

## 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, July 21, 2011 at the Deep River Town Hall was called to order at 7:31 p.m. Members present: Janet Edgerton, Nancy Fischbach, Jonathan Kastner, Angus McDonald, Jane Samuels, and Alternate David Basilone. Absent: Tom Walsh, Alternate John Attridge. Also present: Cathie Jefferson (ZEO), Nancy Howard (Recording Secretary), Zoe McGlamery, Laurie Champion, Philip Coles. Chairman Kastner seated Alternate Basilone for the absent member.
2. Approval of Minutes: A motion was made by Jane Samuels and seconded by Angus McDonald to approve the minutes of the regular meeting of June 16, 2011 with the following amendments: (1) paragraph #1, addition that Alternate David Basilone was seated for absent member Walsh; (2) page 2, fourth line, amend to identify as a 20,000 sq. ft. minimum lot; and to approve the minutes of the public hearing of June 27, 2011 with the following amendments: (1) paragraph #1, addition that Alternate David Basilone was seated for absent member Walsh; (2) Presentation by Commission, amend the fourth sentence to read "Preliminary design review is encouraged prior to submission of an application. If design review has not been completed by time of application, additional copies of plans will need to be submitted for referral for design review."; and (3) Presentation by Commission, amend seventh sentence to read "Design recommendations are as currently in the regulations." (4) page 2, second line, add ". . . what is shown on the map identified as Plan S."; (5) page 2, #3 amend last sentence to read "He indicated that the area may be too limited for protection, specifically referring to inclusion of the Town Landing." (6) page 2, last paragraph "Nancy Fischbach noted that the P&Z in a Village District may consider aesthetics in making decisions. ZEO Jefferson noted that there are three different districts and there are differences in design review requirements for commercial compared to residential."; (7) page 3, #11, second paragraph, amend the fourth sentence to read: "If the Commission supports the advice of the design consultant and the applicant does not comply with the advice, the P&Z could deny an application."; (8) page 3, #11, second paragraph, amend the eighth sentence to read: "Review by a design consultant will be mandatory in the three Village districts if it meets the threshold." Voted Unanimously.
3. Payment of Bills: The following bills were received: Nancy Howard, monthly clerical services, \$419.02; Hartford Courant, publication of Fountain Hill decision and Village Reg. Hearing notice, \$126.72. A motion was made by Nancy Fischbach and seconded by Jane Samuels to approve payment of the bills as presented. Voted Unanimously.
4. Correspondence: Janet Edgerton noted receipt of the following correspondence: (a) Memorandum dated June 16, 2011 from Design Advisory Board regarding preliminary design review of Champion Building renovation; (b) Cease and Desist issued by ZEO on 7/11/11 to Janet Muller at 327 West Elm Street regarding storage pod on the property; (c) Copy of statement from Conn. River Coastal Conservation District, Inc. for allocation for services for FY 2011-2012; (d) Approval from the Connecticut River Area Health District of property of Reyher at 160 Rattling Valley Road.
5. Frederick & Susan Reyher, 160 Rattling Valley Road (Map 64, Lot 22): An application for Minor Subdivision, Application #106, was received at the May meeting from Frederick and Susan Reyher for property at 160 Rattling Valley Road. Donald Carlson was present on behalf of the application. A revised plan dated June 2, 2011 was received. Mr. Carlson noted that the property is on the southerly side of Rattling Valley Road. The proposal is for a two lot subdivision. The existing house will be on

the frontage lot consisting of 3.76 acres and the rear lot will be 7.87 acres. A preliminary presentation had been made in the Fall of 2010. The ratio for rear lots has not been exceeded. Mr. Carlson noted that he appeared before the Conservation and Inland Wetlands Commission on July 14, 2011 and received approval for the driveway access. Mr. Carlson also noted that approval was received from Scott Martinson of the Connecticut River Health District. Mr. Carlson confirmed that the first 45 feet of the driveway is not over the 8% grade, meaning that it would not have to be paved. A motion was made by Nancy Fischbach and seconded by Jane Samuels to approve Application #106 by Frederick and Susan Reyher as submitted. Voted Unanimously.

6. C & P Holdings, LLC, 6 Winter Avenue (Map 56, Lot 75): An application for site plan review, Application #70, was received at the June meeting from C & P Holdings, LLC for the purpose of operating a light industrial facility with office and final assembly at 6 Winter Avenue. Philip Coles was present on behalf of the application. The following plan was received: "Existing Conditions Survey Land of Robert N. & Eleanor D. Champion River [s/b Winter] Avenue Main Street Deep River, Connecticut Scale: 1"=20' Date July 5, 2011" prepared by Richard W. Gates, Land Surveyor. One row of parking is proposed in the front of the building. The Commission reviewed a memo dated 7/21/11 from ZEO Cathie Jefferson with her comments regarding the application. ZEO Jefferson noted that she has reviewed her report with the applicant and the items have not all been addressed. The revised site plan calls for a berm approx. 75' long in front of the new parking area, which is 160' in length visible from Main Street. The location of the berm needs to be clearly identified. Parking spaces numbers 14 and 15 will have to be removed in order to comply with the 20' side yard setback on the southern boundary line. The number of available parking spaces still exceed the number needed for the business. The site plan does not show which direction the runoff from the parking area will flow. Mr. Coles noted that they decided not to tie into the culvert and are proposing a natural recharge by draining to various places in the berm to the grassy area. A motion was made by Janet Edgerton and seconded by Nancy Fischbach to approve Application #70 by C & P Holdings, LLC subject to the following conditions: (1) the location of the berm in front of the new parking area is to be clearly indicated on the plan and approved by the Zoning Enforcement Officer; (2) Parking spaces numbers 14 and 15 are to be removed in order to comply with the 20' side yard setback on the southern boundary line; (3) The site plan is to show the drainage to the natural recharge area of the front lawn. Voted Unanimously.

7. Zoe McGlamery, Application #71: An Application for Change to Zoning Regulations was received from Zoe McGlamery for the purpose of amending Section 7B.8 and Section 4.10 to allow livestock and poultry in the Low Density Residential Districts (R-20). The ZEO noted that the proposal was forwarded to the members for review prior to the meeting. A heading format change was made on the proposed amendment. A motion was made by Nancy Fishbach and seconded by Janet Edgerton to receive Application #71 by Zoe McGlamery and to schedule a public hearing on September 15, 2011 at 7:15 p.m. Voted Unanimously.

8. Village Regulations: A public hearing was held on June 27, 2011 on proposed Commission sponsored amendments to the Deep River Zoning Regulations to add Section 7A.8 Village Districts and amend Schedule 4.10 Schedule of Uses to identify uses in the Village Commercial, Village Mixed Use, and Village Residential Districts; and amendment to the Zoning Map identifying the Village Commercial, Village Mixed Use and Village Residential Districts. Nancy Fischbach and Cathie Jefferson noted that if the amendments are adopted, other aspects of the Zoning Regulations will need to be amended, such as eliminating the Downtown District. A possible effective date was discussed. The draft being acted on by the Commission is Draft 8 dated 5/23/11 and the plan is identified as Map S. A motion was made by Janet Edgerton and seconded by Nancy Fischbach to approve the amendment to the Deep River Zoning Regulations to add Section 7A.8 Village Districts and amend Schedule 4.10 Schedule of Uses to identify

uses in the Village Commercial, Village Mixed Use, and Village Residential Districts; and amendment to the Zoning Map identifying the Village Commercial, Village Mixed Use and Village Residential Districts. Discussion on the motion took place at this time. ZEO Jefferson identified two items to be amended: (1) deletion of village commercial in Section 7A8.13A(3) because multi family is not allowed in the village commercial district; and (2) Section 4.10.38 and 4.10.37 are a duplication. Angus McDonald noted his concerns about requiring design review and regulating aesthetics. Nancy Fischbach noted that without design review it would not be a village district in accordance with the State Statutes. Angus McDonald noted concerns having to do with the future changes in membership of the Design Advisory Board (DAB), ZEO position, and members of the P&Z because in the future subjective items may be enforced differently than they are now. The DAB is not the only design consultant that may be used. Mr. McDonald noted concern about regulating objectivity. The ZEO noted that the Commission, as well as reviewing the Plan of Conservation and Development every couple years, may want to review the village district regulations every couple years as well. The Commission may make future changes to the Village regulations. ZEO noted that the general feeling from the public was that they were in favor of the Village Districts. After discussion, Janet Edgerton and Nancy Fischbach agreed to amend the motion to approve the proposal with the following amendments: (1) 7A.8.13A(3) delete reference to Village Commercial; and (2) Section 4.10.38 amended to read "intentionally blank"; the effective date of the amendments is November 1, 2011. Action on Motion: In Favor: Edgerton, Fischbach, Basilone, Kastner; Opposed: McDonald. Approved.

9 Audience: No audience.

10. Reports: (a) ZEO: ZEO Jefferson submitted a monthly report dated 7/19/11.

(b) Attorney: Discussion will take place under Executive Session.

(c) Engineer: No report.

(d) Planning/Regulations: A Regulations Committee meeting will be held on the 2<sup>nd</sup> Monday in August.

(e) Chairman: Nancy Fischbach noted that no response has been received from the letter sent to the Board of Selectmen regarding the \$12,000 received from Office of Policy and Management. A second letter will be sent to the Board of Selectmen identifying use of the funds for the preparation of the new zoning map, printing of regulations, upgrading of GIS software, new hardware to accommodate the new software, and assistance with Regulations.

11. Executive Session: A motion was made by Nancy Fischbach and seconded by Janet Edgerton to enter into Executive Session at 8:54 p.m. and to invite the ZEO and Recording Clerk to attend. The Executive Session ended at 8:55 p.m. with no actions taken by the Commission.

12. A motion was made by Nancy Fischbach and seconded by Angus McDonald to adjourn the meeting at 8:55 p.m. Voted Unanimously.

Respectfully submitted,

*Nancy J. Howard*

Recording Secretary