

**PLANNING & ZONING COMMISSION/
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
November 8, 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), Edward Gubbins (regular member), Kevin Matthews (regular member) (arrived 7:20 p.m.), Richard Pettinelli (alternate member), and Harvey Thomas (regular member)

COMMISSIONERS ABSENT: Martha Hansen (alternate member), and Louis Salicrup (regular member)

Mr. Brownell appointed Mr. Pettinelli to vote for Mr. Salicrup this evening.

OTHERS PRESENT: Jim Ventres, and 23 townspeople were present

3. MINUTES

The minutes of the October 25, 2016 meeting were accepted with the following amendments:
Page 4:

- 1st paragraph: add “fuel” before “storage”
- 4th paragraph: change “on top of” to “attached to”
- 7th paragraph, 3rd sentence: change “2-unit” to “4-unit”
- 11th paragraph: change “service” to “services” in the first sentence, and add “for the fairways and greens: after “water” in the last sentence.

4. BILLS

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| Gould, Larson, Bennet, McDonnell (Powerhouse Road title search) | \$220.00 |
| Branse & Willis (Discussion w/Mr. Ventres regarding illegal apartments, discussion w/Mr. Brownell regarding Clark Gates, LLC) | 851.00 |
| Branse & Willis (Francini) | 37.00 |
| Suburban Stationers | 23.26 |

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

Mr. Kevin Matthews arrived at this time.

5. ACKNOWLEDGMENT

A) New: Application #16-20, 15 Great Hillwood Road, Town of East Haddam (Senior Center), lighting of existing track. Assessor's Map 65, Lot 100.

First date: November 8, 2016

Last date: January 11, 2017

No one representing the applicant was present at this meeting. Mr. Ventres distributed the plan to the commission. The proposal is for 38-inch high bollards to light the walking track. They could be ready for a public hearing at the December 13, 2016 meeting.

Mr. Curtin voiced concern about the number of lights sticking up. Mr. Pettinelli indicated that in order to light the walk, the only way to have fewer lights was to make them higher.

Motion by Mr. Pettinelli, seconded by Mr. Matthews to set a public hearing for December 13, 2016, 8:00 p.m. at the Town Grange to hear Application #16-20, 15 Great Hillwood Road, Town of East Haddam (Senior Center), lighting of existing track. Motion carried by unanimous vote.

6. DISCUSSION

A) AP Gates Road (property owned by Robert Casner)

Mr. Casner addressed the commission. Mr. Ventres stated the commission's attorney has advised them that this lot is part of the open space subdivision filed on the land records in 1994.

Mr. Casner distributed the maps of the property and the subdivisions that went on there. The top is section 1. The lot in question is east of Phase 1, an undesignated lot.

Mr. Casner distributed copies of the minutes from 6/27/1988, in which the commission at that time talked about a fire house for the town on this lot.

Mr. Casner distributed copies of the minutes from 4/24/1989. Mr. Casner stated that a subdivision was approved by Planning & Zoning, has minutes to back up what was being done. Once the subdivision was approved, then ownership of the lot changed to New England Savings Bank. The FDIC picked up the lot, and everything sat until 1994, when it was basically going to be an open space subdivision. Mr. Casner distributed copies of the 5/23/94 minutes, where there was no mention of it. The 1996 plan doesn't have this lot on the plans at all, so it is not part of the subdivision. There is nothing in the minutes that refers to the corner lot. When they talk about the open space, it is 96 acres. Mr. Pettinelli asked if this lot is part of the 96 acres, cumulatively. Mr. Ventres noted that Map 2772, states "approximately 100 acres". Mr. Casner stated this was not the recorded subdivision plan (Map 2770). Mr. Casner believes that the other documents are supporting documents.

Mr. Casner distributed a copy of his certificate of title.

Mr. Ventres stated that Attorney Willis' opinion is that the subdivision is what is shown on file. There is a difference of opinion.

Mr. Casner stated on his title search, it says that there is no definitive answer as to whether the lot was designated as Open Space. The card states it is vacant residential land in the R2 zone. This is what Mr. Casner saw when he purchased the property. The tax assessor has been taxing him on a building lot for years.

Mr. Casner asked if there is a way in which to resolve this issue. When a similar thing came up with Shagbark, basically the IWWC worked with Shagbark to say they would take a small corner for a conservation easement, and Shagbark had the deeds prepared.

Mr. Casner believed this was part of the 1989 subdivision. He would be willing to take the piece of property and divide it in half with 1.2 acres a conservation easement, and the remaining 1.5 acres would not. He is willing to prepare the necessary documents for acceptance by the town.

Mr. Gillis asked how Mr. Casner bought the property without a deed. Mr. Casner stated he has a deed. The Town of East Haddam sold the property to him. Mr. Casner stated he has been taxed on it since. Mr. Ventres stated it was sold for approximately \$3,000.00. Mr. Gillis stated that the town still sold it to Mr. Casner.

They reviewed Map 2769, which shows the lot, as well as Map 2772. Mr. Pettinelli asked who owned the property back then. Mr. Ventres stated that FDIC owned it. It was noted that many people were involved, and many mistakes were made.

Mr. Pettinelli asked if the bank gave up the 96 acres, leaving this lot in a void. He asked who owned it, to which Mr. Ventres stated it was owned by the bank.

Mr. Thomas suggested this be cleared up in favor of Mr. Casner, with Mr. Casner donating two acres of open space somewhere else. Mr. Ventres stated the Wetlands commission has concerns about this parcel due to the presence of vernal pools. Mr. Thomas withdrew his suggestion.

Mr. Casner stated it would be better for the taxpayers of East Haddam to resolve this issue without the involvement of attorneys and the courts. Mr. Curtin believed it was a problem caused by the town, and it would be better to resolve it without spending a lot of money on attorneys.

**Motion by Mr. Pettinelli, seconded by Mr. Gubbins to take a 5-minute recess at 7:55 p.m.
Motion carried by unanimous vote. The meeting reconvened at 8:00 p.m.**

Noting the time was now 8:00, the public hearing began.

7. PUBLIC HEARING

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

A) Continued – Application 16-15, 1 Banner Road, WMC 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 11, 2016

Last date: November 14, 2016

Mr. Stephen McDonnell, WMC Engineers addressed the commission. Mr. Ventres submitted the revised plans to the commission.

Mr. Ventres read into the record a letter from the East Haddam Fire Department dated November 3, 2016.

Mr. McDonnell stated wherever there were requests to add sidewalks, they have done so.

Mr. Bob Barneschi, WMC, reviewed the accesses that were added to Eagle Ridge. They provided a ramp at the end of the sidewalk on Bear Pond Road. Section D parking lot, they added a ramp and a retaining wall to the back of unit 35 and the rear of unit 38. On Oakmont circle they continued the sidewalk around the cul-de-sac. At the intersection of Mirror Pond Road and Quail Hill Lane they tightened up the sight lines and provided a sidewalk all along Quail Hollow Road to the end. On Spyglass they provided a crosswalk and ramp. On Duckwoods Court they provided a ramp. They provided access to Units 5 and 6 on Spyglass.

Mr. Barneschi stated there had been one comment on the erosion control measures, which was just an error on their part, and they have addressed that.

Mr. Brownell asked if the changes were satisfactory to Mr. Pettinelli, to which Mr. Pettinelli stated they were.

Mr. Brownell opened the hearing to the public.

Mr. Casner stated this is probably one of the best things they could have to increase the business activity in Moodus. He believed it was ideal in this area. It is a 400-acre tract of land, they have kept the development in a tight area, and the village nearby can provide services to these residents. It really seems like they have come up with a nice plan for this property, and he encouraged the commission to approve it. He added that the sidewalks added were a great benefit, so people can have a sense of community, walk around, etc.

Mr. Brownell asked Mr. McDonnell about the neighbors. Mr. McDonnell stated they had talked to the neighbors, but he stated they would be amenable to a condition on the approval.

Motion by Mr. Thomas, seconded by Mr. Gubbins to close the public hearing for Application 16-15, 1 Banner Road, WMC 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. Brownell preferred to have the other members of the commission present for the discussion. The consensus of the commission was that they would have everyone.

Mr. McDonnell thanked the commission for their input and time.

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

B) 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: November 8, 2016

Last date: December 12, 2016

Mr. George Fellner addressed the commission. He presented his plan for an accessory apartment in his single-family house, which sits on a 2.65 acre lot in the R1 zone. At end of driveway, there will be a paved area for a single tenant. The house itself was built in 2001. It has two stories. The first story has a single bedroom on the first floor, a single bedroom on the second story. The lower level in the basement will be the accessory unit. It was built as a finished basement space, with a bathroom. When they built the house they put in a 1,000 gallon septic system, for a 3-bedroom house.

Mr. Fellner reviewed the plans with the building official and he had no issues. He does need to install a smoke detector and a carbon monoxide detector.

Mr. Ventres read into the record a letter from Chatham Health District, from Elizabeth Davison, which approved the proposal.

Mr. Fellner stated there was no kitchen. It was noted that he did not need approval if there was no kitchen.

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

Motion by Mr. Thomas, seconded by Mr. Gillis to close the public hearing for Application #16-16, 28 Old Orchard Road, George & Heidi Fellner, Special Exception Review for an attached accessory dwelling unit. Motion carried by unanimous vote.

Motion by Mr. Curtin, seconded by Mr. Pettinelli to approve Application #16-16, 28 Old Orchard Road, George & Heidi Fellner, Special Exception Review for an attached accessory dwelling unit. Motion carried by unanimous vote.

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

C) 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.

Mr. Guy Genest Jr. and Attorney Mazek addressed the commission.

Mr. Ventres stated that this commission reviews Planning and Zoning regulations. They do not review private association bylaws, of which this application is a part of.

Attorney Thomas Mazek represented the applicant. They have a bedroom above the garage that they are looking to have as an accessory unit. They have been in touch with the association, who is in the process of getting advice from their attorney.

This apartment has separate ingress and egress. The building official has completed a preliminary review, and they have only a few minor things to correct.

Mr. Ventres read into the record a letter dated November 8, 2016 from Chatham Health District from Elizabeth Davidson, who determined that this application meets the Public Health Code.

Mr. Ventres received three letters for this application, three letters against, and a letter from the association.

Mr. Brownell opened the hearing to the public.

Mr. Eric Cox stated he had no problem with the application.

Motion by Mr. Gubbins, seconded by Mr. Matthews to close the public hearing for Application 16-17, 12 Shelter Rock Road, Guy Genest Jr., Special Exception Review for an attached accessory dwelling unit. Motion carried by unanimous vote, with the exception of Mr. Curtin, who abstained from this application.

Motion by Mr. Thomas, seconded by Mr. Pettinelli to approve Application 16-17, 12 Shelter Rock Road, Guy Genest Jr., Special Exception Review for an attached accessory dwelling unit. Motion carried by unanimous vote, with the exception of Mr. Curtin, who abstained from this application.

8. ZEO REPORT

Mr. Ventres has a request from Haddam looking for a letter of support for a grant to build a sidewalk from the swing bridge to Route 154. The consensus of the commission was to send the draft letter that Mr. Ventres prepared and submitted.

Mr. Ventres distributed a letter of support dated November 7, 2016 from Fred and Joanna Hunt. They requested that the IG Zone be expanded back to the 1982 line for their property.

Discussion continued regarding AP Gates Road. Mr. Casner stated he was proposing a conservation easement on part of this property. Mr. Pettinelli stated he disliked small open space. Mr. Thomas stated the protection would be for the vernal pools. Mr. Brownell will call Attorney Willis to try to get this resolved.

9. ADJOURNMENT

Motion by Mr. Gubbins to adjourn at 8:50 p.m. Motion seconded by Mr. Matthews, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina