

**East Hampton Planning and Zoning Commission**  
**Regular Meeting**  
**July 5, 2012**  
**Town Hall Meeting Room**

<b>Unapproved Minutes</b>
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- 1. Call to Order and Seating of Alternates:** Vice-Chairman Zatorski called the meeting to order at 7:00 p.m.

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

Absent: Chairman Mark Philhower, Member Roy Gauthier, and Alternate Member Scott Sanicki were not present.

The Vice-Chairman seated Mr. Hoffman and Ms. Wright.

- 2. Approval of Minutes:**  
**A. June 6, 2012 Regular Meeting:**

*Mr. Rux moved, and Mr. Gosselin seconded, to approve the Minutes of the June 6, 2012 meeting as written. The motion carried unanimously.*

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

Mr. Carey informed the Commission that the most recent copy of the Connecticut Technology Transfer has been distributed to the Commissioners via email.

Mr. Carey reported that the numbering of Section 7.12, Lake Pocotopaug Protection Area, of the P&Z Regulations has been researched to its origin. The incorrect numbering was evident from the adoption of the section. The Commission chose to keep Section 7.12.3 as "RESERVED".

Mr. Carey explained to the Commission that the most recent version of the P&Z Bylaws including the Appointed Boards and Commissions Attendance Policy are included in their packages tonight.

**Liaison Reports:**

Mr. Zatorski reported that the IWWA met on June 27, 2012. Mr. Carey reported that the Butler application before the Commission tonight was granted an IWWA Agent Approval. The Minutes of this meeting are available for viewing in the Town Clerk's Office and online.

Mr. Sennett reported that at the June 11, 2012 ZBA meeting two variances were granted. The first variance was for 30 Knowles Road to reduce the rear yard setback from 50' to 12' to construct an addition. The second variance was for 14 Julia Terrace to reduce the rear yard setback from 15' to 8' to construct a deck. The Minutes of this meeting are available for viewing in the Town Clerk's Office and online.

Mr. Aarrestad reported that he spoke with Pat Young of the Salmon River Watershed Partnership. She will be spear heading the initiative in the role that had previously been filled by Shelley Green. She is bringing herself up to speed with the initiative and has met with various members of area staff and representatives of the member towns commissions. Mr. Carey explained that Ms. Young held a meeting of Town Planners in the core area. He was not able to attend but he spoke with Ms. Young on the phone and she met with him in his office. They discussed the initiative and the level of involvement by the Commission. She plans to hold another meeting with this group and also hold another public meeting for representatives of the commissions of towns involved in the Partnership. The Town has been able to continue a \$5000 annual donation to the Partnership which has been more than realized by the assistance East Hampton has received from the Partnership in updating various regulations. The goal of the Partnership is to continue to develop a sense of unity among the members and to enhance regulations and stewardship of properties within the Watershed.

Mr. Rux reported that the Water Development Task Force continues to be inactive.

Ms. Wright reported that the Conservation-Lake Commission met on June 11, 2012. They discussed the watershed signage, Airline Trail signs, and a lake management program. The Minutes of this meeting are available for viewing in the Town Clerk's Office and online.

**Public Comments:** The Chairman opened the meeting to the public for comments. No one present made comments at this time.

4. **Set Public Hearing: None.**

5. **Read Legal Notice:** Mr. Carey read the legal notice for tonight's public hearings into the record.

6. **Public Hearing for July 5, 2012:**

A. **Application of Mark G. Smith PE, 249 West High Street for a Non-Residential Site Plan Modification and Special Permit, Motor Fuel Filling Station – Map 06/Block 12/Lot 1B:**

Mr. Carey reported that he is in receipt of a request from the applicant, Mark G. Smith, dated July 2, 2012 via fax to continue his application for a Commercial Site Plan Modification and Special Permit to the August 1, 2012 P&Z Commission meeting. He explained that we are well within the statutory timelines for the application and recommended that the extension be granted.

The Vice-Chairman opened the public hearing because it was previously scheduled for this date. There being no one present to speak to this application, *Mr. Zatorski moved to continue the public hearing for the application of Mark G. Smith PE, 249 West High Street for a Non-Residential Site Plan Modification and Special Permit, Motor Fuel Filling Station, Map 06/Block 12/Lot 1B, to the next regularly scheduled meeting on August 1, 2012. Mr. Hoffman seconded the motion. The motion carried unanimously.*

*Mr. Zatorski moved to continue the application of Mark G. Smith PE, 249 West High Street for a Non-Residential Site Plan Modification and Special Permit, Motor Fuel Filling Station, Map 06/Block 12/Lot 1B, to the next regularly scheduled meeting on August 1, 2012. Mr. Rux seconded the motion. The motion carried unanimously.*

**B. Application of Joseph Butler, 11 Wilkes Road, for a 2-Lot Re-Subdivision - Map 08/Block 26/Lot 3:**

Charles Dutch, Dutch & Associates, was present to represent the applicant. He reported that the property is owned by Pauline Butler. She intends to transfer this piece to her nephew. Mr. Dutch described the history of the parcel. The subject parcel is comprised of .71 acres and contains a watercourse. This parcel will be the third parcel, including the original piece, created since the subdivision laws went into effect. Mr. Dutch explained that the lot meets all the requirements of a new lot in the R-2 Zone. The road is a Town gravel road in good condition. The road is accessed by Route 151 and there is a parcel to the north of the subject parcel owned and occupied by Timothy and Loretta Fisher.

Mr. Carey explained that the Town has showed no interest in any further improvements to this road.

The Vice-Chairman opened the meeting to the public.

Tim Fisher, 15 Wilkes Road, explained that he owns the parcel just discussed and explained that there are other homes further down the road, which becomes Pine Brook Road. He reported that during the preparation of this application he was made aware that he does not own his driveway. He and his wife have a horseshoe shaped driveway in the lower right hand corner of his property. He is now aware that his property line is about 8' from his deck, cutting out his driveway. They purchased the property over 20 years ago from the applicant's father.

Loretta Fisher, 15 Wilkes Road, explained that they are concerned they are going to lose their driveway. Apparently the survey at the time they purchased their property was not accurate and they would like to know how this will affect them now.

Dave Fazzino, 44 Pine Brook Road, was present to discuss his concerns regarding erosion problems currently being faced by the residents of Wilkes Road. He reported that the Town place asphalt aprons at the mouths of these roads. The result of these aprons is that the water flow is being pushed into the middle of the road causing a serious erosion problem. He would like to know if another driveway goes in will the Town remedy the problem.

Mr. Carey explained that the Town would certainly not require an apron on a gravel road. Anything associated with the construction of the house proposed this evening will not cause water to run into the road. An 18" pipe is shown on the proposed plans to accommodate the proposed driveway. A paved apron will not be necessary. He further explained that the Commission has not required road improvements on single lot subdivisions in the past.

Mr. Fazzino would also like to point out that the little brook that crosses the subject parcel and connects with Pine Brook is an absolutely pristine and beautiful brook that runs through and over ledges. He hopes that the maximum amount of erosion control possible is done to make sure that nothing goes into the brook. As it is there is a problem with silt from the road flowing into the pond at the bottom of Pine Brook Road. In a few years the pond will be completely filled in. This area is a very nice and fragile ecological system. He hopes everything possible is done to protect it.

Mr. Carey explained that the proposed home is very close to 150' away from the brook. There is at least a 125' to 135' buffer with full erosion control during and after construction

until it is stabilized. Any timber harvesting activity on the parcel is no longer regulated by this Commission, which no longer has any local jurisdiction over timber harvesting. Any concerns regarding timber harvests should be directed to the DEEP.

Mr. Carey explained that there are two possible solutions to the driveway access situation which has become evident on the parcel. They are to negotiate an easement or purchase of the driveway area or to exercise an action through the courts. Neither solution involves this Commission.

Mr. Dutch indicated that he believes the applicant would be willing to grant an easement once he owns the property.

The Vice-Chairman tabled this application until later in the meeting until such time as the applicant is able to be present to discuss this concern.

**C. East Hampton Zoning Regulations, Revise Section 31.2 (Provision for Amendment and Zone Change – Statutory Requirements), Section 31.3.1.B.3 (Amendments Initiated by the Commission – Zone Changes – Notification), and Section 32.5 (Administration and Enforcement – Required Notification) – Notification of Abutters:**

Mr. Carey explained that the packets include color coded language amendments. The intent of these revisions is to cause the P&Z Regulations to be consistent with the standards in the state statute. The statute reads that notice must be accomplished by a certificate of mailing to the abutters. The current P&Z Regulations requires certified mail/return receipt requested. It is an extremely costly process. The more complicated an application, the more onerous the task of abutter notification by certified mail/return receipt.

He explained that the applicant would mail the notices to the abutter by regular U.S. Mail. At the time of the mailing the U.S. Post Office will certify a list of all those being mailed a notice, thereby providing a legal record of the mailing. The process of both the mailing and the retention of the certification will be much simplified over the current process and much less costly and timely.

The Commission discussed the recommended changes with staff. Notification to abutting towns and to regional planning agencies will continue to be handled by certified mail/return receipt requested pursuant to the current regulations and the state statutes. The Commission requested that the word “those” be inserted between the words “notify” and “property” in Section No. 31.3.1, Paragraph B, Subparagraph 3.

Mr. Carey reported that the Southeastern Connecticut Council of Governments Regional Planning Commission and the Capitol Region Council of Governments have both responded to the Commission’s request for their input on the matter. Both indicated that based on a review of the information submitted it was determined that the proposed text amendments would not have any adverse inter-municipal impact or regional conflict.

The Chairman opened the public hearing at this time. No comments were made.

*Mr. Aarrestad moved, and Mr. Rux seconded, to close the public hearing on the revisions to the East Hampton Zoning Regulations, Section 31.2 (Provision for Amendment and Zone Change – Statutory Requirements), Section 31.3.1.B.3 (Amendments Initiated by the Commission – Zone Changes – Notification), and Section 32.5 (Administration and Enforcement – Required Notification) – Notification of Abutters. The motion carried unanimously.*

*Mr. Rux moved, and Mr. Gosselin seconded to approve the revisions to the East Hampton Zoning Regulations, Section 31.2 (Provision for Amendment and Zone Change – Statutory Requirements), Section 31.3.1.B.3 (Amendments Initiated by the Commission – Zone Changes – Notification), and Section 32.5 (Administration and Enforcement – Required Notification) – Notification of Abutters, as amended during this meeting. The motion carried unanimously.*

- B. Continued: Application of Joseph Butler, 11 Wilkes Road, for a 2-Lot Re-Subdivision - Map 08/Block 26/Lot 3:** Mr. Dutch reported that the applicant, Mr. Butler, was now present and that he has met with the Fishers and they have agreed that after he takes ownership of the property he will grant an easement to the Fishers for their driveway. Documents will be prepared by Attorney Grady.

Mr. Carey reported that the Chatham Health District has indicated that they have reviewed the application. The lot is suitable for the development as shown with an onsite subsurface sewage disposal system and a private water supply well.

*Mr. Rux moved, and Mr. Sennett seconded, to close the public hearing on the application of Joseph Butler, 11 Wilkes Road, for a 2-Lot Re-Subdivision, Map 08/Block 26/Lot 3. The motion carried unanimously.*

*Mr. Zatorski moved, and Mr. Rux seconded, to approve the application of Joseph Butler, 11 Wilkes Road, for a 2-Lot Re-Subdivision, Map 08/Block 26/Lot 3, with the following conditions:*

- *No additional water flow from this property after construction will flow into Wilkes Road;*
- *The construction plans must address the issues of runoff into Wilkes Road;*
- *All Erosion and Sedimentation Controls must be in place prior to the commencement of construction;*
- *Town Staff must be notified prior to the commencement of construction;*
- *The Easement for the driveway of Timothy and Loretta Fisher must be addressed as presented by the applicant during the hearing.*

*This application was approved for the reasons that it meets the requirements of the P&Z Regulations. The motion carried unanimously.*

## **7. New Business:**

- A. Discussion: State of Connecticut Plan of Conservation and Development:** Mr. Carey reported that the Town is in receipt of the detailed maps of the State Plan of Conservation and Development. He has done a review of the maps which appear to be consistent with the last discussion the Town held with the State regarding the Plan. He expects an opportunity for a discussion at the State level in September. The State has changed their language to address primary conservation area, open space, existing farm land, and priority development area. They have included density numbers with the maps. The Plan is very consistent with smart growth. The Town will work with the Office of Policy Management to bring their expectations for future development closer together. Mr. Carey indicated that the maps will be in his office for inspection and he will investigate whether they are available online.

The Commission discussed their interest in working with the WPCA to reconfigure the Existing and Future Sewer Areas Map. They discussed areas they would like to see removed from the Future Sewer Areas indicated on the Map. Mr. Carey will keep the

Commission apprised of all meetings being held and will invite the Commission to participate in the meetings.

8. **Old Business:** None.

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

The meeting adjourned at 8:41 p.m.

Respectfully submitted,

Daphne C. Schaub  
Recording Secretary