

COLCHESTER PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
Wednesday, March 16, 2016  
127 NORWICH AVENUE, COLCHESTER, CT  
7:00 P.M.

**MEMBERS PRESENT:** Chairman Joseph Mathieu; John Novak, Vice Chairman; John Rosenthal, and Jason Tinelle; Alternates: Karen Godbout and Beverly Seeley; Stan Soby, Board of Selectman Liaison

**MEMBERS ABSENT:** Mark Noniewicz and Dave Gesiak

**STAFF PRESENT:** Randy Benson, Planning Director; 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. K. Godbout was seated as a voting member.

3. **Additions to Agenda** –

R. Benson asked that the following two items be added to the agenda: Item A under “New Business and Applications Received”: Special Permit #16-003, Alpha Q applicant/owner and Item A under “Planning Issues and Discussions”: Appointment of J. Gigliotti, Wetlands Enforcement Officer as temporary Zoning Enforcement Officer for the week of March 28, 2016.

**Motion** by J. Rosenthal, seconded by J. Tinelle to add Special Permit #16-003 as Item A under “New Business and Applications Received and Item A under “Planning Issues and Discussions:- Appointment of J. Gigliotti, Wetlands Enforcement Officer as temporary Zoning Enforcement Officer for the week of March 28, 2016. **Motion carried unanimously**

4. **Minutes of Previous Meetings** – Minutes of the Regular Meeting March 2, 2016

**Motion** by J. Novak, seconded by J. Rosenthal to approve the Regular Meeting Minutes of March 2, 2016 as written. **Motion carried unanimously.**

5. **Public Hearings** –

- A. **SP#16-002 - G. Veneziano applicant/9 Loomis Road, owner;** Application for Special Permit Per Section 5.7 for proposed convenience store, gas station and coffee/sandwich shop and Section 14-321 of the Connecticut State Statutes for a certificate of approval from gasoline station at 9 Loomis Road and 509 Westchester Road, Assessor’s Map #3-17 and Lots 52, 53; Westchester Village - Rural Zone

R. Benson read the Public Hearing legal notice published in the Rivereast on March 4 and March 11, 2016.

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.

B. Seeley recused herself from this application.

R. Benson told the Commission that this application is similar to the application that was approved by the Commission in 2014. The old Zoning Regulations required a Special Permit for the drive thru, but this is no longer required. The new Regulations require a Special Permit for commercial development in the Westchester Village Zone. Under the Connecticut General Statutes Section 14-321, a certificate of approval needs to be obtained from the Planning and Zoning Commission for the location of the gasoline station.

Atty. Robin Pearson, from Alter and Pearson, representing the applicant said that the certificates of mailing were given to the Planning and Zoning Department. She said that an outreach letter was also sent to the abutting property owners with a map comparing the original plan and the proposed plan. A copy of the letter, map and Statement of Use were submitted into the Public Hearing record. She said that the same application was reviewed and approved by this Commission in June of 2014. The building is the same, the change is to move the development on the property. She said one of the difference of this application is that the application now includes the property at 509 Westchester Road which was purchased by the applicant after the 2014 approval. The second difference is the building is now situated differently on the property and there is a proposed second driveway on Route 149 which eliminates the second driveway on Route 16. She said that the 2014 approval is still valid. She

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said she has been in contact with the Attorney for several of the neighbors and the placement of a restrictive covenant on Loomis Road area of the property is being discussed.

Mike Tarbell, Tarbell and Heintz, reviewed the location of the property and stated that there are no wetlands on the property. He explained in detail the proposed drainage system. He said that there is a verbal agreement with the State regarding the proposed drainage improvements. He said there is no differences in the plan pertaining to the building, drive-thru, septic and well location and parking. He explained the traffic flow into the site from both Route 16 and Route 149. He explained the proposed landscaping plan and said additional plantings have been added since the last plan. He showed an architectural rendition of the proposed building. He said that there are sidewalks proposed on both Route 16 and Route 149. He said that the outstanding Staff comments can be addressed. Discussion followed regarding the drive thru stacking, the proposed covenant and previous pavement.

Scott Hesketh, of F. A. Hesketh & Associates, gave an overview of the traffic study and how it was conducted. Discussion followed regarding the peak hour congestion within the site; the circulation generally within the site, and the proposed accesses to the site.

Atty. Robin Pearson, from Alter and Pearson, concluded the presentation and said that she has been in contact with Atty. Lew Wise, who represents several neighbors in the Loomis Road area, regarding this new application. Some of the issues that are being addressed are a restrictive covenant on Loomis Road to limit future development or access on Loomis Road, additional landscaping and a maintenance plan, and the lighting on the project. She said these outstanding issues will be discussed further and revised plans submitted addressing outstanding Staff comments. She asked that the Commission continue the Public Hearing to the next meeting. She also presented a copy of the letter sent to the abutting property owners with a map that compared the two (2) proposals. She also submitted a copy of the State of Use.

Speaking in Favor:

Lewis Wise, Esquire, Rogin Nassau, LLC, said that he will continue working with Atty. Pearson on the outstanding issues and hopes to come back to the next meeting with a complete agreement.

Speaking in Opposition:

James Jakuboski, 526 Westchester Road, spoke regarding an increase in traffic and accidents, the need for sidewalks in the area and drainage issues.

Rebuttal to Those who Spoke in Opposition:

Mike Tarbell, Tarbell and Heintz, said that there are sidewalks proposed on both Route 149 and Route 16 and explained the safety features of the new gas tanks.

Scott Hesketh, of F. A. Hesketh & Associates, explained the signal timing and said that this proposal will be reviewed by the State of Connecticut Department of Transportation and they will advise if any changes need to be made to the plan.

**Motion** by J. Novak, seconded by J. Rosenthal to continue the Public Hearing on SP#16-002 G. Veneziano applicant/9 Loomis Road, owner to the next regularly scheduled meeting. **Motion carried unanimously.**

B. Seeley returned as an Alternate member.

**6. New Business & Applications Received:**

- A. **Special Permit #16-003, Alpha Q applicant/owner**, Application for Special Permit per Section 7.3.8 of the Colchester Land Development Regulations proposed two 12,000 square foot additions to existing buildings and a new separate 25,000 square foot building, located at 87 Upton Road, Assessor's Map 00-90, Lot 008-004, Arterial Commercial Zone. **(FOR RECEIPT ONLY – Public Hearing scheduled for April 6, 2016.)**

This application was for receipt only. The Public Hearing on this application is scheduled for April 6, 2016.

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

8. Pending Applications:-

- A. SP#16-002 - G. Veneziano applicant/9 Loomis Road, owner: Application for Special Permit  
Per Section 5.7 for proposed convenience store, gas station and coffee/sandwich shop and Section 14-321 of the Connecticut State Statutes for a certificate of approval from gasoline station at 9 Loomis Road and 509 Westchester Road, Assessor's Map #3-17 and Lots 52, 53; Westchester Village - Rural Zone

**Motion** by J. Novak, seconded by J. Tinelle to postpone action on SP#16-002 G. Veneziano applicant/9 Loomis Roads as the Public Hearing has been continued to the next regularly scheduled meeting. **Motion carried unanimously.**

9. Preliminary Reviews – None

10. Old Business – None

11. Planning Issues & Discussions –

- A. Appointment of J. Gigliotti, Wetlands Enforcement Officer as temporary Zoning Enforcement Officer for the week of March 28, 2016.

R. Benson told the Commission that he will be on vacation the week of March 28, 2016. He asked the Commission to appoint J. Gigliotti, Wetlands Enforcement Officer as the temporary Zoning Enforcement Officer for that week in case the need arises for immediate action on such items as a Certificate of Occupancy or an enforcement issue.

**Motion** by J. Rosenthal, seconded by J. Novak to appoint J. Gigliotti, the current Wetlands Enforcement Officer, as temporary Zoning Enforcement Officer for the week of March 28, 2016 during Mr. Benson's absence. **Motion carried unanimously.**

12. Zoning Enforcement Officer's Report – February 2016

R. Benson had included his February 2016. He updated the Commission on several of the new enforcement actions.

13. Correspondence – None

14. Adjournment

**Motion** by J. Novak, seconded by J. Tinelle to adjourn at 8:30 p.m. **Motion carried unanimously.**