

PLANNING & ZONING COMMISSION/  
TOWN OF EAST HADDAM  
LAND USE OFFICE  
REGULAR MEETING MINUTES  
April 28, 2015  
(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, James Curtin (regular member), Bernard Gillis (regular member), Ed Gubbins (regular member), Kevin Matthews (regular member), Richard Pettinelli (alternate member), Louis Salicrup (regular member) Harvey Thomas (regular member)

**COMMISSIONERS ABSENT:** Martha Hansen (alternate member), Jessica Stone (alternate member)

**OTHERS PRESENT:** Jim Ventres, 9 members of the public

**3. MINUTES**

The minutes of the April 14, 2015 regular meeting were accepted with the following amendments:

- Page 1, add Kevin Matthews as present
- Page 3, 5<sup>th</sup> paragraph, 1<sup>st</sup> sentence: Add “Tylerville” before “four corners” to clarify.
- Page 6, 3<sup>rd</sup> paragraph, 4<sup>th</sup> sentence: Strike “was”

**4. BILLS**

None

**5. ACKNOWLEDGMENTS**

**A) Modification to Application #22-02 (approved 10/08/2002), Goodspeed Musicals, 8 Main Street (The Gelston House), Modification of hours for “Outdoor Live Music”. Assessor’s Map 17, Lot 10.**

**First date: April 28, 2015**

**Last date: July 2, 2015**

No one representing the applicant was present at this meeting. Mr. Ventres explained that the Goodspeed had the summer concerts on its grounds last year on Monday evenings. They then had their own music, and would like to extend their allowed times. Mr. Curtin understood it is a limited season, and there are times when the weather does not permit outside entertainment.

A commissioner asked if the neighbors would have to be noticed, to which Mr. Ventres responded they would. This would be a special exception approval for that particular establishment.

The commission discussed the taxes, which were attached to the Goodspeed's application.

**Motion by Mr. Gubbins, seconded by Mr. Matthews, and carried by unanimous vote to set a public hearing for May 12, 2015, 8:00 p.m. at the Town Grange to hear Modification to Application #22-02 (approved 10/08/2002), Goodspeed Musicals, 8 Main Street (The Gelston House), Modification of hours for "Outdoor Live Music".**

#### **ADDITION:**

**Donald Bergeron, 89 North Moodus Road, LLC, 89 North Moodus Road, modification of previous approval. Assessor's Map 73, Lot 10**

**First date: April 28, 2015**

**Last date: July 2, 2015**

Mr. Don Bergeron of 89 North Moodus Road LLC, addressed the commission and asked that the previously approved buffers around the former Williams property be reconsidered. Mr. Bergeron explained to the commission that he purchased the Williams property, and Ms. Williams should be moving by Friday.

Mr. Bergeron reviewed the previously approved plan and explained that he put a 530-foot level spreader in one of the locations. He asked that the buffer be changed to not require all of the buffer. In another area, he asked that some of the trees be removed on the east-west buffer berm, as he feared they would grow and eventually fall over because they were on the berm.

Discussion ensued regarding the legal ramifications of changing the condition of approval. It was noted that Mr. Bergeron is now the legal owner of the property, and as such, is the only neighbor to be affected by this buffer. It was noted that a condition of approval should be that a note be placed on the deed that informs the next purchaser of the house to acknowledge that they are a neighbor of a campground, and the site plan on file in the Land Use Office be marked accordingly. Mr. Salicrup commented that this could be somewhat of a "legal wrangling".

**Motion by Mr. Curtin, seconded by Mr. Gubbins to amend the previous approval of March 10, 2015 to eliminate the buffer required in the last approval to the East of the former Williams property and also eliminate the existing buffer to the South of the former Williams property. Prior to the re-sale of the former Williams property, deed language shall be drafted and reviewed by the Land Use Administrator. The language shall be drafted to ensure the new owners are aware of the existing use of the adjoining property as an approved campground.**

## **6. REVIEW OF PLAN OF CONSERVATION AND DEVELOPMENT**

Mr. Ventres sent the draft to Peter Simmons of the Economic Development Commission (EDC). Mr. Casner believed the EDC and Mr. Ventres should review the information before this commission discusses it. It was suggested the discussion be tabled until the next regularly scheduled meeting.

**Motion by Mr. Thomas, seconded by Mr. Matthews to amend the order of business.**  
**Motion carried by unanimous vote.**

## **8. ZEO REPORT**

### **A) Shagbark**

Mr. Casner reported that things are moving forward. Mr. Pettinelli inquired about the bathrooms and the septic system. Mr. Casner reported that the handicapped bathroom is being installed now. He added that the bathroom is not dependent upon the septic if they cannot get it in before the bathroom.

It was noted that there are new signs at Shagbark. Mr. Ventres will check into this and report at a future meeting.

### **B) Cameron Family Farms**

Mr. Ventres distributed the notice of violation that was given to the owner of Cameron Family Farms.

Mr. Ventres stated he met with the Building Official, CT Department of Energy and Environmental Protection (DEEP), Haz Mat, Thad King of Chatham Health District, and Mr. Cameron.

Mr. Ventres reported that the business owner moved his chickens into a building that was not approved. There are also issues with trash and debris, which can be resolved. Prior to removing 2000 birds out of the building, he has to have permission from the Connecticut Agriculture Dept, as well as the Town's building official and fire marshal for their new location.

Mr. Ventres stated that many violations have been found on this property. The business owner made many changes to the buildings without approval. Mr. Ventres re-explained to the business owner that they need to do the things that the State and local officials require. One of these was to de-beak the chickens because they are beating up each other. The State will not allow him to sell his product until he has complied with all regulations. It was noted that the buildings have been converted so much, they will likely not be able to be used for anything else.

The business owner is putting all of the waste into a dumpster and removing it off-site. Mr. Curtin noted that this person has a zoning violation, as well as many State violations. The former theater building is housing birds and should not. The business owner has approximately 6,000 chickens, as well as turkeys and ducks.

Mr. Ventres stated that Chatham Health District did some water tests this week to make sure the water is safe. All of the work that was done was completed without permits. Mr. Ventres stated he gave Mr. Cameron a time frame to try to solve the issues with the Department of Agriculture.

Mr. Pettinelli asked about the A-frame signs for hotdogs on East Haddam Colchester Turnpike.

Mr. Ventres has been working on disc golf, three closings for open space parcels, as well as the middle school. Mr. Ventres stated they put out Requests for Proposals, and they will get started with plans for the old middle school fields. The proposal for usage was for as much flat area as possible for youth

soccer, etc. Mr. Ventres stated the biggest challenge with making areas flatter is dealing with stormwater runoff.

Mr. Brownell asked what happened to re-configuring the Town green area. Mr. Ventres stated they submitted a grant request; however, there were so many applicants, they were not awarded the grant at this time.

Mr. Gubbins asked about the dumpster at the Town Tavern restaurant. He noted that this commission really pursued Two Wrastling Cats when they had issues with their dumpsters. He asked that this be checked into soon.

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

## **7. PUBLIC HEARING**

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

**A) Continued: 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: March 10, 2015**

**Last date: May 14, 2015**

Mr. Nemergut addressed the commission and submitted revised plans as of today. He also distributed a revised statement of use, revised as of today. He explained that the revised plans and revised statement address comments from the commission and the fire marshal after their reviews.

Mr. Nemergut stated the fire marshal had two comments. One was regarding the emergency access road. He noted there is emergency access all around the property, as well as for the residence facility. He asked for a sign that it is for emergency access. He also wanted a 10'x60' pull off area for fire truck, which was added.

Mr. Ventres read into the record a letter from Chatham Health District. The site plan and proposed modifications and additions on the site meet the requirements of the Public Health Code Section 19-13-103. One condition of approval is that the existing septic system is to remain as is, with no alterations or additions.

Mr. Ventres distributed and read the Notice of Exceptions from Mr. Robert Scully, Connecticut Department of Public Health (DPH), dated April 27, 2015.

Mr. Nemergut stated they revised the plan and statement of use to address comments of this commission. These changes are highlighted in red on the statement of use. He reviewed these changes for the commission. The paragraph in the middle of the first page outlines the discussion about possible additional events. Page 2 reflected a new water tower for storage of roof runoff for garden watering.

Mr. Nemergut distributed photographs similar to what the proposed structure previously described as "temporary" would look like. He stated this should really be considered a permanent structure. The

proposed lighting and signage was described on Page 3. There are a few lights that are mounted on the trees and are pointed downward. There are some unusual shaped specimen trees that would have landscape lighting pointed upward to illuminate the trees.

For the large event lighting, there would be two on the north side of the temporary parking area and three on the south side. All of the lighting proposed, except the special event lighting, will be programmable lighting. From being on the property at night, Mr. Nemergut could confirm that the lighting is low level. Mr. Nemergut stated there has always been a sign for I-Park. It will be less than 16 square feet.

On the event days, there will be temporary signs put out on the day of the event. For the special events, the signs will go up one week before the event, and will be posted along the road frontage. They signs will be removed the day after the event.

Mr. Salicrup referred to the special event lighting, where it was mentioned that they have not received any complaints. He asked if they had been used at the new location, to which Mr. Crispino stated they had not.

Mr. Pettinelli asked about the water tower. He stated the foundation would have to be extensive, and the 25-foot fall zone could put it on top of the 1,000 gallon propane tank. Mr. Nemergut will address this.

Mr. Brownell opened the hearing to the public. No public comments were offered.

Mr. Nemergut stated they would stipulate to the fall zone change for the water tower.

Mr. Salicrup asked if this was a non-profit organization, to which Mr. Crispino responded affirmatively. Mr. Matthews questioned the hours for the special events. Mr. Crispino stated they usually go until one to two hours after sundown. Mr. Thomas asked if that was in the statement, to which it was stated it was not. Mr. Thomas asked if the applicant would have an issue with a stipulation that event would go past 10:30 p.m. Mr. Crispino stated they typically have after-party events, where there would be no generators, etc. running for the large lights, but they would still have the path lights lit.

Mr. Pettinelli asked that the parking area be designated.

**Motion by Mr. Gillis, seconded by Mr. Matthews to close the public hearing for 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 carried by unanimous vote.**

**Motion by Mr. Thomas to approve 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, with the following conditions:**

- **Work shall be done in accordance with the site plan revised April 28, 2015, with the amendment to relocate the water tower.**

- **Work shall be done in accordance with the revised statement of use dated April 28, 2015.**
- **All requirements of Chatham Health District shall be met.**
- **All conditions of the State Department of Public Health shall be met.**
- **All conditions of the local Fire Marshal shall be met.**
- **All conditions of the Inland Wetlands and Watercourses Commission shall be met, as outlined in the approval letter dated June 16, 2014.**
- **A waiver of Section 4.02.1 – stormwater management is granted for this application.**
- **Lighting for all special events shall be limited to 10:30 p.m.**
- **The parking areas shall be designated.**

**Motion seconded by Mr. Gubbins. Voting: Unanimous Aye, except Mr. Gillis and Mr. Curtin, who abstained. The motion passed.**

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

**B) New: Application 15-07, Ryan Scully, 25 Falls Road (Goodspeed Realty), Special Exception Review for new landscaping business with future retail. Assessor's Map 65, Lot 47.**

**First date: April 28, 2015**

**Last date: June 2, 2015**

Mr. Ryan Scully addressed the commission. This application is for the old lumberyard plaza. He showed a map of the property, and oriented the location. There is a small office he will utilize above DaVinci Pizza. There is a proposed area for a mafia block retail space for mulch and aggregate materials. Recently, he was asked to change the location of the mulch bins. The new location will be in the grassed area. As you enter the property, you will be looking directly at it.

Mr. Brownell asked if this was the area in which the church was going to use for overflow parking. He was concerned that Ms. Goodspeed knew what was going on with the property. Mr. Scully stated they would gravel the area. They may have some stone work for sale as well. He believed the lot could benefit from cleaning it up a bit. They would like to place a small carefree-type building for sales. He was uncertain how it would work in the beginning.

Mr. Brownell asked what the regulations would be for a shed at this location. Mr. Ventres stated it would be beneficial for him to meet Mr. Scully and the property owner in the field, and then to get a better idea of the details. Mr. Ventres stated he needed the green cards. Mr. Scully has received the green cards, but did not bring them this evening.

Mr. Matthews informed Mr. Scully that he should just meet with Mr. Ventres and the property owner in the field, put everything down on paper, and then come back to the next meeting. It was noted that he should include all information for his proposed sign.

Add sign.

**Motion by Mr. Thomas, seconded by Mr. Gubbins, and carried by unanimous vote to continue the public hearing for Application 15-07, Ryan Scully, 25 Falls Road (Goodspeed Realty), Special Exception Review for new landscaping business with future retail until the next regularly scheduled meeting on May 12, 2015, 8:00 p.m. at the Town Grange.**

## **8. ZEO REPORT (Continued)**

Mr. Ventres stated the commission asked a while ago about NL Jacobson for construction update costs. He distributed the breakdown of the reasons for the charges. Mr. Curtin suggested since things are relatively stable, that they might consider changing to this review of every two years to save some money.

Mr. Ventres reported that Shagbark brought forth to the Board of Selectmen a proposal for 5-6 acres of a solar array. They are looking for the Town to purchase excess power for municipal use. However, it was noted that this needs Siting Council approval. There was an engineer also looking at other areas in town. Mr. Ventres noted that 5 acres of this would power approximately 200 houses. This solar incentive program is going to end next year, so there is a push to do it now.

Mr. Brownell noted that because there is Siting Council jurisdiction, they might have a public hearing and take input, but they do not even have to respond to it. Mr. Brownell asked what would happen if someone was in the historic district. Mr. Ventres believed this would be problematic.

Responsive to inquiry by Mr. Curtin, Mr. Ventres asked where Shagbark planned to put this. Mr. Ventres stated the schematic appeared to have the panels going where their lumber yard is now. The panels may be raised up in the air.

## **9. ADJOURNMENT**

**Motion by Mr. Gubbins to adjourn at 8:48 p.m. Motion seconded by Mr. Matthews, and carried by unanimous vote.**

Respectfully submitted,

Holly Pattavina