

**COLCHESTER PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
WEDNESDAY, AUGUST 17, 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 (arrived 7:03 p.m.); and Stacy Brown (arrived 7:07 p.m.); and Dave Gesiak (arrived 7:10 p.m.). Alternates: James Miller and John Novak;

**MEMBERS ABSENT:** Linda Hodge

**STAFF PRESENT:** Adam Turner, Planning Director; Craig Grimord, Assistant Planner/Zoning Enforcement Officer; Gail Therian, Clerk; Stan Soby, Board of Selectmen Liaison.

1. **CALL TO ORDER** – Chairman Mathieu, Chairman, called the meeting to order at 7:00 p.m.

2. **Roll Call**

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

3. **Additions to Agenda** – None

4. **Minutes of Previous Meeting - Regular Meeting – July 20, 2011**

Chairman Mathieu said that on Page 4 under Old Business that he did not believe the office of "Corvettes and Classics" is on Linwood Avenue. The sentence should be changed to read: J. Miller asked staff if they were aware of a parking issue between Cafe Mangia and **80 Linwood Avenue**.

**Motion** by M. Noniewicz, seconded by T. Kane to approve the minutes of the July 20, 2011 meeting as amended.

**Motion carried unanimously.**

5. **Public Hearings** –

C. Grimord read the Public Hearing legal notice published in the Rivereast on August 5 and August 12, 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. 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 there were still a few outstanding comments raised during the Public Hearing at the last meeting that needed to be addressed, including lighting, landscaping, signage, phasing plan and the Town Engineer's comments.

Jim Cassidy, Hallisey, Pearson and Cassidy, distributed copies of additional information and revised plans (Exhibit Item W) that would address most of the outstanding issues. He reviewed the proposed landscaping and access lighting. He said that this will be a two phase development. He explained the phasing of the development and the revision to the building plans for an extension of the building awnings. He also said that he has been working with S. Tassone, Town Engineer regarding the need for a drainage easement from the State of CT DOT for the proposed increase in runoff for the 2 year storm.

Jim Cassidy spoke about signage and said that Tractor Supply is requesting a waiver on the height and square footage of the free standing sign because of the location of the access drive being 150' from the intersection of Lake Hayward Road and New London Road. He also presented the lighted channel letter building sign. A discussion followed regarding signage size requirement and the height of the free standing sign. C. Grimord said that perhaps a compromise can be reached between the Commission and the applicant due to the fact that if the State allowed access from Lake Hayward Road the sign regulations would permit a 75 square foot free standing sign.

Mark D'Addabbo, NERP Holding & Acquisitions Co., LLC, said he will work with Tractor Supply for an alternative to the proposed channel letter sign. He also submitted a letter requesting a 35 day extension to complete the Public Hearing. (Exhibit Item "Y")

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**Motion** by M. Noniewicz, seconded by J. Rosenthal to accept the 35 day extension to complete the Public Hearing for SE#11-008 and to continue the Public Hearing on SE#11-008 to the next regularly scheduled meeting on September 7, 2011 to allow for further consideration of the lighting and signage issues. **Motion carried unanimously.**

**B. RC#11-207- Town of Colchester P&Z Applicant;** An Application to amend the texts of the Subdivision and Zoning Regulations of the Town of Colchester to pertaining to pedestrian access.

In particular to amend the following Subdivision Regulations:

- A. Amend Section 6.3.12 with new text pertaining to required sidewalk locations;
- B. Delete Section 6.3.12.1.4 in its entirety;
- C. Amend Section 6.3.12.1.5 a to clarify language and to add subsection b to the Commission findings;

Amend the following Zoning Regulations:

Amend **Section 12.3.14-** to delete the reference to fee in lieu of sidewalk construction and to add language regarding required sidewalk locations and waiver provisions. **(Public Hearing opened and closed 8/17/2011)**

A. Turner said that based on the legal opinion of Town Counsel, it is necessary to adopt alternative regulations that do not include fee in lieu of pedestrian improvements. The Commission reviewed the amendments to the texts of the Subdivision and Zoning regulations pertaining to pedestrian access and made three changes – deleting redundant text.

**Motion** by S. Brown, seconded by J. Rosenthal to close the Public Hearing on RC#11-207. **Motion carried unanimously.**

6. Preliminary Reviews – None

7. New Business & Applications Received – None

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

9. Pending Applications -

- A. **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 J. Rosenthal to postpone action on SE#11-008 due to the fact that the Public Hearing is still open. **Motion carried unanimously**

**B. RC#11-207- Town of Colchester P&Z Applicant;** An Application to amend the texts of the Subdivision and Zoning Regulations of the Town of Colchester to pertaining to pedestrian access. In particular to amend the following Subdivision Regulations:

- D. Amend Section 6.3.12 with new text pertaining to required sidewalk locations;
- E. Delete Section 6.3.12.1.4 in its entirety;
- F. Amend Section 6.3.12.1.5 a to clarify language and to add subsection b to the Commission findings;

Amend the following Zoning Regulations:

Amend **Section 12.3.14-** to delete the reference to fee in lieu of sidewalk construction and to add language regarding required sidewalk locations and waiver provisions. **(Public Hearing opened and closed 8/17/2011)**

Voting Members on this application: J. Mathieu, T. Kane, M. Noniewicz, S. Brown, J. Rosenthal, D. Gesiak and Alternate J. Miller.

**Motion** by M. Noniewicz, seconded by T. Kane to approve RC#11-207 with the following revisions:

1. **6.3.12.1.3.** Public trails constructed of material acceptable to the Commission within open space areas on the land being subdivided.
2. **6.3.12.1.4** "Text is intentionally left blank"
3. **Zoning Regulation:**

**Section 12.3.14:** Should read: All sidewalks/public trails shall be constructed in accordance with the provisions of Section 7.7 and 6.3.12 respectively of the Subdivision Regulations. Concrete Sidewalks shall be required in the areas where expected pedestrian and/or vehicle traffic generated by high residential densities, commercial, industrial or institutional activities, as well as access to public schools make sidewalks necessary for public safety. Where the above conditions are determined not to exist, the applicant may, with the approval of the Commission, request a waiver of these requirements.

**Motion carried unanimously**

**Motion** by M. Noniewicz, seconded by J. Rosenthal to make the effective date of RC #11-207 September 12, 2011. **Motion carried unanimously.**

**10. Old Business – None**

**11. Planning Issues & Discussions**

A. Distribution of completed Draft of Zoning Regulations

A. Turner distributed copies of the Draft Regulations. He said that this is the first draft of three. The draft has not been formatted and does not include the graphics. He said that he will email the Commission members the website that will be available for them to make comments and recommendations to this draft. He gave a brief description of the new proposed Zones and Sections of the Draft Regulations. The Commission will discuss this draft of the Zoning Regulations at the September 21, 2011 meeting.

**12. Zoning Enforcement Officer's Report – July 2011**

Commission members received copies of the July 2011 Zoning Enforcement Officer's Report. C. Grimord addressed questions by the Commissioners regarding Toyota of Colchester addition, the work at the former Sunoco Gas Station on South Main Street, and the parking issue between Café Mangia and 80 Linwood Avenue.

C. Grimord asked for the Commission's if they were in favor of his enforcing the temporary sign regulation. He gave the outline of the procedures he will use. A consensus of the Commission was in favor of the Zoning Enforcement Officer enforcing the temporary sign regulations.

**13. Correspondence – None**

**14. Adjournment**

**Motion** by M. Noniewicz, seconded by T. Kane to adjourn at 8:54 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk