

**TOWN OF HADDAM
 PLANNING AND ZONING COMMISSION
 PUBLIC HEARING/MEETING
 TOWN HALL
 21 FIELD PARK DRIVE, HADDAM, CT
 THURSDAY, 20 APRIL 2017
 UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Steven Bull, Vice Chairman
A	Arthur Kohs
A	Michael Lagace
X	Jamin Laurenza, Chairman
X	Wayne LePard
X	Carmelo Rosa
X	Edward Wallor, Secretary
X	Robert Braren, Alternate
X	Raul de Brigard, Alternate - Seated
X	Frank (Chip) Frey, Alternate - Seated
A	Liz West Glidden, Town Planner
X	Jim Puska, Zoning Enforcement Officer
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mr. Laurenza, chairman, called the meeting to order at 7:00 p.m.

2. Attendance/Seating of the Alternates

Attendance was taken and all regular and alternate members, Mr. de Brigard and Mr. Frey, were seated.

3. Additions/Corrections to the Agenda

None.

4. Public Comments

None.

5. New Business: 8-24 Report from Geoffrey L. Jacobson, P.E., Regarding Bartman Road Improvements

Jeff Jacobson, Town Engineer, Nathan L. Jacobson and Associates, was present.

Using a map, Mr. Jacobson gave a quick overview of the proposed project noting the installation of a hydrodynamic separator into a 90 foot long planted swale with overflow into Landon Haase's property. Mr. Jacobson reported there have been several meetings with Mr. Haase and Inland Wetlands approval received (3/13/2017). Mr. Jacobson also reported all physical structures will be within the town's right-of-way, but the overflow will be into Mr. Haase's wetlands area and the town will need rights to discharge into his property. Mr. Jacobson stated the request is for a permanent 15 foot by 30 foot drainage easement (town meeting required to accept easement).

Mr. Laurenza asked if Mr. Haase was aware of and understands all of this. Mr. Jacobson stated Mr. Haase attended and participated in the discussion at the Inland Wetlands meeting on 3/13/2017. Mr. Jacobson also stated Mr. Haase may not be excited about it, but is willing to assist in the matter; and a number of changes were made to accommodate Mr. Haase's concerns. Mr. Jacobson noted the Inland Wetlands Commission added conditions of approval regarding maintenance which also addressed some of Mr. Haase's concerns.

Discussion followed in regard to Dr. McCarthy's pond and Mr. Haase's large wetland area. Mr. Jacobson explained the reason for the placement of the swale and concern about putting more water out into Dr. McCarthy's pond.

Mr. Laurenza asked if the retention basin will collect road sand, etc. Mr. Jacobson stated yes, which was one of Mr. Haase's concerns, and the Inland Wetlands Commission placed a condition for quarterly monitoring for the first year and then semi-annual afterwards. Mr. Jacobson also stated since the swale will be located in an area where it will be visible, maintenance can be taken care of before debris buildup gets out of hand.

There were no comments either for or against from the public.

MOTION: Jamin Laurenza made a motion to close the public hearing and open the public meeting portion for the 8-24 report. Ed Wallor second. Motion carried unanimously.

MOTION: Jamin Laurenza moved to approve a CGS 8-24 easement granted to the Town of Haddam by property owner, Landon Haase, at 35 Bartman Road, Higganum, Map 54 Lot 014-3, for road repair work. **Conditions:** None. **Exhibits:** None. Ed Wallor second. Motion carried unanimously.

6. Public Hearing/Public Meeting: Special Permit to Allow a Home Occupation at 37 Wood Cart Lane, Which is Shown on Tax Map 47, Lot 030-9.

Jim Petrillo, owner/applicant, and Jennifer Petrillo, owner, were present.

Mr. Petrillo submitted the Certificates of Mailing, mailing list, and receipt of payment into the record (Exhibit A).

Mr. Petrillo stated the company has been in existence for nine years. Mr. de Brigard asked if the company is currently in place and this is an after-the-fact request. Mr. Petrillo stated yes. Mr. Laurenza asked if the four (4) trucks as listed on the application are currently on the property. Mr. Petrillo stated the trucks and trailers are not currently on the property as they found another location until this matter is rectified. Mr. Bull asked if this matter was brought to this point due to complaints. Mr. Petrillo stated he believes a single complaint may have been filed. Mr. Puska stated one complaint was filed. Mr. Petrillo stated he tries to speak to his neighbors to see if there's anything that bothers them about the business; and if so, tries to take care of it. Mr. Petrillo noted he purchased his property in a wooded, cul-de-sac area to raise children and he's aware he's changed it; therefore, he tries to keep the property clean and organized. Mr. Petrillo stated he thought he had support from his neighbors as all but one has used his business over the course of the nine years.

Mr. Puska reported a complaint was filed about the business taking place on the property and he's been working with the Petrillo's and the complainant. Mr. Puska also reported he worked with Mr. Petrillo to find a location to store his business equipment until this matter is rectified. Mr. Puska stated it's difficult to find areas in town to storage contractors' equipment without paying high fees and that this is Mr. Petrillo's only source of income. Mr. Puska explained the process of getting Mr. Petrillo to this point. Mr. Petrillo stated a five year business plan was in place; however, there was a setback and the plan has been delayed and the intent is not to have the business on the property forever.

Mr. Braren asked the nature of the complaint. Mr. Petrillo stated he didn't know. Mr. Puska stated the nature of the complaint was viewing all of the landscaping equipment, employees coming on and off the

property during the day. Mr. Puska suggested the Commission review the narrative on the application explaining how he plans to run the business now.

Mr. Petrillo stated the proposal is for the property to be used for overnight storage of the vehicles and the employees will be transported to/from the commuter lot where they'll park their vehicles for the day. Mr. Petrillo stated there will be a morning meeting and all will disperse to the job sites. A brief discussion followed in regard to there being no employee parking during the course of the day and the request being for overnight storage only.

Mr. Bull noted the application indicates there are four trucks and asked if they are commercial. Mr. Petrillo stated they are all pickup trucks with different weight levels. Mr. Frey asked if they had commercial or combination plates. Mr. Petrillo stated combination plates. Mrs. Petrillo stated they use the trucks for both personal and business purposes. Mr. Bull noted there are three enclosed trailers and asked if they're stored inside or outside. Mr. Petrillo stated the trailers are stored outside as well as the trucks. Mrs. Petrillo stated all the borders are tree lined and people would have had to entire the property in order to take pictures of the equipment.

Mr. Bull stated the reason for the special permit is due to either two of the trailers or the trucks. Mr. Frey questioned whether it's commercial as the applicant is using combination plates on the vehicle. Mr. Bull asked if there is any other part of the business, such as processing material, conducted on the property other than employee meetings, the loading/unloading of equipment, and go/return from the job sites. Mr. Petrillo stated there's no processing taking place. Mr. Puska stated another reason for Mr. Petrillo being before the Commission is due to the employees.

Mrs. Petrillo stated since the complaint has been filed, they have downsized – sold three tractors and currently employ half the number of employees. Mrs. Petrillo also stated the company expanded due to the need to hire additional employees as Mr. Petrillo was not able to work. Mrs. Petrillo stated they do have one tractor (business and personal use).

Mr. Puska stated he did discuss additional screening with the applicant. Mrs. Petrillo stated they have no problem planting additional trees. Mr. Laurenza stated he's driven by the property and it's well screened. Mr. Laurenza asked Mr. Petrillo if he would move the business off of the property once he's back on track in the next five years or so. Mr. Petrillo stated that's his plan and he would like to keep it in town.

Discussion followed in regard to the Special Permit going with the property or the owner (goes with the owner). Mr. Wallor disagreed as he thought it went with the property. Mr. Bull reviewed the regulations citing Section 23.8.C. After further discussion, it was pointed out this is a home occupation and Mr. Wallor changed his opinion.

George Braun, 45 Wood Cart Lane, abutting property owner, stated although he gets along with Mr. and Mrs. Petrillo, he's concerned about his well (24 feet from the property line) being contaminated from a potential hydraulics or gasoline spill and the effect the return of all of the equipment may have on the sale of his property. Mr. Braun also voiced concern in regard to a change in zoning and why it would prevent anyone else from operating another business from their property. Mr. Braun asked if the Commission can place limits and make them move further from his well.

Mr. Laurenza stated Mr. Petrillo is not requesting a zone change, he's merely requesting a home occupation permit. Mr. Puska stated Mr. Petrillo is asking for a special permit only. Mr. Braun stated it still doesn't alleviate his concerns about his well and the limitations on the size and duration the business will operate. Mr. LePard asked if any spills would run downhill from the property. Mr. Braun stated he's above grade from the Petrillo property. Mr. Laurenza stated Mr. Petrillo has stated the limit he would like; and if the Commission were to grant the special permit and the business expanded, Mr. Petrillo could lose his permit as he would be in violation. Discussion followed.

Mr. Bull again reviewed the number of trucks and vehicle weight – four pickups – 2 - one tons and 2 - three-quarter tons; three enclosed trailers, one Kubota B series tractor, mowers in the trailers and tools in

a shed; plows are stored in a dug out area in the yard; and one sander (stored outside). Mr. Puska asked about maintenance of the vehicles/equipment. Mr. Petrillo stated maintenance takes place at outside vendors. Mr. Puska asked about oil changes taking place on the property and the proximity to Mr. Braun's well. Mr. Petrillo stated he does do oil changes and they take place approximately 75 feet from Mr. Braun's well (50 feet from the property line); however, he doesn't need to perform the oil changes (can take place at an outside vendor). Commission reviewed Section 23.7, second paragraph, last sentence, regarding the distance from the property line (50 feet).

Paul Barbuto, 17 Old Cart Road, stated he does have concern about property values due to the street not being deemed quiet when a realtor saw the trucks, etc., returning to the property. Mr. Barbuto also stated he's not complaining he's merely making a statement. Mr. Laurenza asked Mr. Barbuto how long he's lived on the property with Mr. Barbuto stating since 1989.

Sally Nettleton-Smilas, 44 Wood Cart Lane, explained that her husband and partners developed the 10 lot subdivision and the original deeds had covenants/restrictions (unclear if still in existence) placed on the properties. Mr. Laurenza stated that would be a civil matter. Mrs. Nettleton-Smilas submitted three (3) photos of the Petrillo's property. Mrs. Petrillo stated someone had to walk on the property to take the pictures noting she had found someone on the property. Mrs. Nettleton-Smilas voiced concern over the reduction in property values due to a commercial business in a residential area and that Mr. Petrillo has brought this upon himself as he started the business after purchasing the property. Mrs. Nettleton-Smilas cited traffic from the business on the street, employee vehicles parked on the property, and visual of the equipment as noted in the photos.

Christopher Beckwith, an employee of Mr. Petrillo, voiced support for Mr. Petrillo's business. Mr. Beckwith stated the company is a green company; and when oil changes are done, a hose is attached to the fittings to drain the fluid into a container for recycling.

Sidney Blackman, 35 Wood Cart Lane, stated he and his family are new to the neighborhood; however, they have not noticed the business from their perspective and has not heard anything. Mr. Blackman stated there are trees that screen the property.

Mr. Laurenza read a letter from Deborah Sharp, 20 Wood Cart Lane, in which Ms. Sharp indicates she's opposed to the proposed zone change (Exhibit C). Mr. Puska reported Ms. Sharp has been notified that there is no zone change proposed and she is aware of why the applicant is before the Commission. Mr. Laurenza continued to read Ms. Sharp's letter who does voice concern over a home business in a residential neighborhood, the business growing, increased traffic, and the effect on property values.

Discussion followed in regard to whether or not there are deed restrictions on the property. Mr. Petrillo stated he's unaware of any restrictions and that this would be his ninth year in business. Mrs. Petrillo stated they were doing business for the complainant until a personal issue happened.

Mr. Laurenza read a letter from Attorney Mark Branse, counsel for the Commission, dated 03/09/2017, in which Mr. Branse addresses the deed restrictions (Exhibit D). In his letter, Mr. Branse indicates private restrictions are irrelevant to zoning review and the Commission can only review the application for compliance with the zoning regulation criteria.

Mr. Bull asked about the shed in the photo. Mr. and Mrs. Petrillo stated the 15 foot by 30 foot shed is the only shed on the property and is for business and personal use. Mr. Bull reviewed the application for hours of operation (Monday-Friday 9:00 a.m. to 4:00 p.m.). Mr. Laurenza asked if there are Saturday and Sunday hours. Mrs. Petrillo stated no. Mr. Petrillo stated there could be seasonal hours (8:00 a.m. to 5:00 p.m.). Mr. Wallor asked about maintenance of the mowers on the weekends. Mr. Petrillo stated no, weekends are family time. Using one of the photos, Mr. Laurenza asked about the placement of additional screening. Mr. Petrillo was agreeable. Discussion followed in regard to hours (8:00 a.m. to 6:00 p.m. and as required for snow removal) and the need for compromise from both parties.

Mr. Braun asked if approved, would there be conditions. Mr. Puska explained what would happen should Mr. Petrillo violate the conditions of a special permit. The Commission discussed conditions with Mr. Bull reading a list of conditions that he will be recommending.

Mrs. Nettleton-Smilas asked if there could be an end date to permit. Mr. Laurenza stated the Commission cannot place an end date; however, the home occupation goes with the owner. Mr. LePard questioned whether this application was truly a home occupation. Discussion followed at length in regard to the home occupation regulations.

MOTION: Ed Wallor moved to close the public hearing at 8:18 p.m. Chip Frey second. Motion carried unanimously.

Public Meeting: Mr. Laurenza opened the public meeting at 8:18 p.m.

Discussion followed in regard to the conditions and listing them on the motion.

MOTION: Jamin Laurenza moved to approve a Special Permit to allow a Home Occupation for a landscaping business. **Conditions:** 1. Total Vehicles: four (4) trucks, three (3) enclosed trailers, and one (1) tractor. 2. Hours of Operation: 8:00 a.m. to 6:00 p.m. and as required for plowing. No weekends. 3. No employee parking or vehicles. 4. No on street parking. 5. Extend buffer between 47-830-9 and 47-030-8 by 20 feet. 6. Maintain setbacks of parking and vehicles per Section 23.7. 7. Maintain screening of vehicles and equipment. **Exhibits:** None. Steve Bull second. Motion carried unanimously.

7. Approval/Correction of the Minutes

MOTION: Ed Wallor moved to approve the 2 March 2017 public hearing/meeting minutes as submitted. Jamin Laurenza second. Motion carried unanimously.

8. Chairman's Report

None.

9. Scheduling of Hearings

Plan of Conservation and Development (POCD) – Mr. Bull and Mr. Rosa explained the review of the 2007 POCD Action Agenda. The Commission will discuss in further detail at their 4 May 2017 meeting.

10. Adjournment

MOTION: Ed Wallor moved to adjourn. Jamin Laurenza second. Motion carried unanimously.

The meeting was adjourned at 8:33 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 4 May 2017.