

**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 18, 2017 at the Deep River Town Hall was called to order at 7:03 p.m. by Chairman Bruce Edgerton. Members present: Bruce Edgerton, Janet Edgerton, Jane Samuels, Ben Whalen, David Basilone, and Alternates Anthony Bolduc, William Burdick, and Jonathan Kastner. Absent: Leigh Balducci, Sara Denegre. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary). The Chairman seated Alternates Bolduc and Burdick for absent members.
2. Approval of Minutes: A motion was made by Bill Burdick and seconded by Jane Samuels to approve minutes of the April 20, 2017 meeting as printed. Voted Unanimously.
3. Payment of Bills: No bills received.
4. Correspondence: Secretary Janet Edgerton noted receipt of the following correspondence: (a) proposed Commission sponsored regulations for Assisted Living Community, Commercial Boarding and/or riding stables, and Commercial Agricultural Operations; (b) Memo dated 5/15/17 from ZEO Jefferson to Commission regarding review of Application #96; (c) letter dated May 11, 2017 from Joseph Dillon, P.E. from Nathan Jacobson & Associates regarding application by Winthrop Construction, LLC; (d) copy of Cease and Desist dated 4/24/17 issued to Olson Property Holdings, LLC regarding operation of landscape and processing business without permits at 200 Industrial Park Road and 121 Winthrop Road; (e) copy of Cease and Desist dated 4/24/17 issued to Scott Papoosha regarding operation of a processing business on property at 199 Stevenstown Road (Map 14, Lot 3).
5. Winthrop Construction, LLC, 121 Winthrop Road (Map 33, Lot 6): A Site Plan Application, Application #96, was received at the April meeting from Winthrop Construction, LLC for the purpose of a proposed landscape business pursuant to Section 4.10.35 on property of Olson Property Holdings, LLC at 121 Winthrop Road. Bob Doane, L.S., P.E. was present on behalf of the applicant. A plan revised to 5/6/17 was received from the applicant addressing the Zoning Enforcement Officer's comments. Mr. Doane noted that the plan does not reflect changes requested by Joe Dillon from Nathan Jacobson & Associates as the letter was just received. A cease and desist was issued for this property for the landscape business. In response to the cease and desist and the site visit with the ZEO, the plan was modified to identify the topsoil stockpile area and closing off the three entrances on the state highway until it is resolved with the state highway. Mr. Doane noted that the issue with relocating the sign will be resolved; it had to be moved back three feet. Mr. Doane reviewed and responded to the letter received from Joe Dillon as follows:
 - (1) Referral to Conn. DOT should be made for any work proposed within the CT DOT right of way: Mr. Doane noted that they are in the process of applying to DOT. The three entrances on Winthrop Road have been closed off until the issue has been resolved. The applicant hopes to restore the entrances with DOT. ZEO Jefferson noted that the three entrances are shown as closed off on the site plan. If the entrances are restored, the applicant would have to return to this Commission. The access to the property is off Industrial Park Road.

(2) Screening of stock piles: Mr. Doane noted that once the existing house is demolished some grading will be required. Nick Olson noted that a permit for demolition of the house was issued April 22nd. Stone work from the roadway, maple trees, and stone walls will remain providing some screening of the site. They will be able to supplement the natural plantings. Mr. Doane noted that the building received a certificate of occupancy (C.O.) in 1990 with the driveway and parking that exists today.

(3) Driveway with 2 way access must be minimum of 24' wide: Mr. Doane noted that the existing driveway off Industrial Park Road, approximately 20 to 22 ft wide, was sufficient for the C.O. issued in 1990. He noted that the driveway was sufficient for the previous business on the property and is sufficient for the applicant's operation and see no reason to make it a 24 ft. wide driveway. Mr. Doane identified the location of the driveway on the plan for the members.

(4) Portion of access drive on neighboring property should be reconciled: Mr. Doane noted that a small section of the access drive goes over onto town property to the east. He noted that the driveway is the same configuration as it was when the C.O. was issued in 1990. Nick Olson noted that he spoke with the First Selectman about installing curbing, at his cost, on the road at the same time as the driveway apron is installed. The curbing will assist with encroachment by truck traffic on the road. Mr. Doane identified the driveway and contour line on the site. The existing building to the east is being used for the business.

(5) Parking spaces delineated: Mr. Doane noted that there are three parking spaces in front of the building where they have been since 1990.

(6) Surface of access roads throughout site: Mr. Doane noted that the proposal is to treat with recycled asphalt which is dust free. The material will not be placed until the house has been removed.

(7) Access drive apron: The Regulations require a minimum paved area of 25' of pavement from the edge of the street and Mr. Doane noted that it would be accomplished when the curb work is installed.

(8) Existing off-road catch basin not shown on plan: Mr. Doane noted that the catch basin on town property to the west of the site access will be shown on the plan.

(9) Property line: The site plan notes it is one 3.88 acre parcel. Mr. Olson submitted a copy of the current Assessor's map showing that the two separate parcels have been combined into one.

(10) Recommend suitable vehicle barrier on top of the slope: Mr. Doane noted that they considered a guide rail along parking at the top of the hill but they do not think it is necessary.

To assist the commission members in understanding the site, there was discussion about scheduling a site walk and special meeting. Mr. Olson expressed concern of not being able to operate his business with the cease and desist order in place if action is not taken at this meeting. Members were not available for site walk in the next week. Mr. Olson noted that the current operation is strictly screening topsoil. Mr. Doane asked if the Commission would consider a decision based on agreeing to comply with every item in the letter from Mr. Dillon to the satisfaction of the Commission, in order to allow Mr. Olson to continue work. ZEO Jefferson noted there would have to be a time limit set for temporary authorization to continue. The silt fencing that is existing will be shown on the plan. A motion was made by Bill Burdick and seconded by Janet Edgerton to lift the cease and desist order and grant authorization for a 30 day period to allow time for the property owner to finish compliance with Joe Dillon's recommendations in letter dated May 16, 2017 and to schedule a site

walk. In 30 days, the applicant will be back before the Commission with a revised plan incorporating Mr. Dillon's comments for action on the application. ZEO Jefferson noted that material on site needs to be in the containment bins for review on the site walk. Action on Motion: Samuels abstained. Approved. A site walk will be held on Thursday, June 1, 2017 at 6:00 p.m.

6. Winthrop Construction, LLC: A public hearing is scheduled for June 15, 2017 on Application #98, Application for Amendment to Regulations by Winthrop Construction, LLC to Section 4.10.35 to allow in association with a landscape business the processing of trees, logs, branches or stumps for the purpose of producing wood chips and mulch. Robert Doane, on behalf of the applicant, indicated that they have been thinking of amending the proposed regulation amendment submitted with the application to amend the time restrictions set on the activity. He noted that the proposal as submitted is too restrictive. The proposal would allow that the permits would be renewable in one year. Mr. Doane discussed proposing the operation six weeks out of the year. The less restrictive time frame might be accommodating if there is a storm event. Mr. Doane stated that he would submit an amended proposal to the ZEO on Monday, May 19th, so that the revised language will be available for publication of the public hearing.

7. Regulation Amendments: ZEO Jefferson reviewed proposed Commission sponsored amendments to the Zoning Regulation pertaining to the Assisted Living Community, Commercial Boarding and/or Riding Stables, and Commercial Agricultural Operations. The Regulations Committee reviewed and proposed the assisted living regulations. ZEO Jefferson noted that she had a meeting with Kevin Wakely from Larimar Farms regarding living accommodations on the property for full time employees. It would not currently fall under the Regulations. After review and consideration, ZEO Jefferson prepared the proposed amendment submitted. A motion was made by Janet Edgerton and seconded by Jane Samuels to schedule a public hearing on July 20, 2017 at 7:00 p.m. on the Commission sponsored amendments to the regulations regarding Assisted Living Community, Commercial Boarding and/or Riding Stables, and Commercial Agricultural Operations.

8. Reports: ZEO: ZEO Jefferson reported on the following: (a) Two cease and desist orders were issued to Winthrop Construction and Scott Papoosha. ZEO has met with each owner at their properties. Both individuals are willing for comply with the regulations. The ZEO and Scott Papoosha are going to be meeting with the First Selectman regarding material that is processed for the Town. Due to inter-municipal activity, the regional planning agency will be notified of the activity taking place on the Papoosha property.

In addition to the assisted living facility interested in the Mislick property on South Main Street, the Nine Town Transit is also interested.

Attorney: The cease and desist on the junk cars on Witch Hazel Drive is in the process of going to court.

9. A motion was made by Janet Edgerton and seconded by Jane Samuels to adjourn at 8:46 p.m. Voted Unanimously.

Respectfully submitted,
Nancy Howard
Recording Secretary