

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
September 4, 2019 – 7:00 P.M.
East Hampton Town Hall Meeting Room

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, Regular Members Meg Wright, James Sennett, Rowland Rux, Angelus Tamaro, Alternate Member Mike Kowalczyk and Zoning Official Jeremy DeCarli.

Absent: Mr. Gauthier and Mr. Puglielli.

Chairman Kuhr seated Mr. Kowalczyk at this time.

2. Approval of Minutes:

A. August 7, 2019 Regular Meeting – Vice-Chairman Zatorski made a motion to approve the August 7, 2019 minutes as written. The motion was seconded by Mr. Sennett. *Vote: 7-Yes; 0-No. The motion passed.*

3. Communications, Liaison Reports, and Public Comments:

Communications: None.

Liaison Reports:

Mr. Kowalczyk stated that he cannot attend the RPC meeting for September and October and asked if someone could attend the meetings in his place.

Mr. Sennett attended the August 19th ZBA meeting and reported the following: there was 1 application for T&O Enterprises, 76 & 80 East High St., for a variance to reduce the side setback at 76 East High St. from 15' to 0' and reduce the side setback at 80 East High St. from 15' to 0' to construct a carport between 76 East High St. and 80 East High St. Map 26/ Block 85/Lot 13A-1 (80 East High) Map 26/Block 85/Lot 13D (76 East High). The variance was granted.

4. Read Legal Notice for September 4, 2019: Town Staff read the legal notice for September 4, 2019.

5. Public Hearings for September 4, 2019:

A. PZC-19-013: Aaron Tyler, 13 North Main St., for a Special Permit

(Sec.8.4.B.1.2) to sell alcohol at Sweet Jean's Café. Map 01A/Block 39A/Lot

28B. Mr. Tyler presented. He is proposing the sale of beer and wine at a future restaurant (Sweet

Jean's Café). He has an active Special Permit for the proposed restaurant which was originally

approved for breakfast and lunch but he will be opening for dinner as well on Thursday, Friday and

Saturday. The beer and wine will be served at lunch and dinner services. Chairman Kuhr asked for

public comments at this time. Mr. Rick Maitun of Flannery Row spoke in support of the

application. Sean Flannery of 7 Hills Rd. spoke in favor of the application. Vice-Chairman Zatorski

mentioned the 5 letters of support that were received for this application from the following people:

Chris Burt (EH Chamber of Commerce), Robert Suerken, Owen Flannery (Belltown Motors),

Michael Scranton and Ann White Sullivan. Vice-Chairman Zatorski made a motion to close the

public hearing for PZC-19-013: Aaron Tyler, 13 North Main St., for a

Special Permit (Sec.8.4.B.1.2) to sell alcohol at Sweet Jean's Café Map 01A/Block 39A/Lot 28B.

The motion was seconded by Ms. Wright. *Vote: 7-Yes; 0-No.* Vice-Chairman Zatorski made a

motion to approve PZC-19-013: Aaron Tyler, 13 North Main St., for a Special Permit (Sec.8.4.B.1.2) to sell alcohol at Sweet Jean's Café Map 01A/Block 39A/Lot for the following reasons: it is consistent with the use of the property, there is a previous approved permit on file and there are letters of support for the application and with the following conditions: the same hours of operation as the previous Special Permit. Mr.Sennett seconded the motion. **Vote: 7-Yes; 0-No.**

The motion passed.

B. PZC-19-015: Kellie Gosselin, 27 Flanders Rd., for a Zone Change from R-4 to R-1.Map 26/Block 85/Lot 31. Mr. Gosselin presented. The zone change request is to allow for an in-law apartment in order to care for a family member. The in-law apartment does not comply with the R-4 zone regulation but it does comply with the R-1 which is the zone his neighbor is in. Chairman Kuhr asked for public comments at this time. There were none. Vice-Chairman Zatorski made a motion to close the public hearing for PZC-19-015: Kellie Gosselin, 27 Flanders Rd., for a Zone Change from R- 4 to R-1Map 26/Block 85/Lot 31. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No.** Vice-Chairman Zatorski made a motion to approve PZC-19-015: Kellie Gosselin, 27 Flanders Rd., for a Zone Change from R- 4 to R-1Map 26/Block 85/Lot 31 for the following reasons: it is consistent with and adjacent to the R-1 zone and it allows the use of the property for family. Ms. Wright seconded the motion. **Vote: 7-Yes; 0-No. The motion passed.**

C. PZC-19-014: Kellie Gosselin, 27 Flanders Rd., for a Special Permit for an accessory dwelling unit (Sec. 8.4.M). Map 26/Block 85/Lot 31. Mr. Gosselin explained that they have a 2 story garage that they would like to add a 700 sq. ft. in-law apartment to care for a family member.

Chairman Kuhr asked for comments at this time. There were none. Mr. Rux made a motion to close the public hearing for PZC-19-014: Kellie Gosselin, 27 Flanders Rd., for a Special Permit for an accessory dwelling unit (Sec. 8.4.M) Map 26/Block 85/Lot 31. Vice-Chairman Zatorski seconded the motion. **Vote: 7-Yes; 0-No.** Vice-Chairman Zatorski made a motion to approve PZC-19-014: Kellie Gosselin, 27 Flanders Rd., for a Special Permit for an accessory dwelling unit (Sec. 8.4.M) Map 26/Block 85/Lot 31 with the following conditions: that Town Staff is notified, the septic system is installed and approved prior to occupancy and for the following reason: because it is compliant with the regulations. The motion was seconded by Ms. Wright. **Vote: 7-Yes; 0-No.**

The motion passed.

D. PZC-19-010: Roncalli Institute, Inc., 49 Oakum Dock, for a Zone Change from R-2 to Commercial. Map 02/Block 9A/Lot 2. Chairman Kuhr stated that both Agenda Items #5D and 5E will be heard at the same time but that the Commission will act on them separately. Peter Callan (Board Member of St. Clements and Roncalli Institute) explained that they are asking to restore the zone to Commercial and are asking for a Special Permit to construct an Assembly Hall. He explained that the property directly abuts the main castle property which lies in Portland and would act as a secondary, smaller venue for events. There exists a passive marina which has been extensively cleaned from the prior marina use which included boat storage, cleaning, repairs, etc. Attorney Melissa Harris submitted a letter of support from Michelle Pirruccio. George Fellner of Fellner Associates Architects explained the Geo-thermal fluid and the process. Mr. Rux was concerned about possible contamination of the other wells. Mr. Callan stated that if it is an issue or concern then they can change to natural gas. Charlie Dutch of Dutch Associates in Colchester pointed out the existing wells on the site plan and explained that they serve the 2 exterior bathrooms and indicated the wells that will serve the new kitchen and interior bathrooms. Mr. DeCarli informed the Commission that there is a notice of protest and explained that if the petition is signed by more than 20% of the landowners of property within 500' of the property boundary then it requires a 2/3 majority vote by all members of the Commission. Attorney Grady submitted the petition at this time. Chairman Kuhr asked for public comments at this time. Vice-Chairman Zatorski began by stating that the Commission has received correspondence from the following: Susan Bransfield (First Selectwoman of Portland), the Lower CT River Valley Council of Governments (an inter-municipal referral), the Middlesex Chamber of Commerce and a letter from Michelle Pirruccio. Jeff Poglese

from the Middlesex Chamber of Commerce spoke in favor of both applications. Stuart Winquist of 11 South Main Street wants buffering and fencing regulations enforced if approved. Lenny Pinaud of 31 Oakum Dock was concerned about noise, buffers and property values being affected. Dean Brown of 26 Barton Hill for her comments in writing which she submitted. At this time, Chairman Kuhr called for a 10 minute recess (9:32 p.m.). The meeting reconvened at 9:43 p.m. Daniel Finn of 14 Abbey Road and Cathy Nye of 4 Maple Street spoke in favor of the applications. The following people spoke against the applications: Stephanie Rosener of 28 Oakum Dock, Carol Saraceno of 36 Oakum Dock, Tom Obligado of 38 Oakum Dock, Nicole Bernier of 30 Oakum Dock, Ellen Zettermoyer of 32 Oakum Dock and Attorney William Grady who was concerned about “spot zoning”. Peter Callan responded to some of the concerns that were addressed such as noise, implementing buffers, increased traffic and lighting. Attorney Harris addressed the spot zoning concern and cited 2 court cases. Vice-Chairman Zatorski made a motion to continue the public hearing for PZC-19-010: Roncalli Institute, Inc., 49 Oakum Dock, for a Zone Change from R-2 to Commercial Map 02/Block 9A/Lot 2 to the next regularly scheduled meeting on October 2, 2019. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No. The motion passed.** Vice-Chairman Zatorski made a motion to continue Application PZC-19-010: Roncalli Institute, Inc., 49 Oakum Dock, for a Zone Change from R-2 to Commercial Map 02/Block 9A/Lot 2 to the next regularly scheduled meeting on October 2, 2019. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No. The motion passed.**

- E. PZC-19-011: Roncalli Institute, Inc., 49 Oakum Dock**, for a Special Permit to construct an Assembly Hall in the Commercial Zone (Sec. 5.2.C) Map 02/Block 9A/Lot 2. Vice-Chairman Zatorski made a motion to continue the public hearing for PZC-19-011: Roncalli Institute, Inc., 49 Oakum Dock, for a Special Permit to construct an Assembly Hall in the Commercial Zone (Sec. 5.2.C) Map 02/Block 9A/Lot 2 to the next regularly scheduled meeting on October 2, 2019. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No. The motion passed.** Vice-Chairman Zatorski made a motion to continue the Application PZC-19-011: Roncalli Institute, Inc., 49 Oakum Dock, for a Special Permit to construct an Assembly Hall in the Commercial Zone (Sec. 5.2.C) Map 02/Block 9A/Lot 2 to the next regularly scheduled meeting on October 2, 2019. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No. The motion passed.**

6. New Business:

- A. PZC-19-016: Dean Brown, 26 Barton Hill Rd.**, for an Amendment to the Zoning Regulation (Sec. 8.4.I), Bed & Breakfast. Map 02A/Block 47/Lot 40. Attorney Mark Branse presented. He presented the proposed amendment and stated that a code consultant helped draft the amendment due to previous concerns. Vice-Chairman Zatorski made a motion to set a public hearing for PZC-19-016: Dean Brown, 26 Barton Hill Rd., for an Amendment to the Zoning Regulation (Sec. 8.4.I), Bed & Breakfast Map 02A/Block 47/Lot 40 for the next regularly scheduled meeting on October 2, 2019. Mr. Rux seconded the motion. **Vote: 7-Yes; 0-No.**
- B. PZC-19-017: South Road Marlborough, LLC., 98 Middletown Ave.**, for a zone change from Industrial to R-4. Map 12/Block 48C/Lot 4. Mr. Marino of 41 Smith Street explained that he wants to change the zone to be able to build a duplex. Currently, only a 1 unit dwelling is allowed. The members discussed the lot not being large enough to be changed to R-4. Vice-Chairman Zatorski made a motion to continue Application PZC-19-017: South Road Marlborough, LLC., 98 Middletown Ave., for a zone change from Industrial to R-4 Map 12/Block 48C/Lot 4 to the next regularly scheduled meeting on October 2, 2019. The motion was seconded by Mr. Rux. **Vote: 7- Yes; 0-No.**

7. Old Business:

- A. Updates to Sec. 3.1 Lake Pocotopaug Protection Zone** – A workshop will be held on September 10th at 6:30 p.m. at the East Hampton Library to discuss the updates.

8. Planner's Report – American Distilling is in need of additional parking. Mr. DeCarli met with the owners, the site superintendent and the surveyor to discuss options for more parking. They own 35 West Point Road and would like to remove the house and construct a parking lot. This piece of property is currently residentially zoned. Parking is allowed in the R-1 zone but there are complications including lot coverage, the desire to keep an existing garage and a driveway on the property. A zone change for this parcel seemed to be the most reasonable as the parcel is abutted by a parking lot on the east, the American Distilling facility to the east and a commercial parking lot to the south. He explained that he would like to hold a public hearing on this change and review the site plan next month due to the time constraints with the DOT bridge replacement project. Chairman Kuhr stated that he did not want to set a public hearing until an application is submitted which is standard procedure. Mr. DeCarli introduced and welcomed the new Town Manager, David E. Cox.

9. Set Public Hearing(s) for October 2, 2019- The Public hearings were continued for Agenda# 5D and 5E and a public hearing was set under Agenda # 6A.

10. Adjournment – The members agreed unanimously to adjourn at 11:27 p.m.

Respectfully submitted,

Christine Castonguay
Recording Secretary