PLANNING AND ZONING
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
(Not yet approved by the Commission)
October 26, 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), Bernard Gillis (regular member), Ed Gubbins (regular member), Lou Salicrup (regular member) and Susan Kinsman (alternate member).

COMMISSION MEMBERS ABSENT: Richard Pettinelli (Secretary) and Justin Anderson (regular member).

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

OTHERS PRESENT: James Ventres, Land Use Administrator.

3. MINUTES: The October 12, 2021 minutes were accepted with the following amendments:
Pg. 4 B., correct to read – Mr. Pettinelli motioned to extend *this public hearing* to October 26, 2021.
Pg. 6, last paragraph, delete: rural, add: longer.
Pg. 7, first paragraph, delete: continuity, add: contiguity.

4. BILLS: None

5. ACKNOWLEDGEMENT:

A. #21-17 Application for Robert Casner, 382 Town Street, Special Exception for retail sale of cannabis products. Map 027, Lot 088.

Mr. Ventres explained that this application was submitted prior to the Planning & Zoning commission's proposed moratorium on retailing cannabis. He requests a public hearing for this special exception review to be scheduled on November 23, 2021.

Ms. Kinsman motioned to schedule a public hearing for application #21-17, special exception for retail sale of cannabis products on November 23, 2021. The motion was seconded by Mr. Gillis and passed by unanimous vote. Mr. Curtin abstained from this vote.

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 explained that this application is made under Connecticut General Statutes 8-30g for affordable housing. He stated that it is the commission's charge to determine if this application is in compliance with public health, safety and welfare. Mr. Ventres explained that he, Mr. Robert Barneschi of WMC and Mr. Brian Curtis P.E. of Nathan L. Jacobson, walked sections A, B & C of the proposed site plan. Mr. Ventres stated that because the existing road surface was not properly completed, areas around the catch basins were damaged by storm water erosion and snow plow trucks. He explained that almost all of sections A, B, & C are in need of a second 1 1/2" Bituminous concrete surface course in addition to replacing several twenty-year old catch basin and manhole cast iron frames. Mr. Ventres referenced and read the draft of nine conditions that must be met before the applicant receives a Certificate of Occupancy for the proposed apartment building. He stated that Attorney Willis reviewed the approval letter with conditions and that it is to be printed on the final mylar and filed in the East Haddam Land Records with the Town Clerks Office.

Discussion ensued in regard to monitoring rental agreements for the six affordable housing units. Mr. Ventres indicated that the Lofts at Black Birch LLC will designate a third-party affordable housing administrator to monitor and report annually to the Land Use Administrator.

Mr. Gillis inquired whether the commission can request a written agreement on the shared responsibilities between Banner Estates Association and the Lofts at Black Birch members. Mr. Ventres stated that this is not the responsibility of the Planning & Zoning Commission.

On behalf of the Lofts at Black Birch LLC, Attorney Andrea Gomes stated that the conditions are acceptable by the applicant. She added, that the Land Use Administrator can request the status of the six affordable housing units at any time.

Commission members expressed concern about the Lofts at Black Birch LLC completing the redevelopment of the community center building.

Mr. Gillis explained that East Haddam will benefit from affordable housing and according to the 8-30g statute, there is nothing standing in the way for approval.

Ms. Kinsman explained that this application is coming in under the affordable housing statute and that East Haddam is in need of affordable housing. She added that it is not the best affordable housing proposal to consider, but the commission can only review what is before it. In the interest of more affordable housing, assuming that it remains affordable housing and the owners comply with the conditions outlined and agreed to, she recommends to move forward.

Mr. Salicrup does not approve this affordable housing application.

Mr. Curtin motioned to approve application #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, with the conditions in the draft noted and read by Mr. Ventres. The motion was seconded by Mr. Gillis and passed by majority vote. Mr. Salicrup opposed this vote.

B. #21-16, 4 Lakeview Road, Sandra Kerzner, Trustee (property owner). Proposed dwelling conversion from seasonal to year-round use. Map 075, Lot 097.

Representing Ms. Kerzner, Mr. Nemergut referenced his September 11, 2007 approved site, erosion and sediment control plan for this conversion from a seasonal dwelling to year-round use. He submitted the green certified mail receipts to Mr. Ventres. Mr. Nemergut stated that this property is in full compliance with the public health code. He explained that the recent Section 24 zoning regulation change allows existing, code compliant seasonal dwellings that are on less than a ½ acre lot are able to convert to year-round use.

Mr. Ventres read into record a letter dated October 26, 2021 from Ms. Elizabeth Davidson, R.S. of the Chatham Health District, stating that the septic and well water is still in compliance with public health codes. In addition, he referenced an email from Mr. William Thody, Building Official, approving the conversion from a seasonal dwelling, as it meets all building regulations.

Mr. Ventres remarked that this two-bedroom seasonal dwelling conversion meets the plan of conservation and development criteria for variety of housing stock.

Mr. Salicrup inquired about deed restrictions for year-round houses in a lake zone. Mr. Ventres explained that the lake association cottages were established in the 1940's prior to deed restrictions. Mr. Nemergut stated that builder-imposed deed restrictions are enforced by each lake association.

Mr. Curtin motioned to approve application #21-16 for Sandra Kerzner of 4 Lakeview Road to convert from a seasonal dwelling to year-round use. The motion was seconded by Mr. Salicrup and passed by unanimous vote.

Mr. Ventres referenced the pamphlet from the recent "Nutmeg Nor'Easter 5 Alt Cycling Championship, held on October 22, 23, 24 at Cold Spring Farm and on town leased property. He stated that he received numerous complaints in person and by telephone on Monday October 25, 2021 regarding this event. Mr. Ventres stated that Cold Spring Farm did not have the necessary approval from town officials or the Chatham Health District for this 3-day event. He will draft an official notice of violations for Attorney Willis to review, regarding public health, safety and welfare. Mr. Ventres will email the violation notice to the commission prior to sending it to Mrs. Jessica Stone of Cold Spring Farm. Discussion ensued regarding hundreds of cyclists who camped at Cold Spring Farm and rode through various town roads without prior notification or approval. Mr. Ventres recalled that other town venues went through the special exception review process prior to an event. Mrs. Jessica Stone of Cold Spring Farm will be officially notified of various violations committed as a result of this event.

7. PUBLIC HEARING 8:00 p.m.

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 informed the commission that he received an email from Mr. Christopher G. Bell, P.E., requesting an extension for application #21-14 site plan review to the November 9, 2021 meeting.

Mr. Salicrup motioned to extend this site plan review to November 9, 2021. The motion was seconded by Mr. Gubbins and passed by unanimous vote. Mr. Curtin abstained from this vote.

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

The commission decided to postpone this discussion until the next meeting. There were no comments from the public on customary home occupations.

Mr. Curtin motioned to postpone discussion on the customary home occupations until the next meeting. The motion was seconded by Mr. Gillis and passed by unanimous vote.

Mr. Ventres informed the commission that the annual budget review process has begun. Discussion ensued to submit a request to designate capital funds for the Moodus Center site plan design.

Referencing the annual Land Use fee schedule, Mr. Ventres informed the commission that according to the new public act 21-29 he will be able to include engineering and consulting agency fees to the fee schedule. He will distribute the 2022 fee schedule to the commission for review.

ADJOURNMENT

Mr. Gubbins motioned to adjourn at 8:05 p.m. The motion was seconded by Mr. Salicrup and passed by unanimous vote.

Respectfully submitted,

Toni Marie Dumaine, Recording Secretary