

**COLCHESTER PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
Wednesday, May 20, 2015  
127 NORWICH AVENUE, COLCHESTER, CT  
7:00 P.M.**

**MEMBERS PRESENT;** Chairman Joe Mathieu; Mark Noniewicz, John Rosenthal, Stacey Brown, Dave Gesiak and Jason Tinelle

**MEMBERS ABSENT:** John Novak, Vice Chairman;

**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** –

R. Benson said that a letter from Charles Dutch, Dutch and Associates had been received granting a 65-day extension for the action on SD#15-031, Rodney Goldberg, Goldi-Locks Self Storage, LLC. Chairman Mathieu said that this item would be addressed under the Pending Applications portion of the meeting.

4. **Minutes of Previous Meetings** – Minutes of the Special Meeting of May 13, 2015

**Motion** by M. Noniewicz, seconded by J. Rosenthal to approve the Special Meeting Minutes of May 13, 2015 as written.

**Abstentions:** S. Brown and J. Tinelle **Motion carried.**

5. **Public Hearings** –

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. S. Brown, J. Mathieu and J. Tinelle submitted written affidavits that they had listened to the audio portion of the May 13, 2015 meeting for SE#15-024; Sub#15-432; SE#15-025, SDP#15-031, and SD#15-033.

R. Benson read the Public Hearing legal notice published in the *Rivereast* on May 8 and May 15, 2015.

- A. **Colchester Planning and Zoning Commission, adoption of the Plan of Conservation and Development (POCD), Town of Colchester, 2015** - As required by Section 8.23 of the Connecticut General Statutes, the Town of Colchester Planning and Zoning Commission has prepared a comprehensive update to the Plan of Conservation and Development document. This document represents the update to the present 2001 POCD. This Plan is a non-regulatory document. It presents in narrative and graphic form the way the town would like to grow and serves as a guide for making decisions related to the growth and development.

G. Chalder, Planimetrics, did a Power Point presentation on the proposed Plan of Conservation and Development. He explained and reviewed the five parts of the Plan of Conservation and Development: Introduction, Honoring Colchester's Heritage, Guiding Future Growth, Addressing Colchester's Future Needs, and Conclusion and Implementation.

**Questions by the Public:**

Leslie Curtis, Cato Corner Road, asked if the Plan of Conservation and Development would need to be voted on by the people of Colchester. G. Chalder explained that in accordance with Section 8-23 of the Connecticut General Statutes, the Planning and Zoning Commission adopts this document. Chairman Mathieu explained that this is a guiding document.

Chris Bourque, 391 Westchester Road, asked if the local Farm land soils could be placed on the map on Page 19. He said this would help the Agricultural Commission in applying for grants. He also asked if there could be something included in the POCD about agriculture being part of the education element in Colchester. Discussion followed.

**Speaking in Favor** –

Chris Bourque, 391 Westchester Road, thanked Glen Chalder, Staff and the Commission for their hard work on this document.

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Leslie Curtis, Cato Corner Road, said the Land Trust members appreciated that they were involved in the development of this document and she thanked all involved in the process.

Speaking in opposition No one spoke

Discussion followed regarding the closing of the Public Hearing.

**Motion** by M. Noniewicz, seconded by J. Rosenthal to close the Public Hearing on Colchester Planning and Zoning Commission, adoption of the Plan of Conservation and Development (POCD), Town of Colchester, 2015. **Motion carried unanimously.**

## 5. Preliminary Reviews –

### A. Wendy's International, 348 South Main Street to address the enforcement action

A. Turner told the Commission that this item was before them this evening due to a Notice of Violation that was issued to Wendy's for cutting down the trees required by the Commission at the time of approval. A copy of a memo from J. Gigliotti, Assistant Tree Warden was distributed to the Commission members. In his memo, J. Gigliotti suggested the planting of "Flowering Dogwood" trees in either white or purple.

Michael Payne, Operations Manager of Cedars of New England, four (4) design options for the Commission's review. He apologized for cutting down the trees without consulting Town Staff. He said that Cedars of New England were the new owners and did not know about the landscaping requirement. The tree clearing was done to make the Wendy's more visible and improve business. Discussion followed regarding the design the Commission members preferred.

Chan Williams, Landscaper, explained why he was in favor of Design 1 with four trees and explained the potential growth of a dogwood tree if not maintained.

After further discussion on the history of the need for landscaping for this site, the Commission agreed that they would want design 2 with four (4) dogwoods trees, but did not specify a preference for the color of the trees. The Commission asked Mr. Payne to return with a plan showing their preference.

## 6. New Business & Applications Received: -

- A. **ZC#15-202; Town of Colchester Zoning and Planning Commission, Applicant;** The zoning designation change is for a portion of the lot located at 9 Loomis Road. The zoning district in Westchester village does not permit business development along Route 149. The intent is to permit development along Route 149 providing it accesses Route 149 and any building is within 200 feet of the roadway. The map change will be for a portion of the property located at 9 Loomis Road, Map 03-17, Lot 053-000. The portion of the property that abuts Route 149 (Westchester Road) starting from the existing Westchester Village Zone boundary on the property to a point 50 feet before the intersection of Route 149 and Loomis Road will be changed from Rural Zone to Village Zone. This portion of the property that will be rezoned will be 165 feet in depth. (For receipt only, Public Hearing scheduled for 6/3/2015)
- B. **RC#15-210; Town of Colchester Planning and Zoning Commission, Applicant;** Application to add Section 1.2 of the Colchester Land Development Regulations to address properties that are split between two zoning boundaries. The new Section 1.2 will state, "Where a district boundary divided a lot of record at the same time such boundary line is adopted, the regulations for the less restricted portion of such lot may extend not more than 50 into the more restricted portion provided that the lot has frontage on a street in the less restricted district."

The application also includes amendments to the text of Section(s) 4.3.3, 4.6.5 and 8.8(1) of the Colchester Land Development Regulations. Section 4.3.3 is to be amended to add "In addition, multi-family uses shall be not permitted once the total amount of multi-family units permitted in this zone is 200 units. No more than 100 units will be permitted on any multi-family site in the suburban district." The text of Section 4.6.5 is to be replaced with, "Side and Rear setbacks shall be 35 feet. Front yards shall be a minimum of 10 feet." Section 8.8(1) will be amended to state, "Zoning Permits for short term temporary events may be granted for an event up to 10 days. One extension of no more than 10 days may be granted by the Commission in any district provided the event will be conducted in accordance with the provisions of the permit during the permit period. Permanent or annual events may be permitted by the Commission initially and then renewed annually by the ZEO. Adequate provisions shall be made for safe access and traffic control, off street parking, water supply, sewage disposal and emergency medical treatment for those attending the activity.(For receipt only. Public Hearing scheduled for 6/3/2015)"

These applications were for receipt only and are scheduled for Public Hearing on Wednesday, June 6, 2015.

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

8. Pending Applications:-

- A. Colchester Planning and Zoning Commission, adoption of the Plan of Conservation and Development (POCD), Town of Colchester, 2015 - As required by Section 8.23 of the Connecticut General Statutes, the Town of Colchester Planning and Zoning Commission has prepared a comprehensive update to the Plan of Conservation and Development document. This document represents the update to the present 2001 POCD. This Plan is a non-regulatory document. It presents in narrative and graphic form the way the town would like to grow and serves as a guide for making decisions related to the growth and development. (Public Hearing opened on 5/20/15)

Chairman Mathieu stated that the Public Hearing was closed this evening. Discussion followed regarding the inclusion of the locally important farms soils on the map on Page 19 and the mentioning about agriculture being part of the education element in Colchester.

**Motion** by M. Noniewicz, seconded by J. Rosenthal:

Whereas, the Colchester Planning and Zoning Commission is required to review its Plan of Conservation and Development at least once every ten (10) years under Section 8-23 of the Connecticut General Statutes as amended; and,

Whereas the last Plan of Conservation and Development for the Town of Colchester was adopted in 2001; and

Whereas the Colchester Planning and Zoning Commission hired the professional planning firm of Planimetrics, Simsbury, CT on July 26, 2013 to provide technical assistance in the development of a new Plan of Conservation and Development; and

Whereas, the Colchester Planning and Zoning Commission solicited broad public input through two public workshops and seven (7) public meeting sessions facilitated by the consultant between September 30, 2013 and February 18, 2015 prior to this final draft plan so as to include as wide a public input as possible; and these comments and issues heard at these meetings have been included in the record and addressed as appropriate in this March 2015 Plan of Conservation and Development; and

Whereas the Colchester Planning and Zoning Commission, through its consultant, reached out to all affected Town departments and Commissions to obtain input on the current capacity and condition of the Town's public infrastructure, facilities and community service; and

Whereas the Colchester Planning and Zoning Commission referred the proposed Plan of Conservation and Development to the Colchester Board of Selectmen, Colchester Board of Finance and to the Regional Councils with sufficient notice as required by the Connecticut General Statutes and received their comments and suggestions on the March 2015 POCD and reflects their input and their specific comments :and

Whereas the Colchester Planning and Zoning Commission provided broad public access to the proposed Plan of Conservation and Development by posting the entire Plan on the Town's website, making copies available in the Town Clerk's office and the Planning and Zoning Office, and Cragin Library; and

Whereas the Colchester Planning and Zoning Commission conducted a Public Hearing on Wednesday, May 20, 2015, after advertising this hearing in the Rivereast on May 8, 2015 and May 15, 2015; and

**THEREFORE BE IT RESOLVED** that the 2015 Plan of Conservation and Development dated March 2015 in the form filed with the Office of the Town clerk and presented at this Planning and Zoning Public Hearing is hereby adopted with clarifications and corrections of errors and omission with an effective date of June 21, 2015.

Further, to add to the map on Page 19, the locally important farms soils.

Chairman Mathieu thanked G. Chandler and A. Turner for their work on this document and said that he feels this is a well written document.

**Motion carried unanimously.**

- B. **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 opened on 3/4/15; continued to 3/18/2015,4/1/2015,4/15/15 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 to allow Staff to continue to formulate a Memorandum of Decision. **Motion carried unanimously**

- C. **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, R-60 Zone.** (Received on 1/21/2015; Public Hearing opened on 4/15/15; continued and closed 5/13/15)

A. Turner said that Staff recommends a fee in lieu of open space for the proposed subdivision based on the reasons listed in the Staff memo dated May 4, 2015. Discussion followed regarding the waivers for the fee in lieu and the waiver of the pedestrian access.

M. Noniewicz reviewed the items included in the memo from R. Benson, dated May 4, 2015.

**Motion** by M. Noniewicz, seconded by J. Rosenthal to grant a waiver of pedestrian access as mandated in Section 6.3.12 for reasons outlined in the Staff memo dated May 4, 2015. **Motion carried unanimously**

**Motion** by M. Noniewicz, seconded by J. Rosenthal to accept a fee in lieu of open space as described in Section 6.5.2 of the Subdivision Regulations. The rationale for this decision is identified in the findings of the Staff memo dated May 4, 2015. The precise amounts of fee in lieu payment will be determined based on an appraisal of the entire parcel by a licensed property appraiser and no building permits will be issued until 10% of the appraised amount of the land is provided to the Town. **Motion carried unanimously**

**Motion** by M. Noniewicz, seconded by J. Rosenthal to approve SUB# #15-432 for a proposed 12 lot subdivision of 39.37 acres at Bull Hill Road, Assessors Map 05-19, as per subdivision plan titled Gavire Estates, 13 sheets by Dutch and Associates dated February 7, 2002, revised March 26, 2015 with the following plan modifications/conditions:

1. Final plans for Commission chairman's signature are to be signed and sealed by the surveyor, engineer and signed by the soil scientist.
2. The Planning and Zoning Commission has approved the following waiver associated with this subdivision:  
A waiver to Section 6.3.12: has been granted for the requirement of sidewalks in this subdivision.
3. The following notes are to be added to the final plans:
  - a. Deeds for the lots are to include all information regarding the access, drainage and utility easements where applicable.
  - b. The Planning and Zoning Commission has accepted a fee in lieu of Open Space for this subdivision. Half of this fee is to be submitted with applications for permits to develop each lot.
  - c. The Planning and Zoning Commission has approved the following waiver associated with this subdivision:  
A waiver to Section 6.3.12 requiring the inclusion of sidewalks.
  - d. Prior to the issuance of a Zoning Permit for individual lot development; a signed and sealed letter for a licensed surveyor stating that all lot boundary corners shown on the approved plan have been set per Section 7.8
4. No transfer or selling of lots until public improvements are constructed or bonded.
5. A conservation easement shall be placed on the Lot 5 as approved by the Conservation Commission application W2015-2988.

**Motion carried unanimously.**

- 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 opened on 4/1/2015; continued to 4/15/15, 5/13/15 and 6/3/15)
- 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 opened on 4/1/2015; continued to 4/15/15, 5/13/15 and 6/3/15)

M. Noniewicz read the letter from Charles Dutch, Dutch and Associates requesting a 65-day extension of application SD#15-031, making the new decision required date August 5, 2015.

**Motion** by M. Noniewicz, seconded by J. Rosenthal to accept the letter requesting an extension to complete the application. **Motion carried unanimously**

**Motion** by M. Noniewicz, seconded by J. Rosenthal to postpone action on SE#15-025 and SD#15-031 to the next regularly scheduled meeting. **Motion carried unanimously**

- F. Site Development #15-033 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 and 5/13/2015;)

A copy of the Staff Member dated May 12, 2015 was distributed to the Commission members. The memo explained that the plan is titled "Special permit for Retail, Coffee Shop with drive thru at 94 Linwood Avenue", and while the application mentioned special permit review because of the drive-thru, the new land use regulations does not include a drive thru as a Special permit. Therefore, this permit was reviewed pursuant to the site plan review requirements.

A. Turner said that the applicant has added a stop sign and stop bar to the plan in accordance with the Commission's comments at the last meeting. The applicant has also eliminated a parking space on the southwesterly side of the building and will add a tree or trees to break up the length of the wall per comments of the Commission. M. Noniewicz asked that the stop bar at the northeasterly side to the Stop and Shop be extended to help with the internal traffic flow as the cars come around the building.

Peter Alter, Esquire, Alter & Pearson, LLC, representing the applicant, said that the extension of the stop bar could be done. He said that the application meets all the site development plan requirements. He said that the applicant will apply to OSTA for the necessary approval. He said that there are two (2) easements on the property for the parking and access. In accordance with the easement, because there are no material changes to any of the common areas shared with the Stop and Shop, there is no further approval required. He said that there is more than enough parking on their site; they have their own access and egress, and all necessary utilities on their site.

A. Turner said that he spoke, owner of the Stop and Shop plaza and has his verbal okay with what is being proposed with this site development application.

**Motion** by M. Noniewicz, seconded by J. Rosenthal to approve application SDP#2015-002 and Plan titled "Special Permit for Retail, Coffee Shop with drive thru at 95 Linwood Avenue (Rte. 16) with the following conditions:

1. Applicant shall apply to OSTA after PZC approval. No building permit nor final site plan approval will be issued until OSTA approval is confirmed. If the OSTA approval requires changes to the site plan as approved, the matter shall come back for staff or Commission approval as deemed appropriate by the staff depending upon the significance of the change.
2. Applicant's engineer shall add a note to plan indicating the proximate location of HPOZ, being the second parcel removed from the site.
3. Applicant's engineer shall add a stop sign and stop bar at the easterly drive exit from the front of the building onto the common drive leading to Linwood Ave.
4. Applicant's engineer shall modify the plan to show the elimination of a parking space on the southwesterly side of the building approximately midway between the last window and the building's end with the use of that area for the addition of vertical landscaping, meaning a tree or trees, to break up the length of the wall facing the west to east Linwood Avenue approach. Specification of the variety and number of trees shall be subject to review and approval by the Town Planner.
5. Extend the island stop bar at the northeast side towards Stop and Shop to help with the internal traffic flow as cars come around the building.

**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 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)

No action taken on these two items as the Public Hearing is set for June 3, 2015.

10. **Old Business** – None

11. **Planning Issues & Discussions** – None

12. **Zoning Enforcement Officer's Report** – April 2015

.R. Benson distributed copies of his April 2015 Zoning Enforcement Report. Discussion followed regarding outstanding issues.

13. **Correspondence** – None

14. **Adjournment**

**Motion** by M. Noniewicz, seconded by J. Rosenthal to adjourn at 8:36 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk