

COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, JANUARY 18, 2012
TOWN HALL, 127 NORWICH AVENUE, COLCHESTER, CT
Room 2
7:00 P.M.

Received for record at Colchester, Conn.
on January 20, 2012 at 10:33 am.
Attest, Nancy A. Bray, Town Clerk

MEMBERS PRESENT: Chairman Joseph Mathieu; Mark Noniewicz, John Rosenthal Dave Gesiak, John Novak; Alternate: Jason Tinelle

MEMBERS ABSENT: Stacey Brown

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. Tinelle was seated as a voting member.

3. **Additions to Agenda** – None

4. **Minutes of Previous Meetings** – Minutes of Regular Meetings – January 4, 2012

Motion by M. Noniewicz, seconded by J. Novak to approve the Minutes of Regular Meeting of January 4, 2012 as presented.

Abstentions: J. Rosenthal All others in favor **Motion carried**

5. **Public Hearings**

C. Grimord read the Public Hearing legal notice published in the Rivereast on January 6 and January 13, 2012.

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. **RESUB #11-425 – Piechta, 7-lot Resubdivision – Applicant for a 7-lot Resubdivision of 103.5 acres Zoned R-80;** Parcel located at the NW corner of the Intersection of McDonald Road and Homonick Road opposite Shadbush Drive, Assessors Map #02-09, Lot #21 & 13. **(Public Hearing opened and closed 1/18/12)**

Exhibit List had been distributed to Commission members.

C. Grimord gave a brief history of the previous Resubdivision applications on this property. He outlined the location of the property and the proposed driveway accesses to the seven (7) lots. He said Staff recommends that the Open Space be given to the Colchester Land Trust as the land abuts property currently owned by them that is part of an extended greenway from Ruby Cohen pond on McDonald Road. He told the Commission that the applicant is seeking three (3) waivers: 1) wavier to section 6.2.7.2 to allow a flag lot to obtain access on a collector road; 2) waiver to Section 6.2.7.3 to allow for more than one flag lot in this subdivision and 3) waiver to Section 6.3.12.1.5 for installation of sidewalks. Discussion followed regarding the need for these waivers.

Speaking in favor

Matthew White, Angus McDonald – Gary Sharpe & Associates, Inc., spoke about the proposed driveway on Lot 3 and the proposed Open Space. Discussion followed regarding the proposed driveway and fire pond.

Atty. David Sherwood, representing the applicant, distributed copies of a sketch plan showing the proposed Open Space.

Speaking in Opposition

Merja Lehtinen, 39 Homonick Road, expressed her concern about the common driveway for three (3) lots affecting her privacy and felt the development would affect the wetlands.

Speaking in rebuttal to those who spoke in Opposition

Matthew White, Angus McDonald – Gary Sharpe & Associates, Inc, stated that this application has the Conservation Commission and the Chatham Health District's approval. Discussion followed regarding the driveway being moved at the time of the build-out of Lot 7 from the conceptual location on the proposed subdivision plan to address the privacy issue.

Speaking in rebuttal to those who spoke in Favor

Merja Lehtinen, 39 Homonick Road, questions if the lot next to the Guarnaccia property was a buildable lot.

C. Grimord stated that Staff reviewed this and that property was part of the original subdivision and has since been merged to the remaining land of Mr. Piechta.

Motion by M. Noniewicz, seconded by J. Rosenthal to close the Public Hearing on RESUB#11-425. **Motion carried unanimously.**

B. SE #11-012 Colchester Construction, LLC , RMD Lane Development, LLC Owner: Special Exception application per Section 4F.3.18 for a private recreational facility (Karate Studio) on Parum Road, Map 13-00, Lot #01A-000, General Commercial Zone – (Public Hearing opened and closed on 1/18/12.)

J. Novak recused himself.

Exhibit List had been distributed to Commission members

C. Grimord gave a brief history of the property and a previous approval for a mini-storage use. He stated that this application is for a private recreational facility, Karate Studio, with a 7082 square foot building located on Parum Road and Route 85 (New London Road). This proposed use will have less impact on the wetlands than previously approved plan and the application has received Conservation Commission approval. He said that a final statement has been received from the State of CT Department of Transportation and the two (2) other minor outstanding issues that can be addressed as conditions of approval.

Speaking in favor

Brandon Handfield, PE, Anchor Engineering Services, Inc., distributed color version of the December 13, 2011 revised plans (Exhibit Item "EE"). He explained the size and location of the proposed facility and the number of parking spaces. He said that the property will be serviced by Public utilities and spoke in detail about the proposed drainage system.. He outlined the proposed access to the site, the installation of sidewalks and the handling of parking for large events. He also stated that the existing stone wall along Route 85 will be preserved. He presented the proposed landscaping and lighting plans.

Robert Gagnon, owner of the property, presented samples of siding and roofing for the proposed building. He also said that the building will be designed to fit into the surrounding residential area. Discussion followed regarding possible increase in traffic and landscaping.

Speaking in Opposition

Keith Stone, resident, questioned the definition of a "recreational facility".

Penny Ahmed, 12 Chestnut Drive, spoke about her concern about the increase in traffic and the hours of operation.

Peter Ahmed, 12 Chestnut Drive, spoke about the proposed lighting affecting his property and the increased noise since the property has been cleared.

John Fedus, 35 Fedus Road, presented his concerns regarding drainage, legal notification of the application, and the retaining wall. Mr. Fedus submitted the following items into the Public Hearing record:

- FF. Copy of the Town Engineer's comments for Walt's Self Storage application dated 8/28/03;
- GG. Copy of Plans titled "Walt's Self Storage on Parum Road, Colchester, CT" prepared for Michael Ross, Bolton Ct, designed by Dutton & Johnston, LLC 9-sheets dated 1/14/03;
- HH. Copy of a Drainage Report for Walt's Self Storage dated 8/9/03 by Dutton & Johnston, LLC, 108 pages;
- II. Superior Court Decision, Docket # 56131 John F. Fedus v. Zoning & Planning Commission, et al 1/19/05 Memorandum of Decision;
- JJ. Review of Walt's Self Storage Stormwater Management Plan by Donald Ballou dated 7/9/03;
- KK. Copy of an unexecuted page #2 of a deed describing an easement to grade and flood a portion of property.

- LL. Letter from Donald Ballou to John Fedus dated 10/31/03 with attached color pictures of existing conditions on the Fedus property;
- MM. Copy of the Appellate Court decision # 29350 John F. Fedus Et. Al. V. Zoning & Planning Commission of the Town of Colchester, released 3/3/09;
- NN. Engineering Reports dated 3/9/05 to John Fedus from Meehan & Goodwin;
- OO. Letter from Donald Ballou to John Fedus dated 3/19/03 regarding Review of Stormwater Management plan for Walt's Self Storage;

Rebuttal to those who spoke in Opposition

Brandon Handfield, PE, Anchor Engineering Services, Inc. addressed the Ahmed's concerns by stating that screening will be provided to address the lighting issue and sidewalks will be installed in front of the property. He also explained the hours of operation.

In rebuttal to Mr. Fedus' comments Mr. Handfield explained how the evaluation of the drainage was conducted. He stated that there will be no increase in the amount of storm water runoff. He reviewed the lighting plan and stated that he feels that proper notification to abutting property owners was provided.

Rebuttal to those who spoke in Favor:

Mr. Fedus referenced Appellate Court decisions from 2005 regarding drainage issues.

Motion by M. Noniewicz, seconded by J. Tinelle to close the Public Hearing on SE#11-012. **Motion carried unanimously.**

John Novak returned as a voting member.

6. Preliminary Reviews – None

7. New Business & Applications Received: -

- A. SDP #12-017 – Site Plan Modification – Caring Community, 84 Waterhole Road; Map 017, Lot 001 (Received 1/18/12)
- B. SUB #12-426 – Application of George Perkins for a 3-lot Resubdivision of 192 Carli Blvd, Map 23, Lot 50 (Received 1/18/12)
- C. SE#12-013 – Application of David Gesiak for an Accessory Apartment at 99 Carrillo Drive, Map #11-009, Lot 11-B (Received 1/18/12)

C. Grimord told the Commission that Items A- C were for receipt only.

8. Five Minute Session for the Public

Merja Lehtinen asked the Commission members to remember to remain gracious at all times and that mitigation is better than litigation.

9. Pending Applications:

- A. **SD#2011-016 VE Linwood, LLC, applicant/owner;** Site Plan Modification to traffic island on Route 16 (Received by Commission 12/7/11 – must act on or by 2/1/12. Scheduled for Review 1/4/12.)

Members eligible to vote on this application were: J. Mathieu, M. Noniewicz, D. Gesiak and John Novak.

A. Turner told Commission to refer to the Memo distributed at this evening's meeting dated January 16, 2012. He noted a correction that needed to be made on Item 4 of page 2. Item 4 should read: "If the proposal will make for safer traffic movements in the area, the Commission supports the concept for the health and safety of the public."

The Commission discussed the history of this application and the decision for the traffic island to be installed. Chairman Mathieu stated that this alternative may be better than the existing condition. J. Novak said that the widening of the road should improve the situation. D. Gesiak felt that the left turn lane and the widening would be an improvement over the present situation and M. Noniewicz agreed.

M. Noniewicz stated that with regards to SDP #11-016, V.E. Linwood, LLC, applicant for property at 164 Linwood Avenue, A.K.A. CT Route 16, Assessors Map #11, Lot #30, Commercial Zone; and specifically the site plan modification titled "Road

Improvement Plan Dunkin Donuts, 164 Linwood Avenue, A.K.A. CT Rte 16", and said that the Commission agrees with the with the Application Synopsis and History and Staff Review and Findings in the Staff Report dated January 16, 2012 , and noted the change regarding Item #4 which should read: If the proposal will make for safer traffic movements in the area the Commission supports the concept for the health and safety of the public.

Motion by M. Noniewicz, seconded by J. Novak to approve Site Plan Modification Application SDP#11-016, V.E. Linwood, LLC, applicant, for property at 164 Linwood Avenue, A.K.A. CT Route 16, Assessors Map #11, Lot #30, Commercial Zone, and specifically the site plan modification titled "Road Improvement Plan Dunkin Donuts, 164 Linwood Avenue, A.K.A. Rte 16" prepared by Tarbell, Heintz & Associates, Inc. two sheets dated 4/19/20 and revised thru 12/20/11. The plans are approved with the following conditions:

1. Plans are to be revised to address comments from the Zoning Official and Town Engineer dated 1/3/12;
2. Plan approval is conditioned on the approval of the Department of Transportation Newington Office. A copy of this approval is to be submitted to the land use office prior to the filing of the modified plans.

Motion carried unanimously.

B. RESUB #11-425 – Piechta, 7-lot Resubdivision – Applicant for a 7-lot Resubdivision of 103.5 acres Zoned R-80; Parcel located at the NW corner of the Intersection of McDonald Road and Homonick Road opposite Shadbush Drive, Assessors Map #02-09, Lot #21 & 13. (Public Hearing opened and closed 1/18/12)

Chairman Mathieu stated that this Public Hearing was opened and closed this evening. Deliberations began and Commission members asked for additional time to review information submitted this evening and for an updated Staff Report. Commission asked staff to research the Commission's decision on a past subdivision application to allow three (3) or more residences sharing a common driveway and the need for a turn around on common driveways for emergency vehicles.

Motion by M. Noniewicz, seconded by J. Novak to postpone action on RESUB#11-425 to the next regularly scheduled meeting on February 1, 2012 to allow for consideration and final findings. **Motion carried unanimously.**

C. SE #11-012 Colchester Construction, LLC , RMD Lane Development, LLC Owner: Special Exception application per Section 4F.3.18 for a private recreational facility (Karate Studio) on Parum Road, Map 13-00, Lot #01A-000, General Commercial Zone -- (Public Hearing opened and closed on 1/18/12.)

Commission members felt there was a lot of information presented at this meeting to review. Commission asked Staff to write a Synopsis of this information and to include the Town Engineer's comments. They also requested copies of the two (2) decisions on the former mini-storage application approved on this site and a Memorandum of Decision.

Motion by M. Noniewicz, seconded by D. Gesiak to postpone action on SE#11-012 to the next regularly scheduled meeting on February 1, 2012 and to allow a final staff review and to formulate a Memorandum of Decision. **Motion carried unanimously.**

10. Old Business - None

11. Planning Issues & Discussions

A. Commission Review of Draft Regulations

Chairman Mathieu said that based on the time constraint, the review of the Draft Regulations would not take place this evening.

B. New Legislation Regarding Bonding

A. Turner explained the new legislation regarding bonding which will now require the Town to accept letters of credit, and passbook savings along with the cash and surety bonds already accepted. C. Grimord explained that the only bond that can now be required is for Erosion and Sediment Control. Discussion followed regarding the differences between the past bonding requirements and the new legislation requirements.

12. Zoning Enforcement Officer's Report December 2011 and Year End Report

Copies of the December 2011 Zoning Enforcement Officer's Report and the Year End Report were included in the Commissioner's packets.

13. Correspondence

A. Turner distributed correspondence regarding "Comparing Municipal and Regional Plans with the Draft 2013-2018 Conservation and Development Polices Plan (C & D Plan)". He told the Commission that he hopes to begin review and updating of the Plan of Conservation and Development in the spring of this year. Discussion followed on the items that have been addressed through studies performed over the last few years.

A. Turner updated the Commission on the proposed Water and Sewer line expansion and the building of the State facility on Lake Hayward Road.

14. Adjournment

Motion by M. Noniewicz, seconded by J. Rosenthal to adjourn at 10:00 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk