

Section 8 - PLANNING

ORDINANCE PROVIDING FOR PARTICIPATION IN THE CONNECTICUT RIVER ESTUARY PLANNING REGION

SECTION I: ADOPTION OF STATUTORY PROVISIONS AND ELECTION

The Town of Deep River, being within the Connecticut River Estuary Planning Region as defined by the Connecticut Development Commission, hereby adopts the Provisions of Sections 8-31a to 8-37a inclusive, of the Connecticut General Statutes and elects to participate in the Connecticut River Estuary Planning Agency, now or henceforth existing, under Chapter 127 of the Connecticut General Statutes.

SECTION II: APPOINTMENT OF MEMBERS AND TERMS OF OFFICE

The Town of Deep River, having a population of 2,968 according to the Federal Census of 1960, shall have two representatives, one to be appointed by the Deep River Planning Commission, the other to be appointed by the Board of Selectmen, both appointees shall serve for terms of two years, and until their successors shall have been appointed. Terms of office shall commence when the appointments are made or from the first organization meeting of the Agency, whichever is later.

SECTION III: VACANCIES

If a representative should resign, or die, or be unable to serve, or if he is removed from membership, the body which appointed that member shall fill the vacancy for the unexpired term.

Effective November 14, 1967

Vol. 6, Pgs. 144 & 145

ORDINANCE FOR THE ESTABLISHMENT OF A CONSERVATION COMMISSION

1. The Town of Deep River hereby establishes a Conservation Commission for the exercise of the powers and the performance of duties, all set forth in Section 7-131a of the General Statutes of the State of Connecticut, Revision of 1959, and amended.
2. The Conservation Commission shall consist of seven members who shall be electors of the Town of Deep River.
3. The members of the Conservation Commission shall be appointed by the Board of Selectmen for a three-year term beginning December 1. Two alternate members shall be appointed by the Board of Selectmen. Alternate members shall serve for three year terms, except that their first terms shall be staggered so that their terms do not expire at the same time.
4. Members of the Commission may be removed from office by the Board of Selectmen for cause. Before removal, charges shall be presented to such member in writing, and shall be given reasonable opportunity to be heard in his own defense.
5. Any vacancies in the Conservation Commission shall be filled by appointment by the Board of Selectmen for the unexpired term within thirty (30) days after vacancy occurs.

September 28, 1968.

Vol. 6 Pg. 155.

History: Amendment of 1-29-73, Vol. 6 Pg. 209, changes membership from 5 to 7; amendment 9-27-76 adds two alternate members. Resolution 1-29-73, Vol. 6 Pg. 209, grants authority to commission.

CONNECTICUT RIVER GATEWAY PLAN

RESOLVED: To approve and adopt the provisions of Public Act 73-349 of the Connecticut General Statutes also known as the Connecticut River Gateway Plan.

May 13, 1974
Vol. 6 Pg. 222
C.G.S. 25-102a through 102j.

ORDINANCE AUTHORIZING THE CONSERVATION COMMISSION TO CARRY OUT THE PROVISIONS OF THE INLAND WETLANDS AND WATERCOURSES ACT

1. The Town of Deep River hereby authorizes the Conservation Commission duly established in said Town, in addition to its statutory duties under Section 7-131a, to carry out the provisions of Sections 22a-36 to 22a-45 inclusive of the Connecticut General Statutes and as it may hereafter be amended from time to time.
2. The name of said commission shall hereafter be known as the Conservation and Inland Wetlands Commission.

July 9, 1992.
Vol. 7, Pg. 231

ORDINANCE GRANTING TO THE CONSERVATION AND INLAND WETLANDS COMMISSION REGULATORY AUTHORITY OVER CANFIELD WOODS

The legislative body of the Town of Deep River hereby grants authority to regulate the use and management of Canfield Woods (DEP 09-00256) to the Conservation and Inland Wetlands Commission in accordance with guidelines established for the management and said use of said property by federal and state authority.

July 30, 1992.
Vol. 7, Pg. 232

ORDINANCE CONCERNING ESTABLISHMENT OF THE ECONOMIC DEVELOPMENT COMMISSION

Pursuant to Sec. 7-157 of the Connecticut General Statutes, Revision of 1958, the Town of Deep River enacts the following ordinance.

1. The Town of Deep River hereby establishes an Economic Development Commission in accordance with Section 7-136 and 7-137 of the 1958 Revision of the General Statutes.
2. The commission shall be known as the ECONOMIC DEVELOPMENT COMMISSION.
3. The number of members of such commission shall be seven and shall be appointed by a majority of the Board of Selectmen.
4. Terms of said members shall be as follows.

- a. One member for a term of two years
- b. Two members for a term of three years.
- c. Two members for a term of four years
- d. Two members for a term of five years.

As the terms of the original members expire all subsequent appointments shall be for a period of three years.

- 5. Any vacancy in the membership of the commission shall be filled for the unexpired portion of the term by a majority of the Board of Selectmen.
- 6. The members of the commission shall receive no compensation except for their necessary expenses incurred in the performance of their official duties. The commission may appoint employees necessary for the discharge of its duties.
- 7. The commission shall conduct researches into business and industrial conditions in its municipality and shall seek to coordinate the activities of unofficial bodies organized for such purposes, may advertise and may prepare, print, and distribute books, maps, charts, and pamphlets which in its judgment will further its official purposes.
- 8. No more than four members of such commission shall be from the same political party.
- 9. The annual appropriation which may not exceed one-twentieth of one per cent of the last completed grand list of taxable property, for the expenses of the commission is to be applied for from the Board of Finance who upon approval shall present same to the voters at the annual Town Meeting called to act upon the annual budget.

Effective September 11, 1964
Vol. 6 Pg. 140 & 141

History: Amendment dated 12-23-03, Vol. 8 pg. 202, changes name of commission from Deep River Development and Industrial Commission to the Economic Development Commission, and membership is changed from twelve (12) members to seven (7); Amendment dated 1-18-84, Vol. 7 Pg. 73 changes membership from 7 to 12 and length of terms from 5 years to three years.

AN ORDINANCE ESTABLISHING THE PLANNING AND ZONING COMMISSION AND ZONING BOARD OF APPEALS

- 1. The Planning Commission of the Town of Deep River shall be herewith designated as the Planning and Zoning Commission of the Town of Deep River, and such commission shall have all the powers and duties granted under the provisions of Chapter 124 and 126 of the Connecticut General Statutes, as amended.
 - a. The Planning and Zoning Commission shall consist of seven members and three alternate members who shall be electors of the Town of Deep River, shall not be members of the Zoning Board of Appeals and who shall not hold any salaried office within said town.
 - b. Upon the expiration of each of the said terms of the present members of the Planning Commission, and upon the expiration of the terms of the two additional members hereinbefore stated; all members and alternates shall be appointed annually for the term of three years, commencing on December 1, of each year. Such appointments shall be made by the Board of Selectmen incumbent at the time of the Town Meeting, hereinafter required, and such appointments shall become effective upon consent and approval of the Town Meeting, to be held during the month of November of each year, on or after the third Monday thereof. If such approval is not granted at said Town Meeting, the Board of Selectmen shall forthwith make another appointment or appointments and call a Town Meeting to be held within 30 days from the prior Town Meeting for the consent and approval of the appointment or appointments.

- c. In the event of any vacancies created in said Commission for any reason, including but not limited to disapproval by the Town Meeting of a new appointment(s), then such vacancy shall be filled by the incumbent Board of Selectmen and approved at a duly called Town Meeting forthwith.
2. A Zoning Board of Appeals is hereby created for the Town of Deep River. The regular members and the alternate members, of which shall have all the powers and duties set forth in the General Statutes relating to the Zoning Board of Appeals and their members.
 - a. The Zoning Board of Appeals shall consist of five (5) members and three (3) alternate members all of whom shall be electors of the Town of Deep River and shall not be members of the Planning and Zoning Commission, and shall not hold any salaried office of said Town.
 - b. The regular members of the Zoning Board of Appeals shall be appointed by the Board of Selectmen for the terms hereinafter specified. Alternate members of the Zoning Board of Appeals shall be appointed by the Board of Selectmen for the term of three years. All such appointments must be approved and consented to in the same manner and procedure in which members of the Planning and Zoning Commission are consented to and approved; and such appointments shall be effective only upon the consent and approval of a Town Meeting duly called within 15 days after such appointments are made.
 - c. Thereafter, subsequent members shall be appointed annually for three (3) year terms commencing on December 1 of each year. Such appointments shall be made by the Board of Selectmen incumbent at the time of the Town Meeting hereinafter required, and such appointments shall become effective upon the consent and approval of a Town Meeting to be held within the month of November of each year on or after the third Monday thereof. If approval is not granted at the Town Meeting, the Board of Selectmen shall promptly make another appointment and call another town meeting to be held within thirty (30) days of the prior meeting for the consent and approval of the appointment or appointments.
 - d. In the event of any vacancies created in said Board, for any reason, including but not limited to disapproval by Town Meeting of a new appointment, then such vacancy shall be filled by the incumbent Board of Selectmen and approved at a duly called Town Meeting forthwith.

September 9, 1970.
Vol. 6 Pg. 180, 181 & 182

History: Original ordinance dated 4-27-66, Vol. 6 Pg. 136 established Planning Commission consisting of 5 members appointed by the Board of Selectmen. Alternates were added per ordinance dated 12-14-71, Vol. 6 Pg. 198.

ORDINANCE ESTABLISHING PROCEDURE FOR FEE SCHEDULES IN PROCESSING LAND USE APPLICATIONS

RESOLVED that the Planning and Zoning Commission, Zoning Board of Appeals and Conservation and Inland Wetlands Commission are each authorized to establish a schedule of fees for the processing of various land use applications by the Commission. In exercising the authority granted herein and determining its schedule of fees, each commission may consider the reasonable cost of reviewing and acting upon applications, including, by way of example and not of limitation, the cost of mailings, publication of notices, decisions, consultant fees and the monitoring of compliance with permit conditions or commission order.

Such schedule shall be established by each commission at a meeting duly called for such purpose, and may be revised from time to time, in the same manner, to reflect changing costs.

Each schedule shall become effective upon filing with the Town Clerk after adoption by the commission. (Adopted at the August 17, 1989, Planning and Zoning Commission meeting.)

August 25, 1989
Vol. 7 pg. 150

MUNICIPAL PROPERTY EXEMPT FROM PLANNING AND ZONING REGULATIONS

A resolution was approved to exempt property owned by the Town of Deep River and property leased by the Town for use by its agencies, from zoning regulations prescribed by the Planning and Zoning Commission of the Town of Deep River, pursuant to Section 8-2 of the Connecticut General Statutes.

July 26, 1984
Vol. 7 Pg. 82

History: Amends ordinance dated 4-07-82, Vol. 7 Pg. 55 by adding, "property leased by the Town for use by its agencies."

DEEP RIVER PLANNING AND ZONING FEE ORDINANCE

SECTION 1: Authorization and Purpose

- 1.1 The provisions of Connecticut General Statutes Section 8-1c are hereby adopted and are set forth herein.
- 1.2 To establish a schedule of reasonable fees for the processing of applications by the Town of Deep River Planning and Zoning Commission pursuant to Connecticut General Statute 8-1c;
- 1.3 To provide for the adequate review of Planning and Zoning Commission applications in accordance with the size and complexity of the proposed land use development; and
- 1.4 To establish an amended schedule of fees for land use applications in order to fund the municipal administrative costs of reviewing, evaluating and processing land use applications, and to insure that fees do not cause applicants to subsidize municipal expenses which are not related to reviewing, evaluating and processing such applications.

SECTION 2: Definitions

- 2.1 Commission – Shall mean the Deep River Planning and Zoning Commission.
- 2.2 Planning or Zoning Application – any application to the Planning and Zoning Commission, including but not limited to any of the following: amendment to the zoning map or text of the zoning regulations; special permit; special exception; site plan approval; zoning compliance certificate; certification of nonconformity; certification of soil erosion and sediment control plan; flood hazard area permits; coastal site plan reviews; rear lot; subdivision or re-subdivision.
- 2.3 Review, evaluation and processing shall include all functions performed in connection with or association with an application by the Planning and Zoning Commission.

SECTION 3: Fee Schedule

- 3.1 The fees set forth herein shall supersede any specific fees set forth in the Connecticut General Statutes, any special act, municipal ordinance and any fee set forth in the regulations of Planning and Zoning Commission.
- 3.2 Fees as set forth in this Ordinance are due and payable to the Town of Deep River upon submission of a land use application.
- 3.3 Schedule of Fixed Fees:

The Planning and Zoning Commission is authorized to collect fees in accordance with the following schedule of fixed fees:

Applications requiring a simple Administrative Review only	\$ 50.00
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Applications for: Home Occupations	\$ 50.00
Minor Subdivision	\$ 50.00/per lot
Major Subdivision	\$200.00/per lot
Re-subdivision	\$200.00/per lot
Special Permit	\$100.00/per lot
Site Plan	\$100.00
Rear Lot	\$100.00
Coastal Site Plan	\$100.00
Telecommunications Tower	\$200.00
Zoning Compliance Certificate for each existing structure or use	\$100.00
Copy of Planning and Zoning Regulations with small zoning map	\$ 25.00
Copy of Plan of Conservation and Development	\$ 20.00
Copy of Large Zoning Map	\$ 20.00

3.4 In addition to the fixed fees set forth in Section 3.3, the commission may charge and collect payment from an applicant for costs of materials and services performed as requested by the Planning and Zoning Commission in order to adequately review an application and later inspect the work; including but not limited to costs for third party professional or other specialized reviews, inspections and certifications, commission staff time, planning review, engineering review, legal review and consultation, publication of legal notices, stenographic and transcription services associated with any type of application to the Planning and Zoning Commission, where the fixed fees set forth in Section 3.3 are not anticipated to cover, or do not in fact cover, such costs or expenses.

The expense of these charges shall be estimated by the commission, based on a preliminary estimate prepared by a qualified party(s) or expert(s) as determined by the Planning and Zoning Commission; and the estimated cost of reviewing the application times one hundred-fifty percent (150%) shall be paid by the applicant and deposited with the Commission or its designated agent. Such deposit shall be made prior to review of the application and/or submission as set forth in the Planning and Zoning Commission Regulations.

Upon completion of the technical review and final action by the Commission on the application, the Town shall determine the costs incurred for the review and refund any and all excess monies to the applicant. Such monies, if any, shall be returned to the applicant no later than one month after the completion and final approval of the project by the Commission or its agent. Applicants shall not be responsible for costs incurred for technical assistance which exceed one hundred-fifty (150%) of the Commission's estimate. No interest on funds held by the Commission or the Town of Deep River shall be owed to the applicant.

3.5 Fees Not in Lieu of Bonds

The payment of fees shall not prohibit the Planning and Zoning Commission from requiring performance or forfeiture bonds to ensure the successful completion of all work as may be prescribed in the Commission's regulations.

SECTION IV: When Fee Not Required

The commission may by resolution determine that an application fee is not required in particular cases of resubmission of a disapproved application or an application to revise an approved subdivision. In cases where the plan changes are minor, insignificant or only technical in nature, the fee may be waived. In cases where the changes are major or significant, or require further technical and professional review of the plan, a fee will be charged. In all cases a fee will be charged when a public hearing on the application is held by the Commission as required by law or at the Commission's discretion.

Boards, Commissions and Departments of the Town of Deep River are exempt from fee requirements. In addition, the commission shall be authorized, by majority vote, to reduce or waive application fees where (1) the application does not appear, upon initial examination, to require intensive staff review and (2) the applicant is a non-profit entity, + which qualifies for tax-deductible charitable contributions under Regulations of the U. S. Internal Revenue Service.

Effective November 4, 2003

**DEEP RIVER PLANNING & ZONING COMMISSION REVISED
FEE SCHEDULE 2006**

Administrative Fees:

Zoning Regulations	\$20.00
Subdivision Regulations	\$20.00
Zoning Map	\$15.00
Plan of Conservation and Development	\$20.00

Application Fees:

Administrative Zoning Permit:	\$50.00 up to \$5,000 value plus \$1 for each additional \$1,000 in value plus the State D.E.P. fee.
Minor Subdivision:	\$200.00 per lot plus the State D.E.P. fee.
Major Subdivision/Resubdivision:	\$300.00 per lot plus \$5 per linear foot of road construction. A \$450.00 fee will be assessed on subdivisions/resubdivisions of three or more lots to cover Attorney's fees plus the State D.E.P.
Special Permit:	\$100.00 plus \$50.00 per acre impacted and \$10.00 per 100 sq. ft. of new construction plus the State D.E.P. fee. Re-notice of Public Hearing at the applicants request will double the initial \$100.00 fee.
Site Plan:	\$100.00 plus \$50.00 per acre impacted and \$10.00 per 100 sq. ft. of new construction plus the State D.E.P. fee.
Rear Lot Approval:	\$200.00 plus the State D.E.P. fee.
Amendments to the Regulations:	\$100.00 plus \$100.00 printing fee for all approved changes.
Telecommunication Towers:	\$1,000.00

Permits applied for after construction has commenced will be double the stated fee.

Town Meeting April 13, 2006
Vol. 8 Pgs. 267-270
Effective May 5, 2006