

**PLANNING AND ZONING COMMISSION**

TOWN OF DEEP RIVER, CONNECTICUT

Town Hall

174 Main Street

Deep River, Connecticut 06417

A **public hearing** of the *Deep River Planning and Zoning Commission* held on Thursday, May 1, 2014 at the Deep River Town Hall was called to order at 6:02 p.m by Chairman Jonathan Kastner. Members present: Leigh Balducci, Janet Edgerton, Jonathan Kastner, Jane Samuels, Tom Walsh, Alternates William Burdick, Sara Denegre, and Bruce Edgerton. Absent: Ben Whalen. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), John Bennet, George Bartlett, and Selectman David Oliveria. Chairman seated Alternate Burdick and Denegre for absent members. Member David Basilone arrived at 6:05 p.m. and only Alternate Burdick was seated.

Secretary Edgerton read the call of the meeting published in The Hartford Courant on April 18 and 25, 2014.

**PURPOSE:** To accept evidence for or against, written or oral, approval of a Commission sponsored amendment to Deep River Zoning Regulations Section 7B.8, Gasoline Stations, Motor Vehicle Dealerships and Motor Vehicle Repair Services.

Correspondence: Janet Edgerton read the correspondence received:

(a) Letter dated April 29, 2014 from J.H. Torrance Downes from Lower Connecticut River Valley Regional Planning Agency noting no significant adverse intermunicipal impacts or adverse impacts to the ecosystem of Long Island Sound were the zoning regulations adopted as proposed.

(b) E-mail from Marcy Balint, Senior Coastal Planner from Office of Long Island Sound Programs, CT DEEP noting the finding that the proposed amendment was found to be generally consistent with the goals and policies of the Connecticut Coastal Management Act.

**PUBLIC IN FAVOR OF PROPOSAL:** None

**PUBLIC IN OPPOSITION TO PROPOSAL:**

Attorney John Bennet was present on behalf of George Bartlett (aka Gil Bartlett). Attorney Bennet first delivered to the Commission an Application for Special Exception for 444 Main Street, property of George Bartlett, for an automotive service operation, together with the check for the application fee and DEP fee. The application would be considered under the existing regulations and not the proposed regulations. Attorney Bennet then demanded that all the Commission members recuse themselves from hearing the application or an application involving Mr. Bartlett's property at 444 Main Street. Attorney Bennet noted that he has collected the history regarding the property and the Commission members' involvement and it reflects that the Commission members have all predetermined any application for the subject property and the outcome of the proposed amendment. Attorney Bennet identified that Mr. Bartlett's proposal came to the Commission's attention in April 2012 and identified statements made from that time through to the meeting of March 20, 2014 pertaining to Mr. Bartlett, the property, and the regulation amendment. The statements made were not objected to by any of the other Commission members and therefore requiring the submission that all members recuse

themselves. Attorney Bennet noted that the proposed amendment is more restrictive for Mr. Bartlett's property.

Gil Bartlett expressed concern pertaining to issues with the Town regarding his property.

Questions by Commission Members: Tom Walsh asked for verification from Attorney Bennet that he was asking for the Commission members to recuse themselves on the decision on the proposed amendment. Attorney Bennet confirmed that was correct.

A motion was made by Tom Walsh and seconded by Jane Samuels to close the public hearing at 6:40 p.m. Voted Unanimously.

Respectfully submitted,  
Nancy J. Howard  
Recording Secretary

(A recording of the public hearing is on file.)