

PLANNING AND ZONING COMMISSION

TOWN OF DEEP RIVER, CONNECTICUT

Town Hall

174 Main Street

Deep River, Connecticut 06417

1. A **regular hearing** of the *Deep River Planning and Zoning Commission* held on Thursday, January 15, 2009 at the Deep River Town Hall was called to order at 7:30 p.m by Chairman Jonathan Kastner. Members present: Janet Edgerton, Nancy Fischbach, Tom Griffin, Jonathan Kastner, Tom Walsh, and Alternates Leigh Balducci and John Attridge. Absent: Fred Hellmers, Jane Samuels. Also present: Cathie Jefferson (Zoning Enforcement Officer) and Nancy Howard (Recording Secretary), Sabrina Brewer, Anthony Lombardi, Norman Bouchard, Ken Kleban, and Paul Yu. Chairman Kastner seated Alternates Balducci and Attridge for absent members.
2. Approval of Minutes: A motion was made by Nancy Fischbach and seconded by Janet Edgerton to approve the minutes of the regular meeting of December 11, 2008 as printed. Voted Unanimously.
3. Payment of Bills: The following bills were received: Nathan Jacobson & Associates, engineering review (Shailer Farm Sub., Cumberland Farms, Haynes Aggregates, and Old Orchard Estates), \$2,272.88; Howard and McMillan, Legal Fees for Haynes/Lent appeal \$87.50, Bochanis Code Enforcement \$1,069.50, for a total of \$1,157.00; Hartford Courant, legal advertising, \$68.36; Nancy Howard, clerical services, 13 1/4 hours. A motion was made by Nancy Fischbach and seconded by Leigh Balducci to approve the bills as presented. Voted Unanimously.
4. Correspondence: Janet Edgerton noted receipt of the following correspondence: (a) letter dated January 14, 2009 from Joseph Dillon, P.E. of Nathan Jacobson & Associates regarding performance bond for Cumberland Farms; (b) memo dated January 9, 2009 from First Selectman regarding preparation of budget for Fiscal Year 2009-2010; (c) Minutes of ZBA meeting of December 16, 2008 regarding applications by Eric and Richelle Nelsen, 56 Kirtland Street and Wayne Lootsman, 3 Pinewood Trail; and (d) letter dated December 29, 2008 from Connecticut Siting Council regarding notice of intent to modify the existing telecommunications facility at 220 Winthrop Road.
5. Linda S. Kauffman, 20 Lobb Lane: A public hearing was held prior to this meeting on Application for Special Permit by Linda S. Kauffman for the purpose of an accessory apartment at 20 Lobb Lane. A motion was made by Nancy Fischbach and seconded by Janet Edgerton to approve the application by Linda Kauffman, in consideration that Ms. Kauffman indicated that there will not be a hot plate. Voted Unanimously.
6. Angus McDonald/Andrea Isaacs, Regulation Amendment: A public hearing is scheduled for Thursday, February 19, 2009 at 7:00 p.m. on Application for Change to Zoning Regulations and/or Zoning Map by Angus McDonald and Andrea Isaacs for the purpose of amending Zoning Regulations Sections 4.10.30, 4.10.31, 4.10.32 to allow for restaurants and drinking establishments and preparation of food in the Harbor Development District.
7. Paul Yu, 190 Main Street: An application for Site Plan Review, Application #49, was received from Paul Yu for the purpose of relocating Deep River Cleaners to 190 Main Street (Map 57, Lot 45). Ken Kleban, on behalf of the owner of the property, stated that the purpose is to relocate Deep River

Cleaners to the middle bay of the building on the first floor. He noted that it is a dry cleaning entity with a closed circuit system. The proposal includes a wall mounted sign on the front and back of the building equal in size to Dunkin Donuts and the monument sign. The entrance will be in the rear of the building. Mr. Kleban noted that it will be most of the same equipment which is in the current location. Mr. Kleban noted that bollards have been added in front of the parking spaces to prevent the columns from being hit by motor vehicles. He noted that the bollards have not affected the size of the parking spaces. The parking calculations were reviewed. The total parking required for the current and proposed tenant is 15 spaces; there are 19 on-site parking spaces. The Commission notified Mr. Kleban of a recent delivery truck at Walgreens which was parked between the two buildings in a way which prevented vehicles from passing the truck to exit. Mr. Kleban stated that he will look into the situation. ZEO Jefferson stated that there are no issues with the application. A motion was made by Nancy Fischbach and seconded by Janet Edgerton to approve Application #49 by Paul Yu, Deep River Cleaners to relocate to 190 Main Street subject to the condition that an entrance only sign be added on the south side of 190 Main Street.

8. Sabrina Brewer, Application #50: An Application for Amendment for Change to Zoning Regulations was received from Sabrina Brewer for the purpose of adding a regulation for animal day care facilities in the Turnpike Industrial District. Discussion took place regarding amending the application to include rehabilitation training. The Commission has received another application with the same proposal for the Commercial Industrial District which includes rehabilitation training. The proposed use would be permitted by special permit. The applicant amended the application to include rehabilitation training. A motion was made by Nancy Fischbach and seconded by Janet Edgerton to receive the application and to schedule a public hearing for Thursday, March 19, 2009 at 7:15 p.m. Voted Unanimously.

9. Teague Moyer, Application #51: A motion was made by Nancy Fischbach and seconded by Janet Edgerton to add Application #51 to the Agenda for Change to Zoning Regulations to add a regulation for animal day care facility and rehabilitation training in the Commercial Industrial District. Voted Unanimously. A motion was made by Nancy Fischbach and seconded by Janet Edgerton to receive Application #51 by Teague Moyer and to schedule a public hearing to run concurrently with Application #50 on March 19, 2009 at 7:15 p.m. Voted Unanimously.

10. ZEO Jefferson noted that Joe Lambert was going to come to discuss with the Commission his interest in leasing the third space at 190 Main Street and amending the signage. Mr. Lambert was not present.

11. Phelps Lane: Chairman Kastner stated that three residents of Phelps Lane have asked the Selectmen to make Phelps Lane a dead end street by blocking it with an attractive barrier on Kirtland Street. Phelps Lane goes between River Street and Kirtland Street. Discussion took place on the request. There are no documented safety issues on the street. A motion was made by Tom Walsh and seconded by Tom Griffin to authorize the Zoning Enforcement Officer to send a letter to the Board of Selectmen that based on the Plan of Conservation and Development and the accepted planning practices, the proposal would not be appropriate. Voted Unanimously.

12. Audience: Monica Bauer of Flip Flop Gymnastics was present to discuss the possibility of amending the regulations to include a child daycare in the Turnpike Industrial District. She indicated that she is considering opening a gym and learn after school program adjacent to her current location. A fenced in outdoor area would be added. Commission members expressed concern for allowing a child daycare in the industrial district due to the large trucks. Members noted that the Village Industrial District is the district where the two uses could intersect. Monica will speak with the ZEO to discuss alternatives.

13. Town Plan Review. Nancy Fischbach noted that she has not heard from anyone who is interested in being on the implementation committee. The Selectmen have not notified the Commission if they have names of individuals interested in being on the Committee. The ZEO will contact David LaVasseur at OPM to inquire if the funds may still be available for the Plan.

14. Election of Officers: Nancy Fischbach nominated Janet Edgerton as Secretary. Janet Edgerton nominated Jonathan Kastner as Chairman. Jonathan Kastner nominated Nancy Fischbach as Vice Chairman. A motion was made by Nancy Fischbach and seconded by Tom Walsh to approve the slate of officers as nominated. Voted Unanimously. The Commission currently has one open alternate position. Chairman Kastner noted that the Selectmen are looking to fill the open position.

15. Reports: (a) Attorney: ZEO Jefferson noted that there is no attorney report. No executive session will be held.

(b) Engineer: ZEO Jefferson noted that she requested that the engineer prepare the information for the bond for the unfinished site work at Cumberland Farms. She anticipates that Cumberland Farms will be ready to open prior to the next regular meeting.

(c) ZEO: ZEO Jefferson presented a monthly report to the Commission dated 1/15/09 and a list of administrative permits issued during the month. Nancy Fischbach complimented Cumberland Farms on the signs that have been installed.

The ZEO was asked to check on work being done at a house on River Road. The Commission Chairman will send a letter to the Health District asking that the Zoning Enforcement Officer be notified of permits that are issued by the Health District so that she is aware of the authorized activities.

(d) Planning: Nancy Fischbach noted that the Village District Committee met last week. Future meetings have been rescheduled for Monday afternoons.

(e) Regulations: The Regulations Committee did not meet. The Committee will start meeting in February.

16. A motion was made by Nancy Fischbach and seconded by Tom Walsh to adjourn at 8:30 p.m. Voted Unanimously.

Respectfully submitted,

Nancy J. Howard

Recording Secretary