

**East Hampton Planning and Zoning Commission
Regular Meeting
June 1, 2011
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, Members Peter Aarrestad, Roy Gauthier, Richard Gosselin, James Sennett, Alternate Members Darin Hurne, Kevin Kuhr, Meg Wright, and Interim Town Planner Glenn Chalder were present.

Absent: Vice-Chairman Mark Philhower and Regular Member Rowland Rux were absent.

Alternates Darin Hurne and Meg Wright were seated at this time.

2. **Approval of Minutes:**

A. May 4, 2011 Regular Meeting:

Mr. Aarrestad moved, and Mr. Sennett seconded, to approve the Minutes of the May 4, 2011 meeting as amended. The motion carried (6-0-1). (Yes Votes: Aarrestad, Gauthier, Gosselin, Sennett, Wright, Zatorski. No Votes: None. Abstentions: Hurne.)

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

Communications:

Staff reported that a scan of the April 2011 Issue of the **Connecticut Town & City Magazine** have been distributed to the Commissioners by email.

The Fire Marshal's definition of a "Fire Department Access Road" has been clarified by the Fire Marshal. NFPA1 states, "The road or other means developed to allow access and operational setup for fire-fighting and rescue apparatus." Therefore the Fire Marshal's interpretation is ANY road that has the potential for firefighting or rescue operations falls under this definition. It makes no difference if it is a road to a subdivision or a Town road. The Code states that it is to be an unobstructed width of 20'.

Mr. Aarrestad responded that even with this clarification it is understandable that the Commission might interpret it differently than does the Fire Marshal. The Commission was and continues to be within its rights to challenge that interpretation by another Town department.

Staff reported on the results of the research requested regarding the status of sidewalks at Theater Square. The recorded mylars of the site plan approved by P&Z at the November 1, 2006 meeting indicate a 4' sidewalk from the northern entrance of Theater Square to the northern property line only. This is as the site exists now. In further review of the record an untitled, undated, unsigned map was located with submissions at the October 25, 2006 IWWA meeting. This map does indicate a 4' concrete sidewalk along the entire frontage of the strip mall. It does not show a sidewalk at the location of the frontage of the southern wetland area. At what point the sidewalk was cut back to just the northern portion of the project is unclear.

The motion in the minutes of the meeting at which the site plan was approved clearly states that the approval is based on plans last revised on October 30, 2006 after the October 25, 2006 IWWA meeting. Any further research is hindered due to the limited nature of the minutes that were approved for that meeting and the fact that the tapes of the meeting have been destroyed as that meeting was held almost five years ago.

Liaison Reports:

Mr. Zatorski indicated that the IWWA issues would be covered under the pertinent Agenda Items.

Mr. Gauthier reported that the EDC has had difficulty maintaining a quorum for their meetings. He did attend last night's meeting and again they did not have a quorum. He did discuss with those present the IHZ public hearing to be held tonight and encouraged them to attend.

Mr. Sennett reported that the ZBA did not have a meeting this past month because there was no business to be conducted. He also reported that there would be no meeting this month for the same reason.

Public Comments: The Chairman opened the meeting to the public for comments regarding any item that would not be covered under the Public Hearing portion of the meeting. There were none.

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

5. **Set Public Hearing(s) for July 6, 2011:**

A. **Application of LCS Properties, LLC**, for an Amendment to Zoning Regulations Section 7.11: *Mr. Gauthier moved, Mr. Gosselin seconded, to schedule the public hearing date of July 6, 2011 for the application of LCS Properties, LLC, for an Amendment to Zoning Regulations Section 7.11. The motion carried unanimously.*

6. **Public Hearing for June 1, 2011:**

A. **Application of Town of East Hampton, 60 North Main Street, Sears Park Master Plan for Site Plan Modification Review – Map 04A/Block 63B/Lot 20:**

Ruth Plummer, Director of the Parks and Recreation Department, was present to represent the application. She reported that the small set of plans in the Commissioner's packages this evening are the most recent revision (May 24, 2011) of the plans. The Chairman asked Ms. Plummer to update the Commission on the changes that were made to the plans since the last meeting.

Ms. Plummer began by indicating that the plans reflect that the turn radius in the boat launch area has been increased to R=30 and that the fence abutting the north end of the park has been relocated to accommodate the abutting neighbors to the north who have a right-of-way for their boat launch and a propane tank.

The number of trees to be removed has been reduced. Although an exact count is not available she believes close to 10 trees have been saved. The only trees to be removed will be those that must be removed for a new driveway or parking area.

The issue of the rain gardens requiring under drains for the purposes of assisting with drainage is addressed on Sheet No. 11, Section A-A.

The Chairman questioned if the existing underground drainage pipe has been located and identified on the plans. Ms. Plummer did not believe that issue had been addressed by anyone other than the Commission at its last meeting. The Chairman instructed Ms. Plummer to ensure that this drainage pipe be located and plans for its continued use or replacement be addressed.

The Chairman instructed that the drainage calculations be available at the next meeting.

The Chairman informed the Commission that the IWWA has declared this a significant activity and they will not be taking action until they hold a public hearing at their next regularly scheduled meeting on June 29th.

Ms. Plummer discussed the recommendations of Marc Cote, Acoustical Consultant, whose recommendations are based on projections for the band shell. She explained that he recommended that the structural specifications for the band shell involve construction that would allow the sound to be directed away from the areas to be protected and absorbed by the structure where necessary. It is also recommended that the Town install the sound system to allow for control of that system by the Town to ensure that the necessary precautions be in place to protect the area from potential abuses. The recommendation also covered programming and time. The Parks and Recreation Advisory Board will take an active part in helping the Parks and Recreation Department create guidelines to control and regulate venues acceptable for this location.

Ms. Plummer informed the Commission that the Phasing was developed at the recommendation of the Landscape Architect who designed the Master Plan. It will be implemented as funding allows and address traffic and safety needs first, followed by relocation of the boat launch to avoid dissecting the park and address runoff and lake water quality issues. The band shell is the first order of business to address the grant requirements. The Chairman read the phasing order into the record. **Attachment 1**

The Chairman questioned in which phase the demolition of the jetty would fall.

Ms. Plummer indicated that this demolition would fall under the phase titled Beachside Activities. She explained that the Parks and Recreation Advisory Board and her staff received input that the jetty is the result of many years of removing rocks from the boat launch area and used to divide the swimming area from the boat launch area for safety. They have also received commentary from neighbors to the south of the Park who believe the jetty interrupts the natural flow of the Lake and has contributed to both bacterial growth in the swimming area and the migration of sand from the Park's beach and swimming area to the shore of the properties to the south. Ms. Plummer stated that once the shoreline of the Park is opened up into one continuous beach and water area for swimming, they no longer desire to dissect the area with a jetty.

The Chairman explained that the Commission is concerned about the natural circulation of the Lake. Their concern is once that jetty, or groin, is removed all of the sand that is on the beach will be pushed to the south by the current. Removing the jetty may cause, in a few short years, any sand in the swimming area to vanish. The Commission discussed their concerns regarding demolition of the jetty. The Chairman instructed Ms. Plummer to provide a coastal engineering expertise with jetty construction and sediment transport to allow the Commission to make an appropriate decision regarding this phase.

The Chairman opened the Public Hearing to the public at this time.

Phil Wielgosh, 79 North Main Street, questioned the position of the band shell. He was informed that the band shell will face toward the northeast as indicated on the plans.

Nylene Noe, 63 North Main Street, questioned the inspiration for a band shell, how many people will the band shell serve, will liquor be allowed, will there be police patrols during a concert, will 10 pm be the curfew (she is of the opinion that 9 pm would be more appropriate), when will construction begin if this is approved, how much traffic will be expected for a concert and when will the traffic be expected to start, will her taxes increase, and how will the Master Plan be paid for.

The Chairman indicated that no liquor will be allowed in the Park and there would be an expectation for an increased police presence and park staff as would be appropriate for the venue.

Bruce Talhurst, 64 North Main Street, explained that his property is the property referred to on the North side of the Park. His property has a right-of-way, which was mentioned earlier in the meeting, through the Park. This right-of-way from the original subdivision dates back to 1951. It should have been placed on the site plan pursuant to his earlier conversations with Ms. Plummer. He would like that confirmed.

The Commission and Staff were unable to locate the right-of-way. The Chairman instructed that the right-of-way be added to the site plan in advance of the next meeting.

Mr. Talhurst explained that his property is located on the northwest corner of the park. The Town purchased three properties that were part of the original subdivision in 1951. Those four properties, including his property, had a 50' right-of-way that extends 70 or 80' into the Park, almost to the boat launch. His property has no frontage on North Main Street. This right-of-way is very important to him because it provides his only access to his property. He believes the Town to be a good neighbor and he would like to be a good neighbor and feels the Commission should be aware of the idea that some of the recent modifications that have been required (relocation of a fence) have been to accommodate him and his right-of-way. This accommodation provides his property with a 10' access way to a garage and a propane tank. The relocation of the fence is on the plans.

Mr. Talhurst of 64 North Main Street is in favor of the Master Plan generally and expects the renovations to continue with a favorable result for the Town, the Park, and his property.

Laurie Chadwick, 5 Sears Lane, questioned the type of grant funding and whether it would have any impact on who will be allowed into the Park for these concerts. She also discussed the sand. The sand does make her swimming area very safe but it does contribute to difficulties in navigation of boats.

The Chairman responded that sand reclamation could possibly be considered in the improvements going forward. This would be a consideration for the IWWA.

Ms. Chadwick explained that sand is frequently being added behind the retention wall; however, that sand is escaping or it would not require replacement. She also questioned the phasing and the overall timeline that is to be expected.

The Chairman explained that the phasing will be carried out as funding permits. The cost estimates are included in the Phasing Plan. There is no definite timeline in consideration at this time.

Finally, she questioned how access to the proposed staff parking will affect the access road to Sears Lane. This access road continually has erosion problems and the Town only plows part of the access road. The neighbors on Sears Lane have attempted several times to have this access way appropriately repaired but there has been no resolution.

Phil Wielgosh, 79 North Main Street, expressed appreciation for the Town's attempts to position the band shell facing the water and away from the neighbors but is very dissatisfied with the situation at Angelico's for which he holds the Commission responsible. He would like the Commission to make future plans to correct that situation.

Ms. Plummer encouraged people to come to the Parks and Recreation Advisory Board meetings. They are held on the first Tuesday of the month at 4 p.m. in the Town Hall Annex at 240 Middletown Avenue. She explained that the money to build the band shell is from an award of a STEAP Grant, Small Town Economic Assistance Program Grant from the State of Connecticut. There is an economic development component. There will be a requirement that venues will be open to the public beyond the residents of East Hampton. Attendance to any activity at Sears Park is controlled via the parking. There is a limit to how much parking is available. When the parking is full the parking is closed and no one else comes in. The biggest turnout the Park has ever had was 8 years ago for the 90th anniversary of Sears Park. The attendance was under 200 people. It is not anticipated that this little park will have thousands of people in attendance. Walk-ins, bicyclists, and boaters are not controlled. During special events, under the Ordinance governing Parks and Recreation, the Advisory Board has the right to extend the hours of the Park for special purposes and events. This is no different than how the Park is operated currently. When there is a large event, there are criteria that are already in place for the rental of the pavilion and the picnic shelter. Guidelines will be added that document guidelines for what must be approved going forward. A venue that would attract thousands of people will be denied.

Ms. Plummer reported that the Advisory Board is hoping construction will begin on the band shell this fall. She anticipates that funding for future phases would be accomplished by either capital or bonding. The existing parking lot next to the tennis courts is the main parking lot currently. The parking will be distributed throughout the Park in the future and the existing parking lot, accessed by Sears Lane will become staff parking during the work week. During the weekends that area will be shut off and will be overflow parking from the inside of the Park. The biggest impact on Sears Lane will be during camp and swimming lessons, which is eight weeks in the summer, when there is full staff on duty.

The Advisory Board does plan to accept the recommendation for the 10 pm curfew.

Ms. Plummer explained that the former Town Manager received a STEAP Grant to purchase the property on the corner of Main Street and West High Street in conjunction with the Streetscape Project for Route 66. The negotiations for purchasing that property failed and it was suggested by the former Town Manager that the Town build a memorial to Governor William O'Neill in the form of a band shell in Sears Park. The Town approached the State with this change and the State approved changing the use of the award.

Glenn Chalder, Interim Town Planner, discussed the goal of the Commission to get the plans for Sears Park ready for action at the earliest opportunity in fairness to the applicant and others. He believes that there are some things that are important for the Commission to have. The buried pipe must be located and included in the plans, Parks and Recreation must commit to how they will receive and apply the recommendations of the Acoustical Consultant including operational guidelines, the Phasing Plan should be formalized and include erosion and sediment control for each phase, the jetty and sand loss must be addressed specifically, all easements must be a part of the plans, and a commitment from Parks and Recreation for the construction of and performance objectives for the band shell. With these items in place this Commission will be ready for action at the next meeting.

Mr. Sennett moved, and Ms. Wright seconded, to continue the public hearing of the Application of Town of East Hampton, 60 North Main Street, Sears Park Master Plan for Site Plan Modification Review, Map 04A/Block 63B/Lot 20, to the next regularly scheduled meeting on July 6, 2011. The motion carried unanimously.

Mr. Aarrestad moved, and Ms. Wright seconded, to continue the Application of Town of East Hampton, 60 North Main Street, Sears Park Master Plan for Site Plan Modification Review, Map 04A/Block 63B/Lot 20, to the next regularly scheduled meeting on July 6, 2011. The motion carried unanimously.

B. East Hampton Zoning Regulations, Section 21, Parking Requirements:

Mr. Chalder discussed his understanding of the revisions to the Parking Requirements and its evolution. He reiterated that the goals included lowering the impact of impervious surfaces to positively impact water quality. The changes proposed include establishing a range of minimum and maximum parking space requirements for the various uses in town, waiver provisions, and provisions for pervious and shared parking areas. These changes in the regulations are to address issue related to stormwater management with the intention of having an effect throughout the Salmon River Watershed.

The Commission referred to comments made at the last meeting by Mr. Philhower pursuant to Midstate Regional Planning Agency's comments regarding the range of required parking for resident trailer parks. The Commission agreed to amend the Maximum requirement for Resident Trailer Parks to "1 per unit plus 1 per employee plus 1 for manager" and the Minimum requirement for Resident Trailer Parks to "1 per unit plus 0.5 per employee plus 1 for manager."

The Commission discussed concerns they had about the Residential Land Use numbers. Mr. Chalder suggested that the Commission leave the public hearing open and he come back in July with additional changes to the regulation involving changing the residential use into two separate categories for single-family and multi-family, as well as other revisions.

Mr. Chalder discussed his concerns regarding parking limitations. He suggested that the first paragraph in Section 21.2 be revised as follows: "Off-street parking shall be provided and maintained in the following numbers provided that the applicant shall demonstrate to the satisfaction of the Commission that the number of spaces proposed is adequate and appropriate for the proposed use." This language will give the Commission the ability to impose their judgment on an application.

Mr. Chalder distributed changes that Nate Kelly of Horsely Witten Group provided to the same end. Either language will be acceptable to him. The Chairman asked Mr. Chalder to choose the most appropriate language and incorporate that into the Regulation.

Mr. Chalder will also be including language regarding criteria for pervious surfaces.

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

Ed Todd, 169 Clark Hill Road, questioned the definition of “pervious” as opposed to “impervious.”

Mr. Chalder explained that this is what he will be addressing in the next draft of this regulation.

Mr. Hurne moved, and Ms. Wright seconded, to continue the public hearing for the East Hampton Zoning Regulations, Section 21, Parking Requirements, to the next regularly scheduled meeting of July 6, 2011. The motion carried unanimously.

Mr. Aarrestad moved, and Ms. Wright seconded, to continue the application for the East Hampton Zoning Regulations, Section 21, Parking Requirements, to the next regularly scheduled meeting of July 6, 2011. The motion carried unanimously.

The Chairman reordered the Agenda to hear Agenda Item No. 7.A, 8-24 Review – Extension of Air Line State Park Trail, next.

7. New Business:

A. 8-24 Review - Extension of Air Line State Park Trail, from Terminus Northeast of Watrous Street over Pocotopaug Creek to Municipal Parking Lot on Main Street:

Ruth Plummer, Parks and Recreation Director, reported to the Commission that the Town has received a STEAP Grant award in the amount of \$200,000 to extend the Air Line State Park Trail from the terminus, east of Watrous Street, into the Village Center. A committee comprising of members of the Economic Development Commission, the Parks and Recreation Advisory Board, Keith Hayden the Public Works Director, and two representatives from DEP was created to develop this plan. The Committee selected Anchor Engineering to design and complete the project. The agreements between the State and the Town have all been signed. The project is ready to proceed and has been brought before this Commission for an approval of the conceptual plans only.

Ms. Plummer explained that in the past two years the Trail has been extended from Smith Street to Watrous Street. This project is for the next step in the plans for the Trail, to bring it over Pocotopaug Creek using the existing railroad viaduct and further down into the Municipal Parking Lot on Main Street. Previous phases have been performed by the Public Works Department and Parks and Recreation. This phase will be conducted by Anchor Engineering due to the steep grade. The project includes decking the bridge, an at grade crossing of Watrous Street, switch backs up to the trestle, and switch backs down a 500’ steep grade into the Municipal Parking Lot.

Mr. Gauthier moved, and Mr. Hurne seconded, to resolve that the Planning and Zoning Commission of the Town of East Hampton deems the following project appropriate pursuant to Section 8-24 of the General Statutes of the State of Connecticut: The Extension and Improvements to the Air Line State Park Trail as depicted in the Conceptual layout

and Design presented to the East Hampton Planning and Zoning Commission on June 1, 2011 has been deemed to be an appropriate undertaking for the Town of East Hampton. This resolution is for approval of conceptual plans only. The project is subject to and shall comply with all applicable laws, regulations, and permit approvals, and this resolution shall not be a determination that the project is in compliance with any such applicable laws, regulations, or permit approvals. Complete site plan review of the project will be conducted at a later date at which time the final approval will be considered. The motion carried unanimously.

The Chairman recessed the meeting at 8:30. The meeting reconvened at 8:36.

6. Public Hearing for June 1, 2011 – Continued from Earlier in the Meeting:

C. 2011 Revision to the East Hampton Plan of Conservation and Development:

Glenn Chalder explained to the Commission that he is before them at this point in the meeting to represent the applicant. Planimetrics has been working with the Town on the Incentive Housing Zone (IHZ) by virtue of a Technical Assistance Grant from the State for the study. The goal is to identify areas of town where it may be beneficial to promote creation of additional housing choices for economic growth. The study parameters lead predominantly to the Village Center area. For some time now there has been interest in promoting the redevelopment of the Village Center.

The first step in adopting the IHZ regulation is to amend the Plan of Conservation and Development (POCD) to reflect the Town's intentions with the IHZ Regulation. Any time zoning changes are adopted it is a good idea to add corresponding text to the POCD. The language to be inserted on Page 4-13 is as follows: "Higher density housing in and near the Village Center can help meet local housing needs (for housing that is more affordable and for housing for an aging population) and help revitalize East Hampton's historic Village Center. Programs such as the Incentive Housing Zone (also known as the Housing For Economic Growth program) may provide an opportunity to explore and implement approaches that are appropriate for East Hampton. Due to the distinctive character, landscape and historic values in this area, the Commission should also consider the establishment of a "village district" zoning designation (as authorized by CGS Section 8-2j) in order to be able to maintain aesthetic control over building and site design and enhance the overall ambiance and character of the village center area." The corresponding map entitled East Hampton Village Center Concept Sketch will also be included in the POCD.

Mr. Chalder further reported that the Town Council has commented in favor of the proposed amendment to the POCD. The referrals to Midstate Regional Planning Agency and to the Capital Region Council of Governments were both met with agreement.

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

Jack David, 42 Charles Mary Drive, questioned the number of new residents that would be expected for this area.

Mr. Zatorski explained that due to the water needs in the Village Center currently not more than 30 new units could be accommodated. Should the time come that the Town has a large scale public water system this design concept is capable of accommodating 286 new

units. Other designs would accommodate more or less depending on the nature of the specific development.

Mr. David questioned what that many new residents would do to the nature of the Town.

Mr. Zatorski discussed the intention of the Commission to promote development in the Village Center. The hope is to bring people and business into the Village Center and revitalize the economy in East Hampton. This regulation is to create an enabling overlay zone that will allow the area to remain as it is currently zoned, Industrial, or will provide options to the property owners for potential re-development.

Mr. David questioned what water has to do with this regulation.

Mr. Zatorski explained that currently the Village Center water system is supplied by a well on the Center School property. If a larger system is ever approved for the Town, the Village Center will have the regulations in place for re-development. The Commission is proactively addressing the long term plight of the Village Center with a long term solution. Mr. Zatorski referred Mr. David to Mr. Susco of the Water Pollution Control Authority for additional information on the potential for a large scale water system in East Hampton.

Mr. Hurne moved, and Mr. Gosselin seconded, to close the public hearing for the 2011 revision to the East Hampton Plan of Conservation and Development. The motion carried unanimously.

Ms. Wright moved, and Mr. Sennett seconded to adopt the 2011 Revision to the East Hampton Plan of Conservation and Development for the Town of East Hampton to include the following insertion on Page No. 4-13:

- *Insert paragraph “Higher density housing in and near the Village Center can help meet local housing needs (for housing that is more affordable and for housing for an aging population) and help revitalize East Hampton’s historic village center. Programs such as the Incentive Housing Zone (also known as the Housing For Economic Growth program) may provide an opportunity to explore and implement approaches that are appropriate for East Hampton. Due to the distinctive character, landscape and historic values in this area, the Commission should also consider the establishment of a “village district” zoning designation (as authorized by CGS Section 8-2j) in order to be able to maintain aesthetic control over building and site design and enhance the overall ambiance and character of the village center area.”;*
- *The map on Page No. 2 of the memorandum dated 4/11/2011 from J. Carey to the East Hampton Town Council; and*
- *The language in the blue box on Page 3 of Booklet #12 dated May 17, 2011 and entitled Revised Regulatory Approach.*

This revision is being adopted for the following reasons:

- *The Commission has held numerous workshops and public hearings to develop a strategy to encourage long term goals for housing and economic development in the Village Center; and*

- *The Commission has received favorable commentary from the Town Council, Midstate Regional Planning Agency, and Capitol Region Council of Governments. The modification to be effective July 1, 2011. The Motion carried unanimously.*

Mr. Sennett requested that the record reflect that during the development of this regulation the conceptual plan for the potential Village Center design accommodated as many as 367 new units. The current conceptual plan that has just been adopted for inclusion in the POCD accommodates 287 new units.

D. Village District Designation:

Glenn Chalder asked the Commission to refer to Page 13 of Booklet #12 dated May 17, 2011, entitled Revised Regulatory Approach. Mr. Chalder explained that Pages 13 thru 20 covers the suggested modifications to what is currently the Village Commercial District. Section 7.10.1 is revised to include renaming this area the Village Center District. Additionally, the proposal is to modify the purpose statement including adding language recognizing the importance of the Village Center District. By recognizing the Village Center District's distinctive character, landscape, and historic value, the designation gives the Commission the ability to have much more control over the design of development in this area. Under this designation the Commission can actually turn down an otherwise complying application because it doesn't fit the character. The Commission will only rarely need this tool but having it will be very useful when it is necessary.

Section 7.10.2, Uses Permitted in the Village Center Zone, will be amended to indicate the prohibition of drive-in windows. This will aid in promoting a more pedestrian friendly area rather than an automobile friendly area. Section 7.10.3.1, Special Provisions for Residential Use allows apartments by Special Permit. Dimensional limitations have been removed. These limitations make it more difficult for people to provide for housing in mixed use buildings. In the past apartments have been allowed by site plan approval. That has been eliminated and replaced with the special permit process. Section 7.10.4, Special Provisions Applicable to All Uses in the Village Center Zone, includes additional language to require maintenance of a pedestrian friendly and inviting streetscape. The use should be a commercial use which maintains an active streetscape promoting pedestrian orientation. There is a provision for flexibility for yard requirements. The lot lines and building locations in this area are indicative of the history and rigid adherence to yard requirements would limit people from the creativity necessary in this area. This allows the Commission to be flexible.

Section 7.10.5, Design Review Provisions, has been added. These correlate with the establishment of the Village District. This is an overview of the type of building, light, site, and signing considerations including some of the procedures that should be employed to review an application within the Village District. It also includes a provision for the Commission to waive setbacks, building height, or other requirements in the District.

Mr. Chalder explained that if the Commission elects to create a Village District they "shall" be required to have a design consultant to assist the Commission. The statute allows two options. Someone in Town who is either an architect, landscape architect, or planner may assist you or you may have a community design committee. When an application comes in the Commission would refer the application to either the person or group and provide you

with comments. You are not required to utilize those comments but they must be made available to you as part of your review of the application.

The Commission requested that the second sentence in Section 7.10.5.B.1.b be struck from the regulation. Mr. Chalder agreed. The Commission also requested that the words “and executed by the owners” be added to Section 7.10.4.D.2 after the addition “prepared by an attorney”. Mr. Chalder, again, agreed.

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

Mr. Chalder clarified that the IHZ program is not a shield from the 8-30g applications that have been known to benefit developers at the expense of the Town. The IHZ is a more attractive option for a developer to investigate first, potentially avoid protracted litigation and adversity.

Mr. Hurne moved, and Mr. Gosselin seconded, to close the public hearing for the application of the Town of East Hampton to adopt a Village District Designation. The motion carried unanimously.

Mr. Gauthier moved, and Mr. Hurne seconded, to modify Section 7.10, VC Zone: Village Center, of the East Hampton Planning and Zoning Regulation, as indicated on Page Nos. 13 thru 20 of Booklet #12, Revised Regulatory Approach, including additional amendments made during this meeting (indicated above) for the purposes of creating a village district to help support appropriate redevelopment within the Village Center Zone. The modification will be effective on July 1, 2011. The motion carried unanimously.

E. Incentive Housing Zone Regulation:

Glenn Chalder referred the Commission to Page Nos. 3 thru 12 of Booklet #12, Revised Regulatory Approach, which addresses the adoption of a new zoning regulation to be known as Section 7.14, Village Housing Overlay Zone, of the East Hampton Planning and Zoning Regulation. Page Nos. 4 thru 12 address the proposed changes to the zoning text being addressed in tonight’s public hearing. The Zoning Map also must be updated to reflect the Village Housing Overlay Zone.

Mr. Chalder explained that with the amended text in the Planning and Zoning Regulation but not reflected on the official Zoning Map you have what is called a floating zone. To utilize the regulation an applicant would need to apply for a zone change. The POCD says they can apply for this use. The Planning and Zoning Regulations also allow for this use. The zone doesn’t exist on their property yet so they would need to apply for it. The intent of this Regulation is to place the overlay zone on the Zoning Map; thereby, recognizing that this specific area is eligible for this Village Housing Overlay Zone. No applicant would need to apply for a zone change. They would merely need to apply for a special permit.

The Commission agreed by consensus that the normal protocol for adoption of changes to the official zoning map has been to approve text changes in the regulation. By adopting the text changes, addressing the change in the POCD, and legal notices have clearly anticipated a change to the zoning map. The Commission is safe in proceeding with this text change.

The text change addressed in Page Nos. 4 thru 12 is the Village Housing Overlay Zone. An overlay zone does not change the zone of any property in the Village Center area. It makes

the new housing opportunity available for property owners within the area of the overlay zone. The Commission has identified areas that would be most appropriate for multi-family, townhouses, and duplexes. As a result there are three sub-districts within the overlay. They are for multi-family, townhouse, and duplex. The standards are addressed in the new text for the different uses. The setbacks have been identified. There is a housing affordability requirement in the regulation so that anyone who proposes to take advantage of the overlay zone and come in with a development must set aside a minimum of 20% of the units meeting the affordability considerations and criteria. If it was an 8-30g the set aside would be 30%. The parking standards, the building design, construction guidelines, etc. all guide the development. Page Nos. 10 thru 12 address both the favored design treatments and those treatments not favored. This new regulation meets the basic requirements for the Incentive Housing Overlay Zone program established by the State except for the Special Permit feature which causes a significant difference. As a result of that difference the Town would not be eligible for funding for the IHZ program from the State but the Commission has agreed that the goal and intent of this is to promote the compatible development and redevelopment of the Village Center area not the financial incentive offered by the State.

The Commission agreed by consensus that the deed restriction for each affordable unit is appropriately established for a 40 year period from the date of first occupancy of each affordable unit.

The Chairman opened the meeting to the public at this time. No one from the public came forward at this time.

Mr. Hurne moved, and Mr. Gosselin seconded, to close the public hearing on the application of the Town of East Hampton to adopt the Incentive Housing Zone Regulation. The motion carried unanimously.

Mr. Gauthier moved, and Mr. Hurne seconded to adopt Section No. 7.14, Village Housing Overlay Zone, as it appears in Booklet #12 dated May 17, 2011 Page Nos. 4 thru 12, excluding the blue box at the top right of Page No. 7, including the map on the last page of the memorandum dated April 11, 2011 from J. Carey to the East Hampton Town Council with an effective date of July 1, 2011. This adoption is for the purposes of amending the Planning and Zoning Regulations to support the POCD and the Village District Designation as recommended by Town Staff. The motion carried unanimously.

7. New Business – Continued from Earlier in the Meeting:

- A. 8-24 Review - Sears Park Master Plan:** This agenda item was addressed earlier in the meeting.

The Chairman added Agenda Item No. 7.B. to the meeting agenda at this time.

- B. Update Official Zoning Map:** The Chairman requested that the Official Zoning Map be updated and legaled for a public hearing at the August 3, 2011 meeting.

8. Old Business:

- A. Application of Liberty Bank – Phase 2, 2 West High Street, for Commercial Site Plan Modification to Construct an Addition to the Front of Building and a Covered Entry Way – Map 1A/Block 39A/Lot 29B:** Staff reported that Liberty Bank was happy with the Phase 1

approval they received on the parking lot and drive-thru canopy with ATM kiosk. They are anxious to continue with the Phase 2 application. The applicant has agreed to include the sidewalk.

The Chairman instructed staff to notify the applicant that the applicant should provide the Town with a new application, fee, and site plan for the Phase 2 portion of the site plan modification including the two additions to the building and a contiguous sidewalk from the crosswalk at the intersection of Route 66 and North Main Street, providing access both to the building and the parking lot. Pedestrians must have a choice of crossing the street and walking to the bank or up North Main past the bank's property. If the applicant makes no additional changes to the site plan with the exception of the required sidewalk addition the Commission would be willing to waive the application fee.

9. **Adjournment:** *Mr. Hurne moved to adjourn the meeting. Ms. Wright seconded the motion. The motion carried unanimously.*

The meeting adjourned at 10:07 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary