

**TOWN OF HADDAM  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING/MEETING  
FORMER HADDAM ELEMENTARY SCHOOL – GYMNASIUM  
272 SAYBROOK ROAD, HIGGANUM, CT 06441  
THURSDAY, 18 MARCH 2021  
UNAPPROVED MINUTES  
*Subject to Approval by the Commission***

**ATTENDANCE**

X	Gina Block
X	Steven Bull, Vice Chairman
X	Michael Farina
A	Jamin Laurenza, Secretary
X	Wayne LePard
X	Dan Luisi
X	Edward Wallor, Chairman
X	Robert Braren, Alternate
X	Alan Chadwick, Alternate
X	Larry Maggi, Alternate – Seated
X	Bill Warner, AICP Town Planner
X	Robert McGarry, First Selectman
X	Mark Branse, Esq., Land Use Attorney
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 as well as alternate member, Mr. Maggi, were seated.

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

Mrs. Block and Mr. Bull asked if the agenda could be amended in order for the Commission to focus solely on the zoning text amendment and to delaying the hearing on the tattoo parlor (site plan approval). Attorney Branse advised the Commissioners to keep their voices up due to the size of the room.

Mr. Branse asked if the public hearing had been opened (it had not). Mr. Branse stated the hearing has been advertised and the public invited to address the Commission on a proposed text amendment. Mr. Branse advised that there be no further discussion until the hearing is opened.

The agenda stood as submitted.

**5. Public Comments**

An unidentified member of the public stated it's very difficult to hear what is being said and asked if a microphone could be obtained. Mr. Wallor stated he will look into the matter.

## **6. Public Hearing/Public Meeting**

**a. Proposed Zoning Text Amendment to the Haddam Zoning Regulations – Section 5.6 C.5 Tattoo and/or Body Piercing Studios with a Site Plan Approval at 310 Saybrook Road, Higganum, CT. A copy of existing and proposed text is on file in the Office of the Town Clerk. Applicant/Property Owner: George Smith/Robert Lloyd.**

**Proposed Language 5.) Tattoo and/or body piercing studios; provided, however, that existing & licensed tattoo businesses in the Town of Haddam are allowed by site plan review to terminate and abandon their current location and relocate to other zones in the Town which allow personal service establishments.**

**Said application is on file in the Land Use Office of the Town of Haddam and on the web site [www.haddam.org](http://www.haddam.org)**

George Smith, applicant, was present.

**Hearing:** Mr. Wallor opened the hearing at 7:07 p.m.

In the absence of Mr. Laurenza, the Commission's secretary, Mr. Warner read the Legal Notice as printed in the Haddam News on 4 and 11 March 2021 into the record (on file in the Land Use Dept.).

Mr. Warner, with the assistance of a prepared statement (Exhibit A), explained the procedural issues – two applications: 1) zoning text amendment and 2) site plan approval - and why the hearing was being repeated (Legal Notice not published). Mr. Warner took full responsibility for the oversight in not confirming the publication of the Legal Notice for the 3 December 2020 public hearing and apologized to Mr. Smith, the public, and the Commission. Mr. Warner made it clear that neither the applicant nor the Commission did anything wrong. Mr. Warner reported there is a Stipulated Agreement with the Commission's attorney and the plaintiff's attorney to settle the lawsuit that was file.

Mr. Warner stated he continues to support the proposed change because it's in the best interest of the community citing traffic into the community will increase economic activity for the other businesses in the Center. Mr. Warner noted that currently this store front is one of the most active in the Center. Mr. Warner stated the proposal allows an established local business to remain in town; and in small towns, business retention is the most critical aspect of economic development. Mr. Warner also stated that the property owners, who are Haddam residents/taxpayers, invested in the building (purchased and renovated) and the Town should support their efforts. Mr. Warner reported the use (tattoo parlor) was permitted at the site in 2012 and there is a Certificate of Occupancy on file for the subject property – 310 Saybrook Road.

Mr. Warner stated times have changed and we need to accept that. Mr. Warner reported that the applicant indicated that over 75 percent of his clients are woman. Mr. Warner spoke in regard to two articles in the Hartford Courant regarding Manchester discussing the proposal to allow tattoo parlors in the downtown (proposal approved unanimously) and the Connecticut State Police easing their policy on tattoos as there are many good candidates with tattoos and 40 percent of millennials have tattoos. Articles from the Hartford Courant are in the record. Mr. Warner stated applying the percentages within the articles, more than one-third of Haddam's adult population, almost 2,000 Haddam residents, have tattoos.

Mr. Warner reported that the younger generation is needed to revitalize the Center and the Town cannot rely on Baby Boomers to do so. Mr. Warner stated there are many big issues that prevent the Center's revitalization and the Town is currently working on all of them – taking Higganum Cove back after six years of inaction; currently preparing a grant for \$750,000 to clean up Scovil Hoe and create incubator space; working on the environmental assessment and purchase of the Rossi property; and completing a grant contract with the State Health Dept. to begin formal design of the community septic. Mr. Warner also stated he has over 30 years of downtown revitalization experience and won a lifetime achievement award from the Connecticut Main Street Center.

Mr. Warner stated millennial and Gen Z populations are needed to revitalize the Center and the Town can't have policies that are counter to their beliefs. Mr. Warner noted that there are tattoo parlors throughout Connecticut such as Glastonbury, West Hartford, Old Saybrook, Branford, North Branford, Wallingford, Southington and South Windsor. All very nice communities. The most relevant is the Deep River location. Deep River has revitalized very nicely in the presence of a tattoo parlor with successful businesses on either side and across the street. Mr. Warner stated there are multiple tattoo parlors in the most successful downtowns in New England – Burlington, VT – 8 shops; Montpelier, VT – 3 shops; Keene, NH – 6 shops; and North Hampton, MA – 7 shops. Mr. Warner stated tattoo parlors have become mainstream, artsy, cool and edgy; and people need to look to the future and not the old manner of thinking of what people may have termed “riffraff”.

Mr. Warner reviewed how the request should be evaluated. P&Z is a land use agency who makes the rules and regulations to minimize negative impacts on land use. Mr. Warner stated the zoning regulations allow nail salons as a permitted use; and asked the Commission during their deliberations to consider if there are any differences between a nail salon and a tattoo parlor. Mr. Warner stated he has asked a number of people who have frequented both and the conclusion is that there is no difference. Mr. Warner then compared the two: a client drives to both locations, parks a car, enters the building, sits in a chair, receives a personal service (manicure/pedicure/tattoo) from a state licensed individual, pays a fee, and leaves. If the only difference is “we don't like people with tattoos”, that is not a valid reason to deny the request.

In regard to the site plan review, Mr. Warner stated the purposed of the site plan review is to review the property for compliance with the zoning regulations. In this case, there are no changes to the building or property; a tattoo parlor was approved and existed on the property in 2014 (all appropriate agencies signed off on the proposal at that time); the building is a non-conforming building as to setbacks and parking. This means it pre-dated zoning and does not comply with the current regulations. This is a very relevant fact because Section 7A.2 of the Village District Regulations state: *“This Village District shall not apply to existing non-con-forming buildings and uses unless otherwise provided by Section 29 of these Regulations.”* Therefore, the property is in the Higganum Village District zone, but it does not have to comply with the Higganum Village District zone regulations.

Mrs. Block stated she believes the building is non-conforming, but the regulations cover the use of the building. Mr. Warner stated no, and cited the regulation again.

Using a map, Mr. Warner stated the property does have sufficient parking dedicated to it – 9 spaces required and there are 13 spaces including one handicapped space. Mr. Warner again noted that the property owner has made improvements to the building, new windows and siding, which has greatly improved the appearance of the building.

In conclusion, Mr. Warner stated he is recommending and the applicant has consented to a condition limiting signage to gold leaf lettering in the window. This eliminates the possibility of neon or LED or flashing signage in the windows.

George Smith, applicant, provided copies of photos of the posting of the public hearing sign, the gold leaf lettering on the windows, and the interior of his business (Exhibit B – 33 photos; copies with the record in the Land Use Dept.). Mr. Smith stated in December he had explained how he would like to proceed with his business. Mr. Smith stated he's been a tattoo artist for 20 plus years and half the clientele he has today came from his 16 years working at a shop in Meriden. Mr. Smith stated he has a family oriented business and any client under the age of 10 who comes into the shop to get their ears pierced have it done for free as children do not have money; it's a means of giving back to the community; and every child will leave with a lollipop in their hand. Mr. Smith talked about as a child every time you left the doctor's office you left with a toy; and after an ear piercing, a child will receive a toy as well. Mr. Smith stated he has tried to bring the interior back to what it was in the 1930s.

Mr. Smith asked what is the definition of “riffraff” as he can put a suit and tie on every day and become a lawyer; and afterwards put on his jeans and boots, get on his Harley and have a beer and now would be considered riffraff; whereas, ten minutes prior he was considered a lawyer. Mr. Smith stated there is no difference between what someone is or isn’t or what they want to do with their life. At the end of the day we all put our pants on the same way, we all go to work every day to take care of our families and provide for our families. Mr. Smith noted that he’s a single father of three that he raised on his own.

Mr. Smith stated in 2019 P&Z stated they wanted the Center of Higganum to be more artsy and what more for art than a tattoo shop. Mr. Smith stated he’s been in town for six years and all he asked to do was relocate. Mr. Smith also stated there have not been any issues with his shop, no state police calls, and no health complaints. Mr. Smith stated 80 percent of the clients has have been with him for 20 some years; and 60 percent of the people in the room tonight are customers he’s had for 20 years and some he met six years ago. Mr. Smith stated they all work together and show each other exactly who they are. Mr. Smith stated if he’s considered riffraff, then he’s proud of what he does because all he’s trying to do is what everyone else does and that’s provide for his family.

Mr. Smith stated he appreciates everyone taking their time to hear this matter again; apologized for the mishap; and thanked Mr. Warner for standing up and fixing the issues at hand. Mr. Smith also told Mr. Warner if he ever needed someone to stand up for him, he would do so.

Robert McGarry, First Selectman, stated he was glad to see the number of people in attendance and to see the involvement in a community issue. Mr. McGarry stated he’s aware there are differing opinions in the room, but the Commission will listen to those opinions and at the end of the night render a decision.

Mark Lundgren, 40 Hickory Lane, thanked the Commission for giving their time to hear this matter and the young people who were in attendance. Mr. Lundgren spoke in favor of the regulation change.

Shannon Johnson, 128 Jail Hill Road, stated she had never spoken before a town body before nor does she have tattoos; however, as a 20 year resident she supports the business as she has two daughters vested in this town. Ms. Johnson stated our country has taken a beating, especially small town businesses, and it would be a shame to close and say no to one more. The stigma that is associated with the idea of a tattoo is outdated and we need to open our minds and hearts and not allow the prejudice belief that because we have a tattoo parlor we’ll have deterioration in our town. Ms. Johnson stated the deterioration is in how you raise your children, that’s where it stems; not the businesses that we allow in our town. Ms. Johnson again stated she supports the business and hopes it works.

Marge DeBold, 372 Saybrook Road, read into the record three letters from other residents who felt they could not attend. 1) Emily Carrow, Ph.D., 171 Dublin Hill Road – Expressed opposition over the proposed text amendment and the relocation of Goodspeed Tattoo; voiced concern over the nature of the business and how it will be conducted and regulated; and questioned whether town officials and Commissioners are fully aware of the health and environmental issues associated with the body art business – (Exhibit C). 2) Jay Verney, 12 Landing Road – Voiced opposition to the text amendment; believes the wording to be contrary to zoning rules and has the potential to negatively impact property values and business; and requested the Commission deny the application (Exhibit D). 3) Tim and Gretchen Teran, 65 Landing Road – Expressed opposition to the proposed location; and although not opposed to the business, spoke of the impress the sight of a tattoo parlor sitting in the Center would give to those visiting the town (Exhibit E). Mr. Warner noted that all three letters were already a part of the record (included in the packet that was posted on the town’s website and distributed to all Commissioners).

Mrs. DeBold concluded with her own thoughts by thanking the Commission for rehearing this matter and apologized for any inconvenience Mr. Smith and Mr. Lloyd may have experienced. Mrs. DeBold voiced concerns about the location of the use; and asked if the business is grandfathered because it preceded the current town wide regulation and if a grandfathered business is allowed to abandon one site and move to a different location in town, one in which the proposed activity is consistently prohibited. Mrs.

DeBold stated the proposed amendment suggests the specific business could be moved to other sites where personal services establishments are allowed. Elsewhere in the regulations and the POCD examples are provided where they talk about permitted personal services in the Villages. Mrs. DeBold stated she could not see a similarity between barber shop, beauty salon, spa, or studios that render other personal services as being similar to a tattoo parlor. Mrs. DeBold asked the Commission to take full consideration of all comments and concerns as well as the effect their actions will have on the integrity of the zoning regulations and the best interest of the Town. (Exhibit F).

Pablo Arroyo, 131 Wig Hill Road, stated he remembered a time when there was a tattoo parlor in the approximate location where Goodspeed Tattoo is looking to relocate to; and during that time he could not remember crime or kids hanging out or anything that would be associated with the letters that Mrs. DeBold currently read. Mr. Arroyo spoke in regard to how the CDC, OSHA, DPH all regulate this type of business and this would be one of the safest places to go to have any type of service provided.

Mr. Arroyo stated in terms of ruffraff he assumes he would qualify as he has piercings and tattoos from his neck to his ankles front and back and that he's an ordained minister, a retired 20 year State Police Trooper (in uniform and non-uniformed positions and ran the bomb squad for 10 years), and worked for seven years with the U.S. Dept. of Homeland Security as an explosive specialist.

Mr. Branse stated the applause, cheering, and booing is not appropriate in a public hearing as he did not want people to feel intimidated one way or the other. Mr. Branse clarified that his comment was not being addressed to Mr. Arroyo, that Mr. Arroyo's comments were fine, and asked Mr. Arroyo to continue.

Mr. Arroyo addressed a comment in one of the letters about some procedures performed in a tattoo shop being more invasive than at a hair salon and that he has been in a hair salon where procedures are conducted that require medical oversight such as liposuction, injections in the lips and eye area, the use of razor blades on eyebrows, and chemicals (dyes and permanent solutions) on hair.

Mr. Arroyo also addressed a comment in another letter about visual aspects while driving into town and cited what he sees are the reservoir, the church, and Deb's Restaurant. Mr. Wallor advised Mr. Arroyo of the time constraint with Mr. Arroyo asking for the same courtesy that was afforded Mrs. DeBold. Mrs. Block stated she felt it was important that the public be heard. Mr. Arroyo thanked the public and the Commission for their time.

Jennifer Mikulski, owner/operator Mikes' Auto Service, 1573 Saybrook Road, stated she has tattoos, is a parent and business owner, and has worked with Mr. Smith as a fellow business owner in the Tylerville Village for years knowing him as a customer and a regular hardworking father. Mrs. Mikulski stated she's a degreed engineer and worked in aerospace engineering. Mrs. Mikulski stated she finds the regulations to be exclusionary as the federal government classifies industries citing the North American Industry Classification System (NAICS) Codes (Exhibit G) - tattoo parlors are classified under the 8121 classification code. Mrs. Mikulski stated the Commission is allowing every use under that code with the one exception of tattoo parlors (812199); and believes it to be a violation of the recognized industrial classification. Mrs. Mikulski questioned why the Commission would do such a thing and based on that alone, the proposed modification should be approved. Mrs. Mikulski concluded by stating that anyone who is willing to take a chance and stay in Haddam, noting that Mr. Smith could have left, especially with an established business should be encouraged.

Cheryl Haase, former Haddam Board of Finance member, and public health worker (specifically waste water management, septic systems, B-100 applications – use changes) spoke in favor of the proposal. Ms. Haase stated Haddam currently doesn't have sewers so there are concerns about bringing businesses into town and echoed Mrs. Mikulski's comments regarding the classification codes. Ms. Haase stated she is a personal friend of the Lloyds and likes what they have done to the building; however, that is not what the decision should be based on. Ms. Haase noted that the building has no septic system only a holding tank, therefore, a restaurant or coffee shop will not fit in this location, but a tattoo shop would be a perfect use due to low water usage.

Arthur Abbott, 643 Candlewood Hill Road, stated at the recent charrette it showed that people want the Center to be a place which would attract tourist with artisan shops and this is beginning to come true with two artists on either end of the same building – tattooing and wood and metal. Mr. Abbott pointed out within a quarter mile radius there are three bars, two package stores approximately 80 yards apart, and just up the road a brewery was to go in, but sadly this is not to be. For those who might consider the new artisan shop evil, one might be reminded that repercussions from alcohol cost U.S. taxpayers \$132 billion each year (drunk driving enforcement, higher insurance rates and taxes, medical and property costs, as well as human lives); whereas, not so with a tattoo. Mr. Abbott spoke in regard to archaic and hypocritical thinking rather than what might be better for the town as tattoo parlors pay taxes and have no residual effect other than positive on the tax payer.

Mr. Abbott spoke in regard to Jerome Wilson, a regular contributor to the Valley News, a former New York state senator, an attorney, and on air CBS correspondent, who wrote a feature story in 2012 about the Fine Line Tattoo Parlor in Deep River. Mr. Abbott stated Goodspeed Tattoo will help to draw people from out of town and into the Center again. It's a shame that we have to be so divided on this. Mr. Abbott thanked the Commission for their time and volunteering.

David Law, 20 Christian Hill Road, stated he's in favor of the zone change which he views as a restoration since there was a similar business located in the building before. Mr. Law stated if people removed the subject matter and remove what Mr. Smith does, it's a cash business that wants to relocate to Higganum. Mr. Law stated it takes cash businesses to revitalize communities and that's what's necessary. Here we have someone who wants to be here and wants to participate in town and would like to do so in a location that is perfect for them. It just doesn't make any sense not to allow it from an economic standpoint.

Maurice Adams, 32 Gates Road, stating he was concerned about the process that the Commission is going through. Mr. Adams cited a sentence in the 3 December 2020 minutes specifically Mr. Smith's comment about the eviction from his Tylerville location. Mr. Adams spoke in regard to reasons why a landlord can evict and noted that the minutes do not reflect when the first eviction notice was served or written evidence for cause of eviction. Mr. Adams stated it is irrelevant to the hearing why someone was evicted or whether they were evicted. Mr. Adams also stated the Commission is looking at a text amendment and asked everyone to keep comments focused on the proposed amendment. Mr. Adams apologized as he thought it was a part of the testimony.

Continuing, Mr. Adams cited another section within the 3 December 2020 minutes in which Mr. Bull asked Mr. Smith if he had looked anywhere else to relocate other than Higganum Village. Mr. Smith stated yes, but he did not respond where. Mr. Adams asked the Commission to find the full answer to Mr. Bull's question before voting on the proposed amendment change. Mr. Adams asked if there was any other location that would be willing to take Mr. Smith's business in. Mr. Adams asked Mr. Adams if it was a legitimate question. Mr. Adams stated no, as everyone – pro and con – is getting too focused on this one business and you either support the text amendment or you don't. Mr. Adams stated he is hearing that Mr. Adams does not support the text amendment and that is legitimate. Mr. Adams submitted his testimony (Exhibit H).

Bob Siegrist, 148 Pokorny Road, former state representative for Haddam, stated people have the right to say what they want to say and while in Hartford he worked tirelessly for businesses to come to this state so we could have a better tax base, jobs, and people not leaving the state. Mr. Siegrist stated he does not have a tattoo, but this whole discussion has turned into whether or not a person should have a tattoo or not and what's in someone's backyard. Mr. Siegrist stated he didn't care what's in the backyard; if you do not like, move. Mr. Siegrist stated Mr. Smith could leave and go somewhere else. In conclusion, Mr. Siegrist stated he supports the tattoo parlor and believes it's good for the community. Mr. Siegrist stated when he represented Deep River in the legislature, they have a tattoo parlor and they do a good job. Thanked the Commission for what they do.

James Dalenta along with his daughter, Leila, stated they are silent partners in the tattoo shop and believes they should be allowed in the center of town. Mr. Dalenta also stated his daughter would like to inherit the tattoo shop someday. Mr. Dalenta thanked everyone.

Gianna Milardo, 240 Turkey Hill Road (residence) and 100 Bridge Road, River's Edge Home Center, stated Mr. Smith was here business neighbor for six years and during that time they assisted Mr. Smith in remodeling his location. Mrs. Milardo stated for whatever reason Mr. Smith had to leave, that's his business and it's unclear why it would be an issue. Mrs. Milardo also stated what's important is the fact that Mr. Smith wants to stay in town. Mrs. Milardo stated for six years she has watched cars come from Rhode Island, New Hampshire, Massachusetts, and New York to be tattooed by Mr. Smith and the back parking lot was full. Mrs. Milardo stated she thinks this is an awesome thing.

Mrs. Milardo stated it saddens her to think that someone would not want Goodspeed Tattoo in Higganum especially when the previous occupants, which we heard three times, were a tattoo shop. Therefore, is it Mr. Smith, is it his clientele, is it his signage because she just can't figure out why Mr. Smith's shop different from all the pizza houses and the bars in the area. Mrs. Milardo stated they are small business owners and they pay their taxes. She continued by stating that she's baffled why in 2021 this is happening. Are we really just discriminating against Mr. Smith trying to earn a living by having his business stay in our own town? Mrs. Milardo also stated she confused as to why it's not o.k. for his business to be located in the Center of Higganum but came to Tylerville for six years. Why would someone want to sue the town and waste our taxpayer money for a person who is trying to invest in our community and support the town and make an honest living? Mrs. Milardo stated from one small business to another, she wished him well and thanked him for investing in the town.

Kate Anderson, 477 Chamberlain Hill, stated that she is a selectwoman but that her comments have no bearing on the Board of Selectmen as a whole, and that she is the chairman of the Economic Development Commission (EDC). Ms. Anderson read into the record a letter from the EDC supporting the relocation of Goodspeed Tattoo to 310 Saybrook Road, Higganum, and cited the following reasons: 1) a business of the same type operated in the same building within the last decade; 2) EDC believes in retaining businesses in town whenever possible; especially during tumultuous economic times; 3) Goodspeed Tattoo has already proven to be a good neighbor and community supporter while located in Tylerville; and 4) building owner Rob Lloyd has improved the exterior appearance of the building and has found a tenant to replace a business lost to the pandemic and continues to make building improvements. For these reasons, EDC strongly urges P&Z to remain unanimous in their decision to allow Goodspeed Tattoo to relocate. Ms. Anderson noted that Mike Farina, also an EDC member, abstained from signing the letter due to his position on P&Z (Exhibit I).

Ms. Anderson continued with some personal comments by stating that everyone is present due to a process foul up and that she is becoming less convinced that it's about following the process and more convinced that it's more about contempt for one particular type of business. Ms. Anderson stated it has been publicly acknowledged and apologized for the fact that the process was not followed. Mr. Smith and Mr. Lloyd have done everything they were told to do to hold a proper meeting and she finds it insulting to hold Mr. Smith and Tylerville that an already successful business in one area of town might not be "good enough" to move to another part of town after P&Z has already unanimously approved it once. As far as the POCD and charrette reports go, they do not mention the word tattoo so it's unclear if either one of those documents can be used as evidence to support or oppose this proposal. Ms. Anderson stated page 12 notes that the POCD by itself does not have the authority to dictate the type of businesses that may or may not locate in Higganum. Ms. Anderson stated the Commission voted on their regulations a few years ago, but it's o.k. to change your opinion when new information is presented. Ms. Anderson stated she stopped in to speak to Mr. Smith who invited her in to see the shop and Ms. Anderson noted how proud and excited Mr. Smith is about Haddam's history. Ms. Anderson stated this is the type of business owner that Higganum needs – someone who is vested in our community and has already proven to be a good supporter, and wants to continue to be good small business owner in town. The reality is the Center has already been struggling before Mr. Smith requested to relocate as a renter and

now we have a real business in front of us regardless of how much he pays in taxes, he will bring in patrons from all over who may visit other businesses or take note of our outdoor offerings and likely return. For that alone, Ms. Anderson will not turn him away.

Stacey Kinney, 131 Wig Hill, stated she supports the move to Higganum Center and that anyone who has a tattoo or knows someone who has a tattoo that this is an essential business. Ms. Kinney stated it's very important for people to show how they feel and what better way than a tattoo. Ms. Kinney also pointed out that tattoos can help medically (spoke specifically in regard to breast cancer). Ms. Kinney talked about the artistry and how the artists are therapists as they listen to the stories of people receiving a tattoo to memorialize a special event or the loss of someone special. Ms. Kinney asked the Commission to support the proposal and allow Mr. Smith to continue his business in town.

Jeremy (no last name or address given), an artist at Goodspeed Tattoo, stated he and his family have history in the town and for him to see his 81 year old grandparents every day because he works in the town is tremendous. Jeremy stated the employees of Goodspeed Tattoo are all family men and are providing a service to those who enter the shop. Jeremy stated as Ms. Kinney had stated they are therapist because most people who enter the shop tell their stories and most are sad. Jeremy also stated there are patrons who come from all over due to the bond they have created. Jeremy stated Goodspeed Tattoo is respectful of the people, the environment, and the community. Jeremy thanked everyone for their support and can appreciate the opinions of those who do not support them.

Rick Zanelli, 44 Indian Hill, asked the Commission to change the zoning in order to support this business. Mr. Zanelli asked the people in attendance to raise their hands if they wanted P&Z to change the zoning. Almost all raised their hands. Mr. Zanelli asked the Commission to change the regulation not only for Goodspeed Tattoo, but for some other business that may want to come into Higganum Center and add to the character of the Center. Mr. Zanelli thanked everyone who supports the proposal.

Katie Packtor, 6 Parsonage Road, stated we've heard the value of this business man in town and appreciate what he brings to the town; and although she does not have an issue with the tattoo shop, she does have issue with the procedure and the process. Ms. Packtor stated things do change and that provides an opportunity to review policies and regulations, but the Commission needs to be careful about spot zoning. Ms. Packtor urged the Commission to revisit their regulations, consider the changes, and to do so as soon as possible.

Peter Baird, 365 Saybrook Road, stated he thought the Commission had made a mistake to adopt the prohibition of tattoo parlors, but the proposed text amendment may also be a mistake as it's a bad example of spot zoning as well as creating an exception for one business (creating a monopoly). Mr. Baird stated he would prefer the Commission eliminate the ban.

Mr. Wallor advised Mr. Frey that he would be allowed three minutes per letter and five minutes to speak (his own comments). Mr. Warner noted the letters are a part of the record (in the packet). Mr. Branse stated there is no requirement the letters be read into the record and the more letters that are read the fewer people who get to speak.

Frank "Chip" Frey, 27 Crabapple Corner, stated he would be reading letters into the record for people who were unable to attend due to the pandemic; and spoke in regard to people requesting streaming access, but were denied. Mr. Branse stated Attorney Ainsworth's letter was a part of the packet, that all Commissioners had received it, that the letter was posted on the town's website, and that he (Branse) had already responded to the letter and copied Attorney Ainsworth. Mr. Frey noted that Mr. Ainsworth is the attorney that sued the town for another resident in town.

Mr. Warner suggested Mr. Wallor ask if there are others in attendance who would like to speak and then have Mr. Frey continue afterwards. A brief discussion followed in regard to how long Mr. Frey would be allowed to speak – three minutes per letter and five minutes for his own comments. Mr. Luisi objected and asked if the email with 44 signatures (not handwritten) was admissible as he could have typed up any



email with 100 signatures on it. Mr. Branse stated in a public hearing of this kind the rules of evidence do not apply and people can submit anything they want. Mr. Branse stated it runs to the call of "the weight to which you give it", but it is admissible.

Mr. Frey read into the record the following letters: 1) Patrick Pinnell, certified architect, town planner from Yale, 389 Saybrook Road – Opposed the text amendment and noted that he was referring explicitly to the Village District. Mr. Pinnell cited CGS Section 8-2j, the town's POCD, Camoin Associates Report dated 09.28.2018, Mullin Associates and L.A.D.A Report (from charrettes held on 10.30.2019 and 11.02.2019), and the context of the village being paramount. Mr. Pinnell questioned why the Center is so under-performing and believes it's due to not only what he previously cited but also due to a lack of a clear vision (Exhibit J). 2) Mike Karam - Opposed the proposed text amendment and cited comments by Mr. Warner at a 06.20.2019 meeting and an article from the Realty Times, February 2016, regarding tattoo parlors; does not believe Goodspeed Tattoo is "grandfathered in" based on the 05.16.2019 minutes; the lack of vision, and the Center losing its sense of place (Exhibit K).

Mr. Frey stated when this matter was first handled, it should have shocked the Commission that no one turned out. Mr. Frey stated when attempting to discuss the matter with a Commission member, he was repeatedly told the business was "grandfathered". Mr. Frey questioned whether or not Mr. Smith had looked at other locations in town; and stated that he had sought out various locations with two stating they would not rent to a tattoo parlor and one sitting on Bridge Road that would rent to a tattoo parlor. Mr. Frey stated the town is extremely divided and according to Mr. Warner's job description in the by-laws he is to support the town's POCD and the Commission and he answers to the residents and the first selectman. Mr. Frey claimed that Mr. Warner rallied people on Facebook and comments were sent to First Selectman McGarry today. Mr. Frey stated the Commission is held to a responsibility to this town; and asked the Commission to respect the zoning regulations.

Mr. Bull asked Mr. Frey what letters had not been read that he was asked to read into the record. Mr. Frey stated he did not finish reading Mr. Karam's letter, he did not read the letter with all the signatures on it, or another letter. Mr. Bull asked Mr. Frey to name the author and whether they are for or against. Kathy Curran, 389 Saybrook Road, opposes the zoning regulation change (Exhibit L). Keith Ainsworth, Esq., representing a coalition of Haddam residents, opposes the text amendment and gave an opinion which Attorney Branse has answered and indicated that the site plan was invalid (Exhibit M). Mr. Branse stated correct. Mr. Frey asked Mr. Branse if that would be considered squatting on the location at this time. Mr. Branse stated no, he would not say that. Mr. Frey asked if he had a legal right. Mr. Branse stated with all due respect, he does not provide Mr. Frey with legal opinions. Mr. Branse also stated if the amendment were to pass the site plan would then have to be reapproved and that is an action the Commission will have to take and Mr. Warner has so indicated to the Commission. Mr. Bull asked Mr. Frey to list the 40 some names on the letter. Mr. Frey stated the letter is against the proposal and that there are over 40 signatures (Exhibit N). Mr. Luisi stated there are 44 signatures.

Lou Milardo, 240 Turkey Hill Road, stated everyone is talking about revitalizing the Center and the best building currently is the Goodspeed Tattoo building. Mr. Milardo spoke in regard to the abandoned former state garage as well as the town's Public Works garage all sitting in the Center. One of the best buildings in the Center is the Goodspeed Tattoo. Mr. Milardo stated there will be no problems with Mr. Smith's customers and spoke in regard to Mr. Smith being his business neighbor in Tylerville for six years, donating to the children's Christmas parties, and playing Santa Claus. Mr. Milardo stated in his opinion, people who are judging Mr. Smith by his tattoos are racist and if it's not something on your agenda, you don't want to hear from anyone else. Mr. Milardo stated no one is better than anyone in the building and some of the people complaining about the application have just walk out of the hearing. Mr. Milardo stated Mr. Smith wants to work in this town and his customers will patronize other businesses.

Mr. Smith addressed comments made during the hearing; 1) people have gotten into the faces of his landlord and one of the artist; 2) customers have left because they feel intimidated; 3) the people who had an issue with the shop being in the Center didn't attend the hearing; and although everyone has a right to speak and have an opinion, at the end of the day you should be present like everyone else; 5) the two

people who had the most problems and went into the town hall aren't in attendance, but the ones who are here, have kept their cool and voiced their opinion; 6) even after being robbed by someone from Higganum, Mr. Smith still chose to be in Higganum; 7) Mr. Smith did not abandon his first tattoo shop - he put \$70,000 into the building and when he asked the landlord to fix the problems of the building – roof leaking and ruining a wall, Mr. Smith offered to assist in fixing the problems; however, the landlord told him to find another location; 8) the eviction was not because Mr. Smith did anything wrong, but because the landlord wanted more money and he wanted to put someone else in the building; 9) the landlord took money Mr. Smith invested in the building to make the space better; 10) Mr. Smith moved to Higganum Center because he thinks it's beautiful; 11) no one has come to speak to him about his reasons for relocating, but everyone has an opinion as to why he shouldn't be in the Center; and questioned why not; 12) Mr. Smith asked people to come and speak to him and noted that he would stop to help anyone he saw that may need assistance no matter what was said tonight; and 13) every Christmas he opens his shop to hold a Christmas party and dresses up as Santa. In conclusion, Mr. Smith stated when those who spoke against his proposal asked for respect, they didn't return it because they either were looking at their phone or their feet or walked out. Mr. Smith also stated if you have an issue with someone, speak to that person.

Chris Carini, 106 High Street, asked what recourse Mr. Smith would have to recoup the money he has already invested in the relocation of his previously approved business should the Commission revoke the approval. Mr. Carini stated it's his understanding that this whole matter is due to a paperwork issue.

Neal Perron, 167 Injun Hollow Road, stated whenever he comes over from Haddam Neck he tries to shop at the various small businesses. For the town to try to make a business owner change their ways so they can have their business here in town is wrong and it may be time for the town to start changing their ways so more people will want to come to town. Mr. Perron stated whether the Commission needs to review their regulations or not, there is no reason why Mr. Smith cannot conduct business in this town. Mr. Perron stated we need to support small businesses.

Karen Blaschik, 112 Bridge Road, Alan's Small Engine Service, stated Mr. Smith has been a wonderful neighbor, he's a giving individual, believes he will be a wonderful neighbor in the Center, and hopes the Commission will change the regulations to support Mr. Smith.

Sean Hardgrove, 900 Killingworth Road, stated the laws (regulations) are outdated as is the system and it will not be the end of the world if a tattoo parlor comes to the Center. Mr. Hardgrove requested the Commission change their regulations.

Lori Maggi, 19 River Road (residence) and 112 Bridge Road, Fireworks Hearth & Home, stated she has known Mr. Smith for a number of years, they have organized the Tylerville Christmas tree lighting, and Mr. Smith has always contributed financially, with his time, and played Santa. Mrs. Maggi addressed comments Mr. Frey made in regard to the process and the regulations. Mrs. Maggi stated it's her understanding that the Commission has already approved for Mr. Smith to relocate and operate; and if it had not been for COVID-19, we would not be here today. As a business owner who has not always had the greatest relationship with P&Z, she thanked the Commission and that they have done a great job; and asked them to stay with their original vote allowing Mr. Smith to stay in operation.

**MOTION:** Steve Bull motioned to close the public hearing at 9:10 p.m. Dan Luisi second. Motion carried unanimously.

**Recording Clerk's Note:** The packet provided to the Commission is Exhibit O. All exhibits are on file with the minutes in the Town Clerk's Office unless otherwise noted as well as in the Land Use Dept.

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

Prior to the vote, Mr. Bull asked Mr. Warner to clarify the language in the motion. Mr. Warner stated the motion is in regard to the text amendment – approving proposed language which reads: "Tattoo and/or

body piercing studios; provided, however, that existing & licensed tattoo businesses in the Town of Haddam are allowed by site plan review to terminate and abandon their current location and relocate to other zones in the Town which allow personal service establishments.” Mr. Warner also stated Attorney Branse has reviewed the language and is good with it. Mr. Branse stated that is the motion for the Commission’s consideration. Mr. Warner stated the proposed language would allow Mr. Smith to move to Higganum Center or to stay in Tylerville, anywhere that allows personal service.

Mr. Warner stated the next motion is a site plan review and will deal with the actual property. Mr. Bull stated the site plan would be moot unless the text amendment passes. Mr. Warner stated yes. Mr. Branse asked if there was an effective date on the motion. Mr. Warner indicated yes. Mr. Bull stated April 15, 2021 effective date.

Mr. Bull reviewed Section 7A.4 A.4 of the Village District regulations that reference standard personal service establishments are permitted and stated that the language is very vague and there is no definition for it. Mr. Bull stated regardless what takes place with this application, something needs to be done regarding that – either get rid of it or define it. Mr. Branse asked if Mr. Bull meant better define what a personal service is. Mr. Bull stated yes. Mr. Warner stated the tattoo parlor that was on site previously was approved as a personal service use.

Mr. Bull stated the overall town regulations list the prohibited uses (Section 5.6). Mr. Bull stated that over the years since he’s been on the Commission, this particular list has been revised as least three times and reviewed several items on the list noting that this list should not be a static list. Mr. Bull stated his point prior to opening the public hearing was that he and Mrs. Block had spoken in regard to changing the agenda and not hear this matter tonight, but to delay it. Mr. Bull stated he’d like to see the decision delayed while allowing Mr. Smith to still conduct his business as well as allowing the Commission time to debate and clean up their prohibitive uses and standard personal services; and afterwards, vote on Mr. Smith’s application. Mr. Bull stated spot zoning was mentioned and it seems dirty the way the Commission is handling the matter as it appears as if Mr. Smith is being given a monopoly. Mr. Bull also stated he believes the process is wrong and the Commission can still have the same result in the end.

Mr. Wallor stated the Commission can approve this application and then spend the next month or two reviewing the regulations. Mr. Wallor also stated he’s been on the Commission almost as long as Mr. Bull and both are aware it takes months to review regulations and with the summer months coming up, the Commission’s by-laws have specific times frames in which the Commission does not meet. Mr. Wallor stated he does not believe it is fair to the applicant to make him wait while the Commission reviews their regulations. Mr. Luisi stated the applicant has already been through enough.

Mr. Warner stated this is a Stipulated Agreement between the two attorneys to put this lawsuit to bed and approving this tonight would do just that. Mr. Branse stated either approving or denying the matter would do so. Mr. Warner stated at the next meeting a process can be started to discuss prohibitive uses. Mr. Warner stated this goes to his point that times are changing and noted that the Commission can change their regulations as often as they want to, but tonight they need to address the matter.

Mr. Bull asked if the Commission were to get rid of tattoo parlors as prohibitive and clean up the language about standard personal services establishments permitted uses in the Village District, what then would happen to this application – would it still be a prohibition. Mr. Branse stated no, if the Commission amends the regulation again, it will say whatever the Commission amends it to say. Mr. Bull asked what will happen to the prohibition of allowing another business as the language says it has to be an existing and licensed tattoo business and there is only one in town. Mr. Bull stated another tattoo parlor would not be allowed unless the Commission changes the prohibitive list and clean up the standard personal service. Mr. Warner stated the Commission can approve the text tonight and then have a future public hearing. Mr. Branse stated the new public hearing would contain new text.

Mr. LePard stated the Commission should be sticking to what's on the agenda and should not be discussing future amendments at this time. Mr. LePard also stated if the Commission would like to make additional amendments, they should be discussed at the next meeting.

**MOTION:** Steven Bull motioned to approve a proposed Zoning Text Amendment to the Haddam Zoning Regulations – Section 5.6 C.5 Tattoo and/or body piercing studios. A copy of existing and proposed text is on file in the Office of the Town Clerk. Applicant/Owner: George Smith/Robert Lloyd. Effective date: April 15, 2021. Ed Wallor second. Motion carried with Mrs. Block abstaining.

Prior to the vote, Mr. Warner stated the motion is in relation to Mr. Smith being allowed to move into the space. Mr. Warner stated there is no work to be done, it is exempt from the Village District regulations, and there is sufficient parking to meet a building of that size. As there was no further discussion, Mr. Wallor called for the vote.

**MOTION:** Ed Wallor motioned to approve a proposed site plan approval at 310 Saybrook Road, Higganum, CT to allow a tattoo shop as a personal service use in Higganum Center Village District. Applicant/Property Owner: George Smith/Robert Lloyd. **Conditions:** 1. Effective April 16, 2021. 2. Signage limited to window graphics similar to the gold leaf lettering at existing location. 3. No neon or LED window signage. 4. No exterior sign proposed. Dan Luisi second. Motion carried with Mrs. Block abstaining.

## **7. Correction/Approval of the Minutes**

Approval of the 3 December 2020, 21 January 2021, and 18 February 2021 minutes was tabled.

## **8. Chairman's Report**

No report given.

## **9. Scheduling of Hearings**

No report given.

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

No report given.

## **11. Adjournment**

**MOTION:** Ed Wallor motioned to adjourn. Dan Luisi second. Motion carried unanimously.

The meeting was adjourned at 9:30 p.m.

Respectfully Submitted,

*Bunny Hall Batzner*

Bunny Hall Batzner  
Recording Clerk

**The next meeting is scheduled for Thursday, 1 April 2021.**