

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, July 16, 2009 at the Deep River Town Hall was called to order at 7:30 p.m. by Chairman Jonathan Kastner. Members present: Janet Edgerton, Nancy Fischbach, Tom Griffin, Jonathan Kastner, Jane Samuels, and Alternates Leigh Balducci and David Oliveria. Absent: Tom Walsh, Alternate John Attridge. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), Norman Bouchard, Jayne Mather, Janet & Tim Gessner, Christine Scruggs, Kathy Freeman. Chairman Kastner seated Alternate Balducci for Fred Hellmers and Alternate Oliveria for Tom Walsh.

2. Approval of Minutes: A motion was made by Nancy Fischbach and seconded by Janet Edgerton to approve the minutes of the public hearing of June 18, 2009 as printed. Voted Unanimously. A motion was made by Nancy Fischbach and seconded by Janet Edgerton to approve the minutes of the regular meeting of June 18, 2009 with an amendment to page 2, Janet Gessner, amend sentence to read "ZEO stated that the landscaping, brick sidewalk, and lighting are required to be included on the plan in accordance with the Regulations." Fischbach abstained. Approved. [Jane Samuels arrived.]

3. Payment of Bills: The following bills were received: Howard & McMillan, legal fees (Haynes/Lent appeal) \$2,523.60; Nathan Jacobson & Associates, engineering review, \$511.20; Hartford Courant, legal advertising, \$139.64; and Nancy Howard, clerical services, 11 1/4 hours. A motion was made by Nancy Fischbach 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 June 17, 2009 from Peter E. Palazzi, Supervising District Service Agent, Bureau Highway Operations, Dept. of Transportation regarding 202 Main Street; (b) letter dated 7/13/09 from Joseph Dillon, P.E. from Nathan Jacobson & Associates regarding engineering review of 202 Main Street; (c) letter dated July 13, 2009 from Joseph Dillon, P.E. from Nathan Jacobson & Associates regarding engineering review of 202 Main Street; (d) Letter dated July 13, 2009 from Rima Laukaitis, P.E. of Martinez Couch & Associates, engineer for applicant of 202 Main Street; (e) Memo dated 7/16/09 from ZEO Cathie Jefferson regarding 202 Main Street; and (f) Application for Special Permit by Martin Wolman and Nancy Fischbach for one story addition at 401 River Road. A motion was made by Leigh Balducci and seconded by Janet Edgerton to add to the Agenda, as item #5a, the Application for Special Permit by Martin Wolman and Nancy Fischbach. Nancy Fischbach recused. Approved.

5. 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 by Janet Gessner was received at the June 18, 2009 meeting for the purpose of a retail toy store at 202 Main Street. The Commission reviewed in detail all the correspondence received in connection with the application, as indicated under "Correspondence" above. The second shorter letter received from Nathan Jacobson & Associates was determined to have been incorrectly dated; the letter should be dated July 15, 2009 with the plans revised to July 13, 2009. Plans revised to July 13, 2009 have been received from the applicant. The Chairman summarized the memo received from the ZEO. The site plan has been revised to address the concerns raised by the Commission at the June meeting and the review comments from the Commission engineer, Nathan Jacobson & Associates, by letter dated July 13, 2009. The fence along the northern property line has been changed from a chain link fence to a 6 foot white PVC fence similar to the existing fencing on the property bordering on the north. The

applicant has included landscaping, trees, lighting and a brick patio on the site plan. The ZEO noted that the revised plan shows seven parking spaces. In accordance with the Regulations, the proposal would require a minimum of four parking spaces and a maximum of seven spaces. ZEO noted that with the frontage on Main Street, three parking spaces could be included on Main Street. However, DOT has stated that they would not allow parking on Main Street. No landscaping is shown on the plan along Lafayette Street. ZEO Jefferson noted that in accordance with Section 12.5.2 of the Regulations, evergreens shall be planted along Lafayette Street. Lafayette Street is the boundary between the residential and commercial districts. ZEO Jefferson noted that she spoke with Attorney Bill Howard regarding the appeal which has been filed on the decision of the Zoning Board of Appeals pertaining to the variance for the driveway from Main Street. Attorney Howard indicated that the Commission should act on the application as it was submitted. Jane Samuels noted concern regarding parking space identified as #2 next to the house on the Lafayette Street side and noted that possibly two parking spaces could be removed. Jane Samuels also noted concern regarding the entrance driveway from Main Street, which would result in four roads located in a small area on Main Street. She suggested that the entrance and exit only be on Lafayette Street. ZEO Jefferson noted that the 6 ft. PVC fence will not hinder the neighbors' view. Janet Edgerton noted that she is in favor of the driveway entrance from Main Street and agreed to eliminating parking space #2. Detailed discussion was held regarding the directional signage at the two driveways. The signage at both driveways is required by the DOT in accordance with their letter dated June 17, 2009. Lighting was discussed. ZEO noted that there are no free standing lights in the parking area. Lights are on the building. The street lights on Main Street will go off at night when the other lights go off. Mr. Gessner stated that there are existing lights on the front porch. The existing porch lights are not shown on the plan. Nancy Fischbach inquired about the paved driveway aprons and the possibility of increasing the apron to 20 ft. The revised plan submitted shows a 10 ft. paved apron from Lafayette Street. ZEO Jefferson noted that the Commission engineer, in accordance with the letter of July 13, 2009, stipulated that the driveway apron on Lafayette Street should be 15 ft. from the edge of pavement. The driveway apron from Main Street is 25 ft. The Commission engineer also requested wheel stops in all the parking spaces, which are not shown on the plan. In connection with the proposed driveway off Main Street, Jane Samuels referenced Section 11.5.7 of the Regulations which states "Where a lot has frontage on two or more streets, the Commission may require that access to the lot be provided across the frontage to the street where there is lesser potential for traffic congestion and for hazards to vehicular and pedestrian traffic." ZEO Jefferson noted that with the subject application, the road along Main Street is commercial and eliminating the entrance driveway on Main Street would require the traffic for the commercial use to access through a residential neighborhood. A motion was made by Nancy Fischbach and seconded by Janet Edgerton to approve Application #54, Application for Site Plan Review for Deep River Toy Store, 202 Main Street, with the following conditions:

- (1) All the conditions of the letter of 6/17/09 from DOT.
- (2) Eliminate the parking space labeled as #2 for a resulting total of six parking spaces.
- (3) The existing light on the porch, which is not shown on the plan, shall not be removed.
- (4) Wheel stops are to be installed in accordance with the letter of 7/13/09 from Nathan Jacobson & Associates.
- (5) The apron to Lafayette Street shall be paved for 15 ft. from the pavement edge in accordance with the letter of 7/13/09 from Nathan Jacobson & Associates.
- (6) The length of the perimeter buffer along Lafayette Street will require ten (10) evergreens; three between the driveway and the western end of the property and seven from the driveway to Main Street placed no closer to Main Street than the existing structure.
- (7) The items described as "determined by the owner" on the site plan should be determined by the Commission.
- (8) That two lighting fixtures on the building should be full cut-off with no more than ½ foot candle per square foot.
- (9) The signs shall be low level externally lit signs and that a sign detail be submitted to the Zoning Enforcement Officer for approval to be in compliance with the Regulations.

(10) The ten foot buffer on the northern property line and along Main Street shall be planted and maintained as described on the submitted site plan.

(11) The lighting fixture along Main Street shall be the decorative lighting approved by the Deep River Streetscape Committee.

(12) The sidewalk along Main Street shall be removed and replaced with the brick design approved by the Deep River Streetscape Committee.

(13) Any other items referred to as “to be determined by owner” shall be subject to the approval of the ZEO as the agent for the Zoning Commission.

Discussion took place on the motion. Action on Motion: In Favor: Balducci, Edgerton, Fischbach, Oliviera; Opposed: Samuels; Abstain: Kastner; Recused: Griffin. Approved.

5a. Martin Wolman & Nancy Fischbach, 401 River Road (Map 73, Lot 5-2)/Application #55: [Nancy Fischbach recused herself on this matter.] An application for Special Permit was received from Martin Wolman and Nancy Fischbach for the purpose of replacing approximately 6 ft. x 9 ft. of deck with a one story addition. The property is in the Gateway district. Referral will be made to the Connecticut River Gateway Commission. A motion was made by Janet Edgerton and seconded by Jane Samuels to schedule a public hearing on Application #55 by Martin Wolman and Nancy Fischbach for Thursday, August 20, 2009 at 7:15 p.m. Approved.

6. Audience: Christine Scruggs, VMD, was present to discuss her interest in purchasing the property at 171 Winthrop Road and opening a veterinary clinic. Dr. Scruggs will meet with the Zoning Enforcement Officer to review the Regulations and the proposal for the property.

7. Reports: (a) Attorney: A decision is pending on whether the court will accept the appeal on the Haynes/Incarnation Center matter. An executive session will not be held.

(b) Engineer: No report.

(c) ZEO: ZEO Jefferson presented a monthly report to the Commission dated 7/16/09 and a list of three administrative permits issued during the month. 180 Main Street LLC is seeking reduction of the bond. The one remaining item is the purchase and installation of the benches.

(d) Planning/Regulations: Committee meetings on the Village District will start again in September.

(e) Chairman: Chairman Kastner noted that the Design Advisory Board was approved as a Board appointed by the Board of Selectmen, which would function in accordance with Bylaws. Attorney Jane Marsh has indicated that a Board created by the Board of Selectmen can only report to the Board of Selectmen. The official reports from the Design Advisory Board may go to the Board of Selectmen with a copy to the Planning & Zoning Commission.

8. A motion was made by Jane Samuels and seconded by Nancy Fischbach to adjourn the meeting at 8:45 p.m. Voted Unanimously.

Respectfully submitted,

Nancy J. Howard

Recording Secretary