

# *Town of Colchester, CT*

127 Norwich Avenue, Colchester, Connecticut 06415

PLANNING & ZONING COMMISSION  
WEDNESDAY, MARCH 17, 2021  
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 Meeting**
  - a. February 17, 2021
4. **Public Hearing**
  - a. **CMMD, LLC – Regulation Amendment (2021-001)**
  - b. **Edward Wasniewski / Harvey Pond View LLC – 167 Marvin Rd. Special Permit (2021-003)**
5. **Five Minute Session for the Public**
6. **Pending Applications**
7. **New Applications**
  - a. **Gano’s Power Equipment – 120 Linwood Ave Site Plan Modification (2021-002)**
8. **Preliminary Reviews**
9. **Old Business**
10. **New Business**
  - a. **CMMD, LLC – Regulation Amendment (2021-001)**
  - b. **Edward Wasnieski / Harvey Pond View LLC – 167 Marvin Rd. Special Permit (2021-003)**
11. **Planning Issues and Discussions**
12. **Correspondence**
13. **Adjournment**

RECEIVED  
PLANNING & ZONING COMMISSION  
2021 MAR 12 PM 2:17  
*Gayle Furman*  
GAYLE FURMAN  
TOWN CLERK

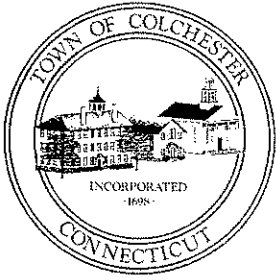
**TOWN OF COLCHESTER  
LEGAL NOTICE**

The Planning and Zoning Commission will hold a virtual public hearing on March 17, 2021, at 7:00 P.M. to hear and consider the following petitions:

1. **Edward Wasniewski / Harvey Pond View LLC – 167 Marvin Road, Special Permit (2021-003)** – Pursuant to Regulation Section No. 8.9.5.H, Farm Labor Housing; and
2. **CMMD LLC – Regulation Amendment (2021-001)** – Define Large Scale Agricultural Building, and add new regulation authorizing a Large Scale Indoor Agricultural Zone as a floating 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 and the Town Clerk's Office, 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, Connecticut*

127 Norwich Avenue, Colchester, Connecticut 06415

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Mary Bylone, First Selectman

## **PLANNING AND ZONING COMMISSION**

**Wednesday, February 17, 2021**

**7:00 p.m.**

**Virtual Meeting**

### **MEETING MINUTES**

**Members Present:** Chair Joe Mathieu, Mark Noniewicz, Bruce Hayn, Meaghan Kehoegreen, Jason Tinelle, Stephanie Smith, John Novak

**Members Absent:** Ian Lilly

**Others Present:** Town Planner Matthew Bordeaux, Asst. Planner/ZEO Daphne Schaub

1. **Call To Order** – Chairman Mathieu called the meeting to order at 7:01 p.m.
2. **Changes or Additions to Agenda** – There were no additions to the Agenda.
3. **Minutes of Previous Meeting**
  - a. **January 20, 2021** – Mr. Hayn moved to approve the minutes. Mr. Noniewicz seconded the motion. The motion carried unanimously. Mr. Novak abstained.
4. **Public Hearing** – There were no public hearings.
5. **Five Minute Session for the Public** – There were no public comments.
6. **Pending Application** – None
7. **New Applications**
  - a. **CMMD, LLC – Regulation Amendment (2021-001)**
  - b. **Edward Wasnieski / Harvey Pond View LLC – 167 Marvin Rd. Special Permit (2021-003)**
8. **Preliminary Reviews** - None
9. **Planning Issues and Discussions** – Mr. Bordeaux provided the Commission an updated on some revisions to the working draft regarding Solar Energy Systems. Mr. Bordeaux noted the addition of language addressing the potential impact of large-scale solar farms on potentially productive agricultural soils. He also included language to outline standards for decommissioning solar farms and restoring disturbed sites.

The Commission asked staff to continue to seek comparable regulations regarding financial guarantees for decommissioning and restoration.

Mr. Hayn raised a concern regarding the requirement for public utilities to be installed in any proposed development in the Future Development District.

**10. Old Business** – None

**11. New Business** - None

**12. Correspondence** – Mr. Mathieu asked Ms. Schaub to remind the Commission about the CT Land Use Law Seminar.

**13. Adjournment** – Mr. Hayn moved to adjourn. Mr. Noniewicz seconded the motion and all members voted in favor. The meeting adjourned at 8:30 p.m.

**TOWN OF COLCHESTER  
PLANNING AND ZONING DEPARTMENT**

**TO:** Planning and Zoning Commission  
**FROM:** Daphne Schaub, Assistant Planner  
**DATE:** March 10, 2021  
**RE:** Edward Wasniewski / Harvey Pond View, LLC - 167 Marvin Road  
Special Permit and Site Plan Review (2021-003)

The applicant, Harvey Pond View, LLC, is requesting a special permit to provide farm labor housing pursuant to Section No. 8.9.5.H. Specifically, to provide housing for farm labor to assist with the farming activities.

***Farm Buildings and Structures***

All agricultural buildings and structures, except commercial buildings open to the public, shall be setback 100' from any property line. Farm labor housing is permitted by special permit provided the workers are providing service on-site to a farm and the housing meets health requirements and does not exceed five units. When the farming operation ceases, the farm labor housing must be removed.

The proposed farm labor housing is setback 154' from the front property lines, greater than 300' from the left property line, 165' from the right property line, and greater than 300' from the rear property line. In Mr. Wasniewski's Narrative, he explained that the purpose of the farm worker housing is to provide housing for farm labor to assist with the following farm activities: Animal care, hay production, field maintenance, fence clearing and brush removal, equipment maintenance, building maintenance, and contractor supervision. The Chatham Health District has reviewed the proposed plan and indicated that the proposed locations of the well and subsurface sewage disposal system are in conformance with the Connecticut Public Health Code. The proposal is for one single-family dwelling with 1 bedroom.

***General Evaluation Criteria***

The proposed use is compatible with the Plan of Conservation and Development. The use will not create or substantially aggravate vehicular and pedestrian traffic safety problems. The use will not have substantial degrading effects on the value of the surrounding property. The use will not substantially affect environmental quality in an adverse manner. The ability of surrounding property to develop consistent with the prevailing zoning will not be substantially impaired. The public utilities and storm drainage are adequate to serve the proposed use. The kind, size, location and height of the building, the nature and extent of landscaping, and the location of the driveway will not hinder or discourage the use of adjoin property.

*Staff Review*

As the Commission will recall, the Applicant met with you in September 2020 for a preliminary review of this proposal. Staff has determined that the proposed plan meets all the requirements of a Special Permit and Class 1 Site Plan Review.

DCS

R:\Boards and Commissions\PZC\2021\03-17\Wasniewski\Staff Review\Assistant Planner & ZEO.docx



**PERCOLATION TEST DATA**

**DEEP TEST PIT DATA**

PT #1  
DEPTH: 30"  
PRESQA: 10:05 - 1/14/21  
DATE: 1/14/2021

TIME: READING:  
10:47 16.00"  
10:53 18.50"  
10:59 20.00"  
11:05 21.13"  
11:11 22.25"  
11:17 23.13"  
11:22 24.13"  
11:31 25.00"  
11:40 26.00 (DRY)

PERCOLATION RATE: 6.0 MIN./IN.

PT #2  
DEPTH: 30"  
PRESQA: 10:21 - 1/14/21  
DATE: 1/14/2021

TIME: READING:  
11:30 16.00"  
11:35 18.50"  
11:40 20.25"  
11:45 21.25"  
11:50 22.50"  
11:55 23.13"  
12:00 24.25"  
12:05 24.75"  
12:10 25.25"  
12:15 26.00 (DRY)  
12:20 26.50 (DRY)

PERCOLATION RATE: 10.0 MIN./IN.

PERCOLATION TESTS CONDUCTED BY DUTCH & ASSOCIATES

**HYDRAULIC FACTORS (HF)**

Hydraulic Conductivity (Ks) (ft/day)

Soil	1:10	1:5	2:1	1:1	1:1	1:1	1:1	1:1	1:1
See Comments in Section VIII.A	18	22	28	35	42	48	54	60	66

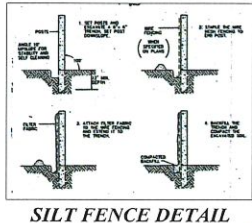
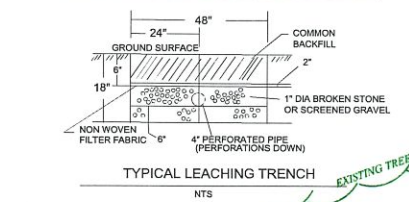
Receiving  
Soil Depth (Inches)

18" - 22"	22" - 28"	28" - 35"	35" - 42"	42" - 48"	48" - 54"	54" - 60"	60" - 66"	66" - 72"	72" - 78"
24" - 30"	30" - 36"	36" - 42"	42" - 48"	48" - 54"	54" - 60"	60" - 66"	66" - 72"	72" - 78"	78" - 84"
84" - 90"	90" - 96"	96" - 102"	102" - 108"	108" - 114"	114" - 120"	120" - 126"	126" - 132"	132" - 138"	138" - 144"

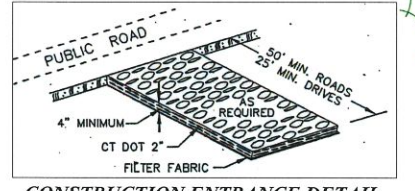
MLSS Need Not be Considered

**BASIS OF SANITARY DESIGN**

1 BEDROOM HOUSE - 6.0 Min/in PERC RATE  
375 SQ. FT. OF LEACHING AREA REQUIRED  
USE 2 TRENCHES 48" WIDE @ 8' CTRS @ LENGTHS SHOWN  
384 SQ. FT. OF LEACHING AREA PROVIDED  
USE MINIMUM 1,000 GALLON SEPTIC TANK  
HF 18 x FF 1.0 x PF 1.0 = MLSS 18'  
USE 2 ROWS OF STONE & PIPE TRENCH & 3.0 FT PER LINEAR FT. X 128' TOTAL OF TRENCH = 384 FT<sup>2</sup> PROVIDED (375 FT<sup>2</sup> REQUIRED)



**SILT FENCE DETAIL**



**CONSTRUCTION ENTRANCE DETAIL**

**ZONING COMPLIANCE CHART - ZONE: RU**

	REQUIRED	PROVIDED
MINIMUM LOT AREA	80,000 FT <sup>2</sup>	1,176,120 +/- FT <sup>2</sup>
MINIMUM LOT FRONTAGE	300'	345'
FRONT YARD SETBACK	100'	154 +/-
SIDE YARD SETBACK	25'	>300' - 165' W-R
REAR YARD SETBACK	25'	>300'
MAX. LOT COVERAGE	7.5%	<1%
MAX. BUILDING HEIGHT	35'	SEE ARCH. PLAN

\* SETBACKS REFER TO PROPOSED STRUCTURES ONLY.  
SEE REFERENCE MAP FOR EXISTING STRUCTURE DETAILS

**LEGEND**

- UTILITY POLE
- WELL
- ⊙ PERCOLATION TEST
- ⊙ DEEP TEST PIT
- ++++ SILT FENCE
- 436X5 EXISTING SPOT GRADE
- 437X4 PROPOSED SPOT GRADE
- 440 PROPOSED CONTOUR

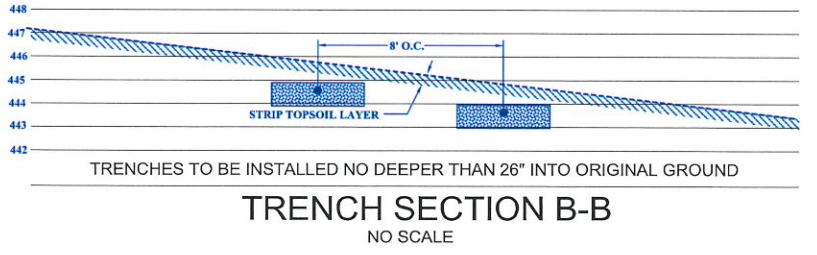
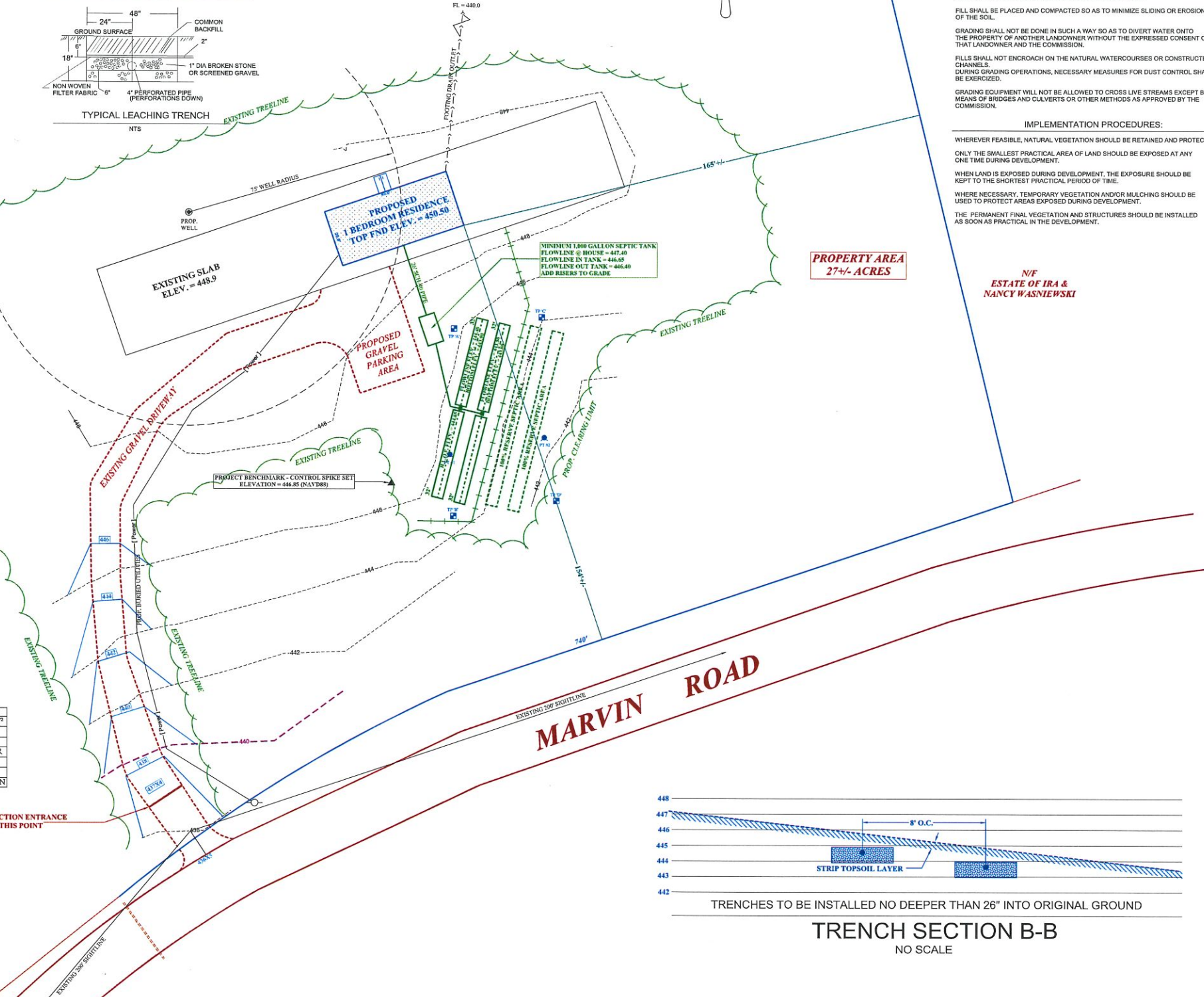
**REFERENCE NOTE**

THIS SURVEY AND MAP HAVE BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-208B-1 THROUGH 20-208B-5 AND THE STANDARDS FOR SURVEYING AND MAPPING IN THE STATE OF CONNECTICUT ADOPTED FOR USE BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 16, 1996.

THE TYPE OF SURVEY IS "ZONING LOCATION SURVEY".

THE BOUNDARY DETERMINATION CATEGORY IS "DEPENDENT RESURVEY".

THE HORIZONTAL ACCURACY CONFORMS TO "STANDARDS".



**EROSION CONTROL NOTES**

**GENERAL REQUIREMENTS FOR EROSION CONTROL:**

A SCHEDULE OF OPERATIONS TO INCLUDE STARTING AND COMPLETION DATES FOR MAJOR DEVELOPMENT PHASES, SUCH AS LAND CLEARING AND GRADING, STREET, SIDEWALK, AND STORM SEWAGE INSTALLATION, ETC.

SEEDING, SOODING, OR REVEGETATION PLANS AND SPECIFICATIONS FOR ALL UNPROTECTED OR UNVEGETATED AREAS SHALL BE IMPLEMENTED AS SOON AS POSSIBLE.

**EXCAVATIONS, FILLS AND GRADING:**

CUT AND FILL SLOPES SHALL NOT BE STEEPER THAN 3:1 UNLESS STABILIZED BY A RETAINING WALL OR CRIBBING, EXCEPT AS APPROVED BY THE COMMISSION UNDER SPECIAL CONDITIONS.

ADEQUATE PROVISIONS SHALL BE MADE TO PREVENT SURFACE WATER FROM DAMAGING THE CUT FACE OF EXCAVATION OR THE SLOPING SURFACES OF FILLS.

CUT AND FILLS SHALL NOT ENDANGER ADJOINING PROPERTY.

FILL SHALL BE PLACED AND COMPACTED SO AS TO MINIMIZE SLIDING OR EROSION OF THE SOIL.

GRADING SHALL NOT BE DONE IN SUCH A WAY SO AS TO DIVERT WATER ONTO THE PROPERTY OF ANOTHER LANDOWNER WITHOUT THE EXPRESSED CONSENT OF THAT LANDOWNER AND THE COMMISSION.

FILLS SHALL NOT ENCRONCH ON THE NATURAL WATERCOURSES OR CONSTRUCTED CHANNELS. DURING GRADING OPERATIONS, NECESSARY MEASURES FOR DUST CONTROL SHALL BE EXERCISED.

GRADING EQUIPMENT WILL NOT BE ALLOWED TO CROSS LIVE STREAMS EXCEPT BY MEANS OF BRIDGES AND CULVERTS OR OTHER METHODS AS APPROVED BY THE COMMISSION.

**IMPLEMENTATION PROCEDURES:**

WHEREVER FEASIBLE, NATURAL VEGETATION SHOULD BE RETAINED AND PROTECTED.

ONLY THE SMALLEST PRACTICAL AREA OF LAND SHOULD BE EXPOSED AT ANY ONE TIME DURING DEVELOPMENT.

WHEN LAND IS EXPOSED DURING DEVELOPMENT, THE EXPOSURE SHOULD BE KEPT TO THE SHORTEST PRACTICAL PERIOD OF TIME.

WHERE NECESSARY, TEMPORARY VEGETATION AND/OR MULCHING SHOULD BE USED TO PROTECT AREAS EXPOSED DURING DEVELOPMENT.

THE PERMANENT FINAL VEGETATION AND STRUCTURES SHOULD BE INSTALLED AS SOON AS PRACTICAL IN THE DEVELOPMENT.

**GENERAL NOTES**

PRIMARY AND RESERVE SEPTIC AREAS ARE TO BE PROTECTED FROM COMPACTION AND DAMAGED BY MACHINERY AND EQUIPMENT DURING CONSTRUCTION.

ADDITIONAL TEST PITS MAY BE REQUIRED TO CONFIRM SOIL CONDITIONS IN THE AREA OF THE PRIMARY AND RESERVE LEACHING FIELDS. PITS ARE TO BE DUG PRIOR TO THE START OF CONSTRUCTION OF THE SEPTIC SYSTEM AND ARE TO BE STAKED BY THE CONTRACTOR. DISTRIBUTION BOXES TO BE INSTALLED TO DISCHARGE AT HIGH LEVEL OVERFLOW (HLO) WITH SEPTIC SYSTEM SHALL CONFORM TO THE CURRENT STATE OF CONNECTICUT PUBLIC HEALTH CODE.

IF THE LEACHING CONDITIONS AND FILING LOGS GRADUALLY ARE ENCOUNTERED AT SMALLER DEPTHS THAN THOSE SHOWN IN THE DEEP TEST PITS, THE RESULTS OF THE TESTS SHALL BE RETAINED IN ACCORDANCE WITH THIS PLAN AND ALL APPLICABLE STATE AND LOCAL RULES, REGULATIONS AND CODES.

SDR 35 TIGHT PIPE FROM TANK TO D. BOX AND BETWEEN D. BOXES

CONTOURS TAKEN FROM ON SITE FIELD TOPOGRAPHY AND ARE TO 1:2 STANDARDS

**REQUIRED FILL SPECIFICATIONS**

ALL LEACHING PRODUCTS WITH EFFECTIVE LEACHING CREDITS OF 7.4 BFAP AND HIGHER SHALL NOT BE UTILIZED WHERE THE UNDERLYING NATURALLY OCCURRING SOILS HAVE A MINIMUM PERCOLATION RATE LOWER THAN THIRTY (30) MINUTES.

SELECT FILL MATERIAL AND SELECT BAGGILL MATERIAL, PLACED WITHIN AND ADJACENT TO PROPOSED LEACHING AREAS SHALL BE COMPOSED OF CLEAN SAND AND GRAVEL, FREE FROM ORGANIC MATTER AND FOREIGN SUBSTANCES. THE FILL MATERIAL SHALL MEET THE FOLLOWING REQUIREMENTS UNLESS OTHERWISE APPROVED BY A PROFESSIONAL ENGINEER FOR USE WITH THE LEACHING AREA.

1. THE FILL SHALL NOT CONTAIN ANY MATERIAL LARGER THAN THREE (3) INCHES.

2. UP TO 10% OF THE DRY WEIGHT OF THE REPRESENTATIVE SAMPLES MAY BE RETAINED ON THE #4 SIEVE (THIS IS THE GRAVEL PORTION OF THE SAMPLE).

3. THE MATERIAL THAT PASSES THE #4 SIEVE IS THEN REGRADUED AND THE SIEVE ANALYSIS STARTED.

THE REMAINING SAMPLE SHALL MEET THE FOLLOWING GRADATION CRITERIA:

SIEVE SIZE	PERCENT PASSING	PERCENT PASSING
#4	100%	100%
#10	70% - 100%	70% - 100%
#20	100% - 100%	100% - 100%
#40	95% - 100%	95% - 100%
#60	90% - 100%	90% - 100%
#100	85% - 100%	85% - 100%
#200	75% - 100%	75% - 100%

**WET SIEVE TEST** | **DRY SIEVE TEST**

THE RESPONSIBILITY FOR THE PREPARATION OF A LEACHING AREA UTILIZING SELECT MATERIAL IS THAT OF THE LICENSED INSTALLER. THE INSTALLER SHALL TAKE THE NECESSARY STEPS TO PROTECT THE UNDERLYING NATURALLY OCCURRING SOILS FROM OVERCOMPACTION AND ELEVATION OVERELEVATION.

**CONSTRUCTION NOTES**

NO CHANGE IN PLAN LOCATION OR ELEVATION SHALL BE MADE WITHOUT NOTIFYING THE ENGINEER AND THE PROPER TOWN AUTHORITY.

THE ENGINEER SHALL BE NOTIFIED PRIOR TO CONSTRUCTION TO SET LOCATION AND GRADE STAKES FOR THE SUBSURFACE SEWAGE DISPOSAL SYSTEM TO INCLUDE FILL MATERIAL, SEPTIC TANK, PRIMARY LEACH SYSTEM, SIMILAR STAKING REQUIRED FOR ALL CURB AND FOUNDATION DRAINS AND WELLS.

NO SOIL STRIPPING OR EXCAVATION SHALL BEGIN WITHIN THE AREA OF THE SUB-SURFACE SEWAGE DISPOSAL SYSTEM WITHOUT A VALID CONSTRUCTION PERMIT.

ALLICENSED SEWAGE DISPOSAL SYSTEM INSTALLER SHALL OBTAIN A CONSTRUCTION PERMIT AND ARRANGE FOR THE SITE INSPECTION PRIOR TO CONSTRUCTION. THE SYSTEM SHALL BE RETAINED IN ACCORDANCE WITH THIS PLAN AND ALL APPLICABLE STATE AND LOCAL RULES, REGULATIONS AND CODES.

TRENCHES TO BE STRIPPED AND STOCKPILED PRIOR TO ANY FILLING. EXISTING AREA BEFORE FILLING SHOULD BE STRIPPED PRIOR TO CONSTRUCTION. INSPECTION ON WELLS TO MINIMIZE CORROSION. PLACE FILL AT BASE OF TRENCH AREA AND SPREAD WITH BALLBOILER IN 4" LIFTS AND COMPACT TO 95% MAXIMUM DENSITY.

SANITARIAN TO INSPECT ANY FILL OVER 30" DEEP PRIOR TO CONSTRUCTION.

TRENCH BOTTOMS SHALL BE LEVEL AND SET TO FOLLOW CONTOURS OF EXISTING GRADE. TRENCH LATERALS SHALL BE LEVEL WITH PERFORATIONS DOWNWARD.

NO CONSTRUCTION BELOW ORIGINAL GRADE IN THE LEACHING SYSTEM AREA SHALL TAKE PLACE WITHIN 48 HOURS OF A RAINFALL OR WITH EXISTING POOLES.

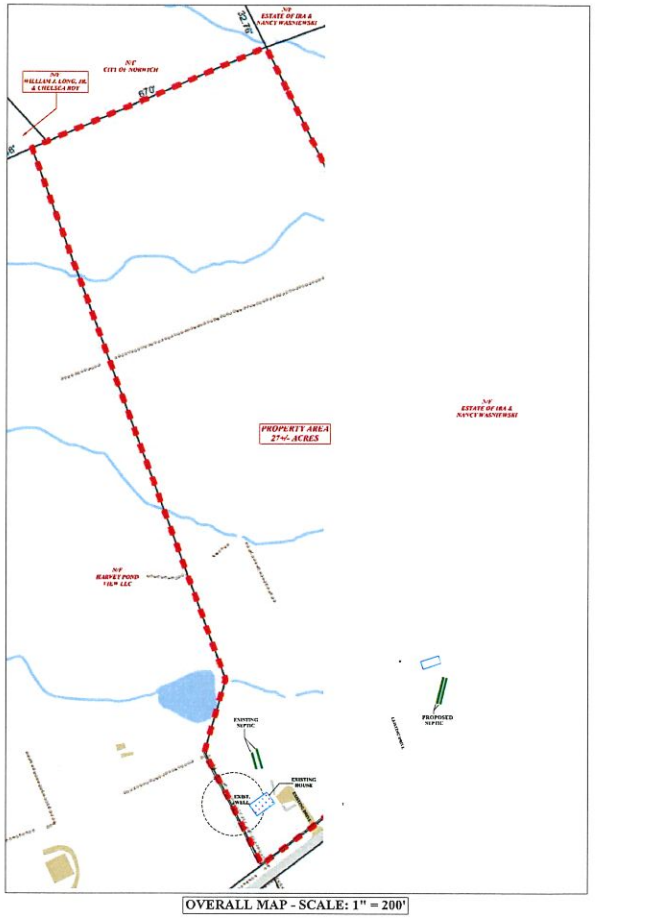
ALL FOOTING DRAINS, CURTAIN DRAINS AND SUBSURFACE SEWAGE DISPOSAL SYSTEM COMPONENTS SHALL BE INSPECTED BY THE FORM AND LOCATED "AS-BUILT" BY THE ENGINEER AND SURVEYOR PRIOR TO COVERING. INSPECTION SHALL BE WITHIN 2 WORKING DAYS FOLLOWING TIMELY NOTIFICATION BY THE CONTRACTOR TO PROTECT OPEN WORK FROM EROSION AND EROSION.

ALL DISTURBED AREAS SHALL BE GRADED, LOADED, AND SEEDED AS SOON AS POSSIBLE AFTER CONSTRUCTION. IF SEEDING CANNOT TAKE PLACE DURING THE GROWING SEASON, A TEMPORARY MULCH COVER SHALL BE PLACED AND MAINTAINED UNTIL PERMANENT COVER CAN BE ESTABLISHED.

ALLICENSED WELL DRILLER SHALL OBTAIN A PERMIT PRIOR TO ANY DRILLING. THE WELL SHALL BE PROVIDED IN ACCORDANCE WITH THIS PLAN AND ALL APPLICABLE STATE AND LOCAL REGULATIONS AND CODES.

SATISFACTORY COMPLETION OF ALL THE ABOVE REQUIREMENTS SHALL PRECEDE THE FINAL INSPECTION AND APPROVAL OF THE SUBSURFACE SEWAGE DISPOSAL SYSTEM AND WELL.

**NOTE: WATER TREATMENT DEVICES NOT TO DISCHARGE INTO SEPTIC SYSTEM**



**PLOT PLAN**  
PREPARED FOR  
**HARVEY POND VIEW, LLC**

167 MARVIN ROAD - COLCHESTER, CONNECTICUT  
SCALE 1" = 20' - FEBRUARY 16, 2021



**DUTCH & ASSOCIATES**  
LAND SURVEYORS

392 SOUTH MAIN STREET, COLCHESTER, CONN.  
PHONE: (860) 537-3465

"TO MY KNOWLEDGE AND BELIEF  
THIS MAP IS SUBSTANTIALLY CORRECT  
AS NOTED HEREON."

*Charles R. Dutch*  
CHARLES R. DUTCH, L.S. LICENSE NUMBER 15776



**MAP REFERENCE**

SITE PLAN - HOME RECONSTRUCTION - IMPROVEMENT LOCATION PLAN - FINAL "AS-BUILT" PREPARED FOR EDWARD WASNIEWSKI - 167 MARVIN ROAD - COLCHESTER, CONNECTICUT - DATE: 12/2/12 - SCALE: 1" = 20' - BY A. FALK VON PLACHECKI, L.S.

**PLAN NOTES:**

NORTH SHOWN IS GRID NORTH  
ELEVATION DATUM IS NAVD 88

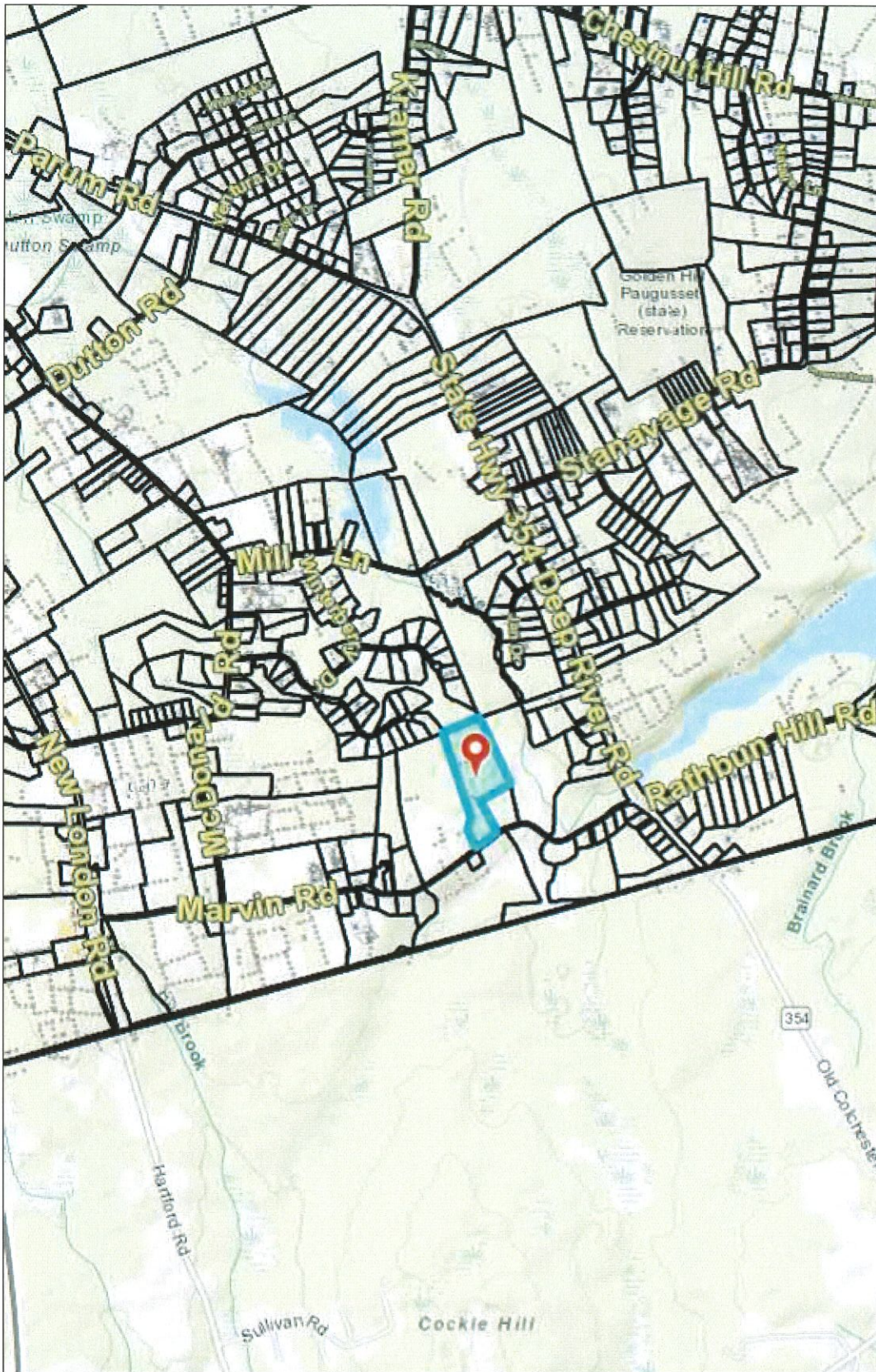
THE PURPOSE OF THIS PLAN IS TO DEMONSTRATE AN AREA FOR A PROPOSED HOUSE & SEPTIC AREA.

THE BOUNDARY AS SHOWN IS PER TOWN LAND RECORDS AND LIMITED FIELD LOCATION AND IS THEREFORE APPROXIMATE IN NATURE.

THIS PLAN IS NOT INTENDED TO REPRESENT AN ACCURATE SURVEY AND DOES NOT REPRESENT A BOUNDARY DETERMINATION BY THIS SURVEYOR.



# Town of Colchester, CT



## Legend

- Address Labels
- Street Labels
-  Parcels
-  Town Border

## Location



## Notes

167 Marvin Rd

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



1: 27,003





**TOWN OF COLCHESTER  
PLANNING AND ZONING DEPARTMENT**

**TO:** Planning and Zoning Commission  
**FROM:** Matthew R. Bordeaux, Planning Director *MRB*  
**DATE:** March 10, 2021  
**RE:** CMMD LLC – Regulation Amendment (2021-001)  
Large-Scale Indoor Agriculture Zone

***Introduction***

The applicant, CMMD LLC, is proposing a zoning regulation text amendment to adopt a new floating zone for the development of large-scale indoor agriculture activities. The proposal would provide a pathway for an applicant to construct a Large-Scale Agricultural Building subject to the approval of a zoning district map change and associated Master Plan depicting the conceptual layout of the use of one or more parcels. The proposal would make it possible to “land” the floating zone in the Rural Use, Suburban and Future Development Districts. A copy of the proposed regulation is attached for your review.

The applicant’s proposal includes the addition of a new definition for Large Scale Agricultural Building to Section 20.4. Additionally, Section 8.9.2 would be modified to add the following sentence to the definition of Agriculture:

“Notwithstanding anything herein contained to the contrary, the cultivation of marijuana, including medical marijuana, is prohibited in the Town of Colchester in all zones other than the Large Scale Indoor Agricultural Zone.”

Finally, the proposal would add a new Section 8.9A, which will be a floating zone designated as the “Large Scale Indoor Agricultural Zone” which may be permitted by the Planning and Zoning Commission upon approval of a zoning district map change. The applicant’s proposal includes the provision that in the event the development contemplated by the Master Plan submitted with the zone change is not developed within five (5) years subsequent to the date of approval, the zoning district classification of the parcel(s) will revert back to the zoning district classification of the underlying parcel previously in effect.

***Large-Scale Indoor Agriculture (LSIA) Zone***

The following is a list of the key components of the proposed Large-Scale Indoor Agriculture (LSIA) floating zone:

- Subject to zone district change approval from the Commission, the floating zone would be eligible to “land” in the Rural, Suburban and Future Development Districts.

- The floating zone district classification may be applied to multiple properties with the permission of the owner.
- All Large-Scale Agricultural Buildings proposed in the floating zone must be served by municipal water and sewer facilities.
- Permitted activity in LSIA includes:
  - Agricultural buildings not less than 10k sq. ft. in footprint, nor more than 175k sq. ft. in footprint, with gross floor area of not more than 350k sq. ft.
  - Indoor horticulture including cultivation of marijuana.
  - Processing or manufacture of crops cultivated on premises.
  - Research activities directly related to horticultural operations in LSIA.
  - Fuel Cells
  - Accessory Uses
- All buildings or structures shall be at least 100' from any residential building or residentially zoned parcel.
- Bulk Standards:
  - Minimum lot area – 15 acres
  - Frontage – 300'
  - Front yard – 50'
  - Side yard – 20'
  - Total combined side yard setback – 100'
  - Max building height – 45'
  - Max building coverage – 40%
  - Max impervious coverage – 70%
- The site shall be designed to provide for adequate emergency vehicle access to buildings.
- Outside storage must be approved and shall be screened.

### ***Large Scale Agricultural Building***

A Large-Scale Agricultural Building is a building which exceeds 10,000 square feet in footprint but is not greater than 175,000 square feet in footprint, designed and utilized for intensive agriculture and agricultural related activities, including, but not limited to, the cultivation of crops, including, but not limited to, marijuana that may include: the processing and/or packaging of horticultural, non-animal products or by-products produced on the premises; related office space, research facilities directly related to the horticultural operations conducted at the facility and warehousing of product cultivated and processed on the premises.

### ***Floating Zone***

The concept and use of a floating zone is new to Colchester, though one that has been implemented successfully in many municipalities across the state. The Planning and Zoning Commission's authority to create a floating zone is established in Section 8-2 of the Connecticut General Statutes. The floating zone is a special use district, pre-determined to be compatible with the underlying zoning district when a specified set of standards, including the kind, size and form of buildings, are shown to be met. The floating zone hovers over a specified zoning district(s) but does not apply to any specific parcel(s) until the Commission approves a zoning map change. In order to approve a zoning map change, the Commission must consider the proposal's consistency with the local Plan of Conservation and Development, as well as the plan for development of the site as provided by the applicant in the form of a Master Plan.

CMMD LLC's proposed floating zone enables an applicant to land the LSIA in the Rural Use, Suburban Use and Future Development Districts. In addition to the standards established in regulations, the Commission must consider the potential for adverse impacts as it would with any other application for zoning map change.

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

The applicant is requesting the Commission's consideration of an amendment of the zoning regulations to add the LSIA floating zone. In accordance with Connecticut General Statutes Section 8-3 "in making its decision the commission shall take into consideration the plan of conservation and development and shall state on the record its findings on consistency of the proposed change with such plan."

The applicant seeks to address this requirement with language in the proposed Section 8.9.A.1 (please see attached regulation draft). Amongst other things, the applicant references Section 8.9.1 of the current zoning regulations and Chapter 55 of the Colchester Ordinances which recognize the importance of farming in Town.

The Commission may find some aspects of the proposal consistent with Section 3.3 of the Plan of Conservation and Development to "Preserve Farms and Farming", such as the potential for the creation of new jobs in an evolving agricultural industry. Perhaps a stronger argument could be made for the proposal's consistency with Section 4.5, to "Facilitate and Support Economic Growth."

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

In accordance with state statutes, proposed zoning regulation text amendments and district boundary changes must be referred to the regional council of governments. As the proposed amendment would add a new floating zone that could land in the Rural Use District, which encompasses the perimeter of the entire town, not only must we refer the proposal to our regional council of governments (Southeastern Connecticut Council of Governments), but also any to which an abutting municipality belongs. Therefore, the Capital Region Council of Governments



(CRCOG) and the Lower Connecticut River Valley Council of Governments (RiverCOG) were also included. Their responses are as follows:

SCCOG - “Based on a review of the material submitted, and considering the fact that the floating zone is not yet proposed in a discrete location, I do not believe the proposed regulation amendments will have a negative inter-municipal impact.”

CRCOG - “finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.”

RiverCOG – The RiverCOG review was conducted on behalf of the adjacent towns of East Hampton and East Haddam. From an intermunicipal impact point of view, the RiverCOG stated that “it is the potential for establishing these facilities in the Rural District of Colchester that raises the most concern.” As the RiverCOG response is rather lengthy, it is included as an attachment for your review.

### ***Staff Review***

As the Commission will recall, the applicant has been working with Town staff to explore the various options to facilitate a potential development project on Old Amston Road. The applicant joined the Commission on a Preliminary Review basis at two recent regular meetings. This application coincides with the Commissions’ effort to address the regulation of medical marijuana production facilities. This proposal would definitively address the regulation of medical marijuana production facilities for the time-being.

A concern regarding the impact that a Large-Scale Agricultural Building and associated activity could have on rural areas of town was raised by the RiverCOG. As the proposed floating zone requires any Large-Scale Agricultural Building to be serviced by public water and sewer facilities, rural areas, or the Rural Use zoning district more specifically, will be substantially unaffected because there is no access to the necessary public infrastructure in the vast majority of those areas of town. The RiverCOG response goes so far as to say that “the development that can be approved through this proposed “floating zone” process is, without question, industrial in character.” This statement is consistent with the Commission’s original thoughts regarding the regulation of medical marijuana production facilities. In the absence of a dedicated industrial zone, the Commission may find it appropriate to consider removing the Rural Use District from a potential “landing” zone and instead consider adding the Arterial / Commercial District.

In anticipation of this line of thinking, the applicant revised the proposed regulation draft to include the Arterial/Commercial zoning district as a possible “landing” area for the floating zone should the Commission find it appropriate (see Section 8.9.A.1.2 on Page 3)

The Town Engineer, Sal Tassone, had a handful of questions for the applicant, a few of which were addressed in the revised regulation draft. Mr. Tassone’s questions/comments are summarized as follows:

- Referring to Section 8.9.A.4.b.xiii Traffic Impact Analysis, Mr. Tassone questioned if there would not be a traffic impact analysis required if the project was not anticipated to generate more than 200 vehicles per day. Typically, a traffic impact analysis is required for projects that generate 50 vehicle trips per day, anything less and a more basic traffic impact statement is requested.
- Mr. Tassone questioned the use of the term “Comprehensive Plan” in its context in Section 8.9.A.4. It would be good to have the applicant clarify the intent of the term.
- Mr. Tassone questioned the need for items 1-4 under Section 8.9.A.5 if these are already site development requirements found elsewhere in the regulations.
- Several additional minor editorial modifications were noted that have addressed by the applicant. You will see the changes tracked in a blue font in the attached copy of the proposal.

***Draft Motion***

APPROVE:

Move to approve CMMD LLC Regulation Text Amendment (2021-001) to add a new Section 8.9.A to the Colchester Land Development Regulations which will be a floating zone designated as the “Large Scale Indoor Agriculture Zone”, to add a new definition in Section 20.4 of the Colchester Land Development Regulations for Large Scale Agricultural Building, and to modify Section 8.9.2 of the Colchester Land Development Regulations to include a statement prohibiting the cultivation of marijuana is all zones other than the Large Scale Indoor Agriculture Zone

REASONS FOR THE APPROVAL:

The proposed amendment is found to be consistent with Chapter 4.5 of the Colchester Plan of Conservation and Development, specifically the provision to attract new business development including Industrial, Manufacturing and warehouse businesses (including “flex space” with an office component).

EFFECTIVE DATE:

The proposed amendment will have an effective date of April 5, 2021.

MRB

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# Lower Connecticut River Valley Council of Governments

145 Dennison Road Essex, CT 06426 | +1 860 581 8554 | www.rivercog.org  
Regional Planning Committee

March 2, 2021

Mr. Joseph Mathieu, Chairman  
Colchester Planning & Zoning Commission  
127 Norwich Avenue  
Colchester, CT 06415



**SUBJECT: Large Scale Indoor Agriculture Zone**  
**Petitioner: CMMD, LLC**

Dear Mr. Mathieu:

The Town of Colchester has submitted the proposed new regulations for review pursuant to Section 3b of the Connecticut General Statutes. This review is being conducted on behalf of adjacent RiverCOG towns East Hampton and East Haddam. The petition proposes a three-step floating zone process for establishing a site-specific Large Scale Indoor Agricultural Zone which will allow large scale agricultural buildings that could be up to 350,000 square feet in footprint with heights up to 45 feet. Although fundamentally a “three-step” process, the first two steps – including adoption of the “floating zone” regulations and the specific location for the “landing” of the proposed regulations – are often combined. It doesn’t appear that this petition includes the step two “landing” of the regulations, if approved. The potential “landing” areas for these facilities include the Future Growth District, the Suburban District, and the Rural District. From an intermunicipal impact point of view, it is the potential for establishing these facilities in the Rural District of Colchester that raises the most concern. These comments are provided for the consideration of the Colchester Planning & Zoning Commission during the upcoming public hearing scheduled to commence on March 17, 2021.

### Comments

A development that can be approved through this proposed “floating zone” process is, without question, is industrial in character. The opportunity for extremely large buildings or collections of buildings and the site improvements that would be included, render this possibility a significant concern if it were to occur in the Rural District of town. If the floating zone regulations were passed as proposed, such a facility could be located in close proximity or adjacent to properties in the neighboring RiverCOG towns of East Hampton and East Haddam. Members concluded that the potential adverse intermunicipal impacts could include placement of the building itself (one that could be larger than a typical “Home Depot”), significant truck traffic, significant impervious surface including stormwater runoff and the potential pollution that such runoff can carry, possible pollution from the by-products of the cultivation process, processing odors, issues regarding depletion of ground water were the facility to be located in an area without public

## RiverCOG



water service and other impacts of locating an industrial-style use within a rural residential area. As for the floating zone process, although the RPC did not take a position on the use of the floating zone tool, members were concerned that no matter how vigilant members of a Planning & Zoning Commission are with respect to the landing of one of these facilities in a residential part of town, there would be no guarantee for residents that it couldn't happen. As members of the P&Z are no doubt aware, predictability regarding what uses could be established in your neighborhood is an important advantage of a more traditional approval process.

#### Intermunicipal Impacts

As presented, the proposed regulations are seen by members of the RiverCOG Regional Planning Committee (RPC) as creating the potential for significant adverse intermunicipal impacts to properties in the neighboring Towns of East Hampton and East Haddam. Such a facility would be significantly out of character with surrounding land uses within the Rural District and create significant disruptions to those who live in the area while also possibly creating detrimental property devaluation.

The RPC recommends that the opportunity to "land" such regulations on properties in close proximity to the RiverCOG towns of East Haddam and East Hampton be eliminated by removing the Rural District as an option where these developments could be established. For this specific proposal, the exclusion of the Rural District contiguous to the RiverCOG towns seems not to be a big concern since, presumably, this developer or any other future application for a large-scale development likely to generate significant vehicular traffic should highly value easy access to Route 2. The Rural District in proximity of the contiguous RiverCOG towns does not offer such easy access. Finally, since the applicant is interested in establishing a LSIAB across town, the removal of the Rural District from the choice of landing areas won't apparently impact his plans.

#### Additional Suggestions

The following general comments are not necessarily related to the RPC's intermunicipal impact review but are provided for the consideration of the Planning & Zoning Commission:

- (1) Members expressed concerns over the "Master Plan" approval being through a site plan review process rather than a special exception/permit process. The former would likely leave nearby residents without a significant voice in the approval of a LSIAB facility in their neighborhood and the Planning & Zoning Commission with the significant discretionary leeway afforded by the special exception/permit process.
- (2) Although regulations, through the proposed definition, limit total building footprint to 150,000 square feet, the overall allowance of 350,000 square feet (two 175,000 square foot buildings) was considered by RPC members to be so large as to beg the question as to whether the Commission should request a reduction in that overall footprint allowance.
- (3) Given the potential size of the LSIABs, RPC members felt that significantly increased setbacks were warranted.

Thank you for your consideration of these comments and suggestions. If you or members of the Planning & Zoning Commission have any questions about this report, please feel free to give me a call at (860) 581-8554.

For the Committee,



J. H. Torrance Downes  
Deputy Director, RiverCOG

Copies via email to:

Mike Kowalczyk, RPC Representative, Town of East Hampton  
Crary Brownell, RPC Representative/ Planning & Zoning Chairman, Town of East Haddam  
Lou Salicrup, RPC Alternate, Town of East Haddam  
Ray Zatorski, Chairman, East Hampton Planning & Zoning Commission  
Jim Ventres, Land Use Administrator, Town of East Haddam  
Jeremy DeCarli, Land Use Administrator, Town of East Hampton

Add a new definition, alphabetically, in Section 20.4 of the Colchester Zoning Regulations as follows:

**Large Scale Agricultural Building:** A building which exceeds 10,000 square feet in footprint but is not greater than 175,000 square feet in footprint, designed and utilized for intensive agriculture and agricultural related activities, including, but not limited to, the cultivation of crops, including, but not limited to, marijuana that may include: the processing and/or packaging of horticultural, non-animal products or by-products produced on the premises; related office space, research facilities directly related to the horticultural operations conducted at the facility and warehousing of product cultivated and processed on the premises.

Modify Section 8.9.2 of the Colchester Zoning Regulations to include the following as the penultimate sentence in the definition of agriculture contained therein:

“Notwithstanding anything herein contained to the contrary, the cultivation of marijuana, including medical marijuana, is prohibited in the Town of Colchester in all zones other than the Large Scale Indoor Agricultural Zone.”

Add a new Section 8.9.A to the Colchester Zoning Regulations which will be a floating zone designated as the “Large Scale Indoor Agricultural Zone” and which may be permitted by the Planning and Zoning Commission by approving a zone change and zoning map amendment in accordance with the parameters established in proposed Section 8.9.A of the Colchester Zoning Regulations; provided, however, that in the event that the development contemplated by the Master Plan submitted with the zone change and zoning text amendment application is not developed within five (5) years subsequent to the date of approval thereof, the zoning district classification of the parcel(s) shall revert to that zoning district classification of the underlying parcel(s) then in effect:

**8.9.A Large Scale Indoor Agricultural Zone.**

1. **General.** The Planning and Zoning Commission recognizes the agricultural heritage of the Town of Colchester as enunciated in Section 8.9.1 of these Regulations as well as in Chapter 55 of the Colchester Ordinances adopted by the Town Meeting of the Town of Colchester on October 15, 2009. The Planning and Zoning Commission further recognizes that agricultural methodologies and techniques are evolving with the science of horticulture and that the provision of sustainable agriculture can best be accommodated by adopting regulations which allow agricultural venturers to utilize state of the art technology in fostering horticultural development. The Planning and Zoning Commission desires to create a legislative framework which will allow large scale agricultural development in a controlled environment located entirely within buildings designed to utilize



best available technology and methodologies for crop growth and processing. This Section 8.9.A of the Town of Colchester Zoning Regulations is designed to provide a legislative framework, with stringent controls, which will allow the Planning and Zoning Commission to ensure that large scale agricultural uses located entirely within Large Scale Agricultural Buildings can be developed in harmony with surrounding uses, both existing and contemplated, giving due consideration to the unique characteristics and location of the property which is proposed for rezoning.

2. **Intent.** The Large Scale Indoor Agricultural Zone ("LSIA") will be a floating zone governed by a Master Plan, in accordance with this Section 8.9.A of these Regulations. The Master Plan will be subject to review and approval by the Planning and Zoning Commission as a zone change and zoning text amendment, in conjunction with a contemporaneous zoning map amendment to LSIA, but subject to a public hearing and all other applicable procedural terms and conditions of these Regulations. Except as provided in Section 8.9.A hereof, the LSIA will supersede all pre-existing zoning, and any development of the zoned property owned and/or controlled by the Applicant, will be subject to the specific requirements for the LSIA set forth herein and as delineated in the approved Master Plan.
  - a. **Harmony and Mitigation of Impacts.** The LSIA is designed to encourage large scale indoor agricultural activities, including crop cultivation, specifically including the cultivation of marijuana products, and the processing of the same for sale and distribution in the marketplace in locations in which retail activities are a use permitted in the applicable zoning district, based upon the parameters hereinafter set forth, without adversely impacting existing neighboring land uses. The standards promulgated herein have been incorporated to minimize any adverse impacts that certain large-scale agricultural buildings and associated activities may have on the surrounding neighborhood with respect to public health, welfare and property values.
  - b. **Expand Property Tax Base and Employment Opportunities.** Use the incentives of state of the art agricultural production methodologies and processing in a controlled environment to create an expanded tax base for the Town as well as employment opportunities for the residents of the Town and the surrounding municipalities.
  - c. **Health, Safety, and Welfare; Plan of Conservation and Development.** To encourage state of the art agricultural production and processing at a degree of intensity that can be accommodated by parcel size, parking

demands and in a manner which is consistent with the Plan of Conservation and Development of the Town of Colchester as well as Chapter 55 of the Colchester Ordinances and which promotes the health, safety, economic development and general welfare of the Town of Colchester and its residents.

8.9.A.1 **Large Scale Indoor Agricultural Zone.**

1. **Applicants.** Any owner of property within a proposed LSIA, or any other person acting with the express authority or permission of an owner of property within a proposed LSIA, may apply to the Planning and Zoning Commission for a change of zoning district classification from the underlying zoning district to LSIA. Such owner, herein referred to as the "Applicant", need not own all land within the proposed LSIA, and failure to own all land within such proposed district shall not prevent the Planning and Zoning Commission from hearing or granting any such application; provided, however, that the owner of each parcel delineated on the Master Plan for which LSIA approval is requested consents, in writing, to the filing of the application for the LSIA. For the purpose of this Section, the term "underlying zoning district" shall be defined as the zone(s) or district(s) existing on the subject parcel prior to the filing of an application for a LSIA.
2. **Limitations on Underlying Zoning Districts.** An Applicant can only apply for LSIA zoning district classification in the existing rural, suburban ~~and/or,~~ future development area and/or arterial/commercial zoning districts.
3. **Uses Allowed and Required.** An LSIA may only include those specific uses set forth herein, developed at the density and in accordance with the design parameters permitted by this Section 8.9.A of these Regulations, in distinction to the density and design requirements set forth in the hereinbefore referenced underlying zoning districts.
  - a. Construction of an agricultural building not less than 2010,000 square feet in footprint nor more than 175,000 square feet in footprint with a gross floor area of not more than 350,000 square feet in size.
  - b. The cultivation of crops, including marijuana, in a controlled environment and inside a Large Scale Agricultural Building designed to facilitate horticultural productivity.
  - c. Processing and/or manufacture of crops cultivated on the premises.

d. Research activities directly related to the horticultural operations conducted in the Large Scale Agricultural Building.

e. Fuel cells.

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e.f. Accessory Uses. Parking, lighting, stormwater management, solar arrays, fuel cells, office space related to the horticultural operation.

4. **Performance standards for LSIA's.** Any LSIA established pursuant to the provisions of this Section 8.9.A of the Town of Colchester Zoning Regulations shall satisfy the following minimum standards:

a. Each LSIA shall be designed to provide for adequate access for emergency vehicles to access the agricultural building(s) on the premises.

b. All buildings in the LSIA shall be served by municipal water and municipal sewer facilities.

8.9.A.2 **Application Procedure For Large Scale Indoor Agricultural District.**

1. **Informal Preliminary Review.** The Planning and Zoning Commission recommends that, prior to the submission of an official application for LSIA approval, the Applicant initiate a pre-application conference with the Planning and Zoning Commission and its staff and subsequently prepare and present a preliminary plan for informal consideration by the Planning and Zoning Commission. The preparation of the preliminary plan is recommended to facilitate the general consideration of factors and problems affecting the development of the LSIA before the Applicant proceeds with the official application and the preparation of submittable maps, plans and documents required for formal consideration by the Planning and Zoning Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Planning and Zoning Commission. The pre-application conference and the informal consideration of the preliminary plan shall not be deemed to constitute any portion of the official and formal procedure of applying for a change of zone or a Master Plan approval. Neither the Applicant nor the Planning and Zoning Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the Applicant, and the Planning and Zoning Commission upon the future

receipt, if any, of a formal application for a LSIA. Following any informal discussion, the Planning and Zoning Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for change of zone.

2. **Formal Application.**

- a. **Application Form and Fee.** All applications for a LSIA shall be submitted to the Planning and Zoning Commission on a form prescribed by it and accompanied by an application fee for a zone change in accordance with the Zoning Regulations of the Town of Colchester. In addition, each application shall be accompanied by a list of names and addresses of the owners of all properties located within and within five hundred (500') feet of the property included in the zone change application, as such names and addresses appear in the most recent Grand List of the Municipal Assessor.
- b. **General Statement.** Applications for change of zone to LSIA shall include a general statement describing the following:
  - i. The approximate square footage of the Large Scale Agricultural Building to be dedicated to horticulture, processing, research, warehousing and office space;
  - ii. The methods by which site utilities will be provided;
  - iii. The proposed timetable for development, including a description of phases, if any;
  - iv. A list of all additional licenses, permits, and approvals which will be required for the development together with a delineation of the agency responsible for the issuance of such permits, licenses and approvals; and
  - v. A statement outlining how the proposed development conforms to the Comprehensive Plan embodied in these Regulations and the adopted Plan of Conservation and Development of the Town.

3. **Zone Change Map for Recording.** All applications for a LSIA shall be



accompanied by a property boundary survey, suitable for filing in the Office of the Colchester Town Clerk, indicating the area of the proposed zone change relative to existing property boundaries, and the names of all property owners owning property located within the LSIA and the names of all abutting property owners of record and the names of all property owners located within five hundred (500') feet of any portion of the zone change parcel as evidenced by the then most current records of the Municipal Assessor as of the date of filing of the zone change application for the LSIA. Said survey shall include a key map. Said property boundary survey shall be certified by a Connecticut licensed land surveyor certifying that the survey conforms to the standards of survey and map accuracy respectively of Class D as defined in the Minimum Standards for Surveys and Maps in the State of Connecticut, as the same may be amended from time to time. In the event that the Planning and Zoning Commission approves a zone change of a lesser area than that requested, the Applicant shall provide an amended zone change map reflecting the zone change as approved.

4. **Master Plan.** All applications for a LSIA shall be accompanied by a Master Plan as required below:
  - a. The Plan shall be drawn clearly and legibly at a scale of 1" = 100' presented on sheets of 24" x 36" (unless a different scale or sheet size is approved by the Commission) and the plan shall be drawn by a professional engineer, architect, landscape architect, or land surveyor registered in the State of Connecticut. Sufficient paper prints shall be provided with each application to accommodate Commission and staff review. In addition, an applicant for zone change and text amendment shall be required to submit all plans and supporting application documentation electronically. Where appropriate, supporting information may be provided in textual rather than graphic form.
  - b. The following items are required to be submitted to the Commission with each application for change of zoning district classification to LSIA and the approval of a master plan:
    - i. **Key Map.** A key map at a scale of 1" = 1000' showing the location of the proposed development and its relationship to existing City/Town and State roads.
    - ii. **Adjacent Land Uses.** The boundaries of the subject parcel or

parcels to be rezoned and/or developed, owners of these parcels and adjacent parcels, roadways, structures, and land uses.

- iii. **Existing Site Features.** Existing structures, roads, land uses, topography at a contour interval of two (2') feet or less, major and unique natural, scenic and historic features of the parcel and their relationship to the proposed development.
- iv. **Proposed Buildings.** The height, bulk, use and location of the Large Scale Agricultural Building(s), including a conceptual elevation of the Large Scale Agricultural Building.
- v. **Circulation.** The proposed location of roads, driveways, parking and pedestrian circulation including tie-ins with existing City/Town, state and public utility facilities.
- vi. **Water Supply.** The proposed method for a provision of a potable water supply to the development and a projection of the number of gallons per day to be consumed by the project upon completion.
- vii. **Sewage Disposal.** The proposed method for the collection and disposal of all sanitary waste.
- viii. **Stormwater.** A stormwater quality and management plan that will incorporate low impact development techniques and processes.
- ix. **Surface Water Quality.** A statement indicating the quality of existing watercourses through or near the site, if any.
- x. **Erosion Control.** A statement indicating the erodibility of the soils and a general indication of the need for erosion and sedimentation control. All erosion and sediment control measures shall comply with the latest edition of the Connecticut Guidelines for Soil Erosion and Sediment Control.
- xi. **Watercourses.** The location of any inland wetland and watercourse as defined by the Town Inland Wetlands and Watercourses Regulations, and map, as amended.

- xii. **Parking Analysis.** A parking plan for the LSIA prepared by a licensed professional engineer specializing in parking needs and design, which analysis shall determine the amount and location of parking required by the LSIA. The recommendations of the parking analysis shall be incorporated into the Master Plan by the Applicant's consulting civil engineer; and, when approved by the Planning and Zoning Commission, shall supersede any and all parking requirements otherwise contained in these Regulations.
  - xiii. **Traffic Impact Analysis.** A traffic impact analysis prepared by a licensed professional engineer concentrating in traffic management; provided, however, that the development incorporated into the Master Plan shall generate more than two hundred (200) vehicle trips per day.
  - xiv. **Restrictions.** The substance of any proposed covenants, easements and restrictions.
  - xv. **Security.** Any security measures and systems which are incorporated into the design of the Large Scale Agricultural Building for the protection of the activities and product grown, processed and/or stored therein.
  - xvi. **Further Documentation.** Other documentation as may reasonably be required by the Planning and Zoning Commission to make an adequate determination of the appropriateness of the proposal to the site and of its fulfillment of the intent of these Regulations. The Planning and Zoning Commission may require information generally required in the final site development plan if it feels such information is necessary to make an informed judgment.
5. **Additional Information.** A zone change application calls upon the Planning and Zoning Commission to exercise a legislative function, and to determine that the LSIA applied for will be superior to the underlying zone in achieving the purposes of these Regulations and the Plan of Conservation and Development of the Town. It is the obligation of the Applicant to provide any additional information which the Planning and Zoning Commission may

request or require in order to make such a determination. Such information may include, but is not limited to: additional information concerning surrounding land uses, building locations, driveways, streets, topography, watercourses and wetlands, utilities, and the like.

**8.9.A.3 Public Hearing, Personal Notice, and Action.**

1. **Procedure, Applicant's Notice Requirements.** The Planning and Zoning Commission shall act in such manner, and in accordance with such time limits, as are designated for changes of zone in accordance with Section 18.0 of these Regulations and in accordance with the applicable provisions of Section 8-7d of the Connecticut General Statutes. In the event of conflict between the procedures set forth in these Regulations and the General Statutes, the latter shall prevail. In addition, the Applicant shall mail personal notice of the proposed zone change to LSIA to each owner of property within the LSIA and within five hundred (500') feet of any portion of the LSIA as required by the provisions of Section 18.2.4 of these Regulations.
2. **Action on Master Plan.** The Planning and Zoning Commission shall approve, modify and approve, or disapprove the Master Plan. Any site plan approval subsequently granted for any use within the approved LSIA shall substantially conform to the approved Master Plan, except to the extent modifications thereto are approved either at the staff level or by the Commission (based upon the nature of the proposed modifications) in accordance with procedures for the delegation of approval of site plan modifications to the land use department as may be from time to time adopted by the Commission. No Certificate of Zoning Compliance or Building Permit shall be issued, nor shall any construction activity of any kind commence, for any work depicted on an approved Master Plan, until such time as a site plan approval in accordance with Section 15.5 of these Regulations has been issued for development on the lot or site where such development is to occur.
3. **Notice of Action and Filing of Map.** Upon approval of a LSIA and Master Plan, the Planning and Zoning Commission shall provide notice to the Applicant and the public, as provided in the General Statutes, and shall cause the approved LSIA zone change map to be noted on the official zoning map of the Town of Colchester by outlining the boundaries of the land affected thereby and indicating the approval date.
4. **Recording.** The Applicant shall, within ninety (90) days subsequent to



approval of any LSIA, record notice thereof in the Colchester Land Records under the name of the record owner(s) of land affected thereby, giving a legal description of the land, and giving specific reference to the approved plan(s) and map(s); and, further, the Applicant shall file in the Colchester Land Records a copy of the approved plan(s) and map(s), endorsed by the signature of the Planning and Zoning Commission's Chairman or Secretary.

8.9.A.4 **Criteria for Decisions on Change of Zone and Master Plan.** In acting on the application for change of zone and approval of a Master Plan, the Planning and Zoning Commission is performing a legislative function and shall be allowed the discretion granted to zoning commissions acting in a legislative capacity by Connecticut law. The Planning and Zoning Commission shall, in acting upon the Master Plan, consider the Plan of Conservation and Development adopted by the Planning and Zoning Commission as well as make a determination that the Master Plan is in conformance with the Comprehensive Plan of the Town of Colchester.

1. **General Findings.** In general, the application shall allow the Planning and Zoning Commission to make the following findings in support of any decision to approve a LSIA:
  - a. The proposed LSIA shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties.
  - b. The location and size of proposed uses, the intensity of operations involved in connection with such uses, the site layout, and their relationship to access streets shall be such that vehicular and pedestrian traffic generated by the use or uses, shall not be detrimental to the character of the neighborhood.
  - c. The establishment of such LSIA will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
  - d. The proposed use permits the development of the site with the design of structures and land uses which is compatible with the shape, size, topography and natural character of the zone.
  - e. That the placement of the Large Scale Agricultural Building within the LSIA will not adversely impact residentially zoned and utilized

properties abutting the LSIA.

In making the findings above, the Commission shall consider the agricultural heritage of the Town of Colchester and the right to farm ordinance adopted by the Town Meeting of the Town of Colchester on October 15, 2009.

2. **Site Plan Approval.** Upon the adoption of a LSIA by the Planning and Zoning Commission, the Applicant shall prepare a final site plan for development of the LSIA.

In order to assist the Planning and Zoning Commission in making the findings required pursuant to the provisions of Section 8.9.A.4.1 hereof, the Applicant shall, in conjunction with a site plan application for a LSIA, provide, if applicable, screening, building and site illumination plans, landscaping plans, the location and construction material of any fences, walls, walkways, trash disposal areas and the like.

#### 8.9.A.5 **Specific Requirements for All LSIA's.**

##### 1. **Access.**

- a. Access and circulation ways shall be designed to permit appropriate fire fighting equipment, fuel trucks, refuse collection, deliveries and snow removal equipment to operate in a safe and efficient manner.
- b. The LSIA shall be served from, or have access to, at least one ~~through~~ improved State or municipally owned and maintained street or highway which provides adequate circulation and access to other sections of the Town. The design of the LSIA shall be formulated to facilitate ingress to and egress from the LSIA without significantly adversely impacting traffic flow and traffic safety on interconnecting ~~City~~Town or State streets and highways.
- c. The street system shall be designated to permit connection to existing and proposed facilities where necessary for proper functioning of the utility systems, or the extension of utilities to adjoining properties.
- d. Buildings, walls, fences, plantings and other sight obstructions shall be so located and designed that a driver exiting the LSIA has an unobstructed view of approaching traffic.

2. **Parking.** Parking for the LSIA shall be in accordance with the requirements of the parking analysis and plan for the LSIA incorporated into the Master Plan and approved by the Planning and Zoning Commission. The Planning and Zoning Commission shall, where possible, seek to minimize the construction of parking spaces.
3. **Underground Utilities.** All development in a LSIA shall provide for underground installation of all utilities interior to the LSIA. All development shall provide proper design and construction of storm sewer facilities, including grading, gutters, piping and treatment of pervious areas to handle stormwater, prevent erosion and the formation of dust. Utilities and maintenance facilities shall be in accordance with the requirements and regulations of the appropriate authority having jurisdiction.
4. **Driveways.**
  - a. **Private Driveways.** All driveways within a LSIA shall be designed by a licensed professional engineer and submitted with the Master Plan for approval by the Planning and Zoning Commission. The design of driveways and the interconnection of driveways with abutting streets and highways shall be based upon the anticipated volume of vehicular traffic on the driveway, the alignment of the driveway with the intersecting street and the available sight stopping distance.
5. **Waste Disposal.** Adequate sight screening must be provided for all garbage collection areas.
6. **Setback Requirements, Building Proximity.** Where the LSIA abuts any residentially zoned and utilized property outside of the LSIA, all buildings or structures shall be at least one hundred (100') feet from any residentially utilized building on any residentially zoned parcel adjoining the exterior boundaries of the LSIA.

Setbacks between buildings and structures within the LSIA shall be such as to provide reasonable access to light and air, and access space for service, fire protection and maintenance equipment and operations.

7. **Site Design.** Site design shall take advantage of topographic features, provide for landscaping and restoration of all areas disturbed by construction and complement any adjoining neighborhood. Consistency of

scale and complementary landscaping standards shall be maintained throughout the LSIA.

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8.9.A.6 **Specific Requirements for Large Scale Agricultural Buildings.**

1. A Large Scale Agricultural Building shall comply with the minimum and maximum size requirements contained in these Regulations.
2. Exterior walls longer than two hundred (200') feet and visible from any public street shall include an offset for each two hundred (200') feet of length of at least four (4') feet or shall include a commonly accepted architectural feature that breaks the building wall plane.
3. Suitable landscaping, as determined by the Planning and Zoning Commission, and based upon the geographic location and community context in which the LSIA is approved shall be provided.
4. Bulk requirements shall be as follows:
  - a. Minimum lot area – fifteen (15) acres.
  - b. Minimum lot frontage on a street – three hundred (300') feet.
  - c. Front yard setback – fifty (50') feet.
  - d. Rear yard setback – fifty (50') feet.
  - e. Minimum side yard setback – twenty (20') feet.
  - f. ~~Total combined~~ Aggregate required side yard setback for both side yards – one hundred (100') feet.
  - g. Maximum building height – forty-five (45') feet.
  - h. Maximum building coverage – forty (40%) percent.
  - i. Maximum impervious coverage – seventy (70%) percent.

8.9.A.7 **Conformance to Recorded Documents.** Land included in an LSIA shall be used and developed only in accordance with the recorded documents. The site plan approval issued for development in the LSIA shall substantially conform to the design, use, and other standards of the approved Master Plan, unless modified as provided hereunder.

8.9.A.8 **Amendment or Extension of Approved LSIA's.** An application to extend or amend

an approved LSIA shall specify the nature of the planned extension(s) or amendment(s) and shall be accompanied by a plan drawn to scale ~~plan~~ of the proposed extension(s) or amendment(s) in the same detail as is required in an initial application for Master Plan approval and shall be accompanied by a fee in accordance with the applicable fee ordinance establishing fees for land use applications in the Town of Colchester. An applicant for extension or amendment of a LSIA shall have sufficient interest in the land subject to LSIA regulations, in accordance with section 8.9.A.1.1.

An applicant applying for a LSIA and submitting a Master Plan may choose to incorporate language and plan components with sufficient detail to allow the applicant to make minor and foreseeable deviations on a subsequent site plan(s). Such information shall become the basis for minor deviations from the Master Plan at such a time that an applicant applies for site plan approvals, so that a formal change to the Master Plan is not required. The Planning and Zoning Commission shall have the authority in approving a Master Plan to determine the nature and extent of such minor deviations which may be allowed on subsequent site plans. In all cases where additional application language and plan components are incorporated into a Master Plan, such information shall be sufficient in detail to allow for all necessary reviews of the site plan to determine consistency with the Master Plan by the Commission, its staff, and its consultants.

8.9.A.9 **Commencement and Completion of Construction.** For any LSIA approved pursuant to this Section 8.9.A, the construction of the Large Scale Agricultural Building and/or the establishment of any use depicted on the Master Plan, or any phase thereof, shall be completed by the Applicant, and a Certificate of Zoning Compliance and Certificate of Occupancy shall be issued, within five (5) years from the effective date of any site plan approval granted by the Colchester Planning and Zoning Commission, which has been issued in accordance with the approved Master Plan. Upon application, the Planning and Zoning Commission may grant one (1) or more extensions of the aforesaid time limit for a total period of up to five (5) additional years. The foregoing time limits shall be tolled during the pendency of any court appeal of the approval of the LSIA or, for any particular phase or portion of the LSIA, or of any site plan approval issued thereunder. In the event that any LSIA approved by the Commission is not developed within the time period(s) set forth above, the zoning district classification of the LSIA shall revert to that of the underlying zoning district.

8.9.A.10 **Performance Bonds.** The Planning and Zoning Commission ~~shall~~may require performance bonds to insure the completion of any public improvements in connection with any LSIA, for the installation of any infrastructure which, in accordance with the LSIA documents will be available for public use, and for the

maintenance of erosion and sediment control measures until all areas disturbed in accordance with the approved site plan have been stabilized as delineated on the site plan approved for the development of an LSIA in a form ~~satisfactions~~satisfactory to the Town Attorney.

8.9.A.11 **Deeds.** Any conveyance of real property and/or drainage and utility easements, or other interests in real property to be conveyed to the Town of Colchester in accordance with the approved Master Plan shall be by Warranty Deed, and shall be accompanied by a current Certificate of Title, prepared by an attorney admitted to the bar of the State of Connecticut or an owners' policy of title insurance issued by a title insurance company licensed to transact title insurance business in the State of Connecticut, and certifying or insuring, as the case may be, that title to the real property conveyed or the interest therein conveyed is free and clear of, or superior in right to, any mortgage lien, restriction or other encumbrance materially affecting the use thereof for its intended purpose.

8.9.A.12 **Outside Storage Applicable to Uses in a Large Scale Indoor Agricultural District.** No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Planning and Zoning Commission, and such authorized outside storage shall be screened in such manner as the Planning and Zoning Commission may require. All loading areas shall be oriented away from existing residential structures located within two hundred fifty (250') feet thereof and public ways and adequately screened from view by appropriate landscaping.