

COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, June 4, 2014
127 NORWICH AVENUE, COLCHESTER, CT
7:00 P.M.

MEMBERS PRESENT: Chairman Joseph Mathieu; Vice Chairman; John Novak; John Rosenthal, and Mark Noniewicz;
Alternate: Jason Tinelle;

MEMBERS ABSENT: Stacey Brown, Dave Gesiak and Christopher Bakaj;

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 7:03 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 May 21, 2014

Motion by M. Noniewicz, seconded by J. Novak to approve the Regular Meeting Minutes of Wednesday, May 21, 2014 as written
Motion carried unanimously.

5. **Public Hearings** –

Chairman Mathieu told the audience that the Commission had received a request from the applicant's attorney requesting that the Public Hearing be continued to the next regularly scheduled meeting because the applicant is working with the State Department of Transportation regarding the roadway issues. He said that testimony would be heard from those opposing the application. He said that if anyone cannot make the next meeting, letters and emails are accepted by the Planning and Zoning Department as part of the Public Hearing record.

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 and closed at the 6/4/2014 meeting).

Chairman Mathieu stated that this Public Hearing was opened at the May 7, 2014 meeting and continued to this meeting. An updated Public Hearing Exhibit List and a copy of R. Benson's Staff Report was distributed to the Commission members.

A. Turner presented pictures of the property and explained that there are two buildings on the property. The application is for an existing accessory apartment above the attached garage. The applicant also has an existing apartment in an accessory building on the property, which was constructed without the proper permits. R. Benson told the Commission that the Building Inspector has instructed the applicant on how to demolish the existing apartment so that it is no longer a living unit. Chatham Health District provided information regarding the existing well and septic serving two living units and the separation distances from the septic and living space. Discussion followed.

Speaking in favor –

Marek Wdowiak, applicant, said that this accessory apartment would be used by his daughter. He said he believes that he has the proper paperwork regarding the apartment in the accessory building. He also said that there are three separate entrances into the proposed accessory apartment.

Speaking in opposition - No one spoke

Motion by J. Novak, seconded by J. Rosenthal to close the Public Hearing on SE#14-022. **Motion carried unanimously.**

Motion by J. Novak, seconded by M. Noniewicz to take Item 9A, Pending Applications – SE#14022 out of order. **Motion carried unanimously.**

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Motion by M. Noniewicz, seconded by J. Rosenthal to postpone action on SE#14-022 to allow for Staff to formulate a Memorandum of Decision. **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 opened on 5/21/14 continued at the 6/4/14 and the 6/18/14 meetings)

An application by G. Veneziano and 9 Loomis Road, LLC seeking a certificate of location pursuant to Section 14-319 – 14-321, CGS, and Section 13.13 of the Zoning Regulations to permit premises known as 9 Loomis Road, Assessor's Map #3-17, lot 53 to be used for the sale of gasoline (no repairs) to the public.

An updated Public Hearing Exhibit List was distributed to Commission members.

Chairman Mathieu said that this Public Hearing had been opened at the May 21, 2014 meeting and continued to tonight's meeting. He said that the applicant's attorney has asked that the Public Hearing be continued to the June 18, 2014 meeting.

Speaking in opposition -

Cynthia Blackham, 30 Old Country Road, regarding the impact of the development on the historic character of the area, the traffic issues, early morning deliveries, lighting and noise. She submitted a copy of her presentation to the Commission members.

James Jakuboski, 526 Westchester Road, spoke regarding an increase in traffic and accidents and drainage issues.

Caleb F. Hamel, Esq., representing Mr. & Mrs. Mausteller of 6 Loomis Road, stated concerns about buffering requirements in a commercial zone, landscaping, commercial accessory structures, and the lighting plan. The letter was submitted to the Commission as a Public Hearing Record item.

Rene Jakuboski, 526 Westchester Road, expressed concerns about the character of the Westchester area and the pedestrian flow.

Kevin Smith, 25 Loomis Road, expressed concerns about the commercial septic tank being installed.

Speaking in favor – No one spoke

Motion by M. Noniewicz, seconded by J. Rosenthal to continue the Public Hearing on SE#14-021 to the next regularly scheduled meeting on June 18, 2014. **Motion carried unanimously**

6. Preliminary Reviews – None

7. New Business & Applications Received:

8. Five Minute Session for the Public -

Larry Amman, 176 Prospect Hill Road, expressed his concerns about outdoor summer concerts and public picnics on a neighboring property. A. Turner said that he had no reports on the event held the Memorial Day weekend and he was aware of the flyer about public picnics. He told Mr. Amman that he is looking into the issues and would like to meet with him to discuss the issues. He stated that the Staff has limited jurisdiction regarding the events. Discussion followed.

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 and closed at the 6/4/2014 meeting.)

This item was acted on under Item 5A.

- 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 opened on 5/21/14; continued to 6/4/2014 and 6/18/14 meetings.)

An application by G. Veneziano and 9 Loomis Road, LLC seeking a certificate of location pursuant to Section 14-319 – 14-321, CGS, and Section 13.13 of the Zoning Regulations to permit premises known as 9 Loomis Road, Assessor's Map #3-17, lot 53 to be used for the sale of gasoline (no repairs) to the public.

Motion by M. Noniewicz, seconded by J. Rosenthal to postpone action on SE#14-021 due to the fact that the Public Hearing is still open. **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 told the Commission that he will have the Public Hearing draft of the Zoning Regulations for them at the June 18, 2014 meeting. He explained that he would like the Public hearing to be held at the July 16, 2014 meeting. A poll will be taken to be sure that the Commission members will be available on that date. No action was taken on these items.

10. Old Business – None

11. Planning Issues & Discussions –

R. Benson asked for the Commission's if they were in favor of his enforcing the temporary sign regulation. He gave the outline of the procedures he will use. A consensus of the Commission was in favor of the Zoning Enforcement Officer enforcing the temporary sign regulations.

12. Zoning Enforcement Officer's Report - None

13. Correspondence –

A. Turner told the Commission that he is working on a grant for the rear portion of Kmick Lane and the area in the back of the library.

14. Adjournment

Motion by M. Noniewicz, seconded by J. Novak to adjourn at 8:10 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk