

Planning & Zoning Commission
7:00 p.m., Wednesday, December 16, 2015
Meeting Room, Durham Public Library

Meeting Minutes

1. **Call to order**

Dick Eriksen called the meeting to order at 7:00 p.m.

2. **Roll Call**

In attendance: Alana Adams, Campbell Barrett, Lisa Davenport, Frank DeFelice, Richard Eriksen, Chris Flanagan, Dave Foley, Edward Fronc, Daniel Melnik, Jan Melnik, Joseph Pasquale, Will Spooner

Absent: Others in attendance: Geoff Colegrove, Laura Francis

3. **Seating of Alternates** – none

4. **Amendments to Agenda** – none

5. **Approval of Agenda**

MOTION BY DAVE FOLEY, SECONDED BY FRANK DEFELICE, TO APPROVE AGENDA AS PRESENTED.
ALL AYE

6. **Public Session** – no business

7. **F. DeFelice, Presentation and Discussion of Commercial Uses in MR Zone**

F. DeFelice presented a revised PowerPoint presentation from comments received at the September 2, 2015 meeting. Members reviewed, discussed, and made changes to the presentation. F. DeFelice will make changes and present at the next meeting for further discussion.

8. **Approval of 2016 Meeting Dates**

2016 Planning & Zoning Commission Meeting Dates

First and Third Wednesday of the month

7:30 p.m.

Durham Public Library-Conference Room

January 6, 20

February 3, 17

March 2, 16

April 6, 20

May 4, 18- *Meetings to be held at Town Hall, 3rd floor conference room

June 1, 15

July 6, 20

August 3, 17
September 7, 21
October 5, 19
November 2, 16
December 7, 21

MOTION BY DAVE FOLEY, SECONDED BY FRANK DEFELICE, TO APPROVE 2016 MEETING DATES AS PRESENTED. ALL AYE

9. Elections of Officers

Chris Flanagan requested that elections be done by paper ballot. After discussion members agreed to vote via paper ballot with the exception of secretary which was voted verbally. The following motions were made, paper ballots for the election of Chairman and Vice-Chairman were made by members, and ballots were tallied by Beth Moncata.

MOTION BY JAN MELNIK, SECONDED BY ALANA ADAMS, TO ELECT FRANK DEFELICE AS CHAIRMAN.

MOTION BY JOE PASQUALE, SECONDED BY DAVE FOLEY, TO ELECT DICK ERIKSEN AS CHAIRMAN.

THE FOLLOWING VOTES WERE CAST BY PAPER BALLOT; (5) VOTES FRANK DEFELICE, (4) VOTES DICK ERIKSEN. FRANK DEFELICE ELECTED CHAIRMAN.

MOTION BY ALANA ADAMS, SECONDED BY FRANK DEFELICE, TO ELECT LISA DAVENPORT AS VICE CHAIRMAN.

MOTION BY DAVE FOLEY, SECONDED BY CHRIS FLANAGAN, TO ELECT JOE PASQUALE AS VICE CHAIRMAN.

THE FOLLOWING VOTES WERE CAST BY PAPER BALLOT; (5) VOTES LISA DAVENPORT, (4) VOTES JOE PASQUALE. LISA DAVENPORT ELECTED VICE CHAIRMAN.

MOTION BY LISA DAVENPORT, SECONDED BY CHRIS FLANAGAN, TO ELECT JAN MELNIK AS SECRETARY. ALL AYE

10. Payment of Bills

MOTION BY ALANA ADAMS, SECONDED BY LISA DAVENPORT, TO TABLE BILLING RECEIVED FROM BYRNE & BYRNE UNTIL FURTHER INFORMATION IS RECEIVED. ALL AYE

11. Minutes of Previous Meeting

MOTION BY ALANA ADAMS, SECONDED BY DAVE FOLEY, TO APPROVE NOVEMBER 4, 2015 MEETING MINUTES AS PRESENTED. ADAMS, DAVENPORT, ERIKSEN, FOLEY, D. MELNIK, PASQUALE; AYE. DEFELICE, FLANAGAN, J. MELNIK, FRONC, SPOONER; ABSTAIN.

12. Zoning Enforcement Officer Report

Geoff Colegrove noted that he attended a proposed blight ordinance workshop held by the Board of Selectmen with Town Counsel present focusing on 62 Wheeler Hill Road. The property has a

number of vehicles registered and paying taxes on and some that are in-operable. He stated that the Town Attorney will be working with the existing framework of regulations and will make recommendations as to what actions should be taken regarding the property. He noted that there was discussion on the possibility of the creation of a new section in the regulations that deals specifically with blight. G. Colegrove stated that he researched and found minutes from 1997 in which the current resident on Wheeler Hill appeared in front of the commission because of action the commission had against him in court; the commission dropped pending action due to compliance and health issues and now things have gone from bad to worse. Neighbors are pushing acceptance of the proposed blight ordinance. He stated that current regulations do not address registered vehicles that may be in-operable. He also noted that the resident has a building which is about five feet from the neighbor's property line. He will keep the commission posted on the status of the proposed blight ordinance and property disposition.

13. Town Planner Report

Complaints have been received regarding a person living in a trailer on Brick Lane. He has visited the location three times and has not seen any lights on or occupation.

The business Dog Father, 219 Tuttle Road, does not have a home occupation permit. G. Colegrove met with the resident to discuss three vehicles at his residence; one vehicle needs to be repaired, the second vehicle belongs to a friend and cannot park it at his apartment complex, the third belongs to someone on 184 Maiden Lane. He visited the location and it seems to him that the information was not quite accurate. He felt that the resident was having employees come to his home to pick up the vehicle and told him that this was a violation of a home occupation permit. He noted that he received paperwork today that stated he moved one of the vehicles to Ozick Drive storage. Because the resident has an employee coming to his address he needs to apply for a home occupation permit which requires a public hearing and special permit. He noted that he has to sign off on Department of Agriculture permits every year for activity and has signed off on two; one for 219 Tuttle road and one for the Ozick Drive address.

Commission members discussed various scenarios of business vehicles being parked at homes and home occupation permits.

14. Miscellaneous

C. Barrett noted that he was unable to attend the October 4th meeting. In reading the minutes he stated that the executive session was held and some options were made, mediation being one. When he reviewed the billing from Attorney Byrne it appeared that he received some correspondence from Attorney Corona, rejecting the mediation. He suggested that the item be put back on an agenda to deal with it, felt this to be very troubling, and was not in executive session to hear remarks. Not sure that he agrees with Attorney Byrne 100%. Very concerned if fraud was committed by misrepresentation by someone to something that was very material in decision to approve a somewhat controversial proposition. To require the affected party to wait a year plus, he thought was very unfair. J. Pasquale noted his agreement and also talked about the expense involved. C. Flanagan questioned why the aggrieved party in CT has to be the one who comes forth; if the commission hears false evidence to get something from someone and it turns out not to be

true, the aggrieved party is the one that has to take the action that seems to be Attorney Byrnes priority. G. Colegrove explained that Attorney Byrne stated at the meeting if the legal notice was not published, the commission could repeal the issue. Because the notice was published the only alternative was an appeal to court. C. Barrett read options from the meeting minutes and noted that he did not have the benefit of being in executive session. He suggested putting the item back on an agenda as discussion with the affected parties and their council. D. Foley suggested Attorney Byrne attend the next meeting in executive session to advise commission. G. Colegrove will arrange.

J. Pasquale noted that budget season is starting and asked that additional staffing and town planner position be put on the next agenda.

F. DeFelice stated that the commission is coming up on the extended date of June 30th for the completion of updates to the Plan of Conservation and Development. This is a yearly extension and the town has asked for two. D. Eriksen stated that most of the plan is boiler plate and suggested updating even a portion of the plan for submission and continue to develop changes. He cautioned that grants and legal process could be affected. L. Davenport suggested forming a subcommittee to review the plan, develop a timeline and recommend changes. J. Melnik suggested putting in the updated transportation and tracking population that have been reviewed by RiverCOG. F. DeFelice asked G. Colegrove to speak with Conservation and Agriculture Commissions to see what the status of their sections are and to update them on the June 30th deadline date. L. Francis suggested including elements of complete streets, livable communities, bike pedestrian plan, and connection of public water supply into the plan. G. Colegrove suggested that all members look at the plan and decide which areas they thought could be updated and then appoint a subcommittee to follow up on them. F. DeFelice asked that the item be put on the next agenda for further discussion.

15. Adjournment

Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Beth Moncata