



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Website: www.colchesterct.gov

**Planning & Zoning Commission
Meeting Minutes
July 17, 2019
Town Hall Room 2 @ 7:00 pm**

- 1. CALL TO ORDER** – Chairman Mathieu called the meeting to order at 7:00 pm.
- 2. Members Present:** Chairman Joseph Mathieu, Vice Chairman John Novak, Meaghan Kehoegreen, Secretary Mark Noniewicz, Karen Godbout, Jason Tinelle, Bruce Hayn, Alternate Beverly Seeley
Members Absent: None

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2019 JUL 24 PM 13:02
Joseph Mathieu

Others Present: Daphne Schaub, Assistant Planner/Zoning Enforcement Officer, Board of Selectman Liaison Stan Soby, Kamey Cavanaugh, Clerk.

3. APPROVAL OF MINUTES – May 15, 2019 and June 19, 2019

K. Godbout MOTIONED to APPROVE the minutes of May 15, 2019. SECONDED by B. Hayn. MOTION CARRIED.

K. Godbout MOTIONED to APPROVE the minutes of June 19, 2019. SECONDED by B. Seeley. MOTION CARRIED.

D. Schaub read the call for the record.

4. PUBLIC HEARING-

- A. Application No. SUB2019-01:** 000 Windham Avenue, North Pond Development, LLC (Applicant), Ronald & Greg Moroch (Owner), for the proposed 37-Lot Subdivision, Map 06-04/Lot 007-000 (Continued from 06/19/2019)

Chair Mathieu asked if there were any concerns from the public with the members seated for the meeting; hearing none,

D. Schaub reported of a revised set of plans received and a report that has been presented for review. Subsequent to that, several changes have been made to the plans that were received on July 16th, 2019. A fee in lieu for open space was discussed. For purposes of the regulatory requirements as to open space the applicant is proposing a fee in lieu, and if accepted by the Planning and Zoning Commission, takes care of the open space requirement. The open space is never to be developed as long as the homeowners association exist. A clause listed in the declaration would continue if the HOA no longer exists and would provide the town the ability to become involved.

Chair Mathieu asked if there was anyone present to speak in favor of this application;

Mark Reynolds, PE, focused on the changes to the plans. Mr. Reynolds spoke of the specific note from Sal Tassone, Town Engineer, in regard to the warrant for a bypass lanes at the entrances. Testimony has been submitted from the project transportation engineer stating there "being no warrant for a bypass lane and the North Pond subdivision will have no significant impact on traffic operations or safety." In regards to the abutters concerns with changes in use along the North, a proposed conservation easement has been added which follows along the existing utility easement. In regards to the street light concerns, this proposal has been eliminated from the plan. Mr. Reynolds also stated there has been a revision made to the HOA documents to include a fertilizer plan which was generated with the help of the Conservation Commission to limit potential impacts to the pond. Mr. Reynolds spoke of the sidewalks along Windham Avenue and have been working off the staff recommendations of them not being required.

Robert Steele, 51 Munn Road, stated he is in favor of this application and of responsible development in Colchester and feels this is responsible development.

Chair Mathieu asked if there was anyone present to speak against this application;

Catherine Brunner, 328 Windham Ave, appreciated the elimination of the sidewalks. Ms. Brunners concerns of the size of the buffer zone and lack thereof. Concerns of the cul-de-sac location being 30' from the neighboring property line. The concern of ground water and the affects this development will have on existing wells. The concern of the additional traffic to the stop sign moving onto Lebanon Ave / Windham Avenue that is already a difficult left turn.

Jefferson Barbabosa, 318 Windham Ave, said he moved to this area to not have neighbors and three of the proposed homes to be constructed are set to be built behind his property.

Mrs. Barbabosa, 318 Windham Ave, said she enjoys the country life and the wild life in her neighborhood and would like to keep the privacy they have.

Jacqueline Brunner, 328 Windham Ave, expressed concern with the conservation not being conserved and the disruption of the wildlife in the area.

Catherine Brunner, 328 Windham Ave, believes HOA can change bylaws with a small quorum in one meeting. Ms. Brunner would like to see lots 1,2,4,5,9 & 10 eliminated and make that the conservation area. Saving those lots maintains the subdivision, gives the neighbors a buffer zone and give a passage way from the wetlands for the wildlife.

Mark Reynolds, PE, reiterated the storm water management for the site and how it falls into two categories, volumetric management and also stormwater quality. The site has been designed for zero increase in runoff as a requirement of the regulations, and has been reviewed and acceptable by staff. Although the layout of the subdivision may not be liked by all, it is a reflection of the subdivision regulations. The commissioners asked about moving the cul-de-sac and in response Mr. Reynolds stated moving the cul-de-sac would then no longer meet the frontage requirements. Mr. Reynolds also stated that after discussion with other commissions and staff the fee in lieu came to be and the HOA was an afterthought. Mr. Mathieu asked for clarification if after the HOA is established the ability to revisit or change the declaration. D. Schaub stated the bylaws can be amended but the declarations towards the open space are set forth and will be filed in the land records as deed restrictions.

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D. Schaub stated the Open Space Committee and the Conservation Commission believed the \$85000 that will be received for this fee in lieu will benefit the town of Colchester and other Open Spaces in town.

J. Novak MOTIONED to CLOSE PUBLIC HEARING for Application No. SUB2019-01: 000 Windham Avenue, North Pond Development, LLC. SECONDED by B. Hayn. MOTION CARRIED 6-1-1. Karen Godbout opposed and Meaghan Kehoegreen abstained.

M. Noniewicz MOTIONED to move Item 6.A out of order for deliberations. SECONDED by M. Kehoegreen. MOTION CARRIED.

M. Noniewicz MOTIONED to postpone action on application SUB2019-01 Windham Avenue, North Pond Development, LLC, until the next regular scheduled meeting of August 21, 2019 to allow time for staff and commission to further review. SECONDED by B. Hayn. MOTION CARRIED.

B. Application No. RC19-001: Proposed Regulation Amendment, Colchester Land Development Regulation, Section No. 13, Non-Conformities.

D. Schaub reported to the commission of the majority of the properties that were affected by the regulation change in 2015 and how they were long existing previously developed and completed sub divisions.

Property owner, 539 Westchester Road stated for the commission she is in favor of this regulation change.

Property owner of 200 Middletown Road, stated the property was purchased in 1989 and since then the setback change is preventing him from constructing a garage without a variance, therefore is in favor of this change.

Property owner of 4 Red School House road stated he is in favor of this regulation change.

M. Noniewicz MOTIONED to CLOSE PUBLIC HEARING for Application No. RC19-001: Proposed Regulation Amendment, Section No. 13, Non-Conformities. SECONDED by K. Godbout. MOTION CARRIED.

5. FIVE MINUTE SESSION FOR THE PUBLIC – None

6. PENDING APPLICATIONS –

A. Application No. SUB2019-01: 000 Windham Avenue, North Pond Development, LLC (Applicant), Ronald & Greg Moroch (Owner), for the proposed 37-Lot Subdivision, Map 06-04/Lot 007-000 (Continued from 06/19/2019). Moved by motion of the commission to be addressed before Agenda Item No. 4.B.

B. Application No. SB2019-04: 564 Lebanon Avenue, Estate of Gary A Keefe and Robert B. Keefe Jr (Owner), Robert B. Keefe Jr. (Applicant), for a 2-Lot Subdivision, Map 06-02/Lot 002-000.

M. Noniewicz MOTIONED to postpone action on SB2019-04 until the next regular scheduled meeting, reason being the application is not complete. SECONDED by K. Godbout. MOTION CARRIED

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M. Noniewicz MOTIONED to add agenda item 6.C. Application No. RC19-001: Proposed Regulation Amendment Colchester Land Development Regulation, Section No. 13, Non-Conformities. SECONDED by K. Godbout. MOTION CARRIED.

C. Application No. RC19-001: Proposed Regulation Amendment, Colchester Land Development Regulation, Section No. 13, Non-Conformities.

M. Noniewicz asked if staff has researched this proposed change through other towns. D. Schaub said she has researched other towns and regional planning agencies have reviewed it and said it would have no adverse effect.

M. Noniewicz MOTIONED to APPROVE Application No. RC19-001: Proposed Regulation Amendment, Colchester Land Development Regulation, Section No. 13, Non Conformities, with an effective date of September 1, 2019. SECONDED by J. Novak. MOTION CARRIED

7. NEW APPLICATIONS – None

8. PRELIMINARY REVIEWS – None

9. OLD BUSINESS – None

10. NEW BUSINESS – None

11. PLANNING ISSUES & DISCUSSION- None

12. ZONING ENFORCEMENT – None

13. CORRESPONDENCE – None

14. ADJOURNMENT

J. Novak MOTIONED to adjourn the July 17, 2019 Planning & Zoning Commission meeting at 8:55PM. SECONDED by J. Tinelle. MOTION CARRIED

Respectfully Submitted,
Kamey Cavanaugh, Clerk