

Received 9/2/26
10:00 AM Jodi Moore, ATC

**PLANNING & ZONING COMMISSION
REGULAR MEETING
Wednesday, August 19, 2026
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, Peter Lynch, Kyle Mosher (arrived late), Michael Fumiatti, John DeNunzio, Janet Morganti, Jim Piotrowski, Chris Balay, Trish Dynia

Absent: Josh Eddinger, James Martinelli, Phil Augur

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

Seating of Alternates

Trish Dynia seated for Josh Eddinger

Amendments to Agenda

none

Approval of Agenda

A motion was made by C. Balay, seconded by M. Fumiatti to approve the August 19, 2026 meeting agenda as presented. All aye, motion passed.

Public Comment

None

Town Planner/ZEO Report

R. Newton stated that she will be attending monthly RiverCOG housing meetings.

Joe Carta and Robin Newton visited three properties with issues regarding the discharge of rainwater onto neighboring properties and determined that the issue is a civil matter

Receipt of Applications

None

Public Hearing: The Estate of Robert J. Rebesch, 10 Lot Residential Subdivision, David Road

A motion was made by P. Lynch seconded by M. Fumiatti to exit the regular meeting and enter public hearing. All aye, motion passed. All members seated for the regular meeting remain seated for the public hearing

The legal notice for the public hearing was read into the record.

A letter from the Land Use office was read into the record noting that the current lot area is approximately 54.6 acres and the application will create 10 new lots. The applicant received a wetlands permit on March 9, 2026 and approval from the Connecticut River Area Health District on December 31, 2025. Each lot will need health department approval. Fire Chief Wall indicated that the closest water source is more than 4,000 feet away. Plans were submitted with multiple drainage easements proposed

A letter from the Officers of the Durham Volunteer Fire Department was read into the record. The letter expressed concern for the lack of water source in the area for fire protection. The closest water source is on Pent road, approximately 44,000 feet away. A letter from Chief wall suggested a 20,000 gallon water tank be added to the subdivision

The applicant presented the subdivision plans noting acreage and proposed drainage easements between the lots. Explained that the water tank can be added to an infill area at the end of a cul-de-sac.

Public Comment:

1. Bruce Maffle (Name unclear on recording) Resident at the end of David Road expressed concern for the addition of several new driveways in front of his property. Asked if the town will repave the road since it is already in disrepair. Asked about drainage, catch basins were installed in the 1980s. Also expressed concern for additional cars and traffic, stating that small children live nearby.
2. The Commission suggested that specific questions be sent to R. Newton since the commission cannot respond during public Comment
3. Jay Dalo from 179 David Road expressed support for some previous developments to the area, also expressed concern that the dynamics of the neighborhood will change with the amount of driveways proposed for such a small area
4. Harry Martindale from 167 David Road indicated that he sent in comments via email expressing concern for wetlands. The slopes exceed 10% and a regulation exists which requires that the 100 foot offset be considered an additional 50 feet. Suggested the commission discuss further
5. Russel Bless from 6 Deer Run Road expressed concern that the Washington Trail will be impacted, suggested the commission review.
6. Jill Sizensky from 18 Deer Run Road asked whether developments are checked for additional runoff and how that will impact water pressure for existing homes. Noted that David Road is extremely narrow. Asked who will be responsible for the costs and for filling a 20,000 water tank as proposed
7. Richard Parmelee suggested that the letters from the Fire Chief and Land Use Department be made part of the minutes. Explained brief history of David Road. Does not recall the road having been abandoned. Stated that David Road crosses Tri Mountain Road and there is an additional Washington Trail sign on Tri Mountain Road. Noted that the number of houses on David Road has increased from 10 to 30 and he has not been inconvenienced by traffic in that time. Asked who will be responsible for the riprap ditch after the project is completed
8. Matthew DiNicola from 181 David Road asked how much higher the end of the road will be where the water tank is proposed. Asked where snow will be pushed during plowing. Asked what the water consumption would be for an additional 10 houses. Noted that the proposal says 10 lot subdivision, but the plans say 11 lots.
9. A member of the public noted that the Washington Trail marker was moved from one side of the street to the other. Suggested the trail marker be moved to a more appropriate location
10. A member of the public asked whether Eversource or the Town Engineer were consulted. Noted that houses are proposed for the left side of the road. Asked whether electric poles will be underground.
11. Stephanie Morrison at 154 David Road expressed concern for increase in traffic and speeding cars, stating that she and several neighbors have small children. Asked whether there will be plans to enforce speed limit for the safety of children in the area
12. Robin Karatzas from 27 Deer Run Road suggested the wells be reviewed to ensure there is enough water for the additional houses.
13. Richard Parmelee stated that there is an increase in traffic due to people bypassing main street.

Applicant Responses:

1. The applicant stated that he worked on the previous court case for David Road, there is a copy of Mr. Masler's deed which references a map from 1997 that states he owned the other side of the road. Noted right of way. Explained that drainage system does not connect to David Road, all water drains separately downhill to the location of the cul-de-sac. Also explained that there is a 15-foot snow shelf all the way around the cul-de-sac.
2. Noted that David Road is 14 feet wide and regulations allow 1,500 cars per day. DOT and Institute of Traffic Engineers statistics state that a residential house generates 10 cars a day on average. 10 lots adds approximately 100 cars throughout the day, 10 cars in the peak hour in the morning which is approximately one additional car every six minutes.
3. Noted that driveway and frontage meet the regulations. Discussed concerns about wetlands, area is heavily wooded and therefore erosion is not an issue. Explained that drainage will go from roof to underground galleries, then detention basin.
4. Discussed well requirements, noting that Durham has not previously had well issues with other larger subdivisions. Clarified that the water storage tank will be controlled and maintained by the town and filled by the Fire Department.

Also noted that the drainage system is part of the road, meaning the town will also be responsible for the maintenance of the detention basin.

5. Noted that Eversource will not respond until the subdivision is approved, but there will need to be poles installed across the street, and the rest of the wiring will be underground per the subdivision regulations.
6. Clarified the numbering of the lots, explained that in Connecticut if a parcel of land has stayed in its current configuration since the inception of the zoning regulations, they are allowed to have one lot out without approval from Planning and Zoning Commission. The numbering of the lots in the application was started at 2 to avoid "1a" or similar lot numbering.

Commission Comments:

1. F. DeFelice asked whether the Fire Truck can turn around in the proposed cul-de-sac. Applicant confirmed
2. Discussed stone walls, clarified location. It was noted that lot 11 will remain wooded
3. Discussed road width requirements and current condition of road

Public Comment Cont:

1. A member of the public asked if the proposal will affect the walkability of Washington Trail
2. A member of the public asked the year of the traffic statistics shared. Pointed out that delivery vehicles should be considered
3. A member of the public expressed concern for the tight turnaround on the cul-de-sac
4. A member of the public expressed concern that the cul-de-sac is not visible when driving. Drivers cannot see children playing
5. A member of the public also expressed concern for the safety of children on the street
6. Richard Parmelee commented on the cul-de-sac and noted he is impressed with the proposed size of the snow shelf
7. Robin Newton clarified the difference between abandonment and discontinuation. Discontinuation is a specific process which must go through the governing process of the town and abutting property owners must be notified and given the opportunity to speak and appeal the decision. Abandonment is less formal, for example if a road was planned but never built. In the case of David Road there was both an abandonment and a discontinuance, the conclusion being that the decision was based on the situation in the 1980s and if future developments were to be proposed, the landowners could seek to have the town accept some or all of the previously discontinued highway if it were to serve a public purpose.
8. Robin Newton also clarified that the 300 foot long, 100 foot round cul-de-sac meets town requirements

Public Comment Cont:

1. A member of the public asked what policies stop residents from backfilling drainage areas and extending their yards
2. A member of the public suggested the commission view David Road in person to understand resident concerns for the increase in traffic

Applicant Responses Cont:

1. The applicant briefly explained the history of property ownership and the road discontinuance next to Washington Trail
2. Responded that the traffic statistics are from 2025
3. Noted that it is the Town's responsibility to maintain and improve the road and there are several other roads in town that are similar width and have more traffic
4. Explained that the vertical curve of the road was calculated accounting for viewing distance and was approved by the town engineer
5. Noted that filling in of the basin was stopped by the town engineer
6. Briefly explained the proposed subdivision in relation to nearby roads. Clarified that only one house will be within 1000 feet of Washington Trail

Public Comment Cont:

1. A member of the public asked for clarification on the setback from the road. Applicant replied that the front of the Rebesch property will move 12 feet to provide a 50 foot right of way and 25 feet from the center of the road. The road will not be widened. The member of the public asked about his ownership up to the middle of the road.

Applicant and Commission briefly discussed property lines and suggested additional documentation be submitted for the record.

Commission Comments Cont:

1. Briefly discussed David Road, R. Newton explained that the court case was reviewed and the legal opinion is that the judgement does not prevent a future extension of the road.

A motion was made by C. Balay, seconded by M. Fumiatti to exit the public hearing and re-enter the regular meeting. All aye, motion passed. All members seated for the public hearing remain seated for the regular meeting

A motion was made by C. Balay, seconded by J. Morganti to approve the application of the Estate of Robert Rebesch for a 10 lot subdivision with conditions 1-6 as proposed in Robin Newton's email of August 5, 2026 and adding a 20,000 gal fire water tank.

Conditions:

1. All property corners are to be marked by a licensed surveyor prior to the submittal of any construction permits.
2. Applicant to provide documentation to Planning Department staff that corners are marked by a State of CT licensed surveyor
3. Applicant is to provide 2 mylars and 1 paper set which are to be signed by the Chairman. One is to be filed on the Durham Land Records with the Office of the Town Clerk. The second mylar is to be filed with the Land Use Department. Mylars are to be filed within 90 days. One extension request may be made of 90 additional days in accordance with Connecticut General Statutes
4. Construction Plans will be reviewed by the Town Engineer at the time of application for a zoning permit
5. This approval must be placed on the cover sheet of the subdivision plans for filing on the land records. Subdivision is not effective until such time as the plans are filed in the Land Records
6. All easement documents must be reviewed and approved by the Town Attorney before being filed on the land records.
7. Addition of 20,000 gallon Fire Water Tank

C. Balay acknowledged concerns on traffic, noted that the commission does not enforce traffic regulations.

J. Piotrowski stated that the presentation is thorough and there is no legal reason to deny the subdivision.

J. DeNunzio expressed that the addition of ten houses should not drastically affect the area

J. Morganti stated that the proposal will increase housing in Durham

F. DeFelice expressed support for additional housing, suggested the applicant consider having the 10 foot section of Washington Trail be deeded back to the Town.

K. Mosher agreed with the suggestion to give the portion of Washington Trail to the town

All aye, motion passed.

Set Public Hearing Date for Draft Plan of Conservation and Development

A motion was made by C. Balay, seconded by P. Lynch to set the date for the Plan of Conservation and Development public hearing on November 4, 2026

Noted that the draft must be posted for public review 35 days prior to the public hearing

Payment of Bills

- a) N. Charest, Recording Secretary
 - a. A motion was made by C. Balay, seconded by J. Morganti to pay the following bills for Nick Charest for recording secretary services
 - i. #055 06/30/2026: \$100.00
 1. Noted that invoice was previously approved for \$50.00, calculation error was made and correct amount is \$100.00

ii. #056 07/31/2026: \$100.00
All aye, motion passed.

Minutes of Previous Meeting

- a) July 1, 2026
 - a. A motion was made by T. Dynia, seconded by J. Morganti to approve the minutes of the July 1, 2026 meeting as presented. All aye, M. Fumiatti abstain. Motion passed.
- b) July 15th, 2026
 - a. A motion was made by C. Balay, seconded by T. Dynia to approve the minutes of the July 15, 2026 meeting as presented. All aye, J. Morganti abstain. motion passed.

Miscellaneous

None

Adjournment

A motion was made by J. Morganti seconded by C. Balay to adjourn. All aye, motion passed; meeting adjourned at 8:55p.m.

Respectfully submitted,
Nick Charest
Town Clerk, Recording Secretary
To View Zoom Recording:

<https://us02web.zoom.us/rec/share/NJp5yB1g-wOxiT6dbpAIdZNYZPND43UZTbEma2LNKhFHeTeHszewQdGiXd7XhMeW.hkDdbU75TI7HTKpi>