

Received 10/28/24
10:04 AM Jodi Moore, ATC

**PLANNING & ZONING COMMISSION
REGULAR MEETING AND PUBLIC HEARING
Wednesday, October 16, 2024
7:00 P.M.
Third Floor Town Hall and Via ZOOM
MINUTES**

Call to order

Chairman DeFelice called the meeting to order at 7:00 p.m.

Roll Call

In attendance: Frank DeFelice, Phil Augur, Michael Fumiatti, Jim Piotrowski, Janet Morganti, Kyle Mosher, Michael Dahlheimer, Josh Eddinger, John DeNunzio

Absent: Amy Royal, Jim Martinelli, Chris Balay

Others in attendance: Robin Newton, Town Planner; other members of the public

Seating of Alternates

John DeNunzio seated for Chris Balay

Amendments to Agenda

None

Approval of Agenda

A motion was made by P. Augur, seconded by J. Piotrowski to accept the agenda for the October 16, 2024 meeting as presented. All aye. Motion passed.

Public Comment

Joe Pasquale noted clerical error in regulations, NP should be ZP for Zoning Permit. R. Newton clarified that NP stands for No Permit. Expressed that Durham has enough gas stations and convenience stores. Suggested the commission not support a change in the regulations to allow drive throughs. Noted current businesses and vacant spaces in commercial zone. Expressed opinion that there is enough retail in Durham and the residential zone should not be changed to allow additional uses. Stated that he does not support changes to the regulations.

Town Planner/ZEO Report

Stated that she requested an updated report and bill from Joe Carta. Announced conference on November 16th in Bristol

Receipt of Applications

- a. C. Suprenant, Subdivision, Stagecoach Rd. Assessor's Map 133, Lot 4

Discussion of Main Street Uses

Reviewed Village Center regulations from East Granby and Deep River. Discussed low impact uses and concerns with traffic and parking. Discussed lot area minimums

Reviewed cross referenced districts in the zoning and subdivision regulations. Edited language in Lot Area Minimum Rectangle section of Subdivision regulations to align with zoning regulation updates

Briefly discussed cluster developments

Review of Cross-Referenced Districts in the Zoning & Subdivision Regulations

None

Payment of Bills

A motion was made by P. Augur, seconded by J. DeNunzio to pay the following bills. All aye, motion passed.

- a. N. Charest, \$100.00, Recording Secretary
- b. N. Charest, \$50.00, Recording Secretary

Minutes of Previous Meetings

a. October 2, 2024

- i. A motion was made by J. Piotrowski, seconded by J. Morganti to table the approval of the October 2, 2024 minutes. All aye, motion passed.

Miscellaneous

Briefly discussed backyard chicken regulations in other CT towns

Adjournment

A motion was made by J. Morganti seconded by J. DeNunzio to adjourn. All aye, motion passed; meeting adjourned at 7:38p.m.

Respectfully submitted,
Nicole Charest
Town Clerk, Recording Secretary

To view meeting:

https://us02web.zoom.us/rec/share/jcBYeitDKYnl3JikB72DvVftbai1R5gRkRg8f1m_YVACOkelOdQD8CRMGnml6vOJ.A0uuIXc6SdR6Lasi

*Travis 10 Minutes
OCT 16, 2024
MEETING*

Comments

Member of the ag commission but speaking as a private citizen tonight

I would like to comment about a few items that have come before the commission and a topic you will discuss tonight.

But before, I would just like to point out a clerical error in the zoning regulations under 4.4 the residential use table. Home Based Business/Home Occupation is listed as NP and I believe it should be ZP. There is no NP in the table

During your past meetings discussions have come before the commission about creating additional gas stations and convenience stores and the possibility of allowing them to have drive thru windows at food establishments.

As a resident of Durham, I think we have more than enough gas stations, with the 4 we have now. Along with the 6 convenience stores it seems to me that this is enough to adequately serve our community and the drive through traffic our community has.

I hope that you will be consistent in your thought process as have past members of this commission in not allowing Drive Thru other than what is allowed today in the regulations. I think that before you consider changing this significant outreach to the public should be done to understand what most residents would like to see in regard to this topic. And not just through the public hearing process.

The impact of a decision to change this regulation will have significant and forever altering ramifications for Durham. You will surely see applications from existing establishments to alter their sites to accommodate drive thru windows.

But you most likely will see applications from the two existing large undeveloped properties at both ends of our commercial area. These

applications will most likely bring multiple national chain fast food restaurants is this the type of development you want to bringing to Durham? Each of these sites can accommodate multiple stores and how do you control how many we get.

There were two applications for this in the past, both had significant issues with the drafting of the requirements by the applicant. Mostly because of the lot sizes and the flow of traffic through these drive thru lanes. I hope that you will give this careful consideration and fully understand the impacts should you consider moving forward.

Lastly, I would like to speak on the topic on tonight's agenda about Discussion of Main Street Uses.

It seems to me as a resident that over the past several years this commission has taken steps to allow the development of business in a sufficient number of areas. You have allowed the unlimited use of retail sales in our Industrial zones. You have allowed for the application of a tiered approach to businesses in residential zones. With 4.8.3 Home Occupations- Type 2: (Special Permit) having no limits on type of business or denial of retail sales. It's at your discretion of what you will allow.

If you look at our Main St. we currently have all residential properties occupied and used as homes. There is one vacant for sale, and the two that are by Fire House that are vacant. A pretty robust and active Historic Residential Main St. in my opinion.

If you look at our commercial zone you see vacancies in each of the multi-use buildings, such as Corana's behind Valero, the Bank that's closed, a unit in Whole Enchilada, a unit in the Witkowski building. The Village has units open, and our Industrial area has open spaces.

We have two large commercial areas that are undeveloped. That can create upwards of a 100k sq ft of retail space someday. This along with the potential use of undeveloped Industrial sites, how much retail do we need. I hope you ask yourselves these questions.

The town's Historic District is the "Face of Durham."

We have a Historic Main St. that currently has varied uses today. They play a role in our community, but to me the consideration of adding additional allowable uses is a mistake when you consider the retail vacancies we already have. How would this discussion support filling those units. The lots sizes and closeness of most structures on Main St. really don't support additional uses that might be considered. Along with generating more traffic issues than we currently have, especially near our categorized failing intersections.

Our POCD's

Chapter 4 under Goals The Historic District Commission shall encourage the preservation of historic residential properties in their use as private homes.

Chapter 10 10.3.11. Adaptive Re-Use The Commission has also considered the concept of adaptive re-use of historic structures for offices, banks, and other similar uses as a method of historic restoration. The Commission previously determined that this mechanism was not necessary and believed that the continued residential use of historic structures was the most compatible with their preservation.

I hope that you would be supportive of the plan and its Goal and not alter the use table.

The point I'm trying to make is where do you draw the line on what we allow and where. There seems to be sufficient allocation through our regulations for new business opportunities with the regulations changes that have been made. And the facts are with vacant space in our commercial areas why create more? Does it make sense, my opinion is no.

In closing I would also like to ask any commissioners that has a vested financial interest in making these changes to recuse themselves from the processes. Our code of Ethics Section 3: Standards of Ethical Conduct III.

Conflict of Interest says they shall refrain from voting upon or otherwise participating in the body's consideration of the matter.

Thank You for hearing my thoughts and I will provide a copy of my comments so they can be included in the minutes of this meeting.