

**REGULAR MEETING
TOWN OF BOZRAH
PLANNING AND ZONING COMMISSION
June 14, 2018**

Acting Chairman Stephen Seder called a regular meeting of the Town of Bozrah Planning and Zoning Commission to order at 7:31 PM, at the Bozrah Town Hall, on Thursday June 14, 2018.

Members present: Seymour Adelman (Chm.), Stephen Seder, Stephen Gural, Scott Barber, Steve Coit (alt.).

Members absent: Nancy Taylor, Manny Misarski (alt.).

Others present: Glenn Pianka (First Selectman), Ray Barber (resident), Elena Rogan Cecil (applicant/resident), Frank Manfredi (attorney to applicant), Tom Weber (Zoning Enforcement Officer, Wetlands Agent, Building Official), Sam Alexander (Town Planner/SCCOG), additional members of the public.

1. Review and approve the minutes of the April 12, 2018 regular meeting.

A complaint letter regarding a proposed Home Occupation at 290 Fitchville Road was omitted from the meeting packet. Stephen Seder gave members time to review the complaint letter.

Scott Barber made a motion to accept the April 12, 2018 regular meeting minutes as presented. Stephen Gural seconded the motion.

VOTE 4 AYES 1 ABSTENTION (Seder) – MOTION APPROVED

2. Review correspondence pertaining to agenda items.

Tom Weber reviewed correspondence received pertaining to a proposed Home Occupation at 290 Fitchville Road. T. Weber stated 21 letters of support were received, and one letter of complaint was received. S. Seder stated that copies are available for the public to review and will be held at Town Hall.

T. Weber summarized the letters of support. T. Weber stated that letters generally came from clients, who were supportive of the operation, stating that it is a clean and well-maintained operation. T. Weber stated that the complaint received outlines ways in which the complainant believes the business is not in compliance with the zoning regulations.

S. Seder appointed alternate Steve Coit to sit in place of Nancy Taylor.

3. Hear the report of the Zoning Enforcement Officer.

T. Weber stated that a letter was received from the Connecticut Department of Transportation, voicing approval of a permit to perform work within the state right of way by Bozrah Senior Living (Optimus Senior Living LLC), at 380 Salem Turnpike.

T. Weber stated a referral was received from the Town of Colchester Planning & Zoning Commission containing regulation amendments. T. Weber explained the amendments. No commissioners raised concern.

T. Weber stated that Bozrah Senior Living will be pouring footings for their facility and that minor changes to building plans were received based on changes to the building code. T. Weber explained the changes.

4. New Business.

a. Elena Rogan Cecil (The Animal Experts): Home Occupation- Dog Daycare, Kennel-free Boarding, Fostering of Rescue Dogs. 290 Fitchville Road.

Attorney Frank Manfredi spoke for the applicant, Elena Rogan Cecil. Atty. Manfredi stated that his position is that his client is appearing before the Commission in response to a complaint. Atty. Manfredi explained that a number of years ago E. Cecil applied for and received licensure from the Connecticut Department of Agriculture (DoAg) to operate a Commercial Kennel. As part of the application process, Atty. Manfredi explained, the town Zoning Enforcement Officer gave a signature certifying that the proposed Commercial Kennel facility was permitted under the zoning regulations.

T. Weber responded, stating that often signs documents for applicants receiving state licenses for their occupations. T. Weber stated that a lot of the time, applicants need his signature prior to receiving approval from the Planning & Zoning Commission for the use or for any proposed facilities. T. Weber stated that his signature on the E. Cecil's application was signifying that the Commercial Kennel was a use allowed under the zoning regulations, with the understanding that she would come in at a later date for Planning & Zoning Commission approval.

Atty. Manfredi handed out copies of E. Cecil's DoAg license, The Animal Experts' trade name certificate, and definitions of "Kennel" and "Commercial Kennel" from the Connecticut General Statutes. Atty. Manfredi stated that E. Cecil and the DoAg relied on the signature of the Zoning Enforcement Officer when obtaining/issuing a license. Atty. Manfredi stated that there has been no appeal and reiterated that he does not believe E. Cecil should be required to appear before the Commission for a Home Occupation permit, based on being properly licensed, with a signature from the Zoning Enforcement Officer.

Atty. Manfredi stated that he has supplied supplemental information based on questions raised by Town Planner, Sam Alexander. Based on their response the questions, Atty. Manfredi, stated that he and the applicant believe the proposed use conforms to the requirements of a Home Occupation. Atty. Manfredi stated that S. Alexander cited vagueness in the use of the word "Kennel" in the regulations. Atty. Manfredi stated that E. Cecil's lot is approximately 1.8 acres; however, she also owns the adjoining lot, giving her in total about 5 acres.

S. Alexander pointed to the requirements for a Home Occupation in Section 2.19 of the zoning regulation, explaining that the Commission will need to discuss the proposal's consistency with the requirements, as there are apparent conflicts with the indoor space allotted to the use, as well as the use being conducted outside of the home.

S. Seder asked Atty. Manfredi about the square footage used inside the home. Atty. Manfredi stated that 700sf of the home's 2800sf is being used. Atty. Manfredi reminded the Commission that this is a kennel-free boarding facility and spoke about the multiple uses of the term kennel, not wanting the Commission to be confused by the use of the term kennel in The Animal Experts' license. Atty. Manfredi restated that dogs are only allowed in a 700sf area on the first floor. E. Cecil showed the Commission on the floor plan where the dogs are allowed and how they enter and exit the home.

S. Alexander stated that, despite the fact that dogs are not caged, the proposed use fits the definition of Commercial Kennel in the Connecticut General Statutes, and that the Commission will need to discuss the use and how it applies the zoning regulation. S. Seder asked about the zoning district in which E. Cecil's home is located. S. Alexander stated that it is in the R-2 and Village Overlay Zone.

S. Adelman asked if dogs are kept in the home at all times. Atty. Manfredi stated that the dogs are kept indoors most of the time but are let out to use the bathroom. Atty. Manfredi explained that there are pens outside for the dogs and that they are not roaming free.

S. Barber asked about the number of dogs per day. Atty. Manfredi and E. Cecil responded that 4-6 dogs are kept per day. Atty. Manfredi explained that most dogs are there for dog daycare, not boarding.

S. Adelman explained that when the Commission approved a dog daycare facility on Salem Turnpike, the Commission did not allow keeping dogs overnight.

S. Seder explained that the complaint letter states that The Animal Experts' website advertises up to 10 dogs per day can be kept for dog daycare; the letter also stated that E. Cecil owns 12 dogs. S. Seder asked about the discrepancy in the claims. E. Cecil stated that she does not have 12 dogs. E. Cecil also explained that sometimes she has two dogs for dog daycare, other times four; sometimes up to four dogs board with her overnight but are typically brought over in the evening with little overlap with dog daycare.

There was some discussion about ownership of dogs. E. Cecil explained that she fosters dogs so the number in her ownership changes; however, she currently has eight fostered and owned dogs.

S. Seder asked if the individual making the complaint was present. Brian Sauvageau explained that he was not here to speak but if the Commission needed clarification, he could answer questions related to the complaint. B. Sauvageau explained that his complaint documented information contained on The Animal Experts' published website.

S. Seder stated that he believes the Commission should table discussion of the application and consult with the Town Attorney in the interim. The other members of the Commission agreed. S. Barber reiterated that the Commission needs to determine if and how a Commercial Kennel fits within the zoning regulations. S. Alexander agreed, stating that the regulations currently have no definition of the term kennel, despite regulating kennels.

Atty. Manfredi reminded the Commission that the applicant has a State license and sign-off from the Zoning Enforcement Officer. Atty. Manfredi stated that E. Cecil has relied on her license and sign-off from the Zoning Enforcement Officer to conduct her business.

S. Barber reiterated that the application is for a Home Occupation. Atty. Manfredi reminded the Commission that he does not believe application for a Home Occupation is necessary, based off having a license from the State. S. Barber asked Atty. Manfredi believes he and E. Cecil will continue pursuing a Home Occupation permit. Atty. Manfredi stated they do not wish to withdraw at the time.

S. Seder reiterated that the matter should be referred to the Town Attorney. The Commission agreed. S. Alexander reminded Atty. Manfredi that obtaining a State license does not obviate the need for local approval of a Home Occupation permit. Atty. Manfredi stated that he disagrees, because the application process for a DoAg Commercial Kennel license only requires sign-off from the Zoning Enforcement Officer. Atty. Manfredi reminded the Commission that the Home Occupation permit was only applied for because of a complaint.

S. Barber made a motion to table discussion of the application to the July meeting. S. Gural seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

7. Review general correspondence.

S. Alexander stated that written notice was received regarding a Sprint Spectrum Realty Company L.P. submittal to the Connecticut Siting Council to add antennae to an existing telecommunications tower on Polly Lane. S. Alexander explained that this is a minor modification that will be handled administratively by the Siting Council.

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

T. Weber spoke to the Commission regarding E. Cecil's license. T. Weber restated that he believed he was certifying that kennels are an allowed use in the Town of Bozrah. T. Weber stated he asked E. Cecil to come before the commission after obtaining the license, but that never happened.

S. Barber made a motion to adjourn the meeting. S. Adelman seconded the motion. The meeting was adjourned at 8:10PM.

Respectfully submitted,

Samuel Alexander
Town Planner/acting secretary