

PLANNING & ZONING COMMISSION/
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
February 10, 2015
(Not yet approved by the Commission)

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

2. ATTENDANCE:

COMMISSIONERS PRESENT: James Curtin (regular member), Bernard Gillis (regular member), Martha Hansen (alternate member), Kevin Matthews (regular member), Richard Pettinelli (alternate member), Louis Salicrup (regular member) Harvey Thomas (regular member)

COMMISSIONERS ABSENT: Crary Brownell–Chairman, Ed Gubbins (regular member), Jessica Stone (alternate member),

OTHERS PRESENT: Jim Ventres, Attorney Willis, and 13 members of the public

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

3. MINUTES

The minutes of the regular meeting of January 13, 2015 were accepted with the following amendments:

- Page 4, 4th paragraph, 2nd sentence: Replace “The issue again surrounded” with “He stated”, and change “providing” to “provided”
- Page 6, 4th paragraph: Change “Gleason” to “Gleeson”
- Page 7, 8th paragraph: Add “Mr. Ventres stated the lights are turned off when they are no longer needed.” To the end of the paragraph.

4. BILLS

Branse (Clark Gates, LLC)	\$1,198.00
Hartford Courant	241.06
NLJ (quarterly bond update)	168.70
Suburban	52.96
Suburban	60.33

Motion by Mr. Thomas, seconded by Mr. Matthews, and carried by unanimous vote to pay the bills as presented.

5. ACKNOWLEDGMENT

A) Application #15-03, DRA LLC (Radek Associates), 428 Hopyard Road, creation of an educational/philanthropic not-for-profit artist-in-residence program to include new structures and new programs. Expansion of current I-Park General Residency Artist Program. Assessor's Map 61, Lot 12.

First date: February 10, 2015

Last date: April 16, 2015

Mr. Roger Nemergut addressed the commission on behalf of the applicant. He explained that I-Park provides artist residencies. They hold four-week artist residencies for artists to come work on projects of various mediums. At the end of the four-week period, there is an open house, after which there is a rotation for the next group to arrive.

Mr. Thomas asked, although this is a not-for-profit organization, if he were to attend, if he would pay. He then decided to reserve this question for the public hearing.

Mr. Nemergut stated that I-Park is currently housed in a farmhouse on a 22-acre portion of a much larger parcel of Haywardville and Hopyard Roads. By special exception, there is a category where this use is allowed. This has been occurring for a while now, but they want to bring it into compliance. They propose to add space for artists to come. To do this, they would have to add a 12-bedroom unit where the artists would stay. From there, the individual artists would go to detached studios in which the artists would work. There would also be a barn/office. Down the road, they would like to add another structure. He added that they do have full-time staff members.

There will be additional parking needs to accommodate the increased people. They have included a very detailed statement of use.

Mr. Gillis asked if this would be year-round. Mr. Ralph Crispino stated it would be mainly seasonal, beginning in May,

Responsive to inquiry by Mr. Ventres, Mr. Nemergut preferred March 10 for a public hearing.

Motion by Mr. Thomas to set a public hearing for March 10, 8:00 p.m. to hear Application #15-03, DRA LLC (Radek Associates), 428 Hopyard Road, creation of an educational/philanthropic not-for-profit artist-in-residence program to include new structures and new programs; Expansion of current I-Park General Residency Artist Program. Motion seconded by Mr. Gillis, and carried by unanimous vote.

6. DISCUSSION

A) Clark Gates, LLC, AP Gates and Warner Roads, discussion of property status. Assessor's Map 31, Lot 37.

Attorney William Bowles and Mr. Robert Casner addressed the commission regarding a memorandum authored by Chairman Brownell. Attorney Bowles stated there was no notice given to the property

owner that any discussion would take place at the October 14, 2014 meeting regarding this property. The application was before the Inland Wetlands and Watercourses Commission (IWWC). A public hearing was held and subsequently closed by the IWWC. He pointed out that the October 15, 2014 memorandum from this commission seems to be a stumbling block for the IWWC.

Attorney Bowles read into the record the October meeting minutes of the Planning & Zoning Commission regarding this application. He stated the first sentence is incorrect. The property that is before the IWWC was from Phase 1. Mr. Thomas asked the relevance of this. Attorney Bowles stated there was no deed, nothing in the minutes, but there was an obscure mention about open space.

Attorney Bowles stated the entire reason this memo was drafted failed. He did not know what "old minutes" were submitted in the packets last October. Regarding the memo, Attorney Bowles respectfully requested this memo be withdrawn. Mr. Ventres distributed the October 15, 2014 memo from the Planning & Zoning Commission to Mr. Dill, chairman of the Inland Wetlands and Watercourses Commission. There was a pause while the commission read this memo.

Attorney Bowles stated there were four issues with which they took exception. The first issue was the last sentence of the first paragraph. He stated it was inaccurate and false. The second was the second sentence of the second paragraph. Attorney Bowles read excerpts from the June 27, 1988 minutes. There was an innuendo that this was not an approved building lot. Attorney Bowles stated the statement made within that paragraph was taken out of context. There was mention that the property could have a fire house. Mr. Pettinelli stated that Mr. Bob Weaver, who made the comments to which Attorney Bowles was referring, is a licensed surveyor, not an engineer, and his statement would be an opinion. The third issue was the last sentence of paragraph 3. Again, Attorney Bowles believed this was a false statement. They also took exception with the last sentence of the letter. He did not know what this meant, and there was no evidence.

Attorney Bowles stated those were their concerns. It was quite unfortunate that Mr. Casner was given absolutely no notice that this matter was going to be discussed. There has been a formal search of title by CATIC. He stated there is absolutely no written document on the land records that pertains to this property that conveys it as open space to anyone.

Attorney Bowles showed the subdivision plan of Phase II of the Gates Warner, Map 2769, as filed on the land records. He outlined Phase II. Within Phase II there is a tremendously large area of open space. Note 25 of the map reads the "open space acreage is to be conveyed with the filing of the open space mylars". This open space area as part of Phase II was conveyed. Their parcel was in Phase I. Someone labeled it "open space". He stated that was wrong. Mr. Curtin stated this commission is not the one that filed this map on the land records, and that would have been done by the land owners.

Mr. Pettinelli asked if the owners of Phase I and Phase II were the same. Attorney Willis stated this was the same.

Responsive to inquiry by Mr. Matthews, Attorney Bowles believed that the Phase I map would control. Because of the uncertainties in the memo, he asked that this commission rescind its October 15, 2014 memo, so that the IWWC can act on the application. The IWWC has closed its public hearing.

Mr. Bob Casner stated he has been involved in this property since Day 1. He purchased this property from a foreclosure, and he paid the town for it. The subdivision map, which is used to convey property, shows no easements, no encumbrances, etc. He bought the property. He has owned the property for 8-9 years. Basically all of the tax records show it as a single-family lot. He is paying approximately \$1600 in taxes annually on this, as a single-family lot. There was nothing indicating there were any encumbrances on the property. Now as he tries to use this property, there is a letter from Planning & Zoning, basically telling the IWWC to deny his application. He commented that he has been around these commissions for 30-40 years, and he has never seen anything like this.

Noting the time was now 8:03 p.m., the commission recessed to hold the public hearing.

7. PUBLIC HEARING

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

A) Application #14-22, Peter Gardner (applicant), Russell Vile (property owner), Clark Hill Road and Tater Hill Road, addition of 2 lots to a previously approved subdivision. Assessor's Map 65, Lot 47.

First date: January 27, 2015

Last date: March 3, 2015

Mr. Peter Gardner, licensed surveyor, addressed the commission. He stated they received approval for four lots, with an additional 2 lots proposed. The property is located in the R2 zone, and is comprised of approximately 43.67 acres. They plan to re-subdivide the land for two additional lots. There is a shared driveway. The shared driveway will come off Clark Hill Road, and is the same as approved in 2008.

They proposed two additional building lots, as well as waivers of Section 402 - stormwater management waivers. Mr. Gardner indicated they have excellent soils in this area. They requested a waiver of Section 3.05 b.viii regarding topography, and for Section 3.05bf. They propose a conservation easement that includes approximately 7 acres of land. In the northwest area, he explained that they originally proposed an open space area. They now propose 7 acres to make a green belt. Mr. Thomas asked Mr. Gardner to trace this area on the map. It was noted that the total acreage of the open space was about 15 acres.

Responsive to inquiry by Mr. Thomas, Mr. Gardner stated that Lots 1 and 2 are left from the original subdivision. Mr. Gardner traced the boundaries of Lot 3 and Lot 5, then Lot 4. Lot 6 will include the conservation easements. They have dug a number of test holes, per Chatham Health District, Liz Davidson's request.

Mr. Ventres stated initially the plans that were submitted last month. He noted that Ms. Davidson had requested additional test pits last month. This plan uses the alternate subdivision method for Lots 3, 5, 4. Lots 3 and 5, have Class A soils. Lot 4 has some water table issues. That lot is 4.83 acres, and has a Class C soils.

Mr. Ventres read into the record a letter dated November 21, 2014 from the Inland Wetlands and Watercourses Commission (IWWC) to this commission, in which the IWWC determined that this application meets the requirements of the IWWC, with the possibility of a conservation zone along the stream. Mr. Ventres noted that the conservation zone has been added.

Mr. Ventres read into the record a letter dated February 10, 2015 from Chatham Health District, which indicated the application met the Public Health Code.

Mr. Ventres read into the record a letter dated February 9, 2015 from Mr. Brian Curtis of Nathan L. Jacobson & Associates. He reviewed the engineer's comments.

- Comment A.1.: Mr. Gardner stated there is a drainage easement across Lot 4.
- Comment A.2.: Mr. Gardner stated he was comfortable with this request, they have the space, and they will do this.
- Comment A.3.: Mr. Ventres stated this is standard language they require. Mr. Gardner stated this was fine.
- Comment A.4.: No response from Mr. Gardner.
- Comment A.5.: Mr. Gardner stated they were more than happy to complete the common driveway before they go for a Certificate of Occupancy. Mr. Pettinelli believed they were aiming for an easement for the common driveway. Mr. Gardner believed it made sense to have a driveway in before a property is conveyed. Mr. Gardner was comfortable with Mr. Ventres' suggestions about this.
- Comment A.6.: Mr. Ventres stated this was determined back in 2008. It has been done.
- Comment A.7.: Mr. Ventres stated they had already agreed this is a good idea.
- Comment A.8.: Mr. Pettinelli stated that technically, when he files a plan with the town, it is supposed to be embossed. Mr. Ventres noted the final mylars actually have the approval letters of this commission as well as the IWWC. Mr. Gardner stated he puts blocks on his plans indicating they are not valid without an embossed seal.
- Comment B.1.: No response by Mr. Gardner.
- Comment B.2.: Mr. Ventres asked if that could be accomplished at site plan, and Mr. Gardner agreed.
- Comment B.3.: Mr. Gardner stated he was comfortable putting in a riprap swale.
- Comment B.4.: Mr. Gardner stated they were very comfortable with the vegetated swale also.
- Comment B.5.: Mr. Gardner agreed to this.
- Comment C.1.: No response
- Comment C.2.: Mr. Gardner agreed.
- Comment C.3.: Mr. Gardner agreed.
- Comment D.1.: Mr. Ventres stated the commission can require a bond for the sediment and erosion control. Mr. Gardner stated they were comfortable providing a bond for the sediment and erosion control measures.

Mr. Matthews asked about comment B2: He asked if they would change the house sites to get approval. Mr. Gardner responded they would not, but he explained that when someone buys one of the lots, they will hire an engineer to put everything on the plan.

Mr. Curtin opened the hearing to the public.

Mr. Todd Gelson stated he was not able to read the engineer's letters. He asked about the road. Mr. Gardner stated this was an existing woods road. Mr. Gelson asked if there would be plans to use this road. Mr. Gardner replied there were not, but it would be conveyed to whoever buys the property. Mr. Gelson voiced concern about the woods road growing. Mr. Ventres stated it was addressed in 2008. He stated the IWWC would look at this for a crossing, if there was any plan to cross the wetlands.

Mr. Gelston suggested there should be a greater radius on the turning radius of Lot 5.

Mr. Gelston stated the common driveway would be steep. He asked what would stop flooding the other houses. Mr. Gardner stated the water flows the other way, to the south. Mr. Gelston asked what would slow it down. Mr. Curtin stated it would be a rip rap swale, which was specified by the engineer.

Mr. Gelston asked about another road. Mr. Gardner stated this would go to Lots 1 and 2.

Mr. Gelston asked who would take care of the common driveway. Mr. Ventres stated they have a very detailed common driveway language. Mr. Gelston did not believe this was a good idea.

Mr. Gelston appreciated the existing conservation easement, as well as the new one proposed. He questioned why the two existing wetlands were not included. Mr. Gardner believed the existing 7 acres in addition to the 8 acres already in place was a generous offer.

Mr. Rob Smith asked where the rain garden would be. Mr. Ventres stated it would be at the top of Lot 3. Mr. Smith asked who would be responsible for maintenance, to which Mr. Gardner stated the owner would maintain it. Mr. Smith stated it could be difficult if the owner does not maintain it, and the function diminished. He asked what remedy there would be for this. Mr. Ventres stated the neighbors would typically make a complaint, and an inspection would occur. He read the language for the rain gardens that would be required on the mylar. Because it is part of the deed, there is a certificate. Mr. Smith believed someone should enforce this, and inspect them.

Mr. Smith asked about the easement. Mr. Ventres stated the first piece was donated in the first phase.

Mr. Smith asked who would monitor the rain garden, and who would ensure it would not be encroached upon. Mr. Ventres stated the Conservation Commission had a neighborhood outreach program which encouraged property owners to monitor with the Conservation Commission. This program should be revived. He stated they have the area posted. Typically, the neighbors will call the Land Use Office.

Mr. Smith stated that easements such as this are a pain in the neck. The conservation commission, from his perspective, may not be overjoyed about these additional responsibilities. Mr. Curtin asked if he had a solution. Mr. Smith stated that a fee might be something to consider. He stated that unfortunately, many others are unknown in town, because the tags have disappeared, and the pins are either non-existent, have been buried, etc.

Mr. Gelston believed the town needs to be more careful about maintaining and tracking these parcels that have rain gardens. Mr. Smith stated that the conservation commission is overburdened. Mr. Curtin stated the point was taken, but that would be a conversation for another time.

A lengthy discussion ensued regarding maintenance of common driveways. Mr. Smith voiced concern about water going onto town roads. Mr. Gelston asked if the public could look at the revised plan after the changes were made. Mr. Ventres stated the commission could approve based on conditions being met.

Mr. Thomas spoke of the waivers. He asked about runoff from these lots onto adjacent lots. Mr. Ventres stated that Mr. Curtis addressed this in his review letter. Mr. Gardner noted that the smallest lot was 3.0 acres, and this was the lot with the rain garden.

Mr. Pettinelli asked what would happen when there was a significant storm event. He believed they needed a level protector, buried rip rap 6 inches down, etc., but something to protect the area when it does overflow. Mr. Gardner stated this could be accomplished. He preferred the rip rap.

Motion by Mr. Thomas, seconded by Mr. Gillis to close the public hearing for Application #14-22, Peter Gardner (applicant), Russell Vile (property owner), Clark Hill Road and Tater Hill Road, addition of 2 lots to a previously approved subdivision. Motion carried by unanimous vote.

Mr. Ventres distributed a draft approval letter for this. Mr. Pettinelli suggested driveway radius to accommodate a UPS truck.

Motion by Mr. Thomas to approve Application #14-22, Peter Gardner (applicant), Russell Vile (property owner), Clark Hill Road and Tater Hill Road, addition of 2 lots to a previously approved subdivision, in accordance with the draft February 10, 2015 approval letter, but with the following additions:

- A rip rap rain garden fail safe level protector be added
- The driveway radius shall be able to accommodate an SU30 vehicle.

Motion seconded by Mr. Matthews, and carried by unanimous vote.

Motion by Mr. Pettinelli, seconded by Mr. Gillis for 5 minute recess at 9:03 p.m. Motion passed unanimously. The meeting reconvened at 9:09 p.m.

6. DISCUSSION (CONTINUED):

A) Clark Gates LLC, AP Gates and Warner Roads (Continued discussion)

Mr. Casner and Attorney Bowles again addressed the commission. Mr. Casner stated in his review of this, this lot had nothing to do with section 2. In all of the discussions, there was no discussion of easements to anyone. He wished to make clear that when he purchased the property, he went by the land records that were there; however, there was nothing on them. This is the document he uses when they write a deed, etc. The town was actually the one who signed it over to him. He stated they have gone through wetlands, and wetlands is at a decision stage. He suggested they draft a letter to the IWWC to rescind their letter. The IWWC can then make their determination, and then Mr. Casner will be back before this commission anyway.

Mr. Pettinelli asked if the commission decided to write a letter to the IWWC asking them to essentially ignore this commission's previous letter, and if the IWWC so chose, to approve the application contingent upon Planning & Zoning approval. Attorney Willis stated the IWWC can make an independent decision.

Attorney Willis conducted a title search of maps 2769 and 2772. He reviewed the abutting property owner's deed, and the map, which refers to this area as open space. He stated when he did his title search, there is an open space designation, and he cannot ignore that.

Attorney Willis distributed copies of the deed where Clark Gates purchased the property at a tax sale. He also reviewed materials that Angus & McDonald prepared.

Mr. Ventres stated he and Mr. Casner had a discussion about two years ago about this parcel. He presented a map from 1988, showing this as open space. Another page from the 1988 map showed phase II blank.

Mr. Ventres stated that Angus & McDonald had maps which were filed, and was discussed in the minutes for the 1988 applications. Discussion ensued surrounding this. Mr. Thomas stated in the interest of clarifying this issue, Mr. Casner and his attorney would like this commission to rescind their letter in order to let the IWWC move forward. Attorney Willis stated the commission did not have to do anything. They could issue the rescission letter. They could let the application come back with a re-subdivision application. Attorney Bowles stated that was an issue for another day.

Responsive to inquiry by Mr. Thomas, Mr. Ventres stated there are different requirements for: 1) is it open space or not. 2) If it is not a resubdivision, he did not know what it is.

A lengthy discussion continued. Attorney Willis stated there should have been a filing of a re-subdivision, and then a re-subdivision with wetlands. Attorney Bowles stated that was Attorney Willis's opinion. Mr. Casner stated he has never done this in 30 years. Mr. Curtin stated whether or not it was labeled open space, the town sold the lot. He stated there are boundaries, and believed it is a lot of record. Mr. Pettinelli asked if this went with a wetlands conditional approval, does that imply that this commission considers it a building lot. Attorney Willis stated it did not imply it because it was not said. Attorney Bowles agreed. Attorney Bowles believed it was an improvident act that the letter was written, and then they would come back for site plan approval. Attorney Willis stated it would not be a site plan approval, but a re-subdivision.

Mr. Curtin asked if this commission rescinded the letter if it would influence the case when it gets to court, as it sounds like it will inevitably be going to court. Mr. Casner stated it would not definitely go to court. Attorney Willis stated the commission could tell the IWWC to ignore the letter and act on the application. Mr. Matthews suggested this route, rather than rescinding the letter.

Responsive to inquiry by Mr. Pettinelli, Attorney Willis stated they may have to go back to wetlands if they have not provided all of the information they needed to.

Attorney Bowles stated in most situations one commission gets letters from other commissions. He cannot recall ever seeing a Planning & Zoning Commission write such a letter to the IWWC.

Motion by Mr. Thomas to draft a letter to the Inland Wetlands and Watercourses Commission indicating they may act on the application of Clark Gates, LLC, AP Gates and Warner Road, discussion of property status, Assessor's Map 31, Lot 37, regardless of the

fact that Planning & Zoning did not receive 60 days notice; however, the Planning & Zoning Commission reserves all of its rights regarding the open space designation and future re-subdivision application. Motion seconded by Mr. Matthews, and carried by unanimous vote.

B) JR Johnson, LLC (owner), Jon Peters (proprietor), 32 Main Street, 32 Main Street Restaurant, Beer and Wine permit. Assessor's Map 17, Lot 18.

No one representing the applicant was present at this meeting.

Mr. Ventres stated that Mr. Peters is considering a restaurant with a beer and wine permit. For a proprietor to sell beer and wine, Mr. Ventres needs to sign off on it, as does the State Liquor Commission. Mr. Pettinelli asked if there was a separation distance from the church daycare. Attorney Willis stated before signing, Mr. Ventres should look at the regulations to make sure there is nothing that would prohibit this. Mr. Ventres will also talk to the liquor commission.

Mr. Pettinelli believed this was beginning to stretch the proprietor's approval. He was originally approved for a breakfast and coffee shop. He believed the applicant needed to come back before this commission. Mr. Thomas believed this was an expansion of the special exception, which would require him to be present. Mr. Gillis asked if the parking across the street was municipal parking. Mr. Ventres stated he could not use this as part of a parking equation.

Mr. Casner stated the EDC supported this application.

8. ZEO REPORT

A) Shagbark

Mr. Casner addressed, and stated there has been some progress. They have approval for the septic. They are waiting for a meeting with George Fellner and the new building official once he is back from vacation. Basically, everything with the fire marshal is set, but they are waiting for the final approval. Mr. Pettinelli voiced concern about the egress from the fire door, as there is product sitting on the far side of the porch. He would like an answer to whether this was compliant with the fire marshal or not. Mr. Casner will look at this, and they would be going through the whole building again. They just need the re-inspection.

Ms. Gleeson asked how long it would take to install the handicap bathroom. She was glad to see there was some forward movement, but she stated there is a perception of favoritism with Shagbark. Mr. Pettinelli stated the bathroom coming online was dependent upon the new septic system. The new septic system cannot be done until the snow melts and the frost is gone.

Mr. Casner believed that having EDC on board with issues such as these was a good idea. This item will remain on the agenda for further updates.

B) Roof Mounted Solar Panels

Tabled pending review of the information.

C) Food Vending Units

Tabled

D) Rotary Pond Report

Mr. Curtin noted they met on site. In attendance were Mr. Brownell, Mr. Curtin, Mr. Gillis, Ms. Hansen, Mr. Pettinelli, Mr. Ventres, and Ms. Martha Tonucci. Mr. Brownell did not make it to the Tonucci property.

Mr. Curtin stated they did meet at the property. He stated the bulbs do look quite bad. However, there is not really enough light to play hockey.

Mr. Curtin stated the hoods on the light look like a baseball hat. He believed they need to look at "hooded" and what that means in the future. Mr. Ventres stated the rotary is looking at installing baffles, which would break up the glare. Mr. Ventres talked with Mr. Rob Traceski about extending the hoods. They can extend it, but it could be affected by wind. Mr. Ventres stated those are dark sky compliant hoods.

Mr. Curtin stated they are definitely looking at light bulbs, but the Rotary is not required to do anything about it. He believed something could be custom made, possibly inexpensively and locally. He stated this might be able to be made to withstand snow. Mr. Pettinelli believed that would be problematic with snow and wind.

Mr. Gelston suggested the town hire a lighting expert to look at this. He stated that lights are a big issue in many towns, including here sometimes. He believed something custom could be done. He believed this could be done locally. He suggested rather than one large sun above the pond, they could have several small suns around the pond. He stated this was a hardship for the people who live around the pond. He stated the Rotary has a motto of service before self.

Mr. Curtin asked about the ownership. Mr. Ventres stated the Rotary owns this pond, and the town is not going to do any study because they do not own it.

Ms. Martha Tonucci stated for 37 years, the lighting was not an issue. The approval was made prior to the regulations, there were things that were adopted in 2008, which refers to light trespass and sky glow, that the town should look at lighting as a whole. These are things that were adopted. She stated they made these regulations to suit the Rotary. She believed the lighting is more intrusive now than before they were shielded. She believed P&Z made an honest mistake here, and that somehow, it can be corrected. There are a number of regulations that talk about spillage onto properties. It is in black and white in the P&Z regulations. She stated the lights affect her, and Ms. Trotochaud's properties. She believed this was something that needed to be corrected now.

Mr. Ventres stated the Rotary substituted the lights that were there. Whether people want to believe it or not, the measurement was below the regulations. The Rotary stated they would look at a baffle, but they cannot do it with this much snow. There is discussion with the Lions Club to possibly take over the Rotary Pond.

Mr. Thomas stated that they cannot make the Rotary club to do anything.

Mr. Tonucci agreed that someone needs to go out there and look at the lights. Mr. Tonucci stated he would like to see someone other than Mr. Ventres go out and take readings, a professional.

Ms. Gleeson suggested the regulations could be expanded to accommodate these.

Mr. Lyman stated that halide lights are incredibly intrusive. It would cost about \$10,000 to change the lights. However, he stated neither the town, nor this commission can do anything about it because they do not own the property.

Mr. Rob Smith stated the lights are quite bright coming across, which is addressed in the regulations. Mr. Ventres stated the light levels were well below the standards. Most communities do not have things that are lower than this, because it is impossible to completely contain it.

Mr. Gelston stated the wave lengths are different for halide lights. He suggested they look at revising this regulation by a competent lighting engineer.

Ms. Tonucci also stated it appeared that the lights were directed at her property. She referred to the Plan of Conservation and Development, where lighting is addressed. Attorney Willis explained the POCD is like the frame, and the regulations are the picture.

E) Violations

Mr. Ventres distributed copies of violation notices for tractor trailers, etc.

F) Plan of Conservation & Development

Mr. Ventres stated they were supposed to send out notices for the review of the Plan of Conservation and Development. Due to the snow, etc., it did not go out. He asked if this could be moved to second meeting in March.

9. ADJOURNMENT

Motion by Mr. Pettinelli, seconded by Mr. Thomas, and carried by unanimous vote to adjourn at 10:37 p.m.

Respectfully submitted,
Holly Pattavina