

COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
Wednesday, May 4, 2016
127 NORWICH AVENUE, COLCHESTER, CT
7:00 P.M.

MEMBERS PRESENT: Chairman Joseph Mathieu; John Novak, Vice Chairman; Dave Gesiak and Jason Tinelle; Alternate: Karen Godbout and; Stan Soby, Board of Selectman Liaison

MEMBERS ABSENT: Mark Noniewicz John Rosenthal; Alternate: Beverly Seeley

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** – None

4. **Minutes of Previous Meetings** – Minutes of the Special Meeting April 27, 2016

Motion by J. Novak, seconded by D. Gesiak to approve the Special Meeting Minutes of April 27, 2016 as written.

Abstentions: J. Tinelle **Motion carried.**

5. **Public Hearings** –

R. Benson read the Public Hearing legal notice published in the Rivereast on April 22, 2016 and April 29, 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.

- A. **ZC#16-203 Uz-Mah Developement, Ltd, LLC applicant/David R. Lee and Jenifer A. Lee, owner,** application to change zoning district of approximately .78 acre lot from Town Centre District to Arterial Commercial for property at 127 Old Hartford Road, Assessor's Map 15-00, Lot 062. **(Public Hearing opened and closed on 5/4/16)**

R. Benson told the Commission that this application is to request a zone change for the property located at 127 Old Hartford Road from the Town Center Zone to the Arterial Commercial Zone. The request for the zone change is to allow for an automotive repair facility on the property which is not permitted in the Town Center Zone. The property abuts the Arterial Commercial Zone on the western property line. He said that the property is not in the Aquifer Protection Area or the Aquifer Protection Zone. He told the Commission that currently the Colchester Toyota is directly across the street from the property. The Regulations state that an automotive repair facility cannot be located within 1500 feet of another automotive repair facility unless it is located in the Arterial Commercial Zone. He said that the property has been a commercial use for many years.

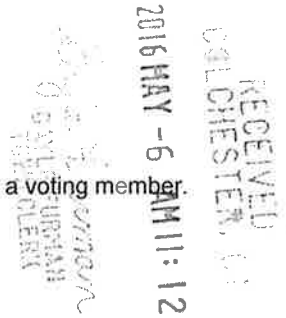
Speaking in Favor:

Atty. Bill McCoy, of Heller, Heller & McCoy, representing the applicant, said that the zone change is necessary to allow the applicant to move the existing Meinke Repair Shop from their present location to 127 Old Hartford Road. He said that this zone change could not be considered spot zoning as the property abuts the Arterial Commercial zone. He said that this is consistent with the Plan of Conservation and Development. He asked that the Commission look favorably on this zone change.

Charles Dutch, Dutch and Associates, representing the applicant, told the Commission that he had appeared before this Commission a few months ago to present a preliminary plan for this development of the property.

Speaking in Opposition

Scott Harrison, 100 Wall Street, expressed his concerns about the noise that would be generated from an automotive repair shop at this location and its impact on the neighborhood.



Rebuttal to those who Spoke in Opposition

Atty. Bill McCoy, of Heller, Heller & McCoy, representing the applicant that this application is for a zone change, not the application for the automotive repair shop. He also said that there are already commercial businesses in this area.

Rebuttal to those who Spoke in Favor

Scott Harrison, 100 Wall Street, said he is concerned about the negative affect on the neighborhood because of the noise.

Lucy Harrison asked if neighbors would be informed of the meetings regarding the development of the property if the zone change is approved. S. Soby, Board of Selectmen liaison, told her that the Agendas and Minutes are posted on the Town website.

Motion by J. Novak, seconded by D. Gesiak to close the Public Hearing on ZC#16-203 Uz-Mah Devlopement, Ltd, LLC applicant/David R. Lee and Jenifer A. Lee, owner. **Motion carried unanimously.**

- B. RC#16-211 Town of Colchester Planning and Zoning Commission, Applicant: Application to add Section 3.4.1.C to address existing developed properties for minimum lot size and building setbacks; Add Section 8.9.5.A.1 to add provisions to allow poultry or fur bearing animals on any property that is less than 100,000 square feet; Amend Section 11.13 Building Mounted Sign Standards to allow additional signs on buildings that are in a location or configured so that additional signs would provide better visibility for promoting businesses located inside the building; Amend Section 12.0 Lighting to address an error on the reference of the appendix number for the guidelines established by the illuminating Engineering Society of North America; correction to Section 10.6 Parking Lot Design to read "have no greater than five percent (5%) slope. (Public Hearing opened and closed on 5/4/2016)

R. Benson reviewed his memo dated March 23, 2016. He explained in detail the amendments to Section 3.4.1.C., 8.9.5.A.1; 11.13, 12.0 and 10.6. The Commission agreed that Section 3.4.1.C regarding the minimum lot size and building setbacks, 12.0 regarding the lighting reference of the appendix, and Section 10.6 regarding the slop of the parking lot were amendments to address housekeeping type items. A discussion began on the addition of Section 8.9.5.A.1 regarding poultry and rabbits on properties less than 100,000 square feet. The Commission discussed the fencing and housing of the poultry and rabbits on the property. .

Section 8.9.5.A.1 – To allow poultry or fur bearing animals on any property less than 100,000 square feet

Speaking in Favor:

Chris Bourque, speaking as the Chairman of the Agriculture Commission, said the Agriculture Commission members endorse this regulation.

Speaking in Opposition

John Federkiewicz, 83 Cemetery Road, said that he is not in favor of this regulation change because of the situation currently existing on his street.

Lucy Harrison, 100 Wall Street, said she had concerns about the odors from the animals. Discussion followed regarding the setback requirements for keeping of poultry and rabbits.

Rebuttal to those who Spoke in Opposition

Chris Bourque, speaking as the Chairman of the Agriculture Commission, said that the animals would not be allowed to go off the property and if they did, it would be a zoning violation.

Section 11.13 Building Mounted Sign Standards

Commission began a discussion on Section 11.23 Building Mounted Sign Standards. R. Benson told them that this regulation would provide for additional signs on buildings that are in a location or configured so that additional signs would provide better visibility for promoting the businesses located inside the building. Discussion followed regarding the size of the additional signs, the location and businesses located in a center of a building.

Speaking in Favor:

Stan Soby, 44 Ude Way, said that he supported the regulation and cited a recent business that was not allowed signage on the side of the building. He suggested the Commission work with the proposed regulation to come to a balance of the design and economic development.

Stacy Brown, 39 Old Rod Road, said that he was in favor of this regulation with the proper criteria for the additional signage.

Chris Bourque, 391 Westchester Road, said he was in favor of the regulation for economic development.

Speaking in Opposition

Scott Harrison, 100 Wall Street, expressed concerns over too many signs on buildings.

Motion by J. Novak, seconded by D. Gesiak to close the Public Hearing on RC#16-211 Town of Colchester Planning and Zoning Commission, Applicant. **Motion carried unanimously**

6. New Business & Applications Received: - None

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

8. Pending Applications:-

- A. ZC#16-203 Uz-Mah Development, Ltd, LLC applicant/David R. Lee and Jenifer A. Lee, owner, application to change zoning district of approximately .78 acre lot from Town Centre District to Arterial Commercial for property at 127 Old Hartford Road, Assessor's Map 15-00, Lot 062. (Public Hearing opened and closed on 5/4/16)

Chairman Mathieu said that the Public Hearing was opened and closed at this meeting. He said that Atty. McCoy had addressed the issue of spot zoning and that this would not be an issue. He said that if the zone change was approved, the Commission could address the neighbor's concerns when the site development application is submitted.

R. Benson reviewed his memo dated April 28, 2016 including the Staff Findings and the consistency with the Plan of Conservation and Development. Discussion followed.

Motion by J. Novak, seconded by D. Gesiak to approve ZC#16-203 Uz-Mah Development, Ltd, LLC applicant/David R. Lee and Jenifer A. Lee, owner, application to change zoning district of approximately .78 acre lot from Town Centre District to Arterial Commercial for property at 127 Old Hartford Road, Assessor's Map 15-00, Lot 062.

Motion J. Novak, seconded by J. Tinelle to amend original motion to provide an effective date of June 1, 2016. **Motion carried unanimously**

Vote was taken on original motion as amended to include the effective date of June 1, 2016. . Motion carried unanimously

- B. RC#16-211 Town of Colchester Planning and Zoning Commission, Applicant: Application to add Section 3.4.1.C to address existing developed properties for minimum lot size and building setbacks; Add Section 8.9.5.A.1 to add provisions to allow poultry or fur bearing animals on any property that is less than 100,000 square feet; Amend Section 11.13 Building Mounted Sign Standards to allow additional signs on buildings that are in a location or configured so that additional signs would provide better visibility for promoting businesses located inside the building; Amend Section 12.0 Lighting to address an error on the reference of the appendix number for the guidelines established by the Illuminating Engineering Society of North America; correction to Section 10.6 Parking Lot Design to read "have no greater than five percent (5%) slope. (**Public Hearing opened and closed on 5/4/2016**)

Chairman Mathieu said that the Public Hearing was opened and closed at this meeting. Discussion followed regarding Section 11.13 Building Mounted Sign Standards. The consensus of the Commission was that this amendment not be approved but discussed further in coming meetings. The new amendment will need to follow all procedures as a new application.

Motion by J. Novak, seconded by K. Godbout to approve the following amendments to RC#16-211 Town of Colchester Planning and Zoning Commission, Applicant;

1. Add Section 3.4.1.C. to address existing developed properties for minimum lot size and building setbacks.
2. Add Section 8.9.5.A.1. to allow properties in any district less than 100,000 square feet up to eight (8) hens or rabbits to be housed on the property if conditions are met;
3. Amend Section 12.1 Lighting addressing an error on the reference of the appendix number to the guidelines established by the Illuminating Engineering Society of North America. Appendix number should be "D".
4. Amend Section 10.6.E Parking Lot Design to address conflict in two sections of the Regulations regarding parking lot slope. Amend to read: Have no greater than five percent (5%) slope.

And to deny Amendment to Section 11.13 Building Mounted Sign Standards to allow for further discussion, re-noticing and to hold another Public Hearing on this amendment. **Motion carried unanimously.**

Motion by J. Novak, seconded by K. Godbout for the above approved Regulation changes to have an effective date of June 1, 2016. **Motion carried unanimously,**

9. Preliminary Reviews – None

10. Old Business – None

11. Planning Issues & Discussions – None

12. Zoning Enforcement Officer's Report –

R. Benson told the Commission that the Special Permit application for the renovations to William J. Johnston Middle School will be submitted soon. Discussion followed regarding the time line of the application process.

13. Correspondence – None

14. Adjournment

Motion by J. Novak, seconded by D. Gesiak to adjourn at 8:20 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk