

East Hampton Planning and Zoning Commission
Regular Meeting
September 2, 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, Mark Philhower, James Sennett, Alternate Members Darin Hurne, and Kevin Kuhr were present. Planning, Zoning and Building Administrator, James Carey, was also present.

Absent: Member Roy Gauthier and Alternate Member Michael Brogan were absent. Chairman Zatorski welcomed new Alternate Member Kevin Kuhr to the Commission, as did all the members and town staff.

Alternate Darin Hurne was seated at this time.

2. **Approval of Minutes:**
 - A. **August 5, 2009 Regular Meeting Minutes:**

Mr. Aarrestad moved, and Mr. Rux seconded, to approve the minutes of the August 5, 2009 regular meeting as written. The motion carried unanimously.

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

Communications: Mr. Carey explained that the Design Review Board (DRB) has requested the Commission to prepare a final response to the Guidelines that Chairman Scott Hill of the DRB presented last February. It is now planned that the DRB will sunset upon adoption of the Guidelines. The functions as laid out by the Guidelines will become the responsibility of an ad hoc group of Town Staff as yet to be determined. This was not the original plan for the DRB and the Guidelines were not prepared with that in mind.

The Commission discussed their concerns about changes made to the purview of the DRB and the discrepancies related to their purview apparent in the draft of the Guidelines. There are some areas which may be in conflict with current regulations. These conflicts can be addressed. There primary concern of the Commission is the functionality of the Guidelines without a board. The Guidelines clearly set out a mission and a methodology. None of which will be possible without a Board.

Mr. Carey discussed with the Commission the history of this Board and agreed that more information was needed to proceed with any type of response to the DRB regarding their Guidelines. He suggested that a workshop be planned with the DRB and the Town Manager to understand how these Guidelines will function.

Chairman Zatorski discussed concerns that he believes need to be addressed prior to responding. Some of the conflicts he sees are discrepancies with the P&Z Regulations, administration of the Guidelines considering the new function of the DRB, and legal problems for the Town when aiding with plan designs.

The Commissioners discussed their concerns further. Town Staff was requested to review the documents in full and highlight areas that are in conflict with existing regulations. The Commission would like to be updated on the organization of the DRB and the Guidelines revised prior to issuing a response to the DRB. This issue should be on the agenda for the next regularly scheduled meeting.

Liaison Reports:

Mr. Sennett reported that the ZBA did not hold a meeting in July or August and would hold their next meeting on September 14, 2009.

Mr. Aarrestad reported that the Water Development Task Force continues to work toward acquiring an easement on Oakum Dock Road for proposed well fields and on purchasing a parcel on Middle Haddam Road for a proposed water treatment facility. Two informational meetings have been conducted to prepare for the upcoming Town Meeting to be held on September 9, 2009 at 7:00 P.M. in the East Hampton High School Auditorium.

Mr. Zatorski reported that he had nothing to report on the IWWA.

Mr. Philhower reported that the Midstate Regional Planning Agency regular monthly meeting heard three applications. The first was from Cromwell regarding a simple landscaping requirement. The second was a home-based business regulation from Portland. There is an existing regulation but they are changing it from home-based business to home occupation. The third was a two-lot, 13 acres each, sub-division referral from Glastonbury. All three were deemed to have no regional significance. He also reported on PA09-80, Membership on Regional Planning Agencies. This act allows each town to have an additional member, that member being the Chief Elected Official. Finally, they had a presentation from the Connecticut Center for Advanced Technologies (CCAT). They promote fuel cell technology for municipal government. Interestingly, all fuel cells sold in the world are made in Connecticut.

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

4. **Read Legal Notice:** Mr. Carey read the legal notice into the record.
5. **Set Public Hearing for October 7, 2009:** Chairman Zatorski requested this item be moved to follow Item No. 8.

Mr. Rux moved to reschedule the Agenda to hold this item after Item No. 8. Mr. Philhower seconded the motion. The motion carried unanimously.

6. **Public Hearing for September 2, 2009:**

A. David and Jean Jordan, 173 Lake Drive, for a 2 Lot Subdivision – Map 31/Block 69/Lot 5: Mr. Carey explained that due to a defect in notice to the abutters by the applicant the application may not be heard at this time. The applicant has sent a letter to the Commission requesting that the public hearing be extended to the October 7, 2009 regular meeting of the P&Z Commission. Mr. Carey read the request into the record.

Mr. Rux moved to extend the application of David and Jean Jordan, 173 Lake Drive, for a 2 Lot Subdivision, Map 31/Block 69/Lot 5, to the next regularly

scheduled meeting on October 7, 2009. Mr. Philhower seconded the motion. The motion carried unanimously.

- B.** Amendment to Section 20 of the East Hampton Zoning Regulations, Accessory Buildings and Uses: Mr. Carey explained that the current regulation has proven that it was not prudent to restrict accessory buildings as they have been. A vast majority of the variance applications being heard by our ZBA are for this regulation. The ZBA requested that the PZC consider this amendment.

Mr. Aarrestad discussed his concerns regarding a maximum size for accessory buildings. The Commission agreed that a maximum building size should be added. Agricultural uses are excluded from this regulation by virtue of being addressed elsewhere in the regulations. The language, "In no case shall an accessory building or buildings exceed an aggregate total of 3000 sq. ft." shall be added to the amended regulation in Section 20.4 as the final sentence.

The Chairman opened the public hearing at this time.

Scott Sanicki, 102 Quiet Woods Road, discussed his concern regarding 1-story height restrictions for accessory buildings. He believes that a vehicular space should be larger than 12 ft. x 24 ft. Finally, he believes that if a building is less than 200 sq. ft. and has the proper setbacks no permit should be required.

Mr. Carey responded that permits are required on sheds no matter how small for building code and safety reasons. The 1-story and 200 sq. ft. language is specifically for small structures. For the purposes of Section 20.2.2 the 1-story referred to is the 12 ft. height. There is a roof area above the 1-story. One of the concerns of this Commission has been the difficulties in the past of limiting residential use in accessory buildings. This section is worded to allow for the first story and roof area storage when constructed according to the building code and to discourage residential uses on the second floor.

The Commission agreed to increase the size of a vehicular space to 15 ft. x 30 ft and 45 ft. x 30 ft. for a three vehicle space. The Commission also agreed to add "...or lot coverage variance..." to the final sentence in Section 20.2.2.

Mr. Sanicki continued to discuss 12 ft. height limitations on accessory buildings. He is concerned that it is too limiting and explained that a ¾ ton van on a lift with a 6 ft tall man working beneath would be a difficult working environment.

The Commission confirmed that they are not interested in encouraging automotive lifts in residential accessory structures and they are very interested in limiting the potential for second story dwelling areas in accessory structures.

Mr. Carey further explained exceeding 12 ft. story heights in conventional wood frame construction seriously changes the construction requirements.

There being no further public comments *Mr. Philhower moved to close the public hearing. Mr. Rux seconded the motion. The motion carried unanimously.*

Mr. Philhower moved to approve the amendment to Section 20 of the East Hampton Zoning Regulations, Accessory Buildings and Uses, effective on

October 1, 2009, as revised. Mr. Rux seconded the motion. The motion carried unanimously.

7. Old Business:

- A. Update – POCD Subcommittee:** Mr. Carey reported that he has requested the various boards in Town to provide feedback and requests for revisions to the POCD.
- B. Update – Incentive Housing Grant:** Mr. Carey reported that he has just received the latest series of booklets from Planimetrics. They have not yet been thoroughly reviewed. They are entitled Potential Uses and Opportunities, Preliminary Incentive Housing Concept, and Potential Alternative Development Patterns. The analysis of the Town, as it relates to the incentive housing concept, has centered around the Village Center area. Copies of these drafts will be forwarded to all members and all suggestions and recommendations will be welcome. A formal public meeting will be scheduled with all stakeholders.

8. New Business:

- A. Paul J. Angelico, 81-83 North Main Street, for a Commercial Site Plan Modification – Map 04A/Block 45A/Lot 21&20:** Mr. Carey reported that he has received an application from Mr. Angelico for a sound attenuation program at his property known as Angelico’s Lakehouse Restaurant. It includes a three step effort to attenuate sound caused by outside music. The first is the installation of a wall behind the bandstand. The second step is a roof structure placed over the top of the area. The third step is another roof area over the entire outdoor bar area. The applicant has been requested to provide information on how this will work, including the methodology to cause the necessary attenuation. The information received to date is not sufficient to make a recommendation to this Commission.

Mr. Carey explained that his intention is to refer this application to a third-party acoustical engineer for a review. He does not have sufficient information on the plan at this time to do so. He does have a statement from the applicant’s sound engineer indicating that the methods proposed will improved the sound levels leaving this property. This statement needs to be quantified and forwarded to the third-party expert.

Additionally, Mr. Carey indicated that the Commission has the ability to set a public hearing on any matter that they choose regarding site plans. He recommended that the Commission do so in this case. The applicant and his legal representatives have been notified that this would be Mr. Carey’s recommendation to the Commission and they have agreed that they would be prepared to have that public hearing at the October meeting.

Chairman Zatorski explained that he would like to see a sound map of the existing conditions at the location and surrounding properties during both peak and minimum noise generation. The sound map should include concentric circles of sound mapping for both highs and lows. He also wants a projection of the outcome of the completed sound attenuation plan.

5. Set Public Hearing for October 7, 2009:

Mr. Philhower moved to set a public hearing for the application of Paul J. Angelico, 81-83 North Main Street, for a Commercial Site Plan Modification, Map 04A/Block 45A/Lot 21&20 on October 7, 2009. Mr. Rux seconded the motion. The motion carried unanimously.

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

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary