

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, November 21, 2013 at the Deep River Town Hall was called to order at 6:34 p.m. by Acting Chairman Walsh. Members present: Leigh Balducci, David Basilone, Janet Edgerton, Jane Samuels, Tom Walsh, Ben Whalen, and Alternates William Burdick and Sara Denegre. Absent: Jonathan Kastner and Alternate Bruce Edgerton. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), and approximately 41 audience of citizens. Vice Chairman Tom Walsh served as Acting Chairman for the hearing. The Chairman seated Alternate Sara Denegre for the absent member.

Acting Chairman reviewed the procedures for the public hearing.

Secretary Edgerton read the call of the meeting published in The Hartford Courant on November 8 and 15, 2013.

PURPOSE: To accept evidence for or against, written or oral, approval of Application #85, Application for Special Permit by Great American Donut, Inc. for the purpose of use for a retail coffee and bakery shop under the trade name of Dunkin' Donuts, plus a separate demised space for an additional retail concept on property of 246 Main Deep River, LLC at 246 Main Street, Deep River (Map 57, Lot 88).

Lincoln Divoll noted that there were two statements of use in the application available for review and inquired which one is the proposed statement. ZEO Jefferson stated that the separate statement of the use was the revised statement.

Presentation by Applicant:

Stewart Fairbank from Angus McDonald Gary Sharpe & Associates stated that he was present on behalf of the applicant, together with Scott Fanning from Great American Donut and John Cunningham from TEC Landscape Design. Mr. Fairbank reviewed a colored version of the site plan revised to 10/17/2013. The site is 19,400 s.f. at the corner of Union Street and Main Street. The existing building is identified in brown on the plan. The building and pavement cover 85% of the property. Some of the pavement has been removed as part of the Town renovation with the sidewalks and lights. The proposal is the relocation of the Dunkin' Donuts store on Main Street to the proposed site. The approximate 1600 s.f. building will remain the same size with a face lift that will be shown on the architectural drawing. The gray area identified on the plan is the paved or stone dust areas in front and behind the building. The green areas will be returned to grass. The paved areas will be cut from 85% to 68%. The existing paved area will be removed, re-graded and re-paved. The existing drainage from the site is to Main Street. A subsurface system will be installed with a couple catch basins. Four new light posts are proposed. The applicant would like to discuss not adding the lighting to the site until the light posts of Main Street and Union Street have been installed. The pavement is now to the front of the building. The proposal is for a sidewalk and bollards for protection from the parking area to the building.

John Cunningham of TEC Landscale Design of Madison presented the landscape plan revised to 10/4/2013 identifying the parking area, grass area, and planting beds. Mr. Cunningham reviewed the proposed plantings to be used on site. An existing linden tree on Union Street will be removed. The remainder of the trees will remain and additional shade trees will be added. The landscaping will soften the corners of the trash enclosure on the south end of the site. He noted that there is an existing gate which is not in good condition from the existing building to the existing fence. Fencing will be extended from the existing fence back to Union Street. A sidewalk is proposed in front of the building from one street to the other. A seating area proposed in front of the building on the east side will be separated by concrete planters planted with seasonal color rather than bollards. Metal or granite bollards are proposed across the front of the remainder of the building. The applicant will discuss with the Commission whether to use metal or granite bollards.

Scott Fanning of Great American Donut talked about the exterior of the building. A combination of vertical and horizontal siding is proposed. A plank clapboard parapet will be added along the front of the building with external lighted signs above each business with two goose neck lights for each sign. As the building was previously a garage, two garage door windows with aluminum trim are proposed. Mr. Fanning noted that the building will be split down the middle with the space on the Union Street side to be a complimentary retail or office space. Asphalt shingles will be used on the roof with a new parapet to hide the mechanicals on the roof. The color is proposed to be tan.

Questions by Commission Members: Mr. Walsh asked about the plan for the rear elevation. Mr. Fanning stated that there are no plans for the back of the building other than to replace the windows. Jane Samuels asked about the impermeable surface in the parking area and the recharge system. Mr. Fanning noted that there will be a recharge system for the runoff. Currently the water flows towards Main Street. The drainage pattern will remain the same in the easterly direction except the water will be captured and infiltrated. The paved area will decrease from 16,000 s.f. to 13,200 s.f. Ms. Samuels asked if posts were going to be in front of the seating area. Mr. Fanning noted that the planter boxes will ring the seating area for protection. The bollards are proposed for the remainder of the length of the building. Wheel stops are in front of the parking spaces in front of the building and then bollards offer protection for the building. Mr. Walsh asked about the distance between the planters around the seating area. Mr. Cunningham stated the planters are four feet apart. Leigh Balducci asked if the fencing around the dumpster would completely hide the dumpster. Mr. Cunningham stated that the fence is six feet tall and would cover the dumpster; the ornamental trees, 2 ½ to 3 inch in caliper and 6-8 or 10-12 feet tall would soften the fencing. David Basilone asked what the use is behind the building. Mr. Fanning noted that there is nothing proposed behind the building. The dumpster was originally proposed behind the building. The area on the Union Street side will be returned to grass. Mr. Fanning stated that the location of the dumpster would be up to the Commission. The dumpster is not proposed in back of the building because the truck cannot get through and it would have to pull in and back out onto Main Street. An existing dumpster is on the Union Street side. Mr. Walsh asked if the brick on the building will be remaining. Mr. Fanning stated that the brick will remain on the back only and the front and ends of the building will be refaced.

Public Comments:

1. Alan Paradis of 327 Main Street and Chairman of the Design Advisory Board (DAB) noted that the DAB had initially approved the preliminary plan with the dumpster behind the building. The modification to the plan relocated the dumpster to the front and the DAB then thought the application should be denied because the dumpster would be recognizable from all approaches. The DAB also recommended that the fenced enclosure to the north of the building is too close to the street to be respectful of abutting properties and the Historical Society driveway directly across the street faces the fence enclosure. The DAB's belief is that the back is big enough for the dumpster. Mr. Paradis noted that they did not discuss the dumpster on the Union Street side. Mr. Paradis noted that the applicant was responsive to increased landscaping. The concern is that the amount of paving and parking is excessive for the site. Parking encroaches on the property line and the requisite buffer for zoning is not met. The site would benefit from maximizing of greenscape. Mr. Paradis also noted that the DAB was of the opinion that the monument sign proposed adjacent to the driveway on Main Street is not appropriate and should be more stringent because of the residences and Historical Society. He also noted exception to the note in the outdoor seating area for future parking if required.

2. Jonathan Rapp of 240 Main Street noted that, in general, there was nothing wrong with the plan, but had some specific concerns. He noted that the dumpster is for restaurant use and noted concern for smell and the noise of the pick up. He noted that the area behind the building is too narrow for a garbage truck which would have to back out into traffic causing a safety concern with the increased traffic because of the use and the runners and walkers early in the morning. Mr. Rapp noted that the dumpster behind the building would be a real harm to his house and the other residence directly behind the building. He does not see a harm to the proposed location of the dumpster with the proper screening. He noted that the site has not been attractive for a long time and trading aesthetic gain for harm to the two residences behind the building is more harm. Mr. Rapp also noted that there is no vegetative buffer from his property in accordance with the Zoning Regulations. He also noted concern that plantings be replaced if they die.

3. Jeff Hostetler of 115 Kirtland Street spoke as President of the Deep River Historical Society. Mr. Hostetler read a resolution adopted by the Board of Directors at its November meeting which indicates that the dumpster in the middle of the parking area would be a setback to the improved appearance of Main Street; and also propose a structure of brick and/or stone to be built at the triangle welcoming visitors to Deep River. A copy of the letter was submitted for the record.

4. Maura Carver of 95 West Bridge Street expressed concerns regarding the following: the traffic at the already tricky intersection; people tearing in and out because they are late for work.; the 23 parking spaces look tight and concern that there will be accidents in the lot; traffic concerns due to proximity to the Church where children play in the field and church activities; hours of operation and what guarantee that the hours will not be extended; clarification of "bakery" in the application and if the donuts are baked on site and trucked offsite; concern that the retail space next door is going to be Baskin Robbins or another franchise. She noted that the property is zoned as village residential. The integrity of the town needs to be retained.

5. Maura Carver read a statement from Hedy Watrous of 85 Hemlock Drive and owner of Whistle Stop Café, who was unable to attend. Her opinion is that the existing Dunkin' Donuts is sufficient size and the proposal is too big for the site and has concerns regarding litter and traffic. She asks that the Commission draw the line for opening the door for other large entities. A written letter from Ms. Watrous dated 11/20/2013 was received.

6. Lincoln Divoll of 233 Main Street spoke regarding the current Dunkin' Donuts located in the former rooming house. The facade of the building has a banner hanging on the building, sandwich board sign and help wanted sign. He commented on past projects in Town where trees that were planted did not survive and they were never replaced. He noted concern regarding vegetative plantings that do not survive and the assurance from the applicant that they would be replaced. Signs should be incorporated in the application and additional signs prohibited.

7. Christine Nucci of 14 Union Street asked if the back of the building would remain brick. Mr. Fanning noted that there will be no change to the brick in the back and windows will be replaced to code. Ms. Nucci noted that she would like the brick incorporated in the front of the building. She noted that the existing dumpster has been empty but had only been used for paper. The dumpsters needed would need to be larger and will be used for food. She noted concerns for rats at the dumpster and asked that it be taken into consideration. For health purposes the dumpsters need to be away from houses as much as possible. She inquired about delivery times.

Mr. Fanning stated that there is one delivery a day of bakery products at approximately 5:00 a.m. by way of a small box truck. The donuts and munchkins are made off site; the bagels and muffins are heated on site.

Ms. Nucci noted that the Regulations set the delivery times at 7:00 a.m. and no deliveries on Saturdays and Sundays. Ms. Nucci asked what would be visible on the roof from the rear of the building and if there would be a smell from baked goods.

8. Ellen Boone of 28 Maple Avenue noted that she was against Subway and Walgreens and she feels that there is sufficient space at the current Dunkin' Donuts. She inquired about how many tables will be for inside seating and expressed concern regarding traffic congestion. Traffic has increased tremendously with Walgreens. She expressed concern for losing the small town feel.

9. Nancy Cohn of 39 High Street noted that she is happy where Dunkin' Donuts is currently hidden away and if it moves there is an opportunity to improve the proposed site. Regulations require 14 spaces and there are 23 spaces. She noted concern for a stockade fence around the dumpster; there is an opportunity for an attractive option and an opportunity for the brick to be restored.

10. Mary Lynn Radych of 24 Winter Avenue expressed concern regarding the large tree and any possible compromise of the root zone. She also expressed concern regarding the dumpster in the parking lot and the number of parking spaces. The food based dumpster is a concern for smell and vermin. She noted that businesses in dense spaces have space for internal garbage which is ventilated and away from vermin. She also noted concern regarding sound from equipment on

the roof and indicated that the screening should be continued around the perimeter of the roof. The exterior shows the history of the site. She also expressed concern regarding traffic impact at the intersection.

11. Lori Gregan of 26 Essex Street noted that she ran the flower shop at the site and expressed concern regarding the traffic and the safety of pedestrians and bicyclists. The site is across the street from a well used public park and Historical Society and increased traffic is a concern. She inquired if access is needed to be from both streets. She noted that the outbuilding for the dumpster should be made to look like a shed or house in the gateway.

12. Eric Block of 15 Union Street noted that he is a designer and builder by trade and expressed concern that the building may be found to be in bad shape once construction starts. He spoke in favor of the dumpster in the front of the building surrounded by a tasteful structure as a gateway.

13. Peter Howard of 148 Essex Street and member of the DAB urged the Commission to address the recommendations of the DAB contained in the memo dated 11/11/13 and agrees with DAB member Sue Watts letter. He noted that he is against the project as it now stands with the dumpster in the parking lot and that there are too many parking spaces. The site is an important gateway to the town and the 24 foot long dumpster area is hard to cover. Mr. Howard also noted that the DAB discussed having a stone wall extending the entire length of the property.

14. Chris Fish of 78 Bokum Road expressed concern regarding the safety issue with the traffic and the traffic at the traffic light intersection.

15. Linda Hostetler of 115 Kirtland Street inquired about the size and location of the monument sign. Ms. Fanning noted that the sign is 68 inches by 22 inches and located at the Main Street entrance.

16. Mary Lynn Raddyck inquired about the overall height of the monument sign. Mr. Fanning noted that there is one foot of stone work and 33 ½ inches of sign and is comparable to Walgreens and Cumberland Farms.

17. Ellen Boone inquired if there is a separate entrance and exit. Mr. Walsh noted that they are a dual in and out.

18. Dan Batt of 94 Hemlock Drive noted that the dumpster should be left where it is currently, understanding that there is more use. He noted that he is against the Dunkin' Donuts on the site.

19. Connie Santaniello of 21 Sunset Ridge asked if traffic studies have been done.

Mr. Fish noted that the traffic study done at the time of Cumberland Farms would no longer be valid.

20. Ralph Gomez of 109 West Bridge Street noted that he loved the small town when he had moved to town. He noted that town businesses give to charity and support schools and some

Dunkin' Donuts do not give to charity. He noted concern regarding future expansion to serving lunches and full breakfast. The dumpster would need to be camouflaged. He does not understand why a commercial establishment is needed at the entrance to town.

Response by Applicant:

Scott Fanning noted that they went through the process with the DAB and received a letter of recommendation based on the design presented to them. The plan was then modified after going to Planning and Zoning. He noted that they are neutral as to the location of the dumpster. Mr. Fanning stated that they want to fit in with Deep River and are willing to work with the Commissions. He noted that there will not be a Baskin Robbins at the site. Donuts are not baked on site. The only equipment on the roof is the air conditioning units and there will be little or no noise. He noted that they are willing to maintain the plantings on site. The hours of operation will be the same as they are currently: 5:30 a.m. to 9:00 p.m. Monday through Saturday and 6:00 a.m. to 8:00 p.m. on Sunday. The seating will consist of 18 seats and there are currently about 14. The parking spaces are for the public and the employees. Mr. Fanning noted that the parking lot design was a design pencilled out by a member of the DAB.

Jane Samuels noted that the site was a garage in the past and inquired if there is any contamination. Mr. Fanning noted that Phase I and II environmental studies were done on the site and it had been remediated and it is clean now. Mr. Fanning stated that he had not planned on putting in benches or a wall for seating.

Mr. Walsh asked Mr. Paradis if the DAB had worked on a design for the exterior of the dumpster to make it a monumental entrance to town. A more permanent enclosure was not discussed.

Correspondence: Secretary Edgerton noted receipt of the following correspondence received for the record:

- (a) Resolution from the Deep River Historical Society received on November 21, 2013;
- (b) Memorandum from the Design Advisory Board dated 11/14/13 regarding review of 246 Main Street;
- (c) Memo from Zoning Enforcement Officer Cathie Jefferson dated 11/18/13;
- (d) E-mail from Christine Nucci dated 11/13/13;
- (e) Letter from Susan Watts, received on 11/21/13 together with a picture;
- (f) Letter from Lisa Bibbiani received on 11/21/13;
- (g) E-mail from Bobby Ghinder dated 11/21/13;
- (h) E-mail from Ashley Riley dated 11/21/13;
- (i) Letter dated November 21, 2013 from First Selectmen Richard Smith;
- (j) Notes received on 11/21/13 from Maura Carver;
- (k) Letter dated November 20, 2013 from Hedy Watrous;
- (l) Letter dated November 18, 2013 from Joseph Dillon, P.E. from Nathan Jacobson & Associates;
- (m) Memo dated September 29, 2013 from Richard E. Leighton, Code Official regarding fire protection review/accessibility review; and
- (n) Application revised as 10/17/13.

Additional Comments: Christine Nucci noted that people will park on Main Street and Union Street for convenience and asked that it be taken into consideration. There is parking on Union Street on Sunday for church. The Fire Department needs to have access on Union Street.

David Basilone asked if the dumpster enclosure had to be as big as proposed. Mr. Fanning stated that there are two dumpsters, one for trash and one for cardboard. They are eight feet wide and space is accommodated for at each end and in the middle. The cardboard is picked up twice a month and the trash is 1 ½ times a week. He indicated that they have never used the internal dumpsters.

Christine Nucci asked if the second business would need a dumpster.

Jonathan Rapp noted that his experience in another town is where the restaurant trash is placed in a couple residential size containers and picked up more often.

Doug Whittaker of 11 Riverview Street asked if the pedestrian traffic had been addressed.

As there was no further comment, a motion was made by Janet Edgerton and seconded by Jane Samuels to close the public hearing on Application #85. Voted Unanimously.

The hearing adjourned at 8:42 p.m.

Respectfully submitted,
Nancy Howard
Recording Secretary