



Lower Connecticut River Valley Council of Governments

145 Dennison Road Essex, CT 06426 | +1 860 581 8554 | www.rivercog.org
Regional Planning Committee

August 28, 2019

Mr. Kevin Kuhr, Chairman
East Hampton Planning & Zoning Commission
20 East High Street
East Hampton, CT 06424

SUBJECT: Petition to Rezone Property at 49 Oakum Dock Road
Petitioner: Roncalli Institute, Inc.

Dear Mr. Kuhr:

You have referred the subject petition to rezone approximately 4.96 acres of land to Lower Connecticut River Valley Regional Planning Committee for comment pursuant to Sections 8-3b of the Connecticut General Statutes. The petitioner proposes to rezone the land, located on the town boundary between East Hampton and Portland, from the present classification of R-2 Residential to C-Zone Commercial to enable the reestablishment of a banquet facility that had operated at the site in the past, though without appropriate authorizations. These findings are provided for the P&Z for consideration at its upcoming public hearing scheduled to commence on Wednesday, September 4, 2019.

Background

The petitioner is interested in conducting a banquet facility use on the site in question in connection with the nearby St. Clement's Castle property in Portland across the town boundary. From an intermunicipal impact review perspective, it is the St. Clements property in Portland that would likely be most directly impacted, although properties across the river in Middletown may be impacted as well. It is noted that the East Hampton properties surrounding the 49 Oakum Dock Road site to the north and east are developed as single family residential properties, which could be adversely impacted as well, perhaps more so than the St. Clements property. That said, this review centers on intermunicipal impacts and not those that may occur in the Town of East Hampton.

It is understood that the 4.96 acre property had been zoned as industrial up until 1990, but had been used as a banquet facility without the benefit of appropriate permits prior to it being damaged by a fire in the recent past. When purchased by St Clements, the understanding on the part of the purchaser was that the existing marina and building were permitted for commercial use. The petitioner is looking to rezone the property from the current R-2 Residential designation to the C-Zone Commercial designation that it was apparently assumed to be when purchased and to authorize the use that had been previously occurring at the site. The property, the petitioner asserts, was erroneously rezoned to R-2 Residential in the past. As a note, the marina use, although historically existing at that site, is not included in the list of uses in the C Commercial District and would therefore become a legally-existing nonconforming use and would never be able to be expanded without the benefit of variances.

Review for Intermunicipal Impacts

Following review of the proposed zoning regulations at their meeting on Monday, August 26, 2019, members of the RPC found that the proposed use of the site, particularly the assembly hall use, may

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create intermunicipal impacts to the RiverCOG City of Middletown due to the possibility of sound and light impacts carrying to properties south across the river.

As a note, the RiverCOG Regional Planning Committee had reviewed a similar use with a report dated September, 2015 being issued regarding outdoor dining on waterfront sites. Concerns expressed in that report included the impacts that sound and light that could carry to properties across the river in the City of Middletown. In that review, RiverCOG asked the Portland Planning & Zoning Commission to be specific about standards that were proposed to properly manage such potentially adverse impacts.

Comments

During the discussion, members had numerous comments of which they wanted to make the East Hampton Planning & Zoning Commission members aware. Those comments included:

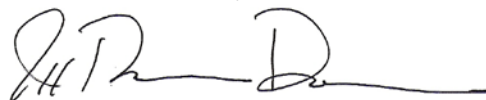
- 1) Although there don't appear to be many residential properties across the river in Middletown, sound does carry very well in that environment. Although any noise produced by the proposed use will likely be less than the noise emitted by nearby large cigarette-style power boats, that example was provided as how far sound does carry in and around the river. The East Hampton Planning & Zoning Commission should be satisfied that conditions applied to a Special Permit approval will be adequate to minimize possible disruption caused by noise at the site.
- 2) The Maromas area of Middletown is a large, passive recreational area used by many people looking for peace and solitude while in a natural setting. "All day music blaring across the river" would be detrimental to the enjoyment of the Maromas area and should be avoided as much as possible.
- 3) Application materials indicate that the property owner is cognizant of the possibility of light pollution and appears to be striving to minimize that potential impact. The East Hampton Planning & Zoning Commissions should be satisfied with application materials and conditions which intend to minimize light pollution that may impact properties across the river in Middletown and to other nearby areas.

Summary

The members of the RiverCOG Regional Planning Committee found that there may be a possibility of intermunicipal impacts to properties in Middletown caused by unmanaged noise and light originating at this site if the property were to be rezoned and the Special Permit approved as proposed. The members agreed that the RPC message to the East Hampton P&Z would be one of vigilance as the application for the Special Permit is reviewed, *if* the rezoning is approved first.

Thank you for forwarding the petition to RPC for comment. If you have any questions or comments regarding this referral report, please don't hesitate to contact us at (860) 581-8554.

For the Committee,



J. H. Torrance Downes
Deputy Director, LCRVCOG

Copies via email to:

Mr. Dan Bourret, ZEO, Town of Portland
Mr. Jim Ventres, Land Use Administrator, Town of East Haddam
Mr. Joseph Samolis, Director of Planning, City of Middletown
Ms. Melissa Harris, Attorney, Stanger Stanfield Law, LLC

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