

COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, MARCH 21, 2012
TOWN HALL, 127 NORWICH AVENUE, COLCHESTER, CT
Room 2
7:00 P.M.

MEMBERS PRESENT: Chairman Joseph Mathieu; Stacey Brown, Vice Chairman; 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 asked that under Item #7 – “New Business & Application Received” the following item be added as Item A: “SD#12-018, Rodney Goldberg, applicant, Goldi-locks Self Storage, LLC, owner, site plan application for Phase II construction of 13 new storage units”.

Motion by M. Noniewicz, seconded by J. Rosenthal to add Item A under New Business and Applications Received – SD#12-018, Rodney Goldberg, applicant, Goldi-locks Self Storage, LLC, owner. Motion carried unanimously.

4. **Minutes of Previous Meetings – Minutes of Regular Meetings – March 7, 2012**

Motion by M. Noniewicz, seconded by J. Rosenthal to approve the Minutes of Regular Meeting of March 7, 2012 as presented. Motion carried unanimously.

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.

Chairman Mathieu stated that both the Public Hearings were continued from the March 7, 2012 meeting.

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 opened on 3/7/12; continued and closed on 3/21/12)

C. Grimord stated that the Public Hearing on this Resubdivision application was continued from the March 7, 2012 meeting because the Inland Wetlands/Conservation Commission had not acted on this application. He said that the Inland Wetlands/Conservation Commission had approved this application at their March 14, 2012 meeting.

Speaking in favor

Mark Reynolds, representing the applicant, said that there have been no changes to the plans since the last meeting and that the application had been approved at the Conservation Commission meeting.

Speaking in Opposition -- No one spoke

Motion by M. Noniewicz, seconded by J. Novak to close the Public Hearing on RESUB #12-427. Motion carried unanimously.

RECEIVED
COLCHESTER, CT
2012 MAR 22 PM 1:11
MARGY A. BRAY
CLERK
CZ FRK

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 opened on 3/7/12; continued and closed on 3/21/12)**

C. Grimord said that at the March 7, 2012 meeting staff gave a brief overview of this application, but the applicant was not present so the Public Hearing was continued to this meeting. He said that the applicant was present tonight to provide additional testimony or answer any questions. 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. When the installation has been completed, the Health District will need to inspect both the septic system and well.

Speaking in favor

Ernest Costa, applicant, said that there is now water and power to the site and the septic installation is set. Once the septic is complete, he will call for the Health District inspection. Discussion followed regarding the time limit of the use of the trailer.

Speaking in Opposition -- No one spoke

Motion by M. Noniewicz, seconded by J. Rosenthal to close the Public Hearing on SE#12-014. **Motion carried unanimously.**

6. Preliminary Reviews – None

7. New Business & Applications Received: -

A. SD#12-018, Rodney Goldberg, applicant, Goldi-Locks Self Storage, LLC, owner, site plan application for Phase II construction of 13 new storage units (10,200 Square feet) at the rear of the site associated site improvements at 359 Lebanon Avenue, Assessors Map 05-06, Lot #021-002, General Commercial Zone.

This application was for receipt only.

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 opened on 3/7/12; continued and closed on 3/21/12.)**

Chairman Mathieu stated that the Public Hearing was closed this evening on this application.

C. Grimord said that the voting members on this application were: S. Brown, M. Noniewicz, J. Rosenthal, D. Gesiak, J. Novak and J. Tinelle. He said that the applicant has requested waivers for both the sidewalks and Open Space requirements. There are a few housekeeping type outstanding items which can be addressed on the final plans.

Motion by M. Noniewicz, seconded by J. Rosenthal referencing Memo dated March 15, 2012 from C. Grimord, Asst. Planner/ZEO, 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 proposed re-subdivision is to create a lot for a family member.
- B. The site is more than a mile from the nearest school.
- C. The site is located in an R-60 medium residential density zone. Sidewalks in this area would be of little benefit to the community and would not reflect the rural character of the area.

Motion carried unanimously.

Motion by M. Noniewicz, seconded by J. Rosenthal referencing Memo dated March 15, 2012 from C. Grimord, Asst. Planner/ZEO, to approve an exemption to Section 6.5.1 for the Open Space requirement for the following reason:

The applicant has indicated that the proposed resubdivision is to create a lot for a family member. Per Section 6.5.3.a, the Commission shall exempt the Open Space requirement in accordance with CGS§ 8-25 as the transfer of the lot created is to a family member for no consideration. A note to this affect is to be placed on the final approved plans,

and notice filed in the land records.

Motion carried unanimously

Motion by M. Noniewicz, seconded by J. Rosenthal referencing Memo dated March 15, 2012 from C. Grimord, Asst. Planner/ZEO to approve resubdivision application SUB#12-427, application of Victor Battaglioli for a 2-lot resubdivision of 4.36 acres as shown on plans titled "Proposed 2-Lot Resubdivision, prepared for Victor Battaglioli, 61 West Road, Colchester, CT", one sheet dated 1/2/12 and revised to 2/6/12, with the following modifications:

1. Final plans are to include a detail cross-section of the shared drive.
2. The front yard setback distance on the plan and chart for the new lot are to be corrected.
3. The labeling of the shared driveway is to be corrected per #1 of the Town Engineers review comments #2 dated 2/13/12.
4. The rain garden note #5 is to be corrected with the proper lot #.
5. Correct and complete the rain garden elevations per the Town Engineer's comment.
6. The following notes are to be added to the final plans:
 - A. Deeds for both lots are to include all information regarding easements, rights and responsibilities regarding the common driveway. (Per Section 3.7.3.D.8(c).
 - B. The Planning & Zoning Commission has approved the follow waivers associated with this re-subdivision:
 1. A waiver to Section 6.3.12; requiring sidewalks.
 2. A waiver of the "Open Space" requirement (Section 6.5) of the Town of Colchester Subdivision Regulations has been granted as the proposal has been found to be exempt, per CGS 8-25, in that the transfer of all land in the proposed 2-lot re-subdivision is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration. The Commission may impose a requirement of a fee in lieu of open space for any lot sold within five years of approval of this resubdivision without open space preservation as a result of an exemption claimed pursuant to CGS 8-25. Such fee shall be applied to each lot sold and calculated as provided in Connecticut General Statutes Section 8-25. A notice shall be placed on the land records with the filing of the record resubdivision map, which notice shall include the date of subdivision approval and specifying the transfer of any lot within five years of approval will result in imposition of the fee prescribed above.
3. Prior to the issuance of a Zoning Permit for individual lot development:
A signed and sealed letter from a licensed surveyor stating that all lot boundary corners shown on the approved plan have been set per Section 7.8. shall be submitted.

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 opened on 3/7/12; continued and closed on 3/21/12.)**

M. Noniewicz reviewed the Staff Findings in the Memo from C. Grimord, Asst. Planner/ZEO.

Motion by M. Noniewicz, seconded by J. Rosenthal: The Planning & Zoning has reviewed the application and the findings outlined in the memorandum dated 2/29/12 from staff and concur with the findings as presented. The Planning & Zoning Commission hereby approves application SE#12-014, application of Ernest & Susan Costa, for the use of an RV as temporary living quarters while constructing a new Single-family home at 44 Palmer Rd., Assessors Map# 4.00E-05, Lot# 015-03A, R-60 Zone, 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 a Zoning permit for the use of the mobile home/RV as a temporary dwelling unit.
2. The RV is not to be occupied until the Health District has approved the on-site water and septic facilities and the hookups to the RV.
3. The Zoning Permit, once issued, shall be valid for one year from publication of this approval. The permit may be renewed for one additional year upon request.
4. The RV use as a dwelling unit is to be discontinued upon the issuance of a Certificate of Occupancy for the single-family home.

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 reviewed the proposed timeline and procedures for the process of reviewing the Draft Regulations.

12. Zoning Enforcement Officer's Report February 2012

The Zoning Enforcement Officer's February 2012 report was included in the Commissioner's packets.

M. Noniewicz left the meeting at 8:40 p.m.

13. Correspondence

Chairman Mathieu asked for volunteers to attend the Volunteer Fair to be held on Wednesday, March 28, 2012. He asked that anyone who could attend contact the Planning and Zoning office or him.

A. Turner told the Commission that they will be two (2) 8-24 Referral hearings at the next meeting. Regarding Open Space and Road Maintenance.

14. Adjournment

Motion by J. Novak, seconded by S. Brown to adjourn at 8:43 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk