

Town of East Hampton
**Planning and Zoning
Commission**
Regular Meeting September 6, 2023
Town Hall and Virtual Meeting

DRAFT MINUTES

1. Call to Order and Seating of Alternates:

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

Present: Chairman Kuhr, Vice-Chairman Zatorski, Jim Sennett, Rowland Rux, Meg Wright and Ted Hintz, Jr

Alternate Members: Mike Kowalczyk and Matthew Walton

Zoning Official Jeremy DeCarli

Absent: Roy Gauthier and Angelus Tammaro

Chairman Kuhr seated Matthew Walton and Ted Hintz, Jr

2. Approval of Minutes:

A. August 2, 2023 Regular Meeting: Vice-Chairman Zatorski made a motion to approve the minutes as presented. Mr. Rux seconded the motion. *Vote: 7-Yes; 0-No*

3. Communications, Liaison Reports and Public Comments: Mr. Sennett attended ZBA meeting August 14, 2023 and reported ZBA-23-006: Bethanne Salva, 12 Brook Trail, Reduce side setbacks from 15' to 8.5' and 15' to 7.0' to construct deck with stairs. Map 10A/ Block 79/ Lot 7 was approved and provided the reason. Mr. Sennett explained the Commission discussed text amendment regarding required setbacks on non-conforming lots in the R-1. Mr. Sennett stated he spoke out at the meeting to explain if the proposed amendment was approved, ZBA would not know what was granted. Mr. Sennett explained he asked the ZBA if they are concerned that public could not be able to voice their concerns if the amendment was approved. Mr. Sennett stated Vice-Chairman Reed and Chairman Spack indicated they would like to hear from the public regarding variances but would like to hear from Commission Member Mr. Tuttle who was not at the meeting. Mr. Sennett noted Mr. DeCarli's comment at that meeting regarding reasonable use and possibly be challenged in court. Mr. Sennett referred the Commission to review ZBA meeting minutes. The following Commission Members did not have anything to report: Mr. Hintz, Vice-Chairman Zatorski, Ms. Wright, Mr. Walton and Mr. Kowalczyk. Chairman Kuhr asked for public comments at this time. Matt Reich, former Chair for Economic Develop Commission presented Mr. DeCarli a citation from the CT General Assembly, on behalf of the East Hampton delegation recognizing him for his handwork and dedication serving East Hampton and its residents as the Planning and Zoning Official. There were no further comments.

4. Read Legal Notice for September 6, 2023: None.

5. Public Hearings for September 6, 2023:

A. PZC-23-012: Michael Bakaj, 37 South Main Street, a 22-lot (33 units) HOD subdivision in existing HOD Zone, Map 20 Block 51/ Lot 27. Mr. DeCarli reported he received late in the day an extension request by the applicant to the next regularly scheduled meeting on October 4, 2023 meeting. Chairman Kuhr asked if he could open the public hearing for public comments. Mr. DeCarli advised against as the applicant was not able to comment. Chairman Kuhr opened the public hearing and asked for public comments. Kay Monroe, 31 South Main, expressed concern with abutting property's wells. Ms. Monroe explained her property does not have open space between the properties as the others do. Chairman Kuhr asked if the wells have been tested. Mr. DeCarli replied he did not have information for the wells with him. Mr. DeCarli explained the former approved plan had a water system for 127 units and believes the standard at that time was based on 100 gallon per person per day use. Mr. DeCarli further explained today's standard is 75 gallon per person per day and this plan is for 33 units. Chairman Kuhr asked if the duplexes would share wells and Mr. DeCarli replied the plans indicated that. Mr. Rux asked if they are waiting on a final plan set and the plan for shared wells for duplexes may change. Mr. DeCarli replied yes, they are waiting for final plans. He further explained he did not anticipate shared wells would change because of separation distance requirements. Chairman Kuhr asked if the Commission could recommend a buffer zone at the edge of the open space. Mr. DeCarli replied the buffer should be addressed with the applicant and noted language in regulations for buffer strip but not a dedicated piece of land. Mr. Rux asked Ms. Monroe if her question was addressed and she replied yes. Jackie Reardon, 55 South Main St., expressed concern with stone walls and will they be preserved. Chairman Kuhr replied they can address that question with the applicant at the next meeting. Vice-Chairman Zatorski made a motion to continue public hearing for PZC-23-012: Michael Bakaj, 37 South Main Street, a 22-lot (33 units) HOD subdivision in existing HOD Zone, Map 20 Block 51/ Lot 27 to the next regularly scheduled meeting October 4, 2023 at the applicant's request. The motion was seconded by Mr. Rux. *Vote: 7-0* Vice-Chairman Zatorski made a motion to continue the application PZC-23-012: Michael Bakaj, 37 South Main Street, a 22-lot (33 units) HOD subdivision in existing HOD Zone, Map 20 Block 51/ Lot 27 to the regular meeting of October 4, 2023 at the request of the applicant. The motion was seconded by Mr. Rux. *Vote: 7-0*

B. Text Amendment Regarding Required Setbacks on Non-Conforming Lots in the R-1 Zone: Section 8.2 of the East Hampton Zoning Regulations. Mr. Sennett referred the Commission to their packets for ZBA minutes. Mr. Kowalczyk asked if proposed text amendment change was previously presented to Lake Conservation Commission and ZBA. Mr. DeCarli replied it has previously been presented. Chairman Kuhr stated they asked other boards to review proposed text amendment and Mr. DeCarli replied yes, they all have discussed. Mr. Kowalczyk asked for confirmation that all the boards reviewed and agreed with proposed text amendment. Mr. DeCarli replied ZBA reviewed it and essentially said yes and believes they had conversations after the meeting and asked to discuss again. Mr. DeCarli noted the minutes from their last meeting is in their packets. Mr. DeCarli noted a ZBA Commission Member asked to discuss the proposed text amendment but was not at

their scheduled meeting. Mr. DeCarli explained he provided in their packets old Town zoning regulations for the areas around Lake Pocotopaug and briefly discussed them. Mr. Sennett stated ZBA Chairman Spack and Vice-Chairman Reed wanted Mr. Tuttle's opinion and noted their comments. Chairman Kuhr asked for public comments. There were no public comments. Vice-Chairman Zatorski made a motion to continue the Public Hearing Text Amendment Regarding Required Setbacks on Non-Conforming Lots in the R-1 Zone: Section 8.2 of the East Hampton Zoning Regulations to the next regular meeting of October 4, 2023. The motion was seconded by Mr. Rux. *Vote: 7-0*

6. New Business:

A. Pre-Application Discussion: Creation of a regulation to allow accessory uses to agriculture by Special Permit. Mr. DeCarli explained other Towns surrounding East Hampton where accessory uses are allowed on farms that allow events in an effort to financially help farms. Mr. DeCarli briefly discussed East Haddam's regulations, noted an example would be a wedding event and stated East Hampton's regulations do not allow that use. Mr. DeCarli explained the property owner would like to enact a regulation to allow similar uses on a farm. Nicole Palazzo, 365 Moodus Road, explained her family owns a farm and would like to host events like weddings. Chairman Kuhr asked how many acres is considered a farm. Ms. Palazzo replied the property is 17 acres and the Town classifies half of the property as woodlands and they currently grow hay for a local farmer in Town. Chairman Kuhr asked if there is a minimum amount of land for a farm. Mr. DeCarli explained it depends on how the farm is classified and that is part of the PA490 program that goes through the assessor's office. Mr. DeCarli stated generally speaking the minimum lot size for the zone gets excluded from the farm portion and whatever is leftover can be considered farm. Mr. DeCarli explained the Commission can require a minimum lot size for a proposed regulation. Mr. Rux asked the applicant if they are a registered farm with the State of Connecticut and Ms. Palazzo replied not technically. Mr. Rux explained they could make that requirement and briefly explained to Ms. Palazzo it could be a benefit for her. Mr. Walton asked how many people would attend an event. Ms. Palazzo replied they would have 150 persons max, they would not use the barn but possibly a large tent in a field with accommodating parking. Mr. Walton asked if the use was done without permission what happens. Mr. DeCarli replied it is a zoning violation. Mr. Rux stated the Commission should consider distance from neighbors, noise abatement, parking and accessibility for sanitation facilities. Mr. DeCarli explained East Haddam's regulations requires a special permit for similar use of a farm and noted what items they consider. Mr. DeCarli recommended the Commission write the regulation broadly and tailor any approvals to the applicant based on the site conditions. Mr. DeCarli noted it would be similar to previous Commission approval of events at the Bevin House Bed & Breakfast and briefly discussed that approval. Mr. DeCarli further explained the benefit of broadly writing the regulation. Mr. Walton stated they would need to write certain requirements and Mr. DeCarli replied that is a special permit and they could condition it. Mr. Sennett noted the broad regulation would be similar to the use at Oakum Dock. Mr. DeCarli replied Oakum Dock received a zone change approval by the Commission from R2 to Commercial. Mr. Rux explained the proposed text change

with a special permit would be applied to the entire Town, the Commission could add conditions based on the site's conditions. Mr. DeCarli explained the concept is an accessory use to an agricultural property, you could require a working farm registered with the Town, and noted East Haddam regulations state if you are selling products you need to have a minimum percentage produced on site similar to the farm brewery requirements within East Hampton. Chairman Kuhr noted they could limit to different types of farms. Mr. Hintz briefly discussed wedding events at the applicant's property and the benefit of conditioning a special permit as each property is different. Ms. Palazzo noted her property is across the street of Hurd State Park. Mr. Hintz discussed possible shuttles and spoke in favor of a broader regulation. Mr. DeCarli replied yes, and it puts the responsibility on the applicant to put together an application the Commission can realistically review. Mr. Hintz asked if it would be per property and not per event. Mr. DeCarli replied yes, and noted East Haddam regulation is that way. Mr. DeCarli compared proposed accessory use to the special events at Bed and Breakfast regulation that was approved. Mr. Walton asked Ms. Palazzo for her properties location and Ms. Palazzo provided the location. Chairman Kuhr noted the Commission needs to consider Town wide properties. Mr. Hintz noted each farm would need their own plan. Mr. Walton stated they would need a layout of the property. Chairman Kuhr noted to consider music and noise level. Mr. Hintz compared events to Christmas tree farms. Mr. DeCarli discussed parking demands would be different for a seasonal tree farm versus a scheduled event at a farm. Mr. Kowalczyk explained the Town of Durham presented a similar farm event regulation to the RPC. Mr. Rux noted to the applicant that Mr. DeCarli is leaving his position. Mr. Rux further explained she needs to consider time lapse until the position is filled and will need help with Town employee for verbiage for proposed regulation change.

7. Old Business: None.

8. Planner's Report – Mr. DeCarli referred Commission Members to his written report. Mr. DeCarli thanked the Commission for all their hard work and dedication throughout his tenure. Commission Members thanked Mr. DeCarli for his work with the Commission.

9. Set Public Hearing(s) for November 1, 2023:

10. Adjournment – Vice-Chairman Zatorski made a motion to adjourn at 7:47 p.m. The motion was seconded by Ms. Wright. The vote was unanimous in favor.

Vote: 7-Yes; 0-No

Respectfully submitted,



Cheryl Guiliano
Recording Secretary