

**PLANNING & ZONING COMMISSION/
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
May 24, 2016
(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: Cary Brownell–Chairman, James Curtin (regular member), Bernard Gillis (regular member), Ed Gubbins (regular member), Martha Hansen (alternate member), Richard Pettinelli (alternate member), Louis Salicrup (regular member), and Harvey Thomas (regular member).

COMMISSIONERS ABSENT: Kevin Matthews (regular member),

Mr. Brownell appointed Mr. Pettinelli to vote in place of Mr. Matthews this evening.

OTHERS PRESENT: Jim Ventres, and 8 members of the public

3. MINUTES

The minutes of the May 10, 2016 meeting were accepted with the following amendment to Page 2:

- Paragraph 5, 1st sentence: strike “or do it”

4. BILLS

Suburban Stationers	\$54.38
Suburban Stationers	66.68

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

5. REVIEW OF THE ZONING REGULATIONS AND SUBDIVISION REGULATIONS

A) IG Zone

Mr. Brownell noted that Mr. Casner could not be here this evening. Mr. Ventres distributed a new draft, after discussion with Mr. Casner. Mr. Ventres noted that current zones 2,3,4,7,9,11,6 would be in the general zone, with the widest array of uses (outlined in orange). Zone 8 would stay the same. The real change would be by merging everything in orange. Discussion ensued. It was noted that no single building area would exceed 10,000 square feet (if visible from Town Street). Mr. Pettinelli believed they needed to simplify the use list. He did not know why they were allowing one use in one zone, but if you were to step over a property line, you could not have the same use. Discussion centered around

the possibility of a business such as a health club in the industrial park. Mr. Gillis suggested outlining what does not belong there. Mr. Thomas suggested looking at the uses in the zones. Mr. Curtin agreed.

Mr. Brownell asked if the commission was ready to notify the business owners at this point to get their input. Mr. Thomas suggested looking at this once more before they get input from the businesses. Mr. Brownell stated the next meeting is scheduled for June 14, so they could ask businesses to come in for the June 28 meeting. Mr. Ventres' office will notify the business owners and EDC. Mr. Thomas suggested a new map with the new numbers referenced.

B) Inclusion of hotels as permitted use

Mr. Ventres presented plans prepared by George Fellner for potential uses for hotels. The town has spent money over the years for potential development diagrams, and he wondered if the commission wanted to spend more money at this point for drawings. The consensus of the commission was that it did not.

Mr. Salicrup recalled a quote from Mr. Casner that a developer would need 40,000 square feet of retail for development. Mr. Pettinelli agreed that it would need 40,000 square feet for a sustainable shopping destination.

Mr. Ventres has reviewed various regulations, but no one really defines hotel versus motel. Mr. Pettinelli asked about the building code. Mr. Ventres stated that was defined as a place transient people would stay. Mr. Brownell asked about waiting for Mr. Casner's return or if the commission would like Mr. Ventres to draft a regulation. The consensus was to have Mr. Ventres draft a regulation for review. Mr. Thomas suggested Mr. Ventres have Attorney Branse look at the language and begin thinking about a public hearing.

C) Revision of the Stormwater Regulations in the Zoning and Subdivision Regulations

Mr. Ventres stated that some time ago, Mr. Ventres and Mr. Pettinelli reviewed stormwater regulations. It was agreed that the commission would table this for discussion at the next meeting. Mr. Ventres will bring fresh copies for the next meeting.

**Motion by Mr. Salicrup, seconded by Mr. Pettinelli to change the order of business.
Motion carried by unanimous vote.**

7. ZEO REPORT

Mr. Ventres is attending an all-day seminar tomorrow on hoarding. He is actively working on 17 cases of zoning violations, some of which are hoarding. He has had some success with Mr. Anderson on Town Street recently.

He revised the ordinance on blight to refer only to structures, to appease the audience at the last public hearing. The selectmen have reviewed it and have forwarded it to the attorney for review.

The commission discussed a property on Smith Road that caught fire approximately one month ago. Mr. Ventres will check into this.

The commission discussed a property on O'Connell Road with a wet pocket.

**Motion by Mr. Thomas, seconded by Mr. Pettinelli to take a brief recess at 7:57 p.m.
Motion carried by unanimous vote. The meeting reconvened at 8:00 p.m.**

6. PUBLIC HEARING

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

**A) Continued – Inclusion of Helistops to the East Haddam Zoning Regulations
First date: April 26, 2016 Last date: May 30, 2016**

Mr. Ventres mailed out to the commission information on surrounding towns that allow helistops. Mr. Ventres also reviewed the State regulations, Sec. 14b-36 and read from that statute. He stated for its own proposal, the commission has more language than the State's. They cannot get approval from the State without our local approval. The State's and FAA's are the same.

Mr. Salicrup asked about air rights and ownership. Mr. Ventres stated no one owns it. Mr. Salicrup believed otherwise and asked Mr. Ventres to check into this.

Mr. Gubbins did not believe helistops should be in a residential zone, but he understood he was the minority in this group. He believed they should look at the setbacks. He would like to see the setback from the property line at least 200-300 feet. Mr. Pettinelli stated they would need at least 700 feet of frontage. He stated they would then have to look into the decibel levels. Mr. Ventres stated that none of the other towns have parameters about distances. Mr. Curtin believed 300-feet would be too much. He believed flexibility in design was key. He believed there would be instances where these should not be allowed.

Mr. Thomas believed they would have the tools they would need to accommodate the applications. Mr. Pettinelli suggested a language change for number of landings. A lighting plan would have to be provided.

Mr. Brownell opened the hearing to the public. No public comments were offered.

It was noted that 20 acres was a good number to use.

Mr. Tim Burke asked if there were a lot of people asking to put in heliports. It was noted that this was the second such request.

Motion by Mr. Curtin, seconded by Mr. Gillis to close the public hearing for– Inclusion of Helistops to the East Haddam Zoning Regulations. Motion carried by unanimous vote.

Motion by Mr. Curtin to approve – Inclusion of Helistops to the East Haddam Zoning Regulations, with an effective date of August 1, 2016, with the following amendments:

- **Item g: This schedule shall be exclusive of any emergency landings and takeoffs.**
- **Include with Item c, lighting plans to be submitted with the site plan.**

Motion seconded by Mr. Pettinelli. Voting: Unanimous ayes, with the exception of Mr. Gubbins, who opposed. Motion carried.

B) New: #16-08 – River Valley Construction, William B. & Joshua L. Shaw, 50 North Moodus Road, special exception review for an in-law apartment over proposed 3-car garage

Mr. William Shaw and Mr. Joshua Shaw addressed the commission. Joshua Shaw submitted green, certified receipt cards to Mr. Ventres.

William Shaw reviewed their proposal for a 3-car garage with an in-law apartment. Mr. Ventres stated the reason this is before the commission is that this is an accessory unit for the main dwelling. The garage will be to the back of the house, as well as a deck. William Shaw showed both the view plans and floor plans. Mr. Salicrup asked if the current house is a duplex, to which William Shaw responded that it is a two-family.

Mr. Ventres read into the record a letter dated May 24, 2016 from 48 North Moodus Road asking for plantings to continue along the length of the portion of the lot which will house the garage and the apartment. This was from Mark Putnam and Diane Putnam. Neither applicant had any issue with that request. Mr. William Shaw noted there will be downsplash lighting.

Mr. Pettinelli asked if Chatham Health District had any issues, to which Mr. Ventres stated they did not. Mr. Gubbins asked if this would require owner occupancy. William Shaw stated this is a requirement, but that he lives there.

Mr. Thomas asked if the accessory apartment was accessible from the main house, to which William Shaw responded affirmatively.

Mr. Brownell opened the hearing to the public. Mr. Casner stated he sold these gentlemen this property, and they have done a beautiful job with the property and with the landscaping, and he thanked them for that.

Motion by Mr. Brownell, seconded by Mr. Gillis to close the public hearing for #16-08 – River Valley Construction, William B. & Joshua L. Shaw, 50 North Moodus Road, special exception review for an in-law apartment over proposed 3-car garage. Motion carried by unanimous vote.

Motion by Mr. Curtin to approve #16-08 – River Valley Construction, William B. & Joshua L. Shaw, 50 North Moodus Road, special exception review for an in-law apartment over proposed 3-car garage, with the condition that the existing buffer be extended 25-feet beyond the corner of the garage, and that the lighting be downsplash lighting. Motion seconded by Mr. Thomas, and carried by unanimous vote.

C) New: Re-submittal of a previously approve sub-division, Application #16-09, Daniel O'Brien, 277 Tater Hill Road, 3 lot subdivision. Assessor's Map 31, Lot 83.

First date: May 24, 2016

Last date: June 27, 2016

Mr. Daniel O'Brien addressed the commission, but did not have the green cards. Mr. Ventres stated he had received calls from neighbors and that they were noticed. Mr. Brownell stated the commission needs the green cards, otherwise they will have to continue it. Mr. O'Brien stated he has the house

under contract, and would not be able to proceed without this approval. Mr. Ventres suggested they might approve it contingent upon submittal of the green cards.

It was noted that the lots would be 4.9 acres, 3.9 acres, and then 11 acres with the existing house.

Mr. Brownell opened the hearing to the public.

Mr. Gelston stated good point to continue the application to make sure everyone got notification. Mr. Brownell stated if all of the green card receipts were not received in the land use office tomorrow, any approval this commission might give will be null and void, and this applicant will be back before this commission in two weeks at the next meeting. Mr. O'Brien stated he will have the green cards to Mr. Ventres at 9:01 tomorrow morning.

Motion by Mr. Salicrup, seconded by Mr. Pettinelli to close the public hearing for Re-submittal of a previously approve sub-division, Application #16-09, Daniel O'Brien, 277 Tater Hill Road, 3 lot subdivision. Motion carried by unanimous vote.

Motion by Mr. Curtin to approve the Re-submittal of a previously approve sub-division, Application #16-09, Daniel O'Brien, 277 Tater Hill Road, 3 lot subdivision, contingent upon the green, certified receipt cards and/or certification of notification being submitted to the Land Use Office by the close of business tomorrow, and that all conditions of the original approval shall be met. Motion seconded by Mr. Pettinelli, and carried by unanimous vote.

Mr. Ventres stated he needs a new mylar. Mr. O'Brien will provide this.

Mr. Brownell excused himself from the meeting at this time.

Motion by Mr. Pettinelli, seconded by Mr. Gubbins to take a brief recess at 8:47 p.m. Motion carried by unanimous vote. The meeting reconvened at 8:50 p.m.

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

D) # 16-03, Anthony Silvestri (applicant), JD Connecticut Realty, LLC (owner), 96 Town Street, 2-Lot Subdivision. Assessor's Map 11, Lot 32.

First date: April 26, 2016

Last date: May 30, 2016

Mr. Jim Bernardo, Land Surveyor, submitted the green cards from the first and second notice.

Mr. Bernardo stated this property is on the North side of Route 82. He oriented the area, and indicated this is a re-subdivision. Originally 18-20 acres in 1970, it was then subdivided in 1983. The wetlands were flagged. This application is to subdivide the parcel into two lots. The larger lot is comprised of 12.7 acres, with the garage and wetlands. The new Lot 2 will be 2.5 acres.

Mr. Bernardo stated they have demonstrated there are no wetlands on this property. The slopes >20% are shaded in light gray. He noted that each lot meets the minimum building requirements. There are no wetlands on Lot 2. On April 19, 2016, there was a determination made by the Wetlands Commission

that there is no activity in the regulated area. They do have to demonstrate a reserve area, which Mr. Bernardo stated they have done test pits, and have demonstrated they can service a 3-bedroom house.

Mr. Bernardo stated will have to take down some slope in front for sight line. He proposed a North American green landscape fabric on that slope to stabilize it. Mr. Bernardo stated they have a detailed soil and erosion control plan. He stated there are no waivers or variances requested. He added that the CT DOT will wait for final approval from the town before acting on this application.

Mr. Ventres read into the record from IWWC dated April 25, 2016, which stated this application met the requirements of that commission.

Mr. Ventres read into the record a letter dated April 26, 2016 from Chatham Health District, by Liz Davidson, requiring a perc test in the reserve area before any building permit submittal for Lot 2.

Mr. Ventres read into the record a letter dated April 19, 2016 from the CT DOT, prepared by Andrew Morrill, which indicated the proposal was acceptable and they had no further comments. They will conduct a final review after town approval.

Mr. Gillis asked if they did the test pits, but still want more. Mr. Ventres stated this was just for confirmation.

Mr. Curtin opened the hearing to the public.

Mr. Tim Burke asked for clarification on the advertisement rules. Mr. Ventres stated publicly noticed in the paper. Mr. Burke believed this meeting should be continued. Mr. Ventres stated he personally called Mr. Burke's house regarding the dates of the meetings. Mr. Burke stated he is not the entire public. Mr. Ventres stated they announced when the next meeting would be held at the first meeting, which is what is required.

Ms. Christina Burke asked for help understanding how the calculation the size of the buildable lot was made. She referred to the minimum requirements for a buildable lot. She asked about the buildable square. Mr. Ventres stated the buildable square is designated as a buildable area to place the house/structure itself. It is identified on the map.

Ms. Burke stated the existing subdivision has been there since 1983. She stated there is a longstanding precedent for the space as it looks today. The next visible structure from their driveway is 381 feet away. The potential place for the new house is 81 feet from their driveway. It is concerning for them and she wondered how this "fill in" "spot zoning" occurs. The fact remains that they are faced with a large change in this area. With so many other lots and homes for sale in town, she wondered if this made sense. This was a question about the general zoning regulation. She asked if it was in the town's best interest. Mr. Curtin stated they have regulations, and this person wished to sell the property. He understood it is a shock to have a new neighbor pop up.

Mr. Douglas Swan stated their house was the split, and his was the subdivision. His sister wanted to but was told could not. Mr. Ventres did not see at wetlands. Mr. Swan asked if there could be further splits. Mr. Curtin could not guarantee that.

Ms. Burke asked what assurances there are to them to ensure the safety of their water supply. Mr. Curtin explained not much, as no one really knows where the water comes from.

Ms. Burke asked about buffering. Mr. Ventres stated this would be going from R2 to R2 zone, which is no different, so the commission does not have the regulatory jurisdiction to require it.

Mr. Burke asked about the revision date on the plan. Mr. Bernardo stated they had to adjust the property line, which is why there is a revision date and sight line. Mr. Curtin stated copies of any of these maps are available at the Land Use Office.

Mr. Gelston asked about the penetration of the stone wall. He asked if they would clean up the stone wall. The owner stated they would re-use the stones to rebuild it.

Mr. Gelston asked if this would be affordable housing. Mr. Curtin stated they have to demonstrate that a dwelling is buildable, with an appropriate septic system. This commission has no way of knowing what the actual house will be.

Mr. Gelston asked about the septic, if it had to be engineered. Mr. Pettinelli explained that if it has to be engineered, it would be an engineered system.

Mr. Gelston asked several questions about the notes section on the plan. Mr. Bernardo stated they are required to have a person in charge and their contact information. If that changes, they are required to notify the Town.

Mr. Salicrup asked if that language Mr. Gelston had read was standard language for subdivisions. Mr. Pettinelli stated that was boilerplate language.

Mr. Ventres stated he reviewed the minutes and it was properly noticed at that meeting that the public hearing would be held tonight.

Mr. Gelston asked about the traffic study, and if the CT DOT was studied. Mr. Pettinelli stated the CT DOT would not come out here for a 2-lot subdivision. Discussion ensued regarding studies and speeds.

Motion by Mr. Gubbins, seconded by Mr. Salicrup to close the public hearing for # 16-03, Anthony Silvestri (applicant), JD Connecticut Realty, LLC (owner), 96 Town Street, 2-Lot Subdivision. Motion carried by unanimous vote.

Motion by Mr. Salicrup to approve # 16-03, Anthony Silvestri (applicant), JD Connecticut Realty, LLC (owner), 96 Town Street, 2-Lot Subdivision, with the condition that all requirements of Chatham Health District must be met. Motion seconded by Mr. Gillis, and carried by unanimous vote.

Other:

The commission briefly discussed the turning radius demonstration for elementary school dumpsters. In Mr. Pettinelli's opinion, it does not work.

9. ADJOURNMENT

Motion by Mr. Gillis to adjourn at 9:38 p.m. Motion seconded by Mr. Gubbins, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina