

PLANNING & ZONING COMMISSION/
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
October 9, 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), Ed Gubbins (alternate member), John Matthew (regular member), Kevin Matthews (regular member), Harvey Thomas (regular member), Louis Salicrup (regular member)

COMMISSIONERS ABSENT: Crary Brownell – Chairman, Jessica Stone (alternate member)

OTHERS PRESENT: James Ventres and approximately 6 townspeople were present.

Mr. Curtin appointed Mr. Gubbins to vote in place of Mr. Brownell this evening.

3. **MINUTES**

Tabled

4. **BILLS**

Branse, Willis, and Knapp (general zoning matters, Camp Chomeish) \$132.00

Hartford Courant (legal notices) 310.75

Suburban (labels, etc.) 51.06

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

5. **ACKNOWLEDGEMENTS AND SET HEARING DATES**

A) 12-15, Peter and Maria Hymander, 8 Norwich Road, Special Exception Review to add two additional bedrooms to existing Bed and Breakfast. Assessor’s Map 17, Lot 52.

First date: October 9, 2012

Last date: December 12, 2012

Attorney Scott Jezek addressed the commission on behalf of the applicants. This is the former Seraph building. As part of the Goodspeed actor housing project, the emergency access was shifted. In the area of the previous right-of-way, the parking was installed. Other than that, the information remains the same. The two bedrooms are located on the ground floor. He reviewed the locations of the fourth and fifth bedrooms.

Mr. Ventres announced that he read the regulation, and there is a provision for additional bedrooms if there is not a change of use. Currently, the applicant has 11 parking spots provided. He believed, subject to approval by the Commission, that the review could be made by the Building Official and the Fire Marshal. Mr. Ventres noted that this application was just adding rooms within an already existing bed and breakfast. Responsive to inquiry by Mr. Gubbins, Mr. Ventres stated that Chatham Health District did not have to review this application, since this property was on grinder pumps as part of the sewer system.

Mr. Thomas asked if the approval letter would need to be changed. Mr. Ventres noted that the use was not changing. Mr. Gubbins asked if there was any new construction proposed, to which Mr. Ventres responded there would not be any additional construction.

Mr. Curtin inquired about the Historic District. Mr. Ventres stated the Historic District would have reviewed this parking, during the actor housing project.

Mr. Curtin asked about the easement, to which Attorney Jezek stated the Hymanders own the property, and the Goodspeed enjoys an easement across it. The Goodspeed's easement is along the southern strip of the property.

Mr. Gillis asked if this would have any impact to the abutting property owner. Mr. Ventres stated this driveway has been in place for almost a year, so the neighbors are aware of it. Attorney Jezek added that the Goodspeed landscaped the neighbor's property when the actor housing project was done.

Motion by Mr. Thomas to revise the previously approved special exception application for Peter and Maria Hymander to go from the previously authorized three bedrooms to the newly revised five bedrooms, provided that they meet all requirements of the Building Official and Fire Marshal. Motion seconded by Mr. Matthew, and carried by unanimous vote.

Attorney Jezek asked that tonight's Blaschik public hearing be moved to the next available hearing date. He informed the commission that Mr. Nemergut was not available tonight either. This will be addressed at the time of tonight's public hearing.

**B) Application 12-16, Mark Thiede, 374 Town Street, Special Exception Review to open a coffee house. Assessor's Map 27, Lot 90.
First date: October 9, 2012 Last date: December 12, 2012**

Mr. Ventres indicated he had the review letters, and he recommended a public hearing be scheduled for the next regularly scheduled meeting.

Motion by Mr. Gubbins, seconded by Mr. Matthews to set the public hearing for Application 12-16 for October 23, 2012, 8:00 p.m. at the Town Grange. Motion carried by unanimous vote.

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

8. ZEO REPORT

Mr. Ventres finally reached Attorney Bennet and asked him to move forward with the Milan Cais matter.

Mr. Ventres reported that nothing much has occurred on the Petticoat Lane property. He indicated that some of the chairs have been straightened, etc. He did not know what the Commission wished to do with this case, whether they wanted to proceed with this to court, etc.

Mr. Thomas asked about the Petticoat Lane property, to which Mr. Ventres stated they have already sent a Cease & Desist order, and the attorney has sent a letter to the property owner. Mr. Curtin believed once the process is started, they need to continue forward with it. The consensus of the Commission was to proceed with this case.

The Commission briefly discussed blight ordinances, etc. Mr. Salicrup indicated he had a meeting with First Selectman Walter regarding this ordinance.

Mr. Thomas suggested it would be more beneficial to review the ordinance once they have a chance to really take a look at it. He asked if the cleanup of a property cost more than the property was worth.

Mr. Curtin asked how much the town has expended on the Cais property. Mr. Ventres responded that they have spent approximately \$50,000.00 on the cleanup of this property. Mr. Matthew believed they had to clean up these sites, and that they were obligated to clean up these properties.

Mr. Ventres reported that with the recent rainstorms of 3-4 inches of rain, the Creek Row erosion control failed. By mid-Monday, the property owner on Creek Row had a landscaping company down there repairing the adjacent properties. A property on Porges Road took the brunt of the runoff and had the most significant damage. Mr. Curtin noted that very thick wood chip berms are very effective. Mr. Ventres gave them suggestions of what to put in for erosion control.

Mr. Gubbins asked what was happening with the restaurant on the corner of Town Street and Route 82. Mr. Ventres was told the building is again being leased, but no one has yet gone to the Chatham Health District.

Mr. Ventres received feedback from the State regarding sewer line requirements. Mr. Ventres has contacted the treatment plant operator, and informed him they need to review these plans that were submitted.

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

7. PUBLIC HEARING

A) Application 01-12, Noreen Blaschik, EH Moodus Road, Subdivision review for a proposed 2-lot subdivision, Special Exception Review for an interior lot and a proposed lot line revision. Assessor's Map 45, Lot 2.

First date: October 9, 2012

Last date: November 12, 2012

Attorney Jezek was present earlier this evening and asked that this public hearing be continued to the next meeting.

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

Motion by Mr. Matthew, seconded by Mr. Salicrup to continue Application 01-12 until the next regularly scheduled meeting on October 23, 2012, 8:00 p.m. at the Town Grange. Motion carried by unanimous vote.

6. DISCUSSION

A) Minimum Buildable Square:

Mr. Curtin distributed his proposal for minimum buildable square. Mr. Ventres distributed the Killingworth regulation. It was noted that Killingworth only has 2-acre zones. Mr. Ventres reviewed the regulation.

Tape Change (1B)

Mr. Ventres distributed an example of a subdivision that would not be allowed for subdivision based on the current regulations. They compared and contrasted the regulation. Mr. Curtin noted that the septic requirement would not be changing with this regulation.

Mr. Ventres reviewed the Class A and Class B soils from Killingworth.

Mr. Ventres spoke with a couple of engineers regarding this regulation. Mr. Curtin stated he took exception to the blasting. He did not believe anyone did more blasting that they absolutely had to.

A lengthy discussion ensued. Mr. Curtin stated he was looking for some relief on the minimum square, because they are onerous.

Mr. Ventres stated if someone meets the requirements of the subdivision regulations, they have to accept it. Mr. Thomas asked if they should look at some modification whereby one does not get a subdivision approved if there are problems with it. Mr. Curtin stated the Commission would have to tell the applicant to change it.

Mr. Matthew asked about ledge. Mr. Curtin explained that developers don't look for ledge on which to site a house. Mr. Curtin stated that finding a mottling line in the field is difficult and controversial. Mr. Ventres stated when people see a layer of rusty colored soil. He stated the best thing to do when there was an issue, people may hire a soil scientist to come out and tell them what the soil is. Mr. Curtin stated the mottling is not in every test hole. It was noted that Chatham also looks at all of the test holes.

Mr. Curtin stated that the Inland Wetlands and Watercourses Commission revised their regulations to increase the setbacks around wetlands and vernal pools. He stated there are huge chunks of land that are not being used because of this. He was hoping to modify the regulations so that everyone can use them.

Mr. Thomas stated that if they wanted to move forward with this regulation, they need some type of language. Mr. Curtin stated that Mr. Nemergut would be present for the next meeting, and Mr. Casner was present to discuss it as well. Mr. Curtin stated he would prepare a draft regulation for discussion purposes. Mr. Curtin would also like to review some properties in town where this would work. Mr. Matthew suggested they look at some properties that may not be great examples as well. He believed some of the requirements are not necessary.

Mr. Thomas stated they need to either write up something, or move on to something else. Mr. Curtin stated they need to have Mr. Nemergut come, then go look at some properties. Mr. Curtin suggested they schedule a time to go look at properties at the next meeting, while Mr. Nemergut is present.

B) Gateway Height Regulation:

Mr. Ventres has not yet heard back from the architect.

C) Other:

Mr. Ventres reviewed the soils color coding in the Town of Killingworth's regulations. Mr. Ventres could prepare something that would allow an option "B" for properties if the commission would like.

Mr. Ventres indicated that the topic of stables is a "gray area". He believed that at some point in the future, they would run into a farm that wanted to hold special events, such a wedding, etc. He stated if they were trying to promote agriculture, they should write something to protect these entities.

Mr. Salicrup referred the Commissioners to the website for Connecticut blight ordinance, for discussion at the next meeting.

9. ADJOURNMENT

Motion by Mr. Gubbins, seconded by Mr. Matthews to adjourn at 8:53 p.m., and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina