

APPLICATION NO. PZC-21-021:

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STATE OF CONNECTICUT  
BEFORE THE TOWN OF EAST HAMPTON  
PLANNING AND ZONING COMMISSION

VERIFIED PETITION FOR INTERVENTION

UNDER GENERAL STATUTES SECTION 22a-19(a) et seq., as amended

Peter B. Pach of 59 Middle Haddam Road (Route 151) ("NRP"), hereby intervenes in the above-captioned matter pursuant to Connecticut General Statutes Section 22a-19(a) et seq., as amended, and represents that:

1. He has been a resident of Town of East Hampton, Connecticut ("Town") for more than thirty-six (36) years and throughout that time has been interested in the environment and natural resources of the Town including, but not limited to the wetlands, watercourses, open space, foliage, and historic structures and community.
2. The Connecticut Environmental Protection Act of 1971 provides in pertinent part at General Statutes Section 22a-19(a) that, "In any administrative, . . . proceeding . . . any person, . . . may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the State."
3. To his current knowledge and belief, the activities proposed by and through the above referenced Application PZC -21-021 are or will be, if permitted, reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in certain aspects of the environment in the Town of East Hampton and the State.
4. The Town's Planning and Zoning Commission ("PZC") is, by definition, charged with exercising its regulatory authority in such a manner as to benefit and protect the residents and resources of the Town. In part, the PZC reviews, evaluates, and takes

actions related to, among other things, establishing zones on a map for the designation of permissible uses, establishing regulatory provisions to describe those activities that are permissible within each zone. These functions have the potential to impact the environment and natural resources of the Town and the State. Beyond this, the PZC has the authority to review and approve or disapprove site plans that, among other things, establish the location of certain land uses, establish ingress and egress, establish locations and magnitude of impermeable surfaces, limit lot coverage, establish visual and vegetative barriers, incorporate storm water flow, sheet flow, drainage, and rainwater retention/detention standards. All of the above are part of and have the potential to directly impact the environment and natural resources of the State.

5. The PZC is charged with working in tandem with other Town authorities. We note that the PZC is charged with working with the Inland Wetlands and Watercourses Commission as well as the Middle Haddam Historic District Commission to protect the environment (including wetlands, watercourses, and historic features) of the Town. In the context of this Intervention Petition, we note that the proposed project has the potential to impact both wetlands and the character of the residential district as well as the historic district.

6. From review of the above referenced Application, it appears that the Applicant has proposed to locate infrastructure, structures, and improvements required to support the magnitude and nature of its proposed commercial use in and on land that is not zoned for such commercial use. This activity will impact the landscape, land form, environment, and character of the property beyond the commercial zone and is NOT PERMITTED in the residential zone under the Town's PZC regulations. The environmental impacts of a commercial use are only potentially permissible when within the commercially zoned property.

7. The Intervenor understands that the Applicant's structure was initially designed to accommodate indoor sports. As such, the Intervenor is not aware of any meaningful safeguards or prohibitions having been established to prevent liquid or fluids from being stored in Applicant's proposed storage building. The Intervenor is not aware of any primary or secondary containment within Applicant's proposed storage building that will capture, control, and contain any and all liquids that may be released if/when in storage.

8. The Applicant's property is located immediately upgradient of high quality streams as well as groundwater that is used for the private drinking water supplies of many homes in the Middle Haddam Historic District.

9. The Intervenor is not aware of any meaningful safeguards that will prevent the storage of incompatible and/or flammable and/or ignitable materials on or in the Applicant's property.



10. The Applicant's property and proposed use is located proximate to wooded properties as well as the largely wooden homes in the Middle Haddam Historic District.

11. Based on information currently available, the Intervenor believes that the Application proposes certain activities that are inconsistent with the Town's Planning and Zoning Regulations and is reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the State for reasons including but not limited to:

A. The Application will impact wetlands a watercourse resources. Inadequate consideration has been given to storm water, the storage of hazardous materials, and/or the preservation of the existing wetland and watercourse resources.

B. The Application proposes to make unauthorized commercial use of property that is zoned for residential use.

C. The applicant, contrary to the express language of the PZC regulations, is proposing to place infrastructure and install improvements essential to the commercial activity within a residential zone.

D. To the extent the Applicant incorrectly identified the zoning of its property on maps presented at the time of its inland wetlands and watercourses application, Intervenor believes that any decision purportedly made or permit purportedly issued by the Town's inland wetlands and watercourses commission is void as the incorrect zoning information was/is material to the application and any related decision.

E. Construction of all drainage and storm water infrastructure for a large commercial structure on land that is zoned residential and lies within or abuts the Middle Haddam Historic District is NOT permitted under the regulations and by definition inconsistent with the Town zoning regulations as well the protection of the Environment as that term is defined in the Connecticut Environmental Protection Act to include historic features.

F. To Intervenor's current knowledge, the Applicant: (i) has not established that liquid material will not be stored in the Applicant's building; (ii) has not established that incompatible materials will not be stored in the Applicant's building; (iii) has not demonstrated that primary and secondary liquids containment are adequate for all liquids potentially stored in the Applicant's building; (iv) has not established that no potential exists that the surface waters and ground waters at and down gradient of the Applicant's property will not be impacted by Applicant's proposed use.

G. The Application does not satisfy the requirements of Sections 1.4 and 4.2 of the Town Regulations. Specifically, the regulations at Section 1.4 provide, "...no activity or use unless specifically permitted..." shall be permitted and per Section 4.2 (the R-2 zone in which Applicant proposes to install "structures" (e.g. walls, pipes, drainage

swales, rain garden, riprap) to serve a commercial activity do NOT provide for or otherwise allow these activities.

12. Peter B. Pach further requests, pursuant to Connecticut General Statutes Section 1-227, that he be given written notice by mail of all hearings and/or meetings, including meetings between the Applicant and Town staff in connection with the proceedings pertaining to the above-captioned matter. Such notice and all correspondence shall be sent to Peter B. Pach at the following address

Peter B. Pach

P.O. Box 46

Middle Haddam, Conn. 06456

WHEREFORE, Peter B. Pach respectfully requests intervention status in this proceeding pursuant to the Environmental Protection Act of 1971 upon the filing of this verified pleading for intervention.

INTERVENOR

Peter B. Pach

APPLICATION NO. PZC-21-021

STATE OF CONNECTICUT

BEFORE THE PLANNING AND ZONING

COMMISSION OF THE TOWN OF EAST

HAMPTON

JANUARY 5, 2022

VERIFICATION OF PETITION FOR INTERVENTION

UNDER GENERAL STATUTES SECTION 22a-19(a)

I, the undersigned, being duly sworn, depose and say that I have read the foregoing Petition

for Intervention. I verify that the allegations contained therein are true to the best of my knowledge and belief.

Dated at East Hampton, Connecticut, this 3rd day of January, 2022.

INTERVENOR

Peter B. Pach



Before: Earl W. Phillips / Commissioner of the Superior Court

Subscribed and sworn to before me, the undersigned, this third (3<sup>rd</sup>) day of January, 2022.



Earl W. Phillips, Jr.  
Commissioner of the Connecticut Superior Court