

**PLANNING AND ZONING COMMISSION
TOWN OF DEEP RIVER, CONNECTICUT**

Town Hall

174 Main Street

Deep River, Connecticut 06417

A **public hearing** 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 7:02 p.m. by Vice Chairman Walsh. 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 hearing. Acting Chairman seated Alternates John Attridge and Sarah Denegre for absent members.

The call of the meeting was published in the Hartford Courant on May 3 and 10, 2013.

I. PURPOSE: Continuation of public hearing to accept evidence for or against, written or oral, approval of Application #84, Application for Special Permit and Type 2 Site Plan 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).

Presentation by Applicant:

Don Carlson, Registered Land Surveyor, reviewed the application for the purpose of selling construction equipment on the approximate 7 acre parcel in adherence with the site plan regulations. The activity in the existing building would blend in with the area. Mr. Carlson noted that a raised island will be located in the front with plants to be proposed by Acer Gardens. No lights are proposed in the parking lot. Mr. Carlson noted that the letter from the Commission Engineer was just received and he has not had an opportunity to address all the comments. For storm water management, there is no concentrated discharge, which does not require best practices. The driveway is 28 ft. wide at the property line and 24 ft. wide going back excluding the fire lane. Four parking spaces are within six feet of the building. Mr. Carlson noted that the repair of equipment has been removed from the proposed use and has been designated as additional warehouse and light manufacturing. The proposed sale area for construction equipment is in the front 1,798 sq. ft. and remaining 598 sq. ft. is office space. The display area is 30 feet from the road, which does not meet the regulations. Mr. Carlson noted that there is the minimum parking which is adequate. The 9,618 s.f. space in the back has 23 employees and at the most there are 10 cars. Mr. Carlson noted that he appeared before the Inland Wetlands Commission and there were no concerns because there was no grading. Mr. Carlson visited the site recently with the Wetlands Enforcement Officer. Mr. Bartlett stated moving the display area 50 feet from the road defeats the purpose of visibility from the road.

A memo dated 5/13/13 was received from ZEO Cathie Jefferson with comments from her review of the application and revised plan (copy attached). The memo was reviewed in detail as follows by the Commission members with comments from the applicant and his agent:

Items #1 and #2 have been submitted.

Item #3: Any new signs will require separate applications.

Item #4: A copy of the variance granted by the Zoning Board of Appeals on 6/19/2012 has not been submitted with the application.

Item #5: The ZEO noted that the revised map has been amended to remove the repair area and the five spaces are sufficient.

Item #6 provides the calculations for parking which does meet the requirements.

Item #7: Also noted by Joseph Dillon, the parking shall be 6 feet from the building to allow for walkways and planting. Mr. Carlson noted that the plan can be modified to reflect that change.

Item #8: Don Carlson noted that the plan does show the existing driveway access from Main Street and identified the dashed lines flared entrance. The ZEO indicated that the flared entrance and dimensions need to be clarified on the plan.

Item #9: The ZEO noted that it will be up to the First Selectman to determine if the brick sidewalks and decorative lighting along Main Street will be required.

Item #10: Adequate lighting has not been proposed for the site. Mr. Carlson noted that there are existing lights all around the building. There are seven mercury vapor flood lights. The ZEO noted that the type of lights needs to be identified on the plan. At least one pole light is required in the back. The ZEO noted that information on the illumination is required to verify that it does not shine off the property as the industrial building is next to residential property. Mr. Carlson noted that he can find out the information of the existing lights. Mr. Bartlett noted that there are plenty of lights.

Item #11: The only required marking of the parking spaces is by the location of curb stops. ZEO noted that curb stops were not proposed in the previous plan. Mr. Carlson noted that the part of the parking in the back is processed stone. He noted that the Conservation and Inland Wetlands Commission (CIWC) does not want it paved; the CIWC has indicated that a permit would not be required. The ZEO noted that there needs to be an explanation as to why it is not being paved. Mr. Carlson noted that the display area will be processed stone. Mr. Carlson indicated he will contact the WEO about getting something in writing. Mr. Bartlett noted that if the display area was paved, an excavator would tear it up.

Item #12: Best Management Practices for minimizing the degradation of water quality due to stormwater runoff has not been shown. ZEO Jefferson noted that the BMPs are up to the Commission engineer. BMP's are asked for by Mr. Dillon in item 8 of his letter of May 16, 2013. Mr. Carlson noted that there is no ponding on the site and that there are two foot contours on the plan. Mr. Carlson indicated that he will contact Mr. Dillon and identify it on the plan.

Item #13. Calculations have not been submitted showing that the site meets any of the required landscaping requirements. A table with the calculations needs to be added to the plan. Mr. Bartlett noted that there is a 30' by 6' berm with landscaping like across the street. Mr. Carlson noted that the raised planted berm is shown on the plan but does not identify what is going to be in it. Commission members noted that the table needs to be included showing what is going to be planted. Mr. Bartlett indicated that there would be nothing over 3 foot tall.

Item #14: 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. Six Bradford Pear trees proposed on the site plan revised to 2/18/13 had been eliminated on the 4/30/13 plan. Mr. Carlson noted that there is substantial hardwood buffer along the property line; nothing can be done in the back because it is 14 ft. from property line. The applicant noted that the three existing maple trees and the lawn will remain.

Item #15. Section 12.5.3(4) requires a 50 foot buffer for industrial uses abutting a town or state road. The display area has not been moved back. Mr. Carlson noted that it is back 30 feet and they would like to leave it at that. ZEO noted that a variance would be required. Mr. Bartlett indicated that the display area needs to be visible. Mr. Carlson noted that it is not out of keeping with the neighborhood across the street. The Chairman noted that the change of use requires that the regulations be met.

Item #16. Section 12.4.1 requires that a mix of trees and shrubs be added in the 50' buffer area between the road and display area. No information has been provided as to the numbers or sizes of equipment located in the display area.

Item #17. The display area should be identified and marked showing the number and types of equipment to be displayed and the space required for each. Mr. Carlson stated that they do not know at what given time what is going to be there. Mr. Bartlett stated that it will be construction equipment. Mr. Bartlett noted that the money should be spent on cleaning up the contaminated property. Mr. Bartlett stated that depending on the size of the equipment there may be three to five pieces at a time. Mr. Carlson stated that if the display area is moved back the maple tree would be lost.

Item #18. Section 12.3.9 requires foundation plantings around all non-residential buildings with suitable trees and shrubs. The foundation plantings shown on the plan are less than 10% of the total building's foundation. Mr. Carlson noted that currently blacktop would have to be removed for plantings. The walk would have to be pulled back for the plantings. Plantings need to be put in the front and at the entrance in the back.

Item #19. Section 12.6 Interior Parking Lot Landscape Requirements. ZEO noted that there is no landscaping in the parking area in the back.

Item #20. Section 13 Signs. Mr. Carlson noted that they are not proposing any new signs at this time.

ZEO Jefferson noted that the letter from the Commission was just received today, May 16, 2013, and the applicant has not had an opportunity to address the items addressed in the letter. The Commission cannot continue the hearing; the applicant would need to request an extension of the hearing in order to address the outstanding issues. Mr. Bartlett stated that he is not going to grant an extension for the hearing. Mr. Bartlett noted that he would prefer to have a used car dealers license for the property; he may use it for storage. A Commission member noted that the applicant could apply to the ZBA for a variance of the 50 ft. for the display area. Jane Samuels noted that she would like to see as little paved area as possible; gravel is preferred to allow the water back into the water table.

PUBLIC SPEAKING IN FAVOR OF APPLICATION: First Selectman Richard Smith spoke in favor of the application and in favor of the business. He noted that the site does have contamination problems which will have to be addressed. He noted that he will work with the property owner for obtaining granite curbing for the front.

PUBLIC SPEAKING IN OPPOSITION TO APPLICATION: None.

Mr. Carlson noted that he met with Richard Leighton regarding the fire protection. Revisions have been made. An updated letter has not yet been received from Mr. Leighton. The letter may be received after the close of the meeting.

CORRESPONDENCE: The following correspondence was received for the record:

- (a) Memorandum dated May 13, 2013 from Cathie Jefferson, Zoning Enforcement Officer with review comments.
- (b) Letter dated May 16, 2013 from Joseph M. Dillon, P.E. from Nathan L. Jacobson & Associates with the engineering review.
- (c) Letter dated March 22, 2013 from Richard E. Leighton, Code Official regarding fire protection review/accessibility review.

A motion was made by John Attridge and seconded by Ben Whalen to close the hearing on Application #84 at 7:50 p.m. Voted Unanimously.

A brief break was taken in the public hearing. The hearing reconvened for the second matter at 8:00 p.m.

II. PURPOSE: To accept evidence for or against, written or oral, approval of Commission sponsored amendments to the Deep River Zoning Regulations pertaining to Sections 7A.1, 7A.2, 4.10, and 13.

ZEO Cathie Jefferson reviewed the proposed amendments to the Regulations (copy attached). A correction will be made for a typographical error. The section identified as 4.10.16, should be 4.10.116 regarding drive thru facilities.

CORRESPONDENCE: The following correspondence was received for the record:

- (a) E-mail dated May 14, 2013 from Marcy Balint, Senior Coastal Planner from DEEP Office of Long Island Sound Programs indicating that the amendments are generally consistent with the goals and policies of the Connecticut Coastal Management Act.
- (b) Letter dated April 26, 2013 from J.H. Torrance Downes from Connecticut River Gateway Commission indicating that the Gateway Commission found that the modification would have little adverse impact on the riverway scene.
- (c) Letter dated April 11, 2013 from J.H. Torrance Downes from Lower Connecticut River Valley Council of Governments indicating that there would be no significant intermunicipal impacts or adverse impacts to the ecosystem of Long island Sound were the regulations be adopted.

A motion was made by Jane Samuels and seconded by John Attridge to close the hearing on the Regulation Amendments at 8:09 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.