

Planning & Zoning Commission
7:30 p.m., Wednesday, July 15, 2015
Meeting Room, Durham Public Library

Meeting Minutes-**REVISED**

1. **Call to order**

Lisa Davenport called the meeting to order at 7:30 p.m.

2. **Roll Call**

In attendance: Alana Adams, Lisa Davenport, Chris Flanagan, Dave Foley, Norm Jason, Dan Melnik, Joe Pasquale, Geoff Colegrove

Absent: Campbell Barrett, Frank DeFelice, Steve DeMartino, Dick Eriksen, Bonnie Ryder

Others in attendance: Pat Benjamin

3. **Seating of Alternates**

Norm Jason was seated on the Commission in Frank DeFelice's absence.

4. **Amendments to Agenda** - None

5. **Approval of Agenda**

MOTION BY DAVE FOLEY SECONDED BY NORM JASON TO APPROVE AGENDA AS PRESENTED.
ALL AYE

6. **Public Session** – None

7. **Michael Cianciola, Subdivision, 394 Blue Hills Road**

Pat Benjamin, Engineer representing Michael and Lucy Cianciola and son Michael Cortez, was in attendance.

M. Cianciola owns 9.55 acres on the corner Hlgganum Road and Blue Hills Road. M. Cianciola is requesting permission to split 2.13 acre lot from his property for his son Michael Cortez. P. Benjamin pointed out where M. Cianciola's existing home is on map, where the well and septic are located, and where M. Cortez would like to build his home. 7.42 acres would be remaining. P. Benjamin presented a copy of site plan and noted that soil testing was done in the spring by Bill Milardo, who submitted an approval letter tonight.

P. Benjamin stated that the driveway was brought into the middle of the property because of sightlines and the house will be put in the middle of the lot. He pointed out that the well is in front, septic system with one primary trench and one reserve trench, and a silt fence surrounds

the entire area. He had to get footing drain out, so it was brought to the corner of the property; Mr. Cianciola will give his son an easement thru his property noting there are no catch basins to put it in and no other place to put it. P. Benjamin noted that there are old chicken coops on the property that have concrete foundations and was not sure what would be done with them.

He also noted that Mr. Cortez would like to put up the foundation in the late fall and noted that there are no wetlands on the property or lot.

C. Flanagan questioned the footing drain. P. Benjamin explained that he did not like running a footing drain into an underground gallery because of backups. He does not think that there will be much runoff in this location and noted that the soil is well drained. M. Cortez may possibly put the house on a slab because of the large amount of ledge on site therefore no footing drain or easement would be required.

MOTION BY DAVE FOLEY SECONDED BY NORM JASON TO ACCEPT THE APPLICATION OF MICHAEL CIANCIOLA FOR A SUBDIVISION OF MAP #82, PARCEL #2 AS PRESENTED. ALL AYE

8. Continued Discussion of Commercial Uses in MR Zone -Tabled

9. Payment of Bills - None

10. Minutes of Previous Meeting(s)

MOTION BY JOE PASQUALE SECONDED BY DAVE FOLEY TO APPROVE THE MINUTES OF JULY 1, 2015 AS AMENDED. ALL AYE

11. Zoning Enforcement Officer's Report

G. Colegrove reported at the last meeting that a letter was sent out to 97 New Haven Road and their 15 days are up tomorrow. He will be checking in on Monday, July 20th with them.

A letter was sent to the Holding Company of 370 Main Street regarding hot dog stand.

G. Colegrove stated that he and Trooper Larry Morello have visited 19 Fowler Avenue and 229 Pisgah Road and sites are being cleaned up. Trooper Morello will continue to patrol these areas. He also stated that Trooper Morello cleared up a truck parking improperly on Wheeler Hill Road.

12. Town Planner's Report

Bonds have been received from Boyton Construction based on revised plans; \$20,000 for landscaping, \$5,300 for E&S Control estimated by Brian Curtis. Letters of credit have been filed and will he will be moving on with project. G. Colegrove stated that he would issue Certificate of Occupancy based on septic issue with bonding and bonds posted based on revised plan noting that the project is now back in compliance with the original permit. The Bank has paid back taxes and Boyton Construction will be paying August installment.

A letter was received from the Law Offices of Michael F. Dowley in reference to 310 Madison Road, Deborah Mesick. The letter states that Deborah Mesick, owner of the property, never agreed to allow Arrigoni Brothers to enter or to use her property in any manner and that Mr. Arrigoni purported to have a lease but this lease is not signed by D. Mesick nor did she know anything about it when it was signed. G. Colegrove contacted Attorney Steve Byrne. G. Colegrove stated that he did not believe it was the Commission's call to make a determination on this and felt that it is the job of Superior Court. He spoke with Attorney Dowley and told him that the Commission's approval would not be rescinded. There was discussion surrounding accepting applications from tenants and changing current policy to require deeds with applications. G. Colegrove will work with Jen Keogh to update application to require deed.

G. Colegrove stated he received a copy of a letter to the Durham Agricultural Fair Association from a property owner adjacent to the Durham Fair property. The letter talked about the 2013 Durham Fair and the significant issues with the noise levels from the motorized event ring. They hired a private consulting firm to measure the noise levels on their property during the 2014 fair and they indicate that the noise from the Fair activities violate CT DEEP regulations and significantly exceed ambient noise levels. They are hopeful that all involved can continue an open discussion regarding the issue.

13. Miscellaneous - None

14. Adjournment

MOTION BY ALANA ADAMS SECONDED BY DAN MELNIK TO ADJOURN MEETING AT 8:05 P.M.
ALL AYE

Respectfully submitted,
Beth Moncata