

**COLCHESTER PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING MINUTES**  
**Wednesday, June 3, 2015**  
**127 NORWICH AVENUE, COLCHESTER, CT**  
**7:00 P.M.**

**MEMBERS PRESENT;** Chairman Joe Mathieu; John Novak, Vice Chairman, John Rosenthal, Dave Gesiak and Jason Tinelle

**MEMBERS ABSENT:** Mark Noniewicz 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** –

A. Turner said there were no additions to the agenda. He informed the Commission that he had turned in his resignation effective July 31, 2015 to the First Selectman on June 1, 2015. He thanked the Commission members for their support over the years and reviewed some of their accomplishments. Chairman Mathieu thanked him for his hard work and dedication over the years.

4. **Minutes of Previous Meetings** – Minutes of the Regular Meeting of May 20 2015

Chairman Mathieu said that on Page 5 under Item F, the first line should read: "A copy of the Staff **Memo** dated May 20, 2015 was distributed to the Commission members."

**Motion** by J. Rosenthal, seconded by D. Gesiak to approve the Regular Meeting Minutes of May 20, 2015 as amended.

**Abstentions:** J. Novak **Motion carried.**

5. **Public Hearings** –

R. Benson read the Public Hearing legal notice published in the *Rivereast* on May 22 and May 29, 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.

A. **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)

**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)

Chairman Mathieu stated that this Public Hearing was being continued from the May 13, 2015 meeting.

R. Benson told the Commission that there are still some grading and drainage issues which will be addressed as a site plan amendment. He said all the Special Exception issues have been addressed.

**Speaking in Favor**

Charles Dutch, Dutch and Associates, spoke on behalf of Goldilocks Self Storage, LLC. He reviewed the application and the location of the proposed addition. He said that based on the comments from the neighbors, new full cut off lights have been installed to address the lighting issue. He explained the proposed screening using a picture taken on the site. He compared the location and size of the two detention ponds on the property in comparison to the existing detention pond located on the Northwoods site. He said he is working on addressing the outstanding issues and should have a revised plan to S. Tassone, Town Engineer by Wednesday, June 10, 2015. He said that Peter Jesse from Shoreline Blasting was present to address the neighbor's concerns regarding the blasting issue.

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Peter Jesse, Shoreline Blasting, explained the procedure he plans to use for the blasting. He said a pre-blasting survey will be conducted in the areas. An independent company will be hired to monitor the blasting. Three (3) seismographs will be used to monitor the small blasts. Neighbors will be notified when blasting will occur. Discussion followed.

Speaking in Opposition

Frank Zito, 12 Freedom Way, questioned if the proper setbacks were met in accordance with the Zoning Regulations and the extent of the pre survey before the blasting.

Ralph Marshall, 31 East Court, expressed concerns about the proposed buffering and asked about how any damage from the blasting would be handled.

Rebuttal to those who spoke in Opposition

Charles Dutch, Dutch and Associates said that regarding the proposed buffering, this site is within the Sewer and Water District and will meet those Regulations.

Rebuttal to those who spoke in Favor - No one Spoke

Chairman Mathieu said that the Public Hearing will be continued to the June 17, 2015 meeting to allow for the applicant to address the outstanding comments from the Town Engineer.

A. Turner said that the Town Fire Marshal will have to approve the blasting permit. He asked Mr. Jesse who would be liable for any damage caused by the blasting. Mr. Jesse said that his office would need to be notified. Discussion followed regarding the proposed buffering and the permitting procedure after an application is approved.

**Motion** by J. Novak, seconded by J. Rosenthal to continue the Public Hearing on SE#15-025, Rodney Goldberg, Goldi Locks Self Storage, LLC to the June 17, 2015 meeting. **Motion carried unanimously.**

**Motion** by J. Novak, seconded by J. Rosenthal to continue the Public Hearing on SD#15-031, Rodney Goldberg, Goldi Locks Self Storage, LLC to the June 17, 2015 meeting. **Motion carried unanimously.**

- B. 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.
- C. 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."

A. Turner reviewed the proposed amendments to the Zoning Regulations which included the provision for split zone provisions being reinstated, the number of multi-family units to be allowed, and Religious and Entertainment Gatherings He said that these proposed amendments were to address some of the remaining issues in the Regulations after passage in December and said that the Commission has discussed the amendments at several of their meetings. He addressed the issue of the Zone Change

and said that the aim of this re-zoning is to permit a small amount of economic activity to take place on Route 149. He said that it was the original plan to eliminate split zoning when the first revised zoning map was developed. The Planning and Zoning Commission decided to leave map boundaries the same when voting on this map at their December meeting, because it was too different from the advertised map. This new proposal is scaled back by almost 80% from the original proposal. This re-zoning would allow a small office development with parking, as it is too small to permit anything of more intensity. He said that in terms of property values, this type of development would not reduce the values. He said this change is consistent with the Plan of Conservation and Development.

#### Speaking in Favor

Steve Coyle, Deer Run Drive, said he liked the idea of the Regulations capping the total number of multi-family units at 200 in the Suburban District.

#### Speaking in Opposition

Lewis Wise, Esquire, Rogin Nassau, LLC, said he represented a group of home owners in the neighborhood of 9 Loomis Road. He presented a Protest Petition to Oppose the Proposed Zone Change at 9 Loomis Road and explained the ramifications of this petition. He said that in accordance with the Connecticut General Statutes, the passage of the proposed Zone change will require a super-majority "yea" vote by the Commission members. He said that in his opinion, this zone change is spot zoning and does not benefit the public as a whole, but just the property owner of 9 Loomis Road. He said he is also opposed to the resurrection of Section 1.2 of the Colchester Zoning Regulations. He asked that the Commission keep the Public Hearing open to the next meeting to allow him time to review the audio transcripts of the December 3 and December 16, 2014 Planning and Zoning Commission meetings. Discussion followed regarding the discussions held previously regarding these changes by the Commission.

John Bear, 36 Loomis Road expressed concerns about the value of his property, the expansion of commercial uses in the area, the effect on the environment and a possible discrepancy on the zoning map.

Cynthia Blackham, 30 Old Country Road, expressed concerns about the effect of a possible development on this property and the quality of life in the area.

Jeff Seeley, 75 Loomis Road, said he felt neighbors should have been notified of this Public Hearing and expressed his concern about the effect on any development on this property on his property value.

Charles Shabunia, 33 Loomis Road, asked that the parcel remain split to preserve the rural character of the area.

Susan Mausteller, 6 Loomis Road, spoke about Village District zoning and a transition zone.

Kevin Smith, 25 Loomis Road, asked that the buffer be maintained.

A. Turner apologized to the public for not notifying them prior to this meeting. He explained that these amendments were being considered to expand economic development in this area. Discussion followed about the need to continue the Public Hearing.

**Motion** by J. Novak, seconded by J. Rosenthal to continue the Public Hearing on ZC#15-202 and RC#15-210 to the next regularly scheduled meeting. **Opposed:** J. Tinelle **All others in favor. Motion carried.**

- D. 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

R. Benson told the Commission that the original plans have been scaled back on this application so that it was no longer a Special Exception application, but a site development plan. The Commission agreed to hear the application at this time.

J. Tinelle recused himself.

R. Benson said that this application was to conduct indoor and outdoor vendor fairs on the property. The flea markets would be conducted on Friday, Saturday, and Sunday from April 1<sup>st</sup> to October 31<sup>st</sup>.

Bob Messier, representing the applicant, explained the location of the property, the area where the vendors would be located, and the parking. He said that the location and design of the driveway was reconfigured to allow a better sight line. A traffic study was conducted and there would not be much impact in the area. He said all the drainage issues were addressed a few years ago.

John Tarquinio, applicant, said that the property is now a conforming property. His hope is to attract new business to his existing business on the site. He said there are 95 parking spaces proposed. He does not plan on lighting the area and he will apply for sign permits. Discussion followed regarding the phasing of the parking area. In accordance with the Staff Report of R. Benson, Asst. Planner/ZEO, dated May 29, 2015 the limitations on the use including no car shows/swap meets, live music and barbeque demo and cook-offs as these are not retail uses were discussed.

**Motion** by J. Novak, seconded by J. Rosenthal to approve Site Plan Application SDP#15-032, Fireside Investments, LLC, applicant and owner, for property at 489 Old Hartford Road, Assessor Map 05-15, Lot 025-000, to permit indoor and outdoor vendors fairs as a retail use. Approval is based on the plan titled "Special Exception Permit Plan, prepared for Fireside Investments LLC" by Messier and Associates, Inc., 1-sheet dated 10/3/14 and revised thru 5/5/2015 with the following conditions:

1. The vendor fairs will be held on Friday, Saturday and Sunday of each week from April 1 to October 31 of each year.
2. The hours of operation shall be from 7:00 A.M. to 8:00 P.M. on the approved days.
3. A sign permit will be required for any sign erected for the vendor fair and the signs shall conform to the sign Requirements of the Colchester Land Use Regulations.
4. The total permitted area for the retail use for the vendor fair shall remain under 20,000 square feet.
5. A copy of the approval and final signed plans shall be filed in the Town Clerk's office on the land records.
6. The applicant shall add a note to the plan indicating the phasing of the parking area upgrades, subject to the approval of the Town Engineer.

**Motion carried unanimously.**

- E. 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)

J. Tinelle returned as a voting member.

R. Benson read the Public Hearing legal notice published in the *Rivereast* on May 22 and May 29, 2015.

R. Benson said that this is a two (2) lot family re-subdivision. He said there are no outstanding issues on this application. A Conservation Easement was required by the Colchester Conservation Commission and this easement was shown on the revised plans. The applicant has been granted permission from his neighbor to drain on their property. The applicant is requesting a side walk waiver, but because six Commission members were not present at this meeting, the voting on the waiver could not take place at this meeting.

Speaking in Favor – No one spoke

Speaking in Opposition – No one spoke

**Motion** by J. Novak, seconded by J. Rosenthal to close the Public Hearing on RESUB#15-432, Robert Gustafson, Applicant/Owner, 151 Taylor Road. **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 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]

A. Turner reviewed the history of this application. He said most of the issues have been addressed including the phasing, storm water runoff and bonding. He said the issue of traffic needs to be addressed. He reminded the applicant that this is

a two-year permit process. He will be developing a Memorandum of Decision to for the next meeting. A. discussion took place regarding the traffic and the effects on the residents of Pine Road.

R. Benson showed pictures of the area roads and explained what it would take for a truck to navigate these roads. Discussion followed regarding addressing the truck traffic and possible restrictions on the truck traffic.

- B. **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)
- C. **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)
- D. **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 item was approved under "Public Hearing" portion of the agenda.

- E. **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 opened and closed on 6/3/15)

**Motion** by J. Novak, seconded by D. Gesiak to postpone action on the following pending items: A, B, C, D, E and G. **Motion carried unanimously**

10. **Old Business – None**

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

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

13. **Correspondence – None**

14. **Adjournment**

**Motion** by J. Novak, seconded by D. Gesiak to adjourn at 10:05 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk