

**East Hampton Planning and Zoning Commission
Regular Meeting
January 4, 2012
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, Roy Gauthier, Richard Gosselin, Rowland Rux, James Sennett, Alternate Members Darin Hurne (8:35), Kevin Kuhr, and Planning, Zoning & Building Administrator James Carey were present.

Absent: Alternate Member Meg Wright was not present.

Alternate Member Kevin Kuhr was seated at this time.

2. **Approval of Minutes:**

A. December 7, 2011 Regular Meeting:

Mr. Sennett moved, and Mr. Philhower seconded, to approve the Minutes of the December 7, 2011 meeting as written. The motion carried (6-0-1). (Yes votes: Gauthier, Gosselin, Kuhr, Philhower, Sennett, Zatorski. No votes: None. Abstentions: Aarrestad.)

The Chairman requested that Item No. 8.B, Election of Officers be moved forward to this point on this evenings Agenda.

Mr. Rux moved, and Mr. Gosselin seconded, to rearrange the Agenda as requested by the Chairman. The motion carried unanimously.

8. **Old Business:**

B. Election of Officers: The Chairman explained that he has filled the position of Chairman for the past three years. Last year the Commission amended the Commission's Bylaws to extend the term limit of the Chairman for one year. Chairman Zatorski thanked his fellow Commissioners for all the work they have accomplished over the past three years in a non-partisan manner. He opened the meeting to nominations for the position of Chairman of the Planning and Zoning Commission for the 2012 calendar year at this time.

Commissioner Rux nominated Commissioner Philhower for the position of Chairman for the Planning and Zoning Commission for the 2012 Calendar year. Mr. Philhower accepted the nomination.

There being no other nominations for Chairman, Chairman Zatorski asked for a motion to close the nominations. Mr. Gauthier moved to close the nominations. Mr. Rux seconded the motion to close the nominations. The motion carried unanimously.

The vote to appoint Commissioner Philhower to the position of Planning and Zoning Commission Chairman for the 2012 calendar year carried unanimously.

Chairman Philhower assumed the seat of Chairman at this time. He opened the meeting to nominations for the position of Vice-Chairman of the Planning and Zoning Commission for the 2012 calendar year at this time.

Commissioner Rux nominated Commissioner Zatorski for the position of Vice-Chairman for the Planning and Zoning Commission for the 2012 Calendar Year. Mr. Zatorski accepted the nomination.

There being no other nominations for the Vice-Chairman, Chairman Philhower asked for a motion to close the nominations. Mr. Rux moved to close the nominations. Mr. Gauthier seconded the motion to close the nominations. The motion carried unanimously.

The vote to appoint Commissioner Zatorski to the position of Planning and Zoning Commission Vice-Chairman for the 2012 calendar year carried unanimously.

Chairman Philhower thanked Commissioner Zatorski for the very good leadership he provided the Commission for the past three years. He hopes to continue at the same level of quality for the Commission.

3. Communications, Liaison Reports, and Public Comments:

Communications:

Mr. Carey reported that the Commissioners should have recently received a scan in their email of the Quarterly Newsletter from the Connecticut Federation of Planning & Zoning Agencies.

Liaison Reports:

Mr. Sennett reported that he did not attend the ZBA meeting on December 7, 2011. He was able to report that the ZBA did grant a variance on 133 Clark Hill Road to reduce the side-yard setback from 25' to 14' to allow a practical conveyance as the property now exists. The minutes of this meeting are available on line and are on file in the Town Clerk's Office.

Mr. Zatorski reported that he had nothing to report from the IWWA that concerns anything on the Agenda this evening. The minutes for this meeting are available for view online and in the Town Clerk's Office.

Mr. Aarrestad reported that the Salmon River Watershed Partnership held a Steering Committee meeting. East Hampton has been very actively involved in the Partnership. As a community East Hampton should be proud of the financial commitment it has continued to make over the years, even during these economically challenging times. He is hopeful that that level of support will continue. The Steering Committee meeting was primarily about how to keep the process flowing forward in a positive direction. Shelley Green, Director of the Lower Connecticut River Program for The Nature Conservancy, has been the lead at The Nature Conservancy in supporting the Partnership. Ms. Green has been promoted and will be replaced. The Salmon River will be used as a case study. The Chief Elected Officials of the Partnership communities will be invited to a meeting with The Nature Conservancy to discuss the future plans for the Partnership. Mr. Aarrestad indicated that Mr. Carey has worked extensively with The Nature Conservancy and is aware of the importance of this strong relationship and staying vested in the Partnership.

Mr. Kuhr attended the Conservation-Lake Commission's meeting on December 8, 2011. He reported that the Commission discussed the commencement of monthly education meetings in January. The Commission has begun posting watershed signs in the Lake watershed area. Water quality sampling training with Ken Wagner will begin in the spring. Beaver Dams in the area of Hog Hill and Terp Roads have been dismantled and 12 beavers have been removed to date to protect the area from flooding. Mr. Landon was also present at that meeting and expressed his concerns over the handling of the 68 Spellman Point project. The Conservation-

Lake Commission has also expressed their disgust with that project and will follow-up with a letter to the owner. The minutes of this meeting are available on line and are on file in the Town Clerk's Office.

Mr. Gauthier reported that the EDC met at their regular meeting on December 20th. There was further discussion about a blight ordinance and a home-based business regulation and their desire to pursue them for the Town. The minutes of this meeting are available on line and are on file in the Town Clerk's Office.

Mr. Philhower reported that Midstate Regional Planning Agency did not meet in December.

Mr. Rux reported that the Water Development Task Force has not met in many months. He requested that Staff advise him of the status of the board.

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

4. **Set Public Hearing(s) for February 1, 2012:** None.

5. **Read Legal Notice:** None.

6. **Public Hearing for January 7, 2012:** None

7. **New Business:**

A. **Application of Joseph & Pamela Rinaldi, 19 Lake Drive, for a Site Plan Modification to Extinguish Special Permit Rights and Requirements for Non-Conforming Buildings and Uses and Lake Pocotopaug Protection Area - Map 03A/Block 44/Lot 59:**

Mr. Carey explained that this is a modification of an approval that was granted to Manafort Family LLC a few years ago. At the time Manafort applied for a site plan approval for two separate condominium associations. One association would have four units on the south side of West Street and the other would have four units on the north side of West Street. The project on the northern parcel has been constructed. Manafort requested and was permitted to reduce the units in that association by one unit to a total of three units. The southern parcel is under contract for purchase; however, the buyer would only be interested in purchasing the property for development as a single-family lot and would like the P&Z Commission to consider extinguishing the special permits on this parcel. The special permit granted for the less non-conforming use would be reverted back to the base zoning which is R-1. That action would yield one lot of R-1 zoning which would allow for the construction of one single-family home and appropriate accessory structures to that home subject to all rules and regulations under the Zoning Regulations, IWWA, and Conservation-Lake Commission. The Lake Pocotopaug Protection Area Special Permit would also be extinguished as the construction of single-family homes on existing building lots do not require special permits for the Lake Pocotopaug Protection Area.

Mr. Aarrestad discussed the Lake Pocotopaug Protection Area with Mr. Carey.

Mr. Carey explained that this single-family building lot will not be non-conforming. It will be conforming other than for lot size. Lot size and dimension cannot be controlled in lots created prior to our Subdivision Regulations which were adopted in 1949. Lot coverage, setbacks, and any and all requirements initiated by the upland review requirements of the IWWA will all be fully enforced. The requirements of the IWWA will be augmented by recommendations of the Conservation-Lake Commission prior to the IWWA issuing a permit for the project.

The parcel will have a private well. The parcel will share ownership rights to the parcel across Lake Road, and all its Lake rights, with the parcel on the north side of West Street.

Mr. Gauthier explained that the proposed project sounds reasonable but he is concerned that it should be looked further into. He discussed the historical, non-conforming, motel use on the property; the recent site plan modification of Manafort Family LLC, creating the less non-conforming use of the condominium extinguishing the motel use; and the current application to extinguish the non-conforming use of the condominium and return the parcel to a single-family R-1 zoned parcel. He also confirmed that as a single-family R-1 zoned parcel would not be reviewed by the P&Z, but it would be required to submit to review of the IWWA and the Conservation-Lake Commission.

Mr. Carey explained that the non-conformity of the historical use for a motel has been completely abandoned. This application is a request of the applicant to be allowed to abandon the existing non-conforming use for a condominium. This parcel becomes a non-conforming R-1 zoned parcel. The majority of the lots around the lake are non-conforming.

Mr. Zatorski moved that the P&Z Commission approve the Application of Joseph and Pamela Rinaldi, 19 Lake Drive, for a Site Plan Modification to Extinguish Special Permit Rights and Requirements for Non-Conforming Buildings and Uses and Lake Pocotopaug Protection Area, Map 03A/Block 44/Lot 59, to convert this lot to a single-family dwelling parcel in the R-1 Zone for the reason. The motion was seconded by Mr. Rux. The motion carried unanimously.

Mr. Sennett requested, and Staff agreed that, that Agenda and information would be provided to the Commission a full week before a meeting. Mr. Carey did request that the Commissioners be aware that the Agenda may change up until 24 hours before the meeting.

8. Old Business:

- A. Set 2012 P&Z Meeting Calendar:** The Commission discussed scheduling the July meeting for the 5th of July due to the 4th of July falling on Wednesday. **Attachment 1**

Mr. Zatorski moved, and Mr. Rux seconded, to approve the P&Z Meeting Calendar as revised. The motion carried unanimously.

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

The meeting adjourned at 7:40 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary