

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
Isabelle Kisluk, Asst. Planner/ZEO
Carol Szymanski, Wetlands Agent
T: (860) 537-2278

**ZONING BOARD OF APPEALS
REGULAR MEETING
Tuesday July 18, 2023 7:00 pm
Hybrid Meeting via Zoom/Town Hall Meeting Room**

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83052492433?pwd=bE1rYkRraE1pakt6dXROSlcWMGZkZz09>

Passcode: 132735

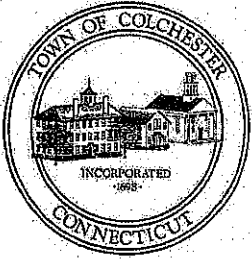
Or Telephone: +1 929 205 6099 US

Webinar ID: 830 5249 2433

AGENDA

1. Call to Order
2. Legal Notice
3. Applications/Public Hearings
 - A. **Application No. ZBA 2023-002 of Jeffrey P. Naples (Owner/Applicant)** – 155 Westchester Rd (MBL#05-14/016-000) – Application for variance from Section 3.4.4.A.2 of the Town of Colchester Land Development (Zoning) Regulations to reduce the front yard setback requirement from 100' to 35'.
 - B. **Application No. ZBA 2023-003 of Sam & Nancy Wilson (Owner/Applicant)** – 7 Melanie Lane (MBL# 02-10/018-01A) – Application for variance from Section 3.4.4.A.2 of the Town of Colchester Land Development (Zoning) Regulations to reduce the front yard setback requirement from 100' to 50'.
4. Minutes of Previous Meetings – January 17, 2023 & February 21, 2023
5. Old Business
 - A. Continuing Education Requirements
6. New Business
7. Correspondence
8. Adjournment

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Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

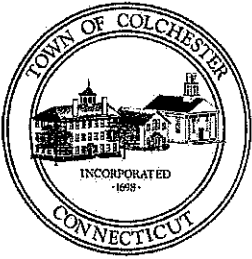
**COLCHESTER ZONING BOARD OF APPEALS
MEETING MINUTES
TUESDAY, January 17, 2022
ZOOM Meeting @ 7:00 pm**

MEMBERS PRESENT: Laurie Robinson, Patrick Reading, Jason Radachy, Michael Solis

1. **CALL MEETING TO ORDER** – L. Robinson called the meeting to order at 7:00 PM
2. **LEGAL NOTICE** - None
3. **APPLICATIONS/PUBLIC HEARINGS** – None
4. **MINUTES OF PREVIOUS MEETING** – Motion to table by J. Radachy, 2nd by Michael Solis. *Vote was unanimous, motion carried.*
5. **OLD BUSINESS** - None
6. **NEW BUSINESS**
 - a. Election of 2023 Officers – Motion by J. Radachy to open nominations for Chairman. 2nd by M. Solis. Motion by M. Solis to nominate L. Robinson, 2nd by J. Radachy. J. Radachy motion to close nominations. 2nd by M. Solis. *Votes were unanimous, motions carried.* Motion by L. Robinson to open nominations for Vice Chair, 2nd by J. Radachy. Motion by L. Robinson to nominate P. Reading for Vice Chair. 2nd by J. Radachy. Motion to close nominations by M. Solis, 2nd by J. Radachy. *Votes were unanimous, motions carried.*
7. **CORRESPONDENCE** - None
8. **ADJOURNMENT** – Motion to adjourn by J. Radachy, 2nd by M. Solis. *Vote was unanimous. Meeting adjourned at 7:06 pm.*

Respectfully Submitted, *Stacey Kilgus*, Clerk

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Gayle Furman
GAYLE FURMAN
TOWN CLERK



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

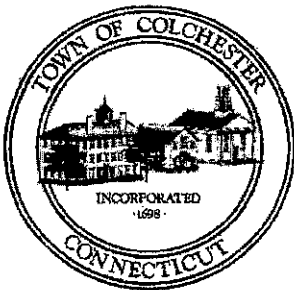
**COLCHESTER ZONING BOARD OF APPEALS
MEETING MINUTES
TUESDAY, February 21, 2023
Meeting @ 7:00 pm**

MEMBERS PRESENT: Laurie Robinson, Patrick Reading, Jason Radachy, Michael Solis, Bob Setchinsky, Quinn Kozak, Ariel Lago, Assistant Planner/Zoning Enforcement Officer.

1. **CALL MEETING TO ORDER** – L. Robinson called the meeting to order at 7:05 PM. Unanimous agreement to add 2 items of New Business to the agenda.
2. **LEGAL NOTICE** - None
3. **APPLICATIONS/PUBLIC HEARINGS** – **ZBA2023-001**- Ark Station LLC, 200 Lebanon Ave. The applicants engineer gave a presentation on the application for a variance of driveway width from 12 feet to 15 feet across due to the distance between the side of the existing building and the property line. There was no public testimony. Motion to close the public hearing by M. Solis, 2nd by B. Setchinsky. *Vote was unanimous, motion carried.* Members discussed the section of the regulations which resulted in the need for this application. Motion to approve the application by P. Reading, 2nd by Q. Kozak. *Vote was unanimous, motion carried.*
4. **MINUTES OF PREVIOUS MEETING** – Motion to table by P. Reading, 2nd by Michael Solis. *Vote was unanimous, motion carried.*
5. **OLD BUSINESS** - None
6. **NEW BUSINESS**
 - a. Confirmation of 2023 meeting dates
 - b. Continuing education requirements for land use boards
7. **CORRESPONDENCE** - None
8. **ADJOURNMENT** – Motion to adjourn by Q. Kozak, 2nd by M. Solis. *Vote was unanimous. Meeting adjourned at 8:15 pm.*

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TOWN CLERK

Respectfully Submitted, *Stacey Kilgus*, Land Use Assistant

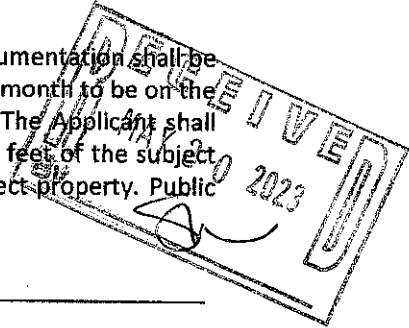


ZBA Application No. _____

**ZONING BOARD OF APPEALS
TOWN OF COLCHESTER, CONNECTICUT**

**APPLICATION FOR VARIANCE
APPEAL OF ZONING ENFORCEMENT OFFICER DECISION
CERTIFICATE OF APPROVAL FOR LOCATION OF GASOLINE
STATIONS AND OTHER MOTOR VEHICLE USES**

This application form, applicable fee(s), five (5) sets of plans and all required supporting documentation shall be submitted to the Land Use Office no later than noon (12:00P) on the last business day of the month to be on the agenda for the next regularly scheduled meeting (third Tuesday of the following month). The Applicant shall submit a copy of the Assessor's Map showing all properties and zoning districts within 150 feet of the subject property and a list of the names and addresses of all owners within 150 feet of the subject property. Public Hearing is Required.



NAME OF APPLICANT: Jeffrey P. Naples
(Please Print)

MAILING ADDRESS: 49 Woodland Dr, Old Saybrook, CT 06475

EMAIL ADDRESS: d.naples@comcast.net TELEPHONE: 860-883-8772

OWNER OF RECORD: Jeffrey P. Naples and Donna I. Naples
(Please Print)

MAILING ADDRESS: 49 Woodland Dr, Old Saybrook, CT 06475

STREET ADDRESS OF SUBJECT PROPERTY: 155 Westchester Rd.

ASSESSOR'S MAP: 05-14 LOT: 016 ZONING DISTRICT: RU

REASON FOR APPLICATION TO ZBA (Check one):

CLAIM OF ERROR, REQUIREMENT OR APPEAL OF DECISION MADE BY THE ZONING ENFORCEMENT OFFICER.

A VARIANCE IN THE APPLICATION OF THE ZONING REGULATIONS IS REQUESTED:

SPECIFIC SECTION(S) TO BE VARIED: 3.4.4.A.2

PURPOSE OF VARIANCE REQUEST: front/rear yard setback of 35'

STATEMENT OF EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP: see attached

CERTIFICATE OF APPROVAL FOR A USE FOR WHICH THE ZONING BOARD OF APPEALS IS REQUIRED BY SPECIFIC TERMS OF THE COLCHESTER ZONING REGULATIONS OR CONNECTICUT STATE STATUTES.

CONTACT PERSON TO WHOM CORRESPONDENCE AND INQUIRIES SHOULD BE DIRECTED:

NAME: Scott W. Jezek Jezek, Barbi + Antone, PLLC
(Please Print) (Firm Name, if Applicable)

MAILING ADDRESS: 31 W.F. Palmer Rd, P.O. Box 376, Moodus, CT 06469

EMAIL ADDRESS: mail@jezeklaw.com TELEPHONE: 860-873-1449

Jeffrey P. Naples & Donna I. Naples 5/25/23
APPLICANT'S SIGNATURE DATE

Jeffrey P. Naples & Donna I. Naples 5/25/23
APPLICANT'S SIGNATURE DATE

HARDSHIP

The Applicants' hardship is fourfold:

First, the property suffers from severe slope particularly at the western end where the building is proposed to be located. This prevents the gerrymandering of the building around the site as it is proposed in the last usable portion of the lot.

Second, the property contains a wetlands area which along with the 75 foot setback radius are depicted on the survey. The corresponding regulated area further limits where the proposed building may be located.

Third, the lot is unusually configured. It is a corner lot at the northern end of Cato Corner Road (a Collector Road) and Westchester Road (Connecticut Route 149) (an Arterial Road). Rather than your typical ninety degree intersection, the roads converge at an acute angle which limits the useable space due to the interposing of the respective setbacks.

Finally, when development of the site commenced the property was zoned commercial and its use remains commercial today. In a Zoning Regulation Amendment in January 2015, the property was redistricted as RU, a residential zone which increased the setbacks from roads and streets. Thus, the variance sought is 15 feet.

Newspaper Advertisement

DATE: May 31, 2023

TO: Rivereast
legals@glcitizen.com

FROM: Stacey Kilgus Land Use Assistant
Colchester Planning & Zoning Department

Bill to: Selectmen's Office
127 Norwich Avenue
Colchester, CT 06415

RECEIVED
COLCHESTER, CT
2023 MAY 31 AM 10:18
Mylee Furman
OWALE FURMAN
TOWN CLERK

Please publish the following in the Rivereast on Friday, June 9, 2023 and again on Friday, June 16, 2023.

COLCHESTER ZONING BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

The Zoning Board of Appeals will hold a public hearing on June 20, 2023, at 7:00 P.M. in the Town Hall Meeting Room at 127 Norwich Ave, Colchester, CT to hear and consider the following petitions:

1. Application No. ZBA 2023-002 of Jeffrey P. Naples (Owner/Applicant) – 155 Westchester Rd (MBL#05-14/016-000) – Application for variance from Section 3.4.4.A.2 of the Town of Colchester Land Development (Zoning) Regulations to reduce the front yard setback requirement from 100' to 35'.
2. Application No. ZBA 2023-003 of Sam & Nancy Wilson (Owner/Applicant) – 7 Melanie Lane (MBL# 02-10/018-01A) – Application for variance from Section 3.4.4.A.2 of the Town of Colchester Land Development (Zoning) Regulations to reduce the front yard setback requirement from 100' to 50'.

At this hearing interested persons may appear or be heard and written communications will be received. The application is on file for public review on the Planning & Zoning Commission Webpage and in the Planning & Zoning Department, Town Hall, 127 Norwich Ave., Colchester, CT.

Respectfully submitted,

Laurie Robinson, Chairman

July 8, 2023

Colchester Conservation Commission, Public Hearing Notice W2023-3081
Colchester Zoning Board of Appeals, Application No. ZBA 2023-002
127 Norwich Avenue
Colchester, CT 06415

Dear Members,

We, the undersigned neighbors of Jeff & Donna Naples' property located at 155 Westchester Road in Colchester, are unable to attend the public hearings dated July 12 and July 18, 2023.

Located within several properties and in close proximity to the proposed projects, we would like to declare our support in granting the Naples approval to construct a pond in the wetlands area and the setback relief that is needed for the proposed garage.

Please read this letter into the record to make those in attendance and our neighbors aware of our support for the requested pond and variance.

Respectfully submitted,

Everton Chin (203) 507-8348
Everton & Sherryl Chin, 269 Cato Corner Road
Joan Palmer, 271 Cato Corner Road *Sherryl Chin (203) 519-0498*
Barbara Palmer, 273 Cato Corner Road *Joan Palmer 860-267-2614*
Barbara Palmer (860-267-0854)

From: [Paul Catalano](#)
To: [Stacey Churchill](#)
Cc: d.naples@comcast.net
Subject: Naples Fire Pond Project- Cato Corner
Date: Wednesday, July 12, 2023 10:52:29 AM
Attachments: [image001.png](#)

Stacey,

I planned to come speak today but am not yet discharged from the hospital .

I support the project to install a fire pond for several reasons.

- I own a property within 200 yards of the location
- The availability of water could potentially save lives of my tenants & neighbors
- The availability of water will financially benefit my location if there is a fire there is the opportunity for less destruction
- The ISO rating of the community could improve with the addition of the fire pond. It is my understanding his rating will benefit all residents of Colchester. Water availability is one of the top factors with ISO rating.

Sincerely,
Paul Catalano



Providing Insurance and Financial Services

Paul A. Catalano, CLU® ChFC® CPCU®

87 Lebanon Avenue
Colchester, CT 06415
Office: 860 537 3338 Fax: 860 537 1588
paul@catalanoins.com
www.insurect.com

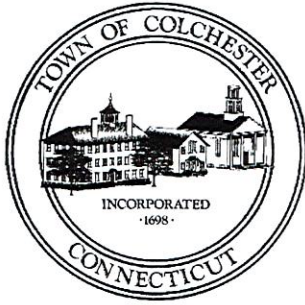
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"Some Husbands & Wives Do Not Believe In Life Insurance: All Widowers and Widows Do."

If this communication is securities related, click [here](#) for additional disclosures.

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ZBA Application No. ZBA2023-003

**ZONING BOARD OF APPEALS
TOWN OF COLCHESTER, CONNECTICUT**

**APPLICATION FOR VARIANCE
APPEAL OF ZONING ENFORCEMENT OFFICER DECISION
CERTIFICATE OF APPROVAL FOR LOCATION OF GASOLINE
STATIONS AND OTHER MOTOR VEHICLE USES**

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NAME OF APPLICANT: Sam Wilson
(Please Print)

MAILING ADDRESS: 7 Melanice Ln

EMAIL ADDRESS: Nancy Lynn Wilson@gmail.com TELEPHONE: 860-989-3515

OWNER OF RECORD: Sam Nancy Wilson
(Please Print)

MAILING ADDRESS: 7 Melanice Ln Colchester CT

STREET ADDRESS OF SUBJECT PROPERTY: 7 Melanice

ASSESSOR'S MAP: _____ LOT: #1 ZONING DISTRICT: _____



REASON FOR APPLICATION TO ZBA (Check one):

CLAIM OF ERROR, REQUIREMENT OR APPEAL OF DECISION MADE BY THE ZONING ENFORCEMENT OFFICER.

A VARIANCE IN THE APPLICATION OF THE ZONING REGULATIONS IS REQUESTED:

SPECIFIC SECTION(S) TO BE VARIED: 3.4.4.A.2 - 100' FRONT YARD SETBACK

PURPOSE OF VARIANCE REQUEST: construct pool behind house

STATEMENT OF EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP: currently we have 75ft front off of Melanice Ln and 100ft off of west st and demography of backyard along with septic system restrictions

CERTIFICATE OF APPROVAL FOR A USE FOR WHICH THE ZONING BOARD OF APPEALS IS REQUIRED BY SPECIFIC TERMS OF THE COLCHESTER ZONING REGULATIONS OR CONNECTICUT STATE STATUTES.

CONTACT PERSON TO WHOM CORRESPONDENCE AND INQUIRIES SHOULD BE DIRECTED:

NAME: Sam Wilson
(Please Print) (Firm Name, if Applicable)

MAILING ADDRESS: 7 Melanice Ln

EMAIL ADDRESS: Nancy Lynn Wilson@gmail.com TELEPHONE: 860 989 3515

Sam Wilson 5/18/23

Sam Wilson 5/18/23

Town of Colchester

Geographic Information System (GIS)



Date Printed: 5/11/2023



MAP DISCLAIMER - NOTICE OF LIABILITY

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Colchester and its mapping contractors assume no legal responsibility for the information contained herein.





Bk: 1453 Pg: 82

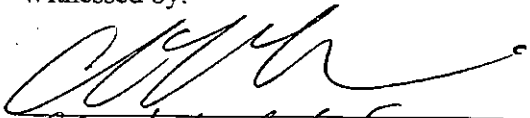
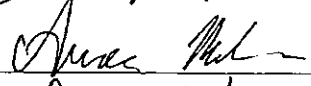
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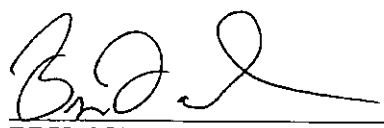
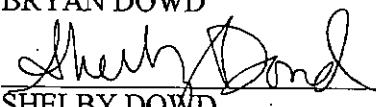
STATUTORY FORM WARRANTY DEED

BRYAN DOWD and **SHELBY DOWD**, both of **Colchester, Connecticut**, for consideration of Two Hundred Eighty-Two Thousand Five Hundred (\$282,500.00) Dollars, grant to **NANCY L. WILSON** and **SAMUEL C. WILSON, JR.**, both of **Burlington, Connecticut**, as joint tenants with right of survivorship, with **WARRANTY COVENANTS**, all that certain real property known as **7 MELANIE LANE, COLCHESTER, CONNECTICUT** being more particularly described in Schedule A attached hereto and made a part hereof.

Signed on MAY 26, 2021.

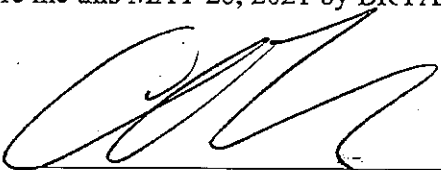
Witnessed by:

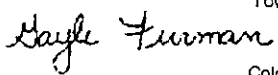

Christopher R. Lasaracini

Ariana Medina


BRYAN DOWD

SHELBY DOWD

STATE OF CONNECTICUT }
COUNTY OF *Hartford* } ss. *New Britain*

The foregoing instrument was acknowledged before me this MAY 26, 2021 by BRYAN DOWD and SHELBY DOWD.


CHRISTOPHER R. LASARACINA
Commissioner of the Superior Court/
~~Notary Public~~

Conveyance Tax Stamp State: \$2118.75
Town: \$706.25

Colchester Town C

**SCHEDULE A
(Legal Description)**

A certain tract or parcel of land, together with the buildings and improvements thereon, situated on the southwesterly side of Melanie Lane and the northwesterly side of West Road in the Town of Colchester, County of New London and State of Connecticut and being more particularly shown as Lot 1 on a certain map or plan entitled "Roland J. Harris & Assoc. Inc. Land Surveyors-Civil Engineers-Land Planners Griswold Connecticut Resubdivision Plan Survey Plan Prepared for Roger & Linda Phillips West Road Colchester, Conn. Scale 1"=100' Date Sept. 89 Revised to 4-4-90 Ident. No. 87-961 Sht. 1 of 11" which premises are more particularly bounded and described as follows:

Beginning at an iron pin to be set in the southwesterly street line of Melanie Lane at the northwesterly corner of the herein-described tract and the on the dividing line between the herein-described tract and Lot 2 as shown on the above-referenced plan; thence running South 16° 27' 05" West for a distance of 288.43 feet, bounded northwesterly by Lot 2 as shown on the above-referenced plan to an iron pin to be set; thence running South 79° 29' 22" East for a distance of 151.14 feet, bounded southwesterly by land now or formerly of Robert J. Stula to an iron pin to be set in the northwesterly street line of West Road; thence running North 17° 12' 35" East for a distance of 73.08 feet along a stone wall to an iron pin to be set; thence running North 16° 28' 47" East for a distance of 115.86 feet along a stone wall to an iron pin to be set; thence running North 16° 53' 26" East for a distance of 58.66 feet along a stone wall to a monument to be set, the last three courses being bounded southeasterly by West Road; thence running along the arc of a curve to the left with a radius of 25.00 feet, a central angle of 90° 26' 21" for a distance of 39.46 feet, bounded northeasterly by the intersection of West Road and Melanie Lane to a monument to be set; thence running North 73° 32' 55" West for a distance of 126.81 feet to the iron pin to be set at the point and place of beginning, the last course being bounded northeasterly by Melanie Lane.

SUBJECT TO:

Any and all restrictions, limitations, regulations, ordinances and/or laws imposed by any governmental authority;

Real property taxes on the current Grand List and any municipal liens or assessments becoming due and payable on or after the delivery of this Deed;

Notes and Conditions as shown on said map.

Easement in favor of The Connecticut Light and Power Company dated November 5, 1991 and recorded November 14, 1991 in Volume 288, Page 39 of the Colchester Land Records.

Declaration of Limitations, Restrictions and Covenants by Roger L. Phillips and Linda F. Phillips dated December 12, 1991 and recorded December 13, 1991 in Volume 289, Page 262 of the Colchester Land Records; as amended by Statutory Affidavit dated June 15, 1992 and recorded June 15, 1992 in Volume 303, Page 50 of the Colchester Land Records.

Received for Record at Colchester, CT
6/1/2021 12:01:30 PM

Gayle Furman

Colchester Town Clerk

