East Haddam Planning and Zoning Commission
Land Use Office

Regular Meeting Minutes
February 10, 2026

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

2. COMMISSIONERS PRESENT: Crary Brownell (Chairman), James Curtin (Vice Chairman), Richard Pettinelli (Secretary), Bernard Gillis, Susan Kinsman, Maureen Pierson, Debbie Langdon, Eric Chamberland, and Gary Turenne,

   COMMISSION MEMBERS ABSENT: D. Duncan Orr

   OTHERS PRESENT: Roger Nemergut PE, Jason Nemergut PE, Asisha Khan, Attorney Stephanie Antone, Nickleson Baker, Margaret Brentano, Codie Annino, Rebecca Skinner, Debbie Annino, Michael Taylor, 1st Selectman Gelston, and James Ventres LUA

3. MINUTES – **Chairman Brownell asked that they be tabled to the next meeting.**

4. BILLS – None presented

5. HOME OCCUPATION APPLICATIONS

A. Application PZC #26-1-27 17 Robbie Rd (Property Location), Steven Foster (Property Owner). Map 056, Lot 089. Property maintenance and land management landscaping company.

   Mr. Brownell noted that the only question was what size truck was going to be stored at home.

   Mr. Ventres reported that it would be a standard F150 pickup truck. The heavier truck would be stored offsite.

   Mr. Pettinelli asked that the home occupation application form be revised to include truck sizes.

   Mr. Curtin stated for the record he watched the previous meeting.

   A motion was made by Mr. Pettinelli to approve Application PZC #26-1-27 17 Robbie Rd (Property Location), Steven Foster (Property Owner). Map 056, Lot 089. Property maintenance and land management landscaping company. Seconded by Ms. Kinsman. Motion carried by unanimous vote.

B. Application PZC #26-1-28 36 Falls Rd (Property Location) Michael Taylor (Property Owner) Home Occupation for a Law Office

   Mr. Ventres noted this structure was formerly Dr. Paardencooper's office. The building is next to the Post Office. The office will not have customers.

Michael Taylor was present to answer any questions. It was noted that no signage was planned.

A motion was made by Mr. Gillis to approve Application PZC #26-1-28 36 Falls Rd (Property Location) Michael Taylor (Property Owner) Home Occupation for a Law Office. Mr. Pettinelli seconded the motion. Motion carried by unanimous vote.

A motion was made by Mr. Curtin to change the order of business. Mr. Pettinelli seconded the motion. Motion carried by unanimous vote.

6. LAND USE ADMINISTRATOR REPORT

Mr. Ventres stated he distributed a review conducted by the regional planning agency of the new housing bill. He asked the commission members to review it for a future meeting.

It was requested that all three CT Mirror articles on this issue also be printed and distributed to the commission members. The commission briefly discussed the housing bill.

Chairman Brownell asked if there was anything else the commission would like to discuss.

It was noted that the public hearings could start earlier. The first fifteen minutes to conduct normal business then start the public hearing.

A motion was made by Mr. Gillis to start the public hearings at 7:30 pm. Seconded by Mr. Petinelli. Motion carried with one opposing vote by Mr. Curtin.

Chairman Brownell asked Mr. Curtin how the Village Revitalization Committee meetings have been going.

Mr. Curtin noted that at the past meeting the planning consultant provided recommendations that were sent back by the committee. The draft plan includes a traffic circle in the village and call for a stop sign heading away from the bridge. He reported that the committee felt that these solutions would make it worse and asked VHB, the consultant, to reconsider some of the recommendations.

A motion was made by Mr. Curtin to take a five-minute recess.

7. PUBLIC HEARING - CONTINUED

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. Pettinelli read into the record the public hearing notice.

Roger Nemergut PE and Jason Nemergut PE of Nemergut Consulting presented the revision from the last meeting.

1st change - the detention basin overflow has been fortified with riprap for further protection. He noted the basin is designed for the one-hundred-year storm.

2nd change – the curb cut sizes are different. He said the curb cut is a little wider on the east to allow fuel trucks to enter the facility.

3rd change – the revised plan has removed the deer resistant arborvitae with a double row of spruce. On the east side the arborvitae was replaced with a fence. All of the plantings are all to be native plants. He noted he discussed the planting plan with Nancy Mackinnon of Ballek's Garden Center who recommended to plant them ten feet on center.

At this time, Mr. Ventres read into the record the following:

A letter dated February 5, 2026, from Attorney Matthew Willis from Halloran & Sage. The letter covered how non-conforming uses and structures are protected by statute and cannot be terminated unless the discontinuance is voluntary. Attorney Willis covered what changes are allowed with non-conforming uses. The letter also covered Section 31 of the Zoning Regulations, which he noted the commission was to determine if the application meets the criteria of Section 31.

A letter dated February 4, 2026, from the CT Department of Transportation.
The letter requests the following:

Town approval before any CT DOT permits can be issued.
Removal of the center access to the highway.
Revise the plans to demonstrate there are bypass areas on the state highway.
A drainage connection concurrence document is needed before CT DOT permits can be issued.
The plans need to demonstrate a maximum slope of 3% at the entrances for 50 feet.
Provide drainage analysis and keeping most of the water on site.

At this time Mr. Nemergut responded to the CT DOT comment which he also just received yesterday.

He said that the term denied is a standard procedure since they cannot approve any permits until local approval is granted.

The center access which is one way is still desirable to the owners but if CT DOT insists, they will remove it.

The bypass lanes on Route 149 can be met if there is thirty-one feet of pavement on the highway. They will measure the highway surface. If the area doesn't exist, the applicant is responsible for widening the road.

He wasn't concerned about the 3% sloping since the site is almost flat.

He noted that he offered to send CT DOT the drainage calculations six weeks ago, but they said wait until he gets the first review letter. The site is designed to send equal or less water than what is being sent off site presently. That includes 2/10/25/50/100-year storms.

Next, Mr. Ventres read in the record the following emails:

1. Patrick Lacy spoke in support of the application.

2. Chris Van Valkenburg did not support the application and had concerns with neighborhood impacts, traffic, noise, and lighting.

3. Barry Bernard did not support the application with concerns about the drive-through, traffic, and the canopy lighting.

4. Margy Roberts felt the proposed station was not needed since we had enough establishments in town. She had concerns with light pollution and traffic congestion.

Mr. Brownell asked if the commission members had any questions.

Ms. Kinsman aske the following questions:

1. Does the zoning file or building file have anything filed by the previous owner showing voluntary abandonment. Mr. Ventres responded no.

2. Is the property being accessed as vacant by the assessor. Mr. Ventres responded that he did not know.

3. She asked Mr. Ventres if the property was ever designated as a legal pre-existing non-conforming use under 14B of our regulations. Mr. Ventres responded that Attorney Willis ruled on that with a letter to the Zoning Board of Appeals after reviewing the property information.

4. When was the property acquired by the applicant? Ms. Khan said around 2023.

Ms. Kinsman said in review of Attorney Willis' changes are allowed in a nonconforming use. The law makes a distinction between an increase in traffic and an expansion of a use. The drive-through would be an expansion of the use. Section 8 of the regulation states that there should be no way to enlarge the use.

Mr. Curtin noted that the letter stated that even if the building was demolished the nonconforming use is protected.

Ms. Kinsman stated that accessory use is up to the discretion of the commission if it meets the criteria of Section 31.

Mr. Turenne asked if Cumberland Farms had an actual letter of abandonment? It was reported by Mr. Ventres that there is no letter of abandonment, and the property has been for sale as a gas station for decades.

Mr. Ventres noted if Cumberland Farm came in with a request to build a larger walk-in, would the commission deny that request?

Mr. Ventres said that if the applicant had not applied for the drive-through window, and since it already had received Zoning Board of Appeals approval for the canopy, the review would be done administratively. Section 31 gives the opportunity to look at all factors such as traffic, lighting, & etc.

Ms. Langdon stated the Planning and Zoning Commission spent considerable time and effort with the Moodus Center Master Plan and she didn't think the drive-through element aligned with the pedestrian friendly goal of the plan.

Ms. Pierson asked if the applicant had considered not constructing the drive-through window.

Ms. Khan stated no and that a lot of time and effort in planning has gone into this project. She felt in the 21st century this is very necessary, especially after Covid.

Mr. Brownell noted that the canopy was already approved by the Zoning Board of Appeals, and the Commission can't change that.

Mr. Gillis questioned the need for a nineteen-foot canopy?

Mr. Ventres responded that our own lighting regulations require the highest degree of lighting for public safety, and it is required by the State.

Ms. Khan said the canopy is the minimum required by the State. It doesn't allow eighteen-wheel vehicles to go under it.

Mr. Gillis asked if a generator was going to be installed. Ms. Khan said there has been some discussion about that.

Mr. Gillis asked if the site was still considered a brownfield site?

Mr. Pettinelli responded that the CT DEEP closure report cleared the site. They were satisfied with the clean-up.

Mr. Gillis noted that Cumberland Farms had no kitchen before.

Ms. Khan responded she was not sure, but they had the typical food service items - coffee, hot dog, treats, & etc.

Mr. Gillis noted the new kitchen had a turbo oven, a fryer, a grill, & a slicer. He wanted to know what public health class it falls under.

Ms. Khan said it would be a class II facility, and the employees would require Safe-Serve certificates.

Mr. Ventres noted this would be a heat & serve operation versus creating everything from scratch, which is a Class IV operation.

Mr. Gillis asked the septic system in relationship to the food service.

Mr. Roger Nemergut stated the site would need a grease trap and it was sized appropriately for the meals to be served and the floor space.

At this time Chairman Brownell opened the hearing to the public.

Attorney Stephanie Antone, who represented Cody Annino and Rebecca Skinner spoke first. She stated to approve the project under Special Exception you have to determine if the proposed use is expressly permitted under the zoning regulations. Standards in the regulations need to be satisfied. Restrictions in Section 31 would apply. You have to determine if the proposed use is expressly permitted. First you have to get there by having the use expressly permitted. No where does it say "food establishment" is permitted. Section 9.1.6.2 Moodus Center does permit drive-through windows for finance and pharmacy. Section C-3 does not allow for a drive-through. You can't get to Section 31 unless you have a permitted use.

Ms. Khan stated that this is not a restaurant drive-through but a convenience store.

Mr. Ventres noted that the convenience store is a protected nonconforming use as a convenience store which is already permitted. They were selling convenience store food.

Attorney Antone argued that the proposal was not to sell "convenience store" items and had an enlarged kitchen which is an expansion.

Mr. Pettinelli stated if there was no drive-through window, they could have the enlarged kitchen and sell everything from the inside.

Attorney Antone argued that the proposed products sold is an expansion of the use.

Mr. Curtin stated that 7-11 now sells everything, food, pizza, and other items.

Mr. Pettinelli asked if the addition of a kitchen inside is an increase of the non-conformity?

Mr. Curtin stated that no business is static. 7-11 didn't start selling pizza but they now sell a ton of them and have an oven.

Mr. Gillis noted that the drive-through and the two lanes is an expansion of the non-conformity?

Mr. Curtin said, "would you stop someone from expanding the parking area and creating a fire lane"?

Mr. Turenne asked if what is being proposed in the kitchen is just an update of what is available today versus what was available in 2004?

Attorney Antone then asked if 7-11 came before the Commission today, would the Commission determine that this is also a food establishment, and they could install a drive-through as a Special Exception although there is nothing that explicitly says "a food establishment".

Chairman Brownell said he would have to look at the application.

Ms. Kinsman said Attorney Willis should look at these questions and answer if there is an expansion of a use.

Attorney Antone said the drive-through is an expansion of use.

Nicholas Baker read from a prepared document which he distributed to the Commission. He had six points which covered whether the use is appropriate for the village, whether it is necessary since 7-11 is up the road, a drive-through is not permitted in the C-3 zone, a number of the public don't view it favorably, the traffic flow will make it dangerous, and the proposed use is not permitted.

Cody Annino stated the Zoning Board of Appeals approved the canopy not knowing what they approved.

Mr. Ventres said the site plan included the full size of the canopy.

Debbie Annino asked the Commission look into those meeting minutes.

Mr. Ventres said he will present the minutes and the plans.

Mr. Gillis asked about the traffic accident and if there is any record of it?

Mr. Ventres stated he had no knowledge of it, but he would ask our Police Department. The traffic data is also available on the CT DOT web page.

Mr. Roger Nemergut confirmed all of the sightlines conform to the CT DOT requirements.

A motion to continue the public hearing 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 Mr. Gillis and unanimously approved.

8. ADJOURNMENT

A motion was made by Mr. Gillis to adjourn at 9:05 pm. The motion was seconded by Mr. Pettinelli and unanimously approved.

Respectfully submitted,
Lori Olsen
Recording Secretary