

TOWN OF DURHAM

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

MINUTES OF FEBRUARY 15, 2006, MEETING

Present

Members: Brian Ameche, Ralph Chase, George Eames, Richard Eriksen, Dave Foley,
Jim Kowolenko, Jan Melnik, Dian O Neal, Tom Russell
Town Planner: Geoffrey Colegrove
Alternates: Frank DeFelice, Gene Riotte, Jackie Snow

The meeting was called to order by George Eames, Chairman, at 7:30 p.m. Gene Riotte was seated on the Commission in Jim Kowolenko's place. Jackie Snow was seated on the Commission in Brian Ameche's place. Frank DeFelice was present, but unseated

1. Approval of Agenda

Motion by Dave Foley, seconded by Ralph Chase, to approve the agenda of the February 15, 2006, meeting as amended to include application for the Thunderbird Club annual auto show/flea market in July (item 10a) and discussion for modification of uses at the former Tomo Steakhouse (item 6a). Motion carried unanimously.

2. Public Session

Diana McCain, a resident of Durham, addressed the Commission. She indicated that she had seen in the *Town Times* information about a possible 55,000 square-foot grocery store at the north end of Main Street.

George Eames stated that an attorney for a developer had raised in informal discussion the possible desire to construct a 55,000 square-foot building; however, the regulations limit construction to a maximum of 40,000 square feet. No formal plans were submitted. Diana McCain stated that she would be very much in opposition to anything like that anywhere along Main Street, either at the north end or at the southerly end in the area of the Dahlmeyer property, which she characterized as pastoral. She expressed concern with the resultant increase in traffic

congestion accompanying such a development. In addition, there are ample grocery store options in Wallingford and Middletown.

To Diana McCain's query as to whether or not the Commission could amend the 40,000 square foot maximum by a vote and public hearing, Richard Eriksen indicated that this is possible –as it is with any of the regulations.

Attorney Joseph Milardo of Middletown addressed the Commission. He indicated that he represents Bill and Diana Cruise along with Sandy Kovak, Dave Dingwell, and Cindy Turcik, all of Mountain Road. He stated that he had met with the first selectman and all parties had agreed on one thing –in order for the town to maintain integrity in terms of internal processes and governmental processes, it behooves all parties to be frank, open, and honest. He described the public hearing process that accompanies an application –giving members of the community an opportunity to hear what an applicant plans and express their comments and concerns. He cited a problem with Greenland Realty having mischaracterized their operations and changing their use after the public hearings had closed and receiving their approval. He indicated that the application that was approved was for a much more contained operation, one involving landscaping, instead of what residents have observed: two trucking companies operating out of the location, including very large, multi-wheeled vehicles on a regular basis as early as 4 and 5 a.m.

Attorney Milardo encouraged the Commission to review very carefully what had been approved, what was in the minutes, and the current type of activities. He suggested that the scope of original approval had been exceeded and that corrective and enforcement action should be taken.

Cindy Turcik presented photographs showing that another trucking company, Nosal, was using the property. It has been very busy, including weekends, basically a seven-day-a-week operation.

Dave Dingwell, 89R Mountain Road, stated that business continues as usual at Greenland, with trucks leaving every morning at 3 and 4 a.m., including the unloading of excavators.

Richard Eriksen stated his recollection that the original application included a landscape operation, but that apparently is not what is going on. He asked two questions of the Commission's counsel, Tom Byrne, in attendance. One, what was represented to the Commission and what had the Commission approved –and do the minutes and decisions of the Commission support that? And, two, the hours of operation are not mentioned on the site plan, but had been discussed –can this be enforced? He cited his own belief that the operation that exists today is not as was originally presented or approved by the Commission. He stated that following two years of gripping testimony and an unbelievable series of events, including what he characterized as misrepresentation by the applicant, he would like to know what resolution is legally available to the Commission.

Attorney Thomas Byrne indicated that he doesn't have a position on the matter. His role was to provide the best read possible of what is in the minutes of the previous meetings and hearings and review these along with the Commission's actions and motions. He noted that it would be helpful to have transcripts of the public hearings; these are in the process of being created and will be available within the next week to 10 days. He stated that the opinions he offered this evening could change based upon what is contained in the transcripts.

Attorney Byrne stated that there is an approved site plan that had been signed by the chairman on January 7, 2006. There was no appeal of this action and it is now too late to stage an appeal. The proposed plan provides for a storage and office facility of 9,200 square feet with six employees as well as a 400 square foot office and two employees. The accessory use is for outside storage of earth material, topsoil, mulch, and decorative stone. No mechanical repairs or truck washing is allowed on site. The application proposes the construction of a garage for trucks with a small office for housing the business operations. In addition to outside storage, there is limited screening of earth materials.

Prior to the filing of Greenland's application (as much as six months to a year ago), the applicant had discussions with the Commission, including much talk about a landscaping business going on the site. However, that apparently never happened. The public notice in the newspaper referred to construction of a building for office use, a garage, and outside storage.

Brian Ameche was seated on the Commission at 7:56 p.m. Jackie Snow was unseated, but George Eames indicated that she could participate in discussion.

Attorney Byrne indicated that the only condition of approval was to incorporate the recommendations of the town engineer relative to drainage along the roadway. That work has since been completed. Attorney Byrne stated that the minutes of the hearing of September 17, 2005, show Attorney Joan Molloy's request for a 9,000 square foot building and outside storage as an accessory use to the operation of a trucking business. The structure is to provide for office space and house trucks and trailers. No mechanical activities of any kind are to be performed on the site. Representation was also made that trucks would depart the site first thing in the morning and return at the end of the day. Attorney Byrne indicated that this was quite open-ended (is first thing 1 a.m. or 7 a.m.; likewise, is end of the day 5:30 p.m. or 11 p.m.).

During the May 4, 2005, public hearing, Attorney Joan Molloy stated that the business that Greenland Realty runs is that of a trucking company. The Commission noted that what had been originally requested was a landscaping business with the storage of excess materials outside on the site from time to time. However, in reviewing the minutes, Attorney Byrne stated that he had been unable to back up that statement, which had apparently been made prior to the filing of the application. Many previous meetings reflected discussion of the application being different from representations made before the application was filed. Essentially, the Commission is stuck with what was filed for and what was approved. He added that it is not relevant what was said before the application was filed. What is relevant is the action of approving a so-called trucking operation.

Attorney Byrne stated that what the Commission approved is a building for the storage of trucks. He stated that when the trucks are not in use, they would have to be stored inside the building. That would appear to be the Commission's understanding of the approval. A truck stop operation would not have been approved or allowed. From his understanding of the minutes, the type of operation being run is a business that requires trucks to be on site someplace (evidently at 7 a.m., because they have to leave at 5 a.m.); when not actively engaged in the business, the trucks would need to be stored in the building. Attorney Byrne stated that the transcripts may provide a fuller picture of what is going on.

Richard Eriksen asked for clarification—that if a building was approved for the storage of trucks for the business, any truck not garaged would not be permissible on the property. Attorney Byrne

concurring (obviously excluding such truck traffic as FedEx trucks or the personal vehicles of employees).

Richard Eriksen indicated his recollection that there had been a lot of conversation about the hours of operation. Attorney Byrne indicated that the minutes did not reflect this, other than for the screening operation.

Frank DeFelice stated that separate from the issue of whether landscaping was the originally approved business or not, the real concern was hours of operation. He stated this came up during the site walk as well as during numerous representations made to the Commission after the application had been filed. If it is found in the transcripts, then it needs to be considered a misrepresentation by the applicant and worth pursuing if there is a violation.

Attorney Byrne indicated that if the matter does go to legal action, all the court will do is look at a site plan –what was on the application and what was approved. If something did occur during a public hearing, it will help in interpreting what the Commission did.

Jan Melnik stated that she had found some details in earlier minutes of public hearings from the year 2001; however, tapes of the three public hearings in 2001 for Greenland Realty are no longer available. According to the town clerk, Laura Francis, tapes of public hearings need to be retained for just one year. Once the minutes have been approved and not objected to by anyone, there is no need to retain the tapes after a year.

Jan Melnik read a paragraph from the minutes of an April 2001 hearing, 'To Al Bradanini's' query regarding timeline for outside mulch, etc., activities, Joan Molloy indicated that the applicant would primarily conduct these activities in the spring and fall. Trucks being housed at the site would leave the first thing in the morning and not return until the end of the afternoon. Primarily a wholesale operation is planned with minimal retail activity, all between the hours of 8:00 a.m. and 5:00 p.m. "

Attorney Tom Byrne stated that what was approved was a truck storage facility, and not a landscaping operation. Whatever the building can accommodate, that is what the use legitimately is. No outside vehicles (other than those driven by employees) would be permitted. Outside storage of earth materials, topsoil, etc. and limited screening was permitted as an accessory use.

Richard Eriksen suggested that a letter from the Zoning Enforcement Officer be sent to Greenland Realty advising that no vehicles, except employee vehicles, can be stored outside the building; they must be garaged inside the building. Attorney Tom Byrne will review the transcripts within the next few weeks; after that, depending on the information found, the Commission can determine if a cease-and-desist order should be issued.

Attorney Tom Byrne reiterated that the courts would not review extensive information (i.e., would not read a 25-page brief), but will look at what was applied for, what was approved, and the site plan.

Richard Eriksen said that if Greenland wishes to store vehicles outside, then they will have to seek a modification to the permit.

3. Hanna Enterprises, LLC, Request for Modification to Special Permit for Gasoline Dispensing Facilities, 1051 New Haven Road

According to Attorney Tom Byrne, this application must go before the Inland Wetlands Commission (and be submitted simultaneously to Inland Wetlands and the Planning and Zoning Commission). It is a new application and the Commission is obligated to proceed on it, schedule a public hearing and then render a decision.

Richard Eriksen asked if this really is a new application, given that the premise of the previous application denial was on the basis of a gas station, which this new application includes (minus the canopy but with a change in the buffer).

Dave Foley asked if it would make any difference that the initial decision (denial) was in litigation.

Attorney Byrne stated that it did not make a difference, the new application could still be heard; however, he added that if the decision on the second application should be litigated, then he would recommend that a dismissal be sought on the first case. It was further recommended that the present application before the Planning and Zoning Commission be withdrawn and then resubmitted with one to the Inland Wetlands Commission.

Motion by Dave Foley, seconded by Ralph Chase, to recess the regular meeting for the public hearing of proposed amendments to Section 12.05.10 Excavation and Removal Permit. Motion carried unanimously.

PUBLIC HEARING

1. Applicant: Durham Planning and Zoning Commission
Application: Proposed Amendments to Section 12.05.01, Excavation and Removal Permit of the Durham Zoning Regulations

Members: Brian Ameche, Ralph Chase, George Eames, Richard Eriksen, Dave Foley,
Jim Kowolenko, Jan Melnik, Dian O Neal, Tom Russell

Town Planner: Geoffrey Colegrove

Alternates: 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 in Jim Kowolenko's place.

George Eames read into the record the proposed changes, the salient portion of which would provide for the necessity of a special permit for the excavation and/or removal of more than 1,000 cubic yards.

Frank DeFelice stated that at the previous Commission meeting, there had been discussion that

1,000 cubic yards might be too small for a very large ranch-style house; there had been thought of modifying the yardage to 1,200 cubic yards.

Ralph Chase stated his belief that a word of caution was in order to the Commission. He believes that the proposed limitation of requiring a special permit for movement of more than 1,000 cubic yards of material on an individual's property to be discriminatory toward large property owners. He also stated his opinion that the Commission should be able to rely on the good judgment of property owners not to destroy the health, safety, and welfare of neighbors, adding that if the Commission chooses to treat people like children, they'll act like children. He believes people have enough judgment not to infringe on neighbors. He stated that he has no problem with limiting the amount of material taken somewhere off a property (that would be a mining/gravel operation), but to limit what can be moved around on one's own property is discriminatory.

Richard Eriksen stated that he agreed in principle with the points made by Ralph Chase. He cited some of the problems the Commission has faced in the past with egregious situations created by people under the guise of site preparation that turn into massive movement and removal of material and major changes to the character of land. In addition, there are consequences of moving significant amounts of material on a property and the possible disturbance to the tranquility and peace of abutting neighbors.

He stated that the intent is not to restrict what people do, recognizing that 98% of people are good neighbors, but to be able to have a system of checks and balances. He doesn't see where there would be a problem for people to come before the Commission for a special permit. The Commission is seeking oversight.

Ralph Chase stated that it would be an inconvenience to try to determine exactly how much 1,000 cubic yards is—and then have to hire an engineer, in particular if a property owner wants to make a riding ring, for instance. He added that perhaps the proposal should be directed toward property developers.

Richard Eriksen asked how much material might be reasonable to consider for someone to move around on their property before requiring a special permit; if not 1,000 cubic yards, 2,000? 3,000? 10,000?

Frank DeFelice stated that one of the problems the Commission is attempting to address is the point of massive excavation close to another property line. The proposed language might be more appropriate in the subdivision regulations than in the zoning regulations. If a developer applies for an excavation permit for a 10-lot subdivision, two or three foundation holes might be open at one time, easily requiring the removal of more than 1,000 cubic yards. The impact of the proposed regulation could be significant in the zoning regulations, but not as excessive in the subdivision regulations.

Jackie Snow asked how much land, how many acres might be appropriate to consider when weighing the proposed language change.

Dave Foley suggested that there should be an amount of land tied to the proposal.

Brian Ameche stated that one of the issues the Commission is consistently confronted with is that the Commission has no oversight for the movement of massive amounts of material on a site. Part

of the purpose of the proposed language is to allow the Commission the opportunity to know and regulate what is being done.

George Eames opened the hearing to public comment.

Jeff Parmelee, 290R Route 17, stated that 1,000 cubic yards was not a lot of material. He suggested that careful consideration be given to the amount of material being proposed for the requirement of a special permit. He also stated that there should be some type of exemption for material being excavated and/or removed for the replacement of a septic system. He asked if this also applied to material being brought in (i.e., the 2,700 cubic yards of manure he has brought in each year for the fields).

Richard Eriksen asked for an opinion on what the appropriate amount might be. Several in attendance agreed that it would make sense to tie the amount of material allowed to the size of a property.

Pat DiNatale, 94 Bailey Road, mentioned that he had a recently approved three-lot subdivision which necessitated the movement of 25,000 cubic yards of material on the site (not removal); however, on a 260-acre piece of property, that is not that significant. He referenced the donation of 13 acres of land to the town. However, he also pointed out that coming before the Commission each time more than 1,000 cubic yards of material is proposed to be moved would be burdensome, an overregulation, and represent micromanaging. He also noted that he would be going before the Inland Wetlands Commission regarding construction of a fire pond; what should be done with the material required for removal?

Frank DeFelice indicated that he could appreciate the point of not making a homeowner apply for a special permit when facing an issue of a failing septic system (i.e., a matter that affects public health).

Hans Pedersen cautioned the Commission against micromanagement. He pointed out the need for a commercial base to help with the taxes in town, adding that commercial operations place no burden on the school system.

Roger Passavant addressed the Commission. He expressed concern with restricting the amount of material a landowner can move around on their own property. He pointed out that if a farmer plows a large field, skimming just two inches of the surface, this could easily amount to more than 1,000 cubic yards of material being moved. He also noted concern with expense for landowners –having to come in for a permit, hire an engineer, do surveying –all to simply move 1,000 cubic yards of dirt.

Deb Petrotti, Haddam Quarter Road, stated she was not in favor of coming before the Commission for a yes/no answer on whether she wants to build a dressage ring or a large garden on her 10 acres.

Brian Ameche indicated that one of the problems with open excavation is that there can be fugitive dust, a nuisance to adjacent property owners, even if it is not intentional.

Matt Polansky, 395 Blue Hills Road, addressed the Commission, stating the need for clarification about the quantity and the issue of removal versus simply moving material around on a site. He

believed the proposal to be discriminatory to larger landowners. He owns 160 acres and if he wants to dig a drainage pond, he doesn't feel that he should have to appear before the Commission for a permit. He also stated that the regulation appears designed to restrict many people because of the infractions of just a few. He asked, if enacted, how the new language would be enforced and how the cubic yards would be physically measured.

Richard Eriksen stated that reasonable people do the right thing (i.e. speed limit). He pointed out that the Commission has listened to massive things being done under the regulations under the guise of site preparation.

Pat DiNatale encouraged that the language be tied to acreage.

Len Rossicone, Parmelee Hill Road, addressed the Commission, citing concern with the restriction at 1,000 cubic yards, both for moving material around on a site as well as removing or bringing it on. He stated that if he wanted to build a horse track on one of his properties, this restriction would be onerous. He asked if he would need to have a permit to clear several acres of a large parcel of land for a field (it was noted that clear-cutting is not allowed). He felt that language was vague and should have a connection between total acreage and amount allowed.

George Eames reminded the public that the purpose of a public hearing is to obtain public input. It was appearing clear that 1,000 cubic yards might be too restrictive; however, this was just a starting point for conversation. The Commission can reexamine the proposal and bring it back with changes in a new public hearing.

Dave Foley noted that the Commission has seen many patently absurd abuses of the current language; the input provided this evening was valuable. The purpose of the proposal is to prevent major excavation and mining to create a few house lots on a small amount of land, especially that which is in close proximity to other houses.

Warren Herzig stated that from everything he had heard, the main problem seems to be with subdivision and development; he agreed with the point made by Frank DeFelice, that any proposal contemplated should be included in the subdivision regulations and not the zoning regulations. He also urged the Commission to look at volume versus area and the tie to acreage.

Victor Rossicone addressed the Commission, references his activities as a farmer. He is trying to make a living in agriculture, but it appears the town is not interested in allowing farmers to do their work and survive; rather, contractors seem to be given the advantage. His goal is to keep his land in good shape.

George Eames indicated that the Commission is not trying to hurt anyone. The members of the Commission are elected to serve the town and are trying to do that with this proposal. However, based upon input received, it was likely that the Commission would reexamine the proposed language.

Rob Sisco, Cherry Lane, addressed the Commission. He asked if the Commission's position was consistent with the state statutes on rights to farm. He further asked if a decision could be made that was not in agreement with the state statute.

George Eames indicated that town planning and zoning commissions adopt rules and regulations for their own towns; however, these cannot go against what the state statutes allow.

Geoffrey Colegrove stated that there is a right-to-farm statute; he will obtain copies for the Commission's edification. Towns are allowed to regulate land use through their zoning regulations; however, these must be within the confines of the state statutes.

In terms of a possible relationship between acreage and cubic yards for the maximum, there may be value to creating a list of exclusions (i.e., to address septic system failures –these should be excluded).

Geoffrey Colegrove noted that current regulations stipulate that if you disturb more than half an acre of land, you have to have a soil and erosion/sedimentation control plan in place (most people don't do this).

A question was raised as to whether horse boarding facilities are treated as agricultural pursuits; they are in the state statutes.

Jan Melnik read into the record a letter of opposition to the proposal from Pam Pruitt, Stagecoach Road. She expressed concern for large landowners as well as the worry that property would be sold for development as opposed to retained for agricultural purposes.

Gerry Wiknik, Foot Hills Road, asked that if there are regulations on the books for movement of soil on more than a half acre of land and it's not being currently enforced, was there a problem with enforcement?

Richard Eriksen reminded the public that the Commission is gathering input; no decision has yet been made.

Frank DeFelice reiterated that the problems are frequently related to subdivisions, not individual landowners.

Geoffrey Colegrove described a previous application in which there had been an initial removal proposed of more than 5,000 cubic yards of material; subsequently the application was revised as the 5,000 cubic yards of material (which would be disturbed and moved on the site) would be left on the site and not removed. Neighbors of that proposed development were vehemently opposed to the application and it is that type of activity that the Commission is trying to regulate.

Dave Foley noted that as properties become more and more difficult to develop, the need for such regulations becomes more clear.

Jim Fowler, Maiden Lane, expressed dismay with the proposed language and did not feel it reflected responsible action on the part of the Commission.

Brian Ameche described the reason for the Commission's involvement and stated that excavation of 1,000 cubic yards of material would exceed the area of the library meeting room by two-and-one-half times. The Commission is trying to strike a balance between landowners' rights and the rights of those neighbors adjacent to such activities.

Paul St. Amand, Howd Road, addressed the Commission. He pointed out that no matter what the number selected is (1,000 cubic yards or 5,000 cubic yards), there will always be someone who is trying to be creative and beat the system.

The Commission pointed out that regulations are crafted and presented at public hearings, then voted on and enacted. They are changed by the Commission as deemed appropriate –again, through public hearing and a vote of the Commission. It is a process by which they are perfected on an ongoing basis.

Brian Ameche stated that in the 13 or 14 years that he d’served on the Commission, there have been a number of problems with sand, earth, and gravel excavation and removal. The Commission s’goal has been to try to seek a balance.

Jan Melnik echoed the points raised by Dave Foley, stating that in the 16 years that she d’been sitting on the Commission, she has observed development becoming progressively more difficult as the years have gone on. All the easily developed, flat parcels are gone and sites become that much more difficult to develop.

Geoffrey Colegrove indicated that the proposed language had been forwarded, as required, to the land use agencies serving adjacent communities; to date, response from Midstate Regional Planning Agency and the Estuary Regional Planning Agency indicated no problem with the proposed language; word is still awaited from the Southcentral Regional Planning Commission; however, the 35 days have passed for input.

Motion by Ralph Chase, seconded by Dave Foley, to close the public hearing of proposed amendments to Section 12.05.01, Excavation and Removal Permit, Durham Zoning Regulations. Motion carried unanimously.

Motion by Ralph Chase, seconded by Jan Melnik, to reconvene the regular meeting at 9:52 p.m. Motion carried unanimously.

4. Site Plan Modifications, Former Tomo Steakhouse Site, 339 Main Street

The applicants, who had asked for this to be included on the agenda, were not in attendance (Dave Ferretti of New Milford and Jim Witkowski of Middletown). The property owner, coincidentally in attendance, Len Rossicone, noted that they might be pursuing a change to the appearance of the outside of the building. A possible family restaurant is planned. Because the applicants were not in attendance, the matter was tabled.

5. CSAK Realty Lot #11, Commerce Circle

This will be deferred to the agenda of the next meeting.

6. Pat DiNatale, Parcel on the West Side of Main Street

Pat Benjamin addressed the Commission on behalf of the applicant. This site comprises the location of the current Renee s’Package Store, former MTA Video store, and the vacant lot to the north that formerly was occupied by the old diner. A plan for a proposed 9,000 square foot building was presented for the Commission s’preliminary review. All of the curb cuts into these

two parcels would be removed with one larger curb cut at the northernmost part of the site (near Durham Village's entrance); there would be a southerly entrance/exit where it currently exists in front of Cozy Corner. The parking lots would extend between all these buildings (but not open into Durham Village).

Pat Benjamin stated that with the proposed changes to the site, the closest the applicant can get to the 60% limitation covering impervious surfaces is 65.9%. Parking spaces were reviewed; Durham's regulations stipulate 10 x 20 ; most towns allow 9 x 18 with some compact 8 x 16 spaces.

The property might accommodate one or two restaurants/eateries, a beauty salon, and a package store with office space on the second floor. The rendering of the proposed building/complex would create an attractive enhancement to the southern gateway into the community.

Pat Benjamin will have architectural plans and full details for the public hearing. The applicant will go before the Zoning Board of Appeals for a variance request on the lot coverage.

7. Thunderbird Club Application, Annual Auto Show/Flea Market, Dist. 13 Grounds

A public hearing will be held on March 1.

8. Workshop, Middlefield Road, Route 147, Possible Rezoning

The Commission discussed the outcome of the workshop from the previous meeting. Residents were loud and clear against the possibility of having the land rezoned as commercial, light industrial, or heavy industrial. The Prues are considering possible subdivision (residential lots) and the Gastlers are planning on retaining their land for agricultural/arming purposes.

The Commission discussed possible pursuit of such acquisition via farmland preservation; there is money in the program. Geoffrey Colegrove suggested that the Conservation Commission might wish to explore this further. He also noted that it might make sense to pursue an amendment to the residential zone that would allow by special permit such activities as professional office buildings, healthcare facilities, etc. on collector roads and state highways with five-acre minimums imposed.

9. Discussion of Unimproved Town Roads

Geoffrey Colegrove distributed maps for the Commission's review. A site walk will be held at 9:00 a.m. on March 11, meeting at Old Mountain Road.

10. Payment of Bills

Motion by Ralph Chase, seconded by Gene Riotte, to approve payment of the following bills:

- Attorney Thomas Byrne - \$3,225.00 (Arrigoni case)
- Absolute Advantage, J. Melnik - \$407.83 (minutes, February 1, 2006)
- Absolute Advantage, J. Melnik - \$1,222.05 (transcripts, Arrigoni case, part 1)
- Absolute Advantage, J. Melnik - \$1,483.05 (transcripts, Arrigoni case, part 2)
- *Middletown Press* - \$83.58 (new charges)

Motion carried, 7-1, with all in favor with the exception of Jan Melnik (in abstention).

11. Approval of Minutes

Approval of the February 1, 2006, minutes was tabled until the March 1, 2006, meeting.

12. Miscellaneous

There was discussion of the dumping of material on Powder Hill Road property; Richard Eriksen suggested a letter be sent to the Department of Transportation regarding this, in particular, the proximity to the wetlands.

Geoffrey Colegrove indicated that with the governor's recent proposal regarding elimination of vehicle taxes, there could be a significant loss to the town of Durham (many of Tilcon's vehicles/portable asphalt plant).

George Eames advised that the annual meeting of the Connecticut Federation of Planning and Zoning Commissions will be held on March 23, 2006, at the Aqua Turf. The Commission will pay for any interested members to attend.

Motion by Ralph Chase, seconded by Dave Foley, to adjourn the meeting at 10:49 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik
2/21/2006