

**DRAFT MINUTES**  
Special Meeting/Workshop  
Canton Zoning Commission  
Wednesday, March 6, 2013 7:00 p.m.  
Library Community Center, Room F  
40 Dyer Avenue, Canton, CT

**CALL TO ORDER:** Mr. Bondanza called the meeting to order at 8:23 pm.

**ROLL CALL: Present:** David Bondanza, Keith August, Jonathan Thiesse, Phil Pane William Sarmuk, John Huyghebaert and Daniel Barnhart. **Also Present:** Neil Pade, Town Planner and Sue Brodeur, Acting Recording Clerk.

**SPECIAL MEETING/WORKSHOP**  
**Draft Zoning Regulations**

Mr. Bondanza commented that this meeting is a continuance of the review of the final draft of the rewrite. Revisions of member and public comments from the last meeting were made. Mr. Pade noted that if anyone has objection to comments that changed text to let him know, although revisiting comments should be kept to a minimum.

**PUBLIC COMMENT:**

Mr. Bondanza opened up the meeting to the public.

Stephen Roberto – Tanglewood Drive. Mr. Roberto is a Selectman and business owner in Canton. He noted that he appreciated the format of the meeting last month and that the exchange was productive but in reviewing the minutes, having the exchange line by line caused the record to suffer for some of the public concerns.

He wanted to note for the record that the new (draft) regulations allow automotive businesses in the Industrial Park District only. They allow automobile repair, body & service stations, automotive paint shops, new and used auto dealers and automobile repair licenses in IPD but not in the Business District. Canton has a lot of automotive businesses that are outside of the IPD (particularly on Route 44) and he thinks the new regulations will make it very difficult for these businesses to improve or expand their business/properties as they will become non-conforming. These businesses have a great impact on Canton's grand list. Also motor vehicle renting and leasing, businesses that have a nature of customary maintenance & repair to company owned, leased or rented vehicles are restricted to the IPD as well as commercial repair and maintenance of large vehicles. He does not see the difference between repair work on a car or a truck as long as the property and building are conforming for the lot. What is the significance of how big the vehicle is that's being repaired? He would like to see all of these uses put back into the Business District (as they are in the current regulations).

He also noted and would like discussion on why the Design District is the only district that requires a fiscal impact analysis. He wants to understand why evaluating the net municipal revenue on a business on a private property is regulated.

Attorney Paul Potanka –Cherry Brook Road. Mr. Potanka is a practicing Attorney in Canton. He has concerns about the Definitions section; particularly the definitions of "automobile" and "commercial vehicles" which sound very innocuous. Regarding the Business Districts dealing with other uses these new definitions have the effect on existing businesses of basically putting them out of business. He feels the (new draft)

Definitions change the meaning of (example) automobile repair which (in the current regulations) is very generic and allows all sorts of businesses across Route 44 in Business Districts and Industrial Districts to function fully and properly and change with the times; but the new Definitions cannibalize the term and limit what can be done in the Districts to basically dealing with passenger vehicles. Attorney Potanka represents a client that is located in an industrial district and doesn't deal with passenger vehicles – he deals with heavy equipment, trailers, large trucks and septic tank pumping facilities and port-a-potty trailers as well as other equipment owned by other industries and automotive related businesses. The net result of these (new) regulations is instead of having one place where various businesses in the community can come to have their work done it mandates that this type of work can only be done as an accessory to a primary business. So if there are 10 or 15 vehicles needing repair and one place has the facilities with which to do that (either grandfathered or permitted), but under the new (draft) regulations they can no longer service those 9 or 14 entities. Those places either have to have an in-house operation to service the large vehicles which creates greater stress in mixed use areas where an Industrial or Business district borders a residential district or they have to go to another community which is basically sending a message to the people engaged in these businesses that the Town of Canton doesn't want them here. That's a poor message to send. He requests that the committee focus not just singly on the Definitions he highlighted but focus upon how those Definitions now put an entirely new light upon "other uses" permitted in Business districts.

Mr. Thiesse asked Attorney Potanka if he sees those Definitions as having other impacts other than what he just pointed out (on page 75)? He stated that when he did a "search" of the entire (draft) Zoning Regulations document for issues of automobile and commercial vehicle, they came up in other spots such as parking, but only (page 75) had practical negative impact to existing and future businesses.

Henry Bahre, Breezy Hill Road. Mr. Bahre and family members own several commercial and industrial properties in town. He read the (draft) regulations and feels that half to three quarters of the buildings on Route 44 will become non-conforming. He would like the commission to look at revising the setbacks.

Arnold Goldman – High Valley Drive and business owner at 198 Albany Turnpike. He feels that the Definition "by right" is missing from the (draft) document. He can't find a place where Business Use of any kind is allowed 'by right' without a permit or special permit. Every use in a non-conforming property (as things will stand if this draft passes) will require a permit and the Zoning process. Almost all of Route 44 businesses consist of non-conforming properties. Requiring permitting in such cases hampers businesses for every potential occupancy or tenant that requires the Zoning commission's attention. Mr. Goldman gave several examples of businesses that are singled out for special permitting. Where is the 'by right' for property owners that want to bring in new business. Things should be allowed unless they're not allowed.

Michael D'Apice – Mohawk Drive. Mr. D'Apice has a home based professional office and is also the current President of the Chamber of Commerce. Mr. D'Apice had a list of questions for the commission.

1. What kind of best practices were reviewed or researched in making this document?
2. Is there room to allow the Chamber advocacy committee to research and submit best practices for review and use in the final regulations?
3. Any non-municipal elected or appointed groups, residents or volunteer views solicited? Could the Chamber speak into the process?
4. Why have home based business use fees been raised so dramatically?

5. Signage in home based businesses has been reduced dramatically – why?
6. Position on grandfathering current businesses?
7. Is there a document that compares the current regulations side by side with the draft?

Mr. Bondanza noted that the public has had every opportunity (for the past seven years) for input into the process. He stated that the Chamber is more than welcome to submit materials to the commission. The commission is trying to achieve a zoning process that is understandable. Mr. Pade stated that best practices have been in place from the beginning of the process. The commission has relied on the expertise of a special land use attorney, a specialized land planning consultant and himself and many other resources. The commission will not try to fix non-conforming properties and are considered legal non-conforming and therefore, grandfathered. He noted that there is not a side by side comparison document for the old and new (draft) regulations. He also stated that adoption of new regulations does not mean that the regulations cannot be amended at a later time.

Attorney Potanka spoke again. He questioned what the timing would be to submit an application for people that want to move forward with a project.

Mr. Bondanza stated although it would be prudent to be mindful of future changes to the regulations, the current regulations allow for filing now. Every month the commission is looking at site plan changes, special exceptions and amendments and will continue to do so regardless of the state of the draft regulations.

There were no further statements from the public at this time but the public was invited to continue their exchange with the commission as the meeting moved forward.

#### **NEW BUSINESS:**

Members began their discussion on page 55 of the draft regulations. A lengthy discussion ensued regarding the difference between a minor and major home based business.

There was discussion and or changes on the following items:

- There were changes to the minimum square in residential districts.
- Definition of commercial vehicle.
- Accessory Uses & Structure
- Rear lots
- Minimum yard setbacks
- Height exception for detached garages
- Open Space subdivision general standards

#### **PUBLIC COMMENT:**

There were no further comments from the public.  
The commission will commence the next meeting with Chapter 4, Business Districts.

#### **ADJOURNMENT:**

**MOTION:** by Mr. Thiesse to adjourn at 11:05pm. Second by Mr. Pane.

**VOTE:** Thiesse-yes; Bondanza-yes; Pane-yes; August-yes; Huyghebaert-yes; Sarmuk-yes; Barnhart-yes.