



# ***Town of Colchester, CT***

127 Norwich Avenue, Colchester, Connecticut 06415

PLANNING & ZONING COMMISSION

**Tuesday, October 4, 2022**

**7:00 pm – Town Hall, Room 1**

**Regular Meeting**

## **AGENDA**

- 1. Call to Order**
- 2. Additions or Deletions to the Agenda**
- 3. Minutes of Previous Meeting**
  - a. September 21, 2022
- 4. Public Hearings**
- 5. Five Minute Session for the Public**
- 6. Pending Applications**
  - a. Niantic Bay Group LLC – Wall St near “O Rutka Ln” – Special Permit (2022-007)
- 7. New Applications**
- 8. Preliminary Reviews**
- 9. Old Business**
- 10. New Business**
  - a. Discussion on final draft of cannabis regulations to send to public hearing
- 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, September 21, 2022

7:00 pm – Town Hall, Room 1

Regular Meeting

### MINUTES

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

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

1. **Call to Order** – Chairman Mathieu called the meeting to order at 7:00 pm

2. **Additions or Deletions to the Agenda** – None

3. **Minutes of Previous Meeting**

- a. August 17, 2022 Regular Meeting, with amendment – Motion by M. Noniewicz to approve the minutes with the amendment. 2<sup>nd</sup> by B. Hayn. ***Vote was unanimous, motion carried.***
- b. September 7, 2022 Regular Meeting – Motion by M. Noniewicz to approve the minutes. 2<sup>nd</sup> by B. Hayn. ***Vote was unanimous, motion carried.***

4. **Public Hearings**

- a. Town of Colchester Planning and Zoning Department – Zoning Regulation Text Amendment (2021-009) Extension of Moratorium – Chairman Mathieu opened the public hearing and asked if members of the audience had concerns about the commissioners seated. Hearing none, he asked if anyone, including the applicant, wished to speak in favor of the application. Staff gave an overview of the moratorium and the need for an extension. No members of the audience wished to speak in favor. No members of the audience wished to speak in opposition. Motion by M. Noniewicz to close the public hearing. 2<sup>nd</sup> by B. Hayn. ***Vote was unanimous, motion carried.***

5. **Five Minute Session for the Public**

- Steven Schuster, Westchester Rd – expressed the desire for the meeting to begin with the Pledge of Allegiance
- John Wissler, Wall St – asked if the public was allowed to speak about the Niantic Bay Group application
- Dolores Tarnowski, Wall St – asked about meeting recordings

6. **Pending Applications**

- a. Niantic Bay Group LLC – Wall St near “O Rutka Ln” – Special Permit (2022-007) – Members of the commission discussed postponing action due to the outstanding issue of ownership of the parcel. Staff recommended approval with a condition to resolve the issue, however commission members felt more comfortable waiting. No deliberation took place on the application. Motion by M. Noniewicz to postpone action on Special Permit application 2022-007 until the next regular meeting on October 4,

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2022 so the commission may receive clarification on title and ownership. 2<sup>nd</sup> by B. Hayn. ***Vote was unanimous, motion carried.***

**7. New Applications**

- a. Rodney Goldberg, Owner – Diamond Sparkle Car Wash – 44 Amston Rd – Site Plan Modification (2022-010) – Brandon Handfield spoke on behalf of the applicant and introduced the site plan for the car wash traffic flow improvements. Car wash operations and building will not change. He explained plans to control run off in a depressed landscaped island in the area of the traffic lanes. Applicant Rodney Goldberg made comments as well. Motion by M. Noniewicz to approve site plan modification 2022-010. 2<sup>nd</sup> by B. Hayn. ***Vote was unanimous, motion carried.***

**8. Preliminary Reviews**

- a. Vincent Culhane, applicant, Roaring Brook Advisors LLC, owner – possible zone change from Future Development District to Arterial Commercial to construct mini-storage facility
- b. Ron Lyman – possible text amendment to the regulations to allow mini-storage in the Future Development District  
-Mr. Culhane and Mr. Lyman appeared together for this review. They are proposing a text amendment to the regulation for permitted uses in the Future Development District to allow mini-storage facilities by special exception. The discussion included the need for public water and sewer services in order to develop the area and possible restrictions to what percentage of land on a parcel could be used for mini-storage and the remainder should be mixed use. Commission members were in consensus about the permitted uses developed for the zone when it was created.

**9. Old Business – None**

**10. New Business**

- a. Town of Colchester Planning and Zoning Department – Zoning Regulation Text Amendment (2021-009) Extension of Cannabis Moratorium – Motion by M. Noniewicz to extend the cannabis moratorium until December 20, 2022. 2<sup>nd</sup> by B. Hayn. ***Vote was unanimous, motion carried.***

**11. Planning Issues and Discussions – None**

**12. Correspondence – None**

- 13. Adjournment** – Motion by B. Hayn to adjourn. 2<sup>nd</sup> by M. Kehoegreen. ***Vote was unanimous, meeting adjourned at 8:20 pm.***

Respectfully Submitted by: Stacey Kilgus, Land Use Assistant

Cannabis Regulations - edits from 7/27/22 meeting:

- Created subsections 5.3-A Uses Permitted and 5.3-B Special Permit.
- Removed 5.3-A #10, created 5.3-B #1 to allow Cannabis Food and Beverage Manufacturer.
- Removed 7.2 Uses Permitted #9 and #10.
- Edited 7.3 Special Permit #13 to allow Cannabis Cultivator, Cannabis Micro-Cultivator, Cannabis Product Manufacturer, Cannabis Food and Beverage Manufacturer, and Cannabis Product Packager (of any size).
- Edited 5.7-2-J #3, 6.3-10 #3, and 7.3-14 #3 "Require plans for..." to include hours of operation.

To do:

- Amend LSIA to remove FD and AC.
- Add State definitions to regulations.

**Colchester Planning and Zoning Commission**  
**Proposed Cannabis Regulation Amendments - V2**

**5.0 TOWN CENTER AND WESTCHESTER VILLAGE DISTRICTS (TC OR WV)**

**5.3-A USES PERMITTED**

The following uses shall be permitted in the TC or WV Districts subject to all applicable requirements of these Regulations:

1. Single-family, two-family or multi-family residential development and associated accessory structures and uses;
2. Commercial development except auto related uses (sales, service, repair, parts) and oil, propane sales/service;
3. Office development except construction/landscaping service that stores equipment and materials. Administrative offices of construction/landscaping operations are permitted.
4. Service Development;
5. Religious facilities and Educational Institutions;
6. Family day care homes, as defined by CGS Section 19a-77(a)(3) and licensed pursuant to CGS Section 19a-87b, are permitted in all Single-Family, Two-Family or Multi-Family Dwellings. Other day care and nursery school uses are permitted through the approval of a Special Permit.
7. Municipal facilities;
8. Hotel/Motel;
9. Mixed uses, provided that the ground floor of a mixed use Building (any combination of retail, office, and residential) shall be occupied by non-residential uses only. Parcels registered as historic can utilize rear sections of the ground floor for residential uses

**5.3-B SPECIAL PERMIT**

The following uses are eligible for Special Permit in the TC or WV Districts after consideration and approval from the Commission:

1. Cannabis Food and Beverage Manufacturer

**5.7 WESTCHESTER VILLAGE DISTRICT**

This district is intended to recognize and encourage development and redevelopment of the commercial patterns at the intersection of RT 16 and 149. This district is intended to meet many of the village needs for basic retail shopping, tourism, and local services. The district also recognizes and reflects the significant rural Commercial Use of the Village. Uses in this district will utilize the standards in Section 5.7 only and not the other requirements of Section 5.

The following standards apply to development in the Westchester Village District:

1. Permitted Uses, subject to all applicable requirements of these Regulations:
  - A. Single-family, two-family or multi-family residential development and associated accessory structures and uses.

## 2. Special Permit Uses

The following are eligible for Special Permit after consideration and approval from the Commission:

- A. Commercial development excepting auto related uses (sales, service, repair, parts) and oil, propane sales/service.
- B. Automobile gasoline stations
- C. Automobile service/repair
- D. Marine dealership and repair
- E. Office development except construction/landscaping services that store equipment and materials. Administrative offices of construction/landscaping operations are permitted.
- F. Service Development
- G. Religious facilities and Educational Institutions
- H. Municipal facilities
- I. Mixed uses, provided that the ground floor of a mixed use Building (any combination of retail, office, and residential) shall be occupied by non-residential uses only. Parcels registered as historic can utilize rear sections of the ground floor for residential uses.

### J. Cannabis Retailer and Hybrid Retailer, subject to the following provisions:

- 1. Establishment shall be no less than 500 linear feet from a school, daycare or playground measured from the nearest property line of such establishment to the area reasonably considered to be a functional use of the school, daycare or playground as determined by the Commission.
- 2. On-site consumption is prohibited.
- 3. Require plans for traffic management, security, hours of operation and any additional information reasonably necessary to determine the suitability of the proposed site for the use.

- 3. Minimum Lot size – 40,000 square feet
- 4. Maximum Height – Thirty (30) feet or two (2) stories
- 5. Maximum residential Density – Four (4) Dwelling Units/acre unless serviced by centralized sewer/water that is shown to have capacity to support development proposed. If the capacity of water/sewer is demonstrated, the Density can exceed four (4) Dwelling Units/acre to a maximum of six (6) Dwelling Units/acre.
- 6. Minimum Lot Frontage – Seventy-five (75) feet
- 7. Minimum side and rear Yard – No side or rear Yard is required between abutting Lots where both are used for commercial purposes. Where a Lot abuts a strictly residential use and not a mixed or non-residential use, ten (10) foot yard shall be maintained, which Yard shall not be used for parking, loading or storage.
- 8. Maximum Building Coverage – Thirty-five percent (35%) of the Buildable Area
- 9. Maximum Impervious Coverage – Fifty percent (50%) of the Buildable Area
- 10. Performance Requirements – The following standards relate to features/approaches that must be addressed in permitting development within the Westchester Village District.

- A. Pedestrian and Bicycle Access – Provision for safe and convenient pedestrian access shall be incorporated into plans for new construction of Buildings, enlargement or substantial redevelopment/renovation and development of improved parking areas and should be designed in concert with landscaping plans as required.
- B. Landscaping – Landscaping shall be incorporated into new and redeveloped properties in such a way as to create visual diversity and interest, to provide shade for pedestrian areas and to screen parking and loading areas. As the Westchester Village District is a small location within a rural area, landscaping and the treatment of Open Space on all developed sites are important. Landscape plans shall be prepared by a registered landscape architect or may be accepted, where the plans submitted are found to be consistent with the intent of this Regulation and meet the specific guidelines as set forth herein. Landscape plans shall show the location, type, and size of all proposed plantings as well as enough of the surrounding context such that the Commission may determine the plan's appropriateness. A landscaping maintenance agreement may be required as a condition of approval.
- C. Side Yard Treatment
  - 1. Where the distance between structures on adjacent Lots is ten (10) feet or less, the side Yard shall be screened by a solid fence, wall or Landscape treatment of Evergreen plantings at a height not to exceed three (3) feet.
  - 2. Where the distance between structures on adjacent Lots is greater than ten (10) feet, landscaping shall consist of a combination of materials sufficient to break up the view into the side Yard.
  - 3. Side Yards may, in the alternative, be established as pedestrian walkways to access parking areas to the rear of the Building. Such walkways shall be landscaped and lighted for safety.

#### 11. Design Regulations

- A. Articulation – New and redeveloped Buildings should reinforce the rural character of the existing streetscape by utilizing Open Spaces and landscaping.
- B. Parking associated with an individual use shall, to the greatest extent feasible, be located behind structures or otherwise fully screened from Street view.
- C. Low impact development drainage and paving schemes are encouraged.

## 6.0 FUTURE DEVELOPMENT DISTRICT (FD)

### 6.3 SPECIAL PERMIT

The following uses are permitted by Special Permit in the FD District provided they are served by public water and public sewer, derive access from internal Roads rather than existing Collector or Arterial Roads, and use best management practices to protect water quality.

- 1. Warehouse, storage and distribution facilities, except not to include Mini Storage Facilities.
- 2. Light Manufacturing or assembly conducted entirely within a Building, such as computer or electronic components and equipment, and light industrial machinery or equipment and sub-assemblies for commercial applications.

3. Hotel, Motel or banquet facility.
4. Retail businesses with a total gross floor area that exceeds 200,000sf.
5. Mixed Use Development including multi-family residential development of no more than seventy-five (75) total units on a Parcel. No more than four hundred (400) additional residential units will be permitted in all of the FD District. When the total of Multi-Family Dwelling Units permitted meets this threshold, there shall be no additional residential units permitted under this Section.
6. Movie Theater.
7. Municipal facilities.
8. Day care and nursery school uses in accordance with Section 8-9 of these Regulations.

9. Cannabis Cultivator, Cannabis Micro-Cultivator, Cannabis Product Manufacturer, Cannabis Food and Beverage Manufacturer, and Cannabis Product Packager

10. Cannabis Retailer and Hybrid Retailer, subject to the following provisions:

1. Establishment shall be no less than 500 linear feet from a school, daycare or playground measured from the nearest property line of such establishment to the area reasonably considered to be a functional use of the school, daycare or playground as determined by the Commission.
2. On-site consumption is prohibited.
3. Require plans for traffic management, security, hours of operation and any additional information reasonably necessary to determine the suitability of the proposed site for the use.

## **7.0 ARTERIAL COMMERCIAL USE (AC)**

**7.2 USES PERMITTED** – The following uses are permitted in the AC, subject to all applicable requirements of these Regulations:

1. Agriculture
2. Public or private recreation and Open Space
3. Retail uses under 20,000 square feet
4. Business Services
5. Repair services including auto, boat and truck without outdoor storage or activity that utilize no more than two (2) acres
6. Light industrial under 20,000 square feet
7. Restaurant without drive through
8. Bed and Breakfast



### 7.3 SPECIAL PERMIT USES IN ARTERIAL COMMERCIAL DISTRICT

The following uses are permitted by Special Permit in the AC, subject to all applicable requirements of these Regulations:

1. Construction Services including staging and equipment storage (except salvage and wrecking services)
2. Auto dealership and repair including outdoor storage and/or activity
3. Manufacture and assembly
4. Retail uses over 20,000 square feet if serviced by municipal water and sewer
5. Public utility structures
6. Private Warehousing and storage including Mini Storage Facilities
7. Wholesale storage and distribution uses if serviced by municipal water
8. Light industrial uses over 20,000 square feet
9. Hotel/Motel
10. Banquet, conference and convention facilities
11. Restaurant with drive through
12. Gasoline stations provided that the site is adjacent to a transportation interchange and no portion of the lot is within the Town Aquifer Protection Area, in accordance with Section 9.2.1, and/or within the Town Aquifer Protection Zone. See Section 9.2.2.

13. Cannabis Cultivator, Cannabis Micro-Cultivator, Cannabis Product Manufacturer, Cannabis Food and Beverage Manufacturer, and Cannabis Product Packager

14. Cannabis Retailer and Hybrid Retailer, subject to the following provisions:

1. Establishment shall be no less than 500 linear feet from a school, daycare or playground measured from the nearest property line of such establishment to the area reasonably considered to be a functional use of the school, daycare or playground as determined by the Commission.
2. On-site consumption is prohibited.
3. Require plans for traffic management, security, hours of operation and any additional information reasonably necessary to determine the suitability of the proposed site for the use.

**DEFINITIONS:**

For the purpose of this section, all terms referred to herein shall be defined and used in accordance with Section 21a-420 of the Connecticut General Statutes as amended from time to time. Selected definitions are included below for ease of reference.

**CANNABIS** - Marijuana, as defined in section 21a-240 of the general statutes;

**CANNABIS ESTABLISHMENT** - Producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter as defined

**CULTIVATOR** – Person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space

**DISPENSARY FACILITY**- A place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under CGS Sec. 21-a408 et seq. as may be amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended

**FOOD AND BEVERAGE MANUFACTURER** - Person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages

**HYBRID RETAILER** - Person that is licensed to purchase cannabis and sell cannabis and medical marijuana products

**MANUFACTURE** - To add or incorporate cannabis into other products or ingredients or create a cannabis product;

**MEDICAL MARIJUANA PRODUCT** - Cannabis that may be exclusively sold to qualifying patients and caregivers by dispensary facilities and hybrid retailers and which are designated by the commissioner as reserved for sale to qualifying patients and caregivers and published on the department's Internet web site

**MICRO-CULTIVATOR** - A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner

**PRODUCER** - A person that is licensed as a producer pursuant to section 21a-408i of the general statutes and any regulations adopted thereunder

**PRODUCT MANUFACTURER** - A person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type;

**PRODUCT PACKAGER** - A person that is licensed to and label cannabis

**RETAILER** - A person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs

**TRANSPORTER** - A person licensed to transport cannabis between cannabis establishments, laboratories and research programs

***REQUIREMENTS:***

**Special Permit Required** - The sales, cultivation and production of cannabis or cannabis products as described herein shall require a Special Permit, which may be authorized in accordance with the Town of Colchester Land Development Regulations, provided the use is allowed in the zone and all requirements of this regulation are met. No special permits shall be approved, nor applications received once the maximum amount of retail establishments have been granted a special permit approval.

**Zones Where Permitted** – The sales, cultivation and production of cannabis or cannabis products is allowed by Special Permit in the Town Center/Westchester Village District or the Arterial Commercial District.

**General Requirements for all Cannabis Uses -**

1. All regulated activities shall be located within an enclosed permanent building and may not be in a trailer, cargo container, motor vehicle, or other similar nonpermanent enclosure.

2. Marijuana plants, products, and paraphernalia shall not be clearly visible to a person from the exterior of the facility. No outside storage of cannabis or cannabis products shall be permitted.

3. There shall be no on-site consumption.

4. The following shall be submitted with an application:

A. An Operational Plan which includes the following:

i. Hours of operation

ii. Security and access plan

iii. Proposed signage

iv. Odor management – monitoring and mitigation

5. All adult-use cannabis retailers or hybrid-retailers and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment meeting at least the minimum requirements of Sec. 21a-408-62 of the State of Connecticut Regulations.

**Standards for Retailers, Hybrid Retailers, and Dispensaries** - All retailer, hybrid retailer, or dispensary of cannabis or medical marijuana uses shall comply with the following standards:

1. Hours of operation shall be 8:00 am to 10:00 pm as set by the Commission.

2. Shall not be located inside a building containing residential units, including transient housing such as motels or dormitories.

3. Parking shall be in accordance with town regulations unless modified by the Commission.

4. No building or structure shall be used if such is located:

A. Within five hundred (500') feet (measured from the nearest property lines) of a:

1. church,

2. school or other institution for the purpose of caring for children,

3. library, or

4. charitable institution, public or private.

**Standards for Cultivators, Micro-Cultivators, Food & Beverage Manufacturers, Producers, Product Manufacturers, and Products Packagers** – All applications for Cultivators, Micro-Cultivators, Food & Beverage Manufacturers, Producers, Product Manufacturers, and Products Packagers shall comply with the following standards:

1. State of Connecticut license shall be obtained and filed on the Town of Colchester Land Records prior to beginning operations.

2. Submission of a Resources Plan to demonstrate best management practices for the use of energy, water, waste disposal, and other common resources and to ensure there will be no undue damage to the natural environment.

3. Parking shall be in accordance with town regulations unless modified by the Commission.

**Abandonment or Discontinuance of Use** –

1. A Special Permit shall lapse if not exercised within one year of issuance. The Commission shall file a notice on the Land Records in such a case.

2. A cannabis establishment shall be required to remove all material, plants, equipment, and other paraphernalia prior to surrendering its state issued licenses or permits; or within six months of ceasing operations, whichever comes first