

**TOWN OF HADDAM  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARINGS AND MEETING  
COMMUNITY CENTER  
7 CANDLEWOOD HILL ROAD, HIGGANUM, CT  
THURSDAY, 7 MARCH 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
A	Edward Wallor, Secretary
X	Liz Bazazi, Alternate
A	Robert (Bob) Braren, Alternate
X	Sam Todzia, Alternate – Seated
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 as well as alternate member, Mr. Todzia, were seated.

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

There were no additions/correction to the agenda.

**5. Public Comments**

There were no comments from the public in attendance.

**6. Public Hearing/Public Meeting**

**A) Proposed Zoning Text Amendment to Adopt Section 6A – Conservation Zones. A copy of the proposed text is on file in the Town Clerk's Office and the Land Use Office. Applicant – Haddam Planning and Zoning Commission**

**Hearing:** Mr. Laurenza opened the hearing at 7:02 p.m.

Mr. Warner distributed an information packet (copy on file in the Town Clerk's Office and the Land Use Office) and reviewed the section that pertained to this hearing. Mr. Warner stated that the Plan of Con-

servation and Development (POCD) is the most important document that the Commission has and the Commission's biggest job is to prepare and implement a POCD (implement through 8-24 review, subdivision regulations, and zoning). Mr. Warner reviewed Greenways, Forest, & Wild Places – Goal and Strategies (front page of packet) stating that the Commission is trying to implement these items by proposing a Conservation Zone. Mr. Warner stated two issues that will be discussed during each hearing will be 1) making the zoning consistent with the POCD and 2) being proactive (be prepared in case something changes; making sure the Commission has control if there is a change in the land use or ownership). On pages 2-4 of the packet, Mr. Warner reviewed three maps – Generalized Land Use, Open Space & Recreation Resources, and Haddam Zoning noting that the large areas of green on pages 2-3 are publicly controlled open spaces; whereas, on page 4 everything in town is shown as being zoned for development, and this is not necessarily consistent with what the Commission would like to do. Mr. Warner briefly discussed the Haddam Land Swap and how the state land is currently zoned industrial; whereas, the POCD shows it as an open space area (lack of consistency). Mr. Warner stated that the Commission can change zoning every month if a request is made and the Commission would be in charge which is how it should be with land use in the Town of Haddam.

Mr. Warner reported that the first step in this matter is to create the Conservation Zone in text (copy on file in the Town Clerk's Office and Land Use Office). Mr. Warner clarified that this public hearing was strictly for putting the text into the Zoning Regulations and has nothing to do with the Haddam Elementary School (HES). Mr. Warner stated this is the same text, page 5, that was reviewed last year with Liz Glidden, former town planner, but was tabled. Mr. Warner also stated the zone only applies to "property that is deed restricted as conservation area, owned by a conservation entity, a public utility or by a government entity." Mr. Warner reviewed the uses that are allowable in a conservation area which does not include development use.

Mr. Bull stated some of the zones call out prohibited uses, but there are none within the proposed language. Mr. Bull asked Mr. Warner would the Commission want to do this. Mr. Warner stated the Prohibited Use section within the regulations applies to all zones; and that he has discussed expanding prohibited uses with Mr. Laurenza.

Ms. Bazazi asked if the Commission is conserving land, that Eagle Landing be considered. Mr. Warner stated that not all of the green areas on the map are being considered tonight; however, there will be future hearings to get all of the green areas into the Conservation Zone.

Under proposed Section 6A.2 D, Ms. Bazazi asked if the 1,000 square foot limitation is a footprint or a total square footage. Mr. Warner stated it's a footprint and it would have to be a use by a conservation organization or governmental entity.

Bill Cowan, President, Haddam Land Trust (HLT), stated that he supports the zoning language. Mr. Cowan also stated that as a resident he's concerned about how all of this will be implemented as it doesn't seem to be a comprehensive approach - we know what we want, but we don't know what all that stuff is.

Jack Calhoun, Higganum, asked that this proposal is not a taking (referring to HES). Mr. Warner and Mr. Laurenza noted that the Commission is not on HES public hearing at the moment. Mr. Laurenza advised Mr. Calhoun to ask his question during the next public hearing item.

**MOTION:** Jamin Laurenza moved to close the public hearing at 7:15 p.m. Chip Frey second. Motion carried unanimously.

**Meeting: MOTION:** Jamin Laurenza made a motion to approve zoning text amendment to adopt Section 6A – Conservation Zones. A copy of the proposed text is on file in the Town Clerk's Office and the Land Use Office. Applicant - Haddam Planning and Zoning Commission. Effective Date March 21<sup>st</sup>, 2019. Frank (Chip) Frey second. Motion carried unanimously.

**B) Proposed Zoning Map Amendment to Change the Zone on a Portion of the Haddam Elementary School Property to Conservation Zone at 272 Saybrook Road/Map 06 Lot 009. A map displaying the existing and proposed zoning is on file in the Town Clerk's Office and the Land Use Office. Applicant – Haddam Planning and Zoning Commission**

**Hearing:** Mr. Laurenza opened the hearing at 7:17 p.m.

Mr. Warner reported that this hearing is in regard to the parcel known as Haddam Elementary School (HES) and the parcel is unique in that it has a school on approximately ten acres along Saybrook Road (Route 154) as well as approximately 145 acres of land that is open space and has been maintained as such with trails on it for over 50 years. Mr. Warner noted that POCDs from 30 years back recognized this acreage as an open space area for the town. Mr. Warner stated the Commission has heard from others in the past about the great trails, the great aquifer recharge area, the wildlife habitat, etc. Mr. Warner also stated the Commission is not looking to place the entire acreage in conservation and will be leaving the area from Bible Rock Brook to the southwest, where the school is, in R1 – Residential Zone; and from the southeast the 145 acres is proposed to be rezoned to conservation area. Mr. Warner stated that since the Conservation Zone text will not become effective until 21 March 2019, the zone change would need an effective date after that date.

Mr. Warner reviewed Connecticut General Statute (CGS) 8-3b, page 6 of the packet, which talks about the Commission taking into consideration their POCD and consistency. Mr. Warner stated the 145 acres is owned by Regional School District 17 (RSD17) Board of Education (BOE) and is zoned R1 (single and two family residential; one and two acre lot subdivision) and that coming off of Dublin Hill Road there is developable land. Mr. Warner stated the town's current POCD calls the area "institutional" on the Generalized Land Use map (page 2) and on page 3, it's shown as "Open Space & Recreational Resources". Mr. Warner noted that the Natural Diversity Data Base, prepared by the State of Connecticut, shows there are areas that make this parcel unique.

Mr. Warner stated again the question is consistency and the Commission is merely trying to bring this parcel into a situation that is consistent with the POCD so that the POCD and the Zoning Regulations show the property as a green area. Mr. Warner reported this proposal is relevant as the BOE issued a Request for Proposals (RFP) in November 2018 to sell the entire acreage including the 145 acres. Mr. Warner stated the Commission is not taking the parcel from the private sector as there is a proposal to purchase the property; however, the Commission is looking at the parcel for rezoning and the BOE has been notified of such. Mr. Warner also stated if there is a sale, the new owner would need to come before the Commission as to what they would like to do with the property. Mr. Warner recommended the Commission make the zone change as proposed in order for the Commission to be in control of the future use of the property.

Mr. Laurenza read an undated letter from Mark Lundgren, Higganum, supporting the proposed Conservation Zone on the 145 acres, known as Swan Hill. Mr. Lundgren noted in his letter that the Haddam Dog Pound is located on this property with it being his desire to keep this use in the future (Exhibit A; copy on file in the Town Clerk's Office and the Land Use Office).

Mr. Warner read a letter from Lizz Milardo, First Selectman, Town of Haddam, dated 7 March 2019, (Exhibit B; copy on file in the Town Clerk's Office and the Land Use Office), supporting the creation of the Conservation Zone and the rezoning of several open space parcels to Conservation Zone, in particular the 145 acres, known as Swan Hill, at HES as it's consistent with the town's POCD. Mrs. Milardo further stated in her letter that she "does not support the sale of this property to a private entity for any amount of money and that the rezoning of the parcel will send a clear message to the BOE and any prospective buyer that this property should not be for sale and the Town will not support such a sale."

Jack Calhoun, Higganum, stated that he's in favor of the proposal, but is interested in the authority to take this land, presumably owned by Haddam-Killingworth (HK), and changing the zoning. Mr. Calhoun asked

if HK has any interested in this proposal as he doesn't believe they (HK) are interested in selling the land and in his opinion, the proposal will devalue the parcel. Mr. Calhoun also asked if there was any responsibility to pay HK anything.

Mr. Warner stated that would be determined in a court of law should RSD17 decide to take the town to court. Mr. Warner stated the Commission is creating a zone that would be placed on public property (public entity) and RSD17 could claim that the Commission has taken the value away from the property so Haddam and Killingworth members would have to take the Commission to court. Mr. Warner noted that RSD17 attorneys were present. Mr. Warner stated the BOE put out an RFP for the entire property and received only one proposal to sell 145 acres for \$200,000. Mr. Warner stated if the BOE would consider selling 145 acres for that amount, the town has bigger problems as the property is worth more than that even as open space. Mr. Warner talked about his expertise with such matters while working for the City of Middletown as their town planner.

Mr. Warner reported that he spoke to Rak Realty, the company that put in the proposal, and they have no objection to what the Commission is proposing. Mr. Warner stated that Rak Realty put in an offer for the extra 145 acres because they didn't know who would be putting in offers.

Mr. Calhoun asked if there is public access, a public right-of-way access, to the property if the school is cut off from the town. Mr. Warner stated there are three points where there is access to the property; however, if the matter goes forward, he will recommend to the BOE that they should also reserve a certain portion of property for parking and to reach the trails network, as the majority of trails start just below the school, and after review of the area, it's very doable.

Attorney Nicholas Bamonte, Berchem Moses, Milford, representing RSD17, stated that RSD17 is the sole owner of 272 Saybrook Road. Mr. Bamonte stated the region has enjoyed and expects to continue enjoying a positive and cooperative relationship with the town; however, they do not support the proposed zone change.

Mr. Bamonte submitted, in his words, a formal protest petition signed by Howard Thiery, Superintendent, RSD17, dated 7 March 2019, (Exhibit C; copy on file in the Town Clerk's Office and Land Use Office) that was not read at that time. Mr. Bamonte stated that they recognize the circumstances surrounding HES have created some concerns in town – closure of the school and the potential development/redevelopment of the property including the 145 acres. Mr. Bamonte stated he will be focusing solely on the use of and potential redevelopment of the property. Mr. Bamonte stated that RSD17 is thinking about the sale and redevelopment of the property as they had put out an RFP; however, he couldn't tell with any certainty that that is what RSD17 intends to do. Mr. Bamonte also stated there are a lot of open questions which need to be answered and the BOE has scheduled a number of meetings in order to work towards some understanding or solution. Mr. Bamonte stated he believes RSD17 should maintain their rights as property owners just like any other property owner and that the proposed zone change will severely limit RSD17's ability to utilize the property. Mr. Bamonte stated they believe this is a drastic measure that ultimately they do not believe will be necessary.

Mr. Bamonte stated that he had two main points against the proposed change and reviewed them as follows. 1) Believe the proposed taking is an illegal taking of property. Mr. Bamonte cited that the Supreme Court has consistently held that when an owner's use of their property is rendered impossible by a zone change that it is a confiscation, a taking, of property by the government without compensation is against the law. Mr. Bamonte stated they believe that's what's happening or would happen should the Commission act favorably on this proposal.

Mr. Bamonte asked the Commission to look at it from their perspective – with the property zoned R1 it would allow them to utilize the property in a number of ways that would be beneficial to the community; and reading from his notes outlined allowable uses under Section 6 – Residential Zone, Haddam Zoning Regulations, pages 6-1-6-3. However, as a conservation zone, Mr. Bamonte stated that none of the

uses outlined would be allowed. Continuing to read from his notes, Mr. Bamonte listed the allowable uses under the Conservation Zone: 6A.2 A - noting that these uses don't allow for much development; 6A.2 B - noting that the property doesn't border the Connecticut River and there's no access to it; 6A.2 C - noting that the property doesn't border the railroad and has no access to it; and 6A.2 D and E - noting all structures listed have size limitations. Mr. Bamonte stated that the uses that would be allowed bar any residential or business development of the property.

Mr. Bamonte stated they understand the purpose of the Conservation Zone is to preserve the open space areas in Haddam and that the 145 acres has recreational and historical significance; but through this proposed change, the Commission is hindering RSD17's ability to use the property and it cuts down their rights as property owners. Mr. Bamonte also stated that they believe the justifications for the proposal are a bit lacking as there's been a good amount of public comment towards this property and it appears as if the proposal has been motivated by that public comment instead of by legitimate town concerns that would give it the authority to make the change.

2) Mr. Bamonte stated that despite Mr. Warner's expertise, they do not believe the proposed zone change conforms to the POCD. Mr. Bamonte stated he believes everyone can agree that the central theme in the POCD is preservation of open space, but there are certain properties and areas that are earmarked within the POCD for preservation and Swan Hill is not one of them. Mr. Bamonte stated that the Action Agenda does not specifically call out the property; and although it does talk about creating a Conservation Zone, it only proposes apply that zone to properties that are already deed restricted for conservation purposes and to his knowledge Swan Hill is not deed restricted for conservation.

Mr. Bamonte stated they believe the POCD supports keeping the property a R1 Zone and read from the POCD, Generalized Land Use Plan, page 69 – "While valuing the continued practice of conservation, residents generally understand that investment and development is necessary to strengthen the tax base issues and the economic well-being of the Town." Mr. Bamonte noted that the property is just outside of the Center and Higganum presents a good location for different housing choices that will better meet the needs and desires of senior citizens and young adults alike including the option of ownership, rental, market rate, and affordable. Mr. Bamonte stated he is not implying that this type of development is what's in store for the property, but as property owners RSD17 wants to retain their rights and utilize the property in a way that balances their interests as well as the interest of the town.

Mr. Bamonte stated there are open questions and they do not intend to answer those questions themselves, but want the Commission's and town's involvement. Mr. Bamonte reported that a BOE meeting is scheduled for Monday, 11 March 2019, and hope that some progress can be made.

Mr. Bamonte asked the Commission to leave the public hearing open to allow the BOE to have these meetings and to give the BOE the opportunity to come up with a plan and report back to the Commission. Mr. Bamonte stated the Commission is not bound by the same decision deadlines and time frames as other applications require; and again ask that the BOE be given a little time to come back with a plan to show the text amendment is not necessary.

Attorney Floyd Dugas, representing RSD17, stated that he works primarily as the chief counsel to RSD17 and this is a legal maneuver and he doesn't think anyone on the BOE wants to get involved in litigation just to protect its rights from a taking. Mr. Dugas stated in his opinion, this situation calls for a dialogue rather than reactionary moves. Mr. Dugas stated although he could not speak for the BOE, everything that he's observed suggests strongly they want to sit down and work something out that is best for everyone and that dialogue begins Monday night. Mr. Dugas suggested the Commission take a wait and see approach to this matter, allowing people to work this matter out where everyone will be happy rather than have to get tangled up in legal maneuvering and legal actions just to preserve rights.

Mr. Warner stated in the spirit of cooperation the one thing that he's confident of is that an R1 Zone, a single family, one acre lot, cookie cutter subdivision zone, is not the proper zone for this piece of land. Mr. Warner recommended the Commission go ahead with the Conservation Zone; and if everyone is going to work together, then the Commission has the ability to change zoning every month if they so wish. Mr. Warner stated the Commission should come up with proper zoning that truly works for the 145 acres, something better than a cookie cutter subdivision. Mr. Warner reported if the parcel is sold, a developer could punch a road in in the area of Dublin Hill and could get 15 to 20 lots with cul-de-sacs and that wouldn't be right. Mr. Warner stated if everyone is in this all together, than let's work together to get something that really does work. Mr. Warner also stated it's misleading to think that development is what the town wants, because it's not as the area is shown as an open space recreation resource and it's been treated and recognized that way. Mr. Warner again recommended the Commission change the zone.

Mr. Dugas stated there is an RFP that has not been acted on or responded to, but the plan is to meet with Rak, along with representatives of Haddam, to see what they have to say. Mr. Dugas stated they are months away from any conclusion of this matter and there is no reason for the Commission to take any action tonight. Mr. Dugas stated the better approach is to take a wait and see stance as there is nothing eminent happening. Mr. Warner stated there is no reason not to act because in those months, there's time to come up with a zone that does work. Mr. Warner again stated if it's to be a cooperative effort, then zoning can be changed every month.

Mr. Dugas stated a clock is going to start ticking and they will have to do something on behalf of RSD17 if the Commission does act. Mr. Dugas also stated that will leave them litigating over very uncertain issues that will be very expressive for the town and RSD17 and it will not do anybody any good; therefore, why do something now.

Ed Schwing, Haddam, stated that he supports the proposed zone change noting that Mr. Warner is correct in that the Commission has control over how to zone the town. Mr. Schwing stated that the parcel was deeded to the town approximately 70 years ago by the Hazen Foundation for the purpose of a school and the property wasn't to be sold or to make a profit, it was for the children. Mr. Schwing stated the property was transferred to RSD17, but the Commission has control of the zoning; and should a proposal come forward the zoning can always be changed.

Mr. Schwing stated he did not believe the BOE voted to have the two attorneys present at tonight's meeting or that the BOE is behind what the attorneys are talking about as he has been attending the BOE meetings and there has not been a vote. Mr. Schwing asked, through Mr. Laurenza, as chairman, who sent Mr. Bamonte and Mr. Dugas to this meeting.

Lou Nosal, Higganum, stated he thought originally in 1972 there was a proposal that the Town of Haddam had first option to purchase the property should it go up for sale; and asked if it was true or not. Mr. Nosal also stated the BOE is closing schools; and asked why would they sell the land to build houses to bring more kids to town. Mr. Nosal stated it appears the BOE wants a new school. Mr. Nosal asked for clarification regarding the 1972 proposal.

Mr. Warner stated there are minutes, a resolution, where the town has the right of first refusal if the BOE were to sell the property. Mr. Dugas stated there are certain agreements, under the law, that must be in writing and one of those types of agreements is for the sale of real estate (right of first refusal falls under that). Mr. Dugas stated minutes at a 1972 BOE meeting don't mean a whole lot and are not legal; however, having said that he believes the BOE would say if Haddam wants to match the offer have at it. Mr. Dugas stated at this time he has not seen a legally signed document showing the right of first refusal. Mr. Dugas stated he has heard repeatedly, and doesn't know if it's true, that Haddam's first selectman has made it clear that the town can't afford and doesn't have any interest in purchasing this property; therefore, he believes it to be a moot question. Mr. Nosal stated maybe she didn't realize the parcel was so cheap.

Mr. Laurenza asked the attorneys if Howard Thiery or the BOE sent them. Mr. Dugas stated that he was directed by the chairman of the BOE and the superintendent to be present at the P&Z meeting. Mr. Laurenza asked Joanne Nesti with Mr. Dugas responding yes.

Mrs. Block asked if the letter was from Joanne Nesti or just the superintendent. Mr. Dugas stated the letter is just from the superintendent. Mr. Laurenza read the letter from Mr. Thiery (Exhibit C; copy on file in the Town Clerk's Office and the Land Use Office).

Mr. LePard stated if the Commission delayed voting on the proposal, it would give the BOE time to meet and ferret out some compromises or solutions or counterproposals. Mr. Laurenza stated yes, it would. Mr. Frey asked if Mr. LePard had asked if the hearing were postponed, it would allow the BOE time for further consideration as he couldn't hear him clearly. Mr. Laurenza and Mr. LePard stated yes.

Mr. Bull stated it's not going to be the BOE that will be doing the compromising, but rather the next owner. Mr. Bull also stated if the Commission makes the zone change, the Commission has complete control and can negotiate with the next owner. Mr. Bull stated it's not a bad move, it's not an anti-development move, it's just a move. Mr. Laurenza agreed. Mr. Bull stated to leave it as it is would muddy the waters, but by making the zone change it makes it clear as to what the Commission is looking for (specifically says in the POCD). Mr. Bull read from the POCD, page 15 – "Haddam Elementary School has a playground, play fields, and basketball courts that can be used by the community at large when school is not in session. In addition, Swan Hill behind HES hosts popular trails with great views of the Connecticut River." Mr. Frey asked if the POCD says Swan Hill should be conserved.

Ms. Bazazi stated on page 51 of the POCD, Table 2 Recreational Resources, HES is listed as a 157.9 acre parcel with basketball courts, play equipment, and multi-use fields, and on page 7, Sensitive Environmental Resources, it speaks to the need for the town to acquire unprotected parcels that include sensitive land or water resources (mentioned previously by Tom Worthley, UConn).

Mr. Frey asked if the public hearing could be reopened once it is closed. Mr. Warner stated no.

Mr. Calhoun asked if the Commission plans to close the hearing to have a vote tonight or to reserve the vote for another time. Mr. Bull stated it's possible that the Commission would vote tonight.

Mr. Calhoun stated that when he pulled up to the Route 81 traffic light, it's great to look at the top of Swan Hill, that the residents of Haddam are lucky enough to have that scenic view from the village, and if the village is going to be saved, the Commission should save some of the hills around the Center while they can. Mr. Calhoun noted that Cedar Hill is already an HLT property and it would be good not to look at houses on Swan Hill.

John DiMauro stated that Chatham Lake was an issue because of a developer and the Commission should vote for changing the zoning so the town doesn't have another issue.

Mr. Farina stated if the Commission makes the change, it will allow the Commission to have some control and potentially a bargaining chip later in the future.

Mr. Warner talked about the view of and from the Swan Hill and the need to come up with better zoning for it.

Mr. Frey asked if the hearing is closed, will the Commission go right to a vote or will it go onto the last hearing. Mr. Bull stated the Commission will vote on Swan Hill.

**MOTION:** Jamin Laurenza moved to close the public hearing at 7:55 p.m. Steve Bull second. Motion carried unanimously.

**MOTION:** Jamin Laurenza moved to open the meeting at 7:55 p.m. Steve Bull second. Motion carried unanimously.

**Meeting:** Prior to the vote, Mr. Frey stated although he believes this parcel going into a Conservation Zone is appropriate, he questions why there are other pieces of property within the POCD that have been recommended for conservation, yet the Commission is conserving Swan Hill, which isn't recommended for conservation in the POCD, before those parcels that are. Mr. Bull stated there are parcels that are grouped. Mr. Laurenza stated at previous meetings the Commission discussed doing groups at a time. Mr. Frey stated he knows, but this particular parcel was not included in the POCD as a preservation land.

Mr. Frey asked why the Commission is moving on this particular parcel so quickly. Mr. Frey stated it appears to him, as a Commissioner representing the townspeople, it is in an effort to succumb to the emotions and the comments that are flowing through the town. Mr. Frey stated if this was done in a month or was done a month ago, he would be happy; however, as a knee jerk reaction 48 hours after a POCD was opened, he doesn't believe the timing is appropriate. Mr. Frey stated he was not saying how he was voting as he thinks the parcel belongs in a conservation zone.

Mr. Laurenza stated he didn't know what was floating around on Facebook as he's not on it. Mr. Frey stated the Commission has heard it at their own meetings.

Ms. Bazazi stated perhaps Swan Hill wasn't listed as a parcel to conserve because the assumption was it was in the POCD, therefore, it was already conserved. Ms. Bazazi stated everywhere Swan Hill is referenced it is referenced as an open space assets and recreational opportunity. Mr. Frey stated he can't assume that, and that he knows Mr. Bull, who was chairman of the POCD Committee, is very thorough. Mr. Bull stated he doesn't believe the Commission has a definition for "preserved property". Mr. Frey stated the attorney mentioned that some parcels were mentioned as preserved and Swan Hill was not one of them.

Mr. Warner stated what the maps say is that there are protected open spaces. Mr. Frey stated he does not want to assume; it either is or isn't. Mr. Frey stated this issue is emotional.

Mrs. Block stated she believes the Commission started the process. Mr. Frey stated the Commission started the process on a Conservation Zone last summer, but didn't name this parcel last summer. Mrs. Block stated she believes this parcel, as well as others, were discussed about a month ago. Mr. Frey stated others were, but not this one. Mr. Warner stated a letter was sent indicating that the Commission was evaluating the zoning.

Mr. Warner stated yes, there's an RFP and someone wants to buy the property; but he's advising the Commission that the R1 zoning is not appropriate; therefore, the Commission can sit back and wait or they can do something. Mr. Frey stated he had to make his comments.

Mr. Bull talked about the Commission trying to get Tylerville Village regulations in prior to the submission of an application and the Commission failed in doing so; and, although the store turned out to look alright, it could have been better if regulations had been in place. Mr. Bull stated he doesn't believe this matter is any different.

Mrs. Block stated there's been a discussion about members recusing themselves for tonight's hearing. Mrs. Block disclosed that her personal property is near one of the parcels in question tonight; however, she feels confident in her ability to make a fair and unbiased decision regarding this matter. Mr. Warner had previously distributed information regarding Sections 8-11 and 8-12 of the Connecticut General Statutes (copy on file in the Town Clerk's Office).

Mrs. Block stated there are several instances within the POCD that specifically direct people in charge of implementation to acquire open space. Mrs. Block cited the following: Page 7, under Sensitive and



Environmental Resources - Protect sensitive resources, Acquire Sensitive Lands, and noted that the picture of the brook at Seven Falls State Park is the same brook that flows through the HES parcel. Page 14, Natural & Recreation Resources - "Considering that Higganum is the most populated area of Haddam it is fortunate to have a number of great Natural & Recreation Resources within close proximity of the village center." and beneath that quote is an aerial view of downtown Higganum, Map 2. Resources of Higganum. Mrs. Block noted the highlighted areas on the map - Higganum Reservoir, Scovil Property, entire HES property including Swan Hill, and Higganum Cove. Page 16, under Goals & Strategies, #5 - "Where possible, pursue efforts to protect the remaining open space surrounding Higganum and to preserve the historic settlement pattern of compact villages surrounded by open land by respecting the village boundaries." Page 34-35, Natural & Recreation Resources - page 35 - "The future subdivision and development of land could create conditions that disturb or threaten the prime features (topography, rivers and streams, wetlands and woodlands) of Haddam's natural environment, critical habitat, and agricultural activities." and Goals & Strategies, #1 - "Preserve as much of the remaining undisturbed and unprotected land and farmland in this area of town as possible." Mrs. Block stated these are items that she found within the last few minutes and believes the Commission is well within their right to take action as dictated by the POCD.

**MOTION:** Steve Bull made a motion to approve zoning map amendment to change the zone on a portion of the Haddam Elementary School property to Conservation Zone at 272 Saybrook Road/Map 06 Lot 009. A map displaying the approved zoning is on file in the Town Clerk's Office and the Land Use Office. Applicant - Planning and Zoning Commission. Effective Date March 28<sup>th</sup>, 2019. Jamin Laurenza second. Motion carried with Mr. Frey and Mr. LePard voting against.

At this time, Mr. Bamonte and Mr. Dugas left.

**C) Proposed Zoning Map Amendment to Change the Zone of Various Publicly Owned Properties and Haddam Land Trust Properties to Conservation Zone. Properties include: State of CT/Cockaponset State Forest - Ruth Hill Road Map 65 Lot 003, Tinker Road Map 68 Lot 001, 17 Ranger Road Map 32 Lot 002, Brainard Hill Road Map 17 Lot 001, Hubbard Road Map 45 Lot 003, Filley Road Map 52 Lot 001, Tinker Road Map 64 Lot 008, Wig Hill Road Map 64 Lot 033, and Haddam Land Trust - Saybrook Road Map 50 Lot 024. A map displaying the parcels and the existing and proposed zoning is on file in the Town Clerk's Office and the Land Use Office. Applicant - Haddam Planning and Zoning Commission.**

**Hearing:** Mr. Laurenza opened the hearing at 8:08 p.m.

Mr. Warner reported this proposal is about being consistent and proactive. Again reviewing the maps, pages 2 and 3, Mr. Warner noted that the majority of the green area is Cockaponset State Forest, the state is completely exempt from the town's zoning and do what they care to regardless of the zoning, but there could be pressure in the future for the state to go through the process to transfer the land to the private sector. Mr. Warner stated the Cockaponset land is zone R2 for two acre lots for subdivisions as well as other uses through a Special Permit and this does not leave the Commission in as good of a position as if it were zoned conservation. Mr. Warner stated the maps show the forest as protected open space yet its zoned R2 Residential and it's not consistent with the POCD. Mr. Warner recommended the Commission rezone it to conservation which will notify everybody that this whole town isn't available for development.

Mr. Warner discussed the HLT properties noting that Bill Cowan, President, HLT, is aware of what's taking place and has no object to the proposal as he stated in the first public hearing. Mr. Warner stated the parcel in question for tonight's hearing is located behind the Merchant House in Tylerville and is shown as protected open space by the town and open space by the state when in reality its zoned commercial. Mr. Warner stated the Commission should be proactive and recommended the zone change.

Ed Schwing stated the proposal is very logical, was well presented, and that he supports the proposal.

Mr. Calhoun asked if the zone change is approved and there were a slight use in the land, would the property owner have to come back before the Commission. Mr. Calhoun used the Shad Museum as an example as the 16 foot by 18 foot structure will need to be relocated and will be relocated to an HLT parcel. Mr. Warner stated yes, it would fall under Site Plan approval.

Mr. Bull asked Mr. Warner if most of the HLT land was residential with Mr. Warner responding yes. Mr. Bull stated the Commission has voted in the zone, but has voted in all HLT property to be under the conservation zone. Mr. Warner stated if the building is under 1,000 square feet it would be a Site Plan and over 1,000 square feet it would be a Special Permit; and if it benefits the HLT or a conservation organization, it would be allowed.

Mr. LePard stated prior to 2008 when development was booming, all of Cockaponset State Forest was excluded from that because it was de facto conservation area. Mr. LePard stated now the Commission is telling the state we're making it conservation area and you can't build on it. Mr. Bull said no, as the state can do what they want. Mr. Warner stated the state can do what they want so long as they own it; however, once it's sold to a private developer, the Commission has control. Mr. LePard stated he found it to be an interesting turn. Mr. LePard asked if the State of Connecticut will come after the Commission with a group of their lawyers. Mr. Warner again stated that the state is exempt from the town's zoning.

**MOTION:** Jamin Laurenza moved to close the public hearing and to open the public meeting at 8:20 p.m. Mike Farina second. Motion carried unanimously.

**Meeting:** Prior to the vote, Mr. Bull asked Mr. Warner if he had entered the Gateway Commission letter (copy on file in the Town Clerk's Office and Land Use Office) into the record. Mr. Warner stated the letter is in the file and does not have to be read publicly. Mr. Warner reported that a referral to the Gateway and the Regional Planning Agency were made as a portion of the land is within the Gateway area.

Mr. Farina, a Gateway Commission representative as well as a P&Z Commissioner, stated Gateway is very happy that the Commission is being consistent.

Mr. Bull asked if the Gateway Commission had weighed in on Swan Hill. Mr. Farina stated the view is in the Gateway Zone; and reiterated that the Gateway was quite pleased with all of the proceedings.

**MOTION:** Jamin Laurenza made a motion to approve zoning map amendment to change the zone of various publicly owned properties and Haddam Land Trust properties to Conservation Zone. Properties include: State of CT/Cockaponset State Forest – Ruth Hill Road Map 65 Lot 003, Tinker Road Map 68 Lot 001, 17 Ranger Road Map 32 Lot 002, Brainard Hill Road Map 17 Lot 001, Hubbard Road Map 45 Lot 003, Filley Road Map 52 Lot 001, Tinker Road Map 64 Lot 008, Wig Hill Road Map 64 Lot 033, and Haddam Land Trust – Saybrook Road Map 50 Lot 024. A map displaying the parcels and the existing and proposed zoning is on file in the Town Clerk's Office and the Land Use Office. Applicant - Haddam Planning and Zoning Commission. Effective Date March 28<sup>th</sup>, 2019. Mike Farina second. Motion carried unanimously.

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

**MOTION:** Steve Bull moved to approve the 21 February 2019 Public Hearing/Meeting minutes as submitted. Jamin Laurenza second. Motion carried with Mr. Laurenza abstaining.

## **8. Chairman's Report**

Mr. Laurenza had nothing new to report at this time.

## 9. Scheduling of Hearings

Mr. Warner reported there are no hearings scheduled at this time and that the notation was in error.

## 10. Town Planner's Report

**8-24 Report – Silver Springs - Driveway** – Mr. Warner reported that the Commission will be discussing an 8-24 Report pertaining to Silver Springs on Thursday, 21 March 2019.

**Jail** – Mr. Warner reported that he had taken an interested party on a walk-through of the Jail and that the individual had an interesting idea for the structure.

**Rossi Property, 300 Saybrook Road** – Mr. Warner reported that he has been meeting with the Rossis and walking through with their architects. Mr. Bull asked if the Rossis have been made aware that P&Z is open to some variances within the village pertaining to commercial. Mr. Warner stated yes, they have been talking about it. Mr. Warner reported there is a user for the small brick building.

**Nehemiah Brainerd House Bed and Breakfast, 988 Saybrook Road – Proposed Residential Treatment Facility** – Mr. Warner reported the application is currently incomplete and they have been asked to complete it with mapping and such. This will be scheduled in April.

## 11. Adjournment

**MOTION:** Steve Bull moved to adjourn. Jamin Laurenza second. Motion carried unanimously.

The meeting was adjourned at 8:25 p.m.

Respectfully Submitted,

*Bunny Hall Batzner*

Bunny Hall Batzner  
Recording Clerk

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

**PLEASE NOTE THE ABOVE SCHEDULED MEETING WILL BE HELD  
AT YOUR REGULARLY SCHEDULED MEETING PLACE.**