

COLCHESTER PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES
Wednesday, May 13, 2015
127 NORWICH AVENUE, COLCHESTER, CT
7:00 P.M.

MEMBERS PRESENT; John Novak, Vice Chairman; Mark Noniewicz, John Rosenthal, and Dave Gesiak

MEMBERS ABSENT: Chairman Joe Mathieu, Stacey Brown and Jason Tinelle

STAFF PRESENT: Randy Benson, Asst. Planner/ZEO; and Gail Therian, Clerk

1. **CALL TO ORDER** –Vice Chairman Novak called the meeting to order at 7:00 p.m.

2. **Roll Call**

Chairman Mathieu asked the clerk to note those in attendance.

3. **Additions to Agenda** –

Vice Chairman Novak asked if the Commission wished to take deliberation on SP#15-001 Anelli Real Estate prior to beginning the Public Hearing portion of the meeting.

Motion by J. Rosenthal, seconded by D. Gesiak to take application SP#15-001 Anelli Real Estate out of order. **Motion carried unanimously.**

4. **Minutes of Previous Meetings** – Minutes of the Regular Meeting of April 15, 2015

Motion by M. Noniewicz, seconded by J. Rosenthal to approve the Regular Meeting Minutes of April 15, 2015 as written. **Motion carried unanimously.**

5. **Public Hearings** –

Vice Chairman Novak 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, 4/15/15 and 5/13/15**]

Doug Dubitsky, Esquire, representing the applicant, said that the applicant had supplied some numbers based on past history regarding the average number of trips per three types of vehicles: 18 yard tri axles, 7 yard Town trucks, and typical single axle 1 – 2 yard, landscaping type trucks. He said that the applicant will try to re-route trucks from his customers off Pine Road.

Speaking in Favor – No one spoke

Speaking in opposition

Tom Smith, 7 Pine Road, spoke about the possible increase in truck traffic if there is a big project such as a school project in progress, how would the truck traffic be diverted from Pine Road. and who would regulate this.

Isabelle Smith, 7 Pine Road, expressed her concern about the revised narrative, storm water/erosion control, the hours of operation, and the phasing of the project.

Martin Jacques, 14 Pine Road, said he would like to see the tree line remain to block the view of the gravel pit.

Jim Martyszcyk, 16 Pine Road, said that as a home owner he should not have to settle for less because of this operation.

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Rebuttal to those who spoke in Opposition

Doug Dubitsky, representing the applicant, explained the phasing of this project. He said that there is an error on the date of the Storm Water Management Plan which will be revised. He explained the process of the Erosion and Sediment Control and the method of Dust Control. He said the tree line is going to stay. Discussion followed regarding the rerouting of truck traffic off Pine Road and options for access and egress to the site.

Chris Bourque, 391 Westchester Road, said the Town needs agriculture.

Rebuttal to those who spoke in Favor

Isabelle Smith, 7 Pine Road, also expressed concern about the dust, traffic and the amount of time it will take to bring this land back into farmland.

Tom Smith, 7 Pine Road, is concerned about the truck traffic and the accountability for the operation.

Rebuttal to those who spoke in Opposition

Doug Dubitsky, representing the applicant, said that the applicant will try to limit the traffic on Pine Road. His intention is to return the area back to farmland. He feels the application is in accordance with the Zoning Regulations and asked for approval of this application.

Rebuttal to those who spoke in Favor

Diane Jacques, 14 Pine Road, said that she would like to see a compromise because she does not want to stop the business.

M. Noniewicz read the email from Doug Dubitsky, Esquire to A. Turner stating that Mr. Przekopski has agreed to give the Planning and Zoning Commission an extension to hear the Public Hearing to May 13, 2015.

Motion by M. Noniewicz, seconded by J. Rosenthal to accept the letter of extension. **Motion carried unanimously.**

Motion by M. Noniewicz, seconded by J. Rosenthal to close the Public Hearing on SE#15-024 Leonard Przekopski Jr., Applicant/owner. **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 ;)**

Speaking in Favor –

Charles Dutch, Dutch and Associates, representing the applicant, said that he was available for questions as all information has been submitted.

Speaking in opposition - No one spoke

R. Benson said that all the Staff comments have been satisfied. The Town Engineer has agreed to the road reduction. A waiver for the sidewalks and fee in lieu of Open Space will need to be voted on by the Commission.

Motion by M. Noniewicz, seconded by J. Novak to close the Public Hearing on SUB #15-432 Gavire Estates, Goldberg Estates, LLC, owner. **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 told the Commission that a letter from Charles Dutch, representing the applicant, was received requesting that the Public Hearing be continued to the June 3, 2015 meeting. This will allow revisions to the plan to be made and the decision from the Conservation Commission be received. M. Noniewicz read this letter into the record.

Motion by M. Noniewicz, seconded by J. Rosenthal to accept the letter of extension to continue the Public Hearing to June 3, 2015. **Motion carried unanimously.**

Motion by M. Noniewicz, seconded by J. Rosenthal to continue the Public Hearing on SE#15-025 and SD#15-031 to June 3rd, 2015 meeting of this Commission. **Motion carried unanimously.**

5. Preliminary Reviews – None

6. New Business & Applications Received: - None

7. Five Minute Session for the Public - No one Spoke

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, 4/1/15, 4/15/15, and 5/13/15. Public Hearing closed on 5/13/15]

Motion by M. Noniewicz, seconded by J. Rosenthal to postpone action on SE#15-024 as the Public Hearing closed this evening and to allow time for Staff to formulate a Memorandum of Decision. **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; continued to 5/13/15. Public Hearing closed on 5/13/15)

Motion by M. Noniewicz, seconded by J. Rosenthal to postpone action on SUB#15-4324 as the Public Hearing closed this evening and to allow time for Staff to formulate a Memorandum of Decision. **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, continued to 4/15/15, 5/13/15 and 6/3/15)
- 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, continued to 4/15/15, 5/13/15 and 6/3/15)

Motion by M. Noniewicz, 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)

R. Benson said that the additions to the plan amended by Staff are the result of the site walk which was conducted on Monday, April 13, 2015. The applicant will install fencing and additional landscaping and will extend the existing berm at the rear of the property. He said five (5) six foot tall arborvitae will be installed along the property line on the south side of the property next to the parking stall. He said all Staff concerns have been satisfied.

Discussion followed and the Commission suggested that a report be submitted to the Town stating that the Storm water Separator Collection System has been inspected and cleaned on an annual basis.

M. Noniewicz read the following from the Memorandum from R. Benson, Asst. Planner and ZEO, dated April 23, 2015:

Whereas the Construction Services business is a pre-existing use that was started in 2004 when the property was zoned R-60.

Whereas the property located at 448 New London Road is located in the now Arterial Overlay Zone. The Construction Services business is now a permitted use under a Special Permit in the Arterial Overlay.

Whereas the Colchester Planning and Zoning Commission held a public hearing on the application on April 1, 2015. The public hearing was closed at the April 1, 2015 meeting.

And whereas the after discussion of the application at the hearing, the Commission authorized the Zoning Officer to arrange a site walk with the applicants professionals, staff and the abutting property owner to address concerns of the abutting property owner and the Commission.

Whereas a site walk was conducted on April 13, 2015 to review site conditions and concerns of the abutting property owner. The issues that were addressed were drainage, landscaping, fencing and hours of operation.

Whereas staff presented recommendations to the Commission at the May 6, 2015 meeting to amend the site plan by Anchor Engineering last revised March 15, 2015 to address the issues raised on the April 13, 2015 site walk.

Now therefore be it resolved the Town of Colchester Planning and Zoning Commission

Motion by M. Noniewicz, seconded by J. Rosenthal to approve Special Permit application SP#15-001, Anelli Real Estate, LLC, Applicant/Owner: Application to operate a commercial and residential paving company at 448 New London Road, Assessors Map # 01-10 Lot # 007-000, Arterial Commercial Overlay District, as shown on the submitted approved plans; with the following conditions:

1. The Special Permit Notice of Decision is to be filed in the Town's land records prior to issuance of any permits.
2. The proposed landscape buffer shall be amended on the site plan to include four additional evergreen trees along the southeast property line abutting the property located at 446 New London Road as shown on site plan amended by staff.
3. A two year landscaping bond shall be established for any new landscaping planted as a result of the approval of the application.
4. The existing berm on the west side of the property will be extended to a point that was staked on the April 13, 2015 site walk. Town staff will verify the extension of the berm once it is installed.
5. A sign permit will be required for the existing business sign.
6. A six foot tall privacy fence will be installed as shown on site plan amended by staff.
7. Five, six foot tall arborvitae will be installed along property line on south side of property next to parking stall as shown on site plan amended by staff.
8. Hours of operation for any activity outdoors including running of equipment will be 6:00AM to 5:00PM Monday through Friday and 8:00 to 12:00PM on Saturday. No outdoor operations will be conducted on Sunday.
9. All washing and repairing of equipment will be done indoors.
10. No other business will be conducted on the property.
11. No one will reside on the property.
12. The well and septic system servicing of the property will be subject to the approval of the Chatham Health District if required.
13. The site plan by Anchor Engineering will be amended to include all of the improvements as stated in these conditions.
14. An annual written report is to be submitted to the Town noting the inspection and cleaning of the Storm water Separator Collection System.

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)

Peter Alter, Esquire, Alter & Pearson, LLC, representing the applicant, gave a brief description of the location of the proposed project. He showed the location of the drive through window and the configuration of the parcel. He gave the history of the two (2) easements on the property for the parking and access. He reviewed the renovation of the existing building. He said that there is more than adequate parking, and the parking calculations exceed the Zoning Regulations.

Dana Steele, of JR Russo & Associates, LLC, explained the proposed storm water management system and the proposed landscaping. He said that a note will be included on the final plan stating that this property is not in the Aquifer Protection Zone or the Historical Preservation Overlay Zone. He said that all Staff comments have been addressed.

Jim Bubaris, Bubaris Traffic Engineers of Wallingford CT, explained the process of obtaining a permit from the Office of State Traffic Administration. He explained the internal circulation of traffic on the property. Discussion followed regarding parking, the addition of a stop sign or stop bar and traffic pattern.

Atty. Peter Alter said that the applicant is willing to eliminate a parking space on the side of the building near the AT&T store and to install a landscaped island in the area to enhance that side of the building. He submitted a letter dated May 13, 2015 agreeing to a further extension of time to include May 20, 2015, the date of the next meeting.

M. Noniewicz read the letters from Atty. Alter dated May 4, 2015 and May 13, 2015 regarding an extension of time to hear this application.

Motion by M. Noniewicz, seconded by J. Rosenthal to accept the letter requesting an extension of time to the May 13, 2015 meeting from Alter and Pearson dated May 4, 2015. **Motion carried unanimously.**

Motion by M. Noniewicz, seconded by J. Rosenthal to accept the letter requesting an extension of time to the May 20, 2015 meeting from Alter and Pearson dated May 13, 2015, to allow the Commission to make a decision at the May 20, 2015 meeting. **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 (Public Hearing is scheduled for 6/3/15)
- H. **RESUB#15-432 – Robert Gustafson, Applicant/Owner**; 151 Taylor Road, Assessor's Map 02-14, Lot 003-003, Proposed 2 lot Resubdivision. Rural District. (Public Hearing Scheduled for 6/3/15)

10. Old Business – None

11. Planning Issues & Discussions – None

12. Zoning Enforcement Officer's Report –

R. Benson told the Commission that he would have his April 2015 report at the next meeting. He also advised the Commission that Wendy's has submitted a plan to address their violation. This application will be heard at the next meeting.

13. Correspondence – None

14. Adjournment

Motion by M. Noniewicz, seconded by D. Gesiak to adjourn at 9:16 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk