

**TOWN OF HADDAM
 PLANNING AND ZONING COMMISSION
 PUBLIC MEETING
 TOWN HALL
 21 FIELD PARK DRIVE, HADDAM, CT
 THURSDAY, 20 SEPTEMBER 2018
 UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Gina Block
X	Steven Bull, Vice Chairman
X	Michael Farina
X	Frank (Chip) Frey
X	Jamin Laurenza, Chairman
X	Wayne LePard
X	Edward Wallor, Secretary
A	Robert Braren, Alternate
X	Diane Waddle Stock, Alternate
X	Sam Todzia, Alternate
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.

Mr. Laurenza introduced new alternate member, Sam Todzia; and the Pledge of Allegiance was recited.

2. Presentation by the UConn Land Use Academy with Bruce Hyde: Basic Training for Commissioners

Mrs. Glidden introduced Bruce Hyde; and reported to the Commission that Mr. Hyde would be giving a primer class to the commission on how to run a meeting, what's a conflict and what's not, planning trends, and case studies. Mrs. Glidden noted that she had invited all other commissions to attend as well.

Mr. Hyde briefly explained what takes place at the Middlesex County Extension Office – broken into four teams – water, land use and climate resiliency, geospatial tools and training, and STEM education and local conservation – and that training programs are available for all those areas. Mrs. Glidden asked for an example of a geospatial tool with Mr. Hyde giving the following examples - GIS, how to create maps, and how to put layers on top of each other.

Advanced Legal Training Workshop - Saturday, 27 October 2018, Middlesex Extension Center, 1066 Saybrook Road, Haddam, \$45 includes continental breakfast and lunch. Mrs. Glidden stated if any Commissioners would like to attend, there are funds available. Mr. Wallor stated he would like to attend.

Mr. Hyde distributed information packets to all present and began his presentation. Mr. Hyde stated commissions need to make decisions based on what is fundamentally fair, state government tells the commissions what they can or cannot regulate in regard to other people's property; however, the power of the state must give way to the federal government, protecting the health, safety, and welfare of the

community, and that Connecticut (CT) requires municipalities to have an Inland Wetlands and Watercourses Commission (IWWC) [transferring responsibility of enforcement through the IWWC Act to the towns].

Public Hearings/Time Frames – P&Z can hold a hearing whenever they want to; ZBA – can hold a hearing on everything; IWWC – can hold a hearing for a significant activity, but cannot accept an application and act on it the same night (the reason why is due to a petition being filed). Discussed the 65-35-65 day rule (except for IWWC) where a public hearing has to commence within 65 days on receipt of the application, public hearing must be completed within 35 days, and a decision rendered within 65 days (for IWWC it's 35 days). For anyone of the 65-35-65 days the applicant can consent to extending the time, but not for a period of more than 65 days and never for more than a total of 65 days for all of them. Always get the extension in writing prior to the end of a hearing and also specify how many days.

Application Received – An application is considered received at the next regularly scheduled meeting or 35 days after submission whichever is sooner.

Application Fees/Incomplete Applications – These are not grounds for not acting on an application. The Commission can deny an application for being incomplete.

Applications Automatically Deemed Approved if not Acted on During Statutory Time Frames - Subdivision, site plan, and 8-24 referral.

Smart Growth/Responsible Growth – Affordable housing, farm land preservation, climate change, transient oriented development are planning issues that are popping up in CT. CT is losing a higher percent of its 25-34 year olds than any other state (currently #6 in this category). The importance of this is that they are the people of the future of community. One reason for the young people moving out is it's difficult to obtain affordable housing (resident pays no more than 30 percent of their income to housing costs). Discussed housing wage – renter must earn \$25 per hour to afford a two bedroom apartment; 2017 income limit to qualify for affordable housing in Haddam (family of four) - \$68,000 and in 2018 it changed to \$71,900; 8-30g shifts burden of proof regarding impacts from the developer to the town. Mr. Hyde suggested the town attorney become involved immediately if an 8-30g application is filed. The town can reject an affordable housing project for the following reasons: 1) seriously harm public health and safety, 2) potential harm is greater than the need, and 3) could not make changes to the application to minimize the harm. If these cannot be proved, a judge will automatically approve the application. People who need this type of housing: college graduates, teachers, fire/emergency services personnel, nurses, young people/empty nesters/seniors.

Prime Agricultural Land – Subdivisions the main reason for the loss of this type of property, but solar energy is also starting to take over. Difficult decision to make between balancing renewable energy and farming for food.

Low Impact Development/Green Infrastructure – The reasons this is important is because storm water runoff is the biggest polluter (70 percent) of surface waters. There are a lot of techniques being used to help minimize this type of pollution – bio-retention/rain gardens, MS4 (Municipal Separate Storm Sewer System) of which Haddam is a part of, permeable pavement, and green roofs. One of the problems with storm water management is there are 85 percent more intense rain/snow storms than in 1948; still using standards from 1960 called Technical Paper 40 (TP 40) which need to be upgraded; however, even if a new development puts in an upgraded system, that runoff still flows into an undersized system.

Responsibilities – Be fair to all parties. Listen to all the facts. Never think or admit that you would deny an application. Treat applicants and staff with respect. If there are problems with the staff, do not bring it up publicly, discuss it privately. Follow the rules.

Freedom of Information Act (FOIA) – Almost unlimited number of documents, with certain exceptions, are available to the public. For more information review Connecticut General Statutes Chapter 14.

What Constitutes an Illegal Meeting of a Commission – A quorum of a commission discussing a pending application while standing in the parking lot after a meeting and an email exchange among a quorum of the commission discussing a pending application. Mr. Hyde noted that personal emails that town business is conducted on can be seen under FOI (only the town business).

Conflicts - Personal, Financial, Perceived or Potential – The only person that can affect somebody being recused is the person who has the conflict or bias. A chairman can make the recommendation to a commissioner to recuse him/herself as it could create grounds for an appeal. If a commissioner has a perceived conflict, he/she probably should recuse themselves, but it depends on the circumstances. A commissioner cannot represent another party at a meeting they are a member of even if recused (covered under state statute). When you recuse yourself, it must be entered onto the record. Be careful with your tone of voice and comments as bias can be perceived. Do not take a public position on a matter until you have heard all the facts.

Social Media – Do not post your feelings about a project, application, or applicant on any social media as there are some attorneys who review social media. If found, it would be automatic grounds for appeal.

Court Remedies on Bias or Predetermination – The court can revise the commission's decision, can send the matter back to the commission for a new hearing with the conflicted members not participating, can order the application's approval (issue a permit), and potential money damages if a civil rights issue.

Rules for Running a Meeting – Chairperson is in control. No speaking unless recognized. Comments must be directed to the commission. Don't allow people to interrupt or shout at others. Crowd control. Try to run an efficient meeting. Have a room that is set up where everyone (commissioners/public) can see what is being presented. Ask the person presenting to identify the exact location as a judge cannot identify a location with the words "pointing here" in a transcript. Everyone is allowed to speak at a public hearing if they wish. Those who cannot participate in deliberations are: a person who has not been seated and once an alternate member as started the deliberation process, a regular member cannot be seated. No ex parte communications. Once a public hearing is closed, no further public comment can be taken in.

Site Walks – Make sure it is notice properly. Everyone can attend. Keep the public and applicant together. Write down comments or questions to be made/asked at the public hearing.

When in Doubt – Call the town attorney.

3. Public Comments

None.

4. Review of Meeting Minutes from September 6, 2018

MOTION: Ed Wallor moved to approve the 6 September 2018 minutes as submitted. Jamin Laurenza second. Motion carried unanimously.

5. Chairman's Report

None.

6. Scheduling of Hearings

Brainerd Memorial Library – Modification to an Approved Special Permit – Thursday, 4 October 2018 – Proposed changes to the parking and associated lighting to the north of the library. Revised plans will be mailed to the Commissioners.

7. Town Planner's Report

Steady Habit Brewing – Mr. Bull stated it appears that the old East Haddam town hall will be zoned commercial and that Steady Habit will be anchoring that area. Mr. Bull also stated that it's a shame that Haddam is losing them. Mrs. Glidden reported since that announcement was published, there have been some problems with that location for Steady Habit. Mrs. Glidden also stated that Steady Habit will not be able to stay in their current Haddam location (lease issues), but believe they would like to stay in the area and a location is trying to be found.

Citizens Bank – Mrs. Glidden reported the bank will be closing in early December and that two other banks are looking at the site.

8. Adjournment

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

The meeting was adjourned at 8:35 p.m.

Respectfully Submitted,

Bunny Hall Batzner

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Recording Clerk

The next meeting is scheduled for Thursday, 4 October 2018.