

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, January 29, 2019 at the Richard H. Smith Town Hall was called to order by Chairman Bruce Edgerton at 7:02 p.m. Members present: David Basilone, Anthony Bolduc, Bruce Edgerton, Janet Edgerton, Jonathan Kastner, Jane Samuels, Ben Whelan, and Alternate Christopher Desrosiers. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (recording secretary), Thomas Metcalf, Michael Harkin, Roger Nemergut, Nick Olson, and approximately ten audience of citizens.

2. Approval of Minutes: A motion was made by Janet Edgerton and seconded by Tony Bolduc to approve the minutes of the public hearing of December 13, 2018 as printed. Voted Unanimously. A motion was made by Tony Bolduc and seconded by Dave Basilone to approve the minutes of the regular meeting of December 13, 2018 as printed. Voted Unanimously. A motion was made by Tony Bolduc and seconded by Janet Edgerton to approve the minutes of the public hearing of January 17, 2019 with an amendment to correct Page 2 #13 to be Gail Gallagher of 122 River Street. Voted Unanimously. A motion was made by Janet Edgerton and seconded by Tony Bolduc to approve the minutes of the special meeting of January 17, 2019 as printed. Voted Unanimously.

3. Payment of Bills: An invoice was received from Nathan Jacobson & Associates for \$117.30 in connection with Hoop Pole Hill Road. A motion was made by Jane Samuels and seconded by Tony Bolduc to approve payment of the invoice as submitted. Voted Unanimously.

4. Correspondence: Janet Edgerton noted receipt of the following correspondence: (a) letter dated January 28, 2019 from Joseph Dillon, P.E. of Nathan Jacobson & Associates with engineering review regarding Winthrop Construction, 10 Woodbury Road; (b) letter dated January 29, 2019 from Joseph Dillon, P.E. of Nathan Jacobson & Associates with engineering review regarding Lessul Crossing, 455 Main Street; (c) Fire Marshal report dated 1/19/19 with approval of site plans only for application by Lessul, LLC; (d) Fire Marshal report dated 1/27/19 with approval of application by Winthrop Construction; (e) Commission budget request submitted for Fiscal Year 2019/2020; (f) Memo dated 12/17/18 from Westbrook Zoning Commission with referral of proposed comprehensive Zoning Regulation Updates; (g) Brochure on CT Bar Association Training on Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions on March 23, 2019 at Wesleyan University; and (h) letter from Susan Huybensz regarding 138 River Street.

5. Lessul, LLC, 455 Main Street: An application by Lessul, LLC was accepted at the December meeting for the purpose of construction of four new commercial/industrial buildings on approximately 12.54 acres of land at 455 Main Street. Letters were received from the Fire Marshal and Commission Engineer. Michael Harkin, P.E. was present on behalf of the applicant for Lessul Crossing at 455 Main Street for approval of construction of four buildings on the site using the entrance with the existing private railroad crossing. Once the application is approved at the local level the proposal will be sent to the State for review of the crossing. Mr. Harkin noted

that the full plan set includes the landscape plan. A Lighting Plan dated 1/28/19 was received. The lights will be LED Wall Packs and site lights and will have zero spillage off site. The color proposed on the buildings is the same as the existing buildings. Mr. Harkin noted that the concrete bollards will be added with the final building plans because of the proposed flex space. The sign application will come in with the building application. Construction may begin with building number four or five. Approval has been received from the Fire Marshal. Commission Engineer Joe Dillon submitted a letter with nine comments to be corrected. Mr. Harkin noted that they are prepared to address all items in Mr. Dillon's letter and await a clean letter from Mr. Dillon or acceptance of application subject to satisfying conditions from Mr. Dillon. Mr. Harkin reviewed some of Mr. Dillon's comments which include: (1) Referral to Conn. DOT/Valley Railroad for activities associated with the railroad crossing; (2) Water quality volume calculations should be determined for the volume below the lowest outlet invert; with suggestion that the 4" diameter low level pipe be placed as an underdrain to empty the basin between storm events; (3) Width of the top of the berm at the fill portion of the embankment should be minimum of 8 feet wide; (4) drafting error on the detail for the outlet pipe will be corrected. Mr. Harkin noted that he will address all items and submit to Mr. Dillon for an updated letter. Mr. Harkin noted that most of the site is already impervious. The two existing buildings were built in the early 1990s. There are three distinct drainage areas. There will be no additional runoff from the site. A motion was made by Jane Samuels and seconded by Tony Bolduc to approve the application subject to the conditions as set forth in the letter from Joseph Dillon of Nathan Jacobson & Associates dated January 29, 2019. Voted Unanimously.

6. Winston Scott, Falls Landing Road: Tom Metcalf, P.E. was present for preliminary discussion regarding re-subdivision of land of Winston Scott. One lot was approved in 2003 for one of the Scott children. They are now proposing to split another 2 ½ acre lot for their daughter. The remaining 45 acres will be retained by the Scotts. The new proposed lot would have frontage on Falls Landing in two locations, one being on the cul-de-sac. The access has not been determined. Mr. Metcalf noted that there would be an easement on the Scott property for access. The Fire Marshal has done a preliminary review of the proposal. There are two existing fire protection tanks on the property. No open space is proposed since the lot is proposed for a family member. Mr. Metcalf noted that CRAHD has done soil testing. ZEO Jefferson noted that they are within the number of houses allowed on a dead end street. The resubdivision will require a public hearing. No concerns were raised by Commission members. An application will be submitted in the future.

7. Nicholas Olson, Winthrop Road/10 Woodbury Road: An application was received from Nicholas Olson for amendment to Site Plan Application #96 for construction of a 9,750 s.f. building to be divided into five units for rental to contractors. Roger Nemergut, P.E. and Nicholas Olson were present on behalf of the application. Mr. Nemergut reviewed the proposed application and submitted a revised plan. The parcel is a 3.8 acre lot. There is an existing building on the site occupied by Winthrop Construction. The proposal is to construct a 9,750 s.f. building, 65 ft. by 150 ft., on the property to front on Winthrop Road. The building will be a single story slab on grade commercial building to be sectioned off into five separate units and rented to contractors in the building industry allowing space for an office or storage of vehicles and supplies. Mr. Nemergut noted that the access is proposed off Winthrop Road. There are

three curb cuts for the property and two are blocked with concrete blocks. One driveway was approved by DOT at the time of the original site plan with the condition that the other two accesses be abandoned and the curb cuts are to be pulled, top soiled, and seeded. The current DOT approval is a 14-16 ft. wide access. The new proposal to be submitted to DOT is for a 24 ft. wide curb cut for two way traffic. Mr. Nemergut noted that the soil testing has been completed and a letter of approval from CRAHD has been received, a copy of which he submitted for the record (dated 1/28/19). There are no wetlands on the site. The letter was received from Commission Engineer Joe Dillon with seven comments. Mr. Nemergut noted that he met with Joe Dillon earlier on this date to review and gain agreement on the revisions proposed. The revised plans will be submitted to Mr. Dillon for final review. The parking area will be processed aggregate. Twenty parking spaces are proposed as required. The site will be screened along Winthrop Road. Mr. Nemergut noted that Mr. Dillon recommends relocating the proposed water quality swale/basin to an alternate location. The purpose is to capture underground into a plastic infiltrator and to take water off the parking area. The only impervious area will be a 5 foot concrete sidewalk along the front of the building. As recommended, a timber post guide rail will be placed along the southern edge of the proposed parking area, then a grass lined swale in front of the concrete blocks. The fence for the goat pen will need to be moved because it encroaches on the proposed driveway. A motion was made by Jane Samuels and seconded by Janet Edgerton to approve the application subject to the following conditions: (a) receipt of letter from Commission engineer indicating that the stipulations as identified in the letter dated January 28, 2019 have been addressed; (b) note that Zoning Regulations require that individuals using less than 6,000 s.f. would need to submit application to the Zoning Enforcement Officer for a zoning permit and if occupant is over 6,000 s.f. it would need to come before the Commission. Voted Unanimously.

8. Audience: No comments.

9. Reports: (a) ZEO: One permit was issued in December for Winthrop Road.

A pamphlet was received for the Connecticut Bar Association education session scheduled for March 23rd at Wesleyan University. The book will be ordered as a resource guide if no one attends.

ZEO Jefferson reviewed the process for complaints. Complaints are to be submitted in writing with a form available in the office. Her goal is that all complaints be resolved and brought into compliance without going to court. Complaints by neighbors are not necessary to be brought to the Commission meeting. The Commission is notified when a cease and desist is issued and when a matter needs to go to Court. Complaints are kept in the property files. A number of questions have been raised about property on River Street. An application is expected to be presented by an attorney.

(b) Regulations Committee: Jane Samuels noted that the Committee may meet in April. Members of the Committee may be assigned to review different aspects of the Regulations.

A brief discussion took place regarding the request to change the Gateway line for property on Main Street. An exemption may be needed for that property.

10. Election of Officers: The nominations for the officers were as follows: Bruce Edgerton as Chairman, Janet Edgerton as Secretary, Ben Whelan and Jonathan Kastner as Vice Chair. The results of the vote by paper ballot were Bruce Edgerton as Chair, Janet Edgerton as Secretary and Ben Whelan as Vice Chairman (on a vote of 4 to 3).

11. Other Business: Members discussed concern raised regarding Zoning Regulations Section 14.5 pertaining to earth removal. ZEO Jefferson noted that it is a run-on sentence but that the intent is correct. A future update may be considered to clarify the wording.

Ben Whelan asked how the Commission engages the Commission attorney. ZEO Jefferson noted that the Chairman or First Selectman are the two who may authorize contacting the attorney.

12. A motion was made by Janet Edgerton and seconded by Tony Bolduc to adjourn at 8:24 p.m. Voted Unanimously.

Respectfully submitted,
Nancy Howard
Recording Secretary