

**TOWN OF HADDAM
 PLANNING AND ZONING COMMISSION
 PUBLIC MEETING
 TOWN HALL
 21 FIELD PARK DRIVE, HADDAM, CT
 THURSDAY, 18 JUNE 2015
 UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Steven Bull, Vice Chairman
X	Stasia DeMichele
X	Arthur Kohs
A	Michael Lagace, Secretary
X	Jamin Laurenza, Chairman
X	Wayne LePard
X	Carmelo Rosa
X	Robert Braren, Alternate (7:03 p.m.)
X	Raul de Brigard, Alternate - Seated
X	Edward Wallor, Alternate
X	Liz West Glidden, Town Planner
X	Mark Branse, Esq.
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 the Alternates

Attendance was taken and all regular members as well as Mr. de Brigard, alternate member, were seated.

3. Additions/Corrections to the Agenda

None.

4. Public Comments

85 Bridge Road (CT Route 82) in Tylerville, Consideration for Redevelopment – Roger Nemergut, engineer, Nemergut Consulting, reported that an application for site plan review has been submitted and requested that a public hearing be scheduled for Thursday, 16 July 2015. Mrs. Glidden reported that the hearing can be scheduled for that date; that she has requested Nathan L. Jacobson Associates to provide an engineering review; and that she will prepare her review as well. Mrs. Glidden also reported that the packet pertaining to this matter is within the packets previously distributed.

Elizabeth Malloy, Director, Haddam Historical Society, submitted a letter, dated 18 June 2015 voicing concern over the potential demolition of the Shailer-Banning House, built around 1810, at 85 Bridge Road. Mrs. Malloy reported that the structure has been identified as an historic and architecturally significant building and that more thought needs to be taken in regard to historical structures in the Town of Haddam, in particular in Tylerville. Mrs. Malloy stated that she hopes the developer will consider

reevaluating the building as there are organizations and state commissions that can assist in evaluating whether the structure can be adapted or reused or repurposed or incorporated into the proposal. Mrs. Malloy stated that following the recent Tylerville visioning session, it did come out that residents do care about the historic nature of the area and would like to see it preserved. Mrs. Malloy noted that the Plan of Conservation and Development (POCD) had been referenced and that there is concern in regard to other historic structures coming before the Commission.

Attorney Mark Branse, representing the Commission, noted that the application shows a request for waiver of Section 7.4 Landscape Buffering and informed Mr. Nemergut that the Commission cannot grant a waiver based on a recent court case MacKenzie v. Planning and Zoning Commission, Town of Monroe. Mr. Branse stated that the applicant either request a variance (ZBA) or change the plan to include a buffer. A brief discussion followed.

Mr. Bull asked if the demolition of the existing structure would come under a separate approval process. Mrs. Glidden stated that due to Tylerville not being a Village District, the applicant would go to the Building Dept. to pull a demolition permit. Mr. Branse stated that the Commission doesn't have direct authority over demolition; however, they do have authority to approve, conditionally approve, or deny site plans. Mr. Branse also stated that the regulations do review retention of historic structures and features as part of the site plan criteria.

Mr. Rosa asked Mr. Nemergut if the applicant was still proposing to dismantle and document the existing house as previously discussed with the Commission. Mr. Nemergut stated yes. Mr. Rosa stated that it's not a demolition, but rather a repurposing.

5. Public Hearing: Special Permit for an Earth Materials Operation for Property Known as Midway Marina, Located at 56 River Road and Shown on Tax Map 48 Lots 38 and 40.

Michael Bennett, land surveyor, Bennett and Smilas, and Scott Davidson, owner/applicant, were present.

Mrs. Glidden reported that the property was posted and noticed per the regulations and that there was a packet with a memo from herself, a copy of the ZBA approval for a variance, a letter from the Gateway Commission, and a comment letter from Jeff Jacobson, town engineer, Nathan L. Jacobson and Associates (copy provided to the applicant).

Using a map, Mr. Bennett described the property and reported that the property was excavated in 2007 for a boat storage area. Mr. Bennett reported that the current application is for excavation of additional gravel in the same area by using the balance of one lot for boat storage and grading of slope only on a recently purchased residential property.

Mr. Bennett reported that the ZBA approved with conditions a variance request on Monday, 15 June 2015. Mr. Bennett also reported that due to the time constraint, he was unable to incorporate all the revisions as a part of the ZBA approval. Mrs. Glidden asked if the applicant will be submitting revised drawings. Mr. Bennett stated yes.

Using the map, Mr. Bennett noted the following revisions: 1) revised grading to provide additional setback from the street; 2) refueling pad added to plan (ZBA condition); 3) truck traffic will go through the marina and come out onto Haddam Dock Road (Jacobson letter); 4) construction entrance and note added to plan; 5) extended silt fence down and around the temporary refueling pad and out and around the construction entrance (removed per Jacobson letter); 6) grading and sloping on 56 River Road, Lot 38 has been moved east to create a bigger buffer; 7) construction access off River Road has been removed; 8) stone check dams at the bottom of the existing gravel drive added to plan (ZBA condition); 9) stabilization measures note to be added; 10) construction sequence to include all stumps and brush to be removed from site and disposed of lawfully; 11) seeding application shall be five pounds per 1,000 square feet; 12) edge of pavement between River Road eastward 75 toward the boat storage area shall remain undisturbed; 13) maximum truck size not exceed 18 cubic yards (Note 9); 14) hours of operation and hours of pit operation (Notes 10 and 11, respectively); 15) no more than 50 loaded trucks on a daily basis

(Note 12); 16) the names of all subcontractors to be provided to the town (Note 13); 17) 18) no stockpiling of material (Note 15); and 19) entire operation not to exceed 100 consecutive days (Note 15). Mr. Bennett stated that he has not been able to complete some additional details.

Mr. Laurenza stated that prior to a vote, he would like to see the final plans and have them on record; and that he would like to schedule a site walk. Mr. Bennett agreed with Mr. Laurenza.

Mr. de Brigard asked if Jacobson and Associates would be reviewing the final plans. Mr. Laurenza stated yes. Mrs. Glidden stated she can provide Mr. Jacobson a copy of the plans; however, the revisions are based on his review.

Mr. Bull asked if the 100 consecutive day stipulation was calendar days or operational days. Mr. Bennett stated calendar days – from first shovel to seeding. This is in respect to the ZBA hearing. Mr. Bennett also stated that the increase in daily truck loads will prevent stockpiling and will allow the operation to move along quickly.

Mr. Bull asked for clarification in regard to the mention of a complete site plan in Mrs. Glidden's memo. Mrs. Glidden stated it would be helpful to have a complete site plan of the marina operation. Mr. Bennett stated the Commission is looking for an existing conditions plan. Mr. Bennett stated that he has an A-2 survey of the entire site; however, there is no topography. The Commission didn't feel there was a need to include topography.

Discussion followed in regard to buffering along the commercial property and the residential property (both parcels owned by the Davidsons); a temporary grading easement on the former Heise property (owned by the Davidsons); and the ZBA condition of a 75 foot buffer (buffer against the roadway). Discussion returned to buffering along the commercial property and the residential property.

Mr. LePard voiced concern (public safety) over the commingling of truck traffic to/from the excavation project and customer traffic to/from the Blue Oar. Mrs. Glidden explained why the ZBA suggested the relocation of the construction entrance. Mr. Wallor agreed with Mr. LePard's concern. Mr. Davidson stated that the largest volume of traffic to the Blue Oar is in the evening while lunch traffic is minor. Mr. Wallor asked what Mr. Davidson would prefer in regard to a construction entrance. Mr. Davidson stated he would prefer Haddam Dock Road as proposed by the ZBA. Discussion followed.

Mr. LePard asked if the residential property needs to become commercial. Mrs. Glidden stated that the additional boat storage area will be located on the existing commercial parcel. Discussion again returned to the need for a buffer between commercial and residential properties (regulations reviewed – Section 7.4; the grade of the slope between the two parcels – 45 feet; and it being illogical to place a buffer along the bottom of the slope). Mr. Branse asked Mr. Davidson if he had future plans for the residential property. Mr. Davidson stated there are no plans at this time. Further discussion followed in regard to the option of getting a variance from ZBA pertaining to the buffer. Mr. de Brigard stated that he would like a note on the plan indicating that the buffer cannot be cut down. Mr. Bennett stated a note is on the plan. Discussion followed at length in regard to a buffer between the commercial and residential parcels.

Mr. LePard asked about the maps within the packet as he believes they are not accurate to the site plan being presented. Mr. LePard also asked why the drawings are not sealed. Mr. Bennett stated that generally only one or two sealed copies are submitted for the record. Mrs. Glidden noted that a sealed plan is on file. Mr. LePard again voice concern over the construction access. Mr. LePard asked how this application is different from a mining operation. Mrs. Glidden stated under the town's regulations it's the same thing. A brief discussion followed in regard to the monitoring of material being removed and where the material will be going (Mr. Davidson stated Portland and/or Old Saybrook).

In terms of confirming compliance, Mr. Branse stated that the town's regulations (Section 18.5) require the posting of a performance bond. Mr. Branse also stated that as a condition of approval, the Commission could require some form of certification from a land surveyor that the proposed finished grades are accurate.

Ed Schwing stated that he hopes that the trucks for this proposal will not be using Beaver Meadow Road as do the trucks coming/going from WFS. Mr. Schwing asked if the Commission could research whether or not they could limit where the trucks for the Davidson project can travel. Mrs. Glidden stated that ZBA did approve truck operation hours (8:00 a.m.-4:30 p.m.) and the Davidsons have to provide names of all subcontractors so there isn't confusion between those trucks working for WFS and those working for the marina. Mr. Laurenza noted there is also the condition that there is no queuing of trucks on town roads.

Mr. Schwing asked if all the conditions of the previous Davidson approval had been complied with. Mrs. Glidden stated yes, they recently installed the plantings and monuments (the two outstanding items).

Mr. Schwing asked what hardship was cited at ZBA. Mrs. Glidden stated that the hardship was that it's a marina and a water depended activity.

Melissa Schlag, first selectman, asked where the Valley Railroad land was in relationship to the marina (location pointed out); and if any of the excavation will affect the railroad. Mr. Davidson stated no.

SITE WALK – Tuesday, 23 June 2015, 10:30 a.m.

Hearing continued until Thursday, 16 July 2015, 7:00 p.m.

6. Public Meeting: Special Permit for an Earth Materials Operation for Property Known as Midway Marina, Located at 56 River Road and Shown on Tax Map 48 Lots 38 and 40.

Item continued until Thursday, 16 July 2015.

7. Discussion of Housing Regulations for Multi-family Overlay District

Draft regulations were distributed. Mr. Branse stated that if the Commission should adopt the overlay, this would be Section 13B; and explained that the document that is being reviewed is for discussion purposes at this time. Mr. Branse made it clear that this proposed overlay would not be taking anything away any uses it would only be adding a new layer of possible uses that the property owner can take advantage of they so choose. Mr. de Brigard asked if the new section would replace all of the conditions that are presently in the zoning regulations for that piece. Mr. Branse stated no. Mr. de Brigard clarified his question by asking if the new document would take over such things as setbacks, etc. Mr. Branse stated that if the property owner opted for this overlay, then it would take over the underlying zones; however, subdivision regulations are separate. Mr. Wallor stated that he thought there were to be two sets of regulations – one for commercial and one for residential. Mr. Branse stated that they would look to see if a mixed use component is in the draft document. Discussion followed at length in regard to not restricting the overlay to the villages.

The Commission and Mr. Branse reviewed the draft document. Various items to be removed or shortened (suggested by Mr. Branse) and additional wording requested in regard to the submission of preliminary site plans and building plans (4.2.A) and impact on cultural, architectural, and historic resources (5.1.K) be added.

8. Discussion of Proposed Regulation Updates for Sections 7A, 21.12, 17.5 and 30.6, Section 4 Table 1, and the Definitions Section of the *Town of Haddam Zoning Regulations*

Tabled.

9. New Business

None.

10. Old Business

None.

11. Approval/Correction of the Minutes

MOTION: Carmelo Rosa moved to approve the 4 June 2015 minutes as submitted. Wayne LePard second. Motion carried with Mrs. DeMichele abstaining.

12. Chairman's Report

Mr. Laurenza asked Mrs. Glidden to email a reminder to the Commissioners regarding the Midway Marina site walk.

13. Scheduling of Hearings

Thursday, 16 July 2015, Public Hearings – 85 Bridge Road and a continuation of Davidson Brothers, LLC, Midway Marina.

14. Town Planner's Report

Former Duffy's Pub - Mrs. Glidden reported that she had a conversation with Greg McKenna, Higganum Pharmacy, in regard to demolition of structures in Higganum Center. Mrs. Glidden also reported that during that conversation, Mr. McKenna informed her that he has pulled the electrical, mechanicals, and support joist for Duffy's Pub and that it will be a liability to the town. Mrs. Glidden informed Mr. McKenna that the building is his responsibility and that the town has a demolition by neglect provision within the regulations. Mrs. Glidden explained the Commission's options. Mr. Bull stated that Mr. McKenna can come back before the Commission requesting the demolition of the structure only. Mr. Rosa asked if Mr. McKenna is aware of this option. Discussion followed.

15. Adjournment

MOTION: Jamin Laurenza moved to adjourn. Wayne LePard second. Motion carried unanimously.

The meeting was adjourned at 9:50 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner, Recording Clerk

The next meeting is scheduled for Thursday, 16 July 2015.