

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
July 6, 2016 – 7:00 P.M.
East Hampton Town Hall Meeting Room

MINUTES

1. Call to Order and Seating of Alternates: The meeting was called to order at 7:00 P.M. by Chairman Ray Zatorski.

Present: Chairman Zatorski, Vice Chairman Kevin Kuhr, Regular Members Roy Gauthier, James Sennett, Meg Wright, Rowland Rux, Alternate Members Angelus Tammaro, Michael Kowalczyk and Planning and Zoning Official Jeremy DeCarli.

Absent: Regular Member Gary Hall and Alternate Member Jason Jozefiak.

Alternate Members Angelus Tammaro and Michael Kowalczyk were seated at this time. Michael Kowalczyk was unseated at 7:10 p.m. upon the arrival of Regular Member Rowland Rux. Chairman Zatorski thanked the Commission members, public and staff for attending the meeting.

2. Approval of Minutes:

A) June 1, 2016 Regular Meeting: *Mr. Kuhr moved, and Mr. Sennett seconded, to approve the minutes of the June 1, 2016 regular meeting as written. Voted 7-0.*

Mr. Sennett noted that although not present at that meeting, he listened to the recording and reviewed minutes and materials.

3. Communications, Liaison Reports, and Public Comments:

Communications:

Mr. DeCarli noted that communications within tonight's meeting package include: a letter from the Connecticut Land Conservation Council which includes training and education opportunities, and a notice of tentative determination from DEEP in regards to an application from the US Army Corps of Engineers application for permits.

Liaison Reports:

Mr. Gauthier reported that the East Hampton High School renovation is moving forward. Much of the main site work will be done this summer, leaving some interior work. Demo of the 60's wing will occur Spring 2017.

Mr. Kowalczyk reported that the Regional Planning Committee did not meet. He did attend the Portland Economic Development meeting as a private citizen. They are entertaining the development of the former Elmcrest property, with a possible 240 apartments contingent on re-zoning to allow the application to move forward.

Mr. Sennett reported that he attended the Zoning Board of Appeals meeting on May 9, 2016 and that an application was granted for Tammy & Robert Filbig of 8 Fairlawn Ave. for a variance for construction of a garage. The June ZBA meeting was cancelled for lack of a quorum.

Mr. Kuhr reported that the Conservation-Lake Commission also approved the 8 Fairlawn Ave. application mentioned above along with a variance to build a deck at 43 Wangonk for Jim Gworek. The Commission talked about replacement of the launch ramp and training of the summer help in regards to boat awareness at Sears Park. Mr. Jenks of the CLC talked about an article he provided in regards to adding more natural aquatic plants to the lake. This occurred at a lake in China with success. Mr. Kuhr noted that a lily pad problem could occur. Also discussed was control of the dam, with the CLC wanting to be the communicating body between Mr. Bevin and the town.

Mr. Rux reported that the Water Task Force had no meeting and he was unable to attend the Economic Development Commission meeting due to work.

Chairman Zatorksi opened the meeting to public comments. There were none at this time.

4. Set Public Hearing(s) for August 3, 2016:

A) Application of Carmela Lashenka Revocable Trust, 152 Chestnut Hill Road, 2-Lot Subdivision – Map 13/Block 32/Lot 17:

Mr. Kuhr moved, and Mr. Sennett seconded, to set the public hearing for August 3, 2016 for the application of Carmela Lashenka Revocable Trust, 152 Chestnut Hill Road, 2-Lot Subdivision – Map 13/Block 32/Lot 17. Voted 7-0.

Mr. Rux asked if the Commission has the power to make a decision on a revocable trust. Mr. DeCarli will look into this further.

5. Reading of the Legal Notice: None

6. Public Hearings for July 6, 2016:

A) Continued: Application of Stephen Acerbo, 000 Rear Old Young Street (AKA: Sexton Hill Road), for a 4-Lot Subdivision – Map 4/Block 31A/Lot 9:

Joel Fuller, Land Surveyor for the applicant provided an updated map showing a change in the placement of the 8.6 acre easement (which is the only change). It has been moved from the Northwest to the Southwest side, abutting the Middlesex Land Trust conservation land and wetlands on the property. The easement is the same amount of acreage and is about 500' wide. Mr. Fuller submitted a letter from John Martucci, professional engineer, which was read into the record by Chairman Zatorski. In the letter Mr. Martucci states that due to the arrangements of the lots and the topography of the land, the increases in runoff will be negligible and not cause adverse effects to neighboring properties. Chairman Zatorski entered the letter, along with a blowup of Lots 1-4 and the conservation easement into the record.

Mr. DeCarli provided information on legal access to the easement currently in use upon request of applicant, Mr. Acerbo. It was reported that the Town Clerk researched this and only found two that referenced the easement between Young and Old Young Streets in their deeds: the Smith-Gilman and Koskinen properties.

Applicant, Stephen Acerbo, stated that Old Young used to continue down the hill but was washed out 30-40 years ago. Discussion occurred on the timeline of this, with Ted Shumbo of 261 Young Street stating that it was pre-1978 when it stopped being in use.

Mr. Acerbo stated that he will be meeting with Town Manager Maniscalco, Public Works Director Michaelson and Mr. DeCarli to discuss further the improvement of the road and legal access to it. Due to the fact that this meeting has not yet occurred he is requesting an extension on the application because he feels he does not have enough information to move forward. Mr. Acerbo also noted that as stated in a previous meeting, he does not want the subdivision to stand or fall on the road improvements, especially in regard to making improvements for other properties that do not have legal access.

Mr. Kuhr noted that the original application was submitted without the road improvements and that this public hearing was a continuation of the original application. Chairman Zatorski stated that because of the concern voiced last month on the road it is appropriate, especially as this is an open application which allows for consideration of modifications.

Mr. DeCarli discussed reports within the package include a letter from Fire Chief Voelker stating that the best option he sees is to restore the road from the Old Young Street/Taylor Drive area in regards to Fire Department access. Chairman Zatorski read this memo into the record along with comments from Jennifer Carducci of the Public Works Department and some points made in a memo from Anchor Engineering.

Mr. Sennett read from the Subdivision Regulations and discussion occurred regarding which regulation this road would fall under. Chairman Zatorski stated it would be under

Section 12, 1B3, improvement of an existing road accepted by the Town Engineer and Town Manager.

Chairman Zatorski asked the Commission to look at the memo from lawyers Halloran & Sage and digest the information. Mr. DeCarli noted that their memo opens more questions about the easement. They say the Town is liable to some extent because of provided plowing and maintenance, but also not liable to some extent. He noted that there is nothing in the records of Pine Brook Road ever being accepted, which is typical as it was a road used before there was a formal acceptance. There has been no formal abandonment by the Town.

Commissioner Comments:

Mr. Gauthier feels that an extension is in order. He also noted that in regard to the bullet point about “proposed Town of East Hampton drainage system” in the memo from Anchor Engineering, he would like to make sure that item does not get lost.

Mr. Kowalczyk asked for clarification on whether Pine Brook is a Town road.

Mr. Sennett asked if the new easement was in wetlands, with Mr. Fuller replying that a small piece of it is.

Mr. Kuhr asked if the applicant would be responsible for improving the roads.

Mr. Rux asked how much time would be needed to continue the application. Mr. DeCarli stated it would be ok to continue another month.

Chairman Zatorski noted as an individual, not representative of the Commission, he is generally uncomfortable with public access on a private road. His opinion is to improve the town road prior to the lots being split off.

Public Comments:

Rhonda Avery, daughter of Pelotte, gave background on the splitting and sale of lots. She noted that it is not “Old Young/Sexton Hill Road” but that Old Young stops at Sexton Hill Road, which is separate. Mr. DeCarli noted that he will reflect this on the maps.

Ted Shumbo, 261 Young Street, stated that Pine Brook Road could be opening a can of worms as that the section of Pine Brook that the applicant wants the driveway on is unimproved but the other side is maintained by the town and how can they justify maintaining one side but not the other.

Attorney Scott Jezek of 31 WF Palmer Road in East Haddam spoke, representing his clients Steve & Heather Smith. He states their property is the most impacted by this road and their

specific requests are: If the road is improved they would like a stop sign at the bottom of the hill; from the bottom of the hill to South they would like the road not to be paved, but preserved in its present condition; if guard rails are to be used by the pond/steep grade, they ask that they be wood rather than stainless steel or cable; they are concerned about the health and character of the pond, of which a portion is in the roadway, being preserved; they would like the mature trees to remain, and if any need to be removed for them to be identified in advance; clients intend to continue to use the easement and do not intend to give it up as it is the only access to their property. Attny Jezek will provide his comments in entirety to the Commission.

Mr. Gauthier asked for a better map from the applicant showing existing conditions and accepted proposed conditions (if any).

Chairman Zatorski asked the Commission to review the comments from the Chatham Health District.

Rhonda Avery asked if someone purchased the lots off Pine Brook, would the road improvement still be on the table? Chairman Zatorski noted that there was no answer to this as it is a hypothetical question at this time.

Mr. Kuhr moved, Mr. Rux seconded, to continue the public hearing for the application of Stephen Acerbo, 000 Rear Old Young Street, for a 4-Lot Subdivision – Map 4/Block 31A/Lot 9. Voted 7-0.

7. New Business: None

8. Old Business

A) Discussion: Review Final Design Review Board Guidelines:

Tom Adams, Design Review Board liaison, stated that the DRB Guidelines are complete. Mr. DeCarli noted that they are looking for the revised guidelines including comments. Mr. Adams thought that was in the Town's hands to do, but will get clarification on that.

Ms. Wright asked about the POCD; Mr. DeCarli stated that it is completed. Mr. Rux thanked Mr. DeCarli and Daphne Schaub for all the hard work they put into that document.

12. Adjournment:

Mr. Rux made a motion, seconded by Mr. Gauthier, to adjourn at 8:04 P.M. Voted 7-0.

Respectfully submitted,

Eliza LoPresti
Recording Clerk