

**East Hampton Planning and Zoning Commission
Regular Meeting
September 2, 2015
Town Hall Meeting Room**

Unapproved Minutes

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, Kevin Kuhr, James Sennett, Meg Wright, Alternate Members Jason Jozefiak, Michael Kowalczyk, Geoff Ricciardelli, and Town Staff Daphne Schaub were present.

Absent: None, all members were present.

2. **Approval of Minutes:**
A. **August 5, 2015 Regular Meeting:**

*Mr. Kuhr moved to approve the Minutes of the August 5, 2015 meeting as written.
Mr. Sennett seconded the motion. The motion carried unanimously.*

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

Communications: Staff asked the Commission to consider adding Item 4.A, Set Public Hearing for October 7, 2015, to the Agenda. The application of Hubert E. Butler Construction, LLC, 9 Young Street, Special Permit pursuant to Section 9.2 of the Zoning Regulations for Renewal of Excavation Permit.

Mr. Rux moved, and Mr. Kuhr seconded, to add Agenda Item 4.A, Set Public Hearing for October 7, 2015, to the Agenda for The application of Hubert E. Butler Construction, LLC, 9 Young Street, Special Permit pursuant to Section 9.2 of the Zoning Regulations for Renewal of Excavation Permit. The motion carried unanimously.

Staff also reported that the Town Council has approved Option 1 for the departmental reorganization. **Attachment 1**

Liaison Reports:

Mr. Gauthier reported that the East Hampton High School opened on time. Phase 2 is about to begin. The first phase included the major construction and is about to be completed.

Mr. Hall reported the DRB has adopted Guidelines and they are in this evening's meeting packages. The Minutes for the DRB are on file in the Town Clerk's Office and are available online.

Mr. Sennett reported that he attended the ZBA meeting in August. At that meeting they heard two applications, both were granted. They included reductions in rear and side yard setbacks in the R-1 Zone to remedy design of an existing garage and a side yard setback in the R-4 Zone to construct a garage. The Minutes of this meeting are in the Town Clerk's Office and are available online.

Mr. Kuhr reported that there was a meeting of the Conservation-Lake Commission on August 13th at which time they discussed the blue-green algae bloom affecting the Lake, a DNA genetic study to be conducted on the algae, and staff education at Sears Park. The Minutes of the Conservation-Lake Commission are on file in the Town Clerk's Office and are available online.

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

Mr. Rux reported that the Water Development Task Force did not meet. He was unable to attend the EDC meeting. The Minutes for the EDC are on file in the Town Clerk's Office and available online.

Ms. Wright reported that the Regional Planning Committee did not meet in August. Mr. Ricciardelli is unable to continue to act as the alternate member to the RPC. The RPC typically meets every fourth Monday at 7 PM in Essex. Ms. Wright attends the meetings and an alternate member would only be required to attend the meetings that she is not able to attend. The alternate member may always feel free to attend as well. Staff has requested members of the Commission consider this opportunity.

Public Comments: The Chairman opened the meeting to the public.

Mary Ann Dostaler, 56 William Drive, questioned the Global Storage facility opening a retail store at the site.

Staff reported that retail stores are a commercial use and the Global Storage facility is located in a Commercial Zone. The self-storage use is a special use that required a special permit. The owner was granted a zoning and building permit to install one store front. If this project is successful, the owner will bring a site plan modification before this Commission.

4. Set Public Hearing for October 7, 2015:

A. Application of Hubert E. Butler Construction, LLC, 9 Young Street, Special Permit pursuant to Section 9.2 of the Zoning Regulations for Renewal of Excavation Permit - Map 12/Block 33/Lot 7A:

Mr. Rux moved, and Mr. Sennett seconded, to schedule a public hearing on October 7, 2015 for the application of Hubert E. Butler Construction, LLC, 9 Young Street, Special Permit pursuant to Section 9.2 of the Zoning Regulations for Renewal of Excavation Permit, Map 12/Block 33/Lot 7A. The motion carried unanimously.

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

6. Public Hearings for September 2, 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 – Continued from the July 1, 2015 Meeting:

Mr. Gauthier reported that he was present at the first meeting in July, he was not present at the last meeting in August; however, he did listen to the recording of the meeting, read

the Minutes, and studied the traffic report that was submitted at that meeting. He believes he is fully informed and able to be seated at this meeting.

Attorney Furey explained to the Commission that as he consented verbally at the last meeting to extend the public hearing through tonight's meeting, he did provide staff with the consent in writing. He also understands that the EDC did meet and did provide this Commission with favorable commentary regarding this application. Staff agreed that the EDC was in favor of this application and will locate this recommendation. It will be a formal part of the record for this public hearing.

Attorney Furey reviewed the application with the Commission. The POCD is clear in its support of commercial and office development along major transportation corridors and is specifically supportive of the Village Center. The EDC has twice reviewed this application and voted in favor of this zone change. The Commission had previously showed interest in a traffic study which was submitted at the last meeting and indicates that the Level of Service (LOS) at the intersection of Main Street and Route 66 will remain the same, a LOS B. Mr. Furey argued that even if the LOS dropped to a C, it would not be contrary to the goals of the POCD as it would slow traffic down through the commercial area of town and draw interest to the businesses available to those driving through.

Attorney Furey presented a 1928 Zoning Map which indicated that the area subject to this application was zoned commercially.

The Chairman clarified that the Traffic Study does include typographical errors referring to the area of the traffic study as South Main Street and the intersection of South Main Street and Route 66. The correct area of the study is Main Street and the intersection of Main Street and Route 66.

Robert Baltramaitis, P.E. of Wallingford, discussed the practices that are industry standards in conducting a traffic study.

The Chairman opened the public hearing at this time.

Jim O'Sullivan, 50 Main Street, suggested that the Commission think this application through carefully. This application does not address what is really going on in the community, the traffic study was not conducted properly, and this zone change will have a negative effect on the community.

Steve Maynard, 42 Main Street, lived on Main Street for 27½ years. Both he and his wife are against the proposal for the zone change. This change will increase traffic and decrease safety for all those who use this area. He owns an old home and has invested heavily in it. He was attracted to the town because of the old town charm. It had the types of values he wanted to instill in his kids. He further believes there are abandoned and blighted areas all over town that would benefit from development.

Lennart Kloo, 24 Main Street, has been a mailman in this town for 32 years. He retired six months ago and has conducted a traffic study of his own. On any Saturday you see traffic backed up half way down Main Street. He is very concerned about a commercial use on Main Street. When he bought his home he converted it back to a one-family

home. He has witnessed many business fail in the Village Center over the years and it is not about bringing the traffic down there. It is about making the right decisions for development in town.

Shaun Kelly, 30 Skinner Street, explained that his daughter owns 46 Main Street and he has been in town 40 years. The Main Street area of town was designed for carriages and horses not cars. Unless the town wants to spend a whole lot of money on developing the entire area, he does not believe this zone change should be granted.

Jill Jenson, 12 Old Marlborough Road, was born and raised in East Hampton. She urged the Commission to really consider what this change will mean to the town's character. The developer, with an investment interest, should not decide what the character of Main Street will be. There is a lot of area for improvement in town. Main Street should not be changed when other areas would benefit more.

Ruth Gawkowski, 18 Main Street, explained that she moved her ten years ago. She is very unhappy to hear that a developer has plans of destroying another beautiful old home. The traffic study should have been done during the school year. Not on a summer afternoon. This is a quaint little portion of Main Street. She would like to see it improved but with the same charm not another place for more business and traffic to build up.

Greg Jackson, Main Street, is a 15 year resident of town. He is pro-development and a former business owner himself. He understands the need to balance economic development with the needs of the residents in town. There are areas desperate for re-development in town in the Village Center with room for business development. There are also vacancies in East Hampton as well for business tenants to lease. The Village Center is over half a mile away from the subject property. He questioned how a property half a mile away lends itself to drive business in the Village Center.

Chairman Zatorski discussed the goals and responsibilities of the POCD and the Commission.

Mr. Jackson described his view of the town's failure to successfully blend the POR Zone on West High Street with the Commercial and Residential Zones.

Loren Moody, 188 White Birch Road, has a daughter who owns a house on Main Street. He presented the Commission with a petition signed by town residents to protest the proposed zone change. He also reminded the Commission that it is the will of the people to guide the government.

The Chairman explained that the Commission is interested in making a lawful decision.

Staff explained that as Mr. Moody has a petition in protest of the proposed zone change it would be appropriate for the Commission to receive the petition. It must be verified by town staff. The Regulations read, "If a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty percent or more of the area of the lots included in such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission."

Staff further explained that the public hearing would need to be extended to the maximum amount it is allowed, 65 days from the opening of the public hearing or October 8, 2015 (the day after the next regularly scheduled meeting).

Mr. Moody discussed the people's interest in protecting the character of Main Street.

Jim O'Sullivan, 50 Main Street, reminded the Commission of what Main Streets in Durham, Old Saybrook, and Wallingford looked like 15 years ago. This is a slippery slope.

Sally Raddatz, 24 West High Street, explained she lives in the POR Zone and it has changed drastically since she bought it 27 years ago. She is displeased with the building across the street that has never been finished. She pointed out that just because you build a building you are not guaranteed that you will have commerce to occupy the building. She does not want to pay more taxes than she must. She would be pleased if the town put a plan in place that attracted industries and business that will help pay the tax burden and not cause the rest of the town to look like Route 66. Other town residents should not suffer at the hands of poor decisions as she has. She is in favor of growth but not destroy.

Kathy Moody Alward, 11 Main Street, was also involved in collecting many of the signatures on the petition and questioned what the next steps in the process will be.

The Chairman explained the process.

The Commission discussed the numbers required to reach 20% of the area property owners. Staff quickly calculated that there are 45 parcels within 500' of the subject property. The petition would need to have a minimum of 9 signatures to invoke the requirement that the zone change be passed by a 2/3rds majority.

Scott Jackson, 6 Main Street, formerly of Glastonbury where there is an historic committee to oversee Main Street. The community if fully aware would not be supportive of this application.

Ruth Gawkowski, 18 Main Street, questioned the nature of the lots that are in the 500' area of the subject lot.

The Commission explained that area was comprised of both residentially and commercially zoned parcels.

The Commission accepted the petition in protest of the application.

Attorney Furey explained that the Commission is out of time to close the public hearing without an extension. The Commission may close the public hearing tonight and take the additional time necessary to act on the application.

The Commission discussed the options for proceeding with the application.

Attorney Furey reported that there is no formal historic district in the center of town. The only true historic district is the Middle Haddam Historic District.

Attorney Bill Grady, 8 West High Street, explained that the subject area is part of the Belltown Historic District and is recognized by the State of Connecticut. It is not a federally recognized historic district. The home was built in 1850.

Attorney Furey responded to the comments made during the public hearing. The needs of the community and what is appropriate for the area include the location. The planning has occurred and is covered in the Town's POCD. This document is the basis for planning the community. A comprehensive review has occurred both by the Commission, the EDC, and a professional engineer has submitted a traffic study. He is interested that in one breath the neighbors indicate traffic cannot get through the area and in the next breath they claim their children cannot play because the traffic is moving so quickly. A formal site plan must be reviewed and approved by this Commission whether it be to convert this building to a commercial use with a driveway with parking or for a different use. All the issues discussed at the last public hearing with sight lines, timing, signage, etc. need to be covered at that time. The POCD links the major traffic corridors to the Village Center and the site is absolutely walkable. The applicant is not interested in extending the public hearing. The public hearing should be closed tonight. The petition, if it has been written appropriately, will need to be verified. Mr. Furey recommended that the staff be given adequate time to verify the signatures before the Commission renders a decision.

The Chairman agreed with Attorney Furey that staff would need adequate time to verify the signatures before the Commission could vote to grant the application.

Mr. Rux moved to close 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. Ms. Wright seconded the motion. The motion closed unanimously.

The Chairman asked staff to have all signatures verified. The Chairman discussed the POCD's priorities, both for the promotion of economic development and the competing goal to maintain and retain the town's rural character. The Commission discussed the application.

Mr. Kuhr moved, and Mr. Sennett seconded, to deny 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. The motion carried unanimously.

The Chairman recessed the meeting at this time.

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 – Continued from July 1, 2015 Meeting:

David Hughes, Professional Engineer, was present to represent the applicant. He advised the Commission that he met with town staff to discuss the issues of two-way traffic and landscape buffers. The revisions were presented to the Commission on a revised site plan prepared for Radhay, LLC, dated May 26, 2015, revised August 3, 2015, and last revised August 19, 2015. The plans include two-way access from Princess Pocotopaug Trail. The north driving lane will be one-way to the exit onto Princess Pocotopaug Trail. Cars will be able to enter from Princess Pocotopaug Trail make a right turn only and park in the rear of the building. A gravel sidewalk will be available for access to the building

from the rear parking area. A landscape buffer along the northern boundary line has been added to protect the residential zone across Princess Pocotopaug Trail from the commercial activity and to improve/reduce drainage and runoff from the site which is in the Lake Pocotopaug Protection Area. The storm drainage catch basins have been repositioned and an additional basin was added. There are now three catch basins in the area of the one-way drive, on the westerly side of the two-way access, and at the street. These changes will allow the town to proceed with stormwater and drainage issues on Princess Pocotopaug Trail. A small addition (13' x 37.5') has also been added to the front of the building to increase floor space by 488 square feet. This request for additional square footage is being made by the owner now as he determined that this will be the maximum addition space he could possibly have on this property and he believes now is the time to ask for this final request.

The Commission discussed alternatives with the applicant. The expense of a retaining wall has precluded the owner from including one to allow a travel lane around the entire building. The owner also requires that the south side of the building remain available for snow removal and storage.

Staff reported that the WPCA and Police Chief have no further comments to the revised plan. Staff read a memorandum into the record from the Public Works Director. The memo referred the Commission to the Stormwater Management Maintenance Schedule submitted at the time of the time of the final revisions to the plan. Staff also discussed the existing conditions, color, photographs in their packages. The town staff has been working with this applicant for many months and is very hopeful that the applicant will agree to take the steps the staff believes will benefit the lake. **Attachment 2 & 3**

Mr. Hughes discussed the maintenance schedule, the responsibility of the owner, and expenses in following the maintenance schedule.

Staff further reported that the Conservation-Lake Commission is pleased with the improvements made to this sight and the stormwater management.

The applicant refused to move the dumpster, as requested by the Public Works Director, because the only other location is where it is currently located and that location needs to be reserved for snow storage.

The Maintenance Schedule includes inspection of the hoods on the structures but the plans do not show hoods. The applicant corrected that he does not anticipate including hoods in this project. Mr. Jozefiak believes it would be beneficial to the structures. Mr. Hughes stated that if there is a lot of sediment in the basin there will be an issue with flooding. The catch basins are 2'. Mr. Jozefiak believes a 4' catch basin would improve the ability of the catch basin to function.

The front addition will be made of the same materials that are present now, wood and brick.

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

William Choma, 20 Namonee Trail, discussed his concern with the plan as he is the abutting neighbor to the rear of the property. He discussed the road widths, curbing, grade, water runoff, storm drainage, maintenance, and enforcement.

Staff responded that the town is very aware that the owner needs to be more committed to maintaining and stewarding the site both for the neighbors and the lake.

The Commission discussed the improvements being made to the site.

Mr. Rux moved, and Mr. Kuhr seconded, to close the public hearing for the 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. The motion carried unanimously.

Mr. Zatorski moved, and Mr. Rux seconded, to approve the 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, as represented in the plans last revised on August 19, 2015 with the following conditions:

- *Dumpster moved to proposed site, maintained, and watertight at all times;*
- *Maintenance, performed by the owner, to include cleaning and mowing of the basin twice per year in July and October, or a minimum of once a year as agreed to by the Public Works Director;*
- *Trash and debris removed from the property by the owner at a minimum of once a month;*
- *Staff to be notified prior to commencement of construction and upon completion;*
- *All erosion and sedimentation controls must be in place prior to commencing construction; and*
- *Ensure that post development peak rates and volume of stormwater runoff do not exceed predevelopment levels.*

This motion for approval has been made because it provides for substantial improvement in several areas including stormwater management in the Lake Pocotopaug Protection Area, a vegetative buffer between Commercial and Residential Zone, and promotes economic development, as well as compatibility with the POCD. The motion carried unanimously.

C. Application of Sheila Mullen, 47 Tartia Road, for an Amendment to Section 8.4.B, Special Regulations, Standards For Specific Uses, Alcoholic Beverages and Section 8.4.L, Special Regulations, Standards For Specific Uses, Farm Brewery:

Sheila Mullen and Mike Klucznik were present to discuss the application with the applicant. Ms. Mullen explained that the reason she has brought this application before the Commission is because she and Mr. Klucznik would like to open a small nano-brewery which is defined as not more than three barrels of beer per batch. Three barrels of beer is about 100 gallons. They anticipate being much smaller than that. They would like to convert their barn into a small brewery. They are working with the UCONN

Agricultural Extension Program on a nutrient waste management plan. Rather than storing the water, grains, and hops they will be used on the property to grow the hops. They have 2.1 acres and will operate during the grow season. If approved they will only be open seasonally on Saturday and Sunday afternoons for tastings and growler fills. They provided a graphic to the Commission for clarity. The average tasting per individual will be about 20 minutes and would hopefully result in filling a growler of product. The applicant is simultaneously working with the Federal and State governments, the Chatham Health District, and Zoning. They have obtained support from the EDC because nano-breweries are wonderful tourism opportunities. They do not serve food so the draw of the nano-brewery also draws business for the area restaurants and recreation facilities. Ms. Mullen explained that although the application is for a town-wide regulation and amendment, their property is especially qualified for this potential use as they have 200' of frontage and they are far removed from all the neighbors.

Staff provided the Commission with and discussed the proposed regulation. The town of Kent has just begun utilizing this a similar regulation and the first tasting tours were conducted in July of this year. The applicant referred to the Map of Connecticut Breweries on their display. The area of East Hampton has no breweries in the vicinity. Staff will be conducting further review of breweries in the State. Staff explained that this application is specific only to the town-wide regulation change. If this application is approved the applicant will then come forward with an application specific to her property and the nano-brewery she would like to propose for that location.

Staff explained that the application for the farm brewery is by special permit. The special permit review process would then evaluate the specifics of the actual site. The RiverCOG has recommended that we make further regulation changes to the special permit requirements involving hours of operation and deliveries. Staff has not yet completed their review of these recent suggestions and plans to provide more input at the next meeting. The applicant explained that there is a real market and excitement for the production of hops and barley.

The Chairman opened the public hearing at this time.

Kim Paige, 99 Midwood Farm Road, spoke in favor of the proposed regulation change.

Tom Sawyer, 156 Wopowog Road, discussed the craft brew business in the State and is both supportive of it in the State and East Hampton. It is a true draw for tourism and people would discover all that East Hampton has to offer.

The Commission discussed the proposal and is interested in receiving more information and further reviewing the proposal. The Chairman requested staff to scan and forward to the Commissioners the reports available prior to the next meeting.

Mr. Kuhr moved, and Mr. Rux seconded, to continue the public hearing for the application of Sheila Mullen, 47 Tartia Road, for an Amendment to Section 8.4.B, Special Regulations, Standards For Specific Uses, Alcoholic Beverages and Section 8.4.L, Special Regulations, Standards For Specific Uses, Farm Brewery to the next regularly scheduled meeting. The motion carried unanimously.

Mr. Kuhr moved, and Mr. Rux seconded, to continue the Application of Sheila Mullen, 47 Tartia Road, for an Amendment to Section 8.4.B, Special Regulations, Standards For Specific Uses, Alcoholic Beverages and Section 8.4.L, Special Regulations, Standards For Specific Uses, Farm Brewery to be continued to the next regularly scheduled meeting. The motion carried unanimously.

7. New Business: None.

8. Old Business:

A. Presentation - Design Review Board – Newly Adopted Guidelines: The Chairman advised the Commission that the newly adopted DRB Guidelines were adopted by the DRB on October 6, 2015 and is in the Commissioner’s packages for this evening. The Submission Material Checklist has been added and is in the handout.

Staff will conduct a final review of the Guidelines and the DRB Bylaws.

B. POCD – Status and Plan for Mandatory Update: Town Staff reported they had no update on the POCD at this time.

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

The meeting adjourned at 10:34 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary