

COLCHESTER PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
WEDNESDAY, FEBRUARY 1, 2012  
TOWN HALL, 127 NORWICH AVENUE, COLCHESTER, CT  
Room 1  
7:00 P.M.

NANCY A. BRAY  
TOWN CLERK

*Mary A. Bray*

RECEIVED  
COLCHESTER, CT  
2012 FEB - 3 PM 2012

**MEMBERS PRESENT:** Chairman Joseph Mathieu; Stacey Brown, Mark Noniewicz, Dave Gesiak, John Novak; Alternate Jason Tinelle

**MEMBERS ABSENT:** John Rosenthal

**STAFF PRESENT:** Adam Turner, Planning Director; Craig Grimord, Assistant Planner/Zoning Enforcement Officer; Gail Therian, Clerk; Stan Soby, Board of Selectman Liaison;

1. **CALL TO ORDER** – Chairman Mathieu called the meeting to order at 7:01 p.m.

2. **Roll Call**

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

3. **Additions to Agenda** –

C. Grimord ask that under Item #9, Pending Applications, the order be changed to move Item C, SDP #12-017 to the first item, then continue with the order of A, B, D, E.

**Motion** by M. Noniewicz, seconded by D. Gesiak to reorder the Agenda so that Item C, SDP#12-017 is the first Item under #9 Pending Applications. **Motion carried unanimously.**

Chairman Mathieu advised the audience that because Commission member J. Rosenthal was not present at this meeting, and Commission member Brown had not listened to the audio portion of the January 18, 2012 meeting at this time, deliberations for RESUB#11-425 would not take place. The applicant is seeking waivers that require six out of seven members affirmative vote to pass before the vote on the Resubdivision application could take place. Deliberations will take place at the February 15, 2012 meeting.

4. **Minutes of Previous Meetings** – Minutes of Regular Meetings – January 18, 2012

Chairman Mathieu said that on Page 4, the Motion for SDP#2011-016, VE Linwood, LLC, should read: **Motion** by M. Noniewicz, seconded by J. Novak, 'based on the Commission agreeing with the Application Synopsis, History and Staff Review and Findings in Staff Report dated January 16, 2012 with regards to the Site Plan, the Commission moves to approve . . ."

**Motion** by M. Noniewicz, seconded by D. Gesiak to approve the Minutes of Regular Meeting of January 18, 2012 as amended. **Abstentions:** S. Brown All others in favor **Motion carried**

5. **Public Hearings**

C. Grimord read the Public Hearing legal notice published in the Rivereast on January 20 and January 27, 2012.

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.

- A. **RESUB #12-426 – George Perkins, Applicant/Owner;** Application for a 3-lot Resubdivision of 20.9 acres Zoned R-60 at 192 Carli Blvd; The parcel is located on the West side of Carli Blvd approximately 325' North of the intersection with Fran Lane, Assessors Map #02-10, Lot 23 - 50 (Received 1/18/12, Public Hearing scheduled for 2/1/12)

Exhibit List had been distributed to Commission members.

C. Grimord gave a brief history of this parcel. He told the Commission that this 20.93 parcel known as Lot #50 is proposed to be re-subdivided was approved in December of 1989 as part of the 54-lot subdivision known as Carliwood Acres. At the time of the subdivision approval, the parcel was zoned R-40 and the proposed re-subdivision will create three (3) R-60 frontage lots. The existing single-family house will occupy the 3.7 acre parcel. The lots will be accessed via the town road by a shared driveway to avoid wetland impacts. A code compliant Open Space has been provided in form of a Conservation Easement over lots #50-A and #50-B. The applicant is requesting a waiver to Section 6.3.12.1.5 for installation of sidewalks. This

application is still under review of the Conservation Commission and Staff suggests that the Public Hearing remain open to allow for the final Conservation Commission decision and report.

Speaking in favor

Mark Reynolds, representing the applicant, explained the location of the re-subdivision and the driveway locations. He said drainage will be handled by rain gardens or retention basins. The Health District has reviewed and approved the septic locations. Discussion followed regarding the proposed drive widening, the common driveway and the proposed lot frontages.

Speaking in Opposition – No one spoke

**Motion** by M. Noniewicz, seconded by D. Gesiak to continue the Public Hearing on RESUB #11-426 to the next regularly scheduled meeting on February 15, 2015 to allow for the Conservation Commission to act on the application. **Motion carried unanimously.**

- B. SE#12-013 – Application of David Gesiak Applicant/Owner**; Special Exception application per Section 11.15 for an Accessory Apartment at 99 Cirillo Drive, Map #01—11, Lot #009-11B, R-60 Zone. Property is located on the end of the cul-de-sac. **(Received 1/18/12, Public Hearing scheduled for 2/1/12)**

D. Gesiak recused himself.

Exhibit List had been distributed to Commission members

C. Grimord told the Commission that this application is for an accessory apartment in the R60 zone. He said that the Accessory Apartment meets the Special Exception Criteria of Section 11.5.

Speaking in favor

Charles Dutch, representing the applicant, explained that the footprint of the home would not change. He said that the access to the proposed accessory apartment is through the house and will be used for family members. The accessory apartment will allow a private area away from the Gesiak main living area. He said the second entrance will be through the walk out basement door.

Chairman Mathieu noted that a number of letters had been received from neighbors both in favor and against the proposed accessory apartment. A petition from a number of neighbors against this application was also received.

Speaking in Opposition

David J. Alberghini, 100 Cirillo Drive, said he opposed this application because this is against the private Subdivision restrictions/covenants. He also spoke about the increase of use of the shared driveway and the possible devaluing of the neighboring property.

Maureen Govoni, 95 Cirillo Drive, speaking on behalf of both herself and her husband, Ralph Govoni, Sr., spoke about the possible increase in traffic and the possible devaluing of the neighboring properties.

Rebuttal to those who spoke in Opposition

Charlie Dutch, representing the applicant, stated that he did not believe that the accessory apartment would downgrade the neighborhood. He also spoke about the shared entrance and his belief that there would not be a significant increase in the use of the shared driveway.

Rebuttal to those who spoke in Favor:

Maureen Govoni, 95 Cirillo Drive, speaking on behalf of both herself and her husband, Ralph Govoni, Sr said that she had concerns about the effect of the extra vehicle traffic on her privacy.

**Motion** by S. Brown, seconded by M. Noniewicz to close the Public Hearing on SE#12-013. **Motion carried unanimous.**

6. Preliminary Reviews – None

7. New Business & Applications Received: - None

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

**9. Pending Applications:**

- A. **RESUB #11-425 – Piechta, 7-lot Resubdivision – Applicant for a 7-lot Resubdivision of 103.5 acres Zoned R-80:** Parcel located at the NW corner of the Intersection of McDonald Road and Homonick Road opposite Shadbush Drive, Assessors Map #02-09, Lot #21 & 13. (Public Hearing opened and closed 1/18/12)

**Motion** by M. Noniewicz, seconded by J. Tinelle to postpone action on RESUB#11-425 to the next regularly scheduled meeting on February 15, 2012 to allow for the necessary members to be present to act on the required waivers. **Motion carried unanimously.**

- B. **SE #11-012 Colchester Construction, LLC, RMD Lane Development, LLC Owner:** Special Exception application per Section 4F.3.18 for a private recreational facility (Karate Studio) on Parum Road, Map 13-00, Lot #01A-000, General Commercial Zone – (Public Hearing opened and closed on 1/18/12.)

J. Novak and S. Brown recused themselves.

C. Grimord noted that the voting members for this application would be: Chairman Mathieu, M. Noniewicz, D. Gesiak and J. Tinelle. He distributed an updated Exhibit List that included Items EE – QQ which were received at the last meeting. A copy of the Application Chronology was distributed to Commission members as they had requested.

A. Turner stated that this land is zoned Commercial and explained the past approvals for the parcel namely that the site was approved for a Mini-storage use by the Conservation Commission and the Planning and Zoning Commission in 2003. The approval was appealed and the decisions were upheld in 2006. The approval for this application expired in October 2011. He said that S. Tassone, Town Engineer requested a second survey showing actual field conditions, revised drainage calculations, and storm water management plan reflecting the changes to the site due to the repaving of Parum Road. S. Tassone has reviewed these reports and has certified the results. A. Turner explained that the designation of the facility as a private recreational facility best fits the proposed use. He also explained how the applicant mitigated four items Staff had concerns about: traffic, drainage, esthetics, and buffering. He reviewed the Staff Findings on the Special Exception Evaluation Criteria. Discussion followed regarding drainage, lighting, buffering and the retaining wall.

**Motion** by M. Noniewicz, seconded by D. Gesiak to approve SE#11-012 Colchester Construction, LLC, Applicant, RMD Land Development, LLC Owner; Special Exception application per Section 4F.3.18 for a private recreational facility (Karate Studio) on Parum Road, Map #13-00, Lot #01A-000, General Commercial Zone with the following conditions:

1. 5-6' White pine, spruce or comparable species that can attain 15-20' in height are to be placed 10' on center along the ends and rear of the proposed building to provide visual screening to the adjacent residential uses and the public highway.
2. The plantings along the western edge of the parking lot are to be substituted with evergreen plantings every 10' on center (Spruce, pine or comparable) that can attain a height of 6-10' to provide screening from the parking lot lighting to Route 85
3. Final plans for endorsement are to address the DOT comments #2 and #3 of the letter dated 1/17/12. (Exhibit CC).

The Commission has reviewed the Staff Findings on the Special Exception Evaluation Criteria in the memo of C. Grimord, Asst. Planner and ZEO, dated January 30, 2012 and agrees that those conditions have been met.

Voting in favor: Chairman Mathieu, M. Noniewicz, D. Gesiak and J. Tinelle. **Motion carried unanimously.**

John Novak and S. Brown returned as voting members.

- C. **SDP #12-017 – Site Plan Modification – Caring Community, 84 Waterhole Road; Map 017, Lot 001**  
(Received 1/18/12)

C. Grimord told the Commission that this is a proposed site plan modification to remove the barn/educational facility and to rebuild the structure in a new location and create a new parking area. He said that all staff comments have been addressed.

Wes Wentworth, Wentworth Civil Engineers, told the Commission that this application is to allow construction of a new 7500 square foot educational facility behind the existing structure and upon completion of the new structure the existing facility will be demolished to create a new parking area. He showed the location of the building on the site plan and said that the new building will have siding and trim to harmonize with the residence. He spoke about the proposed landscaping and said that the application had received Chatham Health District approval. Discussion followed regarding the new parking area, number of students and landscaping.

**Motion** by M. Noniewicz, seconded by D. Gesiak to approve SDP#12-017 – Caring Community, 84 Waterhole Road. **Motion carried unanimously.**

**D SUB #12-426 – George Perkins, Applicant/Owner;** Application for a 3-lot Resubdivision of 20.9 acres Zoned R-60 at 192 Carli Blvd; The parcel is located on the West side of Carli Blvd approximately 325' North of the intersection with Fran Lane, Assessors Map #02-10, Lot 23 - 50 (Received 1/18/12, Public Hearing opened on 2/1/12, continued to 2/15/12)

**Motion** by M. Noniewicz, seconded by D. Gesiak to postpone action to the next regularly scheduled meeting on February 15, 2012 due to the fact that the Public Hearing is still open. **Motion carried unanimously.**

**E. SE#12-013 – Application of David Gesiak Applicant/Owner;** Special Exception application per Section 11.15 for an Accessory Apartment at 99 Cirillo Drive, Map #01—11, Lot #009-11B, R-60 Zone. Property is located on the end of the cul-de-sac. (Received 1/18/12, Public Hearing scheduled for 2/1/12)

D. Gesiak recused himself.

In response to a comment made in opposition to the application, Chairman Mathieu asked Staff if subdivision Covenants and Restrictions are within the purview of the Planning and Zoning Commission and C. Grimord opined that the Commission has no authority to enforce Subdivision Covenants and Restrictions. He went on to explain that a Homeowners Association is usually formed to enforce these restrictions. Discussion followed about the possible increase use of the driveway, the character of the neighborhood, access to the apartment and future use of the accessory apartment.

M. Noniewicz reviewed each of the Staff Findings and the Special Exception Evaluation Criteria Findings in the Staff memo from C. Grimord, Asst. Planner & ZEO, dated January 30, 2012. He stated that the application for an accessory apartment had met the criteria of Section 11.15 and the Special Exception evaluation criteria (11.5) for a Special Exception for an Accessory Apartment and he made the following motion:

**Motion** by M. Noniewicz, seconded by S. Brown to approve SE#12-013, David Gesiak, Applicant/Owner, Application for an Accessory Apartment at 99 Cirillo Drive, Assessors Map #01-II, Lot #009-11B, R-60 Zone, as shown on the submitted approved plans with the following conditions:

1. The Special Exception Notice of Decision is to be filed in the Town's land records prior to issuance of Zoning and Building permits for the construction and conversion of space to create the Accessory Apartment.
2. Zoning and Building Permits are to be obtained for the conversion to an accessory apartment.
3. A Certificate of Zoning Compliance is required prior to issuance of Certificate of Occupancy.

**Motion carried unanimously.**

D. Gesiak returned as a voting member.

10. Old Business - None

11. Planning Issues & Discussions

**A. Commission Review of Draft Regulations**

The Commission reviewed the Draft Regulations Sections on Land Development and Subdivision Process including the Administrative Review Process, Commission Review process, and Site plans. It was noted that the Subdivision Regulations have not been revised.

The initial review of the Draft Regulations was completed with discussion on the procedural section. Staff indicated that work would begin work on the revisions and would be presented to the Commission in March.

12. Zoning Enforcement Officer's Report None

13. Correspondence None

14. Adjournment

**Motion** by D. Gesiak, seconded by M. Noniewicz to adjourn at 9:25 p.m. **Motion carried unanimously.**

Gail N. Therian, Clerk