



# Town of Colchester, CT

127 Norwich Avenue, Colchester, Connecticut 06415

PLANNING & ZONING COMMISSION

Wednesday, April 5, 2023  
7:00 pm – Town Hall, Room 1  
Special Meeting  
MINUTES

RECEIVED  
COLCHESTER, CT  
2023 APR -6 PM 3:54  
Gayle Furman  
TOWN CLERK

**Members Present:** Chairman J. Mathieu, B. Hayn, S. Smith, M. Kehogreen, M. Noniewicz  
**Also Present:** Planning Director Demian Sorrentino, ZEO Ariel Lago, Land Use Assistant S. Kilgus, applicants  
**Members Absent:** S. Nadeau, Vice Chair J. Novak

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. Regular Meeting of 3/15/23 – B. Hayn motion to approve minutes as written, 2<sup>nd</sup> by S. Smith. During discussion, M. Noniewicz questioned the approval of the accessory structure due to the minutes being unclear. B. Hayn withdrew his first motion. Amended to reflect that the size of the accessory structure should be below a certain threshold to be permissible by the ZEO and would not have to go to the commission. Motion by B. Hayn to approve as amended, 2<sup>nd</sup> by S. Smith. Motion carried with M. Noniewicz 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) – Chairman Mathieu asked those in attendance if they had any concerns with commissioners seated. Hearing none, he asked the applicant to speak about the application. Gordon Videll with HWY 95, LLC discussed the applicant which is a social equity joint venture with an existing medical dispensary. They are proposing an adult-use cannabis retail location in an existing retail plaza at 493 Westchester Rd. Tom Mackry with Still River Wellness was in attendance as well as Bill Bascetta from MVP Investments who would be handling the interior build of the store. T. Mackry explained how the store would operate, hours of operation, number of employees and the process for placing orders. When they first submitted their application, they planned on only allowing online orders with specific pick-up times. Over the last couple months, they have realized that walk-in sales do not adversely affect the operations and as long as they have staff and space available, they would allow them. Commissioners expressed concern that the information being presented at the hearing differs from the original narrative submitted with the application. There was a concern about space available for customers waiting in line to avoid a line outside the store. The security plan, ordering process, cash controls and the delivery process

were also discussed. The applicant will revise the narrative to include the points that have changed since their other dispensary has been in operation for adult-use sales.

Chairman Mathieu asked if there was any testimony in favor. Hearing none, he asked if there was anyone who wanted to speak in opposition to the application.

- M. Mikalski spoke about public health concerns and property values.
- M. Nettleton stated Westchester Village isn't the right area for a cannabis store.
- J. Nettleton does not think the store should be located near the bar that is already in the plaza.
- M. Nettleton discussed hours of operation, traffic, school children and car accidents.

Motion by M. Noniewicz motion to continue the public hearing until the next regular meeting on April 19<sup>th</sup> so the applicant can make some revisions to their application. 2<sup>nd</sup> by B. Hayn. 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). – Mark Reynolds, P.E. spoke on behalf of the applicants. He discussed a reduction in impervious pavement on the site. He stated there will be no activities conducted on the site that would pose a threat to the small portion of the Aquifer Protection Zone on the parcel. He spoke about the site plan application and the adaptive reuse of the location that was formerly a furniture retail store. They are proposing a one-way traffic pattern around the building with parking in the rear. Existing pavement will be reduced in favor of a gravel parking area. The Zoning Board of Appeals recently approved an application for a variance of the driveway from 15' to 12'. There will be no expansion of the building footprint. Current drainage patterns will be maintained. The Conservation Commission approved an application for activity in the upland review area of wetlands on the property. Utilities, lighting, sidewalks, signage and landscaping were also discussed. Applicant Susan Caron stated the maximum capacity of the building is 49 people and there will be a maximum of five employees. Commissioners stated the applicant should speak to each point in the APZ regulations even if the answers are "none". Chairman Mathieu asked if anyone else would like to speak in favor of the application. Hearing none, he asked if anyone wanted to speak in opposition.

-Leo Tupay asked about noise coming from the location late at night. The applicant stated they will close by 8:00 pm and with such a small capacity, do not anticipate any excessive noise at all. Only 2 oz of spirits may be served per customer.

Commissioners wanted to continue the public hearing until the applicant addresses the APZ regulations and provides a photometric plan for the site lighting. Motion by M. Noniewicz to continue the public hearing until the next regular meeting on April 19<sup>th</sup>. 2<sup>nd</sup> by B. Hayn. Vote was unanimous, motion carried.

- c. **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. – Chairman Mathieu asked if anyone would like to speak in favor of the application. Hearing none, he asked if anyone wanted to speak in opposition. Hearing none, he asked staff to speak to the proposed changes. D. Sorrentino gave an overview of what will be changing.

M. Kehogreen left the meeting at 9:03 pm.

Motion by M. Noniewicz to continue the public hearing until input from abutting towns has been received within the 30 day window for responses. 2<sup>nd</sup> by B. Hayn. Vote was unanimous, motion carried.

5. **Five Minute Session for the Public** – M. Mikalsi asked if there was a requirement for posting a sign at the location about the public hearing. D. Sorrentino explained that is not a requirement in this town as it might be in other towns.
6. **Pending Applications** – All public hearings were continued. No deliberation or action.
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  - 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).
  - c. **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.
7. **New Applications**
  - a. **PZC 2023-006 of ASW, LLC (Applicant) and Roaring Brook Advisors, LLC, Kathleen B. Fabian, and Patrick M. Shugrue (Owners)** – Zone Change from Future Development (FD) to Suburban Use (SU) for 57± acres of land located on Lake Hayward Road (Assessor's ID 03-09/049-000 - 19± acres; Assessor's ID 03-09/52B-000 - 18± acres, and Assessor's ID 03-09/52A-000 – 20± acres) Zoning District: Future Development (FD). – Application was received by the commission.
8. **Preliminary Reviews** –
  - a. **Hop Culture Farms & Brewing Co., 144 Cato Corner Road** – Discussion regarding establishment of regulations for recreational campgrounds in the Rural Use (RU) District. – Heather Wilson, owner, appeared before the commission to ask about developing regulations for recreational campgrounds in the rural use district. She is proposing this in the hopes of adding a small seasonal campground to their property which is currently a farm brewery. Noise, amenities, and alcohol consumption were discussed. Commissioners were receptive to the idea. Mrs. Wilson will do some research on other towns regulations and put together a proposal for the commission to consider.
  - b. **Anthony Gargano (Gano's Power Equipment), 120 Linwood Avenue** – Discussion of possible modifications to approved Site Plan for temporary parking "pull-off" on Linwood Avenue (CT #16). – Anthony Gargano, owner, proposed a resolution to the problem with the existing parking spaces along the front of his building on Linwood Ave. A previously approved site plan had those spaces being removed in favor of a continuous sidewalk and new landscaping. Mr. Gargano is proposing a continuation of the sidewalk, a smaller landscaping area and a one-way turn-off lane for customers who are making a quick stop, or a truck and trailer stopping in to the store. Commissioners were happy with the compromise. D. Sorrentino asked if the commission would allow approval administratively rather than having to go back to the commission once again. Motion by M. Noniewicz to authorize the Planning Director to approve the application administratively. 2<sup>nd</sup> by B. Hayn. Vote was unanimous, motion carried.

**9. Old Business - None**

**10. New Business – None**

**11. Planning Issues and Discussions**

a. Zoning Enforcement Officer Status Report – None

**12. Correspondence – None**

**13. Adjournment** – Motion to adjourn by M. Noniewicz, 2<sup>nd</sup> by B. Hayn. Vote was unanimous, motion carried. Meeting adjourned at 9:33 pm.

Respectfully submitted by: Stacey Kilgus, Land Use Assistant