

**PLANNING & ZONING COMMISSION/  
TOWN OF EAST HADDAM  
LAND USE OFFICE  
REGULAR MEETING MINUTES  
May 11, 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), Kevin Matthews (regular member), Harvey Thomas (regular member)

**COMMISSIONERS ABSENT:** Louis Salicrup (Alternate), Anthony Saraco (regular member), John Matthew (regular member)

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

**OTHERS PRESENT:** James Ventres, Emmett Lyman

**3. MINUTES:**

The minutes of the April 27, 2010 meeting were filed with the following amendments:

- Page 4, paragraph 3, 2<sup>nd</sup> sentence: change “buildings” to “centers”
- Page 5, last sentence: Change to read “Mr. Gillis stated that most towns have banned these furnaces altogether, and one set limits.”

**4. BILLS**

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
Branse, Willis, and Knapp (spot zoning, emails signage/c&d/neighborhood dispute)		\$232.00
Suburban Stationers		42.04
Suburban Stationers		17.49
Hartford Courant		330.88

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

The Commission tabled one invoice for Branse, Willis, and Knapp, as well as one invoice from NL Jacobson that needed clarification on the bond unit cost, until the next meeting.

## 5. ACKNOWLEDGMENTS AND SET HEARING DATES

**A) Continued: Application 10-06, Gelston House Restaurant, 8 Main Street, Special Exception Review to construct a deck to existing Beer Garden. Assessor's Map 17, Lot 91.**  
**First date: March 11, 2010** **Last date: July 14, 2010**

No one representing the applicant was present at this meeting. Mr. Ventres presented the plan to the Commission. He reviewed the existing beer garden location and layout. The proposed deck would be 14-feet toward the river, and 28-feet wide. Mr. Ventres stated the building official required that it have an architectural review, for commercial weight load.

Responsive to inquiry by Mr. Brownell, Mr. Ventres stated they were not removing any trees. Mr. Ventres stated the applicant is going to the HDC next week, so they should be ready for the next regularly scheduled meeting on May 25.

Mr. Thomas asked about additional lighting. Mr. Ventres stated they did ask about that, but the applicant will need to answer that when they come to the public.

Mr. Emmett Lyman arrived at 7:41 p.m.

**Motion by Mr. Curtin to set a public hearing for May 25, 2010 for Application 10-06, Gelston House Restaurant, 8 Main Street, Special Exception Review to construct a deck to existing Beer Garden. Seconded by Mr. Gillis, and carried by unanimous vote.**

## 6. DISCUSSION

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

Mr. Ventres stated he had emailed a revised draft to everyone. He also distributed at the meeting revised drafts with Attorney Branse's edits. He reviewed these changes with the Commission, which included adding sections, definitions, etc.

The Commission discussed the first paragraph on page 2, Item 2. It was agreed that the Commission would take out Attorney Branse's edit to this paragraph.

Attorney Branse had added easement language in reference to Section D that has been used by many land use attorneys for years. Mr. Ventres added the lot sizes for interior lots in the R-2 and R-4 zones. The Commission discussed Item 9.a. In addition to the language Mr. Ventres had added to 9.a., the Commission added "parks and cemeteries". Mr. Thomas questioned the buffer requirement and waivers. He suggested that unless a property abuts the river, a buffer should be required, subject to waiver by the Commission. He suggested instead of adding language to 9.a., that the language could simply require a buffer, and the Commission could waive it. After discussion, item 9.a. was changed to read "A permanent and contiguous landscaped buffer strip shall be provided on the interior lot to buffer all adjoining properties. Suitable existing trees and shrubs may be preserved or augmented by plantings to provide the required buffer. The landscaping planting requirements may be waived by the Commission if a substantial vegetative buffer exists on the interior lot."

The Commission discussed Item 9.c. regarding access strips. It was decided that Mr. Ventres would clarify this with Attorney Branse. Item 10 was deleted. Mr. Ventres reviewed the language of Item 11.

Mr. Ventres stated he hoped to hear from Attorney Branse on the Commission's comments, and then bring it back to the Commission. Mr. Brownell stated after the next review, the Commission should be able to set a public hearing.

The Commission reviewed the proposed test pit regulation Section 14A.3.G., and Attorney Branse's review comments. The comments were minimal and straightforward.

## **B) Additional regulations under consideration**

Mr. Ventres distributed an email from John Matthew dated May 11, 2010 to the Commissioners regarding 2010 items for review.

It was agreed that Mr. Matthew would be here at future meetings to discuss some of the items for review during the year.

**\*\*Tape change (1B)\*\***

Mr. Curtin stated he would like to review slopes. There were several items that came from the meeting with the developers in town. Mr. Curtin voiced concern about the minimum buildable square.

Mr. Ventres stated one of the most frequent questions he gets in his office is regarding accessory units for in-laws, etc. Another frequent inquiry is for multi-family units.

Mr. Gillis asked about merging of lots that are separated by a street. Mr. Brownell stated it could never be built upon. Mr. Gillis stated he would like clarification on the issue. Mr. Ventres stated the Commission has approved a parcel across the street, and another that was diagonally across the street. These applications typically have potential for well and septic to be located there. Mr. Curtin stated this began as a need for septic to be pumped farther from the lakes.

Mr. Brownell suggested the Commission discuss special exception review for two-family homes and accessory units together.

Mr. Thomas stated that the Gateway Commission had established regulations for height requirements and people digging below grade. Mr. Curtin asked where the problem house is that triggered this regulation amendment. Mr. Ventres stated there was a house along River Road, on the Deep River side. This structure has a basement level and then a sub-basement level. Mr. Ventres commented that East Haddam along Main Street has an exception for the Village District.

Mr. Brownell suggested that Mr. Thomas write up something for the height requirement. It was noted that a proposed regulation had been drafted, but it had not gone forward. Mr. Ventres stated he still had a copy of the draft. A lengthy discussion ensued about the height requirements. Mr. Brownell suggested that the language be cleaned up.

Mr. Thomas suggested the Commission look at accessory units, special exception review for two-family homes, and possibly at roads. Mr. Thomas thought there was a subcommittee set up for gravel roads. Mr. Ventres stated there was a subcommittee comprised of representatives from P&Z, IWWC, Conservation Commission, and BOS.

Mr. Ventres stated he had some information prepared for accessory units, special exception, and Site Plan Review. He stated he could have this for the next meeting.

The Commission briefly discussed day cares, resort areas, seasonal uses, etc. Mr. Brownell stated that Wolf's Den had set dates for seasonal use, and he asked if this worked. Mr. Ventres stated that specific dates worked best.

Mr. Ventres discussed merging of lots. Mr. Ventres believed the Commission needs stronger language, and possibly to ask Attorney Branse for advice. Mr. Brownell agreed.

Mr. Brownell stated he recently received a letter from Habitat for Humanity, and about setting aside land for a Habitat building.

Mr. Brownell inquired about gravel regulations. Mr. Ventres stated there were some issues with the language, particularly with coming back for review in 5 years. Mr. Ventres stated there were other towns that had some good language.

The Commission reviewed tree protection plans. It was noted that this might fit in with the rural character discussion.

Mr. Matthews excused himself from the meeting at 8:51 p.m.

Mr. Brownell inquired about lighting review. Mr. Ventres stated that many towns have limits of lighting, foot candle cutoff requirements, etc. Mr. Brownell stated he would be interested to see what other towns have for regulations. Mr. Brownell asked if anyone had had a chance to see the Dunkin Donuts in Haddam yet. A couple of members had seen the lights early in the morning.

Regarding signage, Mr. Ventres reviewed signage with Mrs. Ziobron as well as students who came for student government day. Mr. Ventres is preparing some information for Mrs. Ziobron.

Mr. Brownell inquired about stables, which was on the proposed list for items to be reviewed this year. Mr. Ventres stated there was no regulation to authorize people to board horses, etc. It was noted that this could be a project for the future.

Mr. Brownell stated the last item on the list was off-street parking. Mr. Ventres believed that would be a good project for a future date.

Mr. Brownell clarified that Mr. Ventres will get information for the Commission on multi-family units, and accessory units. Mr. Curtin wanted to look at slopes, cul-de-sac configurations, etc. Mr. Curtin will prepare the list of items he would like to look into this year. Mr. Brownell asked if Mr. Gillis wanted to look at rural character, etc. Mr. Ventres noted that Mr. Matthew addressed this in his email. Mr. Brownell stated he would discuss this with Mr. Matthew.

### **C) Outdoor wood burning furnaces (OWF's)**

Mr. Ventres stated that they had not yet had a field walk to look at examples of these units. Mr. Brownell stated he liked Mr. Curtin's idea of limiting the location from the property line.

Mr. Gillis looked at the Massachusetts regulations, and they require 275-feet from the property line, and 300-feet from another residential structure.

**\*\*Tape Change (2A)**

Mr. Curtin stated that Mr. Smith was concerned with having a furnace on 8 acres. Mr. Ventres stated that the piping was very expensive. Mr. Brownell asked if having a distance requirement from a property line would solve the problem of property owners being suffocated by the smoke.

Mr. Brownell stated he had limited exposure to these furnaces, except one time he saw smoke coming into the street in front of NorPro. Mr. Gillis stated he looked at the unit at Ballek's, and there are warnings and instructions on the side of the units. He believed after the recent devastation in the Gulf of Mexico, we really need to take a second look at approving these units, and not discounting wood.

Mr. Curtin stated that Mr. Ed Veselak ran one of these units between two houses.

Mr. Gillis stated that the Massachusetts regulations allowed for seasonal use only. Mrs. Lunt agreed that it should not be used in the summer.

**Motion by Mr. Curtin to take a brief recess at 9:13 p.m., seconded by Mr. Gillis, and carried by unanimous vote.**

**The meeting reconvened at 9:15 p.m.**

## **7. ZEO REPORT**

Mr. Ventres distributed a packet of information regarding the Ed Williams Road Cell Phone Tower. The packet included a letter from Ms. Linda Elgart to the P&Z Commission, as well as letters from Ms. Elgart to Representative Linda Orange, the Connecticut Siting Council, Representative Joe Courtney, etc.

Mr. Brownell stated that he and Mr. Ventres should speak with First Selectman Walter before asking Attorney Branse for advice. Mr. Ventres stated he spoke with Mr. Walter. Mr. Ventres stated this was not the Commission's decision, the Commission did not change the regulations, and the Commission/Town does not own the property on which the towers will be located. He believed it would be best to have an impartial third party, such as Attorney Branse, draft a letter informing her of this.

Mr. Ventres stated there is one person on North Moodus Road, to which he will be sending a cease & desist order. The property owner built a structure without a permit, on the neighbor's property.

Mr. Brownell referred to the CT Federation of *Planning and Zoning Agencies Quarterly Newsletter*, and the article pertaining the role of alternate members. The newsletter stated that after a public hearing is closed, alternate members "should" be asked to leave the discussions. The Commission discussed the roles, attendance at meetings, etc.

Mr. Ventres reported that there were no communications from Mr. Corbiel. The next step is to send a cease & desist order, if the Commission wishes. Mr. Brownell suggested that Mr. Ventres have Attorney Branse send Mr. Corbiel a warning letter.

## **8. ADJOURNMENT**

**Motion by Mr. Curtin to adjourn at 9:42 p.m., seconded by Mr. Gillis, and carried by unanimous vote.**

Respectfully submitted,  
Holly Pattavina

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