

# 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 21, 2008 at the Deep River Town Hall was called to order at 7:35 p.m. by Vice Chairman Fischbach. Members present: Janet Edgerton, Nancy Fischbach, Thomas Griffin, Fred Hellmers, Jane Samuels, and Alternates John Attridge, Leigh Balducci, and Jonathan Kastner. Absent: Tom Walsh and Alternate Jan Deutsch. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), Jane Cavanaugh, Jodie Gebhard, Donald Carlson, Paul SantaBarbara, Joe Tinnerello, and one reporter. Alternate John Attridge was seated for the absent member.
2. Approval of Minutes: A motion was made by Tom Griffin and seconded by Fred Hellmers to approve the minutes of the regular meeting of July 17, 2008 with the following amendment: page 1, Correspondence, items (g) and (h) were articles presented by the Chairman of the Commission; public hearing of August 6, 2008 (Regulations) as printed; special meeting of August 6, 2008 as printed; public hearing of August 6, 2008 (Integrated Waste) with the following amendments: (a) page 2, first full paragraph after #4, amend the fourth sentence from the end of the paragraph to read "Nancy Fischbach asked if the trucks will remain the same if the business grows, or if the only way to grow is to have more trucks that are not their own."; and (b) page 2, last paragraph, amend sentence to read "There may be a slight percentage of change of truck trips; the difference of the amount of material brought in could vary by 30% in the same amount of trucks." Voted Unanimously.
3. Payment of Bills: The following bills were received: Hartford Courant, legal advertising, \$142.56; Nathan Jacobson & Associates, engineering review \$330.60 (Walgreens \$247.95, GDK \$82.65); and Howard and McMillan, legal fees for Haynes/Lent appeal \$2,389.00, General Matters \$108.50, Pulcini enforcement \$77.50 for a total of \$2,575.00; and Nancy Howard, clerical services, 17 hours. A motion was made by Jane Samuels and seconded by Fred Hellmers to approve payment of the bills as presented. Voted Unanimously.
4. Correspondence: Secretary noted receipt of the following correspondence: (a) CIWC minutes of 8/14/08; (b) copy of letter dated 7/31/08 from Attorney William Howard to Edward Pulcini; (c) copy of letter dated 8/15/08 from John S. DeCastro, P.E. from Bureau of Engineering and Highway Operations of DOT to Clough Harbour & Associates regarding Cumberland Farms store; (d) CT River Area Health District review of application for proposed subdivision of Steven McLarty; (e) Inland Wetlands Comm. review of application for proposed subdivision of Steven McLarty; (f) copy of letter dated 8/11/08 from ZEO to Shirley Bochanis concerning complaints regarding illegal apartments created in buildings located at 116 and 118 Main Street (Map 56, Lot 55 & 56); (g) copy of memo dated 8/4/08 from ZEO to Fire Marshal regarding complaint received concerning apartments at 116 & 118 Main Street; (h) memo dated 8/4/08 from ZEO to Chris Cope, Resident Trooper regarding complaint received of tractor trailer truck parked overnight in the cul-de-sac on Industrial Part Road while waiting for the recycling center to open the next morning; (i) letter dated 8/4/08 from Bill Wade of the Acquisition/Relocation Division, Office of the Rights of Way of DOT to the First Selectman regarding outdoor advertising/non-conforming sign structures and seeking information regarding existing billboards in town and local ordinances addressing billboards. The ZEO will respond to the request. (j) letter dated 6/23/08 from Carla Feroni, State Map Modernization Coordinator of DEP regarding floodplain management regulations; (k) letter from the Commissioner of the Dept. of Agriculture offering assistance on all issues pertaining to agriculture.

Jonathan Kastner arrived at 7:45 p.m. and assumed the Chairmanship of the meeting.

A motion was made by Nancy Fischbach and seconded by Jane Samuels to move Items 7 and 8 up to the next items on the agenda in order to receive applications. Voted Unanimously.

5. Steven McLarty, Bushy Hill Road (Map 21, Lot 25-1)/Application #103: An application for a two lot subdivision was received from Steven McLarty for property on Bushy Hill Road. Donald Carlson reviewed the purpose of the application to split a 4.5 acre parcel at the corner of Westbrook Road and Bushy Hill Road into two lots. The first lot will be 1.85 acres and the second lot 2.66 acres. The property is in the R40 district. Mr. Carlson noted that the proposal was presented to the Conservation and Inland Wetlands Commission and they recommended silt fencing be added to the plan for both lots. Mr. Carlson noted that the silt fencing has been added to the plan. ZEO Jefferson noted that she has not yet reviewed the application. A motion was made by Nancy Fischbach and seconded by Jane Samuels to receive application #103 by Steven McLarty. Voted Unanimously. Commission members agreed that a public hearing was not necessary for the application and that it would not need to be sent to the Commission engineer for review until the ZEO determines that it is necessary. The application will be on the agenda for the next regular meeting of September 18, 2008.

6. 160 KH LLC, 160/230 Kelsey Hill Road (Map 53, Lot 3M)/Application #104/Special Permit #45: An application for a 13 lot PCD Subdivision and Special Permit was received from 160 KH LLC for the Old Orchard Estates Subdivision at 160 Kelsey Hill Road (Map 53, Lot 3M). The ZEO noted that a PCD subdivision requires Subdivision and Special Permit approval. Jodie Gebhard and Don Carlson were present on behalf of the application. Jodie Gebhard gave the Commission members an orientation of the property. The proposal is to connect to Colonial Drive and 46.7 acres of open space is proposed to be given to the Deep River Land Trust. The Commission asked that the applicant include the information pertaining to the breakdown of the property for the PCD subdivision. The ZEO noted that the application has been referred to the Health District and will be forwarded to the Commission engineer for review. Commission members discussed scheduling a site walk. A motion was made by Nancy Fischbach and seconded by Jane Samuels to receive Application #104 and Special Permit #45, Old Orchard Estates, Kelsey Hill Road and to schedule for site walk on the property on September 20, 2008 at 9:00 a.m. and to schedule a public hearing on October 16, 2008 at 6:30 p.m. Voted Unanimously. The site walk will start at the top of the driveway at 230 Kelsey Hill Road.

7. Age Restricted Development: Gary Sharpe was not present for discussion on a proposed Age Restricted Development.

8. Integrated Waste Solutions, 400 Commercial Drive (Map 33, Lot 6F): Based on the Commission attendance at the public hearings held on 6/11/08 and 8/6/08, the following members were eligible to act on the application: Balducci (listened to tape of 6/11/08 hearing), Edgerton, Fischbach, Kastner, and Samuels. Attridge, Griffin, and Hellmers were not eligible to act. Chairman seated Alternate Leigh Balducci as a voting member for this matter.

The public hearing on the application of Integrated Waste Solutions was closed on August 6, 2008. ZEO Jefferson presented, and read, a memo dated 8/21/08 to the Commission members with comments regarding the application to increase the daily tonnage accepted at the facility from 200 to 350 tons. She noted that the majority of the public comments received at the public hearings held on 6/11/08 and 8/6/08 concerned truck traffic, safety, and the rural character. The original application approved in 2005 allowed 50 to 100 truck visits per day with a limit of 200 tons. The ZEO prepared a spreadsheet comparing the truck traffic to Haynes and Integrated Waste from October 2007 to March 2008. The number of truck trips to Integrated Waste in the first six months of operation averages 29 per day. The ZEO noted that the CRERPA traffic counters were placed on Thursday, June 19, 2008 around 10:00 a.m. and removed on Monday, June 23, 2008 at 3:00 p.m. Only one day of complete information was received on Friday, June 20, 2008. The traffic counters determined that 72% of the vehicles on Industrial Park Road are passenger vehicles or UPS type trucks and the large truck traffic is 23% of the vehicles. The report also indicated that 98-100% of the vehicles during the five day period traveled between 0 and 15 mph on Industrial Park

Road. The ZEO suggested considering allowing the increase to 350 tons per day and limiting the trucks to between 50 and 60 trips per day. Commission members reviewed the evidence received at the hearings. Nancy Fischbach suggested limiting to 50 trucks per day; 50 trucks per day has not been exceeded in the first six months. Jane Samuels noted that 50 is too low for any possible increase to the business. ZEO noted that there were over 40 trips 11 times in the first six months. The original approval was five to ten trucks per hour, or 50-100 trucks per day. The public expressed concerns regarding the truck traffic as opposed to the tonnage. Nancy Fischbach noted that in the first six months 10% of the trips were 40 or more; and noted that if the trucks are limited to 50 per day, the applicant would be able to reapply for additional trips if necessary. The ZEO noted that if there were further applications for amendments it would be the opinion of the Commission if a public hearing would be held. Jane Samuels noted that the applicant is increasing their business by 75% with 350 tons and they should be given an opportunity to increase by allowing 60 trucks per day. Nancy Fischbach reviewed the truck trip report and noted that 50 trucks per day would also allow for increase in the business. The business is accessed by a state road and not local town roads. The ZEO noted that Haynes may have more than 100 trucks per day, and would have more extreme fluctuation coming out of the quarry. Integrated Waste may be busier in the summer, 15-20% more than the numbers presented for the first six months. Discussion continued regarding considering 50, 55, or 60 trucks per day and eliminating pick up trucks from the allowed count. After discussion, Nancy Fischbach and Janet Edgerton recommended allowing 55 trips per day and Jane Samuels and Leigh Balducci recommended allowing 60 trips per day. Nancy Fischbach noted that she asked at the first public hearing for the trip information for the second quarter which was not received. A motion was made by Nancy Fischbach and seconded by Janet Edgerton to approve the application of Integrated Waste Solutions to increase their tonnage to 350 tons with the following conditions: (1) that there be no more than 55 truck trips, other than light duty trucks, per day; (2) the loads are to be secured prior to leaving Integrated Waste Solutions property with the covers deployed; (3) that there be no overnight parking on Deep River streets of vehicles coming or going whether empty or not. After discussion, Nancy Fischbach and Janet Edgerton agreed to withdraw the motion. A motion was made by Jane Samuels and seconded by Leigh Balducci to approve the application of Integrated Waste Solutions to increase their tonnage to 350 tons with the following conditions: (1) that there be no more than 60 truck trips, other than light duty trucks, per day; (2) the loads are to be secured prior to leaving Integrated Waste Solutions property with the covers deployed; (3) that there be no overnight parking on Deep River streets of vehicles coming or going whether empty or not. After discussion, Jane Samuels and Leigh Balducci agreed to withdraw the motion. A motion was made by Jane Samuels and seconded by Leigh Balducci to approve the application of Integrated Waste Solutions to increase their tonnage to 350 tons with the following conditions: (1) that there be no more than 58 truck trips, other than light duty trucks, per day; (2) the loads are to be secured prior to leaving Integrated Waste Solutions property with the covers deployed; (3) that there be no overnight parking on Deep River streets of vehicles coming or going whether empty or not. Kastner Abstained. Approved.

9. Implementation of Town Plan: Nancy Fischbach noted that she attended a Board of Selectmen meeting for a commitment to form a committee for the implementation of the Town Plan. Ms. Fischbach presented copies of information pertaining to the Town Plan of Conservation & Development Implementation Committee. The Implementation Committee would serve as a facilitator and monitor of the Implementation Plan. The Board of Selectmen has agreed to form a committee of seven members. The Plan calls for the Implementation Committee to have a representative from the Board of Selectmen, Board of Finance, Planning & Zoning, and Economic Development Commission. Three of the members would be "at large" members. Tom Walsh has volunteered to represent the Planning & Zoning Commission on the Committee. Nancy Fischbach presented a draft letter for review and comment by Commission members to be sent to the Board of Finance and Economic Development Commission seeking a volunteer from each Board.

10. Audience: Jane Cavanaugh requested a copy of the recording of this meeting. The Clerk of the Commission will prepare a disc of the recording for Ms. Cavanaugh.

11. Reports: (a) Attorney: An executive session will be held at the end of the meeting.  
(b) Engineer: No report.  
(c) Planning/Regulations: Nancy Fischbach reported that the Committee has been working on an ordinance for fines for land use violations which are allowed by State Statutes. A draft copy of the ordinance was presented to the Commission members for review and comment. The draft ordinance will need to be reviewed by the Commission Attorney and Town Attorney. The Planning & Zoning Commission will be proposing the ordinance to the Board of Selectmen.

Ms. Fischbach noted that Peter Howard and Richard King have drafted an ordinance for a Design Advisory Board. The Committee reviewed the proposal and made some suggestions. The Committee suggested that Mr. Howard and Mr. King submit the proposed ordinance directly to the Board of Selectmen.

(d): ZEO: ZEO Jefferson presented a monthly report to the Commission dated 8/21/08. She noted that the property at 116 and 118 Main Street is being reviewed by the Health Dept., Building Dept., Police, Fire Marshal and Zoning. The owner has created living spaces similar to a boarding house. The Police reported on the condition of the property; and the Fire Marshal then inspected the property. The ZEO then received a complaint from a tenant and the tenant invited the ZEO and Building Official to inspect the property. A letter was sent to the property owner and the time frame for response has now passed. The matter will be referred to the Commission attorney.

206 Main Street: ZEO noted that the car for sale has returned on the property at 206 Main Street. The Resident Trooper has been asked to follow up on the violation.

Nancy Fischbach noted that it has now been over a year since the Plan of Conservation and Development was approved and asked the Commission members to review the Plan prior to the next meeting to see if any amendments to the Plan should be considered at this time.

The Commission asked the ZEO to follow up on the following items: (a) signs at the jewelry store on Main Street; (b) paper signs in the windows of Deep River Market; and (c) safety concerns regarding the motor bikes for sale which are displayed on the sidewalk at the toy store.

12. Other Business: Discussion took place regarding a consistent policy for reading letters received at public hearings.

13. Executive Session: A motion was made by Janet Edgerton and seconded by Jane Samuels to enter into executive session at 9:21 p.m. to discuss pending litigation and invite the ZEO and Clerk to attend. Voted Unanimously. A motion was made by Jane Samuels and seconded by Nancy Fischbach to exit from Executive Session at 9:27 p.m. Voted Unanimously. The Chairman noted that no actions were taken and no votes made.

14. A motion was made by Nancy Fischbach and seconded by Jane Samuels to adjourn at 9:27 p.m. Voted Unanimously.

Respectfully submitted,

Nancy J. Howard  
Recording Secretary