PLANNING AND ZONING
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
(Not yet approved by the Commission)
January 25, 2022

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), Bernard Gillis (regular member), Ed Gubbins (regular member), Lou Salicrup (regular member), Susan Kinsman (alternate member) and Deb Langdon (alternate member). Mr. Curtin and Mr. Pettinelli arrived a few minutes after the attendance was called.

COMMISSION MEMBERS ABSENT: Justin Anderson (regular member).

Chairman Brownell appointed Mrs. Langdon to vote for Mr. Anderson.

Mr. Ventres, Land Use Administrator was absent.

3. **MINUTES:** The December 14, 2021, minutes were accepted with the following amendments: Pg. 3, 3rd paragraph, correct to read: The Amelachier tree is a native species…, The box woods were changed to native plants.

Pg. 3, 4th paragraph, correct to read: The photo metric plan was reviewed.

Pg. 3, 6th paragraph, correct to read: Along the back line, there may be the ability to use twenty-foot poles instead of twelve foot poles. Also correct to read: The peaks of the building ridges…

Pg. 5, last paragraph, delete: federal, add: industry. Last sentence, correct to read: ...manual lists cannabis as a separate land-use category.

Pg. 6, 3rd paragraph, correct to read: Mr. Ventres noted that if the Board of Selectmen put forth a referendum on cannabis sites, it does not have any bearing on the application.

Pg. 6, 4th paragraph, correct to read: There are currently (16) parking spaces on the site…

4. BILLS: None

5. ACKNOWLEDGMENT: None

A motion by Mr. Gubbins to change the order of business for the Election of Officers. The motioned was seconded by Mr. Curtin and passed by unanimous vote.

A motion by Chairman Brownell to re-elect Mr. Pettinelli as Secretary. The motion was seconded by Mr. Gillis and passed by unanimous vote.

A motion by Chairman Brownell to re-elect Mr. Curtin as Vice Chairman. The motion was seconded by Mr. Gillis and passed by unanimous vote.

A motion by Mr. Gillis to re-elect Mr. Brownell as Chairman. The motion was seconded by Mr. Gubbins and passed by majority vote.

6. SITE PLAN REVIEW:

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

Chairman Brownell read the following letters in to record:

Nathan L. Jacobson Associates, Mr. Brian Curtis, PE, Callinan Construction, LLC, NLJN PN 958-0060, dated December 13, 2021 for review of drainage aspects by CLA Engineers, Inc. Norwich, CT. Mr. Curtis's comments and recommendations were noted for the commission to consider.

Chatham Health District, Elizabeth Davidson, RS, dated January 25, 2022 stating that the revised January 25, 2022 site pan drawn by Robert A. DeLuca, PE meets CT Public Health Code Section 19-13-B103d.

Discussion ensued in regard to the absence of a representative for the applicant or property owner and whether to approve the application with conditions or redesign the northern most rain garden outlet. Commission members expressed concern because the rain garden outlet is directed toward the neighbor's house. A revised site plan is recommended.

Mr. Pettinelli motioned to deny without prejudice application #21-18, 21 Bashan Road, pending the re-design of the northern most rain garden. The motion was seconded by Mr. Gubbins and passed by majority vote with one opposed.

DECISION:

Application #21-17, Robert Casner (applicant), Clark Gates, LLC (property owner), 382 Town Street, Special Exception review for retail sale of cannabis products. Map 027, Lot 088.

Chairman Brownell distributed a copy of a summary from Mr. Ventres, Land Use Administrator reviewed by Attorney Matthew Willis pertaining to the commission and public's questions and comments from the November 9th, November 23rd and December 14, 2021 Planning & Zoning public hearings.

Mr. Curtin recused himself from the meeting. Mr. Brownell appointed Ms. Kinsman to vote for Mr. Curtin.

The summary reviewed the Special Exception review process response time for application #21-17 with notes pertaining to each public hearing.

Attorney Scott Jezek, representing his client Mr. Casner, addressed Chairman Brownell and stated that he called the Land-Use office today and asked if there was any new information admitted to this file and was told no by the Land-Use Administrator Assistant. Attorney Jezek stated that he did not have time to review the summary that Chairman Brownell just distributed. Chairman Brownell reminded Attorney Jezek that he had the chance to speak on behalf of his client at the public hearing and that once the public hearing closed, according to Attorney Willis, he is not able to counter or dispute additional information pertaining to this application. Attorney Jezek questioned the validity of the summary that the commission referred to. Chairman Brownell clarified his question. Attorney Jezek requested that Chairman Brownell canvas commission members to determine if any members spoke to the public outside of previous planning and zoning meetings. Chairman Brownell, under Attorney Willis's counsel, stated that he did not have to canvas the commission members. Chairman Brownell reminded Attorney Jezek that now is the time for the Planning & Zoning Commission to make a decision on this application.

In response to Attorney Jezek's December 14, 2021 reference to the newly approved State Legislation Senate Bill 1201, the summary from Mr. Ventres and reviewed by Attorney Willis referenced the following General Connecticut State Statutes: Impacts to Traffic – Section 83d, Appropriateness of use – Section 33.6, Appropriate of use – Section 91, Public Health and Safety – Section 126.5d, Public Health and Safety – Section 124; additionally the information received from traffic engineer Mr. James Bubaris, PE on trip generation for various retail uses.

Chairman Brownell asked the commission for comments on this application.

Mr. Pettinelli, PE disclosed that he was approached by Mr. Mark Thiede owner of Two Wrasslin' Cats Coffee House and Cafe, 374 Town Street, East Haddam and as an experienced professional in this field Mr. Pettinelli did not discuss this application with Mr. Thiede. Mr. Pettinelli will abstain from voting.

Mr. Gillis stated that the commission asked Mr. Ventres to initiate a traffic study for this application. Mr. Gillis referenced the Nathan L. Jacobson and Associates, Inc., Mr. Brian Curtis, NLJA PN 958-0061, Robert Casner, Clark Gates LLC, January 25, 2022 letter which states the following:

> *Our office has reviewed application documents provided for a proposed cannabis retail outlet plus additional commercial uses, located at 382 Town Street in East Haddam.*
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> *Our office consulted with traffic engineer James G. Bubaris, P.E. of Bubaris Traffic Associates, Inc. and Mr. Bubaris provided trip generation information from the Institute of Transportation Engineers (ITE), Trip Generation Manual, 10th edition (copy attached). The ITE trip generation data includes a Marijuana Dispensary category, which indicates a Marijuana Dispensary generates traffic volumes of 3.7 to 5.0 times that of a Liquor Store, 2.8 to 2.5 times that of a Pharmacy and 0.3 times that of a Convenience Market. The Institute of Transportation Engineers also provide parking estimate data for various land uses.*
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> *Based on our review of the engineering information provided, the application is deficient in that the applicant has not provided engineering traffic generation and parking data pertaining to the existing and proposed uses for the subject property.*

Mr. Gillis stated that the commission has every right to deny this application.

Chairman Brownell asked if there is a commission member who would like to recuse themselves from voting on this application. No one responded. Mr. Pettinelli abstained.

Ms. Kinsman stated that this is a substantial change under the special exception requirement that needed more information for review. She explained that this is new legislation that is not reflected in the East Haddam zoning regulations. Ms. Kinsman also explained that the state is still rolling out regulations for cannabis retail. Ms. Kinsman stated that the commission looks at this application through East Haddam's zoning regulation special exception process. The application was approved for Liquor retail and office space, and this is a substantial change to the original application. The commission does not have enough information to know the impact of this change, therefore she votes against it.

Mr. Salicrup stated that he reviewed the original special exception application for 382 Town Street, and it was approved for a liquor store and a storage area. This is a change to the application and the retail sale of cannabis is not a permitted use under zoning regulation 14B.

Mr. Gubbins stated that the applicant chose not to continue the public hearing for this application. The commission requested a traffic study, and it was not done. He feels that the commission is not withholding anything from the applicant. Mr. Gubbins stated that it is an incomplete application.

Mr. Brownell indicated that this is a different type of retail use that will increase traffic. He stated that the commission needed more information to determine if this site could handle the increase in traffic. Ms. Kinsman added that there will be demand for additional parking that will impact the adjacent business Two Wrasslin' Cats Coffee House & Cafe.

Mr. Gillis motioned to deny without prejudice, due to incomplete application, Application #21-17, Robert Casner (applicant), Clark Gates, LLC (property owner), 382 Town Street, Special Exception review for retail sale of cannabis products. Map 027, Lot 088. The motion was seconded by Mr. Salicrup and passed by unanimous vote with one abstention.

The Public Hearing for the revisions of Customary Home Occupations – Section 27 is postponed until the next planning and zoning meeting.

Mr. Brownell referenced his email from First Selectwoman Irene Haines informing the commission that Selectman Erik Dill was appointed to conduct a traffic count on Beebe and Wickham Roads. Mr. Brownell requests that the planning and zoning scenic road subcommittee for Beebe Road participate in another field walk. Mr. Pettinell, Mr. Salicrup and Ms. Kinsman discussed their availability and will notify Selectman Dill of opportune times to meet.

Mr. Brownell suggested to extend the moratorium another six months to establish standards and regulations for cannabis applications in East Haddam. Discussion ensued to establish regulations as soon as possible, to review Fairfield's recently established cannabis retail regulations and where to allow cannabis to be sold if approved. Ms. Kinsman will send to commission members and Mr. Ventres a link for a summary for state regulations on cannabis from the office of legislation research. The Planning & Zoning Commission will discuss standards and potential regulation on cannabis during the 6-month moratorium which began December 15, 2021. Notice will be listed on meeting agendas.

Mr. Brownell informed the commission of a zoom meeting with the Lower Connecticut River Valley Council of Governments on affordable housing zoning regulation requirements. Mr. Ventres will email the information for the zoom meeting that will take place on Tuesday, February 8, 2022. The Planning and Zoning regular scheduled meeting for February 8, 2022 is canceled.

Mr. Pettinelli requested a meeting with members of Lower Connecticut River Council of Governments to discuss a corridor study. Mr. Brownell will contact Mr. Downes to schedule a meeting.

Mr. Gubbins motioned to adjourn at 8:27 p.m. The motion was seconded by Mr. Gillis and passed by unanimous vote.

Respectfully submitted,

Toni Marie Dumaine, Recording Secretary