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PACH – Amendment (1/19/22)

APPLICATION NO. PZC-21-021:

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

AMENDMENT to 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) (“PBP”), in response to the site plan application materials on file as of Jan. 5, 2022, intervened in the above-captioned matter pursuant to Connecticut General Statutes Section 22a-19(a) et seq.. Subsequent to the filing of his intervention petition and approximately two hours prior to the meeting of the East Hampton Planning and Zoning Commission (“PZC”) meeting, on Jan. 5, 2022, the Applicant materially revised its site plan application materials. Since that date, PBP has had the opportunity to consider certain statements made by the counsel for the applicant during the last meeting and review the application materials now on file in this matter. In view of the above, please consider:

AS TO THE REVISIONS TO THE SITE PLAN SUBMITTED ON Jan. 5, 2022:

The applicant appears to have revised the site plan to take into account a number of the issues raised in the petition. We applaud this effort and see these efforts as designed to be more consistent with the PZC regulations, the Inland Wetlands and Watercourse Regulations, the Middle Haddam Historic District Regulations, as well as certain of the environmental considerations raised in the Intervention Petition. In this spirit and assuming the Applicant has not revised and does not subsequently revise its current Site Plan, we believe significant progress has been made toward resolving the Intervenor’s concerns about this site plan modification.

That said, as this matter comes before the PZC at its Feb 2, 2022, meeting, there are two remaining issues that the Intervenor hopes to bring to the attention of the PZC through this Petition and/or participation at the hearing:

1. The PZC has granted a special permit to allow the use of the Applicant’s property for self-storage and a modification of the building to add a second floor. Before the addition of a second floor, the building contained 38,300 square feet. With a second floor, the building will have roughly 76,600 square feet of interior space. Under the town planning and zoning regulations for parking related to commercial-type land uses, two parking spaces per 1,000 square feet of gross floor

area are required. My understanding is that this requirement places the parking requirement for a building with 76,600 squared feet at 152 spaces.

Commission meeting minutes indicate that the previous owner of the property provided 74 spaces when operating as a sports facility. However, the increased gross floor area appears to require doubling the number of parking spaces. The needed grading and resurfacing for additional parking could create a significant increase in water flow from the property and greater intrusion on wetlands. Regulations do permit the commission to reduce the parking requirements if the Applicant submits "a request with justification to the Commission." However, the increase in the building's gross floor area could dramatically increase the potential traffic and parking demands should the building's use change and given the range of permitted uses in the commercial zone (e.g. business offices, professional offices, restaurants, theaters, etc.).

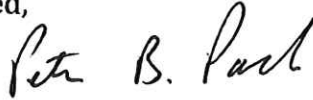
2. As mentioned in the petition, the Intervenor remains concerned about establishing meaningful safeguards or prohibitions to prevent hazardous materials from being stored in Applicant's proposed self-storage building. In response to this concern, Applicant's counsel represented at the Jan. 5, 2022, PZC meeting that his client will require that all customers execute a certain contract to address this concern. This contract, unless embedded in the permit, site plan approval, or otherwise rendered permanent and for the benefit of the Town, will not be enforceable by the Town. We invite you to consider whether such a provision (prohibiting such storage of hazardous materials and either assuring the Town inspection rights or requiring secondary containment) should be part of any approval of the site plan modification and recorded as a restriction on use running to benefit the Town in the land records.

Notably, the same prospective contract that appears to prohibit the storage of hazardous liquids and materials then provides that these customers hold the Applicant harmless. It would seem that the Town should be positioned to look directly to Applicant (or then owner/operator) of the storage facility if something goes wrong at this facility and hazardous materials are released from the structure that sits immediately upgradient from homes that rely exclusively on the groundwater for water supply. Intervenor has reviewed the application and 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 in storage whether in compliance or violation of the rental contract and then released.

It is not clear what oversight the Applicant can or will maintain over items customers store in his building, which may violate the prohibition on storing hazardous materials. Among other things, we ask how Applicant intends to prevent customers from storing such things as gas-fired engines, snowblowers, lawnmowers, bleach, paint thinner, and paint in this storage facility. We further

note that at the last hearing, Applicant's counsel described the custom in the community. We hope that the PZC requests evidence of these practices and norms from the Applicant that specifically relate to storage facilities in communities without public water supplies.

Respectfully submitted,

Handwritten signature of Peter B. Pach in cursive script.

INTERVENOR
Peter B. Pach

By
APPLICATION OF OF GLOBAL 66, LLC, 265 West High Street, East Hampton, Conn.

APPLICATION NO. PZC-21-021
STATE OF CONNECTICUT
BEFORE THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAST
HAMPTON
February 2, 2022