

East Hampton Planning and Zoning Commission
Regular Meeting
October 20, 2010
(Rescheduled from October 6, 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 Peter Aarrestad, Richard Gosselin, James Sennett, Alternate Members Kevin Kuhr, Meg Wright, Darin Hurne, and Planning, Zoning & Building Administrator James Carey were present.

Absent: Members Roy Gauthier and Rowland Rux were absent.

Alternate Members Kevin Kuhr and Meg Wright were seated at this time.

2. **Approval of Minutes:**

A. September 1, 2010: *Mr. Aarrestad moved, and Mr. Philhower seconded, to approve the Minutes of September 1, 2010 as amended. The motion carried unanimously.*

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

Communications:

Mr. Carey acknowledged and congratulated Chairman Ray Zatorski for 10 years of service. Mr. Zatorski was appointed to the P&Z Commission on October 4, 2000.

Recent scans of CCM's Town & City Magazine and two bulletins from CCM's Environmental Management have been sent to the Commissioner's by email.

Liaison Reports:

Mr. Sennett reported on the October meeting of the ZBA at which meeting an appeal of the Zoning Enforcement Officer's decision to allow a fence to remain at 81 North Main Street was denied. The minutes of this meeting are on file in the Town Clerk's Office and on the Town's website.

Mr. Philhower reported on the October 5th Midstate Regional Planning Agency meeting at which they heard four applications. All were zoning referrals and were from Chester, Salem, Madison, and Wallingford. They were each deemed to have no regional significance.

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

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

5. Set Public Hearing(s):

- A. November 3, 2010: Application of Angelo Simoni, 0000 West High Street, Simoni Subdivision, for a 2-Lot Subdivision – Map 06/Block 6/Lot 3B; and**
- B. November 3, 2010 - 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. Philhower moved, Ms. Wright seconded, to schedule Public Hearings for November 3, 2010 for the Applications of Angelo Simoni, 0000 West High Street, Simoni Subdivision, for a 2-Lot Subdivision, Map 06/Block 6/Lot 3B 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. The motion carried unanimously.

- C. December 1, 2010 - Application of Little League of East Hampton, 20 Smith Street, Seamster Park, Site Plan Modification for Illumination Plan, Map 27/Block 87A/Lots 19C & 20:**

Mr. Philhower moved, and Mr. Gosselin seconded, to schedule the Public hearing for December 1, 2010 for the Application of Little League of East Hampton, 20 Smith Street, Seamster Park, Site Plan Modification for Illumination Plan, Map 27/Block 87A/Lots 19C & 20. The motion carried unanimously.

6. Public Hearing for October 20, 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: Mr. Carey explained that this subdivision is small and modest but unusual in that the access to the lots is by easement although they do have legal road frontage. The Department of Public Works has determined that access by the Pine Brook Road frontage is neither feasible nor desirable because the road is completely washed out and the Town has no interest in creating and/or maintaining the roadway. Pine Brook Road was washed out about 25 years ago. An easement was created to access the property via Old Young Street. The application was permitted by the IWWA on September 29, 2010.**

Louis Chianelli was present and described the property and easement to the Commission. He explained that the easement is from Young Street to Old Young Street at the intersection of 45 Old Young Street. The easement carves access to his property through 259 and 261 Young Street and 34 Old Young Streets. Pine Brook Road is part of Mr. Chianelli's driveway. It was never abandoned by the Town but is not maintained by the Town. Mr. Chianelli plows and maintains this roadway as part of his driveway.

Mr. Chianelli explained that the access to the property that will be created is actually from Old Young Street. Not from Pine Brook Road. He described to the Commission how he accesses his property and where the new parcel will

be accessed. The Commission discussed the options for access with Mr. Chianelli.

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

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

Mr. Philhower moved to approve the application for Chianelli Subdivision, 61 Old Young Street, Susan P. & Louis T. Chianelli, for a 2-Lot Subdivision, Map 14/Block 31A/Lot 8A, with the following conditions:

- *Contact Town Staff before finalizing subdivision; and*
- *Add all easements and driveway locations to the site plan and mylars.*

Ms. Wright seconded the motion. The motion carried unanimously.

B. 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:

Attorney Harry Heller, Uncasville, was present to represent the applicant. He reported that the application is for a building with a footprint of 12,500 sq ft and site improvements. It will be located on the east side of Connecticut Route 66. The property is located in the Design Development Zone. It is also located in the Lake Pocotopaug Protection Zone.

Mr. Heller explained that this project will be the first phase of Dream Developers' Traditional Neighborhood Development project which was reviewed informally by this commission in the past. This application involves a 5.5 acre parcel on the south side of Laurel Ridge. Access to the front parking area will be from Route 66 and to the rear parking area and the daycare drop off area will be from Laurel Ridge.

The daycare facility will be located on the easterly side of the building which will be the second floor; however, it will be at grade on that side of the building which will have access to the proposed play area and the proposed drop off area. The first floor of the building will be accessed on the westerly side and is proposed for restaurant and office use. As of now there are no actual users. Once actual users have been identified they will return to this Commission for site plan modification to approve those uses.

Mr. Heller explained that the driving force in designing this project was concern for the sensitivity of the Lake Pocotopaug area and compliance with the evaluation criteria that are contained in section 7.12 of the Town's Zoning Regulations. The design is both compatible with the needs of Lake Pocotopaug and also complies with the 2004 DEP Water Quality Manual.

The application includes a comprehensive Erosion and Sedimentation Control plan and a Demolition Plan. The site will require a significant disturbance; however, the site is not a virgin site and is in a state of disturbance.

Mr. Heller addressed each requirement of the Special Permit Regulation, Section No. 29 and explained the proposed compliance with each.

Richard Pettinelli, Fuss & O'Neill, Licensed Professional Engineer, explained that the building will have 16,400 sq ft in total. The bottom floor on the westerly side of the building will not be a full depth floor. It will only go back into the rear grade 50 ft. He discussed the proposed demolition of the Whitehouse Motel. He referred to the developers plan for future development and explained the two access areas for the daycare, loop road, play area, and parking lots. The temporary parking lot will be in place until the future phase, known as Market Square, is completed. There will be a total of 14 parking spaces in the front of the building and 26 spaces in the rear. Pervious pavers, rain gardens, and gravel will be used. The area will drain naturally. A Traffic Study has been created and submitted with the application. There is virtually no impact to the Town and State roadway system due to the primary occupant merely being relocated from another location on Route 66. There is a negligible increase due to the commercial uses. Further development will require a traffic signal.

Mr. Pettinelli explained that the stormwater on the site will be handled by a combination of pervious pavement and rain gardens. All rain gardens are designed with an overflow. The overflows are set slightly high at 6" with a beehive yard drain to avoid clogging by debris. Grass swales and these overflows will discharge into the state drainage system along Route 66. Roof and ground drainage will be directed to a rain garden where it will be treated and discharged through a small swale running through the play area. This swale will be a small, stone-lined, stream not to exceed 6 inches. It will be utilized as an area for the children to play and as a learning tool. From there the water will be directed into another rain garden and into a sedimentation basin.

The sedimentation is sized and located to handle the development of Market Square with the exception of the last building, Building C. Building C will be placed in the corner of what will be the road system. Overflow from the temporary sedimentation basin discharges out to a bermed area to redirect the water back and across Route 66 so as not to impact the neighboring area. The system includes extensive erosion matting and silt fencing. Flows are reduced significantly. There is a reduction of 12% in the one-year storm, 20% in the two-year storm, and up to 25% in the 100-year storm. These calculations are conservative and consider the site, the bedrock on the site, and the condition of the existing dirt parking lot. A low infiltration rate was used for both existing and proposed conditions. The calculations were then modified to match the existing SCS calculations and the infiltration characteristics of the soils in the area. These calculations then resulted in numbers that had been anticipated by the Town's engineer. As more development is brought on line the numbers will be more in keeping with the engineer's expectations. For right now there is a 10 to 20% reduction in stormwater flow across Route 66 and into Lake Pocotopaug.

Connecticut Water will provide the water on the site. It will be extended off of Laurel Ridge. The easements are already in place. Electric and cable will

be underground and brought in off of Route 66. Sanitary Sewer will be back brought in through Laurel Ridge by gravity sewer.

The Chairman opened the meeting to the public.

Lisa Motto, applicant, explained that an established restaurant from Marlborough has expressed interest in the location for a family-style restaurant open for breakfast, lunch, and dinner. The applicant, Dream Developers, is considering putting their own office in the remaining office space.

The Commission discussed their concerns regarding parking at this location.

Attorney Heller discussed the future consideration of a floating zone that will accommodate the future plans for a traditional, New England village type of development contemplated for the large parcel.

Mr. Carey reported that Connecticut Water is the exclusive service provider and is required by regulation to provide the water. They have indicated that they have sufficient water.

Attorney Heller explained that when the actual use of the restaurant and office space is determined, the applicant will bring the site plan back for modification review. At that time the actual parking concerns will be more specifically addressed.

Patrick Pinell, Architect and Town Planner, described the plan for the building. He explained that this is the first installment of what is designed to be a walkable, desirable, mixed use neighborhood. The upper, daycare level, will have a central courtyard that will be the focal point of the daycare. It provides an orientation device for the kids. It will enable daylight to reach the interior of the building, as well as cross ventilation, and allow for energy savings. The rooms will be organized in a clockwise fashion with an office and conference room in the entry area progressing to and through the increasing age groups. There will be internal 8 ft wide corridors. Each classroom will have an internal and exterior, at grade level, door. The lower, restaurant and office area, level will be designed to accommodate the specific uses when they are identified. The depth of the excavation into the bedrock will be adjusted as is appropriate for the uses on that level.

The plan for the architectural elevations is to be reminiscent of a big house and a small institutional building. The big house is for the sake of reassuring the kids at the drop-off, daycare area with a quasi-domestic hip roof. A more formal business-like character will be carried around to the restaurant and office side with individual small groupings of windows and doors to try and bring the scale down. The attempt is to stay small-scale in character.

The Chairman opened the public hearing at this time.

Roxanne Bartone, Director of KOCO, the largest and only non-profit daycare in town, was present to discuss the application. KOCO has been in business for 22 years and she has been the Director for seven years. The Board of Directors is comprised of parents and they have very strong ties to the

community. She explained that they are definitely ready to move to a larger building that is designed for a daycare use. She added that the parking in this new building will be three times as much parking as is available for her facility now.

John Perra, 8 South Hollow, discussed the extremely positive experience he has had with Dream Developers and the confidence he has in their ability to develop this site successfully.

Bill MacDonald, 120 Laurel Ridge, discussed his positive experience with the Mottos and will not miss the Whitehouse Motel.

Mr. Philhower moved, and Mr. Gosselin seconded, to close the public hearing. The motion carried unanimously.

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

- *Town Staff to be notified prior to construction;*
- *All E&S controls should be in place;*
- *All State traffic permits must be in place; and*
- *Revised drainage calculations must be forwarded to Town Staff.*

This application is being approved because it meets the needs of the Town of East Hampton and improves the community. The applicant has addressed the requirements of Section 7.12 and reduced to flow of stormwater into Lake Pocotopaug. Mr. Gosselin seconded the motion. The motion carried unanimously.

The Chairman called a five minute recess at this time.

The meeting reconvened at 8:40 p.m.

C. Application of Traditional Innovations, 265 West High Street, Sports On 66, for a Commercial Site Plan Review – Map 6/Block 12/Lots 9:
Mr. Carey explained that this a continuation of the hearing opened at the last regularly scheduled meeting. The applicant has since been permitted by the IWWA to proceed.

Raymond Nelson, Messier & Associates, discussed the plans with the Commission. He described the one indoor soccer court that will be constructed. There will be auxiliary uses related to the soccer facility. They are proposing a non-paved, pervious surface gravel parking area. This is to keep in step with the 2004 Connecticut Stormwater Guidelines. A wetlands mitigation area is also being created. There will be an on-sight storm drain system which will accept the runoff from the parking area and all the impervious surfaces. It will discharge to the existing drainage ditch along the frontage of the property. The State storm drainage flows east to west across the sight. All the runoff currently flows into this drainage ditch and will continue to. The system will include a Stormceptor unit to remove 80% of the total suspended solids per the 2004 CT Stormwater Guidelines.

Mr. Nelson described the parking plan for the facility and how it was calculated. The regulations require a minimum of 61 spaces for the proposed uses and the plan is for 74 spaces. Finally, he explained that all lighting would be attached to the building, pointed toward the parking area and fully shielded.

Brian Cutler provided a power point presentation for the Commission. (Attachment 1)

The Chairman opened the public hearing at this time.

Bob Reilly, 15 Chatham Fields Road, discussed his support of this facility.

Brian Reilly, 19 Smith Street, discussed the Town's need for a facility like this.

The applicant discussed different means of delineating parking spaces on the pervious surface.

Brian Cutler showed the draft for the signage he is considering for the property. It will not be self illuminated. (Attachment 2)

The Commission discussed potential hours of operation for the facility. The applicant indicated that the facility would probably close around 11 p.m. They would attempt to be competitive with other establishments. It will be open seven days a week. It will definitely be open on the weekend.

Mr. Philhower moved, and Mr. Sennett seconded, to close the public hearing. The motion carried unanimously.

Mr. Philhower moved to approve the application of Traditional Innovations, 265 West High Street, Sports On 66, for a Commercial Site Plan Review, Map 6/Block 12/Lots 9, with the following conditions:

- *Notify Town Staff prior to construction;*
- *All E&S controls must be in place;*
- *Provide a lighting plan to Town Staff prior to construction; and*
- *Closing time shall be 12 midnight reviewable upon application by the applicant (to extend hours of operation applicant must prove extended hours will not adversely affect the area).*

The application is being approved because the application meets the needs of the town. Mr. Sennett seconded the motion. The motion carried unanimously.

7. **New Business:** None.

8. **Old Business:**

A. **Discussion Re: Incentive Housing Zone Planned Presentation to the Public** – Mr. Carey reported that in discussion with Glenn Chalder of Planimetrics it has been determined that it would be best to wait until after the coming holidays to hold the presentation. The Commission requested that a January date be selected for the next meeting. Tentatively the meeting will be held on January 19, 2011.

B. Update: Salmon River Watershed Partnership – Mr. Carey reported that he has not been able to reach Shelley Green in a number of weeks. The last time he spoke to her they were working on some draft regulations. He will contact her this week to discuss both East Hampton's and Colchester's efforts.

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

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary