

COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, AUGUST 20, 2014
127 NORWICH AVENUE, COLCHESTER, CT
7:00 P.M.

MEMBERS PRESENT: Chairman Joseph Mathieu; John Novak, Vice Chairman; Mark Noniewicz, Stacey Brown and Dave Gesiak; Alternate: Jason Tinelle;

MEMBERS ABSENT: John Rosenthal and Christopher Bakaj; William Curran, Board of Selectman 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 7:06 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 July 16, 2014

Motion by J. Novak, seconded by D. Gesiak to approve the Regular Meeting Minutes of Wednesday, July 16, 2014 as written.
Motion carried unanimously

5. **Public Hearings** – None

6. **Preliminary Reviews** –

A. Christian Life Chapel of Colchester, proposed site at 392 South Main Street

Rev. Dr. Mike Brubaker, Pastor of the Christian Life Chapel, informed the Commission that an agreement had been made with Four B Properties to rent 2000 square feet at 392 Main Street to use as a full-time Ministry Center. He said that the space would be built-out as a hybrid all-purpose interior room furnished with cubicle office spaces, a living room/lounge for support group meetings, as well as a learning center with technology. On Sundays, the room would temporarily provide approximately 48 stackable chairs to facilitate public worship. Currently, the Christian Life Chapel uses the Colchester Town Hall for Sunday worship services. He said that there are more than 50 parking spaces available including a handicap space and that the signage would be in accordance with the current approved signage. The property is located in a "C" Zone and he asked whether Section 4F.3.13 regarding "Church, Synagogue or other place of worship" would apply to this situation. Discussion followed and it was the consensus of the Commission that this would require a Special Exception application for a change of use. Requirements of permitting were discussed. Rev. Dr. Mike Brubaker was advised to meet with Staff regarding the application process.

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

- A. **SDP #14-029** Modified Site Plan to Special Exception # 05-216 Northwoods Active Adult Community, Map 5-6, Lots 15, 21-3 & 20 -1, Lebanon Avenue, Colchester, CT (Receipt only; review scheduled for 9/3/14;)
- B. **RESUB#2014-432** Jaime E & Joshua J. Ruitto Applicants/Owners, Application for a 3 – lot re-subdivision of 97.5 acres, Zoned R-60 on Pine Brook Road, Assessor Map #4W-09, Lot 001. (Receipt only – Public Hearing to be scheduled)

Chairman Mathieu noted that these two (2) applications were for receipt only.

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

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.)

RECEIVED
COLCHESTER, CT
2014 AUG 21 PM 1:14
RANDY A. BENSON
TOWN PLANNER

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.

Chairman Mathieu stated that the Public Hearing on this application was closed at the July 16, 2014 meeting. He asked the clerk if everyone who missed a meeting had listened to the audio of the meetings. G. Therian, clerk replied that all had listened to the audio and had signed an affidavit acknowledging this fact.

A. Turner said that he wished to thank the Staff of the Planning and Zoning Department, S. Tassone, Town Engineer and J. Karrenberg of Chatham Health District for their work on this application. He then proceeded to review the Memo to the Planning and Zoning Commission from the Planning Staff dated August 20, 2014. He explained the background and location and zoning of the property, and the application process. He reviewed the traffic reports that were conducted by Fred Hesketh and Associates and Town staff. He spoke about the landscaping, yards, setback and buffering and associated maps. He suggested that a fence be installed along the west boundary of the residential use at 509 Westchester Road.

R. Benson reviewed the lighting He said that the two (2) lights fronting on Route 16 need to be modified to reduce the offsite foot candle to .25. He said that canopy lighting and signage will need to be addressed at the time a dealer is chosen.

A. Turner spoke about how this development and how it relates to the Plan of Conservation and Development. He said that the Plan of Conservation and Development calls for mixed uses in this area and that the proposed development is the first new commercial construction since 1987.

A. Turner then reviewed the Special Exception Criteria and how this application met all the components of this criteria. He spoke about concerns of those who spoke against this application at the Public Hearings. He said that Staff suggests that all lights be turned off at 9:00 p.m. except the canopy lights when the drive through window is closed and that garbage pickup be made between the hours of 9:00 a.m. and 5:00 p.m. .

R. Benson said that based on the Mackenzie decision that the sidewalk waiver for sidewalks on Route 149 be denied. He explained that he feels these sidewalks are important for the transition between the Commercial area and the residential area.

Discussion followed with the Commission members discussing the proposed used in this area, traffic impact, the need for sidewalks, lighting and the development of the Westchester Village area.

Motion by S. Brown, seconded by M. Noniewicz to deny the applicant's request for a waiver for sidewalks along Route 149 for SE#14-021. **Motion carried unanimously**

Motion by M. Noniewicz, seconded by D. Gesiak that the Planning and Zoning Commission has reviewed the application and the findings outlined dated 8/20/2014 from staff and concur with its content as presented. The Commission hereby approves Special Exception Application SE#14-021, 9 Loomis Road, LLC Applicant/Owner: Application for proposed convenience store, gas station and coffee/sandwich shop with a drive up window and approves a Certificate of Location for a gasoline station pursuant to Section 14-321 of the Connecticut General Statutes. The proposed development is at 9 Loomis Road, Assessors Map #03-17, Lot #053-000, and Commercial Zone, as shown on the submitted approved plans; with the following conditions:

1. The Special Exception Notice of Decision is to be filed in the Town's land records prior to issuance of zoning and building permits.
2. The proposed septic system will be constructed to the approval of the Chatham Health District.
3. A community well permit will be required by the State of Connecticut Department of Health prior to any site plan final approval.
4. The site plan will be subject to the approval of the State of Connecticut Department of Transportation for improvements on Route 16.
5. A bond in the amount acceptable to the Town Engineer and Zoning Enforcement Officer will be required for Erosion and Soil Control Measures and Landscaping.
6. The applicant will need to come before the Commission for an approval of any signs on the site with the exception of directional signs shown in this application. Signs must be unified and of consistent style and size, including gasoline canopy signs.
7. An As-Built plan and Mylar will be submitted, approved and filed with the land records before a final Zoning Compliance can be issued.
8. The commission mandates planting along immediate southern boundary of the drive through and along the 50' eastern border as shown in map 6
9. The commission mandates fencing along west boundary of residential use at 509 Westchester Road (approximately 100') as shown in map 6.
10. The commission mandates that all lights must be shut off other than the gasoline canopy and store at 900pm daily so that all light projects forward.

11. The commission mandates that the hours of operation are authorized to be from 5 am to 11 pm. No deliveries before 9 am. Drive through operation shall cease at 9 pm.
12. The proposed storm drainage pipe along south side of Route 16 cuts across 3 existing driveways each of which have driveway culverts associated with them. Applicant needs to provide construction details for proposed concrete block parapet walls at driveway crossings and show location/limits of existing/proposed parapet walls.
13. A sidewalk plan for sidewalks along Route 149 shall be submitted and approved the Town Engineer prior to issuance of final zoning compliance.
14. The two (2) lights fronting on Route 16 need to be modified to reduce offsite foot-candle to 0.25.
15. Canopy lighting will need to come before the Commission for approval.

10. Old Business – None

11. Planning Issues & Discussions – None

12. Zoning Enforcement Officer's Report – July 2014

A copy of the Zoning Enforcement Officer's Report for July 2014 was distributed to Commission members.

A. Turner told the Commission that Staff has received several complaints regarding the gun club on Davidson Road. Staff will be investigating these complaints.

13. Correspondence – None

14. Adjournment

Motion by J. Novak, seconded by D. Gesiak to adjourn at 8:58 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk