

Town of Colchester, CT

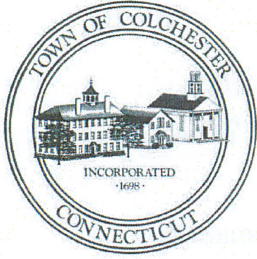
127 Norwich Avenue, Colchester, Connecticut 06415
PLANNING & ZONING COMMISSION
WEDNESDAY, January 5, 2022
MEETING AT 7:00 P.M.

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 to the Agenda**
3. **Minutes of Previous Meeting**
 - a. December 1, 2021
4. **Public Hearings**
 - a. 75 Lebanon Ave LLC – Regulation Amendment (2021-014)
5. **Five Minute Session for the Public**
6. **Pending Applications**
7. **New Applications**
 - a. 75 Lebanon Ave LLC – Regulation Amendment (2021-014)
 - b. Niantic Bay Group LLC – 347 Cabin Rd – Resubdivision pursuant to CGS 8-30g (2021-015)
8. **Preliminary Reviews**
 - a. Senior Center Building Committee – Lebanon Avenue – Site Plan Review
9. **Old Business**
10. **New Business**
 - a. 75 Lebanon Ave LLC – Regulation Amendment (2021-014)
11. **Planning Issues and Discussions**
12. **Correspondence**
13. **Adjournment**

Gayle Furman
GAYLE FURMAN
TOWN CLERK
RECEIVED
COLCHESTER, CT
2021 DEC 30 AM 10:24



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Website: www.colchesterct.gov

PLANNING AND ZONING COMMISSION

Wednesday, December 1, 2021

7:00 p.m.

Virtual Meeting

MEETING MINUTES

Members Present: Chair Joe Mathieu, Vice Chair John Novak, Mark Noniewicz, Bruce Hayn, Meaghan Kehoegreen

Members Absent: Stephanie Smith

Others Present Planner Matthew Bordeaux, Guest Sean Nadeau

1. **Call To Order** – Chairman Mathieu called the meeting to order at 7:00 p.m. Chairman Mathieu asked the Commission for their opinions regarding returning to in-person meetings. The Commission set a tentative target date of January 19, 2022 to meet in person again.

2. **Changes or Additions to Agenda** - None

3. **Minutes of Previous Meeting**

a. **October 6, 2021** - *Mr. Noniewicz moved to approve the minutes. Mr. Hayn seconded the motion. The motion carried.*

4. **Public Hearing** - None

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

6. **Pending Application** – None

7. **New Applications** - None

8. **Preliminary Reviews** - None

9. **Old Business** – None

10. **New Business**

RECEIVED
COLCHESTER, CT
2021 DEC -3 AM 10:28
Gayle Furman
GAYLE FURMAN
TOWN CLERK

MINUTES

Wednesday, December 1, 2021

Planning & Zoning Commission

- a. **2022 Meeting Schedule** – *Mr. Noniewicz moved to adopt the 2022 Meeting Schedule. Ms. Kehogreen seconded the motion and all members voted in favor.*

11. Planning Issues and Discussions – Mr. Bordeaux described a memo that was emailed to the Commission addressing changes to State statutes (Public Act 21-29) that may affect zoning regulations and should be considered in the Commission’s 2022 work plan.

12. Correspondence - None

13. Adjournment – *Mr. Novak moved to adjourn. Ms. Kehogreen seconded the motion and all members voted in favor. The meeting of adjourned at 7:32 p.m.*

**TOWN OF COLCHESTER
LEGAL NOTICE**

The Planning and Zoning Commission will hold a virtual public hearing on January 5th, at 7:00 P.M. to hear and consider the following petitions:

75 LEBANON AVE LLC – Regulation Amendment (2021-014) – Request an amendment of Section 6.3 of the Colchester Land Development Regulations to allow the Planning and Zoning Commission to consider low-intensity uses without connection to public water and sewer utility systems subject to special permit approval in the Future Development 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 & ZONING DEPARTMENT**

TO: Planning and Zoning Commission
FROM: Matthew R. Bordeaux, Planning Director *MRB*
DATE: December 27, 2021
RE: 75 Lebanon Ave LLC – Regulation Amendment (2021-014)

Introduction

The applicant is proposing an amendment of Section 6.3 of the Colchester Land Development Regulations. Section 6.3 lists the uses permitted in the Future Development District subject to Special Permit approval by the Commission. The proposal outlines provisions for development in the district without a connection to public water and sewer utilities. Low-intensity uses that can operate with a private water supply system approved by the Director of Health would be permitted subject to approval of a Special Permit in accordance with the proposed amendment.

Future Development District

The Future Development District is intended to provide an area for non-residential development of a variety of business uses that are well served by transportation and utility infrastructure. Permitted uses include business, corporate, or professional offices; medical labs and research facilities; and retail and restaurant establishments. Uses permitted subject to Special Permit approval include warehouse, storage and distribution facilities (not to include mini self-storage); light manufacturing; hotel, motel or banquet facilities; mixed-use development; and municipal facilities.

The district is comprised of many large, undeveloped parcels of land with excellent access to State Route 2 via arterial roads including Rt. 85, 354 and 616. Despite the intention of the district however, there have not been any developers willing to invest in the extension of public utility infrastructure from its current terminus since the inception of the Future Development District. Public water and sewer utilities are located at the edge of the district adjacent the State of Connecticut garage at 80 New London Rd.

As connection to public utility service is required by the zoning regulations in this district, private investment has been stymied. Town Planning and Zoning Department staff have prioritized the pursuit of a public investment to facilitate a utility extension into the district intended to incentivize development. New opportunities to utilize local funds along with state and federal grants appear to show some promise but are not guaranteed. Meanwhile, the majority of development inquiries into some of the large, undeveloped parcels available in the district generally include retail, storage and distribution uses but none have come to fruition.

Proposed Regulation Amendment

The potential for the Future Development District to become the future focus of economic development as intended remains promising. The lack of direct access to public utilities appears to be the obstruction to private investment. The proposed regulation amendment provides a path for low-intensity permitted uses to be developed in the district without compromising the potential for more intensive improvements consistent with the intended character of the district.

The proposed amendment provides the Commission with the ability to consider development proposals where the use can be conducted with only a private water supply system when the subject parcel is more than 500 feet from the public utility infrastructure. A “private water supply system” means any source of private water supply serving a single consumer and less than twenty-five persons, and used for drinking or other domestic purposes. The proposed amendment provides that low-intensity uses may be considered by the Commission when such use does not need access to public utilities but also does not meet the thresholds for the requirement of a “community water system” as defined by the CT Public Health Code, as amended. “Community water system” is generally defined as a system that serves at least twenty-five (25) residents or persons over a given amount of time.

All applications under the proposed amendment would require approval of a Special Permit pursuant to Section 14.8 of the zoning regulations. The proposed language includes provisions for the Commission to consider the appropriateness of a connection to public utility services in the event they are reasonably available in the future and the subject site undergoes some proposed change of use or site plan modification.

Zoning Regulation Text Amendment

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 6.2 of the Colchester Plan of Conservation and Development describes the “Future Land Use Plan” for the community. The Future Growth area, consistent with the Future Development District found in the regulations and zoning map, is described as follows:

Future Growth areas are intended to provide for commercial and industrial development in locations served by transportation and utility infrastructure. Mixed use development may be appropriate when it will contribute to the creation of diverse and pedestrian friendly areas with a mix of housing, shopping, workplace and entertainment uses within a short walk of one another.

The core question the Commission is being asked to weigh the POCD’s charge to facilitate and support economic growth with the desire to see private investment fund the extension of public utility infrastructure into the Future Development District, an improvement anticipated to drive more intensive development in the district. The proposed amendment language is intended to provide the Commission with sufficient discretion to evaluate the potential impacts of a proposal

MRB

R:\Boards and Commissions\PZC\2022\01-05\2021-014 Memo.docx

Attach

for development without public utilities so that it won't negatively impact the future development potential of the district. Access to public utilities will remain a hurdle to progress in this district, particularly in this pandemic economy while the cost of materials and labor are astronomical. Development in this district is likely to be stalled until a proposal of a sufficient scale can dilute the upfront costs; substantial incentives are offered; or the Town is able to fund some degree of the utility extension work themselves.

Connecticut General Statute 8-3b Referral

As the proposed regulation amendment applies only to the Future Development District and no part of the District is within 500' of a town boundary, no referral is required.

Staff Review

Town staff including members of the Planning and Zoning, Water and Sewer, and Engineering departments, as well as staff from the Chatham Health District have review this proposal. A report will be provided at the meeting.

Draft Motion

Move to approve Regulation Amendment (2021-014) proposed by 75 Lebanon Ave LLC, to allow low-intensity development in the Future Development District subject to the approval of a Special Permit from the Planning and Zoning Commission.

Effective Date: January 19, 2022



APPLICATION NO. 2021-014

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 Bruce Hayn - 75 LEBANON AVE UC
(Please Print)
ADDRESS 289 LEBANON AVE
Colchester CT 0615 TELEPHONE 860-885-6189
(City) (State) (Zip)

PROPOSED REGULATION CHANGE INFORMATION

ZONING REGULATIONS NEW TEXT
 SUBDIVISION REGULATIONS AMENDMENT TO TEXT
 PLAN OF DEVELOPMENT

REGULATION SECTION NUMBER or LOCATION 6.3 Special Permit

RATIONALE FOR PROPOSED CHANGE – Please attach separate page

REGULATION TEXT – Please attach separate page

[Signature] 12/3/21
APPLICANT(S) SIGNATURE

For Official Use:
APPLICATION SUBMITTED 12/3/2021 ZPC FEE PAID \$610
PUBLIC HEARING DATE ~ 1/5/2022

6.0 FUTURE DEVELOPMENT DISTRICT (FD)

6.1 CHARACTER

This district is intended to provide an area for non-residential development of a variety of business uses in appropriate locations in Colchester that are well served by transportation and utility infrastructure. These areas have been designated for economic development in the Plan of Conservation and Development. Mixed Use Development is encouraged as a goal in the creation of diverse and pedestrian friendly areas with a mix of housing, shopping, workplace and entertainment uses and nodes for transportation access, all within a short walk of one another. A range of types, sizes, amenities and uses will enhance a series of inviting functional public spaces including shopping Streets, pedestrian friendly streetscapes, Open Spaces, courtyards, trails, residential, office and retail in mixed use Buildings. Finally, the design principles for Buildings and Streets should reflect traditional small town character that provides opportunities for intimate pedestrian friendly community life.

6.2 USES PERMITTED

The following uses are permitted in the FD District subject to all applicable requirements of these Regulations. All sites must be serviced by public water and public sewer. Each site must utilize best management practices to protect water quality. Each site must derive access from internal Roads as much as possible.

1. Business, corporate, or Professional Offices.
2. Medical, dental, or optical laboratories.
3. Laboratories and research facilities.
4. Accessory Buildings and accessory structures.
5. Retail business where the total gross Floor Area shall not exceed 200,000 square feet.
6. Restaurants and eating and drinking establishments when most food and drink is intended to be consumed on the Premises at tables, counters or bars
7. Family day care homes, as defined by CGS Section 19a-77(a)(3) and licensed pursuant to CGS Section 19a-87b, as amended, are permitted in all Single-Family, Two-Family or Multi-Family Dwellings.

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.

6.4 DIMENSIONAL REQUIREMENTS FOR NON-MIXED USE DEVELOPMENT IN FUTURE DEVELOPMENT DISTRICT

1. Minimum Lot size: 40,000 square feet of which at least 30,000 square feet is Buildable Area.
2. Minimum Lot Frontage on a Street: Two hundred (200) feet on Arterial and Collector Streets and one hundred fifty (150) on local and dead end Streets.
3. Minimum Front Yard Setback: Fifty (50) feet to public Streets.
4. Minimum Side and Rear Yard: see buffering distance chart, Table 6.1.
5. Maximum Building Height: Forty-five (45) feet.
6. Maximum Building Coverage: Forty percent (40%) of Buildable Area.
7. Maximum Impervious Coverage: Seventy-five (75%) of Buildable Area.

6.5 STANDARDS FOR MIXED USE DEVELOPMENT

1. Mixed use within Buildings – Mixed uses within Buildings are permitted by Special Permit. To qualify to develop residential lands uses in this district, at least thirty percent (30%) of the total residential units must be in Buildings that contain non-residential uses. Construction of separate distinct multi-family blocks is prohibited and instead, Dwelling Units at grade or at upper levels of mixed use Buildings are encouraged and permitted subject to standards of the district.

Proposed Amendment of Section 6.3 Special Permit of the Future Development District

An applicant that proposes to develop a site in the FD may do so without connection to public water and sewer utilities subject to the following:

1. Special Permit approval from the Commission; and
2. The subject property is greater than five hundred (500) feet from an existing public water and/or sewer utility system, measured along a street or easement and connection to such water and/or sewer system does not require an unreasonable extension of the service as determined by the Town of Colchester Water & Sewer Commission; and
3. The subject property has received approval from the Director of Health and/or an authorized agent for the improvement of a private water supply system (private well) as defined in Section 19-13-B101 and subsurface sewage disposal system as defined in Section 19-13-B103 of the CT Public Health Code, as amended; and
4. The proposed private well is not defined as a “community water system”, “non-transient non-community water system” or “transient non-community water system” in accordance with CT Public Health Code, as amended; and
5. All other regulations applicable to site development in the FD are satisfied.


In the event that the Commission is satisfied with the proposed improvements including the installation of a private water supply system and/or subsurface sewerage disposal system, the associated permit may be conditioned such that if/when public utility infrastructure is extended to within 500’ of the subject property and there is any modification of the permitted activity or approved site development plan, a review of the modification by the Commission shall consider the appropriateness of a required connection to the public utilities.



Attention Colchester Planning & Zoning Department

We are looking to change the Town of Colchester's Future Development District 6.3 Special Permit Regulation to allow drilled wells and septic systems in lieu of city water and sewer because city water and sewer do not currently exist in this Zone.

In requesting this we do understand that once the Town has installed city water and sewer that anyone building in this Zone would be required to connect to city water and sewer and abandon the well and septic once the city water and sewer is made operational.


12/3/21
