PLANNING AND ZONING
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
(Not yet approved by the Commission)
September 14, 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), Ed Gubbins (regular member) and Susan Kinsman (alternate member).

COMMISSION MEMBERS ABSENT: Lou Salicrup (regular member).

Mr. Brownell appointed Ms. Kinsman to vote for Mr. Salicrup.

OTHERS PRESENT: James Ventres, Land Use Administrator, Bob Casner, EDC, Mr. Charlie Dutch and Mr. George Fellner.

3. MINUTES: The August 24, 2021 minutes were accepted with the following amendment: Pg. 5, second paragraph, correct to read a 10,000 lb. truck.

4. BILLS: East Haddam News for (7) bills totaling $869.00 and Halloran & Sage for $906.50.

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

Site Plan Review:

A. **#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 made under Connecticut General Statutes 8-30g – Affordable Housing Statutes and Zoning Regulation 14A – Site Plan Review, Assessor's Map 73, Lot 32.**

Mr. Ventres read an email from Attorney Timothy S. Hollister of Hinckley Allen requesting a continuation for this site plan review to September 28, 2021.

Mr. Ventres also mentioned the memorandum from Attorney Michael Feldman of Feldman, Peristein & Greene, LLC and Attorney Mark Altermatt of the Law Offices of David G. Hill & Associates, dated September 8, 2021, representing the Association and unit owners at Banner Estates.

Mr. Curtin motioned to continue the site plan review for application #21-10, 1 Banner Road, The Lofts at Black Birch LLC to September 28, 2021. The motion was seconded by Mr. Gillis and passed by unanimous vote.

B. #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.

Mr. Ventres read into the record a letter from Mr. Ryan McCammon, RS of Chatham Health District for the approval for suitability 19-13-B100a and 19-13-B103 with conditions noted in his August 30, 2021 letter to Mr. Charlie Dutch, LS.

Commission members reviewed the site plan with no further questions for Mr. Dutch or Mr. Fellner.

Mr. Curtin motioned to approve application #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 with conditions noted in Chatham Health Districts August 30, 2021 letter. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

Mr. Pettinelli motioned to change the order of business. The motion was seconded by Mr. Curtin and passed by unanimous vote.

Regulation Review:

A. Accessory Unit Regulations – Mr. Ventres informed the commission of the State Regulation "As of Right" for accessory units effective January 1, 2022. Mr. Ventres referenced the copy of East Haddam's amended accessory unit regulation and stated that he will have Attorney Willis review the proposed language. Discussion ensued regarding the Planning & Zoning's authority to impose stricter accessory unit regulations suitable for East Haddam. Mr. Ventres stated that accessory units have to conform to the public health code and go through the site plan review process. Discussion will continue after Attorney Willis reviews this regulation.

ZEO Report:

Mr. Ventres informed the commission that Getaway Cabin is following their approved site plan but progress is slow due to rain. The new estimated

opening is Spring 2022. Discussion ensued regarding completed and future site work.

Mr. Gillis inquired about the recent Planning & Zoning Agency's quarterly news-letter regarding recreational cannabis regulation. Mr. Ventres indicated that he will confer with Attorney Willis as to how other towns are regulating recreational cannabis. Discussion ensued regarding the variety of businesses pertaining to recreational cannabis and a potential 6- month to one year moratorium on this regulation.

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.

Mr. Ventres referenced the revised site plan from Mr. Matthew Bruton, P.E. of BL Companies and the September 14, 2021 report from Mr. Brian Curtis of Nathan L. Jacobson & Associates. He informed the commission of his thorough conversation with Mr. Bruton and Attorney Robin Pearson who represents the applicant Garrett Homes, LLC, regarding a written drainage easement for the common areas at 25 Falls Road. Attorney Pearson requests an extension to October 12, 2021 for application #21-11 Subdivision review.

Mr. Pettinelli motioned to approve the request for an extension on application #21-11 to October 12, 2021. The motion was seconded by Mr. Curtin and passed by unanimous vote.

B. Revisions of the Customary Home Occupations – Section 27 of the East Haddam Zoning Regulations.

Mr. Brownell referenced Mr. Casner, Chairman of the Economic Development Commission's letter dated August 24, 2021, requesting clarification on minor and major business classifications. Mr. Curtin does not agree with a 2- year renewal application recalling past business monitoring of local gravel pits. He remarked that there are numerous home occupations in East Haddam and a 2- year renewal process would be unmanageable, based on previous attempts to monitor 4 gravel pits. Mr. Curtin suggests that the Zoning Enforcement Officer inspect/review home occupations at any time deemed necessary. Discussion ensued regarding the difference of a tradesman parking his work vehicle at home verses a home occupation operating commercial vehicles with equipment from their home; a home business such as an artist, cabinet fabricator or luthier, selling product from home and how to monitor a minor home occupation that grows into a moderate occupation? There are numerous scenarios to consider.

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

Mr. Casner of the EDC remarked that what the P&Z Commission proposed for this regulation is not clear to him or other Economic Development Commission members. He feels that all home occupations should be documented and have clarity on what is

classified as minor or moderate businesses. Mr. Casner remarked that the EDC meets with the Business Association and the public periodically and they would like guidelines for minor or moderate home occupations. Mr. Ventres stated that once a moderate home occupation is approved through special exception review by the Planning & Zoning Commission, the approval is documented and remains with the property.

Attorney Matthew Hoberman, representing client Raymond Roberts of Southwinds Road, stated his opinion regarding East Haddam's home occupation regulations. Attorney Hoberman feels that the commission should draft home occupation regulations that applicants can easily follow under the guidance of the Land Use Administrator. Chairman Brownell indicated that the commission acknowledges Attorney Hoberman's opinion.

Chairman Brownell stated that the commission has heard interesting ideas to consider. Mr. Pettinelli referenced the document that Mr. Ventres distributed, listing the class and weight of various trucks. Mr. Ventres explained that when an applicant applies for a home business permit, it is helpful to visualize the size of the vehicle(s) that will be parked at the home.

After further discussion, Chairman Brownell stated to Attorney Hoberman that his client's business is not affected by the proposed changes to this regulation. Attorney Hoberman acknowledged Chairman Brownell's comment.

Mr. Gillis informed the commission of a resident who is a long-haul tractor trailer-truck driver and occasionally parks the tractor truck on their property. He explained that the neighbors are amicable, but not in favor of a tractor truck parked in their neighborhood. Mr. Gillis asked Mr. Ventres how to address this issue and pointed out that there are so many variables to home occupations. Mr. Ventres stated that he would ask the truck driver to park the vehicle in an industrial park. Discussion ensued in regards to moderate home occupations and complaints about idling trucks in the early hours of the morning as well as the daily operation of large trucks in a residential neighborhood. Mr. Ventres explained that applicants applying for a moderate home occupation permit which includes equipment, machinery and outdoor storage, must go through special exception review by the Planning & Zoning Commission.

The commission determined the following core issues to further discuss about a moderate home occupation:

1. Traffic.
2. The number of equipment that will be stored outside.
3. Materials stored outside.
4. Noise levels.
5. The size and number of vehicles involved in the business.

Mr. Ventres will distribute to the commission the current amended home occupation regulations, including Attorney Willis's comments. The commission will clarify and discuss the amended regulations at the October 12, 2021 meeting.

There are no comments from the public via email.

Mr. Pettinelli motioned to continue this portion of the public hearing on Revisions of the Customary Home Occupations – Section 27 of the East Haddam Zoning Regulations to the October 12, 2021 meeting. The motion was seconded by Mr. Curtin and passed by unanimous vote.

Mr. Pettinelli motioned to adjourn at 8:40 p.m. The motioned was seconded by Mr. Gubbins and passed by unanimous vote.

Respectfully submitted,

Toni Marie Dumaine
Recording Secretary