

MINUTES OF REGULAR MEETING MARCH 30, 2015
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.

Chairman, Robert Maquat, called the meeting to order at approximately 7:07pm.
Regular Members present: Robert Maquat, Steve Carlson, Wallace Williams and
Robert DeVellis

Regular Members absent: Milan Spisek

Alternate Members present: Raymond Martin and Ross Ogden

Alternate Members absent: Vincent Caprio

Town Officials present: John Hayes, Land Use Director and Adam Dunsby, First Selectman,

For the record: Ross Ogden was appointed to vote for Milan Spisek.

PUBLIC HEARING:

Special Permit Application, SP-15-03, by the Town of Easton, to construct an Open-Air Pavilion at 515 Morehouse Road, as depicted on a map dated March 2015 entitled "Proposed Pavilion for the Town of Easton". The chairman read the notice of the public hearing. Adam Dunsby, First Selectman, Applicant for the Town of Easton, presented the application and gave a brief history of the proposal. Athan Crist, 10 Fawn Road, spoke about the design of the building and submitted two addition conceptual drawings for the record:

1. Drawing entitled Hampton Pavilions
2. Drawing entitled Vinyl Pavilions

The Chairman noted the following items for the record:

- 1) 8-24 Referral from Adam Dunsby, First Selectman, dated January 16, 2015
- 2) Letter dated February 4, 2015 from Easton Planning and Zoning Commission in response to the 8-24 referral.
- 3) Map entitled "Proposed Pavilion for the Town of Easton" dated March 2015, depicting the proposed location of the Pavilion.
- 4) Request for Determination of Wetland Impact #15-486 with accompanying memo dated March 27, 2015 from The Easton Conservation Commission acting as the Inland Wetland Agency, Roy Gosse, Chairman, indicating the Commission sees no wetland impact.
- 5) Letter dated March 30, 2015 from the Conservation Commission, Roy Gosse, Chairman, with attached maps 1598 and 1599, filed in the Easton Land Records, describing existing Conservation Easements on the property. It was noted that the location of the proposed Pavilion was not located near those easements.
- 6) E-mail dated March 18, 2015 from Brian Roach, Supervisor, Environmental Protection, Aquarion Water Company, indicating Aquarion has no concerns or comments regarding this project.
- 7) Memo dated March 18, 15 from James Candee, Chief of Police, indicating there was no issues at this time with the proposed project.

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PUBLIC HEARING:

Special Permit Application, SP-15-03 (continued)

- 8) Special Permit Application SP-15-03 package of documents (18 pages in total)
- 9) Section 7.2.1 of the Easton Zoning Regulations

The Chairman specifically noted a document dated March 11, 2015 with the Application for Special Permit entitled "Narrative Description", and read this document in its entirety to determine its compliance with Section 7.2.1 of the Easton Zoning Regulations.

Two people from the public spoke:

Jonathan Kornblatt, 20 Elm Drive

John Broadbin, 105 Staples Road – He submitted two alternate locations for a Pavilion.

A brief discussion was held regarding these two alternate locations submitted by Mr. Broadbin and it was determined that the 8-24 Referral had referred the preferable site, as proposed on the map submitted with the Special Permit Application.

The Chairman declared the public hearing closed.

Motion was made by Robert Maquat, seconded by Steve Carlson, to approve the Special Permit Application, SP-15-03, as identified in an area on a map entitled "Proposed Pavilion for the Town of Easton" dated March 2015, and in accordance with Section 7.2.1, A through I, as captured in a document submitted entitled "Narrative Description", dated March 11, 2015. It was noted that the map will be filed in the Easton Land Records. The vote was unanimous, 5-0 motion carried.

ITEMS FOR DISCUSSION AND/OR ACTION:

- 3. Aspetuck Land Trust – Request for approval of proposed parking plan for Wells Hill Road. Ken Bernhard, a member of the Aspetuck Land Trust Board, was present representing the Land Trust. The Chairman noted a memo from David Brant dated March 19, 2015 to the Planning and Zoning Commission/John Hayes, requesting to commence work on building a parking lot on the ALT property at the Wells Hill Road entrance to Trout Brook Valley. The Chairman also noted a map entitled "Map Showing Proposed Parking Area For The Aspetuck Land Trust, Wells Hill Road, Easton, CT., Oct. 20, 2014" prepared by Ochman Associates Inc. Discussion was held regarding the benefit to the neighborhood and visitors to the ALT property by providing a safe off-street parking area. Motion was made by Robert Maquat, seconded by Steve Carlson, to approve the request in the cited memo, in accordance with the map cited above depicting the proposed gravel parking area for twelve (12) cars, a sign and an entrance drive to the ALT property at Wells Hill Road and subject to communicating with the Town Engineer regarding the entrance driveway and culvert to be installed on the Town right-of-way. The vote was unanimous, 5-0, motion carried.

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PUBLIC HEARING:

SP-15-02, Special Permit Application, Submitted on behalf of Maple Row Farm, Owner: Edwards Properties, LLC, to conduct a mulch and firewood processing operation at the property on the corner of Stepney Road and North Park Avenue, Assessor's Map 3771, Parcel 1, in compliance with Sect./Para. 7.12.2, Special Exception for Pre-existing Farm and Forest Activities of the Easton Zoning Regulations. The Chairman read the notice of the public hearing and noted that it had been opened on March 16, 2015 and then continued to March 30, 2015. Attorney Raymond Rizio was present to represent the owner, Edwards Properties, LLC, for the application submitted on behalf of Maple Row Farm. Attorney Rizio recounted the history of the application and its compliance with Sections 7.12 and recently amended Section 7.2.1 of the Easton Zoning Regulations and submitted several copies of the map given to Inland Wetlands in conjunction with their "As of Right Determination". The Chairman signed the map and noted it as the public hearing map. The Chairman noted the following items for the record:

- 1) Map entitled "Site Plan Prepared For Edwards Properties, LLC, North Park Avenue & Stepney Road, Easton, Connecticut", dated January 28, 2015, last revised 03-18-2015.
- 2) E-mail from Fire Marshal, Peter Neary dated Monday, March 30, 2015, regarding the Maple Row Farm Special Permit, indicating he had no comment as no buildings are part of the plans.
- 3) Memo dated March 27, 2015 from Roy Gosse, Chairman, Easton Conservation Commission acting as the Inland Wetlands Agency, regarding "Request for As-of-Right Determination #15-487, Maple Row Farm, 227-229 Stepney Road", approving the As-of-Right use subject to two stipulations which the Chairman read into the record:
 1. "This is a conditional approval, pending installation of Jersey barriers by July 1, 2015".
 2. "There will be no fueling of machinery in the regulated area".
- 4) Document entitled "Special Permit Narrative" submitted with the Special Permit Application.
- 5) Letter dated March 16, 2015 from Laurel Fedor, 4 Maple Road, which the Chairman read for the record.
- 6) Special Permit Application SP-15-02 with various detailed attachments.
- 7) Memo dated March 13, 2015 from Dori Wollen, Conservation Commission acting as an Inland Wetland Agency requiring an "As-of-Right Determination Application" be submitted by Maple Row Farm, as the work contemplated will impact the adjacent wetland.
- 8) E-mail from Brian Roach dated March 11, 2015 Re: Edwards Properties, LLC – Special Permit Application: SP-15-02 indicating that "Aquarion makes no requests at this time for any specific management practices or restrictions."
- 9) Memo from James R. Candee, Chief of Police, dated February 24, 2015.
- 10) Additional document submitted entitled "Special Permit Narrative" received via e-mail, March 17, 2015 from Christopher Russo, Associate, Quatrella & Rizio, LLC.
- 11) Letter from Brian T. Roach Supervisor, Environmental Protection, Aquarion Water Company, to Scott Edwards Re: Wood mulch colorants.
- 12) Narrative attached to the Wetlands "As-of-Right Determination" entitled Questions Pertaining to the Proposed Activity.

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PUBLIC HEARING:

SP-15-02, Special Permit Application: (continued)

- 13) Amended Special Permit Narrative submitted by Attorney Rizio with change on Page 2, that "Delivery trucks would park on site during use, and that they will be parked on site at the end of normal business hours."
- 14) Section 7.12 of the Easton Zoning Regulations
- 15) Section 7.12.2 of the Easton Zoning Regulations, effective May 27, 2014.
- 16) Section 7.2.1 of the Easton Zoning Regulations, effective September 15, 2014

The Commission reviewed the amended "Special Permit Narrative" as it relates to the requirements of Section 7.2.1 of the Easton Zoning Regulations, A through I.

The Commission reviewed the Special Permit Application as it relates to Section 7.12.2 of the Easton Zoning Regulations.

The Commission reviewed the Special Permit Application as it relates to Section 7.12 of the Easton Zoning Regulations.

The Land Use Director questioned whether the Applicant/Owner would provide additional screening should the screening which was installed by them on the adjacent Aquarion Water Company property, the white pines, be removed by Aquarion at some point in the future. Scott Edwards was present and indicated that they could install additional screening if needed. Discussion was also held regarding the height of the mulch piles.

The following people from the public spoke:

Jeff Becker, 3 Cedar Hill Road

Tim Brady, 53 Center Road

Discussion was held regarding the number of trucks expected in a day to transport the product. Discussion was also held regarding the transport of product on none-thru streets such as Rte136.

The public hearing was closed.

ADMINISTRATIVE MATTERS (continued)

3. Correspondence: The Chairman noted that he had received a letter dated March 30, 2015 from Pasquale Feola, 664 Sport Hill Road, requesting an extension of Conditional Permit #Z-11-4268 for 90 days from the expiration of the deadline April 11, 2015. Motion was made by Robert Maquat, seconded by Wallace Williams, to grant the request for an additional 90 day extension to complete the construction of a new dwelling at 664 Sport Hill Road, Conditional Permit Z-11-4268 for Pasquale Feola, 664 Sport Hill Road. After a brief discussion the motion was amended by Robert Maquat, seconded by Wallace Williams to include the stipulation of submitting a progress report in 45 days to assure progress is being made. The vote was unanimous, 5-0, motion carried.

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PLANNING MEETING

- (1) Morehouse Civic Park: Draft Master Plan and text report with special focus on Phase I.
The Land Use Director stated that he had met with John Broadbin and better understood the differences in the plans of the two Commissions.
- (3) Town Plan of Conservation and Development, 2016. The Chairman stated he had additional information regarding the preservation of Agriculture but would discuss it at the upcoming Planning Meeting. Discussion was held about rescheduling the Planning Meeting from April 6, 2015 to April 15th or April 16th, April 16, 2015 being the preferable day. The Secretary will check with regular member, Milan Spisek, who was absent, to see if he could make the rescheduled date.
- (2) Regional Comprehensive Plan – The Land Use Director stated that he has received a DRAFT of the Greater Bridgeport Regional Council proposed plan for which the Commission had previously submitted a plan statement on the Goals, Objectives & Strategies and he reported that they had incorporated their suggestions preserving the public water supply watershed area; there is a meeting scheduled for Monday, April 13, 2015 which he hopes to attend.

SPECIAL PERMIT APPLICATION, SP-15-02 (continued)

Motion was made by Robert Maquat, seconded by Ross Ogden, to move to approve Special Permit Application SP-15-02 to conduct a mulch and firewood processing operation at the property on the corner of Stepney Road and North Park Avenue as captured in a document submitted by Attorney Raymond Rizio, “Amended Special Permit Narrative”, as described in a plan “Site Plan Prepared For Edwards Properties, LLC, North Park Avenue & Stepney Road, Easton, Connecticut”, dated January 28, 2015, last revised 3-18-2015, and the Commission found the following in accordance with Section 7.2.1 of the Easton Zoning Regulations:

- A. The proposed use will be consistent with the purposes of these Regulations (Article 1) and will serve a community need or convenience.
- B. The location of the site in relation to streets providing access to it, and the nature, scope, size and intensity of the buildings, structures, parking, uses and activities proposed will be in harmony with the appropriate and orderly development of the adjacent neighborhood and will not materially impair the natural environment of the nearby area or the community.
- C. The location, nature, bulk and height of proposed improvements, buildings, structures, walls and fences, and the nature and extent of landscaping, screen planting and exterior illumination on the site, are all such that the use will not hinder or discourage the appropriate use and development of adjacent land and buildings nor impair their value.
- D. Activities and hours of operation of the proposed use will not result in excessive noise, fumes, dust or vehicular traffic in such manner as to disturb the peace and tranquility of nearby residents.
- E. Streets and other rights of way serving the site shall be adequate in capacity, grade, alignment, width and visibility to safely accommodate all traffic destined for the site without congestion or unsafe conditions imposed on the neighborhood.

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SPECIAL PERMIT APPLICATION, SP-15-02 (continued)

- F. On-site parking shall be provided which is adequate in capacity to accommodate the maximum parking need, and shall be suitably screened with sufficient planting, walls or fences, or a combination thereof, with safely designed entrance and exit drives, as determined by the Commission.
- G. Water supply, sewage treatment, waste management, stormwater control, convenient access for fire, police and emergency medical services, and all utilities, will be adequate for proposed uses.
- H. In any case where it is proposed to convert a building or structure originally built or designed for other purposes, it is demonstrated that such building or structure can be safely adapted to the proposed use and will comply with all health and safety requirements of State and Town regulations. There are no proposed buildings or conversions in the proposed special permit application.
- I. The proposed development and use will be compatible with protection of the Town's natural environment, including the quality of its surface and groundwater resources and the purity of public drinking water supplies.

In compliance with Section 7.12 of the Easton Zoning Regulations the Commission found:

- 1. The use shall be located on a site of at least seven (7) acres; the property for the proposed use contains in excess of ten (10) acres;
- 2. The use will be accessory to an active farm or forestry operation located in Easton and process only natural material (such as wood, brush, and other vegetative material), of which a major proportion has been harvested from land within the Town of Easton; a farming and forestry related use has been in existence on the property for over fifty (50) years and a substantial portion of the materials processed or offered for sale shall be harvested from land within the Town of Easton as stated in the Amended Special Permit Narrative submitted;
- 3. There shall be no manufacture of dyes or chemicals on the site;
- 4. The chemical constituents and concentration of such coloring agents are within the safe limits for human health and environmental protection as established by the United States Environmental Protection Agency and any applicable State agencies;
- 5. The storage of said dyes and coloring agents shall only be in secure containers and the transfer and use of said materials shall not be allowed to create contamination of earth, groundwater or streams, or to jeopardize the public health, safety or welfare;
- 6. Each of the above uses shall be compliant with relevant Federal and State Codes.

In addition, the approval of the Special Permit was subject to the following stipulations:

- 1. The installation of Jersey barriers by July 1, 2015.
- 2. There will be no fueling of machinery in the regulated area.
- 3. Delivery trucks will be allowed to park on-site, including overnight, in an area depicted on the hearing plan, "Site Plan Prepared For Edwards Properties, LLC, North Park Avenue & Stepney Road, Easton, Connecticut", dated January 28, 2015, last revised 3-18-2015, in accordance with the Amended "Special Permit Narrative".

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SPECIAL PERMIT APPLICATION, SP-15-02 (continued)

4. The firewood and mulching processes will be operated on the side of the barrier opposite the Wetlands to protect the Town's natural environment, including the quality of its surface and groundwater resources and the purity of public drinking water supplies in accordance with the Amended "Special Permit Narrative".

After a brief discussion, the motion was amended by Robert Maquat, seconded by Ross Ogden, to include the following stipulations:

5. Maple Row Farm must maintain adequate screening and if the trees are removed on the adjacent Aquarion Water Company property, it is the responsibility of Maple Row Farm to provide adequate screening.
6. The mulch piles shall have a height restriction of 35 feet.
7. Only natural material, (such as wood, brush, and other vegetative material) of which a major proportion has been harvested from land within the Town of Easton, may be processed or offered for sale.

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

ITEMS FOR DISCUSSION AND/OR ACTION:

1. Bond Release for the Frank & Kathleen Minardi Subdivision, 53 Ridgeway Road – No discussion.
2. Bond Reduction for "Big Lakes Estates Subdivision", Maple Road – Update on status of subdivision. No discussion.

ADMINISTRATIVE MATTERS: (continued)

1. Minutes of Meeting: March 16, 2015 - Motion was made by Steve Carlson, seconded by Robert DeVellis, to approve the minutes for March 16, 2015, as filed. The vote was unanimous, -0, motion carried.
2. No ZEO Report.
3. Correspondence: The Chairman noted that Planning and Zoning would need to prepare an RFQ for the revamping of the Easton Zoning Regulations. The Land Use Director will prepare an RFQ in coordination with the Chairman.

The Chairman noted that two consulting engineers had submitted proposals for the renewal of the permit for the wastewater septic system for Samuel Staples Elementary School, Dymar and Trinkaus Engineering.

At approximately 10:00PM, there being no other items for discussion, motion was made by Steve Carlson, seconded by Wallace Williams, to adjourn the meeting. The vote was unanimous, 5-0, motion carried.


Margaret Anania, Recording Secretary