

**TOWN OF HADDAM
PLANNING AND ZONING COMMISSION
PUBLIC HEARING/MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT
THURSDAY, 15 DECEMBER 2016
UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Steven Bull, Vice Chairman
X	Arthur Kohs
X	Michael Lagace
A	Jamin Laurenza, Chairman
X	Wayne LePard
X	Carmelo Rosa
X	Edward Wallor, Secretary
X	Robert Braren, Alternate - Seated
X	Raul de Brigard, Alternate (7:03 p.m.)
A	Frank (Chip) Frey, Alternate
X	Liz West Glidden, Town Planner
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mr. Bull, vice chairman, called the meeting to order at 7:00 p.m.

2. Attendance/Seating of the Alternates

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

3. Additions/Corrections to the Agenda

Mrs. Glidden explained the second revision to the agenda. Addition under Item #9 Scheduling of Hearings: Petition for Zone Change, Killingworth Road, Residential to Industrial Park Zone.

4. Public Comments

None.

5. Public Hearing/Public Meeting: Petition to change Zoning Designation from (Residential) R2 to (Industrial) I-1 for a 6 acre parcel on Beaver Meadow Road, owned by Gilbert Madore and Shown on Tax Map 46, Lot 2 and a Special Permit to allow for Material Processing On Site and the Outdoor Storage of Materials.

Michael Harkin, engineer, Harkin Engineering, and Vincent Madore, were present.

Using a site plan, Mr. Harkin reported the 6.6 acre site is landlocked and pointed out the location of an area where the power lines go through the property and areas on the parcel being used for processing and material/equipment storage (already in place). Mr. Harkin stated there's a berm to protect anything from spilling out onto the CL&P property. Mr. Harkin reported that 90 percent of the material and equipment is already on site; however, the proposed composting area is not on site at this time. Mr. Harkin

reported that Gilbert and Vincent Madore would like to take in leaves and process them to make compost. Continuing to use the map, Mr. Harkin pointed out the following proposals: 1) An existing fence (to be removed). 2) The areas for the installation of a 50 foot by 100 foot metal building for equipment storage (northeast corner of property) and a 40 foot by 100 foot three sided/roofed material storage area (bins; concrete blocks) on the backside of the milling pile (northern corner of property). 3) The area for a 15 foot buffer. 4) No grading or filling is proposed.

Mr. Harkin read a letter submitted as part of the package outlining what material and equipment is currently on site and what is proposed. Mr. Harkin reported in the detailed operations of use, hours of operation will be Monday through Friday 7:30 a.m. to 5:00 p.m., Saturday 7:30 a.m. to 5:00 p.m., and Sunday and federal holidays no trucking or processing of materials; however, people will be allowed to be on site on Sunday (example – mechanical/cleanup of equipment; otherwise, no processing of leaves, moving of material, or trucks coming into the property).

Mr. Harkin reported he and Mr. V. Madore have met with Mrs. Glidden as well as with Jim Puska, Zoning Enforcement Officer and Wetlands Enforcement Officer, in regard to the process to make sure the application packet was complete.

Mrs. Glidden asked how big the buffer around the site will be. Mr. Harkin stated 15 feet is being proposed around the entire site. Mr. Harkin also stated the buffer is also shown in the location of the power lines although the power company has an easement to pass through the area. Mr. Harkin noted there are no plans or reason for his client to use the right-of-way as its CL&P's space. Mr. Harkin used a GIS map to show the area (submitted in packet).

Mr. Bull asked if there was an operation taking place on the property at this time; and under what regulation or site plan or special permit is it operating under. Mr. Harkin stated yes, there is an active operation on site, but does not know the circumstances behind it. Mrs. Glidden stated it's an illegal operation as the area is zoned residential. Mr. Bull asked Mr. Madore if he was aware of this with Mr. Madore responding yes. Mr. Madore stated the operation has been going on since his father was alive, at least 15 years, and is buffered by state forest on three sides and is not adjacent to anyone's backyard. Mr. Harkin stated one reason for coming before the Commission is to make this non-conformity legal by changing the zoning. Mr. Wallor asked if by changing the zoning to I-1, the operation is permitted. Mrs. Glidden stated yes, it's a special exception use. As a point of clarification, Mrs. Glidden stated she was not here 15 years ago, but approximately over the past four or five years the town has gone out to the site and had on and off Cease and Desist Orders. Mrs. Glidden stated she doesn't argue that the matter is non-conforming, but that this is a path to legalization.

Mr. Bull asked if there would be any material removed from the property. Mr. Harkin stated there will be no mining, noting that the site is very flat with a gentle grade. Using the map, Mr. Harkin also stated the westerly corner of the property drops off about 30 feet and the Madores would not be able to push any further as this is where CL&P is located.

Mr. Kohs asked if there were any objections from the neighbors. Mr. Harkin stated he had not heard of anything other than inquiries. Mr. Madore stated he had not heard any objections.

Mr. Bull asked if there was a posting requirement. Mrs. Glidden stated yes, and that the property was posted.

Mr. LePard and Mr. Lagace asked who the closest neighbor is. Mrs. Glidden stated the Eddinger's abut the property by the corner of Beaver Meadow. Mr. Harkin stated there is an abutter, but the entry driveway does not abut the Madore property. Mr. Lagace asked if the entry driveway is a right-of-way. Mr. Harkin stated it is a right-of-way easement, but he didn't track the legality of the easement. Mr. Madore stated the easement goes to the interior lot and the one house on the left has the right to use the right-of-way to cross over to the small piece of property. Mr. Madore also stated the right-of-way isn't a right-of-way for the Eddinger's lot on the side, it's only for the interior lot. Mr. Harkin asked Mr. Madore how long the driveway is with Mr. Madore responding 1,500 feet (from Beaver Meadow to the interior lot;

noted it goes under the power lines). Mrs. Glidden stated she has reviewed the easement documents and the Madores have a legal easement with CL&P.

Mr. Rosa asked if certified letters to abutting property owners were required. Mrs. Glidden stated no, not with a zoning change only the posting of a public hearing sign on the property and a legal notice in the Middletown Press, the town's website, and on the Town Clerk's bulletin board are required. Mr. Harkin noted that the physical address for the lot on the accessor's card states Ranger Road; however, the sign was posted on Beaver Meadow Road as that's the main entry driveway (photo taken and submitted to Mrs. Glidden). A brief discussion followed in regard to the location of the property with Mr. Wallor noting that the Commission is familiar with the area due to the Eddinger application. Mrs. Glidden stated if the Commission would like, they could schedule a site visit.

Mr. LePard asked if there had been an industrial park revision that may have pertinence to this application. Mrs. Glidden stated it wouldn't because this is I-1 a different zone. A brief discussion followed in regard to the differences between I-1, I-2, and Industrial Park Zone.

Mr. de Brigard asked about the implications, not just for this use but for any others, should this be approved as an Industrial Park Zone; and if the Special permit is that controllable. Mrs. Glidden stated she believes the Special Permit is controllable; and due to other institutional uses (Eversource and State Forest), the site is buffered so while it doesn't abut other industrial it is close to an exit off Route 9, buffered, and the Special Permit as submitted is appropriate for this site.

Mr. Bull stated the traffic to Route 9 will go up Beaver Meadow. Mrs. Glidden agreed. Mr. Kohs stated it shouldn't be a problem. Mr. Wallor agreed. Mr. Braren asked if it will increase the traffic. Mr. Bull stated yes, 30 trucks a day according to the applicant's presentation. Mr. Harkin stated in the statement of use it indicates approximately 30 trucks per day during the high leaf season. Mr. Madore stated approximately four or five trucks will be coming in and out in a day, maybe 10 trucks for one day, and then no trucks for four or five days. Mr. Madore also stated they are currently using the site and have tried to be courteous to all of the neighbors. Mr. Madore stated there have been issues with other truck traffic, but it has not been his trucks; and since he will be bringing the material in and out of site, he can control his trucks. Mr. Madore noted he has not received any complaints about truck traffic. Mr. Madore also noted the site will not be open to the general public. Mr. Rosa asked Mrs. Glidden if there have been any documented complaints. Mrs. Glidden stated no, she has not received any complaints specific to Madore, but the WFS trucks go by this site; and if complaints are received, it's usually about WFS trucks.

Mr. Bull asked if a special permit is granted, can one of the conditions be only Madore trucks be on site, no outside trucks and no sales from the site. Mr. Madore stated they would like to get municipalities to use the site for leaf recycling and the towns like to use their own trucks rather than pay for a hauler. Mr. Bull stated it won't just be Madore trucks. Mr. Madore stated correct. Mr. Braren asked if the 30 trucks a day would include all trucks. Mr. Madore stated yes, and that he doesn't believe 30 trucks will be coming in a day, it was a safe number. Mr. Harkin stated the truck count is for both the construction aspect as well as leaf traffic.

Mr. Bull stated there's an area for screened millings; and asked how that material will be arriving on site. Mr. Madore stated no outside contractors will be coming on site, only he will be bringing the material on site. Mr. Bull asked if there were any regulations controlling leachate from the milling stockpile. Mr. Madore explained the only time there's a concern is when the material is being ground (airborne particles). Mr. Bull asked if the millings would be further processed. Mr. Madore stated the millings would be screened to make a product that is useful. Mr. Madore also stated all of his topsoil is tested (highly regulated). Mr. Bull asked if any of the millings will be ground on site. Mr. Madore stated no, the millings are already ground when they arrive on site and the only process he would do is screen them.

Mr. Rosa asked how long it takes for leaves to turn into topsoil. Mr. Madore stated approximately six months and explained the process of forming windrows six feet tall by eight feet wide, turning the leaves and pushing the rows together as they breakdown, monitoring temperature, etc.

Ed Schwing distributed and read a letter, dated 15 December 2016, (Exhibit A – 2 pages; back to back) [copy on file in the Town Clerk's Office]. Mr. Schwing stated the Commission is not enforcing their regulations.

Mr. Schwing stated the application indicates there are no wetlands; however, the GIS site for the town shows a small portion of wetlands on the site. Mr. Schwing asked if there would be issues with runoff entering Mill Creek.

Melissa Schlag asked if the applicant will have to follow Section 18 Earth Material Operations. Mrs. Glidden stated they would not as it's not an earth materials operation (not removing material) and that's why they are asking for the industrial zoning. Ms. Schlag questioned the Commission thinking this wouldn't be an earth material operation. Mrs. Glidden stated that would be her interpretation.

Ms. Schlag stated she doesn't mean to be attacking the Madores as they work hard, but this has gone beyond that noting when she was first selectman and complained about the property, as Mrs. Glidden is aware, and others complained about gravel being in the road. Ms. Schlag also stated she finds it hard to believe that this is not an earth materials operation when material is being brought in, letting it sit there, processing it on site, stockpiling it on site, making noise, and having businesses coming in and out with their material. Ms. Schlag stated the only difference between this proposal and WFS, sand isn't being removed; although material has already been removed which the Commission isn't aware of. Ms. Schlag noted the amount of taxes paid on the site as a residential property.

Mr. Schwing stated the definition of a materials operation is not just removing material, but also to bring fill in. Ms. Schlag stated the definition is filling and removal, which are both taking place on the site, as well as heat and loam. Ms. Schlag also stated she didn't see an erosion and sediment control plan. Ms. Schlag noted there had been complaints of odors in the brook and there was suspicion the Madores may be getting some type of product from a greenhouse that has some strange things in it that make its way into the brook (unclear if this is true).

Ms. Schlag asked if WFS could change their zone to industrial and negate all their erosion control measures, etc., if they wanted too. Mrs. Glidden stated if they wanted to request a zone change they could. Ms. Schlag asked if the sediment control plan, the bond, etc., for WFS would then all go away. Mrs. Glidden stated they would still have to have sediment and erosion controls in place (by special permit standards). Ms. Schlag asked if there was a bond associated with Section 15. Mrs. Glidden stated no. Ms. Schlag asked if there were erosion controls associated with this proposed plan. Mrs. Glidden stated no. Ms. Schlag asked if an erosion control plan was a requirement for a special permit under Section 15. Mr. Harkin stated the plan does show erosion controls that are in place (a wood chip berm going around the screened milling piles; a note on the plan; on the second sheet DEEP and DOT requirements listed); and if needed, everything is on the plan to be put in place. Mr. Harkin stated the site is completely stabilized and they have no objection to installing additional erosion controls or providing monthly reports to the town.

Mr. LePard asked if the notes on the second sheet contained information pertaining to dust, odors, noise, glare, vibration, etc. (this is from Section 8 – Industrial Zone – I-1; 8.4 - Performance Standards of the town's regulations). Mr. Harkin stated he did not know what Mr. LePard was reading from; however, the notes contain DEEP requirements (DEEP Soil and Erosion Control Manual). Mr. LePard asked if there was anything on the notes that addresses the regulation standards. Mr. Harkin stated he would need to cross reference the two sets of guidelines, but noted that the application has to follow the town's regulations as well as DEEP's regulations.

Mr. LePard asked if a mining operation and an earth material operation are one and the same. Ms. Schlag stated earth material operations are covered under Section 18 of the town's zoning regulations and that mining is one of the items in Section 18 as an earth material operation. Mr. LePard stated based on the calculation Mr. Madore has provided his operation would appear to be minor compared to WFS; however, both operations would be using the same roads.

Mrs. Glidden stated when Mr. Madore and Mr. Harkin came to inquire about possible zoning classifications that might work, she recommended I-1 as they are talking about storage and processing and this would be a better fit than the earth materials operation special permit in a residential zone. Mr. Wallor stated he agreed with Mrs. Glidden as WFS changed people's horizon; whereas, this proposal will not. Mr. LePard asked if there was residential around this proposed site. Mrs. Glidden stated yes, it's zoned residential. Mrs. Glidden asked Mr. Madore and Mr. Harkin where the closest residence is. Mr. Madore stated at the end of the driveway. Mr. Harkin provided distances to the various residences within the area with all being over 1,000 feet away.

Mr. Schwing stated the Commission should not have been put in this situation and that the town planner and the zoning enforcement officer should have stopped this operation when he filed a complaint in 2013. Mr. Schwing stated he doesn't understand why the town planner is trying to find a way to legalize something that was not supposed to be there in the first place. Mr. Schwing asked about the neighbors, the area, and the residents and why the town is allowing one person to change the zone completely instead of enforcing the regulations. Mr. Bull stated it's a good process, as Mr. Madore would like to make the operation legal and this opens the conversation. Mr. Bull also stated Mrs. Glidden is not making the decision on this matter, but only presenting options to the applicant. Discussion followed as well as review of the maps.

Mr. de Brigard asked if there was some why this application could be further advertised. Mrs. Glidden stated this application has met the advertising requirements already.

Yolanda Salomone, Little City Road, stated she understands how precious land is; however, it appears Mr. Schwing has a complaint with WFS. Ms. Salomone asked the Commission not to hold WFS's issues against the Madore family.

Ms. Schlag asked why go the industrial route and not the special permit for the earth materials route. Mrs. Glidden stated she felt the industrial zone would be more appropriate due to the storage and processing of material. Ms. Schlag stated the industrial zone would be easier for the Madores to do what they want to do; whereas, the earth materials operation permit would have restrictions. Mrs. Glidden stated she wouldn't argue that it would leave things wide open, but she would argue that earth materials operation permit in Section 18 has some challenges and some problems and this Commission has talked about it. In regard to WFS, Mrs. Glidden also stated a part of WFS is a legal non-conforming, as determined by a court of law, and the other part isn't; therefore, any changes to the earth materials operation is going to render that section of WFS non-conforming. Mrs. Glidden stated she doesn't believe rezoning the area I-1 is giving the Madores a blank check as the special permit standards have to have a statement of use, a plan recorded on the Land Use records, and they have to meet the standards in Section 15. Ms. Schlag stated in the industrial zone a bond or 50 foot buffer would not apply. Mrs. Glidden stated the Commission could require these things. Ms. Schlag asked the current side setback within the regulations for residential. Mrs. Glidden stated residential is 20 feet. Ms. Schlag asked Mr. Harkin if the setback is 15 feet. Mr. Harkin stated he provided a 15 foot buffer with no buildings or fill within 20 feet of a property line (only natural occurring materials). Ms. Schlag stated in her opinion this is spot zoning; and in the middle of an update of the Plan of Conservation and Development (POCD), she finds it frustrating that the town is spending money for this update, when you can zone anything you want at a meeting.

For clarification purposes, Mr. Harkin stated a comment was made that the Statement of Use indicates there are no wetlands; however, the Statement of Use states "there appears to be none". Mr. Harkin also stated subsequent to submitting the application the wetlands enforcement officer viewed the site and noted a small area of wetlands on the site which will have no bearing on the proposal.

Mr. Harkin noted the proposal is not for the mining/removal of material out of the ground nor is it for trucking in large amounts of material to fill in an area. Mr. Harkin stated the material will be trucked in, run through a screener, and stockpiled until it is needed and trucked to another site; and truck traffic for the leaf composting will be small.

Ms. Schlag asked if this permit is granted, that the Commission not allow the processing of material on Saturday to allow residents to have a peaceful weekend.

Mr. Schwing asked if the industrial zone would go with the land. Mrs. Glidden stated yes, zoning runs with the land as does special permits.

David Soule, Candlewood Hill, stated although the property in question is not within his view or the traffic running down his road, he does own a farm town and would appreciate a local composting operation in town as he currently has to purchase it from Enfield. Mr. Soule also stated he would like to see a legal operation that can provide material he would need within the town.

Melissa Gibson, Candlewood Hill, stated she also owns a local farm and would appreciate local composted material as she currently has to have material shipped in (noted cost factor). Mrs. Gibson also stated if conditions are set and maintained by the Commission and DEEP, it would be nice to have something local.

Mrs. Glidden advised the Commission not to close the public hearing if they are planning to schedule a site walk. Mr. Bull asked if a certified mailing could be requested. Mrs. Glidden stated she didn't believe so, but would ask the land use attorney. Discussion followed at length as to whether or not a site walk would be beneficial and that the site walk should be scheduled as a Commission not individually so everyone gets the same information.

Mr. Madore stated he spoke to the owner of the one house in the front, referenced throughout the hearing as the chicken coop house, and she had indicated she had no problem with the proposal. Mr. Madore noted she has not filed a complaint or an objection.

SITE WALK: Saturday, 7 January 2017, 10:00 a.m., Interior Lot off Beaver Meadow Road.

MOTION: Ed Wallor moved to continue the public hearing until Thursday, 19 January 2017, at the Town Hall, 21 Field Park Drive, Haddam, 7:00 p.m. Carmelo Rosa second. Motion carried unanimously.

Public Hearing continued until Thursday, 19 January 2017.

Meeting: Item continued until Thursday, 19 January 2017.

6. Public Hearing/Public Meeting: Text Amendment to the *Haddam Zoning Regulations* to Revise the Open Space Requirements for the Industrial Park Zone as Shown in Section 9.5 of the Zoning Regulations.

Mr. Bull opened the public hearing at 8:14 p.m.

Mrs. Glidden reported the Commission has previously discussed that the regulation is not practical in regard to the setback requirement in the setback chart. The proposal is to strike Section 9.5 a, b, and c which discusses the open space requirement, specifically the ratio of seven square feet of land area to one square foot of floor area. Mrs. Glidden reviewed the proposed amendment.

Mr. LePard asked for an example to understand the issue better. After several examples were given, discussion followed with it appearing one-eighth of land can be for the building and the rest has to be open space. Mrs. Glidden stated she felt the Commission would want an industrial park zone to be denser. Mr. LePard noted the seven to one ratio is still within the proposed amendment. Mrs. Glidden stated this should have been crossed off; and since it was not, the public hearing will need to be continued to allow for this matter to be readvertised. Mr. Bull asked Mrs. Glidden to quickly review the proposed amendments, which she did.

MOTION: Ed Wallor moved to continue the public hearing until Thursday, 5 January 2017, at the Town Hall, 21 Field Park Drive, Haddam, at 7:00 p.m. Carmelo Rosa second. Motion carried unanimously.

Public Hearing continued to Thursday, 5 January 2017.

Meeting: Item continued until Thursday, 5 January 2017.

7. Approval/Correction of the Minutes

MOTION: Carmelo Rosa moved to approve the 17 November 2016 minutes as submitted. Ed Wallor second. Motion carried unanimously.

8. Chairman's Report

None.

9. Scheduling of Hearings

Mrs. Glidden reported on the following:

Acceptance of Petition for Zone Change for property on Brookes Court from Commercial to Housing Opportunity District – The applicant has requested to do the zone change only at this time. Lots 1, 3, 4, and 5 are seeking the zone change. Information packet distributed to the Commission. Discussion followed.

Acceptance of Petition for Zone Change for property on Killingworth Road from Residential to Industrial Park Zone – Lot #4-1 (no fixed address) – This 2.5 acre parcel is adjacent to 457 Killingworth Road (recently changed to Industrial Park Zone). The applicant is seeking to purchase this parcel as well as a zone change in order to combine the two parcels. Information packet distributed to the Commission.

10. Town Planner's Report

Mrs. Glidden reported on the following:

Grants – 1) Department of Economic and Community Development (DECD) Assessment Grant for the Scovil Hoe buildings (former state garage) has been submitted. 2) Transportation Alternative Grant for sidewalks in Tylerville. The COG has given number one priority to this application and we wait to hear more.

Plan of Conservation and Development (POCD) – Update – Information received at the 1 December 2016 workshop will be compiled and a follow up public meeting will be held either in March or April. A Meeting in a Box will be held at the Senior Center, Wednesday, 11 January 2017, 12:00 p.m.

Mr. LePard asked the Commissioners who sit on the POCD subcommittee if the reference to Shailerville will be dropped as it no longer exists. Mr. Bull stated it was discussed, but believes it should remain due to historical significance. Discussion followed at length in regard to Shailerville's location (from Plains Road to Old Turnpike Road) and the need for Shailerville and Haddam Neck to stay within the POCD as historical areas not for development.

11. Adjournment

MOTION: Ed Wallor moved to adjourn. Carmelo Rosa second. Motion carried unanimously.

The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 5 January 2017.