PLANNING AND ZONING
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
(Not yet approved by the Commission)
September 28, 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

3. MINUTES: The September 14, 2021 minutes were accepted as presented.

4. BILLS: None

5: ACKNOWLEDGEMENT: None

6. 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 Gomes of Hinckley, Allen & Snyder LLP, requesting to continue application #21-10 site plan review to October 12, 2021.

Mr. Curtin motioned to continue application #21-10, 1 Banner Road, The Lofts at Black Birch LLC, Site Plan Review to October 12, 2021. The motion was seconded by Mr. Gillis and passed by unanimous vote.

B. #21-15 – Site Plan Review, 1 Laurel Cove Beach Road, Mark & Jessica Strassman (property owner), Proposed construction of a single-family residence. Assessor's Map 48, Lot 115.

Mr. Gubbins excused himself from this review.

On behalf of Mark & Jessica Strassman, Mr. Nemergut of Nemergut Consulting, Killingworth, CT, presented the Site Plan and Erosion & Sediment Control Plan revisions dated September 28, 2021, to the commission. Mr. Nemergut reviewed the site plan explaining the topography, drainage, septic system and location of the driveway. He also stated that the Chatham Health District has not approved the revised site plan. Mr. Nemergut explained that the revisions address the concerns stated in a letter to Mr. Ventres from the Laurel Cove Association dated September 28, 2021. They include relocating the driveway 200' from the intersection, to stock pile top soil within the owner's property line and limited clearing of a light to moderate wooded lot adjacent to Laurel Cove Association property.

Mr. Fellner of Fellner Associates Architects described the Strassman Residence floor plan dated May 4, 2021, to the commission. Ms. Kinsman questioned the address on the site plan. Mr. Fellner will revise the plan to reflect the current address.

Mr. Ventres read a letter into record from the Laurel Cove Association, dated September 28, 2021. The letter stated concerns regarding the driveway location, the stockpile of topsoil and "any additional thinning of trees or alterations to property owned by the Laurel Cove Association must be submitted to and approved by the Laure Cove Association…".

Discussion ensued in regards to neighboring driveways, the location of extra parking and access to the lake. Mr. Ventres stated that the applicant will have to apply to the Inland Wetlands and Watercourse Commission for approved access to the lake. Mr. Ventres and the Inland Wetlands and Watercourse Commission will walk the site to determine an access way to the lake.

Mr. Andrew Tarpill expressed his concern about the driveway location in relation to his two driveways and snow removal. Mr. Nemergut acknowledged Mr. Tarpills concerns and stated that he will amend the site plan and email the revised site plan to Mr. Ventres as well as the Laurel Cove Association.

Ms. Kinsman motioned to continue application #21-15, Site Plan Review of 1 Laurel Cove Beach Road to October 12, 2021. The motion was seconded by Mr. Gillis and passed by unanimous vote.

7. REGULATION REVIEW

A. Accessory Unit Regulations - Mr. Ventres referenced the proposed revised regulations 2021 "As of Right" Accessory Apartments that replaces the existing Section 10.2.3.

10.2.3.1 Purpose and intent – The intent of this regulation is to allow the creation of "as of right" accessory apartment regulation in accordance with recent legislation which revised CGS 8-2 through Public Act No. 21-29 in 2021. This section allows an accessory apartment within residential zones with the purpose of providing housing for the elderly, single persons, or small families. This regulation is designed to ensure that in creating an accessory apartment, the single-family design of the existing principal dwelling and the neighborhood shall be retained.

Mr. Ventres stated that Attorney Willis approved the proposed application, affidavit and language in this amended regulation. Attorney Willis agrees that it meets the accessory unit statutes. Discussion ensued regarding the maximum net floor area for an accessory apartment. Mr. Ventres will verify the correct language for the 10.2.3.2 Standards.

Mr. Ventres informed the commission of Senate Bill No. 1201, Public Act No. 21-1 concerning responsible and equitable regulation of adult-use cannabis. He referenced pages 238 & 239 of Senate Bill No. 1201 which pertains to municipality's zoning regulations. Mr. Ventres explained that the Halloran & Sage Law Firm consults several local municipalities on cannabis regulation. Other towns are not addressing cannabis regulation, implementing a 6-to-12-month moratorium on regulation or prohibiting retail of cannabis in their town. Discussion ensued in regards to implementing a 6-to-12-month moratorium on cannabis regulation, effective January 1, 2022. Mr. Ventres will draft a 6-month moratorium for the commission to approve before scheduling a public hearing for the moratorium.

PUBLIC HEARING 8 P.M.

A. #21-14, Special Exception Review, RXINVC, LLC, Mr. Greg McKenna (applicant) of the corner of Rae Palmer and William F. Palmer Roads, for construction of a commercial building. Assessor's Map 65, Lots 163, 164, 165, 169 & 170.

Mr. Curtin excused himself from this public hearing.

Mr. Ventres distributed the following documents to the commission:
Site Plan for Nutmeg Pharmacy, Rae Palmer Road by Mr. Christopher G. Bell, P.E., Higganum, CT dated July 1, 2021 including a revised Planning & Zoning application dated August 16, 2021; revised septic design, September 20, 2021; DT-1, revised September 20, 2021; A-1 and A-2, dated August 15, 2021; Landscaping Plan; Existing and proposed drainage map, July 1, 2021; Stormwater Management report, July 5, 2021; Brian Curtis P.E. of Nathan L. Jacobson & Associates review letters dated August 17th, September 17th and September 21, 2021.

Mr. Chris Bell submitted the green certified mail receipts to Mr. Ventres. On behalf of Mr. McKenna, Mr. Bell presented the proposed site plan for the new Nutmeg Pharmacy on Rae Palmer Road, Moodus, CT. Mr. Bell explained that the 9600 sq ft. building will house two 60' x 80' retail spaces. One retail space will be the Nutmeg Pharmacy the other will be determined. Mr. Bell described the drainage system, noting that an outlet structure will be re-installed to control flood elevations in the existing stormwater detention basin or pond. The drainage system

is designed for a 100- year storm. Mr. Bell described the traffic pattern for the site, showing the drive through window, delivery truck access and 45 parking spaces. Mr. Bell explained that preliminary test pit data confirms sand and gravel for the proposed septic system. Pending additional test pits, Mr. Bell is waiting for confirmation from Elizabeth Davidson RS, Chatham Health District on the final location of the septic system. Mr. Bell described the architectural design and topography of the site. He indicated that any excavated on-site material will be repurposed throughout the site. Mr. Bell referenced Mr. Brian Curtis, P.E. of Jacobson & Associates, September 21, 2021 letter, commenting on the detention basin structure, the oil/water separator water quality unit and the existing water supply well that will have to be re-evaluated. Mr. Bell explained that if a community well is necessary then the existing well will not be utilized. Mr. Bell explained that he notified Mr. Greg Goodspeed, the owner of the property adjacent to the detention pond. Mr. Goodspeed is in agreement with the stormwater discharge to the detention pond and is open to further discussion on the maintenance of the pond.

Mr. Ventres informed the commission of the approval with conditions from the Inland Wetlands and Watercourse Commission. The conditions are that any additional activity around the pond has to be approved by the IWWC and to include on the final site plan a maintenance plan for the pond and rip rap channel.

Mr. Brownell inquired about a lighting plan for the site. Mr. Bell described the proposed lighting for the site. Mr. Brownell requested complete specifications on the lighting. Mr. Bell will also provide signage specifications. Mr. Brownell inquired about the water course of the detention pond overflow. Mr. Ventres clarified the question.

Mr. Gillis inquired about what justifies a community well system. Mr. Ventres clarified his question. Mr. Gillis inquired about the amount of parking spaces designed for the site. Mr. Bell stated that Mr. McKenna requests 45 parking spaces to accommodate customers for both retail spaces.

Mr. Pettinelli, P.E. inquired about the design of the oil/water separator unit. Mr. Bell clarified his question. Mr. Pettinelli suggests green technology using various grasses for a natural water channel other than rip rap stone. Mr. Bell agreed to aerate the channel and proposes to re-purpose cobble stone from the site for a more aesthetically appealing water channel to the detention pond. He explained that there will be a yearly maintenance plan to clean the detention pond and the catch basins. Mr. Pettinelli questioned the ability to add a commercial grade tank to the proposed storm water system. Mr. Bell clarified his question. Mr. Pettinelli questioned the position of the lights and landscaping near the parking spaces in front of the building. Discussion ensued in regards to creating a hazardous free parking area and the number of parking spaces on the completed site plan. Mr. Greg McKenna agreed to amend the parking area and landscaping in the front of the proposed building. Mr. McKenna addressed the commission explaining his position on maintaining his property to be safe, clean and aesthetically pleasing. Mr. Pettinelli explained that he does not doubt that Mr. McKenna will maintain his property but would like to establish a site plan that will stay with the property into the future.

Mr. Gubbins inquired about a sidewalk entrance from the road to the Pharmacy parking lot. Discussion ensued to insert a crosswalk from the road to the entrance way of the building.

Mr. Brownell inquired about the construction material for the façade of the building. Mr. Bell will submit this information for the commission's approval. Mr. Pettinelli suggests to have an easement drawn between Mr. McKenna and Mr. Goodspeed pertaining to the maintenance of the detention pond.

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

Mr. Casner of the Economic Development Commission remarked that Moodus Center has not had new construction in almost 50 years. The Nutmeg Pharmacy is an asset for the town and it is said that Mr. McKenna does an excellent job caring for the residents, especially the Senior citizens in town. Mr. Casner feels that Mr. McKenna is a wonderful businessman and he encourages the commission to work out the details of the site plan to encourage future investment in Moodus Center.

Ms. Kinsman recommends that Mr. Bell incorporate native plants into the landscape design that will tolerate salt debris. Mr. Bell will redesign the landscape plan to incorporate various plants that are conducive to the types of soil on site.

Mr. Gillis asked for clarification on the traffic flow for the site. Mr. Bell clarified his question. Mr. Brownell inquired about the location of the mechanical equipment. Mr. Bell said that it would be roof mounted. Discussion ensued regarding a site walk at the convenience of the commission members. Mr. McKenna agreed with the site walk. It was agreed that the commission members could go individually.

There were no comments from the public via email.

B. Mr. Pettinelli motioned to continue application #21-14, Special Exception Review, RXINVC, LLC, Mr. Greg McKenna (applicant) of the corner of Rae Palmer and William F. Palmer Roads, for construction of a commercial building. Assessor's Map 65, Lots 163, 164, 165, 169 & 170. To the October 12, 2021 meeting. The motion was seconded by Mr. Gubbins and passed by unanimous vote.

ZEO REPORT

In agreement with the Chatham Health District and the Building Official, Mr. Ventres issued a cease-and-desist order for a resident who converted a shed into an inhabitable living space. Discussion ensued regarding safety, no permits issued and the location of the shed.

Mr. Ventres remarked that the Land Use Office is busy with people re-activating building permits since the price of lumber has decreased by 40%. He stated that there are a number of site plan reviews scheduled through December.

Mr. Brownell informed the commission of recent local news articles about establishing a redevelopment agency to oversee Centerbridge Group, LLC's village plan. Mr. Curtin, also a

member of the East Haddam Village Revitalization Committee stated that he was shocked that the Board of Finance is proposing a planning agency to develop a master plan for the village. Discussion ensued regarding other town officials authorizing a planning agency other than East Haddam's Planning and Zoning Commission which does not meet statutory criteria; the Revitalization Committee or the Planning & Zoning Commission were not notified of this decision and a proposal for a new master plan after decades of research and expense is questionable and unusual. Ms. Kinsman would like to read the Board of Finance meeting minutes for clarification on this issue. Mr. Ventres will distribute a copy of the BOF meeting minutes to the commission.

Mr. Gubbins motioned to adjourn at 9:20 p.m. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

Respectfully submitted,

Toni Marie Dumaine, Recording Secretary