

**TOWN OF HADDAM
PLANNING AND ZONING COMMISSION
PUBLIC MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT
THURSDAY, 18 OCTOBER 2018
UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Gina Block
A	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
X	Diane Waddle Stock, Alternate (Arrived 7:35 p.m.)
X	Sam Todzia, Alternate - Seated
X	Liz West Glidden, 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 Sam Todzia were seated.

4. Additions/Corrections to the Agenda

None.

5. Public Comments

None.

6. Review of Site Plan for 23 and 27 Killingworth Road, Known as Higganum Pharmacy. As-Built for Site Work Regarding New Addition.

Mrs. Glidden clarified that this is not a hearing and gave a brief history of the project – Commission approved a site plan with conditions on 09.07.2017; however, final construction does not match the site

plan exactly. Mrs. Glidden reported that an As-Built has been submitted and it is being brought before the Commission to see if the Commission deems the changes between the approved site plan and the As-Built major or minor changes. Mrs. Glidden stated the Commission can deem the changes to be minor and allow her to sign off on them or the Commission can schedule a hearing to discuss the matter further.

Mrs. Glidden laid out two site plans – the 09.07.2017 approved site plan and the recently submitted As-Built, dated 07.18.2018, Revised 10.01.2018 - for the Commission's review. Mrs. Glidden discussed the changes between the two plans: 1) Planting islands are reduced by half and the parking by these islands has moved out towards Route 81 (As-Built). 2) Concrete block retaining wall abutting Higganum Cemetery installed as well as employee parking to the rear with less landscaping as originally approved (As-Built). 3) Donation boxes are in the front corner of the front parking area (near Brewed Awakening). Mrs. Glidden stated she believes they should be moved to a different part of the site, but that's up to the Commission. 4) Dumpster pads are in the right location and have been completed. 5) Parking area appears to be gravel with no chip seal. Rick Todzia stated the site is chip sealed. Mr. Laurenza stated it does appear to be some type of chip seal. Mr. Wallor stated he viewed the site today and it appears to be process. Mrs. Glidden noted that one plan shows paved parking and the other shows chip seal; and asked if it was important to the Commission. Rick Todzia stated the area was paved and then chip sealed. 6) Parking spaces are identified.

Rick Todzia stated the property looks great, what was once an eye sore at best is now probably the nicest looking property in town, and that he had spent a lot of money, time, and effort on the project. Mr. R. Todzia also stated the reason Mr. McKenna spent the money on the parking lot to the back was so his employees could park there and open up more spaces in the front for his costumers. Mr. R. Todzia stated the pharmacy provides a great service to the town and doesn't see any reason why the Commission would deny it due to plantings being slightly different from the plan. Mr. R. Todzia stated he hopes the Commission will approve the plan and grant the Certificate of Occupancy (CO).

Alan Andeen asked Mrs. Glidden if the donation boxes she had mentioned earlier were the ones by the sidewalk. Mr. Laurenza stated no one is asking that anything be removed, that this is merely discussion. Mr. Andeen stated he believes the boxes should remain in their current location as people can pull up to the boxes (use parallel parking on Route 81) and deposit their donations rather than having to pull into the pharmacy parking and take up a customer's parking space. As far as the rest of the design, Mr. Andeen felt everything looked very nice; better than it has in a long time. Mr. Andeen also stated he doesn't see why the CO cannot be granted.

Mrs. Glidden clarified that the Commission does not issue the CO. The Commission needs to make a decision on how they would like to proceed with the plan; and if approved, the Building Official would issue the CO and the Zoning Official would sign off on it. Mr. Andeen thanked Mrs. Glidden.

Mr. Braren stated he agrees the building looks nice, but it's interesting that the owner would deviate from something different than what was approved, which is not normally the way things should be done. Mr. Braren also stated that he's a little concerned about having less landscaping to the front because even though it's not intended to be a buffer, it is supposed to be a beautifying element to the whole project. Mr. Braren stated there's a much larger impervious area and that it's hard to believe that the parking area to the side, although well screened, may not have been the plan from the beginning; and questioned why it would not have been included to begin with. Mr. Braren asked where the project stands on parking counts and what's allowable - is there more parking than what was approved. Mr. Laurenza thought there must be more than was approved.

Mr. LePard stated there needs to be a minimum number of parking spaces and if there are additional spaces that shouldn't be a problem unless it messes something up. Mrs. Glidden stated it does and that she felt it was a problem the Commission had sought to rectify. Mrs. Glidden also stated there isn't a need for a sea of parking in the village due to parallel street parking and other overflow parking areas.

Mrs. Glidden stated from a planning perspective we're trying to get away from the mall mentality. Mrs. Glidden clarified that she was not saying Mr. McKenna could not have the parking spaces and although he has a number of elderly customers who want access to the building, it's not a matter of more is better.

Mr. LePard stated if Mr. McKenna had come back to the Commission indicating he wanted to put his employees to the back and leave the same number of spaces in the front, he (LePard) would say it was a brilliant idea, but Mr. McKenna didn't. Mr. Braren stated that would have been the right way to do it. Mr. LePard agreed.

Mr. Laurenza stated his concern is the Commission approved one site plan and now the applicant is submitting something different as an As-Built; and if the Commission does not do something to amend what has been submitted, the Commission would be setting a precedent that an applicant can receive approval for one thing and then do something different with no ramifications. Mr. Laurenza told Mrs. Glidden that he wanted something from the town attorney advising the Commission how they should move forward with this matter.

Mr. Laurenza stated he wants Mr. McKenna to receive his CO, but if he has to come before the Commission to explain the amendments, fine. Mr. Laurenza again stated the Commission cannot set a precedent where they approve one thing and then sign off on something else no matter who that applicant is. Mr. Laurenza stated he does not want to see the Commission start to "gray area" their approvals.

Mr. Wallor stated he had a huge problem with the matter citing the original site plan went before the Architectural Review Committee (ARC), the Commission bent on a lot of the original parking noting that ARC had recommended islands (Commission removed them due to snowplowing being an issue), the buffer has been reduced by half, and additional parking has been added. Mr. Wallor stated he could not accept it and that the plan should have gone back to ARC. Mrs. Glidden stated the plan still can if the Commission recommends that. Mr. Wallor stated Mr. McKenna can come back before the Commission and a vote be held. Mr. Wallor also stated there's a process that needs to be abided by and that the plan needs to go through the proper channels; otherwise, why is anyone on the Commission. Mr. Wallor and Mr. Laurenza noted the Commission spent a lot of time in 2017 on this matter. Mr. Wallor also noted there are other properties in the center of Higganum that are falling down due to neglect that the Commission needs to address.

Mr. LePard asked if anyone from the town, such as the Building Dept., gets involved in a project as it's going forward. Mrs. Glidden stated yes. Mr. LePard cited a previous application concerning Midway Marina where approved items were not carried out and it was found out years later when another application for the marina came before P&Z. Mrs. Glidden stated that loop hole/problem has been resolved. Mr. LePard stated if someone had been watching the marina project, then someone would have discovered the discrepancies prior to the Commission becoming aware of them as an As-Built.

In regard to the pharmacy project, Mr. LePard asked if anyone from the town had been watching it. Mrs. Glidden stated yes. Mr. LePard asked if anyone reported the changes. Mrs. Glidden stated everyone reported it. Mr. LePard asked to whom. Mrs. Glidden stated she had mentioned it to the Commission. Mr. LePard stated he didn't remember that. Mrs. Glidden stated it was obvious they were not building it to the approved site plan, but the town cannot stop an applicant from doing that; and the only thing the Commission has right now to make the applicant accountable is the CO. Mrs. Glidden stated the town has said they will not issue a CO if the plans are not built to what's approved by P&Z or the applicant gets the plans approved somehow. Mrs. Glidden reported this is the final inspection and this is where the applicant stands. Mr. LePard stated he's been to every meeting except one and his point is that during the 09.06.2018 meeting he brought to the Commission's attention the reduced landscaping in front of the pharmacy, that it was a shame that something couldn't have been worked out to save the existing plantings, and that the Commission and an applicant need to work together. Mr. LePard admitted that he wasn't aware how drastically the landscaping had been reduced from the approved plan. Mr. LePard

stated his real point is, that he's really surprised that any project that takes place in the town, that someone in the Building Dept. notify someone; however, he had no knowledge of this matter until today. Mr. LePard asked the members of the Commission to correct him if he was wrong. Mrs. Glidden stated there was nothing the Commission could have done. Mr. LePard asked why not. Mrs. Glidden stated the only thing that can be done is speak to the property owner about the matter. Mr. LePard asked if that had been done. Mrs. Glidden stated yes.

Mr. LePard stated there is a large house being constructed on Horton Road; and asked if someone from the town is monitoring that project. Mr. LePard asked how come the Building Dept. is finding something wrong, but it is not being brought back to the Commission in order to work on correcting the issue while it's in process rather than when it's complete. Mrs. Glidden stated the property owner was aware as things were going up in the back area that it wasn't shown on the site plan and it was not what he was approved for and he was given a due process to handle the matter (come back before the Commission to ask for a modification to an approved site plan before building the parking area) and he chose not to. Mrs. Glidden stated the Commission can revoke the site plan approval because it wasn't built to what had been agreed to, but believes going through the CO process is a better way to handle the situation.

Mrs. Glidden went back to Mr. LePard's comments regarding the landscaping plan and reported that in Mr. McKenna's initial plans he did not have any landscaping, but was asked to add some. Mr. LePard stated he did have plans showing plantings. Mrs. Glidden stated he came forward with a planting plan from Bob Glazier, that plan went before ARC and P&Z, and there was no questioning about it and it was approved. Mr. Wallor stated the Commission bent and that ARC wanted islands and other items, but there was a discussion about snow plowing and the Commission went with what was approved. Mr. Wallor also stated the landscaping beds by the roadside belong to the State of Connecticut. Mrs. Glidden stated ARC never said to Bob Glazier or to Mr. McKenna that they wanted all of the existing plantings torn out and new plantings installed. Mrs. Glidden stated in hind sight there was a lot of streetscaping done in Higganum in 2000 and the trees were a part of that.

Ms. Block stated she was looking at the Village Regulations and it states for every 750 square feet of parking one shade tree must be planted and maintained. Ms. Block stated she's aware there were some concessions made to Mr. McKenna in regard to plantings. Mr. Wallor stated he's aware Ms. Block was not on the Commission at the time and that the concessions made were the removal of islands so there was area for plowing. Mr. Laurenza stated some of the snow storage area would have been in the area of the donation boxes. Mr. Wallor stated the area where the snow was to be piled is no longer there as it's now being used to reach the employee's parking area. Mr. Wallor stated all the concessions the Commission made for the plantings have been reduced by half on the As-Built because he wanted to pile snow in the area, but now he can't pile the snow because his employees have to park somewhere.

Mr. Laurenza stated if Mr. McKenna had come back to the Commission mid-stream in the project with modifications, the Commission would have accommodated the request by scheduling a hearing. Mr. Laurenza also stated the Commission is not anti-business.

Mr. Frey stated Mr. LePard originally had concerns about the Higganum Cemetery hillside sliding down during a heavy rain event into the parking area (09.07.2017 hearing/meeting); and as the site was being worked on, this was a tasteful way to stabilize the hillside. Mr. Frey stated yes, they probably should have come before the Commission, but doesn't believe it was blatant. Mr. Frey stated the Commission needs to be cautious about telling people what they can plant on state property. Mr. Frey also stated there was an interjection and comments made in mailings from the Haddam Garden Club objecting to the proposed Japanese Cherry tree that was not indigenous with the local birds, bees, and insects. Mr. Frey asked how the Commission can tell someone what they can plant on state property. Mrs. Glidden stated it's because the property is within the Village District. Mr. Frey again stated the Commission needs to be cautious about what they tell people they can do on state property. Discussion followed with Mr. Wallor noting that when Hi-Way Package Store came before the Commission and ARC had made their recom-

mendations, the applicant was amenable and Hi-Way Package Store is beautiful. Mrs. Glidden stated Hi-Way Package is an excellent example in that when they modified their lighting plan they came before the Commission (they asked before they did anything). Mr. Frey stated he understands, but that he doesn't believe the changes were done intentionally and blatantly; and that he's happy there's additional parking noting the number of people who use the gym and the pharmacy. Discussion followed in regard to not requiring property owners to maintain state property and potentially, it's not a good idea to having a Village District wherever there's a state thoroughfare. Mr. Laurenza stated the state has not complained about what was planted.

Mr. Laurenza asked Mrs. Glidden to send an email to the town attorney asking for advice on how the Commission should move forward on this matter and to place the matter on the November agenda. Mr. Laurenza stated at the end of the day, if the Commission says yes, the regulations are worthless and everyone has wasted their time being on the Commission.

Mr. Braren asked how a whole new parking area is built not on purposes. Mr. Frey stated retainage for the Higganum Cemetery that Mr. LePard had concerns over. Mr. Braren stated he's not necessarily against the parking, but it's about following the proper channels. Mr. Frey stated it never occurred to him that proper channels needed to be done with that. Mr. Wallor stated there must be a water shed issue with the additional parking. Mrs. Glidden stated there is no storm water management on the site.

Mr. Laurenza recommended the Commission take this matter one step at a time. 1) Obtain the attorney's advice. 2) It is not the Commission's intent to shut the pharmacy down. 3) The intention is that the Commission has a set of regulations that everyone is asked to follow. Mr. Wallor stated no, the Commission doesn't ask, everyone is required to follow. Mrs. Glidden stated everyone will walk all over the Commission – build what I want and then ask for forgiveness afterwards. Mrs. Glidden also stated if the Commission is going to be one of substance, they need to put an end to this. Mr. Wallor agreed.

Mr. LePard stated he felt the Commission is going overboard for what he sees as minor changes and that it probably was not intentional to put down the Commission or be uncooperative. Mr. Wallor suggested an application come in to tear down the Hutch for additional employee parking noting that the building is in violation of the Village District. Mr. Frey stated there's a tenant going in the building. Mr. LePard stated at this point in time, Mr. McKenna employees a number of people from town and the surrounding area and isn't blatantly trying to get the Commission mad or violate 20 years of the Commission's progress, but is merely trying to have a business where his employees can park and the other businesses have more parking. Mr. LePard noted that the parallel parking spaces on Route 81 aren't available in the winter as they are not plowed by the state but rather by the Public Works Dept. approximately three days after a storm. Mr. LePard stated the only thing Mr. McKenna did do was that he didn't go through the process that is required by the Commission. Mr. LePard also stated this situation shouldn't become hostile and that the Commission should lend in the proper development and have some latitude. Mrs. Glidden stated it's unclear as to whether the Commission would have approved the changes or not. Mr. LePard talked about Mr. McKenna mitigating the potential for the hillside sliding due to the installation of the concrete blocks. Mr. Frey stated the blocks were chosen because those were the ones used around the back parking area at the Town Office Building.

Mr. LePard stated he hopes the Commission doesn't have a meeting similar to this one in regard to the GCI project on Route 81; and if there are changes and town officials are aware of it, those officials should be reporting those changes to the Commission sooner as opposed to later. Mrs. Glidden asked Mr. LePard what would have been the trigger and what would the Commission have done. Mr. LePard stated if someone from the town is following this project, they should come back to Mrs. Glidden or the Commission to report what is taking place, and then someone should meet with the applicant. Mrs. Glidden didn't agree stating she doesn't believe it's a part of the Commission prevue. Mrs. Glidden stated the town reached out to Mr. McKenna and that the Building Official notified Mr. McKenna that he couldn't obtain a CO until zoning approval is received and the only way to do that is to address the discrepancies between

the two site plans. Mr. LePard asked Mrs. Glidden if she had correspondence indicating that as he had never heard that before. Mrs. Glidden stated it was verbal. Mr. LePard stated if something that official is taking place, it should be in writing (a paper trail). Mrs. Glidden stated the Building Official did send a letter to Mr. McKenna indicating that there were deficiencies with the plans and that a CO could not be issued until the deficiencies were addressed. Mr. LePard asked for a copy of that letter for the Commission's review.

Mr. LePard asked if Mr. McKenna will be asked to shut down his business now. Mr. Laurenza made it very clear that no one on the Commission has said to shut down Mr. McKenna's business. Mr. Laurenza stated the Commission is saying that there are regulations and that the Commission is making everyone adhere to them. Mr. Laurenza also stated the Commission cannot approve one thing, have something else built with no recourse. Mr. Laurenza again stated if Mr. McKenna had come mid-stream in the project, the Commission would have put him on the agenda. Mr. Laurenza stated he's asking that Mr. McKenna come back before the Commission for a site plan modification.

Mrs. Glidden will obtain a copy of the letter from the Building Official and will distribute to the Commission, she will speak to Rich Roberts, town attorney, and the Commission can either do a site plan modification or have her approve the As-Built as minor changes; however, that is not the route she is hearing the Commission would like to go. Mrs. Glidden stated that a site plan modification does not require a public hearing (the Commission can opt for one); and if done as a discussion item, it could be scheduled for 11.01.2018 (to be placed on the 11.01.2018 meeting). Mr. Laurenza asked the Commission to make a point to visit the site (drive up into the employee parking area and look at the modifications); and if on 11.01.2018 the Commission feels the matter should go before ARC, that would be when it would be discussed (no advertising, posting of sign). Mrs. Glidden noted that as this matter will not be a public hearing, the Commission will need to keep some sort of order.

Matter to be placed on the 1 November 2018 agenda for discussion only.

7. Next Steps: Moving Forward in 2018 and 2019

Mrs. Glidden reviewed the list distributed to Commissioners at the 10.04.2018 meeting and stated she is unclear as to how the Commission would like to prioritize the items, but believes the next step should be to finish up the Connecticut River Commercial District including the properties to the east of the railroad and Mid-Way Marina. Mr. Wallor stated he still believes River Bluff should be included in this as there is a marina there whether private or not. Mrs. Glidden felt it would be dangerous to do so as there are a lot of commercial uses that the Commission would not want next to a house. Discussion followed.

Hidden Lake Zone - Mr. Laurenza stated he would like to focus on the Hidden Lake item as it's in front of ZBA all the time and it would free up their time.

Outdoor Wood Burning Boilers – A brief discussion followed in regard to whether farms have to following the town's regulations although these boilers are prohibited per the regulations. Mrs. Glidden will research the matter.

Solar Farms – No one has asked about them yet. While discussing WFS, the Commission returned to this topic. Mr. Frey suggested solar farms be discussed by the Commission. Mrs. Glidden stated it would require a text change. Mr. Frey asked how the town stands on solar arrays. Mrs. Glidden stated a building permit is needed for a roof array and a front yard ground mount array would require a site plan, but if in the array is in the back yard and screened from public view, it can be installed. Mr. Frey asked about setbacks. Mrs. Glidden stated arrays are deemed structures and would have to meet the setbacks. Mr. Frey stated the Commission needs to determine what designates a farm or a personal array. Mr. Frey will ask a few people about this.

Preservation of Historic Properties – Mrs. Glidden stated within the two Villages it requires a Special Permit before a structure is torn down, but this does not include other parts of town. Mrs. Glidden stated it's unclear what the answer is other than an Historic District to protect privately held houses that are not in the commercial district. Ms. Stock if there are protections that come with a home being declared an historic landmark. Mrs. Glidden stated yes, a property owner can do that individually. Mr. Farina explained how things took place in Wethersfield and Coventry. Mrs. Glidden stated she didn't believe the Historical Society or the Commission is interested in dictating the type of windows, exterior colors, etc., of someone's home, but rather the demolition of an historic structure. A brief discussion followed in regard to the following: 1) whether or not an historic district would be appropriate for Haddam, 2) the Demolition Delay Ordinance and a significant properties list that are subject to the ordinance, and 3) the Shailer-Banning House, Bridge Road (how the ordinance worked and how someone had previously offered to take the house apart and relocate it).

WFS – Mr. Laurenza stated he was unclear how to proceed other than to ask Doug Anderson to come before the Commission to discuss the matter. The operation (production) is to close down on 12.31.2019 per the Stipulated Judgment. Ms. Stock asked if there was any indication that they would like to continue with the operation. Mr. Laurenza, Mr. Wallor, and Mrs. Glidden stated WFS cannot continue. Ms. Stock asked if WFS could ask to continue. Mr. Laurenza, Mrs. Glidden, and Mr. Wallor stated no, due to a court order. Mrs. Glidden stated it would be in the town's best interest to work with Mr. Anderson to come up with a plan that works for everyone noting that Mr. Anderson would like to develop the land, that he's interested in ideas from the town, and that he would like to work with the town. Mrs. Glidden suggested some type of market study be conducted to see what would be supported on the site (to be done by Mr. Anderson). Mr. LePard stated one of the caveats is that the slopes be restored; and asked if that would have to be done by 12.31.2019. Mrs. Glidden stated she would have to look at the Stipulation as she believes he has a year to do the restoration. Discussion followed in regard to the acreage, the development of the property (cul-de-sac length limited per the regulations), there being a pristine wetland on the site, and access to the property would be challenging as it's on a town road.

Town Garage – Mrs. Glidden stated the garage is located in Higganum Village and at some point it will need to move. Unclear whether it's on the Commission to find a new location, but it should be something to consider. Noted that no zoning change is required. Mr. Wallor suggested the WFS property. A brief discussion followed.

Congestion Management Study for Tylerville and B-Roads – Mrs. Glidden stated she is working with RiverCog on this matter as every year DOT has Congestion Study monies. As it's a regional issue, doing a study in Tylerville to look at congestion management may be beneficial and using that information as a platform in potentially getting some B-Roads.

Marina – Definition (DRAFT) – Mrs. Glidden stated the draft language has been sent to the Gateway Commission and after a discussion with Torrance Downes, Deputy Director and Senior Planner, the Gateway Commission had some questions concerning the proposed language. Mrs. Glidden will follow up on this matter.

Connecticut River Commercial Zone and Conservation Zone – Mr. Frey stated he would like to wrap these two matters up; and asked if they could be a priority. Both items to be discussed at the 11.15.2018 meeting.

8. Approve/Correction of the Minutes

MOTION: Ed Wallor moved to approve the 4 October 2018 minutes as submitted. Wayne LePard second. Motion carried with Jamin Laurenza abstaining.

9. Chairman's Report

None.

10. Scheduling of Hearings

Mrs. Glidden distributed packets for the upcoming hearings on 11.01.2018.

424 Saybrook Road – A Special Permit to convert a two car garage into an in-law apartment with one bedroom utilizing the existing bathroom.

614 Foot Hills Road – A Special Permit to deposit more than 300 cubic yards of sandy fill and wood chips on private property for a small motocross track.

11. Town Planner's Report

Rezone Parcel Next to GCI Property – Mr. Frey asked about this matter as listed on the Next Steps Moving Forward. Mrs. Glidden stated there is one parcel that's zoned residential (the log cabin) and suggested that it either be zoned industrial or commercial. Mr. Wallor stated a number of lenders due not want to give residential mortgages to commercially zoned properties and suggested this parcel be left alone until it's asked for.

DOT Roundabouts in Tylerville – Mrs. Glidden reported that DOT is interested in possibly moving forward with two proposed roundabouts at Route 154 (Saybrook Road) and Route 82 (Bridge Road) and Route 154 (Saybrook Road) and Route 82 Connector (Exit 7). A public hearing will be held on Wednesday, 12.12.2018, Haddam Volunteer Fire Dept. Station #1, 439 Saybrook Road, Higganum, 6:30 p.m.

12. Adjournment

MOTION: Ed Wallor moved to adjourn. Jamin Laurenza second. Motion carried unanimously.

The meeting was adjourned at 8:21 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 1 November 2018.