

TOWN OF DURHAM

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

MINUTES OF AUGUST 3, 2005, MEETING *(revised 8/19/05)*

Present

Members: Al Bradanini, George Eames, Jim Kowolenko, Jackie Snow
Town Planner: Geoffrey Colegrove
Alternate: Ralph Chase

Absent

Members: Brian Ameche, Richard Eriksen, Dave Foley, Jan Melnik, Dian O'Neal
Alternates: Gene Riotte, Frank DeFelice

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

1. Approval of Agenda

Motion by Ralph Chase, seconded by Al Bradanini, to approve the agenda of the August 3, 2005, meeting as presented. Motion carried unanimously.

2. Public Session

No business.

3. Pat DiNatale, Request for a Proposed 1-lot Subdivision, South of Bailey Road and West of Tri-Mountain Road

Pat Benjamin presented plans showing about 6.2 acres of open space being proposed on the easterly side of the property, parallel to Tri-Mountain Road. Pat DiNatale has possible plans of coming before the Commission at some future point to obtain approval of two additional building lots for his children. At such point, he might wish to exchange this proposed open space for six acres of open space along Mattabeseck Ridge. The Commission agreed with this in principle.

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Motion by Jim Kowolenko, seconded by Al Bradanini, to approve the request for a proposed one-lot subdivision as shown on plans entitled "Map of Survey Showing Property of Pasquale DiNatale, as Subdivided, South of Bailey Road and West of Tri-Mountain Road, Durham, CT, Scale: 1"=100', Dated: May 16, 2005, Prepared by: Bascom and Benjamin, LLC, Surveying and Engineering Consultants, Durham, CT." Motion carried unanimously.

4. J&T Route 68 Property Management, Request for a Special Permit to Construct Rental Storage Units, Lot #9, Ozick Drive

Geoffrey Colegrove advised that he had conferred with Attorney Thomas Byrne regarding the incorrect date of the public hearing appearing on the posted notice. Attorney Byrne stated that a failure to post a correct hearing date would be considered a "fatal flaw" and subject the Commission to an appeal because of that error (if the Commission were to go ahead and hold the hearing). The hearing will be rescheduled in September.

Motion by Jim Kowolenko, seconded by Al Bradanini, to deny the request for a special permit to construct a 15,000 square foot manufacturing building and a 9,000 square foot building for rental storage units, Lot #9, 39 Ozick Drive. Applicant/owner: J&T Route 68 Property Management, LLC. Reason for denial: incorrect date on the sign for the public hearing. Motion carried, 4-1, with all in favor with the exception of Al Bradanini (in abstention).

5. Beatrice, Rita, and Cathy Valley, Request for 1 Building Lot and 1 Other Lot, Old Blue Hills Road

This application will be going before the Inland Wetlands and Conservation Commissions for review.

6. Jay Cusak, Request for a Proposed 2-lot Resubdivision, Pisgah Road

An engineer presented the application for this resubdivision. Because there are wetlands on the property, the application has been referred to the Inland Wetlands and Conservation Commissions for review.

7. Derek and Gail Harris, Request for a Proposed Home Occupation Permit for a Landscaping Business and Office, 650 Wallingford Road

Derek Harris presented the application for this home-based business. A garage is proposed for construction to house equipment for the business. Notices were provided to abutting landowners; however, because of a new procedure in the home occupation regulations, these must be mailed via certified mail (return receipt request). A hearing will be scheduled on this application for September 21, 2005.

8. Greenland Realty, LLC, 10 Modification to Site Plan, Mountain Road

9. Greenland Realty, LLC, Removal of Excess Material Stockpiled on Site, 10 Mountain Road

Attorney Joan Molloy distributed modified site plans to the Commission. She discussed some of the changes reflected. The original plans showed landscaped islands to the north and south of the buildings. However, because the septic system had to be relocated at the request of the town sanitarian, Bill Milardo, that also necessitated a relocation in the well, the modified plans have

changed the location of the landscaped areas. The original plans required the installation of a guardrail in the vicinity of the swale area leading into the detention basin. Because of the prevalence of large boulders naturally occurring on the site, it is proposed that these and a berm be used in lieu of a guardrail. Additional trees are reflected on the plan to extend beyond the original line along Mountain Road and head in a southerly direction. There is also an additional garage door shown on the building on the north side shown on the plans. A retaining wall was originally shown on the plans; however, with excavation, there is no longer need to use the wall (nothing to hold back). This has been eliminated from the plans. In terms of access to the site, the applicant would like to install a gate at the entrance. A temporary stockpile area is now shown on the modified plans (this had not been included on the original site plan). The language "proposed fuel tanks" that appears on the modified site plan is included in error; no fuel tanks are proposed and this language will be removed from the modified site plan.

Attorney Molloy stated that the original catch basin has been replaced with the swale. The area of paving for the entire site has been decreased. Footing drains are now shown on the modified site plans. Attorney Molloy stated that the detention basin was built according to plans; there is an as-built demonstrating that it was built according to the originally approved site plan.

George Eames read into the record a letter dated August 3, 2005, from Mountain Road residents. Queries from the neighbors include 1) whether the berm was constructed entirely on the applicant's property; 2) concern about a modified site plan being considered when there is a cease-and-desist order and pending litigation; 3) concern about the request for removal of excess material being stockpiled. Finally, the neighbors requested that the Commission deny all future requests for a change in the original site plan.

Attorney Molloy indicated that the project engineer has signed off on the plan verifying that the berm and planted trees are all on the applicant's property.

Because the next meeting is not being held until September 21, Attorney Molloy asked if the Commission would consider use of the office space on a temporary basis (temporary certificate of occupancy). George Eames suggested that the Commission schedule a site walk of the property in the next week (scheduled for August 10 at 6:00 p.m. as a site walk and special meeting).

One of the neighbors noted that there appears to be business activity taking place on a daily basis with cars arriving at a specific time in a regular pattern, staying most of the day, and then leaving the property. Fred Melillo indicated that someone is checking the building for phone messages, to pick up packages delivered by UPS and FedEx, and retrieve information from the files.

To a neighbor's query around type of business activity allowed, Geoffrey Colegrove clarified that what was approved is a landscaping business. If any additional activities are desired (i.e., trucking or hauling), the applicant must come before the Commission with a new application.

10. Payment of Bills

Motion by Ralph Chase, seconded by Al Bradanini, to approve payment of the following bill:

- Midstate Regional Planning Agency – \$243.50

Motion carried unanimously.

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11. Approval of Minutes

Motion by Al Bradanini, seconded by Jackie Snow, to approve the minutes of the July 20, 2005, meeting as presented. Motion carried, 4-1, with all in favor with the exception of Al Bradanini (in abstention).

12. Town Planner's Report

Geoffrey Colegrove stated that he was contacted by Mary Ryan, Mica Hill Road, regarding cutting on the Wimler property. During site inspection, no activity was observed whatsoever.

Geoffrey Colegrove discussed the Ozick Drive parking situation with First Selectwoman Maryann Boord. She was going to speak with Office Pete DeGioa about posting no parking signs along both sides of the road.

George Eames mentioned the hot dog stand at Parsons Lane and Main Street; it has "disappeared."

George Eames stated that during the past week, there has not been one sandwich board sign at Durham Village and the main sign is now beginning to fill in. He thanked Ed Grimes for his work throughout this enforcement situation.

Motion by Ralph Chase, seconded by Al Bradanini, to adjourn at 8:45 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik

8/10/2005