

Town of Colchester, CT

127 Norwich Avenue, Colchester, Connecticut 06415

PLANNING & ZONING COMMISSION

WEDNESDAY, July 21, 2021

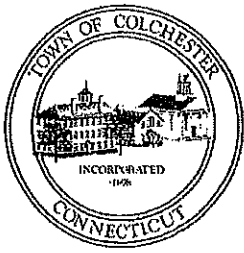
MEETING AT 7:00 P.M.

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

AGENDA

1. **Call to Order**
2. **Additions to the Agenda**
3. **Minutes of Previous Meeting**
 - a. June 16, 2021
4. **Public Hearing**
 - a. Regulation Text Amendment – Section Nos. 14.5 (Administrative Review Application) & 15.3 (Site Plan Class 1) (2021-008)
 - b. Niantic Bay Group LLC – 347 Cabin Rd Resubdivision (2021-007)
5. **Five Minute Session for the Public**
6. **Pending Applications**
7. **New Applications**
 - a. Niantic Bay Group LLC – 347 Cabin Rd Resubdivision (2021-007)
8. **Preliminary Reviews**
 - a. Drive-through Windows in Town Center
9. **Old Business**
10. **New Business**
 - a. Regulation Text Amendment – Section Nos. 14.5 (Administrative Review Application) & 15.3 (Site Plan Class 1) (2021-008)
 - b. Niantic Bay Group LLC – 347 Cabin Rd Resubdivision (2021-007)
11. **Planning Issues and Discussions**
 - a. Moratorium on Retail Sales of Marijuana
12. **Correspondence**
13. **Adjournment**

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Gayle Furman
TOWN CLERK



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Website: www.colchesterct.gov

PLANNING AND ZONING COMMISSION

Wednesday, June 16, 2021

7:00 p.m.

Virtual Meeting

MEETING MINUTES

Members Present: Vice Chair, John Novak, Mark Noniewicz, Jason Tinelle, Ian Lily

Members Absent: Chair Joe Mathieu, Bruce Hayn, Stephanie Smith & Meaghan Kehoeegreen

Others Present Planner, Matthew Bordeaux and Asst. Planner/ZEO Daphne Schaub

1. **Call To Order** – Vice Chairman Novak called the meeting to order at 7:00 p.m.

2. **Changes or Additions to Agenda** – Matt Bordeaux requested Agenda Item 7B be removed from the agenda as it is not ready to be accepted for review.

Mr. Noniewicz moved to remove item 7b. Niantic Bay Group LLC – 347 Cabin Rd Subdivision (2021-007) as it not compete. Mr. Tinelle seconded the motion. The motion carried unanimously.

3. **Minutes of Previous Meeting**

a. June 2, 2021

Mr. Noniewicz moved to approve the minutes dated June 2, 2021. Mr. Tinelle seconded the motion. The motion carried, Mr. Novak abstained.

4. **Public Hearing** – None

5. **Five Minute Session for the Public** – None

6. **Pending Application** – None

7. **New Applications**

a. **Regulation Text Amendment – Section Nos. 14.5 (Administrative Review Application) & 15.3 (Site Plan Class I)**

Staff has provided members of the commission with an updated draft. Some of the changes included increasing the activities the Zoning Enforcement Officers ability to review and

MINUTES

Wednesday, June 16, 2021

Planning & Zoning Commission

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TOWN CLERK

approve, subject to its consistence with the intention of the zoning regulations for the district.

This item is ready to be moved to Public Hearing at the next regularly schedule Planning and Zoning meeting on July 21, 2021.

8. Preliminary Reviews – None

9. Old Business – None

10. New Business – None

11. Planning Issues and Discussions- None

12. Old Business – None

13. New Business - None

14. Correspondence –

Mr. Bordeaux reported to the commission the State has mandated every municipality prepare an Affordable Housing Plan; this was not an item included in the town budget, staff has identified an opportunity for a technical assistant grant that will be pursued and the planning and zoning commission will be engaged in the process.

15. Adjournment –

Mr. Noniewicz moved to adjourn. Mr. Tinelle seconded the motion and all members voted in favor. The meeting of June 16, 2021 adjourned at 7:09 p.m.

Respectfully Submitted, *Kamey Cavanaugh*, Clerk

**TOWN OF COLCHESTER
PLANNING AND ZONING DEPARTMENT**

TO: Planning and Zoning Commission

FROM: Matthew R. Bordeaux, Planning Director *MKB*

DATE: July 16, 2021

RE: Zoning Regulation Text Amendment (2021-008)
Amendment of Section 14.5 and 15.3.3 regarding Administrative Approvals

Introduction

In an effort to be more business-friendly, the Commission is being asked to consider amending the zoning regulations to allow certain minor site improvements that currently require Class 2 Site Plan approval to be eligible for staff review and Class I Site Plan approval. This would speed up the permitting process and in certain cases, reduce the financial impact of professional design services required for Site Plan review.

Currently, Section 14.5 of the Regulations outlines the provisions for Administrative Review Applications (see attached). The Site Plan Requirement Chart on page 131 of the Regulations provides that Site Plan I/Amendment applications may be reviewed and approved in accordance with Section 14.5 but Site Plan II/Amendments must be reviewed by the Commission. The table on page 132 of the Regulations defines Site Plan I/Amendment as follows:

“A basic Site Plan is required for Single-Family Dwellings and Accessory Buildings thereto, for any 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. Class I Site Plans are limited to Buildings that do not exceed twenty-five percent (25%) of the Floor Area of the existing Buildings or 1,500 square feet, whichever is less.”

A Site Plan II/Amendment is required for all Buildings and uses other than those described under Class 1 Site Plan. (Note: Section 15.3.3)

The definition of Site Plan I/Amendment includes accessory buildings and building additions but not site improvements or modifications. Section 15.3.3 states that a proposed addition or accessory building may be subject to Site Plan I/Amendment provided that “no site improvements are intended, required or will result from such building, including but not limited to the development of additional parking spaces.”

Change Order

When preparing for this proposal, one question that came up was how a staff reviewed Site Plan I/Amendment is different from a construction change order. Generally speaking, a change order

is an unforeseen field change from approved plans that requires immediate response, typically during the construction process, to mitigate or improve a minor condition. A change order would be shown in red ink on an approved set of construction plans for review by appropriate staff and depicted on 'as-built' plans for filing on the local land records. A Site Plan Modification eligible for staff review would typically come after the completion of an approved project.

Proposed Amendment

The Zoning Enforcement Officer is currently authorized to approve building additions of a certain scale following a review by relevant Town staff, however site improvements are not eligible for review and approval. The proposed regulation amendment is intended to reduce the application burden by allowing for a speedier permitting process and possible cost savings to applicants proposing minor modifications of previously approved sites.

Given the Commission's satisfaction with the proposed regulation amendment, an application for Site Plan Modification would be submitted to the Planning and Zoning Department. The Zoning Enforcement Officer would make a preliminary decision based on the nature of proposed improvements to consider administrative approval of the subject improvements. Town staff would review the application under the Site Plan 1/Amendment application requirements for all improvement standards under their oversight. Any proposal that did not meet applicable improvement standards would be denied, as would any Site Plan application before the Commission. In the event the regulations applicable to a particular project provide the Commission room for interpretation, the application would be referred to the Commission for their consideration.

Consistent with Section 15.1 Site Plan Review Requirements, an application for Site Plan Modification subject to administrative approval would "be prepared with due consideration for the purpose and intent" of the Colchester Land Use Regulations and the "protection of public health, safety, welfare, property values and the environment." Administratively review site plan modification permit approvals would also be processed in substantially the same manner as a standard Site Plan Permit approval is processed currently in terms of the way it is reviewed, filed, recorded and shared with the public.

Summary of Proposal

What?

- Site Plan modification with enough detail to make informed decisions
- Modifications that do not meet Site Plan standards would be incorporated into plans when a greater activity is proposed in the future

Why?

- Speed up approval of minor modifications
- Reduce cost of application process

How?

- Staff review and approval
- Report prepared for next regularly scheduled PZC Meeting
- Permit filed on land records

- All pre-construction and final plan submittal requirements would still apply

Proposed Language

Section 14.5

- Enable the Zoning Enforcement Officer, with concurrence of town application review staff, to accept a simplified site plan for certain activities subject to Administrative Review.
- Adopt process for reporting approved permits to Planning and Zoning Commission.

Section 15.3.3

- Add minor site improvements to the list of activity requiring a Site Plan Class 1 approval
- Remove the prohibition for site improvements to be considered and add minor site improvements to the list of activities subject to Site Plan Class I review

Conclusion

The proposed amendment is an effort to improve the permit process for a variety of minor modifications that are often proposed by the small business community to improve the functionality and/or appearance of a site. The 2015 Colchester Plan of Conservation and Development calls for the use of appropriate tools to support economic growth. One of those is to establish a reputation as a “pro-growth” community for projects consistent with Colchester’s overall vision. The support of existing small businesses is the first priority of a successful approach to economic development. Easing the burden of the permit application process can be an effective tool to incentivize meaningful improvements for a variety of stakeholders in the local business community. The proposed amendment ensures a permitting process that meets the goals and objectives of the Regulations and shows a dedication to the success of small and large businesses alike.

Draft Motion:

Move to approve Regulation Amendment (2021-008) to amend Section 14.5 (Administrative Review Application) & 15.3 (Site Plan Class 1) to allow administrative approval of minor site modifications to previously approved plans. The amendment is consistent with the 2015 Colchester Plan of Conservation and Development Section 4.5 as it facilitates and supports economic growth by easing the burden associated with permitting minor site improvements. The regulation amendment will have an effective date of August 9, 2021.

MRB

R:\Boards and Commissions\PZC\Regulation Amendments\Administrative Approvals\Administrative Review.docx

Attachments

14.5 ADMINISTRATIVE REVIEW APPLICATION

Administrative review ~~may be considered for~~ ~~involves~~ development activities that occur by right in full compliance with the district in which they are located. The Zoning Enforcement Officer (~~ZEO~~) is the primary official charged with determining whether the applicant's submission is consistent with ~~various development~~ applicable Regulations and standards. Upon initial application, the ~~Zoning Enforcement Officer~~ ZEO will decide ~~on~~ whether the application ~~may be administratively approved~~ process requires administrative approval or must be decided by the Commission. No application for administrative review shall be considered that calls into question its consistency with the purpose and intent of these Regulations, the protection of the public health, safety, welfare, property values and the environment. If there is a disagreement on any issue between town staff and the applicant, the application will be referred to the Commission. If the ~~Zoning Enforcement Officer~~ ZEO determines that the proposed activities are subject to administrative review:

1. ~~1.~~ An application shall be made using an application form provided by the ~~Zoning Enforcement Officer~~ ZEO. When a fully engineered site plan is cost prohibitive relative to the cost of a proposed minor change for which an A-2 survey is not necessary to determine zoning compliance; and proposed changes do not involve significant grading, significant impacts to storm drainage, location in a regulated floodplain, or other activities requiring professional design, location, and/or documentation of a Site Plan Class 2; the Building Official, Zoning Enforcement Officer, Town Engineer, Fire Marshal, or other applicable staff members may mutually agree to allow a simplified site plan that is limited in scope to the vicinity of the proposed change.
 - a. Simplified site plans shall be drawn to scale and demonstrate compliance with all applicable regulations to the satisfaction of town staff, but may not need to be professionally drawn and sealed.
 - b. Upon subsequent, more significant changes to a site, the simplified site plan shall be incorporated into a fully compliant site plan of the entire site.
2. The applicant is encouraged to schedule a predevelopment meeting with Town staff to determine application requirements, including discussion of the review process and expected submitted materials.
3. Once submitted, the application will be reviewed by the ~~ZEO Zoning Enforcement Officer~~ and other staff ~~professionals~~ for completeness, accuracy and consistency with site and area development standards. It is the responsibility of the applicant to address all of the applicable requirements/standards described in the ~~various sections of these~~ Regulations.
4. The Zoning Enforcement Officer will forward the application to ~~the various town~~ staff ~~professionals~~ for review and a review will be conducted based on these Regulations, the Plan of Conservation and Development (POCD) and other applicable standards ~~and/or official materials~~. If the applicant meets the criteria/standards requirements as determined by the ~~Planning Department staff~~ Zoning Enforcement Officer, an approval ~~Zoning Permit~~ will be granted. ~~A permit granted under this Section might contain a list of conditions.~~ If the application ~~is not deemed to meet criteria/standards~~ does not meet the requirements as determined by the ~~Planning Department staff~~ Zoning Enforcement Officer, then no permit or approval will be ~~given~~ granted and the applicant will be ~~given~~ provided a list of items that must be addressed in order for the application to gain approval.

Proposed Regulation Amendment (2021-008)

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, or minor modifications to a previously approved site plan, 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 Buildings or fifteen hundred (1500) square feet, whichever is less.
2. Such Building or site improvement conforms to all requirements of the district in which it is located.
- ~~3. No site improvements are intended, required or will result from such Building, including but not limited to the development of additional parking spaces.~~
- ~~3~~4. The Zoning Enforcement Officer may refer any Site Plan Class 1 application to the Commission for review and determination of the proper application process.
- ~~4~~5. Copies of the Site Plan Class 1 shall be submitted to the Zoning Enforcement Officer at the required scale on sheet size prescribed by the Zoning Enforcement Officer and shall show the following:
 - A. Boundaries, dimensions and area of the property.
 - B. Locations of all existing and proposed Buildings and uses, including but not limited to Driveways, parking areas, and abutting Streets, and locations of light and telephone poles or other utility appurtenances.
 - C. Dimensions of all Yards, as required by these Regulations
 - D. Location and description of water supply and sewage disposal facilities.
 - E. Square footage of proposed structure and number of stories.
 - F. Wetland and/or Floodplain limits.

Site Plan Requirement Chart

| | Administrative Application | Commission Application | Site Plan Required |
|--|----------------------------|------------------------|--------------------|
| Accessory Use | * | | |
| Temporary uses | * | | |
| Lot Line Adjustment | * | | * |
| Code Amendment | | * | |
| Lot Split | * | | * |
| Map Amendment | | * | * |
| Land Disturbance not Excavation or EMPAR | * | | * |
| Site Plan I/Amendment | * | | |
| Site Plan II/Amendment | | * | * |
| Special Permit | | * | * |
| Subdivision/Re-subdivision | | * | * |
| Change of Use | Depends on Use | | |
| CGS Section 8-24 | | * | |

| Use | Definition | Site Plan Required |
|----------------|---|--------------------|
| Accessory Use | Customary uses, clearly incidental and subordinate to a principal Building or land use and which is located on the same Lot with the principal Building or land use. Accessory Uses are permitted as long as the use does not otherwise undercut the plain intent of the Regulations. | Class 1 Site Plan |
| Temporary Uses | Any use of a structure or land for a limited period of time where the site is not to be permanently altered by Grading or construction of accessory facilities. Events include: art shows; rodeos; religious revivals; tent camps; outdoor festivals and concerts. | Class 1 Site Plan |

| Use | Definition | Site Plan Required |
|--------------------------------|---|--------------------|
| Lot Split | Division of one (1) existing Lot into two (2). | Class 1 Site Plan |
| Code Amendment | Any proposed changes in the content contained in the Regulations. This is independent of specific property rezoning requests, which are considered map amendments | |
| Lot Line Adjustment | Any change to the established Lot dimension of two (2) or more adjacent Lots that does not create a new Lot. | Class 1 Site Plan |
| Map Amendment | Redesignation of a specific property or properties on the Town's Zoning Map | Class 1 Site Plan |
| Land Clearing | The cutting and grubbing of trees and stumps or Grading on any site, Parcel or Lot over 10,000 square feet; provided, however, it does not include mowing, trimming or pruning, so as to maintain vegetation in a healthy, viable condition. | Class 1 Site Plan |
| Site Plan 1/Amendment | A basic Site Plan is required for Single-Family Dwellings and Accessory Buildings thereto, for any change in use, Addition or Accessory Building to any other principal Building, <u>or minor modifications to a previously approved site plan</u> , provided that the use is subordinate and customarily incidental to the principal use . Class I Site Plans are limited to Buildings that do not exceed twenty-five percent (25%) of the Floor Area of the existing Buildings or 1,500 square feet, whichever is less. | Class 1 Site Plan |
| Site Plan II/Amendment | Shall be required for all Buildings and uses other than those described above (Class 1 Site Plans). | Class 2 Site Plan |
| Special Permit | Land uses, which, because of various characteristics, cannot be distinctly classified or regulated in a particular zone without giving careful consideration in each case to the impact of such use upon neighboring uses, public safety, the surrounding area and the public need for such use in a particular location. | Class 2 Site Plan |
| Subdivision/ Re-subdivision | See CGS Section 8-25 and Subdivision Regulations | Class 2 Site Plan |
| CGS Section 8-24 | Requirements for approval of municipal improvements as per CGS Section 8-24 | |

Regulation amendment concerning drive thru lanes

Rick Sharr <rsharr51@gmail.com>

Thu 7/15/2021 2:45 PM

To: Matthew Bordeaux <planner@colchesterct.gov>

Dear Matt,

I am requesting to be placed on the July 21 Planning and Zoning meeting agenda to initiate a discussion about a possible change in the current zoning regulations that would allow commercial drive lanes in the Town Center district.

Yours truly,

Rick Sharr

Sharr Realty, LLC

139 S. Main St

Colchester, CT 06415