

**DRAFT MINUTES**  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
MONDAY, November 18, 2013  
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask,  
K. Rawn B. Ryan  
Alternates present: P. Aho, V. Ward, S. Westa  
Staff Present: Linda Painter, Director of Planning and Development  
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:11 p.m.

**Minutes:**

November 4, 2013 Regular Meeting: Plante MOVED, Chandy seconded, to approve the 11/4/13 Meeting Minutes as presented. MOTION PASSED UNANIMOUSLY. Rawn noted for the record that he listened to the recording of the meeting.

November 13, 2013 Field Trip: Ryan MOVED, Holt seconded, to approve the 11/13/13 Field Trip Minutes as presented. MOTION PASSED with Goodwin, Holt and Ryan in favor and all others disqualified.

**Zoning Agent's Report:**

Noted.

**Old Business:**

**a. 82 Stone Mill Road-Barking Complaints/Kennel Determination**

Chandy MOVED, Holt seconded, issuance of the following determination with regard to the existing kennel at 82 Stone Mill Road. This determination is issued in accordance with Article Eleven, Section A, of the Zoning Regulations which authorizes the Zoning Agent to review any questions that arise regarding interpretation and/or enforcement of the regulations with the Planning and Zoning Commission.

This determination is based solely on the information provided by the property owners (hereinafter referred to as "LeBlond") and members of the public, including both oral and documentary testimony, at the October 21, 2013 meeting of the Planning and Zoning Commission. Based on the testimony presented, the Commission makes the following findings:

- In October 2013, after receiving a complaint from a member of the public stating that additional information was available regarding the housing of dogs and the commercial use of this property, the Commission placed the matter on its agenda for hearing.
- The property at 82 Stone Mill Road is zoned RAR-90 and consists of ±6.5 acres developed with a single-family home.
- The property was purchased by Richard LeBlond Jr. in February 2011.
- Mr. LeBlond occupies the home with his wife and children as their primary residence.
- The LeBlonds own 13+/- German Shepherds that they show and compete in national events.
- In May 2011, the LeBlonds installed two sheds in the rear yard which are used as dog shelters.
- The LeBlonds breed, on average, one litter of puppies per year for the purpose of continuing a line, although they sell some puppies from each litter. They have had two litters in the past 18 months from two different dogs.
- The LeBlonds maintained a website ([www.mountainriverrockfarm.com](http://www.mountainriverrockfarm.com)) until mid-October 2013. This website purportedly contained information on their hobbies (dogs and horses), current and past dogs,

their philosophy on breeding, contact telephone number, and references to available puppies. The website address appeared in response to internet searches for “German Shepherds” and/or “German Shepherd puppies”.

- In May 2012, the Zoning Enforcement Agent requested that the Commission make a determination as to whether the LeBlond’s kennel was a commercial kennel, and therefore a prohibited use in a RAR90 zone.
- In May, 2012, based on the evidence provided at a hearing held for this purpose, the Commission, by consensus, determined that the activities as described, including the breeding of an annual litter and the existence of a website, was not a commercial activity within the ordinary meaning of that term.
- In April 2012, the Animal Control Officer reported in an email to the Director of Planning and Development that the LeBlonds had 12 adult dogs and one litter of puppies on site. The October, 2013 kennel inspection report prepared by the Animal Control Officer identified 13 adult dogs and 2 puppies in residence.
- In 2012, the LeBlonds held a kennel license permitting up to 20 dogs. Since then they have purchased kennel licenses for up to an additional 80 dogs, for a total of 100 dogs. At the hearing, the LeBlonds stated they have no intention of housing more than 20 dogs. The additional licenses were purchased to make the point that there is no limitation on the number of dog licenses that may be issued to any single property owner.
- The Mansfield Resident State Trooper made a determination that the noise from the dogs did not rise to the level of a violation of the town noise ordinance. Similarly, the Animal Control Officer investigated barking complaints and found no violations with regard to statutory provisions on nuisance barking.
- The issuance of dog and kennel licenses is an administrative function of the Town Clerk and is not subject to zoning certification.
- In response to concerns regarding disposal of dog waste, the LeBlonds have stated that the waste is picked up daily and disposed in trash barrels that are taken to the transfer station each week.

Based on the information submitted and testimony provided, the Commission finds:

1. There are no significant changes in the use of the subject property since the Commission reviewed this issue on May 21, 2012, when the Commission determined by consensus that the LeBlonds were not operating a commercial activity.
2. The activities described by the LeBlonds in their written submissions and oral testimony are consistent with the statutory definition of “kennel” C.G.S. Sec. 22-327(7), a kennel means one pack ...of dogs which are kept under one ownership at a single location and are bred for show, sport or sale; but not with the statutory definition of “commercial kennel” C.G.S. Sec. 22-327(3), a kennel maintained for boarding or grooming dogs... and includes but is not limited to any veterinary hospital....
3. The Commission must look to the state statutes for these definitions since the Mansfield Zoning Regulations do not define “kennel” or “commercial kennel.”
4. Article Seven, Section D.7 specifically identifies animal related uses that are not considered to be accessory to residential uses for which a permit is required. These provisions do not prohibit kennels as an accessory use, nor do they place limits on the number of domestic animals that may be kept as pets. As such, kennels are an allowed accessory use to a single-family home in an RAR-90 zone provided that all performance standards in Article Six of the regulations are met.
5. There are no current restrictions on the number of dogs that may be kept as pets in residential zones.

6. Article Ten, Section N.3.d.5, prohibits kennels as a home occupation. Kennels that are kept solely for the enjoyment of the owners or the sale of an annual litter of puppies are not subject to this prohibition because they are not a commercial activity.
7. Article Six, Section A.16, prohibits the breeding of two or more dogs or cats (with the exception of commercial kennels in certain zoning districts). This provision is intended to address commercial kennels, where multiple dogs are bred simultaneously. The breeding of one litter per year does not constitute a violation of this regulation.

Based on the above determination, the Zoning Enforcement Agent is directed to work with the LeBlonds to ensure compliance with the Zoning Regulations and compliance standards as stated herein. Any violation of these regulations or the performance standards contained in Article Six of the regulations shall be subject to future enforcement action.

MOTION PASSED with all in favor except Plante who abstained.

- b. Special Permit Application: Preservation Use including office, meeting and display spaces, Joshua's Tract, 624 Wormwood Hill Rd (File #1322)**  
Tabled-pending 12/2/13 Public Hearing.
- c. Special Permit Application: Efficiency Unit, G. and D. Bogdanovich, 239 Mt. Hope Rd (File #1323)**  
Tabled-pending 12/2/13 Public Hearing.
- d. Approval Request: Revised Plans for Paideia Greek Theater Project Exhibit Building, 28 Dog Lane (File #1049-7)**  
Tabled-awaiting revised plans. After a brief discussion, the Commission decided, by consensus, that the Paideia application be dropped from the agenda until a complete set of revised plans have been submitted.

**New Business:**

- a. Special Permit Application: Efficiency Unit, W. Javaruski, 40 Mountain Rd, (File #1324)**  
Ryan MOVED, Holt seconded, to receive the Special Permit Application (File #1324) submitted by William Javaruski, for an Efficiency Unit on property located at 40 Mountain Road, as shown on plans dated 09/13/13, and as described in application submissions, and to refer said application to staff and committees for review and comments, and to set a Public Hearing for 12/16/13. MOTION PASSED UNANIMOUSLY.
- b. Subdivision Application: 1 Lot, Storrs Center Alliance, VS-11, Wilbur Cross Way, (File 1246-18)**  
Ryan MOVED, Holt seconded, to receive the subdivision application (file # 1246-18) submitted by Storrs Center Alliance, LLC, for a 1-lot subdivision, on property located (VS-11) east of Wilbur Cross Way and north of Post Office Road, as shown on plans dated 11/14/13, and as described in other application submissions, and to refer said application to the staff for review and comments. MOTION PASSED UNANIMOUSLY.
- c. Sustainability Committee PZC Member Appointment**  
Vera Ward agreed to remain as the PZC representative on the Sustainability Committee. She also relayed that the Sustainability Commission asked if the PZC Subcommittee on Infrastructure would consider a recommendation that the proposed sidewalks be widened to include bicycle use.

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Painter stated that work continues on the draft POCD revisions.

**Reports from Officers and Committees:**

Ward noted that a Regulatory Review Committee meeting will be held on 11/21/13 at 1pm in Conference Room C to discuss regulation revisions regarding dogs.

**Communications and Bills:**

None.

**Adjournment:**

The Chairman declared the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Katherine Holt, Secretary