

Received: February 29, 2016  
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Office of the Town Clerk

Planning & Zoning Commission  
7:30 p.m., Wednesday, February 17, 2016  
Meeting Room, Durham Public Library

Meeting Minutes - Revised

**1. Call to order**

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

**2. Roll Call**

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

**Absent:** Ed Fronc

**Others in attendance:** Geoff Colegrove, members of the community.

**3. Seating of Alternates** – none seated

**4. Amendments to Agenda**

**5. Approval of Agenda**

MOTION BY JOE PASQUALE, SECONDED BY DAVE FOLEY, TO AMEND THE AGENDA TO INCLUDE (6A) COMMISSIONER COMMENT AND (10A) MERRIAM DISCUSSION. ALL AYE

**6. Chairman's Comments**

Frank DeFelice updated the audience on the following:

- Visioning charrette held on February 13; there were approximately 250 participants and felt it was very successful; received positive feedback from consultant. He thanked members of the commission and residents for attending. He stated that the commission should expect to get the results of the charrette back sometime within the next week and a half and noted that the on-line survey was still active. Once all input is received, combined with prior visioning session comments of 2014, the results could then be properly evaluated.
- Plan of Conservation and Development (POCD); He stated that the construction of the plan is the responsibility of the Planning & Zoning Commission and modifications can be made as the commission sees fit. They are currently working on chapter drafts with materials from a variety of sources; prior version of the POCD, RiverCOG, Town Planner, and town committees/commissions. He noted that some commission members feel the need to sanction but it is not required. He reiterated the importance of feedback, ample opportunity for comment, and talked about steps and protections that are built into the process.

**6A. Commissioner Comment**

Joe Pasquale stated he felt that comments made at the last meeting was with the intent to bring everyone together. He stated that recent actions of commission members being inappropriate. He felt that whether or not the commission likes or agrees with public comment it is not appropriate for the Chairman to tell the public how they should speak. He stated he felt Chairman's comments made

represent commission members and should be brought up with members prior to discussion. He hopes that this does not happen in the future.

Lisa Davenport noted some comments were warranted and felt this was a passionate issue and emotions are high. She stated that nothing has transpired, many are putting the cart before the horse. She understands what J. Pasquale was saying but felt it fair to say she understood where F. DeFelice was coming from and appreciated it.

Jan Melnik echoed L. Davenport thoughts and stated all commissioners are elected to serve noting that all involved have differing thoughts and opinions. She appreciated clarification this evening.

## **7. Public Session**

Campbell Barrett recused himself and was seated in the audience.

Comments received from the audience reflected:

- Duncan Milne noted that he met with both Laura Francis and Frank DeFelice at separate times to talk about mixed use. He noted that L. Francis stated that the only vote in the near future for mixed use was approval by Planning and Zoning of the POCD and the wording regarding mixed use and commercial opportunities would be very brief. In his meeting with F. DeFelice, Frank stated that mixed use would take years to develop with involvement by all affected parties. D. Milne continued by talking about the economic development chapter draft targeting Main Street residential for mixed use and that it contradicts the Historic Section.
- A second request to schedule a public hearing earlier in the process; if the commission does not, the public will be denied meaningful opportunity for fair input.
- Bringing transparency to the process and address residents' concerns on the following; individuals crafting portions of the POCD, recusal of commission members on the topic of Main Street that have interests in Main Street or the Merriam Manufacturing site, the accelerated and restricted timeline of the POCD.
- Twenty-two P&Z meetings over the last twelve months discussed mixed use zoning; six of which were held in 2016.
- Merriam site; regulation state "shall" convert back to conforming status. The position of the Environmental Protection Agency, the original price they want to get for the sale of the property, the remediation of the property to residential standards, and the recommendation of the EPA that wells be put back in place as long as it is properly filtered.
- The request to have the EDC draft chapter sent to the Historic District Commission for edit.
- Why the commission was not recording the meeting.
- Dan Pierson, agent for the estate of Allen A. Adams, testified that at no time did Allen Adams or any family member intend to abandon or discontinue the use of 281 Main Street, Durham.
- Status of Merriam property.

Joe Pasquale recused himself and was seated in the audience.

J. Pasquale noted that he is an abutting property owner to Dick's Citgo. He noted at the last meeting the Zoning Enforcement Officer reported that the property is up for sale and although his is not opposed to the change he believes the use is a major change and requested there be a site plan review.

Joe Pasquale returned to his seat with commission members.

Frank DeFelice then responded to questions:

- EDC Chapter; F. DeFelice acknowledged that the chapter was reviewed by the planning and zoning commission and this is appropriate.
- POCD Schedule; commission members have been meeting several times a week to put drafts together. A public hearing cannot be held until there is a completed document.
- Recusal of commission members; we do not force or ask commission members to recuse themselves. It is left up to them to decide.
- The Main Street draft will be sent to the Historic District Commission for review.
- Status of Merriam Property; G. Colegrove stated that Attorney recommended a public hearing to seek input from any interested party.
- Recorded meetings; Geoff Colegrove responded to the question of meetings being recorded. He stated that meetings have been recorded for the recording secretary; after minutes are approved, the recordings are erased. He did note that the commission is required by state statute to record public hearings and are retained according to the CT State Library retention schedule.

MOTION BY LISA DAVENPORT, SECONDED BY DAVE FOLEY, TO CLOSE PUBLIC SESSION. ALL AYE

Campbell Barrett returned to his seat with commission members.

**8. Emergency Telephone Contact List**

Completion of the emergency contact list was done.

**9. 8-24 Review, Mauro Meadows, Small Cities Grant Application, Capitol Improvement**

Laura Francis requested an 8-24 review for a 2016 Small Cities grant application for renovations at Mauro Meadows Senior and Disabled Housing Complex. The Town of Durham is owner of the land and the Trinity Corporation is the owner/governing board for the housing complex. The Town of Durham will be the applicant and is seeking \$800,000 for capital improvements including roofing, windows, doors, storm doors, sliding glass doors, exterior siding, insulation replacements on all buildings, and a new emergency generator. The 8-24 Review is an application requirement. There is no proposed alteration of the site plan. All improvements are to the existing structure.

MOTION BY DICK ERIKSEN, SECONDED BY DAVE FOLEY, TO APPROVE 8.24 REVIEW AS STATED BY SELECTMEN AND TOWN PLANNER, WITH THE CONSIDERATION OF SOLAR. ALL AYE

**10. Plan of Conservation and Development**

F. DeFelice noted that suggestions received from Rick Huntley will be incorporated into the environment chapter. G. Colegrove noted that the Historic District Commission reviewed the historical and archeological chapter and made edits to the draft for submission to the commission.

J. Pasquale noted that he felt it troubling that decisions regarding the POCD are being made for the commission; just a few people's opinions. Other communities take one-two years to complete their plan He also stated he did not like getting documents the same day of the meeting.

MOTION BY JOE PASQUALE, SECONDED BY DAVE FOLEY, TO AMEND THE PLAN OF CONSERVATION AND DEVELOPMENT (POCD) TO INCLUDE, UPDATED HOUSING AND TRANSPORTATION SECTIONS AND ADD AGRICULTURE AND ENERGY CHAPTERS AND LEAVE THE REST OF THE POCD AS IS.

Discussion: C. Barrett noted his agreement of the motion and suggested continuing work, to create in short order, a more comprehensive plan; build on momentum and meet the deadline date. Then continue work with hard deadlines.

L. Davenport stated she felt the commission should finish what was started and continue the work after the deadline is met and reiterated that this was what the commission decided to do.

D. Foley stated that he had reservations on the process from the beginning. He noted that commission members have had the opportunity to review sections and have made major improvements on the existing document and felt they should not stop at this point. He suggested the commission get clarification from the Board of Selectmen that there is no option for another extension.

VOTE: J. PASQUALE; AYE. ADAMS, DAVENPORT, DEFELICE, FLANAGAN, FOLEY, D. MELNIK, J. MELNIK; OPPOSED. ERIKSEN; ABSTAIN. MOTION FAILED.

MOTION BY DAVE FOLEY, SECONDED BY JAN MELNIK, TO MAKE FORMAL REQUEST TO BOARD OF SELECTMEN AS TO WHERE THE PLAN OF CONSERVATION AND DEVELOPMENT DEADLINE CAME FROM AND WHAT THE RAMIFICATIONS OF NOT MEETING THE DEADLINE. ALL AYE

#### **10A. Merriam Discussion**

MOTION BY JOE PASQUALE, SECONDED BY JAN MELNIK, TO TAKE ITEM OFF AGENDA AND BE ADDED TO THE NEXT REGULAR MEETING ON MARCH 2, 2016. DAVENPORT, DEFELICE, ERIKSEN, FLANAGAN, FOLEY, D. MELNIK, J. MELNIK, PASQUALE; AYE. ADAMS; ABSTAIN. MOTION CARRIED.

#### **11. Payment of Bills**

MOTION BY DICK ERIKSEN, SECONDED BY DAVE FOLEY, TO APPROVE THE FOLLOWING BILLS. ALL AYE.

- Beth Moncata, #947, 2/17/2016, \$270.00
- Byrne & Byrne, #16-02006g, 2/1/2016, \$375.00
- Byrne & Byrne, #16-02-006w, 2/1/2016, \$555.00
- Byrne & Byrne, #16-02-006y, 2/1/2016, \$1,230.00
- Nathan Jacobson Associates, #82862, 2/10/2016, \$380.38

#### **12. Minutes of previous meeting**

MOTION BY DAVE FOLEY, SECONDED BY LISA DAVENPORT, TO APPROVE SPECIAL MEETING MINUTES OF JANUARY 27, 2016 AS PRESENTED. ADAMS, DAVENPORT, DEFELICE, ERIKSEN, FLANAGAN, FOLEY, D. MELNIK, J. MELNIK, PASQUALE; AYE. FLANAGAN; ABSTAIN. MOTION CARRIED.

MOTION BY DAVE FOLEY, SECONDED BY LISA DAVENPORT, TO APPROVE MEETING MINUTES OF FEBRUARY 3, 2016 AS PRESENTED. DAVENPORT, DEFELICE, ERIKSEN, FLANAGAN, FOLEY, D. MELNIK, J. MELNIK, PASQUALE; AYE. ADAMS; ABSTAIN. MOTION CARRIED.

MOTION BY DAVE FOLEY, SECONDED BY LISA DAVENPORT, TO APPROVE SPECIAL MEETING MINUTES OF FEBRUARY 11, 2016 AS PRESENTED. ADAMS, DAVENPORT, DEFELICE, ERIKSEN, FLANAGAN, FOLEY, J. MELNIK, PASQUALE; AYE. D. MELNIK; ABSTAIN. MOTION CARRIED.

**13. Zoning Enforcement Officer's Report**

Geoff Colegrove advised members of the following:

- Proposed stipulation between Kaika v Durham Planning & Zoning was read to members. An executive session will be held at the next meeting to discuss. C. Barrett questioned if there would be any repercussion to signing the document. G. Colegrove stated that he would get a recommendation from Attorney Byrne.
- Invitation for annual banquet of the Connecticut Federation of Planning and Zoning will be sent out to all members.

**14. Town Planner's Report**

No business

**15. Miscellaneous**

F. DeFelice advised members of the following:

- Board of Finance will be hearing the Planning and Zoning budget review on Saturday, February 27<sup>th</sup> at 8:00 a.m. All members are invited to attend.

J. Pasquale recused himself and was seated in the audience.

C. Barrett asked commission members their thoughts on the change of use for Dick's Citgo; if it should require site plan review. General consensus from members was yes, that a site plan review should be required due to the following comments; increase in retail sales, specific information in regulations on gas stations, parking requirements, traffic, the requirement of a permit. G. Colegrove stated he would have them come before the commission.

J. Pasquale returned to his seat with commission members.

There was discussion regarding the recording of meetings. It was decided that procedure be established and discussed prior to making a decision.

**16. Adjournment**

Meeting adjourned at 10:45 p.m.

Respectfully submitted,

Beth Moncata