East Haddam Planning and Zoning Commission
Land Use Office

Regular Meeting Minutes
June 8, 2021

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, Ed Gubbins

   COMMISSION MEMBERS ABSENT: Justin Anderson, Louis Salicrup, Susan Kinsman

   OTHERS PRESENT: Bob Casner (Economic Development Commission), Thomas Sanders (East Haddam Business Association), Angles Barrett, Roger Nemergut, Jennifer Morgan, Ray Sikorski

3. MINUTES - The May 25, 2021 minutes were accepted as amended.

   Under section 7, changed DEP to DOT: "Mr. Pettinelli noted that the DOT needs to reconstruct Rt. 149…"

4. BILLS

   One bill for Jacobson and Associates Engineering for $781.28 for Feb 20 – March 19, 2021 services related to Johnsonville Chapel.

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

5. ACKNOWLEDGEMENT

   No acknowledgements.

6. REGULATION REVIEW

   1. Agricultural Regulations – Proposed New Section 29

      The Ag Commission has not posted their minutes yet for review; no further discussion at this time.

   2. Seasonal to Year-Round Conversion – Section 24

      Mr. Brownell reviewed the building official's comment as outlined in the handout, which noted that zoning cannot made regulations related to the building code. Discussion ensued related to the fact that most existing houses cannot meet the current building code and what zoning can do to support seasonal dwellings that want to convert to year-round. The commissioners noted that building code requires much more than a seasonal dwelling can

meet. If it is structurally sound, insulated so that pipes do not freeze and overall safety is addressed, those pieces of the code should apply. Mr. Curtin will request clarification from the building inspector on how an existing seasonal dwelling can convert to a year-round dwelling without total rebuild, given how stringent the building code is written today and that most, if not, all the existing structures were not built to today's code and could not meet it. He wants to find out what is expected of the home owners and will discuss further with the building inspector to get clarity.

Mr. Gillis asked Mr. Casner for clarity on how a building that has been in a fire would be addressed related to the current building code. Mr. Casner noted that if the structure is deemed damaged 50% or more and needs repair, the building would need to meet the current code upon repair. If the structure is damaged less than 50%, then the work would not need to meet the current code.

The whole impediment on moving forward with the seasonal use regulation is how the current building code will handle the process.

3. Customary Home Occupations – Section 27

Mr. Pettinelli reviewed the Functional Road Classifications and would like to have these incorporated into the home occupations regulations. He noted that it would be helpful to understand the design classifications and impacts for each functional road classification.

7. ZEO REPORT

None provided as Mr. Ventres was not in attendance.

8. DISCUSSION

1. Moodus Center Regulation & Mapping Review

Mr. Brownell noted that the copies of the 1960s master plan were provided and that the area across from 7-11 is designated as open space, which is not clear to the commissioners if the area is deeded open space or if it is able to be redeveloped.

Discussion ensued related to having daycares on the 2nd floor exclusively and that does not make the most sense given that children go outside.

The commissioners also discussed drive-through service and the pros and cons. The concerns are related to the increased traffic and managing back up as people wait for their food, as well as the garbage.

Mr. Casner noted that drive-throughs are a way of life right now; and they are very popular. The general public wants drive-throughs and utilizes them frequently; they are in very high demand. Mr. Pettinelli noted that in the main commercial area, the desire is to have 2nd floor residential and that would preclude many of the companies that use drive-throughs. The place to have the drive-throughs is outside the main commercial area, in the Moodus Village CBIG

district. Mr. Casner noted that it makes the most sense to have drive-throughs up on Ray Palmer Road and by the Liberty Bank.

Mr. Pettinelli raised concerns related to the bulk requirements. He would like to see the side yard allowances be reduced to zero, and increase the floor area ratio (note: this term is defined as the usable space in a building that does not include stairwells, etc. multiplied by the number of floors and then divided by the land area) to get higher buildings. He researched Berlin and Old Saybrook's regulations to see what they have for floor area ratios and side yard allowance, and reviewed those with the commissioners. By identifying floor area ratio in the regulations, it draws attention that the regulations are looking for bigger buildings. Mr. Pettinelli suggested 1.75 floor area ratio would provide the ability to have 2 full stories plus attic space or studio apartment on top.

Mr. Casner suggested having space in the back, to support service roads and deliveries, instead of the front or side.

Discussion ensued about how to make Moodus Center walkable and inviting. The sidewalks are already there but the buildings need to be added. The traffic on Rt. 149 does need to be slowed down as well. Mr. Pettinelli noted that the State DOT is much more amenable to slowing traffic down now. The way of thinking about the car and traffic has changed.

The commissioners would like Mr. Ventres to change the front yard setback to minimum 5 feet (from 15 feet currently), the side yard minimum to zero and add in a floor area ratio of 1.75 (with a definition to be included in the regulation).

Mr. Brownell asked Mr. Casner for his feedback. Mr. Casner agreed with the changes of the set back and side yard reduction to zero and the add in of a floor area ratio. The floor area ratio would make for an attractive village with pitched roofs.

A motion was made by Mr. Pettinelli to approve and send to the town attorney for review, the proposed Moodus Center District Regulations with the noted 3 changes of front yard setback to 5 feet to 30 feet, side yard minimum set to zero and addition of the floor area ratio of 1.75 with a definition, in the main commercial center. The motion was seconded by Mr. Gubbins and passed by unanimous vote.

9. PUBLIC HEARING

1. **Continued - #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. Brownell read in a message that the applicant requested the application be continued to the June 22 meeting.

A motion was made by Mr. Pettinelli to continue to the June 22nd meeting the application #21-06 – 33 Whitewood Drive, Christopher & Nicole Herold, Special Exception Review for an accessory apartment in a new detached garage. The motion was seconded by Mr. Gubbins and passed by unanimous vote.

2. **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. Sanders reviewed the application for the Saturday before Labor Day and the work that has been done to plan the Celebrate East Haddam 2021 Events. There will be between 150 to 200 vendors and food trucks as well. Port-a-potties will be there on site, live music will be there as well. The entire property has been laid out on an aerial map (provided to the commission). The airport will be open, and the pedestrian traffic will be managed to ensure no issues. There will be volunteers posted along the pedestrian control barrier to ensure that the general public does not wander onto the runway. There are 86 parking spots at the airport which will be special needs parking, and the old municipal office complex parking as well as the parking lot across the river (a shuttle service will be used) will be leveraged. Vendor parking will be across the river, along with the bands, to keep the mainstay parking for the general public. The Goodspeed Opera House has been in touch with Mr. Ventres, but Mr. Sanders has not had any conversations with the representatives yet. That remains to be done still. Traffic and parking will be heavily managed given the Goodspeed Opera House is having an event that day. Fire and ambulance will be on site all day near the exit to ensure they have egress to exit quickly in case of an emergency.

In addition, there is work underway to handle the boat traffic. The airport has a seaplane landing field in the river that must be addressed to ensure public safety.

Mr. Sanders also is planning a mock traffic scenario to see what a large amount of cars would look like and how the traffic will flow to provide intelligence for use during the event.

The music will run from 11:00 am to 7:00 pm, and there is going to be a schedule of bands provided. There are buildings that will block the sound from interrupting the Goodspeed, which has noted in a letter that they are concerned about noise disturbances. The Goodspeed has a 2pm event as well.

The access to the cottages will not be blocked at all. The sun will set around 7:20 pm so there is not a lighting concern. There will be a crew of people who will be cleaning the area, until around 8:00 pm. Then the next morning, the crew will return and remove any additional trash to ensure there is no FOD (Foreign Object Detail) that would damage aircraft.

There will be signs noting which parking lots are full and which ones are not to help guide vehicles to the nearest spot and reduce the need for cars to turn around.

The last event Mr. Sanders hosted at the Senior Center had about 150 vendors and 1500-2000 attendees.

Mr. Brownell opened the hearing to the public.

Ms. Barrett lives on Creamery Road, is a neighbor of the airport, and is very excited to hear about this event.

Mr. Casner noted that this is exactly the type of event that the Economic Development Commission is excited to see. The airport is the ideal location and is a very community-minded event and operation. This event could be a wonderful event and hopefully will continue in other years.

Mr. Brownell read in a letter from the Goodspeed Opera House. He outlined that the Goodspeed noted they will have 2 events lasting about 2.5 hours. These events preclude the usage of the Goodspeed's parking lot. The Goodspeed is looking forward to coordinating with the EHBA to ensure that both audiences are not impacted. Mr. Brownell asked that Mr. Sanders consider moving the stage orientation, and also review the location to determine the noise level. Mr. Sanders will contact the owners of the airport to get a site walk scheduled, and work with Mr. Ventres to determine a good time for a site walk with the commissioners.

A motion was made by Mr. Gubbins to continue the application to the next meeting allowing for a site walk for #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". The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

3. **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.**

Roger Nemergut, the project engineer, provided an overview of the project. It is a 5 acre lot on Honey Hill Road. There are 2 existing houses on the property and the idea is to split the lot into 2, so that the houses can be sold individually. There is a section of the zoning regulations that addresses the situation where splitting the property does not meet all the requirements of zoning but the buildings existed prior to zoning. He outlined the specifics of how the lot would be split. The line has been drawn to keep the driveway with the existing house and result in a larger lot. The smaller lot will need to have a new driveway installed. The stone walls and fences were used to outline the property line. The regulations do allow this type of split to happen, even though the lots would be irregular.

Mr. Brownell read in a letter from Liz Davidson, RS of the Chatham Health District, who noted that the split does meet the code and that the new well needs to be drilled prior to the lot split occurring. There was a change in how wells are handled so now the well can be drilled prior to the split.

There was a question related to the need for an easement, and Mr. Nemergut noted the turnaround outlined on the map can be flipped to eliminate the need for an easement.

Mr. Nemergut pointed out the stone walls for the commissioners.

All neighbors have been notified.

The only change in construction would be the new well and the driveway turn around. There is no other proposed construction.

The houses date back to the 1800s according to the Assessor's records.

The grade of the new driveway requires a swale to handle the storm water.

Chairman Brownell opened the hearing to the public. There were no comments.

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. Pettinelli to approve application #20-09 – 65 Honey Hill Road, Jennifer Morgan, Special Exception Review – Section 8.1.4 splitting a lot with 2 existing dwellings with the following conditions: the driveway turn around be redesigned to not exceed the property line, the proposed new driveway have a swale installed and that adequate water be provided to the second building. The motion was seconded by Mr. Gillis and passed by unanimous vote.

10. ADJOURNMENT

A motion was made by Mr. Pettinelli to adjourn at 9:15pm. The motion was seconded by Mr. Gubbins and passed by unanimous vote.

Respectfully submitted,
Shannon A. Goyette
Recording Secretary