

PLANNING & ZONING COMMISSION/
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
September 8, 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), Martha Hansen (alternate member), Kevin Matthews (regular member), Richard Pettinelli (alternate member), Louis Salicrup (regular member), Harvey Thomas (regular member)

COMMISSIONERS ABSENT: Jessica Stone (alternate member)

OTHERS PRESENT: Jim Ventres, and 25 members of the public

3. MINUTES

Tabled

4. BILLS

Branse & Willis	\$203.50
(Administrative procedures & phone call with Mr. Ventres)	

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

5. ACKNOWLEDGMENTS

None

6. EDC

Mr. Matthews reported that their subcommittee meeting was cancelled, and it has been rescheduled to this Thursday.

Motion by Mr. Curtin, seconded by Mr. Gubbins to change the order of business. Motion carried by unanimous vote.

8. ZEO REPORT

A) Shagbark

Mr. Casner was not present at this time to report. Mr. Ventres informed the commission that the permit has been pulled for the septic system, but it has not yet been installed.

B) Cameron Family Farms/Shady Brook

Mr. Ventres emailed the owner, and has not yet gotten a response. He will follow up with him tomorrow.

C) East Haddam Swing Bridge

Mr. Ventres had a meeting scheduled, but he has since been subpoenaed to court for a neighborhood dispute. This meeting will have to be rescheduled.

Other:

Mr. Ventres distributed a document titled East Haddam Zoning Regulation Family Dwelling Unit Size Present. Discussion ensued regarding the family dwelling unit sizes.

Mr. Matthews asked if there is a difference between attached or detached for accessory dwellings. Mr. Ventres stated there has to be an extra half-acre. The consensus of the commission was to discuss this at the same time they discuss no minimum square footage in the Village District.

The commission discussed various locations in town, including the Somaski project, Mill Road, etc.

Mr. Ventres stated that the CT DEEP is no longer doing pre-determinations for wastewater systems. He has been told by a CT DEEP representative that they do not have the manpower to do this, although it is not a policy. Mr. Ventres contacted Branse & Willis, who had not yet heard of this development either. Mr. Ventres was advised by the CT DEEP that the local approval should come first. He distributed a letter dated February 23, 2015 from the Town of Guilford, which refused building permit approval on a major project until a final determination of approval is received from the CT DEEP. Mr. Ventres has informed people who are applying that whatever the applicants submit must be approvable through CT DEEP.

Mr. Brownell asked if our regulations need to be changed to meet the new procedure at the CT DEEP. Mr. Ventres asked this question of the commission's attorney, but has not yet received an answer.

Mr. Ventres recommended conditioning approvals until final approval by the CT DEEP.

Mr. Ventres gave a copy of the motion for contempt in the Milan Cais matter.

Mr. Brownell asked what Mr. Ventres had been subpoenaed for. Mr. Ventres stated he was going to court for a neighbor dispute regarding a driveway reshaping.

Discussion ensued regarding the water pollution control authority, as a sewer backup for Banner.

Mr. Ventres stated there was a Bashan Lake Association meeting recently. They had a botanist in attendance at the meeting. They determined the lake would rise somewhat next year. There is some concern about biomass on the bottom of the lake. A motion, by the association, was made to treat what is out there now. Mr. Ventres stated the motion was made if they could raise \$40,000.00 in three weeks. Three people offered \$1,000 to treat the phragmites in the lake. Discussion ensued regarding various treatments. Mr. Ventres stated Brooks Cove, and the shallow areas are the places that will have issues. Mr. Ventres stated as of the other day, they had raised \$13,000 toward the treatment.

Mr. Brownell asked if Mr. Pettinelli and Mr. Ventres have discussed the stormwater regulations. They have not met yet, but hoped to soon.

Mr. Brownell asked if the commission wanted to begin looking at planning for areas such as Moodus again. It was suggested once the subcommittee report on sewer is available, they could discuss it.

Mr. Casner asked if the commission had discussed signage again. Mr. Ventres stated the chimney sweep would be getting a phone call from him tomorrow. Mr. Casner stated there should be some regulations for signage. He stated the new veterinary practice needed a sign to let people know they are there, but they need to have approval from the property owner, etc. Mr. Pettinelli noted that many of these signs are on property technically owned by the Town or the State of Connecticut. Mr. Pettinelli stated it could become a liability issue. Mr. Ventres asked if the commission had a chance to look at the "off premise signs". Mr. Ventres stated there are also issues with some of the farms, which have signs in many locations. Mr. Casner stated the directional sign near the coffee shop was located on private property. Mr. Gubbins asked if they regulate a seasonal business.

Mr. Brownell asked Mr. Casner to look for a few volunteers to serve on a subcommittee, as well as members of Planning & Zoning. Mr. Casner will bring this up at the next Economic Development Commission meeting.

Mr. Ventres asked if the town's directional sign was still available. Mr. Casner stated it was still here, but the landowner did not want a sign as large as that one.

Mr. Thomas asked if the issue was off site directional signs as opposed to advertising signs. Mr. Pettinelli stated his issue was the incorporation of sandwich boards, half of which are advertising businesses that are not in our town.

Mr. Thomas volunteered for this subcommittee.

7. PUBLIC HEARING

A) New: Application #15-12, 18 Shore Road, Daniel O'Mara & Ralph Affinito, Special Exception review for a mobile food cart unit (hot dog cart). Assessor's Map 67, Lot 66.

Mr. Daniel O'Mara addressed the commission. He presented three green cards to Mr. Ventres. Mr. Ventres stated if any others come in, just submit them to him.

Mr. O'Mara stated he would like permission to have a food cart and to sell hotdogs and hamburgers. Mr. Ventres stated the commission took the recommendations of the EDC in the winter of 2014 to put together a regulation that would allow this. They previously had no regulation to allow it. A public

hearing was held, and approved in May, 2015. Now Mr. O'Mara has a legal route to apply. Mr. Ventres stated Mr. O'Mara meets the criteria for the regulation. He asked about dumpster. Mr. O'Mara has All Waste coming for the season.

Mr. Ventres reviewed the hours of operation, etc. Mr. Gillis asked the season. It was noted that the season was April 1 through October 31.

Mr. Salicrup asked if Chatham approved the food cart. Mr. Ventres stated they have approved the food cart. Responsive to inquiry by Mr. Salicrup, it was noted that Mr. O'Mara was approved through Chatham Health District for hotdogs, hamburgers, and fries.

Mr. Ventres read into the record a letter dated September 8, 2015 from Peter Simmons, EDC Coordinator. This memorandum was in support of this application.

Mr. Thomas asked if it was the intent that 18 Shore Road was the only place in East Haddam he planned to use this cart. Mr. O'Mara stated this was the only place he planned to use it. Mr. Ventres stated that if East Haddam had a special event, he could use this cart at such event. Mr. Thomas asked if this was proposed to be changed to a different location, if it would have to go under special exception approval again. Mr. Ventres stated this would require a new review.

Mr. Pettinelli stated this sign keeps getting taller. He stated this might fall under our new regulations, since it is on Town property.

Mr. Brownell opened the hearing to the public.

First Selectman Mark Walter thanked this commission for working with the applicant, and he would have the first legal food cart in town.

Mr. Bob Casner believed this was a nice addition to what East Haddam has to offer. He whole-heartedly supported this application.

Motion by Mr. Gubbins to close the public hearing for Application #15-12, 18 Shore Road, Daniel O'Mara & Ralph Affinito, Special Exception review for a mobile food cart unit (hot dog cart). Motion seconded by Mr. Matthews, and carried by unanimous vote.

Motion by Mr. Thomas to approve Application #15-12, 18 Shore Road, Daniel O'Mara & Ralph Affinito, Special Exception review for a mobile food cart unit (hot dog cart). Motion seconded by Mr. Salicrup, and carried by unanimous vote.

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

B) New – Application #15-15, O'Connell Road Extension, Town of East Haddam, road drainage improvements.

First date: September 8, 2015

Last date: October 13, 2015

Mr. Jason Nemergut of Nemergut Consulting addressed the commission. He stated this is a dirt road, which is fairly flat for the first third, and then it becomes constantly steeper. Currently there are some

informal leak offs, and two culverts. Every time it rains, it gets washed out. The leak offs become non-functional. On the northern third of the road, there will be curbs and catch basins. Driveways will have a 2-inch lip. Where the topography allows, they will have grass swales. They will go back to pipes to reduce the water. In addition, based on feedback, they propose a 25 x 50 foot gravel parking area for school bus stop next to Ackley Cemetary, which will hold approximately 6 cars. It is 18-feet wide now, and it is a bit tight for people to wait for the bus. The school bus does not drive down this road.

Mr. Pettinelli asked if there were any vertical or horizontal lifts. Mr. Nemergut stated there are a couple high points to take down, but nothing major. Mr. Pettinelli asked if there was a concern with increased speed. Mr. Nemergut stated speeds are more once roads are paved. Ms. Lunt, Public Works Director, stated she has witnessed people driving 50 mph on this road now. She stated once it is paved, it will be posted as 25 mph. It will be paved immediately upon approval. Mr. Ventres stated because of the increased traffic they get on this road, it is multiplying the erosion factor. Ms. Lunt stated after every significant rain event, they have to send the grader out to this road.

Mr. Ventres read into the record a letter from Randolph Dill, IWWC, dated August 26, 2015, which gave conditional approval for this application. Mr. Ventres stated they did send notification to everyone on O'Connell Road about this application and for tonight's hearing.

Mr. Brownell opened the hearing to the public.

Mr. Casner asked about improvements to the utilities. Ms. Beth Lunt, Public Works director, stated current regulations require the move of one transformer. After significant rain events, the conduit is actually exposed. They believe this is electrical conduit, although Eversource is telling the town that it is telephone conduit. However, the neighbors have reported lights dimming and power surges when large, heavy trucks travel this area.

Mr. Walter stated he and Ms. Lunt will meet with Eversource to resolve the conduit issue.

Mr. Gubbins asked the estimated cost for this project. Ms. Lunt stated last year, they received an estimate for \$400,000, and this project has been budgeted into this fiscal year. However, they may need to do significant tree removal or they may hit ledge, which could increase the cost.

Motion by Mr. Gubbins to close the public hearing for Application #15-15, O'Connell Road Extension, Town of East Haddam, road drainage improvements. Motion seconded by Mr. Matthews, and carried by unanimous vote.

Motion by Mr. Thomas to approve Application #15-15, O'Connell Road Extension, Town of East Haddam, road drainage improvements, as an 8-24 review and the commission finds that the proposal is consistent with the Plan of Conservation and Development. Motion seconded by Mr. Gillis, and carried by unanimous vote.

OTHER:

A townsperson, Mr. Thomas Salvo, on Shulman-Veselek Road stated a property across from him was recently purchased for commercial use, and he had questions and concerns about it. Mr. Ventres asked if this was for the group home, to which the townsperson responded affirmatively. Mr. Ventres stated this oversight was taken away from the town statutorily approximately 20 years ago. Mr. Ventres stated

there are approximately 12-15 group homes in town now. It is out of the town's jurisdiction. Mr. Brownell stated he has had one near his house for 30 years. The person stated one concern was about the company falling into financial hardship. Mr. Curtin noted that these houses are run and supervised by the State, and are well-maintained. Mr. Ventres stated he has been the land use administrator for 20 years, and has only had one call from a person who had a loud radio.

9. ADJOURNMENT

Motion by Mr. Gubbins to adjourn at 8:36 p.m., seconded by Mr. Matthews, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina