**TOWN OF COLCHESTER**

**PLANNING AND ZONING DEPARTMENT**

**TO:** Planning and Zoning Commission **FROM:** Stacey Kilgus, Land Use Assistant **DATE:** September 21, 2022

**RE:** Update - Niantic Bay Group LLC-Special Permit (2022-007)

During the public hearing testimony for this application, an abutter expressed concern about the ownership of the portion of the parcel previously intended to be the private road called Rutka Lane. Research into the issue found that the individual lots shown on the Assessor’s GIS map as well as the roadway should have been changed back into one 6.02-acre parcel. A subdivision application in 1973 was invalidated when no site development occurred after 5 years, per the rules at the time. The Town’s Assistant Planner in 2006 sent a memo to the Zoning Board of Appeals letting them know this was the case. Had the Assessor been made aware as well, the lots would have been reverted back at that time. The change has now been made by the Assessor and the parcel is now whole again. The ownership of the land includes a 14% ownership by Sophie Rutka, who is deceased. Staff is waiting to hear from Joe Rutka, the applicant and executor of Sophie’s estate, with details about how the land ownership was handled after she passed.

Prior to this, all outstanding comments were addressed, and an approval was recommended. Staff now recommends approval of the application with a condition that the applicant provide proper proof of ownership and it is filed on the land records.

SK