

**East Hampton Planning and Zoning Commission  
Regular Meeting  
February 6, 2013  
Town Hall Meeting Room**

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

Present: Chairman Mark Philhower, Vice-Chairman Ray Zatorski (7:05), Members Peter Aarrestad, Roy Gauthier, James Sennett, Alternate Members Paul Hoffman, Scott Sanicki, Meg Wright, and Planning, Zoning & Building Administrator James Carey were present.

Absent: Regular Members Richard Gosselin and Rowland Rux were not present.

The Chairman seated Ms. Wright, Mr. Sanicki, and Mr. Hoffman at this time.

The Chairman called for a motion to correct the Agenda.

*Mr. Aarrestad moved to remove Agenda Item No. 2, Election of Officers, from this evening's Agenda as it inclusion on this Agenda was a clerical error. Mr. Hoffman seconded the motion. The motion carried unanimously.*

2. **Election of Officers:** Removed from Agenda. See January 2, 2013 Minutes for Election of Officers for the 2013 calendar year.

3. **Approval of Minutes:**

**A. January 2, 2013 Regular Meeting:**

*Mr. Aarrestad moved to approve the Minutes of the January 6, 2013 meeting with an amendment to Page 4, Paragraph 3, first sentence. The sentence will read, "...the applicant withdrew it's...". Mr. Sennett seconded the motion. The motion carried unanimously.*

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

**Communications:** Mr. Carey reported that 65<sup>th</sup> annual conference of the Connecticut Federation of Planning and Zoning Agencies will be held on Thursday, March 14, 2013. At this meeting Messrs. Philhower, Rux, and Zatorski will receive the Length of Service award for 12 years of continuous service on this Planning and Zoning Commission. Any Commissioners interested in attending the Conference are invited. Please let the Planning and Zoning Office know if you wish to attend by Tuesday, March 12, 2013.

**Liaison Reports:**

Mr. Sennett reported that the January meeting of the ZBA was cancelled.

Ms. Wright reported that January meeting of the Conservation-Lake Commission was cancelled.

Mr. Gauthier reported that East Hampton High School Building Committee has been working to review the various conceptual plans for the proposed high school renovation. It has settled on one plan that it has found to be most appropriate after receiving input from various

members of the Committee, the Board of Education, the Town Informational Meeting, and administrators and staff at the high school. The next step is to present the conceptual plan to various commissions and the Town Council. This Commission will have a presentation later in this meeting and is tasked with conducting a review and preparing a statement regarding the appropriateness of the project for the Town Council.

The Chairman unseated Mr. Hoffman and seated Mr. Zatorski at this time.

Mr. Zatorski reported that the January meeting of the IWWA was cancelled.

Mr. Philhower reported that the Midstate Regional Planning Agency met in January. At this meeting two transportation improvement amendments were heard. Both amendments were for the Town of East Hampton. The first was the Christopher Brook culvert replacement project and the second was the Brewer Road pavement reclamation project. Both projects were reviewed and unanimously approved.

Mr. Philhower also is in receipt of a letter from the Lower Connecticut River Valley Council of Governments. The Regional Planning Commission (RPC) has been organized. It is possible to have a representative from the RPC at the next meeting of this Commission if desired. The RPC is still waiting to hear from Clinton, East Haddam, East Hampton, Killingworth, Lyme, Middletown, Old Lyme, and Portland regarding representation. Further clarification is needed to identify which body of government is responsible for appointment of the East Hampton representative to the RPC. Typically the individual appointed to represent a town at the RPC is a member of the Planning Commission. Mr. Philhower explained that since Midstate was dissolved no planning has been conducted by this group. Transportation improvement plans have been reviewed. The organization of these remaining factions is underway; however, it has not been resolved.

Mr. Carey reported that he received a call from the State of Connecticut Department of Transportation today regarding the realignment of the intersection of Routes 66, 196, and Old Marlborough Road. They are currently in the process of acquiring temporary and permanent easements. The intent is to get the project out to bid later this year and have construction begin in 2014.

Mr. Carey also reported that the owner of 13 Summit Street is in the process of applying to the State Department of Public Utilities Commission, State Department of Public Health, and the Department of Energy and Environmental Protection to have an existing well approved, perhaps with a back-up site, for the necessary water. Currently, the Town does not have any detail or testing data other than general yield testing. He has not heard any indication on the part of the owner that they are considering backing out of the project.

**Public Comments:** The Chairman opened the meeting up to the public at this time. There was no one present to make comments.

**5. Set Public Hearing for March 6, 2013:**

**A. Application of Robert Gagliardi, 136 Middle Haddam Road, for a 3-Lot Subdivision – Map 7/Block 21/Lot 11; and**

**B. Application of Hubert E. Butler Construction Company LLC, 9 Young Street, for a Special Permit Renewal of Excavation Plan - Map 12/Block 33/Lot 7A**

*Mr. Zatorski moved, and Mr. Sennett seconded, to schedule the application of Robert Gagliardi, 136 Middle Haddam Road, for a 3-Lot Subdivision, Map 7/Block 21/Lot 11, and*

*the application of Hubert E. Butler Construction Company LLC, 9 Young Street, for a Special Permit Renewal of Excavation Plan, Map 12/Block 33/Lot 7A for public hearings to be opened on March 6, 2013. The motion carried unanimously.*

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

7. **Public Hearings for February 6, 2013:**

A. Application of MazzCor LLC, MazzCor Subdivision Phase 1, 105 Colchester Avenue, for a 4-Lot Subdivision – Map 27/Block 87A/Lot 12A:

Mr. Carey reported to the Commission that he is in receipt of a letter from the Collector of Revenue dated February 6, 2013 regarding the outstanding taxes on the property to be subdivided. He read the letter into the record.

Mr. Carey reported to the Commission that he is in receipt of a letter from Don Mitchell, Director of Environmental Health for the Chatham Health District dated January 23, 2013 regarding his review of the subject subdivision plan. He indicated that there are four outstanding minor corrections to the plan which must be made prior to filing the subdivision plan mylars in the Land Records. This letter was read into the record.

Mr. Carey reported to the Commission that he is in receipt of a letter from the State of Connecticut Department of Transportation dated January 24, 2013 regarding their review and subsequent approval of the proposed subdivision plan. This letter was read into the record.

Finally, Mr. Carey indicated that all other outstanding issues regarding the proposed subdivisions have been addressed.

The Chairman opened the meeting to the public at this time. There was no one present to speak to the Commission at this time.

*Mr. Sanicki moved, and Mr. Zatorski seconded, to close the public hearing on the application of MazzCor LLC, MazzCor Subdivision Phase 1, 105 Colchester Avenue, for a 4-Lot Subdivision, Map 27/Block 87A/Lot 12A. The motion carried unanimously.*

*Mr. Zatorski moved, and Mr. Sennett seconded, to approve the application of MazzCor LLC, MazzCor Subdivision Phase 1, 105 Colchester Avenue, for a 4-Lot Subdivision, Map 27/Block 87A/Lot 12A, because it meets the zoning requirements of the Town of East Hampton and the requirements of the State Department of Transportation, with the following conditions:*

- *Notify Town Staff prior to and upon completion of construction;*
- *All conditions and requirements of the Town's Collector of Revenue, Chatham Health District, and Inland Wetlands and Watercourses Agency Permit No. IW2012-015 – IW92539; and*
- *All erosion and sedimentation controls must be in place.*

*The motion carried unanimously.*

B. **Application of James & Priscilla Himmelwright, 74 Champion Hill Road, for a 3-Lot Subdivision – Map 11/Block 39/Lot 27B:**

Charles Dutch, Dutch & Associates of Colchester, was present to represent the applicant. He explained the application is for a 3-lot subdivision including the exiting house. The wetlands have been delineated. The sewer line is to the south of the property. All three lots will be connected to the sewer. The rear lot has an access way of approximately 334'.

The sewer will run via easement through Lot No. 2 on the east and north sides to service Lot No. 1. Lot Nos. 2 (existing house) and 3 have existing laterals. Lot No. 1 is the only new lateral being proposed.

The Commission discussed with the applicant the different options for the sewer and the Water Pollution Control Authorities requirements for the sewer connection. The January 9<sup>th</sup> letter from V. Susco, Public Utilities Administrator, was read into the record.

This plan as proposed avoids all wetlands impacts. There are no open space considerations and it is not in the Lake Pocotopaug Watershed. All required setback and area minimums per the Zoning Regulations for Zones R-2 & -3 have been met and are acceptable.

The Chairman opened the public hearing at this time.

Gay Ruth Nelson, questioned the requirement that all lots are to be sewerred.

Staff clarified that under the design being proposed all lots must be sewerred.

*Mr. Zatorski moved, and Mr. Sennett seconded, to close the public hearing for the application of James & Priscilla Himmelwright, 74 Champion Hill Road, for a 3-Lot Subdivision, Map 11/Block 39/Lot 27B. The motion carried unanimously.*

*Mr. Zatorski moved, and Mr. Sanicki seconded, to approve the application of James & Priscilla Himmelwright, 74 Champion Hill Road, for a 3-Lot Subdivision, Map 11/Block 39/Lot 27B, because it meets the Town Zoning Regulations with the following conditions:*

- *All conditions set forth in the WPCA memo with a fax date of January 9, 2013;*
- *All conditions required by the Chatham Health District;*
- *Town Staff must be notified prior to and upon completion of project; and*
- *All erosion and sedimentation control measures must be in place.*

*The motion carried unanimously.*

## **8. New Business:**

### **A. 8-24 Review – East Hampton High School Renovation Project:**

Amy Samuelson, SLAM Collaborative, presented the East Hampton High School Renovation project to the Commission. Ms. Samuelson explained that SLAM was hired in the fall and spent November and December meeting with administration and high school staff to learn the Town's needs. During the past month they have developed various designs to meet those needs. The plan that has been accepted by the Building Committee will be presented this evening.

A handout with the project goals, existing building plan, existing site plan, and Concept 2B Site Plan was distributed to the Commission. Safety, internal and external circulation, technology, and building systems will all be improved. (Attachment 1)

Mr. Philhower questioned that the original scope of the project was to upgrade the science departments and this plan includes a complete reconstruction of the existing structure.

Ms. Samuelson explained that the deficits in the science wings were only part of the accreditation concerns. Additional concerns reported in the New England Association of Schools and Colleges (NEASC) evaluation included technology throughout the building. The Science Department concerns are perhaps the most important of the NEASC concerns for future accreditation.

Ms. Samuelson explained that the building size will be increasing by 1,900 sq ft. The existing science wings will be removed and the remaining building will be reconfigured. Currently there are eight science classrooms. The new plan will include seven classroom/laboratories. Each teacher will have their own classroom/laboratory. There will be a new gym and new auditorium. The State funding is based on a population of 579 students which is a slight increase based on an eight year projection.

Richard Herzer, SLAM Collaborative, discussed safety concerns with the existing structure. He also explained the plan relative to existing concerns including bus drop-off, parking, athletics, traffic circulation, and building layout. Different options were discussed briefly. The current proposal, Concept 2B, includes a new science wing that will be built in proximity to the current academic area and will create a new courtyard. This represents about 12000sq ft of new construction which will be balanced by the removal of both the science wings. There is discussion of retaining all or part of the wings for other Town purposes and perhaps future growth needs of the school.

Mr. Aarrestad requested an explanation as to the existing problems with the science wings.

Ms. Samuelson explained that the biggest problem is that they are removed from the rest of the building and are dead-end corridors. They do not have bathrooms associated with them. The heating system in those wings is a unit ventilator which is a through wall system. They are loud and do not work well. The acoustics are poor in the classrooms. The biggest benefit of removing the two wings is represented in the site plan and in the ability to provide a loop road around the whole building. The Fire Marshal has indicated that this would be most acceptable. The loop road also provides safer circulation for student and bus traffic and safe access to the pre-school program in the family and consumer science classroom to the rear of the building.

Mr. Herzer explained that there are a number of options that are available to the administration for parking and access to the building. He discussed optional entry areas and use of various areas after hours.

Mr. Herzer also explained that the project he has been tasked with is to design a Renovate As New project for the school that involves a grant from the State. The State puts a cap on the square footage based on the number of students and the grade levels involved. The maximum size the State will allow would not cover expenditures for areas over that maximum size and not slated for school use. It is important for the school project not to include area for functions not related to the school or the Board of Education. The Town Council will need to make a determination based on town-wide need regarding how much will be added to the plan and not reimbursed by the State.

The library, gym, and academic areas were further discussed.

Mr. Carey reported that the high school is not currently sprinklered. The only areas currently sprinklered are the stage area of the auditorium and a couple of small, dedicated domestic sprinkler systems run off the regular cold water lines. The new buildings will be a sprinklered building. Fire suppression is required by Code to Renovate As New. There are provisions under the Building Code waiving the sprinkler requirement for existing buildings when minor renovations are undertaken. The highest level of reimbursement is to renovate as new. The Town will receive a higher percentage of reimbursement for the project if it is a Renovate As New project.

Mr. Herzer reported that as the plan is proposed now the Town will receive a base reimbursement of 52.5% of expenses less deductions for non-program area. In this plan the existing building plan is over the area calculation maximum required by the State so the effective rate of reimbursement will be somewhat lower than 52.5%. The actual reimbursement will be somewhere between 45 and 50%. The Building Committee has hired a construction manager who is working on developing the pro-rated cost model. There are no figures available at this time. Numbers are expected to be presented to the Building Committee at its next meeting. If the Town chose to bulldoze and rebuild new the State would only reimburse 42.5%. It may actually be less expensive to proceed in that way. The State does require both sets of numbers to be submitted as they expect to support the most cost effective project.

Mr. Gauthier explained that the reimbursement on renovations only is so low that it was eliminated early on in planning. The science wings were considered for Town facilities but safety concerns have been found to be prohibitive.

The Commission discussed their concerns regarding this project and past school projects with Staff.

Mr. Gauthier reported that the Building Committee has settled on the project presented this evening for several reasons. The bus zone will no longer be a drop-off area for parents. Parents will use the new road circulating around the building. This new road is important for safety and emergency access. Private vehicles will be separated from bus traffic. The Board of Education and Superintendent's Offices will be moved into the high school.

*Mr. Zatorski moved that the Planning and Zoning Commission of the Town of East Hampton deem appropriate, pursuant to Section 8-24 of the General Statutes of Connecticut, the project to Renovate As New the East Hampton High School as presented to the Commission on this date by SLAM Collaborative Architectural Firm and that the following issues be considered:*

- *That the plan include the possibility that another grade may be moved to the high school with the renovation or elimination of Center School and modernization of other schools;*
- *That the school system infrastructure as a whole with all the buildings be considered. Not just the high school buildings.*

*This motion is for approval of the concept design only. The project is subject to and shall comply with all applicable laws, regulations, and permit approvals. This resolution shall not be a determination that the project is in compliance with any such applicable laws, regulations, or permit approvals. Mr. Sanicki seconded the motion. The motion carried (6-1-0). (Yes votes: Aarrestad, Gauthier, Sennett, Sanicki, Wright, Zatorski. No votes: Philhower. Abstentions: None.)*

- B. Extension of Permit:** Permit issued 08/02/2009 to Tunji Somma, Chatham Medical Offices, for a Commercial Site Plan Modification – Map 32/Block 71/Lot 1-1: Mr. Carey read a letter from Mr. Somma into the record requesting that the Commission extend his approval for the maximum extension allowable under the law. He explained that the P&Z is allowed to grant a five year extension to the approved project. Mr. Somma is experiencing delays due to the economy. Mr. Carey's recommendation is that in consideration of the exemplary nature of the site plan that was approved in 2009, the Commission should grant the applicant the full maximum extension.

*Mr. Zatorski moved, and Mr. Aarrestad seconded, to approve the request for the maximum extension allowable by law to the permit issued to Tunji Somma, Chatham Medical Offices, for a Commercial Site Plan Modification, Map 32/Block 71/Lot 1-1. The motion carried unanimously.*

**C. Discussion – Draft Definitions:** Mr. Carey reported that the definitions have been briefly sidelined and are not ready at this time. They will be ready for the next regular meeting.

**D. Discussion – Right to Farm Ordinance:** Mr. Carey reported that Michael Olzacki, Animal Control Officer for East Hampton, has requested that the Commission review the Ordinance that he has submitted for the Commission’s review. Mr. Carey explained that it is consistent with the Plan of Conservation and Development. Mr. Olzacki will be bringing this Ordinance, or one very much like it, to the East Hampton Town Council and would like the Commission to consider an endorsement.

Mr. Carey briefly discussed the current regulations and areas of concern. He reported that there is a high incidence of complaints fielded by the Planning & Zoning Staff regarding roosters. Many towns with regulations similar to East Hampton’s Regulations have included prohibition of roosters. Mr. Carey would like the Commission to consider an amendment to the existing regulations that would prohibit roosters.

The Commission did not indicate an interest in supporting this amendment. Mr. Carey will include this on the Agenda for the next regularly scheduled meeting and provide the Commission with a list of town’s that have prohibited roosters. He would also like the Commission to consider limiting the zones in which roosters can be kept.

**9. Old Business:**

**A. Request - Rescind Subdivision of Angelo Simoni, 0000 West High Street & 8 Coughlin Road granted 11/02/2010:** Mr. Carey reported that Mr. Simoni has requested that his subdivision be rescinded. He has been unable to sell the lots and would like to rescind the subdivision due to the increase taxes he has been assessed. He has been informed that should the subdivision be rescinded and he seek a subdivision in the future, the full subdivision application process must revisited and the determination of any future subdivision is dependent upon existing zoning at the time of the future application.

**B. Request – Rescind Subdivision of Melissa Engel, 7 & 9 Markham Road granted 04/01/09:** Mr. Carey report that Ms. Engel had removed the piece in question from the campground to obtain a residential mortgage. The piece was subdivided and deeded to the applicant. Subsequently, the applicant was not able to obtain the desired mortgage and intends to rescind the subdivision and deed the piece back to the campground. She has also been informed that should the subdivision be rescinded and she seek a subdivision in the future, the full subdivision application process must revisited and the determination of any future subdivision is dependent upon existing zoning at the time of the future application.

This Commission discussed the purview of Planning & Zoning with regard to subdivisions. The only right the Commission has is to deem a subdivision, rescission of or re-subdivision compliant with the Zoning Regulations in effect at the time of the request.

*Mr. Zatorski moved, and Mr. Aarrestad seconded, to rescind the subdivisions of Angelo Simoni, 0000 West High Street and 8 Coughlin Road granted 11/03/2010 and Melissa Engel, 7 & 9 Markham Road granted 04/01/2009. The motion carried unanimously.*

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

The meeting adjourned at 9:14 p.m.

Respectfully submitted,

Daphne C. Schaub  
Recording Secretary