

PRELIMINARY MINUTES OF SPECIAL MEETING MAY 5, 2014
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 7:01pm

Regular Members present: Robert Maquat, Milan Spisek, Wallace Williams, Steve Carlson
and Robert DeVellis

Alternate Members present: Ross Ogden

Alternate Members absent: Raymond Martin and Vincent Caprio

Town Officials present: John Hayes, Land Use Director

For the record: Ross Ogden was appointed to vote for Robert DeVellis until he arrived.

ADMINISTRATIVE MATTERS:

1. Helder & Jeffrey Bento (Subdivision Application 12-02), 71 North Park Ave; modified and approved October 22, 2012. Proposed final site plan for review. The Land Use Director presented a site plan entitled "Subdivision Map, 71 North Park Avenue, Prepared For Helder L. & Jeffrey M. Bento, Easton, CT, January 8, 2012", last revised November 1, 2012, and stated that the submitted map and draft documents were adequate and the site plan map was acceptable to make a mylar copy for Commission endorsement.

Motion was made by Robert Maquat, seconded by Milan Spisek, to accept the site plan map and documents as being adequate for filing and require that a mylar map be made and submitted for endorsement by the Commission. It was also noted that the requisite subdivision bond had been posted. The vote was unanimous, 5-0, motion carried.

2. 55 Silver Hill Road – Status update.

The Chairman gave the public a brief update regarding the property located at 55 Silver Hill Road, noting that a "Cease and Desist" Order had been sent to the Nexus Sober House, Sal DiNardo, c/o DiNardo Management LLC, and Jo-Ann Bachleda, Executrix. It was also noted that 55 Silver Hill Road has new counsel who will provide the requested signed affidavit.

3. Easton Country Day School (Special Permit Application SP-13-05). Review of final site plan. The Land Use Director presented a site plan entitled "Site Plan Showing Additional Space To Be Utilized By Easton Country Day School, 660 Morehouse Road, Easton, CT, November 13, 2013", last revised 4/24/2014, and stated that the site plan appeared to be acceptable for making a mylar copy for Commission endorsement. Discussion was held regarding the requirement for supplying enrollment figures before each semester starts. The Commission determined that the approval letter should be resent to Easton Country Day School for acknowledgment and signature to ensure they understand the requirements of SP-13-05 and certify that they comply with the conditions of SP-13-05.

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ADMINISTRATIVE MATTERS (continued)

3. Easton Country Day School (continued)

Motion was made by Robert Maquat, seconded by Milan Spisek, to accept the site plan as being adequate and required that the letter of adjudication be resent for acknowledgement and signature by Easton Country Day School to ensure Easton Country Day School complies with the Special Permit Application SP-13-05 requirement to certify before each semester that the enrollment figures which were supplied to the Commission by Easton Country Day comply with those requirements specified in SP-13-05.

The motion was amended by Robert Maquat, seconded by Milan Spisek, to require that the signature be notarized on the letter of adjudication resent for acknowledgment. The vote was unanimous, 5-0, motion carried.

4. The Chairman noted a one-page memo from ZEO, Phillip A. Doremus, regarding Section 7.12. This item will be discussed later.

PLANNING MEETING:

1. Access and Parking Needs For Land Trust Crow Hill Preserve.

Progress report on ongoing study.

The Land Use Director read in its entirety, his memo dated May 5, 2014 to the Planning and Zoning Commission and the First Selectman and stated he had walked the area proposed for parking on the Aspetuck Land Trust land off Freeborn Road with David Brandt.

The Director of the Aspetuck Land Trust, David Brandt, recounted the history of parking at the intersection of Elm Drive and Freeborn Road, and stated that there was an opportunity to relieve that traffic by constructing the proposed parking lot on Aspetuck Land Trust land off Freeborn Rd. Several neighbors expressed their concerns and comments regarding this issue.

Rick and Janie Muir, 26 Elm Drive
Curt and Donna Naser, 25 Elm Drive
Jonathan Kornblatt, 20 Elm Drive
Shaun Malay, 44 Elm Drive
Cynthia Fox, 225 Norton Road

Several problems were noted by neighbors regarding the access to open space via Elm Drive/ Freeborn Road: increased parking on Elm Drive, bicyclists, increased volume of traffic especially on weekends, safety issues, trespassing, off-leash dogs, among other concerns.

Discussion was held about using nearby Aquarion Water Company property for parking. David Brandt will distill from the comments made by neighbors and Commissioners a compromise that addresses concerns.

Robert DeVellis arrived during the discussion of this item at approximately 7:45pm

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ADMINISTRATIVE MATTERS (continued)

4. Proposed amendments to the Easton Zoning Regulations, to amend Section 7.12.2 of the Easton Zoning Regulations, SPECIAL EXCEPTION FOR PRE-EXISTING FARM AND FOREST ACTIVITIES, concerning processing and sale of forest and tree products and safety guidelines for dyeing and handling of colored mulch.

The Land Use Director circulated to the Commission a Draft Resolution based on Commission comments and the proposed amendment to Section 7.12.2 with a slightly reworded Section b).

Chairman Robert Maquat read the Draft Resolution for the proposed amendment into the record and motion was made by Robert Maquat, seconded by Milan Spisek, to adopt the proposed amendment to Section 7.12.2 of the Easton Zoning Regulations.

After a lengthy discussion, it was noted that the slightly reworded Subsection b) appeared to provide more clarity to the regulation. Motion was made by Robert Maquat, seconded by Milan Spisek, to adopt the slightly reworded Subsection b) of Section 7.12.2 as part of the proposed amendment to Section 7.12 of the Easton Zoning Regulations. The vote was unanimous, 5-0, motion carried. The proposed amendment to Section 7.12 was adopted.

The Commission also noted that the ZEO should send a letter to the property owner previously noted in a memo which appears to violate 7.12 of the Easton Zoning Regulations.

A copy of the Draft May 5, 2014 Resolution and Adopted Amendment are attached to these minutes.

PLANNING MEETING (continued)

2. Master Plan For Town-Owned Morehouse Tract.

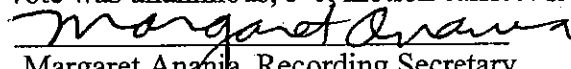
The evolving plan for this 127-acre tract, encompassing education, recreation and other uses, will be presented in schematic form for policy discussion.

John Broadbin presented a draft plan for the Morehouse Road tract and noted that it was drafted with the help of Ron Ochman, P. E. and Land Use Director, John Hayes. Mr. Broadbin stated that he had reviewed the map with the Parks and Recreation Commission and now looked to have guidance from the Planning and Zoning Commission.

Discussion was held regarding various structures proposed on the map and it was noted that these were items were proposed for the future. It was also noted that the Morehouse Road tract would be developed in Phases, working on the most immediate needs first: parking, circulation and the construction of a bath/concession/shelter pavilion. Mr. Broadbin will revise the draft plan based on comments made by the Commission and this item will be discussed again at a future meeting.

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At approximately 10:00PM, motion was made by Milan Spisek, seconded by Robert DeVellis, to adjourn the meeting. The vote was unanimous, 5-0, motion carried. ...


Margaret Anania, Recording Secretary

May 5, 2014 Draft Proposed Amendment to Zoning Regulations Section 7.12.2

RESOLUTION:

Background

Agriculture has long comprised a major element in the development, economic life and land use of the Town of Easton. This reality has shaped the rural character of the town and is often cited by residents as a major reason for their choice of Easton as a community in which to reside.

The goal of preserving the rural residential character of the town was officially recognized as Town policy when Easton adopted its first Zoning Regulations in 1941, constituting a general long-range plan for the Town. This Plan established just two permitted principal uses -- single family residential and farming. To preserve rural land and farmland the Plan specified a low density standard (three acres per lot) over nearly 92% of the town's area. This policy has been the comprehensive or zoning plan of the Town of Easton for more than seven decades.

The Town Plan of Conservation and Development, adopted in 2007, strongly supports this long established residential and farming policy within chapters 1, 3, and 7 of the Plan report and on the Town Plan map. The Plan recommends measures to conserve the Town's farmland as an invaluable part of Easton's heritage. The Town Plan map identifies approximately ten parcels of land in active agricultural use, comprising more than 780 acres.

Findings:

Agricultural activity is an essential element of Town land use policy and its conservation is a recommendation of both the comprehensive zoning plan of the Town and its adopted Town Plan of Conservation and Development.

Present day economic pressures are exerting stress on the remaining seven or eight farms in Easton.

Present day realities require farmers to diversify their production in order to remain competitive economically as well as to meet the requirements of environmentally sound land management. Such diversification now includes the processing of tree and forest products as well as vegetables, fruits, nursery stock and animal raising.

The Zoning Regulations need to be amended to encourage more diversified farm and forest management consistent with protection of Easton's unique watershed environment.

Resolution

Proposed Section 7.12.2 as modified herein, is hereby adopted to carry out the findings stated above.

Amendment to Easton Zoning Regulations Section 7.12.2,
Special Exception For Pre-Existing Farm and Forest Activities
Adopted by the Planning and Zoning Commission May 5, 2014
Effective Date: May 27, 2014

The purposes of the proposed amendments are to clarify the permissibility of processing and sale of forest and tree products and to establish reasonable safety guidelines for dyeing and handling of colored mulch.

(Amend Subsection 7.12.2 by deleting the following text . . . ; [further provided that such use shall be located on a site of at least seven (7) acres and be conducted exclusively by the residents thereof] and by substituting the following new text in place of the deleted text.)

The use shall be located on a site of at least seven (7) acres and the Commission shall find that:

- a) The site incorporates the principal residence of a majority owner of the processing and sale operation, or
- b) The use will be accessory to an active farm or forestry operation located in Easton and processes 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.

For the purpose of this section a majority owner is defined as a person or entity which owns greater than 50% of the processing and sale operation.

(Add new text concerning dyes and coloring agents as follows:)

The use of dyes or coloring agents applied to mulch, chips and similar materials may be authorized by the Commission provided it finds as follows:

- there shall be no manufacture of dyes or chemicals on the site;
- 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;
- 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; and
- each of the above uses shall be fully compliant with relevant Federal and State codes.

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Selle K. Byrd AM