

Planning and Zoning Commission Meeting
7:30 p.m., Wednesday, November 2, 2016
Lower Level Meeting Room, Durham Library

Minutes-AMENDED

1. Call to order

Frank DeFelice called the meeting to order at 7:30 p.m.

2. Roll Call

In attendance: Alana Adams (7:57), Lisa Davenport (7:33), Frank DeFelice, Richard Eriksen, Chris Flanagan, Dave Foley, Dan Melnik (7:32), Joe Pasquale, and Will Spooner (7:57)

Absent: Campbell Barrett, Ed Fronc, and Jan Melnik

Others in attendance: Geoff Colegrove, Donald Smith Jr. P.E., David Stein, AIA, Principal/Project Management; Silver Petrucelli & Associates, Attorney John Corona, Pat Benjamin Project Engineer; Bascom and Benjamin, and Kati DiNatale

3. Seating of Alternates:

Will Spooner was seated for Jan Melnik

4. Amendments to Agenda

None

5. Approval of Agenda

MOTION BY DAVE FOLEY, SECONDED BY CHRIS FLANAGAN TO APPROVE THE AGENDA AS PRESENTED.
ALL AYE

6. Public Session

Steven Paganetti, 494R New Haven Road and Pamela Defilippo, 482R New Haven Road were in attendance to discuss property at 468 New Haven Road owned by Peter Zaehring. He asked if the commission had notes from Jennifer and noted that he started this process in June and asked if there was an update. They expressed their concern regarding the property described as a junkyard, noting the property contains several inoperable, unregistered cars that are rusting into the ground and trailer like shipping containers. They are concerned with toxic materials affecting ground water and soil contamination. S. Paganetti stated he was aware that P. Zaehring never filed with the town clerk for a zone change and the property was always zoned as light industrial.

P. Defilippo stated the property does not appear to be used as a business and is being used for storage. She noted that her driveway runs adjacent to 468 New Haven Road and is feet from her driveway. She has lost animals due to toxic pollution and felt she would be remiss if she didn't bring this to the attention of the town.

S. Paganetti noted that the property owner is also digging on the property in the area where there was prior soil contamination that was remediated and removed the property line pins. Pictures of the property were submitted to the commission.

F. DeFelice thanked them for bringing this to the commissions attention.

D. Eriksen acknowledged that he was not aware of the situation and thought a site walk may be needed to see if there were any wetlands on the property.

G. Colegrove stated the property in question is zoned farm residential and this would be non-conforming use. He talked about OSHA's requirement to have hazardous materials recorded and stated he would look to see if there were any violations on record. He also will look at town records to see what he remembers to be a watercourse issue with a property one house over. G. Colegrove asked S. Paganetti if he was aware of what the remediation was for. S. Paganetti responded he understood that it was for diesel fuel, oil and gas from large vehicles.

D. Foley suggested checking with the Environmental Protection Agency to see what the status is on the prior contamination and remediation.

MOTION BY DAVE FOLEY, SECONDED BY CHRIS FLANAGAN TO RECESS THE REGULAR MEETING AND OPEN THE PUBLIC HEARING AT 8:00 P.M. ALL AYE

PUBLIC HEARING

Applicant/Owner: Town of Durham
Property Location: #37, #41, #51 Main Street
Proposed Activity: Special Permit, Public Safety Complex

In attendance: Alana Adams (7:57), Lisa Davenport (7:33), Frank DeFelice, Richard Eriksen, Chris Flanagan, Dave Foley, Dan Melnik (7:32), Joe Pasquale, and Will Spooner (7:57)

Absent: Campbell Barrett, Ed Fronc, and Jan Melnik

Others in attendance: Geoff Colegrove, Donald Smith Jr. P.E., David Stein, AIA, Principal/Project Management; Silver Petrucelli & Associates

Seating of Alternates: Will Spooner was seated for Jan Melnik.

Dan Melnik recused himself and was seated in the audience.

LEGAL NOTICE TOWN OF DURHAM
Public Hearing of the Planning and Zoning Commission

The Town Planning and Zoning Commission of Durham, Connecticut will hold a public hearing on Wednesday, November 2, 2016 at 8:00 p.m. in the Durham Public Library Meeting Room, 7 Maple Avenue, on the following application:

Applicant/Owner: Town of Durham
Property Location: 37, 41, 51 Main Street
Proposed Activity: Special Permit, Public Safety Complex Project

At this hearing, interested persons may appear and be heard and written communications will be received. A copy of this application is on file in the Land Use Office, Durham Town Hall, for public inspection.

Dated in Durham, Connecticut, this 21st day of October, 2016.
Planning and Zoning Commission
Town of Durham, Connecticut

Frank DeFelice, Chairman
Publish On: October 21, 2016 and October 28, 2016

The Public Hearing was called to order at 8:00 p.m. by Frank DeFelice and called to order.

David Stein opened the meeting by presenting three dimensional designs of the proposed facility.

#37 Main Street; the goal was the rehabilitation and restoration of the existing homes. The first image showed a carriage house with 12x12 doors. A 6-foot fence with arborvitae at grown height. The existing ridge height to the top of the existing building is 23'10". The proposed ridge height of the addition is 19'8". Garage doors are 12'. The overall massing of the garage is in comparison of many existing accessory buildings that are on adjacent lots within the vicinity.

The next image was looking at the house north to south; preserving the street front as it looks today. The goal is to rehabilitate the entire façade. The windows and porch details will remain the same. Not encroaching any further that exists on the parcel. The addition on the fire house (apparatus addition) is the only change in the viewpoint that currently exists on the parcel.

The next image gave a sense of scale. Preserved the residential look. You cannot see the carriage house (houses secondary pieces of equipment for the fire department). The existing building at its ridge is 24'1" and the proposed ridge height of the carriage house is at 24'8" with a sloped roof. Purposely trying not to go above existing ridge line.

#41 Main Street; the existing ridge is slightly higher than the addition at 27'10" and the addition is at 25'4". Trying to demonstrate that we have been sensitive to the overall massing of the neighborhood. Purposely have tried to step them back and to not encroach on the viewpoint from the streetscape perspective.

Photometric submission (Exhibit A-1, Exhibit B) was made to commissioners. It was prepared by D. Stein's partner Robert Banning P.E. and illustrated compliance to town regulations. It included cut sheets, lamp color and heights, and coincided with what was presented at the last meeting.

E2 drawing (Exhibit C) of the generator was presented and entered into the record. It shows the sound level at 20 to 30-foot perimeter out and shows property line. Based on the frequency it is below the 25-foot DBA requirement; it has been illustrated in cut sheets and is a performance based specification.

D. Stein then turned the meeting over to Don Smith.

D. Smith spoke to questions raised at the last meeting. He referred to the site plan and noted that the proximity of the sight line to neighbors on the north is approximately 28 feet from the property line. (Exhibit D)

Note #14; the proposal was to delete the words "other activities" from all.

F. DeFelice noted in looking at the lighting submission, prior testimony on lighting was stated at 3000 or 3100 and are now proposing 4000. D. Smith clarified that he stated he was not quite sure what they would be. D. Stein stated that they are proposing to use 4000 and noted it could be modified if the commission prefers, as this is a design element.

D. Eriksen asked if the lighting in the parking lot would be on timers. D. Stein stated yes, there are options to program times with timers and when operationally necessary.

L. Davenport noted she asked many questions regarding the second exit for the ambulance corp at the last meeting and referred to the "do not block" box on the plan before the ambulance corp. She stated that over the past two weeks, she has been trying to find examples of other fire departments where emergency vehicles can exit at the same time using two locations and could not find one. She asked if they could provide her with any examples where this has been successfully done. D. Stein stated one example to be the North Barnes Volunteer Fire Department in Wallingford. L. Davenport stated that they did have two exits but have instituted policy whereby they only use one exit. D. Stein stated it was designed to give this type of flexibility with two curb cuts. Another example suggested was the North Branford Headquarters on Main Street. D. Stein talked about the difference of individuals driving emergency vehicles being well trained; these individuals can navigate through intersections where cars are moving. He noted they are not overly concerned with multiple exits and try to create good separation between them. He noted the proposed plan has good separation and has enough distance from the face of the street. One of the challenges noted with the towns existing facility is there virtually is no apron; they are beginning to make their turn before they are even out of the driveway and lose perspective. D. Stein stated the real issue is having good sightlines and typography, and turning radius noting that emergency vehicles are not all leaving at the exact same time. L. Davenport referred to the last meeting where it was stated that 50% of the towns current calls respond at the same time. D. Stein noted there will be staggered time when volunteers arrive and policy could be enacted as how they would roll out. He referred to the Wallingford facility and policy they are using today but noted that the facility was designed with ability and flexibility for the two exits to take place. L. Davenport disagreed stating that Durham does not have this type of flexibility. She acknowledged that she did visit the Wallingford facility and noted that she was hard pressed to find a facility with multiple exits and felt this to be a major concern. D. Stein stated that without having the ability of a drive thru facility there is always one exit; there are emergency service facilities that are directly on the road who do not have the ability to back out. L. Davenport noted the negative feedback surrounding the one exit she received from talking to family members who are in emergency services and fire chiefs. D. Stein noted there are many fire stations that have seven doors across and a clear curb cut to exit out; in this case, there are two buildings that are slightly separated, and prefer to break up the curb cut. L. Davenport clarified that she is concerned with distance and activities that take place within the 160 feet between each driveway both to the north and south.

J. Pasquale spoke in regards to the activities that take place within the 160 feet noting D. Stein spoke about the drivers being trained but felt the public response to the activity is random. With the exiting of the ambulance and fire trucks and the entrance of emergency response simultaneously there is no ability today to stagger when all volunteers are arriving; there is no procedure in place and felt there will be high risk of accidents within the 160 feet. D. Stein noted that there will be more presence as the ambulance building and will be staffed with the addition of the bunks. L. Davenport asked what the staffing hours will be. D. Stein stated he was not sure but the intent of the facility is to have 24/7 coverage fully staffed.

D. Stein talked to the question as to why they didn't flip the ambulance building to the north and stated that it was scratched because of first responder parking coming in; there was not enough room on the north side. He noted that it is very common that there are fire and EMS vehicles all rolling out at the same time. There is procedure for them to navigate for the call as to who is existing out. He noted they purposely moved the addition back in line so there is enough room for the ambulance to exit out and can see the fire trucks rolling out at the same time. Currently the existing building at #205 is on the road. There is enough room for trained individuals to roll out. He noted they felt this scenario to be safer because they can see each other rolling out at the same time all within the same curb cuts.

J. Pasquale asked if D. Stein believed that procedure should be put in place as a condition. D. Stein stated that he could not comment on how the operations work.

J. Pasquale asked if the lighting on the front and rear of the ambulance building was all down lighting; w2's and w3's. D. Stein stated yes and referred to the photometric plan.

J. Pasquale asked if #37 Main Street did not have bunk area, what would the septic requirement be. D. Smith stated that of the 270, 150 is attributed to the bunk rooms.

D. Foley stated that he had a problem with Note #14 and perhaps he did not express himself clearly at the last meeting. His concern is not the other activities, it is the 24/7, 365 days a year. He noted the fire house presently has a buffer on each side from residential property and it is being removed, at the same time the entire lot now can be used under emergency purposes 24/7, 365 days a year and would like to see some way to have the people adjacent to the facility have some sort of idea of knowing when they would have some peace and quiet. The way the note reads 24/7, 365 days except that most activities would end at 11:00 p.m. He noted the commission would not allow this in any other location in town; to have such an intensive use. He acknowledged that it is an emergency facility with volunteers who have to conduct training but was not comfortable with giving cart blanc to giving most activities whenever you want with most activities ending at 11:00 p.m. The neighbors are going to be heavily impacted by this and he would like to give them assurance at some point, barring an emergency, they would have some peace and quiet.

Attorney K. Slater suggested the removal of Note #14 altogether. He felt the language to be overzealous; the reality is there is a fire house on the property and when training was originally approved he suspects there was no document stating it would be open 24 hours a day. He noted the towns regulation have customary and accessory uses and if you approve a firehouse and find they are doing something beyond the ordinary scope (or reasonably related) of a fire house or EMS, the zoning official can shut them down. He noted in his experience members/volunteers are very dedicated, hardworking members of the community and want to be good neighbors. He has not heard of any complaints with the current facility. He recommended removing #14 altogether and the commission would be approving normal activities of a fire house and anything excessive could be subject to enforcement.

F. DeFelice asked D. Foley if he was comfortable with this recommendation. D. Foley stated he felt it was a tough call; he would feel better if it wasn't in writing. He noted he has no bad feelings against the fire department or EMS; they need training and are not bad neighbors but when you put in writing that you can do what you want, whenever, that potential exists. Attorney Slater stated that operations have existed in both the towns EMS and fire department for years. People know how they operate and should only be allowed to what is reasonably associated and customarily and incidental to the use. He recommended getting rid of the suggestion of a blank check and the commission would have the same enforcement and ability that they already have. D. Foley stated that he normally is opposed to kicking the can down the road

but given that they are talking about volunteers who are part of the community and have a good track record he thought striking the language would be the best solution.

Attorney K. Slater from the Town Attorney Office, was in attendance on behalf of the applicant. He presented a supplement to Milone & MacBrooms March 2010 Traffic Study. (Exhibit A-2) They compared their estimates for peak hour traffic hours to and from the public safety facility and nearby land uses and their traffic-generation characteristics. Their earlier traffic study estimated a total of 10 vehicle trips during the morning and afternoon peak hours to the public safety facility. At the time, this was considered a conservative estimation based on upwards of 20 employees that would staff the facility daily. In terms of emergency calls, they understand that the existing EMS fields around 600 calls per year and the fire department fields around 350 emergency calls per year. This related to around two calls per day for the EMS service and around one call per day for the fire department. In contrast to the tremendously low traffic volumes to and from the public safety facility are two nearby land uses. The first of these land uses is a Dunkin Donuts that is based on current Connecticut DOT guidelines would generate upwards of 400 trips, 200 in and 200 out, during the morning peak hour and about one-half as much during the afternoon peak hour. Additionally, an Exxon gas station is located across the street with a convenience store and eight vehicle fueling positions. This would be estimated to generate around 135 trips during the morning peak hour and 160 trips during the afternoon peak hour based on the Institute of Transportation Engineers publication, Trip Generation, ninth edition, for Land Use Code #853. Clearly, the traffic from these two existing uses is orders-of-magnitude greater than the anticipated traffic expected to the public safety facility.

Attorney Slater continued by stating it to be beyond argument that this use is not going to create traffic congestion as it already exists, and noted the critical issue is safe access and egress and site lines with well trained volunteers in well-marked vehicles who must make a judgement call to pull out slowly into the road; you have an existing driveway that makes sense to come out at the fire house and EMS facility to the road. He did not feel the commission should step into the shoes of trained personnel, or if they will speed out of the facility in such a fashion that it will not be safe. He felt this to be a properly designed site and noted the commission deals with site lines all the time, noting the critical thing, regardless of whether this is not common, it is designed safely and hopes it gets approved.

He talked about the nature of the review. Special exception is a very important tool. It is not a situation like a variance, it is uses that are recognized that need to go through a process. The lens that you look through is not whether it is the same as the residential neighborhood, it's a given that it will not be the same. What the applicant needs to do to meet the regulations is to show that they have given appropriate consideration to the location, that it is located appropriately, that they have done things in the design to take into account the neighborhood. There is a need for this facility; the community recognized this when they purchased the houses and the commission recognized this when they revised the Plan of Conservation and Development. He felt the commissions job is to decide where in this zone it makes sense considering other land uses nearby. He asked the commission when applying regulations to determine that this is appropriate and supports it.

F. DeFelice noted the facility is in the historic district and recommended they adjust the lighting to 3000 kelvin lighting. D. Stein stated they would accept this condition of approval.

C. Flanagan asked why they picked kelvin 4000. D. Stein stated it gives more clarity and brighter light and throw capacity.

Frank DeFelice then opened the meeting up to public comment.

Robert Mather of 30 Main Street noted he lives adjacent to #37 Main Street. He stated he had issues with the 3D renderings presented at the meeting as he felt they did not show the close proximity to his property of 18 feet; a little less than 7 feet from the property line. He talked about his home value dropping and the hardship of losing equity in his home. His other concern was noise; ambulances will be exiting next to his home. The 6-foot fence will protect the first floor of his home but felt the second floor will not be protected and this is where his family sleeps. He noted a problem with the 6-foot fence completely blocking his view of the north side; 10 feet from their windows. He noted they chose to live in Durham based on it being a farm town and is not happy with the idea of living next to a huge facility.

Rick Parmelee stated he lives several miles away from the facility. He noted the existing ambulance facility used to be the fire department and was always able to access the road. The towns people need an explanation from elected officials as to how the fire department and ambulance department work, as there is a difference; they also need to define the word volunteer. He felt the problem of lighting from emergency vehicles existing the facility could be resolved by not putting on lights until they hit the street line. As a member of the community, when a fire truck or ambulance needs to go out it is a serious problem. If you live next to the fire department you will need to grin and bear it to a certain degree. He would like to see more training held at the fire house and not restrict the hours. It is an emergency facility, part of the community, and needs to be centrally located. He talked about his concern regarding there not being a true drawing of the septic system going to the fair grounds. G. Colegrove stated Bill Milardo, Sanitarian has a very good idea of the location.

F. DeFelice reiterated that past testimony and documentation will be brought over with this testimony.

MOTION BY DAVE FOLEY, SECONDED BY JOE PASQUALE TO CLOSE THE PUBLIC HEARING FOR TOWN OF DURHAM, #37, #41, #51 MAIN STREET, SPECIAL PERMIT, PUBLIC SAFETY COMPLEX. ADAMS, DAVENPORT, DEFELICE, ERIKSEN, FLANAGAN, FOLEY, PASQUALE, SPOONER; AYE.

PUBLIC HEARING

Applicant/Owner: Danny's Unlimited, LLC/DiNatale Rentals, LLC
Property Location: 593 Wallingford Road
Proposed Activity: Modify Existing Special Permit

In attendance: Alana Adams, Lisa Davenport, Frank DeFelice, Richard Eriksen, Chris Flanagan, Dave Foley, Dan Melnik, Joe Pasquale, and Will Spooner

Absent: Campbell Barrett, Ed Fronc, and Jan Melnik

Others in attendance: Geoff Colegrove, Attorney John Corona, Pat Benjamin Project Engineer; Bascom and Benjamin, and Kati DiNatale

Seating of Alternates: Will Spooner was seated for Jan Melnik.

The Public Hearing was called to order at 9:08 p.m. by Frank DeFelice and called to order. Dan Melnik was seated with the commissioners.

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Public Hearing of the Planning and Zoning Commission

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At this hearing, interested persons may appear and be heard and written communications will be received. A copy of this application is on file in the Land Use Office, Durham Town Hall, for public inspection.

Dated in Durham, Connecticut, this 21st day of October, 2016.
Planning and Zoning Commission
Town of Durham, Connecticut

Frank DeFelice, Chairman
Publish On: October 21, 2016 and October 28, 2016

Attorney John Corona asked if the sign was observed by the Zoning Enforcement Officer. G. Colegrove stated yes, he observed the sign.

Attorney Corona stated that he attended their last meeting of October 5, 2016 and reported to the applicant that heard at the end of the meeting unhappiness on the part of a member of the commission that the applicant was not being punished for violating the zoning regulations. He understood from the minutes the feeling of this particular application and opinion of this particular member, that this application should not be heard and should be dealt with enforcement action and not an application. He listened to the recording of the meeting and heard that same member state that some form of consequence should occur and that it left a bad taste in this member's mouth and this was a moral issue on how the applicant behaved. Based on these comments, Attorney Corona asked that Mr. Pasquale recuse himself from the hearing.

Joe Pasquale recused himself and was seated in the audience.

Attorney Corona stated this was the expansion of an existing automobile business in the DiNatale rental site on Route 68 with an existing special permit. He is looking to expand the space to roughly three times the size. He noted that even in its expanded version it is much smaller than the two other automobile repair facilities in town.

Pat Benjamin, Project engineer narrated the drawing and noted that he worked on the original site plan for the concrete plant and the facility talking about tonight. He met with G. Colegrove on site with the owners and D. Forlini. There is no formal parking painted on the ground anywhere. They tried to find out the appropriated number of parking spaces for the appropriate use which is generally 10 spaces per 1000 square feet. Town regulation for 4 full-time employees and 3-part time employees would equate to 7 spaces and 3 bays/3 spaces per bay would equate to 9 spaces; total of 16 spaces required which they thought to be unrealistic. They looked to see where cars could be parked for employees, cars parked after being worked on, cars kept over for parts, and an area for cars that are being held pending payment.

- They created (1) area with 6 spaces for employees.

- In the same location 5 additional spaces; one for an employee and the others for repaired vehicles waiting to be picked up.
- He referred to another location that would house 5 additional spaces; one handicap and the other spaces designed for cars going in and out of the bays.
- In two locations (areas where there are utilities at the end of the buildings) there is room for (2) parking spaces each adjacent to jersey barriers that will be painted no parking fire lane.
- He did note that wreckers will be bringing in cars overnight and will be parked on the uphill area temporarily.
- Building #2 has a 4-foot-high loading dock; there is area for car storage (21 vehicles in gravel area).
- There are 2 areas where you can see into the site; one with natural buffering and they are proposing a 30-foot-long 6-foot-high fence with green slates in the other area. 4 more formal parking sites were indicated within this area.
- The total parking spaces being proposed would total 45.

C. Flanagan asked if the area designated for car storage will be fenced in. P. Benjamin stated there is no fenced in area, nor is the facility fenced in.

D. Melnik asked if the lines for the gravel area will be painted. P. Benjamin responded that lime would be used.

Attorney Corona stated that one of the questions raised at a prior meeting was building code status. He noted for the record, a letter received from Richard McManus, Building Inspector that Danny's Unlimited to be code compliant with its expansion, one 3-hour door assembly is needed to be installed in a rated separation wall. This was installed and inspected and satisfies the building code.

The other issue in question at an earlier meeting was an existing condition of approval that the doors remain closed during operation. He felt this to not be feasible in the winter or summer months and asked for relief of the condition. He noted they are requesting no other changes such as lighting or feature, changing grades or paving.

D. Melnik asked if there was any plan for further expansion if this is approved. Attorney Corona stated no, but there is space for further expansion. In that case the applicant would have to come before the commission. He noted that the applicant does understand the proper route would have been to come before the commission prior to expanding the space.

Frank DeFelice then opened the meeting for public comment.

Katrina Nicolai noted she listened to the tape of the last meeting and expressed her disappointment with comments made by the commission. She noted that the Mr. Forlini has lived in Durham for sixty years and is a member of good standing in the community. She asked the commission to work with Mr. Forlini.

Scott Greco echoed K. Nickoli and stated he felt D. Forlini was trying to comply along with the owners.

J. Pasquale requested that he be allowed to make a statement in the capacity of a citizen, (approved by Attorney Corona, Legal Counsel for Mr. Forlini) that he has known D. Forlini all his life and wanted those in attendance to know it was the town regulations that need to followed. He pointed out to the commission

that consideration of parking should be made to other businesses on site and if the fire department has reviewed the plan.

Kevin McBride of Arbutus Street recommended the Planning & Zoning Commission visit other areas of the country in which there are businesses such as Danny's in the same types of locations. He noted traffic issues on Route 147 and the exiting and entering from existing repair facilities. He stated he was curious and asked where the complaint came from. G. Colegrove responded that it was an issue brought to his attention, that the fire and building codes were not in compliance, and this was a major concern with the commission as he did not comply with the previously approved site plan. He noted he met with D. Forlini and the owner to bring the facility into compliance which was why everyone was in attendance tonight.

Earl Hutchins stated he felt D. Forlini runs a clean operation.

D. Eriksen explained that there was a change in the site plan and by regulation, whether it be Mr. Forlini's property or anyone else's property, it is the commission's duty to approve it for safety and to conform with both state and local regulations. He noted the commission tries to remain objective and this was not a personal issue.

Carl Morello expressed his disappointment with the minutes of the last meeting and asked why it took a year to find out about the expansion.

Frank DeFelice then opened the meeting to the commissioners.

L. Davenport congratulated D. Forlini on his great success and noted she did not feel it relevant as to where the complaint came from as D. Forlini came forward to the commission to become compliant.

F. DeFelice noted that everyone around the table supports business in town and asked everyone to work together to resolve the issue.

Attorney Corona addressed the two points that J. Pasquale mentioned and stated he had no objection to having the Fire Chief visit the site and noted they are not looking to re-plan the entire lot for parking.

F. DeFelice asked Attorney Corona if the revised site plan has a statement on it regarding the disposition of the doors. Attorney Corona stated it did not and that the condition was part of a prior approval that the applicant wished to have the commission remove. Attorney Corona noted he could put it in writing if the commission wanted.

C. Flanagan stated he understood the need for the parking spaces and asked if this would be a hindrance to other units at the location if they wanted to change their business. Attorney Corona stated the landlord currently does not allow this with other businesses and would need to secure this with the landlord and come before the commission for permission.

MOTION BY DAVE FOLEY, SECONDED BY ALANA ADAMS TO CLOSE THE PUBLIC HEARING FOR DANNY'S UNLIMITED, LLC/DINATALE RENTALS, LLC AT 9:49 P.M. ADAMS, DAVENPORT, DEFELICE, ERIKSEN, FLANAGAN, FOLEY, D. MELNIK, SPOONER; AYE.

MOTION BY DAVE FOLEY, SECONDED BY CHRIS FLANAGAN TO APPROVE SITE PLAN MODIFICATION RE: DANNY'S UNLIMITED, LLC/DINATALE RENTALS LLC AS SUBMITTED WITH ADJUSTED PARKING, FIRE

LANES AND SCREENING. ALSO, REMOVAL OF PRIOR CONDITION OF APPROVAL THAT THE DOORS REMAIN CLOSED. ADAMS, DAVENPORT, DEFELICE, ERIKSEN, FLANAGAN, FOLEY, D. MELNIK, SPOONER; AYE.

F. DeFelice asked the commission members if they wished to consider the Town of Durham public safety complex application or wait until the next meeting. G. Colegrove responded that the commission could wait. D. Foley stated he felt the commission needed to address the issue of change of use. He did not want the commissions consideration of change of use construed that they are approving the project generally. J. Pasquale felt there needed to be an evaluation of what has been proposed against requirements. W. Spooner felt the commission needs to look at the zoning side. It was decided that this would be put on the next agenda for further discussion.

7. Payment of Bills

MOTION BY DAVE FOLEY, SECONDED BY DAN MELNIK TO APPROVE THE FOLLOWING BILLS: ALL AYE

- Lino’s Market, 2/13/2016, \$180.79
- Beth Moncata, October meetings, \$330.00

8. Minutes of Previous Meetings

MOTION BY DAVE FOLEY, SECONDED BY CHRIS FLANAGAN TO APPROVE THE OCTOBER 19, 2016 MEETING MINUTES AS AMENDED. ALL AYE

9. Zoning Enforcement Officers Report

No business

10. Town Planners Report

No business

11. Miscellaneous

Chris Sokel was present to discuss his eagle scout project with the commissioners. F. DeFelice thanked him for attending the meeting and asked if he could come back to their next meeting on November 16th to present an overview.

F. DeFelice presented commission members with 2017 meeting dates as indicated below.

MOTION BY DAVE FOLEY, SECONDED BY DAN MELNIK TO APPROVE 2017 MEETING DATES AS FOLLOW. ALL AYE

- January 4, 2017
- January 18, 2017
- February 1, 2017
- February 15, 2017
- March 1, 2017
- March 15, 2017
- April 5, 2017
- April 19, 2017
- May 3, 2017
- May 17, 2017
- June 7, 2017

June 21, 2017
July 5, 2017
July 19, 2017
August 2, 2017
August 16, 2017
September 6, 2017
October 4, 2017
October 18, 2017
November 1, 2017
November 15, 2017
December 6, 2017
December 20, 2017

Adjournment

Meeting adjourned at 10:15 p.m.

Respectfully submitted,
Beth Moncata