

**TOWN OF HADDAM  
ARCHITECTURAL REVIEW COMMITTEE  
PUBLIC MEETING  
TOWN HALL  
21 FIELD PARK DRIVE  
THURSDAY, 24 AUGUST 2017  
UNAPPROVED MINUTES  
*Subject to Approval by the Commission***

**ATTENDANCE**

X	Joseph Bergin, Chairman
X	Lorraine Riess, Secretary
X	Wayne Rutty, Vice Chairman
X	Liz West Glidden, Town Planner
X	Gary Vivian, Building Official
X	Bunny Hall Batzner, Recording Clerk

**1. Call to Order**

Mr. Bergin, chairman, called the meeting to order at 5:00 p.m.

**2. Attendance**

Attendance was taken.

**3. Additions/Corrections to the Agenda**

There were no additions/corrections made to the agenda.

**4. Public Comment**

There were no comments from the public.

**5. Discussion and Review of 23 and 27 Killingworth Road: Higganum Pharmacy Addition**

Greg McKenna, owner/applicant; Pat Benjamin, Civil Engineer, Bascom and Benjamin; Ernie Babineau, Vice President, United Building Solution; and Robert Glazier, President/Owner, Town and Country Nurseries.

Prior to the start of the meeting, Mr. Bergin reviewed the goals of the Design Guideline – 1) Site Planning for a Pedestrian Environment, 2) Height, Bulk and Scale Compatibility, and 3) Architectural Character. Mr. Bergin noted that the Guidelines go on in greater length, but wanted these to be at the top of everyone's mind as the presentation is made.

**Site Plan:** Pat Benjamin gave a brief review of the site plan pointing out Killingworth Road (Route 81), the boundary lines, the existing structure, parking area (primarily gravel) with two entrances as well as parallel street parking, sidewalks along Route 81 and in front of the existing building, and two dumpsters (remain in same location).

Mr. Benjamin stated the proposal calls for a 2,310 square foot addition to an existing 5,390 square foot building on 1.14 acres. There are approximately 28 parking spaces (informal parking as the majority of the area is gravel) and based on the area of the building and the use there is more than enough parking for the site. Mr. Bergin asked if the parking is based on the Zoning Regulations with Mr. Benjamin responding yes. Mr. Benjamin stated even looking at different uses, there is sufficient parking; and they

receive credit for the parallel parking on Route 81 which was not included in the calculation. Mr. Benjamin stated the proposed addition will be to the south of the existing structure.

Mr. Bergin asked Mr. Babineau to show the Committee how he is aligning with the Guide-lines as the presentation is being made. Mr. McKenna stated he didn't see any guidelines for Butler buildings in the Village District. Mr. Bergin stated he didn't think the Guidelines discriminate.

**Building:** Ernie Babineau stated the thought process on the front of the building is to maintain the existing look. The proposal calls for continuing the roof line in a southerly direction, use the same metal material, and matching the existing color. A continuation of what's there. Mr. Babineau stated there will be a new entrance with an internal vestibule with a new store front window. Mr. Babineau stated the proposal is to just open up the sales area. Mr. McKenna stated it will be opening up the sales area as well as the pharmacy area. Mr. McKenna also stated a handicapped accessible area for wheelchair clients with a push button at the front door will be created.

**Landscaping:** Using a Landscaping Plan, Robert Glazier stated the plan calls for the removal of all the grass along the perimeter of the sidewalk along Route 81 and replacing it with three varieties of plant life: two (2) Bradford pear trees (better size wise than the maple trees as they grow larger), a group of Gold Tip Junipers around the pears (similar to what currently exists, but will attract more attention because they aren't basic green), and Black-eyed Susans (took into consideration what's planted across the street at Hi-Way Package Store so they bloom at the same time). Mr. Glazier stated the plantings will come up through the seasons - evergreens year long, pears in the spring, Susans in the fall; there will be minimal maintenance; and the plantings tie in with some of the areas on the street.

Mr. Bergin asked Mr. Glazier for examples of the other areas on the street that the proposal would be tying into. Mr. Glazier stated across the street is the same coloration as is being proposed and it would blend. Mr. Glazier also stated instead of the large grass area, which tends to not have good grass due to lack of maintenance/watering, the proposed landscaping would look good on a 12 month basis.

Mrs. Glidden stated she had not seen the landscaping plan prior to the meeting and didn't believe the Committee members had either. Mr. Bergin stated no. Mr. McKenna stated the plan was done after receiving a call from Mrs. Glidden that one was needed. Mr. McKenna also stated he didn't think he needed to submit a plan as he doesn't have an arboretum and he had already spent money bettering the parcel than the neighbor across the street (largest parcel in the center). Mr. McKenna further stated pursuant to Mrs. Glidden's request, he hired Mr. Glazier to develop something more akin to what Hi-Way Package Store has for landscaping.

Mrs. Glidden asked Mr. Benjamin why the landscaping wasn't on the Site Plan that was submitted. Mr. Benjamin stated he never puts the landscaping on the Site Plan as there's usually a separate landscaping plan and Mr. McKenna hired Mr. Glazier separately from him. Mr. Benjamin also stated if copies are required, Mr. Glazier can make copies, label it, and send it in to the Land Use Office. Mr. Benjamin further stated that typically he wouldn't put it on the Site Plan if someone else was hired; however, if he was working with a landscape architect, they would give them an AutoCAD drawing and they would do a completely separate plan. Mr. Benjamin stated he had turned the Site Plan in, Mrs. Glidden had spoken to Mr. McKenna, and Mr. McKenna hired Mr. Glazier. Mr. Benjamin also stated he hadn't seen the plan before. Mr. Bergin asked Mrs. Glidden if her underlying point was drawings presented should be submitted beforehand so the Committee has an opportunity to review them. Mrs. Glidden stated yes. Mr. McKenna stated so noted. Mr. Bergin asked Mr. McKenna for the next time with Mr. McKenna responding yes. Mr. Glazier offered the copy he was using for the presentation.

Mr. Bergin asked Mr. McKenna what he expected the Committee to do. Mr. McKenna stated "say yes". Mr. Bergin asked if the Design Guidelines had been reviewed. Mr. Benjamin stated when he did the Site Plan he originally looked at the Design Guidelines and that Mr. McKenna is putting a small addition onto an existing metal building. Mr. Benjamin also stated there's a sidewalk out front so he looked at how people walk into the site (in terms of circulation from his viewpoint not the building itself). Mr. Bergin asked Mr. Benjamin to review with his drawing. Mr. Benjamin stated when he surveyed the site he was

there for almost the full day and that Mr. McKenna wanted an addition on the end of the existing structure. Mr. Benjamin noted there were some constraints due to the locations of the applicant's and abutting property owner's wells (on either end of the building) and the septic system (in front of the building). Mr. Benjamin stated a lot of people will either use the off street parking or pull into the site to park and walk into the building; therefore, from a site plan standpoint it was very basic.

Mr. Bergin noted that Mr. Benjamin was speaking in terms of access to the building; whereas, the Guidelines are speaking about the parcel and the larger community and making the community pedestrian friendly. Mr. McKenna stated his customers are not pedestrians. Mr. Bergin stated he's excluding a lot of people from his customer base. Mr. McKenna stated he did a people count years ago with another project, and the walking ability of Haddam is negligible (over 60 percent of customers are delivered to, and of the remaining 40 percent that come in 99.99 either drive in or try to take the first three spaces in front of the door). Mr. McKenna also stated the reason for making the building handicapped accessible is due to customers from the Saybrook at Haddam and several other facilities. Mr. McKenna stated he has no one who walks to the pharmacy. Mr. Bergin stated the reason to include the pedestrian component is due to the parcel being located in the Center; and if there are issues with the Guidelines, he should speak to P&Z and the town hall. Mr. McKenna stated he didn't care if the Committee approved the application or not; and that he does have issues with the Guidelines. Mr. McKenna also stated he would be comfortable with whatever decision the Committee made as he believes it's his prerogative to go before P&Z either way. Mr. Bergin stated it is Mr. McKenna's prerogative.

Mr. McKenna stated he has given his best effort to try to grow a business within this town with the existing building he has with the knowledge base of his customers. Mr. McKenna also stated to create something else for a customer base he doesn't have isn't reality in his world. Mr. McKenna stated he is not taking issue with it, but rather telling the Committee from his best efforts he's trying to grow a business within the town with what he has as constraints. Mr. Bergin asked Mr. McKenna if he was more aligning with his business plan than with the town's Design Guidelines. Mr. McKenna stated he's more align with the building he has because he can't tear it down and rebuild ten feet from the road. Mr. Bergin asked if Mr. McKenna had he considered expanding the building toward the street with Mr. McKenna responding yes, but it's not possible. Mr. Benjamin stated the septic system is in front of the existing structure.

Mr. Bergin stated he couldn't get a toehold on the application to make a recommendation for approval. Mr. Bergin also stated it would be hypocritical and a derogation of duty to approve the application. Mr. McKenna stated the Committee has to do what it has to do, but his next stop will be P&Z and they'll take the Committee's recommendation and go accordingly. Mr. McKenna again stated he's given his best effort. Mr. McKenna also stated he's not snubbing his nose at the Committee's rules; however, they do not work here and he's doing the best he can with this particular building. Mr. McKenna stated he's not knocking down the building to create another structure noting he has another business next door. Mr. Bergin stated the Committee is not asking for that.

Mrs. Glidden stated Mr. Bergin's point is that the minimal submittal requirements have not been met noting the information Mr. McKenna was provided. Mr. McKenna stated the Committee has their best efforts; and if it's not good enough, to let him know and he'll make everyone in town aware of it. Mr. McKenna stated if it doesn't fit the Guidelines, say so, and they'll move on to P&Z. Mr. McKenna again stated when the Committee says so, he will tell everybody. Mr. Bergin asked Mr. McKenna if he'll tell everyone that the application doesn't meet the Design Guidelines. Mr. McKenna stated he'll tell everyone it doesn't meet the Design Guidelines and the Committee doesn't want him to expand. Mr. Bergin and Ms. Riess stated the Committee is not saying they do not want him to expand. Once again, Mr. McKenna stated this was his best effort and if his best effort isn't good enough, the Committee doesn't want it. Mrs. Glidden stated no; and informed Mr. McKenna that the Design Guidelines are P&Z's guidelines.

Speaking to Mr. Bergin, Mrs. Glidden stated it appears the applicant has decided to move forward with or without the Committee's recommendation. Mrs. Glidden also stated it's too bad as there's an opportunity to make the plan better. Mr. McKenna stated he can't make the plan better. Mr. Bergin asked Mr. McKenna if he would consider any sort of treatment to the façade with additional material. Mr. McKenna asked if there was a grant available. Mr. Bergin stated he would take Mr. McKenna's response as a no.

Mr. McKenna stated if there's a grant available or anyone wants to kick in, he'd be happy to as he's aware of the costs associated with this plan.

Mr. Bergin stated he was very sorry for everyone in the room that their time was wasted and that Mr. McKenna could have made this stand without calling a hearing. Mr. McKenna stated he had to call a hearing as he was told to go through this process; he had submitted their best efforts; and the Committee could have said "We're not meeting".

Gary Vivian stated Mr. McKenna keeps referring to his best effort and comments were made at the beginning to address the Guidelines; and asked what effort was made as the Guidelines weren't addressed. Mr. Vivian stated he had hoped to see the architect to present what the best effort would have been. Mr. McKenna asked if he didn't review the plans beforehand. Mr. Vivian stated when there is a set of guidelines he tries to address that. Mr. Vivian again asked what the best efforts were. Mr. McKenna stated they sat and asked how they could move the addition forward, they can't; and it's a Butler building. Mr. Bergin stated it is Goal #3 – Architectural Character within the Design Guidelines and an applicant doesn't get less character. Mr. McKenna stated he doesn't get less or more; and it doesn't change the fact that it was. Mr. McKenna stated he's added a window to the front, handicapped accessibility, and he feels they've added character. Mr. McKenna also stated in order to take the Butler building and stabilize it they've had to go through a number of calculations in order to construct the addition. Mr. McKenna felt the Committee was failing to recognize that portion. Mrs. Glidden stated those are engineering aspects. Mr. McKenna stated fine, but it's the reality of the situation. Mr. McKenna stated masonry cannot be used as he needs to stabilize the building with steel. Mr. Bergin noted he's an architect and there are certain things Mr. McKenna was saying that he took exception to regarding a Butler building stating in the past he's designed Butler buildings and had taken steps to introduce architectural character to them. Mr. Bergin acknowledged it's very difficult as a Butler building is the bottom of the totem pole when it comes to celebrated design. Mr. McKenna stated he gets it, he wishes he was knocking down the building, and he wishes he wasn't in the building. Mr. Bergin stated he was hoping the team would come in with ideas in ways to help with the character of the building.

Mr. Bergin stated he didn't feel the Committee or the applicant were able to get passed the impasse; and suggested the Committee make the recommendation to P&Z that the application not be accepted. Mr. Bergin stated for the Committee to approve this application, notwithstanding the rationality that was explained, it doesn't align with the Design Guidelines; therefore, the Committee's hands are tied without being in derogation of their duties.

Mr. McKenna asked if the landscape design was needed for P&Z. Mr. Bergin stated he felt it should be made a part of the application. Mrs. Glidden stated P&Z's application has already been submitted and the problem is to move forward. Mr. Benjamin stated Mr. McKenna can submit a copy of the landscape design even though the application has been submitted. Mr. Benjamin also stated he'll have Mr. Glazier make additional copies and he'll make sure they are labeled. Mr. Benjamin stated the landscape design can be accepted while this is going on. Mrs. Glidden stated yes, noting she has already posted the Legal Notice and people have come in to look at the application, but she will advise P&Z. Mr. Benjamin stated he will try to provide copies of what Mr. Glazier has prepared.

Mr. Bergin stated he noticed online that the Committee's hearings are broken into public session and non-public. Mrs. Glidden stated this is not a hearing and, therefore, was not advertised as such. Mrs. Glidden briefly explained this is a time for the Committee to discuss the matter and come up with a decision.

Mrs. Glidden stated she wanted to talk more about ARC as a group noting this was not an effective meeting and was not a good use of anyone's time. Mr. Bergin stated he felt the applicant went through the steps to make their point and the Committee was something to step over to get to where they need to be. Discussion followed about meetings in which the dialog between an applicant and the Committee worked and that this meeting was an exception. Mrs. Glidden stated she is not suggesting the Committee disband or the Guidelines be thrown away as she feels they are critical and this meeting was an exception. Discussion followed in regard to whether or not it's the Committee's job to work with the applicant and provide feedback or to basically give a thumbs up or thumbs down. Mrs. Glidden stated her assumption

for the Committee was the Committee would hear what the applicant has to say and give some insight, but really to look at the application and give a recommendation to P&Z. Mrs. Glidden also stated she likes the idea of a dialog, but people are going to use it to submit a mediocre plan and have the Committee design it for them which is not the Committee's purpose (the Committee's purpose is to review). Mr. Bergin stated it's a negotiation and he feels like the Committee is supposed to make suggestions. Mr. Bergin stated he felt this application wasn't a genuine effort, but rather something put together for the least amount of cost so the applicant could move on to the next step where they'll question the whole process. Mr. Bergin also stated to argue against the Guidelines vis-à-vis a business plan with the Committee is ridiculous; and that this argument belongs at town hall or P&Z. Mr. Bergin also stated the Committee can't change it, but they can only review the application to see that it aligns with the Guidelines and make a recommendation. Mrs. Glidden commended the Committee for their willingness to get a positive result out of the meeting. Discussion followed.

Steve Bull, vice chairman, P&Z, asked if P&Z will be getting a recommendation from ARC. Mr. Bergin stated yes, to deny it. Mr. Bull asked if there will be some basis to the recommendation. Mr. Bergin stated absolutely zero alignment with the Design Guidelines. Raul de Brigard, alternate member, P&Z, stated he was hoping to hear the discussion regarding the recommendation; noting that he doesn't believe it will be particularly helpful if it's just a matter of not complying with the Guidelines. Mrs. Glidden stated the applicant didn't even meet the basic submittal requirements and explained the process to the Mr. de Brigard and Mr. Bull. Mr. Bergin stated the Committee can make reference to the Design Guidelines and the submittal requirements not being met. Mr. Vivian stated in this case there were absolutely no Guidelines met and there is no reason for the Committee to expand beyond that as the applicant admitted to not having not tried to meet the three goals presented at the beginning of the meeting. Mr. Vivian also stated the applicant is going on to the next meeting and they were told to come before ARC. Mrs. Glidden stated that if P&Z is going to continue with the Design Guidelines and require applicants to come to ARC to review the plans, P&Z needs to consider whether or not they're going to take ARC's considerations at face value or not. Mrs. Glidden also stated if P&Z approves this after the Committee says it doesn't meet the Design Guidelines that says "what's the point of having the Committee". Discussion followed at length in regard to the Design Guidelines as a whole, the POCD which references "New England character", and best efforts put forth to address the Guidelines, specifically Goal #3 – eclectic buildings where a selective approach to contextual design is warranted.

Ms. Riess voiced concern over the landscaping plan noting there are currently Swamp maples that start at DaVinci's and work their way south on Route 81 and Bradford pears will break up the language of trees. As for the junipers, Ms. Riess stated there was a community effort to plant Hydrangeas along both sides of the road and this would be another breaking of the language of the streetscape (unclear if Mr. Glazier is aware of the streetscape design process). Mrs. Glidden stated she was unaware of a landscape plan until it was presented. Ms. Riess stated this would be landscaping of state property. Mrs. Glidden stated it is Mr. McKenna's property and the state as a right-of-way. The plans were reviewed with the "State Highway Line" being noted and again Ms. Riess questioned landscaping state property.

Mrs. Glidden stated if 60 percent of Mr. McKenna's customers get delivery, why the need for all of the parking (why not landscape more). Ms. Riess asked how many parking spaces are required. Mrs. Glidden reviewed the regulations. Mr. Vivian stated it was mentioned during the presentation that he didn't use the street numbers for parking spaces, but that he was using 300. Mr. Bergin noted there are two units on site. Discussion followed in regard to the potential of too much parking as the Guidelines talk about a walkable village. Mr. de Brigard noted P&Z can only turn an application down based on the regulations. Mrs. Glidden reviewed Section 7A-3 in regard to some of Mr. de Brigard's concerns. Discussion followed.

Mr. Bergin stated in the recommendation letter he would like to acknowledge the pharmacy is a substantial business in the Center that people rely on and, generally speaking, its expansion is a positive thing; however, the application that came before the Committee had no alignment with the Design Guidelines. Mr. Vivian stated he feels referencing the paragraph within the regulations referencing back to the addendum says it doesn't meet the requirements; therefore, there would be no need to outline specifics. Mr. de Brigard stated it would be nice for P&Z to have something that outlines the specifics. Mrs. Glidden

stated the ARC minutes will reflect the specifics and those minutes will be going to P&Z as part of the site plan hearing. Discussion followed in regard to an application standing on its own for its architectural merits; and if an addition changes the course of a building in terms of its character, then a new building owner down the line has something to add onto in a better way as opposed to if its permitted to have a faulty character a new building owner continuing with the same pattern. Mr. Bergin stated part of the Guidelines is to inspire future development. Ms. Riess stated Mr. Bergin is talking about setting precedence, which she agrees with.

Mrs. Glidden stated she doesn't believe the Committee was expecting a brand new building. Mr. Bergin stated no one expected a tear down. Mrs. Glidden stated the Committee was expecting some architectural elements that would improve it. Mr. Bergin stated yes, and that it shouldn't mimic what currently exists but make an addition that has better character. Mr. Vivian talked about attempts being made to dress up the front of a Butler building; and to state that you can't add anything else to a Butler building is inaccurate. Mr. Vivian also stated he thought there would be a design professional present to address the Committee's concerns. Ms. Riess stated there are a number of improvements that could have been done to the structure.

Mr. Bull asked if Mr. McKenna had brought a plan with element changes for a Butler building, would that have been something the Committee would have negotiated on. The Committee said yes, but that was not what happened. Discussion followed. Mrs. Glidden asked if the Committee would be willing to review the application again if P&Z requests modifications to the plans and Mr. McKenna meets that request. The Committee stated yes.

Mrs. Glidden will generate the recommendation letter, send it to Mr. Bergin for his approval, and then email it to the remaining Committee members. Mr. Bull commended the Committee for their work.

## **6. Approval/Correction of the Minutes**

Correction to the 24 March 2016 minutes – page 2, second paragraph, first sentence – change “expect” to “expected”.

**MOTION:** Lorraine Riess moved to approve the 24 March 2016 minutes as amended. Wayne Rutty second. Motion carried unanimously.

## **7. Chairman's Report**

Mr. Bergin had nothing to report at this time.

## **8. Committee Business**

There was no additional Committee Business to attend to.

## **9. Scheduling of Hearings**

Mrs. Glidden reported there are no hearings scheduled at this time.

## **10. Adjournment**

**MOTION:** Wayne Rutty moved to adjourn. Lorraine Riess second. Motion carried unanimously.

The meeting was adjourned at 6:25 p.m.

Respectfully Submitted,  
*Bunny Hall Batzner*  
Bunny Hall Batzner, Recording Clerk