

COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, JULY 16, 2014
127 NORWICH AVENUE, COLCHESTER, CT
7:00 P.M.

MEMBERS PRESENT: Chairman Joseph Mathieu; John Novak, Vice Chairman; John Rosenthal and Dave Gesiak; Alternate: Jason Tinelle; William Curran, Board of Selectman Liaison; Stan Soby, First Selectman (arrived at 9:10 p.m.)

MEMBERS ABSENT: Mark Noniewicz, Stacey Brown 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 June 18, 2014

Motion by J. Novak, seconded by D. Gesiak to approve the Regular Meeting Minutes of Wednesday, June 18, 2014 as written.
Motion carried unanimously

5. **Public Hearings** –

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 #14-021 – 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.

Atty. John Fitzgerald told the Commission that Scott Hesketh, of F.A. Hesketh & Associates might not be able to make the meeting and summarized Mr. Hesketh's report for the Commission.

Mike Tarbell, Tarbell Heintz & Assoc., Inc. reviewed the latest plans submitted, showing the restriction of left hand turns using the westerly site driveway. He also presented a sight line profile showing distances from surrounding properties to the proposed development site. He said that the drainage calculations were reviewed by the State of CT Department of Transportation and there were no comments.

Speaking in opposition -

Mike Blasé expressed concerns about sight line profile presented and the use of hemlocks as a buffer. He also cited Sections 13.9.3; 11.5.7 and 11.5.5. of the Colchester Zoning Regulations as to why he believes this application should not be approved.

Leslie Curtis, Cato Corner Road, expressed concerns about the limits of clear cutting that would be done on this property. She also asked if an existing property already developed could be used for this development.

Alison Blasé, 509 Westchester Road, said that she has concerns about the driveway location and the proposed buffering. She cited Sections 11.5.7, 4.F.4.5, 13.9.7 and 11.53 of the Colchester Zoning Regulations as to why she believes this application should not be approved. She also expressed concerned about potential traffic accidents in this area.

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Atty. Scott Jezek, representing the Quick Stop owner Michael Malinowski, cited Section 13.12.1. of the Colchester Zoning Regulations regarding the location of Automotive Service Stations. . He also expressed concerns regarding the traffic at the intersection of Routes 16 and 149. He said that he believes that permits from the CT DOT and the Community Water permits should be in place before the Commission acts on the application. Discussion followed regarding the need from a modification to the site plan if the Community Water System was not approved.

Chris Bourque, 391 Westchester Road, said that he does not believe this development reflects the vision of the Village District and that he also has concerns regarding the traffic that will be generated by this development.

Caleb F. Hamel, Esq., representing Mr. & Mrs. Mausteller of 6 Loomis Road, said that he believes the sight line profile might not be accurate in the winter when there is no foliage. He also said that the building could be architecturally designed to fit better in the Village District. He submitted pictures of various building designed for a village district.

Rebuttal to those who spoke in Opposition

Atty. John Fitzgerald said that the applicant is working with the State on the Community Water System permit. He also distributed copies of real estate ad for the Blasé property at 509 Westchester Road.

Mike Tarbell stated that on numerous occasions he has received local approval for projects prior to applying for the Community Well permits.

Scott Hesketh, of F. A. Hesketh & Associates, said that the CT DOT does not issue an encroachment permit until the local approval has been received. He also reviewed the effect on the traffic flow with the change in the plan.

Rebuttal to those who spoke in Favor:

Alison Blasé, 509 Westchester Road, said she has concerns about the traffic and explained why she is selling her home.

Mike Blasé said he does not believe the home at 509 Westchester Road would be demolished if it is sold.

Chris Bourque, 391 Westchester Road, again expressed his concern about the amount of traffic this development will create.

Atty. Scott Jezek, representing the Quick Stop owner Michael Malinowski, said that the proper State permits should be in place before the Commission acts on this application.

Atty. John Fitzgerald summarized the information that has been presented to the Commission. He explained the purpose of the application and how this plan meets the Colchester Zoning Regulations.

Chairman Mathieu explained the deliberation process to those present. Deliberation on this application will begin at the August 20, 2014 meeting.

Motion by J. Novak, seconded by J. Rosenthal to close the Public Hearing for SE#14-021 **Motion carried unanimously**

6. Preliminary Reviews – None

7. New Business & Applications Received:

8. Five Minute Session for the Public -

Mark D'Addabbo, New England Retail Properties, asked the Commission to consider changing the proposed Future Development regulation regarding the Minimum amount of non-residential development to permit residential mixed use. He asked that the minimum be reduced from the 50,000 sq feet or more required. Discussion followed. The Commission will review this request at a later date.

9. Pending Applications:-

- 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 to 6/4/2014 and 6/18/14 meetings.)

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Chairman Mathieu stated that the Public Hearing on this application was closed at this meeting.

Motion by J. Rosenthal, seconded by D. Gesiak to postpone action on SE#14-021. **Motion carried unanimously**

- B. 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)
- C. 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 has finished the changes to the Draft Regulations. The next step will be to withdraw these applications and submit new applications, incorporating the record items of these applications into the new application record. A new Public Hearing will be held to address the changes made to the draft Regulations in response to the Appellate Court case of Donna MacKenzie, et al. v the Planning and Zoning Commission of the Town of Monroe, et.al.

No action was taken on these items.

10. Old Business – None

11. Planning Issues & Discussions – None

A. Draft Plan of Conservation and Development

Glen Chalder, Principle for Planimetrics, began discussion on the Draft Plan of Conservation and Development. Mr. Turner summarized the population projections. He asked for the Commission's initial review of the draft. Discussion followed regarding demographics of Colchester and how they have changed over the years. Discussion followed regarding the Town meeting the needs of the new demographics. The Commission also discussed what the focus of the Plan of Conservation and Development should be to meet the changing population. Ideas of how to encourage economic growth were also discussed. Also discussed were financial matters as they relate to capital improvements.

A. Turner suggested that the September 17, 2014 meeting be dedicated to the discussion of the Plan of Conservation and Development. Chairman from the different Boards and Commission will be invited to this meeting.

12. Zoning Enforcement Officer's Report – June 2014

A copy of the Zoning Enforcement Officer's Report for May 2014 was distributed to Commission members. R. Benson distributed a copy of his memo dated July 15, 2014 regarding the enforcement action at 194 Taylor Road. Discussion followed.

Motion by J. Novak, seconded by D. Gesiak to authorize the Zoning Enforcement Officer to refer this matter to the Attorneys/Housing Court for legal resolution. **Motion carried unanimously**

13. Correspondence – None

14. Adjournment

Motion by J. Novak, seconded by D. Gesiak to adjourn at 10:05 p.m. **Motion carried unanimously.**