

COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
Wednesday, March 18, 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 7:03 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 March 4, 2015

Motion by M. Noniewicz, seconded by J. Rosenthal to approve the Regular Meeting Minutes of March 4, 2015 as written.
Motion carried unanimously.

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 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 as of yet. Staff is also still waiting for further information. He distributed a copy of a letter dated March 18, 2015 from Doug Dubitsky, Attorney at Law on behalf of the applicant requesting an extension of 30 days to complete the Public Hearing.

Motion by M. Noniewicz, seconded by J. Tinelle to accept the letter dated March 18, 2015 from Doug Dubitsky on behalf of the applicant requesting an extension to complete the Public Hearing for 30 days and to continue the Public Hearing on SE#15-024 to the next regularly scheduled meeting. **Motion carried unanimously.**

5. **Preliminary Reviews** – None

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

- A. **CGS# 15 -048- Municipal Improvements William J. Johnston Middle School**

A. Turner said that this was an 8-24 referral to the Commission regarding the municipal improvements at William J. Johnston Middle School. A copy of the WJJ Middle School Facility Study, dated February 5, 2015 had been included in the Commissioner's packets. He said that the Building Committee had decided on the scope of work which will include demolition and renovation to the existing square footage, new construction, new ball fields and updating of the existing facility. He said this referral is a prerequisite for the financing process.

Chairman Mathieu said that the 8-24 referral was to consider a municipal project on a land use basis. He said that the project would be on a pre-existing site. The Commission will review the plans in the future after the bonding is in place

Motion by M. Noniewicz, seconded by J. Rosenthal – Resolved, that the Planning and Zoning Commission of the Town of Colchester approves the following project pursuant to the provisions of Section 8-24 of the General Statutes of Connecticut:

RECEIVED
COLCHESTER, CT
2015 MAR 20 AM 11:04

WHEREAS, the following project has been referred to this Commission by the Board of Selectmen for a report pursuant to the provisions of Section 8-24 of the General Statutes of Connecticut Revision of 1958, as amended;

The William J. Johnston Middle School Project at the site of the existing William J. Johnston Middle School at 360 Norwich Avenue, including renovations and additions to the Middle School, renovations to the Office of Pupil Services, and renovations to the existing gymnasiums, substantially as described in the "WJJ Middle School Study" dated February 5, 2015.

Motion carried unanimously. The Commission will provide a favorable report.

- B. 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

This application was for receipt only.

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 3/18/15)

R. Benson stated that this Site Development Plan is for the removal of an existing single family residence and to build a new 6048 square foot three unit building in a new location and to provide new parking, well and septic system. The property is located on 3.54 acres and is located in the Commercial Zone. He said the few minor Staff comments can be addressed through the conditioning of the approval. The septic issues will be addressed by Chatham Health District at the time a building permit application is submitted.

John Heagle, of Mason, Heagle & Friend Civil Engineers and Land Surveyors, LLC, explained the location of the site and said that the applicant is proposing to build a new 3 unit commercial building. He explained the location and function of the detention pond. He showed the landscaping plan and explained the proposed buffering. He presented the lighting plan to the Commission. He also discussed the proposed parking of 46 spaces, which is two (2) more than required.

Bob Gagnon, applicant, told the Commission that he has one tenant, an eye doctor, and is working with another potential tenant. He said that he hopes to build two other buildings on the site in the future. He also reviewed the proposed landscaping and signage.

Discussion followed regarding the detention pond and its location, the parking, signage and the proposed lighting.

Motion by M. Noniewicz, seconded by J. Rosenthal to approve Site Plan Application SDP#2015-030, Colchester Construction, applicant and owner, for property at 752 Middletown Road, Assessor's Map 03-19, Lot 062-000, to remove the existing house and construct a 6,048 Sq. Ft. structure with the associated site improvements. Approval is based on the plan titled "#752 Middletown Road (RTE. #16), 752 Middletown Road, prepared for Colchester Construction LLC" by Mason, Heagle & Friend Civil Engineers and Land Surveyors, LLC, 8-sheets dated 12/16/14 and revised thru 3/17/15 with the following conditions:

1. Proposed site lighting layout and construction details must be confirmed to meet the Zoning Regulations.
2. Proposed storm water discharge to the state's drainage system on Route 16 must be approved by the State of Connecticut Department of Transportation.
3. All of the comments of Jim Karrenberg of the Chatham Health District's email dated February 13, 2015 must be addressed.
4. If the proposed well meets the definition of a Public Water Supply, it will require approval of the State of Connecticut Department of Health. The approval or a letter stating the well does not meet the definition of a Public Water Supply must be submitted prior to the issuance of a building permit.
5. The natural vegetative buffer on the western side of the property abutting the residential use at 760 Middletown Road as shown of the Landscape Plan by John Alexopoulos dated 3/17/2015, cannot be removed.
6. A Landscaping Bond shall be posted for the new landscaping as shown on the submitted Landscaping Plan by John Alexopoulos last revised on March 17, 2015. The landscaping bond shall be held for two (2) growing seasons and shall be provided before a Certificate of Occupancy is issued.

7. If the State of Connecticut DOT requires a review and approval of the increased traffic from the proposed development, a copy of the approval must be submitted prior to the issuance of a building permit.

Motion carried unanimously.

- 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)

A. Turner told the Commission that a letter has been received from the applicant's attorney requesting an extension to continue the Public Hearing from March 18, 2015 to April 1, 2015.

Motion by M. Noniewicz, seconded by J. Rosenthal to accept the applicant's request for an extension for Sub #15-432 to open the Public Hearing on April 1, 2015. **Motion carried unanimously.**

- 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; continued to 3/18/15 and 4/1/2015**]

The Public Hearing on this item was continued to April 1, 2015.

- 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)

Motion by M. Noniewicz, seconded by J. Rosenthal to accept the request for a 65- day extension requested in letter from Dutch & Associates, dated March 11, 2015 for SE#15-025 and SD#15-031 to open the Public Hearing. **Motion carried unanimously.**

- 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)
- G. **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 (Received on 3/4/2015, Review scheduled for 4/15/2015)

No actions were taken on Items F & G 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.**

The final draft of the Plan of Conservation and Development which will go to Public Hearing was distributed to the Commission members at this meeting. A. Turner told the Commission that he has made changes to this draft regarding the Guide Residential Development on pages 56 and 57. He felt further analysis was required. He also addressed the vacant houses issue. The Public Hearing on this draft is set for Wednesday, May 20, 2015.

B. Zoning Code Implementation

A. Turner distributed a memo and map which identified required amendments to the new Zoning Code. He reviewed them briefly and told the Commission that he will formalize the amendments and set a formal Public Hearing for these amendments. He said that according to Town Counsel the numerous small corrections that do not involve policy changes will be handled by Staff.

12. Zoning Enforcement Officer's Report – February 2015

R. Benson updated the Commission on the Wendy's enforcement action. He said he is working with both the franchise owner and the Housing Court for a resolution on this matter. The owner may submit a Site Plan modification to the Commission. He will also continue to keep the Wendy's headquarters informed on this matter. Discussion followed.

13. Correspondence – None

14. Adjournment

Motion by M. Noniewicz, seconded by J. Rosenthal to adjourn at 8:13 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk