

TOWN OF DURHAM

Planning and Zoning Commission

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

MINUTES OF JANUARY 7, 2009, MEETING

Present

Members: Ralph Chase, Frank DeFelice, Cathy Devaux, George Eames,
Richard Eriksen, Dave Foley, Gene Riotte
Town Planner: Geoffrey Colegrove
Alternate: Stuart Keating

Absent

Members: Jim Kowolenko, Tom Russell
Alternates: Mike Geremia, Mark Laudano

The meeting was called to order by George Eames, Chairman, at 7:30 p.m. Stuart Keating was seated in Jim Kowolenko's place.

1. Approval of Agenda

Geoffrey Colegrove stated that the applicant had requested a postponement of the Mark Rosenblit hearing to the January 21st meeting. Attorney Tom Byrne is reviewing a copy of the easement documents. The town engineer, Brian Curtis, has talked to the fire chief about the turnaround at the top of the proposed driveway. Some changes will need to be made at the top of the site.

Motion by Ralph Chase, seconded by Frank DeFelice, to approve the agenda of the January 7, 2009, meeting as amended to reflect postponement of the public hearing (Mark Rosenblit, Pisgah and Laurelbrook Roads), to January 21, 2009, at 8:00 p.m.
Motion carried unanimously.

2. Public Session

A resident addressed the Commission regarding the situation of a public hearing being postponed without notification. It was explained that the Commission only learned of the request to postpone at this evening's meeting. This rarely happens.

3. Election of Officers

Motion by Ralph Chase, seconded by Dave Foley, to cast one ballot to elect the following slate of officers for 2009:

- Chairman: George Eames
- Vice Chairman: Richard Eriksen
- Treasurer/Secretary: Gene Riotte

Motion carried unanimously.

4. Zoning Enforcement Officer's Report

Geoffrey Colegrove stated that he had discussed the problem with the lack of cut-off lights at Dolphin Day Care. The electrical contractor has admitted that what was installed was not what was on the approved plans. The contractor will improvise and try to install shields facing Route 68.

The Commission agreed that a site inspection would be held prior to the January 21 meeting to determine if this is an adequate remedy. Geoffrey Colegrove will arrange the site visit.

Geoffrey Colegrove also stated that he had determined, to the best of his knowledge, that Mr. Jackson with the property on Main Street (with accessory apartment and home occupation) resides at 345 Chauncey Road, Middletown. Mr. Jackson will present a proposal to demonstrate how he complies with the regulations, claiming the business is covered under a grandfather clause on home occupations (Section 12.04.02.05; "Hollylocks amendment").

Geoffrey Colegrove added that Mr. Jackson's business uses a 349- telephone number and his Durham address, where he picks up mail.

If not satisfied with the outcome of the meeting, Geoffrey Colegrove stated that a show cause hearing can be held. He has suggested that Mr. Jackson secure an attorney. There would be public notice for the hearing, anyone with information would be entitled to speak.

Frank DeFelice and George Eames stated that they would like input from Attorney Tom Byrne regarding the idea of a show cause hearing. The Commission will revisit this idea on January 21.

Geoffrey Colegrove advised that several other situations, including a few junkyard situations, are being followed up on, including the Tom Starr property on Wheeler Hill Road. This situation is now as bad as it was a number of years ago when there was a previous enforcement action. There are about a dozen unregistered vehicles.

Motion by Dave Foley, seconded by Ralph Chase, to recess the regular meeting for the public hearing at 7:59 p.m. Motion carried unanimously.

PUBLIC HEARING

1. Applicant: Mark Rosenblit
Owner: Ellen Rosenblit
Address: Pisgah and Laurelbrook Roads
Request: Proposed One-lot Subdivision on approximately 5.88 acres

Present

Members: Ralph Chase, Frank DeFelice, Cathy Devaux, George Eames,
Richard Eriksen, Dave Foley, Gene Riotte
Town Planner: Geoffrey Colegrove
Alternate: Stuart Keating

George Eames, Chairman, opened the public hearing. Stuart Keating was seated on the Commission in Jim Kowolenko's place.

Motion by Richard Eriksen, seconded by Dave Foley, to continue the public hearing of Mark Rosenblit, Pisgah/Laurelbrook Roads, to January 21, 2009 meeting. Motion carried unanimously.

Motion by Dave Foley, seconded by Gene Riotte, to reconvene the regular meeting at 8:00 p.m. Motion carried unanimously.

5. Payment of Bills

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

- Absolute Advantage -- \$394.97 (minutes of Dec. 17, 2008, meeting)
- Absolute Advantage -- \$370.51 (minutes of Dec. 3, 2008, meeting)

Motion carried unanimously.

6. Approval of Meeting Minutes

Motion by Ralph Chase, seconded by Dave Foley, to approve the minutes of the December 17, 2008, meeting as submitted. Motion carried unanimously.

January 7, 2009

Page 4

7. Town Planner's Report

Geoffrey Colegrove distributed proposed language for the Commission's consideration regarding setback issues for buildings and structures. This will be discussed at the January 21st meeting. Hopefully it can be wrapped up at that time, then the public hearing can be scheduled.

8. Miscellaneous

Geoffrey Colegrove recommended that Commission members consider attending the March 28th seminar being held at Wesleyan University regarding land use law for municipal land use boards and agencies; it is open to all members of the Commission and the town picks up the cost of attendees. All registrations will be handled through his office.

Motion by Ralph Chase, seconded by Frank DeFelice, to adjourn the meeting at 8:08 p.m.
Motion carried unanimously.

Respectfully submitted,

Jan Melnik

1/13/2009