

**TOWN OF HADDAM
PLANNING AND ZONING COMMISSION
PUBLIC MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT
THURSDAY, 6 SEPTEMBER 2018
APPROVED MINUTES**

Approved as Submitted at the 20 September 2018 Meeting

ATTENDANCE

X	Gina Block
X	Steven Bull, Vice Chairman
X	Michael Farina
X	Frank (Chip) Frey
X	Jamin Laurenza, Chairman
X	Wayne LePard
X	Edward Wallor, Secretary
X	Robert Braren, Alternate
X	Diane Waddle Stock, Alternate
A	Sam Todzia, Alternate
X	Liz West Glidden, Town Planner
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mr. Laurenza, chairman, called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

The pledge was recited.

3. Attendance/Seating of the Alternates

Attendance was taken and all regular members were seated. Mr. Laurenza reported that Sam Todzia has been appointed as an alternate and it was unclear if he had received notice regarding the meeting.

4. Additions/Corrections to the Agenda

Mr. LePard asked if the “procedural” portion of the UConn Land Use Academy presentation on Thursday, 20 September 2018, will be synonymous with Robert’s Rules of Order. Mrs. Glidden stated yes, and explained what will take place on 20 September 2018. Mr. Bull asked if this will be where the Commission will discuss how they should conduct their meeting. Mrs. Glidden recommended the Commission listen to Bruce Hyde’s presentation and then talked about it afterwards or at their October meeting.

There were no additions/correction to the agenda.

5. Public Comments

Lisa Wadge, representing DBP, LLC (Brookes Court) and HCPD, LLC (Tylerville Village) talked about a request she had made during the public hearing concerning the regulations and thanked the Commission

for hearing her; however, after further review of the regulations along with attorneys and engineers, she realized there was a gap and questions whether or not further modifications could be made.

Ms. Wadge stated the regulations do not allow her to build a residential market rate building and that Haddam is one of the only town's that doesn't allow that. Ms. Wadge asked why the Commission wouldn't want a structure that's 100 percent residential in Tylerville Village. Ms. Wadge stated she has only one lot that she can develop on Brookes Court as the State of Connecticut will not provide her with a well permit due to public water coming to that end of town. Ms. Wadge also stated people are interested in the lot if they can build market rate apartments. Ms. Wadge stated all she would be allowed to construct would be one 15,000 square foot maximum building with 25 percent commercial and that she is hearing that people do not want to live above a commercial business.

Ms. Wadge explained that she had met with Mrs. Glidden in regard to the regulations and that she cannot use the existing house to count towards the commercial use. Ms. Wadge stated she appreciates the mixed use. Ms. Wadge stated it will take another year or two before she can develop the back land and that she is receiving interesting in building market rate housing, but not affordable housing.

Ms. Wadge explained how the process works – people will not purchase a parcel until they know they can build what they want – and the Commission does not have an allowance for a variance through a Special Permit. Again, Ms. Wadge stated she cannot build a residential building that is market rate.

Ms. Wadge stated she had thought about building apartments behind Tylerville Village (the plaza) as the Cooking Company needs a place for their staff to live and work in town. Ms. Wadge stated she doesn't want 25 percent commercial there as she already has it in the other buildings within the plaza. Ms. Wadge also stated she is waiting to see if the cell tower will be put in place, and that it would be ideal to construct apartments for young people to live in on the back parcel.

Ms. Wadge asked the Commission to reconsider having a process whereby a developer could get an approval for a building that is 100 percent residential as there is no place within the regulations that allow that right now. Ms. Wadge stated there are a couple of ways in which it can be done and that she needs the Commission's help to build 14 to 15 residential units (not for families, but empty nesters/young people). Ms. Wadge asked if this was something the Commission wanted to do or was it an oversight. Ms. Wadge stated she wants to work with the Commission and doesn't want to bring an application and have it be contentious.

Ms. Wadge stated she's not sure if the process was complete due to last minute changes. Ms. Wadge admitted she did not have an opportunity to review the regulations thoroughly and noted that there are some questions regarding the legality of the public notice.

Mr. Laurenza thanked Ms. Wadge for her comments. Mr. Bull stated there's a way to change the regulations. Mr. Laurenza stated the Commission has worked very hard on the regulations and there have been a number of rumors of things to come, but nothing happens.

Ms. Wadge asked if there would be any discussion regarding her concerns. Mr. Laurenza asked the Commission if they would like to discuss the matter. Mr. LePard asked if the matter were discussed, would everyone have to go through the process again. Mrs. Glidden and Mr. Laurenza stated yes. Mrs. Glidden stated the Commission will be going through the process again if they should decide to adopt a Connecticut River District and a Conservation Zone. Mr. Bull stated the Commission will be addressing these topics; and asked why they couldn't mull over Ms. Wadge's concerns. Discussion followed in regard to the Commission wanting affordable housing as well as mixed use, the importance of this component to the town, and that both affordable housing and mixed use are doable in Tylerville.

Ms. Wadge asked Mr. Laurenza if there was anything more she should be staying for; or if the Commission was saying no, and she should leave. Mr. Laurenza stated he didn't understand the question. Ms.

Wadge asked if the Commission would be addressing her concerns any further during the meeting or it would not be addressed. Mr. Laurenza stated it would not be addressed at this meeting. Ms. Wadge asked if the Commission would not be considering the matter at this time. Mr. Laurenza and Mr. Wallor stated no, not tonight. Mr. Laurenza stated the Commission did everything they could to get the moratorium lifted earlier than planned.

Ms. Wadge asked if there would be any possibility to bring a project before the Commission that's 100 percent residential as there's no variance process. Mrs. Glidden stated Ms. Wadge could use the Housing Opportunity District (HOD) as the overlay is currently on the Brookes Court property, the mixed use zoning classification by Special Permit, and/or an existing structure could be modified. Ms. Wadge stated there is no situation in which the Town of Haddam will allow a 100 percent residential market rate building. Mr. Wallor stated not currently. Ms. Wadge asked if that's the Commission's decision on an omission. Mr. Wallor again stated not currently.

Mr. Bull asked the procedure when the public asks for a regulation changes. Mrs. Glidden stated it would be called a text amendment. Mrs. Glidden reported the Commission has been working on a comprehensive zoning change (voluntarily changing the zoning regulations) to comply with the POCD. Mrs. Glidden stated that at the hearing, Ms. Wadge asked that some kind of multi-family density for the Tylerville area be considered. Mrs. Glidden explained what she recalled of the conversation at that hearing and the general consensus was no. Mr. Bull again asked what someone would have to do if they were unhappy with the regulations. Mrs. Glidden stated since the regulations has been adopted, a text amendment would be required and a request to amend the regulations would be required (there is a formal process – public hearing, referrals, etc.).

Ms. Wadge stated it appears as if the Commission has already made a decision and it would be a waste of time for all parties to make that request. Ms. Wadge stated she just wanted clarification that the Town of Haddam would not be allowing 100 percent residential at market rate units and believes it to be a rather strong position; however, she now understands that the Commission will not be allowing that.

6. Discussion of Zoning Changes to Date; Distribution of New Zoning Map

Mrs. Glidden distributed a copy of the map (Exhibit A) as it stands to date (copies provided to the public). Mrs. Glidden reported the maps are marked up as River COG has not been able to update it and that the two hatched marked pieces (Merchant House property) should have been in orange.

7. Discussion of the Connecticut River Commercial Zone

Mrs. Glidden distributed draft language regarding this proposed zone (Exhibit B) [copies provided to the public].

Mrs. Glidden reported originally the Commission felt there needed to be a Tylerville Zoning District as the Plan of Conservation and Development (POCD) recommends it and due to public water coming to the area; however, a Village District doesn't necessarily work all the way down to the river. Therefore, the Commission had discussion in regard to creating two different zones – Village District (adopted 06.21.2018, effective 07.01.2018) and CT River Commercial Zone. Mrs. Glidden stated the point is not to have straight commercial zoning, as defined in the regulations, and to raise the bar and encourage development to specific standards.

Using the map, Mrs. Glidden pointed out the original parcels to be included in the CT River Commercial District and stated the Commission had discussed rezoning everything except for the marina into this district. At the Commission's 08.02.2018 meeting, there was discussion about including the marina into this district. Mrs. Glidden stated she approached David Papallo, owner of Andrews Marina, and he has expressed some concern that there be some kind of residential component with the marina or that he be

zoned the same classification as Midway Marina. This leaves the Commission with options – leave Andrews Marina as it stands, create a new marina zone (just marinas with a residential component because there are multiple dwellings on Andrews Marina and Midway Marina), zone both marinas CT Conservation Zone, or add some residential component language. Mr. Laurenza asked if there was a draft of what a marina zone would look like. Mrs. Glidden stated no. Ms. Block thought the River District covered marina usage. Mrs. Glidden stated it does. Mr. Laurenza stated most marinas have some residential aspect (manager and owner facilities). Mr. Farina asked if this would be grandfathered in. Mrs. Glidden stated yes, and apologized for not having the handout regarding this matter available. Discussion followed in regard to knowing that when the word “marinas” is used it would have the following: motor boats, sail boats and equipment and, therefore, may require a backhoe as well as other equipment. Mrs. Glidden stated the best way to handle this matter is to define “marinas” and reviewed the current language and potential new language. Mr. Laurenza suggested adding “equipment for the facilitation of the day to day operations of a marina” as it should cover a litany of items as a number of pieces of equipment are temporarily used for a specific project and then removed from the site.

Mrs. Glidden stated Mr. Papallo would like to me on the same playing field as Midway Marina, which is fair as both marinas have residential components to them. Mr. Wallor stated he felt a marina zone should be created in order to place both Andrews and Midway on the same playing field as well as the potential marina at the end of River Bluff (private road) citing there is already a “No Wake Zone” established at this marina. Mrs. Glidden stated this area is zoned residential. Discussion followed with Mr. Wallor stated he would rather be proactive than reactive. Mr. Wallor also stated that the only other problem he foresees is that the owner of Goodspeed Station may be upset that Mr. Papallo gets a special zone and he won’t. Mr. Bull stated leave it all River District. Discussion followed.

Mr. Bull stated the Commission can create multiple river districts just as there are multiple commercial and village districts. Mr. Bull asked why the River District wouldn’t work elsewhere by changing the definition of marinas. Mrs. Glidden stated there are two ways to go about this: create a marina zone and keep the River Zone as proposed or keep the River Zone to accommodate marinas. Mr. Wallor stated it should include residential. Discussion followed in regard to how many units per acre would be acceptable.

Mr. Papallo stated he presently has three residential units with consideration of putting in carriage houses. Mr. Wallor asked Mr. Papallo how many acres he currently owns. Mr. Papallo stated 2.5 acres. Mr. Bull stated Mr. Papallo’s property is currently zoned commercial; and asked Mrs. Glidden what that type of zoning would allow Mr. Papallo. Mrs. Glidden stated mixed use, but he would have to have the residential units and the commercial within the same building. Mrs. Glidden stated the Commission could add mixed use with a Special Permit per Section 26 (this would not allow a freestanding residential unit). Discussion followed in regard to what is currently allowed through the regulations and potential new language, what other marinas offer down along the shoreline (condos), and a dining component for marinas (already within the regulations).

In regard to the reference of “steam train excursions” under 6A.3H (the PowerPoint presentation showed this as 6A.3I), Mr. LePard asked Mrs. Glidden to remove “steam” as some of the trains are diesel trains.

Mrs. Glidden reviewed what the Commission has agreed to change (language and mapping) as of this meeting. Mr. Bull asked where the residential element comes in. Mrs. Glidden stated it can be added within the definitions or in the CT River Zone. Mr. Laurenza stated it should be “units not to exceed eight (8) per acre” and leave it out of the definitions. Ms. Stock stated it was added as Item B.

Mr. Papallo asked if “sales of provisions” as stated in the definition of marinas includes boats as he wouldn’t think it would. Mr. Papallo stated he has a dealer’s license and sells boats as does Midway. Mr. Bull recommended the wording “boat storage and sales,”. Mr. Papallo stated he would like provisions to remain, but he would also like to specify the sale of boats. Mrs. Glidden will look at shoreline towns’ definition of marina and develop a hybrid for Haddam for review by the Commission.

Mr. Bull stated contrary to one of the town's publications approximately a month ago, the Commission has not adopted a CT River District. Mrs. Glidden stated correct. Mr. Bull stated he wanted to go on the record that the information was incorrect.

Ms. Block asked if the residential element was supposed to be separate from marinas or if it's part and parcel. Mrs. Glidden stated it would be in the CT River District. For clarification, Ms. Block asked if eight residential units would be allowed if the house by the railroad tracks were be demolished. Mrs. Glidden stated yes, if the parcel is one acre. Ms. Block asked if the Commission wanted to allow this component strictly to marinas or the District. Mr. Wallor stated the Commission needs to think about this as Ms. Wadge would not be happy if this were approved. Mr. Bull stated this proposal is a lot denser. Mr. Laurenza asked how many units are allowed with the HOD. Mrs. Glidden stated she believes it is 14 or 15 per building. Mr. Laurenza stated he saw a rough draft print of a concept Ms. Wadge had discussed previously. Mrs. Glidden stated it was for 93 units. Mr. Laurenza stated 93 units can be constructed with the regulations with 25 percent commercial allowing Ms. Wadge plenty of ability to construct units, but not specific to what she asked for tonight. Mr. Bull asked if Ms. Wadge had two acres down by the river, could she construct more units. Mr. Wallor stated she could construct 16 units if she were in the River District. Mrs. Glidden stated it wouldn't have to be 25 percent affordable either. Mrs. Glidden stated there are two ways to have multi-family units: HOD or mixed use. Therefore, if a developer wants to do straight residential in one building it currently is not allowed. Mr. Bull stated it's potentially being allowed in the River District. Mr. Wallor asked if a percentage of the units could be earmarked affordable within the River District as one district can't have preferential treatment over another. Ms. Block stated perhaps if the housing was under marinas then it would be specific to marinas. Mr. Laurenza stated he didn't believe the Commission was giving anyone preferential treatment as there are marinas with residential components to them already and the Commission is setting the guidelines moving forward. Mr. Laurenza also stated as it stands right now, there's the potential for Midway to say they're going to alleviate all of their storage buildings and construct a condo complex. Discussion followed at length in regard to whether or not to have a marina district, the number of units per acre within the proposed language, the definition of affordable (median income for the town; has to be deed restricted), waterfront pricing v. inland pricing, denser housing along the river not being fair for what's allowed in the village district, whether or not there would be a problem with the Gateway Commission, whether or not to include dockominiums, building requirements within a flood zone, and mixed use not being viable within the River District.

Mr. Papallo stated in regard to his parcel, he has discussed the possibility of demolishing the existing residential house and putting in three units as it's not having much impact on the marina. Mr. Papallo also stated he's not looking to turn the area into high density and that waterfront high end condos can be attractive, if built right. In regard to dockominiums, Mr. Papallo stated people purchase slip space (deeded to the individual) and have to pay for the maintenance. Mr. Papallo asked if the Commission could address dockominiums (is it allowed or not allowed). Mr. Papallo noted that New London has a number of these.

Mr. Laurenza noted that Ms. Wadge has been before the Commission numerous times for various items and that she has the ability to building.

Mr. LePard suggested that a representative from Midway Marina be included in this conversation. Mr. Bull stated there would be public hearings/meetings held. Mr. LePard stated he doesn't know that they (Midway) were aware of this meeting's discussion.

Mrs. Glidden will draft some language, email it to the Commission, and distribute hard copies at the 20 September 2018 meeting, although it will not be discussed until the 4 October 2018 meeting. Once the Commission agrees upon the language, a hearing will be scheduled.

8. Work Plan Moving Forward

POCD Implementation Committee (PIC) – Mrs. Glidden reported within the POCD there was discussion of establishing this committee and originally appointments were to be made through the Board of Selectmen (BOS). However, town counsel had some issues with that as the POCD is P&Z's document and not the BOS's document. Mrs. Glidden would like to set up this committee perhaps at one of the Commission's October meetings. It was noted that Mr. Bull was the chairman of the POCD Committee.

Lizz Milardo, First Selectman, stated the thought process was since the town paid such a significant amount of money for the last POCD and then it wasn't implemented, that an implementation team should be established to make sure items are being looked at and the work is being done. Mrs. Milardo also stated P&Z should appoint a subcommittee of five (5) people or more made up of members from P&Z and some from the POCD Committee and/or the community. Mrs. Milardo stated there are a number of things taking place within the town and it would be good to make sure everyone is on the same page.

Mrs. Glidden stated the point of the PIC is to meet twice a year. A brief discussion followed about possible subcommittee members: Mr. Bull (chairman), Mr. Wallor (vice chairman), will speak to Kate Anderson, EDC chairman, and Mike Fortuna, Infrastructure Committee chairman, Eric Jarboe, Nancy Meyer, and Lynne Cooper, all former POCD Committee members. Mrs. Glidden will reach out to members of the POCD to see who may be interested in being a part of this committee.

Mrs. Glidden announced that the town has been nominated by the Connecticut Chapter of the American Planners Association for an award for the POCD!

Remaining Zones to be Reviewed - Mr. Frey asked how many zones the Commission has to review. Mrs. Glidden stated the River District and the Conservation Zone.

Conservation Zone - Mrs. Glidden stated she wouldn't recommend putting any properties within the Conservation Zone just yet. Mrs. Glidden suggested that the Conservation Commission or the Haddam Land Trust be asked to submit a list of properties and have people join the Conservation Zone voluntarily. Mrs. Glidden pointed out the Land Trust property, the Clark Creek Preserve, Eagle Landing State Park (will be River District, but could be Conservation Zone) as well as a number of other properties.

Zoning Map – Mr. Papallo asked about a small parcel highlighted in yellow between the two pink shaded parcels (Riverhouse and residential house). Mrs. Glidden stated she believes it's owned by the State of Connecticut DOT (may have right of-way easements for Route 82) and will research the matter. Mr. Papallo stated all the property south of Route 82 is state property (owned by DEEP and is a park). Mr. Laurenza clarified that the map distributed tonight is what is current.

9. Approval/Correction of the Minutes

Correction to the 2 August 2018 public meeting minutes: page 2, Conservation Zone, first sentence - change "adopted" to "adopt".

MOTION: Ed Wallor moved to approve the 2 August 2018 Public Meeting minutes as amended. Jamin Laurenza second. Motion carried unanimously.

Mrs. Glidden noted that the 21 June 2018 minutes had been previously amended and approved at the 2 August 2018 meeting; and asked if the Commission would be agreeable to another amendment. Mrs. Glidden read the fourth paragraph on page 3 of the 21 June 2018 minutes and stated that there was some confusion regarding emails having been sent to the property owners as no emails were sent regarding when the public hearing would be held. Mrs. Glidden stated she's unclear what was meant by the sentence or what she meant that night. The Commission had no objection.

Additional correction to the 21 June 2018 public hearing/meeting minutes: page 3, fourth paragraph, last sentence – delete “and an email was sent to them”.

MOTION: Jamin Laurenza moved to approve the 21 June 2018 Public Hearing and Meeting minutes as reamended. Ed Wallor second. Motion carried unanimously.

10. Chairman’s Report

None.

11. Scheduling of Hearings

a. UConn Land Use Academy to Come 9/20/2018 to Discuss Meeting Procedure and Land Use Law

Mr. Laurenza asked that all Commissioners make every effort to attend this presentation.

Gateway Commission, New Standards – Mr. Farina, Haddam’s alternate representative, reported that he attended his first meeting and the Gateway will be begin to address all the towns that had problems with standards including Haddam. Mr. Farina stated within the next couple of weeks a letter will be sent regarding these issues.

Mrs. Glidden reported at the last P&Z meeting she distributed copies of the proposed new standards and that she had reviewed them and had concerns which were expressed to the Gateway Commission. Mrs. Glidden stated the town’s attorney also reviewed the standards and also had concerns. Mrs. Glidden stated although she and the town’s attorney have reservation about adopting the new standards, it would be up to the Commission as to whether or not they wanted to do so. Mrs. Glidden suggested Torrence Downes be invited to a meeting to explain to the Commission the changes and why they were made.

Mr. Farina stated there were some strong objections from East Haddam, Old Saybrook, Fenwick (arguing that they are a borough and not a part of Old Saybrook).

Mrs. Glidden stated some of the issues include the manner in which Gateway measures height and multi-family (not defined). Mrs. Glidden also stated she expressed her concerns to Gateway, but felt Gateway just dismissed her comments; and believes Gateway owes the town more of an explanation of what they’re proposing.

Mr. Farina noted that at the Gateway meeting he did not vote on anything due to not having sufficient information to make a conscious decision on the vote. Mrs. Glidden stated the burden of proof is on the Gateway and they need to make the case as to why their standards should be adopted.

Higganum Pharmacy - Mr. LePard talked about the new landscaping at the pharmacy noting that it was an expensive thing to do, that it’s smaller than what was originally there, good trees were pulled up by their roots, and that it was a shame that something couldn’t have been worked out to save the existing landscaping. Mr. LePard felt this should be a lesson as to what the Commission can work with in the future (applicant and Commission working together).

Mrs. Glidden stated she would like to address this matter due to the number of conversations and rumors surrounding this. Mr. LePard stated there are no rumors and explained what he had seen.

Mr. Wallor asked Mr. LePard if ARC and/or P&Z made a mistake after Higganum Pharmacy went before both commissions. Mr. LePard stated he feels P&Z made a mistake. Mrs. Glidden stated ARC did not recommend approval based on the lack of information they received; however, P&Z approved the application anyway.

20 December 2018 Meeting – Canceled – MOTION: Gina Block made a motion to cancel the 20 December 2018 meeting. Jamin Laurenza second. Motion carried unanimously.

12. Town Planner's Report

None.

13. Adjournment

MOTION: Steve Bull moved to adjourn. Ed Wallor second. Motion carried unanimously.

The meeting was adjourned at 8:40 p.m.

Respectfully Submitted,
Bunny Hall Batzner
Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 20 September 2018.