

**TOWN OF HADDAM
 PLANNING AND ZONING COMMISSION
 PUBLIC MEETING
 HADDAM TOWN HALL
 21 FIELD PARK DRIVE
 THURSDAY, 20 FEBRUARY 2014
 UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Steven Bull, Vice Chairman
A	Stasia DeMichele
A	Arthur Kohs
A	Michael Lagace, Secretary
X	Jamin Laurenza, Chairman
X	Wayne LePard
X	Carmelo Rosa
A	Robert Braren, Alternate
X	Raul de Brigard, Alternate - Seated
X	Edward Wallor, Alternate - Seated
X	Liz West Glidden, Town Planner
X	Mark Branse, Esq., Counsel for the Commission
X	Caleb Hamel, Esq., Counsel for the Commission
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mr. Laurenza, chairman, called the meeting to order at 7:00 p.m.

2. Attendance – Seating of Alternates

Attendance was taken and all regular and alternate members were seated.

3. Additions/Corrections to the Agenda

Amendments: Public Hearing, Item #5 and Public Meeting, Item #8 – Subdivision of Property Located at 78 Beaver Meadow Road into Three Lots. Property is shown on Tax Map 46, Lot 4 – postponed until Thursday, 6 March 2014.

Mrs. Glidden reported that the applicant is waiting for Wetlands approval (meeting scheduled for Monday, 10 March 2014) and the Commission cannot vote on the matter until a decision is made.

4. Public Comment

None.

5. Public Hearing: Subdivision of Property Located at 78 Beaver Meadow Road in Three Lots. Property is shown on Tax Map 46, Lot 4.

Postponed until Thursday, 6 March 2014.

6. Public Hearing: Special Permit to Allow an Accessory, Detached Apartment on Property Located on 34-38 Old Ponsett Road and Shown on Tax Map 25, Lot 16-1

Michael Battistoni, owner/applicant, and Kristin Battistoni, owner, were present.

Mrs. Glidden distributed copies of a memo, dated 02.18.2014, as well as an aerial map outlining the property and a plot plan; and reported that the Legal Notice ran in the newspaper.

Mrs. Glidden reported that the Battistonis own property at 38 Old Ponsett Road; that they have recently purchased 34 Old Ponsett Road; and would like to merge the two lots and use the existing 34 Old Ponsett Road house as a detached, accessory apartment. Mrs. Glidden also reported that the existing house is less than 800 square feet.

Mr. Laurenza asked if the proposal is to create one lot that will be 4.8 acres. Mrs. Glidden reviewed the aerial photo noting that the green and orange outlined parcels are 34 Old Ponsett Road (proposed detached, accessory apartment) and 38 Old Ponsett Road (their residence), respectively. Mr. Laurenza asked about a 20 foot by 210 foot lot line adjust as noted on the plot plan. Mr. and Mrs. Battistoni stated that the lot line adjustment was a previous matter (plot plan shows a date of 9 August 1973 for this adjustment).

Mr. LePard asked if there was health department approval. Mrs. Glidden stated yes, Chatham Health had reviewed the proposal and noted that there is an existing well and septic system on the property. Discussion followed in regard to the existing structure needing to be rehabilitated - the applicants will need to obtain building permits when work begins; and at that time, the health department will review. Mr. LePard asked if the regulations require the detached apartment to stay under 800 square feet after rehabilitation. Mrs. Glidden stated yes.

Mr. Bull asked if there was an existing garage at 34 Old Ponsett Road. Mrs. Glidden stated yes. Mr. Bull asked if the garage would have any bearing on the application. Mrs. Glidden stated no. Mrs. Battistoni stated the garage is not attached. Mr. Bull asked if they meet the setbacks. Mrs. Glidden stated yes.

Mr. LePard asked if the single lot will consist of a detached apartment, a house, and two garages once the merger is complete. Mrs. Glidden stated yes, and that the town doesn't limit the number of accessory structures on a property. Mrs. Glidden stated the only potential problem with the detached, accessory garage would be if the owners decided they would like to have a home occupation in that structure as the regulations do not allow for a home occupation and a detached accessory apartment on the same lot. A brief discussion followed.

MOTION: Ed Wallor made a motion to close the public hearing at 7:10 p.m. Steve Bull seconded. Motion carried unanimously.

MOTION: Steve Bull made a motion to switch Items #7 – Public Hearing: Proposed Changes to the Town of Haddam Zoning Regulations. Amendments to Sections 1, 2, 3, 4, 5, 6, 7, 7A, 8 and 10 and #9 – Public Meeting: Special Permit to Allow an Accessory, detached apartment on Property Located on 34-38 Old Ponsett Road and Show on Tax Map 25, Lot 16-1. Ed Wallor seconded. Motion carried unanimously.

7. Public Meeting: Special Permit to Allow an Accessory, Detached Apartment on Property Located on 34-38 Old Ponsett Road and Shown on Tax Map 25, Lot 16-1

Michael Battistoni, owner/applicant, and Kristin Battistoni, owner, were present.

Mr. Bull asked if the special permit had an expiration date. Mrs. Glidden stated no, that the permit would be filed on the land records and run with the land. Discussion followed in regard to whether a special permit would expire if an applicant did not complete the construction of a

detached, accessory apartment. Mr. Branse stated the statutes have a five year limitation for site plans and that there is no expiration for special permits, unless the local regulations have an expiration for special permits. Mrs. Glidden stated most special permits have a site plan component to them. Mr. Branse stated that the site plan component of the special permit won't expire unless the special permit expires and it will only expire if it's a condition of approval or if it's within the regulations. Mrs. Glidden reviewed Section 15 – Special Permits - 15.7 – Commencement and Completion of Work (page 127 of the Haddam Zoning Regulations).

Mr. Battistoni asked how the regulation would apply as the structure exists. Mr. Branse stated that he needs to establish the accessory apartment within the time frame or the special permit will expire and he would need to reapply. Mr. Branse also stated that if the structure is capable of occupancy as a dwelling, then the applicant has met the standard. Several Commissioners noted that the building is not capable of occupancy. Mr. Battistoni stated the structure is a legal dwelling as it as certificate of occupancy. Mr. Branse stated that the Battistonis do not have to have anyone live in the apartment. Mr. Battistoni stated they do not intent to do anything with it. Discussion followed at length with Mr. Branse finally stating that as long as the building is occupiable, leaving aside the cosmetics, – so long as there's a septic system, well, kitchen, toilet that flushes – the requirement has been satisfied.

MOTION: Raul de Brigard made a motion to allow an accessory apartment for property located on 34-38 Old Ponsett Road, not to exceed 800 square feet. **Conditions:** None listed. **Exhibits:** 1. Application from Michael Battistoni received 1-30-14. 2. Memo dated 2-18-14 from Liz Glidden to PZC with aerial photo attached. Carmelo Rosa seconded. Motion carried unanimously.

Mrs. Glidden informed the Battistonis that they can now move forward with the merger process.

8. Public Hearing: Proposed Changes to the Town of Haddam Zoning Regulations. Amendments to Sections 1, 2, 3, 4, 5, 6, 7, 7A, 8 and 10.

Mrs. Glidden reported that the Commission cannot vote on the proposed changes as they need to go to River COG and the Gateway Commission for referral and they have not met yet.

Mrs. Glidden reviewed the following:

Section 4 – Lots – 4.1 B 1 – change “site plan” to “special permit” at the suggestion of Attorney Branse. Mr. Branse explained his reason for this suggestion – if the Commission wants the ability to apply the discretionary standards, the Commission would be on legally better ground if it's a special permit. Mrs. Glidden asked if it would apply to free splits/first cut. Mr. Branse stated yes. Discussion followed in regard to how the Legal Notice read (all is well); and if the current language remains, the site plan statutory time frame can run out before the subdivision statutory time frame runs out (this should also be made a part of the Subdivision Regulations).

Section 5 – Zones - 5.6 (proposed) – include Prohibited Uses as written under Section 6 – Residential Zones – 6.0 A at the suggestion of Attorney Branse. Discussion followed at length in regard to outdoor wood burning furnaces (presently prohibited - located under Section Definitions; CT DEEP and EPA regulated); indoor wood burning stoves; the definition of solid waste (is manure considered solid waste; Mrs. Glidden and Mr. Branse will research the definition); the definition of construction waste (could millings be included); and the wording dumping and storage.

The Commission agreed to remove outdoor wood burning furnaces as a prohibited use and to use the DEEP definition and reference their regulations. This section will need to be readvertised to include this revision and will not be ready for approval until April.

Discussion followed at length in regard to whether the prohibited items in part B would also apply to the Industrial Zone; the Commission looking at land that could be zoned industrial, compre-

hensive rezoning, and industrial zoning regulations; and the definitions of solid waste, biomedical waste, bulky waste and construction and demolition waste.

Section 6 – Residential Zones – 6.2 F – Medical Marijuana Producer (licensed) [proposed] – Mrs. Glidden reported that the staff planner for River COG and Gateway has concerns about allowing producers in the residential district and is opposed to leaving this provision within the regulations. Discussion followed in regard to square footage of structures, what the Gateway regulations limit in terms of types of structures, removing this item from the Gateway Zone; and where to place this item - Site Plan or Special Permit (Commission felt Special Permit and make a renewal permit). Mr. de Brigard stated he will not be voting for this matter, not due to the Gateway, but due to there not being sufficient information concerning this topic. Mr. Branse noted that the state will be refining their system.

Section 6 – Residential Zones – 6.3 N – allows for professional business offices in residential districts that are abutting commercial districts to come in as a special permit. Discussion followed in regard to these types of business offices being in a commercial district and rezoning if/when an application is filed. Mr. Branse asked why make it a special permit as the purpose of zoning is to separate uses. Mr. Branse suggested removing this item. Item to be removed.

Section 7 – Commercial Zones – 7.3 H, I and J – Medical Marijuana Producers and Dispensaries (licensed) and Micro-Breweries [proposed] – The Gateway’s planner has concerns particularly with the producers and the breweries (structure size). Discussion followed in regard to existing large structures in Tylerville that are within the Gateway Zone, but are not visible from the river; what triggers Gateway (dwellings over 4,000 square feet, any variance, and text amendments); and whether or not the Commission needs to contemplate resigning from Gateway. Mrs. Glidden and Mr. Branse will be meeting with the planner to discuss his concerns further.

Section 7A – Village District – Mr. de Brigard stated he was eager to approve this section of the regulations. The Commission agreed as they have been discussing this section for several meetings. Mr. Branse stated the new language within this section is straight out of the statutes (8-2j) and under this change design guidelines and a village AIA architect, or AICP planner, or landscape architect or a board (one member must be one of the three previously listed) is required. Mrs. Glidden noted that the Commission has the authority to appoint either an individual or board and not the Board of Selectmen (BOS) as previously reported. Mr. Branse explained how the Commission can designate an individual or board. Discussion followed.

Section 7A – Village District – 7A.4 – Permitted Uses – C. Special Permit Review – 17 and 18 – Micro-Breweries and Medical Marijuana Dispensaries (licensed) [proposed] – These sections are up in the air until after discussion with the Gateway Commission planner.

Design Guidelines, Appendix 1 – Mrs. Glidden reported that a local architect has agreed to do a pen and ink drawing reflective of Higganum for the cover. These guidelines are completely new and with walkability highlighted. Mr. de Brigard stated if he were a developer he would feel more comfortable seeing something that took some of the concepts within the guidelines and laid them out in plan form. Discussion followed in regard to the Village District borders and voting on the Village District regulations on 6 March 2014 and their effective date.

MOTION: Steve Bull made a motion to continue the public hearing until Thursday, 6 March 2014, at 7:00 p.m. in the Town Hall, 21 Field Park Drive, Haddam. Ed Wallor seconded. Motion carried unanimously.

Item continued until Thursday, 6 March 2014.

8a. Vincent Madore, Beaver Meadow Road Property – Discussion

Mrs. Glidden reported that Mr. Madore addressed the Commission regarding a property that's zoned residential surrounded by property owned by CL&P and state forest. Mrs. Glidden also reported that Mr. Madore was cited for violation for storage of equipment (removed) and material (still on site). Mrs. Glidden stated that the Commission discussed various options at the last meeting. For clarification, Mr. Bull asked that storage of material is not allowed on the 819 Little City Road site. Mrs. Glidden stated correct. Discussion followed in regard to the storage of materials in outdoor areas; not changing the regulations to suit one individual; the definition of filling (reviewed Section 18); and the owner of the Beaver Meadow Road property not being Mr. Madore. Mrs. Glidden reported that the equipment was removed and a follow up is need in regard to the removal of the material.

9. Public Meeting: Subdivision of Property Located at 78 Beaver Meadow Road in Three Lots. Property is Shown on Tax Map 46, Lot 4.

Postponed until Thursday, 6 March 2014.

10. Public Meeting: Proposed Changes to the Town of Haddam Zoning Regulations. Amendments to Sections 1, 2, 3, 4, 5, 6, 7, 7A, 8 and 10.

Item continued to Thursday, 6 March 2014.

11. NEW BUSINESS

a. Performance Bond Release for Coyote Trail

Mrs. Glidden reported that there is nothing new to report at this time.

12. OLD BUSINESS

None.

13. Approval/Corrections to the Minutes

Correction to the 6 February 2014 minutes: page 1, Public Comment, Vincent Madore, first paragraph, second to last sentence – add "is surrounded" between the words "property" and "by".

MOTION: Ed Wallor made a motion to approve the 6 February 2014 minutes as amended. Wayne LePard seconded. Motion carried unanimously.

14. Chairman's Report

None.

15. Scheduling of Hearings

Public Hearings scheduled for Thursday, 6 March 2014:

a. Eddinger Application for a Three Lot Subdivision, 78 Beaver Meadow Road and b. Proposed Changes to the Town of Haddam Zoning Regulations, Amendments to Sections 1, 2, 3, 4, 5, 6, 7, 7A, 8 and 10.

Public Meeting scheduled for Thursday, 6 March 2014:

An 8-24 Referral Report for a proposed easement from the Town to property located between 227 and 215 Little City Road and currently owned by the Estate of Frances Octavek. This matter will be discussed under Public Meeting as it does not require a public hearing.

Education Program scheduled for Saturday, 5 April 2014:

Mr. Branse reported that the Center for Land Use Education and Research (CLEAR) will be holding a workshop on Saturday, 5 April 2014 (possibly at the UConn Extension Center, Haddam). Mr. Branse stated this will be an advanced land use course pertaining to public hearing procedures, conflict of interest, and conditions and modifications. A mailing will be sent out soon.

16. Town Planner's Report

None.

13. Adjournment

MOTION: Ed Wallor made a motion to adjourn. Carmelo Rosa seconded. Motion carried unanimously.

The meeting was adjourned at 9:30 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 6 March 2014.