

**TOWN OF HADDAM  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING AND MEETING  
TOWN HALL  
21 FIELD PARK DRIVE, HADDAM, CT 06438  
THURSDAY, 5 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
X	Edward Wallor, Chairman
X	Alan Chadwick, Alternate
X	Larry Maggi, Alternate
A	Tim Teran, Alternate
X	Mark Branse, Esq., Land Use Attorney for the Commission
X	Bill Warner, AICP, Town Planner
X	Bunny Hall Batzner, Recording Clerk

**1. Call to Order**

Mr. Wallor, 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.

**4. Additions/Corrections to the Agenda**

Amendments: Delete Public Hearing/Meeting Item #6b. A 2 Lot Re-Subdivision of a Previously Approved Re-Subdivision at 33 Gulf Quarry Road, Haddam, CT. Applicant: Cameron Bailey. Move New Business Item #8 a. Extension of Time to Complete Approved Brookline Subdivision – Gunger Hill, Rogers Realty after Item #5 Public Comments.

**MOTION:** Jamin Laurenza motioned to approve the 5 January 2023 agenda as amended. Dan Luisi second. Motion carried unanimously.

**5. Public Comments**

There were no comments from those in attendance

## 6. New Business

### a. Extension of Time to Complete Approved Brookline Subdivision – Gunger Hill, Rogers Realty

Rusty Rogers, owner, was not present.

Mr. Warner stated the Commission approved an extension of time last year with the condition that Mr. Rogers would finish the site work by this year. As he was unable to do so, Mr. Rogers is requesting an additional one (1) year extension of time. Mr. Warner also stated the town does have a \$278,000 bond. A brief discussion followed in regard to the motion date v. the extension date – extension is from October 30, 2022 to October 30, 2023.

**MOTION:** Steve Bull motioned to approve a one (1) year extension of time to complete approved Brookline Subdivision – Gunger Hill to October 30, 2023. **Conditions:** None. Mike Farina second. Motion carried unanimously.

## 7. Public Hearing/Public Meeting

### a. A Site Plan Review to Allow for a +/- 10,700 Square Foot Retail Building on Killingworth Road, Map 60, Lot 26-7, Adjacent to 968 Killingworth Road. Applicant: MPA Realty Associates.

Peter Alter, Esq., Alter and Pearson, Matt Bruton, P.E., BL Companies, and Doug Grunert, Architect, BKA Architects, Matt Gallitto, Garrett Homes, representing the application, and John Corona, Esq., representing Trading Post Development, were present.

**Lot Line Revision** - Mr. Alter spoke in regard to the subdivision of Lots 8 and 9 and a small portion of Lot 7 which are proposed to be merged into a single parcel that will allow for the development of a 10,700 square foot retail store. Mr. Alter reviewed the site merger so the Commission would understand what is being proposed. After discussions with Mr. Warner and advice from Attorney Branse, all are in agreement this is neither a subdivision or a re-subdivision of the lots previously approved by the Commission; and it was determined that it would be appropriate for the Commission be made aware of how the lots would be merged and the lot lines reconfigured to accommodate the proposed development. Mr. Alter stated assuming the lot line revision is approved, the lots would then be merged in accordance with the plan that will be presented – combining Lots 8 and 9 and adding a small portion of Lot 7 to create a parcel that would be approximately 1.69 acres in total.

Mr. Alter stated although revised Lot 7 has lost a small strip to be merged with the development site, it will still comply with all of the Commercial Zone (C-1) regulations - appropriate size and frontage and it will still be a conforming lot as it was oversized to begin with.

**Lot 7 – A Developable Lot** – Mr. Alter stated the Commission should be reassured that the lot is still developable. Mr. Alter indicated that Attorney Branse had expressed concern that if the Commission should approve a lot that could not be developed it could be considered a taking of the property as there is no further economic use (noted there's case law in other states pertaining to this). Therefore, the developer's representatives were asked to provide a plan that demonstrates that Lot 7 is still developable as a stand-alone property that can support a commercial development. Mr. Bruton showed a plan that indicates it can support a commercial building approximately 2,000 square feet with parking and meets all the health dept.'s requirements in terms of separation distances.

Mr. Alter clarified that they were not asking for the Commission to consider Lot 7 as part of the proposal.

Mr. Branse asked for the septic system to be pointed out on the plan. Mr. Alter stated the septic system is in the front of the building and the well is to the rear of the parcel.

Mr. Alter stated that Lots 9 and 8 and a small portion of Lot 7 can be created as a single lot; and Lot 7's property line would be reconfigured while still retaining its viability as a developable lot.

**Cross Easements** – Mr. Alter stated the second part of the plan is that they are acting to satisfy the policy to create cross easements for internal access between lots to avoid an additional entrance if and when Lot 7 should be developed. This matter has been discussed with the owner of Lot 7 who is represented by Attorney Corona and all parties are in agreement that this is an easement that can be granted. Mr. Alter stated they have adjusted their plan on the proposed lot to accommodate that easement (will still meet parking requirements).

Mr. Corona confirmed that he does represent Trading Post Development and that all parties are in agreement as stated by Mr. Alter.

Mr. Alter stated the application before the Commission is for a site plan approval to develop a 10,700 square foot retail building. Retail use is a permitted use by site plan approval in the C-1 Zone. Mr. Alter stated when merged and reconfigured as previously described, the lot will consist of about 74,000 square feet or 1.69 acres.

**Existing Septic System on Lot 7 that Serves Lot 3** - Mr. Warner asked if Mr. Alter would be addressing the septic system on Lot 7. Mr. Alter stated there is an existing septic system on Lot 7 that serves Lot 3 (Dino's and other tenants) that has been in place for some time and will continue to serve them. Mr. Alter stated an easement will be created to protect the Lot 3 owners so they will have the permitted right to use, repair, and replace the system over time. This has been reviewed, discussed, and agreed upon.

**Wetlands and Health Dept. Approvals** – Mr. Alter stated the application has been before the Wetlands Commission and have received appropriate permits for the activities within the upland review area (copy of approval on file). Also, have received Health Dept. approvals in respect to the development of the site. Mr. Bruton will review all site plan details to demonstrate all the C-1 Zone requirements have been met.

**Plan of Conservation and Development (POCD)** – Mr. Alter stated the proposal is in conformance of the purpose and content of the POCD. Mr. Alter reviewed several passages within the POCD (pages 69, 8, 30, 31, and 32) that he believed were relevant to the proposal. Exhibit A, copy on file with the minutes in the Town Clerk's Office and the Land Use Office.

Mr. Alter stated each and every element of the Town's C-1 and Site Plan Regulations have been satisfied by the plans to be presented.

**Site Plan Review** - Using a map, Mr. Bruton pointed out the lots in question, the combined lot (1.69 acres), and the frontage to the lot along Killingworth Road/Route 81. Mr. Bruton noted that the topography varies from 566 feet to 544 feet and that there are no wetlands on the parcel being created, but there are wetlands in general. Mr. Bruton stated the proposed retail use is allowed within a C-1 Zone noting that Dino's is an existing commercial use to the south of the site. Mr. Bruton also pointed out a single family residence to the north of the site and across the street a single family residence as well as an automotive business.

**Proposed conditions** - Single story, slab on grade, 10,700 square feet structure with single accessway with one lane in and one lane out to Route 81. Thirty-six (36) parking spaces with the majority along the side of the building with handicapped parking spaces to the front of the building. Main entrance to the front of the building noted. Sight sidewalks to the front and along the side. Dumpster enclosure, loading area, and a secondary door for employees pointed out. Mr. Bruton stated they do comply with all the zoning regulations in relation to lot size, number of parking spaces, setbacks, etc.

**Conceptual Development on Lot 7** – Mr. Bruton pointed out where they had left space for a driveway should Lot 7 be developed.

**Grading and Drainage Plan** – Mr. Bruton stated the lot is currently undeveloped and there's a mixture of grass and gravel. As they will be increasing the impervious area on the property, they need to match

peak flows and existing drainage patterns (need to account for the additional stormwater). Mr. Bruton stated they used the 2004 Connecticut Stormwater Quality Manual, the 2002 Erosion and Sedimentation Control Manual, and the Town's regulations.

Mr. Bruton stated the pond is the main discharge point. The proposal calls for the use of catch basins with deep sumps and hoods, an underground infiltration system, and an above ground infiltration system which were pointed out. Mr. Bruton stated the runoff will eventual discharge off site. The goal is to continue directing water where it's supposed to go while not drying out the wetlands or misdirecting water to an abutter. Also, to make sure the water is clean. The system was sized for 2, 10, 25, and 100 year events.

**Utilities** – Septic system, as part of the retail building, will be placed to the front of the building underneath the parking lot (to be constructed). Existing system to the rear supports the Dino's plaza (to remain as is). Have received approval for both systems from the Health Dept. Electric and telephone is available. A transient non-community well located to the rear of the property to be permitted to the State. Will also be using propane for heating and cooling.

Mr. Branse asked if the telephone service would be underground. Mr. Bruton stated yes and showed Mr. Branse that the telephone and electrical service is currently located across the street and the proposal calls for it to be brought across the street and then go underground.

**Erosion and Sedimentation Control** – Being developed under the 2002 Soil Erosion Control Guidelines. The purpose of the plan is to have devices in place during construction (contractor to install and maintain the devices until the project is stabilized). The goal being that nothing erodes or moves off the site that would damage Route 81, abutters, or the wetlands on Lot 7.

**Landscaping** – A plan for the redevelopment of the lot that complies with the regulations while being aesthetically pleasing. Mr. Bruton pointed out existing trees that are proposed to be saved along the frontage and the north side abutting the residential home. Proposal calls for trees to be spread around the perimeter of the parking. A variety of shrubs/trees along the front of the property and along the dumpster enclosure area proposed. The rest of the landscaped areas outside the pavement areas call for lawn seed or wet seed mix. Front would be lawn with trees and the stormwater areas would be a wet seed mix to work with the water that's expected to go there. Mr. Bruton pointed out that the side setback is 10 feet and the building will be set to have 45 feet between the property line and the edge of the proposed building. Also providing a fence as part of the buffer from the residential user and along the back as well.

Mr. Branse stated the plan doesn't correspond to the site plan relative to the connection with Lot 7. Mr. Branse asked if the tree was positioned so they would not have to cut it down. Mr. Bruton stated he would have to check, but the tree would not need to be cut down as they could shift the connection if needed.

**Signage** – Proposing a monument sign and building sign over the entrance.

**Concept Plan** – Showing that it's developable, that all the components will fit on the property, and they have been taken into account the applicant's future driveway connection. Approval is not being sought for the Concept Plan.

Alan Andeen, 20 Woods Road, Higganum, asked the location of the propane tank. Mr. Bruton pointed out the propane tank location noting that it will be an underground tank.

**Architectural Plans – Main (Front) Elevation** – Mr. Grunert stated the building will have a thin brick wainscot base, red in color, moving into a vertical Hardie board lap siding going up two-thirds of the structure to the ridge line, and will be capped with horizontal Hardie board plank lap siding with some decorative trim (transition points). Front entrance will be a set of sliding doors that will be flanked on

either side by two windows that are opaque (retail use) and on each side of the windows there will be decorative shutters (trim white Hardie siding). Mr. Grunert pointed out overlapping Hardie fascia and the side shed dormers also of Hardie board plank lap siding and overlapping Hardie fascia. Roof material will be architectural asphalt shingles.

**Side Elevation – Receiving Side – (toward parking lot and Dino’s to the south)** – Roof pitch is 12 – 8 typical for this type of structure. Two (2) shed dormers with a typical pitch of 12 – 7. Red brick wainscot base with vertical metal panel. Two (2) doors - egress and receiving area. Rain runoff controlled by a continuous gutter serviced by downspouts that go into either the storm system or under the sidewalk.

**Side Elevation (toward abutting residential property to the north)** – Red brick wainscot base with vertical metal panel. Three (3) decorative opaque windows along the length of the structure to break up the façade. Roof top carve outs for mechanical units will be screened with fencing.

**Rear Elevation** – Vertical metal panel.

Mr. Chadwick asked what determines the size of the building – the lot or the number of people in the area. Mr. Grunert stated it’s a prototype from the tenant and they decide what will work best for them. Mr. Chadwick asked if all the structures are this size. Mr. Bruton stated they have changed over the years – current prototype is 10,700 square feet; however, they do have larger buildings in other areas as well as smaller buildings in urban areas only.

**Lighting** – Mr. Bruton reviewed the photometric plan reviewed. Lighting proposed is to make sure it’s safe and secure for visitors as well as not being a nuisance to abutters. Proposing a combination of pole lighting that will be in the parking lot as well as building lighting. LED, dark sky compliant, full cut-off fixtures, and will have the ability to be modified in the field.

Mr. Branse asked for clarification regarding modifying the lights. Mr. Bruton stated if complaints are received about something not operating as intended, shields can be added to direct the lighting accordingly. Mr. Branse asked if the lights can be tilted up. Mr. Bruton stated no, they are down lights. Mr. Warner stated with the LED panel they can be controlled from a computer. Mr. Bruton stated correct.

**Traffic** – Mr. Bruton stated a DOT encroachment permit will need to be obtained. An application has been submitted with the plan. DOT did provide three (3) comments back in early December: 1) proof of Town approval must be submitted prior to issuance of encroachment permit; 2) sightlines are adequate for the area; and 3) provide documentation about the utility pole location from Eversource. Mr. Bruton stated they have provided the documentation for Items 2 and 3 and Item 1 is contingent upon approval. Mr. Bruton stated a traffic study was provided and the proposed development will not have a detrimental impact to the adjacent roadway. Mr. Alter confirmed the traffic study is a part of materials provided to the Commission as well as the current updated traffic counts.

In summary, Mr. Alter stated all requirements for the C-1 and site plan review have been met. If any Commissioners have any further questions, they are available to answer those questions.

Mr. Bull asked Mr. Alter how the proposal could not have an impact on the flow of traffic. Mr. Alter stated the traffic on Route 81 will not be affected by the amount of traffic that this type of building would generate. The traffic study did not indicate any impacts on turning radiuses, sight distances, or on the ability to make use of the roadway.

Mr. Bull asked Mr. Grunert why an additional dormer could not be added over one of the windows on the south elevation. Mr. Grunert stated there’s no reason why it couldn’t be added. Mr. Bull stated this could be discussed during the meeting.

Mr. Bull asked Mr. Alter the type of material the fence on the north side would be made out of. Mr. Bruton stated it's a six (6) foot high solid wood fence. Mr. Bull asked if there was anything on the north side of the fence. Using the landscape plan, Mr. Bruton stated there are some trees along the frontage to the north side and there is also an existing tree line on the adjacent residential property. Mr. Bull stated he felt dense vegetation rather than a fence would be better. Mr. Bruton stated the fence is a visual buffer and safety buffer (a clear delineation between the commercial and residential properties). Mr. Bull suggested putting in both (dense vegetation and fencing). Mr. Warner and Mr. Laurenza felt the adjacent property owner should be asked how she feels about the matter.

Mr. Chadwick asked if the building would have a sprinkler system. Mr. Bruton stated no, it is not required by code for the size of the building. Noted that the fire department had reviewed the site and have approved site access and site orientation.

Mrs. Block asked if there was a review of the proposed signage. Mr. Bruton stated he did not have a slide to show and one has not been provided to the town; however, the front elevation shows the lettering on the building along with goose neck lighting. A monument sign is also proposed. Mr. Bull asked what the Commission would be approving in regard to the signage. Mr. Warner stated the Commission would be approving the design of the signage. The square footage would be a separate matter.

Mr. LePard asked if Dino's and the other tenant have two cut outs (curb cuts). Mr. Bruton stated they will be leaving a stub and the easement will allow for a connection between Lot 7 and Dino's; however, for the present the proposal is to landscape the space. Mr. LePard asked if the proposed curb cut will be the third cut. Mr. Bruton stated yes, Dino's has two curb cuts, and the proposal will have its own stand-alone curb cut. Mr. Bruton stated each lot is entitled to their own curb cut, but noted there will be the provision of the interconnectivity between the lots based on the regulations.

Mr. Bull asked if the entry and exit of trucks had been resolved noting the issue in Tylerville. Mr. Bruton stated a truck turning plan using a full 18-wheeler can pull into the store adequately as well as leaving the site. DOT is also reviewing the plan. The frequency of an 18-wheeler coming to the site is roughly one per week. Adequate roadway width on site and in the road to make the turning movements necessary. Mr. Bull asked if this is a north and south entrance/exit lane without having to go into the opposing lane. Mr. Bruton stated correct; and noted that if they showed the truck crossing the center line, DOT would deny their request.

Mr. Chadwick asked if the proposal showed the parking and lot together how much of the land would be covered. Mr. Bruton stated impervious coverage allows up to 75 percent per the regulations, but they are at 51 percent.

Mr. LePard confirmed the acreage was 1.69 acres. Mr. Bruton stated yes.

The following spoke in opposition to the proposal: Ted Soobitsky, 663 Killingworth Road - asked how much Dollar General plans to invest in the project. Mr. Alter stated that's information that is typically not disclosed; however, approximately \$200 per square foot. Mr. Soobitsky asked if enough business would be created to cover the cost of construction. Mr. Alter stated yes.

Thomas Reed, 56 Burr Road - wasn't aware a traffic study had been published and did not have an opportunity to review it. Mr. Reed asked when it was completed (what time frame). Mr. Reed cited the mileage between the various HK schools voicing concern over delays for buses during construction.

John Zajak, 10 Field Stone Lane - voiced concern over traffic, especially someone exiting the proposed business, noting the sightline and believes it to be a major hazard. Asked if an environmental impact study been conducted as to the excess runoff going into the pond noting the pond floods over Beaver Meadow Road and Parker Hill Road South. Asked the hours the lights will be on in the development.

Jeff Gallagher, Burr Road – concerned over traffic and asked when the trucks would be making their deliveries as they will be using the proposed easement area to back into to make their turns. Noted that he used to drive truck. Also asked about the trucks driving over the septic tank.

Gregory Prior, 349 Pokorny Road – stated that Dollar Generals devalue properties and that it is not wanted or needed in Haddam. Continued by stating that Dollar General sells cheap product marketed to areas to take advantage of the consumer. Dollar General will take away from the character of the town.

Fred Perkins, 39 Charles Mary Drive – Asked the width of the building. Mr. Grunert stated 76.5 feet. Asked how the tractor trailer will back up to the loading dock when customers are parked along the building. Noted he drives truck and does not believe it can make the turn. Also, asked why there are windows on the side of the structure as product is lined wall to wall. Mr. Grunert stated aesthetics.

Bob Cameron, 530 Beaver Meadow Road – Asked if the traffic study indicates Dollar General will be increasing traffic or will they be cherry picking off existing traffic.

Larissa Johnson, 948 Killingworth Road (direct neighbor to the north) - Proposal is extremely upsetting. Property value is going to drop significantly. Concerned over traffic noting that all neighbors and school children have to cross the street to get their mail or get on/off the school buses. Appreciate the idea of a fence and vegetation as she does not want people coming into her yard from the store. Does not want the lights or the noise. Unclear how the proposed structure will be constructed on 1.69 acres. Questioned how the proposal will not have an impact. Safety is an issue. Proposal does not benefit the town or other businesses within the town.

Julie Estrada, 704 Beaver Meadow Road – Concerned about the runoff as their house is up against the pond and they currently have a water issue. Asked if there would be clearing of trees behind the building and then installation of a fence or leaving the trees and installing a fence.

Nathan Bugbee, 626 Beaver Meadow Road – Noted that the HVAC units on the roof will be pointed towards a residential area. This will be directing the noise toward the house not away from it.

Waylon Page, 42 Woods Road – Asked why there's a need for a second Dollar General as there is already one in town.

Donna Turnage, 698 Beaver Meadow Road – Concern over water and noise. Noted that the pond keeps getting bigger, people need to run their sump pumps continually, and it floods the road.

Carla, Charles Mary Drive (no last name or street number provided) – Asked when the traffic study was conducted (all four seasons or specific time frame) and what is in the plan for safety. Believes the proposal will bring the crime rate up noting the town is covered by all volunteer emergency services.

Jeff Gallagher, Burr Road – Asked Mr. Alter why the project wasn't proposed in Killingworth.

Mr. Warner reported that several letters of opposition were received up until 6:00 p.m., they are all a part of the file, and each Commissioner has copies.

Mr. Bull asked Attorney Alter if he was representing Dollar General or another entity. Mr. Alter stated his client is Garrett Homes, the developer of the site, and that he does not work for Dollar General.

In response to the comments/questions, Mr. Alter stated the traffic study was conducted in September of 2022. Traffic counts were also taken in the spring of 2022 while school was still in session. Dates are May 26 (Thursday) as well as a Saturday. Highest peak traffic is usually on Saturday's between 10 a.m. and 2 p.m. The traffic engineers consider background traffic – 20 percent referred to as drive by traffic,

therefore, assuming 80 percent of the traffic coming to the store would not otherwise be on Route 81. Mr. Alter also stated they take into account traffic growth and the natural growth in traffic is one (1) to two (2) percent. Traffic counts are also compared to DOT's traffic counts.

Mr. Alter asked Mr. Bruton to review the storm drainage system and noted that Jeff Jacobson, P.E., Nathan L. Jacobson & Associates, the town's consulting engineer, reviewed all the storm drainage information and provided comments. The plan is reflective of his review as well as BL's design.

Mr. Bruton stated the goal of the plan is to not have a detrimental impact off site; therefore, they compare existing conditions with proposed conditions (removal/addition of materials). Also determine drainage area patterns (want water to go in the same direction) and mitigate and balance pre- vs. post construction conditions. Mr. Bruton stated they are proposing a system that will mitigate that increase which will still go in the same direction but will not be a detriment downstream.

Using the maps, Mr. Bruton pointed out the catch basins and the underground management system. As previously stated, calculations were based off 2, 10, 25, and 100 year events during a 24 hour period. No increase excess flooding from the proposed development to the pond. Mr. Bruton stated the plans show how the system should be maintained. Noted this has been reviewed by the town's engineer.

Mr. Bruton also spoke in regard to the quality of the water and how trash, leaves, salt, and sand are captured so when the water discharges these items do not. Noted that the Wetlands Commission reviewed this plan and approved it on 17 October 2022.

Mr. Bruton addressed the question pertaining to stormwater to abutters behind the proposed structure. Again, using the map, Mr. Bruton indicated that there will be no change in flow from the project to those abutters who live to the east of the proposal.

Mr. Zajak asked if the Wetlands Commission had taken into account that the pond is already overflowing and that any additional water would have a negative impact. Mr. Zajak noted that the area below the pond is turning into a swamp. Mr. Bruton stated they will not be adding any additional runoff. A gentleman in the audience stated it would be similar to turning an umbrella upside down to capture the water, but it needs to be funneled somewhere. Mr. Wallor stated they have already stated they will be capturing the water and it will be dispersed no differently than if the building wasn't there.

Mr. Zajak stated he wanted the Commission to answer his question. Mr. Branse, counsel for the Commission, stated the Commission does not answer questions. They listen to the applicant and the public and they apply the regulations as they stand. Mr. Branse stated the Commission will deliberate when the hearing is closed.

Mr. Zajak asked Mr. Branse where he could go to find out if an environmental impact or DEEP study had been conducted. Mr. Branse stated the question was asked and the applicant will respond to it.

Mr. Alter asked Mr. Bruton to explain the process of which the stormwater management plan was developed. Mr. Bruton stated that the underground system, located under the parking lot, is an open bottomed chambered system that will allow water to infiltrate into the ground and any water that doesn't infiltrate leaks off towards the pond. That excess amount is the same amount of water that will go there prior to construction. Mr. Bruton stated he agrees with the umbrella analogy. Mr. Wallor asked Mr. Bruton if the plan was reviewed by Mr. Jacobson and the Wetlands Commission. Mr. Bruton stated yes.

Mr. Soobitsky asked how much maintenance will be required to make sure the system operates properly. Mr. Bruton stated maintenance for the entire system will be done quarterly. Mr. Alter stated all Best Management Practices are included in the notes of the plan; therefore, the applicant and the owner would be bound to manage the property as rectified. Mr. Alter noted this has all been reviewed by Mr. Jacobson.

Mr. Branse asked Mr. Alter if DEEP had reviewed the proposal. Mr. Alter stated no. Mr. Branse asked the reason why. Mr. Alter stated DEEP has no jurisdiction over the proposal as the local Wetlands Commission is charged with making sure there will be no impacts to the wetlands. Mr. Alter stated DEEP does inquire a study as to whether there are any endangered species.

Mr. Alter addressed the question pertaining to the hours of operation. A typical retail store such as this would operate from 7:00 a.m. to 10:00 p.m. Mr. Wallor stated someone asked about the hours of lighting as well. Mr. Alter stated typically there will always be some lights for security purposes, but there are lights that can be adjusted by timers and the lights in the parking light can be dimmed. Mr. Alter stated he would not represent that there will be no lights on overnight.

Mr. Branse asked Mr. Alter if there was a percentage of dimming that he was aware of. Mr. Alter stated the perimeter parking lights are dimmed to the greatest degree and the ones nearer to the facility are left to a brighter level. Mr. Branse stated he would like to quantify this issue in some way. Mr. Alter stated he's reluctant to do so without inquiring with the operator. Mr. Alter stated Walmart would dim their lights 20 percent at the perimeter and 50 percent for lights in the center of the parking lot.

Mr. Alter stated he understands that people are emotional about the proposed plan; however, they have come to the town to comply with the regulations and he believes the plan complies. There is flexibility to add windows, dormers, and plantings. Mr. Alter took exception to the comment that they're trying to cram a building onto the site. The regulations would allow 75 percent impervious coverage (approximately 1.25 acres) on the site and they're only using 50 percent. Mr. Alter noted that Mr. Warner and Attorney Branse have been very diligent in pursuing changes in the plan to make it better.

Mr. Warner asked Mr. Bruton if he would go over the truck turn radius. Mr. Bruton addressed the question about the truck driving over the septic system. The tanks are H2O load grade/vehicle supported. Regarding the truck turn, Mr. Bruton used a diagram showing the most restricted movement. Another comment was in regard to the sightline, DOT has requested 575 feet of sightline to meet the average speed of 52 mph; therefore, the sightlines are adequate for the development.

Mr. Perkins asked the overall length of the truck in the diagram. Mr. Bruton stated 67 with a trailer length of 50 feet. Mr. Perkins asked where the driver will park when he pulls up and see the cars in the parking lot. Mr. Bruton stated frequency is one (1) visit per week and off-peak hours. Also employees are to help coordinate loading and unloading.

Mr. Bull asked if the Commission should not be concerned about the hours of operation because it's a commercial building. Mr. Warner stated the same circumstances apply as the Bridge Road Dollar General (their hours of operation are 8:00 a.m. to 10:00 p.m.). Mr. Bull stated the Commission is not approving a Dollar General, but a retail store. Mr. Warner stated yes. Mr. Bull asked how the Commission should handle the hours. Mr. Branse stated the Commission could ask the applicant if there are minimum or maximum hours that they would accept as a condition of approval. Mr. Alter stated the hours previously recited are consistent with what Mr. Warner reported for the other store and are hours that are acceptable to them (the applicant).

Mr. LePard asked what will or will not be cut on the lot. Mr. Alter stated the area to the east will remain untouched, the areas that are cleared of trees are all pavement and there will be plantings as the Landscape Plan shows. A number of trees along the streetscape that will be preserved. Mr. Branse stated for the record, Mr. Bruton has shown everything outside of the shaded area (Sheet LL-1) as being non-disturbed.

Ms. Johnson asked for clarification as she thought more trees and a larger buffer were going to be retained noting that a number of trees have been marked with pink ribbons. Mr. Warner stated at the last meeting they basically were bulldozing through. Mr. Alter stated several trees have been added back to the plan. Mr. Bruton reviewed the Landscape Plan again.

Mr. Warner asked Ms. Johnson if she would like the fence. Ms. Johnson stated she did want the fence but did have concerns about long term maintenance of the filtration systems as she doesn't believe the end users will be good at maintaining the lot.

Mark Lundgren, 40 Hickory Lane – Originally thought the curb cut was on the west side because of delivery truck action and would like to suggest that the actual entrance be moved to the south side. Mr. Bruton stated they have to access Route 81 and they show future access to Lot 7. Mr. Warner stated it's on the extreme south side.

Mr. Branse advised Mr. Wallor that the Commission can ask he or Mr. Warner questions after the hearing is closed; however, they may ask questions prior to closing the hearing so if anyone would like to dispute the response they can do so.

Mr. Bull mentioned that the RTUs are set back; and asked if it was true, that the noise was aimed at the neighbor. Mr. Grunert stated they're screened with fencing which will block visual and noise. Mr. Branse asked what the fence will be made of. Mr. Grunert stated white PVC.

Mr. Branse stated the use is permitted in the commercial zone and the law is that if a use is permitted, there is a conclusive presumption that the use is permitted.

As there were no further comments/questions from the Commission or the public, Mr. Wallor closed the public hearing at 8:55 p.m. and opened the meeting.

**Meeting: Seated: Block, Bull, Farina, Laurenza, LePard, Luisi, and Wallor.**

Mr. Bull read the motion as written to open discussion. Mr. Warner stated Mr. Branse had been taking notes throughout the hearing and had some suggestions that the Commission could discuss: 1) Tree at the southwest corner located at interconnection shall not need relocation. 2) Third dormer over the window on the southern elevation. 3) Lights shall be dimmed when business is not opened. Level of dimming to be determined by the Town Planner. 4) Business hours: 7:00 a.m. to 10:00 p.m.

The Commission discussed additional concerns/conditions. Mr. LePard asked about the lot line revision. Mr. Warner stated it is a part of motion. Mr. Wallor stated he would like to see the addition of a third dormer over the window and include hours of operation: 7:00 a.m. to 10:00 p.m., seven (7) days a week. Mrs. Block asked if they needed to specify that delivery hours would only take place during operating hours. Mr. Luisi stated that could be difficult. The dimming of lights was discussed. Mr. Laurenza asked if a complaint were filed regarding the lighting, who would be contacted – the business or the Town Planner. Mr. Branse stated Mr. Alter provided an example of dimming and he believes Mr. Warner can research what is customary for a site of this size for a retail use and determine what an acceptable dimming percentage is. Mr. Farina suggested additional vegetative screening be added to the north side of the fence next to the abutting residential neighbor. Mr. Luisi asked if signage lighting is part of this process or the permitting process. Mr. Warner stated goose neck lighting is proposed on the building and the monument sign is not illuminated. Mr. Bull asked what dbh caliber means. Mr. Warner stated dbh is diameter at breast height and caliber is size.

Mrs. Block made citations out of the POCD: pages 12 and 33 and the Zoning Regulations, Site Plan Review – Sections 14.4.1, 14.4.c, 14.4.4, and 14.4.5. Mrs. Block stated that while there are many technical specifications that have been met under the Site Plan Review section, for her, there are still some loose ends that do not fit. Mr. Luisi stated that's why the roof line was changed (designed standards).

Mr. Bull noted the Commission is not approving the business. Mrs. Block agreed; however, it specifically calls out the types of architecture that formal business may not have as well as the types of goods and services wanted in the town. A brief discussion followed.

**MOTION:** Steve Bull motioned to approve a lot line revision and site plan review to allow for a +/-10,700 square foot retail building on Killingworth Road, Map 60, Lot 26-7, adjacent to 968 Killingworth Road.

**Conditions:** **1)** Approval based on latest plans dated November 15, 2022 with revisions December 20, 2022 and December 22, 2022 and January 4, 2023. **2)** Any and all changes as represented by applicant team during the hearing on 1/5/23 shall be incorporated into the final plan. **3)** Compliance with Town Engineer and CT River Area Health District comments. **4)** No storage, placement or display of any merchandise along the front of building, on sidewalks or within any landscape areas, unless approved by Zoning Enforcement Officer. **5)** All signage shall require sign permits and the sign area must be in compliance with regulations. **6)** Three (3) new shade trees, with three (3) inch dbh caliber and minimum ten (10) feet in height shall be added to the front landscape area. Placement to be determined in the field in consultation with staff. Trees shall not be placed in a manner which blocks visibility of monument sign. **7)** No interior or exterior neon or LED lights or signage in the windows. **8)** No banners, flags or other advertising except as allowed in the Zoning Regulations. **9)** Any existing/preserved trees which do not survive will be replaced with new trees with three (3) inch caliber and minimum ten (10) feet in height. **10)** Front and southern elevations shall have same architectural finishes and materials. All windows shall be four (4) over four (4). **11)** The owner of Lot 3 and Lot 7 shall send letters to both existing tenants on Lot 3 acknowledging that their rights of possession as tenants at Lot 3 include the right to utilize the septic system and reserve area located on the adjacent Lot 7. Owner of Lot 3 and Lot 7 shall also record a declaration which provides that upon Lot 7's transfer to anyone other than the owner of Lot 3 an easement will arise allowing the existing septic system and reserve area to be used to serve Lot 3. **12)** Applicant shall prepare and file a permanent cross easement between Lot 7 and Lot 8 as presented at the public hearing, including rights to construct. **13)** Addition of evergreen vegetative screening on north side of the north fence. **14)** Third dormer on the south elevation. **15)** Hours of operation: 7:00 a.m. to 10:00 p.m. seven (7) days a week. Deliveries during business hours only. **16)** Lights shall be dimmed when business is not open. Town Planner will quantify the level of dimming. Jamin Laurenza second. Motion carried 6-1. In favor: Bull, Farina, Laurenza, LePard, Luisi, and Wallor. Opposed: Block.

## 7. Approval /Correction of Minutes

**MOTION:** Ed Wallor motioned to approve the 15 December 2022 minutes as submitted. Jamin Laurenza second. Motion carried unanimously.

## 8. New Business

No additional New Business.

## 9. Chairman's Report

Mr. Wallor had nothing new to report.

## 10. Scheduling of Hearings

**A 2 Lot Re-Subdivision of a Previously Approved Re-Subdivision at 33 Gulf Quarry Road, Haddam, CT. Applicant: Cameron Bailey** - Notice of Public Hearing sign not posted. Hearing rescheduled to Thursday, 19 January 2023.

**Amendments to Zoning Regulations - Commercial Zones, Outdoor Signs, and Parking** – Public Hearing, Thursday, 19 January 2023.

**Use of POCD** - Attorney Branse stated that the POCD cannot be applied to a site plan use. It's too low an amount of discretion. Mr. Branse stated if the Commission is not sure, make it a Special Permit - mandatory public hearing, no automatic approval, and a higher level of discretion. But when it's a Site Plan Review, the Commission has tied themselves down. You cannot say it's not appropriate for the

location, the traffic is excessive, or lowers property values because the Commission has already zoned it a permitted use. Mr. Branse stated the Commission should keep this in mind when going forward with any regulated use. Mr. Branse stated some towns have almost everything Special Permit.

### **11. Town Planner's Report**

Mr. Warner reported that he had sent out his 2022 Annual Report.

### **12. Adjournment**

**MOTION:** Steve Bull motioned to adjourn. Jamin Laurenza 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 January 2023.**