

Town of Colchester, CT

127 Norwich Avenue, Colchester, Connecticut 06415

PLANNING & ZONING COMMISSION

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

RECEIVED
COLCHESTER, CT
2023 JUN - 8 PM 3: 59
CATHY FURMAN
TOWN CLERK

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

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 5/17/23 – 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
6. **Pending Applications**
 - a. **SE09-005 of Settlers Greene, LLC (Applicant) by Atty. David F. Sherwood (Counsel)** - Request for final 5-year extension of Special Exception and associated Site Plan to November 27, 2028 in accordance with CT General Statutes Sec. 8-3(m). D. Sorrentino briefed members on the request for their final extension. They have also received an extension from the Conservation Commission. Motion by M. Noniewicz in accordance with the provisions of CT General Statutes Sec. 8-3(m), to approve a final 5-year extension for the Special Exception and associated Site Development Plan originally approved on November 18, 2009 under P&ZC application SE09-005 of Settlers Greene, LLC, which will now expire on November 18, 2028. This extension represents the maximum 19 years of permit validity allowable under the herein referenced statute. 2nd by B. Hayn. Vote was unanimous, motion carried.
7. **New Applications**
 - a. **PZC2023-009 of Terese M. Russi (Applicant/Owner)** – Site Plan application to construct a 32' X 26' (832 SF) accessory building at 136 Chestnut Drive (MBL# 19-00/012-000) 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: Suburban Use (SU). D. Sorrentino provided members with the Planning Director Staff Report (attached). Motion by B. Hayn to approve application PZC2023-009 of Terese M. Russi (Applicant/Owner) to construct a 32' X 26' (832 SF) accessory building at 136 Chestnut Drive (MBL# 19-00/012-000) with the condition that the drip edge of the structure be located to meet the required 20' side yard setback. The

Commission finds that the proposal is consistent with the standards of Section 15.3 of the Colchester Land Development (Zoning) Regulations. 2nd by J. Novak. Vote was unanimous, motion carried.

Motion by M. Noniewicz to renumber agenda items #7b and #7c. 2nd by J. Novak. Vote was unanimous, motion carried.

b. **PZC2023-010 of the Town of Colchester Planning & Zoning Department (Applicant)** – Proposed Regulation Amendment to Sections 3.3, 3.4, 5.3.2, 8.3, 8.9 and 20.4 of the Town of Colchester Land Development (Zoning) Regulations. D. Sorrentino discussed the proposed amendments that will include accessory apartments, changes to setbacks in the RU and drive-up windows in the TC. Application was received by the Commission.

c. **PZC2023-011 of the Town of Colchester Planning & Zoning Department (Applicant)** – Proposed Map Amendment from Future Development (FD) to the Rural Use (RU) for 7 parcels located on Chestnut Hill Road and Parum Road, as follows: 148 Chestnut Hill Road (4E-05/004-000) 5.75 Acres of Squire; 140 Chestnut Hill Road (4E-05/004-009) 0.69 Acres of Rapuano; 128 Chestnut Hill Road (4E-05/006-001) 2.08 Acres of Hastings; 122 Chestnut Hill Road (4E-05/006-002) 6.64 Acres of Clark; 363 Parum Road (03-07/038-000) 63.3 Acres of Doocey; 367 Parum Road (03-07/037-000) 0.27 Acres of Hardy; and 353 Parum Road (03-07/039-000) 2.26 Acres of Georgens. D. Sorrentino provided members with the Planning Director Staff Report (attached). Members discussed the Future Development District. One of the property owners in the application was present at the meeting and expressed no opposition during the discussion. He was advised to appear at the public hearing to provide testimony. Application was received by the Commission.

8. Preliminary Reviews – None

9. Old Business – None

10. New Business – None

11. Planning Issues and Discussions – M. Noniewicz spoke about the Plan of Conservation and Development that will require an update in 2025.

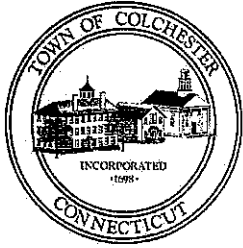
a. Zoning Enforcement Status Report – acting ZEO D. Sorrentino provided members with an update on current zoning violations.

b. New Assistant Planner/Zoning Enforcement Officer will begin 6/12/23

12. Correspondence – None

13. Adjournment – Motion by M. Noniewicz to adjourn, 2nd by B. Hayn. Vote was unanimous, meeting adjourned at 8:37pm.

Respectfully submitted by: S. Kilgus, Land Use Assistant



Town of Colchester, Connecticut

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PLANNING DIRECTOR STAFF REPORT REGULAR MEETING 6/7/2023

DATE: June 6, 2023

TO: Planning & Zoning Commission Membership

FROM: Demian A. Sorrentino, AICP, CSS, Planning Director

RE: Planning Director Staff Report – Regular Meeting 6/7/23

SE09-005 of Settlers Greene, LLC (Applicant) by Atty. David F. Sherwood (Counsel) - Request for final 5-year extension of Special Exception and associated Site Plan to November 27, 2028 in accordance with CT General Statutes Sec. 8-3(m).

- This application was originally approved by the P&ZC on 11/18/09.
- The original date of decision publication was 11/27/09.
- Prior extensions granted properly utilized the publication date of 11/27 as the new expiration date.
- The Commission most recently voted to extend SE09-005 at their meeting of 9/26/18, utilizing 11/27/23 as the new expiration date (decision letter attached).
- In advance of the 11/27/23 expiration date, the applicant's Attorney is now requesting the final extension to the maximum 19 years of permit validity allowable under CGS Sec. 8-3(m).
- It is a minor difference but worth noting, that the language of CGS Sec. 8-3(m)(1) states, in part, that "no approval, including all extensions, shall be valid for more than nineteen years from the date the site plan was approved."
- If the date the site plan was approved was 11/18/09, the final expiration date under this extension must be 11/18/28, not 11/27/28 as requested. If approved, the 11/18/28 expiration date will be noted in the approval letter provided to the applicant.
- On 5/10/23 the Conservation Commission approved a final extension of the wetlands permit for this project, which is now valid until 4/7/28.

Sample Motion to Approve: In accordance with the provisions of CT General Statutes Sec. 8-3(m), to approve a final 5-year extension for the Special Exception and associated Site Development Plan originally approved on November 18, 2009 under P&ZC application SE09-005 of Settlers Greene, LLC, which will now expire on November 18, 2028. This extension represents the maximum 19 years of permit validity allowable under the herein referenced statute.

PZC2023-009 of Terese M. Russi (Applicant/Owner) – Site Plan application to construct a 32' X 26' (832 SF) accessory building at 136 Chestnut Drive (MBL# 19-00/012-000) 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: Suburban Use (SU).

- This application is officially received at this meeting of 6/7/23.
- Per Sec. 8-7d(b) of the CT General Statutes, decision must be rendered by 8/11/23 (within 65 days of date of receipt) if not extended by consent of the applicant.
- The proposed building is greater than 75% of the footprint of the existing primary building (actually 16 SF larger than the house), and likewise requires Site Plan – Class 1 approval by P&ZC per recently revised Sec. 15.3.1, effective 5/5/23.
- Two general review standards per Sec. 15.3.1.B are that the building is situated on the property in such a way as to: (1) minimize its visibility from the street; and (2) minimize any adverse impacts on neighboring properties.
- I would recommend the Commission condition the approval on the building foundation being located a minimum of 21' from the left side property line to ensure that all portions of the proposed building, including roof overhangs, meet the required 20' side yard setback.

Sample Motion to Approve: To approve application PZC2023-009 of Terese M. Russi (Applicant/Owner) to construct a 32' X 26' (832 SF) accessory building at 136 Chestnut Drive (MBL# 19-00/012-000) with the condition that the building foundation be located a minimum of 21' from the left side property line to ensure that all portions of the proposed building, including roof overhangs, meet the required 20' side yard setback. The Commission finds that the proposal is consistent with the standards of Section 15.3 of the Colchester Land Development (Zoning) Regulations.

PZC2023-010 of the Town of Colchester Planning & Zoning Department (Applicant) – Proposed Regulation Amendment to Sections 3.3, 3.4, 5.3.2, 8.3, 8.9 and 20.4 of the Town of Colchester Land Development (Zoning) Regulations.

- Following discussion of the proposed amendments, this application will be officially received at this meeting of 6/7/23.
- A Public Hearing is required and must be opened by 8/11/23 (within 65 days of date of receipt) per Sec. 8-7d(b) of the CT General Statutes.
- Intermunicipal notification and SCCOG notification are required as this proposal may affect property within 500' of the municipal boundary.
- Commission must provide 30 days for adjacent municipalities to respond to intermunicipal notification.
- Public Hearing will be set for 7/19/23.

PZC2023-011 of the Town of Colchester Planning & Zoning Department (Applicant) – Proposed Map Amendment from Future Development (FD) to the Rural Use (RU) for 7 parcels located on Chestnut Hill Road and Parum Road, as follows: 148 Chestnut Hill Road (4E-05/004-000) 5.75 Acres of Squire; 140 Chestnut Hill Road (4E-05/004-009) 0.69 Acres of Rapuano; 128 Chestnut Hill Road (4E-05/006-001) 2.08 Acres of Hastings; 122 Chestnut Hill Road (4E-05/006-002) 6.64 Acres of Clark; 363 Parum Road (03-07/038-000) 63.3 Acres of Doocey; 367 Parum Road (03-07/037-000) 0.27 Acres of Hardy; and 353 Parum Road (03-07/039-000) 2.26 Acres of Georgens.

- This application is officially received at this meeting of 6/7/23.
- A Public Hearing is required and must be opened by 8/11/23 (within 65 days of date of receipt) per Sec. 8-7d(b) of the CT General Statutes.
- Intermunicipal and SCCOG notification are not required as this proposal does not affect properties within 500' of the municipal boundary.
- Public Hearing will be set for 6/21/23.
- Notice of Public Hearing will be sent to *Rivereast News Bulletin* on 6/7/23 for publication on 6/9/23 and 6/16/23.

Planning Issues and Discussions

Zoning Enforcement Status Update:

- Despite repeated attempts to gain compliance, I have received no Site Plan application for the 1500 SF accessory building nor a Zoning Permit application for the clearing >10,000 SF at 46 Skyview Drive. This matter will be sent back to the Town attorney.
- Had in-person meeting with owners of 237 Chestnut Hill Road on Friday 5/26/23.
- First Notice & Request for Voluntary Compliance sent to owners of 18 Carriage Drive regarding lighting. Meeting to be scheduled due to particular circumstances surrounding this violation.
- Drive-by inspection & photos of blight complaint @ 429 Parum Road performed on 5/26/23.
- Drive-by inspection & photos of blight complaint @ 12 Gem Drive performed on 5/26/23.
- Working on templates for blight violations in accordance with requirements of Blight Ordinance (1) Notice of Blight Violation & Request for Voluntary Compliance; (2) Citation for Blight Violation & Order.
- Several new Zoning and Blight complaints received and added to list.

Our new Assistant Planner/Zoning Enforcement Officer is scheduled to begin her employment with the Town on Monday 6/12/23.