

TOWN OF DURHAM
ZONING BOARD OF APPEALS

Regular Meeting Minutes
Thursday, March 12, 2009
Town Hall Meeting Room

Call to Order: The meeting was called to order at 7:30 PM by Chairman John Hogarth at the Durham Town Hall.

Roll Call: Members present: Chris Flanagan, David Heer (after agenda approval), John Hogarth and Bill Joyce. Alternates Present: Mark Jungels and Bill LaFlamme. Staff: Trish Dynia and Geoff Colegrove.

Seating of Alternates: Mark Jungels and Bill LaFlamme were seated for the duration of the meeting.

Approval of Agenda: *A motion was made by Chris Flanagan, seconded by Bill LaFlamme, to approve the agenda with the following correction: Public Hearing Paragraph, last line, change Lot 29 to Lot 19. The motion passed unanimously.*

Approval of Minutes: *A motion was made by Chris Flanagan, seconded by David Heer, to approve the February 19, 2009 minutes with the following correction: Page 3, paragraph 3, line 1, change south to north. The motion passed unanimously.*

Payment of Bills: *A motion was made by Bill LaFlamme, seconded by Chris Flanagan, to pay the following bill: CT Federation of PZ Agencies, \$90.00 for annual dues. The motion passed unanimously.*

Public Session: None.

Miscellaneous: None

PUBLIC HEARING

Hobson and Motzer Realty, LLC, Request for three variances from the Durham Zoning Regulations Section 07.02 to construct an addition to the existing build. (1) "Minimum Side Yard/Minimum Aggregate" an 11' Variance; (2) "Maximum Lot Coverage including Buildings and Outdoor Storage" a 7% Variance; and, (3) "Setback from Watercourses" a 28' Variance, 30 Air Line Drive, Tax Assessor's Map #34, Lots 19 and 11. Owner: Frank Dworak: Mr. Dworak reviewed the company's history since moving to Durham in the early 1990's. Since that time the company, which manufactures precision equipment for the medical, automotive and aerospace industry, has grown, and as a result there have been two additions made to the original structure. At this point, new equipment needs have made it necessary for the company to add on or relocate.

The two adjacent properties owned by the company cannot be combined into one due to having the well and septic systems on separate properties. The State Health Department needs to review and approve this scenario and the company needs an easement from the Town of Durham to cross the road with a septic pipe.

Chairman Hogarth distributed copies of the Inland Wetlands approval of the project on March 9, 2009. The Secretary read this portion of the minutes into the record:

Company president Frank Dworak was on hand to answer any questions. Dick Eriksen reported that Commission members attended a site walk of the property on Saturday, February 27, 2009, and attendees were satisfied with the comprehensive plan submitted to the Commission in January. Mr. Eriksen added that it was a great thing for Durham to have a trouble free, good neighbor operation expanding in this area. Geoff Colegrove added that the 1,320 square feet of wetland fill was in a manmade wetland caused by drainage issues. The area was not pristine as it had been disturbed before and the filling would not cause an environmental impact. Mr. Colegrove also stated that the \$1,300 fee paid by the applicant should be sufficient to cover his agency's oversight of the project.

A motion was made by Pat DiNatale, seconded by Chris Meisenkothen, that there is no significant activity in the wetlands. The motion passed unanimously.

A motion was made by Pat DiNatale, seconded by Joel LaBella, to approve the project as presented on maps 1 through 6 and dated June 27, 2008, revised thru 12/2/08. The motion passed unanimously.

Mr. Dworak added that the plant is very clean and safe, having received OSHA awards for no accidents and cleanliness of operation. In answer to a question about building up instead of out, Mr. Dworak explained that many of the machines weigh in excess of 1,000 pounds, are imbedded in concrete bases and could not be safely housed on an upper floor. In addition, the second floor would not provide a stable base for precision machine accuracy.

Bill LaFlamme asked about the possibility of moving to another location in the park. Mr. Dworak replied that if relocation were contemplated, one with city water and sewer would take precedence. Also, past experience in operating out of two locations makes this scenario very undesirable.

David Heer stated that a letter from the applicant, which states that the company must move if they are unable to add on to the structure, appears to indicate a financial hardship. Mr. Hogarth stated that the hardship seemed to be 1. inability to build over a septic system, 2. Wetland location, and 3. The inability of an upward expansion to properly house the machines.

Economic Development Commission member Ona McLaughlin of 308 Main Street spoke in favor of approval, noting that the company had been a good neighbor for many years, no neighbors were in attendance to oppose the application, and keeping the company here was in the best interest of Durham.

Hugh Curly of 715 Haddam Quarter Road, also a member of the Economic Development Commission, agreed, adding that he had toured the plant several years ago and found it to be an impressive facility which utilized high quality craftsmanship and was one of the cleanest manufactories he had ever seen.

Dick Parmelee of 260 Parmelee Hill Road, stated that government often sets up laws that make it impossible for businesses to exist and that this application is an opportunity to help business.

Geoff Colegrove stated that the first thing one must do to help local business is to work to keep what you have and he encouraged members to Google the company's website to view it progress and numerous patents.

A lengthy discussion ensued regarding the need for a site walk. Chris Flanagan suggested a site walk. Several other members felt they were familiar with the property and the project had been explained in more than sufficient detail.

A motion was made by Bill LaFlamme, seconded by Chris Flanagan, to continue the public hearing. The motion passed unanimously.

A motion was made by Chris Flanagan, seconded by David Heer, to conduct a site walk at 9:00 AM on Saturday, March 21st. The motion failed with Chris Flanagan voting in favor, and David Heer, John Hogarth, Bill LaFlamme and Bill Joyce voting in opposition.

After further discussion it was decided that the commission was ready to close the public hearing and vote.

A motion was made by Bill Joyce, seconded by David Heer, to close the public hearing. The motion passed unanimously.

A motion was made by David Heer, seconded by Bill LaFlamme, to grant request for the 3 variances from section 07.02, to construct an addition, side yard aggregate of 11', maximum lot coverage of 7%, setback from watercourse, 28', Hardships being well and septic location, inability to grow vertically due to design constraints, approval based on project presented on maps 1 through 6, dated 6/27/2008, revised through 12/12/08. The motion passed unanimously.

Adjournment: *A motion was made by Bill Joyce, seconded by David Heer, to adjourn the meeting at 8:45 PM. The motion passed unanimously.*

Respectfully submitted,

Patricia Dynia
Recording Secretary

Cc: Town Clerk, Midstate Regional Planning Agency