

PLANNING & ZONING COMMISSION/
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
October 13, 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: Cary Brownell–Chairman, James Curtin (regular member), Bernard Gillis (regular member), Ed Gubbins (regular member)(arrived 7:23 p.m.), Martha Hansen (alternate member), Louis Salicrup (regular member), and Harvey Thomas (regular member).

COMMISSIONERS ABSENT: Kevin Matthews (regular member), Richard Pettinelli (alternate member), and Jessica Stone (alternate member).

OTHERS PRESENT: Jim Ventres, and 6 members of the public.

Mr. Curtin appointed Ms. Hansen to vote in place of Mr. Matthews this evening.

3. MINUTES

The minutes of the September 22, 2015 regular meeting were accepted with the following amendments:

- Page 2, Paragraph 6, 2nd sentence: Drop the “d” from “included”
- Page 4, Item D, Paragraph 4, 2nd sentence: Add “proposed” after “hydrant”

4. BILLS

Branse & Willis	\$37.00
Hartford Courant	435.77
NL Jacobson & Associates	160.44
(Banner project)	

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

5. ACKNOWLEDGMENTS

A) New: Application #15-19 – 31 Main Street, St. Stephen’s Church, Use of existing kitchen for commercial purposes. Assessor’s Map 17, Lot 12.

First date: October 13, 2015

Last date: December 16, 2015

No one representing the applicant was present at this meeting. Mr. Ventres brought this before the commission to make a recommendation as to whether this required a public hearing or a commission review. Mr. Ventres explained that St. Stephen's is requesting approval to occasionally lease out their kitchen for commercial use.

Mr. Curtin asked about the sewer capacity/flows. Mr. Ventres stated that if the uses were baking and non-grease cooking, the flows would be low. Mr. Ventres stated they do not currently have a fire suppression system. Responsive to inquiry by Mr. Salicrup, Mr. Ventres stated they have a small grease trap.

Mr. Gillis asked if they wanted to do more grease-based cooking, if they would have to come back to this commission. Mr. Ventres stated depending upon the usage, he would recommend they come before the commission. Mr. Curtin commented that even if they put in this type of system, it really would not change their use. Mr. Ventres stated if they decided to really increase their use significantly, he might recommend coming back before the commission.

Mr. Thomas stated they should assume the kitchen would be used more often.

Mr. Gubbins arrived at this time.

Mr. Thomas asked why the people who are adamantly opposed to the commercial kitchen on the Harris property are not also concerned with this. Mr. Ventres stated this was a private entity, not a town-owned property.

Mr. Salicrup asked if there would be a conflict if someone rented the parish hall for a reception, and they had a caterer. Mr. Ventres stated the person renting the hall would work that out with St. Stephen's.

Mr. Brownell noted the applicant was using what they have, and not changing anything. Mr. Salicrup and Mr. Curtin agreed. Mr. Brownell stated if they were concerned with heavier use, they could come back before the commission.

Motion by Mr. Curtin to accept and approve a special exception waiver for Application #15-19, 31 Main Street, St. Stephen's Church, use of existing kitchen for commercial purposes, under Section 14.B.1., with the condition that if the applicant decides to expand the operation with a grease trap/fire suppression system, that they will come back before this commission. Motion seconded by Mr. Gillis, and carried by unanimous vote.

**B) New: Application 15-20 – 44 Powerhouse Road, Robin Staplins, Special Exception Review for a 630-square foot detached accessory apartment. Assessor's Map 72, Lot 35.
First date: October 13, 2015 Last date: December 16, 2015**

No one representing the applicant was present at this meeting. Mr. Ventres informed the commission that this applicant could be ready for a public hearing on October 27, 2015.

**Motion by Mr. Curtin to schedule a public hearing on October 27, 2015, 8:00 p.m. at the Town Grange to hear Application 15-20 – 44 Powerhouse Road, Robin Staplins, Special Exception Review for a 630-square foot detached accessory apartment.
Motion seconded by Mr. Gubbins, and carried by unanimous vote.**

C) New: Application 15-21 – 257 Tater Hill Road, Tater Hill, LLC (Rachel Berg, Special Exception Review for an accessory unit. Assessor's Map 31, Lot 65.

First date: October 13, 2015

Last date: December 16, 2015

No one representing the applicant was present at this meeting. Mr. Ventres explained that this would be for a detached, new accessory unit. Mr. Roger Nemergut is preparing plans for this application. Mr. Ventres stated this application would be ready for the October 27, 2015 meeting.

Motion by Mr. Salicrup, seconded by Mr. Gubbins, and carried by unanimous vote to set a public hearing on October 27, 2015, 8:00 p.m. at the Town Grange to hear Application 15-21 – 257 Tater Hill Road, Tater Hill, LLC (Rachel Berg, Special Exception Review for an accessory unit.

D) Addition to Acknowledgments: Application #15-22, Monique Kananowicz, applicant – 800 square feet of space to be leased from Yardscapes, LLC, 38 William F. Palmer Road.

No one representing the applicant was present at this meeting. This is an application for a fitness center in the Yardscapes building. Mr. Ventres discussed this application with The Chatham Helath District, and as long as they keep the usage to 24 people or less per day, the septic is sufficient.

Mr. Gillis asked if the oil trucks are still stored in the back, to which Mr. Ventres stated they were not.

Mr. Ventres stated this space would be changing from retail to fitness. There are no plans to change the exterior of building, but the inside will be refurbished.

It was noted that if there are not more than 24 people using this space per day, and not 60 days or more, it is not a water company and will not require approval from the Connecticut Department of Health. Mr. Brownell asked how that usage would be regulated. Mr. Ventres explained that the room is small, so they would really have to expand if they wanted more people in there. If that time comes, the commission could re-evaluate the application.

Mr. Ventres asked if the commission felt this was a substantial change, since there is adequate parking, etc.

Mr. Gillis asked about lighting and signage. Mr. Ventres stated the lighting would remain, and the signage would just change for her business.

It was noted that it would look better if the dumpsters were moved and the area was cleaned.

Motion by Mr. Curtin to grant a special exception waiver under Section 14.B.1 for Application 15-22, Monique Kananowicz, applicant, 800 square feet of space to be leased from Yardscapes, LLC, 38 William F. Palmer Road, to be used as a fitness studio. Motion seconded by Mr. Gillis, and carried by unanimous vote.

6. SITE PLAN REVIEW

New: Application 15-18 – 19 Beach Road, Donald and Gail Sama, seasonal to year-round conversion. Assessor's Map 67, Lot 137.

Mr. and Mrs. Sama addressed the commission and submitted the green, certified receipt cards to Mr. Ventres. Mr. Ventres noted this property is located near the Moodus Reservoir. The areas of activity are shown on the plan.

Mr. Ventres read into the record a letter dated October 6, 2015 from the Zoning Board of Appeals, which voted unanimously to grant a waiver for the addition, and also to convert this from seasonal to year-round use.

Mr. Ventres read into the record a letter from the Chatham Health District, dated October 13, 2015. The house will remain a 2-bedroom house. The septic design plan will require the existing tank to be relocated and a new leaching area to be installed at the time of replacement or failure of the system.

Responsive to inquiry by Mr. Brownell, Mr. and Mrs. Sama stated they have previously merged the two pieces of property. Mr. Ventres stated this map would have to be filed on the Land Records as well.

Discussion ensued regarding the well and septic radii. Mr. Salicrup asked which part was the addition. Mr. Sama showed the area on the plan.

Mr. Brownell asked if there were architectural drawings, etc. Mr. Ventres distributed them for the commission's review. There were no issues with height.

Mr. Salicrup asked if there were concerns about the roof surface. Mr. Ventres stated there were none on this small lot.

Mr. Brownell opened the hearing to the public.

Ms. Parody asked if the waivers were made for the variances. Mr. Brownell stated that the ZBA granted the waivers. Mr. Curtin noted that once the ZBA approves an application, the commission has to look at it.

It was noted that the appeal period has not passed yet. Mr. Thomas suggested the commission not act on this application until the appeal period has passed. He recommended the commission wait until the next meeting for action.

Ms. Parady asked about this non-conforming lot. Mr. Ventres explained the avenue for approval for items outside the regulations is the Zoning Board of Appeals (ZBA). The ZBA has already granted this waiver. Mr. Thomas stated if they wanted to challenge the approval, it could go to an appeal. Mr. Ventres stated an appeal would be filed with the court, and the person challenging the approval would have to explain why the application should not have been granted, with the reason, and where the ZBA erred. Mr. Ventres further explained that input from the community is why the ZBA holds a public hearing. Mr. Ventres stated if this property was an exact half-acre, they would not have had to go to ZBA.

Motion by Mr. Curtin to table Application 15-18 – 19 Beach Road, Donald and Gail Sama, seasonal to year-round conversion until the next regularly scheduled meeting on October 27, 2015. Motion seconded by Mr. Salicrup, and carried by unanimous vote.

7. PUBLIC HEARING

New: Application #15-17: 89 North Moodus Road, 89 North Moodus Road, LLC, special exception review for expansion, to include removal of existing building and addition of 7 sites. Assessor's Map 73, Lot 10.

First date: October 13, 2015

Last date: November 16, 2015

Mr. Don Bergeron submitted the green, certified receipt cards to Mr. Ventres.

Mr. Bergeron stated they would like to remove the existing dormitory building, and add 7 sites along the same area on the north boundary along Banner Road. One of the queries that came up at the previous meeting was about the building. He stated he would like to remove the structure, and put 7 sites in its place. The sites will be set back farther from the road than the existing building. They added the trees to the front for a buffer for the campers' benefits. They plan to continue this tree line for the benefit of the campers.

Responsive to inquiry by Mr. Brownell, Mr. Bergeron stated there was a 50-foot line drawn around the property. He was not sure why, as he was not the property manager at that time. Mr. Ventres stated the buffer regulation should be 200-feet, but could be reduced to no less than 50-feet in width.

Mr. Ventres stated he did not have the green card for two properties across the street. Mr. Bergeron stated he had the slips showing that he did mail them.

Mr. Salicrup stated he would be pleased to see that building come down, but he did not know about the technical ramifications of the use. Mr. Bergeron stated the use would be more passive. Mr. Gillis did not see a change in use because it is a campground. Mr. Curtin believed it would be less use because it would not necessarily be filled all the time.

Mr. Thomas asked what would prevent the applicant from moving the driveway to maintain the

larger buffer. Mr. Bergeron responded there were trees that provide a great deal of shade. Mr. Thomas believed once the building was taken down, the 50-foot setback applies. He did not see that there was room to reduce the buffer from the 50-feet. Mr. Bergeron stated the question was whether he could get the sites approved, or he could restore the building.

Mr. Ventres asked if they could flip the tent sites and the RV sites so the road was closer to the property lines. Mr. Bergeron stated he would prefer not have children riding bikes near the road. Mr. Thomas suggested the applicant could add a fence.

Mr. Brownell asked where the trees are located. Mr. Bergeron showed the area on the plan. Discussion ensued regarding the structures and surrounding area. Mr. Ventres suggested they could walk the site and speak with counsel about the buffer regulation.

Mr. Brownell opened the hearing to the public.

Mr. Robert Casner stated the EDC is interested in keeping this project going forward. It is an extremely desirable activity in town. He believed the best thing was to have that building removed.

Motion by Mr. Curtin, seconded by Mr. Gubbins to schedule a field walk on Sunday, October 18, 2015, 8:30 a.m. for Application #15-17: 89 North Moodus Road, 89 North Moodus Road, LLC, special exception review for expansion, to include removal of existing building and addition of 7 sites. Motion carried by unanimous vote.

Motion by Mr. Curtin to continue Application #15-17: 89 North Moodus Road, 89 North Moodus Road, LLC, special exception review for expansion, to include removal of existing building and addition of 7 sites until the next regularly scheduled meeting on October 27, 2015, 8:00 p.m. at the Town Grange. Motion seconded by Mr. Gubbins, and carried by unanimous vote.

6. ECONOMIC DEVELOPMENT COMMISSION REPORT

Mr. Casner distributed the finalized Chapter 8 draft to the commission. After a brief discussion, it was decided the commission would discuss this document at its November 10, 2015 meeting.

7. ZEO REPORT

A) Shagbark

Mr. Casner stated they are not quite finished with the septic hookup. Mr. Ventres and Mr. Casner will meet to go for a final walk through. Mr. Ventres will contact Mr. Casner to schedule a time for this walk, and will report at a future meeting.

B) Cameron Family Farms/Shady Brook

Mr. Ventres reported that the State is trying to set up a meeting on October 30. Cameron Family Farms is now known as New England Hatchery.

Mr. Ventres noted there are still birds in the upstairs. He noted that they are still talking to individuals in Lebanon about a working chicken farm.

C) East Haddam Swing Bridge

It was reported that the bridge has been getting stuck open recently. The commission discussed the opening and schedule.

D) Sillmanville Road Court Case

Mr. Ventres stating the property owner is still adding debris to the property. Five people have contacted the Land Use office. There is a similar issue on Powerhouse Road again. The property owner has filed an appeal, so they must wait for a ruling from the Appellate court.

Mr. Gubbins asked what a blight ordinance would do for this type of situation. Mr. Ventres stated this issue occurred before an ordinance would be in place. However, if it were not already in court, Mr. Ventres believed having a blight ordinance would help. Mr. Thomas suggested a blight ordinance could fine an offender, begin imposing fines, and then pursue court action. It was noted that this commission drafted a blight ordinance but it never moved forward. It was further noted that this would have to move forward at the Selectman's office.

Mr. Ventres mailed copies of information on signs to each commission member.

Mr. Ventres stated he met with Mr. Pettinelli to discuss stormwater.

Mr. Ventres distributed a flyer for an educational workshop on Freedom of Information, hosted by Ms. Denette. The workshop will be held on November 30, 2015, 7:00 p.m. at the Town Grange.

Mr. Ventres distributed an article on Johnsonville for the commission's review. This was sent to Mr. Ventres by Mr. Denis Grecci from the CT DEEP.

9. ADJOURNMENT

Motion by Mr. Gubbins, seconded by Mr. Curtin, to adjourn at 8:43 p.m. Motion carried by unanimous vote.

Respectfully submitted,

Holly Pattavina