

**PLANNING & ZONING COMMISSION/  
TOWN OF EAST HADDAM  
LAND USE OFFICE  
REGULAR MEETING MINUTES  
June 22, 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), Elizabeth Lunt (alternate member), Harvey Thomas (regular member), Louis Salicrup (Alternate), Anthony Saraco (regular member)

**COMMISSIONERS ABSENT:** Kevin Matthews (regular member)

Mr. Brownell appointed Mr. Salicrup to vote for Mr. Matthews this evening.

**OTHERS PRESENT:** James Ventres, Emmett Lyman, and approximately five other people in the audience

**3. MINUTES:**

Tabled

**4. BILLS**

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
None		

Mr. Brownell asked why the heading information, including the phone numbers, hours, etc. was printed on each legal ad, and if this cost more. Mr. Ventres will check into this.

**5. ACKNOWLEDGMENTS AND SET HEARING DATES**

**A) Proposed acceptance of the Rotary Pond property under Section 8-24 of the Connecticut General Statutes**

Mr. Ventres stated everyone should have received a copy of the Rotary Club's letter. Mr. Brownell questioned the parcel size of 3.5 acres. He believed the parcel was 5.46 acres. Mr. Ventres stated the deed reference was likely 3.5 acres. Mr. Ventres stated he would check the surveys from the Goodspeed project to see what acreage is there.

It was noted that this was the park and pond in the village, near the Goodspeed Opera House parking lot.

Mr. Thomas stated if this was accepted, that the use somehow be restricted to a public park. Mr. Saraco suggested that there be some mechanism for review if they decided to change the use in the future. Mr. Curtin stated that nothing was really unchangeable. Mr. Ventres stated he could bring in the wetland flagging. He stated that at one time, they had applied for public restrooms. He stated he would bring those plans for review by the Commission. Mr. Thomas asked if they could superimpose the wetlands delineation onto this map. Mr. Ventres stated the entire area was floodplain, and then there were wetland soils. Mr. Brownell asked if the entire site was wetlands, if they could install public restrooms there. Mr. Ventres stated that it was approved before. The Commission discussed deed restrictions, etc. Mr. Ventres read the language of the deed restrictions.

The Commission discussed dates.

**Motion by Mr. Curtin to schedule a public hearing for July 13, 2010 to hear the proposed acceptance of the Rotary Pond property under Section 8-24. Seconded by Mr. Matthew and carried by unanimous vote.**

## **6. LOT LINE REVISION**

**A) Application 10-09, Indigo Land Design, LLC, applicant, Robert and Clair Braverman, property owners, Shanaghan Road, proposed lot line revision. Assessor's Map 29, Lot 25.**

**First date: June 22, 2010**

**Last date: August 25, 2010**

No one representing the applicant was present at this meeting. Mr. Ventres stated that the engineer was going to be here this evening, but he and his wife had triplets this morning. Mr. Ventres stated he had a letter on file from the Attorney Edward M. Cassella. He read the letter into the record, to amend the subdivision application for a lot line revision, as one buyer wanted additional land. Mr. Ventres presented the plan to the Commission. He reviewed the lines the Commission originally approved, in addition to the new lines.

Mr. Brownell asked how much acreage each owner would have. Mr. Ventres stated that Lot 1 was 2.15 acres, and it would be 3.24 acres. Lot 3 was 2.09 acres, and now it would be 3 acres. Mr. Brownell stated this was in the R2 zone, so it could not be re-subdivided.

Mr. Thomas asked if the Commission granted the lot line change, if it would be done, or if it was contingent upon something else. Mr. Ventres explained that the Commission already approved 3 lots. It would not be official until it is filed on the land records. Mr. Thomas suggested then, that the Commission deny this application until the applicant comes back. Mr. Ventres stated the applicant could not sell it until they had a deed to write.

**Motion by Mr. Curtin to approve Application 10-09, Indigo Land Design, LLC, applicant, Robert and Clair Braverman, property owners, Shanaghan Road, proposed lot line revision, as applied for. Seconded by Mr. Matthew, and carried by unanimous vote.**

## **7. SITE PLAN REVIEW**

**A) Application 10-07, James Ingala, 75 Bashan Road, Site Plan Review to construct an addition to an existing home. Assessor's Map 58, Lot 101.**

**First date: June 22, 2010**

**Last date: August 25, 2010**

No one representing the applicant was present at this meeting. Mr. Ventres reported to the Commission that Mr. Ingala just put in a code compliant septic system. He has requested small, 330 square foot addition. The applicant also planned to change the height of the ranch-style home, and to add a cat walk.

Mr. Ventres stated that the applicant, when he installed the septic system, had received a special exception from the Public Health Code for the separation of the well. Mr. Ventres stated there was no real place to put the well. He spoke with Ms. Davidson, and Mr. Ventres stated without a Code compliant septic and well, the applicant cannot be granted approval for an addition. Mr. Ventres stated that the applicant plans to have his architect remove the addition from the plans, so there will be no additional square footage. The applicant still wants to change the roof line, and he plans to keep the cat walk at under 7 feet, for storage purposes.

Mr. Ventres stated the applicant requested this application be continued to the next meeting, and possibly to the meeting after that, so that he can get the changes done.

Mr. Matthew asked how many bedrooms exist currently. Mr. Ventres responded that it is 2-bedrooms, and it was to stay at 2-bedrooms, even with the addition. Mr. Thomas asked if the applicant would simply gain storage space from the change, to which Mr. Ventres responded affirmatively.

Mr. Brownell asked if the applicant increased the size of the septic. Mr. Ventres stated the size of the septic actually was increased with the new septic system to match what was required for a 2-bedroom structure. That was a requirement of the sale.

**Motion by Mr. Curtin to continue Application 10-07, James Ingala, 75 Bashan Road, Site Plan Review to the next regularly scheduled meeting. Seconded by Mr. Matthew, and carried by unanimous vote.**

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

## **10. ZEO REPORT**

Mr. Ventres reported that he had his first pre-construction meeting with the Goodspeed Opera House regarding the Village project. When Mr. Ventres receives the schedule, he will forward it to the Commission. He stated the Goodspeed was moving forward with the project. He anticipated constant activity from this point forward.

Mr. Brownell questioned why the Goodspeed took down so much vegetation on the hillside, near the Lone House. Mr. Ventres stated they had grading in the back of the plan. Mr. Brownell and Mr. Curtin voiced surprise about this clearing. Mr. Ventres stated it was on the plan, under the limits of clearing. Mr. Brownell asked who the contractors were for the building. Mr. Ventres stated he did not have a list yet, but the applicant is to provide him with a list of contractors who will be there.

Mr. Ventres informed the Commission that he received a letter from the DEP about a violation at Shagbark. The violation was reported to the DEP in January, and the DEP sent Mr. Ventres a letter on June 10. Mr. Ventres stated there was a stack of wood. Mr. Ventres and Mr. Puska inspected the site and found an open brush pile. Mr. Ventres stated that it was his opinion that as long as the pile was not buried, it was not an issue.

Mr. Ventres advised the Commission that Mr. Lipka has been given 30 days in which to remove junk vehicles.

Mr. Ventres stated he had a conversation with Mr. Corbiel about working from the street backwards.

Mr. Brownell asked if Mr. Ventres had spoken with the people at the new restaurant at the corner of Route 82. Mr. Ventres stated he had not yet.

Mr. Brownell asked when the middle school conversion project will be coming to the Commission. Mr. Ventres stated at the next meeting, he should have 90% of the development plan. He gave an update of the progress/status. He stated that the bid specs are due around July 31, 2010.

Mr. Thomas noted that in their packets, they had information from Siting Council on the two cell towers. Mr. Ventres stated the meeting was continued. A couple of neighbors have hired attorneys. The Commission discussed the history of cell tower approvals in town.

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

## **8. PUBLIC HEARING**

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

**A) Application 04-10 Mark McWilliams, Subdivision Review for a proposed 3-lot subdivision, Clark Gates and North Moodus Roads. Assessor's Map 74, Lot 7.**  
**First date: June 22, 2010** **Last date: July 26, 2010**

Tape change (1B)

Mr. Gene Robida, P.E., from Robida Engineering, LLC addressed the Commission. He submitted 3 sets of revised plans, which had been revised pursuant to Chatham Health District's comments. He stated he had minor changes. He stated he had three copies of the approval letter from the Chatham Health District. Mr. Ventres noted that he had a copy of this letter.

Mr. Robida stated on June 7, 2010, they sent out certified mailings to 16 abutting property owners. Fifteen were claimed, and he submitted the green, certified cards to Mr. Ventres. He stated the signs were posted on North Moodus and Clark Gates Roads on June 10. This application received approval from the IWWC on April 20, 2010.

Mr. Robida reviewed the parcel. The property is approximately 400-feet deep and 2800 feet long. There is an existing 4-unit building, and an existing single family home. This application is for a 3-lot subdivision. There will be the existing lot, plus two additional lots. He reviewed the area that would be dedicated to open space.

Mr. Robida explained that one lot would be 5 acres. There would also be a 6-acre parcel dedicated to the East Haddam Land Trust. Another lot would be 4.2 acres, and the second would be 6.8 acres, both accessed off Clark Gates Road. Mr. Robida reviewed the drainage, and explained that the entire parcel drains to the east, to a wetland complex. There is an intermittent watercourse along the eastern portion of the property, which is then picked up by a culvert on Clark Gates Road. There is a cross culvert that picks up 7 acres of drainage off Clark Gates Road.

Mr. Robida indicated that Chatham wanted both reserve areas shown, and the septic tank locations for the reserve areas. He stated these were the major changes that were requested. They were not proposing any modifications to the 5-acre parcel.

Mr. Robida stated there is an active beaver problem on Clark Gates Road. A Commissioner asked about the remaining land. He showed the two lots that were proposed. He reviewed Lots 1 and 2. All of the stone walls, topographic features, etc. were listed on the plans. They conducted hydrologic testing, and found that there was not an increase of runoff due to their activity. They sized the culverts originally to be 18-inches in diameter, but decided to upgrade them to 24-inch culverts for both driveway crossings.

Mr. Robida stated they hired a consultant during the IWWC review, who suggested rip rap plunge pools for each. The consultant also suggested yearly inspections. The driveways are proposed to be gravel. The only impervious areas are the roofs for the two houses. They have some clearing, but the analysis for the site, it did not increase on the site; therefore, they did not propose any stormwater management features, other than the plunge pool. He reviewed the drainage for the impervious areas on both lots. No stormwater measures were proposed in those areas.

The primary and reserve septic areas were shown on the plans, and were approved by Chatham Health District. Mr. Robida stated they included on their plans the MBL areas. The limits of clearing were clearly shown on each plan. He stated he put a lot of thought into the layout of these lots. He also had conversations with the IWWC for the layout. He asked the Commission to review and approve this application.

Mr. Ventres read into the record a letter dated April 29, 2010 from the IWWC, which stated the application met the requirements of the IWWC. One comment made was that there would be on the final mylar, no activity shall occur within the 100-foot upland review area, or the wetlands, without first being reviewed by the IWWC.

Mr. Ventres read into the record a letter from Chatham Health District dated June 22, 2010. The application meets the site suitability for the Public Health Code. Building lots will have to be reviewed at the time of the building permit application.

Mr. Brownell asked about the culverts, particularly for 18-inch or 24-inch culverts. Mr. Robida stated during a site walk, it was suggested that they increase the size to 24-inches.

Mr. Brownell asked if there was a map showing other residents, as he was unfamiliar with the area. Mr. Robida reviewed the location of other neighbors. Mr. Brownell inquired as to the lengths of the driveways. Mr. Robida believed they were approximately 280-feet.

Mr. Gillis asked the status of the well shed on Lot 1. Mr. Robida stated it was not a well currently, and that it was abandoned.

Mr. Brownell opened the hearing to the public.

Mr. Thomas asked if the East Haddam Land Trust had agreed to this yet. Mr. Robida stated he had spoken with Mr. Ventres about this. Mr. Ventres stated he did not yet get a confirmation from Mr. Rob Smith, but he will contact Mr. Smith about this. Mr. Thomas noted that the site plan shows existing stone walls. He asked if the intention was to preserve the stone walls, to which Mr. Robida responded affirmatively. Mr. Thomas asked if they have accurate site lines. Mr. Robida confirmed that they had good site lines.

Mr. Bill Fay stated if they put in the lots, he asked if the runoff would run down into the lots. Mr. Robida stated the lots had at least 120-foot wooded buffer before it gets to the wetlands. Mr. Ventres added that the 100-foot buffer area does help remove most nitrogen, etc.

Mr. Bob Casner stated this was a very reasonable plan for this property. He was pleased with the plans for this development.

Mr. Gary Bogan asked what septic was presently in place. Mr. Robida stated there was an existing septic tank and leaching fields on file with the Town. He stated they located the approximate limits of the area. Responsive to inquiry from Mr. Bogan, Mr. Robida stated the Health District did perc tests in that location. They felt the area could handle two new areas. Mr. Bogan questioned the reason for 35 test holes. Mr. Robida explained the layout for the land, etc. Mr. Bogan stated this was the last green area in Moodus, and he voiced concern about the amount of wetlands this area would drain into. Mr. Bogan asked the Commission to give this application careful thought and consideration.

Mr. Bogan inquired about the access to the Land Trust property, he asked if there would be a walkway to the wetland. Mr. Robida stated people would have to cross the intermittent drainage swale. Mr. Bogan asked if there was a walkable area beyond that, as there was potentially a lot more open space behind the swale. Mr. Robida stated there were trees, but there was open area. Mr. Bogan voiced concern that there should be walkways.

Mr. Thomas questioned the drainage pipe. Mr. Ventres stated that Mr. Thumm reviewed this for the 24-inch pipe. Mr. Thomas questioned how much additional water would be coming out of that pipe. Mr. Robida stated their proposed modifications don't drain to either crossing. There would be no increase in runoff there. He stated it was suggested that the pipe be increased to 24-inch.

Mr. Brownell asked about the offset driveways. Mr. Robida stated they just placed these for review. Individual property owners may choose to revise the plans.

**Motion by Mr. Thomas to close the public hearing for Application 04-10 Mark McWilliams, Subdivision Review for a proposed 3-lot subdivision, Clark Gates and North Moodus Roads. Seconded by Mr. Gillis and carried by unanimous vote.**

Mr. Thomas asked what would happen if the East Haddam Land Trust did not accept this parcel of open space. Mr. Ventres indicated the State or the Town could accept it.

Mr. Brownell asked if the Commission wanted offset driveways, since the driveways were 300-feet in length. Mr. Ventres noted that the Commission could require that. Mr. Saraco disagreed, and believed some people would want to see their house from the road and driveway. Discussion ensued.

***Tape change (2A)***

**Motion by Mr. Curtin to approve Motion by Mr. Thomas to close the public hearing for Application 04-10 Mark McWilliams, Subdivision Review for a proposed 3-lot subdivision, Clark Gates and North Moodus Roads, with the following recommendation:**

- **The driveway for Lot 1 be reconfigured to buffer the house from the road.**
- **The conditions of the Chatham Health District be met.**

**Seconded by Mr. Matthew and carried by unanimous vote.**

Mr. Brownell asked about the budget, and the tape recorder. He stated it was very difficult to hear anything from the tapes. Mr. Ventres stated there was a push for digital. He will look into a new machine.

## **9. DISCUSSION**

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

Mr. Ventres distributed copies of the revised draft regulations. Mr. Ventres stated when last they met, they were ready to send the regulation to Attorney Branse for review, as well as Item B – filling in of test pit regulations.

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

The Commission discussed merging of lots. Mr. Curtin voiced concern about the draft regulation, with respect to height, etc. He stated he was not against creating regulations for merging, but this regulation seems to go beyond just merging lots. Mr. Matthew commented that these things were controllable at site plan review. Mr. Ventres stated there was no criteria right now for merging. A lengthy discussion ensued regarding merging lots. Mr. Ventres suggested that section “E” could be removed.

The Commission discussed merging various scenarios of merging lots, particularly around the lakes. They discussed the possibility of having an overlap of lots, and if so, setting a particular distance for the overlap. They also discussed possibly requiring special exception review for these types of mergers. Mr. Curtin and Mr. Gillis both indicated that the intent would be for better efforts to improve septic.

The Commission discussed seasonal use, from the draft that Mr. Ventres had prepared. There was a brief discussion about the CT Water Company. Mr. Ventres believed that CT Water Company turned the water back on for the season once they had the staff to do so. Mr. Curtin questioned with the proposed revised dates, particularly for campgrounds, the neighbors might have concerns about the extended dates. Mr. Ventres stated he would search the website to see when the campground officially opened for the season. Mr. Thomas suggested adding references to indicate consistency with the Plan of Conservation and Development.

Mr. Thomas questioned the back page of the regulation 15.146, Chatham has approval over this regulation. Mr. Ventres stated that should be that the Commission shall have a report filed by the Chatham Health District as to suitability for compliance with the State Health Code.

Mr. Ventres researched other towns/states, and discovered that East Haddam is one of very few communities that has campground regulations.

The Commission discussed buffers. Mr. Ventres suggested marking various buffer depths.

### **Tape Change (2B)**

The Commission discussed buffers. Mr. Curtin noted that it was 25-50. The residential proposal is 100-feet, which could be reduced to 50-feet. The agricultural buffer is 200-feet, and could be reduced to 100-feet. The Commission discussed the Acorn Drive subdivision, and Mr. Matthew stated that the first lot would be gone, under this regulation. They discussed various subdivisions. Mr. Curtin inquired about small subdivisions on existing frontage. He asked how this would work. The Commission talked about various types of housing and buffering.

Mr. Brownell stated when the regulations were done 8 years ago, they were done well. He suggested the numbers might need to be revised a bit, but they did not need to be completely redone.

Mr. Curtin asked if the agricultural buffer was simply to buffer the farms from the residential houses, to which the response was yes. Mr. Thomas inquired about farms versus orchards. Mr. Ventres stated they would have to be in the same category, due to spraying, etc. Mr. Curtin asked about the many people now who have mini farms. Mr. Ventres read the definition of a farm, in the regulations. The definition excluded dog kennels, cattle feed lots. Mr. Curtin asked about a Christmas tree farm, and if that would need to be buffered. Mr. Ventres noted that the “primary” use of the land must be for farming. The Commission discussed Staehly’s farm, the Allegra farm, etc. Mr. Curtin stated he was not against buffering at all, but he believed they needed to make sure the Commission can apply it so it makes sense. They need to make sure they can apply it correctly.

Mr. Saraco agreed with Mr. Thomas’ earlier suggestion that the language should read a set number, unless the applicant comes to the Commission to explain why a lesser buffer should be allowed. Mr. Ventres noted that even tree farms could end up with herbicide spraying, etc.

Mr. Thomas referred to the 4<sup>th</sup> section, and pointed out various typographical errors and grammatical edits.

Mr. Ventres advised the Commission that the Town of Marlborough was following the Salmon River watershed management plan to require everything undergo engineering review. He distributed documents pertaining to this.

Mr. Thomas stated that several of the regulations discussed tonight need minor “tweaking”. He asked about a timeline. Mr. Brownell suggested a public hearing be scheduled by the end of July. He noted that Mr. Ventres would be out for the first meeting in August. Mr. Ventres noted that August has five Tuesdays. The Commission could set a public hearing on August 27 or in September.

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

Mr. Ventres suggested the Commissioners drive down Eli Chapman Road, as there is an outdoor wood burning furnace. He stated one of the neighbors filed a complaint with the DEP. The homeowner is running the furnace 24/7. The DEP came in last week, and they will require the property owner to install a higher smoke stack.

Mr. Saraco asked the status of outdoor wood burning furnaces. Mr. Ventres stated he had sent each Commissioner information from the Town of Killingworth. Mr. Brownell stated the Commission had discussed separation distances from the property lines. Mr. Ventres reviewed Killingworth’s separation distances, and he noted they limited the use from September 15 to June 1 each year.

Mr. Brownell asked if the Commission wanted to look at eliminating the outdoor wood furnaces, or regulating them. Mr. Thomas believed they could be eliminated. Mr. Curtin believed they should be regulated, as Middlesex County was a big wood burning area. Mr. Matthew and Mr. Gillis were both interested in regulating them. Mr. Brownell stated he would like to see them regulated.

Mr. Curtin suggested the Commission could set a separation distance from property lines. Mr. Brownell suggested they also restrict summer use. Mr. Ventres recommended requiring 500-feet from a school, as Killingworth does.



## **11. ADJOURNMENT**

**Motion by Mr. Curtin to adjourn at 10:35 p.m., seconded by Mr. Thomas, and carried by unanimous vote.**

Respectfully submitted,

Holly Pattavina  
(Transcribed from tapes only)