

**PLANNING & ZONING COMMISSION/  
TOWN OF EAST HADDAM  
LAND USE OFFICE  
REGULAR MEETING MINUTES  
October 26, 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), John Matthew (regular member), Kevin Matthews (regular member), Louis Salicrup (Alternate), Anthony Saraco (regular member), Harvey Thomas (regular member)

**COMMISSIONERS ABSENT:** Elizabeth Lunt (alternate member)

**OTHERS PRESENT:** James Ventres, Emmett Lyman, and approximately 9 townspeople were present.

**3. MINUTES:**

The minutes of the 9/28/2010 meeting were accepted with the following amendments:

- Page 2, Item 10, 1<sup>st</sup> paragraph, 2<sup>nd</sup> sentence: Change “only listed” to “did not list”
- Page 3, 1<sup>st</sup> word: Change “lighting” to “signage.”
- Page 7, Item 9, 2<sup>nd</sup> paragraph, 1<sup>st</sup> sentence: Strike “buffering of”

The minutes of the 10/12/2010 meeting were accepted with the following amendments:

- Page 2, 1<sup>st</sup> paragraph, 3<sup>rd</sup> sentence: Change “rays” to “arrays”
- Page 12, Item 6B, 3<sup>rd</sup> paragraph, 1<sup>st</sup> sentence: Change “removed” to “brought in”
- Page 12, last paragraph, 4<sup>th</sup> sentence: Change “plans” to “property line”

**4. BILLS**

<u>Vendor</u>		<u>Amount</u>
Suburban	3550851-0	\$75.11
Suburban	3550489-0	298.06
Branse, Willis, and Knapp (revision of regs.)		478.50

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

## 5. ACKNOWLEDGMENTS AND SET HEARING DATES

**A) Application 08-10, Charles Burdick and Stephanie Award, 174 Clark Hill Road, Subdivision Review for a proposed 2-lot subdivision. Assessor's Map 12, Lot 18.**

**First date: October 26, 2010**

**Last date: December 29, 2010**

No one representing the applicant was present at this meeting. Mr. Ventres presented plans to the Commission. He indicated that the applicant is going before the IWWC at its next meeting. The applicant has completed their test pitting. Mr. Ventres recommended a public hearing for 11/23/10 be scheduled.

**Motion by Mr. Curtin, seconded by Mr. Matthews, to schedule a public hearing on 11/23/2010. Motion passed unanimously.**

## 6. SITE PLAN REVIEW

**A) Continued: Zito Builders, Inc., 24 Moodus-Leesville Road, Site Plan Review to construct a three-family dwelling on each of two previously subdivided lots. Assessor's Map 64, Lot 69.**

**First date: October 12, 2010**

**Last date: December 15, 2010**

Attorney Jezek responded to remarks made about the character of the neighborhood. He stated he walked from EB Exterminating, up to the day care on Route 151. He stated there were a number of multi-family dwellings. The EB Exterminating building at one time had three businesses. It also has an apartment. He reviewed other multi-family houses on Moodus-Leesville Road, and Neptune Road. He commented that the Catholic church has multiple uses. At the end of Moodus-Leesville Road, there is a single-family property, with a collection of outbuildings. He stated some of these structures were the size of houses, and not what one typically sees at a single family residence.

Mr. Joseph Wrenn, P.E. addressed the Commission. He distributed photographs of a 3-family structure that Zito Builders recently completed. Responsive to inquiry by Mr. Saraco, Mr. Wrenn stated this proposal would look very similar to the photographs presented. He believed the proposal was very reasonable for this area.

Mr. Wrenn stated they had been asked to increase the setback areas from the side. He showed the tree line around the areas of disturbance. At the last meeting, Chatham Health District had concerns about the wells. Mr. Wrenn contacted the State Health Department. He read into the record a letter dated 10/25/2010 from Steve Messer of the State Department of Public Health, which stated this application did not qualify as a public water system.

Mr. Thomas recalled at the last meeting, Attorney Jezek suggested they might be able to provide a view shed. Attorney Jezek stated they had not had an opportunity to prepare it yet. Attorney Jezek stated this was why Mr. Wrenn took the photographs. Attorney Jezek stated this proposal would be very similar to the homes built on Falls Bashan Road, except they would be 3-family units instead of 2-family structures.

Mr. Brownell asked if Mr. Gillis wanted the view shed analysis, to which Mr. Gillis responded affirmatively, and that he would like to see it. Mr. Ventres stated under site plan review, the Commission did not have as much legislative latitude to request this.

Mr. Curtin asked if a tree buffer was installed to placate the neighbors who had voiced concern about their view during the winter. He asked if a row of pine trees was required, where they would be planted. Mr. Wrenn showed the area on the plan, and stated it would be around the existing sugar maples. Mr. Curtin stated he would be more concerned about items in the yard being buffered, more so than the roofs. He stated this would be residential use in a residential zone.

Mr. Matthew commented that this would be a very large structure. Mr. Wrenn stated a 3,000 square foot house with a garage would be about the same footprint as this proposal. Mr. Matthews asked if they could add some pine trees, as Mr. Curtin had suggested. Mr. Wrenn stated he would prefer to redistribute some of the trees. Mr. Ventres suggested some trees be planted at the top of the hill to break up the area of the parking areas. Mr. Curtin stated he would be satisfied with a row of small trees to break up the area of the garages, etc. Mr. Curtin and Mr. Matthew briefly debated 2:1 slopes.

Mr. Gillis stated in the Chatham letter, it noted that the applicant was proposing a Mantis system, and it was not recommended by Chatham. Mr. Wrenn disagreed, and stated that this system was an approved system. Mr. Ventres reviewed the letter, which stated while the Mantis is an approved system, they did not recommend it. Mr. Matthew stated they usually condition that all of the conditions of Chatham be followed. Mr. Wrenn stated this has been reviewed by three different people at Chatham.

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

## **7. PUBLIC HEARING**

**A) 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.**

**First date: October 12, 2010**

**Last date: November 15, 2010**

Mr. Ventres distributed a letter from the middle school committee requesting that their application be withdrawn. The letter also noted that they would hold a public hearing on November 10, 2010.

**Motion by Mr. Curtin, seconded by Mr. Gillis, to accept the withdrawal of 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. Motion passed unanimously.**

**B) New: Application 10-10, Hadlyme Hills, LLC, Franklin Academy, 140 River Road, Special Exception Review for the placement of portables on the property. Assessor's Map 9, Lot 28.**

**First date: October 26, 2010**

**Last date: November 29, 2010**

Mr. Roger Nemergut addressed the Commission on behalf of the applicant. He reviewed the proposal to  
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relocate the portables from the old middle school to Franklin Academy. The Academy's parcel is over 19 acres. River Road borders the property to the west and the north. There are approximately 10 buildings on the site. The portables would be located to the south of the property, and were shaded gray on the plan. The portables are 10-feet high, but would sit on concrete piers. They will be approximately 15-feet high, installed.

Mr. Nemergut stated in terms of visibility from the road, the building would be tucked into the back corner. He stated this did meet the zoning requirements with two exceptions. They exceed the building coverage, and impervious area coverage. Currently, the building coverage is 5.9% coverage, which exceeds the regulation now. The proposal would be 6.8%. They have a hearing with the ZBA upcoming, and they hope to resolve this issue at that time.

Mr. Nemergut stated this application would not increase the number of students, which is currently at 80. They currently have cramped staff space, and this would allow them to expand the staff areas. There was no proposal for increased enrollment.

Mr. Nemergut stated the land is relatively level. They may need a bit of grading around the piers. The portables would be removed intact, and placed on the piers at the new site. Mr. Nemergut stated this proposal would not be very visible from the road. The only neighbor that might be able to see it would be the neighbor to the south.

Mr. Ventres stated they were awaiting a letter from the DEP. Mr. Nemergut stated they were not proposing connecting to the system. Because of the water system, it is over 5,000 gallons per day. They are asking for a letter from the State. He stated they are trying to get a letter from them, and the DEP representative stated she would get a letter out to Mr. Ventres next week.

Mr. Thomas asked if the State was amenable to having four classrooms without a potable water supply. Fred Weissbach, headmaster, stated in order to open the school, they had to have the approval from the State. After they secured the approval, and opened the school, they were accredited by the NEASC. By virtue of their accreditation of NEASC, the State has approved Franklin Academy as a non-public school. They have no oversight over bathrooms. Mr. Thomas asked if a Certificate of Occupancy (C.O.) would be given to a school without a potable water supply. Mr. Ventres stated he would have to ask the building official that question.

Mr. Curtin asked about parking and walkways. Mr. Nemergut responded that there would be no parking area. He showed the location on the plan of a possible pervious walkway. Mr. Curtin asked how they planned to get the buildings on site. Mr. Nemergut stated he has not thought about that at this point. He showed a driveway area on the plan, and a guess of how they might get the portables there. He stated there would be no parking area for these portables. Mr. Brownell asked in the case of an emergency, he asked how emergency vehicles would access the area. Mr. Nemergut stated they may have to stipulate that the plowing be extended. Mr. Weissbach stated there is a paved access from the dining hall to the portable area. Mr. Weissbach stated he has also been discussing with the East Haddam officials, the possibility of an area on which to have Life Star landing. Mr. Nemergut added that this would have to be some type of impervious material, such as trap rock, etc.

Mr. Gillis asked if there was a requirement as to how close emergency vehicles would have to be. Mr. Brownell stated if the EMS officials were happy with the way it was proposed, that would be fine.

Mr. Brownell opened the hearing to the public.

Mrs. Karen Vandyke, River Road, asked where the portables would be, in relation to the dining hall. Mr. Weissbach showed the area on the plan. He did not believe it would be seen from River Road.

Mr. Ventres stated the Commission was waiting for a letter from the DEP, and a variance from the ZBA. He will talk with Chatham, and the Building official.

Mr. Matthew asked when this would be put into effect. Mr. Weissbach anticipated this would be in effect for the 2011-2012 school year.

**Motion by Mr. Curtin, seconded by Mr. Gillis to continue Application 10-10, Hadlyme Hills, LLC, Franklin Academy, 140 River Road, Special Exception Review for the placement of portables on the property to next regularly scheduled meeting. Motion carried by unanimous vote.**

#### **6.A ZITO (Continued Discussion)**

Mr. Wrenn showed the Commission a highlighted plan, wherein he highlighted the areas that were not greater than 20% slope.

Mr. Wrenn reiterated that Ms. Davidson last year reviewed this plan without the issue of the Mantis system. Mr. Gillis asked if the Commission could get clarification. Mr. Ventres reviewed the letters from Chatham. On October 29, 2009, Ms. Davidson reviewed the plan. On August 30, 2010, there is a review letter from Mr. James G. Karenberg. Neither of these letters noted this issue. A subdivision review was approved, with the condition that the Chatham requirements be met. A third review letter from Mr. Thad King was received on October 12, 2010. Mr. Ventres stated he could go back to Mr. King to get a determination of whether Chatham is actually approving this application or not.

Mr. Wrenn stated with the exception of the few review comments, Ms. Davidson approved the Mantis system last year. Mr. Brownell stated the question was raised, and they would like to get some clarification.

Mr. Thomas asked, other than the Commission's desire for clarification on the septic, what other outstanding issues there were. Mr. Curtin stated he believed they should address buffering for the neighbors across the road.

Mr. Gillis asked what the proposed buffering would be for the cemetery. Mr. Wrenn stated approximately half of the distance from the 32-foot area to the cemetery would be planted. Mr. Matthew and Mr. Gillis both voiced concern about this buffer area. Attorney Jezek stated this was the plan before the Commission. If the Commission wanted the applicant to fine tune the plantings, they could require that.

**Motion by Mr. Curtin, seconded by Mr. Matthews to continue Zito Builders, Inc., 24 Moodus-Leesville Road, Site Plan Review to construct a three-family dwelling on each of two previously subdivided lots to the November 9, 2010 meeting, for clarification on the Mantis system.**

Mr. Thomas stated there were some comments about fine tuning the plantings near the railings, as well as the side toward the cemetery.

## **8) DISCUSSION:**

### **A) Signage:**

Mr. Brownell asked Mr. Ventres to send Mr. Gillis's and Mr. Saraco's email addresses to Patty Stricker.

Mrs. Ziobron stated she spoke with Mr. Bob Casner today, and they had a written draft that they hoped to send to the subcommittee by Monday or Tuesday of next week.

### **B) Buffering:**

Mr. Ventres prepared a new draft, which was in everyone's packets.

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

Mr. Brownell asked why the range did not go from 100 feet to 25. This draft shows 100 feet to 50 feet. The Commission discussed buffers and the language of the draft. Mr. Thomas suggested the language read 100-feet, which may be reduced at the discretion of the Commission. Mr. Ventres suggested adding "based on site conditions." A lengthy discussion ensued. Mr. Ventres strongly recommended adding a range, not just leaving it at 100-feet, with a possible reduction to 25-feet. Mr. Saraco believed the Commission would have to be consistent with how it applied the buffering.

Mr. Ventres will make the minimal changes and bring a draft to the next meeting.

### **C) Campgrounds:**

Mr. Ventres had prepared a draft a while ago. The main thrust of the revisions were to eliminate the language that referred to public health codes that are not the domain of this Commission. The Commission was in agreement to eliminate the reference to youth camps only, as there may be viable adult camps that could apply.

The Commission discussed buffering, and the need for 200-foot buffers. The consensus of the Commission was that the buffer range would be from 50 to 200 feet. The Commission discussed various activities that occur at campgrounds, noise levels, etc.

Mrs. Ziobron stated there were a number of issues that Attorney Branse had pointed out that were not addressed. She reviewed the issues of camps, resort camps, etc. She asked about limited use. She stated in the off-season, there may be a request for a conference or other use. There are specific accessory uses for various reasons, and they were limited to 14 days. Mr. Ventres stated these regulations were taken from Chester, and were written by Attorney Knapp. Attorney Branse then made several comments. Mr. Ventres stated he wanted to get a feel from the Commission of their thoughts before he asked the attorneys to discuss/revise these sample regulations.

Mrs. Ziobron stated she could email her list of questions to Mr. Ventres for further discussion.

Mr. Thomas suggested they separate the campground regulations into three areas, so that some places could have winter/off-season use.

Mrs. Ziobron referred to Section 15.4.7 - square footage of a site. She indicated the State regulations were much different than what was listed here. Mr. Brownell asked what they were, but Mrs. Ziobron did not have them with her.

Mr. Gillis noted that the State regulation called for 15 sites per acre. East Haddam has 10 per acre. Mrs. Ziobron replied that the State has 25 per rural acre. She noted that the State has an RFP going out within the next 6 weeks for a campground and conference center at the former Sunrise Resort property.

Mr. Brownell requested the State regulations for the next meeting.

## **9) ZEO REPORT**

Mr. Ventres distributed an email regarding the solar site review from Mr. Govert.

Mr. Ventres stated they have a Cease & Desist on 9 North Moodus Road, for Stephen Besek. This was a violation for a garage that is not situated on his property. He has two options – to purchase additional land from the neighbor. He indicated he has not been able to negotiate an agreement with the neighbor. The next step for the Commission would be to refer this to the Commission's attorney for court action. Mr. Ventres asked the Commission if they would like him to refer this to the Commission's attorney at this point. Mr. Brownell responded affirmatively.

Mr. Brownell asked the status of Mr. Corbiel's property. Mr. Ventres stated there has been nothing new. From the road, this area has been cleaned up. He stated additional equipment would have to be determined whether they were farm equipment for the club. Discussion ensued. Mr. Brownell stated it has been 3 years, and not much has moved. Mr. Curtin agreed that this was not the game club's property, and possibly Mr. Corbiel needed to be pushed harder to remove more debris. Mr. Ventres will bring an itemized list of equipment.

Mr. Curtin referred to the open space grants ceremony. He congratulated Mr. Ventres for his work on this. Mr. Ventres hoped to have the projects wrapped up by the middle of January, 2011.

Mr. Salicrup asked about the recent emails for the Land Use Academy. Mr. Ventres stated the Commissioners could look at the topics. Anyone interested should notify Mrs. Lombardo.

## **10. ADJOURNMENT**

**Motion by Mr. Curtin to adjourn at 10:14 p.m., seconded by Mr. Matthews, and carried by unanimous vote.**

Respectfully submitted,

Holly Pattavina