



To: Planning & Zoning Commission  
From: Jeremy DeCarli, Planning & Zoning Official  
RE: September 1, 2021 Planning and Zoning Commission Regular Meeting – Staff Notes  
Date: August 27, 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 is subject to change between the date of this memo and the date of the meeting.

**5. Public Hearings for September 1, 2021:** (Use the “Raise Your Hand” feature to speak)

**A. Application PZC-21-014: Martin Scovill, 117 Colchester Ave.,** Re-subdivision for 3 lots in R4 Zone.  
Map 27/ Block 87A/ Lot 12A-4

This project was issued a Permit by the Inland Wetlands and Watercourses Agency at their meeting on August 25 for the fact that it poses no threat to the wetland. The application was referred to several Town Departments and received no negative feedback. The proposal is consistent with the Zoning Regulations. Driveway locations will need to be reviewed and approved by the CT DOT.

**Staff Recommendation:** Approve the re-subdivision because it meets the requirements of the Zoning Regulations and the Subdivision Regulations.

**B. Application PZC-21-015: JCG Properties, LLC., 9 Middle Haddam Rd.,** Special Permit for Veterinary Clinic per Sections 4.2 and 8.4.N. Map 01C/Block 9/Lot 5

This application contemplates the construction and operation of a veterinary clinic within an existing house at 9 Middle Haddam Road using the provisions of Section 8.4.N of the Zoning Regulations. The proposed use is allowed with a Special Permit in the R-2 Zone in Section 4.2.C of the regulations.

The site plan package submitted with the application consists of the site plan, the lighting plan, and the proposed building plan along with drawing of the proposed façade. Below is an outline of my comments regarding various aspects of the plan.

Parking: There is no call-out in the Zoning Regulation of parking requirements for veterinary offices. As such, the requirements for medical and dental offices were used as the to develop the parking plan as the use is similar. In this case, there are two doctors and a total of up to 9 employees at any given time in the facility. As Such, the number of required spaces is between 8 and 19 parking spaces. The plan provides for 19 parking spaces in two lots. The lower lot adjacent to the building is proposed for customers and consists of bituminous asphalt. The upper lot is proposed to be gravel and used for employees only. Gravel was chosen in order to mitigate stormwater impacts and reduce the overall amount of impervious surfaces on the lot. As required, one accessible space is shown, and is designed to be van accessible as required.

Lighting: A lighting plan has been developed and consists of both pole mounted fixtures and

building mounted fixtures. The plan was developed around the maximum mounting height of 17' feet for pole mounted fixtures. There is no maximum height for building mounted fixtures. Overall, the lighting plan is compliant with the provisions of Section 7.3 of the regulations. The plan was reviewed by the Design Review Board. A recommendation was made by that board to lower the height of the pole mounted fixtures to better blend with the residential area in which the property lies. Staff cautions that this will require additional fixtures and a revised lighting plan would need to be developed and submitted prior to approval.

Drainage: The site was developed with the goal of having no increase in stormwater runoff. A large detention basin is designed to capture stormwater runoff from the parking area along with a portion of the access drive. There will be a portion of the access driveway which will sheet flow to Middle Haddam and be captured by State's the drainage system. Middle Haddam Road has a rural profile directly adjacent to the property with a shallow drainage swale along the edge of pavement to a catch basin located approximately 650 feet to the south near #23. Drainage calculations were submitted with the application and support the size of the proposed retention basin and the treatment of the site. There are decreases in peak flow off the property for 25 and 50 year storms, and a very slight increase in the peak flow from a 100 year storm. The retention basin has a high level overflow to a stone level spreader down gradient of the pond. The upper parking area is proposed to be gravel in order to minimize the stormwater impacts and drainage facilities needed. The drainage plan is compliant with the regulation.

Signage: A location for a proposed sign is shown on the plan. The sign is not part of this application and will be reviewed by Staff to ensure compliance with the regulation. The proposed location meets the requirements of the regulation.

Architecture: The proposal includes reusing the existing federal style farm house on the property with a large addition to the rear and south of the existing building. Care has been taken to match the existing architecture of the building. The plan was reviewed by the Design Review Board and recommended for approval as submitted.

The plan has not yet been approved by the Chatham Health District. As this is a public facility, the well location must be approved by the Department of Public Health prior to CHD being able to issue site plan approval.

All other relevant town agencies have reviewed the plans. Comments that were made have been addressed in the plan.

**C. Application PZC-21-016: Nancy, Donald, Robert and Sue Briere, 91-93 Lake Dr. for a 2 Lot**  
Subdivision at 91-93 Lake Drive in R1 Zone. Map 25/Block 64/Lot 56

This application proposes to subdivide an existing lot with two single family homes currently on the property into two separate parcels. The IWWA has approved the subdivision at their meeting on August 25 and variances have been issued for the setbacks and lot sizes.

**Staff Recommendation:** Approve the subdivision as presented. Allow applicant to work with staff to develop a conservation easement for the water side lot prior to filing the map.

**6. New Business:**

**A. Application PZC-21-017: Kim Novak, 26 Lakeview St.,** for a Zone Change: Commercial to R1. Map 05A/Block 85/Lot 18A

The application contemplates a change of zone for this .44 acre lot from Commercial to R-1. The property was once in the R-1 zone and a zone change was approved several years ago. The property contains a single family house that has been used as a professional office. It is bordered by the R-1 zone to the south and west, and the Commercial zone to the north and east.

**Staff Recommendation:** Set a Public Hearing for October 6, 2021.

**B. Application PZC-21-018: Tushar Shah, 193 East High St.,** Site Plan Modification in C Zone, Sec 5.2.B. Map 09A/Block 76/Lot 11-5

This application contemplates an addition and site plan changes to the existing Route 66 Package Store located at the corner of East High Street and Princess Pocotopaug Drive. A site plan modification had been approved in 2015 but has since expired. Many aspects of this plan are the same as that one that was approved previously. This site lies within the Lake Pocotopaug Watershed and the application requires a Public Hearing. The application will be referred to other pertinent Town Departments for comments.

**Staff Recommendation:** Set a Public Hearing for October 6, 2021.

**C. Application PZC-21-019: Global 66, LLC, 265 West High St.,** Special Permit to convert a portion of Sports on 66 into storage units in C Zone, Sec 5.2.C. Map 6/Block 12/Lot 9

This application contemplates converting a majority of the Sports on 66 facility to a mixed use facility, mostly housing self-storage. This project is part of a larger long term plan to consolidate several Global Storage locations into one in order to eventually allow other uses at the other sites. The plan includes adding a second story within the existing building which would be accessed by the elevator and the stair cases located within. Self-Storage is a Special Permit use and requires a Public Hearing. The application will be referred to other pertinent Town Departments for comments.

**Staff Recommendation:** Set a Public Hearing for October 6, 2021.

**D. Application PZC-21-020: Warren Scott Cross, 201 West High St.,** Special Permit to open a brewery/taproom in the C Zone, Sec 5.2.C. Map 12/ Block 36/ Lot 3-1

This application contemplates the operation of a brewery and tap room at 201 West High Street, in the large unit on the north end of Building B where Crossfit is currently. The serving of alcohol is a Special Permit Use in the C Zone and requires a Public Hearing. Chatham Health has begun its review and the application will be referred out to other pertinent Town Departments.

**Staff Recommendation:** Set a Public Hearing for October 6, 2021.

**E. Discussion:** Cannabis Legislation – Public Act 21-1

As discussed at the last meeting, the recreational use of cannabis has been approved by the State of Connecticut. Retail sales are expected to begin sometime next summer. At this time, towns with a population of less than 25,000 can host up to one retail operation. As noted, there are nine types of licenses available to potential operators. These include growing facilities and retail facilities. Below are my comments from last month's report:

Generally speaking, and with some guardrails, the legislation is meant to be interpreted, applied, and enforced in a similar manner to that of the sale of alcohol. If a municipality chooses not to restrict cannabis sales in town, it must be treated in a similar manner to alcohol sales and the use would be subject to a Special Permit. (Only one establishment could be located in East Hampton due to the population limitations built into the bill.) If the Town chooses not allow the sale of cannabis, there are options, which I'll discuss below.

Some highlights of the legislation as they relate to zoning are:

- Allows for the private growing of up to three plants for personal use.
- Allows municipalities to prohibit cannabis establishments from opening within their jurisdiction.
- Prohibits municipalities from banning cannabis delivery.
- Allows local referendum on whether or not to allow the sale of marijuana for adult use. To qualify for the ballot, 10% of voters must sign a petition.
- Allows municipalities to reasonably restrict cannabis establishments' hours and signage.
- Allows municipalities to reasonably restrict cannabis establishments' number or density. Until June 30, 2024, sets a maximum of one retailer and one cannabis micro-cultivator (which can sell at retail) per 25,000 residents, as determined by the most recent census. Beginning July 1, 2024, the DCP will set a new limit.
- Municipalities may, through zoning or ordinance:
- Prohibit the siting of cannabis establishments,
- Reasonably restrict hours and signage; and
- Restrict cannabis establishments' proximity to religious institutions, schools, charitable institutions, hospitals, veterans' homes, or certain military establishments.

There are nine types of licenses established as part of the bill:

1. retailer
2. hybrid retailer (which sells both adult-use and medical cannabis)
3. cultivator (which cultivate 15,000 square feet or more)
4. micro-cultivator (which start between 2,000 and 10,000 square feet)
5. product manufacturer
6. food and beverage manufacturer
7. product packager
8. delivery service
9. transporter

There are two options for restricting the sale of cannabis:

**Zoning Regulations** - The Commission can prohibit one or more, of the license types in town (Must be done before June 2022)

**Ordinance** - The Town Council could enact an ordinance prohibiting the sales of cannabis in Town (must be done before June 2022)

The Commission should discuss and consider how to move forward. If the Commission determines that there is no desire to restrict cannabis in town, my suggestion would be to begin crafting regulations in the event that any establishment desires to locate in East Hampton.

## **7. Old Business**

### **C. Home Based Occupations**

At the last workshop held on August 24, the group reviewed and modified definitions for “Home Occupations” and “Home Based Businesses”. The modified text is attached to this report.

## **8. Planner’s Report**

Village Center Plan – Chris Roberts is in the process of completing the draft plan. A public meeting will be held at 6:00pm on Tuesday, September 7 to present the plan and obtain any feedback. The final plan should be completed by the end of September and will be presented to the Council and to P&Z.



To: PZC & EDC  
Re: Draft Home Occupation Definitions & Regulation  
Date: 8/27/2021

## **Proposed Definitions**

### **Section 2.2 - Definitions**

**Home Occupation:** An accessory use of a portion of a Single-Family Dwelling Unit or accessory structure to a Single-Family Dwelling Unit for business purposes by the resident occupants when clearly customary and incidental to the residential use of the Dwelling Unit and subject to Regulation requirements. A Home Occupation is a component of the residential use and shall not be deemed to be a separate non-residential use. A Home Occupation has no impact to the surrounding neighborhood and cannot be detected from outside of the premise. See Section **8.4.O – Home Occupation**.

**Home Based Business:** A business or commercial activity conducted within a dwelling by the residents thereof and up to one non-resident employee for compensation, which is secondary to the use of the dwelling for living purposes. See Section **8.4.P – Home Based Business**.

## **Proposed Language for Home Occupation**

### **Section 8.4.O - Home Occupation**

The purpose of this section is to allow for the customary and incidental use of the home as a place of business when such use is clearly secondary to the use of the property as a residence and does not adversely impact neighboring properties or the general neighborhood in which the property lies. Such use may be carried out without permits and is considered As-of-Right on all properties being used as a residence when the following is true:

1. The occupation is carried on entirely within the dwelling or within a completely enclosed and permitted accessory building on the same lot as the dwelling unit;
2. The business is carried on only by residents of the dwelling;
3. There is no exterior evidence of the business including signage or commercial vehicles over [TBD] GVW;
4. There is no exterior storage of business related materials or equipment of any kind on the property;
5. There is no offer, display, or advertisement of any commodity or service for sale or rental from the premise;
6. The business does not involve substantial deliveries of products or materials to the dwelling;
7. No visitors or customers appear on site;
8. No waste products are disposed on site, except sanitary waste incidental to residential use; and
9. There is no structural modification to the building.