



Town of Colchester, CT

127 Norwich Avenue, Colchester, Connecticut 06415
PLANNING & ZONING COMMISSION

Wednesday, November 2, 2022

7:00 pm – Town Hall, Room 1

Regular Meeting

MINUTES

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

Also Present: A. Lago, ZEO, S. Kilgus, Land Use Assistant, and applicants

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COLCHESTER, CT
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Gayle Furman
TOWN CLERK

1. **Call to Order** – Chairman Mathieu called the meeting to order at 7:00 pm
2. **Additions or Deletions to the Agenda**
3. **Minutes of Previous Meeting**
 - a. October 19, 2022 – Motion by M. Noniewicz to approve minutes as written. 2nd by B. Hayn. **Vote was unanimous, motion carried.**
4. **Public Hearings**
 - a. CMMD, LLC – Regulation Amendment 2022-011, adding large scale technology to the LSIA Floating Zone – Chairman Mathieu opened the public hearing and asked if anyone in attendance had any concerns about commissioners seated. Hearing none, he asked the applicant to speak on the application. Attorney Harry Heller, Uncasville, CT, appeared on behalf of the applicant CMMD, LLC. He discussed the intention of the application for the text amendment to allow data processing technology buildings in the LSIA Floating Zone to become the LSIAT. Upon passing, there will be an application submitted to construct large scale data processing facilities on the site to be powered by a fuel cell. The changes also increase the maximum building height to 50'. Attorney Heller stated the use is consistent with the economic development goals laid out in the town's Plan of Conservation and Development. Chairman Mathieu then asked if anyone else in the audience would like to speak in favor of the application. Hearing none, he asked if anyone would like to speak in opposition to the application. Hearing none, the Chairman stated the public hearing would remain open so the Regional Council of Governments could have more time to review the text changes. Motion by J. Novak to leave the public hearing open. 2nd by M. Kehoegreen. **Vote was unanimous, motion carried.**
 - b. Town of Colchester – Regulation Amendment 2022-014, adopting adult-use cannabis regulations – Chairman Mathieu opened the public hearing and asked if anyone in attendance had any concerns about commissioners seated. Hearing none, A. Lago provided some information about cannabis license types. Chairman Mathieu explained this application is to adopt regulations surrounding adult-use cannabis in response to new legislation allowing the cultivation and sale in Connecticut. Certain cannabis establishments are allowed in some zones and requirements for those establishments were laid out. The chairman asked if any members in the audience wished to speak in favor of the application, hearing none, he asked if anyone wanted to speak in opposition. Hearing none, the Chairman stated the public hearing would remain open so the Regional Council of Governments could have more time to review the

text changes. Motion by J. Novak to continue the public hearing. 2nd by B. Hayn. **Vote was unanimous, motion carried.**

5. Five Minute Session for the Public – None

6. Pending Applications

- a. Niantic Bay Group LLC – Wall St near “O Rutka Ln” – Special Permit (2022-007) – S. Kilgus updated the commission on the outstanding issue of ownership of the parcel. The town attorney was consulted on how to proceed. He advised the applicant was in good standing and appropriately brought an application before the commission. The commission should proceed in processing the application. Additionally, an affidavit was filed in the town clerk’s office resolving the ownership issue on the land records. Members discussed the application and how it fits into the land development regulations. Some members expressed concern with impacts of the development on abutting Wall Street as stated by neighboring land owners. With all staff comments being addressed, the commission was prepared to vote. Motion by B. Hayn to approve special permit application 2022-007 Niantic Bay Group LLC. 2nd by J. Novak. **Motion carried with M. Kehoegreen abstaining. All other members voted in favor.**

Attorney Heller asked the Chairman if a discussion on affordable housing would be beneficial to the commission and offered to come at a future meeting.

- b. Brian & H. Jean Smith – 12 & 24 Broadway St – Site Plan 2022-013 to construct banquet hall. **No Action.**

7. New Applications

8. Preliminary Reviews

- a. HWY 95, LLC – Special Permit, adult-use cannabis retail in Westchester Village district – Prospective applicant did not appear.

9. Old Business

- a. Gano’s Power Equipment, 120 Linwood Ave – 2022-012 Site Plan Modification Motion by J. Novak to move item #10a to #9a. 2nd by B. Hayn. **Vote was unanimous, motion carried.** Ellen Bartlett, engineer with CLA spoke on behalf of the applicant. They are applying to modify their previously approved site plan that required the parking spaces in the front along Linwood Avenue be removed and DOT compliant sidewalks be installed. The applicant states they have run into financial difficulties and cannot afford to install the sidewalks. The commission discussed the proposal and was in agreement that the parking space access is dangerous in that area. They also agreed that the sidewalk network along Linwood Avenue should be continued in that section. Motion by M. Noniewicz to deny the application. 2nd by S. Nadeau. **Vote was unanimous, motion carried.**

10. New Business

- a. CMMD LLC – 2022-011 Regulation Amendment – No action
- b. Town of Colchester – 2022-014 Regulation Amendment – No action

11. Planning Issues and Discussions – None

12. Correspondence – None

13. Adjournment – Motion by M. Noniewicz to adjourn. 2nd by J. Novak. Vote was unanimous, motion carried.

Respectfully submitted by, S. Kilgus, Land Use Assistant



received from Ellen Bartlett, CIA
re: 2022-02





