

REGULAR MEETING MINUTES AUGUST 20, 2018
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.

Chairman, Robert Maquat, called the Regular Meeting to order at approximately 7:05pm.

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

Regular Member absent: Wallace Williams

Alternate Members present: Justin Giorlando and Tom Maisano

Alternate Member absent: Alison Sternberg

For the record: Justin Giorlando was appointed to vote for regular member Wallace Williams and Tom Maisano was appointed to vote in absence of a regular voting member

1. Appointment: Joanne Grinnell, 15 Fensky Road – response to Zoning Violations sent. Present at the meeting was Joanne Grinnell. The Chairman read the Zoning Violation sent to Ms. Grinnell and then read her response. The Chairman shared several pictures received from a neighbor depicting a large volume of vehicles and trucks on Fensky Road with the Commission and Ms. Grinnell. Ms. Grinnell stated that this was not a daily occurrence and that machinery was being replaced in the shop. Ms Grinnell stated that she was a part owner of the business (1/3). Ms. Grinnel stated that the hours were from 8am to 5:00pm with trucks dropping off materials generally after 10:00am (materials consisting of rolls of copper sheets). Ms. Grinnell stated that the copper would be bent and then a truck would come in and take it away. Ms. Grinnell also stated that she had a separate yard where she kept her equipment and supplies. Ms. Grinnell stated that when she purchased her property it had an existing shop which she believed was grandfathered (former owner Art Fensky operated the shop). The Chairman stated that the Commission was trying to determine whether this was a permitted use and whether it was grandfathered or not; the use must be a pre-existing non-conforming use prior to 1941. Land Use Director John Hayes stated that it would be helpful if Ms. Grinnell could provide information prior to ownership of the property to help determine whether the use is pre-existing and grandfathered. The Chairman stated that the Commission would not make a decision tonight. The Commission needs more information regarding the activities being conducted and whether there has been any intensification. The Commission needs factual clarity as this is not an identified use. Ms. Grinnell had stated that the activity was less intensive than it was before. This item will be discussed at a future meeting.
2. ZEO Report – The Chairman noted receipt of the following items:
 - a. Notice of Zoning Violation for 205 Mile Common was received by owner August 13, 2018. A response was received dated August 17, 2018 from Attorney Alan R. Spirer, 830 Post Road East, Westport, CT. The Chairman read the Zoning Violation and the response. The Commission determined that the Zoning Enforcement Officer should continue to monitor this situation.

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2. ZEO Report (continued)

- b. Letter to Nikki Zeoli regarding 639 Stepney Road "Settlement Agreement and Mutual Releases" – It was noted that a response from Bert Porzio was received via e-mail by the Zoning Enforcement Officer, Phillip Doremus, on August 8, 2018. The Chairman read both the notice sent to Nikki Zeoli (a.k.a. Nikki Porzio) dated July 26, 2018 and the response to that notice dated August 8, 2018. The Commission discussed whether this item is being addressed in a timely fashion. The Commission determined that the Zoning Enforcement Officer should continue to monitor this situation.

PLANNING ITEMS TO BE DISCUSSED

1. Request for the creation of an additional lot by simple division, 134 Delaware Road. The Chairman noted the receipt of a letter dated August 7, 2018 addressed to John Hayes, Land Use Director, Town of Easton and Phillip Doremus, Zoning Enforcement Officer, Town of Easton, Re: Simple Division 134 Delaware Road, Easton, CT, from Lukas J. Thomas, Owens, Schine & Nicola, P.C., Attorneys and Counselors At Law. The Chairman also noted a map Entitled "Simple Division Proposed Building Plot For Property At 134 Delaware Rd., Easton, CT. Prepared for: Raymond Baldyga", dated January 6, 2017 last revised 0518/18. The Land Use Director stated that the map reference, #135, indicated that the owner of the property in 1946 had merged the property and that the original road was not a subdivision road and that the Town had moved the corner of the road back and that the lot had always had less than 200sf. Therefore, the merged parcel is nonconforming only in respect to its frontage on Morehouse Road and that the merger has not increased the frontage nonconformity for the enlarged parcel which pre-dates the Zoning Regulations and Subdivision Regulations. The Land Use Director stated that the simple division does not constitute a subdivision and neither a variance nor a subdivision application is required. Lot A will become the sole nonconforming frontage lot and Lot B will be a conforming lot. Motion was made by Robert Maquat, seconded by Ross Ogden, to recognize that the request for a simple division, 134 Delaware Road, as evidenced by a letter dated August 7, 2018 from Lukas J. Thomas, Owens, Schine & Nicola, P.C., Attorneys and Counselors At Law, meets all Zoning Regulations except for frontage as the lot predates zoning. The letter should be referenced or filed in the land records as it states "Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of such regulations. . .". This simple division does not create a non-conformity and the Commission recognizes that this parcel is eligible for simple division. The vote is unanimous, 5-0, motion carried.

ADDED TO THE AGENDA: Motion was made by Robert Maquat, seconded by Ray Martin, to add to the agenda the discussion of the Library expansion, received last Friday, August 17, 2018. The vote was unanimous, 5-0, motion carried. John Hayes stated that the application submitted on behalf of the Library for its expansion was incomplete and does not meet the standards for a special permit. The Secretary noted that an e-mail had been sent with a memo from the Land Use Director with the appropriate Zoning Sections. The Chairman stated that the Commission will schedule a public hearing once the application is substantially complete.

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4. Request for permanent sign by the Easton Historical Society, to be located at the southern entrance to the parking lot on Morehouse Road. The Chairman noted that an application had been received August 7, 2018. The Land Use Director stated the Zoning Section which governed this request for permanent sign was 5.6.4 e), "A Municipal sign or sign post which conveys public information essential to health, safety, public meetings, elections, referenda or other matters of public concern, or any sign required by an agency of the State or Federal government, provided the size, location, duration and general design of such sign or signs is approved by the Planning and Zoning Commission." The Commission reviewed the request for permanent sign. Discussion was held regarding the ultimate location of the sign; it should be depicted on a map. Discussion was also held about having one combined sign. It was noted that one already exists in the front of the property. The Chairman stated that this item should be tabled to determine the exact location of the sign, consider the other users of the site and the possibility of having one combined sign. The Chairman further requested that it would be helpful to have Chester Burley attend the next meeting this item is being discussed. It was noted that it would also be helpful to get input from the Library.

PLANNING ITEMS TO BE DISCUSSED

2. Proposed Trails and Bikeways -

The Chairman stated that many people had concerns about who would create the trails and the cost to maintain them. Discussion was held the trails along the roads (Morehouse, Banks and Beers Roads) could be accomplished through a pavement stripe. It was noted that Sport Hill Road was state controlled. The trail from ECC to Vets Field to Old Oak Road and then along the ROW behind The Village Store would not be paved. The Land Use Director discussed the pedestrian and bike pathways proposed. Justin Giorlando briefly discussed an example of a good application for LOCIP funding from one town for multi-use trails and a good concept plan from another, that he had provided the Commission. Bruce LePage, former Director of the Aspetuck Land Trust, was present and stated it would be nice to have trails on the east side of Easton. He specifically noted that the map supplied in the draft update of the POCD "Conceptual Bicycle Routes", showed a bicycle route through Randall's Farm Preserve and that no bicycles were allowed there. The Chairman asked the Secretary to contact Glenn Chalder regarding this item. Discussion was held regarding the creation of the trails through Eagle Scouts and the Parks and Recreation Department which would not create a budget item.

DRAFT UPDATE OF THE EASTON TOWN PLAN OF CONSERVATION AND

DEVELOPMENT 2018-2028: The Commission discussed the concern people had about scope and scale of the proposed Village District. The Chairman noted that the Commission reserves the right to modify the draft POCD based on the upcoming public hearing October 1, 2018. Discussion was held regarding the magnitude of the village district and the possibility of reducing its footprint. Discussion was also held regarding the controls behind the Village District Statute and the necessity to have third party experts (Architectural Review Board).

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DRAFT UPDATE OF THE EASTON TOWN PLAN OF CONSERVATION AND DEVELOPMENT 2018-2028:

Discussion was also held regarding a possible analysis of the maximum scope of the area for the Village District; it was also discussed that the narrowing of the scope and defining the property as to soil types, well and septic indicates the scale of the area through defined limitations.

The Land Use Director stated that it might be helpful to have some examples of Village Districts for the upcoming public hearing; examples would show 3D Drawings, types of buildings, landscaping, etc. The Chair also noted that there were specific guidelines and regulations the Architectural Review Board would have to follow to provide for continuity of architecture.

The Chairman stated that the Village District is not defined in detail and that the current area of approximately 24 acres may shrink but it is an area in need of planning but that the Commission needs good data to protect the value of the town. The Chair stated that unless structure is put in place things evolve and that the Commission has an obligation to look at the financial sustainability of the Town, noting taxes as a limiting factor.

John Hayes left at approximately 8:30pm.

ADMINISTRATIVE AND OTHER MATTERS

1. Minutes of Regular Meeting, August 6, 2018 of the Easton Planning and Zoning Commission
The Secretary noted a typo: Alternate Member Absent: Ross Ogden should be stated as Regular Member Absent: Ross Ogden on top of page one of the minutes for August 6, 2018. Motion was made by Raymond Martin, seconded by Justin Giorlando, to accept the Minutes of Regular Meeting August 6, 2018 as amended. Ross Ogden did not vote as he was not present. The vote was unanimous, 4-0, motion carried.

At approximately 8:40pm, there being no other business to be conducted, motion was made by Justin Giorlando, seconded by Raymond Martin, to adjourn the Regular Meeting. The vote was unanimous, 5-0, motion carried.


Margaret Anania, Recording Secretary