



To: Planning & Zoning Commission
From: Jeremy DeCarli, Planning & Zoning Official
RE: February 1, 2023 Planning and Zoning Commission Regular Meeting – Staff Notes
Date: January 30, 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.

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

- The Winter 2023 edition of the CFPZA newsletter is available on the website.
- As a reminder, the CT Bar Association will hold its biannual training on March 11. Anyone that wishes to register should let Staff know as soon as possible. We will cover the cost. The training is entirely online.
- Other trainings are available from UConn Canter for Land Use Education and Research (CLEAR). These are free and online. Anyone that wishes to should register online (link previously sent).

4. Reading of Legal Notice

Not required this month as the hearing is a continuation from January.

5. Public Hearings

A. PZC-22-010: Connecticut Water Company, Install well metering building. Map 10A/ Block 85/ Lot 5C

CT Water Company has provided a revised site plan, along with a memo detailing the changes as a result of a meeting held between CWC, the developer, and adjacent property owners. The primary change of importance for the Commission is the relocation of the building to a location closer to Edgewater Circle and further from the nearby wetland area. The size and shape of the building is not proposed to change, other than overall height and the addition of a cupola.

Plantings are being incorporated into the plan in order to better screen the building. As this is within the MUDD, the standard requirements found within the Commercial and Residential Zones do not apply. Instead, the Commission must refer to the MUDD zone requirements. Because this is a mixed-use district, the typical separation requirements that are found in other zones do not apply. The Commission should refer to Section H (page 101) of the MUDD Zone for Commercial and Mixed Use requirements within the MUDD. In general, the primary concern is related to site design, landscaping, etc. The updated plan appears to be in harmony with the intent set forth within this section of the regulation. Setback requirements are being adhered to and additional landscaping has been added, along with a new design of the structure to maintain consistency.

Other considerations:

Lighting: The only lighting proposed at this time are two wall pack units which are proposed for two sides of the building. Both lights are full cut-off LED units. The Commission could consider requiring that these fixtures either be on timers or motion sensors so as not to be on all night.

Fencing: The proposal includes a fence surrounding the building. The Commission could consider requiring a particular type of fencing to better match the aesthetic of the MUDD.

Conservation Lake Commission Review: The Conservation Lake Commission has recommended that the work be completed in the Spring or Fall and stabilization of the soil should take place as soon possible to prevent erosion.

Staff Commentary: The plans appear to be consistent with the intention of the MUDD regulation and should be approved. If there continues to be dissent among neighboring property owners, the Commission can wait to approve the plans to allow more time for all parties to come to a consensus, but as a reminder, without an extension request from the applicant, the Hearing must be closed, after which no changes to the plan can be made.

6. New Business:

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

This application contemplates the construction of a new restaurant space for Two Brothers, Café (currently located in Cobalt) within the lower level of 20 East High Street, in a space which formerly held the East Hampton Police Department. As you will recall, the property was approved for a revised site plan to add considerable parking and revise the site layout. Although it was stated at the time that the owner had hoped to someday attract a restaurant to the space, the approval granted in 2022 only included retail and generic commercial uses (personal services, etc) that only require Site Plan approval. The current application is for a Special Permit for a restaurant as required in Section 5.2 of the Zoning Regulations.

This application will require a Public Hearing. Staff will refer the application to various other departments including Chatham Health, WPCA, Fire Marshal, etc. and the Commission will need positive feedback from all in order to approve the application.

Staff will provide a full application review for the Public Hearing.

Recommendation: Schedule a Public Hearing for March 1, 2023.

7. Old Business:

A. Discussion: Potential Amendment to Sec. 8.4.E to allow commercial kennels in the R-2 Zone as a Special Permit.

As you will recall, the discussion was regarding whether the Commission would consider an application for a Text Amendment to allow Commercial Kennels as a Special Permit Use in the R-2 Zone (in addition to R-3 and R-4). While this was brought forward by an individual landowner,

the Commission should not focus on any one particular property when considering this question.

At present, Commercial Kennels are a Special Permit use allowed in the R-3 and R-4 zones, as regulated by Section 8.4.E. Any property being considered must be at least 10 acres in size and a site plan must be submitted showing that the site can support such a use.

The Commission requested information about where in other municipalities kennels are allowed and what specific requirements exist. I have focused on neighboring towns and attempted to summarize that below:

Colchester: Special Permit in the RU Zone (Rural residential); minimum lot size of 200,000 sq. ft. (roughly 4.5 acres); 100 foot setback from property lines; animals not to be maintained exclusively indoors or outdoors.

East Haddam: Special Permit in all Residential Zones; 100 foot setback; minimum lot size of 5 acres and 250 feet of road frontage.

Haddam: Special Permit in all Residential Zones; 300 foot setback

Marlborough: Special Permit in Residential Zone; Minimum lot size of 120,000 sq. ft. (roughly 3 acres); 100 foot setback from property lines; off-street parking required; all exercise areas to be screened from view.

Portland: Special Permit in all Residential Zones; Minimum lot size 3 acres, 150 foot setback, no offensive odors, noise, or unsightly appearance.

8. Planner's Report

- A. As a reminder, there are new training requirements in place for all Commission members of the PZC and the ZBA. As of January 1, 2023, you will be required to receive at least 4 hours of training prior to January 1, 2024, and then 4 hours every two years after that. I have passed along a few available trainings that can help you achieve that requirement. The Statute which requires this training puts the tracking of this training on the municipality. I have created a spreadsheet which will be updated and reported to the Council at the end of each year. This information does not get transmitted to the State in any way.

I ask that when you attend any training sessions, please let me know so that I can track it. Those that require me to register you (those that have a fee), will be tracked automatically. The Town does not expect Commissioners to pay for any training, and we will cover all expenses.

- B. The fueling station in Cobalt has reopened after many years of being closed. It includes new tanks, new pumps, and a refreshed interior.
- C. I am working with the engineer for the potential 22 lot open space subdivision on South Main Street discussed last month. I have provided some preliminary comments based on the concept that was presented. I anticipate an application at the March meeting.
- D. I have had several discussions with a potential purchaser of the Hampton Woods development located on Route 66 near the Marlborough line. If a purchase is made, I

anticipate a site plan revision application would be submitted to the Commission due to concerns with overall project cost of the current layout. It has been stressed that the affordable housing parameters of the project found in the HOD regulation is required and I anticipate that this potential buyer would honor the commitments. The current approval, after several legislative changes due to the 2008 housing crisis and again due to COVID, is valid until April 2024.

- E. Town Staff, along with our consulting Engineer, is developing final design plans in conjunction with CT DOT for the sidewalk and streetscape project in the Village Center. We do anticipate construction will take place this spring/summer.
- F. I have had several conversations with a developer who is designing a grid scale battery storage project to be located within East Hampton. This would be a project capable of storing up to 5mw of electricity in modular battery units which are used to balance the needs of the electrical grid as more solar and wind projects are brought online. CT Siting Council has ultimate authority over the project; however, the Town will be able to review plans and make comments. When those plans are available, we will schedule a presentation by the developer and forward those plans to the Commission.
- G. As discussed in December, I intend to bring more information to you regarding the variances that have been issued in the R-1 zone and have a discussion about potential changes to reduce the need for variances. If the Commission agrees, this will be an agenda item in March.