

COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
Wednesday, April 15, 2015
127 NORWICH AVENUE, COLCHESTER, CT
7:00 P.M.

MEMBERS PRESENT: Chairman Joseph Mathieu; John Novak, Vice Chairman; Mark Noniewicz, John Rosenthal, Jason Tinelle and Dave Gesiak (arrived at 7:09 p.m.).

MEMBERS ABSENT: Stacey Brown

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 7:01 p.m.

2. **Roll Call**

Chairman Mathieu asked the clerk to note those in attendance.

3. **Additions to Agenda - None**

4. **Minutes of Previous Meetings** – Minutes of the Regular Meeting of April 1, 2015

Motion by J. Tinelle, seconded by J. Novak to approve the Regular Meeting Minutes of April 1, 2015 as written.
Abstentions: M. Noniewicz All others in Favor **Motion carried.**

5. **Public Hearings** –

A. Turner asked that the order of the Public hearing be changed so that SUB #15-432 Gavire Estates would be held first. This was to accommodate the representative for SE#15-024 to arrive.

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.

Mark Noniewicz stated that he has listened to the audio portion of the meeting of April 1, 2015 and reviewed the materials and that he will be able to act on applications SE#15-024 and SP#15-001.

- A. **SE#15-024 Leonard Przekopski, Jr. Applicant/Owner;** Application for Special Exception to conduct an Excavation on property located at 36 Pine Road, Tax Assessor's Map# 5-14, Lot #9, located in an R-60 Rural Residential Zone; property located east of Pine Brook Road, west of Cato Corner Road and south of Pine Road, Tax Assessor's Map #5-14, Lot #7, located in an R-60 Rural Residential Zone; and property located north of Pine Road and west of Cato Corner Road, Tax Assessor's Map #5-14, Lot# 11, located in an R-40 Suburban Residential Zone and within the Aquifer Protection Overlay Zone [Received on 1/21/15; Public Hearing scheduled for 3/4/15; continued to 3/18/15, 4/1/15, 4/15/15 and 5/6/15]

Chairman Mathieu said that the Public Hearing for this application was opened at the April 1, 2015 meeting.

R. Benson said that a site walk had taken place today on the property to make a record of the existing conditions of the property. He said that from the Staff's perspective most of the issues have been addressed, except the numbering of the phasing on the plan.

Doug Dubitsky, Esquire, representing the applicant, said that he had received some Staff comments on Tuesday, April 14, 2015. He distributed copies of an updated Narrative to Commission members. He said he reached out to the residents of Pine Road regarding traffic concerns but did not receive any call backs. He explained the proposed traffic flow and the reason that Westchester Road was not considered as an access or egress. He said that he will work with staff on resolving the outstanding issues. Discussion followed regarding dust control.

Speaking in Favor – No one spoke

Speaking in opposition

Isabelle Smith, 7 Pine Road, expressed her concern about the conflict with Atty. Dubitsky representing Mr. Przekopski on this application and also as a State Representative supporting House Bill 5090, an act prohibiting Zoning Commissions from requiring Special Permits or Special Exceptions for uses made non-conforming by new Zoning Regulations.

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Doug Dubitsky, Esquire, said that this Bill would not affect Mr. Przekopski as he wants to comply with the Zoning Regulations.

Dave Anderson, 13 Pine Road, said that this was not an agricultural application and that the remediation of the property for agricultural use may take 10-20 years.

Tom Smith, 7 Pine Road, spoke about the truck traffic, the number of truck trips on Pine Road, and the effect of truck traffic on the road. He also questioned if EMPAR would be allowed because there was reference to EMPAR on the earlier plans. A. Turner told him that there will be no EMPAR operations on the property. The original plans submitted were an older version and any reference to EMPAR will be eliminated.

Linda Orange, Colchester Resident and State Representative, said she met with the people of Pine Road. She asked the Commission to consider carefully the approval of Special Exceptions and reminded them of a Special Exception that was granted years ago that allowed a dump on Miles Standish Road that ended up need to be remediated because of toxic waste. She also said that any road damage would require tax money for repairs and the effects of the traffic on the safety of the residents of Pine Road. She also agreed with Mrs. Smith about the conflict of Atty. Dubitsky representing Mr. Przekopski.

Christa Martyszcyk, 16 Pine Road, read a letter from her daughter Heather Martyszcyk regarding the truck traffic effect on crossing the street and playing outside. Christa Martyszcyk spoke about the possibility of using Westchester Road for access to the property.

Diane Jacques, 14 Pine Road, spoke about the effect on the value of her home if this application is approved. .

Martin Jacques, 14 Pine Road, spoke about the effect on wildlife if this operation is approved.

Deborah Dapkus 18 Pine Road, expressed her concerns about Atty. Dubitsky contacting her and her neighbors directly to speak about the application. She also read a letter to the Commission and submitted the letter and pictures as an Exhibit item.

Jim Martyszcyk, 16 Pine Road, asked why there is no mention of agricultural use in the application.

Isabelle Smith, 7 Pine Road, also expressed concern about the telephone call from Atty. Dubitsky. She also spoke about the effect of the truck traffic on Pine Road. She also asked about the cubic yards that will be hauled from the site, hours of operation and who will monitor the operation.

Tom Smith, 7 Pine Road, asked if a service road within the property could be constructed within the site and Westchester Road be used for access and egress. He agreed that the operation would have a negative effect on his property value.

Rebuttal to those who spoke in Opposition

Doug Dubitsky, representing the applicant, said that the agricultural use is included in the application. He said that there would be no recycling done on the site. J. Rosenthal asked Atty. Dubitsky to put some numbers together including the hours of the rock crushing operation, the anticipated cubic yards that will be taken out and the number of truck trips a day. J. Tinelle asked the applicant to consider using Route 149, Westchester Road for access to the operation.

Atty. Dubitsky said that there will be no EMPAR operations on the site. There is no pollution on the property. He said that the dust control procedures are included in the narrative.

Rebuttal to those who spoke in Favor

Deborah Dapkus, 18 Pine Road, said that the screening process takes place all during the year.

Linda Orange, Colchester Resident and State Representative, questioned the hours of operation and explained that she did not wish to imply that there was any pollution from the property in her earlier statement, rather she was commenting on the consequences generally of granting Special Exceptions.

Isabelle Smith, 7 Pine Road, said she would like to see the land used for farming. She also would like to see the applicant consider using Westchester Road for access and egress, using a service road from his property.

Tom Smith, 7 Pine Road, would also like to see and on site road to Westchester Road.

Dave Anderson, 13 Pine Road, would like to know how much material was removed from the site over the years.

Chairman Mathieu said that the Public Hearing would be continued to the next regularly scheduled meeting on May 6, 2015.

Motion by M. Noniewicz, seconded by J. Novak to continue the Public Hearing on SE#15-024 to the next regularly scheduled meeting on May 6, 2015. **Motion carried unanimously.**

- B. SUB#15-432 Gavire Estates; Goldberg Estates, LLC owner;-12-lot subdivision of 39.37 acres off Bull Hill Road, Assessor's Map#5-19, Lot#008, and R-60 Zone. (Received on 1/21/2015; Public Hearing scheduled for 3/18/15; amendment received, PH opened on 4/15/2015; continued to 5/6/15 ;)**

R. Benson read the Public Hearing legal notice published in the Rivereast on April 3 and April 10, 2015.

R. Benson told the Commission that this subdivision was approved in 2004 as an 11-lot subdivision. The subdivision expired and the applicant has re-applied for the subdivision but has amended it to a 12-lot subdivision. He said that a fee in lieu for Open Space is proposed by the applicant. A couple of issues had been brought up today and will need to be addressed before the Public Hearing is closed. The applicant is requesting a waiver for the road width and the installation of sidewalks.

Charles Dutch, Dutch & Associates, stated that originally this was an 11 lot subdivision but is now a 12 lot subdivision. He said the subdivision was originally approved with a road width reduction and sidewalks were not required. He asked that the Public Hearing be continued. Discussion followed regarding the former approved subdivision and issues about the sidewalks, snow shelves and the retaining wall. Chairman Mathieu asked for information regarding these issues from the file of the expired subdivision.

Speaking in Favor – No one spoke

Speaking in Opposition

Bill Dennen, 15 Freedom Way, said that he believes sidewalks should be required.

Motion by M. Noniewicz, seconded by J. Tinelle to continue the Public Hearing on SUB #15-432 to the next regularly scheduled meeting on May 6, 2015. **Motion carried unanimously.**

- C. SE#15-025 Rodney Goldberg, Goldilocks Self Storage LLC, Applicant/Owner: Application for Special Exception to construct a new self storage unit on property located at 359 Lebanon Avenue, Tax Assessor's Map # 05-06, Lot #21-002, located in General Commercial Zone. (Received on 1/21/2015; Public Hearing opened on 4/1/2015)**
- D. SD#15-031-Rodney Goldberg, Goldi-Locks Self Storage LLC, Applicant /Owner: Application for Site Plan to construct a new 80' x340' self storage building with associated drives and parking. 359 Lebanon Ave., Tax Map # 5-6, Lot # 021-002, General Commercial Zone. (Received on 1/21/2015; Public Hearing opened on 4/1/2015)**

R. Benson said that this application is for the construction of an additional storage building at Goldilocks Self Storage. He said that there are several outstanding issues, including the need for a lot line adjustment to allow the detention basin on the owner's adjacent property. Staff is waiting for revised plans.

Speaking in Favor

Charles Dutch, Dutch & Associates, said that revised plans are ready.

Questions from the audience

Jim Hall, 49 East Court, asked about the definition of a Special Exception and if there will be any blasting. Chairman Mathieu explained the meaning of a Special Exception and Charles Dutch said there would be blasting on the site.

Ellen Marshall, 31 East Court, asked about the delay in opening the Public Hearing. A. Turner explained the process in holding/opening Public Hearings.

Speaking in Opposition

Ellen Marshall, 31 East Court, is concerned about the building being too close to residential homes. She also said that it is an eyesore and the lighting from the property spills over into Northwoods.

Roger LaFrance, 12 East Court, expressed concerns about the location of the addition, the increased activity, the wetlands and the buffer area.

Fred Baldauf, 16 Freedom Way, concerned about the blasting that will be done.

Bill Dennen, 15 Freedom Way, also expressed his concerns about the blasting that will be done.

Frank Zito, 12 Freedom Way, questioned if the proper setbacks were met and expressed concerns about the blasting that will be done.

Ralph Marshall, 31 East Court, was concerned about the Special Exception procedure.

Roger LaFrance, 12 East Court, asked about the location of the retention pond and the septic on residential property.

Rebuttal to those who spoke in Opposition

Charles Dutch, said that there will be no lighting on the back of the new storage building. He also said that a Soil Scientist did delineate the property and there are no wetlands on the property. He will be addressing the buffering. He discussed the proposed detention pond. The septic system will need to be moved because of the location of the new building.

Rebuttal to those who spoke in Favor

Fred Baldauf, 16 Freedom Way, said the lighting from the site spills over into this house. He said that there is outdoor storage of boats and cars.

Ellen Marshall, 31 East Court, said she is concerned about the cracks in her basement from the previous blasting and also is concerned about blasting near the underground propane tanks.

Joe Stajduhar, 11 Freedom Way, asked that a condition of approval be that the residents of Northwoods be notified when blasting will occur. He also requested that someone monitor the blasting operation.

Jim Hall, 49 East Court, asked what is being stored in Goldi Locks Mini Storage.

Motion by M. Noniewicz, seconded by J. Novak to continue the Public Hearing on SE#15-025 and SD#15-031 to the next regularly scheduled meeting on May 6, 2015. **Motion carried unanimously.**

5. Preliminary Reviews – None

6. New Business & Applications Received: -

- A. **RESUB#15-432 – Robert Gustafson, Applicant/Owner;** 151 Taylor Road, Assessor's Map 02-14, Lot 003-003, Proposed 2 lot Resubdivision. Rural District. (For receipt only)

This item was for receipt only.

7. Five Minute Session for the Public -

8. Pending Applications:-

- A. **SE#15-024 Leonard Przekopski, Jr. Applicant/Owner;** Application for Special Exception to conduct an Excavation on property located at 36 Pine Road, Tax Assessor's Map# 5-14, Lot #9, located in an R-60 Rural Residential Zone; property located east of Pine Brook Road, west of Cato Corner Road and south of Pine Road, Tax Assessor's Map #5-14, Lot #7, located in an R-60 Rural Residential Zone; and property located north of Pine Road and west of Cato Corner Road, Tax Assessor's Map #5-14, Lot# 11, located in an R-40 Suburban Residential Zone and within the Aquifer Protection Overlay Zone [**Received on 1/21/15; Public Hearing scheduled for 3/4/15; continued to 3/18/15 and 4/1/2015**]
- B. **SUB#15-432 Gavire Estates; Goldberg Estates, LLC owner;**-11-lot subdivision of 39.37 acres off Bull Hill Road, Assessor's Map#5-19, Lot#008, R-60 Zone. (Received on 1/21/2015; Public Hearing scheduled for 3/18/15; extension received, PH scheduled for 4/1/2015; postponed to 4/15/15;)
- C. **SE#15-025 Rodney Goldberg, Goldilocks Self Storage LLC, Applicant/Owner;** Application for Special Exception to construct a new self storage unit on property located at 359 Lebanon Avenue, Tax Assessor's Map

05-06, Lot #21-002, located in General Commercial Zone. (Received on 1/21/2015; Public Hearing scheduled for 4/1/2015)

- D. **SD#15-031-Rodney Goldberg, Goldi-Locks Self Storage LLC, Applicant /Owner:** Application for Site Plan to construct a new 80' x340' self storage building with associated drives and parking. 359 Lebanon Ave., Tax Map # 5-6, Lot # 021-002, General Commercial Zone. (Received on 1/21/2015; Public Hearing scheduled for 4/1/2015)
- E. **SP#15-001 Anelli Real Estate, applicant/owner,** Application for Special Permit to conduct a Construction Service Company including equipment storage for property located at 448 New London Road, Assessor's Map 01-10, Lot 007, located in Arterial Commercial Use (AC) overlay zone (Public Hearing opened and closed on 4/1/2015)

R. Benson said that a site walk was conducted on Monday, April 13, 2015. The drain pipe that was discussed at the last meeting proved to be from a drywell that had been installed and feeding the drywell were the roof leaders from the closest building and a drain that was in front of the garage door on the north side of the building. He said that the Mr. Grindle of Anchor Engineering said that the applicant is willing to extend the berm to a location that will prevent water runoff to the neighboring property. A fence was proposed by the applicant to block headlights from shining onto the neighboring property. Evergreen plantings will be planted on the south side of the property to screen an equipment trailer that was next to the property line. Hours for outside activities has been reduced. The applicant has agreed not to repair or wash equipment outdoors and only the paving operation is permitted. He said that the neighbor has asked besides the fence as a buffer the neighbor would also like a landscape buffer. Discussion followed and the Commission agreed that a landscaping buffer would need to be installed as it is a requirement in the Regulations. Staff will draft a memo and a motion for the next meeting.

Motion by M. Noniewicz, seconded by J. Rosenthal to postpone action on Items A, B, C and D because the Public Hearings are and on Item E to postpone action to allow staff to formulate a decision memo. **Motion carried unanimously.**

- F. **SP#15-002 Colvest/Colchester LLC Applicant/Owner;** Application for Site Plan approval for a retail/coffee shop with drive thru in Aquifer Protection Overlay Zone at 95 Linwood Avenue, Tax Assessor's Map #11-00, Lot 023-000, located in the Town Center District (Received on 3/4/2015, Review scheduled for 4/15/2015)

R. Benson told the Commission that this application had been before them as a preliminary review.

Dana Steele, of JR Russo & Associates, LLC, said that this application was for a coffee shop with a drive-thru. He said there would be a little addition for the drive thru. There will be improvements on the façade. He explained the location and buffering for the dumpster pad. He said that the proposed use would meet the parking requirements of the Colchester Zoning Regulations.

Peter LaPointe, Colvest/Colchester, LLC said that the tenants will be moving to different store fronts within the building to allow the coffee shop the end unit. He said the individual tenants will apply for sign permits as needed.

A. Turner told the Commission that there a lot of outstanding comments to be addressed. He said that Staff needs to receive and review outstanding documents and make a report to the Commission.

R. Benson said that the Town Engineer has a concern about the roof infiltration drywell that needs to be addressed. Discussion followed regarding stacking of the vehicles and signage.

Motion by M. Noniewicz, seconded by D. Gesiak to continue the discussion of SP#15-002 to the next regularly scheduled meeting on May 6, 2015. **Motion carried unanimously.**

- G. **SD#15-032 – Fireside Investments, LLC, applicant/owner,** application for Site Plan to conduct inside and outside retail and events on property located at 489 and 491 Old Hartford Road, Assessor's Map 05-10, Lot #025-000, located in the Arterial Commercial Zone

R. Benson told the Commission that he is meeting with the applicant on Friday, April 17, 2015 to discuss outstanding issues. A Public Hearing will be set with these issues are resolved.

10. **Old Business – None**

11. **Planning Issues & Discussions –**

12. **Zoning Enforcement Officer's Report – None**

13. Correspondence – None

14. Adjournment

Motion by M. Noniewicz, seconded by D. Gesiak to adjourn at 10:10 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk