

PLANNING & ZONING COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
October 22, 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), 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, Emmett Lyman, and 17 townspeople were present.

3. **MINUTES**

The minutes of the October 8, 2013 meeting were accepted as written

4. **BILLS**

Suburban Stationers \$120.99

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

5. **ACKNOWLEDGMENTS AND SET HEARING DATES**

A) Scott Energy, applicant, Scott and Robin Goodspeed, property owner, 25 Falls Road application to run a heating oil business from a commercial building. Assessor's Map 65, Lot 47.

Mr. Garrett Goodspeed addressed the commission. Mr. Ventres noted that Dutch Oil was previously in this location. He read from the regulations for this area. Responsive to inquiry by the commission, Mr. Goodspeed stated that there would be two oil trucks, and they would be stored inside the building. Mr. Ventres noted the applicant would still have to get approval from the State. Mr. Goodspeed noted that the oil services company went through everything with them.

Mr. Matthew asked why this was before the commission. It was noted that they would rather be proactive and come to make sure the commission was amenable to this, even though it is a similar use to what was previously approved for the last operator.

Mr. Ventres showed a printout of the proposed signage, which would be located across from Pizzeria DaVinci.

Motion by Mr. Curtin to approve the application of Scott Energy, applicant, Scott and Robin Goodspeed, property owners, 25 Falls Road, application to run a heating oil business from a commercial business as a substitution under Section 14.b.1. of the regulations. Motion seconded by Mr. Matthews, and carried by unanimous vote.

6. DISCUSSION

7. ZEO REPORT:

A) Agricultural Uses

Mr. Ventres has forwarded the draft to Mr. Scott MacKinnon of the Agriculture Commission for review.

Mr. Curtin suggested a grammatical change to page 1 of the proposed regulation. Mr. Ventres will make this change.

B) Gateway Height Regulation

Mr. Ventres has spoken with Mr. Torrence Downes, and they have been discussing a compromise for the heights, for a percentage on a building. A brief discussion ensued. The commission discussed an ideal height of 40-feet. It was noted that if people purchase a Gateway lot, they would likely build a larger house. Mr. Ventres will update the commission at a future meeting.

C) Other regulations and ordinances to review

Mr. Ventres and Mr. Puska have been working on a series of violations on or around the lake properties. Mr. Ventres reported that all of the people contacted had removed their campers, etc.

Mr. Ventres stated that they went back to court on the Milan Cais matter. Mr. Ventres took photographs that were submitted to court. Mr. Ventres reported that the neighbors were upset on a daily basis, due to the collection of items that are on the property. There are at least 20 cats on this property as well.

Mr. Ventres has put out a request for the WPCA wastewater treatment plant.

Mr. Ventres is finishing the open space paperwork for reimbursement from the State.

Mr. Salicrup asked if the Route 82 Bridge project is still on schedule, to which Mr. Ventres responded affirmatively.

Mr. Curtin asked if there was any new information on the Creek Row property. Mr. Ventres has not received any further feedback from the property owner. It was noted that this was a special exception application, and is valid for 36 months. There is a wood chip berm, and the area is stabilized at least for the winter. They will have to reevaluate it in the spring.

Mr. Ventres stated that there is a cleanup day this Saturday from 1:00 p.m. to 5:00 p.m. at Sunrise State Park.

Mr. Brownell reviewed the minutes from the last meeting, and suggested before meeting with the EDC regarding the development of Moodus Center, that the P&Z commission meet again to discuss this as a group. The commission briefly discussed sewers, etc. Mr. Brownell and Mr. Gillis suggested they look at sewer lines that cross other property lines, getting easements, etc. The commission discussed looking at the soil maps, gallons per day, existing use, lot size, current coverage, etc. Mr. Thomas suggested in addition to looking at the current usage, what the potential capacity may be.

Motion by Mr. Curtin, seconded by Mr. Thomas to take a brief recess at 7:54. Motion carried by unanimous vote. The meeting reconvened at 8:00 p.m.

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

8. PUBLIC HEARING

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

- A) Clark Hill Farms Subdivision/Matthews Development Corporation – Benjamin Lane and Rolling Hill Road – To discuss the following:**
- a) Expiration of the subdivision approval;**
 - b) Calling the bond to complete the road improvements**

Mr. Matthews and Mr. Curtin excused themselves from the meeting at this time.

Mr. Ventres read into the record a letter from Mr. Matthews requesting a continuance while counsel discusses this public hearing. It was noted that the commission called this public hearing, and there is no timeline on it.

Motion by Mr. Gillis, seconded by Mr. Salicrup to continue the application of Clark Hill Farms Subdivision/Matthews Development Corporation – Benjamin Lane and Rolling Hill Road until the next regularly scheduled meeting on November 12, 2013, 8:00 p.m. at the Town Grange. Motion carried by unanimous vote of all commissioners present.

Mr. Matthews and Mr. Curtin re-joined the meeting at this time.

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

B) Application 03-13, Robert Casner, re-subdivision plan, Kensington Woods, Section V, Assessor's Map 47, Lot 81.

Mr. Robert Casner addressed the commission. He presented the plans for a previously unapproved lot. This is a 17-acre parcel that was not approved at the time of the subdivision in the 1990's. They have done the soil testing. Mr. Casner submitted the green, certified receipt cards to Mr. Ventres.

Mr. Casner went before the IWWC for review of this application. They sent a letter stating that it does comply with their requirements. In addition, Chatham approved this application.

Mr. Ventres read into the record a letter from the IWWC dated October 17, 2013 which determined that the application meets their requirements.

Mr. Ventres read into the record a letter from Chatham Health District which gave approval of the proposal.

Mr. Matthew asked where the conservation easement ran on this property. Mr. Casner outlined the area on the plan. It wraps around the existing wetlands on the property. Mr. Casner indicated there were approximately 30 acres that were put under conservation easement to the Town during this application.

Mr. Brownell opened the hearing to the public.

Mr. Todd Walters addressed the commission, and asked the location of the property. He reviewed the location of the proposed house, and had no further questions.

Motion by Mr. Matthews to close the public hearing for Application 03-13, Robert Casner, re-subdivision plan, Kensington Woods, Section V, Assessor's Map 47, Lot 81. seconded by Mr. Curtin, and carried by unanimous vote.

Motion by Mr. Thomas to approve Application 03-13, Robert Casner, re-subdivision plan, Kensington Woods, Section V, Assessor's Map 47, Lot 81. with the condition stipulated by Chatham Health District. Motion seconded by Mr. Gillis, and carried by unanimous vote.

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

C) Proposed amendment to the existing East Haddam Subdivision Regulations – Section 4.06 and the East Haddam Zoning Regulations – Section 10.4.1 pertaining to the Minimum Buildable Square and;

The creation of a new section of the East Haddam Subdivision Regulations – Section 4.06.2 and the East Haddam Zoning Regulations – Section 10.4.12 pertaining to an Alternative Soil Based Subdivision Review.

Mr. Ventres reviewed the proposed changes to the subdivision regulations. He reviewed the requirements for zones R-4, R-2, R-1, and the Resort areas. He noted that the R-1 and the Resort zones are closer to the center of Moodus.

Mr. Ventres stated the slope was the next section that was proposed to change. Presently, they look at the minimum buildable area with only 20% being 20% slope or greater. He noted that Colchester and East Hampton are at 25%. Haddam and Salem are also at 25%. Deep River and Hebron are at 20%.

Mr. Ventres stated that people are prohibited from building under power lines, but this area can be used for stormwater management areas. This was also included in this proposal.

Mr. Ventres stated that every once in a while, they have a lot that cannot meet the buildable area. He presented a GIS map with soils outlined. He stated this is an actual lot of approximately 20 +/- acres. He reviewed the various types of soils that area outlined in the regulations.

Mr. Ventres informed the audience that the commission has worked on this proposed regulation for approximately two years. He stated that in some cases, they need to look at the new method. He explained that for the new alternative, they would have to add a minimum of one acre to the land. If that still doesn't work, they have to increase the amount of land by one-acre increments. The applicant will have to hire a soil scientist for these types of applications.

Mr. Ventres stated that every lot has to meet both the Public Health Code and the best management practices for stormwater. The applicant has to choose the type of subdivision to propose. Mr. Ventres showed another lot that has some challenges.

Mr. Matthew asked about the soils listed in the proposal. He asked if the entire lot was Class A soils, the entire lot would meet the requirement. Mr. Ventres stated these soils would most likely come back as meeting the requirements for a standard subdivision application.

Mr. Brownell opened the hearing to the public.

Mr. Todd Gelston, stated the Town has a master Plan of Conservation and Development. He stated there was a long moratorium for subdivisions, while the commission worked on the regulations. He believed the regulations were good. He asked why these changes were being proposed, if they were consistent with the POCD. He asked if the regulations in place now were successful. He believed the 25% slope was risky. He stated some other towns have 25% slope, and he believed those towns had not learned yet.

Mr. Curtin stated he had spearheaded the changes, because he runs into the issues with people who want to subdivide. Mr. Thomas stated the commission made a good faith attempt to tighten the regulations up to improve them and to improve stormwater management. He stated they may have made the regulations too stringent. He stated the commission was simply liberalizing a very small amount.

Mr. Gelston suggested this would be more work on the commission's part, and there would not be any wiggle room. Mr. Curtin stated that 20% is the perfect slope for a walk-out basement. He did not believe it was feasible to start your percentage at the slope limit. He stated the commission believed the 25% was the limit.

Mr. Gelston asked if the 25% was a hard stop. Mr. Ventres explained that there will be application where a section of the land would exceed it. He further explained that if there is a lot completely at 25%, that would be the limit. Just like there is now with the 20%, there are methods to calculate slopes. There are limits. Mr. Matthew explained that where Mr. Ventres refers to "lot", he believed he was referring to the minimum buildable square. Mr. Gillis stated in the alternative method, there was no minimum buildable square. Mr. Ventres clarified that topography exceeding 25% could only be permitted to comprise 25% of the proposed lot development area, so of the 3 acres, $\frac{3}{4}$ acre could exceed that percentage.

It was explained that in the R-4 zone, if they could not meet the standard with 4 acres, they would have to add an acre. Mr. Curtin stated that they were not giving up any environmental standards. They were simply allowing a subdivision with additional land.

Responsive to Mr. Gelston's earlier question, Mr. Thomas stated this proposal is in conformance with the Town's Plan of Conservation and Development. He stated if it were not, they would not have wasted the townspeople's time.

Mr. Ventres stated that developers would have to be aware of the footprint that is approved. Later, when the developers try to build on the lot, they will have to be conscious of the stormwater that the lot could handle.

Mr. Gelston asked what would happen if someone gets a building lot approved, builds a house, and later wants to add on to their house. Mr. Ventres stated they would look at the site and the application. If they can't increase the size of the stormwater management area and meet the drainage requirements, they cannot get approval. Mr. Gelston asked if a person could then go to the ZBA for a variance. Mr. Ventres stated that they would not be able to, since this would be driven by science of the stormwater management.

Mr. Bob Thomas, Clark Hill Road spoke in favor of the proposal and thanked the commission for its pragmatic approach. He stated there are values to being able to build that don't necessarily transcend. He stated there have been people in town who have sold their development rights on large parcels. The fact that the commission is looking at this is an honorable approach. He stated many years ago, he was involved in the Sanford's Bridge subdivision. In this subdivision, 30 acres was dedicated to the Town.

Mr. Thomas stated that although their last names are the same, there is no relation between he and Mr. Bob Thomas.

Ms. Mary Ellen Klinck spoke in favor of the proposal. She believed this will help some people in town. She stated there has been a great deal of information put out over the years.

Mr. Wiley Peckham spoke in favor of the proposal. He stated he bought 47 acres and an old farmhouse many years ago. After three college educations and two weddings, he had to sell a building lot. He stated that two lots were given to his children, and one had trouble finding four test holes on nearly 30 acres. He believed there were other people in town who would benefit from this degree of economic security, particularly older people who may have land as their security. Regarding the 25% slope, his house, as well as his children's homes have walkout basements. He stated at 80, he does not want to fall coming up basement steps.

Mr. Robert Casner stated he is a builder in town, and he uses these regulations every day. He agreed with Mr. Peckham, and has had trouble of his own finding a fourth good test hole. He believed this proposal was a good start to help people.

Ms. Melissa Ziobron stated she was here as a private homeowner this evening. She stated she spoke in favor of this regulation. She was extremely happy that this regulation is being lessened.

Mr. Averum Sprecher spoke in favor of the proposal of the new regulation, as well as the amendment to the regulation. He stated that he deals with statutes and legislation on a daily basis. New legislation is made where there are deficits. He credited the commission for being able to discern the need for a change in the regulation.

Mr. Roger Nemergut stated he supported this regulation change. As a practicing engineer, he has encountered many parcels where they could not meet the requirement under the current regulations. He stated this proposal would give some relief for certain parcels. In testing for the minimum buildable area, they have to test a big enough area so that you can get

Mr. Bruce Elstrom stated he purchased extra land, that like others here tonight, he purchased for his children, and to farm. With approximately 40 acres, he wanted to farm his land, and under the current regulations, he could not do much with it. With the proposal, he will be able to do something with his property.

Mr. Ventres read into the record a letter from the SE CT Council of governments regional planning commission, dated 9/2/5/13. Based on their review, they determined that this proposal would not have any adverse impacts.

Mr. Ventres read into the record a letter dated 10/8/13 from the Lower CT River Valley regional planning commission. They requested the commission continue this public hearing so they can review and comment.

Mr. Ventres stated the Eightmile River Committee meets next week, and can then send comments for the next meeting..

Ms. Charlotte Gelston asked what percentage of an increase in building lots there would be if these regulations are implemented. Mr. Ventres stated this would be very difficult to determine. He stated most of the lots where this has come into play were not in the smaller lots. He stated he has typically

seen these on larger lots. He stated these types of requests were more for family lots. He stated they were really holding to the same concepts they previously had.

Mr. Gelston asked if they could comment at the next meeting. Mr. Brownell stated the meeting has not been closed yet.

Motion by Mr. Thomas to continue the public hearing for proposed amendments to the existing East Haddam Subdivision Regulations, until November 12, 2013, 8:00 p.m. at the Town Grange. Motion seconded by Mr. Matthews, and carried by unanimous vote.

Mr. Brownell noted that this was Mr. Matthew's last meeting. He thanked Mr. Matthew for his service to the commission.

9. ADJOURNMENT

Motion by Mr. Thomas, seconded by Mr. Salicrup to adjourn at 9:12 p.m., and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina