

**PLANNING & ZONING COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
March 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: Crary Brownell – Chairman, James Curtin (regular member), Bernard Gillis (regular member), Ed Gubbins (alternate member), Kevin Matthews (regular member), Louis Salicrup (regular member), Harvey Thomas (regular member)

COMMISSIONERS ABSENT: John Matthew (regular member), Jessica Stone (alternate member)

OTHERS PRESENT: James Ventres, and approximately 16 townspeople were present.

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

3. MINUTES

The minutes were accepted with the following amendments:

- Page 4, 2nd paragraph: Change “lot” to “buildable square” in the first sentence, and “level” to “slope” in the last sentence.
- Page 4, 4th paragraph, last sentence: Strike “for 2 acres, 4acres, etc. if everyone would be amenable to this.”

4. BILLS

Branse, Willis, and Knapp (general zoning, nonconforming uses, special permits)	\$313.50
Suburban (boxes)	86.78
Suburban (folders)	120.00
Suburban (foam board, pocket folders, etc.)	356.84
Hartford Courant	280.74
NL Jacobson (bond cost update)	159.30
NL Jacobson (review of Green Village Heights)	1667.88

Motion by Mr. Curtin, seconded by Mr. Gubbins to pay the bills as presented. Motion carried by unanimous vote.

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

8. ZEO REPORT

Mr. Ventres submitted the update for the Plan of Conservation and Development.

The Commission briefly discussed affordable housing. Mr. Salicrup asked if the State could force something upon the town. Mr. Ventres stated East Haddam has some available avenues for affordable housing, such as the planned residential housing, etc. Mr. Gillis asked if this would apply to senior housing, to which Mr. Ventres responded that it would not. Mr. Brownell asked if HUD housing would fit into this category. Mr. Ventres stated there is only one house listed as a HUD loan right now.

Mr. Brownell asked if the subcommittee for gravel roads has begun. Mr. Curtin stated that they were almost at the point to begin this. Mr. Ventres will pull the older information for gravel roads for the next meeting.

Mr. Ventres stated that no one has answered their responses for seasonal structures being used. Not only have they found some seasonal uses, but they have also found structures that are being built without permits. Mr. Ventres will report on this at a future meeting.

5. ACKNOWLEDGMENTS AND SET HEARING DATES

None

7. DISCUSSION

A) Minimum Buildable Square

Mr. Ventres included the draft changes to the minimum buildable square in each member's packet. A brief discussion ensued. Responsive to inquiry by Mr. Matthews, Mr. Gillis believed properties with easements should be excluded from the minimum buildable square. Mr. Curtin and Mr. Matthews noted that some things could be done with easements, such as with a CL&P easement.

Mr. Thomas recommended item (f), page 3 be changed to add "underground" before "utilities" in this section.

Mr. Thomas suggested on page 2, section (d) is confusing. He suggested the word "higher" be changed to "less".

Mr. Salicrup asked for clarification of the minimum buildable square from the last meeting. Mr. Thomas clarified that this was 20% of the minimum buildable square cannot be more than 25% slope.

Mr. Roger Nemergut was asked for his comments on this draft. He responded that this draft language seemed fine to him.

The commission briefly discussed Class D and Class E soils. Page 3, (a) was changed to correct a typographical error.

The Commission recommended Mr. Ventres will make the minor changes discussed this evening to this draft, and forward it to Attorney Branse for review.

Mr. Gillis inquired about looking at sample properties, which had been discussed at a prior meeting. Mr. Curtin and Mr. Nemergut suggested going to the Ballek and the Elfstrom properties.

B) Gateway Height Regulation

Mr. Ventres stated that the Gateway Commission invited him to come, but he is tied up with a Town meeting for open space, etc.

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

6. PUBLIC HEARING:

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

A) Continued: 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: March 18, 2013**

No one representing the applicant was present at this meeting. Mr. Ventres reported that due to the recent snowstorm, the Commission was unable to conduct the site walk. The Commission decided to reschedule the field walk for next Thursday, March 21, 2012 at 6:00 p.m.

Mr. Brownell opened the hearing to the public.

Ms. Stacey Galemba asked where the pile of trees along the property line came from, since Mr. Davis reported at the last meeting that he was not using the property for storage.

Motion by Mr. Thomas, seconded by Mr. Gillis to continue Application 13-01, Rodney Davis, Green Village Heights until the next regularly scheduled meeting on March 26, 2013, 8:00 p.m. at the Town Grange. Motion carried by unanimous vote.

B) Application 01-13, Maria Misenti, 52 Mott Lane, Subdivision Review for a proposed 3-lot subdivision. Assessor's Map 76, Lot 106.
First date: March 12, 2013 **Last date: April 15, 2013**

Mr. Nemergut addressed and submitted green cards. He stated this is a 6 acre property on Mott Lane. This property is located at the 90 degree bend on Mott Lane. Mr. Nemergut indicated this lot has frontage on Old Mott Lane, which their surveyor indicated is an abandoned road. They are seeking to create two new lots, plus the existing lot, for a total of three lots. The land is moderately sloped. There is one wetland area off-site, but none on the parcel. It is approximately 300 feet from the proposed activity to the off-site wetland area.

Mr. Nemergut believed since the site walk did not occur due to the recent snow, this application would likely have to be continued. He has received a letter from the Chatham Health District, which indicated a positive response to the plan.

Mr. Nemergut requested a waiver of the stormwater requirements. There are only two new lots being created, and the small amount of flow goes through a wooded area toward lower Moodus Reservoir. The flow drains east to west.

TAPE CHANGE (1B)

Mr. Nemergut indicated they have an existing driveway that serves two houses. Their proposal is to improve the gravel driveway that exists, to bring it to 18-foot wide, and two new access points. The plan is to slant the driveway so the cross slope drains east to west across the driveway, pick up the flow in a surface swale. This would be directed to the property, but a small bit may touch the neighbor's property. Responsive to inquiry by Mr. Salicrup, Mr. Nemergut believed they could re-align the driveway due to some trees that exist on the property.

Mr. Nemergut explained that they propose to address some runoff toward the southern part of the driveway by an armored swale.

Mr. Brownell inquired if the property owner planned to turn this over to the town. Mr. Nemergut stated at some point, if they make improvements to it, they might ask the Town to plow the road. Mr. Ventres reported that the road that runs along the back side of the houses on Eli Chapman Road is the Town's. Responsive to inquiry by Mr. Thomas, Mr. Ventres stated it would not hurt to add common ownership language for this road.

Mr. Ventres read into the record a letter from Chatham Health District dated February 26, 2013, which stated the plan meets the requirements for site suitability as per the Public Health Code. A site plan and building plan are to be submitted for review for Lots 1 and 2 to the Chatham Health District for approval at the time of building permit submission.

Mr. Ventres stated the neighbor, Kevin Shields, requested what Mr. Nemergut provided, for the stormwater calculations for the driveway. Mr. Nemergut explained that there would be some surface runoff on one corner of Mr. Shields' property. He stated there is currently some runoff there now, and he will only see an increase from the larger width of the driveway.

Mr. Gillis asked if this would be a problem for the Denya property. Mr. Nemergut stated they had been involved in the process, and he did not see them here tonight.

Mr. Brownell opened the hearing to the public.

Mr. Richard Aguilera addressed the commission. He indicated he maintains the entire road now, and there are issues with erosion. He stated the road is narrow, and if there are two cars, one must back up. He voiced concern with two more houses and how this would be maintained. He stated with the recent snowstorm, someone dumped 15-feet of snow on this road, and if he did not have a backhoe, he would not have been able to get out.

The Commission briefly discussed this road. Mr. Ventres stated it was not on the list as a maintained town road. He noted the Town discontinued use of this road. Mr. Ventres stated that there could be common ownership language if the neighbors want to maintain the property. If not, the road may have to be brought to existing standards for Town maintenance.

Mr. Nemergut stated their information from their surveyor is that this is a Town road.

It was noted that this still needs to have a review by the Inland Wetlands and Watercourses Commission (IWWC). The IWWC was also unable to walk this site due to the snow.

Mr. Brownell suggested Mr. Ventres contact their attorney to review this issue. He noted this could affect all of the owners as time goes on, and it would be helpful to find out who actually owns it for maintenance, etc.

Mr. Gillis asked if the engineer has reviewed this property yet, as it pertains to the applicant's request for a waiver.

Mr. Aguilera stated this is a very dangerous area, and it is very difficult to see over the stone wall, without a truck large enough to see over the wall. Mr. Nemergut showed this area on the plan, and indicated there is a possibility of a stop sign being added here.

Motion by Mr. Curtin, seconded by Mr. Gillis to continue Application 01-13, Maria Misenti until March 26, 2013, 8:00 p.m. at the Town Grange. Motion passed unanimously.

Mr. Matthews read the call for the following public hearing

C) Application 13-02, Philip and Sheila Benoit, applicants, 27 Wm F. Palmer Road, Special Exception Review for a proposed vintage vehicle restoration business. Assessor's Map 65, Lot 157.

First date: March 12, 2013

Last date: April 15, 2013

Mr. Philip Benoit addressed the Commission. He stated he had marked up the site plan for the Commission's review. He indicated that where the proposed chain link fence is located, he planned to add a row of trees on the North side. This property was the former daycare center at the top of the hill. Mr. Benoit brought copies of photographs of the inside of the building, which he submitted to the commission.

Mr. Benoit stated most of the interior walls are 3-feet high, and would be removed. They planned to add a 9-foot door on the north side of the building. Another door would be added at a future date. Mr. Curtin asked if this would be an overhead door. Mr. Benoit stated they were thinking about bifold doors to make it look better.

Mr. Ventres asked if Mr. Benoit could address his proposal. Mr. Benoit stated they plan to work on vintage cars. Mr. Benoit and his son will work here, not full time. They have another facility in Middletown, and they have another employee in Middletown who may be here on a part-time basis.

Mr. Benoit referred to the zoning regulations. He stated there would only be two or three cars in the building at one time. Unfinished cars waiting to be restored may be parked outside. Any car that is restored will be registered, and may be parked there. There is parking for approximately 80 cars.

Mr. Benoit stated they would not need a dumpster. They plan to recycle their scrap metal and oils on a regular basis. They plan to purchase a paint booth, which will be located inside the building.

Mr. Salicrup asked if there would be any sandblasting done here, to which Mr. Benoit stated there would not. He noted that their sanders will be hooked up to their system.

Mr. Curtin asked about potential noise, such as banging, etc. Mr. Benoit stated there would be noise from the compressor, etc. He believed the structure and the plantings should minimize noise. He stated they wanted to be a good neighbor, and if there was a lot of noise in the summer, they would keep the doors closed.

Mr. Curtin asked about storage of tractors, etc. He asked if all of these would be in the back. Mr. Benoit stated the tractors would likely be stored outside under the overhang. There would likely be 4-6 tractors.

Mr. Gubbins asked about shows, etc. Mr. Benoit stated the cars are typically sold on the internet, advertisements in magazines, etc. It is up to the buyer to have the car shipped.

Mr. Brownell asked what type of ventilation system was proposed for the paint booths, etc. Mr. Benoit stated there was information in the back of the packet. He added that the fire marshal would have to inspect this area before it could be used.

Mr. Salicrup asked what the regulation would be for unregistered vehicles. Mr. Benoit stated he would register the vehicle. This allows them to maintain insurance on the vehicles.

Mr. Gubbins asked what type of lighting would be used at night. Mr. Benoit stated they planned to install an elaborate security system. There is already an extensive fire alarm system.

Mr. Gubbins questioned the lighting. Mr. Benoit did not plan to add anything really bright. He stated he has only been to the property once. Responsive to inquiry by Mr. Gillis, Mr. Benoit stated he has a sales agreement, contingent upon the approval of the commission.

Mr. Brownell asked if the applicant had looked at the possibility of fencing all around the building.

Mr. Ventres presented the plan that was submitted at the time of the daycare application. Mr. Ventres can check to see if these lights are shielded. Mr. Brownell stated if the applicant purchases the property, he may want to change the lights. Mr. Benoit did not know if he planned to change the lights or not. Mr. Thomas suggested the applicant might come back when he is better prepared.

Mr. Curtin suggested that everything be put on one plan.

TAPE CHANGE (2A)

Mr. Benoit noted the chain link fence is gated in two spots. Anything waiting to get into the building would be in the fenced area. Anything that would be outside of the gate would be put inside at night.

Mr. Benoit stated that two of the four bathrooms would be converted to small parts storage. He stated they discussed the door to get into the building is only a 6-foot French door. If they could widen this door, they may be able to bring the finished cars here. He stated it was difficult to tell the commission what he would do at this point. Mr. Curtin stated the commission needed to know what they were approving.

Mr. Brownell opened the hearing to the public.

Attorney Jezek stated that he and others oppose this. He felt the application is incomplete. He has hired engineers and real estate appraisers to look at this, and they feel it is incomplete. When he submitted his application for his office, he had to comply with every regulation. He is the only building on the street with a sign that is parallel to the road, because he was not allowed to put in a sign perpendicular to the street. He was not allowed to have a lighted parking lot.

Attorney Jezek stated this commission did not allow the former funeral home to conduct embalming, so they were only a viewing only site.

Attorney Jezek brought several consultants to comment this evening. He could bring them to the next hearing if this is continued, but they would require some time. He stated the regulations require a compliant application, and if this application is not compliant, the commission must reject it. Attorney Jezek stated that there may be other requirements for a used car dealership. Once the use is approved, it is there and will stay with the property.

Mr. Curtin stated he would prefer to hear the testimony tonight, so everyone, including the applicant, could hear it.

Attorney Jezek introduced Mr. Roger Nemergut to comment on this. Mr. Nemergut stated he went to look at the site plan, but there was not a site plan filed yet. He believed there was cause for concern for a professional operation next to what is basically an industrial operation. He stated there were no

hours of operation, screening, buffering, etc. He stated the information to review and understand the actual operation was not there. He suggested the site plan be completed and the details be added.

Attorney Jezek introduced John Russell, professional engineer, licensed home inspector. Mr. Russell asked if the commission has ever approved a gas station in town. He stated this would be a first for this commission. He stated they all have cars parked outside, and some parked at other locations have been in the same place, parked outside, for 15 years.

Mr. Russell stated the hours of operation should be limited to 8 hours per day, 5 days per week, with no weekends. Mr. Russell believed work would be done outside. They need to do all of the work inside, welding, hammering, etc., with the doors closed. Since the building is air conditioned, this should not be a problem in the summer. He did not believe anything should be stored outside, with the exception of an emergency generator. Regarding lighting, it should be consistent with the neighbors and adjacent businesses. He believed the lighting there now should be sufficient.

Mr. Russell stated that parts, tanks, etc. should not be stored outside. He recommended a petroleum removal sump be required. He stated there is a 1000 gallon buried tank that should be removed. He stated this is theoretically in the way. Any fencing should be shown on the plan.

Mr. Russell believed noise would be an issue. It would be good if the noise could be limited to no long-term noise outside any time, particularly for motorcycles. Mr. Russell believed the applicant would be required to contract with a company for waste oil. Mr. Benoit stated they would have to be a licensed repair facility to be required to contract for waste oil removal.

Mr. Russell stated they should not be allowed to store materials in old truck bodies. He encouraged the commission to think about all of the concerns.

Attorney Jezek introduced Mr. William Nelson, a real estate broker, who testified this would negatively impact all of the properties that abut this property. He did not believe another child care facility would be able to come back here once this type of facility was used.

Attorney Jezek submitted responses from the DEEP Air Pollution control. He reviewed the standards listed in this report. He stated there is no system to remove the fumes from painting, etc. Attorney Jezek's building is 80 feet from this building. When his windows are open, he is able to hear the children from the daycare, inside the building.

Attorney Jezek reviewed the requirements for a used car dealership. He showed the commission photographs of a burning car that melted the siding on his new building. The burning car also liquefied Attorney Jezek's parking lot in one area. He asked the commission to evaluate this application as seriously as they have others in the past. He stated that precautions should be taken for the chemicals that would be used and disposed of, etc.

Mr. Ventres stated he spoke with Chatham, and since there would be four employees, it would meet the septic requirements.

Mr. Ventres submitted a document prepared by the Fire Marshal noting required corrections, and he read this document into the record.

Mr. John Ivers, owner of the building stated he understood they need a complete site plan. He stated he bought this property in reliance on the Town's uses. He stated the daycare only had about 20 children at any time, and when the children were outside, there was probably screaming, etc.

Mr. Ivers stated there is no proposal for a gas station here. From his perspective, he believed there is some misinformation. He believed this application should be looked at on its merits. He agreed that the applicant needed to conform with the site plan. However, he noted there are other industrial uses, including Dutch Oil and Fisher. There is another building next to Fisher that has a fence and many things stored outside. In addition, there is an automotive facility with a couple dozen cars stored outside.

Mr. Ivers believed this was an attractive proposal. He relied on the regulations that are written for the town. He pays taxes on this property, and while he does not live here, he would request that consideration be given to the regulations and this application.

Mr. Brownell asked Mr. Benoit if he planned to bring back a site plan at the next meeting in two weeks. Mr. Benoit stated if he has to spend a lot of money to prepare a new plan, then no, he will not be back. He stated he spoke with Mr. Ventres, and he marked up the existing plans and thought they would be sufficient.

Mr. Curtin suggested continuing this application for two weeks, which would give Mr. Benoit a chance to meet with Mr. Ventres.

Mr. Thomas suggested Mr. Benoit could look at the minutes and prepare some responses to the questions asked by the audience and the commission.

Mr. Brownell questioned the noise, anything that would be used, and the noise levels. He stated that manufacturers would have that information. Mr. Benoit stated the noisiest equipment would be the compressor. Mr. Salicrup believed that could be buffered. Mr. Benoit stated he could put this in a closet.

Mr. Curtin stated the commission definitely needed more specifics.

TAPE CHANGE (2B)

Attorney Jezek did not believe the regulations permitted auto sales for special exceptions. Mr. Matthews asked about the limit of 7 cars. Attorney Jezek stated the application stated 10-12 to start. Mr. Brownell asked Mr. Ventres to speak with our attorney about this issue. Attorney Ivers stated the sales would be over the internet, so this would not be a used car lot.

Motion by Mr. Thomas, seconded by Mr. Gubbins, and passed unanimously to continue this application until March 26, 2013, 8:00 p.m. at the Town Grange.

Mr. Gubbins asked if anyone talked to the restaurant about the signs. Mr. Ventres stated that Mr. Puska did go, but he did not have the response.

10. ADJOURNMENT

Motion by Mr. Matthews, seconded by Mr. Gillis to adjourn at 9:48 p.m., and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina