

PLANNING & ZONING COMMISSION/  
TOWN OF EAST HADDAM  
LAND USE OFFICE  
REGULAR MEETING MINUTES  
December 9, 2014  
(Not yet approved by the Commission)

**1. CALL TO ORDER:** Mr. Brownell called the meeting to order at 7:15 p.m. at the Town Grange.

## 2. ATTENDANCE:

**COMMISSIONERS PRESENT:** Crary Brownell—Chairman, James Curtin (regular member), Bernard Gillis (regular member), Ed Gubbins (regular member), Martha Hansen (alternate member), Richard Pettinelli (alternate member), Harvey Thomas (regular member)

**COMMISSIONERS ABSENT:** Kevin Matthews (regular member), Jessica Stone (alternate member), Louis Salicrup (regular member)

**OTHERS PRESENT:** Jim Ventres, and 5 members of the public

Mr. Brownell appointed Ms. Hansen to vote in place of Mr. Salicrup, and Mr. Pettinelli to vote in place of Mr. Matthews this evening.

### 3. MINUTES

The minutes of the November 25, 2014 regular meeting were accepted with the following amendments:

- Page 5, 1<sup>st</sup> paragraph: change “area” to “only”
- Page 2: The discussion about Ms. Martha Tonucci should appear under the ZEO heading

## 4. BILLS

Hartford Courant (legal notices)	\$244.66
Branse & Willis	\$222.00

**Motion by Mr. Curtin, seconded by Mr. Gubbins to pay the bills as presented. Motion carried by unanimous vote.**

## 5. ACKNOWLEDGMENTS

**A) Application #14-27, Eddie's Auto Body (Edward M. Lupinski), 2 Matthews Drive, Special Exception for Solar Project. Assessor's Map 27, Lot 6.**  
**First date: December 9, 2014** **Last date: February 12, 2015**

No one representing the applicant was present at this meeting. Mr. Ventres presented the plan to the commission. He noted this location has a recently approved addition, with a southern exposure. Like the Shagbark application, this is a special exception application. The solar panels will be installed on the roof, and they will not be visible from Town Street but will be visible from Matthew's Drive. They will be ready for public hearing at the first January meeting.

Mr. Curtin stated that the New England Propellers building has solar panels, but they are not visible. Mr. Ventres was not aware of this, and noted that it never came to his office. Mr. Gubbins asked if it was on the plan. Mr. Ventres stated he will go back and review the plan.

Mr. Casner addressed the commission on behalf of the EDC. He asked why they were going to special exception application for solar applications. He stated this was an expensive proposition for people. He stated we should encourage people to use solar panels. It is good for business, and he believed it was overkill for businesses.

Mr. Curtin asked why this was listed under site plan review on the agenda. Mr. Ventres stated this was a typographical error.

Mr. Ventres stated they went through this before. The IG zones need to come to this commission for review. There are additional standards for that entire district, as outlined in the regulations on page 43. Mr. Curtin asked if the regulation specifically stated solar. Mr. Ventres read from the regulation on page 43. Although it did not specifically state solar, it has a broad range.

Mr. Pettinelli stated if they were flush mounted, he would not have a big problem with it. However, if the panels were raised up to get the proper angle, that could be different. Mr. Brownell commented in this case, whether or not they were flush mounted, it changed the architecture, so it would have to come back to this commission for review.

Mr. Casner asked then if the EDC could write a letter asking that this terminology be reviewed. Mr. Thomas suggested the EDC be as specific as possible in what they are asking as they prepare this letter.

Mr. Casner asked if the IG1 was exempt from the architectural review. Mr. Gubbins replied only if they are facing Route 82. Mr. Ventres read from the regulation on page 82 - materials used, street paving, etc. He referred back to the Branse & Willis opinion that type of application is not exempt from the special exception review.

**Motion by Mr. Pettinelli, seconded by Mr. Curtin to set public hearing for January 13, 2015 to hear Application #14-27, Eddie's Auto Body (Edward M. Lupinski), 2 Matthews Drive, Special Exception for Solar Project.**

## **6. SITE PLAN REVIEW**

**A) Application #14-23, Charles Dutch (Applicant), Stanley Kaczmarczyk (property owner), 14 Sunny Heights Road, site plan review for new single-family dwelling. Assessor's Map 66, Lot 126.  
First date: December 9, 2014 Last Date: February 12, 2015**

Mr. Charles Dutch addressed the commission on behalf of the applicants. He showed the area of the existing house. It is in disrepair. Their proposal is to rip down the house and rebuild per the plan. Mr. Ventres distributed a photograph of the house as it exists today.

Mr. Dutch showed the plan of the proposed new house. The front will be facing towards the lake. The height is 33'10" on the highest side (lake side). It is 26'4" on the side toward the road. The house will have a walk-out basement.

Mr. Thomas asked if Mr. Dutch appeared on the agenda three times because the lots will all be involved in some way. Mr. Dutch stated he has three separate applications here this evening.

Mr. Brownell questioned the lot size. Mr. Dutch responded that the lot is 28,702 square feet. Mr. Brownell asked if they would use the same septic system. Mr. Dutch stated he spoke with the sanitarian this evening, and he now believes they will install a new system. They are scheduled to do test pits on Wednesday.

Mr. Brownell asked if there was any correspondence. Mr. Ventres stated in the lake zones, the maximum height is 32 feet. Mr. Ventres stated this information must be given to the architect. Mr. Ventres stated the applicant went before the wetlands commission. There are many comments from Chatham, but since they are going out to do test pits, it probably did not make sense to read the letter into the record this evening.

Mr. Brownell opened the discussion to the public.

Ms. Donna Marie, 15 Sunny Heights asked how high the house would be, as she was told it was 24-feet. She also asked how far from the lake. Mr. Dutch showed the area on the plan.

Mr. Christopher Curtin asked about the other property. Mr. Brownell stated they would discuss this later this evening.

Mr. Gillis asked the setback from the lake. Mr. Ventres stated it is 50-feet. There is a 100-foot setback for wetlands.

Mr. Brownell noted they would need to have the Chatham information, as well as the architectural data.

Mr. Pettinelli asked about grading. He stated the drywell is sticking out of the ground on the low side, and he suggested Mr. Dutch should take a look at that.

Mr. Gillis asked if they were using the existing foundation, to which Mr. Dutch stated they were not. He stated it was a block foundation right now. Mr. Brownell asked if it is a crawl space. Mr. Dutch stated it was a full block basement.

Mr. Gubbins asked about rebuilding and zone. Mr. Ventres stated these were before zoning. The application is to replace a single-family use with a single-family use.

**Motion by Mr. Thomas to continue Application #14-23, Charles Dutch (Applicant), Stanley Kaczmarczyk (property owner), 14 Sunny Heights Road, site plan review for new single-family dwelling until January 13, 2015, and to ask Mr. Ventres to provide Mr. Dutch with the various comments the commission would like to discuss on the 15<sup>th</sup>. Motion seconded by Mr. Gillis, and carried by unanimous vote.**

**B) Application #14-24, Charles Dutch, (applicant), Stanley Kaczmarczyk (property owner), 11 Sunny Heights Road, site plan review for new single-family dwelling. Assessor's Map 75, Lot 169. First date: December 9, 2014 Last date: February 12, 2015**

Mr. Dutch addressed the commission. He explained that this structure is currently a Quonset hut. Mr. Ventres distributed photographs to the commission. Mr. Dutch stated this building that is proposed will be changed to address a comment from Chatham. They will move the structure to provide a greater separation distance.

Mr. Dutch stated this application will have the most changes to the proposal. They will actually shorten the size of the house. Mr. Ventres stated this is a case where there is an existing structure. It is a tiny lot that doesn't meet the public health code. Since it is existing, they can rebuild with the same square footage, but they cannot increase the footprint because they cannot meet the full public health code.

Mr. Christopher Kurtin stated he lives on Sunny Heights. He stated the well as it stands now is ok, but the other well would infringe upon his leach field. Mr. Kurtin asked the size of the property. He stated he had to combine properties in order to have his house. Mr. Curtin stated this lot is 1/10 of an acre. Responsive to inquiry by Mr. Kurtin, Mr. Ventres explained that this structure has been used as a year-round home. It is a small lot, but prior to the previous owner, it was used as a year-round structure.

Ms. Donna Marie asked the height of this house. Mr. Brownell noted that the height would change because the whole thing had to be re-done per The Chatham Health District's review.

Mr. Dutch was given a copy of the A-2 survey.

**Motion by Mr. Gillis, seconded by Mr. Gubbins to continue Application #14-24, Charles Dutch, (applicant), Stanley Kaczmarczyk (property owner), 11 Sunny Heights Road, site plan review for new single-family dwelling until January 13, 2015. Motion carried by unanimous vote.**

**A) Application 14-25, Charles Dutch, (applicant), Stanley Karczmarczyk (property owner), 9 Sunny Heights Road, site plan review for a new single-family dwelling. Assessor's Map 66, Lot 126.**

**First date: December 9, 2014**

**Last date: February 12, 2015**

Mr. Dutch addressed the commission on behalf of the applicant. The proposal is for a house with a 2-bay garage underneath the house. Mr. Brownell questioned the height. Mr. Dutch responded it was 25'3" and 34'3". He noted this would have to change per the regulations. Mr. Ventres distributed copies of an existing structure, which is a shed. He stated there is a paper road running by this property. This is coming before the commission basically as a raw lot, because there was only a shed.

Mr. Curtin noted this lot is 0.15 acres. Mr. Thomas asked why the commission was looking at this application. Mr. Ventres stated since it was never declared, they have the ability to apply, but they have to meet the requirements of the public health code. Mr. Gillis asked if they had to meet everything but the minimum lot size, to which Mr. Ventres responded affirmatively.

Mr. Curtin asked about the proposed retaining wall. Mr. Dutch stated they had not specified this. Mr. Pettinelli asked if the septic system had to be engineered. Mr. Dutch stated it was all sand and gravel. Mr. Curtin noted this may move, since it may conflict with the well location.

Mr. Pettinelli stated there is contouring shown on the plan, but he did not know if they were cutting or filling. He did not know how it was being laid out. He stated the cut may impact the septic system, and this information should be shown on the plan.

**Motion by Mr. Thomas, seconded by Mr. Gubbins, and carried by unanimous vote to Application 14-25, Charles Dutch, (applicant), Stanley Karczmarczyk (property owner), 9 Sunny Heights Road, site plan review for a new single-family dwelling until January 13, 2015.**

Noting the time was now 8:05 p.m., the public hearing began.

Mr. Brownell read the call for the following public hearing:

## **7) PUBLIC HEARING:**

**A) Proposed Amendments to the East Haddam Zoning Regulations. Add Health and Fitness Club to the table of uses in the C/B/IG, IG-1, IG-2, IG-3, IG-6, IG-7, IG-8 Districts.**  
**First date: December 9, 2014** **Last date: January 8, 2015**

Mr. Ventres stated the commission had talked about this over the summer. It was brought for possible use for a recreational/fitness space. Something like Curves is normal retail use. He looked at other towns. When they looked at it, the application is before this commission to amend the regulation for these zones.

Mr. Ventres distributed copies of the proposed regulation. Mr. Ventres stated there could be an argument made for Banner as an accessory to a primary use. But for a stand-alone entity, it is not listed. Mr. Ventres spoke with Mr. Torrance Downes and asked him if there have been any issues with uses as relating to times, traffic, etc. He had heard of no issues.

Mr. Gillis suggested they include dance studios. Mr. Brownell asked what a fitness business would need, if there was a formula for calculating space, bathrooms, etc.

Mr. Pettinelli asked if a use abuts a rental. He asked about access to the facility. Mr. Curtin stated that would come before this commission with the hours of operation. Mr. Pettinelli stated some fitness centers have key card access, and people could use them at all hours of the day or night.

Mr. Curtin stated it would be difficult to encompass all possible uses. Mr. Ventres suggested they could add other indoor sports activities.

Mr. Ventres asked if there have been co-use problems in industrial parks. It does not appear that there have been any issues. Mr. Thomas asked if they should add dance studios. Mr. Petinnelli stated he would consider this an athletic center, just like the fitness center. Mr. Gillis stated he mentioned it only because it is listed in the other section of the regulations.

The commission decided to strike “non-profit/for profit”

Mr. Brownell opened the hearing to the public.

Mr. Bob Casner, EDC stated they have been trying to get more use into the IG zones. He stated any time they can get more uses, it makes it easier to fill the buildings. The EDC supports these uses.

Mr. Gubbins asked what they would do if they wanted to put in some sort of a juice bar. Mr. Ventres stated this would have to come for determination of accessory use, and to meet the public health code. It would have to be an accessory to a function of the activity.

**Motion by Mr. Curtin, seconded by Mr. Gillis to close the public hearing for Proposed Amendments to the East Haddam Zoning Regulations - Add Health and Fitness Club to the table of uses in the C/B/IG, IG-1, IG-2, IG-3, IG-6, IG-7, IG-8 Districts. Motion passed by unanimous vote.**

**Motion by Mr. Thomas to amend the East Haddam Zoning Regulations to add Health and Fitness Club to the table of uses in the C/B/IG, IG-1, IG-2, IG-3, IG-6, IG-7, IG-8 districts to add the definition – a for profit entity, duly licensed by the State of Connecticut, such as a fitness center, gymnasium, health and athletic club, which may include any of the following: cardio-training facilities, weight training facilities, swimming pools, exercise pools, sauna, spa or hot tub facilities, basketball, indoor handball, racquetball, and/or other sport courts, and other similar indoor sports activities. Motion seconded by Mr. Gillis, and carried by unanimous vote.**

**D) Application #14-26, William & Cindy Reiman, 76 Hilltop Road, site plan review for year-round conversion. Assessor’s Map 67, Lot 169**

**First date: December 9, 2014**

**Last date: February 12, 2015**

Mr & Mrs. Reiman submitted the green, certified receipt cards, except two that did not sign for the letters.

Ms. Reiman stated the structure was built in 1969 as a year-round structure. They have an existing septic 1,000 gallon tank. The idea was to place an engineered septic if this failed. They meet the Chatham Health District. There are no plans to alter the existing structure at this time. It is just to change the use. Mr. stated they have had new siding, etc. It is insulated. There is a vacant lot next to them. The house structure is approximately 1100 square feet, and the basement is approximately 816 square feet. There is one full bedroom and the loft area which is considered a bedroom. There is one bathroom. The basement has a walk-out.

Mr. Ventres stated this is a seasonal to year-round conversion. It meets the square footage requirements for conversion. The Chatham Health District requires a Code compliant area, not necessarily to install it. He read into the record the letter dated August 26, 2014 from the Chatham Health District which gave conditional approval. The ZBA also granted the variance for the minimum lot area for the conversion. There was no appeal filed after the ZBA variance approval.

**Motion by Mr. Curtin to approve Application #14-26, William and Cindy Reiman, 76 Hilltop Road, site plan review for a year-round conversion, with the condition that they follow all conditions outlined in the Chatham Health District's letter. Motion seconded by Mr. Pettinelli, and carried by unanimous vote.**

Mr. Ventres stated they will have to file a final mylar. It was noted there is a 15-day appeal period after publishing in paper.

## **8. DISCUSSION**

Mr. Brownell stated the EDC sent a letter regarding food carts. Mr. Casner addressed the commission. He stated the commission looked at this, and felt that it was desirable to have, particularly in the lake zones. It could add a little bit of commerce here. One thing that EDC has found is that they don't have easy access to food in town. They don't have a Harry's or similar restaurant. Many people use the parks. People want to grab a quick burger and soda and go. There is one across the river at the railroad tracks. It seems to work fairly well. He believed it worked, and it could bring a benefit to people. The food vendor would have to have owner's permission to be on the property.

Mr. Curtin stated in the past, some stores believed it would cut into their business.

Mr. Casner stated when the EDC talked about this, it was unanimous. Some healthy competition might be good in town. Discussion ensued. Mr. Pettinelli stated he was not against this, but he would like to see EDC's involvement. Mr. Thomas asked if the commission were open to this, they would draft it to only allow it on private property, with property owner permission.

Mr. Ventres stated this was for commercial and lake zones. Mr. Curtin asked about open space. Mr. Ventres stated an event on open space would be different. It would not be allowed at the boat launches unless there was private property owner permission.

Mr. Thomas stated that Lake Hayward Association owns space at the beach. Mr. Ventres believed it would be done by special exception. The commission discussed potential spot zoning complications. Mr. Casner stated they wanted to leave it broad, to include commercial and lake zones.

Mr. Gillis asked about the area near the transfer station. Mr. Ventres stated they would need approval from the State.

The consensus was that they would like to see an ordinance. Mr. Gubbins asked who would set the fees. Mr. Pettinelli suggested they would have to look at signage. Mr. Gubbins asked about someone from another town who is licensed in their town, and has approval from the state. Mr. Ventres will contact the State.

## **9. ZEO REPORT**

### **A) Shagbark**

Mr. Casner stated that EDC is trying to work between zoning and Shagbark. It has been going on for years, and it never seems to get resolved. Mr. Casner and Mr. Simmons have been working with Shagbark. They have gotten the list of items from Mr. Ventres. There is a chance they can resolve it. Hopefully over the next 30 days, they can move forward.

Mr. Pettinelli stated he noticed that there was a sign not to block the door. However, there are real problems, particularly with the bathrooms. This is an ongoing problem, it has been in the public record for a long time. He is operating without a Certificate of Occupancy.

It was noted that handicapped bathrooms, the fire code, getting wetlands drainage in the back of the yard are the three biggest items. As long as there is cooperation from Shagbark, they will continue to work with them.

Mr. Pettinelli asked about the swale. He stated it had been mowed again.

Ms. Gleason asked if there were any deadlines being set. Mr. Casner stated they were not setting deadlines. Mr. Brownell stated this commission has set deadlines many times in the past.

Several commissioners voiced concern over the ADA issue with the lack of handicapped bathrooms, and the potential liability issues.

Mr. Gubbins asked what happened to the deadline. Mr. Ventres stated they do not have a building official right now. He stated they need to see progress.

Mr. Brownell asked how long this would take. Mr. Casner stated if they could not get something resolved within 30 days, they could not do it. Mr. Brownell asked Mr. Casner for an update at their next meeting on January 13, 2015. If there is not major improvement, it will go to the State.

Mr. Ventres reported on the Rotary Pond. The pond is filling. Mr. Ventres stated this came before the commission for an informal discussion. The lights are shielded. The light is bouncing off the ice. Mr. Curtin asked about the lights, and noted that some people have told them that the lights are on at 4:00 a.m. Mr. Ventres stated the old CL&P lights were on 24/7. The new lights are on timers. They had discussions about having enough lights for safe skating.

Mr. Thomas asked if the Rotary was open to having lights that shut off at 10:00. Mr. Ventres stated the lights shut off at 10:00 p.m., and have since the new lights went in during 2012.

Mr. Brownell asked Mr. Ventres if he had talked to Town Tavern about the island. He noted there was a lot of garbage. Mr. Ventres talked to her about the screening of the garbage. He hoped to have this addressed by March, 2015.



Mr. Ventres reported about a sump pump issue that created flow onto the Route 149 by the 4H camp.

Mr. Brownell asked about Leesville Road. He stated there are two 3-unit structures. He asked where the buffer was located. Mr. Ventres stated he is waiting for the as-built. Mr. Ventres will look into this.

Mr. Gubbins asked about not having enough overnight accommodations. He referred to air bed and breakfasts, where people rent out their homes for days, weeks, or months. Mr. Ventres stated this was no different than a single-family cottage. Mr. Thomas stated the complaint was that neighbors went to the town about the traffic. Mr. Pettinelli stated they were basically operating a bed and breakfast without a license.

Mr. Pettinelli asked how the Dutch applications got here tonight. He is not legally authorized to design septic systems or drainage computations. Mr. Ventres stated he has an engineer that he uses. Mr. Pettinelli stated the commission never enforces the stormwater requirements. He would like to have this put on the agenda for discussion. Mr. Brownell asked Mr. Ventres to get the commission some information and to add this to the agenda.

Mr. Thomas asked if this would be sent to NL Jacobson. Mr. Ventres will forward it to NL Jacobson once he receives the revised plans.

Mr. Curtin asked about the three waivers for Reiman. Mr. Ventres stated they did not need to act on this.

## **10. ADJOURNMENT**

**Motion by Mr. Gubbins to adjourn at 9:37 p.m. Motion seconded by Mr. Pettinelli, and carried by unanimous vote.**

Respectfully submitted,

Holly Pattavina