East Haddam Planning and Zoning Commission
Land Use Office

Regular Meeting Minutes
January 27, 2026

1. CALL TO ORDER: Chairman Brownell called the meeting to order at 7:15 pm.

2. COMMISSIONERS PRESENT: Crary Brownell (Chairman), Richard Pettinelli (Secretary), Bernard Gillis, Susan Kinsman, Maureen Pierson, D. Duncan Orr, Eric Chamberland, Gary Turenne

   COMMISSION MEMBERS ABSENT: James Curtin (Vice Chairman), Debbie Langdon,

   OTHERS PRESENT: Roger Nemergut, Jason Nemergut, Asisha Khan, Stephanie Antone, Nickleson Baker, Codie Annino, Kevin Staehly

3. MINUTES - The January 13, 2026 minutes were accepted as presented.

   Mr. Brownell instructed the minutes be filed as presented.

4. BILLS

   $1,464.33 by Nathan L. Jacobsen and Associates for the gas station review

   A motion was made by Mr. Gillis to pay the bill as presented. Seconded by Mr. Turenne and unanimously approved.

5. HOME OCCUPATION APPLICATION

   A. Application PZC-26-1-27 17 Robbie Rd (Property Location), Steven Foster (Property Owner). Map056, Lot089. Property maintenance and land management landscaping company

      Discussion ensued. There was a question as to the size of the truck being stored on site. Ms. Kinsman asked to table the application until the question was answered.

      A motion was made by Ms. Kinsman to table the Application PZC-26-1-27 17 Robbie Rd (Property Location), Steven Foster (Property Owner). Map056, Lot089. Property maintenance and land management landscaping company. Seconded by Mr. Brownell and unanimously approved.

      Motion to change the order of business by Mr. Pettinelli. Seconded by Mr. Gillis and unanimously approved.

      Motion to take a short recess was made by Ms. Kinsman. Seconded by Mr. Turenne and unanimously approved.

6. PUBLIC HEARING

A. Application PZC #25-17 416 East Haddam – Moodus Road (property location) Shahani Inc (applicant & property owner) Map 64, Lot 64 Reconstruction of an existing gas station / convenience store with a drive-through window.

Mr. Roger Nemergut P.E. and Mr. Jason Nemergut P.E. provided an overview of the reconstruction of the old Cumberland Farms gas station. It has been vacant for a number of years, the gas tanks have been removed and the building has fallen into disrepair. He outlined that the building will remain the same size except for a 6-foot by 8-foot bump out on the east side of the building. Roger Nemergut and Mr. Jason Nemergut reviewed the plans related to the construction of the drive through window, the changes noted for narrowing the entrances and exits to the state highway, the upgrade in the lighting, landscape screening, the septic system upgrade, and the canopy installation size. He outlined where the new leaching field will be located, the removal of the old existing system and the details of the new septic system design.

Chatham Health District has provided approval to the septic system, which was read into the records.

The canopy being added is within the building setback and the applicant received a Zoning Board of Appeals variance for that.

He also outlined the storm drain system. The site plans were also sent to the Town Engineer, Nathan L. Jacobson and Associates, who provided comments. Mr. Nemergut provided both updated plans and the letter from the Town Engineer denoting the changes outlined were made on the plans.

A soil scientist visited the site to verify there are no wetlands on the site – there are no wetlands, so no application has been submitted with Inland Wetlands and Watercourses Commission.

He also reviewed the traffic study that was submitted and was the basis for the modification of the entrances and exits and also was used to determine the drive through road, which as designed to hold a dozen vehicles.

Ms. Khan, from Shahani Inc., provided additional information around hours of operation, the different options for food that may be offered and the importance of both serving and being part of the community at this site.

Ms. Kinsman brought up that the expansion for non-conforming use and that there is not a hardship related to the drive through. She noted this is an expansion of a non-conforming use and must be proved to be a hardship.

Mr. Roger Nemergut noted that the Zoning Board of Appeals did not outline the need for a variance approval related to the drive-through so they have not asked the board for this.

Ms. Kinsman is concerned about the expansion of the non-conforming use to include the drive through.

Ms. Khan noted Shahani's lawyer's feedback and will be providing a formal letter with their attorney's details, which are the addition of the drive through does not meet the definition of expansion of non-conforming use.

Mr. Pettinelli asked for clarity on the retention pond and wants the emergency overflow to be surrounded by rip rap covered with grass to have a fail proof spillway.

Mr. Pettinelli also asked that the arborvitaes be replaced with fences, on the east side. Ms. Khan noted the property will be fenced off regardless.

Mr. Gillis asked a question about the call box, which Ms. Khan noted the specs for have been provided to the commission and it is within the noise regs. Mr. Gillis also asked for consideration for a touch screen on the call box.

Mr. Gillis asked a number of questions about the hour of operations, the narrowing of the entrances (he inquired as to the ability to close 1 of the 3) and the well to get clarification.

Ms. Kinsman asked about the lighting – Ms. Khan noted that they will only be on when open and the goal is to maintain lights that meet the regulations.

Mr. Brownell read into the public record a letter from William J. Brown outlining concerns related to the application and then opened the meeting to the public for comments.

Ms. Stephanie Antone, attorney from the Law Office of Jezek, Barbi and Antone, representing Cody Annino and Rebecca Skinner, noted that the existing regs for C-3 zones do not allow for drive-through windows, and therefore a non-conforming use cannot be approved. Her letter was provided to be included in the public record.

Mr. Nickleson Baker read a letter into the record. He noted he has read the C-3 zoning regulations and gas stations were never listed as options to be had within this zoning type, among other concerns that he has.

Mr. Kevin Staehly provided feedback that the former owner abandoned the usage, so he does not understand how the non-conforming use is still in existence. He also asked for clarity on why Inland Wetlands and Watercourses Commission was not engaged; Mr. Nemergut noted there are no wetlands on the property so there is no reason for the Commission to be engaged.

Mr. Staehly asked for clarity on a town expense, which is related to the town having an engineer review the plan. He asked for clarity on the dimmable light fixtures; Ms. Khan noted the lights purchased are programmed according to town regulations so they cannot turn up the lights more than what they are programmed for.

He asked about the landscaping plan and noted that it includes non-native species and he requested that they be changed. He asked for spruce trees be used instead of arborvitae which are not deer resistance and there are better known plants that are more deer resistance.

He asked about sidewalks, which Mr. Brownell noted there are already sidewalks on the other side but they have not gotten to the point in the discussions to discuss sidewalks yet.

Mr. Staehly pointed out that asking for a non-conforming use in a zone that does not allow it makes him very nervous. He is concerned that the old gas station on Town Steet could be reopened or a gas station could just be placed anywhere.

Mr. Cody Annino provided additional commentary related to the March 4, 2024, Zoning Board of Appeals meeting and the expansion of the canopy and the driveway. He also referenced a petition that he created which has 76 signatures on it to stop the project and provided a copy to the commission.

Ms. Khan talked about safety being a priority and that the 7-11 price is high for gas, which is something that they do not do (they price fairly and feel that EH residents deserve a fair price). She noted Cumberland Farms did not close the store due to declining business. She also wants to make sure that local operators are engaged and employed, she does not want to have a large corporation coming into town. She also noted that a drive through requires two lanes, which is not optional. She noted there is a stigma with gas stations, and they are focused on providing a safe community spot.

Mr. Brownell noted that the sign size is too large, and Ms. Khan said she will address that, noting the sign requires a sign permit.

Mr. Brownell reminded the Commissioners that when looking at this application, only the current regulations in place are to be referenced, not the master plan. The master plan is a plan and is not the regulations.

A motion to continue the discussion until the next scheduled meeting was made by Mr. Pettinelli for Application PZC #25-17 416 East Haddam – Moodus Road (property location) Shanani Inc (applicant & property owner) Map 64, Lot 64 Reconstruction of an existing gas station / convenience store with a drive-through window. Seconded by Ms. Kinsman and unanimously approved.

7. DISCUSSION

Mr. Brownell asked for thoughts and feedback on things the board would like to accomplish over the next year or two. Several ideas were discussed related to sight lines on Route 151, Robin Goodspeed's property, the old Shadybrook property just posted as for sale, Sully's incubator business property, cemetery committee is looking for new cemetery land, consider the requirements for the new housing bill, regional approaches to the counsel of government, eliminating conflicts and redundancies within regulations, scenic roads, and expanding the history district were all ideas discussed as possible opportunities.

8. LAND USE ADMINISTRATOR REPORT

Mr. Ventres was unable to attend so there was nothing reported.

9. ADJOURNMENT

A motion was made by Mr. Pettinelli to adjourn at 9:07pm. The motion was seconded by Ms. Kinsman and unanimously approved.

Respectfully submitted,
Shannon A. Goyette
Recording Secretary