

**TOWN OF HADDAM
 PLANNING AND ZONING COMMISSION
 REGULAR MEETING
 TOWN HALL
 21 FIELD PARK DRIVE, HADDAM, CT 06438
 THURSDAY, 15 FEBRUARY 2024
 UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Gina Block
X	Scott Brookes, Chairman
X	Michael Farina, Secretary
X	Mike Karam
A	Wayne LePard
X	Tim Teran
X	Edward Wallor, Vice Chairman
X	Alan Chadwick, Alternate
X	Dorothy Gillespie, Alternate - Seated
A	Larry Maggi, Alternate
A	Bill Warner, AICP, Town Planner
X	Leon Mularski, Zoning Enforcement Officer
X	Bunny Hall Batzner, Recording Clerk

1. Chairman Calls Meeting to Order

Mr. Brookes, 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

Attendance was taken and all regular members as well as alternate member, Mrs. Gillespie, were seated.

4. Additions/Corrections to the Agenda

The agenda stood as submitted.

5. Public Comments

There were no comments for those in attendance.

6. Public Hearing / Public Meeting

An Application for Special Permit for an Adaptive Historic Reuse at 263 Saybrook Road to Convert Existing Office/Mixed Use Space on Lower Floor for Two (2) Additional Residential Units for a Total of Four (4) Residential Units as well as an Exterior Sign not to Exceed Six (6) Square Feet. The Carriage House will remain as Office Space. Applicant: Preston and Ryan Roth

Preston Roth, owner/applicant, was present.

Hearing: Mr. Brookes opened the hearing at 7:02 p.m.

Mr. Roth reported that they had recently purchased 263 Saybrook Road at the end of December and they are looking to refresh the building and convert the bottom two floors which have seen throughout his life time 8 to 9 different setups. Mr. Roth stated he would like to bring back those two units as residential space, bring the building back to life, and make it into a four family unit.

Mr. Brookes stated he had read the minutes from 19 October 2023 where the previous owner had applied for a similar third unit and was approved at the time. Mr. Brookes asked if anyone had questions.

Mr. Wallor commented that the applicant in October went from four units to three and he believes that's why the current applicant is before the Commission. Mr. Wallor stated the Commission can ask the applicant if the septic is capable of handling four units. Mr. Wallor asked Mr. Roth if he wants to keep the Carriage House as it is and put four units in the house.

Mr. Roth stated the front building is four stories – basement, first, third, and fourth floors. The basement, first and second floors were mixed use never residential. Mr. Roth stated what he was able to get from the previous owner is that they wanted to do pretty much what he's proposing to make the first and second stories residential, but because they were using traditional financing they stopped at three. Mr. Roth stated he would like to get rid of the mixed use in the house.

Regarding the septic, Mr. Roth stated there are two separate systems on the property – main house (front) and carriage house (back) each have separate systems. Mr. Wallor stated it's not the Commission's concern. Mr. Roth stated it will go to the building department.

Mr. Wallor stated this is a Special Permit that will run with the land and that is something the Commission needs to consider. Mr. Wallor stated he does not have a problem with the application, it fits in with the POCD, the property is just outside of the Village District, and the work would be in the building inspector's hands as the work is beyond the Commission's scope.

Mr. Farina asked Mr. Roth if he was planning any changes to the façade. Mr. Roth stated he's very interested in historic preservation/renovation and he wants to start by fixing the paint. Mr. Roth also stated he would like to change out the windows as they are very old, drafty, and inefficient, while keeping within the same style based on the grid lines.

Mr. Teran stated the concept is great; however, one of the comments for the proposed activity is that the another units will generate income to restore the exterior. Mr. Roth stated it is an investment property and economically speaking from a three to a four does not make much difference according to the building code; but as a mixed use building based on the town's recent market activity, the market would be saturated with office space and he would not be able to get someone in the building relatively easily in order to get the cash flow going. Mr. Teran stated he understood, but what if it does not happen. Mr. Teran asked what the town's safe guard is.

Mr. Wallor stated it is a Special Permit and Mr. Roth would have to do the work; and if he did not do the work, he would lose the Special Permit. Mr. Teran again asked what the town's recourse would be if Mr. Roth does not fix the façade as described in the application after he gets the Special Permit. Mr. Wallor stated the Special Permit would be revoked.

Joe Markim, 15 Stonegate Circle, asked if the Special Permit were revoked, would that mean the people living in the house could no longer live there and/or the applicant would no longer receive rents. Mr. Markim stated aside from taking the paper away from him what would it mean.

Mrs. Block clarified that Mr. Teran is asking who would be the governing body that would oversee the follow through on adaptive historic reuse permits and grants. Mr. Teran stated yes, who will check that box off; but his question was more toward what the implication(s) would be if Mr. Roth did not do the work as described in the application.

Mr. Roth gave a bit of background on himself – licensed realtor and general contractor, grew up in Haddam, currently lives out of town the past 20 years, specialize in historic preservation (have done 5 or 6 historic renovations in Middlesex County), and would like to put his sign/brand/company out front to show case his work. Mr. Roth stated the financial aspects mentioned in the application are for an investment property and that funds are already available to renovate the house. Mr. Teran stated he understood, but he doesn't believe the Commission has any recourse.

Mr. Mularski stated while Haddam's regulations do not specifically address enforcement, he has found himself writing a number of letters and notices, but does not have the authority to enforce them. But under 15.A – Historic and/or Architectural Preservation Site and Structures by Special Permit – Subsection 15.A.B - if approved, the owner must file on the Land Records a written agreement 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. Mr. Mularski stated part of the agreement could be structured that there could be some enforcement outlined.

Mr. Teran felt the Commission should look at the consequences of not fulfilling the requirements of the Special Permit. Mr. Wallor and Mr. Farina stated the Commission does not have that authority. Mr. Farina stated as a businessman, it would not be in Mr. Roth's best interest not to complete the project. Discussion followed with it being noted again that the Special Permit goes with the land and if Mr. Roth receives the permit and sells the property tomorrow, the next owner would have to perform the work.

Mr. Markim stated he felt Mr. Teran's question was a fair one. Mr. Brookes agreed, but doesn't believe the Commission can solve/answer that question tonight. Mr. Mularski stated the town has the right under the state statutes to take action and if the agreement has specific language it can happen. Mr. Teran stated town counsel should be asked to review and provide language. Mr. Mularski stated the Commission can make that stipulation in the motion.

Mr. Chadwick asked if the proposal will require outside staircases. Mr. Roth stated in speaking to Bob Ruzzo, Building Inspector, going from two to four units will require a staircase of some kind. Mr. Roth stated a deck staircase will be added to the back of the house and will not be visible from the street allowing egress down to the ground for the third and fourth units. The other two units will have egress via the windows and two separate doors on that floor. Mr. Brookes stated as a former fire marshal, he felt a staircase would be required and in keeping with the historic look of the structure it would be kept to the back of the building. Mr. Roth stated explained the proposed deck. Mrs. Gillespie stated she felt Mr. Roth, as a contractor, would build the staircase to fit with the exterior of the house. Mr. Roth stated he and Mr. Ruzzo, who is also interested in historic homes, discussed how to re-use/replicate the gingerbread.

Regarding the proposed sign, Mr. Roth stated the zoning laws only allow a 6 foot wide sign and the proposed sign would be in line with the house. Mr. Roth explained the type(s) of material to be used. Mr. Wallor asked if the sign would have lighting. Mr. Roth stated no.

Mr. Karam asked who would be reviewing the renovations to make sure they are in line with the Secretary of the Interiors Standards. Mr. Roth stated he would be working with the building inspector who will be signing off on all the work. Mr. Karam asked who would be reviewing the plans. Mr. Mularski stated he would probably be reviewing the plans along with advice from the historic commissions.

Ron Borrelli stated he purchased a 1755 house untouched except for a toilet; he had to go through the historical commission and it was the building inspector who reviewed the project. Mr. Borrelli stated it was the building inspector who determined what could and could not be changed on the historical renovation.

Elizabeth Malloy stated she was happy Haddam had Section 15.A. Mrs. Malloy stated this is the first time, again, this ordinance is being used. Mrs. Malloy stated the applicant has to give the town something and read Subsections 15.A. A, B, C, and D. Mrs. Malloy asked if the written agreement had been

completed and filed and who is it filed with. Mrs. Malloy stated although Bob Ruzzo, Building Inspector, would be making decisions regarding the building codes, she did not believe Mr. Ruzzo was qualified to make Secretary of the Interior Standards determinations on what's appropriate for an historic building or not (her opinion). Mrs. Malloy asked who would be reviewing the work (alternations and who determines if they are historic or not) and there are also provisions for designated historic buildings to by-pass certain building codes.

Mr. Brookes stated the written agreement would be drafted and filed once the Commission approved the Special Permit. In terms of who would review the work that still needs to be determined.

Mrs. Malloy asked if a narrative had been submitted. Mr. Brookes stated no, not that he was aware of. Mrs. Malloy asked when it would be done. Mr. Mularski stated during the building permit process. Mr. Brookes and Mr. Wallor stated it does not make sense to make an applicant provide a narrative and a written agreement prior to an approval of a Special Permit. Mr. Brookes stated he didn't believe a building permit would be issued if the narrative and agreement were not provided.

Mrs. Malloy stated the building inspector's idea of appropriate window replacements would be a lot different from her's (cited her qualifications as an historic preservationist) and that she would like to make sure the right people are following the Secretary of the Interiors Standards.

Mr. Mularski stated the Commission needs to be very careful on how they interpret the regulations noting the applicant is not talking about historic renovation, but rather historic preservation. Mr. Mularski stated the building does not need to be built back to the exact standards that it was built to 100 years ago, it would be impractical. Mr. Mularski read a portion of the regulations, "the building meets the survey criteria and that the proposed reuse is compatible with the historic character and fabric of the building." Mr. Mularski stated it is not telling you to renovate that building.

Mr. Teran stated this is about checks and balances. Mr. Mularski stated the town has on staff two registered architects in building and planning and that he has done historic preservation and believes Mr. Ruzzo has touched on it as well. Mr. Mularski spoke about having qualified people on staff and if they need additional expertise they will get it. Discussion followed.

Mr. Karam read the Secretary's Standards; and asked that the guidelines are available whether it be Mr. Mularski or someone else. Discussion followed regarding checks and balances and the town hiring outside counsel who is familiar with historic preservation.

Mrs. Block asked if ARC could be utilized to review the narrative. Mr. Teran stated the building is outside the Village District. Mrs. Block stated she understood, but the Commission could attach conditions. Mr. Wallor asked how ARC would be put in charge of a piece of property outside the Village District. Mrs. Block stated it's an adaptive historic reuse permit specific to an historic building and it is under ARC's purview. Mr. Wallor stated ARC does not have that authority. Mrs. Block stated ARC can be used because they have historic expertise. Mr. Karam stated that's the point. Mrs. Block stated she understands that ARC's immediate purview is the Village District, but this is an exceptional case and if the Commission is unsure of the Secretary of the Interiors Standards, why can ARC not be assigned this project. Mrs. Block and Mr. Karam asked what would be another solution. Discussion followed at length.

Mr. Mularski asked the Commission if they are looking at the application in terms of preserving the look of the building as it looks now. Mr. Teran stated no. Mr. Mularski asked if the Commission was looking to change the building. Mr. Teran stated no, and that the statute and the permit should be read.

Mr. Wallor stated the application and the motion before the Commission is for four apartments. Mr. Teran asked Mr. Farina to read the description of the proposed activities, which he did. Mr. Brookes read the motion. Mr. Wallor stated what is in the motion is what the Commission should be discussing. Mr. Karam stated the motion is not reflective of what is being proposed. Discussion followed at length.

Mr. Brookes stated between Mr. Mularski and Mr. Ruzzo the Commission has individuals with expertise. Mr. Brookes also stated they're both smart enough to seek additional assistance if they run into something they're not familiar with.

Discussion followed regarding the windows. Mr. Roth stated some of the windows on the first and second story are very tall panes and he's been trying to source them out with only one vendor who will do anything above a 90 inch window; otherwise, he would have to shorten the windows. Mr. Roth gave details on the existing windows and what is available. Mr. Roth stated in terms of look from the work he has done in historical preservation it is from street to house (if you can't tell there's a major difference that's the big test).

Mrs. Gillespie asked Mr. Roth who he had to advise him along the line. Mr. Roth stated books, discussions with different contracts, research, and looking at different historical properties.

Mrs. Block stated she believes the Commission should have an historic building expert in the process from both ends of an application. Mr. Brookes stated he is inclined to approve as it appears the applicant is well versed. Discussion followed in regard to potentially setting up a subcommittee to oversee the historical work, the process in place to oversee the work, checks and balances, etc.

Mr. Borrelli stated if the Commission approved the Special Permit, the building inspector would be the one to enforce the regulations (hiring a specialist, etc.). Mr. Brookes stated he said that earlier.

Gordon McCurdy stated he appreciated that the Commission was trying to work through the process and appreciated the Historical Society weighing in.

Mr. Brookes asked if the Commission had any further questions for the applicant. As there were none, Mr. Brookes closed the hearing at 8:00 p.m.

Meeting: SEATED: Block, Brookes, Farina, Karam, Teran, Wallor, and Gillespie.

Mrs. Gillespie asked if stipulations could be added. Mrs. Batzner stated the staircase to the back of the building has been added. Discussion followed regarding the narrative and the written agreement (the applicant has to submit in order to proceed) and following the Secretary of Interiors Standards (the applicant has to follow the Standards as it is a condition based on the approval).

MOTION: Mike Farina motion to approve an application for special permit for an adaptive historic reuse at 263 Saybrook Road to convert existing office/mixed use space on lower floor for two (2) additional residential units for a total of four (4) residential units as well as an exterior sign not to exceed six (6) square feet. The carriage house will remain as office space. Map 15 Lot 83. **Comments:** 1) Staircase back of building. Ed Wallor second. Motion carried unanimously.

7. Approval/Correction of the Minutes

MOTION: Ed Wallor motioned to table the approval of the 1 February 2024 minutes. Mike Farina second. Motion carried unanimously.

8. New Business

Continued Discussion on Allowed and Prohibited Uses in Commercial and Village District Zones

Mr. Brookes stated this was discussed at the 1 February 2024 meeting. Mr. Teran stated this will be a fairly lengthy discussion and perhaps scheduling a special meeting to discuss/review this matter would be more productive. Mrs. Block asked if Scovill Hoe would be at the next meeting. Mrs. Batzner stated yes, as well as the FOI meeting at 6:00 p.m. Discussion followed at length regarding timing, notices, scheduled hearings, and further discussion of the regulation on Thursday, 21 March 2024. Mr. Teran asked if an easel and pen could be made available for that meeting.

Mr. Brookes asked if anyone had any thoughts. Mr. Teran stated when he reviewed the Village Permitted Uses vs. Site Review the language is very different between Higganum and Tylerville and believes the comparison should be apples to apples. Mr. Teran stated there is no definition for light industry, especially as to how it relates to Higganum Center. Mr. Teran also stated consideration should be given as to whether Scovil should be a part of the Village District.

Mr. Karam stated he believes it is mostly the Village Districts that need to be aligned and definitions added - Tylerville specifically. Mr. Karam stated the commercial regulations, less so; but should be reviewed (prohibited use list).

Mr. Chadwick stated there is a big for sale sign on Larry's Garage and the Commission may be looking at something for that parcel in the future. Mr. Brookes agreed. The parcel is split zoned (commercial and residential).

Mr. Wallor cautioned the Commission on changing the regulations in terms of a specific property; timing of an application; and that a change would affect all properties within town. Mr. Wallor spoke briefly about accusations being made about the Commission. Mr. Wallor also spoke in regard to the Special Permit giving the Commission a great deal of authority citing the work the Commission did with Dollar General, Route 81.

Discussion followed in regard to sending thoughts to Mr. Warner to compile for the Commission and then those items of concern can be addressed specifically.

Mrs. Block asked that larger scale maps of the Village Districts be made available for the meeting.

Item continued until Thursday, 21 March 2024.

9. Chairman's Report

Process to Follow for Architectural Review Committee (ARC) Appointments – Update - Mr. Teran stated he attended the Board of Selectmen's (BOS) meeting, Monday, 12 February 2024, and the topic of ARC membership came up. Mr. Teran reported that Bob McGarry, First Selectman, indicated there are conflicting statutes for things that are going on – one set of rules indicates the BOS should decide and the other set of rules indicates that P&Z should decide. Mr. Teran stated Mr. McGarry has requested town counsel to ferret out where jurisdiction lies in order to move forward.

Mr. Brookes reported he had spoken to Mr. Karam about this matter, Mr. Karam then contacted Mr. McGarry, and then he (Brookes) spoken to Mr. McGarry. Mr. Brookes stated when he suggested the three officers interview the interested parties, he was attempting to speed up the process and certainly did not believe he was overstepping his bounds. Mr. Brookes stated Mr. McGarry indicated he would contact the town's attorney and that was two weeks ago. Mr. Brookes stated he stopped in twice to see Mr. McGarry regarding this matter. Mr. McGarry is to follow up with the town's attorney. To date there has been no update.

Mrs. Gillespie confirmed Mr. Teran's comment that the matter was discussed at the BOS meeting Monday night.

Mr. Wallor stated he believes ARC is a subcommittee of P&Z and Mr. Brookes' initial idea of interviewing all of the candidates for the additional position on ARC was good. Mr. Wallor agreed that the three officers should interview the candidates, give a recommendation of the top three to the BOS, and let them make the appointment. Mr. Brookes stated he would be fine with that.

Mr. Karam stated that is not how the state statute is written. Mr. Wallor asked Mr. Karam to provide the statute. Mr. Karam stated if ARC is a subcommittee of P&Z, which is the topic of the counsel's discussion, the entire Commission would vote on the applicant and not just the three people (Brookes, Farina,

and Wallor) that the chairman decided on. Mr. Brookes stated he did not think it was that complex a problem, but it has become that; and the attorneys will address the matter and whatever their decision is the Commission will abide by.

Mr. Wallor again asked Mr. Karam for the statute. Mr. Karam stated according to the town's Charter Article V – Appointive Boards and Committees (page 12) – ARC is currently not stipulated as an appointive board and that's one thing that is being discussed; and the Commission's by-laws Article VI – Officers and Their Duties - Section 2 (page 3) – “. . . the chair shall make no binding decisions or commitments on behalf of the Commission without prior consultation and approval of the commissioners.” Mr. Wallor stated the Commission (officers) would not be making a decision on the new member, but would only be making a recommendation to the BOS for them to make the appointment. Mr. Karam stated “no binding commitments or decisions” which in deciding three not the Commission would make that approval is what he's concerned about. Mr. Karam stated under Article VIII – Meetings - Section 5 (page 5) of the by-laws also states “Decisions shall be approved by an affirmative vote of no less than four (4) commissioners.”

Mr. Brookes stated he reviewed the by-laws as well and under Section VI – Officers and Their Duties - Article 2 (page 3) – “The Chair shall have the authority to appoint committees, calls special meetings,” etc., and that was where he was hanging his hat. The chair does have authority to appoint a committee and he considered the three (Mr. Farina, Mr. Wallor, and himself) a committee. Mr. Brookes also stated that further down in that same Section it states – “without prior consultation or approval of the commissioners” – and that he had brought it up at the meeting and no one said you cannot do that or disagreed. Mr. Brookes stated there may have been some disagreement later, but no one brought it up and he's not a mind reader. Mr. Brookes also stated he thought the Commission was in agreement, he was not trying to overtake the Commission as he has respect for everyone on the Commission, and that he thought he was following the rules. Mr. Karam stated Mr. Brookes may have, but we'll find out as that's the point of the attorney. Mr. Karam also stated he personally would rather have the Commission weigh in on the selection as he thinks it is an important role; and if it is a subcommittee of P&Z, than the entire Commission should be able to hear it and make that decision together.

Mrs. Block agreed with Mr. Karam; and stated that she would be willing to take the time to interview people and to hear what they have to say. Mrs. Block stated P&Z did not do this in the past. Mr. Karam asked why now. Mr. Wallor agreed, that P&Z selected ARC members. Mr. Brookes stated Mr. McGarry wanted to put it on the town's website.

10. Scheduling of Hearings

Mr. Mularski reported on the following:

Freedom of Information Act (FOIA) Training – Special Meeting - Thursday, 7 March 2024, 6:00 p.m., Town Hall, 21 Field Park Drive, Haddam.

Scovil Hoe Property (Former State Garage), Site Plan Review of Proposed Site Work to Remediate the Environmental Contamination and Authorize Renovation of Two Buildings for Event Space, 11 Candlewood Hill Road. Applicant: PB Projects 8 LLC – Coming before the Wetlands Commission on Tuesday, 20 February 2024 and a public hearing for P&Z is scheduled for Thursday, 7 March 2024, 7:00 p.m., Town Hall, 21 Field Park Drive, Haddam.

Commonwealth of Haddam, 1548 and 1556 Saybrook Road – Coming before the Wetlands Commission on Tuesday, 20 February 2024. Unclear when they will be before P&Z.

11. Town Planner's Report

No report presented.

12. Adjournment

MOTION: Ed Wallor motioned to adjourn. Dorothy Gillespie second. Motion carried unanimously.

The meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 7 March 2024.