

**PLANNING AND ZONING
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
FEBRUARY 11, 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), Richard Pettinelli (regular member), Joe Zaid (regular member), Susan Kinsman (alternate member), and Justin Anderson (regular member).

COMMISSIONERS ABSENT: None

Mr. Brownell appointed Ms. Kinsman to vote for Mr. Anderson because he was absent from the last meeting.

OTHERS PRESENT: James Ventres, Land Use Administrator, Rob Smith, First Selectman, Carleen Quinn, Selectwoman, and approximately twenty (20) members of the public.

3. **MINUTES:** The January 28, 2020 minutes were accepted with the following amendments:

Pg. 2 Agricultural Regulations, delete: grammatic, add: grammatical.

Pg. 3 First line, delete: that, add: who

Pg. 3 First paragraph, delete: regarding, add: regard.

Pg. 4 Last paragraph, delete: (22) 1,000 square foot units, add: in a 10,000 square foot building figure 15% of common space.

Pg. 8 C. last sentence, delete: was, add: were.

4. **BILLS:** None

5. DISCUSSION:

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

Mr. Gubbins does not approve the request for the zoning amendment change because only one developer is requesting it for one building. He indicated that he could understand the request if other historic buildings in town would benefit from this change.

Ms. Kinsman is opposed to the zoning regulation change. She stated that because there are so many properties that are potentially affected, the floating zone regulation change would be a back door to affordable housing. She indicated there are other potential uses for the existing Banner Estates building.

Mr. Pettinelli does not approve the zoning regulation change. He stated that he found the proposal for the amendment application incomplete. He indicated that it only addressed what the developer wanted to do with the existing building and did not address traffic issues, which are a concern of the community. He agrees with the public comments that affordable housing should be located near a transportation corridor. Mr. Ventres added that the application was for a zoning change, therefore the traffic issue was not discussed.

Mr. Salicrup agrees with the other commission members, adding that this ordinance change only benefits one applicant.

Mr. Gillis is not in favor of the zoning change. He referenced the East Haddam Board of Assessment Appeals letter of April 23, 2019, indicating that the assessment values of Banner Estates were reduced by 20% due to poor maintenance of the complex and road conditions. He stated that residents of Banner Estates purchased condominiums in a complex that offered tennis courts, a pool and health club. Mr. Gillis stated that the amenities of the community center and health club have not been maintained. One of the responsibilities that the Planning and Zoning Commission has is to help maintain property values in East Haddam.

Mr. Ventures read into the record two letters from the East Haddam Board of Assessment Appeals. The first letter dated April 11, 2017 noted that property values on twelve properties at Banner Estates were reduced by 10% due to current economic conditions. The second letter dated April 23, 2019 noted that property values on twelve properties at Banner Estates were reduced by 20% due to poor maintenance of the complex and road conditions.

Mr. Curtin is opposed to the zoning regulation change. He referenced the 2019 Plan of Conservation and Development in regard to affordable housing stating that changing the resort zones to affordable housing is not in the POCD. He explained that Banner Estates was approved for 300 condominiums, including the existing building that was re-purposed as a community center. Mr. Curtin indicated that Banner Estates would not be successful as a condominium complex if the community center is re-purposed for housing units. He feels that if all of the proposed condominiums were built, the existing building would serve its purpose. Mr. Curtin stated that if there is a need for additional housing units, the developer should build more condominiums.

Mr. Brownell is in agreement with the other commission members, not approving the floating zone regulation change. He stated that if he was a resident of Banner Estates, he would have attended the public hearings in opposition to the proposal. He acknowledges that the residents did not buy into an apartment complex.

Discussion ensued in regard to drafting a precise motion to deny the floating zone regulation amendment based on the minutes from two public hearings and the Planning & Zoning Commission's comments. Mr. Ventres will have Attorney Branse review the denial of the proposed amendment to the floating zone regulation. The Commission continued the discussion to the next regularly scheduled meeting.

B. 264 Town Street, for an addition to the East Haddam Historical Society's building for storage of tables and chairs. The request is for the Commission's resolution to permit a minor, non-substantial deviation of the approved site plan.

Mr. Ventres distributed a copy of the 264 Town Street site plan, showing dimensions and location of the proposed 15 x 14.8 square foot storage room. The addition is not altering the street view of the existing building. Mr. Ventres stated that this special exception application has been approved by the Zoning Board of Appeals for a variance increase of 0.2 and would like the commission's resolution for a slight change to the site plan. He explained that the addition will include an outdoor staircase to the apartment that is located above the museum.

Discussion ensued in regard to the location of the storage room.

A motion was made by Mr. Gubbins to approve the proposed addition of a storage room for tables and chairs at the East Haddam Historical Society and the Commission's resolution to permit a minor, non-substantial deviation of the approved site plan. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

C. Agricultural Regulations Review:

Mr. Ventres sent the amended regulations to the Agricultural Commission for discussion at their April 6, 2020 meeting.

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

6. ZEO REPORT:

Mr. Ventres distributed a copy of the Connecticut Federation of the Planning and Zoning Agencies quarterly newsletter, Winter 2020. He informed the Commission that the March 26, 2020 conference will be held at the Aqua Turf Country Club and will include a presentation

on amending the Affordable Housing Act. Mr. Ventres has registration information for anyone interested in attending the conference.

Mr. Ventres sent to First Selectman Rob Smith a revised draft on a blight ordinance for the demolition by neglect of structures.

7. ELECTION OF OFFICERS:

Mr. Brownell nominated Mr. Pettinelli for Secretary of the Planning and Zoning Commission. There were no other nominations for this position. Mr. Gillis seconded the motion and it passed by unanimous vote.

Mr. Brownell nominated Mr. Curtin for Vice Chairman of the Planning and Zoning Commission. There were no other nominations for this position. The motion was seconded by Mr. Pettinelli and passed by unanimous vote.

Mr. Curtin nominated Mr. Brownell for Chairman of the Planning and Zoning Commission. There were no other nominations for this position. The motion was seconded by Mr. Gubbins and passed by unanimous vote.

Mr. Brownell asked commission members for suggestions for planning and zoning review. Ms. Kinsman recommends a plan for affordable housing in town. She feels that Planning and Zoning should incorporate a study on affordable housing to be prepared for potential development of Moodus Center and Town Street.

Mr. Ventres will distribute the state's definition and statistics for affordable housing at the next Planning and Zoning meeting. Discussion ensued in regard to what qualifies for low income and affordable housing, deed restrictions and locations.

PUBLIC HEARING:

A. A Proposed Regulation Change for Accessory Units.

Mr. Ventres distributed a copy of the East Haddam zoning regulation's proposed amendments to the Accessory Dwelling Regulation's 10.2 through 10.2.3.2, November 27, 2019 and associated definitions. He noted that the amendments are hi-lighted in yellow. Mr. Ventres stated that there is a need for accessory units. The applicants will be under special exception review through the Planning and Zoning Commission. The regulation proposed would allow with accessory apartments with a minimum of three hundred (300) square feet to a maximum of one thousand (1000) square feet.

Discussion ensued in regard to title searches and approval from the building inspector and Chatham Health District.

Mr. Brownell opened the hearing to the public.

First Selectman Smith asked for clarification on regulation 10.2.3.2, 6 d. “when required”. Mr. Ventres stated that it is required when the applicant’s site plan indicates additional square footage or additional bedrooms. The accessory dwelling unit would then have to meet the Chatham Health codes.

Mr. Ventres read a letter from the Lower Connecticut River Valley Council of Governments, December 5, 2019. The letter stated that the regulation changes will not create significant impact to properties located in the adjacent river towns of East Hampton, Lyme and Haddam.

A motion was made by Mr. Curtin to close the public hearing. The motion was seconded by Mr. Gillis and passed by unanimous vote.

A motion was made by Mr. Curtin to approve the New Accessory Units regulations change as amended. The motion was seconded by Mr. Gillis and passed by unanimous vote.

Mr. Ventres distributed a (4) page copy of “Regulating Airbnb Rentals through Zoning in Connecticut”, Office of Legislative Research, Julia Singer Bansal, Associate Analyst, September 28, 2018, 2018-R-0200.

Mr. Gubbins asked if Airbnb Rentals fall under Planning and Zoning’s jurisdiction. Discussion ensued in regard to practical limited uses for seasonal cottages and what distinguishes a commercial rental in a residential zone.

First Selectman Smith asked for status on additional land for public cemetery plots. Discussion ensued in regard to the election of an East Haddam Cemetery Committee to determine locations of available public burial plots. The Planning and Zoning Commission asked Mr. Ventres to forward to First Selectman Smith all documents pertaining to East Haddam cemeteries.

A motion was made by Mr. Curtin to adjourn at 8:30 p.m. The motion was seconded by Mr. Gubbins and passed by unanimous vote.

Respectfully submitted,

Toni Marie Dumaine
Recording Secretary