

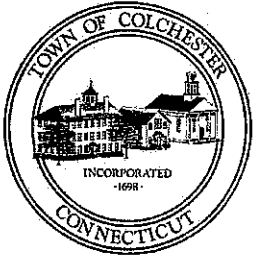
Town of Colchester, CT

127 Norwich Avenue, Colchester, Connecticut 06415
PLANNING & ZONING COMMISSION

Wednesday, October 19, 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. October 4, 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
 - a. Brian & H. Jean Smith – 12 & 24 Broadway St – Site Plan 2022-013 to construct banquet hall.
8. Preliminary Reviews
9. Old Business
 - a. Discussion on final draft of cannabis regulations to send to public hearing.
10. New Business
 - a. Gano’s Power Equipment, 120 Linwood Ave – 2022-012 Site Plan Modification
 - b. CMMD LLC – 2022-011 Regulation Amendment, possible discussion. Move to public hearing.
11. Planning Issues and Discussions
 - a. Approve 2023 Meeting Calendar
12. Correspondence
13. Adjournment

RECEIVED
COLCHESTER, CT
2022 OCT 14 PM 3:16
Gayle Furman
GAYLE FURMAN
TOWN CLERK



Town of Colchester, CT

127 Norwich Avenue, Colchester, Connecticut 06415
PLANNING & ZONING COMMISSION

Wednesday, October 4, 2022
7:00 pm – Town Hall, Room 1
Regular Meeting
MINUTES

RECEIVED
COLCHESTER, CT
2022 OCT -6 PM 4:07
Gayle Furman
TOWN CLERK

Members Present: Chairman J. Mathieu, B. Hayn, S. Smith, M. Noniewicz, M. Kehoe, Green
Also Present: A. Lago, ZEO, S. Kilgus, Land Use Assistant, A. Simonow, CEO GC National
Absent: S. Nadeau, J. Novak

1. **Call to Order** – Chairman Mathieu called the meeting to order at 7:01 pm
2. **Additions or Deletions to the Agenda** – Motion by M. Noniewicz to add agenda items #7a and #7b under New Applications for CMMD, LLC regulation amendment and Gano's Power Equipment site plan modification. 2nd by B. Hayn. **Vote was unanimous, motion carried.**
3. **Minutes of Previous Meeting**
 - a. September 21, 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**
 - a. Niantic Bay Group LLC – Wall St near "O Rutka Ln" – Special Permit (2022-007) – No update on the ownership issue has been received. The applicant has turned the matter over to an attorney for resolution. The Chairman stated he would like to see an answer by next meeting. Motion by M. Noniewicz to postpone action until the next regular meeting on October 19th. 2nd by B. Hayn. **Vote was unanimous, motion carried.**
7. **New Applications**
 - a. CMMD, LLC – 2022-011 Regulation Amendment, incorporating large scale technology to the LSIA Floating Zone
 - b. Gano's Power Equipment, 120 Linwood Ave – 2022-012 Site Plan Modification, to maintain current parking in front of building and to request a waiver for sidewalks as previously proposed in application 2021-002

8. Preliminary Reviews – None

9. Old Business – None

10. New Business

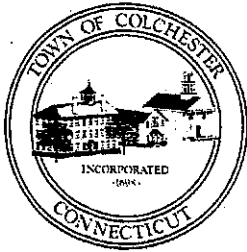
- a. Discussion on final draft of cannabis regulations to send to public hearing – Andrew Simonow, GC National was in attendance. He has been working with A. Lago, ZEO to develop responsible regulations. He shared some of his knowledge on the cannabis industry with which he has been involved with for several years. Members discussed the final regulation text developed to insert into the regulations for each zoning district, as well as the creation of a section 8.12 for Cannabis under 8.0 Use Standards. A list of definitions will also be included in that section. The permitted uses per zone for each license type were finalized. A July 1, 2022 amendment to the adult-use cannabis law allows municipalities to remove the 25,000 resident density cap for cannabis establishments. Members felt it was best to keep the cap in place at this time, so the town is able to start small with one retailer and increase later on depending on how things work out with the first establishment that opens. Discussions on traffic impacts confirmed members desire not to have a retail location in the town center due to the area already being congested. Adding that much anticipated traffic could create issues. Staff will finalize the new section for the commission to accept at the next meeting and then send to public hearing during the following regular meeting in November.

11. Planning Issues and Discussions – None

12. Correspondence - None

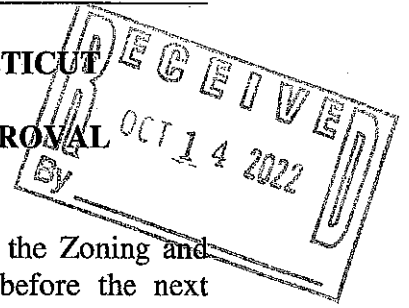
13. Adjournment – Motion by B. Hayn, 2nd by M. Kehogreen. *Vote was unanimous, meeting adjourned at 8:03 pm.*

Respectfully submitted by: S. Kilgus, Land Use Assistant



APPLICATION NO. _____

**TOWN OF COLCHESTER, CONNECTICUT
APPLICATION FOR SITE PLAN APPROVAL**



This application form and five (5) sets of plans shall be submitted to the Zoning and Planning Commission Office no later than noon on the Thursday before the next regularly scheduled meeting, (the first and third Wednesday of the month excepting Holiday periods). A Statement of Use as described in Section 12.5.3.A shall be submitted in addition to this application.

NAME OF APPLICANT Brian T. & H. Jean Smith (#12), Garvin - Smith, LLC (#24)

MAILING ADDRESS 12 Broadway (Please Print)

Colchester CT 06415 TELEPHONE 860-617-8959
(City) (State) (Zip)

OWNER OF RECORD Brian T. & H. Jean Smith(#12), Garvin - Smith, LLC (#24)
(Please Print)

MAILING ADDRESS 12 Broadway

LOCATION OF BUILDING LOT 12 and 24 Broadway

IS THIS PROPERTY LOCATED IN: no AQUIFER PROTECTION ZONE; no LOCAL HISTORIC DISTRICT;
yes HISTORIC PRESERVATION OVERLAY ZONE

INTENDED USE(S) Banquet Hall

SQUARE FOOTAGE OF USE(S) 2,198 sf ZONE R30A LOT SIZE 58,662 sf

ASSESSOR'S MAP 16 LOT 27,26 (12,24 Broadway)

ENGINEER/SURVEYOR Barton and Loguidice, LLC TELEPHONE 860-633-8770

MAILING ADDRESS kgrindle@bartonandloguidice.com

CONTACT PERSON TO WHOM CORRESPONDENCE AND INQUIRIES SHOULD BE DIRECTED

NAME Brian T. Smith

ADDRESS 12 Broadway, Colchester, CT 06415

TELEPHONE 860-617-8959

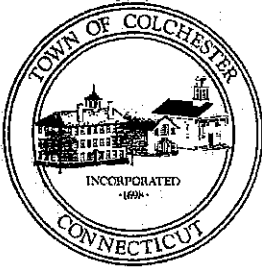
APPLICANT(S) SIGNATURE _____

OWNER(S) SIGNATURE _____

For Official Use:
APPLICATION SUBMITTED _____ ZPC FEE PAID _____

FIRST ENGINEERING REVIEW FEE PAID _____

FIRST HEALTH REVIEW FEE PAID _____



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

DRAFT

COLCHESTER PLANNING AND ZONING COMMISSION 2023 MEETING SCHEDULE

The following will be the dates for the regular monthly meetings of the Colchester Planning & Zoning Commission for 2023. The meetings are held the first and third Wednesday of the month at 7:00 PM at Town Hall, 127 Norwich Avenue, Colchester, CT.

WEDNESDAY, JANUARY 4, 2023
WEDNESDAY, JANUARY 18, 2023

WEDNESDAY, FEBRUARY 1, 2023
WEDNESDAY, FEBRUARY 15, 2023

WEDNESDAY, MARCH 1, 2023
WEDNESDAY, MARCH 15, 2023

TUESDAY APRIL 4, 2023**
WEDNESDAY, APRIL 19, 2023

WEDNESDAY, MAY 3, 2023
WEDNESDAY, MAY 17, 2023

WEDNESDAY, JUNE 7, 2023
WEDNESDAY, JUNE 21, 2023

WEDNESDAY, JULY 19, 2023*

WEDNESDAY, AUGUST 16, 2023*

WEDNESDAY, SEPTEMBER 6, 2023
WEDNESDAY, SEPTEMBER 20, 2023

WEDNESDAY, OCTOBER 4, 2023
WEDNESDAY, OCTOBER 18, 2023

WEDNESDAY, NOVEMBER 1, 2023
WEDNESDAY, NOVEMBER 15, 2023

WEDNESDAY, DECEMBER 6, 2023
WEDNESDAY, DECEMBER 20, 2023

*One meeting per month in July & August

**Moved due to holiday

Joseph Mathieu, Chair

PZC APPLICATION ACTIVITY RECORD

APPLICATIONS:

<u>APPLICANT</u>	<u>AGENT</u>
Gano's Power Equipment 120 Linwood Ave Colchester, CT 06415	Contact: Anthony C. Gargano
Phone:860-543-9432 Fax: Email:	Phone: 860-543-9432 Fax: Email:

ZPC fee Paid by Check #: 2730 \$610.00

Property Address: Floating Zone-
120 Linwood Ave

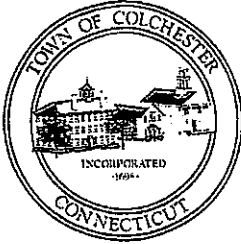
APPLICATION RECEIVED By Staff 9/29/2022
 OFFICIAL DATE OF RECEIPT _____
 65 DAY PERIOD TERMINATES _____
 PUBLIC HEARING/MEETING DATE _____
 65-DAY EXTENSION TO OPEN PH* _____
 PUBLIC NOTICE DATES _____
 NOTICE TO APPLICANT _____
 35 DAY PERIOD TERMINATES _____
 PUBLIC HEARING EXTENSION _____
 PUBLIC HEARING EXTENSION _____
 65 DAY PERIOD TERMINATES (FROM CLOSE OF HEARING) _____
 65-DAY EXTENSION TO MAKE DECISION* _____
 DATE OF DECISION _____
 COMMISSION ACTION: _____

 PUBLIC NOTICE OF DECISION _____
 NOTICE OF DCISION _____

COMMISSIONERS PRESENT

	Hearing	Decision
J. Mathieu		
J. Novak		
M. Noniewicz		
M. Kehoegreen		
B. Hayn		
S. Nadeau		
S. Smith		
<u>ALTERNATES</u>		
	Hearing	Decision
Vacant		
Vacant		

* The total of all extensions combined cannot exceed 65 days

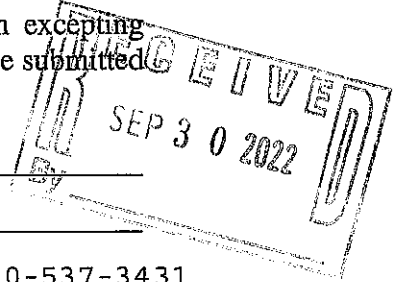


APPLICATION NO. _____

TOWN OF COLCHESTER, CONNECTICUT

APPLICATION FOR SITE PLAN APPROVAL

This application form and five (5) sets of plans shall be submitted to the Zoning and Planning Commission Office no later than noon on the Thursday before the next regularly scheduled meeting, (the first and third Wednesday of the month excepting Holiday periods). A Statement of Use as described in Section 12.5.3.A shall be submitted in addition to this application.



NAME OF APPLICANT Gano's Power Equipment
(Please Print)

MAILING ADDRESS 120 Linwood Ave

Colchester CT 06415 TELEPHONE 860-537-3431
(City) (State) (Zip)

OWNER OF RECORD Anthony C. Gargano TRS & Deborah L. Hadaway
(Please Print)

MAILING ADDRESS 120 Linwood Ave, Colchester, CT

LOCATION OF BUILDING LOT 120 Linwood Ave & 36 Kmick Lane

IS THIS PROPERTY LOCATED IN: _____ AQUIFER PROTECTION ZONE; _____ LOCAL HISTORIC DISTRICT;
_____ HISTORIC PRESERVATION OVERLAY ZONE

INTENDED USE(S) site plan modification

SQUARE FOOTAGE OF USE(S) 7,918 SF ZONE VD LOT SIZE 0.33 Ac.

ASSESSOR'S MAP 11-00/033 LOT 000

ENGINEER/SURVEYOR CLA Engineers, Inc. TELEPHONE 860-886-1966

MAILING ADDRESS 317 Main Street, Norwich, CT

CONTACT PERSON TO WHOM CORRESPONDENCE AND INQUIRIES SHOULD BE DIRECTED

NAME Ellen Bartlett

ADDRESS 317 Main Street, Norwich, CT
(Please Print)

TELEPHONE 860-886-1966

APPLICANT(S) SIGNATURE

OWNER(S) SIGNATURE

For Official Use:

APPLICATION SUBMITTED _____ ZPC FEE PAID _____

FIRST ENGINEERING REVIEW FEE PAID _____

FIRST HEALTH REVIEW FEE PAID _____

CLA Engineers, Inc.

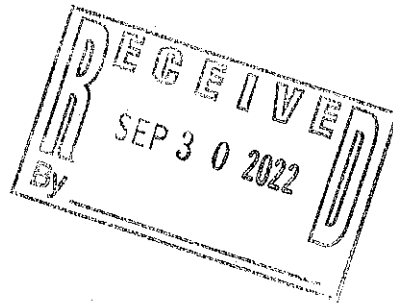
Civil • Structural • Survey

317 MAIN STREET • NORWICH, CT 06360 • (860) 886-1986 • (860) 886-9165 FAX

September 29, 2022

Town of Colchester
Planning and Zoning
127 Norwich Avenue
Colchester, CT 06415

RE: Site Plan Modification
Gano's Power Equipment



An application is being submitted by Gano's Power Equipment for a modification to the approved site plan for their building addition. A Site Plan application was submitted and approved to develop a 3,300 SF building addition to the existing building for Gano's Power Equipment, located at 120 Linwood Avenue. The proposed modification is to leave the existing parking in front of the existing building in place, along Linwood Avenue. In addition, a waiver is requested to eliminate the proposed new sidewalk in front of the existing building along Linwood Avenue.

The original approved site plan showed new sidewalks along Linwood Avenue in front of the existing building, and the owners intended to install them as part of the building addition project. However, due to COVID, the costs of materials and labor for the building addition went up significantly, and the project is way over budget. Therefore they are now requesting a waiver for the installation of sidewalks in front of the existing building.

If you have any questions please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to be "Ellen M. Bartlett".

Ellen M. Bartlett, PE, CPSWQ

LETTER OF TRANSMITTAL

CLA Engineers, Inc.

Civil • Structural • Surveying
 317 MAIN STREET
 NORWICH, CT 06360
 (860) 886-1966 FAX (860) 886-9165

DATE: 9/30/21
 JOB NO: 6688
 ATTN:
 RE: P & Z APPLICATION
Gano's Power Equipment

To: TOWN OF COLCHESTER

WE ARE SENDING YOU THE FOLLOWING ITEMS BY MAIL:

- Shop drawings Prints Plans Specifications
 Copy of letter Change order other _____

COPIES	DATE	NO.	DESCRIPTION
1			Project Description Letter
5			Modified Site Plan
1			Application

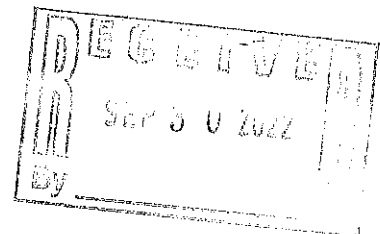
These are transmitted as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned Return _____ corrected prints
 For review and comment
 FOR BIDS DUE _____ 20__ PRINTS RETURNED AFTER LOAN TO US

REMARKS:
 COPY TO:

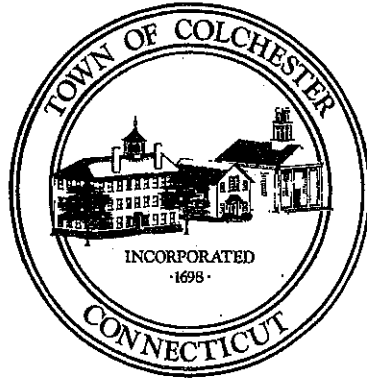
SIGNED: 
 ELLEN BARTLETT

If enclosures are not as noted, kindly notify us at once.



Gano First Review
(Safe I Review)

Code Administration
Building Official
Fire Marshal
Wetlands Enforcement



Planning and Zoning
Planning Director
Zoning Enforcement
Town Engineer

October 11, 2022

To: Colchester Conservation Commission and Planning & Zoning Commission

From: Salvatore Tassone P.E.- Town Engineer

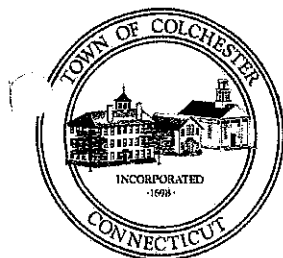
Re: Gano's Power Equipment Building Addition, 36 Kmick Lane, 112 & 120 Linwood Ave Colchester, Connecticut, prepared for owner Antony C. Gargano & Deborah L. Hadaway, by CLA Engineers, Inc. dated November 2020, (Boundary and Topographic Survey sheet S1 dated 12/18/20). Accompanying Drainage Calculations, Hydraulics & Hydrology Report prepared by CLA Engineers, Inc. dated February 2021, latest revision November 2020.

The referenced revised plan and application letter from CLA Engineers, Inc. dated September 29, 2022 appears to be a site plan modification to eliminate proposed concrete sidewalks along the Linwood Avenue/Route 16 site frontage and maintain existing parking spaces which are partially located within the State of Connecticut road right of way for Route 16.

The installation of this section of concrete sidewalk is considered crucial to providing continuity with existing sidewalks on both sides of this parcel along the State Route 16 corridor. In addition, the elimination of the existing parking spaces is a desirable portion of the original approval as this will eliminate the potentially hazardous vehicle backup maneuver onto State Route 16.

Both the Town and the State DOT were in favor of the installation of sidewalks and the elimination of parking spaces along State Route 16 during the original site plan application as these are believed to result in improvements to both pedestrian safety and motor vehicle safety.

Any proposed changes within the State Route 16 road right of way, must also be reviewed by the State of CT. DOT.



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

MEMO

TO: Colchester Planning and Zoning Commission

FROM: Carol Szymanski, Wetlands Agent

Continuous sidewalks are important to the economic health and viability of downtown areas. Sidewalk shoppers are more likely to stop and visit a business if on foot. Sidewalks provide many other benefits as well, including pedestrian safety, mobility of those in wheelchairs, and healthier communities overall. In addition to greatly reducing pedestrian fatalities, sidewalks reduce other roadway crashes.

Eliminating the parking spaces in front of Gano's which are partially located in the state right of way will allow for smoother flow of traffic in this area as it is nearly impossible to guess if the cars are occupied and about to back into traffic and into the roadway.

In a discussion with the CT state DOT, I learned that the applicants had never fully applied for the required state DOT encroachment permits to install sidewalks, yet the approval of the very large rear addition was predicated on the installation of sidewalks in front of the building.

This particular business enjoys plentiful outdoor display and storage, a prominent downtown location and spacious quarters. Providing the public with sidewalks is a reasonable public improvement given that sidewalks exist in front of every other property along this important arterial road and will greatly improve road safety for all of Colchester's motorists.

Sincerely,

Carol Szymanski,
Colchester Wetlands Agent

Town of Colchester Interoffice Memorandum

To: Colchester Planning and Zoning Commission
From: James Paggioli, Director of Public Works-Colchester Sewer and Water Department
CC:
Date: April 30, 2021
Re: Revised Site Plan Review – 112 & 120 Linwood Ave, 36 Kmick Lane



The original plans reviewed were entitled: "Gano's Power Equipment Building Addition 36 Kmick Lane, 112 & 120 Linwood Ave Colchester, Connecticut November 2020, March 3, 2021, Revised April 20, 2021, CLA Engineers, Inc. Sheets S1 and 1-5 of 5 The review of the site will be for General Comments and Sewer And Water service issues.

Revised Comments on Bold Type.

General:

- 1) Sidewalk Easement required to be submitted, approved and filed on the Land Records. **Comment Addressed**

Sewer and Water Comments:

- 1) Survey and Site Plan indicate Building Addition Wall is to be constructed on/over sanitary manhole. No accommodation or direction is given and drawing is lacking any sanitary lateral information. Resolve Conflict and add data for laterals. **Comment Addressed**
- 2) Water curb stop along Linwood Ave shall be adjusted to final grade height after demolition of pavement and installation of landscaping by contractor. **Comment Addressed**
- 3) Add note: All work to conform to Colchester Sewer and Water Specifications and Connection Fee Schedules **Comment Addressed.**

**TOWN OF COLCHESTER
PLANNING AND ZONING DEPARTMENT**

TO: Planning and Zoning Commission

FROM: Matthew Bordeaux, Planning Director

DATE: April 1, 2021

RE: Gano's Power Equipment – 120 Linwood Ave & 36 Kmick Lane
Site Plan Modification (2021-002)

Introduction

The applicant, Gano's Power Equipment, is proposing to construct a 3,300 square foot building addition to the existing facility located at 120 Linwood Ave in the Town Center Village District. Gano's Power Equipment provides sales, parts, service and rental of commercial and residential power equipment. There are three (3) parcels that comprise the facility and its operations: 112 & 120 Linwood Avenue and 36 Kmick Lane. 120 Linwood Ave is developed with the existing building and a fenced-in storage area for equipment in the rear. 112 Linwood consists of existing parking spaces for Gano's customers and employees, together with a paved area for equipment storage. 36 Kmick Lane has a gravel turn-around for delivery trucks and two storage structures.

The applicant's agent, Ellen Bartlett, PE, of CLA Engineers, Inc., indicates that the facility now has 11 full time employees and they do not anticipate an increase. Gano's is open Monday through Friday 8 a.m. to 6 p.m., and Saturdays 8 a.m. to 5 p.m. The applicant does not anticipate an increase in traffic as a result of the proposed improvements.

Proposed Improvements

Parking and Access

There are presently 18 total parking spaces for Gano's customers and employees: five (5) spaces in front of the building along Linwood Avenue, six (6) spaces facing the building along Kmick Lane, and seven (7) spaces to the rear (northwest) of the paved area at 112 Linwood Ave. The five existing parking spaces that face the building along Linwood Ave require customers to back out directly onto Linwood Avenue when exiting the site. The applicant is proposing to eliminate these parking spaces and install concrete sidewalk with associated landscaping to tie into the existing sidewalk along Linwood Avenue. To offset the loss of those parking spaces, the applicant is proposing to install seven (7) new spaces on 36 Kmick Lane. This parking area will be improved with porous pavement. Additionally, one of the six existing spaces located on 120 Linwood Ave that face the building along Kmick Ln will be converted to a handicap van space.

Building Addition

The proposed building addition will provide indoor storage for equipment, parts and repairs, which are presently provided onsite. The project does not propose any additional retail space and will not result in an increase in customer traffic to the facility.

The proposed structure is an approximately 3,300 square foot (55' x 60' footprint) steel frame and metal clad building to be erected adjacent to the northerly wall of the existing building. The structure will be painted to match the color scheme on the existing building. The structure will include two (2) overhead doors facing Kmick Ln and an entry door located between the southerly overhead door and the existing building. While the entry door is not shown on the Site Plan, the location of the door is depicted on the elevation rendering (see attached).

Three (3) building mounted lights are proposed to be installed along the Kmick Ln face of the building. The applicant indicates that the lighting will be full cut-off, 60 Watt, LED fixtures located a maximum of 10 feet above grade, designed and located in such a manner as to prevent objectionable light trespass at the property lines.

Erosion and Sedimentation Control

The applicant has prepared an Erosion Control Plan in accordance with the provisions of the Colchester Land Development Regulations and the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended (see attached). The plan depicts the installation of silt fence around disturbed areas and the provision of inlet sediment control devices in existing catch basins in the vicinity of the proposed activity.

Regulated Activity

A portion of the proposed improvement of the seven (7) new parking spaces on 36 Kmick Lane falls within the 75' upland review area of a regulated wetland resource. The regulated resource is part of a system conveying stormwater drainage from the center of town and Linwood Avenue. On February 16, 2021, Jay Gigliotti, Wetlands Agent, issued an Agent Approval (WA2021-360) for the regulated activity in accordance with Connecticut General Statutes Section 22a-42a(c)(2).

Staff Review

Town staff has reviewed the plans and documents supporting the application. A full report on the status of outstanding staff comments will be provided at the meeting.

Draft Motion

Move to approve the Gano's Power Equipment Site Plan Modification (2021-002) for parking improvements and a building addition at 120 Linwood Avenue and 36 Kmick Lane.

MRB

R:\Boards and Commissions\EPZC\Applications\Gano's\2021-002 Memo.docx

Attachments

PZC APPLICATION ACTIVITY RECORD

Part **(A)**

APPLICATIONS:

<u>APPLICANT</u>	<u>AGENT</u>
CMMD, LLC 123 Salem Road Colchester, CT 06415	Contact: John Matheson
Phone: 860-543-9432 Fax: Email:	Phone: 860-543-9432 Fax: Email:

ZPC fee Paid by Check #: 2730 \$610.00

Property Address: Regulation Amendment

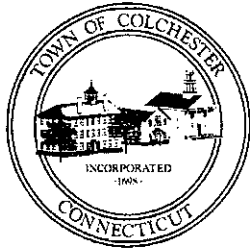
APPLICATION RECEIVED By Staff 9/29/2022
 OFFICIAL DATE OF RECEIPT 10/4/22
 65 DAY PERIOD TERMINATES _____
 PUBLIC HEARING/MEETING DATE _____
 65-DAY EXTENSION TO OPEN PH* _____
 PUBLIC NOTICE DATES _____
 NOTICE TO APPLICANT _____
 35 DAY PERIOD TERMINATES _____
 PUBLIC HEARING EXTENSION _____
 PUBLIC HEARING EXTENSION _____
 65 DAY PERIOD TERMINATES (FROM CLOSE OF HEARING) _____
 65-DAY EXTENSION TO MAKE DECISION* _____
 DATE OF DECISION _____
 COMMISSION ACTION: _____
 PUBLIC NOTICE OF DECISION _____
 NOTICE OF DCISION _____

COMMISSIONERS PRESENT

	Hearing	Decision
J. Mathieu		
J. Novak		
M. Noniewicz		
M. Kehoegreen		
B. Hayn		
S. Nadeau		
S. Smith		
ALTERNATES		
	Hearing	Decision
Vacant		
Vacant		

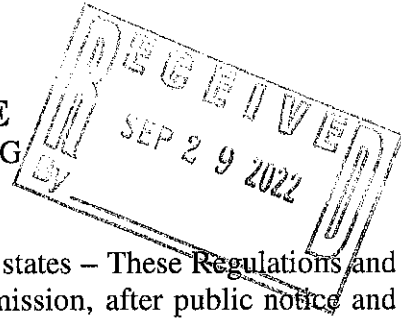
* The total of all extensions combined cannot exceed 65 days

APPLICATION NO. _____



TOWN OF COLCHESTER, CONNECTICUT

**APPLICATION FOR
REGULATION CHANGE
REQUIRES A PUBLIC HEARING**



SECTION 19.1. of The Town of Colchester Zoning Regulations states – These Regulations and the boundaries of zoning districts may be amended by the Commission, after public notice and hearing, in accordance with Section 8-3 of the General Statutes, as amended.

APPLICANT CMMD, LLC

(Please Print)

ADDRESS 123 Salem Road

Colchester, CT 06415 TELEPHONE (860) 543-9432

(City)

(State)

(Zip)

PROPOSED REGULATION CHANGE INFORMATION

ZONING REGULATIONS NEW TEXT

SUBDIVISION REGULATIONS AMENDMENT TO TEXT

PLAN OF DEVELOPMENT

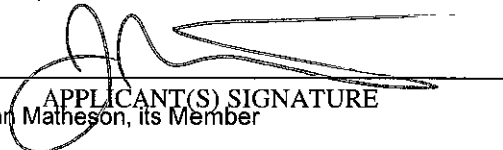
REGULATION SECTION NUMBER or LOCATION Definition of Large Scale Agricultural Building and/or Technology Building in Section 20.4 to incorporate the definition of a large scale technology building and to modify Section 8.9.A of the Colchester Zoning Regulations to incorporate into the original Large Scale Agricultural Building Floating Zone provisions for large scale technology buildings as defined in the proposed amendment to Section 20.4.

RATIONALE FOR PROPOSED CHANGE – Please attach separate page

Delineated in the text of the regulation submitted herewith.

REGULATION TEXT – Please attach separate page - See Attached

CMMD, LLC

By: 
APPLICANT(S) SIGNATURE
John Matheson, its Member

For Official Use:

APPLICATION SUBMITTED _____ ZPC FEE PAID _____

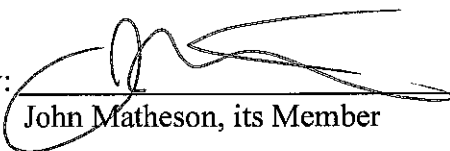
PUBLIC HEARING DATE _____

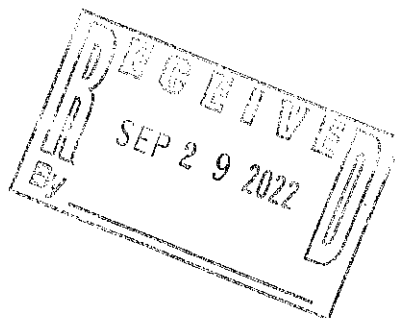
AUTHORIZATION

CMMD, LLC hereby authorizes the law firm of Heller, Heller & McCoy to represent its interests in all proceedings before the Town of Colchester Planning and Zoning Commission in conjunction with a text amendment application proposing the amendment to the floating zone to authorizing large scale indoor agricultural buildings to incorporate large scale technology buildings and to be known as the "Large Scale Indoor Agricultural and/or Technology Zone" ("LSIAT") into the vernacular of the Colchester Zoning Regulations.

Dated at Montville, Connecticut this 28th day of September, 2022.

CMMD, LLC

By: 
John Matheson, its Member



HELLER, HELLER & McCOY

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September 23, 2022

Town of Colchester Planning and Zoning
Commission
Attn: Mr. Joseph Mathieu, Chairman
127 Norwich Avenue
Colchester, CT 06415



Re: Amendment of Large Scale Indoor Agricultural Zone Regulation to also incorporate large scale technology buildings

Dear Commissioners:

On behalf of our client, CMMD, LLC, we hereby submit an application for text amendment to the Town of Colchester Zoning Regulations (i) amending the definition Large Scale Agricultural Buildings to also include Large Scale Technology Buildings and (ii) adding a new Section 8.9.A to incorporate Large Scale Technology Buildings with the performance standards applicable thereto into the floating zone regulation originally crafted for large scale agricultural buildings. Submitted herewith and constituting the application to the Town of Colchester Planning and Zoning Commission for consideration are the following:

1. Original and nine (9) copies of the "Application for Regulation Change" submitted by CMMD, LLC to the Town of Colchester Planning and Zoning Commission.
2. Ten (10) copies of the proposed text amendment to authorize within the former LSIA Floating Zone, Large Scale Technology Buildings.
3. Authorization signed by CMMD, LLC authorizing the law firm of Heller, Heller & McCoy to represent its interests in all proceedings before the Town of Colchester Planning and Zoning Commission with respect to the text amendment application.
4. Our check in the amount of \$610.00 representing payment of the application fee calculated as follows:

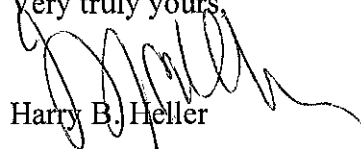
Town of Colchester Planning and Zoning Commission
September 23, 2022
Page 2 of 2

Base Administrative Fee	\$200.00
Public Hearing Fee	\$200.00
Zone or Regulation Change	\$150.00
State Fee	\$60.00

Request is hereby made that you place this matter on the agenda of the Town of Colchester Planning and Zoning Commission for its regularly scheduled meeting of October 19, 2022 for acceptance. We would further request that the Town of Colchester Planning and Zoning Commission schedule a public hearing on this text amendment application for the first available date thereafter.

Should you have any questions concerning this request, please feel free to contact the undersigned.

Very truly yours,



Harry B. Heller

HBH/rmb
Enclosures

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

Large Scale Agricultural Building and/or Technology

Building: A building which exceeds 10,000 square feet in footprint but is not greater than 200,000 square feet in footprint, designed and utilized for either (i) 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 or (ii) data processing and/or data storage facilities.

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.”

Modify Section 8.9.A of the Colchester Zoning Regulations which will be a floating zone designated as the “Large Scale Indoor Agricultural and/or Technology 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 this 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 and/or Technology Zone.

1. **General.** The Planning and Zoning Commission recognizes (i) 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 and (ii) the need for and opportunity to develop large scale data processing and data storage facilities to satisfy the demands of a rapidly expanding electronic data environment. The Planning and Zoning Commission further recognizes that both (i) 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 and (ii) that the methodologies being developed for the communication and storage of electronic data require large scale data processing and data storage facilities. 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 and which will accommodate large scale data processing and data storage facilities, each in an attempt to (a) support the economic development of the Town of Colchester and (b) provide needed agricultural and technological facilities to meet the demand of an evolving economy. 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 both large scale agricultural uses located entirely within Large Scale Agricultural Buildings and large scale data processing and data storage facilities can be developed within the Town of Colchester 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 and Technology Zone (“LSIATT”) 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 LSIAT, 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 LSIAT 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 LSIAT set forth herein and as delineated in the approved Master Plan.
- a. **Harmony and Mitigation of Impacts.** The LSIAT is designed to encourage both 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 and the development of large scale data processing and data storage facilities in locations in which such facilities may be sited without adverse impacts on residential properties and/or municipal infrastructure, based upon the parameters hereinafter set forth. The standards promulgated herein have been incorporated to minimize any adverse impacts that certain large-scale

agricultural buildings and associated activities and/or large scale technology facilities 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 and/or the development of data processing and/or data storage facilities 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 and/or the development of data processing and/data storage facilities 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 and Technology Zone.**

1. **Applicants.** Any owner of property within a proposed LSIAT, or any other person acting with the express authority or permission of an owner of property within a proposed LSIAT, may apply to the Planning and Zoning Commission for a change of zoning district classification from the underlying zoning district to LSIAT. Such owner, herein referred to as the "Applicant", need not own all land within the proposed LSIAT, 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 LSIAT approval is requested consents, in writing, to the filing of the application for the LSIAT. 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 LSIAT.
2. **Limitations on Underlying Zoning Districts.** An Applicant can only apply for LSIAT zoning district classification in the existing rural, suburban, future development area and/or arterial/commercial zoning districts.
3. **Uses Allowed and Required.** An LSIAT 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 10,000 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.
 - 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.
 - f. Construction of a building not less than 10,000 square feet in footprint nor more than 200,000 square feet in footprint with a gross floor area of not more than 500,000 square feet which will be utilized for data processing and/or data storage purposes.
 - g. **Accessory Uses.** Parking, lighting, stormwater management, solar arrays, fuel cells, office space related to either a horticultural operation or a data processing and/or data storage facility.
4. **Performance standards for LSIATs.** Any LSIAT 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 LSIAT shall be designed to provide for adequate access for emergency vehicles to access the building(s) on the premises.
 - b. All buildings in the LSIAT shall be served by municipal water and municipal sewer facilities.

Application Procedure For Large Scale Indoor Agricultural and Technology District.

1. **Informal Preliminary Review.** The Planning and Zoning Commission recommends that, prior to the submission of an official application for LSIAT 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 LSIAT 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 LSIAT. 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 LSIAT 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 LSIAT shall include a general statement describing the following:
- i. The approximate square footage of the Large Scale Agricultural and/or Technology Building to be dedicated to (a) horticulture, processing, research, warehousing and office space or (b) data processing, data storage 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 LSIAT 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 LSIAT 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 LSIAT. 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 LSIAT 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 LSIAT 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 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 and/or Technology Building(s), including a conceptual elevation of the proposed building(s).
 - v. **Circulation.** The proposed location of roads, driveways, parking and pedestrian circulation including tie-ins with existing 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 LSIAT 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 LSIAT. 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 and/or Technology Building for the protection of the activities conducted therein and/or the products 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 LSIAT 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 LSIAT to each owner of property within the LSIAT and within five hundred (500') feet of any portion

of the LSIAT 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 LSIAT 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 LSIAT 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 LSIAT 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 LSIAT, 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 LSIAT:
 - a. The proposed LSIAT 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 LSIAT 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 building(s) within the LSIAT will not adversely impact residentially zoned and utilized properties abutting the LSIAT.

In making the findings above, the Commission shall consider (i) 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 and/or (ii) the economic development of the Town of Colchester, including the need for and the opportunities presented by the development of Large Scale Technology Buildings.

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

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 LSIAT, 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 LSIATs.**

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 LSIAT shall be served from, or have access to, at least one 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 LSIAT shall be formulated to facilitate ingress to and egress from the LSIAT without significantly adversely impacting traffic flow and traffic safety on interconnecting 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 LSIAT has an unobstructed view of approaching traffic.

2. **Parking.** Parking for the LSIAT shall be in accordance with the requirements of the parking analysis and plan for the LSIAT 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 LSIAT shall provide for underground installation of all utilities interior to the LSIAT. 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 LSIAT 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 LSIAT abuts any residentially zoned and utilized property outside of the LSIAT, 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 LSIAT.

Setbacks between buildings and structures within the LSIAT 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 LSIAT.

8.9.A.6 **Specific Requirements for Large Scale Agricultural and/or Technology Buildings.**

1. A Large Scale Agricultural and/or Technology 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 LSIAT 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. Aggregate required side yard setback for both side yards – one hundred (100') feet.
 - g. Maximum building height – fifty (50') 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 LSIAT shall be used and developed only in accordance with the recorded documents. The site plan approval issued for development in the LSIAT 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 LSIATs. An application to extend or amend an approved LSIAT shall specify the nature of the planned extension(s) or amendment(s) and shall be accompanied by a plan drawn to scale 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 LSIAT shall have sufficient interest in the land subject to LSIAT regulations, in accordance with section 8.9.A.1.1.

An applicant applying for a LSIAT 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 LSIAT approved pursuant to this Section 8.9.A, the construction of the Large Scale Agricultural and/or Technology 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 LSIAT or, for any particular phase or portion of the LSIAT, or of any site plan approval issued thereunder. In the event that any LSIAT approved by the Commission is not developed within the time period(s) set forth above, the zoning district classification of the LSIAT shall revert to that of the underlying zoning district.

8.9.A.10 Performance Bonds. The Planning and Zoning Commission may require performance bonds to insure the completion of any public improvements in connection with any LSIAT, for the installation of any infrastructure which, in accordance with the LSIAT 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 LSIAT in a form 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 and Technology 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.