

## 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, September 20, 2012 at the Deep River Town Hall was called to order at 7:30 p.m. Members present: David Basilone, Jonathan Kastner, Jane Samuels, Tom Walsh, and Alternate Sara Denegre. Absent: Leigh Balducci, Janet Edgerton, Alternate John Attridge, Alternate Ben Whelan. Also present: Nancy Howard (Recording Secretary), Cathie Jefferson (Zoning Enforcement Officer). Chairman seated Alternate Sara Denegre for absent member Janet Edgerton.
2. Approval of Minutes: A motion was made by Jane Samuels and seconded by Sara Denegre to approve the minutes of the regular meeting and public hearing of August 16, 2012 as printed. Voted Unanimously.
3. Payment of Bills: The following bills were received: Hartford Courant, legal advertising, \$123.80; Nancy Howard, clerical services, 15 hours; Howard and McMillan regarding Prisley Appeal, Bartlett ZBA, \$1,436.50. (A credit is currently on the account with Howard and McMillan for a previous invoice that was paid twice.) A motion was made by Jane Samuels and seconded by Sara Denegre to approve payment of the bills as presented. Voted Unanimously.
4. Correspondence: The following correspondence was received: (a) minutes of ZBA meeting of 9/18/12.
5. Audience: None
6. Use Variance: ZEO Jefferson noted that an appeal was not filed on the original action by the Zoning Board of Appeals (ZBA) in connection with the application by George Bartlett, Jr. The attorney for Mr. Bartlett approached the ZBA about amending the minutes regarding the decision. The request was considered at the ZBA meeting held on 8/18/2012. Attorney William Howard attended the meeting on behalf of the Planning and Zoning Commission to indicate that an appeal should have been filed by the applicant if there was disagreement with the decision. The ZBA agreed that they never acted on the variance for Section 7 (use), only on Section 5 (frontage). The ZBA amended the minutes of the regular meeting held on 6/19/12 to state that a 5 foot 3 inch variance be granted to the 150' property required under Section 5.6.5 only; and no action was taken on request for variance of Section 7B.9.3. Detailed discussion was held regarding the regulations and variances. Section 5 is a section with general dimensional standards which are open to interpretation by the ZBA. The feeling of the Commission members is that if variances are granted for Section 7 it is a variance of use. The ZEO recommended that the Commission make a finding that would reinforce that Section 7 relates to uses and would not be eligible to be varied. The finding will then be incorporated into the "purpose" of Section 7 in the Regulations. The ZEO provided a draft proposal which was reviewed by the Commission members. A motion was made by Jane Samuels and seconded by Sara Denegre that the Planning and Zoning Commission's intent that Section 7A and 7B dealing with uses are not subject to a variance and that the following finding, as the intent of the Regulations, will be added to the Regulations for clarification as part of future amendments: "The Deep River Planning and Zoning Commission, in an effort to clarify the intent of Sections 7A and 7B of the Zoning Regulations, finds that the Special Standards attached to specific zoning districts and specific uses are an integral component of these regulations and are intended to further restrict those districts and uses as deemed appropriate by the Commission. As such, they are not subject to variance by the Zoning Board of Appeals as noted in Section 16.4 of the Deep River Zoning Regulations and Section 8-6 of the Connecticut General Statutes." Voted Unanimously.

7. Design Advisory Board: Chairman Kastner noted that Brewers Deep River Marina had initially met with the ZEO regarding the proposed winter boat storage building. The ZEO offered the services of the Design Advisory Board (DAB) to the applicant but they were not interested due to time limitations for the project. The applicant had reviewed multiple designs at the Planning & Zoning meeting for breaking up the facade of the building. Members of the DAB approached the ZEO because they thought they should have been included in the review. The DAB then contacted the Brewers Deep River Marina who told them they were not interested. The ZEO noted that if any changes are made, the applicant would have to return to this Commission for an amendment. The DAB approached the First Selectman about having Brewers come in for their review. An emergency meeting was then held with the DAB, First Selectman, and Brewers. The ZEO noted that Brewers is outside of the Village District and DAB review would be available to the applicant if they choose to do so. DAB review is required in the village district. The DAB sent a memo to the Board of Selectmen indicating that the DAB "is also available to the Town itself and should be consulted whenever a design issue is under consideration by Planning and Zoning or any other agency of the Town." Commission members discussed the application process and DAB referrals. The DAB would no longer be advisory if all applications are required to go before the DAB. A draft memorandum to the Board of Selectmen was prepared and will be reviewed and amended by Commission members for submission at the next Board of Selectmen meeting indicating that the Planning and Zoning Commission is not in favor of requiring all applicants to appear before the DAB.

8. Reports: (a) ZEO: A report dated 9/20/12 was received from the ZEO regarding the following matters: (a) An open house is scheduled for October 1, 2012 from 3:00 p.m. to 7:00 p.m. at the new offices of the Lower Connecticut River Valley Council of Governments (Regional Planning Agency); (b) Notice was received of a Public Hearing to be held on September 27, 2012 at the Middlesex Cooperative Extension Center on the *Draft 2013-2018 Conservation and Development Policies: A Plan for Connecticut*; (c) the cars have been removed from 92 West Bridge Street; (d) All boats and vehicles except one at 43 Village Street have been registered; (e) The new Judge on the Priskey appeal will make a decision based on the record; (f) Amy Petrone is close to finalizing the regulations. A list of the administrative zoning permits issued in August was available.

(b) Chairman: A town meeting has been scheduled for appointing Ben Whelan as a regular member and appointing Bruce Edgerton as an alternate member. Bruce Edgerton has expressed interest in continuing as the representative for the new regional planning agency.

A nomination was made by Jane Samuels and seconded by Sara Denegre to appoint Tom Walsh as Vice Chairman. Voted Unanimously.

9. A motion was made by Jane Samuels and seconded by Sara Denegre to adjourn the meeting at 8:50 p.m. Voted Unanimously.

Respectfully submitted,  
*Nancy J. Howard*  
Recording Secretary