

COLCHESTER PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
WEDNESDAY, JUNE 18, 2014  
127 NORWICH AVENUE, COLCHESTER, CT  
7:00 P.M.

**MEMBERS PRESENT:**; John Novak, Vice Chairman; John Rosenthal, Mark Noniewicz; Dave Gesiak and Stacey Brown (arrived at 7:08 p.m.) Alternate: Jason Tinelle;

**MEMBERS ABSENT:** Chairman Joseph Mathieu and Christopher Bakaj;

**STAFF PRESENT:** Adam Turner, Town Planner and Gail Therian, Clerk

1. **CALL TO ORDER** – Vice Chairman Novak called the meeting to order at 7:02 p.m.

2. **Roll Call**

Vice Chairman Novak 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 June 4, 2014

M. Noniewicz asked that on Page 1, under "Speaking in Favor" that the following statement be added after the second sentence: "Mr. Wdowiak was asked for the supporting paperwork, but he did not produce it."

**Motion** by M. Noniewicz, seconded by J. Rosenthal to approve the Regular Meeting Minutes of Wednesday, June 4, 2014 as amended Abstentions: D. Gesiak All others in favor. **Motion carried.**

5. **Public Hearings** –

Vice Chairman Novak 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 #14-021 – 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.

Vice Chairman Novak said that this Public Hearing had been opened at the May 21, 2014 meeting, continued to the June 4, 2014 meeting, and tonight's meeting.

M. Noniewicz noted the error of the date of the latest revision of the plan. M. Tarbell of Tarbell Heintz & Associates noted that the revision date should read: 6-10-14.

Atty. John Fitzgerald told the Commission that the applicant is waiting for a letter from the CT State Department of Transportation. He said that the plans may need to be revised to address the DOT's concern regarding the left hand turn only driveway. He asked the Commission to consider continuing the Public Hearing on this application to the next scheduled meeting on July 16, 2014.

Mike Tarbell, Tarbell Heintz & Assoc., Inc. showed the plan with additional buffering being proposed for the development. He explained to the Commission how he believes this application meets the current Colchester Zoning Regulations. He said that the plans may need to be revised to address the State of CT Department of Transportation comments regarding the left turn in only driveway. He said that the applicant does not have tenants for the building at this time and will need to return to the Commission for the signage and lighting approval when tenants are found. Discussion followed regarding signage and lighting.

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Scott Hesketh, of F. A. Hesketh & Associates, explained the methodology used to compile the Traffic Study. He presented portions of the study to the Commission. Discussion followed regarding peak hour congestion and traffic volumes within the site, the circulation within the site, and the effects of the development on local traffic. A. Turner asked that the traffic information for the Linwood Avenue Dunkin Donuts be submitted for the Commission's review.

Speaking in opposition -

Mike Blasé expressed concerns about the effects of the development on his daughter-in-law's property including; the buffering, the devaluation of her property and the traffic issues.

Christine Hurt, 5 Old Country Road, presented a letter to the Commission members. She said she is concerned about the adequate buffer of trees, traffic and the effect of the development on subsurface water.

Susan Bear, 36 Loomis Road, expressed her concerns about the traffic, the ground water impact of the development and the need to keep the rural character of the area.

Caleb F. Hamel, Esq., representing Mr. & Mrs. Mausteller of 6 Loomis Road, said that his concerns are stated in his letter to Adam Turner dated June 10, 2014. He asked that the applicant provide a cross section of the proposed screening and lighting. He also said that there are conflicts within the Zoning Regulations regarding this application.

Kevin Smith, 25 Loomis Road, expressed concerns about ground water issues to his property.

Cynthia Blackham, 30 Old Country Road, regarding the buffering and the size of trees that are being proposed, lighting issues, noise issues and traffic.

Alison Blasé, 509 Westchester Road, said that she has concerns about the 4' trees being used for the screening, the increase in traffic and the parking within the site.

Atty. John Fitzgerald submitted a request for extension of 30 days to allow the Public Hearing to be continued to the July 16, 2014 meeting.

**Motion** by S. Brown, seconded by J. Rosenthal to continue the Public Hearing for SE#14-021 to the next regularly scheduled meeting.

M. Noniewicz said that a request for an extension of 30 days had been submitted for SE#14-021 by Atty. John Fitzgerald. This extension is to allow the continuation of the Public Hearing to the July 16, 2014 meeting.

**Motion carried unanimously**

6. Preliminary Reviews – None

7. New Business & Applications Received:

8. Five Minute Session for the Public -

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.)

Vice Chairman Novak stated that the Public Hearing on this application was closed at the June 4, 2014 meeting. The Commission reviewed the Application Report dated June 18, 2014 which was distributed to them. Deliberations began with the Commission members reviewing the Staff Findings, the Evaluation Criteria Findings, and the Chatham Health District Memo dated May 6, 2014. The Commission directed Staff to address the violation on the property regarding the separate barn/unit to bring the site into compliance with the Town's regulations.

**Motion** by M. Noniewicz, seconded by J. Rosenthal to **deny** SE#14-022 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 for the following reasons: 1) the plan fails to meet General Evaluation Criteria Section 11.5.6 and Special Exception Criteria Section 11.15.4 in that the Sanitarian from the Health District did not approve this site; 2) that the Accessory

Apartment Requirements under Special Exception Criteria Section 11.15.1 is not met in that the unit is not subordinate to the primary dwelling and Section 11.5.7 the primary entrance to the apartment shall be through the principle dwelling, and a second entrance must be provided from the accessory apartment in the rear.

- 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.)

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**Motion** by M. Noniewicz, seconded by J. Rosenthal to postpone action on SE#14-021 to the next regularly scheduled meeting on July 16, 2014 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 is finishing up the changes to the Draft Regulations. He said that Glen Chalder of Planimetrics will present the Draft Plan of Conservation and Development at the July 16, 2014 meeting. A poll will be taken of the Commission members to be sure that they will be available on that date or if a Special Meeting date could be arranged. No action was taken on these items.

**10. Old Business – None**

**11. Planning Issues & Discussions – None**

**12. Zoning Enforcement Officer's Report – May 2014**

A copy of the Zoning Enforcement Officer's Report for May 2014 was distributed to Commission members. A. Turner reviewed the outstanding violations with the Commission members.

**13. Correspondence – None**

**14. Adjournment**

**Motion** by M. Noniewicz, seconded by D. Gesiak to adjourn at 9:08 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk