East Haddam Planning and Zoning Commission
Land Use Office

Regular Meeting Minutes
April 27, 2021

1. **CALL TO ORDER**

Chairman Brownell called the meeting to order at 7:15pm.

2. ATTENDANCE

COMMISSIONERS PRESENT: Crary Brownell (chairman), James Curtin (Vice Chairman), Bernard Gillis (regular member), Ed Gubbins (regular member), Richard Pettinelli (Secretary), Louis Salicrup (regular member), and Susan Kinsman (alternate member).

COMMISSION MEMBERS ABSENT: Justin Anderson (regular member),

Chairman Brownell appointed Ms. Kinsman to vote for Mr. Anderson.

OTHERS PRESENT: James Ventres (Zoning Enforcement Officer), Rob Smith (First Selectman), Ed Blaschik and Donna Lynn Hilton (Goodspeed Opera House representatives), Bob Casner (Economic Development Commission), William Chilton, and Roger Nemergut P.E.

3. **MINUTES:**

The March 23, 2021 minutes were accepted as presented.

The April 13, 2021 minutes were accepted with the following amendments:

Page 2, ZEO Report, 2nd paragraph, modify the first sentence to read: "…year-round dwellings *without a full size lot…"*.

Page 3 Moodus Center Regulation & Mapping Review, 2nd sentence, modify to read: "Some buildings can be up to 3 stories but *would require*…"

Page 3 Moodus Center Regulation & Mapping Review, 3rd sentence, modify to read: "Mr. Gubbins noted there would not be a large amount of zoning designation changes." Removed "property changes in terms of".

Page 4 Customary Home Occupations, 5th paragraph, 2nd sentence, modify to change "lessor of either" to "lesser of 750 square feet or 25%...".

4. BILLS

No bills received.

5. ACKNOWLEDGMENT:

1. **New – #21-06 – 33 Whitewood Drive, Christopher & Nicole Herold, Special Exception Review for an accessory apartment in a new detached garage. Assessor's Map 40, Lot 13.**

   Mr. Ventres indicated this could go to Public Hearing at the May 25, 2021 meeting.

   A motion was made by Mr. Curtin to schedule the public hearing for May 25, 2021. The motion was seconded by Mr. Salicrup and passed by unanimous vote.

2. **New – #21-07 – 6 Main Street, Goodspeed Opera House, Special Exception Review for a temporary event tent to be erected in the lower parking lot. Assessor's Map 17, Lot 93.**

   Mr. Ventres provided a package outlining where the tent will be. It was moved based on neighbor feedback, from its previously suggested location. Mr. VentreThere is room to add this onto the May 11, 2021 Public Hearing agenda.

   A motion was made by Mr. Salicup to schedule the public hearing for May 11, 2021. The motion was seconded by Mr. Gubbins and passed by unanimous vote.

3. New – 8-24 Application – Review of Open Space, O'Connell Road Extension, 124.37 acre parcel.

Mr. Ventres discussed this item with Mr. Brownell prior to the meeting and realized this item was addressed last year so no new discussion is needed.

Mr. Ventres provided a grant update, and a timeline in the packet of information sent to the Commission.

As the item was already addressed, there is no additional Commission input needed, as it meets the Plan of Conservation and Development and is already in the works.

Mr. Gillis noted that this is an important parcel to protect and the price (~$1700 an acre) is a steal.

Mr. Ventres noted there are 2 pockets of wetlands on the property and it connects to the Shugrue Farm open space.

6. REGULATION REVIEW

1. Agricultural Regulations

Mr. Ventres was asked to review how other towns address slaughtering. He researched several towns and found that most towns do not address the topic. Mr. Ventres would like feedback on the new information added to the regulations regarding slaughtering. Mr. Brownell asked for clarification on how many farms in town are slaughtering animals already. Mr. Ventres noted any farm is allowed to slaughter animals but 3 or 4 are doing it commercially in town. He has proposed adding in the 100 foot regulation from the property line if the farm is operating commercially.

Discussion ensued related to hobby farms and commercial farms, and how to make sure the regulations are not overly restrictive. Mr. Ventres noted that in the case where the regulation is not met, a hardship can be discussed with ZBA for an exception.

The Agriculture Commission asked for less restrictive regulations on hobby farms overall, and Mr. Ventres updated the regulations based on their recommendations with proposed new language. Discussion ensued related to the proposed addition of 75 feet from any neighboring residence. The Commission noted they would like the regulation to state the barn will be 100 feet from existing neighboring residences. If there are no neighboring residences, the regulations can remain as proposed - 75 feet from the street line and 40 feet from the side and rear property lines. Mr. Ventres will provide the updates to the Agriculture Commission to keep them informed of the changes.

The definition for hobby farms will be updated to include 2 large bodied animals.

Mr. Ventres noted that the State of CT has determined if there is any type of farm animal (i.e., horse, cow, chickens, etc.) on the property, it is considered a farm.

Mr. Gillis asked for clarity on the Accessory Uses for agriculture section and if it includes tack shops. Mr. Ventres will include tack shops in the Accessory Uses section.

7. ZEO REPORT

Mr. Ventres noted that inquiries and application submissions have increased across every board and commission. Even though lumber costs are up over 30%, residents are interested in upgrading their houses.

8. DISCUSSION

1. Moodus Center Regulation & Mapping Review

Mr. Gubbins provided a quick overview as to what occurred at the last sub-committee meeting. The group liked what Chester and Simsbury has in their regulations and will meld those together to discuss at the next sub-committee meeting, which has not been scheduled yet. Chester and Simsbury have the best ideas for slowing down traffic, providing calming effects and creating action on the street. In those towns, transparency in buildings is important and height is also an important factor to slow people/traffic down. A parking set back moves parking to the back of the buildings. Also creating a build-to line moves the buildings to provide continuous frontage on the road. Mr. Pettinelli talked a bit about parking – on street parallel and perpendicular are both being discussed by the sub-committee. Adding an island is also under consideration to provide pedestrians with places of refuge to feel more protected from traffic. The first thing that the sub-committee is interested in is redesign of the existing area as several of the buildings are at the end of their lives. The hope is to also bring business in as well as bring more people into that part of town.

Mr. Brownell asked Mr. Smith the status of the $25,000 budget request to hire an outside consultant for the project. Mr. Smith noted the expenditure has been cut from the budget. Mr. Brownell stated that he was not aware of the budget meeting where the request was going to be discussed and subsequently cut. Mr. Brownell stated that he would have expected to be made aware of that meeting to be able to discuss the proposed expenditure.

The Commission asked Mr. Casner, Economic Development, to provide any feedback. He noted that Chester does have good regulations but they are focused on preserving existing, which is not something that Moodus is focused on. The Simsbury regulations are focused more on the new buildings and melding the two and will provide a good guide for the town.

A motion was made by Mr. Gubbins for a three minute break. The motion was seconded by Mr. Salicrup and passed by unanimous vote.

2. Customary Home Occupations

Mr. Ventres apprised the Commission where they left off in their review. Discussion ensued as to section 27.2.2 related to external evidence of a home occupation.

The Commission discussed how it would be hard to regulate business trucks, given there are so many people who drive company vehicles with the business names on them.

Mr. Brownell noted the regulations need to provide some level of clarity to residents as to what would require an exception and what would not. Both the storage of equipment and traffic considerations were discussed.

Mr. Curtin asked Mr. Casner if he has seen any regulations that address the concerns of the Commission. Mr. Casner will provide information from Old Lyme that the Commission may find interesting. He indicated Old Lyme breaks down home occupations into two different layers, with one for businesses that have nothing exterior involved and one for businesses with exterior items like trucks and equipment.

Mr. Pettinelli noted the language in section 27.2.6 does not provide enough clarity to residents as to what is allowed and what is not for acceptable traffic increase. Mr. Ventres outlined most towns do not provide further clarity as it is very difficult to regulate.

Discussion ensued related to a number of existing home based businesses that used to be in town like doctor's offices and the like. Mr. Ventres outlined that in 1961 Planning and Zoning came into being, and those businesses were in place prior to 1961. At the time, the feedback to those businesses then was to keep operating as is with no significant change in their operations. They were not required to come before the newly created P&Z Commission, but were grandfathered in. Home occupations came under the auspices of ZBA around 1969.

Mr. Curtin highlighted COVID has outlined that so much more can be accomplished from home than prior thought, therefore there will be more home-based businesses than prior to COVID, and likely in occupations not expected.

Per Mr. Gillis' comment related to a contractor or landscaper business requiring acreage to provide space to house the equipment, discussion around outside storage and space requirements ensued.

Ms. Kinsman discussed how large commercial vehicles on a residential road can create a hazard given site lines and space. She asked the Commission to think about if the regulations should limit or restrict a commercial business being run on a residential lot. Mr. Curtin noted the type of road the business is on should be a point of consideration.

Mr. Ventres has reviewed other town regulations for towns that are of the similar size of East Haddam. He indicated Tolland has a two-tier regulation for businesses; Haddam has some regulations that may work. Mr. Ventres will create a two-tier regulation for the Commission's review. The Commission asked for acreage, traffic and buffering to be considered.

Discussion ensued related to special exception and if the exception stays with the land or with the applicant. Mr. Ventres will provide clarification at the next meeting.

Mr. Casner outlined that when there is an outbuilding used for the business, it becomes hard to regulate a partial part of a building. The two-tier regulation makes it a bit easier to track the small home-based businesses versus the contractors with large vehicles or multiple vehicles.

3. **Other**

Related to seasonal to year-round dwellings, Mr. Curtin asked Mr. Ventres to think about what language would need to change to allow a seasonal cottage to convert to a year-round dwelling, as long as the seasonal-to-year-round change meets the code.

9. PUBLIC HEARING

1. **Application #21-03: 143 Mill Road, William Chilton (owner), Roger Nemergut (agent), Special Exception review for a detached accessory dwelling. Assessor's Map 21, Lot 2.**

Mr. Brownell opened the hearing to the public.

Mr. Nemergut introduced himself and the owner applicant, William Chilton. Mr. Nemergut provided an overview of the size of the property and where the frontage is. It borders three roads. Currently it is occupied by a single family, and is a single family lot. It is connected to Roaring Brook #2, which has been channelized and runs under an old mill house building. The focus on the accessory apartment is in the mill house, which has deteriorated beyond repair. The architecture is similar to the existing house currently there, with a wood shingle roof and clapboard siding. Some of the original foundation would remain. The size is about 1100 square feet. Because of its proximity to Roaring Brook and a bump out on the side by 2 feet, a Zoning Board of Appeals variance was requested and approved. In addition, the Inland Wetlands and Watercourse Commission has approved a permit for the work.

Mr. Nemergut also provided an outline of where the septic system would be. It would be pumped up to the hillside at least 100 feet from the watercourse. That was reviewed and approved by the Chatham Health District as well.

Review of the plan with P&Z is the final step in getting approval for this project.
Mr. Ventres noted that this has been approved by ZBA for the 2 feet exception, IWWC approved the project, the project received an exception from the CT Department of Health (a requirement when 2 buildings are using 1 septic system which include the accessory apartment and the existing ice house), and the Chatham Health District sent a letter stating the plan meets the CT public health code.

Mr. Gillis and Mr. Brownell asked for clarification on the foundation. Mr. Nemergut outlined the changes to the foundation that is needed and what is going to be kept.

There is an existing well for the house, and that well will feed the accessory apartment and the ice house (3 buildings in total).

Mr. Chilton explained the underside of the mill building and explained that it is not a full basement.

Mr. Pettinelli asked for clarity on the parking; Mr. Nemergut clarified that there is space for cars to park close to the mill house.

Mr. Ventres noted there are no questions from the public via email.

A motion was made by Mr. Curtin to close the public hearing. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

A motion was made by Mr. Curtin to approve application #21-03: 143 Mill Road, William Chilton (owner), Roger Nemergut (agent), Special Exception review for a detached accessory dwelling. Assessor's Map 21, Lot 2. The motion was seconded by Mr. Gillis and passed by unanimous vote.

10. ADJOURNMENT

A motion was made by Mr. Gubbins to adjourn at 8:58pm. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

Respectfully submitted,
Shannon A. Goyette
Recording Secretary