Received: October 27, 2016
5:03pm
Office of the Town Clerk

Planning and Zoning Commission Meeting
7:30 p.m., Wednesday, October19, 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, Campbell Barrett, Lisa Davenport, Frank DeFelice, Richard Eriksen (7:35), Chris Flanagan, Dave Foley, Edward Fronc, Dan Melnik, and Joe Pasquale
   Absent: Jan Melnik and Will Spooner
   Others in attendance: Geoff Colegrove, Donald Smith Jr. P.E., David Stein, AIA, Principal/Project Management; Silver Petrucelli & Associates, Andy Meiman

3. **Seating of Alternates:**
   Campbell Barrett was seated for Jan Melnik

4. **Amendments to Agenda**
   None

5. **Approval of Agenda**
   MOTION BY DAVE FOLEY, SECONDED BY DAN MELNIK TO APPROVE THE AGENDA AS PRESENTED.
   ADAMS, BARRETT, DAVENPORT, DEFELICE, FLANAGAN, FOLEY, FRONC, MELNIK, PASQUALE; AYE.
   ERIKSEN; ABSTAIN

   Chris Flanagan questioned the motion approving the report of the Historical Property Study Committee made at the October 5, 2016 meeting and asked if it was accepted in its entirety and included the approval of the proposed ordinance. G. Colegrove stated the Study Committee issued a report to recognize that the entire property (parcel) be included in the historical designation and the commission approved it. Dick Eriksen explained he understood it to be that the commission had no objection that the property would be accepted as an historic site outside of Main Street and had nothing to do with regulations.

   C. Flanagan questioned the easement by the Connecticut Trust for Historic Preservation and understood from the minutes that the easement is protected. If the property went into foreclosure the bank couldn't take it over and subdivide the property. D. Eriksen did not agree. Duncan Milne stated that was incorrect, he understood that all protections would be null and it would go back to the bank.

   C. Flanagan stated he understood by getting the historic designation it added an additional layer of protection, not to the owner, but to the easement, and if for some reason the owner has financial difficulty it would make sense to be able to subdivide the property. Campbell Barrett noted that the owner purchased the property subject to the easement. C. Flanagan asked if everyone going forward would be subject to the easement. D. Eriksen stated that Brad Schide from the Trust stated at the last meeting that they would, the only one that can undo it, is through foreclosure.

G. Colegrove stated that if for whatever reason the bank took over the property it would no longer be subject to the easement.

Lisa Davenport stated she understood that it would be just the house and not the property that would remain under the historic designation. C. Barrett understood that if the property goes into foreclosure the easement would no longer remain but the house would remain under the historic designation. L. Davenport stated they were not clear on this, she asked if the property could be subdivided and developed and was not under the impression it would be in historic character. C. Flanagan stated he did not feel that going forward all designations should not be done this way and should be reviewed.

Joe Pasquale questioned the map that was presented at the meeting and asked if the property was subdivided before. G. Colegrove stated that it was a feasibility study that showed dotted lines (deed lines) of the entire site (13 acres) that represented separate deeds that made up the site. Right now, unless the bank takes over they are subject to the deed/easement and review of the historic district.

6. Public Session

No business

MOTION BY DAVE FOLEY, SECONDED BY CHRIS FLANAGAN TO RECESS THE REGULAR MEETING AND OPEN THE PUBLIC HEARING AT 8:00 P.M. 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: Alana Adams, Campbell Barrett, Lisa Davenport, Frank DeFelice, Richard Eriksen (7:35), Chris Flanagan, Dave Foley, Edward Fronc, Dan Melnik, and Joe Pasquale
Absent: Jan Melnik and Will Spooner

Others in attendance: Geoff Colegrove, Donald Smith Jr. P.E., David Stein, AIA, Principal/Project Management; Silver Petrucelli & Associates, Andy Meiman
Seating of Alternates: Campbell Barrett was seated for Jan Melnik

Dan Melnik recused himself and was seated in the audience.

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, October 19, 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 7th day of October, 2016.
Planning and Zoning Commission
Town of Durham, Connecticut

Frank DeFelice, Chairman
Publish On: October 7, 2016 and October 14, 2016

Frank DeFelice noted that two letter were received from Stephen Liss and Maya Perry Liss and were entered in to the record.

Donald Smith stated that this was a new application. G. Colegrove distributed a list of prior submissions.

D. Smith reviewed the plan. He noted there were three (3) separate lots totaling 4.9 acres that would be combined into one (1) parcel if approved. There are two (2) wetlands approximately 26000 sq ft. approx. 8700 on the north side of property, approx. 17,000 on the south side. 410 feet frontage on Main Street. Proposed use is a special permit under the regulations.

<u>#37 Main Street</u>: Ambulance facility with a 2108 sq. foot addition, extensive renovation, new driveway. The addition of two (2) single depth bays with access from the back. Septic system currently exists and is located at the rear of the building, capacity is 285 gallons/per day.

<u>#41 Main Street</u>: Fire House facility with a 2800 sq. foot addition, one (1) double deep drive thru bay, new generator that will serve all buildings and propane tank. The existing shed on the north side will be moved to the rear of the property. Between #37 and #41 Main Street six (6) parking spaces and one (1) handicap space to be identified for First Responder parking. Currently there are three (3) First Responder spaces in front of the fire house that will stay and adding six (6) more spaces for ambulance. The septic system for this facility currently exists and is located on the Durham Fair property under a license agreement. It has a design capacity in excess of 1,000 gallons/per day which will be adequate if a large event was held or if the building was used by the public. Current capacity is 120 gallons/per day.

<u>#51 Main Street:</u> Emergency Management, RST, Communications; 1600 sq. foot three (3) bay carriage house, handicap access ramp. Storm water management area adjacent to the wetlands; Inland/Wetlands and the town Engineer has approved and is in compliance with regulations. This facility will require a new, smaller septic system, located in the grass area behind #41 Main Street, it has a design capacity of 150 gallons/per day.

All three buildings will have floor drains that are connected to a well water separator and holding tank that will be pumped out when full. All three buildings will be served by municipal water.

Comments received from prior public hearings have been incorporated into the site plan.

- Three (3) public hearing signs on property and on plan.
- Generator and propane tanks have been moved to the rear of the fire house and the placement of arborvitaes and bollards.

- Main Street out driveway for the ambulance; added pavement marking on Main Street along with sign, do not block driveway.
- Added notes #13 time, #14 use, #15 septic systems designations for each property as well as signature block.
- Landscape plans; screening for thirty-six (36) arborvitaes along south property line at #37, starting at front of building to rear of the wetlands, six-foot-high stockade fence to the building back and small three-foot-high fence in the front of the building. Small yard fence in front approximately 16 feet and 6-foot-high fence back to the wetlands.
- Site lighting; included photometric layout, loophole lights are proposed for paved areas. Six pole lights in parking area. Generator single pole light on north side.
- First responder parking only sign and visitor parking sign on #51.
- Detail sheets and construction sheets have not changed.

Drawing packages were handed out to commission members.

C. Flanagan asked if the hours of operation include community use. D. Smith responded yes and referred to sheet C3.

J. Pasquale asked for clarification on traffic flow. D. Smith stated that traffic flow for #41 and #51 is as current exists. Access to ambulance will be coming in current driveway, circles around, and goes through garage. Single one way driveway in, fire station pulling straight out. Exit will be what is the gravel driveway today.

J. Pasquale asked for clarification on the septic system capacity of each location; #37 Main Street; D. Smith reiterated #37 Main Street; 285 gallons/per day, #41 Main Street; capacity in excess of 1,000 gallons/per day, #51 Main Street; 150 gallons/per day. C. Flanagan asked if the capacity for the firehouse would accommodate a large meeting or public use. D. Smith stated that it would and noted if water usage peaks or if the Durham Fair Association pulls the license agreement in the future, there would be the need to install an equalization tank.

J. Pasquale noted the site was 4.9 acres and asked if other options were explored. D. Smith stated that the original plan was more intensive and there were not many other alternatives to have the building remain upfront. They had to demonstrate there was sufficient capacity for septic systems on site.

D. Eriksen questioned exit egress and asked if there was documentation on the amount of calls received from the ambulance, fire and resident state trooper. A. Meiman stated the ambulance corp responds to approximately 500/600 calls per year and the RST 300/350 per year.

D. Eriksen asked what the distance was to the neighbors on the south and north. D. Smith responded the south; 21.9 feet and the north; did not have actual distance but was in the 15-foot side yard setback.

L. Davenport asked for clarification on the site plan as to where the driveway entrances were. D. Smith noted the entrance was the current firehouse entrance. The current firehouse exit will be utilized by the ambulance corp as an exit.

L. Davenport asked how far off the ambulance garage is the fence. D. Smith stated six feet on each side.

David Stein referred to site plan sheet C3, item #14 where is states that the proposed facility will be used by public safety agencies and it will be on-call 24 hour a day, 7 days a week for unscheduled emergency response. Business activity for public safety agencies and other groups, training and other activity an occur 7 days a week, with most scheduled evening activity concluding by 11:00 p.m.

D. Foley questioned what "other activity" may be and felt the need for a designation of time where there are no activities as the adjoining neighbors are so close to the proposed facility. A. Meiman noted that events are already taking place at the fire house and there are no plans to expand events. D. Foley stated he felt this project will be very intrusive to the neighbors and was not comfortable with "other activities". D. Smith noted they would revisit the language.

D. Eriksen noted his concern regarding parking lot lighting and asked if they would be on all night. D. Stein stated that they can be programmed to run from dusk to dawn and there is also the capability of adjustment with a time clock; this can be written in to the record that the purpose is for public safety and security.

F. DeFelice asked what the lighting color temperature was. D. Smith responded that it would not exceed 3000K and this could be made conditional. F. DeFelice asked if they presented this to the Historic District Commission (HDC). D. Smith noted that they have gone before the HDC several times but did not submit a Certificate of Appropriateness as they do not have all levels of detail. They will go back when further into the design stage.

F. DeFelice asked if the siren at the fire house will be put back into place. Bill Curtis stated that the Fire Company voted at their last meeting to discontinue use of the siren.

F. DeFelice asked what the height the proposed trees were on the south border and around the generator. D. Smith responded five-six feet in both areas and noted the generator would also have safety bollards in place. F. DeFelice questioned the generator noise decibels. D. Smith responded that it met the towns regulations.

D. Eriksen asked if it would be feasible to eliminate the two houses and have the facility encompass one building. D. Stein stated that this has been studied since 2008 and the original solution was to add an addition to the existing fire house but was eliminated due to various curb cuts and the full renovation of the fire house. Solutions were developed significantly on a conceptual level but ultimately what led them to today, and shows in the Plan of Conservation and Development, Section 4.5 "the Historic District Commission shall encourage town or private acquisition of threatened structures to prevent destruction, including demolition by neglect". They can be refurbished and will require a lot of work and are not past their life of destruction.

J. Pasquale asked if the HDC could make it a requirement to not tear down the two existing houses if it was not in the best interest of the town. Andrew Taylor stated that the HDC could bring a suit against the town. G. Colegrove stated that he did not know, specifically, that it is described by statute.

J. Pasquale asked why carriage house at #51 Main Street couldn't be used by the ambulance corp. D. Smith noted the importance of the drive though capability for safety reasons.

L. Davenport asked what the height of the ambulance building garage was. D. Smith stated it was 20 feet to the ridge; lower than the existing building. L. Davenport asked about the size of the doors. D. Smith stated they were 15 feet to the top; the same as the fire house.

F. DeFelice referred to the site plan and asked if the Town of Durham has either property or right-of-way border. D. Smith responded no.

F. DeFelice asked if the State Department of Health would allow anyone for discharge off site given they do not have sewers. D. Smith responded that the Health Code states that every building shall have its own septic system and shall be on the same property as the building. If it is not on the same property of the building you would need a permanent easement over the offsite location and all documentation would need to be approved by DPH.

Comments were then opened to the public.

Dick Porter asked why the outdoor generator specified for #41 Main Street was not utilizing the current generator room and diesel tank. D. Smith stated that the generator did not fit in the current footprint and they are changing out the fuel for heat to propane.

Roger Passavant asked what the individual parcel sizes were and the sq. footage of the existing fire house. D. Smith responded that #37 Main Street is 1.47 acres, #41 Main Street is 1.63 acres, and #51 Main Street is 1.81 acres. D. Smith did not have the sq. footage of the fire house. R. Passavant stated he did not understand why the lots were to be combined and strongly recommended against doing so.

Maya Perry Liss asked for confirmation that all commission members received her letter for the record. F. DeFelice stated that copies were distributed at the meeting tonight and by email. M. Liss stated talked about the impact that the garage at #31 Main Street would have on their neighbor's home and the effect it will have on property values. She also spoke to the conversation as to why the carriage house at #51 Main Street being utilized by the ambulance corps was not an option because they needed to be able to drive thru the bay, stating she did not think it would be detrimental to back the ambulances in as they currently do, and asked that the commission take this into account when making their decision.

Matthew Lockwood asked where the leaching field for #51 Main Street was. D. Smith stated that it was in the rear of #51 and #41. M. Lockwood stated that he felt the leaching field will not hold that much if the Durham Fair Association backs out of their lease agreement with the town. D. Smith stated that a flow equalization tank could be used for peak flow.

R. Passavant asked if they know where the septic line for #41 Main Street goes specifically. D. Smith stated he understood it goes from Main Street to Swamp Lane.

Sue Wimler, member of the Public Safety Facility Renovation Planning Committee stated that the charge of the committee included the town owned houses. She noted that #51 Main Street is proposed to be a dry building and the ambulance corp cannot store ambulance supplies in that type of building. They are also hoping to use a bay at the ambulance building as a training type facility.

D. Eriksen asked if they knew of any flow equalization tanks in Durham. G. Colegrove stated that this was not new technology but would have to check with the town sanitarian to see if any are being used in Durham. D. Eriksen asked why this is being considered if the property cannot support the septic system. D. Smith stated that Durham's Assistant Health Director agreed with the septic design and understands it is a phased design.

J. Pasquale asked if the #37 Main Street septic system fails could its flow be included in the equalization tank. D. Smith stated yes.

Review of follow up items was discussed.

- Confirmation of Assistant Health Directors letter of approval of septic design
- Site Plan sheet C3, Item #14 revisit language
- Distance of northern house to property line next door (Regulation #13.03.04 Site Plan Requirements)

7. Payment of Bills

No business

8. Minutes of Previous Meetings

MOTION BY DICK ERIKSEN, SECONDED BY LISA DAVENPORT TO APPROVE THE OCTOBER 5, 2016 MEETING MINUTES AS PRESENTED. ADAMS, DAVENPORT, DEFELICE, ERIKSEN, MELNIK, PASQUALE; AYE. BARRETT, FLANAGAN, FOLEY; ABSTAIN.

9. Zoning Enforcement Officers Report

Route 68 Industrial Park; the fire door has been installed and Dick McManus Building Inspector will be inspecting the facility. G. Colegrove will report back at next meeting.

Camp Farnham; G. Colegrove met with Attorney representing the camp. Some activities currently being held at the facility have gone outside the original scope. They will not be looking for an extended permit and are agreeable to coming to the November 16th meeting of the commission.

10. Town Planners Report

No business

11. Miscellaneous

No business

Adjournment

Meeting adjourned at 10:00 p.m.

Respectfully submitted,
Beth Moncata

*Letters following.