

TOWN OF DURHAM

Planning and Zoning Commission

P.O. Box 428

Durham, Connecticut 06422-0428

MINUTES OF JUNE 4, 2008, MEETING

Present

Members: Ralph Chase, George Eames, Richard Eriksen, Dave Foley,
Jim Kowolenko, Gene Riotte, Tom Russell

Town Planner: Geoffrey Colegrove

Alternates: Cathy Devaux, Mike Geremia

Absent

Members: Frank DeFelice, 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 Frank DeFelice's place. Mike Geremia was seated on the Commission in Dian O'Neal's place.

1. Approval of Agenda

Motion by Dave Foley, seconded by Tom Russell, to approve the agenda of the June 4, 2008, meeting as presented. Motion carried unanimously.

2. 8-24 Review for 6.99 Acres of Land for Senior/Community Center, 239 and 247R Meetinghouse Hill Road

Motion by Richard Eriksen, seconded by Mike Geremia, to notify the Durham Board of Selectmen that the Commission voted favorably to the 8-24 review for the Town of Durham to purchase 6.99 acres of land at 239 and 247R Meetinghouse Hill Road for a senior/community center. Motion carried, 8-1, with all in favor with the exception of Dave Foley.

3. Payment of Bills

Geoffrey Colegrove stated that a bill had been received from Debbie Waz for the preparation of three public hearing transcripts for Silver Eagle; two were completed by Jan Melnik. The fee was under \$900 for the three transcripts (approx. \$4.50 per page/200

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| RECEIVED: 6-12-08 | TIME: 12:12 PM |
| Kim Garvis, Town Clerk | |
| OFFICE OF THE TOWN CLERK, DURHAM, CONNECTICUT | |

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pages). George Eames stated that her services had been used previously by Geoffrey Colegrove's office and that her work is of good quality and value. Geoffrey Colegrove indicated that blanks reflected members of the audience speaking without identifying themselves or not properly miked; however, the context is all there in the transcripts.

George Eames stated that if the Commission is agreeable, when Geoffrey Colegrove locates the bills from Debbie Waz, he will review them and see that they are approved.

Motion by Mike Geremia, seconded by Dave Foley, to approve the payment of the following bill:

- *Middletown Press* -- \$456.01

Motion carried, 8-1, with all in favor with the exception of Ralph Chase (in opposition).

Motion by Dave Foley, seconded by Mike Geremia, to recess the regular meeting for the public hearings at 8:00 p.m. Motion carried unanimously.

PUBLIC HEARING

1. Applicant: 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
2. Applicant: Connecticut Horse Cremation, Request for a Special Permit for a Large Animal Crematory
Location: 41A Commerce Circle

Present

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

George Eames, Chairman, opened the public hearing. Mike Geremia was seated on the Commission in George Eames' place. Cathy Devaux was seated on the Commission in Dian O'Neal's place.

Geoffrey Colegrove read the public notices of both hearings into the record. Because of the interconnected nature of the two applications, he stated that the hearings would be run concurrently and simultaneously in order to get input on both components of the application.

George Eames stated that he had received some correspondence dated May 28 from Don Gates, 240 Skeet Club Road; he read the letter into the record. It was noted that when Permatreat first located itself in the neighborhood, assurances were given that there would not be a problem—there continues to be an odor. When the powerlines were replaced within 40 feet of this resident's driveway, local town/elected officials did little to support moving the lines further away or placing them underground. He wrote in opposition of the application.

Geoffrey Colegrove indicated that a referral was made in May to the abutting regional planning agency because the industrial zone abuts the town of Wallingford (within 500 feet of the town line); Southcentral has not yet responded, however, the 35-day referral period is still not up.

Jeff Blashke and Dominic Gambardella, the applicants, addressed the Commission with their opening presentation. Minutes from previous meetings in which their initial applications before the Commission were submitted speaking to the scientific aspects of the application. A letter from the Connecticut Department of Health was also presented. Jeff Blashke then described the emissions—there is no smoke and no odor. Photographs had been previously presented showing that the secondary burning process burns off all the smoke and odor at 1,800 degrees. In terms of traffic, he and Dominic Gambardella will be the sole owners-operators of the business. There will be, at most, one truck per day. There will not be a high volume, they will do the business themselves. There will not be multiple horses per day; one horse can be accommodated per day. Their truck will feature no signage in the interest of discretion and impact on the neighborhood. Jeff Blashke then described how the daily operation works from the standpoint of transporting the dead horses without it being apparent to neighbors (closed truck).

To the question of 'why Durham instead of Killingworth,' where he lives, Jeff Blashke stated that there is not an industrial building in Killingworth available for such purposes. They also want the business definitely in an agricultural area and one in which there are a number of horses. He talked about impacts on drinking water quality from in-ground burial of dead horses. Jeff Blashke also discussed the tax benefits to the town; once complete, there will be approximately \$500K in taxable property.

Both Dominic Gambardella and Jeff Blashke have been successful business owners for more than 25 years. Jeff Blashke is environmentally safety trained and had a refresher course this year. He has been in the horse business for 13 years. Jeff Blashke also discussed extensive community involvement, coaching activities, etc.

From the standpoint of scientific information, Jeff Blashke described the operation; there is no smoke or odor. There is independent data to back up these assertions (in contrast to the experiences cited about the Permatreat operations).

Geoffrey Colegrove read into the record a letter from Bill Milardo, town sanitarian. The letter discusses the problem with burial of horses in the ground and impacts on groundwater. There are minimal regulations in the State of Connecticut on large animal crematories; however, Bill Milardo recommended that emission testing data be required relative to opacity, particulate matter, carbon monoxide, nitrogen oxide, and dioxin on a schedule to be determined.

Dave Foley asked about sanitizing of the equipment; however, this was not referenced in Bill Milardo's letter. Jeff Blashke explained that the sanitary absorbent pads will be placed into the crematory with the horse. An air-dry spray will be used to spray down the equipment.

Tom Russell asked about previous discussions concerning monitoring of the smoke stack. Jeff Blashke stated there would be no problem with having a maintenance and monitoring system and allowing for independent testing. Further, there will be in excess of \$8K in spare parts so that there is no downtime in the event of any system failure.

Dave Foley stated that while no employees are planned, if the business is successful, what are the plans for expansion (i.e., a future request for a second system?).

Jeff Blashke stated that two machines would be as much as could be put in the building. However, their business plan—if business warrants—is to expand to Fairfield County where there is a greater concentration of horses (having one facility in Durham and one in Fairfield County). It might be possible that a second system could be applied for in Durham.

Dave Foley also asked about planned hours of operation. Jeff Blashke responded that hours of operation have not yet been determined. They would like to operate the crematory during daytime hours as prescribed by town regulations for the heavy industrial zone. If a call were received in the middle of the night, they would want to transport a horse during the night, store the animal in the cooler, then begin the operation on the following workday.

Ralph Chase asked about the responsibility for reviewing test data. Geoffrey Colegrove indicated that an independent testing lab would be the organization charged with putting in place appropriate parameters for a testing program. The Commission can request periodic review of the plan, along with a timetable. Bill Milardo also discussed the use of a second monitoring test.

Dominic Gambardella stated that identical systems have been permitted and are operating in California, the state with the strictest emission standards in the country.

Ralph Chase asked where the responsibility rests in town for ensuring the ongoing testing and reporting. Geoffrey Colegrove stated that the health department would be the appropriate entity.

Richard Eriksen asked about storage in the facility. Jeff Blashke explained that there is a cooler that will be inside the building so that if the unit is down for service and/or there is a second animal brought to the facility, the animal can be kept cooled until the procedure occurs. There will be no exterior storage.

Jeff Blashke stated that there is widely growing interest in cremation for horses; crematories are becoming more and more prevalent throughout the country. He described the location as the furthest building on Commerce Circle from Route 157. It is bordered in the back by railroad tracks and open space; on either side of the building are open lots.

Susan Storey, 174 Skeet Club Road, addressed the Commission. She has been a resident of Durham for 24 years. She has horses, but stated a preference for not having 'horse incineration' allowed near her house. She stated that as with the previous application for the crematorium, this application should also be denied. She stated there are probably a dozen houses within one-tenth or two-tenths of a mile from the proposed location of the business. There are more neighbors to this location than the previously proposed Ozick Drive area. She cited concern with more than just horses possibly being incinerated. In addition, traffic transporting these animals will pass directly in front of residential areas. A letter was presented to the Commission summarizing her concerns.

Jeff Blashke stated that the application previously before the Commission was withdrawn, not denied by the Commission. The Commission had suggested that an application in the heavy industrial area be pursued.

Bob Fulton, 164R Skeet Club Road, addressed the Commission. He characterized some of the activities in the neighborhood and balancing them with economic growth. He asked that the Commission not allow a change in the use table that would permit a horse crematorium. He mentioned the existing heavy industrial uses already there. He pointed out concern with future noncompliance and action that could be taken in the event of a problem. Bob Fulton also stated that no one has addressed the topic of noise. He is seeking clarification as to the type of animals that can be cremated: horses? Large animals? (i.e., elephants from circuses)

George Eames stated that the application does say 'large animal crematorium.'

Greg Bedell, 176 Skeet Club Road, addressed the Commission. He has resided in Durham for several years. He has no children in the school system and 'takes' no town services. Yet the value of his home approximates the value that has been represented from the potential business. He stated his feeling that the rights of homeowners are being minimized. He stated that he would be seeking a reduction in his property taxes due to diminished property value. He recommended denial of the application.

A woman whose name was inaudible spoke in opposition to the application, citing concerns of noise, inappropriateness of use, and impact on property values.

Kevin Upton, 166 Skeet Club Road, addressed the Commission. He cited concerns with health and environmental factors.

Fred Mastele, 197 Maiden Lane, addressed the Commission. He attended the previous hearings. He spoke in support of the proposed application. He has horses and would be in favor of the application as a means of proper burial for horses; he does not have adequate space on his property for burial. He is in support of the application and believes issues relative to noise, smell, etc., have been addressed.

Pat Murawski, 154 Skeet Club Road, spoke. She mentioned the comments presented by others relative to the 'wonderful presentation' delivered by the applicants for the Ozick application. However, she stated that her neighborhood has not had the benefit of that.

Cheryl Mastele, 197 Maiden Lane, addressed the Commission. She has been a resident for 30+ years and has horses. She stated her belief that most people with horses love them as others love their cats/dogs. She indicated that she doesn't understand the attitudes about the proposed application. She added that horses are livestock, though, and there needs to be a proper means of disposal. The proposed plans for transport mean that there is complete discretion and a very low volume, relatively speaking. The applicant has indicated willingness to submit to testing of a variety of types.

George Eames asked the applicants to explain the highlights of why the business wasn't being pursued in Deep River and to provide a more detailed explanation of the business activities. Jeff Blashke explained that when the application was made in Deep River, they were unaware of some of the components of making a professional application and presentation. There were not letters of endorsement from the Chamber of Commerce, the University of Connecticut, state senator, etc., nor was there a presentation by the manufacturer of the proposed equipment. The data presented at a previous Durham Planning and Zoning Commission meeting reflected actual scientific evidence and is a part of the public record; it includes independent testing.

In terms of carcinogens, Jeff Blashke explained that there is more emission of a carcinogenic nature from one cigarette than there is from the entire crematorium. The state has regulations, which also must be adhered to. He also pointed out the impacts of burying horses in the ground and impacts on the water table. Also, in terms of emissions from the operation itself, the output will be less than 5% of what is allowed by the State of Connecticut.

John Bialobrzewski, 122R Skeet Club Road, addressed the Commission. He stated that he had received a notice from one of his neighbors; until that point, he had no knowledge of this application. He has since had several discussions with neighbors. He stated opposition to the proposed change in the regulation or the application itself. He disputed some of the data that is used in a variety of instances about air quality and emissions. He also took issue with the Maiden Lane residents speaking in favor of the application when they live five miles from the proposed application site.

Pete Glenewinkel, 198 Skeet Club Road, addressed the Commission. He concurred with the remarks offered by many neighbors. He asked if any Commission members lived on 'their' side of town, citing the 'crap' endured for the past 20 years. Permatreat has been a major problem in terms of toxins. He has involved the Department of Environmental Protection, Representative Ray Kalinowski and town administration to no avail. There is increased noise and pollution in this entire area. He is vehemently opposed to the application and is upset about the continuing problems in that area.

One of the neighbors (unidentified) stated that while the neighborhood had to endure the power lines installation, they should not have to put up with this application.

One gentleman (identification inaudible) stated that the proposed site was "poorly chosen." He stated that to deliberately adjust the use table to permit such a use would further degrade the neighborhood. He is opposed to the application.

George Eames referenced a letter from Diane Kranich expressing concern with health issues, traffic, property values, etc. This becomes part of the record of the hearing.

A letter from Senator Ed Meyer was read into the record by the applicant offering endorsement of the project.

The applicants reiterated their intention to submit to all possible testing and asked that their application be viewed separately from Permatreat and its operations.

There was some discussion about the applicants showing their PowerPoint presentation; however, without a projector, it would only be visible on the computer screen (and not visible to the greater audience).

A question was posed about the monitoring of emissions testing and enforcement by the health department (determined to be the responsible authority). Geoffrey Colegrove indicated that the health department would be monitoring the emissions testing results; if there were a violation, a notification to the Planning and Zoning Commission would be provided for subsequent enforcement.

Greg Bedell, 176R Skeet Club Road, addressed the Commission. He stated that buses are running from the same vicinity as the proposed location; these buses certainly comply with emission/environmental standards. However, there is the matter of being uphill/downwind (i.e., exhaust from the buses). Despite being a heavy industrial zone, neighbors did not "sign up for this."

Jeff Blashke stated that neighbors should keep in mind that horses are already dying and being buried in the area, with resultant possible negative impacts to water quality.

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An unidentified woman asked what the economic benefit to the town was from the proposed operation. She added that property values are likely to decrease in the area of this operation; therefore, the net economic impact is likely to be negative. She stated that on a square foot basis, Skeet Club Road residents pay a higher percentage of taxes than other areas of town.

Pat Murawski, 154 Skeet Club Road, expressed concerns with handling problems at the site (i.e., from problems with emissions) and monitoring/testing and enforcement.

To a resident query about Bill Milardo's ability to enforce compliance, Geoffrey Colegrove stated that while Bill Milardo can review monitoring, the Planning and Zoning Commission is tasked with zoning enforcement. Ultimate enforcement is through the courts.

Dave Foley encouraged the applicants to have their PowerPoint presentation organized and ready to present technologically at the continued hearing.

Motion by Dave Foley, seconded by Gene Riotte, to continue the public hearing on the zoning text amendment to Section 07.01.03. (23) of the Durham Zoning Regulations to allow large animal crematories by special permit in the Heavy Industrial Zone to July 2, 2008, meeting. Motion carried unanimously.

Motion by Dave Foley, seconded by Gene Riotte, to continue the public hearing of the request for a special permit for a large animal crematory at 41A Commerce Circle. Owner: CSK Realty, LLC. Applicant: CT Horse Cremation, to the July 2, 2008, meeting. Motion carried unanimously.

Jeff Blashke asked if it would be possible to have an expert available to present at the July 2 continued hearing via telephone. Geoffrey Colegrove indicated that the expert would need to be available to respond to questions as they occurred throughout the hearing. There are also issues that need to be coordinated relative to technology (landline availability, etc.).

Gene Riotte suggested that information about the application be made available at the library for public review. Mike Geremia stated his opinion that it would be essential for the public to hear the presentation from the original application (the same material that the Commission had the opportunity to hear several months ago). Geoffrey Colegrove stated that it would be possible to place copies of the exhibits presented this evening at the library; however, the presentation from the original hearing had not yet been presented for this hearing. A copy was then presented to Geoffrey Colegrove and copies will be made available at the library.

Motion by Dave Foley, seconded by Mike Geremia, to reconvene the regular meeting at 9:55 p.m. Motion carried unanimously.

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4. Minutes of Previous Meeting

Motion by Mike Geremia, seconded by Gene Riotte, to approve the minutes of the May 7, 2008, meeting with the notation that Dave Foley was absent. Motion carried, 6-2, with all in favor with the exception of Dave Foley and Gene Riotte (in abstention).

Approval of the May 21, 2008, minutes was tabled to the subsequent meeting.

Motion by Ralph Chase, seconded by Richard Eriksen, to adjourn the meeting at 10:00 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik

6/11/2008