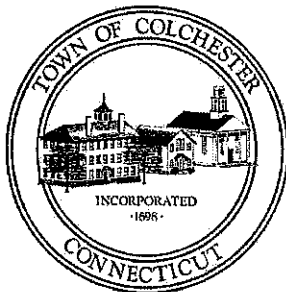


Town of Colchester

Land Use Department
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**PLANNING & ZONING COMMISSION
REGULAR MEETING
Wednesday, December 6, 2023 – 7:00 PM
Town Hall Meeting Room 1
MINUTES**

RECEIVED
COLCHESTER, CT
2023 DEC - 7 PM 3:35
Demian Sorrentino
AICP, Planning Director

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

Members Absent: Chairman J. Mathieu, M. Kehogreen

Also Present: Planning Director D. Sorrentino, ZEO I. Kisluk, Land Use Assistant S. Churchill, Applicants, Public

1. **Call to Order** – Vice Chair J. Novak called the meeting to order at 7:00 PM
2. **Additions or Deletions to the Agenda** – D. Sorrentino noted that Razul Wallace & Kristin Clancey were in attendance to discuss a potential project and requested that the item be added to the beginning of Item 11, Planning Issues and Discussions. Motion by M. Noniewicz to add this discussion as agenda item #11A (and renumber accordingly). 2nd by B. Hayn. Vote was unanimous, motion carried.
3. **Minutes of Previous Meeting**
 - A. Regular Meeting 11/1/23 – Motion by B. Hayn to approve the minutes as written. 2nd by M. Noniewicz. Vote was unanimous, motion carried.
4. **Public Hearings**
 - A. **PZC 2023-013** of Galaxy Development, LLC (Applicant) and Kettle Club, LLC (Owner) – Special Permit and Site Plan Review for proposed multi-tenant building for commercial development including food service with a pick-up window on 0.79± acres located at 131 Linwood Avenue (Assessor's ID 11-00-027-000) Zoning District: Town Center (TC) – Legal Notice was read aloud. J. Novak asked if anyone in attendance had concerns with commissioners seated for the hearing. None were heard. Patrick Doherty, PE with Midpoint Engineering, spoke on behalf of the applicant and gave an overview of the proposed project. He explained there is an expectation Chipotle will move into the space that has the pickup window. He discussed traffic, queue times for order pickups, traffic circulation through the parking lot and lanes, lighting, grading of the site and retaining walls, signage, stormwater management, and public utility connections. When asked about the biggest challenge with the site, he stated it would be the sidewalk along Linwood Avenue. A member questioned the increase in the traffic and requested more detail on the potential impacts. J. Novak asked if anyone would like to speak in favor of the application. Hearing none, he asked if anyone wanted to speak in opposition. None were heard. Applicant stated they will have more information and responses to staff review comments for the January meeting. Motion by M. Noniewicz to continue the public

hearing to the next regularly scheduled meeting on 12/20/23. 2nd by B. Hayn. Vote was unanimous, motion carried.

5. Five Minute Session for the Public – None

6. Pending Applications

- A. **PZC 2023-013** of Galaxy Development, LLC (Applicant) and Kettle Club, LLC (Owner) – Special Permit and Site Plan Review for proposed multi-tenant building for commercial development including food service with a pick-up window on 0.79± acres located at 131 Linwood Avenue (Assessor's ID 11-00-027-000) Zoning District: Town Center (TC) – Motion by M. Noniewicz to postpone action due to the next regular meeting of 12/20/23 due to the public hearing still being open. 2nd by B. Hayn. Vote was unanimous, motion carried.

7. New Applications

- A. **PZC 2023-014** of Daniel J. Durrenberger (Applicant/Owner) – Site Plan Review for proposed 40' X 60' (2,400 SF) accessory building at 111 Pine Brook Road (Assessor's ID 4W-09-004-000) that exceeds the size permissible by the Zoning Enforcement Officer pursuant to Section 15.3.1 of the Town of Colchester Land Development (Zoning) Regulations. Zoning District: Rural Use (RU) – Staff Report read by D. Sorrentino. Mark Reynolds, PE and applicant Daniel Durrenberger appeared before the commission. M. Reynolds presented the application to the commission. He discussed the proposed 2,400 SF accessory building that will be used for personal uses. Approval by the Wetlands Agent was granted. He spoke of driveway access, the elevation of the land where the building will be placed, building design and existing trees on the property that will screen the view of the building from the road. Staff stated this application meets all zoning requirements. Motion by M. Noniewicz to approve application PZC 2023-014 of Daniel J. Durrenberger to construct a 40' X 60' (2,400 SF) accessory building at 111 Pine Brook Road (Assessor's ID 4W-09-004-000) with the conditions that (1) existing vegetation between the proposed building and Pine Brook Road be preserved to the greatest extent feasible to minimize visibility from the street and (2) the building is to be utilized only for the owner's personal use and enjoyment. The Commission finds that the proposal is consistent with the standards of Section 15.3.1.B of the Colchester Land Development (Zoning) Regulations. 2nd by B. Hayn. Vote was unanimous, motion carried.

8. Preliminary Reviews – None

9. Old Business – None

10. New Business – None

11. Planning Issues and Discussions

- A. Razul Wallace & Kristin Clancey appeared before the commission to discuss creating a commercial composting facility in town. They are in the early stages of planning and are looking for a parcel of land to purchase for this project. Proposed activities include taking in food waste scraps, adding carbons and processing it until they have a marketable compost product with the possibility of wholesale/retail sales in the future. Smell mitigation will be planned. A member's concern about groundwater contamination was discussed. Overall, Commissioners were receptive to the idea.

- B. Draft regulation amendments for compliance with PA21-1, PA21-29, PA21-34, PA21-163, PA22-25 & PA23-142 (PZC 2023-015, Part A). D. Sorrentino reviewed necessary changes to the Town's Land Development (Zoning) Regulations to bring them to compliance with several Public Acts passed since 2021 by the Connecticut General Assembly. Discussion ensued and the Commissioners are generally in favor.
- C. Draft regulation amendments for Affordable Housing Incentive and Manufactured Home Parks (PZC 2023-015, Part B and Part C). Discussion postponed until a full commission is in attendance to discuss and to give members time to read through the proposals.
- D. Zoning Enforcement Status Report. I. Kisluk stated she has received 6 new complaints for violations. 4 Notices of Violation have been sent out. 5 cases have been resolved. Niantic Bay Group, LLC will have a Public Hearing on their appeal before the ZBA on 12/19/23. Gano's Power Equipment is still out of compliance with their site plan and utilizing their building without a Certificate of Occupancy. Unsightly conditions at the Ben's Auto property were discussed. Chestnut Hill Rd is being monitored.

12. Correspondence – None

13. Adjournment – Motion to adjourn by M. Noniewicz. 2nd by B. Hayn. Vote was unanimous, meeting adjourned at 8:25 PM.

Respectfully submitted by: S. Churchill, Land Use Assistant

Application PZC 2023-015 – Part A
Achieving Conformance with PA 21-1, PA 21-29, PA 21-34, PA 21-163, PA 22-25 and PA 23-142
Proposed Amendments to Land Development (Zoning) Regulations
Applicant: Colchester Planning & Zoning Commission
Prepared by: Demian A. Sorrentino, AICP, CSS, Planning Director
Initial Draft 11/30/23

SECTION 3.0 RURAL USE ZONING DISTRICT (RU)

3.2 PERMITTED USES IN THE RU DISTRICT

The following uses are permitted in the RU District:

1. Single-Family Dwellings;
2. Two-Family Dwellings provided the property is on an arterial or Collector Road, and has at least 600 feet of frontage, lot size of at least 160,000 square feet, front setback of 100 feet and side and rear setbacks of 50 feet.
3. Accessory Buildings and Accessory Uses to Residential Development;
4. Agricultural uses as permitted in [Section 8.9](#);
5. Home Occupation;
6. Membership Clubs that relate to outdoor activities;
7. Family Child Care Homes as defined by CGS Sec. 19a-77(a)(3) and Group Child Care Homes as defined by CGS Sec. 19a-77(a)(2) located in a residence and licensed by the Office of Early Childhood pursuant to CGS Chapter 368a, may be permitted in all Single-Family, Two-Family or Multi-Family Dwellings.

3.3 SPECIAL PERMIT USES IN THE RU DISTRICT

The following are eligible for Special Permit in the RU District after consideration and approval from the Commission:

1. Commercial Kennel;
2. Bed and Breakfast;
3. Golf course;
4. Institutional and municipal land uses including public utilities;
5. ~~Day Care/Nursery Schools in accordance with [Section 8.8.9](#) of these Regulations and licensed by the State of Connecticut;~~
6. Educational Institutions;
7. Agricultural uses permitted by Special Permit pursuant to [Section 8.9](#).

4.2 PERMITTED USES IN THE SU DISTRICT

The following uses are permitted in the SU District subject to all applicable requirements of these Regulations:

1. Single-Family and Two-Family residential development;
2. Accessory Buildings and Accessory Uses to Residential Development;
3. Publicly owned recreation area, such as a park or playground;
4. Family Child Care Homes as defined by CGS Sec. 19a-77(a)(3) and Group Child Care Homes as defined by CGS Sec. 19a-77(a)(2) located in a residence and licensed by the Office of Early Childhood pursuant to CGS Chapter 368a, may be permitted in all Single-Family, Two-Family or Multi-Family Dwellings.
5. Home Occupation.
6. Agricultural uses as permitted in Section 8.9.5.A.

4.3 SPECIAL PERMIT USES IN THE SU DISTRICT

The following are eligible for Special Permit after consideration and approval from the Commission:

1. Religious facilities and Educational Institutions
2. Mobile Homes
3. Multi-family Uses - the Parcel must be served by municipal water and sewer and comply with Section 8.1.1 as applicable. ~~In addition, multi-family uses shall not be permitted once the total amount of multi-family units permitted in this zone is 200 units.~~ No more than 100 units will be permitted on any multi-family site in the suburban district.
4. Municipal facilities
5. Private outdoor recreation
6. Bed and Breakfasts/Inns
7. Day Care/Nursery School in accordance with Section 8.8.9 of these Regulations and licensed by the State of Connecticut.
8. Retail Sales/Service Development along Arterial or Collector Roads. See Section 4.6.

5.3.1 PERMITTED USES IN THE TC DISTRICT

The following uses are permitted in the TC District, subject to all applicable requirements of these Regulations:

1. Residential Uses:
 - A. Single-Family and Two-Family Residential Development;
 - B. Multi-Family Residential Development, subject to the requirements of Sections 5.4 and 8.1, in which no building shall contain more than eight (8) dwelling units;
 - C. Accessory Buildings and Accessory Uses to Residential Development.
2. Commercial development except auto-related uses (sales, service, repair) and oil, propane sales/service;
3. Office development except construction/landscaping service that stores equipment and materials. Administrative offices of construction/landscaping operations are permitted.
4. Service Development;
5. Religious facilities and Educational Institutions;
6. Family Child Care Homes as defined by CGS Sec. 19a-77(a)(3) and Group Child Care Homes as defined by CGS Sec. 19a-77(a)(2) located in a residence and licensed by the Office of Early Childhood pursuant to CGS Chapter 368a, may be permitted in all Single-Family, Two-Family or Multi-Family Dwellings.
7. Municipal facilities;
8. Hotel/Motel;
9. Mixed uses, provided that the ground floor of a mixed-use building (any combination of retail, office, and residential) shall be occupied by non-residential uses only. Parcels registered as historic can utilize rear sections of the ground floor for residential uses.

6.2 PERMITTED USES IN THE FD DISTRICT

The following uses are permitted in the FD District subject to all applicable requirements of these Regulations. All sites must be serviced by public water and public sewer. Each site must utilize best management practices to protect water quality. Each site must derive access from internal Roads as much as possible.

1. Business, corporate, or Professional Offices.
2. Medical, dental, or optical laboratories.
3. Laboratories and research facilities.
4. Accessory Buildings and accessory structures.
5. Retail business where the total gross Floor Area shall not exceed 200,000 square feet.
6. Restaurants and eating and drinking establishments when most food and drink is intended to be consumed on the Premises at tables, counters or bars
7. Family Child Care Homes as defined by CGS Sec. 19a-77(a)(3) and Group Child Care Homes as defined by CGS Sec. 19a-77(a)(2) located in a residence and licensed by the Office of Early Childhood pursuant to CGS Chapter 368a, may be permitted in any existing Single-Family, Two-Family or Multi-Family Dwellings.

6.3 SPECIAL PERMIT USES IN THE FD DISTRICT

1. The following uses are permitted by Special Permit in the FD District provided they are served by public water and public sewer, derive access from internal roads rather than existing collector or arterial roads, and use best management practices to protect water quality:
 - A. Warehouse, storage and distribution facilities, except not to include Mini Storage Facilities.
 - B. Light Manufacturing or assembly conducted entirely within a Building, such as computer or electronic components and equipment, and light industrial machinery or equipment and sub-assemblies for commercial applications.
 - C. Hotel, Motel or banquet facility.
 - D. Retail businesses with a total gross floor area that exceeds 200,000 square feet
 - E. Mixed-Use Development including multi-family residential development of no more than seventy-five (75) total units on a Parcel. ~~No more than four hundred (400) additional residential units will be permitted in all of the FD District. When the total of Multi-Family Dwelling Units permitted meets this threshold, there shall be no additional residential units permitted under this Section.~~
 - F. Movie Theater.
 - G. Municipal facilities.
 - H. Day Care/Nursery School in accordance with Section 8.8.9 of these Regulations and licensed by the State of Connecticut.
 - I. Cannabis Cultivator, Cannabis Micro-Cultivator, Cannabis Product Manufacturer,

Cannabis Food and Beverage Manufacturer and Cannabis Packager

- J. Cannabis Retailer and Hybrid Retailer, subject to the following provisions:
1. Establishment shall be no less than five hundred (500) linear feet from a school daycare or playground measured from the nearest property line of such establishment to the area reasonably considered to be a functional use of the school, daycare or playground as determined by the Commission;
 2. On-site consumption is prohibited;
 3. Applicant shall submit documentation demonstrating the adequacy of traffic management controls, security measures, hours of operation and any additional information reasonably necessary to determine the suitability of the proposed site for the use.

7.3 SPECIAL PERMIT USES IN AC DISTRICT

The following uses are permitted by Special Permit in the AC, subject to all applicable requirements of these Regulations:

1. Construction Services including staging and equipment storage (except salvage and wrecking services);
2. Auto dealership and repair including outdoor storage and/or activity;
3. Manufacture and assembly;
4. Retail uses over 20,000 square feet if serviced by municipal water and sewer;
5. Public utility structures;
6. Private Warehousing and storage including Mini Storage Facilities;
7. Wholesale storage and distribution uses if serviced by municipal water;
8. Light industrial uses over 20,000 square feet;
9. Hotel/Motel;
10. Banquet, conference and convention facilities;
11. Restaurant with drive through;
12. Gasoline stations provided that the site is adjacent to a transportation interchange and no portion of the lot is within the Town Aquifer Protection Area, in accordance with Section 9.2.1, and/or within the Town Aquifer Protection Zone. See Section 9.2.2.
13. Cannabis Cultivator, Cannabis Micro-Cultivator, Cannabis Product Manufacturer, Cannabis Food and Beverage Manufacturer and Cannabis Packager
14. Cannabis Retailer and Hybrid Retailer, subject to the following provisions:
 - A. Establishment shall be no less than five hundred (500) linear feet from a school daycare or playground measured from the nearest property line of

such establishment to the area reasonably considered to be a functional use of the school, daycare or playground as determined by the Commission;

- B. On-site consumption is prohibited;
- C. Applicant shall submit documentation demonstrating the adequacy of traffic management controls, security measures, hours of operation and any additional information reasonably necessary to determine the suitability of the proposed site for the use.

15. Day Care/Nursery School in accordance with Section 8.8.9 of these Regulations and licensed by the State of Connecticut.

8.4 SWIMMING POOLS

Swimming pools and associated decks and other appurtenances are permitted as Accessory Uses on residential Lots provided they are not closer than fifteen (15) feet from any **side or rear** property line.

8.8 NON-RESIDENTIAL DEVELOPMENT

9. Day Care/Nursery School – Day care/nursery schools, other than ~~family day care homes~~, Family Child Care Homes and Group Child Care Homes may be permitted by Special Permit, subject to the following:

- A. This use requires the minimum Lot area for the district where the use is permitted.
- B. ~~A Single Family Dwelling may coexist on the same Lot~~ **One single-family dwelling unit of not more than 2 bedrooms may coexist** in the same Building as the Day Care/Nursery School.
- C. ~~In the Suburban Use District, a~~ **A Single-Family Dwelling** may occupy a second Building on the same Lot provided the Lot has twice the area requirement and it can be demonstrated that the Lot can be divided such that each use can stand alone on its own Lot and the Lots meet all the district requirements. This requirement shall be demonstrated on the Site Plan submitted for the Special Permit.
- D. Parking areas and Driveways must have capacity to accommodate all vehicles dropping off or picking up children at any one time. There shall be no in-street drop-off or waiting except for school buses.
- E. **In the Suburban Use District**, a minimum twenty-five (25) foot Buffer Area shall be established around the perimeter of the Lot. No Building, parking lot, Driveway (except for the entrance of the Driveway onto the Street), play area or any other use is permitted in this Buffer Area.
- F. In the Suburban Use District, a sound-absorption plan that meets the approval of the Commission must be submitted.
- G. In the Suburban Use District, the use and any structure related to the day care/nursery school, shall be designed so as to blend into the neighborhood. Parking and playground areas shall be fully screened from adjacent properties and the Street with year-round

Evergreen plantings.

9. Camper units/Recreational Vehicles

No more than one (1) camper unit or Recreational Vehicle (RV) **as defined herein** shall be parked or stored on a Lot, except in an authorized recreation campground. Recreational Vehicles shall be located behind the **required** front yard setback or front building line, whichever is less, **and not** in **required** side or rear Yards. Recreational Vehicles cannot be used as permanent Dwelling Unit or for office use. See Exhibit 11.

8.10 DESIGN AND SITE DEVELOPMENT STANDARDS

4. Residential Unit Standards

A. ~~Minimum Floor Area. The following minimum Floor Areas are required for residential Dwellings:~~

~~1. Single-Family Dwelling~~

~~a. One (1) story, including raised ranch—1,000 square feet.~~

~~b. One and one-half (1½) story—1,200 square feet (900 on ground floor and 300 on second floor).~~

~~c. Two (2) story—1,400 square feet (800 on first floor and 600 on second floor).~~

~~2. Multi-Family Dwellings and Two-Family Dwellings shall contain a minimum of 500 square feet plus 150 square feet for each bedroom.~~

A. Minimum Floor Area. **The minimum floor area for any dwelling unit shall be as set forth in applicable building, housing or other code(s).**

Table 10.1 Number of Parking Spaces Required

Land Use	Minimum Spaces
Residential (Studio, 1-bedroom and 2-bedrooms)	1 per Dwelling Unit
Residential (3-bedrooms +)	2 per Dwelling Unit

14.1 APPLICATION AND REVIEW FEES

There are fees assessed for most development applications reviewed by **Land Use** Department personnel. These charges will change from time to time. A listing of charges for review of a development application is on file in the **Land Use** Office and is available on the Town's web site. Different activities may require different fees and all fees must be paid prior to commencement of review.

1. In addition to an application fee, the **Planning & Zoning Commission or Zoning Board of Appeals may require any applicant** to pay the cost of reasonable fees associated with any necessary review by consultants with expertise in land use of any

particular technical aspect of such application, such as regarding traffic or stormwater, for the benefit of such Commission or Board. Any such fees shall be accounted for separately from other funds of such Commission or Board and shall be used only for expenses associated with the technical review by consultants who are not salaried employees of the municipality or such Commission or Board. Any amount of the fee remaining after payment of all expenses for such technical review, including any interest accrued, shall be returned to the applicant not later than forty-five (45) days after the completion of the technical review.

20.4 DEFINITIONS

RECREATIONAL VEHICLE: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. For the purposes of these Regulations, **boats longer than 18' in length are considered recreational vehicles.** No more than one (1) such unit shall be parked or stored on a Lot except in an authorized recreation campground.