

**ZONING COMMISSION REGULAR MEETING MINUTES
SEPTEMBER 22, 2015
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

Members Present: Chairman Tony Marino, Vice Chairman Harry Ruppenicker Jr., Regular Member Mike Engels, Regular Member Lee Archer and ZEO Nancy Rudek.

CALL TO ORDER: The meeting was called to order by Vice Chairman Harry Ruppenicker Jr. 7:00 p.m.

ESTABLISHMENT OF QUORUM:

Chairman Marino stated that there are 4 Regular members of the Commission present which is a quorum.

AGENDA ADDITIONS:

None.

PUBLIC HEARING(s):

Upon a motion by Lee Archer, seconded by Mike Engels, it was:

VOTED: Unanimously to recess the open the Public Hearing portion of the meeting at 7:01 p.m.

1. ZC2014-015 – Text Amendment for proposed changes to fence definition. Town of Westbrook application (35-day public hearing period ends 10/27/15):

Chairman Marino stated that the application was referred to the Planning Commission, but they did not have a meeting yet to respond. DEEP did raise some concerns, but they can be discussed at the next meeting.

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

VOTED: Unanimously to continue the Public Hearing for Application ZC2014-015 to the October 27, 2015 meeting at 7:00 p.m. to be held in the Multi-Media Room at the Teresa Mulvey Municipal Center.

Upon a motion by Lee Archer, seconded by Mike Engels, it was:

VOTED: Unanimously to close the Public Hearing portion of the meeting and return to the Regular Meeting at 7:02 p.m.

REGULAR MEETING:

Possible deliberation and vote of Public Hearings:

1. ZC2015-015:

The Public Hearing was continued to the October 27, 2015 meeting.

RECEIPT OF APPLICATIONS:

None.

NEW BUSINESS:

None.

OLD BUSINESS:

None.

MISCELLANEOUS:

1. 706 Horse Hill Road – Discussion of approval in 1975 of Silver Trails as a kennel:

Chairman Marino stated that Silver Trails was approved as a Kennel in 1975 when there was nothing in the regulations for kennels. They received a user variance from the ZBA with no conditions and there was no provision for the applicant to come before the Zoning Commission with an application. Kennels were added to the regulations in 1991. In 1987 they were permitted for a crematorium by Zoning. There was never anything to limit the amount of cats or dogs that they could have at the kennel.

Mr. Wayne Cooper of 704 Horse Hill Road stated that he purchased his home 11 years ago and there has been no problem for the last 10 years. Now, Winding Way up the road has closed and the noise coming from Silver Trails is unbearable. He is trying to sell his home and had to drop the house \$50,000.00 because of the noise. He stated that on the internet, Silver Trails advertises that they can house up to 110 animals and that they have access to the outdoors any time of day. Mr. Cooper stated that this is a residential neighborhood and he wants the Zoning Commission to do something to regulate the business.

Chairman Marino stated that he will check with the Commission's Legal Council as to how the regulations were written in 1975, but believes that this is a pre-existing use and we can't go back now and change things. We will look at what the law says. At this point, it is an approved use. He further stated that there is a noise ordinance in Town, but it is not governed by the Zoning Commission. Mr. Cooper can contact whoever is in charge of regulating the Noise Ordinance to lodge a complaint. Lee Archer stated that kennels are governed by the Department of Agriculture, so Mr. Cooper might want to lodge a complaint with them. Again, Chairman Marino stated that at this time, there are no zoning violations to enforce.

ZEO Nancy Rudek stated that she did walk the site on September 1st at 10:00 a.m. She stated that she did not observe any barking dogs at that time. 2 other members stated that they have been to the site numerous times and did not observe excess barking of dogs.

Mr. Cooper stated that he was not satisfied that the Zoning Commission will not help him and stated that he will hire a lawyer and sue the town because this problem is preventing him from selling his home. It may take him 20 years, but he will win because a lawyer already told him that he has a case against the Town.

First Selectman Noel Bishop stated that he will contact Mr. Cooper with a telephone number for the Department of Agriculture.

COMMISSION BUSINESS:

1. ZEO Report:

Distributed and discussed. It was stated that the property at 1269 has cleared up all their zoning violations so she will be rescinding the Cease & Desist Order. An update was given on the proposed Blight Ordinance.

2. Bills:

The following bills were paid out of the Operating Budget:

Branse & Willis, LLC: \$2,793.50 for General Legal (Inv#39040, #39010)

Katie Kelemen: \$61.00 (Secretarial duties for August meeting)

Transcription Services: \$2019.10 (Katie Kelemen – 1961 Boston Post Road Appeal)

Transcription Services: \$1525.00 (Katie Kelemen – 1961 Boston Post Road Appeal)

Hartford Courant: \$90.24 (Legal Ad, Inv#002204578)

Nathan L. Jacobson & Assoc., Inc.: \$66.02 (Flood Reviews – 48 Tarpon, 164 Captains)

150% Special Funds – Consulting Services:

None.

Special Funds – Bond Releases

None.

APPROVAL OF MINUTES – Regular Meeting – August 25, 2015

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

VOTED: Unanimously to approve the minutes of the Regular Meeting of August 25, 2015, as submitted.

ADJOURNMENT:

Upon a motion by Mike Engels, seconded by Lee Archer, it was:

VOTED: Unanimously to adjourn at 7:37 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary