

RECEIVED  
COLCHESTER, CT

COLCHESTER PLANNING AND ZONING COMMISSION  
SPECIAL MEETING MINUTES (Amended)  
Wednesday, January 3, 2018  
Town Hall, 127 NORWICH AVENUE, COLCHESTER, CT

2018 JAN 19 AM 9:12

*Joseph Mathieu*  
JOSEPH MATHIEU

1. **CALL TO ORDER** - Chairman Mathieu called this Regular Meeting to order at 7:02 p.m.

**MEMBERS PRESENT:** Chairman Joseph Mathieu, Vice Chairman John Novak, Jason Tinelle, Karen Godbout, Meaghan Kehoegreen, Secretary Mark Noniewicz, and 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** –Alternate: Beverly Seeley

2. **ROLL CALL**- Chairman Mathieu read roll call

3. **ADDITIONS TO AGENDA**- None

4. **MINUTES TO PREVIOUS MEETING**

*December 6, 2018 – J Tinelle moved, and M Kehoegreen second, to approve the minutes of December 6, 2017*

*The motion carried unanimously*

5. **PUBLIC HEARINGS SP#17-001 Goldi-Locks, LLC, Rodney Goldberg, 359 Lebanon Avenue (Applicant & Owner)** Application for a Special Permit to build Mini/Self Storage Facility pursuant to Section No. 4.3.8, Suburban Use Zoning District (SU), Special Permit Uses - Retail Sales/Service Development along Arterial or Collector Roads, of the Land Development Regulation (Map No. 05-05/Lot No. 021-001 & 002).

A petition and letters from the public were received into the record in opposition of this application.

Daphne Schaub provided an overview of the plan that has been developed by Yantic Group Consultants and was last revised November 28, 2017. The subject application is to expand and intensify the existing special permit use on an arterial road in a suburban district, with an additional 3.2 acre that will be deeded with the subject parcel by lot line revision. Phase IV will include (2) self-storage buildings, extension of existing driveway and utilities, invasive species removal, native landscape planting and drainage improvements. The wetlands agency has granted a permit in November 2017, W2017-3017. In the suburban district, special permit uses on arterial roads does permit retail service developments and the existing operation at Goldi Locks is for mini self-storage use which in the current regulation is referred to as warehouse. Under special permit regulations they are permitted to apply for that special permit use at the discretion of the Planning and Zoning Commission.

Brandon Handfield, Yantic River Consultants, was before the commission on behalf of the applicant. Mr. Handfield provided an overview of the proposed plan and existing site conditions.

Mr. Handfield submitted the certificate of mailing receipt and a copy of the letter that was mailed to the abutters within 500 feet, postmarked December 28, 2017. Also submitted into the record was a colored copy of the presentation plan.

Mr. Handfield provided the commission with an overview of the proposed Phase IV of Goldi-Locks Self Storage facility. The new facility location was described. The existing parcel is approximately 5.2 acres with (5) existing self-storage buildings that totals 82500 in square footage, 1 story units

with 11' in height. This project will occur to the North, which will require a lot line adjustment from a parcel from the East. The total acreage will then be 8.5 acres. The topography is relatively flat. The detention basin that is in place will be removed and relocated into a bigger detention basin. The new buildings are both 37' from the property line. The commission asked for the distance from the property line to the houses that are the closest and it was estimated to be 25'. The lighting will be all building mounted matching what is in place and is a low profile light that directs light downward. The hours of operation will match the existing hours that are in currently in place. There will be an addition of 6 parking spaces that will be added. The revised drainage plan was discussed and the discharge structure into the detention basin. The commission asked if there are any alternatives to move the buildings further away from the existing homes. Due to the location of the wetlands there is not any other suitable alternative. There is no additional signage proposed.

Chair Mathieu asked if there was anyone else present who wanted to speak in favor of this application. Hearing none, Chair Mathieu asked if there was any present who wanted to speak in opposition of this application.

Attorney Franklin Pilicy, representing the property owners at Northwoods Association and the individual owners of units at Northwoods provided for the record a map showing the proximity of the proposed buildings to the units in the association. The previous set back that was 75' when the current property owners purchased their homes was noted. The petition that was submitted represents 86 homes of the 117 that are currently declared sold and occupied. Sections 4.3.8, 14.8, and 4.6.5 of the regulations were read and definitions discussed. Attorney Pilicy stated the homeowners at Northwoods are of the opinion that the Planning and Zoning regulations do not allow this proposed use on this property and therefore it cannot conform to the current regulations. The homeowners are also in the opinion that the commission could not find the mandatory criteria under the general condition of the existing regulations that must be found in order to support granting this application.

Ellen Marshall, 31 E Court spoke in opposition of this application.

Joan Savage, 35 E Court spoke in opposition of this application.

Jill Leonard, 27 E Court spoke in opposition of this application and asked the commissioners to make a site visit and see where the proposed building is going to be built before making their decision.

James Hall 49 East Court asked questions of the applicant.

1. Is this going to be the last phase of the project? B Handfield stated these are the last 2 units to be developed on this site
2. What is the closest wall of development to the property line? B Handfield stated the distance to the property line from the front of the building is 37'
3. What is the height of the building? B Handfield stated the maximum height of the units vary from building to building however would not be any higher than 11'
4. Impacts of the valuation of the existing property, who would be responsible to make that estimate? Chair Mathieu stated this is not of the prevue of the Planning and Zoning Commission to consider the effects of the valuations it would be at the cost of the property owner to obtain an appraiser specialist

Pat Donovan 44 Cherry Tree Lane asked for further clarification of the distance from the property line to the building.

Denise Salmoiraghi 15 East Court spoke in opposition of this application.

Franklin Zito 12 Freedom Way spoke in opposition of this application.

Stephen Beatson 39 Granite Court, president of the Northwoods Homeowners Association spoke in opposition of this application. Mr. Beatson also addressed the regulation that has changed

since the existing homes that have been constructed.

Patrick Phaup 8 Freedom Way asked if the commission could provide the homeowners with direction on how to go about having their properties assessed and to see if this development would in fact impact their property values. They would like to have that information to give to the commission in order to help them make their decision.

Fran Phaup 8 Freedom Way spoke in opposition of this application.

Joan Savage 35 East Court asked for clarification on the distance from the fence to the property line

Attorney Franklin Pilicy stated that his clients feel this development will have a negative impact on their property values if it goes forward. Zoning regulation 4.1 was discussed.

Irene Curtis 70 Northern Blvd spoke in opposition of this application.

B Handfield stated to the commission the distance from the property line to the fence is 11'. Mr. Handfield stated that this existing property was in place prior to the Northwoods Development, and in the opinion of the applicant this project is complimentary to the neighboring residential use.

Franklin Zito 12 Freedom Way spoke in opposition of this application.

Ellen Marshall, 31 E Court spoke in reference to the section of the regulations that addresses not putting incompatible buildings next to a residential zone.

Ralph Marshall 31 E Court asked the commission to schedule a site visit to the property before making their decision.

D Schaub noted to the commission that if the property owners wanted to hire a professional to provide them with an appraised property value now and post construction of their property, that information would not be able to be accepted if the public hearing is closed. Mr. Handfield presented the commission with a letter from Carl Guild, Realtor for Berkshire Hathaway stating in his professional opinion property values would not be affected if this application is approved.

*M Noniewicz moved and J Tinelle seconded, to close the public hearing of application SP#17-001 Goldi-Locks, LLC, Rodney Goldberg, 359 Lebanon Avenue.*

*The motion carried 5-1-0, J. Novak was opposed.*

## **6. NEW BUSINESS & APPLICATIONS RECEIVED**

- A. **SDP#2017-044- 181 Upton Road, LLC (Applicant & Owner)** Application for Site Development Plan modification for expansion of existing light industrial facility for a new 12000SF building located at 181 Upton Road. Map#09-00 / Lot 008-006, Zoned AC
- B. **SP#2017-006- 151 Upton Road, LLC (Applicant & Owner)** Application for Special Permit to develop property for 42000SF of new buildings located at 151 Upton Road. Map#09-00 / Lot 008-005, Zoned AC

Application SDP#2017-044 and SP#2017-006 will be heard at the next regular schedule meeting.

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

## **8. PENDING APPLICATIONS / PUBLIC HEARINGS**

Daphne Schaub read the legal for the record.

- A. **SP#17-001 Goldi-Locks, LLC, (Applicant & Owner)**; Application for special permit modification and site plan review of Goldi Locks Self Storage, LLC, Rodney Goldberg (owner) at 359 Lebanon Avenue Map#05-0 / Lot 021-001 & 021-002, Zoned SU / AC

J Tinelle stated his concerns with the previous expansions and the exception that was made for the retention pond to go past a boundary line, which was the only way to responsibly take care of the water on the (2) buildings that have been built. J Tinelle also stated that consideration needs to be taken for building, economic growth and the citizens of the town and their expectations. Setbacks between the new regulation and the old regulation between commercial and residential showing 35' does not seem to be a reasonable distance. Section 14.8.3, substantially degrading effects on the value of surrounding property was discussed for this application.

M Kehoegreen added the planting of the trees is a good idea, however doesn't feel that is an immediate solution as they are going to take years to fully bloom. Ms. Kehoegreen also feels this construction would take away from the character of the neighborhood as it is a significant change of the character and property values from when purchased.

K Godbout expressed her concerns with Phase II being left incomplete, and is in agreement with the previous concerns discussed by the commissioners.

J Novak would like to take the property owners up on their suggestion to make a site visit to the property.

M Noniewicz stated that Section 4.3.8 doesn't seem to match the use for this application.

Chair Mathieu stated that in reviewing Section 4.6.1 the existing use, this is an intensification of that use and very drastic when you take into consideration how close the neighboring properties are.

*M Noniewicz moved and J Novak seconded, to continue action of application SP#17-001 Goldi-Locks, LLC the public hearing to the next regular scheduled meeting to allow time for staff to develop a record and recommendation.*

*The motion carried unanimously.*

9. **PRELIMINARY REVIEWS**- None

10. **OLD BUSINESS**- None

11. **PLANNING ISSUES & DISCUSSIONS**- None

12. **ZONING ENFORCEMENT OFFICERS REPORT**- December 2017 Zoning Enforcement Officers report was discussed.

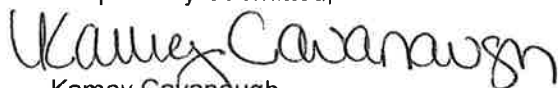
13. **CORRESPONDENCE**- None

14. **ADJOURNMENT**

*M Noniewicz made a motion, and J Tinelle seconded to adjourn the January 3, 2018 Planning and Zoning meeting at 9:23 p.m.*

*The motion carried unanimously*

Respectfully Submitted,



Kamey Cavanaugh  
Recording Clerk