

Regular Meeting  
Canton Zoning Commission  
Wednesday, July 17, 2013 7:30 p.m.  
Library Community Center, Room F  
40 Dyer Avenue, Canton, CT

**CALL TO ORDER:** Chairman Bondanza called the meeting to order at 7:31 pm.

**ROLL CALL:**

Present – Chairman David Bondanza, Daniel Barnhart, William Sarmuk, Philip Pane, Jonathan Thiesse, Keith August

Absent – John Huyghebaert

Also Present – Neil Pade, Director of Planning and Community Development

**PUBLIC HEARING**

No Public Hearings Scheduled

**REGULAR MEETING**

**PUBLIC HEARING ACTIONS:**

No Public Hearing Actions

**OLD BUSINESS:**

No Old Business items.

**NEW BUSINESS:**

1. **File #378; Apln. #1417;** 140 Powder Mill Road; Assessor's Map 6-6; Lot 11; Zone LI; Section 51 Site Plan and Section 68 Erosion Controls for construction of building for office, storage and repair of school buses and vans; Martel Transportation, applicant; Martel Real Estate, LLC, owner;

The Commission discussed this application as a resubmission of the site plan portion of File #378 Apln #1340 that was approved on December 21, 2011. Mr. Pade advised that the applicant recently requested a schedule to submit mylars of that approval for signature by the Chair. The file was reviewed and unfortunately Section 51.6 requires the mylars to be filed within 12 months or the approval is void. Because this regulation provides no mechanism for an extension, the applicant was advised to resubmit a new site plan application.

Mr. Pade advised that a new application was submitted on July 16, 2013, for the purpose of starting a new period to file mylars. The applicant is also requesting a waiver of the required fee's in accordance with Chapter 248 of the Town Code.

The Commission reviewed a copy of the adopted motion to approve from 2011.

It was announced that all documents submitted in connection with File #378, Application #1340; will be included in the record for this proceeding. Reference was made to the of the list of exhibits included in the December 21, 2011 motion to approve, including 16 drawings and 43 documents, all of which are in the

room tonight and are also available to the public at the Land Use Office at the Town Hall.

The Commission discussed legal concerns with processing this application as a resubmission. Mr. Pade advised absent a change of circumstances, the Commission is ordinarily not permitted to change its mind on an administrative decision.

**Motion:** Mr. Bondanza made motion to **APPROVE** File #378; ApIn. #1417; 140 Powder Mill Road; Assessor's Map 6-6; Lot 11; Zone LI; Section 51 Site Plan and Section 68 Erosion Controls for construction of building for office, storage and repair of school buses and vans; Martel Transportation, applicant; Martel Real Estate, LLC, owner;

This approval is based upon all documents submitted in connection with File #378, Application #1340; included in the record for this proceeding which includes a list of exhibits included in the December 21, 2011 approval, including 16 drawings and 43 documents, all of which are in the room tonight and are also available to the public at the Land Use Office at the Town Hall.

This approval is granted based upon the record exhibits of File #378; ApIn #1340 incorporated into this proceeding and upon the application form dated July 16, 2013, upon additional information provided by the applicant, staff, and presented at this meeting.

The findings of this approval are consistent with the approval of File #378; ApIn #1340.

This approval shall be conditioned upon all of the requirements, obligations and conditions issued with the approval of File #378, ApIn #1340.

Mr. Sarmuk seconded the motion. The motion passed unanimously, 6-0-0.

**Motion:** Mr. Bondanza made motion for File #378; ApIn. #1417; 140 Powder Mill Road Assessor's Map 6-6; Lot 11; Zone LI; Section 51 Site Plan and Section 68 Erosion Controls for construction of building for office, storage and repair of school buses and vans; Martel Transportation, applicant; Martel Real Estate, LLC, owner; the Commission hereby waives the required fees in accordance with Chapter 248-6.A(3) of the Town Code.

Mr. Sarmuk seconded the motion. The motion passed unanimously, 6-0-0.

2. **File #378; ApIn. #1340;** 140 Powder Mill Road; Assessor's Map 6-6; Lot 11; Zone LI; Request for Extension under Section 52.5 of the following Special Exception Uses: Section 53.12.2 and 53.12.3 New Water Supply System and New Sewer System in Flood Way; Section 53.14.1 New Water and Sewer Systems in Flood Fringe Zone; Section 53.14.3 New Non-Residential Building in Flood Fringe Zone; Martel Transportation, applicant; Martel Real Estate, LLC, owner;

Mr. Pade advised that the following special exceptions are associated with the approval of File #378, ApIn #1340. Under Section 52.5 Special Exceptions expire after 18 months. Section 52.5 allows for a second 18 month extension to be granted.

**Motion:** Mr. Pane made a motion for File #378; Apln. #1340; 140 Powder Mill Road; Assessor's Map 6-6; Lot 11; Zone LI; Request for Extension under Section 52.5 of the following Special Exception Uses: Section 53.12.2 and 53.12.3 New Water Supply System and New Sewer System in Flood Way; Section 53.14.1 New Water and Sewer Systems in Flood Fringe Zone; Section 53.14.3 New Non-Residential Building in Flood Fringe Zone; Martel Transportation, applicant; Martel Real Estate, LLC, owner; the Commission, in accordance with Section 52.5 hereby grants an extension of the above referenced special exception uses. This extension shall be valid until December 21, 2014.

Mr. Sarmuk seconded the motion. The motion passed unanimously, 6-0-0.

3. **File #378; Apln. #1349;** 140 Powder Mill Road; Assessor's Map 6-6; Lot 11; Zone: LI; Special Exception for Section 41.3.7 Customary maintenance and repair of company owned, leased or rented vehicles or equipment with conditions; Martel Transportation, applicant; Martel Real Estate, LLC, owner.

Mr. Pade advised the above special exception uses were also approved on the same property a few months later (March 21, 2012). Under Section 52.5 this Special Exception will soon expire. Section 52.5 allows for a second 18 month extension to be granted.

**Motion:** Mr. Bondanza made a motion for File #378; Apln. #1349; 140 Powder Mill Road; Assessor's Map 6-6; Lot 11; Zone: LI; Special Exception for Section 41.3.7 Customary maintenance and repair of company owned, leased or rented vehicles or equipment with conditions; Martel Transportation, applicant; Martel Real Estate, LLC, owner; the Commission, in accordance with Section 52.5 hereby grants an extension of the above referenced special exception uses. This extension shall be valid until March 21, 2015.

Mr. Thiesse seconded the motion. The motion passed unanimously, 6-0-0.

4. **File #378; Apln. #1360;** 140 Powder Mill Road; Assessor's Map 6-6; Lot #11; Zone LI; Request for Extension under Section 52.5 of the following Special Exception Uses: Special Exception for Section 31.2.14 Automotive Repair; Section 31.2.18 Motor Vehicle and Trailer Coach Sales and Section 41.3.2 Used Car Dealers; Martel Transportation, applicant; Martel Real Estate, LLC, owner.

Mr. Pade advised the above special exception uses were also approved on the same property a few months later (May 16, 2012). Under Section 52.5 this Special Exception will soon expire. Section 52.5 allows for a second 18 month extension to be granted.

**Motion:** Mr. Pane made a motion for File #378; Apln. #1349; 140 Powder Mill Road; Assessor's Map 6-6; Lot 11; Zone: LI; Special Exception for Section 41.3.7 Customary maintenance and repair of company owned, leased or rented vehicles or equipment with conditions; Martel Transportation, applicant; Martel Real Estate, LLC, owner; the Commission, in accordance with Section 52.5 hereby grants an extension of the above referenced special exception uses. This extension shall be valid until May 16, 2015.

Mr. August seconded the motion. The motion passed unanimously, 6-0-0.

**OTHER BUSINESS:**

1. Review Minutes of June 19, 2013.  
No discussed
2. Zoning Regulation Rewrite and Map Amendment
  - a. Public Comment
  - b. Chapter 6 Other Districts  
The following Sections of Chapter 6 were reviewed:
    - 6.1 Collinsville Business District
    - 6.3 Farmington River Protection Overlay District
    - 6.5 Municipal Community Public Facilities District
  - c. Chapter 7 Basic Standards  
The following Sections of Chapter 7 were reviewed:
    - 7.1 Landscaping
  - d. Zoning Map  
No discussion  
(Other chapters as may be necessary)  
No discussion
3. Discussion of Plan of Conservation and Development  
Mr. Pade advised the Commission of the upcoming meeting of the POCD Update Committee on July 22<sup>nd</sup>, and that a comprehensive review of the working copy of the Draft Strategies Component will be reviewed.
4. Staff Reports:
  - a. ZEO Report  
The Commission discussed an administrative site plan approval issued under Section 51.5 by the Zoning Enforcement Officer at 15 Canton Springs Road. The Commission reviewed a request from the Zoning Enforcement Officer to lift a Cease and Correct Order issued at 550 Cherry Brook Road.  
  
**Motion:** Mr. Bondanza made a motion to lift the Cease and Correct order at 550 Cherry Brook Road based on the July 17, 2013 recommendation of the Zoning Enforcement Officer.  
Mr. Sarmuk seconded the motion. The motion passed unanimously, 6-0-0.
  - b. Town Planner's Report:
    - 7/24/13 BOS Agenda - DRT/ ZC Discussion
    - Future BOS Agenda – Combined PZC DiscussionThe Commission discussed the upcoming meetings with Board of Selectman regarding re-organization of the land use commission.

**ADJOURNMENT:** Meeting adjourned at 10:14 pm