

COLCHESTER PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES
TUESDAY, DECEMBER 16, 2014
127 NORWICH AVENUE, COLCHESTER, CT
7:00 P.M.

MEMBERS PRESENT: Chairman Joseph Mathieu; John Novak, Vice Chairman; Mark Noniewicz, Dave Gesiak Stacey Brown and John Rosenthal; Alternate: Jason Tinelle; William Curran, Board of Selectman Liaison; Stan Soby, First Selectman

MEMBERS ABSENT: 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 7:02 p.m.

2. **Roll Call**

Chairman Mathieu asked the clerk to note those in attendance. J. Tinelle was seated as a voting member.

3. **Minutes of Previous Meetings** – Minutes of the Regular Meeting December 3, 2014

Chairman Mathieu said that under the Public Hearing portion of the meeting, a correction needed to be made under the "Those Who had comments or questions". Mitchell Heller, Colchester resident should be moved to "Speaking in Opposition". M. Noniewicz said that the spelling should also be corrected to "Hallee". He also noted that under the Public Hearing section and "Pending Applications", the Regulation Change number should be RC#13-209 and the Zone Change should be ZC#13-201.

Motion by J. Rosenthal, seconded by J. Novak to approve the Regular Meeting Minutes of Wednesday, December 3, 2014 with changes made at this meeting. Abstentions: S. Brown All others in favor. **Motion carried.**

4. **Public Hearings** – None

5. **Preliminary Reviews** –

Peter LaPointe of Colvest and J. Russo, Civil Engineer, presented an updated plan for the renovation and modification to 95 Linwood Avenue. Mr. LaPointe said that the existing building where the Becker's Jewelers and the A T & T Store will be renovated and the façade will be changed. He distributed copies of the updated plan, drive through lanes and bypass, proposed façade changes and the reply to the Staff comments made on a preliminary review. Discussion followed regarding the traffic flow and parking requirements. The Commission said that the applicant will need to address the shared parking potential and traffic generation. A proposed sign location should be included on the revised plan.

6. **New Business & Applications Received:** - None

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

8.. **Pending Applications:-**

A. **RC#13-209- 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).

B. **ZC#13-201-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

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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).

The Commission deliberated items outlined in A. Turner's memo dated December 16, 2014.

M. Noniewicz read the Commission's findings:

FINDINGS:

Whereas the process of developing new land use regulations was determined to be necessary due to the age of the current regulations and the many conflicting amendments that had been adopted.

Whereas the initial conceptual background papers were drafted and considered in 2010 and 2011.

Whereas the regulations being considered during this proceeding were developed between 2010 and 2013.

Whereas the Planning and Zoning Commission (PZC) held 15 meetings and numerous other memos and other background materials were developed and considered by the PZC. Numerous parties reviewed the draft and commented on the materials.

Whereas hearings on Items RC 13-208 and ZC 13-200 were held on December 4, 2013 and January 8, 2014. The hearings on those matters were closed on January 8, 2014. Numerous parties reviewed the draft and commented on the materials.

Whereas deliberations began on February 5, 2014 and were continued to March 19, 2014, April 2, 2014, and April 16, 2014. Counsel appeared before the commission on April 2, 2014 and reviewed certain case law that affected item RC 13-208. She advised that certain amendments need to be made in recognition of those cases. Staff and counsel discussed numerous provisions that had to be amended to conform legally to Connecticut law.

Whereas ZC 13-208 and ZC 13-200 were withdrawn on July 16, 2014. Counsel and staff were instructed to make amendments and return amended code/map to the commission.

Whereas Staff and counsel spent 90 days amending the draft code/map to conform to Connecticut law requirements. Staff and counsel also reformatted and reorganized portions of the code.

Whereas counsel and staff completed this process in October 2014. Draft has been found legally compliant.

Whereas On November 21, 2014 and November 28, 2014 ,items RC 13-209 and ZC 13-201 were duly noticed and scheduled for public hearing on December 3, 2014.

Whereas the draft was circulated and distributed to the Towns of East Hampton, East Haddam, Lebanon, Hebron, Marlborough and Salem as well as the Capital, Southeastern and Lower Valley counsel of Government. Comment received indicated that no adverse effects were projected upon the surrounding towns or region from passage of the code/map.

Whereas numerous individuals and groups reviewed the code/map and had discussions with the staff and made comments.

Whereas the public hearing opened on December 3, 2014. The previous record of ZC 13-208 and ZC 13-200 was made part of the record. Staff also prepared a detailed memo on the substantive changes made. Parties appeared and comment on the matters. The public hearing was closed on December 3, 2014.

Whereas the PZC commission deliberated the matter on December 16, 2014 at a Special meeting.

Motion by M. Noniewicz, seconded by J. Rosenthal for approval of RC#13-209 and ZC#13-201 with an effective day of January 15, 2015 the following amendments. The amendments shall be organized and regulations renumbered as appropriate.

1. Remove Section 1.2 "Use of Discretion"
2. Change 4.2.1. to " ... except for mobile homes and multi-family uses. Add 4.5.7 Multi-family uses. The parcel must be served by municipal sewer and water and comply with Section 8.1.1.
3. Add 6.3.8 Retail business with a total gross area that exceeds 200,000 sf.
4. 6.5.4.- reduce 50,000 to 40,000 s.f. minimum amount of non-residential development to permit residential mixed use component.

5. Add Section 7.4.11. regarding development in the Arterial Commercial Zoning District:
For properties in the Eight Mile River Basin as shown on the map.
 - Properties may only utilize the overlay standards if they are occupied with non-residential uses at the time this code is enacted
 - Each use must be located 200' or more from a wetland or watercourse.
6. Replace 8.8.6.B.9 with: "The production of composting is not deemed to be EMPAR provided that 30% of the material used is obtained on site and that the composting operation is accessory to an established farm or other agricultural enterprise rather than an excavation/EMPAR activity. An entity desiring to produce and distribute compost may be required to formally verify that the operation is an accessory part of a farm or agricultural operation and how the 30% of material is generated on site."
7. Section 8.9.4. change State of CT Department of Energy and Environmental Protection to Department of Agriculture to the Generally Accepted Agricultural Practices section in terms of ensures that lands, waters, and animals are protected.
8. Add the following after "Commercial agricultural buildings" in the last sentence of 8.9.5.E:
"regulated under sections 8.9.6 and 8.9.7 and all non-agricultural buildings as identified in section 8.9.8 and 9 and farm labor housing as identified in section 8.9.5.H shall have a thirty five foot height limitation.
9. Section 8.9.8.A shall be amended to precisely define that this section only concerns site plan requirements for non-agricultural land uses. Section should read "Permitting for Section 8.9.9 deleting the words *all agricultural replacing it with "all non-agricultural".*"
Item A should read: "All non-agricultural related land use must submit a Site Plan to the Commission"

For ZC#13-201:

10. The parcel easternmost parcel at 157 on Lake Hayward Road is to be classified as rural and not future development
11. The parcel in Westchester known as 9 Loomis Road and bordering Routes 16, 149 and Loomis Road will remain as a split zone. Commercial will become "Westchester Village" and the residential will become "Rural".

MOTION CARRIED UNANIMOUSLY.

10. Old Business – None
11. Planning Issues & Discussions – None
12. Zoning Enforcement Officer's Report – None.
13. Correspondence – None
14. Adjournment

Motion by J. Novak, seconded by to adjourn at 9:15 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk