

East Hampton Planning and Zoning Commission
Regular Meeting
December 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. Alternate Member Darin Hurne was seated at this time.

2. **Approval of Minutes:**

A. October 7, 2009 Regular Meeting Minutes:

Mr. Aarrestad moved, and Mr. Sennett seconded, to approve the minutes of the October 7, 2009 regular meeting with the following revisions: Page 1, Item No. 3, Liaison Report by Mr. Gauthier, second sentence should read: "...in bringing the issue...", and in the Liaison report by Mr. Aarrestad the first sentence should read: "...Salmon River Watershed Partnership...". The motion carried 6-0-2. (Yes votes: Aarrestad, Gosselin, Kuhr, Philhower, Sennett, Zatorski. No votes: None. Abstentions: Rux and Hurne.)

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

Communications: The Chairman thanked all the Commissioners for attending both the Special Meeting/Workshop held at 6 P.M. and Town Staff for having the meeting fully prepared.

Mr. Carey reported that the current issues of the Connecticut Town & City Magazine and the CLEARscapes Newsletter have been scanned and forwarded to the members. Flyers for the Salmon River Watershed Partnership Summit are available for all those interested in attending.

Liaison Reports:

Mr. Philhower reported that the Midstate Regional Planning Agency held its regular monthly meeting on December 1st. They had \$470 left over from the American Recovery Act funds and the Agency voted to donate the funds to the town with the lowest receipt of these funds. It was donated to East Haddam. The Agency will be maintaining their current rate at \$0.66 per person per capita. This has been the rate for the previous five years.

Mr. Aarrestad discussed the Salmon River Watershed Partnership Summit that will be held this Saturday, December 5th from 9:30 to 12:30 P.M. The Town of East Hampton should be very well represented at this Summit. Anyone interested in attending should let Staff know.

Mr. Sennett reported that the ZBA did not meet in the months of October or November.

Mr. Gosselin explained that the P.O.C.D. Subcommittee will be developing a priority list for the next round of revisions to be available at the January meeting.

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:** None.
5. **Public Hearing for December 2, 2009:** None.

The Chairman recessed the meeting at 7:08 P.M.

The meeting reconvened at 7:14 P.M.

6. **New Business:**

A. Preliminary Discussion - Pelletier Development Company, Proposed

Conservation Subdivision Colchester Avenue & Tartia Road – M 27/B 90/L 3:
Jim Dutton of Dutton Associates was present to discuss the proposed subdivision. He provided to plans for the Commission to discuss. The first is a conventional subdivision. The second is a conservation subdivision. This subdivision will be located in the Salmon River Watershed. There will be a total of 15 lots. The area is an R-4 Zone.

The entire site is about 42 acres. The central portion is wetlands that were delineated by George Logan and field surveyed by Dutton Associates. The roadway in the conventional subdivision will be approximately 1200 ft. long. It will come in off of Route 16 at the eastern end of the parcel and terminate in a cul-de-sac. Each lot will be 100,000 sq ft except for the two rear lots which will be 170,000 sq. ft. The parcel is directly adjacent to the Salmon River State Forest to the east. An open space easement will be granted through the wetlands area. This will include approximately 5 acres of upland and 26 acres of wetlands. There are no wetlands crossings. The road widths will be 26 feet.

The conservation subdivision will include at least 31 acres of open space. It will likely be more. There will be quite a bit of upland area. They are not proposing any development along Route 16 or Tartia Road. There will be area suitable for recreational activity in the open space. They are proposing 15 lots with a 935 ft. road. There will be a greenbelt through to the State Forest. There will be a detention pond and drainage will run, generally, to the north crossing under Route 16. The smallest lots in this subdivision will be 17000 sq. ft.

Mr. Carey reported that there is still preliminary work to be done to ensure that this project is suited for this location. When this application becomes official, the applicant is willing to submit this property for an ERT. Some of the concerns that should be considered by the ERT are highest and best use of open space, wildlife, effect of development on the Flat Brook area, and benefits of protecting these wetlands as it relates to the Flat Brook area. The intent is for the ERT report to be an advisory document as opposed to a reactionary document.

Mr. Aarrestad would like the ERT to look at the adjacency to the State Forest. The Commission discussed their concerns and agreed that they were most interested in seeing the conservation subdivision proceed.

- B. 8-24 Review – Appropriateness of Water Service Extension to 206 East High Street (Report to be forwarded to WPCA):** Mr. Carey provided an explanation regarding the 8-24 Review. He explained that the review is being performed to enable the WPCA to continue with their investigations as to the appropriateness of a municipal water system for purposes of development at 206 East High Street. The State Statutes allow for the Planning and Zoning Commission to weigh in on various municipal improvements. The State has made a concerted effort to limit the proliferation of private water companies and as a result has developed Exclusive Service Areas (ESA).

The Water Utility Control Commission (WUCC) has designated ESAs in the State. In the Town of East Hampton the ESAs are divided between Connecticut Water Company and the Town of East Hampton. The 8-24 reviews is primarily a formality; however, when an application calls for the extension of utilities into areas that may not be consistent with the Plan of Conservation and Development it is not merely a formality and must be reviewed by the PZC for appropriateness.

The applicant has requested the WPCA to apply to the State for a Certificate of Public Necessity and Convenience, including requirements of the State Department of Public Health, and the Department of Environmental Protection. In order for the WPCA to agree to these requests and to make a final recommendation to the Town Council, they must receive an 8-24 Report from this Commission. Mr. Carey recommends that as this extension is consistent with the Town's POCD and the State's Conservation and Development Plan as well, this Commission should pass a favorable report to the WPCA so that they can begin their investigations. This report in no way will endorse a water system on that site, or makes any comment on the system itself. Mr. Carey read a memo from V. Susco of the WPCA dated 12/1/09 into the record stating that the subject area is entirely in the Town of East Hampton ESA and if the project is constructed, the Town, through its WPCA, will become owner and operator of the water system. Attachment 2.

The Commission discussed the Proposed Municipal Water System Map on Page R-22 in the POCD and the intent of the Proposed Municipal Water System to mirror the Proposed Sewer System and confirmed that the area in question corresponds with the proposed extensions pursuant to the POCD.

Mr. Rux moved to pass on a favorable commentary to the WPCA authorizing their consideration of an extension of the municipal water system to 206 East High Street and reporting the findings that based upon the East Hampton Planning and Zoning Commission's CGS 8-24 review of this location the extension is consistent with both the Town's POCD, as depicted in the Proposed Municipal Water System Map on Page R-22 and the State's Conservation and Development Plan. Mr. Philhower seconded the motion. The motion carried unanimously.

- C. Application of Hampton Woods Development LLC, 206 East High Street, Hampton Woods for an Amendment to Zoning Regulations Pursuant to §8-30g (Set Public Hearing Date);**
- D. Application of Hampton Woods Development, LLC, 206 East High Street, Hampton Woods for Site Plan Approval of a 253 unit HOD Pursuant to §8-30g – M 32/B 86/L 4 (Set Public Hearing Date); and**
- E. Application of Hampton Woods Development, LLC, 206 East High Street, Hampton Woods for a Zone Change from DD to HOD Pursuant to §8-30g – M 32/B 86/L 4 (Set Public Hearing Date).**

Mr. Carey briefly described to process for hearing these applications and explained to the Commission that if they desired to see the actual plans they may be viewed in the Planning & Zoning Office.

Mr. Philhower moved to set the public hearing date of February 3, 2010 for Agenda Item No. 6.C, Application of Hampton Woods Development LLC, 206 East High Street, Hampton Woods for an Amendment to Zoning Regulations Pursuant to §8-30g. Mr. Rux seconded the motion. The motion carried unanimously.

Mr. Philhower moved to set the public hearing date of February 3, 2010 for Agenda Item No. 6.D, Application of Hampton Woods Development, LLC, 206 East High Street, Hampton Woods for Site Plan Approval of a 253 unit HOD Pursuant to §8-30g, M 32/B 86/L 4. Mr. Rux seconded the motion. The motion carried unanimously.

Mr. Philhower moved to set the public hearing date of February 3, 2010 for Agenda Item No. 6.E, Application of Hampton Woods Development, LLC, 206 East High Street, Hampton Woods for a Zone Change from DD to HOD Pursuant to §8-30g, M 32/B 86/L 4. Mr. Rux seconded the motion. The motion carried unanimously.

Mr. Carey reported that the Commission will receive in writing prior to the commencement of the public hearing on February 3, 2010 a timeline that the Commission will be required to follow for these applications. All members of the Commission have been requested to come into the Planning & Zoning Office after reviewing the Application Set to review the plan. Staff will be conducting a formal review of the application set and plans from now until the public hearing.

7. Old Business:

- A. Review – Road Acceptance and Reduction of Bond - Royal Oaks Phase I:**
Mr. Carey reported that Phase I of Royal Oaks Subdivision includes all of Royal Oaks Avenue out to the end, Joseph and Nicholas Courts, and the intersections with Mathieu Lane. Julia Terrace, Ray Lane, and Rachael Drive are Phase II and unfinished. These roads have been reviewed by Tom Cummings of CLA Engineers, Keith Hayden, and Mr. Carey. Repairs have been made, sidewalks have been replaced, monuments have been both replace and placed, as-built mylars are in place and have been reviewed, and the deed has been reviewed in conjunction with the mylars by the Town Engineer. Mr. Carey advised the Commission to recommend to the Town Council acceptance of the roads in Royal Oaks Subdivision Phase I at their next meeting which is December 8, 2009. All

documentation from Tom Cummings, Keith Hayden, and Jean D'Aquila, Town Attorney, is on file in the Planning and Zoning Office. This acceptance will require a one-year road maintenance bond as is always required by the Town when accepting new roads.

Mr. Philhower moved to recommend road acceptance of Royal Oaks Subdivision Phase I with a one-year maintenance bond to the Town Council. Mr. Rux seconded the motion. The motion carried unanimously.

- B. Mr. Carey requested permission to add something to the Agenda. The Chairman granted Mr. Carey's request.

Mr. Carey reported that the East Hampton Little League has acquired some lighting fixtures from Eastern Connecticut State University and would like to be granted permission to install them at the Seamster Park facility at Memorial School on Smith Street. He is concerned about sensitivity to light pollution on the surrounding properties. The intent is to light the "Majors" field which is the first field on the right with the press box. They have six lighting stations, some have one fixture others have two. The interest is to provide suitable shielding away from the properties along Route 16, Smith Street, and Harlan Place.

The Chairman requested that the Little League provide the Commission with the manufacturer's light cutoff, accessories needed for the light cutoff, and a photometric map.

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

The meeting adjourned at 8:00 P.M.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary