

**East Hampton Planning and Zoning Commission
Regular Meeting of**

March 11, 2013

**Rescheduled from March 6, 2013
Town Hall Meeting Room**

Unapproved Minutes

- 1. Call to Order and Seating of Alternates:** Chairman Philhower called the meeting to order at 7:00 p.m.

Present: Chairman Mark Philhower, Members Peter Aarrestad, Roy Gauthier, Richard Gosselin, Rowland Rux, James Sennett, Alternate Members Paul Hoffman, Scott Sanicki (7:27), Meg Wright, and Planning, Zoning & Building Administrator James Carey were present.

Absent: Vice-Chairman Ray Zatorski was not present.

The Chairman seated Mr. Hoffman at this time.

- 2. Approval of Minutes:**

A. February 6, 2013 Regular Meeting:

Mr. Aarrestad moved to approve the Minutes of the February 6, 2013 meeting with an amendment to Page 1, Paragraph 6, first sentence. The sentence will read, "...this evening's Agenda, as its inclusion...". Mr. Sennett seconded the motion. The motion carried (6/0/1). (Yes votes: Aarrestad, Gauthier, Gosselin, Hoffman, Philhower, Sennett. No votes: None. Abstentions: Rux.)

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

Communications: Mr. Carey reminded the Commission that the 65th annual conference of the Connecticut Federation of Planning and Zoning Agencies will be held on this 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. All Commissioners interested in attending the Conference should inform the Planning & Zoning Office as soon as possible.

Mr. Carey reported that the first meeting of the Coalition for Visioning will be held on Thursday, March 14, 2013 as well. The meeting will be held in the Town Hall Meeting Room at 5:00 and all are welcome. The Town Manager is hoping as many people will be involved as possible. More information will be forthcoming as future events are scheduled.

Further, the Salmon River Watershed Partnership Annual Newsletter has been forwarded to the Commissioners by email.

Finally, Landmark East Hampton, Agenda Item No. 4.A, has withdrawn their application. Mr. Carey read the request for the withdrawal of the application into the record.

Liaison Reports:

Mr. Rux reported that there has been no activity by the Water Development Task Force.

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

Mr. Gauthier reported that East Hampton High School Building Committee has made a final selection for the High School Building Project. They have selected Plan 2B. The Board of Education has approved it as well. It was to have been reviewed by the Board of Finance tonight but that meeting was postponed. The Board of Finance meeting will be rescheduled and the Town Council will then receive it, review the recommendations of various boards, and decide to set a referendum date or not. The hope was to schedule the referendum for April 9, 2013. That date will probably be set back due to the cancellation of tonight's meeting.

Mr. Gosselin reported that the EDC meeting in January covered information regarding the new yogurt shop opening in the Theater Square. A gymnastics group is interested in a town-owned building on Watrous Street because they are seeking a building with high ceilings. There was also discussion of a charging station in the Village Center. There was no meeting held in February. The minutes of the January meeting may be viewed online or in the Town Clerk's Office.

Mr. Sennett reported on the February meeting of the ZBA. At that meeting a variance was granted to 80 East High Street for the installation of self illuminating signage. The minutes of the January meeting may be viewed online or in the Town Clerk's Office.

Mr. Aarrestad encouraged the Commission to read the Salmon River Watershed Newsletter that has been forwarded to them. He also distributed a Salmon River Watershed Open Space map that was compiled by Emily Wilson of UConn CLEAR. Ms. Wilson is an alternate member on the Salmon River Watershed Steering Committee. Mr. Aarrestad suggested that the maps be forwarded to the Conservation-Lake Commission.

Mr. Philhower reported that the Midstate Regional Planning Agency met in March; however, it was a special meeting held at 4 pm. The meeting was to discuss the dissolution of the Midstate Regional Planning Agency and transferring the planning responsibility to the COG. The vote was cast at the meeting and the dissolution and transfer was approved. The next step is for Estuary to have a vote to do the same thing. When that is complete the Governor's Office must approve the changes. The timeframe to have a planning agency up and running is approximately two to three months. The planning arm of the COG will be comprised of a member from each of the member towns' planning and zoning commissions. There will be 17 members. One member for each town in the new COG. There will no longer be a secondary member from each town as there has in the past. These projected plans may change and if they do Mr. Philhower will inform the Commission as he is able.

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

4. Set Public Hearing for April 3, 2013:

A. Application of Landmark East Hampton LLC for a Text Amendment to Section Nos. 6.1 and 13.2.: Withdrawn by applicant.

B. Application of Kristin Olzacki, 14 Flanders Road, Olzacki Subdivision, for a 2-Lot Subdivision – Map 5A/Block 59/Lot 31:

Mr. Rux moved to schedule a public hearing for April 3, 2013 for the application of Kristin Olzacki, 14 Flanders Road, Olzacki Subdivision, for a 2-Lot Subdivision, Map 5A/Block 59/Lot 31. Mr. Sennett seconded the motion. The motion carried unanimously.

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

6. **Public Hearings for March 11, 2013:**

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

Joel Fuller, Licensed Surveyor, was present to discuss the subdivision plans. He explained that the proposal is for a three lot subdivision. The entire plan is for a 34.2 acre parcel to be divided into three pieces. The existing house is located at 136 Middle Haddam Road. The property extends from Middle Haddam Road to Hog Hill Road. Lot No. 1 will contain the existing house.

The proposal is that Lot No. 1 will keep 15.9 acres. Lot No. 2 will contain 11.5 acres. Lot No.3 will contain 6.7 acres. Lot No. 2 will have an access way from Middle Haddam Road although it will not be used as such. Lot No. 3 will have an access way from Hog Hill Road. Both Lot Nos. 2 and 3 will be accessed by a shared drive from Hog Hill Road. The plans indicate all grading and E&S controls. Lot Nos. 2 and 3 have been tested by the Chatham Health District and suitable soils have been located for the on-site septic systems. The plans indicate two 4-bedroom houses as per the regulations with all associated support structures.

The common driveway for Lot Nos. 2 and 3 will be, at a minimum, partially paved. A portion of the driveway will be 12% grade which must be paved. The paved area will be crowned and the water will drain off into the wooded area. During construction water berms will be in place to control runoff. There will be a grass shoulder.

Mr. Fuller indicated that the plans submitted this evening include a note regarding a water easement. Volume 34, Page 504 of the East Hampton Land Records indicates that 135 Middle Haddam Road has rights to enter onto this parcel to maintain use of water from a spring. A cistern is located on the site development plan below the horse barn. It is unclear as to whether this cistern is the system referred to on the land records. There is no location for the spring on the easement nor is there a map to reference. The proposed plan includes no activity in the area. The easement is in the chain of title and must be reflected in the subdivision plan. The subdivision does not affect the easement nor does the easement affect the subdivision. There are no wetlands impacts on this parcel. All development is greater than 100' from any wetlands.

The Chairman opened the public hearing at this time.

Mr. Carey read an email from Peter Minoli, 135 Middle Haddam Road, regarding the water easement on the parcel into the record.

Mr. Carey discussed his concern that the existing potable water system at 135 Middle Haddam Road have sufficient separation from this spring fed system to ensure it is protected from cross contamination. His recommendation is that the Chatham Health District report on both this issue and submits a formal review of the proposed septic systems prior to the Commission acting on this application.

Mr. Sennett moved, and Mr. Rux seconded, to continue the public hearing of Robert Gagliardi, 136 Middle Haddam Road, for a 3-Lot Subdivision, Map 7/Block 21/Lot 11, to the next regularly scheduled meeting on April 3, 2013. The motion carried unanimously.

Mr. Arrestad moved, and Mr. Rux seconded, to continue the application of Robert Gagliardi, 136 Middle Haddam Road, for a 3-Lot Subdivision, Map 7/Block 21/Lot 11, to the next regularly scheduled meeting on April 3, 2013. The motion carried unanimously.

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:

Gregg Fedus, PE, was present to represent Hubert E. Butler Construction Company in regard to their application for a special permit renewal for their excavation plan. He presented a colored rendering of Sheet No. 1 of 7. The rendering exhibits Phases 1, 2, and 3 indicating the proposed grading and E&S controls. This past year has seen limited activity in the project and there was no blasting in 2012. All E&S control measures are in place and they have maintained the previously approved grading plan. The project is currently in Phase 2.

Brian Gombotz, General Manager of Hubert E. Butler Construction Company, reported that the last blast was made on November 10, 2011. He anticipates that the next blast will take place in the next two or three months. Area residents will be notified, as will the Fire Marshal, prior to all blasts. They will follow the same protocol as previous blasts.

Mr. Carey read the Fire Marshals report into the record.

The Chairman opened the public hearing. As no one was present to discuss the application, *Mr. Rux moved, and Mr. Sennett seconded, to close the public hearing for Hubert E. Butler Construction Company LLC, 9 Young Street, for a Special Permit Renewal of Excavation Plan, Map 12/Block 33/Lot 7A. The motion carried unanimously.*

Mr. Gosselin moved, and Mr. Sennett seconded, to approve 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, with the existing conditions of the previous Special Permit. The motion carried unanimously.

7. New Business:

A. Preliminary Discussion - Sports On 66, 265 West High Street, Site Plan Amendment – Map 6/Block 12/Lot 9: Mr. Carey reported that the applicant has approached him on this project for a modification to the plan that would expand the plan to include basketball courts.

Brian Cutler, applicant, discussed the modification of the plan and explained that it now includes two basketball courts. He pointed to Page No. 2 of the plan for a comparison of the original plan to the new proposal. He explained that the expansion will include the area designated as “storage” and an additional 50’ for a total of 80’.

Steve McLarty, Coastal Enterprises, explained that the building will be extended an additional 80’ total. The building will not impact the wetlands any more than the previous application. The bigger building is being accommodated by changing the grading in the wetlands. There will be no more disturbance to the wetlands.

The Commission discussed the need for additional parking spaces on the site. The applicant will return at the next regularly scheduled meeting with additional information.

8. Old Business:

A. Discussion – Amendment to Livestock Regulations Regarding the Keeping of

Roosters: Mr. Carey distributed information regarding other Town's regulations. Lebanon, Trumbull, Middletown, Newington, Winchester/Winsted, Stamford, and Portland all regulate the keeping of roosters in some fashion as discussed in the handout. There are many more instances of municipalities using this type of prohibition. He further explained that he has been receiving a large number of complaints regarding roosters and noise. The animal control officer does not issue tickets for nuisance roosters because his authority is only to address nuisance dogs. The Commission continued to discuss the options available to try to address this nuisance.

Virginia Nowakowski, 17 Abbey Road, was present to discuss her problems with the current livestock regulation. She requested that the Commission carefully consider the negative impact that roosters have on the adjacent properties and their ability to enjoy their home.

The Commission requested that this item be kept on the agenda while they continue to discuss this issue.

B. Draft Definitions: Mr. Carey explained that he will be receiving bids from professionals to edit and reformat the Planning and Zoning Regulations. He has come to believe that the best way to address the revisions that are necessary in the Definitions will be in conjunction with the revisions to the whole document. A scope of work for the project will be available at the next meeting.

C. Application of Hamptonwoods Development, 206 East High Street, to Modify Phasing Plan and Construct Club House in Phase No. 2 – Map 32/Block 86/Lot 4:

Walter Twachtman was present to discuss the application. He reminded the Commission that the development was approved in 2010 and reported that construction has not commenced. To date the applicant has not been able to obtain financing. They are, however, optimistic that they will be able to obtain financing and begin the project in the near future. The request the applicant brings before the Commission tonight is not to make any change to the plans but to request a change in the Phasing Plan. He stated that the approval to the plan did not contain any condition as to when the amenities building would be built. The bonding package approved by the Commission did include the construction of the amenities building in Phase 1 of the project. The applicant is requesting the Commission to move the construction of the amenities building to Phase 2. In the bonding calculation the amenities building line item was for \$500,000. Mr. Twachtman explained that by moving that line item from Phase 1 to Phase 2 will allow the bonding and financing to be easier for the applicant to obtain.

The Commission discussed the benefit of making this change to Town. They expressed concern that moving this may in fact endanger the Town. The amenities were intentionally planned for Phase 1 because the Commission wants them built in the first phase.

Peter Carli, applicant, discussed the burden on the buyers of Phase 1 if the amenities building is built in Phase 1. If the project is never finished, that burden will remain on just those owners of Phase 1.

Mr. Gauthier moved, and Mr. Rux seconded, to deny the application of Hamptonwoods Development, 206 East High Street, to Modify Phasing Plan and Construct Club House in Phase No. 2, Map 32/Block 86/Lot 4. 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 8:25 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary