

# TOWN OF DURHAM

## Planning and Zoning Commission

P.O. Box 428

Durham, Connecticut 06422-0428

### MINUTES OF JUNE 7, 2006, MEETING

#### Present

Members: Ralph Chase, George Eames, Dian O'Neal, Tom Russell

Town Planner: Geoffrey Colegrove

Alternate: Frank DeFelice, Gene Riotte, Jackie Snow

#### Absent

Members: Brian Ameche, Richard Eriksen, Dave Foley, Jim Kowolenko,  
Jan Melnik

The meeting was called to order by George Eames Chairman, at 7:30 p.m.

Gene Riotte was seated on the Commission in Jan Melnik's place. Frank DeFelice was seated on the Commission in Brian Ameche's place. Jackie Snow was seated on the Commission in Richard Eriksen's place.

#### 1. Approval of Agenda

Motion by Gene Riotte, seconded by Ralph Chase, to approve the agenda of the June 7, 2006, meeting as amended to reflect the addition of the Grippo site review, item 10A.

Motion carried, 6-1, with all in favor with the exception of Dian O'Neal (in abstention).

#### 2. Public Session

Henry Bugai addressed the Commission regarding a problem with dust created by Midstate Excavation in front of his daughter's house on Powder Hill Road. After complaints, water was put down twice. However, the problem has continued and there are two inches of mud in the bottom of his daughter's pool. The house is also covered with dust and debris. Geoffrey Colegrove will notify the applicant that he is in violation of the permit for not utilizing dust control measures.

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3. David Lavine, Release of Bond, Troutlily Drive and Goldfinch Road

George Eames clarified that the bond is actually for Goldfinch Road. Geoffrey Colegrove indicated that an attorney was supposed to be present on behalf of David Lavine. The \$3,000 bond was retained to ensure that areas in excess of 10% were paved.

Geoffrey Colegrove stated that an opinion letter from the Commission's counsel, Attorney Thomas Byrne, indicated that the Commission is not allowed to use the Goldfinch Road bond to make repairs or improvements to Troutlily Drive. Pictures of the roads were presented for the Commission's review. Troutlily Drive has since had all improvements made through private arrangements between adjacent landowners.

There was evidently a suit between the parties. Because no legal counsel was present, it was determined that the Commission would make no decision.

An attorney representing David Lavine did arrive later in the meeting and addressed the Commission; she has represented the family in recent litigation. All of the improvements to Goldfinch that were required have been made. The Cowetts, Shapiros, and the Newells are "on board" for release of the bond. There is a stipulated agreement; the proceeds of the bond will be turned over to those three parties.

Geoffrey Colegrove asked that the document be provided to Attorney Thomas Byrne (the Commission was not party to the suit).

4. Gary Carmichael, Informal Discussion of Rebuilding of Time Out Tavern, CT  
Route #17

Geoffrey Colegrove stated that he had asked Gary Carmichael to attend the meeting, The building will be rebuilt on the same footprint as existed previously.

Gary Carmichael addressed the Commission. Parking will remain the same; the parking is in the same spot. The walkways will be in the same area. Signage has not yet been considered.

Low-voltage lights will be used along the walkways. The front of the building will be lit with incandescent spotlights. Street lighting will provide lighting for the parking lot. The building will be one story in height with a vaulted ceiling. A light yellow with green is proposed for the color scheme. The locations of the dining room and bar will be reversed from what was previously in place.

Discussion ensued about curbing the parking lot and the open area adjacent to the road that cuts through. This can be reviewed later in the process when parking is presented.

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Motion by Ralph Chase, seconded by Jackie Snow, to approve the landscape plan and the site plan submitted to include stucco facing applied to the south block retaining wall.

Motion carried unanimously.

5. Ken Marino, Informal Discussion of Possible Indoor Car Showroom and Car Museum in Portion of Former Parsons Manufacturing Building, Parsons Lane

Attorney John Corona addressed the Commission on behalf of the applicant. The business entails the sale and repair of new and pre-owned high-end vehicles, A concept is being considered to lease a portion of a large section of the former Parsons Manufacturing building for the purposes of extending the showroom. The owner does not have sufficient space and there is ongoing vandalism. Interior storage is desired.

The site plan for the property (Parsons) was presented. The space desired for leasing is about 17,000 square feet in size. The space would feature interior storage exclusively—there would be no repairs or car-washing on the site, no exterior storage of vehicles, etc. A “museum” of vintage or classic cars is proposed in the space that people would visit. Between 40-50 cars can be stored in the proposed site. This site is in the industrial zone. The business is currently operated in the commercial zone. There is nothing currently in the industrial zone to permit this type of operation in the industrial zone. If the Commission is inclined to review this favorably, Attorney Corona will return with language to amend the industrial zone language to permit this narrow type of use.

Repairs would continue at the current site. Attorney Corona indicated that this discussion was conceptual in nature.

Frank DeFelice asked what the plans would be for lighting, in terms of security for the contents of the building. Attorney Corona stated that it is likely that a security system and lighting will be necessary, given the value of the classic cars.

Motion by Tom Russell, seconded by Ralph Chase, to recess the regular meeting for the public hearing at 8:00 p.m. Motion carried unanimously.

### **PUBLIC HEARING**

1. Applicant: Michael Gribko  
Owner: John Meadows  
Location: Wallingford Road  
Application: Request for proposed zone change of approximately 2 acres of land from HID (Heavy Industrial District) to C (Commercial District)

Members: Ralph Chase, George Eames, Dian O’Neal, Tom Russell

Town Planner: Geoffrey Colegrove

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Alternate: Frank DeFelice, Gene Riotte, Jackie Snow

Chairman George Eames read the call for the Public Hearing from the Legal Notice. Attendance was taken and all members present were seated on the Commission. Gene Riotte was seated on the Commission in Jan Melnik's place. Frank DeFelice was seated on the Commission in Brian Ameche's place. Jackie Snow was seated on the Commission in Richard Eriksen's place.

Michael Gribko addressed the Commission regarding a food stand to be operated at the corner of Route 157 and Route 68. He is hoping to start with the sale of hot dogs and then include Mother's Day flowers, etc. No water service or electricity is required at this time. He might ask for these things in the future if the business is successful. He will go through the health department to meet all requirements. He'd like to have several picnic tables and perhaps a portable toilet. He described the proposed parking. The business would operate for about eight months out of the year. Hours of operation would be from about 6 a.m. to 4 p.m.

The total parcel of land is about two acres in size. The usable portion is about 5,000 square feet in size, according to Geoffrey Colegrove. The back of the property has a significant watercourse and wetlands. Because there is a state right-of-way that is substantial in size (20-25 feet), the actual usable acre is quite limited. It is unlikely that the parking area would fall within the 5,000 square feet.

Frank DeFelice asked about the setback requirements being met. Geoffrey Colegrove indicated that without a site plan, it would be difficult to assess. However, because this is at the zone change stage, the site plan would be reviewed at a future time.

Fred Dahlmeyer, 65 New Haven Road, addressed the Commission on behalf of Jeanne Koerber (who lives across the street, to the west of the proposed activity), who is in opposition to the proposal. A letter of opposition was also presented by Darcy and Fred Serle; they are located directly across the street to the south, on Wallingford Road. Without many variances, if regular setbacks are applied, there wouldn't be a square inch of property remaining. The proposal would "put this back 200 years"—no taxes paid, no electric, no water, etc. He characterized the current property as a "piece of junk," for which the current owner paid \$2,500. It should be donated to Durham with a sign erected ("Welcome to Durham") with flowers.

Jeanne Koerber also discussed the traffic problems in the area as well as lack of satisfactory parking. Litter and garbage can also become a problem.

Laurie Stevens, 164 Skeet Club Road, cited strong opposition to the application on the basis of the traffic situation. It is a very dangerous intersection of two heavily traveled roads. In addition to actual accidents, there have been many near-accidents. Lastly, a hot dog stand is not what the welcome to Durham should be, the spot-zoning of the proposal could be a problem, and it doesn't add to the tax base.

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Terri Peters, 670 Wallingford Road, addressed the Commission. She is located directly across the street to the south. She is very strongly opposed to the application. She believes much of the business will be truckers that will block the line of sight; she does not want a truck stop in front of her house.

Sharon Dahlmeyer, 31 Wilcox Drive, addressed the Commission. She also is in opposition to the application. She has witnessed accidents in this location and the traffic on the Durham side is very bad.

David Peters, 670 Wallingford Road, also spoke. He is opposed to the traffic and is concerned that truckers going to Tilcon will be wanting to stop and will create additional hazards.

Bob Fulton, 164R Skeet Club Road, spoke in opposition to the application. In addition to the reasons already cited, he is most concerned with safety and the traffic conditions. There is also additional traffic from the District #13 buses that park along Commerce Circle.

Roger Kleeman, Tuttle Road, stated that he thought the proposed operation would be something permanently affixed and not a movable cart. A water supply would appear to be necessary. A curb cut would be necessary by the State Traffic Commission.

Pat Murawski, 154R Skeet Club Road, spoke in opposition to the proposed zone change based on traffic concerns.

Cindy Meskill, 664 Wallingford Road, addressed the Commission concerning the safety aspects and appearance at the entrance to town. She believes that a notice of violation should be given because of the ongoing dumping at the site and encroachment into the wetlands.

Geoffrey Colegrove stated that the tax assessor's information reveals the property was transferred in 2002 for \$16,000, not \$2,500. While not germane to the hearing, he wanted to clarify the number stated earlier.

Michael Gribko indicated that he is prepared to speak to entrance and exit into the site to help address traffic concerns. He is not seeking to create an eyesore. He is also a resident of town. He noted that it could support a cell phone tower or other industrial use.

Frank DeFelice expressed concern with the traffic hazards in the area. Dian O'Neal suggested that the zone change be considered in the future (in terms of a heavy industrial use not being desirable in this area).

Motion by Ralph Chase, seconded by Frank DeFelice, to close the public hearing on the request for a proposed zone change of approximately 2 acres of land from HID (Heavy

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Industrial District) to C (Commercial), Wallingford Road. Applicant: Michael Gribko. Owner: John Meadows. Motion carried unanimously.

Motion by Ralph Chase, seconded by Frank DeFelice, to reconvene the regular meeting at 8:26 p.m. Motion carried unanimously.

6. Michael Gribko, Request for Proposed Zone Change of Approximately 2 acres of land from HID (Heavy Industrial District) to C (Commercial District), Wallingford Road

George Eames noted concerns with traffic, safety, spot zoning, and location of the proposed business. He stated he could not support it at this time.

Dian O'Neal asked if the Department of Transportation had ever considered a traffic light at that intersection. Geoffrey Colegrove indicated that this was part of the waterpark application several years ago in Middlefield. In addition, bypass lanes were to be incorporated. She suggested that the Board of Selectmen should follow up with the DOT/District Engineer to revisit the traffic light situation for this area. The state would then conduct a study, according to Geoffrey Colegrove.

Motion by Ralph Chase, seconded by Gene Riotte, to approve the request for a proposed zone change of approximately 2 acres of land from HID (Heavy Industrial District) to C (Commercial), Wallingford Road. Applicant: Michael Gribko. Owner: John Meadows. Motion unanimously denied.

7. Grippo's Mobil Service Station Review

Geoffrey Colegrove explained that there was a change proposed to the radius of the center island to allow easier access to the tractor-trailers. The landscaping plan was also provided. The areas to the north and south will have plantings. This will screen the side lines of the property.

George Eames talked with Carmine Grippo and Pat Benjamin. The plantings appear good; One of the Commission's concerns is the cement wall on the south side; a mason will be filling in and applying stucco to the wall. This will greatly improve the appearance.

Frank DeFelice noted that the pavement level is quite low; the final course is still to be completed. In terms of timelines, the applicant is awaiting approval from the Commission.

Ralph Chase noted that his concerns were with the timeline for the completion of the project and overall maintenance of the property. The Commission can stay on top of this. A bond is posted for the site in the amount of \$30,000.

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Motion by Ralph Chase, seconded by Jackie Snow, to approve Grippo's Mobil Service Station's landscaping plan and the modified site plan as submitted that includes stucco facing applied to the south block retaining wall. Motion carried unanimously.

8. Proposed Amendments to Section 12.05.01. "Excavation and Removal Permit," of the Durham Zoning Regulations

George Eames indicated that the meeting room was not officially available for the Commission to meet earlier to discuss this topic.

Tom Russell stated his opinion that the proposed regulation is being planned for the wrong section of the regulations. Rather, he believes it should be in the Subdivision Regulations. Through various phone calls, he eventually spoke with Jim Gibbons through the extension service. Mr. Gibbons' opinion was that this policy would be micromanaging and restrictive to small farmers. His thought was that the regulations already take care of a number of scenarios; however, he offered to speak to the Commission.

It was agreed that it was be advisable to invite Jim Gibbons to a future meeting to discuss this matter.

Motion by Tom Russell, seconded by Frank DeFelice, to withdraw the zoning text amendment to Section 12.05.01. "Excavation and Removal Permit" of the Durham Zoning Regulations, Motion carried unanimously.

9. Payment of Bills

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

- Midstate Regional Planning Agency — \$5,441.98

Motion carried unanimously.

10. Approval of Minutes

Motion by Ralph Chase, seconded by Tom Russell, to approve the minutes of the May 3, 2006, and May 17, 2006, meetings as presented. Motion carried, 6-1, with all in favor with the exception of Gene Riotte (in abstention).

11. Town Planner's Report

Ralph Chase stated that the status of applications lists Michael Gribko's address as Higganum Road; Geoffrey Colegrove clarified that Higganum Road is actually the former address of the property owner (John Meadows).

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12. Miscellaneous

George Eames stated that he had received a note regarding the O'Neill site on Commerce Circle from the town engineer. Another note concerned the DeMartino subdivision on Tri-Mountain Road. There are some remaining action items to be addressed; there is an \$8,000 bond for the property.

Attorney Tom Byrne is seeking preparation of the record for both the Greenland Realty and Hannah Enterprises decisions.

George Eames stated that at the bend on Route 68, there is a landscaping business that was approved a year ago. The Commission allowed the applicant to place a tractor for sale (one tractor) on the front of the property; however, there are now three tractors displayed for sale. Geoffrey Colegrove/Ed Grimes will notify the business operators to remove the tractors.

The elderly project for the old Rod & Gun Club site is moving forward. The Department of Environmental Protection has provided some approvals.

Tom Russell received clarification that the dam issue on the property has been resolved.

George Eames inquired about the sign for J&T Property Management. A letter was sent indicating the sizes permitted based on the setbacks.

Frank DeFelice asked about a barn being constructed at Fowler and Cherry. Geoffrey Colegrove stated it is the old Stannard property that is accessed near Brian Curtis' driveway.

George Eames stated that the Greenland Realty case was initially filed in New Haven; a motion has been filed to transfer this to Middlesex County. A second suit is pending on Hannah Enterprises. Other cases are still ongoing.

Gene Riotte stated that a 20-foot rear yard variance for an above-ground swimming pool is coming before the Zoning Board of Appeals (Stagecoach Road). An above-ground pool is a temporary structure; therefore, it was not perceived to be a huge concern.

Motion by Tom Russell, seconded by Ralph Chase, to adjourn the meeting at 9:07 p.m.  
Motion carried unanimously.

Respectfully submitted,

Jan Melnik

6/14/2006