

COLCHESTER PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
Wednesday, September 26, 2018  
Town Hall, 127 NORWICH AVENUE, COLCHESTER, CT

RECEIVED  
COLCHESTER, CT  
2018 OCT -3 PM 4:09

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, Secretary Mark Noniewicz, and Vice Chairman John Novak (7:14pm), Jason Tinelle, Meaghan Kehoegreen, Bruce Hayn, and Karen Godbout, Alternate: Beverly Seeley

**ABSENT:**

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

3. **ADDITIONS TO AGENDA** *M Noniewicz made a motion, K Godbout second, to move Agenda item 11A. & 11B on the agenda to be heard after Agenda Item 4.*

*The motion carried 7-0-0*

4. **MINUTES OF PREVIOUS MEETING**

*August 15, 2018 – K Godbout made a motion, J Tinelle second, to approve the minutes of August 15, 2018.*

*The motion carried 6-0-1 M. Noniewicz abstained*

5. **New Business**

- A. Request for an extension SE#09-005- Settlers Greene, LLC J Healy Builders, LLC Applicant / Owner 321 Lebanon Avenue, Colchester, Connecticut

*M Noniewicz made a motion, K Godbout second, to grant the extension request for application SE#09-005- Settlers Greene, LLC J Healy Builders, LLC Applicant / Owner 321 Lebanon Avenue, Colchester, Connecticut, until 11/27/2023.*

*The motion carried 7-0-0*

- B. Request for an extension SE#09-010- Special Exception for 99 Linwood Avenue, Pierpoint Plaza SSI Colchester LLC

*M Noniewicz made a motion, K Godbout second, to grant the extension request for application SE#09-010- Special Exception for 99 Linwood Avenue, Pierpoint Plaza SSI Colchester LLC, until 11/04/2023.*

*The motion carried 7-0-0*

John Novak arrived at 7:14pm- Beverly Seeley was unseated.

6. **Public Hearing**

- A. Application No. SP2018-002 of 343 Lebanon Avenue, LLC. for a Special Permit to develop multi-family apartments, 343 Lebanon Avenue (Map 05-06/Lot 019-000) in the SU;

Daphne Schaub read the call into the record.

Chair Mathieu asked if anyone had any objections to any members seated for the public hearing on this evening. Hearing none, an overview of the procedures for the meeting was presented.

R Benson made a correction in his report submitted dated September 21, 2018, page 5 of 10, Section 14.4.22 An A-2 Survey certified by a licensed surveyor has been provided.

R Benson reported the applicant is before the Commission proposing 100 multi-family housing units consisting of 100 buildings with 10 units in each building on a 12.991 acre parcel located in the Suburban Zone. The development is proposed to be done in 3 phases, in addition is proposing a community building for the development. The property is located on Lebanon Avenue which is an Arterial Road. Multi-family housing is permitted under a Special Permit in the Suburban Zone if it is serviced by public water and sewer and has 120000 SF of buildable area as per Section 4.5 of the regulations. The property has available municipal water and sewer. The applicant has satisfied the requests from Mr. Bensons report. Sal Tassone, Town Engineer, has some outstanding administration issues that need to be addressed either during the construction period or as condition of an approval. A report was received today from James Paggioli, Public Works Director, and was discussed with the applicant, who would like clarification from Mr. Paggioli on an item listed #11 in the report. This can be listed as a condition of the application should it be approved tonight.

Attorney Dorian Famiglietti, with Kahn, Kerensky & Capossela, representing the applicant reminded the commission about 18 months ago, of a preliminary discussion that took place with the Planning and Zoning Commission, to receive feedback and have been working since then to put the project together. Attorney Famiglietti noted all certificate of mailings have been sent out and proof of mailings have been submitted to staff for the file.

Mark Friend, Engineer/Soil Scientist with Megson, Heagle & Friend, stated the parcel is 12.991 acre in size, and gave an overview of the existing site today and its conditions, noting there are no wetlands or watercourses on this site. The primary access for this property is off of Rt 16, with a secondary access primarily for emergency, out to Alpine Drive. Attorney Famiglietti stated for discussion extending the Northwoods Driveway, as the owner of the property, Mr. Williams, who was also the developer of the Northwoods development, in the condo documents, as the developer, Mr. Williams reserved the right to grant easements over the common elements to the roadways and adjacent properties. An easement is being proposed to connect to Granite Court out to Rt 16. A draft proposal has been submitted to the Northwoods Association attorney, and in return a letter dated July 16, 2018 has been received from Attorney Pilicy acknowledging there is in fact authority for granting the easement to Mr. Williams. Mr. Friend reported on the parking requirements, the pervious pavement proposal, concrete curbing on the islands, and the sidewalks throughout the project and how the water runoff will be directed. Lighting was discussed. 15.3% open space is proposed.

Alan Williams, developer for the project provided an overview of the landscape plan and is designed to be in keeping with the Northwoods property with a signification buffer between the two. The project is two story buildings and each unit will have either a patio or balcony. The units will be center corridor, with a 50/50 split of 1 and 2 bedrooms. The clubhouse will have a recreation area along with offices. Outside recreation area will be adjacent to the clubhouse. Carports will be available to some of the units on a first come first serve basis. Attorney Famiglietti noted this development has very similar features to the Northwoods Development, this project is not formally age restricted, and 10% of the units will be set aside as affordable units as required in 8.2 of the regulations. Those units will be no different from any of the other units in the development and will float throughout the property. Mr. Williams described the parking units and how they are accessible to each units.

Matthew Scully, Civil Engineer, Traffic Engineer, reviewed the key points from the traffic impact memorandum with the commission. A site visit was conducted and site distance was measured at both access driveways, site distance is sufficient according to DOT standards. Trip generation for the site was calculated and reported. Mr. Scully noted the application will need the approval from the DOT and if any concerns are found it will not be approved.

Chair Mathieu asked if anyone was present to speak in favor of the application. Hearing none, Chair Mathieu asked if anyone was present to speak against the application;

Franklin Zitto, 12 Freedom Way, expressed concern with transfer of sound crossing to Alpine Drive, traffic traveling through Northwoods, suggesting adding a key gate to the Northwoods entrance. Location of utilities, hydrants, traffic signs.

Richard Forand, 81 Alpine, stated he is not in opposition of the application, however is concerned with the roadways and asked what kind of compensation will be provided for the roadways that will be used in Northwoods by this development.

Richard Perkowski, 34 Center Ct, doesn't have an opposition to the application however understands the concern for the Northwood residents is the traffic; Mr. Perkowski suggested changing the easement that will lead people exiting to turn right and out to Rt16 rather than traveling through Granite Ct.

Thomas Mills, 26 Northern Blvd, noted concern for the density of the property and the concern for the children in the new property that will be in the Northwoods property. Mr. Mills would like to see an additional exit to Rt 16 rather than traveling through Granite Ct. Mr. Mills also feels this development is going to affect the price values at North Court.

Dennis Palmer, 339 Lebanon Avenue, stated in his opinion the traffic analyst is not accurate, the site lines are not accurate, and another analysis should be done again. Mr. Palmer stated there is no sewer on Route 16. Mr. Palmer opposes this application. Mr. Benson stated there is in fact sewer and water available in this location.

Anthony Forcucci, 30 Northern Blvd, asked for clarification on the threshold on subsidy of a rental. Mr. Benson replied this is not subsidized housing, it is affordable which allows a lesser income to qualify. Mr. Forcucci would also like to see a stop sign at the end of the 2<sup>nd</sup> entrance on Alpine.

Pat Donovan, 7 Granite Ct, supports the suggestion to put a natural curve out as a one way to keep traffic clear from Alpine Drive. Mrs. Donovan would also like to see signs placed during the construction that states no commercial vehicles.

Carole Coope, 53 Center Ct, is for the project, however would like to see a right turn only out of the new project away from Granite Ct.

Joseph Stajduhar, 11 Freedom Way, stated currently the association pays to maintain the property in Northwoods and is asking what compensation will be made for the new development now using that area of the road.

Lisa Ezold, 26 Granite Ct, stated her concerns with the additional traffic and suggested a separate entrance.

Franklin Zitto, 12 Freedom Way, asked if there would be a cross guard and additional signs for the potential of school children. The additional traffic on Granite Ct, a white line would be necessary.

Dennis Palmer, 339 Lebanon Avenue, asked for clarification on the zoning requirements on the property. Daphne Schaub stated the zoning use on the property is located in the Suburban Use District which allows for multifamily and mixed use developments.

Frances Phaup, 8 Freedom Way asked if a gate could be installed at the endurance at Alpine Drive.

Alan Williams responded to the questions and comments of the public. Mr. Williams stated although he cannot guarantee traffic will follow signs, while construction is taking place signs

identifying no construction vehicles can be placed. The access that is in use is not owned by Northwoods, and the curb cuts and site lines that are in place were discussed and have been noted to be safe. The proposed apartment complex will pay for and maintain the entrance when it is constructed and Mr. Williams suggested Northwoods speaking to the HOA to have that adjusted as Northwoods will no longer be responsible for the maintenance. Mr. Williams proposed placing a speed bump near the exit/entrance near Northwoods to deter people from traveling that direction. Mr. Williams does not feel placing a gate is realistic. Mr. Williams explained the water, sewer and utilities for the site and state. They will not be shared with Northwoods.

Attorney Dorian Famiglietti, stated the Town of Colchester regulations require a secondary access point that cannot be restricted. Placing a right turn only will then take away the secondary access.

Carolyn Cooper, 85 Alpine Drive asked if the school busses will be traveling through Northwoods. R Benson stated school buses for the general population, with the acceptance of kindergarten, do not travel on private roads.

Franklin Zitto, 12 Freedom Way, would like to see a gate placed at the entrance of Northwoods.

Daphne Schaub read a letter into the record. Dated September 21, 2018 from Donald E Smith, 5 Center Court, in favor of this application.

Attorney Dorian Famiglietti, reviewed the criteria of approval that is in the regulation in relation to this application; The Plan of Conservation and Development and providing diverse housing stock and the need to add affordable housing to the stock. The analysis from the traffic engineer was discussed and the outcome of this not posing a traffic nuisance to the people moving to or already residing in the surrounding area.

Mark Noniewicz asked for clarification on the 2<sup>nd</sup> easement

Beverly Seeley asked for clarification on a time frame for completion. Mr. Williams stated around 18 months.

***M Noniewicz moved, and K Godbout second to close the public hearing.  
The motion carried 7-0-0.***

**B. Application No. SP2018-003 of Hop Culture Farms & Brew Co. LLC. For a Special Permit to develop farm brewery (farm store/processing/serving). 144 Cato Corner Road (Map 05-12/Lots 022-001, 023-000 & 024-000) in the RU**

Daphne Schaub reported on the subject application which is to allow by special permit for a farm store with agricultural and related non-agricultural uses on agricultural land. Hops are currently being grown on the farm. The applicant intends to increase the farming activity to include various flowers, fruit and vegetables. Upon completion of all federal, state and local permitting the applicant intends to operate a farm brewery and will conduct a full scale processing of hops for their own brewery operation as well as sale of surplus produce. The brewery will be created in the existing barn utilizing the produce grown on the farm. A tap room, also in the existing barn, will be available to customers where beer produced on site may be purchased and consumed.

Bruce Hayn asked for clarification on the retail store- D Schaub stated marketing items, glasses, mugs, tee-shirts, and this approval would be specific to this application.

Sam Wilson, 292 Prospect Hill Road, applicant stated for the commission they started searching for a place in Colchester about 3 years ago. The agriculture is the passion of the owners and to bring that feel to a farm community that already exists in the area.

Leslie Curtis, 110 Cato Corner Road, as an abutter of the subject property spoke in favor to this application, and feels this is a beneficial direction for the Town of Colchester with keeping agricultural uses around.

Kevin Hobbs, 160 Cato Corner Road, spoke in favor of the application with a small concern of traffic.

Tim Curtis, 110 Cato Corner Road, spoke in favor of the application and welcomes this kind of development with preserving the land.

Chair Mathieu asked if anyone was present to speak against the application. Hearing none,

*M Noniewicz moved, and J Tinelle second to close the public hearing.*

*The motion carried 7-0-0.*

**7. FIVE MINUTE SESSION FOR THE PUBLIC**

**8. PENDING APPLICATIONS**

*M Noniewicz made a motion, J Novak second, to move agenda item 11B before 11A.*

*The motion carried 7-0-0.*

- A. Application No. SP2018-003 of Hop Culture Farms & Brew Co. LLC. For a Special Permit to develop farm brewery (farm store/processing/serving). 144 Cato Corner Road (Map 05-12/Lots 022-001, 023-000 & 024-000) in the RU**

*B Hayn made a motion, M Kehoegreen seconded, to approve Application No. SP2018-003 of Hop Culture Farms & Brew Co. LLC. For a Special Permit to develop farm brewery (farm store/processing/serving). 144 Cato Corner Road (Map 05-12/Lots 022-001, 023-000 & 024-000) in the RU as the application meets the criteria of Section No. 8.9.6 for a farm store, and Section 8.9.8 & 9, permitting for all agricultural and Non-Agricultural Land Uses, with the following conditions:*

- 1. This Special Permit Notice of Decision is to be filed in the Town's Land Records prior to issuance of zoning and building permits and within 90 days of the decision (1/03/2019);*
- 2. The endorsed mylar prints shall be filed by the applicant in the Land Records of the Town of Colchester within 90 days of the expiration of the appeal period (1/18/2019);*
- 3. All federal, state, and local permits shall be in place prior to commencing operation of the farm brewery;*
- 4. Annually the owner of the Farm Brewery shall provide the Zoning Enforcement Officer with copies of all production and sales reports to verify gross sales;*
- 5. Annually the owner shall submit a list of scheduled events noting the date number of persons expected and the nature of the event to the Zoning Enforcement Officer;*
- 6. At least two weeks prior to an open public event (not to exceed 6 in a calendar year) the owner shall provide the Zoning Enforcement Officer with an application for a zoning permit to hold said public event; and*
- 7. The owner may amend the Statement of Use as submitted with this application without a new public hearing provided the Commission deems the amendments*

*to be minor in nature. All other amendments to the Statement of Use shall require a public hearing.*

*The motion carried 7-0-0.*

- B. Application No. SP2018-002 of 343 Lebanon Avenue, LLC. for a Special Permit to develop multi-family apartments, 343 Lebanon Avenue (Map 05-06/Lot 019-000) in the SU;**

M Kehogreen stated a concern for the existing single family home in the front and building this development in an area that is already very dense in a suburban zone changes the feel.

J Tinelle feels Mr. Williams has shown great consideration for the abutting property in taking into consideration the neighbor's needs where it is not completely necessary.

*M Noniewicz made a motion, K Godbout seconded, to approve Application No. SP2018-002 of 343 Lebanon Avenue, LLC for a Special Permit to develop multi-family apartments, (Map 05-06/Lot 019-000) in the SU; to construct ten unit apartment buildings and one new community building with associated site improvements to be done in three phases. Application is approved as per plans titled Four Seasons Apartments by Megson, Heagle & Friend last revised September 19, 2018, building plans titled Four Seasons Apartments by 343 Lebanon Avenue, LLC dated 8/8/2018 with the following conditions:*

- 1. All items in report from James Paggioli, L.S. Director of Public Works including the September 26, 2018 memo will be in his report need to be addressed prior to construction to his approval.*
- 2. Applicant must obtain all required permits from the State of Connecticut Department of Transportation for any improvements and encroachment permits.*
- 3. Applicant will need to amend the original STC Permit from the State of Connecticut Department of Transportation for a new approval because the newly proposed development is not what was approved on the original permit.*
- 4. The applicant will need to meet the requirements of CGS 8-30g for the units that are designated for affordable housing.*
- 5. All items from Sal Tassone, Town Engineer in the report dated September 24, 2018 must be addressed.*
- 6. A Pre-construction meeting will be held before the beginning of each phase of the project.*
- 7. A Landscaping Bond will be required to ensure the landscaping last two Spring growth seasons per Section 9.4.1(E) of the Colchester Land Development Regulations.*
- 8. An easement for a second access via public road through Granite and Northern Blvd be finalized to the agreement of the town attorney prior to any construction starting*
- 9. Proposed underground propane tanks be identified on the plans*
- 10. HVAC Units and condenser locations also specified on the plans*

*The motion carried 7-0-0.*

- 9. NEW APPLICATIONS None**

10. PRELIMINARY REVIEWS None

11. OLD BUSINESS None

12. PLANNING ISSUES AND DISCUSSIONS None

13. ZONING ENFORCEMENT OFFICERS REPORT

A. August 2018 Zoning Enforcement Officers report was distributed.

*M Noniewicz made a motion, J Novak second, to table Agenda Item 13A. ZEO August 2018 report.*

*The motion carried 7-0-0.*

14. CORRESPONDENCE None

15. ADJOURNMENT

*B Hayn made a motion, and J Tinelle seconded to adjourn the September 26, 2018 Planning and Zoning meeting at 9:51 p.m.*

*The motion carried 7-0-0.*

Respectfully Submitted,

Kamey Cavanaugh  
Recording Clerk