

Town of East Hampton
**Planning and Zoning
Commission**
Regular Meeting February 3, 2021 – 7:00 P.M.
Virtual Meeting

DRAFT MINUTES

1. Call to Order and Seating of Alternates:

Chairman Zatorski called the meeting to order at 7:01 p.m.

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

2. Approval of Minutes:

A. January 6, 2021 Regular Meeting: Vice-Chairman Kuhr made a motion to approve the January 6, 2021 minutes as written. The motion was seconded by Mr. Sennett. *Vote: 7-Yes; 0-No*

Communications, Liaison Reports, and Public Comments:

Communications:

The CT Bar Association is having their annual Land Use Conference on March 6, 2021 via ZOOM and the CT Federation of Planning and Zoning Association newsletter was provided to the members.

Liaison Reports:

Mr. Kowalczyk stated that the RPC discussed accessory dwelling units because the State is contemplating legislation that would allow them by right in certain residential zones. There was also talk about potential changes to affordable housing and an update on the RPC process.

Mr. Sennett stated that the Zoning Board of Appeals did not meet in January.

Chairman Zatorski stated that any Inland Wetlands and Watercourse Agency items will be addressed under the agenda items.

Mr. Gauthier, Mr. Tammaro, Ms. Wright, Mr. Rux, Mr. Puglielli and Vice-Chairman Kuhr did not have items to report.

Chairman Zatorski asked for public comments at this time and asked that the comments not pertain to Agenda Items #5A, 5B or 5C. Doug Mackeown of 47 Keighley Pond Road stated that agenda 5B is in the Middle Haddam Historic District. There were no further comments.

3. Read Legal Notice for February 3, 2021: Staff read the legal notice for the record.

4. Public Hearings for February 3, 2021:

A. Application PZC-20-024: Paula Free, 249 West High St., for a special permit per Sec. 8.4 Motor Fuel Filling Station with a proposed convenience store in the Commercial Zone, Section 5.2. Map 06/Block 12/Lot 1B. Mark Smith, P.E. presented. The proposal is to re-establish a fuel filling station that was removed in the late 1980's and to add a convenience store. There is a package store that exists now with an additional 2000 sq. ft. of unused space to the side of the store. They are proposing a convenience store in front where there is currently 1300 sq. ft. of unused space. There are 3 curb cuts along Rte. 66 and 2 along Rte. 16. They are proposing to consolidate the curb cuts along Rte. 66 to one that will be a right in and a right out and far away from the intersection as possible. Along Rte. 16 they are proposing to close the paved curb cut and create green space there and have one curb

cut closer to the intersection. There will be a canopy covering 4 pump islands toward the intersection portion of the parcel. The property slopes a bit so there will be minimal grading and leveling. There will be 4 catch basins added. Stormwater runoff will go through the basins, be routed through a treatment system then discharge to a level spreader outlet and into a DOT catch basin at the intersection. There will be yard lights spotted on the property and a lighting plan was provided depicting the proposal. A landscaping plan was provided showing an assortment of trees and shrubs and a row of trees that will be planted along the abutters side to act as a screen. The Design Review Board made suggestions about the types of shrubs and trees that they would recommend. Those recommendations were added to the landscaping plan. The property is serviced by sewer and there is a well but no public water. The well will have to be approved by the State DPH as a transient non-community well. Attorney Jezek re-introduced the letters that were submitted verifying the prior use of the existing apartment. There was an affidavit from Arthur Scherp of Sterling, CT, a letter from Peter Engel of 5 Markham Road and a letter from Stephen Majeski of Cobalt with signatures from Edward Turner, Bruce Rittman, Kevin Lavitzen and Jeff Langer. The letters are filed with the application. Mr. Gauthier and Mr. Rux felt that the proposed entrance and exit along Rte. 66 is a potential danger with the possibility of traffic congestion. Chairman Zatorski asked for public comments at this time. Ted Turner of 223 Hog Hill spoke in favor of the application. Mary Ann Dostaler of 56 William Drive supported the application. Susan Anelli of 78 Charles Mary Drive was concerned about traffic, the egress and the direction of ground water. Chairman Zatorski stated that there are ongoing concerns about traffic along Rte. 66, the sidelines and Rte. 16 as well as concerns about the direction of the groundwater. There have been no comments received as of yet from the Police Chief, the Fire Marshall or the Chatham Health District. There were no further comments. Vice-Chairman Kuhr made a motion to continue the public hearing for Application PZC-20-024: Paula Free, 249 West High St., for a special permit per Sec. 8.4 Motor Fuel Filling Station with a proposed convenience store in the Commercial Zone, Section 5.2. Map 06/Block 12/Lot 1B at the next regularly scheduled meeting on March 3, 2021. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No.** Vice-Chairman Kuhr made a motion to continue Application PZC-20-024: Paula Free, 249 West High St., for a special permit per Sec. 8.4 Motor Fuel Filling Station with a proposed convenience store in the Commercial Zone, Section 5.2. Map 06/Block 12/Lot 1B at the next regularly scheduled meeting on March 3, 2021. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No**

B. Application PZC-20-026: Long Hill Estates, LLC., for a Zone Change from R-2 to C for a new 1.5-acre lot. Map 06/Block 12/Lot 8. The applicant requested in writing to continue the application to the next regularly scheduled meeting on March 3, 2021.

C. Application PZC-20-027: Connecticut Contractors Group, LLC., Young/Daniel Street Subdivision. Map 13/Block 51/Lot 1. Mark Reynolds, P.E. presented. The proposal is for a 4-lot subdivision on 14.5 acres. There are 2 suitable areas for building: one that fronts on Daniel Street and an area in the rear. To access the lots, they designed a common driveway and a cross culvert via Daniel Street. They considered a driveway on Old Young Street but there was a lack of site line. The lots meet the area and dimensional standards per the Zoning Regulations. They are proposing a 36" HDPE plastic pipe culvert at the driveway crossing. A letter from

Chatham Health District dated 2/3/2021 was submitted. The letter states that Lots 1-5 are suitable in their current condition. They have received approval from the Inland Wetlands and Watercourse Agency. Chairman Zatorski asked for public comments at this time. Robert Doyle of 11 Daniel Street was concerned about potential traffic and well issues. Val Greco of 42 Young Street was concerned about ledge and traffic. Abby Fortin of 15 Daniel Street spoke about potential traffic issues. There were no further comments. Mr. Rux made a motion to close the public hearing for Application PZC-20-027: Connecticut Contractors Group, LLC., Young/Daniel Street Subdivision. Map 13/Block 51/Lot 1. Vice-Chairman Kuhr seconded the motion. **Vote: 7-Yes; 0-No.** Vice-Chairman Kuhr made a motion to approve Application PZC-20-027: Connecticut Contractors Group, LLC., Young/Daniel Street Subdivision. Map 13/Block 51/Lot 1 with the following conditions: all permits from Regulatory Departments including the Chatham Health District be in place prior to the start of construction, Town Staff be notified prior to the start of construction and upon completion, all requirements for the Inland Wetlands and Watercourse Agency permit be met prior to the start of construction, the shared driveway access and maintenance agreement be approved by Town Staff and filed with the land records, a waiver be allowed and granted for a 3 lot access to a driveway and that if blasting is required that the abutters are notified and the blasting company fulfill their obligation by the law of the State of CT. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No**

5. New Business:

A. Application PZC-21-001: Gloria & Troy Deleon, 16 Wells Ave., for a Special Permit for an Accessory Dwelling Unit per Sec. 8.3.M. Map 05A/Block 63A/Lot 1B. Troy Deleon and Troy Deleon, Jr. presented. In 2012 the property was a single 3-acre lot that was subdivided into 2 lots. There were 5 rundown rental properties. Three of them were existing cottages and 2 were year- round houses. All of the structures were removed except for 2 of the cottages. The cottage toward the front of the property had a bathroom and a kitchen. They received a building permit to rebuild it but there were exceptions: no kitchen or full bath. The reason for subdividing and rebuilding was for the family to have their own homes therefore they are asking for a Special Permit to allow for the kitchen and bathroom to make the structure livable. They plan to comply with the provisions listed under Sec. 8.3.M. Mr. DeCarli explained that although the structure originally had a bathroom and a kitchen, the pre-existing and non-conforming use was lost when the property was subdivided. When the property was subdivided they were forced to comply with the Regulations which did not allow more than one livable dwelling on the property. Vice-Chairman Kuhr made a motion to set a public hearing for Application PZC-21-001: Gloria & Troy Deleon, 16 Wells Ave., for a Special Permit for an Accessory Dwelling Unit per Sec. 8.3.M. Map 05A/Block 63A/Lot 1B for the next regularly scheduled meeting on March 3, 2021. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No**

B. Application PZC-21-002: Timothy Puglielli, 155 Middle Haddam Rd., for a 2-lot subdivision. Map 02/Block 18/Lot 24-3. Tim Puglielli presented. This is a 13.5- acre lot with a driveway that starts at the road, runs down and splits to the left and the right. One goes to his home and the other goes to the neighbors back lot. The property was originally split into 2 lots but he merged them about 3-4 years ago and now he wants to split them again. He is selling his home and would like to sell it with 11 acres and retain 2.5 acres to the right of the driveway. There is an easement on the driveway for the back house. There

will be an easement if the lot is split because of the 100' frontage. Mr. Kowalczyk inquired about the requirement for the 2/3rd vote to allow 3 properties to use the driveway. Mr. DeCarli confirmed that it would require the 2/3rd vote. Vice-Chairman Kuhr made a motion to set a public hearing for Application PZC-21-002: Timothy Puglielli, 155 Middle Haddam Rd., for a 2-lot subdivision. Map 02/Block 18/Lot 24-3 for the next regularly scheduled meeting on March 3, 2021. The motion was seconded by Mr. Rux.

Vote: 7-Yes; 0-No

- C. Application PZC-21-003: Edgewater Hill Enterprises, Edgewater Circle**, for a Site Plan Review for Phase 2 - Salt Pond Apartments consisting of 5 Buildings with 8 Units within each. Map 10A/Block 85/Lot 5C. Attorney Heller explained that this application is a component of the Master Plan that was approved in 2012. It is a proposal for the development on the south westerly corner of the project for 40 multi family dwelling units in 5 buildings (8 units per building). The architecture will be similar to the ones on the northeasterly portion of the property (east of the daycare center). The original site plan indicated 4 buildings and the site plan submitted with this application depicts 5. The extra building makes up for the loss of units in the area of the new Town Hall which was not a consideration when the original site plan was submitted and approved. The area of disturbance for this project encompasses the same footprint contemplated by the Master Plan. A portion of the project is in the Lake Pocotopaug Protection Area and has been approved by the Inland Wetland and Watercourse Agency. All stormwater for the project will be collected through a closed drainage system with a series of catch basins and culverts that will lead to 2 stormwater quality and detention basins. One located in the northerly portion of the site and a smaller one in the easterly portion of the site. The basins will be wet basins that will maintain hydrology at the bottom of the basin. The outlet structure has been raised to maintain the wet environment which will become a created vegetative and watercourse system with specific plantings in the basin which will be efficient at the uptake of any pollutants. The design of the basin contains a sediment bay to filter out heavier pollutants and a series of berms that are designed into the stormwater basin to force the stormwater to be routed and discharge through the northerly basin into the pond located to the northeast of Market Square. The parking that has been designed is a bit more than what is required by the Regulations because the 40 units on site dictate that amount of parking. The drainage has been reviewed by Town Staff and incorporates best management practices being in the Lake Pocotopaug Protection Area. Mr. Rux inquired about the soil types and a potential contingency plan to contain any erosion in an effort to prevent the same issues when the Town Hall was built. Attorney Heller explained that the soil was tested and that the top layer is similar to the soil in the Town Hall area but that the layer beneath has a better drain courser and more gravely material. There is a cut at the south westerly site and fill on the north easterly side that's required to balance the site for development. There are a number of sedimentation basins which are outside the limits of the stormwater basins. The basins will trap sediments during construction. The basins are required to be cleaned when the reach a capacity of 50%. A turbidity curtain will be installed within the wetlands at the outlet where the water outlets the pond and onto Lake Pocotopaug. The turbidity curtain was installed at the time of the Town Hall construction which helped the drainage issue tremendously. Measures have been incorporated into the design to ensure that the drainage issues are not repeated for this project. An erosion bond estimate (a commercial paper bond) in the amount of \$120,00 was submitted by the

applicant but the amount has not been approved yet. There will be a 3rd party to oversee the drainage during construction and will answer to the Commission. Mr. Rux stated that he would like to see the bond set at a higher amount to protect the interest of the Town and the residents. Chairman Zatorski made a motion to approve Application PZC-21-003: Edgewater Hill Enterprises, Edgewater Circle, for a Site Plan Review for Phase 2 - Salt Pond Apartments consisting of 5 Buildings with 8 Units within each. Map 10A/Block 85/Lot 5C with the following conditions: Town Staff to be notified prior to the start of construction, all Erosion and Sedimentation measures are in compliance with the Inland Wetlands and Watercourse Agency permit, that there is an Erosion and Sedimentation bond in the amount of a minimum of \$120,00.00 or greater at the discretion of Town Staff, the 3rd party monitor be approved by Town Staff and in place prior to the start of construction and during construction that the applicant has contact with Town Staff regarding changes and field issues and immediately notify Town Staff. The motion was seconded by Mr. Rux. *Vote: 7-Yes; 0-No*

- D. 8-24 Review: Acceptance of roads in the Skyline Estates Subdivision including Highland Terrace, Skyline Drive and Starview Way.** Mr. Rux recused himself. Chairman Zatorski seated Mr. Hintz, Jr. Mr. DeCarli explained that it is about 600' of road. The Town accepted Sunrise Lane about 2 years ago which is the initial road to Clark Hill but since then the developer has completed the remaining road work on all of Skyline Drive, Highland Terrace and Starview Way. This completes the connection of the entire subdivision at Clark Hill and Midwood Farm and acceptance is being requested by the developer. Public Works has had significant oversight of the construction of Highland Terrace and Starview Way and the director is pleased with the overall construction but that there are some outstanding items to be determined and submitted by Public Works. Skyline Drive was repaired under the direction of Anchor Engineering about 2 years ago when Sunrise Lane was being repaired. The Conservation Lake Commission (through a 319 grant) did work on the lowest basin and found an issue with the level spreader so the plan was revised to improve how it drains down to Clark Hill. Chairman Zatorski made a motion to send favorable comments for the 8-24 Review from the Planning and Zoning Commission to Town Council to accept the roads at Skyline Estates Subdivision including Highland Terrace, Skyline Drive and Starview Way with the following conditions: the drainage system be cleaned once the weather allows, that the outstanding issues that Town Staff has with this particular roadway be addressed and completed before the release of a bond. Mr. Sennett seconded the motion. *Vote: 7-Yes; 0-No*

6. Old Business:

- A. Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards –** Chairman Zatorski continued the Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards to the next regularly scheduled meeting on March 3, 2021.
- B. Discussion: Home Based Occupations –** Chairman Zatorski continued the discussion: Home Based Occupations to the next regularly scheduled meeting on March 3, 2021.
- C. Updates to the Official East Hampton Zoning Map –** Chairman Zatorski continued the Updates to the Official East Hampton Zoning Map to the next regularly scheduled meeting on March 3, 2021.

- 7. Planner's Report –** A report was provided with the staff notes that were given to the Commission

members.

8. Set Public Hearing(s) for March 3, 2021 – Public hearings were set for agenda items 6A and 6B.

9. Adjournment – Mr. Sennett made a motion to adjourn at 9:13 p.m., seconded by Chairman Zatorski. The motion was unanimous in favor.

Respectfully submitted,

Christine Castonguay
Recording Secretary