

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, June 19, 2008 at the Deep River Town Hall was called to order at 7:30 p.m. by Chairman Kastner. Members present: Janet Edgerton, Nancy Fischbach, Thomas Griffin, Fred Hellmers, Jonathan Kastner, Jane Samuels, Tom Walsh, and Alternates John Attridge, Leigh Balducci, and Jan Deutsch. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), Mike Spanner, Jane Cavanaugh, Paul Butler, and Steve Seferlis.
2. Approval of Minutes: A motion was made by Nancy Fischbach and seconded by Janet Edgerton to add to the agenda approval of the minutes of the public hearing of May 15, 2008. Voted Unanimously. A motion was made by Nancy Fischbach and seconded by Janet Edgerton to table approval of the minutes of the regular meeting and public hearing of May 15, 2008 until the next regular meeting. Voted Unanimously. A motion was made by Nancy Fischbach and seconded by Tom Griffin to approve the minutes of the public hearing of June 11, 2008 with the following amendments: page 1, Presentation by Applicant, amend sentences as follows: "The business is utilized by local towns and other businesses." and "If the demolition jobs *reach* the maximum tonnage in a day, . . ."; and page 2, #6, amend to read "Richard Strukus, Bushy Hill Road, noted that he saw the road when it was being built in the industrial park and his personal opinion is that it was not built to handle the amount of truck traffic per day." Abstained: Attridge, Griffin, Hellmers. Approved.
3. Payment of Bills: The following bills were received: Nancy Howard, clerical services, 43 hours for two months; Hartford Courant, legal advertising, \$163.40; Nathan Jacobson & Associates, engineering review \$661.21 (Walgreens \$454.58, GDK Package Store \$123.98, Shailer Farm Sub. \$82.68); and Howard and McMillan, legal fees for Prisley FOI \$496.00, Haynes/Lent appeal \$2,094.00 for a total of \$2,500.00. A motion was made by Nancy Fischbach and seconded by Jane Samuels to approve payment of the bills as presented. Voted Unanimously.
4. Correspondence: The Sound Outlook newsletter was received.
5. Paul Butler, 39 Main Street (Map 56, Lot 66): A public hearing was held immediately prior to this meeting on an application for amendment to a special permit (Application #43) by Paul Butler for the purpose of interior renovations for use by R.J. Nucci Period Reproductions for furniture manufacture. A motion was made by Nancy Fischbach and seconded by Fred Hellmers to approve the application for amendment to special permit (Application #43) by Paul Butler subject to the following conditions: (1) if there are ever more than two employees, a modification of the application would be required; and (2) the Commission shall receive copies of letters from the applicant to the fire marshal and building office describing the business so that they are aware of the business taking place. Kastner abstained. Approved.
6. Integrated Waste Solutions, 400 Commercial Drive (Map 33, Lot 6F): The public hearing on an application for amendment to a Special Permit by Integrated Waste Solutions has been continued to July 9, 2008 at 7:00 p.m. Chairman Kastner noted that the traffic counters have been placed in the area, therefore the public hearing should be able to proceed on July 9, 2008.
7. Audience: Mike Spanner expressed concern regarding the process for modification of approved plans, particularly regarding the package store. The original proposal was a one story addition. He stated that the two story addition constructed is overwhelming next to the adjacent properties and is a significant aesthetic change. He noted that something should be done to prevent something similar happening in the

village area again. Mr. Spanner noted that if soil tests are required for a basement they should be completed and submitted as part of the application and assessed at the public hearing. Commission members noted that the Zoning Regulations do not regulate design. The applicant had returned to the Commission with a modification to the plan. Nancy Fischbach noted that the Village District regulations, which the Commission is currently working on creating, are the only regulations which would give an oversight for aesthetics. Mr. Spanner noted that there was a lot of feedback regarding changes at Walgreens. The ZEO noted that the Walgreens project involved Town property. The modification to the package store met the height restrictions and was determined by the Commission not to be significant. Jane Cavanaugh asked if a moratorium could be put in place until the village district regulations are completed. The ZEO and members noted that a moratorium would have to be on a specific area and might take a few months to put in place; and also place a burden on businesses in the commercial district. Jane Cavanaugh recommended that a streetscape plan be submitted with an application in order to show what the proposal would look like. Commission members agreed to consider amending the regulations indicating that a streetscape plan may be required.

8. Reports: (a) Attorney: An executive session will be held at the end of the meeting.

(b) Engineer: No report.

(c) Planning: Nancy Fischbach noted that the Village District Committee is now meeting once a month on the first Thursday at 4:00 p.m. Progress is being made towards defining boundaries and the types of uses in the three districts.

(d) Regulations: Nancy Fischbach noted that the Regulations Committee is recommending the following amendments: (1) deleting Section 4.10.47, Conversion of existing structures to residential or commercial condominium use; (2) amend Section 9.2(3) to include the Village Industrial District to be exempt from site plan pertaining to change of use; and (3) revise Section 14.3, Special Flood Hazard Area Regulations. A letter had been received from DEP with the revisions to be incorporated into the regulations. If the revisions are not adopted by August 28, 2008, the Town may not be considered part of FEMA. The ZEO reviewed the proposed language by DEP and incorporated the changes into a proposed revision to Section 14.3. The language is based on FEMA and DEP requirements. Section 8 of the regulations will need to be sent to DEP together with the referral of the regulations. A motion was made by Nancy Fischbach and seconded by Janet Edgerton to schedule a public hearing for August 6, 2008 at 7:00 p.m., with a special meeting immediately following for proposed action, to amend the following sections of the Zoning Regulations: Section 14.3, Section 9.2, and deletion of Section 4.10.47. Voted Unanimously.

(e) ZEO: ZEO Jefferson presented a report to the Commission dated 6/19/08 reporting on the following items:

(1) Walgreens: A preliminary certificate of zoning compliance was issued in order to allow Walgreens to take over the building and be able to install fixtures. Work is currently being done for preparation of the brick face boxes around the light poles.

(2) Cumberland Farms: A letter was sent to Cumberland Farms regarding the updated site plan. The construction documents are almost finished. Cumberland Farms anticipates demolition to start in a month and estimate the building to be up in 12 weeks.

(3) Shore Discount Liquors: Two copies of the revised site plan were received. The only change to the plan resulted in a two foot bump out on the back of the building, and a bump in on the south side. The total footprint is the same. The windows on the second floor requested by the Commission have been installed.

(4) 190 Main Street: The landscaping has been installed. Discussions will be held regarding the handicap parking and protection of the columns.

(5) South Main Street: ZEO noted that she met with Gary Sharpe regarding a prospective developer interested in constructing a 55+ Active Adult Community on approximately 14 acres on South Main Street. Mr. Sharpe is expected to come before the Commission for clarification regarding the calculation of unit yield.

(6) 83 River Road: A cease and desist order was issued for storing business equipment on the property and the owner has 30 days to appeal or be in compliance.

(7) 206 Main Street: A letter was sent regarding offering multiple cars for sale on the property. The car has been removed.

(8) 119 Union Street: Construction was done outside the scope of zoning approval. An application has been made to the ZBA.

(9) The ZEO presented to the Commission a report of the zoning permits issued during the month.

9. Other Business: Nancy Fischbach noted that the Town had applied to OPM for funds for the Town Plan. Notification has been received that the Town may receive \$20,000 in the first half of 2009 to be used toward the implementation of the Town Plan. Nancy Fischbach and Jane Samuels had attended a Board of Selectmen meeting regarding the Plan. The Selectmen are reviewing the Plan and Nancy and Jane will attend the Board of Selectmen meeting in July for further discussion.

10. Executive Session: A motion was made by Nancy Fischbach and seconded by Jane Samuels to enter into executive session at 8:50 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 9:00 p.m. where no actions were taken and no votes made. Voted Unanimously.

11. A motion was made by Nancy Fischbach and seconded by Jane Samuels to adjourn at 9:00 p.m. Voted Unanimously.

Respectfully submitted,

Nancy J. Howard
Recording Secretary