

PLANNING & ZONING COMMISSION/
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
October 27, 2015
(Not yet approved by the Commission)

1. CALL TO ORDER: Mr. Brownell called the meeting to order at 7:30 p.m. at the Town Grange.

2. ATTENDANCE:

COMMISSIONERS PRESENT: Cary Brownell - Chairman, James Curtin (regular member), Bernard Gillis (regular member), Martha Hansen (alternate member), Louis Salicrup (regular member), Richard Pettinelli (alternate member), and Ed Gubbins (regular member),

COMMISSIONERS ABSENT: Kevin Matthews (regular member), Harvey Thomas (regular member) and Jessica Stone (alternate member).

OTHERS PRESENT: Jim Ventres, Marilyn Gleason, Emmett Lyman, Robert Casner, Donald Bergeron, Roger Nemergut, Robin Staplins, Rachel Berg, and 4 members of the public.

Mr. Brownell appointed Mr. Pettinelli to vote in place of Mr. Matthews this evening.

3. MINUTES

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

- Page 1, "OTHERS PRESENT" section, 2nd sentence: Change "Mr. Curtin" to "Mr. Brownell"
- Page 3, Item D, Paragraph 1, 3rd sentence: Change "Helath" to "Health"
- Page 4, Section 6, Paragraph 9, 1st sentence: Change "Parody" to "Parady"

The minutes of the October 18, 2015 Special Meeting, Field Inspection were accepted with the following amendments:

- The correct time of adjournment was 9:30 am not 9:00 am as stated.

4. BILLS

Gould, Larson, Bennett & McDonnell, P.C. \$876.44

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

5. ACKNOWLEDGMENTS

None

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. Ventres stated that at the last meeting this application was tables since there may have been an appeal of the decision made by the Zoning Board of Appeals at their September 24, 2015 meeting. Since no appeal notices have been received, the commission can now move forward with this application. Mr. Ventres also noted that at the previous meeting the letters of the Chatham Health District and the Zoning Board of Appeals were read into the record.

Mr. Gillis asked how involved The Chatham Health District was with the review of the existing system. Mr. Ventres stated that under the Connecticut Public Health Code they need to be sure that a code complying area exists if the existing system failed. Mr. Sama said that Ms. Davidson (Chatham Health District Health Inspector) inspected the existing systems and "D" boxes along with conducting test pits and perc tests on the property.

Mr. Salicrup asked if the septic tank has been pumped out. Mr. Sama said that it has to be pumped out prior to the building permit being issued.

Mr. Curtin noted that all septic tanks are required to be pumped out every five years and the hauler has to submit reports to the Chatham health District.

Motion by Mr. Curtin to approve Application 15-18 – 19 Beach Road, Donald and Gail Sama, seasonal to year-round conversion. Motion seconded by Mr. Gubbins, and carried by unanimous vote with Mr. Pettinelli abstaining.

7. LOT LINE REVISION

New: Application #15-23 – 104 Bashan Road, Peter Albrycht, Lot line Revision. Assessor's Map 58, Lots 130 & 131.

First date: October 13, 2015

Last date: December 16, 2015

Mr. Ventres presented plans to prepare by Robert Weaver, L.S.. The owner wishes to take the lake access strip away from 104 Bashan Road lot and add it to his vacant lot. Both lots after the lot line revision would conform to the East Haddam Zoning Regulations.

Mr. Ventres also noted that he discussed the proposal with Liz Davidson of the Chatham Health District and she said that the area being removed from 104 Bashan Road could not be used for a septic area.

Motion by Mr. Curtin to approve application #15-23 – 104 Bashan Road, Peter Albrycht, Lot line Revision. Assessor's Map 58, Lots 130 & 131. Motion seconded by Mr. Gubbins and carried by unanimous vote.

A motion was made by Mr. Pettinelli to change the order of business. The motion was seconded by Mr. Gubbins and carried by unanimous vote.

9. ECONOMIC DEVELOPMENT COMMISSION REPORT

Bob Casner noted the goal was to discuss the report fully on November 10, 2015 when there would be less items on the agenda.

10. ZEO REPORT

A) Shagbark

Mr. Ventres said that Jim Carlson is almost done with the septic system and he was still waiting for a mylar and a conservation easement from Attorney Jezek.

B) New England Hatchery/Shady Brook

A field walk is scheduled for this Friday (October 30, 2015) with the owner of New England Hatchery, his veterinarian, his architect, and a representative for the Connecticut Department of Agriculture.

C) East Haddam Swing Bridge

There is nothing new to report at this time. Currently there is no timeline for the repairs but it usually takes years of planning.

D) Sillmanville Road Court Case

There still has been no written statement as to why Mr. Cais is appealing the decision. Mr. Ventres stated that he thought Mr. Cais had ninety days to file his statement.

E) Powerhouse Road Court Case

The appeal was heard in the court system on Septmeber 24, 2015. The court typically has at least ninety (90) days to render a decision.

F) Other ZEO Reports

Sillmanville Road Violation

Mr. Ventres stated that 135 Sillmanville Road was issued a Cease and Desist Order over sixty days ago and the owner has not attempted to submit applications to reconstruct the house and use the trailer for temporary housing. Mr. Ventres will be contacting Attorney Willis and move this matter to the courts.

Town Street - Anderson Property

Mr. Ventres informed the Commission that no activity has occurred since the Cease and Desist Order which has almost been two (2) years. This will also be referred to Attorney Willis for court action.

451 Town Street - Kroc Property

Mr. Ventres said that he has met with the property owner twice. The first time two months ago and little has been removed. There are at least six vehicles that need to be removed.

72 Oak Road – Carson Property

Mr. Ventres informed the commission that this matter has been referred to Attorney Willis and he has forwarded a letter to Ms. Carson. There has been no reply at this time.

Heliport Regulations

Mr. Ventres stated the Mr. Knakal has requested that the Commission consider adding Heliport Regulations to our Zoning Regulations. Mr. Ventres distributed a draft regulation. The Commission requested time to review the document.

32 Main Street

Mr. Ventres distributed a web page advertisement for a 32 Main Halloween Party which included the outside barbeque. He said that several outside parties have been held with pictures posted to the website. Chatham Health District noted that there is no approval for outside seating and events and their Liquor License was only for inside serving. A notice will be sent to them shortly.

East Haddam News – Public Notices

Mr. Ventres asked if the Commission would consider changing the advertising of public notices to The East Haddam News (the new weekly paper).

Presently, the Hartford Courant distributes under 400 papers in the area and the East Haddam News is mailed to 4500 households. The cost would be about one half of the present cost. The only downside is that public hearings would have to be scheduled four (4) weeks out instead of two (2) due to the timing of the notices.

The Commission thought it would be better to have the information distributed to everyone. Mr. Ventres said that the final decision is the Selectmen's. Mr. Ventres will let the Selectman's Office know that the Commission would like to work with The East Haddam News.

2016 Meeting Schedule

Mr. Ventres noted that next year's schedule has to be posted by December 1, 2015. Mr. Brownell stated that he would review the proposed dates.

8. PUBLIC HEARING

Continued: 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. Brownell read into the record the public hearing notice.

Mr. Pettinelli stated that he would be abstaining from the vote on this application.

Mr. Donald Bergeron presented revised plans which place the access road and the seven camp sites to the south of the fifty (50) foot buffer. He stated that the picnic tables and fire pits would be in the fifty (50) foot buffer but the plantings would be along the road.

Mr. Brownell felt that the regulations allowed passive uses such as picnic tables and fire pits in the buffer area as long as enough buffering is installed. Mr. Bergeron plans to plant White Pines twelve (12) feet on center. The last set he planted were twenty (20) feet on center and within three (3) years they filled in nicely. Mr. Bergeron estimated that the new plantings should fill in within one (1) and one half (1/2) years.

At this point Mr. Brownell opened the hearing to the public.

Robert Casner, Chairman of the East Haddam Economic and Development Commission, stated that he felt that Mr. Bergeron has improved the neighborhood and has done a beautiful job. The site is used by the public and hopes the changes meet the regulations. Taking the old building down will make the site and Banner Road look better. Mr. Casner also stated that The Economic Development Commission supports this request.

Mr. Ventres read into the record a letter from Chris Bell PE. The letter stated that the existing septic system has had vehicles over it and in his opinion the driveway will not be a problem over the existing system.

A motion was made by Mr. Salicrup to close the Public Hearing 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 seconded by Mr. Gubbins and carried by unanimous vote with Mr. Pettinelli abstaining.

A motion was made by Mr. Gubbins to approve 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. This approval is based on the revised map dated October 16, 2015. The motion was seconded by Mr. Gillis and carried by unanimous vote with Mr. Pettinelli abstaining.

**New: Application #15-20 – 44 Powerhouse Road, Robin Staplins, Special Exception Review for a 630 sq/ft, detached, accessory apartment. Assessor's Map 72, Lot 35.
First Date: October 27, 2015 Last Date: November 30, 2015**

Mr. Brownell read into the record the public hearing notice.

Robin Staplins (owner) and Roger Nemergut PE were present. Mr. Nemergut presented the return receipts.

Mr. Nemergut stated that the application was for an accessory detached unit which has 630 sq/ft of living space. The parcel of land that the unit is on is 2.12 acres and in the R-1 District. The detached building was a garage and is now an accessory unit with one bedroom. The plan is to continue the existing use with no change to the exterior. Photos were distributed.

Mr. Nemergut said the site meets the criteria of the accessory use regulation. He noted that the building official will need a report from the electrician on the existing wiring and circuits.

Mr. Nemergut also stated that the building has its own septic system but will share the well with the main house. He stated that the Chatham Health District has inspected the site and there is sand and gravel over most of the site. At this time Mr. Ventres read into the record the letter from Liz Davidson of the Chatham Health District which gave approval for this accessory unit with conditions. Mr. Nemergut stated that all of the conditions put forth by the Chatham Health District could be met. Mr. Salicrup asked if the existing system was located. Mr. Nemergut said they found the tank but will have to go back to find the drywalls.

At this point Mr. Brownell opened the hearing to the public.

No comments were made.

A motion was made by Mr. Curtain to close the Public Hearing for application #15-20 – 44 Powerhouse Road, Robin Staplins, Special Exception Review for a 630 sq/ft, detached, accessory apartment. Motion seconded by Mr. Gubbins and carried by unanimous vote.

A motion was made by Mr. Curtain to approve, with conditions, application #15-20 – 44 Powerhouse Road, Robin Staplins, Special Exception Review for a 630 sq/ft, detached, accessory apartment. Said condition is that all conditions are met that are listed in the letter dated October 27, 2015 from Liz Davidson of the Chatham Health District. Motion seconded by Mr. Gillis and carried by unanimous vote.

**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 27, 2015 Last Date: November 30, 2015**

Mr. Brownell read into the record the public hearing notice.

Rachel Berg and Roger Nemergut PE were present. Mr. Nemergut submitted the return receipts.

Mr. Nemergut said that this application is for a detached assessor unit on 257 Tater Hill Road. The parcel is 11.91 acres with an existing three bedroom house and out building. The property is known as Four Root Farms, an organic farm. The proposed accessory unit is for two bedrooms and an attached garage of carport. The proposed structure is located seven hundred (700) feet from Tater Hill Road and it will have its own well and septic system.

Mr. Ventres read into record the letter from Liz Davidson of the Chatham Health District.

Mr. Curtain asked if the power was going to be underground. Mr. Nemergut responded that it would.

Mr. Gillis asked Mr. Ventres if there was a maximum square footage for accessory units in the regulations. Mr. Ventres responded no.

At this point Mr. Brownell opened the hearing to the public.

John Matthews of Creek Row asked is the house could be sub-divided in the future. Mr. Ventres responded that it could.

A motion was made by Mr. Pettinelli to close the Public Hearing for application #15-21 – 257 Tater Hill Road, Tater Hill, LLC (Rachel Berg), Special Exception Review for an accessory unit. Motion seconded by Mr. Gubbins and carried by unanimous vote.

A motion was made by Mr. Salcrupt to approve, with conditions, application #15-21 – 257 Tater Hill Road, Tater Hill, LLC (Rachel Berg), Special Exception Review for an accessory unit. Said condition is that the applicant must meet all conditions set forth by the Chatham Health District. Motion seconded by Mr. Gubbins and carried by unanimous vote.

New: Application #15-16 – 1 Banner Road, Banner Lodge Enterprises, LLC, under Section 14B and Section 17 – Planned Recreational Development – Resort Zones PRD-R. Additional 247 units. Assessor's Map 73, Lot 32.
First Date: October 27, 2015 **Last Date: November 30, 2015**

Mr. Brownell read into the record the public hearing notice.

Mr. Ventres informed the Commission that the required notices to the abutters were not sent out in time so he recommends that the Commission hear no information tonight and continue the hearing to the next regular scheduled meeting on November 10, 2015.

A motion was made by Mr. Curtain to continue the Public Hearing for application #15-16 – 1 Banner Road, Banner Lodge Enterprises, LLC, under Section 14B and Section 17 – Planned Recreational Development – Resort Zones PRD-R. Additional 247 units. Assessor's Map 73, Lot 32, until the next scheduled meeting on November 10, 2015. Motion seconded by Mr. Pettinelli and carried by unanimous vote.

OTHER

Mr. Pettinelli noted that he and Mr. Ventres have reviewed the Stormwater Regulations and will have some recommendations in the near future.

Mr. Brownell stated that he would like to thank Selectman Lyman for all his years of service to the community. He noted that Mr. Lyman has been the Selectmen's liaison to the Planning and Zoning Commission for the past ten (10) years and served on the Planning and Zoning Commission for eighteen (18) years.

11. ADJOURNMENT

Motion by Mr. Gubbins, seconded by Mr. Salicrup, to adjourn. Motion carried by unanimous vote.

Respectfully submitted,

Nancy Talbot