

**TOWN OF HADDAM
PLANNING AND ZONING COMMISSION
PUBLIC HEARING/MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT
THURSDAY, 5 MAY 2016
UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Steven Bull, Vice Chairman
X	Arthur Kohs
X	Michael Lagace
X	Jamin Laurenza, Chairman
A	Wayne LePard
X	Carmelo Rosa
X	Edward Wallor, Secretary
X	Robert Braren, Alternate – Seated
A	Raul de Brigard, Alternate
A	Frank (Chip) Frey, 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. Attendance/Seating of the Alternates

Attendance was taken and all regular and alternate members were seated.

3. Additions/Corrections to the Agenda

None.

4. Public Comments

None.

MOTION: Jamin Laurenza moved to open the continued public hearing at 7:01 p.m. Ed Wallor second. Motion carried unanimously.

5. CONTINUATION: 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, was present.

This is a continuation from 21 April 2016.

Mr. Girgenti stated at the last public hearing there was lengthy discussion and some misinterpretation on his part as to what qualifies as livable space and how it's defined; and the public hearing was continued to allow him time for research within the Building Code, without a lot of luck, in how to define it. Mr. Girgenti also stated that he's been working with Mrs. Glidden over the past couple of weeks in regard to what he'd like to do; however, before additional monies are spent on plans he would like to know how the Commission will define livable space. Mr. Girgenti stated that in the research he's done and the discussions with Mrs. Glidden this special permit process was set up for existing structures not for new structures.

Mr. Girgenti reported that he would like to build a barn and finish up to 800 square feet of livable space within the barn. Mr. Girgenti asked for the Commission's guidance on what they will define as livable space. Mr. Girgenti stated that at the last hearing the Commission focused on the overall building box size and he doesn't believe he's trying to finish the whole building box. Mr. Girgenti stated he doesn't believe there's a regulation that indicates he can't build a barn at a larger size and that he's not looking to build the accessory apartment inside it that size, but rather to make it 800 square feet. Mr. Girgenti stated he would like the Commission to determine: 1) if building a barn at a larger size with an 800 square foot accessory apartment inside it acceptable; and 2) why he can't build a 1,000 square foot barn and finish 800 square feet of it. Mr. Girgenti asked if he could produce a plan showing that, will the Commission be willing to entertain it.

Mr. Girgenti stated he would like the Commission's guidance as to what they are going to define as livable space as there is nothing within the Building Code that defines it and it appears it will be up to the Commission as to what will be considered livable space and non-livable space. Mr. Girgenti also stated that he wants to make sure he understands the regulation, how the Commission interprets it, and to come back with a plan that will reflect that. Mr. Girgenti stated that he wants to build the barn the size he wants and put the accessory apartment in it to meet the 800 square feet. Mr. Girgenti also stated that during their discussions, Mrs. Glidden has indicated that this makes sense to her; however, the Commission ultimately makes the decision.

Mr. Laurenza asked Mr. Rosa to elaborate on the email that he had sent out earlier. Mr. Rosa stated that the residential code is vague on square footage calculations and how they're determined so he called the International Building Council (IBC) and explained the situation. Mr. Rosa stated that the IBC representative indicated the reason why there's no description in the residential code is due to the fact that a residence can be built unlimited size. After further explanation of the situation, Mr. Rosa asked how the Commission would determine that and the IBC representative stated he would defer to the Building Code. Mr. Rosa stated the Building Code clearly states how the area of a building is defined and read Section 502 – Definitions – Area, Building found in Chapter 5 – General Building Heights and Areas. Mr. Rosa stated that the definition is clear that it's the exterior walls and that any square footage calculations for rentable/leasable calculation is the exterior wall.

Mr. Girgenti used an example of building a three story barn (attic, first floor, and downstairs) and asked if the Commission wouldn't allow him to exceed 800 square feet on the building box and multiply the three floors. Mr. Rosa stated although he did not have the regulation for the 800 square footage determination, he doesn't believe that's the intent, but rather the intent is the actual apartment (exterior walls are 800 square feet) and that would satisfy the regulation.

Mrs. Glidden stated within the Zoning Code "livable space" is used and there is not a definition; whereas, the Building Code as "space" or "area" and "habitable space" (excludes bathrooms, closets, etc.) and that she doesn't believe that was the intent. Mrs. Glidden stated if she understood Mr. Girgenti correctly, he's fine with having the exterior walls of the apartment calculated as the livable space. Mr. Girgenti stated yes, however, the foundation will be bigger than 800 square feet. Mr. Girgenti stated that he will only finish 800 square feet and make it livable, but he wants his barn to be bigger than that. Mr. Girgenti also stated he will produce new plans showing that, but wants some consensus from the Commission that he can do that.

Mr. Wallor stated that although he believes the applicant will only finish 800 square feet, the potential is there for an 1,800 square foot building with a two car attached garage. Mr. Wallor stated based on the

plans that are before the Commission, the potential is there. Mr. Wallor also stated that the Planning Commission would be allowing Mr. Girgenti to put up a structure that has the potential of being 1,800 square feet of living space with an attached two car garage. Mrs. Glidden stated that Mr. Wallor brought up a good point. Discussion followed.

Mr. Laurenza asked Mr. Girgenti if he would slightly tweak either side of the structure in order to obtain the 800 square feet. Mr. Girgenti stated that he would prefer to make the barn larger than that; and that before he revises his plans he wants to come to some form of consensus. Mr. Girgenti stated that he understands Mr. Wallor's point. Mr. Rosa asked how Mr. Girgenti plans to get to 800 square feet of living space without shrinking the box. Mr. Girgenti stated that the barn (underneath the apartment) is not living space; and using the plan, Mr. Girgenti sketched in an interior wall noting that the extra space would become part of his workshop. Mr. Rosa stated that is not the intent of the regulations; and for the Commission to allow the construction of a false wall would be inappropriate. Mr. Rosa stated the intent of the regulation is 800 square feet. Mr. Girgenti stated the regulation does not say that. Mr. Laurenza stated he feels what is being proposed is the intent of the regulation. Mr. Rosa and Mr. Wallor didn't agree. Discussion followed at length in regard to existing structures v. newly constructed structures.

Mrs. Glidden stated there appears to be a need for discussion in regard to what the intent of the regulation is and what the regulation needs to say. Mrs. Glidden also stated that if it's the Commission's intent that it's on pre-existing structures or that the building box be only 800 square feet that can be written into the code; however, this application is a special permit use which allows the Commission a lot of discretion to approve or deny. Mrs. Glidden stated that the Commission may need to find a way to narrow this down as there may be more applications coming before them. A brief discussion followed in regard to a previously approved application for a detached accessory apartment.

Mrs. Glidden distributed a mock plan showing 780 square feet of living space with the balance storage that she had sent to other town planners asking their advice (copy given to Mr. Girgenti). Mrs. Glidden asked the Commission how they would handle it and if there is a way to fine tune the regulations to prevent someone from finishing the storage space off. Mr. Laurenza stated there are two issues 1) if a second living space is created and a fire occurs, the insurance company will want to see the Certificate of Occupancy and 2) it will get caught on the re-evaluation. Mrs. Glidden felt the re-evaluation will be more of a problem as the owner will claim paying taxes on the structure.

Mr. Rosa again stated that he did not believe it was the intent of the regulation to be able to build a building any size that you want that fits within the property setbacks, but you're only creating 800 square feet of living space. Mrs. Glidden stated she doesn't know that it isn't the intent. A brief discussion followed.

Mr. Laurenza asked Mr. Girgenti if he could revise the plans to 800 square feet. Mr. Bull stated that there will still be a problem if Mr. Girgenti finished off the walkout basement. Mr. Laurenza noted that the person who designed the plans should have known better. Discussion followed at length in regard to the potential of additional building. Mr. Girgenti stated that he wants to build a 1,000 square foot barn and finish 800 square feet of it and asked if it would be acceptable or not.

Mr. Wallor stated that based on the plan before the Commission, anyone could finish the building off and no one would be the wiser; and, then there would be two houses on one parcel. Mr. Laurenza asked Mr. Girgenti if he would consider subdividing. Mr. Girgenti stated no, that he wants to keep the lot as one; and the purpose of the apartment is for his parents in retirement and he doesn't want to saddle them with a huge tax bill.

Mr. Kohs stated he didn't have a problem with the proposal and that the Commission shouldn't be concerned with potential. Mr. Kohs also stated that he felt the Commission was over complicating the issue. Discussion followed at length in regard to the regulations, size (not regulated), and number of living units on one property.

Mr. Braren agreed with Mr. Rosa in that the intent of the regulation is not to build a large structure to have a piece of it be habitable. Mr. Braren stated the question is whether Mr. Girgenti is building a barn or building an accessory apartment. Mr. Glidden stated that Mr. Girgenti is trying to obtain a special permit to build one structure – a barn with an accessory apartment within it. Mr. Braren stated that if Mr. Girgenti can shrink the livable space including the stairs down to 800 square feet that should be what the limit is and the rest be a part of the barn.

Mr. Laurenza again asked Mr. Girgenti if he could bring the structure down to 800 square feet. Mr. Girgenti stated he would prefer not to. Mr. Laurenza asked where the side elevations are. Mr. Girgenti stated that it was his understanding that he didn't have to provide final drawings to the Commission and that he would prefer not spending any additional money until he can get some form of consensus from the Commission that what he's doing is part of the regulation and by special permit the Commission has the authority to grant it. Mr. Girgenti also stated that he wants a large barn to store his equipment (tractors, etc.) and finish a small portion of it.

Mr. Rosa asked for clarification in regard to how many houses can be on a lot according to the regulations. Mrs. Glidden stated no more than two houses (dwelling units) are allowed on one lot. Mr. Rosa stated that if Mr. Girgenti is unwilling to reduce the box, than the stairway will need to be moved and a particular section will become storage (part of the garage) as sketched out on the drawing. Mr. Girgenti asked for a definition on what the Commission will deem livable space. Mr. Rosa stated the box. Mr. Girgenti stated from exterior wall to exterior wall including closets, stairs, and baths. Mr. Rosa stated absolutely. Mr. Girgenti asked if the stair cases to access the basement and attic into the garage would be counted as part of the interior. Mr. Girgenti sketched another location for the stairs. Mr. Rosa stated no, as the storage now becomes a part of the house. Mr. Girgenti asked Mr. Rosa if he wanted the stairs within the box. Mr. Rosa stated correct. Mr. Girgenti asked if he can make the footprint larger. Mr. Rosa stated so long as the living space is within 800 square feet.

Mr. Girgenti asked for a continuance to come back with a revised plan. Mr. Laurenza stated that the living space has to be 800 square feet (from exterior wall to exterior wall). Mr. Girgenti asked if the storage has to come off the garage. Mr. Rosa stated yes, and the stairs need to go between the living space and the garage. Mr. Girgenti stated he will make the foundation bigger.

MOTION: Jamin Laurenza moved to continue the public hearing until 2 June 2016. Ed Wallor second. Motion carried unanimously.

6. Public Hearing/Public Meeting: Special Permit to Allow a Detached Accessory Apartment Per Section 23.6.3.B of the Zoning Regulations, to be Located on 55 Old Turnpike Road, and Shown on Assessor's Tax Map 47, Lot 020B.

Michael and Kathryn Parmelee, owners/applicants, were present.

Mr. Parmelee stated that they are starting with an existing structure and that he has added knee walls due to a saltbox shaped roof. Using the drawing, Mr. Parmelee stated that the center where the living room is proposed, there is a dormer to allow for full ceiling height and that there is full ceiling height throughout the structure other than where the slope of the roof comes down. Mr. Parmelee stated that the proposed apartment will be over a three car garage.

Mr. Laurenza asked the size of the parcel with Mr. Parmelee responding 1.8 acres. Mrs. Glidden stated that they have received a variance approval from ZBA. Mr. Laurenza asked about health approval. Mr. Parmelee stated Chatham Health did perc tests last summer (approved), existing well is being tied into the house, and a separate septic system will be installed. Mr. Parmelee stated the stairway will be located on the outside of the building. Mr. Rosa stated this application is what the regulation allows. Mr. Braren stated that the application fits the intent of the regulation.

MOTION: Ed Wallor moved to close the public hearing at 7:55 p.m. Jamin Laurenza second. Motion carried unanimously.

MOTION: Jamin Laurenza moved to open the public meeting at 7:55 p.m. Carmelo Rosa second. Motion carried unanimously.

MOTION: Jamin Laurenza moved to approve a special permit to allow a detached accessory apartment to be on the property per the site plan submitted by the applicant. Such detached accessory apartment will not exceed 783 square feet and will be in compliance with Section 23 6.3 of the Town of Haddam Zoning Code. **Conditions:** 1. Approvals from Chatham Health District (CHD) or Health District are required for building permit. **Exhibits:** 1. Application dated April 21, 2016. 2. Site Plan dated April, 2016 drawn by applicant. 3. Floor Plan by the applicant. 4. Variance approval from the Haddam ZBA dated February 1, 2016. Art Kohs second. Motion carried unanimously.

7. Old Business

Duffy's Pub, Killingworth Road – Mr. Wallor asked for an update. Mrs. Glidden stated she is unaware of anything taking place at this time, but will ask Gary Vivian, Building Official, to review the site and provide an assessment. Mrs. Glidden will obtain a clearer definition of demolition by neglect.

Vynalek Property, Saybrook Road – Mr. Wallor asked about the buffer between the new structure and the residence just north of it. Mr. Bull stated his recollection was that a buffer would be installed. Mr. Wallor stated Mr. Vynalek is right up against the neighbors with the excavation. Mrs. Batzner stated she believes Mr. Vynalek was supposed to maintain the buffer. Mr. Wallor agreed and stated that the clearing with excavation is up to the abutting property. Mrs. Glidden stated that the Vynaleks have permits and a site plan and they are allowed to remove material.

Mrs. Glidden reported that there are problems with the plan – 1) building not located where it was approved; 2) Mr. Vynalek decided that he doesn't want to complete the retaining wall; and 3) would rather move retention pond than complete retaining wall. Mrs. Glidden also reported that the entire project is on hold until Mr. Vynalek comes back before the Commission for a site plan modification. Mrs. Glidden stated that Mr. Vynalek is aware of the situation, but refuses to modify the plans, continues to try to get permits (can provide permits to finish the inside of the structure, but not a Certificate of Completion or Certificate of Occupancy. Mr. Vynalek is currently on the 2 or 3 year of a 5 year approval.

Mr. Laurenza asked for an update on the structural integrity of the building. Mrs. Glidden stated that there was an issue with the trusses, but they have been fixed and Fern Tremblay, former building official, signed off on them prior to leaving and Mr. Vivian, current building official, has inspected them. Mrs. Glidden stated that there are other issues (building and fire codes) which will need to be addressed.

Mr. Kohs asked what the building will be used for. Mrs. Glidden stated a salon and a Subway restaurant (still interested).

Mrs. Glidden will review the matter further and update the Commission.

8. New Business

a. Industrial Park Regulations Revisions

Mrs. Glidden stated in her opinion a zoning change would be a good thing; and if the Commission were to do so, she felt the regulations should be tightened up. Mrs. Glidden distributed draft revisions to the Industrial Park Regulations noting that strikeouts signify deletion from the regulation. Mrs. Glidden reported that there are three other industrial zones that the proposed knockout uses could be allowed in.

Mrs. Glidden reviewed the proposed changes noting that all uses will become special permit uses. Mr. Rosa asked if there has been discussion with the neighbors pertaining to Mr. Polke's preliminary proposal. Mrs. Glidden stated that she has spoken to some of the neighbors; however, she feels the best course of action is to revise the regulations, remove the more offensive uses, then approach the neigh-

bors, hold a hearing on the text change, and hold a hearing on changing the actual zone. Mr. Laurenza and Mr. Rosa stated they would like Mike Fortuna, abutting property owner and EDC chairman, to be involved in the process.

Mr. Bull asked if Mr. Polke has purchased the property. Mrs. Glidden stated no, but she has asked him to provide an Intent of Sale letter, which he has agreed to. Mr. Bull asked what the Commission would like to see happen, in the future, to the adjoining properties along Route 81. Mrs. Glidden stated she believes at some point in the future from Lake Avenue back to the Center the property will become some type of commercial or mixed use.

Mr. Rosa stated that typically industrial parks are not in residential areas, but somewhere on their own. Mr. Laurenza agreed. Mr. Bull stated he felt this was spot zoning and didn't feel this was an appropriate location. Mr. Wallor stated although he didn't disagree with Mr. Bull's opinion, the Center once use to be industrial. Discussion followed in regard to the potential of the former state garage being used for the proposal; the building of multiple smaller structures; and not driving out a business taxpayer.

Mrs. Glidden stated that sometimes to make good planning decisions you have to disregard what the neighbors think. Mr. Wallor agreed. Mrs. Glidden also stated that she anticipates the neighbors will oppose the proposal, but it doesn't mean it's the right decision. Mrs. Glidden reviewed the regulations and discussion followed at length in regard to extending the Village District up to Lake Avenue (Commission felt an industrial park would be more feasible); the existing business location being non-conforming; the proposed second entrance (right-of-way area); keeping a significant taxpayer in town; and getting the public's input.

Mrs. Glidden is to ask Mr. Polke about distribution and how he would feel about reducing the size of the building (visual impact will be scrutinized).

Mr. Rosa stated that there needs to be clarification pertaining to the accessory apartment regulations. Mrs. Glidden agreed. Discussion followed at length with the Commission reviewing the plans again and voicing their concerns. Mrs. Glidden to advise Mr. Girgenti he will need to submit full plans – second floor, lower level, and all exterior elevations.

b. WFS Site

Using a map, Mrs. Glidden reported that Doug Anderson, owner, came into the Land Use Office to discuss planning for the site in the next year or two. Mrs. Glidden stated that Mr. Anderson is looking for guidance and that he would like to put in something that could be beneficial, pleasing, and an asset to the town. Mrs. Glidden also stated that she suggested a meeting solely for WFS in terms of what may be feasible for the parcel – 70 acres total with 27 acres that's usable. Mr. Laurenza stated that he likes the idea, but the meeting will need to be tightly controlled to stay on topic. Discussion followed at length.

Mrs. Glidden reported that she had put in a request for funds to hold a market study for the site, but funding was denied. Mrs. Glidden will speak to Lizz Milardo, First Selectman, and Mr. Anderson.

9. Approval/Correction of the Minutes

MOTION: Ed Wallor moved to approve the 3 March 2016 minutes as submitted. Steve Bull second. Motion carried unanimously.

MOTION: Ed Wallor moved to approve the 21 April 2016 minutes as submitted. Steve Bull second. Motion carried with Mr. Laurenza and Mr. Lagace abstaining.

10. Chairman's Report

Gateway Commission's Annual Connecticut River Cruise, Thursday, 9 June 2016, 5:00 to 7:30 p.m. – Mr. Laurenza asked if anyone would be interesting in going on the cruise. Matter to be discussed further at the next meeting.

11. Scheduling of Hearings

None.

12. Town Planner's Report

Request for Qualifications (RFQ), Market Study, Tylerville – Mrs. Glidden reported that she has finally done the RFQ and it will be going out in the next couple of weeks. Mrs. Glidden also reported that there is \$10,000 to spend and it is specific to Tylerville.

Jail Building – Mrs. Glidden reported that An RFQ for a \$300,000 Department of Economic and Community Development (DECD) grant RFQ has been done and nine responses have been received. The grant will cover a remedial action report, a market study, some clean up, and assessment for the site. Mrs. Glidden offered to hold a tour of the jail for P&Z and EDC.

13. Adjournment

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

The meeting was adjourned at 9:23 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 19 May 2016.