

**TOWN OF HADDAM  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING AND MEETING  
TOWN HALL  
21 FIELD PARK DRIVE, HADDAM, CT 06438  
THURSDAY, 20 OCTOBER 2022  
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 (Arrived 7:15 p.m.)
X	Edward Wallor, Chairman
A	Alan Chadwick, Alternate
A	Larry Maggi, Alternate
A	Tim Teran, Alternate
X	Bob McGarry, First Selectman
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 7:02 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. Upon Mr. Luisi's arrival, he was seated.

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

Change: Under New Business - Move Item 2 – Informal Discussion Regarding 212 Saybrook Road – Eric Rettberg to Item 1. The Commission agreed.

**5. Public Comments**

There were no comments from those in the audience.

**6. Public Hearing/Public Meeting**

**Site Plan Review to Allow for a 10,000 Square Foot Retail Building on Killingworth Road. Map 60, Lot 26-7, Adjacent to 968 Killingworth Road. Applicant: MPA Realty Associates.**

**Hearing:** Mr. Wallor opened the hearing at 7:04 p.m.

Mr. Warner reported the public hearing was advertised in the newspaper; however, the applicant did not post the public hearing sign in a timely manner.

**MOTION:** Ed Wallor motioned to continue the public hearing for a Site Plan Review to Allow for a 10,000 Square Foot Retail Building on Killingworth Road, Map 60, Lot 26-7, Adjacent to 968 Killingworth Road, Applicant: MPA Realty Associates, until Thursday, 3 November 2022, 7:00 p.m., Town Hall, 21 Field Park Drive, Haddam. Jamin Laurenza second. Motion carried unanimously.

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

The Commission agreed to table the approval of the 6 October 2022 minutes.

## **8. New Business**

### **a. Informal Discussion Regarding 212 Saybrook Road – Eric Rettberg**

Eric Rettberg was present.

Mr. Warner reported prior to an application being submitted, the Commission is allowed to have informal discuss and is not held to any comments made. This is an open and frank discussion about Mr. Rettberg's proposal.

For full disclosure, Mr. Warner stated that Mr. Rettberg owns property behind his property and that he has tried to purchase some of Mr. Rettberg's property in the past; however, he doesn't have a problem in judging the matter fairly.

Mr. Warner reviewed a map of the property (Village Court, 212 Saybrook Road, Joseph Zaiantz, owner). The building in the front is commercial/residential – mixed use with a single-family home in the back. The tax card does not give a good description of what is on site. The unique part of this is it all pre-existed zoning and the property currently exists as a non-conforming parcel.

Using the map, Mr. Rettberg pointed out a small single-family home to the rear of the parcel (behind the building to the front) and the building to the front (half commercial/half residential) which used to be Dr. Zaiantz's dentist office, a small office in one section, and a small carpentry/home improvement shop (former print shop and dry cleaner) in another section. Mr. Rettberg stated there is an environmental issue on the property and is working with DEEP but will only purchase the property if everything works. Mr. Rettberg noted there are four apartments to the back of the front building and he's proposing apartments two apartments where the small office and the home improvement business were located and three small one-bedroom apartments where the dental office was located making the entire property residential.

For clarification purposes, Mr. Laurenza asked Mr. Rettberg if he was looking to change the commercial portion (pink on the map) of the property to residential. Mr. Rettberg stated yes. Mr. Warner stated it's complicated and he wouldn't want to do that because it would become a single-family zone. Mr. Warner stated the yellow highlighted area would only allow one- and two-family homes, therefore, all the apartments wouldn't conform. Mr. Warner stated under Section 29.4 – Substitution – any current non-conforming use may be replaced with another non-conforming use by Special Permit. Mr. Rettberg stated to the best of his knowledge all the commercial space has been empty for several years and getting a commercial tenant is not feasible at this time.

Mr. Rettberg stated test holes have been dug with the sanitarian and the parcel would need all new septic to conform to with the proposal. Mr. Rettberg also stated he wants to clean up the environmental issue. Mr. Warner stated a dry cleaner would trigger the Transfer Act (a more complicated environmental review process – someone needs to certify that the site was cleaned up or they're going to clean it up). Mr. Warner also stated cleaning the property to a residential standard is a bigger challenge. Mr. Rettberg stated Dr. Zaiantz started the cleanup (drinking water is fine) but has stopped the cleanup for about a year. Mr. Rettberg stated he has spoken to DEEP, and they do feel it's in the later stages of cleanup and is not far from being complete.

Mr. Bull asked if the parcel is currently non-conforming as a mixed use. Mr. Warner stated it's a non-conforming use due to the front of the parcel being commercial and doesn't conform to the zoning regulations and the back is more than a one- or two-family housing (five units in a zone that only allows two units). Mr. Bull asked if it matters to change it from a non-conforming mixed use to non-conforming multi-family. Mr. Warner stated there is no definition for a non-conforming mixed use it just says any non-conforming use.

Mr. Laurenza stated the proposal will help the town with additional apartments and affordable housing. Mr. Wallor agreed. Mr. Laurenza and Mr. Bull stated the proposal would be a plus for the area.

Mr. LePard noted the map indicates the parcel is 1.36 acres; and asked how single family could be on the parcel to begin with as well as going forward. Mr. Warner stated the existing structures were all built prior to zoning. Mr. LePard questioned how additional residential units could be added. Mr. Warner explained what non-conforming is and reviewed Section 29.4. Mr. Warner stated if the Commission feels the proposal is feasible, Mr. Rettberg will put together a formal plan and apply for a Special Permit.

Mr. Rettberg stated as far as the health codes are concerned its gallons per day and when it's residential it's based on the number of bedrooms.

#### **b. CGS 8-24 Review – Acquisition/Leasing of the Rossi Lumber Company (ROLUMCO) by the Town of Haddam, 300-305 Saybrook Road**

Andy Becker, Esq., representing ROLUMCO, and Bob McGarry, First Selectman, applicant representing the Town of Haddam, were present.

Mr. Warner reported he had made this presentation to the Board of Selectmen (BOS) on 11 October 2022 and the Board of Finance (BOF) on 19 October 2022 and was approved unanimously by both Boards. After tonight's presentation, the matter will move to a Public Hearing and a Town Meeting, 2 and 9 November 2022, respectively. The property has been under contract since 15 October 2020 and during those two years, the Town has been working with the owner and the environmental staff to understand what the environmental situation is.

Mr. Warner stated the Commission's role is to provide an advisory report (CGS 8-24 Report) pertaining to the town buying or leasing land and the proposal following the POCD. Mr. Warner clarified that the proposal is for the purchase and leasing of land.

Mr. Warner reported he had searched the POCD and that it only mentions the Rossi property once. Mr. Warner stated the entire purpose of this project is to acquire the Rossi property and redevelop it with the goal of revitalizing Higganum Center. It is completely consistent with the POCD.

Mr. Warner pointed out that the Rossi property is a classic Brownfield property and reviewed the definition. Mr. Warner noted that in the last year approximately \$100,000 has been spent on studying the property and it will be \$300,000-\$500,000 to clean up the property; therefore, government intervention is how this project will work. Mr. Warner stated the Town has applied for \$1.5 million in state funds.

Mr. Warner reviewed the assets and liabilities of the site: **Assets** – 4.65 acres; legal non-conforming uses – warehouse, vehicle storage, maintenance/repair, manufacturing, lumber storage; non-conformity runs with the land; Higganum Village District zone; site is flat and fully developable with frontage on Route 154 and Depot Road; no wetlands or flood plain; three wells on the site; property adjacent to future community septic; property is an income producing property (rent \$96,000); purchaser can enroll in Brownfield Remediation and Revitalization Program (BRRP) to eliminate off site liability; and municipalities have access to State Brownfield Redevelopment funds. **Liabilities** – history of environmental contamination; 305 Saybrook Road, former wire company, (this is the site the Town will be leasing and Town will not be in the chain of title which is important), is an established subject to the Connecticut Transfer Act; potential off site environmental liability; questionable if soils can support large Connecticut

Department of Public Health (DPH) compliant septic system; buildings are dated and deteriorating; limited to commercial/industrial uses; and Higganum Center is off the beaten trail (Route 154 – 6,000 average daily traffic surrounded by low density).

Regarding 305 Saybrook Road, Mr. Warner stated the Rossi's have had a significant amount of remediation done – 2,000 tons of soil removed, but there's still additional remediation remaining (the Rossi's remain responsible for it).

Mr. Warner reviewed the reasons why the Town has a vested interest in the property. **1)** Two-thirds of Public Works storage is on the property. Town has leased the 10,000 square foot building since 2014 for \$36,000. No rent increases in eight years. Rent below market rent at \$3.60 per square foot. Lease expired in 2016 and the Town remains on a month-to-month basis. Until new site is found for Public Works, the Town has nowhere else to go (Mr. McGarry open to investigating moving Public Works to another location once a new site is found). Purchasing the property will save the town \$36,000 a year in rent. **2)** Cost of sanitary sewer line leading to community septic on HES. Aerial photo of the Rossi property shown (red indicates in-road option at an estimated cost of \$165,000 and yellow indicates off-road option – through the Rossi property - at a cost of \$55,000). **3)** Pedestrian Connections within the Center. Aerial photo of Rossi property shown (black indicates sidewalks along Route 154 in front of the property; yellow indicates trail between HES, Swan Hill, and Higganum Cove; blue indicates Center to Cove; and green block – proposed 50 parking spaces). All of this would be very difficult to achieve without the Rossi property. Before/after conceptual renderings of Depot Road streetscape shown. **4)** Groundwater – There is a DEEP groundwater contamination order tainting Higganum Center. Aerial photo of Rossi property shown. Blue stars indicate location of wells – “public water system” per DEEP. Eric McPhee, DEEP, “300 Saybrook Road used to be a public water system. Good news for any new owner, as it typically means that it can be ‘reactivated’ and does not need to go through the approval process for a new well.” Mr. McPhee recommended the feasibility of the consolidation with the public water system on HES be evaluated. Mrs. Block asked if it would still be considered a water source given it's a Brownfield site. Mr. Warner stated there would be filtering and treatment of the water. **5)** Higganum Center Revitalization. The Rossi property is considered a linchpin for Higganum Center. Possible Scenarios reviewed: No change – not conducive to downtown revitalization. Decline – unaddressed environmental contamination and stigma. Improvement – Town acquires – addresses environmental issues, redevelop the frontage on Saybrook Road with appropriate uses subject to Architectural Review Committee (ARC) approval. Clean up the back and determine the future use.

**Development Opportunity/Financial Considerations** reviewed. **Rule #1 Economic Development** – retain the businesses you have! Local business (Greg McKenna, Nutmeg Pharmacy) interested in acquiring the front two acres and plans to develop retail/office/production facility. Understands need to preserve existing brick building and the need for high quality architecture along Saybrook Road. Noted there may be others interested in the site and all are subject to competitive Request for Proposals (RFP) process. **Development Opportunity – Assumptions** – If Town and developer proceed. Town sells front two acres to developer. Town receives proceeds from land sale. Developer constructs building. Town receives building permit fee and annual taxes from new building. All subject to competitive RFP process. **Financial Estimate and Hypothetical Financial Estimate** – Method of financing completely up to the BOF. Annual cost to Town with new development reviewed. Can tax dollars from recent development support this project? Yes. Paramount Treatment Facility – approximately \$60,000/year. 56 units, Brookes Court – 80 percent complete – approximately \$138,000/year. 32 units approved to be built – approximately \$80,000/year. **Environmental Due Diligence** – Reviewed studies that have taken place since March 1992 through May 2022. **Environmental Opinion of Probable Cost** – Reviewed total remediation/compliance cost (low, mid, and high) between Tighe and Bond OPC and GeoQuest OPC. Mid cost between the two - \$330,000. **Environmental Agreement** – To date Rossi's have spent \$547,609 cleaning up historic contamination. Town has applied for \$1.5 million in State clean up funds and the BRRP program. Town will lease 305 Saybrook Road to stay out of chain of title. At closing, \$330,000 to be held in escrow for environmental cleanup. If Town receives more than \$330,000 in state cleanup funds, the escrow will be released. If not, the Town will use escrow to implement cleanup. **Plan After Acquisition** – Phase 1 – Create a two acre, environmentally stable, development parcel, cleanup

Depot Road frontage, maintain tenants on Parcel B. Phase 2 – Determine future use of Parcel B. 2018 Market Study – Haddam can support up to 25,000 square feet of new commercial development (two acres can easily support this). **Conceptual Rendering of Development Parcel** shown.

Mr. Warner concluded by stating if the Town does not get involved the site will not change (need for state funding).

Mr. Laurenza asked if the tenants all have current leases signed by Rossi. Mr. Warner and Mr. Becker stated no. Mr. Becker stated there has been discussion about renewing the leases and the tenants would have them at the time of the purchase. Rich Bather, Lee Hunter, and Able Tree are aware of the situation and open to accessing the site from the back of the site. Mr. Laurenza stated he wants to protect the existing businesses. Discussion followed.

Mr. Laurenza voiced concern over Mr. McKenna's possible involvement in the project noting previous issues concerning a proposed pharmacy. Mr. Warner stated that's the purpose of the RFP process whether it's Mr. McKenna or another developer. A brief discussion followed regarding a drive-thru being critical to a pharmacy (coming in from the lower level) and it being allowed through the Village regulations. Mrs. Block stated she believes unless it's listed in the regulations, then it's prohibited and the only place it mentions a drive-thru is specific to banks and something else, but not specific to a pharmacy.

Mr. McGarry stated the question for the Commission to address is not whether Mr. McKenna would be the best use for the front two acres, but rather will the purchase of the 4.65 acres by the Town meet the intent of the POCD.

Playing Devil's advocate, Mr. Wallor asked Mr. McGarry if he had an opinion on the matter. Mr. McGarry stated given the property's current condition (deteriorating with age), if the town doesn't step in it will continue that way; and that Brownfields are not usually developed without government involvement. Mr. McGarry stated sufficient studies have been conducted on the property and he's comfortable with the information received. Mr. McGarry emphasized that GeoQuest was Rossi's consultant and Tighe and Bond the Town's and neither one differed on what the contamination was, but rather on how to remove it. Mr. Farina agreed with Mr. McGarry in terms of the Town needing to step in.

Mr. Wallor asked if it was the taxpayers' responsibility. Mr. Farina reminded Mr. Wallor that there will be a public hearing and town meeting. Mr. Bull stated the Commission needs to look at whether the site is developable and does it meet the intent of the POCD.

Mike Karam, Higganum, asked if the money allocated was to cleanup both Parcels A and B or only Parcel A. Mr. Warner stated both parcels. Mr. Karam asked about Public Works noting the POCD is clear that the garage not be in the Center (what is being done to find another location). Mr. Wallor stated the Commission has looked at several properties that the Town would have to purchase to relocate the Public Works Dept. and the Public Works Dept. works best in Higganum as they're located in the middle of town. Mr. Farina asked if funding was available to do something with the façade at Public Works. Mr. McGarry stated it could be addressed and would recommend a strong search at this time. Mr. McGarry recommended the Town concentrate on Rossi and Scovil at this time. Mr. McGarry stated if the Town acquires the Rossi property, he would enhance the electrical in the building Public Works is currently using for storage and move the salt storage shed (currently in a flood plain) to the back portion of the Rossi property and cleanup both sides of the road.

Mr. LePard asked if Public Works is using two-thirds of Parcel B. Mr. Warner stated no, Public Works is not using two-thirds of the site. Two-thirds of Public Works storage is on Parcel B. Mr. LePard asked if Public Works was on the Rossi, what would happen to their current location. Mr. Wallor stated the Commission is not talking about relocating Public Works. Mr. McGarry stated there is insufficient acreage in Parcel B and Public Works will not be relocated to Parcel B. Mr. Bull stated nothing will be taking place with Public Works with the purchase of the Rossi property. Mr. LePard asked where the two-tree companies, currently located on the site, would be moved to. Mr. Warner stated they will stay where they are.

Elizabeth Malloy, Haddam Neck, stated the Rossi site is only mentioned once in the POCD, but she wanted to note there is a whole page of Strategies and Goals for Higganum Center and recommended that everyone review it. Mrs. Malloy asked if something could be done with the buildings the Town currently owns. Mr. McGarry stated he's working on it.

Mr. Laurenza stated he would like a condition added to the motion that the leases be signed before the transfer of the property. Mr. Bull stated he believes that's a BOF matter; and asked Mr. McGarry if the BOF addressed it. Mr. McGarry stated the BOF did not. Discussion followed at length, and it was determined not to strike the condition pertaining to the leases.

Prior to the vote, Mrs. Block disagreed that the acquisition of Rossi is separate from looking to move Public Works off the site. Mrs. Block stated the POCD specifically calls for moving Public Works from the site and needs to be considered. Mrs. Block asked if a condition could be added to relocate Public Works. Mr. Wallor stated the Commission is not moving the Public Works Dept. and it is not part of the 8-24 Report. Discussion followed with Mr. Wallor stating the POCD is a recommendation, and it does not define what will take place. Mr. Warner reviewed what the POCD says regarding Public Works. Mr. Bull stated people are afraid Public Works will move onto the Rossi property and would like a condition to not allow Public Works going on the site. Mrs. Block asked that a condition pertaining to the relocation of Public Works be added. Mr. Wallor stated he didn't believe it belonged on the 8-24 Report.

**MOTION:** Jamin Laurenza motioned to approve CGS 8-24 review – improvement/lease of the Rossi Lumber Company (ROLUMCO) by the Town of Haddam, 300-305 Saybrook Road. Ed Wallor second. Motion carried by a vote of 4 (Wallor, Farina, LePard, and Luisi) -1(Bull) -2 (Laurenza and Block).

**Recording Clerk's Note:** A copy of the presentation is on file in the Town Clerk's Office with the minutes and in the Land Use Dept. (Exhibit B).

### **c. Amendment to Zoning Regulations Section 10.4 – Forestry Regulations**

Mr. Warner reported the Wetlands Commission recently updated their *Forestry Regulations*; and as they are mentioned in the *Zoning Regulations*, the State is requesting the Commission update their regulations. Mr. Warner stated anytime the Regulations are changed, a public hearing is required.

Hearing to be scheduled for Thursday, 15 December 2022.

## **9. Chairman's Report**

Mr. Wallor stated in light of what just happened, he didn't disagree with Mrs. Block; however, as chairman, he considers his job is to get the business that's in front of him taken care of. Mr. Wallor stated as previously discussed, he would allow Mrs. Block to use this time to address her concerns.

Mrs. Block stated she would like to discuss what she had emailed earlier today about items on the agenda and since it's not on the agenda, she would like the Commission to consider it as a point of discussion in an upcoming meeting. Mrs. Block stated a friend shared a link with her about Formula Business Restrictions. Mrs. Block explained that a Formula Business is a smaller restaurant or retail entity, and it states that the Commission can imposed prohibitions or restrictions in the form of a Business Ordinance, and she felt this could be something the Commission could consider.

Mrs. Block stated the reason for bringing this up is due to a lot of development coming down the pike and she believes Higganum is special they way it is and part of the reason for it being special is that there are independent small business owners in town. Mrs. Block stated although she like Starbucks, she doesn't know if Higganum is the right place for it. Mrs. Block stated she wanted to know if the Commission would be willing to think on, discuss, and possibly consider making a motion to adopt an ordinance that will give the Commission more oversight on smaller chains, smaller formula businesses coming into town.

Mr. Warner asked where the Formula Business Restriction was from as he was not aware of it happening in Connecticut nor of any discussion pertaining to it. Mr. Warner asked Mrs. Block if she's saying you can have a local coffee shop but not a Starbucks. Mrs. Block stated it would depend on how it's worded and that Bristol, Rhode Island is used as an example. Mr. Warner asked for an example from Connecticut stating he doesn't believe Connecticut land use law would allow it as he's never heard of it. Mrs. Block stated she wasn't sure if there was anything in Connecticut; and asked Mr. Warner if he was aware of anything that would allow a similar amount of latitude. Mr. Warner stated no, a coffee shop is a coffee shop and noted P&Z is a land use agency. Mr. Warner stated possibly the Board of Selectmen (BOS) at a town meeting could adopt some type of ordinance, but he's not clear on that; however, as far as P&Z goes, it's a land use question so a coffee shop, no matter what the name, is a coffee shop. Mr. Warner note the Commission will be hearing a matter about a store on Killingworth Road and some people like it and some don't, but a retail store is a retail store.

Mr. Bull asked how Haddam can avoid a Washington Street or Berlin Turnpike. Mr. Warner stated in Connecticut, you really can't. You can by square footage, by drive-thru, limit big box stores over 40,000 square feet (would need to be in the Zoning Regulations).

Mrs. Block stated there was language specific but was unable to locate it. Mr. Warner stated every state and town is different in terms of law. Mrs. Block will do additional research. Mr. Bull felt it was worth looking into. Mr. Warner stated if you were to look at something, Martha's Vineyard and Nantucket are the most progressive, but they're both located in Massachusetts which has different land use laws from Connecticut. Mrs. Block asked Mr. Warner for any resource points he could provide her. Mr. Warner stated he's on the planners list serve and he's never heard this as an option.

Mr. Bull recommended looking at Stonington Village, Mystic Village, Madison, and Old Saybrook (Route 154). Mr. Farina stated it may be an historical component.

Mr. Wallor stated he felt the Commission did a decent job with Dollar General – making the building fit for what was wanted in Tylerville. Mr. Wallor stated the Commission can request various architectural items. Mr. Warner stated the Commission can do that; however, the Commission regulates based on land use.

Mrs. Block read from the POCD, "most Haddam residents are not interested in attracting 'just any business' to Higganum. It is important that new businesses respect the history and identity of Higganum, meaning that a chain store with corporate architectural design that could be found anywhere is not appropriate for Higganum. Rather, shops and services that fill local needs, or provide products that have a sense of place, are more desirable. Businesses that support the eco-tourism industry such as boating, fishing, hiking, and camping, are also appropriate for Higganum." (Page 12, bottom of page).

Mr. LePard asked if the Commission was talking about the two villages or any commercial area in town. Mrs. Block stated she doesn't believe it has to be specific to the village district but noted that somewhere else within the POCD it mentioned that big chains/box stores aren't appropriate for Haddam. Mrs. Block asked if there was anything within the regulations that states the town doesn't allow anything 40,000 square feet. Mr. Warner stated he's looked at every parcel in town and it's not there. Mr. Warner spoke in regard to Tractor Supply, (80,000 square feet) but Haddam has no land to accommodate them. Mr. Bull asked about the Rossi property. Mr. Warner stated no.

## **10. Scheduling of Hearings**

**Site Plan Review to Allow for a 10,000 Square Foot Retail Building on Killingworth Road. Map 60, Lot 26-7, Adjacent to 968 Killingworth Road. Applicant: MPA Realty Associates – Continued to Thursday, 3 November 2022.**

**Amendment to the Zoning Regulations Section 10.4 – Forestry Regulations – Thursday, 15 December 2022.**

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

None.

## **12. Adjournment**

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

The meeting was adjourned at 8:53 p.m.

Respectfully Submitted,

*Bunny Hall Batzner*

Bunny Hall Batzner  
Recording Clerk

**The next meeting is scheduled for Thursday, 3 November 2022.**