

# TOWN OF DURHAM

## Planning and Zoning Commission

P.O. Box 428

Durham, Connecticut 06422-0428

### MINUTES OF DECEMBER 19, 2007, MEETING

#### Present

Members: Ralph Chase, Frank DeFelice, George Eames, Richard Eriksen, Dave Foley,  
Jim Kowolenko, Gene Riotte, Tom Russell

Town Planner: Geoffrey Colegrove

Alternates: Cathy Devaux, Mike Geremia

#### Absent

Member: Dian O'Neal

Alternate: Mark Laudano

The meeting was called to order by George Eames, Chairman, at 7:30 p.m. Mike Geremia was seated on the Commission in Dian O'Neal's place.

#### 1. Approval of Agenda

Motion by Ralph Chase, seconded by Mike Geremia, to approve the agenda of the December 19, 2007, meeting as presented. Motion carried unanimously.

#### 2. Public Session

Diana Cruise stated that there has been a crusher in use at the Nosal property on Ozick Driver (to the left of Distinctive Buildings). There continue to be bright lights as well on two of the new Ozick Road buildings—they shine in the direction of the residences on Mountain Road. These will be investigated.

Geoffrey Colegrove stated that he had researched the wrestling situation in the former Parsons building at the north end of town. The Commission asked that letters of violation be sent to both the property owner and the tenant.

George Eames read into the record a letter dated December 17, 2007, from Attorney Thomas Byrne regarding the Esparo situation on Bailey Road and bringing the property/activities into compliance with the 2005 home occupation permit. Attorney Byrne cited a number of documents prepared by neighbor Jim Piotrowski regarding activities in violation of the permit. Inspections of the home occupation will be conducted at unspecified times over the next month with activities recorded.

According to Attorney Byrne, if it becomes necessary to commence legal actions against Mr. Esparo, Attorney Byrne will request that penalties be imposed as prescribed by the general statutes, including civil penalty (\$2,500 payable to the Planning and Zoning Commission), reasonable attorney's fees as assessed by the court, and a \$250 per day fine for violation of the home occupation permit.

### 3. Bruna Verna, Possible Doggie Day Care at 45 Ozick Drive

Bruna Verna addressed the Commission, stating that she had submitted an application to the Commission through the Town Hall (the office of Kim Garvis). Geoffrey Colegrove stated that while he had received an e-mail from Bill Milardo about the application, through a paperwork mix-up, he had not actually received the application. The Commission pointed out that there needed to be an application submitted to amend the use table to allow for doggie day care businesses in the Design Development District; once that is approved, then an application for the business can be considered. It was recommended that Brunna Verna see Ellen Mauro at the Town Hall.

Bill Milardo's memo described provisions for having a doggie day care in terms of use of the property for relief purposes and distance from a well. Water calculations were also included to help the applicant project use of water at the site.

### 4. Butcher's Wife, Request for Modifications to Site Plan for Landscaping and Discussion of Uses, Route 79

Attorney John Corona described what the Commission members who had visited the site had seen in the previous week. A row of white pines, not on the original site plan, had been planted along the rear perimeter of the property. The applicant would like to maintain a green area at the front of the property as a grassed area instead of the shrubbery noted on the original site plan.

Richard Eriksen noted that he would like to see more of a buffer at the rear of the property. Attorney Corona noted that the original site plan was approved without any type of buffering. It was noted that a compromise might be "switching" the plantings originally required for the front of the property with augmenting the buffering on the site.

After some discussion, it was agreed that, given the time of year, the applicant would return to the Commission in the next month or two with proposed modifications to the site plan for lighting of the sign and plantings for the site. Meanwhile, there is a bond on the site.

5. Tad and Jennifer Swierczynski, Request for a Proposed Two-lot Subdivision, Hellgate Road

Pat Benjamin addressed the Commission. The two-lot subdivision will create a lot for the existing house (8.51 acres) and 2.19 acres for a new house to be constructed. An open space area 1.19 acres in size is at the southwest corner of the property.

Pat Benjamin described briefly the drainage for the property and how a rip-rap swale will be tied into an existing swale. There is an old right-of-way (old highway) to the eastern side of the property that has a town-owned drainage system on it. There is also an existing commercial kennel (not very active) on the property; a waiver will be sought from the Zoning Board of Appeals because it is within 100 feet of the proposed property line for the new smaller lot being created. A covenant or affidavit will be developed for the land records indicating that if the property is sold, the use as a commercial kennel will be abandoned.

After some discussion with the Commission, it was agreed that the proposed driveway for the new lot will be relocated so as not to use the old right-of-way. This will alleviate any concerns of liability and maintenance.

Motion by Dave Foley, seconded by Ralph Chase, to recess the regular meeting at 8:00 p.m. for the public hearings. Motion carried unanimously.

**PUBLIC HEARING**

1. Applicant/Owner: Frederick Dahlmeyer  
Application: Request for a Proposed 2-lot Subdivision, New Haven Road

Members: Ralph Chase, Frank DeFelice, George Eames, Richard Eriksen, Dave Foley, Jim Kowolenko, Gene Riotte, Tom Russell

Town Planner: Geoffrey Colegrove

Alternates: Cathy Devaux, Mike Geremia

George Eames, Chairman, read the notice for the public hearing. Mike Geremia was seated on the Commission in Dian O'Neal's place. Cathy Devaux was seated on the Commission in Frank DeFelice's place. Frank DeFelice and Tom Russell recused themselves from the public hearing.

Attorney Michael Dowley, representing the Dahlmeyers, addressed the Commission. He reiterated the application for a two-lot subdivision, with each lot to be about 12 acres in size. He stated that the owner of the property wants to sell a parcel of land and the subdivision meets with the regulations.

The Commission had been awaiting a report from the Conservation Commission. Geoffrey Colegrove stated that he went back and reviewed the minutes and agenda of the Conservation Commission meetings. Following brief discussion at the September 11, 2007, meeting, the Commission decided that it wanted a site walk, which was held in October. The matter was not discussed at the following meetings, as per review of the minutes.

Attorney Dowley noted that the regulations provide a referral mechanism to the Conservation Commission of applications under 3.05.01; 35 days are allowed for the referral. However, lack of receipt of any advisory report within the 35 days shall *not* prohibit the Commission from reaching a decision on the application. The maximum number of extensions has been granted on the hearing; the hearing must be closed this evening.

Bob Melvin and Ralph Chase, members of the Conservation Commission, stated that the application had come before their Commission. Open space was discussed; however, typically open space is planned for and shown on plans at the time of site development. That is the time when open space on these properties will be addressed, per Attorney Dowley, who added that, at this point, it is not known how the property is going to be used.

Donia Viola stated that she had no objection to the subdivision; however, she questioned being told at previous hearings that the new lot will be able to accommodate a four-bedroom structure.

Attorney Dowley explained that under the regulations, an applicant must show that when creating a lot, it can support a house with a proper septic system.

Motion by Richard Eriksen, seconded by Ralph Chase, to close the public hearing of Fred Dahlmeyer, request for proposed two-lot subdivision, New Haven Road. Motion carried unanimously.

## **PUBLIC HEARING**

2. Applicant/Owner: Silver Eagle Development Trust, LLC  
Application: Request for Special Permit for the Construction of  
3 Retail Buildings, Main Street

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Members: Ralph Chase, Frank DeFelice, George Eames, Richard Eriksen, Dave Foley,  
Jim Kowolenko, Gene Riotte, Tom Russell

Town Planner: Geoffrey Colegrove

Alternates: Cathy Devaux, Mike Geremia

George Eames, Chairman, read the notice for the public hearing. Mike Geremia was seated on the Commission in Dian O'Neal's place. Cathy Devaux was seated on the Commission in Frank DeFelice's place. Both Frank DeFelice and Gene Riotte recused themselves.

Attorney John Corona addressed the Commission on behalf of the applicants. As the Inland Wetlands Commission decision is still pending (their next hearing is January 8), Attorney Corona explained that he would be asking the Planning and Zoning Commission to continue this public hearing. An extension will be granted (the last one possible).

Attorney Corona stated that the town engineer, Brian Curtis had reviewed the project since the last meeting. Additionally, there was a meeting with the Department of Transportation attended by the applicant's representatives, Geoffrey Colegrove, Brian Curtis, and Laura Francis. Ultimately, the DOT and the State Traffic Commission (STC) will make the decision as to the level of traffic improvements required. Discussions are ongoing with the Fire Department regarding fire protection for the project.

Attorney Corona indicated that he had talked with Officer Pete DiGioia and his commanding officer about the adequacy of the current police department. Their input was that there was "nothing unusual about this project that would lead them to think a crime wave would spread over Durham" as a result of the proposed project. They emphasized that this project will not trigger the need for additional protection—they stated that *that happened some time ago*, that the town currently needs more police protection.

Buffering was the next topic discussed by Attorney Corona; because of the proximity to the residential neighborhood, he stated that a customized approach would be used to tailor the buffering based on the views from adjacent properties. A combination of fencing, landscaping or both would be used as planned by the landscape architect and project engineer. He stated that individual neighbors would be consulted for their preferences relative to buffering. He added that by continuing the hearing, there would be adequate time afforded to neighbors for this purpose.

In terms of garbage collection, Attorney Corona stated that the site would avoid the typical hour of 4 a.m. and instead—subject to the Commission's input—start no earlier than 6 a.m.

Attorney Corona stated for the record that at the last public hearing on this application, Brian Ameche was seated as a member but was not a legal member of the Commission at

that time. He added that he was “not going to make an issue of that,” but wanted the record to accurately reflect who was legally seated at that hearing.

The topic of employment has been raised at previous hearings. Attorney Corona stated that Price Chopper is generally known to be the tenant of the grocery store in the new complex. Their policy is to afford the opportunity to all employees to participate in volunteer services in town (such as fire department or ambulance volunteering). This can be an advantage to the community in that employees who volunteer to local services can be more readily available by working in town. In addition to permitting employees to have time available to volunteer for these emergency purposes, they can be compensated for time missed from work due to emergency service by submitting documentation in accordance with company policy. This is similar to how some local companies currently operate (i.e., Durham Manufacturing).

Vahid Karimi, the project’s traffic engineer, addressed the Commission. He stated that he had examined the adjacent intersections along Haddam Quarter Road, Route 147, Maple Avenue, Route 17, and Route 68. For the Maple Avenue/Route 147 intersection, in the past three years, there have been 17 accidents, about 5-6 per year. Fourteen of those accidents occurred during the day on wet pavement; 13 of the 17 were cited for driving too fast around the corner. The DOT installed a skid-resistant surface during the recent repaving.

Vahid Karimi noted that in the northbound direction of Route 147 (going away from Route 17), lane width is very narrow, about 10 feet instead of the more typical 11 or 12. The applicant has recommended this intersection as an area for periodic police control (random checks once or twice a week) to help with speed enforcement. Additionally, horizontal curve warnings and speed advisory signs are recommended for the intersection, along with yellow chevron signs pointing out that a curve is ahead. Also, restriping of that portion of the road to create two 11-foot lanes with adequate shoulders is recommended.

The intersection of Maple Avenue and Route 147 was studied and found to operate fine, even with the additional traffic expected from the project. As a minor collector road, Route 147 is capable of a traffic volume between 5,000 and 10,000 vehicles per day; today, there are 7,300 vehicles. Haddam Quarter Road, a local road that is also a minor collector road, can accommodate 1,500 to 5,000 vehicles per day; the count is between 2,600 and 2,700 currently. Maple Avenue is a local residential road that is used as a bypass; it has a capacity of 1,500 vehicles per day and the current count is 1,200 to 1,300. Both Brick Lane and Maple Avenue are used as bypasses because of the traffic on 17 and the intersection at 147. With improvements to the intersection of Route 147 and Route 17, hopefully some of that traffic will remain on Route 17 and not use the bypasses.

Post-development traffic was discussed. It is anticipated that there will be a 10% increase on Haddam Quarter Road, i.e., 30 to 40 more cars during the peak hour. The incremental

traffic on Route 147 will be 15%, or 50 to 60 more cars during the peak hour. The road's functional classification will not change.

It is hoped that the improvements at the Route 147/Route 17 intersection will help to relieve the delays and reduce the congestion along Route 147 as well as along Maple Avenue. Improvements include changes in the signaling device as well as an increase to two southbound lanes about 700 feet north of the Route 17/Route 147 intersection heading south to that intersection and then about 200 feet south beyond the intersection.

Although the original plans called for a widening of Route 68 to help with the backup of traffic, those plans were eliminated because of the sensitivity of the historic district and area homes. Retiming of that signal at the intersection of Route 68 and Route 17 will be pursued; however, it is likely that at some point, the DOT will proceed with road-widening in that area regardless of the status of the Silver Eagle project.

Geoffrey Colegrove noted that at the STC/DOT meeting, it was very clear from remarks by the First Selectman that the town would prefer not to see widening of the Route 68/Route 17 intersection and, instead, would like to see the traffic light optimization plans that the DOT has proposed enacted. He added that the STC director lives in Middlefield and is very aware of the local area and traffic concerns. Additionally, widening of Route 17 will be minimized as much as possible for several reasons: One, the longer the widening extends on 17, the more difficult the merger becomes and, two, concerns about the historic district/appearance.

Ralph Chase asked what the average traffic increase would be without the proposed project—Vahid Karimi stated that it would be 1.5 to 2% per year. The project will be somewhere in the vicinity of 10-15% after full buildout. Vahid Karimi stated that it is necessary to look at actual vehicle counts and not just percentages. The peak hours for a retail center, at 4-6 p.m. and Saturday mornings, are quite different from peak hours of schools.

Cathy Devaux expressed concerns with traffic stopping to turn left—either onto Route 147 or into the new entrance to the grocery store off Route 17—and traffic backing up. The DOT had the same concern.

Dave Foley stated that there is little expectation that the bypass traffic on Maple Avenue or Haddam Quarter Road will decrease. He also expressed some concern with the two southbound lanes, noting that this creates a drag strip and dangerous situation, particularly near the area of Grippo's.

The STC/DOT requires that any new development not worsen an existing traffic situation (i.e., the intersection at Routes 147 and 17). However, Attorney Corona pointed out that all of the existing problems on Route 17 cannot be corrected by this one project.

Dave Foley stated that the intersection at Route 68 and Route 17 is already a problem with traffic backing up to the ice skating rink. He suggested that with the development, it will be “horrendous” and that some work on Route 68 is going to be necessary. Attorney Corona acknowledged this scenario but added that the state will not allow the project to make the existing traffic situation worse. While there is an understanding that no one wants to widen Route 68 at the intersection with Route 17, it is quite possibly a project that should be done even without this project.

Vahid Karimi stated that the developer is required to build out a project so that the traffic situation is the same as pre-development (a no-build condition). The timing of the signal at Route 68 and Route 17 is expected to help with that intersection.

Attorney John Corona stated that “something will get built on this site and it will generate traffic.” Dave Foley noted that the regulations require that the existing road system be able to handle the capacity generated by the project. Of the other projects approved in town (Adams, Grippo’s, 6 Main Street, Durham Commons)—none of them required STC approval and none of them added traffic like the proposed project will. Attorney Corona responded that, in aggregate, those projects generated more traffic than the proposed project.

Dave Foley also noted that while the project as proposed is designed for the maximum number of cars during peak traffic times, he is concerned with the background traffic generated continually throughout the day when volume is typically low along many local roads and what that impact will be—an 18 or even 20% increase. The bottom line is that the traffic generated throughout the day is comparatively higher at off-peak hours.

Tom Russell cited personal experience with the limited width of Route 147 by the Willett home and the difficulty for trucks navigating that corner.

To Dave Foley’s query about sidewalks, there is physically insufficient width along Route 147 to install any sidewalks. In terms of Main Street, the project engineer, Pat Doherty, stated that coming down Route 17 from the north to the intersection of Route 147 and Route 17, there could be a sidewalk; however, extending further south (in front of Citizens), there would be conflicts with the existing landscaping/parking areas, which were technically installed on the state’s right-of-way.

Brian Curtis, the town engineer, reviewed some of his comments from his review with regard to sedimentation, runoff provisions, etc. The approval of both the local and state health departments will be required; impacts on neighboring wells to the south will be examined. In terms of fire protection, a system in the large building with a fire pump is recommended. Hydrants are also desired on the site (supplied by two large storage tanks with fire pumps to pressurize the system using on-site wells). It is further recommended that the propane tanks be buried underground for fire safety. Buffering is important so that residences in the back of the lot do not look directly at the building backs. A

stormwater maintenance system plan is necessary to assure that the system operates as planned and is properly maintained (otherwise, it will fill up with sediment).

Attorney Corona stated that the developer's team is in the process of reviewing the comments from Brian Curtis's report; he cited the remaining issues as being the "relatively easy and less significant items." Some of the remaining issues require that the plan be approved by the Planning and Zoning Commission before the project can go forward to secure approval of the Health Department (local and state) as well as the STC. Attorney Corona stated that he would develop a working draft of an approval with proposed conditions for the next meeting of the Commission.

Kerry Querns, Middlefield Road (opposite the Willett home), addressed the Commission. He stated his belief that there were more in the vicinity of a dozen accidents a year at the sharp corner on Route 147. He stated that his wife had called the DOT and asked about a guard rail; however, the DOT prefers that "cars go into their yard—a soft landing." He also noted that there have been water problems in the past with water flowing westward and that at his home, there was a problem with gas station contaminants in his water supply.

Bob Melvin, Cherry Lane, addressed the Commission, noting concerns with the subsurface infiltration systems, in particular, how long the systems last, maintenance plans, and possible contamination of groundwater. From his contacts with the Department of Environmental Protection, it appears that there is no monitoring required, no history of longevity of such systems or impacts on groundwater quality.

Bob Melvin stated that he was able to find some information through the Federal Highway Administration—a poorly maintained system can last a year; if well-maintained, it might last five to ten years. However, the cost of reconstruction can exceed the cost of installation. He added that a grass swale can remove more pollutants than stormwater just going directly into the ground. He suggested that it was the purview of the Commission to require monitoring of groundwater quality and to require a maintenance plan.

Mayn Liss, 21 Main Street, addressed the Commission. As a walker, she stated that she had concerns about how the increased traffic from the project will affect pedestrian traffic along Main Street, Haddam Quarter Road, Brick Lane, Maple Avenue, etc. She stated there is difficulty now trying to cross Main Street, adding that having a baby carriage seems to help with getting people to stop. She is concerned that the increased traffic will detrimentally affect the enjoyment of the town.

Richard Eriksen and Bob Melvin discussed the timing for maintenance of the stormwater system, how the system would be maintained, and if the town is indemnified by the developer. Municipalities do have the ability to specify monitoring and maintenance. Bob Melvin stated that these systems are still considered experimental—while hundreds of

such systems are being installed nationwide, there has been no long-term monitoring and no indication how long the systems will last.

Brenda Eddy, 385 Main Street, addressed the Commission. Her home is directly across the street from the proposed project. She expressed concern with the number of parking spaces (proposed at 322, some 65 more than the town requires). She mentioned that the Big Y in North Branford is an 84,000 square foot store with two other outside buildings; there are 386 parking spaces—the point being that the number of spaces proposed for this project seems excessive. She also noted concern with the proposed lighting—planned for installation with poles 63 feet apart. This compares with her research of 90 to 100 feet apart (and more than exist at the Wallingford Wal-Mart, for instance). She also explained that the height of poles in the historic district is 13' 8" and these poles are proposed at a maximum of 18 feet, not counting the incremental height from concrete bases, which will make them even higher.

Brenda Eddy also talked about the height of the retaining wall at the north end of the site; with an added privacy fence on the top at the point where the wall is the highest, it could exceed 20 feet. She asked if there would be refraction of light from the retaining wall toward her property. She questioned the hours of operation for the store and what the hours would be for the lights in the parking lot. In terms of the catch basins behind the grocery store, she suggested that iron pipes be used instead of the plastic pipes that are proposed (given the heavy truck traffic), in order to protect the wetlands. Noting the comments about the developer meeting with neighboring property owners to discuss buffering requests, she asked to be added to the list of people with whom the developer will meet.

George Eames stated that he had thought the number of parking spaces to be excessive and has asked Brian Curtis to review this.

Gwen Wirger, Agerola Road, stated that although she does not live close to the proposed site, she had attended the previous public hearings and listened to many concerns. She asked why there needed to be a 40,000 square foot grocery store in Durham—adding that “no one moves to Durham for convenience or to buy Cheerios at 10 o'clock in the evening.” She stated that she resented the comment made that the project is similar to 6 Main Street or Grippo's—they have far fewer parking spots and there is no comparison. While she is not opposed to economic development, she stated her impression that no one has said, “Gee, it would be great to have a 24-hour grocery store in Durham.” At a net impact of \$150K to the town, she didn't think it was worth it. In addition, the majority of the jobs will be at minimum wage. People cannot live in Durham with jobs that pay \$7.50 an hour.

Joseph Pasquale stated that he had talked with Bob Melvin about the stormwater retention system and inspection of that system after half an inch of rain has fallen. This requirement should be pursued. He also asked about the hours of operation.

Diana McCain, Skeet Club Road, discussed the traffic situation and concerns with the timing of studies done by the developer—a weekday and weekend in August. She thought that this was not the most representative study, given the absence of commuter traffic and school traffic. In terms of peak traffic hours, although school is out earlier, there is substantial traffic through this part of town related to school activities, athletics, practices, etc. during the peak weekday hours (4 to 6 p.m.).

With an increase in net income of \$112K to the town, when divided among 2,438 taxpayers, it amounts to \$46 per account. She also stated that she didn't know if the developer was going to be asking for tax abatements. When indirect economic impacts were presented to the Commission several hearings ago, one of the points offered was choice of where/when to shop. In Diana McCain's opinion, if she wishes to shop at a large, 40,000+ square foot grocery store, she can go to Wallingford or Middletown. However, if this store goes in and puts smaller stores in town out of business (she cited Durham Pharmacy and Durham Market), then her choices are reduced. In addition, while the new store might generate 140 jobs, her calculation was that jobs lost could exceed 40 in those two businesses alone.

Diana McCain stated that she understands the property will be developed commercially; however, the current financial/economic climate may not be the best time for the proposed use that generates this much traffic.

Susan Good, Haddam Quarter Road, addressed the Commission. She stated that just because there could be development somewhere didn't mean that it was necessarily the best use for a property. She stated that three years ago, Attorney Corona came before the Commission with a hardship case to build a home on property that was smaller than two acres in size on Haddam Quarter Road. The property has remained unoccupied and unsold with serious drainage issues. She presented pictures of the project for the Commission's review. She worried that this could happen with another development. It was recommended that Susan Good address the Haddam Quarter Road drainage matter with Town Hall.

Michael Good, Haddam Quarter Road, also spoke. He echoed sentiments previously shared, but stated that he was very concerned about a large business in town with thousands of extra cars adding to the congestion already on Main Street and the impact on Haddam Quarter Road. He cited concerns with speeding traffic on Haddam Quarter Road and the potential for gridlock at the corner of Haddam Quarter Road and Main Street. He stated that before this application is decided, he implored the Commission to consider why it would want to attract "out-of-towners to do business in town when owned by a company far away" and why the Commission would want to "do this" to our towns, adding that the roads/infrastructure cannot handle it.

Joanne Schaller, 77 Sand Hill Road, addressed the Commission. She stated that she moved to town 12 years ago—not because Durham had a big grocery store, but because it didn't. She stated she was concerned about the loss of jobs if Durham Market, Brenda's

Feed, and Butcher's Wife as well as other businesses were to go out of business and then the impact of empty buildings in town. As someone said earlier, at \$46 per family, she doesn't mind paying more for the quality of life in town. She also described problems with using Sand Hill Road as a bypass and speeding throughout town. She also asked for a guarantee that the store would not be open 24 hours a day.

Bob Melvin, Cherry Lane, said that of the three public hearings, traffic matters have taken up "95% of the Commission's time." He suggested that the Commission consider hiring its own traffic consultant.

Joseph Pasquale asked what the applicant would be doing with the recommendations received from the Conservation Commission. Attorney Corona stated that the applicant has not received anything from the Conservation Commission following their formal presentation before that group. Bob Melvin replied that the chairman of the Conservation Commission (Brian Ameche) was supposed to have taken care of that; however, there was nothing in writing ever provided.

Donia Viola stated that in the interest of economic development, there was a very serious decision to be made with a number of questions raised that required careful consideration. She stated that 140 jobs being offered by the project "is no small change" and that many kids in town are looking for jobs, especially for those without transportation. She also noted that not all positions are menial, some are in management. She stated that she believed in competition if the traffic issues can be worked out. She has lived in town 32 years and mentioned that with aging and the increasing cost of gas, it would be nice to not have to go out of town for groceries or pharmacy items (when Durham Pharmacy is closed). She summarized her belief that "integrity and quality will prevail."

Motion by Richard Eriksen, seconded by Tom Russell, to continue the public hearing of Silver Eagle Development to the January 2, 2008, meeting. Motion carried unanimously.

Motion by Ralph Chase, seconded by Dave Foley, to reconvene the regular meeting at 9:58 p.m. Motion carried unanimously.

Gene Riotte and Frank DeFelice were reseated and Cathy Devaux was unseated.

6. Frederick Dahlmeyer, Request for a Proposed 2-lot Subdivision, New Haven Road

Frank DeFelice recused himself from discussion of this agenda item.

Motion by Richard Eriksen, seconded by Jim Kowolenko, to approve the two-lot subdivision request of Frederick Dahlmeyer, subject to the Commission requiring that conservation/open space be incorporated in subsequent site development plans. Motion carried unanimously.

## 7. Payment of Bills

Motion by Mike Geremia, seconded by Ralph Chase, to approve payment of the following bills:

- Jan Melnik, Absolute Advantage — \$530.29 (minutes of Dec. 5, 2007, meeting)
- Jan Melnik, Absolute Advantage — \$55.59 (minutes of Dec. 5, 2007, special meeting)

Motion carried unanimously.

## 8. Minutes of Previous Meeting

Motion by Richard Eriksen, seconded by Mike Geremia, to approve the minutes of the December 5, 2007, meetings as presented. Motion carried unanimously.

## 9. Miscellaneous

Commissioners discussed lighting of signs, in particular the excessive lumens of the Dolphin Days sign on Route 68. Frank DeFelice was asked for his recommendation about lighting levels. He stated that for a sign at considerable height (i.e., a car dealership sign), higher lumens could be appropriate; however, it was his impression that internally lit signs (beyond what might already be in town), would be highly detrimental to town, regardless of level of lumens or height. He recommended that they not be allowed. He also discussed the trends with lighting (fluorescent, LED bulbs, etc.). Gooseneck lighting can be used as well as reflective lettering.

Motion by Richard Eriksen, seconded by Ralph Chase, to draft a regulation restricting internally illuminated signs in all zones. Motion carried unanimously.

The Commission discussed recording equipment. George Eames stated that he had talked with First Selectman Laura Francis about the equipment belonging to just the Planning and Zoning Commission; the idea is that it is not to be used by other landuse boards or organizations because of the importance of having quality equipment for preparing records for the Commission and the potential difficulty with assuring availability of a system in good working order for the Commission's use at each meeting. This will be brought up at a Board of Finance meeting in January. There is nothing in the budget yet.

Ralph Chase stated that vehicles are being parked on the grass in front of the Mobil Lube business on the north end of Main Street, along with a truck frame. He asked the Zoning Enforcement Officer to inspect the situation.

Dave Foley suggested that a consultant be retained to review the traffic reports. Brian Curtis agreed with this recommendation.

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Motion by Dave Foley, seconded by Mike Geremia, to retain a traffic engineer through Jacobson and Associates to independently review the Silver Eagle application/traffic conclusions. Motion carried unanimously.

Motion by Jim Kowolenko, seconded by Mike Geremia, to adjourn the meeting at 10:20 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik

12/26/2007