

TOWN OF DURHAM

Planning and Zoning Commission

P.O. Box 428

Durham, Connecticut 06422-0428

MINUTES OF MARCH 18, 2009, MEETING

Present

Members: Ralph Chase, Frank DeFelice, Cathy Devaux, Richard Eriksen,
Jim Kowolenko, Gene Riotte, Tom Russell

Town Planner: Geoffrey Colegrove

Alternates: Mike Geremia, Stuart Keating

Absent

Members: George Eames, Dave Foley

Alternate: Mark Laudano

The meeting was called to order by Richard Eriksen, Vice Chairman, at 7:30 p.m.
Mike Geremia was seated on the Commission in George Eames' place. Stuart Keating
was seated on the Commission in Dave Foley's place.

1. Approval of Agenda

Motion by Ralph Chase, seconded by Tom Russell, to approve the agenda of the March
18, 2009, meeting as presented. Motion carried unanimously.

2. Public Session

Attorney John Corona advised that he had learned from State Representative Matt Lesser
that the bill regarding horse crematoria had died in committee.

3. Connecticut Horse Cremation, LLC, Proposed Zoning Text Amendments to Sections 02.12.01., 02.09.01., 07.01.03., and New Section 12.05.04.04

The public hearing is scheduled for April 15.

Attorney John Corona provided an extension for the commencement of the public hearing
to the April 15 scheduled date.

4. Karen Patterson and Timothy Gastler, Request for a Proposed 6-lot Subdivision,

CT Route #147 and Snell Road

Attorney John Corona addressed the Commission on behalf of the applicants. Pat Benjamin, a civil engineer, briefly described the 45-acre parcel, which has frontage along Route 147 as well as off Snell Lane (running into Little Lane); the property backs right up to the Middlefield town line and has an easement to CL&P across it. Some of the property is the existing Gastler nursery and will be retained by Mr. Gastler to operate the farm and nursery; 1.5 acres of the property currently accommodates Karen Patterson's existing house.

The application has not yet gone to the Inland Wetlands Commission and Conservation Commission. A final review has not yet been conducted by Bill Milardo or Brian Curtis.

The plans will rearrange the lot line around the existing house to create a two-acre conforming parcel. Two additional new lots will be adjacent to this with access from Route 147 (one lot will have a driveway easement cross the other lot), one will be 2.37 acres, the other, 2.99 acres in size.

Tim Gastler will retain the nursery area on about 19.63 acres with frontage on Route 147.

New lots at the back of the property include:

- Lot 3 with 200 feet of frontage on Old Indian Trail (7.22 acres)
- Lot 4 with 200 feet of frontage on Snell Road (7.26 acres)
- Lot 5 with 200 feet of frontage on Snell Road (5.5 acres)

CL&P does grant access under their right-of-way provision for driveways, roads, etc. (all permitted with their approval).

Pat Benjamin explained that all of the lots are visible as primarily open fields from both Route 147 and along Snell Road.

The three lots under the CL&P line are all large in order to position the houses lower on the property with septic systems and wells below the easement areas.

Attorney John Corona stated that a curb cut permit will be required in Middlefield, but no subdivision approval is necessary. He noted that the Middlefield zoning enforcement officer was present (who is now the new Durham ZEO). The driveway permit is an administrative matter. Attorney Corona did indicate that he would approach the town of Middlefield before the next Planning and Zoning Commission meeting.

Both Brian Curtis and the new ZEO review plans in Middlefield and Durham.

By scheduling the public hearing for April 15, there will be adequate time for regional review (because of proximity to another town line as well as a Middlefield Road being

used to access a portion of the site, both the town clerk of Middlefield as well as Midstate Regional Planning Agency will be reviewing this).

5. Discussion of Structures and Yards

Geoffrey Colegrove distributed language used in Madison and explained the general concept of how rear, side, and front yards are measured from property line to property line.

For clarification purposes, a construction trailer is a building and has to meet the same criteria. A demolition box used for renovations is covered by a separate provision and allowed to be in place for 30 days (for a temporary structure).

Frank DeFelice discussed the impact to properties along Main Street, particularly those in the commercial zone.

Geoffrey Colegrove explained there could be one diagram with a table showing the different zones and setbacks included in the regulations. This regulation does not change what currently exists, it will simply provide clarification.

A diagram for front lots and corner lots and a table for all zones will be developed by Geoffrey Colegrove. This will be revisited by the Commission at its next meeting; then a public hearing will be scheduled.

6. Town Planner's Report

Geoffrey Colegrove introduced the Commission's new zoning enforcement officer, Al Johanson. A resident of Middletown, he is also the ZEO for Middlefield. He holds a degree in planning and 20+ years of experience in wetlands and zoning enforcement. He has experience working in Haddam, East Haddam, and Middlefield and is very knowledgeable of regulations and regulatory matters.

Ed Grimes will still be involved with enforcement issues (including signage). Geoffrey Colegrove explained that Al Johanson bills at a rate one-third of Geoffrey Colegrove's; it makes sense for him to handle zoning enforcement. He will also work for the Inland Wetlands Commission on matters as necessary.

Geoffrey Colegrove explained that a separate account will be established; \$5K will come out of his budget and transfer over to this new zoning enforcement account.

Al Johanson described his approach of talking to people first—then issuing letters as appropriate (so that there are no surprises).

The process to be followed will be complaints coming in will be coordinated through Geoffrey Colegrove's office for Al to investigate. Geoffrey Colegrove will maintain a

time sheet that will be submitted to Durham at the end of each month that reflects planning services separate from enforcement matters.

7. Payment of Bills

Richard Eriksen stated the importance of Brian Curtis's bills coming before the Commission so that everyone is kept apprised that there is a real cost to every application—fees should ultimately be absorbed by applicants versus tax payers. By reviewing these bills, it allows the Commission to be more informed of the costs of various activities, including development costs.

Motion by Ralph Chase, seconded by Gene Riotte, to approve payment of the following bills:

- Connecticut Federation of Planning and Zoning Agencies - \$90.00 (annual dues)
- Absolute Advantage – \$394.47 (minutes 2/18/09)
- Attorney Thomas Byrne – \$2,525.00 (CSK case)
- Attorney Thomas Byrne – \$3,250.00 (Silver Eagle case)
- Jacobson – \$682.97 (Brian Curtis, consultation – Rosenblit, general construction)
- Jacobson – \$1,667.97 (Brian Curtis, consultation – Rosenblit, Cuomo, Mesick)

Motion carried 6-1, with all in favor with the exception of Gene Riotte (in abstention).

8. Approval of Minutes

Jan Melnik asked if everyone had had an opportunity to review the minutes provided of the previous meeting (February 18, 2009). She stated that minutes of the public hearing portions of the meeting had been prepared in an abbreviated format in response to queries conveyed by the chairman responding to concerns from the Board of Selectmen regarding the cost of minute-preparation services. She stated that in the 19 years that she has been the Commission's recording secretary, this is the first time that minutes have been done in an abbreviated fashion.

Richard Eriksen stated his preference for more comprehensive, informative minutes—the type that have been provided by Jan Melnik over the years. He stated that while there is a cost to that, thorough minutes are not the type he has seen for other town agencies “which could fit on a matchbook cover.” He added that Commission members, members of the public, and any other interested party can read the minutes and be thoroughly informed about the actions of the Commission. He thought that there was a correlation between the minutes having been professionally done and possibly reduced court costs in the legal matters that the Commission has been involved in—and that there was a link to the Commission prevailing in a number of instances. He summarized that he would like the minutes to be as comprehensive as possible.

Ralph Chase concurred with Richard Eriksen's statements, noting that he did not feel the fee charged by Jan Melnik was out of line for professional minutes. Jim Kowolenko

agreed, stating that having them as specific as possible was important and that these are a great tool.

Frank DeFelice agreed with these remarks, adding that while not cheap, the value is “the results at the end of the day”—every time the Commission must go into court (there being no shortage of this, unfortunately), the “documentation serves the Commission well.” He stated that there couldn’t be better documentation than what Jan Melnik has been providing in the minutes; her fee is a “small price to pay for accuracy and thoroughness.” He prefers the non-abbreviated format that has been used all along and wishes to keep things that way.

Jim Kowolenko noted firsthand experience with the original zoning board some 30 years ago. He served as secretary, took all the notes, and then had to get them typed. He said that what Jan Melnik provides is far superior.

Jan Melnik noted for the record that the minimum requirement in terms of minutes is a record of all actions taken by the Commission (the actual motions).

Tom Russell stated that when he is unable to attend a meeting, he is able to read the minutes and fully catch up on what occurred and has even used the minutes to refresh his memory of what was said. It was noted, of course, that Commission members must still listen to the recordings of public hearings that might have been missed prior to voting on any matters.

Motion by Ralph Chase, seconded by Mike Geremia, that the minutes of the Planning and Zoning Commission be maintained in the manner in which they have always been maintained as far as thoroughness and accuracy. Motion carried unanimously.

Motion by Mike Geremia, seconded by Ralph Chase, to approve the minutes of the February 18, 2009, meeting as submitted. Motion carried, 8-1, with all in favor with the exception of Tom Russell (in abstention).

9. Miscellaneous

Frank DeFelice stated that the reduction in lights at Dolphin Days, Route 68, was a significant improvement; the cutoffs were recently installed. Geoffrey Colegrove reflected on the cooperation of the property owner in achieving this objective. It was an unfortunate series of miscommunications that had led to the previous inappropriate lighting fixtures. The owner is very proud of the facility, is providing an important service, and wants to continue to be a good community member.

Geoffrey Colegrove stated that Hobson Motzer, Airline Road, would be coming in shortly for an expansion of their building. There will eventually be a tour of the plant for the Zoning Board of Appeals, Inland Wetlands Commission, and the Planning and

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Zoning Commission. He stated that it is not very often that the Commission gets an opportunity to expand a manufacturing business on its existing lot. Hobson Motzer's business has expanded significantly over the years to include stampings in stainless steel (U.S. Surgical being one of their strategic accounts).

Stuart Keating stated that in an effort to bring to closure (and a subsequent public hearing) the side/rear/front yard language, he would recommend that all terminology throughout the relevant sections be changed to include the word "setback" and correspond with the map terminology.

Motion Ralph Chase, seconded by Frank DeFelice, to adjourn the meeting at 8:41 p.m.
Motion carried unanimously.

Respectfully submitted,

Jan Melnik
3/24/2009