

Planning & Zoning Commission  
7:30 p.m., Wednesday, July 1, 2015  
Meeting Room, Durham Public Library

Meeting Minutes - **REVISED**

1. Call to order

Dick Eriksen called the meeting to order at 7:30 p.m. Bonnie Ryder was seated on the Commission in Steve DeMartin's absence.

2. Roll Call

In attendance: Alana Adams, Lisa Davenport, Joe Pasquale, Chris Flanagan, David Foley, Dick Eriksen, Frank DeFelice, Dan Melnik, Bonnie Ryder, Norm Jason, Geoff Colegrove

Absent: Steve DeMartino, Campbell Barrett

3. Seating of Alternates

Bonnie Ryder was seated on the Commission in Steve DeMartin's absence.

4. Amendments to Agenda

None

5. Approval of Agenda

MOTION BY LISA DAVENPORT SECONDED BY FRANK DEFELICE TO APPROVE AGENDA AS PRESENTED. ALL AYE

6. Public Session

Tom Arrigoni of Arrigoni Brothers was present to discuss the Mesick pit bond estimate. The original bond was set by Town Engineer Brian Curtis at \$27,100, previous to that, the first phase bond payment of \$9,100 was made by Mr. Arrigoni. Since then the phases have been switched and he is currently working on the second phase. He noted that the phases were not switched in the bond estimate; the original bond estimate for the first phase is \$18,296 and the second phase is \$8,788. He questioned if he is bonding 100%. Geoff Colegrove stated that currently a \$5,000 plus bond is in place by Mr. Mesick and the \$9,100 by Mr. Arrigoni. After review he estimated bringing forward the \$9,100 based on 2.5% a year would equate to about \$12,000.

D. Eriksen questioned if Town Engineer B. Curtis has been at site. Mr. Arrigoni stated that B. Curtis did visit the site prior to any work done by him. Since this time the silt fence is up; except in areas where there are trees, has been back graded, construction entrance is in, and he is currently cleaning up to work to site.

D. Eriksen stated he felt the Board needed more information to answer his question and suggested that a site visit be made by B. Curtis. G. Colegrove will arrange meeting with Mr. Arrigoni and Brian Curtis to discuss.

7. Coginchaug Football Club, Fundraising Event, Coginchaug High School

Walter Tregoning was in attendance to request permission to hold a fundraising event on October 3, 2015 (rain date October 17, 2015) that requires a helicopter to drop golf balls onto the football field. The event started two years ago and last year's event was very successful raising \$7,000. He noted that there would be no changes in the setup. Frank DeFelice suggested that when he comes before the Board next year to ask for a two year permit.

MOTION BY FRANK DEFELICE SECONDED BY DAVE FOLEY TO APPROVE THE COGINCHAUG FOOTBALL CLUB FUNDRAISING EVEN ON THE COGINCHAUG HIGH SCHOOL ATHLETIC FIELD FOR ONE YEAR. ALL AYE

8. Boynton Construction, Discussion of Revised Landscaping Plan, Stagecoach Farms

Geoff Colegrove stated that Mr. Boynton was at the last meeting to discuss a conflict with typing on plan and is looking to change the landscaping plan to leave mostly vegetation, rather than to cut it out and re-plant area, and also to not jeopardize the installation of some of the utilities. He has revised the plan to the extent that this is the old plan that was approved in 2004; foot prints revised in 2005.

Mr. Boynton stated that he purchased the property and took ownership as of yesterday. The white pines have been eliminated, buffers are in place and were done by prior owner. He felt this is a good plan, all prior owners are in agreement and were present at the last meeting. He would like to take care of all of the problems that exist.

G. Colegrove noted that at the last meeting there was discussion that alternative A, B, and C unit designs are included in the list. Mr. Boynton stated that just the white pines were eliminated because of the piping under the ground. All units will be landscaped as one of the options and the split rail fencing will be done.

Mr. Boynton stated that the E & S bond will be posted and also bonding on remaining landscaping that needs to be done. G. Colegrove noted that the bonds could be posted when amounts are determined by the Town Engineer. Once the bonds are posted he would ask Attorney Byrne to notify the courts that this has been settled and the CO can be signed.

MOTION BY DAVE FOLEY SECONDED BY BONNIE RYDER TO APPROVE REVISED LANDSCAPING PLAN FOR STAGE COACH FARMS DEVELOPMENT, SUCH REVISED PLAN DATED 7/1/2015 BEING EQUAL OR BETTER THAN THE ORIGINALLY APPROVED PLAN. ALL AYE

9. Discussion of Alternative uses for Merriam Site, Main Street

Attorney John Corona, Lang & Corona, representing Durham Heritage LLC which has a contract to purchase the Merriam site, was in attendance to discuss alternative uses for Merriam Site.

He stated that the Main Street property consists of a front portion that is in the Main Street residential zone and the rear portion is zoned farm/residential, about 3.6 acres. The EPA has cleaned up the site, most of the cleanup was the excavation to significant depth and removing soil to another site and replacing it with high quality fill and is now ready for reuse. It has been restored to residential quality and standard and EPA wants it to be put back into use and he has a client that would like to do that.

J. Corona stated that he was present to have an open discussion and was not applying for anything or asking for any decisions to be made. His client would like to do something that he thinks addresses a need in town and would be economically feasible. He noted that the site does have some limitations one being that it has a monitoring well which EPA uses. There will be at some point in time, a restriction put on the property called an ELUR which is an acronym for Environmental Land Use Restriction. The basic idea is that there are certain limitations that the property would be subjected to; one would be that they do not want excavation down below a certain depth so they don't tap into things that remain in the ground. There is a certain amount of material down deep that will change form chemically and eventually some of it will move through the soil. Below ground basements are probably something that cannot be done and slabs will most likely need to be vented.

He stated that at one time the site housed a manufacturing company and in speaking with Attorney Byrne about continuing use, it is the opinion of both that there is a non-conforming right that continues with the property where an industrial use could be continued on the site. J. Corona explained that he wanted to put all potential uses out on the table noting that some of them would be allowed under existing law and regulations and some would require significant changes in regulation and others might require variances from ZBA.

The range of possibilities span from manufacturing to some type of commercial building or mixed use; smart growth. He stated he had concept plans for straight residential and a sketch for a condominium type of project. He noted that the site has non-conforming right for industrial, but the much more significant item is that the fill material is of very high quality; it meets the specifications for select fill that would be used for septic, no additional fill or testing would be required. Property is on Main Street and felt there is a need for a modest type of housing for first time home buyers, single people, and a market style that is not currently available in town; it's a question of how to make the most of the property for both the town and his client.

J. Corona then presented the Board members with a concept plan for residential units similar to the project on Brick Lane. Then a drawing of a commercial building equal to an Ace True Value or self-storage.

There was discussion amongst Board members on the determination of non-conforming status, if there was ever an attempt to abandon use, and Attorney Byrne's opinion letter regarding same. **Joe Pasquale said he believed the non-conforming status was no longer valid by regulations, Section 09.03.02.** They talked about the possibilities of mixed use; a cluster

development with the property being so close to local businesses and multiple residential uses. Opportunities for a place where recent graduates, professionals, and tradespersons could live; mixed use, walkable Main Street, that could bring people to Main Street that currently drive through. Options of a single business unit, a restaurant, private institution, or small business or commercial space with apartments above.

Board members questioned sewer and potable water requirements to support multi housing as opposed to commercial. J. Corona noted that his client knows this would necessitate the water coming in from Middletown and is willing to bank the project until that time. He also stated that the historic building on the site is part of the current contract and will require a large investment. There was thought that the public would not want a building such as a Walgreens. Industry and manufacturing was questioned. J. Corona cautioned the commission that once a new use goes on to the property any non-conforming right that might have existed goes away forever.

10. Continued Discussion of Commercial Uses in MR Zone

Examples of possible uses for non-conforming uses on Main Street were discussed. There was discussion of other properties on Main Street that could or could not be used for mixed use.

G. Colegrove noted that at the last meeting he prepared a listing of inventory on Main Street and updated the matrix and questioned whether the commission should invite owners in the MR zone to come to a workshop where the matrix could be discussed and get their opinion of the kind of uses on Main Street; having done the inventory he felt there are segments of the MR zone that might be more suitable for mixed use activity than other segments.

Current commercial places on Main Street that may want to have mixed use was questioned. G. Colegrove responded that his understanding of the MR discussion was not talking about making MR a commercial zone. The commission talked about keeping the residential component there. In the commercial area would want to change that zone to allow mixed use. He stated that his effort was to focus on residential zone and a possibility of introducing non-residential uses into straight residential zone. There was discussion on bringing this to a public hearing and the creation of a PowerPoint presentation of ideas of how it works. L. Davenport and F. DeFelice will work on the presentation.

11. Payment of Bills

Absolute Advantage, \$556.96

Byrne & Byrne, \$570.00

MOTION BY DAVE FOLEY SECONDED BY LISA DAVENPORT TO APPROVE PAYMENT TO ABSOLUTE ADVANTAGE IN THE AMOUNT OF \$556.96 AND BYRNE & BYRNE IN THE AMOUNT OF \$570.00. ADAMS, DAVENPORT, DEFELICE, ERIKSEN, FLANAGAN, FOLEY, PASQUALE, RYDER; AYE. MELNIK ;ABSTAIN

12. Minutes of Previous Meeting(s)

MOTION BY DAVE FOLEY SECONDED BY FRANK DEFELICE TO APPROVE THE MINUTES OF JUNE 17, 2015 AS PRESENTED. ALL AYE

13. Zoning Enforcement Officer's Report

G. Colegrove noted that letters have gone out to Greenbacker and 97 New Haven Road. He also received a recurring complaint on Pisgah Road; they are repairing and selling cars. He will visit the site again and notify the compliance section of the motor vehicle department. Another complaint was received for 19 Fowler Avenue; there is one unregistered vehicle-not a violation. Pictures were sent to Attorney Byrne of tires, dog houses, and chicken coup as to what constitutes a junkyard.

14. Town Planner's Report

G. Colegrove was contacted by an Attorney who represents Mr. Battista who is a franchisee of Dunkin Donuts who has draft regulation for TD Bank Building. He will be looking to be on the agenda in future for a formal discussion.

15. Miscellaneous

D. Eriksen stated that he received a call in reference to the mobile taco stand in front of The Whole Enchilada on Main Street. He noted that this is not allowed and have denied others in the past. He was told that customers are parking on Main Street and considered this to be a safety hazard. G. Colegrove stated that he spoke with Bill Milardo about health standard requirements and he stated he would be visiting the site on July 1<sup>st</sup> to discuss license. After discussion it was decided by Board members that G. Colegrove would draft a letter to the Holding Company of the requirement of an application of revised site plan and violation of being in the state right of way.

16. Adjournment

MOTION BY LISA DAVENPORT SECONDED BY ALANA ADAMS TO ADJOURN MEETING AT 9:25 P.M. ALL AYE

Respectfully submitted,  
Beth Moncata