



To: Planning & Zoning Commission
From: Jeremy DeCarli, Planning & Zoning Official
RE: March 2, 2022 Planning and Zoning Commission Regular Meeting – Staff Notes
Date: February 25, 2022

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.

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

As a reminder, CFPZA will hold their annual conference this year. If you want to attend, and have not yet let staff know, please do.

5. Public Hearings:

A. Amendment to Zoning Regulations - Sections 2.2, 4.1.B, 4.2.B, 4.3.B, 4.4.B and Addition of Section 8.4.O and 8.4.P to allow for Home Occupations and Home Based Businesses
Legal review by Attorney Carella has been received and is included with your packet. There had been questions as to how to handle existing businesses. After speaking with Attorney Carella, we are obligated to allow existing businesses to continue and there is no legal mechanism to force them to apply for a permit. However, if violations are brought to our attention (excessive traffic, commercial vehicles in view, customers, etc), we can enforce the regulations, as we do today. In addition, if an existing business wants a change (for example, the addition of a sign), then a permit would be required. Nothing is required to be written into the regulations pertaining to this.

B. Enact Opt-Out Provision for Accessory Dwelling Units as Provided for in Section 6(f) of Public Act 21-29.

It should be noted that the timeline of this Public Hearing must meet the requirements found in CGS 8-7d. Since the Public Hearing was opened last month, it must close March 2 unless the Commission specifically motions to extend the hearing up to an additional 65 days. A decision must be made within 65 days of closing the hearing. As a reminder, a 2/3 majority of Commission members is required to approve the opt-out.

6. New Business:

A. PZC-22-001: Josh Pavano, 19 Day Point Road for a Special Permit to create a Detached ADU pursuant to Section 8.4.M in existing accessory structure, Map 10A/Block 83/ Lot 29

Mr. Pavano recently purchased the property and in doing so discovered that a residential unit had been illegally created within an existing accessory building. The unit includes a kitchen, bathroom and sleeping quarters, none of which were permitted. Mr. Pavano is interested in

legitimizing the dwelling unit and, if approved, will seek the necessary permits from the building department in order to ensure the unit is safe and meets the code requirements. Staff has reviewed the application, ADU size, and other specifics of the regulation and has found that the application meets the requirements. A public hearing is required as this is a Special Permit.

Recommendation: Schedule a Public Hearing for April 6, 2022.

B. PZC-22-002: Twenty High, LLC for Site Plan Modification to demolish existing accessory building (former Building Dept structure), add parking, and change use of building to Commercial/Retail/Office in C Zone. – Map 05A/ Block 62/ Lot 5A

This application contemplates the removal of the exiting temporary building that was erected around 1990 to house the Planning and Building Departments at the former Town Hall property. The structure is a temporary building that was placed on piers and has far outlived its life expectancy. At this time, no other changes are sought. No public hearing is required as this is a minor site plan modification.

Recommendation: Approve the site plan modification to allow for the demolition.

C. Discussion: Food Trucks and Trailers

Staff has compiled a number of regulations and ordinances from others towns around the state. The manner in which food trucks are regulated varies widely. Please note that food trucks must be inspected by the Health District, Fire Marshal, and must obtain a peddler’s permit from the Police Department. East Hampton has not seen significant pressure, and does not have a large presence of brick and mortar restaurants to cause conflicts. It is staffs opinion that formal regulations are not needed at this time and that mobile vendors should be able to come and go with the existing permits required. However, if a vendor wants to place a trailer or other structure for a long duration (seasonally, or monthly) it should be treated as any other restaurant and allowed only where restaurants are allowed (C, VC). However, if the Commission desires to craft regulations pertaining specifically to mobile food vendors, or temporary food vendors, it is not without precedent and there are regulations and ordinances around the state to draw from.

D. Updates to Articles 1-4 of the Zoning Regulations to comply with PA 21-29

As discussed earlier in the year, Public Act 21-29 made several changes to the State Zoning enabling legislation (CGS 8-2) which requires some changes to the existing zoning regulations. Following along with a plan laid out with the Town Attorney, Staff drafted the changes to the first four chapters of the regulations and submitted those to the Attorney for review. I have provided the marked up version for your review. Most of the changes within these four chapter have to do with the use of the word “character”. As you may recall from previous conversations, “character” is no longer sufficient to use a reason for denial. While this sounds like a large change, to East Hampton, it is quite minor. However, some language needed to be changed in order to reflect the new statutory requirements. Please review these changes and provide any feedback at the April meeting.

Staff will prepare changes and have a legal review done of Articles 5 and 6 for the May meeting and Articles 7-9 for the July meeting. As a reminder, Staff's objective is to prepare and review these changes in batches, then hold a Public Hearing later in the year for all of the changes in the document. The regulations must be in compliance by January 1, 2023.

8. Planner's Report

It was brought to the attention of Staff that St. Clements had submitted an application to the DEEP for the installation of dolphins and other upgrades within the CT River with the goal of converting the "fishing pier" to a dock capable of supporting a vessel up to 125 feet in length. At this time, it is unclear what the exact intention of allowing for this sized vessel is. It is the opinion of staff that the change in use of the pier from a passive fishing pier, to one that can support a 125 foot vessel requires a site plan modification approval from the PZC. St. Clements has been made aware of this. For reference, Riverquest, which operates out of Haddam, is a 64' vessel and can accommodate up to 65 passengers.