Report** – Mr. DeCarli discussed the end of the month there will be a meeting to discuss draft regional housing plan at East Hampton. Mr. DeCarli explained 8.2.J of CT General Statutes requires every municipality have an affordable housing plan adopted by July 1, 2022 and RiverCOG drafted a regional plan, have annexes for each municipality within our 17 Town regions. A final public hearing will be the end of this month. Mr. DeCarli explained House Bill 5269 passed and signed by the Governor allowing remote and hybrid meetings. Mr. DeCarli briefly discussed the changes.
- 9. Set Public Hearing(s) for June 1, 2022** – A public hearing was set for Agenda Items: 6A and 6B.
- 10. Adjournment** – Chairman Zatorski made a motion to adjourn at 8:35 p.m., seconded by Vice-Chairman Kuhr. The vote was unanimous in favor. **Vote: 7-Yes; 0-No**

Respectfully submitted,



Cheryl Guiliano
Recording Secretary