



# ***Town of Colchester, Connecticut***

127 Norwich Avenue, Colchester, Connecticut 06415

Website: [www.colchesterct.gov](http://www.colchesterct.gov)

**Planning & Zoning Commission  
Meeting Minutes  
September 16, 2020  
ZOOM Meeting @ 7:00 pm**

- 1. CALL TO ORDER** –Chairman Joseph Mathieu called the meeting to order at 7:00 pm.

**ROLL CALL-**

**Members Present:** Chairman Joseph Mathieu, Vice Chairman John Novak, Secretary Mark Noniewicz, Beverly Seeley, Jason Tinelle, Meaghan Kehogreen, and Bruce Hayn.

**Members Absent:**

**Others Present:** Matthew Bordeaux; Planner and Kamey Cavanaugh; Clerk.

**2. ADDITIONS TO THE AGENDA –**

M. Bordeaux reported an addition to the agenda;

**7A. Colvest / Colchester LLC 2020-017 Request for Regulation Change.**

*M. Noniewicz MOTIONED to ADD Colvest / Colchester LLC 2020-017, Regulation Change under ITEM 7.A SECONDED by B. Hayn. MOTION CARRIED.*

**3. APPROVAL OF MINUTES – August 19, 2020**

*J. Novak MOTIONED to APPROVE the minutes of August 19, 2020. SECONDED by B. Hayn. MOTION CARRIED 6-0-1; M. Noniewicz abstained.*

*M. Noniewicz MOTIONED to APPROVE the minutes of September 2, 2020. SECONDED by J. Tinelle with (2) typographical errors. MOTION CARRIED*

M. Bordeaux read the legal notice into the record.

**4. PUBLIC HEARING-**

**A. Town of Colchester Planning and Zoning Commission Regulation Text Amendment (2020-015)**

Chairman Mathieu asked if there are any objections to any of the commissioners seated for the application; hearing none

M. Bordeaux presented the following report to the members of the Commission and public for consideration.

The Westchester Village District (WV) appears to serve two principal functions. First, it is a commercial hub for the neighborhood, offering access to a limited number of goods and services at a reasonable driving range for residents. Second, due to its location on two notable arterial routes, it offers a convenient

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stop for commuters and passersby, as it remains an auto-oriented stop on the way by; not a destination in-and-of itself.

Section 5.7 of the Land Use Regulations begins with an outline of the intent of the district. The first line reads, “This district is intended to recognize and encourage development and redevelopment of the commercial patterns at the intersection of RT 16 and 149.” This statement is consistent with the existing conditions of the WV, however the only permitted use is residential.

As a result, all the commercial uses that make up the district, are subject to Special Permit approval. If the Commission wishes to encourage investment in the Westchester Village, I am recommending that several of the basic commercial uses currently listed as Special Permit Uses should be made Permitted Uses. Receipt of a Special Permit can be a deterrent to prospective businesses and developers, particularly those operating at a smaller scale (both in their physical footprint and in terms of customer traffic) most appropriate for the limited footprint of the WV. Special Permit approval is not guaranteed and can be viewed as a moving target. The requirement for a public hearing is also a significant concern to potential developers.

Alternatively, to preserve or enhance the district’s “village” character, the Commission adopted Performance Standards and Design Regulations to guide the layout and look of proposed uses. For the remaining uses that may be considered to be either inherently or traditionally in conflict with the character we are seeking for the district, Special Permit approval remains appropriate. The proposed regulation amendment reflects the feedback of the Commission and members of the WV neighborhood that shared their desires and concerns for the future of the district.

The proposal also includes some revisions to properly differentiate the WV from the Town Center. While both are considered village districts, they serve different functions, and efforts to accomplish the stated goals of each, as outlined in the Plan of Conservation and Development, require different provisions. Finally, the proposal includes revisions to better align the section with the other districts in terms of sequence and readability.

Please consider the following notes as you review the proposed amendment:

1. The WV does not currently have access to public water and sewer utilities. Comments shared with the Planning and Zoning Department convey a concern with the potential for uses to contaminate private water services and nearby natural resources. Therefore, the sales and service of oil and propane as a principal use remains prohibited. The retail sale of oil or propane as an accessory use is permitted subject to approval of a zoning permit.
2. The WV remains an auto-oriented commercial district simply by the nature of its location in a rural area and the proximity of the surrounding residential uses which are substantially single-family structures. Likewise, the WV includes several existing and past auto related uses including gas stations, auto detailing and services facilities, etc. Considering the number of existing regulations that apply to auto-related uses intended to mitigate the impacts of the use of hazardous materials, the Commission’s concern appeared to be how auto-related uses would impact the character of the district. The biggest concern expressed was the visual impact that a dealership or the sale of used cars can have on the road frontage. In an effort to maintain the opportunity to work with an

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applicant and condition an approval if necessary, but to avoid prohibiting the use all together, automobile sales is listed as a Special Permit use.

3. Section 5.7.2.I regarding mixed uses includes a line that states “Parcels registered as historic can utilize rear sections of the ground floor for residential uses.” There are no registered historic structures in this district.
4. When reading Section 5.7.2.E, it is clear that the outdoor storage of equipment or materials related to a landscaping or construction operation is not consistent with the character of the district. Rather than prohibit outdoor storage all together, listing it as a special permit use provides the Commission the opportunity to work with an applicant to mitigate any potential impacts by appropriately locating stored equipment / materials or requiring appropriate screening to shield views from the road.

Mr. Bordeaux referred to Section 4.4 of the Plan of Conservation and Development which emphasizes strengthening the WV. While most of the recommendations focus on encouraging pedestrian-oriented patterns of development and the characteristics that would enhance its “hamlet” character, these efforts can still be accomplished while increasing investment as stated in Policy A.3. The proposed regulation amendment would make it easier to develop or redevelop the uses consistent with the character and intent of the district.

Mr. Bordeaux reported the comments from SCCOG in response to request for statutory referral SCCOG - “Based on a review of the material submitted, SCCOG staff determined that the proposed amendment is not likely to result in an adverse inter-municipal impact.”

B. Seeley asked why Automotive Service and Repair is being moved from Special Permit to Permitted Use. M. Bordeaux stated this is a use that currently exists and doesn’t feel it is an intensive use.

Chairman Mathieu asked if anyone was present to speak in favor or against the proposed regulation change.

Mr. Bordeaux read the letters that have been received John Bear dated 9/16/2020, Susan Mausteller dated 9/16/2020 and Cynthia Blackham dated 9/16/2020 (see attachment)

Steven Budrew, 199 Westchester Road, asked for further clarification on the definition of Commercial in the regulations and stated concerns of large amounts of parked cars within an automobile service area. M. Bordeaux read into the record the definition of ‘commercial’ as printed in the current zoning regulations. In response to the storage of junk vehicles related to automotive repair facility; the intent is to consider the storage of cars related to the facility as outdoor storage of materials.

Jay Barnowski, 55 Loomis Road, supported the letter that is opposed to the change and was sent to the commission from John Bear, dated September 16, 2020 (see attachment)

Mr. Bordeaux met with the Fire Marshal to discuss the accident history near the Route 16 / Route 149 intersection. The Fire Marshal reported there has not been any accidents in which Colchester’s

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Emergency Responders have been called into respond since June 2019. B. Seeley noted the increase of traffic on Rt 16 since the Henny Penny has been opened.

Chairman Mathieu asked Mr. Bordeaux to speak to the zone change and focus on the proposed change as opposed to the multitude of positions that have been raised in the received letters. If staff could address the multifamily housing and expansion of the definition of commercial. It is understood the issues with the regulation in total, however this regulation change is not going to change a lot of the issues that have been referenced in the letters received. Mr. Bordeaux said they are not looking to make any modifications to any part of the residential development portion of the regulations and those uses would remain, as well as the bulk standards will remain unchanged.

Isabel Smith and Tom Smith, 7 Pine Road, fully support the letters that were written in for the record. Mrs. Smith would like not to lose sight of the 'village' part of Westchester Village.

Chairman Mathieu asked if there were any other members of the public wishing to speak; hearing none

***M. Noniewicz MOTIONED to CLOSE the PUBLIC hearing portion of Town of Colchester Planning and Zoning Commission Regulation Text Amendment (2020-015). SECONDED by B. Hayn. MOTION CARRIED.***

**B. Goldberg Estates LLC & Gavire Estates II, LLC – Lebanon Ave Subdivision (2020-016)**

Chairman Mathieu asked if there are any objections to any of the commissioners seated for the application; hearing none

M. Bordeaux reported this existing subdivision has been under construction since 2006. Originally approved for 135 lots with several roads within. 79 lots remain vacant and 4 roads to be completed. The permit is set to expire in 11/2020; rather to have the application lapse, it was advised to the applicant to renew the existing permit. Reference to CGS Section 8-3(H) states if the regulations have changed since a project is underway, the project would not be required to conform to the changes that occurred. The applicant was advised to receive a new wetlands permit which was obtained on August 12, 2020.

Chairman Mathieu asked if anyone was present to speak in favor or against the proposed regulation change.

Charles Dutch, Dutch and Associates, reported to the Commission of his research to find another way to have this application extended and this was the outcome. Chair Mathieu asked if any conditions have changed relative to the surrounding area, safety and welfare that should be considered. Mr. Dutch reported not to his knowledge.

Chairman Mathieu asked if anyone was present to speak in favor or against the proposed regulation change.

***M. Noniewicz MOTIONED to CLOSE the PUBLIC hearing portion of Goldberg Estates LLC & Gavire Estates II, LLC – Lebanon Ave Subdivision (2020-016). SECONDED by B. Hayn. MOTION CARRIED.***

**5. FIVE MINUTE SESSION FOR THE PUBLIC – NONE**

**6. PENDING APPLICATIONS – NONE**

**7. NEW APPLICATIONS –**

M. Bordeaux presented the new application for the commission to be heard at the October 7, 2020 meeting.

**A. Colvest / Colchester LLC 2020-017 Request for Regulation Change**

**8. PRELIMINARY REVIEWS**

**A. Ned Wasniewski – Farm Labor Housing**

Mr. Wasniewski was before the commission requesting feedback on plans to construct farm worker's housing on his existing farm property located at 167 Marvin Road. The building will be approximately 900 SF in size. M. Bordeaux stated this would be presented to the commission as a special permit and read Section 8.9.5H into the record.

**9. OLD BUSINESS**

**A. Night Watch Properties, LLC – 489 Old Hartford Road Resubdivision (2020-009) Special Permit / Site Plan (2020-010)**

M. Bordeaux updated the commission on the outstanding items from last meeting. Mr. Bordeaux reported that the agent for the applicant consulted with the owner of the operation and it has been concluded the business hours can adhere to the commissions' requests of 6am – 11pm; however asked the commission to consider the other self-storage facility in town is a 24 hour operation and is located in a more residential zoned district. The cluster of trees along the frontage had been visited by Mr. Bordeaux and reported that some of these trees are currently dead and need to be removed to open the visibility on the road. Staff has recommended removal of the dead trees and replacement with an ornamental landscaping plan. Finally, regarding the storage of hazardous materials, the aquifer protection zone is locally regulated and allows staff of the Water and Sewer Commission the opportunity to review proposed uses and, in this case, they did not identify this as a hazardous use. However, it was recognized there could be a potential for the storage of hazardous material within. The applicant did confirm the contract between the business and any persons using the units for storage will include language specifically prohibiting the storage of hazardous materials.

***M. Noniewicz MOTIONED for application of Night Watch Properties, LLC – 489 Old Hartford Road Resubdivision (2020-009) Special Permit / Site Plan (2020-010) to find that the Commission will not require sidewalks as there is no plan for the development of pedestrian access system in this area, there is no existing network of pedestrian infrastructure to connect to or expand upon, and there is no school within a mile of this location. SECONDED by J. Novak. MOTION CARRIED.***

***M. Noniewicz MOTIONED for application of Night Watch Properties, LLC – 489 Old Hartford Road Resubdivision (2020-009) Special Permit / Site Plan (2020-010) to find that the Commission APPROVE***

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*the request to reduce the number of parking spaces required to five (5) in accordance with Section 10.4.2 of the zoning regulations. SECONDED by J. Novak. MOTION CARRIED*

*M. Noniewicz MOTIONED for application of Night Watch Properties, LLC – 489 Old Hartford Road Resubdivision (2020-009) to approve the proposed 2-lot resubdivision (2020-009) of 489 Old Hartford Road, Map/Lot 05-10 / 025-000, Arterial Commercial District. SECONDED by J. Novak. MOTION CARRIED*

*M. Noniewicz MOTIONED to APPROVE application of Night Watch Properties, LLC – 489 Old Hartford Road Special Permit / Site Plan (2020-010) to approve the Special Permit and associated Site Plan for a proposed self-storage facility at 489 Old Hartford Road in accordance Section 7.3.6 of the zoning regulations. The Commission finds that it meets the special permit general evaluation criteria of Section 14.8.*

**APPROVAL with the Conditions:**

- 1. Conditions of the memo from Salvatore A. Tassone P.E., Town Engineer, dated July 23, 2020 are all completed to staffs satisfaction.*
- 2. Landscaping to be upgraded to include ornamental plantings at the road frontage where trees are to be removed*
- 3. Contract for Lessees to include language that prohibits storage of hazardous materials*
- 4. Emergency Spill Contingency plan per Section 9.2.1G6 shall be developed and approved by town staff.*

*M. Noniewicz noted for the record the proposed use is compatible with the Plan of Conservation and Development. The proposed use will not create or substantially aggravate vehicular and pedestrian traffic safety problems. The proposed use will not have substantial degrading effects on the value of the surrounding property. The proposed use will not substantially affect environmental quality in an adverse manner. The ability of surrounding property to develop consistent with the prevailing zoning classification will not be substantially impaired. Public utilities and storm drainage features are adequate to serve the proposed use. The kind, size, location and height of Buildings and other structures, the nature and extent of landscaping, and the location of Driveways, parking and loading areas will not substantially hinder or discourage the appropriate use of adjoining property.*

**SECONDED by J. Novak. MOTION CARRIED**

## **10. NEW BUSINESS-**

### **A. Town of Colchester Planning and Zoning Commission Regulation Text Amendment (2020-015)**

M. Noniewicz stated for the record the desire to encourage commercial development in the Westchester Village area, also stating to keep it as village like as possible. J. Tinelle stated the desire to make it easier for business opportunities. B. Seeley expressed concerns of the residents of the village who want to keep the area like a village and not more commercial, and expressed concern over changing the automobile shop to permitted use rather than keeping it under special permits. M. Bordeaux stated he thought the intent of the amendment in 2015 to categorize this area or identify and label it as a district was intentional

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and included additional provisions that would make it more aesthetically pleasing and encourage some development that would be consistent with the character. Since that regulation change in 2015 only one improvement has been made. B. Seeley agreed with the statement, adding the residents in the village would just like to continue to have a say.

***B. Hayn MOTIONED to APPROVE Town of Colchester Planning and Zoning Commission Regulation Text Amendment (2020-015) to revise Section 5.7 of the Colchester Land Development Regulations regarding the Westchester Village District by increasing the number of permitted uses and making minor editorial changes. The proposed amendment is consistent with Policy A.3 in Section 4.4 of the Plan of Conservation and Development as it seeks to increase investment in Westchester Village. The proposed amendment will have an effective date of October 1, 2020.***

***SECONDED by M. Noniewicz. MOTION CARRIED 6-1-0, B. Seeley voted NO***

**B. Goldberg Estates LLC & Gavire Estates II, LLC – Lebanon Ave Subdivision (2020-016)**

***B. Hayn MOTIONED to APPROVE the RENEWAL of Goldberg Estates LLC & Gavire Estates II, LLC – Lebanon Ave Subdivision (2020-016) previously approved White Oak Conservation Subdivision for the remaining 79 lots and associated improvements at Lebanon Avenue for five (5) years with an expiration date of September 16, 2025. All original conditions will continue to be required.***

***SECONDED by M. Noniewicz. MOTION CARRIED***

**11. PLANNING ISSUES AND DISCUSSION-**

**A. Affordable Housing - NONE**

**12. CORRESPONDENCE – NONE**

**13. ADJOURNMENT**

***B. Hayn MOTIONED to adjourn the September 16, 2020 Planning & Zoning Commission meeting at 9:54PM. SECONDED by M. Noniewicz. MOTION CARRIED.***

Respectfully Submitted,

*Kamey Cavanaugh*, Clerk

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