

**PLANNING & ZONING COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
April 10, 2012
(Not yet approved by the Commission)**

1. CALL TO ORDER: Mr. Brownell called the meeting to order at 7:15 p.m. at the Town Grange.

2. ATTENDANCE:

COMMISSIONERS PRESENT: Cary Brownell – Chairman, James Curtin (regular member), Bernard Gillis (regular member), Ed Gubbins (alternate member), Harvey Thomas (regular member), John Matthew, Kevin Matthews, Louis Salicrup, Jessica Stone (alternate member)

COMMISSIONERS ABSENT: None

OTHERS PRESENT: James Ventres, Emmett Lyman, and approximately 18 townspeople were present.

3. MINUTES

Tabled until the next meeting

4. BILLS

<u>Vendor</u>	<u>Amount</u>
Branse, Willis, and Knapp (C&D Sillimanville, regulation review)	\$396.00
Hartford Courant (legal notices)	190.47

Motion by Mr. Curtin, seconded by Mr. Matthews to pay the bills as presented. Motion passed by unanimous vote.

5. ACKNOWLEDGMENTS AND SET HEARING DATES

**A) Application 12-06, Sanctuary at Shepardfields, Inc., Special Exception Review for amendment to times permitted. Assessor's Map 38, Lot 9.
First date: April 10, 2012 Last date: June 13, 2012**

No one representing the applicant was present at this meeting. Mr. Ventres previously distributed this information to the commissioners.

Motion by Mr. Thomas, seconded by Mr. Gillis to set a public hearing for April 24, 2012, 8:00 p.m. at the Town Grange. Motion carried by unanimous vote.

B) Application 12-07, Rock Soucy, d.b.a. Rock Oil, LLC, applicant, Shainacam, LLC, property owner, 38 Wm F Palmer Road, Special Exception Review to use rear parking area for oil delivery truck parking and change the permitted sign. Assessor's Map 65, Lot 139.

First date: April 10, 2012

Last date: June 13, 2012

No one representing the applicant was present at this meeting.

Motion by Mr. Thomas, seconded by Mr. Matthews, and passed unanimously to schedule a public hearing for April 24, 2012, 8:00 p.m. at the Town Grange.

6. SITE PLAN REVIEW

A) Application 12-05, Alan Collette, 26 Hilltop Road, Site Plan Review for second floor addition. Assessor's Map 67, Lot 180.

First date: April 10, 2012

Last date: June 13, 2012

Mr. Alan Collette addressed the Commission. He explained they have two bedrooms in their cottage. They would like to move one of the bedrooms to make one master bedroom upstairs.

Mr. Ventres stated this application meets the regulation for the lake zone for height. Mr. Thomas inquired if the footprint of the building was changing, to which Mr. Collette responded affirmatively. Mr. Thomas asked if the height was changing, but it was still within the limits of the regulation. Mr. Ventres confirmed this. It was noted the number of bedrooms was not changing.

Mr. Brownell asked if the addition would impede anyone's view, to which Mr. Collette responded that it would not.

Mr. Thomas asked the applicant to give some idea of the outside finish, color scheme, etc. The structure is brick on the bottom. Mr. Collette indicated he and his wife planned to use vinyl siding, and they believed it would be a reddish color.

Mr. Ventres noted the new septic has already been installed. He read into the record the letter from Chatham Health District, which listed review comments.

It was noted the new work would add 638 square feet to the 1500 square foot structure.

Mr. Brownell opened the hearing to the public.

Ms. Deborah Parady lives behind Mr. Collette. She voiced concern about her views being obstructed. She stated this is the Parady homestead, and this cottage has been in her family for 60 years. She stated her home is 93 feet from his door.

Ms. Parady stated she has, as a broker, tried to sell another cottage and an obstructed view has been an impediment in trying to sell the other cottage.

Mr. Brownell stated the Commission needs a topographical map of the area, including location of other structures, distances, etc. He stated he had no idea where other houses were, elevations, etc.

Mr. Collette stated there is a bank that goes up, on another road, and Ms. Parady's house sits on the top of that hill. He did not believe this proposal would harm the view.

Mr. Thomas suggested structures, distances, and a cross section of houses, neighboring houses, and does the addition, or does it not diminish views. Mr. Brownell suggested the applicant's engineer could put together a plan.

Mr. Brownell suggested each commissioner go out and take a look at this area before the next meeting. Discussion ensued. Mr. Matthew asked if Chatham Health reviewed this plan. Mr. Ventres stated these were the same documents that were prepared in January or February. Mr. Matthew questioned the plan and the additional square footage. Mr. Ventres stated that Chatham reviewed the plan that is before the Commission now. Mr. Matthew stated this plan is not dated, and does not have the required information. Mr. Ventres stated that Chatham reviewed the plan based on a two-bedroom cottage.

Ms. Stone asked if the number of occupants were going to stay the same, to which Mr. Collette stated yes.

Mr. Matthews asked if the Commission had everything they needed. Mr. Ventres stated if the Commission wanted a review of the building heights, they would need additional information. Mr. Brownell stated he would like to see a topographical map. Mr. Gillis noted the regulations ask for at least two elevations.

Mr. Gillis believed the only real issue before the Commission was the issue that Mrs. Parady mentioned.

Mr. Matthew asked if the brick structure would remain, to which Mr. Brownell responded affirmatively.

Mr. Brownell, Ms. Stone, and Mr. Curtin would like to see the site.

Motion by Mr. Curtin to continue this application until the April 24, 2012 meeting. Seconded by Mr. Matthews, and carried by unanimous vote.

Motion by Mr. Curtin, seconded by Mr. Salicrup to change the order of business. Motion carried by unanimous vote.

9. ZEO REPORT:

Mr. Ventres updated the Commission on the Milan Cais matter. He distributed a packet of letters to Mr. Cais. Mr. Cais called the police and told them that the Town removed everything, but did not tell them that it was court ordered.

Mr. Ventres reported that the Sillmanville Road property has been cleaned.

Mr. Ventres stated that a letter had been previously been sent to Mr. Lipka on Petticoat Lane. He called Mr. Lipka and told him the next step was to go to court. Mr. Lipka is now beginning to work with Mr. Puska. Mr. Ventres will continue to update the Commission.

Mr. Ventres stated there are other properties on which they are working to resolve debris issues.

Noting 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 12-02, Steven Somosky, Creek Row, Special Exception Review to construct a single family residence. Assessor's Map 26, Lot 41.
First date: April 10, 2012 **Last date: May 14, 2012**

Mr. Brownell inquired of Mr. Thomas about his affiliation with the Gateway Commission, and any potential conflicts with this application. Mr. Thomas stated he has an open mind to this application. He had abstained at the Gateway Commission meeting because he did not believe one person should get two bites at the apple.

Mr. Brownell inquired of Mr. Matthew, and any potential conflicts. Mr. Matthew stated he has not had extensive conversations with his wife, Cynthia Matthew, who chairs the Conservation Commission, about this application. He too, indicated he had an open mind with respect to this application.

Mr. James Martin, architect for Steven Somosky addressed the Commission. Mr. Ventres asked if Mr. Martin had the green, certified receipt cards. Mr. Martin stated he had not sent the notices yet.

TAPE CHANGE (1B)

Mr. Ventres explained that this was procedure, and the certified notices must be sent before the public hearing. Mr. Martin asked if they could get onto the April 24, 2012 hearing.

Motion by Mr. Curtin to continue this application until the next meeting on April 24, 2012, 8:00 p.m. at the Town Grange, seconded by Mr. Matthews, and passed unanimously.

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

B) Application 12-04, 89 North Moodus Road, LLC, Special Exception Review to use theater for special events. Assessor's Map 73, Lot 10.
First date: April 10, 2012 **Last date: May 14, 2012**

Mr. Christopher Bell, P.E. addressed the Commission on behalf of the applicant. He submitted the green, certified receipt cards to Mr. Ventres.

Mr. Gillis asked the date on the plans, to which Mr. Bell stated it was February 16, 2012.

Mr. Bell stated there is an addition of a gravel parking lot surrounding the theatre. The purpose of this would be to park at least 30 cars. The applicant would like to hold several events this season.

Mr. Bell stated there were no other changes on the site plan from what was approved last year. They still show some of the detention plans that were approved last fall, and they did help quite a bit. He believed everything on the site plan was done, except the trees. They have ordered new trees that should be in within the next day or two that would be 6-7 feet, when planted. All of the arborvitaes they planted did not survive, so they plan to replace them with white pines.

Mr. Bell read into the record the letter dated April 5, 2012 from Mr. Brian Curtis.

Mr. Ventres read into the record the letter dated April 10, 2012 from Mr. Steven Knauf, Chatham Health District.

Mr. Bell clarified that all regulations from the State have to be followed. Mr. Bell stated that they have to monitor the well and send the results to the State. A copy of the monitoring is sent to the State. Mr. Bell stated no one was available to witness the testing done in December.

Mr. Brownell asked if the testing would be re-done. Mr. Bell stated if it was required by Chatham, he would re-do the testing. Mr. Curtin believed Chatham typically wants additional testing done so it can be witnessed.

It was noted that there were no food systems proposed.

Mr. Thomas asked if the applicant's intent was to have a youth day camp. Mr. Bell stated he had not added anything else for a youth camp.

Mr. Ventres clarified this is currently a resort seasonal use. He stated since there is no plan to winterize the structures, the year-round use should be taken off the table. Mr. Bell stated if it was warm in November, the thought was that they would possibly use the theater, etc. However, in speaking with the Building Official, Mr. Bell learned that the structures would need to be winterized.

Mr. Bell stated that Mr. Knauf suggested plans be submitted for a winterized structure. Mr. Bell confirmed that winter use was off the table for now.

Mr. Ventres next addressed the issue of the theatre and septic use. Mr. Ventres explained that the regulations and the Public Health Code stipulate that an applicant must account for fixtures and space.

Mr. Brownell asked about youth camping. Responsive to inquiry by Mr. Matthew, Mr. Ventres stated that there would be an issue with staffing requirements for youth camps.

Mr. Bell asked about the theater. Mr. Ventres stated it was looked at as a new use. Mr. Bell did not see where Mr. Knauf was asking about the theater.

Mr. Curtin suggested Mr. Ventres could get the information for the next meeting.

Mr. Gillis asked about the septic tank. Discussion ensued. Mr. Bell stated there are currently two restrooms and two lavatories. Mr. Thomas believed it would be helpful to have the maximum number of campsites, the maximum number of people using the theatre listed somewhere. Mr. Brownell suggested Mr. Bell work with Mr. Ventres to get all of the calculations, capacity, etc. for the next meeting.

Mr. Salicrup asked if everything had to be planted and/or done before moving on to this application. Mr. Ventres stated they were waiting on the planting of trees. Mr. Gillis asked if the Commission was amenable to the tree choice of white pines. He believed if white pines were used, they possibly should look at spacing. Mr. Brownell suggested 10-foot trees to Mr. Bell.

Mr. Brownell asked if the curtain drains, etc. were set, to which Mr. Bell believed they were. Mr. Brownell asked why there was a 6-inch pipe draining onto Banner Road. Mr. Nedovich stated it was just there to clean off the back property. Mr. Bell did not know what this was, or what it was for. Mr. Bell will respond to this at the next meeting.

Mr. Terry Thomas, manager of Grandview, addressed the Commission to discuss the activities. He stated this came about last year.

Mr. Terry Thomas reviewed the zip lines. He stated these would be used for team building, school groups, corporate events, etc. The zip lines would basically be two telephone poles with a line between them. Ms. Stone asked if this would be a permanent structure. It was noted that the water slide would be basically a plastic sheet down a hill.

Mr. Brownell asked if there was a decibel level for the batting cages. Mr. Terry Thomas will get this, if the information is available.

Mr. Ventres asked if the applicant planned to set up a kitchen for barbeques, because if they planned to set up a kitchen to serve the public, they would have to have a permit.

TAPE CHANGE (2A)

Mr. Salicrup voiced concern about liability for the zip lines. Mr. Terry Thomas stated the zip lines were inspected each year. Mr. Ventres did not believe there would be any town liability.

Mr. Matthews asked about the medium sized activities. Mr. Terry Thomas stated they would have one of these functions at a time. Mr. Matthews stated the Commission has to buffer for activities.

Mr. Brownell asked if the old swimming pool was secured. Mr. Terry Thomas stated it is secured with fencing. He did not know what was planned for this in the future, as they have not had an opportunity to assess it. It was noted that the cabanas would likely be removed, but they were secured.

Mr. Matthew asked how many people might be on site at the same time, to which Mr. Terry Thomas responded 100. He asked if there could be 120 campers plus 100 day use people. Mr. Terry Thomas stated the 30 spaces around the theater would be used for this use.

Mr. Bell showed approximately 10 spaces in the northeast corner. There is a row of parking in the southeast corner. There is parking near the office building, as well as some handicap parking. He stated people park next to their campers, so there is parking throughout the site. He counted 54, including 3 handicap spaces.

Mr. Thomas asked if this activity was checked in the Land Use Office. Mr. Ventres stated if there were 100 people, they would need to look at it. Mr. Terry Thomas stated they would not over-schedule the property. They would not have the staff, etc. to over-schedule events.

Mr. Gubbins asked about scheduling, and if people could just show up to use the facilities. Mr. Terry Thomas stated they did not plan to take walk-ins. There would be certain activities for which the public could walk in.

Mr. Brownell asked how the Commission felt about the listed activities. Mr. Ventres stated the commission would review large activities such as outside concerts and bands. Mr. Brownell noted that per the regulations, they would be regulated Section 15.44 regarding noise levels and permitted activities.

Mr. Brownell opened the hearing to the public.

Ms. Deborah Williams, 3 Banner Road, believed the way the project is put together was extremely unfair to the people who live around it. Originally the application was for a campground which was to be grandfathered.

Ms. Williams asked if the RVs would have generators. Mr. Brownell stated they would have plugs.

Ms. Williams stated hardship has not been shown in this case. She stated without finishing Phase One compliance, he would not be able to open for the spring. She believed this application for extended uses should be denied, and that the applicant take the money and finish completely the items listed in Phase One. She stated there is not a buffer for concerts, etc.

Ms. Williams stated she has never seen an arborvitae along the berm adjacent to her property. She stated the plantings have not been added properly. She suggested more if they were going to have additional activities, etc.

Ms. Williams stated this was well beyond the scope that was approved, and they have not met the conditions for the first phase yet.

Mr. Arthur Lamme, 77 North Moodus Road stated the whole line next to the baseball field has not been planted with anything more than trees that are approximately 18-inches high. Mr. Brownell noted the trees were supposed to be coming in tomorrow.

Mr. Lamme stated his property has always been a peaceful property, and it has not been so for the past two years since this work began. Mr. Lamme voiced concern about foul balls, noise, etc. from the campground.

Ms. Dorothy Gibb, 73 North Moodus Road. She too voiced concern about noise. Her back yard abuts Mr. Lamme's yard. She voiced concern about the noise levels at night, when people have children who have to go to school, so they have to get to bed at a reasonable time.

Ms. Gibb showed photographs of antique area homes. She stated when they took down the house, they burned it, and it burned night and day. The previous house was replaced with a bright orange log cabin. She stated the bear on the pole looked like it had been dragged through town by an angry mob.

Ms. Gibb worked at Grandview Resort as a teenager. She did not believe this project was in keeping with the former resort.

Ms. Jennifer Felciano, 39 Banner Road, stated she did not have a buffer. She can see the entire project from her bedroom window. She was not originally happy with having a campground next to her. Now they are looking at day use, 80 or 100 kids bouncing, screaming, and yelling. Ms. Felciano stated she had nothing against tent camping and a campfire. Now with the proposed expansion, they are proposing Bar Mitzvas, birthday bashes, 80 campfires, etc. She asked if there were 80 kids if they would send some kids to the water slide, some to the pool, some to the climbing wall, etc.

Ms. Felciano voiced concern about the precedent that would be set for other resort locations in town, such as Wolf's Den, etc.

Ms. Williams asked, since there were 29 camp sites. She asked if something was in use, if it came away from the rest of the usage. She asked about resort use not being used as a campground. She asked if the usage needed a special variance, etc.

Ms. Williams stated that the manager of Grandview spoke of urban landscape. She stated this is a rural landscape, and that is what they signed up for.

Mr. Brownell stated the Commission needed clarification from Chatham Health District, they need additional information from Mr. Bell as well.

Mr. Matthews asked if the Commission had gone through the checklist from March 20, 2012 to see if the applicant has done everything they needed to do.

Mr. Brownell informed the public that Grandview has not met all of their quotas that were required, so they will not be opening any time soon. He stated the new activity coming in brought all of the buffering, etc. back into play.

TAPE CHANGE: (2B)

Mr. Brownell asked how many acres Sunrise encompassed. Mr. Ventres responded that it was approximately 140 acres. Wolf's Den is approximately 60 acres. Mr. Thomas commented that at Sunrise, there were woods rather than immediate neighbors. This is not the case with Grandview.

Mr. Ventres stated they needed septic information. Mr. Curtin believed they needed clarification about this. Mr. Gubbins asked if the Commission could discuss this issue before the other 7 items are done. Mr. Ventres explained that the statutes require that if an application comes to the Commission, they must hear it. Ms. Stone would like to address buffering.

Mr. Brownell stated he would like an as-built to address all of the drains, etc., so the Commission knows why and where all of the drains are, etc.

Responsive to inquiry by Mr. Bell, Mr. Brownell stated the applicant was approved for the septic capacity for the campground. He stated the question was how many more features they would need. Mr. Ventres stated there are three entities. One is the campground with 29 units. The septic was the limiting factor, and that is why they were at 29 units.

Based upon Mr. Knauf's letter tonight, the day use is not approved. Mr. Bell stated there needs to be clarification of the letter. Mr. Ventres stated what is on the deck is expansion of the use.

Mr. Gillis stated as soon as the new trees are planted, he would like Mr. Puska to go out to review them. Mr. Ventres stated if the Commission wants to schedule a site walk, it would have to be done now, since this is a public hearing. He suggested the Commission take staff's report, and he would submit photographs.

Motion by Mr. Curtin, seconded by Mr. Matthew, and passed unanimously to continue this application until the next public hearing on April 24, 2012, 8:00 p.m. at the Town Grange.

It was noted that the agricultural commission presentation is scheduled for April 18, 2012 at 6:00 p.m.

Mr. Ventres distributed information to the Commission.

REVIEW OF REGULATIONS

Tabled until the next meeting.

10. ADJOURNMENT

u/z/P&Z/min/2012/04102012

Motion by Mr. Matthews, seconded by Mr. Matthew to adjourn at 10:08 p.m., and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina