

Application of the 2016 Plan of Conservation and Development of the Town of East Hampton to  
Application PZC-20-017 Atlantis Marketing to Amend Zoning Regulations to Add Section  
Regarding gasoline and filling stations and to change property from R-2 to Commercial Zoning

The East Hampton Plan of Conservation and Development is an 8 chapter, 133 page document for use by town residents and governing bodies in guiding the future of East Hampton. The plan was prepared with recommendations from each town department and commission and input from multiple public workshops. In action on the pending application by Atlantis Marketing, the Commission is required to make a finding that proposed regulation change and zoning district change are in conformance with the POCD (Conn. Gen. Stat. § 8-3 (a) provides in relevant part *“[i]n making its decision the commission shall take into consideration of plan of conservation and development, prepared pursuant to section 8-23, and shall state on the record its findings and consistency of the proposed establishment, change or repeal of the regulations and boundaries with such plan.”*

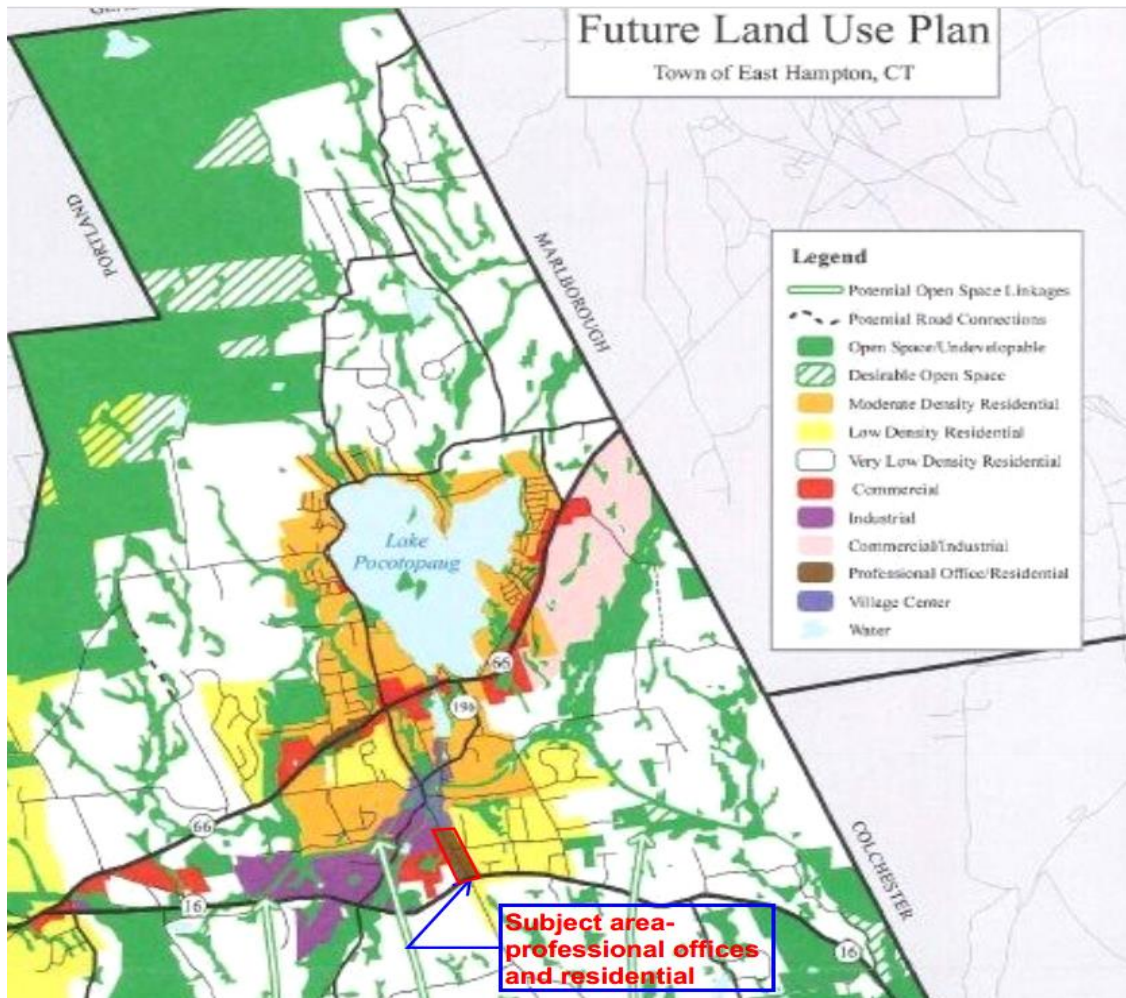
As shown below, the Atlantis Marketing application is not consistent with the POCD and should be denied.

I. SPECIFIC PROVISIONS REGARDING THE SUBJECT PROPERTY DO NO SUPPORT THE APPLICATION:

The plan of development analyzed the town and identified the recommended zoning for all properties in the town. The property subject to the district changed is recommended to remain residential or zoned to allow residential and professional offices.

Chapter 6 –Future Land Use Plan Map Page 116.

The POCD recognizes that the existing commercial use where the Food Bag is located and the area where Atlantis seeks to change from the residential zone to a commercial zone is designated by the POCD as an area that should be zoned and used for residential or professional office use.



#### 4 Guiding Appropriate Development:

The POCD states that no commercial and industrial zones should be not expanded except as recommend on the future land use plan copied above. Specifically, it states at page 65:

##### **Consider Modest Expansion of Commercial and Industrial Development Areas**

With East Hampton's limited potential for new economic development, the Planning and Zoning Commission should consider modest expansions of existing commercial and industrial zones where appropriate due to available utilities, traffic capacity, and adequate buffers against incompatible uses and important resources. **That said, any expansions should be consistent with the State POCD and existing land uses. Any expansions should be reflected in the Future Land Use Plan in Chapter 6.**

(emphasis added).

A satellite image of the neighborhood shows the wisdom of those POCD conclusions that the residential zone that is the subject of the applications should not be rezoned to commercial.



Furthermore, if the commercial zone is expanded into the residential zone, not only would the development plan proposed by Atlantis would be permitted, any future owner would have an as-of-right entitlement to approval of the following permitted uses and authorized to establish the special permit uses with approval of the commission.

## **B. Uses Permitted With Site Plan Review**

The following uses are permitted in the Commercial Zone upon approval of a site plan in accordance with Section 9.1:

1. A retail store not to exceed 25,000 sq ft of gross floor area for a single entity (revision effective May 15, 2006).
2. Business offices
3. Professional offices
4. Financial institutions
5. Public utility structures
6. Signs in accordance with Section 7.2 for a use permitted under this Section and carried out on the same premise
7. Accessory structures and uses incidental and subordinate to a permitted use in accordance with Section 8.3.I
8. Personal service shops

## **C. Uses Permitted With Special Permit**

The following uses are permitted in the Commercial Zone as Special Permit uses, when specifically approved by the Commission in accordance with provisions of Section 9.2:

1. Hotels, motels, inns
2. Restaurants
3. Establishments for the retail sale of alcoholic beverages under Section 8.4.B
4. Theaters, legitimate, or motion picture
5. Assembly halls
6. Places of worship
7. Hospitals
8. Active adult, congregate, and senior housing as described in Section 8.5 (revised effective date Aug. 9, 2003)
9. Veterinary hospitals
10. Commercial kennels in accordance with Section 8.4.C
11. Fire and police stations or other municipal uses and buildings
12. Signs in accordance with Section 7.2 for a use permitted under this Section and carried out on the same premise
13. Accessory structures and uses incidental and subordinate to a permitted use under this Section in accordance with Section 8.3.I
14. Newspaper and job printing, publishing establishments
15. Food preparation, bakeries, caterers
16. Storage/self-storage uses
17. Accessory use for auto body repair, not to exceed the storage of more than 10 motor vehicles with valid work orders or registration in place. Complete neutral opaque screening must be utilized either by vegetation or fencing.
18. Research labs

Those uses are not compatible with the neighborhood and contrary to the POCD.

II. GENERAL PROVISIONS OF THE POCD DO NOT SUPPORT THE APPLICATION:

There is one continuous theme in the document that is stated in the first 7 words of the document. "Preservation of East Hampton's small-town character". The small-town character theme is continually used and was a reoccurring item by residents in the public workshops.

Chapter	Page	Item
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*Preface*

3 Paragraph 1, *A Vision for East Hampton* – "Preservation of East Hampton's small town character with abundant open spaces and natural resources is essential for maintaining a vibrant community that fulfills the core societal needs of its citizenry, while providing a strong and multi-tiered economic base that is vital to ensure the quality of life we have come to expect and enjoy in our proud and independent community."

*2-Community Issues*

25 Last Paragraph under the heading *Things to Encourage*. "When asked during a scoping workshop what are the most important issues to address in the plan of Conservation and Development, the Planning and Zoning Commission responded with the following. Retain and enhance community character."

27 The *Guiding Vision* stated on the page discussing the *Overall Plan Direction* states that the balance of land uses is intended to "Protect East Hampton's rural small-town character and enhance the quality of live for its residents."

*3- Protecting Important Resources*

51 *Historic Resources Inventory* – "Building upon earlier work the town should complete a town wide historic resources survey. When completed, the survey can be used to expand the existing National Register Historic districts."

In 1980 the Greater Middletown Preservation Trust published a book "History and Architecture East Haddam funded by the town of East Hampton and the US Department of the interior. The book on page 164 has a map of significant historic structure. Within the 500 ft zone of the proposed zone change there are 12 historic structures listed.

#### *4-Guiding Appropriate Development*

70 Under Enforce the Blight and Nuisance Property Ordinance, “In 2012, The town of East Hampton created a blight and nuisance ordinance as a way to improve the appearance of blighted commercial and industrial properties in town.” That ordinance can be applied to residential properties such as the houses proposed to be torn down for the expansion of food bag.

#### *8- Conclusion*

129 Paragraph 5 of the conclusion states “The plan is intended as a guide to be followed in order to protect and enhance the quality of life and community character of East Hampton”.