

COLCHESTER PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
Wednesday, June 6, 2018
Town Hall, 127 NORWICH AVENUE, COLCHESTER, CT

1. **CALL TO ORDER** Chairman Mathieu called this Regular Meeting to order at 7:01 p.m.

2. **ROLL CALL**

MEMBERS PRESENT: Chairman Joseph Mathieu, Vice Chairman John Novak, Jason Tinelle, Meaghan Kehoegreen, Alternate: Beverly Seeley, and Stan Soby, Board of Selectman Liaison

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

MEMBERS ABSENT: Secretary Mark Noniewicz and Karen Godbout

3. **ADDITIONS TO AGENDA**

J Novak made a motion, and M Kehoegreen second, to add Agenda item 14A. Correspondence: Letter received from Stephen M. Fedus, dated 05/31/2018. The motion carried 5-0-0.

4. **MINUTES OF PREVIOUS MEETING** *May 2, 2018 – J Novak moved, and J Tinelle second, to approve the minutes of May 2, 2018. The motion carried 5-0-0.*

5. **REAPPOINTMENT OF MEMBERS** Chair Mathieu reported to the members of the commission, that the Colchester Town Clerk brought it to his attention, the minority representation on the Planning & Zoning Commission was an issue in terms of party affiliation, therefore Beverly Seeley has agreed to fill the alternate position which will result in correcting this issue.

6. **NEW BUSINESS & APPLICATIONS RECEIVED** **Application No. ZC#2018-001:** Barbara Maynard, applicant/owner, 589 Old Hartford Road, to change the zoning district of approximately 9.92 acres from the Suburban District to the Arterial Commercial District (Assessor's Map No. 06-10/Lot No. 034-000) Zoned SU.

7. **PUBLIC HEARING** **Application No. ZC#2018-001:** Barbara Maynard, applicant/owner, 589 Old Hartford Road, to change the zoning district of approximately 9.92 acres from the Suburban District to the Arterial Commercial District (Assessor's Map No. 06-10/Lot No. 034-000) Zoned SU.

Daphne Schaub read the call into the record.

R Benson stated the applicant has requested a zone change to the property located at 589 Old Hartford Road which currently is zoned Suburban District. The property abuts numerous properties that are zoned Arterial Commercial. This property has been operating as a farm for many years and the current owner is no longer interested in the farm operation, therefore is looking to sell. There is an interested buyer for the property however would like to only proceed with the purchase if the zone can be changed to the Arterial Commercial zone.

Chair Mathieu stated to the commission the applicant has been forthcoming with what their plans are for this property if the zone change were to be approved, however the commission is sitting in the capacity of a planning board thinking about what this property could be used for today or down the line.

Dorian Famiglietti, Kahan Kerensky & Caposella, representing the applicant and property owner, Barbara Maynard, was before the commission to discuss the zone change request. Attorney Famiglietti familiarized the board members with the location of the property along with what surrounds the subject property. Currently the property is being used with a single family home and agricultural land being rented out for the livestock. The farm is run down and the property owner is no longer interested in living or farming on the property. In the opinion of the applicant, rezoning this property would put it to a more effective use, as the chances of this property being developed under the current zone are very unlikely when you look at what is allowed in the Suburban District due to its location and the lack of water and sewer. Attorney Famiglietti reminded the commission if this zone change is approved this is only the first step in the process as most of the uses that could happen on this property would still require a special permit from the Planning & Zoning Commission.

J Tinelle stated this is an area that was meant for commercial development however preserving agriculture is something the town is very concerned about. Mr. Tinelle asked if it would be considered to subdivide the property along Rt 2 that is sloped, and preserve it as agricultural. Mr. Williams, the proposed purchaser, stated he would like to see the barn remain, however would need more time to explore that option.

Patrick Maynard stated the property has been in his family for 80 years. At one point there was a cell phone tower on the site and that was very helpful in paying the taxes and up keeping. The cell tower is no longer on the property and the property over the last 5 years has gone into disrepair. Without the income from the cell tower, unfortunately, they are now in the position that it needs to be sold.

Jill Warzecha, Hickory Road, expressed concerns with the type of business that is going to be placed on the site. Chair Mathieu advised Ms. Warzecha that the current application before the commission is to request the zone change. If this is approved the applicant will then need to apply for a special permit to allow other activities. At that time the applicant will need to supply the commission with a specific plan that might provide answers to the questions and concerns Ms. Warzecha has.

Arnold Morack, expressed his concerns with this property being developed into a large construction site that might change his quality of life. The farming that is in place makes for a nice place to live. Mr. Morack feels this change of use will affect the surrounding property values.

Jim Ciaglo, 565 Old Hartford Road, stated he has resided at this residence for 50 years and slowly over the years Old Hartford Road has been chipped away by industrial and commercial vehicles. Mr. Ciaglo stated if this change takes place, this will be taking away their neighborhood.

Attorney Famiglietti, Kahan Kerensky & Caposella stated again the proposal is to change one piece that is on the outskirts of what is already Arterial Commercial. At some point the Planning and Zoning Commission made the decision to change the zone that leads up to this property. Attorney Famiglietti stated any use that will be in place on this property will require a special permit that will also need the approval of this board under the current regulations.

Bruce Hayn stated that if this property was an active farm land, which it is currently zoned for, there could be construction equipment, active cows, and very active equipment. With the current application before the commission there would be a means of controlling what would be allowed on the property whereas it sits now they do not have that control.

Chairman Mathieu asked if anyone else would like to speak in favor or in opposition of the application. Hearing none,

J Novak made a motion, J Tinelle second, to close the Public Hearing of application ZC#2018-001: Barbara Maynard, applicant/owner, 589 Old Hartford Road, to change the zoning district

*of approximately 9.92 acres from the Suburban District to Arterial Commercial District
(Assessors Map No 06-10/Lot No 034-000 Zoned SU. The motion carried 5-0-0.*

8. FIVE MINUTE SESSION FOR THE PUBLIC

Brian Cozart, 131 Midland Drive was before the commission do discuss a garage that he would like to construct on his property. The house was constructed to have a garage built under the old regulation set back, however with the change in the subdivision plan when Route 2 came in and the current regulations, a variance would need to be obtained. Chair Mathieu advised Mr. Kosak that this is a matter that would need to be addressed with the Zoning Board of Appeals.

Stan Soby, stated as the liaison for the Zoning Board of Appeals, the Colchester Zoning Board of Appeals has a history of granting variances in the older neighborhoods that had smaller setbacks prior to zone changes as it was the zone change that has created the hardship.

9. PENDING APPLICATIONS / PUBLIC HEARING Application No. ZC#2018-001: Barbara Maynard, applicant/owner, 589 Old Hartford Road, to change the zoning district of approximately 9.92 acres from the Suburban District to the Arterial Commercial District (Assessor's Map No. 06-10/Lot No. 034-000) Zoned SU.

Chair Mathieu stated since there is not a full member board present it might be appropriate to allow the absent members to hear the tapes and deliberate at the next meeting with a full board.

J Novak made a motion, J Tinelle second, to continue application ZC#2018-001: Barbara Maynard, applicant/owner, 589 Old Hartford Road, to change the zoning district of approximately 9.92 acres from the Suburban District to Arterial Commercial District (Assessors Map No 06-10/Lot No 034-000 Zoned SU. The motion carried 5-0-0.

10. PRELIMINARY REVIEWS None

11. OLD BUSINESS None

12. PLANNING ISSUES & DISCUSSIONS

A. Discussion on regulations for gun sales to follow section 8.8.16

The proposed zoning regulation amendment to section 8.8.16 was discussed. The board members asked to be provided with the current State of Connecticut regulation in regards to gun sales in the vicinity of a school to review.

B. Discuss possible regulation amendments

Chair Mathieu directed staff to move forward to schedule this for public hearing.

13. ZONING ENFORCEMENT OFFICERS REPORT May 2018 Zoning Enforcement Officers report was discussed.

14. CORRESPONDENCE

A. Letter received from Stephen M. Fedus, dated 05/31/2018

Staff provided the board with a letter dated 05/31/2018 received from Stephen M. Fedus

15. ADJOURNMENT

J Novak made a motion, and M Kehoegreen seconded to adjourn the June 6, 2018 Planning and Zoning meeting at 8:36 p.m. The motion carried unanimously.

Respectfully Submitted,

Kamey Cavanaugh
Recording Clerk