

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
November 2, 2016 – 7:00 P.M.
East Hampton Town Hall Meeting Room

APPROVED 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 Ray Zatorski, Vice Chairman Kevin Kuhr, Regular Members, James Sennett, Roy Gauthier, Meg Wright, Gary Hall and Rowland Rux. Alternate Member Angelus Tamaro was present as well as Planning and Zoning Official Jeremy DeCarli. Chairman Zatorski stated there was a full commission so there was no need to seat Alternate Angelus Tamaro.

2. Approval of Minutes:

A) October 5, 2016 Regular Meeting: *Mr. Rux moved, and Mr. Kuhr seconded, to approve the minutes of the October 5, 2016 regular meeting with the correction of a typo. **Vote: Yes-6; No-0; Abstain - 1 (Roy Gauthier). The motion passed.***

3. Communications, Liaison Reports, and Public Comments:

Communications:

The first communication Mr. DeCarli submitted was a Quarterly Newsletter from the Connecticut Federation of Planning and Zoning Agencies. He presented the members with 3 letters regarding the replacement of the communication tower at Eversource. The letters refer to a proposal of a 120 foot pole to bring it up to standard. The final communication was from the Water Utility Coordinating Committee regarding a meeting on Nov. 16th at 1:30 p.m. at the MDC Training Center in Hartford.

Liaison Reports:

Mr. Gauthier attended the EHHS Building Commission and reported that the High School renovation is on schedule and continues to aim for a substantial completion date of May 2017.

Gary Hall stated that the Design Review Board has cancelled the last 2 meetings.

Mr. Sennett stated that he was unable to attend the Zoning Board of Appeals meeting on October 17, 2016. He reported that there were 2 applications and both of the following applications were granted: application for Cary & Sharon Rollins of 18 West Point Rd for the following: Northside yard setback variance from 15' to 8', Southside yard setback variance from 15' to 2', maximum coverage variance from 20% to 25.4% and maximum livable space from 750 sq. ft. to 816 sq. ft. for the construction of a new single family home. The second application for Jonathan & Nicole Palmer, 129 Main Street, East Hampton, CT. For the following: Northside yard setback variance from 25' to 19.5', Southside yard

setback variance from 25' to 21.5', front yard setback variance from 50' to 35' for the renovation of an existing single family home.

Vice-Chairman Kuhr stated that he was not able to attend the Conservation Lake meeting last month.

Chairman Zatorski asked town staff if there was anything at the IWWA meeting that would affect P&Z. Mr. DeCarli stated there was not.

Mr. Rux stated that he did not attend the EDC meeting. He attended the Water Development Task Force meeting and filed a letter of intent that the Town Council approved. He provided the following highlights of the letter: the letter provides a history of what has happened in the past for water development, they are soliciting engineers who are interested in submitting a plan or designs for interconnecting the Center School with Memorial School and Royal Oaks and to see if there is a way to start a small water system that is interconnected. They are waiting to get feedback or plans from engineers.

Ms. Wright attended the same meeting as Mr. Rux and added that an addendum was scheduled to go out to proposal to eliminate the request for fees because fees could disqualify grants or low interest loans and that the fee structure cannot be a factor in the determination process of the proposals. She stated that the Lower CT River Valley Regional Planning Committee did not meet.

Chairman Zatorski informed the members that Mr. DeCarli asked if he could include an 8-24 Review to the agenda this evening. He provided the members with a brief description of what an 8-24 Review is. Chairman Zatorski asked the Commission if it was acceptable to include the 8-24 Review to the agenda under Item #6. Mr. Rux made a motion to add the 8-24 Review to the agenda under Item #6. The motion was seconded by Vice-Chairman Kuhr.

Vote: Yes-7; No-0. The motion passed unanimously.

Chairman Zatorski asked if there were any public comments relating to anything other than the applications under Item#5. There were no comments.

4. Read Legal Notice for November 2, 2016: The legal notice was read into the record by Mr. DeCarli.

5. Public Hearings for November 2, 2016

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

Chairman Zatorski began by explaining to the board members and public that the Commission is required by state statute to review a special permit which was granted for excavating in a gravel pit/quarry and to approve if the Commission believes that it is in the best interest of the town. Greg Fedus of Fedus Engineering presented to the board. Mr. Fedus referred to the site plan indicating where vehicles enter on Young St. (Rte. 196) as well as phase 1, 2 & 3 excavation areas. Brian Gombotz (General Manager at Butler

Construction) stated that the hours of operation have not changed, the Fire Marshall and abutting property owners are notified prior to blasting and that they have added rows of wood chips along the sill fence for E&S controls. He stated that the plan to connect the road to the recycling center on Old Coach Road is still in discussion. Chairman Zatorski asked for public comments at this time. Bob Perreault of 8 Old Coach Road addressed his concerns regarding the effects that the blasting has had on his property such as the vibrations felt in the house, the animals being frightened, potential contamination/damage to his well and a wire in the electrical panel in the garage that was disengaged from the main breaker. Mr. Perreault asked that the Commission deny the Hubert E. Butler Construction Application and requested an independent evaluation of the possible effects of the blasting to surrounding wells, home electrical systems and ground water resources. Members of the Commission inquired about the type of wire Mr. Perreault has and when it was installed. Mr. Perreault stated it is an aluminum overhead wire that is over 40 years old and that his well is a drilled well. Brian from Butler Construction informed the members that every blast is monitored by seismograph and provided them with the written results of one. Chairman Zatorski commented that the numbers on the seismograph report are not high. Mr. Perreault stated that over the past 3 years the vibration has increased as well as the sound of the blasting. Brian referred to the site plan and indicated that they are working in a southwest direction which is in the opposite direction of Mr. Perreault's property. A brief discussion followed about the subsurface and the frequency and size of the blasting. Chairman Zatorski said he (as a single Commissioner) would feel more comfortable with additional seismographic monitoring, for Butler Construction to review their call list and for Butler Construction to report all information pertaining to the blasting to Jeremy DeCarli in the East Hampton Building Department. Mr. Perreault agreed to have Butler Construction place a seismograph on his property and agreed to sign a written authorization to that effect. Mr. Rux made a motion to close the public hearing at this time. The motion was seconded by Vice-Chairman Kuhr. **Vote: Yes - 7; No-0. The motion passed unanimously. Public hearing closed.**

Chairman Zatorski made a motion that the East Hampton Planning and Zoning Commission approve the Application of Hubert E. Butler Construction, LLC, for a Renewal of Special Permit Pursuant to Section 7.6, 9 Young Street – Map 12/ Block 33/ Lot 7A with the following conditions: 1. That the procedure that is being followed at the current time for notification of the appropriate agencies and town personnel continues. 2. That additional seismic recording equipment be installed prior to the blast at appropriate locations including but not limited to 8 Old Coach Road. 3. That the call list be reviewed prior to the blast for the reasons that this is a renewal and that rules and regulations have been followed. 4. That the applicant has shown full cooperation with community concerns. 5. That the blasting be monitored by a seismograph until the next renewal. The motion was seconded by Vice-Chairman Kuhr. **Vote: Yes - 7; No -0. The motion passed.**

B. Amendments to East Hampton Zoning Regulations – Sections 2.2, 3.5.F, 3.5.K, 7.7.G, 9.4.C, 9.4.G, 9.4.H. Mr. DeCarli stated that he removed all the words “permits” from the

regulations. Vice-Chairman Kuhr suggested changing “certificates” to “certificate” under H in the table of contents. Mr. Tammaro referred to page 2 of Section G and pointed out that there is already a reference to Zoning Certificates of Approval. Chairman Zatorski made a motion to open a public hearing for 5B and asked for any further comments from the Commission. There were no further comments from the Commission and there was no public present to comment. Mr. Rux made a motion to close the public hearing. The motion was seconded by Mr. Gauthier. **Vote: Yes-7; No-0. The motion passed.**

Chairman Zatorski made a motion to accept the Amendments to the East Hampton Zoning Regulations –Sections 2.2, 3.5.F, 3.5.K, 7.7.G, 9.4.C, 9.4.G, 9.4.H with the suggested changes to 9H in the Table of Contents and page 2 of Section G. The motion was seconded by Vice-Chairman Kuhr. **Vote: Yes -7; No-0. The motion passed.**

C. Amendments to East Hampton Zoning Regulations – Section 8.4.M, Special Regulations Standards For Specific Uses, Accessory Dwelling Units.

Chairman Zatorski stated that he has received many calls from citizens who inquired about the Amendments to Section 8.4.M. The main concerns that were expressed were: why are amendments being done, having a single bedroom in the accessory apartment and the attachment of the accessory apartment to the main dwelling unit. The members addressed the public concerns as well as having additional meters, potential septic issues and defining a bedroom. The members reviewed and discussed the draft of the amendments for Section 8.4.M and offered suggestions for rephrasing and revising. Mr. Rux made a motion to continue the public hearing to the next regularly scheduled meeting. The motion was seconded by Mr. Gauthier. **Vote: Yes-7; No-0. The motion passed.**

Mr. Rux made a motion to continue this Application to the next scheduled meeting. The motion was seconded by Ms. Wright. **Vote: Yes-7; No-0. The motion passed.**

6. New Business: The Town Council is requesting a review pursuant to Section 8-24 of the Connecticut General Statutes for the following: for the purchase of 2 non-contiguous parcels of land known as the DiDomizio property identified on the Assessors Map as: Map 26, Block 87A, Lot 22A Parcel A and Map 26, Block 87A, Lot 5 Parcel B. Both lots are being considered for several reasons. The first is Parcel A which abuts the land currently owned by the Town of East Hampton and occupied by Memorial School and that Parcel B abuts land currently owned and preserved by Middlesex Land Trust as well as the Airline Trail. The Plan of Conservation and Development recommends the purchase of the properties adjacent to current open space with the goal of preserving more meaningful open space and in addition the Plan recommends the Town purchase properties contiguous to property owned by the Town to allow future expansion of Town Facilities. Mr. DeCarli provided the members with maps indicating the location, the wetlands, the zoning layers and the Middlesex Trust. A brief discussion followed about the potential benefits of purchasing both parcels. Mr. Gauthier made a motion to recommend the acceptance to Town Council of the property known as Map 26/ Block 87A/ Lot 22A for acquisition by the Town of East Hampton for the reasons of: Consistency with the Plan of Conservation and Development. The motion was seconded by Mr. Rux. **Vote: Yes-7; No-0. The motion passed.**

A motion was made by Mr. Gauthier to recommend to the Town Council the acquisition of the parcel known as Map 26/ Block 87A / Lot 5 for the reason that it is consistent with the Plan of Conservation and Development. The motion was seconded by Mr. Rux. **Vote: Yes-7; No-0. The motion passed.**

Mr. Rux made a motion to the Town Council of East Hampton that the parcel known as Map 26/ Block 87A / Lot 5 in consideration of information received by this Commission that the land will eventually be contributed or conveyed to a conservation group. The Commission recommends to the Town Council that this parcel Map 26 / Block 87A/ Lot 5 retain by The Town of East Hampton all water and mineral rights and the right to build a structure for the extraction of water or mineral rights. The motion was seconded by Mr. Gauthier. **Vote: Yes-7; No-0. The motion passed.**

7. Old Business: Mr. DeCarli stated that a week ago he went to the Fat Orange Cat Brewery and met with the owners regarding the parking issues. They informed him that a neighbor has offered a field for their patrons to park. Mr. DeCarli asked them to have the neighbor call him to discuss this and he has not heard from the neighbor. He contacted the owners of the Brewery yesterday and still has not heard from the neighbor. Mr. DeCarli stated that the parking situation will be monitored and the topic will be revisited at the next meeting.

A. Planners Report: Mr. DeCarli stated that he has some additional information regarding the topic of Air BNB's but that it can be discussed at the next meeting.

Mr. Rux thanked the members for their support when approving the recommendation to Town Council to purchase the parcels of land.

8. Set Public Hearing(s) for December 7, 2016 – None.

9. Adjournment:

Mr. Rux *made a motion, seconded by Mr. Gauthier, to adjourn at 9:20 P.M. The vote was unanimous in favor. Meeting was adjourned.*

Respectfully submitted,

Christine Castonguay
Recording Clerk