

**COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, MAY 7, 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, Stacey Brown (arrived at 7:11 p.m.) and Alternate: Jason Tinelle;

MEMBERS ABSENT: Mark Noniewicz and Christopher Bakaj; Stan Soby, Board of Selectmen Liaison;

STAFF PRESENT: Adam Turner, Town Planner; Randy Benson, Asst. Planner/ZEO 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.

A. Turner introduced Randy Benson, the new Assistant Planner/Zoning Enforcement Officer to the Commission members.

3. **Additions to Agenda** - None

4. **Minutes of Previous Meetings** – Minutes of the Regular Meeting April 16, 2014

Motion by J. Novak, seconded by J. Rosenthal to approve the Regular Meeting Minutes of April 16, 2014 as written.

Motion carried unanimously.

5. **Public Hearings** –

A. Turner read the Public Hearing legal notice published in the *Rivereast* on April 25, 2014 and May 2, 2014.

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. **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 opened 5/07/14) and continued to 6/4/2014

The Exhibit List and supporting documentation was distributed to the Commission members.

A. Turner said that revised plans and the site plan had been received on Monday, May 5, 2014. Staff has not had a chance to review the plans and materials submitted at that time. Chatham Health District staff has reviewed the application and had several issues outstanding. He also said that there is a non-conforming second residence on the property which will need to have the kitchen and bathroom removed to make it a conforming accessory structure. He said that this may be a condition of approval if the Commission does approve this application.

Mariola Wdowiak, applicant and owner, said that the accessory apartment is existing in the attached garage that was built 11 years ago. She said that it is the intention that her married daughter will move into this accessory apartment.

Speaking in favor – No one spoke

Speaking in opposition

Patricia Mednick, 51 Debi Circle, expressed concerns about the number of the apartments on the property in a residential area.

Paul Azar, 57 Debi Circle, expressed his concern about the number of tenants and the effects of the apartments on the residential neighborhood.

Ashley Azar, 57 Debi Circle, said that there is constant noise from this property.

Theresa Floto, 50 Debi Circle, said she feels multiple units of apartments should not be allowed in the residential area.

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Keith Elmy, 41 Debi Circle, said that he felt there may be septic issues and the driveway width may not be wide enough to allow emergency vehicles.

Speaking in rebuttal to those who spoke in Opposition

Mariola Wdowiak said that emergency vehicles have made it up her driveway when there was a chimney fire. She also said that she does not believe there is excessive noise coming from her property.

Speaking in rebuttal to those who spoke in Favor - No one spoke

The Commission discussed the existing garage that is currently a second residence on the property in the detached garage. They concurred that the applicant will need to make this code compliant by removing the existing kitchen and bathroom. The Commission asked that Staff speak with the Chatham Health District Staff regarding the adequacy of the septic system to support the residence and the accessory apartment. Chairman Mathieu explained the criteria of the accessory apartment to the audience.

Motion by J. Rosenthal, seconded by S. Brown to continue the Public Hearing on SE#14-022, Application of Marek & Mariola Wdowiak, Applicant/Owner to the June 4, 2014 meeting. **Motion carried unanimously**

6. Preliminary Reviews –

7. New Business & Applications Received:

A. Appointment of Randall Benson as Zoning Enforcement Officer

Motion by J. Novak, seconded by D. Gesiak to appoint Randall Benson as Zoning Enforcement Officer. **Motion carried unanimously.**

8. Five Minute Session for the Public -

David Wasniewski, Parum Road, asked if the Mackenzie case would affect the State's Plan of Conservation and Development. Beth Critton, Town Attorney, told him she did not believe the Mackenzie case would have an effect on the State or local Plan of Conservation and Development.

9. Pending Applications:-

A. **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 opened 5/07/14 and continued to 6/4/2014)

Motion by S. Brown, seconded by J. Novak to postpone action on SE#14-022 as the Public Hearing is still open. **Motion carried unanimously.**

B. **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 the Public Hearing on this application is scheduled to open at the May 21, 2014 meeting.

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)

A. Turner told the Commission that this application is to locate a small snack shop at 24 Norwich Avenue. The menu will be Hot Dogs and Ice Cream. The applicant has proposed an outdoor use of the property which would consist of a patio and several tables. He said he has advised the applicant that the outside use would require an application for a Special Exception as the property is located in the Historic Preservation Zone. He said that the placement of more than two (2) tables would also exceed the parking capacity on the site. He said that the approval of the change of use for a small snack shop would be acceptable to Staff, but the construction of the patio would need further permission from the Commission.

Motion by J. Novak, seconded by D. Gesiak to approve application SDP#14-028 for the change of use for a small snack shop at 24 Norwich Ave. This approval regards the internal sections of the building only and the applicant is not authorized to utilize the

outside space in any formal manner or construct any patio or feature without further permission of this Commission. Finally the applicant must apply for and receive a sign permit from Staff. **Motion carried unanimously.**

- D. **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)
- E. **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 a memo from Beth Critton, Town Attorney and himself dated May 7, 2014. The Memo summarized various provisions that were clarified or revised based on the Mackenzie v. Planning and Zoning Commission, 146 Conn. App. 406 (2013). The Commission reviewed each of the revisions and made comments.

A. Turner told the Commission that the next step is to incorporate these revisions into the draft Regulations and provide the updated version of the Regulations to them. He said he feels another Public Hearing should be held to present these changes to the public. The commission concurred and suggested that the main focus of the Public Hearing be on the revisions.

Motion by J. Rosenthal, seconded by S. Brown to postpone action on Items D & E, RC#13-208 and ZC#13-200. **Motion carried unanimously**

10. **Old Business – None**

11. **Planning Issues & Discussions –**

A. Turner told the Commission members that Glen Chalder of Planimetrics would be at the May 21st meeting to present the draft of the Plan of Conservation and Development.

12. **Zoning Enforcement Officer's Report - None**

13. **Correspondence – None**

14. **Adjournment**

Motion by J. Novak, seconded by J. Tinelle to adjourn at 9:31 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk