

TOWN OF DURHAM

Planning and Zoning Commission

P.O. Box 428

Durham, Connecticut 06422-0428

MINUTES OF DECEMBER 17, 2008, MEETING

Present

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

Absent

Alternates: Mike Geremia, Mark Laudano

The meeting was called to order by George Eames, Chairman, at 7:30 p.m.

Motion by Ralph Chase, seconded by Dave Foley, to approve the agenda of the December 17, 2008, meeting as amended to delete item #10 (discussion yard/structure/fence). Motion carried unanimously.

1. Public Session

No business.

Motion by Dave Foley, seconded by Ralph Chase, to recess the regular meeting for the public hearing. Motion carried unanimously.

PUBLIC HEARING

1. Applicant: Mark Rosenblit
Owner: Ellen Rosenblit
Application: Request for a proposed 1-lot subdivision on approximately 5.88 acres of land, Pisgah and Laurelbrook Roads

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Present

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Richard Eriksen, Dave Foley, Jim Kowolenko, Gene Riotte, Tom Russell
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George Eames, Chairman, opened the public hearing and read the legal notice. Brandon Handfield, a professional engineer with Anchor Engineering of Glastonbury, addressed the Commission on behalf of the applicants. He described the site, 5.88 acres to support a one-lot subdivision with a four-bedroom dwelling. He further described the proposed driveway, lot layout, and septic system. The plans were forwarded to the town sanitarian, Bill Milardo (a septic as-built deed was requested; this was noted). George Eames noted that Bill Milardo did suggest in a memo that reference be made to the tax assessor's map and described as lot 1.7, assessor's map #90; Brandon Handfield made note of this request.

The driveway is paved and at the maximum of 15% for much of the driveway. An articulated concrete block wall will be installed with an architectural face. A six-foot wide shelf with guiderail will be installed on the northerly side of the driveway in one area. Existing vegetation will be preserved as much as possible.

The guiderail has been extended, in accordance with the recommendations of the town engineer. Proposed drainage was described included pipe flow, overflow, and use of swales. Silt fences will be installed. Comments from the consulting engineer were provided—all issues were resolved on the two comment letters and responses provided back to the town engineer.

Geoffrey Colegrove indicated that there might be some issues that would serve as conditions of approval; there is also an easement for the driveway. Mark Rosenblit, the applicant, is an attorney, it was noted for the record. The easement gives exclusive use to the property described in schedule b (for bituminous driveway that was previously constructed to access that property). There is a clause that reserves rights to the owner of the subject parcel. Some discussion ensued regarding confusion over the language of the driveway easement and whether or not the Commission's counsel should be reviewing this matter. George Eames recommended that Attorney Tom Byrne be asked to review this language and advise the Commission of the appropriateness of the easement language.

No comments have been received from the fire chief, according to Brandon Handfield. Brian Curtis, town engineer, did suggest that the Commission receive input from the fire department; but this has not occurred to date.

Brandon Handfield walked through the points in Brian Curtis's memo; the retaining wall is seven feet from the property line of Braulio Santiago, 9 Laurelbrook Road (instead of

five feet). Evergreen vegetative screening will be planted and noted on the site plan to prevent light spillage onto the adjacent property.

It is recommended that a temporary sediment trap be installed at the bottom of the driveway at the storm drain outlet. There are a total of three. Inspection of the retaining wall will be performed during construction with verification submitted to the town hall upon project completion. The building official can make this as an official request if desired; the town engineer has recommended this as a condition of approval. An erosion and sedimentation bond will be posted. As for bond amounts, the town engineer will review the numbers provided by the applicant and make any adjustments determined to be necessary; a cash bond is then posted by the applicant.

The Inland Wetlands Commission approved the application. George Eames stated that the Conservation Commission did have several concerns, including the following:

- 1) scope of disturbance required to build house on the property
- 2) drainage, erosion, and sediment control
- 3) conservation/open space and/or easement
- 4) site walk recommended

Geoffrey Colegrove stated that open space has not yet been finalized. Brandon Handfield outlined what is proposed (conserved in an easement—along ridgeline of Pisgah Road). If the Commission deems appropriate, this will be formally added to the plans.

Geoffrey Colegrove asked if the owner would be willing to stipulate that this lot cannot be further subdivided (the property owner consented). The lot was never approved for a two-lot subdivision previously (the Planning and Zoning Commission denied the application several years ago).

To Richard Eriksen's query, there might be minor blasting necessary; if so, the fire marshal will be consulted. Brandon Handfield said there is in excess of 700 cubic yards (up to 1000 cubic yards is permitted). The disturbance is 1.3 acres of the 5.86-acre site, about 22%. It is significantly less disturbance than the application a few years ago. The driveway length is 550 feet.

Geoffrey Colegrove stated that during earlier discussions, it was conveyed that the least amount of disturbance necessary is desired (and removing from site versus disturbing vegetative cover).

Braulio Santiago, 9 Laurelbrook Road, addressed the Commission. He stated that he had spoken to the Commission several years ago. His home is in closest proximity to the proposed project. The retaining wall at seven feet in height is of concern as well as the drainage/water issues.

To Geoffrey Colegrove's query about how Mr. Santiago will see the retaining wall, Brandon Handfield explained how it changes in height from zero to six feet or so. The

driveway is no closer to the property line; a snow shelf has been added with the retaining wall with articulated concrete block that looks like stone.

Frank DeFelice asked Mr. Santiago if he knew the depth of his well; he does not.

Brian Hunter, 21 Laurelbrook Road, addressed the Commission. He is adjacent to Mr. Santiago and somewhat behind the area of the proposed subject. He has a number of concerns about the water runoff from the hill. He distributed photographs following a recent heavy rain. Similar problems have occurred with runoff and velocity issues during other rain events, creating driveway washouts, potholes, etc. He also worried about the maintenance of the drains and culverts. He also asked about the turning radius and ability of the driveway to accommodate delivery trucks, oil trucks, etc. (and questioned if the the guiderail, as proposed, could 'hold' a heavy oil truck). There is concern, too, about blasting and resultant problems created for pools and wells.

Dave Funaro, 26 Laurelbrook Road, addressed the Commission. He is concerned with drainage coming off the hill onto Pisgah Road and impact of more water onto Pisgah. He asked if anything was being done to improve drainage along Pisgah Road to accommodate the additional flow. He is worried about resultant flooding.

Brandon Handfield responded to some of the queries raised. In terms of site drainage, it is clear that there is already drainage coming off the hill that causes erosion to two neighboring properties. The plans that have been presented for this one-lot subdivision will mitigate these problems to some extent and not exacerbate the problems (they do not contribute *more* water than already is being directed to the drainage systems). There will be some improvement to the drainage going to Mr. Santiago's property. The town engineer has reviewed the plans that show that the drainage on Pisgah Road can accommodate a ten-year storm event (as required by the regulations). Maintenance along Pisgah Road is of possible concern. The applicant will clean out the pipe on Pisgah Road and the swale area as a drainage maintenance matter. This will be essential to the drainage system working properly. There is an open drainage system. A catch basin has a type CG system (a grate and two gutter inlets and much less likely to clog with leaves). Another open pipe outlet is also featured. Rip-rap lined channels will help prevent erosion. Clogging will be minimized with the open design. But maintenance is important.

Emergency vehicle access has been addressed. The driveway does meet the regulations and will be paved. In terms of the radius accommodated by the driveway, Brandon Handfield stated that the driveway, in his opinion, is overplanned for a single-family home and will enable large SU-30 turning vehicles (large box delivery truck, oil delivery truck, etc.). Fire apparatus has a 40-foot turning radius—the driveway can accommodate that type of vehicle.

Geoffrey Colegrove asked about increase in flow to the brook and the culvert along Pisgah Road. Brandon Handfield stated that the storm of the recent weekend was very large and somewhat unusual. The proposed site will not increase the flooding potential

during peak flow events, especially an event of the magnitude of the storm experienced the previous weekend.

Tom Russell asked if there is adequate room to accommodate multiple emergency vehicles responding to an event. Brandon Handfield stated there wouldn't be enough space for a fire truck and ambulance to both be up at the house and maneuver, turn around, and exit. Tom Russell asked that the parking pad be expanded near the house (i.e., 50-foot radius). Brandon Handfield responded that the parking area could be expanded (if not paved).

Frank DeFelice stated that on the site plan, there appears to be a marked path—that is in the area of the temporary sediment trap. Brandon Handfield stated that there would be some grading in that area with rip-rap installed along the swale to a lined basin. The area is three feet deep to accommodate water that could back up (but is not expected to pool up). If this happened, velocities and concentration of water would be very low and not represent any increase to what currently exists.

Richard Eriksen stated that feedback is still needed from Attorney Byrne as well as the fire marshal. The applicant will forward the package to the fire chief for comment. Geoffrey Colegrove will forward everything to Attorney Byrne. Richard Eriksen also stated that applicants are to show homes on the site plan that are in proximity to the project (Geoffrey Colegrove stated that all dwellings within 200 feet of the site are to be on the plans).

Motion by Richard Eriksen, seconded by Ralph Chase, to continue the public hearing to January 7, 2009, on the request for proposed 1-lot subdivision on approximately 5.88 acres of land, Pisgah and Laurelbrook Roads. Applicant: Mark Rosenblit; owner: Ellen Rosenblit. Motion carried unanimously.

Motion by Gene Riotte, seconded by Frank DeFelice, to reconvene the regular meeting at 8:43 p.m. Motion carried unanimously.

2. Joe Cambria, Request Approval to Operate Program under the Existing Special Permit at the Stonegate Springs Campus, 459 Wallingford Road

Joe Cambria addressed the Commission and described a residential program for eight adolescent girls that would like to locate in the 5,500-square foot Plymouth building of the former Lake Grove facility. There will be five bedrooms. He has met with a variety of professional staff (town planner, fire marshal, emergency preparedness, etc.). Some renovations would be proposed to the structure, all in accordance with code, handicapped accessibility, etc. There would be 24-hour staff. Overall funding is provided by the state of Connecticut for this standalone program. In terms of the site itself, only the gymnasium might be used on a scheduled basis. Meals will not be cooked/prepared in the building (they will probably be contracted and brought in); if food services were to some

day be available at the site, then this would be pursued. There would be a refrigerator and microwave. Classroom space will be available in the building with the retrofit.

Joe Cambria described that ACES will provide educational services on a contracted basis; his agency is a not-for-profit residential program. Clients are in the program for relatively short term lengths of time (typically from a week to 30 or 60 days); it tends to be a transitional program for the girls. The students come to the program through the judicial system as an interim measure before either returning home or going into a long-term program elsewhere (i.e., truancy, problematic home setting, someone who stole something from Walmart or had a fight at school; it depends on the referring agency whether it was a guardianship problem through DCF or a judicial problem). The students are always supervised no matter what activities they are involved in (i.e., volunteering at the fair or possibly using the library).

Richard Eriksen asked about notification to the community in the event of an AWOL situation. Joe Cambria stated that from a previous meeting, he became aware of the calling tree that had been in place for notification to the community in the event of such a situation. This will be investigated and a system planned (a reverse 911 plan).

Stuart Keating asked about sanitary facilities in terms of capacity. Joe Cambria stated the bathrooms will be fully renovated. Geoffrey Colegrove indicated that the septic system is regulated by the Department of Environmental Protection (there is a community septic system and community well). To Stuart Keating's question, Joe Cambria explained that it is not a lockdown facility at night; rather, it is staff-secured facility.

Geoffrey Colegrove stated that the Commission's role is to determine that the proposed use is in conformity with the existing permit that had been issued for Lake Grove. Lake Grove is the permittee; the Community Partners in Action non-profit is the applicant. The current Rushford activities on the site accommodates about 12 participants. The two programs will not co-mingle.

Motion by Richard Eriksen, seconded by Frank DeFelice, to grant ability for Community Partners in Action to operate at Lake Grove as the program appears to fit the special permit for Lake Grove. Motion carried unanimously.

3. OPM Study Grant

Geoffrey Colegrove described the presentation by David Fink fairly recently before the town wherein a \$50,000 OPM grant is available to study potential areas for housing zones. The concept provides for denser housing for affordable housing purposes and accommodates about six living units per acre. The study is to fund exploring the possibility of such housing; 20% of the housing would need to be affordable (80% of the median income). The town would not be obligated to enact such housing—rather, this is to explore the possibility of mixed-use sites and higher density housing that would include some lower income homes.

Two possible sites that could qualify might be along the village district of Main Street as transportation must be available/accessible. If this zone were pursued it would supersede current zoning. Geoffrey Colegrove stated Westbrook and Old Saybrook are towns presently pursuing this study and securing the grant monies.

The benefit to the town would be the availability of property more affordable to “kids wanting to return to Durham” and/or “senior citizens wishing to stay in town who cannot afford to do so.”

Richard Eriksen discussed density and the move of the Commission several years ago to increase to two-acre zoning as a means to help control density (with concern of rising student populations). His preferred development approach would be with commercial or light industrial development that helps the tax base.

Geoffrey Colegrove pointed out that the ‘kid factor’ can be limited by the design factor (i.e., two bedrooms; such units are shown not to attract kids at the same rate that four-bedroom units would). The two possible areas along Main Street would be the Silver Eagle mixed-use site and former Merriam Manufacturing/Adams site.

Dave Foley summarized that the purpose of the grant funding is to simply assess and determine the feasibility of such a project that could include an element of affordable housing—there is no obligation to go forward. He further added that it’s simply to find out how conceivable affordable housing could be—and could protect the town down the road (by, as Stuart Keating added, demonstrating openness to considering affordable housing).

Geoffrey Colegrove indicated that for the Silver Eagle site, there is substantial information about the septic capability. For the Merriam site, there are the issues of contamination; however, at some point, a subsequent use will need to be pursued.

Motion by Frank DeFelice, seconded by Cathy Devaux, to respectfully decline the offer of study money for affordable cluster housing. Motion carried, 7-2, with all in favor with the exception of Jim Kowolenko and Dave Foley (in opposition).

4. Payment of Bills

Motion by Cathy Devaux, seconded by Frank DeFelice, to approve payment of the following bills:

- Attorney Thomas Byrne -- \$3,375.00 (CSK Realty)
- Midstate Regional Planning Agency -- \$6,047.00 (Nov. expenses)

Motion carried unanimously.

5. Approval of Meeting Minutes

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Motion by Ralph Chase, seconded by Gene Riotte, to approve the minutes of the December 3, 2008, meeting as submitted. Motion carried unanimously.

6. Miscellaneous

Geoffrey Colegrove stated that the hearing in court for CSK has not yet been held; a deposition was conducted recently. This is a situation where the residents of Durham are suing the Commission regarding the action previously taken by the Commission to approve the crematorium use (for which the applicant is now no longer moving forward with in Durham).

George Eames and Stuart Keating discussed how dropping the Commission's defense of its own decision does not reflect well on the Commission as a whole (flip-floppy).

Motion by Richard Eriksen, seconded by Ralph Chase, to discontinue legal procedure for defense of decision to allow large animal crematorium in heavy industrial zone. Motion denied, 7-2, with all in opposition with the exception of Ralph Chase and Richard Eriksen (in favor).

Geoffrey Colegrove stated that he had examined the lights at Dolphin Day Care—the problem is that these are not cut-off fixtures as required by the site plan. He spoke with the owner, Mr. Sibilina, who seems reluctant to do anything. There is nonconformity with the approved site plan. The unit does not have the full cut-offs as required.

George Eames suggested Dolphin Day Care be afforded 30 days to bring the site into compliance; otherwise, further action will be taken in the form of a cease-and-desist order.

Geoffrey Colegrove indicated that he heard from Mr. Jackson (Main Street); Attorney Tom Byrne's letter discussed inspection. However, there was some question as to what, exactly, Geoffrey Colegrove would inspect. He will check with the Motor Vehicle Department where his vehicle is registered and the address on his driver's license.

Frank DeFelice discussed the letter from the town clerk's office regarding the filing of minutes and agenda with the town clerk by all town commissions.

Motion by Ralph Chase, seconded by Frank DeFelice, to adjourn the meeting at 9:35 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik
12/23/2008