



To: Zoning Board of Appeals  
Re: ZBA-22-002 – Atlantis Marketing, 1&5 Colchester Ave., 157 Main St.  
Date: June 13, 2022

This memo is meant to address the changes that have been made to the proposed plan from the April version. It is a follow up to my memo dated April 8, 2022 and meant to supplement the memo provided by Attorney Rich Carella dated May 3, 2022 and submitted in advance of this evening's meeting. The memo provided by Attorney Carella addresses several concerns which were brought forth in April and should be used to help guide the Board in making a decision on the application.

### Revisions to Plan

An updated plan was submitted on Thursday June 9 and makes several changes from the original site plan which was proposed in April. I'll outline the changes below and attempt to explain their impact on the proposal and application.

1. *The proposed drive through has been eliminated.* This removes one of the concerns regarding illegal expansion of non-conforming uses on the property, taking the application back to the expansion of the fueling station and convenience store, both of which currently exist.
2. *Reduction of proposed increase in lot coverage.* On the site plan presented in April, the applicant requested a variance for the increase of overall lot coverage from 30.4% to 36.9%. By reconfiguring the parking lot, removing the drive-through, and changing the residential parking area partially to a gravel surface the new proposal is an increase from 30.4% to 32%. A variance is still being sought for this change due to the increase in overall coverage from the existing condition.
3. *Removal of northern most residential structure:* The newest plan proposes to eliminate one of the two residential structures on the Main Street parcel, retaining only the brick Italianate, known as the Strong House. As a reminder, the current R-2 regulation only allows for 1 residential unit on each lot. The Main Street parcel currently contains a total of seven units among the two structures. While the non-conforming condition is allowed to remain in perpetuity, removal of one structure brings the Main Street parcel closer to compliance with the regulation and eliminates a setback non-conformity.
4. *Separation of Parking Facilities:* There is now a clear separation of parking facilities between the residential units and the commercial operation. Parking for the residential units remains more or less in the same location as it is found today, but the access drive is moved and consolidated. Please refer to Attorney Carella's memo with regard to parking facilities.
5. *Main Street access drive has shifted north.* The access has moved slightly north and further from the intersection of Main Street and Colchester Ave, and has been narrowed slightly. This will allow for additional stacking of vehicles waiting to turn out of the parking lot.
6. *The size of the proposed building and canopy are unchanged.* There has been no reduction of proposed building size from the plan seen in April.

### Timeframe of Application

As you'll recall, the Public Hearing for this matter opened on April 11, 2022 and was continued at the May meeting to this evening upon a request of the applicant. In accordance with Section 8-7d of Connecticut General Statutes, without an extension request from the applicant, the Public Hearing must

close this evening. The applicant can ask for, and be granted one final extension request to July, but no further extension beyond that can be granted.

Once the hearing is closed, no new information can be entered into the record from the applicant or from the public, and no changes can be made to the plan. Answers to questions and the like can still be submitted by Staff. The Board has 65 days to make a decision on the application once the hearing is closed.

The Board does not have a regularly scheduled meeting in July. If the applicant requests an extension, or the Board desires to meet in July to deliberate the application, a Special Meeting would need to be scheduled. Staff recommends keeping the second Monday of the Month schedule, so a Special Meeting could be planned for July 11.