

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

| |
|---------------------------|
| Unapproved Minutes |
|---------------------------|

1. **Call to Order and Seating of Alternates:** Chairman Zatorski called the meeting to order at 7:03 p.m.

Present: Chairman Ray Zatorski, Vice-Chairman Rowland Rux, Members Roy Gauthier, Gary Hall, Kevin Kuhr, James Sennett, Meg Wright, Alternate Members Jason Jozefiak, Geoff Ricciardelli, and Town Staff Daphne Schaub were present.

Absent: No Members were absent.

No Alternates were seated.

2. **Approval of Minutes:**
A. **June 3, 2015 Regular Meeting:**

Mr. Sennett moved to approve the Minutes of the June 3, 2015 meeting as written. Mr. Hall seconded the motion. The motion carried (5-0-2). (Yes vote: Hall, Rux, Sennett, Wright, Zatorski. No vote: None. Abstention: Gauthier and Kuhr.)

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

Communications: Staff had no Communications for the Commission at this time.

Liaison Reports:

Mr. Gauthier reported that the East Hampton High School Building Committee continues to meet every other week as does the subcommittee. The site has been completely closed as construction operations will continue six to seven days a week through the summer months in order to be ready for the reopening of the school in August. The State Legislature has approved the legislative changes that were necessary for the full, and also some additional, reimbursement of construction costs to the Town by the State.

Mr. Hall reported the regular Design Review Board (DRB) meeting was cancelled due to lack of a quorum. A special meeting was held on June 25, 2015 and reviews conducted at that meeting concern applications on this Agenda for later in the meeting. The Minutes of this meeting are on file in the Town Clerk's Office and available on line.

Mr. Sennett reported that the ZBA met on June 8th. Two applications were granted. The first was an application for a height variance on Glenwood Drive. The second variance that was granted was for a front yard setback reduction to remedy a non-conforming foundation on Old Middletown Road. The Minutes of this meeting are on file in the Town Clerk's Office and available on line.

Mr. Zatorski reported that there was nothing to report on the IWWA. The Minutes of this meeting are on file in the Town Clerk's Office and available on line.

Mr. Rux also reported that he was unable to attend the EDC meeting. 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 met at which meeting they discussed plans for their recommendation to be made to the Town Council regarding the development of provisions for water availability in East Hampton.

Ms. Wright reported that the Regional Planning Agency meeting was cancelled.

Public Comments: The Chairman opened the meeting to the public

William Choma, 20 Namonee Trail, was present and discussed with the Commission his concerns regarding the way the IWWA and the Town handled a wetlands violation at the site of the North Boat Launch in the Princess Pocotopaug Association on Lake Pocotopaug off Wangonk Trail.

4. Set Public Hearing for August 5, 2015:

**A. Application of Valerie Greco, 42 Young Street, for a 2-Lot Subdivision –
Map 20/Block 51/Lot 2**

Mr. Rux moved, and Mr. Kuhr seconded to schedule a public hearing for the application of Valerie Greco, 42 Young Street, for a 2-Lot Subdivision, Map 20/Block 51/Lot 2. The motion carried unanimously.

5. Read Legal Notice: Staff read the legal notice into the record.

6. Public Hearings for July 1, 2015:

**A. Application of Main Street Venture LLC, 3 Main Street, for a Zone Change from R-1 Zone (Lakeside and Village Residential) to C Zone (Commercial) –
Map 05A/Block 62/Lot 11:**

Attorney Timothy Furey, Bristol Connecticut, was present to represent the applicant at this time. Mr. Furey submitted a letter dated June 25, 2015 from Larry McHugh, President of Middlesex Chamber of Commerce. Staff read the letter into the record.

Mr. Furey discussed the property and its surroundings with the Commission. He discussed the Plan of Conservation and Development (POCD) and suggested that the zone change requested is consistent with the POCD's stated goals for areas to be developed for commercial uses.

Mr. Furey further discussed protections in place in the Zoning Regulations to insure that nothing inappropriate for this site would be allowed. Specifically, size of a commercial buildings and special permit requirements in the Regulations are addressed by this Commission through the plan review process. Previous projects of the developer were discussed. Mr. Furey explained that a traffic study has been initiated; however, it was not yet available.

The Chairman discussed a request made previously of this Commission by the Economic Development Commission (EDC) to change the zone of this property to Professional/Office Residential (POR). He explained that the Commission responded

to the EDC that they would be able willing to consider the zone change when they were in receipt of additional information, including a traffic study.

Mr. Furey responded that the applicant is willing to provide a traffic study with a site plan review once the zone change decision has been made. The applicant's ability to plan for the best use of the property is directly related to the zone change. An effective traffic study requires the potential use of the property to appropriately determine the types and frequency of traffic to be expected.

Staff read a letter dated June 30, 2015 from the EDC into the record.

The Commission discussed the concerns of making a decision without knowledge of the potential use of the property, need for a traffic study, applicant's interest in changing the property's zoning, and wetlands on the property.

The Chairman opened the public hearing at this time.

Bill Lawler, 14 Main Street, discussed that his home is 172 feet away from subject property. He purchased his home based on the current zoning. Mr. Lawler discussed his opposition to the application.

Ruth Gawkowski, 18 Main Street, expressed her displeasure with this application and the applicant for assuming that the area residents would not be uninterested or unconcerned about this requested change. She discussed the need to preserve the existing nature of the area, the lack of information about the project, and her opposition to the application.

Attorney Bill Grady, 8 West High Street, discussed his proximity to the project. He also discussed the POCD's goals among which are the protection of historic, scenic resources and maintenance of rural town character. Mr. Grady also discussed the Belltown Historic District of the Village of East Hampton. He stressed that the town will only get one shot at preserving Main Street. He encouraged the Commission to protect Main Street.

Scott Jackson, 6 Main Street, discussed his belief that the historic integrity of Main Street must be preserved. It is inconceivable to him that the historic house on 3 Main Street may be leveled. He registered a steadfast no with the Commission regarding this application.

Kathy Alwood, 11 Main Street, discussed how this change will affect not only the people who live on Main Street but also all the people who walk the neighborhood. She discussed her opposition to the application.

Bill Devine, 43 Main Street, discussed his residence on Main Street and his business located in the Village Center. He doesn't believe that this zone change will hurt anything. He believes that it will help the residents with the tax burden they bear. He believes this change will benefit the town more than it will hurt it.

Loren Moody, 188 White Birch Road, questioned the tax revenue lost from the existing residential structure plus the surrounding properties depreciated values due to the zone change and future commercial use on the subject property versus the revenue drawn

from the future project. He further questioned the sum total benefit to the Town as a whole as opposed to the losses in the immediate area.

Ruth Gawkowski, 18 Main Street, expressed her concerns over the apparent lack of concern for those who are immediately affected by this change.

Attorney Furey explained that he discussed the concerns of those in attendance and the Commission with his client and they would like a continuation of the application and the public hearing to the next regularly scheduled meeting of this Commission on August 8, 2015. The applicant will have a traffic study available at that time. He addressed comments made previously at this time and stated that this is not spot zoning. The property is adjacent to the Commercial Zone on two sides. The project is in part about economics which is a valid and important consideration based on the POCD and the needs of the town.

The Chairman read a memo dated June 29, 2015 from Philip Sissick, Director of Public Works. He also read a reply to the request for the Staff Review dated July 1, 2015 from Sean Cox, Chief of Police. Finally, he read a letter dated June 30, 2015 from the DRB. All three letters have been added to the official record.

Mr. Rux moved, and Mr. Gauthier seconded, to continue the public hearing for the application of Main Street Venture LLC, 3 Main Street, for a Zone Change from R-1 Zone (Lakeside and Village Residential) to C Zone (Commercial), Map 05A/Block 62/Lot 11, to the next regularly scheduled meeting on August 5, 2015. The motion carried unanimously.

Mr. Rux moved, and Mr. Kuhr seconded, to continue the application of Main Street Venture LLC, 3 Main Street, for a Zone Change from R-1 Zone (Lakeside and Village Residential) to C Zone (Commercial), Map 05A/Block 62/Lot 11, to the next regularly scheduled meeting on August 5, 2015. The motion carried unanimously.

The Chairman recessed the meeting at this time.

The Chairman reconvened the meeting at 8:20 p.m.

B. Application of RadHay, LLC, 193 East High Street, for a Commercial Site Plan Modification and Lake Pocotopaug Protection Area Special Permit – Map 09A/Block 76/Lot 11-5:

David Hughes, Professional Engineer and Land Surveyor, was present to represent the applicant. He submitted a copy of the notification that was sent to the abutting property owners, a list of the abutters, certified mail receipts, and the green cards.

Mr. Hughes described the subject property and the proposed project. He described the site layout and the topography. There is a 30' wide drainage easement along the entire rear property line from Princess Pocotopaug Trail to the property on the south side of the subject property. This easement feeds into a detention basin on the southerly neighboring property. There are no stormwater drainage structures on the site. Drainage flows down slope to Princess Pocotopaug Trail or the property of the neighbor to the west. Frequently cars park in the right-of-way along Princess Pocotopaug Trail rather than to enter Route 66 for a matter of feet before turning into

the package store driveway. As a result of the traffic on the uncurbed right-of-way there is an issue with erosion and mud spilling out onto Princess Pocotopaug Trail. He also described existing site lighting, the location of the well, and existing landscaping.

Mr. Hughes explained the proposal of the applicant to build an 1150 sq. ft. addition to the rear of the property to double the size of the building. The front parking area will be redesigned to address the applicant's traffic and circulation issues. The former drive-thru land will be removed from the front of the lot. A wider entrance with improved radii will be created. Parking spaces will remain basically the same with the exception that a new painted handicap accessible space with an accessible ramp will be added. The parking will slight exceed parking requirements.

Mr. Hughes further explained that the grade to the rear of the property does not allow the applicant to continue the driveway around the rear addition entirely. The applicant is able to create a secondary access to Princess Pocotopaug Trail. The Public Works Director met with the applicant and agreed to allow the secondary access provided that the curb cut was far enough down from Route 66 to prevent cars cueing at the intersection. This secondary entrance will allow the residential traffic generated from the neighbor west of the site to access the parking area without entering the state highway or crossing the unpaved town right-of-way.

Tushar Shah, Applicant and Owner of Route 66 Package Store, explained that the secondary access is an attempt to resolve the issue of erosion and mud created by customers from the neighborhood to the west of his store when they drive over the unpaved strip between Princess Pocotopaug Trail and the paved parking area in order to avoid the necessity of entering Route 66. He indicated that it is really hazardous for his customers to have to take a right onto Route 66 only to turn into his driveway a few feet away and then to cross over highway traffic twice on the way out.

Mr. Hughes explained that he had originally designed this access to be one-way traffic into the property. The DRB requested that this plan be changed to allow one-way traffic out of the property. The applicant is willing to provide one-way traffic in either direction.

Town staff read a letter dated June 30, 2015 from the DRB indicating they would prefer one-way egress and native species plants, a reply dated July 1, 2015 to the request for Staff Review from the Chief of Police indicating that he recommends two-way traffic, and a reply dated July 1, 2015 to the request for Staff Review from the Director of Public Works indicating that he would recommend two-way traffic into the record.

Mr. Hughes discussed the property constraints caused by the layout of the site. The property line on Princess Pocotopaug Trail does not allow for sufficient space to create two-traffic. The applicant wants to maintain the integrity of the existing side walk. A two-way driveway would require 24'. Currently there is 15' available for traffic flow. He explained that the grade at the rear of the property will not allow a traffic lane around the whole building.

Town Staff read an email dated June 30, 2015 from the Fire Marshal and Fire Chief indicating that they would like a driveway provided continuously around the building.

The Commission discussed concern that a 24' wide two-way lane in the parking area is the same amount required for small roads in town and perhaps that much width would not be necessary. It was also discussed that the access could be moved to the east.

The Chairman opened the public hearing at this time.

William Choma, 20 Namonee Trail, discussed his concerns regarding the existing conditions at the site. He confirmed that the erosion and drainage concerns are factual and have greatly affected his property. He is further concerned about commercial traffic utilizing the secondary access onto Princess Pocotopaug Trail. He is also concerned that doubling the size of the building will further exacerbate the drainage issue.

Agata Vezina, 3 Sequonia Trail, expressed her support for the project, specifically the secondary access.

Mr. Hughes explained that a portion of the cause of the water drainage concern is that there are no drainage structures or catch basins. The proposed access will also include a catch basin to help divert the stormwater runoff to the drainage easement and subsequently to the detention pond on the southerly neighbor's property.

Mr. Zatorski, as a single Commissioner, would like to see the applicant reach an agreement with the Director of Public Works to resolve the concerns over the location of the secondary access, potential for increased lane width, and landscaping at the northerly property line. He would also like the applicant to consider the requested fire lane as well.

Mr. Gauthier suggested that the applicant discuss with the Director of Public Works some methods of using landscaping to discourage customers from traversing the unpaved strip and also the best types of vegetation to aid in absorption of the water pooling in the area.

Tushar Shah, Applicant, discussed the possibility of curbing the roadway to deter people from jumping over the right-of-way into the lot.

William Choma, 20 Namonee Trail, discussed the history of the lot.

The Commission encouraged the applicant to meet with the Director of Public Works to resolve the problems discussed here.

Mr. Hughes explained that this project will reduce impervious coverage on the site by approximately 250 sq. ft.

Town Staff read a reply dated July 1, 2015 from the Conservation-Lake Commission to the request for Staff Review indicating positive commentary at their meeting of June 11, 2015.

Staff reported that the Chatham Health District had no comments regarding the application.

The WPCA forwarded two letters to the Commission regarding their review of the project. The second letter dated June 17, 2015 stated that the access to the dumpster

and service driveway will not create additional fill and will not be detrimental to the underground lateral that is located on the property.

Finally, staff read the letter of June 30, 2015 from the EDC into the record.

Mr. Rux moved to continue the public hearing and application of RadHay, LLC, 193 East High Street, for a Commercial Site Plan Modification and Lake Pocotopaug Protection Area Special Permit, Map 09A/Block 76/Lot 11-5, to the next regularly scheduled meeting of August 8, 2015. The motion was seconded by Mr. Kuhr. The motion carried unanimously.

7. New Business:

- A. 8-24 Review - Boiler Conversion in Various Town and School Buildings:** The Commission discussed the project.

Mr. Gauthier moved, and Mr. Rux seconded, the following resolution:

RESOLVED, That the Planning and Zoning Commission of the Town of East Hampton approves the following project pursuant to Section 8-24 of the General Statutes of Connecticut:

Conversion to natural gas fuel of the boilers in various town and school buildings, including the Middle School, the Memorial School, the Center School, the Board of Education Central Office, the Library/Community Center, the Town Hall/Police Department building, the Fire Department Company #1 station and the Public Works building, and work and improvements related thereto;

Provided that, this resolution is for the approval of conceptual plans only. The project is subject to and shall comply with all applicable laws, regulations and permit approvals, and this resolution shall not be a determination that the project is in compliance with any such applicable laws, regulations, or permit approvals.

The motion carried unanimously.

8. Old Business:

- A. Presentation - Design Review Board Guidelines:** Kevin Burnham, Chairman of the Design Review Board was present to discuss progress with the Commission. He reported that the DRB has incorporated comments made by the PZC into the draft Guidelines. Mr. Burnham, staff, and the Commission discussed the hurdles that are being addressed in order to bring this process to fruition.

B. Appointments:

- 1. Salmon River Watershed Partnership Steering Committee:** Jason Jozefiak has agreed to be the liaison to the Salmon River Watershed Partnership Steering Committee. The Commission thanks Mr. Jozefiak for his commitment.

2. Conservation-Lake Commission Liaison: Kevin Kuhr has agreed to be the liaison to the Conservation-Lake Commission. The Commission thanks Mr. Kuhr for his commitment.

C. POCD – Status and Plan for Mandatory Update: Staff discussed plans to review the existing POCD and provide copies of recommended changes to the Commission for their input. Staff also discussed the potential for workshops and a sub-committee as the updating progresses.

The Chairman requested staff to inspect 26 Lakeview Street for satisfactory E&S Controls.

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

The meeting adjourned at 9:40 p.m.

Respectfully submitted,



Daphne C. Schaub
Recording Secretary