

# *Town of Colchester, CT*

127 Norwich Avenue, Colchester, Connecticut 06415

PLANNING & ZONING COMMISSION  
WEDNESDAY, OCTOBER 21, 2020  
REGULAR MEETING AT 7:00 P.M.

Virtual Meeting to be held via ZOOM. For a link to the ZOOM meeting please visit the Town of Colchester Public Meetings Calendar at [www.colchesterct.gov](http://www.colchesterct.gov)

## AGENDA

1. **Call to Order**
2. **Additions to the Agenda**
3. **Minutes of Previous Meetings**
  - September 16, 2020
  - October 7, 2020
4. **Public Hearing:**
  - A. Town of Colchester Planning and Zoning Commission Regulation Text Amendment (2020-019)
5. **Five Minute Session for the Public**
6. **Pending Applications**
7. **New Applications**
8. **Preliminary Reviews**
9. **Old Business**
10. **New Business:**
  - A. Town of Colchester Planning and Zoning Commission Regulation Amendment (2020-019)
11. **Planning Issues and Discussions:**
  - A. Solar Energy Systems
  - B. Affordable Housing
12. **Correspondence**
  - A. Email dated October 13, 2020 from Deanne Bowen
13. **Adjournment**

RECEIVED  
TOWN OF COLCHESTER, CT  
2020 OCT 16 PM 1:02  
*Maile Furrman*  
MAILE FURMAN  
TOWN CLERK



# 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

MINUTES

Wednesday, September 16, 2020  
Planning & Zoning Commission

RECEIVED  
COLCHESTER, CT  
2020 OCT 16 PM 12:54  
Gayle Furman  
TOWN CLERK

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

#### MINUTES

Wednesday, September 16, 2020  
Planning & Zoning Commission

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

#### MINUTES

Wednesday, September 16, 2020  
Planning & Zoning Commission

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*

MINUTES

Wednesday, September 16, 2020  
Planning & Zoning Commission

*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

MINUTES

Wednesday, September 16, 2020  
Planning & Zoning Commission

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.***

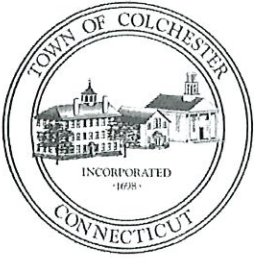
Respectfully Submitted,

*Kamey Cavanaugh*, Clerk

MINUTES

Wednesday, September 16, 2020  
Planning & Zoning Commission





# Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

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

**Planning & Zoning Commission  
Meeting Minutes  
October 7, 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, Jason Tinelle, Bruce Hayn & Meaghan Kehoegreen (7:06)

**Members Absent:** Secretary Mark Noniewicz & Beverly Seeley

**Others Present:** Matthew Bordeaux; Planner, Daphne Schaub, ZEO

2. **ADDITIONS TO THE AGENDA –**

M. Bordeaux reported an addition to the agenda;

**11. C. Historic Preservation Overlay Zone**

*J. Novak MOTIONED to ADD Historic Preservation Overlay Zone under ITEM 11. C. SECONDED by B. Hayn. MOTION CARRIED.*

3. **APPROVAL OF MINUTES – September 16, 2020**

M. Bordeaux read the legal notice into the record.

4. **PUBLIC HEARING-**

**A. Colvest / Colchester LLC – Regulation Text Amendment (2020-017)**

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 applicant, Colvest/Colchester, LLC, is proposing an amendment to the Land Use Regulations Section 5.3 regarding uses permitted in the Town Center District (TC). Specifically, the proposal would strike the word “parts” from the list of auto-related commercial uses not permitted in the TC per Section 5.3.2. The result would be to allow the retail sales of auto parts to be considered a commercial use.

Peter Alter, Attorney for the applicant was before the commission requesting a change in the text to suit a potential tenant. Mr. Alter stated in his opinion the change would support retail opportunity and permit auto part stores to operate under retail establishments, which is consistent with other retail establishments in the Town Center.

MINUTES

Wednesday, October 7, 2020  
Planning & Zoning Commission

RECEIVED  
COLCHESTER, CT  
2020 OCT 16 PM 12:54  
GAYLE FURMAN  
TOWN CLERK

Chairman Mathieu asked if anyone was present to speak in favor or in opposition of the application.

Taras W. Rudko, Member Board of Selectman, asked for clarification as to where the overlay zone ends, as he was currently looking at the map and it shows many auto retail establishments in the vicinity of Linwood Avenue. Mr. Bordeaux stated when the regulations were amended in 2015 to revise the zoning districts and the Town Center village district, the footprint encompassed many existing auto part/retailers. Additionally the Historic Preservation Overlay Zone was delineated by parcel boundaries, however, in the case of 71-79 Linwood Ave, the application included a lot merger when the site was developed leaving an overlay zoning boundary that runs through the parcel.

***J. Novak MOTIONED to CLOSE the PUBLIC hearing portion of Colvest / Colchester LLC – Regulation Text Amendment (2020-017). SECONDED by J. Tinelle. 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 21, 2020 meeting.

**A. NCT Friction Welding – 124 Upton Road**

**B. Town of Colchester Planning and Zoning Commission – Regulations Amendment (2020-019)**

**8. PRELIMINARY REVIEWS**

**9. OLD BUSINESS**

**10. NEW BUSINESS-**

**A. Colvest / Colchester LLC – Regulation Text Amendment (2020-017)**

Chairman Mathieu stated he is in agreement with the arguments put forth by the applicant, in addition, made mention of the number of other retail auto parts stores in the same zone. The members of the commission are also in agreement.

***J. Novak MOTIONED to APPROVE the regulation text amendment to revise Section 5.3.2 of the Colchester Land Development Regulations to remove the sale of auto parts from the list of uses prohibited as Commercial Development in the Town Center District. The proposed amendment is consistent with Section 4.3 and 4.5 of the Plan of Conservation and Development as it seeks to “Strengthen the Town Center Economically” and “Facilitate and Support Economic Growth.” With an effective date of October 26, 2020. SECONDED by J. Tinelle. MOTION CARRIED***

MINUTES

Wednesday, October 7, 2020  
Planning & Zoning Commission

## 11. PLANNING ISSUES AND DISCUSSION-

- A. Historic Preservation Overlay Zone** - Mr. Bordeaux mentioned a provision within the Historical Preservation Overlay Zone that prohibits auto part sales within the overlay zone. It is suggested to strike the word 'parts' in the section or another option could be to take the portion of the Historic Preservation Overlay Zone that applies to the half of the parcel and move it to the adjacent property. Chairman Mathieu feels as though the sale of auto parts is acceptable within the Town Center Zone then it should be corrected throughout the zone rather than amend the Historic Preservation Overlay Zone Boundary.
- B. Solar Energy Systems-** Mr. Bordeaux spoke of the research that has gone into Solar Energy Systems and how surrounding towns are addressing the uses. The areas of concern are essentially solar energy systems as a principal use for a property, also known as solar farms. The split jurisdiction between the Planning and Zoning Commission and the Sighting Council was discussed and it is noted to have this clearly defined. Staff will continue to explore surrounding towns' regulations and if the commission has any comments please email them to staff. Discussion will continue with Solar Energy Systems.
- C. Affordable Housing** - Ms. Kehoegreen asked staff to provide the commission with an assessment of the town showing where affordable housing could be allowed. Mr. Bordeaux stated the Southeast Connecticut Housing alliance provided a report that included an assessment of land use and what the provisions were in different areas of town. Mr. Bordeaux will reach out to the group again and invite them to a future meeting for further discussion.

## 12. CORRESPONDENCE – NONE

## 13. ADJOURNMENT

***B. Hayn MOTIONED to adjourn the October 7, 2020 Planning & Zoning Commission meeting at 8:09PM. SECONDED by J. Tinelle. MOTION CARRIED.***

Respectfully Submitted,  
*Kamey Cavanaugh*, Clerk

**TOWN OF COLCHESTER  
LEGAL NOTICE**

The Planning and Zoning Commission will hold a virtual public hearing on October 21, 2020, at 7:00 P.M. to hear and consider the following petitions:

1. **Town of Colchester Planning and Zoning Commission – Regulation Text Amendment (2020-019)** – To revise Section 9.1.2.H of the Colchester Land Development Regulations to remove the sale of auto parts from the list of uses prohibited in the Historic Preservation Overlay Zone.

At this hearing interested persons may be heard and written communications received. A copy of this petition is in the Planning and Zoning Department, Town Hall, 127 Norwich Avenue, and may be inspected during regular business hours (8:30 a.m. – 4:30 p.m., Monday through Friday).

Planning and Zoning Commission  
Joseph Mathieu, Chair

**TOWN OF COLCHESTER  
PLANNING AND ZONING DEPARTMENT**

**TO:** Planning and Zoning Commission

**FROM:** Matthew R. Bordeaux, Planning Director *MRB*

**DATE:** October 16, 2020

**RE:** Town of Colchester Planning and Zoning Commission  
Zoning Regulation Amendment (2020-019)

At the Commission's October 7, 2020 regular meeting, Colvest/Colchester, LLC proposed a regulation text amendment of Section 5.3 of the Land Development Regulations. The amendment, approved by the Commission that evening, removed the word "parts" from the list of auto-related commercial uses not permitted in the Town Center District per Section 5.3.2. The result allows the retail sales of auto parts to be considered a commercial use, permitted in the Town Center.

Section 9.1 of the Regulations lists a series of uses not allowed in the Historic Preservation Overlay Zone (HPOZ). Section 9.1.2.H includes "Automotive sales, service, parts and repairs" as one of those prohibited uses.

As the HPOZ is located entirely within the Town Center District, it stands to reason that, consistent with the intent of the amendment in the Town Center, the same principles considered in the Commission's approval also apply to the sales of "parts" in the HPOZ. Therefore, to close the loop on the decision that the sale of auto parts be considered a generally accepted commercial retail use, the following proposal would strike the word "parts" from Section 9.2.H for consistency across the two districts.

***Auto Related Uses in Historic Preservation Overlay Zone***

The purpose of the HPOZ is to encourage the protection, enhancement, and use of buildings and structures and appurtenant vistas having historic and/or aesthetic value which represent or reflect elements of the Town's cultural, social, economic and architectural history. The list of uses in Section 9.1.2.H are specifically excluded because they have been determined to be inconsistent with the purpose of the HPOZ.

The provisions of Section 9.1.5 outline architectural guidelines for new construction, substantial re-construction and rehabilitation of properties within the HPOZ. It is these provisions that facilitate the review of activity in the HPOZ for compliance with historic or aesthetic values which represent or reflect elements of Colchester's cultural, social, economic and architectural history.

In the Commission's consideration of the amendment of Section 5.3.2, the applicant stated that "An auto parts store is a retail use which should be allowed in the Town Center District." He

further states “As a permitted retail use, an auto parts store will not have a detrimental impact on the intent or character of the Town Center District.” With the provisions of Section 9.1.5 in place, the Commission holds the tools to regulate the architectural elements of any commercial use proposed in the zone. Therefore, the comments from Colvest/Colchester, LLC remain relevant to commercial retail establishments proposed in the HPOZ, just the way they do to the Town Center.

### ***Zoning Regulation Text Amendment***

In accordance with Section 8-3a of the Connecticut General Statutes, “the Commission shall state on the record its findings on consistency of a proposed regulation or boundaries or changes thereof with the plan of development for the municipality.”

Section 4.3 of the POCD seeks to “Enhance the Town Center.” In order to “Strengthen the Town Center Economically”, the Plan states that “Colchester should maintain and enhance the Town Center as the government, civic, institutional, and cultural center of the community. Uses and activities which support or enhance the desired role for the Town Center should be located in the Town Center area and discouraged in outlying areas. If such uses are located outside of the Town Center area, they may dilute the overall focus and attractiveness of the Town Center and not create as strong a Town Center as the community wants. Colchester should seek to create a critical mass of activities and focal points to drive interest and draw people to the Town Center.”

Increasing permitted commercial uses in the Town Center will help to generate the critical mass of activities necessary to attract investment in existing under-utilized spaces. When opportunities for the enhancement or redevelopment of spaces in the TC District present themselves, the design and performance provisions of Section 5 are in place to ensure improvements achieve the village character intended.

Additionally, to further “Enhance Community Character” in accordance with Section 3.5 of the POCD, the Commission reinforced the provisions of the HPOZ by establishing “village district” standards applicable to development in the Town Center. The retail sale of auto parts will be subject to these provisions and will complement the initiatives described in Section 3.5 of the Plan.

### ***Connecticut General Statute 8-3b Referral***

As the proposed regulation amendment applies only to the Town Center District and no part of the District is within 500’ of a town boundary, no referral is required.

MRB

R:\Boards and Commissions\PZC\2020\10-21\HPOZ Text Amendment\Memo.docx

Attachments



## 9.0 RESOURCE PROTECTION

### 9.1 HISTORIC PRESERVATION

1. Purpose – A Historic Preservation Overlay Zone (HPOZ) is hereby established for the purpose of encouraging the protection, enhancement, and use of Buildings and structures and appurtenant vistas having historic and/or aesthetic value which represent or reflect elements of the Town's cultural, social, economic and architectural history. Areas or properties are eligible for designation as Historic Preservation Overlay Zone if any portions of such properties are listed on the National Register of Historic Places, either individually or as part of a National Register District, or a property is designated as historically significant by the Connecticut Historical Commission (Lusignan Historical and Architectural Survey, 1991). Properties may also be considered for inclusion in the Historic Preservation Overlay Zone if: (1) an historic association to a listed property can be documented (i.e., mill housing to a mill), or (2) a portion of the property is located within 500 feet of the Colchester Village National Register Historic District and the Commission determines that the Parcel has significant potential to negatively impact the protection and enhancement of the distinctive character, Landscape or historic values identified in the Colchester Plan of Conservation and Development and in this Section, including the protection, enhancement, and use of Buildings, structures and appurtenant vistas having historic or aesthetic value, which represent or reflect elements of Colchester's cultural, social, economic and architectural history.
  
2. Uses Not Allowed in the Historic Preservation Overlay Zone – Uses shall be those permitted as-of-right or by Special Permit in the underlying zone; however, specifically excluding all of the following uses as being inconsistent with the purpose of the Historic Preservation Overlay Zone:
  - A. Excavations or EMPAR
  - B. Heliport or airstrip
  - C. Kennels
  - D. Town garage/municipal storage facility
  - E. Automobile and truck rental facilities or warehousing
  - F. Automobile livery services
  - G. Automotive service stations (gas stations)
  - H. Automotive sales, ~~service, parts and repairs~~
  - I. Sales/storage of propane gas, or other fuels
  - J. Mini Storage Facilities

**FW: 143 Bulkeley Hill Road Colchester**

Taras Rudko <trudko@colchesterct.gov>

Tue 10/13/2020 1:24 PM

To: Board of Selectmen <BoardofSelectman@colchesterct.gov>; Planning and Zoning Commission <planningandzoningcommission@colchesterct.gov>

Cc: Heide Perham <hperham@colchesterct.gov>; Matthew Bordeaux <planner@colchesterct.gov>; Deanne Bowen <eponastouch@sbcglobal.net>; johhny bowen <jerkey1218@sbcglobal.net>

BOS/P&Z,

Please add the following correspondence to each of your next meetings under correspondences.

Thank You,

Taras W. Rudko  
Member Board of Selectman  
Town of Colchester

-----Original Message-----

From: Deanne Bowen [<mailto:eponastouch@sbcglobal.net>]

Sent: Tuesday, October 13, 2020 11:22 AM

To: Taras Rudko <trudko@colchesterct.gov>

Cc: johhny bowen <jerkey1218@sbcglobal.net>

Subject: 143 Bulkeley Hill Road Colchester

Taras,

My husband asked me to type this up and send to you, his computer is not working properly.

On June 28, 2020 equipment started being brought and left on the above property.

On July 13, 2020 I went to the town hall of Colchester. At that time I went to the Planning and Zoning Office, to complain about construction company out of New York was operating a business at 143 Bulkeley Hill Road. At the time I was informed the Zoning Officer Daphne Schaub was out the work due to an operation and was given her email address.

On July 15, 2020 I emailed Daphne as to the on going issue at 143 Bulkeley Hill Rd. I included over twenty photos of construction equipment and vehicles owned by Q Sound and Productions out of New York.

After receiving no response from Daphne. I went to the town hall again on July 20, 2020. I spoke with Daphne and was told she was in a meeting with the owners Jay Einhorn and Bryan McMullen, to discuss the issues being conducted o the property

On or about July 29th, I again went to the town hall to inform Daphne that there was still business being conducted at 143 Bulkeley Hill Rd. At that time Daphne informed me, she was again meeting with the



property owners and issuing a letter to Cease activities not permitted by agricultural use.

As stated in the town records Daphne met the owners and informed them they had two weeks to remedy the violations. Knowing the two week deadline was approaching on September 21,2020, I emailed on September 17th to please keep me advised of the situation. Several weeks passed with no resolution to the problems. Daphne again never responded to my mail. On October 7th, 2020 I once again called Daphne to explain the owners have not complied. At that time Daphne was very unprofessional and rude. She said she was satisfied with her job and if I wasn't I could talk to the fist selectwoman. I said put me through to her, I was transferred and told Mary Bylone was in and meeting and would get back to me.

Once again I received no response, no call back. On October 8, 2020 I called Mary Bylone to explain the situation I was having. Immediately Mary was aggressive and telling me the town is issuing a letter to me for harassment. When I tried to speak she claimed I was hollering at her and hung up on me. That call lasted 30 seconds.

The treatment by Colchester's First Selectwoman was completely unprofessional. These officials forget to recognized they work for the residents of Colchester. We pay their salaries

My home, where I live, has not been the same since this business opened up. Noises all hours of the day and early evening, also on the weekends. My wife works from home, due to Covid and it has been taxing for her because of the constant activity not allowed in a resident area. 4 hours of back up beeping one day had her in tears while she was conducting conference calls. She couldn't ride her horse all summer because of the noise and fear of the people next door.

Also I am aware other neighbors also have addressed this issue to Daphne and no support. Daphne has failed to follow up on her own regulations as stated in her September 3, 2020 letter to the land owners.

If we cannot come to a resolution I will do whatever in my means to stop this illegal activity. This could be by petition, contacting the news or legal manner.

Respectfully,

John Bowen  
157 Bulkeley Hill Road, Colchester  
860 367-7484