

**TOWN OF HADDAM
PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT
THURSDAY, 20 JUNE 2019
APPROVED MINUTES
*Approved as Amended at the 18 July 2019 Meeting***

ATTENDANCE

X	Gina Block (7:04 p.m.)
X	Steven Bull, Vice Chairman
X	Michael Farina
A	Frank (Chip) Frey
X	Jamin Laurenza, Chairman
X	Wayne LePard
X	Edward Wallor, Secretary
X	Liz Bazazi, Alternate - Seated
A	Robert Braren, Alternate
A	Sam Todzia, Alternate
X	Bill Warner, Town Planner
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mr. Laurenza, chairman, called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

The pledge was recited.

3. Attendance/Seating of the Alternates

All regular members as well as alternate member, Ms. Bazazi, were seated.

4. Additions/Corrections to the Agenda

There were no additions/corrections to the agenda.

5. Public Comments

Melissa Schlag congratulated the Commission and thanked Mrs. Batzner for her work as a recording secretary citing the quality of her minutes. Ms. Schlag stated the minutes serve as a transcript and a history of the Town of Haddam.

6. Public Hearings/Public Meeting

1. Proposed Zoning Code Text Amendment to Establish Section 15A – Reasonable Consideration for the Protection of Historic Factors. Applicant: Planning and Zoning Commission.

Hearing: Mr. Laurenza opened the hearing at 7:08 p.m. Using a PowerPoint presentation (Exhibit A), Mr. Warner explained the purpose of the proposal noting that “Haddam has over 275 architecturally and historically significant inventoried buildings dating as far back as the 1600s” and that when trying to promote the town in regard to economic development the town’s resources should be highlighted

(Connecticut River, open space, and historic buildings, which are very important for economic development). Mr. Warner reported that Connecticut has no protections in place for buildings on the Connecticut Register of Historic Places and explained the process for demolishing an historic building in Haddam. Mr. Warner stated that local historic districts and village districts zones do not encompass all historic structures. Mr. Warner also stated that many of the inventoried and historically significant buildings in Haddam can be demolished by simply applying for a demolition permit with no discussion or consideration of alternatives to demolition.

Mr. Warner stated what is being proposed is the legal authority to require the submission of a special permit/site plan to the P&Z for the demolition of buildings and reviewed Connecticut General Statute (CGS) Section 8-3 Site Plans in which no building permit or demolition permit can be issued until there is sign off from zoning. Mr. Warner discussed CGS Section 8-2 Regulations – “Zoning regulations may be made with reasonable consideration for the protection of historic factors”; and he believes this opens the door for the protection of historic buildings. Mr. Warner noted that the presentation is more detailed as the Commission is establishing a legislative record – this is why we’re doing it and this is how we’re doing it. Mr. Warner reviewed Public Act No. 13-181 – An Act Authorizing Municipalities to Protect Historic Properties and Districts, CGS 7-148 – Scope of Municipal Powers, and local zoning authority to consider protection of historic structures (Plan of Conservation and Development POCD).

Mr. Warner reviewed proposed Section 15A – Historic Preservation by Special Permit pointing out the purposes, authorization, considerations, and modifications.

Mr. Bull asked if Section 7A.7 Demolition by Affirmative Act or By Neglect; Alteration of Façade (Village District – 7A of the Zoning Regulations) would be replaced by referencing Section 15A. Mr. Warner stated he would leave the Village District regulations alone noting they are stronger (more restrictions) and that the entire town is not within a Village District; whereas, Section 15A is for the whole town.

Mrs. Block asked if the list of historic buildings would be evolving or was it set in stone. Mr. Warner stated the inventory was done in the early 1980s, there wasn’t sufficient funding to inventory every building, and the list can be updated if there’s a funding source (State Office of Historic Preservation [SHPO]). A brief discussion followed in regard to the Tylerville Village District Regulations.

Mr. LePard asked if the inventory of the 275 structures is strictly historic or architecturally significant. Mr. Warner stated historic only. Mr. LePard asked about architecturally significant structures. Mr. Bull asked Lisa Malloy, Executive Director, Haddam Historical Society (HHS), how easy it would be to add or subtract from the inventory. Mrs. Malloy stated SHPO oversees the surveys of towns and believes the town can add to the list (noted that there are a number of notable buildings on the originally list that were not fully inventoried). Mrs. Malloy also stated preservation thoughts have evolved noting there are a number of fairly significant architecturally designed modern buildings in Haddam that merit this type of protection, particularly those designed and built by John Martin (nationally significant architect; a number of his buildings located in town; and Mr. Martin was a resident of Haddam) which are not included in the inventory. Mrs. Malloy stated buildings that would be added to the inventory would have to have cultural, historical, and architectural significance. P&Z would not have any authority over the inventory only SHPO.

Mrs. Malloy stated that she and the HHS Board of Directors are in support of the proposed language and submitted a letter, dated 20 June 2019, into the record (Exhibit B). Mrs. Malloy clarified that the Demolition to Delay Ordinance is 120 days in Haddam. Mrs. Malloy stated possible modifications to the existing zoning regulations, such as setbacks, would be important as most historic homes are built right along the road.

Mark Lundgren stated that he is very proud of the work that was done to come up with the original inventory noting that the Town of Haddam was involved (town planner at the time was the facilitator, town counsel reviewed documents, and Board of Selectmen [BOS] had to vote on the matter). Mr. Lundgren stated he thought at the time, they were restricted to historic buildings and not, although he supports their addition to the inventory, architectural/cultural significant buildings such as the Martin buildings, Spen-

cer's Shad Shack, and Haddam Elementary School (HES). Mr. Lundgren suggested the Commission take the time to come up with a reasonable definition for architectural and cultural structures.

Ed Schwing voiced his support of the proposed regulation noting that it's overdue; and it was one of the problems with 85 Bridge Road as there was no framework in order to have a discussion. The proposal allows for people and experts to come to discuss the matter with the Commission and allow for the preservation of some of the historic buildings.

Mr. Schwing pointed out that an historic structure similar to the Shailer-Banning House sits just outside the Tylerville Village District and is not protected. Mr. Warner stated buildings that are outside of a Village District will be protected by the proposed regulation.

Ms. Schlag stated that she supports the proposed regulation noting that Haddam has more historic homes than Colonial Williamsburg. Ms. Schlag stated we have a beautiful little town and it probably wouldn't be as beautiful if it were not for the historic homes we have.

Ms. Schlag asked if HES is on the inventory. Mrs. Malloy stated she did not believe so. Ms. Schlag also thanked Mr. Warner and the Commission for their work on this matter.

Mr. LePard asked what is defined as architecturally and culturally significant noting two Quonset huts located in Higganum. Ms. Bazazi stated she believes SHPO would have definitions. Mrs. Malloy stated yes, that there are clear guidelines. Discussion followed as to whether or not the definition should be referenced. Mr. Warner stated no, it would be covered by the state inventory. Mrs. Malloy explained what was permitted/allowed to be inventoried during the original inventory and that it was done by trained professionals. Mrs. Malloy stated expanding the inventory is on the HHS's list of things to do (notable list of approximately 100 additional buildings that were identified in 1985 as well as a few significant more modern buildings), but the HHS will not be inventorying every building in town. Ms. Bazazi suggested a public notice be advertised as someone may have information that the HHS is unaware of.

Katie Packtor asked the cost of doing an inventory. Mrs. Malloy stated she did not know the cost of conducting a survey at this time.

The public hearing on this matter closed at 7:33 p.m.

Meeting: Commissioners seated: Block, Bull, Farina, Laurenza, LePard, Wallor, and Bazazi.

The meeting was opened at 8:27 p.m.

MOTION: Steve Bull motioned to approve the proposed Zoning Code text amendment to establish Section 15A – Reasonable Consideration for the Protection of Historic Factors. Applicant Planning and Zoning Commission. Ed Wallor second. Motion carried unanimously.

2. Proposed Zoning Code Text Amendment to Establish Section 15B – Special Permit for Adaptive Historic Re-use. Applicant Planning and Zoning Commission.

Hearing: Continuing with his presentation, Mr. Warner reported that many of the historic structures that are being talked about are located within single family residential zones, these structures are very expensive to maintain, and the town only allows for these buildings to be used as a single family home, a bed and breakfast, and a couple of other uses. Mr. Warner noted that an attorney's office would not be a currently allowed use and the Jail, located in a residential zone, could only be a jail or a residence (currently no options for a museum).

Mr. Warner stated the proposed language would allow people to propose other uses for these historic structures within any zone in the town. Mr. Warner read the proposed language to the public noting that

this will open up options. This will also require a special permit with a public hearing. The regulation would require a written agreement be filed with the Commission and on the land records stipulating that the exterior of the structure and the site will be restored and maintained in accordance with the historic time period the structure is identified in. Mr. Warner noted that he had used this language extensively in the downtown area of Middletown and preserved a number of houses by doing so.

Discussion followed in regard to the differences between home occupation and adaptive historic re-use; uses that are allowed by special permit (specifically listed within the regulations); and uses requiring zone change.

Ms. Bazazi asked what would be the process should someone want to put an addition onto an existing historic building. Mr. Warner stated plans and preservation of the character of the main building would be required. Ms. Bazazi asked if the Commission should reference the National Park Service Guidelines, as commission members come and go and future commissioners may not all grasp what's appropriate. Mr. Warner stated he doesn't want to make it overly complicated and the Commission can always ask for expert opinion. Discussion followed.

Jeff Sturges stated given the fact that the list of properties can expand via the state (SHPO), the town would have the responsibility of dealing with the properties on the list. Mr. Sturges asked if he understood the proposal correctly - regulation would tighten up the restrictions (demolition), but would allow greater use of an historic structure. Mr. Warner stated yes.

Mr. Bull asked if language could be added to the second paragraph – “shall be harmonious with the physical characteristics and the surrounding neighborhood”. Mr. Warner pointed out the language already exists in the paragraph – “Permitted use of a site and structure shall be harmonious with the physical characteristics and originally designed use of the structure.” Ms. Bazazi asked if there is anything within the language that gives an applicant the right to add on. Mr. Warner stated no.

Mr. Lundgren asked if a referral to the Architectural Review Committee (ARC) should be added to the language. Mr. Bull and Mr. Laurenza stated ARC is only for the Village Districts. Mr. Warner stated in the last paragraph, “All proposals under this category shall submit a narrative, and for major projects architectural renderings, explaining how the applicant intends to renovate and preserve the historic façade and overall historic character of the building.” Mr. Bull and Ms. Bazazi stated that addresses their concerns.

Ms. Schlag stated she supports the proposed language, but she does understand Ms. Bazazi's point that harmonious can be subjective, what's harmonious to one may not be to another. Mr. Warner stated there is nothing that would prevent the Commission from referring the matter to the HHS or any other expert.

Mrs. Malloy stated the reference to the National Park Service Historic Preservation Guidelines for restoration may be something that should be considered as they are very well thought out, articulate guidelines. Discussion followed in regard to whether or not to add the language, whether or not the addition of the language would provide additional strength, and guidelines or references of what's required being helpful to an applicant or their representative. Mr. Warner will add to the last paragraph, “The Commission may reference the National Park Service Historic Preservation Standards and Guidelines.”

The public hearing on this matter closed at 7:52 p.m.

Meeting: Commissioners seated: Block, Bull, Farina, Laurenza, LePard, Wallor, and Bazazi.

The meeting was opened at 8:29 p.m.

MOTION: Steve Bull motioned to approve the proposed Zoning Code text amendment to establish Section 15B – Special Permit for Adaptive Historic Re-use and the addition of reference to accepted guidelines. Applicant Planning and Zoning Commission. Ed Wallor second. Motion carried unanimously.

3. Proposed Zoning Code Text Amendment to Expand Section 5.6 Prohibited Uses. Applicant Planning and Zoning Commission.

Hearing: Mr. Warner continued with the last portion of the presentation by reviewing existing and proposed language for prohibited uses. Mr. Warner stated some of the language allows for the protection of the town by helping to maintain a small town, family atmosphere. Mr. Warner clarified the outdoor wood-burning furnaces (OWFs) language – the units are prohibited except those complying with PA 05-227 and receiving a special exception from P&Z. Other proposed prohibited uses include: private correctional facilities, alternative incarceration center, methadone clinics, sale of drug paraphernalia as defined by CGS 21a-240, tattoo and/or body piercing studios, conducting business as a pawn broker or secondhand dealer as defined by CGS 21-39a, check cashing establishments, on site gambling (excluding any form of gambling legally existing as of 1 January 2019) including manually or automatically operated gambling devices, video or otherwise, including, but not limited to slot machines, junk dealers and motor vehicle junk/salvage yards, hookah lounge, and sale or dispensation of any form of recreational marijuana. Discussion followed in regard to the difference between antiques, consignment, and secondhand items (definition, the statutes, and the requirement of a license).

Mr. Schwing stated in a 1956-1957 Haddam Bulletin there was an article about forbidding the selling of comic books in town as they were too violent. Mr. Schwing pointed out that you do see 13 year olds in front of package stores and with cigarettes and that forbidding certain items will not necessarily stop things.

Mr. Schwing submitted and read a letter, dated 20 June 2019) into the record (Exhibit C) pertaining to OWFs. In his letter, Mr. Schwing pointed out the heavy smoke discharge that can come from these units and the health risks to people. Mr. Schwing stated that the ZBA has approved almost 100 percent of all variances requested of them, therefore, there will be no protection, in terms of setback distances, from OWFs. Mr. Schwing also stated that it will be difficult to regulate the use of and the material burned in these units noting that some people use them to burn their garbage. Mr. Schwing asked the Commission to continue the ban on OWFs.

Ms. Schlag asked how the issue of allowing OWFs came up again. Mr. Laurenza stated he has been asked by residents as to why these units are banned. Mr. Laurenza asked Mr. Schwing how he came up with data that shows ZBA has granted variances for the units. Mr. Bull stated not wood burning units, but all variances in general. Mr. Laurenza stated he understood. Mr. Warner stated the reality is, the ZBA could hold a hearing and grant a variance for a prohibited outdoor boiler.

Discussion followed in regard to acreage and/or setback limits (state statute doesn't allow within 200 feet of the nearest neighboring home), the spread of smoke (stack heights higher than roof peaks per the DEEP), and how would the Commission enforce what's being burned (unable to).

Ms. Schlag spoke in regard to the State of Connecticut suing a power plant in Pennsylvania as their pollution comes right into the state. Ms. Schlag read a letter, dated 20 June 2019, (Exhibit D) opposing the new language for OWFs and cited several reasons why. Ms. Schlag asked the Commission to wait until the EPA has finished their study before moving forward with this matter. Ms. Schlag suggested the Commission go to the EPA website and looked at the particulate numbers for the newest technology.

Mr. LePard spoke in regard to gasification units that do not create ash or smoke. Larry and Lori Maggi, Fire Works, spoke in regard to these types of units being very safe. Mr. LePard stated the new technology is the reason for the new proposal and noted that new units cannot burn garbage or tires. Mr. Laurenza asked Mr. Maggi about the particulate numbers. Mr. Maggi stated the numbers have gone down and the way the units are designed they do not emit visible smoke and will shut down if wet material is placed in them. Mrs. Maggi stated they're talking indoor units as they do not sell outdoor units. Mr. Maggi stated he's not a fan of the outdoor units, but they are improving. Mrs. Maggi stated the EPA is very stringent (new guidelines will be coming out in May, 2020) and that a lot of manufacturers are no

longer in existence as they can't afford to research, design, and change their technology, and then afford to have it tested. Mr. Laurenza asked Mr. Warner if the DEEP regulation referenced the EPA. Mr. Warner stated the only reference is "until EPA regulations governing them take effect." Ms. Schlag stated there are two sets of regulations – the first phase was passed and the second phase was supposed to go into effect in 2020 as Mrs. Maggi stated; however, a number of manufacturers have complained that the regulations are too stringent and dates have been rolled back to 2023.

Ms. Bazazi asked if the Commission can specify a level of particulate. Mr. Warner stated no, as the Commission cannot enforce it.

The public hearing on this matter closed at 8:27 p.m. and the Commission moved into the public meeting portion for each of these hearings.

Meeting: Commissioners seated: Block, Bull, Farina, Laurenza, LePard, Wallor, and Bazazi.

The meeting opened at 8:31 p.m.

Prior to the vote on the motion, Mr. Farina, Ms. Bazazi, and Mrs. Block voiced concern over the wording for the OWFs, but were in support of the other items. Mr. LePard stated an individual can put in a DEEP acceptable OWF with an appropriate stack height. Mr. Warner stated no, as OWFs are prohibited in the Town of Haddam and a building permit would not be issued. Mr. Warner stated DEEP cannot override local zoning. It was agreed upon to delete proposed Letter A – "Outdoor wood-burning furnaces except those complying with PA 05-227 (CGS 22a-174k) and receiving a special exception from the Planning and Zoning Commission" and the existing language – "A. Outdoor wood-burning furnaces" will remain in effect.

MOTION: Steve Bull motioned to approve the proposed Zoning Code text amendment to expand Section 5.6 – Prohibited Uses as amended to remove proposed Letter A. Applicant Planning and Zoning Commission. Ed Wallor second. Motion carried with Mr. Laurenza and Mr. LePard abstaining.

7. New Business

1. Higganum Special Area Study

Mr. Warner stated the Commission agreed at the 6 June 2019 meeting that under the POCD a special area study be conducted in Higganum Center. Mr. Warner reviewed an outline and noted that there is \$6,000 designated in the town budget for this work. Mr. Warner stated he's applying for a Partners in Progress Grant through SHPO, which is a matching grant, giving the town \$12,000 to work with.

HES – Next Steps – Mr. Warner reported that the town has to close on HES by October and reviewed a Next Steps outline from due diligence, financial, community septic design, future uses for the building and property, and closing (Exhibit E). Mr. Warner stated Lizz Milardo, First Selectman, has agreed that P&Z should handle the matter as almost anything to do with the school will require some type of permit. Discussion followed in regard to the community septic system (two properties – school and the green) with Mr. Warner stating that the town needs to be prepared when it's needed. Mr. Warner stated the town does not need to spend \$10 million for a package treatment plant or an extension of a sewer to Middletown. Mr. Warner also stated that Brian Curtis, P.E., Nathan L. Jacobson and Associates, is assisting with the community septic system.

Higganum Cove – Mr. Farina asked if the Cove was in the Conservation Zone. Mr. Warner stated he doesn't believe so as the POCD doesn't show it as open space yet.

Scovil Hoe and Higganum Green – Rezone to Village Zone.

Swan Hill and Shopboard Rock – To be deeded to the Haddam Land Trust.

Rossi Property – Apartment plan (number of units) is unrealistic and they are aware of it. Looking at more realistic uses.

Village District Design Guidelines – Ms. Bazazi stated she would like to see the guidelines revised.

Recording Clerk's Note: All exhibits are on file in the Town Clerk's Office with the minutes.

8. Approval/Correction of the Minutes

MOTION: Ed Wallor motioned to approve the 6 June 2019 Public Hearing/Meeting minutes as submitted. Jamin Laurenza second. Motion carried unanimously.

9. Chairman's Report

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

10. Scheduling of Hearings

Mr. Warner reported there are no hearings scheduled at this time.

11. Town Planner's Report

Identify a Site for a New Town Garage - Mr. Warner reported on Thursday, 18 July 2019, there will be a presentation in regard to identifying a site for a new town garage. This is not a public hearing. Merely discussion.

12. Adjournment

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

The meeting was adjourned at 9:02 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

In observance of 4th of July, the next meeting is scheduled for Thursday, 18 July 2019.