East Haddam Planning and Zoning Commission
Land Use Office

Regular Meeting Minutes
May 11, 2021

1. **CALL TO ORDER**

Chairman Brownell called the meeting to order at 7:17pm.

2. ATTENDANCE

Members Present: Crary Brownell (Chairman), James Curtin (Vice Chairman), Richard Pettinelli (Secretary), Justin Anderson, Bernard Gillis, Ed Gubbins, Louis Salicrup, and Susan Kinsman.

Others Present: James Ventres (Zoning Enforcement Officer), Ed Blaschik (Goodspeed Opera House representative), David Bird (Goodspeed Opera House representative), Donna Lynn Hilton (Goodspeed Opera House representative), Ginger Rutledge, Bob Casner (Economic Development Commission), Bruce Dutch, and Charlie Dutch.

3. **MINUTES**

The April 27, 2021 minutes were accepted with the following amendments:

- Page 2, Section 5.2. Update Mr. Salicrup's name, "A motion was made by Mr. *Salicrup* to schedule the public hearing for May 11, 2021.

- Page 2, Section 5.3. Update 4th paragraph to "Mr. Gillis noted that this is an important parcel to protect and the price (~$17,000 an acre) is a *good deal*."

4. BILLS

No bills received.

5. ACKNOWLEDGMENT

1. **New – #21-08 – 15 Lumberyard Road, East Haddam Business Association (applicant), New England Airport Association, LLC (owner), Special Exception Review for "Celebrate East Haddam 2021 Event". Assessor's Map 17, Lot 69.**

Mr. Ventres outlined that the event coordinators are looking to move the Celebrate East Haddam event from the Senior Center to the Goodspeed Airport location. This year's date for the event is September 4, 2021. Narrative was attached for the commissioners' review,

and Mr. Ventres has a letter on file from Goodspeed Airport granting permission. Mr. Ventres noted this can go to a public hearing on June 8, 2021.

A motion was made by Mr. Gubbins to schedule a public hearing on June 8 for application #21-08 – 15 Lumberyard Road, East Haddam Business Association (applicant), New England Airport Association, LLC (owner), Special Exception Review for "Celebrate East Haddam 2021 Event". Assessor's Map 17, Lot 69. The motion was seconded by Mr. Anderson and passed by unanimous vote.

2. **New – #20-09 – 65 Honey Hill Road, Jennifer Morgan, Special Exception Review – Section 8.1.4 splitting a lot with 2 existing dwellings. Assessor's Map 04, Lot 35**

Mr. Ventres outlined that this situation exists due to the decision made upon the implementation of zoning that if there were two houses that existed prior to zoning, the lot could be split. In this application, this one lot has two homes on it. One house was built in the 1700s and one prior to zoning. This regulation was created for all the mill housing built prior and allowed for this type of situation. This application will be ready for a public hearing on June 8, 2021.

A motion was made by Mr. Gubbins to schedule a public hearing on June 8, 2021 for application #20-09 – 65 Honey Hill Road, Jennifer Morgan, Special Exception Review – Section 8.1.4 splitting a lot with 2 existing dwellings. Assessor's Map 04, Lot 35. The motion was seconded by Mr. Anderson and passed by unanimous vote.

6. REGULATION REVIEW

1. **Agricultural Regulations – Proposed New Section 29**

Mr. Ventres recapped the slaughter house and hobby farm proposed regulation changes, which are in line with the discussion from the last month.

Mr. Ventres called out the new proposed regulation related to deed restrictions, restrictive covenants and association by-laws. Ms. Kinsman asked that the wording "Please be advised" to be updated to denote that the zoning regulations do not supercede those restrictions.

Mr. Gillis asked for additional clarification related to large-bodied livestock.

In section 29.3.B., Mr. Pettinelli asked for the Plains Road parenthetical to be removed in case another C3 district were added.

Discussion ensued related to the proposed changes and other changes. After much discussion, Mr. Brownell indicated he will send the changes to Matt Willis, the Land Use Attorney, for his review and input.

2. **Seasonal to Year-Round Conversion – Section 24**

Mr. Ventres reviewed Hebron's information and outlined the proposed modifications to this section. Mr. Curtin noted that most houses these days cannot meet the building code, especially the energy component.

Mr. Curtin suggested the regulations require seasonal dwelling changes to meet the public health code, and not the building code. Safety and a legitimate heating system is really what the commission is interested in making sure are in place in a seasonal dwelling conversion.

Mr. Casner noted that code does state that if 50% of the value of the house is spent upon updates, then the building code must be met.

Mr. Ventres said that he will consult with the building official to see how these structures can be converted.

3. **Customary Home Occupations – Section 27**

Mr. Ventres outlined the proposed changes to this section.

Mr. Ventres noted he will update any "please be advised" language to be stronger, as discussed during the agriculture regulations section above.

Mr. Pettinelli asked for clarification on 27.3.3.C. Mr. Ventres noted that there are several ways that applicants can create the detailed site plans. He also outlined that the Land Use Office provides guidance and help in the form of different maps and such, to applicants to use in their creation of site plans.

Mr. Salicrup asked for clarification on the phrasing "and the like". Mr. Ventres noted that most towns use this language to denote that not all cases can be outlined in the regulations and thus wording it that way.

Mr. Curtin asked for clarity on section 27.4.2.e. on page 6 related to the architectural style. Mr. Ventres noted that the Tolland regulations outline the need for any new structure to be in accordance with the architectural style of the existing house, and thus added this to ensure consistency with the other building architecture.

Discussion ensued related to the size of an accessory building and how the code is written to ensure that a barn cannot be built that is bigger than the house (in non-agricultural situations).

Related to the additional consideration of screening, Mr. Salicrup asked that additional language be added to outline what screening entails. Discussion ensued related to additional

screening and that the goal of these regulations is to balance rural character and business needs.

Mr. Pettinelli outlined that if outdoor storage is being entertained, then there needs to be regulations outlined for screening and location. Mr. Brownell asked Mr. Ventres to look into this item.

Mr. Gillis asked if an acreage limit should be set for moderate impact of outside storage. Mr. Ventres noted that special exception review would check to see what outside storage is being considered.

7. ZEO REPORT

Mr. Ventres provided a handout outlining the SE Council of Governments' proposed change to the guidelines related to storage buildings, but no proposed language was provided with the proposal.

Mr. Ventres outlined his research on accessory units and provided an overview of the bills that would impact a town's mill rate before the state legislature. He provided a packet with information for the Commissioners to review. Discussion ensued related to affordable housing in town for professionals like teachers, firefighters, etc., and what that looks like.

8. DISCUSSION

1. Moodus Center Regulation & Mapping Review

There has not been another sub-committee meeting since the last regular meeting, thus this topic was not discussed.

9. PUBLIC HEARING

1. New - #21-05 – 38 Wm. F. Palmer Road, Dutch Investments LLC, Special Exception Review to construct a 40' x 42' addition to a commercial building. Assessor's Map 65, Lot 139.

Charles Dutch L.S., of Dutch and Associates, outlined the plans to construct the addition on the back of the building which currently houses Nutmeg pharmacy. There is no specific use planned for the addition currently; it is being planned to prepare for future use. Parking will stay the same. Crushed stone and gravel will be used where the parking lot is not paved. There is currently screening around three of the four sides. Mr. Ventres has heard from the Chatham Health District and received approval. There is no additional lighting being added other than small full cut-off lights for safety along the sides; the lighting on the back will remain as is.

Mr. Pettinelli asked about additional parking spaces. Mr. Ventres outlined the parking information on the plans. The existing site plan is for warehouse use, and Mr. Pettinelli

noted that if the usage changes, the applicant must come back to the P&Z for approval. Currently the use outlined has enough parking.

Mr. Dutch explained how the existing concrete pad will be removed to make way for the new addition. Mr. Pettinelli asked for clarification on if a new ramp is being planned to allow for deliveries.

Mr. Bruce Dutch outlined that the existing pharmacy uses the front door to bring all deliveries in. The addition is essentially an empty shell that will be further upgraded upon a future use, which will be brought before the Commission for review.

Gutters will be added; the roof pitch will remain the same as the existing structure. Discussion ensued related to the additional run-off being created with the addition. There is no detail on the current plans on the run-off increase.

Mr. Ventres read into the record the approval letter from the Chatham Health District.

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

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

Mr. Casner spoke in support of this application given this application will add additional commercial space within an already existing commercially zoned area.

Mr. Brownell asked Mr. Dutch to provide a lighting diagram and calculations for drainage on the plans. A rain garden can be installed or a dry well to address the addition run-off.

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

A motion was made by Mr. Curtin to approve application #21-05 – 38 Wm. F. Palmer Road, Dutch Investments LLC, Special Exception Review to construct a 40' x 42' addition to a commercial building. Assessor's Map 65, Lot 139. Approval is contingent with the following conditions, submission of an approved appropriate storm water control mechanism that meets the requirements of the Town of East Haddam Storm Water Regulations and supporting calculations stamped by a State of CT Professional Engineer and submission of the additional lighting plan. The motion was seconded by Mr. Gillis 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. Blaschik, Facilities Manager at the Goodspeed Opera House, outlined the proposal to erect a tent to allow the Opera House to hold outside performances during the pandemic. He outlined that the Opera House has no plans to reopen until later in the year, given the amount of planning and preparation needed to get ready for an indoor performance. The events held under the tent will be primarily accompanied by piano; all acoustic instruments will be used. Eight performances will be the most held during a week. They will run at 1pm in the afternoon and 7pm in the evening with events ending by 8:30pm. Shows will be one act musicals.

The tent will be in place from June through the first week of September. There is no additional lighting, as the lighting would be sufficient in the parking lot. Parking should be reduced due to the audience size limited to 150 people (does not include actors and staff). The inside bathrooms will not be able to be used. Port-o-lets will be used, and placed close to the pumping station.

The tent location selected is due to discussions with the neighbors. A tent is being proposed to allow for performances to be held even in inclement weather.

Four speakers will be used as the sound system. The goal is not to blast the audience out of the tent. The actors' backs will face the river. Discussion ensued related to the noise and how to ensure that the sound is loud enough for the audience to hear but also protect the neighbors.

Mr. Pettinelli asked for clarity on screening to separate the audience from the parking lot. Mr. Blaschik noted that screening has been considered and discussed.

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

Virginia Rutledge, who owns 9 and 11 Lumberyard Road and is a Goodspeed neighbor, attended the meeting and noted her concerns. She has concerns related to noise abatement due to the hills and river amplifying the noise. She outlined that her quality of life is going to be impacted with hearing the number of shows several times in a row. She also asked for clarity on the traffic, and if there were going to be traffic control in place to manage the number of people who turn around on the road. She asked for clarity on how tall the tent will be; Mr. Blaschik noted that it is about 18 feet at the top. She noted that it is important to her to have some peace and quiet, but is willing to let the Goodspeed Opera House hold the events as long as her concerns are taken into consideration.

Discussion ensued related to Ms. Rutledge's concerns between the Commission members and the Goodspeed representatives, to ensure Ms. Rutledge's concerns were heard and actively considered.

Mr. Casner outlined his support of this proposal to improve the vitality of East Haddam Village and that the Opera House is a vital part of that community.

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

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

A motion was made by Mr. Salicrup to approve application #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. The motion was seconded by Mr. Gillis and passed by unanimous vote.

10. ADJOURNMENT

A motion was made by Mr. Gubbins to adjourn at 9:09pm. The motion was seconded by Mr. Anderson and passed by unanimous vote.

Respectfully submitted,
Shannon A. Goyette
Recording Secretary