



To: Planning & Zoning Commission
From: Jeremy DeCarli, Planning & Zoning Official
RE: September 7, 2022 Planning and Zoning Commission Regular Meeting – Staff Notes
Date: September 2, 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: A. PZC-22-008: CLW Real Estate Developments LLC., Re-subdivision of Salmon Run Estates, Phase IV & V, 26 lots on Salmon Run / Deer Meadow. Original Parcel: Map 35/ Block 95/ Lot 7.

As you recall, Salmon Run Estates was approved in 2007 when Rehovos Corporation was the owner. This is an open space subdivision as provided for in Section 8.6 of the Zoning Regulations. The original approval was for a 57 lot subdivision in five phases. The original approval had a five year horizon, with an additional five year extension available if approved by the Commission. In 2011, the State legislature amended the State Statutes allowing for the original approval to be extended to nine years with an additional five year extension available. In 2016, Rehovos submitted an application, and was approved for a five year extension. At the outset of the COVID pandemic, Executive Orders extended the approval approximately 20 months, which allowed for the final expiration date of the Subdivision to be extended to July of 2022.

As of now, Phases I, II, and III are constructed and complete. The Phase III road, although not yet accepted by the Town, is bonded and fully constructed. The current application is for a re-subdivision to allow the completion of the project. An approval will allow for Phases IV, and V to be completed.

There was a question regarding required open space at the last meeting. In order to fully understand why additional open space is not required as part of this application, it is important to remember that a subdivision is the division of land into three or more parcels, beginning at the point when subdivision regulations were first enacted in the municipality. In East Hampton, that date was May 1, 1949. Open Space subdivisions in the R-4 Zone, as dictated in the Zoning Regulations, must designate at least 50% of the total area of the original parcel, or tract of land as it existed in 1949. All subdivisions of more than 5 lots created from the original parcel would require an open space designation. In the case of Salmon Run, the original parcel which was subdivided, was a total of 201.038 acres, requiring at minimum 100.519 acres of open space set aside. The approved plan included 116.69 acres set aside as open space which was deed to the CT DEEP. Another 17.58 acres of privately owned land was set aside in a conservation easement, for a total open space designation of approximately 66.7% of the total original parcel.

We have received positive commentary from all relevant regulatory authorities.

7. Old Business:

A. Discussion: Adult Use Cannabis Regulations.

You will recall that at the September meeting, a discussion took place regarding the creation of regulations regarding Cannabis establishments under the recently passed legislation. An existing

12 month Moratorium on Cannabis uses within the Town of East Hampton will expire on October 1, 2022. As such, without regulations, these uses will be allowed and the Commission would need to rely on existing regulations regarding the sale and production of alcohol products for guidance. An extension to the Moratorium in order to have enough time to create regulations was preferred. After many conversations with the Town Manager, it was determined that in order to request an extension to the Moratorium, regulations should be drafted so that the Town Council would be able to recognize the progress being made. Their next meeting is September 13. Based on my conversations with the Town Manager, it seems unlikely that a Moratorium extension would be granted beyond December 31.

In an effort to expedite the process, I have prepared a draft regulation for your consideration. It is based on regulations currently in place both within Connecticut and out of State, primarily municipalities within Massachusetts. Many of the regulations I relied upon are included with your packet.

The regulation is broken into two portions, those uses which have to do with retail sales, and those uses having to do with growing and production processes. Generally, the draft would allow the sales in commercial area, while the production and cultivation would be allowed in more industrial areas. I relied heavily upon the language currently in the regulation for the sales of alcohol products when drafting the regulation.

Location which would allow for sales have a required separation form sensitive uses, such as school, churches, and the like, and include a separation requirement from other cannabis retails locations.

A common concern over cultivation and production is odor. As such, language is included which would require odor control and mitigation, in addition to a separation distance of 1000 feet from any residential lot.

I ask that members read through the proposal so that we can discuss at the meeting. Any concerns or suggested edits will be made in advance of the October 5 meeting.

B. Updates to Zoning Regulations to comply with PA 21-29

These updates were scheduled for a public hearing for September; however, our office did not publish the required legal notice in time. We will publish the notice with the intention of opening the hearing on October 5.

8. Planner's Report

Events have begun to take place at the Rivers Edge Marina at St. Clements Castle. We have been actively monitoring for noise and other complaints.

The Town has applied for a STEAP (Small Town Economic Assistance Program) grant from the CT DECD to reconstruct the sidewalks in the Village Center. This is a project that began last summer when we used a grant to hire an intern to develop a downtown plan. The Council did not approve all of the proposed changes; however, if the grant is approved, the Town will be able to rebuild the sidewalk network, install new crosswalks, and make significant pedestrian and accessibility improvement which will benefit all users.

