

**East Hampton Planning and Zoning Commission  
Regular Meeting  
October 7, 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, Members Roy Gauthier, Kevin Kuhr, James Sennett, Meg Wright, Alternate Members Jason Jozefiak, Michael Kowalczyk, and Town Staff Daphne Schaub were present.

Absent: Vice-Chairman Rowland Rux, Member Gary Hall, and Alternate Member Geoff Ricciardelli were not present.

The Chairman seated Alternate Members Jason Jozefiak and Michael Kowalczyk.

2. **Approval of Minutes:**

**A. September 2, 2015 Regular Meeting:**

*Mr. Gauthier moved to approve the Minutes of the September 2, 2015 meeting as written.  
Mr. Sennett seconded the motion. The motion carried unanimously.*

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

**Communications:** Staff reported that Chairman Zatorski has been a vital and committed member of the Planning & Zoning Commission for fifteen years this month and thanked him for his service to the community.

Staff notified the Commission that Main Street Venture, LLC has appealed its denial of their application for zone change at 3 Main Street to the State of Connecticut Superior Court. The appeal has been referred to the town attorney and has a return date of November 10, 2015.

**Liaison Reports:**

Mr. Gauthier reported the East Hampton High School building project is progressing and is on schedule. The gym and the auditorium are scheduled to be opened in November.

Mr. Sennett reported that two ZBA meetings have been held since our last meeting. The September meeting included a side yard setback variance to construct a deck which was granted. The October meeting was held earlier this week and included a variance request for both side yards to construct a second floor addition to an existing home. That variance was also granted.

Mr. Kuhr reported that there was a meeting of the Conservation-Lake Commission on September 10th at which there were a large number of people in attendance to discuss the blue-green algae bloom affecting the lake. Phil Sissick, the Director of Public Works, discussed the success of the repairs to the rain garden at Sears Park, the gift of property from the O'Neil Camp for land to be used to improve stormwater runoff, and Bioswales in use on

South Wangonk. Additionally, they heard a presentation by Aaron Messenger regarding a floating island as a bio-solution to the nutrient load in the lake. The Commission also reviewed several plans for improvements by homeowners around the lake and provided suggestions for improving conditions regarding the lake. The Commission began discussions to plan a tri-board meeting including themselves, the Town Council and the Wetlands Agency to discuss the lake. Patience Anderson was present at the meeting and discussed the funds that the Council budgeted for the Conservation-Lake Commission discretionary spending to benefit the lake. Wes Jenks presented a brief overview of the Lake George efforts to improve and maintain lake health. 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.

Ms. Wright reported that the Water Development Task Force did not have a quorum.

Ms. Wright reported that she did attend the Lower Connecticut River Valley Regional Planning Committee meeting on September 28<sup>th</sup>. There were no referrals. They were given two presentations. The first was on The Lower CT River and Coastal Region Land Trust Exchange. The Natural Resource Based Strategic Conservation Plan, A GIS overlay Analysis may be found online at <http://www.lcrelandtrustexchange.org/>. They also heard a presentation about the GrowSMART Region which is a new marketing effort for regional planning. The public is invited to take a very brief survey to aid the COG in identifying the strengths and challenges of the region. The next meeting is October 26<sup>th</sup> and Ms. Wright will not be able to attend.

Commissioner Michael Kowalczyk has agreed to be the Alternate Member of the RiverCOG as Commissioner Ricciardelli has announced he will be unable to continue with that responsibility due to a business conflict. Mr. Kowalczyk will attend the October 26<sup>th</sup> meeting in Essex at 7 PM and staff will provide the details to him prior that meeting.

**Public Comments:** None.

4. **Set Public Hearing for November 4, 2015:** None.
5. **Read Legal Notice:** Staff read the legal notice into the record.
6. **Public Hearings for October 7, 2015:**
  - A. **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 and Section 9.2.B.d.7 & 8, Special Permits – Minimum Requirements:  
  
Sheila Mullen and Mike Klucznik were present to discuss the application with the Commission. Ms. Mullen reported that since the last Commission meeting they have continued to pursue their project of opening a nano-brewery. Mr. Klucznik received 1<sup>st</sup> Place Awards in competitions at the Room With A View for both the popular vote and Judges' Choice for one of his beers. He also placed second out of 54 in the Southern New England Regional competition, affirming that they have a good product.

Ms. Mullen discussed the benefit that these amendments would be to the town for economic development.

Staff discussed the special exception standard which had been recommended to the Commission by the RiverCOG. The Agriculture, Site Plan, and the Special Permit Regulations were specifically discussed. Areas of interest included the special exceptions standards. These are specific to situations where conflict may arise between commercial uses in a residential neighborhood. This Commission has proven successfully in the past that the Special Permit Regulations are a useful tool in accomplishing public safety and health. An argument could be made in an appeal situation that specific limits, or standards, not defined are discretionary and open to interpretation. The existing regulations cover traffic and site lighting standards thoroughly. The hours of acceptable operations could be defined more clearly.

The issues of noise and odor are addressed by other means than the Town of East Hampton Zoning Regulations. The Town Council has intentionally chosen to address noise by utilizing the State Statues and refer complaints regarding noise to the Police Department. Odor is addressed by the State Health Code. Neither of these issues has been addressed by the Zoning Regulations to date.

The Commission requested inclusion of the addition of Section Nos. 9.2.B.1.d. 7 & 8 to the proposed amendment and new zoning regulations of Section Nos. 8.4.B.a & 8.4.L in this regulation amendment application. They believe that traffic and site lighting are appropriately addressed in the existing Regulations and do not intend to undertake Noise and Odor at this time.

Chairman Zatorski read the staff comments into the official record. They include reviews of the Chatham Health District, Economic Development Commission, Lower Connecticut River Valley Regional Planning Agency, Lower Connecticut River Valley Agricultural Commission, Southeastern Connecticut Council of Governments, and Capital Region Council of Governments.

Staff reported on research collected on nano- and micro-breweries either in or in proximity to residential areas. These include the Relic Brewery in Plainville and Kent Falls Brewing Company in Kent.

The applicant granted the Commission an extension in the public hearing.

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

Priscilla Connors, 10 Whittier Road, spoke in support of the regulation change.

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

Tom Sawyer, 156 Wopowog Road, reiterated his support of the application.

*Mr. Gauthier moved, and Mr. Sennett 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 and Section 9.2.B.d.7*

*& 8, Special Permits – Minimum Requirements to the next regularly scheduled meeting to be held on November 4, 2015. The motion carried unanimously.*

*Mr. Kuhr moved, and Mr. Sennett 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 and Section 9.2.B.d.7 & 8, Special Permits – Minimum Requirements to the next regularly scheduled meeting to be held on November 4, 2015. The motion carried unanimously.*

**B. Application of Hubert E. Butler Construction LLC for a Renewal of the Excavation Special Permit Pursuant to Section 7.6, 9 Young Street – Map 12/Block 33/Lot 7A:**

Chairman Zatorski explained to the Commission that this Special Permit is renewed annually. The Commission looks at the progress being made and considers any changes that may have arisen over the past year.

Gregg Fedus, Fedus Engineering, was present to represent the applicant. He reported that the entrance to the site is off of Young Street and presented a site plan of the project.

Brian Gombotz, General Manager of Butler Construction, was present and reported that the economy has improved dramatically since the last review of this project. Blasting has increased from one or two blasts annually to eight since the last meeting. All neighbors are notified and blast reports go to the Fire Marshal. Since the last meeting 25,000 to 30,000 yards have been removed. A great deal of the material has been to supply EverSource with material for roads to access power line upgrades.

Staff reported that they have received no complaints since the last review. They have also received two statements from abutters indicating they have no objection to this application. The property immediately to the west of this site is the site that has been recently changed to the Industrial Zone.

Mr. Gombotz told all Commissioners that they were invited to contact him for a tour of the site if they were interested. He believes the project is half way, or more, to completion. He anticipates one more blast before the year is over and a typical blast will yield 5000 to 6000 yards of material. The schedule and hours will remain as in the past. If the economy maintains its current pace, it is conceivable the project will be completed in 5 to 7 years.

The Chairman opened the public hearing. No one was present to speak for or against the application.

*Mr. Gauthier moved, and Mr. Kuhr seconded, to close the public hearing for the application of Hubert E. Butler Construction LLC for a Renewal of the Excavation Special Permit Pursuant to Section 7.6, 9 Young Street, Map 12/Block 33/Lot 7A. The motion carried unanimously.*

*Mr. Zatorski moved, and Mr. Kuhr seconded, to approve the application of Hubert E. Butler Construction LLC for a Renewal of the Excavation Special Permit Pursuant to Section 7.6, 9 Young Street, Map 12/Block 33/Lot 7A, with all conditions as required on previous Special Permits. The motion carried unanimously.*

**7. New Business:**

**A. Road Acceptance and Maintenance Bond - Salmon Run:** Staff reported to the Commission that the Director of Public Works has recommended the acceptance of the Road known as Salmon Run with the following conditions: During the period of acceptance the developer is responsible for all maintenance and repair to the roadway, drainage infrastructure, easements and all areas in the proposed right of way. Several parcels have been sold by the owner and are currently under construction. As this is currently private property it is difficult for the Town to enforce the Road Standards relating to this construction. Prior to each step in the acceptance procedures a visit should be made to the development the day of the meeting and prior to the meeting up to final acceptance by the Town Council.

The bond was originally \$72,000 and has been reduced to \$45,000 and will further be reduced to \$7,200 for the road maintenance bond to be held by the town for one year following the acceptance of Salmon Run by the Town Council.

*Mr. Zatorski moved, Mr. Gauthier seconded, to recommend to the Town Council that Salmon Run be accepted by the Town of East Hampton per the recommendation of Phil Sissick, Director of Public Works, and Anchor Engineering, town engineer, with the conditions as outlined by Mr. Sissick. This approval includes a reduction of the Road Maintenance Bond to \$7,200 to be retained by the town for one year following acceptance of Salmon Run. The motion carried unanimously.*

**1. Old Business:**

**A. Presentation - Design Review Board – Newly Adopted Guidelines:** Chairman Zatorski reported that staff has reviewed the Adopted Guidelines and has identified areas of concern. The Chairman requested that this item remain on the Agenda for the November meeting when Mr. Hall, Liaison to the DRB, may be in attendance.

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

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

The meeting adjourned at 8:29 p.m.

Respectfully submitted,

Daphne C. Schaub  
Recording Secretary