

**PLANNING & ZONING COMMISSION  
TOWN OF EAST HADDAM  
LAND USE OFFICE  
REGULAR MEETING MINUTES  
September 14, 2010  
(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:** Cary Brownell – Chairman (regular member), James Curtin (regular member), Bernard Gillis (regular member), Elizabeth Lunt (alternate member), John Matthew (regular member), Kevin Matthews (regular member), Harvey Thomas (regular member),

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

Mr. Brownell appointed Ms. Lunt to vote for Mr. Saraco this evening.

**OTHERS PRESENT:** James Ventres, Emmett Lyman, and approximately 13 townspeople were present.

**3. MINUTES:**

The minutes of the August 24, 2010 meeting were accepted with the following amendments:

- Page 4, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence: change to read "...equipment, windmills...."
- Page 5, 5<sup>th</sup> paragraph, 1<sup>st</sup> sentence: Add "on Town Street" after "Allegra Farms property"

**4. BILLS**

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
Suburban Stationers	3542713-0	\$34.97
Branse, Willis, and Knapp (review of regs, solar energy options, etc.)	1175.85263	1160.00

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

## **5. ACKNOWLEDGMENTS AND SET HEARING DATES**

**A) Application 10-10, Hadlyme Hills, LLC, Franklin Academy, 14 River Road, Special Exception Review for the placement of portables on the property. Assessor's Map 9, Lot 28.  
First date: September 14, 2010 Last date: November 17, 2010**

No one representing the applicant was present at this meeting. Mr. Ventres presented the plan to the Commission. He explained that this was an application for the Franklin Academy to relocate the East Haddam Middle School portables. The lot coverage is slightly exceeded, and the applicant will go before the ZBA for review and a variance. Mr. Ventres recommended a public hearing be scheduled for the second October meeting, so the applicant has time to make any necessary revisions.

**Motion by Mr. Curtin to set public hearing on October 26, 2010 for Application 10-10, Hadlyme Hills, LLC, Franklin Academy, 14 River Road, Special Exception Review for the placement of portables on the property. Seconded by Mr. Matthews, and carried by unanimous vote.**

**B) Application 10-11, Kip and Mary Kollar, property owners, 7 Connecticut River Road, replacement of existing dwelling, and installation of new well and leach field. Assessor's Map 8, Lot 4.  
First date September 14, 2010 Last date: November 17, 2010**

No one representing the applicant was present at this meeting. Mr. Ventres presented the plan to the Commission, which called for the existing structure to be torn down, and re-built to current Building Code and FEMA regulations.

**Motion by Mr. Curtin to add to the agenda Application 10-11, Kip and Mary Kollar, property owners, 7 Connecticut River Road, replacement of existing dwelling, and installation of new well and leach field. Assessor's Map 8, Lot 4. Seconded by Mr. Gillis, and carried by unanimous vote.**

**Motion by Mr. Curtin to schedule a public hearing on October 12, 2010 for Application 10-11, Kip Kollar, 7 Connecticut River Road, replacement of existing dwelling, and installation of new well and leach field. Assessor's Map 8, Lot 4. Seconded by Mr. Matthews, and carried by unanimous vote.**

**C) Application 10-13, Town of East Haddam, 1 Plains Road, Special Exception Review and 8-24 referral for the conversion of the old middle school into a town office complex. Assessor's Map 56, Lot 38.**

**Motion by Mr. Curtin, seconded by Mr. Thomas, and carried by unanimous vote to add the middle school conversion project to this evening's agenda.**

Mr. Ventres stated the Middle School Conversion Committee has received the new plans and they are 95% complete. He reviewed the plan briefly, which included a small addition for a vault, removal of a shed, and reconfiguration of the parking areas. The front area will be reinforced turf, the purpose of which will be for a fire lane, but which will not be used for day-to-day parking. There will be some changes to the access to the gymnasium. The drainage reports are being reviewed by Mr. Curtis, and the septic is being reviewed by Chatham Health District.

Mr. Ventres asked the Commission if they would like large or small plans. Mr. Curtin believed the Commission only really needed the site plan. Mr. Brownell requested copies of the plans presented.

**Motion by Mr. Curtin to schedule a public hearing on October 12, 2010 to hear Application 10-13 Town of East Haddam, 1 Plains Road, Special Exception Review and 8-24 referral for the conversion of the old middle school into a town office complex. Assessor's Map 56, Lot 38. Seconded by Mr. Gillis, and carried by unanimous vote.**

## **6. SITE PLAN REVIEW**

**A) 11-07, 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: October 28, 2010**

No one representing the applicant was present at this meeting. Mr. Ventres stated that architectural drawings are being reviewed by the Chatham Health District right now.

**Motion by Mr. Curtin to change order the order of the agenda, seconded by Mr. Matthews, and passed by unanimous vote.**

## **9. ZEO REPORT**

Mr. Ventres stated he received a letter today, as well as a packet of pictures for placement of a solar panel. The structure is 19-ft. x 30-ft. He treated it as a structure, but there have been complaints from neighbors. Mr. Ventres passed the packet, which included photographs, around for the Commission to review. Mr. Ventres has asked the person to email the information to him. Mr. Ventres commented that there could have been a structure in this location, had the owner wished to build something rather than install solar panels.

Mr. Ventres informed the Commission that the package store on Norwich Road has been a package store since before zoning existed. The owner came to Mr. Ventres with an application for two additional downspash lights. Mr. Ventres asked the Commission if they would like him to handle this in his office, or if the Commission wanted A Special Exception application and the opportunity to review it.

Mr. Gillis asked if the lighting would be compliant. Mr. Ventres stated it would have to be compliant, and he had given the storeowner some information on lights. Mr. Ventres stated there have been some lighting issues in this area.

Mr. Brownell stated if the applicant could agree in writing to change the fluorescent lights that are existing, they could be saved the expense of the full application process. Mr. Gillis agreed that if the troublesome lights could be remedied, he was amenable. Mr. Brownell suggested the existing and new lights could be put on a timer, so they do not remain lit all of the time. Mr. Gillis asked if there were any objections, but no one raised any.

The Commission revisited the solar panel issue just discussed. Mr. Curtin stated this could have been a two-family structure with solar panels on the roof.

Mr. Ventres reported that Mr. Corbeil has been making progress.

Mr. Brownell stated he received a letter from the CREC for an upcoming seminar.

Mr. Brownell asked about the Siting Council, and the status since AT&T had received approval on one site for the cell phone tower, but not the other. Mr. Ventres stated nothing has officially come from the Siting Council as far as additional hearings, etc.

Mr. Brownell questioned the status of the Orchard Road lawsuit. Mr. Ventres stated a trial date has not yet been assigned.

Mr. Brownell asked if there was anything new on the Petticoat Lane issue. Mr. Ventres stated he has heard nothing else since the removal of the cars.

## **8) DISCUSSION**

The Commission discussed the draft regulations for accessory units. They reviewed various areas and acreage requirements.

The Commission discussed multi-family units. Mr. Curtin believed the definition of bedroom should follow the Public Health Code, and it should not be re-defined. Mr. Matthews concurred. The Commission was ready to check this off the list.

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

## **7) PUBLIC HEARING**

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

**A) Application 05-10, Rodney Davis, applicant, Harry Kennedy, property owner, 107 Warner Road, Subdivision Review for a proposed 4-lot subdivision. Assessor's Map 41, Lot 3.**  
**First date: September 14, 2010** **Last date: October 18, 2010**

Mr. Chris Bell, P.E. addressed the Commission on behalf of the applicant. He presented a plan to the Commission, and explained that this was the first phase of the subdivision. The applicant would like to break off the three lots on Warner Road, for financial purposes.

Mr. Bell stated there were no wetlands or zoning issues with these three lots. The rest of the land would remain. He stated these would be 2-acre lots. He pointed out that there were no issues with depth to groundwater or ledge on these lots. The driveways were relatively level with the road. He noted the only comment from the prior application was regarding flows from the house and driveway. To remedy this, he added a dry swale to the plan. Mr. Bell stated there was a 225-foot sight line on Lot 2.

Mr. Bell stated the second set of lots (Lots 4 and 5) on Warner Road, had comments previously to set the houses back farther from the road, in order to maintain a more rural character.

### ***TAPE CHANGE (1B)***

Mr. Bell stated there is a wetland buffer on Lot 4. Comments were to add a water quality feature on both of these lots; therefore, he added a dry swale to the plans. The required sight distance was 165 feet. In order to accommodate this, they would have to do some clearing of brush along the road. They would also have to move some of the stone wall back slightly. This was noted on the plan. They had the 165-foot sight line on Lot 5.

Mr. Bell stated he tried to offset the house a bit from the driveway, so it would not be as visible from the road. Mr. Bell stated they went to Wetlands Commission last month, and the Commission found no issues with the plan.

Mr. Bell stated he received comments from Nathan Jacobson and Associates today. He stated that most of the comments had to do with words to be added. Mr. Bell stated the Town engineer wanted stormwater calculations. Mr. Ventres agreed that many of these comments could be accomplished with one revision to the plans.

At Mr. Brownell's request, Mr. Bell briefly went through the comments from NL Jacobson.

Mr. Ventres read into the record a letter from the IWWC dated 8/31/2010, which stated the application met the requirements, provided that all of the stone walls are clearly noted and maintained for definition of property lines and separating wetlands, and that no activity shall occur in the upland review area on Lot 4.

Mr. Ventres stated he was waiting for the Chatham Health District review letter, so this application would have to be continued.

Mr. Matthews asked the surface of the driveways. Mr. Bell stated they would be gravel, except for the bituminous aprons.

Mr. Matthew asked if Mr. Bell would comply with all of the NLJ comments. Mr. Bell stated he had to ask about the grading, as he did not believe he needed additional grading, but he would comply with what was required.

Mr. Matthew asked if this was the first phase. Mr. Brownell asked what the plans for Phase 2 were, as they needed to make sure the first phase would not interfere with the second phase. Mr. Bell stated it would be the same as it was previously.

Mr. Brownell opened the hearing to the public.

Mr. Warren Bellows, Oriole Road, asked if these four lots were part of the original lots presented last year. Mr. Bell showed the three proposed lots, plus the existing lot.

Mr. Gillis asked if the Commission was not looking at the second phase at this time. Mr. Ventres stated the IWWC asked the same question, as they had to look at whether the first phase would require a wetlands crossing, etc. He stated the P&Z Commission had to look at whether the first phase would eliminate obvious access points, etc.

**Motion by Mr. Gillis to continue Application 05-10, Rodney Davis, applicant, Harry Kennedy, property owner, 107 Warner Road, Subdivision Review for a proposed 4-lot subdivision until October 12, 2010. Seconded by Mr. Matthews, and carried by unanimous vote.**

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

**B) Application 07-10, Zito Builders, Inc., Moodus-Leesville Road, Subdivision Review for a proposed 2-lot subdivision. Assessor's Map 64, Lot 69.**  
**First date: September 14, 2010** **Last date: October 18, 2010**

Attorney Scott Jezek and Joseph Wrenn, P.E. addressed the Commission.

Attorney Jezek submitted the green, certified cards to the Commission, with the exception of one. He noted that two notices were sent to the Cemetery Association representatives, but both were undeliverable. He submitted the two returned letters to the Commission.

Attorney Jezek asked the Commission to consider rebating the application fees for this second application filing.

Mr. Wrenn addressed the Commission and reviewed the proposed plan. He noted that two signs were posted on the property. This is for a two-lot subdivision on 5 +/- acres of land. There would be a free split of 1 acre, and the remaining 4 acres would be equally split.

This application has changed from the prior application, and it is currently for two 3-family units. It was previously for two 4-family units. Mr. Wrenn recalled that a planted buffer was very important during the last application, and they have added a buffer of 74 evergreen shrubs, in addition to the existing buffer.

Mr. Wrenn indicated they have coordinated with the CT DOT regarding the sight lines. They were able to show that they could achieve 310-feet to the east from the Parcel C driveway, and 300-feet to the west. From B to the east, they show 300-feet, and 280-feet minimum to the west. He stated there is a copy of the DOT approval letter in the file.

Mr. Wrenn stated there had been a concern about the turning radius. They have changed this to flatten the area for turning.

There had been concerns about parking on the street. They added as much parking to the site as possible. Each unit will have two spaces. They also have four parallel and four perpendicular parking spaces on site. They added mailbox locations, subject to review by the postmaster. There will be no proposed garbage dumpster on the property. The units will have roll-away garbage cans that will be housed in the garages, and only brought out on the day in which the garbage will be picked up.

Mr. Wrenn stated the buildings were further away from the property line than what was originally proposed. The drainage will essentially remain the same as it did on the previous application. They received a letter from the IWWC a few months ago, approving it with conditions. They have a letter from Chatham Health District, which stated they reviewed the plan, and that all of the previous comments had been addressed. Chatham made some minor comments that could easily be addressed when they come back.

Mr. Wrenn stated there were several review comments from NLJ. Mr. Wrenn reviewed the comments. Comment 1.A.f. recommended a change in plantings per Ms. Sharp's review letter. Mr. Wrenn stated they are not going to do that, as they plan to change the type of basin per Mr. Curtis' comment. Mr. Wrenn stated that Attorney Jezek would likely handle item B.1.c. for the text.

Mr. Wrenn stated for Item 2.c, they will estimate the cuts and fills and get them to the Commission. Regarding Item 2.e., there are some areas of 20% slopes or greater. He stated they have submitted architectural plans as part of the record, but they are building the units into the slope. Item 2.f., this was a simple omission. Item 2.g. they have added parking. Mr. Wrenn stated there was a comment on the prior application for fire consideration, but he was not sure now that the units have been reduced, if this would be needed.

### ***TAPE CHANGE (2A)***

Responsive to Mr. Brownell's request, Mr. Wrenn briefly reviewed the items that dealt with the subdivision.

Mr. Ventres read into the record the August 28, 2009 approval letter from the IWWC recommending that the approval be in with compliance with the Connecticut Stormwater Quality Manual, evaluation of the drainage requirements, incorporate a conservation easement to protect the brook, and incorporate Penny Sharp's letter since many comments come under P&Z purview.

Mr. Ventres read into the record a letter dated September 1, 2010 from the DOT. This letter granted approval, with bonding requirements and fees.

Mr. Ventres read into the record a letter dated August 30, 2010 from Chatham Health District, with comments. They stated changes should be made and re-submitted for review.

Mr. Ventres read into the record an email dated September 13, 2010 from Brian Curtis.

Mr. Ventres stated today, this is simply a subdivision review for the two lots. After this has been dealt with, they will have to come in for the site plan review.

Mr. Matthew stated the difficulty was with the buffering. Mr. Wrenn stated the buffer was 25-100 feet. He stated they have added 74 evergreen trees.

Mr. Matthews asked the size of the buildings. Mr. Wrenn responded that the buildings were 28-ft. x 36-ft. Mr. Ventres stated typically, for subdivision review, the Commission should look at only subdivision requirements at this point. Mr. Curtin stated they need to look at them only as two buildable lots at this point. He noted that the applicant would have to come back to show what he plans to do with the lots, once the two lots have been approved.

Mr. Gillis recalled a comment from Ms. McKeon regarding the 85<sup>th</sup> percentile for vehicle speed. Mr. Wrenn stated he met with the DOT, discussed the options, and relocated the driveway location. He stated the minimum DOT sight line is 280 feet, and they exceed that, so they received DOT approval. Mr. Ventres stated in Mr. Curtis' comments, he had not received the DOT's recent letter.

Mr. Matthew asked if there were any safety issues relating to the steep slope. Mr. Ventres stated this will be a dry swale, except when it rains. He stated there are basins throughout the town. Responsive to inquiry by Mr. Ventres, Mr. Wrenn stated there was a mixture of 2:1 and 3:1 slopes on the plan.

Mr. Wrenn stated there were some maple trees in the sloped area. A few of them would have to be removed. Mr. Matthew stated this would be a steep area, and children could be playing in this area. Mr. Wrenn stated in the R ½ zone, they can have multi-family units. He stated that people who were concerned would not have to buy in, or rent these units if they were concerned.

Mr. Brownell opened the hearing to the public.

Mr. Robert Smith voiced concern about the 3-family units adjacent to him. He stated the 25-mph was just a suggested limit, as there is a yellow posted sign. He stated since the bridge has re-opened, there has been an increase in speeding on this road. He did not believe these units would be well maintained. He stated he was building a new house down the street, and he did not want his property de-valued because of this.

Mr. Ron Kostoss, 75 Leesville Road, voiced concern about the 3-family units. He stated 75 trees are nice, but the deer will eat them quickly. He stated if this does go through, he would like additional trees planted in



the driveway area. Mr. Kostoss stated his brother lives at 69 Leesville Road, and his father lives at 71 Leesville Road.

Mr. Brownell asked if the Commission was waiting for any information. Mr. Ventres stated they had the engineer's comments, IWWC comments, and septic comments.

Mr. Matthew stated he needed to be convinced that this was safe. The Commission discussed the site. Mr. Wrenn stated that the DOT went out to this site, and they approved the plan submitted as shown. Mr. Wrenn stated he would be happy to add a few more plantings. He stated there is a stand of 9 maples that will be saved.

Mr. Brownell asked if the Commission was ready to close the public hearing for the subdivision part of this plan. Mr. Thomas, Mr. Curtin, and Mr. Gillis were ready.

**Motion by Mr. Thomas, seconded by Mr. Matthews, and passed unanimously to close the public hearing for Application 07-10, Zito Builders, Inc., Moodus-Leesville Road, Subdivision Review for a proposed 2-lot subdivision.**

Attorney Jezek asked if Mr. Sprecher's application would be discussed tonight, as it was not on the agenda. He stated the matter was scheduled for September 28 for a public hearing. When the application was acknowledged, he stated he asked for time before the public hearing to bring up one issue. Mr. Curtin suggested they could add it to the agenda. Mr. Brownell stated he would like the Commission to finish the current discussion.

Discussion on Application 07-10, Zito Builders: Mr. Curtin stated the Commission must decide if this could be two legal lots. Whether or not they can do what they want to do on the lots could be addressed at the site plan hearing.

Mr. Gillis wished there was more clarity, as far as knowing what was going on. The Commission asked whether approving this as two lots could be interpreted as an approval for the multi-units.

**Motion by Mr. Curtin to approve Application 07-10, Zito Builders, Inc., Moodus-Leesville Road, Subdivision Review for a proposed 2-lot subdivision with the following conditions:**

- All requirements of the Chatham Health District must be met.
- All IWWC requirements shall be met.

**Seconded by Mr. Gillis, and carried by unanimous vote.**

**Motion by Mr. Curtin, seconded by Mr. Matthews, and carried by unanimous vote to add to the agenda the application of Averum Sprecher, Parker Road.**

Attorney Jezek addressed the Commission. He stated this was an application for a subdivision off Parker Road. Mr. Sprecher had proposed culverts added under the driveway cuts. Mr. Curtis of NLJ went out and made a determination that the drainage ought to be contained within a culvert. The design engineer for Mr. Sprecher made the revision to the plan. Attorney Jezek stated that he would like to make clear that the

applicant is not going to contribute to the cost of this culvert. He stated the problem exists today as is. He suggested the Commission talk with Mr. Curtis before this public hearing. He submitted to Mr. Ventres a set of plans for this.

***TAPE CHANGE (2B)***

Attorney Sprecher stated this property has been in his family for his entire life. They used to hay this area. On the other side of the property was unimproved land, which has since been subdivided. He stated since the two subdivisions across the road have been created, the road has slanted toward his property. Town grading has contributed to erosion on the level area of his property. He stated he has also researched this issue, and the Town is responsible for this work. He stated he was not adverse to working with the Town in some way on this issue.

Attorney Jezek stated he met with the First Selectman regarding this issue, and he believed the First Selectman essentially tossed it back to the Planning & Zoning Commission.

Responsive to inquiry by Mr. Curtin, Mr. Ventres stated that Mr. Curtis, Mr. Thumm, the applicant's engineer, and Mr. Sprecher met. Mr. Ventres was not present at this meeting. Mr. Ventres stated that both sides should look at what the costs would be. Mr. Ventres believed this should be determined by the Public Works Department and the Board of Selectmen.

Attorney Jezek stated the new plans included some pre-cast structures that could possibly be phased in. He stated the engineer would speak more about this at the public hearing.

Mr. Brownell asked if this could be done within two weeks. Mr. Ventres stated he would send these plans to Mr. Thumm and Mr. Curtis. Mr. Curtin stated he would not put catch basins in, since Parker Road is a dirt road.

Attorneys Jezek and Sprecher thanked the Commission for its time.

Mr. Thomas stated presumably, if this is different from what Wetlands looked at, they will have to look at it again. Mr. Ventres stated he could bring this to the IWWC before the meeting.

Mr. Thomas excused himself from the meeting at 10:00 p.m.

**DISCUSSION (continued Item 8)**

The Commission continued their discussion about accessory units and affordable housing, which would include deed restrictions. It was noted that this was just a suggestion by Attorney Branse. The consensus of the Commission was that they did not want to do this deed restriction for accessory units. It was noted that there were three levels of accessory units.

Mr. Curtin asked how many bedrooms could be in a multi-family structure. He noted that the regulation stated 1 or 2 bedrooms. Mr. Ventres stated that has been the regulation since the 1960's.

The consensus of the Commission was that accessory units should be done by special exception review. They reviewed the requirements for accessory units again. The consensus of the Commission was that they were ready to simplify this draft.

Campground Regulations:

Mr. Ventres distributed draft regulation changes.

Mrs. Ziobron asked if the Commission planned to ask for input from the existing campgrounds. She also asked for a timeline.

Mrs. Ziobron stated she wanted to see the signage regulation. Mr. Brownell stated the Commission has heard nothing on signage. Mrs. Ziobron stated they have been working on the signage regulations for months. It has just not gone to the Commission yet.

The Commission will add signage, buffering, and campgrounds to the open list for review and discussion.

Mr. Brownell believed the Commission would discuss campgrounds during either the September 28, or October 12, 2010 meetings.

**10. ADJOURNMENT**

**Motion by Mr. Matthews to adjourn at 10:37 p.m., seconded by Mr. Matthew, and carried by unanimous vote.**

Respectfully submitted,

Holly Pattavina