



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING 7:00 P.M. TUESDAY APRIL 19, 2022 COUNCIL CHAMBERS CROMWELL TOWN HALL 41 WEST STREET AGENDA

1. **Call to Order**
2. **Roll Call**
3. **Seating of Alternates**
4. **Approval of Agenda**
5. **Public Comments**
6. **Development Compliance Officer Report:**
7. **Director of Planning and Development Report:**
8. **New Business: Accept and Schedule New Applications:**
9. **Old Business:**
 - a. Application #22-03: Request for Site Plan Modification at 34 Shunpike Road to allow for renovation of the building façade and improvements to the parking lot. Gary Dayharsh is the Applicant and MIHEL II LLC is the Owner.
10. **New Business:**
 - a. Application #22-07: Request for Site Plan Modification at 51 Shunpike Road to allow for renovation of the building façade and new signage for the Burlington Store. HB Nitkin is the Applicant and HBN-CSC LLC C/O HBNITKIN GROUP is the Owner.
 - b. Application #22-08: Request for Site Plan Modification at 150 Country Squire Drive to allow for the expansion of parking. Cromwell Village Associates LLC is the Applicant and the Owner.
11. **Public Hearing:**
 - a. Application #22-06: Request to amend the Zoning Regulations to add Section 6.11 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone District and to amend Section 3.5.C.4 to allow for the cultivation of cannabis in the Industrial Zone District. The Town of Cromwell Planning and Zoning Commission is the Applicant.
12. **Commissioner's Comments:**
13. **Approval of Minutes:**
 - a. April 5, 2022
14. **Adjourn:**

RECEIVED FOR RECORD
Apr 13, 2022 01:55P
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

To: Planning and Zoning Commission
From: Stuart B. Popper, AICP
Director of Planning and Development
Date: April 13, 2022
Re: Comments for the April 19, 2022 Meeting Agenda

9. Old Business:

a. Application #22-03: Request for Site Plan Modification at 34 Shunpike Road to allow for renovation of the building façade and improvements to the parking lot. Gary Dayharsh is the Applicant and MIHEL II LLC is the Owner. *Mr. Dayharsh will be at the meeting with more information.*

10. New Business:

a. Application #22-07: Request for Site Plan Modification at 51 Shunpike Road to allow for renovation of the building façade and new signage for the Burlington Store. HB Nitkin is the Applicant and HBN-CSC LLC C/O HBNITKIN GROUP is the Owner. *The Commission members received the architectural elevation showing the building façade and the new sign in the April 5, 2022 meeting packet.*

b. Application #22-08: Request for Site Plan Modification at 150 Country Squire Drive to allow for the expansion of parking and removal of a lot pole fixture. Cromwell Village Associates LLC is the Applicant and the Owner. *Attached is a revised plan.*

11. Public Hearings:

a. Application #22-06: Request to amend the Zoning Regulations to add Section 6.11 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone District and to amend Section 3.5.C.4 to allow for the cultivation of cannabis in the Industrial Zone District. The Town of Cromwell Planning and Zoning Commission is the Applicant.

Other municipalities setbacks include:

Manchester:

No Cannabis retailer shall be located within 500 feet of the property line of any property containing a school, 200 feet of the property line of any property containing a religious institution, charitable institution, hospital or veteran's home.

No Cannabis cultivator or micro-cultivator shall be located within 500 feet of the property line of any property containing a school, 200 feet of the property line of any property containing a religious institution, charitable institution, hospital or veteran's home.

East Hartford:

No building, structure or premises shall be used and no building or structure shall be erected or altered that is arranged, intended or designed as a cannabis retailer or cannabis hybrid retailer if part of such building, structure or premises is situated:

- a. Within five hundred (500) feet radius from any part of any building, structure or premises used for the purpose of a public school a duly authorized school other than a public school, an institution of higher learning, a house of worship, charitable institution whether supported by public or private funds, library, public playground, town parks and recreation facilities, daycare centers/nurseries, municipal fire or police station, municipal town hall or other municipal or Board of Education facility open to the public.
- b. Within two hundred (200) feet in radius from any residential zoning district.

Thompson:

No non-medical cannabis facility or micro-cultivator shall be permitted within 1,000 feet pf any public or private school, library or day care facility.

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN MODIFICATION

Name of Project: Cross Roads Plaza
Street Address: 34 Shunpike Rd
Volume/Page: 1720 / 214 PIN #: 00108700
Applicant Name: Gary Dayhoush
Address: P.O. Box 820 16 Saybrook Rd
Essex, CT 06026
Telephone: 860-982-0889 (day) 860-982-0889 (evening)
Email Address: garyd@delta-buildingcorp.com
Property Owner Name: MIHEZ II LLC
Address: Fieldstone Court
Cheshire, CT 06410

Attached:

- ☒ Application fee. ~~160 + 25/hc~~ \$1610
☒ Twenty-five copies of the **Site Development Plan** prepared in accordance with Article 13.3 of the Cromwell Zoning Regulations.

1. Is any part of the site within 500' of an adjoining town? ☐ Yes ☒ No
2. Will this project require an Inland Wetlands Agency permit? ☐ Yes ☒ No
if yes, have you obtained it? ☐ Yes ☒ No
3. Will this project require a DEP Stormwater Management Permit? ☐ Yes ☒ No
if yes, have you applied for it? ☐ Yes ☒ No
4. Will this Project Require an STC Permit? ☐ Yes ☒ No
if yes, have you submitted a copy of the plans to the STC? ☐ Yes ☒ No
5. Does the parking comply with the handicapped parking requirements as set forth in current version of the State Building Code? ☒ Yes ☐ No

I hereby certify that the information presented above is correct to the best of my knowledge.



Applicant Name and Signature

Gary Dayhoush2-6-2022

Date

22-07

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN MODIFICATION

Name of Project: Cromwell Square Shopping Center (New Burlington Store)
 Street Address: 45-51 Sharpville Road, Cromwell, CT 06416
 Volume/Page: _____ PIN #: _____

Applicant Name: P. Craig Way, Vice President, HB NITKIN
 Address: 230 Mason Street
Greenwich, CT 06830
 Telephone: 203-861-9000 (day) 203-858-7040 (evening)
 Email Address: PCWAY@HBNITKIN.COM

Property Owner Name: HBW-CSC, LLC dba HB NITKIN
 Address: 230 Mason St
Greenwich, CT 06830

Attached:

- () Application fee.
 () Twenty-five copies of the **Site Development Plan** prepared in accordance with Article 13.3 of the Cromwell Zoning Regulations.

- | | | |
|---|---|--|
| 1. Is <u>any part</u> of the site within 500' of an adjoining town? | (Yes) | (No) <input checked="" type="checkbox"/> |
| 2. Will this project require an <u>Inland Wetlands Agency permit</u> ? | (Yes) | (No) <input checked="" type="checkbox"/> |
| if yes, have you obtained it? | (Yes) | (No) <input checked="" type="checkbox"/> |
| 3. Will this project require a <u>DEP Stormwater Management Permit</u> ? | (Yes) | (No) <input checked="" type="checkbox"/> |
| if yes, have you applied for it? | (Yes) | (No) <input checked="" type="checkbox"/> |
| 4. Will this Project Require an <u>STC Permit</u> ? | (Yes) | (No) <input checked="" type="checkbox"/> |
| if yes, have you submitted a copy of the plans to the STC? | (Yes) | (No) <input checked="" type="checkbox"/> |
| 5. Does the parking comply with the <u>handicapped parking</u> requirements as set forth in current version of the State Building Code? | (Yes) <input checked="" type="checkbox"/> | (No) |

I hereby certify that the information presented above is correct to the best of my knowledge.



Applicant Name and Signature

3/22/22

Date

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

APPLICATION FOR SITE PLAN MODIFICATION

Name of Project: Planned Multifamily Residential Development (The Landon of Cromwell)
Street Address: 150 Country Squire Drive
Volume/Page: 1486-142 **PIN #:** 00336000

Applicant Name: Cromwell Village Associates, LLC.
Address: 2319 Whitney Avenue, Suite 1A
Hamden, CT 06518
Telephone: (203)230-1600 (day) _____ (evening) _____
Email Address: Markie_f@sbcglobal.net

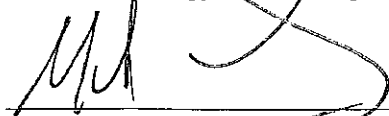
Property Owner Name: Cromwell Village Associates, LLC.
Address: 2319 Whitney Avenue, Suite 1A
Hamden, CT 06518

Attached:

- ☒ Application fee.
☒ Twenty-five copies of the **Site Development Plan** prepared in accordance with Article 13.3 of the Cromwell Zoning Regulations.

1. *Is any part of the site within 500' of an adjoining town?* ☐ Yes ☒ No
2. *Will this project require an Inland Wetlands Agency permit?
if yes, have you obtained it?* ☒ Yes ☐ No
☒ Yes ☐ No
3. *Will this project require a DEP Stormwater Management Permit?
if yes, have you applied for it?* ☒ Yes ☐ No
☒ Yes ☐ No
4. *Will this Project Require an STC Permit?
if yes, have you submitted a copy of the plans to the STC?* ☒ Yes ☐ No
☒ Yes ☐ No
5. *Does the parking comply with the handicapped parking
requirements as set forth in current version of the State Building Code?* ☒ Yes ☐ No

I hereby certify that the information presented above is correct to the best of my knowledge.


Applicant Name and Signature

3/22/22
Date



Memorandum

To: Town of Cromwell Planning and Zoning Commission

From: Thomas J. Daly, PE – US Manager of Civil and Structural Engineering
Rock Emond – Associate Civil Engineer

Date: March 29, 2022 (**Revised April 13, 2022**)

Subject: Additional Tandem Parking at 150 Country Squire Drive, Cromwell, Connecticut

SLR #: 141.12398.00007

Cromwell Village Associates, LLC. is seeking a modification to an existing site plan approval to install 18 tandem parking spaces located along the southern portion of the property as defined on the plans provided. The previously filed plans indicated 20 spaces would be proposed, but after reviewing with the Cromwell Fire District, 2 spaces have been eliminated and converted to landscaped islands to accommodate the existing water valves and air pressure release valve manhole. The 18 tandem spaces are proposed to address the need for additional parking space. The parking shall be accommodated by the inclusion of a small retaining wall and 15 foot vegetative buffer along the property edge. Drainage patterns shall be maintained and no improvements to the drainage system are warranted as the hydrologic analysis determined that the previously installed underground detention systems have excess capacity to handle the increase in impervious. Additionally, as part of this modification to the approved site plan, a light pole located within the northeastern parking area has been eliminated as the lighting coverage has been determined to be sufficient.

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

The Town of Cromwell Planning and Zoning Commission will hold a Public Hearing on Tuesday April 5, 2022 at 7:00 p.m. in Room 224 of the Cromwell Town Hall at 41 West Street on the following items:

1. Application #22-06: Request to amend the Zoning Regulations to add Section 6.11 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone District and to amend Section 3.5.C.4 to allow for the cultivation of cannabis in the Industrial Zone District. The Town of Cromwell Planning and Zoning Commission is the Applicant. (Public Hearing Continued to April 19, 2022 Meeting)

At this hearing interested persons may appear and be heard and written testimony received. This application is available for public inspection in the office of the Town Planner.

Alice Kelly
Chairman

Dated in Cromwell, Connecticut this the 21st day of March 2022.

Application# 22-06

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

APPLICATION FOR AMENDMENT TO THE ZONING REGULATIONS

Name: Town of Cromwell P2C
Address: 41 West Street
Cromwell CT 06052
Telephone: 260-632-3422 Email: spopper@cromwellct.com

A. Request to Change an Existing Regulation:

1. Current Article Number: _____

2. Current Regulation wording (attach if necessary):

3. Proposed Change wording (attach if necessary):

B. Request to Create a New Regulation:

1. Suggested Article Number: 3.5.C.4. and 6.11

2. Zoning District(s) to be Affected by New Regulation: F and HB

3. Wording of New Regulation (attach if necessary):
see attached

C. Reason for Proposed Change or New Regulation:

Establish new zoning regulations to allow by special permit the sale and cultivation of cannabis.

Arthur B. Popper
(Applicant)

3/15/22
(date)

6.11 ADULT USE CANNABIS (Draft prepared by Town Staff)

6.11.A. Purpose: The purpose of this section is to regulate the location and operation of medical marijuana dispensary facilities, medical and production facilities, and adult-use cannabis retail and cultivation. The intent of these Regulations is to minimize any adverse impacts of such facilities, and to protect and preserve Cromwell's neighborhoods, commercial districts, property values and quality of life.

6.11.B Special Permit Required.

The sales and cultivation of cannabis may be authorized as a Special Permit provided the use is allowed in the district, and the following standards are met.

6.11.C. Definitions:

1. "Adult-Use Retailer" means a person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs.
2. "Cannabis" means marijuana, as defined in section 21a-240 of the general statutes.
3. "Cannabis product" means cannabis that is in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption.
4. "Consumer" means an individual who is twenty-one years of age or older;
5. "Cultivation" has the same meaning as provided in section 21a-408 of the general statutes.
6. "Cultivator" means a person that is licensed to engage in the cultivation, growing, and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.
7. "Dispensary facility" means a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under CGS Sec. 21a-408 et seq. as they may be

amended and Sections -1 to 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended.

8. "Hybrid retailer" means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.
9. "Micro-cultivator" means a person licensed to engage in the cultivation, growing, and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the Commissioner of Consumer Protection.
10. "Production facility" means a secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended.

6.11.D. Applicability:

1. Medical marijuana dispensary facilities and production facilities shall be governed by CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zones, subject to special permit approval in accordance with Section 8.7 of these Regulations, site plan approval in accordance with Section 8.6 of these Regulations, and the requirements of this section.
2. Cannabis retail and hybrid-retail facilities shall be governed by The Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA"), the Public Act 21-1 / Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zone, subject to special permit approval in accordance with Section 5.2 of these Regulations, site plan approval in accordance with Section 5.3 of these Regulations, and the requirements of this section.
3. Adult-use cannabis cultivator and micro-cultivator facilities shall be governed by the RERACA, the Public Act 21-1 / Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and

permitted only in the following zones, subject to special permit approval in accordance with Section 8.7 of these Regulations, site plan approval in accordance with Section 8.6 of these Regulations, and the requirements of this section.

a. Industrial Zone District for Adult – Use Cannabis Cultivator and Micro-cultivator facilities.

b. Highway Business Zone District for Adult-Use Cannabis Retailer, Hybrid-retailer and Medical Marijuana Dispensary facility only.

6.11.E. Separation Requirements: Uses identified in this section shall be subject to the following separation restrictions:

1. No medical marijuana production, or adult-use cannabis cultivator or micro-cultivator facility shall be allowed within 100 feet of a church, temple or other place used primarily for religious worship, public building, private recreation area, or a school, playground, park or child day care facility.
2. No medical marijuana production facility, or adult-use cannabis cultivator or micro-cultivator facility shall be allowed on a site that is less than 100 feet from any property that is zoned for single-family residential use as a permitted use.
3. No medical marijuana dispensary facility or production facility, or adult use cannabis retailer, hybrid-retailer, cultivator, or micro-cultivator facility shall be allowed within the same building, structure or portion thereof that is used for residential purposes, or that contains another medical marijuana dispensary, production facility, or adult use cannabis retail, hybrid retail, cultivator, or micro-cultivator facility.
4. No adult-use cannabis retail or hybrid-retailer shall be located less than 500 feet from another adult-use cannabis retail or hybrid-retail. Distance shall be measured from the radius of the front door to front door of each establishment.
5. All distances contained in this section, other than those specified in the subsection “E” above shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

6.11.F. Minimum Floor Area Requirements:

1. No medical marijuana production facility shall be allowed in a building with less than 25,000 square feet of gross floor area.

6.11.G. Sign and Exterior Display Requirements:

1. Exterior signage shall be in compliance with Section 5.3 of the Zoning Regulations.

6.11.H. Off-Street Parking Requirements:

1. Required off-street parking shall be in compliance with Section 5.2 of these regulations.

6.11.I. Security Requirements:

1. All medical marijuana dispensary facilities and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment meeting at least the minimum requirements of Sec. 21a-408-62 of the State of Connecticut Regulations.
2. The hours of operation for medical marijuana dispensary facilities shall be limited to between 7:00 a.m. and 7:00 p.m., all days of the week.
3. There shall be no limitation on the hours of operation for medical marijuana production facilities, all days of the week.

6.11.J. Conditional Approval:

1. Special Permits shall be improved with the condition that the applicant obtains the appropriate Dispensary or Production Facility license issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur).
2. The conditional approval shall become finalized upon the receipt by the Director of Planning and Development of a copy of the Department of Consumer Protection-issued license.
3. The conditional approval shall expire if the applicant fails to provide the Director of Planning and Development with a copy of the Department of

Consumer Protection-issued license within six months of the date of the Planning and Zoning Commission's conditional approval.

A six-month extension of such conditional approval shall be granted to the applicant upon written notification to the Director of Planning and Development that an application for a Department of Consumer Protection license has been filed, indicating the expected decision date of the Department of Consumer Protection license.

4. No entity shall operate without a valid, current license.

6.11.K. Connecticut Department of Consumer Protection Approval:

1. The applicant shall provide the Director of Planning and Development with a copy of the appropriate Dispensary or Production Facility license issued by the State of Connecticut Department of Consumer Protection, and any subsequent renewed license.

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
7:00 PM TUESDAY, APRIL 5, 2022
COUNCIL CHAMBERS CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Nick Demetriades, Ken Rozich, Paul Cordone, Chris Cambareri, Ann Grasso, Robert Donahue, John Keithan and Brian Dufresne

RECEIVED FOR RECORD
Apr 13, 2022 02:04P
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

Absent: Council Liaison James Demetriades

Also, Present: Director of Planning and Development Stuart Popper and Zoning Enforcement Officer Bruce Driska

1. Call to Order: The meeting was called to order by Chairman Alice Kelly at 7:02 PM.

2. Roll Call:

The presence of the above members was noted.

3. Seating of Alternates:

There was no seating of alternates.

4. Approval of Agenda:

Mr. Popper said he would like to add to the agenda Application #22-10: Request for Site Plan Modification at 161 Coles Road (Snow Park) to allow for fill material to be deposited. The Town of Cromwell is the Applicant and the Owner. Mr. Popper asked the Commission to accept and schedule the application to be considered this evening.

Michael Cannata made a motion to add Application #22-10 to the agenda. Seconded by Brian Dufresne. *All in favor, Motion passed.*

Mr. Popper addressed the public in the Chambers and watching from home explaining that the newspaper article in the Hartford Courant this morning was not accurate and there is no public hearing on the Lord Cromwell site this evening. He noted that there is an application for the Lord Cromwell site and the application will be accepted this evening and scheduled for a public hearing at the first meeting in May.

5. Public Comments:

There were no public comments.

6. Development Compliance Officer Report:

Chairman Alice Kelly suggested that the report be printed in larger in print moving forward. Mr. Driska said the font will be larger moving forward.

Mr. Driska said the developer for the approved subdivision on Hicksville Road has been clearing trees and they have added an anti-tracking pads for the vehicles that are there. He said we have not received a plot plan for a specific lot and house at this time. Mr. Driska said the Schue Farm subdivision on Woodside Street is being worked on. He said that they have stripped the topsoil, clearing brush, cutting trees and removing stumps and they are getting ready to build the road.

Chairman Alice Kelly asked about the status of the approved billboards. Mr. Driska said the steel framework is there on the South Street site, but has not been installed and the billboards are not up. Chairman Kelly suggested Mr. Driska take another look at the South Street site noting that she has seen the steel support beams up by Route 9.

7. Town Planner Report:

Mr. Popper we will be interviewing the consultants for the updating of the Plan of Conservation and Development (POCD) and the zoning regulations and this Thursday March 31, 2022 at 3:00 PM. He said there will be three Commission members here in person and one Commission member via zoom. Mr. Popper said there will be 3 firms interviewed and the goal is to have one firm do both jobs as matter of cost efficiency. He would like to select the firm in a timely manner. Mr. Popper said the zoning regulation amendments from the last couple of years and any new state requirements will be incorporated into the new set of regulations. He said we will also consider all work that was done on the sign regulations by Chris and John.

Chairman Alice Kelly said she and the Commission members have not seen the final version of the proposed sign regulations. Mr. Popper said he will make sure the members get copies of the final set of sign regulations. He said there have been discussions with several developers regarding possible medical office use.

He said he spoke with JLN construction about the former Knights of Columbus building and they are hoping to have it finished and move in in June. Mr. Popper said that 70 and 50 Commerce Drive has been purchased by Simoniz Corporation and they will be moving forward with the construction of their warehouse/office building.

8. New Business: Accept and Schedule New Applications:

- a. Application #22-07: Request for Site Plan Modification at 51 Shunpike Road to allow for renovation of the building façade and new signage and a loading dock for the Burlington Store. HB Nitkin is the Applicant and HBN-CSC LLC C/O HBNITKIN GROUP is the Owner.

Mr. Popper said he would like the Commission to accept this application this evening and schedule it to be heard at our next meeting on April 19th as a business item.

Mike Cannata made a motion to accept and schedule application #22-07 for April 19th.

Seconded by Brian Dufresne. *All in favor, Motion passed*

- b. Application #22-08: Request for Site Plan Modification at 150 Country Squire Drive to allow for the expansion of parking lot. Cromwell Village Associates LLC is the Applicant and the Owner.

Mr. Popper said he would like the Commission to accept this application this evening and schedule it to be heard at our next meeting on April 19th as a business item.

Mike Cannata made a motion to accept and schedule application #22-08 for April 19th.
Seconded by Brian Dufresne. *All in favor, Motion passed*

- c. Application #22-09: Request to Amend the Zoning Map from HB and R-40 Zone District to Mixed-Use Zone District at 100 Berlin Road and 15R Christian Hill Road. M360 Berlin Land Holdings, LLC is the Applicant and Berlin Land LLC is the Owner.

Mr. Popper said the applicant's correct name is M360 Berlin Land Holdings, not M360 Berlin Land Hodgins. Mr. Popper said he would like the Commission to accept this application this evening and schedule it to be heard at the May 5, 2022 meeting at a public hearing.

Mike Cannata made a motion to accept and schedule application #22-09 for a public hearing at the May 5, 2022 meeting. Seconded by Brian Dufresne. *All in favor, Motion passed.*

- d. Application #22-10: Request for Site Plan Modification at 161 Coles Road (Snow Park) to allow for fill material to be deposited. The Town of Cromwell is the Applicant and the Owner.

Mr. Popper said he would like the Commission to accept the application this evening and schedule it to be heard tonight.

Mike Cannata made a motion to accept and schedule application #22-10 for tonight.
Seconded by Chris Cambareri. *All in favor, Motion passed.*

9. New Business:

- a. Application #22-03: Request for Site Plan Modification at 34 Shunpike Road to allow for renovation of the building façade and improvements to the parking lot. Gary Dayharsh is the Applicant and MIHEL II LLC is the Owner.

Gary Dayharsh, President Delta Building Corporation at 269 Main Street in Cromwell said he is representing the owner

Mr. Dayharsh said we are proposing the following work:

- Existing overgrown trees and shrubbery. Will be removed and replaced as shown on the plans. This work includes several trees on the adjacent property with Owner's approval.

- Install silt fencing where required as well as woodchips and basin protection for silt control.
- Remove and replace catch basin tops, inspect drainage structures. And repair if necessary.
- Create planter areas along sidewalks per plans.
- Install footings for new facade.
- Install new light pole bases and related conduits and wiring.
- Miscellaneous sidewalk work.
- Mill existing pavement, install, new. 3-1/2", 2 coarse pavement.
- Install extruded concrete curbing. Islands to be located per plan.
- New parking signage, striping, etc.
- Install new ornamental plantings.
- Install new 14-foot poles with LED down-lights on 2-foot concrete bases.
- Renovate existing pylon sign.
- Install dumpster pads with gated enclosure screens, locations to be determined.
- Install new fascia system per plans. Remove and replace signage with consistent sign types.
- Signage to be permitted under separate applications to Planning and Zoning.
- New roofing.
- Trim, painting, ETC. For a complete job.

Mr. Dayharsh said he is not proposing new signage tonight and will come back before the Commission as new tenants move in and new signs are required. He explained they are proposing to change the façade of the building to include a landscaped planter along the front of the building and to change the color of the façade from beige to blue and gray. Mr. Dayharsh explained that there are a few existing architectural treatments like the peaked roofs over the entrances along the length of the building. He said these peaked roofs will be changed to large dark blue rectangles. The Commission members and Mr. Dayharsh discussed the pros and cons of the dark blue rectangles. Chairman Kelly said the blue rectangles are invasive visually, unattractive and too blocky. Ann Grasso said she would like it to be put on the record that as an architect it is not as good as it could be. She said it's too boxy looking and it could be more attractive aesthetically by cropping the corners.

Mr. Dayharsh said he will speak with the owner regarding the shape of the awnings. He asked if he can come back at the next meeting with more options regarding the shape and size of the blue rectangles. The Commission said they would be happy to consider more information.

Mr. Popper said the center like many others in town has dumpsters and none of these dumpsters are enclosed and there may not be room behind the center to enclose them. Mr. Dayharsh said we are looking to enclose as many of the dumpsters as possible but many remain directly behind the building. The Commission members and Mr. Dayharsh discussed the dumpsters.

Mr. Popper asked if a horse trailer is still there, and Mr. Dayharsh said it will not be there if the application is approved. Chairman Alice Kelly asked for a sign to be placed stating "No Overnight Parking" and Mr. Dayharsh said he will put a sign up. She also asked if the entrances will be wheelchair accessible and Mr. Dayharsh said yes.

Mike Cannata made a motion to approve Application #22-03: Request for Site Plan Modification at 34 Shunpike Road to allow for renovation of the building façade and improvements to the parking lot with the conditions that the letters from the health department dated 3/9, Zoning Enforcement dated 3/8 and Building dated 4/4 be complied with and that Mr. Dayharsh will come back in two weeks with different design options for the rectangles. Seconded by Chris Cambareri. *All in favor, motion passed.*

b. Application #22-10: Request for Site Plan Modification at 161 Coles Road (Snow Park) to allow for fill material to be deposited. The Town of Cromwell is the Applicant and the Owner.

Mr. Jon Harriman, Town Engineer said during the Coles Road reconstruction project, the contractor (Baltazar) began depositing fill material at 161 Coles Road (Snow Park). He explained that the work performed by Baltazar included removal of existing concrete and metal debris, tree clearing, stripping of topsoil and placement of fill material. Mr. Harriman noted that at the end of the work, Baltazar replaced the topsoil and planted grass.

Mr. Harriman said the town proposes to continue this work. He showed on the plans where the area filled was and noted that the wooded area to the west has more concrete and metal debris and beyond the wooded area is the closed landfill that is covered with brush vegetation. He proposes removing the surface debris, clearing the trees, stripping the topsoil, and placing fill material in the wooded area to the west. Mr. Harriman said this operation would be occasional and the fill material would be generated by Public Works in the course of day-to-day operations. He said their projects generally create small quantities of material.

Mr. Harriman said in the fall of each year, the fill material would be graded level and compacted as needed. He said, he does not anticipate generating enough fill material in a calendar year to require a fill permit, and that would be monitored going forward. Mr. Harriman explained that the fill material would improve the potential of making the land usable in the future by leveling the topography.

Brian Dufresne asked if anyone else other than the town would be involved in this project because there had been issues in the past. Mr. Popper said only the town will be placing the fill material here. The Commission members and Mr. Harriman discussed the definition of clean fill material and Baltazar's work at the site. Mr. Harriman assured that only the town would be placing fill material from various public works projects around town at the site.

Chairman Alice Kelly asked if they could rename the park. Mr. Popper said they would have to go to the Town Council to do so.

Mike Cannata made a motion to approve Application #22-10: Request for Site Plan Modification at 161 Coles Road (Snow Park) to allow for fill material to be deposited. The Town of Cromwell is the Applicant and the Owner. Seconded by Ann Grasso. *All in favor, motion passed.*

10. Public Hearings:

a. Application #22-06: Request to amend the Zoning Regulations to add Section 6.11 to

allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone District and to amend Section 3.5.C.4 to allow for the cultivation of cannabis in the Industrial Zone District. The Town of Cromwell Planning and Zoning Commission is the Applicant.

Mike Cannata recused himself at 8:17 pm. Ken Rozich read the Legal Notice.

John Keithan made a motion to open the Public Hearing. Seconded by Brian Dufresne. *All in favor, motion passed.*

Mr. Popper gave a summary of the adult use cannabis draft regulations prepared by the town staff and clarified some of the terminology. He explained that a couple of issues have been raised regarding the proposed regulations. Mr. Popper said the Commission may wish to decide as to whether the cannabis retail store should be permitted only in a freestanding building or in strip center or multi-tenant building. He said the other issue is the distance of the required setbacks from other uses such churches, daycare facilities and parks. Mr. Popper said there is also, the question of setbacks from medical cannabis and hybrid medical and adult use facilities from each other.

Mr. Popper said this can discussed further in our next meeting and if anyone has any questions or comments beforehand please give him a call. He said that he will look at other communities to see what their setbacks are and will give the commission, a memo for the next meeting.

Chairman Kelly asked if any Commission members had any other questions. There were none. Chairman Kelly asked if there any questions from the public. There were none.

Chris Cambareri made a motion to continue the Public Hearing. Seconded by Brian Dufresne. *All in favor, motion passed.*

b. Application #22-02: Request to amend Sections 5., 5.2.H.4 of the Zoning Regulations to allow for the waiver of a loading dock. Michael J. Cannata and Bantry Bay Ventures, LLC is the Applicants. (public hearing continued from 3/15/22 meeting)

Nick Demetriades made a motion to reopen the Public Hearing. Seconded by Brian Dufresne. *All in favor, motion passed.*

Attorney Amy Souchens from the Law offices of Hurwitz, Sagarin, Knuff, LLC, in Milford representing the applicants Michael J. Cannata and Bantry Bay Ventures, LLC. said the Commission may modify or eliminate the requirement for one or more loading space (s) based upon the specific use proposed, provided that (i) sufficient area is available for installation of a loading space (the size of which space shall be the size specified in the definition of "loading space" in Section 5.2.C) in the event subsequent re-use of the property requires a loading space, and (ii) the applicant demonstrates the proposed use does not require the loading space (s) through submission of testimony, reports, or other data outlining the manner of deliveries proposed to occur. Any plan approved pursuant to this section, shall be conditioned upon the provision of the area specified in subsection (i).

The Commission members, Mr. Popper and Attorney Souchens discussed the proposed amendment. Mr. Popper discussed instances where existing businesses in town did not have a loading area.

Nick Demetriades asked about the disposal of unused product from the cannabis retail store. Attorney Souchens explained any unused product will be taken care of inside the facility and not deposited in any outside dumpster.

Chairman Kelly asked if any Commission members had any other questions. There were none. Chairman Kelly asked if there any questions from the public. There were none.

Chris Cambareri made a motion to close the Public Hearing. Seconded by Brian Dufresne. *All in favor, motion passed.*

Chris Cambareri made a motion to approve Application #22-02: Request to amend Sections 5., 5.2.H.4 of the Zoning Regulations to allow for the waiver of a loading dock. Seconded by Brian Dufresne. *All in favor, motion passed.*

Mike Cannata returned to the commission at 9:06PM.

11. Commissioner's Comments:

Nick Demetriades talked about the recent RiverCOG planning efforts including a regional study of bicycle paths and recommendations for paths and connections to future paths in Cromwell, Middletown and Portland. He said the Regional Agency is also looking at regulations to protect stone walls in the region. Mr. Popper thanked Nick Demetriades for the information he provided.

12. Approval of Minutes:

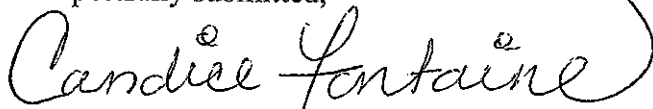
a. March 15, 2022

Mike Cannata made a motion to approve the minutes from March 15th with the correction to add his recusal from the meeting. Seconded by Brian Dufresne. *All in favor, motion passed.*

13. Adjourn:

Mike Cannata made a motion to adjourn at 9:10PM. *All in favor, motion passed.*

Respectfully submitted,



Candice Fontaine
Recording Clerk