

Received: May 23, 2016
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Office of the Town Clerk

Planning and Zoning Commission Meeting
7:30 p.m., Wednesday, April 20, 2016
Meeting Room, Durham Public Library

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, Lisa Davenport, Frank DeFelice, Dick Eriksen, Chris Flanagan, and Joe Pasquale

Absent: Campbell Barrett, Dave Foley, Ed Fronc, Dan Melnik, Jan Melnik, and Will Spooner

Others in attendance: Geoff Colegrove, Matthew Perry, Frank Lane, Rick Hanley, and five members of the community.

3. Seating of Alternates – none seated

4. Amendments to Agenda

MOTION BY LISA DAVENPORT, SECONDED BY ALANA ADAMS TO MOVE AGENDA ITEM #7 TO AFTER AGENDA ITEM #12. ALL AYE

5. Approval of Agenda

MOTION BY ALANA ADAMS, SECONDED BY LISA DAVENPORT TO APPROVE AGENDA AS AMENDED. ALL AYE

6. Public Session – No comments

7. Matthew Perry, Home Occupation, 38 Sand Hill Road

Matthew Perry was in attendance to discuss a special permit for a home occupation. The proposed activity is for a cleaning business. He stated there would be no activities other than administrative and there would be no signs, no lights, and no change in traffic.

Chris Flanagan asked if there would be any vehicles or equipment involved. M. Perry indicated no, other than cleaning supplies and vacuums. Lisa Davenport asked if was for office space only and if he notified his abutting neighbors by certified mail as required. M. Perry indicated that it was for office space only and did notify his neighbors. Copies of the certificates were filed with the original application in the land use department.

MOTION BY DICK ERIKSEN, SECONDED BY LISA DAVENPORT TO APPROVE THE APPLICATION OF MATTHEW M. PERRY FOR HOME OCCUPATION AT 38 SAND HILL ROAD. ALL AYE

8. Tilcon, Renewal of Excavation and Removal Permit, South Side of Wallingford Road

Frank Lane, Director of Environmental Compliance was in attendance. He presented a map to commission members that showed there was no expansion of the foot print at the quarry. The

proposed quantity for 2016 is approximately 1,000,000 tons of Igenous Basalt (Trap Rock). G. Colegrove asked for an update on the storm water detention. F. Lane indicated that the project was moving along slowly. Trees have been cleared and the area has been stabilized. At the end of the year it is expected that the weir will be done. There was discussion surrounding the topic of turbidity.

MOTION BY DICK ERIKSEN, SECONDED BY LISA DAVENPORT TO APPROVE THE APPLICATION OF TILCON INC. FOR RENEWAL OF EXCAVATION AND REMOVAL PERMIT. AREAS OF PROPOSED MINING SHOWN ON DURHAM WALLINGFORD FACILITY, PREPARED FOR TILCON CONNECTICUT, INC. DURHAM CT, INC. DURHAM, CT REVISED TO 3/10/16. ALL AYE

9. Hanley, Renewal of Accessory Apartment, 111 Johnson Lane

Rick Hanley stated that there has been no change to the apartment since the original approval in 2010. C. Flanagan asked if a site walk was conducted. G. Colegrove indicated that there were no changes to the building and agreed that the Town Sanitarian needs to do an inspection.

MOTION BY CHRIS FLANAGAN, SECONDED BY ALANA ADAMS, TO APPROVE RENEWAL OF ACCESSORY APARTMENT, RICHARD HANLEY, 111 JOHNSON LAND CONTINGENT ON SITE INSPECTION BY TOWN SANITARIAN AND RECIEPT OF LETTER OF APPROVAL BY NEXT PLANNING AND ZONING COMMISSION MEETING. ALL AYE

10. Effective Date: Inclusion of language into Section 04, General Requirements of the Durham Zoning Regulations

F. DeFelice stated that the language was approved at a Special Meeting on March 16th but did not include an effective date. After discussion commission members agreed on the date of April 27, 2016.

MOTION BY LISA DAVENPORT, SECONDED BY ALANA ADAMS TO APPROVE THE EFFECTIVE DATE OF 4/27/16 FOR INCLUSION OF LANGUAGE INTO SECTION 04, GENERAL REQUIREMENTS, OF THE DURHAM ZONING REGULATIONS. ALL AYE

11. PoCD

F. DeFelice thanked committee members for the many months of hard work that was put in to the draft Plan. He also acknowledged Beth Moncata for contribution of forming and revising the document. Similarly he acknowledged Geoff Colegrove for his many contributions and Jen Keogh for all administrative support. He then passed out the draft plan to commission members asking them to take time to review it, paying particular attention to the goals at the end of each chapter. He referred to these goals as a collective future vision for the town. He noted that G. Colegrove is currently working with RiverCOG to complete the land-use map at the end of the document and will send this out separately for their review.

G. Colegrove presented a map of possible zoning changes proposed to be design development and is currently farm residential. It was updated to take out Gassler Farm and the Prue Property. J. Pasquale made reference to a prior meeting where he said this was discussed and indicated that the commission voted that this not happen. L. Davenport felt the commission needed to layout areas in town that have potential opportunities. F. DeFelice stated he was uncomfortable with expanding uses in farm residential. D. Eriksen stated he was not in favor of a map depicting areas. J. Pasquale noted that some items on the map should not be identified but there were other areas that needed to be explored. G. Colegrove suggested expanding existing areas that are already on the map. L. Davenport noted that

ownership could change tomorrow and the commission needs to plan for the future noting that it is on the plan and to leave it like it is. D. Eriksen felt this to be pre-judging, stating the entire town needs to be considered. J. Pasquale agreed to leave what has been put on the map but new areas would need to be explored. L. Davenport stated she would like the commission to make an effort to look at the town to see if there are possible areas once the Plan of Conservation and Development is completed.

12. Legal Correspondence

F. DeFelice passed out two legal opinions from Town Council to commission members. The first from Byrne and Byrne LLC regarding Procedure to Approve Amended POCD. It listed requirements that must be followed when adopting or amending a Plan of Conservation and Development that can be found in the Connecticut General Statutes, Section 8-23. The opinion also contained a timeline of events premised on the commission approving the moving of consideration of the amended PoCD to hearing and adoption at this meeting, April 20, 2016. Members discussed the timeline. J. Pasquale stated that he wanted to release the draft immediately to the public. L. Davenport disagreed stating she felt the commission should review the document and discuss it together and then release to the public. After further discussion it was decided that a workshop would be held at the next meeting to discuss the draft and make final revisions. Once the revisions are made it will be made available on the town's website and the public * would be able to submit comment to the commission. A public hearing date * will be set at their meeting of May 4th.

The second legal opinion was from Halloran & Sage LLP, regarding *the differences between legislative and administrative functions of the commission, conflicts of interest and the ability of members of the Planning and Zoning Commission to vote on the draft Plan of Conservation and Development if they are also owners or lessees of commercial property within the town.

13. Payment of Bills

MOTION BY DICK ERIKSEN, SECONDED BY CHRIS FLANAGAN TO APPROVE THE INVOICES BELOW. ALL AYE

- Beth Moncata, Recording Services, 2/17-3/10/2016, \$810.00
- Beth Moncata, Plan of Conservation & Development Draft, 2/2016 – 4/40/2016, \$2,100

14. Minutes of Previous Meetings - Tabled

15. Zoning Enforcement Officer's Report

Graceful Bee Realty, LLC has filed an application for petition for zone change on April 19, 2016. After discussion May 18, 2016 was set for formal application, and June 1, 2016 for public hearing.

16. Town Planner's Report

Complaints were received for tractor trailer on Fowler Avenue. J. Pasquale questioned Parmelee Hill and Johnson Lane having houses on the property with no permits.

17. Miscellaneous – No business

18. Adjournment

Meeting adjourned at 9:50 p.m.

Respectfully submitted, Beth Moncata