

**TOWN OF HADDAM
PLANNING AND ZONING COMMISSION
PUBLIC MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT 06438
THURSDAY, 3 FEBRUARY 2022
APPROVED MINUTES
*Approved as Submitted at the 17 February 2022 Meeting***

ATTENDANCE

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

1. Call to Order

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

2. Pledge of Allegiance

The pledge was recited.

3. Attendance/Seating of the Alternates

Attendance was taken and all regular members were seated.

4. Additions/Corrections to the Agenda

Mrs. Block asked about a ZEO's Report. Mr. Warner stated the town has not yet hired a ZEO, a report had been emailed to all Commissioners on 18 January 2022, and he would address the matter under Town Planner's Report. Mrs. Block was agreeable to that.

The agenda stood as submitted.

5. Public Comments

There was no one in the audience who commented.

6. Public Hearing/Public Meeting

At this point in the meeting there was a bit of confusion regarding the agenda as there were two versions (one on the town's website – provided to Commissioners – and one that Mr. Warner had emailed). The Commission agreed to use the agenda provided to them.

Hearing: There was no public hearing scheduled.

6a. ARC Review of 105 Bridge Road Special Permit/Discussion Regarding ARC Process

Mr. Wallor stated he was embarrassed in which the last meeting went especially during the meeting portion of the public hearing. Mr. Wallor stated it is not the Commission's job to design; it's the Commission's job to approve or deny the motion. Mr. Wallor noted that he had asked numerous times during the hearing if the Commission had any further questions. Mr. Wallor stated that Mr. Laurenza could have withdrawn his motion and the public hearing reopened, but that didn't occur.

Discussion followed at length in regard to the following: 1) Did not feel the presentation was well presented. 2) Would have liked ARC to be present to explain their thinking on the project. 3) Did not feel there was enough information to make a decision. 4) Whether or not the Commission has the ability to make minor design adjustments during the public meeting. 5) The ability to reopen the public hearing (no one had suggested that at the last meeting). 6) Discussing the motion only during the public meeting. 7) P&Z having appointed ARC to review applications within the village districts prior to the applicants coming before P&Z in order to steer the applicant, if needed, in the right direction (following the village regulations). 8) P&Z potentially seeing something ARC didn't see. 9) P&Z receiving a report from ARC (within 35 days). 10) P&Z receiving the minutes from ARC. 11) The number of times ARC meets (four times in the past three years). 12) ARC approving the plans as presented (meeting all the village regulations as far as the Commission is concerned). 13) Whether certain items were discussed such as streetscape and how ARC addressed the matter. 14) Bridge Road being a state highway and the need for an adequate sight-line (DOT approved the applicant's curb cut; Commission cannot arbitrarily change DOT's approval). 15) Potentially opening the hearing a meeting early in order to question ARC and then continue the hearing to allow the applicant to make his presentation (Mr. Warner explained ex parte discussion; not allowed). 16) Potentially requiring the applicant's architect to be in attendance at the hearing.

Mr. Warner stated the law states for a public hearing: all discussion should occur during the public hearing, and that's when the Commission should discuss the addition or elimination of items. Once the hearing is closed and there's a motion on the table, the Commission is supposed to vote for or against the motion. Mrs. Block asked if the hearing could have been reopened. Mr. Warner stated yes, it would have to be reopened the same night it was closed to allow the applicant and the public the right to respond to comments/suggestions/ideas made by the Commission.

In regard to the presentation, Mr. Warner stated the Commission had seen a very well detailed presentation regarding Brookes Court – architect, engineer, landscape architect, etc., and the Bridge Road applicant did not bring his architect. Mr. Warner noted that no one vote against the application.

Mr. Warner disagreed with having ARC attend P&Z meetings as they do not work for the applicant. The applicant should have their architect make the presentation to the Commission. Mr. Warner noted during the public hearing, not one Commissioner questioned what ARC was thinking, what colors were being used, etc.; and again, no one voted against the application. Mr. Warner stated he hopes next time someone on the Commission will ask what happened at the ARC meeting(s) and that he does not believe there needs to be a mandate requiring ARC to attend P&Z meetings.

Mr. Warner stated at the first meeting, a presentation was made to ARC, the plans were reviewed, suggestions made, the applicant made the recommended adjustments and presented those changes to ARC at the second meeting at which time the plans received ARC approval with one condition (a fence). Then the revised plans were submitted to the Commission. Mr. Warner asked what type of report the Commission was looking for. Mr. Laurenza suggested the ARC minutes be the report.

Mr. Luisi asked what did ARC and/or the building process do wrong noting that everyone approved the application. Mr. Bull stated the process was wrong, that a report should have been submitted. Mr. Maggi asked what should be in the report. Mrs. Block stated there have been overlapping questions and believes the Commission has stumbled on an issue and the Commission needs to rethink how it's being handled. Mr. Bull stated it's about the process and not about the substance. Mr. Farina stated the

Commission did approve the application and believes it will be a great asset to the town, but there needs to be clearer visuals. Mrs. Block stated there needs to be transparency. Mr. Wallor asked Mrs. Block to provide an example of what the overlapping questions were. Mrs. Block stated the space between the buildings and the road (addressed by ARC).

Prior to the vote on the motion, Mr. Wallor stated he believes it to be a huge waste of time having ARC attend their meetings as P&Z is asking a committee that was put together by this Commission to do double duty. Mr. Farina asked what double duty ARC would be doing. Mr. Wallor stated he does not believe it will resolve the issue being discussed. Mr. Farina stated it may not, but it may quell a fire.

Mr. Chadwick asked Mr. Wallor to clarify the amount of time needed by ARC. Mr. Wallor stated he could not clarify, but if things begin to take place, ARC would have to come to multiple meetings (their own and P&Z's) pertaining to the village district.

MOTION: Gina Block motioned to include ARC in the P&Z meetings in tandem with any application that requires ARC review. Jamin Laurenza second. Motion carried 4-3.

Mr. Bull asked that the Commission be notified when an ARC meeting is scheduled. Mr. Wallor and Mr. Laurenza stated they received notification. Mr. Warner asked Mr. Bull if he were registered for Notice of Meetings (receive notice of all meetings throughout the town). Mr. Bull stated no. Mr. Warner stated in the future, he will notify the Commission of all ARC meetings.

7. Approval/Correction of the Minutes

Prior to the vote, Mr. LePard asked if a response had been given regarding a time limit for the completion of regrading and restoration work at WFS (page 6, WFS: Regrading/Restoration of Site, second sentence). Mrs. Batzner stated there was no response. Mr. Warner stated he did not give a specific time frame. Mr. LePard asked if there is a time frame. Mr. Warner stated the Stipulated Judgment states nine months after closure. Mr. LePard asked how the Commission can contemplate future projects on this site if the original project isn't finished. Mr. Warner stated the only thing the Commission can do is start enforcement against Doug Anderson, owner of WFS, and take him to court for not being in compliance with the Stipulated Agreement. Mr. Warner stated Mr. Anderson has been before the Commission several times to discuss potential options for the property. Mr. Warner asked why Mr. Anderson would regrade the property if it will not meet his future needs. Mr. Warner stated if the Commission wishes, he will contact the town's attorney. The majority of the Commission stated no. Mr. Wallor stated it's his belief that Mr. Anderson will be coming before the Commission in a couple of weeks to make a proposal; and at that time, it would be up to the Commission to approve or deny that proposal. Mr. Bull asked if leaving the land as it is, would it be harming anyone. Discussion followed in regard to the Stipulated Agreement.

In response to Mr. LePard's original question, Mr. Warner stated the 3 February 2022 minutes cannot be amended to reflect the time frame as it was not discussed at that time; however, it can be noted in tonight's minutes (above paragraph, fourth and fifth line down). Mr. LePard was satisfied.

Mr. Wallor questioned a potential typo (page 4, Meeting, first paragraph, first sentence). After a brief discussion, it was determined there was not a typo.

MOTION: Steve Bull motioned to approve the 20 January 2022 minutes as submitted. Jamin Laurenza second. Motion carried unanimously.

8. Chairman's Report

POCD Implementation Committee (PIC) – Mr. Bull reported PIC met on Thursday, 27 January 2022, and recommended Mike Karam to fill Lynne Cooper's position. Mr. Bull also reported that Lisa Malloy

withdrew her request to be on PIC and that Kate Anderson was elected chairman. A brief discussion followed regarding Mr. Karam's credentials.

MOTION: Ed Wallor motioned that Mike Karam take over for Lynne Cooper who resigned from the POCD Implementation Committee (PIC) and his term will expire along with the balance of the Committee on 10.01.2024. Jamin Laurenza seconded. Motion carried unanimously.

9. Scheduling of Hearings

a) Proposed Zoning Text Amendment to Adopt New Section 8A – Adult Oriented Uses In the I-2 Industrial Zone - Public hearing – Thursday, 17 February 2022.

b) Proposed Amendments to Section 5.6 Prohibited Uses to Remove Tattoo Parlors as Prohibited Use and Add Adult Land Uses - Public hearing – Thursday, 17 February 2022.

c) Proposed Amendment to Allow Tattoo and Body Piercing Parlors by Special Permit in the Commercial (C-1), Tylerville Village and Higganum Village District Zones - Public Hearing – Thursday, 17 February 2022.

d) Granite Springs, 124 High Street – Special Permit, Change to Existing Non-Conformance Use - Public Hearing – Thursday, 17 February 2022.

Brookes Court – Mr. Bull asked if an application is pending. Mr. Warner stated there are 32 additional units being requested. ARC has already approved the plans. The Commission has the minutes of that review. A hearing may be scheduled in March.

Marijuana Sales – Mr. Chadwick asked whether Haddam will need to make decisions regarding the sale of marijuana. Mr. Warner stated the Commission prohibited recreational marijuana a few years back. Mr. Warner stated the Dept. of Consumer Protection has come out with guidelines. Noted that the permitting license is very expensive. A brief discussion followed.

10. Town Planner's Report

Discussion on Affordable Housing Plan – Mr. Warner reported the Commission has already had one meeting regarding this matter and that CGS 8-30j requires every town in Connecticut to have an affordable housing plan. Mr. Warner stated he applied for a grant and received \$15,000 to work on a plan. Tonight's presentation is a continuation of the presentation of the affordable housing process.

Mr. Warner reported at the last presentation the conclusion was there are a sufficient number of single family homes in Haddam even in the current market; however they do not satisfy the State definition of "affordable housing" as they are not deed restricted. Other issues were outlined as to what would prevent housing to be affordable. Noted that the new apartments will add diversity to the housing stock. Reviewed income levels to qualify for affordable housing as well as affordable home prices and rents. Mr. Warner stated at \$2 per square foot not including land and soft costs it costs \$400,000 to build a 2,000 square foot home.

Mr. Warner reviewed population growth and projections, median age (48 years) – younger people are leaving and older people are staying; buildings permits taken out in Haddam (peaked 2004 with a steady decline thereafter; however, in 2020 - 11 permits and 2021 – 13 permits). Mr. Warner noted the speculative market is dead. Mr. Warner reviewed the number of units that may be needed and then reviewed what would be a realistic goal – create 10 to 30 affordable units in 10 years (2023-2033). The Commission felt this was reasonable.

Mr. Chadwick asked about deed restriction. Mr. Warner stated a deed indicating the rent can only appreciate with the CPI would need to be filed on the land records. Mr. Chadwick spoke in regard to a two family house he currently has on the market and those who have looked at it want to convert it into a single family home.

Mr. Warner stated at the next meeting the Commission will need to think about how this will work, where affordable housing would go, and Board of Selectmen (BOS) involvement.

Mr. Luisi asked if the two apartment complexes would fit in with the affordable housing issue. Mr. Warner stated no, as they are fair market units. Mr. Warner stated if at the last hearing someone had said let's have affordable housing, the Commission would have been telling that developer that he would have to lose \$730 on 12 units (30 percent of units). Discussion followed in regard to how to make up the short fall created by affordable housing (would need to get the BOS involved).

Mr. Warner stated he would start writing the plan and hire a consultant. Mr. Wallor stated if a developer wanted to come in and circumvent P&Z they could building whatever they wanted. Mr. Warner stated yes, as long as 30 percent of the units were affordable and there was no public health or safety problem, P&Z would have to approve it.

Mr. Wallor stated it was his understanding, unless something had changed, as long as the town was making an attempt to have affordable housing, it would be less likely for the town to be taken to court. Mr. Warner spoke in regard to the Housing Opportunity District (HOD) Zone and noted that 10 units per acre will not work. Discussion followed with Mr. Warner stating the town is supposed to have 10 percent affordable and it's only at three percent, but it's not unlike surrounding towns with the exception of Middletown.

A copy of the presentation is on file with the minutes in the Town Clerk's Office and the Land Use Dept.

11. Adjournment

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

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

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 17 February 2022.