

**PLANNING & ZONING COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
February 12, 2013
(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 - arrived 7:19 p.m.), John Matthew (regular member), Kevin Matthews (regular member), Louis Salicrup (regular member - arrived 7:19 p.m.), Harvey Thomas (regular member)

COMMISSIONERS ABSENT: Jessica Stone (alternate member)

OTHERS PRESENT: James Ventres, Emmett Lyman, and approximately 4 townspeople were present.

3. MINUTES

The minutes of the January 22, 2013 meeting were accepted with the following amendment:

- Page 4, 2nd paragraph, 2nd sentence: Change to read “Mr. Gillis believed the cottages pre-dated the zoning.”

Mr. Gubbins and Mr. Salicrup arrived at 7:19 p.m.

4. BILLS

Hartford Courant (legal notices)	\$290.72
Suburban	113.66
Branse, Willis, & Knapp	874.50

Motion by Mr. Curtin to pay the bills, seconded by Mr. Matthews, and carried by unanimous vote.

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

8. ZEO REPORT

Mr. Ventres reported that Mr. Lipka did not appear at the court hearing. Accordingly, Attorney Knapp will file a motion with the court.

Mr. Ventres informed the Commission that he sent a Cease & Desist order to Mr. Cais. Mr. Ventres also sent a Cease & Desist order to Mr. Kayser for a seasonal violation. Another notice of violation was sent to a property owner on Hilltop Road, doing business as New England Cottages, LLC. Mr. Ventres will continue to check seasonal cottages and will report further violations at future meetings.

Mr. Ventres distributed a document on the East Haddam Open Space Commission financial information for the Zeiller property on Florida and Clark Hill Roads and the Pages property on Mill Road.

The Commission discussed an upcoming seminar on March 14, 2013. Anyone interested in attending should contact Ms. Lombardo.

Mr. Ventres sent out the budget sheets. The Commission briefly reviewed the Land Use budget.

7. DISCUSSION

A) Minimum Buildable Square

The Commission discussed the minimum buildable square. The proposed change would give relief for ledge/rock outcrops, but not necessarily for wetlands. It was discussed that the number be kept the same in order to simplify it. The Commission discussed 20% extra land for wetlands, 20% for slope, etc. Mr. Salicrup suggested adding some language for soil scientist information.

Responsive to inquiry by Mr. Matthew, the Commission discussed how the minimum square would work, how it could be considered, etc. Mr. Curtin noted that this is not drafted yet, but they were simply trying to get concepts with which everyone could live. He added that every parcel of land is different. He can bring in examples for the Commission.

Mr. Gillis gave an example of a lot with 30% ledge. Mr. Ventres reviewed the requirements for stormwater and septic for a lot of this type.

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

6. PUBLIC HEARING:

A) Application 13-01, Rodney Davis, Green Village Heights, Grove Street, Special Exception Review for a 33-unit retirement community. Assessor's Map 55, Lot 126.

First date: February 12, 2013

Last date: April 17, 2013

Mr. Rodney Davis addressed the Commission and presented his plan for a re-application. He stated the proposal was for 33 units of various sizes. There are 6 units already begun.

Mr. Ventres informed the commission that this application was approved in 2003, re-approved in 2006, and again in 2009. Because this is a special exception review, they would have to re-approve it, rather than just extend the approval.

Mr. Davis stated that Phase 1 would be units 1-9. The first 6 are in, and are wrapped in Tyvek. There are 3 left to build. Phase 2 and Phase 3 would follow.

Mr. Curtin asked where the applicant was with the project. Mr. Davis stated there is financing out there, but it is hard to get. He is working with people in New York. He stated the economy is not great, but they have to have the approval to go forward with the project. Responsive to inquiry by Mr. Curtin, Mr. Davis stated he has cleaned up much of the material that was there. There is a pile of crushed material remaining.

TAPE CHANGE (1B)

Mr. Davis stated there was some concrete forms, etc., and vehicles for which he pays taxes, that are on site.

Mr. Ventres stated that Mr. Brian Curtis, P.E., of Nathan Jacobson and Associates wants topographical confirmation of what has been done for the grading of water and septic, as well as a plan.

Regarding the cuts, Mr. Davis stated he went to approximately 15-feet from the boundary lines. He has some old materials on site. He only does his own foundations now. Mr. Matthew asked if the material on site was being stored there, but not being used. Mr. Davis stated he could not work without the approval, but the material there was for this project.

Mr. Matthew asked if any work had been done since the last approval. Mr. Davis reviewed the work that has been done, which included crushing stone and removal, replacing Tyvek, etc. Mr. Matthew did not believe it seemed like a suitable use to continually crush the stone and remove it off site. Mr. Davis noted that Mr. Ventres gave him hours of operation for crushing and removing the stone. Mr. Brownell asked if this was done, to which Mr. Davis stated it has been done.

Mr. Curtin asked the status of the water. Mr. Davis has to re-submit a new request and letter stating the project is still active. He also has to have the water tested, since it has been sitting for a long time.

Mr. Salicrup asked if Mr. Ventres had drawn any conclusions from Mr. Curtis' letter. Mr. Ventres stated that they could not draw any conclusions without the topographical information, as Mr. Curtis had requested in his review.

Mr. Thomas asked if there was any reason why the applicant could not immediately provide a substantial buffer along the west side to protect the neighbors. Mr. Davis stated immediately he could not, but he could plant a buffer in the spring.

At this time, Mr. Brownell opened the public hearing to the public.

Ms. Stacy Polumba, 2 Highland Avenue stated there are only a few trees between her house and the project site. She has seen three units with Tyvek blowing in the wind since 2006. She has seen the foundation forms leaving in trucks and coming back many times. She stated there are three Bilco

doors on the foundations, and only one is left. She added that rain, snow, animals, etc. is getting into the basement. She also stated that the few trees are eroding her property.

Mr. Chad Hemphill, 1 Highland Avenue, shared Ms. Polumba's concerns that no apparent work has been done, with the exception of the Tyvek replacement. His concern was what assurances would be made if this is approved again. He did not see this improving the property values nearby. His property value has gone down with the economy, and he stated he did not need it being assisted by anything else.

Mr. Davis stated he would look at the grading, but that the neighbor's have dropped trees that he has cleaned up. He stated he could put siding on the units, but he would need some financing in order to do that.

The commission discussed walking the site in early March, due to the snow and weather right now it may have to wait..

Mr. Thomas stated in order for this to be approved, there would need to be a landscaping plan and plantings would have to be installed, and the stormwater management issues would need to be addressed. He also suggested bonding for those two things now, so that if the applicant does not do it, that the Town could step in and do it. Mr. Davis stated that there is a landscaping plan already in place. Mr. Curtin noted that the applicant's engineer has some work to do.

The Commission decided that a site walk will be conducted on Sunday, March 10, 2013, 9:30 a.m. The public hearing will be continued to March 12, 2013.

Mr. Davis asked if he gets the financing, if he can continue working on the units he has, since he has a building permit. Mr. Ventres will have to check with Attorney Branse about this.

Mr. Gillis stated in 2009, there was discussion about bonding for Phase 1. He asked if that was done. Mr. Ventres stated it was not done, because there had been no financing.

Motion by Mr. Curtin to continue Application 13-01 until March 12, 2013, 8:00 p.m., at the Town Grange, and to conduct a field walk on March 10, 2013 at 9:30 a.m. Seconded by Mr. Matthews, and carried by unanimous vote.

Mr. Ventres informed the audience that during this field walk, since there is an open public hearing, the commissioners can only discuss locations. Any discussion must wait until the March 12 hearing.

Motion by Mr. Gillis, seconded by Mr. Matthew to take a brief recess at 8:38 p.m. Motion passed unanimously. The meeting reconvened at 8:41 p.m.

7. DISCUSSION (Continued)

B) Gateway Height Regulation

No discussion

C) Blight Ordinance

Mr. Ventres reviewed the draft anti-blight ordinance that was included in each member's packet. He reviewed various scenarios. A lengthy discussion ensued.

Mr. Matthew excused himself from the meeting at 8:55 p.m.

Mr. Salicrup questioned the use of "tenant" in Items 8 and 9.

TAPE CHANGE (2A)

It was agreed that the Commission was ready to send this draft to the Board of Selectmen.

D) Plan of Conservation and Development

Mr. Brownell asked if anyone had responded yet, to which Mr. Ventres stated no one had responded. Mr. Ventres distributed the checklist for the commission to review.

Mr. Salicrup asked the commission to review the 8.1.4 regulation. He believed the recent application was a financial windfall for the person who bought the property. Mr. Curtin noted that the prior owners could have done this, but the only thing they all could agree to do was to sell the property.

Mr. Matthews asked if a landscaping had been done. Mr. Ventres gave them a list of plantings.

9. ADJOURNMENT

Motion by Mr. Thomas, seconded by Mr. Matthews to adjourn at 9:09 p.m., and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina