

Planning and Zoning Commission Meeting  
7:30 p.m., Wednesday, August 3, 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:** Lisa Davenport, Frank DeFelice, Dick Eriksen, Chris Flanagan, Dave Foley, Dan Melnik, Jan Melnik, and Will Spooner

**Absent:** Alana Adams, Campbell Barrett, Edward Fronc, and Joe Pasquale

**Others in attendance:** Geoff Colegrove, Attorney John Corona, Paul Jorgensen; Architect with Silver Petrucelli & Associates

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

### **4. Amendments to Agenda**

MOTION BY JAN MELNIK, SECONDED BY DAVE FOLEY TO MOVE PUBLIC HEARING ITEM #3; R. & N. SLEATH TO PUBLIC HEARING ITEM #1. ALL AYE

### **5. Approval of Agenda**

MOTION BY JAN MELNIK, SECONDED BY DAVE FOLEY TO APPROVE THE AGENDA AS AMENDED. ALL AYE

### **6. Public Session**

George Eames, 430 Haddam Quarter Road stated he understood that Korn School was being utilized by the Connecticut State Police for training over the next couple of months and asked why they were not required to come before the commission for review and special permit and if there would be any consideration of a cease and desist. Frank DeFelice stated that he would have the ZEO contact the owner of the building, RSD#13, to discuss. Richard Kelish stated that he felt the town owned the land. Geoff Colegrove responded that RSD#13 owns the property and the building.

### **7. 8-24 Review, Emergency Management Complex**

G. Colegrove informed the commission that the Selectmen were requesting an 8-24 review of the emergency management complex for the purpose of compliance of the Plan. He noted the commission could vote to approve or disapprove, stating the recommendation is advisory, but necessary.

MOTION BY DICK ERIKSEN, SECONDED BY JAN MELNIK TO APPROVE 8-24 REVIEW FOR EMERGENCY MANAGEMENT COMPLEX. ALL AYE

MOTION BY JAN MELNIK, SECONDED BY DAVE FOLEY TO RECESS THE REGULAR MEETING AND TO OPEN THE PUBLIC HEARING AT 8:00 P.M. ALL AYE

**PUBLIC HEARING**

Applicant/Owner: R. & N. Sleath

Property Location: 360R Johnson Lane

Proposed Activity: Establish accessory apartment in existing residential building

**In attendance:** Lisa Davenport, Frank DeFelice, Dick Eriksen, Chris Flanagan, Dave Foley, Dan Melnik, Jan Melnik, and Will Spooner

**Absent:** Alana Adams, Campbell Barrett, Edward Fronc, and Joe Pasquale

**Others in attendance:** Geoff Colegrove, Attorney John Corona, Rowland and Nancy Sleath

**Seating of Alternates:** Will Spooner was seated for Alana Adams

Attorney John Corona stated the Sleath's purchased property at 360R Johnson Lane in 1970 that consisted of a single house which they occupied. They then applied for permits and constructed a second larger home on the property that they moved into and rented the smaller home. They are now looking to sell the property and because no records of the towns permit to allow the two homes on a single parcel can be located, buyers and mortgage lenders are requiring confirmation that the property complies with town zoning requirements. Attorney Corona submitted as Exhibit A, documentation from the Zoning Board of Appeals dated July 14, 2016, approving the Sleath's request of accessory unit to exist outside the single family residence and to permit the accessory unit to exceed the one-third limitation by 62 square feet with no conditions. He also passed out an aerial picture of the buildings currently on the lot, a picture of the required sign posting, letters of support from surrounding neighbors, and a map that showed the principal and accessory apartment that included driveways, wells, and septic.

Dan Melnik asked if there were separate meters for electric. Attorney Corona responded yes, and also noted that each building had its own well and septic, but did share a driveway. He also noted that he received a recommendation from an engineer that a subdivision of the property was not feasible. F. DeFelice noted that the accessory apartment would have to follow all current rules; including re-inspections.

MOTION BY DAVE FOLEY, SECONDED BY LISA DAVENPORT TO CLOSE THE PUBLIC HEARING AT 8:10 P.M.  
ALL AYE

MOTION BY LISA DAVENPORT, SECONDED BY DAVE FOLEY TO APPROVE R. & N. SLEATH APPLICATION,  
360R JOHNSON LANE, TO ESTABLISH ACCESSORY APARTMENT IN EXISTING RESIDENTIAL BUILDING. ALL  
AYE

**PUBLIC HEARING**

Applicant/Owner: Town of Durham

Property Location: #37, #41, #51 Main Street

Proposed Activity: Special Permit, Public Safety Complex

**In attendance:** Lisa Davenport, Frank DeFelice, Dick Eriksen, Chris Flanagan, Dave Foley, Dan Melnik, Jan Melnik, and Will Spooner

**Absent:** Alana Adams, Campbell Barrett, Edward Fronc, and Joe Pasquale

**Others in attendance:** Geoff Colegrove, Donald Smith Jr. P.E., Paul Jorgensen, AIA, Architect; Silver Petrucelli & Associates, Dave Sullivan, Milone & MacBroom, Inc.

**Seating of Alternates:** Will Spooner was seated for Alana Adams Dan Melnik recused himself from the public hearing.

Donald Smith reviewed the site plan that included driveways, generator, and septic for the existing buildings at #37, #41, and #51 Main Street.

#### #37 Main Street

- Proposed use; Ambulance Corp with dayroom, offices, conference room and storage.
- Will require a de-contamination tank with outflow into a holding tank. Stormwater regulations require that it be constructed in front of the building and flow into the DOT system.
- He noted that comments received back in January from Town Engineer, Brian Curtis have been addressed and are included in the proposal.
- 15-foot side yard.
- Generator and two propane tanks.

#### #41 Main Street

- Proposed use; Fire House.
- 2800 square foot addition; one bay wide by two bays deep.
- Existing shed is being relocated behind the building.
- Since the 1970's the building septic has been location across the street on Durham Fair property. Recent research has revealed that neither an agreement or easement can be found on town records. Currently the Fair Association has agreed to a license agreement.
- Soil testing at the back of site has been done to see if a septic system would be suitable but groundwater deemed it unacceptable. The town made improvements by installing a curtain drain, this proved that it only worked on one half of the property. The system being proposed would have the capacity of 750 gallons a day and would be adequate for the current capacity at of 120 gallons a day. He noted that the 750-gallon capacity could be reached if a large event was held or the building was used as a shelter.

#### #51 Main Street

- Proposed use; offices for Resident State Trooper, Emergency Management, and Public Safety Communications.
- A significant portion of the building will be demolished. A three bay carriage house (approximately 1600 square feet) and ramping will be constructed. Included will be floor drains, a separator, oil drains and a holding tank. On the north side there will be a small surface storm water management system and detention area.
- Existing driveway will be widened and realigned.
- Exit will be reconstructed in the same location.
- Septic system will be in the back of the property with the design capacity of 150 gallons a day.

All three buildings will be served by city water and the two existing wells will be abandoned. Dave Sullivan, Milone & MacBroom, Inc. was asked to look at the traffic study done in 2010 and report findings.

- Generation of traffic has not changed significantly.
- 2010-2013 traffic volumes were reviewed and showed they went down a little.
- Peak hours are the same or slightly lower.

- Exiting #41 Main Street; a.m. peak hours equate to a level of service C; p.m. peak hours taking a right from the exit are ok, taking a left show poor level of service.
- The proposed driveway of 20 feet wide is sufficient for left or right turn.
- Sight frontage for driveways have adequate sightline.
- Flashing signal light is very common and will function as is for widened driveway. Adequate for firehouse purpose and egress.
- Ambulance driveway not a lot that can be done. The State Department of Transportation (DOT) takes direction from the Manual on Uniform Traffic Control Devices. The installation of lights is not warranted. Supplemental signage can be discussed with DOT.

Paul Jorgensen, Architect with Silver Petrucelli & Associates reviewed proposed additions and alterations to the existing buildings.

#### #37 Main Street

- Fully renovated with a large addition in the back and a double garage with pull thru bays.
- ADA compliant with handicap access in rear with wheelchair lift.
- 2108 square feet minus the bays.

#### #41 Main Street

- Addition of 2800 square foot building on the north side.
- New 14x14 drive thru bay.
- Minor ADA improvements.

#### #51 Main Street

- Current structure will be gutted and will be rebuilding core wood frame structure with a smaller footprint of 550 square feet.
- Carriage house to be built that will include three bays.
- Similar siding and windows as original structure.

Historic District Commission has given conditional approval based on conceptual design.

Lisa Davenport thanked everyone for the great work in integrating the old with the new but questioned why #37 and #51 Main Street buildings were not being taken down and had serious reservations if this proposal was wise use of taxpayer money. P. Jorgensen stated they were asked to keep the historic component of the homes and to keep the integrity of the buildings.

Chris Flanagan asked if there were any conditional items that the Historic District Commission would not allow. P. Jorgensen stated they want to see actual elements that will be used if the project gets approved.

Jan Melnik then read the legal notice into the record.

#### LEGAL NOTICE

#### TOWN OF DURHAM

#### Public Hearing of the Planning and Zoning Commission

The Town Planning and Zoning Commission of Durham, Connecticut will hold a public hearing on Wednesday, August 3, 2016 at 8:00 p.m. in the Durham Public Library Meeting Room, 7 Maple Avenue, on the following application:

Applicant/Owner: Town of Durham

Property Location: 37, 41, 51 Main Street

Proposed Activity: Special Permit, Public Safety Complex Project

At this hearing interested persons may appear and be heard and written communications will be received. A copy of this application is on file in the Land Use Office, Durham Town Hall, for public inspection.

Dated in Durham, Connecticut, this 21st day of July, 2016.

Planning and Zoning Commission  
Town of Durham, Connecticut  
Frank DeFelice, Chairman  
Published On: July 21, 2016 and July 28, 2016

J. Melnik read a letter dated August 3, 2016 to Frank DeFelice, Chair of Planning and Zoning Commission from Town Engineer Brian Curtis, Nathan L. Jacobson & Associates, Inc. in reference to the drawings and related design information prepared for the expansion of the Public Safety Complex on Main Street in Durham. (copy of letter following minutes)

J. Melnik read letter dated August 3, 2016 to Frank DeFelice, Chair of Planning and Zoning Commission from William Milardo, Jr., Assistant Health Officer for the town of Durham in reference to the site development plan for the Public Safety Complex concerning the proposed water supply and sewage disposal facilities. (copy of letter following minutes)

C. Flanagan asked if the conference room at 37 Main Street was converted to a bedroom would it exceed the proposed septic requirements. P. Jorgensen replied no.

D. Eriksen asked D. Smith if he received and reviewed comments from Town Engineer, Brian Curtis. He responded yes, and will be incorporating B. Curtis's recommendations into the plan with one exception B1: "it is recommended that the existing curbed concrete entrance slab at the easterly double door entrance to the meeting room be removed and replaced with a handicapped accessible entrance ramp", noting that work has previously been done.

D. Foley asked if any consideration has been taken to buffering properties to the north and south stating increased uses will have impact on the neighbors. D. Smith stated no buffering has been proposed. The existing vegetation on the north side will be staying. On the south property line, the building is outside the 15-foot setback but could provide screening by incorporating trees or stockade fencing. D. Foley stated he would like to incorporate buffering in setbacks.

D. Foley asked what the square footage of the ambulance corp service bays and for the three bays in the north. P. Jorgensen responded the ambulance corp service bays are just under 1000 square feet and the three bays was 1600 square feet. D. Foley asked why the miscellaneous storage at #37 Main Street took up more space than the ambulance. P. Jorgenson stated the storage area would be utilized by all three departments.

C. Flanagan talked about the height of the building and 8 feet of buffering not being sufficient.

L. Davenport asked if there was any consideration made in the plan for future consequences related to the Durham Fair pulling the license agreement for septic regarding #41 Main Street. D. Smith made reference to Sheet C4 which showed the three buildings septic system requirements and the breakdown of design flow, noting that they would need to look at the flows and put in a large flow equalization tank for peak flow, store it in a large holding tank, and then pump out within the next three days. As for future use, new design work would need to be done.

F. DeFelice asked a series of questions:

- If holding tanks would have high level alarms, and if there were reserve fields for septic on the northeast side of the property? The applicant's representative replied in the affirmative.
- The reserve field for septic is along the northeast corner of the parking lot. Could the shed shown on the print be relocated to the south side? The applicant's representative replied in the affirmative.
- Has consideration been given to solid core vinyl considered as a siding material? The applicant's representative replied in the affirmative; but stated that the applicant would need permission from the Historic District Commission.
- If the traffic light and stop bars remain where they are, and all traffic were to come in from the southern ambulance driveway, when the ambulance leaves it would be able to take advantage of the light. D. Foley noted that the ambulance does not trigger the light. D. Smith reiterated if the stop bars are relocated the town may lose the current light all together.
- Will the parcels be merged prior to construction? The applicant's representative replied in the affirmative.
- Has the applicant provided photometrics for lighting? The applicant's representative replied that they have not provided photometrics. Exterior building lighting is proposed; however, there will be no freestanding light poles.
- How long is a septic system construction permit good for? D. Smith stated the septic approval is contingent on the current health code requirements; and did not expect any significant changes in the next couple of years. If there was significant change, or the Durham Fair pulled the license for #41 Main Street, the septic would have to put in to meet current health code.

### **Public Comment**

Mia Liss, 21 Main Street, stated she was very concerned with the use of #37 Main Street being used for the Ambulance Corp, noting it was being proposed in a residential zone with no buffering. She felt the addition of the large garage will be changing the residential aspect. She stated that #37 Main Street's backyard was visible from her backyard and had concerns regarding property values. She noted it was originally thought this building was to be used for the Resident State Trooper office and felt this would be a better use. She asked the Board to take this into consideration.

Robert Madler, 31 Main Street, stated that the proposed garage at 37 Main Street would be fifteen feet from his residence. He did not like the idea of traffic issues related to the ambulance leaving to be rectified by throwing on sirens. He referred to a prior comment and asked for consideration of moving the garage from the south side to the north side, and making it a drive thru. By moving the driveway up a bit most traffic could go through the drive thru garage and the ambulance could use the 2<sup>nd</sup> driveway from the south as an exit or entrance through the same bay.

Dick Kellish, owns homes at 227 and 227A Main Street. He questioned how many feet the fire house garage was. He stated he was on a prior committee that issued a report to the then First Selectman that left 90 feet to the fire department from the end of their garage, to put two more bays on and still have the gravel driveway on the other side, and asked if this was part of the proposal. D. Smith noted that he not aware of Mr. Kellish's report and made reference to the proposed plan and explained from the edge of the firehouse to the edge of the house at #51 there is approximately 115 feet. The proposed addition at #41 is about 37 feet wide.

Chuck Stengel thanked everyone who worked on the project and voiced the following concerns; he questioned the permanency of joining the lots, in doing so this will be a major step to financial obligations. He noted his commitment to the community to not increase taxes when he was elected to the Board of Finance. The town has several major projects coming up; the closing of Korn School and the potential for a long term lease, and the potential of RSD#13 budget increase to make renovations to other school to close down Lyman School. He asked that the item be tabled until a public meeting is held that will explain the project in total including potential costs.

George Eames stated he felt the proposed plan did not fit in a residential neighborhood and would limit future use of the fire house expansion. He made reference to Town Regulations, Chapter 7, Section: 13.05.04 General Standards. He then made reference to Section: 13.05.05.01 Notice of Public Hearing by Applicant, item (1) "the location of the sign(s) shall be shown on the site development plan and approved by the Planning and Zoning Commission", noting it was not on the plan or approved by the commission. He asked if the location of the sign was approved by the commission.

G. Colegrove stated the signage was approved at the last meeting. There is a notation on the map with the existing sign and the sign was placed inside that structure and is located on the plan. He received a dated photograph when it was put up which meets the requirements for the sequence of time. There was a question of which direction the sign should be facing and he suggested switching it north and south for equal opportunity for viewing.

Ona McLaughlin clarified the Historic District Commission's position; stating that the HDC was asked to approve the concept; however, there has been no application to date.

Nancy Cuomo noted concern regarding the high cost of the project and asked what had been spent to date on the design. F. DeFelice explained that cost is not considered as part of any land use application and she should seek this information from the town's Finance Director.

Roger Passavant questioned what the current zoning was on the proposed plan. G. Colegrove stated the parcel was split; on the east it is farm residential and to the west, main street residential.

Roger Kleeman asked if the propane for generators proposed for #37 Main Street were in bottles or a tank. D. Smith stated there were two (2) 1,000-gallon propane tanks above ground; 40 feet from either building. D. Smith noted that the tanks could not be buried in the current location but could be put in another location on the site.

D. Foley stated he did not believe the commission approved the location of the public notice sign at the last meeting and suggested extending the public hearing based on the notice not being adequately noticed.

G. Colegrove disagreed; stating that he talked about putting it in existing public safety sign framework.

J. Melnik asked what the approach and timeframe would be to have the applicant present alternate plans based on buffering, traffic, and the location of propane. F. DeFelice asked D. Smith if September 7<sup>th</sup> timeframe would be sufficient. D. Smith replied yes.

G. Colegrove stated that the public notice signage would be reposted.

MOTION BY DAVE FOLEY, SECONDED BY LISA DAVENPORT TO EXTEND THE PUBLIC HEARING BASED ON NOTICE NOT BEING ADEQUATELY NOTICED TO SEPTEMBER 7, 2016. DAVENPORT, DEFELICE, ERIKSEN, FLANAGAN, FOLEY, J. MELNIK, SPOONER; AYE.

### **8. Payment of Bills**

MOTION BY DAN MELNIK, SECONDED BY LISA DAVENPORT TO APPROVE BILLING FOR BETH MONCATA IN THE AMOUNT OF \$382.50. ALL AYE

MOTION BY DAN MELNIK, SECONDED BY LISA DAVENPORT TO APPROVE BYRNE & BYRNE BILLING FOR POCD IN THE AMOUNT OF \$1,185.00. Discussion: Frank DeFelice stated he checked with Attorney Bryne and the billing in question was for a request from the Selectmen's office in reference to the draft Plan of Conservation and Development; regarding conflicts of interest. Dave Foley questioned why the planning and zoning commission was approving the billing. F. DeFelice stated because it was related to the draft Plan. VOTE: DAVENPORT, DEFELICE, ERIKSEN, FLANAGAN, D. MELNIK, J. MELNIK, SPOONER; AYE. FOLEY; OPPOSED. MOTION CARRIED.

### **9. Minutes of Previous Meetings**

MOTION BY JAN MELNIK, SECONDED BY LISA DAVENPORT TO APPROVE THE JULY 20, 2016 MEETING MINUTES AS PRESENTED. DAVENPORT, DEFELICE, ERIKSEN, FLANAGAN, FOLEY, D. MELNIK, J. MELNIK; AYE. SPOONER; ABSTAIN. MOTION CARRIED.

### **10. Zoning Enforcement Officers Report**

Route 68 Industrial Park: G. Colegrove advised owner P. DiNatale that Mr. Forlini's auto repair operation is well beyond the one employee and the number of cars allowed is well in excess of the original permit. G. Colegrove noted that Dick McManus was on vacation last week but would be doing an inspection today. He stated there were two issues, site plan and building code, noting he felt the building code was the bigger issue; use classification of structure requiring fire wall ratings between the buildings (bays). He stated he would be advising Mr. Forlini that he would need to make application and apply for a revised site plan. D. Eriksen suggested putting a time frame on the matter. G. Colegrove stated he would send Mr. Forlini a letter to request an updated site plan and application within thirty days.

### **11. Town Planners Report**

Emails have been sent to various State Departments regarding pending grant applications, that the town's Plan of Conservation has been adopted. G. Colegrove noted he will need to submit any inconsistencies between the Plan adopted by the commission and the State Plan of Conservation and Development and the reasons within 60 days of adoption.

### **12. Miscellaneous**

F. DeFelice stated he received correspondence from Attorney Byrne on the definition of blight and would be forwarding it to all commissioners for review and comment.

F. DeFelice talked about the subcommittee's prior work on zoning regulations, specifically the residential, industrial and commercial chapters. These will be distributed to commission members during the next few weeks.

### **13. Adjournment**

Meeting adjourned at 10:25 p.m.

Respectfully submitted,  
Beth Moncata