

**TOWN OF HADDAM  
PLANNING AND ZONING COMMISSION  
PUBLIC MEETING  
TOWN HALL  
21 FIELD PARK DRIVE, HADDAM, CT  
THURSDAY, 7 FEBRUARY 2019  
UNAPPROVED MINUTES  
*Subject to Approval by the Commission***

**ATTENDANCE**

X	Gina Block
X	Steven Bull, Vice Chairman
X	Michael Farina
X	Frank (Chip) Frey
X	Jamin Laurenza, Chairman
X	Wayne LePard
X	Edward Wallor, Secretary
X	Robert Braren, Alternate (7:06 p.m.)
A	Diane Waddle Stock, Alternate
A	Sam Todzia, Alternate
X	Bill Warner, Town Planner
X	Bunny Hall Batzner, Recording Clerk

**1. Call to Order**

Mr. Laurenza, 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**

All regular members were seated.

**4. Additions/Corrections to the Agenda**

In regard to the proposed Conservation Zone listed under Town Planner's Report, Ms. Block asked if discussion was included. Mr. Warner stated he was aware the Commission wanted to discuss the matter, but that it was not voted on to make it new business in order to take action. Mr. Warner also stated he would be discussing the matter under Item #7. Ms. Block asked when the Commission would have an opportunity to talk about the Conservation Zone and vote on it. Mr. Warner stated a public hearing would be required; and if the Commission voted on it tonight, the hearing would be held in March. A brief discussion followed with the Commission agreeing to wait to see how the matter played out during the meeting before voting on scheduling a public hearing. No additions/correction were made to the agenda.

**5. Public Comments**

**Sidewalks in Tylerville and Haddam Center** - Ed Schwing asked if it were possible, could the grant money for the Tylerville sidewalks be reallocated to the repair of the sidewalks in Haddam Center since there is no funding for the pathway on the Swing Bridge. Mr. Schwing noted that the Haddam Center sidewalks are in dire need of repair and that a number of people use the sidewalk from the Thirty Mile Island Plantation Cemetery to the Extension Center.

Mr. Wallor stated he thought the town had applied for a grant for the Haddam Center sidewalks, but the town did not receive the funds; and that he doesn't believe the town can reallocate grant funding.

Mr. Warner reported that a Transportation Alternative Program (TAP) Grant, federal grant, was filed for and received for the Tylerville sidewalks (under contract and designing has been started) and that a Connectivity Grant was filed for and not received for the Haddam Center sidewalks; however, at a recent bond commission meeting additional funding was allocated and Haddam has now received the funds.

**Camoin Associates Presentation – Potential New Jobs** - Mr. Schwing spoke in regard to Camoin's presentation regarding the creation of 500 jobs if 29,000 square feet of retail/office space were added to Higganum Center, which equates to approximately 18 new workers for every 1,000 square feet. Therefore that would mean that the Dollar General, at approximately 7,000 square feet, would have 130 employees. Mr. Schwing stated that he has asked the consult for an explanation, but one has not yet been received. Mr. Schwing asked the Commission to use their heads and common sense when information is presented as some of the information is not always supported by the data.

**Haddam Elementary School (HES)** - Peter Baird thanked the Commission for their letter to the Board of Education (BOE) and that it was spot on and well written. Mr. Baird reported one proposal was received for HES - \$450,000 for the 10 acres that includes the school and \$200,000 for the 145 acres that includes Swan Hill. The developer proposes to put in up to 48 apartments and is seeking tax abatements for eight years – fully waived for three years and then at 20 percent per year of the current assessment for five years until full taxes are paid – and the waiver of building fees. Mr. Baird stated that it's critically important to talk about what's going to happen to the school, if it's sold, as well as Swan Hill.

Mr. Baird stated that Swan Hill is a large recreational area for the residents of town and has some of the best views of the Connecticut River in Middlesex County. Mr. Baird noted that there will be an informational hike lead by Tom Worthley, UConn professor and Haddam resident on Sunday, 10 February 2019, 12:00 p.m. Mr. Baird voiced concern over the potential development of this parcel especially from the Dublin Hill area.

**HES** - Katie Packtor thanked the Commission for their letter to the BOE stating she appreciates the Commission taking responsibility to uphold the work that was done in the POCD and detailing how the BOE is impacting the P&Z's work. Ms. Packtor distributed a flier for the Swan Hill hike (Exhibit A; copy on file in the Town Clerk's Office). Ms. Packtor reiterated Mr. Baird's comments regarding the value of Swan Hill. Ms. Packtor asked the Commission to take into consideration the value of both parcels should they consider changing the zoning.

**Sustainability Committee** - Mr. Frey reported the town now has a Sustainability Committee and they will be holding an open house on Wednesday, 6 March 2019, Haddam Firehouse, 439 Saybrook Road, 6:30 p.m., with guest speaker Jessica LeClair of Sustainable CT. Mr. Frey distributed a flier for the event for the Commission's review (Exhibit B; copy on file in the Town Clerk's Office). Mr. LePard asked how sustainability is defined and what the committee's mission is. Mr. Frey explained.

**P&Z Letter to BOE** – Mr. Laurenza stated he was on the fence in regard to sending a letter to the BOE; however, Ms. Block and Mr. Bull were instrumental in wanting a letter written. Mr. Laurenza reported that he and Mr. Warner spoke about the matter, a very well written letter (Exhibit C, copy on file in the Town Clerk's Office and Land Use Dept.) was drafted by Mr. Warner and reviewed by the Commission's counsel prior to being sent to the BOE.

## **6. Public Hearing/Public Meeting – There are none scheduled.**

There were no hearings scheduled.

## **7. New Business: Continue Discussion of Expanding the Higganum Village District (Residential Subdistrict)**

Mr. Warner reported that at the last meeting the Commission reviewed a PowerPoint presentation regarding HES and he believes the issue should be looked at in terms of two conversations (one property, two distinct pieces of property). Mr. Warner also reported that one proposal was submitted with the developer proposing housing and under the current zoning, R-1 allows for housing for elderly and handicapped persons. Mr. Warner stated he doesn't believe the town just wants elderly, but rather a mixed of ages that will walk out and use the Center. The current zoning of R-1 is not appropriate for the developer, but also because of the density (reviewed Section 13 - Housing for Elderly and/or Handicapped Persons, pages 13-1 and 13-2, *Haddam Zoning Regulations*). Mr. Warner stated the Commission is in complete control and that the developer would need to come in with a proposed regulation that would work for them if the sale goes through. Mr. Warner also stated the Commission has tremendous discretion with a zone change and are not bound to anything. Mr. Warner recommended that the Commission keep the zoning as it currently stands. Mr. Warner stated it's the same with the Rossi property and that he has met with the Rossis.

Mr. Bull asked what appeal rights a developer would have if the Commission should turn them down. Mr. Warner stated none as it's a legislative decision and the Supreme Court has said commissions have wide and liberal discretion; however, if it were a Special Permit, the developer would have grounds for appeal.

Discussion continued in regard to the village zone requiring 25 percent commercial space and the feeling that it's not needed. Mr. Warner stated the Commission could put in a straight multi-family use within the Village District Zoning without the complications of the commercial and the density restrictions. Ms. Block asked who would determine who could use that clause or how it would be enforced. Mr. Warner explained that it would just be another choice – 1) don't want to do mixed use option because commercial won't work; 2) go with straight multi-family regulation; or 3) carve out a subdistrict within the village district. Mr. Warner talked about the regulation forcing the creation of new commercial when there's no market for it, there being a lot of existing vacant commercial space, and cannibalizing off existing commercial. Mr. Warner also talked about creating residential, giving the reason for residents to walk out and use the existing commercial across the street. Mr. Warner talked about retail being allowed just along the front of the building. Discussion followed in regard to being proactive rather than reactive.

**Commercial Service Industry/Industrial** - Mr. Laurenza stated when looking at the Center, he views the commercial as retail and not commercial business as the regulations state no construction vehicles. Mr. Laurenza spoke in regard to the lack of property for a contractor, such as plumbing, heating, contractor yards, etc., to come into town; that he has spoken to Mr. Warner about this; and has reviewed the regulations (nothing within them for this). Mr. Laurenza stated he wants the Commission to address this matter. Mr. Wallor stated there are commercial houses out on Route 81 by New Image. Mr. LePard asked if this was talked about in the POCD and if the Commission could talk about industrial/commercial in the same general area. Mr. LePard stated he has reservations about including a school within the village district and that the Commission could be opening a Pandora's Box by introducing a third village standard. As this topic was not on the agenda, the Commission agreed it should be a discussion in the future and moved back to the agenda item. Mr. Baird stated that a Higganum Vision Plan was drafted dealing with exactly what the Commission is discussing. Ms. Schalg suggested the Commission review Section 7 - Commercial Zone C-1, *Haddam Zoning Regulations*, as she believes it covers what is being discussed. Mr. Warner stated the Commission has a light industrial zone in text, but it's a matter of does the Commission want to put it in more places in town; and if so, would need to go through the zoning process.

Returning discussion back to the school parcel, Mr. Warner recommended the Commission leave it zoned as R-1 and have the developer come to the Commission.

In regard to Swan Hill, Mr. Warner stated he has looked at the POCD and at a minimum the zoning should be changed to R-2 (2 acre lots); however, with a developer offering \$200,000 for the 145 acre

parcel, there is now value to that piece (coming off Dublin Hill there could be building lots). Mr. Warner also stated he doesn't believe the Commission would want this area developed and quoted from their letter to the BOE, "... the Commission is currently evaluating the property to ensure the zoning designation is appropriate to promote the type of development which is consistent with the implementation of the POCD." Mr. Warner stated the POCD identifies the property on the Open Space & Recreation Resources map (page 50) as town owned and talks about the trails, etc., and allowing that piece to be sold to a private developer is completely inconsistent with the town's POCD.

Mr. Warner, who had previously distributed copies of the proposed Conservation Zone language (Exhibit D, on file in the Town Clerk's Office and Land Use Dept.), recommended the Commission hold a hearing and put the language on the books along with a zone change for the 145 acres and Cockaponset Forest. Mr. Warner stated there is a lot of value in a conservation zone, because although a POCD is a great document, the people who come into town look at the zoning map not the POCD. Mr. Warner also stated no one is going to pay \$200,000 for a parcel that is zoned conservation so the Commission would be essentially stopping the sale of the property. Mr. Bull asked if there would be other properties within town that the Commission would be putting under conservation. Mr. Warner stated eventually, but he needs to look to see what's out there.

Mr. Laurenza voiced concern over Cockaponset being in a Conservation Zone as some of the forest fronts on state roads. He used the example of perhaps the town or the school looking for a specific amount of acreage and it's now under Conservation. Mr. Warner stated it could be changed; and the state is not subject to local zoning, it's merely to identify it on the map.

Mr. Wallor stated the whole conversation about the Conservation Zone came up when the Commission was talking about the Tylerville Village District as there were two parcels that needed to be placed in the Conservation Zone (Clark Creek Preserve and Haddam Land Trust, as noted on page 2, 21 June 2018 P&Z minutes). Mr. Bull stated Swan Hill is time critical; whereas, the parcel(s) in Tylerville are not. Mr. Wallor stated the Commission has been discussing the Conservation Zone for months. Mr. Warner stated he's not yet familiar enough with the town to identify all the open space pieces. Ms. Block asked Mr. Warner if the zone change could still go through even if the developer bought the property tomorrow. Mr. Warner stated yes, the only thing that would stop the Commission would be an application. Mr. LePard briefly talked about what the BOE will lose if Swan Hill is put in the Conservation Zone. Mr. Frey stated the developer, John Rak, Rak Realty, has already said in his RFP (copy distributed) that he expects the town and the boards to cooperate and work along with him, etc., (Exhibit E, on file in the Town Clerk's Office).

Mr. Laurenza reviewed the Loose Ends and Work Plan for PZC, Draft 8-1-18, Zoning Issues – Item #5 Conservation Zone. Mr. Laurenza stated the Commission needs to hold a public hearing, get the language on the books, and clean up at least one of the loose items.

Prior to the vote on the motion, Mr. Farina asked about potential liability. Mr. Frey stated in the RFP the developer speaks in the response that he wants to encourage the town to use it has nature trails, etc. Mr. Bull stated it does not say that. Mr. Warner stated it says that they would develop trails, but they could also post it "No Trespassing". Parcels under consideration: Cockaponset Forest, two parcels in Tylerville as previously discussed at the P&Z's 21 June 2018 public hearing, Swan Hill, Higganum Cove, and the Higganum Reservoir. Mr. Warner stated the Commission needs to be careful about privately held parcels as he cannot do everything in a 30 day time frame, but he can do a handful of them.

**MOTION:** Jamin Laurenza moved to schedule a public hearing for Thursday, 7 March 2019, to discuss and establish the Conservation Zone on the following parcels: multiple parcels in town including Swan Hill. Ed Wallor second. Motion carried unanimously.

**Hidden Lake Zone** – Mr. Laurenza asked Mr. Warner if he was aware of this. Mr. Warner stated yes, as Liz Glidden, former town planner, had left a list.

**WFS** – Mr. Warner reported that he has spoken to WFS, there is a final grading plan, and the owner is trying to find something to do with the parcel once operations cease.

Mr. Wallor asked that Scovil Mill and the Higganum Green be included in the proposed Higganum Village District expansion. Mr. Warner stated the zoning is currently R-1. Mr. LePard asked why include Scovil. Mr. Wallor stated because of the nature of the buildings and the Commission having more control (retaining the historic look of the town) through the Architectural Review Committee (ARC). Ms. Block asked if anyone had attended the Camoin presentation and explained that they were talking about adaptive reuse of the existing buildings and additional structures abutting the existing buildings. Mr. LePard stated there are already empty existing structures and questioned why additional buildings would be added. Mr. Frey talked about the Scovil buildings being industrial structures, what will the Commission do if someone wants to use them for industrial, and regulations being road blocks. Mr. Wallor stated with the regulations, an applicant would know what is expected. Mr. Frey stated it hasn't happened yet. Mr. Wallor stated no, because they come back to the Commission with an as-built. Mr. Warner stated with the Village District an applicant would need to come in with a Special Permit. Mr. Wallor stated the Commission would have control over what is constructed if it's in the Village District.

Mr. Bull pointed out that within the POCD, page 85, the very first Action Item states, "Extend the Higganum Village District to include the Scovil Hoe buildings . . .", and stated that P&Z put that item in there. Mr. Wallor stated he's aware of that. Mr. Frey stated that he's aware that he has to accept the POCD, but it's not the Constitution and even that has amendments. Mr. Frey stated although he would like to see the Center be Chester or Essex, it will not happen and he's only trying to be practical. Mr. Warner stated the parcel is currently zoned single family residential and given the properties constraints it will never be that. Mr. Warner also stated rezoning would open up opportunities on the parcel. Mr. Frey stated there are too many steps and expense for an applicant to develop in the Center with ARC and P&Z. Mr. Wallor disagreed.

## **8. Approval/Correction of the Minutes**

**MOTION:** Ed Wallor moved to approve the 17 January 2019 minutes as submitted. Wayne LePard second. Motion carried unanimously.

## **9. Chairman's Report**

Mr. Laurenza reported that he feels the Commission needs to address floating/dual use zones for commercial business not commercial retail as there is plenty of commercial retail in Higganum that's not being rented. Mr. Laurenza stated some industrial and/or commercial business uses such as manufacturing, work force type business, need to be considered. Ms. Block asked if the Commission could get a map showing the various zones throughout the town. Mr. Laurenza stated yes. Mr. LePard asked Mr. Warner if he saw any places in Haddam that would fit in similar to Middletown. Mr. Warner stated the most similar would be the I-1 Zone where the two junkyards are on Saybrook Road, Middletown, but there needs to be more in the regulations. Mr. Warner also stated there is some land along Route 81 that was recommended by the Commission and Mrs. Glidden that he would need to look into.

Mr. Bull talked about the Commission having previously discussed the potential expansion of the commercial area from the doctors' offices up to Little City Road. Mr. Laurenza stated that was a part of the June discussion.

Mr. LePard asked about the property across from GCI. Mr. Wallor stated that would be the Kozman property and it's currently being used (residential).

## 10. Scheduling of Hearings

**21 February 2019** – Special Permit for an Accessory Apartment, Injun Hollow Road, Haddam Neck, and Special Permit for an Accessory Apartment, Hidden Lake Road, Higganum.

**7 March 2019** – Proposed Conservation Zone.

## 11. Town Planner's Report

**CGS 8-30g Accessory Apartments** – Mr. Warner stated at the last meeting there was discussion about making accessory apartments qualify for 8-30g. Mr. Warner explained the statute (10 percent of housing stock must be affordable) and stated that the only way the Commission could deny an application is if it were a health and/or safety issue. Mr. Warner reviewed an existing affordable accessory apartments regulation, Town of Killingworth, and draft language for Haddam (Exhibit F, copy of memorandum, dated January 30, 2018, 3 pages, on file in the Town Clerk's Office). Mr. Warner noted that Mrs. Glidden had compiled a list of accessory apartments and that the regulation was adopted on 20 January 2000. Mr. Laurenza voiced concern over the use of the main house power meter for the accessory unit as well. Mr. Warner stated it's the language from the statute (trying to stop the accessory apartment from being a two family house). Mr. Warner distributed Current Status and CGS 8-30g Status and reviewed with the Commission (Exhibit G, on file in the Town Clerk's Office). Mr. Warner stated based on the availability of land and lack of infrastructure, he doesn't believe 10 percent is achievable (Haddam would need an additional 302 affordable housing units in order to be exempt). Mr. Wallor stated probably not, but the more the Commission shows that they are trying to achieve this, the better chance the town may have in court. Mr. Warner stated there would be a lot of red tape for something that can't be achieved and it's difficult to justify.

A brief discussion followed in regard to how long a deed restriction would last – 10 years for an accessory apartment and 40 years for a Housing Opportunity District (HOD). Mr. Warner noted that Industrial Zones are exempt from 8-30g.

Mr. Bull thanked Mr. Warner for the work he did on the matter.

**Conservation Zone** – Previously discussed under Item #7. Mr. Bull asked that the properties for consideration be reviewed. Mr. Warner stated the one in Tylerville. Mr. Laurenza stated the Land Trust parcel in Tylerville. Mr. Warner stated a letter will be sent to the property owners advising them of this proposal. Mr. LePard stated Land Trust properties are already conserved and don't need to be in a Conservation Zone. Mr. Bull stated the Tylerville piece, Swan Hill, Cockaponset, Reservoir, and the Cove. Mr. Warner suggested not doing all of the parcels at once has maps have to be filed and that he will confer with the chairman as to which parcels will be discussed at the 7 March 2019 hearing.

**CT Land Use Law for Municipal Land Use Agencies, Boards, and Commissions** – Mr. Warner reported this seminar will be held Saturday, 23 March 2019, Wesleyan University, Exley Science Center 150, 265 Church Street, 8:30 a.m. to 4:30 p.m. Mr. Warner noted that this session is very good and any Commissioner interested in attending, should contact him in regard to registration.

## 12. Adjournment

**MOTION:** Steve Bull moved to adjourn. Ed Wallor second. Motion carried unanimously.

The meeting was adjourned at 8:19 p.m.

Respectfully Submitted,

*Bunny Hall Batzner*

Bunny Hall Batzner, Recording Clerk

**The next meeting is scheduled for Thursday, 21 February 2019.**