

**PLANNING & ZONING COMMISSION/  
TOWN OF EAST HADDAM  
LAND USE OFFICE  
REGULAR MEETING MINUTES  
January 26, 2016  
(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), Martha Hansen (alternate member), Kevin Matthews (regular member), Richard Pettinelli (alternate member), and Harvey Thomas (regular member).

**COMMISSIONERS ABSENT:** Louis Salicrup (regular member).

**OTHERS PRESENT:** Jim Ventres, and 23 members of the public

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

**3. MINUTES**

The minutes of the January 12, 2016 meeting were accepted with the following amendment:

- Page 7, paragraph 6, 1<sup>st</sup> sentence: Change “Mr.” to “Ms.”

**4. BILLS**

NL Jacobson & Associates                      \$1,615.99  
(from January 13, 2016 - Banner)

NL Jacobson & Associates                      3144.58  
(outstanding invoice for Banner review)

Mr. Brownell inquired if Mr. Ventres had asked about this bill. Mr. Ventres stated he has had a frank discussion with Mr. Curtis, but this is done and needs to be paid. Mr. Pettinelli asked how the commission was supposed to know about the changes that will be made. Mr. Ventres stated he has been in the middle between the commissions and engineering firms in the past. Mr. Curtin stated this is business and this bill has to be paid.

Mr. Thomas suggested they separate the issues. He suggested a discussion at a future meeting about putting out to bid the engineering services. Mr. Brownell asked if there is a contract with

NL Jacobson (NLJ). Mr. Ventres stated there is no contract. He added that at one time, there was a firm that worked with the town on all projects. After 20+ years, the decision was made to go out to bid, and the firm the town had used for 20 years refused to bid, so the town lost them.

Mr. Thomas and Mr. Brownell suggested they get input from the other commissions as to what they think about the possibility of going out to bid.

**Motion by Mr. Curtin, seconded by Mr. Gubbins to pay the bills as submitted.  
Motion carried by unanimous vote.**

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

## **6. EDC**

Mr. Casner was not present to report.

## **7. ZEO REPORT**

### **A) Helistops**

At the last meeting, the commission asked Mr. Ventres to research larger parcels of land that could possibly accommodate helistops. Mr. Ventres reported the breakdown as follows:

25+ acres = 190  
20-25 acres = 39  
15-20 acres = 56

The commission discussed helistops, limiting factors, such as setbacks, acreage, etc. Mr. Gillis suggested 500 feet from the property lines. Mr. Ventres did not believe this was feasible. Mr. Pettinelli asked if the decibel level was more of a limiting factor. Mr. Ventres stated most setbacks were 50-feet. Mr. Brownell asked if the FAA determines a flight plan. Mr. Ventres replied affirmatively, but they cannot do anything until they have an approved application.

Mr. Thomas referred to the draft regulation and suggested the following changes: Paragraph a) Change “commendations” to “recommendations”; b) Add “must” after “helistop”, change “receives” to “receive” and add “and maintain current” before “any and all licenses”; he was not sure about the acreage listed in paragraph c); paragraph d) 100-foot setback from property line and 400-feet from residential structure. He was not sure if they were open to other kinds of uses other than just residential. He suggested perhaps non-commercial uses might be a suggestion. Paragraph f) hours of operation “shall be” vs. “is”; paragraph g) Mr. Thomas did not see any great problem with 100-feet from the property line and 400-feet from a structure. He believed it might be helpful to have a demonstration of the minimum acreage that would accommodate a helistop with the proposed setbacks.

A lengthy discussion ensued. Mr. Ventres stated when they reviewed buffering, there was enough testimony that 100-foot buffer was adequate. He was striving for consistency with this draft. Mr. Pettinelli referred to the setbacks for wells and septic systems. Mr. Gillis stated they are talking about a 5-ton helicopter that could malfunction. Mr. Curtin stated helicopters have been around for many years, and there is really one person who wants one. One person has one already and he never uses it. Mr. Gubbins stated this commission discussed for a year whether or not to allow a hot dog cart in a commercial zone, and now they are discussing allowing helicopters in a residential zone. Mr. Gillis suggested they could contract with an airport in town or in Chester. Mr. Curtin stated they wanted to use their own land. The commission discussed whether or not to wait until an actual application was made.

Mr. Brownell asked what direction the commission wanted to go. Mr. Pettinelli suggested the applicant come before the commission.

**B) NE Hatchery** – nothing new to report

**C) Swing bridge** – There is a meeting next week.

**D) Sillimanville** – Mr. Ventres reported that the court requested a meeting. Attorney Bennet was filing a motion.

**E) Powerhouse Road** – Mr. Ventres reported that the debris removal and making the foundation safe is three quarters completed from the building official's perspective.

**F) Violations:** Mr. Ventres reported that he sent Mr. Anderson's file to the attorney for action. On Sillimanville Road, the person is no longer living in the trailer, but they now have two vehicles parked in the driveway. The individuals living in the trailer on GristMill are gone, and the trailer will be moved next week.

Mr. Ventres last night went to the Board of Selectmen meeting to discuss the blight ordinance. He credited the selectman for going through the entire document at the meeting, and changes were made. This should eventually go to a public hearing and Town Meeting.

Mr. Ventres distributed plans for the elementary school changes to the parking area. He anticipates many people at the hearings for this.

Mr. Ventres distributed copies of the former middle school test pit locations for the proposed recreation fields.

Mr. Brownell asked about the Moodus Green area. He asked if the drainage would be done on Plains Road first. Mr. Ventres stated they had to go forward with the plans as is, because the Town will not receive any STEEP grants for a few years. They will have to figure out the stormwater potential first, then sloping, and then the field areas.

**Motion by Mr. Gillis, seconded by Mr. Gubbins to take a brief recess at 7:55 p.m.**  
**Motion carried by unanimous vote.**  
**The meeting reconvened at 8:00 p.m.**

## **5. PUBLIC HEARING**

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

**A) New: Application #16-01,, 22 Forest Way & 23 Forest Way, Randall S. Miller & Felicia Tenza, site plan review for a seasonal to year-round conversion and special exception review for a merger of lots under section 8.1.5. Assessor's Map 80, Lots 333 & 319.**  
**First date: January 26, 2016** **Last date: February 29, 2016**

Mr. Charles Dutch addressed the commission on behalf of the applicant. He distributed plans to the commission.

Mr. Dutch stated for the larger piece on the lake, they needed a variance because there was less than 25-feet for the two lots being across from each other. They are short by 9 inches. They were granted this variance by the East Haddam Zoning Board of Appeals.

The house on 23 Forest Way will be torn down and reconstructed as a garage. They plan to convert the house on the lake to a year-round structure. The well is on the parcel with the garage. The septic is on the parcel with the house on the lake. They have a letter of approval from the health department. They have shown the septic systems on either side of the garage parcel, which was the request from the Chatham Health District. Mr. Ventres stated he has the letter from the Chatham Health District.

Mr. Curtin asked about the water system. Mr. Dutch stated that presently the water is city water, but it is shut off in the winter.

Mr. Curtin asked if this is a town road, to which Mr. Dutch responded affirmatively. Mr. Ventres stated they would need a utility permit and permission from CT Water Company to cross the road with a water line.

Mr. Pettinelli asked if the proposed garage would be the same footprint. Mr. Dutch stated it would be on the same foundation.

Mr. Curtin asked if they were proposing underground utilities, or only for the water. Mr. Dutch stated just the water would cross.

Mr. Ventres noted that the parcel that would hold the garage was previously a year-round structure. He noted this was going from a year-round structure and a cottage to a single year-round home with a garage.

Mr. Ventres read into the record a letter from the Chatham Health Department which stated a conditional approval was issued with the following conditions: 1) The contractor must obtain permission from the Town and CT Water Company to cross under the road with a water line. 2) Once permission is obtained and the water line is hooked up from the well across the street, a water test must be performed to determine if it is potable. 3) A building permit will be required for the water line as well as the conversion to year-round. Chatham Health District will require a potability determination prior to issuance of a Certificate of Occupancy (CO).

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

Mr. Gubbins asked if the stockade fence went across the property line, to which Mr. Dutch responded affirmatively.

**Motion by Mr. Curtin, seconded by Mr. Matthews to close the public hearing for Application #16-01, 22 Forest Way & 23 Forest Way, Randall S. Miller & Felicia Tenza, site plan review for a seasonal to year-round conversion and special exception review for a merger of lots under section 8.1.5. Motion carried by unanimous vote.**

**Motion by Mr. Curtin to approve Application #16-01, 22 Forest Way & 23 Forest Way, Randall S. Miller & Felicia Tenza, site plan review for a seasonal to year-round conversion and special exception review for a merger of lots under section 8.1.5, with the conditions that all requirements of Chatham Health District must be met, and the lots shall be joined upon filing of the mylar. Motion seconded by Mr. Matthews and carried by unanimous vote.**

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

**B) 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: January 28, 2016**

Mr. Steve McDonnell, P.E. and Mr. Bob Barneschi, P.E. both of WMC Engineers, addressed the commission.

Mr. McDonnell stated there were many questions and they have tried to answer them. They have submitted the full size and half-size plans to the town.

They plan to just light the areas around the function hall. In the future, they would have to come back to the town if they wanted to add more.

Mr. McDonnell discussed parking. He stated they saw a mistake from a prior meeting. He

clarified that some of the units do have two parking spaces. If they add the function hall, their average is 3.5. In the future, there will be another 60-80 units available.

Mr. McDonnell stated there were many questions about the water supply. Mr. Sima was unable to be present this evening, but he has responded to the questions in writing. Mr. Ventres reviewed all of the documentation they have received on this project to-date, going back to 2012 and forward.

Mr. McDonnell stated that Mr. Sima responded to the questions about how the aquifers work. There was some information provided at a previous meeting that was not necessarily correct. There is a document from Mr. Sima stating that bedrock aquifers do recharge. Mr. McDonnell has a paper from the US Geological Survey which also indicates that the aquifers do recharge.

Mr. Barneschi stated as requested, they provided the utility plans, separation distances between sanitary and water services. To highlight a couple additions to the plans, they added 10 dumpster pad locations at ends of the clusters, function hall, etc. They highlighted the reserve parking areas on the plans. Those can be constructed at a later date if the need arises. Mr. Brownell asked if the dumpster sides would be fenced in. Mr. Barneschi stated they would have PVC siding.

Mr. McDonnell stated the wastewater disposal system will be treated to near drinking water standards. A substantial portion of this water will go back into the aquifer as renovated wastewater.

Mr. McDonnell stated they had comments back from the CT DEEP with minor changes. The State is looking forward to seeing this system. Responsive to inquiry by Mr. Brownell, Mr. McDonnell indicated the State won't respond to the project until the town makes a determination on the application.

Mr. Pettinelli asked where the air conditioning units would be located. Mr. Barneschi stated they could be located in the back of the units. Mr. Pettinelli stated there was no proposed grading, so the air conditioning units would be down the grade. Mr. Barneschi showed proposed locations where they could be located.

Mr. Curtin and Mr. Brownell asked about the drainage. Mr. Barneschi showed on the plans where the detention basin was located.

Mr. Pettinelli suggested it would be nice to see LL1, and he suggested they extend the sidewalk .

Mr. Brownell asked about lighting. Mr. Barneschi stated at this time, they are not proposing any. They focused the lighting on the function hall. It will be dark sky compliant. Mr. Gillis asked if any lighting was proposed at any of the intersections, to which Mr. Barneschi stated there was not.

Mr. Pettinelli asked about Eagle Ridge Road. Mr. Barneschi stated there is proposed rock cut back to a 5:1 slope. This will be done with an engineer. Mr. McDonnell stated on one fill slope near SG #1, there is permanent erosion control blanket in this area.

Mr. Gillis asked about the underground detention basin – emergency access/maintenance. Mr. Barneschi stated this is basically a manhole for access. Inspection ports are part of the overall plan.

Mr. Gillis asked if a representative from CT Water Company was present tonight. Mr. McDonnell stated as he mentioned at the last meeting, they typically do not want to come to these meetings. Mr. Gillis asked for clarification of water responsibility. Mr. McDonnell stated if wells were affected, they would be provided water, without cost to the homeowners.

Mr. Gillis asked if the power goes out, if these owners would have sewer and water. Mr. McDonnell stated yes.

Mr. Ventres spoke with the Department of Public Health (DPH) regarding the water usage. Right now there is a permit for CT Water to operate with 86 units. They have a policy that with every 5% increase, the DPH will be looking at the water usage.

Mr. Ventres spoke of the Bubaris traffic report. Mr. Ventres spoke with the State Traffic Commission. They understand that 86 units were previously approved. They also understand that they will see the plan. They want to see things in 5-year increments, and this is a 10-year plan. All of this has to be submitted to them when/if this application is approved by this commission.

Mr. Pettinelli asked if the catch basins were hooded, to which Mr. Barneschi stated they would not be.

Mr. Gillis believed it was important for the sequencing to be on the plan. Responsive to inquiry by Mr. Gillis, he would like to see the additional parking go in near the gym.

Mr. Brownell opened the hearing to the public.

Ms. Cindy Palmer was concerned about something she saw in the paper. She wanted confirmation that if her well is compromised, she would get a new one. Mr. McDonnell anticipated that her well was far enough away from the application to be impacted, but confirmed that they would pay for a new one. Mr. Thomas asked who would be financially responsible. Mr. McDonnell stated that would be between the developer and CT Water Company. Mr. Thomas asked if the developer was prepared to put that offer in writing, to which Mr. McDonnell responded affirmatively. Mr. Thomas asked if that would be done at no cost to the property owner. Mr. McDonnell stated that would be done.

Mr. Don Bergeron, 89 North Moodus Road Realty and Grandview Campground voiced concern about the water. To his knowledge, his three wells were not monitored. There was a brief

discussion about when Mr. Bergeron took ownership of the campground. Mr. McDonnell stated they could monitor the wells if he would like. Mr. Bergeron stated he would like this done.

Mr. Brownell asked what the radius was for monitoring. Mr. McDonnell stated they would rely on the hydro geologist and the CT DPH to determine that. Mr. Pettinelli commented they were eliciting promises from the developer, but he asked for how long the developer would be responsible. He stated at some point, some wells might go bad, and it might have nothing to do with this project. Mr. McDonnell stated that was correct.

Mr. Jim Ware, 77 Cherry Swamp, stated his well was not monitored, and he never got any notice about well monitoring. They are concerned about their well, and do not want to miss that opportunity, since his property is right on the back side of the project property. Mr. McDonnell stated they will get his name and address before leaving this evening. It would be left up to the CT DPH and the hydro geologist to determine which wells should be monitored.

Ms. Charlene Riling, 12 Pinehurst Lane, Banner, stated they have condominium association documents. Even though they have things in writing, they do not actually have them. She stated parking has been an issue. She asked the commission if they could find out about reserve parking. She asked if the new plan would include reserved parking areas. She stated people cannot be guaranteed. She stated that CT Water has been on site trying to locate a break in the system. If they cannot find a break with just the few units they have now, she wondered how they will find this information when there is a large number of units.

Ms. Charlotte Gelston stated she has read many accounts of developers going bankrupt. She questioned who would be responsible if this developer goes bankrupt. Mr. McDonnell stated that CT Water Company would be responsible for the water. Ms. Gelston stated they might not want to provide water. Mr. McDonnell responded that they would be legally required to supply water. Ms. Gelston stated ultimately they need to have a guarantee for the homeowners.

Mr. David Carpenter voiced concern about effects on aquifers being depleted over time. Due to the size of this project and the number of unknowns, he believed this commission should take a pro-active stance to require the developer to post a bond to guarantee that they will correct things if necessary. He believed the bond should stay in effect for the duration of the project.

Mr. Todd Gelston, 50 Bogel Road, stated he would like to get a copy of the reports submitted. It was noted that everything submitted would be available at the Land Use Office. Mr. Gelston stated he stands by his original position, that this was water from a long time ago. Not much water goes back into the ground. He stated no matter where the water is from, the question is how much is there, and how much could supply the needs of the neighborhood. He read from the NL Jacobson letter, and he stated the 3-day drawdown is inadequate, and he agreed with Mr. Wade Thomas's recommendation to conduct a 10-day or longer drawdown. Mr. Ventres stated this was changed to 10 days, and would be done prior to a water diversion permit application.

Ms. Cindy Palmer spoke of the access road for Clark Gates. She asked about the people going to



East Hampton. She stated she does not want more traffic on her road. Mr. Pettinelli asked the breakdown of numbers going north or south. Mr. Ventres read from the Bubaris study from June, 2014 and the counts were 19 going north and 36 going south at the peak hours. Mr. Pettinelli stated that was 1 car every 3 minutes at peak.

Ms. Charlene Riling questioned the name of Banner Lodge Enterprises. She stated there are many Banners. Mr. Brownell asked what name was listed on the application. Mr. Ventres stated the application was from Banner Realty Development. Ms. Riling stated the commission noticed this public hearing as Banner Lodge Enterprises.

Ms. Riling stated the golf course was not Banner either. It is called Black Birch. She stated she called Mr. Ventres today, and the State of Connecticut. The State has no filing of a name change for Black Birch Golf Course. She was concerned that they were dealing with the right LLCs and INCs for this project.

Mr. Todd Gelston spoke of the drip irrigation system. He noted that the applicant said this is new technology. He referred to issues when this was used in Minnesota, where the winters are very cold. He read excerpts from this report. He stated he has asked how this system would work in this facility. He asked the commission to carefully evaluate this. He likened it to a clogged toilet, and stated it would not be very comfortable. He asked the commission to engage the services of Wade Thomas to evaluate this. Mr. McDonnell stated they found that they needed to drain the irrigation lines, thus preventing the freezing. This is done by gravity. He added that the CT DEEP is generally in favor of this system.

Mr. Curtin asked how deep these irrigation lines are. Mr. McDonnell stated there are two types. One system is 6-inches. The system they are proposing is approximately 18-inches deep, still within the frost layer.

Ms. Catherine Flannery, Cherry Swamp Road, asked for an explanation about the lighting. She believed it sounded extremely insufficient. Mr. McDonnell stated they are not proposing any further lighting except around the function hall. Mr. Ventres stated the units would have downsplash lights.

Mr. Carpenter asked if the extension of Cherry Swamp Road would be put in now or later. Mr. Bob Barneschi reviewed the phasing, and that the access road would not be built until near the fourth phase. Mr. Carpenter stated the brunt of the traffic would go up Banner Road for many years. Mr. Barneschi stated this was correct. Mr. Carpenter had an issue with this, recalling last Saturday night, when there were several cars that could not get up Banner Road. He recalled many years ago, someone had a heart attack at Banner and the emergency vehicles could not get to him. He stated that Banner Road was never built to handle the volume of traffic it is seeing.

Mr. Carpenter stated the catch basins are insufficient. He has been talking to and lobbying with Elizabeth Lunt to try to resolve this issue for some time. Recently, the Town or someone had to put up cones for two hours while the puddling was in the roads.

Mr. Gelston stated the bus stops were a huge concern. The third party needs to be brought to someone's attention. This third party is the children's parents. He could not say how important this is with 300 units, and at least 300 kids. He asked the commission to engage the Board of Education to see where the bus stops would be.

Ms. Charlene Riling stated parents sit in their cars at the bottom of the road, which is a hazard. She believed there were still unanswered questions. She asked if people are expected to walk in the dark from the banquet hall down the streets to the first set of units. She stated that Banner should be safe and have the lighting in place to protect their residents and visitors. She would not expect her visitors to walk in the dark. The snow removal has also been an issue.

Mr. Ventres stated he did speak with the superintendent. Banner Road is a town road, suitable for fire trucks, so it is suitable for the busses. If the parents want to go to the Board of Education to request a bus stop, they can request it and the Board of Education would consider the request.

Mr. Gillis asked if the public road ends at the roundabout. Mr. McDonnell stated the public road ends before the roundabout.

Mr. McDonnell stated there are 6 or 7 children who live there now. If you extrapolate that out for the build out, it would be somewhere around 40 children.

Mr. Carpenter stated the commission should carefully consider a full service secondary access road.

Ms. Catherine Flannery asked if the commission understands that alcohol is served in the function hall. This as children are getting off the buses and walking up this road. Mr. Brownell stated that children walking from the end of the road was up to the school board and this commission has no control over it.

Mr. Bergeron asked if there would be any additional measures for speed. Mr. Pettinelli asked if the level of service was changed on North Moodus Road with the new proposal, to which Mr. McDonnell stated there was no change.

Ms. Riling spoke of speeds and she stated several people were cited for speeding. She reiterated that the parking, speed, bus stops, lighting, etc. are very large issues.

Mr. Todd Gelston asked about the diversion permit. This facility, when built out, would be 80,000 gallons per day. He asked when the applicant would apply for the permit. Mr. Thomas responded that as they approach the 50,000 gallons, they apply. If they are denied, they don't build more units. Mr. Thomas asked where those units would be built. Mr. Barneschi stated it would be built at the core area. Mr. Curtin added that there are reviews by the CT DPH for every additional 5% of capacity. Mr. Gelston asked if the commission would approve this all the way out, or up to the limit where it requires a permit. Mr. Brownell stated the commission will discuss that.

Mr. Pettinelli shared some of the audience's concerns regarding having something for street lighting. Mr. McDonnell believed that could be conditioned, to which Mr. Ventres agreed. Mr. Pettinelli suggested something for lighting, even if it were just small pods. Mr. Gillis asked where these would go.

Ms. Riling asked for an accurate account, which are 45 units. She stated there are houses in inventory. So before they rush to approve, she wanted to inform the commission that Mr. Longitano owns 10 units that are rented. She suggested they consider this.

Mr. Carpenter pleaded for the commission to require this access road before the project proceeds. He believed it is the logical planning thing to do with a road that was never designed to handle this much traffic.

Mr. Gubbins asked at what point the access road is scheduled to go in. Mr. Barneschi stated 50 additional units would be built, in addition to the previously approved 86 units.

Mr. Glen Palmer asked for clarification of when Phase 4 was planned to be constructed. Mr. Barneschi stated it would be generally one year per phase. Mr. McDonnell added that this, however, would be economy based.

Ms. Charlotte Gelston felt that if this is the end of the open session, the questions have not been answered. She believed this proposal should be rejected without prejudice. She stated the 10-day draw down has not been done. She stated the purview of the Planning & Zoning Commission is to protect East Haddam's rural character.

**Motion by Mr. Gubbins, seconded by Mr. Curtin to close 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. Motion carried by unanimous vote.**

Mr. Curtin suggested the commissioners to put together a list of items they want to discuss at the next meeting. Mr. Brownell noted that the commission has 65 days in which to make a decision on this project. Mr. Ventres noted there are no applications on the next agenda. He added that this is a special exception application. Mr. Ventres will speak with Attorney Branse about the septic and the diversion permit. Discussion ensued. Mr. Curtin noted that the second course of asphalt still has not been put down on the first phase. Mr. Ventres will check on the issue raised about the name on the application versus the name it was listed as in the agenda and notice. Mr. Pettinelli asked Mr. Ventres to talk with the fire marshal about possible concerns about access to rear windows in back bedrooms. It was noted that individuals can drive and view Banner Road individually, but not as a commission.

**8. ADJOURNMENT**

**Motion by Mr. Gubbins, seconded by Mr. Matthews to adjourn at 9:57 p.m.  
Motion carried by unanimous vote.**

Respectfully submitted,

Holly Pattavina