

# 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 18, 2008 at the Deep River Town Hall was called to order at 7:35 p.m. by Chairman Kastner. Members present: Janet Edgerton, Nancy Fischbach, Thomas Griffin, Jonathan Kastner, Jane Samuels, Tom Walsh, and Alternates Leigh Balducci and Jan Deutsch. Absent: Fred Hellmers and Alternate John Attridge. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), Jane Cavanaugh, Russell Marth, Donald Carlson, and Doug Holt.
2. Approval of Minutes: A motion was made by Nancy Fischbach and seconded by Janet Edgerton to approve the minutes of the regular meeting of August 18, 2008 as printed. Voted Unanimously.
3. Payment of Bills: The following bills were received: Hartford Courant, legal advertising, \$63.36; Howard and McMillan, legal fees for Haynes/Lent appeal \$3,840.00, General Matters \$155.00, Pulcini enforcement \$15.50, Citation Ordinance \$1,100.50, Bochanis \$1,397.25, for a total of \$6,508.25; and Nancy Howard, clerical services, 16 ½ hours. A motion was made by Jane Samuels and seconded by Tom Griffin to approve the bills as presented. Voted Unanimously.
4. Correspondence: The Secretary noted receipt of the following correspondence: (a) letter dated 8/24/08 from R. E. Leighton, Building Official, approval of fire protection for subdivision of Steven C. McLarty, Westbrook Road/Bushy Hill Road; (b) letter dated 9/16/08 from Nathan Jacobson & Associates, engineering review of Old Orchard Estate Subdivision, Kelsey Hill Road/Colonial Drive; (c) letter dated 9/9/08 addressed to the Deep River Zoning Board of Appeals from Shirlee Bochanis regarding appeal of cease and desist for 116 Main Street; (d) memo dated 8/22/08 from State Traffic Commission (STC) of DOT regarding major traffic generators, Certificates of Operation by STC are required for development providing 200 or more parking spaces or having a gross floor area of 100,000 sq. ft.; (e) letter dated 8/27/08 from Selectman Russell Marth regarding the Plan of Conservation and Development, specifically referring to the industrial/commercial zoned property at the south end of town (Mislick/411 Main LLC); (f) letter and newsletter dated 8/21/08 from the Connecticut Water Company; and (g) brochure for Rockfall Symposium to be held 10/17/08. The Commission will be table presenters for the Rockfall grant that was received.
5. Steven C. McLarty, Bushy Hill Road (Application #103): An application by Steven C. McLarty for a minor two lot subdivision of property on Bushy Hill Road was received at the August meeting. ZEO Jefferson stated that the application is in compliance with the Regulations. Approvals have been received from the CT River Area Health District, Inland Wetlands Commission, and fire protection. A motion was made by Nancy Fischbach and seconded by Janet Edgerton, in consideration of the comments made by the ZEO that the application is in compliance with the Regulations, to approve the application by Steven McLarty for a two lot subdivision on Bushy Hill Road. Voted Unanimously.

6. 160 KH LLC, Old Orchard Estates (Application #104 & #45): The public hearing on the application for PCD Subdivision by 160 KH LLC is scheduled for October 16, 2008 at 6:30 p.m. A site walk will be held on Saturday, September 20, 2008 at 9:00 a.m.
7. du Glace LLC, 158 Main Street (Application #30): An application for amendment to an approved special permit was received from Doug Holt for the purpose of amending the statement of use to amend the hours of operation of the restaurant and bar at 158 Main Street. The current hours of operation are 5:30 p.m to 11:00 p.m. The proposed amended hours are 11:30 a.m. to 11:00 p.m. in order to allow lunch and/or brunch. Doug Holt stated that he currently proposes to open for brunch on Saturdays and Sundays and in the future to open for lunch during the weekdays. Discussion took place regarding parking in the downtown area and the Commission making recommendations regarding the parking to the Board of Selectmen. For the library parking lot, members discussed placing library patron signs in the parking spaces near the library building; and also the possibility of changing the time limit from 40 minutes to 2 hours for parking north of the village. A motion was made by Nancy Fischbach and seconded by Janet Edgerton to receive and approve the application for amendment to special permit by Doug Holt with the understanding that the Commission will write a letter to the Board of Selectmen regarding on-street parking and signs in the library parking lot. Voted Unanimously.
8. Plan of Conservation and Development: Nancy Fischbach noted that she sent the letter regarding the Implementation Committee to the members of the Board of Finance and Economic Development Commission. No responses have been received, other than one member of the public expressing possible interest. Tom Walsh, the Commission's representative on the Implementation Committee, noted that he prepared a draft letter for review by the Commission documenting the effective development of the Plan. Russell Marth noted that some individuals have expressed interest to him in taking part in the Committee. The Commission will collect names to present to the Board of Selectmen.
9. Audience: Jane Cavanaugh noted that the minutes were not available on the town web site and asked about their availability. The Chairman noted that there is a new web site and the minutes should be on the site soon. Minutes are available in the Town Clerk's office or upon request.
10. Reports: (a) Attorney: An executive session will be held at the end of the meeting.  
(b) Engineer: No report.  
(c) ZEO: ZEO Jefferson presented a report of the permits issued during the month and a monthly report to the Commission dated 9/18/08 on the following items: (1) Walgreens: there are some outstanding requirements that have been bonded to ensure completion;  
(2) Cumberland Farms: The demolition is under way. The prediction for completion is 12-15 weeks;  
(3) Shore Discount Liquors: A temporary C.O. has been issued by the Building Inspector. Zoning Compliance has not been issued. The landscaping is not complete and the generator enclosures are being monitored. She asked that the sign at the entrance be removed. Commission members noted that the front door is not being used for an entrance. During the application process, the Commission asked the applicant to use the front door in order to encourage pedestrian traffic. There is a sign identifying the entrance in the rear of the building. Members agreed that the driveway should be identified as a separate entrance and exit, with direction arrows painted on the pavement rather than signs.

(4) 116/118 Main Street: The property owner has appealed the cease and desist order.

Discussion took place regarding enforcement of signs on particular businesses in Town. ZEO noted that she has not yet had an opportunity to start the enforcement of the signs.

Chairman Kastner noted that as part of the sidewalk project, an attempt is being made to move the sidewalk back by Piano Works in order to gain a few more parking spaces on Main Street.

Tom Walsh presented a photograph of a small speed monitor attached to a traffic sign which he observed in Rhode Island. He will investigate if a similar monitor is used in this area.

(d) Regulations Committee: Ms. Fischbach noted that the Committee is working on an ordinance for penalties for non-compliance and Peter Howard and Richard King have drafted an ordinance for a Design Advisory Board. A draft of the revised Design Advisory Board ordinance was available which included amendments recommended by the Regulations Committee. The ZEO noted that Mr. Howard and Mr. King are planning to present the ordinance to the Board of Selectmen in October and have asked the Planning & Zoning Commission to send a letter to the Board of Selectmen in support of the ordinance.

The members were encouraged to review the Town Plan during the next month in order to discuss any possible amendments. A letter was received from Russell Marth for consideration regarding the industrial zoned property at the south end of town. Mr. Marth stated that he spoke with a half a dozen people regarding the Town Plan and it has been met with a favorable response.

11. Other Business: Jane Cavanaugh expressed concern for safety in the crosswalks on Main Street. The crosswalks near the bank and the library are locations where line of site is a concern for safety of the pedestrians. The State would have to give permission to relocate the crosswalks on State roads.

12. A motion was made by Nancy Fischbach and seconded by Jane Samuels to enter into Executive Session at 8:40 p.m. to discuss pending litigation. Voted Unanimously. The Executive Session ended at 8:41 p.m. Chairman noted that no votes were made and no actions were taken.

13. A motion was made by Nancy Fischbach and seconded by Jane Samuels to adjourn at 8:52 p.m. Voted Unanimously.

Respectfully submitted,

Nancy J. Howard  
Recording Secretary