

PLANNING AND ZONING COMMISSION

TOWN OF DEEP RIVER, CONNECTICUT

Town Hall

174 Main Street

Deep River, Connecticut 06417

Corrected Minutes 5/26/09

1. A **regular meeting** of the *Deep River Planning and Zoning Commission* held on Thursday, May 21, 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, Jane Samuels, and Alternates John Attridge, Leigh Balducci, and David Oliveria. Absent: Tom Walsh. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), Angus McDonald, Bruce Edgerton. Chairman Kastner seated Alternates Attridge and Balducci for absent members.

Chairman Kastner noted that Fred Hellmers, a regular member of the Commission, passed away on May 7, 2009. The Commission members acknowledged Fred's multiple years of service on the Board and to the Town.

2. Approval of Minutes: A motion was made by Nancy Fischbach and seconded by Leigh Balducci to approve the minutes of the regular meeting of April 16, 2009 as printed. Kastner abstained. Approved.

3. Payment of Bills: The following bills were received: Hartford Courant, legal advertising, \$36.68; Howard & McMillan, legal fees (Haynes/Lent appeal & general matters) \$2,465.40; Nancy Howard, clerical services, 14 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 May 13, 2009 from the Conn. River Gateway Commission recommending that the Commission consider revision of the definition of *Building Height, Gateway Conservation District*; and (b) e-mail dated May 13, 2009 from Marcia Balint, DEP Office of Long Island Sound Programs with findings that the regulation and Plan of Development amendments are consistent with the CT Coastal Management Act.

5. Angus McDonald, Jr./Andrea Isaacs, 161 River Street (Map 62, Lot 28), Application #53: A public hearing was held immediately prior to this meeting on an Application for Special Permit by Angus McDonald, Jr. and Andrea Isaacs for the purpose of a banquet/meeting facility and catering kitchen on property of Lace Factory, LLC at 161 River Street (Map 62, Lot 28). The ZEO presented to the Commission a memo dated 5/20/09 regarding her review of the application. A motion was made by Nancy Fischbach and seconded by Jane Samuels to approve application #53 for 161 River Street with the following stipulations: (1) Any requirements listed in the correspondence received from the Commission Engineer, CT River Area Health District, Conservation and Inland Wetlands Commission, and Fire Marshal shall be complied with; (2) The applicant may be permitted to have an additional light pole, not shown on the plan, within the parking area as long as it be no more than 8 feet tall and the light be directed so as to not shine on any neighboring properties; (3) Additional lighting may be added, not shown on the plan, at the entrance/exit including on the sign; and (4) Even on the nights when the facility remains open until 11:00 p.m., the music shall end at 10:00 p.m. unless the music is not audible from the outside of the building. Kastner abstained. Approved.

6. Audience: None

7. Reports: (a) Attorney: ZEO noted that there is no current attorney report and an Executive Session will not be held.

(b) Engineer: No further report.

(c) ZEO: ZEO Jefferson presented a monthly report to the Commission dated 5/21/09 and a list of two administrative permits issued during the month.

(i) Cumberland Farms: The right turn only signs have been posted at the northern exit.

(ii) The Deep River Toy Co. has purchased the property at 202 Main Street and will be proposing to move the existing business into the building. An application is currently being made for a variance for the driveway. A site plan application to this Commission may be scheduled for acceptance at the July meeting. A Commission member has expressed concern by e-mail to the ZEO regarding the scooters on the sidewalk in front of the toy store at the current location. The ZEO noted that they may be located in front of the store as long as they are out of the way. In the proposed new location, the scooters would be kept in the barn.

(iii) Enforcement: The signs have been removed at Adams, Deep River Cleaners, and 424 Winthrop Road. Dagmar Ratensperger, 440 Industrial Park Road, is currently working with the town and the Economic Development Commission regarding a monument sign for the industrial park. A second notice was sent to 11 Everett Lane regarding junk cars.

(iv) ZEO noted that the state budget proposes to double all DEP land use fees under \$150 starting July 1st. The fee would apply to all types of activities, such as sheds and house construction. Concerns regarding the increase may be forwarded to the local senator or state representative. ZEO noted that setting the increase based on the dollar amount of construction would be reasonable.

(v) 116/118 Main Street: ZEO noted that the property owner is working to bring the property into compliance.

(d) Planning/Regulations: Nancy Fischbach noted that the planning committee will be meeting to work on the design elements of the village district. Amendments to the Regulations and Plan of Conservation and Development are being presented at a public hearing in June.

Nancy Fischbach referenced the correspondence received from Torrance Downes on behalf of the Conn. River Gateway Commission regarding the height definition revision. The regulations stipulate a 35 ft. height limit from the original grade. A property owner in Lyme applied for a zoning permit to construct a barn on a hillside and wanted to excavate below the existing grade which would then exceed the 35 foot height maximum and would create a larger visual mass. The Regulations Committee will review the recommended revision.

A motion was made by Tom Griffin and seconded by Leigh Balducci to adjourn the meeting at 8:04 p.m. Voted Unanimously.

Respectfully submitted,

Nancy J. Howard

Recording Secretary