

Town of Colchester, CT

127 Norwich Avenue, Colchester, Connecticut 06415

PLANNING & ZONING COMMISSION

WEDNESDAY, March 16, 2022

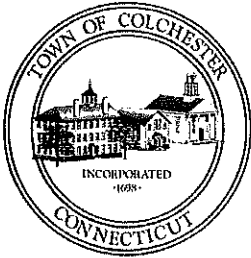
MEETING AT 7:00 P.M.

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 or Deletions to the Agenda**
3. **Minutes of Previous Meeting**
 - a. February 16, 2022
4. **Public Hearings**
 - a. MTB Properties LLC – 108 Halls Hill Rd – Zone Change (2022-002)
 - b. Marino Construction LLC – 19 Bigelow Rd - Resubdivision (2022-003)
5. **Five Minute Session for the Public**
6. **Pending Applications**
7. **New Applications**
 - a. Hop Culture Farms and Brew Co LLC – 144 Cato Corner Rd Special Permit Modification (2022-004)
8. **Preliminary Reviews**
9. **Old Business**
10. **New Business**
 - a. MTB Properties LLC – 108 Halls Hill Rd – Zone Change (2022-002)
 - b. Marino Construction LLC – 19 Bigelow Rd - Resubdivision (2022-003)
11. **Planning Issues and Discussions**
12. **Correspondence**
13. **Adjournment**

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Town of Colchester, CT

127 Norwich Avenue, Colchester, Connecticut 06415

PLANNING & ZONING COMMISSION

WEDNESDAY, February 16, 2022

7:00 P.M.

Virtual Meeting held via ZOOM.

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

Others Present: Planning Director M. Bordeaux, ZEO D. Schaub and Applicants

MINUTES

- 1) Call to Order – Chairman Mathieu called the meeting to order at 7:00 pm
- 2) Additions to the Agenda – M. Bordeaux spoke of the departure of current ZEO, Daphne Schaub effective February 18. He requested agenda item # 11a to discuss appointing a replacement. Motion by M. Noniewicz to add #11a, 2nd by B. Hayn. Vote was unanimous, motion carried.
- 3) Minutes of Previous Meeting
 - a. February 2, 2022 – Motion by M. Noniewicz to approve the minutes as written, 2nd by B. Hayn. Vote was unanimous, motion carried.
- 4) Public Hearings – None
- 5) Five Minute Session for the Public – None
- 6) Pending Applications – None
- 7) New Applications
 - a. MTB Properties LLC – 124 Halls Hill Rd – Zone Change (2022-002)
 - b. Marino Construction LLC – 19 Bigelow Rd - Resubdivision (2022-003)
- 8) Preliminary Reviews – None
- 9) Old Business – None
- 10) New Business
 - a. 76/96 Upton Rd LLC – 76 & 96 Upton Rd Site Plan (2022-001) – M. Bordeaux introduced the applicants and the application to the commission. In the arterial commercial district, within the business park on Upton Road, this application is for a proposed warehouse and processing facility, which qualifies as permitted use due to the size of the facility footprint. Activity is proposed in the upland review area associated with nearby regulated wetlands, mainly carrying stormwater. There is no direct wetland impact proposed. A wetlands permit was approved during the January 12, 2022 Colchester Conservation Commission meeting. Staff reviewed the application and all comments have been addressed by the applicants. Ellen Bartlett, P.E. spoke on behalf of the applicant. An updated drainage plan was submitted and reviewed by the town engineer. Sidewalks will not be

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M. Bordeaux

installed due to no existing sidewalk network and high costs associated. A revised landscaping plan was submitted. Motion by M. Noniewicz to approve the Site Plan Application (2022-001) from 76/96 Upton Rd LLC for the development of a 19,200 square foot warehouse and processing facility on approximately 2.5 acres at 76 and 96 Upton Road (MBL 09-00/008-014 and 09-00-008-015) in the Arterial Commercial District. 2nd by B. Hayn. Vote was unanimous, motion carried.

11) Planning Issues and Discussions –

a. Discussion of process to replace the Zoning Enforcement Official - Motion by M. Noniewicz to approve Matthew Bordeaux, Planning Director, to act as the ZEO until a formal ZEO replacement is installed. 2nd by J. Novak. Vote was unanimous, motion carried.

M. Bordeaux stated the moratorium on recreational marijuana retail establishments is approaching expiration. A mechanism for providing public input will be determined. The survey for the Affordable Housing Plan received over 300 responses. The town's consultant on this matter, SLR, is working on compiling the data. The Affordable Housing Workshop will be March 2, 2022 at 7 pm via Zoom. In the absence of an appropriate hybrid model for meetings, the commission is opting to stay virtual for meetings at this time. The topic will be revisited for March's meeting.

12) Correspondence – None

13) Adjournment – Motion by B. Hayn to adjourn, 2nd by M. Noniewicz. *Vote was unanimous, meeting adjourned at 7:53 pm*

Respectfully submitted by,
Stacey Kilgus, Clerk

**TOWN OF COLCHESTER
LEGAL NOTICE**

The Planning and Zoning Commission will hold a public hearing on March 16, 2022, at 7:00 P.M. to hear and consider the following petitions:

1. **MTB Properties LLC – Zone Change (2022-002)** – Proposed zone change of a portion (0.91 acres, 39,550 sq.ft.) of 108 Halls Hill Road (MBL# 18-00-056-000), formerly of 124 Halls Hill Road (MBL# 18-00-055-000), from Suburban Use District to Town Center Village District.

2. **Marino Construction LLC – Resubdivision (2022-003)** – Proposed Resubdivision of a 3.96 acre parcel into two building lots as 19 Bigelow Road (MBL# 03-19-033-002), Rural Use District.

At this hearing interested persons may be heard and written communications received. A copy of this petition is in the Planning Department, 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
PLANNING AND ZONING DEPARTMENT**

TO: Planning and Zoning Commission
FROM: Matthew R. Bordeaux, Planning Director *MRB*
DATE: March 10, 2022
RE: MTB Properties LLC – Zoning Map Change (2022-002)

Introduction

The applicant is proposing a zoning map change of a portion of the property at 108 Halls Hill Road. The approximately one (1) acre area was until recently part of a much larger parcel at 124 Halls Hill Road. The applicant is requesting the zone change from Suburban Use District to Town Center Village District in order to utilize the area as parking associated with the restaurant that is due to open in the former Farmer’s Club facility. The applicant has made a number of improvements to the existing facility and anticipates the need for more parking than was existing at 108 Halls Hill Road. The zone change will put the entirety of the site in the Town Center where the commercial use (restaurant) is permitted.

The subject area is located to the rear of 108 Halls Hill Rd on the south side of Halls Hill Road and immediately opposite the intersection of Pleasant St (see Location Map attached). The subject area is surrounded by a mix of residential and small-scale commercial uses. The subject area is currently undeveloped and wooded, except for the space to the rear of the restaurant, intended to be improved for overflow parking.

Zoning Map Change

In accordance with Section 8-3a of the Connecticut General Statutes, “the Commission shall state on the record its findings on consistency of a proposed regulation or boundaries or changes thereof with the plan of development for the municipality.”

Section 4.3 of the Colchester Plan of Conservation and Development calls for the enhancement of the Town Center. Encouraging more businesses, including shops, restaurants and outdoor dining will make the Town Center an active and inviting place. The proposed improvement of the former Farmer’s Club does this. The applicant’s request will help the use function with limited conflicts.

Draft Motion

Move to approve Zone Change (2022-002) proposed by MTB Properties LLC of a portion of 108 Halls Hill Road from Suburban Use District to Town Center Village District. The zone change is

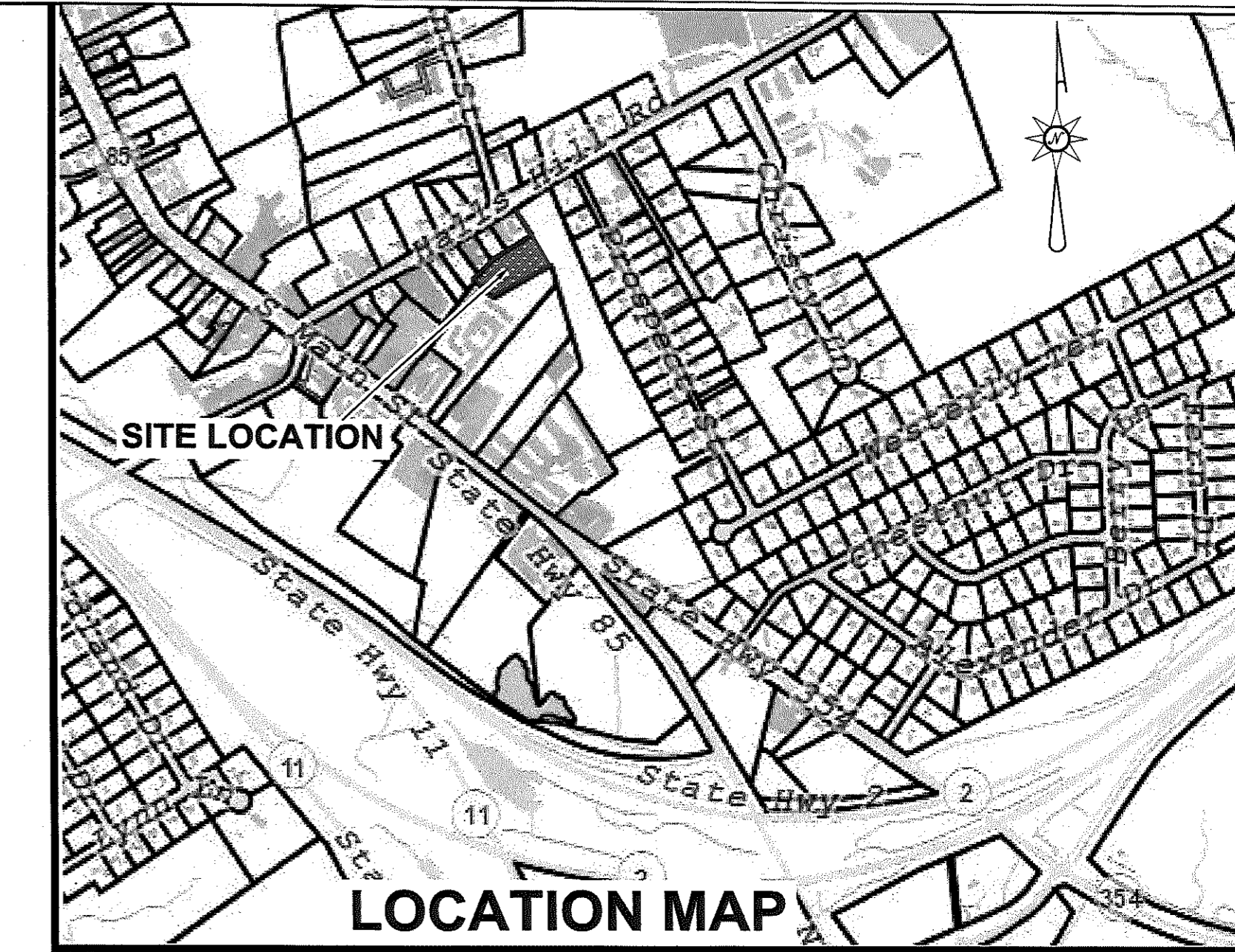
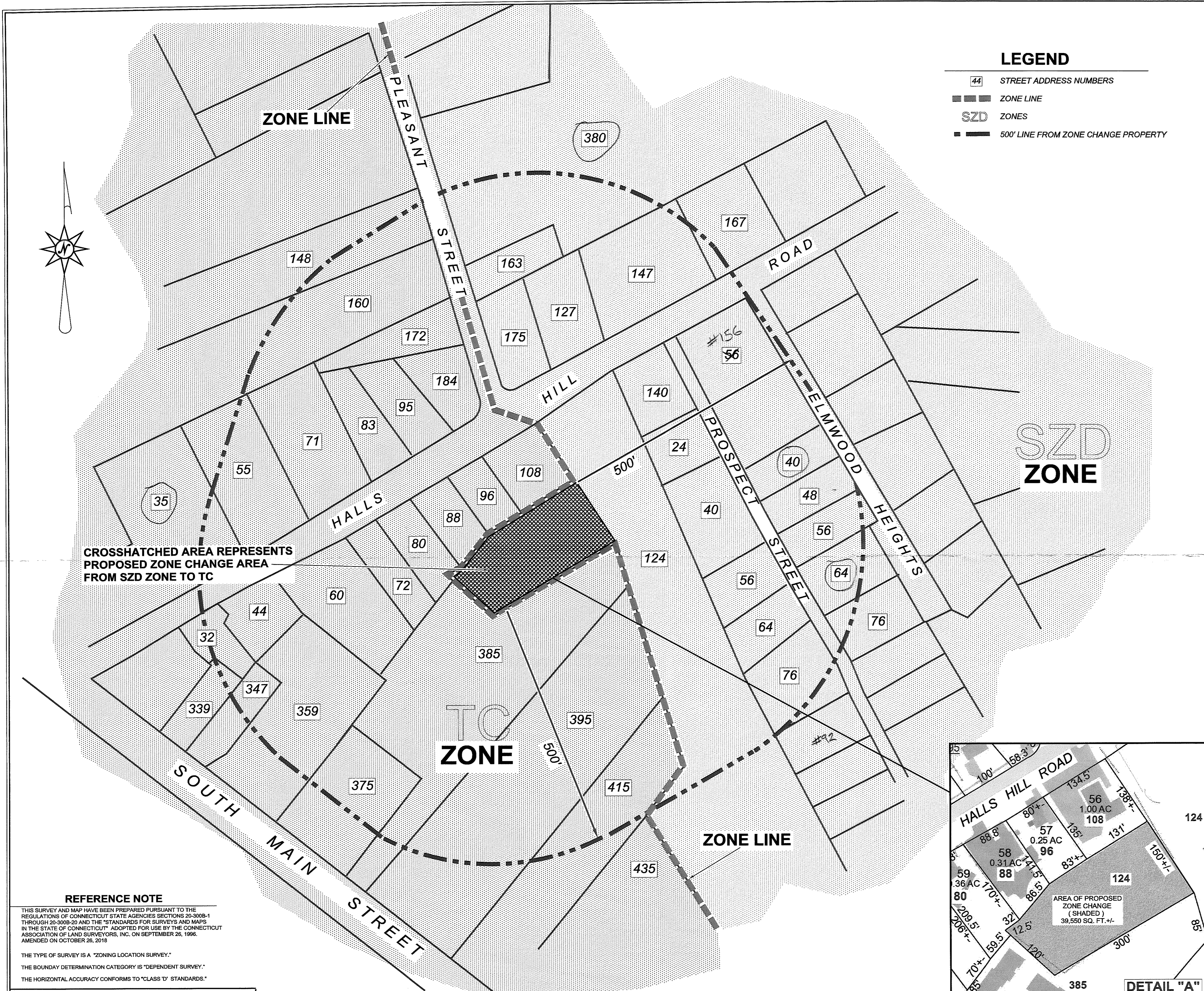
consistent with the intent of Section 4.3 of the Colchester Plan of Conservation and Development to enhance the Town Center by encouraging more businesses including shops, restaurants, and outdoor dining.

Effective Date: April 4, 2022

MRB

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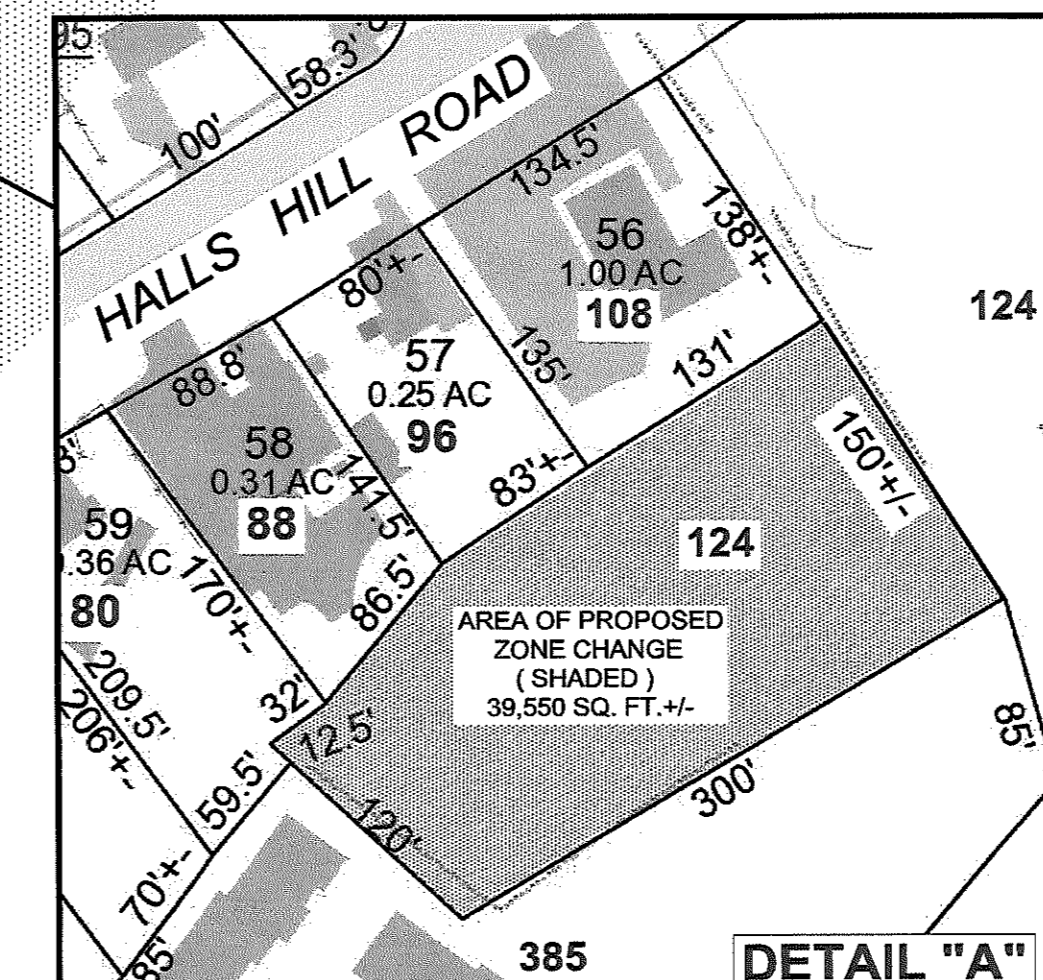
LEGEND

- 44 STREET ADDRESS NUMBERS
- ▬ ZONE LINE
- SZD ZONES
- ▬ 500' LINE FROM ZONE CHANGE PROPERTY

CROSSHATCHED AREA REPRESENTS PROPOSED ZONE CHANGE AREA FROM SZD ZONE TO TC

AREA ABUTTERS WITHIN 500' OF PROPOSED ZONE CHANGE

TAX MAP No.	CURRENT PROPERTY OWNER	ADDRESS
17-00-20	GUYBERT A. SIROIS	55 HALLS HILL ROAD
17-00-21	STEVEN SHORTS	71 HALLS HILL ROAD
17-00-22	ERIC & TINA BADRICK	83 HALLS HILL ROAD
17-00-23	TRACY LOCKWOOD	95 HALLS HILL ROAD
17-00-24	SANTIAGO YANEZ	184 PLEASANT STREET
17-00-25	COLLEEN M. PHILLIPS	172 PLEASANT STREET
17-00-26	DIANE JORDAN	160 PLEASANT STREET
17-00-27	STEVEN & KONSTANIN SORTIS	148 PLEASANT STREET
17-00-43	JAMES B. MCILDUFF	163 PLEASANT STREET
17-00-44	SAMANTHA T. & RYAN P. EWING	175 PLEASANT STREET
17-00-45	JILL L. GUDELSKI	127 HALLS HILL ROAD
17-00-46	BARBARA L. STEVEN GOODWIN	147 HALLS HILL ROAD
17-00-47	FREDERICK J. GALLO	167 HALLS HILL ROAD
17-00-48	JOSEPH PIECHTA	72 HALLS HILL ROAD
17-00-49	DENNIS H. MARVIN	60 HALLS HILL ROAD
17-00-50	HUGO EVIVERO	44 HALLS HILL ROAD
17-00-51	ANGELO & DOMENICA DIBENEDETTO	32 HALLS HILL ROAD
12-00-10	DOMENICA DIBENEDETTO	339 SOUTH MAIN STREET
12-00-11	ANGELO & DOMENICA DIBENEDETTO	347 SOUTH MAIN STREET
12-00-12	DENNIS H. MARVIN	359 SOUTH MAIN STREET
18-00-01	SCOTT K. REIL	48 ELMWOOD HEIGHTS
18-00-07	WILLIAM P. & CAROL A. MILLER	76 ELMWOOD HEIGHTS
18-00-08	RICHARD A. SNYDER	54 ELMWOOD HEIGHTS
18-00-09	MAEY ANN STANDISH	56 ELMWOOD HEIGHTS
18-00-11	PETER KUPCZAL	48 ELMWOOD HEIGHTS
18-00-12	DONALD F. TEDFORD II	156 HALLS HILL ROAD
18-00-49	JOHN J. LEONE	76 PROSPECT STREET
18-00-50	JOSHUA & JENNIFER SAARI	64 PROSPECT STREET
18-00-51	XIN YAN ZHENG	56 PROSPECT STREET
18-00-52	TIMOTHY TYLER	40 PROSPECT
18-00-53	ESTATE OF MURRAY & JAKUB MICENGENDLER	24 PROSPECT STREET
18-00-54	SEAN P. CONLEY	140 HALLS HILL ROAD
18-00-55	REYNOLD P. MARVIN	124 HALLS HILL ROAD
18-00-56	MTB PROPERTIES LLC	108 HALLS HILL ROAD
18-00-57	HUI WEN CHANG	96 HALLS HILL ROAD
18-00-58	HALLS HILL ROAD LLC	88 HALLS HILL ROAD
18-00-59	PAUL A. & NADINE ROUSSEAU	80 HALLS HILL ROAD
18-00-60	MCDONALDS CORPORATION LLC	375 SOUTH MAIN STREET
18-00-60-2	RENEE H. GOLDSTEIN	385 SOUTH MAIN STREET
18-00-61	ST LOSEPHS POLISH SOCIETY OF COLCHESTER INC.	395 SOUTH MAIN STREET
18-00-62	A & F COLCHESTER REALTY LLC	415 SOUTH MAIN STREET
18-00-63	A & F COLCHESTER REALTY LLC	435 SOUTH MAIN STREET



REFERENCE NOTE

THIS SURVEY AND MAP HAVE BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300B-1 THROUGH 20-300B-20 AND THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT ADOPTED FOR USE BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996. AMENDED ON OCTOBER 26, 2018.

THE TYPE OF SURVEY IS A "ZONING LOCATION SURVEY."

THE BOUNDARY DETERMINATION CATEGORY IS "DEPENDENT SURVEY."

THE HORIZONTAL ACCURACY CONFORMS TO "CLASS D" STANDARDS."

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

Paul Stowell
PAUL STOWELL
 REGISTERED LAND SURVEYOR - LIC. No. 70216

NO DECLARATION IS EXPRESSED OR IMPLIED UNLESS THIS PLAN BEARS THE IMPRESSION (EMBOSSED) SEAL OF THE PROFESSIONAL WHERE SIGNATURE APPEARS HEREON.

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McMINN ASSOCIATES
 LAND USE CONSULTANTS
 PAUL STOWELL REG. LAND SURVEYOR
 171 WILCOX ROAD
 MILFORD, CONNECTICUT
 (860) 682-0163 - (860) 537-0046

No.	DATE	DESCRIPTION

PROPOSED ZONE CHANGE
 PREPARED FOR
MTB PROPERTIES LLC
 HALLS HILL ROAD - COLCHESTER, CONNECTICUT
 JANUARY 25, 2022

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**TOWN OF COLCHESTER
PLANNING AND ZONING DEPARTMENT**

TO: Planning and Zoning Commission

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

DATE: March 8, 2022

RE: Marino Construction LLC – 19 Bigelow Rd – Resubdivision (2022-003)

Introduction

The applicant, Mr. Jim Marino, is proposing to resubdivide the subject property into two (2) lots for the development of residential structures. 19 Bigelow Rd is located in the Rural Use District, on the south side of Middletown Rd (State Route 16), west of the Westchester Village District (intersection of State Routes 149 and 16). The existing parcel is approximately 3.96 acres in area and abuts State of Connecticut-owned open space located to the south, and two residential homes located to the east.

The parcel is substantially wooded with no wetlands or watercourses. The site topography consists of a gently sloping area in the northeast, while the westerly, southerly and southeasterly portions of the site consist of steep slopes and some ledge outcrops (slopes 25% or greater are shaded in grey on Sheet 3 of 7, attached).

Proposed Activity

The applicant is proposing to construct residential lots to be served by private well and septic systems. Lot 1 is proposed to be a two-family structure and Lot 2 is proposed for single-family use. The applicant states that the developer intends to retain Lot 1 as a rental property. The applicant provides a Zoning Data Chart on Sheet 3 of 7 (see attached) and indicates that Lot 1 will be 80,815 sq. ft. in area and Lot 2 will be 91,873 sq. ft. The remaining applicable dimensional standards for residential development in the Rural Use District are satisfied.

The plan includes a single curb-cut and a combined driveway designed to minimize the disturbance of steep slopes on the lot frontage adjacent to Bigelow Road. The proposed driveway apron will be paved, as required. The plans indicate that the contractor will clear and/or grade as necessary to provide the 200-foot minimum site line. The Town Engineer has requested additional information on the elevation on the paved driveway apron that could influence the ability to achieve the required site line. This is the final outstanding comment from the Town Engineer and a report of the status of the concern will be provided at the meeting.

Clearing limits depicted on the plans avoid the areas with steep slopes to the degree possible. Erosion and sedimentation controls are provided and include silt fence installed below disturbed areas and around stockpile storage areas.

The plans provide primary and reserve septic areas that maintain a necessary separation distance from proposed drilled wells. The Chatham Health District has reviewed the plans and requested additional information. A report of the status of that review will be provided at the meeting.

Sidewalks and Open Space

Preserving open space and increasing pedestrian access are primary goals of the Colchester Plan of Conservation and Development.

Sidewalks

Sidewalks shall be provided in accordance with Section 6.3.12 of the Colchester Subdivision Regulations. The applicant requests the Commission consider waiving this provision as the site is not contiguous with any other pedestrian infrastructure, the subdivision is more than one mile from a school and the installation would be contrary to maintaining the rural character of the area. In accordance with Section 1.2 of the Subdivision Regulations, the Commission may waive this requirement with a three-quarters vote of all the members of the Commission.

Open Space

Section 6.5 of the Colchester Subdivision Regulations states that the Commission shall require provision for open spaces, parks and playgrounds as deemed proper to protect natural resources and preserve rural character. In accordance with Section 6.5.2, where the dedication of open space will not meet the purposes and intent of the regulations, the subdivider may, with approval of the Commission, pay a fee to the Town in lieu of the requirement to provide open space. Such a payment shall be equal to not more than ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision.

Town staff recommends the Commission accept a fee in lieu of open space. While a portion of the property abuts State-owned open space, the area consists of steep and rocky terrain that would severely limit public use.

The request will be considered by the Colchester Open Space Advisory Committee at their regular meeting on March 14, 2022 and a report will be provided to the Commission at the meeting.

Draft Motion

Sidewalk

Move to waive the requirement of Section 6.3.12 of the Colchester Subdivision Regulations to install sidewalks as the site is not contiguous with a pedestrian infrastructure network, the subdivision is more than one mile from a school and the installation of sidewalks would be contrary to maintaining the rural character of the area.

Open Space

Move to accept a fee in lieu of the requirement to dedicate open space on site consistent with the recommendation of the Open Space Advisory Committee dated March 14, 2022, as the dedication of open space will not meet the purpose or intent of the Colchester Subdivision Regulations.

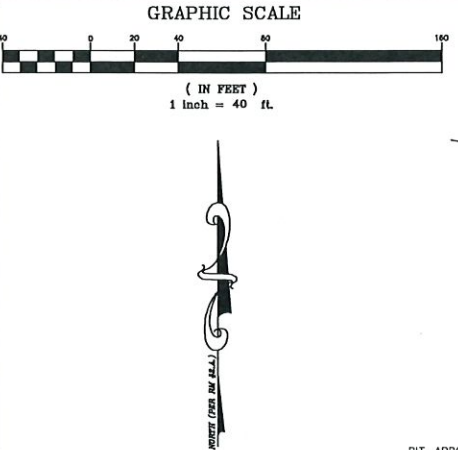
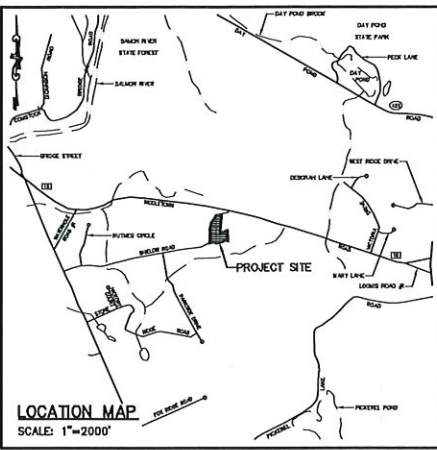
Resubdivision (2022-003)

Move to approve the request from Marino Construction LLC for Resubdivision (2022-003) of 19 Bigelow Rd to create two residential lots on approximately 3.96 acres on the Rural Use District.

MRB

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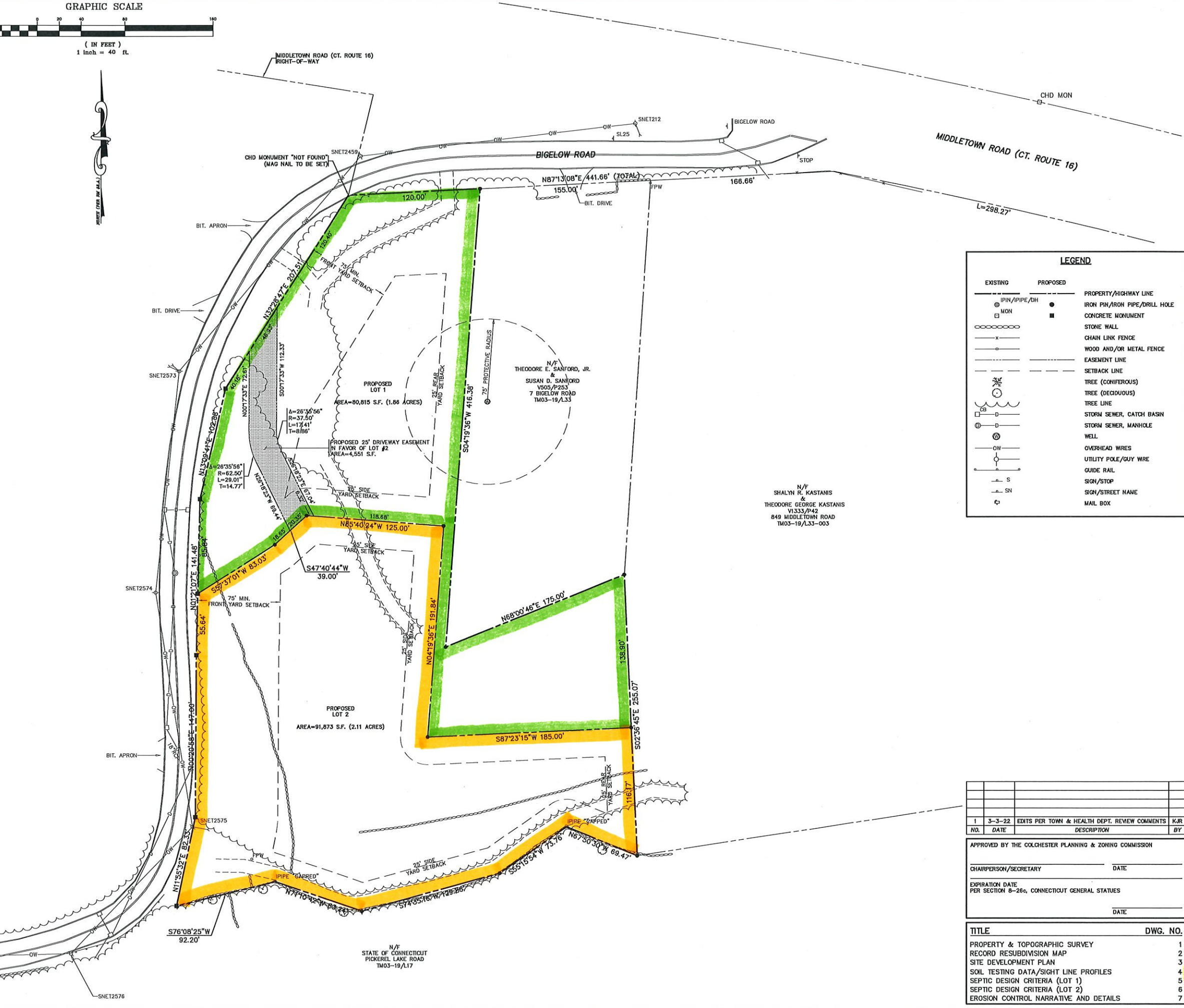
ZONING DATA CHART		
ZONING DISTRICT: RU-RURAL USE DISTRICT	PROPOSED LOT 1	
	REQUIRED PERMITTED	PROPOSED
MINIMUM LOT AREA	80,000 S.F.	80,815 S.F.
MINIMUM LOT FRONTAGE	200'	516.23'
MINIMUM FRONT SETBACK	75'	*
MINIMUM SIDE SETBACK	25'	*
MINIMUM REAR SETBACK	25'	*
MAXIMUM HEIGHT	35'	*
MAXIMUM LOT COVERAGE	7.5%	*

NOTES: *SEE SHEET 3 FOR ADDITIONAL ZONING DATA

ZONING DATA CHART		
ZONING DISTRICT: RU-RURAL USE DISTRICT	PROPOSED LOT 2	
	REQUIRED PERMITTED	PROPOSED
MINIMUM LOT AREA	80,000 S.F.	91,873 S.F.
MINIMUM LOT FRONTAGE	200'	284.97'
MINIMUM FRONT SETBACK	75'	*
MINIMUM SIDE SETBACK	25'	*
MINIMUM REAR SETBACK	25'	*
MAXIMUM HEIGHT	35'	*
MAXIMUM LOT COVERAGE	7.5%	*

NOTES: *SEE SHEET 3 FOR ADDITIONAL ZONING DATA

- NOTES:**
- THIS SURVEY AND MAP HAVE BEEN PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE AGENCIES, SECTIONS 20-300B-1 THROUGH 20-300B-20. THE MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON JUNE 21, 1998 AND AMENDED OCTOBER 28, 2018.
 - THE HORIZONTAL ACCURACY CONFORMS TO CLASS A-2, AND THE TOPOGRAPHIC ACCURACY CONFORMS TO CLASS T-2.
 - THE BOUNDARY DETERMINATION CATEGORY IS A DEPENDANT RESURVEY OF THE MAP REFERENCED IN NOTE #2.B.
 - THE TYPE OF SURVEY IS A PROPERTY & TOPOGRAPHIC SURVEY. THIS MAP IS INTENDED TO DEPICT OR NOTE THE LOCATION OF EXISTING PROPERTY LINES, LINES OF OCCUPATION, EASEMENTS, ENCROACHMENTS, BUILDINGS AND OTHER SITE IMPROVEMENTS.
 - REFERENCE IS HEREBY MADE TO THE FOLLOWING MAPS ENTITLED:
 - "PROPERTY & TOPOGRAPHIC SURVEY" BY: BENNETT & SMILAS ASSOCIATES, INC.; SCALE: 1"=40'; DATED: DEC. 15, 2021.
 - BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE NORTH AMERICAN DATUM OF 1983 (NAD83) AND WERE OBTAINED BY GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS, BY: BENNETT & SMILAS ASSOCIATES, INC. ON NOVEMBER 17, 2021.
 - ELEVATIONS SHOWN HEREON ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AND WERE OBTAINED BY GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS, BY: BENNETT & SMILAS ASSOCIATES, INC. ON NOVEMBER 17, 2021.
 - CONTOURS SHOWN HEREON ARE BASED UPON A FIELD SURVEY BY BENNETT & SMILAS ASSOCIATES, INC. ON DECEMBER 3, 2021.
 - THE CURRENT PROPERTY OWNER OF RECORD IS SOUTH ROAD MARLBOROUGH, LLC OF EAST HAMPTON, CONNECTICUT AS DESIGNATED IN VOLUME 1429, PAGE 225 ON FILE IN THE COLCHESTER TOWN CLERK'S OFFICE LAND RECORDS.
 - PROPERTY LOCATED AT 19 BIGELOW ROAD, IS SHOWN ON TAX MAP 03-19 AS LOT 033-002 ON FILE IN THE TOWN OF COLCHESTER ASSESSOR'S OFFICE.
 - THIS PROPERTY IS ZONED RU, RURAL RESIDENTIAL DISTRICT. THE MINIMUM LOT AREA IS 80,000 SQUARE FEET AND THE MINIMUM SETBACK REQUIREMENTS ARE GENERALLY: FRONT: 75 FEET, SIDE: 25 FEET, AND REAR: 25 FEET.
 - THE TOTAL AREA OF THIS PROPERTY IS 172,688 SQUARE FEET (3.98 ACRES).
 - THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X, AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP (FIRM), STATE: CONNECTICUT; COUNTY NAME: NEW LONDON; COMMUNITY NAME: COLCHESTER; COMMUNITY NUMBER: 090095; PANEL NUMBER: 0145; SUFFIX: G; MAP NUMBER: 990100145G; FIRM PANEL EFFECTIVE/REVISED DATE: JULY 18, 2011.
 - THE LOCATION OF UNDERGROUND UTILITIES DEPICTED HEREON ARE BASED ON FIELD LOCATIONS, MAPPING, INFORMATION PROVIDED BY OTHERS AND OTHER SOURCES. THEIR TRUE LOCATION MAY VARY FROM THOSE INDICATED AND ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN. IF APPLICABLE, UTILIZE THE "CALL BEFORE YOU DIG" NUMBER (1-800-922-4455) TO VERIFY THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES.
 - ALL PROPOSED UTILITIES MUST BE INSTALLED UNDERGROUND IN ACCORDANCE WITH THE TOWN OF COLCHESTER'S ZONING REGULATIONS.



LEGEND	
EXISTING	PROPOSED
IPIN/PIPE/DH	PROPERTY/HIGHWAY LINE
MON	IRON PIN/IRON PIPE/DRILL HOLE
□	CONCRETE MONUMENT
○	STONE WALL
—x—	CHAIN LINK FENCE
—o—	WOOD AND/OR METAL FENCE
---	EASEMENT LINE
---	SETBACK LINE
▲	TREE (CONIFEROUS)
○	TREE (DECIDUOUS)
—	TREE LINE
—D—	STORM SEWER, CATCH BASIN
—M—	STORM SEWER, MANHOLE
—W—	WELL
—OW—	OVERHEAD WIRES
—U—	UTILITY POLE/GUY WIRE
—S—	GUIDE RAIL
—SN—	SIGN/STOP
—	SGN/STREET NAME
—	MAIL BOX

NO.	DATE	DESCRIPTION	BY
1	3-3-22	EDITS PER TOWN & HEALTH DEPT. REVIEW COMMENTS	KJR

APPROVED BY THE COLCHESTER PLANNING & ZONING COMMISSION

CHAIRPERSON/SECRETARY _____ DATE _____

EXPIRATION DATE _____
PER SECTION 8-26c, CONNECTICUT GENERAL STATUTES

DATE _____

TITLE	DWG. NO.
PROPERTY & TOPOGRAPHIC SURVEY	1
RECORD RESUBDIVISION MAP	2
SITE DEVELOPMENT PLAN	3
SOIL TESTING DATA/SIGHT LINE PROFILES	4
SEPTIC DESIGN CRITERIA (LOT 1)	5
SEPTIC DESIGN CRITERIA (LOT 2)	6
EROSION CONTROL NARRATIVE AND DETAILS	7

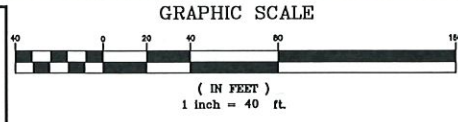
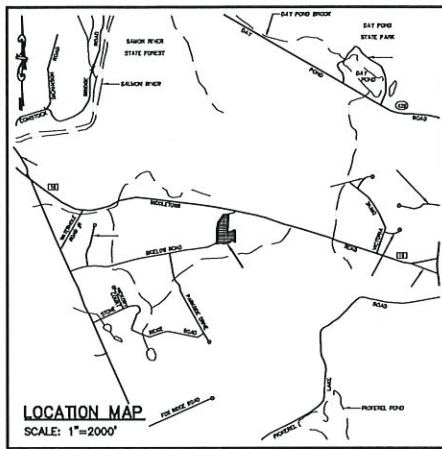
DATE: JAN. 25, 2022
SCALE: 1"=40'
SHEET: 2 OF 7
DWG. NO.: 2

BENNETT & SMILAS ASSOCIATES, INC.
 415 KILLINGWORTH ROAD, P.O. BOX 241
 HIGGANUM, CONNECTICUT 06441
 PHONE (860) 346-4563 FAX (860) 346-3868

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.
 Michael J. Bennett
 MICHAEL J. BENNETT
 R.L.S. #10831

PROPOSED TWO LOT RE-SUBDIVISION RECORD RE-SUBDIVISION MAP LAND NOW OR FORMERLY SOUTH ROAD MARLBOROUGH, LLC. 19 BIGELOW ROAD, COLCHESTER, CONNECTICUT

F:\BEE PROJECTS\COLCHESTER\MARINO - 19 BIGELOW ROAD\DWG\19 BIGELOW ROAD_2_FSK_REV1.DWG



CONCEPTUAL RESERVE AREA COMPUTATIONS (LOT 1)

PROPOSED 4-BEDROOM MULTI-FAMILY YEAR-ROUND DWELLING
 USE 26.67 L.F. (8 UNITS) OF GEQU G1846 LEACHING SYSTEM

E.L.A. COMPUTATIONS:
 PERCOLATION RATE = < 10.00 MIN./INCH
 E.L.A. REQUIRED = 495 S.F. (3 BEDROOM) +165 (1 BEDROOM, MULTI-FAMILY)
 E.L.A. PROVIDED = 27.4 S.F./L.F. x 26.67 L.F. = 730.8 S.F.
 E.L.A. PROVIDED > E.L.A. REQUIRED -- O.K.

M.L.S.S. COMPUTATIONS:
 RECEIVING SOIL = 48.1 - 60 INCHES
 HYDRAULIC GRADIENT = > 15.0
 HYDRAULIC FACTOR = 10

FLOW FACTOR = 2.0 (MINIMUM FOR MULTI-FAMILY BUILDING - 4 BEDROOMS)
 PERCOLATION FACTOR = 1.0

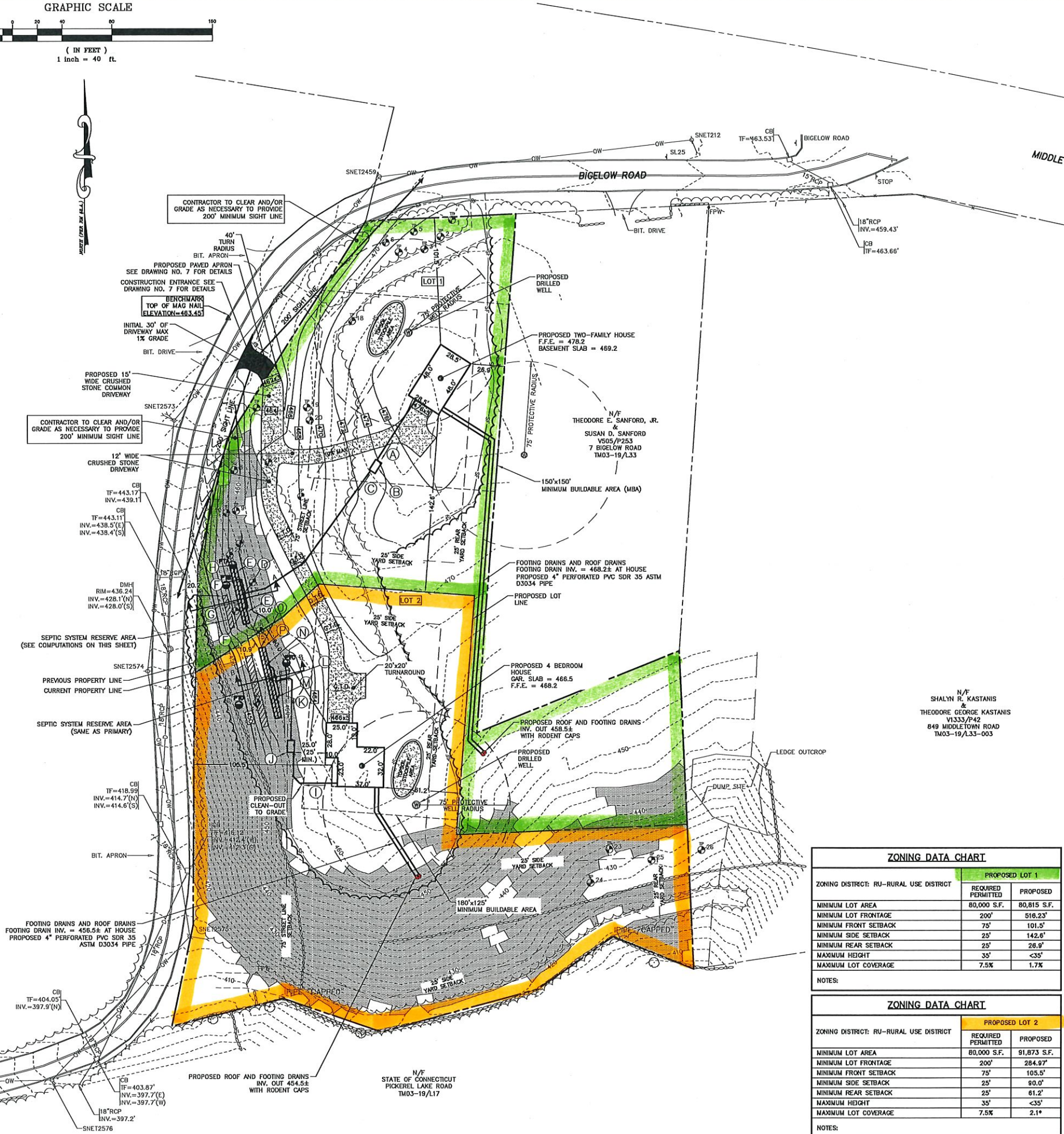
MLSS REQUIRED = 10 * 2.0 * 1.0 = 20 L.F.
 MLSS PROVIDED = 26.67 L.F.
 MLSS REQUIRED < MLSS PROVIDED

SEPTIC SYSTEM KEY LOT 1

- (A) 57.5± L.F. OF 4" SCH. 40 PVC ASTM D1785 BUILDING SEWER PIPE @ 1/4" PER FT. MIN. SLOPE & 12" MIN. COVER.
 - (B) 1,500-GALLON CONCRETE SEPTIC TANK (UNITED CONCRETE OR EQUAL).*
 - (C) 4" SCH. 40 PVC ASTM D1785 DISTRIBUTION PIPE TO CONNECT TO D-BOX.
 - (D) SEALED GEOMATRIX DISTRIBUTION BOX.*
 - (E) 4" SDR 35 ASTM D3034 SOLID PIPES TO CONNECT TO PROPOSED LEACHING SYSTEM PER MANUFACTURER'S REQUIREMENTS.
 - (F) 4" SDR 35 ASTM D3034 DISTRIBUTION TEE.
 - (G) 48.0 L.F. OF GEOMATRIX GST6218 LEACHING SYSTEM.
 - (H) 4" SDR 35 ASTM D3034 INSPECTION PORT - GEOMATRIX PART NO.: IPGST15 (TYP. x2).*
- *SEPTIC TANK AND DISTRIBUTION BOX SHALL HAVE RISERS TO WITHIN 12" OF FINISHED GRADE, IF NECESSARY. CONTRACTOR SHALL VERIFY SEPTIC TANK AND RISERS ARE WATERTIGHT PRIOR TO INSTALLATION.
- REFER TO SEPTIC SYSTEM INVERT TABLE ON DWG. NO. 6 FOR PROPOSED INVERT ELEVATIONS.

SEPTIC SYSTEM KEY LOT 2

- (I) 56.8± L.F. OF 4" SCH. 40 PVC ASTM D1785 BUILDING SEWER PIPE @ 1/4" PER FT. MIN. SLOPE & 12" MIN. COVER.
 - (J) 1,250-GALLON CONCRETE SEPTIC TANK (UNITED CONCRETE OR EQUAL).*
 - (K) 4" SDR 35 PVC ASTM D3034 DISTRIBUTION PIPE TO CONNECT TO D-BOX.
 - (L) SEALED GEOMATRIX DISTRIBUTION BOX.*
 - (M) 4" SDR 35 PVC ASTM D3034 SOLID PIPES TO CONNECT TO PROPOSED LEACHING SYSTEM PER MANUFACTURER'S REQUIREMENTS.
 - (N) PROPOSED DISTRIBUTION TEE (TYP. x2).
 - (O) 58.0 L.F. OF GEOMATRIX GST6212 LEACHING SYSTEM.
 - (P) 4" SDR 35 PVC ASTM D3034 INSPECTION PORT - GEOMATRIX PART NO.: IPGST15 (TYP. x2).*
- *SEPTIC TANK AND DISTRIBUTION BOX SHALL HAVE RISERS TO WITHIN 12" OF FINISHED GRADE, IF NECESSARY. CONTRACTOR SHALL VERIFY SEPTIC TANK AND RISERS ARE WATERTIGHT PRIOR TO INSTALLATION.
- REFER TO SEPTIC SYSTEM INVERT TABLE ON DWG. NO. 5 FOR PROPOSED INVERT ELEVATIONS.



LEGEND

EXISTING	PROPOSED	PROPERTY/HIGHWAY LINE
IPIN/PIPE/DH	IPIN/PIPE/DH	PROPERTY/HIGHWAY LINE
MON	MON	IRON PIN/IRON PIPE/DRILL HOLE
△	△	CONCRETE MONUMENT
○	○	TRAVERSE/CONTROL POINT
—x—	—x—	STONE WALL
—o—	—o—	CHAIN LINK FENCE
—	—	WOOD AND/OR METAL FENCE
—	—	SETBACK LINE
—	—	EASEMENT LINE
SCS	SCS	SOIL CLASSIFICATION LINE
12	12	SOIL CLASSIFICATION SYMBOL
50x0	50x0	CONTOUR
50x0	50x0	SPOT ELEVATION
50x0	50x0	GRADE TO DRAIN
50x0	50x0	SLOPES 25% AND/OR GREATER
50x0	50x0	LEDGE OUTCROP
50x0	50x0	SILT FENCE
50x0	50x0	TREE (CONIFEROUS)
50x0	50x0	TREE (DECIDUOUS)
50x0	50x0	TREE LINE
50x0	50x0	DEEP TEST PIT
50x0	50x0	PERCOLATION TEST HOLE
50x0	50x0	STORM SEWER, CATCH BASIN
50x0	50x0	STORM SEWER, MANHOLE
50x0	50x0	FOOTING DRAIN
50x0	50x0	ROOF DRAIN
50x0	50x0	WELL
50x0	50x0	OVERHEAD WIRES
50x0	50x0	UTILITY POLE/GUY WIRE
50x0	50x0	GUIDE RAIL
50x0	50x0	SIGN/STOP
50x0	50x0	SIGN/STREET NAME
50x0	50x0	MAIL BOX

SOIL CLASSIFICATION:

3	RIDGEBURY, LEICESTER, AND WHITMAN SOILS 0 to 8 PERCENT SLOPES, EXTREMELY STONY
46B	WOODBURGE FINE SANDY LOAM 0 to 8 PERCENT SLOPES, VERY STONY
73C	CHARLTON-CHAIFIELD COMPLEX 0 to 15 PERCENT SLOPES, VERY ROCKY

ZONING DATA CHART

ZONING DISTRICT: RU-RURAL USE DISTRICT	PROPOSED LOT 1	
	REQUIRED PERMITTED	PROPOSED
MINIMUM LOT AREA	80,000 S.F.	80,815 S.F.
MINIMUM LOT FRONTAGE	200'	516.23'
MINIMUM FRONT SETBACK	75'	101.5'
MINIMUM SIDE SETBACK	25'	142.6'
MINIMUM REAR SETBACK	25'	28.9'
MAXIMUM HEIGHT	35'	<35'
MAXIMUM LOT COVERAGE	7.5%	1.7%

ZONING DATA CHART

ZONING DISTRICT: RU-RURAL USE DISTRICT	PROPOSED LOT 2	
	REQUIRED PERMITTED	PROPOSED
MINIMUM LOT AREA	80,000 S.F.	91,873 S.F.
MINIMUM LOT FRONTAGE	200'	284.97'
MINIMUM FRONT SETBACK	75'	105.5'
MINIMUM SIDE SETBACK	25'	80.0'
MINIMUM REAR SETBACK	25'	61.2'
MAXIMUM HEIGHT	35'	<35'
MAXIMUM LOT COVERAGE	7.5%	2.1*

TITLE	DWG. NO.
PROPERTY & TOPOGRAPHIC SURVEY	1
RECORD RESUBDIVISION MAP	2
SITE DEVELOPMENT PLAN	3
SOIL TESTING DATA/SIGHT LINE PROFILES	4
SEPTIC DESIGN CRITERIA (LOT 1)	5
SEPTIC DESIGN CRITERIA (LOT 2)	6
EROSION CONTROL NARRATIVE AND DETAILS	7

BENNETT & SMILAS ASSOCIATES, INC.
 415 KILLINGWORTH ROAD, P.O. BOX 241
 HIGGANNUM, CONNECTICUT 06441
 PHONE (860) 345-4663 FAX (860) 345-9868

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

Michael J. Bennett
 MICHAEL J. BENNETT
 R.L.S. #10831



PLAN PREPARED BY:
 INDIGO LAND DESIGN, LLC
 40 ELM STREET, 2ND FLOOR
 HARTFORD, CT 06103
 PHONE: (860) 388-5843
 FAX: (860) 381-9884



PROPOSED TWO LOT RE-SUBDIVISION SITE DEVELOPMENT PLAN
 LAND NOW OR FORMERLY SOUTH ROAD MARLBOROUGH, LLC.
 19 BIGELOW ROAD, COLCHESTER, CONNECTICUT

DATE: JAN. 25, 2022
 SCALE: 1"=40'
 SHEET: 3 OF 7
 DWG. NO.: 3

F:\BASE PROJECTS\COLCHESTER MARINO - 19 BIGELOW ROAD\DWG\19 BIGELOW ROAD_3-7_SDP_REV.DWG

PROPOSED RESUBDIVISION 19 BIGELOW ROAD

- DRIVEWAY LOCATION DIRECTLY ACROSS FROM EXISTING DRIVEWAY
- TWO HUNDRED FEET OF LINE OF SIGHT IN BOTH DIRECTIONS
- THREE DEGREES OF PITCH FOR THE FIRST 35 FEET FROM THE ROAD
- DRAINAGE/RUNOFF ONTO THE ROAD
- SAFETY OF SCHOOL BUS, MAIL CARRIER ETC.

Based on the site plan, the proposed location of a common driveway will be on a sharp curve and steep incline directly across from our existing driveway. It's our understanding that there cannot be more than 3 degrees of pitch for the first 35 feet from the road and there must be 200 feet line of sight in both directions. Has Planning & Zoning verified this site plan meets these requirements? Based on the amount of ledge, we have concerns regarding drainage and runoff onto the road when this property is cleared.

Both the school bus service and the post office have indicated that there are no written requirements for where their vehicles can make stops but there is a concern for safety at this location.

Submitted by:

Thomas and Gayle Ziemba
16 Bigelow Road
Colchester, CT 06415

March 9, 2022

RECEIVED
COLCHESTER, CT
2022 MAR 10 PM 4:04
Gayle Ziemba
SAY'S FIDELITY

PROPOSED RESUBDIVISION 19 BIGELOW ROAD

Ken Barber <kbarber@barber-law-firm.com>

3/9/2022 11:39 AM

Driveway directly across the street

To tmziemba@comcast.net <tmziemba@comcast.net>

Tom and Gayle

I have reviewed the situation with the project across the street from your property, specifically regarding the driveway situation. Here is a short list of items that could be a problem.

1. Drainage: His two driveways will drain onto the street at the same point your driveway drains. Both his and yours are sloped so the water sheet flow will not drain quick enough to prevent pooling. Thus more ice build-up coming around a busy corner. Also more water on that one spot causing greater frost heaves and erosion.
2. Both driveways will plow snow out into the same area. Causing more visibility problems, as well as anticipated build up of snow mounds which leads to winter icing.
3. Sightline: The close distance between the driveway exit and the line of sight around the curve is a very short distance. This is magnified as the driveway in one the downslope of a hill. A car travelling at 25mph needs 55 feet to come to a complete stop when seeing the problem. In looking at the map 55 feet puts any on-coming vehicle well around the corner and out of the sight line. I also seriously doubt everyone is doing the 25mph speed limit when coming off Rt. 16 and into the corner.
4. School bus and mailbox problems. In the event that a mail truck or school bus needs to stop on that side of the road, any on coming vehicles have to pull out into the curve to pass. Making the sightline for the vehicle non-existent.

Kenneth Barber | Attorney | Kenneth Barber and Associates, LLC

Attorneys at Law

29 West High St., PO Box 88 | East Hampton | Connecticut | 06424

Business 860.267.2263 | Fax 860.267.5832

kbarber@Barber-Law-Firm.com | www.Barber-Law-Firm.com



Trusted & Verified

RECEIVED
COLCHESTER, CT
2022 MAR 10 PM 4:04
Gayle Fuceman

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**TOWN OF COLCHESTER
PLANNING AND ZONING DEPARTMENT**

TO: Board of Selectmen
Planning and Zoning Commission

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

DATE: March 7, 2022

RE: Regulating Cannabis in response to Public Act 21-1

Connecticut Public Act 21-1: *An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis* legalizes marijuana use and regulates a cannabis industry in Connecticut. The legislation defines “cannabis establishments” and authorizes municipal governments to establish regulations of certain aspects of local use, production and sales. “Adult-use” means residents over the age of 21 can legally possess and consume cannabis products.

As far as the Planning and Zoning Commission is concerned, local zoning approval is required for legal cannabis establishments to be licensed by the Connecticut Department of Consumer Protection. Before a legal cannabis establishment can acquire a license from the State, local zoning approval must be granted. In September 2021, the Planning and Zoning Commission adopted a moratorium preventing anyone from applying to locate a cannabis establishment in town for a period of twelve (12) months, allowing the Commission time to consider applicable laws and adopt regulations.

As mentioned above, the Public Act 21-1 includes a variety of definitions for cannabis establishments that will be licensed distinctly by the State. The following table was produced by the Southeastern Connecticut Council of Governments (SCCOG) in the white paper titled “Municipal Obligations Related to the Passage of Public Act 21-1: An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis”, prepared by Justin LaFountain, CZEO, Planner II, August 2021:

License Type	License Description
Retailer License	A retailer may purchase and sell recreational cannabis to consumers and research programs. This license excludes medical marijuana dispensaries and hybrid retailers.
Hybrid Retailer License	A hybrid retailer may purchase and sell recreational cannabis, along with medical marijuana products.
Cultivator License	A cultivator may cultivate, grow, and propagate cannabis at an indoor establishment of not less than 15,000 square feet of grow space.
Micro-Cultivator License	A micro-cultivator may cultivate, grow, and propagate cannabis at an indoor establishment of not less than 2,000 square feet and not more than 10,000 square feet of grow space.

Product Manufacturer License	A product manufacturer may obtain cannabis, and extract and manufacture cannabis products.
Food and Beverage Manufacturer License	A food and beverage manufacturer may own and operate a business that obtains cannabis, and creates food and beverages using cannabis.
Product Packager License	A product packager may package and label cannabis products.
Delivery Service or Transporter License	A delivery service may deliver recreational cannabis to consumers, and may deliver medical marijuana to qualifying patients. A transporter may transport cannabis products between cannabis establishments, laboratories, and research programs.

Justin Lafountain, CZEO, Planner II, August 2021

The new law states that in municipalities that have not addressed cannabis establishments in their zoning regulations, such establishments will be regulated as if they were any other similar use in any zone. As it applies to Colchester, cannabis establishments would not be permitted in the Rural Use District because there are no comparable uses permitted in that zone. However, some of the establishments defined in the table above could be permitted in other zones subject to the provisions of the most comparable use. For example, in the Town Center and Westchester Village District, as well as the Arterial/Commercial District, retail establishments are broadly permitted. In the Suburban Use District, retail establishments are permitted on Arterial routes subject to Special Permit approval by the Planning and Zoning Commission. The idea is that a cannabis establishment could be considered a retail establishment and permitted accordingly.

Public Act 21-1 states that zoning regulations may prohibit cannabis establishments, establish reasonable restrictions on hour of operation and signage, or place restrictions on the proximity of cannabis establishments to other sensitive uses such as churches, schools, charitable institutions, hospitals, veteran’s homes, and/or military barracks.

Municipalities have been advised to address each one of the cannabis establishment license types enabled by Public Act 21-1. If retail stores are regulated, but cultivators are not, then, as described above, a cultivator could be permitted in certain zoning districts subject to the provisions of the closest use, such as a nursery, small manufacturer or light industrial use.

While it is appropriate for the Town of Colchester to address the variety of cannabis establishments in the regulations, the law only allows municipalities to grant zoning approvals to a maximum of one retailer and one micro-cultivator per every twenty-five thousand residents of a municipality. This means that Colchester, with a current population of approximately 15,500 people, is only allowed one of each license type, at least until at least June 30, 2024, when the CT Department of Consumer Protection (DCP) may increase the permitted number. The number of other license types is unlimited.

DCP advises that municipalities regulate retailer and micro-cultivator licenses by Special Permit approval, or other affirmative approval process, in order to monitor compliance.

Signage

The Public Act prohibits signage for cannabis establishments from:

- Targeting or being designed to appeal to individuals under 21;
- Claiming or implying that cannabis products have curative or therapeutic effects;
- Being visible to the public within 500 feet of an elementary or secondary school ground, recreation center, child care center, playground, park, or library;
- Including the words ‘drug store,’ ‘pharmacy,’ ‘apothecary,’ ‘drug(s),’ or ‘medicine shop,’ or
- Advertising any specific brand or kind of cannabis product.

Referendum Provision

The new law also includes a provision that enables voters to force a referendum on whether to allow retail sales of cannabis within the municipality at all. A referendum must be held if 10% of registered voters petition for such a referendum.

Municipal Ordinances

Municipal governing bodies also have authority over other aspects of cannabis use. As of October 1, 2021, governing bodies have the authority to regulate cannabis use on public land. Additionally, municipalities may prohibit and set fines for the smoking of cannabis in outdoor sections of restaurants. The law does not, however, allow municipalities to prohibit the use of edible cannabis products in either space described above.

While current ordinances related to the use of tobacco products may already control smoking of cannabis on public land to varying degrees, the Colchester Board of Selectmen will want to review all relevant town policies and amend accordingly.

Taxation

The retail sales of cannabis include three (3) taxes; the state’s usual sales tax of 6.35%, a three (3) percent sales tax dedicated to the city or town where the sale occurs, and a tax based on the THC content that will cost approximately 10 to 15 percent of the sale price. In total, the tax rate is expected to be approximately 20 percent of the retail price of cannabis. This is in line with the tax rates in Massachusetts.

Summary

When appropriately regulated, cannabis establishments offer varied and productive opportunities for economic development. Industry advocates state that prohibitions on cannabis businesses do not change consumer habits, but rather simply force consumers to drive to other jurisdictions.

The list of cannabis establishment license types includes only two that allow the retail sales of cannabis products directly to local consumers. The remainder more closely reflect manufacturing or light industrial uses, likely to be contained in a secure, climate-controlled, indoor environment similar to existing uses in the industrial category.

Given an appropriately located facility, considerate of its proximity to sensitive uses, notably those that contain children, the Town of Colchester can only permit a single retailer and a single micro-cultivator to locate in town until at least 2024. Should a cannabis establishment seek to open a business in town, it would occupy a commercial space, create jobs and generate a personal property tax revenue for the town. Similar to any new business, it is imperative that the community provide what resources it has at its disposal to help it succeed. As the saying goes ‘business breeds business’, whereas alternatively, small-business failures send the wrong message to future business owners or operators debating the risk of investing in a community.

The new CT Public Act 21-1 includes provisions that allow communities to take a proactive approach to the regulation of cannabis use, production and sales. Both the Board of Selectman and the Planning and Zoning Commission have important roles to play in the community’s response to the new law. The Planning and Zoning Commission are the appropriate regulatory authority to consider and adopt regulations for the location and operation of cannabis establishments, while the Board of Selectman may consider establishing policy on the recreational use of cannabis products.

As the elected representative body of the community, I recommend the Board express support (or even more formally charge) for the Planning and Zoning Commission in moving forward on the thoughtful development and adoption of regulations for each potential establishment allowed by law. This gesture of direction from the Board would send a message to both existing community members and potential investors considering the risk of doing business in Colchester.

MRB

R:\Boards and Commissions\PZC\Regulation Amendments\Marijuana\Recreational Sales\Memo.docx