

TOWN OF DURHAM

Planning and Zoning Commission

P.O. Box 428

Durham, Connecticut 06422-0428

MINUTES OF FEBRUARY 4, 2009, MEETING

Present

Members: Frank DeFelice, Cathy Devaux, George Eames,
Richard Eriksen, Dave Foley, Jim Kowolenko, Tom Russell
Town Planner: Geoffrey Colegrove
Alternates: Mike Geremia, Stuart Keating

Absent

Members: Ralph Chase, Gene Riotte
Alternate: Mark Laudano

The meeting was called to order by George Eames, Chairman, at 7:30 p.m. Mike Geremia was seated in Ralph Chase's place. Stuart Keating was seated in Gene Riotte's place.

1. Approval of Agenda

Motion by Dave Foley, seconded by Frank DeFelice, to approve the agenda of the February 4, 2009, meeting as amended to include discussion of fences/walls as item 14 as well as to set a public hearing for item 13 (accessory apartment application, Phillip Milidantri). Motion carried unanimously.

Motion by Frank DeFelice, seconded by Stuart Keating, to adjourn the regular meeting at 7:30 p.m. and go into Executive Session. Motion carried unanimously.

Execution Session to Discuss Pending Litigation

Motion by Stuart Keating, seconded by Dave Foley, to adjourn the Executive Session and resume the regular meeting. Motion carried unanimously.

No action was taken during Executive Session.

2. Public Session

Attorney John Corona addressed the Commission. He stated that Mr. Blashke and Mr. Gambardella were present as well regarding the crematorium application. They are seeking a public hearing. It will be on the agenda of the next meeting, at which point a public hearing will be scheduled.

Attorney Corona also stated that he read with interest the minutes of the January 21st meeting that he'd been unable to attend, in particular, Joseph Pasquale's comments concerning the commercial district. Attorney Corona has since compiled information regarding size of buildings as compared with acreage (taken from the assessment records). These range from the CSK building 11, 231 sq.ft. per acre down to 1,300 sq.ft. He believes ratio has something to do with the appropriateness of building size. The largest building in town is Coginchaug Regional High School, at 70,550 sq.ft.; it is in a residential zone (as are many of the larger buildings in town).

George Eames noted that Durham Manufacturing, another large building, was in its location years before zoning was established. However, Attorney Corona pointed out that the Planning and Zoning Commission did approve expansion of that building.

3. Joseph Pasquale, Request for a Zoning Text Amendment, Section 06.02.
"Maximum Size of Single Structure" to Change 30,000 sq.ft. to 15,000 sq.ft.
Public Hearing Scheduled for February 18th meeting

The hearing will be held on February 18, 2009.

4. Phillip Milidantri, Request for a Special Permit for an Accessory Apartment,
80 Turkey Hill Road

Geoffrey Colegrove stated that this is for a fairly large residence; in-laws will be moved into the apartment if approved. Pat Benjamin will be present at the public hearing that remains to be scheduled (subsequently scheduled for February 18, 2009). The applicants were not in attendance this evening (as they are still living in New Jersey). Bill Milardo has already reviewed the project.

5. Payment of Bills

Motion by Richard Eriksen, seconded by Mike Geremia, to approve payment of the following bills:

- *Middletown Press* -- \$220.44 (11/2/08)
- *Middletown Press* -- \$130.16 (11/30/08)
- *Middletown Press* -- \$192.59 (12/28/08)
- Midstate Regional Planning Agency -- \$4,253.66

- Midstate Regional Planning Agency -- \$1,784.22

Motion carried unanimously.

Frank DeFelice stated that he had inquired of the finance director the amount spent on advertising on an annual basis; he was surprised that the number was as low as it was. However, it was pointed out that the fiscal year runs from July to June; therefore, the numbers he was provided were for the first half of the current fiscal year.

6. Approval of Minutes

Motion by Dave Foley, seconded by Frank DeFelice, to approve the minutes of January 21, 2009, meeting as presented. Motion carried, 8-1, with all in favor with the exception of Jim Kowolenko (in abstention).

George Eames asked Attorney John Corona if he had found it easy to read/understand the minutes that had been posted on the Internet (given he was not in attendance at the last meeting). Attorney Corona responded that he had. George Eames explained that he had asked the question because the Commission uses a professional to prepare the minutes; he commended her work. He added that he has said to First Selectman Laura Francis that the recording secretary, in his opinion, "is worth everything she charges the Planning and Zoning Commission" because one does not have to be at the meetings to know what has transpired at the meetings.

7. Town Planner's Report

Geoffrey Colegrove indicated that there are several upcoming public hearings, including Joseph Pasquale's request to reduce square footage of commercial buildings from 30,000 sq.ft. to 15,000 sq.ft. He suggested Commissioners think about the term "structure" versus "buildings." He disseminated a draft for the Commission's review. Structures would include things in addition to buildings. This should be reviewed on the record at the time of the hearing.

Several enforcement matters have been pursued. Tom Starr, Wheeler Hill Road, has eight registered vehicles on the site. The state police show, at one point, ten registered vehicles; this is being pursued. A letter was sent to Mr. Jackson requesting more information regarding representation of his coverage by the grandfather clause (being there two years). Notice was sent to the billboard company about the reconstruction of the billboards/relighting. A junkyard matter on Old Farms Road is being pursued. Dolphin Daycare has been provided 30 days to get the lighting in conformance with the approved site plan.

Geoffrey Colegrove also advised that there have been some discussions with a professional zoning enforcement officer, Al Johansson (with zoning enforcement experience exceeding 20 years in area towns plus a master's degree in regional planning).

His fee is about a third of Midstate's hourly rate. Conversations have also been held with the first selectman and the Board of Finance. This person would be able to handle all components (including letter-writing, documentation, etc., which currently is handled through Midstate). This would be a more cost-effective approach. Funds have been transferred from the Midstate budget for Planning and Zoning to the ZEO's budget.

Frank DeFelice stated he was in attendance at the Board of Selectmen's recent meeting. Given the current economic climate, he asked if it might be appropriate to put this opportunity out to the public to determine if there is anyone in town with the necessary qualifications.

Richard Eriksen has met with the candidate, who has extensive qualifications. He would combine the roles of the former assistant zoning enforcement officer as well as handling the work of correspondence and documentation.

Geoffrey Colegrove commended the efforts of the assistant ZEO, Ed Grimes; however, he is not able to do e-mail, go online (research of land records), etc. Geoffrey Colegrove also stated that background research is essential along with a solid record, photographs, etc. All correspondence would be prepared by Al Johansson for Geoffrey Colegrove's signature. He would be an employee of Midstate working for the town of Durham (both ZEO and wetlands enforcement).

Geoffrey Colegrove added that for the past four years, Ed Grimes has continued to get nails on his driveway (retaliation for enforcement activities).

8. Discussion of Structures and Yards

Geoffrey Colegrove stated that the language as proposed will greatly help with the enforcement process. This will be on the agenda of the next meeting; ultimately, a public hearing will be scheduled.

To Dave Foley's question about composition of structures, "naturally occurring material" as well as metal could be used. Stuart Keating asked about the cloth-covered portable 'garages.' These are considered buildings currently; Geoffrey Colegrove stated that they could be considered temporary structures in the rewrite of the language. The Commission suggested using the language "temporary portable shelters."

Frank DeFelice stated that state regulations require pool fences to be four feet high; the language currently makes it sound as though less would be appropriate. He also suggested that the language about tanks be altered to indicate gaseous or liquid storage tanks—but there could also be water tanks, etc. It was agreed to not define the types of storage tanks. "Underground" will be added (Sec. 6) to allow for underground utility service.

Motion by Frank DeFelice, seconded by Stuart Keating, to recess the regular meeting for the public hearing at 9:00 p.m. Motion carried unanimously.

PUBLIC HEARING

1. Applicant/Owner: Cuomo Construction, Inc.
Request: Request for a Special Permit to Construct 4 Buildings
For Active Adult Development, CT Route #17 and
Meetinghouse Hill Road

Present

Members: Frank DeFelice, Cathy Devaux, George Eames,
Richard Eriksen, Dave Foley, Jim Kowolenko, Tom Russell
Town Planner: Geoffrey Colegrove
Alternates: Mike Geremia, Stuart Keating

George Eames, Chairman, opened the public hearing. Mike Geremia was seated in Ralph Chase's place. Stuart Keating was seated in Gene Riotte's place.

Attorney John Corona addressed the Commission on behalf of the applicant and introduced Pat Benjamin, the project engineer. The Inland Wetlands Commission has approved the application; the Conservation Commission will be visited next month. Comments are also awaited from the town engineer.

The project is planned for a 55+ active adult community. Units will be marketed in the \$250,000 range.

George Eames read into the record a letter from the town engineer indicating that the review was still ongoing and with a request to keep the hearing open so that this study could be completed.

Geoffrey Colegrove clarified that the project comprises ten units total in four buildings (and not the ten units *each* for the four buildings as was published in the legal notice).

Pat Benjamin addressed the Commission. He stated that these four buildings are proposed in the farm-residential zone on a seven-acre parcel at the corner of Route 17 and Meetinghouse Hill Road. The lot had previously been subdivided into two residential lots. There is a wetlands band at the back of the site. An 18-foot paved driveway is proposed with no curbs; the fire department wants a 24-foot base underneath—same as standard roads. He then described the wells and septic systems proposed for the site as well as the storm drainage catch basins. Site coverage is at 5% (up to 12% building coverage is allowed). Required setbacks are met. Fully screened downlighting is proposed; a photometrics plan was also provided. Seventy-watt bulbs will be used.

An existing pond will provide fire protection. The fire chief, Harry Hall, is requesting the placement of a dry hydrant with an eight-inch pipe to the front of the site. This will augment fire protection. This will be added to the plans. Square footage is about 1,500 per unit (counting both first and second floors). There are two bathrooms per unit and a two-car garage each. The height from the top of the foundation to the peak of the roof is 22.5 feet. Two colors will be used for exterior on an alternating basis.

A walking path is proposed for the site to create trails for the residents; this would be proposed on an ad hoc basis after the site is built out (it would be a natural area, not improved). This would not be open to the public. Some type of sign with fully recessed lighting will be proposed for the front entrance; it will conform to area requirements and be presented for Commission approval once plans have been developed.

Attorney Corona offered the opportunity of a site visit for the Cuomo application.

Jim King, Little Falls Way, addressed the Commission, commending the applicant for an organized presentation. He asked for clarification of the age 55 limit—that one resident must be at least 55; he asked if children were not allowed.

Attorney Corona stated that such an application cannot legally prohibit children; however, it is required that at least one resident be 55 and this status must be maintained. These residences are not intended as retirement communities—in other words, not meant exclusively for senior citizens. In many cases, residents continue to work; they are active residents. There are two two-bedroom units and the balance are one bedroom. Pat Benjamin added that the one-bedroom units would not have a space for a child.

A landscape architect is developing a plan that will reincorporate Connecticut-native species on the site. This will provide an improved appearance to the site when considering the present trees on the site that are not likely to survive long term.

Motion by Richard Eriksen, seconded by Frank DeFelice, to continue the public hearing on the request for a special permit to construct four buildings for active adult development, CT Route #17 and Meetinghouse Hill Road. Applicant/Owner: Cuomo Construction, Inc., to February 18, 2009. Motion carried unanimously.

Motion by Richard Eriksen, seconded by Frank DeFelice, to reconvene the regular meeting. Motion carried unanimously.

9. Mark Rosenblit, Request for a Proposed One-lot Subdivision on Approximately 5.88 acres of land, Pisgah and Laurelbrook Roads, Owner: Ellen Rosenblit

The applicant and his engineering representative were not in attendance; however, Geoffrey Colegrove advised that he believed discussions were ongoing with the

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neighbors. The Commission still has time since the close of the public hearing for a decision. The matter will be on the agenda of the February 18, 2009, meeting.

10. Miscellaneous

George Eames announced that the Connecticut Federation of Planning and Zoning Agencies will hold its annual meeting at the Aqua Turf in March. Commission members should notify Geoffrey Colegrove if interested in attending.

Motion by Tom Russell, seconded by Frank DeFelice, to adjourn the meeting at 9:30 p.m.
Motion carried unanimously.

Respectfully submitted,

Jan Melnik

1/28/2009