

**PLANNING & ZONING COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
April 24, 2007
(Not yet approved by the Commission)**

1. CALL TO ORDER The meeting was called to order by Chairman Harvey Thomas at 7:15 p.m. at the Town Grange.

2. ATTENDANCE:

COMMISSIONERS PRESENT: Harvey Thomas - Chairman, Laurie Alt, Phillip Barlow (arrived 7:42 p.m.), Crary Brownell, James Curtin (arrived 7:37 p.m.), Bernard Gillis, Frank Haage

COMMISSIONERS ABSENT: Nic Damuck, Anthony Saraco

OTHERS PRESENT: James Ventres and approximately six others were present.

Mr. Thomas appointed Mr. Gillis to vote in Mr. Damuck's absence, and Mr. Haage to vote in Mr. Saraco's place.

3. ACKNOWLEDGEMENTS AND SET HEARING DATES

A) Application 07-02, Robert and Claire Braverman, Shanaghan Road and Bogue Lane, subdivision review for a proposed three-lot subdivision. Assessor's Map 29, Lot 1.

First date: April 24, 2007

Last date: June 28, 2007

No one representing the applicant was present at this meeting. Mr. Ventres presented the map and showed the location of the proposed subdivision. He stated there was 4.67 acres that would be designated as open space. This area included wetlands and old foundations. This application has been through the IWWC, and there will be a letter in the file for the next meeting. He stated this application was also pending review by Chatham Health District. He suggested a public hearing be scheduled for May 8, 2007.

Mr. Brownell asked if the road was paved down to the point of this subdivision, to which Mr. Ventres responded affirmatively.

**Motion by Mr. Brownell to schedule a public hearing for May 8, 2007 to hear Application 07-02, Robert and Claire Braverman, Shanaghan Road and Bogue Lane, subdivision review for a proposed three-lot subdivision.
Seconded by Mr. Gillis, and carried by unanimous vote.**

B) Application 07-05, Bruce Dutch, William F. Palmer Road, Special Exception Review to construct a commercial building with apartment above. Assessor's Map 65, Lot 174.

First date: April 24, 2007

Last date: June 28, 2007

Mr. Charles Dutch, L.S., Mr. Bruce Dutch, and Mr. Alan Hanks addressed the Commission. Mr. Charles Dutch informed the Commission that this application was to construct a building for an oil company. There would be indoor storage, an office in the front of the building. Mr. Brownell asked if there would be oil storage inside the building, or if it was just for the trucks. Mr. Charles Dutch responded that the building would be just to keep the trucks under cover.

Mr. Thomas inquired what was located to the sides of this property. Mr. Charles Dutch stated that Liberty Bank was on one side of the property, and Little Noises Daycare was located on the other side.

Mr. Charles Dutch stated there is now an open field. He proposed a driveway through this field, with the building set back beyond the field. He stated that after the recent site walk, it was decided that there would likely be no parking in the front. He noted there would be an office building with an apartment above it, and then garages for the oil trucks. He stated he would try to keep the natural buffer in the front field. Responsive to inquiry by Mr. Thomas, Mr. Dutch stated the building would be two stories in the front, and the garages would be one story. Mr. Brownell noted that the one story garages would be high, to accommodate the large trucks.

Mr. Ventres suggested that Mr. Dutch submit this application to Chatham Health District, and to Mr. Don Angersola, the fire official. Mr. Charles Dutch stated that Ms. Davidson of Chatham Health District has been to the site since he made the application.

Mr. Alan Hanks showed the Commission drawings of what the building would look like. He stated there would be a 4:12 pitch on the office/apartment. The peak of the building would be 23-feet. The building would be vinyl sided. He noted that they looked at all of the buildings on the street to come up with this plan.

Mr. Ventres believed that Chatham Health District should be able to have the review done within two weeks. In addition, he sent this to NL Jacobson for review, and he believed this would be back within two weeks. He suggested the applicant contact Mr. Angersola.

Mr. Gillis inquired what the north side of the building would look like. Mr. Hanks stated it would be plain, with no windows on the garage building.

Mr. Brownell asked if there was a planting schedule. Mr. Thomas noted that this should be prepared for the public hearing. In addition, Mr. Thomas suggested that for the public hearing, the applicant be prepared to discuss their plans for storing trucks for delivering #2 fuel oil, if oil would be stored on site, if there would be oil tanks on site, how potential leaks would be handled, etc. Mr. Charles Dutch stated he had no provisions for truck spills, and that there are typically no floor drains in a building such as this. Mr. Ventres requested that the applicant check with the State and bring an answer back to this Commission. Mr. Thomas noted that the applicant must show that they have met the DEP requirements, etc.

Mr. Thomas suggested that for the public hearing, the applicant be prepared to talk about the siding treatments, exterior lighting, signage, hours of operation, etc. Mr. Hanks referred to the drawing of the building. Mr. Thomas asked if the color shown on the plan was a reasonable color depiction, to which Mr. Hanks responded affirmatively.

Mr. Brownell inquired about the buffer between this building and Little Noises Daycare. Mr. Charles Dutch stated there was a maple tree line in place already, and there would be no activity on that side of the building. He stated that most of the plantings would be in the front of the building, and that the building would be quite a way from the road.

Mr. Brownell commented that the fire department would need to find a new field for their annual Easter egg hunt. Mr. Charles Dutch stated that the field would still be there.

Mr. Ventres asked the applicant to have available for the public hearing the following: architectural drawings, drainage calculations, landscaping plans, buffer plan, floor plan, lighting, elimination of parking, plans for retaining as many maple, hickory, and oak trees as possible, and reduction of the driveway from 22-feet wide to 18 – 20 feet.

Mr. Gillis asked if any fencing was planned, to which Mr. Charles Dutch responded there was not. Mr. Gillis inquired if fencing would be needed around the detention pond. Mr. Charles Dutch responded that the detention pond was approximately 8-feet deep, but it was very gradual.

Mr. Brownell inquired if a sprinkler system would be necessary, as there would be flammable materials stored on this site. Mr. Ventres stated that the Building Official and the Fire Official would make that determination.

Motion by Mr. Brownell to schedule a public hearing for May 8, 2007 to hear Application 07-05, Bruce Dutch, William F. Palmer Road, Special Exception Review to construct a commercial building with apartment above. Seconded by Mr. Gillis, and carried by unanimous vote.

4. SITE PLAN REVIEW/SPECIAL EXCEPTION

**A) Application 07-03, George and Marie White, 72 Lake Shore Drive, Site Plan Review for seasonal to year-round conversion, Assessor's Map 80, Lot 340.
First date: April 24, 2007 Last date: June 28, 2007**

Mr. Curtin arrived at this time.

Mr. Charles Dutch addressed the Commission on behalf of the applicant. He stated that this was currently a seasonal dwelling, and they proposed to make it a year-round house. This application has gone through review by the IWWC. The proposed addition was shown in red on the plan.

Mr. Dutch stated that he has a copy of the review letter from Chatham Health District. He stated that Chatham's only issue was that because of the existing water company, they would need a waiver from the State. He understood that this was an automatic permit, once the fee was paid.

Mr. Thomas asked if these lots were combined by deed. Mr. Dutch believed they had already been combined. He noted that together they totaled 0.59 acre.

Mr. Ventres read into the record a letter dated March 5, 2007 from the IWWC, which approved the application, with the conditions that erosion control be used on the lake side during drilling of the well, that the deck remain uncovered, that a stone drip line be installed if erosion becomes an issue, and that any trees 4-inches or greater shall be noted on the plans.

Mr. Ventres read into the record a letter dated April 24, 2007 from Chatham Health District, which gave conditional approval, contingent upon the State's approval to dig a well. Mr. Ventres informed the Commission that the State would not grant approval unless this Commission approved the application.

Mr. Barlow arrived at this time.

Mr. Gillis asked if the sewage disposal system had to be a minimum of 75-feet from the water. He referred to page 114, section 24.3 for seasonal conversion. Mr. Ventres read the language from the regulation, and agreed with Mr. Gillis. Mrs. Alt asked if this was achievable for this site. Mr. Dutch responded that it was achievable, but it was a gravity system, and they would now have to pump it.

Mr. Thomas stated that the applicant must come back and demonstrate that they could get a system that would be compliant with the regulations.

Mr. Curtin asked if new test holes would be needed. Mr. Dutch stated that would have to be determined by Ms. Davidson of Chatham Health District. Mr. Ventres noted that they did not have to replace the system on a conversion, but they had to show they could if the current system should fail. Mrs. Alt asked if when Chatham gives approval, if they test the current system to make sure it is working. Mr. Ventres responded that they do not, but they typically look at various items in the file.

Motion by Mrs. Alt to continue Application 07-03, George and Marie White, 72 Lake Shore Drive, Site Plan Review for seasonal to year-round conversion until the next regularly scheduled meeting on May 8, 2007. Seconded by Mr. Gillis, and carried by unanimous vote.

B) Application 07-06, Martin Witkowski, applicant, Special Exception Review under section 14B.1; where one Special Exception use is being substituted for another of similar use on the same property. Application is for the sales and service of automobiles at 24 Lumberyard Road (former Williams Chevrolet). Assessor's Map 17, Lot 89.

First date: April 24, 2007

Last date: June 28, 2007

No one representing the applicant was present at this meeting. Mr. Ventres presented the plan. He distributed a letter of intent dated April 17, 2007 from Mr. Witkowski. He stated this would be a 3-4 year lease with the Goodspeed Opera House, although the lease was not yet completed.

Mr. Ventres stated the applicant understood that any signage must go through the Historic District Commission.

Mr. Ventres stated that other than paint, repair and/or replacement of the awnings, and changing to downsplash lighting, everything would basically remain the same. He stated the parking lot would also remain the same. Mr. Curtin asked about the lower bays. Mr. Ventres stated they would be used for storage, trash, etc. Mr. Curtin asked if the lifts were removed. Mr. Ventres stated they would be reinstalled.

Mr. Thomas inquired about the exterior lights. Mr. Ventres stated the lights would be replaced with downsplash lighting fixtures, except in the back of the building. These floodlights would remain as is, but would be used for emergency use only.

Mr. Curtin asked if this building needed to be inspected for safety issues, as it has been vacant for some time. Mr. Ventres stated that would be a question for the Building Official. Mrs. Alt asked if the Fire Marshall would inspect the building. Mr. Ventres commented that there was no trigger for him to inspect the building.

Mr. Barlow inquired if a letter had been received from Attorney Branse. Mr. Ventres stated he had an email from Attorney Branse, in which he advised that there was no impact to the structure as it sits. Mr. Thomas stated that in the future, the road may be reconfigured. Mr. Ventres stated under this configuration, it would not be. Mr. Barlow stated this was a concept only, and that it had not been approved by this Commission or by the DOT.

Mr. Ventres stated in the email, Attorney Branse stated they would need information from the Goodspeed. Mr. Ventres stated he asked for this information today. Mr. Thomas stated he would not do anything with this application until the Goodspeed and Mr. Witkowski came to speak with the Commission. He stated he was sorely disappointed with the Goodspeed's lack of cooperation on this application.

Mr. Curtin asked what Attorney Branse's feeling had been on the business. Mr. Ventres stated the use was the same. Mr. Barlow asked if the fact that they proposed to tear down the building impacted it. Mr. Ventres responded that the Goodspeed never formally submitted an application to tear down the building.

Mr. Barlow stated the Commission should see a detail for the lights. Mr. Brownell asked about plantings. Mr. Ventres stated that nothing more was proposed for plantings, except what already existed.

Mr. Thomas asked why the floodlights would remain in the back of the building. Mr. Ventres believed these would only be used if they needed to bring something to the back of the building. Mr. Thomas suggested that all of the lighting be made consistent, with downsplash light fixtures, and that a detail be submitted for review.

Mr. Gillis asked how many cars could be parked there. Mr. Curtin stated there was only room for a few in the front, but the back area was paved. Mrs. Alt stated the back area was in the floodplain. Mr. Ventres believed they would be limited on the amount of parking. Mr. Barlow

suggested the Commission should ask the applicant for a number of cars they plan on parking.

Mr. Brownell asked about the tanks that used to be in the back of the building. Mr. Ventres stated the tanks had been removed previously, and they did not plan to bring them back. Mr. Brownell asked about the old gas tanks. Mr. Ventres stated he would check into this, as he believed it had gone through Phase 1 and 2 environmental cleanup.

Ms. Jeanine DeMarc questioned if this building would be safe for the public, due to the recent flooding issues. Mr. Ventres stated this area has been subjected to many storms, and would be safe for the public. He stated they were not proposing any use in the basement, except for storage of trash.

A gentleman asked how this new business would affect traffic. Mr. Thomas explained that this building was an auto dealership, before the dealership moved across the bridge into Haddam. He stated that now, an employee of Williams Chevrolet wants to open a car dealership and service department. He stated that if it was not a traffic issue when the dealership was here originally, it was not likely to be an issue now.

Mr. Ventres stated he would ask Attorney Branse to follow up his email with a letter. Mr. Curtin stated the Commission would need a letter on this, as the regulations were changed.

Mr. Gillis asked if this building was on the tax rolls now, and if this would affect the change of use. Mr. Ventres stated he was not sure if it was ever pulled off the tax rolls.

Mr. Thomas stated that approximately one month ago, the Goodspeed Opera House and the EDC asked this Commission to attend a meeting to discuss the plans for the village. Mr. Thomas suggested until the Goodspeed Opera House and Mr. Witkowski come to talk with this Commission, that this Commission not act on this application. He stated this Commission could do a much better job if the applicants gave this Commission real information. Mrs. Alt did not see how the applicant could ask the Commission to act on this application without further information.

Mr. Curtin suggested if the Goodspeed came in with phases for its proposed development, the Commission might want to ask them to start on the hill, in a less conspicuous location.

Mr. Barlow stated that the Goodspeed presented a unified package, and they asked this Commission for input. He stated he would not want to act on this application until they come before this Commission.

Mr. Thomas recalled that two weeks ago, Mr. Ventres suggested a streetscape plan be provided. Mr. Barlow stated they needed a professional presentation. Mr. Ventres stated that Mr. Patrick Pinnell was working on this. Mr. Thomas stated he would like to hear how this application ties into the Goodspeed's plans. He would like to see Mr. Witkowski and the Goodspeed come before this Commission to discuss the issue.

Mr. Curtin stated for all this Commission knows, Mr. Witkowski could open his business, and the Goodspeed could sell him the building. Mr. Gillis believed all of the buildings shown in

green on the plan would be sold. Mr. Curtin stated this could become a long-term car dealership, and the Commission needed to know this information. He believed for the buildings to be sold without a concept in mind would be difficult. Mr. Gillis believed Mr. Michael Price had a vision for the area. Mrs. Alt stated she wrote a note to Mr. Price suggesting that he consider using this building as an art school.

The Commission briefly discussed uses, and Mr. Ventres read the list of possible uses for this building, from the regulations.

Motion by Mr. Brownell to continue until May 8, 2007 Application 07-06, Martin Witkowski, applicant, Special Exception Review under section 14B.1; where one Special Exception use is being substituted for another of similar use on the same property. Application is for the sales and service of automobiles at 24 Lumberyard Road (former Williams Chevrolet). Seconded by Mr. Barlow, and carried by unanimous vote.

Motion by Mrs. Alt to take a brief recess at 8:28 p.m., seconded by Mr. Brownell, and carried by unanimous vote. Mr. Thomas reconvened the meeting at 8:30 p.m.

Mr. Brownell asked if when the re-zoned the village area, if the height regulation would become an issue. Mr. Thomas stated the height regulation was put into place, with the exception of a live theatre. Mr. Ventres added that the exception was for a live theatre or church.

5. DISCUSSION

A) Plan of Conservation and Development

Mr. Ventres stated that he incorporated comments from Mr. Thomas and Ms. Augustiny. He stated he had not yet met with Mr. Prisloe, but he hoped to have this information by the May 8, 2007 meeting.

Mr. Thomas asked Mr. Ventres to add a cover letter when the draft was sent to other commissions and boards. Mr. Ventres stated he would attach a listing of the next two months of meetings for all of the commissions, and he would ask each commission which meeting would be most appropriate for the Planning & Zoning Commission to make a presentation.

Mr. Thomas noted that copies were given to the IWWC. Ms. Augustiny made some good comments, and her comments should be incorporated. Mr. Ventres added these comments to the draft.

B) Zoning Regulation/Planning Projects

Mr. Thomas stated there was nothing on this list that would hold up the Commission right now.

1. Zoning District/Buildout – Sandy Prisloe

No new information was added.

2. Road Classification/Traffic Count

No new information was added.

3. Affordable Housing

No new information was added.

4. Gravel Regulations

No new information was added.

5. Tree Protection Plan

No new information was added.

6. Lighting

No new information was added.

7. Scenic Road Ordinance

Mr. Ventres stated that he would send the scenic road ordinance to each Commissioner in their next packet. He stated there was a flaw in the language, and he planned to send this to Attorney Bennett for advice.

Mr. Thomas stated that Mrs. Ballek asked at the last meeting, if local commissions could designate a scenic road. Mr. Ventres responded that they could not.

8. Regulation Review

No new information was added.

6. ZEO REPORT

Mr. Ventres informed the Commission that there were plans for a minor widening of Powerhouse Road. He noted that the State was squaring up the intersection of Powerhouse Road. The Town planned to rebuild the stonewall up to the Daigle's house, and to widen the road.

Mr. Curtin asked what the road width would be, to which Mr. Ventres stated it would be 18-feet wide when it was finished. He stated they also planned to add some underdrains and drainage, because runoff flows down from the hill, which has caused a lot of this erosion. Mr. Ventres stated that the retaining wall would be similar to that on Dolbia Hill Road. It would end just before the sharp corner of the road.

Mr. Ventres stated he asked Attorney Branse if the application needed to go before this Commission. Attorney Branse advised that it would have to go before P&Z if there was serious bonding money and bond counsel required it; however, this was just being widened to 18-feet for safety reasons.

Mr. Curtin asked what the overall difference in width was. Mr. Ventres stated that some areas were 12-feet wide, but the average was 15-feet. He stated this would now be a uniform 18-feet wide. Mr. Curtin stated he could not recall this Commission ever acting on Town road projects. He stated not much was being changed, and it was improving the road. Mrs. Alt commented that roads were under this Commission's purview.

Mr. Gillis asked what road improvements were being done now for the new school project. Mr. Ventres stated they would not make any road improvements in this area while the heavily-loaded trucks were still there. He believed the road improvements in this area would not be done until next summer. Mr. Curtin asked when the new school was scheduled to open, to which Mr. Ventres stated it was scheduled to open September 2008.

Mr. Ventres informed the Commission that during the recent storms, when we received 5-1/2" of rain, there was only one failure on a detention pond. He noted that the standard erosion control measures were set up for 1-3" of rain, not the 5-1/2" we had during this storm. He stated that everything was re-installed by Monday.

Mr. Haage asked about the impact of the rain on the sewer system. Mr. Ventres stated that all of the alarms sounded along Main Street and Landing Hill Road. He stated there was an issue with a pipe, and that 3000 gallons of sewage spouted within 5 minutes. He believed the problem was that there was a 3" pipe connected to a 6" pipe, and that the 3" pipe was extended too far into the fitting. He stated they have to put a camera into the line. Mr. Gillis asked Mr. Ventres to inform the Commission of the final resolution.

Mr. Curtin asked about the water solution for the end of Porges Road, as the water is still running. Mr. Ventres stated this was the Town's responsibility, and it needed to be fixed. He believed they were waiting to reseed the area.

Mr. Brownell inquired about the status of Bistro by Benigno's. He stated there were approximately 50 chairs outside, and they are only allowed 24 seats outside. Mr. Ventres stated this was really driven by the septic capacity. If there were not enough customers to fill the seats, the septic was not being used to capacity. Mr. Curtin stated Mr. Ventres should at least put them on notice. Mr. Ventres stated that Ms. Davidson of Chatham Health District could address this in her report, as it is in the sanitarian's purview.

Mr. Thomas asked about the work at Benigno's. Mr. Ventres recalled that the applicant said the work would be done by May.

7. MINUTES

Mr. Thomas gave instructions to file the minutes of the April 10, 2007 meeting with the U/z/min/2007/042407

following amendments:

- Page 2, Item 5.A., motion: Change seconded from “Mr. Haage” to “Mr. Brownell”
- Page 2, Item 5.A., first paragraph, third sentence: Add “where” after “be”
- Page 5, 4th bullet point: Strike “deed” at the end of the line
- Page 6, 8th paragraph, last sentence: Add “the proposed trees” after “like”
- Page 8, 4th paragraph, 4th sentence: Add “site lines” before “demonstrated”
- Page 9, 3rd and 4th paragraphs, last sentences: Replace “where” with “what location”

8. BILLS

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
Valley Press (zoning regs.)	15484	\$499.25
Branse, Willis, and Knapp (General zoning)	1175-85263	246.50
(Rep. JV as non-party witness)	1175-06049	58.00
(SPR Rodowicz)	1175-06192	29.00
(Moodus Sportsman’s Club)	1175-06225	689.11
Shoreline News (legal notices)	2138167	20.33
Shoreline News (legal notices)	2132926	17.98
Suburban Stationers	3334046-0	83.93

Motion by Mr. Gillis to pay the bills as presented. Seconded by Mr. Haage, and carried by unanimous vote.

The Commission briefly discussed the Gateway Commission’s letter dated March 26, 2007 regarding Chester’s ruling on a ZBA application.

Mr. Brownell reminded Mr. Ventres when he prepared the agenda for the next meeting, that three members could not attend the EMOLLY discussion.

9. ADJOURNMENT

Motion by Mrs. Alt to adjourn at 9:25 p.m., seconded by Mr. Brownell, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina