

Town of Colchester

Land Use Department
127 Norwich Ave, Suite 105
Colchester, CT 06415
www.colchesterct.gov



Demian Sorrentino, AICP, Planning Director
Stacey Churchill, Land Use Assistant
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T: (860) 537-7278

**PLANNING & ZONING COMMISSION
REGULAR MEETING
Wednesday, July 19, 2023 – 7:00 PM
Town Hall Meeting Room 1**

MINUTES

RECEIVED
COLCHESTER, CT
2023 JUL 21 PM 2:43
Mark Fucman
MARK FUCMAN
TOWN CLERK

Members Present: Chairman J. Mathieu, Vice Chair J. Novak, S. Nadeau, M. Kehogreen, B. Hayn, S. Smith

Absent: M. Noniewicz

Also Present: Planning Director, D. Sorrentino, Land Use Assistant, S. Churchill, Assistant Planner/ZEO, I. Kisluk, Applicants, Public

1. Call to Order – Chairman Mathieu called the meeting to order at 7:00 pm
2. Additions or Deletions to the Agenda – None
3. Minutes of Previous Meeting
 - a. Regular Meeting 6/21/23 – Motion by B. Hayn to approve the minutes. 2nd by S. Nadeau. Motion carried with M. Kehogreen abstaining.
4. Public Hearings
 - a. PZC2023-010 of the Town of Colchester Planning & Zoning Department (Applicant) – Proposed Regulation Amendment to Sections 3.3, 3.4, 5.3.2, 8.3, 8.9, 15.3 and 20.4 of the Town of Colchester Land Development (Zoning) Regulations. – Chairman Mathieu opened the public hearing and asked if there were any concerns with the commissioners seated for the public hearing. D. Sorrentino read the Planning Director Staff Report and gave an overview of the regulations that are proposed to change. The Chairman asked if anyone in the audience would like to speak in favor of the application. Hearing none, he asked if there was anyone who wished to speak in opposition.
 - Attorney Rebecca Harris, representing Skyview Drive resident Kurt Swanke, spoke in opposition to the proposed changes to Sec. 15.3 regarding Site Plan application requirements for Accessory Buildings. The opposition is in response to the ongoing zoning issue at 46 Skyview Drive. The amendment, if approved, would allow the accessory building there to be permitted by one person (the ZEO) instead of being reviewed by the Commission. The attorney provided the commission with a petition signed by some of the Skyview Drive residents who oppose the change to Section 15.3.

- Dianne Winicki, Skyview Drive resident, spoke in opposition to the proposed change to Sec 15.3. She provided a letter reflecting the reasons she opposes.

- Kathy Mussen, Skyview Drive resident, spoke in opposition to proposed amendments to Sec 15.3 citing the situation on Skyview Drive as her reason to oppose the changes.

- Paula Jervasi, Cato Corner Road resident, asked why the regulations need to be changed at all. She feels like it is hurting the town.

Chairman Mathieu gave his views on the testimony given and stated it is apparent the opposition is because of the unfortunate situation on Skyview Drive. The regulation amendment to this section is not to benefit any single person, but rather applies Town-wide and is a matter of determining how to best handle the administrative process of permitting of these buildings, whether by staff or by the Commission. D. Sorrentino provided additional information regarding the testimony of those who spoke during the hearing.

- Kathy Mussen asked about the workload of the commission and if more people should be brought in to handle the work.

Motion by J. Novak to close the public hearing. 2nd by B. Hayn. Vote was unanimous, motion carried.

5. Five Minute Session for the Public – None

6. Pending Applications

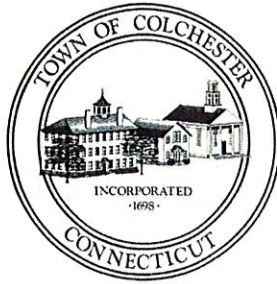
- a. PZC2023-010 of the Town of Colchester Planning & Zoning Department (Applicant) – Proposed Regulation Amendment to Sections 3.3, 3.4, 5.3.2, 8.3, 8.9, 15.3 and 20.4 of the Town of Colchester Land Development (Zoning) Regulations. – Members discussed the application. Because the proposed changes were a result of months of discussions, there was little deliberation. The conversation centered around the size of an accessory building that would trigger a Site Plan application to the Commission versus what would be approved by staff. The proposed size was 1,500 SF of floor area. After discussion, members came together to set the size at a 1,250 SF footprint. Motion by J. Novak to approve application PZC2023-010 of the Town of Colchester Planning & Zoning Department regulation amendments to Sections 3.3, 3.4, 5.3.2, 8.3, 8.9, 15.3 and 20.4 of the Town of Colchester Land Development (Zoning) Regulations with the change of 1,500 SF to 1,250 SF and to change the words “floor area” back to “footprint” in both in Sections 15.3.1.A and 15.3.1.B. The Commission finds that these amendments are consistent with Colchester’s 2015 Plan of Conservation and Development. 2nd by B. Hayn. Vote was unanimous, motion carried.

- 7.** New Applications – None
- 8.** Preliminary Reviews – None
- 9.** Old Business – None
- 10.** New Business – None
- 11.** Planning Issues and Discussions
 - a. Regulation of itinerant vendors seeking semi-permanent or regular location – D. Sorrentino gave the example of a person who owns a food truck and wants to either move it around to different locations or leave it at one location for an extended period of time. The commission's position is that it is generally not a zoning issue if the vendor remains mobile, but rather a matter of obtaining the proper vendor permit from the First Selectman's office and it is not in the purview of the Planning & Zoning Commission. The Commission would only review this if it were to be located on the same private property for an extended period of time, as was the donut vendor on Broadway.
 - b. Mandatory commissioner education – A brief update of the education requirements was discussed. At a future meeting, members may view some education materials towards the credit requirements.
 - c. Zoning Enforcement Status Report – ZEO I. Kisluk gave an update on the outstanding and new zoning or blight violations since the last meeting.
- 12.** Correspondence
 - a. SCCOG Regional Planning Commission – This group is looking for representatives from Colchester P&ZC to attend their quarterly meetings.
- 13.** Adjournment – Motion by B. Hayn to adjourn. 2nd by J. Novak. Vote was unanimous, meeting adjourned at 8:48 pm.

Respectfully submitted by: Stacey Churchill, Land Use Assistant

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PLANNING DIRECTOR STAFF REPORT REGULAR MEETING 7/19/2023

DATE: July 19, 2023
TO: Planning & Zoning Commission Membership
FROM: Demian A. Sorrentino, AICP, CSS, Planning Director
RE: Planning Director Staff Report – Regular Meeting 7/19/23

PZC2023-010 of the Town of Colchester Planning & Zoning Department (Applicant) – Proposed Regulation Amendment to Sections 3.3, 3.4, 5.3.2, 8.3, 8.9, 15.3 and 20.4 of the Town of Colchester Land Development (Zoning) Regulations.

- The official date of receipt for this application was 6/7/23.
- The public hearing opens this evening 7/19/23. Public Hearing must be closed by 8/23/23 (35 days) if not extended by consent of applicant. Decision must be rendered within 65 days of close of Public Hearing.
- Legal Notice of the Public Hearing was advertised in the Rivereast News Bulletin on Friday 7/7/23 and Friday 7/14/23.
- Because the proposal may affect property within 500' of the Municipal boundary, notification of the proposal was sent to all abutting municipalities on 6/16/23 in accordance with statutory requirements.
- More than 30 days have passed and we have received no correspondence in response to the inter-municipal notifications.
- Because the proposal may affect property within 500' of the Municipal boundary, notification of the proposal was submitted to SCCOG notification was submitted on 6/16/23.
- Correspondence dated 7/3/23 has been received from SCCOG finding no negative inter-municipal impact.
- This Regulation Amendment may only be approved by affirmative vote of a majority of all Commission members (currently 7 members, requires 4 affirmative votes to pass).
- In making its decision, the Commission shall take into consideration the Plan of Conservation & Development and shall state on the record its findings on consistency of the proposed regulations with such Plan.
- As of the preparation of this report, no written correspondence either for nor against the proposal has been received.

Public Hearing

Sample Motion to Close: To close the public hearing for application PZC 2023-010.

Sample Motion to Continue: To continue the public hearing for PZC 2023-010 to the next regularly scheduled meeting of Wednesday, August 16, 2023.

Pending Application

Sample Motion to Continue: To table consideration of application PZC 2023-010 to the next regularly scheduled meeting of Wednesday, August 16, 2023.

Sample Motion to Approve: To approve the amendments to Sections 3.3, 3.4, 5.3.2, 8.3, 8.9, 15.3 and 20.4 of the Town of Colchester Land Development (Zoning) Regulations as proposed by application PZC 2023-010 with an effective date of Friday, August 11, 2023. The Commission finds that these amendments are consistent with Colchester's 2015 Plan of Conservation & Development.

1250
Footprint

Regulation of itinerant vendors seeking semi-permanent or regular location – Question was raised about a food truck occupying a specific location on a weekly or even daily basis. Requesting the Commission's input on how to regulate and/or permit this type of use from a zoning perspective.

Mandatory commissioner education – Per CGS Sec. 8-4c, P&ZC Commissioners who are in office as of 1/1/23 are required to complete 4 hours of mandatory land use training by 1/1/24. Most recently, on 6/22/23 I forwarded an email with a link to 3 hours of on-line training offered by the Center for Land Use Education and Research (CLEAR). I will aim to hold a 1-hour group training at Town hall during the fall or winter months for P&ZC and ZBA members to attend. Both agencies are required to forward a statement to the BoS confirming compliance with the statutory requirement by 1/1/24.

Zoning Enforcement Status Report - Zoning Enforcement Officer can provide a report on the status of zoning and blight enforcement cases.

SCCOG Regional Planning Commission – SCCOG is requesting a representative and an alternate from the Town of Colchester P&ZC to attend and participate in quarterly Regional Planning Commission meetings.

Please note that I will be absent from the next Regular Meeting of Wednesday August 16, 2023 due to family vacation.

ZONING PROTECT PURSUANT TO CONN. GEN. STAT. § 8-3(b)

July 19, 2023

Via Hand Delivery, Email & Fax

Zoning Commission

Town of Colchester

127 Norwich Avenue

Colchester, CT 06415

Fax: 860-537-0547

Email: Damien Sorrentino, dsorrentino@colchesterct.gov

(mailto:dsorrentino@colchesterct.gov)

Re: Protest of Application PZC 2023-010, Proposed Amendments to Land Development (Zoning regulations) pursuant to Conn. Gen. Stat. § 8-3

To whom it may concern:

Pursuant to Conn. Gen. Stat. § 8-3(b), we the undersigned residents of the Town of Colchester, do hereby protest the proposed changes to Section 15.3, Site Plan – Class I, of the Land Development (Zoning) Regulations for the Town of Colchester, Connecticut as contained in the Application PZC 2023-010. We are each the owners of property that is within five hundred feet of a property included or that would be affected by the proposed changes, in that 1) a Site Plan – Class I is currently pending for the subject property; and/or 2) a complaint has been lodged with the Commission for the subject property due to failure to comply with existing Zoning Regulations, including but not limited to the failure of the subject property owner to submit an a Site Plan in compliance with ethe regulations, and/or for which resolution of the complaint and/or violations may require submission of a Site Plan - Class 1.

Resident: Kevin Winicki

Address: 44 Skyview Dr. Colchester, CT 06415

Signature: Ben J. Smith

**ZONING PROTECT PURSUANT TO CONN. GEN.
STAT. § 8-3(b)**

July 19, 2023

Via Hand Delivery, Email & Fax
Zoning Commission
Town of Colchester
127 Norwich Avenue
Colchester, CT 06415
Fax: 860-537-0547
Email: [Damien Sorrentino, dsorrentino@colchesterct.gov](mailto:Damien.Sorrentino@colchesterct.gov)

Re: **Protest of Application PZC' 2023-010, Proposed Amendments to Land Development (Zoning regulations) pursuant to Conn. Gen. Stat. § 8-3**

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Resident	Address	Signature
Lawn Swirke	50 Skyview Dr.	Lawn Swirke
Jason Bilgrip	52 Skyview Dr.	Jason Bilgrip
Don T. Lind	44 Skyview Drive	Don T. Lind
Kathleen Lynch-Mussen	47 Skyview Drive	Kathleen Lynch-Mussen
Maura Bakoulis	52 Skyview Dr	Maura Bakoulis
KURT SWANER	50 Skyview Dr	Kurt Swaner

dianne winicki <diwin1@yahoo.com>

7/19/2023 6:22 PM

Planning & Zoning Commission

To Kurt Swanke <kurt.swanke@comcast.net> • Lauri Swanke <lswanke@comcast.net> • Kathy Lynch-Mussen <klynchmus@gmail.com> • kevwin1@ahoo.com <kevwin1@ahoo.com>

Good Evening Planning Director Damien Sorrentino, Planning & Zoning Commision Chair Joseph Mathieu and all members of the Planning & Zoning Commission,

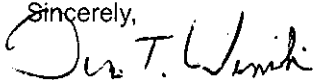
I am Dianne Winicki, a Colchester resident very concerned about the proposed changes in our town's rural zoning regulations.

Changing the Class 1 regulation for accessory buildings from the current regulation which stipulates that the accessory building cannot exceed 1,000 square feet or 75% of the footprint of the primary building, whichever is less, to the proposed 1,500 square feet causes me grave concerns. I am one of those neighboring properties that have been adversely impacted by an oversized accessory building being wrongfully approved. I know firsthand the adverse impact. And, I am unfortunately not alone. I have recently learned that sadly, there are several other oversized buildings in town that were also wrongfully approved. What I find MOST ALARMING is that with the town now well aware that these accessory buildings were wrongfully approved and also being emphatically made well aware of the impact, in my case, made aware NOT just by ME but by my ENTIRE neighborhood, literally dozens of residents ... This includes the PAST IMPACT during the time of the construction of the accessory building, as well as the ONGOING IMPACT on the neighboring properties, the Town is now considering to INCREASE the allowed square footage, to LESSEN, to WEAKEN the regulations? I don't understand. Help me understand. How is changing, lessening the regulations going to protect the residents of Colchester, how is it going to help prevent what happened to my neighborhood, what happened to my small, quiet cul-de-sac, to NOT happen to some other quiet, unsuspecting street in Colchester?

Colchester has been and still remains largely a rural community. That is specifically why my husband and I chose to move here twenty-seven years ago. Despite the rapid growth of the town over the years, Colchester has continuously prided itself on being a town "Where Tradition Meets Tomorrow.", To truly honor that, I believe this is a town where residents' concerns are welcomed, valued and seriously taken into consideration. I implore the Commission to ensure the residents that you are EACH going to do WHATEVER you can to preserve the rural character of this special town we all call HOME.

Thank you!

Sincerely,



Dianne Winicki
#44 Skyview Drive
Colchester, CT 06415