

# TOWN OF DURHAM

## **Planning and Zoning Commission**

P.O. Box 428

Durham, Connecticut 06422-0428

## **MINUTES OF JULY 19, 2006, MEETING**

### Present

Members: Ralph Chase, George Eames, Richard Eriksen, Jan Melnik,  
Jim Kowolenko, Dian O Neal

Town Planner: Geoffrey Colegrove

Alternate: Jackie Snow

### Absent

Members: Brian Ameche, Dave Foley, Tom Russell

Alternates: Frank DeFelice, Gene Riotte

The meeting was called to order by George Eames, Chairman, at 7:30 p.m.  
Jackie Snow was seated on the Commission in Brian Ameche's place.

### 1. Approval of Agenda

Motion by Ralph Chase, seconded by Jackie Snow, to approve the agenda of the July 19, 2006, meeting as amended to reflect the movement of item #14 (Crooked Hill Road) to follow item #6 on the agenda. Motion carried unanimously.

### 2. Public Session

No business.

### 3. 8-24 Review, Improvements to Crooked Hill Road

First Selectman Jim McLaughlin advised that an agreement had been reached between the applicant/developer and the town as to how the road will be constructed. The Board of Selectmen reviewed the plans favorably at a meeting earlier in the week and agreed to forward them to the Planning and Zoning Commission for an 8-24 review.

It is proposed that Crooked Hill Road will be relocated from its present location to eliminate some of the curves as well as reduce the overall slope to no more than 10%, thus enabling both the slope and the radius to meet the town's current road construction specifications. The work will take place on properties owned by the town of Durham as well as the Wimlers. Also involved will be the transfer of some of the existing road property to six abutters (all pavement/gravel will be removed or ground up and all drainage will be removed from the areas of the road that will no longer be used). Driveways that are impacted will need to be extended down to the new road.

The town's engineer, Brian Curtis, has been involved in the process since the origination of the first application.

At the junction of Crooked Hill Road and Route 77, the entrance will be wide enough to accommodate to lanes leaving Crooked Hill Road (turning to the right and to the left) as well as one inbound lane.

All work will be handled at the applicant's expense. Once complete and approved, the road would need to be accepted as a town road. It will be properly bonded.

All abutting property owners have been notified. Dian O Neal asked if any response had been received. Mary Ryan, a resident in that area who has served as an ad hoc spokesperson for the neighborhood, has expressed support of the plan, noting that neighbors in the area have been fully apprised.

John Corona stated that the developer will be paying for bonding and insurance; a 3% improvement fee is being paid to the town.

In terms of emergency response, the town of Guilford will be the first responder to new homes on the Guilford side of the project. There is no mutual aid agreement between the towns at this time. With regard to snow plowing, Jim McLaughlin stated that the trucks will stop at the town line (as they do throughout town currently).

Motion by Richard Eriksen, seconded by Ralph Chase, to accept the 8-24 review of Crooked Hill Road improvements. Motion carried unanimously.

4. Sherry Tyman, Informal Discussion of Possible Doggie Day Care, CT Route #68

Attorney John Corona addressed the Commission on behalf of the applicant. He stated that she is in the process of exploring issues with the zoning department as well as various health and building code considerations. He asked that this item be continued to the next agenda.

Geoffrey Colegrove indicated that a letter was received from the town sanitarian, Bill Milardo. There are potential concerns with the health codes and other matters related to the control of odors, disposal of fecal and liquid waste, and the method of cleaning for the premises.

Steve Levy, a local veterinarian, asked about the setbacks for a kennel in this zone and the fact that a 150-foot setback (as existed in the farm-residential zone) is not adequate for noise pollution. He stated that he does not wish to see degradation of the regulations.

Geoffrey Colegrove stated that commercial kennels had been approved in Middlefield recently with such things taken into account. He also noted that the Humane Society uses noise locks to insulate buildings against sound leakage.

It was noted that the plans for the business do not include overnight stays for the pets; in the event of emergency (pickup of animals after 6 p.m.), the business owner would bring the animal(s) to her home for temporary storage.

Richard Eriksen indicated that a public hearing will be required.

As to a query regarding the number of five+ acre parcels in town (for which kennels could exist), Geoffrey Colegrove noted there are many such properties –however, it is unknown as to whether or not owners would wish to sell these lots.

5. Laura Milano, Informal Discussion of Possible 1 Lot Subdivision, 1147 New Haven Road

There was no one in attendance regarding this agenda item. Several members of the Commission conducted a site walk several weeks earlier. The contours are extremely difficult and the site will require extensive engineering. Fire equipment/safety will also need to be addressed. The site would have a 15% grade for the entire driveway.

While switchbacks are sometimes used, the radius usually cannot accommodate fire trucks; landing areas can work to provide emergency access. It is possible that fire suppression or a tank on the property will be an alternate solution.

6. Ronald Matjas, Request for a Home Occupation Permit for a Business/ Professional Office, 437 Main Street

Ronald Matjas addressed the Commission. He is planning to conduct a drafting and design business providing landscaping and architectural design services from a home office. He may have clients to his home once or twice a week. He anticipates having a two-foot square sign, as allowed in the regulations. The office, as proposed, will occupy 22% of his home (3% less than the regulations permit).

Certified letters were sent to an extensive list of abutters, not just on Main Street, but on Oak Terrace as well. There was no response from any property owner.

Motion by Jan Melnik, seconded by Jackie Snow, to approve the home occupation permit of Ronald Matjas, request for business/professional office for architectural/design business, 437 Main Street. Motion carried unanimously.

Motion by Richard Eriksen, seconded by Ralph Chase, that any notice of home occupation permit application must include the date of the applicable Planning and Zoning Commission meeting. Motion carried unanimously.

7. Katherine Wakeman Forline, Request for a Home Occupation Permit for a Massage Therapy Office, 957 New Haven Road

Katherine Wakeman Forline addressed the Commission. She has worked as a massage therapist for 23 years, primarily working with clients along the shoreline from her Guilford office or in her clients' homes. She would like the opportunity to work perhaps a day or two a week from her home between the hours of 9 and 2 while her children are in school. There would be, at most, 2-3 clients per day (one or two days a week) in the home.

A sign would conform with the regulations and mention only the address and family name, nothing to do with the business. The area for her office would be 14% of the total size of the house.

Motion by Jan Melnik, seconded by Ralph Chase, to approve the application of Katherine Wakeman Forline, home occupation permit for a massage therapy office, 957 New Haven Road. Motion carried unanimously.

8. Glen Yates, Request for a Proposed 1 Lot Subdivision, 171R Harvey Road

Attorney James Spallone of the firm Gould, Larson, Bennet, Wells & McDonnell, PC in Essex addressed the Commission. Glen Yates would like to subdivide his 21-acre parcel of land. The application was referred to the Conservation Commission. They did not have a quorum at the July 11 meeting but would be inclined to approve it at the next meeting provided the 10% open space set aside by way of easement is made. "

Up-to-date plans were distributed as prepared by Don Carlson, the engineer. The 10% open space is reflected. Several waivers are being sought. One would allow the combining of the subdivision and site plan map for ease of reference. There are no public improvements. Also, use of a 1-to-50 scale is desired so that everything can fit on one map.

The proposed conservation easement needs to be placed on the maps in standard form. Grid system details also need to be incorporated (expected to be forthcoming in the next week or two).

The existing house will be on 6.09 acres and the other lot will be 15 acres in size. After discussion, it was agreed that one of the lot lines would be redrawn so as to not require an easement for the second driveway.

Motion by Richard Eriksen, seconded by Ralph Chase, to approve the request of Glen Yates, 171R Harvey Road, for one-lot subdivision, with the following conditions:

- 1) the CT grid system submission to be included on the plans
- 2) the scale of a 1-to-50 map is acceptable
- 3) favorable review of the open space easement
- 4) cutting plan/limits of clearing to be reflected on the plan
- 5) property line to be redrawn to include driveway to the existing house (avoiding easement for second driveway)

Motion carried unanimously.

On August 2, the next meeting of the Planning and Zoning Commission, the revised plans will be presented.

9. Matt Harwood, CT School of Dog Grooming, Informal Discussion of Mobile Dog Grooming Business

The Commission agreed that because the applicant is not a resident of Durham, a home occupation permit is not required (just a peddler's license and any necessary certifications for that industry).

10. Update on Fire Protection Pond, Powder Hill and Turkey Hill Roads

Geoffrey Colegrove stated that he has been spending considerable time on the site due to problems. There was a problem with the inlet structure and, upon construction, the pond sprung a leak. The pond was reconstructed nearly 100% (except for the spillway and outer rim). The outlet structure was relocated and reset and the pond was lined with clay and silt to eliminate problems with leakage.

Geoffrey Colegrove stated that he had inspected the pond numerous times over the past few weeks. There do not appear to be problems.

The fire department has stated that they are satisfied with the improvements. A certificate of occupancy has been issued for lot #9 and a building permit for lot #10 on the condition that the latter lot will have only a foundation until the water tank is installed.

The fire chief has accepted a 10,000 gallon tank on site; this has been ordered and staked out. With the new pond and its capacity, previous vortex problems have been addressed satisfactorily. There is still a bond for the property in place.

Commission members discussed a lesson learned from this experience: a fire pond will not be approved unless there is a history of existence and stability. In this case, the pond does not have an independent water source or spring —it relies totally on stormwater runoff.

The Commission also needs for there to be standardization with regard to the requirements for fire protection. With turnover in fire chiefs comes different requirements.

Attorney John Corona noted some of the problems with the pond being discussed. Ledge was encountered, blasting was necessary, and this created the potential for leaks. He suggested applicants be asked to do test borings for fire ponds in advance.

Existing fire ponds are preferable to tanks which, at 10,000 gallons, empty in less than five minutes. Further, tanks have a limited lifespan whereas, in theory, ponds exist forever.

#### 11. Payment of Bills

George Eames indicated that memos had been received from the first selectman's office regarding fiscal year 2005-2006 expenditures. All requests must be submitted no later than July 21, 2006; any expenses incurred beyond that will go into the next fiscal year.

The CFO committee is currently reviewing potential candidates for the new finance director's position. For the time being, any expenditures over \$500 must be approved by the first selectman's office prior to purchase; this policy will stay in place until further notice.

Motion by Ralph Chase, seconded by Jackie Snow, to approve payment of the following bills:

- Attorney Tom Byrne —\$2,475.00 (Greenland)
- *Middletown Press* —\$110.76 and \$57.41 (new charges)

Motion carried unanimously.

12. Approval of Minutes

Approval of the minutes of July 5, 2006, was tabled.

13. Zoning Enforcement Officer s Report

Ed Grimes will follow through on the signs still in place at the Ozick property on Route 68 and determine the status of the permanent sign.

14. Town Planner s Report

An application for perhaps a seven-lot subdivision with possible senior housing at the back is being developed for land off of Johnson Lane. It will first go before the Inland Wetlands Commission, then to Planning and Zoning.

Richard Eriksen stated that an application such as this reflects the foundation of his belief that having cross-pollination among and between commissions is a good idea.

15. Miscellaneous

Motion by Jan Melnik, seconded by Jackie Snow, to suspend the Planning and Zoning Commission meetings of August 16 and September 6. The Commission will next meet on August 2 and then again on September 20. Motion carried unanimously.

Motion by Jackie Snow, seconded by Ralph Chase, to adjourn the meeting at 9:00 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik  
7/23/2006