

**East Hampton Planning and Zoning Commission**  
**Regular Meeting**  
**April 1, 2015**  
**Town Hall Meeting Room**

<b>Unapproved Minutes</b>
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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 Rowland Rux, Members Roy Gauthier, Gary Hall, James Sennett (7:01), Meg Wright, Alternate Members Jason Jozefiak, Geoff Ricciardelli, and Planning, Zoning & Building Administrator James Carey were present.

Absent: Member Kevin Kuhr was not present.

The Chairman seated Geoff Ricciardelli at this time.

2. **Approval of Minutes:**

**A. February 4, 2015 Regular Meeting:**

*Mr. Rux moved to approve the Minutes of the February 4, 2015 meeting as written.*

*Mr. Hall seconded the motion. The motion carried unanimously.*

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

**Communications:** Mr. Carey read the letter the PZC sent to Commissioner Aarrestad for his many years of service to the Commission, community, and Town of East Hampton.

He informed the Commission that this meeting's packages include the Annual Salmon River Watershed Partnership Newsletter.

The Town Council has appointed Gary Hall to the Commission as a Regular Member to fill the seat that opened when Commissioner Aarrestad resigned. An Alternate Member seat is now available and will need to be filled.

Mr. Carey announced that effective May 1, 2015 he will be retiring from his position as the Planning, Zoning and Building Administrator. No transition plans are in place as of this meeting, but he has assured the Town Manager that he will do everything possible to ensure a smooth transition. Mr. Carey thanked the Commissioners, their predecessors, and the Town of East Hampton for their support and inspirational service to the community.

Chairman Zatorski congratulated Mr. Carey, Commissioner Hall, and Commissioner Jozefiak on their recent changes in status.

**Liaison Reports:**

Mr. Gauthier reported that the E.H.H.S Renovation Project is ongoing. He reported that the difficult winter has taken a toll on the schedule. The job is about three weeks behind schedule but it is anticipated that they will be able to make up for that delay during the summer. One challenge they are facing now is providing safe access to the athletic fields.

There have been no further changes in the scope of work. Strategic Building Services has replaced CREC as the Project Manager as of March 25<sup>th</sup>.

Mr. Hall reported the Design Review Board has not met recently; and therefore, there is nothing to report.

Mr. Sennett reported that the ZBA met on March 9<sup>th</sup> and heard two applications. Both were granted. The Minutes of this meeting are on file in the Town Clerk's Office and available on line.

Mr. Zatorski reported that nothing was addressed at the last meeting of the IWWA that would concern the PZC. The Minutes of this meeting are on file in the Town Clerk's Office and available on line.

Mr. Rux reported that the Water Development Task Force meeting was cancelled.

Mr. Rux also reported that the EDC meeting was cancelled.

Ms. Wright reported that she attended the Lower Connecticut River Valley Regional Planning Committee meetings in February and March. In February there were no referrals. Adam Whelchel, Director of Science, Connecticut Nature Conservancy, presented a discussion about the Coastal Resilience Organization, which studies and projects the impact of weather on the coastline. Information will be forwarded by staff to the Commissioners. In March the Committee heard referrals from Clinton on text amendments with no significant regional impact. The new Director of the RiverCOG is Sam Gold. He is planning regional meetings, open to the public, regarding the Regional Plan of Conservation and Development. The website will also have prompts for input from the community. The Regional Long Range Transportation Plan is due to be submitted to the State by May 1st. There will be two public meetings. The first is on April 27<sup>th</sup> in Essex. The second meeting will be on April 29<sup>th</sup>. Both are open to the public.

Finally, Ms. Wright reported that she and Mr. Sennett attended, as did Christina Soulagnet from the Planning and Zoning Office, the Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions seminar presented by the Connecticut Bar Association.

**Public Comments:** The Chairman opened the meeting to the public. No one was present to speak to the Commission at this time.

4. **Set Public Hearing for May 6, 2015:** None.
5. **Read Legal Notice:** Mr. Carey read the legal notice into the record.
6. **Public Hearings for April 1, 2015:**
  - A. **Application of Belltown Recycling Center for a Zone Change from R-4 Zone (Rural Residential) to I-Zone (Industrial) – Map 12/Block 33/Lot 5A:**

Mr. Carey reported that Tony Flannery, owner of Belltown Recycling Center, approached him regarding a request to re-zone the property also known as Fowler's Auto Wrecking from the R-4 Zone to the I Zone. The subject property abuts the Industrial Zone and shares a border with a major industrial site, East Hampton Aggregates LLC. This industrial area was set aside many years ago for industrial use.

In reviewing the matter it became evident that it would be possible to eliminate all commercial/industrial vehicular traffic from Old Coach Road by rerouting the traffic through the East Hampton Aggregates LLC parcel in the future. The history of the property includes scraping and storing all manner of vehicular, machinery, tire, and construction debris. This progressed to include many environmental hazards including a massive tire pond. All the exterior work to clean and remediate the site has been completed. There is now no outside storage with the exception of the end product awaiting transfer to another facility.

Tony Flannery, applicant, presented information for the record. These included before and after photos including aerial photographs. Mr. Flannery presented the history of the parcel which covers a period of 58 years in the scrapyards, recycling, and junkyard-used auto parts sales. He has been involved in the process of cleaning up the facility since 2008 and in 2014 he purchased the facility. Over sixty 100 yard tractor trailers of tires were removed from the facility since his involvement. Close to thousands of tons of scrap vehicles, junk, and cars were also removed from the facility. That process took from 2008 until 2014.

In 2010 the State of Connecticut became more involved and worked with Belltown Recycling on the clean-up of the property. In the beginning of the State's involvement the property was non-compliant. There are over 120 salvage yards in the State of Connecticut that are non-compliant. Every salvage yard in the State went through inspection over a period of six years. Belltown Recycling Center aka Fowler's Auto Wrecking was one of the first yards in the State to become compliant. They worked closely with the DEEP to accomplish this. The DEEP came back in 2014 and gave the facility a clean bill of health including a water monitoring/environmental program. The State returned about three days after removing the yard from the list of non-compliant facilities and filmed the yard to use this facility as an example of how to do the job. He believes Belltown Recycling Center is the cleanest yard in the State of Connecticut now.

Mr. Flannery described his business plan and his family's plans for the business. They currently have between 200 and 260 vehicles in inventory for parts. About 20 cars a week are processed for scrap. The entire facility is under 24 hour surveillance and the State treats all facilities of this type as a pawn shop. Most part sales are internet based. Every single piece that is pulled out of these cars is a commodity and processed for sale. Mr. Flannery's goal for the facility is to continue to bring the entire operation more into compliance. The zoning piece is one of the final pieces needed to bring it into compliance. It has operated for years in a residential zone and may continue to operate in the residential zone forever. By re-aligning the zoning of the site with the currently adjacent Industrial Zone, the piece will be more compliant.

East Hampton Aggregates has provided the Town with a letter of support for the zone change. Mr. Flannery and Dan Lally of East Hampton have an agreement to interconnect the two facilities when the gravel operation is further along. As stated before, this will allow traffic in and out of the facility without traversing Old Coach

Road. Mr. Flannery explained that construction is not booming now and traffic on the road should continue as it has been.

Mr. Carey clarified that as the East Hampton Aggregates piece and the Belltown Recycling piece finalize their plans to interconnect, any other new buildings or processes at either facility will require a site plan modification review for both by this Commission. He also explained that the State will monitor the processes for sound pollution as well.

Mr. Flannery submitted the letters from the DEEP for the record. Staff read the letters into the record. Staff also read a letter from Mr. and Mrs. Birnley, 18 Old Coach Road, in opposition to the zone change into the record. Mr. Carey addressed the Birnley's concerns by explaining that the Town's requirements for notification to abutters have been appropriately met and the notice of the public hearing was also satisfactory.

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

Jason Brody, 15 Old Middletown Avenue was present to discuss his opposition to the application. He is concerned about his property value, further changes to the facility, and a boundary line adjustment between 9 and 24 Old Coach Road.

Mr. Carey discussed previous zone changes and their effects on the adjacent properties. He also discussed the Town's strategy regarding zoning and economic development while always keeping in mind residential property values.

Susan Brody, 15 Old Middletown Avenue discussed here concerns about the noise generated by the facility and further changes to the facility and its business plan.

The Chairman discussed the Commission's active interest in noise nuisances and Mr. Carey discussed the State's oversight and regulation of noise.

Mr. Flanner reported that the facility is open Monday thru Friday from 7 a.m. until 5 p.m. (the office is open until 6 p.m.), Saturday from 7 a.m. until 4 p.m., and closed on Sunday.

The Commission discussed the impressive improvements made at the facility, future expansion of additional industrial uses and processes, the location of the pond discussed in the presentation, the status and width of Old Coach Road, future zone changes, mosquitos, tire fires, and functionality of the road for emergency services.

Charles Dutch, Land Surveyor, explained the piece of the road that has been abandoned by the Town.

Mr. Rux recapped by stating that the improvements made on the site by the applicant have improved the health of the area not only visually by cleaning up the property but also in regarding water quality, compliance with State requirements, fire safety, and infestation. His belief, as a single commissioner, is that what has been accomplished here has helped to increase property values for the surrounding area.

Mr. Ricciardelli stated that, as a single commissioner and as someone employed in the auto body industry, he believes this yard is in excellent shape compared to other salvage yards with which he is familiar.

Mr. Flannery would like all commercial traffic to eventually come off State Route 196 and thru East Hampton Aggregates. However, he believes it would be in the best interest of the Town and his facility to leave the Old Coach Road access for emergency purposes.

Mr. Brody, 15 Old Coach Road, questioned the ability to move traffic through East Hampton Aggregates if the zone change is not approved.

*Mr. Gauthier moved, and Mr. Rux seconded, to close the public hearing for the application of Belltown Recycling Center for a Zone Change from R-4 Zone (Rural Residential) to I-Zone (Industrial), Map 12/Block 33/Lot 5A. The motion carried unanimously.*

*Mr. Zatorski moved, and Mr. Rux seconded, to approve the application of Belltown Recycling Center for a Zone Change from R-4 Zone (Rural Residential) to I-Zone (Industrial), Map 12/Block 33/Lot 5A, with the following conditions:*

- *The hours of industrial activities (not including office activities) are from Monday thru Friday 7 a.m. to 5 p.m. and Saturday 7:00 a.m. to 4 p.m.; and*
- *Any expansion of recycling, product line, or other industrial activities are subject to a site plan modification review as required by the East Hampton Zoning Regulations and State Statutes.*

*This application is approved for the reasons that it will provide a more coherent industrial zone and allow the parcel compliance for its historical and intended use with its zone of record. The motion carried unanimously.*

7. **New Business:** The Chairman requested that the Plan of Conservation and Development mandated updates be added to the next meeting Agenda.

Mr. Hall must step down from the Lower Connecticut River Valley Area Council of Governments' Regional Planning Agency (RPA). (Mr. Hall will remain on the Design Review Board.) Mr. Ricciardelli has volunteered to be the Alternate Member to the RPA.

8. **Old Business:**

**A. Discussion – Design Review Board Guidelines:** More reviews have been submitted to Staff. Staff will invite the DRB to attend our next PZC meeting.

**B. Appointment to Salmon River Watershed Partnership Steering Committee:**

Mr. Carey explained the transition taking place and suggested that this item remain on the Agenda for the next meeting.

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

The meeting adjourned at 8:57 p.m.

Respectfully submitted,

Daphne C. Schaub  
Recording Secretary