

TOWN OF DURHAM

Planning and Zoning Commission
P.O. Box 428
Durham, Connecticut 06422-0428

MINUTES OF JULY 20, 2005, MEETING

Present

Members: Brian Ameche, George Eames, Richard Eriksen, Jim Kowolenko, Jan Melnik,
Dian O Neal, Jackie Snow
Town Planner: Geoffrey Colegrove
Alternate: Ralph Chase

Absent

Members: Al Bradanini, Dave Foley
Alternates: Gene Riotte, Frank DeFelice

The meeting was called to order by George Eames, Chairman, at 7:30 p.m. Ralph Chase was seated on the Commission in Al Bradanini's place.

1. Approval of Agenda

Motion by Ralph Chase, seconded by Jackie Snow, to approve the agenda of the July 20, 2005, meeting as presented. Motion carried unanimously.

2. Public Session

Reese and Elaine Hutcherson of Killingworth addressed the Commission, expressing interest in the possible uses that could be permitted at the grange hall on Main Street. They have talked with an antiques dealer/banker from Clinton who might be interested in establishing an antiques business with occasional auctions.

The Commission noted interest of a similar nature from someone else earlier this year. There are severe septic and parking constraints for the site, which is zoned farm-residential but is also covered under the former Thomasson amendment that allows professional offices by permit.

The Hutchersons asked about usefulness to the town; this had been previously explored but because of the parking, ADA requirements, etc., it was determined to be unfeasible. The

Commission did note that retail sales are not permitted in the district. Previous uses of the site have included meeting purposes for fraternal organizations. The site might also lend itself to restoration as a residence and possible home office. Everyone agreed about the desirability of preserving the building for its architectural value.

3. Bryan Esparó, Request for a Home Occupation Permit for an Office for Construction Business, 36 Bailey Road

Jan Melnik read the proposed motion for approval of this home occupation. Bryan Esparó, in attendance, stated that the only stipulation with which he could not comply is the storage of trucks at his property. He noted that in the winter, he will be parking his snow plow trucks on condominium properties that he is servicing. He indicated that he is investigating parking facilities; however, nothing definitive has been arranged.

Richard Eriksen noted that home occupation permits are designed primarily for unobtrusive home offices; he stated that there appears to be no difference between Mr. Esparó's business and something such as Whitehouse Construction (for which the business is located in an appropriate zone). Jan Melnik commented that the regulations do stipulate the number of commercial trucks that can be kept on an individual's property (one).

Discussion ensued regarding residences along Etzel Drive having campers, motor homes, and boats at their properties. However, the distinction was made that these vehicles are not used to conduct commercial business.

Ralph Chase suggested a reasonable period of time in which the vehicles will be removed on a permanent basis, with the exception of one snow plow truck. Dian O Neal recommended the end of November 2005. She also noted that a commercial vehicle could include something such as a horse trailer; the language of the motion was modified.

Brian Ameche advised the applicant to take seriously the Commission's position regarding removal of all but one snow plow truck/commercial vehicle from the property by the deadline imposed.

Motion by Jan Melnik, seconded by Ralph Chase, to approve the application of Bryan Esparó, 36 Bailey Road, for a home occupation permit for an office for a construction business with the following stipulations in place: 1) there will be no alterations to the residential character of the house or neighborhood in any way; 2) there will be no more than two non-family employees of the business at the house; these were characterized as two foremen for morning business meetings; 3) there will be no signage or advertising for the business using the residential address; 4) there will be no more than one plow truck or commercial vehicle used in the construction business on the property at any time (this truck to be used for personal plowing purposes only); 4a) all but one snow plow truck or commercial vehicle will be removed from the premises by November 30, 2005; 5) there will be no deliveries of any building materials or supplies to the house for the construction business; 6) there will be no parking of any building equipment/vehicles for the business on the property (other than the one snow plow truck or commercial vehicle used in the construction business for personal use); 6a) one small room in the house would be used for a desk-telephone-computer for the home office of the business; 6b) there will not be any nuisances such as noise, odor, vibration, etc.; and 7) all other representations made during hearings held through May, June, and July of 2005 would bind the provisions of the

home occupation permit. Motion carried, 7-1, with all in favor with the exception of Richard Eriksen (in abstention).

Motion by Ralph Chase, seconded by Jan Melnik, to recess the regular meeting at 8:09 p.m. for the public hearings. Motion carried unanimously.

PUBLIC HEARING

1. Applicant: John J. Zajac, Jr.
Owner: Jeffrey S. Zajac
Location: 26 South Wood Lane
Application: Request for an Accessory Apartment Special Permit

Members: Brian Ameche, George Eames, Richard Eriksen, Jim Kowolenko, Jan Melnik,
Dian O Neal, Jackie Snow
Town Planner: Geoffrey Colegrove
Alternate: Ralph Chase

Chairman George Eames read the call for the Public Hearing from the Legal Notice. Attendance was taken and all members present were seated on the Commission. Ralph Chase was seated on the Commission in Al Bradanini's place.

Mr. Zajac addressed the Commission and described his desire to downsize to an accessory apartment that would be constructed adjacent to the existing house. He and his wife would live in the apartment for about six months each year (the balance of time would be in Florida). After the first water test failed (because of timing and too much chlorine), a second test was scheduled for next Monday. The accessory apartment is proposed at 1,011 square feet. The calculations demonstrate that the proposed apartment is under one-third the size of the overall structure (3,619 square feet) when the new apartment is added.

Motion by Richard Eriksen, seconded by Ralph Chase, to close the public hearing of John Zajac, Jr., request for a special permit for an accessory apartment, 26 South Woods Lane. Motion carried unanimously.

PUBLIC HEARING

2. Applicant/Owner: Hanna Enterprises, LLC; Fazley Rabbi
Location: 1051 New Haven Road
Application: Request to modify the existing special permit and site plan to permit construction of gasoline dispensing equipment, associated canopy and other improvements, expansion of existing parking area, and gasoline sales as an accessory use to the existing convenience store and a Certificate of Approval for license to sell gasoline or other products pursuant to Connecticut General Statutes, Sections 14-319 and 14-321, 1051 New Haven Road, Owner: Fazley Rabbi

Members: Brian Ameche, George Eames, Richard Eriksen, Jim Kowolenko, Jan Melnik,
Dian O Neal, Jackie Snow
Town Planner: Geoffrey Colegrove
Alternate: Ralph Chase

Chairman George Eames read the call for the Public Hearing from the Legal Notice. Attendance was taken and all members present were seated on the Commission. Ralph Chase was seated on the Commission in Al Bradanini's place.

Attorney John Corona addressed the Commission on behalf of the applicant, Fazley Rabbi, and described for the Commission the request to add gasoline pumps as an accessory use to the existing convenience store. The property is zoned commercial and was approved for a convenience store about a year ago. The property has changed zones periodically throughout its existence. The Inland Wetlands Commission provided conditional approval for extension of the parking lot into an area of the wetlands; the condition is the approval of the Planning and Zoning Commission of this special permit extension application.

Attorney Corona pointed out that this permit is not a freestanding gas station; it could not exist without the convenience store. Gas stations are allowed in this zone by permit (06.01, #6). It was noted for the record that the sign regarding the public hearing was properly posted. The Commission held a site walk of the property on July 16.

The canopy over three pumps would be at a height of 14' 6" (the lowest in town, with Valero at 17', Citgo at 15.3', and Sunoco at 15.5'). It would be located entirely behind the front line of the existing building. No new buildings are proposed; those on site will remain.

Attorney Corona advised that the location of the property is relatively unique. The property itself is commercial and the proposed canopy is surrounded by the buildings on the site to the north, a very steep hill to the west, wetlands to the rear/south of the property, and a state highway to the east. It is a convenient location for those in the immediate area as well as those passing through.

Attorney Corona stated that Midstate Regional Planning Agency had conducted a review of past minutes and found nothing documented to indicate the Commission had reached a determination that a use as a gasoline dispensing facility would be unsuitable in this location. While there had been previous fits and starts with other applications, there was no determination by the Commission regarding inappropriateness of the proposed use.

Pat Benjamin, a professional engineer, addressed the Commission. The property is 4.42 acres in size. He described the proposed parking plan and the 24' x 74' canopy covering the 3' x 8' steel-formed concrete islands. Detail for the sign was submitted in accordance with the regulations. Two 12,000-gallon underground storage tanks are proposed for the site with a complete monitoring system. The dumpster on the site will be relocated.

A wetlands permit (conditional on approval of the Planning and Zoning Commission) was granted to fill one area in the vicinity of the new parking. Sixteen spaces are required and 21 spaces are proposed. Counting spaces at the pumps, there will be a total of 27 spaces. Nine white pines are proposed for planting along the end of the parking lot (planted eight feet on center). The total coverage for the parcel will be 18.57% with up to 60% allowed in the zone.

The photometric diagram of the lighting was presented featuring 12 lights under the canopy. Each light uses a flat lens with a 295-watt bulb in a focus light behind it. This reduces light spillage significantly to 45 footcandles at the corners of the canopy and full dissipation by 35 feet from the canopy.

The property itself has good lines of sight, approximately 700 to 800 feet. Buffering at the front of the property will include a landscaped berm; details will be provided by a landscape architect.

Attorney Corona indicated that there had been discussions with adjacent neighbors and no objections cited by the owner to the north (the Salas) or to the south (Charles Genera). He also spoke with Mr. Amendola (neighbor across the street), who had no objection, and Mr. Schultz (owner of three properties across the street), who also had no objection.

In discussions with the fire marshal, fire suppression was reviewed; it is being determined that these systems are not terribly effective in canopies some 14-15 feet below.

Attorney Corona noted that the property has been well-kept and, aesthetically, is in the best condition it has ever been. The intention of the applicant is not to destroy that, but to continue the positive effect. Gas sales are an important part of the expectations for service at a convenience store and there is some distance to the next nearest gas station. The proposal will be convenient for passersby and neighbors alike.

Jan Melnik queried if the treeline at the front would be disturbed; it will not.

In opening the public hearing to the public, Leo Calderone, a nearby neighbor, addressed the Commission, noting that he would be informally speaking on behalf of a number of area residents. He stated that there are concerns by many about having a gas station in this area, but was glad that the lights are going to be reduced. He stated that some of the neighbors, including Mrs. Shultz and Mrs. Amendola, do have a problem with the proposed application. He then discussed key areas of concern, of which public safety is most significant. With the addition of gas sales, traffic could double or triple in the area. He noted that traffic speeds on this road significantly exceed the speed limits with little to no enforcement. There have already been a number of accidents and near-misses with cars pulling out of the convenience store being rear-ended. There are many children living in the area.

In terms of the current convenience store operation, Mr. Calderone stated that the lighting is significantly more than originally discussed (specifically noting neon lights in the windows) and approved during the hearing process of a year ago; however, the place is being well-maintained. It has no bearing on the addition of gas pumps, in his opinion. He pointed out that the gas station would be along a main commuter route with people lacking concern for area residents. He does not see the benefits of the proposal to the community, what with four gas stations already in town.

There is concern on the part of the neighbors about the possibility of the evening hours of operation and even 24-hour operation with undesirable viewing this as a target.

One of the most compelling reasons against the application, in Mr. Calderone's opinion, is the environmental impact given the surrounding wetlands. All area homes are on wells. He recalled that gas pumps were discussed during the application for the existing convenience store.

Leo Calderone also talked about the impact on property values, which will undoubtedly diminish as a result of a gas station. He stated that area residents would expect a commensurate reduction in their taxes reflective of this fact.

Nancy Schultz addressed the Commission; she and her husband own three properties across the street, directly opposite the south exit to the convenience store. She noted the difficulty of access/egress to/from Route 17 because of existing heavy traffic. Ms. Schultz also stated that she had an educational background in leaking storage tanks and queried the decision-making between the Inland Wetlands Commission and the Planning and Zoning Commission.

Monica Palmieri addressed the Commission, stating that she had not been contacted about the meeting/hearing. She also noted concerns with safety and traffic on Route 17, mentioning a recent incident with someone driving, falling asleep, and crashing in the area near the convenience store. She queried what might happen in the event of a crash and gasoline spillage. She also asked what would happen if the applicant decided to change 200-watt bulbs for 400-watt bulbs; George Eames noted that only the lighting approved could be used.

Dawn Amendola, 1048 New Haven Road, addressed the Commission. She stated that she was not in favor of the gas station, even though she is pleased with the convenience store (she has six children and they visit the store frequently). She expressed concern with safety, traffic, wells and water quality, and diminished house values.

Attorney John Corona presented for the record letters of signature noting review of the proposed plans and application and no objection to approval of the application. Fazley Rabbi solicited the signatures; the letter read Please be advised that I/we have reviewed the plans for the above-referenced application and have no objection to the approval of that application. Approximately 100 letters were presented from people —many in the very immediate vicinity, many (in excess of 30) from those in the closely adjacent area, and nearly 40 from primarily the Durham area at large —all stating awareness and no objection to the application.

Andy Tinker, New Haven Road, was in attendance and stated that he had the wrong impression of the proposed application when asked to sign the letter (which he did, in fact, sign). He had the idea that the pumps would be out of sight. After some discussion, he withdrew the letter of support.

Richard Eriksen asked what exactly was presented by way of plans for people to be able to make an informed decision in signing these letters. The markings for the canopy on the pavement were the primary indicator of what was proposed.

Pat Benjamin stated that the site was inspected by the Department of Transportation. Lines of sight are well in excess of what is required. Speeding problems must be handled by the state trooper. The DOT will not install a traffic light on Route 17 at the entrance of the convenience store in this locale. He then described what would happen in the event of a spill or someone driving off while pumping gas (there is a half-gallon cutoff). The DOT would be contacted, outside contractors retained, the site would be tested for VOCs and monitored throughout and following all cleanup.

Leo Calderone spoke again, stating that he works for the Veterans Administration in West Haven. He stated that when reviewing plans, it is customary to sign off directly on the plans (as opposed to the letters presented for the record).

Francis Doody, New Haven Road, addressed the Commission. He stated that he is in the store four or five times a week, but did not know about the application until this evening. He also referenced the fact that gas pumps were discussed a year ago, wondering why it was being brought up again.

Richard Eriksen indicated that pumps were not part of the initial application; this is an expansion of use and requires a modification to the special permit.

Mrs. Amendola and Leo Calderone both discussed the concern about theft and robberies in the area and the possibility of a convenience store/gas station being an easy target. Hours of operation were also questioned.

Attorney Corona indicated that the hours of operation would match the convenience store (5 a.m. to 11 p.m.). There is no intention to operate 24x7.

Brian Ameche stated that the situation regarding the zone change was somewhat unclear. Attorney Corona indicated that the zone change came before the Commission in 2003 where a 6-3 vote denied the change from light industrial to commercial on the basis that commercial would be too intense a use in a farm-residential area. The Zoning Board of Appeals granted a variance to change from light industrial to commercial. However, it was subsequently discovered that the zone was already commercial dating to 1993 (hair salon application).

Brian Ameche noted three tests of the application:

- 1) that it be development compatible with adjacent areas (this application fails that test, in his opinion);
- 2) that the rights of property owners be protected (he stated that the neighbors had done a compelling job of mobilizing and expressing their concerns)
- 3) that sound planning purposes be encouraged (increasing commercial use in the farm-residential district violates every planning principle he knows)

Brian Ameche stated that the present operation has been well done, is appropriately lit, and is not a blight in the neighborhood (as it might otherwise be were Mr. Rabbi not operating it). But based upon the reasons articulated, he believed the Commission should deny the application and prevent the intensification of commercial use in the primarily farm-residential zone.

Attorney Corona reiterated that the property is not an example of spot zoning —that carries with it a very specific connotation with the law. This is a very narrow zone dropped perhaps inappropriately on the property, but it is a misstatement to say that it is spot zoning. It is a commercial zone, albeit a small sliver surrounded by farm-residential. The Commission made a decision that the property would be commercially zoned and this property is entitled to all the rights any other commercially zoned property is entitled to, including a gas station as ancillary to a convenience store.

Attorney Corona suggested that there are probably more accidents in front of Grippo's at the north end of Main Street. While Route 17 is less than desirable as a state highway from the standpoint of law enforcement, the applicant has no control over travel speeds. The application cannot be denied on the strength of law enforcement not doing its job. In terms of increased traffic, that is undoubtedly a desire when operating a business in a commercial zone. The environmental concerns will be addressed by the Department of Environmental Protection. He suggested that nothing goes together quite like convenience stores and gas-dispensing facilities. " There is no reason not to approve the application as an accessory use, not a freestanding gas station.

Considerable discussion ensued regarding the zone, intent of the zone, and practical application when comparing this site to other service stations in towns. It was noted that a Planning and Zoning alternate, Gene Riotte (not in attendance) lives two doors down from an intensely developed area –there being no salient difference between that area of town and this with regard to commercial zones. Attorney Corona concurred that every commercial zone eventually abuts a farm-residential zone. The applicant has attempted to develop an application that provides screening for the neighborhood and covers only a small fraction of the site in terms of what is allowed.

Motion by Richard Eriksen, seconded by Ralph Chase, to close the public hearing of Hanna Enterprises, LLC, request to modify existing special permit and site plan to permit construction of gasoline-dispensing equipment, associated canopy, and other improvements, expansion of parking area, and gasoline sales as an accessory use to existing convenience store and Certificate of Approval for license to sell gasoline/other products pursuant to Connecticut General Statutes, Section 14-319 and 14-321, 1051 New Haven Road, Owner: Fazley Rabbi. Motion carried unanimously.

PUBLIC HEARING

3. Applicant/Owner: J&T Route 68 Property Management, LLC
Location: Lot #9, 39 Ozick Drive
Application: Request for a Special Permit to construct a 9,600 square foot building to include professional services, offices, plumbing, heating and electrical establishments, warehouse, etc.

Members: Brian Ameche, George Eames, Richard Eriksen, Jim Kowolenko, Jan Melnik,
Dian O Neal, Jackie Snow
Town Planner: Geoffrey Colegrove
Alternate: Ralph Chase

Chairman George Eames read the call for the Public Hearing from the Legal Notice. Attendance was taken and all members present were seated on the Commission. Ralph Chase was seated on the Commission in Al Bradanini's place.

Frank Magnotta addressed the Commission regarding the 6.9-acre parcel with two buildings proposed, one 9,000 square feet in size for leased storage and one 15,000 square feet in size for a manufacturing facility. About three acres of the property is usable with the balance in wetlands. Comments from the town sanitarian have been incorporated in the plans.

Frank Magnotta then reviewed the proposed grading for the site. A flat pad for construction will be created with cuts near the top of the site and fills near the bottom. Single-story, low-profile structures are proposed. Architectural plans were presented. In examining a cross-section depicting views from adjacent home owners in the vicinity, the views from the second floors of homes on Old Mountain Road do not allow sight of these proposed buildings because of the flat rooftops and the tree canopy in the area.

Lighting has been reduced to 100-watt downlighting (wall packs). There are no freestanding lights proposed. An oil particle separator has been added before the stormwater discharge to Ozick Drive. The uses proposed are only those within the approved listing table for the design development district. The storage building will contain small storage units and possibly light manufacturing in the five larger units. There will be no outside storage of equipment or materials. No washing on site is allowed, no repairs, and no vehicle maintenance or fuel tanks permitted.

Frank Magnotta described the guardrails along the slope into the property. Metal beam is proposed along the shared driveway for safety; on the site, wood guardrails are proposed.

Sandy Kovach, 89R Old Mountain Road, asked about the original proposal, noting she wasn't clear about the intentions of the manufacturing building. George Eames indicated that these maps tonight were the same as originally presented; the application was resubmitted because of a problem in the legal notice when the application was originally filed (manufacturing was not listed as a use). Mr. Ozick explained the type of operation for the site; he was uncertain of the exact nature of the manufacturing business, but it will be one in accordance with the use table of the design development district. To questions about traffic, he stated that Route 68 was widened with the original improvements made for the subdivision. An operation such as Greenland Realty has is not proposed for this site.

Sandy Kovach noted that the public hearing sign was missing the date (of this evening's meeting). Because of the change in hearing date, Mr. Ozick stated that a revised date had been posted. However, evidently, that number fell off. There was question on the part of the Commission about whether the hearing was thus imperfect. It was agreed that Attorney Thomas Byrne would be consulted on this matter.

To Brian Ameche's query regarding footcandles, Frank Magnotta stated that he didn't believe photometrics were generated for 100-watt bulbs (planned for over each door).

Diana Cruise, Old Mountain Road, asked about the hours of operation. Mr. Ozick replied that while this was uncertain based upon unconfirmed plans, the criteria used would follow what the use tables of the design development district allow. Mr. Ozick did say that it is his intention to move his operation across the street; he has three employees for this operation, which includes kilns/heating process requiring 24 hours (but without significant noise). There will not be a lot of truck traffic (UPS). He added that the occupancy level within manufacturing facilities is very low because of technology.

Sandy Kovach asked about noise during construction and hours of operation. Mr. Ozick indicated that this work is hired out and would likely be handled between 8 a.m. and 5 p.m. Richard Eriksen added that the Commission can stipulate hours and time of construction activities.

Motion by Richard Eriksen, seconded by Jackie Snow, to close the public hearing of J&T, Route 68 Property Management, LLC, request for special permit to construct 15,000 square foot manufacturing building and 9,000 square foot building for rental storage units, Lot #9, 39 Ozick Drive. Motion carried unanimously.

Motion by Ralph Chase, seconded by Jan Melnik, to reconvene the regular meeting at 10:02 p.m. Motion carried unanimously.

4. John J. Zajac, Jr., Request for a Special Permit for an Accessory Apartment, 26 South Woods Lane; Owner: Jeffrey S. Zajac

Motion by Richard Eriksen, seconded by Jim Kowolenko, to approve the accessory apartment of John Zajac, Jr., 26 South Wood Lane, owner: Jeffrey Zajac, for a 1,011 square foot addition for an accessory apartment. Motion carried unanimously.

5. Pat DiNatale, Request for a Proposed 1-lot Subdivision, South of Bailey Road and West of Tri-Mountain Road

Pat Benjamin described the 69.1-acre parcel on Tri-Mountain Road. Crossing of the wetlands was granted at the last Inland Wetlands Commission meeting with access from Bailey Road. The town sanitarian has approved the plans as well. No open space has been proposed; the applicant is planning to use the entire parcel. However, this application was not referred to the Conservation Commission. Prior to the next meeting, Pat Benjamin will review with his client a possible proposal concerning open space.

The Commission then discussed the occasional lapse in administrative processing that accounts for the Conservation Commission not consistently receiving applications. It was agreed that going forward, all applicants will simultaneously submit to the Conservation Commission at the same time that applications are provided to the Planning and Zoning Commission and the Inland Wetlands Commission. A transmittal cover sheet will be included on the Conservation Commission copies of plans noting the date the application was submitted to the Planning and Zoning Commission.

6. Fazley Rabbi, Modification to Existing Special Permit to Allow for Gasoline Pumps and Associated Equipment, 1051 New Haven Road

Richard Eriksen stated for the record that he did remember discussion of a gasoline station at the time of the original application when Fazley Rabbi was proposing a move from the north end of Route 17/Northford to Durham. He recalled concerns expressed at that time and when the application was finally submitted, it did not feature gasoline pumps. Frank Magnotta had presented the original proposal.

The fact that gasoline facilities had been omitted from the application about a year ago facilitated the Commission's approval for a convenience store only. It was simply transitioning an existing business from one location to another.

Richard Eriksen stated that at the site walk, the original reasons for the filling of the wetlands were discussed. At one point, greenhouses had been proposed; there had never been any intention

of blacktopping the entire area and creating an impervious surface. However, the site ultimately evolved to its current state.

Motion by Richard Eriksen, seconded by Jim Kowolenko, to approve the application of Hanna Enterprises, LLC, request to modify existing special permit and site plan to permit construction of gasoline dispensing equipment, associated canopy and other improvements, expansion of existing parking area, and gasoline sales as an accessory use to the existing convenience store and a Certificate of Approval for license to sell gasoline or other products pursuant to Connecticut General Statutes, Section 14-319 and 14-321, 1051 New Haven Road. Owner: Fazley Rabbi. Motion defeated, 7-1, with all in opposition with the exception of Jackie Snow (in abstention).

7. J&T Route 68 Property Management, Request for a Special Permit to Construct Rental Storage Units, Lot #9, Ozick Drive

Attorney Tom Byrne will be consulted regarding the legitimacy of the hearing given the missing date from the hearing sign.

8. Payment of Bills

Motion by Jim Kowolenko, seconded by Ralph Chase, to approve payment of the following bills:

- Attorney Thomas Byrne —\$675 (Crooked Hill Road matter)
- Absolute Advantage —\$541.79 (minutes, July 6, 2005)

Motion carried 7-1, with all in favor with the exception of Jan Melnik (in abstention).

9. Approval of Minutes

Motion by Ralph Chase, seconded by Jackie Snow, to approve the minutes of the July 6, 2005, meeting as presented. Motion carried, 7-1, with all in favor with the exception of Jan Melnik (in abstention).

10. Town Planner's Report

Geoffrey Colegrove discussed a site inspection at Greenland Realty; there has not been much change to the site, including no appearance of commercial activity taking place. The amended site plan has not yet been submitted. He noted that he had spoken with Kurt Bober about a missing drainage pipe. To Richard Eriksen's query regarding the significant amount of top soil on the site, Geoffrey Colegrove stated that most of it will probably be required on the site. The site can be wrapped up in a short period of time; however, grass will probably not grow well now.

A cease-and-desist order will be imposed on Murphy Pools (by the Inland Wetlands Commission) if the fill has not been removed from the wetlands buffer area in 15 days.

Geoffrey Colegrove has referred the car-parking situation along Ozick Drive to First Selectwoman Maryann Boord. There are no no parking signs posted; until this happens, enforcement cannot occur.

A hot dog stand has reappeared in town at the intersection of Parsons Lane and Main Street. Evidently, the first selectwoman's office granted a permit for this operation. The Board of

July 20, 2005
Page 12

Selectmen will be notified that this is not just a one-day special event for which permits can be secured (i.e., for food vending for the antique car show held one day each year).

The Durham Village sign has not progressed; the Commission authorized Ed Grimes to remove all sandwich board signage effective immediately.

Motion by Jim Kowolenko, seconded by Jackie Snow, to adjourn at 10:40 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik
7/22/2005