

**TOWN OF HADDAM
ZONING BOARD OF APPEALS
PUBLIC HEARING AND MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT
THURSDAY, 28 FEBRUARY 2019
UNAPPROVED MINUTES
*Subject to Approval by the Board***

ATTENDANCE

X	Thomas Berchulski
X	Margo Chase-Wells
A	Mary Hickish
X	Robin Munster, Chairman
X	Kenneth Wendt
A	William Iselin, Alternate
X	Jessica Labbe, Alternate - Seated
X	Anthony Matterazzo, Alternate
X	Bill Warner, Town Planner
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mrs. Munster, chairman, called the meeting to order at 7:31 p.m.

2. Attendance

Attendance was taken and all regular members, as well as Ms. Labbe, alternate member, were seated.

Mrs. Munster read the Legal Notice, as printed in the Haddam News, into the record.

3. PUBLIC HEARING

Request for a Variance to Sections 10 and 18 of the Zoning Code to Authorize the Removal of 8,000 Cubic Yards Earth Material at Midway Marina at 16 Synder Road, Haddam, CT

Scott Davidson, applicant/owner, was present.

Mr. Davidson stated after working with the State of Connecticut for years to obtain an easement, they have one with the exception of the 30 foot width of the tracks; and using the map, Mr. Davidson pointed out the easement area. Mr. Davidson also stated they had to give up the "Doolittle Crossing" (notation on map indicates "existing right will be extinguished by Davidson Brothers, LLC") in order to get the new easement. Mr. Davidson stated that a letter from the State outlining the easement and the conditions has been filed on the Land Records. Mr. Davidson stated there is an area that is mainly wetlands and even though there's not much that can be done with it, they still want to access it. Mr. Davidson stated a roadway will be created on the other side of the tracks in order to access two rows of boats and they would like to create a parklike area with picnic tables. Mr. Davidson stated a good sized hill was left behind after a previous excavation of 40,000 cubic yards of material and the proposal calls for the excavation of approximately 8,000 cubic yards of material from this area. Mr. Davidson also stated additional boat space will be gained by not having the roadway go through the boatyard and there will be some tree pruning/cutting.

Mr. Matterazzo asked Mr. Davidson to point out the location of the river. Mr. Davidson stated it's on the other side (top of the mapping) and pointed out the extent of the marina (boatyard). Continuing to using the map, Mr. Davidson stated the light dotted contour lines indicate the hill which will be leveled and on the other side of the tracks the hillside will be excavated back about 30 feet from the tracks leaving a 30 foot drive along the side of the tracks and the dark lines are the new grades. In regard to the new mapping, Mr. Davidson stated the lines have been refined to make the hill look more natural rather than a straight cut, the flat area will be used for parking, and an alternate location for the gazebo has been added (these are the only changes from the original submission).

Mr. Warner reported the maps the Board members had in front of them were from the first submittal; however, they did receive the updated maps via email. Map titled "Property & Topographic Survey Showing Land N/F State of CT., Land N/F Davidson & Davidson, LLC. And Land N/F Davidson Brothers, LLC. Tax Map 48, Lots 38-1, 39, 41, and 41-1, River Road, Haddam, CT", Dated Dec. 21, 2018, Sheet 1 of 3, prepared by Michael J. Bennett, Registered Land Surveyor, Bennett & Smilas Associates, Inc., 415 Killingworth Road, P.O. Box 241, Higganum, CT. Topographic Survey and Construction Notes & Details, Sheets 2 of 3 and 3 of 3, show a revised date of 02/09/19, with the notation revised grading and revised grading on Drawing No. 2, respectively.

Mr. Wendt asked the elevation on the bottom side. Mr. Davidson stated the tracks and the boatyard start at about 34 feet. Mr. Wendt asked if the area below that would be about 35 to 40 feet. Mr. Davidson stated the area would be about 34 feet and gradually climbs to about 50 feet.

Mrs. Chase-Wells asked if the "Doolittle Crossing", which is to be eliminated, is gravel. Mr. Davidson stated yes.

Mr. Davidson submitted the following into the record: 1) Two (2) artist renderings of the area (Exhibit A). 2) An email letter from Allyson L. Clarke, Property Agent, State of Connecticut DEEP, Constituent Affairs and Land Management Division, dated 21 February 2019, (Exhibit B). In her letter Ms. Clarke notes that there is concern regarding a leader line identifying the "Doolittle Crossing" pointing to the wrong location and DEEP was not in receipt of the requisite Certificate(s) of Insurance naming the State as an "Additional Insured" (must be submitted before work begins) pursuant to the "Exchange, Release and Grant of Easements Agreement". 3) An email letter from Robert W. Bradway, Jr., Vice President – Track and Property, The Valley Railroad Company, dated February 19, 2019 (Exhibit C). In his letter, Mr. Bradway addresses a telephone call from Allyson Clarke, DEEP, and that the railroad did not take exception to the proposal and that both parties had agreed to coordination during the project.

Mr. Warner reported that Torrance Downes, Deputy Director, RiverCOG, Gateway Commission had submitted a letter, dated 27 February 2019, (Exhibit D) and that the Gateway Commission requested a condition that the mature trees around the gazebo (at the top of the knoll) not be removed, that they only be limbed up a third of the way for views. Mr. Davidson stated he was agreeable to that.

Mrs. Munster asked if Mr. Davidson had the Mailing Certificates. Mr. Warner stated there are no adjacent property owners other than the Davidsons; therefore, the Mailing Certificates are not required.

Mr. Matterazzo asked how this application ended up before ZBA. Mr. Davidson stated it's due to the excavation of material. Mr. Warner stated the regulations within the Gateway Zone do not allow any excavation. Mr. Matterazzo asked where the material will be removed too. Mr. Davidson stated it will depend on the contractor.

MOTION: Margo Chase-Wells moved to close the public hearing at 7:50 p.m. Tom Berchulski second. Motion carried unanimously.

4. PUBLIC MEETING

Request for a Variance to Sections 10 and 18 of the Zoning Code to Authorize the Removal of 8,000 Cubic Yards Earth material at Midway Marina at 16 Synder Road, Haddam, CT

Board members seated: Berchulski, Chase-Wells, Munster, Wendt, and Labbe.

Discussion followed amongst the members with it being noted there are no concerns from the Gateway Commission, DEEP, or the railroad and that Mr. Davidson has come before the Board in the past and at that time there was good discussion with the neighbors.

MOTION: Having found a legal hardship due to topography, Margo Chase-Wells moved to grant a variance to Sections 10 and 18 zoning code to authorize the removal of 8,000 cubic yards earth material at Midway Marina at 16 Synder Road, Haddam, CT. **Conditions:** 1. Condition requested by Gateway Commission in letter dated Feb. 27th, 2019. 2. Applicant shall secure final approval of DEEP, State of CT. 3. All necessary erosion controls shall be in place prior to earth disturbance. Tom Berchulski second. Motion carried unanimously.

5. Approval/Correction of the Minutes

MOTION: Jessica Labbe moved to approve the 31 January 2019 Public Hearing/Meeting minutes as submitted. Margo Chase-Wells second. Motion carried unanimously.

6. Open Discussion

Community Sustainability Event – Wednesday, 6 March 2019, 6:30 p.m., Haddam Fire Station #1, Community Room, 439 Saybrook Road, Higganum. Guest speaker: Jessica LeClair of Sustainable CT. Light refreshment will be provided. RSVP edccordinator@haddam.org or 860-345-8531 x 202.

ZBA Membership Roster – Mr. Berchulski requested a copy of the membership roster be sent out to all Board members. Mrs. Batzner will email a copy to everyone.

7. Adjournment

MOTION: Tom Berchulski moved to adjourn. Ken Wendt second. Motion carried unanimously.

The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner, Recording Clerk

The next regular meeting is scheduled for Thursday, 28 March 2019.