

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, June 15, 2017 at the Deep River Town Hall was called to order by Chairman Bruce Edgerton at 7:35 p.m., immediately following a duly called public hearing. Members present: Leigh Balducci, Sara Denegre, Bruce Edgerton, Janet Edgerton, Jane Samuels, Ben Whalen, David Basilone, and Alternate Anthony Bolduc. Absent: Alternates William Burdick and Jonathan Kastner. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary). The Chairman noted that Tony Bolduc works for an engineering firm.
2. Approval of Minutes: A motion was made by Jane Samuels and seconded by Janet Edgerton to approve minutes of the May 18, 2017 meeting as printed. Voted Unanimously. A motion was made by Janet Edgerton and seconded by Jane Samuels to approve the minutes of the site walk with a correction of Joe Dillon's name. Voted Unanimously.
3. Payment of Bills: The following bills were received: (a) Howard McMillan & Tycz for 15 Witch Hazel Enforcement \$1,943.00 and general matters \$325.50; (b) Nathan Jacobson & Associates, 121 Winthrop Road \$625.35; and Nancy Howard, clerical services, 30 hours. A motion was made by Leigh Balducci and seconded by Jane Samuels to approve the bills as submitted. Voted Unanimously.
4. Correspondence: No additional correspondence received.
5. Winthrop Construction, LLC, 121 Winthrop Road (Map 33, Lot 6): [Leigh Balducci and Sara Denegre did not take part in this application as they were not present at the previous meeting and the site walk; Chairman seated Alternate Tony Bolduc for this matter only.] 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. Bob Doane submitted a revised plan. The Chairman noted that at the last meeting the Commission voted to lift the cease and desist order and granted authorization for a 30 day period to allow time for the property owner to finish compliance with Joe Dillon's recommendations in letter of May 16, 2017 and site walk of the Commission. Mr. Doane stated that they have addressed all of Mr. Dillon's comments in the May letter. Mr. Doane noted that Mr. Dillon did indicate that he wanted concrete block around the base of the stock pile. He noted that the stock pile is surrounded by silt fence and wood chips and they believe that it is more supportive than concrete blocks. Questions and comments as a result of the June 1st site walk which had been distributed to the Commission Engineer and applicant were reviewed. Mr. Dillon had noted that compacted millings have a runoff coefficient similar to a processed gravel surface. One question raised was if the rear slope (to the adjacent Mackenzie property) is stable for heavy equipment and looking for certification that the embankment is stable. Mr. Doane stated that it is his professional opinion that the embankment is stable to handle equipment and stock pile. There was concern that one of the silt fences was buried.

Mr. Doane noted that the silt fencing will be maintained during activity on site. Another question raised was if LIDAR topography is acceptable. Mr. Dillon indicated and Mr. Doane agreed that LIDAR is acceptable topography. Mr. Doane stated that the 12 ft. access road at the narrowest section is adequate for emergency vehicles. Mr. Dillon recommends that a large waste block bin (50' by 50') be constructed to store and contain the screen topsoil. Mr. Doane noted that they believe that the site is better protected by silt fence and wood chips than the waste block bins. Bins are proposed for material that has been processed, sand and stone, and not as an erosion situation. Mr. Dillon recommended that the applicant's engineer provide an assessment of the site runoff coefficients prior to and after the removal of the storage building. Mr. Doane stated that a two year storm may result in less than one cubic feet per second increase to mitigate from existing building to storm water recharge from roof and discharge into storm drainage that it is connected to. Nick Olson stated that he removed the septic system for the house with an excavator and it was located under the existing pile. There is no record in the Town Hall of the location of the septic system for the existing building. Nick Olson noted that he has determined that the septic system is on the north side of the building. The Commission noted that one of the driveways on Route 80 still has a gate and it should be barricaded with concrete blocks. Nick Olson stated that he will place the blocks in the driveway. ZEO Jefferson noted that additional questions and comments have not been addressed by the applicant. Mr. Doane noted that the stockpiled logs are for the personal use of the applicant to be cut up and split for firewood. The Commission reviewed the additional comments raised as a result of the site walk which have not been addressed by the applicant. The statement of use should be expanded to include the number of employees. Mr. Doane noted that the three parking spaces are for use by Mr. Olson and his employees. ZEO Jefferson noted that the landscape plan calling out species and showing compliance with required percentage needs to be added to the plan. The Regulations call for 35% total site landscaping and 50 ft. front landscaped width. One of the driveways on Route 80 has a large pile which is not landscaping. ZEO Jefferson noted that the additional information required is not shown on the plan which does not give the commission or commission engineer time to review. Mr. Doane noted that the site is surrounded by stone walls on the north side and tree line on the east side with lawn down to the Town roadway which is maintained by Nick Olson. ZEO suggested that some landscaping needs to be added between 50% and the setback line. When asked about the grades around the existing house, Nick Olson stated that the house will be removed and the site will be backfilled back to the existing grade. A question was raised about the goats and if they are in compliance with the regulations. Mr. Doane noted that they have been there for four years and is an existing nonconforming use and they benefit the property. The property had been a farming activity and the activity was never dissolved. Mr. Doane noted that he will correct the site data table on the plan for the CIP district. The Commission asked that the grade be shown once the house is removed. The applicant would need to request an extension of time in order to continue to the next meeting. The cease and desist is no longer in effect. Mr. Doane submitted a handwritten letter requesting an extension of time to the next meeting. A motion was made by Janet Edgerton and seconded by Tony Bolduc to accept the request from the applicant for extension of time on Application #96 to the next regular meeting. Abstain: Samuels. Approved.

[Chairman noted that regular members Balducci and Denegre returned as regular members for the remainder of the meeting. The alternate was not seated.]

6. Winthrop Construction, LLC: A public hearing was held immediately prior to this meeting on Application #98, Application for Amendment to Regulations by Winthrop Construction, LLC to amend 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. The Chairman noted that the districts involved are the Commercial Industrial and Turnpike Industrial and the proposal is not site specific. A motion was made by Janet Edgerton and seconded by Leigh Balducci to approve Application #98 by Winthrop Construction, LLC for amendment to Regulations Section 4.10.35 for processing of trees, logs, branches, or stumps for the purpose of producing wood chips and mulch. Discussion took place on evidence received at the public hearing. The amended proposal by the applicant has no time limitation for the activity. The applicant had indicated that the restriction did not work for them. ZEO Jefferson noted that there are a lot of properties in the districts that the regulation would pertain to and, understanding what Mr. Doane said about noise, it is not known what other people would have for equipment. Members noted concerns that there are no restrictions regarding time frame for the activity, noise levels, and types of equipment. One member noted that other towns are doing away with the processing activity because it has been creating legal problems. The operation would open the Town to liabilities and problems and concern was expressed about changing the regulations. After discussion, Action was taken on Motion as follows: In Favor: None; Against: All members; Abstain: None. Unanimous decision to deny application.

7. A public hearing will be held on July 20, 2017 at 7:00 p.m. on Commission sponsored amendments to the Zoning Regulations for Assisted Living and accommodations for farm help.

8. Audience: None present.

9. Reports: ZEO: ZEO Jefferson reported on the following: (a) list of permits issued in April and May were distributed to members. (b) The construction equipment at 15 Witch Hazel Drive was taken to court because the equipment had not been removed. (c) A member made a complaint about equipment in the fire access on Everett Lane. The ZEO will investigate. (d) The proposed assisted living facility on the Mislick property on South Main Street has fallen through. They are looking at other properties in Town.

10. A motion was made by Janet Edgerton and seconded by Leigh Balducci to adjourn at 9:06 p.m. Voted Unanimously.

Respectfully submitted,
Nancy Howard
Recording Secretary