RECV'D: Office of the Town Clerk June 21,2016 2:15pm

Planning and Zoning Commission Meeting
7:30 p.m., Wednesday, June 15, 2016
Lower Level Meeting Room, Durham Library

Minutes

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

2. **Roll Call**
   In attendance: Frank DeFelice, Dick Eriksen, Chris Flanagan, Dave Foley, Dan Melnik, Jan Melnik, Joe Pasquale, and Will Spooner
   Absent: Alana Adams, Campbell Barrett, Lisa Davenport, and Edward Fronc
   Others in attendance: Geoff Colegrove

3. **Seating of Alternates** – Will Spooner was seated for Alana Adams

4. **Amendments to Agenda** - None

5. **Approval of Agenda**
   MOTION BY DAVE FOLEY, SECONDED BY JOE PASQUALE TO APPROVE THE AGENDA AS PRESENTED. ALL AYE

6. **Public Comment**
   Richard Kaika, 999R New Haven Road was present as a follow up to his complaints made at the June 1, 2016 meeting regarding his neighbor at 997 New Haven Road.

   Geoff Colegrove stated that he visited the site numerous times and did not find any violations that would require enforcement. He noted the large truck was not on site and all of the cans are now being stored elsewhere (off property), but did see the small truck on site. He stated that he reviewed the videos presented by Mr. Kaika and they were very hard to see, and items were hidden. Mr. Kaika questioned if the dumping of water from the bed of the truck was a violation. G. Colegrove stated he would have to observe this being done. Mr. Kaika stated he observed Mr. Goduti entering his residence in his truck full of garbage. G. Colegrove stated that he spoke with Mr. Goduti about this and he stated he sometimes come home at lunch time and then leaves the property; it would only be a violation if Mr. Goduti were to take the garbage off of the truck. Mr. Kaika questioned the validity of the temporary structure (tent) that he felt was on the property line. G. Colegrove noted that he would check on the structure and report back at the next meeting.

7. **Planning Discussion**
   F. DeFelice stated that a constituent made a request to expand farm usage, noting that this subject had been touched upon in the draft Plan of Conservation and Development. He questioned commission members about their thoughts on the implementation of a working group to discuss items such as regulations for events, minimum size lots, and the definition of a farm, to have something in place when or if the commission receives this type of application.

G. Colegrove stated that the town has been approached by a potential developer for a vineyard with the addition of an event facility and various activities. He felt there should be a set of standards and criteria created for venues such as these and stated that other towns such as Killingworth, Guilford and Madison already have language in place and noted that both are quite different in nature.

Chris Flanagan felt that public safety should be at the top of the list of criteria and talked about two events that he was aware of, that are currently taking place in Durham. Gastler Farm hosts a series of concerts and garden tours throughout the summer and a one-day fundraising event, held at a private residence every year. He talked about making a distinction between profit and non-profit, permitting, and traffic plans.

Dave Foley questioned how town regulations handle people who rent time to ride horses at local farms; people outside the farm, using farm property, without a product being grown. G. Colegrove commented that town regulations do not address this.

Dick Erikson noted the current requirement of a five acre minimum to board horses and described how events of this nature would be required to operate under the commissions special permitting process. He talked about the transitioning of farms and items such as the importance of respecting abutting neighbors and public safety.

Joe Pasquale talked about the possible distinction between the two events being that one charges for an activity and the other is by private donations.

C. Flanagan talked about equine facilities being defined as farming (at the State level) and felt that these facilities are more entertainment and did not see any aspect of farming as no crops are being harvested.

D. Foley agreed with comments made by D. Erikson and questioned how a winery in Wallingford was permitted under Wallingford's regulations. G. Colegrove noted that the winery had a tasting room and you can bring your own food but there were no activities held. D. Foley questioned if events like these could be based on whether or not they were temporary or permanent, or short term use.

D. Erikson took exception to the idea that horse raising or equine facilities were not farming and felt that activities being held on farms need to be defined, and reiterated the use of the special permit process.

J. Pasquale stated that he was also a member of the agriculture commission and felt it worth exploring what the minimum acreage would be to support such activities or events. He also felt there may be risk involved in putting in a vineyard and the possibility of it becoming something different the next year.

G. Colegrove concurred with the formation of a sub-committee. He noted there are a number of towns in Connecticut that have gone through this process and suggested that their regulations be reviewed. He talked about the key issue of how you tie both, a winery and farm events together.

F. DeFelice agreed with D. Erikson about defining activities and suggested coming up with a blueprint to be used in conjunction with the special permit application. He stressed the importance of public safety, traffic, and allowing for emergency services.

Jan Melnik talked about the definition of farming and wineries and read from the Connecticut State Statute 545, 30-1 (e) (5) that all licensed farm wineries in Connecticut are required to use a minimum of 25% Connecticut grown fruit in their wines.

D. Foley asked J. Pasquale to check with the agriculture commission to see if they thought there would be interest in having a facility of this type in town. J. Pasquale noted that he would speak to the commission, noting the interest of some farms that may not be available today with accessory uses.

F. DeFelice added that consideration may be made as to whether an event is being held inside or outside a facility and asked the commission if they prefer formation of a sub-committee or to work as a group. It was decided that the commission would wait to hear back from the agriculture commission to see if there was interest first.

F. DeFelice talked about the last meeting where there was an application for a text amendment change for a drive thru window that was not specific to a parcel and questioned if members had any interest in trying to put together language that would address the concerns of the public.

D. Foley stated he felt a lot of time was spent on the draft Plan of Conservation and Development and mixed use, noting the only locations to build a drive thru (fast food) are parcels earmarked for mixed use, and suggested looking more closely at mixed use first. He questioned what the commission would envision as acceptable for mixed use and stressed the importance of foresight before any other applicant coming before the commission again.

D. Erikson felt the economic development commission should be proposing items such as this and stated the town has been well served by the commission determining if it is acceptable.

J. Melnik noted they were all elected and it was their duty to be reactive to whatever is being put in front of them, to make good decisions, and felt they were missing the boat on being proactive on planning out 10-20-50 years. She stated that the commission is both comprised of both planning and zoning responsibilities and felt they have not done much planning. She recommended the exploration of data from the recent charrette, and moving forward with exercising the planning function.

D. Foley felt they needed to craft design standards versus crafting regulation; the preparation of a concept to give applicants that encompass the commission's thoughts and what would be acceptable to the town. He agreed that the information from the charrette would be valuable in the creation of a rendering or concept of what might or might not be acceptable.

J. Pasquale suggested holding a charrette to focus on the north and south end parcels of Main Street. He talked about the opposition of the 2008 application for a Price Chopper and how the town has remained stagnant. He noted the importance of economic development in the community and thought there would be a lot of enthusiasm for the charrette; both the town and potential developers would have an understanding or vision for both properties. He stated that Higganum hired a firm to help develop a vision and felt this would be money well spent.

W. Spooner noted that farms are important to consider, along with mixed use, and questioned the need to police permitting. He questioned the demand without a vision or starting point.

G. Colegrove felt it wise to have difference concepts i.e. visual and design and concept of an outside resource.

F. DeFelice noted that funds are available in the fy16-17 budget to work towards putting together a couple of planning concepts.

J. Pasquale brought up the subject of public input and understanding what the public truly wants.

C. Flanagan agreed but was concerned that the commission was not representing others in the community, those who may not appear at public hearings.

D. Foley stated he felt that the only people who show up to meetings or public hearings are motivated, passionate, and interested. He noted that when he is out with the public he informs them as to what the commission is considering and asks opinions. He felt the commission shouldn't just rely on the people who attend meetings.

F. DeFelice stated that it was human nature for people to attend meetings on topics that have a direct influence on them and noted that the commission does not always hear from everyone. He felt recent discussions were good, that they are an open committee, and did not agree to the notion that the commission doesn't provide an avenue for public comment.

8. <u>Discussion of Meeting Practices</u>

J. Melnik presented the commission with a revised copy of framework for meeting practices, based on comments received at a prior meeting, to be used as an informal way of conducting meetings. F. DeFelice thanked J. Melnik and stated that some items have already been put into place and then reviewed the framework. A minor change was made to the last item changing the "material/presentation" to a "formal presentation".

9. <u>Payment of Bills</u>

MOTION BY DICK ERIKSEN, SECONDED BY DAN MELNIK TO APPROVE THE FOLLOWING BILLS. ALL AYE.

- Lower CT River Valley Council of Governments, #704, 5/24/2016, $640.75
- Byrne & Byrne, 6/1/2016, $150.00
- Midstate Planning Consultants, 3/1-5/31/2016, $5,180.00
- Midstate Planning Consultants, 3/16-4/30/2016 PoCD, $2,082.50

10. <u>Minutes of Previous Meetings</u>

MOTION BY CHRIS FLANAGAN, SECONDED BY JAN MELNIK TO APPROVE THE MAY 18, 2016 MEETING MINUTES AS PRESENTED. ALL AYE

MOTION BY CHRIS FLANAGAN, SECONDED BY DAVE FOLEY TO APPROVE THE JUNE 1, 2016 MEETING MINUTES AS PRESENTED. ALL AYE

11. <u>Zoning Enforcement Officers Report</u>

Covered under public comment.

12. <u>Town Planners Report</u>

J. Pasquale asked if a site visit was done at the Route 68 car repair business. G. Colegrove stated he would visit the site next week and report back.

G. Colegrove noted that there was a misinterpretation of the Statute regarding the Plan of Conservation and Development; the ten-year requirement clock starts when an amendment to the plan is submitted.

13. <u>Miscellaneous</u>

The Board of Selectmen are holding a public hearing to accept comments on the draft Plan of Conservation and Development on June 27th, 8:00 p.m. at Coginchaug Regional High School.

14. <u>Adjournment</u>

Meeting adjourned at 9:20 p.m.

Respectfully submitted, Beth Moncata