

# TOWN OF DURHAM

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

## MINUTES OF SEPTEMBER 19, 2007, MEETING

### Present

Members: George Eames, Richard Eriksen, Dave Foley, Jim Kowolenko,  
Gene Riotte

Town Planner: Geoffrey Colegrove

Alternates: Mike Geremia, Mark Laudano

### Absent

Members: Ralph Chase, Frank DeFelice, **Dian O'Neal**, Tom Russell

Alternate: Brian Ameche

**The meeting was called to order by George Eames, Chairman, at 7:30 p.m. Mike Geremia was seated on the Commission in Ralph Chase's place. Mark Laudano was seated on the Commission in Dian O'Neal's place.**

### 1. Approval of Agenda

Motion by Dave Foley, seconded by Gene Riotte, to approve the agenda of the September 19, 2007, meeting as presented. Motion carried unanimously.

### 2. Public Session

Joseph Pasquale addressed the Commission. He suggested that the Commission review the application filed for Silver Eagle Development Trust (item 11 on the agenda) from the standpoint of completeness. It is his opinion that it does not comply with several sections of the regulations (13, 13.03-04, etc.). He stated that his remarks related not to the proposal itself but, rather, the administrative filing of the application.

George Eames indicated that the item was on the agenda this evening simply for the purposes of scheduling a public hearing.

3. Gargiulo Construction Company, Request for Release of Bonds, 41 Commerce Circle

George Eames and Richard Eriksen conducted a site walk this past Saturday. Most of the site was found to be in order. The town engineer has asked for completion of several items including guard rail installation for the parking area where the trucks are and a ten-inch pipe to the east of the project to connect with a catch basin. Not all of the site has yet been seeded or sodded.

It was noted that neighbors have commented on how pleased they are with the buffering and landscaping. Richard Eriksen praised Mr. Gargiulo on the work completed.

There was some question regarding the paving of the back area. Given the equipment on the site, blacktop might not be appropriate (it would tear up the pavement).

Motion by Richard Eriksen, seconded by Gene Riotte, to release one of the \$11K bonds (Gargiulo Construction, Commerce Circle), retaining \$11K (the second bond) for remaining landscaping and any other outstanding work as determined by the town engineer. Motion carried unanimously.

Mr. Gargiulo noted that the site plan does not call for paving the parking area, simply because of the heavy equipment on site.

4. Joseph Pasquale, Request for Zoning Text Amendment, Section 06. "Commercial Districts," to reduce maximum size of a single structure to 30,000 square feet from current 40,000 square feet

Motion by Richard Eriksen, seconded by Gene Riotte, to reduce the square footage allowed for buildings within the commercial district from 40,000 maximum square feet to **30,000 maximum square feet, request for zoning text amendment, Sect. 06., "Commercial Districts."** Motion carried, 6-1, with all in favor with the exception of Mike Geremia (in opposition).

5. Regional School District #13, Site Plan Review for the Installation of Lighting at Football Field, Pickett Lane

Rob Francis, Director of Building and Grounds for Regional School District #13, addressed the Commission. He stated that the field was for the use of the Durham-Middlefield youth football team (Falcons). Four poles featuring 1500-watt lamps are proposed to enable the team to practice at this time in the season for an hour or so at night. The Building and Grounds Committee of the Board of Education initially reviewed the plans and was in support; the Board of Education as a whole approved of the plans as

well. Giacco Electrical Contractors will be handling the work. A site plan was presented to the Commission.

Richard Eriksen stated that he had heard from neighboring properties in the area about their concerns with the proposal. Because of this interest and because of the activity and light, he suggested a public hearing be scheduled. At such time, a full presentation could be made. Gene Riotte concurred, stating that because it is public property, it was essential that a public hearing be held.

**Donia Viola stated her “vehement opposition” to lighting this property and further** expressed concern that no notice had been sent to neighbors, including those residing at Mill Pond. Geoffrey Colegrove indicated that notices of the public hearing will be printed in the *Middletown Press*; in addition, there will be a public hearing sign posted at the property.

Donia Viola also requested that Jan Melnik recuse herself from this agenda item and not take minutes because of what she described as a conflict of interest. Mrs. Viola stated that **Ron Melnik, the district’s business manager, was present at** the Board of Education hearing several weeks earlier when the project was approved by the Board for going forward.

Richard Eriksen stated that in all his years on the Commission, he had never seen any instance whereby Jan Melnik, as a recording secretary and Commission member or non-Commission member, portrayed anything other than factual in the minutes. Because she is not a Commission member (result of town charter change), she would not be voting on this matter. He further added that because all public hearings are tape-recorded, this safeguards any prejudicial entry of minutes if that should ever be the case.

George Eames noted that this was not a problem—having Jan Melnik prepare the meeting and hearing minutes.

Donia Viola stated that rather than having any lingering doubt, she wanted to ensure the integrity of the process. Richard Eriksen and George Eames assured her that there was no problem.

Dave Foley asked that before the matter proceeds to public hearing, he would like to see depicted on the site plan exactly what property is owned by District #13 and what property belongs to the town. Geoffrey Colegrove also recommended that the site plan reflect the light output (lumens) from each pole so that the Commission can see exactly the areas that will be illuminated.

Richard Eriksen indicated his desire that a timer be used for the fixtures so that the problems experienced with the lights at the tennis courts do not repeat here.

Geoffrey Colegrove added that there should be proposed hours of light operation (when they are to be turned on and when they will be turned off) included in the proposal. There **should also be a provision for “what happens” if the lights do not get turned off.**

Rob Francis indicated that the proposal will address these questions and be reviewed at the public hearing.

Motion by Richard Eriksen, seconded by Gene Riotte, to schedule a public hearing for the request of Regional School District #13, site plan review, for installation of lighting at the football field, Pickett Lane. Motion carried unanimously.

6. Silver Eagle Development Trust, LLC, Request for a Special Permit for Construction of three retail buildings, Main Street

Attorney John Corona addressed the Commission, asking that a public hearing be scheduled for the second meeting in October, October 17. He stated that he is in the process of putting together supplemental information for the application and that this will afford him the necessary time.

To the comment from Joseph Pasquale regarding provision 13.05.05.01 (notice of public hearing and location of sign on site development plan), George Eames indicated that the applicant is required to post public hearing notice signs on the property in advance of the hearing date at locations visible to the public. John Corona indicated these would be positioned on Route 17 and on Middlefield Road.

Motion by Gene Riotte, seconded by Mike Geremia, to schedule a public hearing for Silver Eagle Development Trust, LLC, request for special permit for construction of three retail buildings, on October 17, 2007. Motion carried unanimously.

7. Frederick Dahlmeyer, Request for a 2-Lot Subdivision, New Haven Road

Attorney Michael Dowley addressed the Commission regarding the proposed two-lot subdivision. He noted that a portion of the property is zoned commercial and a portion zoned residential. There is plenty of frontage on each piece. He asked that the public hearing be scheduled for October 3, 2007. Following successful subdivision (if approved), the individual buying one of the lots will probably submit an application to change the zoning on one of the lots from half residential and half commercial to all commercial. One lot currently straddles the two zones. The other lot will be totally residential.

Motion by Richard Eriksen, seconded by Dave Foley, to schedule a public hearing for October 3, 2007, for Frederick Dahlmeyer, request for a two-lot subdivision, New Haven Road. Motion carried unanimously.

8. Mary Beth Edwards and Walter Cihocki, Request for Zoning Text Amendment to Section 05.01.01.01. #23 of the Durham Zoning Regulations

Mary Beth Edwards addressed the Commission along with Trish Dynia, who helped Mary Beth Edwards complete the application. Trish Dynia noted that the applicant, following submittal of this new application, had been informed that she was ill-advised to use the same language as the earlier application (reviewed by the Commission some **months ago**). **Therefore, she asked the Commission's preference: Move forward with** scheduling a public hearing and changing the language in the course of that process or withdraw this application and resubmit it with different wording.

Richard Eriksen noted that if the current application uses exactly the same language as was denied previously, the Commission would have a hard time justifying a revisit of the application. Close to six months have elapsed since the first application (which is necessary for a new application to be rendered on the same matter). It was suggested that the applicant withdraw the application and, using comments provided by Attorney Tom Byrne in a previous letter, resubmit a different application.

Trish Dynia also asked if the Commission would give consideration to not requiring a fee with the revised application. It was noted that the original \$40 fee had been filed some six months ago and a second \$40 fee paid with this application that was about to be withdrawn.

Donia Viola interjected with a question, asking that because the original application had been turned down by the **Planning and Zoning Commission, didn't the applicant then** have to go to the Zoning Board of Appeals. Geoffrey Colegrove indicated that this was not the case. She also questioned that if the Commission had paid its legal counsel, Tom Byrne, for an opinion on this some months ago, why the Commission would subsequently choose to waive an application fee.

George Eames noted that it has been practice in the past to waive the requirement for the posting of a duplicate application fee with the refiling of a withdrawn application, in particular, when it is a technicality.

After some discussion among Commission members regarding the need to require another filing fee or a waiver, it was agreed that the resubmitted application would be accepted without another \$40 fee.

Motion by Dave Foley, seconded by Jim Kowolenko, to waive the \$40 application fee for Mary Beth Edwards. Motion carried, 6-1, with all in favor with the exception of Richard Eriksen (in opposition).

Motion by Gene Riotte, seconded by Dave Foley, to recess the regular meeting at 8:07 p.m. for the show cause public hearing. Motion carried unanimously.

CEASE & DESIST HEARING

*Show Cause*

- 1. Property Owner:** **Margo Esparo**  
Violation: Violation of the *Durham Zoning Regulations*, Operation of a Construction Yard in the Farm-Residential Zone, 36 Bailey Road

Members: George Eames, Richard Eriksen, Dave Foley, Jim Kowolenko,  
Gene Riotte

Town Planner: Geoffrey Colegrove

Alternates: Mike Geremia, Mark Laudano

George Eames read the notice for the cease-and-desist, show-cause hearing and invited both Commission members as well as those in attendance in the public to speak regarding the application. **Mike Geremia was seated on the Commission in Ralph Chase's place. Mark Laudano was seated on the Commission in Dian O'Neal's place.**

Dave Foley recused himself from this agenda item citing a potential conflict of interest in that Bryan Esparo had been discussing a possible working relationship with him in his career outside the Commission.

Geoffrey Colegrove detailed the specifics of a letter dated September 4, 2007, sent to Margo Esparo regarding violations of the Durham Zoning Regulations through the operation of a construction yard in the farm-residential zone. While a home office permit had been approved, this does not extend to construction yard activities. He further reported on numerous observations of the storage and coming and going of various construction equipment: flatbeds, trailers, paving machine, roller, sanders that had been promised as being sold via eBay, etc. Numerous complaints have been received about these activities. While a large building is being erected on the property that will presumably store some of the equipment on site, the property owner does not have permission to use the building to support a construction yard.

In summary, Geoffrey Colegrove stated that based on a tour of the site as recently as a few weeks ago, there is apparently a construction yard being operated from the premises. While Bryan Esparo has stated that he needs to have the equipment on site to do work around the house, if this is in fact the case, then the equipment should not be repeatedly leaving the site and returning to the site. Geoffrey Colegrove also noted conversations with the resident state trooper about the same situation.

Dave Pakech of Etzel Drive addressed the Commission. His two primary concerns are the activities of a construction company and heavy equipment repeatedly traveling in his neighborhood and the safety of children. There should be only residential traffic permitted in that zone. He commented on numerous sightings of white pickup trucks, flatbeds, landscaping and paving equipment, loader trucks, etc. It is inappropriate in this

area. In addition, he noted concern with the speeds driven by the operators of these vehicles—again noting the large number of children residing in the neighborhood.

Jim Piotrowski, 48 Bailey Road, addressed the Commission. He lives immediately adjacent to the subject property. He suggested there would be value in reviewing what had been originally promised by the property owner with the activities taking place at the site today. When the Esparos moved in back in 2005, almost immediately a problem began with the operation of a snow plowing business from the home. He was repeatedly awakened at 3 or 4 in the morning to the sound of plows being connected, trucks being fired up, etc. This fact was subsequently admitted by Bryan Esparo.

In April of 2005 a home occupation permit was sought by Bryan Esparo. A number of hearings were held over the course of three or so months during which time Bryan Esparo admitted to running a snow plowing business, but promising that this would not continue. He was seeking only an office for a computer, telephone, and desk. In July of 2005, **Bryan Esparo's attorney, Joseph Porto, stated that the applicant did not intend to turn the property into a construction site and added that there was no intention of altering the residential character of the neighborhood.** That same month, a home occupation permit was approved with many stipulations and conditions to ensure that it remained an unobtrusive home office (i.e., no more than two non-family employees, no advertising, no alterations to the character of the house or the neighborhood, no delivery of supplies to the property, no more than one plow truck or commercial vehicle on the property, no parking of construction equipment or vehicles on the property, no noise, odor, or vibration, and no snow plow business operated from the property). Further, trucks and equipment were to be removed from the property.

Jim Piotrowski stated that after the Planning and Zoning Commission approved the home **occupation permit, Bryan Esparo then sued the town because "he hadn't gotten enough."** Mr. Piotrowski cited the continual presence of construction equipment at 36 Bailey Road (dump trucks, heavy equipment, paving equipment, landscape equipment, backloaders, Cheshire Construction trucks) and the presence of vehicles coming and going (employees). On September 7, two employees using a Cheshire Construction truck drove to the back of the lot where tools are stored, drove out of Bailey Road and Etzel, gassed up the vehicle and drove to Hamden to a work site.

The comings and goings in the neighborhood are clearly more than an unobtrusive home **office in Jim Piotrowski's opinion. There are frequently more than two employees (non-family members) on the property engaged in work in Cheshire Construction-marked trucks.** Multiple employee vehicles park at the property. It is very seldom that there is just one commercial vehicle parked at the property. Equipment and supplies are delivered to the site. On a recent occasion, a car carrier made a delivery to the site at 6 p.m.; an employee needed to fire up the skidsteer to help unload the truck. With all the activity, there is constant heavy equipment noise, loading, unloading, and loud back-up beepers. A tri-axle dump truck was operating at midnight on the site about a year ago. The snow plow business has been operated for two consecutive seasons, 2005-2006 and 2006-2007,

**despite the assertions made. Before every storm, there is a “gathering of trucks,” they are** worked on with hoods up, plows mounted, and then they depart the site. Further, there have been repairs to equipment and vehicles on the site itself and fluids observed to be draining onto the ground. There is not supposed to be additional parking on the site, but there is, in fact, parking at the back of the site.

Jim Piotrowski described the activities as being a full construction company—one that is growing. It was larger in 2006 than in 2005 and in 2007, it is larger than it was in 2006. He stated that Bryan Esparo has represented that he has employees coming to the **property to feed his animals, but statements just don’t add up.** Paving equipment has been on and off the property constantly since 2005—yet no evidence of any paving there. Employees continue to come to the property in the morning, leave their personal vehicles, drive off in commercial trucks, and return at the end of the day. He stated that Bryan Esparo is intentionally blurring the use between home use and construction company use. If the line is blurred, it should all be considered commercial.

Despite repeated warnings and actions against Bryan Esparo, it seems apparent that **instead of his comments, “I don’t want to fight City Hall” and “I can live within the rules,” it should be, “I don’t want to fight City Hall—if I can get away with it” and “I’m not going to fight the rules, I’m just going to ignore them.”**

Jim Piotrowski said that Bryan Esparo had told the Commission of a site in Middletown some time ago for his equipment that he had a bid on; he also stated equipment was stored at the former Verona pizza place on Route 17 in Northford. However, equipment keeps coming back to 36 Bailey Road.

Numerous complaints and documentation have been provided. Jim Piotrowski stated that if Bryan Esparo has no intention of running his construction business from his property, then efforts to remove the equipment will not impede him in any way. He asked that the Commission revoke the home occupation permit and remove any presence of Cheshire Construction at Bailey Road. In addition to previously submitted material that he asked be part of the record, Jim Piotrowski submitted new photographs on CD as well as a spreadsheet of various sightings.

Pat DiNatale, 35R Catherine Drive, stated that there was little he could add to Jim **Piotrowski’s excellent presentation. He did provide a CD of dated photographs and a** listing of the goings-on at the property for the record.

Attorney Joseph Porto of the law firm of Parrett, Porto, Parese, and Colwell of Hamden, addressed the Commission on behalf of Bryan and Margo Esparo. He stated that he had a number of pictures to present documenting for the Commission the activities at the Esparo property on Bailey Road. He noted that there had been a significant amount of activity on the property, including construction of the barn. He stated that Geoffrey **Colegrove “must have just missed it in terms of time,” noting that construction work has** progressed on the barn. George Eames asked that each photograph submitted be

identified; several depict construction of the steel-frame barn as well as the treehouse and pool area.

To a query regarding the **treehouse size, the dimensions are 20' x 20'**; Bryan Esparo was asked if a building permit had been secured. He was unaware of the need for such, but **will remedy that the following day. To Gene Riotte's query regarding a permit for the pool, he was informed that proper permits had been secured.**

George Eames queried the proposed use of the barn. Joseph Porto indicated that, in part, animals would be housed and vehicles would be stored. He stated the Bryan Esparo has classic cars (all operate, all have tires, and all are registered); these are personal vehicles **and not commercial at all. He noted an "interesting dilemma the last time" (he was before the Commission). Bryan Esparo's vehicles do not have commercial plates; in all likelihood, Joseph Porto stated, the pickup trucks are for personal use.**

Joseph Porto also presented a copy of a lease held by Bryan Esparo with Distinctive Buildings, Inc. at Ozick Drive for the storage of equipment for the snow plow business. He also presented a photograph showing some of the plows and one truck in that storage area. The lease is dated May 21, 2007, but the photograph was undated.

In terms of activity at the Esparo property, Joseph Porto indicated that a number of the projects require the assistance of others; for instance, a barn of the size being built could not be constructed by one person. He stated that in all his experience, he had never seen **anything like what he'd witnessed this evening with people presenting logs. He suggested that there appeared to be some personal conflict and dispute among neighbors.**

Joseph Porto indicated that he had talked with Geoffrey Colegrove about the possibility—to the extent the Commission is interested—of him conferring with Attorney Tom Byrne to see if an accommodation could be reached that would be acceptable to the Commission. He then stated he would come back before the Commission after having had an opportunity to speak with Attorney Byrne regarding an agreement for the **Commission's approval.**

George Eames stated that he would be **in touch with Attorney Byrne, but wouldn't speak** for him, not knowing whether or not the **Commission's** counsel would be interested in speaking with Attorney Porto. He will learn from Attorney Byrne how he would like it handled.

Jim Kowolenko expressed his opinion that the attorneys should not get involved—that **Bryan Esparo "just needs to stop what he's doing, it's as simple as that."** The barn was to be done a year or so ago.

Joseph Porto stated that Bryan Esparo had been hospitalized for 5-7 days; Jim Kowolenko responded that trucks would not have been going in and out during that

timeframe. Joseph Porto replied that the barn was delayed because of problems with Mr. **Esparo's health.**

Richard Eirksen stated that the Zoning Enforcement Officer and testimony of several residents have consistently pointed to the violation of the regulations and the fact that the home occupation is not being operated as originally approved. The regulations are very clear in stipulating that home occupations be unobtrusive and restricted to the interior of buildings. The pictures presented along with substantial testimony over the years show that this has been anything but unobtrusive. He pointed out that the Commission recently disallowed one oil truck from being stored at the **back of a property where it wasn't even visible**—the Commission required the removal of this vehicle. Under these circumstances, he suggested that the cease-and-desist order be enforced.

Gene Riotte concurred, stating that Bryan Esparo had applied for a home occupation permit for a desk, computer, and a phone. He asked how much paving was really **necessary for a treehouse, adding that it was time for the Commission to “drop the hammer.”**

**Joseph Porto stated that he found the “disposition of the Commission to be unfortunate,”** particularly with respect to such comments as dropping the hammer (Gene Riotte explained that that was simply a euphemism). He stated that if this matter needs to be adjudicated in Superior Court, so be it. He pointed out that he had made an offer in the hopes of avoiding a litigation process, but that this is what he does for a living. Despite not wishing to go down that route, if it is unavoidable, he has a fair amount of experience with these sort of matters.

Jim Kowolenko again suggested **that Bryan Esparo simply stop doing what he's doing.** In seeking clarification, Joseph Porto asked what exactly was meant—and could Bryan **Esparo continue to construct his barn and run his home office if he “stopped doing what he's doing.”** **Jim Kowolenko** responded in the affirmative, adding that the barn should be complete in a couple of weeks.

Richard Eirksen stated that the Commission has been presented with an extensive amount of evidence regarding what has transpired at the site that would go well beyond the stretch of imagination for a home occupation. He recommended the Commission defend its Zoning Regulations and began to make a motion to do so.

Jan Melnik pointed out that the hearing was still open and, as protocol, would first need to be closed.

George Eames and Geoffrey Colegrove discussed that Attorney Tom Byrne would be reviewing all materials in the file as well as documentation submitted during this hearing, in addition to a full transcript.

Bryan Esparo asked for the opportunity to speak. He stated that he had recently constructed a 100-foot long stone wall with a four-foot fence on top along with a swimming pool, water fall, rockscape, landscape, and fencing. He said he had unknowingly constructed the treehouse without a permit, but will remedy that immediately; the construction is open and will allow the building inspector to fully inspect it.

Bryan Esparo also stated that he had promised the Commission the barn would be complete by the fourth of July; however, in June he became ill and was hospitalized. Being self-employed, all business grinds to a halt and it is now going to take months to get back to where he was financially in terms of what was lost. He started the barn over Labor Day weekend. He then explained the need to bring equipment onto the site for compacting and other construction-related purposes connected with the barn; **this same equipment is used in his commercial business (he doesn't have the luxury of having a duplicate set of equipment for just his personal use)**. Equipment might come onto the site on a Thursday or Friday for handling work at his property over the weekend, but then be needed for construction site work during the follow week.

He stated that he still maintains equipment on Route 17 as well as through the relatively new lease for the storage facility on Ozick Drive. He stated that everything that has been presented misconstrues his activities as operating a construction company. He has 11 employees and three of them come to the house to get their orders in the morning while he is doing paperwork. They may collect eggs, feed animals, cut grass, and weed whack while waiting for Bryan Esparo before heading off to work on the addition at his **attorney's house in North Haven. He stated he continues to do a lot of work** on the property, including a new wall that will be built along Bailey Road with four pillars, two gates, and a fence atop the stone wall. Anything stored at the property is for use on the property. He reiterated that no construction materials are coming to the house that are not for the house.

Bryan Esparo stated that he is not running a construction business from his house. He apologized for the inconvenience he has caused the town since moving to Durham in 2005.

Jim Piotrowski asked again about the paving at the property, noting that there is no paving around the treehouse, pool, or shed. Yet the paving equipment keeps showing up at the property and leaving—since 2005 it has been ever-present. The presence of **“paving crumbs” all along Bailey Road** on a fairly regular basis points to this activity. He also suggested that there might even be a bunking operation going on with workers being housed on the premises.

Jim Piotrowski stated that the Commission has been promised many things—including the fact that sanders were on eBay and would be gone; they are still at the property. He reiterated the continued and intentional blurring of what is commercial and what is personal in order to keep the commercial operation going. He added that he has no

complaint whatsoever with the treehouse, pool, etc. These are personal projects and that is fine. His legitimate complaints are about the operation of a commercial business in a residential zone.

Ellen Piotrowski, Bailey Road, addressed the Commission. She stated that the **Commission's comments about the types of things to be housed in the barn** are very appropriate. She cited awareness of one antique car on the property, but unless Mr. Esparro has many others housed elsewhere, she could surmise what would be going into the barn. She added that she does not have any problem with the improvements to the house, pool, playhouse—it improves the house and the neighborhood. It is the activity of a construction business and the ancillary activity and noise that is the problem.

Motion by Richard Eriksen, seconded by Mike Geremia, to close the public cease-and-desist show cause hearing, Margo Esparro, violation of Durham Zoning Regulations, operation of a construction yard in the farm-residential zone, 36 Bailey Road. Motion carried unanimously.

Motion by Gene Riotte, seconded by Dave Foley, to reconvene the regular meeting at 9:03 p.m. Motion carried unanimously.

9. Margo Esparro, Violation of the Durham Zoning Regulations, Operation of a Construction Yard in the Farm-Residential Zone, 36 Bailey Road

George Eames stated that the material from the hearing, exhibits, and hearing transcript **along with previous materials in the file would be submitted to the Commission's** attorney, Tom Byrne, for review and a recommendation. Geoffrey Colegrove stated that **Attorney Byrne's original** directive had been to gather as much information through fact-finding as possible. In addition, CDs and photographs will be included in the material Attorney Byrne will be asked to review.

Motion by Richard Eriksen, seconded by Jim Kowolenko, that under evidence, there appears to be a construction company operating at 36 Bailey Road, Bryan Esparro; therefore, an immediate cease-and-desist order is to be invoked while the Commission pursues the opinion of town counsel. Motion carried unanimously.

10. Town Planner's Report

Geoffrey Colegrove indicated that there are still open issues relative to Skeetfield Point, **including some housekeeping concerns. He is awaiting feedback from the town's** engineer, Brian Curtis, who will ultimately give the Commission his recommendation for road acceptance.

11. Payment of Bills

Motion by Dave Foley, seconded by Gene Riotte, to approve payment of the following bills:

- William Wrang — \$45.00 (serve legal notice, Bryan Esparo)
- Jan Melnik, Absolute Advantage — \$652.89 (minutes of Sept. 5, 2007)

Motion carried unanimously.

12. Minutes of Previous Meeting

Motion by Gene Riotte, seconded by Dave Foley, to approve the minutes of the September 5, 2007, meeting as submitted. Motion carried, 6-1, with all in favor with the exception of Mark Laudano (in abstention).

13. Town Planner's Report

Geoffrey Colegrove suggested that a date be set for when the 30,000 maximum square footage for commercial buildings will take effect; the Commission agreed upon October 10, 2007.

Dave Foley stated that there is still a problem with signs proliferating at the north end of Main Street (Kelly Industrial Park). A permanent sign has apparently been installed for Bedrock Depot. It had been originally agreed that one sign would be used identifying the Kelly Industrial Park address. Geoffrey Colegrove will follow up.

**There are also more and more signs reappearing on the outside of the Hitchin' Post Café** at the south end of Route 17 for a variety of activities and holiday events. This will be followed up. Richard Eriksen stated that there are a number of businesses along Main Street that use signs from time to time that are not allowed. He suggested a regulation might be considered.

Discussion ensued about the noise ordinance and the need for decibel-checking equipment (roughly \$700, but requires someone trained to operate, which is not that difficult).

Motion by Jim Kowolenko, seconded by Mike Geremia, to adjourn the meeting at 10:00 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik  
9/26/2007