

**TOWN OF HADDAM
 PLANNING AND ZONING COMMISSION
 PUBLIC HEARING/MEETING
 TOWN HALL
 21 FIELD PARK DRIVE, HADDAM, CT
 THURSDAY, 2 JUNE 2016
 APPROVED MINUTES
*Approved as Submitted at the 16 June 2016 Meeting***

ATTENDANCE

X	Steven Bull, Vice Chairman
A	Arthur Kohs
A	Michael Lagace
A	Jamin Laurenza, Chairman
X	Wayne LePard
X	Carmelo Rosa
X	Edward Wallor, Secretary
A	Robert Braren, Alternate
A	Raul de Brigard, Alternate
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 were seated.

3. Additions/Corrections to the Agenda

Add: Under Town Planner's Report – Recommendation from Planning and Zoning Representative to the Gateway Commission.

4. Public Comments

None.

5. Public Hearing/Meeting - CONTINUED: Special Permit for a Detached Accessory Apartment on 163 Old Ponsett Road, and Shown on Tax Map 25, Lot 34.

Michael Girgenti, owner/applicant, and Bruno Girgenti were present.

This is a continuation from 21 April 2016 and 5 May 2016.

Mr. M. Girgenti stated he made modifications to the drawings – the outside of the livable space down to under 800 square feet (outside wall to outside wall), stair case inside, and storage area off of the garage created - as Mr. Rosa and he discussed at the 5 May 2016 public hearing. Mr. M. Girgenti also stated after the meeting, Mrs. Glidden communicated that the Commission requested elevations and individual floors which have also been submitted.

Mr. Bull reviewed Section 23.6.3.B.4 noting that the second driveway, in his opinion, disrupts the character of the single family lot. Mr. Wallor and Mr. Rosa agreed. Mr. M. Girgenti stated there has been no prior discussion pertaining to the parking until after the fact when Mrs. Glidden advised him of these sections. Mr. Bull noted the Commission has been doing their homework which Mr. M. Girgenti understood. Mr. M. Girgenti stated it was his understanding the detached structure needed its own parking which he has provided; however, if the driveways need to be connected, it wouldn't be an issue to do so.

Mr. M. Girgenti stated he's getting the feeling that the Commission doesn't believe he's meeting the requirements and all he's trying to do is get criteria in order to present a useable plan. Mr. Bull stated the criteria are within the regulations and the Commission is not trying to turn the application down, but rather to make it work. Mr. M. Girgenti stated he wasn't suggesting that. Mr. Bull also stated he believes a lot of Commissioners at first glance felt there was something wrong. Mr. Rosa stated the Commission was not presented all the information the first couple of times. Mr. M. Girgenti stated he understood; and if the parking needs to be changed, he'd like to know the specifics.

Mr. Bull stated the proposal clearly upsets the single family character of the lot pointing out the main house, driveway, and garage and the proposed second structure with attached two car garage with direct access to the apartment. Mr. Wallor stated the plan clearly shows trees planted between the two dwellings making it look like two separate houses on the same lot. Mr. Bull agreed.

Mr. Bull read from an email in which he wrote "The occupants having direct access to the garage and the second floor and the walk in basement leaving nothing for the original intended use of the building makes this more than an accessory structure. The original intended use addresses the accessory structure definition that the accessory apartment is to be created in an accessory structure." Mr. Bull stated he doesn't believe the apartment will be constructed in a building that has another use. Mr. Wallor stated has a secondary use. Mr. Bull also stated every area of the building, other than the storage room, the occupants have access too. Mr. Wallor also stated it appears that the primary use of the building is for occupancy. Mr. M. Girgenti stated the primary use will be a barn. Mr. Bull asked where the barn is. Mr. M. Girgenti asked the Commission to look at the rear elevations showing two large garage doors for access to the barn/workshop. Mr. Wallor stated the proposal appears to be for a two story house with a four car garage. Mr. M. Girgenti stated within the structure is 800 square feet of livable space.

Mr. M. Girgenti stated it's not clear as to what the Commission is looking for and each time he's been before the Commission he keeps getting different answers. Mr. M. Girgenti also stated if the Commission is trying to help him, than help him. Mr. Bull stated the answers aren't different it's merely the Commission reviewing their regulations. Mr. M. Girgenti stated he can see what the Commission is doing – scrutinizing the application to the point that he's feeling as if he's not being treated fairly. Mr. M. Girgenti informed the Commission he's spent a large amount of money on the project; he's sked for counsel on the matter and was shocked with the result of the first hearing based on those discussions; the second hearing he asked for clear defined criteria to come back with and felt he had clear understanding; and now at the third hearing there's a whole host of new issues that have come up. Mr. M. Girgenti stated the problem is very gray and the regulations are interpreted by the Commission. Mr. M. Girgenti stated he's trying to make accommodations for his parents as well as utilizing a barn. Mr. M. Girgenti again stated he's not feeling welcomed and not feeling he's being given the opportunity to take advantage of something which would benefit him and his family and something that the town should be embracing.

Mr. M. Girgenti stated he's not trying to circumvent the system, but he's asking for counsel/advice. Mr. M. Girgenti also stated he's not trying to build a second house. Mr. Rosa and Mr. Bull stated that's what it appears. Mr. Rosa stated it's not an accessory apartment. Mr. M. Girgenti stated it's not a house. Mr. Rosa asked how it was not a house. Mr. B. Girgenti stated 800 square feet was requested. Mr. Rosa stated it's more than that, there's clearly living space on the lower and upper levels as well as the two car garage. Mr. M. Girgenti stated there's no living space on any other floor but the 800 square feet. Mr. Rosa stated the structure has a poured foundation with a basement. Mr. M. Girgenti asked if the Commission tells people with a poured foundation that it's living space. Mr. Rosa stated it could be. Mr. M. Girgenti stated it could be, but he's not building that.

Mr. Wallor asked about the floor above the proposed apartment. Mr. M. Girgenti stated it's an empty attic with no power or utilities going to it. Mr. M. Girgenti also stated he understands the Commission's concern about abuse and that it is not his intent. Mr. M. Girgenti stated he plans to remain in the town and has been submitting plans as requested and has to follow the codes of the town.

Mrs. Glidden stated there are a couple of things going on: 1) is the building an accessory use to the dwelling (not the use, but the building). Mrs. Glidden stated she believes the Commission has a question about whether or not it's subordinate to the house. Mr. M. Girgenti stated it is subordinate to the house. Mrs. Glidden asked how so. Mr. M. Girgenti stated it's a third of the size of the house and set off to the side, as if you drove by somebody else's house. Mrs. Glidden asked if the apartment is a third of the size or the whole building is a third of the size. Mr. M. Girgenti stated the foundation on his home is 64 feet by 44 feet and the other structure is 30 feet by 36 feet and it doesn't have the same height as the house. Mr. M. Girgenti stated he was trying to maintain the same character as the existing house, but using it as a barn/workshop. Mr. M. Girgenti also stated he thought it would be a good spot for an apartment as his parents intend on traveling and will not be using the apartment full time all year round. Mr. M. Girgenti stated 800 square feet is small for two health parents, but they will not be there full time. Mr. M. Girgenti again stated he's not trying to circumvent or take advantage of the system; he's asking the Commission's counsel in order to do the right thing. Mr. M. Girgenti stated he's trying to provide real drawings. Mr. Rosa stated during the first meeting the plans were vague and the Commission didn't understand, but now they do understand and, to him, it doesn't follow the intent of an accessory apartment. Mr. Rosa explained what an accessory apartment is – doesn't have a two car garage with space above and a barn below. Mr. Rosa stated, in his opinion, the proposal is for a house. Mr. M. Girgenti stated in his mind it is not a house and that he designed it to be a barn/workshop with an apartment inside. Mr. M. Girgenti stated if he had an existing barn, he would be allowed to put in an 800 square foot apartment; wherein this case, he's asking to do it all at the same time. Mr. M. Girgenti stated he didn't understand the Commission's problem with the proposal; and questioned if it's the aesthetics. Mr. Bull stated the proposal falls under Special Permit which gives the Commission wide latitude.

Mr. Bull stated he feels the proposal clearly disrupts the single family character of the lot and asked how it can be made not to disrupt the single family character. Mr. Wallor stated there's a parking issue as well. Mr. Bull agreed, noting there are two curb cuts giving the appearance of two houses. Mr. M. Girgenti stated with the turnaround a driveway could be made down to the front of the barn and it wouldn't be an issue. Mr. M. Girgenti stated he'd like the box the size he's requesting. Mr. Bull stated the driveway issue would diminish the disruption of the single family character of the lot.

Mr. M. Girgenti questioned the limited number of Commissioners present and whether it would affect his decision (approval). Mrs. Glidden stated only those present would be voting (it would require a unanimous vote) and it would be the Commission's decision whether or not to vote tonight. Mr. M. Girgenti asked if he could request a continuance. Mrs. Glidden stated yes, but the Commission wouldn't have to honor it. Mr. Wallor stated the Commission could close the hearing and not open the meeting until a full board is present.

Mr. Bull stated in his opinion, the proposal is for a one bedroom house with a small storage area and not a proposed barn with an apartment. Mrs. Glidden stated she believes there are things the applicant can do such as having one driveway, reorienting the structure so it's facing the existing house to make it appear more like an accessory structure; however, if he goes to those lengths will it change the Commission's opinion.

Mr. Wallor stated the primary use of the building is someone's residence; whereas, an accessory apartment would be secondary to the use of the dwelling. Mr. M. Girgenti stated it is. Mr. Wallor asked him to explain. Mr. M. Girgenti stated the reason for the building is for the barn/workshop. Mr. Bull read the definitions for accessory apartment (detached) and accessory structure. A brief discussion followed in regard to which definition an accessory apartment would be built in – accessory structure or accessory building. Mr. Bull stated in his opinion, the second structure is not a barn as there's a walk in basement that's accessible directly from the apartment. Mr. M. Girgenti stated the basement is accessible from the garage and not the apartment. Using the drawings, Mr. M. Girgenti stated the stairs only go up. Mr. Bull

asked how you get down into the basement with Mr. M. Girgenti responding through the storage area in the garage. Mr. M. Girgenti stated the stairs are labeled wrong and that there is no way to get to the barn/basement from the interior of the house. Mr. Wallor asked Mr. M. Girgenti to point out the stairs to get into the basement. Mr. M. Girgenti stated they're accessible from the storage area. Mr. Wallor stated they're not shown that way on the plans. Mr. M. Girgenti stated the stairs are shown. Mr. Wallor again asked to be shown the location of the stairs. Mr. M. Girgenti pointed out a location and stated they were labeled wrong. Mr. M. Girgenti stated the stairs are walking you up and out into the storage space. Mr. LePard stated they can't because you'd hit the landing. Mr. Rosa stated the architect didn't work the stairs out.

Mr. Rosa stated his biggest concern is that an accessory apartment is not a house - an accessory apartment doesn't have a two car garage the main house has a garage. Mr. Rosa stated in his opinion, the intent of the regulation for an accessory apartment is clearly just an apartment, accessory. Mr. Rosa also stated the proposal looks like a second house. Mr. Wallor stated perhaps the trouble is due to the proposal not looking like a barn, but more so a house with a separate driveway. Mr. Bull asked how the Commission would feel if the garage were removed. Mr. LePard asked Mr. M. Girgenti to show him how the footprint of the house is different from the footprint of the barn/apartment. The Commission reviewed the drawings – accessory building/two car garage 41 foot by 54 foot footprint; the principle building 54 foot by 64 foot footprint; and accessory building without two car garage 30 foot by 36 foot footprint. Mr. Rosa again stated an accessory apartment does not have a garage, a barn, and an attic with dormers; and the proposal does not in any way, shape, or form reflect the intent of the regulations. Discussion followed in regard to the use of the word footprint in the 19 May 2016 minutes. Mr. Wallor stated, in his opinion, there's more than 800 square feet of living space being shown in the plans – attic with dormer.

The Commission reviewed a previously approved detached accessory apartment (Hickish). Discussion followed with Mrs. Glidden noting there was no additional room for expansion with the Hickish proposal. A brief discussion followed in regard to the potential for additional living space with the Girgenti proposal. Mr. Wallor stated he doesn't understand what the principle use is in this proposal as the Commission is talking about letting the applicant build a significantly sized structure with 800 square feet and an attached garage. Mr. Wallor noted the back elevation of the proposal shows it as a four car garage. Mrs. Glidden stated if the Commission wants to look at the drawings as an apartment with a four car garage it would not be subordinate to the principle structure. Mrs. Glidden stated the house is the principle use/structure on the property; therefore, the question is whether the proposal is accessory to that. Mr. Wallor stated he didn't see how it could be since it has a separate well and septic system. Mr. M. Girgenti stated the separate well was required by the health district. Mr. Wallor stated all of his accessory structures get water from his existing well. Mrs. Glidden stated she didn't have an answer in regard to the well, but it's easier to have a separate septic system (not required) for an accessory apartment.

Mrs. Glidden stated the Commission has several options: 1) keep the hearing open; 2) close the hearing and not accept any new paperwork or testimony, and open the meeting at the next meeting; or 3) close the hearing, open the meeting, and vote on the matter.

Mr. Wallor asked why the applicant can't subdivide the property. Mr. B. Girgenti stated he couldn't afford it as he's retire with a limited income, and all he needs is a small place to live with his wife. Mr. B. Girgenti stated if the Commission prefers he leave the town, then deny the application. Mr. B. Girgenti also stated he sees what other people do and not under this scrutiny.

Mrs. Glidden stated there has been discussion in regard to the expense of the plans being draw; where it wouldn't be that expensive to subdivide. Mr. M. Girgenti stated it's more about the fixed income his parents will be on and the tax base for a separate lot/structure. Mr. B. Girgenti stated he won't be living there half the time and all he needs is a small place to come back to. Mr. M. Girgenti stated he planned to construct a barn/workshop and thought an accessory apartment would be allowable. Mr. M. Girgenti also stated he didn't want the apartment to look like a cow barn and thought it would look nicer and more aesthetic to the neighborhood to have it look like a smaller similar version of the house. Mr. Wallor stated the regulations do not allow two houses on one lot. Mr. M. Girgenti stated he didn't think aesthetics was an issue; and after revising the plans based on previous discussion, it still appears the Commission isn't

going to approve the application. Mr. M. Girgenti again asked for advice. Mr. M. Girgenti stated he was willing to change the driveway, but wouldn't take it much further than that.

Mr. Bull reminded Mr. M. Girgenti the Commission had advised him that they would be reviewing their regulations in relation to the application. Mr. M. Girgenti stated he believes the apartment is subordinate to the dwelling, the parking can be easily addressed, but he still feels there are issues in the way the barn is set up. Mr. M. Girgenti also stated he wouldn't have had the modifications to the plans done if he realized he was going to be questioned further. Discussion followed.

Mrs. Glidden again explained the time frame for the application. Mrs. Glidden recommended the hearing be closed as the Commission has heard everything they need to and that a decision be made earlier as opposed to later. Mr. Wallor suggested as a courtesy to the applicant, the hearing remain open with the understanding the Commission will review the application quickly, close the hearing, and open the meeting. This will allow the remainder of the Commission to come up to speed on the matter.

Mr. M. Girgenti asked if he should be coming back to the Commission with changes or not. Mr. Bull stated the Commission has made it very clear that if the structure didn't look like another house it wouldn't have been under such scrutiny. Mr. M. Girgenti asked if he changed the aesthetics of the drawing would that help. Mr. Rosa stated it wouldn't work. Mr. Wallor stated it's difficult to have a barn with an attached two car garage.

Mr. M. Girgenti asked if he built a barn no matter what it looks like, would he have to come before the Commission. Mrs. Glidden stated no. Mr. M. Girgenti then asked if he builds his barn and comes before the Commission for approval of 800 square feet within the barn as livable space, could the Commission deny his application. Mrs. Glidden stated yes, because it's a special permit application. Mr. M. Girgenti stated it's not his intent. Mr. M. Girgenti asked if he removed the garage would it be something the Commission would look favorably upon. Mrs. Glidden stated the Commission has to comment on the application as submitted and not negotiate. Mr. M. Girgenti stated there are no design criteria and he's looking for information from the Commission in order to design something. Discussion followed in regard to eliminating the garage being a step in the right direction.

Mr. M. Girgenti stated he will decided whether he wants to make modifications to the plans; and if so, will submit them the night of the continued hearing.

MOTION: Ed Wallor moved to continue the public hearing until Thursday, 16 June 2016. Carmelo Rosa second. Motion carried unanimously.

Mrs. Glidden stated she will obtain counsel on this matter.

6. Old Business:

Parking Lights, Dunkin Donuts, Saybrook Road, Higganum – Mrs. Glidden reported Gary Vivian, Building Official, has viewed the site and drafted a Notice of Concern (owner has 30 days to respond).

66 Killingworth Road – Mrs. Glidden reported she has sent a referral letter to the Gateway Commission and the Town Clerk's Office in regard to the proposed revisions to the Industrial Park regulations. Mrs. Glidden also reported she drafted a letter to the neighbors and will work with Mr. Polke in regard to a neighborhood meeting to discuss the matter.

Jail Building, Route 154 – Mrs. Glidden reported Fuss and O'Neil have been selected to be the consultant for the DECD grant to perform a Phase I environmental plan or remedial action plan, to do some abatement, and some marketing and planning study.

7. New Business:

None.

8. Approval/Correction of the Minutes

MOTION: Ed Wallor moved to approve the 19 May 2016 minutes as submitted. Carmelo Rosa second. Motion carried unanimously.

Discussion followed in regard to the use of the word “footprint” within the minutes and the possible ways to clarify the regulations – limit the outside footprint, deed restriction, and/or secondary access. Mr. LePard stated 800 square foot maximum footprint and 800 square foot maximum living area will rectify the matter. Mr. Bull and Mr. Wallor stated there are wonderful structures in town that would allow 800 square feet of livable space. A brief discussion followed in regard to micro houses; housing diversity; barns; and the intent of the regulations.

9. Chairman’s Report

None.

10. Scheduling of Hearings

Michael Girgenti, Special Permit for a Detached Accessory Apartment, 163 Old Ponsett Road – Thursday, 16 June 2016 – Continued Public Hearing.

Julio Riera, Construct Single Family Dwelling Unit, Accessory Barn with an Accessory Apartment (detached), 5 Evergreen Road – Thursday, 16 June 2016 – Public Hearing. Application distributed.

11. Town Planner’s Report

Recommendation from Planning and Zoning Representative to the Gateway Commission – Mrs. Glidden reported Mr. Frey has volunteered to be P&Z’s representative. Mr. Wallor asked if Mr. de Brigard was no longer interested in being on the Gateway Commission. Mrs. Glidden stated Mr. de Brigard will remain an alternate.

MOTION: Carmelo Rosa moved to recommended Chip Frey as the Planning and Zoning Representative to the Gateway Commission. Ed Wallor second. Motion carried unanimously.

12. Adjournment

MOTION: Ed Wallor moved to adjourn. Wayne LePard second. Motion carried unanimously.

The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 16 June 2016.