

**REGULAR MEETING
TOWN OF BOZRAH
PLANNING AND ZONING COMMISSION
December 13, 2018**

Acting Chairman Stephen Seder called a regular meeting of the Town of Bozrah Planning and Zoning Commission to order at 7:30 PM, at the Bozrah Town Hall, on Thursday December 13, 2018.

Members present: Stephen Seder, Stephen Gural, Scott Barber, Nancy Taylor, Steve Coit (alt.), Manny Misarski (alt.).

Members absent: Seymour Adelman (recused).

Others present: Glenn Pianka (First Selectman), Seymour Adelman, Frank Manfredi (Attorney/Agent to applicant), Brian Sauvageau (Applicant), Kerry Gross (Applicant), Marcus Cecil (resident), Tom Weber (Zoning Enforcement Officer, Wetlands Agent, Building Official), Sam Alexander (Town Planner/SCCOG), Monte Aune (business owner), Richard Gilman (resident), Elizabeth Gilman (resident), Ray Barber (resident), Scott Taylor (resident).

Stephen Seder acted as chairman in place of Seymour Adelman (recused). S. Seder called the meeting to order at 7:30pm. S. Seder appointed Steve Coit to sit in place of S. Adelman. S. Seder suggested the agenda should be altered to move item 4, the two public hearings, to the front. Nancy Taylor made a motion to amend the agenda, Scott Barber seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

1. Public Hearings (former agenda item #4).

Town Planner, Sam Alexander read the notice for the two public hearings.

S. Seder asked if any other communications were received regarding both applications. Glenn Pianka (First Selectman), Tom Weber (Zoning Enforcement Officer), and S. Alexander stated that there were none.

a. Brian Sauvageau: Zoning Map Amendments (Application #10-00-18) – Lots 07/001, 07/001-A, 07/001-B, 07/001-C, 07/002, and 07/003 (between 272 and 300 Fitchville Road). Petition to change the zoning designation of these lots from R-2 Residential to Commercial/Residential (C/R).

S. Seder invited Brian Sauvageau to speak regarding his application. S. Alexander stated that extra copies of the complete files for both public hearing items are available to the Commission and the public.

B. Sauvageau Spoke regarding his application. B. Sauvageau explained that in the spring he filed a formal complaint regarding the neighboring property owned by Ms. Elena Cecil. B. Sauvageau explained that he looked into the business located

on the property. S. Seder explained that this information wasn't relevant to the public hearing and asked B. Sauvageau to speak regarding his application.

B. Sauvageau explained why he and his neighbors feel the Commercial/Residential (C/R) zone is a more appropriate zoning district for their properties than the R-2 Residential zone. B. Sauvageau cited the Village Overlay Zone and intent to bring mixed-use development into Fitchville, the presence of public water, as well as encroaching commercial uses and traffic patterns making the properties less desirable as single-family homes. B. Sauvageau explained that he also sees the proposed zoning map amendment as a way to ameliorate zoning compliance issues at E. Cecil's property.

S. Seder asked S. Alexander for comments. S. Alexander reminded that the Commission has broad discretion when making zoning map and regulation amendments. S. Alexander stated that the mixed-use nature of the C/R district was harmonious with the intent of the Village Overlay Zone, and he felt approving the application would be a defensible decision.

S. Seder asked for proponents to speak. Frank Manfredi stated that he and his client, Ms. Elena Cecil, feel the zone change is beneficial. F. Manfredi cited the Plan of Conservation and Development, and stated that the town would like to see growth in the Fitchville area.

S. Seder asked for additional proponents to speak. There were none.

S. Seder asked for opponents to speak. There were none.

S. Seder asked for additional comments. S. Adelman stated that the area in question is zoned for duplex housing. S. Adelman asked if duplex housing would continue to be a permitted use. S. Alexander answered that the C/R zone does not permit multi-family housing. S. Adelman stated that he believed those properties were the only R-2-zoned properties. S. Alexander stated that the zoning map amendment would not apply to the properties on River Road and Horseshoe Road.

S. Seder asked if the Commission had any additional questions. S. Barber asked about the layers of zoning that would be in effect, given that these properties are located in the Village Overlay Zone. S. Alexander explained that there are two levels of zoning currently, and there would continue to be two if the application is approved. S. Alexander explained the Village Overlay Zone, which is divided into three sub-districts (residential, commercial, and industrial) based on the underlying zoning district. N. Taylor stated that the intent of the Village Overlay Zone was to permit small, craft businesses. S. Alexander explained that mixed-use and commercial uses are allowed in the commercial sub-district of the Village Overlay Zone, and commercial and mixed-uses could be allowed in the residential sub-district as well, if commercial uses are added to the table of permitted uses.

S. Barber asked if the multi-family would continue to be permitted if the map amendments are approved. S. Alexander explained that the multi-family housing on the subject properties would be legally non-conforming. S. Barber asked if new multi-family housing could be built. S. Alexander explained that it would not be permitted.

N. Taylor stated that the intent of the Village Overlay Zone was to allow small businesses, rather than multiple businesses on one property. S. Alexander explained that he did not think it would be easy to locate strip development in Fitchville.

S. Seder asked for additional comments. There were none. S. Barber made a motion to close the public hearing. N. Taylor seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

b. Elena Cecil: Zoning Text Amendments (Application #11-00-18) – Amendment create regulations for Dog Daycare. Amended sections: 2 Definitions; 8.1 Commercial Districts; 10.6 Animals; NEW 10.19 Dog Daycare.

F. Manfredi explained that the proposed regulation amendments concern Dog Daycare primarily. F. Manfredi explained that the proposed amendments are in-line with the Plan of Conservation and Development because it would grow businesses that offer new services, specifically in Fitchville, an area in which the town would like to see additional growth. F. Manfredi explained that Dog Daycare and pet-centered services is a growth industry.

F. Manfredi explained that the proposed text amendments were drafted with help from the Town Planner. F. Manfredi explained that modification were made to the S. Alexander's original draft before he and E. Cecil submitted a final application. F. Manfredi reviewed the changes, which were in regards to: removing the word "limited" in the definition of Dog Daycare; removing reference to Commercial Kennel License in the use regulations; adding language that allow personal service uses as a Home Occupation; requiring 160,000 square-feet in land area for a Dog Daycare; changing business hours to be limited to 6am to 7pm; allowing the use seven days per week; and allowing up to 8 dogs at a time for Dog Daycare conducted as a mixed-use operation in a Commercial zone. Mr. Manfredi explained that the regulation amendments were written in a way that fit E. Cecil's business model and make it viable by accommodating the needs of customers.

S. Seder asked S. Alexander if he had any comments. S. Alexander discussed a staff memo dated December 6th. S. Alexander explained that he suggested in his memo that, if the Commission is to approve both applications, the Commission should consider approving the application by E. Cecil to eliminate amendments to the definition of Home Occupation. S. Alexander explained that this could be done to limit Dog Daycare to Commercially zoned properties.

S. Seder asked T. Weber if he has any comments. T. Weber did not comment.

S. Seder asked for proponents to speak. B. Sauvageau stated that he is in favor of the proposed amendments, with a caveat: B. Sauvageau stated that a Home Occupation should be a business that can take place inside the home, such as an accountant. B. Sauvageau also stated that caring for animals is a “24/7” business and loosening time restraints on the business is reasonable. B. Sauvageau stated that he has documents explaining how E. Cecil’s business is operated, and that he would like to make sure his letter of complaint from May 2018 is included in the application file. B. Sauvageau also stated he has photos of E. Cecil’s business that he would like to submit to the Commission. B. Sauvageau stated that he believes there should be oversight of the applicant’s business activities by the Zoning Enforcement Officer. F. Manfredi stated that he objects to B. Sauvageau’s submission of material because it is unrelated to the application. F. Manfredi explained that this should have been discussed earlier in the year and he was under the impression that the complaint would be dropped. F. Manfredi explained that he would have prepared differently for the meeting if he knew B. Sauvageau would be airing a complaint. S. Seder stated that he agrees with F. Manfredi. B. Sauvageau explained that he chose to bring new material forward so that he could highlight the point that, if a Dog Daycare is ever permitted at E. Cecil’s property, there should be regular inspections to ensure compliance with the regulations. S. Seder explained that there is a process for dealing with zoning complaints and non-compliance. S. Alexander asked if B. Sauvageau would like to submit his materials to the Commission for inclusion in the record. B. Sauvageau stated that if it is not appropriate, he will not submit the material, and restated that he is in favor of the application.

S. Seder asked for additional proponents to speak. There were none.

S. Seder asked for opponents to speak. Elizabeth Gilman spoke in opposition to the proposal. E. Gilman explained that kennels are only allowed on industrial property of a certain size, and that this issue would not be fixed by changing the property to commercial zoning. E. Gilman stated that she is against Dog Daycare being allowed as a Home Occupation. F. Manfredi reiterated that the Commission may choose to approve the amendments with the omission of changes to the definition of Home Occupation. E. Gilman stated that kenneling is only allowed on industrial property of a certain size. S. Alexander explained that the regulation amendments address that issue and would make it possible for a Dog Daycare to be located in a commercial zone. E. Gilman stated that she would like the Commission to go by the book.

S. Seder asked for additional comments. Monte Aune (Owner, A Dog’s World, Salem Turnpike) spoke. M. Aune asked about the area requirement for a Dog Daycare. M. Aune explained that he has 80,000 square feet and uses almost all of it. M. Aune describe his business practices and use of property for dogs to play. M. Aune asked if the entire property needed to be used under the proposed regulations. The Commission answered that there was no minimum area for the dogs to play. M. Aune explained that a Dog Daycare should make use of a big area for dogs to play. M. Aune stated that insurance may be an issue for anyone proposing to do Dog Daycare in a home. S. Seder explained that he feels the Commission does not like Dog Daycare being permitted as a home occupation.

Steve Gural asked if Mr. Aune watches dogs overnight. Mr. Aune stated his business is daytime-only, from 6am to 6pm, Monday through Friday.

B. Sauvageau stated that a component of the regulations is a 50-foot setback for the outdoor play area. B. Sauvageau spoke about the configuration of E. Cecil's backyard area. F. Manfredi reminded B. Sauvageau that the public hearing is in regards to the regulations. S. Seder stated that he agrees with F. Manfredi. B. Sauvageau stated that this application is being submitted to resolve unlawful activities and said that E. Cecil's fence is still attached to his neighbor's fence. B. Sauvageau asked if a site plan would need to be submitted with an eventual application for Dog Daycare. S. Alexander answered "yes". B. Sauvageau stated that the site plan would need to show compliance with the regulations. S. Seder stated that the Commission looks at a site plan to determine compliance with the regulations.

S. Seder asked if there were additional comments. Scott Taylor stated that he is generally in favor of the regulation amendments, and stated that he feels overnight boarding should require a Commercial Kennel License and Dog Daycare should not be allowed as a home occupation.

Richard Gilman stated that he does not believe the Fitchville village area is an appropriate place for Dog Daycare. R. Gilman stated that the use is incompatible.

S. Seder asked for additional comments. There were none. S. Barber made a motion to close the public hearing. S. Gural seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

2. Review and approve the minutes of the November 8, 2018 regular meeting.

N. Taylor made a motion to approve the November 8, 2018 regular meeting minutes as presented. S. Gural seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

3. Review correspondence pertaining to agenda items.

There was no additional correspondence pertaining to agenda items.

4. Hear the report of the Zoning Enforcement Officer.

T. Weber stated there were no zoning issues to report. T. Weber passed out a building permit report for Optimus Senior Living. G. Pianka stated that permit fees were in-line with projections.

5. Unfinished Business.

- a. Brian Sauvageau: Zoning Map Amendments (Application #10-00-18).

S. Seder asked for comments from the Commission. S. Gural stated that he believes the zoning map amendments are a good idea. S. Barber stated that he agrees. S. Seder

asked S. Alexander for his opinion. S. Alexander stated that he does not believe it is a major change and the mixed-use nature of the C/R district is consistent with the intent of the Village Overlay Zone. S. Seder agreed. N. Taylor stated that with any mixed use there are issues that come up, but having regulations in place should address any issues. N. Taylor stated she is in favor.

S. Gural made a motion to approve Application #10-00-18 by Brain Sauvageau for proposed zoning map amendments. S. Barber seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

S. Alexander stated that the Commission needs to set an effective date of the amendments and suggested January 1, 2019. N. Taylor made a motion to set an effective date of January 1, 2019. S. Barber seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

b. Elena Cecil: Zoning Text Amendments (Application #11-00-18).

S. Seder asked if there were comments from the Commission. S. Barber asked for clarification from F. Manfredi, whether he and E. Cecil would be okay if proposed language to the definition of Home Occupation was dropped from the amendments. F. Manfredi stated that he and E. Cecil are okay with that change given approval of the application for zoning map amendments.

S. Seder asked for clarification about the difference between Dog Daycare and a kennel. S. Barber stated that there needs to be definitions of both and asked about the State's regulations. S. Alexander clarified that the proposed regulations contain definitions for Dog Daycare, Boarding Kennel, and Breeding Kennel. S. Alexander explained that kennels would still only be permitted in the Industrial zones. S. Alexander clarified that Dog Daycare would be allowed in commercial zones and Kennel-free Boarding (overnight Dog Daycare) would be allowed in a single-family home in a commercial zone.

S. Barber asked if the State definition of "kennel" would apply if there were no definition in the regulations. S. Alexander stated that the State regulations and statutes are a good place to look for terms that are not defined in the zoning regulations but did not believe it is a hard-fast requirement to go by the State definition.

F. Manfredi stated that he has the State definition of commercial kennel. S. Gural read the State definition of commercial kennel: *a kennel maintained for boarding or grooming dogs or cats, and includes, but is not limited to, any veterinary hospital which boards or grooms dogs or cats for nonmedical purposes (C.G.S. §22-327)*. S. Gural read the State definition of kennel: *one pack or collection of dogs which are kept under one ownership at a single location and are bred for show, sport or sale (C.G.S. §22-327)*. S. Barber asked if there is a quantity assigned to the definition.

S. Gural asked how other towns have dealt with Dog Daycare. S. Alexander stated that in helping the applicant draft regulations, he looked to other towns and states; however, he was primarily attempting to write regulations that tightly defined

terms in order to be sensitive to the town, the applicant, and A Dog's World. S. Alexander stated that the main difference between a kennel and a Dog Daycare is that a Dog Daycare is a social environment where the owner is present, whereas dogs are left alone in cages at a kennel. S. Alexander explained that the allowance for kennel-free boarding would only apply to a home in a commercial zone, where the owner is present at all times of the day.

N. Taylor stated that it is not the Commission's job to take into account the financial feasibility, with regards to number of dogs allowed on-site, of a Dog Daycare under the proposed regulations. N. Taylor suggested the Commission discuss the number of dogs allowed.

S. Seder asked N. Taylor if A Dog's World has had a negative impact on her as a neighbor. N. Taylor reported that there are no issues with A Dog's World. N. Taylor stated that A Dog's World is only open during the day, however, and suggested that problems may arise with overnight boarding and the adjacency of E. Cecil's property to water (due to echoing). N. Taylor suggested that overnight boarding be limited to four dogs.

S. Barber asked S. Alexander if he looked at Colchester's zoning regulations when assisting the applicant. S. Alexander stated that he did not believe Colchester had regulations for Dog Daycare.

S. Barber asked Marcus Cecil if their business has any local competition other than A Dog's World. M. Cecil stated that there is a Dog Daycare in Lisbon, or perhaps Willimantic.

S. Gural stated that the issues is overnight boarding. S. Barber stated that the Commission does not need to reinvent the wheel and should not make a quick decision. S. Barber suggested that there are most likely other examples of regulations in the State of Connecticut.

S. Seder stated that the Commission should try not to make any mistakes, but said that the issue has dragged on. S. Barber restated his position and asked S. Alexander to do additional research. S. Alexander stated that he put the question out to Connecticut planners.

G. Pianka stated that monitoring for compliance is an issue with this and other uses allowed under zoning. G. Pianka stated there should be a monitoring device.

M. Misarski asked M. Cecil about waste disposal. M. Cecil stated that he removes waste weekly with a tractor and places it into the trash.

S. Barber stated that he is not against the concept of a Dog Daycare but suggested that the Commission act carefully. S. Coit stated that if there was ever a problem, a neighbor would complain and Tom could inspect it. T. Weber stated that he has limited time he's available to do inspections. N. Taylor reiterated that there should be a mechanism for inspections. T. Weber stated that the Fire Marshall can check businesses once per year and look for violations. T. Weber stated that if the Fire Marshall sees any potential

zoning violations, he will be notify the Zoning Enforcement Officer. S. Alexander asked if E. Cecil's business would be inspected. T. Weber stated that it would.

S. Seder asked F. Manfredi if he were aware of any other Dog Daycare definitions. F. Manfredi stated that there was a recent case in Avon or Farmington. F. Manfredi stated he believes the proposed regulations address all potential issues and any approved use would be subject to enforcement.

S. Seder stated that he is generally supportive of the application but suggested the Commission table the decision.

S. Barber for clarification on the process for drafting regulations. S. Alexander stated that he drafted initial regulations to assist E. Cecil that would narrowly define what is and is not allowed for a Dog Daycare. E. Cecil and F. Manfredi then modified those suggested regulations to meet their needs.

F. Manfredi reiterated what S. Alexander stated, explaining that the yellow highlights on the copy he distributed were changes made by him and E. Cecil.

S. Barber asked for confirmation that F. Manfredi would be comfortable with eliminating language allowing Dog Daycare as a home occupation. F. Manfredi agreed. S. Barber stated he would like more time to look at the regulation amendments.

N. Taylor made a motion to table consideration of the application until the January 10 meeting. S. Barber seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

6. Public comment period.

S. Seder asked for public comments. There were none.

7. Review general correspondence.

S. Seder asked if there was general correspondence. There was none.

8. Approve 2019 regular meeting schedule.

S. Alexander presented the draft 2019 meeting schedule. S. Gural made a motion to adopt approve the 2019 meeting schedule as presented. S. Barber seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

9. Such other business as the commission may vote to hear.

S. Seder asked if there was any other business. There was none. S. Barber made a motion to adjourn the meeting. N. Taylor seconded the motion. The meeting was adjourned at 8:59pm.

Respectfully submitted,
Samuel Alexander (acting secretary)
Town Planner/SCCOG