

COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
Wednesday, April 1, 2015
127 NORWICH AVENUE, COLCHESTER, CT
7:00 P.M.

MEMBERS PRESENT: Chairman Joseph Mathieu; John Novak, Vice Chairman; Dave Gesiak, John Rosenthal, Stacey Brown and Jason Tinelle.

MEMBERS ABSENT: Mark Noniewicz

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 -**

Motion by J. Rosenthal, seconded by J. Novak to add "Item A – Code Amendments" under Item 11 – "Planning Issues and Discussions". **Motion carried unanimously**

4. **Minutes of Previous Meetings** – Minutes of the Regular Meeting of March 18, 2015

Motion by J. Novak, seconded by J. Rosenthal to approve the Regular Meeting Minutes of March 18, 2015 as written. **Motion carried unanimously.**

5. **Public Hearings -**

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

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.

- 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 and 4/15/15]**

A. Turner told the Commission that Staff has met with the applicant and his representative on several occasions. Several different versions of plans have been submitted, the latest being submitted on April 1, 2015. He said that Staff has not had an opportunity to review the plans submitted today. An 11" x 17" version of the plan was distributed to the Commission members along with supporting documentation.

Doug Dubitsky, Esquire, representing the applicant, gave a brief history and location of the property and the operation. He explained that as the proposed operation progresses, farmland will be created. The applicant's intent is to eventually use the land for agricultural purposes. He explained the Phasing of the project and the proposed bonding. Discussion was held regarding the phasing, bonding, traffic, fuel storage and the proposed access to the operation.

Speaking in Favor

Chris Bourque, 391 Westchester Road, spoke in support of this application.

David Wasniewski, 475 Parum Road, spoke in support of this application.

Elizabeth Gilman, 178 Cato Corner Road, spoke in support of this application.

Patrick Fenton spoke in support of this application and said that he has given Mr. Przekopski permission to go on his land to level off his property.

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Speaking in opposition

Steven Budrow, 199 Westchester Road spoke in opposition of this application because of traffic concerns and asked that his questions be answered regarding the entrance location and the properties involved.
Isabelle Smith, 7 Pine Road, spoke in opposition because of the proposed truck traffic and also question the amount of cubic yards to be excavated annually.
Deborah Dapkus 18 Pine Road, expressed concerns about traffic and fuel storage.
Diane Jacques, 14 Pine Road, spoke about the noise level.
Dave Anderson, 13 Pine Road, spoke about the noise level and the effect on the quality of life in the area.
Christa Martyszcyk, 16 Pine Road, spoke about safety concerns and the noise level.
Jim Martyszcyk, 16 Pine Road, expressed concerns about the current agricultural use being changed to excavation use.

Rebuttal to those who spoke in Opposition

Doug Dubitsky, representing the applicant, said that the lots that are now in agricultural use will remain so. He explained the number of anticipated truck trips during an average day. He said that the applicant has no plans to use the Westchester Road entrance.

Chris Bourque, 391 Westchester Road, spoke in support of this application because it will create more farmland.
Frank Bauer, Cato Corner, spoke in support of this application because it will create more farmland.
David Wasniewski, 475 Parum Road, spoke in support of this application because of the need for gravel.

Rebuttal to those who spoke in Favor

Donna Palmes, 21 Pine Road, spoke in opposition.
Steven Budrow, 199 Westchester Road, asked for a rendering of the topography after the operation ceases.
Isabelle Smith, 7 Pine Road, asked about the capacity of each truck and the safety of the existing equipment.
Deborah Dapkus 18 Pine Road asked if the location of the entrance could be on Westchester Road.

Rebuttal to those who spoke in Opposition

Elizabeth Gilman, 178 Cato Corner Road, asked if Cato Corner Road could be used as an access point.
Chris Bourque, speaking as Chairman of the Agricultural Commission, said that there is a need for more farmland in Colchester.
David Wasniewski concurred with Mr. Bourque's comment.

A. Turner explained the process to the audience regarding the continuation of the Public Hearing and the deliberations. He said the application and record items are available in the Planning and Zoning Department for anyone who wishes to review the application.

Motion by S. Brown, seconded by D. Gesiak to continue the Public Hearing on SE#15-024 to the next regularly scheduled meeting. **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 postponed to 4/15/2015)

A. Turner said that the applicant has requested that the Public Hearing open at the April 15, 2015 meeting.

- 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)

A. Turner told the Commission that a lot of new information has been received on this application and the applicant would like the Public Hearing to be continued to the April 15, 2015 meeting. He said no testimony would be taken at this meeting.

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

- 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 on 4/1/2015)

R. Benson briefed the commission on this application. He explained that this operation has been in use since 2004, shortly after the Zoning Regulations were amended in 2003. The land was in the Industrial Zone before the Regulation change which would have allowed this type of business. The Zone change made the property R-60 residential, therefore this has been a non-conforming use since the business was started. The Zone has now been changed to Arterial Commercial Use which allows this type of business. The applicant has submitted the Special Permit application to make it a conforming use.

Atty. David Sherwood, representing the applicant, explained the location of the property and said that there are two buildings presently on the property. No new buildings will be added. He said that S. Tassone, Town Engineer, has reviewed the storm water treatment system and has no issues with it. He said additional landscaping will be added to buffer the abutting residential properties.

Kevin Grindle, Anchor Engineering, presented the proposed plan including the proposed landscaping. He explained the access and egress and the current uses of the two buildings on the property. He said that there is adequate parking for the equipment and the seven (7) employees. He said that a storm water treatment unit will be installed to collect and treat the discharge from the existing trench drain in front of building number one (1). He said that 24 evergreen trees will be planted to act as buffering to the neighboring residences. Discussion followed regarding the proposed landscaping, the maintenance of the storm water treatment unit, signage, lighting, hours of operation and the traffic.

Speaking in opposition

Mario Scalise, 446 New London Road, said that there were no building permits issued for the two buildings on the property and he has concerns regarding some of the activities related to the business operations, including the hours of operation.

Robert Hellstrom, Surveyor, said that he has reviewed the proposed plans and visited the site and had some concerns regarding the berm, drainage, buffering, and hours of operation.

Rebuttal to those who spoke in Opposition

Atty. David Sherwood, representing the applicant, said that in 2014 Mr. Scalise filed a complaint about the drainage from this property. Mr. Tassone, Mr. York and Mr. Gigliotti from the Town of Colchester viewed the property and found the storm water drainage adequate. He said that the applicant is working with Chatham Health District about the existing well location and the applicant will do whatever necessary to correct this problem. He said that the applicant would be willing to increase the buffering. Discussion followed regarding buffering, the possibility of installing a fence, hours of operation and other concerns about the operation.

Kevin Grindle, Anchor Engineering, explained the location and function of the above ground storage tanks.

Discussion followed regarding the drainage pipe and its outlet, the installation of a fence, increasing the proposed landscaping.

Motion by J. Novak, seconded by J. Rosenthal to close the Public Hearing on SP#15-001. **Motion carried unanimously.**

5. **Preliminary Reviews – None**
6. **New Business & Applications Received: - None**
7. **Five Minute Session for the Public -**

Dennis Marvin, 302 Parum Road, said he was very much in favor of the newly created Arterial Commercial District.

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**]

Motion by S. Brown, seconded by J. Rosenthal to postpone action on SE#15-024 as the Public Hearing is still open.
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; postponed to 4/15/15;)

Public Hearing will open on 4/15/2015.

- 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)

Motion by J. Novak, seconded by J. Rosenthal to postpone action on SE#15-025 and SD#15-031 as the Public Hearing is still open.
Motion carried unanimously.

- 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)

Motion by S. Brown, seconded by J. Rosenthal to postpone action on SP#15-001. **Motion carried unanimously.**

- F. **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)
- 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

No action taken on SP#15-002 and SD#15-032.

10. **Old Business** – None

11. **Planning Issues & Discussions** –

A. **Code Amendments**

A. Turner distributed an updated memo and map identifying required amendments to the new Zoning Code. He said that he will begin the process for a Public Hearing and will notify the Planning Councils of these proposed amendments.

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

13. **Correspondence** – None

14. **Adjournment**

Motion by J. Novak, seconded by D. Gesiak to adjourn at 9:53 p.m. **Motion carried unanimously.**