

**COLCHESTER PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
WEDNESDAY, NOVEMBER 16, 2011  
TOWN HALL, 127 NORWICH AVENUE, COLCHESTER, CT  
Room 1  
7:00 P.M.**

**MEMBERS PRESENT:** Chairman Joseph Mathieu; John Rosenthal, Dave Gesiak, Stacey Brown; Alternates: James Miller and John Novak;

**MEMBERS ABSENT:** Tom Kane, Vice Chairman; Mark Noniewicz, and Linda Hodge

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

1. **CALL TO ORDER** – Chairman Mathieu 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 and J. Novak were seated as voting members.

3. **Additions to Agenda** –

C. Grimord distributed copies of a memo dated November 16, 2011 identifying two additions to the agenda under Item #7 New Business and Applications Received: Item 7B – SE#11-012 Colchester Construction LLC, applicant, RMD Land Development LLC owner for Special Exception/Site Plan Approval for a private recreational facility (Karate Studio) for property located on the west side of Parum Road (RTE 354), approximately 300' south of the intersection for Parum Road and Route 85. Assessors Map #013, Lot #01A. The Application for receipt only received in the Land Use Office on 11/15/11. Item 7C: SDP#10-010-Gas Development Co. Inc. at 332 South Main Street. The Applicant is requesting a Change order to the approved plans to allow the use of a temporary generator to supply power to the site to obtain a Certificate of Zoning Compliance and Certificate of Occupancy until CL & P can hook up the utilities.

**Motion** by J. Rosenthal, seconded S. Brown to add Item #7B and Item #7C to the agenda. **Motion carried unanimously.**

4. **Minutes of Previous Meeting - Regular Meeting – November 2, 2011**

J. Novak said that under “Members Present” Linda Hodge was listed twice. S. Brown said that his first name was misspelled and should be corrected to read: **Stacey**

**Motion** by J. Rosenthal, seconded by S. Brown to approve the minutes of the November 2, 2011 as amended.

**Motion carried unanimously.**

5. **Public Hearings** –

C. Grimord read the Public Hearing legal notice published in the Rivereast on November 4 and November 11, 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#11-010-Application of Patricia Radocchia Applicant/Owner;** Special Exception application per Section 11.15 for an Accessory Apartment at 239 South Main St., Map #12-00, Lot #002-000 R-30-A Zone. Property is located on the East side of the road approximately 700' north of the intersection of Halls Hill Rd. and South Main St. (Public Hearing Open and Closed on 11/16/2011)

Exhibit List had been distributed to Commission members.

C. Grimord stated that this application regarded construction of a second floor apartment above the existing garage and breezeway to create a 652 square foot accessory. This property is serviced by municipal sewer and water and located in the R30-A Zone. Discussion followed regarding the size limit and access to an accessory apartment.

RECEIVED  
COLCHESTER  
T  
2011 NOV 18 AM 11:45  
NANCY A. BRAY  
TOWN CLERK  
Craig Grimord

Speaking in Favor

Charlie Dutch, Dutch & Associates, representing the applicant, described the location of the property. Discussion followed regarding the location of the accessory apartment in relation to the existing single family home.

Speaking in Opposition – No one spoke

**Motion** by J. Rosenthal, seconded by S. Brown to close the Public Hearing on SE#11-010.

- B. SE#11-011-Application of Arlene Roberts Applicant/Owner**; Special Exception application per Section 11.15 for an Accessory Apartment at 124 Elm St., Map #28-00, Lot #035-000, R-30 Zone. Property is located on the west side of the road approximately 700' North of the intersection of Norwich Ave. and Elm St. (**Public Hearing to Open 11/16/2011**)

Exhibit List had been distributed to Commission members.

C. Grimord said that this application was for the conversion of a second floor storage area above an existing garage and workshop to a 791 square foot accessory apartment which is 30.6% of the total living area of the residence. The Staff findings included in his memo dated November 14, 2011 indicated that this application met the Special Exception Evaluation Criteria Findings. He said that Staff had two concerns about this application. One was that the accessory apartment tenant's car would need to be parked in front of the existing garage because there could not be a curb cut to allow parking in the gravel area to the right of the garage. The second concern regarded the two existing doors that could access the accessory apartment. Regulations only permit one access to the accessory apartment that must be through the main house. Discussion followed.

Speaking in Favor –

Arlene Roberts, owner and applicant, explained that parking would be accessed through the existing curb cut onto the existing driveway with a right turn onto the gravel area. A tree had been eliminated to allow this. She also explained the existing entrances into the home and suggested the construction of a wall at the bottom of the stairs inside the garage to prevent access to the proposed accessory apartment. This would eliminate the ability to access the accessory apartment without entering the main house. Discussion followed.

Speaking in Opposition – No one spoke

**Motion** by J. Rosenthal, seconded by D. Gesiak to close the Public Hearing on SE#11-011. **Motion carried unanimously**

**6. Preliminary Reviews - None**

**7. New Business & Applications Received -**

- A. SUB #11-425 – Piechta**, 7-lot Resubdivision – McDonald and Hominick Roads (Public Hearing Scheduled for 12/21/11)

Chairman Mathieu said that the Public Hearing for this application is scheduled for 12/21/11.

- B. SE#11-012 Colchester Construction LLC, applicant**, RMD Land Development LLC owner for Special Exception/Site Plan Approval for a private recreational facility (Karate Studio) for property located on the west side of Parum Road (RTE 354), approximately 300' south of the intersection for Parum Road and Route 85. Assessors Map #013, Lot #01A. Application for receipt only received in the Land Use Office on 11/15/11.

This application was received on November 15, 2011 and the Public Hearing has not been set.

- C. SDP#10-010-Gas Development Co. Inc. at 332 South Main Street**. Applicant is requesting a Change order to the approved plans to allow the use of a temporary generator to supply power to the site to obtain a Certificate of Zoning Compliance and Certificate of Occupancy until CL & P can hook up the utilities.

C. Grimord said that a representative of Gas Development was at the meeting to speak with the Commission. He said that the gas station is getting close to completion and that Gas Development is looking for a temporary hookup of a generator because there might be a delay in Connecticut Light and Power connecting the power hookup.

Ken Staffier, Project Manager, VHB – Vanasse Hangen Brustlin, Inc., representing the applicant, explained that because there may be a delay in Connecticut Light and Power hooking up power to the gas station, Gas Development would like to install a temporary generator located in a trailer for power. This would allow the gas station to finish the work and receive a temporary Certificate of Occupancy. He explained that the noise level of the generator would be 60 decibels which is below the requirement for noise level. He explained that the generator is extremely quiet and the trailer will be highly insulated. Discussion followed regarding the placement of the trailer, the hours it would be operating and the possibility of complaints from neighbors of the property. Staff was concerned about a time limit being placed to use the generator.

**Motion** by J. Rosenthal, seconded by S. Brown to approve the Change Order for SDEP#10-010.

Discussion followed regarding a time limit on the use of the generator.

**Motion** by S. Brown, seconded by J. Rosenthal to amend the motion to extend the use of the generator to February 25, 2011 with a one (1) month extension by Administrative renewal if necessary. **Motion carried unanimously.**

Chairman Mathieu called for a vote of the amended original motion.

Vote was taken. **Motion carried unanimously.**

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

**9. Pending Applications -**

- A. SE#11-010-Application of Patricia Radocchia Applicant/Owner;** Special Exception application per Section 11.15 for an Accessory Apartment at 239 South Main St., Map #12-00, Lot #002-000, R-30-A Zone. Property is located on the East side of the road approximately 700' North of the intersection of Halls Hill Rd. and South Main St. **(Public Hearing Opened and Closed 11/16/2011)**

Chairman Mathieu stated that this Public Hearing was closed at this meeting.

**Motion** by S. Brown, seconded by J. Novak that based on the Commission's agreement with the Staff Findings and the Special Exception Evaluation Criteria findings indicated in the Memo from C. Grimord, Assistant Planner & ZEO, dated November 14, 2011 to approve SE#11-010, Patricia Radocchia, Applicant/Owner, Application for a 653 SF Accessory Apartment at 239 South Main Street, Assessor Map#12-00, Lot #002-00, R-30-A Zone as shown on the submitted plans. With the following conditions:

1. The Special Exception Notice of Decision is to be filed in the Town's land record prior to issuance of Zoning and building permits for the construction and conversion of space to create the Accessory Apartment.
2. Zoning and Building Permits are to be obtained for the conversion to an accessory apartment.
3. A Certificate of Zoning Compliance is required prior to issuance of a Certificate of Occupancy.

**Motion carried unanimously.**

- B. SE#11-011-Application of Arlene Roberts Applicant/Owner;** Special Exception application per Section 11.15 for an Accessory Apartment at 124 Elm St., Map #28-00, Lot #035-000, R-30 Zone. Property is located on the west side of the road approximately 700' North of the intersection of Norwich Ave. and Elm St. **(Public Hearing Opened 11/16/2011)**

Chairman Mathieu stated that this Public Hearing was closed at this meeting.

Commission discussed the addition of a Condition of approval regarding the requirement that an interior wall be installed to limit the access from the garage exterior into the accessory apartment.

**Motion** by J. Rosenthal, seconded by S. Brown to approve SE#11-011, Arlene Roberts, Applicant/Owner, Application for a 790.85 square foot Apartment at 124 Elm Street, Assessors Map #28-00, Lot #35-000, R-30 Zone, as shown on the submitted approved Plans with the following conditions:

1. The Special Exception Notice of Decision is to be filed in the Town's land records prior to issuance of Zoning and Building permits for the construction and conversion of space to create the Accessory Apartment.
2. Zoning and Building permits are to be obtained for the conversion to an accessory apartment.
3. A Certificate of Zoning Compliance is required prior to issuance of Certificate of Occupancy.
4. The existing curb cut is not be expanded, and no new curb cuts are to be created to accommodate

5. Parking for the residence and the accessory apartment.  
The installation of an interior wall to limit access from the garage exterior directly to the Accessory Apartment.

**Motion** by S. Brown, seconded by J. Rosenthal to amend the motion to include that approval is based on the Commission's agreement with the Staff Findings and the Special Exception Evaluation Criteria findings indicated in the Memo from C. Grimord, Assistant Planner & ZEO, dated November 14, 2011. **Motion carried unanimously.**

Chairman Mathieu called for a vote on the amended original motion.

Vote was taken on the amended motion. **Motion carried unanimously.**

**10. Old Business – None**

**11. Planning Issues & Discussions**

**A. Commission Review of Draft Regulations**

A. Turner said that the review of the Draft Regulations would be conducted the same as at the last meeting with the Commission members making comments and raising questions and concerns. The Commission reviewed the Draft Regulations Sections on Multi Family Development; Elderly Housing, Residential Condominium – PUD; Affordable Housing; Accessory Apartments; Home Business Use; Home Occupation and Use of Mobile Home during Construction of Dwelling.

**12. Zoning Enforcement Officer's Report - October 2011**

C. Grimord told the Commission that he is making progress on the Temporary sign and there is only one business owner who has not complied at this time. He will be sending a letter to this business owner explaining the next steps in this enforcement procedure.

**13. Correspondence –**

A copy of the Change Order for the Mackay project on Linwood Avenue was distributed at this meeting.

**14. Adjournment**

**Motion** by J. Novak, seconded by S. Brown to adjourn at 8:58 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk