

**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, January 21, 2016 at the Deep River Town Hall was called to order at 7:03 p.m. by Acting Chairman Bruce Edgerton. Members present: Leigh Balducci, David Basilone, Bruce Edgerton, Janet Edgerton, Ben Whelan, and Alternates Bill Burdick, Sara Denegre, and Jonathan Kastner. Absent: Jane Samuels and Tom Walsh. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary). Bruce Edgerton was Acting Chairman for the meeting. The Acting Chairman seated Sara Denegre and Bill Burdick for the absent members.
2. Approval of Minutes: A motion was made by Bill Burdick and seconded by Janet Edgerton to approve the minutes of the regular meeting of December 10, 2015 as printed. Voted Unanimously.
3. Payment of Bills: An invoice was received from Nathan Jacobson & Associates, regarding the sports complex, \$188.04. A motion was made by Bill Burdick and seconded by Leigh Balducci to approve payment of the invoice as submitted. Voted Unanimously.
4. Correspondence: A letter dated 1/20/2016 was received from First Selectman Richard Smith asking the Commission to review the possible sale of 500 Industrial Park Road pursuant to C.G.S. Section 8-24. A motion was made by Bill Burdick and seconded by Leigh Balducci to add to the agenda, after New Business, the 8-24 review as requested by the Board of Selectmen for the possible sale of 500 Industrial Park Road. Voted Unanimously.
5. Public Business  
Lace Factory, LLC, 161 River Street: An application, Application #92, was received from Lace Factory, LLC for an amendment to an approved Special Permit #53 for banquet/meeting space. Angus McDonald, Jr. and Andrea Isaacs were present on behalf of the application. Mr. McDonald noted that the proposed amendment is for the following: (a) Permit utilization of the banquet facility seven days a week; (b) use of the warehouse and the second floor of the front building as banquet/meeting space, with more than one function allowed per day, but not simultaneously; and (c) to amend the hours of operation to Monday to Thursday 8 a.m. to 10 p.m.; Friday 8:00 a.m. to 11:00 p.m.; Saturday 10:00 a.m. to 11:00 p.m.; and Sunday 10:00 a.m. to 10 p.m. There is no intent to increase the existing capacity of existing use. Mr. McDonald noted that they may look at opening for Sunday brunch in the front building. Ms. Isaacs noted that music at events is stopped one hour prior to the hour of closing. The connection to the municipal sewer is expected to be able to be completed by the Spring. The proposal will not change the impact. A motion was made by Janet Edgerton and seconded by Leigh Balducci to consider the amendment to the application as presented, not requiring a public hearing, and to approve the application as submitted. Voted Unanimously.
6. Reports: ZEO: ZEO Jefferson reported on the following matters:
  - (a) Bahr Road/BAC Properties: The closing on the property will be taking place soon. An environmental study has been done of the site. As part of the contract for purchase the new owner will be fulfilling the obligation to put topsoil on the site. The topsoil placement will not be done all

at once. It will be placed in the front first in order to grow grass for the horses.

(b) Bob Fusari made a presentation at the last meeting regarding the Mislick subdivision on Kelsey Hill Road. ZEO Jefferson reported that she met with Mr. Fusari noting that the discussion from the last meeting was that the 50% was too high; and recommended that he propose a number that they would need for the site. She has not heard anything further from Mr. Fusari.

(c) An article was published in the Conn. Federation of Planning & Zoning Agencies newsletter regarding a court case pertaining to personal liability of a Commission member indicating that members have absolute immunity.

(d) Copies were distributed for Commission member reference of information prepared by Michael A. Zizka regarding Zoning Commission Functions.

Commission Attorney: ZEO Jefferson noted that she spoke at length with Attorney David Tycz, a partner at the firm of Howard and McMillan. Attorney Tycz has done work for the commission with recent appeals and would be interested in serving as the Commission's attorney. ZEO Jefferson recommended using Attorney Tycz as the Commission Attorney. For the first year the rate would be \$125/hour. A motion was made by Bill Burdick and seconded by Sara Denegre to hire Attorney David Tycz as the Commission Attorney. Voted Unanimously.

7. Election of Officers: A nominating committee of Bill Burdick and Jonathan Kastner will contact commission members regarding who may be interested in officer positions. The nominations for the slate of officers will be proposed at the next meeting for possible action.

8. Town of Deep River, Section 8-24 Review: The request was received from the First Selectman for 8-24 review of the town's possible sale of 500 Industrial Park Road. Pursuant to C.G.S. Section 8-24, the Commission is being asked to review the proposal to sell the municipal property. After discussion, a motion was made by Janet Edgerton and seconded by Bill Burdick noting that the Commission has reviewed the proposal for the possible sale of 500 Industrial Park Road and finds that it is in keeping with the Plan of Conservation and Development. Voted Unanimously.

9. A motion was made by Leigh Balducci and seconded by Janet Edgerton to adjourn at 7:40 p.m. Voted Unanimously.

Respectfully submitted,  
Nancy J. Howard  
Recording Secretary