

**PLANNING & ZONING COMMISSION/
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
March 9, 2010
(Not yet approved by the Commission)**

1. CALL TO ORDER: Chairman Crary Brownell called the meeting to order at 7:15 p.m. at the Town Grange.

2. ATTENDANCE:

COMMISSIONERS PRESENT: Crary Brownell-Chairman (regular member), James Curtin (regular member), Bernard Gillis (regular member), Elizabeth Lunt (alternate member) (arrived 7:29 p.m.), John Matthew (regular member), Kevin Matthews (regular member), Louis Salicrup (Alternate), Anthony Saraco (regular member) (arrived 7:23 p.m.), Harvey Thomas (regular member)

COMMISSIONERS ABSENT: Chairman Brownell appointed Mr. Salicrup to vote for Mr. Saraco until his arrival this evening.

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

3. MINUTES:

The minutes of the 2/23/10 meeting were filed with the following amendments:

- Page 3, 5th paragraph: Add “to adopting new DEP stream crossing guidelines.” To the end of the last sentence.
- Page 4, Libraries, 1st sentence: Add “East Haddam Free Public” before “Library”.

4. BILLS

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
Hartford Courant (legal notices)		\$230.56

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

Mr. Saraco arrived at this time.

5. ACKNOWLEDGMENTS AND SET HEARING DATES

None

Motion by Mr. Matthew to change the order of the agenda, seconded by Mr. Curtin, and carried by unanimous vote.

6. ZEO REPORT

Mr. Ventres updated the Commission on violations. He indicated that Mr. Puska was making slow progress with Mr. Lipka. Mr. Puska contacted the property owner for the Shumbo issue on Sipples Hill, and the owner has said he would comply. Mr. Puska is also working on issues on Woodland Avenue and one off Pine Road. They also had one complaint about junk vehicles on Tater Hill. They talked to the family, and were assured it would be taken care of.

Mr. Ventres stated that Mr. Corbiel will not return Mr. Puska's calls. Mr. Puska has asked for a list of vehicles, which Mr. Corbiel plans to keep for the East Haddam Fish and Game Club, and which will be removed. Mr. Ventres has not yet sent the cease & desist order, since Mr. Corbiel had said he would comply. Responsive to inquiry by Mr. Thomas, Mr. Ventres stated the next step should be a cease & desist.

Ms. Lunt arrived at this time.

The Commission briefly discussed the recent Siting Council meeting for the AT&T towers. Responsive to inquiry by Mr. Brownell, it was noted that the objections came from people who could see the tower from their properties.

7. DISCUSSION

A) Discussion of existing subdivision regulations – interior lot

The Commission reviewed the interior lot discussion handout that Mr. Ventres distributed. Discussion ensued. Minor changes were made to Items 5 and 6. Mr. Ventres will email the changes to the members.

Mr. Saraco asked if they had demonstrated that the regulations meet the Commission's purpose. Mr. Curtin believed he had demonstrated that with each example he had reviewed with the Commission. He believed this would reduce building. Mr. Matthew disagreed, and stated his belief that this would increase building. Mr. Curtin believed the benefits would be substantial. Mr. Matthew did not believe it would decrease building, but if they could substantially improve the way building was done, that might be the trade-off.

Mr. Ventres will revise the language and email it to everyone before the next meeting.

Mr. Brownell stated he would like to begin discussions about the outside wood furnaces soon, so they could send their recommendations to the Board of Selectmen. Mr. Curtin noted that the State is considering a 6-month moratorium on outside wood furnaces.

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

6. PUBLIC HEARING

A) Application 10-02, East Haddam Village District map amendment involving the extension of the District to the property of Harvey and Darcy Farr, 2 Porges Road. Assessor's Map 26, Lot 47.
First date: March 1, 2010 **Last date: May 12, 2010**

Mr. Harvey Farr addressed the Commission. He explained that the Weeds building was originally built under the home occupancy clause, and they have used it for organic produce, etc. They have had some interest in renting the building, but they cannot under the home occupancy rule. He requested that the Village District be extended from Ray Hill Road up to, and including, Boardman Road. He stressed that he was not proposing any zoning that would change the character of East Haddam. Mr. Farr outlined the proposed uses for the Weeds building, which included a small antiques store, shop, boutique, studio, small professional business, etc.

Mr. Farr stated there would not be a lot of potential for new development by broadening the use of the potential buildings in this area by extending the commercial district. Because of the nature of the restrictions, such as impervious coverage, septic, etc., he did not believe this change would increase traffic flow. Others would have to go through the same review they are now. Overall, he concluded that there would be many benefits, in a very managed way, while minimizing impacts.

Mr. Ventres read into the record a letter dated March 3, 2010 from Geoffrey L. Colegrove, Midstate Regional Planning Agency, which stated that this application was not of regional significance.

Mr. Ventres indicated he had one additional letter from a member of the public, but that person was here this evening. Mr. Don Meyer read into the record his letter. Mr. and Mrs. Meyer were against the proposed change to the Village District, and they cited safety concerns in their letter.

Mr. Thomas asked for clarification of the proposed change. He believed the proposal extended the boundaries of the Village District, in an area of single family and two family homes. Mr. Ventres stated that if the boundary was extended, people could apply for uses such as retail, studio arts/crafts, antique sales, professional offices, etc. Mr. Thomas stated this area would fall into the lower impact category. He noted that the District was broken out into low, moderate, and high impact areas.

Mr. Matthew asked how many residents this change would affect, to which Mr. Ventres responded there were nine residences. Mr. Brownell asked if any consideration had been given for foot traffic to this location, and how that fits into the area. Mr. Thomas stated based on the fact that these potential areas were dispersed, he did not anticipate much foot traffic. He believed this would be more attractive as a driving venue. Mr. Brownell pointed out that this is a dangerous strip of road. Mr. Farr acknowledged there were some issues, more so in the early morning or at night, when people were not expecting the curves in the road.

Mr. Scott Mackinnon, 24 Boardman Road, stated he had spoken in favor of the Farr's when they came before the Commission to construct the Weeds building. He stated they have done a good job with Weeds. He did not object to a similar use, with someone other than the Farr's, but he did object to a new commercial corridor. He cited two cases. He suggested this individual property might be able to be re-zoned.

Mr. Mark Tice, 43 Norwich Road, objected to re-zoning. He stated he moved to this area because it was residential, and he would like to keep it that way. He indicated this was not a good stretch of road for a new commercial area.

Mr. Todd Gelston, 50 Bogel Road, asked if this area was being proposed as commercial. Mr. Thomas stated it was not, and he explained that the Village District has a broader reach than just commercial. Mr. Gelston asked if the re-zoning was approved, if property owners there could list their property as commercial use. Mr. Brownell stated it would be a limited commercial use, and he read from the list the allowable uses. Mr. Gelston stated this would have a commercial flavor, and real estate always seeks the highest value. He believed there would be pressure to expand the use.

Mr. Gelston stated this stretch of road posed a safety hazard; it would adversely affect residences, and would bring in more outside traffic. He did not see any good coming out of it. He believed this was a dangerous and complicated solution to what appeared to be a simple problem. He believed a simpler solution would be to go to ZBA and ask for a variance to rent out the property. He strongly felt that rezoning would be a serious mistake.

Mrs. Melissa Ziobron, EDC Coordinator, asked if it would be possible for the Weeds building to be rented for commercial use. Mr. Ventres explained that under the home occupancy rule, it was for use solely by the residents of the dwelling. Mrs. Ziobron asked if there was an avenue for the Farr's to go to ZBA. Mr. Ventres stated usually the ZBA sees variance requests for height, etc. He stated the ZBA would have to ask what the hardship was here. If there is no hardship, an applicant cannot receive a variance. Mrs. Ziobron asked if this was the only avenue, in Mr. Ventres' opinion. Mr. Ventres believed this application for a zoning change was the cleanest way.

Mrs. Ziobron distributed a letter she wrote. She spoke in favor of the project. She referred to many sections of the Plan of Conservation and Development. She stated they were not proposing sewer lines be run to this area, nor was the EDC supporting that. She stated they already have a Village District without sidewalks. In her estimation, there would not be significant traffic to this area. She concluded by asking if not this, then what other viable alternative there was for the Farr's.

Mrs. Charlotte Gelston stated she ran a home business for nearly 20 years. She stated she could have hired help, and so can the Farr's. She stated that Weeds is the only place in this area with safe access. She noted that some of the current residents may not be interested in expanding their use, but in the future, these owners might change. She preferred to see very tight spot zoning here, rather than re-zoning. She suggested the Farr's hire someone to run Weeds.

Mr. Dick Everett spoke in opposition to the proposal. He stated that everyone wants rural character, but the traffic has already increased greatly over the years. He believed if people want to live in a rural town, they should oppose this application.

Mr. Casey Carle, Sims Road, spoke in opposition to this project. He cited traffic concerns, including bike traffic from all over the world.

Mr. Gelston believed there would be increased accidents in this area. He believed the only way to decrease it would be to remove trees, which would decrease the rural character of the area. He stated he would like to see Weeds stay, but not to the detriment of the neighborhood.

Mr. Ventres pointed out that if residence owners came before the Commission for special exception review, they would have to meet the requirements of the special exception, or the Commission could not approve it.

Mr. Matthew asked if this was the R-1 zone, to which Mr. Ventres responded affirmatively. Mr. Matthew asked if a nursing home, etc. could be allowed by special exception in an R-1 zone. He asked if this was a new district, if this would not be allowed by special exception. Mr. Ventres stated that was correct.

Mrs. Ziobron stated this would be for a very limited use. She stated this would not be a new zone, it would be simply an extension of the existing district. She stated the Farr's did not want to own their own business anymore. She stated they were trying to do this legally. If there was any way to spot zone, they would be for that.

Mr. Tice stated it appeared that the Commission stretched the use in the first place by allowing this building as a home occupancy business.

Mr. Thomas stated it seemed like this proposal would give a couple of buildings more use. He stated he was not terribly persuaded by the Weeds argument though. He stated the other argument that provides the possibility for more commercial activity seemed to have some merit.

Mrs. Anita Ballek stated she supported Weeds if they could find another way to do what they are trying to accomplish.

Ms. Sue Costomiris stated she had no problem with Weeds. She would like to have a business that would support the neighborhood, but she would not like to see a re-zoning. She voiced concerns about traffic.

Mr. Gelston stated this application would have huge traffic liabilities, and it screamed "unhealthy". He hoped the Commission and applicant could find a safer, more sane solution.

Mrs. Nancy Mackinnon believed the economy was changing, and she believed the future was in small businesses. She suggested they look for a way to support this local business, but not to open a can of worms that they could not control.

Ms. Deb Mathiason, EDC, appreciated the comments made tonight. She hoped the Commission could accommodate this applicant.

Mrs. Ballek asked if this could be approved by Town Meeting, to re-zone this one location. Mr. Brownell stated it could not, because it would be spot zoning, which cannot legally be done.

Mr. Brownell stated another concern was that it is only one mile between this location and the IG zone. He voiced concern about sewers, and going down a slippery slope. Mr. Thomas noted that the Commission is in control of that slope. Mr. Saraco stated the Commission has to apply the same standards they use today. He

agreed with Mr. Thomas, unless there is something unique here. Mr. Ventres stated what was unique about this situation was the age of the building.

Mrs. Gelston cautioned about setting a precedent. She stated there has to be a sensible, legal way to do this. She asked if it was illegal to spot zone. Mr. Ventres stated it was.

Mr. Matthew suggested one alternative might be to allow only single family homes and small retail establishments of less than 1000 square feet. Mr. Ventres stated that might be an option.

Mr. Brownell asked if this was an R1 zone, how the apartments came to be. Mrs. Ballek stated it was a former dairy barn, and then an apple barn. Mrs. Meyer stated the owner at the time was turned down forcefully because they wanted to put in shops at the time.

Mr. Thomas stated they needed to demonstrate something cohesive between the buildings in the proposed new extension and the fabric of the village. If traffic is a concern, they need to consider which of the proposed uses are traffic intensive.

Mr. Ventres will check the cases Mr. Mackinnon cited.

Mrs. Ziobron believed Mr. Matthew's suggestion of a maximum square footage was a good suggestion.

Mr. Mackinnon suggested the Commission might consider creating a very small district.

Mrs. Gelston had a problem with a maximum square footage. She stated she had no problem with Weeds, but more small businesses could be problematic. She believed there must be a way to accommodate the Farr's needs without jeopardizing the neighborhood.

Ms. Costomiris suggested recycling. She stated there are a lot of buildings that could be used in town.

Mr. Farr stated that part of the concern was that there was not enough business space. He did not believe there would be a problem with an explosion of small business in our town. He stated he did see more housing developments, which strain our schools, etc. He understood the concerns with the roads, but he pointed out that the Commission evaluates the applications, and they are very careful about siting.

Responsive to inquiry by Mr. Brownell, Mr. Farr stated there was interest for a novelist, small organic produce, art gallery, etc. He stated he would not want anything that would be to the detriment of the neighborhood, and added that he lives next door.

Mr. Saraco inquired about vehicles. Mr. Farr stated he had no data on this, but he did not think there had ever been more than 5 or 6 vehicles at Weeds at any one time. He commented that a family could make more traffic, depending on how many people were in a house. He stated he understood the concerns raised, but he was trying to do something with the structure that would not impact the neighborhood.

Mrs. Meyer asked if Mr. Farr had considered selling the structure itself. She believed there might be some interest. Mr. Farr stated he might like to have something there again in the future.

In response to a comment made by Mrs. Meyer, Mrs. Ziobron noted that the former Seraph was now a 3-bedroom bed and breakfast. She noted that the EDC just applied for a \$4 Million grant, which would include a sidewalk, as well as a walkway across the river. She stated she was here to support Weeds, and she would consider alternatives, and was willing to work with everyone.

Mr. Gelston stated there was danger everywhere along this road, but Weeds has the best access.

The Commission decided to keep the public hearing open.

Motion by Mr. Thomas to continue the public hearing for Application 10-02, East Haddam Village District map amendment involving the extension of the District to the property of Harvey and Darcy Farr, 2 Porges Road, until the next regularly scheduled meeting on March 23, 2010, 8:00 p.m. at the Town Grange. Seconded by Mr. Gillis, and carried by unanimous vote.

Motion by Mr. Gillis to take a brief recess at 9:40 p.m., seconded by Mr. Matthews, and carried by unanimous vote. The meeting reconvened at 9:44 p.m.

Mr. Brownell distributed CRERPA surveys to the Commission. He asked that everyone look at these for discussion at the next meeting.

9. ADJOURNMENT

Motion by Mr. Curtin to adjourn at 9:45 p.m., seconded by Mr. Matthews, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina