

**PLANNING & ZONING COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
July 12, 2011
(Not yet approved by the Commission)**

1. CALL TO ORDER: Mr. Curtin 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), John Matthew (regular member), Kevin Matthews (regular member), Louis Salicrup (Alternate)

COMMISSIONERS ABSENT: Crary Brownell – Chairman, Anthony Saraco (regular member), Harvey Thomas (regular member)

OTHERS PRESENT: James Ventres (arrived 7:45 p.m.), Emmett Lyman, and approximately 16 townspeople were present.

Mr. Curtin appointed Mr. Salicrup to vote in place of Mr. Brownell at tonight's meeting.

3. MINUTES:

The minutes of the June 28, 2011 meeting were filed with the following amendments:

- Page 3, Paragraph 1, last sentence: Change "They" to "The DPH"
- Page 5, Paragraph 3, last sentence: Clarify the area of buffer to be between the entrance road and the skateboard park.

4. BILLS

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
NLJ		
(review of Grandview)	743.68	\$330.04
Suburban Stationers	3597167-0	60.05
Hartford Courant	2479	439.32

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

5. ACKNOWLEDGMENTS AND SET HEARING DATES

A) Application 11-09, Daniel O'Mara, 26 Berry Road, Special Exception Review for a proposed bait and tackle shop and skiff rentals. Assessor's Map 67, Lots 66 and 127.

First date: June 28, 2011

Last date: August 31, 2011

No one representing this applicant was present at this meeting.

Motion by Mr. Curtin, seconded by Mr. Gillis, and carried by unanimous vote to continue Application 11-09, Daniel O'Mara, 26 Berry Road, Special Exception Review for a proposed bait and tackle shop and skiff rentals until the next regularly scheduled meeting.

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

7. ZEO REPORT

Mr. Curtin distributed a listing prepared by Mr. Puska of current zoning violations. The Commission briefly reviewed the listing.

Discussion:

Mr. Matthew thought it would be beneficial to be better organized from a planning perspective, so the Commission could have a better idea of what was envisioned for the town. Mr. Curtin stated that the Municipal Space Committee had plans, but they have not been active for some time.

Mr. Curtin stated he received a call from First Selectman Walter regarding getting the Municipal Space Committee to reconvene, specifically to look at the former middle school.

Mr. Gillis stated when Phil Barlow left this commission; he was getting involved in some redevelopment of the Moodus shopping area. Mr. Curtin noted that Mr. Barlow was involved in the lighting and sidewalk projects in Moodus. Mr. Curtin stated he has not heard anything further about this.

Mr. Curtin stated it was bothersome when space was renovated, such as the bottom of the Grange building for the food bank, some town spaces were done before the permits were given.

Mr. Gillis asked if there was anything happening with the Corner Restaurant. It was noted that nothing new was going on with this. Mr. Gillis inquired about the NorPro building, where there was a sign for storage. Mr. Curtin believed that would be a less intense use than its previous use.

Motion by Mr. Gillis, seconded by Mr. Matthews, and passed unanimously to take a brief recess at 7:44 p.m. The meeting reconvened at 8.00 p.m.

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

6. PUBLIC HEARING

Mr. Matthews read the call for the public hearing:

A) Application 11-08, 89 North Moodus Road, LLC, Special Exception Review for a proposed campground. Assessor's Map 73, Lot 10.

First date: June 28, 2011

Last date: August 31, 2011

Mr. Paul Nedovich, member of the LLC addressed the Commission on behalf of the applicant. Mr. Nedovich stated they were trying to restore the campground resort to its former grandeur.

Mr. Gary Thomas read a statement into the record. Mr. Ventres distributed copies of this narrative statement to the Commission.

Mr. Chris Bell, P.E. addressed the commission. Mr. Bell reviewed the proposal and plans. He explained that there are future plans, but this proposal is for Phase 1. He stated a few weeks ago, they submitted a larger plan which included RV sites, but they have now taken them off this plan. Currently, they are asking for approval of the existing sites, which includes 4 RV sites, 19 tent sites, and 1 tepee site.

Mr. Bell referred to the plan and showed the areas in yellow as the areas they would like to open. There is a theatre, a small two-unit cottage where the arcade was previously. The existing showers and bathrooms would be converted to a pool house, and a new pool would be part of this application. Next to the existing pool is an existing gazebo, and basketball courts. There is a 7-unit cottage they would like to open, as well as the individual units. There is also a new log home, previously approved. This would be the camp office, and would be a year-round structure. All of the other units would be seasonal. There are no year-round structures anywhere on the site except for the log home.

Mr. Bell stated they would need an extra shower facility. There are two existing showers at the exterior edge of the existing kitchen area. They would like to restore this for use. As part of the two areas of public septic systems. One would be connected to the shower system. There is also an existing system that served the arcade that they would like to use for the pool house. The other systems have been there for many years, and there is no documentation of any failures. Most of the area soils are Charlton soils, with very deep groundwater.

Mr. Bell stated the septic systems are being reviewed by Chatham Health District. The Department of Public Health is reviewing the water system. They expect approval from the DPH soon. They are currently under application for the pool system as well.

Mr. Bell explained they would be grubbing many of the groundcover material, including small trees. Most of these areas have been re-seeded and a layer of hay was installed. The back areas still need to be seeded.

Mr. Bell stated in doing the drainage analysis, the current proposal would actually decrease the flows. There will be no net increase of flow for the site. They have not yet looked at the drainage for future phases yet.

Mr. Bell reviewed the access, which would be a two-way access up to the tent sites, and a loop access to get out. He reviewed the proposed parking areas. The holding tank will be reviewed by Mr. Bob Scully, the director of DPH. They need approval before proceeding on this project. They are also awaiting comments from the Town engineer. Plans were submitted to the engineer last week.

Mr. Bell reviewed the plan for a baseball area. There would basically be four bases on the grass. The applicant proposes white pines for buffering. There is a small amount of work to be done for the sight line. They do not have the sight distance from the north. Approximately 1 ½ feet of embankment needs to be cleared for the required sight line of 550 feet. They would need to stabilize the embankment. It is currently 1:1, and will remain 1:1 after the stabilization.

Regarding existing buffers, there is a heavy buffer line to the back of the property. He showed on the plan the additional areas of buffer on the plan. There are larger maples to oaks, saplings, etc. The trees provide a good visual buffer. There is an existing buffer toward Banner Lodge, which is on Banner's property.

Mr. Bell stated there were other structures in the area, so he used a 70 scale plan.

TAPE CHANGE (1B)

Mr. Bell stated instead of the original request of 30 RV sites; they now are only proposing 4. The cottages and gazebo have existing outside lights near the entrance ways. These fixtures were likely installed in the 1940's. Some of the upper structures have 75-watt spot lights on them, but these are not part of Phase 1. There are 25+ foot pole lights near the basketball courts. These are very expensive to run, and do not have shields on them at this point. They hope to remove these and replace them with lights that would be directed down onto the court. Again, this would not be part of Phase 1. There are 8 mercury vapor lights, but it would not be cost-effective to run these, and thus, the applicant does not plan to run these at all. The only proposed lights are the small lights that are existing. In the future, as lights are proposed to be changed during future phases, they would replace them with smaller lights, with better down-lighting.

Mr. Bell summarized that because of the small stormwater runoff, they did not propose any stormwater plans for this project.

Mr. Ventres stated the reports were submitted to Mr. Curtis and Mrs. Lunt last week. He has not received comments yet, as Mr. Curtis is on vacation. They are also still waiting for the report from Chatham Health, and the DPH.

Mr. Matthew asked if the commission had a copy of the drainage calculations. Mr. Ventres stated he could make copies of this.

Mr. Gillis asked if there were 13 cottages. Mr. Bell stated there was a 7-unit cottage, 4-cottages, and a two-unit site.

Mr. Gillis inquired about the water, to which Mr. Ventres responded that was up to Chatham to tell this commission. A brief discussion ensued regarding the existing pool. Mr. Salicrup asked if the existing pool held water. It was noted that the applicant has never seen water in it.

Mr. Curtin opened the hearing to the public.

Mr. Chris Behilo, 94 Banner Road, voiced concern about the well and the groundwater. Mr. Curtin stated at some point, they would get a report from the DPH.

Mr. Dan Alexander asked the date on the map for Phase 1. Mr. Bell stated it was dated July 7. Mr. Alexander stated the original submittal was deemed insufficient. He questioned on what date the application changed to be sufficient. He did not believe the residents in town have had enough time to review the full plans. He asked the commission not to take action and to continue this application until at least the next meeting. Mr. Curtin explained that the commission would not take action tonight, as they were still waiting for additional information.

Mr. Richard Tower, Augusta Circle, at Banner, asked if the applicant could open for business without the approvals. Mr. Curtin and Mr. Ventres stated right now, they really cannot open. Mr. Ventres stated there are reviews that still need to be done. He explained that if this operation had been in continual operation, it might be acceptable to work, but not at this point.

Ms. Debra Williams, an attorney representing herself, at 30 Banner Road, was skeptical regarding the scaling and setbacks. She voiced concern about hearing noise when people were talking on this site. She stated after the walkthrough, the line of trees was thinned out. She believed there were wetlands, and she asked that an engineer re-check this area.

Ms. Williams asked if this was a resort or a campground. Mr. Ventres explained that the regulations allow people to apply for a special exception under Section 14.b of the regulations.

Ms. Williams asked if the commission had a quorum tonight, to which Mr. Curtin responded affirmatively. Ms. Williams stated it has been suggested that there are toxic materials under this site. She asked that the DEP look at this site for asbestos and other potential toxic materials.

Ms. Williams stated when this application was submitted, it was incomplete. She stated she received notice, but she did not know if the developer for Banner received notice. She questioned the notice to the neighbors living at Banner.

Ms. Williams stated two-thirds of her property abuts this property. She was not notified about the walk-through. She stated that for neighbors to not get notice of the commission's changes in regulations, it was wrong. She stated it felt like they were trying to take Sunrise Resorts and put it on this property.

Ms. Williams commented that she would like a solid fence on her side of the property as a buffer.

Ms. Williams referred to the pool, and stated this would be an attractive nuisance. She stated the property owner has held the property for one year now, and it needed to be addressed for safety. She understood that this applicant was originally advised to put forth a single application, and now they are proposing a phased project. She stated it should not be the towns' responsibility to waive regulations to allow this applicant to do his project. She stated the property owner was very anxious to take down the trees along her side of the property, and she was concerned that the applicant did not have the funds to complete the buffering.

Ms. Williams stated she would like a full 200-foot setback on both sides of her property. She also requested a high solid fence around property, at least on her side. She requested no campfires at all. She voiced concern about density of population. She asked the difference between a drive-through and an RV site. Mr. Bell stated a drive through would allow an RV to come in one way and exit another way. She believed the project was excessive, too large, and there were no performance bonds. She stated they needed fire code compliance on the theatre, and that could not be grandfathered. She would like white pines in addition to the fence on her side.

Ms. Williams stated in addition to being an attorney, she is economic development certified through the State. She voiced concern about Ms. Ziobron's aggressive lobbying for the regulation changes.

Ms. Dorothy Gibb, North Moodus Road, voiced concern about the increase and excessiveness of the traffic. She was worried about Radon. She stated it was a known fact that if there is disturbance of the earth, Radon can seep into groundwater. She questioned the new log cabin in an area of historic homes. She stated there is a bear hanging from a pole now, which she found offensive. She stated the trees were razed, and a visual buffer would be beneficial. She asked why the old homestead could not have been restored.

Ms. Jennifer Felciano questioned the buffer setback from the road, and if it had been decided. Mr. Curtin stated it had not been decided, but when it was decided, it will be based on the application for Phase 1. Ms. Felciano stated she has lived in her home for 20 years. She stated the buildings abutting her property are dilapidated. She believed it was a hazard, and she did not understand how, under Phase 1, they planned to open sites and cottages, when this is not corrected. She stated the existing pool does collect water, and it was a huge safety hazard. She stated the fires would be a concern, as the winds would make this dangerous. She stated there was recently a serious drainage issue, and there has been a lot of commotion, and the Town officials were there to try to help. She voiced concern about dogs coming from the campground into her yard could pose a threat to her dogs. She believed all of the concerns needed to be taken into consideration.

Mr. David Carpenter stated his house pre-dates Abraham Lincoln and zoning. He gave a brief history of the area. He stated years ago, North Moodus Road was a dirt road, and was filled during the 1930's - 1940's, to increase the height of the road approximately 3-4 feet. He distributed copies of a plan to the Commission. He stated that Millone and MacBroom built the storm drains, but they did not put any on his side of the street. He has talked to the Town's former Public Works director about this. He stated the whole property was clear-cut in November, 2010. He submitted large packets of information and photographs to the Commission. He asked that this be reviewed by the Town engineer. He stated his

wife took photographs beginning in March, 2011. He referred to page 439 of his submittal, and there is a large increase in runoff from this applicant. His property has been damaged as a result of this. Even with the stormwater control and erosion control measures that have been installed, the runoff has not stopped. He referred to the State stormwater regulations and read from the regulation.

TAPE CHANGE (2A)

Mr. Carpenter stated he would expect sometime from January through March, there would be a stormwater runoff plan, which he has not seen submitted. He did not believe the State statutes have been met. He asked that the town engineer submit a letter to the commission with findings stating that this meets the requirements. He asked that the engineer make a ruling on who was liable for damage to property from this drainage.

Mr. Carpenter asked for everyone's phone numbers, so he can call them the next time there is a significant runoff. He stated in 27 years he has lived in his house, he has never had water in his basement, until this year. He wanted the engineer to decide if the town was responsible for the damage and cleanup, if it was the developer's responsibility, etc.

Mr. Carpenter stated there are wetlands in this area, as he found out when they were building the school. He stated if any of this runoff was going into the wetlands, it should be clean and tested.

Mr. Carpenter stated the Grandview boasts on its website that they were the first resort to have running water, which means they had lead pipes. He suggested testing for lead and other pollutants. He believed there is ledge on this site. He stated he would like to see someone get a handle on this project to get the stormwater taken care of, and to have it tested for pollutants.

Mr. Carpenter stated there needed to be a total view of this project. He also wanted post-construction monitoring. He stated the DEP guidelines suggest this. He would like to see good faith on the part of the applicant, a neighborhood meeting with the developer, etc.

Mr. Ventres stated he would give a copy of these minutes to the engineer for review. He stated the engineer is currently on vacation. The plans were ready to be submitted to the engineer, but Mr. Ventres was asked to hold the plans for possible withdrawal. Last Wednesday, he was asked to send the plans to the engineer.

The green, certified receipt cards were submitted to the Commission.

Mr. Curtin informed the audience that everyone's comments will be considered. He stated he heard all of the comments, and he understood that the people commenting on this live near the project. He stated the Commission is awaiting reviews. He stated everyone would have an opportunity to come back and comment at the next meeting.

Mr. Carpenter stated he had a letter from Mr. Ventres, addressed to Mr. Nedovich, which basically told

the applicant to get his stuff together. This letter was from months ago. Mr. Curtin explained that it does take time to get the site plan information together, but he did not know if the applicant went as fast as he could.

Mr. Alexander questioned the setbacks. Mr. Ventres explained the reasoning behind the regulation change for the setbacks, and how it would vary depending upon the type of application, and the adjacent properties.

Responsive to inquiry, Mr. Curtin explained how the setback regulation works, and that it was up to the applicant to explain to the commission why there should be a reduction in the buffer.

Ms. Williams read the new regulation. Mr. Matthew stated the current buffer requirement is currently 200 feet for the setback. It was noted that unless the Commission grants a waiver of the buffer, it will remain 200-feet.

Ms. Williams believed the location of her house, as shown on the plan, was misleading. Mr. Bell explained that it was an approximate location. Mr. Ventres will produce a map for the next meeting.

Responsive to inquiry by Ms. Williams, Mr. Bell stated he would add the size of Ms. Williams' house to the plan.

Mr. Tower again questioned the buffer. Mr. Curtin explained how the buffering process worked.

Mr. Carpenter asked about the new caretaker's house. He asked if this was permitted. Mr. Ventres stated there was a permit. Mr. Carpenter asked if the demolition material was removed or buried on the site. Mr. Nedovich stated all of the material was removed from the site. Mr. Carpenter stated there has to be lead abatement on 6-square feet of sheetrock or more. Mr. Ventres stated this was under the purview of the building official.

Ms. Dorothy Gibbs stated she took photographs of the old house, as it burned for days. She stated some of this may have been removed, but she saw fire for days. She stated someone immediately came over and told her to stop taking pictures.

Motion by Mr. Gillis, seconded by Mr. Matthew to continue the public hearing for Application 11-08, 89 North Moodus Road, LLC, Special Exception Review for a proposed campground until the next regularly scheduled meeting on July 26, 2011, 8:00 p.m. at the Town Grange. Motion passed by unanimous vote.

Mr. Matthew asked for clarification that there is no activity allowed in the buffer zone. Mr. Gillis did not see why they could not put cabins in this area if the adjacent property is a forest. Mr. Ventres explained that 50-feet is the absolute minimum, but any applicant must make a legitimate argument backward from 200 feet.

Mr. Ventres stated the Commission needs to review this phase by itself, as a stand-alone project. He stated the Commission must review the plan based on the regulations as of that date.

Mr. Ventres stated there was a legitimate legal question to determine if Anthony Longhitano or the entire Banner membership needed to be notified.

Mr. Curtin requested that Mr. Ventres contact the fire marshal regarding the burning that was brought up tonight.

Mr. Gillis asked about the DEP's regulations for burning of campground fires. Mr. Ventres will check into this.

Mr. Curtin asked Mr. Ventres to have Mr. Curtis review the package of material submitted tonight, as well as the runoff issue. Mr. Curtin stated these photographs are a concern.

Mr. Matthew asked how this new owner was obligated to repair the buildings, etc. Mr. Ventres stated if they are renovating buildings, they have to make sure they meet Code. In addition, if there are buildings that are not planned to be used, there are measures that need to be taken to ensure they are safe.

Mr. Gillis asked if the commissioners would like to visit this site. Mr. Ventres noted that since most of the public just left the meeting, they should wait for the next hearing date to schedule this.

8. ADJOURNMENT

Motion by Mr. Matthew seconded by Mr. Matthews to adjourn at 9:54 p.m. Motion carried by unanimous vote.

Respectfully submitted,

Holly Pattavina