

PRELIMINARY MINUTES OF REGULAR MEETING  
OCTOBER 21, 2013 PLANNING AND ZONING COMMISSION

Note: This draft, 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. APPROVED FINAL MINUTES will be filed in due course to replace this draft.

Chairman, Robert Maquat, called the meeting to order at approximately 7:04pm  
Regular Members present: Robert Maquat, Steve Carlson, Milan Spisek and Wallace Williams  
Regular Members absent: Robert DeVellis  
Alternate Member present: Raymond Martin and Ross Ogden  
For the record: Raymond Martin was appointed to vote for Robert DeVellis.

**ADMINISTRATIVE MATTERS**

1. No ZEO report received.
2. 55 Silver Hill Road - update and discussion. Chairman Robert Maquat gave the public an update regarding 55 Silver Hill Road:
  1. The Building Official had recently sent or is about to send a second certified letter to Jo Ann Bachleda at the address her tax bills were sent to on September 24, 2013.
  2. The Chairman has been in contact with the Deputy Fire Marshal Schuyler Sherwood and should a warrant be obtained from the State to inspect the premises, the Deputy Fire Marshal will accompany the Building Official with an officer.
  3. The Chairman stated that Counsel has been obtained to represent 55 Silver Hill Road; the law firm is Quatrella and Rizio. The Town's Law Firm of Berchem & Moses met with opposing Counsel just today.
  4. The Chairman stated that facts were still being gathered as to whether individuals residing in the house qualify under the Americans With Disabilities Act. Counsel has advised the Town to follow procedure of notification and after no second response, application for warrant to the State to inspect the premises may then be applied for. This procedure was confirmed with the State Housing Court Supervisor.

John Hayes noted that there were two Federal Court cases supplied by Counsel involving the West Haven Fire Department and the other involving the City of New London, both cases dealing with the Americans With Disabilities Act and FEMA. The Chairman stated that both of these cases will be available to residents.

6. Request by Jodie & Mark Zuccerella (agent, John F. McCoy, P.E.), 25 Rock House Road, to amend location of Conservation Easement as shown on the Subdivision Map. The Chairman noted the request made by letter of October 9, 2013. Professional Engineer John F. McCoy discussed the "Existing Conditions Plan", by J. F. M. Engineering, Inc, dated 08-07-2013, last revised 10-06-2013, the original subdivision map titled "Subdivision Plan, Old Farm Estates", recorded in Town Land Records as Map #1027, and the report of Soil Scientist, Mary Jaehnig, dated July 22, 2013.

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6. Request by Jodie & Mark Zuccerella (continued)

The Commission listened to the presentation by the Zuccerella's engineer, John F. McCoy, P.E., who outlined the owners' desire to correct the location of the existing Conservation Easement based on inaccurate wetland mapping as shown on the 1984 Subdivision Map.

The Commission agreed to seek the recommendation of the Conservation Commission in respect to the owners' request to modify the wetland boundaries as shown on the engineer's "Existing Conditions Plan", last revised 10-06-2013, but to also include within the revised Conservation Easement the wetland area located within the wetland boundaries as now shown in the southwesterly portion of the lot. A memo will be sent to the Conservation Commission requesting their input regarding this request.

7. Receipt of temporary sign application Z-13-02, request for 15 temporary signs 12" x 18" to be placed at various locations throughout town to advertise major Church fundraiser, "Turkey Dinner", to be held by Jesse Lee UMC, November 2, 2013. Dates of use: October 21, 2013 to November 3, 2013. The Commission discussed the request for temporary signs to advertise a major church fundraiser, "Turkey Dinner", to be held at the Jesse Lee UMC, November 2, 2013, and found that pursuant to Section 5.6.4 (d) temporary advocacy or direction signs related to a special event of short duration may be allowed if they are not larger than one and one half (1.5) square feet in face area. The number, duration and approximate locations of such signs requires advance approval by the Planning and Zoning Commission.

Motion was made by Robert Maquat, seconded by Milan Spisek to approve your application for fifteen temporary directional signs for the "Turkey Dinner" subject to the following stipulations:

1. Dates of use are granted only for the period of October 21, to November 3, 2013.
2. Size of signs should be no larger than 12" x 18"
3. Each sign shall be located outside the travelway and set back far enough for safety and adequate sightlines.
4. No sign may be placed in the State right of way.
5. Permission is given for signs only at the requested locations.
6. Signs are to be removed within 24 hours of the event.

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

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**ITEMS FOR DISCUSSION/POSSIBLE ACTION**

2. Discussion/possible action on Proposed amendment to the Easton Zoning Regulations: Amend Section 7.12 of the Easton Zoning Regulations, SPECIAL EXCEPTION FOR PRE-EXISTING FARM AND FOREST ACTIVITIES, subsection 7.12.2 concerning processing and sale of forest and tree products. (Public hearing closed 8/26/13. 65-day period for decision expires on 10/30/13.)

Motion was made by Steve Carlson, seconded by Raymond Martin, to accept the proposed Amendment with the following changes: In 7.4.2 a. 1) after control, add: at all times. Other change proposed: 51% v. 50%, 51% or greater v. 50%, to provide for controlling interest. The Chairman noted that Town Counsel stated you could only control use not ownership. After a brief discussion of changes the motion was withdrawn by both Steve Carlson and Raymond Martin.

Discussion was held as to whether certain standards should be added to the dyeing of mulch to comply with DEEP and mirror State standards.

Motion was made by Robert Maquat, seconded by Wallace Williams, to deny the proposed amendment without prejudice the amendment presented as the Commission finds that some of the specific proposed language is vague and we find that it is not sufficient for us to support at this time. The vote was unanimous, 5-0, motion carried.

1. Easton Village Store, 440 Sport Hill Road, requested amendments to site plan approved 1/28/13 (Record Map #1748; amended plan submitted. The Commission continued its discussion of the open items on the amended plan submitted by the Easton Village Store. Discussion was held that the lighting issues appeared to have been addressed.

A discussion was held regarding the outside seating. The Chairman noted a letter dated October 1, 2013 to Town of Easton Planning and Zoning Commission, Robert Maquat, Chairman, from Dr. Marsel Huribal; that letter indicated that the tables prior to construction accommodated seating for 35 to 40 patrons. The Commission determined that a limit on seating should be established and that the seating should only be allowed to be reduced.

Motion was made by Milan Spisek, seconded by Robert Maquat, to allow outdoor seating of 36 seats with the condition that no outdoor table service be provided to patrons and with the stipulation that the Commission may require additional screening which is to be determined; the number of outdoor seating can only be modified for a less intensive use and is to be modified should any public health or safety issues arise.

The motion was amended by Milan Spisek, seconded by Robert Maquat, to include that the site plan must identify the proposed screening on the southeast portion of the property and is to be installed to improve the noise levels and screening for the neighbors. The vote was unanimous, 5-0, motion carried.

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**ADMINISTRATIVE MATTERS (continued)**

5. Request by Parish of Christ Church to locate a temporary storage shed on the property at 59 Church Road. (Approved in concept at the Planning & Zoning Meeting June 10, 2013.) The Commission discussed two maps: Sketch Map on file in the Building Department for Permit #005874, Parish of Christ Church, 59 Church Road, which shows proposed 8' x 12' shed with proposed setbacks and "Improvement Location Survey Prepared For Christ Church Depicting A Portion Of 59 Church Hill Road, Easton, Connecticut", dated August 15, 2013.

Motion was made by Robert Maquat, seconded by Milan Spisek, to allow the installation of the temporary storage shed requested by the Parish of Christ Church, 59 Church Road, as the shed will be located well outside any required zoning setbacks. The vote was unanimous, 5-0, motion carried.

- 3 Request by Michael Sabia, 772 Morehouse Road, for annual renewal of permit to sell Christmas trees. The Commission discussed the renewal permit application dated October 1, 2013 requesting to sell Christmas trees for the property located at 772 Morehouse Road. Motion was made by Robert Maquat, seconded by Milan Spisek, to approve the request for annual renewal of permit to sell Christmas trees based on the plot plan submitted in November 2010 and the current application which states that the activities on the property will be conducted in the same manner, the Commission found that the parking and reserve parking would appear to be adequate. The Chairman stated that the Christmas tree sales operation must comply with Sect./Para. 4.2.3 B. of the Easton Zoning Regulations and that the permit will take effect on December 1, 2013 and will expire in 30 days. The Chairman further stated that Commission received an updated police report November 24, 2010 which reaffirmed the safety measures recommended in the original police report. The Chairman noted that in the original approval the Commission restricted the sale of trees to daylight hours and required compliance with all other zoning regulations including proper signage, further noting that this renewal permit is for this year only and must be renewed again next year. The vote was unanimous, 5-0, motion carried.

4. Request by Adele O'Kane, 48 Bibbins Road, for annual renewal of permit to sell Christmas trees. The Commission discussed the annual renewal permit application of October 6, 2013 requesting to sell Christmas trees at the property located at 48 Bibbins Road. Motion was made by Robert Maquat, seconded by Steve Carlson, to approve the annual renewal permit application to sell Christmas trees based on the plot plan submitted in November 2010 and the current application which states that the activities on the property will be conducted in the same manner, the Commission found that the entrance, egress and parking appear to be adequate. The Chairman stated that the Christmas tree sales operation must comply with Sect./Para. 4.2.3 B. of the Easton Zoning Regulations and that the permit will take effect on December 1, 2013, will expire in 30 days and restricts the sale of trees to the daylight hours, further noting that the permit was for this year only. The vote was unanimous, 5-0, motion carried.