

**PLANNING & ZONING COMMISSION/
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
November 10, 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)(arrived 7:23 p.m.), Martha Hansen (alternate member), Kevin Matthews (regular member), Richard Pettinelli (alternate member), Harvey Thomas (regular member)

COMMISSIONERS ABSENT: Louis Salicrup (regular member) It was noted that Ms. Stone has now been removed.

OTHERS PRESENT: Jim Ventres, and 31 members of the public

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

3. MINUTES

The minutes of the October 27, 2015 were accepted with the following amendment:

- Page 2, 1st sentence: Change “tables” to “tabled”

4. BILLS

Hartford Courant (legal notices)	\$652.01
Branse & Willis	684.50

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

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

6. ECONOMIC DEVELOPMENT COMMISSION REPORT

Mr. Matthews stated they have a report available for review. This was an exhaustive study, and he believed the EDC would come up with some type of master plan, and may require a joint subcommittee eventually.

Mr. Casner stated infrastructure is always the limiting factor for development in town. He stated this would at least make it known what it would cost to develop certain areas. If everyone agrees that this is

something they should look at, they could have another subcommittee. He believed this was the first step in what could be done. The recommendation was to consider having another committee take the second step if this was the desired course of action. He believed it would be up to this commission to review it at this point.

Mr. Ventres stated he looked at the numbers, and he spoke with the Water Pollution Control Authority (WPCA) chairman, Andrew Lord. Mr. Ventres stated the numbers are quite high, and he recommended the commission look at this before getting too deeply involved in discussions. Mr. Brownell asked if the EDC had seen the numbers. Mr. Casner stated this would be high on the list to look at and to consider. Mr. Pettinelli stated the numbers could be higher than what was thought right now.

Mr. Thomas asked if the Town would have to put money into this up front. Mr. Casner believed that would have to be determined. Mr. Thomas agreed with the suggestion that if the study goes forward, that someone from the WPCA should participate. If the Town has to make an up-front commitment, then they should ask the chairman of the Board of Finance to sit in, and to have input. Responsive to inquiry by Mr. Casner, Mr. Thomas stated as of right now, the chairman of the Board of Finance is Ray Willis.

Mr. Thomas would like everyone involved to bear in mind that the Land Use planning function sits with this commission and no other. The Board of Finance, Water Pollution Control Authority, and Economic Development Commission cannot make land use planning decisions. He understood that they could go forward with a newly appointed committee, whether or not this would be a benefit to the town. He also read a recommendation to acknowledge that such a committee should be formed. Mr. Matthews stated he was not advocating for or against this. Mr. Thomas stated they typically review the Plan of Conservation and Development each February. Mr. Curtin suggested they could refer to this study. Mr. Pettinelli did not think this report was ready for "prime time". Mr. Thomas suggested they simply indicate that a study has been done and further discussion would be warranted. Discussion ensued. Mr. Pettinelli would like to refine the numbers at the next step, and then go back to all of the boards involved, and decide whether or not to go further. To get better numbers, it would require funding by the town.

Mr. Gubbins suggested they look at the comparison between the cost and the overall Grand List benefit. Mr. Casner stated this would have to be attractive to the town and to the businesses.

Mr. Brownell suggested they would look at the Plan of Conservation and Development in three months. Mr. Thomas stated when the time comes, he assumed they would review it in February, they could add a suggestion for wording. Mr. Casner will look at the wording, and resubmit the chapter 8. Mr. Ventres will refresh Chapter 8 and resubmit for further discussion.

It was noted that all of the committee members from both the P&Z and EDC would serve again on the new subcommittee.

Mr. Gillis asked if WPCA regulations allow industrial waste. Mr. Ventres stated they did not, but any discharge would have to be pre-treated.

Mr. Casner stated they have established a subcommittee to see if they could recommend agricultural regulations on use, such as Shadybrook. There are two members of EDC and two members of the AG commission. He asked if P&Z would like to have a member or two sit on this committee. They are

looking for a balance between a business use and a neighborhood, and how the agricultural part of it looks. He also questioned if P&Z be open to looking at this. Mr. Thomas volunteered to sit on this committee. He will wait for Mr. Casner to contact him.

7. ZONING ENFORCEMENT OFFICER'S REPORT

Mr. Ventres presented a plan for the CT Department of Transportation (DOT) to do some work on the bridge near Rose Farm. The total area is less than 4,000 square feet, and it will be turned back over to the town once the work is done. This would require some erosion control, cutting of trees, etc. Mr. Ventres stated they would have to go to a Town Meeting, and would require an 8-24 approval.

Motion by Mr. Gillis, seconded by Mr. Matthews to recommend to the Board of Selectmen approval of a C.G.S. Section 8-24 for bridge work near Rose Farm on Route 82/Town Street. Motion carried by unanimous vote of all voting members, except Mr. Curtin, who abstained from voting.

A) Shagbark

Mr. Casner reported that the septic tank has been installed. Mr. Ventres and Mr. Casner plan to meet next week.

B) New England Hatchery/Shady Brook

Mr. Ventres reported there has been no change. The last meeting was cancelled.

C) Bridge

Mr. Ventres reported that there is a new selectman in Haddam. He suggested they wait for a bit to let the new administration settle into their new roles.

D) Sillmanville

Mr. Ventres informed the commission that this is still in appeal process.

E) Powerhouse Road

Mr. Ventres stated they are still waiting for answer for court

F) Violations

Mr. Ventres reviewed a letter Attorney Willis sent to Ms. Carson of 72 Oak Road. Ms. Carson tried to file appeal but was not successful due to time requirements.

Mr. Ventres prepared a draft cease & desist order to Mr. Jon Peters, 32 Main restaurant. Mr. Ventres stated there are violations that occurred on Halloween, in addition to other violations. He asked the commission to review this draft. If acceptable to the commission, he will send it. The commission voiced no objection to this draft.

Mr. Ventres sent out a cease and desist order for the Anderson property on Town Street.

Mr. Ventres discussed Lineberry, 135 Sillimanville Road, and the owner has no permits for the activity.

Other:

Mr. Ventres stated that Ms. Deb Denette, Town Clerk, is holding a Freedom of Information workshop if anyone is interested in attending.

Mr. Curtin asked the status of Taylor Lane. Mr. Ventres and Ms. Lunt went out last week. There are two large cracks. The property owner intends to ask the town to accept the road.

Mr. Gubbins inquired about dumpsters at Town Line diner, and noted it has been a year now. Mr. Ventres will ask, but he thought the large dumpster might be a twice yearly clean-out.

Mr. Pettinelli asked if the kayak business was done for season at Lake Side Dan's, as the sign is still out there. Mr. Ventres will check into this.

Motion by Mr. Curtin, seconded by Mr. Gubbins, and carried by unanimous vote to take a brief recess at 7:55 p.m.

The meeting reconvened at 8:02 p.m.

5. PUBLIC HEARING:

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

A) Continued: 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 explained the process of the public hearing to the audience, and stated the commission would take the last question at 10:00 tonight.

Mr. Ventres explained that some of the rules in Connecticut have changed. The Commission used to ask the State for a tentative determination regarding septic feasibility. The State's policy has changed, and they will not report to the town until the town has made its ruling. We will not get a report from the Department of Energy and Environmental Protection (DEEP) for this public hearing. The same applies to water diversion plans.

Mr. Steve McDonnell, PE, addressed the commission on behalf of the applicant, along with Mr. Bob Barneschi, P.E., the owners, and the well drilling consultant, Mr. John Sima. The traffic consultant was not here, but if needed, can be here for next meeting.

Mr. McDonnell explained this proposal is for additional 247 units. The property encompasses over 400 acres of land. The proposal meets the density for units, and there is a great deal of open land. They

tried to be aware of the environmental, historical, and archaeological aspects of the property. The existing units and proposed units are shown in different colors.

Mr. McDonnell stated as a result of the new entrance, they will relocate three of the golf holes. There will be emergency access only from Cherry Swamp Road. There will be no level of service decline on the roads as a result of the units proposed here.

Mr. McDonnell stated they have submitted their application to the DEEP, but as Mr. Ventres explained, the DEEP will not approve or disprove their plan until the commission makes a determination. Under this proposal, they will collect wastewater, which will go into an on-site sewer treatment plant, which will treat the water to drinking level standards. The majority of this wastewater will be put back into the ground by a drip irrigation system. The DEEP is interested in this process because it has not been done in the state yet. It is a proven way to dispose of wastewater.

Mr. McDonnell stated they drilled a number of wells. They have Mr. Sima here to discuss this if needed. One issue they discovered was with Well #7. The 72-hour pump test showed an impact on the well for My Father's House. They discovered that they do not need this well; therefore, it will not impact the project. The Connecticut Water Company has accepted their report and found it satisfactory to the needs of the development. Mr. McDonnell added that if they use more than 50,000 gallons per day, inclusive, they need further review.

Mr. McDonnell stated the Town's engineer's review comments are fairly straightforward. One comment was for the road speed through Banner. Mr. Curtis recommended a 30 mph, and a 25 mph speed limit. They would prefer to keep the speeds lower, and propose 15 mph and 25 mph speed limits.

Mr. McDonnell stated that the roof leaders from buildings would go back into the ground. They have achieved a zero net increase from the development on the site. The IWWC conditions were incorporated.

Their objective, Mr. McDonnell explained, is to keep the traffic on North Moodus Road. The traffic study shows there is little to no impact from the project.

Mr. McDonnell stated the units would all be similar to what is there now. Responsive to inquiry by the commission, Mr. McDonnell stated the units would all be 2-bedroom duplex units, on private roads. Mr. Bob Barneschi, WMC Engineers showed the existing driving range, and the first area to be developed. Once they get the treatment plant up and running, they will branch out with further development. Lastly, they would construct the Mirror Pond Road area. Mr. McDonnell added that there are some nice areas of open space on this property.

Mr. Pettinelli asked when the buildout would be completed. Mr. Barneschi stated it would be by 2020. Mr. Pettinelli stated the traffic study goes out to 2024, but should go 10 years beyond. Mr. Barneschi stated they would update that.

Mr. Pettinelli questioned the road cuts. Mr. McDonnell will have their geotechnical staff look at this.

Mr. Gillis asked about open space. Mr. Ventres stated the options will be emailed to Mr. McDonnell, but could be accomplished by easement or outright deed to the Town. Mr. McDonnell stated he would

Speak with the owners about that. Mr. Thomas stated if there is going to be public access, they should note on the plan where the public would park.

Mr. Gillis asked if the condominium association would handle the water treatment plant, to which Mr. McDonnell confirmed they would. He stated they would use the newest regulations. He spoke of drip irrigation systems. They determined that drip irrigation systems would be the way to go for this project. Mr. Gubbins asked about the impacts to individual wells. Mr. McDonnell stated they would either drill new wells for the affected homes, or to hook them into the new system. Mr. Pettinelli asked about the well at My Father's House. Mr. Gubbins asked if they had been in contact with them. Mr. McDonnell stated they have not had recent discussions with the affected property owners.

Mr. Gillis asked if they could cut the watering of the greens based on the impact levels. Mr. McDonnell stated they would not be using water from the wells for watering the greens. The irrigation would come from surface water.

Mr. McDonnell stated they are looking at separating the water for potable and non-potable water needs.

Mr. Brownell asked about planting plan. Mr. McDonnell will make sure they have those for the next meeting. Mr. McDonnell apologized for not bringing those plans this evening.

Mr. Gubbins asked how many new units would be located in the central area. Mr. Barneschi stated there would be at least 100 units. That would be the first area built. Mr. Gubbins asked how the progress would go. Mr. Barneschi stated there were 86 approved from the last time, and 50 built. Mr. Gubbins asked how this would affect traffic to add another 100 units to this area. Ms. Hansen asked how far along they would be before adding the second access road. Mr. McDonnell believed it would be approximately one year. Mr. Barneschi stated he could supply the breakdown of units for each area.

Mr. Thomas asked if the maximum possible buildout based on current zoning regulations was shown, to which Mr. McDonnell responded affirmatively.

Mr. Curtin asked if there was an age restriction, to which Mr. McDonnell stated there was not. Mr. Gubbins asked if busses would go through the area. Mr. Brownell added that he knows of at least 6 school children who walk all the way down Banner Road to get the bus.

Mr. Ventres stated he has a letter from the IWWC, which approved this application with conditions. He paraphrased this letter on the record, highlighting the main points of the letter. The stormwater declaration was part of the original approval. There was bonding of 20% for the road construction, 20% for plantings, monitoring for invasive species, and additional conditions. Mr. Ventres asked for a letter showing where each item was incorporated into the plan. He read into the record Item 8 of the recommendations from the letter. The East Haddam Inland Wetlands Commission recommended the open space be available for the public.

Mr. Brownell opened the hearing to the public.

Mr. John Quinn, 9 Pinehurst Lane, stated that Mr. Thomas was correct that parking is an issue for the current 48 or so units the area occupied. He agreed that parking should be designated for the proposed open space. He stated he bought his unit in 2007, and the road has still not been completed. The base layer is down, but they have not finished the road. He recommended that they finish what they started.

He did not begrudge the plan, but the roadwork that was supposed to be done should be done. He stated the condominium association has a board of directors. The owners really have nothing to do with it. Until they are a certain percentage built, they cannot form a condominium association. At this point, they will not be done enough to have a condominium association in his lifetime.

Sandra Rand, 4 Mirror Pond Road, voiced concern about the traffic. She suggested curbs, speed bumps, etc.

Mr. Glen Sleicher, Cherry Swamp Road asked how many wells were built. Mr. Sima showed Well #4 near the pond. He stated that they decided not to drill Well #5. He reviewed Wells #7 and #8. Mr. Sleicher asked how many gallons per minute, to which Mr. Sima replied 80 gallons per minute. He reviewed the depths of each well that was drilled. Mr. Schleicher asked what impact the drilling of the new wells will have on the existing wells. Mr. McDonnell explained that they did a 72-hour pump test. It was determined there would be no impact to Mr. Sleicher's well. Mr. Sleicher asked what would happen when they begin drawing down on the aquifer. Mr. Sleicher asked where the entrance and exit ramps would be on Cherry Swamp. Mr. McDonnell showed the areas on the plans. Mr. Sleicher asked about the possible negative impact on property values. He stated the objective was to minimize tree cutting.

Mr. Gubbins asked how they would stop access to Cherry Swamp Road. Mr. McDonnell stated they would be locked barricades that can be opened only by emergency personnel.

Mr. Pettinelli asked about remote parking. Mr. McDonnell stated they will have to look at that. Mr. Ventres asked what the experience has been with the 50 units there. The owner stated they have not really had issues yet.

Mr. John Quinn commented on parking, stating that there are some existing parking issues. For typical access, there is up and down flow for parking access. He added that many of the children who ride the bus are renters.

Mr. Quinn asked the location of the new pump station. Mr. McDonnell showed the area on the plan. Mr. Quinn asked if this would be regular housing under zoning, low income, etc. Mr. Brownell stated it was regular zoning.

Ms. Sandra Rand stated the busses will not come into Banner, and the children have to walk down the road to get the bus. She stated that people often park in the streets. She stated they do need another large parking lot. She commented that the one in the center is a long walk for people over 50 years old.

Ms. Marilyn Gleason, Tater Hill Road, asked which holes are going to be diverted. Mr. Anthony Longhitano believed it was 5, 6, and 7.

Mr. Jason Hearn, Cherry Swamp Road, stated his well is 1150-feet deep. His neighbor has two wells which are 950-feet deep, and barely gets enough water to run his property. He stated once everything is approved, if there is a problem with his well, he won't have any recourse. Mr. Hearn asked about the septic pump station. Mr. McDonnell stated there would be a small underground system.

Mr. Clint Backus, 5 Augusta Circle, stated there are issues with parking in the back units. He believed that really does need to be addressed at some point.

Ms. Katherine Flannery, Cherry Swamp Road, asked if it was a good idea to start a project such as this without first constructing the emergency access road. Mr. Brownell did not know it was this commission's purview. Mr. Ventres stated they will have a traffic report to review by the next meeting.

Mr. Todd Gelston asked the total gallons per day, maximum. Mr. McDonnell responded it would be approximately 80,000 gallons per day. He stated the water taken out of the ground was put there by the glaciers tens of thousands of years ago, and it is drying up. If there is a water shortage, the buildout will be a major problem. He asked who would be responsible for finding water. Mr. Ventres stated it would be the water company's jurisdiction. Ultimately, it will be up to the State to approve the water. The water company will have to demonstrate to the State that they have the capacity. Mr. Ventres explained the process, but ultimately it is the water company. Mr. Ventres stated when they go through the process if they exceed 50,000 gallons per day, it is still the CT Water Company. Mr. Gelston asked that the commission get the water company involved.

Mr. Gelston asked about the wastewater disposal system. He asked for answers. He asked if there was another location where a similar plant was used with this type of system. Mr. McDonnell will get this information to the commission.

Mr. McDonnell stated that water is critical. They have submitted a letter for the CT Water Company. The wastewater disposal system will be treated, renovated, and will go back into the ground.

Mr. Ventres distributed copies of the July 2, 2013 letter from the CT Water Company. Mr. Ventres read this letter into the record, and will make copies for everyone.

Mr. Ventres stated there was an abstract submitted on Design & Performance of Drip Dispersal Systems. Mr. Ventres will make copies of this for everyone.

Mr. Hearn asked if the applicant would consider letting property owners on Cherry Swamp Road connect to their water supply, should the need arise.

Mr. Thomas believed there is a margin of review before the units get built out.

Mr. Tony DiNicola asked about long-term impacts to the aquifers. He asked if there were mechanisms to halt production if they encountered a problem with the water levels. Mr. Ventres explained that the DEEP would regulate anything over 50,000 gallons per day.

Ms. Shannon Thody, Cherry Swamp Road, voiced concern about the topography of this area. She stated that recharging an aquifer is very different. She stated many different veins could be disrupted. She believed there should be some type of contingency for the residents on Cherry Swamp Road.

Ms. Thody asked about the green area. Mr. McDonnell stated that was an area of open space.

Mr. Gubbins asked if there would be future buildouts. Mr. McDonnell stated they would be at their buildout with this proposal. If the regulations change at some point, he could not say they would not be back.

Mr. Pettinelli asked about the detention ponds, and if they needed fences so they did not become attractive nuisances. Mr. Ventres stated there are natural ponds on the property that do not have fences. Mr. Ventres did not believe the wetlands commission would allow fences around the detention basins.

Motion by Mr. Thomas, seconded by Mr. Matthews, and carried by unanimous vote 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 until the next regularly scheduled meeting on November 24, 2015, 8:00 p.m. at the Town Grange.

Mr. Barneschi submitted the green, certified receipt cards to Mr. Ventres, along with the certificates showing proof of mailing.

8. ADJOURNMENT

Motion by Mr. Matthews, seconded by Mr. Gubbins to adjourn at 9:27 p.m. Motion carried by unanimous vote.

Respectfully submitted,

Holly Pattavina