

DRAFT MINUTES
Special Meeting/Workshop
Zoning Rewrite
Canton Zoning Commission
Wednesday, April 3, 2013 7:00 p.m.
Library Community Center, Room F
40 Dyer Avenue, Canton, CT

This meeting was not clerked.

CALL TO ORDER: Mr. Bondanza called the meeting to order at 7:03 pm.

ROLL CALL: John Huyghebaert, Phil Pane, David Bondanza, Jonathan Thiesse; Keith August and William Sarmuk (7:25). Also Present: Neil Pade, Town Planner.

Mr. Bondanza began the meeting by explaining the rules of conduct and a short history of the rewrite project. Public participation is allowed and limited to five minutes per person and should be limited to the topics that are being reviewed.

SPECIAL MEETING/WORKSHOP

PUBLIC COMMENT:

Arnie Goldman, representative for a group from the Canton Chamber of Commerce, spoke. The group has submitted a list of suggested changes that they feel will make Canton more business friendly. He stated that he will wait until the commission is speaking about specific items that the group has commented on to interject their suggestions. He stated that he has four goals with respect to the improvement of the zoning regulations, which are:

1. to eliminate the Design Review Team;
2. relaxation of the sign regulations along the Rt 44 business corridor;
3. underlying concept of non-conforming properties;
4. general control desired by various Boards and Commissions.

He feels there is an egregious increase in regulation of private property which he finds unacceptable.

Kim Hathaway, The Blue House, spoke. She stated that marketing businesses on Rt. 44 with the current sign regulations is difficult. She feels they are too restrictive.

Alicia Canning, McDonalds of Canton spoke. She stated that signage is needed to increase sales. She can account for a decrease of 5% in sales when she has to take down signs on the restaurant or in the drive thru that indicate promotional items.

Henry Bahre, Canton Village Plaza, spoke. He cited the new regulations as causing non-conforming use of present property due to yard requirement changes.

Mike D'Apice, current Chairman of the Chamber of Commerce spoke. Mr. D'Apice served on the Board of Finance for four years. He reminded the commission that the ultimate toll of decisions they make will fall on the residents. He explained that the town relies heavily on residential real estate taxes. If, through the work of the re-write, the business community is disadvantaged in any way it will cause a situation where the tax

burden on residents will be even heavier because potential new business may by-pass Canton.

Mr. Bondanza noted (with no disrespect to members of the public that have participated) that when there is a reference to promoting the optimal commercial use the commission is guided by statutes and regulations that are handed down by the State of Connecticut and nothing in those guidelines will allow the Zoning Commission (ZC) to be a promotional tool for commercial use. Many of the regulations that the Chamber has highlighted to be stricken, are in fact State of Connecticut Statutes that must be considered. Character of the town must be taken into consideration; the existence of the Design Review Team does not fall under the jurisdiction of the ZC, this is something that is up to the Board of Selectman. Mr. Bondanza went on to say that he is not sure that the ZC is empowered to optimize business uses because he is not sure what the connotations of that are. He explained that Statues and Regulations from the State are requirements, not arbitrary.

Mr. Pade spoke to what the ZC is statutorily empowered to do and what the public might like done. Relative to comments about the town, these comments are valuable not only to the ZC, but to the Plan of Conservation and Development Update (POCD) project. The character of a tow is not as subjective as it may sound. The POCD says that the rural character of the town must be protected, but no one knows exactly what that means in that it is different on Route 44, Collinsville and Canton Center. If the Zoning regulations are adopted and the POCD is adopted there will be some reconciliation where the character of the town as a whole is concerned. Mr. Pade noted that in regard to the Design Review Team, the ZC has authority to establish how strict the regulations are and where they will apply and that discussion of measurable criteria are things that can be talked about when those sections of the regulations are being reviewed. He also noted that the general comments from the public allude to the new regulations making things worse for the existing and future businesses, but he believes that as the discussion goes forward the group will see that the new regulations actually make things better in numerous cases. Mr. Pade stated that he (and the ZC) appreciate that the rewritten regulations obviously have been thoroughly read and hope that as the ZC continues to go through the document line by line further improvements will be indentified.

Mr. Thiesse interjected that it would be nice to be able to regulate uses based on what we want to prohibit rather than what we want to allow, unfortunately that is not the way the court system perceives it. If regulations don't specifically prohibit, than that use is allowed. That is why the regulations are structured by what is allowed.

Mr. Pade spoke briefly about the use of terms throughout the document.

NEW BUSINESS:

1. Comments and Edits Chapter 3

The group did not comment on Chapter 3 edits.

2. Chapter 4 Business Districts

The first six pages of the Business District were discussed line by line.

3. Chapter 5 Design Districts

Chapter 5 was not discussed at this meeting.

OTHER BUSINESS:

1. Discussion and Scheduling of a combined meeting between the Zoning Commission and Design Review Team.

This item was not discussed.

PUBLIC COMMENT:

Public was allowed to comment throughout the process.

ADJOURNMENT:

Motion: to adjourn at 10:55 pm by Mr. August. Second by Mr. Thiesse.

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