

PLANNING & ZONING COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
September 27, 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: Crary Brownell – Chairman, James Curtin (regular member), John Matthew (regular member), Kevin Matthews (regular member), Harvey Thomas (regular member),

COMMISSIONERS ABSENT: Bernard Gillis (regular member), Louis Salicrup (Alternate), Anthony Saraco (regular member)

OTHERS PRESENT: Jim Ventres, Emmett Lyman, and approximately 12 townspeople were present.

3. **ACKNOWLEDGMENTS AND SET HEARING DATES:**

None

4. **MINUTES**

The minutes of the September 13, 2011 were accepted with the following amendments:

- Page 5, Motion, 7th bullet point: Add “per” before “parking”
- Page 6, 8th paragraph, 1st sentence: Strike “believe Shagbark”, and change “needed” to “need”

5. **BILLS**

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
Nathan L Jacobson (Grandview Resorts)		\$3073.58

Motion by Mr. Thomas, seconded by Mr. Matthews to pay the bill as presented. Motion carried by unanimous vote.

6. DECISIONS:

A) Proposed Amendments to the East Haddam Signage Regulations

Mr. Ventres distributed the proposed signage regulation. He stated this regulation was last reviewed by the Commission in June, 2011.

The Commission discussed the proposed changes to the regulations. Mr. Brownell stated that it seemed most people were in agreement with everything than page 3, for which there had been a lot of input.

Mr. Curtin stated he was not a fan of internally lit signs, but there was no fear of East Haddam becoming the Berlin Turnpike.

Mr. Thomas clarified that in certain districts, business owners would have the ability to have one 12-inch x 18-inch sign. He stated this certainly would not illuminate the sky.

Mr. Matthew questioned the status of the information discussed at the last public hearing. Mr. Ventres explained that at the previous public hearing, the commission moved to continue the public hearing, so it was known that the hearing was being continued. Mr. Matthew stated there are a significant number of people who feel that internally illuminated signs affect the community. Some community members were very outspoken at the last meeting. He certainly did not want to do anything that would make business circumstances difficult for any business owners; however, he did not know that the “open” sign would really make a difference. He believed it would make less business sense to the owner than to the residents. He could not rationalize how having the sign would help businesses that much. His inclination was to go back to the version of the regulations that did not allow the internally lit signs anywhere but in Moodus.

Mr. Matthews stated the EDC spent a lot of time working on this. He stated this would be limited to the one sign, and he did not believe it would be detrimental.

Mr. Brownell stated he has not been in favor of it. Moodus is the commercial center, and the other places proposed are in the industrial center.

Mr. Curtin stated that Mr. Janecek spoke for this change. Mr. Curtin has driven by Sanibel’s and did not know whether he was open or not.

Mr. Brownell noted that this was discussed with EDC on many occasions.

Motion by Mr. Curtin to approve the regulations as proposed, with the inclusion of internally lit signs in the IG zone, as the revised copy of 8/24/11, including the blue section on page 3 that does include internally illuminated 12-inch x 18-inch open signs in the IG 1, 4, 7, and 9 zones. Motion seconded by Mr. Thomas. Voting: Ayes: Curtin, Thomas, and Matthews. Nays: Matthew, Brownell. Motion passed by majority vote.

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

First date: September 13, 2011

Last date: November 16, 2011

Mr. Thomas recused himself from this discussion and exited the building.

Mr. Ventres read into the record an email from Mr. Don Angersola dated September 19, 2011 stating that everything has been done except removal of some materials in the large building, and the emergency lighting. This needs to be completed, but can be done prior to an official opening.

Mr. Ventres distributed a memorandum dated September 27, 2011 from NL Jacobson & Associates regarding the RV turning radius, and bond estimates.

Mr. Ventres noted that there was a list of potential conditions mailed in everyone's packets. He distributed a revised list this evening, which showed his additions highlighted in yellow. Mr. Ventres stated the Commission would have to determine by when they would want the bonding put in place. It was noted that Condition #8 and #3d should read April 15, 2012 (as opposed to 2011). Mr. Curtin stated this would depend on how fast the applicant wanted to move on this project.

Mr. Curtin asked if as they made improvements, they could get releases on some of the bonding amounts, to which Mr. Ventres responded affirmatively.

Mr. Brownell asked about the dumpsters, and if they should be somehow screened. Mr. Ventres stated these were typically fenced on three sides. Mr. Brownell stated whatever was appropriate should be used.

Mr. Brownell noted that the Commission previously discussed whether or not there was adequate buffering on the east side, behind the existing gravel parking area, or if more should be added to it. Mr. Matthews stated these were quite low plantings, and something should be done to improve this area, similar to what they have done in other areas. Mr. Matthew believed this area needed substantial amounts of buffering.

Mr. Matthew asked if the options were to approve with conditions, deny for a reason, or deny without prejudice. Mr. Ventres stated they could not deny it without prejudice because the commission believed the application was either incomplete, or could not be addressed through conditions. Mr. Matthew stated his feeling was that the application was incomplete because it has changed significantly up until very recently. He stated if no one gets penalized by a denial of that sort, than he would be more inclined to that rather than a long laundry list of stipulations. He did not see what that would accomplish.

Mr. Ventres stated they would typically go through a list, similar to a subdivision. He stated the list has gotten shorter. Mr. Matthew stated if the commission had to stipulate some winter storage for vehicles, it seemed like there would be a lot of very detailed work that would have to be done. If the applicant had enough time to modify all of the requirements, it might make more sense.

Mr. Matthew asked if the Commission was being asked to approve a use as a campground, or a resort, or both. Mr. Ventres stated it would be a bit of both, but the initial application was for a campground. There are existing structures, but it would still be seasonal. Mr. Ventres discussed various scenarios for seasonal and/or resort uses. A brief discussion ensued regarding the structures, and campground/resort use. Mr. Brownell stated that before they open anything else up, there will be a new review.

The Commission reviewed the plan and possible buffering on the east side. Mr. Ventres presented a plan with suggested buffering in this area.

Mr. Matthew asked about winter storage. Mr. Curtin suggested this could be conditioned easily, in a central area. It was suggested that this could be done adjacent to the shuffleboard area, and could probably hold 15 RVs.

It was decided that the Commission would revisit this decision after tonight's public hearing. Mr. Thomas returned to the meeting at this time.

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

7. PUBLIC HEARING:

Mr. Matthews read the call for the public hearing:

A) Application 11-02, Clark Gates, LLC, Homestead Subdivision – Bogel Road, proposed 2-lot subdivision. Assessor's Map 38, Lot 11.

First date: September 20, 2011

Last date: November 23, 2011

Mr. Robert Casner addressed the Commission, along with Mr. Richard Mihok, the engineer. Mr. Casner stated this was to take one lot out of Lot 89. He submitted the green, certified receipt cards to the Commission.

Mr. Mihok stated they are proposing part of Lot 2, reshape Lot 89, and create a new Lot #73. They have done the drainage calculations, which have been submitted. Lot 89 was previously approved, and the new Lot 73 would be located towards the west.

TAPE CHANGE (1B)

Mr. Mihok stated they would like to improve upon the present shape of the parcel. The new parcels will be approximately 10 and 3 acres. This is a resubdivision, as Lot 89 was originally part of a subdivision.

Responsive to inquiry by Mr. Thomas, Mr. Mihok traced the outline of the existing parcel, as well as the proposed shapes.

Mr. Brownell asked if Lot would be affected, to which Mr. Mihok stated it would not. Mr. Mihok added that Lot 2 would become a bit larger. Mr. Brownell stated when this was said and done, the applicant would actually end up with only one additional lot.

Mr. Ventres read into the record a letter dated August 23, 2011 from Jodi LaBella, who supported this proposal.

Mr. Ventres noted that the IWWC sent a letter to the P&Z Commission stating this met their requirements as there is no activity in the upland review area.

Mr. Ventres read into the record a letter dated September 21, 2011 from Chatham Health District, which approved this proposal, with conditions.

Mr. Mihok stated the existing conservation easements from the original subdivision will be maintained. Mr. Casner stated the conservation easements were deeded over to the Town. On Bogel Road, there were 41 acres that were given to the Town through conservation easement.

Mr. Brownell opened the hearing to the public.

Ms. Joan Osalza has lived in her house since 1969. The land around her house was always deemed unbuildable. She stated the last time Mr. Casner blasted, her well filled with silt. She stated we do not need any new houses. The road is small, and trucks fill the whole road. She stated they have ten times the traffic and noise on her road. Her cats hide in the basement from the noise. She asked the Commission not to make another mistake.

Mrs. Charlotte Gelston, 50 Bogel Road stated they have a very deep well. They are constantly running out of water in the summers now, and she stated that soon, there would not be enough water for everyone. She agreed with Mrs. Osalza regarding the traffic. Adding another house to the mix would add to the problem. It would not be in keeping with the character of the neighborhood. The area cannot handle another house, and she believed it would pollute Succor Brook.

Mr. John Turner echoed the concerns regarding the water supply. He has had the same issues. He stated they went down this road in a lot of depth, and they came to an agreement at that time. He voiced concern about the water supply. He has a 720-foot well, and it has dropped.

Mr. Todd Gelston, 50 Bogel Road, stated it was not clear to him, given the extreme slope of the lot, where the dwelling and driveway would be placed. Mr. Mihok located the dwelling on the map, as well as the driveway placement. The well would be in the front yard, and the leach field would be downslope.

Mr. Gelston asked if this was a steep slope. Mr. Mihok stated it was not that steep, but there could possibly have a walkout basement. The garage would be at ground level.

Mr. Gelston asked if there would be any cuts and fills. Mr. Mihok stated there would be filling. Mr. Gelston asked if this was the only feasible location for the dwelling. Mr. Mihok responded it was the most feasible location.

Mr. Gelston asked about the distance from the galleys to the downhill property line, to which Mr. Mihok responded 80 feet. He stated a well can be placed 75-feet away, and this is 80-feet.

Mr. Gelston stated he did not see any buffer. Mr. Mihok stated this area was 40-50 feet of trees remaining along Lot 3. There would be a buffer along the front.

Mr. Gelston asked if there would be language in an approval that stipulates the natural buffer would be maintained. Mr. Brownell stated they could look at that.

Mr. Gelston stated he agreed with everything that has been said so far. He stated we are a town that has made a concerted effort to maintain rural character. With the large lots already approved on this subdivision, he thought this small lot adjacent to another small lot, was not a wise thing to do for East Haddam. He urged the Commission to leave this lot as it was previously.

Mr. Curtin asked about the continuing development. He asked if this was the end. Mr. Casner stated there was one lot. He stated there was only one lot up the street left to be sold, at 105.

Mr. Mihok stated these are large lots, and one lot would not draw the water down, particularly on such large parcels. Mr. Casner stated he put three wells in this area, and they are all 10-gallons per minute.

Mr. Paul Martell, 77 Bogel Road asked about the buffer zone, and if it would be maintained. Mr. Casner stated the buffer would be kept. Mr. Ventres referred to the regulations. Mr. Casner stated on the Bogel side, there is a very significant woods area with a stone wall. This would remain. The total frontage is over 300-feet. On both sides, there will be buffers from natural woods. Mr. Brownell asked if it was in the deeds that the neighbors needed to maintain the buffer, to which Mr. Casner stated it was not.

Mr. Ventres stated the regulations are black and white as far as what people are able to do. He stated there was no different style of neighborhood being proposed. They will have to file a stormwater management plan.

Mr. Tim Myjack, 29 Sims Lane questioned the conservation easement, if it would increase the required percentage of the easement. Mr. Ventres stated the initial application with the large subdivision exceeded the calculations for the development. It still exceeds the calculation. Mr. Matthew asked if it would be easy to do the calculation. Mr. Casner stated that 53 acres of the original 80 acres was put into conservation easement. Mr. Ventres stated the requirement was 15%.

Mr. Gelston recalled Mr. Casner's comment that there was one lot left to sell. He asked which this was. Mr. Mihok and Mr. Casner stated this was Lot 105. Mrs. Gelston asked if that would be the next request. Mr. Brownell stated this was out of the Commission's purview at this point.

Mrs. Gelston stated the easement land was that was unbuildable anyway, so it was not as if he willingly made fewer house lots. Every time you put another straw into the aquifers, people get less water. She asked if Mr. Casner would pipe water to the neighbors when their wells went dry.

Mrs. Osalza asked if any more trees would be removed. She voiced concern about the spread of diseases. She asked if any more trees would be removed from any of the lots. Mr. Ventres stated that additional trees would be removed for the house, etc. Mrs. Osalza requested that the trees not be removed from the land.

Mr. Brownell asked what checks and balances were in place for wells. Mr. Ventres stated that Chatham Health District regulates for separation distances from septic. It is out of this commission's jurisdiction, since Chatham has commented that this meets their requirements. Mr. Brownell asked if when Mr. Casner blasted previously, if it was recorded somewhere that the Osalza's well had problems. Mr. Casner stated that the well drillers are heavily bonded, and they keep records of the blasting. If there are damages, it is regulated by the Fire Marshal.

Mr. Gelston stated the owner was partially responsible for the blasting. He stated typically, there is a pre-blast survey conducted by the blasting company. The blasting company is supposed to contact neighbors before the blasting.

Ms. Deborah Williams stated unless there are regulations, it would come under private litigation, possibly under nuisance.

Motion by Mr. Thomas, seconded by Mr. Curtin to close the public hearing for Application 11-02, Clark Gates, LLC, Homestead Subdivision – Bogel Road, proposed 2-lot subdivision. Motion carried by unanimous vote.

Mr. Thomas asked if this application meets all of the technical requirements. Mr. Ventres stated it met the requirements, but they would have to file a stormwater maintenance agreement found in Appendix D for stormwater facilities, to prevent downhill stormwater issues.

Mr. Curtin asked because of the use, the buffers are not reviewed. Mr. Ventres noted that the use has not changed, they are still single-family homes.

Mr. Matthew commented that the current owner could sell this lot, and the new owner could apply to subdivide this. Mr. Curtin stated it would not be possible to subdivide the lot with 3 acres and a house on it. No one knew what would happen in the future, and the Commission cannot regulate that at this time.

Mr. Brownell stated they would have to notify the neighbors before any blasting was done. Mr. Curtin noted this was the law.

Motion by Mr. Thomas to approve Application 11-02, Clark Gates, LLC, Homestead Subdivision – Bogel Road, proposed 2-lot subdivision with the following condition:

- **The applicant file a stormwater management and maintenance agreement with the Mylar.**

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

6. Decisions (Continued)

Mr. Thomas again recused himself from the meeting at this time, and he left the building.

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

First date: September 13, 2011

Last date: November 16, 2011

The Commission resumed discussion for the buffering on the east side of the campground application. Mr. Matthew believed some of the RVs being stored might be seen.

TAPE CHANGE: 2A

Mr. Matthew stated this could affect property values. Mr. Curtin disagreed, stating that right now, this was not a lot of use for this parcel. Mr. Brownell stated it was minimal use at this point. Mr. Curtin noted there were buffers, and he did not believe it was excessive. He stated they have done some things that were good. He suggested the Commission draft a letter to the Town recommending that they review this area for catch basins and stormwater.

Mr. Brownell asked if the extra trees would increase the bonding amount. Mr. Ventres did not believe this was an overwhelming issue, as there may be price breaks for larger quantities of trees.

Motion by Mr. Curtin to approve Application 11-08, 89 North Moodus Road, LLC, Special Exception Review for a proposed campground, Assessor's Map 73, Lot 10 with the following stipulations:

- All comments of the Building Department and Fire Marshal shall be adhered to per the memo revised 9/27/11
- All comments of the Department of Public Health shall be adhered to per the memo revised 9/27/11.
- All comments of the Chatham Health District shall be adhered to per the memo revised 9/27/11, and per any correspondence in the record.
- The approval is for 29 total units, as depicted on the plan revised September 12, 2011
- This approval is for seasonal use only, April 15th through October 31st, per the Building Official. None of the existing buildings are built for year-round use. Such use would require the review and approval of the Planning & Zoning Commission, Fire Marshall, Chatham Health District, and Building Official.
- Installation of buffering the east side (street side)/south side/northwest side, and all buffers shall be installed by April 15, 2012.
- Additional buffering shall be added per the marked up site plan around the entrance area to the southeast corner.
- Installation of stormwater swales – all stormwater swales shall be installed by April 15, 2012.

- Removal of the bank to provide a sight line along North Moodus Road, by April 15, 2012.
- The bonding is \$23,120.00.
- The web page shall reflect the conditions and approvals of the Planning & Zoning Commission.
- No special events are approved at this time.
- Winter storage of Recreational Vehicles shall not exceed 15 units and is to be located under the shuffleboard pavilion.
- The turning radius shall be installed per Brian Curtis, P.E. recommendations.
- An as-built of all required improvements shall be provided by April 30, 2012.
- The dumpsters shall be fenced/gated.

Motion seconded by Mr. Matthews. Voting: Ayes: Curtin, Matthews, Brownell. Nays: Matthew. Motion passed.

Mr. Matthews excused himself from the meeting at this time.

8. ZEO Report:

Mr. Ventres distributed a letter dated September 13, 2011 to Mr. Lipka from Attorney Knapp.

Mr. Ventres received notification from the attorney that the appeal period has passed on the Milan Cais property and the Town can move forward. Mr. Ventres will go to the Board of Finance to put this out to bid for the cleanup of the project.

Mr. Ventres has a request from Attorney Sherwood on the Morgan Estates subdivision. They requested a 90-day extension for the filing of the mylar. It was noted that the Commission now did not have enough voting members to vote on this tonight; therefore, it was tabled until the next meeting.

Mr. Ventres distributed GIS plans from the Rotary Club at the skating pond. They have indicated that CL&P will not work with them, so they would like to have them removed and add a new light, baffled, with three lights. The baffles help direct the flow of light. Their goal is to light the seating area and the pond, and not the sky. This unit would be controlled by the Rotary.

Mr. Brownell suggested they look into solar powered lighting, as he was just working on a job where they used them. Mr. Ventres will suggest this to them.

Mr. Ventres distributed a preliminary plan to the Commission for Banner's proposed subdivision. There will be an additional 3 golf course holes, 247 new units, for a total of 333 units. In addition, there is a proposal for a new septic system for 90,000 gallons per day use. Mr. Ventres stated he plans to talk with the engineer regarding water usage. He believed they would need a water diversion permit. Mr. Ventres stated he has already given the engineer a list of comments. The Commission discussed the treatment plant and the area in general. The IWWC has scheduled a field walk for October 22 for any P&Z members who are interested in attending.

The commission discussed the Goodspeed's water project, the Route 82 bridge projects, etc.

9. ADJOURNMENT

Motion by Mr. Curtin, seconded by Mr. Matthew to adjourn at 9:43 p.m., and passed by unanimous vote.

Respectfully submitted,

Holly Pattavina