

**PLANNING AND ZONING COMMISSION**  
**January 11, 2016 Meeting Minutes**

*These minutes are not official until approved at a subsequent meeting.*

Commission Members Present: Alan Gannuscio, Vincent Zimnoch, Jim Szepanski, Alexa Brengi, Mike Forschino, and Cindy Cooper (Alternate)

Commission Members Absent: Pat Sayers (Alternate)

Town Staff Present: Jennifer Rodriguez (Town Planner)

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**I. Call to Order**

Chairman Gannuscio called the meeting to order at 7:12 pm.

**II. Roll Call**

Commission roll call was taken.

**III. Approval of Minutes from the December 14, 2015 Regular Meeting**

Mr. Szepanski noted an error in the minutes on page seven, Section X, Adjournment. It should say, "...the Planning and Zoning Commission adjourns the *December 14, 2015* meeting at 8:33 pm," not the November 9, 2015 meeting.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0; Brengi Abstaining) that the Planning and Zoning Commission approves the December 14, 2015 minutes, *as corrected*.

**IV. Public Hearings (none)**

**V. Reviews (none)**

**VI. Action on Closed Public Hearing Items (none)**

Chairman Gannuscio asked the new Town Attorney, Carl Landolina, to introduce himself to the commission. Attorney Landolina stated that he took over on December 1 as Town Attorney for the town of Windsor Locks. He grew up in town and lived here for 41 years before moving to East Granby a few years ago. He has an office in town with Attorney Tom Fahey. Attorney Landolina is the town attorney in five different locations and represents Suffield and Ledyard in their land use and planning boards and commissions. He stressed that he is available to board members and is looking forward to working with this board. Chairman Gannuscio noted that this is a two-year appointment.

There was a brief discussion regarding an issue with an E&S bond for an ongoing development project.

Chairman Gannuscio asked Ms. Rodriguez if there were any topics that she would like Attorney Landolina's input on. She responded that home occupations, signs, McKenzie, incentive housing zone, TIF, and kennels would be some topics to discuss with him.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that Item VIII.C.i. be moved to this point in the agenda.

**(VIII. New Business)**

**C. Informal Discussions**

**i. Kennels in Windsor Locks**

Ms. Rodriguez distributed copies of Section 212 of the regulations, "Residential Prohibitions," which discusses kennels. The second sentence reads, "Expressly prohibited are commercial greenhouses, kennels, livery..." She commented that she has received complaints that keep coming up about a few properties in town. When she has gone out to the properties in the past, their signs and the dogs go away. There are other situations where people are advertising formally on Facebook or websites as a kennel. Ms. Rodriguez and Attorney Landolina previously had a discussion and read through the regulation, and Attorney Landolina provided an analysis via email. Ms. Rodriguez said before she goes out to enforce some of these complaints, she would like to have a good understanding of this paragraph in the regulations. She also contacted Animal Control because there are state statutes that regulate various types of kennels, basic or commercial, which include grooming and overnight boarding. There is also the basic license that a resident can get through the clerk's office, and there is fostering as well. There has to be cooperation and a good understanding of who has what role before tackling the handful of complaints that are coming in, and she would like to talk about the interpretation of this paragraph in the regulations. Another thing to consider is when you have a certain number of dogs, when does it become a licensed commercial kennel.

Ms. Brengi commented that if you have more than six dogs, you have to have a commercial kennel license, and then the Department of Agriculture has to get involved. Attorney Landolina said in lieu of a dog license for 10 dogs, you can get a kennel license instead of paying for separate dog licenses. Ms. Brengi said a commercial kennel license only allows you to kennel and groom. You have to have a separate license for breeding, and another one to do retail. Ms. Rodriguez asked, "Even though the state statute has this regulation, when does ours kick in?" She said it was explained to her that for commercial, that would be more of the boarding and grooming and not necessarily just having the dogs. Attorney Landolina replied, "But keep in mind that just because the State of Connecticut issues these types of licenses doesn't mean that they preempted local control over where these operations are going to be located. That's exclusively within your

province on your zoning regulations.” He further stated that keeping of a pet is an accessory activity. It’s considered that under zoning law, so you don’t have a right to keep a pet unless you’re allowed to have accessory activities in any zone. Obviously, in a residential zone you have the right to have accessory activities. At some point accessory uses are customary and incidental to the primary uses, so what is customary and incidental in terms of having pets? Is it 4, 5, 10, 20? At some point the principal use of your property gets overrun by the accessory use. If you wanted to regulate how many dogs someone can own, it’s something you could regulate under Connecticut case law. When he gets calls from clients who are bothered by some activity going on next door, he tells them that’s not a zoning matter, that’s a private nuisance matter. This is something that aside from being a private nuisance, is something you could regulate if you chose to do so. In order to come to a number that’s reasonable, get the information from the town clerk in terms of the issuance of dog licenses, then go forward and decide on a number.

Ms. Rodriguez stated that through the regulation, her conversation with Animal Control, and the analysis from Attorney Landolina, she feels it makes sense to enforce the kennels that are advertising for that purpose, but then to take that further, she will look in the town clerk’s office so that research will be available for next month. She also checked with neighboring towns as to the number of family dogs that are allowed, and that information is listed in the email that was distributed.

Attorney Landolina stated that from a zoning perspective, the continuous breeding and selling of dogs from a residential home appears to violate that section of the regulations. However, if you want to make exceptions or draft the regulation to allow this activity in some limited way, you could certainly do that. This is in a specific prohibited use section of the regulations. Even on top of the fact that it’s not a permitted use, and therefore would be prohibited, it’s in a prohibited section. For now, it would appear that this activity that we’re talking about violates the zoning regulations.

Ms. Rodriguez, Chairman Gannuscio, and Attorney Landolina agreed that it would be a good idea to work on the definition of “kennel.”

Ms. Rodriguez said she will update the commission next month on what she finds in the town clerk’s office as to what the typical number of pets in a household is. Mr. Zimnoch commented that they shouldn’t base their decision on if someone has ten dogs we should consider that the norm. He feels just having one set number is too arbitrary. Attorney Landolina pointed out that this is a piece of information that you need to have on the record because every case that’s ever been decided, one of the things the judge wanted to hear was, “Did you go to the Town Clerk and check what was normal for your community?”

**ii. Plan of Conservation and Development**

Ms. Rodriguez stated that no action is needed tonight from the commission. The date for the POCD kickoff meeting was set for *Tuesday, February 23, 2016, at 7:00 pm*. Ms. Rodriguez will check to see if the Ella Grasso conference room will be available on that date for this meeting.

**VII. Old Business**

**A. Discussion with Commission and Staff** (none)

**B. Action Items** (none)

**VIII. New Business**

**A. Public Input** (none)

**B. Receive New Applications**

**i. Special Use Permit with Site Plan Review for 63 Elm Street to convert single family dwelling to two-family dwelling**

Ms. Rodriguez stated that the applicant, Phillip Savino, would like to convert this single family dwelling into a two-family dwelling and was requesting that the site plan be waived. Chairman Gannuscio did not think a waiver would be a good idea as there is limited parking at this site. He would like to see some kind of drawing showing the parking. It does not have to be a professional survey.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission hold a public hearing on February 8, 2016 for a site plan review and special use permit for Phillip Savino for 63 Elm Street.

**D. Action Items**

**i. Appointment of Commission Member to CRCOG Regional Planning Commission**

Alexa Brengi was appointed to the CRCOG Regional Planning Commission. The meetings are in Hartford.

**IX. Communications and Bills**

Mr. Gannuscio stated that he was officially sworn in.

**X. Adjournment**

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission adjourns the January 11, 2016 meeting at 8:19 pm.

*Respectfully submitted,*

*Debbie Seymour  
Recording Secretary*