

**PLANNING & ZONING COMMISSION  
TOWN OF EAST HADDAM  
LAND USE OFFICE  
REGULAR MEETING MINUTES  
June 26, 2012  
(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), Harvey Thomas (regular member), Louis Salicrup

**COMMISSIONERS ABSENT:** Crary Brownell – Chairman, Ed Gubbins (alternate member), Kevin Matthews (regular member), Jessica Stone (alternate member)

**OTHERS PRESENT:** James Ventres, Emmett Lyman, and approximately 22 townspeople were present.

**3. SITE PLAN REVIEW**

**A) Application 12-09, Gary Markesich, applicant, George Drenga, property owner, 39 Overlook Drive, Site Plan Review to construct a single family residence in the Lake Zone. Assessor's Map 58, Lot 39.**

**First date: June 26, 2012**

**Last date: August 29, 2012**

Mr. Wes Wentworth, engineer, addressed the Commission on behalf of the applicants. He reviewed the proposal for a 2-bedroom, cape-style, year-round residence. This property is located within the Lake Zone. This is a 50 x 30 ft. cape. The square footage is 1530 square feet, and 9.9% roof coverage, which is in compliance with the regulations.

Mr. Wentworth stated they had received approval from Chatham Health District. They have plans for recharging and detention of up to a one-inch stormwater event. He reviewed the areas of the proposed well, which had been relocated on the plan to keep the 75-foot radius. He stated the approval of this plan would not create any issues for health, welfare, or safety.

Mr. Ventres read into the record the approval letter from Chatham Health District, dated June 26, 2012. This approval was for a 2-bedroom year-round home.

Mr. Ventres stated that one neighbor came in with concerns. He inspected the site on Friday, and the proposed well site has been relocated on the plan to be in conformance.

Mr. Thomas asked if this was far enough away from the lake so that IWWC did not need to review it. Mr. Ventres confirmed that it did not need IWWC review.

Mr. Curtin asked Mr. Ventres to review the lake zone roof height. Mr. Ventres stated this structure was a total of 26-feet high. The mean roof, per the Code was 24. The diagram demonstrates that this plan is in compliance with the height requirement.

Mr. Gillis asked if this was the lake zone, to which Mr. Ventres stated it was. This was a lot of record before zoning, which meant it did not need to have the typical one acre.

Mr. Matthew questioned the distance from the boundary to the proposed well. He believed it was tight to the drainage. Mr. Wentworth agreed that it was tight, but it did work.

Mr. Curtin allowed public input at this time.

Ms. Diluzio questioned the impervious surface. Mr. Wentworth explained that the entire impervious area was comprised of the roof, and was 9.9%. Ms. Diluzio voiced concern about the runoff from the slope. She stated they have always had runoff, so they had installed a small wall to direct runoff away from their cottage. She hoped the Commission would review this plan to make sure there would be no additional runoff onto her property.

Ms. Diluzio inquired about their well, and the close proximity to the building site. She stated the area around the lake has a lot of ledge. She asked that everyone be aware that her well is close to this project.

Ms. Linda Markesich stated there would be a rain garden, which would contain the runoff. In addition, once the invasive species and dead trees were removed, the drainage would function better.

Mr. Wentworth stated the excavation is rather shallow, even though they have a full basement. There is only approximately 2.5 feet of excavation on the back side due to the slope. In the front of the house, they did not find any ledge in their testing, so they did not anticipate any blasting.

Mr. Richard Czapiga asked if this lot could be built upon because it was a lot of record. He asked if Bruce McDonald, next door, could build a house on his lot. Mr. Ventres stated if they could design a plan that would meet Code, but it typically takes two small lots to build one year-round house.

Mr. Matthew stated the lot now drains to the corner of the property, even though there is a steep slope. Mr. Wentworth stated that Ms. Markesich plans to install landscaping around the perimeter. He suggested they could shift the drainage area with a small berm and shift the drainage approximately 25-feet south of the northwest corner. This would allow drainage to go between the two houses.

Ms. Diluzio showed the area of the most runoff and drainage issues now.

Mr. Horace Lindau, the builder, asked if once the area is landscaped, if there would be less runoff. Mr. Wentworth confirmed that leaf buildup, etc. would eventually create a berm that would slow runoff.

**Motion by Mr. Thomas to approve Application 12-09 with the following conditions:**

- **The requirements of the Chatham Health Department shall be met.**
- **A planting plan shall be submitted with the building plans.**
- **Additional berming shall be provided on the northwest property corner to direct runoff 25-feet south of the northwest corner.**

**Seconded by Mr. Matthew, and carried by unanimous vote.**

**B) Application 12-10, Barry and Winnie Edmonds, 174 Falls Road, Site Plan Review for seasonal to year-round conversion. Assessor's Map 75, Lot 130.**

**First date: June 26, 2012**

**Last date: August 29, 2012**

Mr. Charles Dutch, principal of Dutch & Associates, Colchester, addressed the Commission on behalf of the applicant. He oriented the property on the plan. The property was originally a summer cottage. They later purchased additional land, to meet the requirements for the conversion to a year-round home.

Mr. Ventres read into the record a letter dated March 6, 2012 from Chatham Health District. The leaching systems must be located on the same lot. Mr. Ventres advised that was why the applicant was here tonight, so they could merge the parcels for conversion to a year-round home. He stated if the commission decided to approve this application, one condition of approval would be to merge the two properties.

Mr. Thomas stated that someone's garage straddles the property line. He asked if this would be remedied. Mr. Dutch did not know, as this only came to light when they had the survey completed. Mr. Curtin noted this property is contiguous.

Mr. Thomas asked if the land around the garage area was transferred, if they would still have sufficient land to be in conformance with the regulations. Mr. Dutch confirmed there would be enough land to be in conformance.

Mr. Ventres explained that the current owners acquired this additional parcel through a tax sale. Mr. Curtin noted that this would not be adding to a non-conformity.

Mr. Curtin asked what the total acreage was with the two combined areas. Mr. Dutch stated it was 1.023 acres. Mr. Curtin asked what the brown shaded area depicted, to which Mr. Dutch stated it was an easement in favor of a neighbor. The 1.023 acres did not include the easement area.

Mr. Matthew asked if there was a problem with the fact that there are basically two lots that are landlocked. Mr. Ventres reviewed this issue with Attorneys Branse and Knapp, and it was decided that the neighbors had the right to pass and re-pass. Mr. Dutch stated these two parcels are not landlocked. They have the same rights for passage as the Edmonds.

Mr. Curtin inquired about maintenance of the driveway. Mr. Dutch stated the responsibility for maintenance would fall upon the owner to keep it safe.

Mr. Matthew asked if the septic system was under the road. Mr. Dutch stated it was under the passage way.

Mr. Thomas asked, with respect to the year-round conversion of the house, if it met the requirements of the Commission. Mr. Ventres stated the only other requirement was that it must be 600 square feet or more, which it is.

***TAPE CHANGE (1B)***

Mr. Curtin opened the discussion to the public.

Ms. Denise Gallagher stated this was the first time she heard of this being a property, rather than just a right-of-way. She stated this was up for tax auction twice. She stated they had a neighborhood meeting. Due to time constraints, it was agreed that the Edmonds would represent the group and bid on the property, and then everyone would pitch in and form an association. She asked for additional time to discuss this.

Ms. Gallagher read into the record an email from Mr. Edmonds dated April 16, 2012, which noted the change in plans. She stated they had agreed to all pitch in for the purchase of this property.

Mrs. Tedford stated in the 40 years she has lived here, there has always been some chaos. She stated her concern was that if one family owned the property and it impacted eight other families, it could change in the future.

Mr. Curtin noted that it was always owned by someone. Ms. Tedford stated they all did their best to maintain it. They have always been interested in the property, but without knowing who owned it, they did not know what to do.

Mr. Gillis asked if the commission could require an agreement for access. Mr. Ventres stated the other properties have deeded access to the road and lake.

Mr. Curtin stated by law, the Edmonds already own both of these properties, so they are actually already merged.

Mr. Dutch stated the land has been there, and it has been in the same condition as it always was. He stated now his client wants to convert to year-round. Mr. Dutch stated his clients chose to go to the auction, when everyone had the opportunity to go. He did not believe it was appropriate to ask the owners how much maintenance would be provided. He did not believe this meeting was the proper venue for this discussion. He did not believe this was something the chairman wanted to "open up". Mr. Salicrup stated he would open it.

Mr. Ventres believed the Commission should run this issue by the attorneys, since it could impact health, safety, and welfare. Mr. Curtin believed there should be some clarification as to how the road would be taken care of.

Mr. Gillis believed these properties would change ownership at some point in the future, and it could then be an issue. Mr. Thomas stated the land is already owned by one person. However, he believed the owners and neighbors could reach an agreement for maintenance, etc.

Mr. Ventres stated if there were four properties on a subdivision, it is not uncommon to have the main part of the roadway on one person's property.

**Motion by Mr. Salicrup, seconded by Mr. Matthew to continue Application 12-10 until the next regularly scheduled meeting. Motion carried by unanimous vote.**

## **8. PUBLIC HEARING**

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

**A) Application 12-08, Klar Krest Realty, Inc., property owner, reapproval of Special Exception application of previously approved summer camp, 11 Johnsonville Road. Assessor's Map 55, Lot 1.  
First date: June 26, 2012 Last date: July 30, 2012**

Mr. Thomas noted for the record that his mother-in-law owns property that abuts this lot, but he felt he could act on this application without prejudice. Rabbi Sholom Stock accepted this acknowledgement.

Rabbi Stock stated this application was already approved, and they plan to make it better. He briefly reviewed the fire alarms, etc. There were no planned increases in use from the previous approval.

Mr. Thomas asked if this would be the same use, schedule of operation, number of months of the year, occupants, etc., and if in addition, there were no additional water, parking, or septic needs. Rabbi Stock confirmed all of this.

Mr. Salicrup noted there were 22 conditions on the original approval. Mr. Ventres suggested the Public Health Code for this summer only, if it will only be used for 4 weeks, the water system could be reviewed by the Chatham Health District. Once it goes over 4 weeks, it would go back to needing approval by the State.

Mr. Ventres stated the fire official wants the alarm system for the dining area to be designed by the engineer or by the lighting company.

Mr. Ventres read into the record the conditions from the original approval dated August 23, 2007. He stated the first sentence of #1 is done. For the second part, the pipes were installed incorrectly. He reviewed the remaining items from the approval. Rabbi Stock asked if #20 could be modified to have an acoustically focused P.A. system. Mr. Ventres stated there could be a legitimate reason to have such a system. He stated if there were 200 campers, and a thunderstorm came up, they may have to get them under cover. Mr. Thomas suggested they just wanted to open for a short time this year, and there would be sufficient time to come ask for a modification next year.

Mr. Curtin opened the hearing to the public. No public comments were offered.

Mr. Ventres stated other than the septic system; they were almost at the same place that they were in 2007. There is a lot of work to do within 30 days. The fire marshal has to sign off on this project before the camp can open to campers. Without that signoff, the youth camp cannot open.

Mr. Ventres stated that statutorily, the applicant has 3 years in which to complete these tasks. This is why they have come back to the Commission.

Mr. Thomas commented that the reapproval would be exactly the same as the 2007 approval, with the dining room alarm system to be designed by a qualified professional, the conditions of the building official, fire official, and Chatham to be met. In addition, all of the work described in Item 1 is to be witnessed by the applicant's engineer.

**Motion by Mr. Salicrup, seconded by Mr. Matthew to close public hearing for Application 12-08. Motion passed by unanimous vote.**

**Motion by Mr. Thomas to approve Application 12-08 with the following conditions:**

- Continuation of all of the conditions from the original approval in 2007
- The dining room alarm system shall be designed by a qualified professional.
- Any new conditions in the Building Code, Fire Code, DEEP regulations, or Department of Public Health regulations shall be met.

**Motion seconded by Mr. Gillis, and carried by unanimous vote.**

## **7. ZEO REPORT**

Mr. Ventres stated that Jim Carlson has been to Petticoat Lane, and he is going back on Thursday. Mr. Carlson will report to Mr. Ventres on Friday.

Mr. Ventres reported on the Milan Cais matter. Attorney Bennet is in the process of going to court on this issue.

Mr. Ventres received photographs of Grandview Campground from Memorial Day weekend. There was a 3-inch rain. This was the same day the pool filled in with mud and water. It did not cave in. These photographs were submitted by Mr. Carpenter. Mr. Ventres has passed a copy of these photographs along to the Public Works Department.

Mr. Ventres is dropping off the two grant applications to the State tomorrow.

Mr. Curtin asked if the Besek property had moved forward. Mr. Ventres stated they filed a motion for clarification with the court.

Mr. Salicrup stated he went by Bogel, and the property is a mess. Mr. Ventres stated the property owner informed them they would remove the refrigerator. There are also toys, lawn chairs, etc. Mr. Matthew asked if the camper was registered. Mr. Ventres will check into this.

Ms. Deborah Williams stated there have been previous discussions about runoff. Mr. Curtin stated the Public Works carved some small channels on this road, but it needed more. Ms. Williams suggested a sidewalk for pedestrians, runners, etc.

Mr. Curtin asked who attended the Klar Crest walk. Mr. Gillis and Mr. Brownell attended this walk.

## 5. BILLS

Hartford Courant (public hearing notices)	\$370.94
NL Jacobson (Somosky review)	29.68
Branse, Willis, and Knapp (Camp Chomeisch)	148.50

**Motion by Mr. Gillis, seconded by Mr. Matthew, and passed unanimously to pay the bills as presented.**

Mr. Ventres reviewed signage for trails, etc. He stated there is approximately \$1,000 of printing costs for these signs. The signs would go to the Sabine and Urbanik properties, in addition to the Peck property on Newberry Road, plus Dean and Harris.

**Motion by Mr. Matthew to transfer funds to the appropriate line to purchase signs.  
Seconded by BG, and carried by unanimous vote.**

Mr. Curtin asked the status of the planting on the Harris property. Mr. Ventres reported they hope to offer plots to the public by next spring. Mr. Curtin asked if that produce would be sold through the farmer's market. Mr. Thomas stated people could lease plots for the growing season.

Mr. Thomas stated if all they are doing is clearing, grubbing, and planting ground cover. However, once they run water and electric, it would be a good procedure to go forward with an 8-24 application.

Mr. Thomas stated when the Lions have their auction, etc., these are day-long events. However, the farmer's market runs all summer long. Mr. Curtin asked if this was in the back of the Grange. Mr. Thomas stated they did not utilize much of the green space in the back. Mr. Ventres stated there were some issues with clustered parking. Mr. Thomas reported they had several vendors, and a wide variety.

## 6. REVIEW OF REGULATIONS

### A) Lighting:

Mr. Ventres looked at some areas around town last evening for lighting. On Plains Road near the Board of Ed building, he measured at 1 foot candle. Between the two lights was 0.2. At the street level, it was 1.5. Underneath the canopy at 7-11, it was 24 foot candles. In the corners, they have lights that are close to 20 foot candles.

At Moodus Center, they have the tall lights, directly underneath, he measured 6 foot candles. Between the two is 2.5 foot candles. At Grist Mill, the bulbs were not functioning, and there were insects in one of the light fixtures. He took measurements near the building, etc. and they ranged from 0.6 to 0.1 foot candle. Mr. Ventres stated the regulations have a range.

Mr. Matthew stated the problems are typically the light trespass onto other properties. Mr. Ventres stated the proposed regulation is no more than 0.5 foot candle. The regulation for gas stations is a maximum of 10 foot candles.

Ms. Deborah Williams, 30 Banner Road commented on the lighting. This section also applies to special exception applications. Her concern really was because Grandview has 35-foot lights. Even though they are not applying to use them yet, she wanted to address this. She suggested the language not extend to recreational campgrounds.

Mr. Ventres referred to the proposed change to Section 26. He stated the tennis court on Creek Row, with this regulation, will have to come back to this Commission. The same thing applies to other campgrounds, etc. in town. Ms. Williams will write a recommendation. A lengthy discussion ensued. Ms. Williams believed it would be a real nuisance to have lights 35-feet high. She stated that Banner made a commitment to have 12-foot lights. She believed that was the requirement.

Mr. Ventres stated that athletic uses require lighting higher than 12-feet, such as basketball, baseball, and soccer. He stated just because someone comes in with an application, and they happen to have 35-feet high lights, that does not mean the commission has to approve 35-foot lights.

The Commission reviewed Section 26.7 of the regulations. Mr. Thomas noted if anyone had suggestions on how to improve this regulation, he/she should get something to Mr. Ventres as soon as possible.

Ms. Williams stated there is a difference between school facilities and resorts. When you add too many additional features, you create a situation where the scope of the increase is broader than is reasonable. That is a standard of law.

### ***TAPE CHANGE (2B)***

The lighting discussion continued. Mr. Ventres cautioned that the current regulation has a review for all recreational facilities. Regulations that are too restrictive force everyone to apply for a variance.

Mr. Thomas stated if Ms. Williams has suggestions, the Commission would be open to reviewing it.

## **9. ADJOURNMENT**

**Motion by Mr. Matthew, seconded by Mr. Salicrup to adjourn at 9:45 p.m., and carried by unanimous vote.**

Respectfully submitted,

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Holly Pattavina

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