



To: Planning & Zoning Commission
From: Jeremy DeCarli, Planning & Zoning Official
RE: March 1, 2023 Planning and Zoning Commission Regular Meeting – Staff Notes
Date: February 24, 2023

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 is subject to change between the date of this memo and the date of the meeting.

5. Public Hearings:

A. PZC-23-001: Two Brothers Café LLC, 20 East High, for a Special Permit per Sec. 5.2.C.2-Restaurant. Map 05A/ Block 62/ Lot 5A

As you will recall, the currently approved plan for 20 East High Street included generic retail and commercial uses. This application proposes the installation of a 1,400 sq. ft. restaurant space on the lower level of the building, in a space formerly occupied by the East Hampton Police Department.

The property lies within the (C) Commercial Zone and has good access to Route 66. The approved site plan includes 59 parking spaces for the facility.

Parking: As noted above, the entire site includes 59 parking spaces. In accordance with Section 7.1, restaurant uses require a minimum of 1 space for every three seats provided, or up to 1 space per 100 square feet of the restaurant. Two Brothers Café is proposing a total of 29 seats in a 1400 square foot space, requiring between 10 and 14 parking spaces. Overall the site is more than capable of providing the necessary parking for this restaurant. (As the building fills in, the parking requirements will need to be re-evaluated.)

Inter-department Referrals -

Police: Chief Woessner suggested curb stops along the storefront windows in front of the business. (Approved site plan calls for said curb stops)

Health: As of 2/22/2023, application had not been received by the Chatham Health District for a Food Service Establishment Plan Review. Chatham Health District is working to re-establish the well as a public water supply system in conjunction with CT DPH. Treatment of the water system will be provided to address water quality issues.

Fire Marshal: It was noted that the restaurant capacity was noted incorrectly on the plan (22 persons when plan shows 29 seats) which will need to be corrected before building permit applications are submitted. However, there are no other concerns with the proposal.

No comments were received from the WPCA.

Considerations: The site is well suited for a restaurant use and although no health applications have been received, there are no reasons to believe a denial would be given. The Commission, in deciding whether or not to act on March 1, can place a condition on the approval that Health District approval be obtained, which is a requirement before a CO is obtained from the Building Department.

Recommendation: Approve the Special Permit with the following conditions:

- The proper health district applications be submitted prior to, or simultaneously with the required building permit applications;
- Hours of operation (determine with applicant);
- A signage plan must be reviewed by the DRB for any signs other than those already approved as part of the site plan;
- No outdoor seating is allowed unless further applications are submitted.

6. New Business:

A. PZC-23-002: Bakaj Construction, 37 South Main Street, Zone Change from HOD to R-2, Map 20/Block 51/ Lot 27

This Zone Change is being sought as part of the requirement to seek an Open Space Subdivision at the property. The regulations only allow Open Space Subdivisions within the R-2, R-3, and R-4 zones. The property currently lies within the HOD Zone as was specified by a Stipulated Judgement from 2009 when the property was approved for a 127 townhouse development. The current proposal does not include any affordable units as defined by State Statutes and as required in the HOD Zone, and therefore must be transferred to one of the zones which allows for an Open Space Subdivision. Historically, the property had been split between the R-2 and R-4 zones. The current application contemplates moving the entire property into the R-2 zone to take advantage of the smaller lot size allowed since the property will be connected to the municipal sewer system.

A public hearing is required for a zone change.

Recommendation: Schedule a Public Hearing for April 5, 2023.

B. PZC-23-003: Bakaj Construction, 37 South Main Street, Special Permit for a 22 Lot Open Space Subdivision, Map 20/Block 51/ Lot 27

Please refer to my letter to the engineer for my comments.

Recommendation: Continue the application to the April 5, 2023 meeting. Scheduling the hearing for April may not be prudent. Several reviews need to be conducted, and an extra month will allow the applicant to revise the plans accordingly. I suggest taking advantage of the time allowed within the Statutes.

C. CGS 8-24 Review: Acceptance of Donated Land Along Oak Knoll

Please see the memo from Town Manager David Cox.

A property owner has offered this 2,236 sq. ft. parcel to the town at no cost to be received as part of the Oak Knoll right-of-way. Historically speaking, this parcel exists in error. The Belltown Heights subdivision which created the lots along Steeple View Drive, and the Oak Knoll Subdivision were both carved out of one larger parcel of land, approximately seven years apart. A mapping error between the survey lines of those two subdivisions led to a small strip of land being unaccounted for. The error was found approximately 3 decades later, and as such the strip was deeded to the owners of the original subdivision, who lived on Oak Knoll. This in turn created a situation where the owners of #2 Oak Knoll were illegally (and unknowingly) crossing private property in order to access the street. As a result, the owners of #2 Oak Knoll purchased the strip to preserve their access to the public road. It is now the intention of the owner to turn this strip over to the Town so as to avoid any further complications relating to this otherwise useless strip of land.

Recommendation: Send a recommendation to Town Council to approve the resolution accepting the parcel and merging it into the Oak Knoll right-of-way. I've prepared a draft letter to the Council for your consideration.

- D. Discussion: Non-Conforming Lots in the R-1 Zone**
Please see my attached memo.

8. Planner's Report

Home Based Business: Permit issued to owner of 154 Hog Hill for ability to periodically rent excess land on "SniffSpot" which is an app created for dog walkers to rent land to walk their dogs, typically an hour or two at a time.

Work is ongoing at 26 East High Street, the former Governor's Tavern. A restaurant operator who has successfully operated a restaurant in East Haddam for approximately a decade will be taking over the space.

The Hampton Woods development is being aggressively marketed. I have had several conversations with an interested buyer who may be looking to change the site plan, but staying within the HOD framework. I will keep the Commission updated as I know more.

The Town Engineer is in the process of creating final designs for the Main Street sidewalk project. Staff will be meeting with the Engineer to conduct a walk-through of the project area this week. Construction is anticipated for this spring.

The CT Resource Conservation and Development Area is completing a master plan for the Air Line Trail. Work on the plan began in the fall of 2019 and encompasses a 12 town area along the trail. An event is being planned for May which will have focal points in East Hampton and Willimantic as the two main downtown areas along the trail. The plan will set up a 12 town coalition, similar to what exists for the Salmon River Watership Partnership, to oversee trail maintenance, apply for grant funding, and coordinate efforts. Link: [Air Line State Park Trail - Connecticut Resource Conservation and Development \(ctrctd.org\)](https://www.ctrctd.org/)

The RiverCOG is currently working on a Comprehensive Economic Development Strategy for the 17 town region. I encourage everyone to take a look at the plan and submit any comments during the public comment period. Link: [Comprehensive Economic Development Strategy | Lower Connecticut River Valley Council of Governments \(rivercog.org\)](https://www.rivercog.org/)