

REGULAR MEETING MINUTES JUNE 14, 2021
FOR THE EASTON PLANNING AND ZONING COMMISSION

Note: These minutes, prepared to comply with Section 1-225 of the General Connecticut Statutes, is an approximate record of matters discussed and actions taken by the Commission at the meeting, but has not yet been reviewed by the commission for accuracy or completeness and is therefore subject to change or correction.

Vice-Chairman, Raymond Martin, called the Regular Meeting, Virtual Meeting via ZOOM, to order at approximately 7:07 pm.

Regular Members present: Raymond Martin, Wallace Williams, Robert Maquat and Ross Ogden

Regular Members absent: Thomas Maisano

Alternate Members present: Alison Sternberg

Alternate Members absent: Jay Habansky and Walter Kowalczyk

For the record: Alison Sternberg is voting for Thomas Maisano

PUBLIC HEARING: (Continued from May 24, 2021)

SP-21-01, Special Permit Application, Submitted by the Easton Racquet Club, Inc., 36 Wimbledon Lane, Plans submitted by Dymar, Inc., Civil Engineers & Land Surveyors, 800 Main Street South, Suite 132, Southbury, CT, 06488, last revised 5/24/21, the proposal is for two paddle tennis courts with lighting and one 4-bay pickle ball court with lighting.

Present at the meeting was Keith Rudolph, President of Easton Racquet Club, Robert Warren, Treasurer of Easton Racquet Club and Mark E. Lancor P. E. of Dymar Engineering.

The Vice Chairman noted the following items for the record:

1. E-mail from Johnson to Margaret Anania Monday June 14, 2021, nine pages, plus three page pdf, Re: The Easton Racquet Club P&Z Application.
2. Letter dated June 11, 2021 to Planning & Zoning Commission from Bruce E. Bombero, Sr. P.E. L.S., Deputy Director of Public Works, Assistant Town Engineer, Re: Easton Racquet Club Expansion SP-21-01, 36 Wimbledon Lane, Easton, CT 06612.
3. E-mail from Keith Rudolph dated June 8, 2021 to Margaret Anania with two e-mails as pdf's:
 1. E-mail from Keith Rudolph to Margaret Anania dated June 7, 2021, 1 page, Re: Easton Racquet.
 2. E-mail from Keith Rudolph to Margaret Anania dated June 7, 2021, 1 page, Re: Easton Racquet club.
4. Large size copies of item noted at Planning and Zoning Commission Meeting of May 24, 2021 as item #2.
 1. Letter from Mark Lancor dated May 24, 2021 to Bruce E. Bombero, Sr. P.E.L.S., Deputy Director of Public Works, Assistant Town Engineer, Re: Easton Racquet Club-SP-21-01.
 2. A 26 page Drainage Report, dated 05-24-2021
 3. Figure No. 1, submitted 5/24/21
 4. Drawing C-5C, Sediment & Erosion Control Narrative, dated 5-21-21
 5. Drawing entitled Sciclone SC-4 Hydrodynamic Separator Standard Detail, dated 3/18/20
 6. Drawing C-2, Site Development and Grading Plan, last revised 5/24/21.

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PUBLIC HEARING: (continued)

SP-21-01, Special Permit Application, Submitted by the Easton Racquet Club, Inc

Keith Rudolph discussed that the Easton Racquet Club was proposing to install cameras, recording devices and decibel meters on-site to reduce noise.

Mark Lancor, P.E. of Dymar discussed Sheet C-2, Site Development and Grading Plan, with the Commission and referenced the additional trees proposed to be added for additional screening and for the reduction of noise.

The Vice-Chair opened the meeting to the public. Charles and Carla Johnson of 33 Wimbledon Lane were present and discussed parts of their letter dated June 14, 2021. They also expressed their concerns for the fall and winter when leaves were off the trees.

There being no other public comment the Vice-Chair declared the public hearing closed.

Motion was made by Raymond Martin, seconded by Ross Ogden, for discussion purposes only, to approve SP-21-01, Special Permit Application, Submitted by the Easton Racquet Club, Inc., 36 Wimbledon Lane, subject to findings and stipulations to be discussed. The vote was unanimous, 5-0, motion carried. The following items were discussed as conditions.

1. The additional screening proposed may be reviewed for adequacy for a period of 6 to 12 months. It was noted that no existing screening would be removed.
2. Lighting is to be in compliance with the Easton Zoning Regulations and will be based on dark sky lighting technology with cutoff, to reduce glare to adjacent properties.
3. The screening provided by the additional trees should reduce current noise. There will be decibel alarms installed prior to the use of the courts, to reduce noise levels. The decibel alarm will be set at 75.
4. The hours of operation will be 7:00AM to 10:30PM during the week and 8:00AM to 10:30PM on the weekends. Lights will go off on the courts at 10:30PM and perimeter lighting is based on motion.
5. Complaints will be made to the Easton Racquet Club and they must have a minimum of a 30 day backup. A dedicated phone line and e-mail will be made for Complaints.
6. Pickleball Courts will also have additional screening and the adequacy of the screening may be reviewed for a 6 month to 12 month period.

Raymond Martin made a formal motion to approve SP-21-01, Special Permit Application, Submitted by the Easton Racquet Club, Inc., 36 Wimbledon Lane, subject to the following findings and conditions.

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Findings and Conditions for SP-21-01:

1. Zoning Purposes – The proposed lighting upgrades, landscaping upgrades, two additional paddle ball courts, and the four-bay pickle ball court are consistent with the Easton Zoning Regulations. The proposed lighting shall be in compliance with the Easton Zoning Regulations.
 2. Environmental Protection and Conservation – The proposed construction will not impair the existing wetlands in accordance with the Inland Wetland Permit #21-582. Additional trees are to be planted as part of the application to provide screening for abutting neighbors.
 3. Overall Compatibility – The existing site facilities of six tennis courts and two paddle board courts will be enhanced for the convenience of the existing club membership and community with the additional courts and improved energy conservation lighting in compliance with the Easton Zoning Regulations.
 4. Suitable Location for Use – Due to the extensive wetlands on the site and taking into consideration the desire and goals of the Town to preserve such wetlands, the proposed development is restricted to upland areas as shown on plans prepared by DYMAR.
 5. Appropriate Improvements – The proposed additional courts and improved lighting are appropriate extensions of the current use for the site, as similar courts to these were granted a special permit in 2006, but were not built due to costs. Adequate screening will be added by the additional trees proposed on Sheet C-2 of the plan maps submitted, last revised 5/24/21.
 6. Suitable Transportation Condition – The existing 37 parking spaces on-site shall remain with no additional parking spaces to be constructed for this application. The club may not increase its membership from the current membership of 153 families.
 7. Adequate Public Utilities and Service – The utilities on the site appear to be adequate. All proposed site lighting will be improved with energy efficient LED fixtures and shall comply with the Easton Zoning Regulations and will use “dark-sky” full cutoff technology.
 8. Long Term Viability – Maintenance of the site improvements will be absorbed into the regular schedule of site maintenance.
 9. Nuisance Avoidance – Operations in connection with the special permit require disclosure and methods to be established for compliance. Screening and decibel alarms will be installed prior to the use of the courts, to reduce noise. Hours of activity during the week will be 7:00AM to 10:30PM and on weekends, 8:00AM to 10:30PM. Lights are to go off at 10:30 on the courts with only motion-activated perimeter. Complaints may be made to the Easton Racquet Club at an established telephone number or e-mail regarding any infraction. Video and audio records for decibel alarms shall be kept for 30 days and decibel infractions shall be reported on a quarterly basis to the Easton Zoning Enforcement Officer. Complaints may also be submitted to the Town of Easton Zoning Enforcement Officer.
- Danger: Nothing to be stored or manufactured except in accordance with applicable codes and regulations of the Town of Easton and State of Connecticut. No material will be dangerous due to explosion, extreme fire hazard or Radioactivity. Any toxic or hazardous substance used and stored at the site will be in accordance with applicable codes and regulations of the Town of Easton and State of Connecticut. No toxic or hazardous materials to be used, processed or stored on-site in connection for the proposed use.
10. Plan of Conservation and Development – In keeping with the POCD, no additional development is proposed beyond the property boundaries or in the existing wetlands in order to

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Findings and Conditions for SP-21-01 (continued):

maintain natural resources of the site. The recreational facility contributes to the overall character and quality of life in Easton.

11. Mitigation – Site improvements in the area of the new pickleball and paddle ball courts will be enhanced for visual screening with proposed additional tree plantings. Screening for the courts will be reviewed for up to one year. Stormwater quality and quantity mitigation measures have been incorporated in the site design.

The conditions of approval are based on the following maps and correspondences as follows:

1. Set of Plan Maps submitted by Easton Racquet Club, prepared by Dymar Engineering, last revision date of 3/26/21, consisting of 17 pages with the cover page.
2. Comments from Health Officer, Eren Ceylan, dated April 26, 2021, to Planning and Zoning, one page.
3. Letter dated April 1, 2021 to Eren Ceylan, Sanitarian, from Dymar Engineering regarding Membership, one page.
4. Statement dated 4/16/21 from Police Chief Richard Doyle stating there were no concerns or comments, one page.
5. Memorandum from Dori Wollen, Chair, Inland Wetlands Commission, dated April 14, 2021, Re: Request for Determination of Wetland Impact for Easton Racquet Club Court Expansion, one page, with attached two-page Inland Wetland Approval letter for Permit #21-582, 36 Wimbledon Lane, Owner of Record: Easton Racquet Club, Inc. from Dori Wollen, Chair.
6. Letter dated May 10, 2021 to Planning & Zoning Commission Re: Easton Racquet Club Expansion, SP-21-01, from Bruce E. Bombero, Sr. P.E. L.S.
7. E-mail to Department of Public Works from Scott Lukowski dated May 10, 2021, cc: Margaret Anania; Mark Lancor; Keith Rudolf Re: Easton Racquet Club – DPW Review, one page.
8. Lighting Specifications as shown on Drawings No. C-7A, C-7B and C-7C submitted in noted Item 1., Set of Plan Maps.
9. Letter dated May 11, 2021 to Mr. Scott Lukowski, Senior Project Engineer, Dymar, Re: Easton Racquet Club Expansion – SP-21-01, 36 Wimbledon Lane, Easton, Ct 06612, from Bruce E. Bombero, Sr. P.E.L.S., Deputy Director of Public Works, Assistant Town Engineer, one page.
10. E-mail from Keith Rudolph dated May 11, 2021, to Margaret Anania Re: Easton Racquet Club – DPW Review, 1 page
11. E-mail from Keith Rudolph dated May 24, 2021, to Margaret Anania with three attachments:
 - a. Letter regarding the complaint;
 - b. Letter to Chuck addressing Hours of Operation, Noise Control, Speeding Rules and Light mitigation; and
 - c. Easton Racquet Club Code of Conduct, and prior e-mail of May 24, 2021 and prior two e-mails of May 22, 2021.

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SP-21-01, Special Permit Application, Easton Racquet Club, Inc. (continued)

The conditions of approval are based on the following maps and correspondences as follows:

12. E-mail dated May 24, 2021 to Margaret Anania from Scott Lukowski with six attachments:
 1. Letter from Mark Lancor dated May 24, 2021 to Bruce E. Bombero, Sr. P.E./L.S., Deputy Director of Public Works, Assistant Town Engineer, Re: Easton Racquet Club – SP-21-01, which was sent to Margaret Anania May 24, 2021 by Scott Lukowski.
 2. A 26 page Drainage Report, dated 05-24-2021
 3. Figure No. 1, Drainage Improvement Plan, submitted 5/24/21
 4. Drawing C-5C, dated 5/21/21
 5. Drawing entitled Sciclone SC-4 Hydrodynamic Separator Standard Detail, 3/18/20
 6. Drawing C-2, dated 5/24/21
13. Document entitled “EASTON RACQUET CLUB STATEMENT OF USE February 15, 2021”.
14. E-mail to Margaret Anania from Keith Rudolph, dated June 8, 2021, 1 page, with two attachments in pdf:
 - a. Easton Racquet Code and
 - b. Easton Racquet email Sound.
15. Response to Planning & Zoning Commission dated June 11, 2021 from Bruce E. Bombero, Sr. P.E./L.S., RE: Easton Racquet Club Expansion, SP-21-01, 36 Wimbledon Lane.

The motion was seconded by Ross Ogden. After discussion the following amendment was added to the motion by Raymond Martin, seconded by Ross Ogden.

1. The Easton Racquet Club is to submit the number and type of decibel infractions in a report to the Zoning Enforcement Officer which is to be submitted on a quarterly basis.

After further discussion the motion was amended again by Raymond Martin, seconded by Ross Ogden, to add the following amendments to the motion:

2. The current membership number of 153 families may not be increased.
3. The record video and audio files for decibel levels must be kept for a period of 30 days, not 3 weeks.
4. The new courts will not be operational until cameras and sound devices are in place.
Screening should be in place based on the time of the year.

The vote was unanimous, 5-0, motion carried.

ZONING ENFORCEMENT REPORT:

The Vice-Chair noted the Zoning Enforcement Officer had not submitted a report.

- Zoning Violation for 120 Maple Road – Section 3310, Parking, Commercial Vehicles –
It was noted that this e-mail was received from the Januarys and that this item was sent to the Attorneys.
- Zoning Violations for 45 Westport Road – Sections 3350 and 5100, Home-Based Businesses – No discussion.
- Zoning Violation for 740 Stepney Road/15 Hayes St - Section 3310, recreational vehicle storage – No discussion.

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ZONING ENFORCEMENT REPORT: (continued)

- Potential violation for 57/59 Church Road – Section 6300, Exterior Lighting – No discussion.
- Zoning Violation for 5 Knapp Street – Section 3430, Recreation Structures – Report received from ZEO. No discussion.
- Potential violation – 570 Morehouse Road – Section 3310, Parking, Commercial Vehicles & Section 7300, Earthwork Operations. No discussion.

REVIEW AND APPROVAL OF MINUTES:

- Minutes of Regular Meeting May 24, 2021 - Motion was made by Wallace Williams, seconded by Aliston Sternberg, to approve the Minutes for May 24, 2021, Planning and Zoning Commission Meeting with two slight changes: on page two, third paragraph under the public hearing, there should be added after Bruce Bombero's name that he is Deputy Director of Public Works and Assistant Town Engineer and again on page three, Item #2, subset 1, there should be added after Bruce Bombero's name that he is Deputy Director of Public Works and Assistant Town Engineer. The vote was unanimous, 4-0, motion carried. Ross Ogden did not vote as he was absent.

Unfinished Business:

- *GIS Project* – Create GIS portal for Agri-Tourism – No discussion
- Review Subdivision Regulations – Justin Giorlando stated that we are waiting for comments from Public Works.

New Business:

- Request for Bond Release for 17 Adirondack, LLC, Subdivision Application 16-01, 17 Adirondack Trail. The Vice-Chair noted two items received from the Department of Public Works:
 1. Letter dated June 10, 2021 to Planning and Zoning Commission from Bruce Bombero Sr., P.E., L.S., Deputy Director of Public Works, Assistant Town Engineer Re: Resubdivision Bond Release, 17 Adirondack, LLC Subdivision.
 2. Executed Subdivision Bond Release Form for Subdivision 17 Adirondack, LLC, executed by Bruce Bombero Sr., 6/10/24, Assistant Town Engineer.Motion was made by Raymond Martin, seconded by Ross Ogden, to release the Subdivision bond for 17 Adirondack, LLC in the amount of \$3,000 plus interest. The vote was unanimous, 5-0, motion carried.
- Proposed Change in Non-conforming use – 169/171 Sport Hill Road. Present at the meeting was Carolyn Kennedy and Peter C. Graupner regarding their property. Justin Giorlando stated that the property had a legal medical building attached to its house and was in conformance with the Regulations at the time it was built, 1963.

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Proposed Change in Non-conforming use – 169/171 Sport Hill Road (continued)

He noted that it would not meet the following Accessory Apartment rules:

1. It did not meet the 40% of the area of the principal dwelling (exclusive of garage, attic and basement) Section 5220.2a.
2. No operable door or common wall, so the accessory apartment can be integrated back into the principal dwelling, Section 5220.5
3. Does not maintain the exterior appearance of a single-family residence, Section 5220.9a.
4. The secondary entrance has not been incorporated into the principal entrance, Section 5220.9b.
5. Separate parking facilities for principal and accessory units are on property, Section 5220.9c

Justin Giorlando stated that Section 7100 of the Easton Zoning Regulations, specifically Section 7130.4 states that “A non-conforming use may be changed to another non-conforming use provided that: a. The Commission shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.” He stated that this address was not the only address that this issue pertains to and cited 10 Old Sport Hill Road as also containing a medical building.

The commission discussed this item and determined that they did not have enough information to act on it. Justin Giorlando will draft a letter to the Commission regarding the permission of this use. Also, the owners will submit an application to Building/Health regarding the creation of this accessory apartment. This item will be discussed at the next meeting of June 28, 2021.

At approximately 8:45 pm, there being no other business to be conducted, motion was made by, Ross Ogden, seconded by Wallace Williams, to adjourn the meeting. The vote was unanimous, 5-0, motion carried.


Margaret Anania, Recording Secretary