

**TOWN OF HADDAM
PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT 06438
THURSDAY, 3 NOVEMBER 2022
UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

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

1. Call to Order

Mr. Wallor, Chairman, called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

The pledge was recited.

3. Attendance/Seating of the Alternates

Attendance was taken and all regular members as well as alternate member, Mr. Teran, were seated.

4. Additions/Corrections to the Agenda

The agenda stood as submitted.

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.

This is a continuation of the public hearing from Thursday, 20 October 2022 (hearing opened; the applicant nor their representatives were present; public hearing sign not posted in a timely manner).

Robin Pearson, Esq., Alter and Pearson; Jessica Bates, P.E., Principal Engineer, BL Companies; and Doug Grunert, Architect, BKA Architects, all representing the applicant, were present.

Hearing: Mr. Wallor opened the hearing at 7:02 p.m.

Ms. Pearson clarified that the proposal is not adjacent to 968 Killingworth Road, but just north of it. Ms. Pearson stated the end user of this retail facility is not relevant to the review; but what is of concern and relevant to the deliberation is whether the proposal conforms to the Commission's regulations. Ms. Pearson confirmed the public hearing sign was posted and they have provided a copy of the Inland Wetlands Commission (IWC) approval in accordance with the plans the Commission received tonight. Ms. Pearson stated the plans presented to the Commission for consideration at tonight's hearing have been revised in response to the comments received from Jeff Jacobson, P.E., Nathan L. Jacobson & Associates (NLJA), date 13 October 2022, and that written responses have been provided and will be reviewed. Ms. Pearson also stated they will also be responding to comments received from Bill Warner, Town Planner, not dated. Ms. Pearson apologized for the Commission not having the opportunity to review the revised plans prior to tonight's submission.

Ms. Bates distributed/reviewed revised plans, dated 3 November 2022, to the Commission; and also apologized for the tardiness in the submission of the revised plans. Ms. Bates stated although the plan set was good, modifications have been made.

Ms. Bates stated the proposal is on a 1.699 acre lot, a combination of three existing lots, that is bordered on the north and east by residential buildings, on the south by Dino's Pizza and the Northeast Feed and Supply, and on the west (across the street) by New Image Automotive. There are full utilities on site that will be provided by the development - well providing one-inch type K copper line, septic system to be installed, and a proposed underground propane tank as well as electric pole and data conduit that is proposed to be set along Killingworth Road/Route 81.

The stormwater is in full compliance with the State of Connecticut DEEP Stormwater Quality Manual. Propose to collect the runoff in a catch basin with a deep sump hooded outlet in the parking lot that will be treated through a hydrodynamic separator for the removal of the PSS that are generated on site and discharged to an underground infiltration basin. The roof water and some water on the north side of the site that runs onto the property from the abutter to the north will be captured in an above ground infiltration basin and discharged to the south to the existing pond that is in the parcel adjacent to the applicant's parcel. There are no current wetlands on the site as there was a previous filling of the wetland that was approved earlier this year. Proposal calls for grading in the upland review area and has been approved by the IWC (approved on 17 October 2022). Parcel is in Zone X for FEMA and not in the 100 year flood plain or the area of land that has a probability of one percent flooding annually.

There is a structure in the DOT roadway (Killingworth Road/Route 81) that is directly south of the parcel. The applicant will not be directly connecting to that gutter, but will allow water to continue to flow down to that structure. Recognize they are on a state road and will be applying for an Encroachment Permit when the time comes.

Ms. Bates stated the proposed building is designed in accordance with all the Zoning Regulations. Meets all front, rear, side, and aggregate zoning regulations. Conforms to the parking setback front, side and rear. The building size is approximately 10,640 square feet. Proposal calls for 47 parking spaces (one more than the minimum required by zoning). The lighting will be revised to be full dark sky compliant with cut off fixtures; however, were unable to have plan revised for tonight's meeting. Full landscaping plan has been provided (did receive some modifications as a result of some comments from the town planner). There is no signage as part of this design package. If the end user requires signage, they will apply under separate permit for that.

Major changes to the site plan: Removed the aisle and parking most adjacent to the northern property bound. Added interior landscaping islands throughout the parking lot. Relocated the parking spaces directly adjacent to Killingworth Road and have put them on the southern property bound. Modified the topography (not shown on the plan) and changes in grading being proposed on the eastern bound that was closest to the residents on that side of the property to pull in the grading and leave more of a natural

buffer on this side of the property. Modifications to the stormwater management basin, etc. Site still maintains accessibility to a WV67 vehicle – can get on the site, maneuver around the site for loading and discharging materials, and leave the site.

Ms. Pearson asked if the Commission would change their seating in order for the plans to be visible to the public. Mr. Wallor stated although he feels bad for the public, he only received the revised plans tonight and had been reviewing the original plans, dated 6 September 2022, for several days in preparation of the hearing. The Commission preferred to leave the seating as it was. Ms. Pearson stated they had hoped they could get up on the system (large monitor) as they had prepared an electronic version so everyone could see the plans. A second easel was set up with a second set of plans; and with Mr. Grunert's assistance the public was able to view the plans as discussed.

Using the revised plans, Ms. Bates reviewed the revisions made pursuant to comments made in the NLJA letter dated 10.13.2022: **1A.** Discrepancy in the plans between the discharge pipe and elevation. This has been rectified and the pipes have been changed (can be seen on Sheet GD-1). Discrepancy was between the model and storm management report and grading plan. The pipe that discharges from Pond 1 to the rear of the property (north side) flows and discharges to the south. There were minor changes to the inverts of that pipe. **1B.** The model for the hydrology had a discrepancy and had an invert in it that was incorrect. It has been changed and does not change the modeling results. Updated the modeling results between the hydrohead model and the plans. Invert changed on them. **1C.** It is unclear where the graded area behind the building (to the east) would drain to the pond. It will be discharged around the building and discharged to the south. Have clarified the grading and added some spot grades to clearly indicate the water does go to the above ground pond and discharges to the south. **1D.** Water surface elevation for Pond 1 in relation to the high point between the water going to the pond and the water going into the parking lot. That is an overflow to the overflow. A second layer of emergency overflow if anything should go wrong with the pond. It will discharge across the back lawn, go into the catch basin in the front corner of the building, and then go into the underground system. Ms. Pearson asked Ms. Bates to explain where Pond 1 is located and how the drainage will work. Ms. Bates explained that Pond 1 is an above ground detention basin that is to the north of the proposed building up against the residential building to the north. There is some stormwater that comes onto the parcel from the property to the north and the drainage takes that water as well as a high point behind the building and discharges into the pond. The roof water from the proposed building will go down the downspouts along the northern face across some rip rap for velocity dissipation and flow overland into the pond. **1E.** The above ground basin was piped to a discharge and went into the underground basin and flowed out. The interconnection between the two stormwater management ponds has been removed. The basin no longer discharges into the underground basin. It just flows around the building and discharges to the south. **1F.** NLJA would like an inflow hydrograph to show areas and timings. It will be provided. **1G.** Confirm sufficient hydraulic capacity for pipe system from the catch basin into the underground system. Requested the hydrologic model be prepared with the water surface elevation of the underground basin as a tail water. The pipe as the potential to have water standing against it when it flows in and NLJA wants to see how that standing water could possibly impact the sides of the pipe. There was no impact to the pipe and it's still sized appropriately to discharge the water to the underground system as the result of adding in the tail waters condition. **1H.** Previously an inlet hydrodynamic separator was proposed. It has been changed to a standard catch basin with a deep sump hooded outlet in the parking lot. It flows through a pipe to the hydrodynamic separator and then goes into the underground system. Changed how it was designed. **1I.** Would like an infiltration test on both Pond 1 and Pond 2. Pond 2 moved around a little bit and they do not have an infiltration test at this time, but will be getting one.

Mr. Wallor asked Ms. Bates to go back to explain what had been changed regarding 1H. Mr. Wallor stated from the original site plan to the revised plan received tonight it looks the same. Using Sheet GD-1, Ms. Bates pointed out a circle and explained. Mr. Wallor thanked Ms. Bates.

Continuing her review: **1J.** Requested a hydrograph table rather than a hydrograph plot. The table will be provided. **1K.** Questioned the location of the infiltration basin and proximity of the fill slope on the northern bound of the property. Have shrunk the infiltration basin and moved it as far as possible from

the fill slope. **1L.** Requested a typical detail of the galleys. This detail can be found on Sheet DN-4. **1M.** Discharge from the underground retention system. The discharge was originally a flared end section with an area of rip rap stone that should diminish the velocity of the water coming out of the pipe. It has been revised to still have the rip rap but it will now go into a slight depression, across a piece of concrete curb that will turn the flow into a more sheet flow situation that is less erosive. It is sized for two individual pipes with rip rap through the whole basin for velocity dissipation and easier maintenance. Ms. Bates pointed it out on the plan (Sheet DN-4). Reviewing between the original and revised plans, the detail was not on the original plan, but was on the revised. Ms. Bates acknowledged Mr. Jacobson was right about the detail missing from the original plan. **1N.** Right-to-discharge across lawn area and into the existing pond should be maintained or obtained. This was discussed in the pre-application meeting on 8 September 2022 and was discussed with the engineer. Concluded if the plunge pool is put in with the piece of curb it would turn it from a point source discharge into a sheet flow coming out of the plunge pool than that would meet the intent of NLJA's comment. **2.** Rip rap pads at the end of the discharge of the roof should go all the way to the bottom of the basin. Increased the rip rap at the bottom of the basin to decrease velocity and protect the slope all the way down. **3A.** Erosion control blankets should be on all slopes greater than 3H:1V. Ms. Bates stated she believes they do have erosion control blankets on all such slopes. Cited the 2002 Sedimentation and Erosion Control Manual for the State of Connecticut DEEP. **3B.** The temporary sedimentation trap by their nature moves with the site. A location is shown, but it will move as construction progresses. Mr. LePard asked if the initial location was on one of the sheets. Ms. Bates stated Sheet EC-1. Ms. Bates reviewed and stated there may be a time when the one basin will not be able to take all of the water from the site, but there are two small locations that are split on either side of the construction site. Ms. Pearson asked Ms. Bates if this would typically be coordinated with town staff. Ms. Bates stated it can be if the staff would like to be part of the coordination on it and would take no opposition to keeping town staff in the loop. Ms. Bates stated the temporary sedimentation traps are sized for a two year storm. If the traps were to flood, they would back up into the lot. **3C.** NLJA would like to see perpendicular wings along the silt fence every 100 feet to catch sediment as it's moving down the silt fence. Typically shown in the detail, but has been called out on the erosion control to provide and install the silt fence with perpendicular wings every 100' feet. **4.** BL Companies' surveyor will provide the bearings and distances along the new lot line and a Boundary Line Adjustment map. **5A & B.** Pertain to site lighting. Ms. Bates stated they do not have site lighting yet. When they do, these two comments will be incorporated into the detail. **6A.** Section 14.4.17C - Have modified the table to call out for a minimum 3 inch caliber per the Zoning Regulations for plantings and trees. **6B.** Section 14.4.17D - The plans have been revised to show the front landscaping strip. Originally called for perpendicular parking extending into the landscaping strip, but that has been moved to the southern property line. Have pulled the parking boundary barrier back and provided the 20 foot landscaping strip along that area. **7.** Side-walks along the side of the building are 4 feet and the sidewalks to the front are in excess of 4 feet. **8A.** A site location map will be added to the plans in conformance with Section 14.2.3D.5. **8B.** A signature block will be added. **8C.** There was an error in the printing in the Inland Wetlands Permit applications document and Figures 1 and 2 have been updated. **9.** Ms. Bates acknowledged that they do need to go for an encroachment permit. This process has not yet started, but it will.

Mr. Warner stated there was a meeting on 2 September 2022 to discuss this plan, BL Companies had received NLJA's comments on 13 October 2022, and now the Commission is receiving the revised plans. Ms. Bates stated yes. Mr. Warner asked the reason for that. Ms. Bates stated it took time to go through all the comments and make sure everything was coordinated between themselves and the hydrology model as well as Mr. Warner's comments and the reviewing engineer. Mr. Warner asked three weeks. Ms. Bates stated yes.

Mr. Bull asked if there will be an updated review report from Mr. Jacobson. Mr. Warner stated absolutely, the Commission would have too.

Ms. Bates reviewed Mr. Warner's comments: Development in relation to the surroundings. Ms. Bates stated they have no control over the other parcel or the pond as they are only developing the parcel in question. Mr. Warner asked if that was really the case, as they're adding land to the pond parcel to cover the septic system and keeping some of the land. Ms. Bates stated there is some land where there is a lot

line modification to create three parcels into two parcels. Mr. Warner stated land will be added to the parcel to the south where the septic system is. Ms. Bates stated she believes they are taking land from that parcel. Mr. Warner stated the point is, they are including land from that parcel and reworking the whole area because the restaurant's septic system is on Lot 7; and the applicant is using some of Lot 7 and giving some of Lot 7 back to Parcel 3. Ms. Bates stated she doesn't know whether they're giving it back, but they're subdividing and purchasing a portion of it. Ms. Pearson asked if it was a lot line modification. Mr. Warner stated they are adding the septic system to the other lot not Lot 7 which is proposed for modification. Ms. Pearson stated that's correct to the extent they're making sure the septic system serves the property. Mr. Warner stated his point is it's not off site because the whole parcel/area is being opened up. Ms. Bates stated Lot 7 maintains its own parcel and is separate from Lot 3 which incorporates Dino's. Mr. Warner stated no, it doesn't; and that Dino's septic system is on Lot 7 and the proposal calls for the applicant's septic system to be put on Dino's parcel. Mr. Warner noted that pursuant to the town's health department, they want it all on one parcel. Ms. Bates stated she didn't know the details of that. Ms. Bates stated the plan she sees from their licensed surveyor shows Lot 7 containing the septic system and Lot 3 containing Dino's. Mr. Warner stated he didn't believe what was being proposed for Lot 7 would leave it a conforming lot. Ms. Pearson asked that a large version of the survey map be put up for review. Mr. Warner stated the discussion that was had with the sanitarian was that the septic system should be put on the same lot as Lot 3. Ms. Pearson stated based on the property lot line revision map, which was submitted, it's her understanding that the septic system is going to be on the revised Lot 7 configuration, the lot for which the site plan is requested is a revised Lot 8, and the shaded areas would be accommodated within the boundary of new Lot 8. Mr. Warner stated his point is during the preliminary meetings going back to September, the town's sanitarian wanted the septic system to be on the same Lot 3 as that of the restaurant. Ms. Pearson stated o.k. Ms. Bates stated the lot conforms as it has 100.08 feet. Mr. Warner stated he can see that. Ms. Pearson stated she had made a note and will follow up on it.

Ms. Bates continued with Mr. Warner's comments: Topography (Section 14) – Ms. Bates stated the topography of the site is approximately six feet over the existing land and is not conducive to the interconnection of the lot to the adjacent lot. Mr. Warner stated it would be six feet after development. Ms. Bates stated correct, but the road is dropping. Mr. Warner stated currently it's flat. Ms. Bates again stated the road is dropping and they have to keep their driveway at one elevation, and they had selected the upstream elevation to maintain gutter flow of the driveway connection to the site. The road itself slopes from north to south. Mr. Wallor stated the property currently doesn't have a six-foot elevation. Ms. Bates stated the property currently doesn't have a driveway on it; therefore, once the driveway is constructed, they'll need to maintain gutter flow in Killingworth Road and not have that water enter their parcel. Mr. Warner stated Ms. Bates did not look at circulation among the two parcels when she began the design. Ms. Bates stated at the beginning of a design you look at a number of things and the site was designed to maintain balance of all of those things. Ms. Bates spoke in regard to maintaining accessibility onto the site.

Clearing and regrading the site and major cut to the back. Ms. Bates stated they had previously cut more of the site going further back. Have pulled the grading limits as much as possible while maintaining the high point and a stonewall (maintained in its entirety). Using the plan, Ms. Bates pointed these items out as well as the location of the trees. Ms. Bates also stated there's a potable well in the back.

Section 14 D – Strip of land along the frontage of the roadway. Ms. Bates stated she discussed this previously and the parking has been pulled back from the roadway and provide more than the 20 feet for the landscape strip.

Interior landscaping of the site and to remove as much of the grading as possible from the front landscaping strip adjacent to Killingworth Road. Looking at Sheet GD-1, Ms. Bates stated they have minimized the grading and there's also an existing stonewall between their driveway to the north. Minimized the grading to come off of Killingworth Road, maintain gutter flow, and to tie into the existing land around it while maintaining the existing stonewall. Mr. Warner asked Ms. Bates if she had identified the trees within 6 inch diameter breast height (dbh). Ms. Bates stated no, they have not done a tree survey to

date, but have added notes to maintain the trees. They have removed the grading which will allow them to designate the trees that they can save (worthy based on appearance, location, and condition) which will not be impacted by the grading of the site. The preservation of native species would be preferred. Using Sheet LL-1, Ms. Bates stated there is a full contingency of trees that are placed in the landscaping strip and they are behind the stonewall onto the frontage of the parcel, those have been moved back to maintain as much of the native trees in the area while still conforming to the Zoning Regulations. Mr. Warner asked Ms. Bates if she agrees she has to identify the trees. Ms. Bates stated yes.

Split rail fence along the frontage of the parcel to the south of them. Ms. Bates stated she believes the split rail fence stops at approximately the front of the utility pole (20-25 feet south of their frontage). Comment was it's a good looking fence and could enhance the streetscape. Ms. Bates stated they believe between maintaining the existing trees along the frontage and putting in the proposed trees that conform to the Zoning Regulations and trying to grade as little as possible, it would be best served not to put in a split rail fence; however, if the Commission wants one installed, they can do it. Would have to make sure the split rail fence and anything else out there did not interfere with driveway sight lines.

Possible modifications to provide for the 20-foot front landscape are could be: Pull the building back and create a better streetscape design or standard regulations require parking spaces to be 18 feet x 24 feet. The plan provides for 20-foot spaces and a 36 foot center lane. This has been modified to the best extend possible as they have to keep the WV67 (tractor trailer) onto their site – come in, back up, and unload – and do not want any maneuvering on DOT's roadway. Have pulled the parking against the northern abutter as far south as possible and shrunk up the driveway as much as possible while still maintaining tractor trailer access and maneuverability through the site. Have also made spaces on the southern side of the site 18 feet deep and shrunk the driveway as much as possible while maintaining tractor trailer maneuverability on site. Mr. Warner questioned the tractor trailer access noting a retail building that BL Companies had designed on Bridge Road, Tylerville section, where the trucks have created a mud area on the opposite side of the road from swinging into the retail driveway. Mr. Maggi stated the only time they can make the turn is midnight; however, if the business is open, they cannot make the turn on site. Ms. Bates offered a turning template. Mr. Warner stated he understands the template; however, what's being seen is the truck is going off the pavement into the snow shelf area and then into the site. Ms. Pearson stated she has noted the concern and will follow up.

Sidewalks/Pedestrian Connections - Ms. Bates stated safe pedestrian access is provided for on the proposed site. As they do not own/control the abutting parcel, they do not propose a sidewalk. If the Commission deems it, they could put a sidewalk along their frontage, but it wouldn't connect to anything. In regard to pedestrian access among the uses and amenities at the pond, Ms. Bates stated they do not own the pond or the adjoining parcel so they couldn't provide access or amenities.

Section 14 – Pedestrian walkways and circulation around buildings – Ms. Bates stated they acknowledge it, and if the Commission requires it, they can look into it.

Buffers between residential uses – As the development will have a very significant impact on the residential home to the north and on the homes to the east on Beaver Meadow Road, the homes should be located on the plan to better understand the impact. The houses have been sketched in on Sheet SP-0 provided in the revised plans.

Section 7.4 – Buffering Requirements – Ms. Bates stated the proposal calls for over 28 feet of space from the turnaround area and the abutting property line and they are proposing that be the buffer area. Also, a solid fence starting at the front landscape buffer strip 20 feet off the property line going along the entire northern bound that will be cleared and then to the southeast to the existing stonewall. Using the plan, Ms. Bates pointed out what she was talking about. In addition to the proposed fence, arborvitaes will be provided along the property edge interior to the proposed solid fence (Sheet LL-1).

Mr. LePard asked the height of the fence. Mr. Warner stated the maximum the town allows is 6 feet. Ms. Bates stated 6 feet. Mr. Bull asked if the fencing will be solid black or white plastic. Ms. Bates stated it would depend on the availability of materials at the time (could be wood or PVC) although she did believe she called for a wood stockade fence.

Mr. Warner stated he's struggling with the whole process. Mr. Wallor stated what's being presented isn't close to what he's reviewed prior to the hearing. Mr. Warner stated the plans from 2 September 2022 until tonight provided for a 6 foot buffer with some arborvitaes, the only buffer. Ms. Bates agreed. Mr. Warner stated the regulations are very clear, the plans acknowledge the regulation, and then the plans ignore it by not including the buffer. Ms. Bates stated she did not know if the fence was left off in error. Mr. Warner stated 6 feet vs. 28 feet now; and asked what happened. Ms. Bates stated she couldn't speak to that as she didn't know what happened. Ms. Pearson stated the parking was moved to do that. Mr. Warner stated he understands that, but why didn't it comply originally. Ms. Pearson stated she didn't know. Ms. Pearson stated the original plans apparently did not comply and does not know why that was the case; but she's aware Mr. Warner provided comments back to staff and those comments should have been received and a response given sooner. Ms. Pearson stated the question is whether the new plans now meet the requirements. Ms. Pearson stated it's understood the Commission will not be making a decision tonight, but the plan should comply, and they've been revised to comply. Mr. Warner stated his point is the original plans acknowledge those sections in the regulations and then ignore them; and he doesn't understand how that happens. Mr. Warner noted that both he and Ms. Pearson have been working on these types of issues for a long time and he doesn't understand what happened. Ms. Pearson stated she will ask the question; but the plans have been corrected and what's been added is a positive addition and conforms/exceeds the requirement of the regulations.

Lot line rearrangement – Appears to be taking the least amount of land to squeeze in a 10,000 square foot building with associated parking. Ms. Bates stated they have modified the plan to conform to the Zoning Regulations, provide in excess of the 20 foot landscaping strip along the frontage of the roadway - believed to be 24 feet on the southern side and a little greater on the northern side; therefore, meeting the 20 foot landscaping strip that was discussed.

Arborvitaes – Ms. Bates stated there was a typographic error on their chart stating the arborvitaes would be 6 to 7 inches high; however, they intended for them to be 6 to 7 feet high. The chart has been corrected. The plantings have been staggered as shown on the landscaping plan and have also provided a solid wooden fence along the northern frontage as a buffer.

Section 7.4 – Buffer sizing up to the Commission – A 6 foot buffer is insufficient and believes a 20 foot buffer planted with a fence is reasonable. Ms. Bates stated that's what is shown on tonight's plans. Additionally, the backyards of the Beaver Meadow Road residences should be buffered with extensive plantings. Ms. Bates stated they have included the solid fence along the back of the area that's being disturbed; they will not be cutting down the native buffer; and have pulled the development as far away from the eastern property line as possible in order to maintain the location where the well can go in.

Signage – Plans do not show any proposed signage as required by the regulations. Ms. Bates stated there are no signs intended as part of this application. If signs are required by a future tenant they will be permitted separately.

Fire Protection – Sprinklers - Ms. Bates acknowledged that the building will be sprinklered. Standpipe – Recommended a standpipe coming from the pond be installed. Ms. Bates stated the referenced pond is not on their parcel and they do not control that; therefore, they cannot state that.

Architectural – Renderings – Ms. Bates stated there was a picture provided by the planner of a facility on Bridge Road, Tylerville section. Mr. Warner suggested some of those elements be incorporated into the proposal. Wall Pack Lighting – Photometric plan indicates there will be one wall pack facing the house on the northern side of the building. Ms. Bates stated it will be removed now that there will not be a walkway extending as far down any longer.

Ms. Pearson asked Ms. Bates to clarify for the Commission and herself if the building will or will not be sprinkled. Ms. Bates stated the building will not be sprinklered. Ms. Pearson stated the response says it will be. Ms. Bates again stated the building will not be sprinklered. Mr. Warner stated that's what the developer had told him. Ms. Bates stated there's a typographical error and it will not be sprinklered.

Mr. Warner asked Ms. Pearson who owns the pond, who owns the land that's being developed. Ms. Pearson stated the owner would be noted on the application or on the survey. Ms. Bates stated it does not say, Lot 3 has an owner, but she could not see the owner to Lot 7. Mr. Warner stated he believes it is all owned by the same interest. Ms. Pearson stated that too is her understanding. Ms. Bates stated the majority of the pond is located on Lot 3, Trading Post Development, LLC. Mr. Warner stated he believes they own everything. Mr. Warner noted that Ms. Bates had said they do not own it; however, she's under contract with the owner of the pond.

Mr. Chadwick asked since the building will not be sprinklered, in the event of a fire would it be threatening the house to the north, approximately 30 feet away from the proposed building. Ms. Bates stated it's more than 30 feet as they're 45 feet from the property line. Mr. Chadwick stated the question still stands – is it threatening. Ms. Bates stated she could not answer the question. Ms. Pearson stated although it's a good question, it's probably above what Ms. Bates is knowledgeable about and will follow up with the fire marshal.

Mr. Warner stated the signage is required to be submitted as part of the site plan. Mr. Warner stated a retail building is being proposed yet no signage is proposed; and by not submitting anything, the applicant is not in compliance with the site plan. Ms. Pearson stated that's fair, but in most situations if a tenant has not been secured the tenant would pursue it in accordance with the sign regulations for the town. However, if it has to be shown on the site plan, then they will provide an indication of sign and design. Mr. Warner stated it's relevant on the streetscaping and the building. Ms. Pearson agreed. Mr. Warner stated architectural where provided, but where's the sign. Ms. Pearson state it will be done. Mr. Warner stated right now it is not and the plan is not complying with that section.

Mr. LePard stated that he's trying to coordinate the town planner's comments to the plans; and asked if any of the plans show what will be cut, what will not be cut, and what will be left. Ms. Bates stated Sheet DM-1 would show the hatched area where trees are being removed. Looking at Sheet DM-1, Mr. LePard stated the site will be clear cut and he thought that was something the Commission did not want. Ms. Bates stated the portion of the site where the building will be constructed will need to be cleared of all vegetation and trees and have minimized the clear cutting as much as possible to the limit of the grading and the improvements to the land. Mr. Warner asked if they propose to clear cut the State right-of-way (ROW) and the 20 foot buffer area. Ms. Bates stated no, as the grading has been revised along the State ROW to just grade a few feet in as a curb will be installed to maintain gutter flow and not take that water onto their property. A swath of approximately 35-40 feet that will not be cut in that area, but will need to install landscaping in to conform to the Zoning Regulations. Also along the roadway they will be 10 feet off the proposed parking lot. Mr. LePard asked about the shaded area going right to the property line. Ms. Bates reviewed Sheet GD-1 the areas to be graded and the limits of disturbance. Ms. Bates stated the area along Killingworth Road appears to have a large contingency of bittersweet, etc., that will be cleaned up; therefore, it could be disturbed but not necessarily clear cut.

In regard to the signage regulations, Ms. Pearson stated it appears as if the applicant has the option to decide whether or not to submit signage at this stage of the game; however, they can provide it to the Commission. Mr. Warner stated there is a list. Ms. Pearson stated signage will be provided.

Ms. Pearson noted for the record, their architect was present to answer any questions regarding the architecture.

Mr. Wallor noted the Commission received letters of opposition from the following: Larissa Johnson, Esq. and Fox Johnson, 948 Killingworth Road (Mr. Johnson read his letter into the record), Lynne Benedict, 7 Squabble Hollow Lane, and Kate Szulwack, Pokorny Road.

The following spoke in opposition to the proposal: Holly Masi, 940 Killingworth Road, Zoning Enforcement Officer for the Town of Hamden - concerned about the plan not being consistent with the POCD (not mentioned), septic and well impacts, not seeing a traffic study, sight lighting, concerned that the Commission was listening to and entertaining an application that doesn't meet the Zoning Regulations, increased impervious surface coverage, project too intense a development for the site, did not see DOT approval (comments from DOT are received early on and within the process), sprinkling issue (building and fire code may dictate whether this will have to be done), intense use of the site and not consistent with the POCD, and hoping complete plans that meet the regulations will be posted to the website well in advance of the next meeting.

John Zajak, 10 Field Stone Lane, - concerned about traffic noting the intersection of Burr Road and Route 81 especially at rush hour and the diminished sight line. Asked if a traffic study had been conducted and the impact on the traffic. Asked if traffic lights will be installed to keep the flow of traffic going.

Jeff Gallagher, Burr Road – concerned about traffic noting difficulty getting out of Burr Road onto Route 81. Mr. Gallagher asked if the proposal is for a Dollar General. Mr. Warner stated no one has confirmed that. Mr. Gallagher stated there are three vacant buildings on Routes 154 and 81 and now an applicant wants to build a new structure on a wetland. Asked about the pond draining into Beaver Meadow and potential flooding. Asked how the fire will be put out with no sprinkler system or standpipe.

Nathan Bugbee, 626 Beaver Meadow Road – concerned about surface runoff due to change from clear cutting (vegetation helps water to absorb gently) and applicant is proposing to pipe everything to the pond on the property. Pond in past few years has had active beavers along with the wetlands to the south by the gas station and DOT has continuous problems keeping the beavers from blocking the pipe and the town has had issues with the culvert pipe on Beaver Meadow Road. Concerned Beaver Meadow Road will be flooded.

Joe Estrada-Rivera, 704 Beaver Meadow Road – Can see the pond from his backyard and deals with flooding when it rains. Have three pumps to keep water out of his basement. Asked how much of the building will be seen from his backyard. After the property was cleared have been inundated with snakes and mice (vehicle issues, in house and shed), can see lights from the road, and will hear truck traffic going to the proposed building (noises at night).

Thomas Reed, 56 Burr Road – Concerned over traffic and getting school buses to/from school/home in a timely manner. Mr. Reed stated a tractor trailer will not be able to make the turn and will be cutting off lanes.

Alyssa Caparaso Hurley, 24 Sepunnono Lane - Concerned, if it is a Dollar store, there being an over proliferation of them in rural areas and how it will impact the local markets and impact the elementary school with traffic.

Larissa Johnson, 948 Killingworth Road (abutting to the north of the proposal) – Thanked the Commission for caring about her property and noted that her property will continue to have trees on it that could catch fire and move over to the house. Concerned that the applicant is not preserving any of the trees that exist between the properties (a natural buffer). Rural residential neighborhood and existing businesses are small (sufficient to serve area). Want to keep the neighborhood cohesive. Liked what the POCD mentioned in terms of developing the neighborhood and would like to see those kind of proposals followed through. Perhaps revisions to the zoning code need to be made to curb this type of development.

Gregory Prior, 349 Pokorny Road – Believes the name of the building is the most relevant part of the discussion. The proposed plan could diminish the rural and historic charm/characteristics of the town and devalue the mom and pop shops and area homes. The Commission would get a different reaction if the town developed with the businesses that are within the town's values and can offer an asset to the community.

Chris Romano, 959 Killingworth Road – Concerned about his property value going down. Can see the building from the top of his driveway and a fence will not block it.

Lynne Benedict, 7 Squabble Hollow Lane – Concerned about speed. Noted she previously lived next to West Farms Mall and informed the residents they have no idea the noise they will be subjected to - tractor trailers (mostly at night) delivering, commercial garbage removal, snow plowing during the season, and lawn maintenance (back up alarms, vehicles idling, banging of product delivery). Pleased to hear the lighting will be addressed (more environmentally friendly); however, there will be a continual glow. Like transparency and spoke in regard to articles she had found on Dollar General (submitted into the record).

Fox Johnson, 948 Killingworth Road – Read his letter that was submitted earlier into the record.

Mr. Wallor stated he was going to close the hearing. Ms. Pearson asked Mr. Wallor if he intended to close or continue the hearing, as they have plans and the Commission wants responses from their experts in response to the revised plans. Mr. Wallor stated the plans he received and had been reviewing for the past week are not the plans he received tonight and feels that they are insufficient; and he would like to close the hearing and put it to a vote. Mr. Wallor stated the clock is ticking.

Mr. Warner stated his concern is that this was not done in a timely manner because the applicant did not put up the public hearing sign. In regard to the plans, the applicant's representatives have had the NLJA comments since 13 October 2022 and now the Commission is receiving a revised plan. Mr. Wallor stated NLJA has not commented on the plans that were put in front of the Commission tonight.

Mr. Warner stated it's November and the Commission only meets once this month; and then getting into the holidays and potential storms as well as there being a statutory deadline. Mr. Warner stated it's his opinion, it's been a sloppy application from the beginning and that the Commission should close the hearing and deal with it. Mr. Wallor agreed; and stated although someone put a lot of work into it, it's barely insufficient. Mr. Luisi stated there's still a lot missing.

Ms. Pearson explained the procedure. Ms. Pearson stated regarding NLJA's comments of 13 October 2022, it takes a lot of work for the applicant's engineer to go through the plans, do the stormwater updates, make the revisions, and frankly, they've done almost everything the engineering firm and Mr. Warner have asked for in terms of improvements to the plans. Three weeks especially at this point in time where engineering firms are bogged down. Ms. Pearson apologized for not getting it in a week earlier, but the plans have been submitted, and it's their opinion if not 100 percent compliant they're close to it. Ms. Pearson stated she believes they do comply to the regulations.

Ms. Pearson stated if the Commission closes the hearing without the benefit of NLJA or Mr. Warner having an opportunity to review the plans again, what would be the end result in doing so. To start the process all over again. Mr. Wallor stated yes, because if the application doesn't get approved, it will be approved automatically as the regulations allow that. Ms. Pearson stated she will allow additional time. Mr. Wallor stated he's never had revised plans given to him just prior to a hearing. Ms. Pearson apologized and requested the matter be continued to the next meeting to allow staff sufficient time to respond to what has been submitted. Ms. Pearson stated the Commission will not be in danger as she will give whatever extensions are required. Mr. Warner stated there is only one 65 day extension and a 30 day extension has already been given. Mr. Warner stated if a storm were to occur or the holidays to mess up a meeting, there would be a problem. The revised plans have to be sent to NLJA and it will probably take a month to review them. Just heading in the wrong direction with this application. The public and Commission saw the original plans and now they have to start all over again with the revised plans. If the comments had been addressed and submitted in a timely manner no one would be in this position. Something happened, it's not a good situation, the hearing should be closed, and deal with it. Mr. Warner recommended reapplying next year (2023) as it's very close. Ms. Pearson stated if they resubmit the application and put it back in again, they would immediately submit the plans as they've been revised. Mr. Wallor stated that would be fine allowing everyone time to review them. Mr. Warner stated there's no rush as Ms. Pearson has claimed there's no tenant at this time.

Mr. Wallor stated he would like to see signage. He doesn't need the name, but he would like to know the size and location (door, monument, etc.). Mr. Luisi read Section 14.2.3g of the regulations. Ms. Pearson stated the regulations allow the Commission to not have to have signage; however, signage will be submitted. Mr. Warner clarified that signs are a zoning permit and the Commission would not see it if they applied after the fact. In other words, the sign would be approved administratively. Mr. Warner stated illumination is critical with the neighbors. Mr. Warner stated 32 square feet of footage is allowed as well as a pylon sign. When does it come to a point where most of the residents do not want this there. Mr. Wallor stated he's heard the residents' comments and the applicant may speak to the chairman.

Glen Hiller, 192 Burr Road, asked the size of the structure. Mr. Wallor stated it's 10,700 square feet. For perspective, Mr. Hiller asked the size of the building next to Dunkin Donuts. Mr. Warner stated 7,500 square feet. Mr. Hiller stated this structure will be one-third bigger. Mrs. Block stated the Dollar General in Tylerville is 9,100 square feet.

Mr. Bull asked if there was a DOT traffic study available. Mr. Warner stated the study was distributed to all Commissioners. Mr. Bull asked if it includes the entrance/exit into the property. Mr. Warner stated yes. Mr. Bull clarified his question – can the tractor trailer make the turn or not. Mr. Warner stated no, that's an engineering matter. Mr. Bull stated it appears that this one will cross over into the other lane as well. Mr. Warner stated that's the challenge with the templates the engineers use.

Ms. Pearson took Mr. Wallor's point and added it to the list; and given the intention is to close the public hearing tonight, the concern about remaining time, and Mr. Warner's concerns that it would be best to answer some of the questions before the Commission has to seriously make a decision on the application. Ms. Pearson withdrew the application. By doing so, it will allow the applicant to totally address all concerns/comments raised tonight. Ms. Pearson will prepare a withdrawal letter to Mr. Warner.

Application withdrawn.

Recording Clerk's Note: A copy of the revised plan, dated 11.03.2022, the studies, and all submissions are on file in the Land Use Office.

Mr. Wallor called for a recess at 8:50 p.m. and reopened the meeting at 8:55 p.m.

7. Approval /Correction of Minutes

The Commission agreed to table the approval of the 6 and 20 October 2022 minutes.

8. New Business

a. Review of 10 Foot by 20 Foot Shed and Pickle Ball Courts Addition to Blueway Commons Plan – 4 Brookes Court, Haddam.

Mr. Warner reported that the applicant requested the matter be tabled until Thursday, 15 December 2022.

9. Chairman's Report

Mr. Wallor allowed Mrs. Block to address the Commission. Mrs. Block spoke in regard to zoning such as caps on square footage of commercial entities in town; although, this could create a number of non-conforming businesses which could present a lot of problems for the existing businesses moving forward. Mrs. Block proposed implementing a moratorium noting there has been interest in the Rossi site, the proposal presented tonight, and believes the Commission will be seeing more development applications (clarified later in the discussion that her proposal was separate from the application heard tonight). Mrs. Block stated there's a discrepancy between what the public envisions and what the regulations allow for and believes it's the Commission's job to bring them into alignment. Discussion followed at length in regard to Section 14; making it clear to the public and applicant what is being sought; looking at form based zoning in conjunction with use based zoning (Mrs. Block believes this will provide a clearer

direction for applicants); potentially changing the zone; buildings being in harmony and enhancing an area; updating the regulations; working on design guidelines to have structures that conform to what is wanted (for example: resemble a Vermont Country Store, Trader Joe's, etc.); concentrating commercial development in Tylerville and Higganum Center; and whether or not the Commission has any control over the Scovil buildings should a retailer want a whole building (no, Commission approved the special permit).

Mr. Bull stated at the last meeting he had asked if there was any way the Commission could stop formula businesses from coming into town on a qualifying commercial lot and the answer was no. Mr. Warner stated a formula business has more than 10 stores, common signage, etc., (California and Rhode Island cited), and does not believe this could be done in Connecticut; however, the Commission could limit square footage as well as eliminate drive-thrus (would restrict restaurants). Mr. Bull stated he believes the public and a number of the Commissioners do not want these types of stores and the Commission needs to figure out a way to make it difficult for them or not allow them. Mr. Wallor disagreed. Mr. Wallor stated for an applicant not being able to apply because the regulations are too strict would not benefit the town and the Commission should maintain what's existing and deal with every applicant on a case by case basis. Discussion followed.

Using the zoning map, Mr. Warner stated the commercial zone is the problem – very small lots, not very deep. Mr. Bull asked about lowering the size of the building. Mr. Warner stated the Commission could do that; however, it could be preventing something the Commission/townpeople may want. Mr. Warner advised the Commission that everything being discussed would be on the record.

Mr. Maggi stated owning a business in town is very difficult and because of his store's location he's seen the number of people going in and out of the Dollar General as they can't afford to shop at one of the markets. Mr. Maggi stated whether you like it or not, the store is needed and it's a matter of convenience. Mr. Maggi also stated the store has not affected the market that sits next to it.

Mr. Warner stated moratoriums are not easy – have to go through same process as a zone change – advertise and hold a public hearing. If the Commission wanted to go through with this, a hearing could be held in December and a moratorium would become effective in January 2023.

Mr. Wallor recommended the Commission do their due diligence and be prepared for when the application comes back before the Commission. Also come January a formal discussion can be conducted regarding potential changes to the regulations. Mr. Warner stated the POCD is a guide for the zoning. Mr. Wallor stated the POCD should be used by every commission, but P&Z is bound to the Zoning Regulations. Mr. Laurenza suggested a land use attorney be brought in to speak to the Commission.

Mr. Teran asked Mrs. Block if she could provide the Commission with information pertaining to form based code from a town in keeping to Haddam and send it to everyone. Mrs. Block stated she can try, but doesn't believe she's qualified to put something forward. Mr. Warner stated the most useful thing to do is have a meeting to look at the existing zone and become knowledgeable about those parcels, especially the smaller commercial lots. Mr. Warner stated the Commission has control over the villages (Village Regulations) and believes the Commission is in good shape in that regard. Mr. Wallor agreed.

1 December 2022 Meeting – Mr. Wallor stated the Commission will meet on Thursday, 1 December 2022, to discuss zoning and investigating new sites for Public Works. Mr. Warner to provide maps for the discussion.

10. Scheduling of Hearings

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

11. Town Planner's Report

Investigate New Sites for a Town Garage in Order to Move the Existing Town Garage Outside of the Village – To be discussed on Thursday, 1 December 2022.

12. Adjournment

MOTION: Jamin Laurenza motioned to adjourn. Wayne LePard second. Motion carried unanimously.

The meeting was adjourned at 9:45 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner

Recording Clerk

**PURSUANT TO THE BY-LAWS OF THE HADDAM PLANNING AND ZONING COMMISSION,
ARTICLE VIII – MEETINGS – SECTION 1, NO MEETING IS SCHEDULED FOR
THE THIRD THURSDAY IN NOVEMBER.**

The next meeting is scheduled for Thursday, 1 December 2022.