

COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
Wednesday, September 2, 2015
127 NORWICH AVENUE, COLCHESTER, CT
7:00 P.M.

MEMBERS PRESENT; Chairman Joe Mathieu; John Novak, Vice Chairman, Mark Noniewicz, John Rosenthal, Dave Gesiak, Jason Tinelle and Stacey Brown (arrived at 7:04); John Reeve, Board of Selectmen Liaison;

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

1. **CALL TO ORDER** –Chairman Mathieu 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** – None
4. **Minutes of Previous Meetings** – Minutes of the Regular Meeting of July 15, 2015

Motion by J. Novak, seconded by J. Rosenthal to approve the Regular Meeting Minutes of July 15, 2015 as written. **Abstentions:** M. Noniewicz All others in favor. **Motion carried.**

5. **Public Hearings** – None
6. **New Business & Applications Received:** -

Motion by J. Novak, seconded by J. Rosenthal to renumber the New Business and Applications Received to address items B and C, first, followed by item A. **Motion carried unanimously.**

- A. **SDP#15-034-Application of Castle, Inc.** for Site Plan Modification to build a 480 Sq. Ft. addition to the existing building at 396 Halls Hill Road (For receipt and review on 9/2/2015)

Dave Gesiak recused himself from this application.

R. Benson told the Commission that this is a Site Plan Modification to add a 480 square foot addition to the south end of the building for additional office space and to remove the existing sidewalk at the rear of the building and fill in with asphalt to extend the current asphalt play area behind the building. The new office space will be in the location of the current canopy at the rear of the building. No additional parking will be required for the additional office space. The addition will not be used for classroom space and there will be no increase in enrollment due to the addition. Discussion followed regarding the need for a Wetlands Agent Approval for encroachment of the proposed addition in the wetlands buffer.

Motion by M. Noniewicz, seconded by J. Rosenthal to approve SDP#15-034 –C.A.S.T.E., Inc. application for property at 396 Halls Hill Road, Assessors Map #029, Lot#010, for a 480 Sq. Ft. addition to the existing structure and other site improvements as shown on the plan titled "Redline Addition Plan", prepared for C.A.S.T.L.E., 396 Halls Hill Road, 1-sheet dated 8/27/15 prepared by Dutch & Associates with the following condition:

1. The applicant must obtain a Wetlands Administrative permit for the encroachment of the proposed addition in the wetlands buffer.

Motion carried unanimously.

D. Gesiak returned as a voting member.

- B. **SP#15-004 – Frank Padliarodo, Applicant; Henry Edelberg/Raymond Crosby, owners,** 367 Lebanon Avenue, Assessor's Map 05-06, Lot 022-00B, Suburban Zone, to use existing building for a cleaning and restoration

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- C. **Modification to SE#15-024, Leonard Przekopski, Jr. Applicant/Owner;** Application for modification to amend conditions to approval. (Receipt only, Public Hearing set for 9/16/15)

Chairman Mathieu stated that SP#15-004 and Modification to SE#15-024 were for receipt only at this meeting both the items at the Wednesday, September 16, 2015.

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

8. **Pending Applications:-**

- 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.

The Commission discussed the proposed Zone change for the property on 9 Loomis Road. The Commission members felt that it would be more appropriate to review a zone change on the property if a plan was submitted. Discussion followed. The Commission discussed denying the Zone Change without prejudice so that the property owner could come in with an application and a request for a zone change in the future.

Motion by M. Noniewicz, seconded by J. Novak to deny without prejudice ZC#15-202 to allow the owner of 9 Loomis Road to propose a more specific zone change with a particular proposal. **Opposed:** D. Gesiak All others in favor. **Motion carried.**

- 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."

The Commission discussed the addition Section 1.2 to the Zoning regulations because currently there is a split zone property in the Town. It was discussed to add the following to Section 1.2: The provision shall not impact any buffering required by these regulations".

Motion by M. Noniewicz, seconded by J. Novak to approve RC#15-210 for various housekeeping items updating the Development Regulations and to add to add the following to Section 1.2: "The provision shall not impact any buffering required by these regulations". **Opposed:** S. Brown All others in favor **Motion carried.**

9. **Preliminary Reviews: - None**

10. **Old Business – None**

11. Planning Issues & Discussions

12. Zoning Enforcement Officer's Report

M. Noniewicz asked R. Benson about the clearing that is taking place on Norwich Avenue and near Cragin Court.

R. Benson said that the work on Norwich Avenue is an "as of right" logging operation. There is no proposed Development planned. He told the Commission that originally a parking lot had been installed in the rear of Noel's without approvals. Cease and Desist orders were issued by both the Wetlands Enforcement Officer and himself. . He gave a brief history of the approval of a Site Development plans years ago regarding this project. He said a site plan modification plan will be submitted to the Commission in the near future.

13. Correspondence – None

14. Adjournment

Motion by J. Novak, seconded by J. Rosenthal to adjourn at 8:02 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk