

TOWN OF DURHAM

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

MINUTES OF MARCH 1, 2006, MEETING and SPECIAL WORKSHOP

Present

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

Absent

Member: George Eames

March 1, 2006, Planning & Zoning Commission Workshop

The workshop was called to order by Richard Eriksen, Vice Chairman, at 7:00 p.m. Ralph Chase was unanimously appointed chairman of the subcommittee.

Ralph Chase distributed language in which he suggested that a special permit be required *only* for the removal of more than 1,000 cubic yards of material from a property. He also expressly indicated that the regulation does not pertain to the agricultural activities of plowing, cultivating or tilling of the land for crop production.

Jim Kowolenko recommended that a permit not be required to spread material that may have been dumped onto a property (i.e., for landscaping).

Richard Eriksen clarified that the whole intent of modifying the regulation was to help address the egregious situations that have occurred in town. Any revisions to the language are not intended to limit agricultural uses of property. He did state that extensive excavation to fill gullies and valleys could potentially be a problem. The regulations prohibit filling in a wetland. He suggested that the removal and addition of fill to a property should be regulated. It is reasonable for the Commission to require a permit.

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Ralph Chase expressed concern for the individual homeowner who wishes to pursue agricultural activities (for instance, construction of a horse ring) on his/her own property. He suggested allowing up to 1,000 cubic yards per acre for up to 10,000 cubic yards (10 acres).

Although there were members of the public present at the workshop, Richard Eriksen stated that because it was a Planning and Zoning workshop (and not a hearing), comments could not be accepted.

Brian Ameche stated that one of the problems the Commission was trying to solve was the wholesale movement of sand and gravel on a site—because it is not being removed, there has been no ability for the Commission to get involved and regulate. There should be a trigger that requires a permit, as it does for site development work for a subdivision. He also stated that he had talked with Bill Milardo, the town sanitarian, who indicated that the largest single-family septic system he has seen would necessitate the removal of 1,500 cubic yards of material. Construction of septic systems for single-family houses would be exempted from the proposed regulation.

Geoffrey Colegrove referenced the Turkey Hill Road development off Powder Hill Road. Calculations for foundation-garage-septic leaching area necessitate about 1,349 cubic yards of material being removed (on a two-acre lot).

The Commission closed the workshop at 7:30 to commence the regular meeting.

March 1, 2006, Planning & Zoning Commission Regular Meeting

The meeting was called to order by Richard Eriksen, Vice Chairman, at 7:30 p.m. Jackie Snow was seated on the Commission in George Eames' place. Frank DeFelice and Gene Riotte were in attendance, but not seated.

1. Approval of Agenda

Motion by Jan Melnik, seconded by Dave Foley, to approve the agenda of the March 15, 2006, meeting as presented. Motion carried unanimously.

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

A public hearing will be held on April 5, 2006.

3. Public Session

No business.

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

Pat Benjamin addressed the Commission on behalf of the applicant. A building 15,200 square feet in size is proposed. The topography of the area was described. There will be 11 parking spaces at the back of the building and 26 parking spaces at the front. The septic system is sized for 24

people. The lot was originally cleared about 16 years ago; the largest trees are from three to four inches in diameter. The application will be going before the Inland Wetlands Commission for the approval necessary to fill in a portion of the wetland area in the center of the site. Pat Benjamin described the proposed planting scheme for the property.

Brian Curtis, town engineer, will be completing his review of the proposed plans prior to the next meeting.

Dave Foley asked for an explanation of the hydraulics at the culvert relative to waterflows for a 100-year storm. Pat Benjamin explained that the overall topography of the site dictated that the top parking area nearest Skeet Club Road be positioned approximately six feet higher than the height of the road.

Frank DeFelice also queried the differing elevations and need for the height nearest the road.

Richard Eriksen pointed out that at the Inland Wetlands Commission meeting, there was discussion about the berm on the easterly edge of the property being inadequate. This will need to be improved. There is a preexisting situation with drainage problems in the entire area.

Richard Eriksen also noted that there was an agreement to retain as much of a buffer along the road as possible (residential uses across the street). The existing treeline will be augmented with 60 new trees. All saplings greater than four inches will be retained; these will be clearly marked. Pat Benjamin indicated that a forester will extend 30 feet from the line and locate anything four inches in diameter or larger and retain these trees.

Pat Benjamin stated that about 700-800 yards of fill will be brought in. After discussion with the Commission, Pat Benjamin agreed that the elevations would be altered such that the front of the property will be lowered by three feet (to be above road grade by only three feet instead of six feet).

To Richard Eriksen's query regarding lighting, Pat Benjamin indicated that there is a lighting plan; only full cut-off light packs will be used. No pole lighting is proposed. Frank DeFelice suggested that a photometric layout be supplied with all plans depicting the candlepower at various distances. Pat Benjamin stated that for the proposed lighting, at 15 feet out at ground level, the footcandles will be .1 (very low). Frank DeFelice noted that it is important to look at the contribution of light from all fixtures in a given area; that may not be warranted in this instance.

Tom Russell asked about the height of the foundation wall at 18 feet; this is to accommodate fully loaded board trucks in the building upon occasion. Some will be stored outside as well. There will be 14-foot high doors, which require a greater clearance.

Richard Eriksen asked that the site plan specifically spell out that washing or servicing of trucks is not allowed on the site.

It was agreed that Commission members could drive by the site at their convenience. For now, comments from Brian Curtis will be awaited.

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

PUBLIC HEARING

1. Applicant: Donald Stephan
Owner: Donald Stephan
Property Location: 336 Haddam Quarter Road, Tax Assessor's Map #18, Lot #11
Proposed Activity: Request for Special Permit for an Accessory Apartment

Members: Brian Ameche, Ralph Chase, 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. Jackie Snow was seated in George Eames' place. Frank DeFelice and Gene Riotte were in attendance, but not seated.

Attorney Annette Willis, representing Donald Stephan, addressed the Commission. She stated that the house was built in 1850. She provided a copy of an affidavit from Henry Coe stipulating that the property has accommodated a three-family dwelling since at least 1966. Donald Stephan bought the property in 1998. He had no awareness that it might not be a legitimate three-family property. Now he is unable to refinance or even sell the property as it is not in conformance with the regulations.

In 1983, the property was subdivided and the lot around the existing house was made much smaller; when the regulations changed from a minimum of one acre to a minimum of two acres, the property became significantly out of compliance.

The house is now a two-family with Donald Stephan living in the primary area of the dwelling. By seeking approval for an accessory apartment, the property can be brought into compliance. All requirements appear to be met for an accessory apartment.

A septic system was installed in 1998 to accommodate the total number of bedrooms in the house.

It was noted that the application did go before the Zoning Board of Appeals where the application for a variance was denied as it was deemed too large for them to approve; an accessory apartment was suggested.

Jan Melnik asked the size of the proposed accessory apartment. Attorney Willis stated that it was 728 square feet, well within the limits, given the overall size of the building at 3,324 square feet.

Including the apartment, there are a total of five bedrooms. The letter from the town sanitarian does not specifically state that the property is approved for an accessory apartment with a total of five bedrooms for the whole building, despite there being a note in the files indicating that an inspection of the property some time ago was for a five-bedroom use.

The entire Commission was in agreement that a letter from the town sanitarian must be provided indicating that a five-bedroom house can be supported.

Chris Flanagan, a member of the Zoning Board of Appeals, was in attendance and stated that the ZBA had unanimously rejected the initial request for the two-family house based upon the concerns of the Planning and Zoning Commission as presented by Commissioner Gene Riotte. He asked when the septic system was redone (1998).

Motion by Ralph Chase, seconded by Jackie Snow, to close the public hearing of Donald Stephan, 336 Haddam Quarter Road, for an accessory apartment approval. Motion carried unanimously.

Motion by Jan Melnik, seconded by Dave Foley, to reconvene the regular meeting at 8:30 p.m. Motion carried unanimously.

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

Motion by Jim Kowolenko, seconded by Dave Foley, to approve the request for an accessory apartment for Donald Stephan, 336 Haddam Quarter Road, subject to the approval of the town sanitarian for at least a five-bedroom septic system. Motion carried unanimously.

Jan Melnik asked what the mechanism was for the Commission knowing that the approval had been granted; Geoffrey Colegrove indicated that he would get a copy of the approval letter from the town sanitarian.

6. North Plains, LLC, Request for a Special Permit for a 9,600 square foot Commercial Building and Related Parking, West Side of Main Street, CT Route #17

Pat Benjamin addressed the Commission, describing the proposed layout for the 9,600 square foot building. A public hearing will be held on April 5. There will be one curb cut serving the site (in addition to the one curb cut at the south by Cozy Corner). A total of 38 parking spaces is proposed. There is also a 15-foot wide access road to the back of the building for storage purposes. Four units at the front of the building are proposed (liquor store, two retail stores, and a small restaurant). The lighting for the site will feature two poles at the front of the property with 400-watt metal halide full cut-offs (Brian Ameche suggested that these be downscaled somewhat). There will be five cut-off wall fixtures on the building and recessed fluorescent lighting under the front overhang. The footcandle output is 1 footcandle 35 feet away from the light source.

Plantings along the front of the building will feature red maples as well as a grass area. Pat Benjamin also reviewed the proposed drainage for the site.

The plans for the hearing will present the selected color for the building.

To queries from several Commission members regarding a possible easement/shared curb cut with Durham Village, the plans for Durham Village had already advanced at the point this was initially considered a number of years ago. Pursuit now of a shared curb cut would not be feasible. Dian O'Neal asked that Geoffrey Colegrove verify that no easement is in place that may have been developed some years back.

Bill Milardo is reviewing the proposed plans and septic system for possible restaurant use.

Richard Eriksen stated that when this plan came before the Inland Wetlands Commission, it was recognized that the proposal will help to mitigate against further erosion and will help to correct the previous abuses at the site. To Dian O'Neal's question concerning number of dump truck loads out of the property for removing material, Pat Benjamin stated that approximately a half dozen trips were likely. Material to be hauled includes such things as old engine blocks, refrigerators, chopped concrete and cinder blocks, etc.

Pat DiNatale stated that the demolition for the site will take about a week at most; there will be large containers brought directly onto the site for hauling material off. He also stated a desire to consult with the Historic District Commission to ensure their satisfaction with the plans for the "gateway to Durham."

7. Kelly Enterprises, Site Plan Review for Industrial Use, Parsons Lane

Pat Benjamin addressed the Commission on behalf of Jim Blank, who purchased the former Parsons Manufacturing Company site. Photographs of the renovations to the exterior of the buildings were distributed. The owner's plans are to convert the northern portion of the building into nine industrial rental units (it is in the light industrial zone).

Twenty parking spaces are proposed (the parcel previously accommodated parking for upwards of 90 or so vehicles). The parking lines will be painted. The septic system is sized for 65 people per shift; the site will need to serve a maximum of 25 for the entire building.

The uses proposed for the building will be as stipulated on the use table (3, 13, 14, 15), including assembling machine parts, electrical equipment, electronic equipment, computing, assembling items, light manufacturing (machine shop, sheet metal labs), manufacturing, processing packaging, assembling component goods, plumbing/heating/electrical/industrial hardware/contracting establishments. No outside storage will be permitted. The road into the property is owned by Kelly Enterprises (all the way out to Main Street). The Pedersens have a right-of-way easement, as does the SNET building; neither of these parties has any maintenance responsibility. In addition, there is an agreement with Randy Whitehouse for plowing.

Richard Eriksen asked that it be clearly stipulated that auto repair, grease/washing be prohibited; these activities are listed in the use table, but only by special permit. Because the units are proposed for individual rental, Richard Eriksen asked that these uses not be permitted and stated on the site plan.

Jim Blank addressed the Commission; Kelly is a family-owned business, in the construction field for the past 35 years. It is rare that employees will need to come to headquarters, except for supplies. The company needs the warehouse space that this facility offers.

Richard Eriksen stated that full cut-off lighting is required. Existing fixtures will be converted.

An attractive, perhaps stone sign is planned for the entrance that will adhere to the size limitations in the regulations. Only the one business name will be reflected. Individual units will have their business names over their doors.

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8. Road Abandonment

Motion by Dave Foley, seconded by Jan Melnik, to formally request that the Board of Selectmen consider abandonment of Old Mountain Road from the point of the cul de sac to end of Seward Road per the recommendation of the Planning and Zoning Commission. Motion carried unanimously.

9. Payment of Bill

Motion by Dave Foley, seconded by Ralph Chase, to approve payment of the following bill:

- Jan Melnik, Absolute Advantage -- \$269.92 (minutes of March 1, 2006)

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

10. Approval of Minutes

Motion by Ralph Chase, seconded by Dave Foley, to approve the minutes of the March 1, 2006 meeting as submitted. Motion carried, 8-1, with all in favor with the exception of Jan Melnik (in abstention).

10. Town Planner's Report

The Commission discussed the problem with the recent installation of security lighting at the top of a CL&P pole at the corner of Route 17 and Howd Road. Neighbors have complained. There is no permit for such a fixture. A letter will be sent by Geoffrey Colegrove instructing removal.

A letter will also be sent to Jay Meadows about the continued problem of dumping of materials along Route 68.

Dave Foley asked that Geoffrey Colegrove inspect the site plan originally approved for Grippo's. It looks as if the location of the sign and asphalt may be in an area where a landscaped island was to be installed.

Motion by Ralph Chase, seconded by Jim Kowolenko, to adjourn the meeting at 9:42 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik

3/27/2006