

COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
Wednesday, August 16, 2017
Town Hall, 127 NORWICH AVENUE, COLCHESTER, CT

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

MEMBERS ABSENT;

STAFF PRESENT: Randy Benson, Planning Director/Zoning Enforcement Officer; Daphne Schaub, Assistant Planner/Zoning Enforcement Officer and Gail Therian, Clerk

1. **CALL TO ORDER** – Chairman Mathieu called the meeting to order at 7:00 p.m. Chairman Mathieu told the Commission that this would be Clerk, Gail Therian's last meeting as she was retiring on August 25, 2017. He thanked her for her work and dedication during her 16 years as the Clerk of the Commission.

2. **Roll Call**

Chairman Mathieu asked the clerk to note those in attendance. Beverly Seeley was seated as a voting member.

3. **Additions to Agenda – None**

4. **Minutes of Previous Meetings** – Minutes of the Regular Meetings May 17, 2017 and June 21, 2017 meeting as written.

Minutes of May 17, 2017 Regular Meeting

Motion by M. Noniewicz, seconded by J. Novak to approve the Minutes of the May 17, 2017 meeting as written.
Abstentions: M. Noniewicz All others in favor **Motion carried.**

Minutes of June 21, 2017 Regular Meeting

M. Kehoegreen said that her first name was misspelled. It should be "Meaghan".

Motion by J. Novak, seconded by B. Seeley to approve the Minutes of the June 21, 2017 meeting as amended.
Motion carried unanimously.

5. **Public Hearings –**

- A. **RC#17-214 343 Lebanon Avenue, LLC, applicant/owner**, Application to amend Section 4.5 to amend Side Yard and Rear Yard requirements; Amend Section 8.1.1.A.4 Building setback requirements for Multi-family Developments; and to amend Section 8.1.3.C Building setback requirement applicable to Planned Developments. (Public Hearing opened August 16, 2017)

D. Schaub read the Public Hearing legal notice published in the Rivereast on August 4 and August 11, 2017.

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.

R. Benson told the Commission that the applicant had been before the Commission on an informal basis in April for clarification on the existing Regulations regarding setbacks between multi-family developments abutting a single family home if the single family home is located within a multifamily development. He is proposing a reduction in the side and rear setbacks from 50' to 25'. Discussion followed regarding the effect if this Regulation is approved on existing properties in Town.

Speaking in Favor –

Alan Williams, applicant, explained the reason for this Regulation change regarding the setbacks. He said that he would like to develop the land at 343 Lebanon Avenue and needed clarification on the setbacks. If this

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CLERK

Regulation is approved, the development of the property as multi-family units would be able to be closer to be built closer to Lebanon Avenue. Discussion followed.

Speaking in Opposition –

The following people spoke in opposition to this Regulation change including the location of a new development in proximity to their property, decreased values of their homes, and the decrease in buffering between the two developments.

Frank Zito 12 Freedom Way
Helena Kilroy, Colchester resident
Tony Forcucci, 30 Northern Blvd
Michael Gray, Northwoods resident
Tom Mills, 26 Northern Blvd
Jeffrey MacDonald, 20 Center Court

Rebuttal to those who spoke in Opposition -

Alan Williams, said that this regulation would allow the development to be on the development on the lower side of the property. He said this would allow a better buffer between the developments.

Rich Forand, 81 Alpine Drive spoke in favor of the Regulation change.

Rebuttal to those who spoke in favor

Frank Zio, 12 Freedom Way, said that this was about the amount of building that could be done.

J. Novak left the meeting at 7:55 p.m.

Motion by J. Tinelle, seconded by J. Rosenthal to close the Public Hearing on RC#17-214. **Motion carried unanimously.**

6. New Business & Applications Received: None

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

Motion by M. Noniewicz, seconded by J. Rosenthal to add to the agenda under Item 8, "Pending Applications", Item A, RC#17-214, 343 Lebanon Avenue, LLC, applicant/owner. **Motion carried unanimously.**

8. Pending Applications: -

- A. RC#17-214 343 Lebanon Avenue, LLC, applicant/owner, Application to amend Section 4.5 to amend Side Yard and Rear Yard requirements; Amend Section 8.1.1.A.4 Building setback requirements for Multi-family Developments; and to amend Section 8.1.3.C Building setback requirement applicable to Planned Developments. (Public Hearing closed August 16, 2017)**

Chairman Mathieu said that Public Hearing was closed this evening. Discussion took place regarding the effect of this regulation town wide.

Motion by B. Seeley, seconded by M. Kehoegreen to deny RC#17-214. **Opposed:** M. Novak All others in favor **Motion carried.**

9. Preliminary Reviews – None

10. Old Business – None

J. Novak returned to the meeting at 8:15 p.m.

11. Planning Issues & Discussions –

A. Discussion of changes to Regulations

Discussion was held regarding the research R. Benson had conducted on the regulations of surrounding towns regarding two family homes in the rural residential zones. Discussion followed regarding lot size, frontage, setbacks and owner occupied restriction. The Commission asked Staff to draft a proposed regulation for their review.

S. Soby left the meeting at 8:23 p.m.

R. Benson asked the Commission for clarification on Section 10.6.3 for Pervious Parking Areas. He asked if the intent of the Commission was to only require the actual parking areas for a new site development or all of the proposed new improvements including the driveways. Discussion followed with the Commission's consensus that the intent was to only require the actual parking area and not to include driveways.

D. Schaub presented a draft of Sign regulations. She reviewed the proposed Temporary Business Signs regulation. She explained that it is becoming difficult to control the temporary signs that are being used all over Town and hopes that this Regulation would limit their frequency.

B. Draft of FEMA Policy – Floodplain Development Permit Requirements

D. Schaub asked the Commissioners to review this information and to email any comments to her before Wednesday, September 23, 2017 as this is the deadline for comments to be submitted.

The Commission was given information regarding the act addressing Temporary Health Care Structures which are portable residential structure intended for an impaired person requiring caregiver assistance. R. Benson said that towns and cities are opting out of this statute. He said the permit must be approved or denied within 15 business days after the submittal of the application. This would be difficult as this permit application would require the Health District approval in the cases where the property is on septic and well. Discussion followed regarding the procedure to opt out of this and the Commission directed the Staff to prepare a recommendation for the Commission's review at the next meeting.

C. Discussion with EDC Chairperson regarding future development

R. Benson told the Commission that the Chairperson of the Economic Development Commission could not be here this evening and asked to be on the September 6, 2017 agenda.

12. Zoning Enforcement Officer's Report – July 2017

A copy of the July 2017 Zoning Enforcement Officer's Report was distributed.

13. Correspondence – None

14. Adjournment

Motion by M. Noniewicz, seconded by B. Seeley to adjourn at 9:00 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk