

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
February 1, 2017 – 7:00 P.M.
East Hampton Town Hall Meeting Room

APPROVED MINUTES

1. Call to Order and Seating of Alternates: The meeting was called to order at 7:00 p.m. by Chairman Kuhr.

Present: Chairman Kevin Kuhr, Vice-Chairman Zatorski (arrived at 7:10 p.m. after the Liaison Reports) Regular Members, James Sennett, Roy Gauthier, Meg Wright and Gary Hall. Alternate Members Michael Kowalski and Jason Jozefiak were present as well as Planning and Zoning Official Jeremy DeCarli. Chairman Kuhr seated Alternates Michael Kowalski and Jason Jozefiak.

2. Approval of Minutes:

A. January 4, 2017 Regular Meeting - Chairman Kuhr suggested the following correction: Change “Chairman Zatorski” to “Vice-Chairman Zatorski” under Section C of New Business on page 5. Mr. Sennett made a motion to accept the January 4, 2017 minutes with the suggested change. The motion was seconded by Mr. Hall. **Vote: 6-Yes; 0-No, 1-Abstention (Chairman Kuhr). Motion passed.**

3. Communications, Liaison Reports, and Public Comments:

Communications: Mr. DeCarli informed the members of the following upcoming events: A conference for the CT Land Use Law on March 25th at Wesleyan University, the Annual Conference of the Connecticut Federation of Planning and Zoning Agencies on March 23rd and the meeting of the Central Region Water Utility Coordination Committee on Feb. 15th in Hartford. The quarterly newsletter for The Connecticut Federation of Planning and Zoning Agencies was emailed to the Commission earlier in the day.

Liaison Reports:

Mr. Gauthier reported that the East Hampton High School renovation continues to progress and that by May 17th there will be a substantial completion and that there will be tours open to the public.

Gary Hall was unable to attend the Design Review Board meeting last month.

Michael Kowalczyk stated that the Lower Connecticut River Valley Regional Planning Commission did not meet.

James Sennett stated that the January meeting of the Zoning Board of Appeals was cancelled.

Ms. Wright stated that she attended the Water Development Task Force meeting on January 12th. The 5 engineer groups who responded to the request for proposal were rated and prioritized. The top 2-3 will be asked to respond to a scope of work that is

currently being drafted and will be presented at the next meeting.

Chairman Kuhr stated that he attended the Conservation-Lake Commission meeting on Jan. 12th. They have \$120,000 allocated to the 9 Point Plan which they have not used but stated that the money can be rolled over into the next fiscal year if needed.

Mr. DeCarli will be presenting a Lake Smart Plan to the Commission at their next meeting on Feb. 9th. The Sears Park boat launch will be replaced due to the condition of the existing concrete. There was a brief discussion about the 319 Federal grant.

Chairman Kuhr opened the meeting to public comments not pertaining to items on the agenda. There were no comments.

Vice-Chairman Zatorski arrived at this time. Chairman Kuhr unseated Alternate Mr. Kowalczyk.

4. Read Legal Notice for February 1, 2017: The legal notice was read into the record by Mr. DeCarli.

5. Public Hearings for February 1, 2017:

A. Continued: Amendments to East Hampton Zoning Regulations- Section 8.4.M, Special Regulations, Standards For Specific Uses, Accessory Dwelling Units. Based on the discussion last month, Mr. DeCarli provided the members with various definitions of "Special Needs" and "Disability" in an attempt to find a better definition for the Granny Pod Regulations. His recommendation was to use the definition of the Americans with Disabilities Act which is all encompassing. He provided the members with comments and feedback from other towns who currently have regulations for accessory units. Vice-Chairman Zatorski made a motion to continue the public hearing for the Amendments to the East Hampton Zoning Regulations- Section 8.4.M, Special Regulations, Standards For Specific Uses, Accessory Dwelling Units to the next regularly scheduled meeting. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No. Motion passed.**

B. Application of Clark Hill Estates, 109 Clark Hill for a re-subdivision. Map 11-Block 39/ Lot 2-4.

Patrick Benjamin, P.E. of Durham was present on behalf of Clark Hill Estates. He explained to the board members that the applicant is proposing a subdivision of the previously approved lot #4 thereby creating Lots #5 (1.69 acres), #6 (35.88 acres) and #7 (28.38 acres) with access to these to these lots by way of a proposed private 22' wide gravel road. He indicated on the site plan the 18.29 acres of conservation easement and stated that they will be adding a note to the site plan that will allow crossing the conservation easement providing all applicable permits are obtained. He went on to add that they will be revising the site plan to include an additional 2 acres of conservation easement due to the area of high and dry land in the easement. A brief discussion followed about the septic and well locations. Mr. Benjamin stated that he received an email from Steve Knauf, R.S. from The Chatham Health District indicating that he approved the plans for the septic and well. Vice-Chairman Zatorski stated that as a single Commissioner, he would recommend the proposed private road being a minimum of 26' wide and paved to accommodate emergency vehicles. Mr. DeCarli stated that he spoke with

the Fire Chief who stated that he was not concerned about the width of the road but he did recommend a hardened surface. Chairman Kuhr asked for public comments at this time. Rick Cardillo of 133 Clark Hill Rd. voiced his concerns regarding the possibility of creating more lots and private roads in the future. Tony Flannery of 117 Abbey Rd. stated that the upper lot of the Clark Hill development is under deposit by him and his son and that their intention is to have the 25 acres in the rear of the lot be a forestry conservation area. Larry Marsiglio of 24 Arden Dr. stated that he is in favor of the plan but voiced his concerns regarding the maintenance and ownership of the proposed private road. Vice-Chairman Zatorski made a motion to continue the application of Clark Hill Estates, 109 Clark Hill for a re-subdivision Map 11- Block 39/ Lot 2-4 to the next scheduled meeting. The motion was seconded by Mr. Hall. **Vote: 7-Yes; 0-No.** **Motion passed.** Vice-Chairman Zatorksi made a motion to continue the application of Clark Hill Estates, 109 Clark Hill for a re-subdivision Map 11/Block 39/Lot 2-4. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No.** **Motion passed.**

6. New Business:

- A. Application of Bart Blau (Paug Dog's)** for Hotdog Vending-Lake Pocotopaug
Mr. Blau presented to the board. He proposes having a hot dog business on his boat and vending to people on Lake Pocotopaug. He stated that his boat is registered and insured and that he will not dock to do business nor will he do business at Sears Park. He has reached out to the Police Department and the Chatham Health District for the required paperwork. A brief discussion followed about the need for the Planning and Zoning Commission to review this application. Chairman Kuhr advised the Town of East Hampton Planning and Zoning Department to handle this application in an administrative manner and to re-direct the applicant to the PZC should the need arise.
- B. Application of Sheila Mullen (Fat Orange Cat Brew Co.),** 47 Tartia Rd., for additional parking on property. Map 27/ Block 55/ Lot 2. Sheila Mullen presented a new site plan indicating the following: 25 additional parking spaces on her property, the existing parking spaces (which she stated will be handicap only) and additional parking on a nearby parcel owned by Thomas and Laurie Anne Seidl. Sheila stated that she was given authorization from the Seidl's for customers to park on the parcel they own. The members stated that they cannot approve someone else's property and recommended separate applications: one for 47 Tartia Rd and one for the owners of the parcel on Tartia Rd. Mr. DeCarli informed the members that Sheila has an IWWA application pending. Vice-Chairman Zatorski made a motion to continue the application of Sheila Mullen (Fat Orange Cat Brew Co.), 47 Tartia Rd., for additional parking on property. Map 27/ Block 55/ Lot 2 to the next scheduled meeting unless otherwise scheduled. The motion was seconded by Mr. Hall. **Vote: 7-Yes; 0-No.** **Motion passed.**

7. Old Business:

- A. Application of Theater Square** for a Commercial Sign. Map 01A/ Block 39A. Lot 28A. Chuck Haller (owner of Theater Square and Team Fitness) presented to the board. He stated that he presented his proposed sign to the Design Review Board

last month and they suggested having the names of the 4 tenants at the top of the sign and a larger area underneath for “Team Fitness” to fill in the rest of the sign at the base. They also suggested having the signs slide in and out and a flower box at the base. Mr. Haller said there will be a slight slope to the grade which would be 15” on the higher side and 2’ of base around the bottom. “11 North Main Street” will remain at the very top as previously proposed. Mr. Haller added that the sign will be 15’-20’ off the road and that he removed trees so there will be no obstruction of views. The sign will be perpendicular to the road and will be illuminated by a spot light. Vice-Chairman Zatorski made a motion to approve application of Theater Square for a commercial sign (Map 01A/ Block 39A/ Lot 28A) for the following reasons: that it meets our regulations and that it was approved by the Design Review Board and with the following conditions: that the sign is in accordance and reflects the drawings that were submitted as part of the application and any other requirements that the EH Building Department has for this prior to the final approval. The motion was seconded by Mr. Gauthier.

Vote: 7- Yes; 0-No. Motion passed.

B. Application of Text Amendment, Active Adult Congregate and Senior Housing, Sections 4.2.D.1; 8.5.B; 8.5.C.1; 8.5.D.1; 8.5.E; 8.5.G

Dan Loos of 61 Wangonk Trail presented to the board. He stated that he is requesting to add the use of Active Adult Congregate and Senior Housing (Sections 4.2.D.1; 8.5.B; 8.5.C.1; 8.5.D.1; 8.5.E; 8.5.G) in the R2 zone. Mr. DeCarli provided the members with a zoning map of properties that are in either the current or future sewer service areas of the R2 zone. He stated that there are 51 properties (2 town owned) in the R2 zone that meet the criteria for the Active Adult Congregate and Senior Housing regulations (more than 3 acres). He went on to add that many of those properties are in the Cobalt area. Vice-Chairman Zatorski voiced his concerns about the amount of properties that could be affected and what the ramifications could be if the text were to be amended. Vice-Chairman Zatorski made a motion to deny without prejudice the Application for Text Amendment, Active Adult Congregate and Senior Housing, Sections 4.2.D.1; 8.5.B; 8.5.C.1; 8.5.D.1; 8.5.E; 8.5.G. The motion was seconded by Mr. Sennett.

Vote: 7-Yes; 0-No. Motion passed.

C. Application of T&O Enterprises East High Street for New Commercial Construction (13, 850 sq. ft.) Map 26/ Block 85/ Lot 14 – Chairman Kuhr recused himself from this application. Vice-Chairman Zatorski took over as Chair and seated Alternate Michael Kowalczyk. Richard Mihok (Civil Engineer) presented to the members on behalf of T&O Enterprises. He explained that they are proposing a 6000 sq. ft. commercial building which will face Rte. 66 on the southside. They presented to IWWA and were approved. There will be an access drive off Rte. 66 and the building will be 73’ from the right of way and

approximately 100' from the pavement on Rte. 66. There will be drainage for the parking lot which will slope towards Rte. 66 into a swale and carried to a small detention basin which will have an outlet and a spreader behind it. It will be served by public sewer and a private well. There will be a gravel access driveway to the rear of the building and a paved parking area in front. Tony Flannery of T&O Enterprises presented a newer rendering of the proposed project which now includes the recommendations made by the Design Review Board such as dormers, lighted windows, trim around the windows, a decorative stone front and an overhang with poles for the walkway. Tom Adams (member of the Design Review Board) was present and stated that there was not a sufficient amount of information about the proposed landscaping and they suggested an island in the parking lot as well as low level lighting. Mr. Flannery responded to the written request from the Fire Department for a pad area in the rear of the building for a fire truck to maneuver. Mr. Flannery stated that there will be a gravel driveway to the rear of the building and a large gravel area with sufficient area to turn around. He went on to say that the pad area suggested by the Fire Department would impact the wetland areas whereas his proposal would prevent sheer runoff into the wetlands as recommended by IWWA. Acting Chairman Zatorski made a motion to move to a public hearing, the Application of T&O Enterprises East High Street for New Commercial Construction (13, 850 sq. ft.) Map 26/ Block 85/ Lot 14 for the following reasons: they have an approved permit from IWWA, it is in keeping with our regulations and with the following conditions: submitting for approval a landscaping plan from the Town Staff, addressing the issue of the island in the parking lot per DRB discussion with Town Staff, submit a lighting plan for approval by Town Staff and resolve the Fire Chief's comments with Town Staff. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No. Motion passed.** Acting Chairman Zatorski unseated Alternate Michael Kowalczyk. Chairman Kuhr returned to the meeting at this time.

D. Bond Reduction Request, Skyline Estates, Phase 1B

Mr. DeCarli stated that an assessment was done by Anchor Engineering and provided the members with that report. He also spoke with Matt Brown (Principal Engineer at Anchor Engineering) who expressed his concerns about the road as it exists with spider cracking in the binder course and the fact that there were no inspections or oversight on the installation of the binder course. Mr. Brown prepared an estimate of costs for phases 1A and 1B which is over \$500,000 worth of work if the binder course was to be torn up and reinstalled in an effort to see if the base was adequate. The bond is due for a review in June 2018. A discussion followed about having Anchor Engineering take samples to evaluate what is underneath. Vice-Chairman Zatorski stated that in light of the report from Anchor Engineering along with the pictures and recommendation from Town Staff he is making a motion to keep the bond in place as it is with no

reduction. Mr. Sennett seconded the motion. **Vote: 7-Yes; 0-No. Motion passed.**

8. Planner's Report – Mr. DeCarli provided clarification of the zone change for the proposed subdivision on South Main Street by Pelletier Homes, LLC. He stated that he spoke with the Town Attorney who informed him that there is currently a stipulated agreement in place that states that the lot is zoned as HOD and that the proposed subdivision must meet the HOD regulations which specifies that 40% of the houses in the subdivision are to be deed restricted affordable. If it doesn't comply with the HOD regulations then they would have to apply for a zone change to go back to the R2 zone and return with a yield plan that complies with the R2 zone. The Town Council and Town Manager have sent a letter to Pelletier Homes, LLC stating that if they decide to move forward with the subdivision that they will reimburse them for any land use fees they have paid and waive other permit fees in exchange for ownership of the 6 wells that are currently on the site with their intent to gravity feed down into the village center system to pump more water into the center of town.

9. Set Public Hearing(s) for March 1, 2017 – Vice-Chairman Zatorski made a motion to set a public hearing for T&O Enterprises, East High Street for construction of a new commercial building (13, 850 sq. ft.) Map 26/ Block 85/ Lot 14 at the next regularly scheduled meeting on March 1, 2017. The motion was seconded by Mr. Gauthier. **Vote: 6-Yes; 0-No; 1-Abstention (Chairman Kuhr). Motion passed.**

10. Adjournment: Vice-Chairman Zatorski made a motion to adjourn at 9:28 p.m. The motion was unanimous in favor. The meeting was adjourned.

Respectfully submitted,

Christine Castonguay
Recording Clerk