

TOWN OF DURHAM

Planning and Zoning Commission

P.O. Box 428

Durham, Connecticut 06422-0428

MINUTES OF MARCH 16, 2005, MEETING

Present

Members: Al Bradanini, Richard Eriksen, Jan Melnik, Jackie Snow

Town Planner: Geoffrey Colegrove

Alternates: Ralph Chase, Gene Riotte

Absent

Members: Brian Ameche, George Eames, Dave Foley, Jim Kowolenko,
Dian O'Neal

Alternate: Frank DeFelice

The meeting was called to order by Richard Eriksen, Vice Chairman, at 7:30 p.m. Gene Riotte was seated on the Commission in George Eames' place. Ralph Chase was seated on the Commission in Jim Kowolenko's place.

1. Approval of Agenda

Motion by Jan Melnik, seconded by Jackie Snow, to approve the agenda of the March 16, 2005, meeting as amended to reflect deletion of the preliminary application of the Arrigoni Brothers, Mountain Road. Motion carried unanimously.

2. Public Session

Hans Pedersen addressed the Commission; his original application for the property on Brick Lane was withdrawn. He is currently pursuing a possible arrangement with the Fair Association to rent the Fair House at 68 Main Street (adjacent to Canfield Lane) for a possible childcare business. The site would accommodate up to 20 children. This

business would enjoy exclusive use of the building. The matter will be on the agenda of the April 6 meeting of the Planning and Zoning Commission.

3. Rob Chase, Informal Discussion of Possible Uses of 95 Main Street (Grange Hall)

Rob Chase addressed the Commission regarding his interest in the Grange Hall. His idea would be to develop an antiques center, which would include retail sales, at the site. Discussion ensued about the presence of antique businesses in homes along Main Street, initially by right, then by special permit with site plan review following the mid-1970s. With the current regulations, the 12-13 structures along Main Street falling under what has been colloquially known as the “Thomasson amendment” provide for professional offices and medical and dental offices. The use table would need to be amended in order to accommodate something such as an antique center; if this were to transpire, the change would need to specifically link to antique centers within the 12-13 “Thomasson amendment” properties only.

Parking and septic are the two chief constraints of the Grange Hall property. The requirements for parking, as stipulated in the regulations, could not be met on the Grange Hall property itself; Rob Chase is pursuing discussions with neighbors to address that point. Town sanitarian Bill Milardo has indicated that a low intensity use of the site would be consistent with the limited septic capacity; an antique center would probably be appropriate from that standpoint.

Rob Chase also noted a possible wish to hold evening auctions occasionally. It is possible that the past history of the Grange Hall had similar evening activities.

Geoffrey Colegrove advised that any specific application for the property should detail all of the anticipated uses within the request for a special permit. However, the first step is ensuring the septic capacity for any proposed uses.

4. Payment of Bills

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

- *Middletown Press* — \$243.58 (legal notices)
- Absolute Advantage — \$129.48 (Dec. 1, 2004, minutes)
- Absolute Advantage — \$198.11 (Feb. 2, 2005, minutes)
- Absolute Advantage — \$213.24 (Feb. 16, 2005, minutes)
- Absolute Advantage — \$194.19 (Mar. 2, 2005, minutes)
- Connecticut Federation of Planning and Zoning Agencies — \$90 (annual dues)

Motion carried, 5-1, with all in favor with the exception of Jan Melnik (in abstention).

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5. Approval of Minutes

Motion by Ralph Chase, seconded by Al Bradanini, to approve the minutes of the March 2, 2005, meeting as presented. Motion carried, 5-1, with all in favor with the exception of Jan Melnik (in abstention).

6. Zoning Enforcement Officer's Report

Geoffrey Colegrove advised that a complaint had been received about a home occupation on 36 Bailey Road in which there are a significant number of snow plows dispatched daily (with operators arriving early en masse and leaving their personal vehicles at the site). If there is no response to the certified mailings, legal action will be pursued regarding the noncompliance.

Motion by Jan Melnik, seconded by Al Bradanini, to recess the regular meeting for the public hearing at 8:00 p.m. Motion carried unanimously.

PUBLIC HEARING

1. Applicant: CT Area Classic Thunderbirds Club
Location: Regional School District #13 Sports Fields
Application: Request for a Special Permit for a One-day Event, Antique Auto Show and Flea Market

Members: Al Bradanini, Richard Eriksen, Jan Melnik, Jackie Snow

Town Planner: Geoffrey Colegrove

Alternates: Ralph Chase, Gene Riotte

Vice Chairman Richard Eriksen 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 George Eames' place. Ralph Chase was seated on the Commission in Jim Kowolenko's place.

Fred Klaus of the CT Area Classic Thunderbirds Club addressed the Commission regarding the annual event held at the school grounds. This year's show falls on Sunday, July 24, from about 8:00 a.m. until 3:00 p.m. Proper police coverage for traffic is provided by the club. The Board of Education has already approved their portion of the application.

Motion by Ralph Chase, seconded by Al Bradanini, to close the public hearing of the CT Area Classic Thunderbirds Club, request for special permit for a one-day event, antique auto show and flea market, at the Regional School District #13 sports fields. Motion carried unanimously.

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Motion by Jan Melnik, seconded by Ralph Chase, to reconvene the regular meeting at 8:02 p.m. Motion carried unanimously.

7. CT Area Classic Thunderbirds Club, Request for a Special Permit for a 1-Day Event – Antique Auto Show and Flea Market, Regional School District #13 Sports Fields

Motion by Jan Melnik, seconded by Jackie Snow, to approve the request for a special permit of the CT Area Classic Thunderbirds Club, for a one-day event, antique auto show and flea market, at the Regional School District #13 sports fields. Motion carried unanimously.

8. Continuation of Public Session

Darcy Sperl, Wallingford Road (corner of Mountain Road) addressed the Commission regarding the ongoing concerns with the Greenland Realty operations on Mountain Road. She cited numerous instances of being awakened very early (before 5:00 a.m.) by large tractor-trailers traveling up and down the unpaved Mountain Road. She noted concerns with the 18-wheelers pulling out onto Route 68 and the potential traffic hazard.

Cindy Turcik, 92 Mountain Road, addressed the Commission, stating her belief that the application had been approved for a landscaping business. However, the ongoing activities appear to be anything but a landscaping concern. She, too, described excessive tractor-trailer/18-wheeler traffic on the road, waste-hauling trucks, roll-off trucks, etc. at all hours, including a recent 4:25 a.m. episode of trucks departing the site. She said that in the previous week, a large truck sideswiped the guardrail near her property; while it was repaired, it is still problematic that these huge trucks are using this road not intended for heavy 18-wheeler traffic.

Diana Cruise, 49R Mountain Road, also addressed the Commission and reiterated ongoing concerns with Greenland's operations. She has observed a number of trucking companies apparently using the site for their operations—dirt and crushed stone hauling (onto and away from the property)—including Sacco, Lee, Paragon, and Cardinal trucking companies. The property appears to operate as a depot with at least 15 employees arriving before 5:00 a.m. every day. She stated that the original application stipulated that all garage doors were to be facing Ozick Drive. However, a new garage door was recently installed facing the neighborhood with lighting installed over it.

Members of the Planning and Zoning Commission (including Jim Kowolenko, Dave Foley, Ralph Chase, and Richard Eriksen) recently conducted a site visit and expressed to the property owner a number of neighborhood complaints and concerns about apparent violations of the permit.

Richard Eriksen stated his belief that the Planning and Zoning Commission had been misled by this applicant. He reiterated a number of concerns, including lighting facing

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residences (it was supposed to be downlighting and not in the direction of the neighborhood), hours of operation exceeding reasonable limits, dumpsters on the site, and apparent overstepping of approved uses for the site. He recommended that the Commission review the transcripts of the original hearing(s) (September 17, 2003, being the most salient; other meetings at which this application was discussed were 10/1/2003, 10/15/2003, 11/5/2003, 11/19/2003, 12/3/2003, 12/17/2003, and 1/7/2004) and discussed options for legal remedy with the Commission's counsel, Tom Byrne.

To neighborhood complaints regarding noise, that is one matter falling outside the Commission's purview. He suggested they contact First Selectwoman Maryann Boord regarding violations of the town's noise ordinance. He also suggested that neighbors might wish to develop a log, complete with photographs, to help establish what could be a protracted case.

Motion by Ralph Chase, seconded by Jan Melnik, to issue a cease-and-desist order to Greenland Realty, Old Mountain Road, to:

- 1) prevent removal of material from the site
- 2) prevent material from being imported onto the site
- 3) have lights on the west and south sides of the building removed
- 4) install motion detectors on the remaining lights (so that they are not illuminated all night)
- 5) ensure all remaining lighting be downlights as originally stipulated and approved
- 6) remove the garage door on the north side of the building

Motion carried unanimously.

Motion by Al Bradanini, seconded by Jackie Snow, to adjourn the meeting at 8:37 p.m.

Motion carried unanimously.

Respectfully submitted,

Jan Melnik

3/23/2005