

**PLANNING & ZONING COMMISSION/
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
November 9, 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: Louis Salicrup (Alternate), Anthony Saraco (regular member)

OTHERS PRESENT: James Ventres, and approximately 3 townspeople were present.

Mr. Brownell appointed Ms. Lunt to vote in place of Mr. Saraco this evening.

3. MINUTES:

The minutes of the 10/26/2010 meeting were accepted with the following amendments:

- Page 4, 1st paragraph, last sentence: Add “after the peak roof is installed” to the end of the last sentence.’
- Page 5, 1st paragraph, 1st sentence: Add “minimum” before “requirement”

4. BILLS

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
NLJ		
<i>Zito</i>	73115	\$677.40
<i>Kennedy Farms subdivision</i>	73116	338.70
<i>Parker Road, Sprecher subdivision</i>	73117	402.15
Branse, Willis, and Knapp		246.50
<i>Besek</i>	1175.10132	159.50
<i>general zoning</i>	1175.85263	87.00
Suburban	3554460-0	91.45
Hartford Courant	2605	782.00

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

5. ACKNOWLEDGMENTS AND SET HEARING DATES

None

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 addressed the Commission on behalf of the applicant. Mr. Joseph Wrenn, P.E., and Mr. Ted Zito were also present.

Attorney Jezek recalled after the last meeting, there were three items that still had some questions. The first was regarding landscaping. He stated there was a bit of modification to the design, discussed at the last meeting. They have introduced a couple of different species and staggered them. This was in reference to Mr. Curtin's comments at the last meeting.

Attorney Jezek stated there was a question about the Mantis septic system. They have changed this system. He also believed the final letter from Chatham was in. Mr. Ventres had this letter.

Attorney Jezek recalled that Mr. Zito had originally submitted an application for 4-family units, which was ultimately withdrawn and resubmitted as the proposal before the Commission. He asked the Commission to give consideration to refunding any fees, if they were not used for the review process.

Mr. Joseph Wrenn addressed the Commission, and submitted the plan from the last meeting. He also spoke with Mr. Curtis of NL Jacobson, who had prepared a letter stating that all of his comments had been addressed. Mr. Wrenn read into the record a letter from Ms. Liz Davidson of Chatham Health District dated November 9, 2010, stating that this application meets the requirements of the Public Health Code.

Mr. Wrenn reviewed the additional 12 hemlocks that were added to the plan since the last meeting. They also added a saw tooth pattern of white pines between the building and the cemetery. There was also a double row of saw tooth pattern hemlocks.

Mr. Wrenn stated although the Mantis is an approved septic system, Mr. Zito has agreed to change the Mantis units to a concrete gallery system. They have good soil in these locations. There will be no Mantis system used in this plan.

Mr. Ventres stated the Chatham letter was received this evening at 6:55 p.m. Mr. Ventres was also in receipt of a letter from Mr. Brian Curtis stating that he had re-reviewed the plans, and his comments had been addressed.

Mr. Gillis asked if the Commission had seen two elevations for this project. Mr. Wrenn showed in the plans three different elevations.

Mr. Gillis asked if the conservation easement language had been submitted. Mr. Ventres stated they would use the Town's conservation easement language that they have been using for years.

Mr. Brownell asked if in the condo rules, the tenants would be responsible for upkeep. Attorney Jezek stated that everything had been addressed in the language that had been submitted. Mr. Brownell asked if the documents were separate for each unit. Attorney Jezek stated they would be two separate, stand alone units. Attorney Jezek stated these would really only be either condominium units, or would be privately owned and rented.

Mr. Brownell asked if Mr. Curtin was happy with the buffering. Mr. Curtin stated he was satisfied with the buffering as shown. It is a permitted use in this zone.

Mr. Thomas asked if the water company issue that had been raised by Chatham was resolved at the last meeting. Mr. Ventres confirmed that it had been resolved. This application did not apply.

Mr. Matthew reiterated his position that in this area, on this road, there are multi-family uses now. He did not believe that this would constitute a neighborhood. He stated this section of road had a very rural feel, and he did not believe there was adequate buffering. He stated there was grossly inadequate separation between this and the other houses.

Mr. Gillis somewhat agreed with Mr. Matthew, but he stated the group responsible for the cemetery had not come to voice any concern about this.

Mr. Thomas stated the Commission must act on the application as submitted. Mr. Matthew stated they could require additional buffering. Mr. Curtin believed the application had done what was requested.

Mr. Brownell agreed with Mr. Gillis that no one responsible for the cemetery had responded to raise concern. He stated this applicant had done what they had asked of him. Mr. Matthew stated this was irreversible, and it was unfortunate that it had to wait until someone had spent a lot of money preparing a plan to find out that there has to be something additional for buffering, etc.

Mr. Gillis stated to shoehorn three units into a parcel that was marginal at best was pushing the envelope. Mr. Curtin clarified that he had agreed with Mr. Gillis when the application was for 4 units on each lot. He believed the applicant had done what we asked of him. Mr. Gillis stated he had been looking for architectural, and it would be easier to envision what it would look like. He believed as a builder, this was easier for Mr. Curtin to know more what this project would look like when it was built. Mr. Curtin stated the project was buffered by evergreens.

Mr. Thomas asked if there were any outstanding comments to incorporate as conditions. Mr. Ventres stated the issues had been resolved. Everything had been incorporated into the plan.

Motion by Mr. Curtin, seconded by Mr. Matthews to approve Zito Builders, Inc., 24 Moodus-Leesville Road, Site Plan Review to construct a 3-family dwelling on each of two previously divided lots, with the condition that the site plan be followed concisely, and per the plans revised 11/2/2010. Voting: Ayes: Matthews, Gillis, Lunt, Thomas, Brownell, Curtin. Nays: Matthew. The motion passed 6:1.

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

9. ZEO Report

Mr. Ventres stated there was a draft complaint for Steven and Joanne Besek. The Commission reviewed this complaint. Mr. Brownell asked if the Commission could be reimbursed for its expenses. Mr. Ventres stated they could request reimbursement when the complaint is filed with the court, but he did not know whether it would be granted or not. Mr. Curtin asked if this went to court, if it would be possible to not have it come to conclusion. Mr. Ventres believed they would receive a judgment against the Beseks. The consensus of the Commission was to file the complaint with the court.

Mr. Ventres submitted photographs of Sanibel's, which showed an additional architectural feature being constructed. This was not part of the approved plan. Mr. Ventres stated the Commission could require the applicant to come in for review, or to just approve the change to the plan, per the special exception review. Mr. Brownell recommended that this be amended, but that Mr. Ventres send a letter to the owner stating that any other changes must be pre-approved by the Commission before completing it.

Motion by Mr. Thomas to allow the modification in the façade of the building at Sanibel's, per the previously approved special exception application. Seconded by Mr. Gillis, and carried by unanimous vote.

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) 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, and Mr. Fred Wiessbach, headmaster of the Franklin Academy were present. Mr. Nemergut addressed the Commission. He submitted revised plans to the Commission. He stated the major change was the revision to show emergency access to the portables. He oriented the building on the map.

Mr. Nemergut reviewed the paved driveway access. He stated his proposal for emergency access was to come off the paved sidewalk, and extend that area down approximately 150 feet. He stated this was shown

on Sheet 3 of the plan. The total area would be 10-feet wide, with the center would be 6-feet of stone set in a grid to lock it in place. The remaining 4-feet would be crushed stone with topsoil on top of it.

TAPE CHANGE (1B)

Mr. Nemergut stated he would extend the walking path at the south end of the pond. This would be 6-feet wide. He reviewed the area for cable, etc. Mr. Nemergut stated the units would be disassembled, and then reassembled once they were on site.

Mr. Nemergut stated they would like to make some cosmetic improvements to the portables. They would like to add a peak roof of some type to replace the flat roof. They would also like to extend a 6-foot porch along the building. The roof area would extend over the porch. He believed this would improve the look of the structures.

Mr. Nemergut stated they were going to ask for a continuance. He stated they have tabled their application for a variance. He stated they had been contacted by owners of adjacent land, and he would like time to meet with these members. Mr. Nemergut stated he was unsure if the Building Official would issue a C.O. for a building without a bathroom. Mr. Ventres stated that Mr. Darin was looking into this.

Mr. Nemergut hoped Mr. Ventres had received a response from the DEP. Mr. Ventres stated he had spoken with them. Because this plan did not call for an expansion of students, so there would not be additional daily water usage, so they did not need to review this.

Mr. Nemergut believed the ZBA meeting was on November 18. Mr. Brownell noted that the next P&Z meeting was on November 23. Mr. Nemergut believed they might be able to make this meeting, without the continuance.

Mr. Nemergut explained that the intention would be to add vinyl siding to the portables.

Motion by Mr. Thomas, 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.

Motion by Mr. Curtin to take a brief recess, seconded by Mr. Gillis, and carried by unanimous vote. The meeting reconvened at 8:32 p.m.

9. ZEO REPORT (Continued discussion)

Mr. Ventres stated he had spoken with Mr. Bochain regarding a parcel on Jones Hill Road. He explained that he could not give him advice on this without some soil data.

Mr. Ventres asked if anyone wanted to attend a Midstate seminar on developing the next Plan of Conservation and Development on a State level. Mr. Ventres has already paid for another seminar on the

same day, so he asked if anyone would be interested in attending. A brief discussion ensued regarding planning agencies, etc. It was noted that this would be more of a process discussion meeting.

Mr. Brownell asked if they were planning to do an annual review of the Plan of Conservation and Development. Mr. Ventres planned to send out notice in December, with a reminder in January, for review at the February meeting.

Mr. Brownell asked Mr. Gillis about the Massachusetts stream crossing guidelines. Mr. Gillis and Mr. Ventres both stated that the IWWC had discussed that, and had incorporated language.

Mr. Ventres informed the Commission that there is a public hearing tomorrow at 7:00 p.m. for the middle school conversion committee. Mr. Gillis asked what the committee hoped to get out of tomorrow's hearing. Mr. Ventres stated they were looking for public input. Mr. Thomas stated that whatever was decided, it would eventually come to P&Z for an 8-24 application. He asked if anyone from the Commission wanted to go, if they would cross the line about pre-judging. Mr. Brownell stated he had a call in to Attorney Branse regarding that, but he did not hear back from him yet. Mr. Brownell recommended that no one from the Commission attend the meeting. Mr. Ventres stated he could call Attorney Branse in the morning, and email everyone tomorrow. Mr. Brownell asked that Mr. Ventres call him, as his email was down.

Mr. Ventres stated he has received numerous inquiries from property owners wanting to make repairs, etc. to their properties.

Mr. Brownell asked Mr. Ventres if he had emailed the list of email addresses to Patti Stricker. Mr. Ventres believed he had given her a list.

8) DISCUSSION:

A) Signage:

Mr. Brownell asked if Mr. Casner any information on signage. Mr. Casner stated he had emailed the information to Mr. Brownell. Mr. Brownell reported that his computer has not been working. Mr. Ventres asked that this information be emailed to him, so he could forward it to the rest of the Commission.

B) Buffering:

The Commission reviewed the draft regulation. Mr. Ventres stated he will bring in photographs of a parcel on Mott Lane, which depicted a very good buffer.

Mr. Matthew did not believe 25-feet was enough. He stated he has looked at enough buffers, and he believed it was very difficult to create enough of a buffer in 25-feet. Mr. Gillis stated if we had the new regulations in effect, they would be looking at a larger buffer for that area. Discussion ensued. Mr. Ventres and Mr. Curtin both stated for the Zito application that was approved earlier this evening, it was residential use in a residential zone.

Mr. Thomas asked if the Commission was amenable to 25-foot minimum for the draft buffer regulation. Mr. Curtin was satisfied with it.

TAPE CHANGE (2A)

Mr. Curtin stated when this goes to public hearing, the public may have different opinions about the buffers. Mr. Curtin asked how the public hearing would be handled. Mr. Ventres suggested it could be a special meeting, and it could begin at 7:00 p.m.

C) Campgrounds:

The Commission discussed the draft campground regulations. The Commission reviewed the regulations, and made the following changes:

- Section 15.2.2: Add “unless these regulations are more restrictive” to the end of this section.
- Section 15.3.3, a.1: The last sentence was changed to read: “Conference use may be approved for any time during the year as part of a Special Exception Review.”
- Section 15.4.2: This section was changed to read: “Campsites, tent site, parking, cabin sites and related facilities and structures are prohibited in the area designated on the site plan as “buffer strip”, but the buffer may contain passive recreational uses if said areas area landscaped in such a way as to prevent possible adverse effects on adjacent properties [and structures].”
- Section 15.4.8 – 15.4.9: Mr. Ventres was asked to find out sizes for RV sites versus tent sites.
- The Commission asked Mr. Ventres to research sizes for cabins at Cave Hill and the 4-H camp.

Mr. Ventres reviewed Mrs. Ziobron’s list of questions/suggestions. He will have to review sites per acre. Most of the other items had been addressed.

Mr. Ventres suggested he revise this regulation, bring a list of the regulations that have to be addressed at Brownell suggested a public hearing could be scheduled for the last January meeting. He noted that there is only one meeting in December, and the Commission has its annual review of the Plan of Conservation and Development in February.

Mr. Thomas revisited the Zito application, and the request to look at fees. Mr. Ventres suggested that NL Jacobson appeared to be 30-45 days out for their billings. He believed he could have an itemized accounting for the December meeting.

Mr. Thomas invited everyone to the Sportsman’s Club this Saturday, 9:00 a.m. to a recognition ceremony for people who have dedicated land to the open space program.

10. 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