



STAFF REPORT

Application: PZC-19-011 (Special Permit)
Application Type: Special Permit – Assembly Hall in C Zone
Location: 49 Oakum Dock Road
Map 02/ Block 9A/ Lot 4
Date: February 5, 2020

The proposed banquet facility at Oakum Dock is a unique opportunity for the Town of East Hampton and the St. Clements organization to work together in a way that will benefit both the Town and the applicant. The location of this proposed facility is unique in having easy access to the Connecticut River in East Hampton due to its low lying topography compared to the steep banks found in much of the Town. In addition, the property has historically been used for commercial type uses and is adjacent to a commercial zone in the Town of Portland. However, it is surrounded by adjacent residential uses along Oakum Dock Road and Fern Lane and special care should be taken in order to protect those adjacent residential areas and their property values.

The property contains approximately 5 acres. The proposed use as a banquet facility will be one of three distinct uses on the property. When accounting for the area designated for the marina use and the sanitary radius surrounding the public water supply wells, the banquet facility will use approximately 1.6 acres. There will be some comingling of uses, such as the sanitary radius area being used for pictures and wedding processions.

As required in Section 9.2 governing Special Permits, the applicant must demonstrate that the following before the Commission can approve the application:

- The proposed use or development can be demonstrated to have a distinct benefit to the Town.
- The proposed use or development shall have no negative impacts on neighboring properties.
- The proposed use or development represents an appropriate use particularly suited to the property in question.
- The proposed use or development represents the least impact reasonable to the environment upon the site and those areas likely to be affected by such use, during or after construction and/or development.
- The proposed use or development is consistent with the Plan of Development as adopted by the Commission.
- The proposed use or development significantly and specifically advances the purposes, as applicable, of the Regulations, as described in Section 1.2.

If the Commission does not feel that the applicant has satisfied the items above, it should not approve the application.

Staff Comments on Site Plan Requirements:

- The site and plans have been evaluated by the Design Review Board and approved as presented.
- Parking shown is compliant with the requirements of the regulations.
- Buffering shown is compliant, but must be on property owned by the applicant, not in the Town Right of Way.
- Lighting fixtures shown are compliant with the regulations.
- Primary access will be through the St. Clements main gate on Route 66 as described in a permanent easement to be filed on the Land Records.

- As of the date of this report being written (February 3, 2020), no approval or pending approval has been received from the Chatham Health District or the Department of Public Health, as required.

Conditions of Approval:

If the Commission is satisfied that the requirements of both the Special Permit and the Site Plan, it can move toward approval. The Commission can place conditions on the approval in order to ensure harmonious relationship between the facility and the surrounding neighborhood, as well as to protect the life and safety of patrons and employees. It should be noted that enforcement of violations will be difficult for the Town to monitor as most events will be held at night and on weekends. The Commission should consider this when crafting conditions.

Staff makes the following comments:

Site and Facility:

The applicants included a number of times during the Public Hearings that the Commission may want to add as conditions to the Special Permit in order to further protect the surrounding property owners.

- Consider including a maximum guest capacity. While the applicants have stated they will target a maximum of 150 patrons, the building may be capable of holding far more based on current codes. The Commission may want to consider a maximum occupancy due to parking, septic, noise and other considerations.
- Consider a condition requiring that the gate accessing Oakum Dock Road must be locked at all times with access provided to emergency personnel only. The applicants have stated they will adhere to this request, but it is the opinion of Staff that this should be added as a condition of approval.
- Consider adding the requirement that all traffic be directed through the St. Clements main gate to Route 66 in Portland as described during the application and Public Hearing.
- Consider language stating that landscape buffers along Oakum Dock Road must be installed on the Oakum Dock property and not rely on space in the road right-of-way. The site plan currently shows part of the required 15 feet of vegetation along the eastern property line to be in the right-of-way. This buffer should not rely on public lands in order to meet the requirement.
- Consider adding a condition requiring the removal of the temporary storage trailer on the eastern side of the property.
- Consider requiring that construction traffic use the main entrance through the castle property and not use Oakum Dock due to its narrow width and tight curves.
- Consider specifying the days and times when construction will be allowed.

Hours of Operation:

The applicants have requested that the facility be open for events between 9:00am and 12:00am. Weddings often run late into the night. It is the opinion of staff that as long as all noise and other factors are kept inside the building, the facility can coexist with the surrounding neighborhood due to the sound proofing measures proposed. However, if a large number of guests and noise begin flowing out of the building at late hours, this could pose a problem for neighbors. Considering the potential for noise, 12:00am may be late for the surrounding residential area during the week.

Staff recommends the following:

- The Hours of Operation should be reviewed and set to be appropriate for both the proposed use and the neighboring properties.
- The terms “Seasonal”, “Daytime Hours”, and “Evening Hours” of Operation should be specifically defined by the Commission.

- Consider limiting the hours of events being held outdoors (Staff recommends no later than 7 or 8pm)

Noise:

The primary concern heard from neighbors during the Public Hearing was noise. The facility is proposed in a location adjacent to neighboring residences. Although there is some distance, the facility is being built in a depressed area near water, which we know to have sound carrying effects. Special consideration must be made in order to protect the surrounding homes and property values, and ensure harmony among the neighboring uses. The applicants have stated in the application and at the Public Hearing that the facility will comply with the DEEP Noise Ordinance. Enforcement of this requirement will be difficult. As such the Commission should consider requirements which will help to ensure compliance with DEEP noise requirements. Things to consider are: the Commission should consider patrons talking outside, car doors closing, car engines being started, and vehicles being driven up the hill off the site, among other noises.

Staff recommends the following:

- Consider restricting the use of the exterior of the property. While wedding processions can be expected to be held on the dock, cocktail hours and music should be limited to the interior of the building.
- Consider limiting exterior amplification to wedding processions only;
- Consider additional sound buffering requirements along the north and east sides of the property. A barrier/fence may significantly reduce noise carrying off the site.
- Consider restricting the use of temporary structures (tents, etc). With a new permanent facility, there should be no need for tents which would encourage exterior noise.
- Consider requiring that there be no permanent outdoor seating. While it is unreasonable to expect all patrons to stay inside and away from the scenery, there should be no encouragement for cocktail hours and the like to spill outside for long periods increasing the likelihood of noise pollution into the surrounding neighborhood.
- Consider specifying that there will be no drink or food service outside.
- Consider requiring sound monitoring equipment be installed at or near property lines with sound reports submitted to Town Staff to ensure that DEEP noise standards are being adhered to.

Lighting:

Section 7.3.D.7 of the Zoning regulations states: *“Hours of Primary Illumination - Outdoor lighting shall be automatically shut off or reduced to not more than the minimum level as defined in Section 7.3.D.3 within one (1) hour after the hours of activity (as defined in the statement of use for the site) have ended. Lighting that illuminates a loading dock must be equipped with the capability to automatically reduce or turn off the lighting sources (via motion detection or similar technology) when not in use. Details of the lighting controls shall be presented to the planning commission for review and approval.”*

- Staff recommends adding a condition that exterior lighting *must* be shut off no later than one hour after the close of business (or dimmed as specified) in accordance with Section 7.3.D.7.

Town Water Supply Wells:

Of particular concern are any impacts to the water supply wells on the site owned by the Town that could be used in the future to supply water to the Town of East Hampton. The following should be considered:

- Obtain final approval from Chatham Health District prior to construction;
- Comply with all requirements of Connecticut Department of Public Health, in particular requirements related to the well installation, and creation and operation of a public water supply system;
- Provide copies of all well installation documentation, test results, notices, and communications with the Connecticut Department of Public Health regarding the installation, and creation and operation of a public water supply system to the Town of East Hampton Land Use Office;

- Comply with all of the Grantor's requirements, covenants, restrictions, agreements, and easements contained in the Public Water Supply Easement Agreement dated March 26, 2010 and recorded in the East Hampton Land Records in vol. 501 at page 850-861;
- In the event owner/operator is notified by Chatham Health District or Connecticut Department of Public Health of any contamination related to the public water supply system, a copy of such notice shall be immediately provided to the Town and owner/operator shall cooperate with Town to test the Town's water supply wells located on the property for the existence of such contaminant(s), at the sole cost of owner/operator, and if such contaminant(s) are found to exist in the Town's wells, owner/operator shall immediately cease operations until such time as such contamination is remediated to the satisfaction of the Town and the agency providing such notice;
- In the event owner/operator receives any notice from any local, state, or federal agency having applicable jurisdiction, related to any violation of any local, state or federal law, ordinance, statute, or regulation arising from the use of the Premises, owner/operator shall immediately provide a copy of such notice to the Town, and shall immediately cease such activity until such time as the offending actions are cured or remediated to the satisfaction of the Town and the agency providing such notice.

Decision:

When making a decision, the Commission must include in its motion the reason for the decision, including consistency with the Plan of Conservation and Development and can include any comments on current or past uses of the property and surrounding land uses.