

**PLANNING & ZONING COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
January 14, 2014
(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 (regular member), Kevin Matthews (regular member), Richard Pettinelli (alternate member), Harvey Thomas (regular member), Martha Hansen (alternate member)

COMMISSIONERS ABSENT: Louis Salicrup (regular member), Jessica Stone (alternate member)

OTHERS PRESENT: James Ventres, Emmett Lyman, and 14 townspeople were present.

Mr. Brownell appointed Ms. Hansen to vote as an alternate for Mr. Salicrup this evening.

3. MINUTES

The minutes of the December 10, 2013 meeting were accepted with the following amendments:

- Page 1 – Add Martha Hansen as being present, although not yet sworn in
- Page 1, last paragraph, change Building 5 to Building 4 in the 4th sentence

4. BILLS

CT1 (Hartford Courant)	\$90.22
CT1 (Hartford Courant)	140.36
 Branse, Willis, and Knapp	 723.00
(discussion of merger regs, research for medical marijuana, Shagbark)	
Branse, Willis, and Knapp	296.00
(telephone call to Mark Walters, conference with Linda Zemeniensi)	

Mr. Brownell held the \$296.00 bill, to send it back to the Selectman’s office.

Motion by Mr. Matthews, seconded by Mr. Gillis to pay the bills (with the exception of the \$296.00 Branse, Willis, and Knapp bill) as presented. Motion carried by unanimous vote.

5. ACKNOWLEDGMENTS AND SET HEARING DATES

A) Application 14-04, Walter and Cheryl Hallowell, 55 Woodland Road, Special Exception Review under Section 8.15 of the East Haddam Zoning Regulations in order to merge lots. Assessor's Map 66, Lots 134 and 135.

First date: January 14, 2014

Last date: March 19, 2014

No one representing the applicant was present at this meeting. Mr. Ventres presented the plan for this application, which is located in Moodus Estates. He stated this is for an application to build an accessory building on a "paper road".

Motion by Mr. Curtin to set a public hearing for Application 14-04, Walter and Cheryl Hallowell for Tuesday, January 28, 2014, 8:00 p.m. at the Town Grange. Motion seconded by Mr. Matthews, and carried by unanimous vote.

B) Schedule date for the annual review of the Plan of Conservation and Development with Boards and Commissions

Mr. Ventres stated this was typically set for the second February meeting. Mr. Ventres will send notice to the various boards and commissions. This meeting will be set for February 25, 2014.

C) Application 14-05, Jefferson Riley, 89 River Road, Special Exception Review to demolish and construct a single family residence and a guest house (over four thousand square feet). Assessor's Map 1, Lot 15.

First date; January 14, 2014

Last date: March 19, 2014

No one representing the applicant was present at this meeting. Mr. Ventres stated this application is coming before the commission for two reasons - one because it is over 4,000 square feet in size, and secondly because there is a request for an accessory guest house.

Mr. Gillis indicated he would recuse himself from this application.

Motion by Mr. Curtin to set a public hearing for Application 14-05, Jefferson Riley for February 11, 2014, 8:00 p.m. at the Town Grange. Motion seconded by Mr. Pettinelli, and carried by unanimous vote (except Mr. Gillis, who recused himself from this discussion)

6. LOT LINE REVISION

A) Application 14-02, Winthrop and Carolyn Guptill, 29 Daniels Road, proposed lot line revision. Assessor's Map 37, Lots 72 and 73.

First date: January 14, 2014

Last date: March 19, 2014

Mr. Ventres read a letter from Mr. Thomas Metcalf, P.E. which withdrew the application for Mr. and Mrs. Guptill. The request was also for a return of the application fee. It was noted that no notices were sent, so no costs were incurred for that.

Motion by Mr. Thomas to accept the withdrawal of Winthrop and Carolyn Guptill, and to refund their application fee. Motion seconded by Mr. Gillis, and carried by unanimous vote.

7. SITE PLAN REVIEW

A) Application 13-16, Dan Secore, applicant, Philip and Kathryn Sabo, property owners, 15 Lookout Drive, Site Plan Review to raise the roof height to allow additional living space. Assessor's Map 87, Lot 15.

First date: December 10, 2013

Last date: February 17, 2014

Mr. Secore and Mr. Philip Sabo addressed the commission. Mr. Ventres stated this property is located in the Lake zone (L), and the roof height meets the requirements of the L zone. At the last meeting, the commission was waiting for a letter from the Chatham Health District. Mr. Ventres read into the record a letter dated 1/14/14 from Elizabeth Davidson, which stated there would be no increase in the number of bedrooms. Therefore, the site plan meets the requirements of Section 19-13-B100a of the Connecticut Public Health Code. Any modifications to the plan prior to or during the building process must be submitted for review by the Chatham Health District

Mr. Sabo submitted the green, certified receipt cards to Mr. Ventres.

No public comments were offered.

Motion by Mr. Curtin to approve Application 13-16, Dan Secore, applicant, Philip and Kathryn Sabo, property owners. Motion seconded by Mr. Gubbins, and carried by unanimous vote.

B) Application 14-01, Kathleen Klinck, Laurel Cove Road, Site Plan Review to construct a single family residence. Assessor's Map 48, Lot 30.

First date: January 14, 2014

Last date: March 19, 2014

Ms. Kathleen Klinck and Mr. Roger Nemergut, P.E. addressed the commission. Mr. Curtin abstained from this application. Mr. Nemergut stated this is Lot #5 on Laurel Cove Road. The project would be in the L zone. He submitted the green, certified receipt cards to Mr. Ventres.

Mr. Nemergut proposed a 3-bedroom, single-family residence on this vacant lot. They have an approval letter from Chatham Health District for the septic design. He submitted this letter to the commission. There are no wetlands on the parcel. The proposed house would be 2300 square feet, with three bedrooms.

Mr. Nemergut proposed treatment of the roof runoff and driveway runoff into a rain garden. Mr. Nemergut submitted the revised plans which depict the rain garden. The detail of the planting plan was shown on Sheet 2 of the plans. The driveway would be paved. This lot drains west to east. On the downhill side, there is a proposed surface swale, directed to the rain garden. Responsive to inquiry by Mr. Pettinelli, Mr. Nemergut stated this would be designed for the first inch of rain. They

are increasing runoff because of the impervious surface. Mr. Pettinelli stated this would be concentrated in the rain garden spillway. Mr. Pettinelli stated he would like to see even buried curbing.

Mr. Nemergut stated there would be a grade change at the back of the lot for a proposed walk-out basement. They will need to add some fill to accomplish this.

Mr. Ventres read into the record a letter dated 12/12/13 from Chatham. In this letter, Ms. Davidson stated the proposed site plan meets the requirements of the Public Health Code. The house plans must be submitted for review at the time of the building permit application.

Mr. Pettinelli believed that any man-made structure will fail at some point. He believed there would be concentrated runoff, which could impact the next house. He suggested a level spreader, or a pre-cast concrete structure below the surface to minimize runoff. It is an attempt to re-create what the current conditions are. Mr. Nemergut stated this was a fair point, particularly if it was embedded into stone.

No public comments were offered.

Motion by Mr. Matthews to approve Application 14-01, Kathleen Klinck, with the adjustment on the rain garden to request a level spreader on the eastern side of the rain garden, and to comply with Chatham's requirements. Motion seconded by Mr. Gubbins, and carried by unanimous vote.

C) Application 14-03, Michael Widger, 68 Laurel Cove Road, rebuild of year-round home. Assessor's Map 48, Lot 43.

First date: January 14, 2014

Last date: March 19, 2014

Mr. Nemergut, P.E. addressed the commission on behalf of the applicant. He submitted the green, certified receipt cards to Mr. Ventres. He stated he did not receive all of them back.

Mr. Nemergut stated this parcel is .66 acres. It does have frontage on Bashan Lake. This lot has an existing year-round, 2-bedroom single family residence. They propose to tear down the existing house, and rebuild another 2-bedroom residence. This application did require a wetlands permit. During this process, one of the conditions was that they would have to add some plantings. The new house will be no closer to the lake than the existing house. The deck is cantilevered, but the foundation will be no closer to the lake.

Mr. Nemergut stated the existing building was built in the 1940's. The septic is original, to the best of their knowledge. As part of this proposal, they would replace the septic system and drill a new well. They would intercept the first inch of runoff and put them into infiltrators that would be buried underground.

Mr. Nemergut submitted the approval letter from Chatham Health District. The wetlands commission approved this at their December meeting. They do not need any variances due to the wetland approval. The new residence will be larger, but still 2-bedrooms, plus a garage.

The existing house has a walk-out basement, and the new house will have a walk-out basement as well.

Mr. Ventres read into the record a letter dated December 12, 2013 from Elizabeth Davidson, which stated the application meets the requirements of the PHC. The existing septic and well must be properly abandoned, and all other stipulations on the plan by Mr. Nemergut shall be adhered to. The house plans and site plan must be submitted for review and approval.

Mr. Ventres read into the record a letter dated 11/26/13 from IWWC for approval with the conditions that the work be done per the plans dated 11/19/13, the lake side construction will be no closer to the lake than the current house, and that the cantilevered deck must remain an open deck.

Responsive to inquiry by Mr. Gubbins, Mr. Nemergut stated the existing house is approximately 800 square feet, and the new house will be approximately 2400 square feet.

No public comments were offered.

Motion by Mr. Thomas to approve Application 14-03, Michael Widger, with the following conditions: The stipulations of Chatham Health District and the IWWC be adhered to. Motion seconded by Mr. Gillis, and carried by unanimous vote.

8. PUBLIC HEARING

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

**A) Application 13-17, Shagbark Lumber, 21 Mt. Parnassus Road, installation of solar panels. Assessor's Map 27, Lot 91.
First date: January 14, 2014 Last date: February 17, 2014**

Attorney Scott Jezek addressed the commission on behalf of the application. With him was Fred Hunt, Julia Leonardo, and Thomas Weems, the contractor.

Attorney Jezek submitted the green, certified receipt cards that were returned, as well as the receipts for those that were sent. He also submitted a list of abutters and a sample letter that was sent to each of the abutters.

Mr. Thomas Weems stated they have been working with Shagbark to put 600 solar panels on the roof of Shagbark. This will produce electricity for the building. He explained that when the weather is sunny, they will produce energy. They will also accumulate credits to use on rainy or inclement weather days. The system is primarily designed to go on Buildings 4, 3, and 1. On the main retail

facility, there will be 23 panels. If they choose to, they could have a display to show their customers.

Mr. Weems submitted photos of solar panels on a similar roof in a different project. He noted that Shagbark's project will be larger than this. Building 1 will require some additional bracing.

Responsive to inquiry by Mr. Brownell, Mr. Weems stated each panel is 39 x 65 inches. They will have an aluminum frame, and the cells will be blue. Mr. Weems explained that as soon as there is sunlight, even at 6:00 a.m., they will begin producing electricity. There will have to be some electrical work done, and there will be an inverter on buildings 1, 3, and 4. The wiring will be run underground. Mr. Curtin asked if they would be back feeding the wire. Mr. Weems stated they will connect between the large meter and the inverters. Mr. Curtin asked if the existing wiring was sufficient for this project. Mr. Weems stated they will have to run trenches between the buildings for the wiring.

Attorney Jezek stated since the last meeting, they brought out the fire marshal to the site. Mr. Angersola went through the site. There was a list of items to bring the property into compliance. They have been provided an email stating the project was 95% in compliance, and he was amenable to the project going forward.

Attorney Jezek stated they brought in Mr. Brian Curtis of NL Jacobson. Mr. Curtis provided a letter today addressing the two items. They have provided a schedule to Mr. Ventres today for this work. Mr. Curtis requested an as-built of the existing site conditions. Mr. Weaver is currently engaged in preparing this plan.

Attorney Jezek stated there are a couple issues with the building; however, the building official has not been in, and no one has been able to fill in to answer these issues.

Attorney Jezek submitted the schedule of items. He reviewed the front swale and rear drain, which were addressed by Mr. Brian Curtis. Mr. Curtis also wanted two 6-inch berms in front of the swale, which should be done during the drier season, so they have a July date for this. The rear drains will be replaced and make a proper installation. The area west of the grain room was an issue. The fire marshal wanted a clear access, which has been done. There are other items that must be removed, but have to be done when the weather is dry. For that reason, they are requesting the July date as well. Regarding the lighting, Attorney Jezek emphasized that these lights are only on for approximately 45 minutes after Shagbark employees leave. They do not remain lit all night. Regarding the shrub row, the applicant voluntarily added this to the project originally. They will submit a planting plan that will be acceptable to the Land Use Office.

Attorney Jezek next addressed the easements. He stated there are three easement areas. The first easement area is immediately to the left when you pull into the Shagbark driveway. He stated that Mr. Hunt's understanding was that two easements would be connected. To eliminate any confusion, they plan to re-survey the easement areas. As soon as they have the easement areas addressed, they will work on the easements themselves. This land is currently farmed by Mr. Hunt and his family, and they need access to this area.

Attorney Jezek stated the mylars will be filed.

Mr. Ventres distributed the NL Jacobson letter and submitted photographs with it. Mr. Ventres reviewed the letter for the commission. The biggest issue is that they would re-establish the front section. On the back section, they are asking Mr. Weaver to address this by providing an as built.

Mr. Gillis asked if this would be a wetlands issue. Mr. Ventres stated since this is a special exception review, it comes under this commission's purview as well. He stated the conservation area falls under Planning and Zoning's review also.

Mr. Brownell stated it appears that some of the things that would be proposed are changes to what was already approved. Mr. Ventres stated this was more a cleaning of the file. He stated if they wanted to change the conservation area, it would have to go back to the wetlands commission. He stated as far as old work, there were no major changes.

Mr. Brownell asked about the handicap bathrooms. Attorney Jezek stated there were two building code issues. There was a question about whether the beam was adequate to the paint room or the room where the grills are stored. Without anyone in the office, they cannot get an answer on how to address it. Mr. Ventres stated that Mr. Darin has had major surgery. He suggested that one possible way to address this would be to go back to the original architect.

Regarding the bathrooms, they have to pump out to the field. This should be done by the end of the year.

Attorney Jezek stated they are working on as many issues as possible.

Mr. Gillis asked if the State required two handicap access restrooms. Mr. Ventres stated they have the option of going back to the State for a waiver. Mr. Hunt stated that Mr. Curtis is working on the leaching area for the restrooms.

Mr. Ventres stated they have Mr. Curtis' letter and the schedule of items submitted from the applicant.

Mr. Thomas stated there were requirements when the last special exception application was approved. Many of them were not done. Based on past performance, why would he expect that these items would be done, and what reassurance was there that they would be done.

Attorney Jezek stated they were prepared to honor the first approval as well as the special exception requirement to get everything done. They put July 1 dates, because the solar project requires them to begin by March, and finish by July, and they require a Certificate of Occupancy. They have to get a zoning permit in order to get the building permit, and the other permits. It is not practical for them to make issue of those things, but if they were in compliance he is not sure that they would need to come for a special exception.

Mr. Hunt believed most of the issues were minor, at least in his mind. He tried to be a good citizen, and the town has been good to him.

Mr. Brownell opened the hearing to the public.

First Selectman Mark Walter was proud of Mr. Hunt that he was taking this as seriously as he was. He was confident that this would be completed by July 1.

Mr. Peter Simmons, EDC spoke in support of this request.

Mr. Donald Gendreau, stated he was excited as an employee to be part of this project. He hoped others would follow suit.

Mr. Emmett Lyman stated that Shagbark has done a tremendous amount for the town. He stated that there have been some issues, and he understood what the commission was up against, but he would like to see the commission help to move this project forward..

Mr. Gillis stated if Shagbark was in compliance, that the commission review the regulations.

Mr. Curtin stated it would be hard to be against solar energy, but that everyone wanted to see the items cleaned up. He frankly disagreed with the idea that solar panels needed the Commission's review.

Mr. Pettinelli asked if this was a new special exception application, or a modification of an existing one. Mr. Ventres presented a draft approval letter dated January 14, 2014. Mr. Ventres blended the time line, if the commission chooses to do so, that it would be a new approval.

Attorney Jezek stated if the commission closes the public hearing, and there is a problem, they would not be able to address it. Mr. Brownell was amenable to this.

Mr. Ventres submitted a draft approval letter. He read the draft into the record.

Mr. Ventres reviewed Item 1. Responsive to inquiry by Attorney Jezek, Mr. Ventres explained that the word "reconstructed" meant the berms. The draft letter was changed to swale from front parking lot.

Mr. Ventres reviewed Item 2. Attorney Jezek asked that the January date be referenced here as well.

Item 3. No comments

Item 4. Attorney Jezek asked when it was decided that the lights were non-conforming. Mr. Ventres explained that these lights were installed after the 2006 approval. Mr. Pettinelli stated this would be a simple issue of changing the fixture. Attorney Jezek stated they would address this.

Item 5. Mr. Ventres added that this will be submitted to the Land Use Administrator.

Item 6. Responsive to inquiry by Attorney Jezek, Mr. Ventres changed the letter to note that this will be the current electrical lines by July 1.

Item 7. This should be 7/1.

Item 8. Attorney Jezek stated he would like to separate the beam and the handicap bathrooms. This will have to be designed. The commission was amenable to the applicant appealing to the State for a reduction in the number of handicapped bathrooms. Mr. Matthews asked if there was a CO or a conditional CO. Mr. Ventres stated there was a conditional CO, but it has expired. His understanding is that they are only allowed one conditional CO.

Item 9. Mr. Ventres stated that the bathrooms have already been designed. They could go back to the State. Discussion ensued. Mr. Pettinelli believed this would be a legal catch all where they could not issue a CO. It was believed that the issue of the bathrooms was really out of this commission's control. The commission believed it would be best to just use the 7/1 date. Attorney Jezek asked for the date to be for October as Mr. Hunt earlier suggested. The commission changed this date to October 15.

Mr. Brownell asked the applicant if they had any further input, to which Attorney Jezek had nothing further.

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

Motion by Mr. Thomas to approve the draft approval letter, as amended tonight. Motion seconded by Mr. Curtin. Voting: Ayes: All except Mr. Thomas, who voted Nay. The motion carried by majority vote.

9. DISCUSSION

A) Agricultural Uses

Mr. Thomas stated he would ask for a letter from the Agricultural Commission

B) Gateway Height Regulation

None

C) Other regulations and ordinances to review

Mr. Ventres submitted a draft blight ordinance to the commission. Mr. Ventres and Mr. Gillis looked at Simsbury's ordinance, and originally believed it would be a good ordinance. He stated the Building and Fire officials have more responsibilities than does the Land Use Administrator. He reviewed page 6, Section 3.2. Simsbury has a Blight Officer.

Mr. Ventres noted that Planning and Zoning has the least amount of authority for blight. Mr. Gillis noted that the largest problem in East Haddam was hoarding. He stated this would not be the fire marshal. Mr. Ventres disagreed and stated this was a safety concern.

A lengthy discussion ensued. It was noted that there would be potential issues if other people were in a position of power who may abuse this power. The consensus would be if they added a section stating, that if blight cannot be seen from an abutting property or a public way, unless it is of a health, safety, or welfare concern. Abandoned structures with graffiti were discussed, as was a house on Porges Road.

The commission will further review this draft and discuss it at the next meeting.

The commission discussed the necessity of having applicants come before the commission for solar projects. Mr. Curtin asked about the Historic Society's building. It was noted that they did come before this commission for review.

It was noted that Public Works has solar panels on their buildings, as does the senior center. Mr. Ventres stated with Shagbark's application, he saw the plans at the same time as this commission. Mr. Pettinelli believed if Shagbark had come in with no outstanding issues, it likely would not have been an issue. Mr. Curtin stated if the solar panels were considered an alteration of the building, they should also review all applications for gutters on buildings, etc. Mr. Ventres will look at other towns to see how they handle this type of situation.

10. ZEO REPORT

Mr. Ventres reported that there has been no feedback on Powerhouse Road. They finished the old middle school grant, and it has been submitted. There is the possibility of a \$6 Million grant. They are now applying for the elementary school grant. It was noted that any grant approval would be contingent upon Town approval.

11. ADJOURNMENT

Motion by Mr. Gubbins, seconded by Mr. Matthews to adjourn at 9:39 p.m., and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina