

March 17, 2021

Mr. Edward Wallor
Chairman, Planning & Zoning Commission
First Selectman Robert McGarry
Town of Haddam
30 Field Park Drive
Haddam, CT 06438

Dear Mr. Wallor and Mr. McGarry,

I write to you to voice my concern for the direction that the Town Planner and the Planning and Zoning Commission (PZC) have taken of late. They have strayed from their role in implementing Haddam's Plan of Conservation and Development (POCD) and in following the law regarding land use decisions.

In a letter he sent the PZC in 2019, Mr. Warner wrote that the PZC is "not bound by the recommendations contained" in the POCD, and that "The goal [for Higganum] shouldn't be a sterile, upscale village". Mr. Warner's opinions trouble me, particularly considering the influence a town planner has on a commission of laymen.

Firstly, all "activities proposed by the Town of Haddam should be reviewed for consistency with the recommendations of the POCD". Secondly, while no one has proposed the village become either "sterile" or "upscale", his comment conjures the opposite. The community's voice is expressed in the POCD, adopted less than a year before these comments were made:

"The vision [for Higganum] includes a place where people can easily walk to shops, restaurants, services." The Town should "attract local businesses, markets, cultural attractions, and provide goods and services to support an excellent quality of life for residents" "[R]esidents are not interested in attracting **'just any business'** to Higganum." "Shops and services that fill local needs or provide products that have a sense of place are more desirable. Businesses that support the ecotourism industry... are also appropriate."

This brings me to the issue at hand. Haddam's zoning regulations state for each zone that "any use not listed as permitted be deemed prohibited". While "Barber shop, beauty salon, and standard personal service establishments" are allowed, tattoo parlors neither were nor are. Nevertheless, on 12/3/2020, rather than simply omitting the vague term "standard personal service establishment", Mr. Warner, bucked the norm of writing regulations in the affirmative. Instead, he recommended—and the PZC voted unanimously to adopt—an amendment that lists uses expressly prohibited throughout Haddam, including tattoo parlors.

Less than a year later, when a tattoo parlor, being evicted from its Tylerville location, proposed moving to Higganum Village, Mr. Warner advised the PZC to **amened the amendment in order to now permit what he had just expressly prohibited.**¹ The argument he presented—that the tattoo parlor was grandfathered—is bogus. A preexisting non-conforming use cannot move to another zone where it is prohibited. Worse, Mr. Warner failed to submit legal notice

of the public hearing. PZC then failed to defer the hearing. Mr. Warner says that he made a mistake in the filing of the public notice; that he's changed his mind on the prohibition of Tattoo parlors. The PZC has flipfopped along with him. Mr. Warner was fixed on making this this week's hearing in-person, despite the pandemic.

This is not an isolated incident. In May 2020 without the curtesy of notifying abutting residents, **the PZC unanimously voted to allow a bar² in a residential zone, ignoring law stating that a property with a nonconforming use must move toward conformity.**^{3,4} At the hearing, the applicant referred to the use as 'family entertainment' and said liquor would be served in a small, isolated room. When asked what activities would be offered, the applicant neglected to include ax-throwing.

The sign erected by the business defines the use simply as "bar", with no reference to family entertainment. Videos show drinking in the gaming area and no children in sight. The PZC approved a nonconforming use that is more intense and less appropriate to the residential zone it occupies than the previous one. Hours of operation were expanded to 10:00pm on weekdays, **midnight** on weekends. Parking has intensified significantly. Neighbors are subjected to loud music, revving engines, loud drunken patrons relieving themselves on private property near their children's swing sets and even driving motorcycles from the bar's parking lot through the middle of their lawn. The bar has diminished the peace, wellbeing, and safety of those in the residences surrounding it.

I am disappointed in both our town planner and our PZC. The two instances I mention above demonstrate that they have forsaken the POCD and have failed to plan thoughtfully and follow established land use law. Instead, they have made frivolous changes to our zoning regulations that brings either their competence or integrity in question.

Sincerely,
Elizabeth Bazazi, Higganum

Notes:

1. The amended amendment appears in our zoning regulations: Prohibited Uses: Tattoo Parlor: "(existing & licensed tattoo businesses in the Town of Haddam are allowed to terminate and abandon their current location to relocate to other zones in the Town allowing personal service establishments)"
2. Higganum Village District allows Restaurants and taverns as of right. In Connecticut, there is a legal distinction between a bar and a tavern. Bars can serve whatever you're having, including hard liquor. Taverns, once known as public houses back when residents were still British subjects are places that can serve only beer, wine, cider, and food if they choose.
3. Town of Haddam Article XXXII Nonconforming Building and Use, §270-187 Discontinuance: If at any time and for any reason a property owner demonstrates an intent to abandon or cease any such nonconforming use of land, any subsequent use of such land shall conform to the requirements specified in the zoning regulations for the zone in which such land is located.
4. Town of Haddam Article XXXII Nonconforming Building and Use. §270-270-192 Change of Use: a non-conforming use of a structure may change to another non-conforming use provided the zoning board of appeals finds that the proposed use is equally or more appropriate to the zone than the existing non-conforming use