

**COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, FEBRUARY 20, 2013
TOWN HALL, 127 NORWICH AVENUE, COLCHESTER, CT
Room 2
7:00 P.M.**

MEMBERS PRESENT: Chairman Joseph Mathieu; Vice Chairman John Novak, Mark Noniewicz, John Rosenthal, Dave Gesiak and Christopher Bakaj; Alternate: Jason Tinelle; Stan Soby, Board of Selectman Liaison

MEMBERS ABSENT; Stacey Brown

STAFF PRESENT: Adam Turner, Town Planner, Craig Grimord, Assistant Planner/Zoning Enforcement Officer; Gail Therian, Clerk;

1. **CALL TO ORDER** – Chairman Mathieu called the meeting to order at 7:02 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 requesting an addition to the meeting agenda.

Motion by M. Noniewicz, seconded by J. Rosenthal to amend to the agenda under Item #7 "New Business & Applications Received to add: "SDP #13-021 C.A.S.T.L.E. Inc @ 396 Halls Hill Road – Application for Site Plan modification to build an addition to the existing building and construct a new 12 space parking area for employees." **Motion carried unanimously.**

4. **Minutes of Previous Meetings** – Minutes of Regular Meetings – February 6, 2013

Motion by J. Novak, seconded by J. Rosenthal to approve the Minutes of the Regular Meeting of February 6, 2013 as presented. **Abstentions:** M. Noniewicz All others in favor **Motion carried.**

5. **Public Hearings** –

C. Grimord read the Public Hearing legal notice published in the Rivereast on February 8 and February 15, 2013.

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. **Re-Sub #13-428-Steve Ostroski, Applicant/Owner;** Application for a 2-lot re-subdivision of 14.19 acres Zoned R-80 off Pickerel Lake Rd. Assessors Map 03-20 Lot#029-000, (Received 2/6/13, Public Hearing opened and closed on 2/20/13)

C. Grimord told the Commission that the 14.19 acre parcel to be re-subdivided was "remaining land" from a subdivision approved in October 1975. This land was "land locked" until recently when the applicant purchased property from an adjacent property owner. The re-subdivision will create one frontage lot and one flag lot with a single access drive for both lots off Pickerel Lake Road. The applicant requested Waivers to the "Open Space" and sidewalk requirements. Because the property is within 500' of the Town Line, the Town of East Hampton was sent notification and no comments have been received within the 30 day time frame. Discussion followed regarding access to the property.

Speaking in Favor

Steve Ostroski, owner of the property, said that he has owned the land for 30 years and that the two building lots will be for his use and his daughter's.

Speaking in Opposition - No one spoke

Motion by M. Noniewicz, seconded by D. Gesiak to close the Public Hearing on Re-Sub #13-428. **Motion carried unanimously.**

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- B. SE#13-018-Lisandro Suarez –Applicant/Owner**; Special Exception application per Section 11.15 for an Accessory Apartment at 691 Norwich Avenue, Map #4E05, Lot #023-001, R-60 Zone. at 691 Norwich Ave., Assessors Map #4E-05, Lot #023-001, R-60 Zone. **(Received 2/6/13, Public Hearing opened and closed on 2/20/13)**

J. Novak recused himself.

C. Grimord told the Commission that this application is for an addition to the house for an accessory apartment, which meets all the requirements under the Zoning Regulations and Special Exception criteria. Discussion followed regarding the access to the accessory apartment and the installation of a new septic system.

Speaking in Favor

Lisandro Suarez, Applicant/Owner, explained the access will be through the proposed sunroom addition.

Mary Suarez, Applicant/Owner, explained that the accessory apartment will be for her elderly parents.

Motion by M. Noniewicz, seconded by D. Gesiak to close the Public Hearing on SE#13-018. **Motion carried unanimously.**

6. Preliminary Reviews – None

7. New Business & Applications Received: -

J. Novak recused himself.

- A. SDP #13-021 C.A.S.T.L.E. Inc @ 396 Halls Hill Road** – Application for Site Plan modification to build an addition to the existing building and construct a new 12 space parking area for employees.

C. Grimord told the Commission that this application was for receipt only. It is for a 1600 square foot addition to the south side of the building and to formalize a gravel parking lot.

J. Novak returned as a voting member.

8. Five Minute Session for the Public No one Spoke

9. Pending Applications:-

Motion by M. Noniewicz, seconded by J. Rosenthal to add the two Public Hearing applications heard this evening to "Pending Applications" as Item A & B and renumber existing A to C. **Motion carried unanimously**

- A. Re-Sub #13-428-Steve Ostroski, Applicant/Owner**; Application for a 2-lot re-subdivision of 14.19 acres Zoned R-80 off Pickerel Lake Rd. Assessors Map 03-20 Lot#029-000, **(Received 2/6/13, Public Hearing opened and closed on 2/20/13)**

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

M. Noniewicz stated that staff had provided a review and recommended motion and there are no outstanding issues.

Motion by M. Noniewicz, seconded by J. Rosenthal 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 lots for family members.
- B. The site is more than a mile from the nearest school.
- C. The site is located in an R-80 rural residential density zone. There are currently no sidewalks in this area. 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 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 lots for family members. 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

lots are to be to family members for no consideration. A note to this affect and the five (5) year time frame is to be placed on the final approved plans and filed in the land records. **Motion carried unanimously**

Motion by M. Noniewicz, seconded by J. Rosenthal to approve re-subdivision application SUB#13-428, application of Steve Ostroski for a 2-lot Resubdivision of 14.19 acres as shown on plans titled "Proposed 2-lot Resubdivision, prepared for Steve Ostroski, Pickerel Lake Road and Fox Ridge Drive, Colchester CT", two sheets dated 6/8/12 and revised to 1/23/12, with the following modifications:

1. The following notes are to be added to the final plan:
 - 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 following waivers associated with the 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.
 3. The following note shall be added to the final plans: *"The sale or transfer of any lot in this re-subdivision to a non-family member, as defined in CGS§8-25, within five (5) years of the approval date shall result in the imposition of a fee in lieu of Open Space prescribed in CGS§8-25."*
2. Prior to the issuance of a Zoning Permit for individual lot development:

The submission of 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 of the Subdivision Regulations.

Motion carried unanimously

- B. SE#13-018-Lisandro Suarez –Applicant/Owner**; Special Exception application per Section 11.15 for an Accessory Apartment at 691 Norwich Avenue, Map #4E05, Lot #023-001, R-60 Zone. at 691 Norwich Ave., Assessors Map #4E-05, Lot #023-001, R-60 Zone. **(Received 2/6/13, Public Hearing opened and closed on 2/20/13)**

J. Novak recused himself for Items B & C.

M. Noniewicz reviewed the Staff Findings listed in C. Grimord, Asst. Planner and ZEO's memo dated February 15, 2013.

Motion by M. Noniewicz, seconded by J. Rosenthal to approve SE#13-018, Lisandro & Mary Suarez, Applicant/owner: Application for a 1008 square foot Accessory Apartment at 691 Norwich Ave., Assessor Map #4E-05, Lot #023-001, R-60 Zone, as shown on the submitted approved plans with the following conditions and the Commission concurs with the findings as presented in the Application Report by C. Grimord, Asst. Planner/ZEO dated February 15, 2013.

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 of the addition to create the Accessory Apartment.
2. Zoning and Building Permits are to be obtained for the construction of the addition for the accessory apartment.
3. A Certificate of Zoning Compliance is required prior to issuance of a Certificate of Occupancy of the accessory apartment.
4. Design and construction of the new septic system is subject to Chatham Health District approval.

Motion carried unanimously.

- C. SE#11-012-Colchester Construction, LLC, RE: Karate Studio @ 50 Parum Road**: Request for Commission modification per Section 12.5.3.C.13 to allow overhead utilities to the site.

C. Grimord distributed copies of Section 12.5.3.C.13 and 12.6 of the Zoning Regulations which pertain to overhead utilities and Improvement Location Plans. He said that at the Pre-Construction meeting he had explained that any changes to the approved plans must be reviewed and a Change Order issued. He said Staff finds no adverse field conditions to prevent the utilities from being installed underground as per the approved plan. Discussion followed. Members reviewed the Regulations and found that no adverse conditions were identified by the applicant to allow the Commission to permit overhead utilities; therefore, they could not consider approving the request.

Motion by M. Noniewicz, seconded by C. Bakaj to deny the request for Modification to SE#11-013 Colchester Construction, LLC with regards to allowing overhead utilities to the site because no evidence has been given that there is any adverse field condition. **Motion carried unanimously**

J. Novak returned as a voting member.

10. Old Business - None

11. Planning Issues & Discussions -

A. Turner told the Commission that a second Public meeting regarding the proposed Zoning Regulations was held and five (5) people attended. He has received a lot of comments from other Board/Commissions as well as the public which he will consolidate and bring to the Commission for their review and comments. After their review, a final draft will be prepared and presented for the Commission's final approval before going to Public Hearing.

12. Zoning Enforcement Officer's Report – January 2013

The January 2013 Zoning Enforcement Officer's Report was included in the Commissioner's packets. Discussion followed regarding several of the outstanding enforcement actions.

13. Correspondence –

A. Turner told the Commission that currently the State's Plan of Conservation and Development is being updated and will be completed by the end of the year. Colchester sent amendments to the State Plan of Conservation and Development which were accepted by Office of Policy Management and were incorporated into the draft that was presented to the Legislators.

14. Adjournment

Motion by M. Noniewicz, seconded by D Gesiak to adjourn at 8:07 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk