

**Town of Preston
Planning and Zoning Commission
Tuesday, October 2, 2007
Preston Town Hall
7:30 P.M.
Public Hearing**

Minutes

1) **Secretary Spicer called the meeting to order at 7:40 p.m.**

2) **Roll Call:**

Mike Sinko - recused
Art Moran - recused
Joe Biber - recused
Roy Beauregard
Thomas Fenton
Parke Spicer II

Ed Fleming (alternate)
Richard Chalifoux (alternate)
George Jennings (alternate)

Also Present:

Kathy Warzecha – Town Planner
Kathleen Nichols - Recorder

3) **Determination of Quorum**

A. Moran, M. Sinko & J. Biber recused themselves.

Secretary Spicer seated E. Fleming, R. Chalifoux and G. Jennings.

Secretary Spicer read the legal notice, published in the Norwich Bulletin.

4) **Public Hearings**

a. Continued - Special Exception Application #3-07, John & Mary Lee Wilcox, applicants/owners for property located at 6 Amos Road, requests to establish grape fields, harvest, utilize existing buildings for manufacturing and instruction of wine making and sale of finished product.

Planner Warzecha entered the following into the record:

Exhibit 13 – Legal Notice

Exhibit 14 – Information regarding pesticides received from Mr. Wilcox.

Exhibit 15 – Email dated September 12, 2007 sent to Chuck Lee – Lake Division, DEP from Town Planner re: input on the winery and use of pesticides and fertilizers and a response from C. Lee was received by Town Planner on September 12, 2007.

Exhibit 16a & 16b – photos taken by J. Wilcox of the buffer area.

Exhibit 17 – Revised plan received October 2, 2007 showing landscaping along Landherr's property and sight distances of 396' to the east and 68' to the west.

Exhibit 18 – Memo dated September 18, 2007 from K. Borner, CIWC Chairman to Town Planner, re: Agricultural Use – As of Right Use per CIWC.

Exhibit 19a – Plan Review dated September 6, 2007 from L. Johnson, CIWC
Agent re: permitted use.

At this time P. Spicer asked for public comment:

B. Fatek – 30 Lakeview Drive

B. Fatek stated that he lives approx. 500 yards from winery. Mr. Fatek takes exception to the note on plan regarding right hand turn onto Amos Road. Mr. Fatek noted that he does not see traffic as being an issue on Amos Road. Many people have expressed concerns about pesticides and the lake. Recently Mr. Bugby from the CT Experiment Station came to an Amos Lake Association meeting and provided information of study done in 1980. The lake has remained the same since the study has been done.

T. Fenton asked about people taking a right hand turn out of the driveway and if this has been a problem.

B. Fatek responded that he does not see this as a problem.

N. Giordani – 277 Route 164

In favor of winery.

J. Fatek – 30 Lakeview Drive.

When taking into consideration this information you need to consider opinion vs. scientific data. The scientific data is very clear about the quality of the lake in the past 26 years – the lake has not changed. With the golf course and the consistent fertilization to keep the grass green there was concern about high nitrogen levels in the lake and with new 2006 data it shows that the nitrogen levels have gone down. It has been proven that the fertilization has not done damage to the lake. J. Fatek drives Amos Road several times a day and does not see a problem with any traffic on Amos Road.

J. Landherr – Amos Road

J. Landherr requested that the Commission makes sure they have read the February 1996 study by the ERT on this property. There was not a question about pesticides being used for the golf course. J. Landherr noted there are wells that are incredibly low (shallow) and within 75' feet of the planting areas.

J. Landherr noted that there is a revised plan that was submitted October 2, 2007. Mr. Landherr requested the Commission take a look at the May 1996 parking lot requirements for the golf course and it's buffer strip. There were to be 2 portions of the parking lot to have a buffer and only one side was realized.

Mr. Landherr noted this is a residential neighborhood and a parking lot should not be viewed from a home. From Amos Road there are a number of high trees blocking one of the other abutting properties from the parking lot. Mr. Landherr noted there are a few trees acting as a buffer along the Landherr's property but doesn't feel that the trees on his property are blocking the growth of the buffer area.

Mr. Landherr also noted that the plan for the golf course did have a *no right hand turn sign* which after two years fell down and was never reposted.

Mr. Landherr feels there is a lot of traffic using Amos Road as a pass through to get to other areas off of Northwest Corner Road.

R. Chalifoux asked if those cars are coming from the winery.

Mr. Landherr stated that they are not.

A. Bilodeau – 99 Lakeview Drive.

Not opposed to business in the area. Mr. Bilodeau stated he is concerned with the density of this business in a residential area. The residential area is a special exception to this board. We have recently gained a farm stand on Amos Road – people become confused as to not knowing where the parking area is. He stated he understands the Commission is not approving agricultural use of this property; however, they are approving the events and the wine making school. There is concern with people becoming inebriated in a residential area. Mr. Bilodeau notes he is opposed to a wine tasting special events and increased traffic due to manufacturing of potential sales.

V. Center – 8 Amos Road.

Letter from V. Center has been added to the record (Exhibit 19b)

Ms. Center stated she lives in a house adjacent to the fields planted with grapes.

Ms. Center's well is 29' deep and is within 50' of the fields. There are two other shallow wells in the immediate neighborhood. Ms. Center is concerned about the use of pesticides and possible contamination of her well. Ms. Center is asking the Commission to consider the health risk to the neighbors.

J. Wilcox – 6 Amos Road

Mr. Wilcox notes to best of his knowledge that any wells are totally above his land. Organic fertilizer will be used whenever possible and will run down away from the wells. The neighbor's wells are above where planting is going to be. Mr. Wilcox's engineers provided the Commission with this information on the plan. Mr. Wilcox also noted that there were trees planted according to the golf course plan and the growth has been stunted due to the scrub brush shading trees from growing.

V. Center – 8 Amos Road

Ms Center stated the area that they would like to see a buffer begins on Amos Road and runs straight back along the side of their property and not on the side where the fence is. The vegetation that is presently there are lilac trees and only have leaves October through May.

P. Spicer asked what Ms. Center is looking for.

Ms. Center responded that she would like to see two rows of 6' arborvitaes on the side of the property which was on the golf course plan.

P. Spicer asked Ms. Center to point out on the photos provided earlier in the hearing, exactly which area she was talking about. Ms. Center looked at the photos that were provided by Mr. Wilcox.

Planner Warzecha noted that the vegetation on the Landherr's property should be trimmed back to allow the present trees on the Wilcox property to grow.

Ms Center noted there was supposed to be 4' double row arborvitaes to block sound and view.

J. Wilcox – 6 Amos Road.

Added to the record additional photos (Exhibit 20 a, b, c)

Mr. Wilcox showed photos of the existing fence on Exhibit 20a.

Mr. Wilcox noted that where the fence ends there is existing vegetation in addition to the lilac trees on Exhibit 20b.

Mr. Wilcox showed a photo of Amos Road looking at the Landherr's property on Exhibit 20c.

Mr. Wilcox noted that grapes will also be grown on the hill adjacent to the Landherr's property.

J. Landherr – 8 Amos Road.

Mr. Landherr read from the 1980 study and indicated that Mr. Wilcox's comments regarding the neighbor's wells' being higher than the planting areas is not true. He further read "Deprivation of ground water resource by an unwanted contaminate can occur very quickly in this type of geology while restoration of the ground water quality can be a very lengthy and expensive and incomplete process." Mr. Landherr continued and stated that another condition that contributes is the shallow depth of the ground water – depth of water table is less than 30' of the surface.

Mr. Landherr stated that he objects to exhibits being added to the record at a time when no one has a chance to see them.

P. Spicer noted that there was only a letter added to the record and that there is opportunity to look at the pictures.

T. Fenton asked about the surface wells and asked if they were being used for drinking water.

J. Landherr responded yes and noted there are three wells in the area that are being used as drinking water.

R. Chalifoux asked Mr. Landherr if the only problem with the buffer is the one corner and that everything else is ok.

Mr. Landherr noted that it was the parking lot area that is in question.

J. Wilcox – 6 Amos Road

Responding to the issue of the buffer, J. Wilcox noted that the hill will be planted with grapes and will also block view of parking lot.

Planner Warzecha suggested that the Commission consider the following issues during their discussion:

- Whether they want to have a no *right hand turn onto Amos Road sign* posted.
- Clarify the phasing plan for planting of the grapes.

- As the Commission does not have jurisdiction regarding pesticides and fertilizers, they may want to consider suggesting to the Wilcox's to work with Chuck Lee from the Lake Division of DEP and come up with an acceptable pesticide/fertilizer plan that would be good for the winery and good for the lake.
- Look at the screening adjacent to the Landherr's property. Planner Warzecha did go out and looked at the site. If evergreens are added it is strongly suggested to trim back the canopy of vegetation on the Landherr's property to allow the evergreens on Wilcox property to grow.

Mary Lee Wilcox – 6 Amos Road

Mrs. Wilcox asked Commission to keep in mind the amount of acreage they have to plant and that they really need the hill as part of the growing area as part of their two acres of growing.

There were no further comments.

Secretary Spicer closed the public hearing at 8:25 p.m.

At this time J. Biber, M. Sinko and A. Moran were reseated.

Respectfully submitted,

Kathleen Nichols
Recorder