

**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 15, 2014 at the Deep River Town Hall was called to order at 7:30 p.m. Members present: David Basilone, Janet Edgerton, Jane Samuels, Tom Walsh, Ben Whalen, Alternates William Burdick, Sara Denegre, and Bruce Edgerton. Absent: Leigh Balducci, Jonathan Kastner. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), Richard Pytlik, Justin Pytlik, Donald Carlson, Kimberly McGee, Lee Farland, Robert Rossetti, John Bennet, George Bartlett. Vice Chairman Walsh was Acting Chairman for the meeting. Acting Chairman seated Alternate Bruce Edgerton and Sarah Denegre for the absent members.
2. Approval of Minutes: A motion was made by Jane Samuels and seconded by Janet Edgerton to approve the minutes of the regular meeting of April 17, 2014 as printed. Voted Unanimously. A motion was made by Janet Edgerton and seconded by Bruce Edgerton to approve the minutes of the special meeting of May 1, 2014 as printed. Voted Unanimously. A motion was made by Bruce Edgerton and seconded by Jane Samuels to approve the minutes of the public hearing of May 1, 2014 as printed. Voted Unanimously.
3. Payment of Bills: The following bills were received: Hartford Courant, legal advertising, \$87.12. A motion was made by Jane Samuels and seconded by Bruce Edgerton to approve payment of the bills as submitted. Voted Unanimously.
4. Correspondence: Janet Edgerton noted receipt of the following correspondence: (a) Notice of ZBA hearing scheduled for May 20, 2014; (b) letter dated 5/15/14 from Steven D. Yenco, RS, Sanitarian, from Connecticut River Area Health District regarding Richard Pytlik, Bokum Road, noting that sufficient fill had been properly placed in the designated septic area to bring the property into compliance and the lot is deemed suitable for subsurface sewage; (c) Code Official Fire Protection review and approval for the Pytlik subdivision on Bokum Road, noting that the two existing fire hydrants in the proximity are adequate for fire protection for the proposed lot; and (d) Conservation and Inlands Wetlands Commission minutes of May 8, 2014 meeting.
5. Richard Pytlik, Bokum Road: Application #108, Application for Minor Subdivision by Richard Pytlik of property on Bokum Road (Map 50, Lot 3) was received at the March meeting. Richard Pytlik, Justin Pytlik and Donald Carlson were present. ZEO Jefferson noted that the letters were received for the septic and fire protection approvals. A revised plan dated May 6, 2014 was received. Mr. Carlson noted that the revised plan also includes the changes in the abutting property owners. A motion was made by Janet Edgerton and seconded by Bruce Edgerton to approve Application #108, Minor Subdivision by Richard Pytlik. Voted Unanimously.
6. 287 River Road Map 71, Lot 4A: Application #88, Application for Special Permit by Tom Matulaniec for the purpose of a full re-model of the existing home within the existing footprint, future approval for septic if original fails, and addition of second floor not to exceed the existing

ridge line. Bob Rossetti from Rossetti Development noted that the proposal is to add a second floor within the existing roof and ridge line. Two renderings were available; the applicant may be proposing elevation A. The 6 ½ acre parcel is on the river. The footprint is not being increased. The garage will be turned into living space. The house is within the 100 ft. setback for Gateway and the applicant has submitted an application to the Zoning Board of Appeals with the meeting scheduled for June 17th. ZEO Jefferson noted that the applicant has met preliminarily with Torrance Downes from the Connecticut River Gateway Commission. A motion was made by Janet Edgerton and seconded by Jane Samuels to accept Application #88, Application by Tom Matulaniec, and schedule for public hearing on June 19, 2014 immediately following a public meeting scheduled for 7:00 p.m. Voted Unanimously.

7. 135 Kirtland Street, Map 61, Lot 7, 2: Application #89, Application for Special Permit was received from Mount Saint John, Inc. for the purpose of operating a children's outpatient mental health clinic. ZEO Jefferson noted that the Commission will need to determine if the amendment to the original application would require a public hearing under Zoning Regulation Section 10.7. Lee Farland, Director of Finance and Administration at Mount Saint John, and Attorney Kimberly McGee were present on behalf of the application. Mr. Farland stated that the proposal is to start an outpatient mental health clinic for boys and girls in the community under the age of 18. Their view is that it is a natural extension of the services that are being provided. ZEO Jefferson noted that there are two Statements of Use in place - 1990 and 1998 (at the time of the third floor dormitory addition for 90 students). Attorney McGee stated that the Commission needs to determine if the clinic is a minor change or whether a public hearing is required. She noted that boys are no longer residing there but it is not the intent to discontinue that use. The academic day school and counseling are still being provided. The mission of Mount Saint John is long standing and still want residential, academic day school, and the clinic. The school currently has 13 students. Attorney McGee noted that there would be no increase in parking; the 27 spaces outside the McDonald Wing would be used for the clinical appointments. Attorney McGee noted that the capacity at Mount Saint John is for 90 students. The residential, academic day school, and clinic may not exceed 90 students. If the students or parking needs increase, Mount Saint John would need to return to the Commission for approval. Commission members discussed, in accordance with Section 10.7, the ability to determine that the proposal is a minor amendment or if a public hearing would be necessary. Some members mentioned possibility of holding a public hearing so that the public/neighbors would have an opportunity to speak. The use is the same for the residential students. Attorney McGee noted that if a public hearing is held it would have no bearing on whether they may operate a mental health clinic. Commission members discussed the differences of traffic with the residential and academic day school and did not determine that the intensity is greater. Currently the traffic from staff is down. Members agreed that the amendment was minor because there is no expansion of the number of students. A motion was made by Bruce Edgerton and seconded by Janet Edgerton that a public hearing would not be required and to approve the application by Mount Saint John, Application #89, for an amendment to the statement of use to allow operation of a children's outpatient mental health clinic. Voted Unanimously.

8. 444 Main Street, Map 59, Lot 9: Application #90, Application for Special Permit was received from George G. Bartlett, Jr. for the purpose of motor vehicle dealership and repair

(used). No comments were made by the applicant or his representative. A motion was made by Janet Edgerton and seconded by Bruce Edgerton to accept Application #90 and to schedule a public hearing for July 17, 2014 at 7:00 p.m. Voted Unanimously.

9. Regulation Amendments: A public hearing on a Commission sponsored amendment to Section 7B.8 of the Zoning Regulations was held on May 1, 2014. ZEO Jefferson noted that she spoke with Commission Attorney William Howard for advice based on the evidence received at the May 1st hearing. She noted that Attorney Howard indicated that there were two reports submitted in favor of the proposed amendment (Regional Planning Agency and DEEP Long Island Sound Programs) and testimony from two individuals in opposition. In the meantime, an application has been submitted by Mr. Bartlett. The regulation does not affect any current applications. ZEO Jefferson noted that the Commission is free to act on the amendment such as approving, denying, withdrawing, or waiting. ZEO Jefferson noted that no applications have come in under the subject regulation in the past 20 years. The Commission members had indicated that the 150 foot frontage was not an important feature of the regulation. The Bartlett proposal had brought the attention of the Commission members to this particular regulation. Traffic was also addressed. As a point of order, Attorney Bennet noted that the justification of the merits of the proposal should have been done at the public hearing. Acting Chairman Walsh noted that Attorney Bennet had recommended that Commission members recuse themselves from acting on the amendment. ZEO Jefferson noted that she did speak with Attorney Howard about the request and many of the references were not related to the proposed amendment leaving the Commission with the ability to act on the proposal. Jane Samuels reviewed the Plan of Conservation and Development, Section IV C.2.d pertaining to review and amendment of the Zoning Regulations for all industrial districts so that new development is compatible with small town character. ZEO Jefferson noted that the three amendments to the section are the removal of the 150 ft. frontage requirement; outside storage of vehicles on designated paved area; and change to the entrance and exit to be 30 ft. wide for an orderly exit and entrance and 30 ft. from any lot line. Commission members expressed concern for substances getting into the ground water. ZEO Jefferson noted that all projects with parking lots have had drains with oil separators. The Commission members took into account the following matters for a decision in support of the amendment; (1) Letter from J.H. Torrance Downes from Lower Connecticut River Valley Regional Planning Agency dated April 29, 2014; (2) proposed amendment is in compliance with the Plan of Conservation and Development, specifically Section IV C.2.d; (3) potential for ground water contamination from gas stations or motor vehicles not on paved areas with drainage and oil separators; (3) substandard driveway widths and site line concerns causing traffic issues when entering and exiting the property. Following discussion, a motion was made by Janet Edgerton and seconded by Jane Samuels to approve the amendment as proposed, which is in conformance with the Plan of Conservation and Development. Voted Unanimously.

10. Audience: No comments.

11. Reports: ZEO: ZEO Jefferson submitted a report dated May 14, 2014.

(a) The Hazard Mitigation Plan which was sent to members last month requires a public forum. The meeting will be scheduled for June 19, 2014 at 7:00 p.m., prior to the regular meeting. Jeremy from the Regional Planning Agency will be present to answer any questions. The Plan is

also posted on the home page of the Town website. The Plan will need to go to DEEP for review. The plans allows the town to be eligible for state and federal funding if there is a natural disaster.
(b) A list of administrative permits issued in the past month was distributed.

Planning: Copies of the Section IV of the POCD had been provided to Commission members for review for possible amendment or action. Comments from the Commission members will be gathered by the ZEO

12. A motion was made by Bruce Edgerton and seconded by Jane Samuels to adjourn at 8:39 p.m. Voted Unanimously.

Respectfully submitted,
Nancy Howard
Recording Secretary