

**PLANNING & ZONING COMMISSION/
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
April 12, 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: Cary Brownell – Chairman (regular member) James Curtin (regular member), Bernard Gillis (regular member), Elizabeth Lunt (alternate member), John Matthew (regular member), Kevin Matthews (regular member)(arrived 7:22 p.m.), Harvey Thomas (regular member), Louis Salicrup (Alternate)

COMMISSIONERS ABSENT: Anthony Saraco (regular member)

OTHERS PRESENT: Jim Ventres, Emmett Lyman, Mark Walter, and approximately 23 townspeople were present.

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

3. MINUTES:

The minutes of the March 22, 2011 meeting were filed with the following amendments:

- Page 3, 3rd paragraph, last sentence: Change “April” to “the end of May”
- Page 8, 9th paragraph, last sentence: Replace “they” with “the Town”
- Page 9, 3rd paragraph, 3rd sentence: Change “sights” to “sites”

4. BILLS

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
Branse, Willis, and Knapp		
(Orchard/Morgan Estate)	1175.09075	\$ 14.50
(General legal)	1259.86285	203.00
Suburban Stationers	3580559-0	138.93
Suburban Stationers	3581849-0	43.00
Hartford Courant		
(legal notices)	2427	493.88

Mr. Matthews arrived at this time.

Motion by Mr. Curtin, seconded by Mr. Gillis 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. Ventres reminded the Commission that this was mostly resolved at the last meeting, but there were not enough voting members at the last meeting to act on this application.

Mr. Nemergut addressed the commission and reviewed the proposal for the seasonal to year-round conversion. The Chatham approval letter had been received. Mr. Salicrup noted there had been one issue with a bedroom. Mr. Nemergut stated this has been clarified, and is a two-bedroom house. Mr. Matthews asked if Mr. Nemergut had a conversation with the State about the bedroom issue. Mr. Nemergut spoke with Mr. Bob Scully, and in turn coordinated with Chatham Health District.

Motion by Mr. Curtin to approve Application 11-01, Ehrling Johnson, 17 Berry Road, Site Plan Review for seasonal to year-round conversion, with the condition that the Chatham Health requirements be met. Seconded by Mr. Matthews, and carried by unanimous vote.

Motion by Mr. Thomas, seconded by Mr. Gillis to change the order of business. Motion passed unanimously.

9. ZEO REPORT:

Mr. Ventres informed the Commission that there is talk about merging the CT River Estuary Council and Midstate Regional Planning Agencies. It appears that these two agencies will be combined, and they are looking for a new office. Mr. Ventres believed this would be a beneficial move. Mr. Gillis asked how many health districts are involved in this. Mr. Ventres stated there are health districts, as well as other districts that fall into this category.

Mr. Ventres stated there is a drive from the Office of Policy and Management to look at the plan of conservation and development on a state level. He expects to get feedback in September, 2011.

Mr. Ventres distributed a copy of a letter from the State Office of Policy and Management dated February 8, 2011, which awarded the Town a grant of \$12,000.00 for the plan of conservation and development. Mr. Ventres needs to respond to the State by May 2.

The Commission discussed the Midstate Regional Planning Agencies. Mr. Matthew asked about this agency. Mrs. Ziobron attends these meetings, and although they meet on the same nights as this commission, she suggested commissioners may be able to attend some of the special meetings scheduled on days other than when the commission is meeting.

Mr. Ventres stated they had their first meeting with the emergency management services. Mrs. Lombardo has compiled a matrix showing roads with common names. It was noted that most of the common names are within associations. The Public Works department has been involved with the status of roads, and it has been noted that some are barely passable.

Mr. Ventres stated he has been involved in two court cases recently. One case was the Shugrue property suit, and the other is the Cherry Swamp Road case.

Mr. Ventres stated the Building Dept. issued a stop work order for 89 North Moodus Road – the site of the proposed camp ground. Mr. Ventres noted that the property owner has again hired Mr. Chris Bell for the engineering work.

Mr. Ventres indicated the reservoir should start to be refilled by the end of May.

Mr. Curtin asked the status of a property on Sunset Acres. Mr. Ventres stated the work is being done.

Mr. Ventres stated that Mr. Puska is working on two illegal trailer issues, one on Town Street, as well as one on O'Connell Road.

Mr. Ventres stated the Town has won the Orchard Road court case. He has not heard anything yet on the Milan Cais issue.

Mr. Ventres stated in each commissioners' packet, there are proposed amendments to Salem's zoning and subdivision regulations. There was also a packet from the Town of Lyme, which proposed new regulations for deer fencing, etc.

Mr. Ventres stated each commissioner should have received a letter and packet regarding affordable housing laws. This letter was written by Mr. Lawrence Gorham.

Mr. Ventres has received a list of new topics to review from Mr. Salicrup, Mr. Gillis, and Mr. Thomas.

Mr. Ventres stated there would be a small addition to the dog pound. There is currently a lean-to on one side, and they are planning to add a lean-to on the other side as well. Mr. Ventres planned to treat this as an addition. There was no dissent.

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

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

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, P.E. addressed the Commission. He distributed revised plans to the Commission. He stated the plans have been revised essentially to address comments from the last meeting. They are broken down into site plan, process, and architecture.

Mr. Nemergut stated that Mr. Fellner would talk about the lighting. Mr. Nemergut recalled there had been a question about the oil storage tank units. One question was just to use a double-walled containment system. They are now proposing to replace the existing storage containment with a double-walled containment tank. He stated it would be on a concrete slab, and could be anchored if required. However, since this area is approximately 3-feet above the 100-year flood stage, they did not propose that it be anchored.

Mr. Nemergut stated there would be at least one floor drain, and it would be directed to the holding tank, and then metered out at peak flow times determined by the WPCA.

Mr. Nemergut stated there was very little landscaping proposed as part of this project, since there is extensive existing vegetation. They did propose approximately five additional arborvitae trees to close in the line of existing arborvitae. To the other side is the brook.

Mr. Brownell asked if they did anchor the tank, what it would entail. Mr. Nemergut stated they would have to assume a water elevation, and then see how much the tank weighed. He noted if they picked a 100-year flood elevation, and they were actually above this already.

TAPE CHANGE (1B)

Mr. Brownell asked if they would use straps or bolts to anchor it. Mr. Nemergut stated it would likely be with fiberglass straps, if needed.

Mr. George Fellner, Fellner Associates Architects, addressed the Commission. He distributed reviewed architectural plans. He stated they were not proposing a new roof, since the existing roof was fine. He reviewed the plans for the exterior lights. He reviewed the goose-neck proposed lights above the sign, which would be full cut-off lights. The other proposed lights were over the egress door, and the side door. These lights would be consistent with the goose-neck style lights over the sign. Mr. Brownell asked where the

Urban Act Mini lights would be located. Mr. Fellner responded they would be located under the front porch overhang. They would be 120-volt, 70 amp lights. Mr. Brownell asked how many foot candles these would be. Mr. Fellner stated they had not completed a full analysis of this.

Mr. Joseph Clark stated the front would be illuminated probably only until 8:00 p.m. He stated that Mr. Will Brady suggested there should be a security light in the back. Mr. Clark assumed he would use a motion sensor light for this purpose.

Mr. Clark stated there had been some question about tastings. He stated that this would be regulated. He stated his tastings would likely be less frequent than Hooker. He stated the tasting would be limited by the economics. He noted that typically, breweries charge \$5.00 for the tour, which includes the samples. He stated there was clearly no advantage to the owners to give more than a sample at these tastings.

Mr. Gillis asked what type of schedule the applicant proposed. Mr. Clark believed he would likely have a schedule for every other Friday, and Wednesdays to coincide with the Goodspeed shows. He added the schedule would be posted.

Responsive to inquiry by Mr. Salicrup, Mr. Nemergut stated there was a note on the plans that the lights would be turned off one hour after closing.

Mr. Clark stated there were additional questions about spent grain and odors. Mr. Clark responded to the odors during the brewing process. He stated it would smell something like oatmeal. He noted that Catrell Brewery has never had any complaints, and they do more extensive brewing than he proposes.

Mr. Clark reviewed the containers that would be used for the spent grains. Mr. Ventres distributed a plan of this container to the Commission. Mr. Clark stated one load would be put into each container, and would likely be loaded directly into a truck for removal. Responsive to inquiry by Mr. Gillis, Mr. Clark believed initially, there would be two of these containers per week. They would have a list of farmers who were interested in the spent grain for feed. If one farmer was not available, the next farmer on the list would be contacted.

Mr. Clark addressed the cleaning process. He sent to Mr. Ventres the cleaning protocol he planned to use. Mr. Clark stated the cleaning would have a caustic step, a rinse and an acidic cleaner. Once per week, they would use a stronger version of these steps. Mr. Clark stated he had presented MSDS sheets for the chemicals. He stated they were relatively low in concentration. These would be stored in up to 55-gallon drums, in plastic pallets that have containment in them. He stated this would be regulated by OSHA, the manufacturer, and good safety standards. Mr. Clark commented that much of the work would be done with the containers closed. He stated there would be chlorine based cleaners for the floor. Other cleaners would be used for keg and bottle cleaning. There would be glycol based chemicals for cooling, etc.

Mr. Curtin asked if the WPCA was satisfied with the chemicals proposed to be used. Mr. Ventres stated they were given extensive MSDS sheets. Mr. Don Angersola, EH Fire Chief, was satisfied with the list. Mr. Ventres also sent this information to Mr. Grant Weaver, who runs the Town's water treatment plant. Mr. Weaver did not believe there would be an issue with the wastewater.

Mr. Gillis asked about the easement on the Shea property. Mr. Clark stated at this time, the easement is not in hand. He believed the easement would eventually come through. He commented that the State was concerned with the easement from the Goodspeed. He noted that the State has jurisdiction over the water. Mr. Gillis asked if this would restrict the Commission's decision on this application. Mr. Ventres confirmed this.

Mr. Ventres informed the Commission that the Department of Public Health had contacted him to suggest that the Goodspeed's and the brewery's water be combined into one public water system. Mr. Ventres stated he had been in contact with Mr. David Murphy, the engineer who designed the Goodspeed's system. He noted that there is capacity. Mr. Ventres distributed copies of letters he received from Attorney Scott Jezek, dated April 12, 2011. He read this letter into the record. Attorney Jezek concluded that the Goodspeed requires time to adequately assess the implications of the potential change to the water supply.

Mr. Ventres distributed and read into the record an email dated 4/12/11 from Attorney Mark Branse. Attorney Branse recommended that if the commission approves this application, that it does so on the condition that the brewery obtain a water supply approved by the appropriate agencies of the State of Connecticut, and the special exception shall not become effective until such approval is obtained.

Mr. Mark Walter arrived at this time.

Mr. Curtin noted that a water issue is controlled by the State. Mr. Matthew questioned Attorney Branse's email, that he would not make a recommendation. It was noted that it was up to the Commission to approve or deny the application, not for the attorney. Mr. Brownell noted that the water supply was out of this commission's purview.

Mr. Matthew noted there were several MSDS sheets. He believed this issue had been addressed. Mr. Brownell noted that all of the MSDS sheets would be on-site at all times. Mr. Clark confirmed this.

Mr. Curtin noted that Succor Brook was very close to the proposed oil containment system. Mr. Matthew asked if there was any issue with the dam above this. Mr. Ventres stated that dam was taken down.

Mr. Brownell opened the hearing to the public.

Mr. Ed Odell, EDC chairman, spoke in favor of the project. Mr. Bob Scherer strongly supported this project, and urged the Commission to approve this project. Mr. Bob Cummings spoke in favor of this project. Ms. Candi Carle believed this project was a great idea. She stated she had concerns about light pollution, but believed this had been addressed. She urged the commission to support this project.

Mr. Mark Walter, First Selectman, stated he appreciated all of the efforts of Mr. Clark, and the community. He cautioned that time is money, and he would appreciate an expedient approval, as other towns are interested in having a microbrewery.

Attorney Jezek submitted the original of the letter Mr. Ventres read into the record. He stated the Goodspeed was in an unfortunate position. He believed the State should not compel the Goodspeed to supply water, whether or not the Town is the operator. Attorney Jezek believed it would be appropriate to approve this application with the condition that Attorney Branse addressed in his email.

Mrs. Melissa Ziobron, EDC Coordinator, distributed a letter she wrote dated April 12, 2011. She read this letter into the record. She responded to Attorney Jezek's comments. She stated the Goodspeed Opera House has not given an easement to the East Haddam Brewery. She stated they have given a revocable letter of intent. Mrs. Ziobron stated she contacted Representative Eileen Daily, the Middlesex Chamber of Commerce, Larry McHugh, and asked them to get involved and contact the Goodspeed Opera House.

Mrs. Ziobron stated she advocated for the Goodspeed's actor housing, but she supports all businesses.

Motion by Mr. Thomas to close the public hearing, seconded by Mr. Matthews, and carried by unanimous vote.

Mr. Brownell suggested the Land Use Administrator could investigate the foot candles after the lights are installed. Mr. Ventres stated he has a light meter, and it would be easy to measure a reasonable brightness. Mr. Curtin asked what the wording of any limitation would be. He asked what the standard would be when Mr. Ventres reviews the brightness. After a brief discussion, the commission decided that 5 foot candles would be used as the standard.

Mr. Ventres recommended that the lighting be turned off one hour after closing. Responsive to inquiry by Mr. Matthews, Mr. Ventres stated that Fridays would be 4-7 p.m. He noted that there was discussion about 8:00 p.m., so the lighting should be turned off by 9:00 p.m.

Mr. Ventres stated the MSDS sheets should be updated annually for the WPCA and Fire Department.

Mr. Ventres stated there was a request for a waiver of the parking distances.

Motion by Mr. Curtin to approve Application 11-03, Joseph Clark, applicant, C.I. Salvage, property owner, 62 Creamery Road, Special Exception Review to open a microbrewery, with the following conditions:

- 1) The EH Brewery shall obtain a water supply approved by the appropriate agencies of the State of Connecticut, and the Special Exception shall not become effective until such approval is obtained.**
- 2. Lighting to be shut down one hour after closing, no later than 9:00 p.m.**
- 3. Security lighting in the back of the building shall be on a motion sensor.**
- 4. MSDS sheets to be updated annually to the WPCA and EH Fire Department.**

5. The waiver of the off site parking be granted.

6. Lighting be measured by the LUA to ensure it does not exceed 5-foot candles at the street level.

Motion seconded by Mr. Thomas, and passed by unanimous vote.

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

B) Application 11-05, Town of East Haddam, Special Exception Review to relocate the East Haddam Food Bank to the Town Grange property at 488 Town Street. Assessor's Map 47, Lot 112.

First date: April 12, 2011

Last date: May 17, 2011

Mr. Ventres presented the plan for the East Haddam Food Bank relocation. He stated there are two components of this application. The first is the inside component, where the lower level of the Grange Hall is to be used by the East Haddam Food Bank. Mr. Ventres distributed a sheet listing hours of operation, etc. The hours will be Tuesdays from 9:00 a.m. to 12:00 p.m., and 2:00 p.m. to 5:30 p.m. On Friday and Saturday mornings, volunteers would be present to restock shelving. There would be special visits daily by the director to drop off items as acquired or donated.

Mr. Ventres stated the second component would be for the outside. One of the entrances will be eliminated. The driveway area would be widened for two vehicles to pass. There would be paving in the back area. They still need to decide what type of pavement to use for the parking area. They are looking at period lighting. Mr. Walter noted these lights would match the church, and other buildings.

Mr. Brownell asked if there would be any lighting in the back. Mr. Ventres stated there are lights on the back corners of the building. Mr. Walter stated they had considered bringing power to the back area, as the Fife and Drum would need power. Mr. Ventres stated they could convert the existing lights to motion sensor lighting. Mr. Thomas suggested the northeast corner of the building might need additional lighting, as it is used for meetings.

Mr. Curtin asked the parking capacity in the back. Mr. Ventres stated there would be 20 parking spaces. Mr. Walter stated people could still park in the driveway. They are just trying to alleviate the issue of people parking on the grass, which contributes to erosion.

Mr. Ventres presented the plan for the interior of the building.

Mr. Brownell opened the hearing to the public.

Mr. Ronald Borge lives next door, asked if the new lighting would create less light pollution. Mr. Brownell confirmed this.

Ms. Debbie Williams asked if the lights would be on all of the time. Mr. Brownell stated the lights in the

back would be motion detector lights, but the lights in the front could be turned on. Mr. Ventres stated with motion sensor lighting, if you flip the switch twice, they would stay on.

Ms. Williams asked if there would be bathroom facilities. Mr. Brownell stated there were bathrooms on the main floor.

Mr. Curtin asked what the lights would look like.

Ms. Nancy Borge, asked if the softer lights would be used in the back. Mr. Ventres stated there were lights in the back now.

It was noted that the front lights would be on a regular switch.

Motion by Mr. Curtin, seconded by Mr. Matthews, and passed unanimously to close the public hearing for Application 11-05, Town of East Haddam, Special Exception Review to relocate the East Haddam Food Bank to the Town Grange property at 488 Town Street.

Motion by Mr. Curtin to approve Application 11-05, Town of East Haddam, Special Exception Review to relocate the East Haddam Food Bank to the Town Grange property at 488 Town Street with conditions:

- **Lighting in the rear of the building shall be set up with one additional light in the back, set on motion detector.**
- **Lights along the front shall meet the Historical Society requirements, and shall be controlled by both a switch and a motion detector.**

Motion seconded by Mr. Matthews, and carried by unanimous vote.

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

B) Application 01-11, Joseph Yandacka, 170 North Moodus Road, Subdivision Review for a proposed 2-lot subdivision.

Attorney Scott Jezek and Mr. Roger Nemergut, P.E. addressed the Commission. Attorney Jezek submitted the green, certified receipt cards to the Commission.

Mr. Nemergut stated this was an 11-acre parcel, and was a re-subdivision. The proposal was to split one lot in the back. This would leave the existing house with 2 acres. The back lot would have the balance of the property, which would be over 9 acres. The driveway for the back lot would be kept at 8% or below. Mr. Nemergut believed there was an approval letter from Chatham Health District.

Mr. Nemergut stated there was a pocket wetland, and there would be some activity within the upland review area. They are in the process of the permit through the IWWC. Attorney Jezek stated the IWWC asked for the relocation of the driveway. They are scheduled to reappear before the IWWC next Tuesday, and hope to receive approval at that meeting.

Mr. Ventres stated that the Chatham Health District is taking a look at the revised plan for the relocation of the driveway. Mr. Nemergut stated that no changes were made to the septic system. Mr. Ventres stated the IWWC would look at this application again next week, and he expects the application to be resolved.

Mr. Brownell opened the hearing to the public.

Ms. Beth Dillon, North Moodus Road, asked if the house location had moved. Mr. Nemergut reviewed the plan with her. Ms. Dillon stated as long as the house location had not changed, she had no objections.

Mr. Ventres stated they have an approval from Chatham for the first set of plans, but they do not have IWWC approval yet.

Motion by Mr. Thomas, seconded by Mr. Gillis, and passed by unanimous vote to continue Application 01-11, Joseph Yandacka, 170 North Moodus Road, Subdivision Review for a proposed 2-lot subdivision to the next regularly scheduled meeting.

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

C) Application 11-06, Arthur Dombroski, 102 Clark Gates Road, Special Exception Review for a proposed bait and tackle shop to be located at the home. Assessor's Map 74, Lot 47.
First date: April 12, 2011 **Last date: May 17, 2011**

Mr. Ventres explained that this application came to him, and he brought it to the Commission at the last meeting. The Commission decided to hold a public hearing. Mr. Dombroski has sent out notices. Mr. Ventres stated the applicant will not be using over one-quarter of his house for this application. He has submitted hours of operation and a description of the business.

Mr. Dombroski stated he would remove an existing maple tree at the end of his driveway. There would be enough space to have five parking spaces. Responsive to inquiry by Mr. Brownell, Mr. Dombroski stated he would run this business out of the garage.

The commission briefly discussed traffic and sight lines.

Mr. Curtin asked if there would be any additional lighting proposed, to which Mr. Dombroski stated there would not be anything additional. Mr. Thomas asked if there would be any signage. Mr. Dombroski stated he planned to put a small sign at the end of the driveway. Mr. Brownell cautioned the applicant to contact the Land Use office if anything else was planned.

Mr. Thomas asked how much traffic Mr. Dombroski anticipated. Mr. Dombroski expected 3-5 cars per hour.

Mrs. Melissa Ziobron spoke in favor of this project. She noted that East Haddam's lakes are listed in many publications, and are a draw for tourism. She stated the EDC supports this application, and she urged the

Commission to support it as well.

Mr. Brownell asked if there would be handicap access. Mr. Ventres stated it was not required for this application.

TAPE CHANGE (2A)

Motion by Mr. Thomas, seconded by Mr. Matthews to close the public hearing for Application 11-06, Arthur Dombroski, 102 Clark Gates Road, Special Exception Review for a proposed bait and tackle shop to be located at the home. Motion passed by unanimous vote.

Motion by Mr. Thomas to approve Application 11-06, Arthur Dombroski, 102 Clark Gates Road, Special Exception Review for a proposed bait and tackle shop to be located at the home, seconded by Mr. Curtin. Motion carried by unanimous vote.

8. DISCUSSION:

The Commission briefly discussed the documents that were mailed to everyone regarding affordable housing.

10. ADJOURNMENT

Motion by Mr. Matthew, seconded by Mr. Curtin to adjourn at 10:00 p.m. Motion carried by unanimous vote.

Respectfully submitted,

Holly Pattavina