

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, August 19, 2010 at the Deep River Town Hall was called to order at 7:35 p.m. by Chairman Jonathan Kastner. Members present: Leigh Balducci, Nancy Fischbach, Jonathan Kastner, Jane Samuels, and Alternate Angus McDonald, Jr. Absent: Janet Edgerton, Tom Griffin, Tom Walsh, and Alternates John Attridge and David Basilone. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), Donald Carlson, Joseph Shea, Mark Bavalack, David Falt, Jeff Prindle, and Joe Miller. Chairman Kastner seated Alternate Angus McDonald for an absent member.
2. Approval of Minutes: A motion was made by Nancy Fischbach and seconded by Jane Samuels to approve the minutes of the regular meeting and public hearing of July 15, 2010 as printed. Kastner abstained. Approved. A motion was made by Leigh Balducci and seconded by Jane Samuels to approve the minutes of the special meeting of August 2, 2010 as printed and the minutes of the public hearing of August 2, 2010 with an amendment to include notation that the sign publicizing the public hearing had been posted on the property. Voted Unanimously.
3. Payment of Bills: The following bills were received: Nancy Howard, clerical services, 10 1/2 hours, Hartford Courant, legal advertising (Broom public hearing notice) \$79.80. A motion was made by Angus McDonald and seconded by Jane Samuels to approve the bills as presented. Voted Unanimously.
4. Correspondence: Nancy Fishbach noted receipt of the following correspondence: (a) Copy of Cease and Desist dated 8/11/10 issued by ZEO Jefferson to Cheryl Reynolds regarding at least seven unregistered motor vehicles on property at 93 Main Street (Map 56, Lot 114); (b) copy of letter dated 7/21/10 from ZEO Jefferson to Eleanor Edgeworth regarding home occupation; (c) Memorandum dated 8/19/10 from the Design Advisory Board with preliminary design review comments for proposal by Bavalack at 104 Main Street.
5. Rattling Valley Road: Donald Carlson was present for preliminary discussion regarding property of Fred and Susan Reyher at 160 Rattling Valley Road. Mr. Carlson noted that the original parcel of 13.5 acres was split as a free split in 1986 into two parcels, Parcel A 11.6 acres and Parcel B 1.9 acres. Mr. Carlson presented a preliminary plan for subdividing the 11.6 acre parcel into two parcels, with a proposed rear lot of 4.3 acres. There is an existing woods road. Mr. Carlson inquired if the original split parcel could be counted as one of the lots when planning the subdivision with the rear lot. The Commission were in agreement and recommended including the original lot on the plan. Canfield Woods is the neighboring property. After discussion, Commission members agreed that a public hearing would not be necessary as there is no proposed road or public improvement.
6. A.J. Shea Constructions/Mark Bavalack, 104 Main Street (Map 56, Lot 27): An application for Site Plan Review was received from A.J. Shea Construction for the purpose of removing the existing roof, rebuilding the second floor walls and floor system, and install new roof on property of Mark Bavalack at 104 Main Street. Present on behalf of the application were Mark Bavalack,

owner, and Joseph Shea, builder. The application states that the proposed use of the property is to remain as is with apartments on the first floor and unfinished space on the second floor. Joseph Shea stated the proposal is to remove the existing roof and build second floor walls and floor system. Mr. Bovolack stated that the second floor will be built to code for future use. ZEO Jefferson noted that the plans submitted identify the second floor space as an apartment. Mr. Shea noted that the Design Advisory Board (DAB) asked what it would be used for and that it be identified on the plan. Mr. Bovolack noted the purpose of the proposal is that the roof needs to be repaired, and the future intent is that the property will be brought to code with a retail use on the first floor and residential apartment on the second floor. ZEO Jefferson noted that the site is pre-existing non-conforming and a second apartment on the second floor would not be allowed because it would add to the non-conformity; retail on the first floor and apartment on the second floor would be in conformance. Mr. Shea noted that the proposal is a three step process. The first step is to replace the roof; second is to complete the second floor; and third is to move the tenant to the new space on the second floor and then demolish the first floor and create retail space. Ms. Fischbach noted that the Commission may not approve the apartment on the second floor until the use of the apartment on the first floor is abandoned. The ZEO noted that the Building Department may issue a temporary C.O. for 30 days, and a C.O. would not be issued until the downstairs apartment is vacated. ZEO Jefferson noted that a special permit application will be needed for the second floor use and activity on the first floor, which is the 2nd and 3rd phase of the applicant's proposal. The current application is only for replacing the roof. Mr. Bovolack noted that the proposed time frame for the entire project is 12-18 months. The Commission noted that a plan for the current application is required showing the second floor as empty space. A motion was made by Nancy Fischbach and seconded by Jane Samuels to approve Application for Site Plan Review, Application #64, for 104 Main Street for raising of the roof with unoccupied space on the second floor as Phase 1 of what will be two step process with the existing resident moving from the first floor to the second floor and replace the first floor with retail, and the changes to the windows as shown on proposed elevations drawing, subject to the following conditions: (a) that the applicant will submit revised plans showing the first phase of the development only; (b) And applicant understands that the second floor space may not be occupied without approval of the change of use. Voted Unanimously.

7. Adams Super Food Store, 193 Main Street: David Falt, construction manager for Adam's, Jeff Prindle, Store Manager, and Joe Miller of Miller Development, the contractor for the project, were present for preliminary discussion regarding possible expanded parking and improvements to the south end of the store. Mr. Falt noted that they are proposing to add a concrete slab in the current parking spaces to the right of the entrance in order to bring it up to level with the sidewalk and adding an approximately 30" brick planter wall which would create a separate area for the sale of plants. The wall will be the same height as the existing planters. Discussion was held regarding the line of site and safety for pedestrians. Mr. Prindle noted that the wall will be lower than the height of the cars that may currently park in the parking spaces. The Commission asked that a brick face be added to the concrete slab and the concrete be decreased in height for aesthetic purposes and safety. The second part of the proposal is for additional parking in the existing grass area to the south of the building to accommodate increased business. Employees park as far away from the store as possible. The parking in the back of the building may not be used when trailer trucks are making deliveries, which are completed daily by 7:00 p.m. Commission members asked that the plan show the houses surrounding the proposed parking area. Mr. Miller noted that they

would propose an impervious surface with a stormwater recharge system. A permeable surface was determined to be more difficult to maintain. Detailed discussion took place regarding the proposed increased parking and the Regulations regarding impervious surfaces. Additional asphalt would increase the non-conformity of the site. Due to the change of technology with stormwater recharge systems, the Commission discussed amending the Zoning Regulations. An application for amendment to the site plan will be submitted in the future.

8. Audience: No audience.

9. Reports: (a) ZEO: A Commission member asked the ZEO to investigate a large gravel ramp that has been constructed in the last couple days on River Road with concern regarding possible erosion. The subject property may be the area of a recent wash out.

ZEO Jefferson presented a monthly report to the Commission dated 8/19/10. Four administrative permits were issued during the month.

92 West Bridge Street: ZEO noted that there are cars located in the back of the property again. Further action will be pursued.

(b) Attorney: No report.

(c) Engineer: No report.

(d) Planning/Regulations: The public informational meeting regarding the village district will be held on September 22, 2010. The proposed Regulation amendments discussed at the last meeting have not yet been finalized.

Nancy Fischbach presented a proposed amendment to the Zoning Regulations to accommodate new technology for stormwater. Discussion was held regarding the amendment. A motion was made by Nancy Fischbach and seconded by Jane Samuels to schedule a public hearing for Thursday, September 30, 2010 at 7:00 p.m., with a special meeting to follow, to consider the following amendment to Sections 5.6.12 and 7A.5.2 and any other reference in the general standards of the Zoning Regulations: "The difference between the maximum impervious surface permitted in Schedule 5.6 and 100% may be serviced with either permeable surface, stormwater recharge system, or a combination of the two." Voted Unanimously.

10. A motion was made by Angus McDonald and seconded by Jane Samuels to adjourn the meeting at 9:10 p.m. Voted Unanimously.

Respectfully submitted,

Nancy J. Howard

Recording Secretary