PLANNING AND ZONING
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
(Not yet approved by the Commission)
March 23, 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), Justin Anderson (regular member), Bernard Gillis (regular member), Lou Salicrup (regular member) and Susan Kinsman (alternate member).

COMMISSION MEMBERS ABSENT: Ed Gubbins (regular member).

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

OTHERS PRESENT: James Ventres, Land Use Administrator, Bob Casner, EDC, Attorney Matthew J. Hoberman, BNG, Hartford, George Fellner, Fellner Architects, Toni Marie Dumaine, Recording Secretary; 8:00 p.m. arrival for the Public Hearing: Roger Nemergut, Nemergut Consulting, Nicasio Angeles, 50 Johnsonville Road, and 4 members of the public.

3. MINUTES: The March 9, 2021 minutes were accepted with the following amendments:

Page 3, Beebe Road/Scenic Road, 1st sentence, modify to read: Mr. Brownell *appointed* Ms. Kinsman to the scenic road subcommittee.

Page 3, last paragraph, modify to read: He stated that the Centerbridge Group is a team of experienced professionals who presented *an impressive development concept plan*. Mr. Curtin explained that *there may be road and public improvements* to the village implemented by the State of Connecticut and the Town of East Haddam in addition to the Centerbridge Group Plan.

Page 4, 2nd sentence, modify to read: The Village Revitalization Committee *has sent* a letter of *recommendation* to the Board of Selectmen. Publication of the *proposed concept plan* will be available once the purchase agreement is complete.

4. BILLS:

Amazon Business supply for $26.04 and the following three invoices from Halloran & Sage, LLP: January = $481.00; February = $776.00; March = $240.00.

A motion was made by Mr. Salicrup to pay the bills as submitted. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

5. ACKNOWLEDGMENT:

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

Mr. Ventres referenced the application for special exception review from Roger Nemergut, P.E., for a detached accessory apartment (guest house). He stated that the Zoning Board of Appeals approved the site plan and he requested a public hearing to be scheduled for April 27, 2021.

A motion was made by Mr. Pettinelli to schedule the public hearing for April 27, 2021. The motion was seconded by Mr. Curtin and passed by unanimous vote.

6. REGULATION REVIEW

1. Agricultural Regulations

Mr. Ventres referenced the East Haddam Planning & Zoning Regulations for Inclusion of Hobby Farms & Intensive Commercial Farm Operations, revised draft 3/18/2021. He indicated that previous meeting minutes documented the Agricultural Commission's agreement on the proposed Regulation 29.3-A Permitted Uses - "Hobby farms may have up to two large bodied farm animals if the structure housing them is seventy-five feet from the street line, forty feet from the side and rear property lines, and at least seventy-five feet from any existing neighboring residence."

Mr. Ventres continued by referencing Colchester's recent public hearing, approving up to 175,000 square feet for a large-scale indoor agricultural facility. He referred to proposed language in East Haddam's Intensive Commercial Farm Operation, questioning square footage for structures. Discussions ensued regarding water supply, acceptable structure square footage for agriculture and farming and the proposed agriculture regulation amendments. Mr. Ventres will discuss current building codes with Mr. William A. Thody, Building Official, and will report specifications to the commission.

7. ZEO REPORT

Mr. Ventres distributed to the commission the Winter 2021 Connecticut Federation of Planning & Zoning Agencies quarterly newsletter and a list of four 2021 Connecticut General Assembly Raised Bills #6610, #961, #970 and #6641, pertaining to planning and development.

Mr. Ventres referred to an aerial site map depicting the proposed 20' x 40'pavilion at the Yankee Cider Company at Stahely Farms. Mr. Ventres indicated that the Yankee Cider Company submitted an application to the Inland Wetlands Watercourse Commission and asked that if IWWC approves the pavilion, would the Planning & Zoning Commission also require approval. Members of the commission agreed to have the Yankee Cider Company at Stahely Farms submit an application for a pavilion, citing public safety.

Mr. Ventres referred to an aerial site map of the lower Goodspeed parking lot, depicting a proposed location for a 40' x 100' tent to be set up during the summer months. Mr. Ventres explained that due to COVID restrictions, Goodspeed Musicals would like to present smaller shows at this tent location. Members of the commission agreed to have Goodspeed Musicals submit an application for the approval to host shows in a tent at the lower parking lot to notify neighbors and discuss the availability of public restrooms.

Mr. Brownell notified the commission of a correspondence he received from Mr. Torrance Downs of the Connecticut River Gateway Commission. After presenting their plan to the Gateway Commission, the Old Saybrook Planning & Zoning Commission granted approval for an outdoor restaurant at the Dock & Dine location. The proposal is to allow portable food and bar service trailers and outdoor seating under tents, instead of constructing a building fifteen feet above sea level. The idea is that in case of a storm, the outdoor dining area could be packed up and moved for protection. It will be only open 180 days a year. Mr. Brownell remarked that it is an interesting idea for an empty lot and it only effects a small area of the shore near a public boardwalk. He stated that the trailer size will depend on its use.

Responding to Mr. Gillis's questions, Mr. Brownell stated that this outdoor restaurant is the first in this area and there will be a fence along the public boardwalk.

Mr. Curtin inquired about the East Haddam zoning regulation standards for a non-conforming building lot that meets 100% of the public health code. He compared the approval for new construction of a year-round house vs. existing seasonal houses that meet the same standards, but lack the required acreage. Mr. Curtin stated that this has been going on for years and feels that it is unfair to existing seasonal home owners who may want to convert to year-round occupancy. Mr. Ventres referenced the 1970's zoning regulation requiring seasonal home conversions to require .50 of an acre and meet 100% of the public health code in order to convert. Discussion ensued regarding non-conforming interior lake lots, zoning board of appeals applications and the impact from deed restrictions on affordable housing. Mr. Ventres indicated that change would require amending this zoning regulation. Mr. Curtin would like more discussion on this topic.

8. DISCUSSION:

1. Moodus Center Regulation & Mapping Review

Mr. Brownell stated that the Moodus Center subcommittee has not met since their February meeting. Mr. Casner stated that a meeting room is available on the 2nd Thursday of the month. Members will be notified of the time and date of the next meeting.

2. Customary Home Occupations

Mr. Ventres distributed to the commission a copy of the current town of East Haddam Land Use Office, Home Occupation Application for a Business Permit; a notification form to adjacent property owners, specifications on a variety of vehicles and trailers and a copy of the town of Tolland Home Occupation regulations. Discussion ensued regarding language in the current home occupation application. Mr. Brownell requests that the Commission review this application process and suggest amendments.

9. PUBLIC HEARING – Questions or comments before the meeting or during the meeting can be sent to jventres@easthaddam.org.

1. New - #21-01, 50 Johnsonville Road, Trimline Hitech Construction (Nicasio Angeles), Special Exception Review to modify existing building and proposed additions into a church chapel. Assessor's Map 55, Lot 180.

Mr. Roger Nemergut of Nemergut Consulting submitted the green certified mail receipts to Mr. Ventres and distributed to the commission copies of his site, erosion, and sediment control plan for the proposed chapel addition for Nicasio Angeles of Iglesias Ni Cristo, 50 Johnsonville Road, East Haddam, CT dated March 22, 2021. Mr. Nemergut presented the site plan explaining the location of the existing church chapel and the proposed office and restroom additions. He stated that approximately ninety people will attend two weekly church services, one held during the week and one on the weekend, in addition to Bible study classes conducted during the week. Mr. Nemergut explained that because of the two weekly church services, the well water system is under the State of Connecticut's Public Health Department jurisdiction. The public health's criteria states that if twenty-five people or more are in attendance for more than sixty days a year, it requires the State of Connecticut Public Health Department approval of the transient non community public water system. Mr. Nemergut clarified the variance setback regarding the location of the seventy-five-foot radius for the well water and septic system. He described the fifty-two-space parking lot, noting options for a pervious parking area and the flow of traffic. Mr. Nemergut explained his design to capture rain water volume to flow into a vegetated swale directed to the rain garden then dispersed to a level spreader directed toward the pond, stating that there are no issues with ground water or ledge. Mr. Nemergut described the proposed fence and lighting for this site plan, clarifying questions pertaining to light timers and dark sky regulations. Mr. Nemergut stated that the town engineer requires soil tests to be conducted at the rain garden location.

Mr. Fellner of Fellner Architects presented his design of the proposed renovation and additions for the church and its functionality. Mr. Fellner described the architecture, lighting, and exterior signage of the existing chapel, explaining the process to bring it back to its glory in coherent with the proposed additions. Mr. Fellner described the interior renovations and additions, stating that the inside of the church will be brand new.

Mr. Nemergut indicated that he submitted a waiver request to the Planning and Zoning Commission and Joseph M. Dillon, P.E. of Nathan L. Jacobson & Associates, P.C. Mr. Dillon

responded “while we are in agreement with the request for a waiver to not provide on-site detention due to the site’s proximity to Johnsonville Mill Pond, we do recommend that the water quality volume be calculated in accordance with the 2004 stormwater Quality Manual and provided on site.”. Mr. Nemergut explained that stormwater volume control does not affect other property owners because it flows from the church parking lot down the hillside into a large body of water, Johnsonville Mill Pond.

Mr. Ventres referenced the March 19 and 23rd, 2021 letters from Jacobson & Associates and Chatham Health District letter. He read the following two letters into record:

The March 23, 2021 letter from Mr. Joseph M. Dillon, P.E. of Nathan L. Jacobson & Associates, Inc. regarding the Johnsonville Chapel parking area for Planning & Zoning permit application, 50 Johnsonville Road, NLJA PN 0958-0057.

The March 23, 2021 letter from Ms. Elizabeth Davidson, MPH, RS, Sanitarian III of Chatham Health District, regarding a Certificate of Public Convenience and Necessity from the Connecticut Public Health Drinking Water Section, for a new well water system.

Discussion ensued regarding the lengthy process for state approval of a new well water system and the timing for the Sanitarian and Building Official to sign off on permits to begin construction. Mr. Ventres suggested to condition the number of church services, for approximately ninety people, to one per week until the State of CT Public Health Dept. approves the well water system.

Mr. Nemergut answered questions from commission members regarding exterior light fixture design with timers and traffic flow from the parking lot.

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

There were no questions from the public via email.

Mr. Casner, representing the Economic Development Commission, expressed the importance to the town to have this beautiful Historic Village restored to its original grandeur. He stated that the Church is absolutely gorgeous inside and would like the commission to give the applicant what is needed to begin renovations.

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

Ms. Kinsman informed the commission that under the Federal Law, the Planning & Zoning Commission cannot restrict the number of religious services held in a calendar year. Therefore, until the phase 1-A approval for the well water system is received from the Connecticut Department of Health, the church seating capacity cannot exceed twenty-five people for sixty days or more, per calendar year.

A motion was made by Mr. Curtin to approve application #21-01, Nicasio Angeles of 50 Johnsonville Road, to modify the existing building and proposed additions into a church chapel. Assessor's Map 55, Lot 180 with the following conditions:

1. The Planning & Zoning Commission grants the stormwater run-off exception.
2. Exterior lighting to be on timer controls, programed to shut off one hour after church services.
3. Until the Department of Public Health approves the well water location, church service capacity cannot exceed twenty-five people for sixty calendar days per year.
4. Test holes are required in the permeable pavers and rain garden area, prior to construction.

The motion was seconded by Mr. Anderson and passed by unanimous vote.

DISCUSSION continued

3. Beebe Road/Scenic Road Discussion

Mr. Ventres stated that no work was done on Beebe Road to date. Mr. Pettinelli stated that there was a question as to whether he was chairman for the Scenic Road Subcommittee. Mr. Ventres explained that he talked with the town Attorney Rich Roberts, who said that the Planning & Zoning Commission can appoint subcommittees. Attorney Roberts sent Mr. Ventres a copy of the Scenic Roads Maintenance and Improvements by Woodstock Planning & Zoning Commission, Woodstock Board of Selectmen and Woodstock Department of Public Works, dated May 7, 2011 for review. Mr. Ventres forwarded this document to Selectman Rob Smith for his review. Mr. Ventres asked the commission to review the chart that designates the responsibilities of the maintenance department.

In response to Mr. Brownell's question on the town of Colchester's floating zone regulation: Mr. Ventres explained that the only recourse that East Haddam has is when Colchester notifies adjacent towns of an application to change the floating zone regulation. If the change impacts East Haddam, then the Planning and Zoning Commission could react to the proposed application. Discussion ensued regarding water supply for a large indoor agricultural facility.

10. ADJOURNMENT:

A motion was made by Mr. Pettinelli to adjourn at 9:00 p.m. The motion was seconded by Mr. Curtin and passed by unanimous vote.

Respectfully submitted,
Toni Marie Dumaine
Recording Secretary