

East Hampton Planning and Zoning Commission  
Regular Meeting  
September 1, 2010  
Town Hall Meeting Room

|                    |
|--------------------|
| Unapproved Minutes |
|--------------------|

1. **Call to Order and Seating of Alternates:** Chairman Zatorski called the meeting to order at 7:02 p.m.

**Present:** Chairman Ray Zatorski, Vice-Chairman Mark Philhower, Members Peter Aarrestad, Richard Gosselin, Rowland Rux, James Sennett, Alternate Members Kevin Kuhr, Meg Wright, and Planning, Zoning & Building Administrator James Carey were present.

**Absent:** Member Roy Gauthier and Alternate Member Darin Hurne were absent.

Alternate Member Kevin Kuhr was seated at this time.

2. **Approval of Minutes:**

A. **August 4, 2010:** *Mr. Philhower moved, and Mr. Gosselin seconded, to approve the Minutes of August 4, 2010 as written. The motion carried unanimously.*

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

**Communications:**

Mr. Carey reported that the State of Connecticut, DEP, Dam Safety, issued an approval and authorization on August 25, 2010 for the Flanders Pond Dam repair at the Cranberry Bog.

A flyer from CCM regarding the 2010 Towns & Cities Work Annual Convention on October 6, 2010 from 8 am to 5:30 at the Connecticut Convention Center was forwarded to the Commissioners by email. Anyone interested in attending should notify the Planning & Zoning Staff.

**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 Midstate Regional Planning Agency has not yet met for the month of September.

Mr. Rux reported that the Water Development Task Force is due to meet in a week or two. Mr. Aarrestad thanked Mr. Rux for taking on the task of liaison to this board.

Mr. Carey reported, at Mr. Sennett's request, that at the last meeting of the Zoning Board of Appeals, F. Klein's appeal of the decision of Zoning Enforcement Officer regarding outdoor entertainment as a permitted accessory use at 81 North Main Street was denied. This decision of the ZBA has been appealed to Connecticut Superior Court and more information will be forthcoming as it becomes available.

**Public Comments:** The Chairman opened the meeting to the public for comments. There was none.

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

5. **Set Public Hearing(s) for October 6, 2010:**

A. **Application of Dream Developers Inc,** Commercial Site Plan Review and Special Permit for Lake Pocotopaug Protection Area – Map 10A/Block 85/Lots 5, 5A, 5B; and

B. **Application of K Enterprises LLC,** 363 West High Street, Special Permit Pursuant to Section 20.7, Commercial Tag Sales (Flea Markets), of the Zoning Regulations – Map 01C/Block 10/Lot 2.

*Mr. Phillhower moved, Mr. Aarrestad seconded, to schedule the applications of Dream Developers Inc, Commercial Site Plan Review and Special Permit for Lake Pocotopaug Protection Area, Map 10A/Block 85/Lots 5, 5A, 5B; and K Enterprises LLC, 363 West High Street, Special Permit Pursuant to Section 20.7, Commercial Tag Sales (Flea Markets), of the Zoning Regulations, Map 01C/Block 10/Lot 2, for a public hearing to be held at the regular meeting on October 6, 2010.*

6. **Public Hearing for September 1, 2010:**

A. **Application of Traditional Innovations,** 265 West High Street, Sports On 66, for a Commercial Site Plan Review – Map 6/Block 12/Lots 9: Chairman Zatorski explained that an IWWA ruling has not yet been issued; therefore the public hearing will be opened but will not be closed at this meeting.

Mr. Carey explained that the IWWA has been working very closely with the applicant, town engineer, and Keith Hayden on this project and there are more than likely changes to be made to this plan. The presentation for this evening will be preliminary in nature pending any potential changes made by the IWWA.

Raymond Nelson, Professional Engineer with Messier & Associates, was present for the applicant and explained that the proposal is to redevelop an existing commercial site in town. It is presently occupied by Traditional Innovations. The applicant distributed some sketches and diagrams of his plans for the new facility. Mr. Nelson reported that currently there are several building structures on site with a single entrance from West High Street. The proposal includes the same entrance from West High Street. All the existing improvements to the property will be razed and a 30,781 sq ft multi use building will be constructed. The main feature of this building will be an indoor soccer court. Traditional Innovations will be relocated to the new facility. A restaurant and other retail space are proposed.

The present gravel parking area will be expanded to accommodate 74 parking spaces. Expansion to the property will be effected by excavating into the slopes present. This property is served by public sanitary sewer.

There will be a pump connection into an existing low pressure system on the adjacent property and then across the street to a gravity sewer.

The property was a gravel operation in the 1970s which was over excavated and over the years attempts were made to construct some manmade swales to control the water flow through the property. In doing so they have created what is defined as wetlands today. The proposal does include the disturbance of these wetlands. The applicant is proposing mitigation of this disturbance with stormwater and water quality measures. The intent is to construct a shallow water marsh to the south of the building. The storm drainage system on the property will pick up the runoff from the parking area and all the roof leaders from the building. Prior to discharge the stormwater will go through a separation unit for water quality which will remove 80% of total suspended solids as required by the 2004 Connecticut Water Quality Manual. The discharge from the site will continue to be from an existing drainage ditch running along West High Street. There is an allowance for a future outbuilding. In the mean time that area will be used for a temporary stockpile.

Brian Cutler, applicant, addressed the Commission and explained that he wants to create a sports facility in town for soccer, baseball, and football. The facility will include a set of retail stores on the lower level in front. The facility will include a gym for the parents to workout, WIFI availability, parent lounge, and restaurant with outdoor dining and patio.

Mr. Nelson explained that parking was determined by maximizing the amount of parking available on the site with the available space. They will add parking to the area by eliminating the plan for the out building if parking should become a problem. The facility will have one regulation soccer field.

Chairman Zatorski requested that the engineer refer to the publication *Peak Parking Demand for Residential Uses*, Third Edition, Parking Generation, ITE, Autori, Ransford, McCourt, P.E. PTOE – Tech Editor Kevin G. Hooper, Institute of Transportation Engineers.

Mr. Carey explained that East Hampton's Zoning Regulations do not address this type of use. He has researched surrounding towns, as well as further areas, and has instructed the applicant to create as much parking on the site as possible. He has also instructed them to look for over-flow opportunities.

Mr. Nelson reported that they conducted an analysis for a 25-year storm event. The present runoff for that event is 5.5 cfs and the proposed conditions would be 7.9 cfs. The state drainage ditch will be more than capable of handling the increased flow.

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

*Mr. Philhower moved, and Mr. Kuhr seconded, to continue the public hearing to the next regularly scheduled meeting of October 6, 2010. The motion carried unanimously.*

*Mr. Philhower moved, and Mr. Kuhr seconded, to continue the application to the next regularly scheduled meeting of October 6, 2010. The motion carried unanimously.*

- B. Application for Chianelli Subdivision, 61 Old Young Street, Susan P. & Louis T. Chianelli, for a 2-Lot Subdivision:** Mr. Carey reported that the applicant has requested that the public hearing be opened and continued to the next regularly scheduled meeting of October 6, 2010. The IWWA has not yet ruled on this application; therefore, the PZC is not able to act this evening. The Chairman opened the meeting to the public at this time. There being no comments, the Chairman asked for a motion to continue the public hearing.

*Mr. Philhower moved, Mr. Kuhr seconded, to continue the public hearing to the next regularly scheduled meeting of October 6, 2010. The motion carried unanimously.*

*Mr. Philhower moved, and Mr. Kuhr seconded, to continue the application to the next regularly scheduled meeting of October 6, 2010. The motion carried unanimously.*

- C. 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. Rod Burgess, State Certified Forester with Scotland Hardwoods, was present to represent the applicant. He reported that the Conservation-Lake Commission had passed on favorable commentary to the IWWA, who issued an IWWA permit for the application on August 25, 2010.

Mr. Burgess explained that the harvest would take place on approximately 10 of 16 acres owned by Mazzcor LLC. A one to three man logging crew will operate a log skidder and will cut and skid the logs to one of two possible yarding areas. One of these areas is across from Tartia Road and the other is further up the road from Tartia. A tri-axle log truck will pick up the logs and travel Route 16. Regular working hours will be 8 a.m. to 6 p.m. Monday thru Saturday. Property boundaries have been marked with florescent pink flagging. The main skid has been identified with blue flagging. Approximately 193 trees will be harvested and are marked with blue paint. This includes approximately 135,000 board feet of saw timber. All trees are marked about 4' above the ground at the base of each stump.

The harvest will take about 90% of the trees 14" diameter breast height (dbh) and larger. This will include oak, hard maple, ash, tulip poplar, and black birch. All the tops will be reduced to within 5' of the ground. It is estimated that about two weeks will be required to complete the harvest. The hope is to conduct the harvest in the summer of 2010 while conditions are dry. One intermittent stream will need to be crossed during the

project. Portable bridges and wood poles will be used to cross this stream. The bridges are 4' wide by 26' long used in conjunction to provide a solid mat on which logs will be skidded across. Upon completion of the harvest, water bars will be installed where necessary on the main skid trails. No more than 30 to 40% of the total trees on the property will be harvested.

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

Pat Hammel, 9 Olde Flatbrook Road, spoke in opposition to this application. She is opposed to forest and habitat destruction.

David Goodson, 24 Jacobson Farm Road, questioned why the land was being harvested. He further questioned the work being done in the right-of-way on Route 16. He is concerned about the quality of management on this site based on the unsafe work being done in the right-of-way. He believes that there should be traffic control at this site. He would like to know the long term plans for this site.

Mr. Carey explained that the owner of the property has applied for and received a permit from the State of Connecticut DOT for access to the property. The work that is being conducted at this time has been permitted by the State.

Rod Burgess, representative for the applicant, explained that he cannot comment on what the long-term plans for the property are but he can say his application is for a timber harvest, an as-of-right activity.

Bob Kendrick, 103 Colchester Avenue, reported that the owner is going to bring a subdivision application to the Commission. He is concerned about his own property values.

Lee Ann Judy, 9 Olde Flatbrook Road, discussed her concern for the habitat and sound buffers from traffic on Route 16.

John Bear, 93 Colchester Avenue, is concerned about the boundary line because his property is adjacent to the subject property. He would like the opportunity to meet with the applicant's representative to ensure that his boundary is not breached by the harvest. He conducted a timber harvest in 1985 and he allowed for a 25' buffer around the property where trees would not be harvested to protect the abutters.

Mr. Burgess clarified that this would not be a clear-cut harvest. It is a selective harvest. It would be about 30 to 40 years before a harvest would be conducted again. There will be about 10 to 15 truckloads of timber removed from the property in a two week period.

David Goodson, 24 Jacobson Farm Road, is concerned that the guise of this being a forest management harvest is misleading. It is the owner's intent to develop a small subdivision.

Lee Ann Judy, 9 Olde Flatbrook Road, questioned whether the hours of operation.

Pat Hammel, 9 Olde Flatbrook Road, will be selling her property.

*Mr. Philhower moved, Mr. Kuhr seconded, to close the public hearing. The motion carried unanimously.*

Mr. Carey reported that IWWA Permit No. IW2010-012– IW92495 was issued on August 25, 2010 and he read the conditions into the record.

*Mr. Philhower moved to approve the 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 with the following conditions:*

- *All IWWA conditions shall be met;*
- *Town Staff shall be notified prior to and upon completion of harvest;*
- *Boundary Line concern of John Bear to be reviewed by Town Staff prior to commencing harvest; and*
- *Town Staff to review ingress and egress of logging trucks on Route 16.*

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

**7. New Business:**

**A. 8-24 Review:** O’Neill Lane, O’Neill Camp Inc. – Map 10A/Block 83/Lot 26-7: Mr. Carey reported that this acquisition was actually presented to the PZC in September of 2009. It is a 2.5 acre parcel of land on the corner of Old Marlborough Road and O’Neill Lane that has been offered to the Town of East Hampton at no cost. It has been reviewed by the Public Works Director and Mr. Carey. It is an area that, perhaps, sometime in the future would be utilized as a settling basin or another type of filtration area for the benefit of the lake. The PZC, Council, and the Town Attorney have reviewed it as well. All the legal issues have been resolved. It is now time for the PZC to issue their 8-24 Review report.

*Mr. Rux moved to send a favorable report regarding the acquisition of the property known as O’Neill Camp, on O’Neill Lane, to be gifted to the Town by O’Neill Camp, Inc, Map 10A/Block 83/Lot 26-7. Mr. Philhower seconded the motion. The motion carried unanimously.*

**8. Old Business:**

**A. Application of Edward & Nancy Fatscher, 3 Smith Street, Belltown Learning Center & Daycare, Review Existing Site Plan – M 07A/B 56/L 15:** The site plan, as it exists, was presented to the Commission. The Fatschers have also compiled a packet including certificates of liability insurance, inspection reports from the State of Connecticut and insurance companies, responses from DOT, photographs, and copies of licenses.

The consensus of the Commission is now that they have reviewed the site plan they are satisfied. Although the Commissioners have had concerns about safety in this area, the Fatschers have performed their due diligence

in ensuring the safety of their facility as has been confirmed by all the appropriate agencies.

The Chairman discussed the Planimetrics Booklets that were distributed to the Commissioners with the meetings packages. The Special Informational Meeting for this subject will be held on October 19<sup>th</sup>. All landuse boards will be invited. Notices will be mailed directly to all property owners in the Village Center. The Booklets will be on the website for viewing by the citizens at large. The Commission would like clarification from Planimetrics regarding what changes will be required to be eligible for financial compensation from the state.

Mr. Carey informed the Commission that the Salmon River Watershed Partnership will be holding two additional workshops on September 15<sup>th</sup> and 16<sup>th</sup> at Angelico's Lakehouse.

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

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Daphne C. Schaub  
Recording Secretary