

MELISSA HARRIS  
Attorney  
MHarris@StangerLaw.com

Direct Dial: 860-956-6181  
StangerLaw.com



Corporate Center West  
433 South Main St., Suite No 112  
West Hartford, CT 06110

September 27, 2019

Main: 860-561-0650  
Fax: 860-561-0646

Planning & Zoning Commission  
Town of East Hampton  
20 East High Street  
East Hampton, CT 06424

RE: Zone Change and Special Permit Application of Roncalli Institute Inc.  
49 Oakum Dock Road, East Hampton

Dear Commission Members,

At the public hearing regarding the above referenced application, held on September 4, 2019, the Commission had some questions regarding the existing geothermal system which is proposed to service the new building. Information was recently provided to the Planning and Zoning Department and is being attached hereto for ease of reference.

Also at the public hearing, the Commission suggested that the applicant provide a written response to the public comments and/or the statements read and submitted on the record by William D. Grady and Susan Grady. Attached hereto is the applicant's response to the statements submitted by William D. Grady and Susan Grady which, together, appear to address the issues/concerns raised by the neighbors at the public hearing.

In addition, because noise was a major issue/concern that was raised at the public hearing, the applicant obtained the services of Brooks Acoustics Corporation to conduct an acoustical design evaluation – sound study. The report, indicating that the noise levels will be within DEEP noise control guidelines, is attached hereto.

We thank you for your time and consideration regarding this matter and we look forward to answering any questions that you may have at the next public hearing on October 2, 2019.

By:

THE APPLICANT,

Melissa S. Harris  
-Its Attorney-

Enc.

## Castonguay, Christine

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**From:** Melissa S. Harris <MHarris@stangerlaw.com>  
**Sent:** Friday, September 27, 2019 4:26 PM  
**To:** DeCarli, Jeremy; Castonguay, Christine  
**Cc:** Jonathan Ramsay (consultantaccountant@saintclementscastle.com); Peter Callan (peter@lanternenergy.com)  
**Subject:** RONCALLI INSTITUTE APPLICATION - DOCUMENTS FOR HEARING MAY 2, 2019  
**Attachments:** 2019-09-27 Zone Change and Special Permit Application of Roncalli Institute Inc. 49 Oakum Dock Road, East Hampton.pdf

Jeremy/Christine,

Please see attached package for the commission for the hearing on May 2, 2019. This includes the following:

1. Geothermal System Information
2. Sound Engineer Report
3. Response to William Grady Statement
4. Response to William Grady Statement Re: Petition
5. Response to Susan Grady Statement

Please let us know if you have any questions or need anything additional from us.

Thank you,

**Melissa S. Harris**  
**Attorney**

SEE FRAUD ALERT BELOW



Stanger Stanfield Law, LLC  
433 South Main Street, Suite 112  
West Hartford, CT 06110  
Phone: 860-561-0650  
Direct: 860-956-6181  
Fax: 860-561-0646  
[MHarris@StangerLaw.com](mailto:MHarris@StangerLaw.com)  
[www.StangerLaw.com](http://www.StangerLaw.com)



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# GEOHERMAL INFORMATION

## George Fellner

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**From:** George Fellner  
**Sent:** Monday, September 16, 2019 3:22 PM  
**To:** 'Peter Callan'  
**Cc:** Melissa S. Harris; Jonathan Ramsay; wjordansr@gmail.com; Billy Bowe; dutchassociates@sbcglobal.net; Mark Degnan  
**Subject:** RE: Saint Clements Marina - Fishing Pier  
**Attachments:** St Clements Marina-Geothermal Data.pdf; St. Clements Marina-Geothermal Contracts-Data.pdf

Hi All,

Regarding the geothermal issues, I have reviewed the documents provided by Jonathan:

- King Energy Associates Contact, September 20, 2013
- Mechanical Permit Application by King Energy Associates, August 30, 2013
- Mechanical Permit from Town of East Hampton, September 12, 2013
- Connecticut Wells Inc. Contract, September 5, 2013
- State of Connecticut Dept. of Consumer Protection Well Drilling Permit, September 6, 2013

I have also spoken with Scot Rogers of King Energy and he helped me to identify the manufacturer/supplier for the propylene glycol. I have reviewed the following documents as part of my further research:

- Hercules Specifications for Cryo-tek: Antifreeze for heating and cooling systems Spec Sheet #S00041, April 2011
- Hercules Safety Data Sheet for Hercules Cryotek-100 AL for Propylene Glycol 57-55-6, April 22, 2015
- Material Safety Data Sheet # 40, Hercules Cryotek -100 & -100/Al

Based upon my dialogue with Scot Rogers and my review of all documents, I have prepared the following outline for the purpose of my presentation at the upcoming continued Public Hearing:

1. Three vertical closed-loop wells, each one drilled to 680' deep, were installed sometime after September 6, 2013. This existing well system serving the ground source heat pump heating/cooling system had been designed for the previous building. They were installed beyond the 200' Public Water Supply Protective Sanitary Easement, and thus comply with regulations.
2. The new proposed building will incorporate these existing wells and will most likely require a few additional wells in order to accommodate the size and usage of the new building, as to be designed by the Mechanical Engineer.
3. The piping within the wells consists of 1 ½" PE 3408 high density 160 psi polyethylene with heat fusion connections. The 6" bore holes are filled for the full length, top to bottom, with bentonite based, thermally enhanced grout. In effect, the surrounding grout helps to protect the piping within the bore hole.
4. All drilling, looping, and piping is required to be completed by an International Ground Source Heat Pump Association (IGSHPA) certified installer. All piping goes through proper pressure testing, as required.
5. According to Scot Rogers, he is not aware of any projects that resulted in leaks from a vertical closed-loop well system.

6. The polyethylene piping within the closed-loop wells is filled with propylene glycol.
7. As per King Energy, the propylene glycol product used is Cryo-tek - 100. The specifications are very detailed, as outlined for proper usage.
8. Propylene glycol is a compound which is Generally Recognized As Safe (GRAS) by the U.S. Food and Drug Administration and is also approved by FDA for certain uses as an indirect food additive.
9. As per the Hercules Safety Data Sheet for Hercules Cryotek-100 AL for Propylene Glycol 57-55-6, this product is not considered to be a carcinogen by IARC, ACGIH, NTP, or OSHA; has no known adverse effect on human health; and is not classified as environmentally hazardous.
10. As per the Material Safety Data Sheet # 40, Hercules Cryotek -100 & -100/Al, this product is not classified as hazardous in accordance with OSHA 1910.1200. In terms of health hazards, it has very low single dose oral toxicity, and essentially has no effect on eye and skin.

I have attached the associated PDF documents for your reference.

Please let me know if you have any questions.

Thanks,  
George

George Fellner, AIA, LEED AP  
Principal



382 Town Street, P.O. Box 115  
East Haddam, Connecticut 06423  
ph 860-873-8230  
[gfellner@fellnerarch.com](mailto:gfellner@fellnerarch.com)  
[www.fellnerarchitects.com](http://www.fellnerarchitects.com)

# KING ENERGY ASSOCIATES

514 TRUMBULL HIGHWAY LEBANON, CONN. 06249  
860-642-6780

Specialists in Geothermal Heat Pumps

Proposal to: Roncalli Institute Inc.  
1931 Portland-Cobalt Tpke  
P.O.Box 427  
Portland, Ct. 06480

Work to be performed at: St Clemens Marina  
49 Oakum Dock Rd.  
East Hampton, Ct.

Date: September 20, 2013

## DESCRIPTION OF WORK:

Design and install geothermal heating/cooling system to be retrofitted to the marina complex listed above. System to include, both material and labor as listed:

### Equipment:

Two Hydron Module HWT060 five ton water to water geothermal heat pumps or equal.

One Hydron Module HXT 048 four ton water to air geothermal heat pump or equal.

Two Hydron Module MPH060 five ton air handlers.

Two Hydron Module AHM101L ten kw aux heaters.

Three space guard 2210 media air cleaners

Three Honeywell 3 heat/2 cool thermostats or equal

8 Grundfos model 2699F 230v circulators or equal

The above equipment to be provided, delivered, installed and tested by KEA. High voltage electrical hook-up and low voltage rough-in by electrical contractor. Low voltage connections by KEA.

### Ductwork:

Provide and install duct system of sheet steel or vinyl flex. Duct insulation to service pavilion area and finished utility area. Duct system for unfinished utility area excluded. Ventilation air provided by operable windows.

### Ground Source:

KEA requires the system be connected to a vertical closed loop consisting of 3 wells @680' deep, per proposal from Connecticut Wells. All piping to be of 1 1/2" PE 3408 high density 160 psi polyethylene. All connections to be heat fusion. Interior loop piping by KEA. The proposal as listed is for closed loop applications. All exterior excavation work remains outside of this proposal. All exterior piping is excluded in the proposal but is included in the Connecticut Wells proposal. Flush and purge with 20% propylene glycol, including materials, by Connecticut Wells. Pump selection by KEA.

### Domestic Hot Water Heater:

Excluded

### Commissioning:

Upon completion, each unit will be tested by KEA to verify system operation to manufacturer's specification. Verification in place measurements to include source water pressure drop, air flow static pressures, temperature rise/fall on both loop and air side, evaporating and condensing refrigerant pressure and voltage/amp measurements.

### Warranty:

Manufacturers warranty is 5 years, material and labor, and an additional lifetime warranty on the compressor and refrigerant piping, materials only.

### Town Oversight:

Mechanical permit fee is included. If required by building office, professional design services are outside of this contract.

**General Terms:**

KEA will maintain liability and completed operations insurance. Rubbish generated by KEA will be collected to a common area and disposed of by KEA. All payments are due upon the completion of the associated work. Proposal is void if not accepted within 90 days of authorization.

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|                      |             |
|----------------------|-------------|
| COST OF INSTALLATION | \$58,100.00 |
|----------------------|-------------|

**PAYMENT SCHEDULE:**

|                                        |             |
|----------------------------------------|-------------|
| DEPOSIT:                               | \$ 5,000.00 |
| COMPLETION OF PAVILLION DUCT ROUGH-IN: | \$14,000.00 |
| COMPLETION OF UTILITY DUCT ROUGH-IN:   | \$ 5,000.00 |
| DELIVERY OF HWT 060s:                  | \$18,000.00 |
| DELIVERY OF HXT 048:                   | \$ 7,000.00 |
| SYSTEM START-UP:                       | \$ 4,100.00 |
| COMPLETION:                            | \$ 5,000.00 |

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AUTHORIZED BY: BAV Date: 9-20-2013

ACCEPTED BY: [Signature] Date: Sept 26-13

ACCEPTED BY: \_\_\_\_\_ Date: \_\_\_\_\_

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Town of East Hampton  
 20 East High Street  
 East Hampton, CT 06424  
 Phone: (860) 267-9601

**MECHANICAL PERMIT**

PERMIT#: M-13-0130

ISSUE DATE: 09/12/2013

LOCATION: 49 OAKUM DOCK RD

OWNER: Roncalli Institute

Other Permits (If Applicable) :

Building -  
 Electrical - Required  
 Plumbing - Required

DESCRIPTION OF WORK: 2 5 ton and 1 4 ton Geothermal Electric Air Conditioner Units, 2 2000cfm and 1 1600 cfm Air Handlers

ZONE: R-2

| Fee type       | Valuation | Amount | Payment date | Payment Type | Check # | Full name                  |
|----------------|-----------|--------|--------------|--------------|---------|----------------------------|
| Mechanical Fee | 58100.00  | 750.00 | 09/12/2013   | Check        | 371     | King Energy Associates LLC |

VALIDATION \_\_\_\_\_

CONTRACTOR'S NAME: King Energy Associates LLC      LICENSE # : SHM.0002813-SM1  
 CONTRACTOR'S ADDRESS: 514 Trumbull Highway, Lebanon, CT 06249  
 EDITION OF CODE: 2005 CTSBC

\* PLEASE CONTACT THE PERMIT CLERK, WITH YOUR PERMIT NUMBER, TO SCHEDULE AN INSPECTION.

APPLICANT CERTIFIES THAT ALL INFORMATION GIVEN IS CORRECT AND THAT ALL PERTINENT MECHANICAL CODES WILL BE COMPLIED WITH IN PERFORMING THE WORK FOR WHICH THIS PERMIT IS ISSUED.

See Attached  
 Signature of Contractor/Owner or their Authorized Representative Making Application

Daphne C. Schaub  
 Signature of Permit Clerk

**APPLICANT'S COPY**

Required Inspections

Rough Mechanical  
 Final



Mechanical Permit Application: Permit No. \_\_\_\_\_ DATE: 8/30/2013

CONTRACTOR'S LICENSE NO. SMI #2813

LOCATION: 49 OAKUM ROCK RD

OWNER: RODCAI INSTITUTE

OWNER ADDRESS IF DIFFERENT FROM LOCATION: \_\_\_\_\_

OWNER PHONE NUMBER: \_\_\_\_\_

KIND OF BUILDING: CLASS - S USED AS: \_\_\_\_\_

TO BE COMPLETED ABOUT: \_\_\_\_\_ VALUE OF MATERIALS: \$58,100.

(Circle One) NEW ALTERATION REPAIR ADDITION

OIL  GAS  LPG  ECT.  → GEOTHERMAL

| TYPE OF EQUIPMENT                                                               | NUMBER                                      |
|---------------------------------------------------------------------------------|---------------------------------------------|
| Air Conditioner Units                                                           | H.P. Ea. <u>2 @ 5 tons &amp; 1 @ 4 tons</u> |
| Refrigeration Units                                                             | H.P. Ea.                                    |
| Boilers                                                                         | HP Ea.                                      |
| Forced Air Systems                                                              | B.T.U. M Ea.                                |
| Furnace                                                                         | B.T.U. M Ea.                                |
| Stove Insert WOOD <input type="checkbox"/> PELLET <input type="checkbox"/>      | MAKE: RATING:                               |
| Stove Prestanding WOOD <input type="checkbox"/> PELLET <input type="checkbox"/> | MAKE: RATING:                               |
| Air Handling C.F.M.                                                             | <u>2 @ 2000 cfm &amp; 1 @ 1600 cfm</u>      |
| Gas Piping                                                                      |                                             |
| Range COM. <input type="checkbox"/> DOM. <input type="checkbox"/>               |                                             |
| Range Hood COM. <input type="checkbox"/> DOM. <input type="checkbox"/>          |                                             |
| Generator                                                                       | H.P. (kw)                                   |
| Storage Tank                                                                    | Size                                        |
| Other                                                                           |                                             |
| CONTRACTOR'S NAME:                                                              | <u>KING ENERGY ASSOCIATES LLC</u>           |
| STREET ADDRESS:                                                                 | <u>5th TRUMBULL HWY</u>                     |
| CITY/STATE/ZIP:                                                                 | <u>LEAHAM CT 06249</u>                      |
| PHONE NO:                                                                       | <u>860-642-6780 / 860-465-7527</u>          |

READY FOR INSPECTION ON \_\_\_\_\_ OR WILL CONTACT PERMIT CLERK LATER \_\_\_\_\_

SIGNATURE OF OWNER, CONTRACTOR OR AUTHORIZED REPRESENTATIVE MAKING APPLICATION:



FEE: 150

PERMIT NO. \_\_\_\_\_



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/26/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|          |                                                                                            |                                                                                                                      |       |
|----------|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-------|
| PRODUCER | Urbanetti Insurance Agency LLC<br>621 East Middle Tpke PO Box 1438<br>Manchester, CT 06045 | CONTACT NAME: Pauline R Spingola                                                                                     |       |
|          |                                                                                            | PHONE (A/C No., Ext): (860)646-0016 FAX (A/C No.): (860)646-5823<br>E-MAIL ADDRESS: pepingola@urbanettiinsurance.com |       |
| INSURED  | KING ENERGY ASSOCIATES, LLC<br>514 TRUMBULL HWY<br>LEBANON, CT 06249                       | INSURER(S) AFFORDING COVERAGE                                                                                        | NAIC# |
|          |                                                                                            | INSURER A: Hartford Fire Ins. Company                                                                                | 29424 |
|          |                                                                                            | INSURER B: Hartford Fire Ins. Company                                                                                | 11000 |
|          |                                                                                            | INSURER C: Hartford Fire Ins. Company                                                                                | 10046 |
|          |                                                                                            | INSURER D:                                                                                                           |       |
|          |                                                                                            | INSURER F:                                                                                                           |       |

COVERAGES CERTIFICATE NUMBER: 00007754-168477 REVISION NUMBER: 2

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                                                            | ADDL SUBR INSR SVCD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                                    |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------|-------------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A        | GENERAL LIABILITY<br><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER<br><input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-PCY <input type="checkbox"/> LOC                 |                     | 02SBAKQ4711   | 08/01/2013              | 09/01/2014              | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000<br>MED/EXP (Any one person) \$ 10,000<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COMPROP AGG \$ 2,000,000 |
| B        | AUTOMOBILE LIABILITY<br><br>ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> UNOWNED AUTOS<br><br>UMBRELLA LIAB OCCUR <input type="checkbox"/> EXCESS LIAB CLAIMS-MADE <input type="checkbox"/> CED <input type="checkbox"/> RETENTIONS |                     | 02UECRO7444   | 11/18/2013              | 11/18/2014              | COMBINED SINGLE LIMIT (Ea occurrence) \$ 500,000<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$<br>EACH OCCURRENCE \$<br>AGGREGATE \$                                           |
| C        | WORKERS COMPENSATION AND EMPLOYERS LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                                                           | N/A                 | 02WECLC7026   | 11/20/2013              | 11/20/2014              | <input checked="" type="checkbox"/> W/ STATL TORY LIMITS <input type="checkbox"/> OTH-ER<br>EL EACH ACCIDENT \$ 100,000<br>EL DISEASE - EA EMPLOYEE \$ 100,000<br>EL DISEASE - POLICY LIMIT \$ 500,000                                    |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
Job: Marina HVAC

|                                                                                                                                |                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CERTIFICATE HOLDER</b><br><br>Roncalli Institute, Inc.<br>Fax: 860-342-5627<br>49 Oakum Dock Road<br>EAST HAMPTON, CT 06424 | <b>CANCELLATION</b><br><br>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
|                                                                                                                                | AUTHORIZED REPRESENTATIVE<br><br>(PRS)                                                                                                                                                    |



September 5, 2013

Roncalli Institute Inc. (Non Profit)  
49 Oakum Dock Road  
Portland, CT 06480

The following is a contract for the well field for a geothermal system at 1931  
Portland-Cobalt Road in Portland.

**SECTION ONE: DRILLING**

1. Drill and install 20 feet of 6 inch casing in each well.
2. Continue 3 bores to a total depth of 680 feet each. Total Drilling... 2,040 feet.
3. Install 680 feet of 1 1/2" geo loop in each bore.
4. Grout borehole from bottom to top using bentonite based, thermally enhanced grout.
5. Install and maintain silt fence during drilling operations.

**SECTION TWO: TIE-IN**

1. Install 90° heat fusion elbows at each end of loop.
2. Construct all connections between wells as required by design.
3. Core foundation and continue lines through foundation wall.
4. Seal foundation using "link" type mechanical seals.
5. Terminate lines no more than two feet inside foundation.
6. Initiate and maintain pressure test.
7. Fill, flush and purge. Exterior piping.

All work described in Section One and Two includes all materials and labor required. All drilling, looping, and piping to be done by or under the supervision of an IGSHPA certified installer and pipe fuser.

**EXCAVATION:**

Trench for underground piping. Includes trenching and compacted backfill.  
Sand bedding and cover. Clean area of drill rig.

**Not Included:**

Ledge or rock removal over 1/2 yard, unsuitable soils.

**SECTION THREE: EXCLUSIONS**


1. If more than 20' of casing is needed in each well, the charge is \$16.00/ft.
2. Glycol, filling and purging by others.
3. All interior plumbing and piping by others.
4. Glycol, filling and purging service available at additional charge.
5. CT Wells is not an engineering or a design firm, therefore, is not responsible for the design and/or performance of the system.
6. CT Wells is not liable for any damage to lawns, trees, driveways, septic systems, surface or subsurface drains and/or piping, unmarked underground utilities, etc. incurred by its equipment while ingressing/egressing or performing said work.
7. Penetrating foundation walls other than concrete or cement block by others.
8. Quote is good for 30 days.

TOTAL.....\$32,640.00  
EXCAVATION.....\$1,800.00  
FILL, FLUSH, PURGE...\$2,500.00


**PAYMENT TERMS**

- 20% Down Payment before work begins.
- 70% Due after drilling/loop installation is complete. Tie in portion will be scheduled upon payment.
- 10% Due upon completion of tie in.

Respectfully submitted:

 9/26/13  
Rob Loftis  
CT Wells Inc.

READ AND AGREED:

 Sept 26-13  
Authorized Representative  
Roncalli Institute Inc.

CPR-8 Rev. 7/95

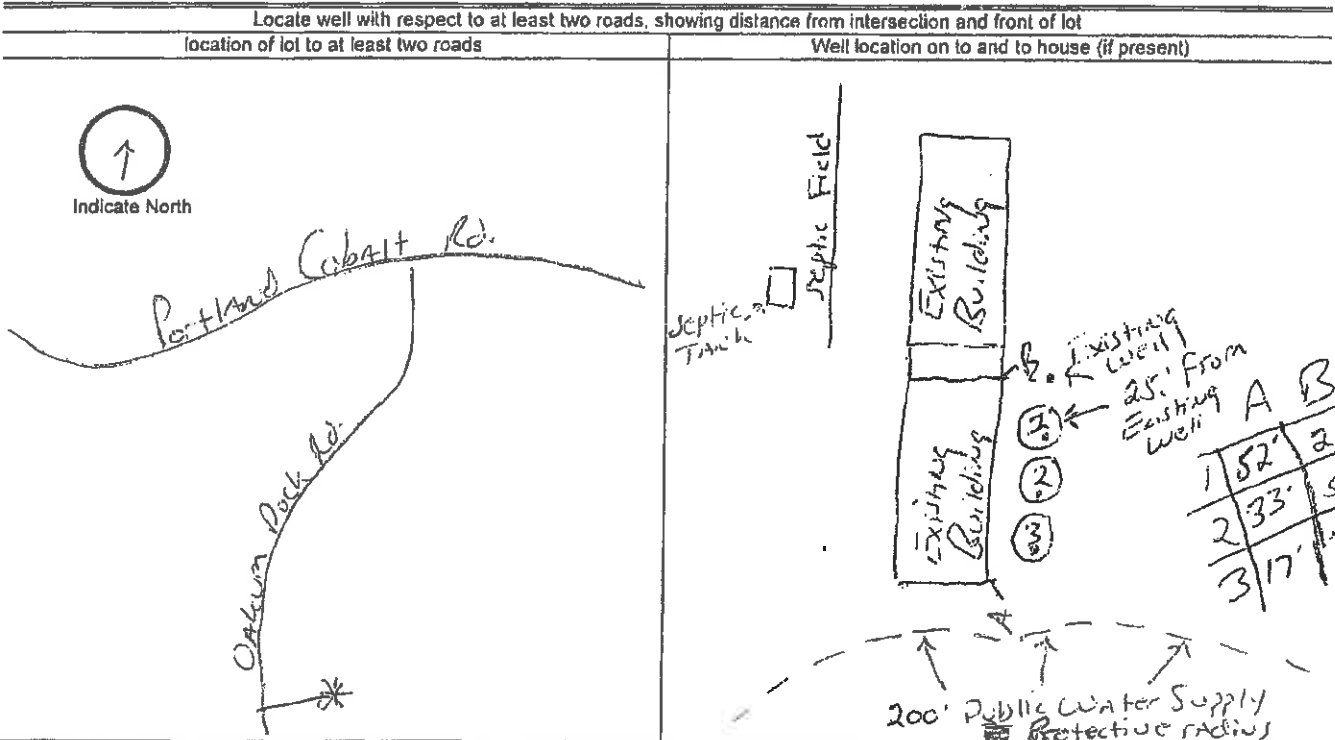
PERMIT NUMBER  
255463



STATE OF CONNECTICUT  
DEPARTMENT OF CONSUMER PROTECTION  
REAL ESTATE & PROFESSIONAL TRADES DIVISION  
**WELL DRILLING PERMIT**  
165 Capitol Avenue, Hartford, Connecticut 06106

|                                                                                                                          |                                        |                                                 |                                           |                                                                 |                                       |
|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------------|-------------------------------------------|-----------------------------------------------------------------|---------------------------------------|
| LOCATION OF WELL (Town) (Street) (Lot Number)                                                                            |                                        |                                                 |                                           | DATE                                                            |                                       |
| Portland 49 OAKUM DOCK RD.                                                                                               |                                        |                                                 |                                           | 9/16/13                                                         |                                       |
| OWNER OF WELL                                                                                                            |                                        |                                                 |                                           |                                                                 |                                       |
| <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> BUILDER <input checked="" type="checkbox"/> OTHER (Specify) |                                        |                                                 |                                           |                                                                 |                                       |
| OWNER'S ADDRESS                                                                                                          |                                        |                                                 |                                           |                                                                 |                                       |
| Saint Clements Inc.                                                                                                      |                                        |                                                 |                                           |                                                                 |                                       |
| PROPOSED USE OF WELL                                                                                                     | <input type="checkbox"/> DOMESTIC      | <input type="checkbox"/> BUSINESS ESTABLISHMENT | <input type="checkbox"/> FARM             | <input type="checkbox"/> TEST WELL                              | Est. No. of People being served.<br>0 |
|                                                                                                                          | <input type="checkbox"/> PUBLIC SUPPLY | <input type="checkbox"/> INDUSTRIAL             | <input type="checkbox"/> AIR CONDITIONING | <input checked="" type="checkbox"/> OTHER (Specify) Geo Thermal |                                       |

SKETCH OF WELL LOCATION



Approximate number of feet from well to nearest source of possible contamination: 75' to septic field in front of Building

The undersigned is aware that upon completion of the well, a "Well Completion Report" containing construction details and information required under Section 25-131 of the 1969 Supplement to the General Statutes must be sent to the owner, the Department of Consumer Protection and the Water Resources Commission on the form provided by the agency. This permit is not valid until all information is filled in and it has been counter-signed by the Director of Health or his agent.

|                                                                                |                                        |                  |
|--------------------------------------------------------------------------------|----------------------------------------|------------------|
| APPLICANT (Signature)                                                          | APPLICANT'S ADDRESS                    | REGISTRATION NO. |
| <i>Thomas DeMora</i>                                                           | 49 HARD HILL RD. N. BETHLEHEM CT 06757 | 4                |
| <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> REJECTED | BY (Town Health Officer or Agent)      | DATE             |
|                                                                                | <i>[Signature]</i>                     | 9/25/13          |

REMARKS  
9/16/13 J. Flynn WP14-018 #100 Ckt# 36814  
(3) 680' closed loop geothermal  
LOCATE WELLS ON MAP PER LETTER FROM WPCA 9/25/13 -TK

SD-1

|  |
|--|
|  |
|  |
|  |
|  |

ATTACHMENT B  
 49 DAKUM DOCK ROAD  
 PORT HAMPTON MARINA CLUB  
 EAST HAMPTON, CT.

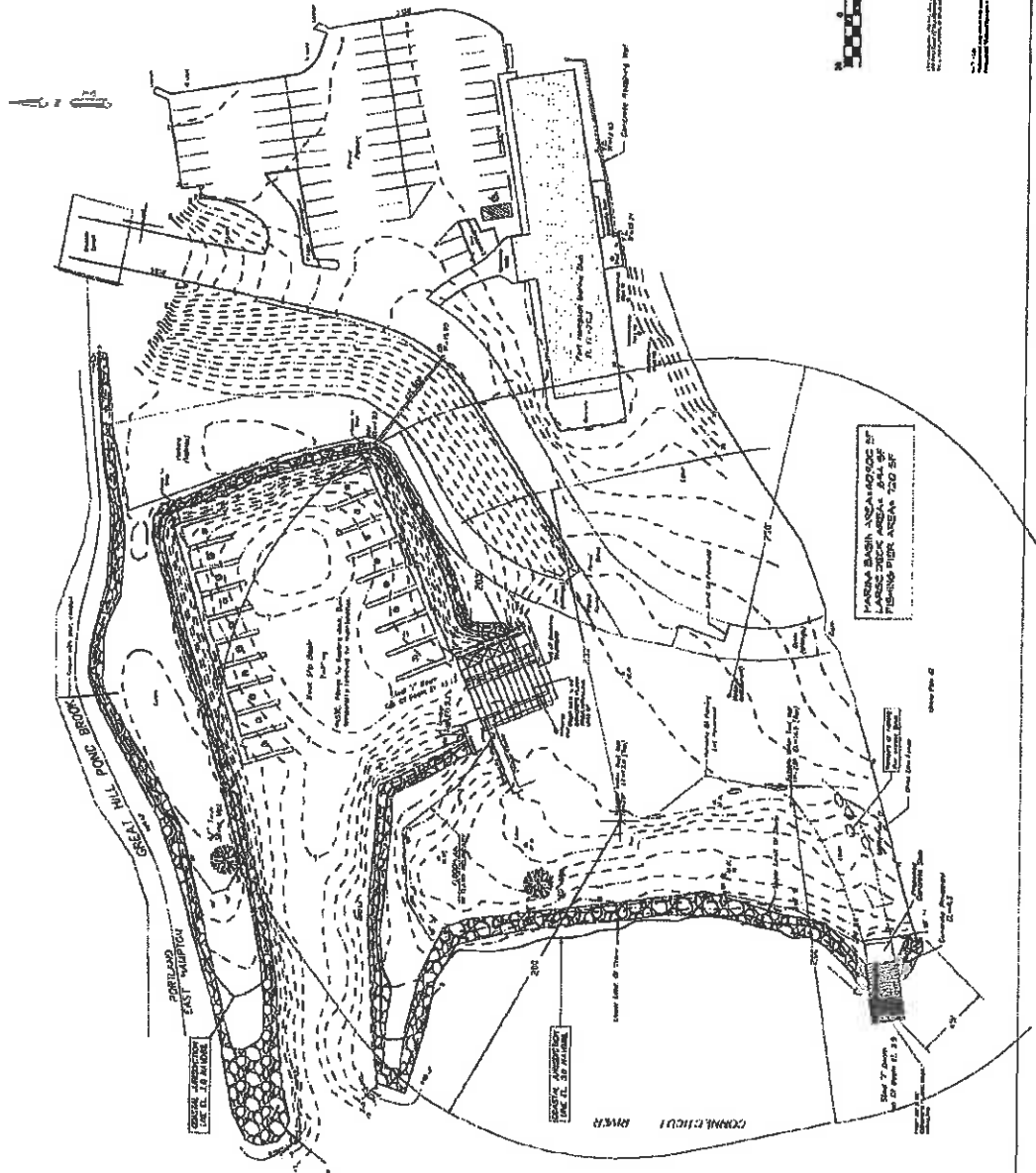
CHRISTOPHER G. DELEZ, DESIGNER  
 1 BOAT CREEK  
 PORT HAMPTON, CT. 06487  
 860-548-7552

DATE: 11/13/03  
 SHEET NO. 1 OF 1

**GENERAL NOTES:**

1. THE INFORMATION ON THIS PLAN IS BASED ON THE SURVEY AND DATA PROVIDED BY THE CLIENT. THE ENGINEER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE DATA AND HAS FOUND IT TO BE REASONABLY ACCURATE. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE PROPERTY AND HAS NOT VERIFIED THE EXISTING CONDITIONS ON THE GROUND. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
2. THE INFORMATION ON THIS PLAN IS BASED ON THE SURVEY AND DATA PROVIDED BY THE CLIENT. THE ENGINEER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE DATA AND HAS FOUND IT TO BE REASONABLY ACCURATE. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE PROPERTY AND HAS NOT VERIFIED THE EXISTING CONDITIONS ON THE GROUND. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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Scale: 1" = 40'



MARINA BASIN AND DOCK IN  
 LARGEST TRUCK AREA - 244 SF  
 FIBERGLASS TRUCK AREA - 720 SF

CONNELETT RIVER

PORTLAND DOCK EAST HAMPTON



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
9/25/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|                                                                                                     |                                          |                               |        |
|-----------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------|--------|
| PRODUCER<br>DiMatteo Insurance Brokers, LLC<br>P.O. Box 270971<br>West Hartford CT 06127-0971       | CONTACT NAME: Trina Souppa               |                               |        |
|                                                                                                     | PHONE (A/C No. Ext): (800) 964-9928      | FAX (A/C No.): (860) 218-9964 |        |
|                                                                                                     | E-MAIL ADDRESS: trina@dinsb.com          |                               |        |
| INSURED<br>Connecticut Wells/Geothermal Services, Inc<br>49 Hard Hill Road N,<br>Bethlehem CT 06751 | INSURER(S) AFFORDING COVERAGE            |                               | NAIC # |
|                                                                                                     | INSURER A: Hartford Insurance Company of |                               | 37478  |
|                                                                                                     | INSURER B: Hartford Casualty Insurance   |                               | 29424  |
|                                                                                                     | INSURER C: Commerce and Industry         |                               | 19410  |
|                                                                                                     | INSURER D:                               |                               |        |
|                                                                                                     | INSURER E:                               |                               |        |
|                                                                                                     | INSURER F:                               |                               |        |

COVERAGES CERTIFICATE NUMBER: CL136300498 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INER LTR                           | TYPE OF INSURANCE                                                                                                | ADDL RSR                                  | SUBR LIND | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                    |
|------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------|---------------|-------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------|
| A                                  | GENERAL LIABILITY                                                                                                |                                           |           |               |                         |                         | EACH OCCURRENCE \$ 1,000,000                                                                              |
|                                    | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY                                                 |                                           |           |               |                         |                         | DAMAGE TO RENTED PREMISES (Per occurrence) \$ 300,000                                                     |
|                                    | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR                                   | X                                         |           | 04 UUN 033103 | 6/1/2013                | 6/1/2014                | MED EXP (Any one person) \$ 10,000                                                                        |
|                                    | <input checked="" type="checkbox"/> Contractual Liability                                                        |                                           |           |               |                         |                         | PERSONAL & ADV INJURY \$ 1,000,000                                                                        |
| GEN'L AGGREGATE LIMIT APPLIES PER: |                                                                                                                  |                                           |           |               |                         |                         |                                                                                                           |
|                                    | <input checked="" type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO. <input type="checkbox"/> LOC |                                           |           |               |                         |                         | GENERAL AGGREGATE \$ 2,000,000                                                                            |
| A                                  | AUTOMOBILE LIABILITY                                                                                             |                                           |           |               |                         |                         | PRODUCTS - COM/PROP AGG \$ 2,000,000                                                                      |
|                                    | <input checked="" type="checkbox"/> ANY AUTO                                                                     |                                           |           |               |                         |                         | COMBINED SINGLE LIMIT (Per accident) \$ 1,000,000                                                         |
|                                    | <input type="checkbox"/> ALL OWNED AUTOS                                                                         |                                           |           | 04 UUNOJ3103  | 6/1/2013                | 6/1/2014                | BODILY INJURY (Per person) \$                                                                             |
|                                    | <input type="checkbox"/> HIRED AUTOS                                                                             |                                           |           |               |                         |                         | BODILY INJURY (Per accident) \$                                                                           |
|                                    | <input type="checkbox"/> SCHEDULED AUTOS                                                                         |                                           |           |               |                         |                         | PROPERTY DAMAGE (Per accident) \$                                                                         |
|                                    | <input type="checkbox"/> NON-OWNED AUTOS                                                                         |                                           |           |               |                         |                         | Underinsured motorist \$ 1,000,000                                                                        |
| B                                  | <input checked="" type="checkbox"/> UMBRELLA LIAB                                                                | <input checked="" type="checkbox"/> OCCUR |           |               |                         |                         | EACH OCCURRENCE \$ 5,000,000                                                                              |
|                                    | <input type="checkbox"/> EXCESS LIAB                                                                             | <input type="checkbox"/> CLAIMS-MADE      |           |               |                         |                         | AGGREGATE \$ 5,000,000                                                                                    |
|                                    | <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTIONS 10,000                               |                                           |           | 04 RIU 033105 | 6/1/2013                | 6/1/2014                | \$                                                                                                        |
| C                                  | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY                                                                    |                                           |           |               |                         |                         | <input checked="" type="checkbox"/> WKS STATU. <input type="checkbox"/> OTL. <input type="checkbox"/> ER. |
|                                    | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)                                      | Y/N                                       | N/A       |               |                         |                         | E.L. EACH ACCIDENT \$ 1,000,000                                                                           |
|                                    | If yes, describe under DESCRIPTION OF OPERATIONS below                                                           |                                           |           | 66455172      | 6/1/2013                | 6/1/2014                | E.L. DISEASE - EA EMPLOYED \$ 1,000,000                                                                   |
|                                    |                                                                                                                  |                                           |           |               |                         |                         | E.L. DISEASE - POLICY LIMIT \$ 1,000,000                                                                  |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
Roncalli Institute, Inc. is named as additional insured with respect to operations performed by the named insured and where required by contract.

|                                                                                                                        |                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CERTIFICATE HOLDER</b><br><br>Roncalli Institute, Inc. (Non Profit)<br>49 Oakum Dook Road<br>East Hampton, CT 06424 | <b>CANCELLATION</b><br><br>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
|                                                                                                                        | AUTHORIZED REPRESENTATIVE<br><br>Angelo DiMatteo/TRINA <i>Angelo DiMatteo</i>                                                                                                             |

RONCALLI INSTITUTE, INC.  
 1931 PORTLAND · COBALT RD  
 P.O. BOX 427  
 PORTLAND, CT. 06480

| DATE | INVOICE | AMOUNT |
|------|---------|--------|
|      |         |        |
|      |         |        |
|      |         |        |
|      |         |        |

537

51-7028  
 2111

PAY Seven Thousand Four Hundred and 00/100 — DOLLARS

| DATE    | TO THE ORDER OF       | EXPENSE AMOUNT |                |  | DISCOUNT | CHECK AMOUNT |
|---------|-----------------------|----------------|----------------|--|----------|--------------|
|         |                       | OTHER          | ACCTS. PAYABLE |  |          |              |
| 9-26-13 | Connecticut Wells Inc | 7400.00        |                |  |          | 7400.00      |

LIBERTY BANK  
 MIDDLETOWN, CT 06457



AUTHORIZED SIGNATURE

⑈000537⑈ ⑆211170282⑆ 402 03182 2⑈



# cryo-tek™

ANTI-FREEZE for heating and cooling systems



Specifications

Cryo-tek™

## DESCRIPTION

A blend of virgin (not recycled) propylene glycol and high purity Triple Protection additives, formulated for use in closed loop hydronic heating and cooling systems. **Cryo-tek** can also be used in radiant tube heating systems, most solar heating systems and geothermal loops. Hercules' exclusive Triple Protection formula stabilizes pH to prevent acid corrosion, chelates hard water minerals and inhibits the formation of scale and sediment. These components work together to keep the system clean and operating efficiently by eliminating system deposits, improving heat transfer and minimizing wear to moving parts and seals. **Cryo-tek** is compatible with PEX and elastomeric radiant tubing, commonly used materials for seals and bushings and provides corrosion protection for cast iron, steel, copper, brass and solder. **Cryo-tek** has not been tested for use in systems containing CPVC plastic. Standard **cryo-tek** products should not be used in systems containing aluminum. **Cryo-tek -100/AL** is available for aluminum systems. **Cryo-tek** should not be used in systems with galvanized piping as the zinc coating will be dissolved. **Cryo-tek** is a 94-98% efficient heat transfer solution in most application dilutions. It has a lower freeze point and higher boiling point than water and is non-flammable, odorless, non-toxic, nonirritating and compatible with Hercules boiler stop leaks and heating system cleaner products.

### **Cryo-tek is available in 3 formulations:**

#### **Cryo-tek Original**

Contains virgin (not recycled) propylene glycol with Triple Protection corrosion inhibitor, pre-mixed ready to use formulation. Can be added directly into system undiluted or diluted as required. Certified Performance: Freeze Protection Down to -22°F / -30°C, Pumpable Down to -27°F / -33°C, and Burst Protection Down to -80°F / -62°C. **Cryo-tek Original** can be further diluted with water for less severe conditions. (see Table II, page 3)

#### **Cryo-tek -100**

Contains virgin (not recycled) propylene glycol with Triple Protection corrosion inhibitor, pre-mixed ready to use formulation. Certified Performance: Freeze Protection Down to -70°F / -57°C, Pumpable Down to -80°F / -62°C, and Burst Protection Down to -100°F / -73°C. **Cryo-tek -100** can be diluted with water for less severe conditions. (see Table II, page 3)

#### **Cryo-tek AG**

A concentrated virgin (not recycled) propylene glycol with Triple Protection corrosion inhibitor, which can be diluted with water to desired protection levels. (see Table II, page 3)

#### **Test Kits and Accessories**

Freeze protection levels and corrosion protection levels should be checked annually. Use **Hercules Refractometer (35290)** and **pH Meter (35272)** or, **cryo-tek Test Kit (35271)**. Add additional **cryo-tek** product if freeze protection is inadequate. Add **cryo-tek Inhibitor (35276)** if pH is below 8.5. (see Maintenance, page 4)

\* Please check with equipment manufacturer of system to determine compallibility with this product.  
\*\*Minimum flow protection levels are estimated and are dependent on system and equipment.

# cryo-tek™

## ANTI-FREEZE for heating and cooling systems

### SIZES AND PACKING

| STOCK NO.         | SIZE    | PACK | WT/CASE   | STOCK NO.        | SIZE    | PACK | WT/CASE                            | STOCK NO.             | PACK    | WT/CASE  |
|-------------------|---------|------|-----------|------------------|---------|------|------------------------------------|-----------------------|---------|----------|
| cyro-tek Original |         |      |           | cyro-tek AG      |         |      |                                    | ALSO AVAILABLE        |         |          |
| 35253             | 1 gal.  | 6    | 53.2 lbs  | 35282            | 1 gal.  | 6    | 54.0 lbs                           | 35271 test kit        | 6-10 pk | 0.3 lbs  |
| 35260             | 5 gal.  | 1    | 46.5 lbs  | 35285            | 5 gal.  | 1    | 46.9 lbs                           | 35290 Refractometer   | 1       | 0.25 lbs |
| 35267             | 55 gal. | 1    | 518.0 lbs | 35288            | 30 gal. | 1    | 286.0 lbs                          | 35272 pH meter        | 1       | 0.3 lbs  |
| cyro-tek -100     |         |      |           | 35289            | 55 gal. | 1    | 521.0 lbs                          | 35279 Protection Tags | 24      |          |
| 35281             | 1 gal.  | 6    | 54.0 lbs  | <b>Inhibitor</b> |         |      | Tags Free / Available upon request |                       |         |          |
| 35284             | 5 gal.  | 1    | 48.9 lbs  | 35276            | 8 oz.   | 24   | 17.8 lbs                           |                       |         |          |
| 35286             | 30 gal. | 1    | 286.0 lbs |                  |         |      |                                    |                       |         |          |
| 35287             | 55 gal. | 1    | 521.0 lbs |                  |         |      |                                    |                       |         |          |

### APPROVALS AND LISTINGS

The virgin propylene glycol used in cryo-tek is "GRAS" (Generally Recognized As Safe) for incidental contact with food.

### SPECIFIC USES

Use any cryo-tek Anti-Freeze in hydronic closed loop heating and cooling systems, solar heating systems, and general plumbing systems that require freeze protection. Operating Temperature Range for Closed System: Up to 250°F

### SPECIFIC APPLICATIONS\*

Add any cryo-tek product to protect pipes from freezing and bursting. Also prevents freeze-ups in chiller systems, recreational vehicles, seasonal homes, mobile homes, trailers, boats, sprinkler systems, and industrial use.

### PHYSICAL PROPERTIES

|                                 | cyro-tek Original      | cyro-tek -100         | cyro-tek AG            |
|---------------------------------|------------------------|-----------------------|------------------------|
| pH                              | 8.5 - 9.0              | 9.0 - 9.5             | 9.5 - 10.0             |
| Density lb/gal. 60°F - 65°F     | 8.7 lb./gallon         | 8.78 lb./gallon       | 8.78 lb./gallon        |
| Specific Gravity 60°F - 65°F    | 1.04                   | 1.054                 | 1.054                  |
| Specific Heat BTU/lb°F @ 160° F | .908                   | .843                  | .681                   |
| Boiling Point:                  | 220°F / 104°C          | 230°F / 110°C         | 370°F / 188°C          |
| Appearance and color:           | Blue liquid. Odorless. | Red liquid. Odorless. | Blue liquid. Odorless. |

### WARNINGS OR CAUTIONS

- Read all cautions and directions carefully before using this product.
- Not for use in steam systems.
- Not for use with CPVC pipe and fittings.
- Use Hercules boiler liquid or base hit™ II to stop leaks on system containing cryo-tek products.
- Use Hercules boiler & heating system cleaner or sizzle® to clean system prior to using cryo-tek (see installations instructions).
- Do not use in internal combustion engines as a coolant.
- Do not use in water softeners. Disconnect all water softeners from system or provide back flow protection to prevent contamination of brine or resin bed.
- Cryo-tek Products are not recommended: 1. For use in systems containing galvanized components. 2. For open solar systems and systems where operating stagnation temperatures are regularly over 300°F / 150°C. 3. For systems with concentrating solar collectors or evacuated tube solar collectors. 4. In systems containing aluminum.  
(Please check with equipment manufacturer of system to determine compatibility with this product).

### CAUTION REGARDING COMPETITIVE PRODUCTS:

Hercules cryo-tek products are formulated using virgin propylene glycol and high purity Triple Protection Additives for assurance of materials compatibility and non-toxicity characteristics. Dilution or mixing of cryo-tek products with other manufacturers' products may compromise these critical requirements and is not recommended.

### DIRECTIONS FOR USE

**1. CLEAN THE SYSTEM** - It is recommended that any system, whether new or existing, be thoroughly cleaned prior to being charged with cryo-tek products. Any system contaminated with dirt and other materials reduces efficiency and wears the system prematurely. New systems need to be free of flux, solder residue, grease and any foreign particles. Most boiler manufacturers recommend cleaning new systems with a solution of Tri-Sodium Phosphate (TSP), or Hercules boiler and heating system cleaner (Follow instructions on container). Existing systems need to be flushed and cleaned to eliminate any build-up of rust, scale, lime and other non-organic matter. These systems should be cleaned with an inhibited hydrochloric acid such as Hercules sizzle (except aluminum systems, check with boiler manufacturer). All systems should be checked for leaks prior to installation of any cryo-tek product.

**2**

\* For special applications which may not be covered on this or other Hercules literature, please contact Hercules Technical Services Department by phone at 1-800-221-9330 or send a fax to 1-800-333-3456.

**2. MEASURE THE TOTAL CAPACITY OF THE SYSTEM** using one of the following methods:

**DIRECT METHOD**

- A. Fill system completely, making sure all components of system are full.
- B. Shut system down, let pressure drop to a safe level.
- C. Drain out fluid into suitable container and record the number of gallons removed. This is **TOTAL SYSTEM FLUID CAPACITY**.

**ESTIMATION METHOD**

- A. Determine system pipe sizes and amount of linear footage for each size. Using Table I, calculate the volume of the system piping.
- B. Add this number to the gallon capacity of the boiler or equipment in the system to determine the **TOTAL SYSTEM FLUID CAPACITY**.

TABLE I (Note: 1 US Gallon = 3.785 Liters)

| Description   | Pipe Diameter          | Nominal Size | 3/8" | 1/2" | 5/8" | 3/4" | 1"   | 1 1/4" | 1 1/2" | 2"    | 2 1/2" | 3"    |
|---------------|------------------------|--------------|------|------|------|------|------|--------|--------|-------|--------|-------|
| Standard      | US Gallons of          |              | 1.0  | 1.6  | -    | 2.8  | 4.5  | 7.8    | 10.6   | 17.5  | 24.9   | 38.6  |
| Steel Pipe    | Fluid per 100 ft. pipe |              |      |      |      |      |      |        |        |       |        |       |
| Type "L"      | US Gallons of          |              | 0.76 | 1.22 | 1.81 | 2.52 | 4.30 | 6.55   | 9.27   | 16.12 | 24.86  | 35.48 |
| Copper Tubing | Fluid per 100 ft. pipe |              |      |      |      |      |      |        |        |       |        |       |

**3. SELECT DESIRED TEMPERATURE COVERAGE**

Using Table II determine protection level desired and match it to the appropriate cryo-tek product concentration.

TABLE II

**Cryo-tek Original**

| % Concentration of cryo-tek Original | MIXING RATIO                         |                | PROTECTIONS               |                    |                          |
|--------------------------------------|--------------------------------------|----------------|---------------------------|--------------------|--------------------------|
|                                      | Parts of cryo-tek Original Undiluted | Parts of Water | Freeze Protection Down to | Pumpable*† Down to | Burst Protection Down to |
| 100%                                 |                                      | -              | -22°F / -30°C             | -27°F / -33°C      | -80°F / -62°C            |
| 90%                                  | 9                                    | 1              | -17°F / -27°C             | -22°F / -30°C      | -60°F / -51°C            |
| 80%                                  | 4                                    | 1              | -5°F / -21°C              | -10°F / -23°C      | -50°F / -48°C            |
| 67%                                  | 2                                    | 1              | +2°F / -17°C              | -2°F / -19°C       | -20°F / -29°C            |

**Cryo-tek -100**

| % Concentration of cryo-tek -100 | MIXING RATIO                     |                | PROTECTIONS               |                    |                          |
|----------------------------------|----------------------------------|----------------|---------------------------|--------------------|--------------------------|
|                                  | Parts of cryo-tek -100 undiluted | Parts of Water | Freeze Protection Down to | Pumpable*† Down to | Burst Protection Down to |
| 100%                             |                                  | -              | -70°F / -57°C             | -80°F / -62°C      | -100°F / -73°C           |
| 75%                              | 3                                | 1              | -21°F / -30°C             | -33°F / -36°C      | -60°F / -51°C            |
| 60%                              | 3                                | 2              | 0°F / -18°C               | -10°F / -23°C      | -40°F / -40°C            |
| 50%                              | 1                                | 1              | +10°F / -12°C             | +5°F / -15°C       | -20°F / -29°C            |

**Cryo-tek AG**

| % Concentration of cryo-tek AG | MIXING RATIO         |                | PROTECTIONS               |                    |                          |
|--------------------------------|----------------------|----------------|---------------------------|--------------------|--------------------------|
|                                | Parts of cryo-tek AG | Parts of Water | Freeze Protection Down to | Pumpable*† Down to | Burst Protection Down to |
| 70%                            | 7                    | 3              | -70°F / -57°C             | -80°F / -62°C      | -100°F / -73°C           |
| 50%                            | 1                    | 1              | -29°F / -34°C             | -47°F / -44°C      | -80°F / -62°C            |
| 40%                            | 4                    | 6              | -8°F / -22°C              | -30°F / -34°C      | -60°F / -51°C            |
| 35%                            | 3.5                  | 6.5            | +2°F / -17°C              | -20°F / -29°C      | -50°F / -48°C            |
| 30%                            | 3                    | 7              | +11°F / -11°C             | -15°F / -26°C      | -20°F / -29°C            |

\*Pumpable down to protection levels are estimated and are dependent on system and equipment. Attempting to circulate fluid below freeze point may overload and/or cause pump failure.

**4. DETERMINE AMOUNT OF CRYO-TEK PRODUCT REQUIRED IN SYSTEM**

Determine the amount of cryo-tek product needed in system by multiplying total system capacity in gallons by the concentration factor of cryo-tek product (first column in each chart above).

$$\text{Total System Capacity (gal)} \times \text{Concentration Factor of cryo-tek Product (\%)} = \text{Amount of cryo-tek Product to be used (gal)}$$

**5. CHARGING THE SYSTEM**

System should be completely empty with burner and pump shut off. All internal valves, including zone valves, should be open. THE ENTIRE SYSTEM SHOULD BE OPEN TO PREVENT ANY AREA OF IT FROM BEING ISOLATED. First, add the computed amount of cryo-tek product, second add water if necessary. The system can be filled using one of the following two alternatives. The main objective is to fill the system with little or no air trapped in it.

- A. After providing for an air exit, pump solution into boiler through the boiler drain valve using a small pump.
- B. Pour solution through a removed air vent at the HIGHEST point in the system.

**6. PURGE THE AIR IN SYSTEM**

Since air (which includes oxygen) trapped in a system not only results in inefficiencies in the operation of the system (wasted energy and excessive noise), it can also cause corrosion. To prevent this, the system, once filled, needs to be purged of all air.

## 7. TEST THE SYSTEM

Once installed and fully operational, use Hercules Refractometer with Refractometer Reading Adjustment Chart and pH Meter or Cryo-tek Test Strips to test fluid to assure proper freeze and corrosion protection. Note: An automotive coolant tester will not work with cryo-tek or other propylene glycol anti-freeze mixtures.

## 8. MAINTENANCE

Systems with cryo-tek products installed should be tested annually for product concentration and inhibitor levels using Hercules Refractometer with Refractometer Reading Adjustment Chart and pH Meter or cryo-tek Test Strips. If cryo-tek product concentration levels are low, add cryo-tek product using the following formula:

$$\text{TOTAL SYSTEM CAPACITY (gal) X } \frac{(\% \text{ cryo-tek} - \% \text{ cryo-tek in system})}{(\% \text{ cryo-tek used} - \% \text{ cryo-tek in system})} = \text{Number of gallons of cryo-tek product to be added.}$$

If the corrosion inhibitor tests low, add one 8 oz. container of cryo-tek Inhibitor for every 20 gallons of fluid capacity of the system. If the total system capacity is less than 20 gallons, add one 8 oz. container of cryo-tek Inhibitor. If after inhibitor addition and thorough system mixing the corrosion inhibitor still tests low, add another 8 oz. container of cryo-tek Inhibitor for every 20 gallons of system capacity. If after this addition the inhibitor still tests low, the system should be drained, cleaned, and recharged with fresh cryo-tek.

## ADDITIONAL APPLICATIONS

**FOR TOILETS:** Drain tank and bowl then add 1 quart or more of undiluted cryo-tek Original to each toilet bowl to prevent freeze-up.  
**FOR BOATS AND TRAILERS:** For boats and trailers with pressurized hot water systems, see TABLE III. For these systems, disconnect water tank and join inlet and outlet to form a bypass. Drain water tank thoroughly and add cryo-tek Original (diluted to desired freeze protection, see Table III) to displace possible water pockets.

TABLE III (Boats and Trailers)

| Size of Boat/Trailer | Add Cryo-tek Original to capacity of water tank |
|----------------------|-------------------------------------------------|
| Under 18 ft.         | 2-3 gal.                                        |
| 18 ft. - 23 ft.      | 3-4 gal.                                        |
| 23 ft. and over      | 4-5 gal.                                        |

## MATERIAL SAFETY INFORMATION

FOR MORE INFORMATION ON THIS PRODUCT,  
REQUEST MATERIAL SAFETY DATA SHEET (MSDS) #41 cryo-tek Original,  
(MSDS) #40 cryo-tek -100,  
(MSDS) #42 cryo-tek AG.

|                     |                                                                          |
|---------------------|--------------------------------------------------------------------------|
| For Delivery by Fax | Call 1-800-942-4636                                                      |
| Internet            | See MSDS section of <a href="http://www.herchem.com">www.herchem.com</a> |
| Mail                | Contact Hercules at address below or any Hercules representative         |

HMS Hazard Warning 0-0-0-A.

| INGREDIENTS                                            | CAS#    |
|--------------------------------------------------------|---------|
| PROPYLENE GLYCOL<br>N.J.-T.S.R. #31348300 5018P, 5002P | 57-55-6 |

\*For special applications which may not be covered on this or other Hercules literature, please contact Hercules Technical Services Department by phone 1-800-221-9330, or fax 1-800-333-3456, or visit our technical database web-site at [www.herchem.com](http://www.herchem.com).



### Hercules Chemical Company, Inc.

111 South Street, Passaic, NJ 07055-9100  
Phone: 800-221-9330 • Fax: 800-333-3456  
e-mail: [info@herchem.com](mailto:info@herchem.com)  
<http://www.herchem.com>

ISO 9001: 2000 Certified





# SAFETY DATA SHEET

## 1. Identification

**Product Identifier** Hercules Cyrotek-100 AL

**Other means of Identification**

**Product code** 7313E

**Synonyms** Part Numbers: 35283, 35291

**Recommended use** Engineered Heat Transfer Fluid for Aluminum boilers

**Recommended restrictions** None known.

**Manufacturer/Importer/Supplier/Distributor Information**

**Company Name** HCC Holdings, Inc. an Oatey Affiliate

**Address** 4700 West 160th Street  
Cleveland, OH 44135

**Telephone** 216-267-7100

**E-mail** info@oatey.com

**Transport Emergency** Chemtrec 1-800-424-9300 (Outside the US 1-703-527-3887)

**Emergency First Aid** 1-877-740-5015

**Contact person** MSDS Coordinator

## 2. Hazard(s) identification

**Physical hazards** Not classified.

**Health hazards** Not classified.

**OSHA defined hazards** Not classified.

**Label elements**

**Hazard symbol** None.

**Signal word** None.

**Hazard statement** The mixture does not meet the criteria for classification.

**Precautionary statement**

**Prevention** Observe good industrial hygiene practices.

**Response** Wash hands after handling.

**Storage** Store away from incompatible materials.

**Disposal** Dispose of waste and residues in accordance with local authority requirements.

**Hazard(s) not otherwise classified (HNOC)** None known.

## 3. Composition/information on ingredients

### Mixtures

| Chemical name         | CAS number | %     |
|-----------------------|------------|-------|
| Propylene glycol      | 57-55-6    | 55-65 |
| Water                 | 7732-18-5  | 45-55 |
| NJTSR #31348300 5065P | N/A        | 1-5   |

\*Designates that a specific chemical identity and/or percentage of composition has been withheld as a trade secret.

## 4. First-aid measures

**Inhalation** If breathing is difficult, remove to fresh air and keep at rest in a position comfortable for breathing. Call a physician if symptoms develop or persist.

**Skin contact** Rinse skin with water/shower. Get medical attention if irritation develops and persists.

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**Eye contact** Rinse with water. Get medical attention if irritation develops and persists.  
**Ingestion** Rinse mouth. If ingestion of a large amount does occur, call a poison control center immediately.  
**Most important symptoms/effects, acute and delayed** Direct contact with eyes may cause temporary irritation.  
**Indication of immediate medical attention and special treatment needed** Treat symptomatically.  
**General information** Ensure that medical personnel are aware of the material(s) involved, and take precautions to protect themselves.

## 5. Fire-fighting measures

**Suitable extinguishing media** Alcohol resistant foam. Water fog. Dry chemical powder. Carbon dioxide (CO<sub>2</sub>).  
**Unsuitable extinguishing media** Do not use water jet as an extinguisher, as this will spread the fire.  
**Specific hazards arising from the chemical** During fire, gases hazardous to health may be formed.  
**Special protective equipment and precautions for firefighters** Self-contained breathing apparatus and full protective clothing must be worn in case of fire.  
**Fire fighting equipment/Instructions** Move containers from fire area if you can do so without risk.  
**Specific methods** Use standard firefighting procedures and consider the hazards of other involved materials.  
**General fire hazards** No unusual fire or explosion hazards noted.

## 6. Accidental release measures

**Personal precautions, protective equipment and emergency procedures** Keep unnecessary personnel away. For personal protection, see section 8 of the SDS.  
**Methods and materials for containment and cleaning up** Large Spills: Stop the flow of material, if this is without risk. Use water spray to reduce vapors or divert vapor cloud drift. Dike the spilled material, where this is possible. Cover with plastic sheet to prevent spreading. Absorb in vermiculite, dry sand or earth and place into containers. Following product recovery, flush area with water.  
 Small Spills: Wipe up with absorbent material (e.g. cloth, fleece). Clean surface thoroughly to remove residual contamination.  
**Environmental precautions** Never return spills to original containers for re-use. For waste disposal, see section 13 of the SDS. Avoid discharge into drains, water courses or onto the ground.

## 7. Handling and storage

**Precautions for safe handling** Avoid prolonged exposure. Use care in handling/storage.  
**Conditions for safe storage, including any incompatibilities** Store in original tightly closed container. Store away from incompatible materials (see Section 10 of the SDS).

## 8. Exposure controls/personal protection

### Occupational exposure limits

#### US. Workplace Environmental Exposure Level (WEEL) Guides

| Components                     | Type | Value                | Form     |
|--------------------------------|------|----------------------|----------|
| Propylene glycol (CAS 57-55-6) | TWA  | 10 mg/m <sup>3</sup> | Aerosol. |

**Biological limit values** No biological exposure limits noted for the ingredient(s).  
**Appropriate engineering controls** Good general ventilation (typically 10 air changes per hour) should be used. Ventilation rates should be matched to conditions. If applicable, use process enclosures, local exhaust ventilation, or other engineering controls to maintain airborne levels below recommended exposure limits. If exposure limits have not been established, maintain airborne levels to an acceptable level.  
**Individual protection measures, such as personal protective equipment**  
**Eye/face protection** Wear safety glasses with side shields (or goggles).  
**Skin protection**  
**Hand protection** Wear appropriate chemical resistant gloves.

|                                       |                                                                                                                                                                                                                       |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Other</b>                          | Wear suitable protective clothing.                                                                                                                                                                                    |
| <b>Respiratory protection</b>         | In case of insufficient ventilation, wear suitable respiratory equipment.                                                                                                                                             |
| <b>Thermal hazards</b>                | Wear appropriate thermal protective clothing, when necessary.                                                                                                                                                         |
| <b>General hygiene considerations</b> | Always observe good personal hygiene measures, such as washing after handling the material and before eating, drinking, and/or smoking. Routinely wash work clothing and protective equipment to remove contaminants. |

## 9. Physical and chemical properties

### Appearance

|                                                     |                         |
|-----------------------------------------------------|-------------------------|
| <b>Physical state</b>                               | Liquid.                 |
| <b>Form</b>                                         | Liquid.                 |
| <b>Color</b>                                        | Orange or Green.        |
| <b>Odor</b>                                         | Odorless.               |
| <b>Odor threshold</b>                               | Not available.          |
| <b>pH</b>                                           | 7 - 8.5                 |
| <b>Melting point/freezing point</b>                 | Not available.          |
| <b>Initial boiling point and boiling range</b>      | 212 °F (100 °C)         |
| <b>Flash point</b>                                  | > 212.0 °F (> 100.0 °C) |
| <b>Evaporation rate</b>                             | Not available.          |
| <b>Flammability (solid, gas)</b>                    | Not available.          |
| <b>Upper/lower flammability or explosive limits</b> |                         |
| <b>Flammability limit - lower (%)</b>               | Not available.          |
| <b>Flammability limit - upper (%)</b>               | Not available.          |
| <b>Explosive limit - lower (%)</b>                  | Not available.          |
| <b>Explosive limit - upper (%)</b>                  | Not available.          |
| <b>Vapor pressure</b>                               | Not available.          |
| <b>Vapor density</b>                                | Not available.          |
| <b>Relative density</b>                             | 1.05                    |
| <b>Solubility(ies)</b>                              |                         |
| <b>Solubility (water)</b>                           | Not available.          |
| <b>Partition coefficient (n-octanol/water)</b>      | Not available.          |
| <b>Auto-ignition temperature</b>                    | Not available.          |
| <b>Decomposition temperature</b>                    | Not available.          |
| <b>Viscosity</b>                                    | 8 cP                    |
| <b>Other information</b>                            |                         |
| <b>VOC (Weight %)</b>                               | 60.6 % by weight        |

## 10. Stability and reactivity

|                                           |                                                                                               |
|-------------------------------------------|-----------------------------------------------------------------------------------------------|
| <b>Reactivity</b>                         | The product is stable and non-reactive under normal conditions of use, storage and transport. |
| <b>Chemical stability</b>                 | Material is stable under normal conditions.                                                   |
| <b>Possibility of hazardous reactions</b> | No dangerous reaction known under conditions of normal use.                                   |
| <b>Conditions to avoid</b>                | Contact with incompatible materials.                                                          |
| <b>Incompatible materials</b>             | Strong oxidizing agents.                                                                      |
| <b>Hazardous decomposition products</b>   | No hazardous decomposition products are known.                                                |

## 11. Toxicological information

### Information on likely routes of exposure

|              |                                                          |
|--------------|----------------------------------------------------------|
| Inhalation   | Prolonged inhalation may be harmful.                     |
| Skin contact | No adverse effects due to skin contact are expected.     |
| Eye contact  | Direct contact with eyes may cause temporary irritation. |
| Ingestion    | Expected to be a low ingestion hazard.                   |

**Symptoms related to the physical, chemical and toxicological characteristics** Direct contact with eyes may cause temporary irritation.

### Information on toxicological effects

#### Acute toxicity

| Components                     | Species | Test Results |
|--------------------------------|---------|--------------|
| Propylene glycol (CAS 57-55-6) |         |              |
| <b>Acute</b>                   |         |              |
| <i>Oral</i>                    |         |              |
| LD50                           | Rat     | 30 g/kg      |

\* Estimates for product may be based on additional component data not shown.

**Skin corrosion/irritation** Prolonged skin contact may cause temporary irritation.

**Serious eye damage/eye irritation** Direct contact with eyes may cause temporary irritation.

#### Respiratory or skin sensitization

**Respiratory sensitization** Not a respiratory sensitizer.

**Skin sensitization** This product is not expected to cause skin sensitization.

**Germ cell mutagenicity** No data available to indicate product or any components present at greater than 0.1% are mutagenic or genotoxic.

**Carcinogenicity** This product is not considered to be a carcinogen by IARC, ACGIH, NTP, or OSHA.

#### OSHA Specifically Regulated Substances (29 CFR 1910.1001-1050)

Not listed.

**Reproductive toxicity** This product is not expected to cause reproductive or developmental effects.

**Specific target organ toxicity - single exposure** Not classified.

**Specific target organ toxicity - repeated exposure** Not classified.

**Aspiration hazard** Not an aspiration hazard.

**Chronic effects** Prolonged inhalation may be harmful.

**Further information** This product has no known adverse effect on human health.

## 12. Ecological information

**Ecotoxicity** The product is not classified as environmentally hazardous. However, this does not exclude the possibility that large or frequent spills can have a harmful or damaging effect on the environment.

| Components                     | Species                  | Test Results         |
|--------------------------------|--------------------------|----------------------|
| Propylene glycol (CAS 57-55-6) |                          |                      |
| <b>Aquatic</b>                 |                          |                      |
| Crustacea                      | LC50 Ceriodaphnia dubia  | 18340 mg/l, 48 hours |
| Fish                           | LC50 Pimephales promelas | 46500 mg/l, 96 hours |

\* Estimates for product may be based on additional component data not shown.

**Persistence and degradability** No data is available on the degradability of this product.

#### Bioaccumulative potential

##### Partition coefficient n-octanol / water (log Kow)

Propylene glycol (CAS 57-55-6) -0.92

**Mobility in soil** No data available.

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**Other adverse effects** No other adverse environmental effects (e.g. ozone depletion, photochemical ozone creation potential, endocrine disruption, global warming potential) are expected from this component.

### 13. Disposal considerations

**Disposal instructions** Collect and reclaim or dispose in sealed containers at licensed waste disposal site.  
**Local disposal regulations** Dispose in accordance with all applicable regulations.  
**Hazardous waste code** The waste code should be assigned in discussion between the user, the producer and the waste disposal company.  
**Waste from residues / unused products** Dispose of in accordance with local regulations. Empty containers or liners may retain some product residues. This material and its container must be disposed of in a safe manner (see: Disposal instructions).  
**Contaminated packaging** Empty containers should be taken to an approved waste handling site for recycling or disposal. Since emptied containers may retain product residue, follow label warnings even after container is emptied.

### 14. Transport information

**DOT**

Not regulated as dangerous goods.

**IATA**

Not regulated as dangerous goods.

**IMDG**

Not regulated as dangerous goods.

**Transport in bulk according to Annex II of MARPOL 73/78 and the IBC Code** Not established.

### 15. Regulatory information

**US federal regulations** This product is not known to be a "Hazardous Chemical" as defined by the OSHA Hazard Communication Standard, 29 CFR 1910.1200.  
All components are on the U.S. EPA TSCA Inventory List.

**TSCA Section 12(b) Export Notification (40 CFR 707, Subpt. D)**

Not regulated.

**OSHA Specifically Regulated Substances (29 CFR 1910.1001-1050)**

Not listed.

**CERCLA Hazardous Substance List (40 CFR 302.4)**

Not listed.

**Superfund Amendments and Reauthorization Act of 1986 (SARA)**

**Hazard categories** Immediate Hazard - No  
Delayed Hazard - No  
Fire Hazard - No  
Pressure Hazard - No  
Reactivity Hazard - No

**SARA 302 Extremely hazardous substance**

Not listed.

**SARA 311/312 Hazardous chemical** No

**SARA 313 (TRI reporting)**

Not regulated.

**Other federal regulations**

**Clean Air Act (CAA) Section 112 Hazardous Air Pollutants (HAPs) List**

Not regulated.

**Clean Air Act (CAA) Section 112(r) Accidental Release Prevention (40 CFR 68.130)**

Not regulated.

**Safe Drinking Water Act (SDWA)** Not regulated.

## US state regulations

### US. Massachusetts RTK - Substance List

Not regulated.

### US. New Jersey Worker and Community Right-to-Know Act

Propylene glycol (CAS 57-55-6)

### US. Pennsylvania Worker and Community Right-to-Know Law

Propylene glycol (CAS 57-55-6)

### US. Rhode Island RTK

Not regulated.

### US. California Proposition 65

California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): This material is not known to contain any chemicals currently listed as carcinogens or reproductive toxins.

## International Inventories

| Country(s) or region        | Inventory name                                                    | On inventory (yes/no)* |
|-----------------------------|-------------------------------------------------------------------|------------------------|
| Australia                   | Australian Inventory of Chemical Substances (AICS)                | Yes                    |
| Canada                      | Domestic Substances List (DSL)                                    | Yes                    |
| Canada                      | Non-Domestic Substances List (NDSL)                               | No                     |
| China                       | Inventory of Existing Chemical Substances in China (IECSC)        | Yes                    |
| Japan                       | Inventory of Existing and New Chemical Substances (ENCS)          | Yes                    |
| Korea                       | Existing Chemicals List (ECL)                                     | Yes                    |
| Philippines                 | Philippine Inventory of Chemicals and Chemical Substances (PICCS) | Yes                    |
| United States & Puerto Rico | Toxic Substances Control Act (TSCA) Inventory                     | Yes                    |

\*A "Yes" indicates this product complies with the inventory requirements administered by the governing country(s).

A "No" indicates that one or more components of the product are not listed or exempt from listing on the inventory administered by the governing country(s).

## 16. Other information, including date of preparation or last revision

|               |                                                    |
|---------------|----------------------------------------------------|
| Issue date    | 22-April-2015                                      |
| Revision date | -                                                  |
| Version #     | 01                                                 |
| HMIS® ratings | Health: 0<br>Flammability: 0<br>Physical hazard: 0 |

### NFPA ratings



### Disclaimer

HCC Holdings Inc. an Oatey Affiliate cannot anticipate all conditions under which this information and its product, or the products of other manufacturers in combination with its product, may be used. It is the user's responsibility to ensure safe conditions for handling, storage and disposal of the product, and to assume liability for loss, injury, damage or expense due to improper use. The information in the sheet was written based on the best knowledge and experience currently available.



# OSHA-Required Health And Safety Information!

This Material Safety Data Sheet (MSDS) was requested moments ago from Hercules Automated Fax Information System. Please forward it immediately to the person in charge of MSDS's, or retain it at the machine until claimed.

## Section 1

**MATERIAL SAFETY DATA SHEET # 40**  
**Hercules Cryotek™ -100 & -100/AI**

Date Prepared: 6/29/1990 Last Reviewed: 4/17/2012



Hercules Chemical Company Inc.  
111 South Street  
Passaic NJ 07055  
Phone (800) 221-9330  
Fax (800) 333-3456

Meets OSHA 29 CFR 1910.1200

## Section 2 - Hazardous Ingredients/Identity Information

| Hazardous Components (Specific Chemical Identity; Common Name(s), CAS Numbers) | OSHA PEL | ACGIH TLV | Other Limits | Upper Bound Limit if SARA Reportable |
|--------------------------------------------------------------------------------|----------|-----------|--------------|--------------------------------------|
| This product is not classified as hazardous in accordance with OSHA 1910.1200  |          |           |              |                                      |

HMIS Hazard Rating: Health: 0 Flammability: 0 Reactivity: 0 Personal Protection: A

## Section 3 - Physical/Chemical Characteristics

|                       |                                          |                          |                         |
|-----------------------|------------------------------------------|--------------------------|-------------------------|
| Boiling Point (°F):   | Specific Gravity (H <sub>2</sub> O = 1): | Vapor Density (Air = 1): | Vapor Pressure (mm Hg): |
| 230°                  | 1.04                                     | 2.62                     | At 20° C 0.22           |
| Melting Point (° F)   | Evaporation Rate: (Butyl Acetate = 1)    | Solubility in Water:     |                         |
| N/A                   |                                          | Soluble                  |                         |
| Appearance And Color: | Pink or Orange liquid                    | Odor:                    | Odorless                |

## Section 4 - Fire And Explosion Hazard Data

|              |                   |      |      |
|--------------|-------------------|------|------|
| Flash Point: | Flammable Limits: | LEL: | UEL: |
| N/A          | None              |      |      |

Extinguishing Media: Water fog, alcohol foam, dry chemical.

Special Firefighting Procedures:  
None

Unusual Fire And Explosion Hazards:  
None

Continued on Next Page

**Section 5 - Reactivity Data**

**Stability:** Stable                      **Conditions To Avoid:** None

**Incompatibility (Materials To Avoid):** Oxidizing materials.

**Hazardous Decomposition:** None

**Hazardous Polymerization:** Will Not Occur

**Section 6 - Health Hazard Data**

**Routes of Entry:**    **Inhalation** N/A                      **Skin** N/A                      **Ingestion** N/A

**Health Hazards:**

Very low single dose oral toxicity; eye and skin essentially no effect.

**Carcinogenicity:**    **NTP** NO                      **IARC** NO                      **OSHA Regulated** NO

**Signs And Symptoms of Exposure:**

None

**Medical Conditions Generally Aggravated By Exposure:**

None

**Emergency And First Aid Procedures:**

**EYE AND SKIN CONTACT:** Like with all foreign material, flushing and washing with water is good safety and hygienic practice. **INGESTION:** Low in toxicity; induce vomiting if large amounts are ingested.

*Continued on Next Page*

**Section 7 - Precautions For Safe Handling And Use:****Steps To Be Taken In Case Material Is Released Or Spilled:**

Cover with absorbent material; let soak and sweep up.

**Waste Disposal Method:**

Incinerate or bury (landfill) away from water supplies in accordance with local regulations.

**Precautions To Be Taken In Handling And Storing:**

None

**Other Precautions:**

None

**Section 8 - Control Measures:****Respiratory Protection:**

None required.

**Ventilation:** Local Exhaust Adequate  
Mechanical N/A

Special N/A  
Other N/A

**Gloves:** None required.

**Eye Protection:** If possibility of splashing, use safety goggles.

**Other Protective**

**Clothing:** None

**Work/Hygienic Practices** Wash thoroughly after handling.



**F**ACTS  
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For Hercules Material Safety Data Sheets by fax anytime, day or night, just call 1-800-942-INFO (1-800-942-4636) from any Touch-Tone phone. Have your fax number ready. Checking the product label for the correct MSDS # will save time.

# SOUND STUDY



## Brooks Acoustics Corporation

30 Lafayette Square Vernon, Connecticut 06066 860-896-1081

Mr. George Fellner, AIA, LEED AP  
Fellner Architects  
382 Town Street, P.O. Box 115  
East Hampton, Connecticut 06423

27 September 2019  
PJ2019-1316-L01

Subject: Acoustical engineering design evaluation -- St. Clements Marina sound study

Dear Mr. Fellner:

As requested, Brooks Acoustics Corporation (BAC) has conducted an acoustical engineering study to determine the sound levels that are expected from a facility to be used as an event venue, known as the St. Clements Marina. The proposed facility is to be located on Oakum Dock Road in East Hampton, CT.

The requirements of the East Hampton Zoning Regulations and the Regulations of Connecticut State Agencies (RCSA) must be met for the development.

The study determined how the proposed development compares with the previous use of the property, a commercial working marina/boatyard, with a metal shed building containing machines.

The expected sound levels at the nearest residences to the proposed event facility site were calculated, using a computer model of sound emissions from the facility. The calculated sound levels are based on the current site plan and on measured sound data for music from a banquet hall wedding DJ or live band.

The results of this study show that the expected sound level from the event facility will be 26 dBA at the nearest house to the north of the site. The expected sound level at the nearest house to the east of the site from the event facility is 17 dBA. The expected sound levels at the east property line and the north property line are 27 dBA and 32 dBA, respectively. These sound levels are expected to be well below the prevailing ambient background sound in the area due to natural causes, such as wind, birds and insects. As such, the proposed facility is not likely to be audible at the nearby residences.

By comparison, the sound level from the previous use, the working marina/boatyard, was calculated to be 63 dBA at the nearest house for building, described as a "large open metal structure". The expected sound levels from the proposed land use are lower than the sound level from the previous land use, and also well below the allowable sound levels mandated by the State of Connecticut.

Therefore, it is the opinion of BAC with a reasonable degree of engineering certainty that the proposed facility will be in compliance with the requirements of both the Town of East Hampton and the State of Connecticut.

**Sound Level Standards**

The Town of East Hampton in its Zoning Regulations, Section 8.4.F – Standards for Specific Uses, states in Section 8.4.F.2.f,

F. Commercial Recreation

Commercial recreation, as described in this Section, and where permitted by Articles 3 thru 6 of these Regulations shall be by Special Permit only, in accordance with Sections 9.1 and 9.2 (Site Plan Requirements and Special Permit Requirements) and in compliance with the following provisions.

2. Special Provisions -

f. The volume of sound from music and public address systems shall be so controlled as to prevent objectionable noise off the premises.

Consistent with the above requirements, it was reported that the Town has requested that the sound levels of the proposed event facility be compared to that of the previous land use as a working marina/boatyard shop which operated with power tools and other equipment.

The information required by the Town is provided in the following calculations.

Further, the Regulations of Connecticut State Agencies (RCSA) Title 22a-69, Environmental Protection – Noise, state in Section 22a-69-3.5 (b),

Sec. 22a-69-3.5. Noise zone standards

(b) No person in a Class B Noise Zone shall emit noise exceeding the levels stated herein and applicable to adjacent Noise Zones:

|                           | <i>Receptor</i> |          |              |                |
|---------------------------|-----------------|----------|--------------|----------------|
|                           | <i>C</i>        | <i>B</i> | <i>A/Day</i> | <i>A/Night</i> |
| <i>Class B Emitter to</i> | 62 dBA          | 62 dBA   | 55 dBA       | 45 dBA         |

Levels emitted in excess of the values listed above shall be considered excessive noise.

where a Class B land use emitter is a business and a Class A land use receptor is a residence.

**Acoustical Engineering Calculations – equipment sound levels**

Acoustical engineering calculations were made to estimate the sound levels due to operation of the proposed St. Clements Marina facility. The proposed facility is on property on Oakum Dock Road, on almost the same footprint on which the boatyard/marina workshop building operated.

The nearest house to the facility is to the east, about 170 feet from the banquet hall location at the south end of the building. The next nearest house is to the north, about 270 feet from the banquet hall. These features are evident on the aerial photo of the facility, shown in Figure 1, attached.



Also, the estimated sound levels were calculated for the adjacent Noise Zones, as defined in the CT Regulations, for the East and North property lines. The distance for the East side is 53 feet and the distance for the North side is 145 feet. These distances were determined by examining the site plan.

The pieces of equipment assigned for the calculation of the workshop sounds included wood saws and metal cut-off saws. Sound level data provided by test measurements for similar installations, and available in the industry literature, were used as the basis for the calculation.

The wood saw test data showed that the average sound level is about 101 A-weighted decibels (dBA) measured at the operator work station (Ref. 1). The average sound level for the cut-off saws is about 94 dBA measured at the operator work station (Ref. 2).

The sound levels of the proposed event facility were measured by BAC for a wedding DJ. The source sound level of the music was about 93 dBA at a distance of 5 feet. The sound data spectrum is shown on the attached data table.

The sound test data were applied to the analysis using the physical locations of the sources, the construction details of the old workshop building and the proposed event facility, and the nearest houses and noise zone boundaries to the east and the north as the receptors. The project site plan, Dutch & Associates drawing, Page 1 of 2, revision dated 2019-08-28, is attached. The building wall and roof assemblies for sound transmission from the proposed events to the nearest houses were determined by examining Fellner Architects drawings, A1.0, A2.0 and A2.1, and a hand drawn detail sketch, attached.

Full frequency spectrum (octave band) source sound data provided in the References were used for the detailed acoustical engineering calculations. The measured octave band (OB) sound pressure level data for the wood and metal saws were converted to sound power levels for use as inputs to the sound calculation procedure. Also, the sound levels measured by BAC of the wedding music were converted to sound power levels for the calculation procedure. This model applies to both DJ and live band music.

The source sound and location data were used as inputs to a computer modeling procedure which calculated the propagation of the source sounds to the receptor positions. The sound propagation calculation procedure accounts for the effects of the source equipment operating, calculated building assembly sound transmission characteristics, and also distance.

The building assembly sound transmission calculation sheets are attached in the Appendix. The calculation sheets which show the results of the combined sound levels for the wood and metal saws projected to the nearest house to the east are attached in the Appendix.

---

References:

<sup>1</sup> Lumber Mill Noise and its Control, William A. Dost, University of California, Forest Products Laboratory, Richmond, CA, 1972. Fig 3f.

<sup>2</sup> Industrial Noise Control and Acoustics, Randall F. Barron, Louisiana Tech University, Ruston, LA, 2003. Fig 10-4.

The building construction used for the sound calculation of the boatyard workshop was a partially open metal shed.

The calculation sheets which show the results of the sound levels for the proposed event music projected to the nearest houses to the east and north are attached in the Appendix. The music sound was assumed to all transmit through the weakest building assembly in the direction of each house. The weakest building assembly was glass for the house to the north, and the stucco wall for the house to the east.

The calculation results for the proposed event facility at the nearest houses are summarized below:

| <u>Source/receiver condition</u>                                                  | <u>Sound level</u> |
|-----------------------------------------------------------------------------------|--------------------|
| Boatyard workshop sound level at nearest house to E (150 ft)                      | 63 dBA             |
| Event music sound level at nearest house to E (170 ft)<br>(Through stucco wall)   | 17 dBA             |
| Event music sound level at nearest house to N (270 ft)<br>(Through glass windows) | 26 dBA             |

The sound levels of the proposed use are lower than the sound level of the previous use, which conforms to the East Hampton Zoning Regulation Section 8.4.F.2.f.

The calculation results for the proposed event facility at the nearest CT regulation noise zone boundaries are summarized below:

| <u>Source/receiver condition</u>                                          | <u>Sound level</u> |
|---------------------------------------------------------------------------|--------------------|
| Event music sound level at E boundary (53 ft)<br>(Through stucco wall)    | 27 dBA             |
| Event music sound level at N boundary (270 ft)<br>(Through glass windows) | 32 dBA             |

The sound levels of the proposed use are well below the allowable sound levels mandated by the State of Connecticut for both daytime hours of 7 am to 10 pm (55 dBA) and for nighttime hours of 10 pm to 7 am (45 dBA), which conforms to the RCSA Section 22a-69-3.5 (b).

**Discussion**

The projected sound levels from the proposed event facility are below the sound level of the previous land use, a boatyard workshop. Therefore, the facility is expected to be **in compliance** with the Town of East Hampton requirements.

The projected sound levels from the proposed event facility are well below the allowable sound levels mandated by the State of Connecticut for a commercial land use to residential land use. Therefore, the facility is expected to be **in compliance** with the State of CT requirements.

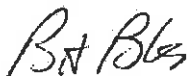
As a reference, the expected event sound levels are less than that of a quiet whisper, and well below the prevailing ambient background sound in the area.

The sound reduction benefits are provided by the robust character of the proposed building construction assemblies.

Design of the building should include the details needed to accomplish the sound isolation offered by the assemblies as calculated. These details include such features as thick insulation, the use of joint sealant, potential use of sound absorption panels/materials, and the use of automatic closers for exterior doors.

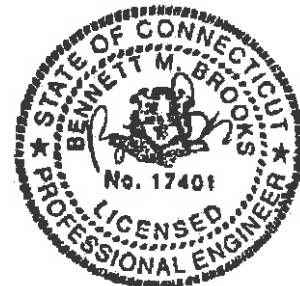
Please contact me if you have any questions concerning these findings.

Very truly yours,  
BROOKS ACOUSTICS CORPORATION



Bennett M. Brooks, PE, FASA, INCE  
President

Attachments



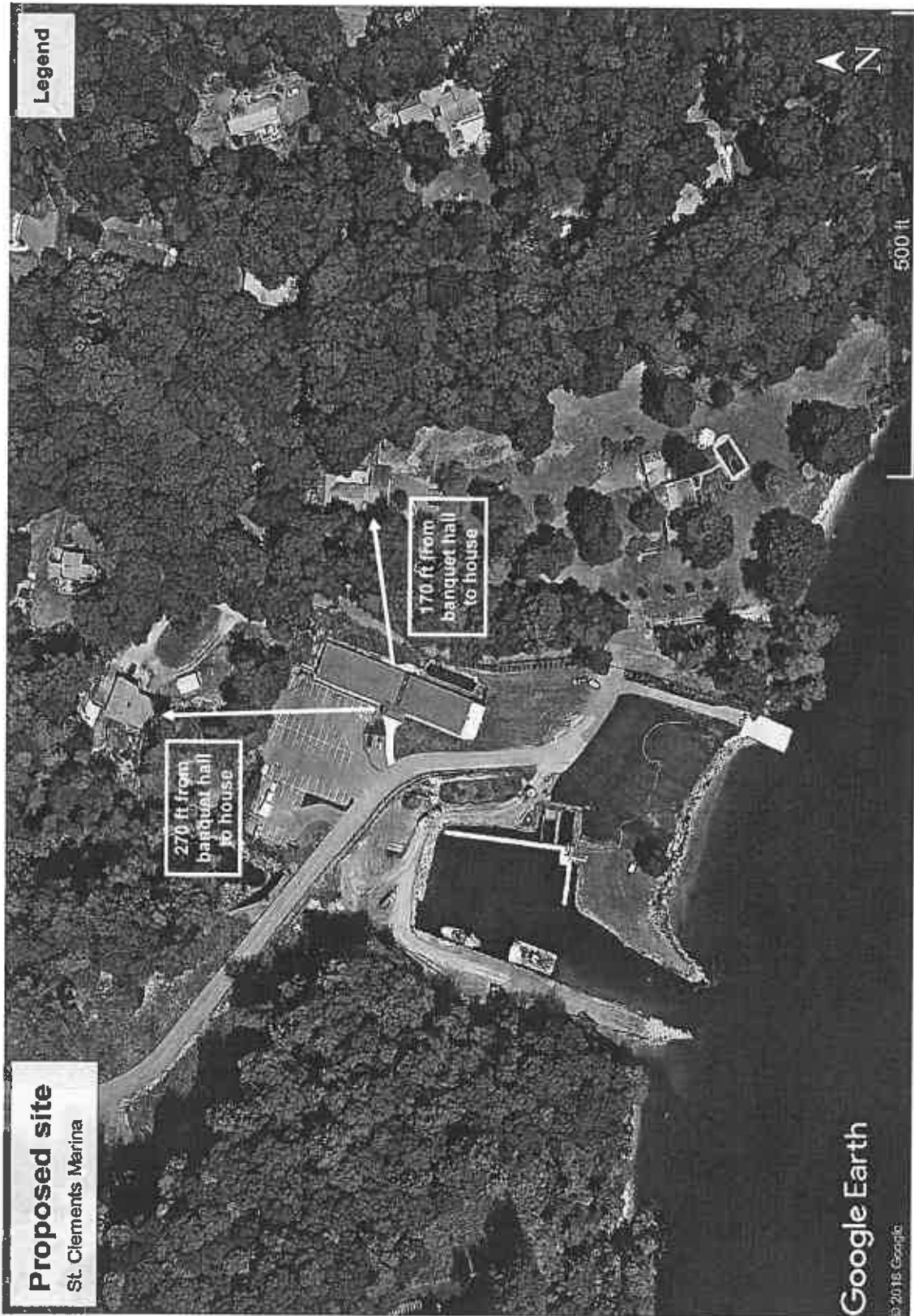


Figure 1. Aerial photograph of the proposed event facility site (Oakum Dock Road).

- MAP REFERENCES**
- 1) PLAN SHOWING TABLE, WATER SUPPLY PROTECTIVE SANITARY EXHIBIT N IN HAMPTON, CONNECTICUT - SCALE 1" = 40' - JANUARY 15, 2018
  - 2) ATTACHMENT B - PORT HAMPTON MARINA CHIEF - 49 OAKUM DOCK ROAD - EAST HAMPTON, CT, SCALE 1" = 40' - AUGUST 19, 2013 - REVISED
  - 3) EXISTING CONCRETE CHIEF - PROPERTY OF RONGALLI INSTITUTE, INC. - 49 OAKUM DOCK ROAD - EAST HAMPTON, CT, SCALE 1" = 40' - JANUARY 15, 2018
  - 4) SITE PLAN FOR MARINA PARKING - PROPERTY OF RONGALLI INSTITUTE, INC. - 49 OAKUM DOCK ROAD - EAST HAMPTON, CT, SCALE 1" = 40' - JANUARY 15, 2018
  - 5) SUBDIVISION OF QUAL WELLS EAST HAMPTON CONN. - OWNER: RONGALLI INSTITUTE, INC. - 49 OAKUM DOCK ROAD - EAST HAMPTON, CT, SCALE 1" = 40' - JANUARY 15, 2018
  - 6) SUBDIVISION OF QUAL WELLS EAST HAMPTON CONN. - OWNER: RONGALLI INSTITUTE, INC. - 49 OAKUM DOCK ROAD - EAST HAMPTON, CT, SCALE 1" = 40' - JANUARY 15, 2018

**REQUIRED PARKING CALCULATION FOR PLACES OF ASSEMBLY**

MAXIMUM OCCUPANCY = 150  
 UPPER THRESHOLD: 1 SPACE PER 1 OCCUPANT (50 SPACES)  
 LOWER THRESHOLD: 1 SPACE PER 3 OCCUPANTS (50 SPACES)  
 ON PAST THRESHOLD -- 2 SPACES REQUIRED (13 SPACES PROVIDED)

**SURVEY NOTES:**

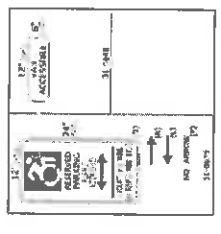
1. THIS PLAN IS A PART OF THE GENERAL INSTRUMENTS OF CONVEYANCE WHICH CORRECTS GENERAL SURVEY.

2. THE SURVEYED BOUNDARY LINES ARE THE RESULT OF A SURVEY CONDUCTED BY THE SURVEYOR.

3. THE SURVEYED BOUNDARY LINES ARE THE RESULT OF A SURVEY CONDUCTED BY THE SURVEYOR.

4. THE SURVEYED BOUNDARY LINES ARE THE RESULT OF A SURVEY CONDUCTED BY THE SURVEYOR.

5. THE SURVEYED BOUNDARY LINES ARE THE RESULT OF A SURVEY CONDUCTED BY THE SURVEYOR.



**GENERAL NOTES:**

1. THE SURVEYED BOUNDARY LINES ARE THE RESULT OF A SURVEY CONDUCTED BY THE SURVEYOR.

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5. THE SURVEYED BOUNDARY LINES ARE THE RESULT OF A SURVEY CONDUCTED BY THE SURVEYOR.

**FOUNDING NOTES:**

THE SUBJECT PROPERTY IS LOCATED IN AN AREA OF HIGH WATER TABLE AND IS SUBJECT TO FLOODING. THE FOUNDATION SHALL BE DESIGNED TO RESIST UPLIFT AND TO BE PROTECTED AGAINST FLOODING.

THE FOUNDATION SHALL BE DESIGNED TO RESIST UPLIFT AND TO BE PROTECTED AGAINST FLOODING.

THE FOUNDATION SHALL BE DESIGNED TO RESIST UPLIFT AND TO BE PROTECTED AGAINST FLOODING.

**ZONING COMPLIANCE CHECK**

| REQUIREMENT | DESCRIPTION                | COMPLIANCE                      |
|-------------|----------------------------|---------------------------------|
| 1           | MINIMUM LOT AREA           | 10,000 SQ. FT. (10,000 SQ. FT.) |
| 2           | MINIMUM LOT WIDTH          | 100 FT. (100 FT.)               |
| 3           | MINIMUM SETBACK            | 10 FT. (10 FT.)                 |
| 4           | MINIMUM FRONT YARD SETBACK | 10 FT. (10 FT.)                 |
| 5           | MINIMUM SIDE YARD SETBACK  | 10 FT. (10 FT.)                 |
| 6           | MINIMUM REAR YARD SETBACK  | 10 FT. (10 FT.)                 |
| 7           | MINIMUM FRONT SETBACK      | 10 FT. (10 FT.)                 |
| 8           | MINIMUM SIDE SETBACK       | 10 FT. (10 FT.)                 |
| 9           | MINIMUM REAR SETBACK       | 10 FT. (10 FT.)                 |
| 10          | MINIMUM FRONT SETBACK      | 10 FT. (10 FT.)                 |
| 11          | MINIMUM SIDE SETBACK       | 10 FT. (10 FT.)                 |
| 12          | MINIMUM REAR SETBACK       | 10 FT. (10 FT.)                 |



**LEGEND**

- UTILITY POLE
- OUTSIDE WELLS
- WATER MAIN
- WATER CROCK
- WATER METER
- WELL
- CHARLIE FENCE
- CORRUGATED METAL WALL
- W.B.R. WOOD BEAM PAIL
- M.B.R. METAL BEAM PAIL
- Y.D. YARD DRAIN
- SEEN (AS NOTED)

**TO MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.**

*Charles D. Dutcher*  
 CHARLES D. DUTCHER, L.L.C.  
 100 N. MAIN STREET, SUITE 100  
 COLCHESTER, CT 06424  
 PHONE: (860) 557-9485

**THIS PLAN IS APPROVED BY THE EAST HAMPTON PLANNING AND ZONING COMMISSION.**

COMMISSION

**SCALE: 1" = 40'**

DATE: JANUARY 15, 2018

**49 OAKUM DOCK ROAD - M/B/L: 029A/4**

**EAST HAMPTON, CONNECTICUT**

**REVISIONS:** 3/18/18; 6/11/19; 8/12/19; 8/22/19; 8/28/19

**SHEET: 1 OF 2**

**PREPARED FOR:**

**RONGALLI INSTITUTE, INC.**

**49 OAKUM DOCK ROAD - M/B/L: 029A/4**

**EAST HAMPTON, CONNECTICUT**

**REVISIONS:** 3/18/18; 6/11/19; 8/12/19; 8/22/19; 8/28/19

**SHEET: 1 OF 2**

**382 SOUTH MAIN STREET, COLCHESTER, CONN.**

**PHONE: (860) 557-9485**

**DUTCH & ASSOCIATES**

**LAND SURVEYORS**

**49 OAKUM DOCK ROAD - M/B/L: 029A/4**

**EAST HAMPTON, CONNECTICUT**

**REVISIONS:** 3/18/18; 6/11/19; 8/12/19; 8/22/19; 8/28/19

**SHEET: 1 OF 2**

**49 OAKUM DOCK ROAD - M/B/L: 029A/4**

**EAST HAMPTON, CONNECTICUT**

**REVISIONS:** 3/18/18; 6/11/19; 8/12/19; 8/22/19; 8/28/19

**SHEET: 1 OF 2**

**49 OAKUM DOCK ROAD - M/B/L: 029A/4**

**EAST HAMPTON, CONNECTICUT**

**REVISIONS:** 3/18/18; 6/11/19; 8/12/19; 8/22/19; 8/28/19

**SHEET: 1 OF 2**

**49 OAKUM DOCK ROAD - M/B/L: 029A/4**

**EAST HAMPTON, CONNECTICUT**

**REVISIONS:** 3/18/18; 6/11/19; 8/12/19; 8/22/19; 8/28/19

**SHEET: 1 OF 2**

**49 OAKUM DOCK ROAD - M/B/L: 029A/4**

**EAST HAMPTON, CONNECTICUT**

**REVISIONS:** 3/18/18; 6/11/19; 8/12/19; 8/22/19; 8/28/19

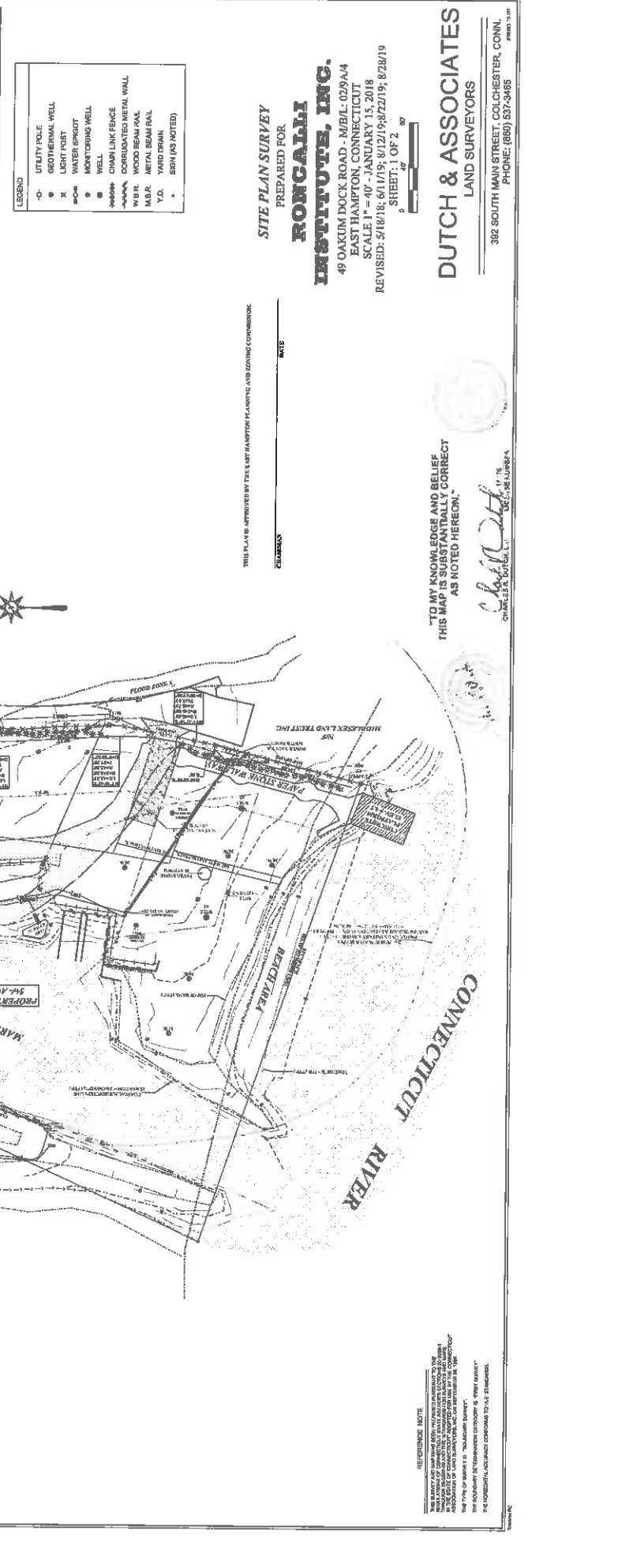
**SHEET: 1 OF 2**

**49 OAKUM DOCK ROAD - M/B/L: 029A/4**

**EAST HAMPTON, CONNECTICUT**

**REVISIONS:** 3/18/18; 6/11/19; 8/12/19; 8/22/19; 8/28/19

**SHEET: 1 OF 2**

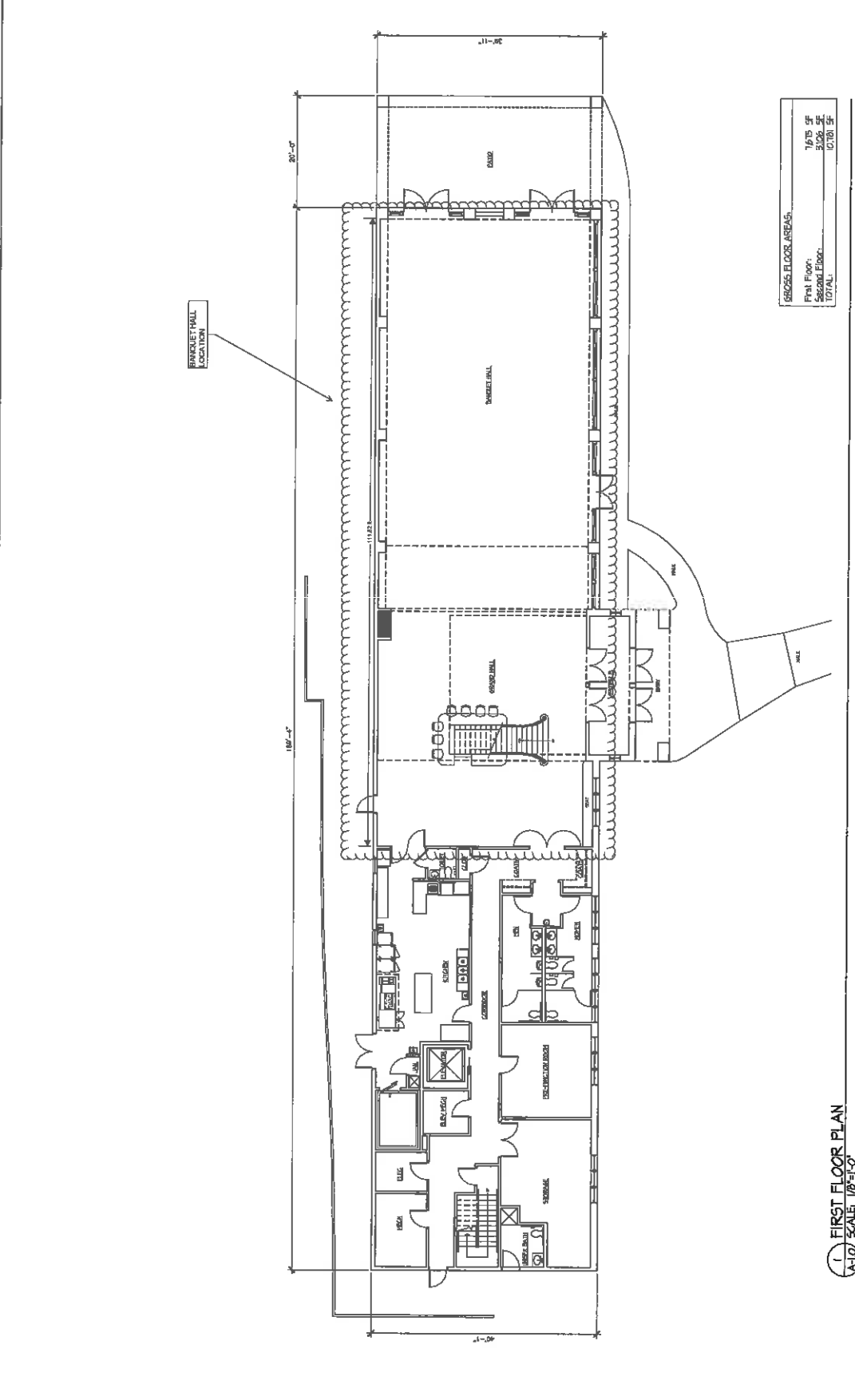


Project Name: SAINT CLEMENTS MARINA  
 49 OCKLUM DOCK ROAD  
 EAST HARTFORD, CT 06180

**FELLNER ARCHITECTS**  
 282 TOWN STREET  
 EAST HARTFORD, CT 06180  
 TEL: 860-234-0000

PROJECT NAME: SAINT CLEMENTS MARINA  
 SHEET NO.: A-1.0

DATE: 08/11  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 DATE: 08/11



**GROSS FLOOR AREAS:**

|               |                |
|---------------|----------------|
| First Floor:  | 1675 SF        |
| Second Floor: | 5036 SF        |
| <b>TOTAL:</b> | <b>6711 SF</b> |

**1** FIRST FLOOR PLAN  
 A-1.0 SCALE: 1/8"=1'-0"

Approved by the East Hampton Planning and Zoning Commission

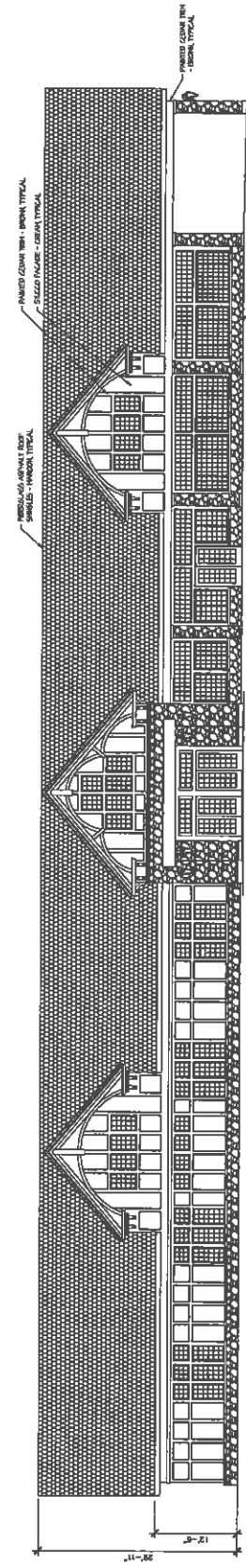
Approved by the Local Historian  
 Planning and Zoning Commission  
 Date of Approval: \_\_\_\_\_  
 Commission Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_



**SAINT CLEMENTS MARINA**  
 49 OCCUM DOCK ROAD  
 EAST HAVEN, CT, 06424  
**ELEVATIONS**

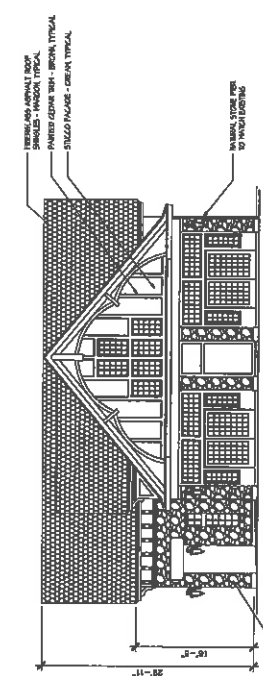


Sheet No. **A-2.0**

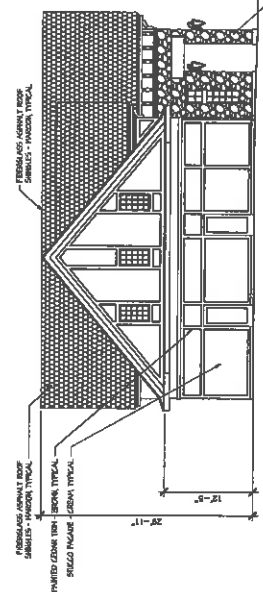


**3 WEST ELEVATION**  
 A-2.0 SCALE: 1/8"=1'-0"

NOTE: ALL EXTERIOR MATERIAL COLORS TO MATCH BUILDING AT SAINT CLEMENTS CASTLE



**1 SOUTH ELEVATION**  
 A-2.0 SCALE: 1/8"=1'-0"



**2 NORTH ELEVATION**  
 A-2.0 SCALE: 1/8"=1'-0"

Approved by the East Hampton Planning and Zoning Commission

Date: \_\_\_\_\_

Project Name: \_\_\_\_\_

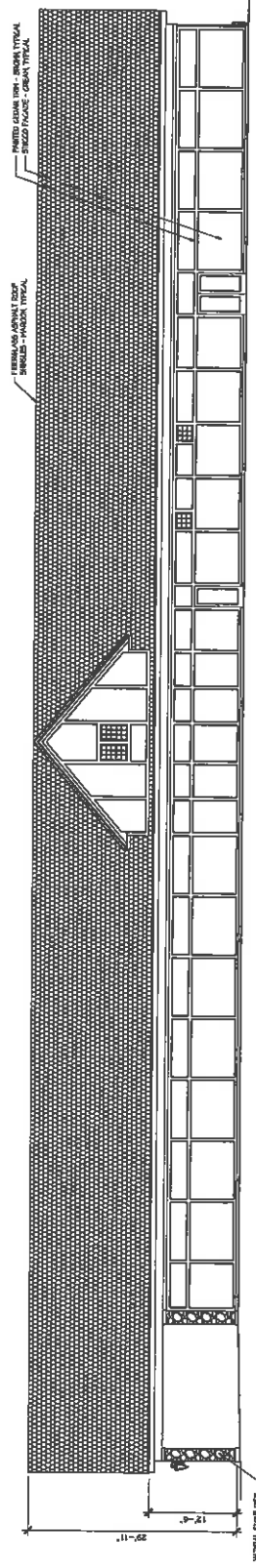
Site Address: \_\_\_\_\_



**SAINT CLEMENTS MARINA**  
 49 OCKLUM DOCK ROAD  
 EAST HAMPTON, CT 06424  
 ELEVATIONS

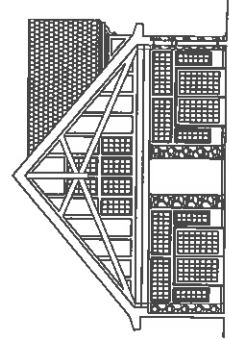


Scale: A-2:1

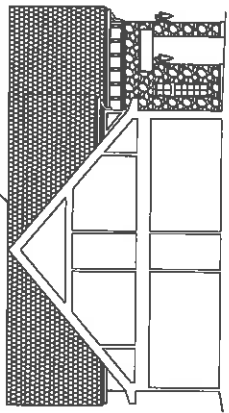


3 EAST ELEVATION  
 A-2J SCALE: 1/8"=1'-0"

NOTE: ALL EXTERIOR MATERIAL COLORS TO MATCH BUILDING AT SAINT CLEMENTS CASTLE



1 BUILDING SECTION  
 A-2J SCALE: 1/8"=1'-0"



2 BUILDING SECTION  
 A-2J SCALE: 1/8"=1'-0"



LEGEND: ALL LIGHT FIXTURES TO BE MATCHED TO THE BUILDING AT SAINT CLEMENTS CASTLE.

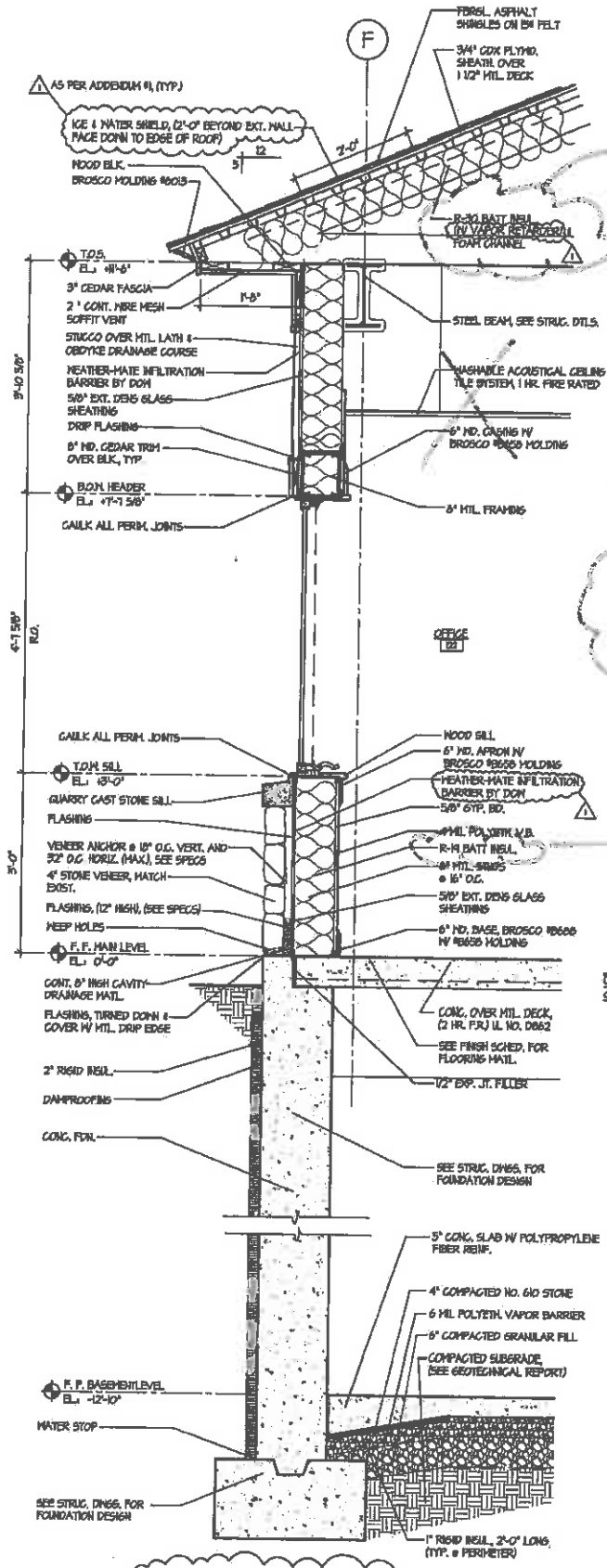


LEGEND: ALL LIGHT FIXTURES TO BE MATCHED TO THE BUILDING AT SAINT CLEMENTS CASTLE.



LEGEND: ALL LIGHT FIXTURES TO BE MATCHED TO THE BUILDING AT SAINT CLEMENTS CASTLE.





Upgrade to R-49

Note: this project is Cathedral Ceiling for banquet Hall

R-25 8" Batt  
R-30 8" high density Batt

8" Batt or 8" Sprayfoam

R 9.7 per inch  
R-29.6

Note: no basement. This project is slab on grade.

3 WALL SECTION  
A5.0 SCALE: 3/4"=1'-0"

# APPENDIX

## 1- Calculation sheets



Project Name: St. Clements Marina  
 Location: East Haddam, CT  
 Architect: George Fellner  
 Mechanical Engineer:  
 Contractor:

Project/Reference Number: PJ2019-1316  
 Engineered By: Bennett Brooks, PE, FASA, INCE  
 Company: Brooks Acoustics  
 Run Date: 09/23/2019  
 Notes: Wood saws & metal saws operating inside - windows / doors open

**Nearest house  
Calculation Summary**

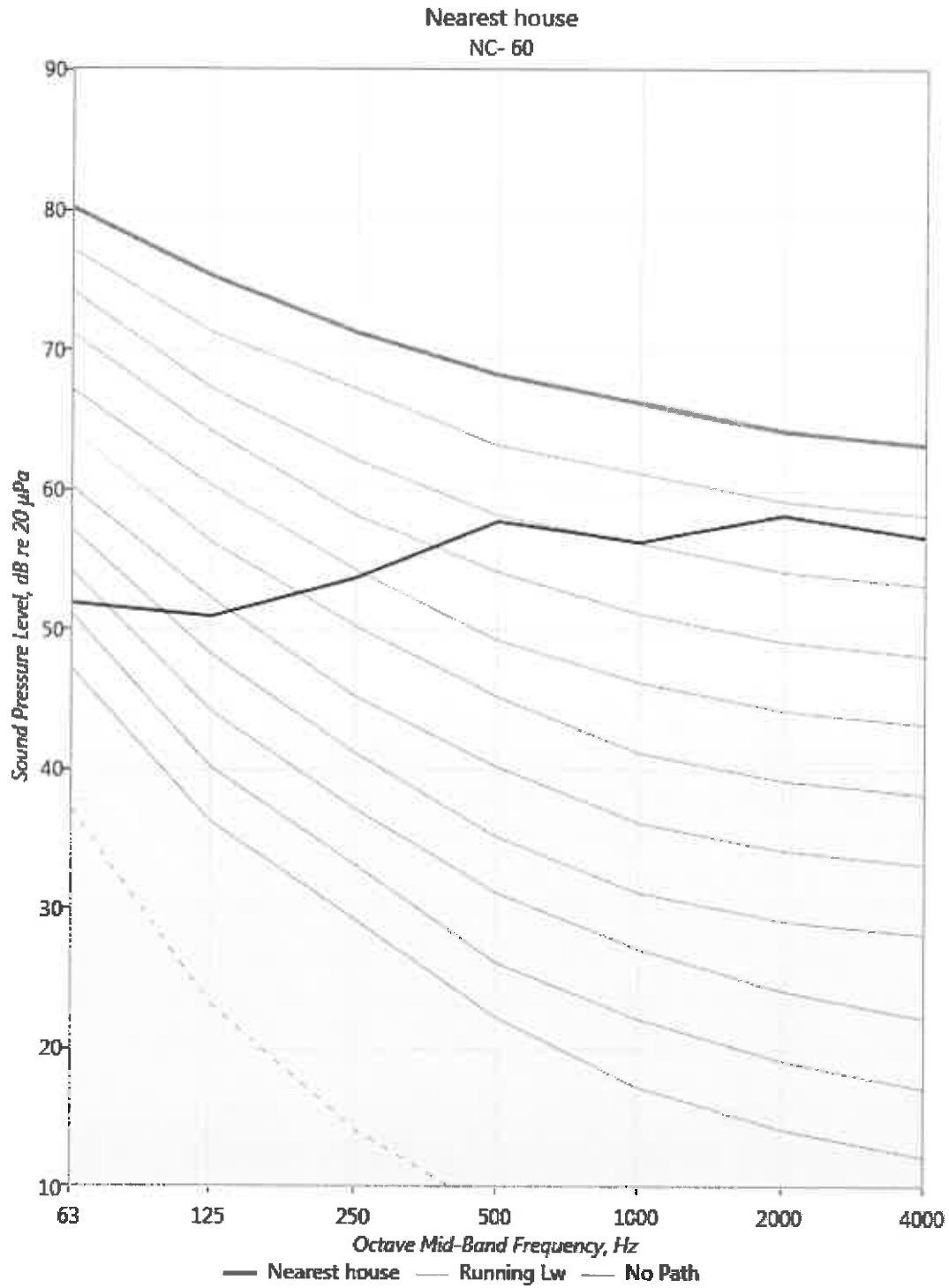
| Element                                  | Properties            | Octave Midband Frequency, Hz |     |     |     |     |     |     |     | dB(A) |
|------------------------------------------|-----------------------|------------------------------|-----|-----|-----|-----|-----|-----|-----|-------|
|                                          |                       | NC                           | 63  | 125 | 250 | 500 | 1K  | 2K  | 4K  |       |
| 1 Nearest house                          | Criteria: NC-65       | 60                           | 52  | 51  | 53  | 58  | 56  | 58  | 56  | 63    |
| 2 Outdoor Noise (East property line)     | Criteria: NC-65       |                              |     |     |     |     |     |     |     |       |
| 3 Timber Mill                            |                       |                              | 100 | 98  | 100 | 101 | 102 | 105 | 100 |       |
| 4 Hole in Wall/Floor                     | 40'x190'x15' (15'x7') |                              | -4  | -4  | -3  | -3  | -3  | -3  | -3  |       |
| 5 Outdoor Transmission / Noise Barrier   |                       |                              | -44 | -44 | -44 | -44 | -44 | -44 | -44 |       |
|                                          |                       |                              | 0   | 0   | 0   | 0   | 0   | 0   | 0   |       |
| 6 SUM                                    |                       | 59                           | 52  | 50  | 52  | 54  | 55  | 58  | 52  | 62    |
| 7 Outdoor Noise (East property line (1)) | Criteria: NC-65       |                              |     |     |     |     |     |     |     |       |
| 8 Metal cut-off saws - 3 saws            |                       |                              | 85  | 93  | 95  | 103 | 98  | 94  | 102 |       |
| 9 Hole in Wall/Floor                     | 40'x190'x15' (15'x7') |                              | -4  | -4  | -3  | -3  | -3  | -3  | -3  |       |
| 10 Outdoor Transmission / Noise Barrier  |                       |                              | -44 | -44 | -44 | -44 | -44 | -44 | -44 |       |
|                                          |                       |                              | 0   | 0   | 0   | 0   | 0   | 0   | 0   |       |
| 11 SUM                                   |                       | 57                           | 36  | 44  | 47  | 55  | 50  | 46  | 54  | 58    |

Project Name:  
Location:  
Architect:  
Mechanical Engineer:  
Contractor:

St. Clements Marina  
East Haddam, CT  
George Fellner

Project/Reference Number:  
Engineered By:  
Company:  
Run Date:  
Notes:

PJ2019-1316  
Bennett Brooks, PE, FASA, INCE  
Brooks Acoustics  
09/23/2019  
Wood saws & metal saws operating  
inside - windows / doors open



# Sound Insulation Prediction (v9.0.20)



**Brooks Acoustics Corp**

"Building a Sound Future"

Margin of error is generally within STC ±3 dB

Job Name: St. Clements matina

Job No.: PJ2109-1316

Date: 9/24/2019

File Name:

Initials: Bennett

Notes: Laminated glass



STC 36  
OITC 31

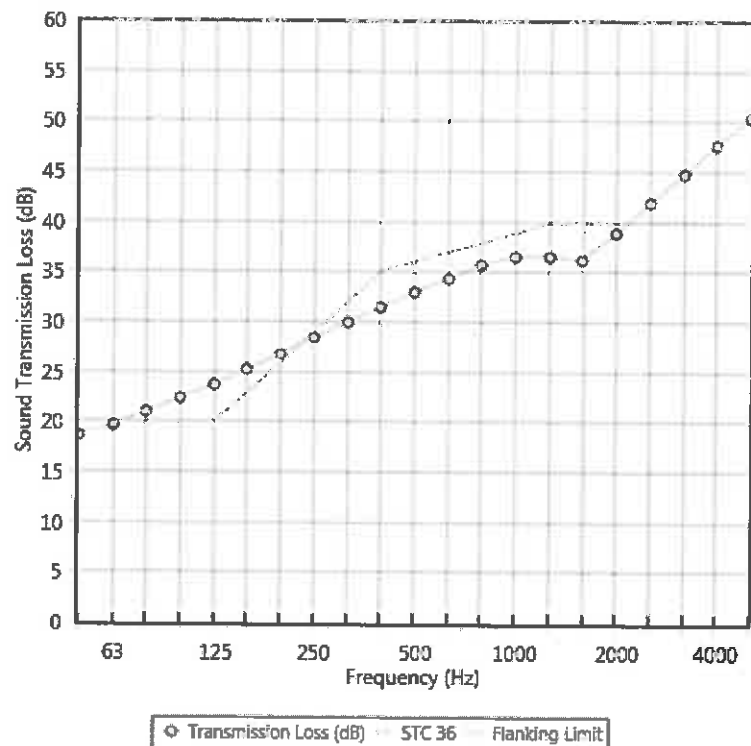
Panel Size = 8.9 ft x 13.1 ft

Partition surface mass = 5.2 lb/ft<sup>2</sup>

## System description

Panel 1 : 1 x 0.433 in Laminated Glass (1mm acoustic resin)

| freq.(Hz) | TL(dB) | TL(dB) |
|-----------|--------|--------|
| 50        | 19     |        |
| 63        | 20     | 20     |
| 80        | 21     |        |
| 100       | 22     |        |
| 125       | 24     | 24     |
| 160       | 25     |        |
| 200       | 27     |        |
| 250       | 28     | 28     |
| 315       | 30     |        |
| 400       | 32     |        |
| 500       | 33     | 33     |
| 630       | 34     |        |
| 800       | 36     |        |
| 1000      | 37     | 36     |
| 1250      | 37     |        |
| 1600      | 36     |        |
| 2000      | 39     | 38     |
| 2500      | 42     |        |
| 3150      | 45     |        |
| 4000      | 48     | 47     |
| 5000      | 50     |        |



# Sound Insulation Prediction (v9.0.20)



**Brooks Acoustics Corp**

"Building a Sound Future"

Margin of error is generally within STC ±3 dB

Job Name:

Job No.:

Date:9/24/2019

File Name:Insul wall .ixl

Initials:Bennett

Notes: Stucco Wall per detail



STC 54  
OITC 46

Mass-air-mass resonant frequency = 38 Hz

Panel Size = 8.9 ft x 13.1 ft

Partition surface mass = 13.7 lb/ft<sup>2</sup>

## System description

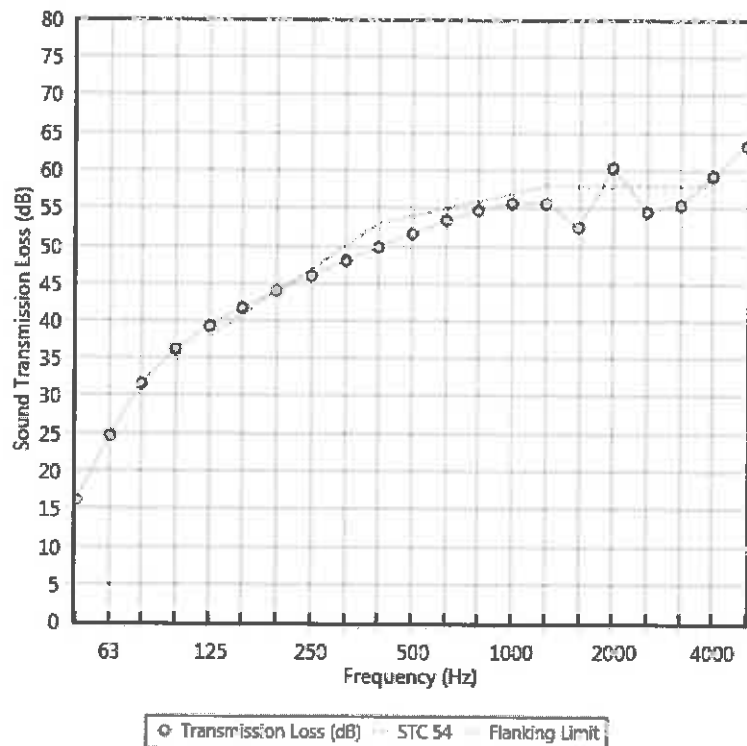
Panel 1 : 1 x 0.866 in Stucco

+ 1 x 0.626 in DensDeck Roof Board® Georgia Pa

Frame: Steel Stud (1.0-1.6mm) (8 in x 1.5 in ), Stud spacing 24 in ; Cavity Width 8 in , 1 x fiberglass (1.4 lb/ft<sup>3</sup>) Thickness 8.0 in

Panel 2 : 1 x 0.626 in Type X Gypsum Board

| freq.(Hz) | TL(dB) | TL(dB) |
|-----------|--------|--------|
| 50        | 16     |        |
| 63        | 25     | 20     |
| 80        | 32     |        |
| 100       | 36     |        |
| 125       | 39     | 39     |
| 160       | 42     |        |
| 200       | 44     |        |
| 250       | 46     | 46     |
| 315       | 48     |        |
| 400       | 50     |        |
| 500       | 52     | 51     |
| 630       | 53     |        |
| 800       | 55     |        |
| 1000      | 56     | 55     |
| 1250      | 56     |        |
| 1600      | 53     |        |
| 2000      | 61     | 55     |
| 2500      | 55     |        |
| 3150      | 56     |        |
| 4000      | 59     | 58     |
| 5000      | 63     |        |



# Sound Insulation Prediction (v9.0.20)

Margin of error is generally within STC  $\pm 3$  dB

Job Name: Fellner - St. Clements Marina

Job No.: PJ2019-1316

Date: 9/24/2019

File Name: Insul roof .ixl

Initials: Bennett



**Brooks Acoustics Corp**

"Building a Sound Future"

Notes Per roof detail sketch



STC 59  
OITC 51

Mass-air-mass resonant frequency = 29 Hz

Panel Size = 8.9 ft x 13.1 ft

Partition surface mass = 8.54 lb/ft<sup>2</sup>

## System description

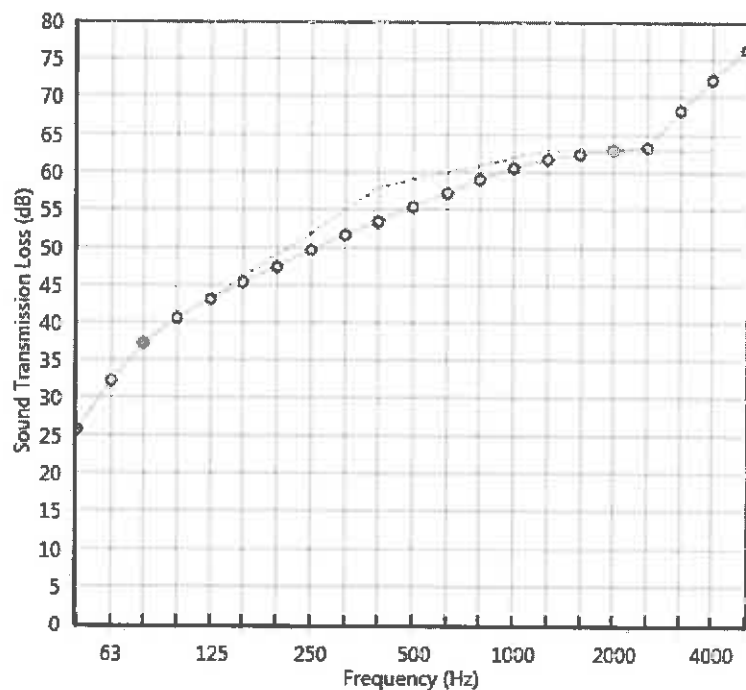
Panel 1 : 1 x 0.118 in Asphalt Shingles (2.7lb/ft<sup>2</sup>)

+ 1 x 0.689 in Plywood

Frame: Steel C-Joist and resilient rail (16 in x 1.5 in), Stud spacing 24 in; Cavity Width 16.47 in, 1 x fiberglass (1.4 lb/ft<sup>3</sup>) Thickness 16.0 in

Panel 2 : 1 x 0.626 in Type X Gypsum Board

| freq.(Hz) | TL(dB) | TL(dB) |
|-----------|--------|--------|
| 50        | 26     |        |
| 63        | 32     | 29     |
| 80        | 37     |        |
| 100       | 41     |        |
| 125       | 43     | 43     |
| 160       | 45     |        |
| 200       | 48     |        |
| 250       | 50     | 49     |
| 315       | 52     |        |
| 400       | 54     |        |
| 500       | 55     | 55     |
| 630       | 57     |        |
| 800       | 59     |        |
| 1000      | 61     | 60     |
| 1250      | 62     |        |
| 1600      | 63     |        |
| 2000      | 63     | 63     |
| 2500      | 63     |        |
| 3150      | 68     |        |
| 4000      | 72     | 71     |
| 5000      | 76     |        |



◆ Transmission Loss (dB) --- STC 59 — Flanking Limit

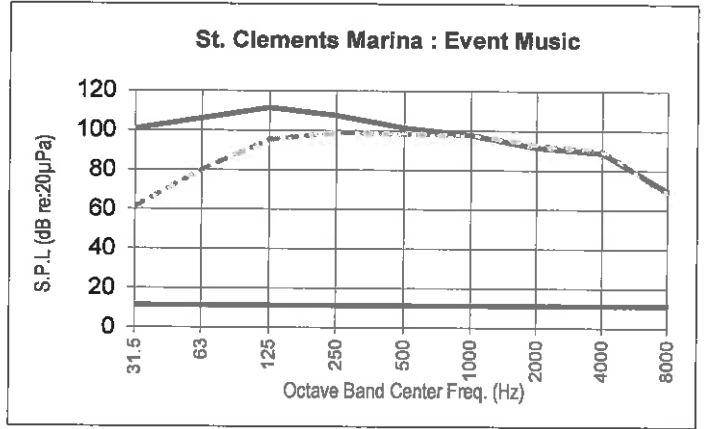
# Source Sheet

Source Group: St. Clements Marina  
 Source Name: Event Music

Source Data: BAC data A-wt  
 Source PWL: 104 dB(A)  
 record distance: 5

Source Type: point

Coordinates: East 0 South 0 Elev. 5



| Frequency | Data | Adj for dist & pwl | Signature  | A-weighted Signature | A-weighting Curve | freq. |
|-----------|------|--------------------|------------|----------------------|-------------------|-------|
| 31.5 Hz   | 50.0 | 11                 | <u>101</u> | 61                   | -39.4             | 31.5  |
| 63.0 Hz   | 68.5 | 11                 | <u>106</u> | 80                   | -26.2             | 63    |
| 125.0 Hz  | 84.0 | 11                 | <u>112</u> | 95                   | -16.1             | 125   |
| 250.0 Hz  | 87.7 | 11                 | <u>108</u> | 99                   | -8.6              | 250   |
| 500.0 Hz  | 86.9 | 11                 | <u>102</u> | 98                   | -3.2              | 500   |
| 1000.0 Hz | 86.3 | 11                 | <u>98</u>  | 98                   | 0.0               | 1000  |
| 2000.0 Hz | 81.4 | 11                 | <u>92</u>  | 93                   | 1.2               | 2000  |
| 4000.0 Hz | 78.3 | 11                 | <u>89</u>  | 90                   | 1.0               | 4000  |
| 8000.0 Hz | 57.1 | 11                 | <u>70</u>  | 69                   | -1.1              | 8000  |

A-weighted  
 BAC test data  
 for  
 Wedding DJ

Unweighted  
 data

Total  
 SPL  
 93 dB(A)

Adjusted to  
 1 m (3.3 ft)  
 & converted  
 to power level





**Project Name:** St. Clements Marina  
**Location:** East Haddam, CT  
**Architect:** George Fellner  
**Mechanical Engineer:**  
**Contractor:**

**Project/Reference Number:** PJ2019-1316  
**Engineered By:** Bennett Brooks, PE, FASA, INCE  
**Company:** Brooks Acoustics  
**Run Date:** 09/23/2019  
**Notes:** Banquet Hall Wedding DJ - nearest house to N

**Nearest house  
 Calculation Summary**

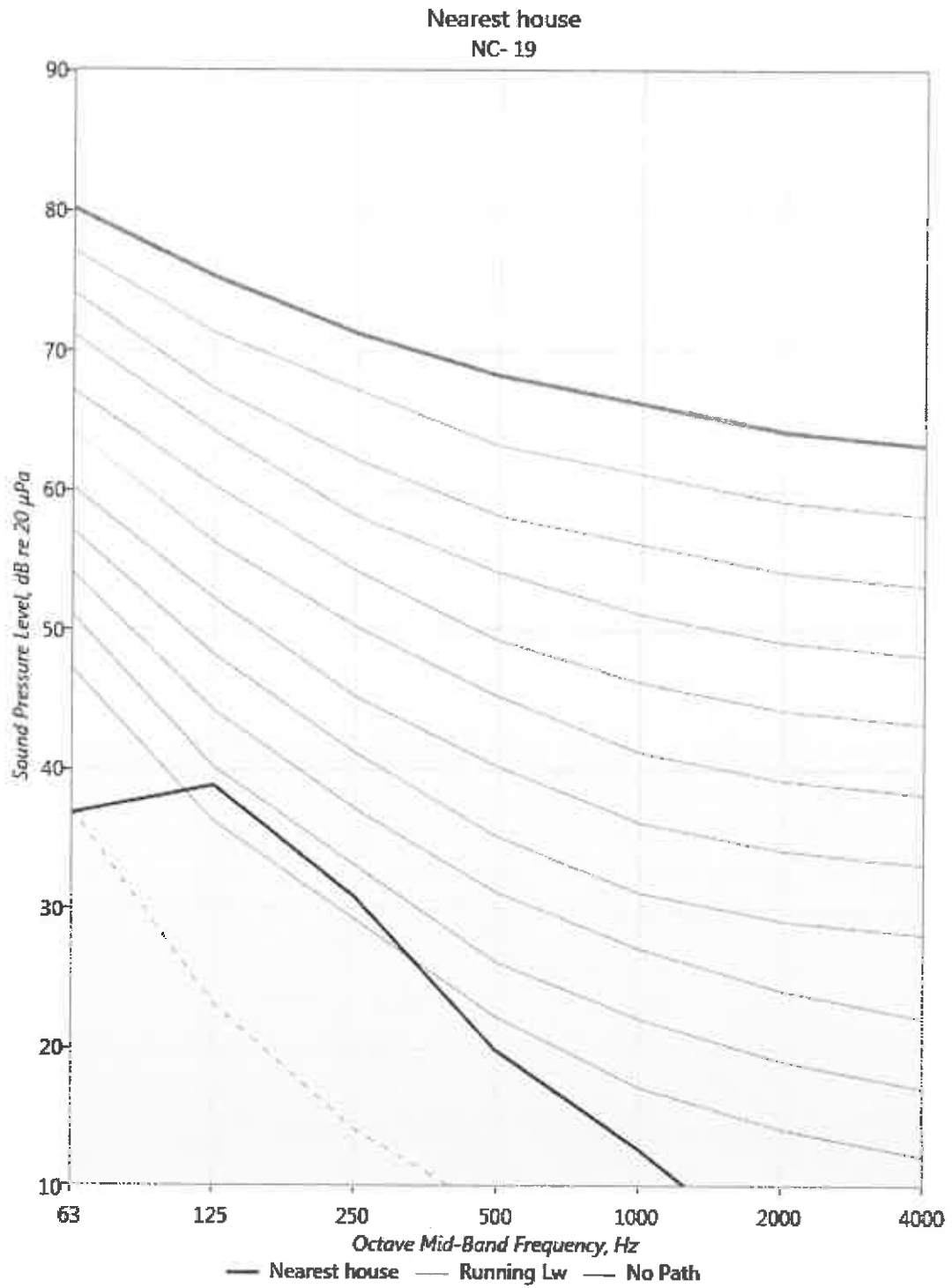
| Element | Properties                                                   | Octave Midband Frequency, Hz |     |     |     |     |     |     |     | dB(A) |
|---------|--------------------------------------------------------------|------------------------------|-----|-----|-----|-----|-----|-----|-----|-------|
|         |                                                              | NC                           | 63  | 125 | 250 | 500 | 1K  | 2K  | 4K  |       |
| 1       | <b>Nearest house</b><br>Criteria: NC-65                      | 19                           | 37  | 39  | 31  | 20  | 13  | 5   | 0   | 26    |
| 2       | <b>Outdoor Noise (East property line)</b><br>Criteria: NC-65 |                              |     |     |     |     |     |     |     |       |
| 3       | Wedding DJ                                                   |                              | 106 | 112 | 108 | 102 | 98  | 92  | 89  |       |
| 4       | Laminated glass 2 - Insul                                    |                              | -20 | -24 | -28 | -33 | -36 | -38 | -47 |       |
| 5       | Outdoor Transmission / Noise Barrier                         |                              | -49 | -49 | -49 | -49 | -49 | -49 | -49 |       |
|         |                                                              |                              | 0   | 0   | 0   | 0   | 0   | 0   | 0   |       |
| 6       | <b>SUM</b>                                                   | 19                           | 37  | 39  | 31  | 20  | 13  | 5   | 0   | 26    |

Project Name:  
Location:  
Architect:  
Mechanical Engineer:  
Contractor:

St. Clements Marina  
East Haddam, CT  
George Fellner

Project/Reference Number:  
Engineered By:  
Company:  
Run Date:  
Notes:

PJ2019-1316  
Bennett Brooks, PE, FASA, INCE  
Brooks Acoustics  
09/23/2019  
Banquet Hall Wedding DJ - nearest  
house to N





**Project Name:** St. Clements Marina  
**Location:** East Haddam, CT  
**Architect:** George Fellner  
**Mechanical Engineer:**  
**Contractor:**

**Project/Reference Number:** PJ2019-1316  
**Engineered By:** Bennett Brooks, PE, FASA, INCE  
**Company:** Brooks Acoustics  
**Run Date:** 09/23/2019  
**Notes:** Banquet Hall Wedding DJ - nearest house to E

**Nearest house  
 Calculation Summary**

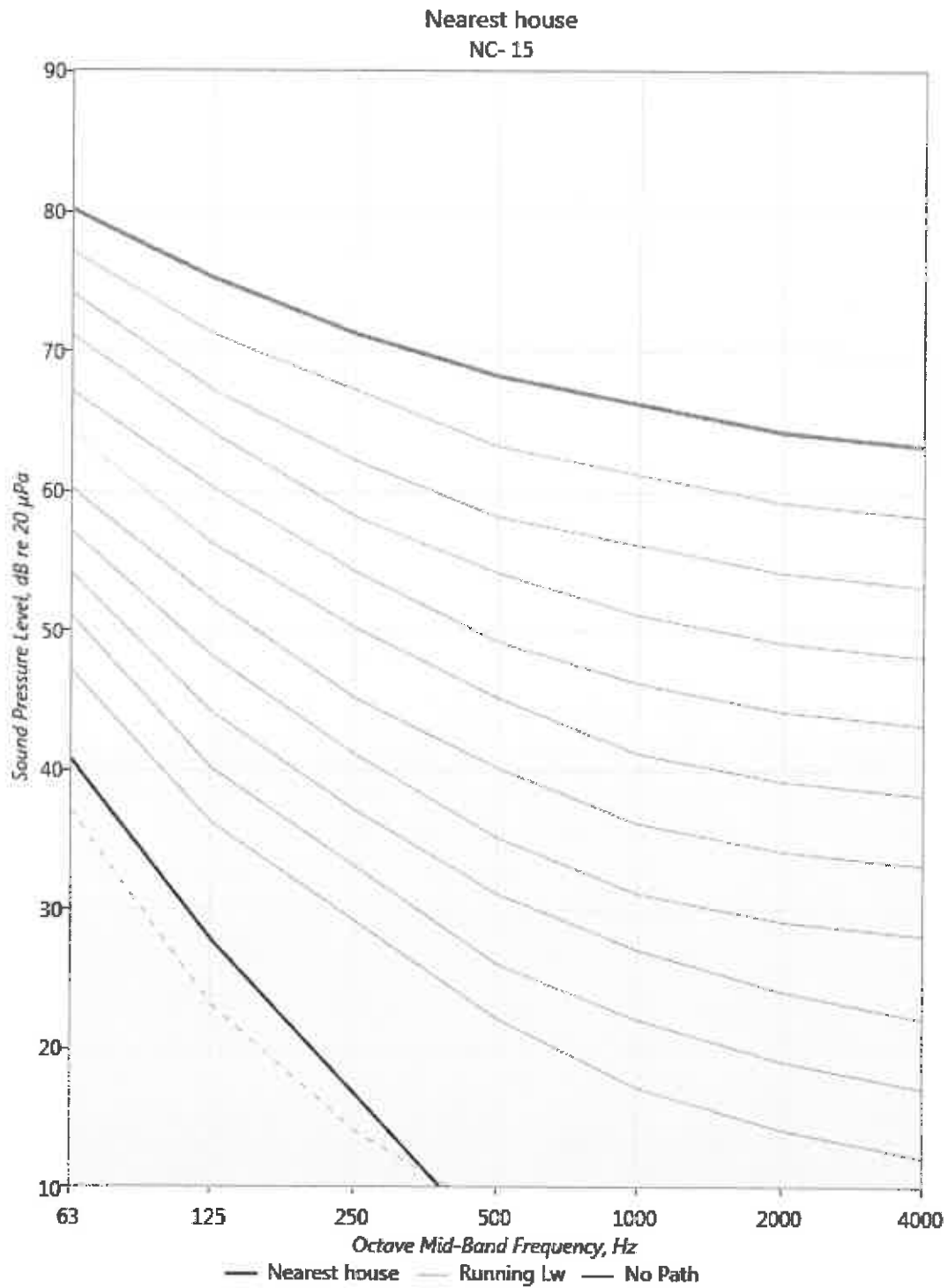
| Element                                | Properties      | Octave Midband Frequency, Hz |     |     |     |     |     |     |     | dB(A) |
|----------------------------------------|-----------------|------------------------------|-----|-----|-----|-----|-----|-----|-----|-------|
|                                        |                 | NC                           | 63  | 125 | 250 | 500 | 1K  | 2K  | 4K  |       |
| 1 Nearest house                        | Criteria: NC-65 | 15                           | 41  | 28  | 17  | 6   | 0   | 0   | 0   | 17    |
| 2 Outdoor Noise (East property line)   | Criteria: NC-65 |                              |     |     |     |     |     |     |     |       |
| 3 Wedding DJ                           |                 |                              | 106 | 112 | 108 | 102 | 98  | 92  | 89  |       |
| 4 Stucco Exterior Wall                 |                 |                              | -20 | -39 | -46 | -51 | -55 | -55 | -58 |       |
| 5 Outdoor Transmission / Noise Barrier |                 |                              | -45 | -45 | -45 | -45 | -45 | -45 | -45 |       |
|                                        |                 |                              | 0   | 0   | 0   | 0   | 0   | 0   | 0   |       |
| 6 SUM                                  |                 | 15                           | 41  | 28  | 17  | 6   | 0   | 0   | 0   | 17    |

Project Name:  
Location:  
Architect:  
Mechanical Engineer:  
Contractor:

St. Clements Marina  
East Haddam, CT  
George Fellner

Project/Reference Number:  
Engineered By:  
Company:  
Run Date:  
Notes:

PJ2019-1316  
Bennett Brooks, PE, FASA, INCE  
Brooks Acoustics  
09/23/2019  
Banquet Hall Wedding DJ - nearest house to E





**Project Name:** St. Clements Marina  
**Location:** East Haddam, CT  
**Architect:** George Fellner  
**Mechanical Engineer:**  
**Contractor:**

**Project/Reference Number:** PJ2019-1316  
**Engineered By:** Bennett Brooks, PE, FASA, INCE  
**Company:** Brooks Acoustics  
**Run Date:** 09/23/2019  
**Notes:** Banquet Hall Wedding DJ - to N property line

**Nearest house  
 Calculation Summary**

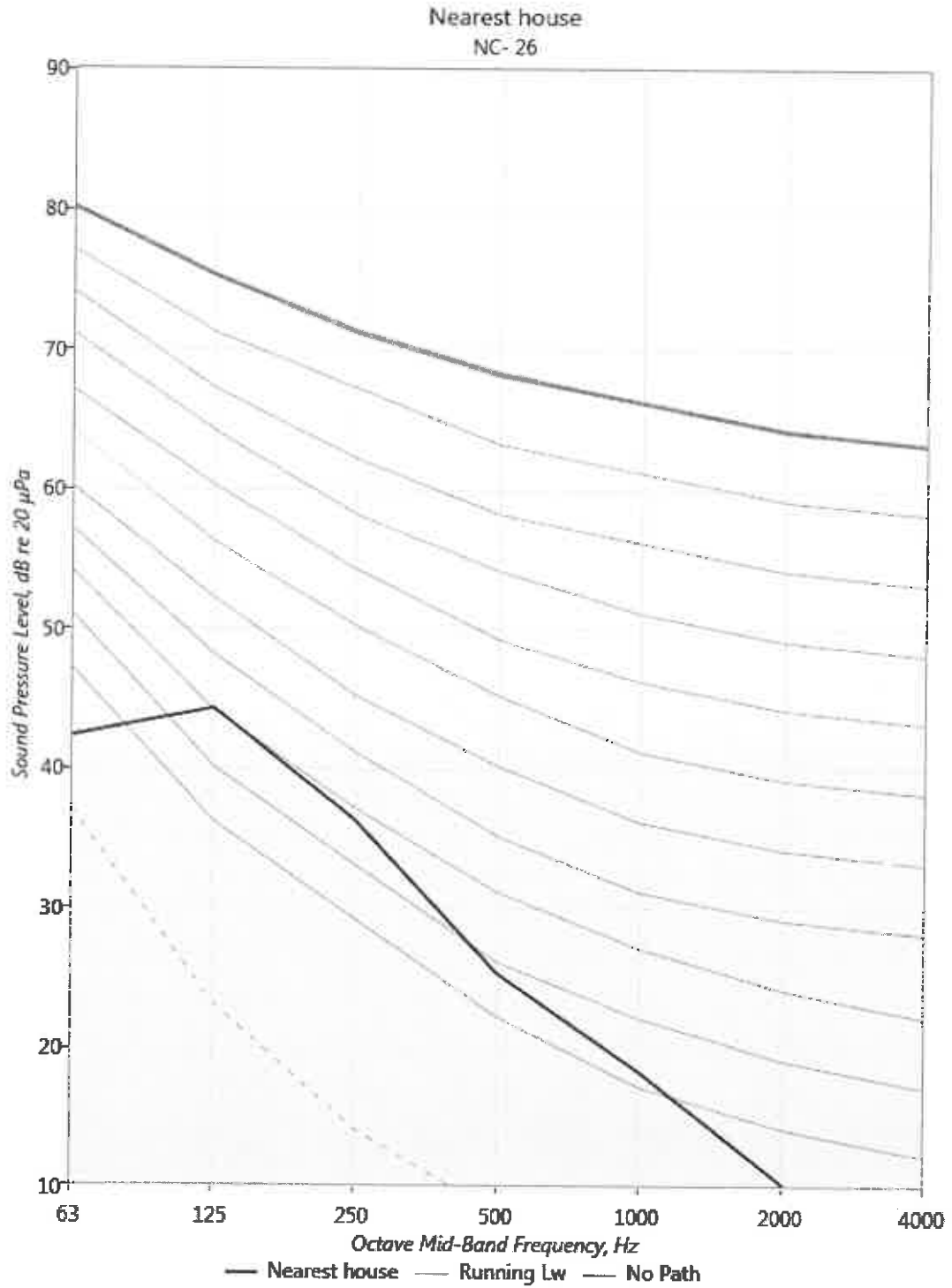
| Element                                | Properties      | Octave Midband Frequency, Hz |     |     |     |     |     |     |     | dB(A) |
|----------------------------------------|-----------------|------------------------------|-----|-----|-----|-----|-----|-----|-----|-------|
|                                        |                 | NC                           | 63  | 125 | 250 | 500 | 1K  | 2K  | 4K  |       |
| 1 Nearest house                        | Criteria: NC-65 | 26                           | 42  | 44  | 36  | 25  | 18  | 10  | 0   | 32    |
| 2 Outdoor Noise (East property line)   | Criteria: NC-65 |                              |     |     |     |     |     |     |     |       |
| 3 Wedding DJ                           |                 |                              | 106 | 112 | 108 | 102 | 98  | 92  | 89  |       |
| 4 Laminated glass 2 - Insul            |                 |                              | -20 | -24 | -28 | -33 | -36 | -38 | -47 |       |
| 5 Outdoor Transmission / Noise Barrier |                 |                              | -44 | -44 | -44 | -44 | -44 | -44 | -44 |       |
|                                        |                 |                              | 0   | 0   | 0   | 0   | 0   | 0   | 0   |       |
| 6 SUM                                  |                 | 26                           | 42  | 44  | 36  | 25  | 18  | 10  | 0   | 32    |

Project Name:  
Location:  
Architect:  
Mechanical Engineer:  
Contractor:

St. Clements Marina  
East Haddam, CT  
George Fellner

Project/Reference Number:  
Engineered By:  
Company:  
Run Date:  
Notes:

PJ2019-1316  
Bennett Brooks, PE, FASA, INCE  
Brooks Acoustics  
09/23/2019  
Banquet Hall Wedding DJ - to N  
property line





**Project Name:** St. Clements Marina  
**Location:** East Haddam, CT  
**Architect:** George Fellner  
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**Contractor:**

**Project/Reference Number:** PJ2019-1316  
**Engineered By:** Bennett Brooks, PE, FASA, INCE  
**Company:** Brooks Acoustics  
**Run Date:** 09/23/2019  
**Notes:** Banquet Hall Wedding DJ - to E property line

**Nearest house**  
**Calculation Summary**

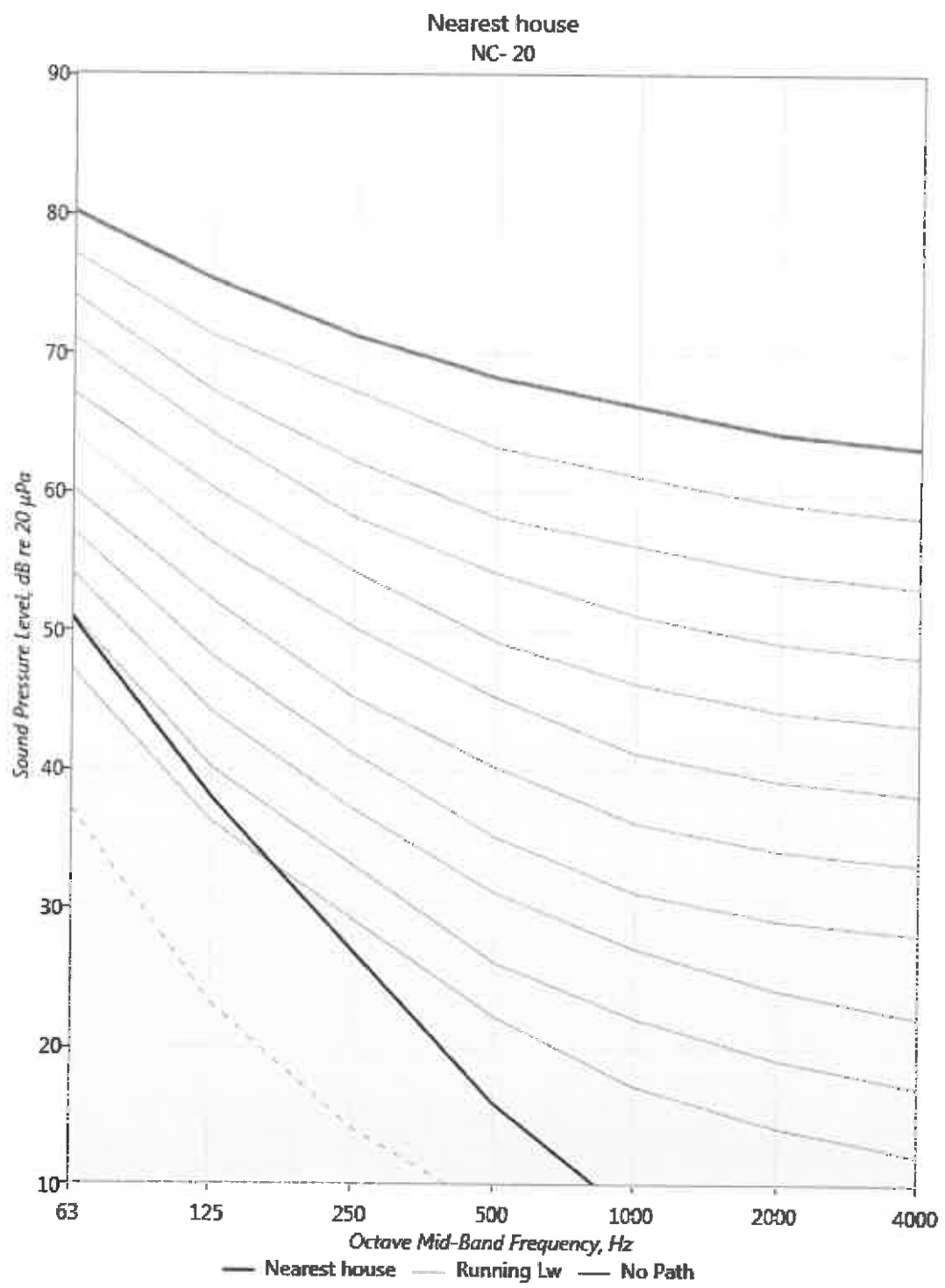
| Element                                | Properties      | Octave Midband Frequency, Hz |     |     |     |     |     |     |     | dB(A) |
|----------------------------------------|-----------------|------------------------------|-----|-----|-----|-----|-----|-----|-----|-------|
|                                        |                 | NC                           | 63  | 125 | 250 | 500 | 1K  | 2K  | 4K  |       |
| 1 Nearest house                        | Criteria: NC-65 | 20                           | 51  | 38  | 27  | 16  | 8   | 2   | 0   | 27    |
| 2 Outdoor Noise (East property line)   | Criteria: NC-65 |                              |     |     |     |     |     |     |     |       |
| 3 Wedding DJ                           |                 |                              | 106 | 112 | 108 | 102 | 98  | 92  | 89  |       |
| 4 Stucco Exterior Wall                 |                 |                              | -20 | -39 | -46 | -51 | -55 | -55 | -58 |       |
| 5 Outdoor Transmission / Noise Barrier |                 |                              | -35 | -35 | -35 | -35 | -35 | -35 | -35 |       |
|                                        |                 |                              | 0   | 0   | 0   | 0   | 0   | 0   | 0   |       |
| 6 SUM                                  |                 | 20                           | 51  | 38  | 27  | 16  | 8   | 2   | 0   | 27    |

Project Name:  
Location:  
Architect:  
Mechanical Engineer:  
Contractor:

St. Clements Marina  
East Haddam, CT  
George Fellner

Project/Reference Number:  
Engineered By:  
Company:  
Run Date:  
Notes:

PJ2019-1316  
Bennett Brooks, PE, FASA, INCE  
Brooks Acoustics  
09/23/2019  
Banquet Hall Wedding DJ - to E  
property line





RESPONSES TO  
MR. & MRS. GRADY

## APPLICANT'S RESPONSE TO STATEMENTS OF WILLIAM D. GRADY

- I. THE APPLICANT IS SEEKING A SPECIAL PERMIT IN ORDER TO “PROPERLY APPROVE A (PURPORTED) PRE-EXISTING USE OF THE PROPERTY AS AN ASSEMBLY HALL.” THE COMMISSION WILL RECALL THAT THE BUILDING REFERRED TO WAS TO HAVE BEEN STRICTLY USED FOR STORAGE AND WAS ILLEGALLY MADE INTO A WEDDING FACILITY WHICH BURNED DURING A WEDDING EVENT. THE REPRESENTATION THAT IT WAS A PRE-EXISTING USE IS UNTRUE.

**The impact statement indicates that the applicant seeks special permit and site plan approval in order to “properly approve a pre-existing use of the property as an assembly hall and to re-construct the building.” Applicant is referring to the fact that the use as an assembly hall was pre-existing or preceded the date of the application. Applicant has made no representation as to the legality of said use.**

**The original application that was submitted to the Town of East Hampton included 22 boat slips, an outdoor reception venue with a maximum capacity of 150 people, two proposed buildings, one of which was 100x40 and was labeled Phase 1 and the other of which was 80x40 and was labeled Phase 2. According to a March 9, 2010 letter from Chatham Engineering, Inc., the outdoor reception venue referred to the future possibility that a large tent could be erected in the grass field of the proposed building. The tent would be used for outdoor gatherings, one building would be used for restroom services and the other building for storage. (EXHIBIT C).**

**The two buildings were later connected and the pavilion was later enclosed. Receptions started taking place inside on August 12, 2014 and continued until the fire occurred on June 25, 2017. The use of the building was reinforced by numerous Town officials who inspected the property and issued permits and licenses throughout the years of operation.**

**The marina is a legal non-conforming use and, as such, all commonly recognized uses of a marina were/are allowed. This includes uses that may augment the land-based experience at the marina such as public gatherings related to the use of the property by boaters, families, guests, etc.**

- II. COUNSEL STATES THAT “IT APPEARS THAT THE CHANGE MADE TO THE PROPERTY WAS NOT PROPERLY DONE AND, INSTEAD, WAS DONE BY ERROR AND/OR MISTAKE AS THERE ARE NO NOTICES, DOCUMENTS AND/OR MINUTES INDICATING THAT IT WAS THE INTENT THAT THE PROPERTY BE CHANGED TO RESIDENTIAL.” I HAVE CONDUCTED MY OWN RESEARCH AS HAS THE TOWN STAFF AND I HAVE THE MAP FROM 1990,

THE COMMUNICATIONS FROM THE MIDSTATE REGIONAL PLANNING AGENCY AND THE LEGAL NOTICE ALL OF WHICH MAKE THE ASSERTION REGARDING THE ZONE CHANGE TO RESIDENTIAL A NON-ISSUE, BECAUSE ALL ACTIONS TAKEN THEN WERE PROPER.

**Connecticut General Statutes Section 8-3, along with the East Hampton Zoning Regulations Section 9.3.D.2, provide procedure required to be followed when establishing and changing zoning regulations and districts.**

**The following establish how such procedure was not followed relating to 49 Oakum Dock Road's change of zone from Commercial (C) to Residential (R-2) that appears to have occurred in August/September 1990:**

**C.G.S. §8-3(a) states as follows, "No such regulation or boundary shall become effective or be established or changed until after a public hearing in relation thereto, held by a majority of the members of the zoning commission or a committee thereof appointed for that purpose consisting of at least five members. Such hearing shall be held in accordance with the provisions of section 8-7d. A copy of such proposed regulation or boundary shall be filed in the office of the town, city or borough clerk, as the case may be, in such municipality...."**

- **There was no public hearing regarding a change of zone to 49 Oakum Dock Road.**
  - **The East Hampton Planning and Zoning Commission Minutes from August 15, 1990 indicate there was no discussion regarding the change of zone of 49 Oakum Dock Road. Furthermore, none of the documents referenced in the minutes include any reference to the change of zone of 49 Oakum Dock Road:**
    - **Memorandum from Midstate Regional Planning Agency dated August 6, 1990 does not reference a change of zone to 49 Oakum Dock Road. EXHIBIT E.**
    - **Letter from Capitol Region Council of Governments dated August 8, 1990 does not reference a change of zone to 49 Oakum Dock Road. EXHIBIT F.**
    - **Mr. Carey's memo dated August 13, 1990 in response to the Midstate comments of July 10, 1990, does not reference a change in zone to 49 Oakum Dock Road. EXHIBIT G.**
    - **Mr. Riley's memo, dated July 26, 1990, does not reference a change in zone to 49 Oakum Dock Road. EXHIBIT H.**
- **No copy of proposed change in zone to 49 Oakum Dock Road filed for public inspection**
  - **There was nothing filed for public inspection which made reference to and/or provided a description for 49 Oakum Dock Road. NOTE: The Supreme Court has held that a copy of a zoning map is not enough, there must be a clear delineation of the proposed zone change.**

- **No publication of notice of public hearing regarding change of zone to 49 Oakum Dock Road**
  - **The Legal Ad, assuming that it was published, *arguendo*, states, in pertinent part, “The East Hampton Planning and Zoning Commission will hold a special public hearing on August 15, 1990...regarding the complete and total revision of the East Hampton Zoning Regulations and Zoning Map. Any interested persons may appear and be heard at the meeting.” EXHIBIT I.**
    - **The Legal Ad failed to make any reference to the properties affected by the revisions to the zoning map and/or directed the public to review a copy of the proposed changes on file with the town clerk and was thereby inadequate.**
  - **A Press Release did provide that documents were available for review, but provided, “The following is possible language for a motion to approve the Zoning Map as presented, ‘I make a motion that the Zoning Map as presented be approved with the following revisions....’” Included are ten (10) revisions. None of the said revisions included a zone change to 49 Oakum Dock Road. EXHIBIT J.**

**C.G.S. §8-3(b) states, “Such regulations and boundaries shall be established, changed or repealed only by a majority vote of all the members of the zoning commission, except as otherwise provided in this chapter. In making its decision the commission shall take into consideration the plan of conservation and development, prepared pursuant to section 8-23, and shall state on the record its findings on consistency of the proposed establishment, change or repeal of such regulations and boundaries with such plan...”**

- **There was no discussion and/or vote regarding change of zone to 49 Oakum Dock Road.**
  - **The East Hampton Planning and Zoning Commission Minutes from August 15, 1990 indicate that “Mr. Hensen moved to approve and accept the proposed Zoning Regulation and Zoning Map as presented with the revisions as stated below...” Mr. Hensen then listed twelve (12) revisions which were unanimously approved by the commission. EXHIBIT K. NOTE: A copy of Mr. Riley’s memo of July 26, 1990, referenced as the seventh revision, is attached hereto as EXHIBIT H.**
    - **None of the twelve (12) revisions to the zoning map as presented, which were approved by the commission, included a change to 49 Oakum Dock Road. Despite this fact, the zoning map that was then signed and approved on September 11, 1990 incorporated 49 Oakum Dock Road into the surrounding R-2 zone. EXHIBIT L.**

**III. COUNSEL REPRESENTS THAT THE PROPOSED USE IS A “CONTINUATION OF THE USE PREVIOUSLY ESTABLISHED AT THE LOCATION AS BOTH A ‘PASSIVE MARINA’ AND AS AN ASSEMBLY HALL, I.E. A FACILITY TO BE USED FOR SOCIAL EVENTS/GATHERINGS SUCH AS WEDDINGS, BANQUETS, CORPORATE EVENTS AND FUNCTIONS.” THE PROBLEM WITH COUNSEL’S**

REPRESENTATION IS THAT THIS ALSO IS NOT TRUE. MY FAMILY AND I HAVE LIVED ON OAKUM DOCK ROAD FOR 34 AND A HALF YEARS - PASSIVE MARINA IS TRUE, ASSEMBLY HALL IS ABSOLUTELY NOT TRUE. WHEN ST. CLEMENTS MARINA, LLC PURCHASED THE PROPERTY, THERE WAS A SMALL OFFICE BUILDING ALONG WITH TYPICAL MARINA BOAT BUILDINGS - THAT'S IT. THIS APPLICATION IS NOT THE CONTINUATION OF A PREVIOUSLY ESTABLISHED USE AT THE PROPERTY.

**The applicant's representation that the proposed use is a continuation of the use previously established at the location is based upon the fact that the property has been used by the applicant as a passive marina (since purchasing the property) and as a building/facility to host social events and gatherings (from August 12, 2014 to June 25, 2017). Prior to the applicant's affiliate and predecessor in title purchasing the property, it was used as a working marina / boatyard. As demonstrated by the applicant at the public hearing through photographs, including aerial photographs, the prior use of the property as a working marina / boatyard was visually much more intense than the use of the property by the applicant. Prior to 2010, there were three buildings located on the property, including one large open building of metal construction utilized for boat service, repairs, painting, etc. Additionally, there were a multitude of boats being stored on the property and the marina itself was in a state of disrepair. EXHIBIT M. Currently, there is a single building located on the property, located back a ways from the river, landscaping, an updated/repared marina and an overall design that fits in much better with the surrounding properties/neighborhood. EXHIBIT N.**

IV. COUNSEL REPRESENTS THAT THE ZONE CHANGE IS INTENDED TO RE-ESTABLISH THE PROPERTY AS A COMMERCIAL ZONE AND TO ALLOW FOR THE CONTINUANCE OF THE EXISTING LEGAL NON-CONFORMING USE AS A MARINA AND THE EXISTING NONCONFORMING USE AS AN ASSEMBLY HALL. THE COMMISSION KNOWS THIS STATEMENT IS ANOTHER FALSEHOOD FOR TWO (2) REASONS: THE MARINA CAN CONTINUE AS SUCH, FOREVER AS A LEGAL NONCONFORMING USE NO MATTER THE ZONE AND, AN ASSEMBLY HALL NEVER EXISTED UNTIL THE APPLICANT ILLEGALLY CREATED IT WHEN CONSTRUCTING A "STORAGE FACILITY" AS A RUSE. THE ILLEGAL ASSEMBLY HALL WAS NEVER APPROVED AS SUCH SO IT CANNOT BE AN EXISTING NONCONFORMING USE. THE OFFICE STRUCTURE WAS NEVER AN "ASSEMBLY HALL".

**The applicant has not submitted that the assembly hall was/is a pre-existing non-conforming use which pre-dates zoning and/or that it is a legal non-conforming use. The applicant simply has submitted that it used the building on the property as an assembly hall from August 12, 2014 to June 25, 2017 to demonstrate to the commission that: 1. It wishes to continue such use through its application; and 2. To demonstrate to the commission that such prior use, where it was done openly and obviously and without any issues/complaint, is a use that is appropriate for the property.**

**As for the use of the property prior to being owned by applicant and/or its affiliate as a marina, such use, as an existing legal non-conforming use, is protected by law and all commonly recognized uses of a marina are allowed – this includes public gatherings related to the use of the property. While the applicant has submitted that the property, prior to its being owned by applicant and/or its affiliate, was used for social gatherings, it has made no statements/allegations that the then existing structures were used as an assembly hall.**

V. ACCORDING TO THE MEMORANDUM - THE HOURS OF OPERATION WILL BE 9 A.M. TO 12 A.M., 15 HOURS. IN THE WARM WEATHER MONTHS, THAT CAN MEAN FRIDAYS, SATURDAYS AND SUNDAYS. THE ST. CLEMENTS CASTLE ROUTINELY HAS MUSIC AND SOUND BROADCAST OUTSIDE DURING EVENTS. WE, ON OAKUM DOCK, ALL HEAR IT TO VARYING DEGREES. IMAGINE LIVING AT THE END OF OUR ROAD WITH MUSIC EMANATING FROM THE PROPOSED 11,000 SQ. FT. STRUCTURE, AS A HALF DOZEN OF MY NEIGHBORS WILL. THIS BRINGS US TO COUNSEL'S REFERENCE TO THE CT. ADMINISTRATIVE CODE TITLE §22a-69 INDICATING THAT ALL NOISE LEVELS AT THE PREMISES WILL BE CONSISTENT WITH STATE DEEP REGULATIONS... THE SIGNIFICANCE OF THE COMMISSION'S FOCUSING ON THE DEEP NOISE STANDARDS IS VERY SIMPLY THAT IT WILL BE VIRTUALLY IMPOSSIBLE FOR THE APPLICANT TO COMPLY WHEN THE ACTIVITIES TO BE CONDUCTED INCLUDE BANDS AND DJ'S IN AN 11,000 SQ. FT STRUCTURE, BOTH OF WHICH GENERATE NOISE IN EXCESS OF 100 DBA...NOISE IS A SIGNIFICANT ISSUE AND ONE THESE RESIDENTS SHOULD NOT HAVE IMPOSED ON THEM. COUNSEL'S MEMORANDA STATE UNDER IMPACT ANALYSIS, THAT NOISE LEVELS WILL BE CONSISTENT WITH THE DEEP REGULATIONS. NEITHER BAND MUSIC NOR DJ MUSIC COULD BE AT THE APPLICANT'S PREMISES EITHER IN DAYTIME OR NIGHTTIME, AS THE 55 DBA AND 45 DBA STANDARDS CANNOT BE MET AND THIS WILL CONSTITUTE "EXCESSIVE NOISE" AS DEFINED IN DEEP REGULATIONS...

**Again, no complaints regarding noise emanating from the property's use as an assembly hall were made – that is, until the applicant appeared in front of the commission. Furthermore, as shown through the plans presented at the hearing, additional measures to mitigate whatever noise may have been previously realized are being put into place. Such measures include the following:**

**The exterior building envelope design will include extra elements and additional insulation above energy code requirements, as may be needed to accommodate the appropriate mitigation for sound transmission.**

**The exterior walls will be composed of stone and stucco/wood trim exterior finish, 5/8" dens glass sheathing, infiltration barrier, 8" metal studs at 16" o.c. with 8" cellulose insulation (R-30.4), joint sealant, and 5/8" gypsum board**

**finish fastened with resilient clips to minimize sound transmission, along with sound absorption panels. Exterior doors will have automatic closers.**

**The roof will be composed of fiberglass asphalt shingles, ice and water shield, ¾” DensDeck roof board sheathing, 1 ½” metal deck, 15” cellulose insulation (R-57), joint sealant, and 5/8” gypsum board finish fastened with resilient clips to minimize sound transmission, along with sound absorption panels.**

**Sound transmission modeling will be utilized in the fine-tune detailing of the exterior wall and roof envelopes during the development of the construction documents using applicable sound control strategies, in order to comply with East Hampton Zoning Regulations and the Department of Environmental Protection “Control of Noise” regulations.**

**Also, additional required buffering of fifteen feet of giant green arborvitaes will be added, pursuant to the site plan.**

**Where the Town of East Hampton has not adopted a noise ordinance, the Noise Control Regulations set forth in RCSA Section 22a-69-1 to 22a-69-7.4 control. Section 22a-69-3.1, General Prohibition, states, “No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her noise zone as to violate any provision of the regulations.” If there are any issues, *arguendo*, the regulations provide for dealing with violations and with enforcement.**

**Based on the concerns presented at the public hearing related to noise, the applicant has consulted with an acoustic engineer to review the design. According to the report prepared by Bennett M. Brooks, PE, FASA, INCE, President of Brooks Acoustics Corporation, the projected sound levels from the proposed facility are below the Noise Control Regulations. A copy of the “Acoustical engineering design evaluation – St. Clements Marina sound study” is being submitted to the Commission for its consideration/review.**

**VI. THE MEMORANDA INDICATE THAT A CHANGE OF ZONE AND USE WILL INCREASE THE VALUE OF THE APPLICANT’S PROPERTY AND THEREFORE THE PROPERTY VALUES IN THE SURROUNDING AREA. I’M SURE THAT MANY HOME BUYERS WILL BE CLAMORING TO BUY ON OAKUM DOCK ROAD AS SOON AS THEY KNOW THEY’LL BE NEIGHBORS TO A WEDDING VENUE OR OTHER COMMERCIAL ENTERPRISE. (FIREWORKS, MUSIC, ETC.) PREPOSTEROUS!!! (SUBMIT EXHIBIT HERE) - FIREWORKS, NO PERMITS PULLED PER PORTLAND FIRE MARSHALL.**

**To clarify, the impact statement indicates, Saint Clements Castle and Marina is one of the most unique and elegant venues in the State of Connecticut. The change in use from a working marina/boat yard to a ‘passive’ marina and assembly hall and the improvements made have increased the value of the property and, consequently, the property values in the surrounding area. Additionally, a letter submitted by Michelle Pirruccio, Realtor with**

**William Raveis, concludes, based on her review of the history of the property, “I can’t imagine that changing the zoning at the address would devalue any of the surrounding homes at all.”**

**As for the claim that fireworks occurred at the property, such claim is false and unsupported. If there were fireworks, they were not discharged from 1931 Portland-Cobalt Road or from 49 Oakum Dock Road, as firework displays (as well as candles, open flames and sparklers) are prohibited on/from said property due to safety and risk of injury concerns.**

**While several guests have inquired about setting off displays from the river, those persons, after contacting the fire marshal, have reported back that obtaining the proper permitting was cost prohibitive. As stated by Raymond S. Sajdak, Fire Marshal, in the letter to William D. Grady, Esq., dated June 27, 2019, he was not aware of any firework displays conducted on the premises of St. Clements Castle since becoming Fire Marshal in 2008.**

**The applicant understands that there is a concern, even if such concern is unsupported/unwarranted, and therefore has made clear in its contract that fireworks are prohibited on/from the premises.**

**VII. THE MEMORANDA SUGGESTS THAT THE APPLICANT’S PROPOSED USE “PASSIVE MARINA” AND ASSEMBLY HALL WILL GENERATE LESS NOISE THAN THE MARINA DID. UNLESS YOU HAVE PERSONAL KNOWLEDGE OF THIS, THIS STATEMENT IS MEANINGLESS BECAUSE IT’S BASED ON SUPPOSITION. NONE OF THE RESIDENTS HAD EVER COMPLAINED TO ME NOR HAVE I EVER EXPERIENCED THAT THE MARINA WAS NOISY AND NOT A GOOD NEIGHBOR PRIOR TO THE APPLICANT’S OWNERSHIP.**

**The prior use of the property was as an active marina/boathouse where they repaired, serviced, fueled, docked, winterized and stored boats. The repairs were made in a large open metal structure. Typical tools used may have included, but may not have been limited to, welders, sanders, drills, table saws, torches, spray painters, etc.**

**According to the “Acoustical engineering design evaluation – St. Clements Marina sound study,” conducted by Brooks Acoustics Corporation, the sound level will be less than the sound level emitted from the previous use.**

**VIII. COUNSEL’S MEMORANDA CLAIM THAT THE PROPOSED ZONE CHANGE IS APPROPRIATE BECAUSE IT’S ADJACENT TO THE PORTLAND BUSINESS ZONE AND ACROSS FROM THE MIDDLETOWN INDUSTRIAL ZONE. THE TRUTH OF THE MATTER IS THAT IT IS OUR COMMUNITY’S ZONING PLAN AND PLAN OF CONSERVATION AND DEVELOPMENT WHICH RULES THE APPROPRIATENESS OF THE ZONE CHANGE, NOT NEIGHBORING COMMUNITIES. IN THIS CASE, YOUR VISION FOR OAKUM DOCK ROAD WAS**



ESTABLISHED NEARLY 30 YEARS AGO, AND HAS REMAINED CONSISTENTLY SO TO DATE. TO CHANGE A ZONE AND DISREGARD THE PLAN OF CONSERVATION AND DEVELOPMENT WEAKENS ITS VALUE AND THE REGULATIONS WHICH IMPLEMENT IT. THE APPLICATION YOU ARE CONSIDERING MUST BE EVALUATED BASED SOLELY ON ITS EFFECT ON OUR OAKUM DOCK NEIGHBORHOOD.

**To argue that the Commission should not consider all of the neighboring properties, but just the Town of East Hampton, in determining the full scope of such proposed change, is preposterous and unsupported. Likewise preposterous and unsupported is the claim that the application must be evaluated solely on its effect on the Oakum Dock neighborhood. To allow such would allow the persons living in the neighborhood of a proposed zone change, proposed special use, etc. to dictate zoning in the Town of East Hampton rather than the Commission. To kowtow to the neighbors will only serve to promote the “not in my backyard mentality” rather than adhere to the various considerations set forth in the zoning regulations and the objectives set forth in the Plan of Conservation of Development.**

**Such arguments are contrary to Section 9.3.C.2.b, regarding the provisions for zone change, which indicates “It shall be the responsibility of the applicant/petitioner to present the full scope of such change, including reasons, and comprehensive analysis, as required by the Commission, of all, if any, impacts, such change shall have to neighboring properties, zones, or the Plan of Development as adopted by the Commission.” (Emphasis added). Such arguments are also contrary to the purpose of the Plan of Conservation and Development as a “tool for guiding the future of East Hampton” and “to establish a common vision for the future of the community by determining implementation strategies leading to potential outcomes to guide future development within East Hampton.” (Emphasis added).**

**The history of the zoning of 49 Oakum Dock Road indicates that the property was officially zoned commercial in 1955 and that it has been used continuously for commercial purposes since at that date, if not before. The fact of the matter is that its continued use for commercial purposes meets the zoning regulations and the Plan for Conservation and Development. As presented during the public hearing, approving the application meets the following goals set forth in the Plan for Conservation and Development:**

- 1. Encourage development of the industrial/business base, promote shops/business, attract better restaurants and develop outlet, variety, specialty, gift and antique shops. (Pg. 25).**
- 2. Encourage fiscal stability and overall community welfare as we move into the future. (Pg. 25).**
- 3. Discourage lack of diversity in business throughout town. (Pg. 26).**
- 4. Objective to attract and retain appropriate business within the town’s limited commercial/industrial land, lack of direct access to an interstate highway and rural location. (Pg. 63).**

5. **Make most of the town's economic potential by focusing on strengths to attract and retain businesses. (Pg. 63)**
6. **Focus on what is needed to encourage businesses that cater to the day-tripper and summer vacationer to locate in East Hampton. (Pg. 63).**
7. **Consider modest expansion of commercial and industrial areas within the town's limited potential for new economic development. (Pg. 65).**

**In addition, but not addressed at the public hearing, the application meets the objective to encourage small-scale restaurants, bed and breakfasts and country inns to recapture tourist dollars as well as encourage use of short term rentals of seasonal homes.**

IX. A FURTHER PROBLEM, IS THAT THE APPLICANT OR ENTITIES OF THE APPLICANT OR PARTIES UNDER CONTROL OF THE APPLICANT OWN #40 AND #42, LAST TWO RESIDENTIAL PROPERTIES ON THE EAST SIDE OF OAKUM DOCK ROAD AND 33 OAKUM DOCK, THE LAST RESIDENTIAL PROPERTY ON THE WEST SIDE OF OAKUM DOCK. IT IS MOST LIKELY THAT THE APPLICANT, IF SUCCESSFUL ON THE ZONE CHANGE, WILL SEEK TO ADD THESE THREE (3) PROPERTIES TO THE COMMERCIAL ZONE, TRULY DEVASTATING THE NEIGHBORHOOD AND TOTALLY IN LINE WITH ILLEGAL USE OF 42 OAKUM DOCK AS PREVIOUSLY CONDUCTED BY THE APPLICANT OR ITS ENTITIES UNTIL STOPPED BY THE TOWN. MY FAMILY AND I HAVE MADE OAKUM DOCK ROAD OUR HOME SINCE 1985. WE CHOSE THIS AREA FOR WHAT YOU SEE TODAY —IT'S BEAUTY, SERENITY AND ITS UNIQUE QUALITIES. MY NEIGHBORS WOULD ALL AGREE WITH THIS CHARACTERIZATION AND WOULD AGREE THAT IT IS FOR THESE SAME REASONS THAT THEY TOO MAKE THIS THEIR HOME. WE ALL HAD AND HAVE EVERY RIGHT TO EXPECT THAT THE NEARLY 30 YEAR ZONING HISTORY OF OUR NEIGHBORHOOD WOULD REMAIN INTACT.

**The application is for 49 Oakum Dock Road which has, since at least 1955, been used continuously for "commercial enterprises." Therefore, when discussing the history of the neighborhood, it is important to consider the fact that the history includes 49 Oakum Dock as being commercial. In addition, as far back as 1828 there was commercial/industrial use of the area as Tibbals Oakum Co. and then George Stratford Oakum Co. has its plan and business there which were used for the production of oakum. The 1938 Building Zone Regulations show the property known as George Stratford Oakum Co. as industrial and commercial.**

**There has been no representation and/or indication that any of the other properties owned by affiliates of the applicant will remain other than residential. Such fear and/or claim is not warranted and, frankly, has nothing to do with the application as it pertains to 49 Oakum Dock Road.**

- X. FAILURE OF THE COMMISSION TO STAND BEHIND ITS PLAN OF CONSERVATION AND DEVELOPMENT IN THIS APPLICATION, DIMINISHES ITS EFFECT AND THE PURPOSES FOR WHICH IT WAS CREATED.

**There has been no argument and/or support presented that the application does not meet the goals set forth in the Plan of Conservation and Development.**

- XI. WE NEED NOT FORGET THAT THE APPLICATION BEFORE YOU IS NOT ONE TO SIMPLY ALLOW WEDDINGS AND OTHER PUBLIC GATHERINGS, THIS CHANGE TO COMMERCIAL WILL, PER SECTION 5.2.B PERMIT A NUMBER OF ADDITIONAL COMMERCIAL USES BUT, MORE IMPORTANTLY PER SECTION 5.2B OTHER USES BY SPECIAL PERMIT COULD BE PERMITTED PER SECTION 5.2C OF THE REGULATIONS. IF THE OPPORTUNITY TO OBTAIN APPROVAL FOR THESE USES EXIST, BASED UPON WHAT I KNOW AND HAVE SEEN OF THE APPLICANT, I CAN ASSURE YOU THAT IT WILL OCCUR. SUCH A STARK DISPARITY IN USES BETWEEN R-2 AND ANY OF THESE MORE INTENSE USES WOULD DEVASTATE OUR NEIGHBORHOOD. THE APPLICANT KNEW WHAT WAS BEING PURCHASED WHEN IT WAS PURCHASED. THAT USE, MARINA AND SHIPBUILDING MAY CONTINUE AT 49 OAKUM DOCK AS IT HAS FOR OVER 30 YEARS IN NONCONFORMITY.

**The application allows for the property to be changed back to a commercial zone. Any fear that the applicant will use the property for anything but an assembly hall, i.e. an extension of St. Clements Castle, is unsupported and simply does not make sense. A lot of time, money and effort has gone into this project in order to address any concerns raised by town officials as well as to address, in the best manner possible, the concerns presented by the neighbors.**

**Furthermore, as indicated at the public hearing, the public well water easement on the property as well as the location of the property, being that it is not visible from the street, limits potential future commercial use of the property in the event that it is no longer owned by the applicant and/or one of its affiliates. As stated by Michelle Pirruccio in her letter, "The real estate included in St. Clements would more than likely remain as the same type of business that it is now as it would not be attractive for any other use." The location is one that is geared toward the hospitality and/or recreation business.**

- XII. ...A FEW WORDS ABOUT SPOT ZONING. CONNECTICUT CASE LAW HAS DEFINED SPOT ZONING AS "ACTION BY A ZONING AUTHORITY WHICH GIVES TO A SINGLE LOT OR A SMALL AREA PRIVILEGES WHICH ARE NOT EXTENDED TO OTHER LAND IN THE VICINITY, IS IN GENERAL AGAINST SOUND PUBLIC POLICY AND OBNOXIOUS TO THE LAW. THE CONTROLLING TEST MUST BE, NOT THE BENEFIT TO A PARTICULAR INDIVIDUAL OR GROUP OF INDIVIDUALS, BUT THE GOOD OF THE COMMUNITY AS A

WHOLE. ANY SUCH CHANGE CAN ONLY BE MADE IF IT FALLS WITHIN THE REQUIREMENTS OF A COMPREHENSIVE PLAN FOR THE USE AND DEVELOPMENT OF PROPERTY IN THE MUNICIPALITY OR A LARGE PART OF IT.” THE COURTS HAVE THEREFORE INDICATED THAT SPOT ZONING BY A ZONING COMMISSION WILL OCCUR WHEN FIRST, THERE IS A CHANGE OF ZONE TO A SMALL AREA AND SECOND, WHEN THE CHANGE IS NOT CONSISTENT WITH THE COMPREHENSIVE PLAN FOR THE GOOD OF THE COMMUNITY AS A WHOLE. NOW, IF WE APPLY THESE TESTS TO THE APPLICATION BEFORE YOU, THE REQUESTED CHANGE SHOULD BE DENIED. WE HAVE A RELATIVELY SMALL PIECE OF LAND, TOTALLY SURROUNDED BY THE R-2 ZONE. THE PLAN OF CONSERVATION AND DEVELOPMENT SHOWS THIS PARCEL AS RESIDENTIAL (WITH A LEGAL NON-CONFORMING USE OF MARINA AND BOAT BUILDING FACILITY) LOCATED THERE. THAT USE WAS NEVER AN ISSUE AND IS NOT AN ISSUE TODAY. IN VIEW OF ALL THE REGULATORY GUIDELINES I HAVE SUMMARIZED, THERE IS SUBSTANTIAL EVIDENCE TO PERMIT THE REASONABLE CONCLUSION THAT BOTH THE ZONE CHANGE AND SPECIAL PERMIT APPLICATIONS FAIL TO MEET REGULATORY STANDARDS AND THE PLAN OF DEVELOPMENT AND THEREFORE SHOULD BE DENIED.

**As indicated by the applicant at the end of the public hearing, spot zoning is obsolete – a thing of the past. If it weren’t a thing of the past, then the applicant would urge the Commission not to consider the benefit to the particular group of individuals who spoke out against the application, but instead to consider the demonstrated impact and benefit that the application has on the community as a whole, i.e. the increase in taxes, increase in employment, increase in tourism, increase in community service, preserving/reinstating a commercial zone which are limited in the town, etc.**

**As stated by the applicant at the public hearing, recent courts have found spot zoning obsolete because the parcel size is irrelevant if the zoning change is contained in § 8-2 of the General statutes.<sup>1</sup> As stated in the former Superior Court Judge Robert Fuller’s Connecticut’s zoning treatise: “The spot zoning concept has become obsolete because the size of the parcel involved in a zone change is immaterial if the commission’s action meets the two part test for a zone change: (1) the zone change is in accordance with the comprehensive plan, and (2) it is reasonably related to the normal police power purposes in General Statutes § 8-2.” Spot zoning, 9 Conn. Prac., Land Use Law & Prac., Robert Fuller, § 4:8 (4th ed.)**

**Likewise stated, there are two Supreme Court cases specifically on point. In the first, Kutcher v. Town Planning Commission of Town of Manchester, 138 Conn. 705 (1952), the**

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<sup>1</sup> Price v. Trumbull Planning & Zoning Comm’n, No. CV186073573S, 2019 WL 1283759, at \*7–8 (Conn. Super. Ct. Jan. 31, 2019). See also Roundtree v. Planning & Zoning Comm’n, No. CV054005048S, 2007 WL 2570349, at \*6 (Conn. Super. Ct. Aug. 14, 2007); 111 S. Main St., LLC v. Newtown Planning & Zoning Comm’n, No. LNDCV166069189S, 2016 WL 7670722, at \*8 (Conn. Super. Ct. Oct. 21, 2016); 111 S. Main St., LLC v. Newtown Planning & Zoning Comm’n, No. LNDCV166069189S, 2016 WL 7670722, at \*8 (Conn. Super. Ct. Oct. 21, 2016)

rezoning of 2 1/2 acres of land to an industrial use in the middle of a large residential zone was upheld as in the public interest for development of the community. In the second, Campion v. Board of Aldermen of City of New Haven, 278 Conn. 500 (2006), the rezoning of 4.04 acres from residential into waterfront planned development district (expanding a catering business), the court recognized growth and use pattern as well as limited access for the public to coastal sites and views. While it acknowledged the juxtaposition of a place of assembly within predominantly residential area, it gave means to require high quality physical design, adequate screening and buffering of adjacent residences and operational limitations to ensure the best possible change for peaceful co-existence and preservation of property values.

Also, as shows at the end of the public hearing, the town has limited commercial zoning throughout town, with at least four (4) commercial areas existing of 1.9 to 3.6 acres which are completely surrounded by residential properties.

**APPLICANT'S RESPONSE TO WILLIAM D. GRADY'S STATEMENT**  
**RE: PETITION**

The new application is based upon discovery by the applicant that 49 Oakum Dock Road was erroneously/mistakenly changed from a commercial zone to a residential zone in August 1990. The new application, which was discussed with town officials prior to submitting the same, allows for such newly discovered fact and/or circumstance to be presented to the commission. In addition, the new application allows for the Commission to see the entire breath and scope of the proposed commercial use of the building in order to assist it in its decision making process.

The applicant agrees that history is important, but only agrees that it is important with regard to the context of the application. As such, it is the history of 49 Oakum Dock Road that should be taken into consideration when examining the impact and appropriateness of the location for zone change.

With regard to the neighboring properties, the Commission, as it is aware, should consider whether the change will fit in with the neighborhood. This involves a consideration of the impact on neighboring properties, taking into consideration traffic, noise and property values. A benefit to the fact that there was a previous application, is that the applicant was/is able to address these issues. The application: 1. Eliminates all through traffic on Oakum Dock Road; 2. Provides for a building that significantly reduces any noise that may have been previously realized; and 3. Continues the use established by the applicants in a manner as to not affect property values. The applicant has also provided the Commission with all of the ways the application is in conformation with and/or advances the adopted plan of development by specifically referencing objectives contained therein – not by simply providing a blanket statement that it meets the adopted plan of development.

The applicant has presented a new team who has demonstrated a desire to work with the town to make sure that it “crosses its T’s and dots its I’s” as well as a desire to work with its neighbors to ensure that their issues/concerns were addressed and will be addressed in the future. Any claims as to what the applicant may or may not have done in the past to “be a good neighbor” have nothing to do with the application that is before the commission. As such, the applicant refuses to address the factual accuracies of the statements set forth in the statement provided to the Commission and requests that the Commission give no credence to the same in either approving or denying the application.

## **APPLICANT'S RESPONSE TO STATEMENTS OF SUSAN GRADY**

- I. NOTHING IS BASICALLY NEW WITH THIS LATEST PROPOSAL WHICH APPEARS BEFORE YOU.

**The instant application was made after the applicant reviewed all documents relating to the zoning history of 49 Oakum Dock Road, provided pursuant to FOIA request, and after discovering that an error/mistake was made in changing the property from Commercial (C) to Residential (R-2) in August/September 1990. The application request that that the property properly be changed back to Commercial (C). Said application is being made after discussions with the town regarding the error/mistake and in lieu of bringing a potential mandamus action against the town.**

- II. IN ATTORNEY HARRIS' LETTER, SHE STATES THAT THE PROPERTY IS "LOCATED BETWEEN VARIOUS PORTLAND BUSINESSES AND VARIOUS EAST HAMPTON BUSINESSES." THIS IS UNTRUE AS THE VERY NEXT STRUCTURE TO THE EAST OF ST. CLEMENTS IS A PRIVATE RESIDENCE FOLLOWED BY OAKUM DOCK ROAD AND RESIDENTIAL PRIVATE HOMES ON OLD DEPOT HILL ROAD ADJACENT TO OAKUM DOCK ROAD ALL IN A RESIDENTIAL A-2 ZONE.

**The impact statements indicates that the property is used as an extension of Saint Clements Castle and states, "While Saint Clements Castle is well insulated by forest/trees in order to make it a destination within itself, the entrance is conveniently located along the Route 66 corridor, between various Portland businesses and various East Hampton businesses."**

**At the public hearing, the applicant demonstrated, by way of an aerial photograph, that the entrance to St. Clements, located off of Route 66, is situated between various business located off of the Route 66 corridor to the east and to the west, i.e. in both Portland and East Hampton. There is some proximity from such other businesses, due to the fact that St. Clements' property consists of approximately 77 acres (most of which are wooded to provide seclusion/destination feel).**

- III. IN PARAGRAPH 4 OF THE MEMORANDA INDICATING THE "IMPROVEMENTS" THE APPLICANT MADE, IT IS STATED THAT THE "APPLICANT REPLACED EXISTING STRUCTURE (AT THE MARINA) "WITH NEW STRUCTURES...ALL THROUGH OBTAINING PROPER BUILDING PERMITS." THE TRUTH OF THE MATTER IS THAT THE CONSTRUCTION OF AN "ASSEMBLY HALL" WAS NOT PERMITTED BY THE TOWN OF EAST HAMPTON. WHEN THE APPLICANT FIRST CONSTRUCTED THE EXISTING STRUCTURE, THE APPLICANT STATED THAT THE STRUCTURE BEING BUILT WAS TO BE "A STORAGE FACILITY" AND WAS IN FACT CONSTRUCTED WITHOUT PROPER PERMITS.

**The impact letter states that the structures, which were later connected and enclosed, were done through obtaining proper building permits and certificates of occupancy (2010-2013). This is a true statement. Copies of the building permits and certificates of occupancy are attached hereto (EXHIBIT A).**

**The original application that was submitted to the Town of East Hampton included 29 boat slips, an outdoor reception venue with a maximum capacity of 150 people, two proposed buildings, one of which was 100x40 and was labeled Phase 1 and the other of which was 80x40 and was labeled Phase 2. (EXHIBIT B). According to a March 9, 2010 letter from Chatham Engineering, Inc., the outdoor reception venue referred to the future possibility that a large tent could be erected in the grass field of the proposed building. The tent would be used for outdoor gatherings, one building would be used for restroom services and the other building for storage. (EXHIBIT C).**

**The two buildings were later connected and the pavilion was later enclosed (this was done with building permits). Receptions started taking place inside on August 12, 2014 and continued until the fire occurred on June 25, 2017.**

**The use as an assembly hall is permitted by the Town of East Hampton as a special exception use within a commercial zone pursuant to Section 5.2.C. 5. The current application indicates that the applicant seeks to “properly convert the property from an R-2 residential zone back into a C commercial zone” and request a “special permit and site plan approval in order to properly approve a pre-existing use of the property as an assembly hall and to re-construct the building.” The applicant has worked and will continue to work with the various town departments to ensure that the plan and the execution of the same complies with all rules and regulations.**

- IV. IF THE FIRE HAD NOT OCCURRED, THIS ILLEGAL USE WOULD HAVE CONTINUED. THIS IS ANOTHER EXAMPLE OF HOW THE APPLICANT DOES NOT ADHERE TO THE RULES AND SIMPLY DOES WHAT IT WANTS TO DO. THE “PRE-EXISTING USE” AS CLAIMED, WAS ILLEGAL AND NEVER SUPPOSED TO BE USED AS AN “ASSEMBLY HALL”.**

**Had the fire not occurred, then the use as an assembly hall would have continued because the applicant would have continued operating under the belief and/or assumption that they had a right to do so. It would also probably be a fair assumption that all would continue status quo, i.e. without complaints by the neighbors and/or any action taken by the town regarding said use.**

**The applicant has always taken the position that the use was consistent with the fact that the property was/had been used to host social events. The marina is a non-conforming use, protected by law. As such, all commonly recognized uses of a marina were/are allowed, i.e. those uses that may augment the land-based experience at the marina. This includes public gatherings related to the use of the property by boaters, families, guests, etc.**



**The use as an assembly hall meets the Plan of Conservation and Development in that it will allow the town to retain an appropriate business despite its limited commercial/industrial land, lack of direct access to interstate highways and rural location as well as allows for expansion of commercial area within the town's limited potential for economic development.**

- V. THE NUMEROUS IMPROVEMENTS CITED IN THE LETTER PRESENTED TO THE COMMISSION INDICATES THAT BY CONSTRUCTING A DRIVEWAY FROM ST. CLEMENTS TO THE MARINA, IT DECREASED TRAFFIC ON OAKUM DOCK ROAD. TRAFFIC HAD NEVER BEEN AN ISSUE IN THE PAST UNTIL THE WEDDING VENDORS BEGAN USING IT.

**The statement that wedding vendors use Oakum Dock Road is not true. All wedding vendors, and all persons visiting the property for purposes of its use as an assembly hall, have been / are directed to use and do use the entrance located off of Portland-Cobalt Road (Route 66). Said entrance provides a more direct and a more safe access to the property. As indicated by the applicant, it did not spend all of the money to create the road/driveway coming from St. Clements Castle to then use or direct others to use Oakum Dock Road.**

**Furthermore, the application provides, as a condition that the gate at Oakum Dock Road remain locked and utilized for emergency access as well as access to the abutting properties owned by the applicant's affiliates – resulting in no one utilizing Oakum Dock Road for ingress/egress to the property. Therefore, if the application is approved, it will eliminate whatever traffic might have been realized by the previous and/or current use of the property.**

**The proposed elimination of the usage of Oakum Dock Road advances the purpose of the zoning regulations, i.e. had a positive impact on the safety and welfare of those on Oakum Dock Road and/or provides for safe and convenient vehicular and pedestrian usage in the area.**

- VI. THE RESIDENTS HAD NEVER BEEN DISTURBED BY THE NOISE THAT IS ALLUDED TO AS COMING FROM THE MARINA. PRIOR TO THE APPLICANT'S PURCHASE THE MARINA HAD BEEN A VERY QUIET PLACE WITHOUT MUCH ACTIVITY.

**The prior use of the property was as an active marina/boathouse where they repaired, serviced, fueled, docked, winterized and stored boats. The repairs were made in a large open structure. (EXHIBIT D)SLIP. Typical tools used included, but may not have been limited to, welders, sanders, drills, table saws, torches, spray painters, etc. which carry noise levels of anywhere from 90 to 120 decibels.**

**Additionally, 100% of vehicular traffic to and from the marina from trucks, construction equipment and towed boats had to use Oakum Dock Road as their access. This hazardous traffic has been removed from the neighborhood and will be completely removed in the event that the application is approved, thereby resulting in a much safer and quieter environment.**

- VII. AS FURTHER EVIDENCE OF SKIRTING THE RULES AND MISREPRESENTATIONS, THE REFERENCE TO CONSTRUCTING A DECK/PIER FOR ENJOYING "SCENIC VIEWS OF THE RIVER" WAS NOT WHAT HAD BEEN REQUESTED TO THE DEEP. THAT PIER WAS SUPPOSED TO BE USED AS A "FISHING PIER". INSTEAD, IT BECAME A PLACE FOR WEDDING CEREMONIES WITH 125-150 CHAIRS ON IT. THIS WAS NEVER THE ORIGINAL INTENT AUTHORIZED BY THE DEEP. ANOTHER EXAMPLE OF HOW THE APPLICANT DOES NOT FOLLOW RULES AND REGULATIONS AND DOES WHATEVER IT WANTS TO DO.

**Access to the river has always been part of the greater long term plan for Saint Clements Castle. While the pier is used by staff and friends of the Castle for recreational fishing, it offers so much more. St. Clements Castle's growing reputation as the premier destination wedding venue, not just in Connecticut, but in New England, has opened the potential for large yachts from New York, Newport and Boston to access Saint Clements Castle from the river. The pier will be the docking point for these yachts so the wedding party and their guests can arrive in style. It was not built for the original purpose of wedding ceremonies, but following requests from guests has been adapted for that purpose. The applicant continues to work with DEEP to finalize and get sign offs on all of the improvements that have been made to the marina.**

- VIII. AS FAR AS NEVER HAVING COMPLAINTS - THE APPLICANT WAS RUNNING AN ILLEGAL WEDDING VENUE AND KNEW IT, SO OBVIOUSLY IT WAS CURTAILED FROM FULLY UTILIZING THE PREMISES AND THEREFORE KEPT ITS ILLEGAL USE SOMEWHAT HIDDEN SO AS NOT TO BE DISCOVERED.

**The use of the property as an assembly hall was done so in a manner that was open and obvious. Various inspections were done of the building/property and various permits and licenses were issued which supported its use as an assembly hall.**

- IX. AS STATED, THE "FACILITY WILL BE USED YEAR-LONG". I BELIEVE THAT IF THERE IS A DISC JOCKEY OR A BAND INSIDE OF THE STRUCTURE, THE NOISE AND VIBRATIONS WILL STILL BE HEARD BY OUR NEIGHBORS AND THE APPLICANT ADMITS IT COULD LAST AS LATE AS MIDNIGHT. WE RECENTLY COULD HEAR MUSIC EMANATING FROM ST. CLEMENTS DURING A WEDDING AND WE ARE QUITE A DISTANCE AWAY.

**As indicated at the hearing, there have never been any formal complaints regarding noise during the time that the property was being used as an assembly hall. Additionally, as shown through the plans presented at the hearing, additional measures to mitigate whatever noise**

may have been previously realized are being put into place, i.e. the building is to be super insulated by utilizing 8' cellulose (walls) insulation, 15" cellulose (roof) insulation, high efficiency windows and partial stone siding. In addition, additional required buffering of fifteen feet of giant green arborvitae will be added, pursuant to the site plan. More specifically:

The exterior building envelope design will include extra elements and additional insulation above energy code requirements, as may be needed to accommodate the appropriate mitigation for sound transmission.

The exterior walls will be composed of stone and stucco/wood trim exterior finish, 5/8" dens glass sheathing, infiltration barrier, 8" metal studs at 16" o.c. with 8" cellulose insulation (R-30.4), joint sealant, and 5/8" gypsum board finish fastened with resilient clips to minimize sound transmission, along with sound absorption panels. Exterior doors will have automatic closers.

The roof will be composed of fiberglass asphalt shingles, ice and water shield, 3/4" DensDeck roof board sheathing, 1 1/2" metal deck, 15" cellulose insulation (R-57), joint sealant, and 5/8" gypsum board finish fastened with resilient clips to minimize sound transmission, along with sound absorption panels.

Sound transmission modeling will be utilized in the fine-tune detailing of the exterior wall and roof envelopes during the development of the construction documents using applicable sound control strategies, in order to comply with East Hampton Zoning Regulations and the Department of Environmental Protection "Control of Noise" regulations.

Whether or not the noise can be heard by the neighbors is not the issue, it is whether or not the noise being emitted from the property is in conformance with the DEEP Noise Control Regulations (RCSA Section 22a-69-1 to 22a-69-7.4). According to the "Acoustical engineering design evaluation – St. Clements Marina sound study," the proposed use will emit less noise than the previous use of the property (as an active marina/boatyard) and will comply with the DEEP regulations.

- X. IN CITING THE LACK OF IMPACT ON NEIGHBORING PROPERTIES, ATTORNEY HARRIS, IN HER LETTER STATES, "THAT THE PROPERTY HAS AN ADDRESS OF 1931 PORTLAND-COBALT ROAD, PORTLAND CT." UNLESS I'M MISTAKEN, THE PROPER ADDRESS OF THE PROPERTY IS 49 OAKUM DOCK ROAD, COBALT, WHICH IS PART OF EAST HAMPTON. IF IT WERE PORTLAND, NONE OF US WOULD HAVE TO BE HERE TONIGHT!!!!

**The impact clearly states, “The property is and will continue to be listed as having an address at 1931 Portland-Cobalt Road, Portland, CT.” Clearly, the impact statement refers to the fact that the address provided to the public and/or any invitees is 1931 Portland-Cobalt Road, Portland in order to ensure that anyone visiting the property is directed to the proper entrance.**

- XI. I WOULD LIKE TO BELIEVE THAT OUR PROPERTY VALUES ON THE STREET WILL INCREASE, AS CLAIMED BY ATTORNEY HARRIS, HOWEVER, WE DO NOT NEED A WEDDING VENUE AT THE END OF THE ROAD FOR THAT, THE MERE FACT THAT OUR STREET ENDS AT THE CONNECTICUT RIVER IS ENOUGH OF A SELLING POINT AND HAVING A COMMERCIAL ENTERPRISE IN THE MIDDLE OF A STRICT RESIDENTIAL ZONE WOULD SERVE MORE AS A DETRIMENT TO POTENTIAL BUYERS THAN AN ASSET.

**The statement with regard to property values is made by taking into consideration the prior use of the property as and working marina/boatyard and the use of the property as a passive marina and assembly hall. The change was clearly depicted in before and after aerial photographs and building photographs introduced by Atty. Harris during the public hearing – the use as an assembly hall has significantly improved the property/grounds and the single building better conforms to the surrounding properties. During the hearing, the applicant also introduced a letter from Michelle Pirruccio, Realtor with William Ravies indicating that the continued use as an assembly hall will have no impact on property values.**

- XII. AS FAR AS BRINGING MORE BUSINESS TO OUR TOWN - I HAVE PERSONALLY GIVEN TWO WEDDINGS AND NOT ONE GUEST WENT “SHOPPING” BEFORE OR AFTER THE EVENT. YOU COME TO A WEDDING, ENJOY THE CEREMONY AND RECEPTION AND LEAVE PERIOD. ANOTHER ERRONEOUS CLAIM BY THE APPLICANT AND ITS LEGAL COUNSEL.

**As indicated by Dean Brown, who owns a bed and breakfast in town and has had guests of St. Clements frequent stay with him, such statement is incorrect. In addition, the applicant has heard from numerous guests that they are booking vacation rentals through websites such as [www.airbnb.com](http://www.airbnb.com) and [www.vrbo.com](http://www.vrbo.com) .**

**Furthermore, this application is supported by various businesses throughout town as well as the Middlesex Chamber of Commerce and the Portland-East Hampton Division of the Chamber who see the granting of this application as a great way to bring /continue to bring people into Middlesex County and, more specifically, the Town of East Hampton.**

**Additionally, the Castle averages 200 weddings a year (without the marina) - a far greater sample than the two referenced here. Its popularity as a “destination” wedding venue has received national recognition. Five Star industry ratings are drawing people from all over the country, which is something the Town should embrace and take pride in.**

XIII. IN ADDITION, THE NUMBERS OF GUESTS ANTICIPATED IN OUR TOWN IS DEFINITELY INFLATED. IN COUNSEL'S MEMORANDA SHE STATES THAT IN THREE (3) YEARS THERE WERE 98 SOCIAL GATHERINGS AT THE MARINA. THAT'S A LITTLE OVER 32 PER YEAR. ASSUMING BY COUNSEL'S OWN ESTIMATION, MOST GATHERINGS WILL AVERAGE 100 -120 PEOPLE, THAT APPROXIMATELY IS 3,840 PEOPLE A YEAR. DO YOU THINK THEY ALL WILL UTILIZE THE EAST HAMPTON SHOPPING DISTRICT? I HIGHLY DOUBT IT. ONE INDIVIDUAL IN HIS LETTER OF SUPPORT ESTIMATED 50,000 PEOPLE VISITING EAST HAMPTON IN A YEAR. THAT'S RIDICULOUS. IN ADDITION, MOST ARE NOT OUT OF THE AREA, AND THE FEW THAT ARE WILL MOST LIKELY STAY IN PORTLAND, CROMWELL OR MIDDLETOWN OVERNIGHT.

**After further review, a correction was made and incorporated into the public hearing presentation – there were actually a total of 80 social gatherings rather than 98 social gathering at the marina between August 12, 2014 and June 25, 2017.**

**No one is suggesting that all the people visiting the proposed assembly hall will utilize the East Hampton shopping district. What the applicant is suggesting however, is that some of them will utilize the East Hampton shopping district as well as other businesses throughout town.**

**If the application is approved there will be approximately 50,000 people visiting St. Clements each year (this includes the main building and the marina). As indicated during the public hearing, the applicant is looking forward to working with and promoting businesses located within the Town of East Hampton.**

**The opportunity to work together in a cooperative manner and leverage the business that Saint Clements offers in order to help further develop the village center is a critical component and should not be underestimated. This project has been brought up multiple times at the Middlesex Chamber of Commerce Board meetings and is being watched closely. The concern is that East Hampton has earned a reputation of not supporting its businesses and allowing NIMBY (not in my backyard) politics to trump smart development. How can the Town attract new development to the village center and increase the commercial tax base if existing businesses are being denied smart thoughtful development – especially smart thoughtful development that achieves many of the goals set forth in the Plan of Conservation and Development?**

IX. TONIGHT, WE HAVE HEARD FROM THOSE THAT SUPPORT THIS ZONE CHANGE TO COMMERCIAL. NOT ONE OF THEM LIVE ON OUR STREET. WOULD THEY LIKE THIS (A COMMERCIAL ENTERPRISE) IN THEIR NEIGHBORHOOD? I DOUBT IT.

IF YOU PERMIT THIS ZONE CHANGE IT WILL ALLOW THE APPLICANT AND ANY OTHER SUBSEQUENT OWNERS TO DO ANYTHING COMMERCIAL ON THE PROPERTY, INCLUDING CONSTRUCTING A RESTAURANT, OFFICE BUILDINGS, A STRIP MALL FOR SHOPPING, ANYTHING.

THE APPLICANT HAS STATED THAT ST. CLEMENTS CASTLE CONSISTS OF 77.80 ACRES WHEREAS THE MARINA CONSISTS OF 4.96 ACRES. WHY NOT BUILD AN ACCESSORY WEDDING VENUE ON THE LARGE ACREAGE BY ST. CLEMENTS INSTEAD OF TRYING TO CHANGE THE CHARACTER AND ZONE OF OUR NEIGHBORHOOD?

**While the applicant recognizes the “not in my neighborhood” or the “not in my backyard” mentality, the fact of the matter is that the applicant is not trying to change the character of the neighborhood, but rather the neighborhood is trying to change the character of 49 Oakum Dock Road. The property has a history of being zoned commercial and of being used for commercial use since at least 1955. The applicant is trying to preserve its character and preserve commercial use by changing it back to commercial following the error/mistake that occurred in August/September 1990.**

**St. Clements Castle is not any commercial use and not any commercial use will be able to utilize the property in the future. As indicated by the applicant in its presentation, the location is somewhat “off the beaten path,” therefore making it unattractive to many commercial uses (such as strip malls for shopping) and most likely limited to uses within the realm of the hospitality industry. As also indicated by the applicant in its presentation, the fact that there is a well water easement on the property limits the construction and the use of the property.**

**The location of the building capitalizes upon and provides the public with an ability to enjoy the otherwise limited access to river sites and views.**



Town of East Hampton  
 20 East High St.  
 East Hampton, CT 06424  
 Tel. No. 860-267-9601

# BUILDING PERMIT

Application Date: 3/10/2010  
 Issue Date: 3/10/2010

Permit No. - 10-022  
 Permit Type. - Accessory Structures

**Other Permits(If Applicable):**

- Electrical -
- Mechanical -
- Plumbing -

At (Location) - 49 OAKUM DOCK RD

Applicant - Rand Construction  
 Address - 244 Middletown Ave  
 East Hampton, CT 06424

Owner - St Clements Marina Llc  
 Address - P O BOX 427  
 PORTLAND, CT 06480

| Fee Type                 | Fee Amount |
|--------------------------|------------|
| Building Fee             | \$450.00   |
| Zoning Fee               | \$50.00    |
| Engineered Septic Design | \$60.00    |

Permit Fee - \$560.00  
 Valuation - \$35,000.00

Zone: R-2

Contractor - Rand Construction  
 License # -

Description of Work: 40x100 steel building

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY, ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION, STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATAION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

THE GRANTING OF A PERMIT FOR THE PROPOSED WORK SHALL NOT BE ASSUMED OR CONSTRUED TO ALLOW PERFORMANCE CONTRARY TO THE LAWS AND REGULATIONS OF THE STATE OF CONNECTICUT AND THE TOWN OF EAST HAMPTON. THE APPLICANT SHALL BE RESPONSIBLE FOR COMPLIANCE TO AND KNOWLEDGE OF ALL APPLICABLE CODES, STANDARDS AND REQUIREMENTS. ANY FALSE STATEMENT WILL RENDER THIS APPLICATION AND PERMITS OBTAINED HEREBY NULL AND VOID.

MINIMUM OF THREE CALLED INSPECTIONS REQUIRED FOR ALL CONSTRUCTION WORK

1. FOUNDATIONS OR FOOTINGS
2. PRIOR TO COVERING STRUCTURAL MEMBERS (READY FOR LATH OR FINISH COVERING)

APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE, WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.

WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING AND MECHANICAL INSTALLATIONS.

## POST THIS CARD SO IT IS VISIBLE FROM STREET

- Required Inspections
- Footings
  - Foundation Walls
  - Underground Plumbing
  - Rough Plumbing Tests
  - Rough Gas Line Test
  - Electrical Trench
  - Rough Electrical
  - Electrical Service
  - Rough Mechanical

FILE COPY



Structural/Framing  
Final Electrical  
Final CO

  
\_\_\_\_\_  
Building Official





Town of East Hampton  
 20 East High St.  
 East Hampton, CT 06424  
 Tel. No. 860-267-9601

# BUILDING PERMIT

Application Date: 5/5/2010  
 Issue Date: 5/12/2010

Permit No. - 10-104  
 Permit Type. - Com. New Construction

Other Permits(if Applicable):  
 Electrical - REQUIRED  
 Mechanical - REQUIRED  
 Plumbing - REQUIRED

| Fee Type     | Fee Amount |
|--------------|------------|
| Building Fee | \$362.50   |
| Zoning Fee   | \$50.00    |

At (Location) - 49 OAKUM DOCK RD  
 Bldg #2

Applicant - St Clements Marina Llc  
 Address - 244 Middletown Avenue  
 East Hampton, CT 06424

Permit Fee - \$412.50  
 Valuation - \$28,000.00

Owner - St Clements Marina Llc  
 Address - 244 Middletown Avenue  
 East Hampton, CT 06424

Zone: R-2

Contractor -  
 License # -

## Description of Work: UTILITY BUILDING

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MINIMUM OF THREE CALLED INSPECTIONS  
 REQUIRED FOR ALL CONSTRUCTION  
 WORK:

1. FOUNDATIONS OR FOOTINGS
2. PRIOR TO COVERING STRUCTURAL MEMBERS (READY FOR LATH OR FINISH COVERING)

APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE, WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.

WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING AND MECHANICAL INSTALLATIONS.

**POST THIS CARD SO IT IS VISIBLE FROM STREET**

Required Inspections

Electrical Trench  
 Rough Electrical  
 Electrical Service  
 Structural/Framing  
 Final Electrical  
 Final CO  
 Footings

**FILE COPY**

*Handwritten signature*



Town of East Hampton  
 20 East High St.  
 East Hampton, CT 06424  
 Tel. No. 860-267-9601

# BUILDING PERMIT

Application Date: 9/7/2010  
 Issue Date: 9/21/2010

Permit No. - 10-241  
 Permit Type. - Commercial Alteration

Other Permits(If Applicable):

- Electrical -
- Mechanical -
- Plumbing -

At (Location) - 49 OAKUM DOCK RD

Applicant - St Clements Marina Llc  
 Address - 244 Middletown Avenue  
 East Hampton, CT 06424

Owner - St Clements Marina Llc  
 Address - 244 Middletown Avenue  
 East Hampton, CT 06424

| Fee Type        | Fee Amount |
|-----------------|------------|
| Building Fee    | \$62.50    |
| Comm/Industrial | \$33.00    |
| Chatham Health  | \$50.00    |

Permit Fee - \$145.50  
 Valuation - \$4,000.00

Zone: R-2

Contractor -  
 License # -

Description of Work: CONNECTOR - ACCESSORY

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY, ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION, STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATAION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

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MINIMUM OF THREE CALLED INSPECTIONS  
 REQUIRED FOR ALL CONSTRUCTION  
 WORK:

1. FOUNDATIONS OR FOOTINGS
2. PRIOR TO COVERING STRUCTURAL MEMBERS (READY FOR LATH OR FINISH COVERING)

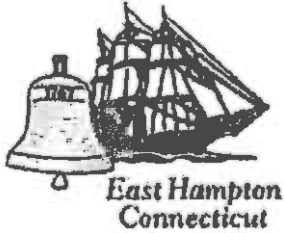
APPROVED PLANS MUST BE RETAINED ON  
 JOB AND THIS CARD KEPT POSTED UNTIL  
 FINAL INSPECTION HAS BEEN MADE,  
 WHERE A CERTIFICATE OF OCCUPANCY IS  
 REQUIRED, SUCH BUILDING SHALL NOT BE  
 OCCUPIED UNTIL FINAL INSPECTION HAS  
 BEEN MADE.

WHERE APPLICABLE SEPARATE  
 PERMITS ARE REQUIRED FOR  
 ELECTRICAL, PLUMBING AND  
 MECHANICAL INSTALLATIONS.

**POST THIS CARD SO IT IS VISIBLE FROM STREET**

Required Inspections

*See Attached*  
 Building Official



Town of East Hampton  
20 East High Street  
East Hampton, CT 06424  
Phone: (860) 267-9601

## BUILDING PERMIT

Application Date: 04/30/2013  
Issue Date: 05/09/2013  
Location: 49 OAKUM DOCK RD

Permit #: 13-075  
Permit Type: Commercial Alteration

Applicants Name: Villa Custom Builders  
Applicant's Address: 81 DeSorbo Drive  
Southington, CT 06

Permit Fee: 512.50  
Valuation: 40000.00

Owner: Roncalli Institute  
Address: 1931 PORTLAND-COBALT RD  
PORTLAND, CT 06480

Contractor : Villa Custom Builders License # 0632313  
Address: 81 DeSorbo Drive  
Southington, CT 06

Zone: R-2

Description of Work: Enclose Existing Pavilion

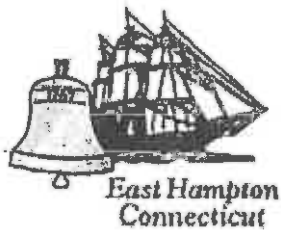
THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY, ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION, STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE COMBINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

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|                                                                                                                                                                                                  |                                                                                                                                                                                                                                       |                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <p>MINIMUM OF THREE CALLED INSPECTIONS REQUIRED FOR ALL CONSTRUCTION WORK:</p> <p>1. FOUNDATION OR FOOTINGS<br/>2. PRIOR TO COVERING STRUCTURAL MEMBERS ( READY FOR LATH OR FINISH COVERING)</p> | <p>APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE, WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.</p> | <p>WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|

PLEASE CALL 24 HOURS IN ADVANCE TO SCHEDULE REQUIRED INSPECTIONS

Structural/Framing  
Insulation  
Final CO



**BUILDING INSPECTION DEPARTMENT**  
East Hampton, Connecticut  
**CERTIFICATE OF USE AND OCCUPANCY**

Zone R-2

Dated September 21, 2011

Completion # 0197

This is to certify that building at 49 OAKUM DOCK RD as CONNECTOR - ACCESSORY under Permit No. 10-241 conforms substantially to the requirements of the Building Ordinances and the Zoning Regulations of the Town of East Hampton and is hereby approved for occupancy as indicated below.

Approved for occupancy: St Clements Marina Llc  
Mailing Address: 244 Middletown Avenue  
East Hampton, CT 06424

Type of Construction: 5-B

Occupant Load:

Edition of Code: 2005CTSBC

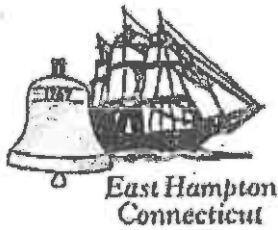
*See Attached*

\_\_\_\_\_  
Building Inspector

Notice: If this certificate is lost or destroyed, a duplicate should be immediately obtained from the Building Inspection Department.

Any change or extension of the use herein approved requires a new certificate of occupancy.

Copies of this certificate may be obtained at the Building Inspection Department at a charge of severity - five cents.



**BUILDING INSPECTION DEPARTMENT**  
East Hampton, Connecticut  
**CERTIFICATE OF USE AND OCCUPANCY**

Zone R-2

Dated March 08, 2012

Completion # 0280

This is to certify that building at 49 OAKUM DOCK RD as UTILITY BUILDING under Permit No. 10-104 conforms substantially to the requirements of the Building Ordinances and the Zoning Regulations of the Town of East Hampton and is hereby approved for occupancy as indicated below.

Approved for occupancy: St Clements Marina Llc  
Mailing Address: 244 Middletown Avenue  
East Hampton, CT 06424

Type of Construction: 5-B

Occupant Load:

Edition of Code: 2005CTSBC

A handwritten signature in black ink, appearing to read "William H. Hays", is written over a horizontal line.

Building Inspector

Notice: If this certificate is lost or destroyed, a duplicate should be immediately obtained from the Building Inspection Department.  
Any change or extension of the use herein approved requires a new certificate of occupancy.  
Copies of this certificate may be obtained at the Building Inspection Department at a charge of severity - five cents.



**BUILDING INSPECTION DEPARTMENT**  
East Hampton, Connecticut  
**CERTIFICATE OF USE AND OCCUPANCY**

Zone R-2

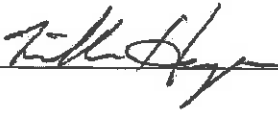
Dated March 08, 2012

Completion # 0281

This is to certify that building at 49 OAKUM DOCK RD as 40x100 wood frame under Permit No. 10-022 conforms substantially to the requirements of the Building Ordinances and the Zoning Regulations of the Town of East Hampton and is hereby approved for occupancy as indicated below.

Approved for occupancy: St Clements Marina Llc  
Mailing Address: P O BOX 427  
PORTLAND, CT 06480

Type of Construction:  
Occupant Load:  
Edition of Code:

  
\_\_\_\_\_  
Building Inspector

Notice: If this certificate is lost or destroyed, a duplicate should be immediately obtained from the Building Inspection Department.

Any change or extension of the use herein approved requires a new certificate of occupancy.

- Copies of this certificate may be obtained at the Building Inspection Department at a charge of severity - five cents.

Occupancy of these premises by  
more 295 persons is prohibited.

Per Order  
East Hampton Fire Marshal

Date January 6, 2016



Richard Klötzbier Fire Marshal

This notice is required as per Section 20.4.8.3.1 of the Connecticut Fire Safety Code and shall be posted in a conspicuous location near the principle entrance to the room or floor area, and is a required component of the building's fire safety plan.





Chatham Engineering, Inc.  
244 MIDDLETOWN AVE.  
EAST HAMPTON, CONNECTICUT 06424  
PHONE (860) 267-6623  
FAX (860) 267-8891

March 9, 2010

Donald Mitchell, MPH, RS, CHES  
Chatham Health District  
240 Middletown Ave.  
East Hampton, CT 06424

Re: Septic Design  
49 Oakum Dock Road

Dear Mr. Mitchell:

The following information is being provided to answer questions in your letter dated March 23, 2010 concerning the above referenced project. Numbers will correlate to your questions/comments in your letter.

1. Phase I building is proposed to be built now. Phase II building is not proposed at this time. It is shown only to identify the area and size of a building that will someday be built. It is to reserve the right (with the building department) to build within the building line and obtain the same square footage of buildings as are currently on the property. The existing buildings on the property are to be razed due to the new public water supply wells.
2. Showers, toilets, and sinks are proposed in the phase I building only. The revised plan shows the size and location of proposed bathrooms. The attached document shows the layout of each bathroom.
3. The attached plan has been revised to account for 29 boat slips.
4. The outdoor reception venue refers to the future possibility that a large tent could be erected in the grass field in front of the proposed building. The tent would be used for outdoor gatherings. There will not be food preparation or holding areas in the buildings. There will be no seating in the buildings. Phase I building would, however, be used by attendees for restroom services. If events with more than 150 people are planned, portable outhouses will be provided.
5. The plan now reflects actual test pit locations.
6. The plan has been revised to have trenches less than 75' long.
7. There are no plans to provide a sewage pump out facility at this marina.
8. The plan has been revised to provide MLSS calculations. Test pit data was used to calculate the elevation of native soil in the immediate area of the proposed system. Downhill elevations were shot near the edge of the existing stream in an area that appears to be natural.



9. The plan has been revised to provide this information.
10. This plan has been designed and stamped by a P.E.
11. The plan has been revised to show 2' contours in the building and system areas.
12. A bench mark has been provided in the field and shown on the plan.
13. This plan is not a survey and therefore does not reflect the lot size of this parcel. The town assessor lists this parcel as 4.96 acres. The plan has been revised to show the property line to the north.
14. The plan has been revised to show a north arrow.
15. The plan has been revised to label the length of all sewer lines.
16. There are no footing drains proposed for either building.
17. The plan has been revised to show septic system elevations.
18. The plan has been modified and will not condemn any areas on neighboring properties.
19. The plan shows a 27' wide driveway in front of the proposed building. The septic system is not under this area.
20. The plan has been revised to show the reserve area.
21. The plan has been revised to show a 1500 gallon septic tank and 96 linear feet of 4' galleries.

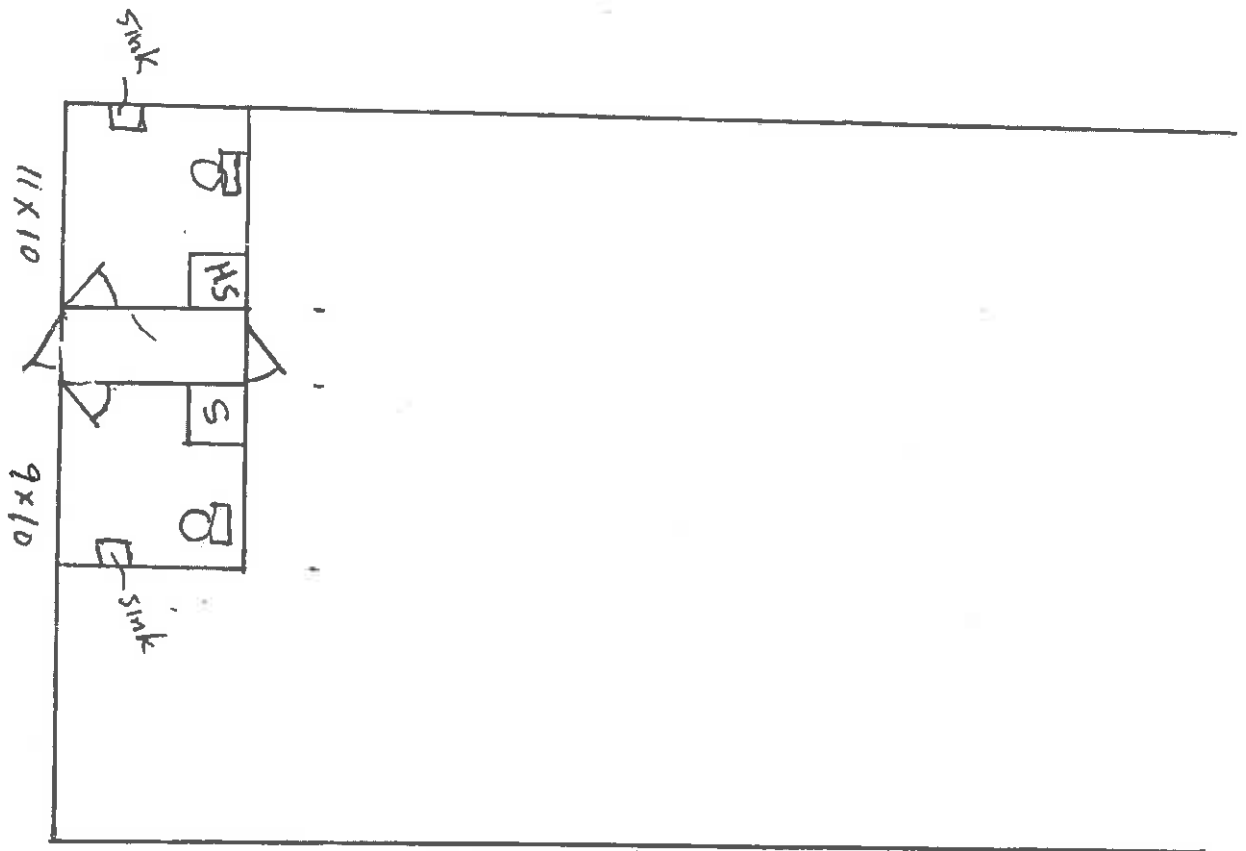
If you have any questions or comments please do not hesitate to call.

Sincerely,



David Erlandson, P.E.

Encl.



SCALE: 1"=10'

BY: WAYNE RAND  
BUILDER



PENGAD 800-331-5865  
EXHIBIT  
D

# M E M O

TO: Jim Carey  
FROM: Jim Dunn  
DATE: August 6, 1990  
RE: Draft Zoning Regulations - 7/10/90 Draft

We have conducted a staff review of the draft Zoning Regulations and have several comments which you may find helpful.

## Section 5 - Zoning Districts

5.2. Reference is made to "all explanatory material approved by the Commission" as being part of the Regulations. The Zoning Regulations and map should stand on their own. Any "explanatory material" which is to become part of the regulation must be adopted by the Commission in accordance with the provisions of the General Statutes for amendments, i.e. notice, public hearing, vote of a majority of Commission members. *agreed*

5.2.1. We recommend deleting the last sentence. ("Where no distances are indicated ..."). The boundaries should be as indicated on the map. *agreed*

## Section 6 - General Zoning Regulations

6.5. Interior Lots. You may wish to consider adding provisions limiting the number of adjoining access strips to 2, and limiting the number of interior lots in a subdivision.

6.12. Height Limitation. This section is in conflict with the definition of Building Height in Section 3. The definition exempts architectural features not in excess of 10% of roof area while 6.12. exempts features not in excess of 10% of first floor area. To avoid confusion, this section or the definition can be dropped.

## Section 7 - Permitted Uses

Section 7.2. and 7.4. The use table indicates that the only difference between these two zones is the allowance of two family dwellings in the R-3 zone. Lot dimensions are the same in both zones based on 6.1. Given the very strict standards established



for 2 family dwellings by Section 6.11. (i.e. double lot size and double frontage), we suggest combining the two zones into a single R-2 zone to simplify the regulations.

Section 7.5. Reserved Land

Is it the intent of this section to permit any governmental use in this zone? Perhaps permitted uses should be more clearly stated.

7.7. Industrial Zone

7.7.3.1. should read "Ownership of such strip must be and remain in the same person ... as the premises devoted to such industrial use."

7.8. PO/R Zone

7.8.4.A. should read all uses in 7.8.2. and 7.8.3.

7.9. DD Zone Design Development

The minimum lot size of 5 acres seems somewhat high, particularly when public sewers are required. Several communities with similar regulations establish minimum lots of 2-3 acres. We would suggest requiring a minimum parcel size of 10 acres with minimum lots of 2 acres to allow some flexibility in planning. Below are some standards from other communities with comparable zones.

| <u>Town</u> | <u>Zone</u>               | <u>Min. Parcel Size</u> | <u>Min. Lot Size</u> |
|-------------|---------------------------|-------------------------|----------------------|
| Cromwell    | PO (Planned Office)       | 20 acres                | 2 acres              |
| Meriden     | M-4 (Planned Industry)    | 100 acres               | 3 acres              |
| Middletown  | IT (Interstate Trade)     | NA acres                | 2 acres              |
| Rocky Hill  | O-I (Office/Industry)     | 10 acres                | 2 acres              |
| Wallingford | IX (Industrial Expansion) | 10 acres                | 130,000 sf           |

NOTE: Although titles of these zones may differ, permitted uses, site planning and other general concepts are similar to East Hampton's DD Zone.

7.11. Wetbelt

Section 7.11.3.A. We suggest that this be revised to eliminate the direction to the Wetlands and Conservation Commissions to study and report to P&Z since neither commission is required to take direction from the Planning and Zoning Commission over how it shall discharge its duties. P&Z can require the applicant to submit its plans to the Wetlands Commission and Conservation Commission and can request comments from those boards. But, those agencies can choose to respond, not respond, review or not review such submissions as they see fit. The following amendments are

suggested:

In addition to the requirements referenced in Section 7.11.2., all Special Permit requests pursuant to this Section shall require submittal to both the East Hampton Inland Wetlands and Water Courses Agency and the Conservation Commission. Any written advisory by either Commission shall become part of the public record of the application. In order to be considered, the Inland Wetlands and Water Courses Agency and the Conservation Commission shall report their findings and recommendations thereon to the Planning and Zoning Commission at or before the hearing, and any such report shall be read aloud at the hearings. If such report of the agency is not submitted at or before the hearing, it shall be presumed that such agency does not disapprove of the proposal. The Planning and Zoning Commission shall take into consideration all information forwarded by the Inland Wetlands and Water Courses Agency and Conservation Commission.

#### Section 8 - Aquifer Protection Zone

8.2.2. Uses by Special Permit. We recommend that the permitted uses be more strictly limited. Unless sewers are present medical offices and professional offices would not be appropriate. Among personal services shops, photo processing, dry cleaners, beauticians, furniture strippers, veterinarians, and appliance repair shops all would be inappropriate.

#### Section 9 - Salmon River Protection Area

9.2.B1a. To say that development cannot contain any land with slopes greater than 20% may be overly restrictive if it is interpreted to mean, for example, that a 20% slope on a 5,000 square foot rear section of a 2 acre lot renders the entire lot undevelopable. You may want to consider revising this section to establish a minimum lot size such that all land in excess of 20% slope shall not be included in calculating the minimum.

#### Section 16 - Non-Conforming Buildings and Uses

16.6. Abandonment is in conflict with the definition (6 months vs. 1 year) in Section 3.

#### Section 17 - Agriculture and Livestock

I recommend that you review these provisions with Jim Gibbons from the Extension Center.

17.2. The definition of agricultures here should be the same as that in Section 3. Since it is defined in Section 3, you could eliminate this definition.

## Section 18 - Commercial Recreation

Section 18.2. Items 9 and 10 should be deleted.

## Section 19

19.2. You may wish to add 19.2.3. dealing with temporary trailers used for non-residential purposes as accessory to highway, utility or other types of construction which may require a site office but are not subject to site plan approval.

## Section 24 - Timber Harvesting

I have enclosed copies of the timber Regulations adopted by the Connecticut River Gateway Commission. These were prepared with input from DEP, UCONN, SCS and private foresters and have been very successful.

## Section 27 - Erosion and Sedimentation Control Plan

27.3.1. Plan Requirements. We recommend adding to 27.3.1.A.2. a new item (e) names, address and day and evening telephone numbers of the individual responsible for implementing the erosion and sedimentation control plan.

27.3.2. Minimum Standards. We suggest that new paragraph 3 be added that states: "Permanent vegetative cover and structures should be installed as soon as practical in the development process".

27.5.A. Reference should be to Section 28.4. Not 28.4.1. Otherwise there is a conflict over whether a cash or surety bond is acceptable. Also, replace "performance bond" with "erosion control bond".

## Section 28

As we discussed, stormwater requirements are somewhat excessive to be included in Zoning Regulations.

28.2.B.1.h.4 We suggest this be amended to include, "and provision for handling materials required to be recycled in accordance with PA 87-544 as amended or any applicable state or local ordinance, statute or regulation".

28.3. Applicants responsibilities. We recommend that this section be revised to eliminate reference to referrals to adjacent municipalities and regional planning agencies. By statute, the Commission is responsible for such referrals and we do not believe that such responsibilities can be passed off to applicants.



## Section 29

29.3. Documentation to show compliance. We suggest revising the opening sentence to read, "The Commission may consider but is not limited to, input from the following agencies, in determining compliance with Section 29.2". It should also be amended to allow commentary from any authorized representatives of Boards or Commissions, as appropriate, not only their staffs. We would also suggest allowing input from the Council.

As currently written, this section appears to require input from all listed agencies when they may not: (a) be relevant, (b) wish to comment, or (c) have any obligation to comment. Failure on the part of an agency over which neither the commission nor the applicant have control to provide comments should not be grounds for denial of the permit.

## Section 30 - Amendments

We suggest that the Commission establish separate procedures for changes it initiates. Otherwise it may be nearly impossible to revise these regulations or the map. Enclosed is a copy of the procedure used by Cromwell.

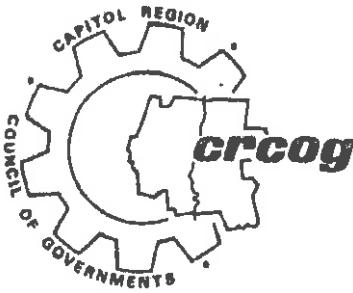
## Section 31 - Administration and Enforcement

31.5. See comments regarding 28.5. We doubt that the Commission can pass its notification responsibilities on to the applicant.

## Other Items

Connecticut River Assembly - East Hampton is a member of the Assembly. Its standards must be incorporated in the Regulations. CRA boundaries should be included on the Zoning Map to insure compliance with the referral requirement.

Home Occupations - Are you no longer permitting home occupations or are you simply ignoring them? As a practical matter they are going on and will continue to go on in all zones. Indeed, as technology advances, they are becoming even more widespread than ever. However, some limitations might be appropriate.



## CAPITOL REGION COUNCIL OF GOVERNMENTS

221 MAIN STREET — HARTFORD, CT 06106  
Tel. (203) 522-2217

DANA S. HANSON  
EXECUTIVE DIRECTOR

August 8, 1990

TOWN PLANNING AND ZONING COMMISSION  
TOWN OF EAST HAMPTON

REPORT ON ZONING REFERRAL  
#90/101

### COMMISSIONERS:

Receipt is acknowledged of the above-numbered referral. Notice of this proposal was transmitted to the Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3(b) of the Connecticut General Statutes, as amended.

The referral involves proposed Zoning Regulations and Zoning Map for the Town of East Hampton. If you would like a copy of these amendments, please contact the Town of East Hampton.

### Comments:

The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.

In addition, zones in abutting Capitol Region towns are similar to proposed zones in East Hampton and appear to cause no conflict. Staff has done a commendable job rewriting the zoning regulations.

Questions concerning this referral should be directed to Carol Szymanski.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. The public hearing date is scheduled for 8/15/90.

### DISTRIBUTION:

TPZC: -  
Planner: East Hampton, Glast., Marlborough  
Other RPA: Midstate, S.E. CT

Respectfully submitted,  
Frank Dzurenda, Chairman  
George Scott, Vice-Chairman  
Regional Planning Commission

Kelly Sharp  
Clearinghouse Representative



MEMORANDUM

To: Planning and Zoning Commission

From: James P. Carey, Administrator Planning/Zoning/Building

Date: August 13, 1990

Re: Memo from Midstate Regional Planning Agency regarding  
"Draft Zoning Regulations - 7/10/90"

The following are responses to issues raised by the Midstate Regional Planning Agency in the above referenced memo:

Section 5 -Zoning Districts

5.2 This offices agrees with the recommendations of Midstate with regard to deleting reference to all explanatory material.

5.2.1 This office also agrees to deleting the last sentence inasmuch as the parcel base map no longer requires this vagary.

Section 6-General Zoning Regulations

6.5 Interior Lots. At this time the office feels that limiting the number of adjoining access strips to two, and limiting the number of interior lots in a subdivision would be best handled through the subdivision regulations as it is now. Practically speaking, three adjoining access strips would result in non-compliance with Section 6.5.4 as written prohibiting interior lots being located behind other interior lots.

6.12. Height Limitation. This office agrees that 6.12 should be altered to read "architectural features not in excess of 10% of the first floor area will be exempt."

Section 7 - Permitted Uses

Section 7.2. and 7.4. This office responds that much time was spent in workshops and various meetings of the Planning and Zoning Commission at which time the strong consensus was that single family exclusivity should be retained in what is now our AA-1 zones and that this is reasonable at this time.

Section 7.5 Reserved Land

It is the intention of the regulations to remain flexible as to use of reserved land and that the Commission should review all applications within the RL Zone with extreme care. The regulation as written provides the Commission this flexibility and therefore permitted uses probably would counter the flexible nature of the regulations.

7.7 Industrial Zone.

We agree the wording shall state "industrial" rather than commercial.



specifically allowing places of worship, public and parochial schools. I would delete "public" and state "Places of worship and parochial schools" in new Section 9.

#### Section 24 - Timber Harvesting

I have reviewed and appreciate the timber regulations adopted by the Connecticut River Gateway Commission, and feel that ours, as proposed, will be equally effective and perhaps more effective administratively than the ones outlined at this time.

#### Section 27 - Erosion and Sedimentation Control Plan

This office agrees that names, addresses, day and evening telephone numbers are an excellent inclusion into 7.3.1.

27.3.2. Minimum Standards. Commentary from the Connecticut guidelines for erosion and sedimentation control are clear that permanent vegetation cover and structures should be installed as soon as practical in the development process. I feel our regulations strongly rests on the guidance of that document.

27.5.A I agree reference should be to Section 28.4 not 28.4.1.

#### Section 28- Stormwater Control

Stormwater Control regulations have been completely revised by Town Engineer Cummings, and he suggests Commission action at this public hearing.

28.3 Applicants responsibilities. It is agreed that the community is statutorily responsible for notification of adjacent municipalities and regional planning agencies. At this time an amendment to 28.3 should be proposed so that the section will read: " All applicants and authorized agents shall be responsible for timely submission of all pertinent data, plans, notification of abutting property owners, referral of proposal to Town agencies and boards. The proposed insertion shall read: The Town of East Hampton shall be responsible for notification of adjacent municipalities, regional planning agencies and other statutorily required notifications--then rest of Section 28.3 shall read as presently proposed.

#### Section 29

29.3 Documentation to show compliance. This office has no objection to changing the opening sentence to read "The Commission may consider but is not limited to, input from the following agencies, in determining compliance with Section 29.2." Second portion of the commentary regarding Commentary from any authorized representatives, the last reference to staff may be replaced by the word "representative".

#### Section 30 -Amendments

This office agrees with the comments regarding procedures for changes initiated by the Commission. Please find under separate cover this office's proposal to resolve the matter.

#### Section 31 - Administration and Enforcement

This office agrees with the position of the commentary and suggests that the language of Section 28.3 be used to replace Section 31.5.

Connecticut River Assembly - Review of the Connecticut River Assembly requirements. Careful review indicates East Hampton is in compliance with the standards of the Connecticut River Assembly, in fact, in many cases our requirements exceed those of those of the Connecticut River Assembly. It is suggested that the CRA be referenced as one of the agencies under the site plan and special permit requirements and a delineation of the area under the jurisdiction of CRA be shown on the map.

MEMORANDUM

July 26, 1990

To: Jim Carey, Planning Administrator  
From: Bob Riley, Economic Development Director *BR*  
Re: Review of Proposed Revised East Hampton Zoning Regulations  
and Zoning Map

---

I have reviewed the draft zoning regulation document and zoning map and recommend the following changes be considered at the public hearing for said document and map, to be held on August 15th.

ZONING REGULATIONS

Section 7.2.3(D) This should be qualified or eliminated from all  
Pg. 15 residential zones. Education or training could mean  
clerical, vocational or other similar type of educational  
or training institution more appropriate in the C or I  
Zones. This recommendation was adopted by deleting  
education or training from residential zones.

Section 7.6.2 Personal Service was moved to Section 7.6.1. to remain  
Pg. 19 consistent with VC as of right.

Section 7.9.1(D) To read: Signs in accordance with Section 22.  
Pg. 22

Section 7.10 The efficacy of eliminating industrial uses from the  
Pg. 24 Center at this time remains an issue.

Section 7.10.4 The provision for Payment-In-Lieu of parking, per Section  
Pg. 25 8-12 of the CGS, of up to 25% of required parking was  
proposed in an earlier draft of the VC Zone regulations.

The CR Zone currently has no parking requirements.  
Incorporation of Payment-In-Lieu of Parking would generate  
income for the town to either maintain or establish  
additional public parking spaces in the Center.

The Planning Administrator said that he would research  
this. Presumably sufficient time has been available to do  
such to offer language for incorporation.

Section 12.4 No provision exists to limit the size or monolithic nature  
Pg. 37 of a proposed structure if the development is on a large  
parcel.

Section 18.2(8)(H) To read: signs in accordance with Section 22.  
Pg. 48



|                                             |                                                                                                                                                                                                                                |
|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 21.4<br>Pg. 53                      | Restaurant requirements not specified.                                                                                                                                                                                         |
| Section 28.1<br>Pg. 69<br><del>Pg. 68</del> | Use of the words <u>effort to comply</u> implies an attempt which may or may not reach the objective. The sentence should be deleted.                                                                                          |
| Section 28.1(B.2)<br>Pg. 70                 | Town Engineer recommendation to put this section elsewhere.                                                                                                                                                                    |
| Section 28.1(C)<br>Pg. 83                   | <u>As much as is possible</u> should be deleted from the sentence.                                                                                                                                                             |
| Section 28.1(D) (b)<br>Pg. 83               | Increase caliper size from 2: to 2-1/2" - 3".<br>Decorative trees should be minimum 2-1/2" to 3" caliper as well. A three (3) foot tree serves no purpose at all and will take considerable time to reach an effective height. |
| Section 28.1(E)<br>Pg. 84                   | <u>As much as possible</u> should be deleted from the first sentence of the third paragraph and a distance standard applied. Berming could be added as an effective means of screening also.                                   |
| Section _____                               | Home Occupation                                                                                                                                                                                                                |
| Section _____                               | Residential and nonresidential daycare                                                                                                                                                                                         |

### ZONING MAP

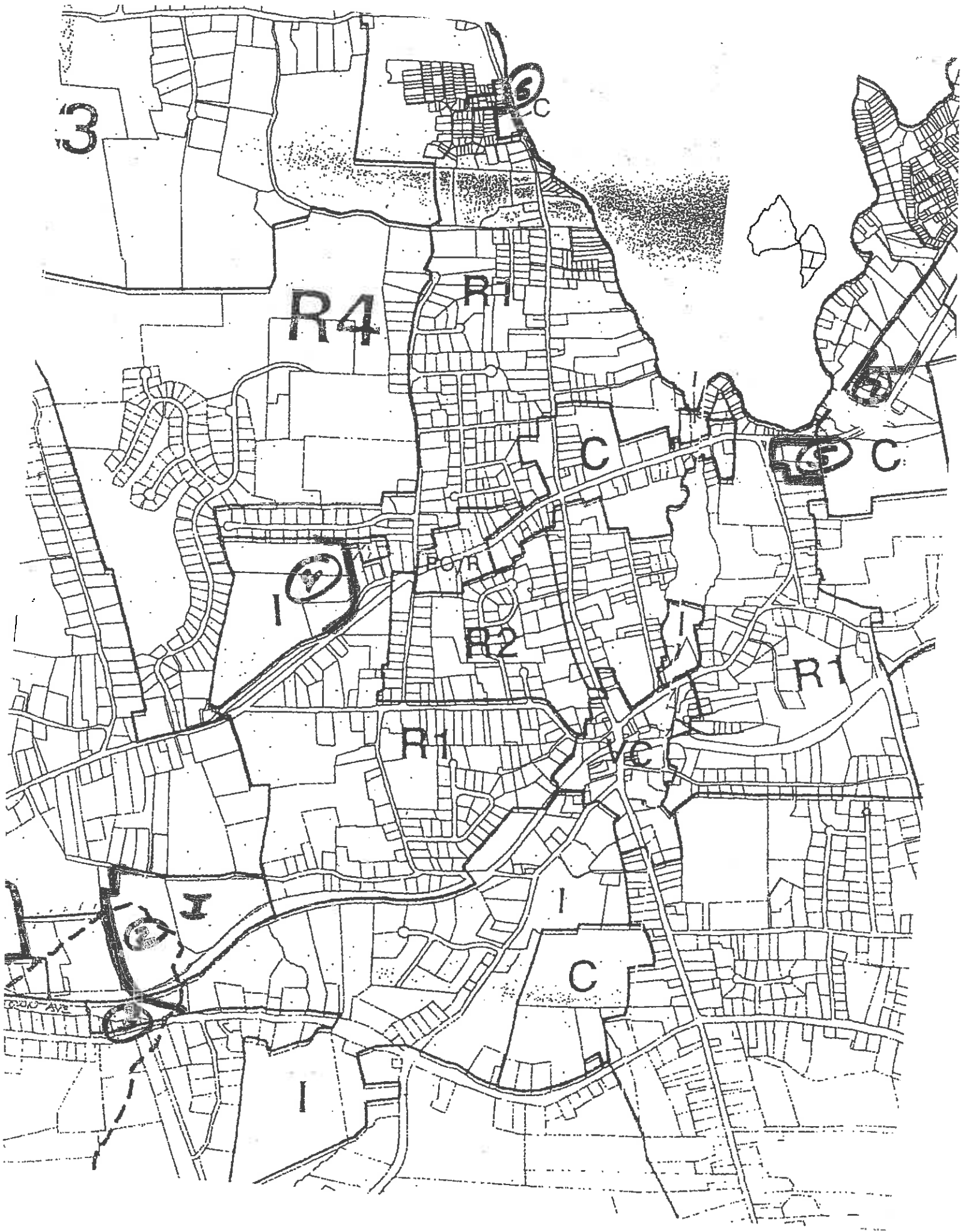
The following comments relating to the proposed zoning map correspond numerically to the numbered locations on the attached map:

1. Working maps to prepare the narrative in the Plan of Development (p. 62-63) show a boundary on the east side, as delineated in red.
2. Working maps to prepare the narrative in the Plan of Development (p.62) show a boundary on the west side, as delineated in red. The Plan of Development recommends that this area be industrial, not commercial.
3. Recommend that the existing southern boundary of the I zone crossing Middletown Avenue, as delineated in red, be retained. The depicted extension of the boundary westward includes five lots, four of which have houses on them. The boundary extension would result in nonconforming uses and lot sizes with little practical gain for industrial use.
4. Recommend that the eastern boundary for this zone be changed, as delineated in red, reverting the three smaller lots which have houses on them to residential. Poor access, nonconforming lot sizes (2) and adjacent residences do not make this area practical for industrial use.
5. Recommend that this property be retained commercial. Refer to letter of July 24th from EDC.
6. Recommend that the commercial zone be contained within Lake Court, Lake Boulevard and Barbara Avenue. The proposed extension of this zone to Bauer Road could possibly result in a poorly designed strip center, given the lot depth between Barbara and Bobby's Rd., which would have negative aesthetic, traffic and other impacts on the surrounding residential neighborhood. The two lots north of Bobby's Road would be nonconforming and could not be developed. Refer to attached detail map.
7. Recommend that the existing zone boundary, as shown in red, be retained. Extended portion of zone at intersection of Old Marlborough and East High Street has site line, traffic circulation and general locational problems for commercial development.

cc: Alan Dobrowolski, Chairman, P&Z  
Economic Development Commission







3

R4

R1

C

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R1

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# TOWN OF EAST HAMPTON



# ZONING REGULATIONS

First Public Hearing Date: August 15, 1990

Table IV

TOWN OF EAST HAMPTON  
POPULATION PROJECTIONS BY AGE GROUP, 1980-2000

| Age   | 1980 | % (1)<br>Total         | 1985 | % (1)<br>Total | 1990                    | % (1)<br>Total | 1995  | % (1)<br>Total          | 2000  | % (1)<br>Total         |
|-------|------|------------------------|------|----------------|-------------------------|----------------|-------|-------------------------|-------|------------------------|
| 0-19  | 2779 | 32.4                   | 2624 | 28.9           | 2588                    | 27.0           | 2596  | 26.0                    | 2567  | 24.0                   |
| 20-34 | 2304 | 26.8                   | 2228 | 24.6           | 2191                    | 22.7           | 2249  | 22.3                    | 2107  | 19.9                   |
| 35-64 | 2706 | 31.6                   | 3332 | 36.7           | 3848                    | 40.2           | 4134  | 41.0                    | 4688  | 44.3                   |
| 65+   | 783  | 9.1                    | 888  | 9.8            | 964                     | 10.1           | 1092  | 10.8                    | 1210  | 11.4                   |
| Total | 8572 | <del>100</del><br>99.9 | 9072 | 100            | <del>9571</del><br>9591 | 100            | 10071 | <del>100</del><br>100.1 | 10572 | <del>100</del><br>99.6 |

(1) Note: Total may not equal 100% due to rounding.

Source: State of Connecticut, Office of Policy and Management, 1984

At the present time, East Hampton's one full time sanitarian position is committed to the mandated responsibilities of inspecting septic and water systems, restaurants, environmental complaints, day care centers, and campgrounds. Additional trained personnel may be needed for inventorying and monitoring pertinent commercial and non-commercial activities, and the use, storage and disposal of hazardous wastes and other potential groundwater contaminants.

The least risk and maximum protection of groundwater occurs where land is left in open space or developed for recreational use. Therefore, open space and recreational uses in East Hampton's aquifer protection zone should be encouraged. Incentives for residents and businesses can be provided in the form of property tax breaks for land owners who formally dedicate their property to open space.

#### Agency Cooperation

Of East Hampton's four aquifers, only one - the Pine Brook Aquifer - lies entirely within the boundaries of the Town. The Connecticut River Aquifer extends into Portland, the Salmon River Aquifer extends into East Haddam, and the Upper Salmon River Aquifer extends into Colchester. Because of the nature of circulation within aquifers, contaminants entering an aquifer in towns adjacent to East Hampton could cause serious contamination of portions of the aquifer lying within East Hampton. Therefore, it is imperative that East Hampton coordinate groundwater protection efforts with Portland, East Haddam and Colchester.

Coordination with State and Federal Agencies is also important. Some State and Federal regulations pertaining to groundwater quality control are already in place. However, there are many more existing or potential occurrences of groundwater contamination than the Department of Environmental Protection can monitor or investigate. The Town should develop a system whereby violations that fall under the jurisdiction of State and Federal regulations are promptly reported to pertinent regulatory authorities. This will contribute to quicker action being taken on violations. ✓

#### Aquifer Protection and Public Water Supply

Population projections for East Hampton indicate continuing growth over the next fifteen years. In order to meet both current and future demands for a safe and adequate drinking water supply a large-scale community water supply system should be implemented. This system would service areas that are currently experiencing water supply problems, or that may in the future. The water supply system could be constructed alongside the existing sanitary sewer system. This sewer system already serves the areas having the majority of known groundwater quality problems. ✓

A community water supply system could also supply fire hydrants, thus affording improved fire protection to the more densely developed areas of Town. It must be compatible with existing systems. A community water supply system may also help the Town to attract new business and industry thus improving the tax base.

Plans to utilize the Pine Brook-Pocotopaug aquifer as the source of a public

## CHAPTER V HOUSING

One of the most significant characteristics of a community is the manner in which its residents are housed. The relative adequacy of a community's housing stock is measured by several factors including number of units available in relation to demand, quality of housing, and types of units available. The primary goal of the Plan is to provide a range of housing opportunities for current and future Town residents.

### Housing Stock

As of December 31, 1986, total housing stock in East Hampton was estimated at 3,837 according to the Connecticut Department of Housing. This is an increase of 778 from the 1980 census total of 3,059.

Between 1970 and 1980, total housing units increased from 2,299 to 3,059; a 33% increase. This was only slightly faster than the 30.5% increase experienced by the Midstate Region as a whole. Over the period, East Hampton reached third in the eight town region in terms of rate of housing growth, significantly ahead of neighboring Portland (7.4%), but well below the rate of growth experienced by the Town of Cromwell (75%).

Between 1980 and 1986, the Town's housing stock increased by 15.6%, or 2.6% per year. Table VII indicates a 15.7% change in year-round, seasonal, and migratory housing stock which is generally consistent with that experienced elsewhere in the Midstate Region.

Since 1970, there have been several changes in the makeup of the Town's housing stock. One important change has been the conversion of seasonal housing, predominantly in the Lake area, to year-round use. In 1970, the Census Bureau identified 381 seasonal units in the Town's housing supply. By 1980, this total had dropped by more than one third, to 196 units. Although no detailed information is available for the period since 1980, it is likely that the trend away from seasonal housing is continuing.

A second noticeable trend in East Hampton's housing stock is a shift away from single family units as the sole housing type. In 1970, 418 units were found in structures containing two or more units. This constituted 18% of the total housing stock. By 1980, 468 units were found in multi-family structures. This accounted for slightly more than 15% of the Town's housing stock. Between 1980 and 1986 the number of units in multi-family structures has increased to 770 or 20% of the total housing stock.

### Tenure

Tenure refers to whether a housing unit is owner-occupied or rented. Within the Town of East Hampton, owner-occupied housing has dominated the market. In 1970, 78% of the occupied housing units were owner-occupied. In 1980, total number of rental units had increased from 505 to 624, but percentage of rental units remained relatively constant, increasing by less than 1%. Since 1980, detailed tenure information is not available, but can be estimated based on housing types. On this basis, it is estimated that total rental stock has increased slightly to 700 units while owner-occupied units accounted for 81.6% of the Town's housing stock by 1986 while rental units made up for only 17.4%.

TABLE VII  
HOUSING UNITS, MIDSTATE REGIONAL PLANNING AGENCY TOWNS  
1980, 1986

| <u>Town</u>  | <u>Total Units, 1980</u> | <u>Total Units, 1986</u> | <u>Percent Change</u> |
|--------------|--------------------------|--------------------------|-----------------------|
| Cromwell     | 3,532                    | 4,890                    | 38.4                  |
| Durham       | 1,579                    | 1,814                    | 14.8 <sup>9</sup>     |
| East Haddam  | 2,648                    | 3,039                    | 14.8                  |
| EAST HAMPTON | 3,297                    | 3,814                    | 15.7                  |
| Haddam       | 2,305                    | 2,563                    | 11.2                  |
| Middlefield  | 1,480                    | 1,614                    | 9.0 <sup>1</sup>      |
| Middletown   | 14,774                   | 16,762                   | 13.4                  |
| Portland     | 2,960                    | 3,225                    | <del>8.2</del> 9.0    |
| Region       | 32,575                   | 37,721                   | 15.8                  |

Source: 1980 U.S. Census, 1986 Connecticut Department of Housing.

possible under ideal conditions.

The physical conditions which effect capacity include lane width, lateral clearance to obstructions, pavement surface conditions, the availability of turning lanes, safe operating speed, sight distance restrictions, and opportunities to pass. The traffic conditions include the percentage of trucks and buses, variations in traffic flow, interruptions in the traffic flow, speed limits, and parking along the road.

Six levels of service, A through F, rated from best to worst, are used to describe the operation of a road section or intersection relative to the capacity of the road. The level of service is a qualitative measure of the effect of speed, travel time, freedom to maneuver, driver comfort and convenience, safety, and operating costs. Levels A through D are acceptable during peak periods while levels E and F are unacceptable in most cases. The six levels are described as follows:

Level A - is a condition of free traffic flow. There are no restrictions due to the presence of other vehicles. There are little or no delays. It is the highest quality of service but it is not economical to design for this level of service. Volume/capacity ratio ranges from 0.00 to 0.60.

Level B - is a condition of stable traffic flow. While drivers have a reasonable ability to maneuver and select their speed, they are beginning to feel restrictions due to the presence of other drivers. This is usually the level of service used in the design of rural highways. Volume/capacity ratio ranges from 0.61 to 0.70.

Level C - is also in the zone of stable flow, but speeds and maneuverability are more controlled by the higher traffic volumes. Most drivers feel restricted in their freedom to choose speeds, change lanes, or pass. However, satisfactory speeds can be maintained. This level of service is used for urban areas. Volume/capacity ratio ranges from 0.71 to 0.80.

Level D - approaches unstable flow. There are many fluctuations in speed and volume, and little freedom to maneuver. Driver comfort and convenience are low, but the conditions may be tolerated for short periods of time. Most drivers consider this level unsatisfactory. However, this level of service is sometimes used in the design of urban intersections. Volume/capacity ratio ranges from 0.81 to 0.90.

Level E - is the level where traffic volumes are at or near the maximum capacity of the highway section or intersection. Highway speeds are at 30 mph or lower. Driver comfort is low and accident potential is high. The traffic flow is unstable and there may be many stoppages of short duration. Volume/capacity ratio ranges from 0.91 to 1.00.

Level F - is a condition of forced flow usually resulting from queues of vehicles backed up from downstream restrictions. Speeds are substantially reduced, volumes are below capacity, and there are many short to long stops due to congestion. Ratio is greater than 1.00.



Within the built-up areas around the Lake and the Village Center, a level of service C is considered acceptable. Elsewhere in the community, level of service B should be the standard for road capacity.

Table IX provides capacity information on Route 66 between Champion Hill Road and Bear Swamp Road. This analysis was conducted by the Midstate Regional Planning Agency as part of a Route 66 corridor study in 1985. It indicates that under current conditions two roadway segments, Barton Hill Road to Maple Street and Route 196 (Lakeview Street) to Bear Swamp Road, are functioning at or near capacity. Two intersections, the East Hampton Mall entrance and the Route 196 intersection are very close to capacity, with Level of Service D.

In light of the increase in work trips from East Hampton which will use Route 66, it is likely that traffic conditions will worsen on this highway over the next 10 to 15 years.

The Midstate report provided <sup>seven</sup> ~~six~~ recommendations for addressing problems on Route 66 and improving highway function. These recommendations are outlined below.

The intent of the following recommendations is twofold. First, recommendations are offered for possible improvements to the existing road facility to mitigate the existing problems and problems anticipated to develop due to continued economic changes in the Region. Second, recommendations are offered for consideration that should be taken prior to approval of future proposed developments along the Route 66 corridor, to lessen the adverse impact.

Specific improvements that should be considered to improve the existing traffic flow and safety through this corridor are as follows:

1. The addition or marking of left turn lanes at the intersection of Route 66 and Main Street. To facilitate a left turn lane on Route 66 approaching from the west, a no-parking zone should be signed and enforced in front of the drug store and restaurant on the south side of Route 66 near the intersection.
2. Elimination of the restriction on right turn on red at all approaches to the Main Street-Route 66 intersection and at both Route 66 approaches to the Maple Street-Route 66 intersection.
3. Consolidation of some curb cuts on Route 66 to reduce the number of access points. This would be particularly appropriate in the segment between Main Street and Route 196.
4. The addition or marking of a continuous share left turn lane between Main Street and Pocotopaug Creek to reduce delays and conflicts with turning vehicles. If roadway widths are sufficient, the continuous left turn lane should be extended to Old Marlborough Road.
5. Pursue redesign of signed intersection at Route 196 and 66.
6. The future addition of a climbing lane between Barton Hill Road and Maple Street.

Prior to the approval of further major developments along the Route 66 corridor, it is recommended that traffic impact studies be conducted to determine the specific impacts of traffic generated by the proposed development. Further direct access to Route 66, particularly within those segments functioning at a near capacity, should be discouraged.

(ii) Safety

The relative safety of a roadway is a function of a variety of factors. These include pavement condition, grades, curvature, site distances, width, and drainage among others. In 1983 Midstate Regional Planning Agency evaluated 18 Town roads for deficiencies in ten categories. The result of this evaluation is summarized on Table X.

Since that time, the Town, through its ~~public works~~ department, has developed a road improvement program to address many of these problems. In addition, the Public Works Department has developed a comprehensive program for addressing major priorities for deteriorated roads, drainage and sidewalks. The program is used as a guide for establishing priorities.

Among State highways, Route 66 ranks as a major problem area. Over a three-year period, from January 1, 1981 to December 1983, over 122 accidents occurred on this highway. Of this total, about one third were concentrated at four intersections: Maple Street, Main Street, the East Hampton Mall and Route 196. This area is characterized by sight line restrictions, numerous curb cuts and congestion.

Other high accident locations include the Route 66-Barton Hill Road intersection and the Route 196-Main Street intersection.

Among Town roads, areas with a high number of accidents in comparison with the volume of traffic they carry are White Birch Road (north of Chapman), Clark Hill Road, Barton Hill Road, Main Street, North Main Street, Lake Drive and Lake Road.

ACCIDENT TABLES

|          | <u>Totals</u>                 |                              |
|----------|-------------------------------|------------------------------|
|          | 7/1/83 - 12/31/84 (18 months) | 1/1/85 - 6/30/88 (42 months) |
| T.R.     | 122 (35%)                     | 350 (33%)                    |
| Rte. 16  | 57 (16%)                      | 162 (15%)                    |
| Rte. 66  | 121 (35%)                     | 389 (36%)                    |
| Rte. 151 | 16 ( 5%)                      | 58 ( 5%)                     |
| Rte. 196 | 32 ( 9%)                      | 110 (10%)                    |
| O.S. Rd. | 0                             | 3 ( 1%)                      |
|          | 348                           | 1072                         |
|          | 19.33 acc./month              | 25.52 acc./month             |

Accidents at Intersections w/State Roads

|                | 7/1/83 - 12/31/84 | 1/1/85 - 6/30/88 |
|----------------|-------------------|------------------|
| Rte. 16 & 66   | (9)               | (15)             |
| Rte. 66 & Main | (24)              | (57)             |
| Rte. 66 & Mall | (3)               | (12)             |
| Rte. 66 & 196  | (5)               | (16)             |

Some potential problem areas:

1. Barton Hill and Steeple View Drive
2. Clark Hill, between N. Main and Midwood Farm
3. Hog Hill Road, between Routes 16 & 151
4. Champion Hill Road, between Abbey Road and Rte. 66
5. Abbey Road, between Champion Hill and Serafin Terrace
6. N. Main at Sears Place - sight line
7. Lake Road, between White Birch and Mott Hill
8. White Birch, between Portland Reservoir and Elmwood Drive
9. Wopowog Road
10. Main Street, between Routes 66 and 196 (no through trucks)

CHAPTER VII

ECONOMIC DEVELOPMENT

This chapter of the Plan of Development will review the current state of the Town's economic base, existing opportunities for expansion and provide recommendations for future growth.

Labor Force and Employment

East Hampton's labor force, the number of people employed or seeking employment, increased from 3,077 in 1970 to 4,335 in 1980. This 41% increase in labor force was significantly faster than the growth in population over the same period. This indicates that labor force participation has increased. The labor force participation rate, or that percentage of the population over 16 years of age or older in the labor force, increased over the same period from 65.3% to 68.4%. The 1980 participation rate for East Hampton is slightly higher than the statewide areawide (65.3%) but is 1% over that of the Midstate Region (69.9%). Since 1980, labor force participation has continued to increase in East Hampton.

There are several factors which contribute to the increase in labor force participation among East Hampton residents. One important contribution in the increase in the proportion of the Town's population which is the 16-and-over category. In 1970, this potential work force constituted 4,705 people or 66.5% of the Town's total population. By 1980 it had increased both in real terms (6,334) and is a percentage of total population (73.9%).

A second significant factor in the pick-up of the Town's labor force is the increased participation of women. Between 1970 and 1980, the labor force participation rate for males remained relatively stable (at about 85%) while the rate for females increased significantly from just over 48% to nearly 54%. Table XII provides information on the Town's labor force between 1970 and 1980.

Table XII

Labor Force by Sex - 1970, 1980

|                | Total | 1970  |        | Total | 1980  |        |
|----------------|-------|-------|--------|-------|-------|--------|
|                |       | Male  | Female |       | Male  | Female |
| Population     | 7,078 | 3,527 | 3,551  | 8,572 | 4,263 | 4,309  |
| Population 16+ | 4,705 | 2,301 | 2,404  | 6,334 | 3,101 | 3,233  |
| <u>76+</u>     | 66.5  | 65.2  | 67.7   | 73.9  | 72.7  | 75.0   |
| Labor Force    | 3,072 | 1,911 | 1,611  | 4,335 | 2,597 | 1,738  |
| Participation  |       |       |        |       |       |        |
| Rate*          | 65.3  | 83.1  | 48.3   | 68.4  | 83.7  | 53.8   |

Source: U.S. Census, 1970, 1980.

The trend away from manufacturing is reflective of a similar trend on the state and regional levels, although the decline in manufacturing employment has been somewhat more dramatic than at other levels, particularly given the Town's history as a manufacturing center through a large part of its history.

## II. Tax Base

The Town of East Hampton ranks 124 out of 169 towns in terms of the percentage of its Grand List which is accounted for by business property as Table XIV indicates, the Town ranks seventh in eight towns in the Midstate Region, ahead of only Durham.

Table XIV  
1985 Grand List by Category, Midstate Region

| Town         | % Business | % Residential | % Other |
|--------------|------------|---------------|---------|
| Cromwell     | 29.5       | 59.3          | 11.2    |
| Durham       | 11.3       | 76.6          | 12.1    |
| East Haddam  | 13.0       | 79.7          | 7.3     |
| EAST HAMPTON | 12.0       | 77.0          | 11.0    |
| Haddam       | 57.4       | 37.9          | 4.7     |
| Middlefield  | 20.7       | 69.4          | 9.9     |
| Middletown   | 57.6       | 33.5          | 8.9     |
| Portland     | 23.8       | 68.5          | 9.3     |
| Region       | 39.7       | 52.0          | 8.3     |
| State        | 31.9       | 60.2          | 7.9     |

10.1%

Source: Connecticut Public Expenditures Council, December 1986.

The relative contribution of business property to the tax base has increased marginally since the mid-1970's when it accounted for 11.1% of the Grand List.

These numbers indicate that the Town's tax base is somewhat out of balance at the present time. Communities throughout the Middlesex County in East Hampton's size, range - Cromwell, Portland, and Old Saybrook - all have significantly larger business components on their Grand Lists.

Over the next decade, East Hampton is expected to see an expansion in total population and, as a result, an increase in demand for municipal services. Additionally, the Town faces a need for a number of expenses for out-dated or currently substandard municipal facilities such as a possible Town Hall expansion and additional classroom space. Given these demands it is crucial that the Town develop a strategy to expand the distribution of its tax base.

### Existing Industrial Area

In 1980, the Midstate Regional Planning Agency and the East Hampton Economic Development Commission conducted a detailed analysis of existing commercial and industrially-zoned properties.

6. The vault, approximately 30' x 45' is large enough to meet state standards for a town the size of East Hampton now and for the projected population. It is used for dead storage which limits its ability to function as a vault.
7. A public meeting room for most Town Commissions and Board of Selectmen is adequate. However, attendance at meetings for P&Z and other land use boards frequently exceed room capacity.
8. Board of Selectmen's conference room is also utilized for registrars of voters and the Town Treasurer, which is totally inadequate.
9. The tax collector and two clerks share an office approximately 15' x 20'. Because of built-in storage cabinets and built-in counter space the room is adequate for their work.

#### Lower Level

1. The Building Inspector and an assistant share a 10' x 10' room. It is too small for all their materials and for conferencing with builders and homeowners.
2. The secretaries for the Building/planning and health departments share a room with central files and have a service counter/window for the public. This space is adequate provided no additional staff is hired.
3. An assistant to the Planner and Sanitarian <sup>ve</sup> has a small office next door.
4. Judge of Probate has a 9' x 14' private chamber that will seat only 3-4 people for court proceedings. The Clerk has an adjoining room the same size with a vault behind that office.

The lower level is not handicapped accessible. The Town Hall has thirty-six parking spaces. Parking is inadequate during normal business hours and a serious problem during public meetings. The Town has a plan to add eighteen spaces which should alleviate the current problem.

Overall, the existing Town Hall is functioning at or beyond capacity for most functions.

#### Public Works

The Public Works Department has recently moved into a new facility located at the intersection of Routes 66, 16 and Gildersleeve Drive. The new facility provides for centralization of all public works functions in one location and will be adequate to serve the Town's needs for the foreseeable future.

#### Solid Waste Disposal

The Town maintains a brush disposal area on Bear Swamp Road. Solid waste is collected by private haulers and disposed of at the Hartford landfill. The Town of East Hampton is a participant in the Connecticut Resources Recovery Authority's (CRRA) mid-Connecticut project, a waste to energy facility scheduled to begin operation in 1989 serving 45 towns. Under terms of its contract with

CRA, the Town is required to deliver or cause to be delivered all solid waste generated within its borders to the mid-Connecticut system and to pay a service fee for waste disposed of through the system.

Bulky waste is disposed of in a landfill in New Britain, Connecticut, but in the long-term CRRRA will provide bulky waste disposal services to the Town. Additionally, a permanent transfer station may be located in Towns by CRRRA, if an acceptable site can be located. Route 66 would be a preferable site.

The implementation of the CRRRA system will provide a long-term solution to East Hampton's solid waste disposal needs. It will also require some changes in existing patterns of operation. Only licensed haulers will be admitted to the CRRRA transfer station. As a result, the practice of individuals disposing of their own wastes will no longer be acceptable.

#### Sewer Service

In 1967 East Hampton was ordered by the Connecticut Department of Environmental Protection to construct a sewer system to abate pollution problems in the densely populated Center and Lake Pocotopaug area. This system was constructed at a cost of over \$30,000,000, and has the capacity to process 3.9 million gallons of wastewater per day. It began operation in 1983 serving approximately 1,425 connections, many of which were located on very small lots that had previously experienced septic system failures. Currently, some 1,700 buildings in East Hampton are connected to the sewer system while the remainder still use on-site septic systems. The sewage treatment plant currently processes an average of 700,000 gallons of wastewater per day.

While the sewage treatment system corrected problems in the majority of the areas that had experienced septic system overloads and malfunctions, problems remain scattered throughout most of the Town and more can be anticipated in the future. Many homes in East Hampton are located on lots with soils that have characteristics that make them unsuitable for on-site septic systems. These characteristics include steep slopes, shallow depths to bedrock and high water tables. Homes constructed before the State Health Codes were revised in 1961 have systems which are underdesigned by current standards and are prone to failure. An additional cause of septic system failure is lack of proper maintenance by owners. Septic systems that fail for this reason will continue to function inadequately until people are educated and take responsibility for proper care of these systems. ✓

In 1980, a voluntary Sewer Avoidance Program was prepared by MRPA for East Hampton. The goal of the Program was to offer the best alternative to an expanded sewer system. Sewers would not be expanded unless abatement of problems by other means was ineffective or too costly.

Location of new residential, commercial and industrial development along the existing sewer system lines and in proposed sewer system expansion areas should be encouraged. Intensive development in unsewered areas and areas to which sewer line expansion is not proposed should be discouraged. Small community systems may be considered only as a solution to existing problems in areas that cannot feasibly be hooked up to the sewer systems.

The Town's Zoning Regulations encourage development along existing sewer lines and in areas that will have sewer service in the future. Allowing smaller lot

3. Seek national accreditation.

C. Library

1. The Town should continue to support the upgrading of materials and programs provided by the Library.
2. A plan should be developed to expand parking at the Library.

D. Schools

1. The Town, through the Board of Finance, Board of Selectmen, Board of Education and School Building Committee should continue the planning process for expansions to the Memorial, Center and Middle Schools. These expansion programs should be sufficient to meet the Town's space needs for the planning period.

E. Town Hall

1. A comprehensive space needs study should be completed on the existing Town Hall.
2. Relocation of the Police Department and utilization of that space for municipal agencies should be pursued as the first option for satisfying space needs.
3. Plans for providing handicapped accessibility to the lower level should be pursued.

F. Public Works

1. The Town should continue to evaluate equipment needs of the Department and, through the Capital Improvement Program, replace and upgrade the Department's equipment.

G. Solid Waste

1. The Town should work in cooperation with other communities to develop a comprehensive recycling program.
2. The Town should monitor changes in the waste disposal and continue to evaluate the need for municipally-sponsored solid waste recycling.
3. Locate transfer station site access to Route 66.

H. Sewer Service

The existing sewage treatment plant can easily accommodate the additional inflow that would be provided by expanded sewer service and will in fact function more effectively if greater average daily volumes of wastewater are processed.

The following list of guidelines and criteria for sewer extension can serve as a guide for the Town in determining the feasibility and desirability of expanding sewer service. ✓



LEGAL AD

EAST HAMPTON PLANNING AND ZONING COMMISSION

The East Hampton Planning and Zoning Commission will hold a special public hearing on August 15, 1990 at 7:00 p.m. at the East Hampton Library, 105 Main Street, East Hampton regarding the complete and total revision of the East Hampton Zoning Regulations and Zoning Map. Any interested persons may appear and be heard at the meeting. Written commentary may be addressed to the East Hampton Planning/Zoning/Building Department, 20 East High Street, East Hampton, CT 06424.

Alan Dobrowolski, Chairman  
East Hampton Planning & Zoning  
Commission

Please publish August 2 and 11, 1990.

AFFIDAVIT REQUESTED



EAST HAMPTON PLANNING AND ZONING COMMISSION  
NOTICE OF MEETING

DATE: August 15, 1990  
PLACE: East Hampton Library, (LMPC), 105 Main Street  
TIME: 7:00 p.m.

1. Call to Order
2. Application for a special public hearing regarding the complete and total revision of the East Hampton Zoning Regulations and Zoning Map.
3. Adjournment

EAST HAMPTON PLANNING AND ZONING COMMISSION  
NOTICE OF MEETING

DATE August 15, 1990

PLACE East Hampton Library, (LMPC), 105 Main Street

TIME 7:00 p.m.

1. Call to Order (Opening Statement)
2. Application for a special public hearing regarding the complete and total revision of the East Hampton Zoning Regulations and Zoning Map.
3. Communications, Commission Discussion.
4. Public participation.
5. Adjournment

# Town of East Hampton

20 EAST HIGH STREET

EAST HAMPTON, CONNECTICUT 06424

## PRESS RELEASE

At long last, the much anticipated revisions to the East Hampton Zoning Regulations and Zoning Map are complete and scheduled for public hearing on August 15, 1990 at 7:00 p.m. at the East Hampton Public Library, 105 Main Street, East Hampton.

High lights of the new zoning regulations include enhanced protection of natural resources, aquifer, forest areas, wetlands and waterways, expanded and enhanced site plan and special permit requirements and an overall simplification of Zoning District.

Copies of these documents are available for review at the East Hampton Public Library, Middle Haddam Public Library, and the Town Clerk's office as well as the Planning/Zoning/Building Department at 20 East High Street.

It is hoped that the public will attend the public hearings and provide input. Questions regarding the regulations and map may be directed to James P. Carey, Administrator Planning/Zoning/Building, at 267-9601.



The following is possible language for a motion to approve the Zoning Map as presented.

"I make a motion that the Zoning Map as presented be approved with the following revisions:"

1. Area map at the lower right be replaced with the Town Seal, an approval block for Coimmissioners signaturesand an effective date.
2. "Landuse" should be deleted.
3. Salmon River Protection Area and Aquifer Protection Area should be used in place of "Zone and Overly references.
3. R3 designation in Salmon river area should be designated R4.
4. Wall's Dairy should retain Commercial designation.
5. Privately held land in Stage Coach run area should be taken out of RL designation and Zoned R2.
6. Erlandson properties on Rt. 66 and Lakeview St. retain C designation.
7. R1 designation be taken out of Aquifer Protection Area and designated R2 in the Middletown Ave. area.
8. Commercial Zone at East High St. and Old Marlborough Rd. should terminate 9 lots east of the intersection.
9. Islands in the lake should be zoned R4.
10. R4 zone at Spice Hill should be designated R3.

The following is a possible motion to approve and adopt the Zoning Regulations and Map.

" I make a motion that the Zoning Regulations as proposed be approved with the following revisions;

1. Pg. 2 "Abandonment" replace "1 year" with "6 months".
2. Pg. 3 Add "Development: Any construction or grading activities to improved or unimproved real estate."
3. Pg. 3 Add " Connecticut River Assembly Conservation Zone: Area of East Hampton, shown on the Zoning Map, under the authority of the Connecticut River Assembly with regard to certain development rights as described by Ct. General Statutes Sec.25-102aa.-25-102jj."
4. Pg. 8 Delete from Sec. 5.2 "and all explanatory material approved by the Commission."
5. Pg. 8. Delete last sentence in Sec. 5.3.1 "Where no distances ... Industrial or DD Zones."
6. Pg. 12 Delete "first floor area" replace with " total roof area".
7. Pg. 19 Delete sub-section M. of Sec. 7.6.2 Personal service shops.
8. Pg. 21 Sec. 7.7.3.1 Replace the word "Commercial" with "Industrial".
9. Pg. 21 Sec. 7.8.4.A Replace "7.8.4" with "7.8.3".
10. Pg. 22 Sec. 7.9.1.K Replace "Sec. 21" with "Sec.22".
11. Pg. 27 Section 7.11.3.A Replace with,

In addition to the requirements referenced in Section 7.11.2., all Special Permit requests pursuant to this Section shall require submittal to both the East Hampton Inland Wetlands and Water Courses Agency and the Conservation Commission. Any written advisory by either Commission shall become part of the public record of the application. In order to be considered, the Inland Wetlands and Water Courses Agency and the Conservation Commission shall report their findings and recommendations thereon to the Planning and Zoning Commission at or before the hearing, and any such report shall be read aloud at the hearings. If such report of the agency is not submitted at or before the hearing, it shall be presumed that such agency does not disapprove of the proposal. The Planning and Zoning Commission shall take into consideration all information forwarded by the Inland Wetlands and Water Courses Agency and Conservation Commission.

12. Pg. 29 Sec. 8.2.3 Add sub-section C. "All Special Permit uses under 8.2.2 shall be served by public sewer."
13. Pg. 48 Sec. 18.2.8.H Replace "Sec.18" with "Sec. 22".
14. Pg. 48 Delete Sec.18.2.9, delete "public" from 18.2.10, and re-number accordingly.
15. Pg. 53 Insert "Restaurants, 1 per 100 sq. ft. of public area net or 1 per 4 seats, whichever is greater" into parking table.
16. Pg. 66. Sec. 27.3.1.A.2 Add sub-section "e.- Name, address and evening telephone number of individual(s) responsible for implementation of the Erosion and Sediment Control Plan."
17. Pg. 66 Sec. 27.3.1.F Delete the word "may".
18. Pg. 67 Sec. 27.5.A Replace "28.4.1" with "28.4".
19. Pg. 70-82 Sec. 27.1.B Replace existing text with Tom Cummings proposal which is on file and available for public inspection in the office of the Planning, Zoning and Building Dept.
20. Pg. 88 Sec. 28.3 Replace existing text with "All applicants and authorized agents shall be responsible for timely submission of all pertinent data, plans, notification of abutting property owners, referral of proposal to town agencies and boards. The Town of East Hampton shall be responsible for notification of adjacent municipalities, regional planning agencies and other statutorially required notification. The applicant is also responsible for employing whatever means necessary to understand these and all applicable regulations and statutes that may apply to the proposal."
21. Pg.92 Sec. 29.3 Replace opening sentence with "The Commission may consider, but is not limited to input from the following agencies, in determining compliance with Section 29.2."
22. Pg. 92 Sec.29.3.A Replace last reference to "staff" with "representative".
23. Pg. 92 Sec. 29.3.B. Include "Connecticut River Assembly (CRA)" to existing list.
24. Pg. 94 Sec.30.3 Add Sec. 30.3.1 (Read attached)
25. Pg. 96 Sec. 31.5 Delete sub-section "C"

### 30.3.1 Amendments Initiated by the Commission.

The following shall be the procedure when the Commission deems it necessary or desirable to amend the Zoning Regulations or to amend or change the Zoning Map.

#### A. Regulation Amendment:

1. **Petition:** The Commission shall file with the Town Clerk a copy of all proposed changes to the Zoning Regulations. This copy shall be filed with the Town Clerk at least fifteen (15) days before any scheduled public hearing.
2. **Public Hearing:** The Commission shall schedule a public hearing for any proposed Zoning Regulation change. The scheduling of this hearing shall be at the discretion of the Chairman.

#### B. Zone Changes:

1. **Petition:** The Commission shall file with the Town clerk a statement identifying the approximate location of the property involved in the zone change, the present and proposed zoning of the property, and the acreage to be affected by the change.
2. **Map:** The Commission shall file with the Town Clerk one (1) copy of a map showing the boundaries of any proposed zoning of the property.
3. **Notification:** When the Commission is considering a zone change which will affect twelve (12) or fewer property owners, the Commission shall notify by certified mail property owners within the boundaries of the proposed zone change. Such notification shall be mailed at least fourteen (14) days before any scheduled public hearing at which the proposed zoning change is to be discussed. When the Commission is considering a zone change which will affect more than twelve property owners, the Commission shall publish in a newspaper of local circulation a map showing the acres affected by the proposed zone change. Such map shall be published not more than fifteen (15) days nor less than ten (10) days before the public hearing at which such zone change will be discussed.
4. **Public Hearing:** The Commission shall schedule a public hearing for any proposed zoning map change. The scheduling of this hearing shall be at the discretion of the Chairman.



EAST HAMPTON PLANNING AND ZONING COMMISSION  
MINUTES

DATE August 15, 1990-special public hearing  
 PLACE East Hampton Library, 105 Main Street  
 PRESENT Alan Dobrowolski, Chairman  
 Frederick Hansen  
 James Sennett  
 JoAnn Hewitt  
 John Lambert  
 James Standish  
 Wayne Rand

Absent: Meisterling  
 Distefano  
 Aarrestad

OTHERS Carol Micek, Recording Secretary  
 James P. Carey, Administrator Planning  
 Bob Riley, EDC  
 30 - 40 citizens

1. Call To Order (Opening Statement)

Chairman Dobrowolski called the special public hearing to order at 7:10 p.m., all attending members were seated for the purpose of holding the first public hearing for approval and adoption of the revised zoning regulations and map. It has taken the Commission 2-1/2 years to complete the regulations and map, and the Chairman publicly thanked all the members for their dedication to this long endeavor. He stated the hearing will adjourn at 10:00 p.m.

2. Application for a special public hearing regarding the complete and total revision of the East Hampton Zoning Regulations and Map.

3. Communication and Discussions

Town Planner Carey read the following communication into the record. Letter from Midstate Regional Planning Agency dated August 9, 1990 which recommends the proposals be amended to as follows: (1) include appropriate requirements to comply with the Connecticut River Assembly standards; (2) retain responsibility for statutory referrals with the Commission to insure compliance with the Statutes; (3) better define uses in the Aquifer Protection Zone signed by James F. Dunn, Asst. Director. Letter from Capitol Region Council of Governments dated August 8, 1990 which states, in part, review of this referral finds no apparent conflict with regional plans and policies or the concerns of neighboring towns signed by Kelly Sharp, Representative. Letter from Southeastern Connecticut Regional Planning Agency dated July 24, 1990 which states, in part, the committee has reviewed the proposed changes to the proposed regulations and map and finds no adverse inter-municipal impact signed by Gene Lohrs, Acting Chairman.

Mr. Carey read a letter to Alan Dobrowolski, Chairman, from the Erlandsons dated July 24, 1990 (letter on file) which requests the property at the corner of East High and Lakeview Streets remain commercial with the approval and endorsement from the Economic Development Commission. Mr. Carey then read his memo dated August 15, 1990 in regards to the Erlandson concerns. (letter on file). In summary, Mr. Carey supports the retention of the commercial designation of the parcels in question. At this time, a consensus of the Commission was taken, and it was unanimously agreed that the Erlandson property be retained as commercial.



Letter received from Robert Moreland of 4 Old Marlborough Road dated July 20, 1990 was read into the record; he expressed concern that nine lots on East High Street and Old Marlborough Road should be zoned residential and not commercial. Mr. Carey stated he agrees and it was an oversight which he is requesting to be changed.

Mr. Carey read a memo dated August 14, 1990 from Martha Hitchcock, Chairman, Housing Task Force, who has requested the allowance of duplexes in various zones throughout the Town. So noted.

Mr. Carey read his memo dated August 13, 1990 to the Planning and Zoning Commission which is in response to the Midstate comments of July 10, 1990 and Mr. Riley's memo dated July 26, 1990 as potential revisions to the zoning regulations. (memo on file). A separate new and revised document for Stormwater Runoff Control regulations proposed by Town Engineer Cummings was submitted to be considered and approved. Section 30.3.1 Amendments initiated by the Commission stating the procedure to amend zoning regulations or map when initiated by the Commission, was submitted.

#### 4. Public Participation

Attorney Robert Davidson, representing the Erlandsons, presented the following data to support their request that the Erlandson property be retained commercial:

- a. Brief from Attorney Davidson
- b. Real Estate Today letter
- c. Proposed zoning display of area.
- d. Commercial development display
- e. Depiction of Lake Pocotopaug display
- f. Erlandson property display
- g. Phyllis Erlandson's letter
- h. Mr. Erlandson Sr.'s letter
- i. Richard Erlandson

In light of the previous discussion and the consensus to change the zone back to commercial as requested, Attorney Davidson thanked the members for their time and consideration.

Economic Development Director Bob Riley read and commented on each item of his memo dated July 26, 1990 (on file) for the Commission, as well as some change he proposes to the zoning map. He made this presentation as the official representative of the Economic Development Commission, and was so sanctioned by Chairman Roy Duncan, who was present also. The following items were discussion at some length:

-The Commission was agreeable that "education or training" be deleted from all residential zones, as requested by Mr. Riley.

-Payment-in-lieu of parking in the Village Center Zone. The Commission agreed to review and consider a proposal to be drafted by the Economic Development Commission on this matter in the near future.

-Mr. Riley felt that home occupation be considered and incorporated into the regulations. The Commission felt at this time they would not.

Mr. Riley then discussed the narrative of the seven proposed changes to the zoning map and stated some items might be oversights. A lengthy discussion ensued between Mr. Riley and the Commission members whereby the points and areas to be changed were pointed out by Mr. Riley on a map he presented. The Commission was in favor of the changes as a whole. A compromise to Item #6, Hathaway Inn area, it was suggested that Lots 1,2,30,31, 118, 128, and 138 be changed to commercial only. Mr. Riley then stated he would like to see the Village Center Study be incorporated into the regulations as a guidance for developers as \$10,000 was spent on the study by the Town.

Richard Anderson asked if his property on Lakeview Street would be affected by the revisions. Upon review Mr. Carey advised it would not be affected.

Sue Schragger of Spellman Point Road recommends that the Village Center Study be considered as a viable part of the plan and that EDC comments be considered and incorporated into the regulations.

Reginia Hansen of 10 Summit Street asked questions about abandonment of use, road width, and a need to have home occupation regulations. A brief discussion ensued whereby Ms. Hansen's questions were answered.

William March of Waterhole Road asked Mr. Carey if he would discern between access strip and easements and how this might affect his property. Mr. Carey advised that the new regulations more clearly defines the intent of the commission to require deeded access strips 25' wide rather than easements, as the intent of the regulation has always been the same.

Tom Wells of North Main Street, a resident, expressed concern about the DD zone, more specific guidelines should be incorporated in buffering and landscaping. He suggested trees be planted every 40 ft. along roadways and possibly trees be planted on islands in parking lots. This would help in energy conservation, is attractive, and environmentally sound. If buffering was strengthened, it might give applicants a little more guidance. He also suggested the Village Center Study be incorporated into the regulations. Mr. Wells would like to see the wetbelt regulation strengthened. Larger accessory buildings should be allowed. He would like to see a more precise definition for clear cutting. Mr. Wells submitted some literature for the Commission to peruse which would give them added information to many of the suggestions he brought up. It was thought many items Mr. Wells brought up would be taken under advisement in the subdivision regulations.

A five minute recess was taken at this time; the meeting resumed at 9:35 p.m.

There being no further public comments, Mr. Hansen moved to close the public hearing; Mr. Sennett seconded, and the motion passed unanimously.

Mr. Carey stated he has drafted a list of proposed revisions which have been touched upon at some point from Midstate and Mr. Riley's memo. He also stated he has several revisions to the zoning map as well.

At this point, Mr. Riley took exception that the closing of the public hearing he thought was procedurally incorrect as he felt not all of his suggestions were considered. The Chairman advised that input has been received from all town agencies and has been taken under advisement, and it is now time to close the public hearing and consider making a decision.

Mr. Carey went through each item in his draft point by point and including Mr. Riley's memo of July 26, 1990.

At this time, Mr. Hansen moved to approve and accept the proposed Zoning Regulations and Zoning Map as presented with the revisions as stated below:

Regulations:

1. Pg. 2 "Abandonment" replace "1 year" with "6 months".
2. Pg. 3 Add "Development: Any construction or grading activities to improved or unimproved real estate."
3. Pg. 3 Add " Connecticut River Assembly Conservation Zone: Area of East Hampton, shown on the Zoning Map, under the authority of the Connecticut River Assembly with regard to certain development rights as described by Ct. General Statutes Sec.25-102aa.-25-102jj."
4. Pg. 8 Delete from Sec. 5.2 "and all explanatory material approved by the Commission."
5. Pg. 8. Delete last sentence in Sec. 5.3.1 "Where no distances ... Industrial or DD Zones."
6. Pg. 12 Delete "first floor area" replace with " total roof area".
7. Pg. 19 Delete sub-section M. of Sec. 7.6.2 Personal service shops.
8. Pg. 21 Sec. 7.7.3.1 Replace the word "Commercial" with "Industrial".
9. Pg. 21 Sec. 7.8.4.A Replace "7.8.4" with "7.8.3".
10. Pg. 22 Sec. 7.9.1.K Replace "Sec. 21" with "Sec.22".
11. Pg. 27 Section 7.11.3.A Replace with,
12. Pg. 29 Sec. 8.3 Add sub-section C. "All Special Permit uses under 8.2.2 shall be served by public sewer."
13. Pg. 48 Sec. 18.2.8.H Replace "Sec.18" with "Sec. 22".
14. Pg. 48 Delete Sec.18.2.9, delete "public" from 18.2.10, and re-number accordingly.
15. Pg. 53 Insert "Restaurants, 1 per 100 sq. ft. of public area net or 1 per 4 seats, whichever is greater" into parking table.
16. Pg. 66. Sec. 27.3.1.A.2 Add sub-section "e.- Name, address and evening telephone number of individual(s) responsible for implementation of the Erosion and Sediment Control Plan."
17. Pg. 66 Sec. 27.3.1.F Delete the word "may".

18. Pg. 67 Sec. 27.5.A Replace "28.4.1" with "28.4".
19. Pg. 70-82 Sec. 27.1.B Replace existing text with Tom Cummings proposal which is on file and available for public inspection in the office of the Planning, Zoning and Building Dept.
20. Pg. 88 Sec. 28.3 Replace existing text with "All applicants and authorized agents shall be responsible for timely submission of all pertinent data, plans, notification of abutting property owners, referral of proposal to town agencies and boards. The Town of East Hampton shall be responsible for notification of adjacent municipalities, regional planning agencies and other statutorily required notification. The applicant is also responsible for employing whatever means necessary to understand these and all applicable regulations and statutes that may apply to the proposal."
21. Pg.92 Sec. 29.3 Replace opening sentence with "The Commission may consider, but is not limited to input from the following agencies, in determining compliance with Section 29.2."
22. Pg. 92 Sec.29.3.A Replace last reference to "staff" with "representative".
23. Pg. 92 Sec. 29.3.B. Include "Connecticut River Assembly (CRA)" to existing list.
24. Pg. 94 Sec.30.3 Add Sec. 30.3.1 (Stating:  
"30.3.1 Amendments Initiated by the Commission.

The following shall be the procedure when the Commission deems it necessary or desirable to amend the Zoning Regulations or to amend or change the Zoning Map.

A. Regulation Amendment:

1. Petition: The Commission shall file with the Town Clerk a copy of all proposed changes to the Zoning Regulations. This copy shall be filed with the Town Clerk at least fifteen (15) days before any scheduled public hearing.
2. Public Hearing: The Commission shall schedule a public hearing for any proposed Zoning Regulation change. The scheduling of this hearing shall be at the discretion of the Chairman.

B. Zone Changes:

1. Petition: The Commission shall file with the Town Clerk a statement identifying the appropriate location of the property involved in the zone change, the present and proposed zoning of the property, and the acreage to be affected by the change.
2. Map: The Commission shall file with the Town Clerk one (1) copy of a map showing the boundaries of any proposed zoning of the property.
3. Notification: When the Commission is considering a zone change which will affect twelve (12) or fewer property owners, the Commission shall notify by certified mail property owners within the boundaries of the

proposed zone change. Such notification shall be mailed at least fourteen (14) days before any scheduled public hearing at which the proposed zoning change is to be discussed. When the Commission is considering a zone change which will affect more than twelve property owners, the Commission shall publish in a newspaper a local circulation a map showing the acres affected by the proposed zone change. Such map shall be published not more than fifteen (15) days nor less than ten (10) days before the public hearing at which such zone change will be discussed.

4. Public Hearing: The Commission shall schedule a public hearing for any proposed zoning map change. The scheduling of this hearing shall be at the discretion of the Chairman."

25. Pg. 96 Sec. 31.5 Delete sub-section "C"

26. Pg. 15 Delete "education or training from all residential zones in appropriate sections.

Map

1. Area map at the lower right be replaced with Town Seal, an approval block for Commissioners signature and an effective date.

2. "Landuse" should be deleted.

3. Salmon River Protection Area and Aquifer Protection Area should be used in place of "Zone and Overly references".

4. R3 designation in Salmon River area should be designated R4.

5. Wall's Dairy should retain Commercial designation.

6. Privately held land in Stagecoach Run area should be taken out of RL designation and Zoned R2. No privately held land shall be designated RL.

7. R1 designation be taken out of Aquifer Protection Area and designated R2 in the Middletown Avenue area.

8. Commercial Zone at East High Street and Old Marlborough Road should terminate nine lots east of the intersection.

9. Island in the Lake should be zoned R4.

10. R4 zone at Spice Hill should be designated R3.

11. Changes in Zoning Map as per Mr. Riley's memo of July 26, 1990, (on file) Items 1,2,3,4 as shown in red on map on file.

12. The proposed Zoning Map was revised so that Assessor Map 4A, Block 45C, Lots 1,2,30,31,118,128 and 138 North Main Street-Barbara Road area be changed to Commercial only with the other proposed commercial area designated as R-1. (effective September 15, 1990).

Mr. Standish seconded, and the motion passed unanimously.

5. Adjournment

Upon motion duly made, seconded, and unanimously approved, the meeting adjourned at 11:15 p.m.





PENGAD 000-001-0000  
EXHIBIT  
M













EXHIBIT  
N  
PENCAD 000-001 (080)





