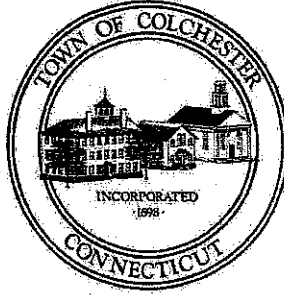


# Town of Colchester

Land Use Department  
127 Norwich Ave, Suite 105  
Colchester, CT 06415  
[www.colchesterct.gov](http://www.colchesterct.gov)



Demian Sorrentino, AICP, Planning Director  
Stacey Churchill, Land Use Assistant  
Isabelle Kisluk, Asst. Planner/ZEO  
Daniel Hickey, Wetlands Agent  
T: (860) 537-7278

**PLANNING & ZONING COMMISSION  
REGULAR MEETING  
Wednesday, October 18, 2023 – 7:00 PM  
Town Hall Meeting Room 1**

**AGENDA**

1. **Call to Order**
2. **Additions or Deletions to the Agenda**
3. **Minutes of Previous Meeting**
  - A. Regular Meeting 10/4/23
4. **Public Hearings**
  - A. **PZC2023-012** of Stephen M. Fedus (Applicant) and Stephen M. Fedus, Trustee of the Stephen M. Fedus Trust Agreement Dated August 15, 2001 (Owner) – Special Permit and Site Plan Review for proposed 19-unit multi-family residential development on 8.5± acres located at 203 Amston Road (Assessor's ID 21-00-003-000) Zoning District: Suburban Use (SU) & APOZ
  - B. **Notice of Zoning Violation and Order to Cease and Desist** dated September 28, 2023 and issued to Niantic Bay Group, LLC of 1967 N. Rose Hue Path, Hernando, FL 34442 for failure to provide required affordable housing within the Jordan Lane Affordable Housing Development (P&ZC Application 2021-015) that was permitted pursuant to Section 8-30g of the CT General Statutes a/k/a the Affordable Housing Appeals Act. Niantic Bay Group, LLC has been Ordered to attend this public hearing to be heard; to demonstrate that the violations have been corrected, and to show cause as to why said Notice and Order should not remain in effect. Property Locations: 34 Jordan Lane (ID#03-00/001-514); 24 Jordan Lane (ID#3-00/001-517); 22 Jordan Lane (ID#3-00/001-518); 20 Jordan Lane (ID#3-00/001-519); 16 Jordan Lane (ID#3-00/001-520); 12 Jordan Lane (ID#3-00/001-521); and 10 Jordan Lane (ID#3-00/001-522). Zoning District: Suburban Use (SU).
5. **Five Minute Session for the Public**
6. **Pending Applications**
  - A. **PZC2023-012** of Stephen M. Fedus (Applicant) and Stephen M. Fedus, Trustee of the Stephen M. Fedus Trust Agreement Dated August 15, 2001 (Owner) – Special Permit and Site Plan Review for proposed 19-unit multi-family residential development on 8.5± acres located at 203 Amston Road (Assessor's ID 21-00-003-000) Zoning District: Suburban Use (SU) & APOZ

RECEIVED  
COLCHESTER, CT  
2023 OCT 16 PM 1:53  
Gayle Furman  
TOWN CLERK

- 7. New Applications**
- 8. Preliminary Reviews**
- 9. Old Business**
- 10. New Business**
  - A. Review and approve 2024 Regular Meeting Schedule
- 11. Planning Issues and Discussions**
  - A. Zoning Enforcement Status Report
- 12. Correspondence**
- 13. Adjournment**

# Town of Colchester

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Demian Sorrentino, AICP, Planning Director  
Stacey Churchill, Land Use Assistant  
Isabelle Kisluk, Asst. Planner/ZEO  
Daniel Hickey, Wetlands Agent  
T: (860) 537-7278

**PLANNING & ZONING COMMISSION  
REGULAR MEETING  
Wednesday, October 4, 2023 – 7:00 PM  
Town Hall Meeting Room 1  
MINUTES**

**Members Present:** Chairman J. Mathieu; B. Hayn; M. Noniewicz; S. Nadeau

**Absent:** Vice Chair J. Novak; M. Kehogreen; S. Smith

**Also Present:** Planning Director, D. Sorrentino; ZEO I. Kisluk, Land Use Asst S. Churchill, Stephen Fedus  
Public

RECEIVED  
COLCHESTER, CT  
2023 OCT -6 PM 1:45  
DANIEL HICKEY  
PLANNING DIRECTOR

1. **Call to Order** – Chairman Mathieu called the meeting to order at 7:01 PM
2. **Additions or Deletions to the Agenda**
3. **Minutes of Previous Meeting**
  - A. Regular Meeting 9/20/23 – Motion by B. Hayn to approve with minor correction changing the word “table” to “postpone action” in a motion made by M. Noniewicz in the last meeting. 2<sup>nd</sup> by M. Noniewicz. Vote was unanimous, motion carried.
4. **Public Hearings**
  - A. **PZC2023-012** of Stephen M. Fedus (Applicant) and Stephen M. Fedus, Trustee of the Stephen M. Fedus Trust Agreement Dated August 15, 2001 (Owner) – Special Permit and Site Plan Review for proposed 19-unit multi-family residential development on 8.5± acres located at 203 Amston Road (Assessor’s ID 21-00-003-000) Zoning District: Suburban Use (SU) & APOZ – Public Hearing continued from 9/20/23. D. Sorrentino noted the additional Exhibits added to the file including Public Works Director comments, Planning Director Comments and a letter received from Clem McGrath of 16 Village Court. Chairman Mathieu asked if anyone would like to give additional testimony, beginning with the applicant. Stephen Fedus stated he was happy to answer any questions. He spoke of the need for affordable housing and workforce housing in Colchester and across the state. He feels this will enrich the community and feels it is a good fit due to the mixed commercial/residential uses nearby as well as a mixture of single-family homes, rentals and condos.  
Shirley Boron, 3 Village Court – spoke on behalf of another resident on Village Court and expressed a desire for continuous sidewalks going down Rte 85 to the intersection with Broadway to help make pedestrian traffic safer. D. Sorrentino stated there may be grants available to make that happen and will discuss with the Town Engineer.

Motion by M. Noniewicz to continue the public hearing until the next regularly scheduled meeting on October 18<sup>th</sup> so that staff comments can be addressed, and the Conservation Commission can make a decision on the application before them. 2<sup>nd</sup> by B. Hayn. Vote was unanimous, motion carried.

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

**6. Pending Applications**

- A. **PZC2023-012** of Stephen M. Fedus (Applicant) and Stephen M. Fedus, Trustee of the Stephen M. Fedus Trust Agreement Dated August 15, 2001 (Owner) – Special Permit and Site Plan Review for proposed 19-unit multi-family residential development on 8.5± acres located at 203 Amston Road (Assessor's ID 21-00-003-000) Zoning District: Suburban Use (SU) & APOZ – Motion by M. Noniewicz to postpone action on application PZC2023-012 until the next regularly scheduled meeting on October 18, 2023 because the Public Hearing is still open. 2<sup>nd</sup> by B. Hayn. Vote was unanimous, motion carried.

**7. New Applications – None**

**8. Preliminary Reviews – None**

**9. Old Business – None**

**10. New Business – None**

**11. Planning Issues and Discussions**

- A. Zoning Enforcement Status Report – J. Kisluk gave an update on ongoing Zoning and Blight violations. Discussed status of complaints regarding political signs. 11 signs have been relocated to compliant locations.
- B. Jordan Lane Affordable Housing Development – Public Hearing will be held on 10/18/23 regarding the lack of homes sold as affordable on Jordan Lane.

**12. Correspondence**

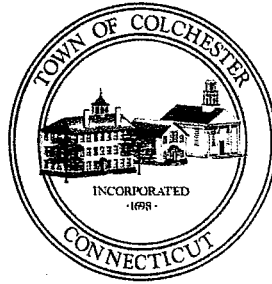
- A. Centerline Communications – Notice of Exempt Modification – 355 Route 85

**13. Adjournment –** Motion by B. Hayn to adjourn. 2<sup>nd</sup> by S. Nadeau. Vote was unanimous, meeting adjourned at 7:21 pm.

Respectfully submitted by: Stacey Churchill, Land Use Assistant

# Town of Colchester

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Stacey Churchill, Land Use Assistant  
Isabelle Kisluk, Asst. Planner/ZEO  
Daniel Hickey, Wetlands Agent  
T: (860) 537-7278

## NOTICE OF ZONING VIOLATION AND ORDER TO CEASE AND DESIST

September 28, 2023

**By USPS Certified Mail, Return Receipt Requested & Copy w/ Certificate of Mailing**

**Certified # 7003 0500 0005 2948 1343**

Niantic Bay Group, LLC  
Attn: John Doran, Project Manager  
Attn: Jodie Chase, Principal  
1967 N. Rose Hue Path  
Hernando, FL 34442

**Certified # 7003 0500 0005 2948 1336**

Niantic Bay Group, LLC  
Attn: John Doran, Project Manager  
Attn: Jodie Chase, Principal  
225 Boston Post Road #124  
East Lyme, CT 06333

- RE: NOTICE OF ZONING VIOLATION AND ORDER TO CEASE AND DESIST**  
**Jordan Lane Affordable Housing Development (Application 2021-015) (Map Book 48, Page 3764)**  
**Unit 14 - 34 Jordan Lane - 03-00/001-514**  
**Unit 17 - 24 Jordan Lane - 03-00/001-517**  
**Unit 18 - 22 Jordan Lane - 03-00/001-518**  
**Unit 19 - 20 Jordan Lane - 03-00/001-519**  
**Unit 20 - 16 Jordan Lane - 03-00/001-520**  
**Unit 21 - 12 Jordan Lane - 03-00/001-521**  
**Unit 22 - 10 Jordan Lane - 03-00/001-522**

Dear Mr. Doran and Ms. Chase,

You are receiving this **NOTICE OF ZONING VIOLATION AND ORDER TO CEASE AND DESIST FOR THE ABOVE-REFERENCED PROPERTIES AND THE JORDAN LANE AFFORDABLE HOUSING DEVELOPMENT** because Niantic Bay Group, LLC ("Niantic Bay"), and you as the principals of Niantic Bay and/or agent, builder, or contractor of the project or properties (collectively with Niantic Bay hereafter "You" and "Your"), are in **IN VIOLATION OF THE TOWN OF COLCHESTER PLANNING & ZONING COMMISSION'S APPROVAL OF AFFORDABLE HOUSING APPLICATION NO. 2021-015 DATED FEBRUARY 4, 2022 (THE "P&ZC APPROVAL"), THE AFFORDABILITY PLAN DATED DECEMBER 7, 2021 (THE "AFFORDABILITY PLAN"), THE LAND DEVELOPMENT (ZONING) REGULATIONS FOR THE TOWN OF COLCHESTER ("ZONING REGULATIONS"), CONNECTICUT GENERAL STATUTE §§ 8-30g ET SEQ., AND REGULATIONS OF CONNECTICUT STATE AGENCIES §§ 8-30g-1 ET SEQ.**

**YOU ARE HEREBY ORDERED TO CEASE AND DESIST ALL ACTIVITIES, ALL CONSTRUCTION, AND ANY EFFORTS TO TRANSFER DEVELOPED AND UNDEVELOPED PROPERTIES IN THE JORDAN LANE AFFORDABLE HOUSING DEVELOPMENT.** Your attention is directed to § 8-12 of the CT General Statutes, which authorizes the institution of a lawsuit to enforce the Zoning Regulations and provides for the assessment of fines,

penalties, and costs. Fines may range from not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each day such violation continues, and civil penalties may be awarded up to \$2,500. In addition, if the court finds that the offense is willful, the court may assess a higher fine of not less than one hundred dollars (\$100) nor more than two hundred and fifty dollars (\$250) for each day that such violation continues.

Providing affordable homes as part of the approval of an affordable housing development is a fundamental requirement under the Affordable Housing Appeals Act (§ 8-30g of the CT General Statutes) and to enable the approval of subdivided lots that do not otherwise satisfy the minimum lot area, setbacks, density, and other applicable requirements of the underlying Suburban Use (SU) District.

The P&ZC Approval of Application No. 2021-015 for the Jordan Lane Affordable Housing Development authorized a subdivision containing twenty-four units, of which Section III of the Affordability Plan designated the following eight as affordable units in accordance with § 8-30g of the General Statutes: units 1, 3, 5, 16, 18, 20, 22, and 24. See Table of Units, attached as Exhibit A. This was supported by information, presentations, and documentation provided by Niantic Bay during the proceedings and contained in the P&ZC's record.

Based on documents recorded in the Colchester Land Records or located in Town files, as of the date of issuance of this Notice and Order, fifteen (15) dwelling units located in the Jordan Lane Affordable Housing Development have been conveyed: units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, and 16.

- The Town has not received confirmation that the sale price of any of the fifteen (15) dwelling units satisfy the maximum sale price requirements of Section IX of the Affordability Plan.
- The Town has not received confirmation that any of the fifteen (15) buyers satisfy the income eligibility requirements of Section VIII of the Affordability Plan.
- None of the fifteen (15) deeds recorded in the Colchester Land Records contain the required covenants and restrictions that ensure continuation of the applicable affordability and income requirements for a period of at least forty (40) years after the initial sale.
- The Jordan Lane Affordable Housing Development was approved as a set-aside development, which, per Sections I, VI, and X of the Affordability Plan, requires thirty percent (30%) of the dwelling units in the project will be designated as affordable housing units. To date, no units have been sold as affordable housing.

Accordingly, Niantic Bay has violated the requirements for affordable housing under the P&ZC Approval, the Affordability Plan, § 8-30g et seq. of the CT General Statutes, and Regulations of Connecticut State Agencies §§ 8-30g-1 et seq.

In the absence of compliance with the affordable housing requirements for the set-aside development, including the development of affordable homes required under the Affordability Plan and the P&ZC Approval, each unit is further in violation of all of the underlying zoning requirements of the Suburban Use (SU) District under § 4.0 of the Zoning Regulations, including minimum lot area, setbacks, density, and other applicable requirements.

Finally, based on information available in the Colchester Land Records and statements made at the meeting with Land Use Department (“LUD”) staff attended by Mr. Doran and Niantic Bay’s legal counsel Edward M. Cassella, Esq. at Town Hall at 1:00 PM on September 20, 2023, at least some of the violations detailed above appear to be the result of your knowing conduct, including the failure to comply with the affordability requirements for the set-aside development, as well as the failure to convey homes at the required affordable prices, to income-qualified persons, and with required deed restrictions governing future sales. Therefore, be advised that such violations may be considered “willful” violations pursuant to § 8-12 of the CT General Statutes.

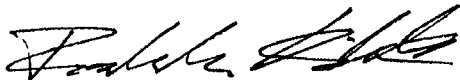
**TO REMEDY THE VIOLATIONS, YOU ARE HEREBY ORDERED** to attend a Public Hearing before the Planning & Zoning Commission on October 18, 2023 to be heard, to demonstrate that the violations have been corrected, and to show cause as to why this Notice and Order should not remain in effect.

**YOUR RIGHT TO AN APPEAL:** In accordance with § 8-7 of the CT General Statutes, you may file an appeal of this Notice and Order with the Colchester Zoning Board of Appeals within thirty (30) days of receipt. Failure to appeal this Notice and Order or to correct the violations within the timeframe prescribed herein will result in the referral of this matter to the Town Attorney with a recommendation to initiate immediate legal action.

**YOU MAY BE SUBJECT TO FINES AND PENALTIES:** Pursuant to § 17.1 of the Zoning Regulations and § 8-12 of the CT General Statutes, you are subject to an enforcement action that may include fines and/or legal expenses. Additionally, per Section V of the Affordability Plan, the Town is entitled to attorney’s fees and costs associated with any enforcement action, including this Notice of Violation and Order to Cease and Desist. Further, the Town reserves the right to seek any and all legal and equitable remedies, including injunctive action, through the Connecticut Superior Court, which may include fines of up to two hundred and fifty dollars (\$250) per violation per day, as well as court costs and attorney’s fees.

If you have any questions regarding this Notice and Order, we can be reached via email at the address provided below.

Sincerely,



Isabelle Kisluk  
Zoning Enforcement Officer & Assistant Planner  
E: ikisluk@colchesterct.gov



Demian A. Sorrentino, AICP, CSS  
Planning Director  
E: dsorrentino@colchesterct.gov

- C: Cloutier & Cassella, LLC - Edward M. Cassella, Esq. (Agent for Niantic Bay Group, LLC) via USPS
- Shipman & Goodwin, LLP - Town Attorney via Email
- Colchester Planning & Zoning Commission via Email
- Colchester Zoning Board of Appeals via Email
- Gayle Furman - Colchester Town Clerk via Email
- DeMarco Management Corporation (designated Affordability Administrator) via USPS

**Exhibit A**

Table of Units

<b>Unit</b>	<b>Address</b>	<b>Assessor's ID</b>	<b>Designated Affordable</b>	<b>Sold as of 9/27/23</b>	<b>Sale Price Listed on Deed</b>
1	15 Jordan Lane	03-00/001-501	Yes	Yes	\$475,000
2	19 Jordan Lane	03-00/001-501		Yes	\$426,430
3	21 Jordan Lane	03-00/001-502	Yes	Yes	\$422,725
4	23 Jordan Lane	03-00/001-503		Yes	\$413,350
5	27 Jordan Lane	03-00/001-504	Yes	Yes	\$437,900
6	31 Jordan Lane	03-00/001-505		Yes	\$369,000
7	35 Jordan Lane	03-00/001-506		Yes	\$429,900
8	37 Jordan Lane	03-00/001-507		Yes	\$479,900
9	39 Jordan Lane	03-00/001-508		Yes	\$524,900
10	42 Jordan Lane	03-00/001-509		Yes	\$544,900
11	40 Jordan Lane	03-00/001-511		Yes	\$505,625
12	38 Jordan Lane	03-00/001-512		Yes	\$501,325
13	36 Jordan Lane	03-00/001-513		Yes	\$475,000
14	34 Jordan Lane	03-00/001-514			
15	30 Jordan Lane	03-00/001-515		Yes	\$439,900
16	28 Jordan Lane	03-00/001-516	Yes	Yes	\$552,475
17	24 Jordan Lane	03-00/001-517			
18	22 Jordan Lane	03-00/001-518	Yes		
19	20 Jordan Lane	03-00/001-519			
20	16 Jordan Lane	03-00/001-520	Yes		
21	12 Jordan Lane	03-00/001-521			
22	10 Jordan Lane	03-00/001-522	Yes		
23	[X] Jordan Lane	03-00/001-523			
24	[Y] Jordan Lane	03-00/001-524	Yes		



7003 0500 0005 2948 1343

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Hernando, FL 34442

Postage	\$4.35	\$3.55	0415
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Return Receipt Fee (Endorsement Required)	\$0.00	\$0.00	SEP 28 2023
Restricted Delivery Fee (Endorsement Required)	\$0.00	\$0.00	Postmark Here
Total Postage & Fees	\$8.56	\$8.56	USPS 09/28/2023

Sent To: **NIANTIC BAY GROUP, LLC**  
 Street, Apt. No.; or PO Box No.: **1967 N. ROSE HUE PATH**  
 City, State, ZIP+4: **HERNANDO, FL 34442**

PS Form 3800, June 2002 See Reverse for Instructions

7003 0500 0005 2948 1336

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East Lyme, CT 06333

Postage	\$4.35	\$3.55	0415
Certified Fee	\$0.00	\$0.00	10
Return Receipt Fee (Endorsement Required)	\$0.00	\$0.00	SEP 28 2023
Restricted Delivery Fee (Endorsement Required)	\$0.00	\$0.00	Postmark Here
Total Postage & Fees	\$8.56	\$8.56	USPS 09/28/2023

Sent To: **NIANTIC BAY GROUP, LLC**  
 Street, Apt. No.; or PO Box No.: **225 BOSTON POST RD, #124**  
 City, State, ZIP+4: **EAST LYME, CT 06333**

PS Form 3800, June 2002 See Reverse for Instructions



UNITED STATES POSTAL SERVICE® Certificate of Mailing

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From: TOWN OF COLCHESTER  
LAND USE DEPT.,  
127 NORWICH AVE., SUITE 105  
COLCHESTER, CT 06415  
To: NANTIC BAY GROUP, LLC  
225 BOSTON POST RD. # 124  
EAST LYME, CT 06333

PS Form 3817, April 2007 PSN 7530-02-000-9065



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From: TOWN OF COLCHESTER  
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To: NANTIC BAY GROUP, LLC  
1967 N. ROSE HUE PATH  
HERNAUDO, FL 34442

PS Form 3817, April 2007 PSN 7530-02-000-9065



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127 NORWICH AVE., SUITE 105  
COLCHESTER, CT 06415  
To: COUTIER + CASSELLA, LLC  
EDWARD M. CASSELLA, ESQ.  
29 ELM STREET  
OLD SAYBROOK, CT 06475

PS Form 3817, April 2007 PSN 7530-02-000-9065



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From: TOWN OF COLCHESTER  
LAND USE DEPT.,  
127 NORWICH AVE., SUITE 105  
COLCHESTER, CT 06415  
To: DEMARCO MANAGEMENT CORP.  
MARGARETA C. DEMARCO  
117 MURPHY ROAD #2  
HARTFORD, CT 06114

PS Form 3817, April 2007 PSN 7530-02-000-9065



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06415  
APR 23 2007  
AMOUNT

## Demian Sorrentino

---

**From:** Demian Sorrentino  
**Sent:** Tuesday, October 10, 2023 1:44 PM  
**To:** Demian Sorrentino  
**Subject:** Niantic Bay Group, LLC - Acknowledgment of Receipt of NOZV&O Dated 9/28/23

**TO ACCOMPANY FILING OF  
NOTICE OF ZONING VIOLATION AND ORDER TO CEASE AND DESIST DATED 9/28/23  
ON THE COLCHESTER LAND RECORDS**

As of 10/10/23 the undersigned has not received the Return Receipt for Certified Mail # 7003 0500 0005 2948 1343, being the Notice of Zoning Violation and Order to Cease and Desist dated 9/28/23 mailed to Niantic Bay Group, LLC, Attn: John Doran, Project Manager, Attn: Jodie Chase, Principal, 1967 N. Rose Hue Path, Hernando, FL 34442.

Said Notice of Zoning Violation and Order to Cease and Desist was mailed to the above-named recipient on 9/28/23 via: (1) USPS Certified Mail w/ Return Receipt Requested, as evidenced by the date stamp upon the Certified Mail Receipt recorded herewith; (2) USPS First Class Mail w/ Certificate of Mailing as evidenced by the dated postage decal on the Certificate of Mailing receipt recorded herewith; and (3) electronic mail to John Doran <john@nianticbaygroup.com> dated Thursday, September 28, 2023, 4:20 PM.

John Doran of Niantic Bay Group, LLC acknowledged receipt of said Notice of Zoning Violation and Order to Cease and Desist via email correspondence addressed to Colchester First Selectman Andreas Bisbikos and copied to the undersigned, which email is dated Friday, September 29, 2023, 6:44 AM.

Attest:



Demian A. Sorrentino, AICP, CSS  
Planning Director  
Town of Colchester  
127 Norwich Avenue  
Colchester, CT 06415  
T: (860) 537-7282  
E: [dsorrentino@colchesterct.gov](mailto:dsorrentino@colchesterct.gov)  
[www.colchesterct.gov](http://www.colchesterct.gov)



# *Town of Colchester*

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Daniel Hickey, Wetlands Agent  
T: (860) 537-7278

## **COLCHESTER PLANNING AND ZONING COMMISSION 2024 REGULAR MEETING SCHEDULE**

The following will be the dates for the regular monthly meetings of the Colchester Planning & Zoning Commission for 2024. The meetings are generally held on the first and third Wednesday of the month at 7:00 PM at Town Hall, located at 127 Norwich Avenue, Colchester, CT (unless noticed otherwise).

WEDNESDAY, JANUARY 3, 2024

WEDNESDAY, JANUARY 17, 2024

WEDNESDAY, FEBRUARY 7, 2024

WEDNESDAY, FEBRUARY 21, 2024

WEDNESDAY, MARCH 6, 2024

WEDNESDAY, MARCH 20, 2024

WEDNESDAY, APRIL 3, 2024

WEDNESDAY, APRIL 17, 2024

WEDNESDAY, MAY 1, 2024

WEDNESDAY, MAY 15, 2024

WEDNESDAY, JUNE 5, 2024

TUESDAY, JUNE 18, 2024 \*\*

WEDNESDAY, JULY 17, 2024 \*

WEDNESDAY, AUGUST 21, 2024 \*

WEDNESDAY, SEPTEMBER 4, 2024

WEDNESDAY, SEPTEMBER 18, 2024

WEDNESDAY, OCTOBER 2, 2024

WEDNESDAY, OCTOBER 16, 2024

WEDNESDAY, NOVEMBER 6, 2024

WEDNESDAY, NOVEMBER 20, 2024

WEDNESDAY, DECEMBER 4, 2024

WEDNESDAY, DECEMBER 18, 2024

\* One meeting per month in July & August

\*\* Moved due to holiday

Joseph Mathieu, Chair