

MINUTES  
ZONING COMMISSION  
DECEMBER 2, 2009 - 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: French, Haviland, Hudecek  
          Alternates Cady, Marquardt  
Absent: Brandt, O’Neill, Sutherland  
Staff: Davis, Gilot

Meeting was called to order at 7:01 p.m.

Chairman Hudecek seated Marquardt for Brandt and Cady for O’Neill.

II. APPROVAL OF THE MINUTES OF November 4, 2009

MOTION: To approve the minutes of November 4, 2009 as written.

Motion made by French, seconded by Haviland, so voted unanimously.

III. PUBLIC COMMUNICATIONS

Jim Furlong, 57 Fishtown Lane, Mystic, asked the Commission if there will be any provision for livestock, farm stands, and such activities in the proposed changes to the permitted table of uses in the zoning regulations. Staff and the Chair indicated that the tables referred to are draft, that as such, no decisions have been made and that the commission will discussing the drafts.

Staff distributed a letter from Attorney Eppinger regarding zoning regulations affecting cemeteries.

Staff said that CCM will provide ethics training for Town boards and commissions. The Commission chose February 8<sup>th</sup>. Staff will schedule it with CCM.

IV. CONSIDERATION OF PUBLIC HEARINGS

1. Regulation Amendment #09-02, Regulation Amendment to Sections 7.3- 3F Sign Prohibitions, 7.3-4B Non Conforming Signs, 7.3-7 Requirements for Signs in Non-Residential Districts, new section 7.3-5A Temporary Sign Events, (Eastern Connecticut Association of Realtors, Inc., Applicant)

It was noted that the applicant had withdrawn their application. Commissioner Haviland said that at the previous meeting it was the consensus of the Commission to close the public hearing and that he had volunteered to draft a modified amendment, which the commission would review this evening. Accordingly, he had drafted a three paragraph modification, and at staff’s request, had forwarded it to staff for their review. Tonight, staff presented the Commission with a different draft, which Mr. Haviland indicated he had not seen prior to it being handed out this evening. Mr. Haviland was upset and did

not feel that staff's draft had any relationship to the more simple draft that he had produced and shared with staff. The Chair also indicated that he was concerned with the fact that the applicant had withdrawn their application.

In response, Staff explained that the applicant had withdrawn their application due to concerns the applicant had as a result of the Commission closing the public hearing. As a result of the hearing being closed, the applicant's attorney understood that his client would have no opportunity to participate further in the process, or to comment on Mr. Haviland's proposed modification. Staff also reminded the commission that the applicant had offered an extension of time to keep the hearing on their application open for this very purpose, but that the commission felt it was not necessary to keep the hearing open.

Staff further explained that they had discussed with Mr. Haviland prior to tonight's meeting, both the ECAR's preference to withdraw their application (in light of the hearing closure) and concerns regarding deficiencies in Mr. Haviland's draft, although staff did not have time to forward staff's draft to him in advance of tonight.

Staff attempted to review the specific sections of it's suggested draft, particularly where it differed from Mr. Haviland's draft and the reasons for those differences, including specific reference to the need for a definition, the need for amendments to the use table, and the need to locate the new use in the appropriate sections of the regulation.

Without any discussion of the standards included in staff's draft proposal or the reasons for those standards, Mr. Haviland and the members requested that staff provide a copy of what Mr. Haviland had drafted with respect to taking action on the withdrawn application. The Chairman called a short recess at 7:24 p.m. for that purpose.

The Commission reconvened at 7:35 p.m. and staff distributed copies of Mr. Haviland's document (fax dated 11/24/09, received by OPDS 3:27 pm). After a brief discussion between the members, Mr. Haviland proposed that a public hearing be scheduled for January 21, 2010, for the Commission's proposal, with some minor modifications, and the Commission concurred. He asked staff to add the appropriate section references, to modify paragraph D to delete "...only one time per month and....," and to make the appropriate changes to the table of permitted uses to reflect this new use.

Staff indicated that they will make the changes and will initiate the process in order to open the hearing at a special meeting to be held on 1/21/10.

2. Special Permit #313 - 117, 151 & 159 Cow Hill Road, PIN 261910275341, 261909272413 and 261905270716, RU-20 Zone (Lawrence Monteiro, Applicant)

**MOTION:** To approve Special Permit #313, 117, 151, & 159 Cow Hill Road for a veterinary clinic.

Findings and Reasons for Approval

The project complies with Sections 7.1-23 and 8.3-8 of the Zoning Regulations in that it meets all zoning requirements, conforms to the Plan of Conservation and Development, is in general harmony with the character of the area, provides adequate utility and drainage systems, and creates no serious parking or traffic circulation problems.

Motion made by Haviland, seconded by Marquardt, so voted unanimously.

V. OLD BUSINESS

1. Land Use Regulation Update Project

The Commission tabled discussion of the regulation update project to a later meeting because there were only four members present.

VI. NEW BUSINESS

1. New Applications

VII. REPORT OF CHAIRMAN - None

VIII. REPORT OF STAFF

It was the consensus of the Commission to cancel the next regularly scheduled meeting on January 6<sup>th</sup> and schedule a special meeting for January 21<sup>st</sup> for the public hearing and other regular business.

IX. ADJOURNMENT

Motion to adjourn at 7:41 p.m. made by Haviland, seconded by French, so voted unanimously.

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Richard Haviland, Secretary  
Zoning Commission

Prepared by Debra Gilot, Office Asst. III