

**TOWN OF HADDAM
PLANNING AND ZONING COMMISSION
PUBLIC MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT 06438
THURSDAY, 17 JUNE 2021
APPROVED MINUTES
*Approved as Submitted at the 2 September 2021 Meeting***

ATTENDANCE

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

1. Call to Order

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

The agenda stood as submitted.

5. Public Comments

Prohibited Uses – Liz Bazazi, Lake Avenue, Higganum, voiced her concerns about some recent P&Z decisions. Ms. Bazazi spoke in regard to the previous zoning regulations being written in the affirmative and that it had been recommended that a list of prohibited uses be added. Ms. Bazazi noted at that time she was an alternate and did vote for the changed.

Ms. Bazazi stated since that time, the regulations have been changed to allow a tattoo parlor, that was already in town, into Higganum Village; and it's her understanding there may be a gun store moving in as well. Ms. Bazazi stated she is uncomfortable with the procedure and believes the regulations should be reviewed, rewritten in the affirmative, remove the prohibited uses list, and clarify what specifically is allowed in retail (perhaps consult with a land use attorney to neaten it up).

In conclusion, Ms. Bazazi stated although she is not opposed to these uses, that out of ten businesses three are bars, two are package stores, one is a tattoo parlor, and one potentially a gun store and believes this starts to reach a critical type of mass that reaches non-family oriented uses. Ms. Bazazi stated she is concerned about this. Ms. Bazazi stated she had read in the minutes that Mr. Warner had stated in order to maintain a family oriented environment certain uses should not be allowed and noted this is within the POCD as well.

6. Public Hearing/Public Meeting

There was no public hearing scheduled.

7. New Business

a. Prohibited Use Review

Mr. Bull stated he tends to agree, in part, to what Ms. Bazazi had to say. First, in the individual zones it starts off with allowable uses and if not listed it's prohibited. Mr. Warner asked Mr. Bull if he had read the list of prohibited uses (Section 5.6 – Exhibit A; on file with the minutes in the Town Clerk's Office and the Land Use Office). Mr. Bull cited Section 7A – Village District. Mr. Warner stated perhaps in the Village District, but nowhere in the individual zones does it say if it's not mentioned it's not permitted. Mr. Warner stated traditionally there are the residential and commercial zones, which say permitted uses and special permit uses, and then there's the Prohibited Use Section 5.6 which outlines what is not allowed. Mr. Warner stated having a list of prohibited uses is not uncommon citing historical uses that had a negative connotation. Mr. Bull stated the problem he has with the list is that the Commission cannot predict what will be prohibited in the future and it's an ever changing list. Mr. Bull felt that if the specific list could be eliminated, it may work better. Mr. Bull distributed copies of an older version of the prohibited uses list with comments/suggestions written on it (Exhibit B; on file with the minutes in the Town Clerk's Office and the Land Use Office) and reviewed with the Commission. Mr. Bull stated he is suggesting that in Prohibited Uses people are referred to the individual zones for permitted uses and prohibited uses would fall under three categories.

Mr. Wallor stated he agrees with Mr. Bull's premise; however, using outdoor wood burning furnaces as an example, stated they are more efficient today than the oil burner in a house. Discussion followed as to why outdoor wood burning furnaces were prohibited – when initially available they were not regulated and neighbors did not like smoke coming into their yards and houses. Mr. Wallor and Mr. Luisi stated these are boilers and not furnaces. Mrs. Block stated when the Commission initially spoke about the list a year and half ago it became contentious. Mr. Laurenza stated they are now state regulated and the Commission needs to adopt it. Discussion followed.

Mr. Laurenza asked Mr. Warner the purpose of reviewing Section 5.6. Mr. Warner stated Mr. Bull had asked to discuss the section in response to what transpired previously.

Mr. Warner asked the Commission if they didn't think the removal of tattoo parlors from the prohibit use list wouldn't be controversial, because then they would be allowed anywhere. The current regulation only allows one. Mr. Warner stated while in Farmington, Halloran and Sage reviewed the list and put in the ones expressly prohibited. Mr. Warner stated he believes a lawyer would say Mr. Bull's criteria are too vague. Mrs. Block stated if the Commission could explicitly define what retail means in the affirmative and say that it encompasses specific things and if not on the list it's not allowed. Mr. Warner stated you could never name every retail market.

Mr. Wallor stated Teddy's Gun Shop was in Higganum until several years back. Mr. Warner stated gun shops are allowed under retail. Mr. Warner stated at the bottom of his handout of Section 5.6 (Exhibit A) are items that the Commission has not thought of or discussed. Mr. Warner stated as of today it is not illegal in Connecticut to use recreational marijuana and Haddam is ahead of the game because it's prohibited; however, the Commission can decide to remove it from the prohibited uses list (would take 30 days to do so) or leave it.

Mr. Bull asked what adult land uses are. Mr. Warner stated strip bars, porno shops, etc., which is allowed except in the Tylerville Village. Mr. Bull stated that should be fixed and that there should be some consistency between the two villages.

Mr. Bull stated the other item he agrees with Ms. Bazazi on is the term retail being too vague. Mr. Warner stated it's allowed – retail sale of goods. Mr. Laurenza stated it's easier for the Commission to say what they would not want in Haddam than what they would want and the list will have to change on a continuous basis. Mr. Bull agreed, but it will probably change in reaction to someone getting something in we won't want.

In regard to Mr. Laurenza's question about what the town may want, Mrs. Block stated she believes that's where the POCD comes in as it was developed to guide the Commission's planning decisions. Mr. Warner stated in the POCD it does not say anywhere the types of uses the town wants. Mrs. Block agreed that the POCD was not that specific; however, it does say, "Importantly, 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, finishing, hiking, and camping, are also appropriate for Higganum." (Read from the POCD, Businesses & Jobs, second paragraph, page 12.) Mrs. Block felt this would assist in framing the appropriate wording and forming zoning decisions. Mr. Warner stated the Commission wants to protect the town from things that are negative. Mrs. Block stated even if something is legal it does not mean it's something that is wanted in town. Mr. Warner spoke in regard to methadone clinics and the additional problems they can create and cited Middletown's recent denial of a methadone clinic.

Mrs. Block stated she felt the Commission should make distinctions that there may be some uses that are okay but may not belong in the village districts. Mrs. Block stated there are only so many commercial spaces within a walkable area within the villages and those should focus more on what the POCD speaks about. Using the zoning map, Mr. Warner pointed out the areas that would allow commercial. Mr. Laurenza noted an informal commercial proposal that was presented to the Commission and three members were opposed to it due to its location.

Mr. Warner stated he believes the prohibited use list serves the town well and even if a proposal is made, there has to be a public hearing process. Discussion followed at length in regard to population density with it being noted that employees from other businesses – lumber yard, wire factories, school, etc., are no longer in town. Mr. Luisi stated the go to businesses are what bring people to town.

Discussion followed in regard to the wording of the tattoo parlor approval and the language within Section 5.6. Mr. Warner read the recently approved language. Mr. Warner stated the Commission has complete control over the prohibited uses list. Mrs. Block asked if there was pending legislation regarding the sale of flavored tobacco and if it would be helpful to add it to the list. Mr. Warner stated there is a rumor of a vaping shop opening next to AJ's, but the town has not heard from anyone.

Discussion followed in regard to adding adult entertainment to the prohibited uses. Mr. Warner stated it would need to be prohibited because of the secondary impacts of the adult land use and he has material that will assist in forming the proper language.

Mr. LePard suggested the Commission review the list of prohibited uses, as provided by Mr. Warner, item by item and a vote be taken as to whether that item should remain on the list. Mr. LePard stated as the Commission reviews the list, if there has been a change in criteria perhaps the Commission needs to change their thought pattern. Mr. LePard used Item #11 – Sale or dispensation of any form of recreational marijuana as an example noting medical marijuana is currently sold through the pharmacy.

The Commission reviewed the list: A. Outdoor wood-burning furnaces – Remove. Furnaces should meet the state regulations. B. Dumping, etc. – Remain. C1. Private correctional facilities – Remain. C2. Alternative incarceration centers – Remain. C3. Methadone clinics – Remain. C4. Sale of drug paraphernalia – Remain. C5. Tattoo and/or body piercing studios, etc. – Current language would require a new business to ask for a change in the language to allow them to establish a business in town. If language removed, a tattoo parlor would be allowed anywhere in town. Discussion followed. Remove. Allow by Special Permit. C6. Pawn broker or secondhand dealer – Remain. C7. Check cashing establishments – Remain. C8. On site gambling, etc. – Mr. Warner noted this is relevant as the State now allows sports gambling. Remain. C9. Junk dealers, etc. – Remain. C10. Hookah lounge – Remain. C11. Recreational marijuana – Discussion followed in regard to revenue to the town - three percent of the sales tax - and medical and edible marijuana. Remove. Allow by Special Permit.

Items to be added: Adult land uses. Mr. Warner will provide language. Commissioners to think about additional items they may want to add to the list and to be further discussed at the September meeting.

Item continued until Thursday, 2 September 2021.

**b. Request for Change of Easement Map 37, Lot 11 and Possibly Lot 10 on Brookline Avenue.
Applicant: Jorge Duran**

Mr. Warner reported that Mr. Duran was unable to attend tonight's meeting as he was away on business. Mr. Warner stated Mr. Duran has just purchased the lot and would like to keep things moving in order to build his house.

Using a map (Exhibit A; on file with the minutes in the Town Clerk's Office and the Land Use Office), Mr. Warner pointed out the entire conservation area (designated in purple) that was placed on the land when the Commission approved the subdivision. Mr. Duran is requesting a change to the conservation easement as he would like to build his house in the back corner of the lot which is currently a part of the conservation easement and exchange the land with an equal or larger area of land (designated in white crosshatch). Mr. Warner stated he walked the site this morning; and as pointed out by Mr. Duran, the proposed new easement area is a mature heavily wooded area (Exhibit B; photos – on file with the minutes in the Town Clerk's Office and in the Land Use Office); whereas, the conservation area that is being proposed to be removed has been cleared in the past for ATV trails.

Mr. Warner stated if the Commission is agreeable to the switch as well as the conditions as outlined in the motion, this matter can move forward.

Prior to the vote, Mrs. Block asked if there were any wetlands on the lot. Mr. Warner stated no.

MOTION: Steve Bull motioned to approve: Modification of conservation easement encumbering Lot 10 as displayed on attached plan with the following conditions: 1. Reduction in conservation easement area on Lot 10 shall be replaced with equal or greater area of conservation easement on Lot 10. 2. Submission of a formal survey map displaying modification for filing in Town Clerk's Office. 3. New soil testing in area of proposed home. 4. Written consent from owner of Lot 9 aka 46 Brookline Ave. Ed Wallor second. Motion carried unanimously.

8. Correction/Approval of the Minutes

MOTION: Ed Wallor motioned to approve the 20 May 2021 and 3 June 2021 minutes as submitted. Jamin Laurenza second. Motion carried unanimously.

9. Chairman's Report

There was nothing new to report at this time.

10. Scheduling of Hearings

There are no hearings scheduled at this time.

11. Town Planner's Report

Mr. Warner reported that a lot of good and positive things are beginning to start in town, but was unable to provide details at this time.

Meetings – July: Meetings are cancelled. **August:** No meetings scheduled pursuant to the by-laws. **September:** The Commission will meet again on Thursday, 2 September 2021.

12. Adjournment

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

The meeting was adjourned at 8:28 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 2 September 2021.