

**PLANNING & ZONING COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
July 8, 2014
(Not yet approved by the Commission)**

1. CALL TO ORDER: Mr. Brownell called the meeting to order at 7:15 p.m. at the Town Grange.

2. ATTENDANCE:

COMMISSIONERS PRESENT: Crary Brownell–Chairman, Bernard Gillis (regular member), Ed Gubbins (regular member), Martha Hansen (alternate member), Richard Pettinelli (alternate member), Louis Salicrup (regular member), Harvey Thomas (regular member)

COMMISSIONERS ABSENT: James Curtin (regular member), Kevin Matthews (regular member), Jessica Stone (alternate member)

OTHERS PRESENT: James Ventres, Marilyn Gleeson - Conservation Commission representative, and 31 members of the public were present

Mr. Brownell appointed Ms. Hansen to vote for Mr. Matthews, and Mr. Pettinelli to vote in place of Mr. Curtin this evening.

3. MINUTES

Tabled until the next meeting

4. BILLS

Hartford Courant (legal notices)	\$772.37
Suburban Stationers	335.05
NL Jacobson (review of Dutch propane)	187.13
Branse and Willis (open space use, helipads)	240.50

Motion by Mr. Gubbins, seconded by Mr. Gillis to pay the bills as presented. Motion carried by unanimous vote.

5. ACKNOWLEDGMENTS AND SET HEARING DATES

A) Cameron Family Farm, 405 EH Moodus Road, substitution of use under Section 14B.1 of the East Haddam Zoning Regulations. Assessor's Map 55, Lot 068.

First date: July 8, 2014

Last date: September 10, 2014

Mr. Cameron addressed the commission and distributed copies of his plan. He explained his intent to have a chicken hatchery. There will be small, attractive chicken coops in the front, which will hold breeding hens. Due to the close location of the river, he will not compost any material. He has made arrangements with All Waste to dispose of the trash materials. He will have a dumpster on site.

Responsive to inquiry by Mr. Pettinelli, Mr. Cameron stated the dumpsters will be emptied as necessary. Mr. Gubbins asked in what zone this is located. Mr. Ventres stated it is located in the C3 zone. Agricultural uses are not listed in the C3 zone. Mr. Gubbins believed this was really a retail venture.

Mr. Pettinelli asked how many roosters would be housed here, to which Mr. Cameron stated there would be approximately 30 roosters. Discussion ensued around how much noise 30 roosters would create. Mr. Cameron stated he has had no complaints thus far.

The commission discussed whether to hold a public hearing or not. Mr. Salicrup believed this should go to a public hearing. Mr. Gubbins did not believe this was really agricultural, but retail. Mr. Thomas asked about processing chickens. Mr. Cameron stated he would come back to the commission for that. Several members of the commission believed it would be beneficial to have a public hearing on this.

Motion by Mr. Salicrup, seconded by Mr. Gubbins to schedule a public hearing for Cameron Family Farm, 405 EH Moodus Road, substitution of use under Section 14B.1 of the East Haddam Zoning Regulations on July 22, 2014, 8:00 p.m. at the Town Grange. Motion carried by unanimous vote.

Motion by Mr. Thomas, seconded by Mr. Pettinelli, and passed by unanimous vote to change the order of business.

7. ANNUAL REVIEW OF THE PLAN OF CONSERVATION AND DEVELOPMENT

Mr. Ventres received information from the Economic Development Commission. He will review this material with Mr. Casner and Mr. Simmons.

8. DISCUSSION

Mr. Brownell recalled asking the commissioners at the last meeting if there were other regulations they would like to review.

Mr. Pettinelli asked if the public hearings could be scheduled before 8:00 p.m. Mr. Ventres explained that the wetlands commission sometimes schedules special public hearings at 7:00 rather than their typical 7:30 p.m. start time, if it is the only item on the agenda. However, the Planning & Zoning Commission typically discusses all of their other business before 8:00 p.m. so they can begin the public hearings promptly at 8:00 p.m.

Mr. Ventres stated he checked other communities with respect to solar panels. Most treat them as accessory uses for residential properties. If the solar panels are attached to the roof, they would be treated as a roof. For ground mounted panels, they are considered structures.

Mr. Ventres looked at other towns to determine how other towns handle parking after a certain number of units. Typically, they use a formula of 2 parking spaces per unit, plus 1/3, or an extra space for every third unit.

Mr. Ventres looked into helipads, but he was unable to find any regulations. Mr. Ventres will include in the next mailing a copy of information from Attorney Branse. Mr. Thomas asked, without pre-judging any future application, if a local municipality prohibited helipads, if the FAA could overrule them. Mr. Ventres believed they could overrule local regulations.

Mr. Ventres has looked at various towns for mixed uses. There are examples of warehouse sized buildings mixed in with smaller applications. He will look into this further and report back at a future meeting.

9. ZEO REPORT

Mr. Ventres met with Shagbark, and 95% of the material has been removed from the west side of the grain room. They have asked if the chicken coop could remain. They have worked on the lights. Mr. Ventres stated that Attorney Jezek would be bringing the as-built. For the interior building, the deadline is October 15, 2014.

Mr. Ventres visited the Cais property. Most of the items listed on the checklist have been moved. Mr. Ventres stated he plans to proceed with the attorney to place a lien on the property for legal fees and costs the Town has incurred. Mr. Ventres will report further at a future meeting.

Mr. Gubbins inquired about Grandview, since it had been reported to the commission that there were tent sites. Mr. Ventres spoke with the engineer, Mr. Christopher Bell, and asked him to add the tent sites to the plan for discussion.

Motion by Mr. Salicrup at 7:53 p.m., seconded by Mr. Gubbins and carried unanimously to take a brief recess. The meeting reconvened at 8:00 p.m.

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

6. PUBLIC HEARING

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

A) Application 14-14, Dutch Propane, LLC, applicant, Brownell and Company, Inc., property owner, 423 East Haddam Moodus Road, Special Exception application to install two 30,000 gallon above-ground propane storage tanks and related facilities. Assessor's Map 64, Lot 49.

First date: July 8, 2014

Last date: August 11, 2014

Mr. Brownell announced that neither he nor his family has had any involvement with the Brownell Company since 1976 when his family sold the property. He felt comfortable hearing and acting on this application.

Atty. Rich Carella, Updike, Kelly, and Spellacy addressed the commission on behalf of the applicant. With Attorney Carella this evening were Bruce Dutch, Roger Nemergut, P.E., Ms. Jodi Amoden, Dennis Lindley, Shawn Thrasher - Crown Construction, who will construct the facility.

Mr. Roger Nemergut, P.E. next addressed the commission. He submitted the green, certified receipt cards to Mr. Ventres. He distributed revised plans to the commission, which were revised due to comments from the fire chief after their recent meeting.

Mr. Nemergut explained that this project is located on East Haddam-Moodus Road, across from the former Cumberland Farms building. The property is 1.83 acres. He outlined the property for the audience. The gray shaded area is the former construction, known as the lower mill building. That is essentially the only full structure on the property. There are remnants of an old brick block building. This property is located in the CB-IG zone. The elevation of the lower area is approximately 9-feet lower.

Mr. Nemergut explained that they proposed to install two 30,000 gallon propane tanks on the lower part of the property. This location is at Elevation 115. The land in front is at Elevation 124, thus the 9-foot difference.

Mr. Nemergut stated that they have the 100-year flood data, which is at Elevation 116. The bottom of the tanks have a 4-foot clearance, so even during a 100-year flood, there would be 3-feet of clearance between the water and the bottom of the tanks. For the 500-year flood, there would still be a 1-foot clearance to the bottom of the tank.

Mr. Nemergut explained that the tanks would be strapped and anchored down to the concrete. The tanks would be loaded with 18-wheeler transport trucks. The trucks would enter the property along an existing curb cut just east of the existing lower mill building. This would be a one-way entry, 15-foot wide access. The trucks would enter, load the tanks at loading stanchions, then exit through the Brownell property. The larger trucks would not have to go to the lower area. There would be a series of vehicular and property easements from the Brownell Company. The smaller trucks would come on another existing curb cut on the west side, load on another loading stanchion, then leave for deliveries.

In terms of appearance from the road, Mr. Nemergut stated that there would be an evergreen planting buffer, planted with 6-foot arborvitaes. He stated that the evergreens would match the tops of the tanks. The tops of the tanks would be a light green color. The stacks would be light blue. This facility will have a means for fire suppression. This will be a steel support frame above the tanks. The sprinkler heads would be attached to this structure. They would be painted a similar color.

Mr. Nemergut stated that the older section of the mill building would remain. The back portion would be removed for smaller tank storage. There is an extensive planting area between the tanks and the Moodus River.

Mr. Nemergut showed the driveway on the plan. There is an existing fire pond on the Brownell Factory property. There is a 1000 gallon per minute water pump, supplied by electricity with a backup diesel generator. This presently protects the Brownell Company. There is a line that comes out of the pump house, a 6-inch water main. They would use that same pump to protect the tanks. For insurance reasons, this pump is inspected annually. There would be a record of its reliability and maintenance. From the pump house to the structure, it would be underground. In the case of an event, the pump would go on automatically, even before the fire department arrived. They plan to dig out the fire pond to remove the silt and also install a dry hydrant. The fire department could hook into this system if needed.

Mr. Nemergut stated they received approval from the IWWC previously. Mr. Nemergut also received a letter from the CT DOT. They did want the one-way sign and a stop sign installed.

Mr. Nemergut spoke with Chatham Health District on this a couple times. He spoke with Ms. Liz Davidson, and she saw no need for Chatham to be involved in this application, since the use would not generate any septic flow.

Mr. Nemergut stated for now the mill building would be painted, un-boarded, and the windows would be replaced so they would be visible.

Mr. Nemergut noted that the work hours would be Monday through Friday, from 7:00 a.m. to 5:00 p.m. Mr. Nemergut explained that the tanks would be lighted from two poles. This 20-foot high pole would be equipped with full cut-off fixtures. There would be a secondary light to light the stanchions where the tanks are located.

Mr. Brownell informed the audience that they would all have a chance to speak, but would have to wait until the hearing was opened to the public.

Mr. Nemergut submitted a brochure showing what the stanchions would look like.

Ms. Jodi Amoden, energy consultant from Thetford, Vermont. The guidelines they used for this application were reviewed with the fire officials. They look at the controls that would be in place to

reduce any risk, as well as additional emergency equipment that would be proposed. Training is planned for the facility, not just for the personnel, but also for the local fire department.

Attorney Carella asked if the fire pond would be enough for this project. Ms. Amoden replied that this system would pump at 750 gallons per minute. Attorney Carella asked if the commission had the fire safety report.

Mr. Ventres read into the record a letter dated July 2, 2014 from the CT DOT, which found the proposal acceptable, with the inclusion of a 30-inch stop sign, 12-inch stopbar, and a Do Not Enter sign at exit only drive, with final town approval. No work shall begin without first obtaining a DOT encroachment permit, and additional changes may be required at the time of final approval.

Mr. Ventres read into the record a letter dated May 6, 2014 from the Inland Wetlands and Watercourses Commission, which gave approval after review at its April 2014 meeting, with conditions that excavation of the pond area shall be completed per the plans dated April 15, 2014, and in concurrence with the April 11, 2014 NL Jacobson review letter. Prior to construction, permits must be obtained from the Chatham Health District and the zoning and building departments.

Mr. Ventres read into the record the review letter dated July 1, 2014 from NL Jacobson & Associates.

Fire Official Don Angersola stated that so far, everything looks fine. There were a couple changes and some fencing questions. However, he stated that everything appears to be on target.

Mr. Salicrup asked in the event of a simultaneous, catastrophic event, if there would be enough pressure from the fire pond to support both the Brownell building and the propane tanks. Mr. Thrasher believed there would be enough. Mr. Salicrup asked about data on file in the event that a truck caught on fire. Ms. Amoden did not have data, but stated there were other measures available. Mr. Brownell inquired if they discussed those other measures, to which Ms. Amoden responded they discussed other possibilities, but decided to go with the proposed measures, as they felt this would be best plan.

Responsive to inquiry by Mr. Pettinelli, Mr. Thasher stated the fire pond would surpass a 60-minute storage tank for water. Mr. Nemergut stated they would get the specific numbers. Mr. Angersola believed they would have sufficient water. He did not believe there would be a catastrophic event where everything happened at once.

Mr. Pettinelli asked how long loading the tanks and the trucks would take. Also, what is the mechanism to insure that drivers are following proper procedures for transportation of the propane? Ms. Amoden stated there is a procedure in place for all of the companies. They all have safety officers. Mr. Dutch stated there is an industry standard. Mr. Pettinelli asked when it is February and it is raining, etc. Mr. Dutch stated he would have no issue having a representative from their company there at each tank loading.

Mr. Pettinelli asked if Brownell Company has an agreement to provide the fire system. Mr. Brownell asked if he wanted an agreement for the record, to which Mr. Pettinelli stated he did.

Mr. Pettinelli asked about the calculations. Mr. Thrasher stated there would be calculations, signed off by a professional engineer.

Mr. Pettinelli asked about the blast zone. Mr. Angersola believed it would be one mile, which would bring them to the entrance to the new middle school. Mr. Salicrup asked if there was historical data to show if it is usually an explosion or a fire, should an event occur. Ms. Amoden stated it would be a fire, which is what the water is for, to keep the area cool.

Mr. Thomas asked if the emergency generator would automatically switch on when CL&P failed. Mr. Dutch stated it would be a diesel generator. Mr. Thomas asked if a call would automatically go to the police and the fire department when the fire suppression system activated, to which Mr. Thrasher stated it would. Mr. Thomas asked if additional training would be required for the East Haddam Fire Department as a result of this. Mr. Angersola stated there would be additional training, and this was outlined in Ms. Amoden's plan.

Ms. Hansen asked if there was any way to detect a slow leak. Mr. Lindley stated the system would be maintained by enough air pressure in the pipe to keep the clapper functioning. They do a 200-lb. water pressure test as part of the final inspection. This is standard NFPA code.

Ms. Hansen asked if people in the area would be able to detect a propane odor. Mr. Thrasher stated they would not.

Mr. Pettinelli asked if there was a mechanism to detect a slow propane leak. Ms. Amoden stated there is history prior to the new codes put in place as of July, 2011. The new codes make it very difficult to have a leak that is undetected.

Mr. Gillis asked if this was a dry sprinkler system that would not be activated until there was an event. Mr. Lindley stated the fire pump would kick in within a few seconds. Water should get to the site in less than 60 seconds. Mr. Brownell noted that dry systems are very common in New England.

Mr. Brownell asked if there were future plans for the lower mill. Mr. Dutch stated it would be used as storage for the immediate future. He could not speak to future expansion right now, but he did have plans for retail possibly in the future. Immediate plans would be just to make it look better, install new windows, upgrade the electrical, paint, etc. They would see where the business took them.

Mr. Brownell asked where the gas would go if there was a leak. Ms. Amoden stated it would be heavier than the air, so it would go to a lower point.

Mr. Brownell asked about the walls of the tanks. Ms. Amoden replied that they would be double walled, 5/8" thick. Responsive to inquiry, Mr. Thrasher stated with the propane tank full, it would

be approximately 100,000 pounds. Attorney Carella believed the plan showed that it would be strapped to the pad. Mr. Thrasher added there would be a ¾-inch braided cable to tie it to the floor.

Mr. Brownell inquired about plantings. Mr. Nemergut responded there would be 6-foot high arborvitaes, 3-feet on center. They are specifically for screening. They do grow close to one foot per year.

Mr. Dutch stated at the previous meeting, there was a question about what Amerigas was doing. This is to burn off the gas for maintenance, etc. They have no intention of doing this.

Mr. Brownell opened the hearing to the public.

Attorney Scott Jezek, 89 Lakeside Drive stated he has a business on WF Palmer Road, which is closer to the proposed site than the middle school, as described earlier. His son also has a business in the Lumberyard Plaza, and lives just past the senior center with his family. Attorney Jezek stated he and his wife generally support this application. He believed it was beneficial to use properties that have been dormant for a long time. He stated that if things go as planned, it will increase the tax base. All safeguards and precautions should be taken, but he and his wife want to focus on the positive aspects. He believed it was good to see a new enterprise in East Haddam.

Mr. Bob Casner, chairman of the EDC, stated the EDC has wanted to see vacant properties be re-used for a long time. It would be beneficial to start with this building. He hoped other businesses would follow. He believed this is an asset for the town. He welcomed Mr. Dutch and his family to grow in this town. He stated this is exactly what the EDC is seeking.

Mrs. Melissa Ziobron, State Representative and resident of Petticoat Lane distributed a letter dated July 8, 2014 that she wrote in favor of this project. She read this letter into the record.

Mr. Richard Toolan, 429 East Haddam-Moodus Road, asked about the leach field. Mr. Nemergut stated they talked with the Brownell Company about their leaching system. Mr. Toolan stated they are in the same system. Mr. Nemergut stated this was located on the west side of the driveway. They have to ramp up from the lower area to get to the driveway. The contractor will have to verify the depth of the existing system. They will also have to make sure there is enough earth cover to protect the system. They are aware of this, and there is a note on the plan for the contractor to evaluate its location and address it. Mr. Toolan stated the traffic goes approximately 60 mph. He asked if the DOT would utilize signage, etc. to slow down the traffic. He believed that a propane truck getting T-boned would become a bomb. Mr. Nemergut stated he met with the DOT, and the only protection they can give is to have enough sight line. He believed this is a generous sight line for access. Mr. Nemergut stated they use actual speeds that people drive, and they use a calculation for the 85th percentile.

Responsive to inquiry by Mr. Gillis, Mr. Dutch indicated the hours of operation would be 7:00 a.m. to 5:00 p.m.

Mr. Mark Walter, First Selectman, wished to compliment Mr. Dutch. He stated he has never received any complaints from Dutch Propane. He spoke in favor of this project. He acknowledged there is risk, but to reduce the risk, the tanks across the street will be removed by Cumberland Farms. Mr. Walter stated he was comfortable with everything he has heard.

Ms. Colleen Foley, owns a house directly across the street from the proposed propane tanks. She asked where the trucks would be parked in the evenings. Mr. Nemergut stated that Ms. Foley would not see the trucks. He explained that the elevation will be 9-feet lower, so she will not see the trucks, but she will see the tops of the tanks. Ms. Foley asked how many trucks would be coming in and out daily. Mr. Dutch stated right now, there would be just one.

Mr. Toolan asked about lighting. Mr. Dutch stated there would be downsplash lighting.

Mr. Brownell asked if there would be security fencing installed. Mr. Dutch responded affirmatively. Mr. Nemergut stated there would be security fencing. There will be chain link fencing, with barbed wire at the top. In response to the lights, he stated they comply with dark skies. These are full cut off, which means they cut off the light, except to where they are directed.

Mr. Tooley asked about the tanks. Mr. Dutch stated the tanks would remain with just a small amount of propane in them until they arrive on site.

Mr. Dave Palmieri stated he lives 1000 yards away. It is difficult for him not to think about catastrophic events. He has a wife and a two-year-old child at home. He asked if there was data with the fire suppression and the trucks. He asked about current data for on-site transport with the trucks. Mr. Shawn Thrasher stated there are only four systems he knows of in New England that have sprinkler systems, so there is very little data.

Mr. Joe Rhodes, president of New England Association of Propane Distributors from Loudon, New Hampshire echoed Mr. Thrasher's comments that there are only about four others in New England that are sprinklered. Mr. Dutch stated to prevent sparks, the batteries that are disconnected from the trucks when the trucks are being loaded.

Ms. Eileen Tierney, Bruce Dutch's daughter, stated that Mr. Dutch and his family live right down the street, so he is putting everything he can into this project to ensure it is safe.

Mr. Angersola stated many of the issues with propane are with trucks on the road, being in accidents. He believed this is more of a hazard than loading and unloading. He stated they are proposing above and beyond what is required by code.

Mr. Dean Tierney stated the trucks are dampered on the bottoms, adding to the safety.

Mr. Peter Simmons, EDC coordinator stated this is an important economic development project. A local business is making a significant investment. He believed this would have a positive ripple effect in Moodus. He explained that there is a risk with anything. One way to mitigate risk is

maintenance and housekeeping. As part of his own operation on WM F Palmer Road, Mr. Dutch has demonstrated this.

Mr. Dave Palmieri asked about the impacts to property values. Mr. Brownell stated if the business snowballs and the area thrives again, it would have a positive impact.

Ms. Colleen Foley asked about residences, and if they would be considered industrial. Mr. Ventres explained the zone in the area.

Ms. Ziobron stated she would request that DOT do a study for the corner.

Motion by Mr. Thomas, seconded by Mr. Gillis to continue Application 14-14, Dutch Propane, LLC, applicant, Brownell and Company, Inc., property owner, 423 East Haddam Moodus Road, Special Exception application to install two 30,000 gallon above-ground propane storage tanks and related facilities until the July 22, 2014 meeting. Motion carried by unanimous vote.

Motion by Mr. Pettinelli, seconded by Mr. Thomas, and passed unanimously to take a brief recess at 9:48 p.m. The meeting reconvened at 9:50 p.m.

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

B) Application 14-15, Sarah Crosby, applicant, Amston Properties, LLC, property owner, 5 Grist Mill Road, Special Exception application to establish a veterinary hospital in an existing commercial building. Assessor's Map 65, Lot 33.

First date: July 8, 2014

Last date: August 11, 2014

Mr. Roger Nemergut, P.E. addressed the commission on behalf of the applicant. He stated that Ms. Sarah Crosby would like to open a veterinary office on Grist Mill Road. This parcel is 1.16 acres, with Gristmill road in front, and Moodus River in back. They plan to use the same footprint and the same parking areas. They had to demonstrate to Chatham Health District that there is a Code compliant area. They did receive a letter from Mr. Thad King at Chatham Health District. There are seven parking spaces. There is a handicap parking space. An existing garage will be converted into part of the practice.

Mr. Nemergut stated the hours of operation will be Monday, Wednesday, Friday from 8:00 a.m. to 6:00 p.m., Tuesday, Thursday from 8:00 a.m. to 8:00 p.m., and Saturday 8:00 a.m. to 2:00 p.m. The practice will be closed on Sundays. There is a statement of use as part of the application. They will have office hours, and there will be overnight for recuperating animals, but no boarding of well animals. There will be signage and lighting. There are four entrances and exits that will be lit. The lighting would be similar to a typical house.

Mr. Brownell asked if there are any changes to the lights, if they would submit it to the Land Use office for approval. Mr. Nemergut stated they would be 100-watt lights, but if there were any changes to that, they would submit something to Mr. Ventres.

Mr. Ventres read into the record a letter from Chatham Health District dated July 3, 2014 from Mr. Thad King which stated this application met the Public Health Code.

Mr. Salicrup asked if animals were there overnight, if someone would be there overnight to oversee the animals. Ms. Crosby stated typically in the profession, there would not be staff that would stay overnight. For sicker animals, they may have someone stay overnight.

Mr. Pettinelli asked if there would be an area for walking the dogs. Ms. Crosby stated the animals would be walked, then waste will be removed. The dumpster would remain for regular waste. Any medical waste will be picked up by a separate company.

Mr. Brownell opened the hearing to the public.

Mr. Robert Casner, EDC, stated this would be a great use for this area. He reiterated his earlier statement that this is another great use for East Haddam and Moodus.

Ms. Melissa Ziobron spoke in favor of this project.

Motion by Mr. Thomas, seconded by Mr. Salicrup to close the public hearing for Application 14-15, Sarah Crosby, applicant, Amston Properties, LLC, property owner, 5 Grist Mill Road, Special Exception application to establish a veterinary hospital in an existing commercial building. Motion carried by unanimous vote.

Motion by Mr. Thomas to approve Application 14-15, Sarah Crosby, applicant, Amston Properties, LLC, property owner, 5 Grist Mill Road, Special Exception application to establish a veterinary hospital in an existing commercial building with the condition that all requirements of Chatham Health District must be met. Motion seconded by Mr. Salicrup and carried by unanimous vote.

10. ADJOURNMENT

Motion by Mr. Thomas to adjourn at 10:07 p.m. Motion seconded by Mr. Pettinelli and carried by unanimous vote.

Respectfully submitted,
Holly Pattavina