

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

MEMBERS PRESENT; Chairman Joe Mathieu; John Novak, Vice Chairman; John Rosenthal, and Jason Tinelle; John Reeveer, Board of Selectmen Liaison

MEMBERS ABSENT: Dave Gesiak and Mark Noniewicz;

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 September 16, 2015

Motion by J. Rosenthal, seconded by J. Tinelle to approve the Regular Meeting Minutes of September 16, 2015 as written.
Abstentions: J. Novak All others in favor **Motion carried.**

5. **Public Hearings** –

R. Benson read the Public Hearing legal notice published in the Rivereast on September 25 and October 2, 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. **Modification to SE#15-024, Leonard Przekopski, Jr. Applicant/Owner:** Application for modification to Special Exception to conduct an Excavation on property located at 36 Pine Road, Tax Assessor's Map# 5-14, Lot #9, property located east of Pine Brook Road, west of Cato Corner Road and south of Pine Road, located in an R-60 (Rural Zone) and within the Aquifer Protection Overlay Zone. Applicant has requested amendment to conditions of approval on SE#15-024. (Received on 9/2/15; Public Hearing opened and closed on 10/7/215)

R. Benson told the Commission that this application is a request to have conditions 4, 5 and 6 eliminated from the approval granted on June 17, 2015 for the property located at 36 Pine Road. He said that Condition #4 states that a natural buffer of 100 feet shall be left undisturbed between the excavation and the abutting properties located on Westchester and Pine Road. He said that the applicant has submitted revised plans dated March 24, 2015 indicating the areas on the site that are impacted by the 100' buffer condition. He said the other two conditions are regarding the number of truck trips and the hours of operation.

Speaking in Favor

Doug Dubitsky, Esquire, representing the applicant said that he believes the Commission did not have the authority to impose these conditions. He explained that Condition number 4 would make it impossible for a new access to be created on Westchester Road. He went on to question the number of truck trips the applicant is able to make during business hours and cited other contractors that have used Pine Road. He also asked that the condition of the limitation of the hours of operation be modified. Discussion followed regarding the possibility of modifying Condition #4, the number of trips per day and the hours of operation.

Mac Grimm, 267 Westchester Road, said that although the Commission has a responsibility to the Community, Mr. Przekopski should have the right to run his business.

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Chris Bourque, 391 Westchester Road, said that Mr. Przekopski should have the same ability to conduct his business like his competitor.

Patrick Fenton, 243 Westchester Road, said that he was in favor of the modification to Condition 4 regarding the buffer zone.

Ann Rotun, 235 Westchester Road, stated her concerns about the safety of using Westchester Road as opposed to Pine Road.

Speaking in Opposition -

Tearice Peters, President of Colchester Concerned Citizens, said that she feels that if these conditions are modified it will become a large excavation business and not the proposed agricultural use.

Isabelle Smith, 7 Pine Road, asked the Commission if there is a legal basis for this modification application. She gave a brief history of what has occurred since the Special Exception application was approved on June 17, 2015. She submitted a copy of truck runs from 6/20/15 to 7/30/15; copies of emails to Randall Benson, and pictures. (Exhibit Item W).

Deborah Dapkus, 18 Pine Road, concurred with Mrs. Smith and asked why the applicant did not appeal the conditions within the required time. She also said that when a competitor was using Pine Road to haul gravel, she called Mr. Baldi and he said he would use an alternative route when possible. She also told the Commission that she has requested through the First Selectman's office, all email and correspondence from A. Turner's computer to be entered into the record.

Tom Smith, 7 Pine Road, said that a person cannot operate a business without taking in consideration the effect on the neighborhood. He said he would like to see if a balance could be reached.

Diane Jacques, 14 Pine Road, said she was in agreement with Isabelle Smith.

Rebuttal to those who Spoke in Opposition

Chris Bourque, 391 Westchester Road, reminded the Commission that Colchester is a "right to farm" community and Mr. Przekopski may at times be hauling agricultural materials and not sand and gravel.

Doug Dubitsky, Esquire, asked the Commission to approve the Modifications to the conditions. He submitted pictures of the competitors' trucks. (Exhibit Item V).

Rebuttal to those who Spoke in Opposition

Isabelle Smith, 7 Pine Road, questioned why the applicant did not appeal the decision at the time the Notice of Decision was received.

Motion by J. Rosenthal, seconded by J. Tinelle to close the Public Hearing on Modification to SE#15-024, Leonard Przekopski, Jr. Applicant/Owner. **Motion carried unanimously**

6. New Business & Applications Received:

A. Draft of Meeting Dates for 2016

Motion by J. Novak, seconded by J. Rosenthal to approve the Meeting Date schedule for 2016 as written. **Motion carried unanimously**

B. SUB #15-433 - "Park Place" Park Place Holdings, LLC. Old Hebron Road, Assessor's Map 06-08 Lot 001-001- Application for a proposed 17 lot Subdivision to create residential duplex lots, with proposed new road; Property is located in the Suburban Zone. (Receipt only; Public Hearing scheduled for 10/21/15)

This application was for receipt only.

7. Five Minute Session for the Public – No one spoke

8. Pending Applications:-

- A. Modification to SE#15-024, Leonard Przekopski, Jr. Applicant/Owner: Application for modification to Special Exception to conduct an Excavation on property located at 36 Pine Road, Tax Assessor's Map# 5-14, Lot #9, property located east of Pine Brook Road, west of Cato Corner Road and south of Pine Road, located in an R-60 (Rural Zone) and within the Aquifer Protection Overlay Zone. Applicant has requested amendment to conditions of approval on SE#15-024. (Received on 9/2/15; Public Hearing opened and closed on 10/7/215)

The Commission asked that copies of all the previous meetings regarding application SE#15-024 and this meeting be sent to them for their review. This will help clarify such issues as truck trips and the buffering issue.

Motion by J. Novak, seconded by J. Rosenthal to postpone action on Modification to SE#15-024, Leonard Przekopski, Jr. Applicant/Owner to the next regularly scheduled meeting. **Motion carried unanimously**

9. Preliminary Reviews: - None

10. Old Business –

11. Planning Issues & Discussions

R. Benson distributed copies of a Change Order for SE#12-017 Site Plan Modification for Caring Community on Waterhole Road. The modification was to change the lawn area at the southeast corner of the new building to rock.

12. Zoning Enforcement Officer's Report - None

13. Correspondence –

Chairman Mathieu told the Commission that an Appeal has been filed regarding ZC#15-202; Town of Colchester Zoning and Planning Commission, Applicant.

14. Adjournment

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

Gail N. Therian, Clerk