PLANNING AND ZONING
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
(Not yet approved by the Commission)
July 27, 2021

There is access to this meeting via a YouTube Live link from the Town's website:
www.easthaddam.org

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

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

COMMISSION MEMBERS ABSENT: Justin Anderson (regular member), Lou Salicrup (regular member).

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

OTHERS PRESENT: James Ventres, Land Use Administrator, Bob Casner, EDC, Selectman Rob Smith and Attorney Matthew Willis.

3. MINUTES: The July 13, 2021 minutes were accepted with the following amendment: Pg. 4, 2nd paragraph, the last sentence should read: Mr. Pettinelli asked if a representative from the River Council of Governments (River COG) could advise the commission.

4. BILLS: Halloran & Sage - $721.50

Mr. Curtin motioned to pay the bill as presented. The motion was seconded by Mr. Gubbins and passed by unanimous vote.

5. ACKNOWLEDGEMENT:

1. **25 Falls Road, Garrett Homes (Applicant), Goodspeed Realty (Owner), 2 Lot Sub-Division. Assessor's Map 65, Lot 47.**

Mr. Ventres distributed Land Development Plans for proposed retail development, issued for permitting purposes only, for Garrett Homes, LLC, Torrington, CT by BL Companies Architecture, Engineering, Environmental and Land Surveying, Hartford, CT, including the following: ALTA/NSPS Land Title Survey by Dufour Surveying LLC, Bristol, CT, September 04, 2020; SB-1 and EA-1 for Goodspeed Realty, LLC, revised July 20, 2021; Proposed Retail Development including - OP-1, GN-1, DM-1, SP-1, GD-1, SU-1, EC-1, EC-2, ISD-1, TT-1,

DN-1 through DN-7, revisions dated July 20, 2021. Mr. Ventres informed the applicant that the subdivision application is incomplete without septic system information, drainage calculations and drainage easement language. Discussion ensued regarding specific information pertaining to the proposed subdivision plan. Mr. Ventres requests a public hearing on August 24, 2021.

Mr. Curtin motioned to schedule a public hearing on August 24, 2021 for 25 Falls Road, Garrett Homes (Applicant), Goodspeed Realty (Owner), 2 Lot Sub-Division. Assessor's Map 65, Lot 47. The motion was seconded by Mr. Gillis and passed by unanimous vote.

6. SITE PLAN REVIEW:

1. **#21-10 – 1 Banner Road, The Lofts at Black Birch, LLC Site Plan Review for Redevelopment of an existing community center building into a multifamily community, with 20 one-bedroom apartment homes. Application was made under Connecticut General Statutes 8-30g – Affordable Housing Statutes and Zoning Regulations 14A – Site Plan Review. Assessor's Map 73, Lot 32.**

Mr. Ventres distributed the following documents: July 8, 2021 Nathan L. Jacobson & Associates, Inc., Brian C. Curtis, P.E. for engineering review of design drawings and reports submitted for The Lofts at Black Birch LLC, East Haddam, CT, Planning and Zoning application #21-10 and site plan approval materials received June 24, 2021, NLJA PN958-005; a Site Layout Plan and a Site Grading, Drainage and Utility Plan for The Lofts at Black Birch LLC by Wengell, McDonnell & Costello, WMC Consulting Engineers, Newington, CT, sheets 4 and 6 of 13, revised July 20, 2021; Hendren Associates, Gary W. Hendren, AIA for The Lofts at Black Birch Community Center Redevelopment, sheets T-1.0, A-1.1, A-2.0, A-2.1, July 14, 2021; Attorney Andrea L. Gomes of Hinckley Allen, Hartford, CT representing The Lofts at Black Birch, LLC, July 23, 2021 site plan review supplemental materials; July 22, 2021 Memorandum response to the East Haddam Planning & Zoning Commission and Mr. James Ventres, Land Use Administrator/ Zoning Enforcement regarding "Zoning Application Update and Proposed Conditions of Approval" from Hinckley, Allen & Snyder LLP; July 22, 2021 letter response to Mr. James Ventres comments from WMC Consulting Engineers, reference #07056.30; a July 22, 2021 letter to Chairman Crary Brownell and the East Haddam Planning and Zoning Commission members from William W. Ward of Ackerly & Ward, Stamford, CT.

Attorney Andrea Gomes, representing The Lofts at Black Birch LLC, introduced members of her team who were present at this meeting. They were: Attorney Leah C. Rubega of Hinckley Allen, Robert E. Barneschi of WMC Consulting Engineers, Mr. Mark G. Vertucci, P.E. and Ms. Gina DePasquale of Fuss & O'Neill. Attorney Gomes stated that Mr. Gary Hendren of Hendren Associates will attend the September 14th, 2021 meeting. Attorney Gomes explained that tonight's meeting was an initial overview of the proposal. She would like to continue the evaluation review to September 14th to allow additional time for review of the report by Mr. Brian Curtis, P.E. of Nathan L. Jacobson & Associates, Inc., dated July 8, 2021. Attorney Gomes explained that although this is not a public hearing, certified

notification letters were mailed to property abutters located within 100 feet of the proposed site. She submitted to Mr. Ventres the green certified receipts. Attorney Gomes distributed an additional Hendren Associates architectural revised plan sheet A1-0 to the commission. She proceeded to reference the power point presentation of the One Banner Road, Banner Lodge building, summarizing the site history. The application intent is to preserve and repurpose the Community Center building into twenty single bedroom units. Six of the twenty units will be designated as affordable housing, according to Connecticut General Statutes 8-30g and Affordable Housing Statutes and Zoning Regulations 14A. Attorney Gomes stated that the entire proposed twenty units will satisfy East Haddam's affordable housing needs. She referenced the June 24, 2021 booklet memorandum detailing East Haddam's need for affordable housing. She noted that under Statute 8-30g, denial of this application would be due to a public health or safety concern. Attorney Gomes explained that this application is separate from any legal impact from the Banner Estates Home Owner's Association. She referenced the July 22, 2021 letter regarding Banner Lodge Enterprises zoning application from Attorney William Ward where he states "Based on the above structure, the community center area that is the subject of the present zoning application is separate and distinct from the other parts that comprise Banner Estates. Moreover, the development rights for the community center area are currently, and always have been, reserved in The Lofts at Black Birch LLC and its predecessors."

Mr. Bob Barneschi referenced the revised site plan and described the proposed parking area. He requested from the commission an area for future parking spaces. He proceeded to describe the grading, drainage and utilities for the site plan. The Department of Environmental and Energy Protection will approve the proposed water and septic system.

Attorney Gomes referenced her June 24th memorandum submission and the proposed floor plan, explaining additional specifications for this site plan.

Mr. Mark Vertucci, P.E. presented his findings of the traffic survey he conducted at Banner Road and North Moodus Road intersection. He concluded that the community center redevelopment will not adversely affect traffic operations.

To clarify who is responsible for road maintenance and visitor parking, Attorney Gomes referenced the July 22, 2021 Memorandum in response to two comments from Mr. Ventres.

Question #1 regarding a maintenance plan for the main access roads and catch basins: Attorney Gomes indicated "See Stormwater Management System Maintenance Program on page 6 of June 20,2021 Storm Drainage Analysis. In addition, the applicant has proposed a condition of zoning approval below, further ensuring the proper completion and ongoing maintenance of the access road and drainage improvements proposed for the community."

Question #2 regarding visitor parking: Attorney Gomes indicated "Accordingly, of the 34 parking spaces presently proposed for the community, four will be appropriately signed and designated as visitors' parking." She proceeded to explain that 1.5 parking spaces are designated for each of the twenty units, meeting statutory requirements.

Attorney Gomes ended her presentation and welcomed questions from the commission.

Attorney Matthew Willis commented on the following items:

1. To clearly designate on the site plan which units will be affordable housing.
2. To equitably distribute the affordable units per square footage within the building.
3. In regards to the parking issue raised under the new public act (not pertaining to this application), the commission can opt out of this decision.
4. He agrees that the questions in Mr. Brian Curtis's July 8, 2021 report should be addressed.

Mr. Pettinelli questioned how this application impacts the original 333-unit Banner Estates plan regarding septic, water and traffic. Mr. Ventres indicated that the original 333-unit site plan will have to be revised then reviewed by the Planning and Zoning Commission before resuming construction.

Mr. Pettinelli stated for the record that he is a licensed, professional engineer and that he has worked in the past with Mr. Vertucci and it will not impact his decision regarding this application. Mr. Pettinelli proceeded to ask for clarification on the proposed site plan in regards to the traffic study and septic system. Mr. Vertucci and Mr. Barneschi clarified his questions.

Mr. Curtin inquired whether the Department of Environmental and Energy Protection approved the septic and water system for the current site plan for 333 units at Banner Estates. Mr. Ventres indicated that Banner Estates did not finalize the plans, so it is a tentative approval. He indicated that the DEEP will not approve the site plan unless the Planning and Zoning Commission approves it.

Mr. Brownell inquired about the lighting for this site plan. Attorney Gomes stated that Mr. Hendren will present the lighting and architectural features at the September 14, 2021 meeting. Mr. Brownell inquired about the separate councils that comprise Banner Estates. Attorney Gomes referenced Attorney Wards' July 22, 2021 letter explaining the two councils and the golf course unit, which states:

> Currently there are three parts to Banner Estates, which include two independent "councils" and the Golf Course as a separate Unit. One council includes all residential units built and sold to date. The second council contains only the community center building and surrounding area, which is the subject of the present zoning application seeking site plan approval for a multifamily residential community, pursuant to General Statutes 8-30g. The third part is the Golf Course, which is a totally separate and independent Unit, and operates independently from both of the two established councils. Future development of the property will require the creation of additional council(s), each wholly independent from the others.

Ms. Kinsman inquired about the number of units that are ADA accessible. Attorney Gomes stated that there are two, one unit on each level.

Mr. Gillis inquired about the existing road system that needs top coating. Mr. Barneschi referred to the site layout plan to clarify this question. Mr. Gillis inquired about an easement for the common roads. Attorney Gomes stated that there is no need for an easement, but she will have Attorney Ward clarify this inquiry. Attorney Willis requested written clarification from the master executive board on which common areas the applicant will maintain.

Attorney Gomes will continue the discussion on questions pertaining to the pool, outdoor showers, locker rooms and gym. She asked for a continuation of this application review until September 14, 2021.

Mr. Curtin motioned to continue the site plan review for application #21-10 for 1 Banner Road, The Lofts at Black Birch LLC to September 14, 2021. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

Mr. Curtin motioned to take a 10-minute recess at 8:30 p.m. The motion was seconded by Mr. Gillis and passed by unanimous vote.

PUBLIC HEARING 8:40 p.m.

Application #21-09, Connecticut General Statutes 8-24 review for the potential sale of the former Town office site, 1 &7 Main Street, East Haddam. Assessor's Map 17, Lots 1 & 2.

Mr. Curtin abstained from this hearing because he is a member of the East Haddam Village Revitalization Committee.

Mr. Brownell stated that this public hearing is to allow the board of selectman to negotiate the transfer of 1 & 7 Main Street for development. Discussion ensued confirming that this transfer of property meets the 2019 Plan of Conservation and Development mixed use development criteria for the East Haddam Village. Since 1993, the East Haddam Economic Development Commission, the Village Revitalization Committee and other Town commissions and boards have reviewed and discussed several studies and proposed plans for mixed use development for this site.

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

Ms. Charlotte Gelston would like the river front property conserved. She also suggests to utilize the vacant Goodspeed performer's houses that are located in the village.

Mr. John Olin stated that this is an important juncture in East Haddam's history. He would like to see a holistic plan for this site.

Ms. Amalia Shaltiel would like to see a master plan for the village development that creates constraints on development.

Ms. Marilyn Gleeson thanked the commission for clarifying the purpose of this public hearing.

Mr. Casner stated that this is a vital piece of commercial property which will give the town the opportunity to increase its grand list. He supports giving the board of selectman the authority to transfer this property for future development.

Mr. Gillis motioned to close the public hearing. The motioned was seconded by Mr. Pettinelli and passed by unanimous vote.

Mr. Gillis motioned to approve application #21-09, Connecticut General Statutes 8-24 review for the potential sale of the former Town office site, 1 &7 Main Street, East Haddam. Assessor's Map 17, Lots 1 & 2 with the condition to amend the application to state <u>for the potential *development* of the former Town office site</u>. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

REGULATION REVIEW:

1. Agricultural Regulations – no comments.
2. Seasonal to Year-Round Conversion – Section 24; the amendments are complete.
3. Customary Home Occupations – Section 27, note the following additional amendments:
   27.3 delete Zoning Enforcement Officer; add Planning and Zoning Commission.
   27.4.1c delete 6; add 8.
   27.4.1d delete vehicle; add truck.
4. Moodus Center Regulation & Mapping Review –
   10.1.4.1 delete Fire Chief; add Fire Marshall
5. Accessory Unit Regulations, 2021 "As of Right".

Mr. Pettinelli motioned to schedule a public hearing on August 24, 2021 for the amendments to the Agricultural, Seasonal to Year-Round Conversion, Customary Home Occupations, Moodus Center and Mapping Review and Accessory Unit Regulation's. The motion was seconded by Mr. Gubbins and passed by unanimous vote.

ZEO REPORT:

Minor property transfer from the Town of East Haddam to the State of Connecticut Department of Transportation for the rehabilitation of the Swing Bridge #01138 over the Connecticut River.

Mr. Ventres referenced the right of way survey and map of the Town of East Haddam by the State of Connecticut Department of Transportation for the rehabilitation of Bridge #01138, Route 82 over the Connecticut River, Scott A. Hill P.E., January 2021. Discussion ensued in regard to the taking area and traffic easement at this location.

Mr. Pettinelli motioned to approve the taking area and rehabilitation of Bridge #01138 as noted in the CT Department of Transportation's, project #40-141.002 Right of Way Survey, January 2021. The motion was seconded by Mr. Gillis and passed by unanimous vote.

ADJOURNMENT:

Mr. Gillis motioned to adjourn at 9:55 p.m. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

Respectfully submitted,
Toni Marie Dumaine
Recording Secretary