

# TOWN OF DURHAM

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

## **MINUTES OF MARCH 1, 2006, MEETING**

### Present

Members: Brian Ameche, Ralph Chase, Richard Eriksen, Dave Foley, Jim Kowolenko,  
Jan Melnik, Tom Russell  
Town Planner: Geoffrey Colegrove  
Alternates: Frank DeFelice, Gene Riotte, Jackie Snow

### Absent

Members: George Eames, Dian O'Neal

The meeting was called to order by Richard Eriksen, Vice Chairman, at 7:30 p.m. Gene Riotte was seated on the Commission in Dian O'Neal's place. Jackie Snow was seated on the Commission in George Eames' place. Frank DeFelice was initially seated on the Commission in Brian Ameche's place, then unseated upon Brian's arrival.

### 1. Approval of Agenda

Motion by Jan Melnik, seconded by Dave Foley, to approve the agenda of the March 1, 2006, meeting as presented. Motion carried unanimously.

### 2. Public Session

Diana Cruise addressed the Commission, stating that the lights at Greenland Realty continue to be on, including the most recent Sunday evening when they were on all night long. She stated that the only time they are off "is when they don't want us to see what is happening." The light that has been the problem at the northeast corner of the building continues to remain on. The lights facing Ozick Drive are also on all night. Furthermore, a door has been added to the south side of the building (where the tanks were previously located).

Richard Eriksen stated that Attorney Tom Byrne was presently reviewing the whole case, including transcripts prepared from all public hearings. He will be providing a report to the Commission; at that time, the Commission will accept the photographs and any additional information neighbors wish to provide.

Sandy Kovac stated that two construction companies are now operating from the premises, one is Nosal Brothers and the other has a small plaque on the trucks with the letter "C," but identification is otherwise indiscernible. Trucks for one company are parked inside the building; the trucks for the other company are parked outside. There is also truck washing taking place every afternoon and Monday mornings at 7 a.m.

Richard Eriksen suggested that the neighbors might also wish to appear before the Inland Wetlands Commission.

To Sandy Kovac's question regarding whether or not the Commission had remembered the dirt pile that was supposed to be removed by April, Richard Eriksen indicated that the Commission had not forgotten this.

3. Donald Stephan, Request for a Special Permit for an Accessory Apartment, 336 Haddam Quarter Road

Attorney Annette Willis addressed the Commission representing the applicant. The home has been a two-family (and actually a three-family) since before 1966, "1950s sometime." The current homeowner cannot sell the property nor can he refinance because the assessor's card indicates the property does not comply with the Zoning Regulations. An approved accessory apartment (as it is being used for two-family purposes only now) will bring it into compliance as far as the assessor is concerned.

Frank DeFelice was seated on the Commission at 7:43 p.m. in Brian Ameche's place.

Gene Riotte had attended several Zoning Board of Appeals meetings on behalf of the Planning and Zoning Commission and recapped the ZBA's denial. A variance had been sought for the 1.53 acres supporting a two-family house (as opposed to the four acres required in the regulations).

In 1966, the two-family house was in compliance with the Zoning Regulations. Furthermore, the parcel was intact. A subdivision in 1983 drew a lot around the house and reduced the overall acreage of the parcel to 1.53 acre for the house. This put the property out of conformance with the regulations, but by just a half acre at that time. Now a 2.5-acre variance would be necessary.

Geoffrey Colegrove stated that the number of bedrooms conforms to the current health code.

This special permit request will be scheduled for a public hearing on March 15<sup>th</sup>.

4. CSK Realty, Site Plan Review, Lot #11, Commerce Circle

Pat Benjamin addressed the Commission. The last remaining lot has been purchased in this heavy industrial zone. The property is two acres and, under site plan review, is planned to be used for a 15,200 square foot building. He described the on-site drainage for the site.

There is a 19-foot elevation difference between the basement and the top floor. Pat Benjamin described the parking spaces, both front (26) and back (11) that will serve the site, as well as multiple driveways into the site. A retaining wall is planned for construction against the back of the property ranging in height from 1.5 feet to 5 feet. The property will require an engineered septic system. All setback and lot coverage requirements are met.

In terms of uses for the building, under the heavy industrial zone (section 07.01.03 of the regulations), uses will include numbers 8, 11, 13, and 15 (executive/administrative offices, general contracting establishment, light manufacturing, machine shop, sheetmetal laboratories, plumbing, heating, electrical, hardware, and contracting establishments). Full cut-off wall pack lighting will be used on the property. Business activities will run from about 6 a.m. until 8 p.m.

Exterior vehicle parking will include six to ten concrete form trucks.

The application will be going to the Inland Wetlands Commission for review of an activity in a wetlands. In addition, town sanitarian, Bill Milardo, will be reviewing the application. It will then come back before the Planning and Zoning Commission in the next two to four weeks.

Motion by Ralph Chase, seconded by Tom Russell, to recess the regular meeting at 8:00 p.m. for the public hearing. Motion carried unanimously.

#### **PUBLIC HEARING**

1. Applicant: Connecticut Area Classic Thunderbird Club  
Owner: Regional School District #13  
Property Location: Pickett Lane (Regional School District #13 Sports Fields)  
Proposed Activity: Request for a 1-day special permit for an Antique Auto Show and Flea Market to be held on July 23, 2006

Members: Brian Ameche, Ralph Chase, George Eames, Richard Eriksen, Dave Foley, Jim Kowolenko, Jan Melnik, Dian O'Neal, Tom Russell

Town Planner: Geoffrey Colegrove

Alternates: Frank DeFelice, Gene Riotte, Jackie Snow

Vice Chairman Richard Eriksen read the call for the Public Hearing from the Legal Notice. Attendance was taken and all members present were seated on the Commission. Gene Riotte was seated in Dian O'Neal's place. Jackie Snow was seated in George Eames' place.

Fred Klaus, a co-chairman of the proposed event, addressed the Commission. The club has been holding this one-day event at the Durham school grounds each summer for a number of years. The town's benchwarmer club is the only vendor allowed to provide food. State police assistance is retained to assist with traffic.

Dave Foley stated that he has participated in the show for at least the last five years—it is always well-run and there's good feedback from the community as well as those in attendance.

Motion by Jan Melnik, seconded by Ralph Chase, to close the public hearing of the Connecticut Area Classic Thunderbird Club, request for a one-day special permit, antique auto show and flea

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market, July 23, 2006, Pickett Lane, Regional School District #13 sports fields. Motion carried unanimously.

Motion by Jan Melnik, seconded by Dave Foley, to reconvene the regular meeting at 8:05 p.m. Motion carried unanimously.

5. Thunderbird Club Application, Annual Auto Show/Flea Market, Dist. 13 Grounds

Motion by Jim Kowolenko, seconded by Ralph Chase, to approve the application of the Connecticut Area Classic Thunderbird Club, request for a one-day special permit, antique auto show and flea market, July 23, 2006, Pickett Lane, Regional School District #13 sports fields. Motion carried unanimously.

6. Hanna Enterprises, LLC, Request for Modification to Special Permit for Gasoline Dispensing Facilities, 1051 New Haven Road

This application is going before the Inland Wetlands Commission; it will be back on the agenda of the Planning and Zoning Commission on March 15, 2006.

7. Mark Braga, Informal Discussion of Possible Natural and Gourmet Food Shop

Attorney John Corona addressed the Commission on behalf of Mark Braga.

Brian Ameche was seated on the Commission at 8:08 p.m. Frank DeFelice was unseated.

Attorney Corona stated that Mark Braga owns the former gas station located at the corner of Route 79 and Pisgah Road. Most recently, the building was used for a wire packaging business (Doug Allen) with a residence upstairs. The wire packaging business represented an approval by the Commission for a change in the previous nonconforming use (gas station) to one of less intensity on the site. The Bragas purchased the property after it had gone dormant some time ago.

Their plans are to continue the apartment use upstairs in the building and, with the Commission's approval, create a health food store featuring natural and organic foods downstairs. Structurally, the only changes would be to create a more "Southwestern" look (stucco, flat roof) and improve the overall appearance of the property. Attorney Corona indicated that the Commission does have the latitude to change a nonconforming use to another nonconforming use.

Frank DeFelice asked if the underground tanks from the prior gas station use had been removed. Attorney Corona indicated his belief that they had been removed.

To Jan Melnik's query, Attorney Corona indicated that the business would not include a restaurant; the limited septic capacity cannot support such an operation.

No expansion to the building is planned. The consensus of the Commission in this informal discussion was very positive. The applicant will move forward with development of a site plan given the Commission's favorable reaction to the proposed business operations. Attorney Corona added the applicants' belief that the neighbors will certainly find the proposed activity more pleasing. He also noted that in preliminary discussions with Bill Milardo, should the business

wish to pursue the opportunity of selling coffee, for instance, bottled water would need to be used.

8. Jim Witkowski and Dave Ferretti, Informal Discussion of Possible Site Plan Modifications to former Tomo Steak House site, 339 Main Street

As this was the second meeting of the Planning and Zoning Commission at which this matter was set on the agenda and the applicants were not in attendance, it was deleted altogether.

9. Proposed Amendments to Section 12.05.01 "Excavation and Removal Permit," of the Durham Zoning Regulations

Based on the comments received at the previous public hearing, the Commission will be reworking this proposal and developing new criteria. After initial thought about establishing a subcommittee of the Commission, it was agreed that the next meeting of the Planning and Zoning Commission will be scheduled to start with a workshop for this purpose at 7:00 p.m. for interested Commission members, followed by the regular meeting commencement at 7:30 p.m.

10. Discussion of Unimproved Town Roads

The Commission agreed to schedule a site walk on Saturday, March 11, at 10:00 a.m. (Inlands Wetlands is holding a site walk at 9:00 a.m. that day), meeting on Old Mountain Road in the vicinity of the log cabin.

11. Payment of Bills

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

- Absolute Advantage, J. Melnik - \$488.89 (minutes, February 15, 2006)
- Absolute Advantage, J. Melnik - \$1,570.05 (transcripts, Greenland Realty, part 1)
- Absolute Advantage, J. Melnik - \$1,280.05 (transcripts, Greenland Realty, part 2)
- Absolute Advantage, J. Melnik - \$1,686.05 (transcripts, Greenland Realty, part 3)

Motion carried, 8-1, with all in favor with the exception of Jan Melnik (in abstention).

12. Approval of Minutes

Motion by Dave Foley, seconded by Gene Riotte, to approve the minutes of the February 15, 2006, meeting with the following corrections: the spelling of Deb's name on page 7 should be Kotrady; Jim Kowolenko was not in attendance; clarification (via these minutes) was noted by Frank DeFelice that discussion at the previous meeting concerning mention of the Village District being noted on the Plan of Conservation and Development is a conceptual idea only; the boundaries as shown in these documents are suggestions only. Motion carried, 8-1, with all in favor with the exception of Jan Melnik (in abstention).

Motion by Gene Riotte, seconded by Ralph Chase, to approve the minutes of the February 1, 2006, meeting as submitted. Motion carried, 7-1, with all in favor with the exception of Jan Melnik and Brian Ameche (in abstention).

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13. Miscellaneous

Brian Ameche asked Tom Russell the approximate yardage involved in a “big septic system.” After some discussion, it was recommended that Brian contact Bill Milardo for his input on this question.

Motion by Ralph Chase, seconded by Dave Foley, to adjourn the meeting at 9:05 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik  
3/8/2006