

# TOWN OF DURHAM

## **Planning and Zoning Commission**

P.O. Box 428

Durham, Connecticut 06422-0428

### **MINUTES OF JANUARY 7, 2015, MEETING**

#### Present

Members: Alana Adams, Lisa Davenport, Frank DeFelice, Richard Eriksen, Chris Flanagan,  
Dave Foley, Dan Melnik, Joe Pasquale

Alternates: Norm Jason, Bonnie Ryder

Town Planner: Geoffrey Colegrove

#### Absent

Member: Steve DeMartino

Alternate: Campbell Barrett

The meeting was called to order by Richard Eriksen, Chairman, at 7:30 p.m. All members present were seated. Bonnie Ryder was seated on the Commission in Steve DeMartino's place. Norm Jason was present, but unseated.

Motion by Dave Foley, seconded by Frank DeFelice, to approve the agenda of the January 7, 2015, meeting as presented. Motion carried unanimously.

#### 1. Public Session

Richard Parmelee addressed the Commission (noting his status as not only a Durham resident, but a U.S. citizen). He asked about the opportunity the public will have to weigh in on the proposed sign regulations and explained that this will be an important matter to which he would be contributing in the future (at some point when the matter goes to a public hearing).

#### 2. Mark Paturzo, Special Permit, Annual Pet Fair

Mark Paturzo addressed the Commission regarding the annual permit renewal. The application includes the "owner's" signature (the superintendent of schools, Dr. Veronisi). The layout will be the same for this seventh annual event – vendors on one side and pets on other side. The fair will be held on May 17.

Upon receipt of approval from the Planning and Zoning Commission, he will meet with the First Selectman, fire/police, and public safety to develop a plan for the day of the event. At the request of the school, access from Pickett Lane to Main Street is closed off each year.

Lisa Davenport asked about the permit being extended for five years (something that was brought up two years ago). She would be in favor of the permit being extended five years with a larger, more detailed description of the activities. Bonnie Ryder, Alana Adams, and Dan Melnik agreed that a five-year permit would be appropriate with language indicating the applicant's intention to continue with the fair as it presently exists.

Richard Eriksen stated that by coming before the Commission each year, any concerns that might occur could be discussed and worked out. He preferred to have this remain as a one-year permit. Dave Foley concurred with Richard Eriksen that a one-year permit should be retained.

Frank DeFelice stated that an excellent job had been done in the past; he could be in favor of either a one-year or a five-year permit. He stated that the five-year permit consideration could be tabled, pending provision of very detailed language, if the Commission wished.

There was significant discussion as to whether a one-year or five-year permit should be allowed. Geoffrey Colegrove stated that a multi-year permit cannot be tied to an individual; it must be tied to an activity or geography.

Because the activity will occur on both school-owned and town-owned land, the application must be signed by both the superintendent and first selectman.

Mark Paturzo will add detail to the application (Lisa Davenport suggested that he incorporate details about public safety, food, hours of operations, principal activities as well as secondary ones, contests, demonstrations, etc.) and obtain the signature of first selectman Laura Francis on the application. Because this is for a special permit (whether for one or five years), a public hearing is required with proper signage.

The public hearing will be held on February 4, 2015.

### 3. Sign Regulations

Frank DeFelice stated that votes had been taken by the subcommittee members appropriately throughout the language-crafting process. There was not always unanimous agreement. He stated that individual subcommittee members as well as regular Commission members would likely be weighing in on various language this evening. From his perspective, the language discussing events is the least solidified, adding that, to him, it seems more like a "solution in search of a problem."

Frank DeFelice then commenced a review of the language, pointing out revisions and deletions as well as opening up discussion. The minutes will reflect discussion of any areas where changes were made and there was need for further dialogue (or there was disagreement); where proposed new language was unquestioned and/or acceptable to all Commission members without further discussion, no comments appear.

**\*At any point in the review of the language that the Commission desired additional discussion and/or could not agree on final draft language, that section (or portion of that section) has been highlighted with a grey shadow and been boxed to highlight need for further review on January 21, 2015.**

**11.01.01 General** – Language was enhanced for clarity and the word “reasonable” was removed (it can’t be defined).

**11.01.01.01 Requirements** – Frank DeFelice noted that off-premises signs are being referenced in this language.

**11.01.01.03** – Subject of much debate and discussion. Edits to this section had originally been made to reflect concern about motion (i.e., wind affecting banners/flags). There was new thought that this really isn’t a concern; Richard Eriksen noted that decades ago, the thought was that banners or flags (their movement) could be a distraction or safety concern for drivers.

Chris Flanagan proposed: “Animated signs (except for fabric flags of any sovereign nation, state, or municipality) or flashing signs, internally illuminated signs, or signs visible from a public highway or under Section 11.01.01.13 or Section 11.01.06 or signs with any type of motion are prohibited.” – with the add-on suggestion that the text regarding illumination appear elsewhere.

**11.01.01.03** - Animated signs *or* flashing signs, internally illuminated signs, *visible from a public highway or under section 11.01.01.13 or 11.01.06*, banners or signs with any type of motion are prohibited, *except for flags of any sovereign nation, state or municipality or as permitted in Section 11.01.02.08. (Internally illuminated signs are defined as a sign that is lighted through the use of internal electric fixture, lamp banks or is self-luminous.)*

**POSSIBLE ADDITION:**

**11.01.01.03.02** – *Animated signs (except for fabric flags of any sovereign nation, state or municipality) or flashing signs, internally illuminated signs, or signs visible from a public highway or under Section 11.01.01.13 or Section 11.01.06 or signs with any type of motion are prohibited.*

*(would THEN require deletion of flags language from 11.01.01.03)*

**11.01.01.08** – Any sign *that* includes illumination shall be arranged so that *the light* is concentrated on the sign and there shall be no direct light cast on the street, sidewalk, or adjacent property.

Frank DeFelice explained that “indirect” had been deleted from the language previously.

**11.01.01.09** – This section was edited in the meeting to delete “in residential zones” and “excluding signs for agricultural purposes” and to change the number of signs from ten to three; the proposed language now reads:

Signs for vehicular traffic *or* pedestrian movement indicating entrances, exits, or parking areas shall not exceed two (2) square feet in area. The number of these signs ***shall not exceed three (3), unless approved as part of a site plan.***

There was further discussion, with input from Attorney John Corona, in attendance, that most commercial sites have an approved site plan but can't just install signage without approval. Advertising versus directional signs were discussed (and possibly signs that achieve both purposes).

Enforcement regarding signage was also reviewed. Attorney Corona noted that if something is not on an approved site plan, it is not approved. He added that the reality of some sites is that the original intention of a site plan could be dramatically altered by allowed owners to put up signage (i.e., circulating traffic in a different manner from what was approved on a site plan).

**11.01.01.10** - In determining the *surface area of a freestanding, hanging, or nonpermanent sign*, only ***one side of the sign shall be considered.***

The possibility of multisided signage was discussed, but no change was made to the proposed language.

**11.01.01.11** - Nonpermanent signs erected and maintained by the Town of Durham ***shall be permitted in all zones. Permanent signs erected and maintained by the Town of Durham shall be permitted in all zones and shall not exceed nine (9) square feet except by special permit.***

It was agreed that for public safety or emergency purposes, the Town of Durham will erect signage deemed appropriate without any approvals required. Nearly every sign belonging to the Town of Durham exceeds four square feet, so the limitation in the language was increased to nine feet.

Lisa Davenport explained that the subcommittee had tried to take into account concern from residents over the town not being held to the same standards as businesses and residents (i.e., not having to comply with regulations). There had been concern expressed by some over the town's ability to have as many signs and sandwich boards as town officials choose to permit on the town green.

Bonnie Ryder suggested that the town be held to the size restrictions imposed in the most 'open' zone (i.e., commercially) – where up to 15 square feet per sign is permitted with a maximum of 32 square feet for a freestanding sign. A problem is, potentially, that there are municipal uses in residential areas.

Richard Eriksen stated that there has always been an open dialogue with respect to public safety and the first selectman's office.

But it is also important that language be crafted to address situations – not relying on “who” is in the first selectman's office or part of public safety or on the Planning and Zoning Commission.

During discussion, language to possibly address some of the problem with town green signage was proposed, but not incorporated in the draft:

***Permanent signs shall be reviewed/permitted by the Planning and Zoning Commission.***

Attorney Corona stated that uses by the Town of Durham in the residential zone fall into a category all its own.

**11.01.02.03** – Each parcel shall be allowed one *permanent* freestanding sign. Signs within thirty (30) feet of the curb line of a public highway are limited to a maximum area that shall not exceed *fifteen* (15) square feet for a single business or *thirty* (30) square feet in total area for two (2) or more businesses on the parcel. Signs more than thirty (30) feet from the curb line of a public highway shall not exceed twenty-two (22) square feet for a single business or forty-five (45) square feet in total area for two (2) to nine (9) businesses on the parcel. Signs for parcels which have ten (10) or more businesses may not exceed sixty (60) square feet in total area except by special permit. ***No permanent freestanding sign shall have a height greater than fifteen (15) feet or project above the height of the structure served, whichever is less.***

There was significant discussion on this portion of the language and agreement to revisit on January 21, 2015.

**11.01.02.07** – Geoffrey Colegrove will investigate to find out the regulatory requirements for gasoline station signage.

**11.01.02.07** – Retail gasoline outlets may have *up to* fifteen (15) square feet of sign area for advertising fuel prices. Such additional sign area *shall* be affixed to a *permanent*, freestanding sign.

**11.01.02.08.**

**11.01.02.08** – ***Not more than two (2) nonpermanent signs are permitted on each property; these signs must not exceed nine (9) square feet each in area and must not be illuminated. Properties which have frontage in excess of three hundred (300) feet shall be permitted one (1) additional nonpermanent sign. Signs in excess of thirty-six (36) inches in height shall be located not less than eight (8) feet from the curb line of a public highway. Such signs located more than eight (8) feet from the curb line of a public highway shall not exceed forty-eight (48) inches in height. Flags and banners are permitted, providing they are attached to the building, the display does not exceed nine (9) feet in height and twelve (12) square feet in area and there is only one (1) per unit owned or leased.***

The language in this section was the subject of greatest debate with the primary concern being *number of nonpermanent signs.*

There was support expressed by Alana Adams, Lisa Davenport, Dan Melnik, and Bonnie Ryder for consideration of more than just one additional nonpermanent sign for a site with more than 300 linear feet of frontage.

Joe Pasquale stated that he was not in favor of expanding the number of nonpermanent signs and seemed more likely to wish to restrict the number, noting the major expense of enforcement of sign regulations in the commercial district. In his opinion, to change the regulations to add four or more possible signs would not be a good strategy.

Alana Adams explained the tremendous financial benefit to businesses affected by this language. When Adams Commons was combined (three parcels to now one), it severely restricted the number from (formerly) two freestanding signs per parcel (for a total of six) now down to two or three, depending on the language approved. She discussed points related to fairness for business locations with frontage.

Everyone agreed there was a dilemma when considering 16 Main Street, the lack of frontage, and the previous problems with oversized signage, lawsuit, etc. A solution would not be to allow every business/tenant to have its own sign; this would not work on parcels with limited frontage.

Joe Pasquale stated that some towns do not permit any sandwich board signs.

Frank DeFelice stated that the business community had turned out strongly in favor of sandwich board signage, that it is part of the home-y nature of Durham and the lifeblood for many small businesses. One sentiment frequently heard was, "Whatever you do, don't cut back on sandwich board signs!"

The subcommittee had discussed leaving it up to each property to determine within how the allocation of signage that is permitted will be made (rotating among businesses, etc., knowing some businesses don't need sandwich boards or would only to choose use them periodically).

Bonnie Ryder asked about the nine-foot height restriction and how this is calculated and from what position. She also suggested that perhaps when larger properties rent space to tenants, part of their lease arrangements (reflected in fee) includes signage.

Norm Jason reminded the viewpoints shared by a number of people about wanting to make the Town of Durham accessible to new business.

Lisa Davenport stated that sandwich boards do draw business in and businesses are going to want to use them. She stated that the language under consideration doesn't go far enough and is not in the best interests of businesses going forward. She did not advocate for unrestricted signage, however. A possible remedy is allowing one sandwich board per business—but somehow restricting how these are used (all difficult to monitor and enforce).

Geoffrey Colegrove pointed out that Bascom and Benjamin periodically rotate use of a sandwich board with Colors of the Wind and have attracted new drive-by business as a result (for promoting certain services).

Lisa Davenport states she uses a corporate flag and only rarely puts out a sandwich board for a special event. She noted there are too many signs already in front of her building (6 Main Street).

Frank DeFelice stated that perhaps the language could be an extra sign permitted for every one hundred linear feet beyond a 200-foot length. Joe Pasquale suggested that the benefit to this would be small, but the enforcement necessary great.

Alana Adams stated that many small businesses cannot afford huge marketing budgets and rely on sandwich boards as a form of marketing. Several businesses are “hanging on the edge” now. Some form of business-friendly compromise is needed.

The Commission will revisit those sections flagged for continued discussion and further review at the next meeting as well as move into the section related to residential zones.

#### 4. Payment of Bills

Motion by Dave Foley, seconded by Frank DeFelice, to approve payment of the following bills:

- Absolute Advantage - \$212.90 (minutes of Dec. 17, 2014)
- Absolute Advantage - \$225.00 (editing of sign regulations)
- Attorney Steve Byrne - \$1,185.00 (Aberdeen matter)

Motion carried, 7-1, with all in favor with the exception of Dan Melnik (in abstention).

#### 5. Approval of Minutes

Motion by Dave Foley, seconded by Frank DeFelice, to approve the minutes of the December 3, 2014, meeting as submitted. Motion carried, 4-4, with the exception of Alana Adams, Lisa Davenport, Dave Foley, and Bonnie Ryder (in abstention).

#### 6. Town Planner's Report

Geoffrey Colegrove reported that an offer had been made by a developer for the Stagecoach Road property and that it is in process with Rockville Bank.

A template has been prepared by the RiverCOG for the agricultural section of the Plan of Conservation and Development; Frank DeFelice and Joe Pasquale have not received it yet. Geoffrey Colegrove said that it is a comprehensive section worth considering as a model.

Geoffrey Colegrove advised that an annual land use forum will be held on March 21, 2015, at Wesleyan. The cost of members wishing to attend (\$55) will be absorbed by the town; he will purchase the handout materials at a fee of \$45 for the Commission's use.

Legal costs are exceeding budget by over several thousand dollars.

Motion by Chris Flanagan, seconded by Joe Pasquale, to adjourn the meeting at 10:41 p.m.  
Motion carried unanimously.

Respectfully submitted,  
Jan Melnik, Recording Secretary

1/14/2015