

**PLANNING & ZONING COMMISSION/
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
March 22, 2011**

(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: James Curtin (regular member), Bernard Gillis (regular member), Elizabeth Lunt (alternate member), John Matthew (regular member), Kevin Matthews (regular member), Harvey Thomas (regular member), Louis Salicrup (Alternate)

COMMISSIONERS ABSENT: Cary Brownell – Chairman (regular member), Anthony Saraco (regular member)

OTHERS PRESENT: James Ventres, Emmett Lyman, Mark Walter (arrived 8:26 p.m.), and approximately 23 townspeople were present.

Mr. Curtin appointed Ms. Lunt to vote in place of Mr. Brownell, and Mr. Salicrup to vote for Mr. Saraco this evening.

3. MINUTES:

The minutes of the March 8, 2011 meeting were filed as written.

4. BILLS

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
CT Federation of P&Z Agencies (Annual membership)		\$90.00
NLJ – general consultation (relating to bond cost updates)	73742	48.77

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

5. ACKNOWLEDGEMENTS AND SET HEARING DATES

None

6. SITE PLAN REVIEW

A) Application 11-01, Ehrling Johnson, 17 Berry Road, Site Plan Review for seasonal to year-round conversion. Assessor's Map 67, Lot 111.

First date: March 8, 2011

Last date: May 11, 2011

Mr. Roger Nemergut addressed the Commission. He stated he had received a revised letter from Chatham Health District. Mr. Ventres read this letter from James Karenberg of Chatham Health District into the record. The applicant needs to revise the application for either installing a septic system to support a 3-bedroom house, or purpose the third bedroom as an office. Mr. Nemergut stated he planned to resubmit this to the State, as he believed it would be approved as an office. The intent is that this will be a 2-bedroom house, with an office.

Mr. Bob Dumaine, a neighbor, asked if a septic system had been approved, to which Mr. Curtin confirmed it had been. Mr. Dumaine asked to see where it would be located. Mr. Curtin invited him to come up to the table to look at the plan, and Mr. Nemergut showed him on the plan the locations of the houses and septic system.

Mr. Salicrup asked if this applicant would have to come back when he builds a garage. Mr. Curtin stated he would not have to come back, but would have to get a permit.

It was determined that the Commission did not have enough voting members to act on this application at tonight's meeting.

Motion by Mr. Thomas to continue Application 11-01, Ehrling Johnson, 17 Berry Road, Site Plan Review for seasonal to year-round conversion until the next regularly scheduled meeting. Motion seconded by Mr. Matthews, and carried by unanimous vote.

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

9. ZEO REPORT

Mr. Ventres distributed proposed regulation changes for the Town of Lyme. He suggested the commissioners review this for possible discussion at the next meeting.

Mr. Ventres distributed an email from Attorney Eric Knapp regarding Grandview Resorts. Mr. Ventres has learned that the resort is collecting fees for reservations beginning in May, 2011, without proper approvals and permits. The email from Attorney Knapp explained that Grandview has no approval for a special exception application for an RV resort. Mr. Thomas suggested that Attorney Knapp draft a cease & desist

order for Grandview Resorts. Mr. Ventres distributed a document he drafted from another similar cease & desist order.

Mr. Gillis asked, as a property owner, if Mr. Nedovich was permitted to do the work he has already done. Mr. Ventres stated he has done some work. There are still several items that need to be done. The applicant would have to go through Chatham, etc. In addition, the property owner is delinquent in taxes, so he is unable to take out the permits.

Motion by Mr. Thomas to draft a letter to the applicant stating that he does not have proper authorization to proceed, until all permitting is done, and to have the letter reviewed by Attorney Branse. Seconded by Mr. Matthew. Voting: Ayes: Thomas, Matthew, Lunt, Gillis, Matthews, Salicrup. Mr. Curtin abstained. Motion passed.

Mr. Ventres updated the commission on the reservoir project. They now plan to raise the coffer dam approximately one foot. They hope to refill the reservoir by April.

Mr. Ventres met with the EDC as a subcommittee on vacant properties. They hope to move forward on some properties. It was noted that some properties languish for long periods of time before there is any movement.

The Commission briefly discussed the blight ordinance. This ordinance would have to go to the Board of Selectmen, then to a Town Meeting. There is a separate ordinance for demolition. Dr. Karl Stofko had questioned this, so Attorney Poliner is researching the issue.

Mr. Ventres asked the commissioners to submit their lists of regulations to be reviewed this year. Mr. Salicrup previously submitted his. Mr. Thomas submitted his list.

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

7. PUBLIC HEARING

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

A) Application 11-03, Joseph Clark, applicant, C.I. Salvage, property owner, 62 Creamery Road, Special Exception Review to open a microbrewery. Assessor's Map 17, Lot 55.

First date: March 22, 2011

Last date: April 25, 2011

Mr. Roger Nemergut addressed the Commission on behalf of the applicant. He reviewed the proposal for a microbrewery on Creamery Road. The parcel consists of 0.16 acres. There is an existing industrial factory on the property. They do not plan to make many changes to the exterior of the building. Mr. George Fellner will address this in further detail.

Mr. Nemergut stated this is located in the East Haddam Village District highest use zone. There are some improvements that need to be made to the site, including parking improvements. On the west side of the parcel, off Creamery Road, there would be 4 parking spaces, generally for employees. On the east side of the building, there would be a loading area, as well as handicap spaces. The base would be gravel, or traprock gravel on top of a plastic cell base. There would be no pavement. The balance of the parking would be at the Town Office site. The applicant has requested a waiver of the 500-foot distance for use of the Town parking spaces. The distance would be approximately 800-feet away.

Mr. Nemergut reviewed runoff and infiltrators. The first inch of runoff would be collected, and slowly released into the ground. The building will be serviced by a private well. This will be under the State's review for water use. There will be no sewage disposal system on this parcel. It will be served by the treatment plant.

Mr. Nemergut explained that other waste associated with the beer-making process, although not toxic, would have high levels of total suspended solids and BOD (biochemical oxygen demand). This would be collected, then released at peak flow times into the wastewater treatment plant.

Mr. Nemergut stated there would be some screening proposed as part of this application. At the east side, they are right against the property line, so there is not an opportunity for screening. To the west is Succor Brook. To the north of the property, he showed a proposed landscaping plan for the project. Currently, there is an arborvitae screening at Creamery Road. The proposed plan is to supplement the plantings along Creamery Road to continue the existing arborvitae screening.

There will be handicap access to the building. Mr. Nemergut stated there would be dumpsters, but there would be some screening, but there would also be a stockade fence.

Mr. Nemergut explained that there will be excess spent grains, yeast, etc., which would be offered to local farmers for cattle. This would be loaded into pickup trucks, not into large vehicles.

Mr. Nemergut stated there would be a chiller unit on the outside of the building for processing. The lighting would be reviewed by Mr. Fellner. The only place the grade would change would be the loading area, where they proposed a retaining wall.

TAPE CHANGE (1B)

Mr. Matthew asked the volume of spent grains. Mr. Nemergut deferred to Mr. Clark's presentation. Mr. Salicrup asked about the discharge tank, and asked if it would discharge during off-peak times. Mr. Nemergut stated it would discharge at peak times, by gravity flow to the pump chamber. It will be held until an agreed upon time sequence from the water treatment plant/WPCA. The pump can be programmed to discharge at the appropriate time. Mr. Salicrup asked what would happen in the event of a power failure. Mr. Nemergut explained the system did not have batteries, although they could get batteries if necessary. He indicated the processing would stop if there was a power failure.

Mr. Curtin asked if there was an oil containment unit on the Succor Brook side. Mr. Nemergut stated they

would lift the tank, and place the containment unit beneath it. It would be covered.

Mr. Curtin asked about the well containment easement from the Goodspeed. Mr. Nemergut stated the well radius has to be contained on the property.

Mr. Curtin announced that the commission would hear the information from each presenter, then the commissioners would ask questions, and then the public would have an opportunity to ask questions.

Mr. George Fellner, project architect, presented the plan for the exterior. Neither the siding nor the windows would be changed. Lighting would be uplit to the underside of the canopy. This lighting would not shine into the street. Mr. Fellner stated the fire escape would be relocated to the east elevation. He noted the exterior would not change drastically.

Mr. Fellner reviewed the interior floor plan. From the entrance, visitors will enter a room with 21 seats for tasting. He reviewed the brewing room, etc. Because of the weight load, they will have to add footings and reinforced flooring, for which they are working with a structural engineer. Mr. Fellner stated the upstairs would not have seating, etc., and public access of this area would only be by tours. Mr. Gillis inquired about the outside tanks. Mr. Fellner showed where they would be located.

Mr. Joe Clark explained the brewing process. He stated the brewing would consist of four materials: the water, malted barley, a small amount of hops, and a small amount of yeast. The malt would be brought in 25-lb or 50-lb sacks, delivered by either the front or side loading/unloading area. A freight elevator will take the sacks to the upstairs for processing. The malt will be loaded on the second floor, mixed with water, strained, then dropped down to the first floor whirlpool. It is then cooled rapidly. Multiple batches can be done at once. After processing, the lager will be stored for a few weeks, then strained and bottled or put into kegs.

Mr. Clark explained that spent grain, approximately the size of a small Rubbermaid bin, would be generated from the batch. Other ingredients would be added to this, and it would then be available for cattle consumption.

Mr. Clark stated this would be a manufacturing brewery. As such, they are allowed by State law to sell up to eight litres of beer in sealed containers to the public. They will have a tasting room. He imagined an 8:00 a.m. to 5:00 p.m. day. He reviewed the weekly schedule. As for tour and tasting times, he anticipated it would be Fridays from 4:00 – 7:00 p.m., Saturdays from 12 p.m. to 3 p.m. There is a possibility that he would give tours on Wednesdays to coincide with Goodspeed matinees.

Mr. Clark stated he planned to primarily have kegs during the start up times. They would hand bottle some beer, so that there would be beer available for tastings, or for retail sales.

Mr. Matthew asked about the spent grains, and asked if they would be inside containers. Mr. Clark stated that would be ideal. There are small containers, at approximately 600 pounds. Mr. Thomas asked if this material would be stored on site for extended periods. Mr. Clark stated he had made arrangements with a couple of farmers already, and it would have to be used before it sat for too long.

Mr. Curtin inquired about venting. Mr. Clark showed the venting area on the plan. Mr. Curtin asked about odors coming from the venting. Mr. Clark explained that twice per week, there would be one-and-a-half hours of boiling. There would be an odor associated with that, but it was twice per week. He likened the odor to the smell of oatmeal and/or bread.

Mr. Matthew believed there would be approximately two tons of wet material. Mr. Clark stated the material would not be extremely wet, as they would try to get out as much of the moisture as possible. Mr. Matthew voiced concern about the smell of the wet grains. Mrs. Melissa Ziobron, EDC coordinator, stated that the odor issue had come up during the neighborhood meetings, and it was taken very seriously. They were addressing those issues.

Mr. Matthew commented that there might not be a lot of demand for the spent material during winter months. Mr. Nemergut explained that this material would be free to farmers, and it would be a high protein, high quality feed. The alternative is for farmers to feed their animals grain and hay.

Mr. Matthew asked about the water treatment plant. Mr. Ventres stated he and Mr. Grant Weaver, the treatment plant operator, have discussed this. They have a dilution factor worked out for the flows. The wastewater will be mixed in with other flows. Although this will require some science for the right mixing, they have gone through this issue extensively.

Mr. Thomas asked about the 21 seats, and if 21 was the anticipated number of people for tours. Mr. Clark believed they would have tours of approximately 10.

Mr. Ventres read into the record the approval letter from the IWWC, which was prepared on October 18, 2010.

Mr. Ventres stated this application is within the East Haddam Village District, but not within the historic district. Mr. Clark had submitted the plans to the historic district. In addition, Mr. Ventres stated they have had reviews by the WPCA. They are under State review for the water.

Mr. Clark stated he was waiting for an easement from Mr. John Shea on one side. The Goodspeed has given him a letter of intent to grant an easement once their wells are done in association with their housing project.

Mr. Curtin opened the hearing to the public.

First Selectman Mark Walter believed this would be a welcome addition to the Village. Ms. Patty Stricker, EDC, looked forward to the brewery opening. Ms. Lisa Kagel welcomed a new neighbor.

Mr. Thomas questioned the shared parking regulation. Mr. Ventres reviewed the regulations for parking. He stated the applicant can request a waiver for distances greater than 500-feet. He reviewed the parking lights in the area.

Mrs. Melissa Ziobron, EDC Coordinator, thanked the neighborhood for their involvement in this process.

She stated this has been a long process, and Mr. Clark has spent a lot of time, money, and involvement in this process. She thanked Mr. Clark for his commitment to the Village, and to this historic building. She stated Mr. Clark's dedication to the historic preservation of this building was a testament to his character.

Mr. Walter stated he has seen Ralph Parady's work, and it is second to none, so he was certain this job would be well done.

Mr. Curtin asked the Commission if they would like to keep the public hearing open, or to close the public hearing.

Mr. Matthews asked about the volumes going into the wastewater treatment plant. Mr. Ventres stated at peak right now, they are well below capacity. He stated the wastewater going into the plant is relatively clean. He stated the volume is not an issue, just the flow going into the plant.

Mr. Salicrup would like to think about this application before closing the public hearing. Mr. Gillis agreed, and inquired about visiting another brewery. He suggested he could go on his own. Mr. Ventres stated he could not go on his own, but the Commission could schedule a time to go. However, he stated they could not discuss the application there.

TAPE CHANGE (2A)

Mr. Matthew and Ms. Lunt preferred to keep the public hearing open. Mr. Thomas believed the only reason to leave the hearing open would be to ask Mr. Fellner or Mr. Nemergut questions. Mr. Curtin stated if they leave the public hearing open, everyone should get questions/input to staff within one week.

Motion by Mr. Thomas, seconded by Mr. Matthew, and carried by unanimous vote to continue Application 11-03, Joseph Clark, applicant, C.I. Salvage, property owner, 62 Creamery Road, Special Exception Review to open a microbrewery until the next regularly scheduled meeting.

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

B) Application 11-04, Town of East Haddam, Special Exception Review for a proposed dog park to be located on the old baseball field at the Town Beach property, 291 East Haddam Colchester Turnpike. Assessor's Map 67, Lot 11.

Mrs. Tiffany Quinn, Park and Recreation Director, presented the proposal for a dog park. She explained that the prior dog park application had fallen through. The new application is for a dog park at the Town Beach. She submitted the green, certified receipts to Mr. Ventres.

Mrs. Quinn stated there are now many dog parks throughout the state. There would be a small dog area and a large dog area. The dogs would be required to be on a leash from the vehicle to the fenced in area. Once inside the fenced area, dogs are allowed off the leashes.

Mrs. Quinn stated the proposed site is already partially fenced, which would make their financial burden less.

Mr. Gillis asked about language for signage, specifically for licensing and spayed/neutered dogs. Mrs. Quinn stated they could add the language for licensing.

Mrs. Quinn noted that the existing fencing is 4-feet high, although they did get a quote for a 5-foot fence. Mr. Thomas recommended a “man trap” gate system. Mrs. Quinn stated that there would be a gate to get into the park, and then visitors could pick in which direction they wanted to go.

Ms. Lunt asked if Little League had any issues with this, as it was used last year for practices, etc. Mrs. Quinn stated she contacted Mike Gionta first.

Mr. Curtin opened the hearing to the public.

Ms. Eileen Schwartz spoke in favor of the project. She stated there is no other area where dogs can be off a leash.

Ms. Lunt asked about swimming. Mrs. Quinn stated that people already bring their dogs to the Town Beach.

Mr. Curtin asked who would get calls for issues related to the dog park. Mrs. Quinn stated that she would be the contact should any issues arise.

Mr. Matthew asked if they could reverse the decision if they decided a year later that it really is not working. Mr. Curtin believed they would make more stringent rules to accommodate issues.

Mr. Gillis asked if an acre was an average size, to which Mrs. Quinn stated it was.

Motion by Mr. Thomas, seconded by Mr. Matthews to close the public hearing for Application 11-04, Town of East Haddam, Special Exception Review for a proposed dog park to be located on the old baseball field at the Town Beach property, 291 East Haddam Colchester Turnpike. Motion passed by unanimous vote.

Mr. Matthews asked if 4-feet was adequate for the fencing. Mr. Ventres stated since it is Town run, if they needed to add higher fencing, they could do so.

Motion by Mr. Thomas to approve Application 11-04, Town of East Haddam, Special Exception Review for a proposed dog park to be located on the old baseball field at the Town Beach property, 291 East Haddam Colchester Turnpike, in accordance with the plans presented, and in protocol with the plans submitted by Park and Rec. Seconded by Mr. Gillis, and passed by unanimous vote.

8. DISCUSSION:

Mr. Ventres stated if anyone wants to attend Attorney Branse's seminar, please contact Mrs. Lombardo as soon as possible. Mr. Gillis stated he planned to attend.

The commission briefly discussed the brewery application, and the process. Mr. Ventres stated the closest brewery of a similar size is located in Stonington. The question arose about how much volume would be generated in each batch. Ms. Lunt asked how much beer could be consumed during a tasting.

Mr. Curtin asked about the blight ordinance. Mr. Ventres responded that the EDC wanted a blight ordinance. Mr. Curtin stated they might be talking about individual buildings on particular sights. Mr. Gillis referred to the Fowler house, and asked about the barn that was falling down. Mr. Ventres stated that the building official has already ordered the demolition of this barn. Mr. Curtin voiced concern about people who may just not have the money to fix their structures.

Mr. Thomas stated if the EDC wanted a blight ordinance, and ordinances are done through the Board of Selectmen. He stated the only things the commission could do were to write a letter in support of it, write a letter against it, or do nothing.

10. ADJOURNMENT

Motion by Mr. Thomas, seconded by Mr. Matthews to adjourn at 9:48 p.m. Motion carried by unanimous vote.

Respectfully submitted,

Holly Pattavina