

**PLANNING & ZONING COMMISSION/  
TOWN OF EAST HADDAM  
LAND USE OFFICE  
REGULAR MEETING MINUTES  
April 27, 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), John Matthew (regular member), Kevin Matthews (regular member), Louis Salicrup (Alternate), Harvey Thomas (regular member)

**COMMISSIONERS ABSENT:** Elizabeth Lunt (alternate member), Anthony Saraco (regular member),

Chairman Brownell appointed Mr. Salicrup to vote for Mr. Saraco this evening.

**OTHERS PRESENT:** James Ventres, and approximately 4 townspeople were present.

**3. MINUTES:**

The minutes of the April 13, 2010 meeting were filed with the following amendments:

- Page 1, Attendance, 1<sup>st</sup> paragraph: Change “Mr. Curtin” to “Mr. Brownell” in the appointments for voting.
- Page 3, Item 6, 1<sup>st</sup> sentence: Change “Mr. Matthew” to “Mr. Matthews” read the call for the public hearing.
- Page 6, 4<sup>th</sup> paragraph, 1<sup>st</sup> sentence: Add “have” after “to”

**4. BILLS**

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
Branse, Willis, and Knapp (spot zoning, signage review, cease & desist emails, appeal procedures)		\$232.00

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

**5. ACKNOWLEDGMENTS AND SET HEARING DATES**

**A) Continued: Application 10-04, Scott Lennon, 102 Bashan Road, Site Plan Review, to construct an addition to existing residence. Property is located in the Lake (L) zone. Assessor’s Map 58, Lot 132.  
First date: March 23, 2010 Last date: May 26, 2010**

Mr. Scott Lennon addressed the Commission. Mr. Ventres read into the record a letter dated 4/27/10 from Chatham Health District, which showed a 100% Code compliant area for a septic system. The letter stated that  
u/z/P&Z/min/2010/04272010

the site plan meets the requirements of the Public Health Code. The plans for the building addition must be reviewed at the time of the building permit application.

Mr. Brownell asked if we were waiting for anything else. Mr. Ventres responded that everything else had been received. It is a site plan review for a 700-square foot addition.

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

**Motion by Mr. Curtin to approve Application 10-04, Scott Lennon, 102 Bashan Road, Site Plan Review, to construct an addition to existing residence with the condition that the requirements of the Chatham Health District be met. Seconded by Mr. Salicrup, and carried by unanimous vote.**

**B) Continued: Application 10-05, Brian Bagnati, applicant, BRP Realty, LLC, property owners, 17 Wildwood Road, Site Plan Review to construct an addition to existing residence. Property is located in the Lake (L) zone. Assessor's Map 80, Lot 20.**

**First date: March 23, 2010**

**Last date: May 26, 2010**

Mr. Brian Bagnati addressed the Commission. Mr. Ventres read into the record a letter dated April 27, 2010 from Chatham Health District. The letter indicated that the site plan demonstrates compliance with the Public Health Code. A house plan will need to be submitted and reviewed at the time of the building permit application.

Mr. Ventres stated green cards were received, there had been a question about the neighbor's well, but turned out not to be a well on the property.

Mr. Curtin stated he had no problem with it, as everything seems to be in order.

**Motion by Mr. Thomas to approve Application 10-05, Brian Bagnati, applicant, BRP Realty, LLC, property owners, 17 Wildwood Road, Site Plan Review to construct an addition to existing residence with the condition that the requirements of the Chatham Health District be adhered to. Seconded by Mr. Curtin, and carried by unanimous vote.**

## **6. DECISIONS**

**A) Continued: 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. Ventres distributed a proposed East Haddam Village District (EHVD) amendment discussion document. Mr. Curtin commented that Mr. Thomas had a good idea at the last meeting, and he asked him to discuss it. Mr. Thomas believed the stronger argument for extending the EHVD was to preserve the character of the EH Village. This would entail preserving architectural features. The two that genuinely seem to fit are Meyer and Elgart properties. Mr. Curtin asked how they could protect the area. Discussion ensued regarding houses marked on the plan as numbers 67 and 92. Mr. Thomas stated if they wanted to protect the older homes, the EHVD regulations would not allow someone build a swiss chalet, etc. Mr. Curtin asked if this would include the Farr's also. Mr. Thomas did not believe so. Mr. Curtin commented that two of the properties did not want to be included. Mr. Thomas suggested they could be taken out of the list.

Mr. Brownell asked what else would go along with the historic properties. Mr. Thomas suggested they could extend the boundaries. He added that the applicant submitted a list of proposed uses. He stated they could look at the table of permitted uses and decide which ones should be included.

A lengthy discussion ensued. Mr. Curtin stated this would be a very limited zone change. Nothing would be able to go through without coming before the Commission. It was noted that Property # 66 is historic. Mr. Curtin discussed the road, and stated when traffic turns the sharp corner, vehicles are not going very fast. He asked what the uses would be. Mr. Thomas read the list of proposed limited uses. Mr. Curtin noted that a bed and breakfast could already be done by special exception review. It could also be used for additional retail, professional office space, antique sales, or an artist studio.

Mr. Brownell noted that Mr. Gillis had made a good point previously that the bottom of the hill made a natural line for a break in the district. Mr. Gillis thought traffic was a serious issue here, and that expanding this district was not the smartest thing to do. He stated that Succor Brook seemed to be a good place to break the zone. Mr. Gillis stated he was really struggling with it. He noted that a lot of people had problems with it during the public hearing, even though they wanted to do something for the Farr's. Many didn't think it was wise to bring the district up the hill. He stated he was still wondering about the Means property. He understood cutting out the Doyle and Tice properties.

Mr. Curtin stated that the Meyer's voiced concern too. Expanding the zone could protect these properties, by requiring architectural review. He stated that someone could go into the vacant lot and put up a contemporary or a modular home. Mr. Gillis believed the Meyer's concern was more for a retail establishment going in next to them. The Commission discussed the barn on Route 82. It was noted that this was somewhat contemporary.

Mr. Curtin indicated that the proposed uses included a very limited list of things that would be allowed, none of which are big traffic generators. Retail would be the biggest. He discussed the vacant lot, and stated it is possible that it could become some type of store, but it would have to go through architectural review. He believed it made sense to envision retail from Weeds, the vacant lot, and the corner. He reiterated, as he has said before, that people in the village have that choice, and they haven't done much.

Mr. Brownell asked Mr. Matthew for his input. Mr. Matthew believed the proposal had very little potential benefit, other than to the Farr's. He wished there was another way for the Farr's to achieve their objectives. Virtually all the residents were opposed to this, so he did not know how the Commission could approve it.

Mr. Matthews stated that the Commission was stretching the term EHVD. As Mr. Gillis said earlier, once people come up the hill, they have left the village. Coming down hill, you are coming into the village. He believed this was a stretch, and he did not think the next owners of the historic homes would destroy the integrity of them.

Mr. Salicrup stated he listened to all the pleas during the public hearing. Although he sympathized with them, he did not see a lot of compelling evidence. Most of them agreed they didn't want it, but the usage would be so minimal. The Weeds property has been in use by the owner, so if they rent it, it would not really increase traffic. He stated it was a tough call.

Mr. Brownell asked how much time the Commission had in order to make a decision. Mr. Ventres stated they closed the public hearing on March 23, so they had 65 days from the close of the public hearing. Mr. Brownell asked those Commissioners who are against the application if they have considered what might happen to the property if we don't approve it, or if there is there anything they can do with it.

Mr. Gillis stated he had suggested an accessory apartment, but Mr. Ventres stated they could not do this due to the lack of a septic area.

Mr. Matthew asked if the Farr's would be able to do it if the Commission was to bring something to a Town Meeting. Mr. Ventres responded no, and that this must be decided by the Commission, as they are the Commission's regulations. Mr. Matthew asked then if they would have to change the regulations. Mr. Thomas asked why the Commission would change the regulations. Mr. Ventres explained that the Commission would have to change the home occupation regulations. He strongly cautioned that this would have large impacts in neighborhood situations throughout the town.

Mr. Curtin stated that the Village has been evolving since the day it started. The village used to be two buildings, then there was a mill, then it was strictly residential for a time, and now there is some mixed use, with controls. He stated there was nothing wrong with the town changing a little bit. Nothing proposed here would be detrimental to anyone's property values. No one would be financially hurt, and it could give some flexibility. He believed it would offer a little bit of freedom, but with some oversight. He was in favor of it, as it would allow a little more flexibility with property.

Mr. Thomas suggested the Commission could ask staff to draft three motions, one that approves the application, while relying on the Plan of Conservation and Development, one that denies the application, again relying on the Plan of Conservation and Development, or one that modifies the application.

Mr. Curtin did not know that two more weeks would make a difference in anyone's thoughts. Mr. Gillis asked how much weight we give to the private citizens. Mr. Brownell stated the Commission must listen to everyone. Mr. Ventres explained that even though people might say something at a meeting, as a Commission, they have to look at the regulations, determine if applications meet criteria, etc. This is more of a legislative action.

Mr. Curtin stated that a lot of these people who spoke at the public hearing don't live in this neighborhood either, but they drive the roads, just like the Commission members do. He stated that the Commission would be looking at traffic during site plan applications. He was not afraid of change because he has seen a lot of change over the years. He referenced Shagbark, and how Shagbark has evolved over the past 15 years. He stated that change happens in a slow, gradual fashion. This is a modest ability to change, and nothing but Weeds might change.

Mr. Gillis wanted to go back to something Mr. Brownell mentioned earlier in the meeting. This is a slow creeping of zones, and he asked where we go next. Mr. Curtin again referred to Shagbark. Mr. Gillis stated this would actually be creating change, not just accepting it.

Mr. Gillis stated they had to make decisions. He stated if he was looking in futuristic way, it would seem like Town Street would be good area for growth. He asked if that was where the Commission's energy should be. He stated he loved the historic aspects of this area, and to preserve this is a good thing. For a commercial reach, he believed this is the wrong area for it. Mr. Curtin stated he thinks of areas as what might be, but he did not see any negatives to it. He thought that perception is usually much worse than reality of it. If an optometrist was in that barn, he asked how many parking spaces they would need. Mr. Ventres stated they would have to give the Commission a site plan, and he would look at it and go from there. He noted that someone came to his office the other day and inquired about an artist's studio. This particular artist has one person come in, take many photos, then spends the next 3-4 months creating art. He stated it really comes down to traffic engineers, site lines, landscaping, etc. Every application will get reviewed with a fine tooth comb, no matter where it is.

Mr. Salicrup suggested they talk about different scenarios, and the "what ifs". Mr. Brownell stated they could talk, vote, or have staff write up drafts. Mr. Matthews suggested they could just vote.

**Motion by Mr. Curtin to approve 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, with the condition that the Tice and Doyle properties be excluded, but the rest of the proposed district remain the same. This motion is made with the belief that the extension would be in conformance with the comprehensive zoning plans and the Plan of Conservation and Development. Motion seconded by Mr. Salicrup.**

**Discussion on the motion:**

Mr. Gillis asked about the Means property. Mr. Curtin asked if they had said anything during the public hearing. Mr. Gillis stated they never showed up at the hearings.

Mr. Ventres asked who had listened to tapes that had been absent at one or more of the meetings. Mr. Brownell stated he had listened to the tapes. It was noted that Mr. Matthews was not present at March 23 meeting, and he had not listened to the tapes. Mr. Ventres informed the Commission that they had six eligible voting members, and they would need four votes to pass a regulation change. Mr. Brownell stated they could not back out now. Mr. Ventres stated if the motion and the second were withdrawn, the Commission could wait. He stated that Mr. Matthews could then listen to the tapes. The Commission took the vote.

**Voting on the motion: Ayes: Salicrup, Brownell, Curtin. Nays: Gillis, Matthew, Thomas. Abstentions: Matthews. Having a tied vote, the motion failed to pass.**

## **7. DISCUSSION**

### **A) Discussion of existing subdivision regulations – interior lots**

Mr. Ventres distributed Attorney Branse's review comments for the interior lots. Mr. Curtin suggested everyone take them and read them at home. Mr. Ventres distributed Attorney Branse's review comments for the soil test pit requirements. Mr. Ventres will make the grammatical corrections, and email it to everyone ahead of time for discussion.

Mr. Brownell asked about the agenda for the next meeting on May 11. Mr. Ventres stated nothing at this point was carrying over from wetlands. Mr. Brownell asked about the May 25 meeting. Mr. Ventres stated they might have an acknowledgment for the Sprecher subdivision.

Mr. Ventres had mailed in the last packet, information on wood burning furnaces, highlighted in green and yellow.

The Commission began a lengthy discussion about the stoves, ideas about distance setbacks from property lines, etc. Mr. Curtin suggested they could go to 300-feet from the property line, instead of 500-feet. Both Mr. Curtin and Mr. Ventres commented that if the requirement was 500-feet, someone could have 30 acres and not meet the requirement. Mr. Matthew stated if people burned cleanly, there would probably be no problems. He stated that 500-feet seemed like a lot, but if there was a breeze, a neighbor is only 15 seconds away.

Mr. Ventres stated there are about 20 in town, and he has only had one reported problem. Mr. Curtin stated that there are plenty of people who might use this well, and so might need it. He suggested having a land requirement, etc. Mr. Gillis stated that one town banned these furnaces altogether.

Mr. Ventres stated that in order to install one of these furnaces, a heating and electrical permit was needed. For newer structures, the Town usually has either GIS maps or A2 surveys on file.

Mr. Matthew asked about enforcement, once in and running, how would it be enforced. Mr. Ventres stated it would be just like zoning – if necessary, they would send cease & desist order. The Commission discussed air sampling, in the event of malfunctions, etc. Mr. Ventres stated they were not qualified to do air sampling.

Mr. Thomas stated that if there are only 20 units in town with over 4000 houses, there was obviously not a huge draw. He suggested they could just ban them. Mr. Curtin stated that some people might want them, and some may need them.

Mr. Matthew suggested they could require the units to be a quarter-mile away from any building. Mr. Ventres stated at this point, he has had two complaints. One complaint was from someone who actually went to the DEP, and the other stemmed from an ongoing dispute between two neighbors. Mr. Brownell stated they never have issues with people who have wood boilers in their basements. Mr. Curtin noted that chimneys are much higher than the chimneys for the outdoor furnaces.

Mr. Gillis suggested a site walk might be helpful. He commented that until the units are improved, he would not be in favor of them. He believed the units are polluters.

Mr. Brownell opened the discussion to the public.

Mr. Robert Smith stated he was considering purchasing one from someone in town. He believed they are efficient. He stated if they are going to heat a 1500 sf home, they will smolder. But, if someone was heating 2-3 buildings, it would be fine. He believed these can be efficient. He stated it did not sound like the Commissioners were knowledgeable enough to make these decisions. He stated the plumbing to install these units is expensive, around \$18.00 per foot, and he thought a 300-foot requirement was outrageous. He stated he has 8 acres, and he would be about 220 feet from his neighbors. He suggested the Commission might regulate the amount of time the units are used – possibly seasonally. But to limit this furnace because of chimney height, he believed was really putting damper on someone who just wants to keep their cost down.

Mr. Brownell stated that one problem is when people just want to heat water, it would smolder. He stated the Commissioners have been reading a lot of information, so they have some knowledge. Mr. Smith stated this was all the more reason to limit the units to be used seasonally. He believed these units would gain in popularity, as this is a rural town and want to maintain it as such. He asked the Commission to please take into consideration that this is a country town, and many people want to heat with wood. These are efficient if people use them properly. He believed it should be up to the State to come in and make the decision if they are going to be banned. He also felt that 300 feet from a property line is extreme.

Mr. Brownell asked if the members would like to schedule a field walk. Mr. Gillis and Mr. Curtin stated they would go. Mr. Brownell probably won't go due to the Little League schedule. It was decided that they would hold on making a decision on this until after a field walk was done. By consensus, this item was tabled until the next meeting.

## **8. ZEO REPORT**

Mr. Ventres informed the Commission that Mr. Corbiel was to report today, Mr. Puska will contact with him once again. Mr. Ventres stated that the department is working on an issue with a property owner at 25 Lakeside Drive that is a seasonal cottage, but is being used as a year round home. He stated that he is expecting the owner

to appeal. Regarding the issue on Sipples Hill with Mr. Shumbo, the property owner has decided to put the house up for sale. Mr. Puska is working on an issue with residents on Taylor Lane, however, it is a civil issue.

Mr. Ventres stated that Mr. Puska was called out to other Hungerford Road (Lake Hayward), for zoning violations, neighbor disputes. Mr. Puska is working on it, but some of the issues are civil issues, not zoning.

Mr. Ventres stated as the Commission was aware, the proposed budget calls for the reduction of Mr. Puska's hours to half. Mr. Ventres suggested to the BOF that instead of cutting hours, this would be a good year to have Mr. Puska work on duplicate road names, etc.

Mr. Ventres stated he was working on the grant application process for the open space parcels. His part is done.

Mr. Ventres believed in May, the Commission may possibly see an application for a brewery on Creamery Road. They are getting close with the Department of Public Health on their water issues.

Mr. Brownell asked the status of the actor housing, as he saw a little bit of demolition. Mr. Ventres stated that without Phase 1 approval from the Department of Public Health, the State economic development won't release any money.

Mr. Brownell received a letter from the Gateway Commission. Mr. Thomas stated in every legislative session, the Legislature gives away land for various reasons. Once again, there was an idea to swap the land directly across river from opera house, from the west of the railroad tracks for land adjacent to Cockaponsett State Forest in Haddam. It did not go forward. Mr. Ventres stated he received an email this morning, and they may be going for a third round.

Mr. Brownell stated we need to update our membership. He gave the letter he received from the Selectman's office to Mr. Ventres, who will take care of this with Linda.

Mr. Brownell received a note regarding 2010 projects. He suggested they review this list for discussion at the next meeting.

Mr. Gillis asked if there had been any feedback from the State regarding Sunrise. Mr. Ventres stated that his feedback was that everyone who attended the meeting was under-capitalized. Mr. Ventres stated a student from UCONN came in and requested information on Sunrise for a paper she is working on to turn Sunrise into a campground. She requested this information under FOIA, and he gave her information. He also had a student come in for a paper she was writing to put a motel on the Town Office site. Mr. Ventres also gave her information.

## **9. ADJOURNMENT**

**Motion by Mr. Gillis to adjourn at 9:24 p.m., seconded by Mr. Curtin, and carried by unanimous vote.**

Respectfully submitted,

Holly Pattavina