



Town of Cromwell Planning and Zoning Commission

**REGULAR MEETING
7:00 P.M. TUESDAY MARCH 15, 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. **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.
 - b. Application #22-04: Request for Site Plan Modification at 60 Hicksville Road to replace the existing pool with a splash pad. Adelbrook, Inc is the Applicant and the Owner.
10. **Public Hearings:**
 - a. Application #22-02: Request to amend Sections 3., 3.3.C.4 of the Zoning Regulations to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. Request to amend Sections 5., 5.2.H.4 of the Zoning Regulations to allow for the reduction of parking facilities. Michael J. Cannata and Bantry Bay Ventures, LLC are the Applicants.
 - b. Application #22-05: Request to amend the Zoning Regulations to add a new Section 7.6 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. Mary Ann Marchio and 6 West Ave LLC are the Applicants.
11. **Commissioner's Comments:**
12. **Approval of Minutes:**
 - a. March 1, 2022
13. **Adjourn:**

RECEIVED FOR RECORD
Mar 10, 2022 11:07A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

To: Planning and Zoning Commission
From: Stuart B. Popper, AICP
Director of Planning and Development
Date: March 10, 2022
Re: Comments for the March 15, 2022 Meeting Agenda

7. Director of Planning and Development Report:

a. Affordable Housing Plan Update from public meeting. I have attached two documents for your review. The first is a draft Community Vision Statement and potential final Strategies for the AHP. The second is PollEverywhere Summary Report from the Workshop. The consultant put this together for your review and consideration and to initiate the next steps in the AHP development.

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. The 14.71 acre site contains an existing 57,600 square foot shopping center and is located on the east side of Shunpike Road in the Highway Business Zone District. The applicant is proposing to renovate the building façade and reconstruct the parking lot. A copy of the plan and staff review comments are attached.

b. Application #22-04: Request for Site Plan Modification at 60 Hicksville Road to replace the existing pool with a splash pad. Adelbrook, Inc is the Applicant and the Owner. The 54.27 acre site contains the existing Adelbrook facility and is located on the east side of Hicksville Road in the Residence 25 Zone District. The applicant is proposing remove the existing swimming pool and replace it with a splash pad. A copy of the plan and staff review comments are attached.

10. Public Hearings:

a. Application #22-02: Request to amend Sections 3., 3.3.C.4 of the Zoning Regulations to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. Request to amend Sections 5., 5.2.H.4 of the Zoning Regulations to allow for the reduction of parking facilities. Michael J. Cannata and Bantry Bay Ventures, LLC are the Applicants. Attached is a copy of the proposed regulations.

b. Application #22-05: Request to amend the Zoning Regulations to add a new Section 7.6 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. Mary Ann Marchio and 6 West Ave LLC are the Applicants. Attached is a copy of the proposed regulations.

I have attached a copy of the draft proposed cannabis regulations prepared by town staff in response to the above submitted regulations. I have also attached a copy of the pertinent state statutes.

Cromwell Annex – 8-30j DRAFT Annex plan

Community Values Statement

The Town of Cromwell will be recognized as a historic riverfront Town with a diverse and inclusive housing stock that provides a range of housing options to its residents. Cromwell embraces a diverse and inclusive housing stock that provides affordable homeownership opportunities, quality rental options, and housing choices for all household types, income levels, and life stages. Cromwell's housing diversity allows young people to live in the community where they grew up, enables residents to downsize within the community, and provides housing opportunities that strengthen Cromwell's economic base as well as that of the Region. Cromwell is fortunate to have cultivated a well-balanced housing stock, but the future of its housing is not guaranteed, nor does it currently meet the needs of all current and future residents.

The community must work together to ensure and improve the housing stock to meet its needs. Continued efforts to increase housing affordability will allow new residents to enjoy all that Cromwell has to offer and ensure that existing residents can continue to live in the community as they move through different life stages and lifestyles. Cromwell prides itself on its excellent quality of life for all residents, quality town services, and access to open space, recreational, and cultural opportunities

Future housing development should continue to align with the unique characteristics of each neighborhood, in accordance with the Plan of Conservation and Development, which will be updated in 2022 to reflect the current vision for Cromwell.

Objectives and Strategies

1. Continue to maintain the diversity of Cromwell's housing stock

Cromwell is fortunate to have a mixture of home sizes and styles, including "entry-level" stock. To assist in maintaining this balance, Cromwell should provide educational resources to owners and landlords about financing and assistance to encourage stability.

- a.
- b.
- c.

2. Cromwell should explore providing a zoning incentive to developers that include affordable units in new developments

Many municipalities use town-determined zoning incentives to encourage the private development of affordable housing. This could take the form of a density bonus or other zoning relief when a town-specified percentage of affordable housing is included in a new development. The Planning and Zoning Commission should consider if, where, and under what conditions incentives would be appropriate.

- a.
- b.
- c.

3. Promote Middle Housing – encourage two-family units and/or conversion of single-family units

4. The Town should consider revising its Accessory Dwelling Unit (ADU) regulations

- a. Cromwell currently allows attached ADUs, but not free-standing ADUs. The Planning and Zoning Commission should examine updating the zoning regulations as appropriate to align with Public Act 21-29, prior to 2023. Considerations include location, dimensional requirements, and appearance.
- b.
- c.

5. Cromwell should promote home ownership opportunities through the Connecticut Housing Finance Authority

The Connecticut Housing Finance Authority (CHFA) is a self-funded, quasi-public organization. Its mission is to alleviate the shortage of the housing for low- to moderate- income families and persons in this state, and when appropriate, to promote or maintain the economic development of Connecticut through employer assisted housing efforts. Mortgages through the CHFA are available for first-time homebuyers. Cromwell should share information to encourage potential homebuyers to consider and pursue CHFA mortgages.

- 5.1** Cromwell should host or advertise CHFA homebuyer and real estate agent education classes.
- 5.2** Cromwell should partner with a non-profit and/ or with other towns to locally provide a CHFA housing counselor.

6. Strengthen Cromwell's capacity to Implement this Affordable Housing Plan

The recommendations of this Plan represent a starting point and guideline for potential future changes to Town Zoning Regulations. As required by CGS Section 8-30j, this plan will be updated every 5 years.

- 6.1 Establish a permanent Housing Committee** – The Town ordinances should be modified to establish a permanent Housing Committee. This Committee can help oversee the implementation of this Plan as well as future updates. The Housing Committee can also serve in an advisory capacity to other boards and commissions and provide recommendations to the Town Council.

6.2 Provide adequate staffing and skill sets to administer affordable housing programs

– The initiatives in this Plan will require additional administration and oversight from staff. The Town should evaluate its staffing to ensure that it has the appropriate staffing levels to properly oversee and administer the affordable housing initiatives outlined in this Plan. In addition, the Town may require additional staff expertise in housing program administration, finance, and real estate to effectively administer the programs outlined in this Plan.

6.3 Provide Affordable Housing Training to staff and members of land use boards --

State statutes pertaining to affordable housing are likely to change over the coming years. Providing regular training to staff and members of land use boards and commissions will ensure that they are educated on statutory requirements and understand affordable housing best practices as they evolve.

6.4 Include the Affordable Housing Plan in the new Plan of Conservation and

Development – During the next update of the Planning and Zoning Commission should amend the Plan of Conservation and Development (POCD), an effort should be made to include the Affordable Housing Plan so that it can be referenced as part of future land use and zoning decisions. Since Affordable Housing Plans are required to be updated every five years, it is recommended that the next Affordable Housing Plan be updated concurrent with the POCD update and included in the POCD.

6.4.1 Anticipated update of POCD

Cromwell Poll Results

Current run (last updated Mar 2, 2022 2:49pm)

8

Activities

12

Participants

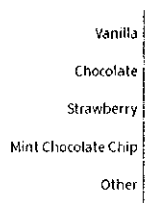
11

Average responses

74%

Average engagement

What is your favorite flavor of ice cream?



Response options

Count Percentage

Vanilla

0

0%

Chocolate

0

0%

Strawberry

0

0%

Mint Chocolate Chip

0

0%

Other

0

0%

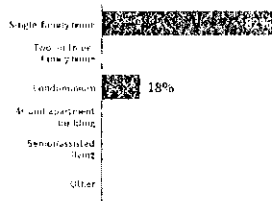
0%

Engagement

0

Responses

What type of housing unit do you live in?



Response options

Count Percentage

Single-family home**9****82%**

Two- or three- family home

0

0%

Condominium

2

18%

4+ unit apartment building

0

0%

Senior/assisted living

0

0%

Other

0

0%

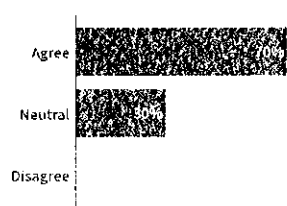
92%

Engagement

11

Responses

Cromwell could explore ways to educate realtors or landlords about opportunities for rental or homebuyer programs to attract a wide range of residents.



Response options

Count Percentage

Agree**7 70%**

Neutral

3 30%

Disagree

0 0%

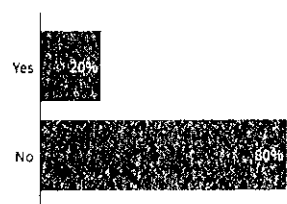
83%

Engagement

10

Responses

Would you be interested in seeing three-family units permitted in neighborhoods in Cromwell where it would be appropriate?



Response options

Count Percentage

Yes

2 20%

No**8 80%**

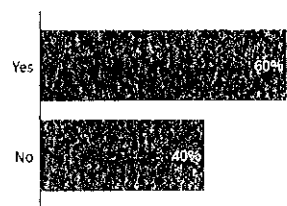
83%

Engagement

10

Responses

Cromwell currently allows attached ADUs. Would you support allowing detached ADUs for single-family homes?



Response options

Count Percentage

Yes**6 60%**

No

4 40%

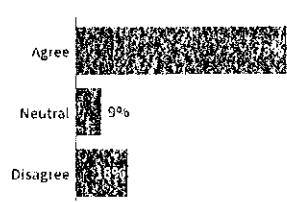
83%

Engagement

10

Responses

Cromwell could work with developers to encourage them to voluntarily provide some affordable units in new multi-family developments.



Response options

Count Percentage

Agree**8 73%**

Neutral

1 9%

Disagree

2 18%

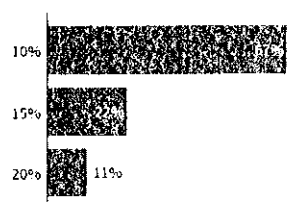
92%

Engagement

11

Responses

What percentage of units would you like to see set aside as affordable in new developments?



Response options

Count Percentage

10%**6 67%**

15%

2 22%

20%

1 11%

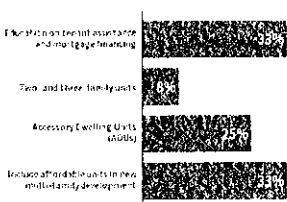
75%

Engagement

9

Responses

Of these four potential strategies, which are you most interested in seeing Cromwell pursue? (You can choose more than one).



Response options

Count Percentage

Education on tenant assistance and mortgage financing**8 33%**

Two- and three-family units

2 8%

Accessory Dwelling Units (ADUs)

6 25%

Include affordable units in new multi-family development**8 33%**

83%

Engagement

24

Responses

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: 80 Sox 820 16 Saybrook Rd
Essex, CT 06426
Telephone: 860-982-0889 (day) 860-982-0889 (evening)
Email Address: garyd@delta-buildingcorp.com
Property Owner Name: MIHEL II LLC
Address: Fieldstone Court
Cheshire, CT 06410

Attached:

- ☒ Application fee. ~~160 + 25/hr~~ \$1610
☒ 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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Will this project require an <u>Inland Wetlands Agency permit</u> if yes, have you obtained it? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Will this project require a <u>DEP Stormwater Management Permit</u> if yes, have you applied for it? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Will this Project Require an <u>STC Permit</u> if yes, have you submitted a copy of the plans to the STC? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Does the parking comply with the <u>handicapped parking</u> requirements as set forth in current version of the State Building Code? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

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


Applicant Name and Signature
Gary Dayhoush

2-6-2022
Date

Narrative of proposed improvements

Crossroads Plaza

March 4, 2022

The following work is proposed:

- 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 wood chips 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 façade
- Install new light pole bases and related conduits and wiring
- Misc. sidewalk work
- Mill existing pavement, install new 3-1/2", 2 course pavement
- Install extruded concrete curbing. Islands to be located per plan
- New parking signage, striping, etc.
- Install new ornamental plantings
- Install new 14 ft. poles with LED down-lights on 2 ft. 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 application(s) to P&Z
- New roofing
- Trim, painting, etc. for a complete job

**Engineering Department
Town of Cromwell
Cromwell, CT**

Memorandum

To: Stuart Popper

CC: Planning & Zoning Commission

From: Jon Harriman, P.E.

Date: 3/9/2022


Re: #22-03 – Crossroads Plaza – 34 Shunpike Rd

I have reviewed the partial plan set dated February 27, 2022 by Santo Domingo Engineering, LLC.

The plans do not show the existing drainage system or any proposed improvements. My recommendation: If it hasn't already been done, perform an inspection of the existing drainage system and make any repairs needed. I say this based on the recent failures of the same drainage network next door at the 99 Restaurant (two years ago?) and the failure of the culvert under exit 19/Route 372 (current day). It appears that this watercourse is piped underground through this and the adjoining parcels out to the Mattabassett River.



TOWN OF CROMWELL
HEALTH DEPARTMENT
Nathaniel White Building
41 West Street, Cromwell, CT 06416

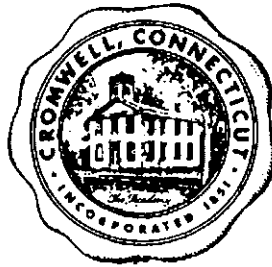
TO: Stuart B. Popper, Director of Planning and Development
FROM: Salvatore Nesci, Public Health Coordinator 
DATE: March 9, 2022
RE: 22-03 Crossroad Plaza-34 Shunpike Road

Per your request, a public health review was conducted, of the site plan, for future development to take place at the Crossroad Plaza located at 32-34 Shunpike in Cromwell, CT., (plan dated 10/18/21).

A review of the plan shows no accommodations for refuse disposal for any of the establishments. In addition to the several establishments currently operating in this plaza, there are several that fall under the jurisdiction of public health, (personal services and foodservice), and are required to maintain proper garbage disposal on the exterior or the facility to accommodate refuse, garbage, recyclables and grease.

In order to gain the approval of public health, accommodations for these amenities should be made in the form of a written addendum to the plan or a revised plan submission.

Please let me know if you have any questions.



MEMORANDUM

To: Stuart B. Popper, AICP, Director of Planning & Development
From: Bruce E. Driska, CZEO, Zoning & Wetlands Enforcement Officer *BD*
Date: March 8, 2022
Re: Plan Review, PZC Application #22-03, 34 Shunpike Road

COMMENTS

I have reviewed the plan for Application #22-03, 34 Shunpike Road and have the following comments:

1. Proposed plan (page L2, General Notes) depicts light poles greater than 14-ft in height in conflict with Cromwell Zoning Regulation §5.6.C.8 and §5.6.C.9
2. Proposed plan does not include signage dimensions in accordance with Cromwell Zoning Regulation §5.3 and 8.6
3. Proposed plan does not include dumpster locations or dumpster enclosures in accordance with Cromwell Zoning Regulation §8.6
4. Proposed plan does not include storage container locations in accordance with Cromwell Zoning Regulation §8.6

Fontaine, Candice

From: Egan, John
Sent: Friday, March 04, 2022 6:06 PM
To: Popper, Stuart; Driska, Bruce
Cc: Fontaine, Candice
Subject: 22-03 Crossroad Plaza - 34 Shunpike Road

I have reviewed the above referenced plan and have the following comments.

- 1) Site accessibility shall be maintained.

Sincerely, John Egan
Chief Building Official

Popper, Stuart

From: Peck, Rich
Sent: Friday, March 04, 2022 3:33 PM
To: Popper, Stuart
Subject: 22-03 Crossroad Plaza- 34 Shunpike Road

Stuart,

The proposed lighting and building improvements will not affect the sanitary sewers within the area.

Sincerely,

Richard A. Peck
Sewer Administrator, CWPCA
Town of Cromwell
860-632-3430
rpeck@cromwellct.com

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

APPLICATION FOR SITE PLAN MODIFICATION

Name of Project: Ädelbrook Proposed Splash Pad
Street Address: 60 Hicksville Road, Cromwell, CT 06416
Volume/Page: 1473-35 **PIN #:** 00085100

Applicant Name: Ädelbrook, Inc (c/o: Jeff Swanson, Chief. Admin. Officer)
Address: 60 Hicksville Road
Cromwell, CT 06416
Telephone: 860-635-6010 Ext.5812 (day) _____ (evening)
Email Address: jswanson@adelbrook.org

Property Owner Name: Ädelbrook, Inc.
Address: 60 Hicksville Road
Cromwell, CT 06416

Attached:

☒ Application fee.

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

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

2/7/2022

Date

Popper, Stuart

From: Chief Lamontagne
Sent: Monday, March 07, 2022 9:52 AM
To: Popper, Stuart
Subject: 22-04

Stuart,

I have reviewed the plans for the above submission. I do not have any traffic concerns. Are they allowing the general public to the facility – if not I would suggest “No Trespassing” signage.

Denise Lamontagne

Chief of Police
Cromwell Police Department
860-635-2256 x.7843
860-613-2934 fax

CONFIDENTIAL INFORMATION: The information contained in this e-mail is confidential and protected from general disclosure. If the recipient or the reader of this e-mail is not the intended recipient, or person responsible to receive this e-mail, you are requested to delete this e-mail immediately and do not disseminate or distribute or copy. If you have received this e-mail by mistake, please notify us immediately by replying to the message so that we can take appropriate action immediately and see to it that this mistake is rectified.

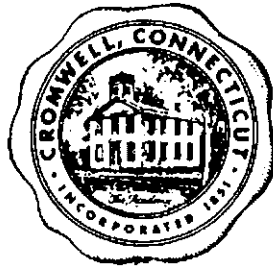
Popper, Stuart

From: Egan, John
Sent: Thursday, March 03, 2022 4:51 PM
To: Popper, Stuart
Cc: Driska, Bruce; Fontaine, Candice
Subject: Re: Application 22-04 Proposed Splash Pad- Adelbrook - Building Department Comments

I have reviewed the above referenced project and observed the following.

- 1) The final splash pad site shall be an accessible and usable facility.
- 2) Accessible Parking and signage to be provided.
- 3) Building Plans and specifications to be submitted for review separately from the site plan review.

John Egan,
Chief Building Official



MEMORANDUM

To: Stuart B. Popper, AICP, Director of Planning & Development
From: Bruce E. Driska, CZEO, Zoning & Wetlands Enforcement Officer *BD*
Date: March 1, 2022
Re: **Plan Review, PZC Applications #22-04, Adelbrook Splash Pad**

COMMENTS

I have reviewed the Adelbrook proposal for demolition of an existing inground pool and construction of a "Splash Pad" and have the following comments:

- Implementation of erosion and control measures around work area

**Engineering Department
Town of Cromwell
Cromwell, CT**

Memorandum

To: Stuart Popper

CC: Planning & Zoning Commission

From: Jon Harriman, P.E.

Date: 3/4/2022

Re: #22-04 – Proposed Splash Pad - Adelbrook

I have reviewed plans entitled; ", Adelbrook, Inc., Proposed Splash Pad, 60 Hicksville Road, Cromwell, CT" dated January 26, 2022 by LRC Group. I have also reviewed the accompanying engineering report.

The splash pad design includes storm water attenuation to mitigate post development increases in flow, and connects to the existing catch basin system. I have no comments on the proposed development.

Popper, Stuart

From: Peck, Rich
Sent: Friday, March 04, 2022 12:02 PM
To: Popper, Stuart
Subject: 22-04 Proposed Splash Pad- Adelbrook

Stuart,

No comment from sewer, as splash pad will be connected to an underground storm chamber system.

Sincerely,

Richard A. Peck
Sewer Administrator, CWPCA
Town of Cromwell
860-632-3430
rpeck@cromwellct.com

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

The Town of Cromwell Planning and Zoning Commission will hold a Public Hearing on Tuesday March 15, 2022 at 7:00 p.m. in Room 224 of the Cromwell Town Hall at 41 West Street on the following items:

1. Application #22-02: Request to amend Sections 3., 3.3.C.4 of the Zoning Regulations to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. Request to amend Sections 5., 5.2.H.4 of the Zoning Regulations to allow for the reduction of parking facilities. Michael J. Cannata and Bantry Bay Ventures, LLC are the Applicants.

2. Application #22-05: Request to amend the Zoning Regulations and to add a new Section 7.6 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. Mary Ann Marchio and 6 West Ave LLC are the Applicants.

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 2nd day of March 2022.

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

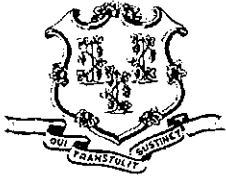
Consumer Protection-issued license within six months of the date of the Planning and Zoning Commission's conditional approval.

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.



STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

Intergovernmental Policy and Planning Division

SB 1201 – AN ACT CONCERNING RESPONSIBLE AND EQUITABLE REGULATION OF ADULT-USE CANNABIS

www.ct.gov/cannabis

MUNICIPAL AUTHORITY - IMPACT OVERVIEW

Sec. 83 – effective July 1, 2021: Addresses various issues on municipalities' authority to regulate cannabis, such as (1) requiring them, upon petition of 10% of their voters, to hold a local referendum on whether to allow the recreational sale of marijuana or whether to allow certain types of cannabis businesses within the municipality; (2) barring them from prohibiting the delivery of cannabis by authorized persons; and (3) allowing them to charge retailers, hybrid retailers, and micro-cultivators for certain initial public safety expenses.

Local Referendum: A municipality must hold a referendum on whether to allow certain cannabis sales if at least 10% of its electors' petition for such a vote at least 60 days before a regular election.

Specifically, these votes may determine whether to allow (1) the sale of adult-use marijuana in the municipality or (2) the sale of adult-use marijuana in one or more of the cannabis establishment license types.

The ballot designations are as follows: "Shall the sale of recreational marijuana be allowed in (Name of municipality)?" or "Shall the sale of cannabis under (Specified license or Licenses) be allowed in (Name of municipality)?" or "Shall the sale of recreational marijuana be prohibited (No Licenses) in (Name of municipality)?"

The referendum and ballot designations conform to existing procedures. The results take effect on the first Monday of the month after the election and stay in effect until another vote is taken. The bill allows a vote to occur at a special election, following existing procedures, if at least one year has passed since the previous vote. Existing laws on absentee voting at referenda apply to these votes. These referenda do not affect any class of cannabis establishments already allowed in a municipality and do not affect any class of cannabis establishments that do not sell adult-use cannabis, including a medical dispensary and establishments that grow cannabis products.

Delivery and Transport: Municipalities cannot prohibit the delivery of cannabis to (1) consumers or (2) qualifying medical marijuana patients or their caregivers, if the delivery is made by someone authorized to do so under the bill (e.g., delivery services). It also bars municipalities from prohibiting the transport of cannabis to, from, or through the municipality by anyone licensed or registered to do so.

Ban on Certain Actions and Local Host Agreements: The bill prohibits municipalities or local officials from conditioning any official action on, or accepting any donations from, any cannabis establishment or applicants for cannabis establishment licenses in the municipality. The bill also bars municipalities from negotiating or entering into a local host agreement with a cannabis establishment or license applicant.

Charge for Initial Public Safety Costs: The bill allows municipalities, for the first 30 days after cannabis retailers or hybrid retailers open, to charge them up to \$50,000 for any necessary and reasonable municipal costs for public safety services related to the opening (such as for directing traffic).

Sec. 84 - effective October 1, 2021: Allows municipalities to prohibit consumption of cannabis in public areas and to establish fines for use of cannabis in such areas.

Existing law in place through September 30, 2021 - Allows a municipality to regulate, on any property owned by the municipality, any activity deemed to be deleterious to public health, including the lighting or carrying of a lighted cigarette, cigar, pipe or similar device. This provides sufficient authority to regulate the consumption of cannabis of any form in the interim.

Regulation of Smoking and Cannabis Use: Existing law allows municipalities to regulate activities deemed harmful to public health, including tobacco smoking, on municipally-owned property. The bill broadens this to include property that a municipality controls but does not own. For the purposes of this section, property that a municipality controls includes, but not limited to, sidewalks, parks, beaches, municipal land and buildings, etc. It specifies that this regulatory authority applies to (1) smoked or vaped tobacco or cannabis, and (2) other types of cannabis use or consumption.

For municipalities with more than 50,000 people, if they regulate the public use cannabis, the regulations must designate a location in the municipality where public consumption is allowed. This section does not require that such municipalities provide for a location where any or all forms of cannabis can be consumed, but only some forms of cannabis can be consumed. The most common forms of cannabis consumption are smoking, vaping, and edibles. Through regulations, municipalities may set fines for violations by individuals regarding outdoor consumption of cannabis of up to \$50.

Municipalities are permitted to ban cannabis smoking and vaping at outdoor sections of restaurants. Through regulations, municipalities may set fines for violations of up to \$1,000 for businesses who allow cannabis smoking or vaping contrary to the regulation of the municipality.

Sec. 126 – effective July 1, 2021: Imposes a 3% municipal sales tax on the sale of cannabis that applies in addition to the state’s 6.35% sales tax and the state cannabis tax established under the bill; specifies the purposes for which municipalities may use the tax revenue. The 3% municipal sales tax will be administered through DRS, though each municipality will be responsible for collecting the appropriate amounts as identified by DRS.

Municipal Designee: The bill requires each municipality in which a cannabis retailer, hybrid retailer or micro-cultivator is located to submit to the DRS commissioner, at least annually, the name and contact information of the individual designated by the municipality to receive notifications regarding the tax. The DRS commissioner must notify these designated individuals of the tax amount reported due from each cannabis retailer, hybrid retailer and micro-cultivator located in their respective. Such municipalities are then responsible for collecting the tax payments from each payor.

Municipal Uses of Funds: The amounts remitted become a part of the municipality’s general revenue and may only be used for the following purposes:

1. streetscape improvements and other neighborhood developments in communities where cannabis retailers, hybrid retailers or micro-cultivators are located;
2. education programs or youth employment and training programs in the municipality;
3. services for individuals living in the municipality who were released from DOC custody, probation, or parole;
4. mental health or addiction services;
5. youth service bureaus and municipal juvenile review boards; and
6. community civic engagement efforts.

Sec. 148 – effective July 1, 2021: Authorizes municipalities to enact certain zoning regulations or ordinances for cannabis establishments; temporarily prohibits municipalities from granting zoning approval for more retailers or micro-cultivators than a number that would allow for one of each for every 25,000 residents; and allows the DCP commissioner to set a population-based cap for number of retailers or micro-cultivators in the future.

General Zoning Authority and Restrictions: Allows municipalities to amend their zoning regulations or local ordinances to take the following actions regarding cannabis establishments:

1. prohibit them from opening;
2. reasonably restrict their hours and signage; or
3. restrict their proximity to religious institutions, schools, charitable institutions, hospitals, veterans' homes, or certain military establishments.

Municipal chief zoning officials are required to report these zoning changes to the OPM Secretary and DCP. They must report in writing within 14 days after adopting the change.

Affirmative Zoning Approval for Retailers and Micro-Cultivators: Until June 30, 2024, municipalities are prohibited from granting zoning approval for more retailers or micro-cultivators than a number that would allow for one retailer and one micro-cultivator for every 25,000 municipal residents, as determined by the most recent decennial census. Beginning July 1, 2024, the DCP commissioner may post on the department's web site a specific number of residents such that no municipality shall grant zoning approval for more retailers or micro-cultivators than would result in one retailer and one micro-cultivator for every such specific number of residents, as determined by the commissioner.

In order to ensure compliance, the bill requires a special permit or other affirmative approval for any retailer or micro-cultivator seeking to be located within a municipality. A municipality must not grant the special permit or approval for any applicant if an approval would result in exceeding the density cap set by the bill or DCP Commissioner. The purpose of the special permit or other affirmative approval is not to require a public meeting or any other steps or procedures than would otherwise be required under a municipality's zoning ordinance, but rather to ensure that no more retailers or micro-cultivators are granted zoning approval than the number allowable under the legislation.

Application#

22-02

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR AMENDMENT TO THE ZONING REGULATIONS

Name: Michael J. Cannata and Bantry Bay Ventures, LLC
Address: c/o Amy E. Souchuns, Esq. 147 N. Broad Street
Milford, CT 06460
Telephone: 203 877-8000 Email: ASouchuns@hssklaw.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: Section 3, 3.3.C4 and 5, 5.2.H4

2. Zoning District(s) to be Affected by New Regulation: Highway Business (HB)

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

SEE ATTACHED

C. Reason for Proposed Change or New Regulation:

TO SELL CANNABIS AND CANNABIS-RELATED PRODUCTS AND MODIFY LOADING SPACE REQUIREMENT


(Applicant) John W. Knuff, Esq., Agent for:
Bantry Bay Ventures, LLC

February 14, 2022

(date)

Existing Regulations

Cromwell Zoning Regulations | 8.25.2015

3. BUSINESS ZONES

3.3 HIGHWAY BUSINESS (HB)

3.3.C Principal Uses

4. Requires Special Permit Approval [Section 8.7]

RETAIL/WHOLESALE SALES USES	ADDITIONAL CRITERIA (SEE SECTION)
<ul style="list-style-type: none">• Retail store for the sales of alcoholic beverages	
<ul style="list-style-type: none">• Outside storage or display of merchandise	
<ul style="list-style-type: none">• Sale at retail of any commodity manufactured, processed, fabricated or warehoused on the premises provided the total floor area devoted to retail sales does not exceed 20 percent of the gross floor area of the building	
<ul style="list-style-type: none">• Sale at retail of equipment, supplies and materials designed especially for use in agriculture, mining, industry, business, transportation, building and other construction, with the exception of commercial explosives	
<ul style="list-style-type: none">• Retail store exceeding 50,000 square feet	

5. BASIC STANDARDS

5.2 OFF-STREET PARKING AND LOADING

5.2.H Reduction of Parking Facilities.

1. Permanent Shared-Use Reduction. The Commission may, by Site Plan Approval, allow a reduction of the provision of up to 25 percent of the parking spaces required for the uses on one (1) or more sites due to shared use of parking facilities when:

(1) the parking facilities provided on the site(s) are interconnected for both vehicles and pedestrians with adjacent parking facilities to create a function parking arrangement,

(2) appropriate access and parking easements are executed between the adjacent properties and in accordance with Section 5.2B4, and

(3) the Commission is satisfied that the parking needs of the joint users on the sites occur at different hours of the day or that adequate parking will be available for the current and potential future uses. Any change in use that would require greater parking under these Regulations shall require an approval by the Commission, which may require the construction of additional parking.

2. Permanent Site Use Reduction. The Commission may, by Site Plan Approval, allow a reduction of up to 25 percent of the required parking spaces on an individual site that is not interconnected with one or more adjacent parking facilities when the Commission is satisfied that the parking needs of the uses on the site occur at different house of the day, or adequate parking will be available for the current and potential future uses.

3. Temporary Installation Deferral. The Commission may, by Site Plan Approval, defer the immediate installation of up to 25 percent of the required parking spaces where:

(1) sufficient evidence has been presented, in the judgment of the commission, to show that the reduced parking facilities will adequately serve the proposed use,

(2) the applicant shall show upon the Site Development Plan the complete layout for the full parking requirements, and

(3) the applicant accepts, in writing, a requirement that the owner will file the Site Development Plan in the Office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will install as many of the deferred parking spaces as the Commission deems necessary within six (6) months of the Commission's request, when, in the opinion of the Commission such installation is needed.

**APPLICATION TO AMEND ZONING REGULATIONS
BANTRY BAY VENTURES LLC & MICHAEL CANNATA
February 14, 2022**

Note: Proposed Amendments Shown in Italic/Bold

Amendment 1: Allow cannabis sales by special permit in the Highway Business Zone

3.3 HIGHWAY BUSINESS (HB)

3.3.C Principal Uses.

4. Requires Special Permit Approval [Section 8.7]

RETAIL/WHOLESALE SALES USES	ADDITIONAL CRITERIA (SEE SECTION)
<ul style="list-style-type: none">• Retail store for the sales of alcoholic beverages	
<ul style="list-style-type: none">• Outside storage or display of merchandise	
<ul style="list-style-type: none">• Sale at retail of any commodity manufactured, processed, fabricated or warehoused on the premises provided the total floor area devoted to retail sales does not exceed 20 percent of the gross floor area of the building	
<ul style="list-style-type: none">• Sale at retail of equipment, supplies and materials designed especially for use in agriculture, mining, industry, business, transportation, building and other construction, with the exception of commercial explosives	
<ul style="list-style-type: none">• Retail store exceeding 50,000 square feet	
<ul style="list-style-type: none">• <i>Retail store for the sales of cannabis and cannabis-related products</i>	

Amendment 2: Authorize Commission to modify or eliminate loading space requirements under certain circumstances

5.2 OFF-STREET PARKING AND LOADING

5.2.H Reduction of Parking Facilities.

1. Permanent Shared-Use Reduction. The Commission may, by Site Plan Approval, allow a reduction of the provision of up to 25 percent of the parking spaces required for the uses on one (1) or more sites due to shared use of parking facilities when:

(1) the parking facilities provided on the site(s) are interconnected for both vehicles and pedestrians with adjacent parking facilities to create a function parking arrangement,

(2) appropriate access and parking easements are executed between the adjacent properties and in accordance with Section 5.2B4, and

(3) the Commission is satisfied that the parking needs of the joint users on the sites occur at different hours of the day or that adequate parking will be available for the current and potential future uses. Any change in use that would require greater parking under these Regulations shall require an approval by the Commission, which may require the construction of additional parking.

2. Permanent Site Use Reduction. The Commission may, by Site Plan Approval, allow a reduction of up to 25 percent of the required parking spaces on an individual site that is not interconnected with one or more adjacent parking facilities when the Commission is satisfied that the parking needs of the uses on the site occur at different house of the day, or adequate parking will be available for the current and potential future uses.

3. Temporary Installation Deferral. The Commission may, by Site Plan Approval, defer the immediate installation of up to 25 percent of the required parking spaces where:

(1) sufficient evidence has been presented, in the judgment of the commission, to show that the reduced parking facilities will adequately serve the proposed use,

(2) the applicant shall show upon the Site Development Plan the complete layout for the full parking requirements, and

(3) the applicant accepts, in writing, a requirement that the owner will file the Site Development Plan in the Office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will install as many of the deferred parking spaces as

the Commission deems necessary within six (6) months of the Commission's request, when, in the opinion of the Commission such installation is needed.

4. The Commission may modify or eliminate the requirement for one or more loading space(s) based upon the specific use proposed, provided that sufficient area is available for installation of a loading space in the event subsequent re-use of the property requires a loading space.

Application# 22-05

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR AMENDMENT TO THE ZONING REGULATIONS

Name: Mary Ann Marchio and G West Ave LLC
Address: P.O. Box 281 East Hampton, CT 06424
Telephone: 860-966-9918 Email: GWestAveLLC@gmail.com

A. Request to Change an Existing Regulation:

1. Current Article Number: NA
2. Current Regulation wording (attach if necessary):
NA
3. Proposed Change wording (attach if necessary):
NA

B. Request to Create a New Regulation:

1. Suggested Article Number: 7.6
2. Zoning District(s) to be Affected by New Regulation: HR
3. Wording of New Regulation (attach if necessary):
Attached

C. Reason for Proposed Change or New Regulation:

New Retail Use


(Applicant)

2/21/22
(date)

Adult-Use Cannabis Retail Sales - Zoning Regulation Amendment

Planning & Zoning Commission,

I'd like to present to the commission a proposed amendment to include regulations for "Adult Use/Hybrid Cannabis Retail Sales" in the Highway Business Zone with the following regulations.

Location of amendments:

- Sections 3.3.C (4) and 7. SPECIAL REQUIREMENTS

Amendments requested to the current zoning regulations for the Town of Cromwell:

Amendment #1 to include use in "**RETAIL/WHOLESALE SALES USE**" on Page 53 of current zoning regulations: (3.3 HIGHWAY BUSINESS (HB)> Page (51) > 3.3.C > "4. Requires Special Permit Approval [Section 8.7]")

4.Requires Special Permit Approval [Section 8.7]

RETAIL/WHOLESALE SALES USES	ADDITIONAL CRITERIA (SEE SECTION)
<ul style="list-style-type: none">• Retail store for the sale of alcoholic beverages	
<ul style="list-style-type: none">• Outside storage or display of merchandise	
<ul style="list-style-type: none">• Sale at retail of any commodity manufactured, processed, fabricated or warehoused on the premises provided the total floor area devoted to retail sales does not exceed 20 percent of the gross floor area of the building	
<ul style="list-style-type: none">• Sale at retail of equipment, supplies and materials designed especially for use in agriculture, mining, industry, business, transportation, building and other construction, with the exception of commercial explosives	
<ul style="list-style-type: none">• Retail store for the sale of Cannabis products	

Adult-Use Cannabis Retail Sales - Zoning Regulation Amendment

Amendment #2 to include a new section in "7. SPECIAL REQUIREMENTS" to be called "7.6 Retail Sales of Cannabis Products". (Section 7. SPECIAL REQUIREMENTS > Page (166))

7. SPECIAL REQUIREMENTS

(Section 7.1-7.5 omitted for display purposes)

Add the following section....

7.6 Retail Sales of Cannabis Products:

(a) Adult-Use Cannabis Retail establishments (including Hybrid Retailers), as defined in The Responsible and Equitable Regulation of Adult-Use Cannabis Act ("RERACA") Public Act 21-1 / Senate Bill 1201 as amended, subject to the following additional requirements:

7.6.A Permitted Zones and Distance Requirements

1. The sale of Adult-Use Cannabis Products is permitted only within the Highway Business (HB) Zone. Adult-Use Cannabis Retail establishments shall not be located in such a manner that they are concentrated with each other to best serve the residents of Cromwell. They shall not be located within a distance of 3,000 feet measured in a straight line, from the front door to the front door of the nearest cannabis retail establishment.

7.6.B Location Requirements and Limitations

1. Location Requirements: All Adult-Use Cannabis Retail establishments shall be located so that the establishment's front door is at least 500 feet from the front door of any K-12 school or playground. Locating an Adult-Use Retail establishment in a mixed use building where any portions of the building is occupied or shared by other businesses or residents is prohibited.
2. Visibility: Adult-Use Cannabis Retail establishments may not display products for consumption in store windows or otherwise be visible from the public right of way. Window advertising signage is prohibited.
3. Consumption: Cannabis products may not be smoked, eaten, or otherwise consumed or ingested on the premises of any Adult-Use Cannabis Retail establishment.
4. Cannabis Product Use Prohibited on Public Property:

Adult-Use Cannabis Retail Sales - Zoning Regulation Amendment

- a. It shall be unlawful for any person to use tobacco/cannabis or cannabis-derived products, regardless of form or manner of ingestion, on any public property located within, owned or controlled by the Town of Cromwell. This prohibition includes but is not limited to: the lighting or carrying of a lighted tobacco/cannabis or marijuana cigarette or cigar or pipe, vaping devices, use of a vaping device producing vapor of any cannabis product, or carrying or ingestion of a cannabis edible substance. Violation of this section shall be punishable by a fine of \$50.00 per offense.
- b. **Sale, Gift, or Transfer of Cannabis Products on Public Property:** It shall be unlawful for any person, organization, entity, or any other party to sell, give, trade, or in any other way transfer cannabis products of any sort to another person, organization, entity, or other party on property within, owned or controlled by the Town of Cromwell. Such products include but are not limited to: cannabis or marijuana cigarettes or cigars or pipes, vaping devices and vaping substances, and edible substances.
- c. Violation of this section shall be punishable by a \$50 fine per offense.

7.6.C Procedures and Applications

Purpose. The provisional special exceptions process is intended to ensure that the Town of Cromwell is compliant with zoning approvals for establishments licensed pursuant to Public Act 21-1.

1. **Procedures:** Applications shall be filed with the Planning Commission in accordance with requirements of 8.7 Special Permits
In addition, the applicant shall submit the following documents:
 - a. Hours of operation schedule
 - b. Signage plan
 - c. Security plan including interior floorplan
 - d. Other documentation to demonstrate compliance with the special exception objectives in 8.7 Special Permits, such as a Parking Analysis or Traffic study where applicable.
2. **Application for Special Exception:** Applications will be filed with the Planning Department and may be granted only upon verification of the applicant's status as an approved provisional licensee by the State of

Adult-Use Cannabis Retail Sales - Zoning Regulation Amendment

Connecticut Department of Consumer Protection (DCP). Administrative final special exception certification will be provided in the following manner.

- a. The applicant shall provide a copy of their DCP provisional approval to the Planning Department. If the licensee is not the same as the special exception provisional applicant, they shall provide an authorization letter from the owner of the building to apply for final certification of the special exception.
- b. The application shall be reviewed for compliance with distance requirements for the respective use. No final certificates shall be granted if the proposed location does not comply with the distance requirements.
- c. The application shall be held for (7) days. At the end of this waiting period, the application shall be reviewed along with any other applications received during this time. Applications shall be approved in chronological order that reflects their provisional approval date from the State of CT DCP.
- d. Once the maximum allowable number of permitted retail cannabis establishments is granted. No special exceptions shall be approved, nor applications received, once the maximum number of retail establishments have been granted a final special exception approval.

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
7:00 PM TUESDAY, MARCH 1, 2022
COUNCIL CHAMBERS CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

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

Absent: Ken Rozich, Chris Cambareri, 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 7:05PM.

2. **Roll Call:**

The presence of the above members was noted.

RECEIVED FOR RECORD
Mar 10, 2022 11:07A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT



3. **Seating of Alternates:**

Michael Cannata made a motion to seat Robert Donahue as an alternate; Seconded by Brian Dufresne. *All in favor, Motion passed.*

4. **Approval of Agenda:**

Mr. Popper said he would like to add Application #22-05: Request to amend the Zoning Regulations to add a new Section 7.6 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. Mary Ann Marchio and 6 West Ave LLC are the Applicants.

Chairman Alice Kelly asked if all this and the previous similar applications are complete. She said she wants the Commission members to know that she has done a lot of research and has a list of all the towns that have put out cannabis retail regulations. Chairman Kelly said she would like to give the commission members copies of the regulations from different towns to show that they have a reference point from which we can create very detailed regulations.

Michael Cannata made a motion to add Application #22-05 to the agenda. Seconded by Bob Donahue. *All in favor, Motion passed.*

5. **Public Comments:**

There were no public comments

6. **Development Compliance Officer Report:**

Mr. Driska was absent and no report was given.

7. Town Planner Report:

Mr. Popper said he put together and posted two RFP/RFQ's. He explained the first one is for the updating of the plan of conservation and development (POCD) and the second one is for the updating of the Zoning Regulations. Mr. Popper said his goal is to have one firm selected to update the POCD and the Zoning Regulations. He said he had conversations with about three different firms so far and he is hoping to get proposals from those three and others. He said he had received one response from one firm for both RFP/RFQ's and he is looking forward to receiving more.

Mr. Popper said he would like to set up an interview committee that would probably do the interviews sometime after March 11th for the POCD and then schedule the Zoning Regulations after March 24th.

Mr. Popper said developers have been looking at vacant residential land in town including one parcel recently placed on the market at the corner of Willowbrook Road and Evergreen Road. He said conversations continue with the developer working on the Lord Cromwell site and it is an ongoing process. Mr. Popper said the peer review was completed for the Geer Street warehouse site and a response concerning the possible springtime breeding of salamanders is being prepared. He said he expects to see that application resubmitted to the Wetlands Agency and the public hearing started again in May or June.

Mr. Popper said he had a conversation with an interested party today who said they are going to submit an application to amend the zoning regulations to allow for the installation of electrical chargers within any public or private parking lot.

Michael Cannata said he had a question as to whether there had been an error in the numbering for applications #22-02 and #22-05. Mr. Popper explained that had to switch the numbers on these two applications and said Application #22-02 is Bantry Bay Ventures and Application #22-05 is Mary Ann Marchio and 6 West Ave LLC. He said the changes will be in the amended agenda for tonight's meeting, as well as the minutes from February 15th.

8. New Business: Accept and Schedule New Applications:

Mr. Popper asked the commission to accept and schedule for the March 15, 2022 meeting Application #22-05: Request to amend the Zoning Regulations to add a new Section 7.6 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. Mary Ann Marchio and 6 West Ave LLC are the Applicants.

Ann Grasso made a motion to accept and schedule Application #22-05: Request to amend the Zoning Regulations to add a new Section 7.6 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. Mary Ann Marchio and 6

West Ave LLC are the Applicants. Seconded by Paul Cordone. *All in favor, Motion passed.*

9. Public Hearing:

- a. Application #22-01: Request for a Use Permit for Travelers Championship Golf Tournament at 100 Golf Club Road. Greater Hartford Community Foundation Inc. is the Applicant; Tournament Players Club of Connecticut Inc. is the Owner.

Mr. Popper read the legal notice into the record. Chairman Kelly asked for a motion to open the public hearing. Nick Demetriades made a motion to open the public hearing. Seconded by Robert Donahue. *All in favor, Motion passed.*

Attorney David Debassio from Hinckley Allen in Hartford said he was here this evening representing the Greater Hartford Community Foundation. He presented an overview of the history, growth and success of the Traveler's Tournament in Cromwell. He said he is thrilled to be back here again 2022. Mr. Debassio said the organization faced some challenges during the pandemic, but he is happy to report that the 2021 event was back with limited spectators and it was a success. He said the event in 2021 generated approximately \$2.2 million for approximately 125 local charities. Mr. Debassio said they maintained their commitment to give 100% of the net proceeds, for this event, directly to charities. He said since Travelers partnered with the Greater Hartford Community Foundation, they managed to help us donate over 22 and a half million dollars over to 800 nonprofits since the year 2007. He said they are expecting to be as close to fully open as possible following the State of Connecticut guidelines. Mr. Debassio said they are planning for a regular event and they are thrilled to have this event in Cromwell.

Kevin Harrington, the Senior Director of Operations for the Hartford Community Foundation Inc in Hartford gave a summary of the event. He said they are looking to get 100% of proceeds to charities. He said due to the pandemic, they will have hand sanitizers and more touchless, digital, and cashless sales for health and safety concerns. He said there will be less construction this year and there will not be a large stage this year. He explained that the parking situation will be the same and traffic plan will continue with a shuttle operation. Mr. Harrington said they will have a modified event schedule this year, but they are looking to get as much back as they can before COVID started and that spectators will be allowed Wednesday through Sunday.

Mr. Harrington said that the set up will take ten weeks and the tear down will take three Weeks. He said there are two date changes which will be amended to extend from 5:00 am to 10:00 pm from June 13, 2022 and July 1, 2022.

Ann Grasso asked Mr. Harrington if there will be any vendors allowed. She said there are non-profits interested in having a tent in the vendors area. Mr. Harrington asked Ms. Grasso to reach out to him to get more information.

Robert Donahue asked what they will be working on at 5:00 am regarding noise. Mr. Harrington said it is the setup for various items but that they will be cautious about noise in the areas abutting homes.

Nick Demetriades asked to make sure generators are not too close to the abutting homes and to kindly be cautious of this. He also asked if the start time is 6:00 am outside of the designated dates and Mr. Harrington said that was correct.

Chairman Kelly opened the Public Hearing to the public.

Ms. Rhonda Dillon from 77 Field Road asked if the green curtains on the fence near her property not be installed so she can see the golfers. Mr. Harrington said he can look into this but he does not know if this can be done because the TPC requires screening in some areas.

Mr. Michael Millane from 34 Field Road explained that service for AT&T cell phone users can be very spotty in the area of the golf course. He suggested that the TPC consider installing temporary cell phone towers to provide better service to all the AT&T cell phone users that will be attending the tournament.

Michael Cannata made a motion to close the Public Hearing; Seconded by Ann Grasso. *All in favor, Motion passed.*

Michael Cannata made a motion to approve Application #22-01: Request for a Use Permit for Travelers Championship Golf Tournament at 100 Golf Club Road. For the 2022 season including the modifications. Seconded by Brian Dufresne. *All in favor, Motion passed.*

10. Commissioner's Comments:

Ann Grasso said she would like to add that her statement noting that the gate at the top of the hill between Adelbrook and Covenant Village should be locked from the meeting in January.

11. Approval of Minutes:

Mike Cannata made a motion to approve the minutes, but they need to be amended to change the application numbers discussed earlier. Seconded by Brian Dufresne. *All in favor, Motion passed.*

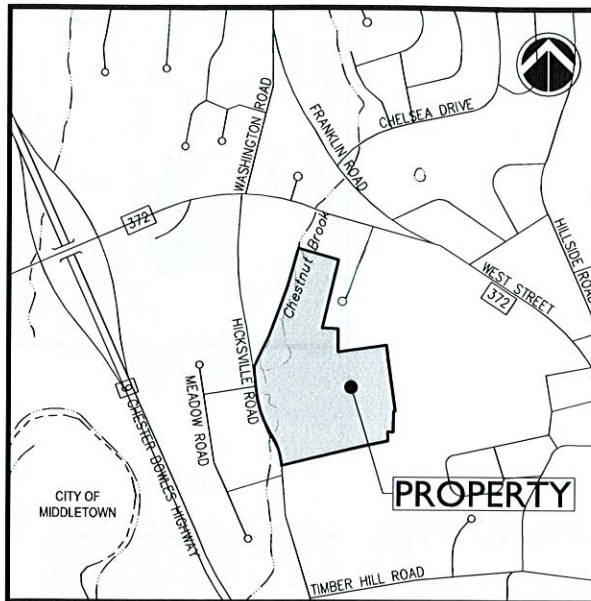
12. Adjourn:

Mike Cannata made a motion to adjourn at 7:53PM. Seconded by Nick Demetriades. *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 "Respectfully submitted," text.

Candice Fontaine
Recording Clerk



LOCATION MAP

SCALE: 1"=1,000'

OWNER & APPLICANT:

ÄDELBROOK, INC.
60 HICKSVILLE ROAD
CROMWELL, CONNECTICUT 06416

SITE PLANNER / CIVIL ENGINEER:



160 West Street, Suite E
Cromwell, CT 06416
Tel: 860.635.2877
85 Civic Center Plaza, Suite 103
Poughkeepsie NY 12601
Tel: 845.243.2880
1 International Blvd, Suite 400
Mahwah, NJ 07495
Tel: 908.603.5730
www.lrcconsult.com

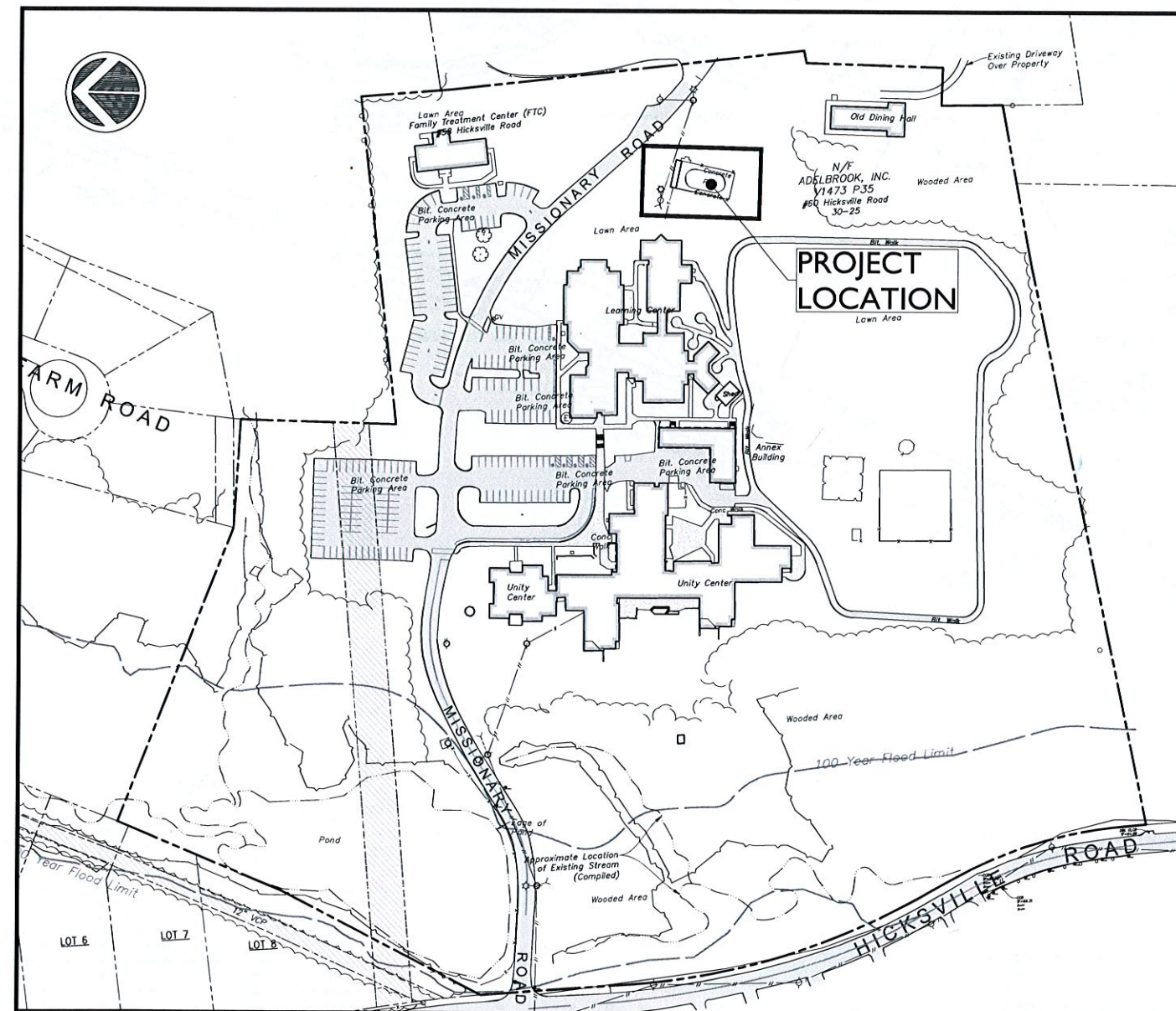
- LAND PLANNING
- CIVIL ENGINEERING
- ENVIRONMENTAL SERVICES
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

LRC Engineering & Surveying, DPC
LRC Engineering and Surveying, LLC
LRC Environmental Services, Inc.

ÄDELBROOK, INC. PROPOSED SPLASH PAD

60 Hicksville Road
CROMWELL, CONNECTICUT

SITE PLAN MODIFICATION (PZC)



OVERALL SITE PLAN

SCALE: 1"=100'



VICINITY MAP

SCALE: 1"=600'

INDEX OF DRAWINGS

	COVER SHEET
EX-1 & EX-2	EXISTING CONDITIONS
SP-1	SITE PLAN
DN-1 & DN-2	SITE DETAILS
W-000, W-050, W-102, W-130, W-151 THRU W-157, WD-001 & WD-002	WATERSHAPE CONSULTING INC. PLANS



Rodney Morrison P.E. #21,336



John Wagenblatt P.L.S. #17,791

APPLICATION DATE: 1-26-22