

**PLANNING & ZONING COMMISSION/
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
October 11, 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: Crary Brownell–Chairman, James Curtin (regular member)(arrived 7:18 p.m.), Martha Hansen (alternate member), Kevin Matthews (regular member), Richard Pettinelli (alternate member) Louis Salicrup (regular member), Harvey Thomas (regular member)

COMMISSIONERS ABSENT: Bernard Gillis (regular member), Edward Gubbins (regular member),

Mr. Brownell appointed Ms. Hansen to vote in place of Mr. Gubbins, and Mr. Pettinelli to vote for Mr. Gillis this evening.

OTHERS PRESENT: Jim Ventres, and 21 townspeople were present

3. MINUTES

The minutes of the September 27, 2016 meeting were accepted as presented.

4. BILLS

East Haddam News	\$206.75
Gould, Larson, Bennet, & McDonnell (FedEx regarding Sillimanville Rd.)	11.48

Motion by Mr. Matthews to pay the bills as presented. Motion seconded by Mr. Salicrup, and carried by unanimous vote.

5. ACKNOWLEDGMENT

A) New: Application 16-16, 28 Old Orchard Road, George & Heidi Fellner, Special Exception Review for an attached accessory dwelling unit. Assessor's Map 36, Lot 29.

First date: October 11, 2016

Last date: December 14, 2016

No one representing the applicant was present at this meeting. Mr. Ventres recommended a public hearing be set for November 8, 2016.

Motion by Mr. Pettinelli, seconded by Mr. Thomas to schedule a public hearing for Application 16-16, 28 Old Orchard Road, George & Heidi Fellner, Special Exception Review for an attached accessory dwelling unit on November 8, 2016, 8:00 p.m. at the Town Grange. Motion carried by unanimous vote.

B) New: Application 16-17, 12 Shelter Rock Road, Guy Genest Jr., Special Exception Review for an attached accessory dwelling unit. Assessor's Map 3, Lot 65.

First date: October 11, 2016

Last date: December 14, 2016

No one representing the applicant was present at this meeting. Mr. Ventres stated this proposed unit would be located over an existing garage. He stated he has received a site plan and a floor plan. He recommended that this application be scheduled for November 8, 2016.

Motion by Mr. Thomas, seconded by Mr. Matthews to set a public hearing on November 8, 2016, 8:00 p.m. at the Town Grange to hear Application 16-17, 12 Shelter Rock Road, Guy Genest Jr., Special Exception Review for an attached accessory dwelling unit. Motion carried by unanimous vote.

Mr. Curtin arrived at this time (7:18)

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

7. ZEO REPORT:

Mr. Ventres distributed a document for designation of a section of Route 9 as the Chester Bowles Highway State Scenic Highway Application. He noted that the public hearings will be open to the public.

Mr. Ventres distributed a draft letter regarding special events, dinners, concerts, etc. Mr. Curtin asked if once the commission approves an event, if they can then get administrative approval. Mr. Ventres noted that other sites have been approved that way. Mr. Ventres had several calls last week because there was a large wedding at a single-family home. Mr. Pettinelli stated the fire and emergency departments need to know if there are many vehicles parked on a road, because the travel way could become compromised.

Responsive to inquiry by Mr. Pettinelli, Mr. Ventres stated he would send this to anyone with a web page advertising their homes for weddings/events.

Mr. Ventres stated they talked about Shepardsfield's Sanctuary at the last meeting. They called him back the next morning. The property owners were cooperative when he talked to them. If they don't send their annual calendars in to the Land Use Office, their permits can be voided.

Mr. Ventres distributed a listing of ongoing violations. Some are moving forward, while others are maintenance.

Mr. Ventres stated that on the 19th, they are meeting with the CT DOT on the swing bridge. Mr. Lyman, Mr. Ventres, Haddam's first selectman, and Liz Glidden (Haddam Town Planner) will be attending. He is printing the 1999 engineering report from the CT DOT for the commission to review.

The commission discussed the pedestrian walkway in Glastonbury that was completed, but has no approach sidewalks.

Mr. Curtin asked for a copy of the previous plan that had been proposed.

Mr. Brownell questioned the status of the lawsuits. Mr. Ventres stated one is going through the appeals process. Mr. Brownell inquired about the one on the river. Mr. Ventres stated the Francini case was transferred to the Federal Court.

Mr. Brownell inquired about Shagbark's solar project. Mr. Casner heard they got an extension until April, 2017. Between getting the subsidies, and an agreement with Eversource, etc., they needed the extension.

Mr. Salicrup asked if there was a regulation on wind farms. Mr. Ventres stated they have regulations for towers, but he believed wind farms would be overseen by the Siting Council.

Mr. Brownell asked if anyone came up with items for future review by the commission. He noted that Mr. Casner had submitted an item for signage.

Mr. Ventres plans to attend the next Agriculture Commission meeting to talk about regulations with them.

Mr. Brownell noted that Mr. Casner asked the commission to look at the zone boundaries for the IG Zone. He questioned how far back it goes toward the town garage. Near Shagbark, he believed it would be close to the same line as originally drawn. He just wanted to verify where the industrial zone lines are.

Mr. Casner suggested hiring a consultant for the Plan of Conservation and Development review.

Mr. Casner suggested beautification of the intersections of Goodspeed Landing area where Lumbery Road comes in. They have been thinking about how to reconfigure that intersection. It is a tough intersection when coming out of the theatre. He stated they also looked at Routes 151 & 82, to see if they could beautify the area and make it more attractive. Mr. Curtin asked if that would fall under a grant application, to which Mr. Casner responded affirmatively. They discussed the Moodus green, where Route 149 meets Route 151. They had some residents who didn't want to go along with the proposed plan. He believed that there could be benefits to having a discussion with the residents. They then talked about the area between where the Town Hall will be and Route 149. They have to get some ideas before they can pursue the grant money to accomplish it.

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

6. PUBLIC HEARING:

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

A) New: Application #16-15, 1 Banner Road, WMC Banner Lodge Enterprises, LLC, under sections 14B and 17 – Planned Recreational Development – Resort Zones PRD-R. Additional 247 units. Assessor's Map 73, Lot 32.

First date: October 11, 2016

Last date: November 14, 2016

Mr. Brownell stated this is the second time this application has been submitted. All of the first public hearing, all comments, questions, etc will be considered as part of the record with this new application.

Mr. Brownell noted the previous fees for engineering have been paid. This application could not have been brought before the commission unless all bills were paid. He also stated that he takes offense that people went to staff at the Town Offices and questioned answers given to them by the staff.

Mr. Steve McDonnell thanked the commission. He stated water is always a concern. Keith Nadeau is here this evening from the Connecticut Water Company. Connecticut Water has reviewed the hydro geologist's report and are in agreement with it. They will in the future require a diversion permit. They have done pump tests and showed impact on My Father's House. Based on the impact, they eliminated the use of the well next to My Father's House. All wells in the area will be tested to see if there are impacts to them when a diversion permit is required. Should any of those wells be impacted, there are various remedies that could be used.

Mr. McDonnell has updated drawings with him this evening. The basic layout is identical, with the exception of the entrance road. The secondary access road going to Cherry Swamp Road will be an emergency access road only.

Mr. Bob Barneschi, WMC submitted the green, certified receipt cards.

Mr. McDonnell stated they received Mr. Curtis' comments yesterday and those have been addressed.

Mr. Barneschi reviewed the Mirror Pond Road. This is the emergency access cul-de-sac. They added retaining walls, between 4-8 feet tall behind several buildings to allow for ladder placement in case of a fire. They will add a split rail fence on top of them for safety. On the previous application, they did not have lighting. They have now added lighting at the intersections and the accessory parking areas. They have added bollard type lights, approximately 50-feet on center to assist pedestrians along the sidewalks.

Mr. Barneschi reviewed Eagle Ridge Road. They have added bollard lighting along the sidewalks where there is not full ambient lighting from the units. They have not added lights in the parking here. Several units (90, 91, 98, 99) have 4-foot high retaining walls and a split rail fence on top for safety.

Mr. Barneschi reviewed Sand Hill Lane. There are some relatively steep slopes now, so when they add the units, they have added a very lengthy retaining wall, ranging from 4-feet to 10-feet tall. They have a reserve parking area in addition to the lighted accessory parking area.

Mr. Barneschi reviewed Section D (the end loop to the north). They have shown reserve parking areas. They included a sidewalk from the parking area to connect to the pavilion to promote pedestrian access. They added lighting to this area.

Mr. Barneschi reviewed Quail Hollow Lane. Previous plan had the road coming out into Banner Road, with an emergency access path. They reconfigured to incorporate a full cul-de-sac design, screened and landscaped. They added dumpsters to the end. They added sidewalks and reconfigured the function hall area. Lighting at the intersections has been added.

Another improvement to Banner Road is that it will be widened to a roughly 30-foot wide road. They widened the shoulder, removed some of the large trees, and will connect to Spy Glass Hill Road.

Mr. Barneschi showed the new entrance to Spy Glass Hill Road. They added a dumpster next to unit 23. Bollard lighting was added at the northern end. The southern end will connect to Duckwoods Court. On Duckwoods Court, they added lighting to the intersection.

A cul-de-sac has been added to Hunter Court as has a reserve parking area. Bollard lighting at the intersection and along Spy Glass Hill Road have been added.

Mr. Barneschi stated they did not provide lighting to the intersection of Banner Road and Spy Glass Hill Road unless there are specific concerns for that area.

They added speed limit signs. They had one adjustment to make in the road configuration per Mr. Curtis' comments. The speed will be 15mph.

Phasing plan has not changed. It has been broken down to 11 phases as follows:

- Initially start by constructing the sewer treatment plant, pump station and drip disposal system, utilizing the fairway of the 14th hole.
- Phase 2 will be constructing Section D, part of the existing 86 units approved from Phase 2. Before they finish Banner Road, they will repave, replace existing curbing to get the existing roads up to standard. Next is the widening of Banner Road.
- Phase 3 eliminate existing leaching fields, construct Sand Hill Lane and Oakmont Lane.
- Start underground detention basin at southern intersection of North Moodus Road.
- Begin roadway construction of Spy Glass Hill Road.
- Construction of the housing units would be section by section. Mr. Salicrup asked what year construction was to start and end. Mr. Barneschi stated they were into 2023 with unit construction.
- Build Duckwoods Court, Hunters Court.
- Work through the golf courses to get them up and running.

Overall scheme of development stays approximately 10 years out.

Mr. McDonnell asked the number for parking. Mr. Barneschi did not have the exact number, but he believed they were roughly 1200 parking spaces. Responsive to inquiry, it was determined that this was including driveways and garages.

Mr. Brownell asked about runoff and underground utilities. Mr. Barneschi stated nothing had changed with this. Mr. Barneschi stated the northwest detention basin accommodates runoff from Eagle Ridge Road. A pump station for septic will be added to both ends of cul-de-sacs. Then the piping heads down toward the treatment plant. Mr. Brownell asked where the detention basin would be located. Mr.

Barneschi showed these areas on the plan. He stated one thing to address from Mr. Curtis' comments was to bring the basin away from the wetlands and to a more gradual slope.

Mr. Brownell asked about the utilities. Mr. Barneschi stated that the septic discharge water, storm drainage, and water lines run down one side of the road. Power will run along the sidewalk side.

Mr. Pettinelli asked if there would be a backup power supply in the case of power loss. Mr. Barneschi stated that they have generators proposed, they will run on either propane or diesel. Mr. Pettinelli stated they have been without power in the past, and that it should be addressed.

Mr. Barneschi reviewed Mirror Pond Road. Drainage will be collected and run down Cherry Swamp Road to the side. He showed the connection point of Mirror Pond Road. It will go to a gravity system. He showed the bio retention basin. The second area of detention is just west of Banner Lane. This will be constructed in Phase 3. This will accommodate the bulk of development in the driving range area.

From Spyglass Hill Road, stormwater drainage is located down the roadway and collected in wet bottom basin on the golf course. There will be a sediment fore-bay, and they will achieve a zero net increase to the south end of the site.

Hunter Court/Farm Neck Lane/Lower portion of Spy Glass Hill Road, will be an underground detention facility. Large plastic infiltrators are utilized for management of the flow to storm drainage system onto North Moodus Road. They will achieve a zero net increase.

Mr. McDonnell stated the sidewalks, lighting, parking should accommodate the requirements. The Fire Marshal piece is important, and he believed they had signed off. Mr. Ventres stated that Brian Curtis, Don Angersola (Fire Marshall), and WMC Engineering met to go over a checklist of items. Mr. Angersola has the set of plans, and feels they have taken care of the comments he had from the previous public hearing, and he is satisfied from a fire safety aspect.

Mr. Ventres distributed Mr. Curtis' review comments.

Mr. McDonnell stated they added sidewalks, dumpsters, lighting, and parking. They also had traffic engineered for the new build out period. He believed the only change was Level of service C (from B) in 2027 if a full build out is done. Mr. Pettinelli noted this was Service E.

Mr. Salicrup asked about the Sand Hill Lane 10-foot retaining wall. He asked what type of fencing would be in this area. Mr. Barneschi stated they were providing a split rail fence. Mr. McDonnell stated if people are going to go over it, they could go over anything. Mr. Pettinelli believed it needed to be 42" high. Mr. Barneschi stated they proposed 36", but they could change the plans to 42".

Mr. Pettinelli stated there was a road with a 9 percent grade, and a sidewalk access that was not ADA compliant. Mr. Barneschi stated they could look into that further.

Mr. Pettinelli asked if the bollard lighting would be LED lighting, to which Mr. Barneschi responded affirmatively.

Mr. Brownell asked Mr. Keith Nadeau from CT Water Company if he had anything to add to the application. Mr. Nadeau stated that they don't support the application or speak against it but that this is

their service area. They would work with the developer when and if an approval is needed. They would work for site plan approval through the Department of Public Health (DPH). Once approved, they would then install the system.

Mr. Nadeau stated that once the system reached over 50,000 gallons per day, a diversion permit is required from the Connecticut Department of Energy and Environmental Protection (DEEP).

Mr. Brownell asked what would happen if the system fails. Mr. Nadeau stated that would be rare when they have multiple sources. If it is a total failure, they would haul in water. They would keep the storage tanks full and the systems on line. Mr. Nadeau stated there are various ways to accommodate if wells are affected. They could drill a new well, drill a deeper well, or tie into a new water system.

Mr. Pettinelli believed it should be made clear what the recourse would be for well impacts. He stated the parameters should be noted on the plan. Mr. Curtin asked how far the impacts might occur. Mr. Nadeau stated this would be done on a case by case basis. He stated they have seen a 2000 foot radius, but that was a special circumstance.

Mr. Ventres stated when Fox Hopyard came, it was different because the State DEEP reviewed the application first. They went to every neighbor for well sampling. Responsive to inquiry by Mr. Pettinelli, Mr. Ventres stated the Fox Hopyard project was in sand and gravel. They also did sampling on the Eightmile River, which came into play with the water restrictions. This summer, Fox Hopyard had to reduce their drawdown limits.

Mr. Ventres asked if they would pull the full 50,000 gallon per day draw down on the test. Mr. McDonnell stated they could talk to their hydro geologist about the testing. Mr. Pettinelli stated right now, it is an open question, and it should be defined.

Mr. Salicrup asked if the diversion permit was for 25 years, to which Mr. McDonnell responded affirmatively. Mr. Curtin asked if the DEEP had oversight of the site after a diversion permit is issued. Mr. Nadeau responded affirmatively. Mr. Curtin asked how big this water system was considered in Connecticut Water Company's view. Mr. Nadeau stated it was considered small, as was anything that serves less than 1000 people.

Mr. Brownell opened the hearing to the public.

Mr. David Merrick, Banner Road, voiced concern about water. He recalled that in the early 1990's there was an issue in Glastonbury. He stated the economy is on the verge of tanking. He asked what happens if the sewer system, etc. is not completed. Mr. McDonnell stated it would depend on the stage of development. However, he stated there are bonds. The association would be responsible at that point.

Mr. Joe Garofalo, 1 Pinehurst Lane, stated there is talk about a large amount of bedrock and ledge. He asked if there were requirements for blasting. Mr. McDonnell stated there are requirements for blasting. They always do pre-blast surveys for foundations, wells, etc. Mr. Pettinelli asked how much rock they anticipate removing. Mr. McDonnell stated it was not as much as one might think. Mr. Pettinelli asked what the deepest cut was likely to be, to which Mr. Barneschi stated it was 15-feet.

Ms. Sharon McClennan, 9 Pinehurst Lane, asked about the wastewater treatment system. She questioned if there would be generators to run in the event of an outage. She stated they currently do not have

generators for the current system, as they are supposed to have. Mr. McDonnell stated initially it is the developer's responsibility. There is a stand-by generator there now. But it really comes down to CT DEEP overseeing that. Mr. Brownell stated this would not be the forum for existing issues. Those should be directed to the Land Use Office.

Mr. Merick asked about plowing and snow removal. Mr. McDonnell stated they have provided snow shelves in the plan.

Mr. Garofalo suggested a 50% cash bond, as well as a 50% surety bond in the event that something does fail. Mr. Ventres stated that by breaking the project into phasing, they bond the public improvement parts as each project progresses. The phasing begins with the wastewater treatment plant construction.

Mr. Merrick asked if the project goes bust, what happens. Mr. Ventres stated the Building Officer's authority is to make sure everything is secure. There is an association, and there are bylaws with contingencies, etc. Mr. Merrick stated this is a large project and he believed there should be a contingency plan. Mr. Pettinelli stated typically there are conditions that a phase must be 80% complete before moving onto the next phase.

Mr. Garofalo stated Phases 1 and 2 are incomplete.

Ms. Sharon McClellan asked about the roads can be repaired in Phases 1 and 2 before Phase 3. Mr. Barneschi stated in the second phase, the roads would be repaved.

Ms. Heidi Pope, 3 Augusta Circle, has been an owner since the start of Banner. She needs people to remember these developers have already gone through hard times, and she did not believe they were going to leave this project unfinished. She was excited to see things move forward.

Ms. McClellan stated there is no money in the reserves. Mr. Brownell stated this is not part of this commission's purview.

Ms. McClellan had a document she wanted to submit to the commission. She submitted this document at the end of tonight's meeting.

Alex Levere, North Moodus Road, questioned Spy Glass Hill Road, what year anticipating start. Mr. Salicrup stated 2021, if it goes according to plan. Mr. Levere stated this seemed excessive to take something really special and unique and lose it in the name of profit.

Responsive to inquiry by Mr. Mark Emmatrudo, Mr. Barneschi stated the new units would be very similar to what is there now, and will include quad units and duplexes. There will be more quad units. 1400-1800 square feet per unit. Mr. McDonnell stated there is no plan for low income units.

Mr. Brownell stated this is in a resort zone. They are able to do this in a resort zone, if they meet the requirements of this commission's regulations.

Mr. Levere stated this commission does represent the people of the town, and he hoped the commission's vote would reflect it.

Don Flis, 41 Cherry Swamp Road, stated he has \$110,000 invested in wells on his property. They have changed through the years depending on blasting, etc. One of his current wells is 610 feet deep, and the other is 767 feet deep. He believed blasting and drilling from this project would affect his wells. He asked how he would prove something that they did changed his water flows. Mr. Nadeau stated there are wells that are 1000 feet deep that get very low water volumes. Mr. Flis asked how he would prove something impacted his wells after the blasting. Mr. Flis noted that there are the same issues with the earthquakes also. Mr. Ventres stated because of the Moodus Noises, the water does change. He stated when there is even a minor earthquake, he has more water at his house. He stated it can change with the next earthquake. That does complicate investigating the cause of changing water. He stated there will be a pre-blast survey, and Mr. Flis' wells should be checked.

Mr. Krishna Davda, 18 Augusta Circle, was curious, in the event of a massive failure, what contractually bars them from selling off to another company. Mr. Nadeau stated they are regulated by the State as well as PURA (Public Utility Regulatory Authority) who reviews and approves and sale of a public utility.

Ms. Charlotte Gelston asked if the wells go dry, where they would get the water to supply the residence from. Mr. Nadeau stated once it gets to a certain point, they would hire hydro geologists to determine what was occurring. They have various sources.

Ms. Catherine Flannery, 119 Cherry Swamp Road, stated they have free water with their own wells. She asked if they would have to pay for water. Mr. McDonnell stated if the well is proven to have gone dry as a result of Banner, they could be connected to Banner's water supply at the same rate they pay for electricity to pump the water out of the ground.

Mr. Merrick asked if there is a problem with water, how they would be compensated for being without water for a number of days. Mr. Brownell stated they would have to look into that.

Mr. Garofalo asked how many zoning enforcement officers are on staff. Mr. Ventres stated he is the only one. He explained how Fox Hopyard worked, which was a larger project. The engineers will be out there, the town's engineer, and the CT DEEP, but he would not have to be on site 100% of the time. Everything has to be done according to the plans. It is a workable system and is not overwhelming because they are phased over around 10 years. The building inspector will spend a lot of time out there, particularly when the building was being done.

Mr. Thomas stated because of the size of this project, he asked if it would be possible to have a letter from the fire marshal. Mr. Ventres stated he asked the fire marshal for this for the next public hearing.

Motion by Mr. Thomas, seconded by Mr. Matthews to continue Application #16-15, 1 Banner Road, WMC Banner Lodge Enterprises, LLC, under Sections 14B and 17 – Planned Recreational Development – Resort Zones PRD-R, additional 247 units, until October 25, 2016, 8:00 p.m. at the Town Grange. Motion carried by unanimous vote.

8. EXECUTIVE SESSION

Motion by Mr. Brownell, seconded by Mr. Pettinelli, to enter executive session at 9:37 p.m. for the purposes of discussing possible land acquisition. Motion carried by unanimous vote.

Motion by Mr. Curtin to exit Executive Session at 10:20 pm. Motion seconded by Mr. Salicrup, and carried by unanimous vote.

NO MOTIONS WERE MADE, AND NO VOTES WERE TAKEN.

9. ADJOURNMENT

Motion by Mr. Pettinelli to adjourn at 10:25 pm. Motion seconded by Mr. Matthews, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina