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Office of the Town Clerk

Planning and Zoning Commission Meeting
7:30 p.m., Wednesday, December 7, 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, Dave Foley, Daniel Melnik (7:40), Jan Melnik, and Joseph Pasquale

Absent: Chris Flanagan, Ed Fronc, Will Spooner

Others in attendance: Geoff Colegrove

3. Seating of Alternates: Campbell Barrett was seated for Chris Flanagan

4. Amendments to Agenda: None

5. Approval of Agenda

MOTION BY DAVE FOLEY, SECONDED BY LISA DAVENPORT TO APPROVE THE AGENDA AS PRESENTED.
ALL AYE

6. Public Session: No business

7. Chris Sokol, Site Plan Review, Eagle Scout Project, 41 Main Street

Chris Sokol of Troop 27 presented a site plan review to erect a monument honoring Durham's Volunteer Fire fighters over the years. When looking at the fire house from the street, the monument will be placed on the left-hand side, behind the sidewalk, in the grassy area. The monument will be made of black granite and will be 4 feet in diameter; the base will be approximately 52" W, 42" D, and 42" H. A 4-foot pathway and benches will be constructed by Torrison Stone. C. Sokol noted he received permission from Chief Chadd, Fire Company Board of Trustees, and the Board of Selectmen. He will also be seeking permission from the Historic District Commission. He also noted that he spoke with the architect and engineer working on the proposed emergency complex and they stated the monument would not interfere with their plans.

MOTION BY JOE PASQUALE, SECONDED BY CAMPBELL BARRETT TO APPROVE SITE PLAN REVIEW, EAGLE SCOUT PROJECT, 41 MAIN STREET. ALL AYE

8. Discussion of Legal Review of Zoning Regulations

F. DeFelice noted the commission will start work in January on the review of the towns zoning regulations. At the request of the commission he received a quote from Attorney Byrne for the complete review of the regulations for areas that may not comply with current case law in the amount of \$3,500 to \$4,500.

MOTION BY DAVE FOLEY, SECONDED BY JAN MELNIK TO PROCEED WITH REVIEW OF REGULATIONS BY ATTORNEY STEVE BYRNE WITH AUTHORIZATION TO SPEND UP TO \$4,500. ALL AYE

9. Discussion of Uses, Camp Farnum, Maiden Lane

In attendance: Attorney Liz Cohen; Douglas MacDonald, Vice President; Lou Perno, Co-Executive Director; Rick Washburn and Elizabeth Gambardella.

G. Colegrove stated he contacted Camp Farman and abutters on several occasions to discuss questions raised about what was covered under the original non-conforming status of the property and what has happened in recent times. Rather than issue a notice of a show cause hearing for a zoning violation he thought it would be better to have them explain what their current plans are. He also stated there were several neighbors in attendance that may like to express their concerns and noted that representatives of Camp Farnam have discussed the kinds of activities and controls they want on the property.

Attorney Cohen presented a study of activities being held at the facility over the last five years, a copy of their license agreement and newly developed policy statement. She spoke about the gathering in July that resulted in an unfortunate incident and apologized to Mr. Fowler, his daughter and the community. She noted that they have taken remedial steps and hoped that the commission would agree that they are in compliance with their non-conforming status. She noted that the property was owned by the YMCA until 1952 at which point it was deeded to the Farnam community. At the time before it was deeded to them it was operated as a camp. Attorney Cohen stated the camp primarily serves poor children from New Haven in July and August and understood, based on history, that even prior to acquiring the property, the YMCA used the property for company picnics on Saturdays and Sundays. She stated from the time Farnam has owned the property it has been used for family picnics, church events, weddings, and corporate events on the weekends and felt this to be a pre-existing part of the camp use. Attorney Cohen said that town regulations allow a camp with a special permit and they do not feel they need a permit because of pre-existing non-conforming use.

Attorney Cohen felt the legal question to be answered was did Camp Farnam do anything to expand the non-conforming use and noted the legal standard; although you cannot expand it, you can increase it. Farnam does not believe they have increased over the years any of the weekend events. Attorney Cohen stated that prior to the complaint in July they were aware of only one complaint and that was a noise complaint; this organization or group has been told that they will not be welcome back at the camp. She also noted that the group from July has also been told they will not be allowed back. She then referred to the study of activities presented from 2011-2016 that allowed for an average of seven to eight events a summer; she noted they are not being held every Saturday and Sunday, and there is an average of twenty-five to seventy-five cars a week. She pointed out that speed bumps were put in to alleviate exiting the facility quickly.

Attorney Cohen acknowledged that Camp Farnum is in litigation (this September) with Mr. Fowler over a property dispute and this is when the complaint came to the commission and should be considered. F. DeFelice asked Attorney Cohen if she felt they were related. Attorney Cohen stated she did not know if they were related or coincidental that Mr. Fowler came to the commission at the same time. F. DeFelice asked Attorney Cohen if she was alleging this. Attorney Cohen stated she did not feel this was just coincidental and did acknowledge that Mr. Fowler did have a legitimate complaint about what happened in July.

Attorney Cohen then talked about what they had done to address these issues; a new agreement was created that needs to be signed and a new policy statement. She talked first about the policy

statement that recognizes all outings take place from June 15-August 31; the prospective licensee must fill out the license agreement; Camp Farnam's right to cancel an outing if not in compliance with terms and conditions; at least 7 days prior to a scheduled outing Farnam will notify the Resident State Trooper and Volunteer Fire Department of the date and time of scheduled outing; and on or before September 30th of each year Farnam will provide the commission with a list of all outings that occurred during that calendar year along with a list of the approximate number of individuals in attendance.

Attorney Cohen then talked about the license agreement being intended to make sure that nothing like what happened in July happens again and pointed out specific items; set hours from 9:00 am – 8:00 p.m.; a certified lifeguard must be on duty; a representative of Farnam will be at the camp during the outing; the licensee is responsible for having one person stationed at the entrance of the camp during the first and last hours of the outing and for the half hours immediately before and after the outing; and alcoholic beverages can only being served by a licensed bartender.

Rick Washburn stated that he has been neighbors with the camp since his mother in law lived there since 1964 and there has not been a complaint. His wife inherited the home in 1997 and he has not had any problems with traffic. He felt Farnam was a great neighbor.

Lou Perno stated that his professional experience was of a police officer. He noted that he has had several occasions to have discussions with Mr. Fowler that have been friendly and cooperative. Mr. Fowler never once mentioned that he had issues with traffic or crowds, had there been a problem he would have taken steps to remediate it. He stated he has met with the Resident State Trooper several times and felt that Farnam has taken blanket steps (and is their goal) to prevent any disruption in the neighborhood. He noted that Farnam is a non-profit and looks to future conservation and preservation issues and to broaden the experience for children from the city and from Durham. He stated that Farnam is open to suggestions, are readily available and want to maintain a relationship with Durham. F. DeFelice asked if there was an issue at some point at Farnam where someone was contracting events that was unauthorized. G. Colegrove stated he thought F. DeFelice was referring to an event that was not a part of any schedule or had authority from their Board that resulted in underage drinking. Attorney Cohen confirmed this was correct and noted that it was dealt with. F. DeFelice asked if anything has been done to prevent this from happening again. L. Perno stated that a lock has been put on the gate, no trespassing signs have been posted and both internal and external communication has been established.

Dick Eriksen stated that #12 on the license agreement refers to alcoholic beverages only being served by a licensed bartender. He advised them that a licensed bartender has no standing; if there is a public occasion where alcohol is going to be served the applicant would need to apply for a state permit, for the period in which alcoholic beverages will be served, and noted that their agreement does not allow for this. He talked about not only the risk of underage drinking but the liability and question of use. Attorney Cohen noted that she would research this and will add it to the agreement. D. Eriksen also talked about prior use of the facility as a camp and is now being used as a rental facility. He felt Farnam could now be defined as a commercial use and questioned their current permit and mission. Attorney Cohen stated they considered this and did not feel there was any change with what the camp has done in the past and was not totally unrelated to their mission. D. Eriksen talked about Farnam coming before the commission in the past for events that required a special permit and was now leaving this type of decision up to their Board. He stated that Farnam has a responsibility for public safety and felt the town of Durham should be notified when events are being held at the facility by coming before the commission for a special permit.

Campbell Barrett noted that Attorney Cohen talked about the legal proposition that Farnam is distinguishing Connecticut law between the increase of the use and the expansion of the use and asked if she had any case law on this. Attorney Cohen stated she did and presented it to C. Barrett. He then talked about Farnam coming before the commission to request a special permit for the Fall Down event and questioned why Farnam was now suggesting that similar activities fall within non-conforming use and do not require a special permit. Attorney Cohen stated the Fall Down event was a significantly larger event that occurred over a period of four days. C. Barrett asked if Farnam was limiting future events to just campers and alumni. Attorney Cohen stated no and noted the difference between the Fall Down event. Current events would be subject to the daily time restriction that is on the agreement (overnight events are no longer allowed).

Attorney Cohen talked about public safety and asked if the commission had any other suggestions. G. Colegrove asked what the total population allowed on the site was. Attorney Cohen responded that the maximum was 150. Joe Pasquale referred to the policy statement, Item #4 and felt this sufficient. G. Colegrove suggested that Farnam request to attend a monthly Chief's meeting to discuss upcoming events by advising the First Selectmen office. Attorney Cohen agreed to do so. Lisa Davenport asked if they will continue to host the Webelos overnight camp since they stated they would not be allowing overnight events. Douglas MacDonald stated that Farnam policy is not allowing for overnights and noted that they did receive a request from a scout troop for an overnight this coming April and when discussed with the Farnam Board they decided if the camp received an overwhelming response for overnight events they would review. Attorney Cohen stated that this was a distinction between the programmatic capacity and usage of the camp opposed to a weekend rental of outside groups coming in.

D. Eriksen asked if they will be making the request for a permit a requirement from anyone they rent the facility to who will be serving alcohol. Attorney Cohen responded that they would.

Dave Foley stated he felt this conversation raises the question of whether this is an intensification or expanded use. He asked if there was any evidence or documentation as to what was going on prior to zoning so the commission can decide if this was a pre-existing condition or grandfathered use and if the current use is consistent with it. G. Colegrove stated he found very little paperwork (and Farnam has not provided this type of information) and felt Farnam would need to make an application to determine the proper use. Attorney Cohen stated she did not and offered a letter of affidavit from the Camp Director who did tell her that the YMCA did have company picnics on the weekends in the past. F. DeFelice asked if she had a site plan or drawings of the site. Attorney Cohen noted the town would have paperwork regarding the pool. G. Colegrove stated he did talk to Attorney Byrne about the pool and he stated this would be an intensification of the use not an expansion of use; putting up accessory structures are all part of the original intent. The issue is the non-programmatic rentals.

Jan Melnik read two letters which were sent to the commission regarding the camp from Deborah Kotrady, Robert Figorus and Laura and Arthur Siegartel.

F. DeFelice stated that he considered this presentation by the camp to be an informal discussion and suggested that Farnam determine what they want to be and put in an application; he felt this would bring clarity to the situation. J. Pasquale suggested that Farnam come back with information that shows that they have non-conforming status. Attorney Cohen stated they tried to provide this type of information but would do further research. G. Colegrove stated that the reason Farnam Representatives attended tonight was to allow them to present what their plans are. F. DeFelice felt by doing so would open the item up to an illegal public hearing and felt it not advisable.

Attorney Cohen felt that Farnam representatives should research what went on in 1954 and to meet with the public to discuss so they can understand; arrange a community meeting to hear what problems residents have had and what can be done to address them. F. DeFelice agreed. G. Colegrove stated the correct date is 1955 because Farnam owned the camp three years before zoning.

Martin French spoke to a procedural question stating that at the public comment portion of the meeting the Chair asked that no one speak to items that were on the agenda so he did not speak at that time. M. French noted that resident letters were read into the record and David Washburn, who is a resident, was allowed to speak; he wanted the commissioners to know that there was public in attendance that could offer feedback if they created the venue. M. French addressed Attorney Cohen by stating that she was surprised to hear that the public was not happy with Farnam because the public was never asked. F. DeFelice stated this could be an agenda item at a future meeting so this can be properly addressed publicly and understood the public has concerns, but reiterated that the appropriate forum was the public hearing. G. Colegrove suggested the public and representatives exchange contact information in the adjacent meeting room.

10. Town of Durham, Special Permit, Emergency Management Complex, 37, 41, 51 Main Street

Dan Melnik recused himself and was seated in the audience.

G. Colegrove reviewed a spreadsheet that represented all commission members, their attendance of the public hearings held on the town of Durham Special Permit, and requirements that members would need to fulfill in order to vote on the special permit. A poll of the members in attendance was taken on their status. Those eligible to vote were Joe Pasquale, Dave Foley, Jan Melnik, Lisa Davenport, Alana Adams, Dick Eriksen, and Frank DeFelice. Campbell Barrett was not in compliance.

D. Eriksen stated that he wanted to make it clear that the commission was not approving the concept but approving the application by meeting all regulations.

At the request of the commission from the last meeting G. Colegrove presented commission members with the background of the application; the proposed use being identified in the towns Plan of Conservation and Development; all testimony, exhibits and information provided during the applicant's previous application for the facility having been included as part of the new application; and a breakdown of Section #13.05.04 (General Standards) with comments in italics regarding the application for each item for a basis of discussion.

The first part set the background in reference to the application; the second part dealt with compliance with special permit standards; and the third part potential conditions.

F. DeFelice advised the commissioners that these were suggestions from staff and for consideration only, they need not adopt or approve, they can change. He then opened discussion.

J. Melnik noted after reviewing all documentation and listening to all commentary she asked what the final status was of the fence on the south side of the southerly building. G. Colegrove stated a six-foot fence up to the setback line and trees will be planted; he referred to the final plan submitted. J. Pasquale noted there was a lot of discussion surrounding the fence and asked what the disposition of the fence would be if the Historic District Commission did not approve it. C. Barrett stated the commission could approve with the condition that the fence needs to remain. F. DeFelice clarified that the Historic District Commissions authority would be on esthetics of the fence only. G. Colegrove noted should the fence not be approved it would be a modification of a site plan review and would need to be presented to the commission.

D. Eriksen talked about procedure and normally receiving all town agency approvals prior to coming to the commission, and questioned why the Historic District did not approve the project. G. Colegrove stated that the minutes received from the Historic District reflect they have approved the conceptual design and do not have specific details yet.

J. Pasquale talked about the 25-foot minimum aggregate with the property and how the ambulance building will be within the 15 feet of the property line. He asked if the 25-foot aggregate was part of the application and site plan. G. Colegrove stated the regulation does not apply except at residences. He stated the 25-foot aggregate is 10 and 15 in the farm/residential zone; the minimum side yard is 15 which was met. J. Pasquale asked again if the 25-foot aggregate applied to this. G. Colegrove stated the 25-foot aggregate is 10 and 15. D. Foley asked if all new buildings (new construction) comply with this. G. Colegrove stated yes, but it does not comply with 51 Main Street because of non-conforming and not expanding. G. Colegrove stated the new addition does comply with this and referred to an opinion received from Attorney Byrne that stated the regulation talks about dwellings meeting these requirements.

J. Pasquale referred to #05.03.02 where it states "No accessory building or structure shall exceed 35 feet in height. Accessory buildings or structures constructed in subdivisions or on building lots where the aggregate side yard total can be reduced to 25 feet and the minimum width of one side yard reduced to 10 feet, shall not exceed 15 feet in height if the building or structure is constructed less than 25 feet from the side property line". He questioned the ambulance building being less than 25 feet from the property line; its 15 feet. He believes the height of the building where the garages are to be 19 feet and exceeds the 15 feet requirement of the regulations. F. DeFelice stated he was under the impression that uses by the town of Durham, municipal or public buildings, fall under the special permit and this does not apply as determined by Attorney Byrne. G. Colegrove stated that the town of Durham uses are not exempt from zoning, it requires an ordinance to do so and has never been passed in Durham. J. Pasquale noted that the ridge of the roof is over 15 feet and does not comply. G. Colegrove read from Section 02.01.02 of the zoning regulations that "an accessory building or use is one which is subordinate and customarily incidental to the main building and use on the same lot" and felt there to be a question of whether it is an accessory building. J. Pasquale stated he felt it to be a structure. After further discussion, it was agreed that G. Colegrove would get an opinion from Attorney Byrne.

J. Pasquale talked about items of concern under Sections #13.03.03 and #13.05.04 General Standards.

(1) The location, type, character and size of the use and of any building or other structure in connection therewith shall be in harmony with the conform to the appropriate and orderly development of the town and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent lots or impair the value thereof; *the scale of the additions and architectural treatment blends with the existing buildings in the vicinity and are in keeping with the overall contact with the visual fabric of the surrounding properties to the north and south of the complex. Although homeowner representations were made that the complex would lower property values, no evidence by a qualified appraiser was submitted. In the absence of such documentation, the claim cannot be substantiated and therefore cannot be accepted as fact.*

J. Pasquale stated attempts have been made to shield the adjoining properties from the project but felt it did not adequately do the job and diminishes the ability of the neighbors to enjoy their property the way they currently do and most importantly, should not impair the value of the properties. He talked about the property to the south and the impact of the proposed size of the building to the adjoining

neighbors home value. He disagreed with comments made by G. Colegrove that no evidence by a qualified appraiser was submitted by either party and in the absence of such documentation the claim cannot be substantiated.

C. Barrett felt the language in Section #05.04.01 that talks about the use of any building not impairing the value of the neighborhood, would put the burden on the party proposing the use.

D. Eriksen talked about the combination of the lots for the site plan to conform and what the process would be to combine the lots. G. Colegrove stated that the deeds would have to be combined which he believed to be a process of the Board of Selectmen.

J. Melnik noted that Council for the Board of Selectmen stated at a prior meeting that combining the properties will be done but does not affect the application going forward and if the commission was inclined could make this a condition of that effect but was not a requirement.

F. DeFelice read from Section #13.05.04 (1) "the location, type, character and size of the use and of any building or other structure in connection therewith shall be in harmony with the conform to the appropriate and orderly development of the town and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent lots; "or impair the value thereof".

J. Pasquale talked about the Plan and Conservation of Development and the statement of consideration of the project noting that this statement was not in the old Plan therefore the adjoining neighbors had no idea of the concept. L. Davenport noted that J. Pasquale was incorrect and confirmed that the statement of combining services was in the old Plan. Alana Adams added that this project has been publicly been discussed since 2004.

D. Foley stated that an argument could be made that this project could improve the value of the adjoining homes; they are closer to the fire house and ambulance corp and the replacement of two homes that are in disrepair. He felt commission members need to draw their own conclusions and vote based on their own opinion of what the impairment is.

Commission members then discussed:

(2) The nature and location of the use and of any building or other structure in connection therewith shall be such that there will be adequate access to it for fire protection purposes; *the proposed improvements will provide maximum protection to the property and adjacent parcels.*

There was no objection by members.

(3) The streets serving the proposed use are adequate to carry prospective traffic, that provision is made for entering and leaving the property in such a manner that no undue traffic hazard or congestion will be created; *a traffic report submitted on the previous larger proposed complex by Milone & McBroom Traffic Engineers and an updated supplement based on the current proposal, indicates that the expansion will not create a traffic or safety problem.*

L. Davenport took issue with this. She talked about two emergency vehicles exiting onto a major state highway and her concern with people driving within a space that will allow for a couple of cars to stack. She researched emergency facilities that would operate this way and has been unable to find one noting that Wallingford does not, nor does North Branford even if the facility is set up this way; they exit from one driveway. She noted that 50% of the calls that will be coming out of the proposed facility will be responding at the same time and does not feel this to be safe approach. The former traffic study

from 2010 showed all vehicles exiting from one very large driveway. G. Colegrove stated that the 2010 report was done for a prior project and noted that the supplemental report was done by a professional traffic engineering company for the project that was before the commission. J. Pasquale added his concern regarding traffic in the front of the fire department and ambulance corp with vehicles getting stuck in the areas in-between the two driveways. D. Foley felt there to be a major flaw in the plan not to provide a second access with the way Main Street backs up and at times becomes gridlock. F. DeFelice noted that they question that needs to be answered is does it comply.

(4) The lot on which the use is to be established is of sufficient size and dimension to permit conduct of the use and construction and maintenance of buildings, structures, and facilities, including sanitary facilities, in a manner that will not be detrimental to the neighborhood or adjacent lots; *the proposed complex, when all three lots are combined meet all the zoning standards for the use. The use is permitted in the Main Street Residential Zone; it does not have to meet the zoning standards for residential buildings. The project has approval from the Durham Health Department for on-site septic systems, and the complex is serviced by public water.*

J. Pasquale noted that neighbors have stated that the lot size and configurations of the proposals presented will impact their quality of life; the proximity of the buildings to the neighbors both to the north and the south.

F. DeFelice talked about the septic system that is currently tied into property at the Durham Fair Association with no agreement. He felt if he were to build a development today and wanted to tie into the Fairs system he would not be allowed to but then noted that they did present a drawing that will allow for a septic system on site if needed. G. Colegrove talked about the combining of the lots to allow for the system if needed. F. DeFelice stated that he considered it detrimental to the neighborhood and felt the effluent water should be treated on site. J. Pasquale stated they never demonstrated where the tank would be. D. Foley noted that was incorrect, that it was on the Plan.

(5) The architectural design and style of all buildings and other structures are to be erected on the lot shall be such as not to conflict with the architectural design and style of adjacent properties; *a great deal of effort was made to prepare designs that would be acceptable to the Historic District Commission. A preliminary approval to the concept has been made by the HDC pending the submission of architectural details for the issuance of Certificate of Appropriateness.*

There was no objection by members.

(6) The special exception use will not have a detrimental effect upon any church, school, library, public playground or similar facility or use; *there are no such uses in the vicinity that could be affected by the approval of this use.*

There was no objection by members.

(7) The commission shall consider a number of similar special exceptions in the vicinity and their cumulative effect(s); *the only similar use is the Town Hall and that is located to the north and west of this site, operations of these facilities will not conflict with each other.*

There was no objection by members.

(8) The special exemption use shall not constitute a hazard to public health and safety either on or off the subject property; *based on the presentations, testimony by the applicant and the public there is no reason to conclude that there will be a hazard on or off the subject property.*

J. Pasquale noted prior discussion regarding the traffic issue with entering and exiting the facility.

D. Foley stated that he would like to look at this from a planning standpoint. The proposed project will result in the removal of two residences from the historic district and will isolate two residences; one in the historic district and will be a standalone residential structure at the south end. The second one will be right next to it; there will be two residences between Dairy Serve and Route 79 and the fire house. He questioned if from a planning standpoint if it was a good idea to leave two isolated residences out on their own; forcing these properties to come in to ask for a change of use. F. DeFelice questioned if the Dairy Serve was in the historic district and what it was zoned. D. Foley responded that it was out of the historic district along with the house adjacent to it on the south. G. Colegrove stated that it was zoned farm/residential. L. Davenport spoke from a planning standpoint and questioned where else in town an emergency complex could be put. D. Foley felt that there needed to be a balance between standpoints. He cautioned when deciding as planners, if the proposal doesn't get approved by the residents, the two homes owned by the town of Durham can be used in many different capacities as they will no longer be residential homes. D. Eriksen noted that no matter what happens to the two homes within the area it will not change the existing zone. He felt the purpose in front of the commission is, did the application meet the criteria of the regulations, not the concept. D. Foley stated he felt the impact on the town of the proposed project, whether it meets the towns regulations or not, is part of the commissions purview; the orderly development of the town, if it conforms to the zone or neighborhood and it would be doing a disservice to the town if the commission did not take this into consideration.

F. DeFelice asked commission members to review and think about what conditions may apply when this comes to a vote. He then reviewed conditions that were prepared by G. Colegrove. It was noted that item #5 was added by F. DeFelice that dealt with effluent discharge was deleted by G. Colegrove because there was only one structure that has access to the Durham Fair Association. D. Foley stated that he agreed with F. DeFelice's reasoning for putting this in, but noted that the situation currently exists, both parties agree, and they have taken this into consideration within the plan.

F. DeFelice confirmed with the commissioners that G. Colegrove will get an interpretation of the question J. Pasquale raised about the Section #05.03.02 accessory buildings or structures height.

Dan Melnik returned to his seat with commissioners.

11. Stagecoach Farms, LLC-Bond Release

G. Colegrove stated Mr. Boyton took over the project and made several changes to the landscape project that included \$20,000 worth of plantings and has been completed. He noted there was a concern from a neighbor about the construction of a picket fence that was on the original plan; he spoke with Mr. Boyton about this and although it is not part of his plan he will provide it. Dick Porter noted that the environmental buffer was not as originally planned. G. Colegrove stated the new plan replaced it and the residents are happy with it. D. Porter also indicated that dead trees on the east side of property were shedding and leaning towards the homes. G. Colegrove noted that Mr. Boyton did not bond to clean the site up. As for the erosion control bond in the amount of \$5,300 there is one area that still needs to be done and the bond will be held until it is completed.

MOTION BY FRANK DEFELICE, SECONDED BY JAN MELNIK TO APPROVE STAGECOACH FARMS, LLC LANDSCAPING BOND RELEASE IN THE AMOUNT OF \$20,000; LETTER OF CREDIT NO#3111070920151.
ALL AYE

12. Payment of Bills

MOTION BY DICK ERIKSEN, SECONDED BY JAN MELNIK TO APPROVE BILLING FOR RECORDING SERVICES FROM BETH MONCATA, 11/2/2016 MEETING IN THE AMOUNT OF \$360. ALL AYE

13. Minutes of Previous Meetings

MOTION BY DICK ERIKSEN, SECONDED BY LISA DAVENPORT TO APPROVE NOVEMBER 2, 2016 MEETING MINUTES AS AMENDED. ADAMS, DAVENPORT, DEFELICE, ERIKSEN, FOLEY, D. MELNIK, PASQUALE; AYE. BARRETT, J. MELNIK; ABSTAIN.

14. Zoning Enforcement Officers Report

468 New Haven Road: G. Colegrove stated that no record of a remediation at the site can be located. Bill Milardo, Town Sanitarian called the State Department of Environmental Protection and they have no file. He noted several violations that he will be pursuing; junkyard is being operated in a residential zone, there are structures on the setback line, and there are unregistered motor vehicles on the property.

J. Pasquale noted that Asplundh trucks were running out of the Durham Fair Association grounds. G. Colegrove noted he would check on this.

15. Town Planners Report

No business

16. Miscellaneous

RiverCOG has applied for a scenic designation for Route 9 from Middletown down to the shoreline.

17. Adjournment

Meeting adjourned at 10:30 p.m.

Respectfully submitted,
Beth Moncata