

# TOWN OF DURHAM

## Planning and Zoning Commission

P.O. Box 428  
Durham, Connecticut 06422-0428

### Revised MINUTES OF APRIL 21, 2010, MEETING

Members: Ralph Chase, Lisa Davenport, Cathy Devaux, George Eames, Dave Foley,  
Richard Eriksen, Chris Flanagan, Joe Pasquale  
Town Planner: Geoffrey Colegrove  
Alternate: Mike Geremia

#### Absent

Member: Frank DeFelice  
Alternates: Campbell Barrett, Mark Laudano

The meeting was called to order by George Eames, Chairman, at 7:30 p.m. Mike Geremia was seated on the Commission in Frank DeFelice's place. Campbell Barrett was present, but unseated.

#### 1. Approval of Agenda

Motion by Dave Foley, seconded by Joe Pasquale, to approve the agenda of the April 21, 2010, meeting as amended to reflect the addition of discussion for Regional School District #13.

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, a professional engineer, addressed the Commission. He described the parcel and proposed plans.

Motion by Richard Eriksen, seconded by Ralph Chase, to approve the request for a proposed two-lot subdivision as shown on plans entitled: "Map of Survey showing Property of Kumar

Realty, LLC, as subdivided; 178 Parmelee Hill Road, Durham, CT, Scale: 1" = 30 ft., Dated: January 7, 2010, Prepared by Bascom and Benjamin, LC, Surveying and Engineering Consultants, Durham, CT." Motion carried unanimously.

4. Regional School District #13

Geoffrey Colegrove stated that a stipulated agreement was about to be reached between the parties (Regional School District #13 and Karen Cheyney). A ten-foot high acoustical fence is being proposed that will be situated between the properties of the Connecticut Park and Forest Association and the school's property; the school district will own/maintain the fence. It exceeds the regulations (which are capped at six feet) by four feet. There is a question as to whether or not a visit will be required to the Zoning Board of Appeals in light of all issues under consideration.

Richard Eriksen expressed concern with the Commission approving a ten-foot fence, then potentially having another applicant hold this as a precedent. Geoffrey Colegrove stated that in order to move this matter forward, he recommended getting back to the attorney for the school district, Tim Hollister, noting the Commission's willingness to bypass the ZBA in order to achieve closure on the matter. Attorney Steve Byrne has endorsed the plan as part of a stipulated agreement.

By poll of all Commission members in attendance, there was unanimous consensus from the Commission for this plan, although a formal motion was not made.

5. Request for Renewal of Accessory Apartment Permit, 344 Haddam Quarter Road;  
Applicant/Owners: Douglas and Lisa Mentlick

It was noted that this is just the second holder of an accessory apartment permit to seek the five-year renewal.

Motion by Ralph Chase, seconded by Dave Foley, to approve Request for Renewal of Accessory Apartment Permit, 344 Haddam Quarter Road; Applicant/Owners: Douglas and Lisa Mentlick. Motion carried unanimously.

6. Home Occupation Language

Geoffrey Colegrove distributed language as the Commission had previously discussed.

Richard Eriksen clarified the status of a home occupation if the property owner were to move. The permit is not transferable and only belongs to the applicant (not to the property). A new owner would need to seek a new permit if a home occupation were desired. If there is a tenant of a property who wishes to operate a home occupation, it could be possible—the tenant would seek approval for the home occupation. If the tenant subsequently leaves, the permit is no longer valid.

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Geoffrey Colegrove will have Attorney Steve Byrne review the language (there was discussion about the home occupation for Holly Locks).

Campbell Barrett suggested adding: "Except as set forth in 12.04.01.01," and then segue into the language as written (to address an inconsistency).

The public hearing on this language will be held on May 19.

#### 7. Payment of Bills

Motion by Dave Foley, seconded by Ralph Chase, to approve payment of the following bills:

- *Middletown Press* - \$229.87 (new bills)
- Midstate Regional Planning Agency - \$4,242.45

#### 8. Approval of Minutes

Motion by Ralph Chase, seconded by Dave Foley, to approve the minutes of the April 7, 2010, meeting as presented. Motion carried, 7-2, with all in favor with the exception of Dave Foley and Mike Geremia (in abstention).

#### 9. Town Planner's Report

Geoffrey Colegrove reported that there has not been a lot of activity; while there have been a number of permits for additions, there have been few new projects.

#### 10. Zoning Enforcement Officer

Geoffrey Colegrove reported that he had been out to Greenland Realty twice; the pile of material is visible, but in the area that had been proposed. He did not find the site to be in violation of the site plan. He noted that a number of sites in the area have larger stockpiles than usual as well as more equipment on site than typical because of the economy and limited activity.

#### 11. Miscellaneous

George Eames read a letter from the state regarding GIS and a source for questions or comments.

Geoffrey Colegrove stated that he had spoken with Laura Francis regarding the upcoming music festival on May 30 and learned that the state police and emergency staff have been in coordination. Transportation and security are being planned. The Board of Selectmen's office is responsible for ensuring the availability of emergency services on the property. Geoffrey Colegrove has not seen the report.

Parking will be provided off site with shuttling of attendees to the fairgrounds.

George Eames advised that Swamp Lane was being used instead of Canfield for the trucking

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operation being conducted on the fairgrounds. In his opinion, it is an active truck operation, not in conformity with the regulations.

Dave Foley stated that it was an active company operation and does not fall under seasonal storage, agricultural or educational purposes, etc.

Several Commission members discussed the option that various civic organizations have to operate their own booths during the music festival. Alcohol will be served at a VIP tent for those with specific tickets.

Geoffrey Colegrove stated that the next steps for the Commission would be to advise the Fair Association that certain activities are in violation of their 1988 permit. The Commission could seek an injunction to stop the activity also. He suggested trying to reestablish a dialogue with the Fair Association.

Motion by Joe Pasquale, seconded by Chris Flanagan, to adjourn the meeting at 9:00 p.m.  
Motion carried unanimously.

Respectfully submitted,

*Jan Melnik*

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4/28/2010