

Town of Colchester, CT

127 Norwich Avenue, Colchester, Connecticut 06415

PLANNING & ZONING COMMISSION

Wednesday, September 7, 2022

7:00 pm – Town Hall, Room 1

Regular Meeting

Minutes

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

Also Present: A. Lago, ZEO, S. Kilgus, Land Use Assistant and Applicants

RECEIVED
COLCHESTER, CT
2022 SEP -9 AM 9:36
Gayle Furman
TOWN CLERK

1. **Call to Order** – Chairman Mathieu called the meeting to order at 7: 03 pm
2. **Additions or Deletions to the Agenda** – None
3. **Minutes of Previous Meeting**
 - a. August 17, 2022 Regular Meeting – No Action taken. Minutes to be amended to add detail to item # 10a New Business. Amendment attached.
4. **Public Hearings**
 - a. Niantic Bay Group LLC – Wall St near “O Rutka Ln” – Special Permit (2022-007) – Chairman Mathieu opened the public hearing and asked if any members of the audience had concerns with commissioners seated. Hearing none, he asked if there was anyone who wished to speak in favor of the application and invited the applicant’s engineer, Gregg Fedus, Fedus Engineering, to speak first. Mr. Fedus discussed the application and provided the recent updates to the commission and public. Updates include a possible fence around the detention pond area in the center green space and the addition of an evergreen buffer around the entire development, except at the easement on the south west corner. Mr. Fedus also discussed recent comments from staff that had been addressed. Scott Hesketh, traffic engineer with FA Hesketh & Associates spoke about his analysis of the traffic impact this development would have on Wall Street and of the sight line variance granted by the ZBA in 2017 and stated the impact would be low and he concurs with the variance granted. Ed Casella, attorney for the applicant, addressed a concern about speed inside the development since this will be a private road and stated it could be enforced by the HOA. He also stated 10% of these houses, 2 units, would be sold under the provisions of the Affordable Housing statute.
The Chairman invited members of the audience to speak in favor of the application.
 - Joe Rutka, 180 Wall St, is the owner of the subject parcel. He discussed the appearance of the development from Wall St and that it would be set back far off the road. He discussed the history of the land ownership. He also described his vision for the new neighborhood community once it is completed.

The Chairman then invited members of the audience to speak who were in opposition of the application.

- Lillian Atkins, 148, 156 & 168 Wall St, spoke about the planned evergreen buffer, was concerned about the density of the houses and small space between the houses and her property line. She provided the commission a packet of photos showing the rear portion of her property and stated she is concerned about liability issues from children trespassing as well as her own security and trash being dumped on her land.
- Steven Schuster, 386 Westchester Rd, Spoke about the Colchester community and it's children.
- John Wissler, Lebanon Ave, asked about fire vehicles accessing the development.
- John Wissler, 220 Wall St, Spoke about sight line and traffic studies he believes were done incorrectly. He also questioned the ownership of the roadway.
- John Knapp, 232 Wall St, Spoke about the turning radius for the new fire apparatus and suggested widening the road. He said the units will be built too close together with respect to fire fighting capability. He also discussed the need for a traffic light at the intersection of Wall St and Old Hartford Rd in front of the fire department. He believes the number of houses to be built should be reduced. He asked who would be maintaining the center green space there.
- Dolores Tarnowski, 183 Wall St, lives across the street from the proposed road. She spoke about zoning regulations for the Town Center Zone and parts of the Plan of Conservation and Development. She asked about house design and sale price, construction timeline, snow removal and trash pickup.
- Billie Jo Schultz, 47 Gill St, asked about the traffic study and feels handicapped ramps off the sidewalk onto Wall St are not appropriate. She also questioned the capacity of the detention pond.
- Another member of the audience asked about traffic.
- John Knapp asked how many variances will be necessary for this to go through.
- John Wissler made further comments.

The applicant's attorney addressed the testimony from the public and stated:

- The density for the proposed development meets town requirements.
- Plantings will be 5' on center and will grow together to form a solid screen.
- Sinkholes on the neighboring property are unlikely from runoff as they are in a wetlands area.
- The turning radius for the fire apparatus was determined to be able to navigate the turn in the road. A mountable curb could be installed instead to allow fire vehicles to drive over them without damage to the curb or the vehicle.
- Any increase to the size of the road would increase the amount of pervious pavement.
- Land Use Regulations have been met for the zone.
- Construction timeline is 1-2 years.
- There is enough room for snow plows to come in a properly remove the snow from the roadway.
- Trash receptacles will be standard roadside bins.
- Handicapped ramps are appropriate everywhere if/when sidewalks are installed on Wall St in the future.
- No variances will be required.

Scott Hesketh addressed public testimony stating:

- Traffic counts were taken August 23-25.

- If the amount of trips per day was to double, the road would still have a good service level.
- The sight line variance was based on standard engineering practices and studies.

Ed Casella also addressed some of the testimony and stated:

- The type of homes proposed are starter homes and downsize housing.
- Center green space will be maintained by the HOA.
- School enrollment had been steadily dropping (a commission member pointed out that recent kindergarten enrollment, however, is up)
- A fence at the 3' contour line could be added around the detention pond.
- The applicant could consider a fence buffer instead of trees.

Joe Rutka stated inheritors of the property signed over ownership of the roadway via a quit claim deed. A realtor estimated a sale price of \$495,000 for one of the units.

John Wissler stated there was no benchmark shown on the plans.

Another resident asked what would happen if the project was left unfinished.

Gregg Fedus stated the benchmark is indeed shown on the sheet it should be on. There is a bonding process involved to hold the developer accountable.

Motion by M. Noniewicz to close the public hearing. 2nd by B. Hayn. ***Vote was unanimous, motion carried.***

- b. The Commerce Center – owner, 493 Norwich Ave – Zone Change (2022-009) – Chairman Mathieu opened the public hearing and asked if anyone, including the applicant, would like to speak in favor of the application. The applicant, Todd Gustafson, quickly explained the plan for the property and that a zone change would be required. The tenant interested in renting the building explained the nature of the business. The business would be classified as Retail. The Chairman invited anyone to speak in opposition. Hearing none, motion by M. Noniewicz to close the public hearing. 2nd by B. Hayn. ***Vote was unanimous, motion carried.***

5. Five Minute Session for the Public – None

Motion by M. Noniewicz to address #6b first. 2nd by B. Hayn. ***Vote was unanimous, motion carried.***

6. Pending Applications

- a. Niantic Bay Group LLC – Wall St near “O Rutka Ln” – Special Permit (2022-007) – Members felt more time to review the information for the application was necessary prior to their deliberation. At the late point in the evening, no action was taken to allow for a longer discussion. Motion by M. Noniewicz to postpone action to the September 21 regular meeting. 2nd by M. Kehoeegreen. ***Vote was unanimous, motion carried.***
- b. (addressed first) The Commerce Center – owner, 493 Norwich Ave – Zone Change (2022-009) – Members discussed the application and felt the impact of changing the zone is minimal since the property abuts the FDD. Motion by B. Hayn to approve the Zone Change Application 2022-009 from The Commerce Center LLC 493 Norwich Ave (MBL# 29-00/003) for a change from the Suburban Use Zone to the Future Development District effective 9/22/22. 2nd by M. Kehoeegreen. ***Vote was unanimous, motion carried.***

7. New Applications – None

S. Kilgus exited the meeting at 9:47 pm.

8. Preliminary Reviews

- a. Connecticut Data Park – Old Amston Rd MBL#06-06/017-000 – Regulation Amendment, LSIA – Attorney Harry Heller, Uncasville, CT, Peter Carli and John Matheson spoke to the commission about a proposed change to the LSIA regulation to a floating zone concept that would permit them to construct a Data Center powered by Fuel Cell systems that convert natural gas into electricity. They propose building a 250,000 sq ft facility in two buildings. Members asked about additional site security needs. The site will include parking.

9. Old Business

10. New Business

11. Planning Issues and Discussions

- a. Cannabis Moratorium extension - public hearing will be held September 21, 2022.

12. Correspondence - attached

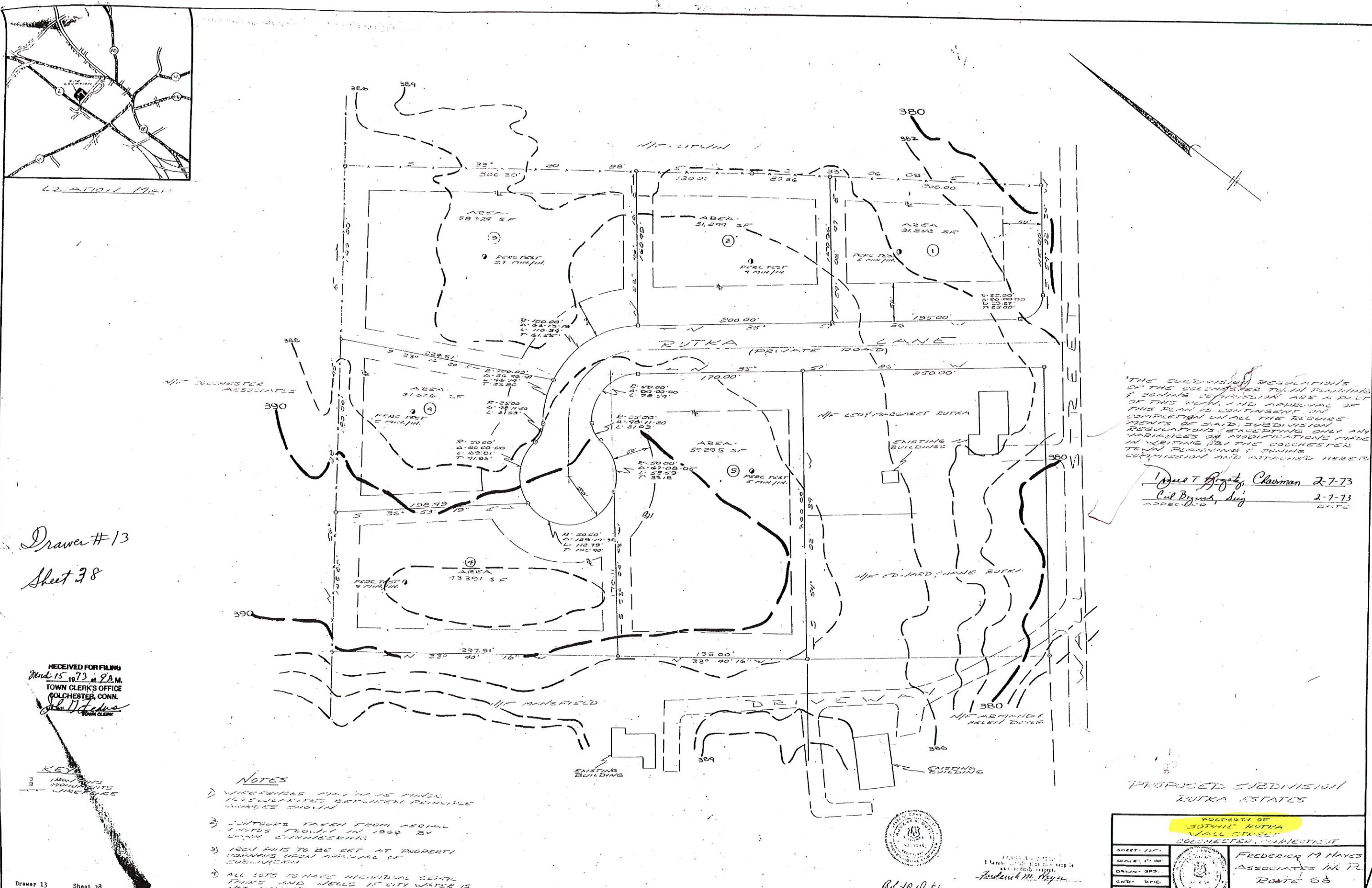
13. Adjournment – Motion to adjourn by B. Hayn, 2nd by M. Noniewicz. *Vote was unanimous, motion carried. Meeting adjourned at 10:07 pm.*

Submitted By, S. Kilgus Land Use Assistant

Amendment to Planning & Zoning Commission meeting minutes of August 17, 2022

10. New Business

a. Request for extension by Niantic Bay Group LLC 2022-007. The applicant requested an extension until October 7, 2022 so they would have time to address staff comments and submit revised plans. This is the second extension requested by the applicant. The two extensions together do not exceed the 65-day limit. Motion to accept request for extension by M. Noniewicz, 2nd by B. Hayn. ***Vote was unanimous, motion carried.***



THE SUBDIVISION REGULATIONS OF THE COLCHESTER TOWN PLANNING & ZONING COMMISSION AREA A PART OF THIS PLAN, AND APPROVAL OF THIS PLAN IS CONTINGENT UPON COMPLETION ON ALL THE REQUIREMENTS OF SAID SUBDIVISION REGULATIONS, EXCEPTING ONLY ANY VARIANCES OR MODIFICATIONS MADE IN WRITING BY THE COLCHESTER TOWN PLANNING & ZONING COMMISSION AND ATTACHED HERETO.

Donald T. Bryant, Chairman 2-7-73
Carl Bryant, Secy 2-7-73
APPROVED DATE

Drawer #13
Sheet 38

RECEIVED FOR FILING
March 15 1973 at 9 A.M.
TOWN CLERK'S OFFICE
COLCHESTER, CONN.
John D. Deane
TOWN CLERK

KEY
100' = 1" = 100' = 1" = 100' = 1"
ADJUSTED
WIRELESS

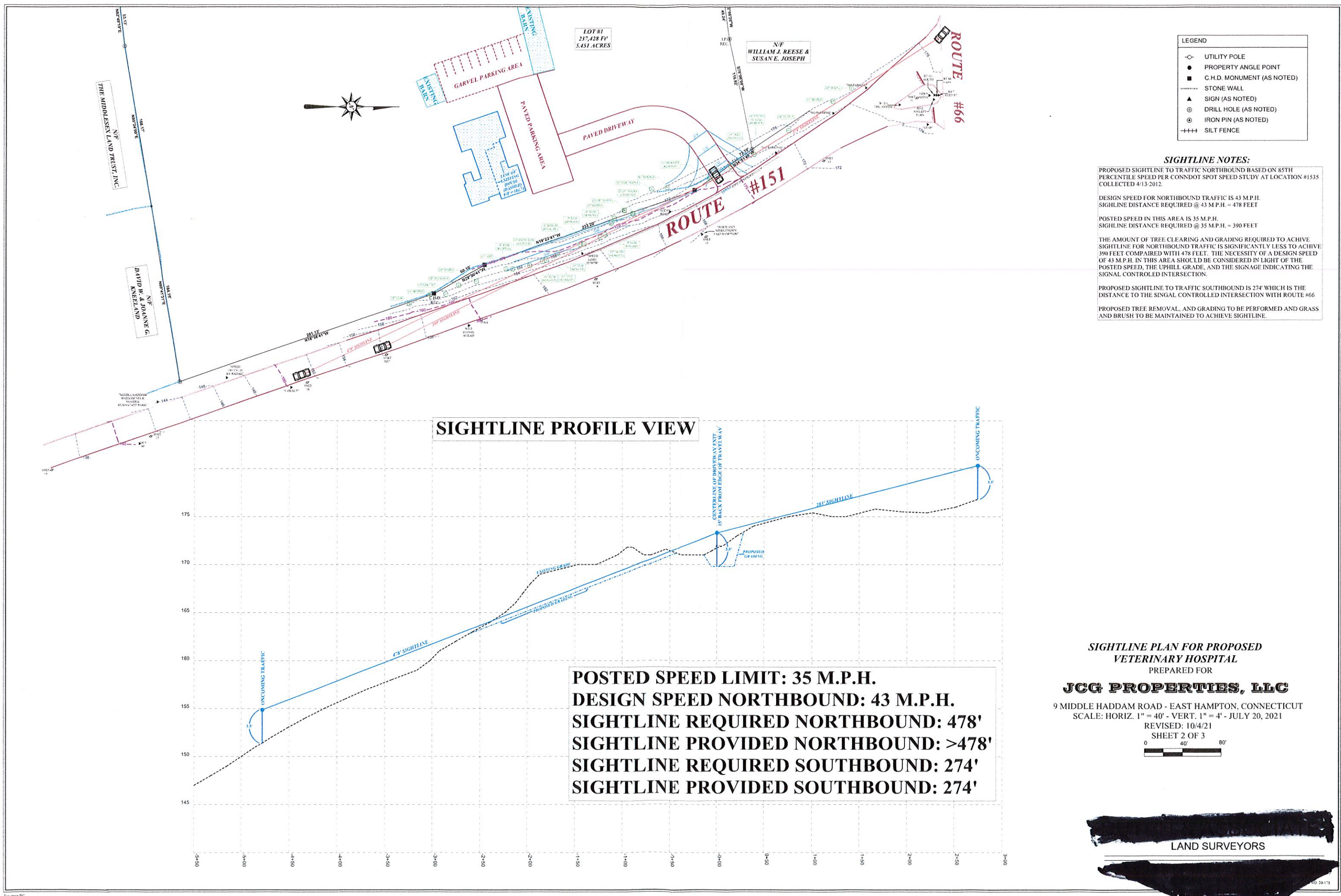
- NOTES
- 1) WHEREVER ANY HAVE FOUND, INDICATED BETWEEN PRINCIPLE LINES SHOWN
 - 2) LINES TAKEN FROM AERIAL PHOTO FROM 1959 BY JOHN D. DEANE
 - 3) FROM THIS TO BE SET AT PROPERTY CORNERS UPON APPROVAL OF SUBDIVISION
 - 4) ALL LOTS TO HAVE INDIVIDUAL SEPTIC TANKS AND WELLS IF CITY WATER IS NOT AVAILABLE



PLANNED & DESIGNED BY
FREDERICK M. HAYES
ASSOCIATES INC. P.C.
MARLBOROUGH, MASSACHUSETTS

PROPOSED SUBDIVISION
RUTKA ESTATES

| | |
|--|--|
| PROPERTY OF 30TH ST. RUTKA WALL STREET COLCHESTER, CONNECTICUT | |
| SHEET: 1501 | |
| SCALE: 1" = 40' | |
| DRAWN: GPS | |
| DATE: 11/1/72 | |
| FREDERICK M. HAYES ASSOCIATES INC. P.C. ROUTE 68 MARLBOROUGH, MASSACHUSETTS | |



Traffic Study Requirements
15.2
124
pg

volumes, including breakdown of anticipated trips generated by each land use if a Mixed Use Development

- E. Generated vehicular trips may be discounted in recognition of other reasonable and available modes of transportation (transit, pedestrian, bicycle, etc.)
- F. Trip distribution at curb cuts and intersection turning movements
- G. Direction of approach and projected traffic volumes via area Streets
- H. Comparison with existing traffic volume from the project site (or volume generated by the previous land use on-site).

2. If the Commission finds that that the proposed development will result in a degradation of traffic conditions, it may recommend one or more of the following actions:

A. Reduce the size, scale, scope or Density of the proposed project

B. Dedicate a right-of-way for Street improvements

C. Construct new Streets

D. Design ingress or egress to the project to reduce traffic conflicts

E. Alter the use and type of the development to reduce peak-hour traffic

F. Integrate design components (e.g., pedestrian and bicycle paths and/or connection to a proposed rail trail or transit improvements) to reduce vehicular generation

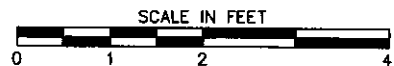
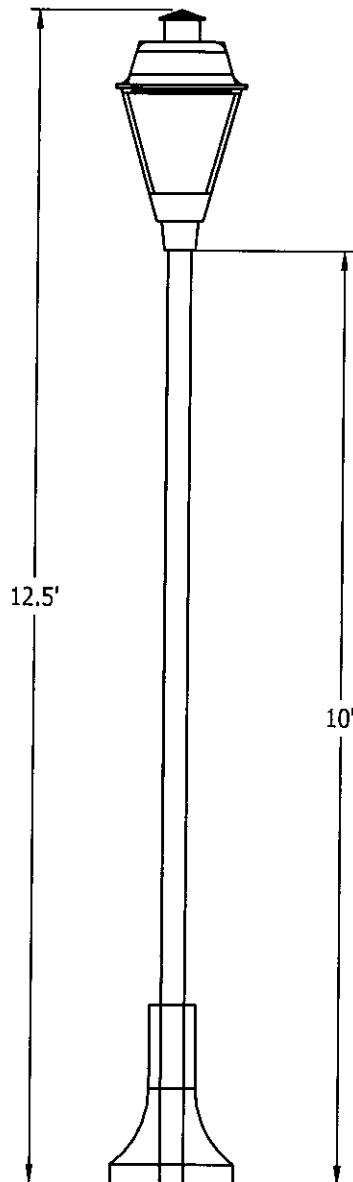
G. Implement traffic demand management strategies (e.g., carpool/vanpool programs, flex time, telecommuting, etc.) to reduce vehicular trip generation.

Go Back to Approved 5 Lot Subdivision

3. Where a proposal includes Road configurations as a primary design component contributing to the character of the development, the Commission, upon the written recommendation of the Town Engineer, may accept an alternative Road design where the proposed development can be shown to meet acceptable engineering practice, embraces low impact or context sensitive flexible design concepts, and does not compromise pedestrian or vehicular safety or emergency access. The Commission can approve a alternative design with a $\frac{3}{4}$ vote of the membership.

15.3 A SITE PLAN CLASS 1 shall be required for Single-Family and Two-Family Dwellings and Accessory Buildings. Site Plans Class 1 are also required for any proposed change in use, Addition or Accessory Building to any other principal Building, provided that the use is subordinate and customarily incidental to the principal use and provided that:

1. Such Building does not exceed twenty-five percent (25%) of the Floor Area of the existing



FEDUS ENGINEERING, LLC
CIVIL ENGINEERS

Mailing Address: 47 Water Street Mystic, Connecticut 06355
Office: (860) 536-7390 Fax: (860) 536-1644

UTLD Traditionaire Decorative Detail

of
Wall Street
Colchester, Connecticut

Prepared For:
John Doran
September 2, 2022

Gregg T. Fedus P.E.

CT. License No. 21231

Scale: 1"=2'

JOB NO. 22-001081

Sheet
1 of 1

yellow - abutting properties



①

proposed
development



Atkins



②

fence
post





fence
posts

3

838



fence
posts

4



(5)

844



for
path

845

The pin is where
industrial park, proposed
development and Atkins
property meet

fence post —
surveyor's pin (orange)



Viewing Atkins' property
from project area

8

848

(9)



148 Wall St

Our wooded area screening the industrial park from the rest of our property

One of many sinkholes
forming from industrial park run off



875

