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Town of East Haven
Planning and Zoning Commission
Special Meeting Minutes – June 26, 2023
Via Zoom Videoconference and Conference Call

I. Roll Call and Pledge of Allegiance

Commission Chair, Marlene Asid, started the meeting at 7:07 PM and led the Pledge of Allegiance.

Present for the meeting were Commission members Marlene Asid (Chair), John Tarducci (Vice-Chair), Robert Cubellotti, Louis Fusco, and Allen Shaul (via telephone/conference call).

Also, in attendance were Planning and Zoning Administrator and Zoning Enforcement Officer Joseph Budrow, Town Engineer Jonathan Bodwell, and Assistant Town Attorney Jennifer Coppola.

II. Review and Action on Prior Meeting Minutes

MOTION: Mr. Cubellotti made a motion to approve the meeting minutes of the May 3, 2023 special meeting. Mr. Fusco seconded the motion. All were in favor. **Motion carried 5-0.**

III. Referrals for Review by the Planning and Zoning Commission Pursuant to Connecticut General Statute 8-24.

Attorney Coppola stated that the three items to be discussed and they should be discussed separately. She said that there are two land donations that are proposed in exchange for tax forgiveness.

1. Referral for review of donation of real property of Meoli Limited Partnership at 105 North Atwater Street, East Haven.

She described 105 North Atwater Street property. She read a letter from the Land Trust dated June 26, 2023. The North Atwater Street property would be incorporated into the Bradford Creek Preserve. The Meadow Street property would be a benefit to the Farm River estuary. The Land Trust requests a favorable comment from the Commission to the Town Council.

Attorney Coppola introduced Town Engineer Jonathan Bodwell to offer his comments/guidance to the Commission. He said the Land Trust wants the property in order to preserve it. He said he questioned if the Town might want to keep the Meadow Street property and feels they should both remain as open space.

Mr. Tarducci asked if these properties are free of any environmental issues. Attorney Coppola answered by saying that her firm typically recommends a Phase 1. The Town Council was approached first to see if they wanted to pursue the land acquisition before bringing the § 8-24 referrals to the Commission. She repeated that a Phase 1 is recommended on both properties with the Town taking title.

Ms. Asid asked if the Council already approved this. Attorney Coppola answered that the idea of tax forgiveness in exchange for donation of the property was proposed, but no approval has taken place. Ms. Asid sought confirmation that the Commission can make a recommendation, but the final decision is to be made by the Council. Attorney Coppola said the Commission is reviewing the proposals and sending a positive or negative report to the Council.

Mr. Fusco said it sounds like a no-brainer. It is a win for the Town and the Commission should send a positive report.

Mr. Budrow told the Commission that the Plan of Conservation and Development in Section 12.9 talks about an Open Space Plan. He said that 105 North Atwater Street is within an area planned for open space, and it appears to be property that protects environmentally sensitive areas and to fulfill a goal of providing linkage to other open space areas.

Regarding 131 Meadow Street, this is a different-looking property. It provides a water view and could be an area for passive recreation. The property is also in an area planned for open space, is within a proposed Greenway area, is in an environmentally sensitive area, and would maintain a viewshed. He said it appears to be a knoll and has potential to be a boat launch area and perhaps has more value than the North Atwater property as a viewshed. Overall, these parcels, as open space, would fulfill goals of the POCD, i.e. Section 12.9.

MOTION: Mr. Tarducci made a motion to give a positive referral report to the Town Council regarding the C.G.S. § 8-24 referral for 105 North Atwater Street. Mr. Shaul seconded the motion. All were in favor. **Motion carried 5-0.**

2. Referral for review of donation of real property of Luco F. Meoli Family Trust at 131 Meadow Street, East Haven.

Attorney Coppola reminded the Commission that 131 Meadow Street is a smaller lot and provided a description of the property, that it borders the Farm River for about 100 feet, etc. For the record on this matter, she reminded the Commission that the Land Trust letter previously read into the record for the preceding matter addressed this property as well.

MOTION: Mr. Tarducci made a motion to give a positive referral report to the Town Council regarding the C.G.S. § 8-24 referral for 131 Meadow Street. Mr. Shaul seconded the motion. All were in favor. **Motion carried 5-0.**

3. Referral for review of Stormwater Management and Drainage Easement at the property of the Town of East Haven at 35 Wheelbarrow Lane, East Haven for The Bluffs, LLC multi-family elderly housing and assisted living facilities development to be located at 31 and 100 Sperry Lane, 161 Foxon Road, East Haven.

Attorney Coppola reminded the Commission that a Site Plan was approved, and that this easement was discussed during the public hearing and at the time of approval. The Town Council will have to approve the easement. If the Council does not approve the easement, then an application setting forth a different stormwater management design would have to be submitted to the Commission. The other option would be to go under Rt. 80. She said that it had been mentioned by members of the public recently that there is a water problem with the project. She said such comments reflect a lack of understanding with what is involved with development and that stormwater maintenance and drainage easements are typical for what is involved in land development. It is a large project. Part of the process is submittal of calculations which are reviewed by the Town Engineer. The design is thoroughly reviewed. She said there is a discourse that takes place between the project engineer and the Town Engineer who both have a wealth of knowledge/ experience in handling stormwater management and drainage issues. They provided their opinion. She spoke about the drawings the Commission received. The pipe across Wheelbarrow Lane itself will be increased in size [as shown on Drainage Easement Map the existing 15" RCP is to be upgraded to a larger pipe]. Mr. Bodwell said that one concern he had was the time of the installation, e.g. July and August. Also, he wanted to make sure that if in the future something changed with the flow of water, the owner of the property would be responsible for increasing the drainage system going out to Route 80. Language has been put into the easement to address these concerns.

Mr. Budrow asked Mr. Bodwell if the water that reaches the easement area has already been through various processes on site before it gets to the easement area. Mr. Bodwell confirmed that the water has been treated through several processes, there is storage onsite, and flow has been reduced so that the drainage system in Wheelbarrow Lane can accommodate that flow.

Ms. Asid confirmed if the Commission was taking action tonight. Attorney Coppola answered saying this was an § 8-24 referral so it is the same action as the previous matters and offered further guidance. Mr. Bodwell made some comments about the alternative design. Ms. Asid asked if Jonathan was satisfied with the plan. He answered that the design is correct. He said his concern was that the Town not be responsible for necessary future work and the easement addresses his concern.

Mr. Fusco asked Mr. Bodwell if his timeline was due to the school being in session. Mr. Bodwell confirmed. Ms. Asid confirmed that the referral report would be written in a

way that reflects what comments the Commission received. Ms. Asid asked Attorney Bernard Pellegrino if he wanted to make comment and he briefly addressed the Commission.

MOTION: Mr. Fusco made a motion to give a positive referral report to the Town Council regarding the C.G.S. § 8-24 referral for the stormwater management and drainage easement at the property of the Town of East Haven at 35 Wheelbarrow Lane for The Bluffs. Mr. Shaul seconded the motion. All were in favor. **Motion carried 5-0.**

IV. Public Hearing

1. **Application No. 23-19 – on behalf of the East Haven Planning and Zoning Commission.** A Petition for a Text Amendment to the East Haven Zoning Regulations to extend an existing Moratorium that prohibits the issuance of any zoning permits that would permit the use of a Cannabis Establishment in any zoning district in the Town of East Haven for an additional period of one (1) month to July 31, 2023.

Attorney Coppola addressed the Commission, explaining that staff has drafted a Prohibition and changes were made. The purpose for extending is to afford time to act on the Prohibition. Ms. Asid then read the second item.

There were no comments or questions from the Commission, and no comments from the public in attendance.

MOTION: Mr. Tarducci made a motion to close the public hearing for **Application No. 23-19**. Mr. Cubellotti seconded the motion. All were in favor. **Motion carried 5-0.**

2. **Application No. 23-15 – on behalf of the East Haven Planning and Zoning Commission.** A Petition for a Text Amendment to the East Haven Zoning Regulations Section 24 to establish a prohibition regarding cannabis establishment uses.

Attorney Coppola read the language of the Prohibition, noting that it was filed and posted with the Town Clerk's Office and posted on the Town website. It will be Section 22.4.6. The Commission did not have any questions.

There were no comments from the public.

MOTION: Mr. Tarducci made a motion to close the public hearing for **Application No. 23-15**. Mr. Cubellotti seconded the motion. All were in favor. **Motion carried 5-0.**

V. Deliberation Session

1. Discussion and possible decision on **Application No. 23-19 – on behalf of the East Haven Planning and Zoning Commission.**

MOTION: Mr. Fusco made a motion to approve **Application No. 23-19**. Mr. Cubellotti seconded the motion. All were in favor. **Motion carried 5-0.**

2. Discussion and possible decision on **Application No. 23-15** – on behalf of the **East Haven Planning and Zoning Commission**.

Attorney Coppola reminded the Commission to set an effective date. There was discussion about the first publication date. She recommended an effective date of July 21st, 2023.

MOTION: Mr. Fusco made a motion to approve **Application No. 23-15** with an effective date of July 21, 2023. Mr. Cubellotti seconded the motion. All were in favor. **Motion carried 5-0.**

VI. Adjournment

MOTION: Mr. Tarducci made a motion adjourn the meeting at 7:50 PM. Mr. Cubellotti seconded the motion. All were in favor. **Motion carried 5-0.**