

PLANNING AND ZONING COMMISSION

TOWN OF DEEP RIVER, CONNECTICUT

Town Hall

174 Main Street

Deep River, Connecticut 06417

1. A **regular meeting** of the *Deep River Planning and Zoning Commission* held on Thursday, June 18, 2009 at the Deep River Town Hall was called to order at 7:30 p.m. by Chairman Jonathan Kastner. Members present: Janet Edgerton, Tom Griffin, Jonathan Kastner, Jane Samuels, Tom Walsh, and Alternates John Attridge and Leigh Balducci. Absent: Nancy Fischbach, Alternate David Oliveria. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), Jayne Mather, Janet & Tim Gessner, Bruce Edgerton. Chairman Kastner seated Alternates Attridge and Balducci for absent members.
2. Approval of Minutes: A motion was made by Janet Edgerton and seconded by Jane Samuels to approve the minutes of the regular meeting of May 21, 2009 as printed. Walsh abstained. Approved. A motion was made by Jane Samuels and seconded by Janet Edgerton to approve the minutes of the public hearing of May 21, 2009 as printed. Walsh abstained. Approved.
3. Payment of Bills: The following bills were received: Nathan Jacobson & Associates, engineering review, \$426.00; Howard & McMillan, legal fees (Haynes/Lent appeal) \$139.50; Hartford Courant, legal advertising, \$100.04; and Nancy Howard, clerical services, 12 hours. A motion was made by John Attridge and seconded by Jane Samuels to approve the bills as presented. Voted Unanimously.
4. Correspondence: Janet Edgerton noted receipt of the following correspondence: (a) letter dated 6/18/09 from Joseph Dillon of Nathan Jacobson & Associates regarding Performance Bond for Cumberland Farms. The stop bar in the northbound lane on Route 154 needs to be replaced. (b) letter dated 6/1/09 from the Connecticut Water Company with the spring issue of their newsletter; and (c) minutes of the ZBA meeting of June 10, 2009.
5. Zoning Regulations: A public hearing was held immediately prior to this meeting on proposed Commission sponsored amendments to the Deep River Zoning Regulations to add new uses (inns, public parking lot, museum/historic home, community center and private library), clarify several existing uses, and amend sign regulations to permit larger wall signs and smaller canopy signs. A motion was made by Jane Samuels and seconded by Janet Edgerton to approve the proposed Commission sponsored amendments to the Deep River Zoning Regulations as presented with an effective date of August 1, 2009. Voted Unanimously.
6. Plan of Conservation and Development: A public hearing was held immediately prior to this meeting on proposed Commission sponsored amendments to the Town Plan of Conservation and Development, Section IV.C.2 Industrial, to call for compatibility with neighborhood, as well as updates to Section II. Highlights of Changes, and other changes to reflect current status of projects. A motion was made by Janet Edgerton and seconded by Jane Samuels to approve the proposed Commission sponsored amendments to the Town Plan of Conservation and Development as presented with an effective date of August 1, 2009. Voted Unanimously.

7. Janet Gessner, 202 Main Street (Map 57, Lot 47)/Application #54: Tom Griffin recused himself as a member for this matter. An Application for Site Plan Approval was received from Janet Gessner for the purpose of a retail toy store at 202 Main Street. Richard Couch, P.E., on behalf of the applicant, reviewed the proposed application. The proposal is to create a parking area in the rear of the existing building, accommodate handicap parking and handicap access to the building, creation of a front patio, and a gravel driveway from Main Street accessing to the rear of the property. Mr. Couch noted that the plan for the driveway has been sent to DOT for review and their comments are primarily regarding signage for restricting the driveway to one way in to access the property. The exit from the site would be off Lafayette Avenue, a one way street. Mr. Couch reviewed the variance obtained from ZBA for the driveway to be created 3 feet from the structure. The driveway is 10 ft. from the property line. Mr. Couch noted that there is no intention for pedestrian traffic from Main Street on the north side of the building. The proposed entrances to the store are on the south side of the building and the front door. Deliveries from UPS trucks would access the site from Lafayette Avenue and not the driveway from Main Street. Janet Gessner, the applicant, noted that the UPS deliveries are a five minute drop, four days a week. No deliveries are received on Saturday, Sunday or Monday. Ms. Gessner noted that larger shipments are requested to be sent in two shipments so that they are received on the smaller truck. ZEO Jefferson noted that the application has been referred to the Commission Engineer, Nathan Jacobson & Associates, for review, which may be completed by the next regular meeting. The Commission members asked about landscaping. Ms. Gessner stated that they are proposing a gravel driveway and she would like to work with the neighbors regarding the landscaping. Ms. Gessner submitted a photograph of a gravel driveway with a split rail fence or hedges which she would like to consider for placement along the adjacent property to the North, together with handwritten notes regarding the landscaping and fencing. She indicated that she will discuss the fencing with the neighbors. A landscaping plan has not been prepared. The ZEO noted that the frontage on Main Street would require the addition of two trees, Bradford Pear, to be added. In accordance with the Town Streetscape Plan, the brick sidewalk and lighting along Main Street would be required. Ms. Gessner noted that they would be willing to add a split rail fence so as to not be intrusive for the neighbors. Ms. Gessner stated that she has spoken with the First Selectman to obtain the information regarding the benches and the street light. Ms. Gessner noted that she is willing to plant shrubs and bushes but does not have any detail of the plantings. ZEO stated that the landscaping, brick sidewalk, and lighting is required to be included on the plan in accordance with the Regulations. Ms. Gessner noted that she does not want to obstruct the view for the neighbor to the Town Green. Ms. Gessner noted that visually the structure will still look like a house. The porch will be reconstructed in the front of the house. ZEO Jefferson noted that a buffer will be required from the Main Street driveway to the adjacent property; noting that the Commission encourages that the applicant work with the neighbor. ZEO stated that with the site plan approval, everything proposed needs to be identified on the plan. Ms. Gessner stated that she proposes to move the store to the site in mid August, with the lease for the current location ending in September. The Commission may not consider a decision until the review is completed by the Commission Engineer. Ms. Gessner noted that she has had her vendors, customers, and Main Street businesses fill out a questionnaire at her current location at 163 Main Street. The questionnaires completed by Main Street businesses were submitted for the record. There have been a number of concerns regarding parking. Commission members indicated that parking at Walgreens and the Shopping Center are encouraged to allow for pedestrian traffic. Ms. Gessner stated that the results of her customer survey indicate that the store is a destination and they are not interested in taking the time to walk because they do not have time. She indicated that parking is important. The

proposed driveway entrance on Main Street is in between the two Essex Street intersections on the opposite side of the road. Lafayette Avenue, a one way street, is a residential area. Commission members inquired about parking on Main Street in front of the property. Ms. Gessner noted that she believes DOT has indicated that there is not enough room. Tim Gessner indicated safety concerns for parking on Main Street. The ZEO encouraged the Commission members to review before the next meeting the parking standards, in particular Section 11.5.7, regarding frontage on two or more streets. Mr. Couch stated that the regulation was considered when they agreed to propose the new driveway. The ZEO asked if there is a loading dock. Ms. Gessner stated that the back door is being revised and will be used for receiving UPS shipments. Ms. Gessner stated that the existing barn on the property will be used for personal use and not for the store. Ms. Gessner noted that the second floor of the house will be used for an office and rooms for her children. ZEO noted that the business is allowed in the structure, the site plan application requires approval of the site layout, landscaping, and lighting. The Applicant will meet with the ZEO to review the requirements which need to be reflected on the final plan. Mr. Couch inquired if his attendance would be required at the next meeting. The Commission noted that it would be his and the applicant's judgment based on the Commission engineer report. The application will be considered at the next regular meeting scheduled for July 16, 2009.

6. Audience: Jayne Mather, of 198 Main Street, read and submitted a letter regarding the proposal for 202 Main Street. She indicated that she disagrees that an unnecessary hardship was demonstrated for allowing a driveway to be constructed 3 feet from the building. The ZBA stated that the reasons were (1) hardship shown by applicant in that there is no reasonably access to commercial property; (2) is not in contradiction to the Planning and Zoning Regulations; and (3) the variance only affects the property of the owner. Ms. Mather noted that there is access to the site from Lafayette Avenue and the new driveway will add additional congestion on Main Street in the area of the Essex Street triangle, Lafayette Avenue, and the entrances and exits for the Elms, Walgreens and Adams. Ms. Mather also referenced Section 11.5.7 of the Zoning Regulations regarding frontage on two or more streets, which indicates that the Commission may require that access to the lot be provided across the frontage to the street where there is lesser traffic congestion and for hazards to vehicular and pedestrian traffic. Ms. Mather also noted that the variance for the driveway will affect traffic and noise, intrude on their privacy, and diminish the architectural character of the neighborhood that combines commercial and residential properties. Ms. Mather also expressed concern regarding the 8 ft. high chain link fence which is proposed on the plan on a portion of the north boundary and recommended that discussions be held regarding installing a fence that would be in keeping with the present fence on the neighboring property. She asked the Commission members to review the plans and consider the impact on her residential property and what it would look like. She also indicated that the driveway is not necessary with the access from Lafayette Avenue. Ms. Mather noted that the proposed driveway is about 13 ft. from the gazebo on her property. Janet & Tim Gessner had returned to the meeting and inquired about the plan being reviewed for reference regarding Ms. Mather's comments. The Chairman noted that Ms. Mather spoke as an audience member. The Commission members were individually reviewing their copies of the plan and application submitted by the applicant. The Commission will consider the application at the next regular meeting.

7. Reports: (a) Attorney: Chairman Kastner reported that the Superior Court ruled in favor of the Commission on the appeal by the Lents for the Haynes Aggregates/Incarnation Camp decision. The

Lents have filed an appeal with the Appellate Court.

(b) Engineer: ZEO Jefferson noted that Cumberland Farms requested release of the performance bond. The ZEO and Commission Engineer Joe Dillon visited the site. The letter dated 6/18/09 from Joe Dillon indicates that the stop bar in the northbound land of Route 154 was relocated but has since worn away. The stop bar is required to be replaced. He also indicates that the double yellow line should be extended to the point of the new stop bar. The First Selectman has indicated that new street lining will be done in the area in the next month and the line will be done at the same time. The bond would not be released until the lining has been completed. A motion was made by Janet Edgerton and seconded by Jane Samuels to authorize the release of the \$29,700 performance bond for Cumberland Farms provided that the requirements of the Commission engineer as specified by letter dated June 18, 2009 be completed to the satisfaction of the Zoning Enforcement Officer. Voted Unanimously.

(c) Chairman: Chairman Kastner noted that the Design Advisory Board has been approved by the Board of Selectmen. The Committee that will serve will be selected by the Selectmen in accordance with Bylaws. The ZEO noted that she is working with Peter Howard to create bylaws based on the proposed ordinance language.

Chairman Kastner noted that the Fire Department is going to be applying for a federal grant to build substantially the proposal that was turned down by the Town about a year ago. If the grant is not received, the Department will consider an alternate proposal.

(d) ZEO: ZEO Jefferson presented a monthly report to the Commission dated 6/18/09 and a list of four administrative permits issued during the month. Signs posted by Haynes on Route 80 have been removed. An inspection was made regarding the junk cars at 11 Everett Lane and all vehicles and trailers on the site have current registrations except for one which is in compliance with the State Statutes.

(e) Planning/Regulations: ZEO Jefferson noted that meetings have been held regarding the Village District.

A motion was made by Tom Griffin and seconded by Leigh Balducci to adjourn the meeting at 8:37 p.m. Voted Unanimously.

Respectfully submitted,
Nancy J. Howard
Recording Secretary