

**PLANNING & ZONING COMMISSION/
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
September 28, 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), Louis Salicrup (Alternate), Anthony Saraco (regular member) arrived at 7:23 p.m.

COMMISSIONERS ABSENT: Harvey Thomas (regular member)

Mr. Brownell appointed Ms. Lunt to vote for Mr. Thomas, and Mr. Salicrup for Mr. Saraco this evening.

OTHERS PRESENT: James Ventres, Emmett Lyman, and approximately 10 townspeople were present.

3. MINUTES:

The minutes of the September 14, 2010 meeting were accepted with the following amendments:

- Page 2, move the first motion under Item B to appear before the heading for Item B.
- Page 3, Item 6 motion: Strike “order” that appears after “change”
- Page 4, 2nd paragraph: Change “two-family” to “two-story”
- Page 9, last motion: Add “discussion on” after “agenda”

4. BILLS

<u>Vendor</u>	<u>Amount</u>
NL Jacobson (Parker Road subdivision)	\$56.45

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

5. ACKNOWLEDGMENTS AND SET HEARING DATES

None

6. LOT LINE REVISION

A) Application 10-12, Gary Bernard, 28 O'Connell Road, proposed lot line revision. Assessor's Map 85, Lot 14.

First date: September 28, 2010

Last date: December 1, 2010

No one representing the applicant was present at this meeting. Mr. Ventres presented the plan to the Commission, and reviewed the proposal to square off one lot. Both lots will still be conforming to zoning regulations.

Motion by Mr. Curtin to approve Application 10-12, Gary Bernard, 28 O'Connell Road, proposed lot line revision. Seconded by Mr. Gillis, and carried by unanimous vote.

7. SITE PLAN REVIEW

A) Continued: 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: October 28, 2010

No one representing the applicant was present at this meeting.

Motion by Mr. Curtin, seconded by Mr. Gillis, and passed unanimously to continue Application 10-07, James Ingala, 75 Bashan Road, Site Plan Review to construct an addition to an existing home, until the next regularly scheduled meeting.

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

10. ZEO REPORT

Mr. Ventres reported that the Siting Council had approved both sites for the cell towers, not just one as had been reported at the last meeting. There was an error on the Siting Council's website that only listed the Ed Williams Road, but Mr. Ventres received clarification that both sites were approved.

Mr. Ventres stated that the Moodus Reservoir was scheduled to be drained in early September. There has been a delay in scheduling, tree removal, piping, etc. Mr. Curtin and Mr. Matthews reported that the trees were taken down today. Mr. Ventres was told the new date would be October 1.

9. DISCUSSION

Mr. Brownell discussed signage. He stated the subcommittee members should contact the EDC. Mr. Gillis stated he reviewed the proposal. He asked why they essentially "spot zoned" three sites. He suggested the Commission look at Eddie's Auto Body. He believed if the Commission wanted to move forward with interior lit lights, they should look at other towns. Mr. Brownell stated he was not in favor of interior-lit

lighting.

Mr. Saraco believed it would be a good idea to reconvene the subcommittee to review the signage. It was decided that the P&Z's subcommittee and the EDC's subcommittee will go through Mr. Ventres to facilitate a meeting.

Mr. Ventres distributed a revised "Items for consideration or review 2010 – August 24, 2010 update". Mr. Brownell believed there were 6 regulations they were working on right now, and he suggested they finish the ones they were working on, finalize them, and then continue with another group. Mr. Ventres noted that there are currently 7 proposed regulation changes that are done. He indicated there are another 2 that are very close - buffering and the Gateway height regulations. Mr. Brownell suggested they add these two regulations to this group.

Mr. Ventres reviewed the process for notification, scheduling, and conducting a public hearing for regulation changes. Once the Commission has heard all of the testimony, they decide to close the public hearing, and then vote on it. Mr. Brownell suggested the Commission add signage.

The Commission reviewed the buffering regulation. Mr. Curtin believed some of the buffers were overkill, particularly the 200-foot for agricultural buffer. He stated he has 100-foot buffer for his gravel pit, and one cannot see through it during the summer. If 100-foot was planted, no one would be able to see through it year round. Mr. Gillis noted that the industrial park would be something that would need to be buffered. Mr. Ventres noted that currently, the regulation lists 50-100 feet. The draft has 50-200 feet. Mr. Ventres stated on some applications, the topography may necessitate a smaller or larger planting area. There was some concern from the Commission that this may scare some people away from various parcels. Mr. Brownell asked if any other towns have gone that high. Mr. Ventres stated he could get a list of other towns.

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

8. PUBLIC HEARING

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

**A) Continued: 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**

No one representing the applicant was present at this meeting. Mr. Ventres stated he spoke with our engineer, and Mr. Curtis had been in contact with Mr. Bell.

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

Motion by Mr. Curtin to continue until the next regularly scheduled meeting Application 05-10, Rodney Davis, applicant, Harry Kennedy, property owner, 107 Warner Road,

Subdivision Review for a proposed 4-lot subdivision. Seconded by Mr. Gillis, and carried by unanimous vote.

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

B) Application 06-10, Averum Sprecher, Parker Road, Subdivision Review for a proposed 3-lot subdivision. Assessor's Map 29, Lot 19.

First date: September 28, 2010

Last date: December 1, 2010

Attorney Scott Jezek addressed the Commission. He noted that this was a 4-lot subdivision – one free split, and three new lots. Attorney Jezek submitted the green, certified receipt cards to the Commission. He noted that one letter had not been picked up, but the recipient was present tonight – Mr. Peter Dean.

Mr. Richard Couch, P.E. addressed the Commission on behalf of the applicant. He stated this is a 65-acre parcel of land that will be split into 4 lots. They have completed soil testing for seasonal groundwater. They have completed soil testing with the Health District for mottling, and septic design. The surveyor was Robert Weaver. Wetlands were delineated by Mr. Richard Snarski. The plans were already approved by the IWWC.

Mr. Couch stated that driveway access, roof drainage, and stormwater runoff have been addressed. They do not have a letter from the Chatham Health District yet. The lots have been designed so that they meet the Commission's regulations.

Mr. Couch reviewed Mr. Curtis' comments. There was one comment that the driveway for Lot 2 would require removal of two large trees. The recommendation was to move the driveway to the North. Mr. Couch stated there would be no problem in doing this.

Mr. Couch noted that Parker Road has been graded so that there is some runoff. They proposed a concrete culvert to accommodate this. Mr. Curtis however, recommended a 15-inch pipe. Mr. Couch stated they could use a pipe, but there would be some additional grading required. Mr. Couch stated there was some question on Item 4, for a pipe versus the concrete culvert. He stated there is an intermittent stream that passes underneath where the proposed driveway is. They have shown a detail for the 15-inch pipe, but they also added a detail for the concrete culvert.

Mr. Brownell asked if there was a plan that showed the locations of the neighbors' homes. Mr. Couch stated they did not have a plan that showed the neighborhood houses. Attorney Jezek stated the nearest homes would be across the street.

Mr. Brownell asked what the proposal was for the remainder of the property. Attorney Jezek stated they would see what happened when the Commission revised its regulations on interior lots. Mr. Brownell asked if there was access to the rest of the parcel. Attorney Jezek reviewed the multiple access points. He stated if the new regulations are passed, they might have a viable parcel, or possibly not.

Mr. Ventres confirmed there was no Chatham Health District report yet.

Mr. Ventres read into the record the IWWC approval letter as well as the subdivision review. Mr. Ventres read into the record a letter dated September 28, 2010 from Mr. Brian Curtis of NL Jacobson & Associates. He also distributed copies of this letter to the Commission.

Mr. Matthews questioned page 3 of the NLJ, and asked if this was what the applicant was proposing. Mr. Matthew stated the applicant was proposing culverts. Mr. Ventres stated the Commission has seen three versions. Mr. Brownell asked if they needed to decide which to do. Mr. Ventres stated that what the applicant was proposing would work. He stated there would be a modest increase in runoff, and this was on a very rural road. Mr. Matthew stated that the NLJ report did not actually say it would work, and it would be beneficial to have something from NLJ to say that it would work. Mr. Ventres stated they could get this.

Mr. Ventres commented that the Chatham report was not in yet, so this would need to be continued anyway.

The Commission discussed the culverts. Mr. Ventres stated there is a lengthy ordinance on driveways. Mr. Curtin noted that if a driveway was put in and it created erosion issues, they would have to correct it.

Mr. Brownell opened the hearing to the public.

Mr. John Russell, Parker Road, voiced concern about the culverts. He stated this is currently a one-way road. Vehicles have to pull over for other cars to pass. He stated this area was extremely wet, and putting a basin here would be extremely difficult. He believed the Town would have to do something with the road. He stated that the UPS and Comcast vehicles have been stuck on this road. He believed this entire road needed to have drainage.

Mr. Russell asked if asphalt driveways were proposed. Mr. Ventres noted that the proposal was for asphalt aprons, but gravel driveways. Mr. Russell stated this would not work.

Mr. John Gilgosky stated this area has failed before. He noted that in the mud season, one cannot drive the road without 4-wheel-drive. He stated in wet seasons, the water just comes off the lots, into the swale, and down the road. He asked to where the drainage systems would drain.

Mr. Couch stated the houses were being proposed as slab on grade. There would not be a classic footing drain going into the street. The roof drainage would be taken into chambers. Mr. Gilgosky asked if fill would be brought in to raise this up, to which Mr. Couch confirmed there would be grading.

Mr. Gilgosky asked if the road would be widened. Mr. Ventres and Mr. Brownell explained that this was not within the Commission's purview.

Responsive to Mr. Gilgosky's question, Mr. Couch stated the original driveway locations have been relocated. The pins that are in place do not reflect the current layouts. He stated there was no plan to tear out the walls.

Mr. Peter Dean, Parker Road stated there was a piece of ledge that runs from the top of the hill. He stated water comes off the top of the road, and then drops. The only way to fix the top of the road would be to re-do

the whole road. He stated the road has been like this since he was a young boy. He stated the road water was the problem. He stated the ledge runs all through this area, and drains to the low spot where the walking path and the brook are at the bottom of the hill. Mr. Curtin asked if there was an objection at one point to paving Parker Road. Mr. Dean stated this was his mother.

Mr. Russell believed the issue remained with the swale going down the mountain still collecting the water from the ledge and the bank, to the bottom of the hill, where it crosses the road. To make it more difficult to maintain that is not what we should be doing. He believed this development would aggravate the area. He also did not believe this drainage would be handled by a 15-inch pipe. Mr. Russell stated they use a large grader to maintain that road.

Mr. Mike O'Brien, Parker Road, agreed with the other people about runoff, particularly in the spring. He stated there is major erosion in this area. He stated this is a concern for all of them. He wondered if the road would be widened, but he understood that was not part of this application.

Mr. Brownell asked if the Commission would like to walk this site, with the driveways marked. Mr. Sprecher stated he had no objection to the Commission walking the site. He stated he would not want to cut down the oak trees that exist there. He stated the driveways were placed so that headlights would avoid the windows. He asked that the Commission keep that in mind during their field walk. He suggested that if they had to cut through some of the high portions of the wall that the stones be used in the low portions, so that none of the stones would be wasted. He also suggested that some plantings could be used. Mr. Ventres noted that the driveways are located next to the telephone poles.

Mr. Couch replied to the concern that previous soil testing failures had occurred. He stated that preliminary testing before he was involved so that the depth to groundwater had not shown that there was 24-inches of unsaturated soil. He stated some of the depths were 23-inches. He stated they have done extensive testing, recorded with the Chatham Health District, throughout the property. That is how they determined the septic and the building designs.

Mr. Couch stated they have submitted a hydrologic analysis, which is with the Town's engineer, NL Jacobson.

Mr. Brownell suggested the Commission set a public hearing. Mr. Ventres reviewed the rules during an open public hearing and a field walk. He stated the only question people can ask during the site walk is where are they in relation to the map. He stated that any questions or discussion must happen here in a public meeting.

The Commission discussed Monday, October 4 at 5:15 p.m. Mr. Ventres will send an email to the Commissioners.

Mr. Gillis asked when the Chatham report will be done. Mr. Ventres stated he will call them to check the status.

TAPE CHANGE (2A)

A motion was made by Mr. Curtin to continue Application 06-10, Averum Sprecher, Parker Road, Subdivision Review for a proposed 3-lot subdivision to October 12, 2010. Seconded by Mr. Salicrup, and carried by unanimous vote.

9. DISCUSSION (Continued)

The Commission discussed rural buffering. Mr. Curtin and Mr. Brownell believed the proposal was very large, with the proposed 50-150 foot buffering. Mr. Gillis believed this was protection. Mr. Curtin stated the goal was to provide some protection without totally impeding development. **This was “blend”**. A lengthy discussion ensued.

Mr. Curtin asked what the buffering of natural or historic features would be. Mr. Gillis noted that there could be some cemeteries, structures, etc. Mr. Curtin stated he had no issue with the proposed residential buffers. He believed the agricultural could be 50-150 feet. Mr. Matthew believed if the Commission was trying to serve the community, they could use the buffers for advance discussions.

Mr. Casner suggested going from a higher number to a lower number, but use 100 ft. to 50 ft.

The Commission discussed what areas would be buffered. Mr. Ventres stated people have to plan for what could happen around them. Mr. Ventres referred to the rock at the end of the Hopyard. He stated much of this would be discretionary. Mr. Curtin believed the people sitting on this commission now might not be the same people acting on these regulations in the future, and some people would use the maximum buffers on every application, across the board.

Mr. Brownell suggested using 100-ft. as a starting point, with 150-ft. max, and 50-ft. as a min. Mr. Matthew suggested using 150-max, and 50-min. where buffering is required. The consensus of the Commission was that 50-100 feet would be acceptable. Mr. Ventres suggested adding waiver language be added to this regulation. He noted that any such waiver would require a super majority (5 out of 7) vote for this waiver. Mr. Ventres will write up a draft for 50 to 100 feet.

Mr. Saraco asked where the signage regulations stood. He asked if what was in the draft was acceptable to the EDC. Mr. Casner stated it was. He stated that Mr. Saraco could call him to set up a meeting.

11. ADJOURNMENT

Motion by Mr. Curtin to adjourn at 10:01 p.m., seconded by Mr. Matthews, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina
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