

# TOWN OF DURHAM

## Planning and Zoning Commission

P.O. Box 428

Durham, Connecticut 06422-0428

### MINUTES OF DECEMBER 19, 2009, MEETING

#### DINATALE RENTALS SITE WALK

#### Present

Members:	Ralph Chase	Lisa Davenport
	Cathy Devaux	Frank DeFelice
	George Eames	Richard Eriksen
	Chris Flanagan	Dave Foley
	Joe Pasquale	

Town Planner: Geoffrey Colegrove

Absent:	Campbell Barrett	Mike Geremia
	Mark Laudano	

Also in attendance: Attorney John Corona and applicant (Danny)

The site walk began at about 9:30 a.m.

#### Exterior Parking

Attorney Corona pointed out the exterior area to the west against the side of another building where nine spaces, as required by the regulations, will be accommodated on a gravel surface. One spot will be handicapped. At the Commission's urging, parking will be utilized as far to the north as possible (away from view of the residential area). The applicant indicated he would need only four or five spaces; Attorney Corona stated that the Commission could limit the number of spaces if desired.

It was expressly stated that it is not the applicant's intention to use the outside parking spaces for long-term storage. Attorney Corona also noted that if the parking spaces are to be reserved exclusively for the use of this business, there will need to be signage for those spaces accordingly.

#### Interior Operations

The two interior walls of the end unit require installation of a firewall, which the property owner is prepared to install at the directive of the fire marshal/building official as soon as the Planning and Zoning Commission acts on the application.

There is a fuel tank (resembling a domestic oil tank) in the back corner of the unit that will be used to store waste oil.

No signage is proposed for the activity other than the small identification sign on the door used for pedestrian access into the unit.

Practical hours of operation were discussed as, generally, being between 9:30 a.m. and 6:00 p.m. However, because of the nature of the work, hours will be dictated based on customer need and this will frequently be evenings and weekends (so that company vehicles serviced by this business are not out of service during working hours). Attorney Corona pointed out that properties in the heavy industrial zone do not have hours of operation imposed.

To a query regarding grinding services, there is a brake machine in the business. There is no dumpster; garbage will be transported to the applicant's home. No work is performed outside—all work will be done inside the structure.

The applicant is the only employee.

To a question regarding permitting by the Department of Motor Vehicles, the applicant has the application packet ready to submit, but approval of the Planning and Zoning Commission is required first before the DMV will accept the application. Recent statute changes mean that the DMV application does not need to go before the Zoning Board of Appeals.

Dave Foley suggested making a condition of approval the requirement that the applicant maintain a license with the Department of Motor Vehicles.

To a question from Chris Flanagan regarding the exhaust hoses, the applicant explained that with the approval of the Planning and Zoning Commission and the property owner, Pat DiNatale, an exhaust hose will go through the door if it is required by the fire marshal, DMV, or OSHA for air quality purposes. Attorney Corona noted that air quality does not fall under the purview of the Planning and Zoning Commission.

Lisa Davenport asked if regulations require two doors/opposite walls for access/egress.

There was discussion about limiting the number of units that could apply for this special permit (the concern being, with 80+ units in this complex, if all were to apply for a similar permit, especially in the current economy, there could be a problem).

Attorney Corona stated that in addition to requiring the approval of the Planning and Zoning Commission by special permit application, the Department of Motor Vehicles also must license each operator and provide locational approval. If the Planning and Zoning Commission were to approve this application, the approval stays with the specific location, and not the applicant.

The Commission discussed possible conditions of approval, including a stipulation that no autobody work be performed as part of the business as well as the one concern noted earlier (maintaining a DMV license would be a condition).

Respectfully submitted,

Jan Melnik

12/31/09