

**TOWN OF HADDAM
PLANNING AND ZONING COMMISSION
PUBLIC HEARINGS AND MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT 06438
THURSDAY, 19 JANUARY 2023
UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Gina Block
X	Steven Bull, Secretary
X	Michael Farina
X	Jamin Laurenza, Vice Chairman
X	Wayne LePard
X	Dan Luisi
A	Edward Wallor, Chairman
X	Alan Chadwick, Alternate
X	Larry Maggi, Alternate - Seated
A	Tim Teran, Alternate
X	Bill Warner, AICP, Town Planner
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mr. Laurenza, Vice 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 as well as alternate member, Mr. Maggi, were seated.

4. Additions/Corrections to the Agenda

Amendment: Move Public Hearing/Meeting Item #6b to Item #6a.

MOTION: Jamin Laurenza motioned to approve the 19 January 2023 agenda as amended. Gina Block second. Motion carried unanimously.

5. Public Comments

There were no comments from those in the audience.

6. Public Hearings/Public Meeting

a. A 2 Lot Re-Subdivision of a Previously Approved Re-Subdivision at 33 Gulf Quarry Road, Haddam, CT. Applicant: Cameron Bailey

Cameron Bailey, applicant, was present.

Hearing: Mr. Laurenza opened the public hearing at 7:01 p.m.

Mr. Bailey stated this is a re-subdivision of land that was passed down generation to generation and the house on the bottom lot is where he grew up. Mr. Bailey stated he would like to put a house on the proposed two (2) acre lot within the next year or two. Mr. Bailey noted the parcel was originally subdivided by his grandfather who wanted to build a house, but never did; and then sold the house lot to his parents. Mr. Bailey stated now that the property will be in his possession he'd like to subdivide it again; and that his brother will be purchasing the house and he'll build on the two (2) acres.

Mr. Bull asked if the proposal is to go back to the 1993 re-subdivision. Mr. Warner stated yes. Using a graphic, Mr. Warner showed the Commission how the lot was subdivided in 1993 and how it currently looks. Mr. Warner believes the subdivided lot was given up because they didn't want to pay taxes on a building lot. Mr. Warner stated they have to go through the process again. (Copy of graphic on file with the minutes in the Town Clerk's Office and the Land Use Dept.)

Mr. Laurenza asked if all the perc testing, etc., had been done. Mr. Bailey stated yes.

Mrs. Block asked if there was adequate road frontage. Mr. Warner stated yes.

Mr. Chadwick asked the zoning (R1 or R2) for the area. Mr. Bailey stated two (2) acres. Mr. Warner stated nothing has changed since 1993; and noted that there is no discretion has the subdivision was approved before and can be approved again.

Mr. Warner noted that the public hearing sign was posted.

As there were no further comments/questions by the Commission or the public, Mr. Laurenza closed the hearing.

MOTION: Jamin Laurenza motioned to close the public hearing at 7:03 p.m. Gina Block second. Motion carried unanimously.

Meeting: SEATED: Block, Bull, Farina, Laurenza, LePard, Luisi, and Maggi.

There was no discussion amongst the Commission regarding this matter.

MOTION: Steve Bull motioned to approve a two (2) lot re-subdivision of a previously approved re-subdivision at 33 Gulf Quarry Road, Haddam, CT. Applicant: Cameron Bailey. **Conditions:** Subject to comments. Mike Farina second. Motion carried unanimously.

b. Proposed Amendments to Zoning Regulations, Section 7 Commercial Zones – Appendix Section 4 Table 2, Section 17 Outdoor Signs, and Section 21 General Parking Regulations.

Hearing: Mr. Laurenza opened the public hearing at 7:06 p.m.

Mr. Warner stated the Commission had previously discussed the commercial zones and concluded that there are not a lot of commercial development possibilities in the town. Using the zoning map, Mr. Warner reported that 97.4 percent of the town is zoned residential and with small commercial areas amounting to 1.9 percent including Higganum Center and Tylerville. The only other commercial zones are located south of the Route 82 Connector, north of Dunkin Donuts on Saybrook Road, and a small area on Killingworth Road.

After reviewing all of the areas, the only two areas that could support the construction of a new commercial building are: 1) Route 154 and Island Dock Road property currently owned by Hall's Power Equipment - Mr. Warner stated the parcel could support a 30,000 square feet; however, the traffic count is very low and will probably not attract a national chain store. 2) Route 154 and Thayer Road Extension property currently owned by Larry's Garage - Mr. Warner stated by putting together six (6) acres of land, a 52,000 square foot Big Y with associated parking could fit.

Mr. Warner stated that Route 9 completely by-passed the town and traffic counts through Haddam are 6,000 to 7,000 cars per day; whereas, on Bridge Road or Killingworth Road those counts are about 12,000 cars per day.

Mr. Warner stated there are a number of lots within the town's commercial zones, but they're all built out with houses. Using the map, Mr. Warner pointed out land that could be available: Saybrook Road north of Dunkin Donuts to Larry's Garage - these parcels have steep slopes and would require huge retaining walls. South of the Route 82 Connector - all the parcels go straight up to Old Chester Road, not a lot of development potential and the traffic counts are low. On Killingworth Road Mr. Warner pointed out the Dollar General site noting the remaining lots have a wetland to the rear of the parcels, but on the western side of Killingworth Road the houses are nice and dry and a developer could acquire a number of lots for development (there would need to be a high demand for this to happen).

Mr. Warner stated the POCD suggests that zoning smaller commercial areas are consistent with actual uses particularly where uses are currently strictly residential and all those pieces should be zoned to residential. Mr. Luisi asked what the residents would say about it. Mr. Warner stated it's unclear as the area has been zoned commercial since the 1950s; and was the property purchased knowing the current zoning and believing it would sell for more. A public hearing would need to be conducted in order to be consistent with the POCD.

Section 17 Outdoor Signs – Mr. Warner stated the existing sign regulations are not written for a small rural town; and recommended the Commission prohibit neon, LED and internally illuminated signs. This would be town wide. And recommend maximum sign height be lowered to ten (10) feet. Currently, a 15 foot pole and five (5) foot high sign is allowable, even within the Village Districts. Mr. Warner stated ten (10) feet will work fine for commercial signs. Monument signs – In Tylerville, pylon signs are prohibited. Recommended that no pylon signs be allowed, but a nice monument sign be permitted. Mr. Luisi asked if a clock/temperature sign (similar to in front of the bank) is considered illuminated. Mr. Warner stated yes; however, the proposed language, if passed, would only affect future signs. Light poles are currently 20 feet and are recommending they be lowered to 15 feet.

Buffer from a residential use – Mr. Warner stated the regulations currently require that there be a buffer between a residential use; however, they do not define a distance. As the Commission heard from Attorney Mark Branse, there needs to be something specific. Mr. Warner used the Tylerville Dollar General as an example. A row of hemlock trees between the commercial building and a residential building were considered a buffer, but it isn't. If a 30 foot buffer had been required, it would have required that the design of the building to be different. Mr. Bull asked Mr. Warner if he was differentiating between buffer and setback. Mr. Warner stated yes, the setback would be 20 feet and the buffer would be 30 feet wide landscaped. Discussion followed.

Mr. Chadwick asked Mr. Warner if he had looked at Haddam Neck regarding this. Mr. Warner stated Haddam Neck is all residential and Connecticut Yankee is an Industrial Zone.

Mr. Laurenza asked what the buffer would be when coming up to a road. Mr. Warner stated the Commission already requires the right-of-way, the property line, and then a 20 foot landscaped buffer.

Mr. LePard asked if the proposed changes are for the Commercial Zone only or Village District as well. Mr. Warner stated Commercial Zone only. Some of the Village District zoning has language about LEDs. Haddam does not need internally illuminated or LED signs. Mr. LePard stated Higganum Village has two (2) or three (3) distinctive uses. Mr. Warner agreed.

Different levels of discretion – Mr. Warner explained the differences between the levels of discretion: 1) As of right zoning is the best (the Commission will never see it). 2) Site Plan approval doesn't require a public hearing in most towns; however, in Haddam it's required but there is very low level discretion. Mr. Warner noted the developer for the newly approved Dollar General was very good in giving the town what they asked for in terms of architecture. The public hearing is something the town requires, but not at the state level. Mr. Bull stated the Commission did not approve a Dollar General, but rather a retail building.

Mr. Warner and Mr. Laurenza agreed. 3) Special Permit gives the Commission more discretion to push for what they want and would help in court, but it's also an administrative approval. Therefore, if it meets everything, the Commission has to approve it. Zone Change would require a developer to apply to the Commission for a zone change, but the Commission could say it's not right for the town. Commission has wide and liberal discretion with a zone change.

In regard to the example given earlier pertaining to the 52,000 square foot building, Mr. Chadwick asked if it would be a Special Permit or a Zone Change. Mr. Warner stated if the Commission changes the regulations to say no larger than 5,000 square feet is allowed in the commercial zone and an applicant came in with a 6,000 square foot request, it would have to be a zone change and the Commission could deny it. Mr. Chadwick asked if they could then apply for a variance. Mr. Warner stated a variance requires a hardship that is unique to the land and not one that isn't self-imposed.

Building Coverage and Lot Coverage - Mr. Warner stated building coverage is the percentage of the lot that can be covered by a building and currently in Haddam 40 percent is allowable. Total Lot Coverage is building, accessory structures, and parking (Haddam currently allows 75 percent).

Mr. Chadwick stated the coverage is for asphalt; and asked what it would be for trap rock coverage. Mr. Warner stated some towns talk about pervious and impervious coverage. Mr. Warner stated it wouldn't matter as it's a parking area with the language that's being proposed. Mrs. Block asked what the current coverage is. Mr. Warner stated total lot coverage is 75 percent. Using graphics, Mr. Warner showed the Commission various lot coverages.

Mr. Warner stated the proposal calls for the regulations to be amended to require a Special Permit for all retail that requires new construction. An example given: a candle shop at an existing house is still allowed as a Site Plan Review, but if a new building is constructed they would need to come before the Commission for a Special Permit. Mr. Luisi asked Section 7.3 is required if Section 7.2A is approved. Mr. Warner stated if the Commission doesn't approve 7.2A they would not be allowing new construction outside of the Village Districts and a new building could not be built in the commercial zone. Mr. Luisi asked if it could with a Special Permit. Mr. Warner stated no, if the language were removed, a developer couldn't have a retail building outside of the Village Districts. Mr. Luisi stated that would protect the whole town. Mr. Warner stated yes, and focuses development in the centers of town.

Mrs. Block asked if 7.3 AA would still allow for other commercial uses, just not retail specifically. Mr. Warner stated yes.

The second change is building coverage. Going back to building coverage 75/40 percent is a lot of coverage. Mr. Warner stated he looked at other towns which are all over the chart. Mr. Warner reviewed several towns zoning language. Mr. Warner noted that the total coverage and parking requirements limit how much of the lot can be used. Suggested changing to 60/40 or 40/25. Using graphics, Mr. Warner showed what each would look like – at 60/40 could get a 34,848 square foot building on a 2 acre lot, but the required parking forces the building to shrink and at 40/25 on a 2 acre lot you could get a 21,780 square foot building and on a 5 acre lot it would be 54,000 square feet building.

Mr. Chadwick asked Mr. Warner if he was aware of how Killingworth came up with 40/25. Mr. Warner stated he did not know, but most towns copy other towns. Mr. Chadwick asked if he were a commercial owner could he say he was grandfathered in. Mr. Warner stated no, not for new construction. Mr. Bull felt it best to start tight on the matter. Mr. Laurenza stated they probably will not come to the town once they read the regulations. Discussion followed with Mr. Warner noting Mr. Luisi's suggestion of the Commission having full control by making it a zone change.

Mr. LePard asked about general parking regulations. Mr. Warner explained parking width is 9 feet wide by 18 feet long, 24 foot lane in between and another row of parking. A retail building has 36 foot lanes to allow for the large trucks to come in and maneuver around. Have amended the language that there can be no more than a 24 foot lane. Mr. Luisi stated this would limit tractor trailer access.

Mrs. Bock stated if someone purchased a couple of commercial lots and combined them, then that number would increase by default; and asked if the Commission should consider that in addition to a square footage cap. Mr. Warner stated it would be arbitrary. Discussion followed. Mrs. Block asked if a separate public hearing could be held to bring those residential properties that are zoned commercial in line with the POCD. Mr. Warner stated there may be some anger people. Mrs. Block asked if there was a reason for calling out retail specifically; and couldn't it be just any commercial use. Mr. Warner stated that's how the zoning is written. Mrs. Block asked if they could change it tonight. Mr. Warner stated that cannot be done, as the Commission can only address what was filed (posted).

Nick Szeszakow, Killingworth Road, asked why a developer would want to change the zoning, if a property were already zoned commercial. Mr. Warner stated if the zoning is changed not to allow new retail construction within the commercial zone then a developer might want to change the zone. Mr. Szeszakow asked if a developer purchased four homes and wanted to develop them under Special Permit, what would stop him from doing so. Mr. Warner stated nothing.

Elizabeth Malloy, Haddam Neck, asked if P&Z would zone Hall's Power Equipment parcel, currently commercial, something else. Mr. Warner stated no, only anything needing new construction. Mr. Warner used the example of Hall's selling their parcel and a developer purchasing the property and wanting to build a 15,000 square foot building, they would need a zone change.

Mr. Chadwick asked if that's what the Commission did for the health care building. Mr. Warner stated it was residential, then offices (Marin Environmental changed it to commercial), and then the Commission changed the text to allow a rehab facility.

Mr. Luisi asked if the Commission had eliminated 7.3 the retail operation could have been denied. Mr. Warner stated yes. Mrs. Block asked if this would still be in addition to adjustments to total lot coverage. Mr. Warner stated yes, if the Commission did change the zone, it would help to allow for higher standards.

Mike Karam, Higganum, stated he appreciates the Commission's work and that he would like to see a public hearing for rezoning of current commercial to residential and let the neighbors weigh in on it. Mr. Karam asked if large flag signs are currently not allowable per the regulations; and if not, would the Commission consider including that for future amendments. Mr. Warner stated large flag signs are allowed for Grand Openings (there's leeway for flags for Grand Openings; 30 days).

Alyssa Hurley, Higganum, asked if moving forward, the Commission could carefully crafted new zoning regulations that address the concerns of the overwhelming majority of the constituents noting there have been numerous meetings,, charrettes, surveys, etc., as to the wants and needs of the residents. Ms. Hurley stated she would like Haddam to remain a small charming little town without box stores or strip malls. Mr. Warner stated that would be the zone change option.

Mr. Laurenza stated he believes the zone change would have a ripple effect. Mr. Maggi agreed.

Mr. Szeszakow asked the main difference between the Special Permit and the proposed Zone Change. Mr. Warner explained with a Site Plan it is allowed, the Commission has planned for it, knows that it is coming, and are okay with it. Whereas a Special Permit the Commission is saying it's allowed in the Commercial Zone, but it needs extra consideration (architecture, design, etc., a little more discretion) and a public hearing would need to be held.

Mr. Warner spoke in regard to administrative and legislative – zone change is legislative making decisions about your laws; administrative is just processing – it says it is allowed.

Mrs. Malloy asked if the Zone Change is approved and a Big Y wanted to come into Larry's, the Commission could say no. Mr. Warner stated if new construction required a zone change, the Commission could say no.

Mr. Warner noted that the Commission is only dealing with retail; therefore, an office building could be constructed.

Mr. Laurenza closed the public hearing at 8:03 p.m.

Meeting: SEATED: Block, Bull, Farina, Laurenza, LePard, Luisi, and Maggi.

Section 21 - General Parking Requirements – Proposed amendments: maximum lane width 24 foot lane and no light poles shall be more than 15 feet in height and shall be dark sky compliant. The Commission was agreeable to the language.

Section 17 – Outdoor Signs – Proposed amendments: limiting the height of the signs to ten (10) feet rather than 20 feet. Signs emitting artificial light directly or through transparent or translucent materials from a source of light in the interior of the sign, including but not limited to neon, LED or LCD letters or boards or symbols are prohibited. The Commission was agreeable to the language.

Section 4, Table 1 - Total Lot Coverage – Discussed going from 75/40 to 60/40 or 40/25. Mr. Warner stated it would still be needed even if the Commission agreed to a Zone Change. Mrs. Block asked if it was still applicable if it's a commercial use outside the scope of retail. Mr. Warner stated that would be applicable to the industrial zones. Reviewed the Table. Discussion followed in regard to which percentage to move forward with. Mr. Luisi stated he believes the Zone Change is the key.

Mr. Warner stated the only way there will be an impact on taxes, is high density. Between the apartments and the rehab facility the town just added \$20 million to the Grand List (a little over \$700,000 in taxes per year). Mr. Warner stated density needs to be added to the village districts.

Mr. Laurenza asked how the regulations would affect those small commercial areas in the outskirts of town. Mr. Warner stated no small business or start up would build new construction. Mr. Warner spoke in regard to Subway and looking at the Botelle's house on Bridge road. The proposal is not preventing anyone from starting a startup business in an existing house.

Mrs. Block reviewed an old calculation pertaining to needing \$1 million in taxes to reduce the tax rate by one (1) mil. The town would need to have two and one-half (2.5) Walmarts come to Haddam to bring the mil rate down by one (1) and that would save the average homeowner about \$200-\$250 a year. Or nine (9) Dunkin Donuts or Dollar Generals would save the average family about \$3 a year. Mrs. Block stated the driving force should not solely be financial, but what type of development is wanted and how to craft the regulations to meet that. Mr. Warner stated if the Grand List is stagnant, the taxes will continue to increase.

Mr. Laurenza spoke in regard to understanding people's concerns regarding the recently approved retail building; however, he's concerned over lifelong residents who have a home business, that begins to grow and they're not allowed to stay in town.

Going back to the total lot coverage the Commission agreed on 40/25.

Mrs. Block asked if the total lot coverage is 60/40 or 40/25 would it still apply in the commercial zones that fall outside of the scope of retail. Mr. Warner stated yes.

Mr. Warner reviewed Section 7 Commercial Zones – 7.2.A Retail stores in existing buildings and 7.3.AA Retail uses requiring new construction. Mr. Warner stated Mr. Luisi has suggested eliminating 7.3.AA and if someone wants a retail building they would need to come before the Commission for a zone change and then it would be completely up to the Commission. Mr. Laurenza stated this would be only for a retail building. Mr. Warner stated yes, any new retail construction. Commission agreed to eliminate 7.3.AA. Mr. Laurenza stated he didn't like striking the language but understands if it doesn't work, it can be amended. Discussion followed.

MOTION: Jamin Laurenza motioned to approve the proposed amendments to Zoning Regulations, Section 7 Commercial Zones – appendix Section 4 Table 1, Section 17 Outdoor Signs, and Section 21 General Parking Regulations. **Conditions:** Subject to comments. 1) Lot Coverage 40 percent and Building Coverage 25 percent. 2) Eliminate 7.3 AA. Steve Bull second. Motion carried with Mr. Laurenza abstaining.

7. Approval /Correction of Minutes

The Commission tabled the approval of the 5 January 2023 minutes.

8. New Business

a. Appointment of Two (2) New Members to the Architectural Review Committee (ARC) – Haldan Block and Lisa Malloy

Appointment - Mr. Warner stated the ARC only has three (3) members and they're looking to appoint Lisa Malloy and Haldan Block, both very qualified individuals who would be great additions.

MOTION: Jamin Laurenza motioned to appoint Haldan Block and Lisa Malloy to the Architectural Review Committee (ARC) for a three (3) year term (terms to expire 19 January 2026). Gina Block second. Motion carried unanimously.

Mr. LePard asked the length of appointment. Mr. Laurenza stated three (3) years. Mr. Warner noted it is not defined in the code.

Resignation – Mr. Warner reported that Lorraine Riess, Chairman, submitted her resignation. Another member will need to be found.

Recording Clerk's Note: Mr. Block's first name was misspelled on the agenda. It should have read Haldan. Correction was noted prior to discussion.

9. Chairman's Report

There was nothing new to report.

10. Scheduling of Hearings

There were no hearings to be scheduled.

11. Town Planner's Report

Mr. Warner reported on the following:

Rossi – There was a boiler issue. Working on the documentation for the \$1.5 million grant and developer RFP (sent out) and the licensed environmental professional RFP (going out in the next couple of months).

Scovil - Remediation should be shovel in the ground, hopefully, mid-summer for the cleanup.

Sidewalks – Tylerville - Are almost done. **Haddam Center** – Applied for an additional \$150,000 for work from Jail Hill to the Extension Center. Mr. Laurenza asked Mr. Warner when approval might be granted. Mr. Warner stated it's a state grant so possibly June or July. The grant, Transportation Rural Initiative Program (TRIP) is specifically tailored for rural communities and the only communities that fall into that bracket with the whole region of RiverCOG are Killingworth, Haddam, and Lyme. **HES** - Mrs. Block asked Mr. Warner if he had submitted a grant for sidewalks at HES. Mr. Warner stated he put that in the upcoming Capital budget.

Trails – Clark Creek Preserve – Mr. Warner reported he has requested money in the Capital budget for trails to go through the Clark Creek Preserve. Loop down to the railroad tracks to get back to the side-walks to create a Greenspace in Tylerville which is lacking.

12. Adjournment

MOTION: Jamin Laurenza motioned to adjourn. Steve Bull second. Motion carried unanimously.

The meeting was adjourned at 8:33 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner

Recording Clerk

The next meeting is scheduled for Thursday, 2 February 2023.