

DRAFT MINUTES

Regular Meeting
Canton Zoning Commission
Wednesday, May 15, 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 7:43 pm.

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

Mr. Bondanza reviewed the rules of conduct for public hearings. He asked that comments from the public be asked to the commission and not to the applicant and that the public will be invited to speak once the applicant is finished presenting his application. Mr. Bondanza reminded everyone that once a public hearing is closed, the application is then moved to the regular portion of the meeting and the commission may vote on the application.

PUBLIC HEARING

Mr. Pane read the legal notice for the first item.

1. File #417; ApIn. #1405; 285 Albany Turnpike; Assessor's Map 31; Lot #1010285; Zone SB; Special Exception for Section 31.5 Enlargement of current special exceptions for 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.

Arthur Godbout, manager of 285 Albany Turnpike, LLC (the owner of the property located at 285 Albany Turnpike) addressed the commission. In 2010 Mr. Godbout came before the commission to propose converting the building on the property to a two-story office building with a parking lot. The work has been completed. Mr. Godbout is now presenting a pad site development.

Previously, Mr. Godbout presented the possibility of building a 3,000 and 9,000 square foot building. Mr. Godbout is seeking approval so that he can go out to the market place and present to the community the ability to build a 3,000 or 9,000 square foot building. If a tenant is identified, they will come back to the committees with specifics. At this time, he is seeking a conceptual approval so that he has the ability to build out the site based upon what he is presenting. There would be no variances required. The plans meet the building coverage guidelines, impervious coverage guidelines, side yard and rear yard requirements are met on the existing plan. They have hired a wetlands professional who have reviewed the project and found it to be a situation where the wetlands will be protected by the development as a residential berm will be built. The wetlands meeting scheduled to review the project was cancelled; therefore, anything decided by the commission is pending wetlands decision.

During Phase 1 of the project, a portion of the property will be cleared and seeded so that there will not be any erosion and at that time the berm will be built. This will allow the prospective tenants to see where the building will be. No materials will be removed from the site and the entire area to be cleared is less than an acre.

Mr. Pade advised the commission that they are unable to render a decision this evening as the Wetlands Commission portion is not complete. They are hoping to move this forward as much as possible. This is considered a pad approval, the site is prepared in hopes of obtaining a tenant. The pad approval would include the concept that buildings of approximately 3,000 and 9,000 square feet would be allowed on the site and the uses that are being sought are allowed and Mr. Godbout could physically prepare the site to show it to development interests. The motion would be specific so that the final grading, landscaping, infrastructure and building design would be moved on at a later date.

Mr. Pade asked the commission to consider the uses that Mr. Godbout is asking for, are they appropriate, do they meet the special exception criteria, etcetera and that the Town has a clear expectation of what the limits are as to site preparation.

Mr. Pane commented that the site appears to have enough parking for a restaurant which would be the heaviest use.

Mr. Pade confirmed that Mr. Godbout would not be constructing parking if he were granted an approval in the next month, he would be preparing the site to show it to potential tenants. Mr. Godbout said that they are creating a meadow.

The drainage pipe would be a 36" culvert. In Phase 1 the existing detention and drainage situation will be enhanced. Mr. Pade advised that the storm water information should be addressed at this time as it is imperative as to the structures being built and whether or not there will be on-site retention. Mr. Godbout showed the commission where he believes the storm water could go but it is dependent on the building is location.

Mr. Huyghebaert asked if the entrance way was adequate for the amount of traffic that will be generated by the size of the parking lot. Mr. Pade confirmed that the traffic commission reviewed the plan and does not have concerns at this time.

Mr. Pade stated that any site development work that is over 500 cubic yards could require an excavation and grading permit. The permit could be waived by the commission as part of the modified site plan application. Anything over a half-acre of disturbance requires a certified erosion control plan, which this would require. Between now and the next meeting the plans need to be reviewed by the North Central Conservation District who reviews certification requirements for the Town and issues a report stating whether it's okay to be certified or requires any changes. Mr. Godbout has a plan showing the proposed grades for the prepped site, not necessarily for the final grade. The detail of the berm shows that it is in keeping with the existing berm, no higher than six feet and that will be an adequate buffer for the existing neighborhood and no more than ten feet wide. Mr. Pade commented that the regulation specifies that when there is a buffer proposed it shall be not less than fifteen feet in width. Mr. Godbout said that the buffer could be expanded to the required fifteen feet.

Mr. Pade stated that if the commission approves the plan, the uses stated would be considered to be permitted as of right. Only site plan changes would require Mr. Godbout to come before the commission and seek additional approvals.

PUBLIC COMMENTS:

Henry Bahre addressed the commission. When Mr. Godbout purchased the property it was in disrepair and he did a great job fixing it up. Mr. Bahre supports the concept and believes that there is no conflict with the town and that Mr. Godbout will do a good job.

Jeff Wolf, 296 Albany Avenue addressed the commission. What Mr. Godbout has done to the property as far as appearance is outstanding. He supports Mr. Godbout's proposal.

Mike Dipice, 14 Mohawk Drive, President of the Chamber of Commerce, addressed the commission. The Canton Chamber of Commerce authorized Mr. Dipice to make a statement that the Chamber is looking forward to more businesses coming to town and they have seen Mr. Godbout's past work and they are in favor of this project.

Kevin Jackson, 86 Atwater Road, Chairman of Economic Development Agency, addressed the commission. He supports the project and Mr. Godbout has proven to be an exceptional tenant and landlord in the town and has produced esthetically pleasing properties. Looking back at what Mr. Godbout has done in every situation where he has had to come before zoning or any other town board, he has always produced a product that is pleasing and conforming. The Economic Development Agency will produce a formal statement of support if necessary.

Dan Bahre addressed the commission. Mr. Bahre owns industrial and commercial property. The concept of pad approvals should be embraced by the town. More businesses would help the tax payers.

STAFF REPORT:

Mr. Pade suggested that the Public Hearing not be closed at this time as Mr. Godbout will be meeting with the wetlands and he may want the opportunity to respond to that, although as far as public testimony, there likely will not be any additional comments from the public. The remaining course of action would be to get the plans to the North Central Conservation District and obtain copies of the plans presented for the file and review. Mr. Pade asked the commission if they want additional information regarding storm water.

Mr. Thiesse commented that they would like additional storm water information.

Mr. Pade asked if Mr. Godbout had any comments on the motion that Mr. Pade put together. Mr. Godbout said that he does not think he will make additional changes and believes that the wetlands meeting will go smoothly and he is concerned about the drainage and will ensure that and concerns will be addressed and corrected. Mr. Godbout stated that if the commission would like to close the public portion of the hearing, it was fine.

Mr. Pade addressed the request for the reduction of the fees and motions for the reduction could be made all at one time.

Mr. Thiesse stated that the public hearing should remain open in the event something comes up.

MOTION: by Mr. Sarmuk to continue the public hearing for File #417, Apln. #1405 to the next regular Zoning meeting on June 19, 2013. Mr. Thiesse seconded the motion.

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

Mr. Pane read the legal notice for the second item.

2. File #54; Apln. #1407; Assessor's Map 38; Lot#44; Zone B1; Special Exception for Section 31.5 Enlargement of a Special Exception and Site Plan Amendment for Section 51.5, for outside dining patio; Francesca's, applicant; 105, 107, 109 Main Street Collinsville, CT, LLC, owner.

Don Nadeau owner of Francesca's, 105 Main Street addressed the commission. They would like to build four individual brick patios and put four tables outside the restaurant. They are not raised from the grade. Mr. Nadeau will level each section where the table is. In between the bricks there will be wood chips. There will be process under the bricks, fiber paper and bricks so that the area will drain properly.

Mr. Sarmuk asked about the setback from the sidewalk. Mr. Nadeau estimated that the setback would be approximately one foot from the sidewalk. Mr. Nadeau needs to apply to the liquor commission to serve wine on the patio.

Mr. Nadeau stated that there may be a removable fence. The liquor commission will discuss that. The historic district did not seem to have a problem with the fence. Mr. Pade stated that there is not a zoning regulation regarding the fence unless it is over a certain height. Mr. Nadeau said that the pads are approximately 5 x 5 with 3 foot tables.

Mr. Pade stated that if the commission acts on the application, they would waive the site plan requirements.

Mr. Pade asked the applicant if they have any specific plans for the fence. Mr. Nadeau stated that if the fence is required by the liquor commission they will likely dictate the height. Mr. Nadeau would like the fence to be as low as possible. The liquor commission is likely looking for a barrier, not necessarily a large fence. The historic district did not address the fence and it was brought up by the applicant.

PUBLIC COMMENT:

Kevin Jackson, 86 Atwater Road and Chairman of the Economic Development Agency, addressed the commission. Mr. Jackson stated that Francesca's is a great addition to the community and the economic vitality to downtown Collinsville. Mr. Nadeau has met the historic district requirements already and he supports the application.

Mike Dipice, 14 Mohawk Drive, Chamber of Commerce President, addressed the commission. Anything the commission can do for Francesca's and help local businesses expand is appreciated and he supports the application.

Keith Coffin, owner of the deli in Canton Village addressed the commission. Mr. Coffin supports the application.

MOTION: by Mr. Sarmuk to close the public hearing for File #54, Apln. #1407. Mr. Thiesse seconded the motion.

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

Mr. Pane recused himself.

Mr. Sarmuk read the legal notice for the third item.

3. File #432; ApIn. #1408; 11 Olson Road; Assessor's Map 23; Lot #4070011; Zone AR3; Special Exception for Section 21.2.16 Accessory Apartment in AR District; Section 8.2.5 Accessory Apartment on same lot; Mark Woolam, applicant; Brian & Bet Miller, owner.

Brian Miller addressed the commission. Mr. Miller would like to build an apartment on the property for his father-in-law. He has submitted a floor plan for a one occupant apartment. The plans are under the maximum square footage based on thirty percent of the primary dwelling.

Mr. Pade asked the applicant what the structure adjacent to the proposed structure is. The applicant stated that it is a cellar foundation but is not a dwelling. Mr. Pade advised the applicant that he needs approval from FVHD in order to get a building permit. The driveway as originally submitted was not sufficient. It has been revised to have two possible driveway locations, one goes over the utility easement, one goes down along the opposite property line. The power company needs to be able to access the easement, therefore Mr. Miller will put in a gravel driveway. Mr. Thiesse asked how emergency vehicles will know how to access the property. Mr. Miller said that the apartment will be visible from the road. Mr. Pade addressed the issue saying that the emergency responders have not reviewed the plan as they normally do and therefore they would comment on it at a later time. There is an existing well on the property, primary and reserve septic would be added.

Mr. Thiesse did not see the need for a site plan.

PUBLIC COMMENT:

None.

MOTION: by Mr. Sarmuk to close the public hearing for File #432, ApIn. #1408. Mr. August seconded the motion.

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

Mr. Pane rejoined the meeting.

Mr. Pane read the legal notice for the fourth item.

4. File #433; ApIn. #1409; 4 Hoffman Road; Assessor's Map 24; Lot #3200004; Zone AR3; Special Exception Section 64 Excavation and Grading and Section 68.1.1 Soil Erosion and Sediment Control Certification; for construction of a new single family residence; Mack IV, LLC, c/o New England Retail Properties, Inc.; applicant/owner.

Jim Cassidy and Marc D'Addabo addressed the commission. The applicant would like to build a single-family house. A two-car garage and two sheds remain on the property after a single family house was removed. The proposal is that the lot be filled in to prepare for the home to be built. Where the house would be located is 8 feet lower than the road grade. The property owner would like to elevate the house up to the elevation of the road. Additionally, the owner would like to grade the land away from the house. Approximately 8500 cubic yards of clean fill are needed to grade the property as proposed. Top soil will be stripped off and stockpiled in two areas, the fill would be brought in and would be graded. The topsoil would be redistributed and seeded. The house will be ready to be built, approximately one year from now. This would

require up to ten trucks each day for fifteen days and then redistributing the top soil would add more days to the timeline. Approximately a total of 20 to 30 days may be needed to complete the work.

The plan was reviewed by the NCCD. They commented that the erosion controls should be enhanced.

Mr. Bondanza asked what would happen to the existing garage. Mr. Cassidy said that it would be taken down as it is approximately where the house would be.

PUBLIC COMMENT:

Bill Small addressed the commission. Mr. Small owns the adjoining property. He is concerned that the change in the topography will create runoff to adjacent properties. Mr. Cassidy said that the grade will be sloped away from the house but there will still be a low area in the front yard that will bring water down the side property line and it will continue where it is going at this time.

Mr. Bondanza asked if the runoff would be more concentrated or have a higher flow rate. Mr. Cassidy said there would be a little more impervious coverage but would not significantly change the amount of runoff. The runoff is not concentrated.

STAFF REPORT:

Mr. Pade sent some questions to Mr. Cassidy earlier in the week and most were addressed. A bond amount would be set at \$14,285.70.

The traffic authority wants to be sure the school bus stop won't be affected.

Mr. Pade received letters from the adjacent property owners and they reviewed the plans and have no objections.

MOTION: by Mr. Sarmuk to close the public hearing for File #433, Apln. #1409. Mr. Thiesse seconded the motion.

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

REGULAR MEETING

PUBLIC HEARING ACTIONS:

1. File #417; Apln. #1405; 285 Albany Turnpike; Assessor's Map 31; Lot #1010285; Zone SB; Special Exception for Section 31.5 Enlargement of current special exceptions for 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.

MOTION: by Mr. Sarmuk to continue the public hearing for File #417, Apln. #1405 to the next regular Zoning meeting on June 19, 2013. Mr. Thiesse seconded the motion.

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

2. File #54; Apln. #1407; Assessor's Map 38; Lot#44; Zone B1; Special Exception for Section 31.5 Enlargement of a Special Exception and Site Plan Amendment for Section 51.5, for outside dining patio; Francesca's, applicant; 105, 107, 109 Main Street Collinsville, CT, LLC, owner.

The commission discussed the fence.

MOTION: by Mr. Bondanza that the Canton Zoning Commission (Commission) does hereby APPROVE, WITH CONDITIONS AND MODIFICATIONS AS SET FORTH HEREIN, the application File #54; Apln. #1407; Assessor's Map 38; Lot#44; Zone B1; Special Exception for Section 31.5 Enlargement of a Special Exception and Site Plan Amendment for Section 51.5, for outside dining patio; Francesca's, applicant; 105, 107, 109 Main Street Collinsville, CT, LLC, owner.

This approval with conditions and modifications is made, in part, on the basis of, and the Commission's reliance upon, the application form submitted on April 24, 2013; testimony received at a Public Hearing commenced on May 15, 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:

List of Drawings

1. Survey Map; Map Showing Land Owned by Sunwood Development Group; 109 Main Street, Collinsville, Connecticut, Prepared by Neriani Surveying; dated March 1986.
2. Hand Drawn Map showing 204 sq. ft. brick patio; dated April 24, 2013.

Correspondence:

1. Town of Canton Zoning Application for File #54, Application #1407; Francesca's, applicant; 105, 107, 109 Main Street Collinsville, CT, LLC, owner; submitted on April 2, 2013.
2. Certification of Notice dated May 6, 2013.
3. Legal Ad dated April 30, 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 the underlying district, Business, Section 31;
2. Performance Standards of Section 61;
3. The Special Exception criteria for the sought after Special Exceptions Uses per Section 52:

This approval is effective **June 4, 2013** (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. All work in connection with this site plan shall be completed within five years after the approval of the plan, or May 15, 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 Site Plan requirements of Sections 51.6, 51.7, and 51.10 are hereby waived by Section 51.12; and
4. This approval shall be binding upon the Applicant / developer, heirs, assigns, and grantees.

Mr. Sarmuk seconded the motion.

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

Mr. Pane recused himself.

2. File #432; Apln. #1408; 11 Olson Road; Assessor's Map 23; Lot #4070011; Zone AR3; Special Exception for Section 21.2.16 Accessory Apartment in AR District; Section 8.2.5 Accessory Apartment on same lot; Mark Woolam, applicant; Brian & Bet Miller, owner.

MOTION: by Mr. Bondanza that the Canton Zoning Commission (Commission) does hereby APPROVE, WITH CONDITIONS AND MODIFICATIONS AS SET FORTH HEREIN, the application File #432; Apln. #1408; 11 Olson Road; Assessor's Map 23; Lot #4070011; Zone AR3; Special Exception for Section 21.2.16 Accessory Apartment in AR District; Section 8.2.5 Accessory Apartment on same lot; Mark Woolam, applicant; Brian & Bet Miller, owner.

This approval with conditions and modifications is made, in part, on the basis of, and the Commission's reliance upon, the application form submitted on April 24, 2013; testimony received at a Public Hearing commenced on May 15, 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:

List of Drawings

1. Plan of Re-subdivision of Land Owned by James R. Miner; 11 Olson Road; Canton, Connecticut; Prepared by Hodge Surveying Associates; Dated November 1, 2007.

Correspondence:

1. Town of Canton Zoning Application for File #432, Application #1408; Mark Woolam, applicant; Brian & Bet Miller, owner; submitted on April 23, 2013.
2. Legal Ad dated April 30, 2013.
3. Certification of Notice dated May 6, 2013.
4. Drawings indicating area of accessory apartment
5. Proposed sample photo's and a proposal of timing of work

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. Accessory Apartment standards Section 8.2.5;
2. Performance Standards of Section 61;
3. The Permit Criteria Standards Section 52.6:

This approval is effective **June 4, 2013** (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. Approval from the Farmington Valley Health District for the septic system and water;
2. Comments from the Fire Chief and Traffic Authority on emergency response;
3. Issuance of drive way permit indicating which option (A or B) that would be the ultimate driveway.
4. Any restrictions or condition for easement uses by CL&P would have to be approved by those entities;
5. All work in connection with this site plan shall be completed within five years after the approval of the plan, or May 15, 2018;
6. 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;
7. The Site Plan requirements of Sections 51.6, 51.7, and 51.10 are hereby waived by Section 51.12; and
8. This approval shall be binding upon the Applicant / developer, heirs, assigns, and grantees.

Mr. Sarmuk seconded the motion.

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

Mr. Pane rejoined the meeting.

3. File #433; Apln. #1409; 4 Hoffman Road; Assessor's Map 24; Lot#3200004; Zone AR3; Special Exception Section 64 Excavation and Grading and Section 68.1.1 Soil Erosion and Sediment Control Certification; for construction of a new single family residence; Mack IV, LLC, c/o New England Retail Properties, Inc.; applicant/owner.

Mr. Sarmuk asked how the fill would affect the septic system. Mr. Bondanza explained that the fill would not affect the septic system.

MOTION: by Mr. Thiesse that the Canton Zoning Commission (Commission) does hereby APPROVE, WITH CONDITIONS AND MODIFICATIONS AS SET FORTH HEREIN, the application File #433; Apln. #1409; 4 Hoffman Road; Assessor's Map 24; Lot#3200004; Zone AR3; Special Exception Section 64 Excavation and Grading and Section 68.1.1 Soil Erosion and Sediment Control Certification; for construction of a new single family residence; Mack IV, LLC, c/o New England Retail Properties, Inc.; applicant/owner

This approval with conditions and modifications is made, in part, on the basis of, and the Commission's reliance upon, the application form submitted on April 29, 2013; testimony received at a Public Hearing commenced on May 15, 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:

List of Drawings

1. 4 Hoffmann Road; Wetlands Map; Town of Canton, CT.
2. Improvement Location Survey Proposed and topographic Survey; Plot Plan & Subsurface Sewage Disposal Plan prepared for Mack IV, LLC, #4 Hoffmann Road, Canton, Connecticut, Dated April 29, 2013.

Correspondence:

1. Town of Canton Zoning Application for File #433, Application #1409; MACK IV, LLC, c/o New England Retail Properties, Inc., applicant/owner; submitted on April 29, 2013.
2. Statement of Filing Activities
3. Certification of Notice dated April 2, 2013.
4. Legal Ad dated April 3, 2012.
5. Emails between Jim Cassidy and Neil Pade
6. North Central Conservation District review
7. Erosion & Sediment Control Bond

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 64, Excavation and Grading;
2. The standards of Section 68, Erosion and Sedimentation Control;
3. Performance Standards of Section 61;
4. The Special Exception criteria for the sought after Special Exceptions Uses per Section 52;

This approval is effective **June 4, 2013** (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. 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, 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 **May 15, 2014**; The Applicant/ developer must provide one (1) fixed line Mylar, 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";
2. All site work shall be carried out in accordance with, and the result of such work shall comply with, the standards and conditions of Section 64.5;
3. The May 10, 2013 recommendations of the North Central Conservation District are incorporated by reference, and the plans shall be amended to include any changes;
4. Security in the amount of \$14,285.70 shall be provided by the applicant in accordance with Section 64.5.11 prior to the commencement of any site activities;
5. All work in connection with this site plan shall be completed within 20 days of the start date of any excavation and grading activities;
6. The applicant or his designee shall contact the land use office 48 hours in advance of the start date of any site activities, but not prior to the installation of erosion controls required by this approval;
7. The Commission approves the scale of the Site Plan submitted herewith (1"=30' as opposed to 1"=40') per Section 68.4.2b

8. The Erosion and Sedimentation Control Plan is hereby certified.
9. This approval shall expire at the later of 12 months after initial issuance, unless an extension is granted by the Commission; and
10. This approval shall be binding upon the Applicant / developer, heirs, assigns, and grantees.

Second by Mr. Sarmuk.

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

OLD BUSINESS:

No Old Business items.

NEW BUSINESS:

Mr. Pane recused himself.

1. File #109; Apln. #1406;130 Dowd Avenue; Assessor's Map 31; Lot 2160130; Zone B1; Site Plan Amendment Section 51.5 for landscaping improvements; Mark Izzo, applicant; Legitimus Investments, LLC, owner.

Mark Izzo addressed the commission. He would like to take out concrete and old fence and make a grassy area with some trees, re-stripe the parking area and add parking in front of the building.

Mr. Pade said that the prior business required more parking than the business that occupies the building at this time. Mr. Izzo stated that they currently have 42 spots and if additional parking is needed for special events, they are able to use parking area at the church across the street.

Mr. Pade said that the requirement for a site plan should be waived.

MOTION: by Mr. Huyghebaert that the Canton Zoning Commission (Commission) does hereby APPROVE, WITH CONDITIONS AND MODIFICATIONS AS SET FORTH HEREIN, the application File #109; Apln. #1406;130 Dowd Avenue; Assessor's Map 31; Lot 2160130; Zone B1; Site Plan Amendment Section 51.5 for landscaping improvements; Mark Izzo, applicant; Legitimus Investments, LLC, owner.

This approval with conditions and modifications is made, in part, on the basis of, and the Commission's reliance upon, the application form submitted on April 24, 2013; and upon the following documentation submitted by the Applicant or others during the course of the proceedings on the application:

List of Drawings

1. Balmar Marine; Merger of Non-Conforming Lots; owner, Kathleen Lemansky; Prepared by Marc Berger; dated May 10, 1989. (Inclusive of Hand Drawn Modifications).

Correspondence:

1. Town of Canton Zoning Application for File #109, Application #1406; Mark D. Izzo, applicant; Legitimus Investments, LLC, owner; submitted on April 24, 2013.
2. Statement of Use (Letter to Neil Pade) dated April 24, 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 the underlying district, Business, Section 31;
2. Performance Standards of Section 61;
3. The Site Plan requirements of Sections 51.

This approval is effective **June 4, 2013** (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. All work in connection with this site plan shall be completed within five years after the approval of the plan, or May 15, 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. Site parking shall be striped to reflect the organization of parking shown on the submitted plans and the location of handicap parking;
4. The Site Plan requirements of Sections 51.6, 51.7, and 51.10 are hereby waived by Section 51.12.
5. This approval shall be binding upon the Applicant / developer, heirs, assigns, and grantees.

Second by Mr. Bondanza.

VOTE: Sarmuk=yes; Bondanza=yes; August=yes; Huyghebaert=yes; Thiesse=yes

Mr. Pane rejoined the meeting.

2. File #385; Apln. #1410; 140 Turnpike; Assessor's Map 32; Lot 1010140; Zone B1; Site Plan Amendment Sections 31.2.5 Restaurants, Section 31.2.26 Drive-In Windows; Section 62 Parking & Loading for modification to widen entrance; Great American Donut, applicant; 140, LLC, owner.

Andrew Quirk addressed the commission. The applicant would like to widen the driveway from 25' to 30', allowing for one entry lane and two exiting lanes. The exit backs up to the drive-thru window. Vehicles are going over the curb lines out of frustration. He met with the DOT district office on-site and reviewed the sketches and revised the sketches per their comments and the DOT approved the concept. All of the construction is within the right of way. The existing sign will be shifted a few feet back so that the lighting on the sign does not impede drivers.

Mr. Thiesse inquired about moving the sidewalk. Mr. Quirk stated that there are constraints with regard to moving the sidewalk.

MOTION: by Mr. Sarmuk that the Canton Zoning Commission (Commission) does hereby APPROVE, WITH CONDITIONS AND MODIFICATIONS AS SET FORTH HEREIN, the application File #385; Apln. #1410; 140 Turnpike; Assessor's Map 32; Lot 1010140; Zone B1; Site Plan Amendment Sections 31.2.5 Restaurants, Section 31.2.26 Drive-In Windows; Section 62 Parking & Loading for modification to widen entrance; Great American Donut, applicant; 140, LLC, owner.

This approval with conditions and modifications is made, in part, on the basis of, and the Commission's reliance upon, the application form submitted on May 6, 2013; and upon the following documentation submitted by the Applicant or others during the course of the proceedings on the application:

List of Drawings

1. Drawing No. 1; Proposed Site Drive Entrance Revisions for Great American Donuts, Inc.; 140 Albany Turnpike, Canton, CT; Dated February 26, 2013.

Correspondence:

1. Town of Canton Zoning Application for File #385, Application #1410; Great American Donut, applicant; 140, LLC, owner; submitted on May 6, 2013.
2. Statement of Use (Letter to Neil Pade) dated April 24, 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 the underlying district, Business, Section 31;
2. Performance Standards of Section 61;
3. The Site Plan requirements of Sections 51.

This approval is effective **June 4, 2013** (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. All work in connection with this site plan shall be completed within five years after the approval of the plan, or May 15, 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. Striped walkway where the sidewalk crosses;
4. This approval is conditioned upon any necessary approvals or changes required by the Connecticut Department of Transportation;
5. This approval shall be binding upon the Applicant / developer, heirs, assigns, and grantees.

Second by Mr. Pane.

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

3. File #288; Apln. #1411; 20 Canton Springs Road; Assessor's Map 35; Lot 1640020; Zone LI; Site Plan Amendment Section 51.5 for 4'x8' sign; Kings Highway Associates, LLC, applicant/owner.

Sign by Canton Sign Shop conforms with the regulations. The existing sign will not be taken down. There will be two ground signs on the property.

MOTION: by Mr. Bondanza to approve File #288; Apln. #1411; 20 Canton Springs Road; Assessor's Map 35; Lot 1640020; Zone LI; Site Plan Amendment Section 51.5 for 4'x8' sign; Kings Highway Associates, LLC, applicant/owner.

This approval with conditions and modifications is made, in part, on the basis of, and the Commission's reliance upon, the application form submitted on April 29, 2013; and upon the information received during the course of the proceedings on the application. The application for the sign meets the regulation criteria.

Second by Mr. August.

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

OTHER BUSINESS:

1. Review Minutes of April 17, 2013 and May 1, 2013.

Minutes approved as written.

2. Discussion of Friends of the Canton Public Library proposed memorial bench. Mr. Pade suggested that there may be some small items that don't require review by the zoning commission or a site plan and may be handled administratively.

No Action Taken

3. Discussion of Planet Aid clothing recycling box placements; whether or not they require approval and should their location be regulated, i.e. not allowed to consume an existing parking spot, not allowed to be located in an existing travel way, not allowed to cause an obstruction to an existing pedestrian way, not allowed to be sighted with the required landscaping, should not create motor vehicle conflicts. The possibility of placing a maximum on the number of units per town was discussed.

No Action Taken

4. Zoning Regulation Rewrite and Map Amendment. "Build to" line as opposed to a minimum setback requirement was discussed. Mr. Pade spoke with the Chamber Advocacy Committee regarding the "build to" line and they seemed to like the idea. Mr. Pade asked the committee to review the information he provided before the next meeting.

Fee reductions as opposed to fee deferrals were discussed. The fee is for the approval process not building permits, zoning permits, etcetera.

The Design Review process may need to be revised so that information is exchanged in order to streamline the approval process as duplication of efforts and improved communication is needed. Possibly setting criteria regarding small applications and what level of change needs to go before the Design Review Team and what level applications may be reviewed/approved by staff was discussed.

No Action Taken

5. Discussion of Plan of Conservation and Development

No Action Taken

6. Staff Reports:
 - a. ZEO Report
 - b. Town Planner's Report:

No Action Taken

ADJOURNMENT:

MOTION: by Mr. Thiesse to adjourn at 11:15 pm. Second by Mr. Pane

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