



TOWN of
THOMPSON
ZONING BOARD OF APPEALS

Minutes
February 10, 2014

p. 1 of 3

Chairman Dan Roy called the meeting to order at 7:00 PM in the Merrill Seney Room at the Town Hall.

Roll Call: Kevin Beno David Kress Dan Roy
John O'Connell, Alternate, was seated.
There was a quorum.

Staff Present: Mary Ann Chinatti, Director of Planning and Development
John Mahon, ZEO
Ida Ransom, Recording Secretary

Public Hearings

1. **Appeal 13-01:** Lisa Knight, 317 County Home Road, Thompson, Morning Star Farm Pet Resort; unfounded neighbor's complaint and questioning scope of property variance 2002.
Grievance: Operating under the 2002 variance legally. Limits imposed/suggested would be a financial detriment to business.
 - a. Lisa Knight, 317 County Home Road, Thompson spoke on behalf of the Morning Star Farm Pet Resort.
 - 1) The business was originally owned by Maree O'Brien who applied for and received the 2002 variance.
 - 2) None of the attorneys involved in the sale of the business found any restrictions. One of the conditions of the sale was that the new business could legally operate.
 - 3) In March 2007, the ZEO signed the transfer of license.
 - 4) In 2007, there were twenty-six indoor/outdoor kennels; this number has not been increased. These kennels are large and can hold two large dogs at one time and are housed inside a barn.
 - 5) The indoor play area now has a wall where the previous owner only had a fence. This was the only change to the facility.
 - 6) The services provided today are the same as were being provided in 2007 by Maree O'Brien – boarding, grooming, and day care.
 - 7) During the week the dogs are only out between 7 AM and 6 PM; on the weekend it is 8 AM. Drop-off for day care is between 7 and 10 AM and pick-up is between 3 and 6 PM.
 - 8) The business is licensed and regulated by the Department of Agriculture with two yearly inspections.
 - 9) Lisa Knight lives on the property which was not the case when she bought it in 2007.
 - 10) On April 2, 2013, the ZEO investigated a complaint and did not find a problem. The dog officer has also received a complaint but found no problem.
 - 11) In about 2010, there was a complaint. At that time, there were rescued dogs being cared for; they were there for approximately six months. Most of the boarding is for short stays of three to six days.
 - 12) Lisa Knight provided a copy of the map of the property showing that the facility is approximately 750 feet from the neighbors.
 - 13) She also provided documents comparing the volume of Doggy Day Care in January 2007 and January 2014 which is about the same. She stated that this is a rowdy crowd that is mostly inside, but some do go outside for exercise.
 - 14) Lisa Knight also provided a Boarding comparison provided by season, showing 30-42 dogs average per day in winter; 50 in the spring, 44 in the fall and 60-70 in the summer.

- b. Daniel Roy and David Kress were both on the Zoning Board of Appeals in 2002 when the variance was granted. They confirmed that only 10-15 dogs were authorized and that this is in an R-40 zone. Neither was aware of a larger number of dogs on the premises.
- c. Lisa Knight stated that there is no stipulation on the variance itself as to the number of dogs.
- d. David Kress stated that the initial intent was to allow a business in town.
- e. Chairman Roy asked if anyone else wished to testify.
- f. William Schimanski, Woodstock, CT, testified that as a State Trooper he has patrolled the Route 21 area for eight years and has had no complaints. Any barking is what you would hear when a car first drives in; that is, only for a very short time. He also uses the business for the care of his own dogs.
- g. Attorney Ernest Cotnoir, 163 Providence Street, Putnam, CT represented Arlene F. and Ernest C. Lamoureux.
 - 1) Attorney Cotnoir submitted for the record copies of: the Lamoureux deed at 297 County Home Road; the Maree O'Brien approved Variance Application; the minutes from the March 11, 2002 Zoning Board of Appeals meeting; the October 17, 2013 Zoning Violation letter from Mary Ann Chinatti, Director of Planning and Development to Morningstar Farm Pet Resort, Inc.; CT Supreme Court decision Victor Anatra et. al. versus the Zoning Board of Appeals of the Town of Madison which recently ruled that even if a certificate of variance does not state conditions, that if other documents do contain limits then those limits do apply to the variance..
 - 2) Attorney Cotnoir reviewed various points in the case including that in 2002 the Planning and Zoning Commission had cautioned the ZBA in the O'Brien variance and that the approved variance has no limits on the number of dogs and that the minutes of the meeting do show 10-15 dogs.
 - 3) The Lamoureuxs have lived at 297 County Home Road since 1999. Originally the Lamoureuxs had no problem, but gradually there has been more and more noise. There has recently been logging on the Morningstar Pet Resort property.
 - 4) Attorney Cotnoir recommended the appeal be denied and that a modification be filed by the current owners of Morningstar Pet Resort, Inc.
- h. Steven Belanger, 303 County Home Road, stated there is lots of noise; he has a concern about his property value. The noise is worse since the logging has been done. There is noise all day, but more in the summer.
- i. Michelle Parker, 171 Providence Street, Putnam, CT leaves her dog at Morningstar daily Monday through Friday with drop off about 7:30 and pick-up at 5:30; there is no noise issue.
- j. **David Kress moved and Kevin Beno seconded the motion to close the public hearing. The motion carried unanimously.**
- k. Mary Ann Chinatti, Director of Planning and Development, noted that the required signage was not posted for 10 days and the notices to abutter responses were not turned in 5 days ahead as required by the Zoning Regulations and that because of these the Board needed to deny the appeal because procedures were not followed.
- l. **David Kress moved and Kevin Beno seconded the motion to deny the appeal because of non-compliance of the regulations. The motion carried unanimously.**
- m. **David Kress moved and John O'Connell seconded the motion to waive the fees and waive the re-application time so that the six months waiting time does not apply if the applicant chooses to reapply. The motion carried unanimously.**
- n. **David Kress moved and Kevin Beno seconded the motion to seek legal counsel for clarification on the variance granted in 2002. The motion carried unanimously.**

Mary Ann Chinatti left the meeting at 8:05 PM.

Approval of Minutes

- 1. **Kevin Beno moved and John O'Connell seconded the motion to accept the minutes of the January 13, 2014 meeting as presented. The motion carried unanimously.**

Correspondence

1. Sent via e-mail
 - a. Agenda and Minutes: Planning and Zoning, January 27, 2014.
2. Sent via regular mail
 - a. Zoning Board of Appeals Minutes: January 13, 2014.
 - b. Planning and Zoning Commission Minutes: January 27, 2014.
 - c. Financial Report: January 2014.
 - d. ZEO Activity Report: January
 - e. Planning and Development Director Report
 - f. Zoning Board of Appeals Agenda: February 10, 2014.
3. Other correspondence: None

Applications and Appeals: None

Applications and Appeals Received after Agenda Posted: None

Old Business: None

New Business: None

Citizens' Comments: None.

Commissioners' comments: None

Future Meetings

1. The next meeting will be held Monday, March 10, 2014 at 7 PM in the Merrill Seney Room, Town Hall.

Adjournment

1. **Kevin Beno moved and David Kress seconded the motion to adjourn; the motion carried unanimously.**
2. Chairman Roy adjourned the meeting at 8:07 PM.

Ida Ransom
Recording Secretary