

**TOWN OF HADDAM  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING/MEETING  
HADDAM ELEMENTARY SCHOOL – GYMNASIUM  
272 SAYBROOK ROAD, HIGGANUM, CT 06441  
THURSDAY, 3 SEPTEMBER 2020  
UNAPPROVED MINUTES  
*Subject to Approval by the Commission***

**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
X	Robert Braren, Alternate
X	Alan Chadwick, Alternate
X	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**

Add: 5a. Approval of Minutes. The Commission agreed to the amendment.

Mr. Wallor asked that Approval of Minutes be added to the agenda. Mr. Bull asked that Public Comment be heard before the Public Hearing. Mr. Wallor stated he had asked that Public Comment be placed after the Public Hearing out of respect to the applicant in case comments became too lengthy. A brief discussion followed with it being decided to leave Public Comment where it was on the agenda.

**5. Public Hearing/Public Meeting**

**Request for a Special Permit to Allow for Demolition of Residential Structure Listed on Haddam Survey of Historical and Architectural Resources. 140 Dublin Hill Road, Map 06/Lot 042.  
Applicant: Tim Brewer**

Tim and Jean Brewer, owners/applicant, were present.

**Hearing:** Mr. Brewer distributed a packet titled "140 Dublin Hill Road, Planning Commission Meeting for Special Permit, September 3, 2020" to the Commission (Exhibit A – 29 pages; copy on file in the Town Clerk's Office and in the Land Use Dept.). This information is the same as presented at the hearing.

Mr. Brewer gave an introduction of his and his wife's time as residents of the town, their volunteerism to the town, and their immediate neighborhood involvement. Mr. Brewer also gave a synopsis of his credentials as an architect and various historic sites his firm has preserved.

Mr. Brewer asked why a special permit for the demolition of a single family residence is required noting that the new regulation is in direct response to the demolition of a house (1810 Shailer-Banning House, 85 Bridge Road) in Tylerville a few years back. Mr. Brewer stated this is a trial run and he and his wife are testing that regulation to see if it will work.

Mr. Brewer stated they have studied the 140 Dublin Hill Road site and building extensively (have owned for two years) as they wanted to determine what they would need to do to preserve/restore it, for a continued use either as a bed and breakfast, single family residence, or rental property (in-law apartment). Mr. Brewer stated they will show the Commission why it would be an unreasonable investment and why it will not work. Mr. Brewer stated relocation of the structure is an option if the timing is appropriate and there are no unreasonable or additional costs to he and Mrs. Brewer; and if it cannot be relocated, then removal is necessary.

Using the packet, Mr. Brewer reviewed a series of photos from the intersection of Route 154/Saybrook Road and Depot Road moving up Dublin Hill Road. Mr. Brewer noted there are a number of very large dwellings, turn of the century mostly, some fancier, and all were built before cars; however, some have a place a place to park their cars while others park on the street.

**Site** - Using an aerial site map within the packet, Mr. Brewer pointed out their house at 144 Dublin Hill Road as well as 140 Dublin Hill - sits at the bend in the road and has only 90 feet of frontage. Mr. Brewer indicated there is only one other property with less frontage.

**Site Challenges – Well and Septic (Cistern)** - Well located in the front yard to the south side of the house. Septic (cistern) is located to the rear. Mr. Brewer stated there is not appropriate separation and one or both of the utilities will have to go. **Driveway/Parking** - The aerial site map gives the impression there is a paved parking area on the northern side of the property, but there is not. The area is planted. To the south side of the property there is a swath of open space approximately 12 feet wide (towards 144 Dublin Hill) and in the middle of this is the well; therefore, you cannot come in with a car. Looking to the north side of the property there is approximately 45 feet of side yard, but would be difficult to develop a driveway. **Sightlines** – To the south side of the property sightlines are o.k. in both directions. However, to the north side of the property, Mr. Brewer indicated the following grades: 10 percent grade from the street (approximately three to five feet of fill would be needed to make a safe driveway grade) and a 100 percent slope (1:1 gradient) ravine (Mr. Brewer finds this to be dangerous). Mr. Brewer stated there is one location to the north side of the property where there is one point that is 30 feet below the center of the site at 100 percent slope. To the north side of the property the sight line to the left is o.k.; whereas, the sightline to the right is not o.k. Continuing to use the packet, Mr. Brewer pointed out a series of photos showing the steep grade of the slope - one taken from inside the 140 Dublin Hill house shows the steep grading to the rear of the property and a second photo shows Mr. Brewer looking up from the bottom of the slope – and two photos of an existing retaining wall and shed. Mr. Brewer stated the addition of three to five feet of fill will be a civil engineering project that will require an easement from the abutting property owner in order to construct a new wall. The existing retaining wall at the north property line is unstable and would need to be replaced as well as the installation of a fence for safety (voiced concern over the dangerousness of the slope in regard to children).

**Site Challenges Summary – For Reuse as a Single Family Residence** – Mr. Brewer reviewed the following: Provide new septic system and new well with appropriate separation from septic; off-street parking for one car within front yard setback; and fully fence north and east property lines for safety. Unstable retaining/grading along north property line cannot be resolved without an unreasonable investment. Civil engineering project will require construction easement at abutting property. The required site investment is disproportionate.

**The Building** – Circa 1875 Carpenter's Gothic Cottage - Mr. Brewer stated the building would be considered Picturesque and briefly talked about being careful with architectural characterization. Using a series of photos within the packet, Mr. Brewer discussed the difference between balloon-framed (1850-1930 - horizontal) and barn/braced framed (1875 - vertical); the chimney (charring and badly decayed; will need to be removed); interior of house – stairs (45 degree; headroom at top and bottom of stairs not sufficient; upper landing – not sufficient); circa 1950 full bathroom addition and access to plumbing; back entrance addition; granite foundation with brick laid on top of it; and water under pressure of the hydro-logic gradient streams through foundation wall (plastic shower curtain installed to slow down the water).

**Building Challenges – Summary – Historic** – The structure is the Leverette Spencer House circa 1875 Carpenter's Gothic Cottage (better classified as "Picturesque Style"), and an example of Higganum worker housing. Negatives – Balloon frame construction (no, it's a hybrid); granite foundations (no, soft brick plinth – possibly added at time of addition to raise floor level); original gothic Revival clapboard siding (no, horizontal purlins provided nailing for B & B); original bargeboard details (no, impossible to have "original" details on both the house and extension); remains untouched (no, siding is contemporary; windows are aluminum/PVC, with trim wrapped in aluminum. While the cottage certainly does not meet the criterion for a "well preserved specimen", it is, nonetheless, an example of worker housing that could be relocated and preserved, given substantial investment. **Safety and Utility of Structure – For Reuse as a Single Family Residence** – Hazardous materials abatement – done. Chimney must be removed – decayed and fire damaged framing has been replaced. Water infiltration through foundation must be stopped – vapor barrier at cellar floor must be installed. New systems required – heating, plumbing, electrical distribution, kitchen, bathroom, and septic - property will require its first approved system. Second floor is not safe for occupancy. Stair geometry cannot be resolved within footprint of building. Addition to provide safe stair to second floor, plus hallway to separate bedrooms and addition to provide plumbing on second floor, likely accommodating first floor bath as well. The required investment is disproportionate.

In conclusion, Mr. Brewer stated he wanted to put together a presentation which was interesting and would demonstrate that the investments to make the structure safe are disproportionate and it doesn't make sense. Mr. Brewer stated it does make sense to relocate the building.

Mr. Bull asked Mr. Brewer when the property was purchased. Mr. Brewer stated in 2018, just less than two years ago. Mr. Bull asked why the property was purchased. Mr. Brewer stated he likes the property and building. Mr. Bull questioned that the Brewers had to be aware of the buildings problems. Mr. Brewer stated no, as the owner, George Berchulski, was very private; and the only portions of the house he saw were the basement and the back stairway. Mr. Brewer stated prior to Mr. Berchulski's passing, Mr. Brewer's roofer was allowed to do some repairs. Mr. Brewer talked about the failing plaster, mold within the interior of the building, no heat, etc., which could not be seen from the outside, and that the building was purchased to help Mr. Berchulski's family. Mr. Bull asked if the property were purchased subsequent to an inspection. Mr. Brewer stated the building had been inspected.

Mr. Laurenza, for clarification, asked Mr. Brewer if he purchased the house sight on seen. Mr. Brewer stated he walked inside the back of the house and that the realtor let him walk through the house.

Mr. Chadwick asked if Mr. Brewer had given any consideration to the structure being an office. Mr. Brewer stated parking would be required and there isn't sufficient room.

Mr. Laurenza asked if the Commission were to approve the demolition of the house and a new house constructed, where would the parking area be. Mr. Brewer stated there are no plans to construct another house; noting that once the structure is torn down, the grandfather clause goes away. Mr. Brewer stated he and his wife will create a green space – lawn, garden or orchard.

Mr. Warner clarified that if the house is torn down and the property is left as a lot of record, the Brewers could build on the lot, but they would have to merge the two lots into one. Mr. Brewer thanked Mr. Warner.

Mr. Brewer stated they are not looking to build another house. Mr. Bull asked if the lot would remain separate. Mr. Brewer stated he doesn't believe so as there would be no reason to. Mr. Brewer stated his property will take on the former Berchulski property. Mr. Warner stated his point is if the lots are not merged, a new owner could build on the separate lot. Mr. Brewer stated it sounds like a condition of approval.

Mr. Bull stated this matter is about the house. Mr. Brewer stated it's about the property moving forward. Mr. Bull stated it's about the structure and whether the Commission will allow it to be demolished or not and whether there is a reasonable alternative other than demolition. Mr. Warner spoke in regard to Section 15A being very clear about the considerations the Commission can look at and reviewed them. Mr. Warner noted that the Commission can approve or deny based on any of those considerations.

Mr. Brewer outlined the need for the proposal to be in compliance with the zoning regulations, whether the activity triggers Inland Wetlands concerns, and insure that reasonable/prudent alternatives have been considered. Mr. Bull asked where these items were listed (within Section 15A). A brief discussion followed in regard to the applicant's intent (suggested the building be relocated to the Higganum Green as a welcome center and put it on display as an example of worker housing).

Mr. Bull asked Mr. Brewer if he had marketed the house or if he intends to. Mr. Brewer responded no to both questions. A brief discussion followed in regard to relocation and individuals and companies who look to relocate structures.

Mr. Warner spoke in regard to the Demolition Delay Ordinance being very common throughout the State of Connecticut (simply delays the demolition) and the Commission's adoption of Section 15A where a special permit is required in order to demolish an historic house (noted historic houses add a lot of value to a town). In the special permit process, the Commission has the ability to deny an application in order for the applicant to come up with a better means. Mr. Warner stated there are a number of people who live in worker housing in town. Mr. Warner spoke in regard to the town's POCD calling out historic structures and the adaptive historic reuse regulation.

Mr. Chadwick stated a lot of the presentation related to cost issues; and asked if Mr. Brewer was aware of this, why purchase the property. Mr. Brewer stated he did not walk around Mr. Berchulski's property and voiced concern over the ravine.

Mrs. Block stated she was a bit confused as she felt given Mr. Brewer's credentials and by living next door to the property he must have known about some of the obstacles with the property. Mr. Brewer explained that he understands the costs required to upgrade the property and the improvements are disproportionate due to the civil engineering required. Mr. Brewer stated the structure itself has cost problems (mold and asbestos has already been removed). Mrs. Block spoke in regard to her 1780's house and refuted some of Mr. Brewer's comments.

Mr. Laurenza asked the intention of taking the house down noting the comments regarding costs and making the property a green space; and if taking the house down is the intention, why has he not turned to the historical society for assistance. Mr. Brewer again reviewed their intent for the property – potential uses considered, parking, safety, etc. Mrs. Brewer noted the house was unoccupied for one year prior to Mr. Berchulski's death.

Mr. Chadwick asked what will happen to the house if the application is denied. Mr. Brewer stated the house is free to a good home. Mr. Chadwick asked his question again. Mr. Brewer stated he will not put the house on the market for a family to live in citing health and safety concerns.

Mr. Bull asked the two alternatives. Mr. Brewer stated 1) give the house away and 2) dismantle the house and finds someone who would want the materials. Mr. Bull asked for confirmation that there is no thought of a wrecking ball. Mr. Brewer stated no. Mr. Wallor asked why everyone was in attendance, if the house is on the market for free and there's no intent for a wrecking ball. Mr. Brewer stated it expires

after 180 days and by doing this he can move right along. Mr. Brewer stated there is no intention to redevelop the property with another structure; once the building goes away, the parcel will remain empty.

Mr. Bull asked who is responsible for marketing the house. Mr. Warner stated the owner, the historical society, and the State Preservation Trust has a newsletter where the house can be advertised. Mr. Warner stated it's very expensive to dismantle and move a building and believes Mr. Brewer would agree that once the building is moved, it will need to meet modern day code; therefore, any exceptions for an historic building may be lost. Mr. Warner also stated Mr. Brewer is before the Commission because he wants to demolish the building and that he (Warner) believes there needs to be an Option B, C, D, etc., to assess if there are other feasible and prudent alternatives. Mr. Warner noted the building sits on a one-half acre of land in an attractive neighborhood.

Mr. Bull asked Mr. Warner's recommendation. Mr. Warner recommended the Commission deny the application and the applicant and historical society work together to see if some other alternatives might work. Mr. Warner stated it's unclear to him why Mr. Brewer doesn't put the house on the market as the market is very good right now and believes it would sell quickly. A brief discussion followed in regard to the regulation (approved approximately two years ago) and the process required.

Liz Bazazi, Higganum, read a two page document on why the Leverett Spencer house should be preserved noting historical and cultural significance as well as the architecture (Exhibit B; copy on file in the Town Clerk's Office and in the Land Use Dept.). Ms. Bazazi stated she and Tim Teran devised a potential option to saving the house - relocating it to Higganum Cove (town owned property) where perhaps it could be used as a visitor center and that both would be willing to assist in this matter. Ms. Bazazi noted that she lives in an 1875 worker's cottage on Lake Avenue. Ms. Bazazi is opposed to the proposal.

Chip Frey, Haddam, stated he understood P&Z's questions to the applicant especially in regard to why the applicant purchased the property/house. Mr. Frey stated he works with home/commercial inspectors and one would have pointed out the issues mentioned previously to the Brewers prior to purchasing the property/house. Mr. Frey stated he would hate to see a precedent set for someone to purchase a piece of Haddam's history and then get rid of it because it doesn't fit their needs.

Katie Packtor, Higganum, read a letter on behalf of Neal and Kate Sakash, Higganum, who are opposed to the demolition of the Leverett Spencer House and asked the Commission to look at other options to retain the structure (Exhibit C; copy on file in the Town Clerk's Office and in the Land Use Dept.).

Elizabeth Malloy, Executive Director, Haddam Historical Society, addressed some of Mr. Brewer's comments regarding the 1980's historical list of structures in town and that it was not created by individuals who just drove-by the structures, but was created by Jan Cunningham and Liz Warner, who are State Historic Preservation Office (SHPO) approved historians and writers. Mrs. Malloy stated they probably based the framing and some of the materials off of an assessor's card. Mrs. Malloy also stated she had not been in the house until a couple of weeks ago.

Mrs. Malloy read a statement on behalf of the Haddam Historical Society opposing the demolition of the building and explained why the Leverett Spencer House is important to the Town of Haddam - best example of mill housing remaining in Higganum close to its historic condition and is a tangible link to the working-class families in the town - and why it should be saved - essential to the identity and unique character of a community (Exhibit D - 2 pages; copy on file in the Town Clerk's Office and in the Land Use Dept.). Mrs. Malloy's letter addressed the town's POCD (preserving historic buildings in town) and how both the National Trust for Historic Preservation and Preservation Connecticut encourage historic preservation to tell America's story and to connect us with our past.

Mrs. Malloy stated the best solution would be for the building to be preserved on site, relocated on its existing plot, or moving it to another location in town and restored as a single family home or adaptive reuse. The statement concludes by noting that on 3 July 2020 the Historical Society filed an objection to

the application for demolition and the town's ordinance allows interested parties 120 days (extended to 180 days due to COVID-19 Executive Order 71-19) to work through alternatives to demolition.

Mrs. Brewer stated if the house had been classified from the inside, would it still have been deemed historic. Ms. Malloy stated probably.

Sue DeCarli, Dublin Hill, Higganum, stated she too lives on the ravine and managed to keep her children from falling off the edge and that she and her husband had to install a new septic system and do repairs to the their house as well. Mrs. DeCarli also stated if Mr. Berchulski's house had been put on the market a family would have purchased it and have strived to fix it up. Mrs. DeCarli stated she believes the Brewers purchased the house with the intent to tear it down to create a larger yard and that she finds it sad that they would want to demolition a piece of Haddam's history.

Mrs. Brewer stated they took out a loan to work on the house and when they found out it would be too expensive to renovate, they returned the loan to the bank. Mrs. Brewer stated they do not need a bigger yard to take care of.

Mr. Brewer stated they did not buy the property from the family, but rather through a realtor.

Mr. Farina stated he can understand the Brewers purchasing the property next to their house and diminishing returns on older houses; however, he believes the Commission should do everything to preserve historic properties in the town. Mr. Farina stated the Commission needs to preserve the heritage that is written within the regulations.

Mr. Bull asked if the letter from Mr. Brewer should be read into the record. Mr. Warner stated no, as it is a part of the file/record.

Mr. Wallor asked if there were any further comments from the public or the Commission. As there were none, Mr. Wallor motioned to close the public hearing.

**MOTION:** Ed Wallor motioned to close the public hearing at 8:50 p.m. Jamin Laurenza second. Motion carried unanimously.

**Meeting: Seated: Block, Bull, Farina, Laurenza, LePard, Luisi, and Wallor**

Prior to the vote, discussion followed in regard to what will transpire after the 180 day waiting period (a special permit will still be required); the need for a strong effort to sell the structure; and the structure losing its historic designation if relocate.

Mr. Warner clarified that there are two different regulations – 1) the 180 days is currently running (about 60 days into the process) and that can run out and 2) a special permit is required for the structure to be demolished. Mr. Warner recommended the application be denied in order to allow all parties to work on the selling of the house and if there are still no alternatives, Mr. Brewer can reapply.

Mr. LePard asked for the motion to be re-read and explanation of the vote. Mr. Wallor explained that a yea would approve the demolition and a nay would disapprove the demolition (the applicant would have to wait and reapply).

**MOTION:** Ed Wallor motioned to approve a request for a special permit to allow for demolition of a residential structure listed on Haddam Survey of Historical and Architectural Resources. 140 Dublin Hill Road, Map 06/Lot 042. Applicant: Tim Brewer. Steve Bull second. Motion denied with Mr. Bull abstaining.

Mr. Brewer asked that each member clarify their vote with a hand count. Mr. Wallor went through the vote again and each Commissioner raised their hand accordingly.

## **5a. Correction/Approval of the Minutes**

**MOTION:** Ed Wallor motioned to approve the 7 May 2020 minutes as submitted. **WITHDRAWN.**

Mr. LePard stated he would vote no to the approval of the minutes and Mr. Bull stated he would abstain as he had not been able to read them. Mr. Wallor withdrew his motion.

Mr. Bull requested that in the future that those minutes which need to be approved be listed on the agenda. Mr. Warner and Mrs. Batzner made note of this request.

## **6. Public Comment**

**Architectural Review Committee (ARC) - Reappointment** – Chip Frey, former P&Z member, spoken in regard to not appointing members to the ARC. Mr. Frey cited additional costs and time to the applicant; and suggested Mr. Warner the review the plans. Mr. Warner stated he cannot review the plans as he's staff and that an independent party would need too.

**Building Construction Costs and Permit Fees in Haddam** - Mr. Warner reported on a comparison of construction costs and permit fees for the town pre and post COVID-19. March 1-August 31, 2019 – Construction Costs - \$3,475,000.00 and Permit Fees - \$55,422.00 and March 1 – August 31, 2020 – Construction Costs - \$3,931,000.00 and Permit Fees - \$70,295.00. Copy of handout on file in the Town Clerk's Office.

## **7. Adjournment**

The meeting was adjourned at 9:05 p.m.

Respectfully Submitted,

*Bunny Hall Batzner*

Bunny Hall Batzner  
Recording Clerk

**The next meeting is scheduled for Thursday, 17 September 2020.**