

# 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, February 19, 2009 at the Deep River Town Hall was called to order at 7:33 p.m by Chairman Jonathan Kastner. Members present: Janet Edgerton, Nancy Fischbach, Tom Griffin, Jonathan Kastner, Jane Samuels, Tom Walsh, and Alternate Leigh Balducci. Absent: Fred Hellmers, Alternate John Attridge. Also present: Cathie Jefferson (Zoning Enforcement Officer) and Nancy Howard (Recording Secretary), Ron Prisley, and Bruce Edgerton. Chairman Kastner seated Alternate Balducci for the absent member.
2. Approval of Minutes: A motion was made by Nancy Fischbach and seconded by Janet Edgerton to approve the minutes of the regular meeting and public hearing of January 15, 2009 as printed. Voted Unanimously.
3. Payment of Bills: The following bills were received: Nathan Jacobson & Associates, engineering review (Shailer Farm Sub., Cumberland Farms, and Old Orchard Estates), \$1,094.09; Hartford Courant, legal advertising, \$100.04; Nancy Howard, clerical services, 12 3/4 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 2/5/09 from Angus McDonald withdrawing the application for zone change indicating intent to revise and resubmit after consultation with the Connecticut River Gateway Commission; (b) Copy of letter dated 2/10/09 from Connecticut River Area Health District to Ron Prisley regarding 164 Cedar Lake Road indicating that the 2006 plan for resubdivision was approved by the health district; the septic plan for a proposed 3 bedroom house on Lot 2 has been approved and additional soil testing may be required at the time of site development for Lot 1; (c) letter dated 2/10/09 from Joe Wren of Indigo Land Design, LLC, on behalf of 160 KH, LLC, requesting an extension of the 90-day mylar submission date; (d) letter dated 1/21/09 from Connecticut Siting Council regarding notice of intent by New Cingular Wireless PCS, LLC to modify an existing telecommunication facility located at 15 Pent Road, Deep River; (e) memo dated 1/8/09 from Essex Zoning Enforcement Agent regarding Application for proposed Regulation Change for Village Overlay Zone (the application was withdrawn); and (f) Conn. Federation of Planning & Zoning Agencies Quarterly Newsletter.
5. Angus McDonald/Andrea Isaacs, Regulation Amendment, Application #47: The Application for Change to Zoning Regulations and/or Zoning Map, Application #47, 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 was withdrawn by the applicant.

6. Sabrina Brewer, Application #50: A public hearing is scheduled for Thursday, March 19, 2009 at 7:15 p.m. for an Application for Amendment for Change to Zoning Regulations by Sabrina Brewer for the purpose of adding a regulation for animal day care facilities in the Turnpike Industrial District.
7. Teague Moyer, Application #51: A public hearing is scheduled for Thursday, March 19, 2009 at 7:15 p.m. for an Application for Amendment for Change to Zoning Regulations by Teague Moyer for the purpose of adding a regulation for animal day care facilities in the Commercial Industrial District.
8. 160 KH, LLC, Old Orchard Subdivision: A letter dated 2/10/09 was received from Joe Wren of Indigo Land Design, LLC, on behalf of 160 KH, LLC, requesting an extension of the 90-day mylar submission date. They are presently working on the final details of the traffic calming provisions requested by the Commission. ZEO Jefferson noted that the statutes allow for an extension equal to the original period of time to file the mylars. ZEO Jefferson indicated that she met with the engineer twice and the final copies of the plan have been received reflecting the conditions of approval. The plans are being reviewed by Joe Dillon, the Commission Engineer. The plans may be completed prior to the end of the 90 day period, but an extension would allow time for additional changes if required by Mr. Dillon. A motion was made by Nancy Fischbach and seconded by Jane Samuels to approve the request by 160 KH, LLC (Old Orchard Subdivision) for a 90 day extension of the mylar submission date, especially in consideration that they have been working with the Zoning Enforcement Officer. Voted Unanimously.

A motion was made by Nancy Fischbach and seconded by Tom Walsh to alter the agenda to move Item #10 up on the agenda. Voted Unanimously.

9. Ron Prisley, 164 Cedar Lake Road: Ron Prisley was present with a map of his property on Cedar Lake Road which had been presented in the past and indicated that he is trying to purchase a piece of property from a neighbor in an attempt to meet the Regulations; and he asked the Commission if the additional land would be acceptable in order to obtain approval for subdividing the property. The Commission members advised Mr. Prisley that the procedure is to meet with the Zoning Enforcement Officer and she would be able to review the map and determine if the proposal meets the requirements prior to submitting an application to the Commission. The Commission is not in a position to be able to make a determination on the proposal. Commission members and the ZEO indicated that if the deficiencies identified a couple years ago are corrected, an application may be resubmitted. Mr. Prisley stated that he would not purchase the property if he will not be able to obtain the approval. Commission members reiterated that a drawing showing the additional land should be presented to the ZEO for her to review the measurements of the lot to determine compliance. Members indicated that Mr. Prisley could enter into a contract to purchase the property subject to the zoning approval. Nancy Fischbach noted for the record that if the addition of the land renders the parcel compliant with the regulations for a subdivision, then the property may be divided as a building lot. The Commission and ZEO are not in a position to make a judgment without a revised plan with the additional land identified. ZEO Jefferson noted that there were additional issues involved with the previous proposal. A new subdivision would be the third split of the property and would create two rear lots, which would not meet the regulations. Mr. Prisley stated that a variance was obtained. The Commission members advised Mr. Prisley that an application should include a copy of any variance obtained.

10. Angus McDonald/Andrea Isaacs, Regulation Amendment, Application #52: An Application for Change to Zoning Regulations and/or Zoning Map, Application #52, was received from 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, as well as special design standards. Nancy Fischbach noted for the record that she is a member of the Conn. River Gateway Commission; and the Commission did not express concern of her taking part in this matter. ZEO Jefferson stated that the Conn. River Gateway Commission reviewed the first application for amendment and indicated that they would not approve the request because there are no design standards in the Harbor Development District. Returning the use to Regulations which had previously been allowed was not a concern. ZEO Jefferson noted that Torrance Downs, Angus McDonald and herself met and worked on creating design standards for the district. The new application received proposes to return the uses in the district and also includes the design standards. Due to the delay, Mr. McDonald asked the Commission if a hearing and special meeting could be held at the end of the 35 day review period, in order to allow the site plan application to be submitted in April. The Gateway Commission meets on February 26, 2009. A motion was made by Nancy Fischbach and seconded by Jane Samuels to receive Application #52 by Angus McDonald and Andrea Isaacs and to schedule a public hearing for April 2, 2009 at 7:00 p.m. with a special meeting to be held immediately following the public hearing. Voted Unanimously.

11. Audience: None

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

(b) Engineer: ZEO Jefferson noted that one change made on the Old Orchard Subdivision involved the chicanes. The engineers were concerned for safety with the landscaping in the chicanes. There will be a post with a reflector and the trees will be at the curb line.

(c) ZEO: ZEO Jefferson presented a monthly report to the Commission dated 2/17/09 and a list of administrative permits issued during the month.

(1) Cumberland Farms: Notice has been sent that the sign on the building does not meet the regulations and is not what was applied for in the permit. Application may need to be made to ZBA. The ZEO will continue to work with the applicant regarding the sign.

(2) The Zoning Citation Ordinance may be presented to the Board of Selectmen at a meeting in March. The ZEO will notify the Commission members of the meeting date.

(3) 116-118 Main Street: The enforcement matter is still ongoing and being handled by the attorney.

(d) Chairman: Jonathan Kastner noted that the next phase of streetscape project will be starting in the front of the Town Hall and from Bridge Street to the Spring Street area. Mr. Kastner noted that he attended a seminar on small cities grants and a topic discussed was fair housing, programs which are appropriate to a neighborhood and not the whole town.

(e) Planning/Regulations: ZEO Jefferson noted that she spoke with Dave LaVasseur at OPM, who indicated that the funds should still be distributed for the plan, possibly in April or May. Nancy Fischbach noted that she has not had a chance to follow up with Selectmen regarding the implementation committee. The Village Committee meetings will be held on the second Monday of

the month at 3:30 p.m.; and the Regulations/Planning Committee will meet on the fourth Wednesday at 3:30 p.m. The next Village Committee meeting will be held March 9, 2009 at 3:30 p.m.

The Town will be holding an informational meeting on Thursday, February 26, 2009 at 7:00 p.m. regarding the Town Green and the Design Advisory Board. Planning & Zoning Commission members will be present in support of the Design Advisory Board. The Design Advisory Board is an advisory board and would not change the time frame of an application.

13. Other Business: Commission members expressed concern that if there is going to be a controversial matter or individual expected at a meeting that the Commission should consider having security, such as a State Trooper, at the meeting.

14. A motion was made by Nancy Fischbach and seconded by Janet Edgerton to adjourn at 8:43 p.m. Voted Unanimously.

Respectfully submitted,

*Nancy J. Howard*

Recording Secretary