

**PLANNING AND ZONING
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
January 14, 2020
(Not yet approved by the Commission)**

1. **CALL TO ORDER:** Mr. Brownell called the meeting to order at 7:15 p.m. at the Municipal Office Complex.
2. **COMMISSIONERS PRESENT:** Crary Brownell (Chairman), James Curtin (Vice Chairman), Bernard Gillis (regular member), Ed Gubbins (regular member), Louis Salicrup (regular member), Joe Zaid (alternate member) and Susan Kinsman (alternate member).

COMMISSIONERS ABSENT: Richard Pettinelli (regular member), Justin Anderson (regular member).

OTHERS PRESENT: James Ventres, Land Use Administrator, First Selectman Rob Smith, Selectwoman Carleen Quinn, Bob Casner Chairman, Economic Development Commission and approximately fifty members of the public.

Mr. Brownell appointed Mr. Zaid to vote for Mr. Anderson and Mrs. Kinsman to vote for Mr. Pettinelli.

3. **MINUTES:** The December 10, 2019 minutes were accepted with the following amendments:

PUBLIC HEARING – 2nd paragraph, last line, add infant and toddler program.
Last paragraph, add an apostrophe to daycares insurance policy.

4. **BILLS:** Halloran & Sage \$74.00

A motion was made by Mr. Curtin to pay \$74.00 of the bill that was presented. The motion was seconded by Mr. Zaid and passed by unanimous vote.

A motion was made by Mr. Gubbins to change the order of business. The motion was seconded by Mr. Salicrup and passed by unanimous vote.

5. DISCUSSION:

1. Agricultural Regulations – Mr. Ventres distributed a revised copy of the “Inclusion of Hobby Farms & Intensive Commercial Farm Operations”, draft 1/14/2020. Mr. Ventres reviewed the amendments with the commission. Mr. Curtin asked if the Agriculture Commission reviewed this revised regulation. Mr. Ventres stated not since 2016. Mr. Ventres stated that once the Planning & Zoning Commission approves the revised 1/14/2020 draft he will present it to the Agriculture Commission at their next meeting. Mr. Brownell recommends to table this discussion until all members of the commission have read the revised draft. Discussion will continue at the next P&Z meeting scheduled for January 28, 2020.

2. Commercial/Business/Light Industrial District – Discussion ensued in regard to future meetings that are scheduled to depict the C/B/IG district. There will be a special meeting of members from the Economic Development and Planning & Zoning Commissions scheduled for February 6, 2020 at the Municipal Office Complex, Meeting Room 1 at 7:00 pm to discuss the Town Street/Route 82 zoning.

6. ZEO REPORT:

Mr. Ventres distributed a notice for a Municipal Training class on “How to Run Legal and Effective Public Meetings” to be held on Thursday, January 30, 2020, 5:00 p.m. to 8:00 p.m. at the East Haddam Municipal Office Complex. Mr. Ventres stated registration for this class ends on January 24, 2020.

Mr. Ventres stated he is receiving responses from residents in regard to the violation letters he mailed out. He continues to monitor seasonal properties and blight locations.

Mr. Gillis inquired about the town owned Salmon River property on Power House Road. Mr. Ventres stated the US Fish and Wildlife Service are aggressively treating the mile a minute weed with herbicide. Mr. Ventres indicated that this historical property could become part of the adjacent state park.

Mr. Brownell summarized the Planning & Zoning Commission’s accomplishments pertaining to revised zoning regulations and the 2019 Plan of Conservation and Development. He stated, at this time of a new year the commission has time to review regulations and areas of East Haddam that the P&Z could investigate and help the community. He asked the commission to talk with their family, friends and neighbors for suggestions.

Mr. Gillis inquired about the pick-up schedule for the clothes bin located at Shagbark Lumber. Mr. Ventres stated there is a schedule but he is not sure when the bin is emptied.

Mr. Gubbins inquired about blight enforcement on vacant buildings. Mr. Brownell stated that vacant building blight is addressed through the First Selectman’s office. Mr. Ventres stated that it started years ago when he received a request from the Economic Development Commissions to develop an ordinance. The blight ordinance was never approved.

**A motion was made by Mr. Curtin to take a twenty-minute recess at 7:40 p.m.
The motion was seconded by Mr. Zaid and passed by unanimous vote.**

7. PUBLIC HEARING

A. New – Proposed amendment/change to the floating zone regulations for the Planned Recreational Development/Resort Zones. This proposal is to allow more than four units in a building that existed prior to the floating zone application.

Mr. Brownell stated that this public hearing is only about a possible change to the floating zone regulation. It is not to discuss what Banner Associates plan to do with the site.

Mr. Ventres explained that the Land Use office received a request from Mr. Gary Hendren of Banner Associates to change the existing Planned Recreational Development Resort Zones Floating Zone Regulation which was originally written in 1973. The regulation states that no more than four housing units can exist in one building. The proposed changes to this floating zone regulation will affect all resort properties located in the R-zone in Moodus, CT; Banner Associates, sections of North Moodus Road, sections of Cherry Swamp Road, Sunrise Resort, Cave Hill Resort and Clark crest Resort. It does not include Shady Brook Resort or Johnsonville. Mr. Ventres introduced Mr. Gary Hendren.

Mr. Gary Hendren, an architect and land planner of Banner Associates referenced the East Haddam Floating Zone regulation Sections 17.3.11, 17.3.13, 17.5.4, 17.5.6 and 17.5.7. Mr. Hendren and associates would like to restore, preserve and re-use the existing historic 12,000 square foot building that sits vacant on the Banner Country Club Estates in Moodus, CT. He proceeded to explain the restrictions that the floating zone regulation imposed for restoration and re-use of existing buildings 6000 square feet and larger. It limits the number of units or apartments that an existing structure could house, to four housing units. He explained that this building does not generate tax revenue and if nothing is done it will rot and fall down. Mr. Hendren requests an economically, feasible solution to change this floating zone regulation to restore, preserve and re-use an existing building in the “Resort (R)” zone.

Mr. Gubbins asked what makes this different from the Champion House, a rooming house located in the East Haddam Village Zone. Mr. Ventres responded that the Champion House is classified as a pre-existing, non-conforming structure located in a one-acre zone. It precedes the 2005 Village zone regulation change. The difference with the resort zone regulation is that in 1973 no one envisioned a renovation to a large building for residential use.

Mr. Hendren added that there are several zones in East Haddam and referenced the LTSP zone 17.7.4 regulation that does not restrict the number of units in a structure. He explained that a developer has to demonstrate compliance with the public health and building codes for the village district which gives flexibility to propose a building plan. He would like to have this flexibility in the floating zone regulation for a viable solution to the unused building.

Mr. Zaid asked if a renovation to the buildings located in the floating zone will require a special exception review application to be approved by the Planning & Zoning Commission. Mr. Ventres explained that if the regulation change is allowed a special exception application and an engineered site plan is required for Planning & Zoning Commission approval.

Mr. Gillis asked for the number of existing buildings affected by this floating zone regulation. Mr. Ventres replied three; one located at Banner Estates, one located at Clark Crest Resort and one located at Cave Hill Resort. Discussion ensued in regard to the minimum standards that will apply to the renovate a 6000 square foot structure.

Mr. Brownell opened the hearing to the public.

Ms. Lynn Alquist of 79 Cherry Swamp Road, Moodus, CT- stated that she feels that Banner Associates should complete the site work that was approved before beginning something new. She is also concerned about increased traffic on her road.

Discussion ensued in regard to issues with the Banner Estates that are not resolved. Mr. Brownell and Mr. Ventres expressed that tonight's public hearing pertains to amending a regulation to allow housing units to be built within a large existing building that is located in a resort floating zone. The outcome of the regulation change has to benefit all properties located in the resort floating zone. The commission can not address the unresolved issues of Banner Estates.

Ms. Sharon McLellan of 9 Pinehurst Drive, Moodus, CT- stated that she does not think the regulation should be changed from Banner Resort zone.

Mr. Joe Busher of 51 Dolbia Hill Road, East Haddam, CT- stated he feels that if this floating zone regulation is amended the planning & zoning commission will have less discretion over what can be done with the existing building. He referenced the East Haddam statute 8.2 regarding the town plan conformity regulation. Mr. Busher is concerned about how this overall plan will affect the character of the town.

Mr. Bob Wheeler of 7 Pinehurst Drive, Moodus, CT- referenced the Banner Country Club Estates 2016 phase III zoning approval to build two hundred and forty-seven condominiums. He questioned if this proposed zoning change will allow the developer to build new apartment buildings. Mr. Ventres stated no this only applies to the existing 12,000 square foot building on site.

Mr. Joe Garafalo of 1 Pinehurst Lane, Moodus, CT- stated that he invested in this town when he purchased a condominium. He feels to allow apartments at the Banner Country Club Estates will decrease property values.

Mr. Denys Shorthouse of 92 Cherry Swamp Road, Moodus, CT- stated that he feels the change of use for an existing building should not be allowed. Mr. Schorthouse stated that a change from the original plan creates no upper limit for the developer.

Mr. Michael Callahan of 21 Augusta Circle, Moodus, CT- presented to the commission a letter signed by sixteen property owners of Banner Country Club Estates, a four page “Overview of Banner Country Estates”, January 14, 2020 and a tax appeal letter stipulating reduced taxes on select properties at Banner Estates. He read the letter into record explaining that they are against the change of the floating zone regulation because they feel that apartments will decrease the value of their properties. The Banner home-owners association is requesting that the planning and zoning commission “postpone the request for a change to the zoning regulations until the initial (86) units and roads are complete”.

Mrs. Cheryl Tadler of Moodus, CT- stated that her family moved to East Haddam for its rural character. She wants the commission to take into consideration the people of the town who invested and support our town. She does not want apartment buildings allowed.

Mr. Gelston of 50 Bogel Road, East Haddam, CT- He agrees with everything that was mentioned tonight. He asked the commission what is the next step. Mr. Brownell stated they will listen to all of the comments and then decide if the commission has enough information to make a decision.

Ms. Susan Downs of 21 Augusta Circle, Moodus, CT- stated that Mr. Hendren’s comparison to the Grandview Hotel is not accurate.

Ms. Cathleen Daigle of Power House Road, Moodus, CT- asked how this amendment will benefit our town. She would like the commission to consider the pros and cons of this regulation amendment before making a decision. Mr. Ventres stated that he will take all of the information from tonight’s meeting and will distribute it to all commission members to review and discuss before making a decision.

Mr. Rob Smith of Boardman Road, East Haddam, CT-asked for clarification on the septic and water systems for the approved 247 units at Banner Estates. Mr. Ventres explained that the water is supplied by Connecticut Water and in 2016 the Planning & Zoning Commission requested that Banner Associates present their total build out plan, for over 333 units, to the Department of Environmental Protection and it was not done. Mr. Smith asked that if the build out plan is declined does the developer have another chance to re-submit another plan. Mr. Ventres stated yes and explained that the developer would have to determine how many units will be eliminated to comply with the density of units allowed at this site. Mr. Smith asked if the floating zone amendment is only for Banner Estates.

Mr. Ventres stated that this amendment pertains to 3 sites. He will conduct a property search for the square footage of the existing buildings in the floating zone. The results will be presented at the January 28, 2020 meeting.

Mr. Kelly Smith of 14 Mirror Pond Road, Moodus, CT - Is there a height limitation for apartment building’s? Mr. Ventres stated that the East Haddam Fire code allows two and a half stories high. Mr. Gillis referenced 17.3.13 and clarified that the intention is to preserve and restore the existing building not make it larger.

Ms. Catherine Amatruda of 15 Augusta Circle, Moodus, CT- stated that all 3 floating zone sites are not the same. Banner Estates are condominiums and the other two sites are camp sites. If this regulation is amended could the other two sites build apartments in the existing buildings. Mr. Brownell explained that they are zoned the same but different entities and if the regulation change is approved there is potential for apartments to be built in existing buildings at the other sites.

Mr. Greg Daigle of 15 Power House Road, Moodus, CT- asked why can't this subject be under special exception review instead of changing the regulation zone. Mr. Ventres stated that the commission cannot entertain an application unless it is permitted use under zoning regulation.

Mr. David Oaks of 129 North Moodus Road, Moodus, CT – He loves Moodus and lives here because it is rural. He asked if the number of approved condominium units at Banner Estates will be reduced if apartments are allowed in the existing building. Mr. Ventres stated yes.

A motion was made by Mr. Gubbins to continue this public hearing at the January 28, 2020 Planning & Zoning meeting. The motion was seconded by Mr. Salicrup and passed by unanimous vote.

A motion was made by Mr. Gubbins to adjourn at 9:00 p.m. The motion was seconded by Mr. Zaid and passed by unanimous vote.

Respectfully Submitted,

Toni Marie Dumaine
Recording Secretary