

**TOWN OF HADDAM
PLANNING AND ZONING COMMISSION
PUBLIC HEARING/MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT
THURSDAY, 21 APRIL 2016
APPROVED MINUTES
*Approved as Submitted at the 5 May 2016 Meeting***

ATTENDANCE

X	Steven Bull, Vice Chairman
X	Arthur Kohs
A	Michael Lagace
A	Jamin Laurenza, Chairman
X	Wayne LePard
X	Carmelo Rosa
X	Edward Wallor, Secretary
X	Robert Braren, Alternate - Seated
X	Raul de Brigard, Alternate
X	Chip Frey, Alternate - Seated
X	Liz West Glidden, Town Planner
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mr. Bull, vice chairman, called the meeting to order at 6:00 p.m. noting that the Commission would be following the Revised 2 agenda.

2. Attendance/Seating of the Alternates

Attendance was taken and all regular members and alternate members, Mr. Braren and Mr. Frey, were seated.

3. Additions/Corrections to the Agenda

Add: Item 6.5 - McTigh Road – CGS 8-24 Report and Item 8.5 - Reappointment of Architectural Review Committee (ARC) Members.

4. Public Comments

None.

5. Presentation by Mark Lundgren, President of the Haddam Elderly Housing Corp., on Housing for an Aging Population.

Mark Lundgren, President of the Haddam Elderly Housing Corp., and Eleanor Farrell, Municipal Agent for the Elderly, were present.

Mr. Lundgren distributed a letter titled, "Future of Elderly Housing; What We Have/What We Need", dated 21 April 2016 (Exhibit A); thanked Mr. LePard and Mrs. Glidden for making it possible for him to make the presentation; and introduced Ms. Farrell to the Commission.

Mr. Lundgren read his letter into the record and provided additional information per paragraph. Mr. Lundgren reported that the earliest a person can collect Social Security is 62 years of age which will more than likely increase. In regard to property taxes, Mr. Lundgren stated that the High Meadows property is appraised at \$1.2 million; therefore, the real estate taxes are a concern within the next seven years. Mr. Lundgren stated that historically voters have prioritize education over roads, which he agrees with, but would like the Commission to think about where elderly housing falls in that list. In terms of regulations, Mr. Lundgren discussed the regulation of water heaters – 60 gallons minimum required by HUD for each of the units. Mr. Lundgren stated that they would like to install efficient, inline on demand heaters for the following reasons: 1) elderly use a less hot water than the average person; 2) to reduce electric bills; and 3) to free up space. Mr. Lundgren reported that one year was lost in gaining approval for much needed Capital Improvements – gutter installation, gutter drains, tree removal, and sidewalk replacements, but a bid of \$122,000 to do the work represents half of the Capital Improvement account. Mr. Lundgren noted that all entry doors have been recently replaced. Mr. Lundgren discussed the six (6) year rotation for painting the buildings. Mr. Lundgren explained that the state requires increased drinking water supplies be provided at High Meadows which has increased the town's costs substantially. In regard to subsidies, Mr. Lundgren stated that the state has been very good in terms of rebate programs and energy assistance; however, once the mortgage is paid off, that probably will no longer be the case. Mr. Lundgren noted that once the mortgage is paid, Haddam will be allowed to make Haddam residents a priority for renting a unit (not the case now). Mr. Lundgren voiced concern over whether or not Haddam will continue to abate property taxes and provide additional support because without town support the rents will rise substantially.

Mr. Lundgren talked about the Commission's recent approval of the Housing Opportunity District (HOD) regulations. Mr. Lundgren reported that he doesn't see state or federal regulations lessening nor funding increasing for those less well off making the future of High Meadows less likely. Mr. Lundgren reported that he does see group homes increasing and the possible reinvention of boarding houses. Mr. Lundgren stated that he's in his 35th year with elderly housing in Haddam and that he would like to see a financial future for the elderly housing in town.

Mr. de Brigard asked Mr. Lundgren if he will be providing numbers such as the average rent. Mr. Lundgren stated the average rent is currently \$230-\$250. Mr. de Brigard asked how this will be affected without additional subsidies and the inclusion of taxes. Mr. Lundgren stated the cheapest rent he's heard of in town is \$850. Mr. de Brigard stated that it would be helpful if Mr. Lundgren could provide some numbers for review. Mr. Lundgren noted that a potential issue will not occur for seven (7) years when the mortgage is paid off.

Mrs. Glidden explained the HOD approval and noted that it doesn't necessarily address the type of need Mr. Lundgren is speaking of. Mr. Lundgren stated that they have individuals who have no history with Social Security (self-employed; stay at home spouses). Discussion followed in regard the Saybrook at Haddam, Shailerville Manor, and group homes located in town.

Mr. Bull asked the number of units located at High Meadows with Mr. Lundgren stating 22 units. Mr. Bull asked how a similar facility would be built today (type of regulations required). Mrs. Glidden responded that this isn't her area of expertise; however, she believes rather than exercising some of the HUD policies they would work with CHAFA (provide financing). Mr. Bull asked if it would be built under a special permit. Mrs. Glidden explained that when there's an affordable housing component it could come through as an 8-30g (bypassing local zoning) or under HOD or Elderly Housing Zoning.

Mr. de Brigard suggested a committee be set up to see how significant this audience is and what a plan should contemplate to satisfy that need. Mrs. Glidden stated that perhaps the POCD update could address the matter by having something within the plan that speaks to how Haddam would plan for its youth, families, and empty nesters. Mrs. Glidden noted that there isn't a lot of housing for empty nesters. Mr. Bull stated there isn't a lot of housing for both ends of the spectrum. Mrs. Glidden agreed.

6. Public Hearing/Public Meeting: Special Permit to Allow a Detached Accessory Apartment Per Section 6.3B of the Zoning Regulations, to be Located on 163 Old Ponsett Road, and Shown on Tax Map 25, Lot 34.

Michael Girgenti, owner/applicant, and Bruno Girgenti, were present.

Mr. M. Girgenti reported that his proposal is for a detached accessory apartment for his parents to retire to next to the new home he's building. Mr. M. Girgenti stated that he's been working with Mrs. Glidden and town hall staff to make sure he understood the regulations and to obtain feedback regarding the plans prior to coming before the Commission.

Mr. LePard, looking at the second page of the application packet (barn stakeout sketch, Bennett & Smilas Associates, dated Mar 21, 2016, Revised Mar 31, 2016), asked if the apartment is 28 feet by 34 feet. Mr. M. Girgenti stated no, that the apartment is 800 square feet in line with the regulations; and that the overall footprint will have a barn underneath the dwelling. Mr. Rosa stated that the living space depicted on the floor plan is 28 feet by 34 feet (952 square feet). Mr. M. Girgenti stated that it's approximately 800 square feet of living space based on the feedback received from Mrs. Glidden. Mrs. Glidden stated the staircase would not be included as living space. Mr. Rosa questioned Mrs. Glidden's response stating that staircases are always calculated as living space (taxable). Mrs. Glidden stated that she didn't calculate the stairs or entry way as living space. The regulations and definitions were reviewed and living space is not defined.

Mr. Rosa stated that whenever square footage is calculated for buildings, usable floor space such as stairs, entry ways are all part of the calculation. Mrs. Glidden stated that if that's the intent, the Commission can leave the hearing open and wait for a revised set of plans or Mr. M. Girgenti can apply for a variance with the existing set of plans.

Mr. M. Girgenti stated that he wants to provide his parents with living space they can use as 800 square feet is too small. Mr. M. Girgenti also stated that it's an investment for him to construct this and 800 square feet may be good for one person; however, both his parents are healthy and active and he would like a space that's usable for them. Mr. M. Girgenti stated that he read the regulations extensively as far as livable space and what it's defined as and there's a lot of mixed information. Mr. M. Girgenti stated that people don't live in a staircase or closet. Mr. LePard noted that he is taxed for these items. Mr. Wallor noted that an individual(s) can't live in a structure without them. Mr. Rosa stated that it's clearly part of the square footage of a building. Mr. M. Girgenti stated that it's not defined in the regulations as noted by Mrs. Glidden.

Mr. M. Girgenti stated that he's looking for the Commission's approval; and if not approved, he does have other options. Mr. M. Girgenti stated that he would seek a variance for something that is large enough for his parents to live. Mrs. Glidden stated that a variance would need to go before the Zoning Board of Appeals (ZBA) and they have traditionally not supported variances that exceed 800 square feet. Mrs. Glidden explained the intent of a detached accessory apartment. Mrs. Glidden stated that there is sufficient land to subdivide. Mr. M. Girgenti stated he doesn't care to subdivide, that he only cares about setting his parents up for retirement in a home they can afford to stay in, noting that Haddam is an expensive place to live. Mr. M. Girgenti stated he was shocked to hear that staircases and closets are a part of the calculation and was unprepared to discuss it with the Commission. Mr. Girgenti again stated that he met numerous times with Land Use Dept. staff and has invested a decent amount of money in the proposed plans. Mr. M. Girgenti asked the Commission to consider the plan as is; and if not, he will seek a variance.

Mr. Bull stated that his vision of an accessory apartment is living space over a garage and a number of times the stairs are on the outside (not included in the living space). Mr. Bull stated that he would like to review what the Commission has approved in the past.

Mr. Rosa stated that the Building Code clearing states that it's part of the square footage even though the Zoning Code may not. Mr. M. Girgenti asked Mr. Rosa if he could provide a copy of the Building Code.

Mr. Rosa stated he could email it to him. Mrs. Glidden stated she would take care of that. Mr. Braren stated that it's a part of the building. Mr. Rosa agreed. Mr. Wallor stated that the Commission recently approved a similar situation and that applicant was able to get it less than 800 square feet. Mr. Rosa stated that it's the Commission's responsibility to follow the regulation of 800 square feet.

Mrs. Glidden stated that due to the application being a special permit, even if Mr. M. Girgenti were to be granted a variance by ZBA, the Commission could still deny the application for a variety of reasons.

Mr. de Brigard suggested that the Commission may want to look at other aspects of the application as being o.k. and approve it subject to the ZBA granting a variance. Mr. de Brigard stated that if there's something else wrong with the proposal, now would be the time to rectify the matter.

Mr. Bull asked the size of the lot. Mr. M. Girgenti stated that he owns 13 acres. Mr. Wallor asked if a free split would be allowable. Mr. Frey stated he had been involved in a similar situation and the stairwell was placed in the garage (to gain square footage within the apartment) leading to a dormered second floor. Mr. LePard stated that the stairwell is approximately 64 square feet. Mr. Frey noted that a dormer is livable space and that he has reservations in regard to this matter.

Mr. Bull asked what the problem would be in putting two houses on one lot. Mrs. Glidden stated that at some point someone will want to subdivide. Mr. Wallor asked Mr. M. Girgenti if he had just purchased the property with Mr. M. Girgenti responding he purchased the property in 2013. Mr. Wallor asked if he would be able to get a free split. Mrs. Glidden stated not necessarily as the property may have been previously split or subdivided. A brief discussion followed in regard to a free split and subdivision.

Mr. Rosa stated that he didn't have a problem with the proposal; however, the Commission cannot go against their regulations. Mrs. Glidden agreed. Mr. Wallor asked if the apartment would be going into an existing structure. Mr. M. Girgenti stated no. Mr. Wallor suggested scaling back the proposal slightly to obtain the 800 square feet. Mr. M. Girgenti stated he thought he'd already obtained the 800 square feet. Mr. Wallor again suggested scaling the proposal back slightly on each side of the structure to meet the requirement. Mr. Braren agreed. Mr. M. Girgenti stated he look at it, but the functionality of the home is already tight; and that he thought he understood the definition of livable space, but he didn't. Mrs. Glidden noted that she didn't either.

Mr. Bull asked if the proposal calls for a full basement; and until finished it wouldn't be deemed livable. Mr. M. Girgenti stated the proposal calls for a full basement (not finished) and will function as a barn (for equipment, etc.). Mr. M. Girgenti stated that the apartment will be on the second floor (flush with the street) with a walk out basement. Mr. Rosa asked about the walkout basement. Mr. M. Girgenti stated that towards the back there will be a walkout basement. Mr. Rosa stated that elevations need to be shown. Mr. M. Girgenti asked what the difference would be as it's not livable space. The Commission reviewed the submitted paperwork with Mr. Rosa stating that it appears to drop approximately eight (8) feet. Mrs. Glidden asked if the building code identifies a porch as livable space. The Commission reviewed Section 23.6.3.

Mrs. Glidden recommended that the hearing be left open and continued until Thursday, 5 May 2016 to allow the applicant to determine the manner in which he cares to proceed. Mr. B. Girgenti asked what will change since it wasn't clearly defined noting that Mrs. Glidden read the regulations and deemed the application o.k. Mr. B. Girgenti asked if the Commission was going to enact a new definition; and noted that he didn't understand what the Commission was trying to do. Mrs. Glidden stated that there currently isn't a definition. Mr. M. Girgenti stated the issue at hand is what they can and can't do; and that he would like to get a copy of the Building Code as to what is considered livable building space. Mr. M. Girgenti also stated that he's read the Building Code before and there are certain items that do not count as livable space. Mr. M. Girgenti stated that he would like to research the free split to see if it's an option and that he didn't expect the scrutiny that the Commission is giving. Mr. M. Girgenti noted that it's a small neighborhood with four houses across the street; that he has the frontage and the lot; that he's trying to do something that's economical, but it doesn't appear that will be the case whether he builds 800 or 1,000

square feet (what his parents really need); and that it's going to be a large investment and he might as well build it to the size he feels his parents really need.

MOTION: Ed Wallor moved to continue the public hearing until Thursday, 5 May 2016. Art Kohs second. Motion carried unanimously.

(Recording Clerk's Note: Mr. LePard is a licensed engineer, Mr. Frey is a master electrician, and Mr. Rosa and Mr. Braren are both licensed architects.)

6.5 Discussion and Approval of McTigh Road Public Improvement Project per Connecticut State Statutes 8-24.

Jeff Jacobson, Engineer, Nathan L. Jacobson and Associates, was present.

Mrs. Glidden explained the 8-24 Report process. Using a map, Mr. Jacobson explained that the Town is proposing to reconstruct the entire roadway of McTigh Road. Mr. Jacobson stated that the project has been divided up into three sections for budgetary purposes and that he'd only be presenting for Phase I. Using a map, Mr. Jacobson stated that the proposed work would run from the western end of McTigh Road approximately 875 to 900 feet from the crest of the road down to Jackson Road. This area would be complete reconstructed and road drainage would run down the east side of Jackson Road to an existing cross culvert. Mr. Jacobson stated that the proposal has been approved by the Wetlands Commission at their 11 April 2016 meeting. Mr. Jacobson also stated that since it's a Capital Improvement project, it requires a report from the Commission.

Mr. Wallor asked if the report is only for the first phase with Mr. Jacobson responding yes. Mr. Jacobson stated that for the second phase he believes Phil Goff, Assistant Director of Public Works, will try to reclaim and pave this section and the last section from Arkona Lane to Hidden Lake, a tougher section with groundwater and ledge, would probably go out to bid.

Mrs. Glidden clarified that the motion and report is for the entire project in an attempt to minimize the number of times the Commission will need to review this matter. Mr. Bull stated he was unclear about the criteria the Commission would follow to approve this type of project. Mr. Jacobson stated that the Commission would not be approving the project, but only sending a report.

Mr. Wallor stated that he'd read CGS 8-24 several times and that he would feel uncomfortable using Mrs. Glidden's motion for all of the improvements without a bid (cost) for Phases II and III. Mrs. Glidden stated that it's about the project being in harmony with the POCD (public health, safety, and welfare). Mr. Wallor stated that he understands.

Mr. Jacobson stated that the road will be reconstructed to a uniform width of 20 feet; whereas, it currently varies from 18 to 21 feet. Mr. Jacobson also stated that storm drainage as well as under drains are proposed (currently storm drainage doesn't exist) and the road will have a proper road base. Mr. Jacobson stated that there are no land acquisitions or additional right-of-way(s) needed; however, a temporary easement is needed from the Hubbards, who have been on board for the last couple of years, because there will be some grading into their yard (easement will disappear when the project is complete).

Mr. Bull asked if similar things could be said for the east end of the project. Mr. Jacobson stated the east end hasn't been designed yet, but there has been some survey work and wetland delineation done. Mr. Wallor stated that the east end is rather steep as well. Mr. Jacobson agreed. Mr. Bull asked if the other sections can be removed from the motion. Mr. Jacobson stated the intent is for the project to be similar; however, it's unclear what may be required (within the right-of-way, land acquisitions, etc.) at this time. Mr. Wallor stated that he has no problem with Phase I or II, but would like to see Phase III removed from the motion.

MOTION: Carmelo Rosa moved to approve a report to the Board of Selectmen that supports the improvement of road way on McTigh Road for Phase I of development. Exhibits: 1. Letter dated April 19,

2016 from Aaron Mortensen, P.E. 2. Planning and Zoning Commission Report per CGS 8-24 dated April 21, 2016. Ed Wallor second. Motion carried unanimously.

7. Old Business

None.

8. New Business: Discussion of Zoning for 66 Killingworth Road

Jeff Polke, GCI Outdoor, was present.

Mrs. Glidden explained where GCI is located and reported that the company designs, creates, and manufactures (off site) hiking and camping equipment for such outlets as L.L. Bean, Cabela's, REI, etc. Mrs. Glidden stated that Mr. Polke would like to expand his business and have some warehousing.

Mrs. Glidden distributed a map showing the surrounding area. Mrs. Glidden stated that the current property (66 Killingworth Road; Lot 29-1) is zone R-2 and is non-conforming and explained that the Commission could rezone the parcel as industrial as well as an adjoining parcel (Lot 26-A). Mrs. Glidden stated that there are pros and cons to these options noting that it would be a good thing to recognize the non-conforming use and rezone the parcel. Mrs. Glidden stated that if Mr. Polke were to acquire Lot 26-A (labeled Kovacik), he could do a lot line revision to turn both parcels into one. Mrs. Glidden reported that she believes at some point the properties from 66 Killingworth Road back to the Brookside Plaza will eventually become commercial in some manner (whether expanded into the Village District or mixed use). Using the map, Mrs. Glidden pointed out two house that will be affected the most 58 (Lot 28, Fortuna) and 53 (Lot 27, Pierce) Killingworth as well as some houses on High Street that will be adjacent to the property. Mrs. Glidden reported that she consulted with Attorney Mark Branse regarding this matter and he feels there is case law supporting this type of proposal.

Mrs. Glidden stated that a local business would like to expand giving an EDC component to the proposal. Mrs. Glidden noted there is a lack of industrial zoned property and asked if this the best place to put it. Mr. Rosa asked Mrs. Glidden if Mr. Polke could get what he needs if the Commission were to rezone the parcel commercial. Mrs. Glidden stated that warehousing is only allowed in industrial.

Mr. Polke stated the current location is a headquarters (offices as well as warehouse), therefore, it could be commercial due to the office element. As for industrial, Mr. Polke stated that he will work with the Commission with whatever would fit best with the town. Mr. Polke noted that he's very happy being in Haddam (been here approximately 10 years). Mr. Polke stated that he agrees with Mrs. Glidden in regard to Higganum Center growing and that he believes industry in the town would be welcomed. Mr. Polke noted that they had warehousing before the company grew to where it is now. Mr. Polke also noted that they try to be a good neighbor, that they run a clean operation, that they cleaned the site up (previous business was a wire company), and that the town has treated them well.

Mr. Polke presented the Commission with two preliminary maps showing a building on the property with an entrance off Route 81 (right-of-way just to the north of 54 Killingworth Road) and the existing entrance at 66 Killingworth Road. Mr. Polke stated that he and his business partner would like to know what the Commission thinks of the proposal. Mr. Wallor asked if there's a right-of-way to High Street. Mr. Polke stated yes, and that they would be willing to give the right-of-way up (wouldn't want people to think he would put trucks through to High Street).

Mr. Bull asked if Lots 28, 27, and 26-A are a part of what the Commission identified as an HOD area. Mrs. Glidden stated that the Kovaciks own close to 10 acres (represented on two separate lots). Mr. Wallor asked Mr. Polke if he's spoken to adjoining property owners about the proposal. Mr. Polke stated that he and Mr. Fortuna have been playing phone tag, but that he would never do anything without speaking to the neighbors first. Mr. Polke also stated that if the tree line isn't sufficient, they would be more than happy to install an appropriate buffer. Mr. Polke noted that business hours are Monday-Friday 8:00 a.m. to 5:00 p.m., no weekend hours or third shift, and trucks come in/out during business hours

only. Mr. Polke stated that if anyone has complained, he's contacted them either by phone or email to rectify the matter.

Mr. Bull asked if the right-of-way to east would be used. Mr. Polke again showed the two preliminary plans that he had generated. The Commission reviewed the map with Mr. Wallor stating he felt the town needs industrial. Mrs. Glidden agreed noting that there hasn't been an interest in industrial until now. Mrs. Glidden again stated the town has a business that wants to expand and this is what the town needs. Mrs. Glidden also stated that it may upset some people and be controversial, but the Commission needs to look at what's right for the town.

Mr. Bull asked if the zoning were changed, would the proposal not need a special permit. Mrs. Glidden stated that the Commission needs to explore whether the zoning should be commercial or an industrial park as an industrial park would be more appropriate. Discussion followed in regard to what type of zoning would be appropriate to allow Mr. Polke to obtain in goal – if an office building with storage, it could be commercial; however, the building would need to look like an office not a warehouse.

Mr. Polke stated thirty years in the future, a 25,000 square foot building would be more conducive to commercial use. Mr. Polke also stated that if it's industrial, the Commission can't say no to harsh Industrial and it may be best to go commercial (blend well in the future). Mr. Rosa stated the Commission needs to find the best way for this proposal to fit within a commercial zone. Mrs. Glidden reviewed the regulations with the Commission. Mr. Rosa asked if the proposal would need to go through Architectural Review Committee (ARC). Mrs. Glidden noted that the parcel is not within the Village District.

Mr. Bull asked if manufacturing takes place on Lot 29-1. Mr. Polke stated no, all the corporate offices and a machine shop for prototyping are located on this site. Mr. Polke also stated that there will be no manufacturing done on site and the proposal is only for warehousing and offices for the warehouse staff.

Mr. Kohs asked how large the proposed structure would be. Mr. Polke stated anywhere between 25,000 and 30,000 square feet with a 25 foot ceiling. Discussion followed in regard to what type of zoning would be best for this proposal and allow the Commission some form of control. Mrs. Glidden talked about industrial park zone – Section 9.4.E Warehousing or wholesale businesses. Mr. Polke encouraged the Commission to walk the lot. Mr. Bull stated that the Commission cannot take this matter lightly and needs to look at all aspects. Mrs. Glidden noted that this is merely a preliminary application meeting. Discussion followed at length. Mrs. Glidden retained the two preliminary maps.

Mr. Polke asked what the process would be in regard to this matter. Mrs. Glidden explained that it would be a 30-60 day process; and that it would be to everyone's advantage to sit down with the surrounding community members to have a conversation with them concerning the proposal; and a 15 day appeal period (appeal process explained). Mrs. Glidden offered to meet with the neighbors with Mr. Polke.

8.5. Reappointment of Architectural Review Committee (ARC) Members

Mrs. Glidden reported that two years ago the Commission approved ARC members for a two year term and all three – Joe Bergin, Lorraine Riess, and Wayne Ruty – would like to serve for another two year term.

MOTION: Ed Wallor move to appoint three people to the Architectural Review Committee to serve for a period of two (2) years, to review applications within the Higganum Village District in general conformance with the Design Guidelines contained in Appendix 1 of the *Town of Haddam Zoning Regulations*, effective March 12, 2014. The three (3) members to serve from May 1, 2016 – May 1, 2018 shall be Joseph Bergin, Architect P.C.; Lorraine Riess, and Wayne Ruty. Steve Bull second. Motion carried unanimously.

9. Approval/Correction of the Minutes

Approval of the 3 March 2016 minutes was tabled.

10. Chairman's Report

None.

11. Scheduling of Hearings

Michael Parmelee, 55 Old Turnpike Road, Special Permit to Allow a Detached Accessory Apartment – Public Hearing, Thursday, 5 May 2016. Application packets provided to all Commissioners except to Mr. de Brigard, Mr. Laurenza and Mr. Lagace (to be mailed to them).

12. Town Planner's Report

None.

13. Adjournment

MOTION: Ed Wallor moved to adjourn. Chip Frey second. Motion carried unanimously.

The meeting was adjourned at 7:30 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 5 May 2016.