

**PLANNING & ZONING COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
October 23, 2007
(Not yet approved by the Commission)**

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

2. ATTENDANCE:

COMMISSIONERS PRESENT: Harvey Thomas - Chairman, Laurie Alt, Phillip Barlow, James Curtin, Bernard Gillis,

COMMISSIONERS ABSENT: Crary Brownell, Nic Damuck, Anthony Saraco, Alternate vacancy

OTHERS PRESENT: Mr. Ventres

Mr. Thomas appointed Mr. Gillis to vote in Mr. Damuck's absence.

3. ACKNOWLEDGEMENTS AND SET HEARING DATES

A) Application 07-05, Clark Gates, LLC, Clark Gates Road, Subdivision Review for a proposed 4-lot subdivision in the R ½ zone.

First date: October 23, 2007

Last date: December 26, 2007

No one representing the applicant was present at this meeting. Mr. Ventres informed the Commission that this application has gone through the IWWC and Chatham Health District. Chatham gave the applicant a checklist of items, most of which have been completed.

Mr. Thomas noted that this applicant had come in for a preliminary discussion. Mr. Ventres noted this was an application for 4 lots in the open field on Clark Gates and North Moodus Roads. The Commission had a discussion about the lot shapes, and the elbow on one of the lots. Mr. Ventres consulted with Attorney Branse, and it was suggested that the regulations be clarified for future applications.

Motion by Mrs. Alt to schedule a public hearing for Application 07-05, Clark Gates, LLC, Clark Gates Road, Subdivision Review for a proposed 4-lot subdivision in the R ½ zone for November 13, 2007, 8:00 p.m. at the Town Grange. Seconded by Mr. Barlow, and carried by unanimous vote.

B) Application 07-14, Connecticut Society Sons of the American Revolution, 29

Main Street, Special Exception Review to construct a post and beam barn to be used as a museum and storage. Assessor's Map 17, Lot 11.

First date: October 23, 2007

Last date: December 26, 2007

No one representing the applicant was present at this meeting. Mr. Ventres presented the plan to the Commission. The plan called for a two-story structure with a bathroom on the lower level.

Responsive to inquiry by Mr. Barlow, Mr. Ventres stated this was near the church. Mr. Thomas asked if the applicant had gone through the Historic District Commission (HDC) yet, to which Mr. Ventres responded affirmatively. Mr. Barlow asked if this was within the village district, to which Mr. Ventres confirmed that it was. Mr. Barlow commented that this was the first new construction application within the village district.

Mr. Thomas stated he would like to have the memorandum from the HDC on file before the public hearing. He believed it would be wise for the applicant to prove this structure would have no negative impact on the views and vistas. Mr. Curtin asked what type of proof Mr. Thomas was requesting. Mr. Thomas stated there were computer programs that could upload a photograph of the area and building, and then give a 3-D view around it. Mr. Barlow asked the size of the proposed structure. Mr. Ventres responded that the proposal was for a 28ft. x 20ft. building.

Mr. Thomas believed it would be useful to take the village district regulation, and to develop a list of questions. Such a list could be used for all applicants within the village district. Mr. Ventres stated that on the application, the applicants indicated they had a checklist and narrative. He would ask them to provide this for the Commission. Mr. Thomas noted that the applicant should not only have a checklist, but to be able to back up their findings. Mr. Ventres believed the narrative would be useful.

Mr. Ventres informed the Commission that this applicant asked for a waiver of the A-2 Survey. They do not plan to change their parking area, etc. Mr. Curtin stated this applicant has 11 acres, and they only want to construct a barn. He did not believe this would be a big deal, but the applicant should make sure they could back up their data. Mr. Barlow stated while this individual application might not be a big deal, it would be setting a precedent for future applications.

Mr. Gillis asked if the HDC raised any issues with this application, to which Mr. Ventres replied they had not. Mr. Barlow stated there were subtleties in the regulations, which would allow this Commission to decide color, etc. Mrs. Alt questioned if this Commission could decide colors.

Motion by Mr. Gillis to schedule a public hearing for Application 07-12, Connecticut Society Sons of the American Revolution, 29 Main Street, Special Exception Review to construct a post and beam barn to be used as a museum and storage on November 27, 2007, 8:00 p.m. at the Town Grange. Seconded by Mr. Curtin, and carried by unanimous vote.

C) Application 07-13, Savvas Aspiris, Village Pizza, 26 Falls Road, Special Exception Review to construct a bar to serve beer, wine, and liquor as part of an

existing restaurant. Assessor's Map 65, Lot 133.

First date: October 23, 2007

Last date: December 26, 2007

No one representing the applicant was present at this meeting. Mr. Ventres indicated this plan had been briefly discussed at the last meeting, and the Commission had wanted a public hearing.

Motion by Mr. Curtin to schedule a public hearing for Application 07-13, Savvas Aspiris, Village Pizza, 26 Falls Road, Special Exception Review to construct a bar to serve beer, wine, and liquor as part of an existing restaurant on November 13, 2007, 8:00 p.m. at the Town Grange. Seconded by Mr. Gillis, and carried by unanimous vote.

4. DISCUSSION

A) Plan of Conservation and Development (Revised copy 7/30/07)

Mr. Ventres distributed copies of the revised draft Plan of Conservation and Development. He stated that this version incorporated grammatical edits, etc. This was the final draft that would be posted to the Town's website before the public hearing. He planned to check into printing costs next week.

B) Zoning Regulations/Planning Projects

1. Zoning District/Buildout – Sandy Prisloe

Mr. Ventres stated he has left messages for Mr. Prisloe about this.

2. Road Classification/Traffic Count

Mr. Ventres stated there was no final report yet, but Mr. Thumm had indicated they were nearing completion of the report.

Mr. Gillis asked if Ray Hill Road was still classified as residential. Mr. Ventres stated it was classified as residential, low volume. Mr. Curtin stated this road was used as a shortcut. Mr. Gillis inquired about Palmer Martin Road. Mr. Ventres noted that Palmer Martin Road was classified as a moderate volume road. He noted that after the report was published, some of the road classifications might be adjusted. Mr. Curtin believed that Ray Hill Road should be classified as a higher traffic road than Palmer Martin Road. Mr. Thomas suggested they should wait until the data was received.

3. Affordable Housing

No new information was discussed on this section. Mr. Thomas noted that for Sections 3-8, as discussed at the last meeting, they would begin discussion after the New Year.

4. Gravel Regulations

No new information was discussed on this section.

5. Tree Protection Plan

No new information was discussed on this section.

6. Lighting

No new information was discussed on this section.

7. Scenic Road Ordinance

No new information was discussed on this section.

8. Regulation Review

No new information was discussed on this section.

6. ZEO REPORT

Mr. Ventres distributed a CRERPA invitation for an event in Old Saybrook on November 14, 2007. Mr. Thomas asked if this would be the same information they presented to the Commission a few months ago on riparian buffers. Mr. Ventres stated it would not, and this meeting would be regarding open space, trails, etc.

Mr. Ventres informed the Commission that the IWWC wanted to conduct another field walk at the new school site. He asked if this Commission would also like to attend the walk. Mr. Thomas questioned if this would be a formal public walk, to which Mr. Ventres stated it was just informational. Mr. Ventres stated he would send out a notice to the Commission, if anyone was interested in attending. It would be scheduled for a Sunday sometime in November.

Mr. Ventres informed the Commission that the Town of East Haddam received two grants from the State for open space. The Town received \$240,000 for the Sabine parcel, and \$275,000 towards the Pattrell parcel. Mr. Ventres stated he would be working with Nathan from the Eightmile River committee to get money back that the Town had already expended. He indicated that this \$515,000 award was the largest amount awarded to any one community this year, and was 5% of the total funds awarded by the State.

Mr. Thomas asked if everyone received the notice about the Salmon River Watershed meeting. It was noted that everyone had received it. Mr. Ventres stated that previous meetings had been well attended. Mr. Thomas anticipated that they would receive notification of the next meeting. Mr. Ventres expected that the next meeting would be in a central location, and would focus on sediment, debris, and stormwater management programs from each community.

Mr. Thomas asked if the time and effort that the Federal government representatives had put into the Eightmile River program had been a template for other areas. Mr. Ventres agreed, and stated that this template would shorten the length of time it would take for other areas.

Mr. Thomas announced that two of the Commission's current members were not running for re-election in the upcoming election. He asked for a vote to send letters of thanks to Mrs. Alt and Mr. Damuck after the November 6 election.

Motion by Mr. Gillis to send letters of thanks to Mrs. Alt and Mr. Damuck for their work and dedication to this Commission. Seconded by Mr. Barlow, and carried by unanimous vote.

7. MINUTES

Mr. Thomas gave instructions to file the regular meeting minutes of October 9, 2007, with the following amendments:

- Page 1, last sentence: Change “been” to “sent a draft”
- Page 3, Item 3: Add “letter to the Affordable Housing subcommittee regarding the recently adopted legislation” after “draft” in the first sentence. Change “information” to “legislation” and add “for small communities” after “useable” in the second sentence.

8. BILLS

<u>Vendor:</u>	<u>Invoice</u>	<u>Amount</u>
Branse, Willis, and Knapp (general zoning)		\$348.00

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

Noting that the time was now 8:00 p.m., the public hearing began.

5. PUBLIC HEARING

Mr. Barlow read the call for the following public hearing:

**A) Application 07-04, SAMSAM, LLC, Dana Barnes, manager, 173 Leesville Road, subdivision review for a proposed 5-lot subdivision. Assessor’s Map 63, Lot 17.
First date: September 25, 2007 Last date: October 30, 2007**

Mr. Mike Healy of Healy and Associates and Mr. Dana Barnes addressed the Commission. Mr. Healy presented the plan for the 14-acre parcel situated on Leesville Road and the Salmon River. He showed the areas of steep slopes and wetlands. He stated Elm Camp and Tarnowski bound the parcel to the south.

Mr. Healy stated this area was formerly the Salmon River Club Resort. The applicant has resided here since 1998, in the former restaurant that was converted into a home. The other building adjacent to the pool was formerly a health club. The existing white cape was formerly used as a daycare facility for the resort. There is also an existing structure that was part of a previous application for a 6-unit condominium. Mr. Healy stated they now propose this structure as a 6-bedroom home, with possibility of an in-law setup.

Mr. Healy noted that the primary drainage included a series of catch basins. The existing gravel driveway would be used to access the existing structures, and would extend to the back lot. He noted a flat area that used to be a tennis court, which now just looked like a flat area of lawn.

Mr. Healy stated he tried to utilize all of the existing grading, but some site work had been done previously. They tried to divide the property in a reasonable fashion. He explained the layout of the individual parcels. Parcel A was the existing 3-bedroom cape with shared driveway access. It was situated on 1.4 acres. There were no proposed changes to this lot/structure, except the proposed drilling of a well. He stated that Lot 1 had frontage on Route 151 and the private road. Lot 2 had 50-feet of frontage on the private road. Lot 3 would have a few hundred feet of frontage on the private road. Lot 4 had frontage on Leesville Road.

Mr. Healy indicated there would be two new single-family structures as part of this application, on Lots 1 and 2. The lots are to be served by the private driveway. The private road would be 22-feet wide at the entrance, narrowing to 18-feet wide after a short distance, as allowed by the regulations. The road would then taper to 14-feet wide, and finally to the single, private drive access. Bond estimates for the private road and the first 20-25 feet of the access driveways have been submitted.

Mr. Healy proposed a series of new catch basins. All of the new drainage was simply to provide reduced icing and discharge back to the brook. He stated the proposed catch basins would discharge low flow storms to the sediment fore-bay. There is a notch in the berm, and water would spill into the water quality basin. The majority of the flow would go through the filtration trench and would settle out after approximately 24-hours. Mr. Healy stated he looked at the culverts, and deemed the original RCP somewhat inadequate. He proposed a scour hole, specifically for higher volumes that might flow through the 36-inch RCP. He extended the drop before the flow reached the brook, and some vegetation was proposed.

On the other side of the drive, there would be a 10-foot drop. Mr. Healy felt that no guardrail was required in this location. Mr. Gillis asked who would determine this, to which Mr. Ventres stated that NL Jacobson addressed it in the review letter. He believed the applicant would need guard rails. Mr. Healy believed boulders could be used in this area, and it was probably warranted adjacent to this slope, proximity to the water, etc.

Mr. Healy stated there were some basic comments from Mr. Curtis of NL Jacobson. He believed he addressed all of the comments. Mr. Ventres distributed the NL Jacobson review letter, dated October 8, 2007. Mr. Healy went through each review comment in depth.

- A1: Mr. Healy indicated the table of contents, etc. has been added.
- A2: Mr. Healy indicated this has been done.
- A3: Mr. Healy believed he emailed this to Mr. Ventres. Mr. Ventres stated this packet of information was at Attorney Knapp's office. There were only minor comments, but he did not have this back yet.
- A4: Mr. Healy stated that Sheet 3 had a general notes section, and this comment was on there. He believed it was possible that Mr. Curtis was looking at a previous plan. He stated that Lot 3 has the right to discharge through the culvert. A homeowner's association will own Lot 3. He stated an earlier version of the plan was to intercept water and put in a new catch basin, which he showed on the plan. However, he now planned to bypass the existing Catch Basin #4. Mr. Ventres noted that Catch Basin #4 was still there, and would be used to pick up the small amount of runoff from the house.

Mr. Healy believed Lot 3 could even function without a catch basin. Mr. Curtin asked why they did not take the other half of the water from the road. Mr. Healy stated the elevations did not work, so he couldn't. He stated this was addressed with the IWWC. He planned to treat most of the flow, and the other section was flat. Mr. Curtin noted that this was still half of the road. Mr. Healy stated that section would be somewhat treated by overland flow.

Mr. Curtin asked if the roofs would recharge on-site. Mr. Healy stated that Lot 2 would. Mr. Thomas asked if Lot 1 would have runoff taken care of on the site. Mr. Healy stated it could, but they have the capacity to store it on-site. Mr. Gillis pointed out that NL Jacobson did not take exception to it. Mr. Curtin asked who was responsible for discharge, P&Z or IWWC. Mr. Ventres stated that both commissions were responsible.

Responsive to inquiry by Mr. Barlow, Mr. Healy stated that whatever was not picked up in the catch basins would be sheetflow runoff. There was only a very small section that would not be receiving treatment. Mr. Curtin stated it seemed there was a lot of detention pond for not many houses.

- A5: Mr. Healy stated this was under the survey notes, and those notes were added to the plan.
- B1/B2: Mr. Healy stated that signature blocks were added to the plan. Mr. Barlow noted that Mr. Healy was a licensed surveyor, and the NLJ comment was for a professional engineer. He asked if a professional engineer prepared the drainage plans. Mr. Healy responded affirmatively, and noted that Mark Reynolds Associates prepared the drainage plan.
- B3: Mr. Healy stated that there was a note that bonding could be done prior to conveyance. He believed there should be adequate erosion and sediment controls in place. He noted that construction should be well underway before these structures were built.
- B4: Mr. Healy stated that guide rails were added. There was a 10-foot shoulder on the north side, and a 4-foot shoulder on the south side. He proposed a rail on the south side.
- B5: Mr. Healy stated this was done
- B6: Mr. Healy stated this was done.
- C1: Mr. Healy stated the water flows over the driveway into the grassed lawn area. He stated that Mr. Barnes has lived at this location since 1998, and said this area has overtopped more so due to maintenance issues. Regarding the second part of the comment, Mr. Healy read into the record a letter from Mark Reynolds, which stated that any overtopping would be temporary and extremely quick to dissipate. It was a flat driveway, and the existing driveway has been there for many years. They were not proposing to change the drainage characteristics. He acknowledged that the area could overflow, but they were all maintained lawn areas.

Mr. Healy asked Mr. Barnes if he ever had to maintain the lawn in this area. Mr. Barnes explained that he replaced the pipe a couple years ago, and showed the area on the plan. He stated in any storm he saw, this area was never close to full. He further stated that the only

reason it became clogged was due to debris blocking the opening. He noted that he just blows the leaves and mows this area.

Mr. Barlow noted that it did not appear that NLJ was very concerned about this issue from Mr. Curtis' letter.

Mr. Curtin asked about the use of the cottages. Mr. Barnes stated there was no real use of the cottages. They only used the clubhouse when they used the pool.

- D1: Mr. Healy stated he adjusted the well location slightly. He stated there was no technical issue with this, as he went through the Public Health Code and DEP Stormwater Quality Manual, and nothing prevents the well location from being where it was proposed. The Public Health Code indicates they could drill a well within 25-feet of a lake. A perc test was done near this location. This location was formerly a tennis court, and was cut at one end and filled at the other end. He stated the whole site was sand and gravel. They encountered no ledge.

Mr. Barlow asked if there was a perc test at the detention basin. Mr. Healy responded there was one near the detention basin. Mr. Barlow asked if there was a perc test in the basin, to which Mr. Healy responded it was not warranted. Mr. Curtin stated it has happened before that people don't do test holes, and don't realize they are near the water table. Mr. Healy stated when they step off the ledge, the area was visible.

Mr. Barlow asked if Mr. Healy discussed this issue with NL Jacobson. Mr. Healy stated that NLJ said the well should be 100-feet. Mr. Healy stated it was 115-feet, and was not a concern. Mr. Thomas stated this Commission would decide if it was a concern or not. Mr. Ventres stated he spoke with Ms. Davison of Chatham Health District, and she indicated if the drainage was one-inch per minute or less, she would be concerned; however, the perc rate was six-inches per minute.

Mr. Barlow stated he would hate to see a discrepancy between the Town's consulting engineer and the applicant. He stated that the applicant just made a compelling argument, and he suggested that the applicant make that same argument to NLJ and possibly the comment could be resolved.

E1: Mr. Healy stated the board needs to be blocked and mortared.

F1: Mr. Healy stated this was done.

G1: Mr. Healy stated he would add the revision dates after the last revisions were made.

Mr. Ventres stated there were three outstanding issues: 1) The common ownership language; 2) The guard rails/barrier. He believed the applicant would be required to put these in as a condition of approval. 3) The IWWC addressed the issue of the test pit. He stated this was partially his fault and partially Mr. Healy's fault for not getting back to Mr. Curtis. He stated that Ms. Davison did not have a problem with this. He noted that the previous plan showed the

test pits, and there were many.

Mr. Thomas noted this review letter was dated October 8, 2007. He asked if the applicant had this letter shortly thereafter, to which Mr. Ventres responded that the applicant received it around October 10 – 12.

Mr. Thomas opened the hearing to the public. No one was present in the audience to comment.

Mr. Curtin stated that normally, he would want to see the culvert fixed, but if there was a 100-year storm event, the Salmon River would back up into the culvert anyway, and it would not matter what size the pipe was.

Mr. Ventres inquired about the lot with the large structure. He stated when was first submitted, it had 2 acres in the 1-acre zone. Now that the detention basin area will be within the homeowner association's lot, this lot was brought down to 1.79 acres. In order to have an in-law use, he asked if the applicant wanted to change this lot back to 2 acres. Otherwise, he did not believe ZBA would approve a future application, as it would be a self-created hardship. Mr. Barnes stated he did want this lot to be changed to 2 acres, and he thanked Mr. Ventres for pointing this out to him. Mr. Barlow asked if the lot size change needed to be made before acting. Mr. Ventres stated the Commission could condition an approval so that this lot would revert back to 2 acres. Mr. Healy stated with a lot modification, this lot could easily be made 2 acres.

Mr. Gillis stated his concern was regarding the cottages. He asked the status of these cottages, and the future plans for them. Mr. Barnes stated there was no plan for the cottages. He stated the reason for this application was to subdivide the property.

Mr. Ventres stated if this application were approved as is, it would be 5 residential lots. He stated someone could come in for a bed and breakfast application, and use these cottages as accessory outbuildings. Mrs. Alt noted that someone could use these cottages for goats with a farm, as art studios, etc. Mr. Ventres stated this could be used as a single-family unit with accessory buildings. Mr. Curtin stated because this was a resort zone, it was a gray area. Mr. Ventres agreed, but stated the applicant was creating a residential subdivision area. Mr. Curtin asked the status of the cottages. Mr. Ventres stated they were accessory outbuildings. He noted that a subdivision was a mechanism for residential development.

Mr. Thomas asked if the applicant would retain ownership of one lot and sell the others. Mr. Barnes stated the plan was to put all of the lots on the market. Mr. Curtin asked if someone purchased the lot with the cottages, what was to stop him or her from using them as residential structures. Mr. Ventres responded that the owner would have to undergo septic review, etc. Mr. Curtin disagreed, and stated all they would really have to do was unlock the door.

Mr. Thomas asked if it was within the Commission's legal right to require the cottages to be removed before this lot was sold. He asked Mr. Ventres to consult with Attorney Branse on this. Mr. Curtin stated if the owner could not use the cottages, then they should let them know now.

Mr. Healy stated that Mr. Barnes has already removed three of the cottages. Mr. Curtin asked if

they were removed simply because they were rundown. Mr. Barnes responded that the three cottages were moved to the 4-H camp.

Mr. Curtin stated this was a 1-acre zone, and there were 4 cottages. He stated they could potentially have 4 families living in these cottages. Mr. Thomas stated it would be best to talk with Attorney Branse about this.

Mr. Ventres stated if the use was to continue as a resort for this lot, then the Commission would review the criteria under the Special Exception review process. Items such as parking, septic, water, and screening would have to be discussed.

Mr. Curtin stated in the past, when he has seen this type of situation, the structures eventually become rental units. Mr. Barlow agreed with Mr. Thomas, that Attorney Branse should be asked.

Mr. Thomas noted the timeline on this application. He stated the ending date was October 30, 2007. He indicated the Commission's options were to ask for/accept an extension; deny without prejudice; or close the public hearing and accept staff comment only.

Mr. Healy stated the lot was used for single-family use only. Mrs. Alt asked what would happen if someone bought this lot and wanted to convert it into an art community, etc. Mr. Thomas stated he was personally not comfortable with this, and would not vote in favor of anything until Attorney Branse's opinion was received.

Mr. Ventres asked the applicant if it was their understanding that this was a residential development. Both Mr. Barnes and Mr. Healy responded affirmatively.

Motion by Mr. Barlow to close the public hearing for Application 07-04, SAMSAM, LLC, Dana Barnes, manager, 173 Leesville Road, subdivision review for a proposed 5-lot subdivision. Seconded by Mr. Curtin, and carried by unanimous vote.

Mr. Curtin noted, with the upcoming election, all of the members present tonight might not be here at the next meeting. He asked how this would affect the voting. Mr. Ventres advised that the current members would have to listen to the tapes and act on the application.

Mr. Thomas stated he expected conditions to include guardrails (pending NLJ comments). They needed to wait for Attorney Branse's advice on the cottages, and what the owner would be allowed to do with them. He asked about the test pits. Mr. Ventres stated he would talk to Mr. Curtis and Ms. Davison about this. In addition, Mr. Thomas indicated that Lot 3 would be changed to be a minimum of 2 acres. Mr. Barlow asked about the detention basin. Mr. Ventres noted they were not requested to replace the pipe.

**B) Application 07-12, Gary Amara, 5 Norwich Road, Special Exception Review to convert second floor of building into two apartments. Assessor's Map 17, Lot 25.
First date: September 25, 2007 Last date: October 30, 2007**

No one representing the applicant was present at this meeting. Mr. Ventres informed the Commission that he had received a letter from Attorney Branse, which stated that the applicant cannot calculate the area in the State right-of-way for parking for a changed use. The current business is existing. Mr. Ventres indicated that this application was incomplete, as the applicant could not demonstrate sufficient parking.

Mr. Curtin stated this applicant then would not be able to improve his structure, and it would have to remain like this forever. Mrs. Alt stated the two existing businesses were grandfathered. The Commission held a brief discussion about parking and off-site parking in the village.

Mr. Gillis asked how deliveries played into parking. Mr. Ventres stated these were standard deliveries, and the trucks were not brought in for long periods of time for loading, etc.

Motion by Mr. Curtin to deny without prejudice Application 07-12, Gary Amara, 5 Norwich Road, Special Exception Review to convert second floor of building into two apartments, due to an incomplete application. Seconded by Mrs. Alt. Voting: Ayes: Thomas, Alt, Gillis, Curtin. Mr. Barlow abstained. Motion carried by majority vote.

9. ADJOURNMENT

Motion by Mr. Barlow to adjourn at 9:38 p.m., seconded by Mrs. Alt, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina