

TOWN OF DURHAM

Planning and Zoning Commission

P.O. Box 428

Durham, Connecticut 06422-0428

MINUTES OF MARCH 17, 2010, MEETING

Present

Members: Ralph Chase, Lisa Davenport, Frank DeFelice, Cathy Devaux,
Dave Foley, Chris Flanagan, Joe Pasquale
Town Planner: Geoffrey Colegrove
Alternates: Campbell Barrett, Mike Geremia

Absent

Members: George Eames, Richard Eriksen
Alternate: Mark Laudano

The meeting was called to order by Cathy Devaux, Secretary/Treasurer, at 7:30 p.m. Mike Geremia was seated on the Commission in George Eames' place; Campbell Barrett was seated on the Commission in Richard Eriksen's place.

1. Approval of Agenda

Motion by Ralph Chase, seconded by Mike Geremia, to approve the agenda of the March 17, 2010, meeting as presented. Motion carried unanimously.

2. Public Session

No business.

3. Kumar Realty, LLC, Request for a Proposed 2-lot Subdivision, Parmelee Hill Road and Indian Lane

Pat Benjamin, P.E., addressed the Commission on behalf of the applicant, Dr. Kumar.

Frank DeFelice was seated on the Commission at 7:32 p.m.

Pat Benjamin described the property at the corner of Indian Lane and Parmelee Hill Road. He stated that Dr. Kumar had purchased Durham Veterinary Hospital three years ago. Dr. Kumar would like to construct a residence closer to the animal hospital and is seeking to break off a lot from the hospital parcel. The proposed interior lot would be 2.41 acres, leaving 5.31 acres where the hospital is located.

Pat Benjamin then described the drainage and waterflow patterns for the property. There is an existing drainage easement in favor of the town across the parcel (extending ten feet onto Dr. Kumar's property). As part of the subdivision, an additional drainage easement and language to provide for the existing pipe will be incorporated. Pat Benjamin described the wetlands bands extending across the parcel; the Inland Wetlands Commission approved the subdivision application.

Dr. Kumar would like to construct a driveway to the interior lot. The lines of sight extend 400 feet to the west and about 500-600 feet to the east. Pat Benjamin detailed the proposed house location and the well. He also described the curtain drains and under-road drains; there is substantial waterflow coming down Parmelee Hill Road. He explained that Dr. Kumar reconstructed the drainage system serving the site several years ago. The town is responsible for maintaining the one pipe for which the easement is provided. Dr. Kumar maintains the other pipe.

Pat Benjamin stated that while the town has done some maintenance, eventually the culverts will require replacement; Dr. Kumar's property receives a lot of silt. Geoffrey Colegrove stated that the culverts are undersized.

Pat Benjamin stated that the Conservation Commission would be reviewing the application. He added that the Conservation Commission will likely want an easement for the Saw Mill Brook watershed area (roughly 30-40% of the site would be encumbered by the easement, which is not a requirement for a property this size).

The easement will allow the town the right to cross the property to maintain one pipe; Dr. Kumar will maintain the other drainage.

Soil testing and deep hole/perc testing has been performed.

To Joe Pasquale's query about the size of the pipe maintained by the town, Pat Benjamin explained that it is adequate to accommodate a 100-year storm. The drainage improvements made by Dr. Kumar to his property have, thus far, eliminated the problems of flooding on his site.

A letter from the town sanitarian, Bill Milardo, approved the proposed plans, finding them compliant with the public health code.

Frank DeFelice asked if the town would ever be responsible if water became a problem on Dr. Kumar's property. Pat Benjamin reiterated that Dr. Kumar had made the improvements to his property at considerable expense and they have resolved the problems with flooding on that site. Pat Benjamin added that the rainfall and water tables have changed significantly from 20 years ago. For most projects, where 15" pipes might have been the norm 20 years ago, 30"-36" pipes are now being recommended.

4. Keith and Marybeth Johnson, Request for a Proposed 2-lot Subdivision, Guilford Road

Frank DeFelice recused himself.

Pat Benjamin, P.E., addressed the Commission on behalf of the applicants. He described the parcel located on Route 77 on the eastern side of the road, opposite Creamery Road. The Johnsons purchased the 10-acre property nine years ago. They are seeking to cut out a 2.81-acre parcel for one of their sons, leaving 7.64 acres. This property was formerly a gravel pit for the Wimler farming operation. The Department of Transportation approved the proposed driveway cut, located to the north of the present one. There are adequate sight lines in both directions.

The grade of the property is 1-2% to flat, then rising to 15% leading up the hillside to the proposed house location. The lot will accommodate the minimum rectangle and well arc. Pat Benjamin noted the area where the topsoil stockpile will be located. Soil testing was conducted at the very rear of the parcel because of the gravel mining operations conducted at the front of the property; soils were compacted after the gravel operation and the initial tests did not pass until they were conducted at the back corner of the site (15 feet off the property line, which is permissible—code is 10 feet). An effluent pump—used in about 20% of all septic systems—will be required. The town sanitarian approved the plans for a four-bedroom house.

The Conservation Commission reviewed the plans and had no comment.

Motion by Ralph Chase, seconded by Joe Pasquale, to approve the request of Keith and Marybeth Johnson for a proposed 2-lot subdivision, Guilford Road. Motion carried unanimously.

5. Discussion of Possible Changes to the Home Occupation Regulations

Frank DeFelice rejoined the Commission.

Geoffrey Colegrove distributed reviewed language incorporating the proposed changes from the previous Commission meeting (an attached garage for the proposed home occupation would fall under the registration-only category). Use of an accessory building would default to the second category requiring an application to the Commission. Section K of Haddam's home occupation regulations will be incorporated in Durham's language. Geoffrey Colegrove will add additional standards, including maximum percentage (25%) for the home occupation based on the square footage of the house only (and not the garage).

Discussion ensued regarding the definition of the term “attached.” Geoffrey Colegrove stated that the common definition is that it must be physically attached/abutting; for instance, a breezeway between a house and a garage would be construed to mean attached. Geoffrey Colegrove stated that if the Commission wishes to define this, it might be more appropriate to indicate what is *not* considered attached than to say what is.

There was also some discussion about connecting breezeways to three-bay garages that might accommodate an accessory apartment. This may be a topic (accessory apartments) that the Commission wishes to review in the future along with two-family houses language (where there is currently a conflict in the language of the regulations—special permit vs. non-special permit—that needs to be resolved).

It was agreed that requiring notification of abutters made the most sense (as opposed to those within a certain number of feet).

The final proposed language will be brought back to the Commission at the next meeting; then a public hearing will be scheduled and referral to other regional planning agencies will occur.

Geoffrey Colegrove indicated that applicants are advised to include a copy of the agenda for the meeting at which the application will be going forward in with the certified mailing.

The home occupation regulations apply to existing properties/structures. If an addition must be made to the property to accommodate the home occupation, it then cannot qualify with the home occupation regulations.

6. Payment of Bill

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

- Absolute Advantage - \$278.61 (minutes of 3/3/2010 meeting)

Motion carried unanimously.

7. Approval of Minutes

Motion by Frank DeFelice, seconded by Mike Geremia, to approve the minutes of the March 3, 2010, meeting as presented. Motion carried unanimously.

8. Zoning Enforcement Officer’s Report

Geoffrey Colegrove advised that Al Johanson had been handling the Tom Russell matter on New Haven Road; a fair amount of material has been removed from the site as requested, but there are still items to be removed by May 15.

Geoffrey Colegrove indicated that he had met recently with the goat farmers on Blue Hills Road regarding removal of the structures from the property line.

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9. Town Planner's Report

Geoffrey Colegrove presented maps that he is working on for the Plan of Conservation and Development. He noted some of the areas of "prime ag soils" that are inaccurate for parts of Durham. Ultimately, this must be corrected by the state as there could be an impact on funding/development grants/STEAP monies. The Plan of Conservation and Development will be discussed further at the next Planning and Zoning Commission meeting.

Motion by Joe Pasquale, seconded by Mike Geremia, to adjourn the meeting at 8:27 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik
3/24/2010