

COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
Wednesday, September 27, 2017
Town Hall, 127 NORWICH AVENUE, COLCHESTER, CT

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TOWN OF COLCHESTER
PLANNING AND ZONING COMMISSION

MEMBERS PRESENT: Chairman Joseph Mathieu, John Rosenthal, Jason Tinelle, Vice Chairman John Novak, Meaghan Kehoegreen, Secretary Mark Noniewicz, Alternate: Karen Godbout, Stan Soby, Board of Selectman, Liaison

STAFF PRESENT: Randy Benson, Planning Director/Zoning Enforcement Officer; Daphne Schaub, Assistant Planner/Zoning Enforcement Officer; Kamey Cavanaugh, Clerk

MEMBERS ABSENT – Beverly Seeley

1. **CALL TO ORDER** - Chairman Mathieu called this Regular Meeting to order at 7:00 p.m.
2. **ROLL CALL**- Chairman Mathieu welcomed Kamey Cavanaugh, the new Planning and Zoning Clerk. The members of the Planning and Zoning Commission introduced themselves individually. Karen Godbout was seated as a voting member.
3. **ADDITIONS TO AGENDA**- None
4. **MINUTES TO PREVIOUS MEETING -**

MOTION: John Novak moved, and John Rosenthal seconded, to approve the minutes of the August 16, 2017 meeting as amended. Page No. 2, the motion should read 'Motion by B. Seeley, seconded by M. Kehoegreen to deny RC#17-214. Opposed: M. Noniewicz,

The motion carried unanimously.

5. PUBLIC HEARINGS

- A. **PZ#17-155 Town of Colchester Planning and Zoning Commission, applicant.** Application to discuss whether to draft regulations for temporary health care structures or to make a recommendation to the Board of Selectman to opt out of Public Act 17-155 (Public Hearing open September 27, 2017)

Chairman Mathieu asked for any comment from the audience; hearing none, he proceeded with an explanation of the Public Hearing procedure.

R. Benson reported to the commission members the basis of the application. The State of Ct has passed Public Act 17-155 which allows for temporary health care structures for people who are physically or mentally impaired. The structures can be placed on property that is zoned single family residential and the intent of the structure is strictly for the person who is impaired. Mr. Benson state the intent for the structure isn't necessarily a bad idea, however the limitations the State has placed on the act has limited the use place on the property. One of the concerns that staff has is if the impaired individual wants to have a caregiver reside with them in the structure, this Act does not allow for that. In addition, the state requires each structure to have their own septic system, which could be very costly for residents. This Act also requires for approval within 15 days of receipt; that would be very difficult to meet as it would need to be reviewed by the Department of Health, and that 15 day time frame is simply unrealistic. D Schaub noted another concern with this Act is the bonding that is required to hold the property owner to removing the structure when it is no longer in use is up to \$50,000. She went on to say that some other towns are choosing to opt out and are not addressing the act at all, some towns are opting out and choosing to write their own regulation that is more reasonable and more beneficial, or towns are not doing anything under the assumption there isn't a lot of interest in this and they will deal with the applications that will address this individually. Many other towns felt they could come up with a better regulation to address the needs of people.

Chairman Mathieu asked if there was anyone that would like to speak in favor of sending a recommendation of opting out of Public Act 17-155 to the Board of Selectman—

Stan Soby stated that it would be his recommendation to opt out of the public act, however would speak to the issue as a family caregiver, and although this Act may be useful for some families in some circumstances, he suspects they would be limited.

Chairman Mathieu asked if there was anyone that would like to speak against sending a recommendation of opting out of Public Act 17-155 to the Board of Selectman–
Hearing none -

MOTION: *M Noniewicz moved and J Rosenthal seconded, to close the public hearing of PZ#17-155.*
The motion carried unanimously.

MOTION: *M Noniewicz moved and J Rosenthal seconded, to amend the agenda and add item 8A under pending applications for discussion of PZ#17-155.*
The motion carried unanimously.

6. **NEW BUSINESS & APPLICATIONS RECEIVED** – None

7. **FIVE MINUTE SESSION FOR THE PUBLIC-** None

8. **PENDING APPLICATIONS-**

- A. **PZ#17-155 Town of Colchester Planning and Zoning Commission, applicant.** Application to discuss whether to draft regulations for temporary health care structures or to make a recommendation to the Board of Selectman to opt out of Public Act 17-155 (Public Hearing open September 27, 2017)

MOTION: *M Noniewicz moved, and J Rosenthal seconded, to opt out of Public Act 17-155 and to provide a recommendation to the Board of Selectman with the following reasons-*

1. *The time limit for approval is too restrictive*
2. *The required bond of \$50,000 is burdensome to those that would require this use*
3. *The current need of this type of temporary health care structure is minimal in Colchester*
4. *The type of person who would need this type of structure would be better served in the main residence*

The motion carried unanimously.

9. **PRELIMINARY REVIEWS-** None

10. **OLD BUSINESS-**

Request for a 90 day extension for the filing of mylars for Application #16-002, 9 Loomis Road, LLC

R. Benson advised the members of the commission that the attorneys for the matter of Loomis Road, LLC were expecting a written confirmation from the court and have not yet received that, therefore are in need of an extension for the filing date for the mylars.

MOTION: *M Noniewicz moved and J Novak seconded, to approve the 90 day extension for the filing of mylars for application 16-002, 9 Loomis Road LLC, with a new final file date of mylars to be October 18, 2017.*
The motion carried unanimously

11. PLANNING ISSUES & DISCUSSIONS

MOTION: *J Novak moved and M Noniewicz seconded, to move Agenda Item 11B, Discussion with EDC Chairperson regarding future development ahead of Agenda Item 11A, Discussion of changes to Regulations.*

The motion carried unanimously.

B. Discussion with EDC Chairperson regarding future development

Jean Walsh, Chairperson for the EDC was before the Planning and Zoning commission to introduce herself to the board and see how they could work together and bring businesses to town. It was suggested to Ms. Walsh to take a look at the Plan of Conservation and Development. M Kehoegreen thinks discussing the steps that need to be taken and working together is a great idea, however wanted to make note that the Planning and Zoning Commission purpose is to balance the list of items that need to be met.

A. Discussion of changes to Regulations

R. Benson reviewed the Draft to Amend Section 3.2 Permitted Uses. M Noniewicz asked to provide a number of potential properties that would be effected by this change when the time for the Public Hearing date is scheduled.

D. Schaub discussed the signage concerns throughout the town, along with some of the conversations that have taken place with business owners. 'A' frame signs, wind pressure signs, spinners, temporary signs and banners were discussed. Reasonable enforcement terms were discussed. Chairman Mathieu suggested creating a more structured format to address the sign issues individually. S Soby put forward viewing other municipalities comparable to Colchester for some model language so that residence are able to review and understand the regulation.

M Noniewicz requested staff investigate an area of safety concern at the William J school where the sidewalk meets the street, without any kind of a buffer. Staff will look into the concern, discuss with the Town Engineer and the Building Committee and report back on their findings.

12. ZONING ENFORCEMENT OFFICERS REPORT

ZEO Report for August 2017

A copy of the August 2017 Zoning Enforcement Officers Report was distributed

13. CORRESPONDENCE

The Planning and Zoning Commissioners discussed the October meeting dates and decided unanimously that there would be no reason to hold the October 4, 2017 regular scheduled meeting. The Commission would meet next on Wednesday, October 18, 2017.

14. ADJOURNMENT

MOTION: M Noniewicz made a motion, and J Tinelle seconded to adjourn the September 27, 2017 Planning and Zoning meeting at 8:31p.m.

The motion passed unanimously.

Respectfully Submitted,



Kamey Cavanaugh
Recording Clerk