



Town of Colchester, CT

127 Norwich Avenue, Colchester, Connecticut 06415

PLANNING & ZONING COMMISSION

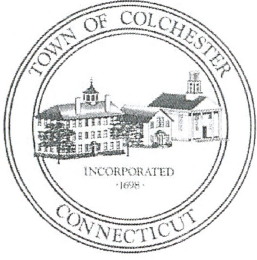
WEDNESDAY, October 6, 2021

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. September 1, 2021
 - b. September 15, 2021
- 4. Public Hearings**
 - a. Niantic Bay Group LLC – 347 Cabin Rd
Resubdivision (2021-007)
- 5. Five Minute Session for the Public**
- 6. Pending Applications**
- 7. New Applications**
- 8. Preliminary Reviews**
- 9. Old Business**
- 10. New Business**
 - a. Niantic Bay Group LLC – 347 Cabin Rd
Resubdivision (2021-007)
- 11. Planning Issues and Discussions**
 - a. Residential Density
- 12. Correspondence**
- 13. Adjournment**



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Website: www.colchesterct.gov

PLANNING AND ZONING COMMISSION
Wednesday, September 1, 2021
7:00 p.m.
Virtual Meeting

MEETING MINUTES

Members Present: Chair Joe Mathieu, Vice Chair John Novak, Mark Noniewicz, Bruce Hayn, Stephanie Smith, Meaghan Kehogreen

Members Absent: Jason Tinelle and Ian Lily

Others Present Planner, Matthew Bordeaux, Asst. Planner/ZEO Daphne Schaub, Denise Turner, Liaison for BOS, Clerk, Kamey Cavanaugh

1. **Call To Order** – Chairman Mathieu called the meeting to order at 7:03 p.m.

2. **Changes or Additions to Agenda**

3. **Minutes of Previous Meeting**

a. **August 18, 2021**

Mr. Hayn moved to approve the minutes dated August 18, 2021. Mr. Novak seconded the motion. The motion carried; Mr. Novak abstained.

4. **Public Hearing-**

a. **Town of Colchester Planning and Zoning Department – Regulation Text Amendment (2021-009) Moratorium on Marijuana Establishments**

Mr. Bordeaux spoke of the application before the commission. The State legislator assembly recently passed CT Public Act 21-1, titled “An Act Concerning Responsible and Equitable Regulations of Adult – Use Cannabis.” Amongst other things, the act allows for operation of “Cannabis Establishments” in municipality, defined as producer dispensary facilities, cultivator, micro cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, and product packager. Under the new state law, the municipality may, by amending its zoning regulations or by adopting an ordinance, prohibit or regulate such establishments. If a municipality fails to adopt a regulation or ordinance then cannabis establishments are to be treated the same as any similar use. In anticipation of further guidance from the state as well as public conversation initiated by the First Selectman office, the Planning and Zoning Department has prepared a draft regulation amendment to adopt a moratorium on the acceptance for consideration of any application to permit cannabis establishments, licenses to sell recreational cannabis

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2021 SEP -7 AM 8:42
Gayle Furman
TOWN CLERK

or medical marijuana. The intent of the moratorium is to allow the commission the time to review Act 21-1 to observe the public feedback and prepare regulations that could ultimately be adopted to regulate the uses. Mr. Bordeaux reviewed the draft language with the commission, including the definition of a “cannabis establishment”.

Chairman Mathieu asked if there was anyone present who would like to speak in favor of the application.
Hearing None.

Chairman Mathieu asked if there was anyone present who would like to speak in opposition of the application.
Hearing None.

Mr. Bordeaux reported of an email received from Ms. Emily Sabo, on June 23, 2021, as a business representative with the United Food and Commercial Workers Union, Local 919; the official union for cannabis workers. She recommends, rather than a moratorium or an outright ban, a Town Ordinance be proposed. Mr. Bordeaux feels the information is useful and can be used in further communications.

This proposed draft language has been shared with neighboring communities and Regional Council of Governments.

Mr. Noniewicz moved to close the Public Hearing for Regulation Text Amendment (2021-009) Moratorium on Marijuana Establishment. Mr. Kehoe green seconded the motion. The motion carried.

b. 120 South Main, LLC – 139 South Main Street – Regulation Text Amendment (2021-011) Drive-Through Windows in Town Center

Rick Sharr, applicant for the proposed Regulation Text Amendment 2021-011, reported as one of the 3 members of the liability company 120 S Main Street, LLC. Mr. Sharr spoke of their proposal to allow drive through in this district but with careful considered criteria in terms of design and operation; not to allow it as an as of right, and to require anyone wanting a drive through to come before the commission for a discretionary special permit, providing a traffic study, detailed plans, conduct a public hearing, and only then to receive a possible approval. Some of the many reason Mr. Sharr feels the regulation should be adopted is customers demand for it and the pandemic that forces us to seek contactless service.

Attorney Dwight Merriam, attorney for the applicant, researched and pulled from regulations around the country and throughout Connecticut, and reviewed the previous regulation that was in Colchester. Mr. Merriam feels enough criteria with discretion has been provided and feels this proposed text amendment is in the best interest for the town. Rational for a Propose change (see attachment) was discussed.

Chairman Mathieu thanked Attorney Merriam for the work that has been provided and stated this regulation would allow drive troughs by special permit in certain locations, however, the number of existing drive through in those congested areas currently and that this could be adding to them with

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potential of further congestion in the area. In response, Attorney Merriam stated the required traffic study will need to review all site conditions and if the criteria is not met then it may not be a good fit for the area being proposed.

Chairman Mathieu asked if there was anyone present who would like to speak in favor of the application.

Mr. Bordeaux received 2 letters in favor of this Regulation Text Amendment that were read into the record. The first being from the Economic Development Commission and the second from The Colchester Business Commission. (Attached)

Chairman Mathieu asked if there was anyone present who would like to speak in opposition of the application.

Arthur Liverant 43 School Road, property owner of (ANTIQUÉ address), and fears for the center of Colchester if this is approved. Mr. Liverant is not against a drive through window in certain appropriate locations and he does not think this is an appropriate location, being a highly congested, highly traffic and dangerous location. Mr. Liverant reminded the commission of the traffic study done for Route 16 Dunkin Donuts that is adjacent to St Mary's Church, and that approved study reported there not to be any problems and almost daily there are numerous cars backed up on Route 16 trying to get into Dunkin Donuts. Mr. Liverant thinks the traffic in the center of town is already a concern and adding drive through to this area will only make this worse and is very opposed to this amendment for this location of town. Jean Smith, 12 Broadway Street, spoke of the Planning and Zoning regulations and their specific language to drive through in arterial zone. The regulations were revised in 2015 the same time as the POCD, which took 2 years, numerous surveys, public hearings, and comprehensive rewrites, involving members of the Planning and Zoning Commission, the Selectman office, and the EDC, who were all on board with the changes. The Planning and Zoning regulations incorporated these goals and the future development of the POCD when they intentional eliminated drive though in the town center. Ms. Smith thinks that allowing special permits will not be well for the town and will open the door for restaurant chains with deep pockets to challenge denials of special permits and make that expense a burden of the town.

Shelia Tortorigi, 174 Stanavich Road, stated she moved to Colchester for the small town community. She is against this amendment as it looks like it will create a gateway to the historical look in the town center and does not wish to see anymore large development in the center of town, especially one with a drive up window.

Mary Tomasi, 18 Diane Lane, stated she is not opposed to new businesses in town, but there is concern of the impact of the new building with a drive through creating problems for traffic, and it will impede the flow and create congestion in the center of town. Another concern is the town of Colchester is so rich in

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history and she sincerely hope the commission takes a look at the history of the property and the center of town and if developers do come forward, they work with the Historical District Commission.

Attorney Merriam stated again if the Planning and Zoning Commission is not fully satisfied with the information provided from the traffic report they have the discretion to have their own traffic report reviewed at the applicants costs. Attorney Merriam also commented on all the concerns with the traffic in general in town, and stated he doesn't know of any study showing drive through services create additional traffic to any area.

Rick Sharr stated the reason for this text amendment change is they realize that the highest and best use for this specific property is likely a mixed use project, however, potential buyers see that even a remote possibility of a drive through is not permitted.

Jamie Noel, 15 Broadway, spoke in favor of the text amendment change, as people are looking for the ability for a drive through as it is better to address customer needs. In terms of having economic growth the need for drive though are needed.

Arthur Liverant 43 School Road, urged the commission to take the traffic studies when this application is being considered and it should be mandatory every time something is this critical occurs it should have a traffic study, however the traffic study from the Dunkin Donuts on Linwood Avenue proves a traffic study should not be considered as the last word.

Mr. Hayn moved to close the Public Hearing for 120 South Main, LLC – 139 South Main Street – Regulation Text Amendment (2021-011) Drive-Through Windows in Town Center. Mr. Noniewicz seconded the motion. The motion carried.

- 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-

- a. Town of Colchester Planning and Zoning Department – Regulation Text Amendment (2021-009) Moratorium on Marijuana Establishments

Mr. Noniewicz moved to APPROVE Regulation Text Amendment (2021-009) to adopt a moratorium of any application for the retail sale medical marijuana or recreational cannabis by cannabis establishments for a period of twelve (12) months to allow the Planning and Zoning Commission to review Public Act 21-1 “An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis” and to draft and adopt appropriate regulations.

Effective Date: September 20, 2021

Motion was seconded by Mr. Novak. Motion carried unanimously.

- b. 120 South Main, LLC – 139 South Main Street – Regulation Text Amendment (2021-011) Drive-Through Windows in Town Center

Mr. Hayn expressed concern with the amount of space in the drive through stating 18’ would give too little of a que for the number of cars that would be allowed. If this is going to be considered the space that should be allowed should be between 23’ – 28’. Mr. Bordeaux stated Sal Tassone, Town Engineer, also brought that to staffs attention and recommended 22’.

Chairman Mathieu stated the regulation was changed and drive though were disallowed in the town center and the policy was put into place with a lot of town input. The discussion of drive through in the Town Center is not so disturbing as much as the discussion of them in the Historical District. The condensation of traffic and the historical character of the neighborhood makes it troubling to think of the idea of changing the policy decision previously made in order to preserve certain things about the town center.

Mr. Noniewicz stated with it only being 6 years the approval of the regulation change to limit drive though services in town, however questions if we are limiting ourselves and our economic development by not allowing this type of establishment and if we choose to allow it, is the general evaluation criteria strong enough to design it well enough to keep the character as desired.

Stephanie Smith spoke of the POCD being referenced, page 52, Section 4.5, Titled “Facilitate and Support Economic Growth” the subsection stating ‘Encourage uses in appropriate areas’, it specifically states automobile focus and lists drive through as stronger discouraged in town centers, however, allowable in economic areas and commercial corridors. Ms. Smith pointed out the overall objectives of the commission is to create, maintain, and enhance a pedestrian friendly development pattern in village areas,

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allow an automobile oriented development pattern in outlining business areas. Ms. Smith also stated when she reads Section 6.5 page 82, Future Land Use Plan, she is not clear as to how drive through fit in or achieve any of those goals, specifically for the town center.

Meaghan Kehoegreen stated adding a drive though in the town center might encourage the types of businesses that would not fit in with the Town Center.

John Novak stated he recalls the reason for the regulations change and the POCD and why the commission took the drive though out of the Town Center/ Village District and it was to encourage more pedestrian friendly type activities and reduces some of the traffic activities.

Mr. Hayn moved to DENY 120 South Main, LLC – 139 South Main Street – Regulation Text Amendment (2021-011) Drive-Through Windows in Town Center for traffic issues and the historical references in the POCD, historical reasons for changing this zone in the first instance, and not to limit economic development. Motion was seconded by Ms. Smith. Motion carried 4-0-2. Ms. Kehoegreen & Mr. Novak abstained.

11. Planning Issues and Discussions- None

12. Correspondence - None

13. Adjournment –

Mr. Hayn moved to adjourn. Ms. Kehoegreen seconded the motion and all members voted in favor. The meeting of September 1, 2021 adjourned at 9:07 p.m.

Respectfully Submitted,

Kamey Cavanaugh, Clerk

August 13, 2021

Application of 120 South Main, LLC for an Amendment of the Zoning Regulations

RATIONALE FOR PROPOSED CHANGE

This proposed amendment of the Town of Colchester Zoning Regulations will enable drive-through service in the Village Center/Westchester Village (VC/WV) District.

Drive-through service was previously authorized in the VC/WV District. Several properties have been developed with drive-through service and are currently operating, now as nonconforming uses. Among those properties are:

Starbucks, 95 Linwood Avenue
Liberty Bank, 219 South Main Street
United Bank, 99 Linwood Avenue
Walgreens, 27 Broadway Street (not in GIS)
CVS: 119 S. Main Street
Dime Bank: 139 South Main Street
Berkshire Bank: 63 Norwich Avenue
TD Bank 64 Norwich Avenue
Dunkin Donuts: 164 Linwood Avenue
Dunkin Donuts: 440 South Main Street
Dunkin Donuts: 723 Middletown Road (WV District)
McDonalds: 375 South Main Street
Wendy's: 348 South Main Street

This proposed amendment is warranted for two principal reasons.

First, drive-through service in this commercial district is in the public interest. The recent, and now continuing, pandemic has required that people maintain social distance and have contactless transactions where possible to reduce contagion. See generally <https://www.qsrmagazine.com/outside-insights/value-drive-thru-during-covid-19> A worldwide study, "Drive-thru pharmacy services: A way forward to combat COVID-19 pandemic," has shown the importance of drive-through service for health care in this time of pandemic. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7373674/>

This is not the last pandemic we will have. Drive-through service is necessary not only now but will be in the future.

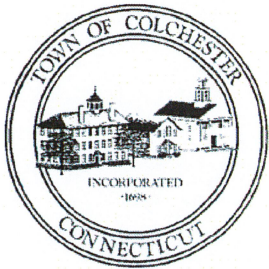
We also have an aging population. Connecticut has the sixth oldest population in the country, and it is getting older relative to others. <https://ctbythenumbers.news/ctnews/2018/09/26/ct-is-6th-oldest-state-in-the-nation-with-projections-pointing-to-even-older-population-economic-ramifications>

With aging, there are increasing issues of mobility and it is difficult and often impossible for many people to walk into an establishment to be served. Obviously, mobility issues are not restricted to older people and there are many others with physical disabilities who need this access and who are disadvantaged without drive-through service.

Second, the widespread prevalence of drive-through service and the demands of the public for it have provided a distinct economic advantage to those properties in the District that have drive-through service. To the extent that some commercial operations may be able to be located outside of Colchester, all of the District is put at a disadvantage for many types of commercial and retail activities in which drive-through service has become the norm.

Vacant properties in the district and those desirable for redevelopment are disadvantaged in the market in not having the ability to provide drive-through service. The potential for getting approval of drive-through service will increase the attractiveness of these properties throughout the District, and it will expedite and enhance their development and redevelopment to the benefit of the Town of Colchester and its citizens.

Care has been taken in drafting these regulations to include standards, submission requirements such as the traffic report, and discretion for the Planning & Zoning Commission to deny a special permit where the standards are not met or to condition approval of a special permit to meet site-specific issues.



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Mary Bylone, First Selectman

COLCHESTER ECONOMIC DEVELOPMENT COMMISSION

To: Colchester Planning and Zoning Commission
Joseph Mathieu Chairman
127 Norwich Avenue
Colchester CT 06415

From: Colchester Economic Development Commission
Bruce Goldstein, Chairman
127 Norwich Avenue
Colchester, CT 06415

Mr. Mathieu;

The Colchester Economic Development Commission at its August 16, 2021 meeting unanimously voted the following motion:

To endorse, in concept, the Regulation Text Amendment proposal from Mr. Sharr on behalf of 120 South Main, LLC to permit Drive-Through Windows in the Town Center District subject to Special Permit approval from the Planning and Zoning Commission. The Economic Development Commission supports a diversity of uses best suited to support consumers and grow the commercial real property tax base. A prohibition on drive-through windows creates a competitive disadvantage favoring the handful of existing businesses with established drive-through features. Additionally, in light of the pandemic, as well as to accommodate an aging population and those with mobility disadvantages, drive-through windows provide access to goods and services that may be difficult otherwise. The proposed language appears to provide the Planning and Zoning Commission with enough purview to consider impacts on traffic and community character, both important features of a successful Town Center, without limiting the opportunities for undeveloped and underdeveloped sites in the commercial center of Colchester.

Respectfully submitted;

Bruce Goldstein

Bruce Goldstein, Chairman Economic Development Commission



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

Re: Proposed Amendment to the Zoning Regulations to Allow Drive-Through Service by Special Permit in the Village Center/Westchester Village (VC/WV) District

Dear Chairman Mathieu and Members of the Commission:

The Colchester Business Association (CBA) has met with the petitioner and reviewed the proposed zoning amendment to allow drive-through service in the Village Center/Westchester Village (VC/WV) District. The CBA strongly supports the proposed amendment.

Drive-through service was previously permitted in this district, as of right with few criteria and no discretion for your Commission. Those regulations were repealed and now, even though there are more than a dozen properties in the Village Center/Westchester Village, District which do provide drive-through service, there is no ability for undeveloped properties and properties that should be redeveloped to provide such service.

Today, people demand drive-through service for many types of businesses. They insist on it because it is convenient and safer to have transactions where they can maintain their social distance. Many people cannot get around easily. Drive-through service is essential for them.

From the business perspective, the prohibition on drive-through service in our business district severely damages the marketability and development potential of retail and commercial properties.

This proposal, which is well thought out, is not as of right. Drive-throughs will be discretionary with the Commission through the special permit process. Appropriately, the proposal provides your Commission with the right to condition an approval on site-specific conditions. Likewise, an applicant can request relief from some of the provisions when site conditions warrant.

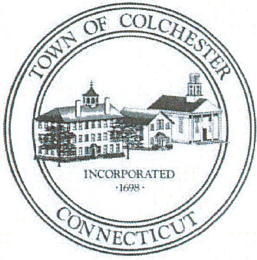
In adopting this amendment, you will greatly enhance the marketability and development potential of our commercial properties in the Village Center/Westchester Village District, while maintaining the highest degree of discretion and control over the site design and the drive-through operations.

This is a win-win-win proposal: The public will be better served, the Town will gain new and improved development and tax revenues because of that development, and property owners will find new value in their properties and an enhanced ability to develop and redevelop them.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Charles E. Maynard', is written over a light blue horizontal line.

Charles E Maynard
CBA President



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Website: www.colchesterct.gov

PLANNING AND ZONING COMMISSION

Wednesday, September 15, 2021

7:00 p.m.

Virtual Meeting

MEETING MINUTES

Members Present: Vice Chair John Novak, Bruce Hayn, Stephanie Smith

Members Absent: Chair Joe Mathieu, Mark Noniewicz, Meaghan Kehoegreen, Jason Tinelle

Others Present Planner, Matthew Bordeaux, Asst. Planner/ZEO Daphne Schaub

1. **Call To Order** – Vice Chairman Novak called the meeting to order at 7:00 p.m. Mr. Novak acknowledged the attendance of several high school students seeking school credit and informed them that no business would be undertaken as the Commission did not have a quorum this evening. Mr. Novak invited those in attendance to return at a future meeting date.
2. **Changes or Additions to Agenda** - None
3. **Minutes of Previous Meeting**
 - a. **September 1, 2021** – No action was taken in the absence of a quorum.
4. **Public Hearing**- None
5. **Five Minute Session for the Public** – None
6. **Pending Application** – None
7. **New Applications**
 - a. Niantic Bay Group LLC – 347 Cabin Rd
Resubdivision (2021-007)
8. **Preliminary Reviews**- None
9. **Old Business** – None
10. **New Business** - None

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2021 SEP 20 AM 10:20
Daphne Schaub
OFFICE PLANNER
PLANNING & ZONING

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Wednesday, September 15, 2021

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11. Planning Issues and Discussions- None

12. Correspondence - None

13. Adjournment – The meeting was adjourned at 7:06 p.m.

**TOWN OF COLCHESTER
LEGAL NOTICE**

The Planning and Zoning Commission will hold a virtual public hearing on October 6, 2021, at 7:00 P.M. to hear and consider the following petitions:


- 1. Niantic Bay Group LLC – 347 Cabin Road – Resubdivision (2021-007)** – Proposed six (6) lot resubdivision at 347 Cabin Road (MBL 03-00-001-005) consisting of six (6) single-family homes on approximately 6.61 acres in the Suburban Use District.

At this hearing interested persons may be heard and written communications received. A copy of this petition is in the Planning and Zoning Department and the Town Clerk's Office, Town Hall, 127 Norwich Avenue, and may be inspected during regular business hours (8:30 a.m. – 4:30 p.m. Monday through Friday).

Planning and Zoning Commission
Joseph Mathieu, Chair

**TOWN OF COLCHESTER
PLANNING AND ZONING DEPARTMENT**

TO: Planning and Zoning Commission

FROM: Daphne C. Schaub, Assistant Planner & ZEO 

DATE: September 23, 2021

RE: Niantic Bay Group, LLC. – 347 Cabin Road
Resubdivision (2021-007)

Introduction

The applicant, Niantic Bay Group, LLC, is proposing a six-lot resubdivision of the 6.61-acre property on the eastern side of Cabin Road in the Suburban Use District (SU). The property has been cleared and materials have been removed by previous owners. Currently, the site is undeveloped and has mixed deciduous woodland around the perimeter and cleared, stabilized fields to the interior.

The applicant is proposing to resubdivide the parcel into six, single-family lots. As depicted on the subdivision plan attached, the proposed range in size from 40,015 Sq. Ft. to 43,476 Sq. Ft. The proposed plan depicts the conceptual layout of a house, driveway, and utilities for each of the 6 lots, as well as the open space and wetlands crossings. The lots each comply with the bulk requirements for a resubdivision in the SU.

The project includes the provision of public water and sewer services. The Water and Sewer Commission has reviewed and approved the extension.

Stormwater Management

The proposed on-site detention provides adequate measures to attenuate peak flow rates to less than existing conditions. Therefore, no impacts to existing drainage facilities are expected. The proposed stormwater system was originally designed for eight lots. The plan has been revised to create only six lots. Equating to 3400 square feet less impervious coverage for the current design. The stormwater system, as originally, designed will perform in the manner intended or better with the current six lot configuration.

Inland Wetlands & Open Space

There are no wetlands on the subject property. There are extensive wetlands on the abutting open space. Both the Conservation Commission and the Open Space Advisory Committee have reviewed the application at their recent meetings. The Open Space Advisory Committee has recommended the Board of Selectmen approve the use of town owned property for extension of

the sewer system. The Conservation Commission has issued a wetlands permit (#W2021-3064) for the proposed utilities connections as proposed in these plans.

Improvements

The sewer extension will cross under the northerly abutting open space, created, and accepted by the town at the time of the Jordan Alley subdivision when the subject lot was created. The crossing will be under both the open space and wetlands thereon via directional boring at a minimum of 42" below the existing surface. The water main will extend from the hydrant at Cabin Road.

Traffic Impact

As a six-lot single-family resubdivision on a cul-de-sac, there is no concern regarding traffic impacts on Cabin Road. The Town Engineer is satisfied with the sightlines proposed for the intersection of Cabin Road and Jordan Lane.

Landscaping

The proposal includes the planting of 27 street trees of four different varieties including red maple, sugar maple, black gum and red oak. The trees will be planted 40 to 50 feet on center on both sides of the street. Any changes to the landscaping plan as proposed shall be reviewed and approved by the Town's Zoning Enforcement Officer.

Sidewalks

In accordance with Section 6.3.12.1 of the Subdivisions Regulations, every subdivision shall make provision for pedestrian accessibility and circulation, principally in the form of sidewalks. The applicant is requesting that no sidewalks be required to be installed in accordance with Section 6.3.12.1.5 (b). This section provides that the Commission may waive the requirements of Section 6.3.12.1, per Section 1.2, after finding that pedestrian access in the prescribed locations would not be beneficial to the community.

Section 1.2 states that "In accordance with Section 8.26 of the Connecticut General Statutes, the Commission may waive certain requirements under the regulations by a three-quarters vote of all the members of the Commission in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area, provided that the regulations shall specify the conditions under which a waiver may be considered and shall provide that no waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. The Commission shall state upon its records the reasons for which a waiver is granted in each case."

Staff Review

The six proposed lots have been reviewed by Town Staff and the Water & Sewer Department and the proposed subdivision has been found to be compliant with all applicable regulations and standards.

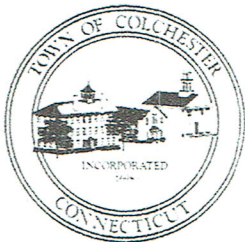
Draft Motion

Move to approve application of Niantic Bay Group LLC, 347 Cabin Road, Resubdivision No. (21-007) for the proposed six (6) lot resubdivision (MBL 03-00-001-005) consisting of six (6) single-family homes on approximately 6.61 acres in the Suburban Use District with conditions specific to the plans titled "RE-SUBDIVISION LOT 5 JORDAN ALLEY" prepared by Fedus Engineering, LLC., prepared for Niantic Bay Group, LLC., dated June 10, 2021 and last revised on 9/14/2021 subject to the following conditions:

1. The Board of Selectmen must deem the extension of the public sewer line an appropriate activity to take place on the Town owned Open Space.
2. The unit density shall be limited to that of single-family homes serviced by public water and sewer as outlined Section No. 4.4.1, Dimensional Requirements in the SU, Applicability of Dimensional Requirements for Single-Family Homes;
3. The Planning and Zoning Commission will not require the installation of sidewalks in this subdivision as referenced in the staff memo dated September 23, 2021;
4. A Subdivision Bond in an amount and form acceptable to the Town shall be held by the Town. Such bond shall remain in full force and effect until all of the bonded public improvements have been completed and accepted by the Town.
5. An Erosion and Sediment Control Bond in an amount and form acceptable to the Town shall be held by the Town. Such bond shall remain in full force and effect until all erosion and sediment control measures have been satisfied and accepted by the Town; and
6. A Landscaping Bond shall be held by the Town for the first two spring growth periods;

DCS

Attachments.



APPLICATION NO. 2021-007

TOWN OF COLCHESTER, CONNECTICUT

APPLICATION FOR SUBDIVISION/RESUBDIVISION APPROVAL

SUBDIVISION RESUBDIVISION Please check the type of application

APPLICANT Niantic Bay Group LLC John Doran DATE 8-18-2021

MAILING ADDRESS 1967 N Rosehue Path

Hernando FL 34442 TELEPHONE 8605501703
(City) (State) (Zip)

OWNER OF RECORD Niantic Bay Group LLC

MAILING ADDRESS as above

(City) (State) (Zip)

ENGINEER/SURVEYOR Greg Fedus TELEPHONE 8605367390

MAILING ADDRESS 70 Essex St, Unit 2C

Mystic CT 06355
(City) (State) (Zip)

SUBDIVISION NAME _____

SUBDIVISION LOCATION 347 Cabin Rd

ASSESSOR'S MAP 03-00 LOT 001-005

TOTAL NUMBER OF ACRES 6.61 NUMBER OF ACRES THIS SECTION 6.61

TOTAL LOTS PROPOSED 6 NUMBER OF LOTS THIS SECTION 6

TYPE OF SEWAGE DISPOSAL MUNICIPAL TYPE OF WATER SUPPLY MUNICIPAL

The undersigned hereby requests Commission approval of the above named subdivision and agrees, in consideration for said approval, to fulfill the requirements of the Town of Colchester Subdivision Regulations, to carry out the improvements agreed upon and intended by said approval and to make no changes whatsoever in the approved plans unless a revised plan has been submitted to, and approved by, the Commission.

John J. Doran
APPLICANT(S) SIGNATURE

John J. Doran - Niantic Bay Group LLC
OWNER(S) SIGNATURE

For Official Use:
APPLICATION SUBMITTED 9/9/2021 ZPC FEE PAID \$560.00

FIRST ENGINEERING REVIEW FEE Yes FIRST HEALTH REVIEW FEE Yes

NIANTIC BAY GROUP LLC
1967 N ROSEHUE PATH
HERNANDO, FL 34442

September 13, 2021

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

Re: Application for Re-Subdivision of 347 Cabin Road

Purpose and description of the proposed activity

The site encompasses 6.1+/- acres and is located within a Suburban District. It is located on the east side of Cabin Road. The site is undeveloped and supports mixed deciduous woodland and fields.

The proposed development involves the subdivision of the site into 6 residential building lots, the construction of six single family* residential structures, and approximately 800' of new road with associated stormwater management facilities. The homes will be serviced by public water and sanitary sewers. A homeowner's association will be formed and will be responsible for all maintenance and repairs of the sewer.

The project involves the construction of a sanitary sewer connection from 347 Cabin Road to the existing sewer line located north of the site and south of David Drive. The existing sewer line was installed to service the twelve lot Jordan Ally Subdivision of 2007. Phase 1 of that subdivision includes lots 1-4. Lot 1 is under construction; lots 2-4 have been built and are occupied. Each connects to the sanitary sewer. The second phase of the subdivision is the subject of this application and is known as the Jordan Lane Subdivision.

The open space requirement for both phases of the Jordan Ally Subdivision of 2007 was given to the town during phase one.

Sidewalks

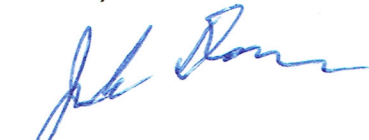
We request the requirement for sidewalks be waived. There are no sidewalks on Cabin Road. There are no sidewalks for the proposed new road to connect to nor are there any community facilities to access.

Traffic

This project will have no discernible impact on traffic patterns.

*The original application proposed six duplex structures. The proposal is now for six single family homes.

Sincerely,



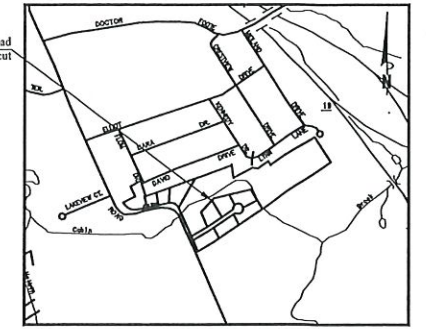
John Doran
Niantic Bay Group, LLC
Applicant/Owner

WETLANDS

OPEN SPACE NOTE:
NO ADDITIONAL OPEN SPACE IS REQUIRED FOR THIS SUBDIVISION. THE REQUIRED OPEN SPACE INDICATED ON THIS PLAN WAS DEPICTED AS PART OF PHASE 1 JORDAN ALLEY SUBDIVISION (NOTED ON REFERENCE MAP 1)

CURVE DATA

C1 R=25.00' L=41.96' T=27.84' Δ=96°09'46"	C2 R=1975.00' L=98.08' T=49.05' Δ=2°50'43"	C3 R=25.00' L=23.55' T=12.73' Δ=53°58'05"	C4 R=60.00' L=45.41' T=23.85' Δ=43°21'44"	C5 R=60.00' L=125.25' T=103.10' Δ=119°36'22"
C6 R=60.00' L=130.87' T=115.18' Δ=124°58'05"	C7 R=25.00' L=23.55' T=12.73' Δ=53°58'05"	C8 R=2025.00' L=100.56' T=50.29' Δ=2°50'43"	C9 R=25.00' L=36.58' T=22.45' Δ=83°50'14"	



Location Map
Scale: 1"=1000'

Legend

EXISTING	
SYMBOL	DESCRIPTION
□	MONUMENT
○	EX. IP / REBAR
⊙	DRILL HOLE
○	UTILITY POLE W/ LIGHT
○	STONEWALL
—	FENCE LINE
—	WATER VALVE
—	OVERHEAD WIRES
—	PROPERTY LINE
—	ADJACENT PROPERTY LINE
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—	BUILDING SETBACK LINE
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—	CATCH BASIN
(TYP.)	TYPICAL
5.8	SPOT ELEVATION
DH	DRILL HOLE
(POB)	POINT OF BEGINNING
—	TEST PIT
—	PERCOLATION TEST
—	UTILITY POLE
—	DRAINAGE MANHOLE
—	SEWER MANHOLE
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—	WATER SHUTOFF
PROPOSED	
SYMBOL	DESCRIPTION
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—	WATER SERVICE
—	SANITARY SERVICE
—	SPOT ELEVATION
—	INVERT
—	GALLON
—	SCHEDULE
—	HAY BALE BARRIER
—	WATER SHUTOFF
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—	MONUMENT TO BE SET

- Reference Maps:**
- "PROPOSED JORDAN ALLEY SUBDIVISION CABIN ROAD, COLCHESTER, CT", DATE: FEBRUARY 6, 2007 REVISED TO JANUARY 9, 2008; SCALE 1"=100'; BY: STANTEC 188 NORWICH ROAD, COLCHESTER, CT 06415 SHEET #2 OF 14.
 - "PROPOSED JORDAN ALLEY SUBDIVISION LOT #5 CABIN ROAD, COLCHESTER, CT" DATE: JULY 15, 2016; SCALE: 1"=100'; BY: FRANCIS E HAMM LICENSE SURVEYOR.

Subject Parcel Information

OWNER:	NIANTIC BAY GROUP, LLC
PARCEL ADDRESS:	347 CABIN RD, COLCHESTER, CT
APPLICANT:	NIANTIC BAY GROUP, LLC, 1967 N ROSE HUE PATH HERNANDO, FL 34442
MBL:	03-00/001-005
AREA:	287,995 SF = 6.61 ACRES
FLOOD ZONE:	ZONE X PER FIRM MAP # 09011C0165G
ZONING DISTRICT:	EFFECTIVE DATE: 7/18/2011 SU

- Survey Notes:**
- THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300B-1 THROUGH 20-300B-20 OF THE CONNECTICUT STATE AGENCIES - "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ENDORSED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996.
 - A. TYPE OF SURVEY: PROPERTY SURVEY/EXISTING CONDITIONS SURVEY
 - B. BOUNDARY DETERMINATION: THE PERIMETER A DEPENDANT RE-SURVEY. THE PROPOSED DIVISION IS AN ORIGINAL SURVEY
 - C. THIS SURVEY CONFORMS TO THE STANDARDS AND THE ACCURACY OF CLASS: A-2 HORIZONTAL
 - D. THIS SURVEY CONFORMS TO THE STANDARDS AND THE ACCURACY OF CLASS: T-3 VERTICAL. STATE OF CONNECTICUT (CROG) CAPITAL REGION COUNCIL OF GOVERNMENTS.
 - E. BEARINGS AS DEPICTED ARE BASED UPON REFERENCE MAP #1 (CERTIFIED CLASS A-2 THEREON)
 - BOUNDARY LINES OF ADJOINING PROPERTIES ARE SHOWN FOR GENERAL INFORMATIONAL PURPOSES ONLY AND ARE NOT TO BE CONSTRUED AS BEING ACCURATELY LOCATED OR DEPICTED.
 - THE WORD "CERTIFY" AS USED IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL OPINION BY THE SURVEYOR. IT IS A DECLARATORY STATEMENT, WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF. AS SUCH IT CONSTITUTES NEITHER GUARANTEE NOR WARRANTY, EXPRESSED OR IMPLIED, OF ANY INFORMATION CONTAINED HEREON. NO CERTIFICATION IS EXPRESSED OR IMPLIED ON ANY ORIGINAL OR ANY DUPLICATE OF THIS MAP UNLESS IT BEARS AN ORIGINAL STAMP OR SEAL AND ORIGINAL SIGNATURE OF THE INDIVIDUAL WHOSE REGISTRATION NUMBER APPEARS HEREON.
 - THIS MAP IS THE PROPERTY OF FEDUS ENGINEERING, LLC AND HAS BEEN SPECIFICALLY PREPARED FOR THE OWNER OF THIS PROJECT OR PROPERTY. IT IS NOT TO BE DUPLICATED OR USED IN PART OR FULLY FOR ANY OTHER PURPOSE, PROJECT, LOCATION, OR OWNER WITHOUT THE EXPRESS WRITTEN CONSENT OF FEDUS ENGINEERING, LLC.
 - UNDERGROUND UTILITY, STRUCTURE AND FACILITY LOCATIONS DEPICTED AND NOTED HEREON HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING AND LIMITED FIELD MEASUREMENTS. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE. THE EXISTENCE OF WHICH ARE UNKNOWN TO FEDUS ENGINEERING, LLC. THE SIZE LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION. CALL BEFORE YOU DIG 1-800-922-4455.

Soil Resource Consultants

I have reviewed the 2016 site plans for "Jordan Alley" and visited the subject property shown on Lots 5-10 along Cabin Road in Colchester. It is my professional opinion that there are no inland wetlands or watercourses on the areas proposed lots 5 through 10.

David H. Lord
David H. Lord - Certified Soil Scientist

THE COLCHESTER CONSERVATION COMMISSION, ACTING AS THE INLAND WETLANDS AGENCY FOR THE TOWN OF COLCHESTER, APPROVES THE PLAN AS DEPICTED. ANY CHANGES IN THE PLAN THAT MAY HAVE AN IMPACT UPON REGULATED WETLANDS OR WATERCOURSES ARE SUBJECT TO REVIEW BY THE COMMISSION AND MAY REQUIRE ADDITIONAL PERMITS.

APPROVED BY THE COLCHESTER CONSERVATION COMMISSION:

CHAIRMAN: _____
DATE: _____ EXPIRATION DATE: _____

THE SUBDIVISION REGULATIONS OF THE COLCHESTER ZONING AND PLANNING COMMISSION ARE PART OF THIS PLAN. APPROVAL OF THIS PLAN IS CONTINGENT UPON COMPLETION OF ALL THE REQUIREMENTS OF SAID SUBDIVISION REGS. EXCEPT ONLY VARIANCES OR MODIFICATIONS IN WRITING BY THE COLCHESTER ZONING & PLANNING COMMISSION AND ATTACHED HERETO.

APPROVED BY THE COLCHESTER ZONING & PLANNING COMMISSION:

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Note:
IN ACCORDANCE WITH SECTION 8.26.C OF THE CONNECTICUT GENERAL STATUTES, FAILURE TO COMPLETE ALL WORK BY FIVE YEARS FROM DATE OF APPROVAL OF THIS MAP SHALL RESULT IN EXPIRATION OF SUBDIVISION PLAN.

NO.	DATE	REVISIONS
1	6/13/2021	GENERAL REVISION
2	7/2/2021	TOWN STAFF COMMENTS
3	7/14/2021	TOWN STAFF COMMENTS
4	7/20/2021	TOWN STAFF COMMENTS
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6	9/9/2021	DENSITY CALCULATION
7	9/14/2021	PLANNING COMMENTS

Record Re-Subdivision Plan
of
Lot-5 Jordan Alley
347 Cabin Road
Colchester, Connecticut

Prepared For:
JOHN DORAN
June 10, 2021

DRAWING SCALE: 1"=40'

FEDUS ENGINEERING, LLC
CIVIL ENGINEERS
Mailing Address: 70 Essex Street Mystic, Connecticut 06355
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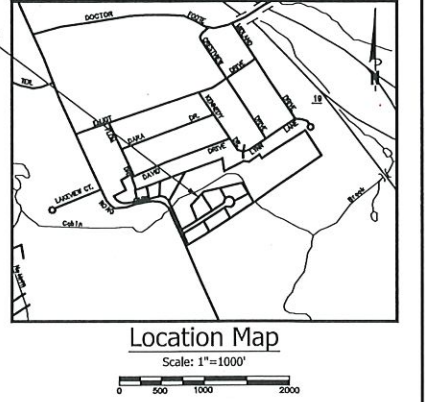
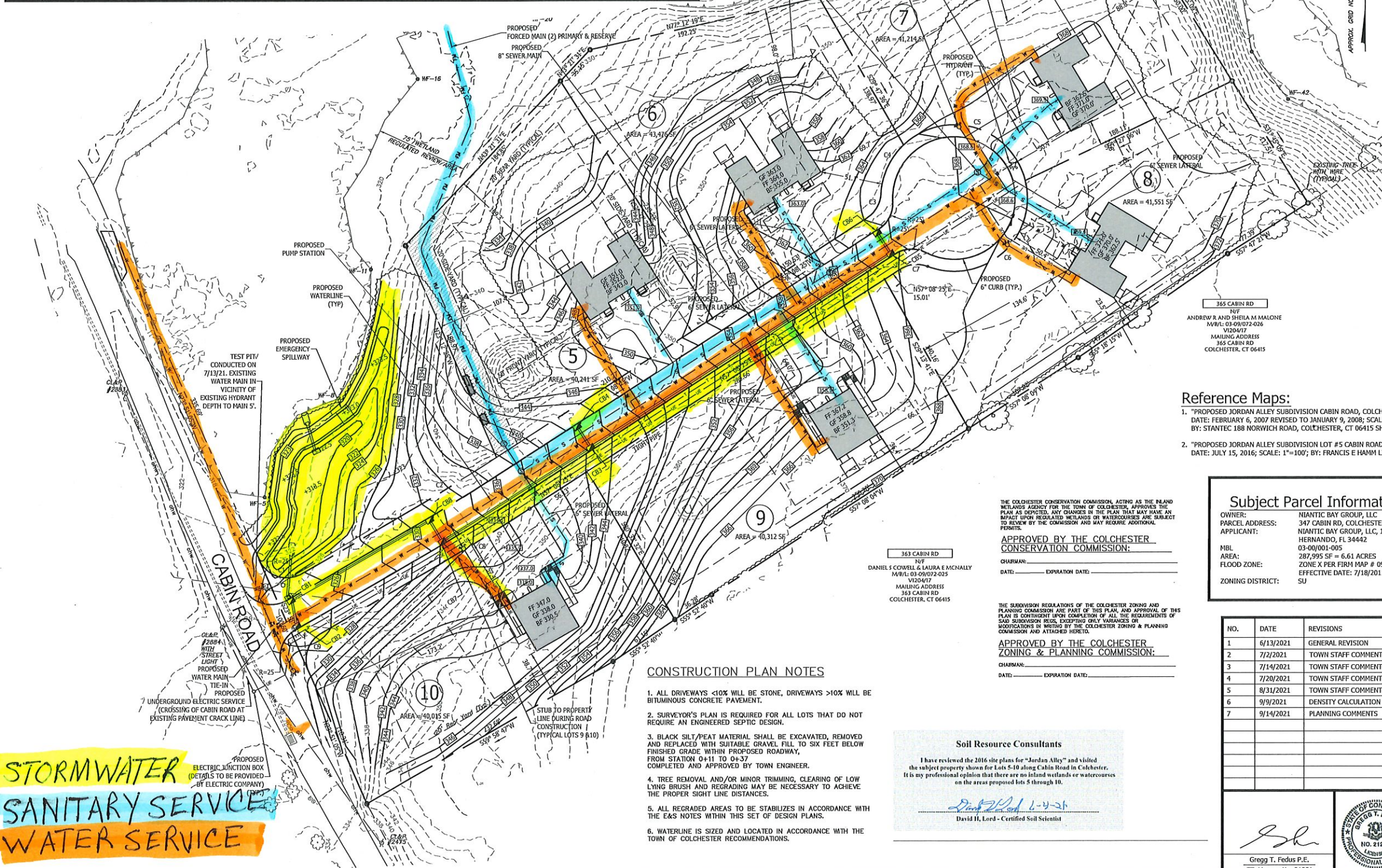
SHEET NO. 2 OF 19 JOB NO. 21-01005 DRAWN BY: DC

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

Anthony Hendriks
ANTHONY HENDRIKS LS CT. LICENSE NUMBER

SU SUBURBAN - ZONING REQUIREMENTS TABLE

SECTION	REGULATION	REQUIREMENTS	EXISTING LOT 5	PROPOSED LOT 5	PROPOSED LOT 6	PROPOSED LOT 7	PROPOSED LOT 8	PROPOSED LOT 9	PROPOSED LOT 10
4.4.1	MINIMUM LOT AREA	30,000 SF	287,995 SF	40,241 SF	43,476 SF	41,214 SF	41,551 SF	40,312 SF	40,015 SF
4.4.1	MINIMUM BUILDABLE AREA	12,500 SF	287,995 SF						
4.4.1	MINIMUM BUILDABLE SQUARE (RECTANGLE)	100' SQUARE 80' RECTANGLE	>100'X125'	>100'X125'	>100'X125'	>100'X125'	>100'X125'	>100'X125'	>100'X125'
4.4.1	DENSITY	1.1/BUILDABLE ACRE	6.6						
4.4.1	MINIMUM FRONTAGE ON LOCAL & DEAD END ROADS	125'	210.3'	219.5'	125.3'	169.4'	289.7'	291.5'	
4.4.1	MINIMUM FRONT YARD	50'	—	52.9'	51.1'	50.4'	50.4'	64.0'	57.4'
4.4.1	MINIMUM SIDE YARD	20'	—	107.4 W, 20.5 E	74.3 W, 69.7 E	76.5 NW, 20.85 E	134.65 W, 45.7N W	179.6 SW, 66.1 NE	173.2 SW, 70.2 NE
4.4.1	MINIMUM REAR YARD	20'	—	109.3'	98.0'	88.8'	23.4'	36.4'	38.7'
4.4.1	BUILDING HEIGHT	35'	—	<35'	<35'	<35'	<35'	<35'	<35'
20'	MAXIMUM LOT COVERAGE	20%	—	6%	5%	6%	6%	4%	4%



Legend

EXISTING	
SYMBOL	DESCRIPTION
□	MONUMENT
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SYMBOL	DESCRIPTION
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SCHED.	SCHEDULE
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 AREA: 287,995 SF = 6.61 ACRES
 FLOOD ZONE: ZONE X PER FIRN MAP # 09011C0165G
 EFFECTIVE DATE: 7/18/2011
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APPROVED BY THE COLCHESTER ZONING & PLANNING COMMISSION:

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- CONSTRUCTION PLAN NOTES**
- ALL DRIVEWAYS <10% WILL BE STONE, DRIVEWAYS >10% WILL BE BITUMINOUS CONCRETE PAVEMENT.
 - SURVEYOR'S PLAN IS REQUIRED FOR ALL LOTS THAT DO NOT REQUIRE AN ENGINEERED SEPTIC DESIGN.
 - BLACK SILT/PEAT MATERIAL SHALL BE EXCAVATED, REMOVED AND REPLACED WITH SUITABLE GRAVEL FILL TO SIX FEET BELOW FINISHED GRADE WITHIN PROPOSED ROADWAY, FROM STATION 0+11 TO 0+37 COMPLETED AND APPROVED BY TOWN ENGINEER.
 - TREE REMOVAL AND/OR MINOR TRIMMING, CLEARING OF LOW LYING BRUSH AND REGRADING MAY BE NECESSARY TO ACHIEVE THE PROPER SIGHT LINE DISTANCES.
 - ALL REGRADED AREAS TO BE STABILIZED IN ACCORDANCE WITH THE E&S NOTES WITHIN THIS SET OF DESIGN PLANS.
 - WATERLINE IS SIZED AND LOCATED IN ACCORDANCE WITH THE TOWN OF COLCHESTER RECOMMENDATIONS.

Soil Resource Consultants

I have reviewed the 2016 site plans for "Jordan Alley" and visited the subject property shown for Lots 5-10 along Cabin Road in Colchester. It is my professional opinion that there are no inland wetlands or watercourses on the areas proposed lots 5 through 10.

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STORMWATER
SANITARY SERVICE
WATER SERVICE

ELECTRIC JUNCTION BOX (DETAILS TO BE PROVIDED BY ELECTRIC COMPANY)

NO.	DATE	REVISIONS
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Construction Plan
 of
Lot-5 Jordan Alley
347 Cabin Road
Colchester, Connecticut
 Prepared For:
JOHN DORAN
 June 10, 2021

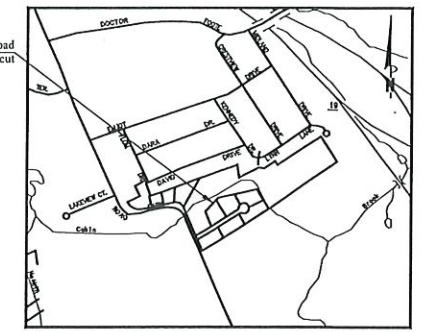
Gregg T. Fedus
 Gregg T. Fedus P.E.
 CT. License No. 21231



DRAWING SCALE: 1"=40'
 0 20 40 80

FEDUS ENGINEERING, LLC
 CIVIL ENGINEERS
 Mailing Address: 70 Essex Street Mystic, Connecticut 06355
 Office: (860) 536-7390 Fax: (860) 536-1644

SHEET NO. 3 OF 19 JOB NO. 21-001005 DRAWN BY: DC



Location Map
Scale: 1"=1000'

Legend

EXISTING	
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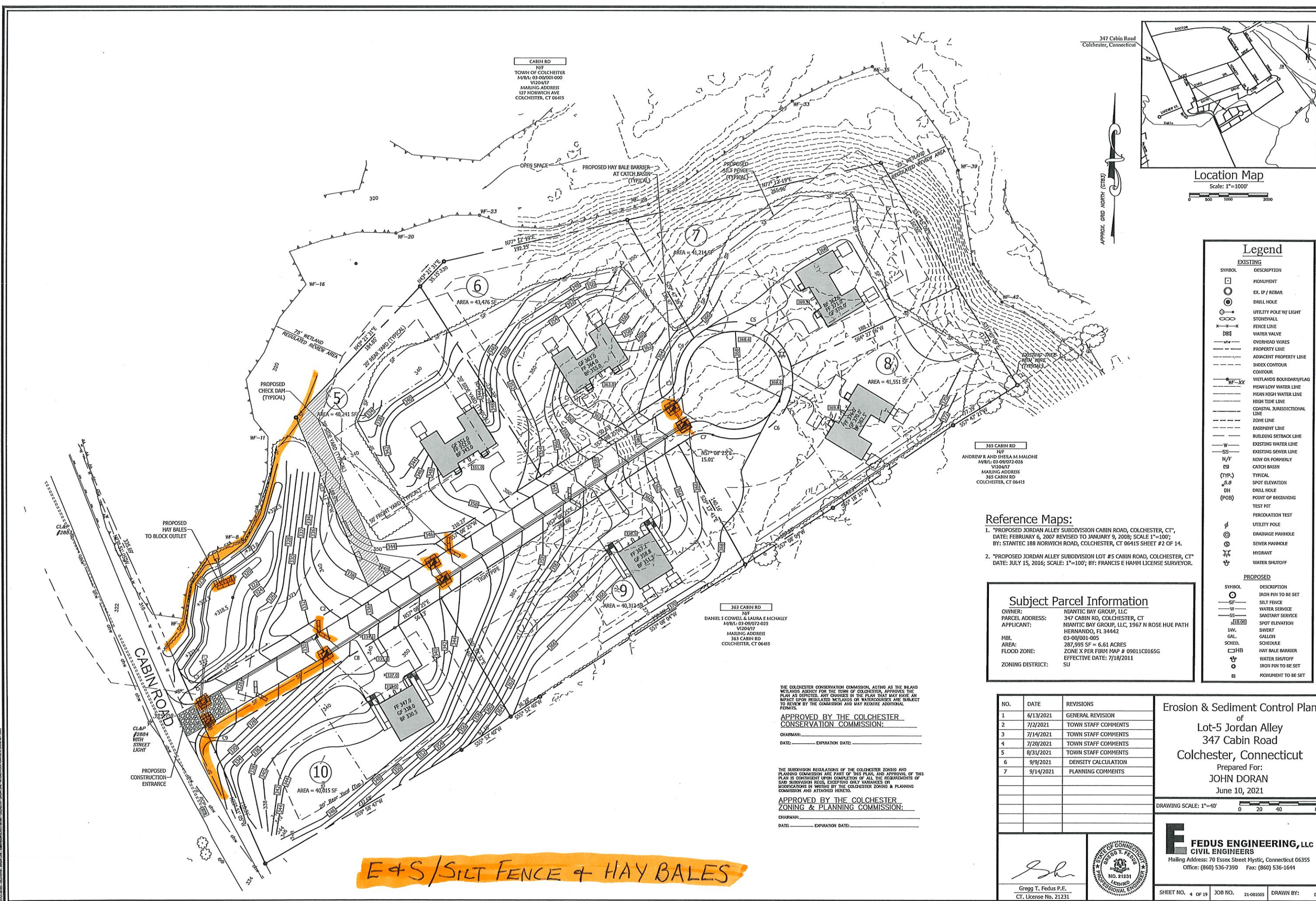
Erosion & Sediment Control Plan
 of
 Lot-5 Jordan Alley
 347 Cabin Road
 Colchester, Connecticut
 Prepared For:
 JOHN DORAN
 June 10, 2021

DRAWING SCALE: 1"=40'

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E+S/SILT FENCE + HAY BALES



**TOWN OF COLCHESTER
PLANNING AND ZONING DEPARTMENT**

TO: Planning and Zoning Commission

FROM: Daphne C. Schaub, Asst. Planner/ZEO

DATE: August 16, 2021

RE: Sharr Realty, LLC. - 139 South Main, LLC – Administrative Site Plan Modification (2021-010)

The applicant, Sharr Realty, LLC. proposed modify his existing approved site plan by adding four additional parking spaces at the Colchester Plaza, 139 South Main Street. The application was complete on September 9th. Staff continued their review and all staff had signed off by September 13, 2021.

The application, Sharr Realty, LLC. – Site Plan Modification Administrative Review (2021-010) was approved on September 13, 2021 with modifications. The modifications were:

1. The new spaces shall be comprised of porous asphalt;
2. Suitable landscaping and screening of the new spaces consistent with and enhancing the existing landscaping at similar spaces acceptable to the Zoning Enforcement Officer;
3. An E&S Bond satisfactory to the Town Engineer must be in place prior to the pre-construction meeting;
4. A pre-construction meeting must be held before commencement of construction;
5. The landscaping must be installed prior to release of the E&S Bond; and
6. A Two-Year Landscaping Bond shall be established for any new landscaping planted to be held through the first two growing seasons.

A Decision Notice was prepared and reads as follows: “**Sharr Realty, LLC. – Site Plan Modification Administrative Review (2021-010) – APPROVED** activities to be conducted at Colchester Plaza, 139 South Main Street, Colchester with modifications as proposed.” This will run in the RiverEast New Bulletin on Friday, September 17, 2021. There is a 15-day appeal period. Upon expiration of this appeal period the Applicant has been instructed to record the Notice of Decision in the Land Records at which time they may commence the project unless the application has been appealed to Superior Court of the State of Connecticut.

The preceding is the exact same process that is conducted for a Commission approved site plan modification except it was approved utilizing the recently adopted amend Section Nos. 14.5 (Administrative Review Application) & 15.3 (Site Plan Class 1) to allow administrative approval of minor site modifications to previously approved plans.