



To: Planning & Zoning Commission
From: Jeremy DeCarli, Planning & Zoning Official
RE: March 3, 2021 Planning and Zoning Commission Regular Meeting – Staff Notes
Date: February 26, 2021

The following are staff notes and comments as they relate to agenda items. Additional information and documents are available on the website. The status of applications are subject to change between the date of this memo and the date of the meeting.

3. Communications, Liaison Reports, and Public Comments (Use the “Raise Your Hand” feature to speak)

There are two communications in the packet:

1. Notification of cancellation of the annual CFPZA conference due to COVID 19.
2. A letter regarding pools from the Zoning Board of Appeals which will be discussed under “New Business”

5. Public Hearings for March 3, 2021: (Use the “Raise Your Hand” feature to speak)

- A. Application PZC-20-024: Paula Free, 249 West High St.,** for a special permit per Sec. 8.4 Motor Fuel Filling Station with a proposed convenience store in the Commercial Zone, Section 5.2. Map 06/Block 12/Lot 1B

The applicant is requesting that the hearing be continued to the next regular meeting on April 5. They will be applying to CT DPH for a Phase 1A approval for the current well at the property.

- B. Application PZC-20-026: Long Hill Estates, LLC.,** for a Zone Change from R-2 to C for a new 1.5 acre lot. Map 06/Block 12/Lot 8

This application is for a zone change from R-2 to Commercial for a new 1.5 acre lot that was created by the new owner in December. The parcel up for consideration borders the Commercial Zone to the east, but front entirely on Long Hill Road. The parcel lies within the Middle Haddam Historic District as are the abutting parcels to the west and northwest.

The property is bisected diagonally by a stream and associated wetlands from the southeast corner to the northwest corner of the parcel. The stream is a tributary to Mine Brook which empties into the Connecticut River south of Shipyard Road which originates from wetlands between Charles Mary and William Drives.

The proposal contemplates a zone change for this lot for a potential future use related to the Sports on 66 facility. That said, this is a separate and distinct lot, and future potentials are wide. The lot fronts entirely along Long Hill Road with 150 feet of frontage, and access would be from Long Hill unless an easement agreement is reached with the owner of the sports facility.

When considering a zone change, the Commission must consider any impacts, positive or negative, to health, safety, and welfare. In addition, the Commission must look to the Plan of Conservation and Development for guidance. The State POCD can also be considered. Included with the memo are maps of the area from both the local and State POCD.

Timeline: Not that the Public Hearing has opened, the Commission has 35 days to close the public hearing unless an extension is requested.

C. Application PZC-21-001: Gloria & Troy Deleon, 16 Wells Ave., for a Special Permit for an Accessory Dwelling Unit per Sec. 8.3.M. Map 05A/Block 63A/Lot 1B

The application is for a detached accessory dwelling unit as regulated by Section 4.1 and 8.4.M. Being that the property lies within the R-1 Zone and is connected to sewer, no additional lot requirements above the minimum lot size apply. This lot historically had three small cottages, or “bunkies”, which were used as small seasonal living quarters. When the property was subdivided and the new home was constructed, it was specifically noted that one bunkie could be preserved, but could not have a kitchen facility and could not be used as an apartment. This was done simply because the Town did not have an accessory dwelling unit provision at the time. Since the Commission created the ADU section, Section 8.4.M, the structure can now be given a Special Permit to allow for its use as a second residence on the lot.

The property is located in the R-1 zone and will not require any additional structures to be built on the lot as the structure to be used currently exists. The lot is compliant with the R1 zone. The existing structure appears to be compliant with Section 8.4.M, between 200 and 900 square feet in livable area and does not include more than two bedrooms. The structure has been constructed with the proper permits but has not been fitted out due to the restrictions.

Recommendation: Approve the Special Permit for the Accessory Dwelling unit. The plan contemplates the use of an existing building and meets the zoning regulations, and adds a type of much need housing to the housing stock.

D. Application PZC-21-002: Timothy Puglielli, 155 Middle Haddam Rd., for a 2 lot resubdivision. Map 02/Block 18/Lot 24-3

The application contemplates a resubdivision of land which was previously subdivided. The parcel known as 155 Middle Haddam was previously two separate lots and was merged about ten years ago. The land owner is currently seeking to resubdivide with a different configuration, but one that complies with the zoning regulation.

Recommendation: Approve the resubdivision.

E. Application PZC-21-005: JCG Properties, LLC., 9 Middle Haddam Road, for a 2 lot subdivision. Map 01C/Block 9/Lot 5

As you know, this a two lot subdivision is being sought for this property in order to create a new, approximately 5 acre lot fronting on Middle Haddam Road which will eventually accommodate a veterinary clinic. The lot size conforms with the zoning regulations. Wetlands lie on the rear (west) side of the property. As such, a permit is required from the IWWA, which will likely be decided at their next meeting on March 31.

The applicant has requested a postponement to April 7.

Recommendation: Postpone opening the hearing to April 7, 2021.

6. New Business:

A. **Application PZC-21-004: The Dublin, 42 East High St.,** for a Commercial Site Plan Modification to construct a concrete patio for outdoor seating for 35 people. Map 05A/Block 62A/Lot 10

The Dublin Restaurant is requesting a Site Plan modification to construct a permanent outdoor seating area in the front of the restaurant in place of two existing parking spaces. The patio would be a permanent outdoor dining area to replace the tent that was placed in this area last year to accommodate COVID restrictions. The plan was reviewed by the Design Review Board at their last meeting. Several recommendations were made including removing a third parking space in order to accommodate a landscape area to the north of the patio, and add some planters in front of the retaining wall in order to soften the visuals aesthetic.

As of the time of writing this memo (2/26/2021), we have not yet received all comments from other regulatory agencies. Assuming we get the OK from the others, this proposal can be approved.

B. **Application PZC-21-006: James Marino, Deer Meadow,** for a Special Permit for an Accessory Apartment. Map 35/Block 95/Lot 7-44

This application is for the construction of a new attached Accessory Dwelling Unit to be constructed at the same time as a new single family home. As such, Section 8.4.M governs. The lot is in an approved Open Space Subdivision which includes different standards than the R-4 Zone and as such, the minimum acreage requirement does not apply.

Recommendation: Schedule a Public Hearing for April 7, 2021.

C. **Application PZC-21-007: Atlantis Marketing,** 157 Main Street, 1 Colchester Ave., & 5 Colchester Ave., for a zone change from R-2 to C, Map 07A/Block 56/ Lots 21,22,24

This is a new application for a zone change encompassing three current parcels which, if approved, would likely be merged into one parcel. A Zone Change decision requires a Public Hearing.

Recommendation: Schedule a Public Hearing for April 7, 2021.

D. Update to Subdivision Regulations Sec. IV.10

It has come to my attention that the abutter notification requirements within the subdivision regulations is not consistent with the requirements in the Zoning Regulations.

Section 9.4.F of the Zoning Regulations – Required Notification – states that “For all matters requiring action by the Commission...the applicant shall be responsible for the following notification:” “Notification to each abutting property owner....Said notice to be by United States First Class Mail, evidenced by a Certificate of Mailing...”

This language is consistent with State Statute Section 8-7d.

The subdivision regulations Section IV.10 states that “The applicant must notify all abutting property owners by certified mail...”

The two are inconsistent. It is my opinion that Section 9.4 of the Zoning Regulation rules due to its requirement that mailing be done by First Class Mail with a Certificate of Mailing “*for all matters requiring action by the Commission.*” Subdivisions fall into this category. However, it is my opinion that the subdivision regulation should be changed in order to remove any ambiguity or confusion.

Recommendation: Set a Public Hearing to update the Subdivision Regulation at the April 7, 2021 meeting.

8. Planner’s Report

1. There are a number of legislative initiatives in the current session that could potentially impact the zoning process within the State of Connecticut. Although I am not able to give you a full picture of where things are headed at this time, I will attempt to touch on the items creating the most buzz around the State.

Recreational Marijuana: There is a sense across the planning community that recreational marijuana may be approved this year. With some of our neighboring states having already passed this legislation, and others poised to in the near future, my sense is that Hartford will follow suit. While this won’t create much of a change here in East Hampton, I think it is worth discussing how the Commission wants to handle any requests that may come forth for a dispensary. I’ve had conversations in the past about medical dispensaries with parties interested in this area, and I have reason to think that there may an interest in this area if and when recreational use is legalized. I think a conversation should be had about whether or not the Commission would like to entertain this as a possible use in targeted areas, or prohibit altogether.

Single Family Housing: There is some momentum to attempt to make housing more affordable and accessible across the state. As has been the case for decades, single-family, large lot development has been the primary home construction in most suburban and exurban towns across the State. This has led to the reality that much of the housing stock

has become unaffordable for large swaths of the general population. There is a demand for smaller, more manageable housing types. We've seen there is demand here in East Hampton with new apartments and smaller housing types being contracted before they are constructed. There are number of ideas being circulated. I'll keep you updated as the legislative session continues.

Fortunately, East Hampton is and has been more flexible than other towns. We allow duplexes in most of our residential areas, and we now allow Accessory Dwelling Units by Special Permit. Some ideas that have come up include requiring ADUs by right and requiring a certain portion of zones to allow up to four units.

Outdoor Dining: The current Governor's Bill - LCO 3270 - includes a provision that would require zoning regulations to allow outdoor dining at restaurants as an as-of-right accessory use. I suspect this may become a reality and we'll need to think about how we update our regulations.

2. Affordable Housing Plan: In 2017, the State mandated that that all towns must create and adopt an Affordable Housing Plan which would create and initiate goals to achieve more affordable housing option in all towns, with the eventual goal of reach 10%. The Statute requires that these plans be adopted by June 30, 2022 and updated every five years thereafter. The Lower Connecticut River Valley COG (RiverCOG) is in the process of reviewing proposals by three firms to create an affordable housing plan for the entire region, with town specific annexes that could be adopted by each town and used to fulfill the Statutory requirement. I was asked to participate in the interview processes last week. I anticipate that a firm will be selected by mid-March with the project starting around the beginning of May. More to come on this as the project moves forward.
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