



Town of Colchester, CT

127 Norwich Avenue, Colchester, Connecticut 06415

PLANNING & ZONING COMMISSION

Wednesday, May 17, 2023
7:00 pm – Town Hall Meeting Room 1
Regular Meeting
MINUTES

RECEIVED
COLCHESTER, CT
2023 MAY 19 PM 4:07
Gayle Furman
TOWN CLERK

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

Members Absent: M. Kehogreen

Also Present: Planning Director D. Sorrentino, Land Use Assistant S. Kilgus, 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 5/3/23 – Motion by M. Noniewicz to approve the minutes as written. 2nd by B. Hayn. **Vote was unanimous, motion carried.**
4. **Public Hearings** - None
5. **Five Minute Session for the Public** – none

Motion by M. Noniewicz to reorder agenda item #s 6 and 11 in order to apply that discussion to the discussion of the pending applications. 2nd by B. Hayn. **Vote was unanimous, motion carried.**
6. **Pending Applications**
 - a. **PZC 2023-005** of Mary J. McDonald (Applicant) and Gingerfield Associates (Mary J. McDonald & Fred J. Criscuolo, Owners) - Zone Change from Future Development (FD) to Rural Use (RU) for 90± acres of land located on Chestnut Hill Road (Assessor's ID 4E-05/004-011) Zoning District: Future Development (FD). Members discussed this application as part of their discussion in agenda item #11b. Motion by M. Noniewicz to approve application PZC 2023-005 of Mary J. McDonald (Applicant) and Gingerfield Associates (Mary J. McDonald & Fred J. Criscuolo, Owners) and hereby change the zoning designation of 90± acres of land located on Chestnut Hill Road (Assessor's ID 4E-05/004-011) from Future Development (FD) to Rural Use (RU) with an effective date of July 17, 2023. The Commission finds that this change is consistent with Colchester's 2015 Plan of Conservation & Development. 2nd by B. Hayn. **Vote was unanimous, motion carried.**
 - b. **PZC 2023-006** of ASW, LLC (Applicant) and Roaring Brook Advisors, LLC, Kathleen B. Fabian, and Patrick M. Shugrue (Owners) – Zone Change from Future Development (FD) to Suburban Use (SU) for 57± acres of land located on Lake Hayward Road (Assessor's ID 03-09/049-000 - 19± acres; Assessor's ID 03-09/52B-000 - 18± acres, and Assessor's ID 03-09/52A-000 – 20± acres) Zoning

District: Future Development (FD). Members discussed this application as part of their discussion in agenda item #11b. Motion by J. Novak to approve application PZC 2023-006 of ASW, LLC (Applicant) and Roaring Brook Advisors, LLC, Kathleen B. Fabian, and Patrick M. Shugrue (Owners) and hereby change the zoning designation of 57± acres of land located on Lake Hayward Road (Assessor's ID 03-09/049-000 - 19± acres; Assessor's ID 03-09/52B-000 - 18± acres, and Assessor's ID 03-09/52A-000 – 20± acres) from Future Development (FD) to Suburban Use (SU) with an effective date of July 17, 2023. The Commission finds that this change is consistent with Colchester's 2015 Plan of Conservation & Development. 2nd by S. Nadeau. In further discussion, M. Noniewicz went on record to state he does not believe this is consistent with our POCD. ***Motion carried with the required 4 members voting in the affirmative, with M. Noniewicz dissenting.***

7. New Applications

- a. **PZC2023-007** of Dorothy D. Winch (Applicant/Owner) – Site Plan application to construct a 32' X 40' (1,280 SF) accessory building w/ 1-BR accessory apartment at 131 River Road (MBL#06-14/004-002) that exceeds the size permissible by the Zoning Enforcement Officer pursuant to Section 15.3 of the Town of Colchester Land Development (Zoning) Regulations. Zoning District: Rural Use (RU). The recent passage of state statutes now prohibits municipalities from imposing restrictions on accessory buildings and apartments. Accessory apartments can be detached from the principal dwelling unlike in the past. Connections to existing well water and septic systems are allowed pending a review from the Chatham Health District during the building permit process. Dorothy Winch, owner/applicant, spoke about the changes to her septic system as well as the site plan presented to the commission. Members discussed their metrics for approval or denial of these applications. Motion by M. Noniewicz to approve application PZC 2023-007 of Dorothy D. Winch to construct a 32' X 40' (1,280 SF) accessory building w/ 1-BR accessory apartment at 131 River Road (MBL#06-14/004-002). The Commission finds that the proposal is consistent with the standards of Section 15.3 of the Colchester Land Development (Zoning) Regulations. 2nd by B. Hayn. ***Vote was unanimous, motion carried.***

- b. **PZC2023-008** of Scott & Bonnie Boothroyd (Applicants/Owners) – Site Plan application to construct a 30' X 50' (1,500 SF) accessory building at 33 Homonick Road (MBL#02-08/021-006) that exceeds the size permissible by the Zoning Enforcement Officer pursuant to Section 15.3 of the Town of Colchester Land Development (Zoning) Regulations. Zoning District: Rural Use (RU). Members discussed the site plan for this new single-family home construction with large accessory building. The applicant recently purchased two abutting parcels to the south. In response to the standards that the building is situated on the property in such a way as to minimize its visibility from the street; and minimize any adverse impacts on neighboring properties, members were in agreement the application met both of those metrics. Motion by M. Noniewicz to approve application PZC 2023-008 of Scott & Bonnie Boothroyd to construct a 30' X 50' (1,500 SF) accessory building at 33 Homonick Road (MBL#02-08/021-006) with the condition that there is an approval of the building permit application for the primary dwelling proposed to be built there. The Commission finds that the proposal is consistent with the standards of Section

15.3 of the Colchester Land Development (Zoning) Regulations. 2nd by B. Hayn. **Vote was unanimous, motion carried.**

8. Preliminary Reviews – none

9. Old Business – none

10. New Business – none

11. Planning Issues and Discussions

- a. **Zoning Enforcement Status Report** – D. Sorrentino, acting as interim ZEO, provided members with information on some outstanding zoning enforcement cases. S. Ezold from 46 Skyview Dr was in attendance. There was a discussion about what his next steps should be in his attempt to achieve compliance and close this case.
- b. **Future Development District** – D. Sorrentino provided members with a zoning map showing proposed changes to some parcels in the Future Development District. This is in response to the recent applications from landowners in that area to change their parcels back out of the FD and into the SU or RU. Because sewer and water infrastructure is very far away from this area, commercial development of these parcels is unlikely. Other property owners in that area will be solicited for their input on the desire to change the zoning of their land. Map amendments require public hearings and abutters would be notified in advance.
- c. **Definition of drive-through (drive-thru)** – After the preliminary review from Chipolte to construct a fast-casual type restaurant with an order pickup window, members discussed the difference between what they have proposed and a drive-through as the definition stands right now with fast food establishments, banks and pharmacies having drive-through windows in the town center. There was agreement that the regulations should clearly define each style of restaurant, choose to allow it in the town center and then evaluate applications based on the plans submitted and what type of restaurant it is.
- d. **Setbacks in Rural Use (RU) District** – Some setback requirements in the RU are extremely restrictive. Recent applications received by the Building Department to place pools or sheds on good-sized lots have been sent back to the applicant because the current setback requirements have made large portions of their land unusable. Commissioners tasked the Planning Director with coming up with more reasonable setbacks that would make it easier for landowners to improve their property.

12. Correspondence

- a. Connecticut Federation of Planning & Zoning Agencies Quarterly Newsletter – Spring 2023
- b. Notice of Exempt Modification dated 5/12/23 from General Dynamics Information Technology (GDIT) regarding installation of emergency back-up generator at existing AT&T wireless communications facility located at 812 Middletown Road (CT-16).

13. Adjournment – Motion to adjourn by B. Hayn. 2nd by M. Noniewicz. *Vote was unanimous, meeting adjourned at 9:31 pm.*

Respectfully submitted by: Stacey Kilgus, Land Use Assistant