

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, August 17, 2017 at the Deep River Town Hall was called to order by Chairman Bruce Edgerton at 7:00 p.m. Members present: Leigh Balducci, Sara Denegre, Bruce Edgerton, Janet Edgerton, Jane Samuels, and Alternates Anthony Bolduc and William Burdick. Absent: David Basilone, Ben Whalen, and Alternate Jonathan Kastner. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), Attorney David Royston, Scott Papoosha, and one citizen.
2. Approval of Minutes: A motion was made by Jane Samuels and seconded by Leigh Balducci to approve minutes of the public hearing of July 20, 2017 as printed. Voted Unanimously. A motion was made by Janet Edgerton and seconded by Sara Denegre to approve the minutes of the regular meeting of July 20, 2017 as printed. Voted Unanimously.
3. Payment of Bills: None received.
4. Correspondence: None received
5. Bahr Road Properties, LLC, Bahr Road (Map 37, Lot 2): Application #100, Application for Special Permit was received by Bahr Road Properties, LLC for purpose of full time farm employee living accommodations. The application is for a second dwelling unit in the existing maintenance building. A motion was made by Sara Denegre and seconded by Bill Burdick to accept the application and to schedule a public hearing on September 21, 2017 at 7:00 p.m. Voted Unanimously.
6. Scott Papoosha, 199 Stevenstown Road: Attorney David Royston and Scott Papoosha were present concerning Mr. Papoosha's property at 199 Stevenstown Road next to the Westbrook town line. A portion of the property is in Westbrook. The portion of the property that is involved is in Deep River. Attorney Royston noted that Mr. Papoosha purchased the property in 2012 and at the time of purchase understood that the previous property owner was operating a materials processing on the site and he then continued that activity and as part of the operation started stock piling municipal materials to be processed on site as arranged with former First Selectman Richard Smith. The ZEO issued a cease and desist in April 2017 to prohibit the landscaping processing center on the residential property and in accordance with accessory use regulations the equipment may not be stored on the site. Attorney Royston noted that Mr. Papoosha has stopped operations on the site and he has been working on how to get in compliance. Attorney Royston noted that they have requested that the ZEO amend the cease and desist to allow stock piling material from the Town of Deep River. ZEO Jefferson noted that she will amend the cease and desist to allow the ongoing operations with the Town. Attorney Royston noted that Mr. Papoosha would like to get an erosion and sedimentation control plan in place to allow other operations on the property. Commission member inquired if DEEP permits are going to be obtained. Attorney Royston indicated that the material being stored on the property does not require a DEEP permit. Clean wood processing and waste management permits are required. The grinding of the Town material takes place at the dump and

then the material is brought to his property to be screened. The second step is to amend the Zoning Regulations. Attorney Royston presented and discussed draft regulation amendments to include Landscape businesses as permitted by Special Permit in the R-80 District. The proposed language was discussed. The second option is to reclassify the property as a Commercial Industrial Park District (CIPD). If included in the industrial district, retail sales would not be allowed and storage of large vehicles would be indoors. Detailed discussion took place and concern raised regarding the draft conditions to 7B.20 to allow processing of earth material brought on site. The current draft proposes no more than 1000 cubic yards of material shall be transported onto or from the site on any single business day; and no more than 2,500 cubic yards of material shall be transported onto or from the site during any consecutive five day period. Mr. Papoosha noted that he does have some of his own materials stored on site and he would like a permit to be able to screen his material in addition to the Town's. He noted that the material comes from tree work and landscaping jobs. Mr. Papoosha noted that a truck holds 18 yards, which as proposed at 1,000 cubic yards a day, would allow up to 55 loads per business day. Mr. Papoosha noted that the zoning approval is required prior to submission of an application to DEEP. He noted that no grinding is taking place on the property. Mr. Papoosha indicated that for six years he has been grinding the material at the dump and then takes it to his property to compost and screen for selling. Attorney Royston noted that it could be classified as an overlay zone as it is a large piece of property, and only the section where the activity is taking place as the use is appropriate for the land. Mr. Papoosha noted that the grinding is done on job sites or confined to the dump. Mr. Papoosha stated that the cubic yard numbers proposed are numbers at time of emergencies, such as storms or hurricanes. Commission members noted concern about use of excessive numbers. Any proposal on this site would require referral to River COG and Westbrook. The site backs up to Messerschmidts; activity is approximately 500 ft. from the pond. The access driveway is in Westbrook. The ZEO will revise the cease and desist order to be everything other than Town materials. The concerns noted by the Commission members were the number of trucks/trips, proximity to the town line, amount of property, and hours and emergency incidents be handled separately. Attorney Royston will prepare a draft regulation amendment for review by the Regulations Committee. A site walk would be held at the appropriate time. [Sara Denegre left the meeting at 8:00 p.m.]

6a. Casey 3 Enterprises, LLC, River Road (Map 69, Lot 7): A motion was made by Jane Samuels and seconded by Janet Edgerton to add to the agenda Application #115 for a three lot subdivision for property at 110 River Road. Voted Unanimously. Application #115, Application for Subdivision was received from Casey 3 Enterprises, LLC for a three lot minor subdivision of 110 River Road. ZEO Jefferson noted that the reports from the Health District and Fire Marshal have not been received. The application was accepted and the applicant will make a presentation at the next regular meeting.

7. Discussion of Medi-Pods: ZEO Jefferson reported that she researched the state regulation and option to opt out. One of the reasons that the Town may opt out is if there is already a regulation in place. The Commission could hold a public hearing regarding opting out and after the decision and publication, the Board of Selectmen would need to agree. A motion was made by Janet Edgerton and seconded by Tony Bolduc to add opting out of the State Regulation on Medi-Pods to the public hearing on September 21, 2017 at 7:00 p.m. Voted Unanimously.

8. Audience: No comment for audience.

9. Reports: ZEO: ZEO Jefferson noted that she and the First Selectman met with Nancy Fischbach from the Gateway Commission about pursuing a regulation to go into the Gateway District that if the property is a certain number of feet from the river it would be exempt from the Gateway.

A list of permits issued in the past month was distributed.

Regulations Committee: Tony Bolduc was added to the Regulations Committee. The Committee will meet in September after Attorney Royston has submitted a draft proposal in connection with landscape regulations.

10. A motion was made by Jane Samuels and seconded by Janet Edgerton to adjourn at 8:25 p.m.
Voted Unanimously.

Respectfully submitted
Nancy Howard
Recording Secretary