

**PLANNING & ZONING COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
August 27, 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)) (arrived 7:47 p.m.), Bernard Gillis (regular member), Ed Gubbins (alternate member), John Matthew (regular member), Kevin Matthews (regular member), Louis Salicrup (regular member), Harvey Thomas (regular member)

COMMISSIONERS ABSENT: Jessica Stone (alternate member)

OTHERS PRESENT: James Ventres and 11 townspeople were present.

3. MINUTES

The minutes of the August 13, 2013 regular meeting were filed with the following amendments:

- Page 3, Item 7B, 2nd paragraph: Change “Hopyard” to “Ledge”, and in the 3rd paragraph, 2nd sentence, strike “of”
- Page 4, last paragraph, 2nd sentence: Change “catch basins” to “20-foot grassed area”.

4. BILLS

None

5. SITE PLAN REVIEW/SPECIAL EXCEPTION

A) New: Application 13-14, Susan Oliver, applicant, Paul Wollschlager, property owner, Hillside Road, Site Plan Review to construct a year-round home. Assessor’s Map 87, Lot 124.

First date: August 27, 2013

Last date: October 30, 2013

Ms. Susan Oliver addressed the commission. She presented the green, certified receipt cards to Mr. Ventres.

Mr. Ventres reviewed the site plan of a single family home, septic, and well. It is a two bedroom home. Ms. Oliver added that it is a cape. Mr. Ventres read into the record a letter dated 8/26/13 from Chatham Health District. Chatham’s letter had several review comments, but indicated they should be able to be addressed through slight revisions of the plan. As such, Chatham Health District had no objection to approval of this lot based on the submitted documentation. A full house plan would be

required at the time of building submission. The commission reviewed the plan as it related to Chatham's comments.

Mr. Brownell opened the hearing to the public.

Mr. Daniel J. Ryan has his well lot, #123, adjoining this property. He voiced concern that the 75-foot radius overlapped his well radius. He stated he wanted the applicant and the Town to have a well test, and filed. He stated if he had problems with his well, he would have to take action against the commission and the town. Mr. Ventres explained that the placement of wells is overseen by the Chatham Health District. Chatham Health District follows the Public Health Code. He stated the 75-foot well radius is for separation from a well to a septic system.

Mr. Ryan stated his well is 30-feet deep. Mr. Curtin explained that the new drilled well would have a casing all the way down into the bedrock. He stated there was no reason why drilling a well would have any impact on his well. Mr. Ryan stated he still wanted a water test. Mr. Ventres explained that water tests are not done with new construction of single family homes.

Mr. Ryan asked why the last house built stayed out of this area, and this one did not. Mr. Ventres stated that a site plan is prepared for each lot. Mr. Brownell asked why this was a grandfathered lot. Mr. Ventres stated this was a lot of record prior to zoning. He commented that Lake Hayward was sold as lots in the 1930's. The way the statutes have played out, the courts have ruled that no one can make a determination when the lots were created whether they were seasonal or year-round. The requirement is to meet the site plan requirements and the Public Health Code. This particular parcel is .39 acres.

Mr. Richard Harmon, 3 Ridge Road Extension noted that every house is year-round. Ms. Roberta Esposito stated that every house surrounding it is year-round.

Mr. Curtin asked if there was a basement, to which Ms. Oliver stated there is.

Mr. Matthew asked if this plan is subject to Chatham's final review. Mr. Ventres stated that Chatham will get one more review prior to issuing a building permit. Responsive to inquiry by Mr. Gillis, Mr. Ventres stated the plan right now is for 2 bedrooms.

Ms. Roberta Esposito, 1 Hillside stated there is a dirt road that goes up into the woods. She stated when they purchased their house, they were told by Mr. Art Falcone that they had to pave part of the road. She questioned if this was policy, and if the rest of the road would be paved. Additionally, the runoff from that road flows down and ends up in the applicant's proposed leaching fields. She asked if that would affect the operation of a leaching field. Mr. Curtin asked if the road runs down. Mr. Ryan stated the road does run down to that area. Ms. Esposito stated the Town has come out to re-stone the area at least a couple times since they purchased their house. Mr. Ventres stated Chatham Health has been out to this site, but they have not made any comments. Ms. Oliver stated the last time Chatham came out, it was pouring rain. Mr. Ventres stated the courts have changed the policy for asking for public improvements to roads.

Mr. Richard Harmon stated there was a rumor many years ago that that lot was deemed wetlands. He did not know if that was true or not. He stated his children have played in the mud many times.

Mr. Neil Murphy, 319 Lakeshore Drive, was speaking on behalf of Robert and Jeannie Cullen. He stated they are firmly against undersized parcels. He asked the existing requirement of .5 acres not be tampered with. He stated he has lived in this area for 33 years, and is suspect of the “shady goings on” regarding building in this area.

Ms. Esposito stated in the agenda, the caption was for site plan review/special exception. Mr. Brownell stated this was simply a category. It was noted this was just for site plan review. Mr. Curtin stated when there are existing lots of record, as long as they can meet the existing requirements of the Public Health Code, they are almost always allowed to do it. Mr. Murphy stated this would set a precedent. Mr. Curtin stated this has been going on since zoning began. Mr. Harmon stated this was the first lot to be built in well over five years. Mr. Ventres stated they have been dealing with this for a long time. He believed the smallest lot they have had is 0.22 acres. In that particular case, that one lot with the four lots around it, made them vacant, unbuildable lots.

Mr. Murphy asked if the association has any say at all on this issue. He stated they had language in their by-laws. Mr. Ventres stated this commission is bound by the statutes, not by bylaws. Mr. Curtin stated that people do at times combine lots. He stated there is no acreage requirement, but they have to meet the Public Health Code 100%. Mr. Ventres stated if there is a seasonal cottage looking to convert to year round, the minimum requirement is 0.5 acres. Mr. Murphy asked what would happen if there was a drilled well at a cottage. Mr. Ventres stated they were bound by the Public Health Code.

Responsive to inquiry by Mr. Murphy, Mr. Curtin stated they can even have a lot across the street, as long as it is contiguous.

Ms. Esposito asked if all land was on the books at some point. Mr. Ventres explained that they look at the time when the lot was split. If it was after 1961, they came for a permit. Ms. Esposito stated when they purchased their house, they inquired about this lot. Their real estate agent told them it was not a buildable lot.

Mr. Murphy asked if the commission had a requirement to notify the association. The commission stated they were not required to notify any associations.

Ms. Oliver stated she grew up at Lake Hayward, and would like to retire there.

Mr. Matthew asked if they needed to be concerned about stormwater management. Mr. Ventres stated it is a single-family home, they have an engineer on site. If Chatham found something, they would have mentioned it. Mr. Brownell asked if our engineer had looked at this application, to which Mr. Ventres stated he had not, since it is a single-family home.

Mr. Matthew questioned the stormwater management. Mr. Ventres stated the commission could condition an approval that a raingarden/stormwater management system be installed to minimize the runoff .

Mr. Ryan stated he has water and electricity running across the road, since that is where his well is located.

Mr. Thomas suggested that such thing shall be done, and then leave it to the engineer to design it.

Motion by Mr. Thomas, seconded by Mr. Gillis. Voting: Ayes: All except Mr. Curtin and Mr. Matthews, who opposed.

Discussion on the motion:

Mr. Brownell stated the majority of the commission would like to see a stormwater management plan. Mr. Ventres reviewed the regulations with the commission.

Mr. Thomas rescinded his motion, Mr. Gillis seconded. Voting: Unanimous aye.

Motion by Mr. Thomas to approve Application 13-14, with the stipulation that all conditions of Chatham Health District must be met. Motion seconded by Mr. Curtin. Voting: All voting members voted aye except Mr. Gillis, who abstained. Motion passed.

6. PUBLIC HEARING

A) Continued: Application 13-12, George Fellner, AIA, applicant, Robert Knakal, property owner, 79 Honey Hill Road, Special Exception review to construct an accessory unit (pool house) and install lighting for a tennis court.

First date: August 13, 2013

Last date: September 16, 2013

Mr. Chris Hoff, landscape architect, presented and reviewed the lighting plan. He stated they were within the requirements for a residential design. Mr. Ventres stated he sent a GIS map in the packets mailed. The property to the west was approximately 400-feet through the woods to the adjacent house. It is 350-feet from the edge of the cut to the edge of the clearing, and 400-feet to the structure, which is currently a barn. Mr. Ventres noted that this barn could potentially be converted to a house.

Mr. Ray Rogozinski, P.E. addressed the commission. He stated this is a large site, and they have a stormwater management plan in place. He submitted his drainage calculations were submitted to the Town's engineer, and he reviewed Mr. Curtis's comments. Mr. Rogozinski stated there would be no increased runoff from the site. This was consistent with Mr. Curtis's review. Mr. Curtis had a couple recommendations, including a weir structure. The application does not have any issue with this comment, and it will be incorporated. The second comment, they would incorporate this into the plan. The third comment was just a procedural comment that Mr. Rogozinski's stamp be on the plan. Mr. Rogozinski explained that he had electronically submitted his plans to the Town in a PDF format. The actual plan submitted had his stamp.

Mr. Ventres read into the record a letter dated August 20, 2013 from Chatham Health District, written by Ms. Elizabeth Davidson. The letter indicated that the stated site plan meets the requirements for site suitability and B100a per the Public Health Code. The official building plans and site plan must be submitted for review and approved by their office at the time of the building permit.

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

Responsive to inquiry by Mr. Salicrup, Mr. Ventres stated at the time of the site plan, Chatham Health District will re-review this application.

Motion by Mr. Curtin, seconded by Mr. Matthews to close the public hearing for Application 13-12. Motion passed by unanimous vote.

Motion by Mr. Curtin to approve Application 13-12, with the conditions that Chatham Health District's conditions be met fully, and the review letter from NL Jacobson's office shall be adhered to. Motion seconded by Mr. Gillis. Voting: Unanimous except for Mr. Matthews, who abstained since he was not present at the last meeting.

B) Application 13-13, New England Propeller, 385 Town Street, Special Exception Review to construct a warehouse addition. Assessor's Map 27, Lots 69 and 72.

First date: August 27, 2012

Last date: September 30, 2013

Mr. Fern Tremblay, P.E. addressed the commission. He reviewed two parcels, one that contained the existing factory building and warehouse. There are currently two parcels. The first property houses the improvements, which is 3.78 acres, second 2.93 acres. They plan to merge the two parcels into one property. The current building is 21,000 square feet, as well as the 2500 square foot. They proposed an 11,320 square foot warehouse. The property is served by a well, and he located it on the plan. As part of the development, the septic will have to be modified to relocate it under the proposed driveway. With the proposed addition of the warehouse, which is mostly located on top of the impervious parking now, there will be some removal of trees. There will be a loading dock on the west end of the new building. This is an established business in town. They feel they have a realistic need for parking. They asked for a parking waiver. Based on the calculations, they would need a total of 57 parking spaces. However, they anticipate a need for 24 employees, so they would ask for 30 parking spaces.

Mr. Thomas asked if people come to this site to purchase items. Mr. D'Onofrio stated he has been here for approximately 34 years. Almost all of his business is shipped.

Mr. Tremblay stated he submitted drainage calculations to the Town's engineer, but he has not received any comments yet. Mr. Ventres received the comments at 5:47 p.m. today.

Mr. Tremblay has received an approval letter from the Chatham Health District.

Mr. Ventres asked about architectural plans. Mr. Tremblay stated they would make every effort to match the existing building.

Mr. Tremblay submitted the certified receipts sent to all abutting property owners to Mr. Ventres. Mr. Tremblay stated there is a pre-existing non-conforming side yard. They are not modifying this small building, so it will not increase the non-conformity.

Mr. Tremblay stated this is in the IG3 zone.

Mr. Gillis asked why the two buildings were not connected. Mr. Tremblay stated they would be connected by a small connector. Mr. D'Onofrio stated if they connected the two buildings, they would have to replace the existing wall with a fire wall. They need to move into this building fairly soon.

Mr. Ventres read into the record a letter from Chatham Health District, which approved the plan with conditions, including a water test, merging of the two lots, relocation of the septic tank, etc.

Mr. Ventres read into the record a letter dated August 27, 2013 from Mr. Brian Curtis, P.E. which listed two recommendations, to increase the detention basin berm, and a detail of the detention basin structure be provided.

Mr. Ventres stated they had talked about lighting, and they should be downsplash lights. At the time of signage, a separate review should be completed.

Mr. Brownell opened the hearing to the public.

Mr. Robert Casner, EDC stated this is the best thing they could hope for for this building. He stated it is a vacant building, and they totally support this application.

Mr. Salicrup asked if the Highway Department had looked at the driveway. Mr. Brownell stated this had not changed since Go Fly A Kite was in this building. Mr. D'Onofrio commented that they did not.

Motion by Mr. Curtin, seconded by Mr. Matthew to close the public hearing for Application 13-13. Motion carried by unanimous vote.

Motion by Mr. Curtin to approve Application 13-13 with the following conditions:

- The conditions of the Chatham Health District must be followed.
- The conditions of NL Jacobson must be followed.
- The two parcels must be merged by deed, as the application noted.
- An application for approval shall be submitted in the event that signage is required.

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

7. DISCUSSION

A) Wineries

Not discussed

B) Stables

C) Minimum Buildable Square

The commission reviewed page 3, section (a). Mr. Ventres will change this language, since it appeared to be an issue with cutting and pasting in this section.

A discussion ensued regarding the extra land requirement. Some of the commissioners wanted two extra acres, and some did not believe there should be a minimum of two extra acres. Mr. Curtin believed they should use a one-acre extra requirement. Mr. Matthews believed they should start with one acre. If one acre is not sufficient to control the water, then they would have to add more land. Mr. Ventres stated there was one set of regulations. He asked how much relief the commission wanted to give. Mr. Gillis would like additional time to think about this.

Mr. Matthews reviewed page 2, section (f). He thought the commission had reached consensus on this. Mr. Ventres will check into this.

TAPE CHANGE (2A)

Mr. Matthew suggested if they build in two acres, they could always change it later. Mr. Brownell stated he agreed with the one acre extra requirement. If the applicant could not make it on the extra acre, they would have to add more. Mr. Thomas stated he could agree to this, as long as they go in one-acre increments. Mr. Curtin agreed, as long as they had it to give. Mr. Salicrup asked what would happen if they did not have an extra acre. A great deal of discussion continued. The commission discussed starting with one acre, and if that does not work, then adding by one-acre increments. Another suggestion was to start with two acres, and then add ½ acre increments.

Mr. Ventres stated they could not go to public hearing without a clean draft, sending to the regional planning agencies, etc. It was noted that the public hearing should be held before Election Day.

D) Gateway Height Regulation

E) Other

Mr. Ventres had a request from Mr. Davis if they would consider removing the age restriction on his planned residential development (PRD) application. Mr. Thomas stated that anyone could submit an application to change a regulation. The commission would have to go to public hearing, but they would hear it. Mr. Ventres pulled Hebron's PRD regulation, which would change the application dramatically. It was noted that Mr. Davis has not brought an application or a proposal to the commission.

The commission discussed housing for people aged 55+. It was noted that there is a waiting list for 55+ housing.

The consensus of the commission was that the commission was not planning to change the 55+ regulation at this time. Additionally, it does not have an application before it at this time.

8. ZEO REPORT:

Mr. Ventres spoke with Two Wrassling Cats owner, Mark Thiede, he informed Mr. Ventres that he plans to have the propane tank and dumpster fenced by September 15, 2013.

Mr. Ventres received a complaint that there was no silt fence around the Lupinek site. Mr. Ventres explained to the individual that there are wood chips, which hold up well.

Mr. Ventres stated there are wood chips on the site on Creek Row. There was a comment at the IWWC meeting stating that they would not hold up. Mr. Ventres stated they did hold up in last night's rains, but he has requested the owner to add to the existing erosion and sediment control.

Mr. Ventres is working on other issues relating to cleaning up properties. He also has had calls regarding firearms and fire ranges.

Mr. Ventres stated there is a parcel on Commerce Drive. Mr. Ventres received a call from Mr. Bernstein for a possible development. The property owner has met with the DOT.

Mr. Brownell inquired when the Route 82 construction was scheduled to begin. Mr. Ventres stated they planned to begin after Labor Day. They plan to begin with the sewer line. They plan to work on this all through November. They will then pull everything, and come back in April, at which time they will close the road until the work is complete. They hope to be done by the Fall of 2014.

Mr. Brownell asked about Camp Chomeish. Mr. Ventres heard from Chatham that there was no final approval. Chatham will not give final approval without Planning & Zoning approval. Mr. Ventres has asked the Building Official for a list of outstanding issues.

Mr. Ventres stated that Shadybrook came in today with a rehab plan for the kitchen/dining facility. They had an application for a mosque. Mr. Ventres stated they had to come in for review. A mosque is a permitted use, but the commission needs to look at parking septic, water, etc.

Mr. Salicrup asked about Grandview, as stated in the minutes from the last meeting. Mr. Ventres spoke with Mr. Bergeron and he did have people camping in tents in an area that was not designated. Mr. Ventres informed him that if they wanted to change the tent sites, they need to come back before the commission. As to the recreation hall, they shut it down and lock it every night at 10 p.m.

9. ADJOURNMENT

Motion by Mr. Matthew, seconded by Mr. Matthews to adjourn at 9:27 p.m., and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina