

**TOWN OF EAST HAVEN
PLANNING AND ZONING COMMISSION
MINUTES OF THE REGULAR MEETING
HELD ON OCTOBER 6, 2021
AT EAST HAVEN SENIOR CENTER, 91 TAYLOR AVENUE**

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Chairman William DeMayo called the regular meeting to order at 7:12 p.m.

The Pledge of Allegiance.

I. Roll call

Sotonye Otunba-Payne, Clerk, called the roll for the Commission as follows:

John Tarducci - Present

Marlene Asid - Present

William DeMayo - Present

Robert Cubellotti – Present

There was a quorum.

The following were in attendance:

Mr. Jonathan Bodwell - Town Engineer

Joseph Budrow – Planning & Zoning Administrator and ZEO

Attorney Jennifer Coppola - Counsel to the Commission

Mr. DeMayo stated that the applications would be called as they had been posted. All will be given an opportunity to speak. However, should the remarks become repetitive, the Commission reserves the right to impose time limits.

II. Review and Action on Prior Meeting Minutes

1. Minutes of the August 4, 2021 Regular Meeting
2. Minutes of the August 16, 2021 Special Meeting

Ms. Asid motioned to accept the August 4, 2021 Regular Meeting Minutes and August 16, 2021 Special Meeting Minutes. Said motion was seconded by Mr. Cubellotti. The motion passed unanimously.

III. Public Hearings

1. **Application No. 21-11** - on behalf of Attorney Nicholas Mingione, Esq. An application for text amendments to the Zoning Regulations Sections to amend Schedule A, Line 23 and Section 42 (Off-Street Parking and Loading), adding “Assisted Living Facilities” into the Standard Parking Schedule.

Attorney Timothy Lee stated that he was representing Whispering Pines. The bulk of the presentation was made to the Commission last month whereby they are seeking to amend Section 23 of the Zoning Regulations in certain respects. As was discussed last month, the purpose of the amendment is to allow Whispering Pines to expand the scope of their operation to put some assisted living units at that property. In order to do so, they are seeking an amendment to the Zoning Regulations. Whispering Pines is interested in what is called a “step-down unit” meaning going from a convalescent care facility to an assisted living facility at those properties. Right now under line 23, convalescent homes, sanitarium are some of the uses permitted.

Last month there were discussions about what they were trying to accomplish. As part of the application, they were required to send notices to the abutting towns and South Central Regional Council of Governments in order to have their comments regarding this application. They did that between the time they were here last month and October 6, 2021. The meeting was continued to tonight for those referrals.

Mr. DeMayo inquired as to whether they were adding rooms. Attorney Lee responded by saying that he would do that math. They now have 2.17 acres of property. They are going to add approximately a little bit more than two acres of property. They will end up with a total of 4.67 acres between all the assembled parcels. Under the proposed regulations, they would be entitled to one unit for every twenty-five hundred square feet of property. That would leave them with between 81 to 82 units. There are currently 62 units. So, they are talking about 19 to 20 additional units.

Mr. DeMayo asked about the number of added employees. Attorney Lee responded by saying that they anticipate 30 new employees at the assisted living facility except they would not be all there at the same time. Regarding regular shifts, there would only be a maximum of 15 employees working.

Mr. DeMayo asked about parking. Attorney Lee replied by saying that there was a parking ratio in effect for the convalescent homes and the sanitarium. They believe the assisted living parking ratio should be the same as the sanitarium. The Town does have a planned assisted living facility regulation. That actually requires 0.5 parking spaces for each unit. By proposing the

regulation the way they have done it actually increases the parking relative to some other assisted living uses.

Mr. DeMayo asked about the safeguards for the neighborhood. Attorney Lee indicated if the Commission were to approve the text change, they would have to come back before the Commission for a special permit application. They would present a full Site Plan to the Commission for its review. At that time they would be better prepared to show the Commission what safeguards there are for the neighbors. So, right now they are not at the design phase. They are at the text change phase. If the text change is approved, it would be up to the architect and the engineer to draw up a Site Plan. They would probably be back before the Commission in the next three to six months with a Site Plan.

Mr. DeMayo indicated that his concern was for the safety of the people in the neighborhood. They are going to be getting an expansion, if the Commission approves it, of the use which is an allowable use somewhat because this is going to be for assisted living. He added that Attorney Lee should make sure the people designing it take into full consideration the neighborhood and the safeguards for them, i.e., lighting, shrubbery, architectural beauty, etc.

Attorney Lee indicated that was a good suggestion. They have acquired five properties around the complex. That would provide somewhat of a buffer for the neighbors. The Site Plan that would follow would indicate the egress/ingress to the facility.

Mr. DeMayo asked if the traffic load would increase substantially. Attorney Lee indicated that 20 additional units would not lead to a significant increase in traffic. These are people needing assistance in an assisted living facility. Generally, they are not driving a whole lot at that point of time in their lives.

Mr. DeMayo asked about truck deliveries. Attorney Lee said there would be some truck traffic. He did not think it would be a great increase.

Mr. Cubellotti asked if the assisted living was going to be attached to the main portion or separate. Attorney Lee responded by saying that it was a good question. He also asked the same question. They have not fully designed it yet. However, they anticipate them being separate from the main building.

Mr. Budrow said if he used the 3,000 square feet per patient accommodations regulation that's in existence, the Talmadge site is 2.71 acres. They are limited to 39 units. The regulation being proposed would allow an expansion to 47. However, Attorney Lee's numbers are higher. In addition, the Pinto area would allow 22 more units. Mr. Budrow indicated

that with this text change, they would be allowed to have 69 units on the premises between the two. He asked if Attorney Lee said 81 units.

Attorney Lee replied that he had indicated 81. He further indicated he came up with a total of 4.67 acres. This is a total of 303,000 square feet and change. He divided that by twenty-five hundred and came up with 81.4. Mr. Budrow responded by saying that the numbers are what they are. The Site Plan would indicate this.

Attorney Lee said Pinto Drive is not accessible. They have acquired all the properties on this road.

Ms. Asid indicated that the request was for a text change. When they come in with the Site Plan, they would review it.

Mr. Budrow indicated that the applicant was seeking patient spaces based on the twenty-five hundred square feet. And they added the use of assisted living which is a use allowed but it is not in the use table.

Mr. Tarducci said that granted the folks that are living in the assisted living facility will have limited traffic, it may be premature to speak about visitors to the additional units. Attorney Lee replied by saying that if it's something the Commission would want to see when they return before the Commission with the special permit and Site Plan application, they would consult with the traffic engineer and find out how many traffic trips the anticipated 20 additional assisted living facilities would generate. There is the ITE (Institute of Transportation Engineers) traffic study that the Commission has seen from time to time. They have standard traffic trips for each use. He could get the number for the Commission.

Mr. DeMayo added that they would like to know about the number of spaces required for visitors as well. Attorney Lee indicated they would have the numbers.

Attorney Coppola indicated that the last time the Commission amended the Zoning Regulations the allocation of 0.5 parking spaces was used for the assisted living facilities use. This was when the assisted living use was added to the PEFD regulations for The Bluffs. So the requested text amendment is consistent.

Mr. DeMayo called for anyone who wanted to speak in favor of this application. Hearing no response, he asked for comments in opposition to this application.

Ms. Lorena Venegas, 73 George Street, asked for Attorney Coppola to explain the ramifications of the text change and how it would relate to what

she had just mentioned about The Bluffs. She asked Attorney Coppola to expound.

Attorney Coppola indicated that when the text amendment was adopted for The Bluffs, all may recall, that they amended the PEFD regulations to allow the assisted living use. She was just simply stating that the parking allocation that was put into that is consistent with what's being proposed of 0.5 vehicle spaces. So, that is in the amendments to the PEFD. And it was simply a statement that they are being consistent. And that is the average that they hear from the experts for assisted living, the 0.5 parking spaces.

Ms. Venegas indicated said she would like to find out from Mr. Budrow what he thought about a reduction from 3,000 square feet to twenty-five hundred square feet and how that would affect the Town of East Haven and other places.

Mr. Budrow replied by saying that it was a good question. The regulation would affect all other hospitals, convalescent homes, and sanitariums. So, if they have a bit of land, they could conceivably get more patients into their buildings, if they have the land. So, that would of course need build-outs, adding more rooms. So, it could affect patient increases around Town. However, it would not affect The Bluffs because they are locked in on units. So, there would be no additional units up there.

Ms. Venegas said she would love our Town to try to get away from doing text changes that are dropped by outside attorneys before they see the actual Site Plans. They have been down this road before in 2019. She sees this as a gap because of that. She sees that someone else can come in and take advantage of what was just said. To her, it is really important to maintain the integrity of the Zoning Regulations. There is no doubt that Attorney Lee would return with the Site Plan. So, she implored the Commission to wait until Attorney Lee returns with a Site Plan and that he could combine that with the text change then. But the decrease to twenty-five hundred square feet from 3,000 square feet was a real bother to her.

Mr. Budrow indicated that the applicant's idea was to get variances to the Zoning Regulations because the regulations would not allow the vision of Whispering Pines. He urged the applicant to forego nonconformity and propose a text change. Mr. Budrow further added that he felt that they were looking at the regulations with integrity by proposing something instead of trying to go against what they are.

Ms. Venegas replied by saying she totally understood as it was for the senior population. The populations is getting older and people are going to need other options for housing. She wanted to speak about a caveat, comma or pause: She wanted to ensure that they keep the integrity of the text because

of that decrease. She thought it opened up, not a can of worms, but maybe something that had not been foreseen at that moment.

Mr. Budrow replied that they can definitely foresee something as he was not sure how many convalescent homes they have. East Haven has no hospitals. The Town has assisted living facilities in different locations. The applicant would come to his office before they present before the Commission and they hammer out details there. He does not think anyone would take advantage of the Town because there is bulk requirements for expansion that will regulate growth. It is not going to be easy to take advantage of anything.

Mr. DeMayo indicated that this was just a process. He had indicated before that the Commission necessarily has to see the Site Plan. This is the way Planning and Zoning has been set up. The Commission tries to maintain conformity with the process.

Ms. Venegas indicated that this had ramifications.

Mr. Budrow indicated that others can take advantage of this but there are other regulations such as building codes, fire codes, etc., that will always make sure it is done the right way.

Attorney Coppola stated that it is true that when you have text amendments, you always have to be looking at what are the impacts elsewhere. You are not just looking at the one property. You are looking at all properties that the text change could impact because it applies across the Town depending on what the particular parameters are. In this instance, the discussion has been about amending a use table. Those uses are allowed in only certain districts anyway. However, this is something that should always be part of the consideration regarding an amendment request.

Attorney Coppola indicated that she agreed with Mr. Budrow that one does not want to be steering potential applicants towards a variance. First of all, she thought it infringes upon the Planning and Zoning Commission's planning function.

Mr. DeMayo asked for any other comments. Hearing none, he called for Attorney Lee to respond.

Attorney Lee said it is always good when members of the public express their concerns. He viewed Zoning Regulations a little bit differently. He thought the Commission should always be considering the Zoning Regulations because the needs of the community have changed over time. When the Zoning Regulations were adopted 50 years ago, the Planning and Zoning Commission at that time may not have anticipated changes to the

Town and changes to the world at large. Ms. Venegas had said the community is getting older and living longer. So, there is a need for these kinds of facilities in East Haven and all over the place. He thought the Commission was prudent in considering the impact of the Zoning Regulations town-wide. This makes sense. However, he urged the Commission to approve the application as there is a need for assisted living facilities in East Haven. The population is getting older. He thought that this particular application would be an asset to the Town. Although, there are concerns about outside attorneys, they are local attorneys. They represent an entity which is an East Haven entity. Whispering Pines operates a facility in East Haven. They own properties in East Haven and they are looking to expand their business in East Haven. So, this is a town business that they are asking the Commission to assist with a text change tonight. If approved, they will come before the Commission with a full-blown Site Plan where they could have an in-depth discussion about the details of the actual application.

Mr. Budrow indicated that he would delve deeper into the Town of East Haven's Plan of Conservation and Development. He does not know right now if East Haven actually has a plan to increase housing for the elderly. If it's in there, this text amendment would actually support that. However, he could not tell the Commission right now if it's in the POCD.

Mr. DeMayo called for further comments regarding this application.

Ms. Karen Martin, 15 Old Oak Road, indicated that she wanted to say that Ms. Venegas had some good points. She was very leery of text amendments after what they have seen happen in the past and how developers can try to take advantage to text amendments and then the Commission has to go back and change the text amendment again. From their experience, they have found there are some pretty creative lawyers out there who have found really interesting ways to turn things around and make it all work to their advantage. She wanted to make sure that if the Commission approves a text amendment, it is because there is no better way to do it.

Ms. Asid asked what regulations the current assisted living facilities go by. Mr. Budrow replied by saying the 3,000 square feet per patient accommodation.

Ms. Asid motioned to close the public hearing on Application No. 21-11. Said motion was seconded by Mr. Tarducci. The motion passed unanimously.

2. **Application No. 21-14** - on behalf of Robert Mangino for Gurukrupa Investments, LLC 85 Hemingway Avenue. An application to amend a Special Exception approved September 6, 2017, to allow an inground

swimming pool at a location north of the apartment building. Also, to allow for a Building A and Building B to be combined for both retail and office space.

Mr. Budrow indicated that as of that morning the application had been officially withdrawn. This all came about because he finally visited the property and observed how it had been out of control. He had nine bullets of things to be done. He mailed it to Mr. Mangino. One of the bullet points was that they withdraw given the condition the site was in.

Mr. DeMayo also indicated that he would like to see the Building Inspector's record of the inspections of the property. Mr. Budrow indicated he would ask.

3. Amendments to Zoning Regulation Changes - (Adoption of entire Zoning Regulation) - Update and continuation of the Public Hearing with further discussion of the proposed Amendments.

Mr. Budrow indicated he did not have his binder with notes. He asked if he was supposed to file an application regarding this matter.

Attorney Coppola stated that this has been an ongoing matter since before she was retained by the Town. Mr. Budrow had just asked a procedural question. There is a process to follow even if the amendment originates from the Commission. The Commission had taken in comments over the course of several months. All could agree that there has not been the crowd that one would expect given that there are several amendments being proposed by the consultant, Mr. Brian Miller, in addition to a number of issues that she and Mr. Budrow had talked to the Commission about. There are members of the public in attendance to comment. She said the Commission should hear from those who would like to speak about short-term rentals. They will have to discuss how to bring some of these amendments to fruition.

Mr. Tarducci indicated that he thought Mr. Budrow would look deeper into some of the language. Ms. Asid said Mr. Budrow was to reformat.

Mr. Budrow indicated he was going to reformat the use tables.

Attorney Coppola indicated that this would be a cumbersome undertaking.

Mr. Budrow indicated he could present something to receive in January as an application. Then the hearings could begin again. It would be best to do it four sections at a time.

Ms. Cynthia Sparago, 42 Caroline Road, indicated she put together some notes. She handed out the typed notes to the Commission. Since the Commission's last meeting she put together some notes regarding what other Towns are doing in the state.

Mr. DeMayo asked that the two-sided, one-sheet submission be marked as Exhibit A. It was so marked.

Ms. Sparago indicated that the following towns do not allow short-term rentals: Newington, Preston, Griswold, Simsbury, etc. There are lots of towns that zone out short-term rentals as Bed & Breakfast where owners must be on the premises in order for them to rent out single rooms. They are not allowed to rent out a full house.

There are towns that allow short-term rentals with stringent regulations. West Haven has a 7-day minimum stay with no more than four unrelated adults maximum. Branford has a 7-day minimum stay. Hartford has come up with a compromise. Hartford has defined their short-term rental as 30 days or less. Twenty-one days are allowed on no more than three separate rentals. Noank (Groton) has a 14-day minimum stay and 45 days per year. This is interesting because it is on the shoreline as well. New Fairfield allow rentals for less than six days. The owner must live on the premises or live next door. This would do a lot to curb the amount of noise and any concerns you might have if you are living there.

Massachusetts just instituted state-wide regulations which includes a one million-dollar liability insurance. The owners have to register with the Department of Revenue and pay taxes to both state and local municipalities. Other cities have their own regulations. For example, Boston has a 30-day minimum. Quincy banned short-term rentals in all residential zones. Lynnefield has a 30-day minimum. Lynnefield's regulation is interesting as someone tried to take them to court and the Massachusetts court ruled in favor of the town saying it was not a permitted use under the zoning regulations. There are areas in New York with short-term rental regulations. New York also has some shore areas with short-term rental regulations. She placed a note at the bottom of the handout that the list is not all inclusive.

Ms. Sparago went on to speak about the relevant statistics she found. For example, 72 percent of the listing with Airbnb are by hosts with multiple properties - making them commercial operators. Eighty-one percent of Airbnb revenue nationwide (\$4.6B) comes from whole home rentals where the host is not present. There is a lot of lobbying going on to allow this use. A UCLA study showed that for every one percent increase in Airbnb listings in a community, housing prices increases by .025 percent. It raises the price of the property which could be good on the one hand and bad on the other hand if one is looking for low-income housing.

What she found interesting was that the report by the Southeastern Connecticut Council of Governments showed the pros and cons of regulations via zoning versus town ordinances. For example, the Town of Stonington counsel decided they could not do it through ordinances. She asked Attorney Coppola to take a look at that because as time is ticking and next summer is fast approaching, we, collectively do not want to go through Planning and Zoning only to find out that legally we did not have a foot stand on and it needs to be a town ordinance.

Attorney Coppola said due to recent legislation having to do with accessory apartment, they have already began looking at it in this context. She did distribute Branford and other regulations to the Commission. She likes to look at the immediate area. So, they have looked at a number of regulations regarding accessory apartments. Home occupancy is something that is included as a requirement when you have regulation of accessory dwelling units. And there are a number of other considerations that the towns have taken different position on.

Attorney Coppola indicated that Mrs. Sparago raised an important concept which is that this enterprise may be a commercial one. She indicated that she had an issue in another town where a property was being used to host big events such as weddings, birthday parties, other significant life events. It was in the middle of a residential neighborhood. It was very inappropriate and this raised lots of concerns. They will continue to look at all aspects of this issue.

Attorney Coppola further indicated that she does not know what form this regulation would be. She is not sure she necessarily agreed with the opinion of the counsel in Stonington. Ms. Sparago mentioned other considerations such as imposing fees and so on and so forth. This may make it more suitable as an ordinance. Attorney Coppola has not come a decision about what her recommendation would be. The Planning and Zoning Commission must act with regard to accessory dwelling units per recent legislation.

Ms. Sparago went on to say one of the cons is that the Zoning Enforcement Officer is not around on weekends. The police can be called for safety issues but not noise.

Attorney Coppola indicated that one of the considerations in drafting an ordinance is selecting the official who will be enforcing the ordinance. Enforcement has a decision-making component to it.

Ms. Sparago ended with a few quotes. The Mayor of Babylon, New York stated that "Airbnb is a good way to ruin a community." Noank (Groton) Chairman of Zoning, Rick Smith, said "Airbnb rentals are running a hotel

with no supervision.” “...Turns a residential property into a commercial use.” Chairwomen of the Hartford Planning and Zoning said it is important to regulate short-term rentals because some property owners in essence turn a residential property into a commercial one -- changing the intended use of that entire area.

Mr. DeMayo thanked Ms. Sparago for her comprehensive and informative presentation. He thanked all who spoke as well.

Wendy Bellmore, 57 Catherine Street, thanked Mrs. Sparago. She thanked Attorney Coppola for her comments. It is very important for the Commission to know that the Cosey Beach group has discussed this at length. It is their focus for 2021 going into 2022 to ensure that their neighborhoods at the beach are residential in nature and do not have a commercial element with the exception of the small restaurants. It is not the intention of persons who purchased in this area to have the integrity of this neighborhood changed into a commercial environment.

She would like members of the Cosey Beach group included in the discussions either before the Commission or Town Council. The group is here to support the Commission. Their expectations are very clear.

Mr. Budrow and Ms. Asid asked for contact information for the group.

Ms. Bellmore responded by saying the Cosey Beach group has been in existence for six years. They address all issues such as blight, parking, building use, etc. They are going to help the Commission, but they want to be at the table. Ms. Sparago would be the point person for the group.

Attorney Coppola indicated that what is being suggested by Mr. Budrow is that the Commission would deliberately move through the regulations. Once the Commission gets down to the nitty-gritty, when noticing, the notice has to include sufficient detail regarding the topics that would be covered during a specific meeting.

IV. Executive Session and Public Comment and Possible Action on Proposed Stipulation for Judgment

1. Discussion the status for the pending litigation and proposed Stipulation for Judgment in Autumn View, LLC, et al. v. Town of East Haven Planning and Zoning Commission (Docket No. NNH-CV16-6061972-S), concerning the real property located at 92, 100, 110, 118, 126, 180, and 242 Strong Street, East Haven, Connecticut, and possible action by the Commission related to same. Members of the public can participate and offer their comments on the Stipulation for Judgment to the Commission.

2. Consider whether to convene in executive session to discuss the status of the pending litigation and proposed Stipulation for Judgment in Autumn View, LLC, et al. v. Town of East Haven Planning and Zoning Commission (Docket No. NNH-CV16-6061972-S).

Attorney Coppola advised that the Commission would not be receiving public comment on the Stipulation for Judgment because the Stipulation has not been finalized. She indicated she would like a brief executive session with the Commission to bring them up to speed on where they are.

Ms. Asid motioned to go into Deliberation Session to Discuss Application No. 21-11. Said motion was seconded by Ms. Tarducci. The motion passed unanimously.

Ms. Asid asked if the amendment sought would also change the square footage from 3,000 to 2,500. Mr. Budrow replied that the square footage is related to lot size not building size. By lowering it to 2,500 square feet per patient accommodations, it would allow them to squeak out a few more units.

Ms. Asid asked if it was part of the amendment. Mr. Budrow answered in the affirmative.

Mr. DeMayo indicated that there was no problem in moving on this particularly because counsel and the applicant know and understand that the Commission wants to know the specifics. They will approve or disapprove and decide on conditions, if necessary, if the Commission passes on it.

Ms. Asid motioned to approve Application No. 21-11, application for text amendments to the Zoning Regulations to amend Schedule A, Line 23 and Section 42 (Off Street parking and Loading), adding “Assisted Living Facilities” into the Standard Parking Schedule. Said motion was seconded by Mr. Cubellotti. The roll was called.

Mr. Tarducci - Yes.

Ms. Asid - Yes.

Mr. DeMayo - Yes.

Mr. Cubellotti - Yes.

Motion carried.

Ms. Asid motioned to get out of the Deliberation Session and back into Public Session. Mr. Tarducci seconded. The motion passed unanimously.

V. New Applications

1. **Application No. 21-15 - on behalf of the East Haven Planning and Zoning Commission.** A Petition for a text amendment to the East Haven Zoning Regulations to add a six-month Moratorium for receiving any land use applications related to all Connecticut-licensed uses involving recreational cannabis.

Mr. Budrow indicated that he had the actual text. He does not know if it made it to the Commission's mailings. The actual text is in the ordinance folders.

Attorney Coppola indicated that she had a recommendation with regard to this. This is to set up more of the reasons why the Commission is doing this. It is her recommendation that in terms of posting the amendment that there be some prefatory language, again added, to provide reasons for entering the moratorium. She had drafted the following language:

WHEREAS, Public Act No. 21-01 entitled "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis" which legalizes the cultivation, processing, distribution, possession, and use of cannabis (marijuana) for recreational purposes was signed into law on June 22nd 2021 and became effective on July 1st, 2021; and

WHEREAS, the law is lengthy and complex and raises novel legal, planning, and public safety issues, and requires that the East Haven Planning and Zoning Commission study and assess the potential impacts of the law on the Town of East Haven and the need for potential regulation of Cannabis Establishments as defined by the Public Act in a thoughtful and responsible manner and to undertake a planning process to consider amending the Zoning Regulations regarding regulation of such establishments; and

WHEREAS, a moratorium will allow the Planning and Zoning Commission to have sufficient time to undertake the required assessment and planning process;

NOW THEREFORE, BE IT RESOLVED,

Attorney Coppola indicated that there would be a little minor tweaking of Mr. Budrow's language with regard to the moratorium.

Ms. Asid asked if Attorney Coppola had included in this prefatory language that the Commission is allowed to gather public information. They want to have a feel for the pulse of the public.

Attorney Coppola said she could include language specifically indicating that as part of the necessary process.

Mr. Budrow asked whether this was not for the agenda text. Attorney Coppola said it was for the moratorium text.

Attorney Coppola indicated the next meeting is scheduled for Wednesday, November 3rd. So, the proposed moratorium will be discussed at that meeting.

Ms. Asid motioned that this application would be included in the November 3rd, 2021 agenda for the public hearing on the proposed moratorium.

Said motion was seconded by Mr. Tarducci. The motion passed unanimously.

2. **Application No. 21-16** - on behalf of 198 Commerce Street Association, LLC, c/o Thomas Hennessey. An application for a Site Plan Review to add a 12,800 square foot addition to an existing commercial building with accessory improvements.
3. **Application No. 21-17** - on behalf of 198 Commerce Street Association LLC, c/o Thomas Hennessey. An application for a Coastal Area Management Site Plan Review to add a 12,800 square foot addition to an existing commercial building with accessory improvements.

These two applications were heard together.

Mr. Budrow stated that this property is a commercial building. It is currently vacant. He believes it is being used for storage. It was approved for an addition years ago and was never built. There's no initial approval for that property. So, this is coming in as a Site Plan Review for 12,800 square feet. The application came in right at the deadline. He took it in and did a Site Plan analysis. His report was included in the Commission's folders. He sent his report to Mr. Jim Pretti. He is getting right to work on improving the site plan for next month. There is nothing to discuss tonight. This should be continued to November. Mr. Pretti said he was okay with the continuance.

Mr. Tarducci asked if this was a change for a specific tenant. Mr. Budrow replied no. He was told that the property owner wants it for storage of personal items. Mr. Budrow stated that he asked Mr. Pretti if there was a tenant in the building and Mr. Pretti said no.

Mr. DeMayo asked whether the owner of the building was seeking a blanket approval with the Commission knowing what is going to be stored in the building. Mr. Budrow indicated that next month the question could be answered. However, the recommendation for the whole site per the addition is to adhere to all parking as if something was going there. They will be making improvements to the site as if it is for a future commercial business.

Mr. Bodwell offered some indicated that the site would be improved such that if any sort of tenant were to move in with an allowable use, it would meet the standards.

Ms. Asid stated that they had received the information.

Ms. Asid motioned to continue this application to the November 3, 2021 meeting.

Mr. DeMayo indicated that this would be to get more information for discussion.

Said motion was seconded by Mr. Cubellotti. The motion passed unanimously.

VI. Other Business

1. **Application No. 21-13** - on behalf of A & G Developments, LLC, 133 Commerce Street. An application for a modification to Site Plan Application No. 21-12 to allow for the expansion of an existing commercial building and the on-site improvements such as paving and drainage improvements.

Mr. DeMayo asked if this was the bakery place.

Mr. Budrow said yes. The gentleman who is their site manager was before the Commission last month and he pretty much urged the Commission to approve it, but the Commission cannot before the Inland Wetland Commission approves it. Since the last time they were before the Commission, they have since come in with an application and a Site Plan. The wetland enforcement agent said more was needed. The agent received something on Monday. As of now, the agent could tell the Commission if there is a complete application going to Wetlands on October 14, 2021.

Mr. Bodwell indicated that he spoke with the architect. Mr. Bodwell told the architect that he needed some more information and that if he provided him the information last Friday that he would make an effort to get their application on the agenda for the Wetlands Commission's next meeting. He does not have the information.

Mr. DeMayo indicated the applicant was told that the Commission would expedite this but the ball is in his camp. Mr. Bodwell indicated that it had been a slow process on the part of the applicant.

Mr. Budrow indicated that the applicant knew this may go into November. The Site Plan may change based on what happens at the Inland Wetlands Commission's meeting.

Ms. Asid motioned to continue both applications to the November meeting in order to get more information. Said motioned seconded by Mr. Tarducci. The motion passed unanimously.

Ms. Asid motioned to go into Executive Session and invite Joe Budrow, Jonathan Bodwell, and Attorney Coppola. Said motion was seconded by Mr. Cubellotti. The motion passed unanimously.

The Commission entered Executive Session at 8:30 p.m.

Ms. Asid motioned to exit Executive Session. Said motion was seconded by Mr. Tarducci. The motion passed unanimously.

The Commission exited Executive Session at 9:22 p.m.

VII. Deliberation Session

1. Discussion and possible vote on **Application No. 21-07 - Autumn View, LLC, Vicki Imperato and Statewide Construction, LLC, Applicant.** An application for text amendment to the Zoning Regulations to amend Sections 21 (Districts) and 23 (Purpose of Districts) and to add a permitted use to Schedule A and Section 30A.

Attorney Coppola indicated that deliberation on this application was continued from last month. The public hearing was closed that night. She recommended that the deliberation be continued again to the November 3rd, 2021 regular meeting. The Commission will have to act on the application then, if the matter cannot be resolved otherwise.

Ms. Asid motioned to continue the deliberation regarding Application No. 21-07 for Autumn View to the November 3, 2021 regular meeting when the Commission would have more information to discuss and deliberate. Mr. Cubellotti seconded. Motion passed unanimously.

V111. Adjournment

Ms. Asid motioned to adjourn. Said motion was seconded by Mr. Tarducci. The motion passed unanimously.

The next scheduled regular meeting is on November 3, 2021. The Board adjourned at 9:31 p.m.

Respectfully Submitted,

Sotonye Otunba-Payne