TOWN OF DURHAM

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

MINUTES OF MAY 21, 2008, MEETING

Present

Members: Ralph Chase, Frank DeFelice, George Eames, Richard Eriksen, Jim Kowolenko, Gene Riotte, Tom Russell
Town Planner: Geoffrey Colegrove
Alternates: Cathy Devaux, Mike Geremia

Absent

Members: Dave Foley, Dian O'Neal
Alternate: Mark Laudano

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

Motion by Ralph Chase, seconded by Tom Russell, to approve the agenda of the May 21, 2008, meeting as presented. Motion carried unanimously.

1. Public Session

Melynda Naples addressed the Commission regarding proposed signage for the weekly Durham Farmers' Market to be held on the town green from June until October. A 2'x3' A-frame sign is proposed. At a recent Board of Selectmen's meeting, she was informed that the sign could be posted on the green on Monday mornings and removed at 6 p.m. Thursday evenings following the weekly Thursday market event. The group also received permission from the Board of Selectmen to post the sign a full week in advance of the first Farmers' Market.

A letter dated May 6, 2008, from the Board of Selectmen to Melynda Naples was presented to the Commission. It states that the Farmers' Market is to be placed at the north end of the green in front of Broadway and extending north to Maple Avenue; it will not go south of Broadway and, therefore, won't be in front of the Town House Road residences.

RECEIVED: 6-2-08 TIME: 11:25 AM
Kim Garvis, Town Clerk
OFFICE OF THE TOWN CLERK, DURHAM, CONNECTICUT

Motion by Ralph Chase, seconded by Frank DeFelice, to approve the proposed A-frame signage for Durham Farmers' Market as presented. Motion carried unanimously.

2. Zoning Enforcement Officers' Report

Geoffrey Colegrove reported that John Jackson will return to living at his property on Main Street by the end of June (he is awaiting a closing date on a house he built in Middletown and wants to stay in that house to prevent vandalism). A confirmation letter will be provided to Geoffrey Colegrove.

Geoffrey Colegrove stated that he is currently working on the measurements for the possible setback line infraction on Gina Drive.

As to the structure constructed on Agerola Road (20x14 patio of stone with a large fireplace that is within five feet of the property line), Geoffrey Colegrove stated that he had spoken with Attorney Tom Byrne about this matter. While the permit for the structure was signed by the building department, the zoning permit had not been signed by Geoffrey Colegrove (the zoning permit is supposed to be signed first, before any building permit can be issued; the only time this is not the case is when there is a building permit issued for such things as reroofing, a new furnace, etc.; exterior work requires a zoning permit and a building permit). In this case, the matter will go before the Zoning Board of Appeals for a variance in June.

Richard Eriksen stated that in some towns, a copy of a signed permit is sent to property owners. He suggested that a procedure be in place with the building department advising that building permits cannot be issued without a proper zoning permit having been issued.

3. John Marotta, Site Plan Review to Construct Building for Plumbing and Heating Contractor, Routes #157 and #68, Owner: John Meadows

Attorney John Corona addressed the Commission on behalf of John Marotta. He is a licensed heating contractor who sells oil as part of his business. He is purchasing a two-acre parcel at the corner of Skeet Club Road and Route 68, an area in the industrial zone that has supported several different enterprises in the past. Both the Conservation Commission and the Inland Wetlands Commission have reviewed the application without comment.

John Marotta is proposing to construct a small, wood-sided building that will accommodate a service vehicle and an oil truck. There will be a small area of outside storage for several pieces of equipment.

The project engineer, Pat Benjamin, then reviewed the site details. The proposed use is permitted in the heavy industrial zone through a site plan review; a special permit is not required as the activity is already permitted under the existing regulations. The limits of the wetlands and watercourse on the property are depicted on the plans. Process stone

covers most of the area where the building will be established. There is an AT&T right-of-way that extends across the site. An 18-foot wide entrance into the business is proposed off Route 157 (no curbcut will exist from Route 68).

The building is proposed at 40x35 feet with two overhead doors in front plus two entrance doors. There will be recessed 70-watt lights under the front eaves and full cut-off wall pak lighting on either end. The septic system has been reviewed and approved by Bill Milardo, town sanitarian, with a 1,000-gallon septic tank sufficient for two employees. There is parking adequate for two employees. The lot currently has no trees, but a 24" high berm is proposed for the front of the property along Route 68 with 20 six-foot high emerald arborvitae proposed that grow to 15 feet high at the corner of the site. At the entrance, two American elms will be planted, along with a row of arborvitae. No plantings will occur along the berm because of serious line of sight issues.

There will be a four-foot high architectural fence that runs within the AT&T right-of-way (AT&T will allow this, provided that it is located, hand-dug, and that a representative is present during installation). Well and septic system locations were reviewed. The back of the building will have about four feet of foundation exposed because of the slope—there will be a 15-foot wall poured. This avoids any fill-in of the back area (where there are wetlands). In response to a request of the Inland Wetlands Commission, the back wall of the foundation will be raised about 12 inches above the slab level for a 'bumper stop' to prevent any problems with a vehicle/oil truck going out the back of the building and down the steep grade into the wetlands area.

The Department of Transportation allows an inside floor drain under the general registration process that will run to a 1,000-gallon exterior tank with no outlet; there will be a three-inch vent. In case of any spill, the Department of Transportation would be notified and there would be an inspection. In this zone, up to 40% maximum lot coverage is permitted; the proposal is for 3.21%. All setback requirements are met, with 50-foot setbacks for the two fronts. Drawings of the building and front elevations were presented. The building will have eight-inch wide tongue-and-groove vertical board with a light-stained wood color or treated natural wood for the finish. The roof will feature architectural shingles. There will be shake shingles on the side of the dormer with vertical board on front. The building will have a 50 square foot mounted sign, plus a 15 square foot free-standing sign. Recessed lighting will illuminate the signs, they are not internally lit.

George Eames asked if there had been discussions about an oil separator. This is not necessary; the oil truck will be stored in the building. It meets the regulations of the Department of Transportation and will be inspected annually by the fire marshall. The septic system is to accommodate a toilet and a sink. The two bays of the garage will house the oil truck as well as a service vehicle.

To Frank DeFelice's question, the building will have a slab foundation. He then asked that the pitch of the floor drain to the center be reflected on the drawings. Pat Benjamin

stated that this would be added to the drawing, along with a note, and could be a condition of approval.

To the question of whether the second floor might be used for residential purposes, the septic system is only sized for 50 gallons per day (insufficient for residential purposes); the second floor might accommodate an office for the business.

Frank DeFelice expressed concern with a free-standing sign possibly obstructing view/line of sight at a dangerous corner. Pat Benjamin stated that the size allowed, 15 square feet, is relatively small and if there is a concern about height, it can be 26" above the ground, below the line of sight for a vehicle (3.5 feet is the standard used). After discussion, it was agreed that if the site plan is approved, the applicant would agree to allow the Commission to review the building and site and then evaluate sign placement before any signs are erected.

It was also noted that it might be necessary to have a partial basement to house mechanicals. There was some discussion and the optimal plan would be to create a partial basement under the area of the building where vehicles are *not* being parked (this would avoid the necessity of an engineered floor system and the requirement for certification by a structural engineer to accommodate a floor drain over a basement).

Pat Benjamin reviewed elevations; the site where building will occur is relatively flat and even with Routes #68 and #157.

Attorney John Corona stated that the outside storage area might possibly store a backhoe or a different piece of equipment; it will be screened with arborvitae.

To a query around having a dumpster on site, Attorney Corona stated that the business itself does not generate much trash; there might be a trash can in the building and, if a dumpster were needed, the applicant would come back before the Commission.

Frank DeFelice asked if pipe would be stored outside the building; the response was that this would not occur as a routine matter.

Mike Geremia stated that with the changeouts of equipment in the heating-contracting business, old equipment tends to accumulate; however, the applicant indicated that there is no area proposed for the storage of demolition material from a job site.

Attorney John Corona stated that the applicant has not yet finalized plans for the mechanicals and interior layout of the building; he stated that the Commission's purview is over the exterior of the building and drainage is a matter for the Inland Wetlands Commission.

Terry Peters, 670 Wallingford Road, asked about hours of operation. Attorney Corona stated that, in general, the oil business is subject to demand without a lot of activity in the

summer; in the winter, the business will take place when/where needed in conjunction with installing and maintaining heating systems and providing oil deliveries.

Frank DeFelice asked that it be clarified that there is just one oil truck for the business that will be housed inside the building; that is the case.

Geoffrey Colegrove stated that the Commission had previously disapproved a home occupation application for this same applicant; this proposal relocates a home occupation to the heavy industrial zone.

Motion by Richard Eriksen, seconded by Mike Geremia, to approve site plan of John Marotta to construct a building for plumbing and heating contractor, Routes #157 and #68; owner: John Meadows, subject to floor being pitched to accommodate floor drain and a site walk being held for review/approval of proposed signage prior to installation. Motion carried unanimously.

4. James and Joan Reinhart, Request for a Proposed Two-lot Subdivision, 710R Haddam Quarter Road

This application is for a 7.5-acre property that has an existing house, septic system, and well. Reserve septic has been installed for a back interior lot. It is proposed that 4.29 acres remain with the existing house and 3.11 acres go to the newly created front lot. There is a proposed drainage easement to the Town of Durham created some 25 years ago—35 feet wide. The gravel driveway will be at a 2-3% grade.

Project engineer Pat Benjamin stated that line of sight in each direction is about 300 feet. A conservation easement representing about 19.5% of the property is proposed; George Eames read the recorded vote from the Conservation Commission into the record. The site accommodates the requisite minimum rectangle as well as the well arc entirely on the site. There are two driveways—each site will have its own and there is a separating distance of 25 feet between the driveways. Town sanitarian Bill Milardo wrote a letter of approval for the septic system.

Motion by Richard Eriksen, seconded by Frank DeFelice, to approve the application of James and Joan Reinhart, proposed two-lot subdivision/site plan for 710R Haddam Quarter Road as presented. Motion carried unanimously.

5. Payment of Bills

Motion by Frank DeFelice, seconded by Mike Geremia, to approve payment of the following bills:

- Attorney Tom Byrne -- $6,825.00 (review Silver Eagle lawsuit)
- Absolute Advantage -- $274.02 (minutes of May 7, 2008)
- Absolute Advantage -- $1,080.00 (prepare transcript #1 for Silver Eagle case)
- Absolute Advantage -- $1,580.00 (prepare transcript #2 for Silver Eagle case)

- Absolute Advantage -- $543.11 (minutes of April 21, 2008)

Motion carried unanimously.

6. Minutes of Previous Meeting

Approval of the minutes of the May 7, 2008, was tabled until the next meeting of the Commission.

7. CSK Realty, LLC, Request for a Proposed Zoning Text Amendment to Section 07.01.03.(23) of the Zoning Regulations to Allow Large Animal Crematories by Special Permit in the Heavy Industrial Zone

The public hearing will be held June 4, 2008.

8. CT Horse Cremation, Request for a Special Permit for a Large Animal Crematory 41A Commerce Circle

The public hearing will be held June 4, 2008.

9. Town Planner's Report

Geoffrey Colegrove stated that a sign was installed today for the CSK/Horse Cremation public hearing.

10. Miscellaneous

Geoffrey Colegrove will write a letter to Ron Melnik, RSD#13 business manager, and Bill Curlin, committee chairman of the Board of Education, asking them to make arrangements to come before the Inland Wetlands Commission and the Planning and Zoning Commission for the proposed athletic facilities, even if plans are not yet finalized (in fact, it is preferable that they speak with both groups prior to the development of plans).

Frank DeFelice asked about the lighting installed across the street on the pavilion side of Allyn Brook Park; this lighting is on town land, not school property. It is believed that these lights were approved several years ago, but if not, they would fall under the purview of the Commission with the Board of Selectmen as the applicant. This will be researched.

Mike Geremia stated that a new (additional) sign had been installed at the Quick-Stop market at the south end of Route 17 for a U-haul rental business. Geoffrey Colegrove will investigate as a permit was not secured.

Richard Eriksen stated that in some towns, a maximum amount of square footage is allowed for all signs (including those allowed inside businesses) and suggested that the

Commission might wish to consider doing this. It was recommended that Attorney Tom Byrne be consulted on whether or not calculations for signage can include interior signage.

Motion by Ralph Chase, seconded by Richard Eriksen, to adjourn the meeting at 8:36 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik
5/28/2008