

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, November 20, 2008 at the Deep River Town Hall was called to order at 7:30 p.m. by Chairman Jonathan Kastner. Members present: Nancy Fischbach, Thomas Griffin, Fred Hellmers, Jonathan Kastner, Jane Samuels, and Alternates John Attridge and Leigh Balducci. Absent: Janet Edgerton, Tom Walsh. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), Joe Wren, Greg Alexander and six audience members. Chairman Kastner seated Alternate Balducci for absent member Janet Edgerton and Alternate Attridge for absent member Tom Walsh.
2. Approval of Minutes: A motion was made by Nancy Fischbach and seconded by Tom Griffin to approve the minutes of the public hearing of October 16, 2008 with the following amendments: (a) Page 2, amend Mr. Wren's two references to cul-de-sac to be traffic circle; (b) Page 2, Questions by Commission Members, amend third sentence to read: "Jodie Gebhard noted that the Deep River Land Trust has accepted the proposed open space land and a letter has been submitted indicating the acceptance."; (c) Page 3, correspondence #5, add "outlining the town engineer's initial comments on plans"; (d) Page 3, Public in Opposition: #1, include clarification that the letter was signed only by Mr. Townsend; (e) Page 5, Questions by Commission Members, second paragraph, amend last sentence to read: "Ms. Gebhard noted that her family gave rights to the fire pond for fire prevention to the school." Voted Unanimously. A motion was made by Nancy Fischbach and seconded by Leigh Balducci to approve the minutes of the regular meeting of October 16, 2008 as printed. Voted Unanimously.
3. Payment of Bills: The following bills were received: Nathan Jacobson & Associates, engineering review (Cumberland Farms and Old Orchard Estates), \$909.15; Howard and McMillan, Legal Fees for Haynes/Lent appeal \$7,927.67, Bochanis \$2,325.00, Citation Ordinance \$201.50, for a total of \$10,454.17; Hartford Courant, legal advertising, \$140.68; Nancy Howard, clerical services, 16 1/4 hours; and Essex Printing, printing of C.L.U.E. brochure, \$994.84 to be paid by the Rockfall Foundation grant funds. A motion was made by Nancy Fischbach and seconded by Leigh Balducci to approve the bills as presented. Voted Unanimously.
4. Correspondence: Nancy Fischbach noted receipt of the following correspondence: (a) memo dated 11/4/08 from DEP regarding development of a Water Pollution Control plan with a Sewer Service Area Map; (b) letter dated 11/13/08 from Deep River Board of Fire Commissioners indicating that the State of Connecticut has changed the requirements for water tanks from 20,000 gallons to 30,000 gallons; (c) notification of DEP workshop on "Partnering for a 'Green and Growing' Connecticut" schedule for 12/3/08; (d) Memo from First Selectman Dick Smith regarding appearing before the Commission for discussion on plans for improvements at Plattwood Park. He was unable to attend the November meeting and will plan to attend the December meeting for discussion. (e) Memo dated 11/20/08 from Douglas Holt to amend the approval for du'Glance Bistro to include live music. A motion was made by Nancy Fischbach and seconded by John Attridge to add to agenda, after item #5, to consider the request by Douglas Holt. Voted Unanimously.

5. 160 KH LLC, Old Orchard Estates (Application #104 & #45): The public hearing on the Application for a Major Resubdivision (Application #104) and Special Permit (Application #45) by 160 KH LLC was held and closed on October 16, 2008 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. A memo dated 11/20/08 was received from ZEO Cathie Jefferson with her comments regarding the proposed subdivision. A motion was made by Nancy Fischbach and seconded by John Attridge to approve the application for Old Orchard ReSubdivision, Special Permit Application #45 and Subdivision Application #104, both with the following conditions:

- (1) There shall be a bond in an amount to be determined by the Commission Engineer for the drainage system at the base of the proposed road, Old Orchard Road, and Kelsey Hill Road;
- (2) All the changes noted in the Nathan Jacobson & Associates letter of 10/15/08 shall be satisfied, as well as the conditions noted in the 10/15/08 letter from Richard Leighton, and the CIWC permit dated 9/23/08;
- (3) Signs posted at the intersection of Old Orchard Road and Kelsey Hill Road and at the intersection of Hemlock Drive and Route 80 (West Elm Street), indicating “no through traffic”;
- (4) That Chicanes be installed along Old Orchard Road just below the common driveway intersection approximately 1,000 feet from the intersection of Old Orchard Road with Kelsey Hill Road, in a specific location to be determined by the Commission Engineer working with the developer;
- (5) Instead of the traffic island at the junction of Colonial Drive with Old Orchard Road, it should be replaced with Chicanes, in a specific location to be determined by the Commission Engineer working with the developer;
- (6) A wide speed bump shall be installed on the new road 100 feet from the intersection of Old Orchard Road and Kelsey Hill Road;
- (7) Request that the Town install a three way stop sign at the intersection of Scenic View and Hemlock Drives and that the Town may consider installing Chicanes on Rosenblad Drive; and
- (8) A standard performance bond shall be posted in an amount to be determined by the Commission Engineer for the infrastructure. The motion was seconded by John Attridge.

Discussion took place on the motion. ZEO stated that a Chicane will take two way traffic and drop it down into single lane traffic, and then open it back up into two way traffic. Traffic has to come to a stop and then proceed through. A photograph showing an example of Chicanes was available. ZEO noted that concerns were raised at the public hearing that the through road would be used as a short cut or speeding through the roads. Nancy Fischbach noted strongly that it would be appropriate for it to be a through connection. The through connection would allow all emergency vehicles access to the surrounding area. Chicanes are created with sufficient turning radiuses for full size emergency vehicles. The traffic calming measures address the concerns of the residents. Nancy Fischbach noted that the original development, Hemlock Heights, clearly shows that it was always to be a through street when the property was developed. As a traffic calming measure, the Commission recommends that if the Chicanes work well in the new development, the town may want to consider another Chicane on Rosenblad Drive. Nancy Fischbach noted that a temporary free standing picket fence could be used as an experiment in determining the location of the Chicane. ZEO Jefferson noted that the Commission should strongly urge the three way stop at Scenic View, which is a location where people tend to speed. Jonathan Kastner noted that a possibility at Hemlock Drive and Scenic View is to take a few feet of the properties on the corner, which is not near a house, to

bend the intersection as well as putting in stop signs, in order to discourage speeding. The Commission may write a letter to the Board of Selectmen that upon the acceptance of the new road, that it is the request of this Commission that the Town install the stop signs at Hemlock Drive and Scenic View. The ZEO noted that the Chicanes would make the road unattractive to be used as a short cut to the high school. The ZEO noted that the Chicane on Rosenblad, the stop signs, and the no through traffic signs are recommendations to the Board of Selectmen if they deem it to be necessary. ZEO noted that there were no negative comments received at the public hearing regarding the conservation subdivision. In determining that the application is in conformance with the Regulations, Jonathan Kastner read Sections 5.5.3 and 5.5.4 of the Subdivision Regulations pertaining to road connections and future street connections. Nancy Fischbach noted that the proposal is in conformance with the Planned Conservation Development, specifically Sections 4B.1, Planned Conservation Developments, and Section 4D.4, Street Linkage. The ZEO noted that the action on the special permit and subdivision applications need to be made separately, with the special permit action first. Nancy Fischbach and John Attridge amended the first sentence of the motion, to approve the application for Old Orchard ReSubdivision, Special Permit Application #45 and to approve the Subdivision Application #104, both with the same conditions as listed above. Nancy Fischbach noted that there is automatically a standard maintenance bond determined by the engineer for the road. Nancy Fischbach reiterated the conditions of the approval as indicated above. Nancy Fischbach and Leigh Balducci noted that a gate would be inappropriate for the site and contrary to the community and the through way. The traffic calming possibilities were discussed. There are currently 113 homes and condominiums on the current single access road. Chairman Kastner noted that there was another opinion expressed at the hearing regarding the traffic on the existing road and spoke in favor of another access. ZEO Jefferson noted that the 113 homes were not all represented at the hearing. There being no further discussion, action was taken on the Motion as follows:

- (1) Special Permit Application #45: Kastner and Balducci abstained. Approved.
- (2) ReSubdivision Application #104: Kastner and Balducci abstained. Approved.

6. du'Glance LLC, 158 Main Street (Application #30): A request for amendment to an approved special permit was received from Douglas Holt for the purpose of amending the statement of use to include live music in the bistro, consisting of no more than three instruments. The music would begin no earlier than 5:00 p.m. and end no later than 10:30 p.m. and will be limited to no more than two nights per week. ZEO Jefferson noted that the musicians would be in the bar area; and proposed to be two nights during the week. A motion was made by Nancy Fischbach and seconded by Leigh Balducci to approve the addition of entertainment in the form of background music during dinner hours from 5:00 p.m. to 10:30 p.m. and limited to two nights per week. Voted Unanimously.

7. Audience: Greg Alexander noted that the public should have had an opportunity to comment on the Chicanes for the Old Orchard Subdivision. He asked who would maintain the Chicanes. The Commission noted that they would be maintained by the Town; and the exact location will be determined by the Commission Engineer and the developer.

8. Town Plan Review and Implementation Committee: Nancy Fischbach noted that the Committee has not met. The Plan of Conservation and Development forum was held on November 19, 2008. The membership of the Implementation Committee still needs to be determined. Items of the Plan to

be reviewed are the correspondence from Russell Marth regarding the Exit 4 industrial area. An individual inquired at the forum about accommodation in the Plan for future railway use. Railway services may be a consideration for the future.

9. Reports: (a) Attorney: ZEO Jefferson noted that there is no attorney report. There has been no change since the last meeting. No executive session will be held.

(b) Engineer: No report.

(c) ZEO: ZEO Jefferson presented a monthly report to the Commission dated 11/20/08 on the following items: (1) Cumberland Farms: All three sidewalks, in the front and down both sides, will now be real brick with granite curbing.

(2) Shore Discount Liquors is still operating under a temporary C.O. A couple items remain outstanding on the punch list.

(3) 190 Main Street: She is working on removal of the new temporary Dunkin Donuts signs.

(4) Sign Enforcement: One business on Main Street came in to discuss signs and has come into compliance. The banner sign has been removed from Adams. The ZEO is waiting to review all businesses for conformance until action has been taken on the Zoning Citation Ordinance.

(5) ZEO distributed a list of permits issued during the month.

(d) Chairman: Chairman Kastner noted that it was interesting learning about traffic calming methods. A brief discussion took place regarding street lights in rural areas.

10. A motion was made by Nancy Fischbach and seconded by Leigh Balducci to adjourn at 9:05 p.m. Voted Unanimously.

Respectfully submitted,

Nancy J. Howard

Recording Secretary