

DRAFT MINUTES

Regular Meeting
Canton Zoning Commission
Wednesday, March 20, 2013 7:30 p.m.
Library Community Center, Room F
40 Dyer Avenue, Canton, CT

CALL TO ORDER:

Mr. Bondanza called the meeting to order at 7:32 pm.

ROLL CALL: Present: David Bondanza, Keith August, William Sarmuk, Phil Pane, John Huyghebaert, and Jonathan Thiesse; **Not Present:** Daniel Barnhart; **Also Present:** Neil Pade, Town Planner and Sue Brodeur Acting Recording Clerk.

Remarks by Chair/ Meeting Conduct

Mr. Bondanza explained the rules of conduct to the public. He asked that comments from the public be asked to the commission and not to the applicant and reminded everyone that once the public hearing is closed no further testimony will be taken.

READING OF THE LEGAL NOTICE

PUBLIC HEARING

1. File #431; Apln: #1396; Collins Road (public right of way) Assessor's Map 34 & 38; Zone AR1; Section 53.14.1 Special Exception uses in the Flood Fringe and Section 59.8.5 Special Exception use in Farmington River Protection Overlay District for replacement of existing water main; Connecticut Water Co., applicant; Town of Canton, owner.

Mr. Ken Wassall, Connecticut Water Company (CWC) represented this application. Mr. Wassall explained that CWC is proposing to replace approximately 1,600 feet of 2" existing cast iron pipe that was installed in the 1880-90's, and services a few dozen customers. This will be replaced with an 8" ductile iron water main, added fire protection and fire hydrants and new service connection with 1" copper directly to the homes. He explained that half of the project is within the Farmington Overlay District and a third of it is within the Flood Fringe. He asked for questions from the commission.

Commission members asked about notification to customers, the length of time the project will take, how long customers will be off line and how this will affect traffic in the area.

Mr. Pade gave a staff report on the project. He noted that Mr. Wassall had answered all questions that had risen in the formal staff report. The Inland Wetlands Agency has approved the application that was presented to them.

Mr. Bondanza asked for any public comment on the application. There was none.

MOTION: by Mr. Thiesse to close the public hearing for File #431, Apln. #1396. Second by Mr. Sarmuk.

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

2. File #1; Apln. #1399; 460 Albany Turnpike; Assessor's Map 26; Lot 1010460; Zone SB; Special Exception for Section 31.5 Expansion of special exception uses and Section

32.2.3 Uses permitted by special exception for an outdoor dining terrace and 7 additional parking spaces and Section 51.5 site plan amendment; WZP&P Associates of Canton, applicant owner.

Mr. Phil Doyle, LADA, PC, and Mr. Joe Addonizio, property owner and owner of Saybrook Fish House represented the application. Mr. Doyle explained that the applicant would like to add a terrace to the north of the existing building (toward Route 179). There are no wetlands on the property and the property is surrounded by State roads. There are currently 82 parking spaces which is more than sufficient by regulation but they will add parking for a total of 108 spaces. Mr. Doyle explained that the Design Review Team evaluated the application. Based on the original plan, which was to leave some parking in front of the building, DRT suggested taking out those spaces and expanding the terrace and green space into that area and moving the handicap spaces to a different location. Mr. Addonizio decided to modify the design to reflect that recommendation as well as a change to the fencing that will be used to enclose the area. The plan that is now proposed shows the main gravel parking lot (with 23 additional spaces) and several new handicap parking spaces. Some pavement in front of the building will be ripped up and replaced with pavers as will the terrace. There will be a double door off of the bar area that will lead to the terrace from within the building. There will be a service bar outside as well as an area for patrons to sit and wait for a table. Mr. Doyle stated that there will be less than ½ acre of total site disturbance. Lighting was also explained. This concluded the presentation.

Mr. Bondanza asked for comments or questions from commission members. Mr. Thiesse spoke regarding the discrepancy between the original submission and what is being presented since the Design Review Team made suggestions. The changes to the overall site do not fall under the prevue of Zoning. Suggesting adding a service bar area, enlarging the terrace from 1,200 to 1,600 square feet and the height of the fence are and should be private business decisions and not a Zoning matter. Mr. Thiesse questioned whether the applicant was obligated to follow through with the DRT suggestions in light of the fact that the original plan met Zoning regulations and standards.

Mr. Huyghebaert asked if the parking lot lighting would change. Mr. Doyle explained that it will not and that what exists has been there for over 30 years.

Mr. Bondanza opened the hearing to the public.

Julius Fialkiewicz, East Hill Road spoke. He stated that Saybrook Fish House has been a corner stone of the town for over 30 years and he supports the application and would like to see it move forward. He added that Saybrook employees many Canton residents.

Stephen Roberto – Tanglewood Drive spoke. He stated that he is in favor of the application and pleased to see a town business expand their operation. Additionally, he feels that the discretion of a town board or commission should not burden an applicant.

There were no further public comments.

Mr. Pade gave a staff review. His written review was based on the original set of plans not the revised set that was presented this evening. In reviewing the application it complied with site plan standards. Relative to the DRT review he noted that DRT operates under the authority of the Zoning Commission and is advisory only. He did look at the revised plans today and they are in compliance.

Mr. Pane asked if there was a barrier to protect tables and the waiting area that are close to the parking area from cars. Mr. Doyle stated that a decorated fence with bollards will be used as a barricade.

Mr. Bondanza spoke directly to the applicant and stated that he (the applicant) did have an option of using the original plan that was presented rather than the revised since both meet zoning standards. Mr. Addonizio noted that he put a lot of thought into deciding which plan should be used and ultimately decided to use the revised plan since they and already put in the time and effort of replanning.

Mr. Thiesse wanted to reiterate that he does feel that the Design Review process is necessary but that there should be self checks so that the review is not based on the personal recommendations of any member.

MOTION: by Mr. Pane to close the public hearing for File #1, Apln. #1399. Second by Mr. August.

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

3. File #345; Apln. #1400; 70 Gracey Road; Assessor's Map 28; Lot 2840070; Zone AR3; Special Exception for Section 66.3 Temporary liquor permit; Roaring Brook Nature Center Auxiliary, applicant; Environmental Centers, Inc., owner.

Margery Winters, Assistant Director of Roaring Brook Nature Center presented the application. She explained that the RBNC is proposing a fund raiser for the purchase of raptor cages. The event will take place on March 23rd from 6 to 10 pm. There will be volunteers serving as bartenders with mainly wine and beer available. The alcohol will not be sold per say, but the ticket purchased will allow them to provide it.

Mr. Bondanza asked for any public comment. There was none.

Mr. Pade gave a staff review explaining that by regulation the State of CT requires the Zoning Enforcement Officer to sign off on the liquor license but this can't be done until the commission approves the action. He stated that the commission can provide a mechanism for the RBNC to hold future events without coming before the commission by approving more than one event. Members were agreeable to this and discussed how they could make it work.

MOTION: by Mr. Sarmuk to close the public hearing for File #345, Apln. #1400. Second by Mr. August.

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

REGULAR MEETING

PUBLIC HEARING ACTIONS:

1. File #431; Apln: #1396; Collins Road (public right of way) Assessor's Map 34 & 38; Zone AR1; Section 53.14.1 Special Exception uses in the Flood Fringe and Section 59.8.5 Special Exception use in Farmington River Protection Overlay District for replacement of existing water main; Connecticut Water Co., applicant; Town of Canton, owner.

Mr. Bondanza asked for any further member or staff comment. Mr. Thiesse noted that this project will improve the safety of the drinking water for these residents.

MOTION: by Mr. Bondanza to APPROVE File #431; Apln: #1396; Collins Road (public right of way) Assessor's Map 34 & 38; Zone AR1; Section 53.14.1 Special Exception uses in the Flood

Fringe and Section 59.8.5 Special Exception use in Farmington River Protection Overlay District for replacement of existing water main; Connecticut Water Co., applicant; Town of Canton, owner.

This approval is granted in part on the application submitted on February 4, 2013, testimony received at a public hearing commenced on March 20, 2013 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. Sheet 1 of 4; Cover Sheet; Proposed Replacement Water Main; Collins Road; Canton, CT; prepared by Gesick & Associates, PC dated 1/28/13.
2. Sheet 2 of 4; Proposed Water Main Replacement; Collins Road, Canton, CT; prepared by Gesick & Associates, PC dated 1/28/13.
3. Sheet 3 of 4; Proposed Water Main Replacement; Collins Road, Canton, CT; prepared by Gesick & Associates, PC dated 1/28/13.
4. Sheet 4 of 4; Proposed Water Main Replacement; Collins Road, Canton, CT; prepared by Gesick & Associates, PC dated 1/28/13.

Correspondence:

1. Town of Canton Zoning Application & Checklist for File #431, Application #1396; Connecticut Water Co., applicant; Town of Canton, owner; submitted on February 4, 2013.
2. Statement of Use
3. 8 ½ x 11 and 11 x 17 Topographical area maps.
4. Application Completion Review dated February 13, 2013.
5. Letter from Ken Wassall, Connecticut Water to Neil Pade dated February 19, 2013.
6. Certification of Notice dated March 7, 2013.
7. Comment sheet from Chief Arciero-Traffic Authority dated March 7, 2013.
8. Comment sheet from Robert Martin-DPW dated March 4, 2013.
9. Comment sheet from Roger Ignazio-WPCA dated March 4, 2013.
10. Construction Estimate – Erosion & Sedimentation Control dated February 22, 2013.
11. Erosion & Sedimentation Control Plan Collins Road

This approval with conditions and modifications is granted because the 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 special exception criteria of Section 52
2. The standards of Section 53, Flood Plain Districts;
3. The standards of Section 59, Farmington River Protection Overlay District; and
4. The standards of Section 61, Performance Standards;

This approval is effective April 9th, 2013 (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. 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;

2. 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;
3. All work in connection with this site plan shall be completed within five years after the approval of the plan, or March 20, 2018;
4. All existing refuse and debris shall be removed from the site;
5. Per Section 51.12 filing of mylars is waived.
6. This approval shall be binding upon the applicant / developer, heirs, assigns, and grantees.

Mr. Sarmuk seconded the motion.

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

2. File #1; ApIn. #1399; 460 Albany Turnpike; Assessor's Map 26; Lot 1010460; Zone SB; Special Exception for Section 31.5 Expansion of special exception uses and Section 32.2.3 Uses permitted by special exception for an outdoor dining terrace and 7 additional parking spaces and Section 51.5 site plan amendment; WZP&P Associates of Canton, applicant owner.

Mr. Bondanza asked for any further member or staff comments. Mr. Thiesse noted that the expansion is consistent with regulations. Mr. Bondanza is glad to see a town business expanding and hopes that the enhancements will work out well for the applicant.

MOTION: by Mr. August to APPROVE File #1; ApIn. #1399; 460 Albany Turnpike; Assessors Map 26; Lot 1010460; Zone SB; Special Exception for Section 31.5 Expansion of special exception uses and Section 32.2.3 Uses permitted by special exception for an outdoor dining terrace and 7 additional parking spaces and Section 51.5 site plan amendment; WZP&P Associates of Canton, applicant owner.

This approval is granted in part on the application submitted on February 19, 2013, testimony received at a public hearing commenced on March 20, 2013 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. L-1; Cover Sheet; Saybrook Fish House; 460 Albany Turnpike; prepared by LADA, PC dated February 18, 2013.
2. L-2; Overall General Site Plan; Grading/Layout and Materials/Erosion Control Plan/Planting Plan; Saybrook Fish House; 460 Albany Turnpike; prepared by LADA, PC dated February 18, 2013.
3. L-3; Demolition Enlargement Plan; Saybrook Fish House; 460 Albany Turnpike; prepared by LADA, PC dated February 18, 2013.
4. L-4; Grading Enlargement Plan; Saybrook Fish House; 460 Albany Turnpike; prepared by LADA, PC dated February 18, 2013.
5. L-5; Erosion Control Enlargement Plan; Saybrook Fish House; 460 Albany Turnpike; prepared by LADA, PC dated February 18, 2013.
6. L-6; Layout and Materials Enlargement Plan; Saybrook Fish House; 460 Albany Turnpike; prepared by LADA, PC dated February 18, 2013.
7. L-7; Planting Enlargement Plan; Saybrook Fish House; 460 Albany Turnpike; prepared by LADA, PC dated February 18, 2013.

8. L-8; Details; Saybrook Fish House; 460 Albany Turnpike; prepared by LADA, PC dated February 18, 2013.
9. L-9; Erosion Control Details; Saybrook Fish House; 460 Albany Turnpike; prepared by LADA, PC dated February 18, 2013.
10. L-9.1; Erosion Control Notes; Saybrook Fish House; 460 Albany Turnpike; prepared by LADA, PC dated February 18, 2013.
11. Sheet 1 of 1; Property and Topographic Survey for Saybrook Fish House; prepared by Nascimbeni & Jahne Surveyors, PC; dated January 2007.
12. Architectural View; Existing Conditions; 460 Albany Turnpike.
13. Architectural View; Proposed Building Modifications; 460 Albany Turnpike.
14. Architectural View; Proposed Dining Terrace Fencing; 460 Albany Turnpike.
15. L-10; Lighting Enlargement Plan; Saybrook Fish House; 460 Albany Turnpike; prepared by LADA, PC dated February 18, 2013; revision dated 3/15/13.

Correspondence:

1. Town of Canton Zoning Application & Checklist for File #1, Application #1399; WZP&P Associates of Canton, applicant/owner; submitted on February 19, 2013.
2. Statement of Use & Site Data Table
3. Letter from Phil Doyle, LADA, PC to Neil Pade re: Special Exception Amendment & Site Plan Amendment Saybrook Fish House dated February 18, 2013.
4. Original approvals
5. Utility Correspondence
6. Connecticut Water bills from 2009 to 2012.
7. NDDB Correspondence
8. LSI Abolite Harbor lighting cut sheet
9. Certification of Notice dated March 6, 2013.
10. Comment sheet from Robert Martin-DPW dated March 4, 2013.
11. Comment sheet from Chief Arciero-Traffic Authority dated March 7, 2013.
12. Email comments from Roger Ignazio-WPCF dated March 12, 2013.
13. Staff Report from Neil Pade dated March 11, 2013.
14. Email from Phil Doyle, LADA dated March 12, 2013.
15. Legal notice dated March 4, 2013.
16. Design Review Team draft minutes dated March 5, 2013.
17. Letter from Phil Doyle dated March 18, 2013.
18. Email from Gary Hath, DRT dated March 20, 2013.

This approval with conditions and modifications is granted because the 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
4. The standards of Section 62, Parking.

This approval is effective April 9th, 2013 (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 **March 20, 2014**; 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, Town Engineer, 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 March 20, 2018;
5. All existing refuse and debris shall be removed from the site;
6. Trees to be installed within the parking lot shall have a clear trunk height of at least 6 feet;
7. All landscaping shall be neatly maintained and dead vegetation replaced as soon as weather permits in accordance with the approved plans;
8. The plans shall be amended to incorporate all changes required by the foregoing stipulations;
9. This approval is conditioned upon the receipt of any necessary permits or approvals by the Canton WPCA, and Farmington Valley Health District.
10. The design professional shall certify that all site development work and auxiliary facilities have been installed in accordance with the approved plans prior to the issuance of a certificate of occupancy.
11. The Commission hereby requires an as built to be submitted in accordance with Section 51.7.10.
12. The Commission hereby waives remaining site plan information required by Sections 51.6, & 51.7 not submitted per Section 51.12;
13. The proposed parking lot surface(s) are accepted as submitted per Section 51.11;
14. Recommendations of the CT DEEP, specific to review comments pertaining to activities within the NDDDB review area, shall be incorporated as conditions of approval by reference; and
15. This approval shall be binding upon the applicant / developer, heirs, assigns, and grantees.

Mr. Sarmuk seconded the motion.

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

3. File #345; Apln. #1400; 70 Gracey Road; Assessor's Map 28; Lot 2840070; Zone AR3; Special Exception for Section 66.3 Temporary liquor permit; Roaring Brook Nature Center Auxiliary, applicant; Environmental Centers, Inc., owner.

Mr. Bondanza asked for any further member or staff comments. Mr. Bondanza noted that approving more than one event is a good idea. There was some additional discussion about how many events to approve.

MOTION: by Mr. Sarmuk to APPROVE File #345; Apln. #1400; 70 Gracey Road; Assessor's Map 28; Lot 2840070; Zone AR3; Special Exception for Section 66.3 Temporary liquor permit; Roaring Brook Nature Center Auxiliary, applicant; Environmental Centers, Inc., owner.

This approval with conditions and modifications is based, in part, on an application form submitted on March 8, 2013; upon testimony received at a Public Hearing commenced on March 20, 2013, 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:

Correspondence:

1. Town of Canton Zoning Application for File #345, Application #1400; Roaring Brook Nature Center, applicant; Environmental Centers, Inc., owner; submitted on March 8, 2013.
2. Letter from Jay Kaplan, RBNC dated March 8, 2013.
3. Letter from Beth Brody, Friends of RBNC dated March 8, 2013.
4. Temporary Liquor Permit Application.
5. Certification of Notice dated March 11, 2013
6. Legal Notice.
7. Memorandum from Neil S. Pade dated March 13, 2013

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

1. The requirements of Section 61, Performance Standards; and
2. The standards of Section 52, Special Exception Criteria.

This approval is effective March 21, 2013 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. Approval of this special exception is conditioned upon initiative of the proposed use within a period of eighteen months after the date of approval. One extension of such period not to exceed eighteen months may be granted by the Commission upon request by the applicant;
2. Incomplete and missing information from the application form, as documented in the March 13, 2013 staff report shall be submitted by the applicant prior to the recording of this approval;
3. The Commission hereby waives the required application fee in accordance with Chapter 248 of the Town Code;
4. This approval shall authorize temporary liquor sales for future charitable events on the premises of no more than 3 consecutive days, and no more than 6 days in aggregate over any calendar year for a period not to exceed two (2) years.
5. Hours of operation 12 noon to 11 pm; and
6. This approval shall be binding upon the applicant / developer, heirs, assigns, and grantees.

Mr. Thiesse seconded the motion.

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

OLD BUSINESS:

No Old Business

NEW BUSINESS:

1. F#226; Apln. # 1397; 133 River Road; Assessor's Map 30; Lot 133; Zone LI; Section 51.5 Site Plan Modification for 6,000 sq. ft. addition to existing building; Ocean State Job Lot, applicant; 133 River Road LLC, owner.

Mr. David Whitney, Consulting Engineer and Mr. Richard Kenyon, Kenyon & Cutler Architects represented the application. Mr. Whitney described the location of the site and explained that a 6,000 square foot warehouse addition is being proposed. He gave specific details of the lot and the proposed coverage. The plan complies with all setbacks and has public sewer, water, gas and electric. The addition will not house any offices, it is for warehousing only. A capacity review by the WPCA was not necessary because there is no increase of water or sewer usage. Connecticut Water stated that the supply is adequate for the sprinkler system. There will be no additional utility lines as the electricity will come from the existing building. A DEEP Natural Diversity Data Base inquiry offered no impact. The application was approved by the Design Review Team and the Inland Wetlands Authorized Agent. The Fire Chief gave recommendations for emergency access. The warehouse will be fully sprinklered and alarmed. There was discussion regarding delivery truck/trailers. Mr. Whitney explained that trucks load and unload between 6 -8 am and that there will not be any trucks or trailers left unattended. There was some discussion about the second floor tenants (a dance studio) and how the addition would affect parking for the customers.

Mr. Bondanza asked for member questions and discussion. Mr. Thiesse asked about parking and lighting. Mr. Bondanza had concerns about pedestrians in the area where the trucks back up. Mr. Whitney noted that the dance studio does not begin classes until late afternoon which should alleviate any interaction. Additionally the trucks can drive straight into the unloading area without having to back up.

Mr. Pade stated that his staff review was completed and that Mr. Whitney answered any questions that were generated from the review.

MOTION: by Mr. Bondanza to APPROVE File #226; Apln. #1397; 133 River Road; Assessors Map 30; Lot 133; Zone LI; Section 51.5 Site Plan Modification for 6,000 sq. ft. addition to existing building; Ocean State Job Lot, applicant; 133 River Road LLC, owner.

This approval is granted in part on the application submitted on February 13, 2013, and upon the following documentation submitted by the Applicant or others during the course of the proceedings on the application:

Drawings:

1. Sheet 1 of 1; Modified Site Plan; proposed addition for Ocean State Job Lot of Canton; Parcel #4490133; 133 River Road, Canton, CT; dated February 7, 2013; revision dated 2/25/13 and 3/11/13.
2. A-1; Floor Plan, Roof Plan, Details; Addition to Ocean State Job Lot; 133 River Road, Canton, CT; prepared by Kenyon & Cutler Architects; dated March 4, 2013.

3. A-4; Exterior Elevations; Addition to Ocean State Job Lot; 133 River Road, Canton, CT; prepared by Kenyon & Cutler Architects; dated March 4, 2013.

Correspondence:

1. Town of Canton Zoning Application for File #226, Application #1397; Ocean State Job Lot, applicant; 133 River Road LLC, owner; submitted on February 13, 2013.
2. Google earth topographical map 8 x 11
3. Natural Diversity Data Base Map showing site.
4. IWWA approval letter dated February 22, 2013
5. Staff report dated March 1, 2013.
6. Comment sheet from Adam Libros-Fire Marshal, dated March 11, 2013.
7. Comment sheet from Chief Arciero-Traffic Authority, dated March 7, 2013.
8. Comment sheet from Roger Ignazio, WPCF, dated March 4, 2013.
9. Comment sheet from Robert Martin-DPW, dated March 11, 2013
10. Design Review Team minutes
11. Letter from Reed Reynolds, Connecticut Water dated March 14, 2013.
12. Email from Richard Hutching Fire Chief, dated March 14, 2013.
13. Letter from David Whitney dated March 18, 2013.
14. Letter from DEEP of approval.

This approval with conditions and modifications is granted because the 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 standards of Section 62, Parking; and
3. The requirements of Section 61, Performance Standards.

This approval is effective April 9, 2013 (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 March 20, 2014; 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. Construction drawings shall be submitted to the Building Official prior to commencement of any site work;
3. No site preparation work, including, but not limited to, grading, tree removal, on-site storage of materials and excavation work, may commence until erosion and sedimentation control measures have been installed and inspected by the Zoning

- Enforcement Officer; and a preconstruction meeting has been held with the Town Planner, Wetlands Agent, or their designees;
4. The developer 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;
 5. All necessary approvals and permits (including updated capacity reviews) must be obtained from the Water Pollution Control Authority & Connecticut Water Company (if required);
 6. All work in connection with this site plan shall be completed within five years after the approval of the plan, or March 20, 2018;
 7. This approval shall expire at the later of 12 months after initial issuance or at the expiration of the Building Permit issued during that 12 month period, unless an extension is granted by the Commission;
 8. All existing refuse and debris shall be removed from the site;
 9. The Plans shall be modified to incorporate the following prior to the signing of mylars:
 - a. March 18, 2013 supplemental letter which includes comments from the Fire Chief that have been agreed to by the applicant which include full fire sprinklers and fire alarm.
 - b. No unattended delivery trucks
 - c. No trailers left on the property overnight.
 10. Building elevations and architectural drawings shall be signed and sealed by an architect licensed in the State of Connecticut.
 11. The applicant shall submit a completed copy of the outstanding development checklist prior to the signing of mylars.
 12. Building Permits (Certificates of Zoning Compliance) may be issued only if stipulations # 1, 2, 5, & 9-11 are met;
 13. All utilities shall be installed underground;
 14. A complete improvement location survey (as-built) plan shall be submitted to the Town prior to the issuance of a certificate of occupancy or a certified bond posted with the Town of Canton in lieu thereof;
 15. The applicant shall submit any field changes during construction to the ZEO for review and approval prior to any deviation from the approved plan;
 16. There shall be no on-site burial of building materials or debris, and a notarized statement to this effect shall be submitted to the Zoning Enforcement Officer prior to issuance of a Certificate of Occupancy;
 17. Any Town streets, roads, sidewalks, curbs or other public components damaged due to construction activities are to be repaired or replaced, if required in the opinion of the Project Administrator or Director of Public Works;
 18. The appropriate professional licensed by the State of Connecticut shall certify that all site development work and auxiliary facilities, sewer, parking areas, landscaping and plantings have been installed in accordance with the approved Site Development Plan prior to the issuance of Certificate of Occupancy or a certified bond posted with the Town of Canton in lieu thereof;
 19. Litter, refuse, and debris from the site and or generated from the site and found in surrounding areas shall be quickly removed;
 20. All landscaping shall be neatly maintained and dead vegetation replaced as soon as weather permits in accordance with the approved plans;
 21. The plans shall be amended to incorporate all changes required by the foregoing stipulations;
 22. Outstanding information required by Sections 51.6, & 51.7 are hereby waived per Section 51.12; and
 23. This approval shall be binding upon the applicant / developer, heirs, assigns, and grantees;

Mr. Sarmuk seconded the motion.

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

2. File #2; Apln. #1401; 220 Albany Turnpike; Assessor's Map 31; Lot 24 Zone SB; Section 51.5 Site Plan Modification for enlargement of Ace Hardware building; Kemper Associates Architects, applicant; Fred Larsen Jr., owner.

Jack Kemper, Kemper Associates, Fred Larsen Junior and Fred Larsen Senior represented the application. Mr. Kemper stated that Larsen's is proposing to take over the entire building and add a 389 square foot entry tower and electric doors to the existing building. He noted that there will be new windows and vinyl siding on the main façade. The application was reviewed by the Design Review Team. There is plenty of on-site parking. He also noted that there will be gooseneck lighting over the new windows. There will be no additional impervious surface coverage.

Mr. Bondanza asked for member questions and discussion. Mr. Bondanza had safety concerns about snow falling off of the proposed porch roof. Mr. Kemper explained that there will be an alternate entry way that can be used if falling snow becomes an issue. Mr. Thiesse asked about the outdoor display area and it was decided that the area would be delineated on the map.

Mr. Pade reviewed the application and did not have any further comments. He did note that a cut-sheet for the lighting was needed (it was provided at the meeting).

MOTION: by Mr. Thiesse to APPROVE File #2; Apln. #1401, 220 Albany Turnpike, Assessor's Map 31, Lot 24, Zone SB, Section 51.5 Amendment to an approved Site Development Plan, Jack Kemper, applicant; Fred Larsen Jr., owner.

This approval is granted in part on the application submitted on March 11, 2013, testimony provided by the applicant at a public meeting on March 20, 2013; and upon the following documentation submitted by the Applicant or others during the course of the proceedings on the application:

Drawings

1. Sheet 1 of 1; Property Survey Canton Village Shopping Center; Property of Henry & Sheila Bahre; Albany Turnpike and Dowd Avenue, Canton, CT; Dated December 2002.
2. A-1; Larsen Ace Hardware; 220 Albany Turnpike, Canton, CT prepared by Kemper Associates Architects, LLC; dated January 22, 2013.
3. A-2; Larsen Ace Hardware; 220 Albany Turnpike, Canton, CT prepared by Kemper Associates Architects, LLC; dated January 22, 2013.
4. A-3; Larsen Ace Hardware; 220 Albany Turnpike, Canton, CT prepared by Kemper Associates Architects, LLC; dated January 22, 2013.

Correspondence:

1. Town of Canton Zoning Application for File #2, Application #1401; Kemper Associates Architecture, applicant; Fred Larsen, Jr., owner; submitted on March 11, 2013.
2. Draft Minutes from Design Review for May 1, 2012, July 25, 2012 and January 22, 2013.
3. Memorandum from Neil S. Pade dated March 12, 2013
4. Lighting cut sheet.

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

1. The requirements of Section 61, Performance Standards
2. The standards of Section 51, Site Development Plans

This approval is effective **April 9, 2013** (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 **March 20, 2014**; 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. All work in connection with this site plan shall be completed within five years after the approval of the plan, or **March 20, 2018**;
3. This approval shall expire at the later of 12 months after initial issuance or at the expiration of the Building Permit issued during that 12 month period, unless an extension is granted by the Commission;
4. The plans shall be modified to incorporate the following, prior to the signing of mylars:
 - a) Outdoor display areas as indicated by the applicant with the sketch provided at this meeting.
5. There shall be no on-site burial of building materials or debris, and a notarized statement to this effect shall be submitted to the Zoning Enforcement Officer prior to issuance of a Certificate of Occupancy;
6. Any Town streets, roads, sidewalks, curbs or other public components damaged due to construction activities are to be repaired or replaced, if required in the opinion of the Project Administrator or Director of Public Works;
7. The appropriate professional licensed by the State of Connecticut shall certify that all site development work and auxiliary facilities, sewer, parking areas, landscaping and plantings have been installed in accordance with the approved Site Development Plan prior to the issuance of Certificate of Occupancy or a certified bond posted with the Town of Canton in lieu thereof;
8. Litter, refuse, and debris from the site and or generated from the site and found in surrounding areas shall be quickly removed;
9. All landscaping shall be neatly maintained and dead vegetation replaced as soon as weather permits in accordance with the approved plans;
10. The plans shall be amended to incorporate all changes required by the foregoing stipulations;

11. The Commission hereby waives site plan information required by Sections 51.6, 51.7, not submitted per Section 51.12;
12. Application to be modified as referenced in the staff report and
13. This approval shall be binding upon the applicant / developer, heirs, assigns, and grantee.;

Mr. Bondanza seconded the motion.

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

3. File #193; Apln. #1402; 465 Albany Turnpike; Assessor's Map 26; Lot 1010465; Zone SB; Section 51.5 Site Plan Modification for installation of a 1,000 gallon propane filling station; Petals & Paws, LLC, applicant; 465 Albany Turnpike, LLC, owner.

Mr. Dana Mathis, property owner and applicant represented the application. Mr. Mathis explained that he proposes a 1,000 gallon propane tank and filling station. The proposed area is 90 feet from the property line and 75 feet from the building. The area will be fenced in by a six foot standard chain link fence and on bollards so that no one can drive into it. Marty Cunningham, State Line Propane, discussed the Fire Marshal review and recommendations. The Fire Marshal review is separate from the Zoning review.

Mr. Pade stated that his review was complete and he had no further comments.

Mr. Mike Morrissey, State Director to the National Propane Gas Association was present and explained that the fence is regulated by the NPGA and that employees will be trained in the use of the filling station.

MOTION: by Mr. Thiesse to APPROVE File #193; Apln. #1402; 465 Albany Turnpike; Assessor's Map 26; Lot 1010465; Zone SB; Section 51.5 Site Plan Modification for installation of a 1,000 gallon propane filling station; Petals & Paws, LLC, applicant; 465 Albany Turnpike, LLC, owner.

This approval is granted in part on the application submitted on March 7, 2013, testimony provided by the applicant at a public meeting on March 20, 2013; and upon the following documentation submitted by the Applicant or others during the course of the proceedings on the application:

Drawings

1. As-Built Plot Plan; 465 Albany Turnpike, LLC; prepared by Ronald Dufour – Land Surveyor; dated May 9, 2012.

Correspondence:

1. Town of Canton Zoning Application for File #193, Application #1402; Petals & Paws, LLC, applicant; 465 Albany Turnpike, LLC, owner; submitted on March 7, 2013.
2. Memorandum from Neil S. Pade dated March 12, 2013.

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

1. The requirements of Section 61, Performance Standards;
2. The standards of Section 51, Site Development Plans

This approval is effective **April 9th, 2013** (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. All work in connection with this site plan shall be completed within five years after the approval of the plan, or **January 23, 2018**;
2. This approval shall expire at the later of 12 months after initial issuance or at the expiration of the Building Permit issued during that 12 month period, unless an extension is granted by the Commission;
3. The plans shall be modified to incorporate the following:
 - a. A six foot chain link fence around the filing station for security.
4. There shall be no on-site burial of building materials or debris, and a notarized statement to this effect shall be submitted to the Zoning Enforcement Officer prior to issuance of a Certificate of Occupancy;
5. Any Town streets, roads, sidewalks, curbs or other public components damaged due to construction activities are to be repaired or replaced, if required in the opinion of the Project Administrator or Director of Public Works;
6. The appropriate professional licensed by the State of Connecticut shall certify that all site development work and auxiliary facilities, sewer, parking areas, landscaping and plantings have been installed in accordance with the approved Site Development Plan prior to the issuance of Certificate of Occupancy or a certified bond posted with the Town of Canton in lieu thereof;
7. Litter, refuse, and debris from the site and or generated from the site and found in surrounding areas shall be quickly removed;
8. All landscaping shall be neatly maintained and dead vegetation replaced as soon as weather permits in accordance with the approved plans;
9. Incomplete and missing information from the application form, as documented in the March 12, 2013 staff report shall be submitted by the applicant prior to the recording of this approval;
10. The plans shall be amended to incorporate all changes required by the foregoing stipulations;
11. The Commission hereby waives site plan information required by Sections 51.6, 51.7, not submitted per Section 51.12; and
12. This approval shall be binding upon the applicant / developer, heirs, assigns, and grantees.

Mr. August seconded the motion.

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

4. File 417; Apln. #1403; 285 Albany Turnpike; Assessor's Map 31; Lot 1010285; Zone SB; Special Exception for Section 31.5 Enlargement of current special exceptions 31.2.1 Retail business; 31.2.2 a thru I Personal Service Businesses; 31.2.3 Banks; 31.2.4 Offices; 31.2.5 Restaurants; 31.2.8 Signs and 31.2.11 Parking for more than 5 motor vehicles; Special Exception for Sections 21.2.3 Hospital, church; 21.2.5 clubs; 21.2.8 Profit or nonprofit private school; 21.2.12 Accessory Use; and Site Plan Amendment for Section 51.5; for pad site approval; 285 Albany Turnpike LLC, applicant/owner.

Mr. Pade explained that the application needed to be reviewed by the Wetlands Agency prior to coming to Zoning.

MOTION: by Mr. Bondanza to accept the withdrawal of File #417; Application #1403. Mr. Thiesse seconded the motion.

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

OTHER BUSINESS:

1. Review Minutes of February 6, February 20 and March 6, 2013.

Minutes of 2/6/13, 2/20/13 and 3/6/13 were accepted as written.

2. Zoning Regulation Rewrite and Map Amendment

Mr. Pade stated that the next meeting is scheduled for April 3rd and Chapters 4 & 5 will be discussed. Chapter 4 is the Business Districts and it is hoped that the business community will attend and give recommendations.

3. Discussion of Plan of Conservation and Development

Mr. Pade noted that third draft chapters had been submitted to the Board of Selectmen.

4. Staff Reports:
 - a. ZEO Report

The ZEO report was distributed. There was no discussion.

- a. Town Planner's Report:

Discussion Home CT grant opportunities/ possibilities:

Mr. Pade stated that this grant was being prepared by the ZEO for submission to the Board of Selectman at their March 30th meeting.

Policy for placing items on the agenda for possible Commission action:

Mr. Pade explained that it may be necessary to impose a condition that applications be in house 7-10 business days prior to a meeting in order to allow staff adequate time to review and process. Members were in agreement.

CT Bar Association Planning and Zoning Section Training:

Mr. Pade thanked members that were able to attend this all day training on March 16. He encouraged those that were not able to attend to do so the next time it is offered. Members that attended were very enthusiastic about what they had learned.

Performance Measurements, Process Efficiency, Board Consolidations

Mr. Pade spoke briefly about the efficiency of combining some of the current boards and committees.

Ex Parte Communications, Pre-determination, Bias:

Mr. Pade reminded members that although they are citizens they are board members first and must not discuss any current or future applications outside of meetings.

Public Works Garage

Mr. Pade spoke about the possibility of the proposed town garage passing referendum and what the role of the Zoning Commission will be.

ADJOURNMENT:

MOTION: by Mr. Thiesse to adjourn at 10:30 pm. Mr. August seconded the motion.

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