

HAMPTON PLANNING & ZONING COMMISSION
REGULAR MEETING
MINUTES
JUNE 28, 2010

PUBLIC HEARING

1. Special permit application for a home business for an antiques shop in an existing structure at 133 Old Town Pound Road, RA-80 Zone, Marc Ayotte, owner, Marc and Naomi Ayotte, applicants. Chairman Grindle opened the Public Hearing at 7:40 p.m. Members present were Chairman Kevin Grindle, Robert Burgoyne, Gary DeCesare, Wayne DeCarli, Gloria Langer, and alternates Randy Thompson and Everett Hyde.

Chairman Grindle read the legal notice as it appeared in the Chronicle on 6/16/10 and 6/23/10, and noted a 6/24/10 letter from John Berard, Hampton Building Official submitted by the applicant.

Marc Ayotte submitted 4 certified mail receipts verifying neighborhood notification and noted that 3 additional letters had been hand delivered. Ayotte also submitted a 6/3/10 lease agreement between Marc and Naomi Ayotte for the rental of the property along with a letter (which he read into the record) from Attorney St. Onge.

Marc Ayotte summarized the proposal to utilize the existing structure on his property for his mother's antique business as part of her home occupation. He also noted that construction on the new home should begin in September of 2010.

Thompson questioned if the Fire Marshal and Building Official had reviewed the location and structure. Ayotte responded yes.

Burgoyne expressed concern for setting precedent by allowing use of a building on an adjacent lot as part of a home occupation use, noting it would not be an issue if it were on the same lot.

Fraenkel questioned the proximity of the parking area to the neighbors house, noting there is no landscaping to buffer the views, and feels a landscape plan should be required. Fraenkel requested clarification as to what is being sold, noting as per the regulations, crafts and fine arts are not allowed to be sold at a home occupation unless created on site. Fraenkel suggested what can and cannot be sold should be spelled out in an approval motion.

Burgoyne stated that the intent of the regulations is not for a "lease" to be used as part of any property.

DeCesare feels the regulations are poorly written and does not feel that "fine arts" should be limited. He suggested making a provisional permit and feels that renting or leasing a space on another lot for storage should not be an issue.

Burgoyne feels the issue at hand is the use of a barn on another property.

Hyde would like to see what other Towns are doing as referred to in St. Onge's letter.

Naomi Ayotte feels the initial meeting and suggestions made are now not satisfying the Commission.

Langer feels the approval could be provisional on the house being built.

DeCesare feels this is an extreme technicality as suggested by Attorney St. Onge, and is very unique to this applicant (as referred to on pg.2 of St. Onge's letter).

Hyde feels the lease idea should be scrapped and could be approved with provisions. Grindle suggested staff and the Chairman can work on landscaping buffers.

Joe Rodriguez feels a decision should be made, so to not further prevent Naomi Ayotte lose profit by not being open. He said it is a grey area of the regulations and should be reviewed and fixed. Linda Seretney feels it should be clarified if fine arts/crafts would be allowed so the applicant will know now.

Naomi Ayotte would like to have collectables and crafts from other vendors and feels the definition should be revised, if not, then the “home occupation” definition should be changed or it should be given another name.

Chairman Grindle noted no further comments or questions from the Commission or public. The applicants requested the public hearing be closed at 8:50 p.m.

Call to Order:

Chairman Grindle called the Meeting of the Hampton PZC to order at 9:05 p.m.

Roll Call:

Members Present: Robert Burgoyne, Wayne DeCarli, Gary DeCesare, Kevin Grindle, Gloria Langer and Alternates Randy Thompson and Everett Hyde

Seating of Alternates:

All members were present, no alternates were seated.

Additions to Agenda:

New Business #1: New Application of Donnelly, Home Business, Special Permit

New Business #2: Ad-Hoc Ordinance Committee discussion

Old Business #4: Discussion of Banford Property on Route 6

Audience for Citizens:

None.

Approval of Minutes:

5/24/10- DeCesare MOVED, Hyde seconded, to approve the minutes of the 5/24/10 meeting as presented. MOTION PASSED with all in favor except Langer who abstained. .

6/17/10- Burgoyne MOVED, Hyde seconded, to approve the minutes of the 6/17/10 meeting as presented. MOTION PASSED with all in favor except DeCesare and DeCarli who abstained.

Chairman Grindle requested to table Old Business Items 2 & 3.

Old Business

1. Special permit application for a home business for an antiques shop in an existing structure at 133 Old Town Pound Road, RA-80 Zone, Marc Ayotte, owner, Marc and Naomi Ayotte, applicants. Burgoyne MOVED, DeCarli seconded, to table discussion to a 7/8/10 Special Meeting at 7:30 p.m. to allow adequate time for the Town Attorney to render a decision/opinion and clarify legality of a provisional permit. MOTION PASSED UNANIMOUSLY.

2. Discussion: Zoning Regulations Revisions

Tabled for Special Meeting on 7/8/10 at 7:30pm.

3. Discussion: Subdivision Regulations Revisions

Tabled for Special Meeting on 7/8/10 at 7:30pm.

4. Banford Property, Route 6

Attorney St. Onge sent a 6/21/10 letter to the Town of Hampton informing the Town that the land conveyance is not longer on the table. It was the recommendation of the PZC that the Town should still seek purchase of the D.O.T. land and this should be conveyed to the First Selectman.

New Business

1. Donnelly Home Occupation, 114 Old Town Pound Road

Burgoyne MOVED, Langer seconded, to set a public hearing on Thursday, July 29th at 7:30 p.m. to receive comments on the proposed Counseling Offices to be housed in a 1,200 square foot accessory building to be built upon approval.

2. Ad-Hoc Ordinance Committee

Jan Kuprak,, Joan Fox, Linda Sereteny, members of the Ad-Hoc Ordinance Committee reviewed a “working copy” of the ordinance regarding zoning fines. After review and members giving suggested changes, the committee agreed to work with Fraenkel to finalize as long as the majority of the PZC is in agreement about the dollar amount of the fines.

Report from Zoning Official:

Fraenkel noted that a sheriff has been sent to Sarah Pearl, noting illegal occupancy of a camper at the Alan Soucy property.

Communications:

None noted.

Adjournment:

Noting no further business Burgoyne, MOVED, DeCesare seconded, to adjourn the meeting at 10:04p.m. MOTION PASSED UNANIMOUSLY.

Respectfully submitted,

Jessie L. Shea
Planning and Zoning Commission Clerk