

**PLANNING & ZONING COMMISSION  
TOWN OF EAST HADDAM  
LAND USE OFFICE  
REGULAR MEETING MINUTES  
April 23, 2013  
(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), Kevin Matthews (regular member), Louis Salicrup (regular member), Harvey Thomas (regular member) (arrived approximately 8:05 p.m.)

**COMMISSIONERS ABSENT:** Crary Brownell – Chairman, John Matthew (regular member), Jessica Stone (alternate member)

**OTHERS PRESENT:** James Ventres, and approximately 8 townspeople were present.

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

**3. MINUTES**

Tabled until the next meeting.

**4. BILLS**

Suburban Stationers (office supplies)	\$80.54
Suburban Stationers (folders)	110.37

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

**5. ACKNOWLEDGMENTS AND SET HEARING DATES**

**A) Application 13-05, Consumer's Union of U.S., Inc., 4 Hill Kilbourne Road, Special Exception Review to construct at 68' x 65' office addition. Assessor's Map 78, Lot 2.**

**First date: April 23, 2013**

**Last date: June 26, 2013**

No one representing the applicant was present at this meeting. Mr. Ventres distributed plans to the commissioners. Mr. Ventres reported that this was previously approved, but for a smaller size, and more than three years have passed since the approval.

Mr. Salicrup asked if the applicant had requested the 100-foot waiver for the survey. Mr. Ventres recommended approving the waiver, but noted there was a survey already on file. Mr. Ventres suggested a public hearing be scheduled for May 14, 2013.

**Motion by Mr. Matthews to set a public hearing for May 14, 2013, 8:00 p.m. at the Town Grange. Motion seconded by Mr. Salicrup, and carried by unanimous vote.**

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

## **7. DISCUSSION**

### **A) Minimum Buildable Square**

Mr. Curtin spoke with Mr. Nemergut, and he should have some information for the May 14 meeting.

### **B) Gateway Height Regulation**

Mr. Ventres plans to attend the next Gateway meeting to address this.

Mr. Gillis asked if East Haddam is the only town who opposes this regulation. Mr. Ventres stated there are other towns that have not adopted this.

The commission discussed colonial-style houses and general heights. It was noted that the height is dependent on the width of the house. Mr. Curtin noted that generally, lots on the river, or with a direct view of the river are generally larger houses.

Mr. Ventres will get some widths and scenarios for a future meeting.

### **C) Other regulations and ordinances to review**

Mr. Ventres indicated that towns were notified that they should have 10% of their structures set aside for affordable houses. However, in order to do this, they have to have sewer systems and city water, and have builders willing to do this type of building. He indicated that affordable housing would be priced so that someone who makes 80% of the median salary would be able to purchase one of these houses. The median salary can vary widely in different towns.

Mr. Ventres will get more information from Attorney Branse on this, since he has worked with several towns. He noted in Colchester's 2010 report, they had to find willing participants for affordable housing.

Mr. Gillis asked if East Hampton built their affordable housing project. Mr. Ventres did not know, but will ask Attorney Branse. Mr. Ventres stated that East Haddam only has one deed-restricted house. He needed additional information from Attorney Branse.

## 8. ZEO REPORT

Mr. Ventres distributed a letter from Chatham Health District dated April 23, 2013 regarding Mr. O'Mara's request for a food vending truck. Ms. Davidson of Chatham Health District returned Mr. O'Mara's application fee, and stated this is not a permissible use in East Haddam.

Mr. Curtin spoke with Mr. Brownell, and he suggested that Mr. Ventres contact Camp Chomeish to notify them that if they plan to open this summer, they need to come in soon. Mr. Gillis asked when the last time the Building official was on-site. Mr. Ventres stated they have not been on site since last fall.

Mr. Gubbins asked the status of the Milan Cais property. Mr. Ventres stated the Town has issued a Cease & Desist order. On the other site, he filed a pro se motion for continuance, and it was granted. Mr. Ventres asked, and the consensus of the commission was to take the next step with this case.

Noting that 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: April 29, 2013**

Mr. Rodney Davis addressed the commission. Mr. Ventres distributed a letter dated 7/26/05 (incorrect date listed on letter). Mr. Ventres noted that this was requested.

Mr. Davis reviewed the letter and the items he plans to clear. Mr. Davis stated he cleaned up the orange fence remnants along the westerly portion of the property behind Units 1 – 21 on the uphill border of the property.

Among the items were:

- 1) Clean up existing remnants of the orange safety fence along the westerly border.
- 2) Remove stock-piled material away from the westerly border above the natural grade.
- 3) Grade and seed 15 feet wide along the westerly border behind the existing units.
- 4) Place the stockpile of gravel to lower the elevation.
- 5) Move the stockpiled precast products for the project back away from Grove Street.
- 6) Place a black nylon safety fence along the top of the westerly border where the bank is cut (until the slope is stabilized).
- 7) Seed disturbed areas near Grove Street that are at finished grade.
- 8) Remove unrelated equipment off property.
- 9) Cover the bulkheads with permanent hatches
- 10) Begin plantings along westerly border behind the existing units as can be afforded. This will start within the next 30-60 days. The plantings are listed on the filed maps.

Mr. Matthews asked if there was a completion date for this work. Mr. Davis stated the bulkheads and plantings should be done within 45-60 days. The other items should be able to be done as soon as he can get them done.

Mr. Ventres suggested before each phase is started, the items should be done.

Mr. Ventres had earlier prepared a draft approval for this application. Mr. Salicrup asked if they conditioned an approval for this application, what they could do if the work was not done. Mr. Ventres stated they would not be able to move forward if the conditions of Phase 1 were not met.

***TAPE CHANGE - 1B***

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

**Motion by Mr. Gubbins, seconded by Mr. Matthews, and carried by unanimous vote to close the public hearing for Application 13-01, Rodney Davis.**

Mr. Curtin asked if the commission wanted to hold this decision until after the other hearings were done this evening. Mr. Gillis was comfortable moving forward. Mr. Matthews preferred to wait until the end of the evening for discussion on this.

**B) Continued: 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. Roger Nemergut, project engineer, addressed the commission. At the last meeting, two issues emerged. There is a request for a waiver of the stormwater management plan. He stated although the commission has not yet acted on this, the town engineer was going to recommend against it. Because of this, they modified the plans to add a small detention basin to accommodate this.

Mr. Nemergut stated there was a question raised about the 90-degree turn and Old Mott Lane. In order to allow the property owner to sell the property, they have modified it to change from a 3-lot subdivision with two new lots plus the original lot. They planned to claim the frontage on Old Mott Lane, and they were not giving up their right to request this, but not at this time.

They now proposed two lots, one with an interior lot. They would get frontage for the new, undeveloped lot with a 25-foot access strip. Mr. Nemergut suggested a common driveway with the Denya property and driveway. After the Denya's split from the common driveway, the new driveway would continue straight to the new house.

Mr. Nemergut explained that the new detention basin would be only approximately one-foot deep. They received approval from the Chatham Health District for two lots. They did not change the septic system for the existing lot.

Mr. Nemergut stated they had a wetlands site walk. The commission looked at this site based on the old plan. He has not heard anything, but he went to the last meeting, and they confirmed this application did not require a permit.

Mr. Curtin asked if the existing driveway is paved. Mr. Nemergut responded that the driveway is gravel.

Mr. Ventres stated that there is a report from the IWWC, which was read into the record at the last meeting. Chatham has reviewed the modified plan, and they were amenable to the change. Mr. Ventres stated the road issue is not being addressed at this time, but counsel advised that the applicant can research this and come back to the commission in the future.

Mr. Salicrup stated basically what the commission was looking at now is a one lot split. Mr. Gillis asked if the utilities would be underground, to which Mr. Nemergut stated they would be.

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

Mr. Ventres noted that he sent the plans to NL Jacobson for review.

**Motion by Mr. Salicrup, seconded by Mr. Matthews to close the public hearing. Motion carried by unanimous vote.**

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

**C) Application 13-04, John Ivers, 27 WM F Palmer Road, Special Exception Review to use building for professional offices. Assessor's Map 65, Lot 157.**

**First date: April 9, 2013**

**Last date: June 12, 2013**

Mr. John Ivers, full owner of the LLC that owns this property, requested a change of use to open a satellite office. He was also proposing the possibility of two other attorneys renting office space here. He hoped to have a kiosk for his wife to sell jewelry.

He planned to have office hours 6 days per week. They would have a common receptionist and separate law offices.

Mr. Ventres stated the septic is already oversized, since it was a former daycare center. Mr. Ventres stated the lights would have to be shielded. Attorney Ivers stated he had placed a \$1,000 bond when the daycare center application was approved.

Mr. Thomas stated that a law office was a permitted use. He asked what would happen if one law office changed and someone wanted to sell dresses, for example. Mr. Ventres stated they would have to contact him and he could bring it before the commission to see if they wanted to make it a declaration of substitution of use.

Mr. Ventres stated that parking and septic would not be an issue, since this building was formerly a funeral home and then a daycare center.

Mr. Curtin asked if the jewelry kiosk/space should be added. Mr. Ventres suggested any approval be listed as professional office space and retail. Mr. Ventres suggested it could be approved for limited retail.

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

**Motion by Mr. Gubbins, seconded by Mr. Matthews to close the public hearing for Application 13-04, John Ivers. Motion carried by unanimous vote.**

**Motion by Mr. Thomas to approve Application 13-04, John Ivers, WM F Palmer Road, Special Exception Review to use building for professional offices and retail trade with the provision that the exterior lights be shielded, and interior work shall be done according to the Building Official. Motion seconded by Mr. Matthews, and carried by unanimous vote.**

#### **B) Application 01-13, Maria Misenti - DECISION**

The commission discussed the detention basin. Mr. Curtin stated that most roof drains could be directed to leaching fields that could be mowed. Mr. Ventres stated the water table here was too high for that to work. The commission discussed common ownership language for the driveway to be filed at the time of the mylar filing.

**Motion by Mr. Thomas to approve Application 01-13, Maria Misenti, subdivision review for a proposed 2-lot subdivision with the following conditions:**

- **At the time of the mylar filing, the common driveway ownership language shall be filed.**

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

#### **C) Application 13-01, Rodney Davis - DECISION**

The commission discussed adding to Number 8 of the draft approval letter that items 1-10 listed in a letter from Mr. Davis dated 4/22/13 shall be completed by 7/30/13.

Mr. Thomas suggested Item 7 be altered to add "except as noted in Item 8 below".

**Motion by Mr. Thomas to approve Application 13-01, Rodney Davis, Green Village Heights, Grove Street, Special Exception Review for a 33-unit retirement community, reauthorization of prior approval per the draft memo reviewed this evening, adding the conditions from the April 22, 2013 letter from Mr. Davis as a condition of approval, and changing Item 7 to reflect that no other excess metal, debris, construction material, and trash shall occur on the site, except as noted in Item 8, below.**

**Motion seconded by Mr. Gubbins. Voting: Aye: Mr. Thomas, Mr. Curtin, Mr. Gillis, Mr. Matthews, and Mr. Gubbins. Mr. Salicrup was opposed. Motion passed by majority vote.**

## 10. ADJOURNMENT

**Motion by Mr. Matthews, seconded by Mr. Gubbins to adjourn at 8:57 p.m., and carried by unanimous vote.**

Respectfully submitted,

Holly Pattavina