

Planning and Zoning Commission Meeting
7:30 p.m., Wednesday, October 5, 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: Alana Adams, Lisa Davenport, Frank DeFelice, Richard Eriksen, Edward Fronc, Dan Melnik, Jan Melnik, and Joe Pasquale

Absent: Campbell Barrett, Chris Flanagan, Dave Foley, and Will Spooner

Others in attendance: Diana McCain, Mary Elizabeth Taylor, Brad Schide Circuit Rider, CT Trust for Historic Preservation, Attorney John Corona, Pat Benjamin Project Engineer, Bascom and Benjamin, Kati DiNatale

3. Seating of Alternates:

Ed Fronc was seated for David Foley.

4. Amendments to Agenda

MOTION BY JAN MELNIK, SECONDED BY LISA DAVENPORT TO AMEND THE AGENDA TO INCLUDE 7A: DANNY'S UNLIMITED LLC APPLICATION FOR SITE PLAN REVIEW AND SPECIAL PERMIT. ALL AYE

5. Approval of Agenda

APPROVED AS AMENDED.

6. Public Session

No Business

7. Thomas Lyman House, Local Historic Property Designation

Diana McCain, member of the Historical Property Study Committee was in attendance to answer any questions the commission may have. She noted that the Thomas Lyman House, 105 Middlefield Road was currently on the National Register of Historic Places and they were now working to obtain the designation of a Local Historic Property. There was a question as to whether the Historic District Commission regulations would be the same for this home. D. McCain responded that she understood they would. Brad Schide of the Connecticut Trust for Historic Preservation stated that there is currently a preservation easement on the property however, if there was a situation of foreclosure the easement would be lost; this designation would be another layer of protection. G. Colegrove stated that the map submitted included the entire parcel in the designation. Mary Elizabeth Taylor reiterated that there is currently a preservation easement on the property which will not allow for dividing the property. This designation would protect the easement and add an extra layer to protect it from the bank due to a foreclosure.

MOTION BY DICK ERIKSEN, SECONDED BY DAN MELNIK THAT THE COMMISSION HAS NO OBJECTION TO LOCAL HISTORIC PROPERTY DESIGNATION AND APPROVES THE REPORT OF THE COMMISSION. ALL AYE

7a. Danny's Unlimited LLC Application for Site Plan Review and Special Permit

Attorney John Corona was present representing DiNatale Rental and to review an Application for Site Plan Review and modification of the existing permit for Danny's Unlimited LLC. 589 Wallingford Road, Unit#66. He noted that the Owner and Applicant came before the commission several years ago with an application that was approved and since that time the business has tripled in size. He was hoping to establish a site visit date and public hearing date.

Pat Benjamin, Engineer, did a brief overview of the Site Plan. He noted he did the original permitting which was for one unit and nine-ten parking spaces. The applicant has expanded the space to three units and has additional cars on the site. He stated that a typical business of this type with up to 5,000 square feet would need thirty-five to sixty spaces; he then indicated on the Plan designated spaces for employees, spaces for cars coming in for repair throughout the day, handicap parking, drop off spaces for cars being towed in, and an area for vehicles that are being held due to non-payment. He noted that they would like to put up a thirty-foot-long chain link fence with slots to obstruct the view of the vehicles from the road along the loading dock at building #2.

Jan Melnik asked if the original approval of one handicap spot would remain the same and if there needed to be a firewall installed between the additional units. P. Benjamin stated that one handicap parking spot would remain the same and there was no requirement to install a firewall. G. Colegrove clarified that when the original firewall was done it reduced the size of the building therefore putting it into a separate category of codes; the cut through the wall to the other units need to be replaced with fire doors which have been ordered and will be inspected by the towns Building Official.

J. Melnik asked if the fuel tank for waste oil would need to be upgraded. Attorney Corona stated that this was a Department of Motor Vehicle process that will need to be done after this application. J. Melnik asked if the working hours originally approved would remain the same; 9:30-6:00. Attorney Corona stated the Applicant works seven days a week and the working hours are not applicable in the rental pack. He also noted he was not aware of any complaints. Attorney Corona did ask that the commission consider relieving the condition of the Applicant be required to keep the bay doors closed stating that this was not practicable and not a condition in other dealerships.

L. Davenport asked for clarification that the chain link fence being proposed would not block the fire lane. P. Benjamin stated it would not.

P. Benjamin confirmed and indicated where the public hearing signage was on the map.

MOTION BY DICK ERIKSEN, SECONDED BY DAN MELNIK TO SET PUBLIC HEARING DATE OF NOVEMBER 2, 2016 RE: DANNY'S UNLIMITED LLC FOR THE PURPOSE OF MODIFYING EXISTING SPECIAL PERMIT. ALL AYE

8. Discussion on Update to Zoning Regulations

There was discussion regarding how the commission wanted to approach the review and update to the towns zoning regulations. It was noted that three sections have been reviewed and changes made but were not approved. It was decided that these three sections would be reviewed first (beginning in January 2017; the same format as was used as the PoCD) and designated the second meeting of each month as a working session. Once these sections are complete the commission will hold a public hearing and then start work on other areas. J. Melnik questioned if it would be appropriate for the commission to have Attorney Byrne review the towns current zoning regulations before the commission starts work on them to make sure that they are fully compliant. F. DeFelice stated that G.

Colegrove had spoken to Attorney Byrne about this some months ago. G. Colegrove mentioned that Attorney Byrne had expressed concerns over the sign regulations and how the commission had to treat all similar signs the same. Commission members agreed and F. DeFelice will obtain a quote from Attorney Byrne and report back to the commission.

9. Payment of Bills

MOTION BY JAN MELNIK, SECONDED BY DAN MELNIK TO APPROVE THE FOLLOWING BILLS FOR PAYMENT. ADAMS, DAVENPORT, DEFELICE, ERIKSEN, D. MELNIK, J. MELNIK, PASQUALE; AYE. FRONC; ABSTAIN. MOTION CARRIED.

- Beth Moncata, Recording Services, Aug-Sept. 2016, \$735.00
- Midstate Planning Consultants, August 2016, \$2,187.50
- Midstate Planning Consultants, September 2016, \$2,625.00
- Byrne & Byrne, Public Safety Complex, September 2016, \$1,137.50

10. Minutes of Previous Meetings

MOTION BY LISA DAVENPORT, SECONDED BY ALANA ADAMS TO APPROVE THE SEPTEMBER 7, 2016 MINUTES AS PRESENTED. ADAMS, DAVENPORT, DEFELICE, ERIKSEN, PASQUALE; AYE. D. MELNIK, J. MELNIK; ABSTAIN. MOTION CARRIED.

MOTION BY DICK ERIKSEN, SECONDED BY JAN MELNIK TO APPROVE THE SEPTEMBER 21, 2016 MEETING MINUTES AS PRESENTED. DEFELICE, ERIKSEN, PASQUALE; AYE. ADAMS, DAVENPORT, D. MELNIK, J. MELNIK; ABSTAIN. MOTION CARRIED.

11. Zoning Enforcement Officers Report

Camp Farnham update; G. Colegrove has been in contact with representatives from Camp Farnham and they will be attending the November 16th meeting.

12. Town Planners Report

No business

13. Miscellaneous

J. Pasquale made reference to the motion made at the last meeting regarding the Route 68 Industrial Park issue noting that a letter of cease and desist should have been issued and felt the application for site plan review and special permit heard at tonight's meeting should not have been heard based on the owner and applicant being in full violation of the towns regulations. G. Colegrove stated that notice was given to the owner and applicant that allows for fifteen days to come into compliance or apply for a site plan review and special permit which is what they did. There was discussion surrounding the responsibility of the commission and consequence of the applicant in cases such as this.

Adjournment

Meeting adjourned at 9:00 p.m.

Respectfully submitted,
Beth Moncata