

TOWN OF DURHAM

Planning and Zoning Commission

P.O. Box 428

Durham, Connecticut 06422-0428

MINUTES OF APRIL 16, 2008, 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, Mark Laudano

Absent

Member: Dian O'Neal

The meeting was called to order by George Eames, Chairman, at 7:30 p.m. Cathy Devaux was seated on the Commission in Dian O'Neal's place. Mark Laudano and Mike Geremia were present, but unseated.

1. Approval of Agenda

Motion by Dave Foley, seconded by Tom Russell, to approve the agenda of April 16, 2008, as presented. Motion carried unanimously.

2. Public Session

No business.

3. Melynda Naples, Informal Discussion of Possible Farmers' Market on the Durham Green

Melynda Naples addressed the Commission, discussing her plans to coordinate a farmers' market, to be held on the Town Green every Thursday afternoon during the June-October season.

She distributed proposed rules and regulations that would be adhered to by the 15 farmers selected for inclusion on the basis of their applications. From earlier discussions with both the First Selectman and Geoffrey Colegrove, it was not clear who has jurisdiction over use of the Town Green for such an activity.

The market is proposed to operate beginning in June and extend through the second week of October and would be closed the two Thursdays prior to the Durham Fair. Hours of operation would be 3 p.m. to 6 p.m. The proposed location is the south end of the Green. The town of Durham would be the event sponsor and, as such, would have insurance liability coverage for the market as a whole. Each vendor will be required to have individual insurance—the state recommends \$300K for liability and product insurance. A certificate of insurance will be required from each vendor. Farms must grow their own produce in Connecticut—they cannot buy from other vendors.

Melynda Naples stated that she had talked with the town sanitarian, Bill Milardo, and there are no concerns with the initial proposal. Should there ever be a desire to sell prepared foods, especially those prepared on site, different permitting issues arise. The farmers' market is planned to begin with no sale of prepared foods.

Vendors will be charged \$75 each; this money will inure to the town and ideally be used to help fund marketing materials, advertisements in the newspaper, and an A-frame style sign for the Green. Melynda Naples explained that she had discussed signage for the green during the farmers' market season with Ellen Mauro.

Vendors will be able to accept WIC-subsidized coupons as well as coupons that will be distributed to seniors in Durham and Middlefield (\$15 per season). The State Department of Agriculture has responsibility for inspecting produce and fruit.

The Durham Volunteer Fire Department, through the fire chief, has volunteered to make available a fireman for each Thursday afternoon to help direct traffic. The Durham Fair Association has indicated that the parking areas above the medical building can be used during the weekly event. George Eames noted that the Town Hall is open until 5:00 p.m. on Thursdays, noting there might not be adequate parking along Town House Road. Melynda Naples stated that there was the hope that the space along Broadway between the buildings could be used for vendors to park after they unload their produce at the edge of the Green (no driving will be permitted on the Green).

Ralph Chase asked about maintenance for the Green (restoration of grass, if necessary; picking up trash; etc.). Melynda Naples stated that the money taken in will be used for any necessary replanting of grass. Vendors will be required to set up their own spaces and fully clean up afterwards; they will have access to the Green from 2 p.m. until 7 p.m.

To Frank DeFelice's query about verification of insurance coverage, Melynda Naples indicated that the farmers' market itself and Town Hall would have copies of the certificates. There is no intention to have portalets on the Green. Nor is there a need foreseen for additional hours of coverage by the resident state trooper.

To Mike Geremia's question about the \$75 fee paid to the town, Melynda Naples stated that this is not to provide any kind of financial benefit to the town; rather, the market is intended as a community benefit. Mike Geremia also asked if surrounding neighbors had been contacted; Melynda Naples stated that she had spoken briefly with George Eames.

Richard Eriksen recommended handling the matter as an A-24 recommendation to the Board of Selectmen, pending determination of who has actual authority for such use approval. He also suggested that surrounding residents be contacted.

Dave Foley expressed concern with a sign being on the green from June to October; he also was concerned about people possibly parking along Route 17, which would be extremely dangerous. Should trash become a problem, the market might consider hiring a high school student to clean up afterwards. However, he noted that he could not imagine a better use for the Town Green—the common area, historically, for the community and where the Durham Fair started.

In addressing concerns about the signage, Melynda Naples stated a small professionally made A-frame is envisioned. She suggested that perhaps the sign could be in place continuously for the first few weeks of the market and then put up just a day or two before the market each week (and taken down Thursday night each week).

It was clear that there could be overlapping responsibility between the Board of Selectmen and the Commission regarding use of the Town Green. Sale of farm products is permitted in the Planning and Zoning regulations, but from a grower's own property. There is a similar summer farm market on the green in Middletown; George Eames asked that Geoffrey Colegrove investigate what Middletown has for regulations addressing the farmers' market concept.

Melynda Naples stated that she would like to resolve the matter by the beginning of May in order to begin the application process.

Anne Cassady addressed the Commission, stating that Guilford and Madison also have had farmers' markets on their town greens for years. Trish Dynia noted that the Church of the Epiphany previously ran an antique fair on the Town Green for a number of years.

Frank DeFelice asked if Saturday had been considered in lieu of Thursday. Melynda Naples explained that some of the quality vendors are already committed to other markets on the weekends. Plus, with the traffic during the week along Route 17, it was thought visibility might be best on a Thursday.

Bruce Rau asked for clarification that the applicant would need to return to the Commission for approval if there were a desire to do demonstrations or sell prepared foods; this would be the case.

Mike Geremia and George Eames stated this would be similar to the auto show each summer that must return for an approval of an annual application.

To a question from Bruce Rau about insurance, Melynda Naples stated that Jan Muraca verified that \$300K is adequate for individual insurance to be held by each vendor.

Motion by Ralph Chase, seconded by Richard Eriksen, to recommend to the Board of Selectmen that the weekly farmers' market on the green be approved, subject to the Board of Selectmen being the regulating authority for such use. Motion carried unanimously.

Motion by Dave Foley, seconded by Gene Riotte, to recess the regular meeting at 8:03 p.m. for the public hearing. Motion carried unanimously.

PUBLIC HEARING

1. Applicant: Connecticut Horse Cremation
Request: Request for a Proposed Zoning Text Amendment to Section 07.04.04 (18) of the Zoning Regulations to Allow Large Animal Crematory in the Design Development District

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, Mark Laudano

George Eames, Chairman, opened the public hearing. Cathy Devaux was seated on the Commission in Dian O'Neal's place. Mike Geremia and Mark Laudano were present, but unseated.

George Eames read the legal notice and also stated that a letter dated April 1, 2008, had been received from Attorney Steve Byrne (partner of Attorney Thomas Byrne) stating that the applicant did not need to post a sign for the public hearing.

Jan Melnik read a number of letters into the record, including the following letters of support:

- Senator Ed Meyer
- Durham Economic Development Commission

- Middlesex Chamber of Commerce Larry McHugh
- UCONN
- Post University
- CT Farm Bureau

Letters were also received and read into the record from:

- Jennifer Hapanowicz, owner of USA Elite, 45R Ozick Drive (opposition)
- Patricia and James Sayre, 516 Fifth Ridge Road, Wallingford (owners of unit 20 at Chelbret Business Park Condos at 45R Ozick Drive; opposition)
- Sandy Kovac 89R Mountain Road (two letters of opposition, dated March 19 and March 10)
- Kaylynn Sherman, 687 New Haven Road, Durham (in favor)
- William Inedder, 423 New Haven Road, Durham (in favor)
- Patricia (unintelligible last name), Indian Lane, Durham (in favor)
- Kristin Meuselbach, Fordham Trail, Old Saybrook (in favor)
- Eric Fuller, 25 Dorrance Street, Hamden, CT (in favor)
- Megan Quitko, Arlington St., Meriden (in favor)
- Joan Nichols, Government Relations Specialist, CT Farm Bureau Association (in favor)
- Marisa Evans, 46 Ione Drive, Meriden (in favor)
- Sharon Born, Ellington, CT (in favor)

Jeff Blashke and Dominic Gambardella of Connecticut Horse Cremation addressed the Commission. They explained that they were seeking a text amendment change to allow for options within the Design Development District; however, this application does not link to a particular unit. Jeff Blashke stated that there are currently no cremation options in the state with the nearest facilities on Cape Cod, New Hampshire, and Long Island. The option they propose uses state-of-the-art equipment that will be completely discreet and have virtually no negative impact on the community (other than what was described as the 'ick' factor). Cremation also avoids groundwater impacts from in-ground burial. The unit used as part of the process enables large animals (horses) to be cremated intact without rendering. There will be between \$300K and \$500K in taxable equipment in the building.

Jeff Blashke then detailed the process for handling a case. Upon receipt of a phone call, their truck (which has no signage on it) goes to the horse, loads it into an enclosed trailer and is then transported to the facility. The vehicle is backed into the building and the doors are closed before removal from the trailer. The only preparation required is removal of the horseshoes. The cremation procedure takes about three hours for a 1,400- to 1,500-pound horse. A biodegradable sanitizing spray is used. There is no solid matter remaining following the procedure (a 13" cube of ashes remains). The ashes are returned to the customer, along with a sympathy card.

Jeff Blashke explained that this service is necessary—Connecticut has the highest count of horses per capita (about 70,000); Durham has a large number of horses and is a centralized agricultural community. The applicants had targeted a different community a few years ago, but realized they needed to do more homework. He also referenced the Plan of Conservation and Development and the consistency of the proposed plan with that document (maintaining healthy agricultural interests in town, encouraging a minimum of restrictions, traditional Yankee ingenuity, etc.). He stated that Section 07.04.04 of the regulations detailing permitted uses allows such things as experimental research labs, product testing in conjunction with pharmaceutical and commercial labs, incinerator use in a building, assembling/manufacturing (which can be loud processes), truck/freight terminals/warehouse, plumbing, heating and electrical contractors, municipal uses for the town of Durham, warehouse and distribution facilities, retail sale of products developed, assembled, and/or manufactured in the district (potentially generating a large flow of traffic), etc.

The applicants then detailed their background: family-oriented, each has owned a business for 25+ years. They have been involved in the horse business for 13 years and have a horse farm and provide boarding in Killingworth. They are active in the community (Kiwans, boy scouts, High Hopes Therapeutic Riding Center, coaching of basketball, softball, and hockey for the Park and Rec Department, Helping Hands, etc.).

Andy Hooker, the president of the company in Montgomery, Pennsylvania, that manufactures the equipment Connecticut Horse Cremation will be using, explained the technology in a detailed PowerPoint presentation. Ten percent of their equipment is used in the United States, the balance throughout 35 nations, by veterinarians, governmental agencies, the Department of Agriculture, pharmaceutical companies and large farming operations. Penram has 25 years of experience as a global manufacturer in the incineration industry. He detailed the specifics of the system, which he characterized as smokeless and odorless; there is a 99.5% reduction by weight with minimal consumption of energy. The output of emissions, on a scale of 0 (invisible) to 100 (opaque black smoke), is between 0 and 5 for these units. A typical wood-burning fireplace has visible emissions of 25-30.

The system is compliant with EPA and EU directives. The machines themselves are available in a number of sizes. Several recent installations of equipment have been made in California, where the emission regulations are the most stringent of anywhere in the country.

Andy Hooker also stated that the equipment is tested by independent laboratories, licensed by the EPA, and supervised by state agencies. A special oxidizing chamber assures complete burnout of gases inside the units. Chimney height was discussed; one of the photographs presented showed a tall chimney on a rather short building; however, the required height is about 5-6 feet above the roofline. The incinerator burns at about 1,800 degrees Fahrenheit and the gases are very lightweight and rise rapidly. Odor destruction

(oxidation) occurs at and above 1,100 degrees Fahrenheit, so that there is absolutely no smell whatsoever.

Jeff Blashke stated that propane is the fuel that will be used for the proposed unit. Depending on the building, three 1,000-gallon tanks or one 5,000-gallon tank will be used. To a query about how often the propane will be delivered, it will be dependent upon how many horses are cremated; Andy Hooker stated that roughly 60 gallons per horse could be calculated. The machines are clean-burning, low NOx design and can fire either natural gas or propane.

Two chambers are needed for proper cremation—the bottom chamber holds the animal carcass, which changes from a solid state to gas. The upper chamber oxidizes anything remaining at between 1,800 and 2,000 degrees Fahrenheit. While the system is working, the machine can be touched on the outside (it is fully insulated). The only noise is the combustion air fan, which can easily be talked over. A muffler can be added to further insulate any other units from the sound of the fan. The machine itself is designed to operate under negative pressure; if there is an air leak, it passes into the system; gases cannot pass out of the system.

It was noted that the pictures shown depicted standalone buildings. Approximately 70% of the units are installed outdoors. Information was provided that in many states, it is no longer legal to bury euthanized animals (remains can be toxic to other animals and perhaps the water supply).

The unit itself operates automatically with a key for security; the doors must be properly secured in order for the machine to start. The unit then preheats to state-mandated minimum temperature (1,600 to 1,800 degrees Fahrenheit in the top chamber), then the bottom chamber heats. The process requires about one hour for every 500 pounds of animal weight. There is a cooling-off cycle at the end of the cremation cycle, then the unit shuts off.

The weight of the horse is estimated (based on measurements, weights are within a 40-50 pound range). A scale is not planned, but could be added if required by the Commission. The applicants are planning to purchase about \$8,000 worth of spare equipment to cover for any part replacement.

Frank DeFelice asked if a boiler or a furnace would be used; Andy Hooker explained that it is similar to a furnace, but there is no auxiliary energy generated. There could be heat recovery devices, but this is not done. There are no components under pressure. Service for the unit is located four hours away. To questions regarding what would happen if the power went out midcycle, the unit takes many hours to cool down and the devices fail closed, sitting there idle. If there is any leakage, air is passing through 1,800-degree chambers. There is no release of pollutants and a zero percent chance of release of biological components.

Backup generators can be used for provision of power during an outage (in an ice storm, for instance); obviously, if the power were out an extended period, additional horses would not be accepted at that time. There will be a cooler on site for storing a second horse.

After the cremation, a hot ember vacuum can be used to remove the remaining ashes and then the system can be loaded with another animal. The normal cool-down period after a cremation is about 10 to 12 hours. Hours of operation were discussed; the applicants indicated that 'during normal daylight operating hours' of 7 a.m. to 5 p.m. would be proposed.

To George Eames' question regarding whether or not the business is state regulated, Jeff Blashke stated that it is open to town inspection, but is not regulated by the state and is not licensed. There is a recorder device that will record temperature and times of cremation. He stated that they had prepared this application over the past eight months, following failure of an application in Deep River (they recognized the need for expert testimony and additional facts). Durham was carefully selected after looking closely at 30 towns. George Eames asked why the application was turned down in Deep River; the response was there were concerns about the opacity of the smoke and odor based on their (the applicants') word only, without expert testimony.

Dave Dingwell, 89R Mountain Road, stated that crematoriums are regulated by the state (for humans). However, animal crematoriums are not. He stated that, at one time, he had horses. They can die from various diseases, including equine encephalitis and hoof and mouth disease. He asked about safeguards for not transporting diseased animals to this facility. Jeff Blashke stated that they will not accept diseased horses; most of those are euthanized with the involvement of a veterinarian.

Richard Eriksen asked about the method of cleaning up after anything that might 'drop off' the horses; Jeff Blashke stated that all solid matter goes into the incinerator with the horse. If needed, an absorbent material is used on the floor—then this material also goes into the incinerator. There is no floor drain and soap/water will not be used.

Richard Eriksen asked that the names of other facilities in other states be supplied to be investigated for more information. He added that while he recognized the need for such a business, he felt it would be more appropriately located in the heavy industrial zone as opposed to the design development district.

Jeff Blashke stated that pharmaceutical testing is already allowed in this zone.

Terry Peters, 670 Wallingford Road, addressed the Commission. An article in the *New York Times* (July 15, 2007) was referenced that discussed a crematory in Gaylordsville

that would start to receive horses at the end of April. Jeff Blashke was familiar with this operation—they previously had a machine that could not take the whole horse without sectioning.

Sandi Kovac addressed the Commission. She stated that Inserve in Manchester does provide crematory services (cutting horses into small sections).

Dr. Stacey Golub, a veterinarian, addressed the Commission. She stated that Inserve only accepts horses if sectioned and through UCONN. It is being done as a one-year experiment. UCONN does not want to be in the horse disposal business and it is not a viable option.

A woman (Megan, last name unintelligible) addressed the Commission, stating that the horse she had had 20 years was put down; the only option available was through UCONN and Dr. Golub. She explained the difficulty of the process and knowing that an animal is being chopped up is not a pleasant thought to contemplate after so many years.

James Sayre, 45 Ozick Drive, addressed the Commission. He asked if the business is successful, how many additional incinerators might be added to the business; he also was concerned with the proximity to the residential area.

Jeff Blashke stated that if the business reaches a point where one machine is not adequate, they would plan to develop a second site elsewhere—possibly a freestanding building/property in Durham or a second site altogether in Fairfield County, where there is a large equine population. He noted that in terms of the proximity to the residential area, while he has respect for the neighbors, they did buy a home with the industrial (design development district) park already there; if they didn't do a proper title search or their attorney didn't, that becomes a situation of buyer beware.

To David Dingwell's question as to whether or not anyone writing letters of recommendation had visited the site, Jeff Blashke stated that no one had—rather, they were endorsing the idea and thought of not putting animals into the ground and saving the environment. Dave Dingwell reiterated that the business does not belong in the design development district.

Mike Cote, Pent Road, addressed the Commission. He stated that he is pro business and pro industry, but there is the issue of compatibility—he does not think the proposed business is compatible next to houses or a day care center. He also expressed concerns with the emission of dioxin (the primary toxic ingredient in agent orange). He suggested that modeling and testing of the facility be conducted specific to the proposed topography and with analysis of meteorological conditions and controls to prove there are no adverse health affects before any approval is granted.

Patricia Sayre, 45 Ozick Drive, stated that she supported the need for the facility—just not in the design development district. The heavy industrial zone would be more appropriate.

Jeff Blashke stated that in reading the 'blueprint' for the design development district, this business seemed perfectly suited for the area. He attributed concerns to primarily being the 'ick' factor—not the actual emissions—but, rather, the use. They want to be a good neighbor and are willing to accept whatever restrictions, hours, etc. are placed on the business.

Diana Cruise, Mountain Road, stated that residents in the area had experienced many problems—promises made and broken. She is concerned that the business would be running 24 hours a day with lights at night that disturb the residential character of the adjacent neighborhood. It was noted that the softball practice facility is not a 24/7 operation; it closes by 8:30 or 9 p.m. She also expressed concerns with vehicles coming into the area at night.

Patricia Sayre asked about the Connecticut state statutes for human crematoriums that require an area not less than 20 acres and applicability to this proposal. In California, crematoriums are allowed only in fireproof buildings/structures or separate fireproof buildings in cemeteries.

Margaret Vitale suggested that a freestanding building be considered in a different zone than the one proposed.

Susan White asked the anticipated cost to horse owners for the service; it will be approximately \$1,500, including return of ashes in an urn (as compared to \$700 with backhoe burial).

John Gazowitz, 45 Ozick Drive, stated that it is likely much more cost-effective for the applicant to go into a unit at Ozick Drive as opposed to building a freestanding structure. He is not in support of this use in the design development district.

Joseph Pasquale stated that there is definitely a need for this type of business somewhere in the state—but that it should follow guidelines that human crematoriums do—500 feet back from residences. If the language in the regulations were changed to allow this use but there were the added 500 foot restriction, there might be just a few buildings in the design development district that could then accommodate this use. He also noted that if there were to be a rampant spreading of disease in the community or state and if the facility were going to accept them, the location needs to be appropriate.

Fred Mastele, 197 Maiden Lane, addressed the Commission. He is a horse owner and, in fact, boards at the same facility as Sandi Kovac. He believes this is a viable option for those who have horses. People are limited in terms of land that they can use for burial and there needs to be some way to handle the dead animals. The design development district

already exists. The applicants appear ready to do whatever is necessary to make the business acceptable and viable.

Barbara Shikowsky of the Middlesex County Farm Bureau addressed the Commission, speaking in support of the proposed application.

Andy Hooker stated that an overlying concern is emissions. He said that there is a saying in the business—the ‘solution to pollution is not dilution’—but to control pollutants at the source. He said that modeling is something that is routinely done in the industry and could put everyone’s mind at ease. A number of engineering firms do this (independent monitoring/testing of equipment). Jeff Blashke stated that they are willing to do this—whatever it takes to make the public and the Commission comfortable.

George Blanchard, 45 Pent Road, stated that the presentation was very good (and he used to be in sales). He thinks that the proposed crematorium is a good idea—but not in an area where there are houses and a day care facility. He suggested perhaps locating the business up in the transfer station.

Rory Wilson addressed the Commission; he owns the building and unit where the proposed facility is planned. He is trying to be objective—when first approached, he thought there might be concerns by his other tenants. However, after learning about the business, he supports it. He said that simply amending the text does not necessarily mean the business will go to his location. He is concerned about business development in town and that it seems no matter what is proposed, there is a problem (i.e., the doggie day care business was rejected). He said it is disheartening as a developer to try to bring businesses into the area, that there is a ‘not in my backyard mentality.’ He also queried why someone would have bought a house in this area without realizing the zone they were in. He added that because of this, many businesses are driven underground and, instead, use rental units at Pat DiNatale’s facility without ever having to go before the Commission.

Rory Wilson also stated that his building is an all-steel structure with several firewalls, three-hour walls, and no combustible framing materials.

Jeff Blashke, in reiterating respect for the neighbors, stated that consideration of the proposal needed to be from the standpoint of an even playing field (with equal consideration as shown to previous applicants, i.e., the softball facility).

Frank DeFelice commended the applicant for a thorough presentation and the fact that there were many interested neighbors was a positive thing. He appreciated the need for the facility and the concept of what was being proposed. He noted that a preamble to the Plan of Conservation and Development was ensuring that property values are stabilized and attractiveness of residential areas is maintained. If a house were owned within 500

feet of a horse (or human) crematorium, the property would likely decrease in value, which was a concern. He endorsed the applicants' desire to locate their business in Durham, but the plans for a coordinated, well-planned office industrial park/commercial development did not envision such a use in the design development district as what is proposed. He believed the proposed use would be more appropriate in the industrial zone. Richard Eriksen concurred.

Jim Kowolenko stated that the applicants are trying to develop a business in Durham that will be discreet, generate no noise, and have no visual impact nor external lighting; there will be no traffic. He rhetorically asked, 'what could be better?'

Motion by Richard Eriksen, seconded by Frank DeFelice, to continue the Connecticut Horse Cremation public hearing, request for proposed zoning text amendment to Section 07.04.04 (18) of Zoning Regulations to allow large animal crematory in Design Development District, to May 7 meeting. Motion carried, 8-1, with all in favor with the exception of Dave Foley (in opposition).

Motion by Frank DeFelice, seconded by Gene Riotte, to reconvene the regular meeting at 10:30 p.m. Motion carried unanimously.

4. Dolphin Days Learning Center, Parking Lot Usage, 7 Ozick Drive

At issue is the placement of a snowmobile trailer in the overflow parking area. The Sibillas stated that it is empty; the trailer is used (pulled by a quad) for moving bookshelves and other materials to the day care center that do not fit into cars.

The Commission pointed out that this was not in the original application, that the parking area was to be used strictly for overflow parking for special events at the school perhaps up to six times a year.

The Sibillas stated that they did not know they needed a permit to park the trailer and asked from where they would obtain such permit. They were informed that the site plan would need to be amended.

George Eames noted also that while a building permit had been secured for the shed, a zoning permit had not—nor was this on the plan. There was evidently an administrative error at town hall with the site plan not having been consulted prior to issuance of the building permit.

To the Sibillas' question as to what would happen if the trailer is not moved (and a site plan amendment not pursued), George Eames indicated that a cease-and-desist order would be issued.

Richard Eriksen stated that he believed this to be nitpicking, but the Commission has to respond to complaints. In going back to the minutes (November 7, 2007), the Sibillas

themselves stated that the lot would be used strictly for overflow parking. He suggested they formally seek approval for use of the lot for storing a trailer.

Dave Foley stated that there were four stipulations on the original approval—two of which have been violated: 1) the auxiliary parking lot was not to be used for permanent storage and 2) the size and type of sign would conform to regulations *and be submitted for Commission review and approval prior to installation*. These two stipulations have been violated. There are a number of issues all over town where people say one thing and do another; the Commission needs to start enforcing its regulations and the stipulations of approval.

The Sibillas stated that they thought the problem would have been with cars on Mountain Road, not the trailer; they use it to move material around. It was not to disrespect the Commission.

George Eames stated that the operation itself is nice with an attractive building that is an asset to the town of Durham. He suggested the applicants comply with the rest of their approved site plan or, alternatively, approach the Commission with revised site plans.

5. Discussion of Possible Zoning Text Amendment for Professional Offices

Geoffrey Colegrove indicated that if medical and dental offices are not precluded from the language, limitations are removed. Doctors and dentists were originally prohibited because of the likelihood of a high volume of traffic.

Frank DeFelice distributed language that defines professional—essentially, someone who accepts pay for their services. Dave Foley suggested licensed professionals could be a term used.

A special permit is required of any applicant for this use. The public hearing will be held May 7.

6. Payment of Bills

Motion by Ralph Chase, seconded by Frank DeFelice, to approve payment of the following bills:

- Attorney Thomas Byrne -- \$2,975.00 (Silver Eagle)
- Absolute Advantage, Jan Melnik -- \$456.87 (minutes 4/2/2008 meeting)
- Midstate Regional Planning Agency -- \$4,502.03 (February expenses)
- CIEL, Inc. -- \$295.00 (Silver Eagle copies)

Motion carried unanimously.

7. Town Planner's Report

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Geoffrey Colegrove stated that the Arrigoni brothers have taken their matter on to federal court (Mountain Road application denial for excavation) on three items relating to inverse condemnation. The Zoning Board of Appeals is also being sued.

8. Miscellaneous

George Eames awarded Gene Riotte a 12-year service award from the Connecticut Federation of Planning and Zoning Agencies, where he was commended for his service to the town of Durham at its spring banquet.

Geoffrey Colegrove asked if Commissioners were amenable to receiving their materials (minutes, agenda, etc.) electronically; his office can institute this if all Commissioners are in agreement (in other words, it would not be feasible to do electronic for some and paper for others). Everyone was in agreement, with the exception of Cathy Devaux, who is not able to get material from a computer; Frank DeFelice also noted that he prefers to have documents printed (but could do this from computer).

Frank DeFelice asked about the State of Connecticut dumping sand at the corner of Routes 157 and 68. Geoffrey Colegrove stated that Mr. Marrotta is buying the property from Mr. Meadows and an application is forthcoming.

There are U-Haul rentals occurring at the Fazzi Rabbi site on Route 17 that were not on the original plan (Quik-Stop); Geoffrey Colegrove will investigate this.

Motion by Frank DeFelice, seconded by Cathy Devaux, to adjourn the meeting at 11:01 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik

4/24/2008