

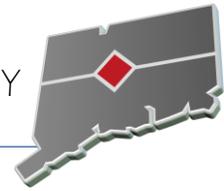
CENTRAL CONNECTICUT REGIONAL PLANNING AGENCY

Serving Berlin, Bristol, Burlington, New Britain, Plainville, Plymouth, and Southington

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TO: COMPREHENSIVE PLAN COMMITTEE
FROM: Kristin Thomas, PLANNER
DATE: January 25, 2012

RECEIVED BY CCRPA ON: January 5, 2012
REFERRAL NAME: Canton Zoning Regulation Amendments

INITIATOR: Philip E. Doyle, LADA, P.C. Land Planners for Martel Transportation

MUNICIPAL HEARING: February 15, 2012
REFERRED TO: CCRPA

DESCRIPTION: The applicant is proposing regulation amendments to allow the customary repair and maintenance of company owned, leased, or rented vehicles (fleet vehicles) as a separate, accessory use allowed by special exception in the L-1 Light Industrial Zone. Currently this use is not allowed in the L-1 Zone. This amendment would be added as Section 41.3.7. Please see the letter from the applicant on page 4 of the original submittal for further information.

COMMENTS: No comments have been received from any neighboring towns.

STAFF RECOMMENDATION: CCRPA recommends that this proposal be found **Not in Conflict** with the Regional Plan of Conservation and Development or any other Agency plan. In reviewing the referral, the uses currently allowed in the L-1 Zone by special exception, and the current use of the applicant's property (Martel Transportation located at 146 Powder Mill Road, Canton, CT), it appears that this new use would fit in with existing context.

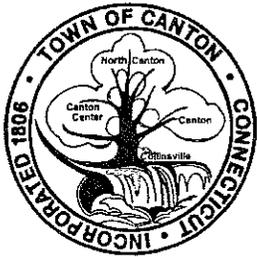
Hello,

I have attached a referral for a Zoning text amendment for the Town of Canton. This application was received by the Zoning Commission on December 21, 2011 and set for public hearing on February 15, 2012.

If you have any questions or concerns, please contact me.

Thank you,
Sue Brodeur

Susan Brodeur
Land Use Office
Town of Canton
4 Market Street
Canton, CT 06019
860-693-7856 Phone
860-693-7884 Fax
sbrodeur@townofcantonct.org



CANTON ZONING COMMISSION
4 Market Street,
Collinsville, Connecticut 06022

MEMORANDUM

TO: Zoning Commission

FROM: Neil S. Pade, AICP
Director of Planning & Community Development

CC: Phil Doyle, LADA – Applicant Representative
Zoning File #378, Apln #1340
Zoning File # 378, Apln #1344

SUBJECT: Amendment to LI District, Addition of New Section 41.3.7

DATE: December 20, 2011

Proposal

The applicant is proposing regulation amendments to add a new Section 41.3.7 of the Zoning Regulations (Light Industrial District, Special Exception Uses).

The application is accompanied by a December 16, 2011 letter from LADA which summarizes the intended purpose of the proposed amendment.

In short the proposed change would allow the customary repair and maintenance of company owned, leased, or rented vehicles (fleet vehicles) as a separate use allowed by special exception.

Timing Requirements of the Connecticut General Statutes (CGS)

CGS 8-3a(b) states, in relevant part, "In any municipality which has a separate zoning commission operating under the provisions of this chapter or any special act and which also has a planning commission operating under the general statutes or any special act, proposed zoning regulations or boundaries or changes thereof shall be referred to such planning commission for a report at least thirty-five days prior to the date assigned for a public hearing to be held thereon." (underlining added)

Therefore the Zoning Commission should refer this petition to the Planning Commission for their January 9, 2012 regular meeting.

In accordance with CGS 8-7d this application will require two legal notices of the public hearing to be published: (1) 10-15 days before the public hearing date; and (2) no less than 2 days after the first notice and not less than 2 days before the hearing (terminal days not included).

Because this is a regulation change specific to LI Districts, and there are LI districts within 500 feet of a municipal boundary, regional notifications to the regional planning agencies will be required not less than thirty days (by 1/16/12) before the public hearing in accordance with CGS 8-3b.

Additionally CGS 8-7d(f) requires any application which affects any portion of any property within 500 feet of a municipal boundary to send notice to the Town Clerk of any adjoining municipality within 7 days of the date of receipt (12/14/11-12/28/11).

Per CGS 8-3 proposed regulations and amendments must be filed with the Town Clerk at least 10 days before the hearing (by 2/5/12).

Scheduling the Public Hearing

Based on the statutory requirements detailed above, it is recommended that a public hearing be scheduled for February 15, 2012.

Fees

The application was submitted with the required fee of \$310.

Completeness

At the time of this memorandum, the application and submission requirements are complete.

List of Exhibits

At the time this memorandum was drafted there are no exhibits on file other than the application form.

Recommendation:

The following motions are recommended for the Commissions consideration:

Suggested Motion:

To receive File #378, Apln. #1344 and schedule a public hearing for February 15, 2012, and to refer the application to the Planning Commission for review of the proposal for consistency with the Plan of Conservation and Development at their next regular meeting (January 9, 2012).

LADA, P.C.

Land Planners

Land Development Consulting, Site Planning, Landscape Architects, Planners, Corridor Studies, Visual Assessment, Environmental Impact Statements, Erosion Control Specialists, Streetscapes, Recreation, and Master Planning

December 16, 2011

Mr. Neil Pade, Director
Town of Canton Planning and Community Development
P.O. Box 168
Collinsville, CT 06022

378/1344
RECEIVED
DEC 19 2011
LAND USE OFFICE

Dear Mr. Pade:

Due to recent discussions regarding the legality of vehicle maintenance activities, it has become apparent that there is a need to clarify the situation. The ability of various companies which repair and maintain company vehicles as incidental or accessory activities to the normal and primary activity of the business is now in question, in part, as the result of a petition made in a recent court case. The unintended consequence of the recent case appears to be a limitation on the normal accessory maintenance some companies must perform on their vehicles so that they can fulfill their business purpose such as a school bus service or a site construction business. Most of these businesses exist now and will likely be proposed in the future within the L-1 Zones. The following proposed Text Amendment is submitted to be added to the Town Zoning Regulations in Section 41 - Light Industrial (L-1) District.

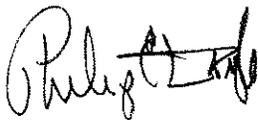
This Text Amendment would only apply to companies which maintain their company owned, leased or rental equipment. The repair and maintenance would be entirely 'accessory' per the existing definition of accessory use in the regulations. The amendment would not apply to the repair of vehicles belonging to other people or other business. This amendment would specifically apply to larger vehicles such as school busses or vans, construction equipment and oil delivery vehicles for example.

The amendment is proposed, at the Town Planner's suggestion, as a Special Exception use under Section 41.3. It would be numbered 41.3.7.

This request is made in the belief that the proposed Text Amendment is entirely consistent with the economic development goals of the Town of Canton Plan of Conservation and Development. It will encourage existing uses to remain in town and grow.

Please review this application and begin the required referral process to the Town Planning Commission, CROG and others as mandated. We look forward to meeting with the Commission on this matter.

Sincerely,



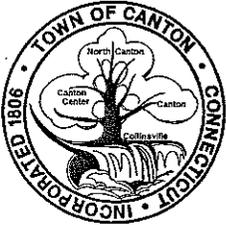
Philip E. Doyle
th
attachments

K:\MyDocuments on K\MartelBusGarage\Zone Change Application cov ltr to Neil Pade Dec 16, 2011.wpd

Offices in Simsbury, CT • Brewster, NY
104 West Street, Simsbury, CT 06070
(860) 651-4971 • (845) 278-7424 • Fax (860) 651-6153
E-mail: ladapc@snet.net

For Office Use
Only:

File No. 378 Application No. 1344
Date Submitted 12/19 Date Received by Commission 12/21/11



LAND USE OFFICE
Canton, Connecticut INC. 1806
4 Market Street, Canton, Connecticut 06019

ZONE CHANGE APPLICATION FORM

This application is for a: (please check one of the following)

- ____ Zoning Map Amendment
or
 Zoning Regulation Amendment

CONTACT INFORMATION

1. Applicant:

Name: LADA, P.C. Land Planners for Martel Transportation
Address: 104 West Street
City: Simsbury State: CT Zip Code: 06070
Daytime Phone: 860-651-4971 E-mail: ladapc@snet.net
Fax: 860-651-6153

2. Property Owner:

Name: N/A
Address: _____
City: _____ State: _____ Zip Code: _____
Daytime Phone: _____ E-mail: _____
Fax: _____

(Attach additional sheets if necessary)

3. Primary Contact Person: Philip E. Doyle

Daytime Phone: 860-651-4971 E-mail: ladapc@snet.net
Fax: 860-651-6153

ZONING MAP AMENDMENT INFORMATION

1. Description of Parcel

- A. Address: N/A
B. Assessor's Identification: Map#: _____ Lot #: _____
C. Land Record Reference to Deed Description: Volume: _____ Page: _____
D. Lot Size: _____
E. Zoning District: L-1

2. Zoning Map Amendment Information

- A. Existing Zoning District N/A
- B. Proposed Zoning District _____
- C. Reasons for Proposed Map Amendment

3. 22 copies* of scaled maps showing the following information (6 full size plans and 16 - 11"x17" reductions are acceptable):

- A. Boundary lines of entire tract or tracts under consideration
- B. Key Map
- C. Location Map at a scale of 1"=1000' indicating the location of the area to be rezoned
- D. North Arrow, Scale, Date of Maps, Origin of Maps
- E. Identification of owners of record
- F. Identification of owners of record of abutting parcels
- G. Existing zoning
- H. Proposed zoning with accurate dimensions and/ or bearings
- I. Acreage of area to be rezoned.
- J. Boundaries of watersheds for public water supplies
- K. Location of buildings, streets, driveways, and other facilities on subject land and adjoining properties within 500 feet.

*(8 Planning Commission, 10 Zoning Commission, 2 Staff, 1 File, 1 Regional Agency)

ZONING REGULATION AMENDMENT INFORMATION

1. Section Number Location to be amended/ added: Section 41 L-1

2. Existing Text (attach on separate page if necessary):

Section to be added

3. Proposed Text (attach on separate page if necessary):

See Attached

REQUIRED FEE

1. Required Fee		Amount Included
<input type="checkbox"/> Zoning Map Amendment	\$75 plus \$25.00 per acre or portion thereof, subject to a minimum fee of \$250.00	_____
<input checked="" type="checkbox"/> Zoning Regulation Amendment	\$250.00	<u>250.00</u>
<input checked="" type="checkbox"/> All applications require an additional \$60 State Fee		<u>\$60.00</u>
	Total Fee	<u>\$310.00</u>

NOTICE REQUIREMENTS

1. Is any portion of the site within 500 feet of an adjoining town? N/A
 No Yes
- Avon
 - Barkhamsted
 - Burlington
 - Granby
 - New Hartford
 - Simsbury

2. The applicant shall file a copy of any proposed regulation amendment or zone change with the Town Clerk ten (10) days prior to the hearing per Sections 8-3(a) of the Connecticut General Statutes. **Certification by the Town Clerk of the filing under these sections must be presented by the Applicant at the public hearing. (See certification form attached)**

By submitting this application, I hereby verify that all materials contained herein are true and grant permission to Town employees and Commission members to enter and view the subject site.

Owner Name (please print)

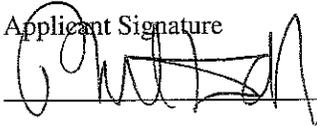
Owner Signature

Date: _____

Applicant Name (please print)

Applicant Signature

PHILIP DOYLE



Date: 12/14/11

BEFORE SIGNING, OWNERS AND APPLICANTS PLEASE NOTE:

By signing this application, the signer represents as to the owner or applicant, whichever applies, either:

- (i) if an individual, that the signer is that individual; or
- (ii) if an entity (e.g. corporation, llc, partnership, trust, association) that he or she is legally authorized to sign on behalf of that entity

PROPOSED

41.3.7 Customary maintenance and repair of company owned, leased or rented vehicles or equipment under the following conditions:

- a. The maintenance and repair is subordinate and incidental to the primary use.
- b. The primary business of the firm shall be limited to services such as:
 - school bus transportation
 - site and landscape construction
 - fuel delivery
- c. All maintenance and repair will occur inside a building and all requirements of the State of Connecticut for raw materials or waste products handling will be met.
- d. Commercial maintenance and repair of large vehicles, as reference above in b, as a primary business is not permitted by this section.