

**Planning & Zoning Commission
Regular Meeting Minutes
Wednesday July 3, 2013
Clifford B. Green Meeting Center
69 South Main St.**

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2013 JUL -9 A 11:31

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Lena A. Mainville

In Attendance: Carlene Kelleher, Chair, Donald Francis, Deane Rettig, Craig Dunlop, Aaron Kerouack, Derek Wesolowski, Jana Roberson AICP, Land Use Officer. Absent with notice: Michelle Sigfridson and David Fuss.

Also in Attendance: Rene Barbeau, Diane Wimmer, Chair, Conservation Commission, Tina Bourque, Robert Kelleher, Austin Tanner, First Selectman (arrived 7:45).

- I. Call to Order;** Carlene Kelleher called the meeting to order at 7:00pm.
- II. Roll Call:** Roll call shows 6 members present.
- III. Seating of Alternates:** None.
- IV. Adoption of Minutes**

Special Meeting Minutes June 3, 2013

Deane Rettig made a motion to accept the special meeting minutes of June 3, 2013 as presented. Motion seconded by Craig Dunlop. Jana Roberson wished to clarify item III b. 2 in the minutes. While it is correct that C.G.S. 8-1 states that there shall be no more than 9 members nor less than 5 members on a zoning commission, C.G.S. 8-4a permits up to 10 members on a combined planning and zoning commission which is what exists in Brooklyn. Motion to accept minutes with clarification passed unanimously.

Deane Rettig made a motion to add to the agenda as item VI d.4. "Recommendation to Selectmen for change in fine schedule appearing in Town Ordinances". Motion seconded by Craig Dunlop and passed unanimously.

V. Public Commentary: None

VI. Unfinished Business:

- a. Reading of Legal Notice: None**
- b. Continued Public Hearings: None**
- c. New Public Hearings**

SD-13-002 Rene Barbeau 263 Allen Hill Rd. Map 33 Lot 35-1 RA Zone, 1 Lot Resubdivision. Jana Roberson suggests rescheduling this hearing to Tuesday July 16, 2013 at the Tiffany St. Community Center. There was a problem with the notices. Deane Rettig made a motion to reschedule the Public Hearing to 7:00pm on Tuesday July 16, 2013 at the Community Center on Tiffany St. Motion seconded by Don Francis. Passed unanimously

d. Other Unfinished Business

- 1. SD-13-001 Carol Bard, Hyde Road, Map 25, Lot 45A VCD Zone, 2 lot subdivision. Jana Roberson read a letter from the Conservation Commission recommending a fee in lieu of open space in connection

with this application. She reported that Norm Thibeault has requested an extension of 35 days for the
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decision on behalf of the application to give the applicant time to consider the recommendation by the Conservation Commission and obtain an appraisal on the property. Deane Rettig made a motion to grant the extension and continue this matter to the regular meeting on August 7, 2013. Motion Seconded by Craig Dunlop. Passed unanimously.

2. SP-13-002 The Learning Clinic, 464 Pomfret Road, Map 27, Lot 7 RA Zone. Amendment of Condition of Approval. Jana Roberson reported that she had reviewed the tape of the meeting to determine the exact language of the conditions of approval. The condition to be clarified was that the second entrance to the Art Studio that was approved cannot be used as a second main entrance to the property. She reported that she had clarified the condition and sent out a revised notice of approval.

3. Carlene Kelleher reported that she had notified the First Selectman of the Commission's decision to recommend decreasing the size of the Planning & Zoning Commission to eight members. A Town Meeting will be set to amend the Planning & Zoning ordinance. No date has been scheduled yet.

4. The Commission then took up a discussion of amending the schedule of fines that appears in Town Ordinance 20-2.1. The suggested amendment was distributed with the meeting package and proposes the addition of an additional violation category entitled "Failure to comply with an approved Site Plan, Special Permit, Subdivision or Resubdivision including any conditions of approval." The proposed fine would be \$150.00.

Deane Rettig suggests adding to the category "or any other violation of the planning & zoning regulations". There was no objection to the addition.

Aaron Kerouak asks for clarification of the continuing violation concept. He asks when does the first day of the violation occur for the purpose of determining the daily fine. Jana Roberson explained that the first step in the process is the issuance of a "Notice of Violation" indicating the violation to be addressed. If the offender does not take steps to correct the situation upon receipt of the notice, the second step is the issuance of a "Zoning Enforcement Order" which may contain a deadline date. The daily fine would commence upon issuance of the order or upon the date specified in the Order, whichever is later. Jana also observes that if the violator comes into compliance the fine could be waived.

Deane Rettig made a motion, seconded by Aaron Kerouak to communicate to the Board of Selectmen that a new category of offense be added to Section 20-2.1 of the Town Ordinances to provide for a fine of \$150 for "Failure to comply with an approved Site Plan, Special Permit, Subdivision or Resubdivision including any conditions of approval, or any other violation of the planning and zoning regulations. Motion passed unanimously.

VII. New Business:

a. Applications: None

b. Other New Business

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1. Discussion of Potential Dog Rescue. (Tina Bourque)

Carlene Kelleher explained that Tina Bourque had contacted her in connection with the possible location of a dog rescue facility to be located at the southerly end of Stetson Road. Carlene indicated she had invited Ms. Bourque to address the commission to get their reaction to such a proposal but cautioned that this would be an informational session only, with no decisions or commitments to be made tonight.

Ms. Bourque addressed the Commission and described the concept of an animal rescue facility and how it would be coupled with an adoption center where dogs sent from affiliated rescue organizations would be held to await adoption by prospective owners. She has a particular property in mind on Stetson road and handed out material to the Commission members showing the property lines, distances from the street and adjoining properties and existing buildings. The acreage in the rear of the property does not appear to be buildable because of wetlands. She described the proposed activities anticipated in each building, including a quarantine area, space for as many as 30 kennels with outside runs as well as a medical area. She plans to apply for Section 501c(3) status from IRS so it can be operated as a charitable organization. She has plans to renovate the buildings on the property and anticipates that a full time caretaker would be on the property at all times.

There was a general discussion between the Commission members and Ms. Bourque. Several members expressed concerns about noise. She commented that noise control would be considered in any improvements or alterations to the building. Craig Dunlop notes that controlling the noise might be more difficult than it appears. There were questions about waste disposal. She has checked with NDDH and records show there are existing systems on the property. She says they may have to be upgraded. Ms. Bourque mentions a sanctuary project underway in Ashford. A member suggests that we check with Canterbury regarding an existing kennel in that town. In response to a question, Ms. Bourque indicates that the project might eventually be able to care for large animals but there are no current plans for that. It is suggested that if a regulation is to be drafted it should include provisions for larger animals. Parking should not be a problem.

Carlene Kelleher suggests that in approaching any proposed regulations for such a facility the applicant may want to review a proposal considered by the Commission a few years ago as a starting point. Jana Roberson will make a site visit to the property and gather any other information that would allow her to indicate to the applicant whether or not she believes the project is worth pursuing from a land use perspective. If so, Jana offers to work with Ms. Bourque to give guidance in preparing any changes in the Zoning regulations she may want to submit to the Commission for adoption. Jana indicated to the Commission that any regulation for this type of facility be handled through a Special Permit process. This gives the Commission much more discretion. There is no time limit or schedule for this project.

2. Discussion of Corner Lots

A proposal to change the definition of corner lots and their set backs was handed out in the material for tonight's meeting. There was a general discussion and a consensus that the proposal needs further work. Further clarification is needed. The proposal assumes all corner lots are rectangular and there is

no provision for other possible shapes or for that matter a lot with frontage on three sides. A Front Yard may be defined based upon the orientation of the dwelling. Jana indicates she will work on the problem and examine what other towns have done. One member observes that we certainly cannot be the first town to have to deal with the problem.

VIII. Reports of Officers and Committees

1. Zoning Enforcement and Land Use Officer's Report June 2013

Jana Roberson reports she is working on a system to diary all Special Permits to be sure that they are completed and all conditions fulfilled with in a set time.

She has visited Courtesy Ford and reports that all required work is not yet completed. The Commission had extended the completion date from June 1, 2013 to July 1. The landscaping is completed along the westerly side. Yet to be completed are some striping in the employees' parking lot, curb stops and landscaping in the front, including proper placement of the trees. She has prepared a Notice of Violation (not an enforcement order) noting the items to be completed with a request they be addressed immediately, warning of the possibility of the imposition of a daily fine and a reminder that the Special Permit is to be filed in the Land Records. She does not anticipate a problem at this point. The Commission will leave it to Jana's discretion on the timing of a formal order and fines if that becomes necessary. There was also a discussion of the temporary fence and the signs that appeared on the property for a few days in the past week or so as well as the presence of a large inflatable character. Jana will discuss this with Courtesy.

Jana raised the question of whether a change in the color of the paint on a building in the VCD is a renovation that requires approval. It is more than a repair. The Commission has no pre-approved list of colors.

2. Wal-Mart Update

Jana has visited the site and there are reports from Milone & Macbroom, Inc. dated June 4, and June 24 in the meeting materials. She notes there was some damage to the detention basins in the rear as a result of the heavy rains that have occurred which will require repair. She reports that the contractor is right on the problem. She also noted that the area had not fully settled and the grass had not fully taken hold at the time of the rains. There was also evidence of soil movement in the area of Brickyard Road, which she will be addressing with the contractor. She also reported there was no consensus back from the Commission regarding the individual inquiries about the stone wall she sent to the members and she did not pursue further changes with Wal-Mart. The consensus of the Commission at the meeting is that the wall is fine the way it is.

3. Regulations Committee: Did not meet since last meeting

4. Route 169 Recommendation Follow Up Committee: No meeting. To be scheduled.

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5. Budget: Budget to date is included with meeting material. Jana will ask Sherri for a breakdown of the revenues.

6. Chairman's Report; None

IX. Public Commentary: None

X. Adjournment:

A motion to adjourn was made by Deane Rettig and seconded by Derek Wesolowski. Passed unanimously. Meeting adjourned at 9:31pm.

Robert Kelleher
Temporary Recording Secretary

Reminder: Special Meeting July 15 at 7:00pm at the Community Center on Tiffany Street

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Board Members:

Members:	Attendance	1	2	3	4	5	TOWN CLERK, BRONX NY CT	RECORDED VO.
Kelleher-Chair	X	+	+	+	+	+		
Rettig-Vice Chair	X	+	+	+	+	+		
Sigfridson-Secretary								
Dunlop	X	+	+	+	+	+		
Francis	X	+	+	+	+	+		
Fuss								
Kerouack	X	+	+	+	+	+	+	
Wesolowski	X	+	+	+	+	+	+	
Alternate								

- XXX