



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

RECEIVED
COLCHESTER, CT
2023 APR 20 PM 1:45
Gayle Furman
TOWN CLERK

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

Members Absent: M. Kehogreen, 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 on-going 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