

East Hampton Planning and Zoning Commission
Regular Meeting
June 3, 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, Vice-Chairman Rowland Rux, Members Peter Aarrestad, Richard Gosselin, Roy Gauthier, Mark Philhower, James Sennett, and Alternate Member Darin Hurne were present. Planning, Zoning, and Building Administrator, James Carey, was also present.

Absent: Member Michael Brogan was absent.

No Alternates were seated at this time.

2. **Approval of Minutes:**

A. May 6, 2009 Special Meeting/Workshop:

Mr. Aarrestad suggested that Item No. 2, Discussion – Home Occupation Regulation, second paragraph, fourth sentence be amended to read “Commission” rather than Commissioner. The final sentence in that same paragraph should also be amended to read “Manheim Township, Pennsylvania”. Also on Page 3, first paragraph, first sentence should read, “...operates a business in a residential zone legally by variance.”

Mr. Aarrestad moved, and Mr. Sennett seconded, to approve the minutes with the amendments as stated. The motion carried (6-0-1). (Yes votes: Aarrestad, Gosselin, Gauthier, Philhower, Sennett, and Zatorski. No votes: None. Abstentions: Rux.)

B. May 6, 2009 Regular Meeting:

Mr. Gauthier moved, and Mr. Gosselin seconded, to approve the minutes of the May 1, 2009 regular meeting. The motion carried (6-0-1). (Yes votes: Aarrestad, Gosselin, Gauthier, Philhower, Sennett, and Zatorski. No votes: None. Abstentions: Rux.)

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

Communications: Mr. Carey reported that he would be attending a workshop by the Connecticut Conference of Municipalities regarding light, sound, and junk yard conditions on this coming Friday. Chairman Zatorski asked that he provide information on luminosity mapping and State regulations on sound pollution including scale and decibel thresholds.

Liaison Reports: Mr. Gauthier reported that the EDC did not meet this past month.

Mr. Philhower reported on last night’s Midstate Regional Planning meeting. He explained that the Agency discussed four different matters. They approved a \$10 million project to upgrade the MAT buses to an energy efficient hybrid. This is

part of a \$61 million project. He provided a list of Towns in the state with trail projects. \$1.4 million has been granted to these projects. The federal government has provided \$1.1 million and \$287,000 was granted by the State. There are no trails in East Hampton on the list of approved trail projects. They also reviewed a zoning regulation from Salem creating a Village Center District. The regulation is very well thought out. Mr. Philhower reported that Rocky Hill came in with a pre-application regulation which would require an applicant to come before the planning and zoning agency before making a formal application. Finally, he reported that the State legislators have passed a law cutting all funding to towns for road maintenance. Further, they have mandated that 1% of the funds received from the State for road maintenance must be slated for public walkways and bike or pedestrian trails. He requested that Mr. Carey look further into this.

Mr. Sennett reported on the recent meeting of the ZBA. These minutes may be viewed online and in the Town Clerk's Office.

Public Comments: The Chairman opened the meeting to the public for comments at this time. There were no comments made by the public at this time.

4. **Set Public Hearing for June 3, 2009:** None.

5. **Old Business:**

A. Discussion – POCD Subcommittee: Mr. Carey reported that he made a brief presentation to the Town Council regarding the tasks that have been assigned to the Town Council by the POCD. They will be working toward arriving at a consensus for those tasks which must have priority.

Included in tonight's packages for the Commissioners is the Implementation Table broken out by the party responsible for the task. The POCD Subcommittee will begin to identify the priority of those tasks that the PZC is responsible. When they have a suggestion for the priorities, they will report to the Commission, who will approve or amend the recommendation of the subcommittee. All other areas of the Town will be requested to address the Implementation Table in a similar manner.

B. Discussion – Buildable Land Definition: Mr. Carey explained that the PZC approved Section 6.17, Developable Land, on December 5, 2007. Due to a failure to notice the approval properly the approval was appealed and the Town opted to withdraw the approval at the time. It was the intention of the Commission to bring the amendment back. That has not happened. Mr. Sennett requested that this be placed on tonight's agenda to begin this process.

Mr. Sennett discussed the events that lead up to the application being withdrawn. The Commission discussed the effect that this regulation would have on the current zoning regulations and further amendments that may need to be addressed. The Commission would like to proceed with this as it falls within the priorities they will be setting for the POCD Implementation Table. Staff was requested to clarify the legal standing of this application.

C. Update – Incentive Housing Grant: Mr. Carey updated the Commission on the Incentive Housing Grant and distributed an email from Planimetrics. He expects to have more complete information tomorrow morning at a meeting between

Dennis Goderre, of Planimetrics, the Town Manager, the Chairman of the PZC, and himself to discuss their research.

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

7. **Public Hearing for May 6, 2009:**

A. **Application of Christopher Jordan, Gregory Jordan & Jean-Marie Lapiene, Jordan Family Subdivision**, for a 3-Lot Subdivision – Map 18/Block 44/Lot 10-1: Mr. Carey explained that the application is for a subdivision of a parcel for the purpose of settling an estate. It will be a 3-lot subdivision, all relatively large lots off of Midwood Farm Road. The existing lot is the old homestead. One parcel will remain as forestry land and remain in PA490. Two lots will be divided for the purposed of single-family homes. There is no public infra-structure and no addition of roads. Presently there is the desire to construct one single-family home.

Christopher Jordan, 66 Midwood Farm Road, was present to represent the applicants. The total acreage of property is 54.53. The individual parcels will be 2.2 acres, 4.5 acres, and 43.33 acres, which will stay in agriculture. There is no site plan required. The applicant will provide building permit applications at the time they wish to build.

The Chairman and Mr. Aarrestad expressed concern that there has been no application for review under East Hampton Zoning Regulations, Section No. 7.12, Lake Pocotopaug Protection Area, which requires a public hearing. Tonight's meeting did have a legal notice for a public hearing for a 3-lot subdivision. That legal notice did not include a review under Section 7.12. The Commission discussed the necessity to continue the public hearing until the next regular meeting.

All activity is well away from the wetlands and does not need to be regulated by the IWWA. Mr. Carey stated that stormwater has been reviewed and there would be no need to obtain a stormwater permit. Mr. Carey reported that this application exceeds all Town minimum acreage and frontage requirements.

The Chairman opened the public hearing at this time. There were no public comments made.

The Commission and Mr. Carey apologized to the applicants for the omission of the 7.12 review in the legal for the public hearing. The Planning and Zoning Office will be responsible for all legal notice needed for the 7.12 review. Mr. Carey read the report from the Chatham Health District into the record.

Mr. Rux moved to continue the public hearing of the Application of Christopher Jordan, Gregory Jordan & Jean-Marie Lapiene, Jordan Family Subdivision, for a 3-Lot Subdivision, Map 18/Block 44/Lot 10-1, to the next regularly scheduled meeting on July 1, 2009. Mr. Philhower seconded the motion. The motion carried unanimously.

Mr. Rux moved to re-open Agenda Item No.4, Set Public Hearings for July 1, 2009 to schedule a public hearing for the Application of Christopher Jordan, Gregory Jordan & Jean-Marie Lapiene, Jordan Family Subdivision, for a 3-Lot

Subdivision and Review under Section 7.12, Lake Pocotopaug Protection Area, Map 18/Block 44/Lot 10-1. Mr. Philhower seconded the motion. The motion carried unanimously.

Mr. Philhower moved to continue the Application of Christopher Jordan, Gregory Jordan & Jean-Marie Lapiene, Jordan Family Subdivision, for a 3-Lot Subdivision, Map 18/Block 44/Lot 10-1, to the next regularly scheduled meeting on July 1, 2009. Mr. Rux seconded the motion. The motion carried unanimously.

8. New Business:

Discussion - Amendment to Section 20 – Accessory Buildings and Uses: Mr. Carey reported that this amendment has been requested by the ZBA and it is the result of repeated applications for a variance to this Section. He explained that in 1989 the Town was experiencing a lot of residents misusing accessory buildings in terms of running businesses from them or creating residential uses. It was determined at that time that the size of detached accessory buildings should be limited to aid in restricting the uses of the buildings. Since 1989 things have changed and storage requirements in regard to garage space have increased.

Three and four car garages have become the norm and the ZBA has been met with considerable requests for variances. The requests are predominantly reasonable yet not in compliance with the regulation. Mr. Carey believes that when a regulation needs to be varied as often as this regulation does, it probably is not working and is too stringent. A recommendation for the amendments to the regulation was distributed. The Commission discussed the amendments and would like the last line of Section 20.1 to read, "... be configured for use or used as a dwelling unit."

The Chairman requested that staff review the proposed amendments to Section 20 and reconcile the language with the current definitions in the Zoning Regulations.

The Commissioners further discussed the proposal. The Commission requested that the title of Section 20.4 be changed from "Private Garages" to "Accessory Buildings and Private Garages Size Standards". The Chairman requested that this item be place on next month's agenda under Old Business as an update.

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

The meeting adjourned at 8:34 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary