

**COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, JULY 21, 2011
TOWN HALL, 127 NORWICH AVENUE, COLCHESTER, CT
Room 1
7:00 P.M.**

MEMBERS PRESENT: Chairman Joseph Mathieu; Tom Kane, Vice Chairman; Mark Noniewicz, John Rosenthal and Stacy Brown; and Dave Gesiak (arrived 7:12 p.m.); Alternates: James Miller and John Novak;

MEMBERS ABSENT: Linda Hodge and Stacy Brown

STAFF PRESENT: Adam Turner, Planning Director; Craig Grimord, Assistant Planner/Zoning Enforcement Officer; Gail Therian, Clerk;

1. **CALL TO ORDER** – Chairman Mathieu, Chairman, called the meeting to order at 7:02 p.m.
2. **Roll Call**

Chairman Mathieu asked the clerk to note those in attendance. J. Miller and J. Novak were seated as a voting member.

3. **Additions to Agenda** –

C. Grimord said that due to a clerical error, two items needed to be added under Item 5 –“Public Hearings” – A. RESUB#11-423, Bertha Glemboski, Applicant and B. SE#11-008-NERP Holding & Acquisitions Co. LLC, S. Guarnaccia, et al Applicant/Owner; and an addition under Item 11 – “Planning Issues and Discussions” – B – Fee in Lieu – Sidewalks.

Motion by M. Noniewicz, seconded by T. Kane to add to the agenda, A & B under Public Hearing and B under Planning Issues and Discussions. **Motion carried unanimously.**

4. **Minutes of Previous Meeting - Regular Meeting – June 1, 2011 and June 15, 2011**

June 1, 2011

Motion by T. Kane, seconded by M. Noniewicz to approve the minutes of the June 1, 2011 meeting as presented.
Abstentions: M. Noniewicz and J. Rosenthal All others in favor **Motion carried.**

June 15, 2011

Motion by M. Noniewicz, seconded by T. Kane to approve the minutes of the June 15, 2011 meeting as presented.
Abstentions: J. Miller All others in favor **Motion carried.**

5. **Public Hearings** –

C. Grimord read the Public Hearing legal notice published in the Rivereast on July 8 and July 15, 2011.

Chairman Mathieu asked the members of the audience if anyone had any concerns or comments about the members of the Commission that were seated for the Public Hearings. No comments were made. He went on to explain the Public Hearing procedure.

- A. **SUB #11-423 Bertha Glembowski, Applicant/owner;** 2 lot Resubdivision created on Dutton Road with an existing house; Assessor's Map 03-07, Lot 009-00. **(Public Hearing to open on 7/20/2011)**

Copies of the Exhibit list were distributed to the Commission members.

Mike Tarbell, representing the applicant, gave a brief history of the property and said that in September 1977, the applicant had gone before the Planning and Zoning Commission for a 3 lot subdivision and in October the Commission allowed the applicant to erect another residence on the property with the provision that the sale of the second residence would require subdivision approval to the “then existing regulations”. The application before the Commission was to obtain the proper approvals. The plans presented incorporated the necessary changes to bring the parcel into compliance with the present Zoning and Subdivision Regulations. The Conservation Commission has approved the application. He said that the applicant was seeking waivers for the Sidewalk Requirements, Open Space Requirements and Road Improvements. The Town Engineer's outstanding comments have been addressed.

C. Grimord gave a brief history on this parcel and said that Family subdivisions are exempt from the Open Space and Sidewalk requirements and staff recommends approval. Discussion followed regarding the requested waivers.

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John Malsbenden, a member of the Planning & Zoning Commission in 1977, said he had reviewed the Minutes of the meeting and this was how the application was approved.

The following residents spoke in favor of this application;

Frank Lavech, Route 354 and Dutton Road
Frank Tarnowski, 68 McDonald Road
Barbara Goodwin, 147 Halles Hill Road
Steve Goodwin, 147 Halls Hill Road
Rob Suchecki, 123 McDonald Road
Joe Muroch, 99 Dutton Road
Marilyn Muroch, 99 Dutton Road

Speaking in Opposition – No one spoke

Motion by M. Noniewicz, seconded by J. Rosenthal to close the Public Hearing on SUB #11-423. **Abstentions:** D. Gesiak
All others in favor
Motion Carried.

Motion by M. Noniewicz, seconded by J. Novak to take Agenda Item 9A Pending Applications out of order to deliberate and act on the application. **Motion carried unanimously.**

Motion by M. Noniewicz, seconded by J. Rosenthal to waive the requirement for the installation of sidewalks as the parcel is to be conveyed to a family member. **Abstentions:** D. Gesiak Those in favor: J. Mathieu, T. Kane, M. Noniewicz, J. Rosenthal, J. Miller and J. Novak
Motion carried.

Motion by M. Noniewicz, seconded by J. Rosenthal to approve a waiver to Section 6.3.15, required road improvements on Dutton Road from McDonald Road to the access drive to the new lot with the concurrence of the Town Engineer.
Abstentions: D. Gesiak Those in favor: J. Mathieu, T. Kane, M. Noniewicz, J. Rosenthal, J. Miller and J. Novak **Motion carried.**

Motion by M. Noniewicz, seconded by J. Rosenthal to approve the exemption to the Open Space requirement, Section 6.5 of the Colchester Subdivision Regulations and per CGS § 8-25, as the parcel created is to be conveyed to a family member .
Abstentions: D. Gesiak Those in favor: J. Mathieu, T. Kane, M. Noniewicz, J. Rosenthal, J. Miller and J. Novak **Motion carried.**

Motion by M. Noniewicz, seconded by J. Novak to approve resubdivision application SUB#11-423, application of Bertha Glemboski for a 1-lot resubdivision of 37.32 acres to create a building lot of 1.86 acres with access on Dutton Road; with the following notes to be added to the final plans:

1. The required driveway sight lines are to be kept cleared and maintained as necessary.
2. A revised deed is to be filed in the land records to reflect the new lot dimensions.
3. A waiver of the "Sidewalk" requirement of the Town of Colchester Subdivision Regulations has been granted as the proposal has been found to meet the requirements of CGS 8-25. The Commission may impose a requirement of a fee in lieu of the pedestrian access requirement if within five years of approval there is a transfer of any lot to a non-family member, as defined in C.G.S. §8-25, Such fee shall be applied to each lot sold and calculated as provided in these Regulations.
4. A waiver of the "Open Space" requirement of the Town of Colchester Subdivision Regulations has been granted as the proposal has been found to be exempt, per CGS 8-25 for a family subdivision. The transfer of any lot to a non-family member, as defined in C.G.S. §8-25 within 5-years of approval, will result in the imposition of a fee as prescribed in Connecticut General Statutes Section 8-25.
5. The P&Z Commission has granted a waiver to Section 6.3.15 to preclude the required road improvements on Dutton Road for this re-subdivision.

Abstentions: D. Gesiak All others in favor. **Motion Carried.**

T. Kane suggested that the agenda be modified to allow Items 6A and Item 9C be heard at this time.*

Motion by T. Kane, seconded by M. Noniewicz to change the order of the agenda. **Motion carried unanimously.**

B. SE#11-008-NERP Holding & Acquisitions Co. LLC, S. Guarnaccia, et al Applicant/Owner, Special Exception/Site Plan application per Section 6.7 to construct a 2-building retail development with associated

parking and drainage within the Aquifer Protection Zone, Map #03-09, Lot #018-000, General Commercial/APZ Zones. Property is located on the south west corner of the intersection of New London Rd. (A.K.A. CT RTE. 85) and Lake Hayward Rd. (**Public Hearing opened 7/20/2011; continued to 8/17/2011**)

C. Grimord said that this application was approved by the Conservation Commission and revised plans need to be reviewed by S. Tassone, Town Engineer. He said that staff comments will be completed by the August meeting and suggested that the Commission continue the Public Hearing to August 17, 2011 meeting.

Jim Cassidy, Hallisey, Pearson and Cassidy the explained the topography of the site and the location of the proposed buildings, the 19,097 square foot Tractor Supply building and 8,000 square foot retail building. He explained the parking and display area of the proposed Tractor Supply building and traffic flow through the site. He talked about the handling of the storm water runoff and the erosion and sediment controls on the property. He reviewed the alternative access and stated that the CT DOT required the access drive to be located, the proposed wetlands mitigation and the proposed landscaping plans. He explained that the number of parking spaces has been reduced and some spaces will be deferred for later use. He reviewed the Special Exception Criteria for the Aquifer Protection Zone and how the applicant addressed each item. Discussion followed about the parking area, signage and lighting. Staff was focused on the look of the entrance way and signage.

Motion by M. Noniewicz, seconded by J. Rosenthal to continue the Public Hearing on SE#11-008 to the next regularly scheduled meeting on August 17, 2011. **Motion carried unanimously.**

6. Preliminary Reviews –

A. Robert Gagnon – 120 South Main Street (former Chevrolet Dealership) proposed liquor store

Atty. Nick Mancuso, representing M & R Liquors, said that he was before the Commission for feedback on the possibility of a regulation change to allow the sale of alcohol within 500 feet of a school. His client M&R Liquors would like to purchase 120 So. Main Street, the former Chevrolet Dealership and is aware that the façade of the building will need to be rebuilt and the building renovated and will need approval by the Historic District Commission.

Gary Marrion, owner of M & R Liquors, showed pictures of an existing South Windsor store and a CVS in Glastonbury that is designed to fit into the historical character of the town.

A. Turner reminded the Commission that the Zoning Regulations were changed to allow for a waiver for the 500' restriction to the proximity of churches for restaurants and liquor sales. He also said that the Commission should keep in mind that the Zoning Regulations are being revised and updated and this Regulation may change. He stated that properties in the Town center are key economic parcels that must be considered. He indicated that properties outside the Town center are viewed differently.

C. Grimord asked the applicant about the availability of a liquor license, as a Zoning application for a liquor store in Westchester had been approved earlier today.

Discussion followed regarding the possibility of a Regulation Change to allow alcohol sales within 500 feet of a school. Concerns were expressed about the proximity of this location to the Old Bacon Academy, which is used by the Board of Education for some classes.

7. New Business & Applications Received – None

8. Five Minute Session for the Public – No one spoke

9. Pending Applications -

- A. RESUB#11-423, Bertha Glemboski, Applicant;** Application for a 1-lot resubdivision of 37.32 acres zoned R-80; to create one new building lot of 1.86 acres on Dutton Road. The parcel is located at the NE corner of the intersection of McDonald Rd and Dutton Road, Assessors Map #03-07, Lot #9. (**Public Hearing opened and closed 7/20/2011**)

This item was taken out of order and acted upon after the Public Hearing.

- B. SE#11-008-NERP Holding & Acquisitions Co. LLC, S. Guarnaccia, et al Applicant/Owner;** Special Exception/Site Plan application per Section 6.7 to construct a 2-building retail development with associated parking and drainage within the Aquifer Protection Zone, Map #03-09, Lot #018-000, General Commercial/APZ Zones. Property is located on the south west corner of the intersection of New London Rd. (A.K.A. CT RTE. 85) and Lake Hayward Rd. (**Public Hearing opened 7/20/2011; continued to 8/17/2011**)

Motion by M. Noniewicz, seconded by T. Kane to postpone action on SE#11-008 due to the fact that the Public Hearing is still open. **Motion carried unanimously**

C. ZP#11-310 – Rodney Goldberg; Application for a Temporary Rock Crusher for Subdivision development of extension of Goldberg Road

C. Grimord told the Commission that this application was in accordance with Section 3.7.4. of the Zoning Regulations. The Commission must authorize the use and issuance of a permit by the ZEO. He said that this request to operate a Rock Crusher was for the extension of Goldberg Road, Phase A-1, of the White Oak Farms Subdivision. Discussion followed regarding noise, location of the rock crusher and hours of operation.

Motion by M. Noniewicz, seconded by J. Rosenthal to approve ZP#11-310, per Section 3.7.4, to allow the operation of Rock Crusher for a period of 30-days per the submitted plans with the following conditions:

1. The applicant is to notify the ZEO of the starting date of the Rock Crushing operation.
2. The hours of rock crushing operation shall be weekdays from 8:00 a.m. – 4:30 p.m., excluding holidays.
3. Any change of location of the rock crusher greater than 500' shall require a new permit application.
4. Only materials from the site are to be crushed, no off site materials are to be processed on the site.
5. The Commission authorizes the ZEO to issue an initial permit for 30-days and one (1) renewal, if needed for additional 30-days

Motion carried unanimously

10. Old Business

J. Miller asked staff if they were aware of a parking issue between Café Mangia and Corvettes and Classics on Linwood Avenue. C. Grimord said that he had been notified and is working with both parties and has offered several resolutions to deal with the problem.

11. Planning Issues & Discussions

A. Distribution of completed Draft of Zoning Regulations

A. Turner said that a website is being put together for the Commissioners to view the Draft of the Zoning Regulations. C. Grimord has one more review and once this is completed, he plans to have the draft copy printed and made available on the website on July 30th.. This website will be only available for the Commissioners at this time. He reviewed his proposed schedule for review and Public Hearings. He suggested that perhaps workshops will be necessary to prepare the draft for Public Hearings. Commissioners should email him their comments and suggestions after reviewing the draft.

B. Fee in lieu – Sidewalks

A. Turner said that based on Town Counsel's opinion the Town of Colchester will not move forward on this. He said that the Commission had accepted a fee in lieu of sidewalks on three applications and suggested that the sidewalk regulations be revised. The three (3) projects that were approved for fee in lieu of sidewalks will need to be addressed. He said that although Colchester is a rural area, it does not mean that sidewalks are not needed in the downtown area. Discussion followed regarding possible ways to handle sidewalk requirements.

12. Zoning Enforcement Officer's Report -- June 2011

Commission members received copies of the June 2011 Zoning Enforcement Officer's Report. C. Grimord addressed questions by the Commissioners regarding Toyota of Colchester addition and enforcement of regulations regarding temporary signs.

13. Correspondence – None

14. Adjournment

Motion by M. Noniewicz, seconded by J. Novak to adjourn at 9:32 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk

* Items 6A and 9C were taken out of Agenda order but Minutes reflect the order of the original Agenda sequence.