East Haddam Planning and Zoning Commission
Land Use Office

Regular Meeting Minutes
December 14, 2021

1. CALL TO ORDER: Chairman Brownell called the meeting to order at 7:15 pm.

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

COMMISSION MEMBERS ABSENT: None.

OTHERS PRESENT: Jim Ventres, Attorney Scott Jezek, Bob Casner, Mark Thiede, Toni McCabe, John Fornier, Alexis & Keith Vitali, Erica Skoutas, Attorney Stephani Antone, Irene Haines and many members of the public.

3. MINUTES - The November 23, 2021, minutes were accepted as amended.

Under section B, the fourth line, "Attorney Jezek said that the First Selectman at the last meeting voiced her opinion on cannabis retail and *spoke* in favor of…"

Under Section B, the 5th line should read, "Since she is an ex-*officio* member of every board…"

Under Section B, the 7th line should read, "Attorney Jezek also asked the Chairman to *poll* the commission members…"

4. BILLS

Two bills, one from Nathan L Jacobsen Associates for Banner Phase 3 for $1418.16, and one from Halloran and Sage for variety of legal services for $1572.50,

A motion was made by Mr. Gubbins to pay the bill as presented. Seconded by Mr. Curtin and unanimously approved.

5. ACKNOWLEDGEMENT

None.

6. SITE PLAN REVIEW

A. #21-18 – Integrity Property Group (applicant & property owner), 21 Bashan Road. Site plan review for proposed a residential single-family house. Map 058, Lot 004.

Land Use Administrator, Mr. Ventres outlined that there are some storm water systems that are too close to the septic systems per comments of the Chatham Health District and the Town engineer. The applicant has requested the site plan review be tabled until the next meeting to allow for the changes to be made to the plan.

A motion to continue to the January 11th meeting by Mr. Gillis. Seconded by Mr. Pettinelli and unanimously approved.

A motion by Mr. Pettinelli to change the order of business. Seconded by Mr. Curtin and unanimously approved.

8. LAND USE ADMINISTRATOR REPORT

Mr. Ventres provided an update on Getaway. The walk through with the Fire Department is completed and they are looking to be open by December 30, 2021. There is final grading being done for the septic system. There is going to be test runs for the few grinder pumps that they have. The bathroom must be insulated and heated. Reservations are already being taken and ½ of January is already booked.
Discussion ensued related to the work that needs to be completed and details around the site.

Mr. Ventres provided the commission with the campground regulations from other communities. Most of these regulations came after a number of campgrounds were already in existence. The East Haddam regulations were back written based on the same reason. Discussion ensued related to the number of sites per acre. Mr. Curtin asked the commission to review the regulations and discuss at a future meeting.

Mr. Ventres laid out information on noise basics for the commission to consider. It outlines what noise is and what it relates to for decibel for each activity.

Discussion ensued related to forming a subcommittee to look at Petticoat Lane to River Road to change the regulations and if there is an interest to allow more businesses and home occupations in that area, as East Haddam is a member of the Lower CT River Council of Government (COG).

Mr. Pettinelli asked for them to be contacted to get further information on mixed usage in that area. There is also interest in getting information on Goodspeed Landing up through Moodus on Rt. 149 for receiving professional planning representation.

Mr. Ventres noted that changing the zoning designation for town street received quite a bit of feedback, until the existing commercial properties were outlined. There was also a community misunderstanding of how a home business could be approved through special exception, which is not necessarily true. Discussion ensued about keeping one side of the road semi-commercial. There is a bike path that is coming and there is a need to think about the future. CT Landmarks has discussed the property becoming more of an event center with parking in the back, moving that to more of a commercial use. Mr. Ventres will reach out to Torrence Downes of the COG to see if assistance is available.

Mr. Brownell noted that there needs to be discussion on campgrounds and parking lots, and these will be discussed at a future meeting.

7. PUBLIC HEARING

A motion was made by Mr. Brownell for an 8-minute recess. Seconded by Mr. Pettinelli and unanimously approved.

Mr. Brownell noted Ms. Kinsman will sit in on behalf of Mr. Curtin, who has recused himself from the Public Hearing.

A. #21-14 - Special Exception Review – Greg McKenna (applicant), Rae Palmer Road. Review for proposed construction of a commercial building. Map 65, Lots 163, 164, 165, 169 & 170.

Mr. Chris Bell, professional engineer, representing Mr. McKenna, provided an overview of the issues that were noted at the last hearing. The first issue was related to the septic system approval. The letter has been received on the septic system approval. The approval notes that the Department of Public Health must provide feedback and submitted to the State for site plan approval.

The second issue was the site plan. There was an issue related to the front yard walkway. The front island and landscaping have been modified and a printed crosswalk is now planned for. The channel from the level spreader to the pond now has a note that a natural stone will be placed on the channel. The plan shows a ten-foot (10') swatch but was mis-interpreted in the review. The size of the channel itself is three feet (3') but, with the side slopes it will be ten-feet (10') total. It will be natural stone, not riprap put into place, about four-feet (4') to six-feet (6') of stone.

In regard to the landscaping; he met with Nancy from Balleks Garden Center and all the planting locations were kept and some of the species were changed to a different strain of bush to be more resistant to salt. The same amounts and sizes are being kept. The Amelachier tree is more of a native species and will not grow to be high enough to interfere with the power lines, although they will not be near the power lines at all. The box woods were changed to different wetland plant that is more natural. Some of the landscaping was moved around a bit, but overall, there was not a huge change to the plan at all.

In regard to lighting, the initial layout was created by Mr. Bell who sent it to a lighting consultant. The contour plan was reviewed. The height of poles is recommended to be at twenty feet (20') and there are going to be wall lights at every twenty-feet (20'). All the lights will be LED and all dark sky accredited. No light spills upward into the sky. The most efficient dark sky rated light was chosen. The focus is to push all the light back onto the building and not spill out onto the streets.

Mr. Brownell asked Mr. Bell and the applicant to work with the P&Z Commission to move to a less modern fixture in keeping with the old town feel of Moodus. The goal is to find a fixture that is in keeping with what the P&Z Commission is looking to accomplish in Moodus.

Mr. Gillis asked for clarity on why a twenty-foot (20') pole is being asked for instead of the twelve-foot (12') regulation. Mr. Bell noted that at twelve-foot (12') he would need to double the lights needed. The twenty-foot (20') poles eliminate the need for as many poles. There is no ability to work from the ground and upplight given the regulations in place today. Along the back line, there may be the ability to use twelve-foot (12') poles instead of twenty-foot (20'). In the back, there are only two (2) poles. Mr. Bell noted that smaller poles can be used along the sidewalk if needed. Mr. Bell noted that he was trying to be very efficient with the lighting plan. The peaks of the ridges are about twenty-two feet (22'). The lights will be proportional to the building. Mr. Ventres noted that there are three (3) lights on Rae Palmer

Road and the rest of the lights are in the back and side of the lot. If the poles were twelve-foot (12') or sixteen-foot (16') instead of twenty-foot (20'), along the street line will only require one (1) extra light.

Mr. Bell reviewed the architectural that display the signs. The most important elevation is the north elevation, the front of the store. There were some modifications to the door and an additional door added. There could be up to three different occupants. There is an angled entrance into the pharmacy. The sign is a two and a half feet (2.5') high with a maximum of twelve feet (12'). It is a two-sided sign and will be at the corner of Rae Palmer Road. He reviewed the sign that will be on the top of the building which will be no greater than thirty-one (31) square feet. He also reviewed the other side of the building where there is a drive-up window and the size of the signs on that side.

Mr. Ventres asked Mr. Bell to outline what is being used for the parking lot. He denoted that the millings will be used on the east/west parking lots, but the heavily travelled lane and front parking lots will be asphalt. Millings can be used if it's done well; it has a very long life and are more pervious than asphalt. The dumpsters are on concrete pads due to the health code.

There was a comment related to angle parking on the side, but Mr. Bell noted that he eliminated that option given the lane and turning radius for a tractor trailer. Directional signage is required and noted on the plans.

Mr. Ventres read in a letter from Brian Curtis a professional engineer, regarding the drainage channel and the drainage system. He also read in a letter from Chatham Health District and outlined what is needed for the public water system and the septic system design.

The sidewalk ramps are ADA compliant, per Mr. Bell.

Mr. Brownell asked that something be added to break up the asphalt with potted plants.

Mr. Brownell opened the Public Hearing to the public for comments.

Mr. Bob Casner, chairperson of the Economic Development Commission, noted that it is very exciting to have a proposal for a new building in Moodus, and asked for the P&Z Commission to move forward with this application. Mr. McKenna has been a wonderful asset to the town already and Nutmeg is a great business to have in town.

A motion by Mr. Pettinelli to close the public hearing. Seconded by Mr. Gillis and unanimously approved.

A motion was made by Mr. Gillis to approve application #21-14 - Special Exception Review – Greg McKenna (applicant), Rae Palmer Road. Review for proposed construction of a commercial building, with the following conditions: those outlined by the Chatham Health district, those outlined by Brian Curtis that the natural stone swale and oil separator with required TSS removal be added to the plan, the applicant will work with the Land Use Officer alternate light fixtures and that the new lighting will be matched to the existing lighting height along Rae Palmer Road, and the applicant will formalize that the dumpster pad will be concrete. There is a request of the applicant to break up the asphalt with potted plants. The motion was seconded by Mr. and passed by unanimous vote.

B. #21-17 – Robert Casner (applicant), 382 Town Street, Special Exception for retail sale of cannabis products. Map 027, Lot 088.

Attorney Jezek recapped the prior public hearing discussion. He noted that the statute on cannabis requires special exception from the Town. There is an existing site plan on file for where this business would be located. It is across the street from Town Tavern, and currently has an architect firm and a package store at the site. The location is close to the Town Street/Mount Parnassus intersection. The site is already approved for retail use. The license that Mr. Casner is requesting is for retail use only.

Attorney Jezek reviewed the regulated uses that must be considered prior to a cannabis retail site being approved. Attorney Jezek noted that while the town has not yet regulated this issue there are a number of considerations given to these types of facilities where they are located.

Criteria listed in the State Statues note what you can consider if you decide to enact regulations. Just to show this site; even though there are no regulations expressly pertaining to it meets many of the concerns, in fact all the concerns in which type of neighborhood that this type of facility should be in.

Attorney Jezeck stated that they are not to be located near religious institutions, school, charitable institutions, hospital or a veteran's home. He also noted that this is not anywhere near these sites. Also, Attorney Jezek outlined that the application was submitted prior to the moratorium put in place in East Haddam.

The regulations allow 1 license per 25,000 residents and given the size of the East Haddam population, only 1 license is allowed.

Mr. Casner outlined where the retail cannabis business would be located. He outlined that the space is not very large but, there is not a need for a large space for this type of establishment. The space is workable given research that Mr. Casner has done. He outlined what the size of the sign would be, which would leverage the lighting that is already in existence. No additional parking is being requested.

Mr. Salicrup asked for the previous application and information related to the previous application from Mr. Ventres.

Mr. Ventres noted that as there is no regulation, this application must be treated as a retail business. If the floor plan is changed, the application would need to come back to the P&Z Commission and the State.

Mr. Salicrup asked for details around the ability to sell the license. Mr. Jezek noted that if Mr. Casner were to give up the license, the new licensee would need to apply for the license with the State.

Mr. Pettinelli asked if a new traffic study has been done given the federal research that shows that cannabis sites drive more than twice the traffic of a retail space. He stated that the Institute for Traffic Engineering Trip Generator Manual lists Cannabis as a separate verses category.

Discussion ensued related to what requirements fall upon the applicant, and what is needed for the P&Z Commission to make a reasonable determination of the impact on the Town. Mr. Ventres will ask the Town engineer to weigh in on the traffic determination

Mr. Brownell noted that there are only two days left on this application; Mr. Ventres outlined that the applicant can request a continuation to provide the ability to receive feedback from staff on the traffic question and the applicant to respond to that.

Mr. Ventres noted that if the Board of Selectmen are put forth a referendum on cannabis sites does not have any bearing on the application.

Mr. Casner was asked to outline what the existing parking spaces are and what the future opportunity to the expand the parking spots would be. There are currently nineteen (19) spaces on the site, with the option of five (5) or six (6) spaces added in the future.

Mr. Brownell asked for public comments.

Mark Thiede, owner of Wrassling Cats, noted that customers of the liquor store already use his parking lot and he does not want to have additional usage of his parking lot. Mr. Thiede noted that his business is very family oriented, and community based and would like to see this application disapproved to keep the focus in that area family and community based.

Toni McCabe, director of East Haddam Youth and Family Services, provided a written statement and read it out loud. She noted that the moratorium is necessary to study the issue and provide the town the time needed to determine the best path forward for the town. She outlined those modern strains of cannabis which are much more concentrated and provide youth an easier path to getting drugs. She asked for a thorough and transparent conversation before any decision is made.

John Fornier, Coordinator for the East Haddam Youth and Family Services provided facts and figures of youth use and exposure rates and outlined that there will be some type of impact on East Haddam youth.

Alexis & KeithVitali, town residents, and parents, spoke out in opposition for a retail cannabis space and provided information related to traffic deaths and other facts and figures related to overdoses, ingestions, and exposure.

Erika Skoutas, town resident, and substance abuse and mental health worker provided feedback about how having a store front will provide a level of acceptability that she is in opposition of.

Irene Haines, First Selectman, and town resident, stated that within a mile or two there are several family friendly businesses and activities, Wrassling Cats, Miller Skating Pond, Shagbark, a bike path, etc. East Haddam is engaging in economic development that is focused on family friendly businesses and activities and a cannabis shop does not meet the economic development focus.

Mr. Ventres presented several letters in opposition that have been received for public record. Unless there is an extension, the application time limit will run out by January 11, 2022.

The letters were from Pamela & Gerard Cillarello, Sarah Anderson, Justin Kennedy and Elisa Bannon.

Attorney Jezek noted that this application was not snuck in prior to the moratorium. In addition, it is now law of the land. In speaking to Mr. Casner, there is no request to continue the previous application.

Mr. Ventres noted that there is a need for a traffic review, and there are several points made in the public testimony including impact on emergency services that were not addressed by the applicant and require the town attorney and the town staff to weigh in on this.

A motion by Mr. Pettinelli to close the public hearing. Seconded by Mr. Gillis and unanimously approved.

Mr. Ventres noted that the commission has 65 days to make a decision on this application. Discussion will ensue at the January meeting. Mr. Ventres will provide the minutes of the application.

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

Tabled until the next meeting.

9. ADJOURNMENT

A motion was made by Mr. Gillis to adjourn at 10:15pm. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

Respectfully submitted,
Shannon A. Goyette
Recording Secretary