



Town of Cromwell Planning and Zoning Commission

SPECIAL MEETING 7:00 P.M. TUESDAY SEPTEMBER 27, 2022 COUNCIL CHAMBERS CROMWELL TOWN HALL 41 WEST STREET Minutes and Record of Votes

Present: Chairman: Alice Kelly, Vice Chairman Michael Cannata, Ann Grasso, Chris Cambareri, Paul Cordone, Brian Dufresne, John Keithan, Robert Donohue

Absent: Nick Demetriades, Ken Rozich

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

1. Call to Order

The meeting was called to order at 7:05pm by Chairman Kelly.

2. Roll Call

The presence of the above members was noted.

RECEIVED FOR RECORD
Oct 12, 2022 03:44P
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

3. Seating of Alternates

A motion was made by Michael Cannata and seconded by Brian Dufresene to seat Robert Donohue as an alternate. All were in favor; the motion was passed.

4. Approval of Agenda

A motion was made by Michael Cannata and seconded by Chris Cambareri to approve the agenda. All were in favor; the motion was passed.

5. Public Comments

Joe Koniushesky of 180 Evergreen Road, Cromwell said he and his wife live here. He said he wanted to talk about a proposed subdivision at Willowbrook and Evergreen Roads. He handed the Commissioners a map depicting the area. He said the development consists of 6 houses which he thinks is too much but seems to be a done deal. He said he is concerned about water going down Willowbrook especially since the culvert is not maintained. He said it has flooded

out his property in the past. He said he is not sure what this development will mean for potential water issues. Mr. Koniushesky said he appreciated if the Town and The Commission would pay attention to this situation since it is a very active body of water.

Chairman Kelly said this is not a done deal since it hasn't come before the Commission yet so no approval has been granted.

Mr. Popper said this project has gone before Inland Wetlands and Watercourses Agency (IWWA) and was approved so it will come here.

Mr. Cannata told Mr. Koniushesky that he should make the Town Engineer aware of this. He said Mr. Harriman is great but he has to be cued into your concerns.

6. Development Compliance Officer Report:

Mr. Driska said that there was a briefing in the package and asked if anyone had any questions.

Chairman Kelly said that she was concerned about the development on Hicksville Road and West Street. She said they have a big trailer in the road with no flag person there. She said it has happened twice as far as she knows. Chairman Kelly said that is against the regulations. She confirmed that it was some kind of delivery truck. She also asked about a house on Willowbrook that has had some sort of dumpster there for months. Mr. Driska said it is two steel containers and Chairman Kelly said it has been at least 6 months. Mr. Keithan said he has seen Service Master trucks there. Mr. Driska said he would look into it.

Mr. Dufresne asked about the home on Coles Road that is across from the preschool. Mr. Driska said that is 37 Coles Road and a nearby neighbor has purchased that property from the bank and is slowly cleaning it up. He said many items have been removed from the exterior of the property and they are slowly getting to the interior repairs. Mr. Cannata asked if the home can be saved and Mr. Driska said he wasn't sure and he does check in with them every 60-90 days or so to monitor their progress.

7. Director of Planning and Development Report:

Mr. Popper said there are two new restaurants coming. One is in the Subway on Main Street and the plans show it will be a Mexican restaurant. The other is a taco shop where Ambrosia was across the street. He said a protein shake shop is planned to go in the Crossroad Shopping Center. He said they will make smoothies but also sell the ingredients. He said these restaurants will likely use existing signage and they won't submit applications to this Commission but I wanted to make you aware of them.

Mr. Popper said that the Burlington store will open in November and Texas Roadhouse will be submitting their plans soon as they want to be ready for demolition as soon as Ruby Tuesday's lease expires. He said construction is ongoing at Arbor Meadows and they are way ahead of schedule. Mr. Popper also said that there will be a small medical office application submitted before Christmas. He said there is a large parcel going through due diligence now and if it works

out will be a large unusual retail facility.

Mr. Popper said the old Friendly's could be an auto parts store but he doesn't know much about it but a sign company contacted them regarding that property. He said the Geer Street project will be voted on next Wednesday by IWWA. Mr. Popper said this Commission has a regular meeting next Thursday, October 6th and we will have numerous applications at that meeting. He said we can look at the Plan of Conservation and Development at the October 18th meeting.

Mr. Popper said the moratorium for accepting any new Cannabis Facility applications needs to be extended by 60 days as we are waiting on the Town Council to meet and decide the number of stores that will be allowed in town. Chairman Kelly asked if this could be done at the October 6th meeting since tonight is a special meeting. Mr. Popper said that would be fine.

Mr. Popper also said that there has been discussion about the senior center relocation project. He said there has been discussion about moving the football field at Pierson Park to the high school.

Mr. Popper said they have hired SLR to update the zoning regulations and the Plan of Conservation and Development. He said they will be incorporating any/all amendments since 2015 and the new state Statutes into the new format. He said they are moving along and collecting data.

Mr. Popper said I have asked you about forming a subcommittee to work with them. He said I'll ask again and you can let me know next week.

Mr. Popper said the Carrier Company has acquired the property on Court Street and would like to make another informal presentation about the modified court settlement formats and footprints.

8. New Business: Accept and Schedule New Applications:

9. New Business:

- a. Application #22-21: Request for a Site Plan Modification at 33 Berlin Road. 6 West Ave, LLC is the Applicant and Mary Ann Marchio is the Owner.

Mr. Popper said that we will open the Public Hearing for application #22-16 and the applicant will present the site plan modifications along with the special permit application.

10. Public Hearings:

- a. Application #22-16: Request for a Special Permit under Section 6.11.B of the Zoning Regulations to allow for the retail sales of Cannabis and Cannabis related products at 33 Berlin Road. 6 West Ave, LLC is the Applicant and Mary Ann Marchio is the Owner.

Michael Cannata recused himself from the meeting at 7:33pm.

Mr. Popper handed out the Adult Use Cannabis regulations.

Chairman Kelly reads the public hearing notice dated September 12, 2022.

A motion was made by Chris Cambareri and seconded by Ann Grasso to open the public hearing for application #22-16. Chairman Kelly, Paul Cordone, Brian Dufresne, Robert Donohue, Chris Cambareri, John Keithan, Ann Grasso approved; the motion was passed

Andrew Simonow, President of 6 West Ave, LLC in East Hampton, CT said he is considered an expert on interior horticulture architecture and he has considerable experience running large scale cannabis related facilities. He said the proposed site was home to Riverdale Cleaners. He said it has been vacant and needs a new use and to be revitalized. He said they look to reuse properties when it makes sense. He said one of his partners is Jerry Farrell, Jr. who served as the Commissioner of Consumer Protection under the Rell administration.

Mr. Simonow said the site adequately meets the regulations including parking requirements providing them the ability to manage the traffic and get people in and out quickly.

He said a busy hour would be about 50 customers with a total of 140-160 products sold in that hour.

Mark Degnan, Project Manager at Fellner Architects, 382 Town Street, East Haddam, CT said he has been tasked with looking at the existing building. He said we are striving to be cohesive with the existing building and neighborhood. He showed the open layout and proposed floor plan and how customer would move through the space Mr. Degnan said there is a clear delineation with the customer interaction and the check out. He said the product is not handed to the customer until the very end. He said we will use the existing door in the back for deliveries and the vault is a very special construction. Mr. Degnan said we will not be changing the building at all and are using the existing space only. He said the windows will not allow passersby to see what is going on inside the building but only allow them to see movement and colors. He said there will be wall mounted lighting on the building to supplement the parking lot lights. Mr. Degnan showed the signage and Mr. Dufresne asked if the actual name is 372 Cannabis Dispensary. Mr. Degnan said yes, that our direction is from Mr. Simonow and we have followed all regulations for signs. Mr. Cambareri asked if this was within State regulations and Mr. Popper said yes.

Mr. Simonow said that we have submitted our application for an Equity Joint Venture with the State but that hasn't been approved yet. He said I am open to changing the store name. Chairman Kelly said we can also ask you to change it as well.

Mark Reynolds, Professional Engineer at Reynolds Engineering Services, LLC, 63 Norwich Avenue, Colchester, CT said this site is a little over .5 acres on Route 372. He said to the rear is the Mattabesett River. He said the proposed vehicular access to this site allows for adequate flow and includes 24 parking spaces and a loading space. He said they plan to construct a sidewalk from the rear parking lot to the front entrance so there is a separate pedestrian path from the vehicle access. Mr. Reynolds said the storm water detention basin has adequate drainage to serve this site. He said we will place a do not enter and one-way signs to make the traffic flow work better. He said we will install landscaping including a row arborvitae by the walkway and

planting beds. He said we are not proposing to change the site all that much.

Stephen Mitchell, Traffic Engineer at Mitchell Traffic Engineering, LLC at 7 East Forest Drive, Enfield, CT said he will walk the Commission through the traffic report. He said that COVID has made traffic difficult and they have used State traffic counters on Route 372 to get the numbers. Mr. Mitchell said they have used three of the busiest hours to get the data. He said we usually use similar uses for studies but since these facilities don't exist in Connecticut we went into the national database where they do have data for cannabis facilities. He said that the database consists of seven studies right now. He said the database will become more accurate as time goes on. He said our study on this site has produced scores of D or better but in many cases, they are A's and B's. A means you are driving with little delay of about 5 seconds. A D score is what you aim for in peak hours with a delay of 20-25 seconds. Mr. Mitchell said an F is a traffic jam resulting in a delay of 45 seconds or more. Chairman Kelly said taking a left out of this site would create a delay of more than 45 seconds and Mr. Mitchell said that site lines are not an issue here.

Mr. Cambareri asked about comments from town staff and Mr. Popper said all of their comments have been addressed. Mr. Mitchell said they have made changes based on the Police Chief's concerns.

Mr. Popper said he wanted someone to explain what your rights are to access the other surrounding properties. He said there are a number of conditions with the legal rights and we need to clarify the flow of traffic. He said I am concerned how access will work. He asked how they demarcate the arrows on the map from Hammerhead Place and to have the Engineer think about that. He also said we need to clarify where the light fixtures are and what they will look like. He asked whether the applicant had the legal right to mill and stripe the parking lots.

Mr. Simonow showed the lighting in the plans. Chairman Kelly said we need to know about the parking lot before the lighting.

At 8:21pm Mr. Popper said we need to take a break to change the tape. Chairman Kelly called the meeting back to order at 8:28.

Andrew Simonow said that their Attorney could explain the rights to the easement.

Attorney George Law, 595 Main Street, Portland, CT said the deed includes rear parking rights and the use of the right of way in the existing parking lot. He said they have all rights to use the driveway as we need to conduct business. Chairman Kelly asked if they can make improvements and Attorney Law said yes, they have the right to use the parking lot for all purposes necessary to conduct their business including maintaining and improving.

Chairman Kelly said this use is a big change to the cleaners' use where you would just drive up and drop off your clothes. She said this is a different kind of enterprise. Attorney Law said according to the deed this could be any business. Mr. Popper said according to the deed the abutting property has the right to use the applicant's lots. Attorney Law said yes that is correct but they have adequate parking. Mr. Dufresne asked how they stop cars from parking in adjacent

lot and said your parking lot is really tight and in my opinion is a major issue presenting a hazard to the health and safety of the residents using it. He said it's not really wide enough for 2-way traffic. Mr. Dufresne said I also have a problem with a sign in front of residences that says cannabis.

Andrew Simonow showed the sign placement of the monument sign which is in the state right of way. Mr. Dufresne said your sign isn't on your property and Mr. Simonow said it is existing and to remain as is. Mr. Simonow said we have more than enough parking to meet your regulations. He said I have never seen more than one car in this space from the adjoining parking lot. Mr. Dufresne said it just doesn't flow. Mr. Simonow said that is your opinion but I have professionals who have designed this.

Mr. Driska read the sign regulations and said the sign does need to reside within their property line.

Mark Reynolds said he wanted to show the rear parking and said the parking spaces are all standard sizes for parking lots and the aisle widths are also standard sizes as well. He said they all meet sound Engineering standards and your town regulations. He said we will incorporate stop bars, double yellow lines into the plans and we will refresh the current markings already there.

Mr. Popper asked about lighting along the pedestrian path and Mr. Simonow said there will be five wall packs along the back and two on the side and more along the building. He said there is an existing pole in the back parking lot but they will update with LED bulbs.

Mr. Popper asked about the grade and with of the proposed sidewalks and Mr. Reynolds said they are standard with a mild grade. Mr. Driska asked about the specs of the landscaping and Mr. Reynolds said they plan on arborvitae and Mr. Driska said anything over knee height can sometimes lead to encouraging unwanted behavior by offering a screen and Mr. Reynolds said they are open to different species of plantings and are not stuck on that.

Mr. Reynolds said there are 2 handicap spots. Mr. Dufresne asked how they will prevent people from parking in River Grace and Mr. Reynolds said there really isn't a way but it really isn't needed. Ms. Grasso said the parking spaces in the back exceed the lot line and Mr. Reynolds said we didn't count those spaces in our plan or analysis. He said the 24 spaces that we are saying meet your regulations are not in this area. Ms. Grasso asked about parking for the delivery truck and Mr. Reynolds said there is an oversized space near the back steps. Ms. Grasso asked when the deliveries were made. Mr. Simonow said they would typically receive two deliveries per day per 4 cultivators. He said these deliveries would be staggered while we are open. Mr. Simonow said the van is never left unattended with the driver always staying in the van. He explained the door process from the delivery door to the vault door and said the inner door into the hallway won't open until the exterior door closes. He explained the day gate of the vault. Ms. Grasso asked about the counter high wall that separates the retail side to the service side. She said someone can jump that counter and grab the product easy enough. Mr. Dufresne said the other presentation they have seen showed a much more secure facility. Ms. Grasso agreed that it seemed much more secure. Ms. Grasso asked about the seating area shown on the plan and Mr.

Simonow said we are just trying to depict a professional atmosphere and this is just appealing to the eye. He said this area would see limited use mostly with people who might be waiting for a consultation.

Mr. Driska asked if Mr. Simonow could speak to the feature on the side of the building by the vault. Mr. Simonow said the windows do have bullet proof film on them and give them a snowy look so you can't see in. He said we are leaving the windows in the vault for look but they will have bullet proof film on them.

Chairman Kelly asked about the delivery area and Mr. Simonow said it is the loading zone by the backstairs and Mr. Reynolds said there is plenty of room back there for the vehicle to back in. Mr. Dufresne said the delivery truck adds to the congestion in the main parking lot. Mr. Simonow said it seems well designed to him and is a larger area than regulations call for. Chairman Kelly asked when those regulations for the size of the parking space were made. Mr. Mitchell said the regulations haven't changed since the 1950's when cars were much longer and wider. He also said that your regulations say we need 13 spaces and we have 24 so almost twice as many. Mr. Mitchell said he doesn't think that is really a congested area.

Mr. Popper asked about the hours of operation and the number of employees. Mr. Simonow said the hours can be up to you but I was thinking 8:00am - 8:00pm Monday through Sunday. He said that Sunday reduces the number of people that come on Friday evening and Saturday. We open on Sundays on purpose. He said the memo the Commission received from them shows 40 employees but that was a typo and should have been 20 employees in total. He said there would typically be 8 employees on site at one time. Mr. Simonow said that they offer incentives to employees to carpool, so we typically have 4 employee cars at once.

Chairman Kelly asked about the number of customers per hour they expect. Mr. Simonow said up to 50 an hour. Mr. Popper said that seems high and kind of terrifying. He said the site and parking don't work for those numbers. He asked Mr. Simonow if he was being realistic. Mr. Simonow said that he would rather overstate to be on the safe side. He said he has worked at Willowbrook dispensary in Meriden and they had 37 people on the busiest hour on a Saturday selling 3-4 items per customer. Mr. Simonow said he wanted to over plan. He said the typical customer is inside for about 3 minutes and 90% of orders are made online with only about 5% walk-in customers. Chairman Kelly said in your application you state the hours as 9:00am - 10:00pm. Mr. Simonow said the change was so they could try and be respectful to the residential neighbors.

Mr. Cambareri asked about the canopy signage and Mr. Simonow said the awning will be removed with a much smaller backlit structure. Chairman Kelly said I would prefer it if you take the backlighting out of the sign and the word cannabis out of the name. Mr. Simonow asked if he could have the lighting if he took out the word cannabis. Mr. Popper said our regulations do allow for signage and Mr. Driska said they will have to remove the monument sign and Mr. Simonow asked Mr. Driska to clarify that and Mr. Driska said you would have to move the monument sign on to your property.

Attorney George Law said the existing sign probably predates the zoning regulations and

probably doesn't have to move. Mr. Simonow said he is ok with it not being there; he just thought it would be helpful for people to be able to see the sign driving from either direction.

Mr. Dufresne said he thought the intent of the regulations was to not have a store in sight of a residential area. Mr. Popper said we can go over that when we discuss the application prior to a vote which won't be tonight. Mr. Simonow said he was hoping for a vote tonight as he has been working with the Mr. Popper and the town for 6-8 months now. There was a discussion regarding the moratorium on cannabis applications and Chairman Kelly said the moratorium doesn't apply to this application since it was accepted before the moratorium. Mr. Dufresne asked what would happen if this Commission approves two applications and the Town Council only says one. Mr. Popper said they can't. He said they know there is one approved and one pending. The minimum has to be at least 2. He said to keep in mind the State also stated we can have one retail, one hybrid, and one medical.

Mr. Cambareri asked if the applicants handled the proper notifications to neighbors, put the public hearing sign up and did they meet the regulations. Mr. Popper said yes, and yes and since this is a special permit the Commission can dictate conditions. Mr. Donohue asked if cannabis laws follow liquor laws like dictating what hours they are allowed to be open. Mr. Popper said no. Mr. Donohue asked if Harold Holmes was shown the site plan and Mr. Popper said yes and he had no comment.

Chairman Kelly asked for the applicant to clarify the parking area. She asked if Cafe Luna and Joe's Filling station can both use the back parking of their property. Mr. Simonow said yes. Mr. Popper said the dry cleaner didn't need the space so he granted it to Franco's and you never see anyone parking over there. He also said from our perspective this use needs the parking spaces and the easement still exists. He said I can't imagine any use that could go in there that would generate any bigger use. He said this business is more akin to a package store and it is up to each Commission member to feel comfortable if it works.

Mr. Simonow said he wanted to make it understood that only a certain area is shared and about 10 parking spaces in the back are not shared. He said he is willing to be a good neighbor and update the parking area and pave sections of the lots.

Mr. Driska asked about an enclosed dumpster since there are several dumpsters back there in addition to his. Mr. Simonow said if they allow him to, he would like to put a pad out there and put them all on it. Mr. Popper said his attorney should address your ability to make improvements to their parking area. He said if the Commission voted yes, he would make a recommendation that a condition of approval be putting in arrows and directional signage. He asked if they had the legal right to do that. Attorney Law said the language clearly allows for them to make changes together with the grantee and reminded them that the parking in back is owned by the applicants and they are the only ones with the rights in that area.

The meeting was paused while the tape was changed at 9:47pm. The meeting was called back to order at 9:50pm.

Mr. Popper said we need to see a set of plans with lighting and traffic signage. He said the police

chief should also see the revised plans as well. He said my suggestion is to continue the public hearing. He said he encouraged the applicant's Engineer to come and meet with the staff before next week. Mr. Simonow said they would be able to come to an agreement on these matters tonight and Mr. Popper said it's more than putting arrows on the ground. Mr. Simonow said he felt they met the spirit of the regulations. Mr. Popper said in your mind you did, but you missed a lot. Chairman Kelly said we don't want to rush to judgment and they want to be fair to a new business use in the State of Connecticut. She said it is a lot to digest.

A motion was made by Brian Dufresne and seconded by Paul Cordone to continue the public hearing for application #22-16 until October 6th. Chairman Kelly, Paul Cordone, Brian Dufresne, Robert Donohue, Chris Cambareri, John Keithan, Ann Grasso approved; the motion was passed.

11. Plan of Conservation and Development Update Report

12. Commissioner's Comments:

13. Approval of Minutes:

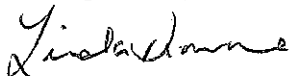
a. September 6, 2022

Mr. Popper said they would table the minutes until the next meeting.

14. Adjourn:

A motion was made by Brian Dufresne and seconded by Paul Cordone to adjourn at 9:56pm. Chairman Kelly, Paul Cordone, Brian Dufresne, Robert Donohue, Chris Cambareri, John Keithan, Ann Grasso approved; the motion was passed.

Respectfully submitted,



Linda Imme
Recording Clerk