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CHRISTINE KHALLORAN
EASTON CT

PRELIMINARY MINUTES OF REGULAR MEETING AUGUST 25, 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 7:15pm
Regular Members present: Robert Maquat, Wallace Williams, Robert DeVellis, Steve Carlson and Milan Spisek
Alternate Members present: Ross Ogden, Vincent Caprio and Raymond Martin
Town Officials present: John Hayes, Land Use Director
For the record: Alternate member Raymond Martin was appointed to vote for Milan Spisek for the adjudication of SP-14-01.

ADMINSTRATIVE MATTERS:

4 Pending matters carried over from Commission meetings of July 28, & August 11, 2014.

- Subdivision Application 05-01, "Adirondack Estates", Adirondack Trail – Request by Attorney Harold Rosnick to modify roadway intersection and basin spillway designs. Report anticipated from Town Engineer. Attorney Harold Rosnick stated he will go to Police Commission.
- Aspetuck Land Trust: a letter of agreement for parking plans at several locations to serve ALT Preserve visitors is anticipated. Nothing new has been submitted.

1. ZEO Report – None received.
2. Minutes of Meetings: 5/05/14, 5/19/14, 6/09/14 and 6/30/14

   Minutes for May 5, 2014 – Motion was made by Wallace Williams, seconded by Robert DeVellis, to approve the minutes for May 5, 2014 as amended. The vote was unanimous, 4-0 motion carried. Voting were Wallace Williams, Ross Ogden, Robert DeVellis and Robert Maquat. Milan Spisek arrived at the end of discussion of this item and did not vote.

   Minutes for May 19, 2014 – Motion was made by Robert DeVellis, seconded by Milan Spisek to approve the minutes for May 19, 2014 as amended. The vote was unanimous, 4-0, motion carried. Voting were Wallace Williams, Robert DeVellis, Robert Maquat and Milan Spisek. Ross Ogden did not vote as he was not at that meeting. Steve Carlson arrived at the end of this item.

   Minutes for June 9, 2014 – Motion was made by Steve Carlson, seconded by Robert DeVellis to approve the minutes for June 9, 2014 as amended. Voting were all regular members except Wallace Williams. The vote was unanimous, 4-0, motion carried.

   Minutes for June 30, 2014 – Motion was made by Wallace Williams, seconded by Robert DeVellis, to approve the minutes for June 30, 2014 as amended. Voting were all regular members except Milan Spisek. The vote was unanimous, 4-0, motion carried.

PRELIMINARY MINUTES OF REGULAR MEETING AUGUST 25, 2014
PLANNING AND ZONING COMMISSION

PUBLIC HEARING: (convened at approximately 7:45PM)
Application, SP-14-02, Town of Easton, Lessor, and Speech Express, LLC, d/b/a The Speech Academy, Lessee, 656 Morehouse Road, to conduct a private school providing a special education program for school age children. Toni Nowak presented the application and was accompanied by her husband Ken Nowak. She discussed her three page mission statement and stated that she would not have more than 30 children and 28 staff.

The Chairman noted the following items for the record.
1. Three page mission statement for "The Speech Academy".
2. Memo from Polly Edwards, Town Health Officer, received August 25, 2014.
3. Memo dated 8/4/14 from James Candee, Easton Chief of Police.
4. E-mail sent to Peter Neary with no response dated August 25, 2014.
5. Area parking of the property, "Draft Report to Board of Selectmen", dated April 22, 2013, revised July 15, 2013.
6. " Site plan Showing Space To Be Utilized By Speech Express, LLC, aka, The Speech Academy, 656 Morehouse Road, Easton, CT" dated July 24, 2014.
7. Special Permit Application with attachments.
8. Lease Agreements (old and current)

The following people spoke from the public.
Tim Brady, 53 Center Road.
Beverlee Dacey, 257 Redding Road.

The Chairman noted the following items for the record.
9. March 31, 2010 response to the Board of Selectmen from the Easton Planning and Zoning Commission.
10. Lease Agreements, both old and most recent.
11. Page one of September , 2010 proposal by the Speech Academy.
12. Page 104 and pages 88-90 of the Easton Town Plan of Conservation and Development.
13. The Speech Academy Timeline.

The following people spoke from the public.
Bert Webbe, 260 Maple Road
June Logie, 140 Rock House Road
Jeff Becker, 5 Cedar Hill Road
John Bromer, Silver Hill Road
Gowan Dacey, 257 Redding Road.

Richard Smith, of the ECDS Board of Directors, spoke on behalf of the Easton Country Day School, another on-site tenant of the former Samuel Staples Elementary School, and voiced his concerns regarding current tenancy.

PUBLIC HEARING (continued)
The Commission discussed The Easton Town Plan of Conservation and Development 2006, specifically pages 104 and 88-90 and stated that this use was consistent with the Town Plan and the pre-existing use of the property and with previous 8-24 referrals from the Board of Selectmen on use of the property. It was noted that under 4.3.5 of the Easton Zoning Regulations that a private school was a permissible use. The Commission stated that Zoning is not concerned with whether this private school is a not for profit organization and also determined that it does not have jurisdiction over the leases.

The First Selectman, Adam Dunsby, had commented on the work being conducted on-site to widen the exit driveway, expand parking and provide a safe drop-off loop.

The Chairman ran through the findings the Commission would have to make regarding this special permit in accordance with Section 7.2.1, A through G.

The public hearing was closed at approximately 9:15pm at which time the Commission took a 5 minute break to clear the room.

The meeting resumed at approximately 9:20pm.

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

2. Special Permit Application, SP-14-01, Affordable Accessory Apartment, per Zoning Regulations 4.3.14, 7.8 and 7.2, located at 24 Mills Lane, Ralph and Katherine Kuhn, owners of record, (public hearing closed July 28, 2014).

   Motion was made by Robert Maquat, seconded by Steve Carlson, to approve Special Permit Application SP-14-01, Affordable Accessory Apartment for Ralph and Katherine Kuhn, 24 Mills Lane subject to the following:

   1. A cash performance bond in the amount of $21,000 be posted to guarantee timely removal of the existing dwelling. The Commission modified the document entitled "Conditions of Permit #Z-14-4844 for Ralph and Katherine Kuhn, 24 Mills Lane" (see copy attached) to include the bond amount of $21,000 and the two week period for temporary certificate of zoning compliance to allow for the demolition of the old dwelling and the minor addition of Planning and Zoning before the word Commission in the second paragraph..
   2. Declaration of Common Driveway Easement was accepted and determined to be pre-existing and still in effect.
   3. Compliance must be made with the requirements of the Easton Health Department for septic system capacity (see attached letter dated 7/28/14 from Polly Edwards, R.S., Town Sanitarian).
   4. Compliance must be made with the requirements of the Police Department (see memo from Police Chief James Candee dated 6/17/14).

OTHER ITEMS FOR DISCUSSION AND/OR ACTION (continued)

2. Special Permit Application, SP-14-01(continued)
   5. The Commission determined that the special permit application met the standards of Section 7.2.1, A through G, inclusive.

   After discussion the motion was amended to include:

   6. The original Restriction Concerning Rental of Portion of Premises for Affordable Housing document, submitted with the application, must be filed in the Easton Town Land Records and a copy of the recording submitted for the files.
   7. The original Certificate Concerning Rental of Rental Unit, submitted with your application, must be filed in the Easton Town Land Records and a copy submitted to us for the files.

   Raymond Martin was appointed to vote for Milan Spisek on this application as he had not attended the public hearing. The vote was unanimous, 5-0, motion carried.

1. Proposed amendment of Section 7.2.1 of the Easton Zoning Regulations, "APPLICATION FOR SPECIAL PERMIT" subsections A through G inclusive (public hearing concluded August 11, 2014). For action as reviewed at meeting of August 11, 2014.

   Motion was made by Robert Maquat, seconded by Steve Carlson, to accept the minor changes to the proposed draft language as reviewed at the meeting of August 11, 2014 and therefore adopt the Amendment to Zoning Regulations Of the Town of Easton, ARTICLE 7, SPECIAL PERMITS. (The changes are shown in bold on the attached amendment and the effective date is approximately 15 days from the date of publication in the Easton Courier.)

ADMINSTRATIVE MATTERS:

3. Correspondence: The Chairman noted that the Commission had received a response to the notice of zoning violation from Nikki Zeioli in a letter dated August 21, 2014 .

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

Margaret Ananja

Margaret Ananja, Recording Secretary

CONDITIONS OF PERMIT # Z-14-4844
for Ralph and Katherine Kuhn, 24 Mills Lane

WHEREAS the Planning and Zoning Commission finds this property is unique in size and character, this permit is conditional in nature and applicable only to this application.

This permit, therefore, is subject to the following stipulations accepted by the owner/applicant, Ralph and Katherine Kuhn (owners)/John P. Farnham III, Premier Remodeling and Renovations, LLC (applicant) and agreed to by the Town of Easton, acting by its **Planning and Zoning** Commission, as the basis for issuance of this Zoning Permit.

1) Owner/applicant understands and agrees that the Zoning Regulations of the Town of Easton limit each lot to not more than ONE dwelling per lot (reference: Zon. Regs. Section 4.1.1);
2) Owner/applicant agrees to REMOVE the existing dwelling from the site before the Town shall issue a FINAL Certificate of Zoning Compliance or a Certificate of Occupancy for the new dwelling to be constructed on the same lot;
3) Owner/applicant agrees to hold the Town harmless from any action arising from construction on the site of a new dwelling while the present dwelling continues to exist and be occupied;
4) Owner/applicant hereby grants to the Town and its authorized agents the right to enter the property at all reasonable times for the purposes of inspection and verification of compliance with Town regulations and with this permit, and to take all necessary action to remove the said existing dwelling or remaining portion thereof in the event owner/applicant has failed to REMOVE the existing dwelling or remaining portion thereof in accordance with the terms of this permit. Owner/applicant further agrees to indemnify the Town by performance bond, in cash, in the amount of twenty one thousand dollars **($21,000.00)**, to guarantee timely REMOVAL of the existing dwelling and restoration of the site to a safe condition within the term of this agreement should such be required;
5) This permit shall be effective for a term of twelve (12) months from the date of any Town building permit concurrently issued for a new dwelling on the site, provided however, that the Commission may consent to an extension of this permit for not more than six (6) months for good cause shown.
6) The Town agrees to not unreasonably withhold required Certificates of Zoning Compliance and Occupancy provided all requirements of Town Regulations have been met, the existing dwelling has been removed and the site restored prior to application for said certificates.
7) A temporary certificate of zoning compliance, limited to a duration of **two weeks**, may be issued for the new dwelling whenever that dwelling is determined to be complete and ready for occupancy, provided the owner supplies written evidence of a contract and permit for demolition of the old dwelling within the same **two week** period of time.

Owner/applicant:	_____ (owner)	_____ (applicant if different from owner)
Owner/applicant:	_____ (owner)	_____ (applicant if different from owner)
Date:	_____	_____
Witness:	_____	_____
Date:	_____	_____
Notary:	_____	_____
Date:	_____	_____
Chairman:	_____	
Date:	_____	

Amendments to Zoning Regulations
Of the Town of Easton,
ARTICLE 7, SPECIAL PERMITS
Adopted by the Planning and Zoning Commission August 25, 2014
Effective Date: September 15, 2014

Background and Purpose: Recent Commission experience and judicial review has pointed to the need to enlarge the comprehensiveness and to clarify the wording of many of the requisite findings presently stated in Section 7.2.1 of the Regulations. This amendment proposes to retain the introductory paragraph of Section 7.2.1 "APPLICATION FOR SPECIAL PERMIT" but delete the present text of sub-paragraphs A through G inclusive, substituting new text as follows. The purpose of the proposed amendments is to establish clearer standards for protection of Easton's residential and natural environment.

Proposed new and amended text, Section 7.2.1:

A. Proposed Use
The proposed use will be consistent with the purposes of these Regulations (Article 1) and will serve a community need or convenience.

B. Site Location
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. Site Development
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. Neighborhood Impact
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.

Scheduled Public Hearing, August 11, 2014, 7:30pm

Proposed Amendments to Section 7.2.1 (continued)

E. Traffic Access
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.

F. Parking
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. Services
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. Building Conversions
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~~.~~,

I. Environmental Protection
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.