

**TOWN OF HADDAM
PLANNING AND ZONING COMMISSION
PUBLIC HEARING/MEETING
VIA GOTOMEETING
THURSDAY, 21 JANUARY 2021
UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Gina Block
X	Steven Bull, Vice Chairman
X	Michael Farina
X	Jamin Laurenza, Secretary
A	Wayne LePard
X	Dan Luisi
X	Edward Wallor, Chairman
A	Robert Braren, Alternate
A	Alan Chadwick, Alternate
A	Larry Maggi, Alternate
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 7:03 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

There were no additions or corrections made to the agenda.

5. Public Comments

There was no one from the public present.

6. Public Hearing/Public Meeting

Request to Allow a Four (4) Lot Subdivision in R2-A Zone. 565 Saybrook Road with Access from Walkley Hill Road, Map 86 Lot 2. Applicant: Catherine Ragozzino

John Gabel, engineer, Connecticut Consulting Engineers, representing Catherine Ragozzino, owner/applicant, and Joseph Ragozzino, owner, were present.

Hearing: Mr. Wallor opened the hearing at 7:05 p.m.

Using the map, Mr. Gabel reported the parcel is approximately 21.5 acres with an existing dwelling located on the northeast portion of the property and is served by a private septic system and well. The proposal calls for the parcel to be cut into four lots – one existing (Lot 4 – 12.96 acres) and three proposed on the west/northwest portion of the property (Lot 3 – 3.09 acres; Lot 2 – 2.57 acres; and Lot 1 –

2.17 acres). Testing has been done at the existing house by the health department for feasibility of a reserve area should the existing septic system fail. Continuing to use the map, Mr. Gabel pointed out the locations of the proposed septic systems, driveways, drainage systems, and house locations for all lots and noted that all the proposed lots will have access from Walkley Hill Road even though they have frontage on Saybrook Road. Existing lot will continue to have access via Saybrook Road.

Mr. Gabel reported concerns raised by the town's engineer, Jeff Jacobson, P.E., Nathan L. Jacobson & Associates (Exhibit B, 3 page review letter signed and dated 01.18.2021) have been addressed (Exhibit C, 2 page response letter unsigned and dated 01.20.2021). Mr. Gabel also reported a letter from Ryan T. Grenon, MPA, RS, Connecticut River Area Health District, regarding feasibility of septic disposal on the site has been received (Exhibit D, 1 page subdivision plan review memo, signed and dated 12.10.2020).

Mr. Bull inquired about the existing cross culvert located on proposed Lot 3 as noted by Mr. Jacobson in his letter - #4 Item A, page 2. Using the Site/Grading/Storm & Cutting Plan, Sheet 7 of 9, Mr. Gabel pointed out the cross culvert and noted that the discharge attenuates into the ground approximately 5 to 6 feet in. Mr. Bull asked if the culvert goes in where the driveway is located. Mr. Gabel stated the driveway has been shifted over and noted that the plans have been revised to address Mr. Jacobson's concerns. Mr. Gabel stated Matthew Davison, Professional Soil and Wetland Scientist, Davison Environmental, had submitted a letter addressing Mr. Jacobson's concerns (Exhibit E, email to John Gabel, dated 01.20.2021).

Mr. Bull asked Mr. Gabel to address #5 Item B, page 2, in Mr. Jacobson's letter regarding the driveways located within the Walkley Hill Road right-of-way (ROW). Mr. Gabel again noted the plans have been revised and that the driveways have been shifted and will all be paved. Mr. Bull asked if they would still have the maximum grade. Mr. Gabel stated they do not have to follow the 8 percent requirement on a paved driveway (believes the maximum is 50 percent).

Lauren Otsuki, 65 Walkley Hill Road (across the road from the subdivision), asked about the existing cross culvert on Lot 3 (#4 Item A, page 2, Jacobson letter, Exhibit B) and the water discharging into the ground. Mr. Gabel stated he is not a professional soil scientist, but the existing pipes are not significant as they are 12 inches in diameter or less, but one does have a clear channel (noted on plan). Using the plan, Mr. Gabel pointed out a pipe on Lot 3 and another on Lot 2 that discharge into the ground immediately and noted that the soil scientist identified them in his report (no concern about those runoffs with these developments). Ms. Otsuki asked what would happen if there were an issue; who would be responsible. Mr. Gabel stated it would be the responsibility of whoever owns the property. Mr. Gabel stated the grades have been designed to make the water go around the homes in either direction. Ms. Otsuki stated she wanted to make sure it was not her responsibility.

Ms. Otsuki asked for the sizes of the lots. Mr. Gabel provided the lots sizes and stated that they all meet the area and zoning calculations for frontage.

At this point in the hearing, there were some audio difficulties that arose; and due to garbled speech and feedback it was difficult for all parties to understand some of the questions and comments. Mr. Warner suggested Mr. Bull use the Chat feature. Mr. Bull was unable to as it was disabled.

Mr. Bull asked about open space. Mr. Gabel stated even though the regulations state open space is required; due to the lots being rather large, the applicant has requested a waiver of the open space requirement. Mr. Gabel stated they do not see any value in covering this development with open space. Mr. Gabel read a note within the plan that will protect the character of the hillside. Mr. Bull stated along Lot 4, there would be sufficient space to accommodate the open space requirement. Mr. Gabel stated it could be looked into, but the open space is benefiting the lot homes. Mr. Gabel also stated people will use the open space to dump lawn clippings, garbage, etc.; and there's no benefit to it on a development of this sized. Mr. Gabel stated they are not opposed to the open space, but are merely asking for a

waiver; however, if the Commission wants open space, they are willing to entertain it. Mr. Warner stated all of the lots would be covered by a restriction that they cannot cut at all without Commission approval beyond the limits of clearing shown on the plans. Mr. Warner felt this would be more protective than just a two acre parcel of open space. Mr. Warner also stated he felt restricting the clear cutting is the most important part.

Chip Frey, Crabapple Corner, former P&Z member, disagreed with Mr. Warner and stated that in the subdivision he lives in just north of this proposal there are deed restrictions in regard to cutting down trees and a neighbor just cut down all but three of the crabapple trees and claimed they were unaware of the restrictions. Mr. Frey stated there is nothing you can do once the cutting is done. Mr. Frey also stated he likes the idea of the open space as it would blend in with the neighborhood and the larger lots. Mr. Frey asked the definition of clear cut. Mr. Warner stated cutting all the trees down. Mr. Warner also stated the map shows the limits of clearing and if additional area is needed, the owner must come before the Commission.

Mr. Frey stated within the regulations there are five opportunities for open space. Mr. Frey read the five opportunities. Mr. Warner stated the regulation only requires 20 percent of the property and that the regulations also provides for the waiver being requested. Discussion followed.

There were some continued audio issues with feedback. Issue corrected.

Susann Costa, 90 Walkley Hill Road, stated she and her husband, David, own property next to the proposed subdivision and the only objection they have is the preservation of the vegetation and the trees. Mrs. Costa stated there have been a number of trees cut down since the Ragozzinos' have owned the property and that there used to be a lot of wildlife – deer, birds, etc., and most of them are gone now. Mrs. Costa stated they understand that some trees will need to be removed, but hope that the Commission will limit the amount of cutting the applicant can do. Noted the need to preserve any remaining wildlife on the property.

Mrs. Costa stated a number of years ago when this site was being considered for the new Transfer Station the engineers indicated they had found severe septic runoff from across the street from Lot 1. Mrs. Costa stated this needs to be addressed noting that you can smell the odor on many days when driving by the area. Mrs. Costa stated this information should be on record.

In conclusion, Mrs. Costa stated she and her husband hope the area is not clear cut as the neighborhood is known for its beauty of the trees and the wildlife that's present and with a development such as this it may damage the existing situation as it stands now.

Kit and Bill McKinnon, 49 Walkley Hill Road, asked if approved, what the hours of construction would be. Mr. Warner stated the town does not have an ordinance that would address that; however, generally, it would be 7:00 a.m. to 4:00 or 5:00 p.m. with no work allowed on Sundays. Mr. Warner stated this could be a condition of approval. Mrs. McKinnon asked what would be a reasonable expectation or parameter as she doesn't believe all the houses will be constructed at one time.

Mr. McKinnon stated there is a guard rail that will need to be taken down where Lots 2 and 3 would be located; and asked who will be addressing this matter – the developer or the town. Mr. Gabel stated the town's engineer suggested the replacement be with plain guard rail.

Mr. McKinnon asked how far back from the road the house will sit on Lot 2. Mr. Gabel stated the current plans are conceptual and are only showing what can fit on the lot and that site plans will need to be prepared for each lot for approval. The current setbacks are 50 feet from the street line based on the current zoning regulations.

Mike Miller (Lassen), 30 Walkley Hill Road, asked if Lot 1 is next to his house. Mr. Gabel stated yes, it would be Lot 1. Mr. Miller stated during heavy rain events, an existing brook is very active and voiced concern that the excavation on Lot 1 may potentially increase the flow of the brook. Mr. Miller asked who would address the matter should additional water begin entering his basement (already wet) during and after construction. Mr. Gabel stated there will be no work conducted within 100 feet of the intermittent watercourse and there will be proper erosion and sediment controls around the perimeter of the clear cutting, well, and septic areas. Mr. Miller again asked if there is a problem, what his recourse would be. Mr. Gabel stated it would not be a part of the development. Mr. Wallor stated this issue would be a wetlands matter. Mr. Miller asked when the Wetlands Commission would be hearing the matter. Mr. Wallor stated he didn't know, but it would be posted on the town's web site.

Mr. Frey spoke in regard to the town's Plan of Conservation and Development (POCD), page 35 - to preserve the natural differences in the properties and page 89, under Decision Guidance to implement and help and guide P&Z with subdivision regulations. Mr. Frey noted that everyone on the Commission has sworn to uphold the regulations of the Town of Haddam. Mr. Frey asked the Commission to respect the property owners who abut and live across the street from the proposed subdivision and consider the addition of open space.

Mrs. McKinnon, 49 Walkley Hill Road, asked for clarification regarding the construction hours. Mr. Wallor stated as previously outlined by the town planner, there currently are no noise regulations; however, construction would generally be between 7:00 a.m. and 5:00 p.m. Monday thru Friday and possibly Saturday. Mrs. McKinnon again noted the neighborhood is residential; and asked if possible, could there be some consideration taken into the hours of the project. Mr. Wallor stated during this time of COVID, he was not willing to put parameters around a project noting the Commission is not aware of the developer's plans in terms of start and end times. Mr. Wallor stated the hearing is in relation to whether or not to approve the subdivision. Mr. Gabel stated Mrs. McKinnon's comment can be addressed when the developer comes in for approval of each lot.

Joe Dalton, 139 Walkley Hill Road, echoed what Mr. Frey and Mrs. Costa had stated earlier; and although the plans are clear and understandable, a precedent could be set for future development of large parcels if open space is not required for this development. Mr. Dalton doesn't believe this will be the last future development taking place on Walkley Hill as well as across the town. Mr. Dalton stated everyone is trying to be good neighbors, but the regulations should be followed to sustain an environment for the future.

David Costa, 90 Walkley Hill Road, asked if the Gateway Commission becomes involved in this matter. Mr. Wallor stated Gateway has reviewed the plans. Mr. Warner stated the proposal is within the Gateway area, the matter has been discussed with them, they do not have jurisdiction over subdivisions as it's a use by right, they are not opposed, and are very happy with the condition to stop any clear cutting. Mr. Warner stated he felt the conservation easement stopping the clear cutting is far better than one - two acre parcel of land.

Mr. Frey stated Gateway allows limbing no more than one-third up a tree, but P&Z can still require there be no clear cutting and put aside a portion of the land. Mr. Frey noted he is a former Gateway representative. Mr. Gabel stated they were only trying to get a waiver and are not opposed to the open space. Mr. Gabel stated if the Commission deems it, they are willing to set aside the open space.

Ms. Otsuki, 65 Walkley Hill Road, asked for the calculation for open space. Mr. Warner stated it's up to 20 percent. Ms. Otsuki asked the minimum requirement. No response given. Ms. Otsuki voiced concern over the preservation of the look of the neighborhood noting there are still some deer and wildlife that cross the road through her property; and asked the Commission to uphold the regulations as written. Ms. Otsuki also voiced concern over the potential precedent set by not requiring open space.

Mr. Wallor asked for any comments from the public and the Commission. As there were none from either party, Mr. Wallor closed the public hearing at 7:59 p.m. and opened the meeting.

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

After the motion was made, Mr. Wallor opened the matter up for discussion.

Mr. Bull again was having audio difficulties and returned to the meeting via another device.

Mrs. Block asked if by default, there is an open space requirement due to the lot size or does it need to be specified as one of the conditions. Mr. Warner stated after reading the regulations the percent is 25 percent and can be adjusted up or down. Mrs. Block asked if the Commission were to decide not to waive, would it need to specify the percent. Mr. Wallor stated he didn't believe so. Mr. Warner stated 25 percent is the maximum and the Commission can require less. Mr. Wallor stated he likes what Mr. Warner has written. Discussion followed with Mr. Warner stating the limits of construction for the three houses is very small and the clearing restriction is probably covering 70 percent of the lots.

Mr. Laurenza stated one of his fears is taking land off of the tax rolls and that's what open space will do.

Mr. Farina stated land and open space is more important to him, especially the environmental impact, than the amount of taxes received. Mr. Farina noted this is a beautiful section of town.

Mr. Bull stated the requirement is 25 percent; and cited 4.6.f of the regulations. Mr. Bull stated he does not believe any of the conditions for the waiver of open space have been met and that he's not in favor of granting the waiver. Mr. Bull also stated he believes the open space should come in one contiguous piece and there's plenty of room on Lot 4 to do so.

Mr. Wallor asked if the 25 percent goes to every lot rather than the whole parcel. Mr. Warner stated the regulation is not very clear on that. Mr. Warner stated what he's proposing is exactly what Mr. Bull had previously read. Mr. Bull asked if the clear cutting would be the restriction. Mr. Warner stated yes, and they would need to come back before the Commission if they wanted to cut outside the limits of clearing. Mr. Bull stated the restriction along with the open space would be the cleanest way to handle the matter noting there's sufficient land with this proposal. Mrs. Block agreed; and stated the regulations would serve the best interest of the neighborhood in preserving some space.

Mr. Laurenza stated everyone is concerned about the cutting of trees and asked if it could be placed more towards the Saybrook Road side of the property. Mr. Warner stated the restriction only allows cutting where the houses will be built and the rest of the property is restricted. Mr. Warner stated if the Commission would like to keep it along Saybrook Road, then wording could be specific to that area, but it would not help Walkley Hill.

Mr. Luisi stated three houses are proposed on three large lots and does not believe the land will be stripped. Mrs. Block stated she believes there's fear that cutting will take place to maximize a river view. Mr. Luisi stated cutting cannot take place on the opposite side of Saybrook Road. Mr. Warner stated Gateway does not have jurisdiction over the subdivision or the cutting; and if the Commission approves the subdivision without any restrictions, the property owners could clear cut this entire lot. Mr. Luisi felt Mr. Warner's suggestion is better than what the regulations allow. Mr. Warner stated when open space is created who is going to own it, maintain it, etc.; whereas, with a conservation easement, the homeowners are responsible and it's much cleaner.

Mr. Bull stated the motion does not mention the waiver. Mr. Warner stated the waiver is specifically requested on the application; therefore, if the Commission does not want to approve the waiver, they would have to deny the waiver and require the open space. Discussion followed with Mr. Warner stating if the Commission were to deny the request for waiver of open space, some guidance needs to be given to the applicant.

Mr. Wallor asked the Commission if they would like to amend the motion to include up to 25 percent in open space or leave the motion as read and vote accordingly. Discussion followed in regard to the 25 percent calculation (can be adjusted up or down); the placement of the open space; and who would own the open space areas.

MOTION: Ed Wallor motioned to approve a request to allow a 4 lot subdivision in R2-A zone. 565 Saybrook Road with access from Walkley Hill Road, Map 86, Lot 2. **Conditions:** 1) Clear cutting beyond the limits of clearing shall be reviewed and approved by the PZC with the intent of encouraging selective clearing and limb up as opposed to complete tree removal. 2) Deny request for waiver of open space. Steve Bull second. Mr. Wallor called the vote – Bull – yes; Laurenza – yes; Block – yes; Farina – no; Luisi – no; and Wallor – yes. Motion carried 4 to 2.

7. Correction/Approval of the Minutes – 3 December 2020

MOTION: Ed Wallor motioned to table the approval of the 3 December 2020 minutes. Steven Bull second. Motion carried unanimously.

8. Chairman's Report

There was nothing new to report.

9. Scheduling of Hearings

There are no hearings to be scheduled at this time.

10. Town Planner's Report

Appeal – Zone Change – Goodspeed Tattoo - Mr. Warner reported an appeal to the zone change pertaining to the Goodspeed Tattoo application has been filed. The attorneys for both parties are in discussion. Probably next week an executive session will be scheduled with the Commission to discuss the matter.

11. Adjournment

MOTION: Jamin Laurenza moved to adjourn. Ed Wallor second. Motion carried unanimously.

The meeting was adjourned at 8:41 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 4 February 2021.