

# PLANNING AND ZONING COMMISSION

TOWN OF DEEP RIVER, CONNECTICUT

Town Hall

174 Main Street

Deep River, Connecticut 06417

A **public hearing** of the *Deep River Planning and Zoning Commission* held on Thursday, October 16, 2008 at the Deep River Town Hall was called to order at 6:30 p.m by Chairman Jonathan Kastner. Members present: Janet Edgerton, Nancy Fischbach, Thomas Griffin, Fred Hellmers, Jonathan Kastner, Jane Samuels, Tom Walsh, and Alternate John Attridge. Alternate Leigh Balducci arrived at 7:40 p.m. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), one reporter, and approximately 50 audience of citizens.

Janet Edgerton read the call of the meeting which was published in The Hartford Courant on October 3 and 10, 2008.

**PURPOSE:** To accept evidence for or against, written or oral, approval of Application for a Major Resubdivision (Application #104) and Special Permit (Application #45) by 160 KH, LLC for the purpose of a 13 lot Planned Conservation Development subdivision, entitled Old Orchard Estates, of property at 160 Kelsey Hill Road (Map 53, Lot 3M) to be accessed at 230 Kelsey Hill Road and connected to Colonial Drive.

## **Presentation by Applicant:**

1. Jodie Gebhard noted that the property is owned by 160 KH, LLC, of which Shirley Mislick is the sole owner. Ms. Gebhard is the property manager. Also present on behalf of the application were Joe Wren, P.E. and Donald Carlson, L.S. Ms. Gebhard noted that their goal was to work with the town and neighbors and indicated that she has attended some meetings of the neighbors to discuss the proposal. Ms. Gebhard noted that the plan is for high end homes to maintain the rural atmosphere.
2. Don Carlson, L.S. stated that the proposal is for a 13 lot Planned Conservation Development subdivision of 87.93 acres. Approximately 52% of the parcel is dedicated to open space. One lot is the existing house and 12 new lots are proposed. Mr. Carlson noted that preliminary proposals have been presented to the Commission and for public safety of the area, the Commission requested that the road be carried through to Colonial Drive. The lots range in size from 1.2 acres to 10+ acres.
3. Joe Wren, P.E. reviewed the proposed development plans which he prepared for the project and identified the location of the parcel on Kelsey Hill Road and the access at the existing gravel driveway. Mr. Wren noted that signs for the public hearing were posted at the gravel drive on Kelsey Hill Road and on Colonial Drive. Mr. Wren noted that the plans were revised through September 24, 2008. A subdivision was approved in the 1970s for 30 plus lots; only a few lots directly on Kelsey Hill Road were sold. The proposal is for a 13 lot PCD subdivision, with 12 new lots and one existing house. He noted that in accordance with the Regulations, 46+ acres has been designated as open space. Mr. Wren reviewed the proposed development plans and the

connection and proposed roadway. The existing gravel drive accesses property of Georgia Mislick. The road will be a 22 ft. wide paved travel lane with cape cod curbing for a total road width of 24 ft. The road from Kelsey Hill Road to Colonial Drive is approximately 1,800 ft. long. The proposal is to connect the road to Colonial Drive. Mr. Wren noted that the existing fire pond is 3/4 of an acre, 20 feet at its deepest point, and provides fire protection for the high school. The Fire Department has requested an underground water supply be included for fire protection. A 20,000 gallon tank has been added at Lot 4 near Colonial Drive. The fire pond is on the left of the road and a storm water detention basin is on the right. The road is 1,000 feet in length before reaching the first house. There are two rear lots which are accessed by a common drive together with Lot 10. Next to the common driveway is a 50 ft. wide open space access strip with parking spaces for four cars for residents to access the open space. Mr. Wren described the connection to Colonial Drive. He noted that it is part of the Deep River Subdivision Regulations that when a subdivision is created it is required, if there is undeveloped property that it is being matched into, to run the right of way line from the street to match the abutting property line for future development or extension of the property. When Colonial Drive was developed, the property lines were run to the property line of the subject property. Mr. Wren indicated that when Don Carlson laid out this subdivision he matched the road with the right of way line. Site walks have been held with the Planning & Zoning Commission and the Conservation and Inland Wetlands Commission. Mr. Wren noted that at the site walk the possibility of a cul-de-sac at Colonial Drive was recommended in order to slow traffic down. The plans have been amended to include a cul-de-sac as a traffic deterrent. Mr. Wren reviewed the drainage for the entire subdivision and the five separate drainage points of the subdivision; and noting that the runoff will be less after construction than before construction. The exception is at the catch basin at Kelsey Hill Road where there is a minor increase to the town drainage system. Mr. Wren noted that all lots are served by private wells and septic systems. Septic locations and reserves are shown on each lot. A reserve area is also identified for the existing house on Lot 13. Mr. Wren noted that approval has been received from the Connecticut River Area Health District, Inland Wetlands, and the Fire Department. The fire protection tank will provide fire protection for Colonial Drive, Rosenblad Drive, and Hemlock Drive. Mr. Wren reviewed the comments made by Commission Engineer, Nathan Jacobson & Associates, by letter of October 15, 2008, noting that if required, the applicant would agree to make the changes indicated.

**Questions by Commission Members:** In response to a question by Janet Edgerton, Mr. Wren identified the location of the existing brook from the fire pond to Kelsey Hill Road. The brook is an intermittent stream based on the height of the fire pond and runs through the back corner of the Milton property, to the Stumpf property, and across Kelsey Hill Road to the south. Jodie Gebhard noted that the Deep River Land Trust has accepted the land and a letter has been submitted indicating the acceptance. Jane Samuels asked about the access to the open space. Mr. Wren noted that access to the open space is next to the common drive with parking for four cars. There will be an easement for the parking and maintaining the parking spaces because the parking extends over the open space line. Mr. Wren noted that the topography is steep for the frontage of the open space on Kelsey Hill Road. Janet Edgerton asked about the delineation of the lots. Mr. Wren reviewed the sizes of each lot. Mr. Wren noted that there was legal language submitted for easements for the fire pond. There is an emergency access easement to the school district and the fire department to maintain the pond if necessary. Nancy Fischbach asked who

would own the fire pond. Ms. Gebhard stated that the homeowners association would own the pond. ZEO Jefferson noted that correspondence has been received from the applicant's attorney. Mr. Wren noted that there is a small easement to the Town to maintain access from Lot 10 for culvert maintenance and easement for the open space. A 12 ft. x 50 ft. easement is proposed for access by the Fire Department to the 20,000 gallon storage tank.

**Correspondence:** The following correspondence was read or noted for the record:

1. Janet Edgerton read for the record a Memorandum dated October 15, 2008 from Richard Leighton, Code Official regarding fire protection review approval with conditions.
2. Nancy Fischbach read for the record a letter dated October 15, 2008 from J.H. Torrance Downes, Senior Planner from Connecticut River Estuary Regional Planning Agency.
3. Jonathan Kastner read for the record a letter dated October 15, 2008 from Joseph E. Dillon, P.E. of Nathan Jacobson & Associates, Inc. regarding engineering review of Old Orchard Estates Subdivision.
4. Janet Edgerton noted receipt of Permit #5-08 from the Conservation and Inland Wetlands Commission.

[Leigh Balducci arrived at 7:20 p.m.]

5. Janet Edgerton noted receipt of letter dated September 16, 2008 from Joseph E. Dillon, P.E. of Nathan Jacobson & Associates, Inc.
6. Janet Edgerton noted receipt of approval by the Connecticut River Area Health District.
7. Additional documentation received from the applicant: letter dated 9/30/08 from Jodie Gebhard regarding the fire pond; Deep River Land Trust approval; letter from Indigo Land Design dated 9/24/08; Drainage Report revised to September 2008; and set of plans revised through 9/24/08.

**Public in Favor of Application:** None at this time.

**Public in Opposition of Application:**

1. John Townsend of 132 Hemlock Drive read for the record, and submitted, a letter which he stated he prepared on behalf of twenty or so of his neighbors on Hemlock, Rosenblad and Colonial Drives in general support of the subdivision, and united in objection to the open and unrestricted connection to Colonial Drive. He expressed safety concerns for creating a through access. He noted concern for the Commission not notifying the neighborhood in writing of the proposal. He presented three suggestions, in order of preference, to address the concerns of the residents of the neighborhood: (1) gate with a lock constructed between the two cul-de-sacs allowing only emergency vehicles access; (2) chain with a lock between two posts constructed between the two cul-de-sacs allowing only emergency vehicles access; and (3) landscaped berm constructed between the two cul-de-sacs allowing only emergency vehicles to cross.
2. Greg Alexander of 3 Colonial Drive read for the record, and submitted, a letter indicating that he has lived and raised their family there for 32 years. He indicated that the Hemlock, Rosenblad, and Colonial Drive neighborhood has always been a quiet and isolated neighborhood which is family and children friendly. He noted that students from Valley Regional High School (VRHS) have parked on Colonial Drive during school hours and athletic events which result in cars racing through intersections. He requested that it not be connected for general traffic, but only emergency access by a controlled method. He noted that during snow storms, it often takes

Town snow plows 6-10 hours before plowing Colonial Drive. He also requested that any connection would have a different street name and not be done as an extension of the name of Colonial Drive due to the major inconvenience of the residents to have their addresses re-numbered.

Chairman Kastner, in response to comments made by Mr. Townsend, noted that people have been aware of the application because individuals have been in contact with the ZEO and been in to review the plans as well as signs being posted on the property. The Chairman, noting that there may have been somebody who was not recognized, asked again if there was anyone interested in speaking in favor of the proposal.

**Public in Favor of Application:**

1. Arlene Macmillan of 113 Hemlock Drive spoke in favor of the proposal and the connection of the roads for safety reasons and convenience. She noted that it would be safer to back down Rosenblad when the roads are in bad condition in the winter months rather than backing down the curves of Hemlock Drive. She noted that the plan is well thought out and believes that the through connection will mostly only be used by the residents of the Hemlock Drive area.

Nancy Fischbach reminded the audience of the format of a public hearing and noted that it is important not to talk when others are speaking.

**Public in Opposition of Application (Continued):**

3. Don LaCourse of 6 Colonial Drive stated that he is not against the proposal but is disturbed by a through road. He stated that Jodie Gebhard has met with the neighbors and he asked that the Commission also consider the neighbors when making a decision and work for a solution more acceptable to the neighborhood than a through road. He noted that he has lived there for 25 years.

4. Rob Partyka of 11 Colonial Drive stated that he has lived there since 2000. They purchased the property because of the double end cul-de-sac. He noted that they like the fact that the only traffic on their road is the people who live there. He noted that his wife, Agata, had come to the Town Hall to review the plans, but he would have liked to have received a mailing from the Commission.

Nancy Fischbach noted the Commission had amended the Regulations five years ago to require signs to be posted on the properties announcing a public hearing. The Commission is not required to send certified letters to the neighborhood. Once an application is received, evidence and comment may only be received in public forum.

Mr. Partyka stated that he believes that people traveling on West Elm Street on the way to VRHS will cross over Hemlock Drive in order to bypass the backup of traffic at the intersection at John Winthrop. He noted that safety will be an issue for people running late and crossing through to the school. He noted that the neighborhood is a nice home environment and expressed concern for safety of walkers and bicycles.

5. Richard Kalapos of 69 Whittlesey Brook Road noted that the traffic from VRHS has a direct impact on him. He agreed that the safest way to get to VRHS is from Route 80. He stated that he had approached the Town regarding placing a stop sign on Kelsey Hill Road near the school and he was told that it would not work. He noted that traffic coming up Kelsey Hill Road from Warsaw Street tend to turn directly into the VRHS driveway without waiting for traffic traveling west on Kelsey Hill Road. He noted that creating a through road to Colonial Drive will allow delivery trucks to access from Kelsey Hill Road because it will be the quickest access. Mr. Kalapos noted after a rainstorm when the ground level is up there is water over Kelsey Hill Road and asked that it be taken into consideration. He stated that he is not against the project, but only in objection to creating the through street.

6. Jan Kollmer of 42 Hemlock Terrace Extension, noted that she is concerned about the traffic, but asked who would be responsible for paying for the new road proposed off Kelsey Hill Road. ZEO Jefferson noted that the developer is responsible for installing the road.

**Questions by Commission Members:**

Tom Walsh noted that the letter from Richard Leighton states that the 20,000 gallon underground water source should be increased to a 30,000 gallon capacity to meet recent changes with the ISO fire protection community grading. Mr. Wren stated that his understanding is that the code was changed effective 1/1/2009 and the 20,000 gallon capacity was the requirement at the time the application was submitted. He noted that he would clarify the size tank that is required and would accommodate the requirement. ZEO Jefferson noted that the Commission does not determine the fire protection; the Subdivision Regulations require that it be in place before permits are issued for the houses. Mr. Wren stated that on the date of his meeting with Mr. Leighton and Mr. Woodcock of the Fire Department, the proposal was to include a 20,000 gallon tank on Lot 4, which was the requirement at the time of the submission of the application. He noted that he did not have a copy of the letter from Mr. Leighton dated October 15, 2008 now requiring the 30,000 gallon tank. The subdivision proposal includes the 20,000 tank and two stand pipes on the side of the fire pond. He noted that the existing fire pond will provide nearly a million gallons of water.

Jane Samuels asked if there is an underground water source existing in the Hemlock Drive area. Mr. Kastner stated that there is a 10,000 gallon tank at the corner of Scenic View Drive and Hemlock Drive. Ms. Gebhard noted that her family gave rights for fire prevention to the school.

Mr. Wren noted that he would like to address Mr. Kalapos' comments regarding the flooding problem on Kelsey Hill Road. Mr. Kalapos identified on the plans the location that he was referring to in front of the Milton and Stumpf properties. The culvert is parallel to the road and runs to the brook. Mr. Wren noted there is a drainage crossing on Kelsey Hill Road near the Wendell Goss property below Whittlesey Brook Road and also a stream closer to the entrance road. He noted that there is a swale that carries drainage on the south side of the road and collects the overflow.

Nancy Fischbach asked if there is any existing open space in the area that will abut the proposed open space. Don Carlson stated that there is no open space that adjoins the property. There is a

scenic easement along Route 9. He noted that the Whittlesey Brook Preserve of the Deep River Land Trust is located across Kelsey Hill Road from the existing house (Lot 13).

Nancy Fischbach asked what is involved for maintenance of the detention basin. Mr. Wren referred to the erosion and sedimentation notes on the detail sheet. It needs to be kept in good structural condition. The area should be mowed four times a year to keep the woody growth down.

Jodie Gebhard noted that the Fire Department requested an easement for the fire pond. After a question by Chairman Kastner, Mr. Wren noted that the detention basin is not anticipated to have standing water. The detention basin will be dry most of the time. Mr. Walsh asked about reference to maintenance of the fire pond. Mr. Wren noted that there will be an easement for the entire fire pond to allow access for maintenance by the Fire Department. Stand pipes are existing on the school side of the pond. There was discussion regarding the cost of the 20,000 gallon tank vs. the 30,000 gallon tank.

**Additional Public Comments:** Stacia Johnson of 31 Colonial Drive asked if someone could look at the build up of water at the back of Colonial Drive in the winter, and noted concern for where the water will go if a fire tank is installed.

Greg Alexander noted that there has been a pond in back of his property since the playing fields were installed at VRHS.

Joe Wren stated that the wetlands flow down hill from east to west. A wetland area at the high point to the north flows toward Colonial Drive and the remainder goes south to Kelsey Hill Road. He noted that a full drainage study was completed and determined that the flow would be less or equal to what exists today. The 10 ft. diameter tank is located on Lot 4 and the water can flow around the tank. The proposed high point is between Lots 3 and 5. A single catch basin is located on the west side and a double catch basin on the east side to direct to the retention basin and not Colonial Drive.

ZEO Jefferson noted that all the reports have been received from the Commission engineer.

Tom Lindner of 9 Rosenblad Drive, an abutting property owner, noted concern for the properties that abut the subdivision and asked if there will be a buffer that will separate the properties from the subdivision. Ms. Gebhard stated that the high end homes will look very much like the Hemlock Drive area. Nancy Fischbach noted that the limits of clearing are shown on the plans for each lot and the remainder of the lots will not be clear cut.

There being no further comments, a motion was made by Nancy Fischbach and seconded by Jane Samuels to close the public hearing at 8:32 p.m. Voted Unanimously.

Respectfully submitted,  
Nancy J. Howard  
Recording Secretary