

East Hampton Planning and Zoning Commission
Regular Meeting
February 4, 2009
Town Hall Meeting Room

Unapproved Minutes

1. **Call to Order and Seating of Alternates:** Chairman Zatorski called the meeting to order at 7:00 p.m.

Present: Chairman Ray Zatorski, Members Peter Aarrestad, Richard Gosselin, Roy Gauthier, Mark Philhower, James Sennett, Alternate Member Michael Brogan, and Darin Hurne were present. Planning, Zoning, and Building Administrator, James Carey was also present.

Absent: Vice-Chairman Rowland Rux was absent.

Mr. Brogan was seated as a voting member at this time.

2. **Approval of Minutes:**

- A. January 7, 2009 Regular Meeting.**

Mr. Aarrestad moved, and Mr. Philhower seconded, to approve the minutes of the January 7, 2009 Regular Meeting as written. The motion carried unanimously.

3. **Communications, Liaison Reports, and Public Comments:**

Communications: Mr. Carey reminded the Commission that they may register to attend the Connecticut Bar Association Planning and Zoning Training Session on Saturday, March 28th.

The Connecticut Federation of Planning and Zoning Agencies is requesting nominees for its Length of Service Award. Mr. Carey will be nominating Peter Aarrestad who is eligible and will have served on this Commission for 14 years in April of this year. In the past Commissioners Sennett and Hanson have both been nominated and awarded with this distinction. The date of the banquet will be March 19th.

Mr. Carey reported on a recent matter regarding home occupations. He explained he was asked to enforce home occupation prohibition, which he declined. It is now before the ZBA. As a result of the ongoing appeal Mr. Carey has received communication from the Middlesex Chamber of Commerce and Micro Enterprise Resource Group asking the PZC to consider discussing potential regulations. The issue will be on the Agenda for next month. At that time the ZBA will have had the opportunity to rule on the matter and the PZC will be prepared to consider the need for further action.

Chairman Zatorski congratulated Commissioner Gosselin for his appointment as a regular member to the Commission.

Mr. Carey congratulated Chairman Zatorski and Mr. Philhower for their re-appointment to the Commission.

Liaison Report: Mr. Zatorski reported that there was no IWWA meeting last month.

Mr. Gauthier reported that the EDC has been discussing the need for a home based business regulation. They have been actively working on their recommendation for a zone change on Main Street. The Chairman of the EDC indicated that he would be contacting the Chairman of the EDC to develop better communication.

Mr. Sennett reported that there was a meeting of the ZBA on January 12th to hear an application for a variance. The minutes of this meeting are available online and in the Town Clerk's Office. Charlie Nichols was reappointed as Chairman and Brendon Flannery was reappointed as Vice-Chairman.

Mr. Aarrestad reported that there was a meeting of the Water Development Task. The minutes of this meeting are available online and in the Town Clerk's Office. The next meeting will be held on Friday, February 6th at 7 a.m. He further reported that Horsely Whitten will be meeting with various town planners and staff on March 23rd and 24th for the Salmon River Watershed Partnership. Shelley Greene of the Nature Conservancy is considering applying for another Long Island Sound Futures Fund Grant.

Public Comments: The Chairman opened the meeting to the public for comments at this time.

Hearing none the Chairman closed this portion of the meeting.

4. **Set Public Hearing for March 4, 2009:** None.

5. **Old Business:** None.

6. **Read Legal Notice:** Mr. Carey read the legal notice into the record.

7. **Public Hearing for January 7, 2009:**

The Chairman requested that the Agenda be reordered and that Item 7.B be heard before Item 7.A.

B. Application of Denise Morrow, R&M Logging, Special Permit Application for Timber Harvest located at Bear Swamp Road, M32/B85-86/L4-2: Denise Morrow, R& M Logging, Willington, Connecticut was present to discuss the application. The harvest will take place on Bear Swamp Road. They will harvest approximately 125,000 board feet. It will include any species 14", and greater, diameter at chest height. There is no evergreen or maple on site. Most of the trees are oak and birch. All harvesting will be a minimum of 100 feet away from the wetlands. There will be no activities in the wetlands. They will be using the existing logging roads and place a temporary bridge where the old bridge crossed the brook. There will be no cutting on the western side of Cattle Lot Brook, south of Bear Swamp Road.

Mr. Carey explained that there has been a recent case in Connecticut regarding the jurisdiction of an IWWA to regulate timber harvests. The Chairman of the IWWA requested that the Town Attorney prepare an opinion on the matter. Attorney Janet Brooks responded that the IWWA did not have a right to regulate timber harvesting outside of wetlands. They could, if they chose, review the matters and report to the P&Z. The IWWA declined filing the report in this case.

Ms. Morrow explained that the last harvest was performed about 30 years ago. She believes the cut will harvest about 45% of the current forest. They would like to perform the harvest while the ground is frozen. The harvest will take approximately three months.

The Chairman opened the meeting to the public at this time.

Ilene O'Connor, Laurel Ridge, expressed concern about the current logging going on in the area and would like to know if the trees will be removed.

Mr. Carey explained that firewood people will be going in to collect the tops of the trees that are left behind in both this harvest and a neighboring harvest.

Roger Gerard, Bear Swamp Road, is concerned about how the harvest area will be accessed.

Ms. Morrow explained that originally they requested access to the area to be harvested through the transfer station; however this request was denied by the Public Works Director. It would not be appropriate or acceptable to de-stabilize the landfill area for any reason.

Mr. Gerard is also concerned about the weight of the logging truck on the old, poorly maintained, dirt road.

The applicant estimates that approximately 40 to 45 trips will be brought out of the harvest.

Mr. Philhower moved to close the public hearing. Mr. Gosselin seconded the motion. The motion carried unanimously.

Mr. Philhower moved to approved the Application of Denise Morrow, R&M Logging, Special Permit Application for Timber Harvest located at Bear Swamp Road, M32/B85-86/L4-2, with the following conditions:

- *No activity within 100' of the wetlands;*
- *Coordination of road work and traffic with the Planning and Zoning Administrator who will keep the Public Works Director advised;*
- *Town Staff to be notified prior to commencing the harvest;*
- *Town Staff to be notified upon completion of the harvest for an inspection of the premises; and*
- *Activities may be suspended at the discretion of Town Staff due to conditions of the road and/or mud on the premises.*

This application is being accepted because it meets the requirements of the Regulations. Mr. Sennett seconded the motion. The motion carried unanimously.

A. Application of Global Self Storage, 11 Hog Hill Road, Special Permit under Section 7.6.2 of the Zoning Regulations for Storage/Self-Storage Uses – M 06/B 12/L 10:

Commissioners Philhower and Gauthier recused themselves from the meeting at this time.

The Chairman seated Mr. Hurne as a voting member.

Attorney Timothy Furey, Bristol, Connecticut, was present to represent the applicant. He explained that this is an application for a special permit for outdoor storage in a commercial zone, which is permitted by special permit. This is a one acre parcel of land on the corner of Middletown Avenue, Route 16, and Hog Hill Road. Adjacent to the property is a commercial office complex. Adjacent to that property is a 17000 sq ft self storage facility owned by the principals of this entity. Diagonally across the street is a facility of over 60000 sq ft of storage and a commercial daycare facility, which is also owned by principals of this LLC. Directly across the street is a small commercial plaza. There is a residential home to the south and rear of this property. Directly behind the property is a strip of wooded land, approximately 100', which is part of the property to a home located off a cul-de-sac in the back.

The property has a grassy area and a white pine buffer along Hog Hill Road and the border that abuts the residential area to the rear. Several of the pines will be replaced and filled in to improve the buffer as part of this application. The applicant will be storing their own vehicles as well as the vehicles of customers. The plan is to phase the site and to enclose an area of approximately 150' wide along the street and a depth of roughly 150' to the 15' white pine buffer. The enclosure will be a chain link fence with privacy slats. There will be a 12', locked, gate on Middletown Avenue. At a later date the area will be expanded, as the need arises, one phase at a time. The areas to be phased in will be grassed until such time as they are phased in.

There will be no nighttime activity. There will be no lights. There will not be open access to the items stored here. The key will be maintained by the owner of the facility and an appointment will be required to access the facility. This will be an improvement to what is currently there. There will be no rock or soil storage on site.

Wayne Rand, applicant, reported that there is a construction entrance currently and there is another area where there will be common access. There is no curb. The area will be enhanced with further landscaping and a rock perimeter to limit dumping along the frontage on Route 16.

Mr. Carey explained that DOT-Norwich is responsible for ingress and egress on the state highway.

The applicant intends this use to be an intermediate use of this parcel and, when the time is appropriate, the owner intends to develop this site as it was previously approved.

The Chairman opened the meeting to the public at this time.

Mary Ann Dostaler, 56 William Drive, questioned the phases intended by the applicant. She also questioned whether anything will be stored outside the fenced area. She would like to know how many items will be stored in the facility. Finally, she would like to know if the property will continue to be for sale and if the sign will remain.

Mr. Furey responded that the quantity of items stored will be determined by the type of items stored and the area required to store the items. The property will continue to be for sale and the signs relative to that sale will continue to be present.

There being no further public comments or questions, the Chairman asked for a motion to close the public hearing.

Mr. Sennett made a motion to close the public hearing. Mr. Hurne seconded the motion. The motion passed unanimously.

Mr. Aarrestad moved to approve the Application of Global Self Storage, 11 Hog Hill Road, Special Permit under Section 7.6.2 of the Zoning Regulations for Storage/Self-Storage Uses, M 06/B 12/L 10, with the following conditions:

- *The 15' white pine buffer must be replanted and enhanced where needed;*
- *There shall be no rock or soil storage on the site;*
- *The enclosure shall be a chain link fence with privacy slats;*
- *The items stored shall be light construction equipment, boats, recreational vehicles and trailers;*
- *There shall be no signage other than a 32 sq ft maximum real estate sale sign;*
- *There shall be no lights;*
- *The site shall be graded and seeded; and*
- *The facility will be locked and accessed by appointment only.*

Mr. Sennett seconded the motion. The motion carried unanimously.

C. Application of Skyline Estates, LLC., Skyline Estates Phase I & II, Modification of Subdivision Approval for a Road Width Waiver:

Attorney Timothy Furey, Bristol, Connecticut, was present to represent the applicant. He explained that the applicant strongly believes that the road widths and the sidewalks at the ends of the remaining two permanent cul-de-sacs are unnecessary. He believes it is excessive impervious surface which would be beneficial to reduce in this area.

Mr. Carey reviewed the waivers previously granted to the applicant for this project. He also recommended that the new Public Works Director be included in this discussion. ***Attachment 1***

Chairman Zatorski would like to know the difference between the impervious surfaces as the project was approved and as the applicant would like it modified. He would further like to know how this affects the drainage calculations. He would also like to see a plan for the sidewalks and their locations.

Commissioner Aarrestad would like to see some type of rationale as to the applicant's request for the waiver.

Mr. Furey explained that Starview Way and Highland Terrace, from the intersection with Skyline Drive, are the cul-de-sacs the applicant would like to reduce.

The Chairman opened the meeting to the public at this time.

There were no comments from the public at this time.

Mr. Gosselin doesn't believe the regulations should be sidestepped in this way.

Wayne Rand, applicant, explained that the waiver in place at this time was granted after the original approval of the development. It was not in a public hearing and what was granted was not as he had requested, nor was it an improvement over the original approval. The waiver was granted to allow 26' roads with sidewalks on roads that were never required to have sidewalks.

Mr. Aarrestad moved that the public hearing for the Application of Skyline Estates, LLC., Skyline Estates Phase I & II, Modification of Subdivision Approval for a Road Width Waiver be continued to the next regularly scheduled meeting.

Mr. Brogan seconded the motion. The motion carried unanimously.

Mr. Aarrestad moved that the Application of Skyline Estates, LLC., Skyline Estates Phase I & II, Modification of Subdivision Approval for a Road Width Waiver be continued to the next regularly scheduled meeting. Mr. Brogan seconded the motion. The motion carried unanimously.

Commissioner Gauthier and Philhower returned to the meeting.

Chairman Zatorski unseated Mr. Hurne.

8. New Business:

A. Application of Gary Widlitz, Brooks Plaza, 25 East High Street, Commercial Site Plan Modification, M 05A/B 63A/L 20:

Charles Dutch was present to represent the applicant. The application is to modify the site plan for the plaza at 25 East High Street. Dunkin Donuts would like to expand their area into the Ace Hardware area. Ace Hardware will move into vacant space at the other side of their current area. Additionally, Ace Hardware uses the rear of their area for outside storage. This area will be enclosed and provide additional storage area. The addition will include a loading dock with an overhead door.

Mr. Carey reported that the use of the rear area for outside storage has been a problem for the fire marshal, police, and zoning enforcement. The new enclosed area will not be for human occupancy. It will probably have a space heater for colder weather operations. This will resolve the concerns of the enforcement officials and area residents and still permit the expansion of these businesses. The traffic patterns will not change. The impervious surface footprint will not change. No parking spaces will be lost. There is no change in the drainage pattern. Delivery trucks will park parallel to the addition. Cars will be allowed to go around to the drive-thru. The forklift operation will be in the area of the addition and out of the flow of traffic.

Mr. Philhower moved to grant the application of Brooks Plaza, 25 East High Street, Commercial Site Plan Modification, M 05A/B 63A/L 20, for the reasons that it meets the East Hampton Planning and Zoning Regulations and it will improve the area. Mr. Gosselin seconded the motion. The motion carried unanimously.

B. Design Review Board, Draft Guidelines Handbook; Scott Hill, Chairman:
Review and Discussion: Scott Hill, Design Review Board (DRB) Chairman was present. He introduced Diana Marsh, DRB Vice-Chairman, and Kevin Burnham, Member of the DRB. Mr. Hill stated his purpose for coming forward was to introduce himself and to let the PZC know that the purview of the DRB is to make recommendations to the PZC and the Zoning Board of Appeals (ZBA). Their task thus far has been to develop design review guidelines. These guidelines have been based on the ordinance that formed the board. The draft guidelines were provided to the PZC about a month earlier and at this time the DRB is seeking comments.

Mr. Hill believes that the intent of forming the DRB was to assist the PZC with areas of planning and zoning that are under the PZC's purview but that do not necessarily receive the full attention of the Commission. He discussed the previous application and its review by the DRB. The issues the DRB considered were more aesthetic in nature than the issues discussed by the PZC this evening. These include signage patterns, elevations, parking, and lighting. Comments and recommendations would then be forwarded to the PZC for consideration while reviewing the application. This being a new board there are still glitches that need to be worked out including communication. Ultimately, input from this Board should facilitate the PZC's process.

Finally, Mr. Hill reported that the DRB is tailored toward architecture and engineering to assist the PZC. This Board has no authority to tell the PZC what to do but is intent on assisting them in determining the overall commercial feeling for the Town. They have closely reviewed the Zoning Regulations and other town documents to ensure that the DRB Guidelines are consistent with other town regulations. The DRB would like feedback from this Commission. They will then go to other Town Agencies for feedback and finally to the Town Council for approval.

Chairman Zatorski discussed his interest in seeing more specific information in the document, which could be included to give the developer insight into the expectation for and depth of the site plan. Further information on maintenance and bonding could also be included.

The Commission discussed their views of the documents. They discussed the steps involved in incorporating the DRB into the PZC review process and the communication mechanism between the two entities. Recognition of the statutory requirements of the PZC and the need for timely input is vital for the success of this effort. Further consideration should be given to encourage applicants to meet with DRB and the Economic Development Commission (EDC) before presenting the Planning and Zoning Department with a final set of plans and application for action by the PZC. Mr. Hill discussed his concerns about the DRB being rolled into EDC. The PZC will continue to review the DRB guidelines and respond to the DRB through Mr. Carey.

C. Discussion Re: Incentive Housing Zone Grant.

Mr. Carey updated the Commission on the grant. East Hampton has been awarded the \$50,000 Incentive Housing Zone Grant. Planimetrics was very helpful in putting the grant application together. Mr. Carey would like the PZC to authorize him to request the Town Manager bring this to the Town Council to authorize a contract with Planimetrics for the administration of the grant. The Town has interviewed Central Connecticut Regional Planning and Planimetrics for this position. The Town has worked with Planimetrics very closely in the past and in preparing the grant document itself. Among other duties Planimetrics will study and draft an overall affordable housing plan for the Town of East Hampton, including the existing resources which may be affordable but are not being included in the inventory. They will also look at the concept of incentive zoning that includes a component of affordability that will be sought in regular applications to offset the 10% requirement.

Mr. Philhower moved to authorize Mr. Carey to recommend to the Town Manager that Planimetrics be hired to administer the \$50,000 Incentive Housing Zone Grant. Mr. Gauthier seconded the motion. The motion carried unanimously.

D. Review of Bylaws: Chairman Zatorski explained that the previous Chairman had requested this review. The Commission discussed issues they had been concerned about in the past, all of which have been addressed. There were no new concerns raised.

9. **Adjournment:** *Mr. Philhower moved to adjourn the meeting. Mr. Sennett seconded the motion. The motion carried unanimously.*

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary