

**Draft Minutes
Regular Meeting
Canton Zoning Commission
Wednesday, September 18, 2013
Library Community Center, Room F
40 Dyer Avenue, Canton, CT**

CALL TO ORDER: Acting Chairman Mr. Sarmuk called meeting to order at 7:30pm

ROLL CALL:

Members Present: Daniel Barnhart, Keith August, Phil Pane, William Sarmuk, Jonathan Thiesse

Also Present: Neil Pade, Town Planner, Lynn Charest, Acting Recording Secretary

Members Absent: David Bondanza, John Huyghebaert

PRE-APPLICATION REVIEW:

Request for Pre-application Review; Attorney Paul E. Potanka, request for 20 Colonial Road, Assessor Map 3-4; Lot 99-1; Zone L-1; Francis Zacchera, manager; North Colonial Associates, LLC.

Attorney Paul Potanka, office located at 4 Cherry Brook Road, introduced his client Frank Zacchera, owner of North Colonial Associates, LLC with property at 20 Colonial Road, Canton, CT. Attorney Potanka described his clients' desire to construct a new building for commercial vehicle repair.

Mr. Pade discussed applicable zoning regulations for clarity and direction for the applicant and Commission. Zoning Commission requested legal advice from the town attorney.

Motion by Mr. Thiesse to move **File # 336: ApIn #1421** to the next item on agenda; Second by Mr. August. Motion carried unanimously

Mr. Sarmuk stated on the record his recusal during the entire track project application which came in front of the Zoning Commission because he is a track coach. He stated that he does not feel a conflict at this time as the proposal is specific to temporary lighting for non-track related events.

File # 336: ApIn #1421- 76 Simonds Avenue; ; 76 Simonds Avenue; Canton High School; Assessor's Map 30, Parcels 4820076; Zone AR1; Section 51.5 Amendment to an Approved Site Development Plan for use of temporary lighting for 9/28/13, 10/04/13, 10/05/13, from 6:30 p.m. to 10:30 p.m. to enable athletic events during Spirit Week; Canton Board of Education, applicant; Town of Canton, owner.

Superintendent Kevin Case, introduced Mrs. Leslie Hill, Chairperson of Canton Board of Education. Mr. Case recognized that the original zoning approval of March 6, 2013, for the site work at Canton High School did not allow for lighting of athletic fields, so they are applying for temporary lighting approval. The application requested three evening games for night athletic events. Mr. Case informed the Commission that the September 28, 2013, event will not occur. The two other requested events are still being requested but they would like to request an additional evening event for a football game on

November 16th, 2013. He described the proposed lights as the same used on Bowdoin Field. Lights are requested to be used from 6:30pm-10:30pm. They are hoping for annual use to kick off Spirit Week. Mr. Case states that if complaints from adjacent property owners occur, those issues would be addressed and responded to.

Mr. Sarmuk asks if the BOE made contact with neighbors.

Mr. Case stated no contact yet.

Mrs. Hill speaks to the advertising of the games with lights at Bowdoin Field
Mr. Case clarifies that they would use 12 lights. Mr. Case states that the lights will only be needed on the new athletic field. No lights on West Field are proposed. The proposed lights will be shielded.

Mr. Sarmuk recognizes the tradition of lighted night games in the town of Canton

Mr. Pane recalled that the subject of lighting would be addressed at a public hearing in the future as there is more than lighting, there is additional noise concerns.

Mr. Thiesse stated that a high school facility would eventually like lights some day. Mr. Thiesse looked at this request as a trial run for the use of lights for these 2-3 games, a way to find out the problems with using lights.

Mr. Pane questioned the height of the temporary lights.

Mr. Pane stated that Little League comes back every 5 years for light approvals at Millennium Field.

Mr. Pade informs the Commission that a copy of the zoning approval for lights at Millennium Field for baseball are included in the meeting packets. The approval gives certain number of lights, times, etc. which seems to be working well.

Mr. Pade informed the Commission of email correspondences received

1. Theresa Barger - approves of lighting
2. Gordon Harmon - Requesting zoning rules and public hearing

Mr. Barnhart asks for clarification of any future permanent lighting versus temporary lighting.

Mr. Sarmuk makes statements in favor of a test run of these lights for the 2 games and possible 3rd game.

(John Huyghebaert in at 8:33pm)

Mr. Thiesse suggests approval with conditions for up to 3 games this season.

Mr. Pane would like a public hearing.

Mr. August suggests approval with condition that a public hearing be required for future light use either temporary or permanent.

MOTION by Mr. August for File #336; ApIn # 1421; 75 Simonds Avenue; Canton High School; Assessor's Map 30, Parcel 4820076; Zone AR1; Section 51/5 Amendment to an Approved Site Development Plan for use of temporary lighting for 10/04/13, 10/05/13, from 6:30pm to 10:30pm to enable athletic events during Spirit Week; Canton Board of Education, applicant; Town of Canton, owner.

To waive the application fee and to approve use of 12 portable tower lights, subject to the following conditions:

1. Not to exceed 30-feet in height
2. Specifically for the event dates of 10/04/13, 10/05/13 and 11/16/13.
3. Lights to be used from 6:30pm to 10:30pm. Lighting times concluding at 10:30pm.
4. Lighting levels not to exceed 1.0 foot-candles as measured on the southerly and western property lines
5. Post game report by the school board for any feedback shall be given to the Commission at their November 20, 2013, Zoning Commission as to the use of lights, and any complaints or issues.
6. All lighting must be shielded.
7. Any future lighting requests would require a public hearing.

The motion was seconded by Mr. Thiesse. The motion passed 5-0-1 (Mr. Huyghebaert, abstained)

Motion by Mr. Thiesse to move up File # 119; ApIn # 1420; 75 Albany Turnpike, for discussion and possible action.

The motion was seconded by Mr. August. The motion passed unanimously 6-0-0.

New Business

File # 119; ApIn # 1420; 75 Albany Turnpike Assessor Map: 32; Parcel 1010075; Zone SB; Section 51.5; Amendment to an Approved Site Development Plan for installation of a fence; Avon Gateway, Inc d/b/a Acura of Avon, applicant; Canton Gateway, Inc., owner.

Mr. Jim Tucker, from Acura of Avon presented the application. Mr. Tucker stated that due to vandalism concerns Acura would like to fence in back portion of property with a roll gate on eastern side and a double gate on western side of property. The fence height would be 6'ft.

Mr. Pade states that this is a Site Plan Modification, not requiring a public hearing. The fence height requested does not require a Special Exception.

Mr. Pade reminds applicant to be aware that fence must be completely on their property.

Mr. Tucker stated no vegetation would be removed.

Mr. Pade states that the Zoning Enforcement Officer has had to visit the site due to non-compliance with unpermitted display of automobiles. Mr. Pade recommended the

applicant to come in with a site plan modification in front of the Commission should they require more auto display areas.

MOTION by Mr. Thiesse to approve File # 119;ApIn #1420; 75 Albany Turnpike, Assessor's Map 32; Parcel 1010075: Zone SB; Section 5.5 Amendment to an Approved Site Development Plan for installation of a fence; Avon Gateway, Inc d/b/a Acura of Avon, applicant.

This approval is granted in part on the application submitted on September 9th, 2013, testimony provided by the applicant at a public meeting on September 18th, 2013; and upon the following documentation submitted by the Applicant or others during the course of the proceedings on the application:

Drawings

1. 1 of 1;Parking Improvements; Acura of Avon; Route 44, Canton, CT; prepared by Milone & MacBroom, Inc.; Dated August 12, 1994 (with hand drawn edits)

Correspondence:

1. Town of Canton Zoning Application for File #119, Application #1420; Avon Gateway Inc dba Acura of Avon, applicant; Canton Gateway Inc, owner; submitted on September 9, 2013.
2. Checklist for Applications for Site Development Plans and Special Exceptions.
3. Warranty Deed; Volume 166; Page 857
4. Assessor's Property Card for 00075 Albany Turnpike
5. 2 Photographs submitted September 9, 2013
6. Reduced Map see description above in Drawings

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 **October 7, 2013** (20 Days from the date of approval) and UPON THE RECORDING OF AN APPROVAL LETTER 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 **September 18, 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 zoning violations documented in the September 11, 2013 staff report shall be removed prior to the commencement of any site activities;

4. The property lines shall be surveyed and field marked (inclusive of the proposed offset for the fence line) prior to the installation of the fence.
5. The Commission hereby waives site plan information required by Sections 51.6, 51.7, not submitted per Section 51.12; and
6. This approval shall be binding upon the applicant / developer, heirs, assigns, and grantee.
7. Fence location adjacent to the wetlands to be staked and viewed by Wetland's Officer to verify compliance

The motion was second Keith August
MOTION passes 6-0-0

PUBLIC HEARING

The legal notice was read by Mr. Pane.

1. **File #156; ApIn #1415; Zoning Regulation Amendment: Amend section 9 Definitions to add Donation Drop Box and add to Section 8 Additional Standards, Section 8.7 Donation Drop Boxes; Canton Zoning Commission, applicant**

Mr. Pade informed the Commission that these regulations came to be by drop boxes showing up in town. Planning Commission reviewed the regulation. Planning Commission reviewed the regulation and determined it does not conflict with Plan of Conservation and Development.

Planning Commission suggested that the regulation require that donation drop boxes meet reasonable aesthetic standards and a photograph be submitted with each application.

Mr. Pade suggests a size limitation for drop boxes and require something submitted by applicant to verify size (photograph).

Mr. Pane suggests Roland conduct a size verification of existing drop boxes in town.

Mr. Huyghebaert suggest a volume limit.

Mr. Pade will provide sizes of existing drop boxes in town and wording for size limitations.

MOTION by Mr. Thiesse for File #156; ApIn #1415; Zoning Regulation Amend Section 9 Definitions to add Donation Drop Box and add to Section 8 Additional Standards, Section 8.7 Donation Drop Boxes; Canton Zoning Commission, applicant to continue the public hearing to the October 16, 2013 meeting

The motion was seconded by Mr. Pane The motion passed unanimously 6-0-0.

OLD BUSINESS

None

OTHER BUSINESS:

1. Minutes reviewed
2. Discussion/Review of Schedule-Zoning Regulation Rewrite and Map Amendment
Mr. Pade reiterated that the members come prepared for the next meeting on October 2nd, 2013 at 7pm
3. Discussion /Review of Schedule-Plan of Conservation and Development
Mr. Pade gave an overview of the newly released POCD which is on the Town of Canton's website.
4. Staff Report
 - a. ZEO Report-Commission reviewed Mr. Klee's report
 - b. Town Planner's Report:
 - 9/11/13 BOS Agenda-Discussion on Development of Design Standards
 - 9/11/13 BOS Agenda-Combined PZC Discussion
 - Mr. Pade informed Commission of Public Hearing scheduled by Board of Selectmen

Mr. Pade distributed a Notification of Public Hearing for application in Burlington.

MOTION by Mr.Sarmuk to adjourn. The motion was seconded by Mr. Barnhart.
Meeting adjourned at 10:12pm