

**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, May 16, 2013 at the Deep River Town Hall was called to order at 8:09 p.m. by Vice Chairman Walsh immediately following a duly called public hearing. Members present: David Basilone, Jane Samuels, Tom Walsh, Ben Whalen, and Alternates John Attridge and Sarah Denegre. Absent: Leigh Balducci, Janet Edgerton, Jonathan Kastner, and Alternate Bruce Edgerton. Also present: Cathie Jefferson (Zoning Enforcement Officer) and Nancy Howard (Recording Secretary). Vice Chairman Tom Walsh was Acting Chairman for the meeting. Acting Chairman seated Alternates John Attridge and Sarah Denegre for absent members.

2. Approval of Minutes: A motion was made by Jane Samuels and seconded by Sarah Denegre to approve the minutes of the regular meeting and public hearing of April 18, 2013. Voted Unanimously.

3. Payment of Bills A bill was received from Nancy Howard, clerical services, 20 hours. A motion was made by Jane Samuels and seconded by Sarah Denegre to approve payment of the bill as submitted. Voted Unanimously.

4. Correspondence: The following correspondence was received: (a) Copy of letter dated April 29, 2013 from ZEO Jefferson to Susan's Kitchen at 439 Main Street regarding blinking or flashing signs.

A motion was made by Jane Samuels and seconded by Ben Whalen to amend the order of the agenda to consider action on the proposed amendments to the Zoning Regulations first. Voted Unanimously.

5. Proposed Amendments to Regulations: A public hearing was held immediately prior to this meeting on proposed amendments to the Zoning Regulations pertaining to Sections 7A.1, 7A.2, 4.10, and 13. A motion was made by Jane Samuels and seconded by Sarah Denegre to approve the amendments as proposed and read for the record at the public hearing. Voted Unanimously.

6. George G. Bartlett, 444 Main Street: A continued public hearing on Application #84 was held immediately prior to this meeting on Application #84, Application for Special Permit and Type 2 Site Plan Review by George G. Bartlett, Jr. for the purpose of sales and maintenance of new and used construction equipment on property at 444 Main Street (Map 59, Lot 9). Board members considered whether to take action on the application or table action to the next meeting. A second letter is pending from Richard Leighton regarding the fire protection review. Members noted that the applicant indicated at the public hearing that he was not going to address the issues addressed by the Commission engineer and Zoning Enforcement Officer. ZEO Jefferson indicated that there are too many items that are not in compliance with the Regulations to be addressed by conditions of approval. A motion was made by Jane Samuels and seconded by Sarah Denegre to deny Application #84 by George G. Bartlett, Jr. without prejudice based on the

items not included in the application which are required to be in compliance with the Zoning Regulations, and that the applicant indicated that he would not comply with, which are identified in the memo dated 5/13/13 from ZEO Cathie Jefferson identified as numbers 4, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 (a copy of which is attached hereto and made a part hereof); and Items 1 through 12 addressed in the letter dated May 16, 2013 from Joseph M. Dillon, P.E. from Nathan L. Jacobson & Associates, Inc., (a copy of which is attached hereto and made a part hereof). Discussion took place on the motion. Members noted that a number of requirements have not been addressed by the applicant. Action on Motion: Voted Unanimously to deny the application without prejudice.

7. Audience : None

8. Reports: ZEO: ZEO Jefferson distributed her report dated May 16, 2013, together with a list of zoning permits issued during the month.

(a) Dunkin Donuts is negotiating to relocate to the existing building at 246 Main Street. The information has been passed on to the Design Advisory Board (DAB).

(b) 104 Main Street: AJ Construction received a variance from ZBA. They have been referred to DAB for early design advice.

(c) 16 Grove Street: ZEO will be meeting with Raymond Galeotti regarding a revised landscaping proposal.

Chairman: Tom Walsh noted that in the future the Commission should carefully consider signage and foliage when reviewing an application. The signs on the building at 188 Main Street are now covered by the trees planted in front of the building.

Planning: The subcommittee will be meeting in the future to review and discuss possible amendments to the Town Plan of Conservation and Development.

A motion was made by Jane Samuels and seconded by John Attridge to adjourn at 8:41 p.m. Voted unanimously.

Respectfully submitted,

Nancy J. Howard

Recording Secretary

MEMO

Date: 5/13/13
To: Deep River Planning & Zoning Commission
From: Cathie Jefferson
RE: Review of Application #84

I have the following comments on the submitted application;

1. The applicant has submitted an updated Statement of Use in the form of a letter dated March 14, 2013 and revised site plan dated April 30, 2013. We have not received a landscaping or planting plan. The revised plan has eliminated the 4,057 S.F. proposed "Construction Equipment Service Area" and the applicant has submitted the statement "None of the items I intend to sell or rent or maintain or repair are considered "motor vehicles" for which a motor vehicles license is required". The maintenance area has been eliminated and no activities requiring a Dealers or Repairers license from the State are allowed.
2. The hours of operation submitted are 7am to 5pm Monday through Saturday and a total of three employees are anticipated for the construction equipment sales business.
3. No new signage has been included with this proposal. Any new signs will require separate applications.
4. The notes (#12) reference a variance granted by the Town of Deep River ZBA on 6/19/2012. This should be submitted with the application.
5. The New Business form submitted by the tenant occupying the 8,000 SF of Light Manufacturing lists 18 employees. The remaining 5,340 S.F. of light manufacturing requires a minimum of 11 spaces totaling 29 spaces for the Light Manufacturing use.

Parking;

6. The minimum calculations for total parking with this proposal is as follows;

USE	Required	Proposed
13,350 SF of light manufacturing	29 (actual)	27
3,723 SF of warehouse	2	2
598 SF of office space	2	2
1798 SF of equipment sales area	4	4

The minimum parking spaces required by our calculations is 37, the applicant proposes 39 spaces. The applicant should provide written justification for using the minimum requirements for each use proposed. Prior to allowing a new business into the additional 5,340 S.F. actual parking calculations will need to be submitted.

7. **11.3.9** No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within six feet of any portion of a building other than for garage entrances, loading area aprons or drive-through service. Such six-foot clear area shall be used for walkways and planting or other landscaping. The only walkway shown is in front of the 4 parking spaces at the rear of the building. No landscaping is shown along the building or within the parking area at the rear of the building.
8. **11.5.5** Site plan does not show existing or proposed driveway width or the access to Main Street.
9. Along Main Street the Commission shall determine, with input from the First Selectman, whether brick sidewalks and decorative lighting along Main Street will be required.

Lighting;

10. **11.9 Thru 11.9.3.** Adequate lighting has not been proposed for the site. There is no lighting at the rear of the building within the 23 parking spaces. No lighting is shown in the front parking area where 10 spaces are located. Lighting details have not been shown on the plan. The Commission requires full cutoff lighting and the pole height for any lighting required in the parking lots must be shown. It is also noted that employees and visitors parking in the rear of the building must walk through the loading space to get to the main door. The main walkway should be separated from the loading dock by sidewalk and landscaping.
11. **11.11.** The only required marking of the parking spaces is by the location of curb stops which will need to be maintained especially during winter plowing. The front parking area containing 10 spaces is proposed to be paved while the back parking area containing 23 spaces is shown as gravel contrary to the regulations which require paving in parking areas with 20 or more spaces.
12. Best Management Practices (BMPs) for minimizing the degradation of water quality due to stormwater runoff has not been shown.

Landscaping;

13. **12.2.** Calculations have not been submitted showing that the site meets any of the required landscaping requirements. A table should be added to the site plan showing those calculations.
14. **12.5.3(4).** The site plan does not show any plantings within the 50' buffer along the residential property to the north that would buffer the display area. The six Bradford Pear trees proposed in the site plan revised to Feb. 18, 2013 have been eliminated in the April 30, 2013 plan. Three of those trees had been placed along the perimeter to the north which abuts residential property. There is no indication as to why the landscaping was removed. If the proposed landscaping is determined to be inadequate regulation **12.5.4** allows the Commission to require greater screening.
15. **12.5.3(4)** requires a 50 foot buffer for industrial uses abutting a Town or State road. **This requires the construction equipment display area to be moved back about 25'.** Moving the display area back may require additional landscaping in the 50' buffer area to protect the residential quality of the existing home.
16. **12.4.1** There are 2 existing Maple trees along the front landscaped area. A mix of trees and shrubs should be added into the 50' buffer area between the road and the display area since no information has been provided as to the numbers or sizes of equipment located in the display area.
17. The display area shown on the site plan should be identified and marked showing the number and types of equipment to be displayed and the space required for each piece.
18. **12.3.9** Foundation plantings are required around all non-residential buildings with suitable trees and shrubs. This plan shows approximately 20' of foundation plantings located at one entrance covering less than 10% of the total building's foundation.
19. **12.6 Interior Parking Lot Landscape Requirements. 12 6.1 & 12.6.2** not depicted or addressed on the site plan.
20. **Section 13 Signs.** No new signs have been proposed for the site. Use of the existing sign along Main Street should be submitted with dimensions and content.

This review covers the outstanding items which still remain through four revisions. The Commission should carefully note the discrepancies between our regulations and the submitted site plan. Unless significant changes are presented at the Public Hearing the deficiencies are too numerous to be addressed through conditions.



Jacobson

May 16, 2013

Mr. Jonathan Kastner, Chairman
Planning & Zoning Commission
Town Hall
174 Main Street
Deep River, CT 06417

Re: George G. Bartlett, Jr.
444 Main Street
Engineering Review
NLJ # 0290-0067

Dear Mr. Kastner:

As requested, we have reviewed the following information for the subject project received at our office through May 6, 2013:

- Item 1: Deep River Planning and Zoning Commission Site Plan Application dated 2-15-13.
- Item 2: Letter to Mr. George Bartlett, Jr. from Cathie S. Jefferson, dated March 3, 2013.
- Item 3: Letter to Ms. Cathie S. Jefferson from George G. Bartlett, Jr., dated March 14, 2013.
- Item 4: Drawing entitled "Type 2 Site Plan 'Improvement Location Survey' Proposed Sale of Construction Equipment Land of George G. Bartlett, Jr., 444 Main Street, Deep River, Connecticut", Scale: 1"=40', dated April 12, 2012, last revised April 30, 2013, prepared by Donald R. Carlson, L.S.

The subject application proposes sales and rental of new or used farm industrial or construction equipment along with the pre-existing light manufacturing and storage in the remainder of the building.

We have the following comments:

1. The applicant should contact the Connecticut Department of Energy and Environmental Protection (CTDEEP) regarding the submittal requirements for an Industrial Stormwater Permit for the subject site.



Jacobson

Mr. Jonathan Kastner, Chairman
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2. Referral to the Connecticut Department of Transportation (CTDOT) should be made for any work occurring within the CTDOT right of way.
3. Note 11 listed on the Site Plan states that "Inland Wetlands are shown from prior plans". The Site Plan shows the limits of a "wet area" but no formal wetland delineation is shown.
4. The Site Plan should indicate if the existing chain link propane enclosure is to remain. If it is to remain, a clear access driveway should be shown.
5. In accordance with Section 9.5.2(2)(b)v.b. the Site Plan should include the location and design of all required buffer strips and screening, interior landscaped areas; plant materials, fencing, screening devices, decorative paving, or other materials proposed.
6. In accordance with Section 11.3.9, No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within six feet of any portion of a building other than for garage entrances, loading area aprons or drive-thru service. Such six foot clear areas shall be used for walkways and planting or other landscaping.
7. The proposed accessible parking spaces do not meet the standards as outlined in the Americans with Disabilities Act (ADA) guidelines. Each space shall have a dedicated access aisle with at least one of the two spaces being designated van accessible.
8. In accordance with Section 11.12 Best Management Practices (BMP's) should be employed for stormwater management, to the maximum extent practicable, to reduce impacts to adjacent wetlands and offsite properties.
9. In accordance with Section 12.6.1: All uses required to provide 20 or more off-street parking spaces shall have at least 20 square feet of interior landscaping within the designated parking area for each parking space. Islands shall be provided, to indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic, and to separate major access ways through the parking area from parking aisles. Each separate landscaped area shall contain a minimum of 100 square feet, shall have a minimum dimension of at least 8 feet, shall be planted with grass or shrubs, and shall include at least one deciduous tree of not less than 3 inch caliper, at least 6 feet in height.



Jacobson

Mr. Jonathan Kastner, Chairman
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10. A landscaping plan in accordance with Section 12.8 should be submitted.
11. A fenced dumpster enclosure should be located on the Site Plan.
12. The plans should include standard details for the precast concrete curb stops, fenced dumpster enclosure, parking stall layout, signage or any other proposed site appurtenances.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

NATHAN L. JACOBSON & ASSOCIATES, INC.

Joseph M. Dillon, P.E.

JMD:jmd

cc: Richard Smith
Cathie Jefferson