

**COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, APRIL 16, 2014
TOWN HALL, 127 NORWICH AVENUE, COLCHESTER, CT
Room 3
7:00 P.M.**

MEMBERS PRESENT: Chairman Joseph Mathieu; Vice Chairman John Novak; John Rosenthal, Dave Gesiak and Christopher Bakaj; Alternate: Jason Tinelle;

MEMBERS ABSENT: Mark Noniewicz and Stacey Brown

STAFF PRESENT: Adam Turner, Town Planner and 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** - None

4. **Minutes of Previous Meetings** – Minutes of the Regular Meeting April 2, 2014

Motion by J. Novak, seconded by J. Rosenthal to approve the Regular Meeting Minutes of April 2, 2014 as written.
Motion carried unanimously.

5. **Public Hearings** – None

6. **Preliminary Reviews** –

A. Fireside Investments, LLC at 491 Old Hartford Road

John Tarquinio, Fireside Investments, said he was before the Commission with a preliminary review for a Flea Market use at 491 Old Hartford Road. He said that he feels this would be a good location for this type of because of the proximity of the property to Route 2. He is going to hold three (3) Flea Market events in the coming months to see how this use would be received by the public.

Bob Messier, of Messier and Associates, presented a preliminary plan and described the location of where these events would be held on the property. He also distributed a first draft of Flea Market Regulations. He said a formal application for regulations would be submitted in the future if this use is pursued.

A. Turner said that there are several outstanding issues such as traffic, sanitation and drainage which need to be addressed. He also suggested that Mr. Tarquinio meet with Sgt. Mercer of the Colchester Police to discuss the traffic issues for the Flea Market events to be held this year. He complimented Mr. Tarquinio for his work on cleaning up the site.

7. **New Business & Applications Received:**

- A. SE #14-021 – G. Veneziano applicant/9 Loomis Road, owner;** Special Exception application per Section 4F.3.21 for proposed convenience store, gas station and coffee/sandwich shop at 9 Loomis Road, Assessor's Map #3-17, Lot 53; General Commercial Zone. (Application submitted 4/2/14; received by the Commission on 4/16/14; Public Hearing scheduled to open on 5/21/14)

Chairman Mathieu said that this application will be set for Public Hearing on Wednesday, May 21, 2014.

- B. SE#14-022 - Application of Marek & Mariola Wdowiak Applicant/Owner;** Special Exception application per Section 11.15 for an Accessory Apartment at 59 Debi Circle, Map 03-13, Lot 08-03, R-60 Zone. (Application submitted 4/2/14; received by the Commission on 4/16/14; Public Hearing scheduled to open 5/07/14)

Chairman Mathieu said that this application will be set for Public Hearing on Wednesday, May 7, 2014.

- C. SDP-#14-028 – Steward Roberts, Applicant/Dorothy Sietz/Owner;** Application for Site Plan approval for a Snack Shop at 24 Norwich Ave., Commercial/HPOZ Zones. (Received by the Commission on 4/16/14, scheduled for review on 5/07/14; must act on or by 06/20/14)

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A. Turner said that is Site Development Plan will be reviewed and discussed at the Wednesday, May 7, 2014 meeting.

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

9. Pending Applications:-

- A RESUB#14-342 D. Standish applicant/owner**, Proposed 7 lot Resubdivision of 74.5 acres at Standish and Usher Swamp Roads, Assessors Map 02-14, Lot 07-04, R-60. (received by Commission on 3/12/14; Public Hearing opened and closed on 4/2/14;)

Motion by J. Rosenthal, seconded by J. Tinelle to grant a waiver of pedestrian access as mandated by Section 6.3.12 for the reasons outlined in the findings section of the Staff memo dated March 28, 2014. In favor: J. Mathieu, J. Novak, J. Rosenthal, D. Gesiak, C. Bakaj and J. Tinelle Opposition: No one **Motion carried unanimously.**

Motion by J. Rosenthal, seconded by J. Tinelle to accept fee in lieu of Open Space as described in Section 6.5.2 of the Subdivision Regulations. The rationale for this decision is identified in the findings of the Staff memo dated March 28, 2014. The precise amounts of fee in lieu payment will be determined based on an appraisal of the entire parcel by a licensed property appraiser and no building permits will be issued until 10% of the appraised amount of the land is provided to the Town. In favor: J. Mathieu, J. Novak, J. Rosenthal, D. Gesiak, C. Bakaj and J. Tinelle Opposition: No one **Motion carried unanimously.**

Motion by J. Rosenthal, seconded by J. Tinelle to approve RESUB#14-342 D. Standish applicant/owner, 7 lot Resubdivision of 74.5 acres at Standish and Usher Swamp Road, Assessor Map 02-14, Colchester, CT 1" = 40', 3 sheets, dated May 10, 2013, revised March 9, 2014 with the following plan modifications/conditions:

1. Final plans for Commission Chairman's signature are to be signed and sealed by the surveyor, engineer, and signed by the Soil Scientist.
2. The Lot requirement table and overall boundary and lot survey information must be consistent.
3. The following notes are to be added to the final plans:
 - a. Deeds for the lots are to include all information regarding the access and utility easements.
 - b. The Planning and Zoning Commission has accepted a fee in lieu of Open Space for this Subdivision which is equivalent to 10% of the fair market value of the land prior to subdivision. Half of this fee is to be submitted with the application for permits to develop each lot.
 - c. The Planning and Zoning Commission has approved the following waiver associated with this subdivision: A waiver to Section 6.3.12; allowing for the inclusion and development of sidewalks.
 - d. Prior to the issuance of a Zoning Permit for individual lot development; A signed and sealed letter from a licensed surveyor stating that all boundary corners shown on the approved plan have been set per Section 7.8.
 - e. No transfer or selling of lots until public improvements are constructed or bonded.

Motion carried unanimously.

- B. Modification of SUB#13-430-Peter & Virginia Reneson Applicant/Owner**; Proposed 2-lot subdivision of 16.49 acres at 268 Bull Hill Rd., R-60 Zone, Assessors Map#05-19, Lot# 003-000. Reconsideration of the Waiver for Sidewalks.

Motion by J. Rosenthal, seconded by J. Tinelle to approve the modification to SUB#13-430 **Peter & Virginia Reneson Applicant/Owner**; Proposed 2-lot subdivision of 16.49 acres at 268 Bull Hill Rd., R-60 Zone, Assessors Map#05-19, Lot# 003-000 to waive the requirements for sidewalks per Section 6.3.12 of the Subdivision regulations. In favor: J. Mathieu, J. Novak, J. Rosenthal, D. Gesiak, C. Bakaj and J. Tinelle Opposition: No one **Motion carried unanimously.**

- C. RC#13-208-Town of Colchester Planning & Zoning Commission applicant**, Comprehensive re-write of the Zoning Regulations of the Town of Colchester. (Application submitted 10/23/13, received by the Commission on 11/6/13, (Public Hearing opened on 12/4/13, continued to 1/8/14 and closed on 1/8/14)
- D. ZC#13-200- Town of Colchester Planning & Zoning Commission applicant**, Comprehensive re-zoning of the Town of Colchester. (Application submitted 10/23/13, (received by the Commission on 11/6/13, Public Hearing opened on 12/4/13 continued to 1/8/14 and closed on 1/8/14A.

A. Turner distributed copies of a Memo dated April 9, 2014 sent to Beth Critton, Town Attorney, regarding the proposed draft land regulations that he feels need clarification regarding the MacKenzie case law. He said that Beth Critton might attend the May 7, 2014 meeting to discuss these comments with the Commission members. He said that he is working with Chris Bourque,

Chairman of the Agricultural Commission regarding regulations for farm composting. Discussion followed regarding the MacKenize case law and its effects on waivers granted by the Commission in the future.

10. Old Business --

A. Signage at 119 South Main Street

Discussion was held on the need to state the criteria for the granting of a waiver because of the MacKenize case law. Findings for the approval were discussed.

Motion by J. Tinelle, seconded by J. Novak to waive 16.6.7 of the Zoning Regulations as per section 16.2.3.A to permit the use of signage as show in the submittal provided by the applicant. The total amount of signage for the plaza will not change. The following findings should be added:

1. The uniformity of the signage creates a pleasing, aesthetic façade;
2. There are no detrimental effects to the value of the surrounding properties;
3. There are no detrimental effects on the environment, health, safety, welfare or traffic.

Vote was taken: In favor: J. Mathieu, J. Novak, J. Rosenthal, D. Gesiak, C. Bakaj and J. Tinelle Opposition: No one **Motion carried unanimously.**

11. Planning Issues & Discussions --

A. Turner told the Commission that Glen Chalder of Planimetrics is working on the drafting of the update of the Plan of Conservation and Development and will introduce it to the Commission at the May 21, 2014 meeting. He hopes to have the draft by May 7, 2014.

A. Turner told the Commission that he has submitted a STEAP grant for the Norton Dam/Mill on Westchester Road.

12. Zoning Enforcement Officer's Report -- March 2014

A. Turner told the Commission that since the last meeting the violation at the new reflexology business on South Main Street has been resolved. He said that the violation at the junk shop on Lebanon Avenue and Mill Street is being addressed and all the junk located on the outside of the building should be inside very shortly. He has just received a complaint regarding a home business on Taylor Road that he will be investigating.

13. Correspondence -- None

14. Adjournment

Motion by J. Novak, seconded by J. Rosenthal to adjourn at 8:06 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk