Town of East Hampton

Planning and Zoning Commission

Regular Meeting August 4, 2021 – 7:00 P.M.

Town Hall, Eaton Smith Council Chambers Room #107 and Virtual Meeting

DRAFT 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, Roland Rux, Roy Gauthier, Vice-Chairman Kuhr, Alternate Members Mike Kowalczyk and Ted Hintz, Jr. and Zoning Official Jeremy DeCarli.
   Absent: Angelus Tammaro
   Chairman Zatorski seated Mr. Kowalczyk at this time.

2. **Approval of Minutes:**
   A. **July 7, 2021 Regular Meeting:** Vice-Chairman Kuhr made a motion to approve the July 7, 2021 minutes as written. The motion was seconded by Mr. Sennett. ***Vote: 6-Yes; 0-No; 1-Abstention (Roland Rux)***

3. **Communications, Liaison Reports and Public Comments:**
   A letter was sent to PZC from Crown Castle regarding additional antennas going on the old cell tower at 94 East High St.
   Mr. Kowalczyk stated that they are still reviewing the comments for the Regional Plan of Conservation and Development and that the staff is working on a final draft. The following Commission members did not have anything to report: Chairman Zatorski, Vice-Chairman Kuhr, Mr. Sennett (ZBA did not meet in July), Mr. Rux, Mr. Gauthier and Ms. Wright. Chairman Zatorski asked for public comments at this time and stated that they should not pertain to Agenda Items 5A or 5B. There were no comments.

4. **Read Legal Notice for August 4, 2021:** Staff read the legal notice for the record.

5. **Public Hearings for August 4, 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. explained that the project is for the conversion of space to a convenience market and installation of 4 gasoline dispensers under a canopy. The only change made to the site plan was the site lines. The left turn into the establishment met State requirements but the left turn out will result in exclusive right turn out which the State will need to sign off on. There is another curb cut that will allow traffic back to the Rte. 16 and 66 intersection. Approval for Phase 1 of the well was granted by CT DPH. Chairman Zatorski asked for public comments at this time. There were no comments. Vice-Chairman Kuhr made a motion to close the public hearing for 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. The motion was seconded by Mr. Sennett. ***Vote: 7-Yes; 0-No.*** Mr. Rux made a motion to approve 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 for the following reasons: it meets the Planning and Zoning Regulations, favorable comments have been submitted by the Chatham Health District and required State permits for water have been obtained and with the following conditions: it be constructed in accordance with the plans received on 7/21/2021, Town Staff be notified prior to the start of construction, Town Staff has the ability to make changes for traffic flow in response to State comments and erosion and sedimentation controls be in place prior to the start of construction. The motion was seconded by Vice-Chairman Kuhr. ***Vote: 7-Yes; 0-No***

B. **Discussion: Updates to Section 8.4.K.4: Swimming Pools –** The issue pertains to pervious versus impervious surfaces. The proposal is to add item #3 to Sec. 4 which will read: "In-ground and above ground private pools in residential zones shall not be included in the impervious coverage calculation of a lot. This exclusion shall not apply to any impervious patio installed around the pool." Chairman Zatorski asked for public comments at this time. There were no comments. Mr. Rux made a motion to close the public hearing for Updates to Section 8.4.K.4: Swimming Pools. The motion was seconded by Vice-Chairman Kuhr. ***Vote: 7-Yes; 0-No.*** Mr. Rux made a motion to approve Updates to Section 8.4.K.4: Swimming Pools with the proposed addition of item #3 to 8.4.K.4 to read as follows: "In-ground and above ground private pools in residential zones shall not be included in the impervious coverage calculation of a lot. This exclusion shall not apply to any impervious patio installed around the pool." Ms. Wright seconded the motion. ***Vote: 6-Yes; 1-No (Vice-Chairman Kuhr)***

6. **New Business***:*

A. **Application PZC-21-014: Martin Scovill, 117 Colchester Ave**., Re-subdivision for 3 lots. Map 27/ Block 87A/ Lot 12A-4. Pat Benjamin, P.E. presented. The 8.52 acre lot was previously approved for a 4 lot subdivision in 2012. The proposal is to re-subdivide to 3 lots. Lot #4 will be 3.75 acres that slopes from Colchester Avenue to the north away from the road to a wetland area. The proposed driveway enters to the front of the house and has a walk out basement. The well will be in front and the septic in the rear. Lot #5 is 2.53 acres and has a similar setup as Lot #4. Lot #6 is 2.24 acres and has a longer driveway. There is a conservation easement between lots 5 & 6 (1.71 acres). There will be erosion and sedimentation controls around all disturbed areas. The footing and roof water drain for all 3 lots will go into an infiltration scour pad that is 8'x 8' with 15' of 2" stone which will allow for 2" rainfall to be captured. The Chatham Health District has reviewed the plans and have asked for minor revisions which will be available for the next meeting. The Inland Wetlands and Watercourse Agency recommended changing the rip rap swale to a heavy duty erosion and sedimentation blanket. All the site lines conform to the DOT site lines. Lot #4 has 321' of road frontage, lot #5 has 200' and lot #6 has 175'. Vice-Chairman Kuhr made a motion to set a public hearing for PZC-21-014: Martin Scovill, 117 Colchester Ave., Re-subdivision for 3 lots. Map 27/ Block 87A/ Lot 12A-4 for the next regularly scheduled meeting on September 1, 2021. The motion was seconded by Mr. Rux. ***Vote: 7-Yes; 0-No.***

B. **Application PZC-21-015: JCG Properties, LLC., 9 Middle Haddam Rd.,** Site Plan review for Veterinary Clinic. Map 01C/Block 9/Lot 5. Christine Gustavson explained that they would like to move their existing Veterinary Hospital to 9 Middle Haddam Rd. There is a house that exists that they will be renovating to operate the hospital. The site plans, building plans and lighting details were reviewed. The proposed driveway is long so a detention pond will be added to direct the

water from the driveway to it. Vice-Chairman Kuhr made a motion to set a public hearing for PZC-21-015: JCG Properties, LLC., 9 Middle Haddam Rd., Site Plan review for Veterinary Clinic. Map 01C/Block 9/Lot 5 for the next regularly scheduled meeting on September 1, 2021. The motion was seconded by Mr. Rux. ***Vote: 7-Yes; 0-No.***

C. **Application PZC-21-016: Nancy, Donald, Robert and Sue Briere, 91-93 Lake Dr.** a second parcel on Lake Dr., for a Subdivision for 2 lots at 91-93 Lake Drive Map 25/Block 64/Lot 56 and a subdivision for 4 non-buildable lots Lake Drive Map 03A/Block 70A/Lot 58. Nancy Briere presented. 91-93 Lake Drive is one lot. Ms. Briere lives at 91 and her brother-in-law lives at 93. They are seeking to subdivide the ownership of the 2 separate homes at 91-93 Lake Drive into 2 separate deeds with each couple retaining ownership of their respective homes. There will be no changes to the existing properties or its characteristics. The second lot (Map 03A/Block 70A/Lot 58) is across the street on the south side of Lake Drive that they would like to split into 4 non-buildable open space lots which will only be used for accessing the lake. There will be no impact to the lake or waterfront and they will be documented as non-buildable lots on the land records. The members agreed unanimously to have the subdivision for 4 non-buildable lots at Lake Drive Map 03A/Block 70A/Lot 58A done administratively with conservation easements.
Vice-Chairman Kuhr made a motion to set a public hearing for PZC-21-016: Nancy, Donald**,** Robert and Sue Briere, 91-93 Lake Dr**.** a second parcel on Lake Dr., for a Subdivision for 2 lots at 91-93 Lake Drive Map 25/Block 64/Lot 56 for the next regularly scheduled meeting on September 1, 2021. The motion was seconded by Mr. Rux. ***Vote: 7-Yes; 0-No.***

D. **Discussion: Accessory Dwelling Units "As of Right" –** The members received a comprehensive report that Chairman Zatorski asked them to review for discussion at the next meeting. A public hearing will be set for October 6th.

7. **Old Business:**
   A. **Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards –** Continued to the next regularly scheduled meeting on September 1, 2021.
   B. **Discussion: Home Based Occupations –** There have been 2 workshops with the Economic Development Commission and the 3rd one is scheduled for August 24th.

8. **Planner's Report –** The Commission will have the ability to restrict cannabis licensing through Zoning Regulations or Town Ordinances. Mr. DeCarli asked the Commission to start thinking about what direction the Commission would like go and to have future discussions about it. There was a public meeting regarding the Village Center Plan and they received some great feedback.

9. **Set Public Hearing(s) for September 1, 2021 –** A public hearing was set for Agenda Items: 6A, B and C

10. **Adjournment –** Mr. Sennett made a motion to adjourn at 8:28 p.m., seconded by Mr. Rux. The vote was unanimous in favor.

Respectfully submitted,

Christine Castonguay
Recording Secretary