

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 17, 2016 at the Deep River Town Hall was called to order at 7:05 p.m. by Chairman Bruce Edgerton. Members present: Leigh Balducci, David Basilone, Sara Denegre, Bruce Edgerton, Janet Edgerton, Jane Samuels, Ben Whalen, and Alternates Bill Burdick and Jonathan Kastner. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary) and 13 audience of citizens.

Secretary Janet Edgerton read the call of the meeting published in The Hartford Courant on November 4th and November 11, 2016.

PURPOSE: To accept evidence for or against, written or oral, approval of proposed Commission sponsored amendments to the following sections of the Deep River Zoning Regulations:

- (1) Section 13 Signs - Repeal existing and replace with new.
- (2) Section 7B.4 Commercial Boarding and/or Riding Stables
- (3) Section 7B.3 Commercial Agricultural Operations
- (4) Section 7B.31 Ag-tivities/Agritourism (New Regulation)
- (5) Section 7B.32 Medi-pods (New Regulation)
- (6) Section 2.12.3 Addition to definitions for Microbrewery/Microwinery.
- (7) Amendments to the following Sections of the Schedule of Uses: (a) 4.10.3A Agtivities/Agritourism (new regulation); (b) 4.10.6 Public Utilities; (c) 4.10.24A Indoor Commercial Recreation; (d) 4.10.24C Theater; (e) 4.10.26 Inland Marinas; (f) 4.10.30 Age restricted development; (g) 4.10.31 Restaurants; (h) 4.10.32A Microbrewery/microwinery; (i) 4.10.34 Lumber yards; (j) 4.10.35 Rental of tools; (k) 4.10.37 Retail sale of farm & construction equipment; (l) 4.10.43 Light manufacturing; (m) 4.10.44 Laundering; (n) 4.10.52 Earth filling and removal; (o) 4.10.56 Museum, Public; (p) 4.10.58 Community Center; (q) 4.10.103 Storage of RV; (r) 4.10.107 Accessory Apartments; (s) 4.10.107A Medi-pods; (t) 4.10.112 Assembly etc.

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

- (1) letter dated 10/28/16 from Connecticut River Gateway Commission.

Presentation by Applicant: ZEO Cathie Jefferson presented an overview of the proposed amendments as follows:

- (1) Section 13 Signs - repeal existing and replace with new section. Change is in accordance with a Supreme Court ruling that content of signs may not be controlled.
- (2) 7B.4 Commercial Boarding and/or Riding Stables: amended to remove the fencing requirement for animals and decrease of distance for structure, stable or manure containment area from street or lot line;
- (3) 7B.3 Commercial Agricultural Operations - amend distance from 100 to 50 feet of any street or lot line;
- (4) 7B.31 Ag-tivities/Agritourism. New regulation to provide a commercial component for farms. Ability to charge for activities on farm to generate income.
- (4) 7B.32/4.10.107A Medi-pods. New regulation to provide a self contained single unit to existing residential properties for elderly or special needs.
- (5) 4.10.32A/2.12.3 Microbrewery/Microwinery: New regulation definition adding to commercial and industrial districts to produce alcohol and possibly sell and have classes.
- (6) Schedule of Uses. (a) 4.10.3A Agtivities/Agritourism - new regulation;
- (b) 4.10.6 Public Utilities – amend CIPD TID to SPA;
- (c) 4.10.24A Indoor Commercial Recreation – remove from CIPD, VID, TID;

- (d) 4.10.24C Theater – remove from CIPD, TID
- (e) 4.10.26 inland marinas – amend CIPD to SPA
- (f) 4.10.30 Age restricted development – add SxP to VID, VC, VMU, VR.
- (g) 4.10.31 Restaurants – add SxP in excess of 3,000SF to HD
- (h) 4.10.32A Microbrewery/microwinery – new regulation
- (i) 4.10.34 Lumber yards – remove from VID, change SxP to SPA in CIPD, TID.
- (j) 4.10.35 Rental of tools – amend VID to SxP
- (k) 4.10.37 Retail sale of farm & construction equipment – change SxP to SPA in CIPD, TID.
- (l) 4.10.43 Light manufacturing – remove from HD, amend SxP to SPA in VID, CIPD, TID.
- (m) 4.10.44 Laundering – change SPA to SxP in CIPD, TID.
- (n) 4.10.52 Earth filling and removal – Remove from R-80, R-60, R-30, PRD, HD, GCD, VID, TID.
- (o) 4.10.56 Museum, Public – remove from R-30
- (p) 4.10.58 Community Center – remove from R-30
- (q) 4.10.103 – Storage of RV – combine a & b into definition “owned by the occupant of the premises and stored in side and rear yards minimally visible from any public way”.
- (r) 4.10.107 Accessory Apartments – change all existing to SPA
- (s) 4.10.107A Medi-pods – new regulation
- (t) 4.10.112 Assembly etc. – remove in it’s entirety.

Public Comments:

1. Walter Adametz, Chairman of the Regional Agricultural Council, presented a letter to the Commission dated November 17, 2016 consisting of comments from the Regional Agricultural Council (RAC). The RAC advocates to make farming a part of New England and keeping the rural character. Mr. Adametz reviewed the correspondence and comments as follows:

- (1) He noted that 7B.4.2 and 7B.3.2 are positive changes by reducing the setback to 50 feet.
- (2) 7B.31 Ag-tivities/Agritourism: Question was raised to the term “established”. Existing and any new operation should also apply. The RAC recommends that the word “established” be eliminated from the paragraph.
- (3) 7B31.1: The language “appropriately scaled events, of limited duration . . .” was questioned. He noted that “appropriately scaled events” is subjective as to who may be on the P&Z; and “limited duration” because farmers can sell farm products all year long. They propose that the words “appropriately sealed” and “of limited duration” be removed from the paragraph. ZEO Jefferson noted that the proposal is to allow a commercial component that is not currently existing. The RAC also recommends removing horseback riding from the “Non-agricultural-related uses” as horseback riding is a farm related activity and is allowed under 7B4.
- (4) 7B31.2 General Requirements, (3) Neighboring premises: They believe that the paragraph conflicts with the “right to farm law CGS Section 19a-341, farm operations should not be considered a nuisance”. He noted that the paragraph is subjective and when neighbors move in they should know that a farm exists. The RAC proposes that the entire paragraph be removed from the General Requirements.
- (4) Traffic: “The proposed use and improvements shall not adversely affect the pattern, . . .” He noted that farmers don’t want to produce unsafe traffic congestion. They recommend removal of “adversely” and “or produce unsafe or inconvenient traffic congestion”.
- (9 & 10) Number of Events/Persons: They feel that the number is low and recommend changing it to eight. They also recommend that if more than eight events are proposed that the farmer apply for a special permit or return to the P&Z for a review. ZEO Jefferson noted that the intent is not for visits but for advertised activities such as hay rides or weddings; events in addition to what is already done. The general requirements are only for regulation process for income generating activities on the property. Farm stands are allowed as an accessory.
- (13) Architectural design: The RAC proposes that architectural design be eliminated because regulations should not regulate building materials, design, exterior elevations, etc. to harmonize with the neighborhood.

(15) Uses. They propose that the regulations do not limit the types of uses.

(16) Durations. The paragraph contradicts with the Right to Farm Law and is subjective and the RAC recommends that it be eliminated.

(17) Expansion. The paragraph also contradicts with the Right to Farm Law and should be eliminated.

Mr. Adametz also offered some recommendations from the RAC to be considered in the future concerning adding a definition for Farm Microbrewery/Farm Microwinery; Activities/Agritourism, schedule of uses; and Section 4.10 Accessory Uses

2. Kevin Wakely from Larimar Show Stables inquired if there was a change to Section 7B.4.3. ZEO Jefferson noted that there was no change; the Commission determines the number of horses based on the acreage.

No further public comments were received.

A motion was made by Jane Samuels and seconded by Sara Denegre to continue the public hearing to Thursday, December 8, 2016 (second Thursday) at 7:00 p.m. Voted Unanimously.

The hearing was continued at 7:43 p.m.

Respectfully submitted,
Nancy Howard
Recording Secretary