

**COLCHESTER PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
Wednesday, March 4, 2015  
127 NORWICH AVENUE, COLCHESTER, CT  
7:00 P.M.**

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

**MEMBERS ABSENT:** Dave Gesiak and 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 7:02 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 February 18, 2015

**Motion** by M. Noniewicz, seconded by J. Rosenthal to approve the Regular Meeting Minutes of February 18, 2015 as written.  
**Abstentions:** J. Novak All others in favor **Motion carried.**

5. **Public Hearings** –

- 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**]

A. Turner read the Public Hearing legal notice published in the Rivereast on February 20, 2015 and February 27, 2015.

The Exhibit list for this application was distributed to the Commission members.

A. Turner told the Commission that testimony would not take place this evening because the Certificates of Mailing indicating that the abutting property owners had been noticed about this Public Hearing had not been turned in to the Planning and Zoning office prior to this meeting. Discussion followed.

**Motion** by M. Noniewicz, seconded by J. Novak to continue the Public Hearing on SE#15-024 to allow staff to receive all appropriate materials to the next regularly scheduled meeting. **Motion carried unanimously.**

5. **Preliminary Reviews** – None

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

- A. **SP#15-002 Colvest/Colchester LLC Applicant/Owner;** Application for Special Permit for 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 (For Receipt only)

This application was for receipt only. R. Benson said that the Public Hearing on this application is scheduled for April 15, 2015.

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

8. **Pending Applications:-**

- A. **SDP#15-030-Colchester Construction LLC, applicant/owner,** for property at 752 Middletown Road., Assessor's Map # 63, Lot # 19-62, General Commercial. (Received on 1/21/2015; Review scheduled for 3/4/15)

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- 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)
- C. **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**]
- D. **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)
- E. **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)
- F. **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 (For Receipt only)

No actions taken at this time as these applications are scheduled for review or Public Hearings at future meetings.

**10. Old Business – None**

**11. Planning Issues & Discussions –**

**A. Plan of Conservation and Development Draft.**

A. Turner told the Commission that he and Glen Chalder have completed the adjustments to the Plan of Conservation and Development Draft to address outstanding comments. He said he is also addressing two additional issues: Blight of unoccupied houses and the Airline Trail. He said that he feels the issues of the unoccupied houses in Colchester needs to be addressed and he is working on this with the Building Official. He said that the draft will be completed within the week and he will email a copy to the Commission members. He will distribute the hard copy at the next meeting. Discussion followed regarding these updates and the timeline for the adoption of the Plan of Conservation and Development update.

**12. Zoning Enforcement Officer's Report –**

**A. Request for legal action – 348 South Main Street – Wendy's**

R. Benson told the Commission that he has sent a Notice of Violation and Cease and Desist Order to Wendy's Headquarters regarding the removal of trees without permission at the 348 South Main Street location. He has been informed that the owner of the franchise is now Michael Paine, Cedars of New England, as he purchased the franchise recently. A. Turner told the Commission that he met with the owner in 2014 regarding the removal of the trees because the branches were blocking the sign. The owner was told that trees could not be removed, but the Town would work with him and try to come up with a solution to the problem. R. Benson will be notifying the new owner. The intent is to have the business owner restore the site by planting in kind trees in size, number and species along the road to comply with the approved site plan. Discussion followed.

**Motion** by M. Noniewicz, seconded by J. Rosenthal that in regards to ENF#15-001, Michael Paine, Cedars of New England (Wendy's) property located at 348 South Main Street, removal of trees in violation of Site Development Plan Approval SDP#04-492, this Commission hereby authorizes the ZEO to seek Selectmen authority for injunctive relief.

**Motion carried unanimously.**

**13. Correspondence**

A. Turner told the Commission that they will soon be receiving two (2) 8-24 applications for review. One will be for the Johnston Middle School and the other will be for the purchase of the Moroch property on McDonald Road. The Town has received a grant to purchase the Moroch property to be used as Open Space. Discussion followed.

14. Adjournment

**Motion** by M. Noniewicz, seconded by J. Novak to adjourn at 7:26 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk