

Town of East Hampton
Planning and Zoning Commission
Regular Meeting September 1, 2021
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, Roy Gauthier, Vice-Chairman Kuhr, Angelus Tammaro Alternate Members Mike Kowalczyk and Ted Hintz, Jr. and Zoning Official Jeremy DeCarli.

2. Approval of Minutes:

A. August 4, 2021 Regular Meeting: Mr. Rux made a motion to approve the August 4, 2021 minutes as written. The motion was seconded by Vice-Chair Kuhr. *Vote: 6-Yes; 0-No; 1-Abstention (Angelus Tammaro)*

3. Communications, Liaison Reports and Public Comments:

Mr. DeCarli CFPZA quarterly newsletter is online and not printed out.

Mr. Sennett attended the August 9th ZBA meeting by Zoom and reported the following application was approved: Application ZBA-21-008, Helena Gatto-Supino, 6 Brook Trail, Map 10A/Block 79/Lot 9, reduce side setback from 15' to 5' to expand existing deck to the width of the house. Mr. Kowalczyk stated that RPC referred Regional Plan of Conservation and Development Plan for approval. The following Commission members did not have anything to report: Chairman Zatorski, Mr. Gauthier, Mr. Rux, Ms. Wright, and Mr. Tammaro, Mr. Kowalczyk and Mr. Hintz. Chairman Zatorski asked for public comments at this time and stated that they should not pertain to Agenda Items 5A, 5B or 5C. There were no public comments.

A. Tom Heidel for Middlesex Land Trust: Request for Support of grant application for Open Space and Watershed Land Acquisition (OSWA) Grant. Tom Heidel for Middlesex Land Trust is planning to acquire 147 acres, specifically 1.8 acres within East Hampton by applying for a grant. This grant could pay 50-60% of the purchase price. The property is at the top of Depot Hill and adjacent to Meshomasic State Forest. Mr. Heidel requests letters from all four boards in both towns to assist with their application. Chairman Zatorski asked for any questions by the commission members. There were no questions. Chairman Zatorski made a motion for a letter by the Commission of support to the Rattlesnake Brook Preserve. The motion was seconded by Mr. Sennett. *Vote: 7-Yes; 0-No.*

4. Read Legal Notice for September 1, 2021: Staff read the legal notice for the record.

5. Public Hearings for September 1, 2021:

A. Application PZC-21-014: Martin Scovill, 117 Colchester Ave., Re-subdivision for 3 lots in R4 Zone. Map 27/ Block 87A/ Lot 12A-4. Pat Benjamin, Civil Engineer of 360B Main Street, Durham presented. The 8.52-acre lot was previously approved for a 4-lot subdivision in 2013. The proposal is for a 3-lot subdivision. As per the survey presented Lot 4 will be 3.75 acres, Lot 5 will be 2.53 acres and Lot 6 will be 2.24 acres. There are existing wetlands on the north side of the parcel that is fed by a culvert under Rte. 16 and drain to the north east via an intermittent

stream. changes to northern culvert from rip rap swale to a 7ft. wide 18in. deep fabric swale The Inland Wetland and Watercourse Agency approved the subdivision with changes to northern culvert from rip rap swale to a 7ft. wide 18in. deep fabric swale that can take four times the amount of water. A Commission Member asked what changed from 2013. Mr. Benjamin explained the original developer went into foreclosure. The new plans add Lot 5 and Lot 6. Chairman Zatorski asked for public comments at this time. Mr. Tammaro asked what the minimum lot size is for the R4 Zone and could the lots be further sub-divided. Mr. DeCarli explained that R4 minimum lot size is 85,000 square ft., (2.49 acres) and would not meet minimum lot size to further sub-divide. There were no further comments. Chairman Zatorski made a motion to close the public hearing for Application PZC-21-014: Martin Scovill, 117 Colchester Ave., re-subdivision for 3 lots in R4 Zone. Map 27/ Block 87A/ Lot 12A-4. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No** Chairman Zatorski looked for a motion to approve the Application PZC-21-014: Martin Scovill, 117 Colchester Ave. Re-subdivision for 3 lots in R4 Zone. Map 27/ Block 87A/ Lot 12A-4 for the following reason: it meets zoning regulation requirements, has an approved application and permit from Inland Wetland and Watercourse Agency, and no negative comments from town departments. With the following conditions: driveway locations prior to start of construction will need approval by Connecticut DOT, town staff will be notified prior to the start of construction, and all Erosion and Sedimentary controls along with improvements to culvert drainage be in place prior to the start of construction. Vice- Chair Kuhr made a motion to approve Application PZC-21-014: Martin Scovill, 117 Colchester Ave. Re-subdivision for 3 lots in R4 Zone. Map 27/ Block 87A/ Lot 12A-4. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No**

- B. Application PZC-21-015: JCG Properties, LLC., 9 Middle Haddam Rd.,** Special Permit for Veterinary Clinic per Sections 4.2 and 8.4.N. Map 01C/Block 9/Lot 5. Christine & Jonathon Gustavson presented. Christine Gustavson explained they would like to move their existing Veterinary Clinic to 9 Middle Haddam Rd. There is a house that exists that they will be renovating to operate their Veterinary Clinic. The property is 5 acres and in R2 Zone. Hours of Operation will be Monday, Tuesday, Thursday and Friday 8am -6pm, Wednesday 8am -8pm, and Saturday 8am-1pm. Chairman Zatorski explained regulations were changed to allow Veterinary Clinics in the R2 Zone. Details regarding retention pond, silt fencing, comments from town organizations were discussed. Fire Marshal, Fire Chief, Police Chief, Design Review Board have reviewed plans. With no negative comments. DOT needs to review. The Design Review Board did question lighting for the location. Chairman Zatorski expressed concern about reducing height of light poles and increasing more light poles. Mrs. Gustavson stated she is not opposed to putting more light poles and lowering the light poles height. She wants light poles to look esthetically pleasing with safety in mind. Chairman Zatorski stated all issues have been discussed in preliminary boards. Vice-Chair Kuhr questioned septic for the property. Mr. DeCarli stated he spoke to Ryan at Health District and there was no cause for concern and he is confident DPH will find a compliant well location. Vice-Chair Kuhr questioned the time frame of their plans. Jonathan and Christine Gustavson stated that they would like to start asap as their current location is smaller, but will remain at current location until project is finished. Mr. Tammaro asked when Chatham Health will approve septic. Mr. DeCarli stated that DPH has to approve the well first before Chatham Health can approve Septic. Chairman Zatorski asked for public comments at this time and commission. Mr. Rux stated he was concerned whether lowering light poles could cause issues with snow removal or if taller lights would be safer. Vice-Chair Kuhr expressed concern about higher light poles in a residential zone. Mr. DeCarli explained lowering pole height would not get as much spread and there are pros and cons to each height and the particular area to look at is the access aisle. Mr. DeCarli stated he does not know if the light plan takes topography into consideration regarding the slope. The closest house is to the north, and could potentially be impacted by the lighting, but Mr. DeCarli pointed out to the site plans that indicate that a tree line buffer will remain and be added to. Mr. Tammaro suggested time limits on lights and reasonable

restriction of hours of operation. Christine Gustavson stated their hours of operation and business could not be 24 hours in prior meeting. Mr. DeCarli stated regulations require lights to go off or be dimmed no more than an hour after close of business. There were no further comments.

Chairman Zatorski made a motion to close the public hearing for Application PZC-21-015: JCG Properties, LLC., 9 Middle Haddam Rd., Special Permit for Veterinary Clinic per Sections 4.2 and 8.4.N. Map 01C/Block 9/Lot 5. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No** Chairman Zatorski looked for a motion to approve the Application PZC-21-015: JCG Properties, LLC., 9 Middle Haddam Rd., Special Permit for Veterinary Clinic per Sections 4.2 and 8.4.N. Map 01C/Block 9/Lot 5. For the following reasons: it meets our regulations, has favorable comments from Design Review Board, has no objections from town departments, plans received by East Hampton Land Use office dated July 28, 2021. With the following conditions: hours of operation 7:30am -10pm and lights be shut off by 11am, Lighting must be turned off or dimmed in accordance with Section 7.3 of the Zoning Regulations no later than one (1) hour after the close of business, Town staff be notified prior to the start of construction, All erosion and sedimentation controls be in place prior to the start of construction, Lighting poles be evaluated and decided by Town Staff as a field evaluation, The site plan cannot be filed until all permits are received and Construction does not start until permits and location of septic system and well be in place. Vice-Chair Kuhr made a motion to approve Application PZC-21-015: JCG Properties, LLC., 9 Middle Haddam Rd., Special Permit for Veterinary Clinic per Sections 4.2 and 8.4.N. Map 01C/Block 9/Lot 5. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No**

- C. Application PZC-21-016 Nancy Donald, Robert and Sue Briere, 91-93 Lake Dr., 2 Lot** Subdivision at 91-93 Lake Drive in R1 Zone. Map 25/Block 64/Lot 56. Nancy Briere presented. 91-93 Lake Drive is one lot and they have two homes on that lot. They want to subdivide the property into two lots so they each have their own home and property with separate deeds. They went through ZBA & IWWA commissions, both approved their applications. Lake Conservation Commission had no objections to their proposal. Across the street on the south side of Lake Drive will be 4 non-buildable lots. Mr. DeCarli confirmed conservation easements will be filed for the four lots. Commission Members discussed permanently preserving the open space of the lots. Chairman Zatorski made a motion to close the public hearing for Application PZC-21-016 Nancy Donald, Robert and Sue Briere, 91-93 Lake Dr., 2 Lot Subdivision at 91-93 Lake Drive in R1 Zone. Map 25/Block 64/Lot 56. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No** Chairman Zatorski looked for a motion to approve the Application PZC-21-016 Nancy Donald, Robert and Sue Briere, 91-93 Lake Dr., 2 Lot Subdivision at 91-93 Lake Drive in R1 Zone. Map 25/Block 64/Lot 56. For the following reasons it meets our regulations, makes properties more conforming, has positive comments from various commissions in town, IWWA approved the subdivision on August 25, 2021 and variances have been issued for the setbacks and lot sizes. Mr. Rux made a motion to approve application and Vice-Chair Kuhr seconded. **Vote: 7-Yes; 0-No**

6. New Business:

- A. Application PZC-21-017: Kim Novak, 26 Lakeview St.,** Zone Change: Commercial to R1. Map 05A/Block85/Lot 18A. Kim Novak presented she would like return the property back to the original residential zone as it was before she purchased the property. She will be moving her private practice she has been operating to an office location in town and discontinue the commercial use of the property. She believes the best use of the property is to return back to residential. Mr. Gauthier made a motion to set a public hearing for Application PZC-21-017: Kim Novak, 26 Lakeview St., Zone Change: Commercial to R1. Map 05A/Block85/Lot 18A for the next regularly scheduled meeting on October 6, 2021. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No**
- B. Application PZC- 21-018: Tushar Shah, 193 East High St.,** Site Plan Modification in C Zone, Sec. 5.2B. Map 09A/Block 76/Lot11-5. Tushar Shah presented that he would like to put a slab in the back of the building and extend the building in the front. He did get approval in 2015-2016

from the Commission. The slab in the back will be 26 X 48 slab with a walk-in cooler. Extension in the front will be 13 X 47 and add a driveway in the back of the building. Mr. Gauthier asked what plans changed. Mr. Shah explained he originally planned for a bigger building in back, but now will only be a slab. Mr. DeCarli explained via site map the plans and informed Commission Members it is in lake watershed it will need to be reviewed by other Town Commissions. Mr. DeCarli will draft a report listing changes from the last application submitted in 2015. Chairman Zatorski looked for a motion to set a public hearing for Application PZC- 21-018: Tushar Shah, 193 East High St., for the next regularly scheduled meeting on October 6, 2021 with the following provisions: all commentary and all issues have been resolved with various departments with town staff prior to opening public hearing. Mr. Rux made a motion and Vice-Chair Kuhr Seconded.

Vote: 7-Yes; 0-No

- C. Application PZC- 21-019: Global 66, LLC, 265 West High St.,** Special Permit to convert a portion of Sports on 66 into storage units in C Zone, Sec. 5.2C. Map 6/Block 12/Lot 9. Wayne Rand representing Global 66 LLC doing business as Global Self Storage of 265 West High Street presented. Mr. Rand would like to convert 37,000SF Sports complex into a storage business. They plan to consolidate their businesses which are spread out into three different buildings into one facility. In the future Mr. Rand plans to bring in modified site plans which would show improvements to the building. Mr. Gauthier asked if a portion of the sports business would remain. Mr. Rand. replied that a portion of soccer field will go and unsure about basketball portion. He will know by next scheduled meeting. Chairman Zatorski looked for a motion to set a public hearing for Application PZC- 21-019: Global 66, LLC, 265 West High St., Special Permit to convert a portion of Sports on 66 into storage units in C Zone, Sec. 5.2C. Map 6/Block 12/Lot 9., for the next regularly scheduled meeting on October 6, 2021. Vice-Chair Kuhr made a motion and Mr. Gauthier Seconded. **Vote: 7-Yes; 0-No**

- D. Application PZC-21-020: Warren Scott Cross, 201 West High St.,** Special permit to open a brewery/taproom in the C Zone, Sec 5.2C. Map 12/Block 36/Lot 3-1. Warren Cross, representing, Rule of Three Brewing LLC presented. They would like to open a tap room brewery at 201 West High Street Building B. The rear building, he will use consists of Unit 1 & 2 and the rear half of Unit 3, a total of 5625 SF. Units 1 and 2 will be a tap room area with a cooler and bar. They will leave two ADA Complaint restrooms that are already existing and convert the existing locker room and shower into additional restrooms. The back half of Unit 3 would be brewing space. They will be adding a hold tank for brewery waste that will be pumped out and add a pad on back for a chiller. Commission members briefly discussed concerns with the septic system as a restaurant could not open due to issues with the septic system. Mr. Cross stated the business is contracting the brew at other breweries and their location would have a small brew station. Mr. DeCarli added the Health Department and Fire Marshall were evaluating the septic system. Mr. Gauthier wanted clarification on liquor license regarding the State approval. Mr. DeCarli stated local approval is needed before liquor license application can be sent to the State. Chairman Zatorski looked for a motion to set a public hearing for Application PZC-21-020: Warren Scott Cross, 201 West High St., Special permit to open a brewery/taproom in the C Zone, Sec 5.2C. Map 12/Block 36/Lot 3-1 for the next regularly scheduled meeting on October 6, 2021 with the following conditions: town departments and Chatham Health have favorable comments and appropriate permits prior to the start of the public hearing. Vice-Chair Kuhr made a motion and Mr. Gauthier seconded. **Vote: 7-Yes; 0-No**

- E. Discussion:** Cannabis Legislation – Public Act 21-1. Chairman Zatorski explained recreational marijuana will be available for sale in CT by June 2022. Commission Members need to decide to prohibit it entirely or allow some or all nine permits through regulations. Commission Members shared their ideas and comments. A few members recommended a public workshop or poll as they are interested to hear pros and cons from residents and businesses in town. Mr. Tammaro volunteered to attend Town Council's next meeting to ask if they will be addressing medical marijuana with

ordinances. Chairman Zatorski stated next month they will have a public workshop a half hour before next scheduled meeting on October 6, 2021 and further discuss to allow medical marijuana as written or prohibit it.

7. Old Business:

- A. Discussion: Accessory Dwelling Units “As of Right”** Continued to the next regularly scheduled meeting on October 6, 2021.
- B. Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards -** Continued to the next regularly scheduled meeting on October 6, 2021.
- C. Discussion: Home Based Occupations -** Continued to the next regularly scheduled meeting on October 6, 2021.

8. Planner’s Report – Mr. DeCarli informed members the Regional Planning Agency – RiverCOG is undertaking the regional affordable housing plan. This is a state mandated plan that all municipalities must have in place by June 2022. RiverCOG has put together a survey online which is requesting thoughts on housing around our region. This survey can be found online and at the Land Use office.

9. Set Public Hearing(s) for October 6, 2021 – A public hearing was set for Agenda Items: 6A, B and C

10. Adjournment – Chairman Zatorski made a motion to adjourn at 8:40 p.m., seconded by Mr. Tammaro. The vote was unanimous in favor

Respectfully submitted,

Recording Secretary