

COLCHESTER PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES
Wednesday, April 27, 2016
127 NORWICH AVENUE, COLCHESTER, CT
7:00 P.M.

MEMBERS PRESENT: Chairman Joseph Mathieu; John Novak, Vice Chairman; John Rosenthal and Dave Gesiak (arrived at 7:20 p.m.); Alternates: Karen Godbout and Beverly Seeley; Stan Soby, Board of Selectman Liaison

MEMBERS ABSENT: Mark Noniewicz and Jason Tinelle

STAFF PRESENT: Randy Benson, Planning Director; and Gail Therian, Clerk

1. **CALL TO ORDER** –Chairman Mathieu called the meeting to order at 7:05 p.m.

2. **Roll Call**

Chairman Mathieu asked the clerk to note those in attendance. K. Godbout and Beverly Seeley were seated as voting members.

3. **Additions to Agenda** – None

4. **Minutes of Previous Meetings** – Minutes of the Regular Meeting April 6, 2016

J. Novak said that on page 2, under "Speaking in Opposition" the sentence should read: "Lillian Atkins, 156 Wall Street, said that her property has sustained water damage **from water drainage for many years.**"

Motion by J. Novak, seconded by J. Rosenthal to approve the Regular Meeting Minutes of April 6, 2016 as corrected.
Motion carried unanimously.

5. **Public Hearings** –

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. **SP#16-002 - G. Veneziano applicant/9 Loomis Road, owner;** Application for Special Permit
Per Section 5.7 for proposed convenience store, gas station and coffee/sandwich shop and Section 14-321 of the Connecticut State Statutes for a certificate of approval from gasoline station at 9 Loomis Road and 509 Westchester Road, Assessor's Map #3-17 and Lots 52, 53; Westchester Village - Rural Zone . **(Public Hearing opened on 3/16/16; continued to 4/6/16 and 4/27/16;)**

B. Seeley recused herself from this application.

R. Benson told the Commission that the outstanding issue was the agreement with all parties regarding the Conservation Restriction and Easement.

Speaking in Favor:

Atty. Robin Pearson, from Alter and Pearson, representing the applicant, said that all the Town Staff's comments have been addressed. The applicant will work with the CT DOT regarding upgrading the traffic signalization on Route 149. She said that all parties have agreed on the Conservation Restriction and Easement. The draft document will need to be reviewed by the Town's Counsel. She explained in detail the proposed Conservation Easement location and the restrictions place on this area. She asked that the Commission consider a condition be placed on the approval that the applicant will not apply for a building permit until this document is executed and filed in the Town's records. She said that this application does meet all the Town's regulations for development in the Westchester Village zone.

Atty. Lew Wise who represents a number of the neighbors of 9 Loomis Road, said that his clients accept the language of the Conservation Restriction and Easement. He reiterated that his clients would like the Commission to consider a condition of approval be that the applicant will not apply for a building permit until this document is executed and filed in the Town's land records.

Speaking in Opposition

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Susan Mausteller, 6 Loomis Road, had concerns about the amount of landscaping on Route 149, lighting and the possible traffic issues.

Chris Bourque, 391 Westchester Road, said that he did not feel a gas station in this zone is appropriate and in accordance with the Plan of Conservation and Development.

Rebuttal to those who Spoke in Opposition

Mike Tarbell, Tarbell & Heintz, said that the traffic study was reviewed by the State of CT DOT in Norwich, and would go to the DOT office in Newington for further review if the application is approved. He explained that there was a gap in the landscaping on Route 149 as this is the area for snow storage which is required by the Zoning regulations. He said additional landscaping has been added since the original application. He said that there will be no light spillage off the property.

Atty. Robin Pearson, from Alter and Pearson, representing the applicant, said that there will be a substantial area of evergreens will remain. She said that all the lighting will be shielded and will be down lit. She also complimented R. Benson on the detail and extensive review included in his memo dated March 23, 2016.

Motion by J. Novak, seconded by J. Rosenthal to close the Public Hearing on SP#16-002 G. Veneziano applicant/9 Loomis Road, owner. **Motion carried unanimously.**

B. Seeley returned as a voting member.

- B. **Special Permit #16-003, Alpha Q applicant/owner.** Application for Special Permit per Section 7.3.8 of the Colchester Land Development Regulations proposed two 12,000 square foot additions to existing buildings and a new separate 25,000 square foot building, located at 87 Upton Road, Assessor's Map 00-90, Lot 008-004, Arterial Commercial Zone. **(Public Hearing opened on 4/6/16 and continued to 4/27/16 and closed on 4/27/16)**

R. Benson told the Staff that Town Staff has met with the neighbors regarding the drainage issue. A memo from S. Tassone, Town Engineer, to the Commission was included in the Commissioner's packets. He said that this Public Hearing was continued in order to allow the neighbors, Mr. & Mrs. Atkins, to hire a hydrologist.

Speaking in Favor:

Ellen Bartlett, Engineer from CLA Engineers, said that all outstanding comments have been addressed and the only outstanding comment was the Commission's request for a memo from Town Staff.

A discussion took place regarding the decrease in drainage from the Alpha Q site. S. Tassone, Town Engineer, explained in detail to the Commission members his report regarding the proposed decrease in drainage from this property. He also explained that it is his opinion that this proposed drainage system will benefit the neighbors.

Stephen Prout, President of Alpha Q, said that company may hire an additional 20 people on the completion of the first phase. He said that time is of the essence to receive the approval and begin this work.

Speaking in Opposition

Lillian Atkins, 156 Wall Street, said that her property has sustained water damage on her property for many years. She presented a letter, pictures and a video to the Commission regarding this damage. She said that both she and her husband object to this development until the water issue is addressed.

Rebuttal to those who Spoke in Opposition

Stephen Prout, President of Alpha Q, said that he understands the Atkins problem and that Alpha Q has done what it can to address the drainage from their property.

At this time, S. Tassone, Town Engineer, speaking as a member of the Town Staff, said that the Town fully intends to meet with the Atkins about this problem. He said that J. Paggioli, Public Works Director, has had a crew working in the detention basin area behind the Sears Plaza. He said he walked the site and explained how the Town plans to address this problem.

Thomas Atkins, 156 Wall Street, said that he and his wife would be in support of this application.

Motion by J. Novak, seconded by J. Rosenthal to close the Public Hearing on SP#16-003 Alpha Q applicant/owner. **Motion carried unanimously.**

6. New Business & Applications Received: -

- A. SUB#15-433-Park Place Holdings, owner applicant Request for second and last 90 day extension in which to file mylars** on the approved 17 lot Subdivision of 26.965 acres at 309 Old Hebron Road. (Final filing date will be 8/11/2016 ;)

Chairman Mathieu said that a letter from CLA Engineers, Inc. requesting a time extension of 90 days to file the mylars on SUB#15-443 had been received. Discussion followed regarding the need for the request for an extension. R. Benson explained that there were a few amendments that needed to be made to the plan. The final filing date for the mylars will now be August 11, 2016.

Motion by J. Novak, seconded by J. Rosenthal to accept the request for the time period for the filing of the mylars. . **Motion carried unanimously**

- B. CSG#16-051 Town of Colchester referral per CGS 8-24**, for purchase of Senior Center, 95 Norwich Avenue, Assessors Map 16-00, Lot # 058-000, Zoned Town Center.

R. Benson told the Commission that the Town is planning on purchasing the Senior Center located at 95 Norwich Avenue. The Town has been leasing and maintaining the property for over 20 years. The Board of Selectmen will need an endorsement from this Commission.

Motion by J. Novak, seconded by J. Rosenthal: Whereas the following purchase of 95 Norwich Avenue has been referred to this Commission by the Board of Selectmen for a report pursuant to the provisions of Section 8-24 of the General Statutes of Connecticut Revision of 1958, as amended;

Resolved, that the Planning and Zoning Commission of the Town of Colchester hereby forwards a favorable recommendation and report on the following purchase pursuant to the provisions of Section 8-24 for the property located at 95 Norwich Avenue, Colchester, CT 06415 and as shown on Building Location Plan by Dutch and Associates dated March 31, 2016. **Motion carried unanimously**

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

8. Pending Applications:-

- A. SP#16-002 - G. Veneziano applicant/9 Loomis Road, owner; Application for Special Permit**
Per Section 5.7 for proposed convenience store, gas station and coffee/sandwich shop and Section 14-321 of the Connecticut State Statutes for a certificate of approval from gasoline station at 9 Loomis Road and 509 Westchester Road, Assessor's Map #3-17 and Lots 52, 53; Westchester Village - Rural Zone . (Public Hearing opened on 3/16/16; continued to 4/6/16 and 4/27/16 and closed on 4/27/16 ;)

B. Seeley recused herself from this application.

This Public Hearing was closed this evening. The Commission reviewed the Application Report from R. Benson dated March 23, 2016 and were in agreement with the findings. R. Benson told the Commission that all Staff comments have been addressed. Discussion followed regarding Section 15.4(26 of the Colchester Land Development Regulations regarding sidewalks.

Motion by J. Novak, seconded by J. Rosenthal to approve the applicant's request to not install sidewalks along the Loomis Road portion of the property's located at 9 Loomis Road and 509 Westchester Road for the following reasons:

1. The site of the property is more than a mile from the nearest school.
2. Loomis Road and Old Country Roads are both dead end streets and have low vehicular traffic primarily by the residents of those streets.
3. Currently there are no sidewalks on any portion of Loomis Road and Old Country Road.

Motion carried unanimously

Motion by J. Novak, seconded by J. Rosenthal to approve Special Permit Application SP#16-002, 9 Loomis Road, LLC, applicant and owner for the property located at 9 Loomis Road and 509 Westchester Road, Assessors Map 03-17, Lot(s) 52 and 53 to construct a 3600 square foot building with drive-through for a coffee shop, convenience store and sandwich shop. Site will also have a gas station. The Commission finds pursuant to Section 5.7.10.B the Landscape Plan is consistent with the intent of the Land Development Regulations and specific guidelines therein. Application is approved as per plans by Tarbell, Heintz and Associates, Inc. last revised March 21, 2016 with the following conditions:

1. The properties at 9 Loomis Road Assessors Map 03-17, Lot 053-000 and property at 509 Westchester Road, Assessors Map 03-17, Lot 052-000 must be merged and deeds filed on the Town Land Records prior to the initiation of any site work and construction.
2. A Pre-construction meeting will be held before the beginning of any work.
3. The septic system will be constructed to the approval of the Chatham Health District.
4. A community well permit will be required by the State of Connecticut prior to the Certificate of Occupancy on the building.
5. The detention basin and any associated drainage must be completed and vegetation established prior to any paving and prior to the issuance of Certificate of Occupancy on the building.
6. The applicant will need to come before the Commission for approval of any signage with the exception of directional signs shown in this application.
7. Final approval will be required by the State of Connecticut Department of Transportation prior to the issuance of any Certificate of Occupancy.
8. A bond will be required for any Erosion and Soil Control Measures prior to any site work.
9. A bond will be posted to ensure Landscaping survives 2 spring growth periods as per Section 9.4.1(E) of the Regulations.
10. A final lighting plan shall be submitted to the Zoning Officer compliant with Section 12.0 of the Regulations.
11. Applicant is required to address all items indicated in letter from Colchester Town Engineer dated April 4, 2016.
12. A Pre-construction meeting will be required prior to the issuance of any permits for construction.
13. Applicant shall provide an approved and mutually agreed upon Conservation Easement, acceptable to Town Counsel, prior to the issuance of a building permit.

Motion carried unanimously

Motion by J. Novak, seconded by J. Rosenthal to approve the location of a gasoline station at 9 Loomis Road Colchester, CT 06415. The Planning and Zoning Commission of the Town of Colchester will provide the owner of 9 Loomis Road and 509 Westchester Road with a Certificate of Approval for the location of a gasoline station at 9 Loomis Road and 509 Westchester Road, Colchester, CT 06415 as per Connecticut Statutes Section 14-321. **Motion carried unanimously**

Chairman Mathieu said that he was pleased that the applicant and the neighbors had reached an agreement and thanked Atty. Pearson and Atty. Wise for their work.

B. Seeley returned as a voting member.

- B. Special Permit #16-003, Alpha Q applicant/owner**, Application for Special Permit per Section 7.3.8 of the Colchester Land Development Regulations proposed two 12,000 square foot additions to existing buildings and a new separate 25,000 square foot building, located at 87 Upton Road, Assessor's Map 00-90, Lot 008-004, Arterial Commercial Zone. (Public Hearing opened on April 6, 2016; continued to 4/27/16 and closed on 4/27/16.)

This Public Hearing was closed this evening. Chairman Mathieu said that from his perspective the water issue were caused by items beyond the applicant's control. He thanked the Town Staff for their quick response to the situation.

The Commission reviewed the Application Report from R. Benson dated March 21, 2016 and were in agreement with the findings. Discussion followed regarding Section 15.4(26) of the Colchester Land Development Regulations regarding sidewalks.

Motion by J. Novak, seconded by J. Rosenthal to approve the applicant's request to not install sidewalks on the property located at 87 Upton Road for the following reasons:

1. The site of the property is more than a mile from the nearest school.
2. The site is located on Upton Road which currently only has commercial and industrial development and is a loop road which begins and ends on Old Hartford Road and does not provide through access for any other street. Any traffic on Upton Road is typical only for the businesses located on Upton Road.
3. Currently there are no sidewalks on any portion of Upton Road.

Motion carried unanimously.

Motion by J. Novak, seconded by J. Rosenthal to approve Special Permit Application SP#16-003, Alpha Q applicant and owner, for the property located at 87 Upton Road, Assessors Map 09-00, Lot 008-004 to construct two 12,000 square foot additions to the existing building and one new 25,000 building for a total of 49,000 square feet of manufacturing and office space with associated site improvement to be done in three phases. Application is approved as per plans titled Alpha Q Expansion by CLA Engineers las revised February 25, 2016, building plans titled Alpha Q by Colchester Construction dated 2/3/2016 and lighting plan by Metro Lighting, Inc dated 2/22/2016 with the following conditions:

All items in report from James Paggioli, L.S. Director of Public Works will be addressed during construction.

A Pre-Construction meeting will be held before the beginning of each phase of the project.

A Landscaping Bond will be required to ensure landscaping last two spring growth seasons per Section 9.4.1(E) of the Colchester Land Development Regulations.

Motion carried unanimously.

C. ZC#16-203 Uz-Mah Development, Ltd, LLC applicant/David R. Lee and Jenifer A. Lee, owner, application to change zoning district of approximately .78 acre lot from Town Centre District to Arterial Commercial for property at 127 Old Hartford Road, Assessor's Map 15-00, Lot 062. **(Receipt only – Public Hearing scheduled for 5/4/16)**

D. RC#16-211 Town of Colchester Planning and Zoning Commission, Applicant: Application to add Section 3.4.1.C to address existing developed properties for minimum lot size and building setbacks; Add Section 8.9.5.A.1 to add provisions to allow poultry or fur bearing animals on any property that is less than 100,000 square feet; Amend Section 11.13 Building Mounted Sign Standards to allow additional signs on buildings that are in a location or configured so that additional signs would provide better visibility for promoting businesses located inside the building; Amend Section 12.0 Lighting to address an error on the reference of the appendix number for the guidelines established by the Illuminating Engineering Society of North America; correction to Section 10.6 Parking Lot Design to read "have no greater than five percent (5%) slope. **(Receipt only – Public Hearing scheduled for 5/4/2016)**

No action was taken on Items C & D as the Public Hearings for these applications is scheduled for May 4, 2016.

9. Preliminary Reviews – None

10. Old Business – None

11. Planning Issues & Discussions – None

12. Zoning Enforcement Officer's Report – April 2016

R. Benson distributed a copy of the April 2016 Zoning Enforcement Officer's Report to the Commission members and updated them on the violations that have been resolved.

13. Correspondence –

A. **Letter from the State of CT Department of Transportation regarding Bridge No. 06736 – Route 11**

R. Benson told the Commission that this letter included in their packet was regarding an application being submitted by the CT Department of Transportation to the CT State Department of Energy and Environmental Protection for work on Bridge No. 06736 on Route 11 over Cabin Brook. A copy had been also sent to the Colchester Conservation Commission.

14. Executive Session to discuss Pending Litigation

Motion by J. Rosenthal, seconded by J. Novak for the Commission to enter into Executive Session at 8:29 p.m. to discuss the litigation of Przekopsi vs. The Town of Colchester, and to invite S. Soby, Board of Selectmen Liaison and Atty. Beth Critton from Town Counsel. **Motion carried unanimously**

Entered into Executive Session at 8:29
Exited from Executive Session at 9:17

15. Adjournment

Motion by K. Godbout, seconded by J. Novak to adjourn at 9:17 p.m. **Motion carried unanimously.**