

**COLCHESTER PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
WEDNESDAY, DECEMBER 3, 2014  
127 NORWICH AVENUE, COLCHESTER, CT  
7:00 P.M.**

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

**MEMBERS ABSENT:** Stacey Brown 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 7:00 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 October 15, 2014

**Motion** by J. Novak, seconded by J. Rosenthal to approve the Regular Meeting Minutes of Wednesday, October 15, 2014 as written. Abstentions: M. Noniewicz All others in favor. **Motion carried.**

5. **Public Hearings –**

R. Benson and A. Turner read the Public Hearing legal notice published in the Rivereast on November 21, 2014 and November 28, 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 Hearing. No comments were made. He went on to explain the Public Hearing procedure.

The Exhibit lists for these applications were distributed to the Commission members.

- A. **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. (Application received on 9/3/2014; Public Hearing rescheduled to open on 12/3/2014; Public Hearing opened and closed 12/3/2014)

R. Benson told the Commission that the application had been reviewed by all staff professionals and there were no outstanding issues. He said that the applicant is also seeking a Sidewalk waiver for this proposed Resubdivision and staff believes that because the lots are being subdivided for family members and there are no sidewalks in the vicinity of the property, the installation of sidewalks would have no connection to any existing sidewalks and serve no useful purpose.

Karen Isherwood, representing the applicants, explained the location of the proposed Resubdivision. She said the property is 97.5 acres on Pine Brook Road and Route 16. She explained the location of the driveways for both lots and said a small detention area will be installed to take care of any increase in water runoff. She said Open Space for this project is not proposed because there are less than 5 lots and it is a family subdivision.

Speaking in Favor -

John Koopman, 84 Pine Brook Road, said he was in favor of this Resubdivision and hoped that the Open Space would not be required as it is a family Resubdivision.

Jami Cornrow, 51 Pine Brook Road, reiterated Mr. Koopmans's comment.

Speaking in Opposition – No one spoke

**Motion** by M. Noniewicz, seconded by J. Novak to close the Public Hearing on RESUB#2014-432. **Motion carried unanimously.**

**Motion** by M. Noniewicz, seconded by J. Rosenthal to address Item 9A at this time. **Motion carried unanimously.**

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**Motion** by M. Noniewicz, seconded by J. Tinelle to approve the requested waiver to Section 6.3.12.1.5, to not construct sidewalks for this subdivision for the following reasons:

- A. The site is more than a mile from the nearest school.
- B. The site is located in an R-60 low residential density zone with no nearby commercial, industrial or institutional activities that would warrant sidewalks for public safety. Sidewalks in this area would be of little benefit to the community. There are no sidewalks anywhere in the vicinity of this portion of Pine Brook Road and the installation of sidewalks on Pine Brook Road would detract from the rural character of the area.
- C. The subdivision of the two lots is to provide building lots for members of the immediate family and not for resale.

**Motion carried unanimously.**

**Motion** by M. Noniewicz, seconded by J. Tinelle to approve Resubdivision application SUB#14-432, application of Jamie and Joshua Ruitto for a 3 lot Resubdivision of 97.5 acres sown on plans titled "Ruitto Re-Subdivision Plan, 3 sheets dated June 24, 2014 prepared by Isherwood Civil Engineering with the following modifications:

1. Add the following notes to the final plans for the Commission endorsement:
  - A. A waiver of Section 6.3.12.1.5 for installation of sidewalks has been granted.
2. The following statement: "In accordance with Section 8.26.c of the Connecticut General Statutes, failure to complete all work by December 3, 2019 (five years from the date of approval of the map) shall result in expiration of the Subdivision plan.
3. A square demonstrating the minimum contiguous buildable area in the R-60 Zone which will contain the principle building as defined in the Colchester Zoning Regulations.

Condition:

1. A condition that the applicant shall provide a deed or some other legally binding documents for each of the two new lots to demonstrate the subdivision is a family subdivision so it is exempt from the Section 6/5/3a of the Colchester Subdivision Regulations for open space and affordable housing. The document shall be filed in the Town of Colchester Land Records.

**Motion carried unanimously.**

Chairman Mathieu opened the Public Hearings for RC#14-209 and ZC#14-201 simultaneously. He explained that the Public Hearing was being held to explain various provisions that were clarified or revised based on the Mackenzie v. Planning and Zoning Commission, 146 App. 406 (2013) case. He asked that comments be focused on these changes.

- B. **RC#14-209- Town of Colchester P&Z Applicant:** An Application to amend, revise and reorganize the text of the Zoning Regulations of the Town of Colchester. In particular to amend the Zoning Regulations to provide for:
  1. Updated definitions applicable to all zoning districts and uses;
  2. Revised zoning classifications with standards applicable to provide for rural residential development and increasing residential density within the Town Center;
  3. Provisions for Mixed Use;
  4. Creation of a Rural Zone with its own standards and requirements;
  5. Expansion of the definition of agriculture to include more uses and to provide standards and requirements applicable to those uses;
  6. Revised standards for parking, landscaping and site development;
  7. Creation of a new Village Zone within the Town Center and a Village zone for Westchester;
  8. Creation of a new Arterial Commercial zone and overlay. (Application received on 10/15/2014; Public Hearing rescheduled to open 12/3/2014; Public Hearing opened and closed 12/3/2014).

- C. **ZC#14-201-Town of Colchester P&Z Commission, Applicant;** Application to amend and revise the Zoning Map of the Town of Colchester from the current eleven zone districts with overlays to five zoning districts with overlays, which will have the effect of changing the zoning designation of parcels of land located in those districts. The change generally combines the current R-15, R-30 and R-40 Zones into the Suburban Zone; combines the current R-60 and R-80 Zones into the Rural Zone, creates a Village Zone within the Town Center encompassing the current R-30-A, parts of the R-30 and the Commercial Zone and creates a new Arterial Commercial and Westchester Village Zones and renames the Business Park Zone to the Future Development Zone. (Application received on 10/15/2014; Public Hearing rescheduled to 12/3/2014; Public hearing opened and closed 12/3/2014).

**Motion** by M. Noniewicz, seconded by J. Rosenthal to incorporate Public Hearing records of RC#13-208 and ZC#13-200.  
**Motion carried unanimously**

A. Turner presented a Power point presentation identifying the sections that were substantively amended from the previous Public Hearing version based on his memo of December 1, 2014. He said that other sections have been amended or reformatted but have not been included in this summary as they were not materially changed in terms of policy or substance. He said that there were several policy decisions to be made by the Commission during deliberations. He said that he had received no substantive comments and that the Draft regulations have been reviewed by Town Counsel. He explained his suggestion for more adequate buffering in the Eight Mile River basin. Discussion followed.

Speaking in Favor –

Cliff O'Donal, Homonick Road  
George Veneziano, Woodbine, Road

Speaking in Opposition

Susan Moustellar, 6 Loomis Road  
John Bear, 36 Loomis Road

Those who had comments or questions

Mitchell Heller, Colchester resident  
A. George, Heatherwood Drive  
Paul Scheibelein, 15 Starwood Trail  
Butch Przekopski, 36 Pine Road  
Chris Bourque, spoke as both private citizen and Chairman of the Agriculture Commission

**Motion** by M. Noniewicz, seconded by J. Rosenthal to close the Public Hearings on RC#14-209 and ZC#14-201. **Motion carried unanimously.**

6. **Preliminary Reviews – None**

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

- A. 8-24 Review – Moroch Property -144 McDonald Road

A. Turner told the Commission that the Town has received a grant to help with the purchase the Moroch Property on McDonald Road. The Town will be purchasing the portion of this property south of the Cohen property to add to the open space in this area. The grant will fund 60% of the purchase price. He asked the Commission for a favorable recommendation on this 8-24 review so that it can be forwarded to the Board of Selectman.

**Motion** by M. Noniewicz, seconded by J. Rosenthal to report favorably the 8-24 request for the purchase of the Moroch property, 144 McDonald Road property and to forward such recommendation to the Board of Selectmen.

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

9. **Pending Applications:-**

- A. **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. (Application received on 9/3/2014; Public Hearing scheduled for 11/5/2014)

This item was taken out of order and addressed under Item #5.

- B. **RC#14-209- Town of Colchester P&Z Applicant;** An Application to amend, revise and reorganize the

text of the Zoning Regulations of the Town of Colchester. In particular to amend the Zoning Regulations to provide for:

1. Updated definitions applicable to all zoning districts and uses;
2. Revised zoning classifications with standards applicable to provide for rural residential development and increasing residential density within the Town Center;
3. Provisions for Mixed Use;
4. Creation of a Rural Zone with its own standards and requirements;
5. Expansion of the definition of agriculture to include more uses and to provide standards and requirements applicable to those uses;
6. Revised standards for parking, landscaping and site development;
7. Creation of a new Village Zone within the Town Center and a Village zone for Westchester;
8. Creation of a new Arterial Commercial zone and overlay. (Application received on 10/15/2014; Public Hearing rescheduled to 12/3/2014; Public hearing opened and closed 12/3/2014).

- C. **ZC#14-201-Town of Colchester P&Z Commission, Applicant;** Application to amend and revise the Zoning Map of the Town of Colchester from the current eleven zone districts with overlays to five zoning districts with overlays, which will have the effect of changing the zoning designation of parcels of land located in those districts. The change generally combines the current R-15, R-30 and R-40 Zones into the Suburban Zone; combines the current R-60 and R-80 Zones into the Rural Zone, creates a Village Zone within the Town Center encompassing the current R-30-A, parts of the R-30 and the Commercial Zone and creates a new Arterial Commercial and Westchester Village Zones and renames the Business Park Zone to the Future Development Zone. (Application received on 10/15/2014; Public Hearing rescheduled to 12/3/2014; Public hearing opened and closed 12/3/2014).

**Motion** by M. Noniewicz, seconded by J. Rosenthal to postpone action on RC#14-209 and ZC#14-201 to the next regularly scheduled meeting. **Motion carried unanimously.**

10. **Old Business – None**

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

12. **Zoning Enforcement Officer's Report – September and October 2014**

R. Benson, Zoning Enforcement Officer distributed copies of his combined September and October 2014 report.

13. **Correspondence –**

**A. Memo to Commission regarding Legal Action**

R. Benson distributed a memo dated October 31, 2014 regarding Enforcement Request for Attorney Referral. He explained that he is requesting authorization from the Commission to refer the two enforcement cases to the Selectmen to seek a legal resolution on these outstanding violations. The Commission by consensus agreed that R. Benson should refer these cases to the Selectman and to seek legal resolution on these outstanding violations.

14. **Adjournment**

**Motion** by M. Noniewicz, seconded by D. Gesiak to adjourn at 9:41 p.m. **Motion carried unanimously.**