PLANNING AND ZONING
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
(Not yet approved by the Commission)
October 12, 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 7:25 p.m.

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

COMMISSION MEMBERS ABSENT: Justin Anderson (regular member).

Mr. Brownell appointed Ms. Kinsman to vote for Mr. Anderson.
Mr. Anderson arrived to the meeting at 7:45 p.m.

OTHERS PRESENT: James Ventres, Land Use Administrator.

3. MINUTES: The September 28, 2021 minutes were accepted as presented.

4. BILLS: Halloran & Sage - $370.00 and Nathan L. Jacobson & Associates - $690.79, $2858.34 and $946.36.

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

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 distributed the following documents to the commission:
Supplemental Drainage Calculation, October 1, 2021; The Lofts at Black Birch, Community Center Redevelopment pg. 1-14, revised October 1, 2021; Site Lighting Photometric

Calculation SL-1, September 17, 2021; Community Center Architectural Plans, T-1.0, A-1.0 to A-1.6, revised October 6, 2021; Wengell, McDonnell & Costello, Inc., WMC Consulting Engineers, Mr. Robert E. Barneschi, Jr. P.E. review response letter to Mr. Brian Curtis, P.E. of Nathan L. Jacobson, WMC #07056.30, October 4, 2021; Mr. Brian Curtis, P.E. of Nathan L. Jacobson review response letter to Mr. Ventres, NLJA PN 958-005, October 8, 2021.

Chairman Brownell asked Attorney Richard Roberts of Halloran & Sage to remind the planning and zoning commission of their legal guidelines for an application made under Connecticut General Statutes 8-30g – Affordable Housing Statutes and Zoning Regulation 14A. Attorney Roberts explained that the commission would need a solid bonified reason, based on public safety and welfare, to deny an application under the 8-30g statutes. There were no questions for Attorney Roberts from the commission.

Attorney Timothy S. Hollister of Hinckley Allen & Snyder, Hartford, CT addressed the commission for Attorney Andrea Gomes. He introduced members of the Lofts at Black Birch team and referenced the various documents relating to this site plan review. Attorney Hollister confirmed that the adjacent property owners were notified of this meeting and that the green certified mail receipts were submitted to Mr. Ventres. Attorney Hollister referenced the July meeting comments from Attorney Willis regarding who is responsible for the maintenance of the common areas around the community center. He explained that the maintenance is a shared responsibility with the Banner Estates Condominium Association. Attorney Hollister introduced Mr. Barneschi, Jr. of WMC Consulting.

Mr. Barneschi referenced his site layout plan, sheets 4 through 8 and his October 4, 2021 response letter to Mr. Ventres regarding review comments from Mr. Curtis of Nathan L. Jacobson & Associates letter from July 8, 2021 to Mr. Ventres. Mr. Barneschi summarized the October 1, 2021 revisions on the WMC Consulting drawings for the proposed parking areas, water demand/service, fire protection water tank, drainage areas, dark sky compliant lighting, ADA compliant ramp with handrails and site line improvements at Banner Road. Mr. Barneschi introduced Mr. Mark Vertucci, P.E. of Fuss & O'Neill.

Mr. Vertucci summarized his traffic study of North Moodus and Banner Roads, citing his only recommendation, that the applicant trim and clear vegetation on North Moodus Road for adequate site lines and safely egress of passenger vehicles from Banner Road. In response to Mr. Gillis' question, Mr. Vertucci indicated that maintenance of road vegetation is ultimately the town's responsibility. However, the applicant agreed to do the initial clearing at this intersection.

Mr. Gary Hendren, AIA of Hendren Associates, explained that he has been working on this project for approximately 12 years. He described the activity he witnessed at the community center pool area and remarked that it is well maintained. Mr. Hendren described the upper level of the community center to be in rough condition. With improvements, the structure will be safer and adequate for residential use. Mr. Hendren referenced his drawings describing the locations of the ADA compliant units, along with the current code compliant architectural features of the building. Mr. Brownell inquired about the proposed 20,000-gallon fire suppression water storage tank. Mr. Hendren clarified his question and remarked

that additionally the pool water will be utilized if necessary. Mr. Gillis inquired about the proposed fire wall structures within the apartment complex. Mr. Hendren replied that they are one hour code compliant fire walls.

Attorney Hollister explained to the commission that initially 6 of the proposed 20 units will be designated as affordable units based on annual income. However, over time, the location of the affordable units can be re-designated, resulting from improved annual income. For example, if a tenant's income improves, they will have the option to continue to rent the designated affordable unit at the market rate; then the next unit becoming available to rent will be designated as an affordable unit. Attorney Hollister recapped the site plan review, citing the proposed engineering and architectural improvements. He explained that this is a beautiful structure and a nice re-use of an existing building which would help satisfy East Haddam's housing needs. Attorney Hollister welcomed questions from the commission.

Mr. Salicrup inquired about separate association fees for this complex and the number of occupants allowed per one bedroom unit. Attorney Hollister clarified his question.

Mr. Ventres asked Attorney Hollister for an extension for this site plan review so that he and the commission can consult with Attorney Willis, address Mr. Curtis's October 8, 2021 review comments and pertinent correspondences. Attorney Hollister agreed to extend this review to the October 26, 2021 Planning and Zoning meeting.

Mr. Pettinelli, P.E. inquired about item #1 of Mr. Curtis' October 8, 2021 comments pertaining to the repair of damaged catch basins tops. Discussion ensued between Mr. Ventres and Mr. Barneschi regarding a site walk to determine a repair plan to an incomplete existing road course. Mr. Brownell noted that this will be a condition for approving the site plan.

Mr. Brownell inquired about the proposed lighting plan that should match the existing lighting on site. Mr. Barneschi stated that the lighting plan will be consistent with existing lighting.

Ms. Kinsman inquired about the frequency of the affordability calculations. Attorney Hollister explained that qualifications will be recorded on an annual basis.

Mr. Gillis inquired about the number of affordable units deemed ADA compliant. Attorney Hollister answered that there is one affordable ADA unit and explained the process to maintain this designation.

Mr. Salicrup inquired about rent subsidy for the affordable units. Attorney Hollister replied to his question.

Mr. Brownell questioned who would monitor the availability of affordable units. Attorney Hollister indicated that the Landlord would designate an administrator to report annually to East Haddam's Land Use Administrator. Discussion ensued regarding how the landlord will maintain compliancy for affordable housing and ADA units. Attorney Hollister explained

that affordable unit renters with improved income may or may not have the option to stay based on the number of available affordable or ADA units.

Mr. Curtin motioned to extend this site plan review to the October 26, 2021 meeting. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

PUBLIC HEARING - 8:15 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 informed the commission that he received a confirmation email from Mr. Matthew Bruton, P.E. of BL Companies, stating that on behalf of Garrett Homes he withdraws application #21-11 for 25 Falls Road subdivision.

Mr. Curtin motioned to accept the withdrawal of application #21-11 for 25 Falls Road subdivision. The motion was seconded by Mr. Anderson and passed by unanimous vote.

B. #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 informed the commission that he received a letter from Mr. Christopher G. Bell, P.E. requesting an extension for application #21-14 site plan review to the October 26, 2021 meeting.

Mr. Pettinelli motioned to extend this site plan review to October 26, 2021. The motion was seconded by Mr. Gillis and passed by unanimous vote. Mr. Curtin abstained from this vote.

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

Commission members decided to continue this discussion at the next meeting.

Mr. Curtin motioned to continue the discussion for the revisions to the customary Home Occupations – Section 27 to the next scheduled regular meeting. The motion was seconded by Mr. Gillis and passed by unanimous vote.

There were no comments from the public via email.

At this time Chairman Brownell excused himself from the remaining time of the meeting.

SITE PLAN REVIEW continued…

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.
Mr. Curtin appointed Ms. Kinsman to vote for Mr. Gubbins.

On behalf of Mark & Jessica Strassman, Mr. Nemergut of Nemergut Consulting, Killingworth, CT referenced his Site Plan and Erosion & Sediment Control Plan, revisions dated October 5, 2021. In response to the commission's comments from the September 28, 2021 meeting, Mr. Nemergut explained that he addressed the 3 items that are in question:

1. He received approval from Chatham Health District, Ms. Elizabeth Davidson, R.S. for the proposed septic system. He added that to meet public health code, Ms. Davidson requests that the outdoor shower drain be connected to the septic system.
2. Mr. Nemergut referred to his drawing to show the location of the proposed driveway in relation to Mr. Tarpill's driveways. He explained that the driveway location does not interfere with the neighbor's driveways.
3. Mr. Nemergut referred to his drawing to show where the additional parking area will be, explaining that the parking area is closer to the proposed garage and not on association property.

Mr. Ventres read into record a letter from Chatham Health District, Ms. Elizabeth Davidson, R.S., dated October 5, 2021, approving the septic system for 1 Laurel Cove Beach Road with the condition that the outdoor shower has a roof over it and the drain be connected to the septic system.
There were no questions from the commission.

At this time Vice Chairman Curtin opened the meeting to the public.

Mr. Tarpill thanked the Strassman family, Mr. Nemergut and Mr. Fellner stating that he is in agreement with the revised site plan.

Mrs. Strassmans mother also thanked Mr. Tarpill and Mr. Nemergut for their cooperation on the site plan.

Mr. Salicrup questioned the drainage from the outdoor shower. Mr. Nemergut clarified his question.

Mr. Gillis motioned to approve application #21-15 Site Plan Review, 1 Laurel Cove Beach Road, Mark & Jessica Strassman with the conditions noted in Chatham

Health District's letter dated October 5, 2021. The motion was seconded by Mr. Pettinelli and passed by unanimous vote. Mr. Gubbins returned to the meeting.

8. REGULATION REVIEW

A. Accessory Unit Regulations

Mr. Ventres clarified the regulation language pertaining to maximum net floor area for accessory apartments. He explained that the regulation states the maximum is 30% or 1000 sq. ft. of the net floor area. Discussion ensued clarifying that an accessory apartment cannot exceed 1000 sq ft. and that current legislation does not count an accessory apartment as affordable housing.

Mr. Gubbins motioned to set a public hearing for November 9, 2021 to approve the amendments to this regulation. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

9. MORATORIUM FOR CANNABIS –

Mr. Ventres referred to the *Proposed amendment to Section 2.10 of the East Haddam Zoning Regulations* that provides definitions of various cannabis establishments and language for the proposed amendment. "The temporary and limited term moratorium has been adopted to provide the Town with the time necessary to develop regulations for cannabis establishments that meet statutory responsibilities and promote the public's general health, safety and welfare". Attorney Roberts informed the commission of the complexity of cannabis regulation, indicating that at this time, the State of Connecticut is not issuing medical cannabis dispensary licenses. Discussion ensued in regard to the variety of business establishments that could evolve with cannabis dispensary and regulations for the planning & zoning commission to consider for controlling the sale and cultivation of cannabis. The commission decided to schedule a public hearing to implement a 6-month moratorium on cannabis regulation.

Ms. Kinsman motioned to schedule a public hearing on November 9, 2021 for a proposed 6-month moratorium on marijuana/cannabis regulation. The motion was seconded by Mr. Gillis and passed by unanimous vote.

10. Open Space endorsement letter to the East Haddam Land Trust for an open space grant application to purchase the Diana Sanders property of 68 acres on Honey Hill & Hedlund Roads.

Mr. Ventres explained that the East Haddam Land Trust is applying to the Connecticut Department of Energy and Environmental Protection for a grant to conserve this 68-acre parcel of land. Mr. Ventres described this parcel location as a rural distance from East Haddam Schools; on very narrow roads and adjacent to the 8-mile river watershed. He asked the commission for an endorsement letter for the land trust grant application.

Mr. Pettinelli questioned additional land being acquired for conservation. Mr. Ventres explained that this location and topography justifies conservation. Ms. Kinsman explained that this vacant parcel of land is in continuity to the Eight Mile River Watershed. Mr. Gillis explained that there are numerous tracks of land in town that are designated for development but remain vacant. Ms. Kinsman, also a member of the East Haddam Land Trust, recommends that the commission provide a letter of endorsement to the East Haddam Land Trust to purchase 68 acres on Honey Hill & Hedlund Roads.

Mr. Gillis motioned for the commission to write a letter of endorsement to the East Haddam Land Trust to purchase the Diana Sanders property of 68 acres on Honey Hill & Hedlund Roads. This purchase meets the Plan of Conservation and Development criteria. The motion was seconded by Ms. Kinsman and passed by unanimous vote. Mr. Salicrup abstained from this vote.

11. 8-24 Discontinue of Road on Dolbia Hill Road West and the VanDerStad property transfer.

Mr. Ventres referenced the surveyor's map of Richard W. Gates, Centerbrook, CT, September 21, 2021, showing the proposed discontinuance of a portion of Dolbia Hill Road West and the acquired portion of land from Chris L. VanDerStad to be conveyed to the Town of East Haddam. Mr. Ventres explained the right of way road discontinuance to rectify the land acquired from Mr. VanDerStad. Discussion ensued regarding the maintenance of Dolbia Hill Road West and the bridge replacement. Mr. Ventres requested a letter from the commission to the First Selectman to approve to discontinue a portion of Dolbia Hill Road West.

Mr. Pettinelli motioned to draft a letter to the First Selectman to approve to discontinue a portion of Dolbia Hill Road West. The motion was seconded by Mr. Anderson and passed by unanimous vote.

12. ADJOURNMENT

Mr. Gubbins motioned to adjourn at 8:50 p.m. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

Respectfully submitted,

Toni Marie Dumaine, Recording Secretary