

**COLCHESTER PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
WEDNESDAY, FEBRUARY 15, 2012  
TOWN HALL, 127 NORWICH AVENUE, COLCHESTER, CT  
Room 1  
7:00 P.M.**

**MEMBERS PRESENT:** Chairman Joseph Mathieu; Stacey Brown (arrived at 7:07 p.m.), Mark Noniewicz, Dave Gesiak, John Rosenthal and John Novak; Alternate: Jason Tinelle

**MEMBERS ABSENT:** None

**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 7:01 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** –

C. Grimord distributed a memo asking that the following items be added to the agenda under Item #7, "New Business & Applications Received, 7B – SE#12-014 Ernest Costa, Applicant/Owner; Application per Section 6.3.12.1.5 for the use of a Mobile Home/RV during the construction of a new Single-family home on property located at 44 Palmer Road, Assessor's Map #4-00E-05, Lot #015-03A.; 7C- SE#04-212 Colchester Village, LLC, Lovely Development, Inc. Request for an additional 3-year extension till 1/19/15, to complete the 30-Unit elderly housing complex at 124 Amston Road as approved.

**So moved**, by M. Noniewicz, seconded by J. Rosenthal to add the two items to the agenda. **Motion carried unanimously.**

4. **Minutes of Previous Meetings** – **Minutes of Regular Meetings – February 1, 2012**

Chairman Mathieu said that on Page 3, under Item B, SE#11-012, Colchester Construction LLC, the word "aesthetics" in the sixth sentence is misspelled.

**Motion** by J. Novak, seconded by M. Noniewicz to approve the Minutes of Regular Meeting of February 1, 2012 as amended.  
**Abstentions:** J. Rosenthal All others in favor **Motion carried**

5. **Public Hearings**

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 #12-426 – George Perkins, Applicant/Owner:** Application for a 3-lot Resubdivision of 20.9 acres Zoned R-60 at 192 Carli Blvd; The parcel is located on the West side of Carli Blvd approximately 325' North of the intersection with Fran Lane, Assessor's Map #02-10, Lot 23 - 50 (**Received 1/18/12, Public Hearing opened on 2/1/12; continued to 2/15/2012**)

Chairman Mathieu informed the Commission that the Public Hearing on this matter was continued from the February 1, 2012 meeting.

An updated Exhibit List and Staff Review Memorandum including a Chronology report dated February 10, 2012 were distributed to Commission members.

C. Grimord stated that the applicant is requesting a Waiver to Section 6.3.12.1.5, for the installation of sidewalks. He told the Commission that this application has received approval of the Conservation Commission at the February 8, 2012 meeting. He also noted that the Conservation Commission has recommended that the Open Space in form of a Conservation Easement be accepted by this Commission.

Speaking in favor

Mark Reynolds, representing the applicant, said that there have been no changes to the plans presented at the previous meeting. Discussion followed regarding the proposed Conservation Easement.

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2012 FEB 16 PM 00:57  
NANCY A. BRADY  
TOWN CLERK

Speaking in Opposition – No one spoke

**Motion** by S. Brown, seconded by J. Novak to close the Public Hearing on RESUB #12-426. **Motion carried unanimously.**

6. Preliminary Reviews – None

7. New Business & Applications Received: -

A. RESUB #12-427 – Victor Battaglioli, Applicant: Application for a 2-lot Resubdivision, 61 West Road

This application was for receipt only.

B. SE #11-014 – Earnest Costa, Applicant/Owner: Application per Section 11.7 for use of a Mobile Home/RV during the construction of a new Single Family home on property located at 44 Palmer Road, Assessors Map #4-00E-05, Lot #15-03A

This application was for receipt only.

C. SE#04-212 Colchester Village, LLC, Loveley Development, Inc. Request for an additional 3-year extension till 1/19/15, to complete the 30-Unit elderly housing complex at 124 Amston Road, as approved.

C. Grimord distributed a memo dated February 15, 2012 to the Commission members regarding this request for an addition 3-year extension to complete the public improvements on this development and noted that the Commission had previously approved a two-year extension for the completion of this project. The contractor is requesting an additional extension in order to complete the two remaining 3-unit buildings and the associated public improvements. He told the Commission that the full bond for the entire project is still being held and will be more than enough to complete the remaining public improvements if the developer does not complete the project. He said that the new completion date will be January 19, 2015. Discussion followed regarding the items still needed to be completed.

**Motion** by S. Brown, seconded by J. Rosenthal to approve the extension for SE#04-212, Colchester Village, LLC, Loveley Development, Inc. 30-Unit elderly housing complex, at 124 Amston Road until January 19, 2015. **Motion carried unanimously.**

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

9. Pending Applications:

A. RESUB #11-425 – Piechta, – 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. Decision Required on or by 3/21/12)

Chairman Mathieu noted that S. Brown had listened to the audio portion of the Public Hearing and has reviewed the Public Hearing Record.

A copy of the Staff Report dated February 13, 2012 and an updated Exhibit List was distributed to Commission members. The Staff Report included the Application Chronology as requested by the Commission. A. Turner spoke to the process for subdivisions and addressed comments that were heard at the Public Hearing and said that notice to abutting property owners is not required for a Resubdivision application. He said that the proposed plans were reviewed by Staff 's opinion is that the professional standards and all Town's standards/requests had been met. . He said there were several housekeeping details including a few incorrect numbered items.

C. Grimord explained his review process and said that he reviewed the plans from the previous re-subdivision application again and did not find any discrepancies between the two sets of plans. He explained the questions about the one lot of a previous subdivision being incorporated into this Resubdivision. He explained the need for the requested waivers because of the uniqueness of this property. Discussion followed regarding the proposed flag lots, sidewalks and the proposed Open Space.

**Motion** by M. Noniewicz, seconded by D. Gesiak to approve the requested waiver to Section 6.2.7.2. to allow a flag lot to access from a collector road for the following reasons:

- A. The flag lot would share the drive access with two other lots and would not have a separate individual access onto the collector road thus reducing the number of curb cuts.
- B. The flag lot shared access drive should have no adverse impact on neighboring properties or on Public health and safety and is preferable to a new Town Road.

**Motion carried unanimously.**

**Motion** by M. Noniewicz, seconded by D. Gesiak to approve the requested waiver to Section 6.2.7.3 to allow for two flag lots in this proposed subdivision for the following reasons:

- A. The Town requires land for road widening to meet the minimum right of way widths for collector roads. The conveyance of this land reduces the frontage requirements forcing the need for a variance to comply with R-80 frontage requirements on a collector road.
- B. Allowing for a second flag lot will have far less impact on the neighborhood than the construction of a new road that would allow for more lots to be developed.
- C. Layout of this site is such that there is frontage on two roads, one of which is a collector road. The flag lots are on opposite sides of the subdivision and off of two separate roads and will not adversely affect traffic in the area.

**Motion carried unanimously.**

**Motion** by M. Noniewicz, seconded by D. Gesiak to approve the requested waiver to Section 6.3.12.1.5, to not construct sidewalks for this subdivision for the following reasons:

- A. The site is more than a mile from the nearest school.
- B. The site is located in an R-80 low residential density zone with no nearby commercial, industrial or institutional activities that would warrant sidewalks for public safety. Sidewalks in this area would be of little benefit to the community. The existing sidewalks on Homonick Rd. are little used and in disrepair. The applicant is required to repair the existing sidewalk on his frontage on Homonick Rd., but the addition of sidewalks on McDonald Rd would detract from the rural character of the area.

**Motion carried unanimously.**

**Motion** by M. Noniewicz, seconded by D. Gesiak that the applicant provides for conveyance of fee interest in the proposed Open Space as depicted on the plans revised to 1/5/12 the Colchester Land Trust. **Motion carried unanimously.**

**Motion** by M. Noniewicz, seconded by D. Gesiak to approve re-subdivision application SUB#11-425, application of Joseph Piechta for a 7-lot re-subdivision of 103.5 acres as shown on plans titled "Subdivision, Land of Joseph Piechta" McDonald Rd & Homonick Rd, 10 sheets dated 10/11/11, revised to 1/5/12 prepared by Angus McDonald-Gary Sharpe and Associates, Inc, with the following modifications:

1. Add the following notes to the final plans for Commission endorsement:
  - A. A waiver to Section 6.2.7.2 to allow a flag lot to obtain access on a collector road has been granted.
  - B. A waiver to Section 6.2.7.3 to allow for more than one flag lot in this subdivision has been granted.
  - C. A waiver to Section 6.3.12.1.5 for the installation of sidewalks has been granted.
2. Final plans are to indicate that the Open Space is to be conveyed to the Colchester Land Trust.
3. Final plans are to be revised to reflect the Town Engineers comments of 1/9/12.
4. Final plans are to contain a note pertaining to drainage rights for Lot #3 over Lot #5 for footing drain discharge.
5. Final plans are to show the installation of a guide rail along the road in the area of the proposed Fire Pond with the appropriate detail added to the plans for Public Safety.
6. Final plans are to correct the improperly labeled setback distance along the shared drive on sheet 6 of 10.

**Motion carried unanimously.**

**B SUB #12-426 – George Perkins, Applicant/Owner:** Application for a 3-lot Resubdivision of 20.9 acres Zoned R-60 at 192 Carli Blvd; The parcel is located on the West side of Carli Blvd approximately 325' North of the intersection with Fran Lane, Assessors Map #02-10, Lot 23 - 50 (**Received 1/18/12, Public Hearing opened on 2/1/12, continued to and closed on 2/15/12**)

Voting members for this application were: Chairman Mathieu, S. Brown, M. Noniewicz, D. Gesiak, J. Novak and J. Tinelle.

C. Grimord told the Commission that Staff supports the granting of the Sidewalk waiver because sidewalks in this area would be of little benefit to the community and would not reflect the rural character of the area. He said that the Conservation Commission had recommended that the Open Space be in the form of a Conservation Easement over lots 50A & 50B and this Commission needs to evaluate if this Conservation Easements meets the criteria of Section 6.5.1. or if another form of Open Space would be more appropriate. Discussion followed regarding the options for the dedication of Open Space.

**Motion** by M. Noniewicz, seconded by D. Gesiak to approve the requested waiver to Section 6.3.12.1.5, to not construct sidewalks for this subdivision for the following reasons:

1. The site is more than a mile from the nearest school.
2. The site is located in an R-60 medium residential density zone with no nearby commercial, industrial or institutional activities that would warrant sidewalks for public safety. The roads in the subdivision are classified

as "Local" roads and are sufficiently wide (30') to allow for pedestrian movements. Sidewalks in this area would be of little benefit to the community and would not reflect the rural character of the area.

**Motion** by M. Noniewicz, seconded by D. Gesiak to approve Re-subdivision application RESub#12-426, application of George Perkins for a 3-lot Resubdivision of 20.9 acres as shown on plans titled Re-Subdivision Carlwood Acres Lot #50" prepared for George Perkins dated 12/8/11 and revised to 1/25/12" with the following modifications:

1. Add the following note to the final plans for Commission endorsement:  
"A waiver to Section 6.3.12.1.5 for the installation of sidewalks has been granted."
2. Prior to filing the final mylar plans in the land records, the applicant is to apply for zoning and building permits to relocate the existing shed on lot #50.

#### 10. Old Business - None

#### 11. Planning Issues & Discussions

##### A. Commission Review of Draft Regulations

A. Turner told the Commission that he has completed reviewing the Commission's comments, concerns and recommendations regarding the Draft Regulations. He will have a written report addressing these items which would be discussed at the next meeting. A copy of the proposed format for the Regulations was distributed for the Commission's review. He reviewed his proposed timeline and procedures for the process of reviewing the Draft Regulations.

#### 12. Zoning Enforcement Officer's Report January 2012

A complete of the January 2012 Zoning Enforcement Officer's Report was included in the Commissioner's packets.

A. Turner told the Commission that neighbors whose property abuts the Mackey's project on Linwood Avenue felt the proposed buffering in the approved plan was insufficient. Staff has been working with both Mr. Therrien who owns the property and the neighbors and Mr. Therrien has agreed to add additional trees as a buffer. He also stated that he was pleased with the result.

#### 13. Correspondence

A. Turner told the Commission that ex parte communication has been received regarding RESUB#11-425. On the advice of Town Counsel this has been placed in a separate file and is available for the Commission members to review.

#### 14. Adjournment

**Motion** by M. Noniewicz, seconded by D. Gesiak to adjourn at 8:15 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk