



APPROVED MINUTES

Regular Meeting
Canton Planning & Zoning Commission
Wednesday, May 21, 2014 7:35 p.m.
Library Community Center, Room F
40 Dyer Avenue, Canton, CT

CALL TO ORDER:

Acting Chairman, David Bondanza, called to order the Regular Meeting of the Canton Planning and Zoning Commission, May 21, 2014 at 7:35 PM

ROLL CALL:

Commissioners Present are: David Bondanza, Jonathan Thiesse, David Evens, John Huyghebaert, Keith August, Lans Perry, Phil Pane and David Freeman.

A quorum of the Commission is present.

Also present: Neil Pade, Town Planner, Pamela Jackson, Recording Secretary.

Mr. Pane read the legal notice for the public hearing.

PUBLIC HEARING

1. **File #5; ApIn #1437**; 150 Torrington Avenue; Assessor's Map 30, Parcel 5300150; Zone AR-1; Section 21.2.1, Special Exception Uses in Residential Zone; Utility substations; Section 21.2.2, Special Exception Uses in Residential Zone; Water supply; Section 51.5, Site Plan Amendment for placement of a 100kW generator, 549-gallon subbase fuel tank, electrical equipment building, and pad-mounted transformer. The Metropolitan District Commission (MDC), applicant/owner.

The public hearing opens this evening. The Commission has 35 days to close the hearing (June 25, 2014).

Certificate of Notice (posting of the sign) was confirmed on 5/5/2014.

The project manager for this project is Amanda Ziegler. Steve Hallowell, engineer for Wright-Pierce, speaks on behalf of this project. Mr. Hallowell states that the plan is to remove the existing 80 kW generator and replace it with a 100 kW diesel generator. All will be enclosed in 8 foot high PVC chain link fence. The project will also include excavation and site work, drainage, and a 25 foot high security light pole. Two exhibits were placed with the Commission, one showing the old facility and one showing the new facility.

Questions from Commission:

Mr. Thiesse notes the swale at the base of hill to a retention pond in the plans. He asks about runoff and how that will be handled. He suggests an annual inspection of the area the applicant is proposing to plant grass because Mr. Thiesse feels that this might not be adequate for stabilization of this area. Applicant agrees that this is a reasonable request.

Mr. Pade asks the Commission to consider Exhibit 11, comments from the CTDEEP, and recommendations of February 10, 2014.

The public is invited to speak. No one comes forward to speak.

MOTION: By Mr. Thiesse to close the public hearing for File #5; ApIn #1437.

SECONDED: By Mr. Huyghebaert.

VOTE: Passes unanimously.

2. **File #8; ApIn #1438;** 110 Albany Turnpike; Building #900, Suite 924; Assessor's Map 36; Parcel 1010110; Zone SB. Special Exception; Section 31.5, Enlargement of Special Exception; to use Suite #924 to assemble different products for catering and re-sale purposes; Michael Kamercia, applicant; WS Peak Canton Properties, LLC, owner.

The public hearing opens this evening. The Commission has 35 days to close the hearing (June 25, 2014).

Certificate of Notice (posting of the sign) was confirmed on 5/13/2014.

Applicant, Michael Kamercia, is proposing to take existing products in FRO-Yo, located at the Shoppes at Farmington Valley, and would like to package and transport these products to events for catering purposes or to other local businesses. No physical changes to the building exterior or site are proposed by the applicant.

Mr. Thiesse asks the applicant about what vehicles will be used for the transport of the products. The applicant states he will be using his Jeep with a cooler and ice.

Mr. Huyghebaert asks where the repackaging will take place. The applicant says it is an area which is contiguous with the store.

The floor is opened for public comment. Mr. Phil Ludwig speaks in favor of the applicant, mentioning the cleanliness of the operation and the quality of the products he sells.

Mr. Pade explains the reasoning behind submitting under existing regulations for an enlargement of the existing special exception use of retail (Section 31.5) to allow the business to move forward expeditiously due to the seasonal pressures associated with this type of business.
Comments: Phil Ludwig speaks in favor of the applicant.

MOTION: By Mr. Thiesse to close the public hearing for File #8; ApIn #1438.

SECONDED: By Mr. Evens.

VOTE: Passes unanimously.

3. **File #389; ApIn #1439;** 4 Market Street, Canton Town Hall Parking Lot; Assessor's Map 38; Parcel 3650004; Zone B1; Special Exception; Section 66, Alcoholic Beverages; Request for Collinsville Farmer's Market to select vendors that sell wine or other alcohol associated with agriculture. No consumption of alcohol on site; Canton Advocates for Responsible Expansion (CARE), applicant; Town of Canton, owner

The public hearing opens this evening. The Commission has 35 days to close the hearing (June 25, 2014).

Certificate of Notice (posting of the sign) was confirmed starting on 5/13/14.

Speaking on behalf of CARE is Elena Farzanni of 563 Main Street, New Hartford. The applicant is requesting approval of a permit for the temporary sale of alcohol at the Collinsville Farmers Market. The product sold would be from local agricultural business, i.e. local vineyard. There would be only one of these liquor vendors present on a given Sunday. No liquor will be consumed on site.

Mr. Pane asks if there is a regulation saying there is to be no alcohol on town property. Mr. Pade looks up ordinances on the town site and according to Chapter 179, the language relates to

minors. Mr. Pade states that the application was reviewed by the Chief of Police and the stipulation that there is to be no consumption of alcohol on site is his only issue.

Mr. August asked about the process of obtaining a wine vendor. The applicant said that only one vendor would be allowed at a time because they want to keep the market diverse.

Mr. Huyghebaert asked if vendors would be selling products they make or grow. The applicant indicated that they were hoping to get Sunset Meadow Vineyards in Goshen to be their vendor.

The floor was open for public comment. Donna Burkhardt, 6 Belair Lane, Canton, CT, as a member of CARE states that there would not be alcohol consumed on the premises.

Mr. Evens asks about security, identification and so forth.

Chairman Bondanza asks about the dates the Farmer's Market runs and the applicant stated it runs from June 8 through October 19, 2014; Sundays only and the hours are 10 a.m. to 1 p.m.

MOTION: By Mr. Thiesse to close the public hearing for File #389; Apln 1439

SECONDED: By Mr. Pane

VOTE: Passes unanimously.

4. **File #434; Apln 1440;** 15 North Street, Collinsville Auto Repair, LLC; Assessor's Map 38; Parcel 3890015; Zone B-1; Special Exception; Section 31.2.18, Motor vehicle and trailer coach sales, leasing and renting establishments; Site Plan Amendment; Section 51.5; to obtain a used car license; Michael & Jennifer Rindflesh, applicants; TABCO Properties, LLC, owner.

The public hearing opens this evening. The Commission has 35 days to close the hearing (June 25, 2014).

Certificate of Notice (posting of the sign) was confirmed starting on 5/7/14.

Michael Rindflesh, owner Collinsville Auto Repair and Allen Scheidel, property owner, are here to speak on behalf of the application. Mr. Rindflesh proposes to obtain a used car dealer's license for the purpose of selling cars of his repair customers where the cost of the repairs exceed what the customer is willing to pay.

Chairman Bondanza questions whether there is a limitation for how many cars they can resell with the used car dealer's license.

The applicant says there is no limit but he is applying for 6 parking spots for these used cars.

Mr. August asks what the spaces are currently used for and where the parking will be moved to.

Mr. Rindflesh states there are 14 spaces below.

Mr. Thiesse asks about signage. Mr. Pade cites regulations regarding banners, but there are certain provisions where temporary signage is acceptable.

Chairman Bondanza asks about security.

Mr. Rindflesh states he has been at that location for 9 years and nothing has been stolen and he has no plans for spot lights.

Mr. Thiesse states that there appear to be 6 spaces on top.

Mr. Allen Scheidel states that he has 2 vans, 2 employees, and only is technically using 1 van at night for a parking spot. He states that during the day, his vans are on the road for his business.

Chairman Bondanza asks what the hours of operation of the business are.

Mr. Rindflesh answers 8 to 5.

Mr. Rindflesh is asked if he received a copy of the draft motion including the blanks on page 6. He states that he has 4 full time employees, 1 employee is currently parking on the street, and others are off street. In answer to question number 5, he answers 3.

The floor is open for public comment. There are no public comments.

Mr. Pade closes by saying that the property is located in a business district and the primary business is a repair shop, but Commission can approve car sales in this fashion with a state license. Draft motion #6, overflow, is the main issue he sees with this application.

MOTION: By Mr. Thiesse to close the public hearing for File #434; ApIn 1440

SECONDED: By Mr. Evens

VOTE: Passes unanimously.

REGULAR MEETING

PUBLIC HEARING ACTIONS

1. **File #5; ApIn #1437;** 150 Torrington Avenue; Assessor's Map 30, Parcel 5300150; Zone AR-1; Section 21.2.1, Special Exception Uses in Residential Zone; Utility substations; Section 21.2.2, Special Exception Uses in Residential Zone; Water supply; Section 51.5, Site Plan Amendment for placement of a 100kW generator, 549-gallon subbase fuel tank, electrical equipment building, and pad-mounted transformer. The Metropolitan District Commission (MDC), applicant/owner.

There was no discussion from the board besides the statement that town property lines made this necessary for the applicant to have to go through this process.

MOTION: By Mr. Bondanza to **APPROVE** File # 5, ApIn #1437, 150 Torrington Avenue; Assessor's Map 30, Parcel 5300150; Zone AR-1; Section 21.2.1, Special Exception Uses in Residential Zone; Utility substations; Section 21.2.2, Special Exception Uses in Residential Zone; Water supply; Section 51.5, Site Plan amendment for placement of a 100kW generator, 549-gallon subbase fuel tank, electrical equipment building, and pad-mounted transformer. The Metropolitan District Commission (MDC), applicant/owner.

This approval is granted in part on the application submitted on April 2, 2014, testimony received at a public hearing commenced on May 21, 2014 and closed on that date; and upon the following documentation submitted by the Applicant or others during the course of the proceedings on the application:

Drawings

1. Location Plan; Water Supply Facility Emergency Generator Replacement Project; WP Project No. 12759F; Prepared by Wright-Pierce; Dated March 2014
2. G-1; Drawing Index; Water Supply Facility Emergency Generator Replacement Project; WP Project No. 12759F; Prepared by Wright-Pierce; Dated March 2014
3. C-1; General Notes, Legend & Abbreviations; Water Supply Facility Emergency Generator Replacement Project; WP Project No. 12759F; Prepared by Wright-Pierce; Dated March 2014
4. C-12; Demolition Site Plans; Water Supply Facility Emergency Generator Replacement Project; WP Project No. 12759F; Prepared by Wright-Pierce; Dated March 2014
5. C-13; Modifications Partial Site Plans; Water Supply Facility Emergency Generator Replacement Project; WP Project No. 12759F; Prepared by Wright-Pierce; Dated March 2014
6. C-16; Typical Details I; Water Supply Facility Emergency Generator Replacement Project; WP Project No. 12759F; Prepared by Wright-Pierce; Dated March 2014
7. C-17; Typical Details II; Water Supply Facility Emergency Generator Replacement Project; WP Project No. 12759F; Prepared by Wright-Pierce; Dated March 2014
8. C-18; typical Details III; Water Supply Facility Emergency Generator Replacement Project; WP Project No. 12759F; Prepared by Wright-Pierce; Dated March 2014

9. C-19; Erosion control Notes & Details;
10. E-51; Electrical Site Plan-Modifications; Water Supply Facility Emergency Generator Replacement Project; WP Project No. 12759F; Prepared by Wright-Pierce; Dated March 2014
11. E-52; Partial site Plan-Modifications; Water Supply Facility Emergency Generator Replacement Project; WP Project No. 12759F; Prepared by Wright-Pierce; Dated March 2014
12. E-56; Electrical Details III; Water Supply Facility Emergency Generator Replacement Project; WP Project No. 12759F; Prepared by Wright-Pierce; Dated March 2014

Correspondence:

1. Town of Canton Planning & Zoning -Development Application for File #5; ApIn #1437; 150 Torrington Avenue; 150 Torrington Avenue; Assessor's Map 30; Parcel 5300150; Zone AR-1; Section 21.2.1, Special Exception Uses in Residential Zone; Utility substations; Section 21.2.2, Special Exception Uses in Residential Zone; Water supply; Section 51.5, Site Plan Amendment for placement of a 100kW generator, 549-gallon subbase fuel tank, electrical equipment building, and pad-mounted transformer. The Metropolitan District Commission (MDC), applicant/owner. Submitted April 2, 2014
2. Copy of check #5530
3. Checklist for Applications for Site Development Plans and Special Exceptions
4. Property card for 00150 Torrington Avenue
5. Assessor Map No. 29
6. Warranty Deed
7. Narrative for MDC Water Supply Facilities Generator Replacement Project; Date received April 2, 2014
8. Contact List; MDC
9. USGS Topo; Nepaug Dam; Dated October 2013
10. Section 02270; Temporary Erosion Control; Date received April 2, 2014
11. Project Renderings; Prepared by Wright-Pierce; Dated January 2014
12. FEMA Mapping and Floodplain Assessment; Dated October 2013
13. FIRM Flood Insurance Rate Map; Panel 304 of 675; Dated September 26, 2008
14. FIRM Flood Insurance Rate Map; Panel 16 of 20; Dated February 3, 1982
15. Report from CLA Engineers, Inc; Dated January 14, 2014
16. Correspondence from CT DEEP re: NDDDB to Amanda Ziegler; Dated February 10, 2014
17. Generator Model DSGAA; Manufacturer's Information
18. Correspondence from JKB Consulting, LLC; Meeting minutes of Canton Permitting Meeting; Dated January 23, 2014
19. Email from Lynn Charest to Amanda Ziegler; Dated April 8, 2014
20. Application for Upland Review Area; Date received April 9, 2014
21. Intermunicipal Notification Letter to Town of New Hartford; Dated April 9, 2014
22. Intermunicipal Notification Letter to Town of Burlington; Dated April 9, 2014
23. Memo from Neil Pade to PZC members; Dated April 11, 2014
24. Authorized Agent Approval by Roland Klee; Dated April 14, 2014
25. Planning & Zoning Commission Agenda; Meeting Date April 16, 2014
26. Draft Minutes from PZC meeting of April 16, 2014
27. Affidavit for Public Information Sign
28. Legal Notice
29. Staff Report

This approval with conditions and modifications is granted because the Planning & Zoning Commission finds that the application, as conditioned and modified by and inclusive of the stipulations of this approval, would comply with the following:

1. The standards of Section 51, Site Development Plans
2. The special exception criteria of Section 52
3. The requirements of Section 61, Performance Standards; and

This approval is effective **June 10, 2014** (20 Days from the date of approval) and UPON THE RECORDING OF AN APPROVAL LETTER AND A CERTIFICATE OF ACTION WITH THE TOWN CLERK.

The Commission hereby grants this approval subject to the following conditions, modifications, restrictions, and safeguards:

1. The above-referenced plans, as modified by these conditions, shall be placed on Mylar, bear all conditions placed upon the proposed by all Town land use commissions (copies of approval letters), and stamped **APPROVED** and signed by the Commission on a Town approved signature block. Said plans shall be filed by the Applicant with the Town Planner and Town Clerk within 12 months of the date of this approval or **June 10, 2015**; The Applicant/ developer must provide one (1) fixed line Mylar, and two (2) paper copies of each approved plan for signature by the Chairman and /or Secretary. Maps to be filed on the land records of the Town Clerk must meet the following standards:
Must be produced by 1) wash-off photographic polyester film, 2) fixed line photographic polyester film, 3) original ink drawing on polyester film or linen; the process used must be certified by a stamp in red indelible ink, 1+x 2+, and include name of producer and process used. Polyester films (~~Mylar~~) must be matte on at least one side. Maps shall be 24+x 36+; Per Section 51.6 this approval shall not be valid until such recording Mylars have been filed in the Town of Canton Land Records;
2. No site preparation work, including, but not limited to, grading, tree removal, on-site storage of materials and excavation work, may commence until the erosion and sedimentation control measures have been installed; and a preconstruction meeting has been held with the Town Planner, Wetlands Agent, Project Administrator, or their designees;
3. The applicant shall be responsible for erosion and sedimentation control in accordance with the approved plan; failure to adhere to the plans, or create any discharge of materials, shall be considered a violation;
4. All work in connection with this site plan shall be completed within five years after the approval of the plan, or **May 21, 2019**;
5. All existing refuse and debris shall be removed from the site;
6. The plans shall be amended to incorporate all changes required by the foregoing stipulations;
7. The February 10, 2014 recommendations of the CT DEEP are incorporated as a condition by reference.
8. The design professional shall certify that all site development work and auxiliary facilities have been installed in accordance with the approved plans.
9. The Commission hereby waives remaining site plan information required by Sections 51.6, & 51.7 not submitted per Section 51.12;
10. This approval shall be binding upon the applicant / developer, heirs, assigns, and grantees.
11. Condition for annual inspection for level spreader to monitor for erosion control.

SECONDED: By Mr. Evens

VOTE: Passes unanimously.

2. **File #8; Apln #1438;** 110 Albany Turnpike; Building #900, Suite 924; Assessor's Map 36; Parcel 1010110; Zone SB. Special Exception; Section 31.5, Enlargement of Special Exception; to use Suite #924 to assemble different products for catering and re-sale purposes; Michael Kamercia, applicant; WS Peak Canton Properties, LLC, owner.

There is no discussion.

MOTION: By Mr. Bondanza to **APPROVE** File # 8; Apln 1438; 110 Albany Turnpike; Building #900, Suite 924; Assessor's Map 36; Parcel 1010110; Zone SB; Special Exception; Section 31.5, Enlargement of Special Exception; to use Suite #924 to assemble different products for catering and re-sale purposes; Michael Kamercia, applicant; WS Peak Canton Properties, LLC, owner

This approval is granted in part on the application submitted on April 30, 2014, upon testimony received at a public hearing commenced on May 21, 2014 and closed on that date; and upon the following documentation submitted by the applicant or others during the course of the proceedings on the application:

List of Drawings

None submitted

Correspondence:

1. File # 8; ApIn 1438; 110 Albany Turnpike; Building #900, Suite 924; Assessor's Map 36; Parcel 1010110; Zone SB; Special Exception; Section 31.5, Enlargement of Special Exception; to use Suite #924 to assemble different products for catering and re-sale purposes; Michael Kamercia, applicant; WS Peak Canton Properties, LLC, owner. Submitted April 30, 2014.
2. Copy of check #103
3. Photographs; Date Received April 30, 2014
4. Explanation of Photographs; Received April 30, 2014
5. Narrative from Applicant; Date Received April 30, 2014
6. Property Deed
7. Assessor's Property Card for Parcel 1010110
8. Checklist for Applications for Site Development Plans and Special Exceptions
9. Memorandum from Neil S. Pade dated May 6, 2014
10. Legal Notice
11. Certification of Notice
12. Staff Report

This approval with conditions and modifications is granted because the Commission finds that the application, as conditioned and modified by and inclusive of the stipulations of this approval, would comply with the following:

1. That the proposed use complies with the Performance Standards of Section 61;
2. That the proposed use conforms to the Special Exception General Standards identified under Section 52.6; and
3. The proposed use is consistent with the master plan in that it helps an existing business grow and succeed.

This approval is effective **June 10, 2014** (20 Days from the date of approval) and UPON THE RECORDING OF AN APPROVAL LETTER/ CERTIFICATE OF ACTION WITH THE TOWN CLERK.

The Commission hereby grants this approval subject to the following conditions, modifications, restrictions, and safeguards:

1. The approved special exception use is conditioned upon initiation of the proposed development in accordance with this approval within 18 months of the date of approval or November 21, 2015 in accordance with Section 52.5 of the regulations.
2. This approval shall be binding upon the applicant / developer, heirs, assigns, and grantees.

SECONDED: By Mr. Huyghebaert.

VOTE: Passes unanimously.

3. **File #389; ApIn #1439;** 4 Market Street, Canton Town Hall Parking Lot; Assessor's Map 38; Parcel 3650004; Zone B1; Special Exception; Section 66, Alcoholic Beverages; Request for Collinsville Farmer's Market to select vendors that sell wine or other alcohol associated with agriculture. No consumption of alcohol on site; Canton Advocates for Responsible Expansion (CARE), applicant; Town of Canton, owner

There is no discussion.

MOTION: By Chairman Bondanza to **APPROVE** File #389; ApIn #1439; 4 Market Street; Canton Town Hall Parking Lot; Assessor's Map 38; Parcel 3650004; Zone B1; Special Exception; Section 66, Alcoholic Beverages; Request for Collinsville Farmer's Market to select vendors that sell wine or other alcohol associated with agriculture. Canton Advocates for Responsible Expansion (CARE), applicant; Town of Canton, owner.

This approval is granted in part on the application submitted on April 30, 2014, upon testimony received at a public hearing commenced on May 21, 2014 and closed on that date; and upon the following documentation submitted by the applicant or others during the course of the proceedings on the application:

List of Drawings

None Submitted

Correspondence:

1. Town of Canton Planning & Zoning-Development Application for File #389; ApIn#1439; 4 Market Street; Canton Town Hall Parking Lot; Assessor's Map 38; Parcel 3650004; Zone B1; Special Exception; Section 66, Alcoholic Beverages; Request for Collinsville Farmers Market to select vendors that sell wine or other alcohol associated with agriculture. No consumption of alcohol on site; Canton Advocates for Responsible Expansion (CARE), applicant; Town of Canton, owner. Submitted May 1, 2014.
2. Assessor's Property Card for Parcel # 3650004
3. Copy of Section 66.3 from the Canton Zoning Regulations
4. Legal Notice of Hearing
5. May 6, 2014 memorandum from Neil S. Pade
6. May 6, 2014 e-mail communication from Neil S. Pade to Chief of Police and Fire Marshal
7. Copy of check # 6314
8. Certification of Notice
9. Staff Report

This approval is granted, with the conditions and modifications made in part, on the basis of, and the Commission's reliance upon, the application form submitted on May 2, 2014; testimony received at a public hearing commenced on May 21, 2014 and closed on that date.

This approval, inclusive of its conditions, is based on the following findings:

1. That the proposed use complies with the Performance Standards of Section 61;
2. That the proposed use conforms to the Special Exception General Standards identified under Section 52.6;
3. The proposed use is consistent with the master plan in that it supports the local business of agriculture, supports the farmer's market, and allows for agriculture-derived products that are locally produced to be sold with a focus on the local consumer base; and
4. That the proposed sale of alcohol complies with the requirements of Section 66.3.

This approval is effective June 10, 2014 (20 Days from approval date) and UPON THE RECORDING OF AN APPROVAL LETTER AND A CERTIFICATE OF ACTION WITH THE TOWN CLERK.

The Commission hereby grants this approval subject to the following conditions, modifications, restrictions, and safeguards:

1. No consumption of alcohol shall be allowed on site;
2. The temporary permit shall be limited to run from June 2, 2014 to October 31, 2014, no more than one vendor per week.
3. The temporary permit shall allow no more than one number of vendor's selling alcohol during the same period of time.
4. This approval shall be binding upon the Applicant / developer, heirs, assigns, and grantees;

AMENDMENT: By Chairman Bondanza to remove the restriction on year.

SECONDED: By Mr. Thiesse.

VOTE: Passes unanimously.

4. **File #434; ApIn 1440**; 15 North Street, Collinsville Auto Repair, LLC; Assessor's Map 38; Parcel 3890015; Zone B-1; Special Exception; Section 31.2.18, Motor vehicle and trailer coach sales, leasing and renting establishments; Site Plan Amendment; Section 51.5; to obtain a used car license; Michael & Jennifer Rindflesh, applicants; TABCO Properties, LLC, owner.

Discussion regarding number of available spaces, change from 20 to 23.

MOTION: By Chairman Bondanza to **APPROVE File #434; ApIn #1440**; 15 North Street; Collinsville Auto Repair, LLC; Assessor's Map 38; Parcel 3890015; Zone B-1; Special Exception; Section 31.2.18, Motor vehicle and trailer coach sales, leasing and renting establishments; Site Plan Amendment; Section 51.5; to obtain a used car license; Michael & Jennifer Rindflesh, applicants; TABCO Properties, LLC, owner.

This approval is granted in part on the application submitted on May 5, 2014, testimony received at a public hearing commenced and closed on May 21, 2014; and upon the following documentation submitted by the Applicant or others during the course of the proceedings on the application:

Drawings

1. Site Plan for D.M.V. Repairers License; Prepared by Nascimbeni & Jahne Surveyors, P.C.; Prepared for Collinsville Auto Repair, LLC; Dated October 20, 1999, K99-401.

Correspondence:

Mr. Bondanza references 12 but there are only 11 on the draft motion submitted.

1. Town of Canton Planning & Zoning-Development Application for File # 434; ApIn 1440; 15 North Street; Collinsville Auto Repair, LLC; Assessor's Map 38; Parcel 3890015; Zone B-1; Special Exception; Section 31.2.18, Motor vehicle and trailer coach sales, leasing and renting establishments; Site Plan Amendment; Section 51.5; to obtain a used car license; Michael & Jennifer Rindflesh, applicants; TABCO Properties, LLC, owner. Submitted May 5, 2014
2. Copy of check #9418
3. Assessor's Property Card for Parcel 3890015
4. Property Deed
5. Checklist for Applications for Site Development Plans and Special Exceptions
6. Section of Department of Motor Vehicles
7. Narrative by Applicants; Dated April 25, 2014
8. Legal Notice of Hearing
9. Copy of check # 9423
10. Certification of Notice; Dated May 7, 2014
11. October 26, 2009 approval letter of File #151, ApIn. #1261

This approval with conditions and modifications is granted because the Commission finds that the application, as conditioned and modified by and inclusive of the stipulations of this approval, would comply with the following:

1. The standards of Section 51, Site Development Plans
2. The special exception criteria of Section 52
3. The requirements of Section 61, Performance Standards;

This approval is effective **June 10, 2014** (20 Days from this evening) and UPON THE RECORDING OF AN APPROVAL LETTER AND A CERTIFICATE OF ACTION WITH THE TOWN CLERK.

The Commission hereby grants this approval subject to the following conditions, modifications, restrictions, and safeguards:

1. There shall be no more than 23 vehicles stored outside on the site at any given time.
2. There shall be no more than 6 vehicles associated with the motor vehicle sales use stored on the site at any given time;
3. All motor vehicles offered for sale shall be limited to the 6 spaces designated on the submitted plans;

4. The remaining parking spaces shall be designated for employees and visitors which shall be part of 4 total outside spaces with 1 of them designated for a visitor;
5. The storage of vehicles associated with the automotive repair use and motor vehicle sales shall be contained within the lot in a neat and orderly manner as specified in the plans by this approval;
6. The Commission hereby waives remaining site plan information required by Sections 51.6, & 51.7 that were not submitted pursuant to Section 51.12, and further waives the requirement to file a Mylar under Section 51.6;
7. This approval shall expire unless initiative is started within 18 months after the date of approval, which would be November 21, 2015, in accordance with Section 52.5; and
8. This approval shall be binding upon the applicant / developer, heirs, assigns, and grantees.

SECONDED: By Mr. August.

VOTE: Passes unanimously.

Mr. Perry leaves the room because of conflict of schedule. Mr. Freeman is seated for Mr. Perry at 8:53pm.

NEW BUSINESS

1. **File #543**, 177 Robin Drive (Lots 2 & 3); Assessor's Map 7; Parcel 4580177; Zone AR-3; Subdivision Modification of Lot Lines; Alford Associates, Inc., applicant, Robin Downey-Murphy, owner.

Mr. Skip Alford is here representing the applicant. Mr. Alford gives an overview of the history of the property, in 1978-1979; property was subdivided by Ms. Downey-Murphy's father who named the street after her. They subsequently ended up with two lots and they built the structure on the property between the two and there is a need to revise lot line because it does not conform with the side yard requirements. Both of the lots when they were subdivided conformed to the 2 acre zoning at that time and on one of the lots was a turn-around for a temporary cul-de-sac because the road was to be further extended out to the west. The temporary cul-de-sac has been removed but there is still an easement to the town for that cul-de-sac and somewhere around 1983, the zoning regulations were changed to have it such that the easement for public use such as a temporary cul-de-sac could not be included in the area of the lot. Therefore lot #3 which had the easement on it had to have the areas removed from it from Zoning at that time and so therefore did not have enough area. Mr. Alford states that Mr. Pade informed him that if it is in common ownership, which it is, you cannot just separate them. What Mr. Alford states is that they will go to the Board of Selectman and ask them to release the easement at the meeting next Wednesday, May 28, 2014. Mr. Alford asks the Commission to accept the application as a resubdivision and schedule for a public hearing.

DISCUSSION: No action is taken by the Commission at this time. It is suggested that this be **TABLED** to the June 18, 2014, meeting due to the late submission of information and allow for a legal opinion to be attained.

MOTION: By Chairman Bondanza to accept the application resubdivision and schedule it for a public hearing for June 18, 2014.

SECONDED: By Mr. Thiesse.

VOTE: Passes unanimously.

2. **File #407, ApIn 1441**; 10 Dyer Cemetery Road; Assessor's Map 26; Parcel 2370010; Zone SB; Special Exception Uses; Section 31.2.1, Retail Business, Section 31.2.5, Restaurants; Section 31.2.11, Parking lot or garage for more than five motor vehicles; Section 31.2.24, Recreation and Amusement Uses; Section 52, Special Exceptions; Site Development Plans; Section 51; Soil Erosion and Sedimentation Control; Section 68; to rehabilitate existing building and for the construction of a mini golf course, parking lot, utilities and roof sign; Matterhorn Mini Golf, LLC, applicant/owner.

Mr. Pade requests the Commission to refer to his May 20, 2014 Application Receipt Report. In the 7 years that Mr. Pade has been Town Planner, the previous approval on this property has probably been the most contentious application. There are a lot of technical studies that were provided for the previous application. Mr. Pade asks the Commission to review the technical information contained in that report and see the suggested motion that he proposed.

The applicant has a site walk scheduled for May 27, 2014. If anyone from the Commission is interested in doing a site walk, it must be done in groups of less than 4. Anything you see on this site walk must be brought up during the public hearing.

(Mr. Perry is reseated at 9:08pm.)

MOTION: By Chairman Bondanza to schedule a public hearing.

SECONDED: By Mr. Thiesse.

VOTE: Passes unanimously.

OLD BUSINESS

1. Review Minutes of April 16, 2014. Line 218 should read "Plan of Conservation and Development". On line 239, Mr. Thiesse requested this to read "verified with Ms. Hooker adequately summarized her letter and that reading of the letter was determined to not be necessary to understand the intent of Ms. Thivierge's statement." On line 184, Katherine with a K is the correct spelling and she has lived on Maple Avenue for 28 years, not 20 as stated in original draft. On line 186, should be corrected to read "it has been residential since the early 1800s". Ms. Hooker also references line 350 in her email and made a comment that "there are other residential designations that could be used to avoid non-conformity without changing the zone from residential to mixed use." Ms. Hooker in her email of April 23, 2014, also included the following: "From the comments I heard during deliberations, I believe there are residents and commissioners who may not be fully aware of the details of the neighborhood from simply driving through on an occasional basis. To avoid any misrepresentation of facts in future zoning deliberations, I recommend the commission take a site walk down the Maple Avenue sidewalk, which would cover the west end of the avenue. In addition, observe the eastern end of the street in a slow car beginning at the five corner intersection with East Hill Road."

2. Discussion of Design Regulations. Mr. Pade suggests that the members of the board attend these workshops. He asks the members to please come to the Public Workshop/Charrette meeting of June 9th at the Canton Community Center's multipurpose room located downstairs.

3. Discussion of Subdivision Regulation Rewrite .
None

4. Transmittal of the Adopted POCD to the BOS and Discussion regarding Implementation Measures-
Send final copy to the Board of Selectman with letter. Sample letter drafted to be considered as below:

Sample Text:

In September of 2010, the Board of Selectman (BOS) issued the charged to develop a new Plan of Conservation and Development (POCD) for the Town understanding that:

- 1. the POCD is an important public document that defines the Town of Canton, its unique characteristics, the identity and interests of its citizens, and is representative of the community as a whole;*
- 2. changes to the POCD may have long lasting effects on such characteristics, identity, interests, and the general welfare and prosperity of the community as a whole; and*
- 3. The POCD represents the public's desires, concerns and priorities and is a long term guide to assist the community in managing potential changes during the time it is in effect.*

In doing so, the BOS specifically tasked the Committee to:

4. *provide an update to the POCD based on the study of physical, social, economic, and governmental conditions and trends, and design it to promote, with greatest efficiency and economy, the coordinated development of the municipality, and the general welfare and prosperity of its people;*
5. *prepare such update to the POCD in a manner that defines the core community values of the town and integrates them into a long-term vision for the future;*
6. *record the best thinking of the Town as to its future growth and provide clear direction to both public and private developments for long-term and short-term decision making; and*
7. ***define objectives and specific strategies that will move the Town towards its vision of the future and to assign responsibilities for various elements of the Plan and coordinate Town efforts to achieve its goals and to produce consistent results. Such update shall include a system of performance metrics for measuring future compliance with the Plan.***

The Planning and Zoning Commission is pleased to provide you with the adopted 2014 - 2024 POCD. Based on the hard work and countless hours of numerous residents and volunteers this POCD, inclusive of Strategic and Implementation Plans, been crafted to meet the challenges assigned by the BOS.

The Commission would ask that community leaders take specific actions to ensure that this document becomes one that is truly used as a guide for future decision making, and does not become a document that sits on the shelf.

It is therefore suggested that each present member of the BOS, Board of Finance, and Board of Education, and those that are elected in the future, are provided with copies of the POCD.

Further, it is recommended that the BOS set-aside time to discuss how best to proceed with implementation and performance measurement of the POCD (starting with a discussion of the Implementation Measures included on Page 1 of 46 of the Implementation Plan).

In consideration of the BOS's strong commitment to implementation (item #7 above), the Implementation Plan has been created using a searchable database. Attached to this letter are Implementation Tables that have been sorted by assigned Lead Agencies.

In the interest of developing a standard culture of planning that will move the Town towards its vision of the future, achieve goals, and provide consistent results; the following are offered for your consideration:

- o *Distribute Implementation tables to relevant Boards and Commissions for discussion and action;*
- o *Provide Implementation tables to Commissioner's when appointed;*
- o *Take into consideration efforts to pursue POCD implementation when considering re-appointments;*
- o *Distribute relevant Implementation measures to staff; and*
- o *Incorporate POCD Implementation into staff evaluations and goal setting.*

Working together a culture of planning can be established that will support a unified direction and decision making intended to further the best interests of the Town of Canton.

5. Distribution of Zoning Enforcement Letters-Mr. Pad speaks of Smoke nq\$poles situation. He the Commission that the adjacent property owner still wants landscaped strip.
6. Staff reports.
 - a. ZEO Report
 - b. Town Planner's Report

ADJOURNMENT:

MOTION: By Chairman Bondanza to adjourn.

SECONDED: By Mr. August

Meeting is adjourned at 9:50 p.m.

Respectfully submitted-Pam Jackson