

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

MEMBERS PRESENT: Stacey Brown, Vice Chairman; Mark Noniewicz, Dave Gesiak, John Rosenthal and John Novak;
Alternate: Jason Tinelle

MEMBERS ABSENT: Chairman Joseph Mathieu

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** – Vice Chairman Brown called the meeting to order at 7:00 p.m.

2. **Roll Call**

Vice Chairman Brown asked the clerk to note those in attendance. J. Tinelle was seated as a voting member.

3. **Additions to Agenda** –

C. Grimord asked that the agenda be reshuffled to take item A under Correspondence "Request from George Perkins regarding RESUB#12-426" and move it under Item 9, Pending Applications as Item C.

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

4. **Minutes of Previous Meetings** – Minutes of Regular Meetings – February 15, 2012

Motion by M. Noniewicz, seconded by J. Rosenthal to approve the Minutes of Regular Meeting of February 15, 2012 as presented. **Motion carried unanimously.**

5. **Public Hearings**

Vice Chairman Brown 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.

C. Grimord read the Public Hearing legal notice published in the Rivereast on February 24 and March 2, 2012.

A. RESUB#12-427, Victor Battaglioli, Applicant Margaret Battaglioli, Owner; Application for a 2-lot Resubdivision of 4.36 acres Zoned R-60 at 61 West Rd; The parcel is located on the East side of West Rd. approximately 1750' South of the intersection of West Rd. and New London Rd, A.K.A. CT RTE. 85, Assessors Map #03-09, Lot #039-000. (Received 2/15/12, Public Hearing scheduled for 3/7/12)

An Exhibit List for this application was distributed to Commission members.

C. Grimord stated that this Resubdivision regards a 4.36 acre lot approved as Lot #1 in the West Meadows Subdivision in 1977 that currently has a single family home and is zoned R-60. The proposed Resubdivision will create two equal lots of 2.18 acres and will share the existing drive on West Road. The applicant is requesting waivers to the Open Space and Sidewalk requirements. Chatham Health District has reviewed and approved the Resubdivision. The Inland Wetlands/Conservation Commission is expected to act on this application at their next meeting on March 14, 2012. He said there are a few minor issues that can be addressed on the final plans. Staff recommended continuation of the Public Hearing to wait for the Inland Wetlands/Conservation Commission approval or report. Discussion followed.

Speaking in favor

Mark Reynolds, representing the applicant, said that all health and safety issues have been addressed. He explained the location of the wetlands and described the handling of the storm water runoff using rain gardens and catch basins.

Victor Battaglioli, applicant, said that he is requesting a waiver of Open Space as the proposed new lot will be conveyed to his brother-in-law.

Speaking in Opposition – No one spoke

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TOWN ENGINEER

Motion by M. Noniewicz, seconded by J. Novak to continue the Public Hearing on RESUB #12-427 to the next regularly scheduled meeting on March 21, 2012 to allow for the Inland Wetlands/Conservation Commission's final report and approval. **Motion carried unanimously.**

- B. SE#12-014, Ernest & Susan Costa, Applicant/Owner:** Application for a Special Exception per Section 11.7 for use of a Mobile Home/RV as a temporary dwelling unit at 44 Palmer Rd. during the construction of a new single-family home. Assessors Map# 4.00E-05, Lot# 015-03A, R-60 Zone. Parcel is located on the South side of Palmer Rd. approximately 350' east of the intersection of Palmer Rd. and Chestnut Hill Rd. **(Received 2/15/12, Public Hearing scheduled for 3/7/12)**

An Exhibit List for this application was distributed to Commission members.

C. Grimord told the Commission that this application is for a permit to make use of a mobile home/RV on the site during construction of a new home. A building permit has been issued for the construction of the new home and on his inspection he noted that the house has been closed in except for windows and doors. He said that per the Zoning Regulations, the mobile home must be connected to the permanent water supply and sewerage disposal system. Permits have been submitted for the well and septic, but they have not been installed as of yet. Discussion followed regarding the time limit of the use of the trailer and the need for the septic and well to be installed.

Speaking in favor

Wayne Sirois, 247 Chestnut Hill Road, said he and his sister both are property owners in the area of 44 Palmer Road and do not object to the use of the Mobile Home/RV as a temporary dwelling unit.

Speaking in Opposition – No one spoke

The Commission noted that the applicant or a representative for the applicant was not present at this meeting. Discussion followed regarding the continuance of the Public Hearing to allow the applicant or a representative to speak on behalf of the application and to answer questions from the Commission.

Motion by J. Rosenthal, seconded by M. Noniewicz to continue the Public Hearing on SE#12-014 to the next regularly scheduled meeting on March 21, 2012. **In favor:** M. Noniewicz, J. Rosenthal, J. Novak and J. Tinelle **Opposed:** D. Gesiak **Motion carried**

6. Preliminary Reviews – None

7. New Business & Applications Received: - None

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

9. Pending Applications:

- A. RESUB#12-427, Victor Battaglioli, Applicant Margaret Battaglioli, Owner:** Application for a 2-lot Resubdivision of 4.36 acres Zoned R-60 at 61 West Rd; The parcel is located on the East side of West Rd. approximately 1750' South of the intersection of West Rd. and New London Rd, A.K.A. CT RTE. 85, Assessors Map #03-09, Lot #039-000. **(Received 2/15/12, Public Hearing scheduled for 3/7/12)**
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Motion by M. Noniewicz, seconded by J. Rosenthal to postpone action on RESUB#12-427 and SE#12-014 due to the fact that the Public Hearings are still open. **Motion carried unanimously.**

C. Request from George Perkins regarding RESUB#12-426

C. Grimord told the Commission members that a letter from G. Perkins, the applicant for RESUB#12-426 was received asking that the approved Resubdivision be rescinded was included in their packets. He said that this Resubdivision was approved at the February 15, 2012 meeting after two nights of Public Hearings. The Notice of Decision was published in the *Rivereast News Bulletin* on February 24, 2012 and the appeal period for this decision ends on March 12, 2012. The applicant wishes to rescind this Resubdivision because he has a buyer for the entire parcel and the bank will not provide a mortgage to the buyer

if there is a subdivision of the property. He told the Commission that the Resubdivision would become null and void automatically if the applicant fails to file the mylars in the land records within 90-day after the expiration of the appeal period which would be June 11, 2012. The Commission decision will need to be published in the *Rivereast News Bulletin* on March 16, 2012 and the 15 day appeal period would apply. Any transactions regarding this property during this 15 day appeal period would be taken at the applicant's risk. The applicant has paid an appropriate fee to cover the expenses of the legal notice publication. Discussion followed.

Motion by M. Noniewicz, seconded by J. Rosenthal to rescind the approval of Resubdivision SUB#12-426; George Perkins, applicant/owner, for a 3-lot Resubdivision of 20.93 acres at 1902 Carli Boulevard, Assessor's Map #02-10, Lot #023-050, originally approved on 2/15/12, at the applicant's request. **Motion carried unanimously.**

10. Old Business - None

11. Planning Issues & Discussions

A. Commission Review of Draft Regulations

A: Turner summarized Additional Uses Regulations and a written report addressing the items that had been discussed at previous meetings. He asked that the Commissioners review this report and said this report will be discussed at the next meeting. He reviewed his proposed timeline and procedures for the process of reviewing the Draft Regulations.

12. Zoning Enforcement Officer's Report - None

13. Correspondence

A. Turner distributed a copy of a letter dated March 2, 2012 from John DeCastro, Department of Transportation, District office in Norwich, CT regarding the Road Improvement Plan for the Dunkin Donuts on Linwood Avenue. He said he was unsure if this was the final approval of the plan or if it would need to be approved by the Department of Transportation in Newington, CT and he would keep the Commission updated on any further decisions.

14. Adjournment

Motion by M. Noniewicz, seconded by D. Gesiak to adjourn at 8:20 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk