

**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, December 12, 2013 at the Deep River Town Hall was called to order at 7:30 p.m. by Chairman Kastner. Members present: Leigh Balducci, David Basilone, Janet Edgerton, Jonathan Kastner, Jane Samuels, and Alternates William Burdick and Sara Denegre. Absent: Ben Whalen, Tom Walsh, and Alternate Bruce Edgerton. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), Jerilyn Nucci, Don Carlson, Lincoln Divoll, Dee Farris, Richard Smith, Alan Paradis, and Dennis Schultz. Chairman seated Alternates William Burdick and Sara Denegre for the absent members.
2. Approval of Minutes: A motion was made by Jane Samuels and seconded by Janet Edgerton to approve the minutes of the regular meeting and public hearing of November 21, 2013 as printed. Voted Unanimously.
3. Payment of Bills: The following bills were received: Nathan Jacobson & Associates, engineering review 246 Main Street, \$203.00; Howard and McMillan, legal services regarding Prisley \$1,676.50; and Nancy Howard, clerical services 25 hours. A motion was made by Jane Samuels and seconded by Leigh Balducci to approve payment of the bills as submitted. Voted Unanimously.
4. Correspondence: The following correspondence was received: (a) Christmas card from Nathan Jacobson & Associates.
5. Jerilyn Nucci, 444 Main Street: A public hearing was held immediately prior to this meeting on Application #87, Application for Special Permit by Jerilyn C. Nucci for the purpose of operation of a dog day care facility on property of George G. Bartlett, Jr. at 444 Main Street, Deep River (Map 59, Lot 9). The applicant amended the application at the public hearing to set the hours of operation from 6:30 a.m. to 8:30 p.m. Monday through Saturday. A motion was made by Jane Samuels and seconded by Janet Edgerton to approve Application #87 by Jerilyn Nucci with the change in the hours and days of operation. Voted Unanimously.
6. Great American Donut, Inc., 246 Main Street: A public hearing was held on November 21, 2013 on Application #85, Application for Special Permit by Great American Donut, Inc. for the purpose of use for a retail coffee and bakery shop under the trade name of Dunkin' Donuts, plus a separate demised space for an additional retail concept on property of 246 Main Deep River, LLC at 246 Main Street, Deep River (Map 57, Lot 88). Chairman Kastner noted that he listened to the recording and read the minutes of the public hearing held on 11/21/13 and is prepared to discuss and act on the application. A motion was made by Janet Edgerton and seconded by Bill Burdick to approve Application #85. Discussion followed on the evidence received at the public

hearing. ZEO Jefferson prepared a memo to the Commission dated 12/4/2013 with some bullet point issues for discussion and possible conditions of approval. Use of the State right of way is not expected to be an issue. Commission members discussed possible conditions of approval of the proposal. Once the Town's street lighting has been completed and is operational, the applicant should return to the Commission with a modification after determining the lighting required on the site. The plastic monument sign is not appropriate for the village mixed use district and should be a design in keeping with the comments from the DAB. The location and size of the dumpster was discussed and recommended to be a 10'x12' fully enclosed structure with a roof. A masonry structure would prevent animals from getting in. The dumpster flush with the parking spaces would allow more green area and landscaping. The type of structure may be discussed with the DAB. The ZEO noted that it was determined that the dumpster could not be behind the building. ZEO recommended that the facade along the roof front and sides be extended around the back to prevent the roof mechanicals from being visible when traveling south. Eliminating the second access and back window on the west side of the building was discussed. Currently there is no tenant proposed for the west side of the building. Granite posts are recommended in front of the building. Members noted concern for the safety of children possibly running between the planters into the driveway and discussed options such as moving the planters closer together to be no more than 12 inches apart or a solid planter. The granite curbing was recommended to be continued in the parking area. The type of seating, design or color scheme was not included for the outdoor seating area. ZEO Jefferson noted that the outdoor seating area could not be turned into parking places without returning to the Commission. Janet Edgerton, seconded by William Burdick, amended the motion to approve Application #85 to include the following conditions of approval:

- (1) The comments from the Commission Engineer, Nathan Jacobson & Associates, by letter dated November 18, 2013;
- (2) No lighting is approved on the site. The lighting for the site shall come back to the Commission as a modification to the application when the Town's street lighting has been completed;
- (3) The monument sign shall come back to the Commission as a modification to the application with a design in keeping with the surrounding area and comments from the Design Advisory Board.
- (4) The location of the dumpster shall be moved forward 10 feet to be flush with the parking spaces, be fully enclosed with a roof, and reduced to a size no larger than a 10 foot by 12 foot building. The building design and screening/landscaping of the dumpster shall come back to the Commission as a modification to the application. The Design Advisory Board may advise on the building design.
- (5) The facade along the roof front and sides of the building shall continue fully around the back to prevent the roof mechanicals from being visible by vehicles and pedestrians traveling south along Main Street.
- (6) The second access and back window on the west side of the building facing Union Street should be eliminated and no future signage will be allowed on the west side facing the residential properties on Union Street.
- (7) Granite posts should be used as the balusters in front of the building. The planters at the

southern end of the seating area shall be stationed in a way to inhibit direct pedestrian access into driveway, especially children. The applicant shall return to the Commission with a proposal to inhibit the access.

- (8) The applicant shall continue the granite curbing from Main Street and Union Street into the parking area.
- (9) The applicant shall return to the Commission for a modification for the design and color scheme of the proposed outdoor seating area.

Voted Unanimously.

7. Audience: Dennis Schultz noted that he attended the Wetlands Commission for his proposal for a shed on his property and inquired as to status of the zoning application. ZEO Jefferson noted that she would act on the application as an administrative permit after approval by the Wetlands Commission.

Lincoln Divoll noted the importance of limiting excessive signs on businesses.

8. Election of Officers: A motion was made by Jane Samuels and seconded by William Burdick to continue with the same slate of officers; Jonathan Kastner, Chairman, Tom Walsh, Vice Chairman, and Janet Edgerton, Secretary. Voted Unanimously.

9. Reports: ZEO: ZEO Jefferson reported on the following matters:

(a) She appeared in Court on the Priskey matter.

(b) 16 Grove Street: ZEO noted that she issued a CO with the notation that it is for expansion of the existing use of the building. She received a call from the owner's attorney indicating that it is too restrictive. An application has been filed with the ZBA for the property. The business is a non-conforming use in a residential district.

(c) A list of permits issued during the month was available.

10. A motion was made by Leigh Balducci and seconded by David Basilone to adjourn at 9:00 p.m. Voted Unanimously.

Respectfully submitted,
Nancy Howard
Recording Secretary