

East Hampton Planning and Zoning Commission
Regular Meeting
August 4, 2010
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 Mark Philhower, Members Richard Gosselin, Rowland Rux, James Sennett, Alternate Members Darin Hurne, Kevin Kuhr, Meg Wright, and Planning, Zoning & Building Administrator James Carey (7:11) were present.

Absent: Members Peter Aarrestad and Roy Gauthier were absent.

Alternate Members Darin Hurne and Kevin Kuhr were seated at this time.

2. **Approval of Minutes:**

A. **July 7, 2010:** *Mr. Philhower moved, and Mr. Kuhr seconded, to approve the Minutes of July 7, 2010 as amended. The motion carried (6-0-1). (Yes votes: Gosselin, Hurne, Kuhr, Philhower, Rux, Zatorski. No votes: None. Abstentions: Sennett.)*

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

Communications:

Staff reported that the public hearing for the revised Fee Schedule for PZC applications was held at the July 13, 2010 Special Meeting of the Town Council. The new Fee Schedule was approved at the July 13, 2010 Town Council meeting following the public hearing. The legal notice for this amendment was published in the Friday, July 23, 2010 issue of the *Rivereast News Bulletin* and will be effective 20 days after publication. The new Fee Schedule will be effective on August 12, 2010.

The flyer from the Connecticut Transportation Institute for Planning & Managing Local Road Snow & Ice Operations and the Summer Brochure from Connecticut Technology Transfer have been scanned and forwarded to the Commissioners for their information.

Liaison Reports:

Mr. Zatorski reported that all information regarding IWWA will be discussed during the agenda item to which it relates.

Mr. Philhower reported that at the last meeting of the Midstate Regional Planning Agency they heard three transportation improvements. The first was for pavement maintenance, the second was for underwater bridge inspections, and the third was for multiple signal usage throughout the area. All three improvements were approved.

Mr. Sennett reported that at the last meeting of the Zoning Board of Appeals there was one item on the Agenda. That was the appeal dated May 17, 2010

by F. Klein of the decision of Zoning Enforcement Officer regarding outdoor entertainment at a permitted accessory use at 81 North Main Street. It was continued to the next regularly scheduled meeting.

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

Mary Ann Dostaler, 56 William Drive, questioned the activities taking place on the property located on the north side of the road just past Tartia Road. She also reported that at the last Town Council meeting the Chairwoman communicated that Ray Zatorski had resigned from the PZC and the Council voted to send him a letter of thanks.

Chairman Zatorski clarified that he is unaware of this and that it is untrue.

Mr. Carey reported that the owner of the property at 105 Colchester Avenue has applied for and been granted a sightline improvement permit from the DOT. The only activity there that is regulated by this commission is a timber harvest that will be scheduled for the next month. The IWWA Enforcement Officer has determined that there is no clear cutting or wetlands violations.

4. **Read Legal Notice:** Staff read the legal notice into the record at this time.

5. **Set Public Hearing(s) for September 1, 2010:**

A. **Application for Chianelli Subdivision**, 61 Old Young Street, Susan P. & Louis T. Chianelli, for a 2-Lot Subdivision - Map 14/Block 31A/Lot 8A; and

B. **Application of Mazzcor LLC**, 105 Colchester Avenue, by Scotland Hardwoods LLC, Mazzcor Timber Harvest, for a Special Permit per Section No. 24, Timber Harvesting – Map 27/Block 87A/Lot 12A:

Mr. Philhower moved, Mr. Rux seconded, to schedule the applications of the Chianelli Subdivision, 61 Old Young Street, Susan P. & Louis T. Chianelli, for a 2-Lot Subdivision, Map 14/Block 31A/Lot 8A, and of Mazzcor LLC, 105 Colchester Avenue, by Scotland Hardwoods LLC, Mazzcor Timber Harvest, for a Special Permit per Section No. 24, Timber Harvesting, Map 27/Block 87A/Lot 12A, for a public hearing to be held at the regular meeting on September 1, 2010.

6. **Public Hearing for August 4, 2010:**

A. **Application of Peter Marlow Forest Products, LLC**, 149 Chestnut Hill Road, Stockwell Timber Harvest, for a Special Permit per Section 24 - Timber Harvesting – Map 13/Block 32/Lot 16:

Peter Lesmerises, licensed forester for Peter Marlow Forest Products, was present to discuss the application. He explained that they are proposing a timber harvest on 65 acres. This is part of the Markham estate. Of the 65 acres, approximately 50 acres will be included in the harvest. There will be no crossing of the brook on the property. They have retained buffer strips along the brook and along the intermittent stream that comes down

through the middle of the property. The intermittent stream will have a crossing. The bottom is rocky and a portable bridge will be used to cross.

They have marked 600 trees for harvest, which is 100,000 board feet. The equipment used in this harvest will be a cable skidder and chain saws. When the job is completed water bars will be installed on the steep slopes where needed. The landing on Chestnut Hill Road already has a curb cut. A tracking pad and signs indicating that trucks will be entering the roadway will be installed.

The firewood tops have or will be sold to another party. The tops will be slashed to about 5 or 6 feet and left in a safe and stable condition so that the firewood may be removed easily.

The harvest will take place in December or January. This will be a continuation of the harvest from the other pieces of the Markham Estate. This harvest will take about 6 or 8 weeks. This piece is dryer with more gravel and stone.

The species to be harvested are birch, sugar maple, beech, oak, pine, and hickory. Nothing smaller than 14" will be harvested. Nothing smaller than 16" was marked in the oak category. There will be a sufficient amount of timber left. The beech in the area has been hit hard by beech bark disease. There are a lot of dead or dying trees. Those will be taken out before it falls down. The harvest will take about 15 trees per acre and there are about 50 to 60 trees per acre in that stand. This will amount to about $\frac{1}{3}$ to $\frac{1}{2}$ of the larger trees. The last harvest was done on this property 40 years ago. At that time the oak was the species removed. Mr. Lesmerises speculated that this property is for sale and will be subdivided. If this parcel were to be under forest management the next harvest would probably be held in 30 years.

The Chairman opened the meeting to the public. There were no public comments at this time.

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

Mr. Philhower moved to approve the Application of Peter Marlow Forest Products, LLC, 149 Chestnut Hill Road, Stockwell Timber Harvest, for a Special Permit per Section 24, Timber Harvesting, Map 13/Block 32/Lot 16, with the conditions that no work begin before 7 am, no work on Sundays, all conditions of the IWWA must be satisfactorily addressed, and town staff must be notified prior to commencing work and upon completion of harvest. Mr. Rux seconded the motion. The motion carried unanimously.

7. New Business:

- A. Facilities Implementation Task Force:** Designation of P&Z Commissioner for Task Force. The Chairman explained that he had requested that the Water Development Task Force be on the Agenda and due to a misunderstanding the Facilities Implementation Task Force was

placed on the Agenda instead. As it turns out both boards need a representative from the PZC to be appointed.

Commissioner Aarrestad has been representing the PZC on the Water Development Task Force; however, due to increasing work commitments he will not be able to continue. Commissioner Rowland Rux volunteered for this responsibility.

The Facilities Implementation Task Force also needs a PZC representative as well. Commissioner Philhower volunteered for this Task Force.

8. Old Business:

A. Discussion: Incentive Housing Zone – Complete Survey of Design Palette Options.

The Commission was requested to complete the survey regarding design palette options. The survey was distributed to, completed and returned by the Commissioners.

During this process Mr. Carey discussed with the Commission the concept of a Village District. He provided them with a list supplied by Glenn Chalder of communities with a Village District. **Attachment 1**

Mr. Carey explained that this concept is in common use and it is important to note when considering this concept that the PZC will be allowed substantial regulatory input as to the architectural styles and the aesthetics required for the area. There are benefits to enacting this concept. There are requirements for meeting the criteria of a “district”. A design professional/architect or a landscape architect must be available to the Commission. The Town does have people available to the PZC for that purpose. These individuals were on the Design Review Board and are familiar with and capable of this task.

Finally, an open, public, presentation will be planned for October. The IWWA, EDC, Brownfields/Redevelopment Agency, Town Council, Board of Finance, etc will all be requested to attend, as well as the general public. The intent will be to unveil the plan, receive feedback from the public and other boards. Finally, we will use that input to refine this plan, so that it can be brought to a public hearing, if the Commission so chooses, and potentially implemented.

B. Finalize List of Priorities for 2010: The Chairman briefly discussed the status of the items on the Priorities List. Mr. Sennett discussed his concern over the requirement for open space subdivisions. The Commissioners agreed that this list is of the appropriate direction for the Commission to work for the remainder of the current year. **Attachment 2**

The Chairman added the following items to the agenda:

C. Belltown Learning Center & Daycare: Mr. Carey reported that this would be on the September Agenda.

D. Angelico's Lake House Fence: Mr. Carey reported that the legal concept of "Aggrievement" is actually in question and that it is very likely that the PZC will not be found to be an aggrieved party. Mr. Carey has yet to receive a definitive answer. When he does he will follow-up with the appropriate individuals. On Monday, August 9, the ZBA will hopefully have a decision on the appeal regarding outside entertainment as an accessory use at the same location.

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

The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary