

Town of Colchester, CT

127 Norwich Avenue, Colchester, Connecticut 06415

PLANNING & ZONING COMMISSION

Wednesday, May 3, 2023 7:00 pm – Town Hall Meeting Room 1 Regular Meeting AGENDA

- 1. Call to Order
- 2. Additions or Deletions to the Agenda
- 3. Minutes of Previous Meeting
 - a. Regular Meeting 4/19/23
- 4. Public Hearings
 - a. PZC 2023-005 of Mary J. McDonald (Applicant) and Gingerfield Associates (Mary J. McDonald & Fred J. Criscuolo, Owners) Zone Change from Future Development (FD) to Rural Use (RU) for 90± acres of land located on Chestnut Hill Road (Assessor's ID 4E-05/004-011) Zoning District: Future Development (FD).
 - b. PZC 2023-006 of ASW, LLC (Applicant) and Roaring Brook Advisors, LLC, Kathleen B. Fabian, and Patrick M. Shugrue (Owners) Zone Change from Future Development (FD) to Suburban Use (SU) for 57± acres of land located on Lake Hayward Road (Assessor's ID 03-09/049-000 19± acres; Assessor's ID 03-09/52B-000 18± acres, and Assessor's ID 03-09/52A-000 20± acres) Zoning District: Future Development (FD).
- 5. Five Minute Session for the Public
- 6. Pending Applications
 - a. PZC 2023-005 of Mary J. McDonald (Applicant) and Gingerfield Associates (Mary J. McDonald & Fred J. Criscuolo, Owners) Zone Change from Future Development (FD) to Rural Use (RU) for 90± acres of land located on Chestnut Hill Road (Assessor's ID 4E-05/004-011) Zoning District: Future Development (FD).
 - b. PZC 2023-006 of ASW, LLC (Applicant) and Roaring Brook Advisors, LLC, Kathleen B. Fabian, and Patrick M. Shugrue (Owners) Zone Change from Future Development (FD) to Suburban Use (SU) for 57± acres of land located on Lake Hayward Road (Assessor's ID 03-09/049-000 19± acres; Assessor's ID 03-09/52B-000 18± acres, and Assessor's ID 03-09/52A-000 20± acres) Zoning District: Future Development (FD).
- 7. New Applications
- 8. Preliminary Reviews

Galaxy Development, LLC for preliminary discussion of commercial project at 131 Linwood Avenue (Assessor's ID 11-00/027-000). Zoning District: Town Center (TC)



COLOHESTER, CT

- 9. Old Business
- 10. New Business
- 11. Planning Issues and Discussions
 - a. Zoning Enforcement Status Report
- 12. Correspondence
- 13. Adjournment



Town of Colchester, CT

127 Norwich Avenue, Colchester, Connecticut 06415

PLANNING & ZONING COMMISSION

Wednesday, April 19, 2023
7:00 pm – Town Hall Meeting Room 2
Regular Meeting
MINUTES

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

Members Absent: M. Kehoegreen, S. Smith

Also Present: Planning Director D. Sorrentino, Land Use Assistant, S. Kilgus, Applicants, Public

- 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. **Special Meeting 4/5/23** Motion by M. Noniewicz to approve minutes as written. 2nd by B. Hayn. *Motion carried with S. Nadeau abstaining.*

4. Public Hearings -

a. PZC 2023-001 of HWY 95, LLC (Applicant) and Tri Town Plaza, LLC (Owner) - Special Permit Application for proposed Adult-Use Cannabis Retail in existing multi-tenant retail plaza at 493 Westchester Road (Assessor's ID 03-17/013-000). Zoning District: Westchester Village (WV). The public hearing was continued from the last meeting on 4/5/23. Chairman Mathieu asked if anyone in attendance had any concerns with commissioners seated. Hearing none, he asked for an update from staff. D. Sorrentino discussed revised materials that were submitted, additional testimony received and provided members with an overview of changes that were made to the project narrative, security plan and traffic management plan. Changes include modifications to the floor plan, clarification of the flow for customers and an explanation of the types of transactions that will be allowed with both pre-orders and walk-in customers. Chairman Mathieu then asked for those in favor of the application to give testimony, beginning with the applicant. Gordon Videll, representing HWY 95, LLC, and Tom Macre, Still River Wellness, discussed the changes to the floor plan as well as the changes to the narrative. Mr. Videll discussed impacts on property values in the area if a cannabis retail location was to open. Based on studies that have been conducted and his own real estate experience, there should be no negative impacts on values for commercial or residential properties. He spoke of the 3% municipal sales tax that the town will collect as revenue to be used for specific purposes as stated in the state Public Act 21-1. Mr. Macre stated the tax revenue could be \$200,000-\$300,000 annually.

Chairman Mathieu asked if there was any other testimony in favor of the application. Hearing

none, he asked if there was anyone who wanted to speak in opposition to the application.

- M. Mikalski stated he works with law enforcement and the medical examiner and has seen public health impacts due to drug use. He discussed overdose deaths and visits to the emergency room.
- V. Catalina is the Director of Youth & Social Services for the Town of Colchester and spoke about prioritizing children in the community. She stated there is harm in normalizing marijuana use. She also discussed the public perception of the Westchester Village area that already has a bar and a pawn shop across the street and how a marijuana store will affect it further.

Correspondence in opposition to the proposal was submitted by M. Mikalski on behalf of R. Rothlein and also by the Colchester Youth First Coalition.

Chairman Mathieu said the policy issue of whether or not Colchester should allow cannabis retail was settled when the town adopted regulations rather than enacting a full ban on cannabis uses in town. He said, at this point, the question is "does this application fit the regulations?". Motion by M. Noniewicz to close the public hearing for application PZC 2023-001. 2nd by J. Novak. *Vote was unanimous, motion carried*.

- b. PZC 2023-003 of ARK Distillery, LLC (Applicant) and ARK Station, LLC (Owner) Special Permit Application for proposed distillery at 200 Lebanon Avenue (Assessor's ID 22-00/039-000). Zoning District: Town Center (TC). This public hearing was continued from the last meeting. D. Sorrentino stated revised plans were submitted by the applicant to address outstanding questions regarding outdoor lighting and municipal Aquifer Protection Overlay Zone (APOZ) regulation compliance. Mark Reynolds, P.E. went over the changes to the plans. D. Sorrentino discussed the types of lighting that will be used on the building exterior. Speaking on the APOZ regulations, Mr. Reynolds reviewed the compliance standards and explained there will be no hazardous materials housed on the site and no activity that would have negative impacts on the APOZ. Chairman Mathieu asked if anyone else would like to speak in favor of the application. Hearing none, he asked if anyone wished to speak in opposition. Again hearing none, M. Noniewicz motioned to close the public hearing for application PZC 2023-003. 2nd by J. Novak. *Vote was unanimous, motion carried.*
- c. PZC 2023-005 of Mary J. McDonald (Applicant) and Gingerfield Associates (Mary J. McDonald & Fred J. Criscuolo, Owners) Zone Change from Future Development (FD) to Rural Use (RU) for 90± acres of land located on Chestnut Hill Road (Assessor's ID 4E-05/004-011) Zoning District: Future Development (FD). D. Sorrentino stated the applicant was unable to attend the hearing and requested it be continued until the next regular meeting. Motion by M. Noniewicz to continue the public hearing until the next regular meeting on 5/3 to allow the applicant to be present. 2nd by J. Novak. Vote was unanimous, motion carried.
- d. PZC 2023-002 of the Colchester Planning & Zoning Commission (Applicant) Proposed Amendments to Sections 3.2, 3.4, 4.2, 5.3.1, 5.7.2, 15.3, and 20.4 of the Land Development (Zoning) Regulations. D. Sorrentino indicated that the 30-day reply window for abutting towns had now passed, and we received no comments. No further discussion by members. Motion by

M. Noniewicz to close the public hearing. 2nd by S. Nadeau. *Vote was unanimous, motion carried*.

5. Five Minute Session for the Public – Lori Scherff, Skyview Dr, asked if there was an update to the ongoing zoning compliance issue with a large accessory building at a property on her street. D. Sorrentino explained the case has been referred to the town attorney's and the town has been advised to use caution when discussing the legal matter. Mrs. Scherff was encouraged to contact town staff directly.

6. Pending Applications -

- a. PZC 2023-001 of HWY 95, LLC (Applicant) and Tri Town Plaza, LLC (Owner) Special Permit Application for proposed Adult-Use Cannabis Retail in existing multi-tenant retail plaza at 493 Westchester Road (Assessor's ID 03-17/013-000). Zoning District: Westchester Village (WV). To begin the commission's deliberation on the application, M. Noniewicz stated he agreed with Chairman Mathieu's statement about the job of the commission now being to determine if the application fits the regulations rather than to go back to the issue of whether Colchester should allow cannabis retail. Chairman Mathieu stated the application meets the general evaluation criteria for Special Permits and actually goes even further. General requirements for all cannabis uses and specific standards for retailers, hybrid retailers and dispensaries are also satisfied. Members discussed signage on the building and on the pylon sign for the plaza near the road. Motion by M. Noniewicz to approve application PZC 2023-001 of HWY 95, LLC (Applicant) and Tri Town Plaza, LLC (Owner) Special Permit for Cannabis Retailer at 493 Westchester Rd. in accordance with all testimony and documentation submitted and in conformance with all applicable regulations. 2nd by B. Hayn. *Motion carried with J. Novak abstaining*.
- b. PZC 2023-003 of ARK Distillery, LLC (Applicant) and ARK Station, LLC (Owner) Special Permit Application for proposed distillery at 200 Lebanon Avenue (Assessor's ID 22-00/039-000). Zoning District: Town Center (TC). The applicant should determine if there are any public water supply wells within 1000' of the location and if so, identify it on the plan to meet the requirement, but not intended as a condition of approval. Motion by M. Noniewicz to approve application PZC 2023-003 of ARK Distillery, LLC. 2nd by B. Hayn. Vote was unanimous, motion carried.
- c. PZC 2023-005 of Mary J. McDonald (Applicant) and Gingerfield Associates (Mary J. McDonald & Fred J. Criscuolo, Owners) Zone Change from Future Development (FD) to Rural Use (RU) for 90± acres of land located on Chestnut Hill Road (Assessor's ID 4E-05/004-011) Zoning District: Future Development (FD). No action or discussion.
- d. PZC 2023-002 of the Colchester Planning & Zoning Commission (Applicant) Proposed Amendments to Sections 3.2, 3.4, 4.2, 5.3.1, 5.7.2, 15.3, and 20.4 of the Land Development (Zoning) Regulations. No further discussion. Motion by M. Noniewicz to approve application PZC 2023-002 of the Colchester Planning & Zoning Commission (applicant), proposed regulation amendments to sections 3.2, 3.4, 4.2, 5.3.1, 5.7.2, 15.3, and 20.4 of the Land Development (Zoning) Regulations effective 5/5/23. 2nd by B. Hayn. Vote was unanimous, motion carried.

- 7. New Applications
- 8. Preliminary Reviews
- 9. Old Business
- 10. New Business
- 11. Planning Issues and Discussions
 - **a. Zoning Enforcement Officer Status Report** D. Sorrentino will discuss the town's enforcement status with outgoing ZEO Ariel Lago. He will work on the enforcement until a new ZEO is hired.
- 12. Correspondence
- **13.** Adjournment Motion to adjourn by M. Noniewicz. 2nd by B. Hayn. *Vote was unanimous, meeting adjourned at 8:22 pm*.

Respectfully Submitted by: Stacey Kilgus, Land Use Assistant



APPLICATION NO_

TOWN OF COLCHESTER, CONNECTICUT

APPLICATION FOR ZONE CHANGE

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). The Applicant shall submit a copy of the Assessor's Map showing all properties and zones within 500 feet of the subject property and a list of the names and addresses of the owners of all properties within 500 feet of the subject property.

| ZONE CHANGE from FD to 20 requiring a Public Hearing |
|---|
| APPLICANT MARY McDonaco (Please Print) |
| MAILING ADDRESS & COULT LANE |
| OLD LYME CT 66371 TELEPHONE 860 - 227-3812 |
| REASON FOR PROPOSED ZONE CHANGE LAND IS NOT SUITABLY LOCATED |
| FOR COMMERCIAL DEVELOPMENT WITH LIMITED FRONTAGE |
| ON CHESTNUT HILL RD. / LAND IS SITUATED IN AN HISTORICALLY |
| DESIDENTIAL AREA LOCATION AND DESCRIPTION OF PROPERTY/ PROPERTIES 90.12 ACRES @ CHESTNUT HILL ROAD / UNDEVELOPED, VACANT LAND |
| ASSESSOR'S MAP (S) 4E - 05 LOT (S) 004 - 011 |
| OWNER OF RECORD (use separate sheet for multiple owners) SINGERFIELD ASSOCIATES (Please Print) |
| ADDRESS 3013 DIXWELL AVE. |
| HAMDEN CT 06518 TELEPHONE (City) (State) |
| APPLICANT(S) SIGNATURE (use separate sheet for multiple owners) |
| For Official Use: APPLICATION SUBMITTED ZPC FEE PAID |
| PUBLIC HEARING DATE |

208

FORM 173—CONNECTICUT WARRANTY DEED REV. 2/86



UOL 217. TUTBLANX REGISTERED U S. PAT OFFICE TUTTLE LAW PRINT, PUBLISHERS, BUTLAND, NT OSTOL

To all People to Whom these Presents shall Come, Greeting:

Know it. Chat We, Angus McDonald and Mary McDonald, a/k/a Angus L. McDonald and Mary J. McDonald, of the Town of Old Lyme, County of New London and State of Connecticut

received to Our full satisfaction of Gingerfield Associates, a Connecticut partnership with offices at 759 Boston Post Road, Madison, Connecticut

give, grant, bargain, sell and confirm unto the said Gingerfield Associates

All that certain piece or parcel of real property located in Colchester, CT and specifically described on Schedule A attached hereto and made a part hereof:

"No Conveyance Tax collected

Town Clerk of Colchester"

Volan

That certain piece or parcel of land located on the southerly boundary of Chestnut Hill Road, in the town of Colchester, County of New London and State of Connecticut being a portion of the boundary shown on a map entitled; "Property of Jerome Squire", Chestnut Hill Road, Colchester, Connecticut, July 5, 1980, Scole: 1"-100", Sheet 1 of 2 and Sheet 2 of 2, prepared by Dutch & Associates, said premises being bounded and described as follows:

BEGINNING at a point on the southerly boundary of Chestput Hill Road, said point being the northwest corner of herein described piece and the northcast corner of land N/F Clark and running S 10,47° 26" E a distance of 248.80 feet to a point;

THENCE - \$ 800 58' 42" W a distance of 591.53 feet to a point;

THENCE - S 630 10' 15" W a distance of 335.52 feet to a point;

THENCE - S 610 09' 08" W a distance of 555.04 feet to a point;

THENCE - \$ 790 50° 25" W a distance of 361.45 feet to a point;

THENCE - S 810 58° 37" W a distance of 336.73 feet to a point;

THENCE - S 820 44° 55" W a distance of 400.61 feet to a point;

THENCE - S 120 13' 42" E a distance of 345.26 feet to a point;

THENCE - S 90 20° 28" E a distance of 393.44 feet to a point;

THENCE - 5 120 18' 51" E a distance of 406.02 feat to a point;

These last ten courses and distances bounded by land N/F Clork

THENCE - H 830 59' 48" E m distance of 627.71 feet to a point;

THENCE - N 850 25' 58" E a distance of 432.24 feet to a point;

THENCE - H 840 43' 47" E a distance of 452.11 feet co a point;

THENCE - N 84⁰ 40° 21" E a distance of 506.93 feet to a point;

THENCE - N 840 25' 50" E a distance of 606.52 feet to a point;

THENCE - H 840 45' 46" E a distance of 273.08 feet to a point:

THENCE - N 850 10' 50" E a distance of 795.62 feet to a point;

These last seven courses and distances bounded by land R/F Ozimek.

THENCE - N 460 Ol' 09" W a distance of 773.56 feet to a point;

THENCE - N 20⁰ 15' 26" E a distance of 462.44 feet to a point on the southerly boundary of Chestnut Hill Road;

These last two courses and distances bounded by other land of Jerome Squire.

THENCE - slong the southerly boundary of Chestnut Hill Road, N 530 22° 15" W s dictance of 90.38 feet to a point;

THEMEE - continuing along the coutherly boundary of Chectnut Hill Road, N 640 35' 03" W a distance of 110.44 feet to a point;

THENCE - S 200 15' 28" W a distance of 450.00 feet to a point; ..

THENCE - N 650 41' 11" W a distance of 623.46 feet to a point;

THENCE - N 22⁰ 27° 59" E a distance of 450.00 feet to a point on the southerly boundary of Chestnut Hill Road;

These last three courses and distances bounded by other land of Jerome Squire.

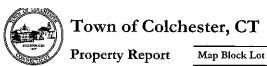
THENCE - slong the southerly boundary of Chestnut Hill Road, N 670 32' 01" W a distance of 42.82 feet to a point;

THENCE - continuing along the southerly boundary of Chectnut Hill Road, N 650 41' 27" W
a distance of 207.18 feet to the point and place of beginning. Said parcel
containing 90.1159 acres.

Subject only to the current real estate taxes and a mortgage in the amount of \$200,000.00 due to Connecticut National Bank, which taxes and mortgage the Grantee agrees to assume and pay as part of the condideration of this transaction.

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| unto 10 the | Hold the above granted a said grantee and i and ind their own proper use | ts | es, with the appurtent REDS, successors | |
| successors, KXXX and assig well seized of th bargain and sell the same | the said grantor5 ors, covenant with the sa ns, that at and until the e premises, as a good ind in manner and form as is at as hereinbefore mention | enscaling of these pres efeasible estate in FEE above written; and th | sents, SIMPLE; and have | heirs, good right to m all incum- |
| And Furthermo | re. We the i our above granted and bargai successors, XXXIXX | said grantor S do heirs, executors an ined premises to | by these presen ad administrators fore it thu I claims and demands | ver to WAR- e said grantee |
| | | | | |
| In Bitmess Bit and seals this 2: hundred and eighty-e Signed, Scaled and Delive | 4th <i>day of</i> ight | have hereunto set August | our in the year of our L | handS .ord nineteen |
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| Julid PEFing Whitney A. Tol | to orr | Angus McDona | 1d X 82. | L.S. |
| · | | | | L.S. |
| State of Connecticut, | • • | SS. | | |
| before me, | 24th <i>day</i> ld and Mary McDonal | | the undersigned office | 1988 er, personally lary J |
| subscribed to the within in | nown to me (or satisfacto istrument and acknowled their free act and de | ged that "heY c | e verson's whose in kecufed the same for | |
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| | | _1 | Title of Officer | |
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| State of Connecticut, | | ss. | | |
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| of | day of who acknowledg , a corporation, going instrument for the | ed himself to be the and that he as such | gned officer, persona , bein ained, by signing the | g authorized |
| | reof, I hereunto set my h | and and official seal. | | |
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vorste of consider F Latest address of Grantee: LTS OF NY 10 PA No. and Street ____ RECEIVED OT



4E-05/004-011

PID 1834

Building # 1 Section #

Account

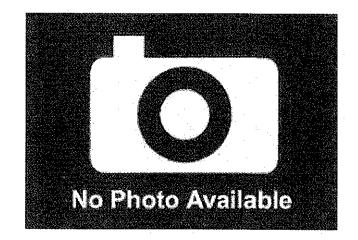
G0405000

Property Information

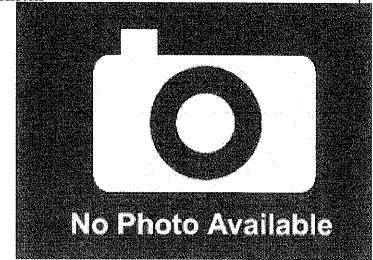
| Property Location | CHESTNUT HILL RD | | | |
|-------------------|------------------|--------------------------|-------|--|
| Owner | GINGERFI | GINGERFIELD ASSOCIATES | | |
| Co-Owner | FRED J CF | FRED J CRISCUOLO + CO PC | | |
| Mailing Address | 3013 DIXW | ELL AVE | | |
| Mailing Address | HAMDEN | ст | 06518 | |
| Land Use | 1300 | Vacant Lnd | | |
| Land Class | R | | | |
| Zoning Code | R-40 | | | |
| Census Tract | | · | | |

| Neighborhood | | |
|------------------|---------|---------|
| Acreage | 90.12 | |
| Utilities | UNKNOWN | |
| Lot Setting/Desc | UNKNOWN | UNKNOWN |
| Additional Info | | <u></u> |

Photo



Sketch



Primary Construction Details

| Year Built | 0 |
|--------------------|---------|
| Stories | |
| Building Style | UNKNOWN |
| Building Use | Vacant |
| Building Condition | |
| Interior Floors 1 | |
| Interior Floors 2 | NA |
| Total Rooms | 0 |
| Basement Garages | |
| Occupancy | |
| Building Grade | |
| | |
| | |

| Bedrooms | 0 | | |
|----------------|---|---|------|
| Full Bathrooms | 0 | | |
| Half Bathrooms | 0 | | **** |
| Extra Fixtures | 0 | | ٠ |
| Bath Style | | - | |
| Kitchen Style | | | |
| Roof Style | | | |
| Roof Cover | | | |
| АС Туре | | | |
| Fireplaces | 0 | | |
| - | | | |
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| Exterior Walls | | |
|------------------|----|---|
| Exterior Walls 2 | NA | |
| Interior Walls | | |
| Interior Walls 2 | NA | _ |
| Heating Type | | _ |
| Heating Fuel | | |
| Sq. Ft. Basement | | |
| Fin BSMT Quality | | |
| Extra Kitchens | | _ |
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Property Report

Map Block Lot

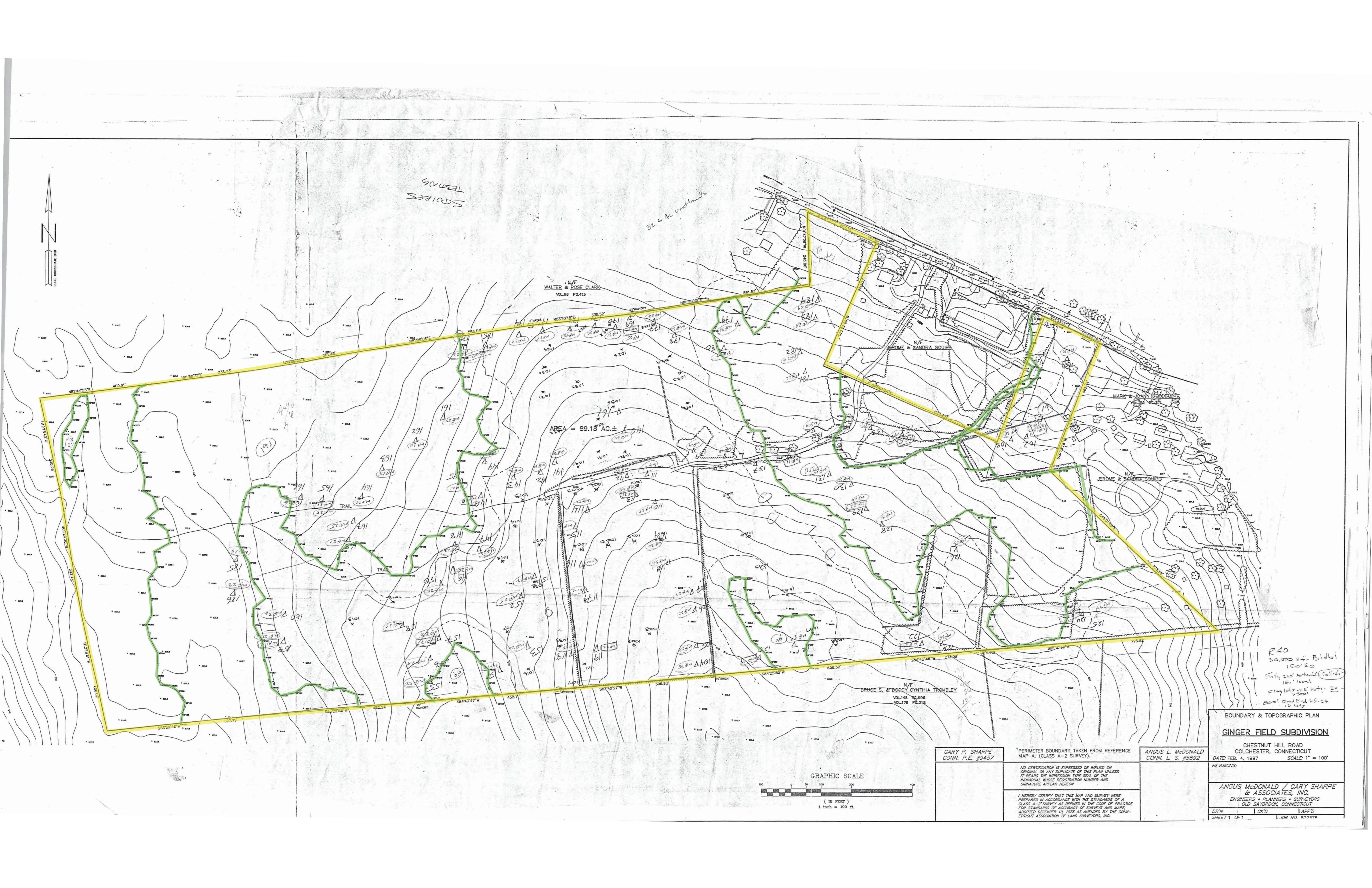
4E-05/004-011

PID 1834

Building # 1 Section # 1 Account

G0405000

| Valuation Summary (Assessed value = 70% of Appraised Value) | | Sub Areas | | | | |
|---|-------------------|-------------|--------------|-----------|------------|-------------------|
| Item | Appraised | Assessed | Subarea Type | Gross Are | ea (sq ft) | Living Area (sq f |
| Buildings | 0 | 0 | | | | |
| Extras | 0 | 0 | | | | |
| Improvements | | | | | | |
| Outbuildings | 0 | 0 | | _ | | |
| Land | 182200 | 127500 | | | | |
| Total | 182200 | 127500 | | | | |
| Outbuilding a | nd Extra Features | | | | | |
| | | | | | | |
| Туре | Descrip | otion | | | | |
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| | | | | | | |
| | | | Total Area | | | 0 |
| Sales History | | | | | | |
| Owner of Record | | | Book/ Page | Sale Date | Sale Pric | e |



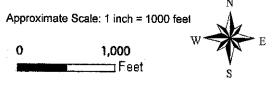
Town of Colchester

Geographic Information System (GIS)





MAP DISCLAIMER - NOTICE OF LIABILITY



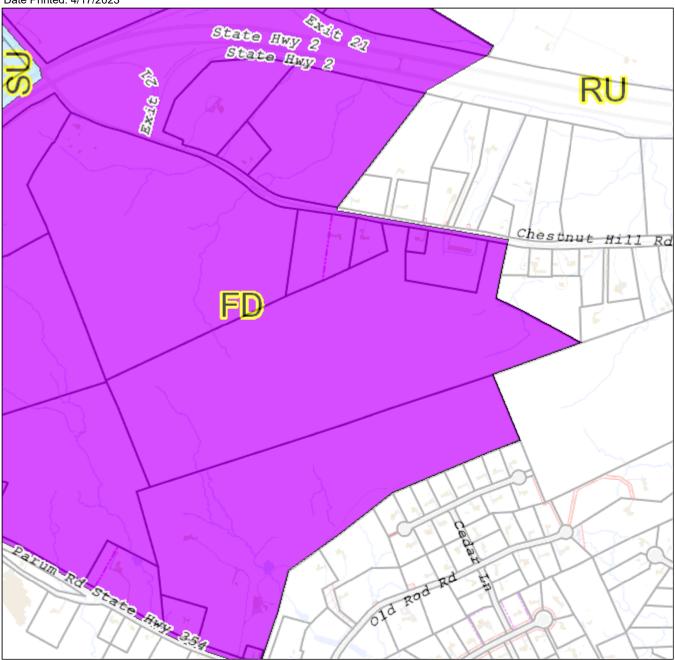
4/17/23, 3:01 PM Print Map

Town of Colchester

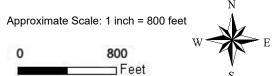
Geographic Information System (GIS)



Date Printed: 4/17/2023



MAP DISCLAIMER - NOTICE OF LIABILITY



Town of Colchester

Geographic Information System (GIS)



Date Printed: 2/26/2023



MAP DISCLAIMER - NOTICE OF LIABILITY



TOWN OF COLCHESTER, CONNECTICUT

| Parcel ID | Site Address | Owner Name |
|---------------|----------------------|-------------------------------------|
| 4E-05/006-03A | 137 CHESTNUT HILL RD | BUTLER AARON S |
| 4E-05/006-002 | 122 CHESTNUT HILL RD | CLARK THOMAS A + LAURA E |
| 4W-01/006-000 | 58 CHESTNUT HILL RD | CLARK WALTER J TTEE + |
| 4E-05/006-01A | 127 CHESTNUT HILL RD | CANDLER PAMELA |
| 4E-05/004-009 | 140 CHESTNUT HILL RD | RAPUANO THOMAS M |
| | | HUNSCHER BRENDAN SAMUEL + HEATHER |
| 4E-05/004-007 | 168 CHESTNUT HILL RD | ANN |
| 4E-05/004-001 | 178 CHESTNUT HILL RD | WELLS GINA M +SEAN M |
| 4E-05/004-005 | 182 CHESTNUT HILL RD | FRITZ MARY A + SCOTT J |
| 4E-05/004-011 | CHESTNUT HILL RD | GINGERFIELD ASSOCIATES |
| 4E-05/008-000 | 163 CHESTNUT HILL RD | GOODEMOTE MARK + JOANN |
| 03-07/22A-000 | 275 PARUM RD | KITTLE GAIL B |
| 4E-05/006-001 | 128 CHESTNUT HILL RD | HASTINGS KEVIN B + KATHLEEN K |
| 4E-05/007-000 | 157 CHESTNUT HILL RD | DIRIENZO WILLIAM M + |
| 4E-05/009-000 | 169 CHESTNUT HILL RD | JOHNSON LANCE M + |
| 4E-05/006-000 | CHESTNUT HILL RD | GOLET LEONARD J |
| 4E-05/006-02A | 133 CHESTNUT HILL RD | SLAVIN JAMES D + SLAVIN CATHY M |
| 03-07/040-000 | PARUM RD | MARVIN CLARENCE |
| 4E-05/004-008 | 162 CHESTNUT HILL RD | NEGRI NORMA LINDA |
| 4E-05/004-002 | 186 CHESTNUT HILL RD | RUSSELL DONALD T + RENA E |
| | | SANTANGELO FELICE V + SALVATORE R + |
| | | MARIO R + ROMEO + MARY A TTEES |
| 4E-05/010-000 | CHESTNUT HILL RD | SANTANGELO LIV TRT |
| 4E-05/006-05A | 147 CHESTNUT HILL RD | SCOTT CHARLES B + JANET C |
| 4E-05/004-000 | 148 CHESTNUT HILL RD | SQUIRE JEROME + SANDRA |
| 4E-05/004-006 | 172 CHESTNUT HILL RD | SQUIRE JEROME + SONDRA |
| 4E-05/004-010 | CHESTNUT HILL RD | SQUIRE JEROME + SONDRA |
| 03-07/038-000 | 363 PARUM RD | DOOCY CYNTHIA A |
| | | FILBERT STEPHANIE + RONDEAU JARED |
| 4E-05/006-06A | 151 CHESTNUT HILL RD | WILLIAM |
| 4E-05/006-04A | 143 CHESTNUT HILL RD | SPAULDING ALAN A |
| 4E-05/003-001 | CHESTNUT HILL RD | CHESTNUT HILL DEVELOPMENT LLC |

| Mailing Address | Mailing City | Mailing State | Mailing Zip |
|----------------------|---------------|-----------------|-------------|
| 137 CHESTNUT HILL RD | COLCHESTER | СТ | 06415- 0000 |
| 122 CHESTNUT HILL RD | COLCHESTER | СТ | 06415-0000 |
| 58 CHESTNUT HILL RD | COLCHESTER | СТ | 06415-0000 |
| 127 CHESTNUT HILL RD | COLCHESTER | СТ | 06415-0000 |
| 140 CHESTNUT HILL RD | COLCHESTER | СТ | 06415-0000 |
| | | · | |
| 168 CHESTNUT HILL RD | COLCHESTER | СТ | 06415- 0000 |
| 178 CHESTNUT HILL RD | COLCHESTER | СТ | 06415-0000 |
| 182 CHESTNUT HILL RD | COLCHESTER | СТ | 06415-0000 |
| 3013 DIXWELL AVE | HAMDEN | ст | 06518-0000 |
| 163 CHESTNUT HILL RD | COLCHESTER | ст | 06415-0000 |
| 261 PARUM RD | COLCHESTER | СТ | 06415-0000 |
| 128 CHESTNUT HILL RD | COLCHESTER | СТ | 06415-0000 |
| 157 CHESTNUT HILL RD | COLCHESTER | СТ | 06415-0000 |
| 169 CHESTNUT HILL RD | COLCHESTER | СТ | 06415-0000 |
| 24 DAVIDSON RD | MOODUS | СТ | 06469- 0000 |
| 133 CHESTNUT HILL RD | COLCHESTER | СТ | 06415- 0000 |
| 302 PARUM RD | COLCHESTER | СТ | 06415-0000 |
| 162 CHESTNUT HILL RD | COLCHESTER | СТ | 06415-0000 |
| 186 CHESTNUT HILL RD | COLCHESTER | СТ | 06415- 0000 |
| | | | |
| | | 1 | |
| 68 HIGHVIEW DR | ROCKY HILL | СТ | 06067- 0000 |
| 147 CHESTNUT HILL RD | COLCHESTER | СТ | 06415-0000 |
| 172 CHESTNUT HILL RD | COLCHESTER | СТ | 06415- 0000 |
| 172 CHESTNUT HILL RD | COLCHESTER | СТ | 06415- 0000 |
| 172 CHESTNUT HILL RD | COLCHESTER | СТ | 06415- 0000 |
| 363 PARUM RD | COLCHESTER | СТ | 06415-0000 |
| | | | |
| 151 CHESTNUT HILL RD | COLCHESTER | СТ | 06415-0000 |
| 143 CHESTNUT HILL RD | COLCHESTER | СТ | 06415-0000 |
| 304 GARDEN CIR | SOUTH WINDSOR | СТ | 06074- 0000 |

Demian Sorrentino

From:

Martin Squire <msquire@squireblanckcpas.com>

Sent:

Friday, April 14, 2023 11:53 AM

To:

Demian Sorrentino

Subject:

PZC 2023-005 (McDonald)

Attachments:

POA S.S..pdf; POA J.S..pdf

Importance:

High

Jerome & Sondra Squire 172 Chestnut Hill Rd. Colchester, CT 06415

April 14, 2023

Joseph Mathieu, Chairman and Other Members Colchester Planning & Zoning Commission Demian Sorrentino, Planning Director Town of Colchester 127 Norwich Avenue Colchester, CT 06415

RE: PZC 2023-005, Mary McDonald ETAL, Request for zoning change.

Dear Mr. Mathieu, Mr. Sorrentino and Zoning Commission Members:

We are the owners of parcels on Chestnut Hill Rd. that abut or are near the property owned by the applicant. While 2 of our parcels are zoned Rural Use and one, 148 Chestnut Hill Rd., is zoned Future Development, we would be in favor of the change to back to Rural Use for the McDonald Property since it reflects the current and likely future land use for that section of Chestnut Hill Rd.

If the McDonald request for a zoning change to Rural Use is approved by the Commission, we are not sure where that would leave our property at 148 Chestnut Hill Rd. Since the McDonald property abuts our property on 3 sides with the road being the 4th (with the exception of the

Rapuano home at 140 Chestnut Hill Rd.) we would hope that any change to Rural Use would apply to our property as well. If we are required to make our own application please advise.

Thank you for your time and consideration.

Sincerely,

Jerome Squire by Martin Squire P.O.A. Sondra Squire by Martin Squire P.O.A.

Martin H. Squire, CPA Partner Blumenthal Squire & Blanck 203-230-3567 voice 203-710-4773 cell 203-230-3571 fax 2494 Whitney Avenue Hamden, CT 06518

Email:

Msquire@squireblanckcpas.com

Web:

www.squireblanckcpas.com

Secure File Upload: bracket.email/msquire

IRS Required Statement: This document (and any attachments) was not intended or written to be used, and it cannot be used by the recipient, for the purpose of avoiding penalties that may be imposed on any taxpayer

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P&ZC Application No._

PLANNING & ZONING COMMISSION TOWN OF COLCHESTER, CONNECTICUT

APPLICATION FOR ZONE CHANGE



This application form, applicable fee(s), five (5) sets of plans and all required supporting documentation shall be submitted to the Planning & Zoning Commission Office no later than noon (12:00P) on the Monday before the next regularly scheduled meeting (the first and third Wednesday of the month excepting Holiday periods). The Applicant shall submit a copy of the Assessor's Map showing all properties and zoning districts within 500 feet of the subject property and a list of the names and addresses of the owners of all properties within 500 feet of the subject property. Public Hearing is required.

| NAME OF APPLICANT: ASW, LLC (Please F | Print) | | |
|--|--|--|--|
| MAILING ADDRESS: 143 Merrow Rd, Toll | and, CT 06084 | | |
| EMAIL ADDRESS: adwct@aol.com | TELEPHONE:_860-930-9930_ | | |
| OWNER(S) OF RECORD: See Addendum Attac (Please F | hed rint) | | |
| MAILING ADDRESS: See Addendum Attach | ed | | |
| STREET ADDRESS OF SUBJECT PROPERTY (IES): Se | e Addendum Attached | | |
| ASSESSOR'S MAP LOT(S) S | ee Addendum Attached | | |
| IS THIS PROPERTY WHOLLY OR PARTIALLY LOCATED IN ANY | OF THE FOLLOWING (Check all that apply): | | |
| AQUIFER PROTECTION AREA (APA) AQUIFER | PROTECTION ZONE (APZ) | | |
| HISTORIC DISTRICT (HD) | PROTECTION OVERLAY ZONE (HPOZ) | | |
| EXISTING ZONING DISTRICT DESIGNATION(S): FD | | | |
| PROPOSED ZONING DISTRICT DESIGNATION(S): SU | | | |
| ENGINEER/SURVEYOR: David Ziaks, FA He | <u>sketh</u> | | |
| MAILING ADDRESS: 6 Creamery Brook, Ea | st Granby, CT 06026 | | |
| CONTACT PERSON TO WHOM CORRESPONDENCE AND IN | QUIRIES SHOULD BE DIRECTED: | | |
| NAME: Dorian R. Famiglietti, Kah (Please Print) | an, Kerensky, Capossela LLP (Firm Name, if Applicable) | | |
| MAILING ADDRESS: 45 Hartford Tnpk, V | 3 | | |
| EMAIL ADDRESS: dfamiglietti@kkc-law.c | | | |
| | | | |
| Man 3/31/202 | See Attached OWNER(S) SIGNATURE DATE | | |
| APPLICANT(S) SIGNATURE DATE | OWNER(S) SIGNATURE DATE | | |
| •• IF THE APPLICANT IS NOT THE RECORD OWNER, A SIGNED LETTER | R OF AUTHORIZATION MUST ACCOMPANY THIS APPLICATION ** | | |
| | | | |
| FOR OFFICIAL USE ONL | - N - N - N - N - N - N - N - N - N - N | | |
| DATE APPLICATION SUBMITTED: 3.31.23 | P&ZC FEE PAID: \$ (010 . CK# 15124 | | |
| DATE OF RECEIPT BY P&ZC: PUBLIC HEARING START DATE: | | | |
| TODAIG (III) IIII) | DATE OF DECISION: ENGINEERING REVIEW FEES PAID: | | |
| NOTICE OF DECISION PUBLISHED: | CIAGILITEVILAD UTAITA LETA LUID. | | |

APPLICATION ADDENDUM

Parcels Included Within Zone Change FD to SU

| Assessor's Map/Block/Lot | Street Address | Owner of Record | Approx Acreage |
|--------------------------|-----------------|---|----------------|
| 03-09-049 | Lake Hayward Rd | Roaring Brook Advisors LLC 554 Boston Post Rd Madison, CT 06443 | 19 ac |
| 03-09-52B | Lake Hayward Rd | Kathleen B. Fabian 279 Long Hill Rd Andover, CT 06232 | 18 ac |
| 03-09-52A | Lake Hayward Rd | Patrick Shugrue 75 Hunting Hill Ave Middletown, CT 06457 | 20 ac |

Consistency with Colchester 2015 Plan of Conservation & Development (POCD)

The above three (3) parcels are presently located in the Future Development (FD) Zone and designated in the POCD for future commercial and industrial development (see page 82). However, as noted in the POCD itself, the POCD is an *advisory* document (see page 2), intended to guide conservation and development activities; but it is also intended to be *flexible* in order to allow for adjustments so that the ultimate goals and objectives in the POCD may be achieved (see page 81). As such, the POCD may be amended or modified by the Commission when time or experience indicates a need for a change. For at least the past 2 decades, time and experience have shown that there has been limited interest or opportunity for commercial development of FD zoned parcels lying westerly of Route 11.

The POCD's stated goals and recommendations include (1) guiding uses to appropriate locations and (2) growing Colchester's tax base (see page 55). Given the predominantly residential uses existing westerly of Route 11, Applicant suggests that commercial/business development is not appropriate on these parcels and the more appropriate uses to be guided here are those contained in the Suburban Use (SU) Zone. The SU zone

would allow for primarily residential uses, with some complimentary business uses. These types of SU Zone uses, which include multifamily development, retail sales and professional services, could all significantly contribute to Colchester's tax base.

In addition, the POCD recognizes that Colchester would greatly benefit from increased multifamily housing development, not only to meet the housing needs of an aging population, as well as those of younger people who do not yet want a single family home (see page 57), but also by providing more affordable housing options (see page 61). A rezoning of the subject parcels to SU would provide the opportunity for multifamily development on these parcels.

Colchester Planning and Zoning Commission 127 Norwich Ave. Colchester, CT 06415

Re: Lake Hayward Rd; Assessor's Parcel 03-09-049

To Whom It May Concern:

Please be advised that the undersigned is the owner of the above referenced land. In this regard, please take this letter as the owner's consent to allow ASW, LLC and/or Alan Williams to file an application with the Colchester Planning and Zoning Commission to change the zone for this property from LD (Future Development) to SU (Suburban Use).

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

Sincerely,

Roaring Brook Advisors LLC

By Sur Shadawa

SCHEDULE "A"

That certain parcel of land situated in the Town of Colchester, County of New London and State of Connecticut, on the southeasterly side of Lake Hayward Road and the westerly side of Connecticut Route No. 11, bounded and described as follows:

EASTERLY - by land formerly of Rowland Allen and William Kinney;

SOUTHERLY- by highway leading from land formerly of Hoxie Brown to A. R. Bigelow and land formerly of Nick Klimock (Shugrue Road);

WESTERLY

and NORTHERLY- by highway and land now or formerly of F. H. Brown and Rowland Allen;

but EXCEPTING therefrom those parcels of land and rights conveyed by the Grantor herein in the following instruments:

- Warranty Deed to Robert M. Dias dated 12/4/65 and recorded in the Colchester Land Records in Volume 87 at Page 357.
- Warranty Deed to Leo M. Fedus, et al, dated 7/11/69 and recorded in said Colchester Land Records in Volume 96 at Page 200.
- 3. Certificate of Condemnation to the State of Connecticut dated 7/18/69 and recorded in said Colchester Land Records in Volume 96 at Page 238.
- Drainage right of way and easement to the State of Connecticut dated 10/15/70 and recorded in said Colchester Land Records in Volume 98 at Page 563.

Received for Record at Colchester, CT On 10/18/2012 At 11:45:33 am

Mancy a. Bray

Town of Colchester

Geographic Information System (GIS)







Abothers of 03-09-049

03-09/050-000 03-09/05B-000 03-09/076-000

LOCHOWSKI NATHAN + KRISTI MARIE FABIAN KATHLEEN B FEDUS STEPHEN M TRUSTEE

99 LAKE HAYWARD RD 279 LONG HILL RD 369 EAST SHORE DR

COLCHESTER CT 06415 ANDOVER CT 06232 COLCHESTER CT 06415

03-09/077-000 03-09/075-000 03-09/049-000

FEDUS STEPHEN M TTEE LEWIS PETER A + MARY ANN ROARING BROOK ADVISORS LLC

369 EAST SHORE DR 86 LAKE HAYWARD RD 554 BOSTON POST ROAD

COLCHESTER CT 06415 COLCHESTER CT 06415 MADISON CT 06443

03-09/52A-000 03-09/053-000 03-09/074-000

SHUGRUE PATRICK 177 BOZRAH STREET LLC LAUFER PROPERTIES LLC

75 HUNTING HILL AVE 10 WILLIAMSBURG DR 138 BREWSTER RD

MIDDLETOWN CT 06457 LONGMEADOW MA 01106 WEST HARTFORD CT 06117

Colchester Planning and Zoning Commission 127 Norwich Ave. Colchester, CT 06415

Re: Lake Hayward Rd; Assessor's Parcel 03-09-52B

To Whom It May Concern:

Please be advised that the undersigned is the owner of the above referenced land. In this regard, please take this letter as the owner's consent to allow ASW, LLC and/or Alan Williams to file an application with the Colchester Planning and Zoning Commission to change the zone for this property from FD (Future Development) to SU (Suburban Use).

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

Sincerely,

Kathleen B. Fabian

QUIT CLAIM DEED - STATUTORY FORM 155 ARTHUR H. BROWN of the Town of Colchester, County of New London and XOFX State of Connecticut for consideration file grant to ARTHUR H. BROWN and LILLIAM G. BROWN, both of the Town of Colchester, County of New London and State of Connecticut wik QUIT-CLAIM COVENANTS AS JOINT. TENANTS WITH RIGHTS OF SURVIVORSHIP (Description and encumbrances if any and any additional provisions) The certain parcel of land situated in the Town of Colchester, County of New London and State of Connecticut, on the westerly side of Connecticut Route No. 11 and the southerly side of Shugruo Road, containing 18 acres, more or less, and shown as Parcel No. 52-D on Assessor's Map 1-9 on file in the Assessor's Office in the Town of Colchester, said premises being bounded and described as follows: NORTHERLY - by Shugrue Road, 500 feet, more or less; by Connecticut Route No. 11, 1,450 feet, more or less; EASTERLY -SOUTHERLY. by land now or formerly of the State of Connecticut, 700 feet, more or less; and Hesterly by land now or formerly of Hartin A. Shugrue, et al, 1,450 feet, more or less. Signed this 15 m State of Consections. unColchester September 15 1986 Pecched for record of Colebester, Conn. Brown o Ö a Personully Appeared or lytisiste 112:08 = Arthur H. Attent, Patricia La Grega, Town Clurk.

Signer and Scaler of the foregoing Instrument, and acknowledged the same to be his free act and deed

Zio 06415

Commissioner

Title of Officer

of Superior Court

intest mailing address of Grantes:

City Colchester

State Connect Lout

03697

No. and Street Buckley Hill Road

Town of Colchester

Geographic Information System (GIS)







Abutters of 03-09-52B

03-09/52B-000

FABIAN KATHLEEN B

279 LONG HILL RD

ANDOVER

CT 06232

03-09/030-000

STEFANOWICZ LOUISE F

72 WEST RD

COLCHESTER

CT 06415

03-09/30A-000

STEFANOWICZ LOUISE F

72 WEST RD

COLCHESTER

CT 06415

03-09/020-000

CULHANE KATHLEEN

23 SHUGRUE RD

COLCHESTER

CT 06415

03-09/049-000

ROARING BROOK ADVISORS LLC

554 BOSTON POST ROAD

MADISON

CT 06443

03-09/52A-000

SHUGRUE PATRICK

75 HUNTING HILL AVE

MIDDLETOWN

CT 06457

03-09/053-000

177 BOZRAH STREET LLC

10 WILLIAMSBURG DR

LONGMEADOW

MA 01106

03-09/052-000

CONNECTICUT STATE OF

165 CAPITOL AVE

HARTFORD

CT 06106

Colchester Planning and Zoning Commission 127 Norwich Ave. Colchester, CT 06415

Re: Lake Hayward Rd; Assessor's Parcel 03-09-52A

To Whom It May Concern:

Please be advised that the undersigned is the owner of the above referenced land. In this regard, please take this letter as the owner's consent to allow ASW, LLC and/or Alan Williams to file an application with the Colchester Planning and Zoning Commission to change the zone for this property from FD (Future Development) to SU (Suburban Use).

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

Sincerely,

Patrick Shugrue

PROPERTY DESCRIPTION

All that certain piece or parcel of land, together with the buildings and improvements, situated in the Town of Colchester, County of New London and State of Connecticut, located off Lake Hayward Road, containing 20 acres, and being shown as Assessor Map 03 Block 09 Lot 52A, and being bounded and described as follows:

Northerly by Shugrue Road, so called;

Easterly by land now or formerly of Hoxie Brown;

Southerly by land now or formerly of A.R. and J.E. Bigelow; and

Westerly by land now or formerly of A.R. and J.E. Bigelow.

Town of Colchester

Geographic Information System (GIS)





MAP DISCLAIMER - NOTICE OF LIABILITY



Abothers of 03-09-52A

03-09/52B-000

FABIAN KATHLEEN B 279 LONG HILL RD

ANDOVER

CT 06232

03-09/055-000

LIN ZHUZHEN 128 MILL ST

COLCHESTER

CT 06415

03-09/052-000

CONNECTICUT STATE OF

165 CAPITOL AVE

HARTFORD

CT 06106

03-09/054-000

LAUFER LEON + AUDREY

138 BREWSTER RD

WEST HARTFORD CT 06117-2

03-09/52A-000

SHUGRUE PATRICK

75 HUNTING HILL AVE

MIDDLETOWN

.

CT 06457

03-09/049-000

ROARING BROOK ADVISORS LLC

554 BOSTON POST ROAD

MADISON

CT 06443

03-09/053-000

177 BOZRAH STREET LLC

10 WILLIAMSBURG DR

LONGMEADOW

MA 01106



| <u>Key</u> | Address | Owner | Property # | Zone | Key | Address | Owner | Property # | Zone | Key | Address | Owner | Property # | Zone 및 |
|------------|----------------------|---|---------------|------|-----|-----------------------|---|---------------|------|-----|----------------------|--|---------------|--------------|
| 1 | Lake Hayward Road | Stephen M. Fedus, Trustee 369 East Shore Drive Colchester, CT 06415 | 03-09/077-000 | FD | 5 | 99 Lake Hayward Road | Nathan and Kristi Marie Lochowski 99 Lake Hayward Road Colchester, CT 06415 | 03-09/050-000 | FD | 9 | Connecticut Route 11 | State of Connecticut 165 Capitol Avenue Hartford, CT 06106 | N/A | S/S SOSED ZC |
| 2 | 82 Lake Hayward Road | Stephen M. Fedus, Trustee 369 East Shore Drive Colchester, CT 06415 | 03-09/076-000 | FD | 6 | 123 Lake Hayward Road | 177 Bozrah Street LLC 10 Williamsburg Drive Longmeadow, MA 01106 | 03-09/053-000 | FD | 10 | 23 Shugrue Road | Kathleen Culhane 23 Shugrue Road Colchester, CT 06415 | 03-09/020-00 | RO PROF |
| 3 | 86 Lake Hayward Road | Peter A. and Mary Ann Lewis 86 Lake Hayward Road Colchester, CT 06415 | 03-09/075-000 | FD | 7 | 133 Lake Hayward Road | Leon and Audrey Laufer 138 Brewster Road West Hartford, CT 06117 | 03-09/054-000 | FD | 11 | West Road | Louise F. Stefanowicz 72 West Road Colchester, CT 06415 | 03-09/30A-000 | RU |
| 4 | 94 Lake Hayward Road | Laufer Properties LLC 138 Brewster Road West Hartford, CT 06117 | 03-09/074-000 | FD | 8 | Lake Hayward Road | State of Connecticut 165 Capitol Avenue Hartford, CT 06106 | 03-09/052-000 | FD | 12 | 72 West Road | Louise F. Stefanowicz 72 West Road Colchester, CT 06415 | 03-09/030-000 | RU |