

Town of Colchester

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

Members Present: Chairman J. Mathieu; Vice Chair J. Novak; B. Hayn; M. Noniewicz; S. Nadeau; S. Smith
Absent:: M. Kehogreen
Also Present: Planning Director D. Sorrentino; Mark Reynolds, PE; Stephen Fedus; Public

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COLCHESTER, CT
2023 OCT 19 AM 11:49
TOWN CLERK
ALEX FURMAN

1. **Call to Order** – Chairman Mathieu called the meeting to order at 7:03 PM
2. **Additions or Deletions to the Agenda** – D. Sorrentino identified that there was a deletion from this evening's agenda related to item #4.B and then read two emails aloud, one from Town Attorney Matt Ranelli dated 10/17/23 and another from Niantic Bay Group's Attorney Sylvia Rutkowska dated 10/16/23, requesting that the Show Cause Hearing related to Jordan Lane be removed from this evening's P&ZC Agenda (both attached hereto). Attorney Ranelli's email recommends that the Commission accept Niantic Bay Group's request and remove the item from the agenda, noting that the 9/28/23 Notice of Zoning Violation & Order to Cease and Desist remains in full effect and unchanged. Motion by M. Noniewicz to amend this evening's agenda by removing item 4.B per the request of Niantic Bay Group, LLC via email dated 10/16/23, and per the Town Attorney's recommendation via email dated 10/17/23. 2nd by B. Hayn. Chairman Mathieu asked for discussion on the motion. D. Sorrentino clarified that Niantic Bay Group has waived their right to this hearing, they do still have the right to appeal to the Zoning Board of Appeals by 10/29/23, and that the Order remains in effect. Hearing no more discussion, Chairman Mathieu called for a vote. Vote was unanimous, motion carried, and item #4.B was removed from the agenda.
3. **Minutes of Previous Meeting**
 - A. Regular Meeting 10/4/23 – Motion by M. Noniewicz to accept the meeting minutes as written. 2nd by B. Hayn. Vote was unanimous with J. Novak and S. Smith abstaining, 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 is continued from 10/4/23. D. Sorrentino noted the additional Exhibits added to the file including the Conservation Commission approval, Town Engineer review comments #2, revised drainage area maps, revised site plan set, E&S Bond Estimate and APOZ statement. Mark Reynolds, PE for the applicant presented project revisions precipitated by staff

comments, and submitted and reviewed an APOZ compliance statement. M. Noniewicz requested clarification on stormwater management. M. Reynolds, PE submitted and reviewed a Special Permit general evaluation criteria compliance statement, discussion ensued. Chairman Mathieu asked for anyone in favor of the application. Stephen Fedus, owner/applicant spoke on the need for housing in Colchester. Bob Churney spoke on Stephen Fedus' record of building nice projects and that he supports the proposal. Chairman Mathieu asked for anyone in opposition of the application, there were none. D. Sorrentino identified that he is awaiting confirmation of satisfaction of Fire Marshal review comment, confirmation of satisfaction of Public Works Director per Town Engineer Review Comments #2, Town Engineer's opinion of adequacy of the E&S Bond Estimate, and still has to review plans per his own Review Comments #1, review the applicant's APOZ statement and now the applicant's Special Permit criteria statement. Recommends continuation of Public Hearing to 11/1/23 meeting. Stephen Fedus submitted consent to 30-day extension of the statutory time period for application administration. Motion by M. Noniewicz to accept the applicant's request to continue the public hearing for up to 30 days per the applicant's memorandum dated 10/18/23. 2nd by J. Novak. Vote was unanimous, motion carried. Motion by M. Noniewicz to continue the public hearing for PZC 2023-012 to the next regularly scheduled meeting on 11/1/23 to finalize staff comments. 2nd by J. Novak. Vote was unanimous, motion carried.

- 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). – This item was removed from the agenda by unanimous vote of the Commission under agenda item #2, above.

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 11/1/23 because the public hearing is still open. 2nd by J. Novak. Vote was unanimous, motion carried.

7. **New Applications** – None
8. **Preliminary Reviews** – None
9. **Old Business** – None
10. **New Business**
 - A. Review and approve 2024 Regular Meeting Schedule – Commissioners reviewed the proposed 2024 Regular Meeting Schedule. Motion by M. Noniewicz to accept the P&ZC 2024 Regular Meeting Schedule as presented. 2nd by J. Novak. Vote was unanimous, motion carried.
11. **Planning Issues and Discussions**
 - A. Zoning Enforcement Status Report – I. Kisluk was not in attendance.
12. **Correspondence** – Commissioners and staff had a discussion about satisfying the Municipal Land Use Commissioner training requirements.
13. **Adjournment** – Motion by M. Noniewicz to adjourn. 2nd by B. Hayn. Vote was unanimous, meeting adjourned at 7:41 PM.

Respectfully submitted by: Demian Sorrentino, Planning Director

Demian Sorrentino

From: Ranelli, Matt <MRanelli@goodwin.com>
Sent: Tuesday, October 17, 2023 5:23 PM
To: Demian Sorrentino; Isabelle Kisluk
Cc: Archer, Tyler E.
Subject: Niantic Bay Group - Colchester - Request of Niantic Bay LLC and Mr. Doran
Attachments: Niantic Bay Group - Colchester

Isabelle and Demian,

We received the attached email today from attorneys for Niantic Bay Group LLC requesting that the show cause hearing scheduled for Wednesday, October 18 be canceled (i.e., be taken off the agenda). The show cause hearing was to provide an opportunity for Niantic Bay to demonstrate that the violations have been corrected and/or provide any reasons the September 28 Notice of Violation and Order to Cease and Desist should not continue in full force and effect. To the extent that Niantic Bay has now requested to take the item off the agenda and not go forward with the hearing, we recommend that the Commission accept their request and remove the item from the agenda. The Commission can, at the start of the regular meeting or when it reaches the item on the agenda, vote to amend the agenda to remove the item at the request of Niantic Bay. It should be noted that the September 28 Notice of Violation and Order to Cease and Desist remains in full effect and unchanged.

Please let me know if you have any questions or would like to discuss.

Regards,

Matt



Matt Ranelli
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Demian Sorrentino

From: Sylvia K. Rutkowska <srutkowska@archlawgrp.com>
Sent: Monday, October 16, 2023 6:54 PM
To: Ranelli, Matt
Cc: Edward M. Cassella
Subject: Niantic Bay Group - Colchester

EXTERNAL EMAIL

Matt:

Pursuant to our discussion today, please receive this email as a formal request to take the show cause hearing associated with the Jordan Lane Housing Development off the agenda for the Planning and Zoning Commission on Wednesday, October 18, 2023.

If you have any questions, please do not hesitate to contact me.

Thank you.

Sylvia K. Rutkowska, Managing Partner



Arch Law Group, LLP

Successor to Dzialo, Pickett & Allen, P.C.

(860) 316-2741

ArchLawGrp.com

Main Office:

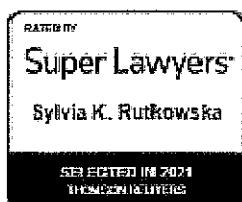
141 Broad Street *[new address]*

Middletown, CT 06457

Old Saybrook Office:

63 Main Street,

Old Saybrook, CT 06475



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