PLANNING AND ZONING
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
(Not yet approved by the Commission)
August 24, 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) and Bernard Gillis (regular member).

COMMISSION MEMBERS ABSENT: Ed Gubbins (regular member), Lou Salicrup (regular member) and Susan Kinsman (alternate member).

OTHERS PRESENT: James Ventres, Land Use Administrator, Bob Casner, EDC and seven members of the public.

3. MINUTES: The July 27, 2021 minutes were accepted as presented.

4. BILLS: Halloran & Sage - $1628.00 and Nathan L. Jacobson & Associates, Inc. - $2614.34.

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

5. ACKNOWLEDGEMENT:

A. #21-14- Special Exception Application Review – Rae Palmer Road, Greg McKenna (Applicant), RXINVCO, LLC (Owner). To review for construction of a commercial building. Map 65, Lots 163, 164, 165, 169 & 170.

Mr. Ventres distributed copies of the proposed Nutmeg Pharmacy site plan, landscaping plan and building elevations by Christopher G. Bell, P.E. of Higganum, CT, dated August 16, 2021 and the proposed interior plans for the pharmacy by John S. Demyon, Niantic, no date listed. Mr. Ventres requests a public hearing on September 28, 2021.

Mr. Gillis motioned to schedule a public hearing on September 28, 2021. The motion was seconded by Mr. Anderson and passed by unanimous vote. Mr. Curtin abstained from this vote.

6. SITE PLAN REVIEW:

A. #21-13 – Site Plan Review- 33 Wildwood Road, East Haddam, CT, Neal Freuden (applicant), Andrea Levy (Owner), for the reconstruction and expansion of an existing cottage in the Lake District. Assessor's Map 80, Lot 24.

Commission members referenced copies of the plot plan prepared for Neal Freuden, 33 Wildwood Road, East Haddam, CT by Mr. Charles Dutch of Dutch Associates, Colchester, CT, revised August 24, 2021 and the proposed Freuden floor and elevation plans by Mr. George Fellner of Fellner Architects, East Haddam, CT, dated July 2, 2021.

Mr. Dutch gave a brief description of the proposed site plan. Mr. Fellner presented his proposed floor and elevation plans. Discussion ensued regarding the septic system. Mr. Ventres read a letter into record from Mr. Ryan McCammon, RS/REHS HHS, Chatham Health District, referencing the Health Review of a rebuilt 2- bedroom house at 33 Wildwood, dated August 21, 2021. Mr. McCammon stated that a further developed plan with elevations is required prior to approval of the septic plans for construction and installation of the code compliant area. Discussion ensued regarding the code compliant distance from water to the septic system.

Mr. Pettinelli motioned to continue this site plan review on September 28, 2021, to allow the applicant time to evaluate and respond to the requirements listed in the August 24, 2021 letter from Mr. McCammon, RS/REHS HHS, Chatham Health District. The motion was seconded by Mr. Curtin and passed by unanimous vote.

7. REGULATION REVIEW:

A. Accessory Unit Regulations – Mr. Ventres referenced the proposed regulation revisions, 2021, "As of Right" Accessory Apartments Section 10.2.3.2 - Standards and noted the amendments hi-lighted in yellow. The following were reviewed and discussed:

10.2.3.2.8 Either the single-family dwelling or the apartment unit shall be permanently occupied by the owner of the premises. An affidavit of ownership signed by the owner(s) of the premises and affirming intent of an owner(s) to occupy either the single-family dwelling or accessory apartment is required at the time of application and will be filed in the Town Land Record.

10.2.3.2.9 In complying with the intent of Public Act 21-29 to provide housing; accessory apartments are prohibited from being used for short term rentals such as Air B&B, weekly or monthly rentals, and alike.

Mr. Pettinelli requests a definition of time for short-term rentals. He also requests to insert prohibition of sublet rental of an accessory unit. Mr. Gillis inquired as to how these regulations will be enforced. Mr. Ventres indicated the affidavit of ownership,

included on the deed of the property, will allow legal recourse. Mr. Ventres will research the commission's questions to be discussed at the next meeting.

Mr. Brownell inquired about the ZEO Report that was omitted from the agenda. Mr. Ventres explained that he recently returned from a two-week vacation and did not have anything to report. He referenced the Connecticut Federation of Planning and Zoning Agency's quarterly newsletter, Summer 2021, Issue 3 pertaining to affordable housing, outdoor dining and cannabis establishments that will be discussed at future meetings.

At 8:50 p.m. Chairman Brownell motioned for a brief recess. Mr. Curtin seconded the motion and it passed by unanimous.

PUBLIC HEARING 8:00 p.m.

A. #21-11 Subdivision Review 25 Falls Road, Garrett Homes (Applicant), Goodspeed Realty (Owner), 2 Lot Sub-Division. Assessor's Map 65, Lot 47.

On behalf of the applicant Mr. Matthew Bruton, P.E. of BL Companies referenced the Land Development Plans for proposed retail development, July 20, 2021. He stated that this is a review plan and he has received and will respond to comments from the town attorney and consulting engineer. Mr. Bruton is waiting for approval from the Chatham Health District to complete the final development plans.

Mr. Curtin inquired about the Sediment & Erosion control plan. Mr. Bruton described the plan.

Mr. Ventres referenced the 5-page report from Mr. Brian Curtis of Nathan L. Jacobson & Associates, Inc. regarding Garrett Homes, LLC, 25 Falls Road, East Haddam, NLJA PN 958-0058, August 24, 2021. The report is an engineering review of the design drawing and reports prepared for Garrett Homes, LLC. Mr. Ventres read the comment from Mr. Curtis referencing EA-1 of the site plan regarding drainage easements between Lot 1 and Lot 2. He requests that the comments on the declaration for the easements be addressed before the next meeting. Mr. Burton will review and reply to this report.

Mr. Ventres read the August 23, 2021 email from Attorney Willis listing comments on the declaration of easements and restrictions. Attorney Willis recommends that his comments be addressed before the commission makes a decision. Mr. Ventres presented a 1999 drainage map for the commission and Mr. Bruton to review. Discussion ensued regarding the drainage easements for the site. The commission confirmed that the easements will be determined by the consulting attorney and engineer.

At this time Chairman Brownell open the hearing to the public. There were no comments via email.

Mr. Gary Bogen of Moodus questioned the subdivision line with the demolition of the existing buildings. Discussion ensued in regard to creating a subdivided conforming lot, contingent upon the demolition of specific buildings. Mr. Ventres will confirm this condition with Attorney Willis.

Mr. Curtin motioned to continue application #21-11 Subdivision review for 25 Falls Road to September 14, 2021. The motion was seconded by Mr. Pettinelli and a passed by unanimous vote.

The East Haddam Planning and Zoning Commission will continue this Public Hearing to hear the following:

Mr. Ventres read into record a letter from Mr. Samuel Alexander, AICP, Southeastern Connecticut Council of Governments, Norwich, CT, dated August 23, 2021 stating "Based on a review of the material submitted, I do not believe the proposed zoning regulation and map amendments will have a negative inter-municipal impact."

B. **Agricultural Regulations – Proposed New Section 29 of the East Haddam Zoning Regulations.** Mr. Ventres indicated that this revised regulation, under special exception review, will allow a Hobby Farm to house a specific number of animals 75' from the Street line, 40' from a side yard and 100' from a neighbor's house. Also, he referenced the revised regulations for an intense commercial farm operation, under special exception review, to house a specific number of animals 225' from the street line and 300' from a property line. There were no comments from the public or from Attorney Willis.

C. **Revisions for Seasonal to Year-Round Conversion – Section 24 of the East Haddam Zoning Regulations.** Mr. Ventres gave a concise description of this revised regulation. He explained that if these amendments are approved that a site plan for the seasonal structure will have to include a to scale floor plan of the existing structure; and any proposed additions or renovations at the time of application shall be provided by an architect, electrician and/or an engineer. See 24.1.1 – 24.1.8 for complete details of the proposed amendments.

There were no comments from Attorney Willis.

Mr. Casner, EDC, feels that this is a good regulation that will encourage further investment and improvements of the towns housing stock.

D. Revisions of the Customary Home Occupations – Section 27 of the East Haddam Zoning Regulations. Mr. Ventres read the proposed revisions noting "The intent is to ensure the home occupation is clearly secondary to the use of the building for dwelling purposes and to ensure the size, architecture, and compatibility with other residential uses." He continued to review the proposed amendments indicating what is considered Minor Impact Home Occupations which has minimal on-site interaction with the public or neighborhood and Moderate Impact Home Occupations where a special exception

review application is required by the commission. The commission, in reviewing the application, will consider the existing traffic volumes when considering the appropriateness of the application. Mr. Ventres informed the commission of Attorney Willis's comments regarding this regulation. Mr. Brownell would like to continue discussion on the amendments to this regulation at the next meeting.

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

Mr. Casner, Chairman of the Economic Development Commission, stated that he represents local business owners and requests more clarity on this regulation. He asked if he could briefly hi-light what he feels should be clarified. Commission members invited Mr. Casner to proceed with reviewing the proposed amendments for further discussion. Mr. Casner referenced his letter to Mr. Brownell and Mr. Ventres, August 24, 2021 where he states "the Economic Development Commission Board has reviewed the proposed additions to Section 27-Home Occupation of the East Haddam Zoning Regulations. We have divided the additions into two separate categories to make them a little more business friendly. The two categories stated in your proposed revisions are MINOR IMPACT and MODERATE IMPACT." Some of the suggestions that the EDC recommends for the commission to consider are changes regarding deed restrictions, a site plan included with the application, only allowing a 10,000 ton truck in a residential area and an application renewal every two years. Mr. Casner stated that the EDC is an advisory board that relays comments from the public to the commission.

Mr. Ralph Parady of East Haddam referenced 27.4.2.E.3 which reads not more than two vehicles which cannot exceed 20,000 lbs. gross vehicle weight and four pieces of equipment/trailers shall be stored on site if appropriately screened. He stated that you would need a 12' fence to conceal a 20,000 lb. vehicle and to screen four pieces of equipment would require a large piece of land. He feels to approve this regulation would be stepping back in time. Mr. Parady stated that a home business in a residential neighborhood that has a 20,000 lb. vehicle and four pieces of equipment will devalue his property.

Mr. Anderson reassured Mr. Parady that the commission will take a rational approach by taking into consideration his concerns and the comments from the EDC before approving this regulation.

Mr. Pettinelli indicated that the commission has a wide range of businesses to consider for home occupations and through special exception review the commission will determine how much land is required to screen large vehicles and equipment. Mr. Gillis indicated that the commission should consider acreage limits for a moderate impact business and it needs further discussion. Mr. Pettinelli stated that this regulation should not be approved at this time.

Ms. Theresa Roddy of East Haddam is concerned about the moderate impact piece of this regulation and the lack of review and the lack of constraints on the size of the vehicles. She referred to the Society Hall antique building in the village and feels that renewing

business applications periodically will monitor code compliant conditions of business establishments. Ms. Roddy is opposed to large commercial vehicles operating in a residential neighborhood.

Mr. Bruce Butler is concerned about the on-going review process for the moderate impact businesses. He feels that businesses should renew their application periodically to be in compliance with current regulations.

Mr. Brownell informed Mr. Butler that the Zoning Enforcement Officer enforces zoning regulations. Mr. Ventres indicated that a permit can be revoked if the applicant is in violation of zoning regulations. Mr. Curtin stated that the ZEO is notified by complaints from neighbors. Mr. Gillis indicated that the commission is trying to amend certain regulations to prevent zoning complaints. Mr. Curtin stated that the commission wants to be business friendly and at the same time maintain property values and prevent a disturbance to the whole community.

E. Revisions to the C/B/IG Moodus Center Regulations and Mapping of the East Haddam Zoning Regulations.

Mr. Ventres reviewed the proposed regulation amendments. He noted that most of the allowed uses in Moodus village will have to go through special exception review. Mr. Ventres read Attorney Willis's recommendations for these regulations.

Mr. Casner thanked the Planning & Zoning Commission and the sub-committee of the P&Z and EDC members for working together to revise Moodus Center regulations and mapping. He stated that this is prime real-estate in Moodus Center that will encourage investment in commercial businesses with residential use on the second level. Having residential use on the second level will produce income for commercial investors. This will be a positive change for Moodus Center.

There are no comments from the public via email.

F. Building Height Regulation Revision – Section 10.1.4 of the East Haddam Regulations.

Mr. Ventres read the amendments to this regulation and amendments noted by Attorney Willis. This regulation will state that the Building Official and the Fire Marshall will have to approve third floor occupancy. The Fire Marshall will review all applications.

Mr. Curtin asked Mr. Casners opinion on whether these regulation amendments will push businesses out because of the architectural requirements. Mr. Casner indicated that it's a matter of establishing a well-built village atmosphere opposed to metal fabricated buildings. He indicated that the current regulations for Moodus Center have not encouraged business growth in fifty years. Mr. Casner feels that the Planning & Zoning Commission has to try to establish a vibrant village atmosphere.

G. **Drive-Through Regulations – New Section 30 of the East Haddam Zoning Regulations**. Mr. Ventres stated that zoning has allowed drive through windows at banks but there are no standards in place for drive-through windows for other business establishments. This new regulation sets a standard to abide by. Mr. Ventres indicated that a traffic study, stacking requirements, sound decimal limits and property line setbacks will be necessary for drive-through windows. Mr. Ventres read Attorney Willis's recommendations for this regulation.

Mr. Casner thinks this regulation is a big help for businesses to know what standards are required for drive-through windows.

Mr. Bruce Butler questioned the sound decimal limit. Mr. Ventres clarified his question.

Mr. Gillis questioned a change in use for a drive-through window. Mr. Curtin clarified his question.

Mr. Pettinelli motioned to close the public hearing on regulations B, C, E, F and G as listed above. The motioned was seconded by Mr. Gillis and passed by unanimous vote.

Mr. Gillis motioned to approve the proposed new Section 29 of the Agricultural Regulations with no conditions, effective October 1, 2021. The motioned was seconded by Mr. Pettinelli and passed by unanimous vote.

Mr. Curtin motioned to approve the proposed revisions for Seasonal to Year-Round Conversion – Section 24 of the East Haddam Zoning Regulations with no conditions, effective October 1, 2021. The motion was seconded by Mr. Gillis and passed by unanimous vote.

Mr. Pettinelli motioned to approve revisions to the C/B/IG Moodus Center Regulations and Mapping of the East Haddam Zoning Regulations, effective October 1, 2021 with additional comments from Attorney Willis. The motion was seconded by Mr. Curtin and passed by unanimous vote.

Mr. Pettinelli motioned to approve the Building Height Regulation Revision – Section 10.1.4 of the East Haddam Regulations, effective October 1, 2021 with the following amendments: add: Planning and Zoning Commission; add: Fire Marshall instead of Fire Chief; add: Building Official and Fire Marshall; include additional comments from the Planning & Zoning Commission and revisions noted by Attorney Willis. The motion was seconded by Mr. Gillis and passed by unanimous vote.

Mr. Gillis motioned to approve the Drive-Through Regulations – New Section 30 of the East Haddam Zoning Regulations, effective October 1, 2021 with amendments noted by Attorney Willis. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

Mr. Pettinelli motioned to continue the revisions of the Customary Home Occupations – Section 27 of the East Haddam Zoning Regulations to the September 14, 2021 meeting. The motion was seconded by Mr. Gillis and passed by unanimous vote.

Mr. Anderson motioned to adjourn at 9:30 p.m. The motion was seconded by Mr. Curtin and passed by unanimous vote.

Respectfully submitted,

Toni Marie Dumaine
Recording Secretary