

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
7:00 PM TUESDAY, APRIL 19, 2022
COUNCIL CHAMBERS CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Paul Cordone, Chris Cambareri, Ann Grasso, Brian Dufresne and Council Liaison James Demetriades

Absent: Nick Demetriades, Ken Rozich, John Keithan Robert Donohue and Zoning Enforcement Officer Bruce Driska

Also present: Director of Planning and Development Stuart Popper

1. Call to Order: The meeting was called to order by Chairman Alice Kelly at 7:04 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 amend the agenda to add new signage for the Cloud World smoke shop to 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.

Michael Cannata made a motion to approve the amended agenda. Seconded by Brian Dufresne. *All in favor, Motion passed*

5. Public Comments:

Council Liaison James Demetriades said he is very excited about the Red Lion development and asked the commission, to keep in mind, as the plans are being reviewed to consider including affordable housing into these plans. He said it is an ideal location because it is close to the highway and access to public transportation.

6. Development Compliance Officer Report:

Mr. Driska was absent and Mr. Popper gave the report.

7. Director of Planning and Development Report:

Mr. Popper said the interview panel interviewed three firms and selected one firm for both the updating of the Plan of Conservation and Development and for the updating of the Zoning Regulations. He said once the paperwork is all set we will announce the firm that was selected.

Chairman Kelly asked Mr. Popper if there was anything else he can share. Mr. Popper said there is nothing new with the warehouse on Geer Street because they are working on their responses to the peer review. He said there was a wetland permit for activities within the 100' upland review area submitted for a building at 5 Berlin Road, near the Better Business Bureau and that is moving forward.

Mr. Popper said work has begun on the two subdivisions approved by the Commission the one on Woodside Road and the other on Hicksville Road. He said work continues at Arbor Meadows and we continue to have discussions about possible medical office space at various locations around town.

Mr. Popper said the Community Garden will open in May and the Farmer market will be opening the first weekend in June. Chairman Kelly asked if we will be getting more plots for other people. Mr. Popper said that is something the town council would have to consider. He noted that all 51 garden plots are taken for this year.

Brian Dufresne asked what is going on with Friendly's. Chris Cambareri said it is for lease. Chairman Kelly thanked Mr. Popper for his report.

8. New Business: Accept and Schedule New Applications:

Mr. Popper said that there were no new applications to accept and schedule.

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.

Gary Dayharsh, President Delta Building Corporation at 269 Main Street in Cromwell said he is here representing the owner. He said after the last meeting he met with the owner and the architect and they agreed to modify the three box like pediments that the Commission members were concerned about. Mr. Dayharsh said the tops of the boxes are now rounder which softens their appearance. He described the proposed landscape planters to be located between the edge of the old sidewalk and the parking lot. Mr. Dayharsh explained that the new façade will extend about 3 feet from the old building façade and their idea was to fill this gap with a landscaped planter. He said the landscape planter would be a nice addition adding something alive and colorful to the center.

Brian Dufresne said he thinks it looks great but he is concerned that the planters will

become a mess due to litter getting stuck in the planters and people walking through them. Mr. Popper asked Mr. Dayharsh the measurements of the planters. Mr. Dayharsh said that the planter is almost three feet wide and 6 inches high.

The commission members, Mr. Dayharsh and Mr. Popper discussed the planters and the proposed plants and mulch. Chairman Kelly asked Mr. Dayharsh how the plants will be watered. Mr. Dayharsh said that the area where the planter is to be installed will be dug out with room for the plants to grow and there will be a dripline installed to provide water. The commission members discussed the idea of making the planters bigger or using larger plants. Mr. Dayharsh agreed to work with staff on the selection of plant materials.

Ann Grasso said she appreciates the applicant's efforts with the building façade but with the exception of the pediments the façade is gray and needs more color. She asked Mr. Dayharsh if there is anything that can be done to tie together the gray and blue such as a blue band or cap connecting the pediments. Paul Cordone said he agrees with Ann Grasso's idea to connect the separate gray and blue areas. Mr. Dayharsh agreed to install a blue cap on the top of the signage band to connect the blue pediments.

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. Gary Dayharsh is the Applicant and MIHEL II LLC is the Owner, with the following conditions: 1) that a landscaping bond be proposed and worked out with staff for a period of two years and the planting schedule to be worked out with staff. 2) there will be a continuous blue cap on top of the signage band. Seconded by Chris Cambareri. *All in favor, Motion passed*

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.

Craig Way, Managing Director HB Nitkin at 230 Mason Street in Greenwich said the 25,325 square foot Burlington Store is going directly left of Marshall's in the Shop Rite Plaza. He said the Burlington Store will have 150 feet of frontage and the store front entrance will be centered. Mr. Way said this part of the center is the last remnants of the old K-Mart from the early 1970's and what he is presenting is a big upgrade. He described the new Burlington store façade which will include a double door entrance and exit with a 30-foot-long brushed aluminum canopy above the entrance, new efface and an area of porcelain tile near the entrance. Mr. Way also discussed the new Burlington sign and noted that it does comply with the zoning regulations. The Commission members and Mr. Way discussed the new building façade and signage for the Burlington store.

Chairman Kelly asked if the store will be wheelchair and walker accessible and Mr.

Way said yes there will be a ramp about the width of the doors. Chairman Kelly asked if the ball shaped bollards located in the front of the entrance of the store will be an issue for handicap accessible. Mr. Way explained they will not be an issue for handicap accessibility because there is an extensive amount of sidewalk space available between the bollards and the door.

Mr. Popper said the proposed sign meets the requirements of the zoning regulation. He said the signage for the Cloud World smoke shop sign also meets the requirements of the Zoning Regulations. Mr. Popper said the smoke shop is located between the Dollar Tree and Citizens Bank.

Mike Cannata made a motion to approve 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. Seconded by Brian Dufresne. *All in favor, Motion passed*

Mike Cannata made a motion to approve the sign at the smoke shop. Seconded by Chris Cambareri. *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. Cromwell Village Associates LLC is the Applicant and the Owner.

Mr. Rock Emond, Associate Civil Engineer at SLR Consulting at 99 Realty Drive in Cheshire said he is here on behalf of Cromwell Village Associates. He explained that Cromwell Village 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. Mr. Emond said the previously filed plans indicated 20 spaces but after reviewing with the Cromwell Fire District, two spaces have been eliminated and converted to landscaped islands to accommodate the existing water valves and air pressure release valve manhole. He noted that the 18 tandem spaces are proposed to address the need for additional parking spaces. Mr. Emond explained that the parking shall be accommodated by the inclusion of a small retaining wall and 15-foot vegetative buffer along the property edge. He said that the drainage patterns shall be maintained and no improvements to the drainage system are needed because the previously installed system has excess capacity. Mr. Emond said as part of this modification a light pole located in the northeastern parking area has been eliminated.

The commission members and Mr. Emond discussed the parking issues at the site and the issue of snow removal or lack thereof at the site over the last winter. Mr. Emond said the tandem parking will be used by the employees of the property manager that are on site. He also said the owner and property manager are well aware of all the issues that occurred last winter with the lack of snow removal

and parking at the site in general. Mr. Emond said that they are working to resolve the issues and to provide more parking for the tenants.

Mike Cannata said the air valves, gate valves and water valves had significant amount of snow on them last winter and they were inaccessible. He said that this cannot happen again.

Mike Cannata made a motion to approve Application #22-08: Request for Site Plan Modification at 150 Country Squire Drive to allow for the expansion of parking with the conditions that no snow can be piled on water gate valves, air access valves, generator access area and the tower access area. Seconded by Chris Cambareri. *All in favor, motion passed.*

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.

Mike Cannata recused himself at 8:36pm. Chairman Kelly read the Legal Notice.

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

Mr. Popper explained that a couple of issues had been raised at the last public hearing. He said these included: 1) Whether the cannabis retail store should be permitted only in a freestanding building or in strip center or multi-tenant building; 2) The distance of the required setbacks from other uses such churches, daycare facilities, schools, parks and residences; 3) The distance of the required setback between medical cannabis store, a hybrid medical/retail facility and an adult retail facility. Mr. Popper said he had done some research on separation distances in other municipalities and had submitted that information to the commission in his comments memo but he wished to read the information into the record. He read the following comments to the Commission.

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.

Meriden:

All Micro-cultivators shall be located so that the building is at least 250' from a residential structure, measured wall of the Micro-cultivator to wall of the residential structure.

All cannabis retailers shall be located so that the building is at least 500' from a measured wall of the Cannabis retailer to wall of the K-12 School structure or playground.

Mr. Popper asked the commission if they have a preference over a free-standing building or a shopping center or other multi-tenant building. He said the restrictions will apply for medical, hybrid and retail facilities. Chairman Kelly said she thought the facility should be in a free-standing building and after an extensive discussion the other commission members agreed.

Mr. Popper asked if the commission members were comfortable with the required separation distances between the facilities and other uses as proposed in the new regulations. The commission members and Mr. Popper discussed the setbacks from other uses and the fact that they are in many ways one sided.

Mr. Popper said for instance the regulations may say that a cannabis facility cannot be within 1,000 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.

He explained if someone wanted to open one of the previously referenced operations after a Cannabis retailer is in business, they can move within the 1,000 feet radius. The commission members expressed their concerns regarding this part of the regulations again noting that it seemed a one-sided approach.

Chairman Kelly asked if there were any members of the public that wished to address the commission on this public hearing item.

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 she will be coming in with the application when the regulation is adopted in whatever format it takes. She said the reason you put in a separation distance is protect the other facilities mentioned such as churches and daycares and if someone is making a business decision to open a business within 1,000 feet, they are aware the Cannabis facility is here within those setbacks. Attorney Amy Souchens said she strongly encourages the Commission if they are going to have a discussion about whether there is separation distance prohibiting certain businesses after a cannabis facility is open, it should be a separate text amendment process.

Mr. Popper noted that the recording machine had stopped recording and had discharged the recording disc. He asked the commission to continue the public hearing to the next meeting. Chairman Kelly expressed her concerns regarding the recording machine and said she would be notifying the Town Council of this incident.

Ann Grasso made a motion to continue the Public Hearing to the next regular meeting on Thursday, May 5th. Seconded by Brian Dufresne. *All in favor, motion passed.*

Mike Cannata returned to the commission at 9:27PM.

12. Commissioner's Comments:

James Demetriades recommended that Chairman Kelly and the Commission send a letter to the Town Council requesting a new recording machine.

Mike Cannata made a motion to recommend that Chairman Kelly write a letter to the Town Council requesting a new recording machine. Seconded by Brian Dufresne. *All in favor, motion passed.*

13. Approval of Minutes:

a. April 5, 2022

Mike Cannata made a motion to approve the minutes from April 5th. Seconded by Paul Cordone. Dufresne. *All in favor, motion passed.*

14. Adjourn:

Chris Cambareri made a motion to adjourn at 9:31PM. *All in favor, motion passed.*

Respectfully submitted,

A handwritten signature in cursive script that reads "Candice Fontaine". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Candice Fontaine
Recording Clerk