

MINUTES OF SPECIAL MEETING JANUARY 3, 2017
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.

Chairman, Robert Maquat, called the meeting to order at approximately 7:10pm.

Regular Members present: Robert Maquat, Wallace Williams (arrived at approximately 7:11pm and Robert DeVellis (arrived at approximately 7:15pm)

Regular Member absent: Milan Spisek and Steve Carlson

Alternate Members present: Ross Ogden, Raymond Martin and Vincent Caprio

For the record: Ross Ogden was appointed to vote for Steve Carlson and Raymond Martin was appointed to vote for Milan Spisek.

Public Hearing: 7:00PM

At approximately 7:10pm Chairman Robert Maquat opened the continued public hearing on the application, by Saddle Ridge Developers, LLC, the proposed Developer and applicant, on behalf of Silver Sport Associates, Owner, pursuant to Conn. General Statutes Sec. 8-30g, and 8-2 to construct a 48-lot community with 30% of the homes set aside as affordable pursuant to the above statutes on their property of approximately 124 acres bounded by Sport Hill Road, Silver Hill Road, Cedar Hill Road and Westport Road, including 897 Sport Hill Road (Map 3773-B/Lot 15-1), 48 Cedar Hill Road (Map 3774-B/Lot 27D), and Maps 3774-B-3773B/Block 7.

The application proposes to:

- (1) Amend the Town of Easton Zoning Regulations (Article 3) to create a new zoning district, titled "Planned Housing Opportunity District" (HOD)
- (2) Amend the Town of Easton Zoning Map to designate the applicants' property, as described above, as a HOD District;
- (3) Amend the Town of Easton Subdivision Regulations as follows:
 - a) Section 10.11, to exempt a HOD District from certain open space requirements;
 - b) Section IV C (5), to require dead end streets to provide a minimum of two (2) and maximum of sixteen (16) building lots in a HOD provided that subsections (A) and (b)(i) of this Section are satisfied.
- (4) Approve a subdivision application, "Easton Crossing", for the applicant's property as described above, creating approximately 124 acres into 48 building lots, one separate parcel, four roads and several open space parcels;
- (5) Approve applications authorizing the creation of 9 (9) affordable homes of the 30 total homes and 11 (11) duplex style affordable apartments to be incorporated within 18 (18) duplex buildings is planned for the proposed subdivision, pursuant to standards of General Statutes Section 8-30g. and Section 8-2.
- (6) Approve a site plan for construction of a HOD project on the applicants' property, as referenced above.

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Commissioner Wallace Williams arrived during the reading of the legal notice by the Chairman.

Public Hearing:(continued)

The Chairman noted the following items for the record:

1. E-mail from Judy and Dick Richardson dated January 3, 2017 to Margaret Anania, Subject: Saddle Ridge.
2. E-mail from Laura Kellerman and Michael Kenney dated January 3, 2017 to Margaret Anania, Subject: Saddle Ridge opposition.
3. Two page letter to Mr. Robert Maquat, Chairman, Planning and Zoning Commission, Town of Easton, from Mark V. Bisson, 21 Bohus Lane, Easton, CT, 06612 dated 12.23.16.
4. E-mail from Grant Monsarrat dated December 29, 2016 to Margaret Anania, Subject: Saddle Ridge Development Proposal.
5. E-mail from Ira Bloom dated December 29, 2016 to Margaret Anania Re: Saddle Ridge with two court cases attached:
 - a. Vine v. Planning & Zoning Comm_n_122 Conn. App. 112.pdf consisting of 5 pages.
 - b. Avalonbay Communities Inc. v. Zoning Comm_n_130 Conn.pdf consisting of 14 pages.
6. One page letter to Mr. Robert Maquat, Chairman, Planning & Zoning Commission, from Adam Dunsby, First Selectman, dated December 21, 2016, read in its entirety into the record.

The Chairman noted that one item would not be noted as it was just a draft memo for discussion with the Land Use Director. The Chairman also noted that Robert DeVellis had arrived

7. E-mail from Matt Ranelli dated December 30, 2016 to Margaret Anania with Saddle Ridge Cases referenced at 12/22 hearing attached:
 - a. Alan Vine v. Planning and Zoning Commission of the Town of Wallingford et al (AC 30921) consisting of 7 pages.
 - b. Avalonbay Communities, Inc. v. Zoning Commission of the Town of Stratford et al (AC 39182 and (AC 31983) consisting of 24 pages.
8. Booklet entitled "PETITION FOR TEXT AMENDMENT, MAP TEXT AMENDMENT, SUBDIVISION APPROVAL, AND SITE PLAN APPROVAL OF SADDLE RIDGE DEVELOPERS FOR PROPERTY LOCATED AT SPORT HILL ROAD, SILVER HILL ROAD, CEDAR HILL ROAD, AND WESTPORT ROAD (ROUTE 136), Applicant's Supplemental Materials, January 3, 2017.
9. Three page letter dated January 3, 2017 to Bob Carlson, Saddle ridge Developers Re: Review of Stormwater Management Design, Easton Crossing, Easton, Connecticut, Fuss & O'Niell Reference No. 20160375.A10, from Philip E. Forzley, P.E., Vice President, Fuss & O'Niell.
10. Five page letter dated January 3, 2017 to Matthew Ranelli, Esq., Shipman & Goodwin, LLP, Re: Easton Crossing , Easton, Connecticut, MMI #2683-01-29, from Ted Hart, P.E, Vice President, Director of Civil Engineering, Milone & MacBroom, Inc.

Attorney Matthew Ranelli discussed briefly the new submission noted in Item #8 above.

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Public Hearing:(continued)

Ted Hart, P.E. discussed Tabs 5, 6, 1 and 4 of the new submission noted in Item #8 and then discussed Tabs, 2, 3, 4, 5, and 6 of the submission noted as Item #1 at the December 12, 2016 Meeting ("Petition For Text Amendment, Map Text Amendment, Subdivision Approval, and Site Plan approval of Saddle Ridge Developers For Property Located at Sport Hill Road, Silver Hill Road, Cedar Hill Road, and Westport Road (Route 136), Applicant's Supplemental Materials, December 12, 2016").

Attorney Ranelli noted that their Soil Scientist was present and Attorney Ranelli also indicated he did not wish to keep the hearing open until 1/11/17.

Attorney Ira Bloom stated that the Commission had not received a new report from Mike Bartos concerning the new submission and that the Commission would benefit from the expert's comments.

Attorney Ranelli stated that he wanted Landtech's input but had three concerns:

1. Are there any reports being submitted tonight that have been withheld?
2. Are there going to be any additional reports submitted after tonight?
3. If additional reports are being submitted, Friday should be the cutoff.

Chairman Maquat questioned whether there were any new reports being submitted besides the Town's outside expert, Mike Bartos, P.E.

Bill Kupinse, 5 Stones Throw Road, Easton, CT, and Director for the Citizens for Easton, stated he had three reports to submit.

Chairman Maquat stated that he would allow the public to speak and that he would start with Bill Kupinse so that the reports could be submitted.

The following person spoke:

1. Bill Kupinse, 5 Stones Throw, submitted and discussed the following reports.
 - a. One page memo to Planning & Zoning Commission Re: 2016 Saddle Ridge Project Application dated January 3, 2017 from the Citizens for Easton (marked as Item #11).
 - b. One page letter dated January 2, 2017 to Coalition to Save Easton Re: Saddle Ridge Developers, LLC, Sport Hill, Silver Hill, Cedar Hill and Westport Roads, Easton, CT from Michael S. Klein, Principal, Soil Scientist, Professional Wetland Scientist, Environmental Planning Services (marked as Item #12).
 - c. Two page letter to Easton Planning and Zoning Commission dated January 3, 2017 from Bill Kupinse, 5 Stones Throw Road, Easton, Connecticut with 15 pages of court case information attached (marked as Item #13).

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Public Hearing:(continued)

The following person spoke:

2. Steve Trinkaus, P.E., Trinkaus Engineering, LLC, gave an oral report on Mr. Hart's Presentation and stated he was concerned about the following:
 - a. The pollutant loading rates and treatment process removal efficiencies used by Milone & MacBroom, specifically that they were out of date and incorrectly calculated.
 - b. Under the Cultec system, the stand alone infiltration chambers had not been properly evaluated for their effectiveness. Also, the infiltration areas for roof runoff are not designed as treatment.
 - c. Reduction of the impervious surface areas did not account for the connection of the areas.

A question was raised about the validity of an Inland/Wetland Application approved with conditions which is under appeal because of some of those conditions in that approval.

Chairman Maquat asked Attorney Ranelli if he could list the main conditions of the Inland/Wetland approval which caused the most concern. Attorney Ranelli noted the following items listed in the approval letter:

1. On page 3, Item #6, "As the stormwater treatment system was designed with a threshold of a maximum of ten percent (10%) impervious coverage, and since the site is made up of a number of smaller drainage basins, a deed restriction shall be placed on each building lot that limits percentage of impervious coverage to ten percent (10%) on each individual lot."
2. On page 2, Item #4, "As the initial review of the subdivision plans was performed at a scale that did not permit a detailed assessment, all site plans submitted to the Building Department with a proposed activity within a regulated area to be referred to the Conservation Commission for an Inland/Wetlands Permit."
3. On page 2, Item #2, "A cash construction bond will be required by the Conservation Commission prior to the start of the project in amount to be determined by the Director of Public Works."
4. On page 4, Item #1, "The construction sequence and phasing shall be performed in compliance with the Title Sheet and Phasing Plan PH1 of the site plans dated August 4, 2014 and revised October 30, 2014, In addition, no more than five (5) lots shall be under construction at any given time."

Ted Hart, P.E. responded to Steve Trinkaus's oral report and stated the following:

1. The catch basins were located off the main road off to the side in a grass swale so that the water passes through the grass swale before entering the catch basin.
2. The width of the road had been reduced but had to be widened at the request of the Town Engineer.
3. The sediment chambers had been taken out but were required to be put back in.
4. Curbing had been reduced but was found unacceptable as Town Roads had to be connected.
5. In accordance with General Stormwater Discharge Permit, DEEP does not consider water going into a stormwater quality basin as being directly connected.

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Public Hearing:(continued)

The Chairman asked the Town Engineer to comment on what Mr. Hart had just stated. Ed Nagy, P.E., Town Engineer stated that the widening of the roads and curbing are a requirement of the Town regulations. He also stated that the drainage and basins are the standards for building roads.

Commissioner Raymond Martin questioned the buffering of open space, and their intentions for Parcel A.

Discussion was held regarding the future use of the 14 acres of Parcel A.

Land Use Director, John Hayes, asked Mr. Ranelli why the 14 acres were included in the affordable housing application?

Attorney Ranelli stated it could be taken out.

The following person spoke:

3. Dori Wollen, Chair, Conservation Commission, submitted a two page memo addressed to the Planning and Zoning Commission, Subject: Saddle Ridge, which she discussed with the Commission (this item was marked as Item#14).

Attorney Ira Bloom stated that in accordance with 8-3g. the applicant had been asked by him to submit the application to the Conservation Commission, but was informed that they were not prepared to do so. Attorney Bloom informed Planning and Zoning Commission of their duty to consider the application before them and their responsibility in assessing the current application. He stated that based on the two cases previously cited, Vine v. Planning and Zoning Commission (Town of Wallingford), 2010 and Avalon Bay Communities vs. Stratford (Zoning Commission), 2011, while those cases are not identical in details, they indicate that the Commission must determine whether the 2016 plan "differs so greatly" and "differs to such a degree" from the 2014 plan for there to be a need to submit a new application to Conservation Commission and without that, require a denial.

The following people spoke:

4. Grant Monsarrat, 370 North Park Avenue
5. Jeff Becker, 5 Cedar Hill Road, submitted two items for the record which he discussed:
 - a. Three page article entitled "Climate change and us: What you need to know", (marked as items #15).
 - b. Two page letter to Easton P&Z dated January 3, 2017 from Jeff Becker, 5 Cedar Hill Road, Easton, CT, (marked as item #16).
6. Vivian Hardison, 46 Sherwood Road
7. June Logie, 140 Rock House Road
8. Dan Rawson, 50 Sherwood Drive

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Public Hearing:(continued)

After consultation with his clients Attorney Ranelli stated he would give an extension until January 11, 2017 to complete the public hearing; he reserved the right to speak last and asked that all reports be submitted by Friday, January 6, 2017.

The Chairman recessed the public hearing to a Special Meeting to be held on Wednesday January 11, 2017 at 7:00PM in the Helen Keller Middle School Cafetorium, 360 Sport Hill Road, Easton, CT. (The Chairman noted that he saw the extension given by Attorney Ranelli; this item will be marked as item #17).

At approximately 10:05pm, motion was made by Raymond Martin, seconded by Wallace Williams, to adjourn the meeting. The vote was unanimous, 5-0, motion carried.


Margaret Anania, Recording Secretary