

**TOWN OF HADDAM
PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT
THURSDAY, 19 APRIL 2018
UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Gina Block
X	Steven Bull, Vice Chairman
X	Michael Farina
A	Arthur Kohs
A	Jamin Laurenza, Chairman
X	Wayne LePard
X	Edward Wallor, Secretary
A	Robert Braren, Alternate
X	Frank (Chip) Frey, Alternate - Seated
A	Diane Waddle Stock, 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. Pledge of Allegiance

The pledge was recited.

3. Attendance/Seating of the Alternates

Attendance was taken and all regular and alternate members were seated.

4. Additions/Corrections to the Agenda

None.

5. Public Comments

Proposed Tylerville Zoning Regulations - Jayne Whittles stated she had missed a couple of meetings, but still wanted to address her feelings to the Commission. Ms. Whittles stated she understands the 85 Bridge Road application is a done deal, but believes there is still time to accomplish something positive in Tylerville (improve/increase property values of businesses rather than decrease). Ms. Whittles spoke in regard to the water line and the Essex Steam Train coming to town and this putting the town in a great position to attract independent small businesses (noted the POCD). Ms. Whittles stated she believes drive-thru restaurants, car washes, additional gas stations and the deterioration and demolition of historic structures will lower the value of real estate in Tylerville as well as throughout the town. Ms. Whittles noted the view from the other side of the river also needs to be considered. Ms. Whittle stated she has

talked to a number of business people who do not want to come to Haddam, which she does not agree with because she believes there is still time to do something wonderful as there are some great little businesses in Tylerville. Ms. Whittles asked the Commission what bride wants to have her wedding at wedding venue if there's a McDonald's and a Taco Bell visible from the Connecticut River. Ms. Whittle asked the Commission to consider what the vision for the town is and where do they want it to go, as so much of it was planned out in the POCD and the Commission needs to go back and rethink the matter.

Ms. Whittles noted a few days ago Mr. Brookes' house (former Tyler house) is up for sale and believes when it doesn't sell, it too will be demolished. Ms. Whittles asked the Commission what is being done for historic preservation, noting if a McDonald's goes up next to an historic house, what's its value after that. Ms. Whittle noted other towns – named East Haddam, Clinton, and Old Lyme – are watching what's taking place in Haddam.

Ms. Whittles appealed to the Commission to take this matter seriously noting the revitalization project of Moodus Center in the late 1960s (area has difficulty retaining businesses) and Chester Center (very active area, but used to be very inactive; it's about having a vision). Ms. Whittles again referenced the POCD and the river front.

Holly Jarrell stated she agreed with and supports Ms. Whittles comments. Ms. Jarrell also stated Tylerville is an amazing area and could be more if a vision can be developed; but if things continue in the manner in which they are, it will impact the town's ability to develop in the way that it could and the way other river towns have. Ms. Jarrell stated there is a lot of interest in this town from people who want to buy along the river.

In regard to Ms. Whittles' reference to Dollar General, Mr. Bull stated as far as the Commission is concerned, the 7,000 square foot building is a done deal. Mr. Wallor stated the Commission does not know who the tenant is.

Mr. Frey stated he wished Ms. Whittles had been at the last two meetings as Jonathan and James Sibley, Lou and Gianna Milardo, Larry and Lori Maggi, and Alan and Karen Blaschik, all business and property owners in Tylerville, all spoke in favor of the 85 Bridge Road proposal. Mr. Frey stated the building meets the Commission's requirements before the moratorium and noted the new building's features. Mr. Frey asked Ms. Whittles if she had been to the Dollar General in Chester, Vermont. Mr. Frey stated the Commission is doing everything they can within the law and they are conscientious. Ms. Whittles explained to Mr. Frey why she had not been in attendance over the last several weeks.

Mr. Wallor moved that the meeting proceed. Mr. Bull opened the public hearing 7:10 p.m.

6. Public Hearing/Public Meeting: A Special Permit to Allow a Dwelling in Excess of 4,000 Square Feet Per Section 10.5 of the Haddam Zoning Regulations and to Allow a Detached Accessory Apartment for Property on Saybrook Road, East of the Spencer Shad Shack, and Fronting both Mill Creek and the Connecticut River, Also Shown on Tax Map 30, Lot 21

Michael Bennett, P.E., Bennett and Smilas Engineering, and John and Steven Rak, property owners, were present.

Mrs. Glidden reported the property does not have a street address at this time.

For clarification purposes, Mr. Bull asked if the applicant, Synder Engineering, was present. Mr. Bennett stated no, and that he was representing them. Mr. Bull asked who JSR Builders of Haddam were. Mr. Bennett stated JSR (John and Steven Rak, father and son) is the property owner. Mr. Bennett noted that Steven Rak will be building the house.

Using a GIS map, Mr. Bennett oriented the Commission as to the location of the property. The property is 5.4 acres, bounded by the Connecticut River (east) and Mill Creek (north). Using the site plan, Mr. Bennett pointed out the wetlands, trees, base flood elevation 14 (maximum flood area for the FEMA maps), and Zone X (flood insurance map), and the house location (selected to keep it out of the flood zone and to nestle it into the slope). Continuing to use the site plan, Mr. Bennett stated the front of the house will face the driveway and there will be a walkout basement allowing for a minimal amount of disturbance for grading and filling of the site. An accessory apartment is also being proposed in which a special permit is being requested.

Mr. Bennett reported the house is approximately 170 feet from the edge of the water and a corner of the accessory apartment is approximately 130 feet. Mr. Bennett review spot elevations of the existing grade around the building – lowest existing grade 18 – and spoke in regard to the Gateway regulations. Floor elevation is 34.9 feet less than the 35 feet required; circular stair tower that connects the house and the top of the cupola is above the 35 feet, but is permitted as Gateway allows structural features to go above the maximum building height provided they are less than 10 percent of the total roof area of the building (area is approximately 8.8 percent).

Mr. Bennett stated the applicant is before the Commission requesting a special exception for the house which is more than 4,000 square feet (total combined square footage of house and apartment is 5,290 square feet; accessory apartment is 370 square feet). Mr. Bennett stated they're in receipt of a letter from the Gateway Commission and believes it's favorable to the proposal.

Mr. Bennett noted the Gateway letter addresses tree cutting along the river and attempting to preserve as many trees as possible. Mr. Bennett stated there are not a large amount of trees on the site. Mr. Bennett also stated it was suggested that muted colors be considered in regard to the architectural siding/roofing and to consider foundation plantings along the back to help reduce the size of the house from the water.

Mr. Bull asked Mrs. Glidden about the special exceptions Mr. Bennett referred to. Mrs. Glidden stated there are two – to construct a dwelling in excess of 4,000 square feet in the Gateway District and to building a detached accessory apartment per Section 23 of the *Haddam Zoning Regulations*. Mr. Bull asked the square footage of the apartment with Mr. Bennett responding 370 square feet. Mrs. Glidden asked if that included all of the living space. Mr. Bennett stated it includes all of the living space, but does not include the porch. Mr. Bull asked if it's one story with Mr. Bennett responding yes. Mr. Frey asked if there was a second story loft. Mr. Bennett stated there is a second story storage area with the majority of it having a roof area of less than six feet. Mrs. Glidden stated the apartment is well below the 800 square feet the regulations allow.

Mrs. Glidden asked how the applicant will access the site. Mr. Bennett stated it is his understanding that the site will be accessed through the right-of-way (ROW) the applicant has, down an existing driveway, and then a new driveway cutting across the slope to the new garage. Mr. Bull asked Mr. Bennett what he meant by "it is your understanding". Mr. Bennett stated he was not present during the pre-application meeting. Mrs. Glidden confirmed Mr. Bennett was not at the pre-application meeting; and asked Steven Rak if he would be accessing the property from the road. Mr. S. Rak stated no. Mrs. Glidden reported that the town and the former owners of the property met with DEEP; and after a number of meetings identified the easement to cross the railroad track and it does in fact have legal rights to cross the railroad tracks. Mr. Bennett pointed out the easement located between Spencer's Shad Shack and Carol Spencer Peloquin and Paul Peloquin's house.

Mr. LePard asked if DEEP and the railroad met with the town and former owners. Mrs. Glidden stated it was DEEP, the town attorney, and the original property owner (the Spencers). Mr. LePard stated he heard someone say it was not a grade crossing; and that prior to the meeting, he had spoken to the railroad and this is not a grade crossing (there are specifications the railroad has to meet). Mr. LePard voiced concern over heavy construction equipment going in to the site and what types of precautions are

going to be taken not to destroy the tracks. Mr. Bennett stated the applicant is not planning on changing the driveway at all in that area noting there's an existing driveway that goes over the tracks. Mr. LePard stated he understood; however, when heavy construction equipment goes over railroad tracks, very often the tracks are affected. Mr. Bennett stated he believes the Raks still have the option to come in off of River Bluff Drive. Mr. S. Rak stated they can go over River Bluff, but they are not combining the lots. Mr. LePard stated he understands. Mr. S. Rak stated he can either go through River Bluff or he can fill in the tracks and clean it up afterwards. Mr. LePard again voiced concern over the tracks being compromised by the heavy construction equipment. Mrs. Glidden stated the Raks will have to go over the tracks no matter what and they have an easement through DEEP and feels the applicant has met the town standard.

Mr. LePard asked if the Inland Wetlands Commission had reviewed the application. Mrs. Glidden stated yes, and it was approved. Mr. LePard asked if sanitation requirements have been met. Mrs. Glidden stated a letter from Ryan Grenon, MPA, RS, Connecticut River Area Health District (CRAHD), has not yet been received; however, there have been preliminary reviews and there's no objection at this point, but health department approval is still required.

Mr. Frey asked how many feet the accessory apartment is from the main house. Mr. Bennett stated 130 feet from the river and 120-130 feet from the main house.

Mr. Bull asked if the detached accessory apartment meets all of the requirements. Mrs. Glidden stated yes, sharing a driveway, size, and nestled into a hillside. Ashley Rak stated it will be blended and almost invisible.

Mr. Bull asked Mr. Bennett to explain their intent for the trees. Mr. S. Rak stated trees will be added if necessary to blend it in more. Mr. Bull asked if there will be any trees taken down. Mr. S. Rak and Mr. Bennett stated no, except in the area of the house. Mrs. Glidden stated there are not a lot of trees on the lot. Using the map, Mr. Bennett pointed out where the trees are located. Mr. Frey confirmed that the applicant had been provided a copy of the Gateway's regulations as they provide suggestions for the buffer along the water line as the Gateway is also concerned how the project looks from across the river as well. Mr. Bennett stated yes.

Mr. Bull asked if Jeff Jacobson, consulting engineer, reviewed the project. Mrs. Glidden stated no, as they typically don't for house applications.

Mr. Frey asked if the site has to be identified for emergency services. Mrs. Glidden stated it will be, and once they pull their building permits, they will meet with the assessor to receive a house number. Mrs. Glidden also stated there is a section within the building codes as well as the town codes that the site must be posted while construction is taking place in the event of an emergency.

Mrs. Glidden stated she has provided a copy of Gateway Commission letter, dated 19 April 2018, to the applicant and read the conclusion within the letter (Exhibit A, 3 pages; copy on file in the Town Clerk's and Land Use Offices).

Mr. Bull asked under what criteria the Commission would allow a structure over 4,000 square feet. Mrs. Glidden stated the Commission would rely on Section 15 – Special Permit and the Gateway Commission's review.

Joe and Heather Delaurentis, 8 River Bluff, and Alan Ortner, 29 River Bluff, all supported the application. No objections were offered.

MOTION: Ed Wallor moved to close the public hearing at 7:38 p.m. Chip Frey second. Motion carried unanimously.

Public Meeting:

MOTION: Gina Block moved to approve a special permit to allow a dwelling in excess of 4,000 square feet per Section 10.5 of the Haddam Zoning Regulations and to allow a detached accessory apartment for property on Saybrook Road, east of the Spencer Shad Shack, and fronting both Mill Creek and the CT River, also shown on Tax Map 30, Lot 21. **Conditions:** None. **Exhibits:** 1. Application for site plan review received in the Land Use Office on March 27, 2018. 2. Site Development Plan, Detail and Notes for Lot 21, drawn by Donald Snyder, Jr., P.E. for Snyder civil engineering, and dated March 2018. 3. Elevations and floor Plan drawings for “Rak & Transquist Residence, 5 River Bluff, Haddam, CT, drawn by Steven Lazarus, licensed architect, and dated 10/17. Pages A-1 through A-6. 4. Floor Plan and Elevation Drawing for the detached accessory apartment titled the “Honey Bear” drawn by Ken Pieper and Associates, and dated 6/11/16. 5. Building Elevation Sketch dated April 9, 2018 by Bennett and Smilas Associates. Ed Wallor second. Motion carried unanimously.

7. Approval/Correction of the Minutes

Correction to the 5 April 2018 minutes: page 5, second paragraph, second line – change “Shailer-Banning House” to “Eco-Tourism Center”.

Corrections to the 12 April 2018 minutes: page 5, fourth paragraph, first sentence – change “In regard to mixed use” to “In regard to the mixed use ratios” and “she hadn’t looked at that” to “wasn’t part of the Village Regulations”; and page 5, fifth paragraph, fourth line – change “both” to “bother”.

MOTION: Ed Wallor moved to approve the 5 April 2018 Public Hearing and Meeting minutes and the 12 April 2018 Meeting minutes as amended. Chip Frey second. Motion carried unanimously.

8. Chairman’s Report

None.

9. Scheduling of Hearings

Public Hearings for Thursday, 3 May 2018:

Maureen Morris, Applicant/Owner - Special Permit to construct a 6,000+/- square foot dwelling in the Gateway District on a 1.5 acre parcel, Horton Road, Map 30, Lot 039-1. Mrs. Glidden will email site plan when received. Roger Nemerlut is the engineer on this project.

Jeffrey Edwards, Applicant/Owner – Attached accessory apartment, 768 square feet, 5 Larkspur Lane, Map 42, Lot 015-34. Larkspur Lane is off of Gunger Hill Road.

10. Town Planner’s Report

Discuss Tylerville Zoning Regulations – Mr. Bull asked where the Commission is regarding this matter. Mrs. Glidden reported she has made no referrals at this time and still needs to upload the updates onto the Land Use page. Mrs. Glidden stated she has received some emails and comments regarding the proposed regulations. The Commission will discuss the matter again on Thursday, 05/03/2018, and will plan for a potential public hearing on Thursday, 06/21/2018, to allow time to mail out the referrals. Mrs. Glidden will draft a letter to property owners to inform them of the proposed zone change as there appears to be consensus regarding the Village and River Zones.

Ability to Limit Specific Uses – Mrs. Glidden provided a follow up to a question from the last meeting – “Can a municipality limit the amount of a specific use.” After consulting with Attorney Mark Branse, Mrs. Glidden stated it can’t be done as a blanket proposition – a use either is permitted or it is not. Mrs.

Glidden stated if there is a concern about a specific use, the Commission should think about the things pertaining to that use that they do not like; and then figure out a way how a specific use could be met. If there's a use that's unappealing, the Commission could try to make it more challenging for that use to come to town by limiting certain elements of it. A brief discussion followed in regard to internally lit signs (most businesses like them; town currently doesn't limit them). Mr. Wallor stated in the past, the Commission had discussed this matter and believes internally lit signs should not be permitted town wide not just within the villages; and this matter should be readdressed.

11. Adjournment

MOTION: Ed Wallor moved to adjourn. Chip Frey second. Motion carried unanimously.

The meeting was adjourned at 7:53 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 3 May 2018.