



## **Town of Cromwell Planning and Zoning Commission**

### **REGULAR MEETING**

**7:00 P.M. THURSDAY MAY 5, 2022**

### **COUNCIL CHAMBERS CROMWELL TOWN HALL 41 WEST STREET AGENDA**

RECEIVED FOR RECORD  
Apr 27, 2022 11:50A  
JoAnn Doyle  
TOWN CLERK  
CROMWELL, CT

*PL*

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. Public Hearings:
  - a. Application #22-09: Request to Amend the Zoning Map from Highway Business Zone District and Residential-40 Zone District to Mixed-Use Zone District at 100 Berlin Road and 15R Christian Hill Road. M360 Berlin Land Holdings, LLC is the Applicant and the Owner.
  - b. Application #22-06: Request to amend the Zoning Regulations to add Section 6.11 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone District and to amend Section 3.5.C.4 to allow for the cultivation of cannabis in the Industrial Zone District. The Town of Cromwell Planning and Zoning Commission is the Applicant.
10. Commissioner's Comments:
11. Approval of Minutes:
  - a. April 19, 2022
12. Adjourn:

Permit	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
		<b>P&amp;Z 2022 Permit Report</b>	DOCUMENTS\Spreadsheets Tracking\Bruce's Report 2022.xlsx]2022		
22-01	PGA Tour Event	One Golf Club Road	PGA Tour from 6/20-6/26/22	3/1/2022	Approved
22-02	Bantry Bay Ventures	N/A	App to Amend Zoning Regs	4/5/2022	Approved
22-03	Gary Dayharsh	34 Shunpike Road	Site Plan Modification Façade Renovations & Parking Lot Improvements	Pending	Approved
22-04	Jeff Swanson/Adelbrook Inc	60 Hicksville Road	Adelbrook Proposed Splash Pad	3/15/2022	Approved
22-05	Andrew Siminow/Mary Ann & 6 West Ave, LLC	N/A	App to Amend Zoning Regulations	3/15/2022	Withdrawn
22-06	Planning and Zoning Cannabis	N/A	App to Amend Zoning Regulations	Pending	
22-07	P. Craig Way (Vice President, HB Nitkin)	Cromwell Sq Shopping Center - Burlington Store	Site Plan Modification - New Burlington Store	4/19/2022	Approved
22-08	Cromwell Village Associates	150 Country Squire Road - The Landon	Site Plan Modification - Planned Multi-family Residential Dev. (The Landon)	Pending	Approved
22-09	M360 Berlin Land Holdings, LLC	100 Berlin Road & 15R Christian Hill Road	App for Change to the Zone Map	Pending	
22-10	Town of Cromwell Public Works	161 Coles Road	Site Plan Modification- Snow Park	4/5/2022	Approved

APPLICATION # 22-09

**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION**

**APPLICATION FOR CHANGE TO THE ZONE MAP**

Property Address: 100 Berlin Road & 15R Christian Hill Road PIN 00459100 & 11300100

Current Zone: Highway Business (HB) Zone & R-40 Zone Proposed Zone: Mixed-Use District Zone (MU)

Applicant: M360 BERLIN LAND HOLDINGS, LLC  
Mailing Address: c/o Martin J. Kenny, Co-Manager  
755 Main Street, Suite 1245, Hartford, CT 06103  
Email: mkenny@lexingtonct.com  
Telephone: (860)520-1005 ext. 700

Owner: M360 BERLIN LAND HOLDINGS, LLC  
Mailing Address: c/o Martin J. Kenny, Co-Manager  
755 Main Street, Suite 1245, Hartford, CT 06103

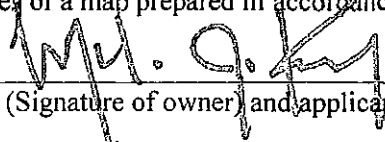
**Reason for Proposed Change:**

Application for a Change in the Zoning Map to Mixed-Use District at 100 Berlin Rd. (Red Lion Hotel) and 15R Christian Hill Rd. a 12.74 ac. Site located northerly of Berlin Rd. and southerly of Christian Hill Rd. for a proposed mixed-use development. See attached narrative and Master Site Plan for additional information.

Is the property within 500' of an adjoining town? ☒ Yes ☐ No  
Does the property contain streams or wetlands? ☒ Yes ☐ No  
Is the property within the Historic District? ☐ Yes ☒ No

The following shall be submitted with this Application:

- ☒ \$160 application fee;
- ☒ Legal Description of the property (metes and bounds);
- ☒ 3 copies of a map prepared in accordance with Article 8.9 of the Zoning Regulations.

 4.14.22  
(Signature of owner) and applicant (date)  
Same as Owner  
\_\_\_\_\_  
(Applicant) (date)

TO: Planning and Zoning Commission

FROM: Alter & Pearson, LLC

DATE: March 29, 2022 (*revised April 5, 2022*)

RE: Project Narrative for Lord Cromwell Mixed-Use Development - Application for Change to the Zone Map from Highway Business and R-40 Zones to Mixed-Use District with a Master Plan at 100 Berlin Road and 15R Christian Hill Road

---

The Site currently consist of two distinct parcels, the former Red Lion Hotel at 100 Berlin Road, (Highway Business Zone) and an undeveloped parcel at 15R Christian Hill Road (R-40 Residential Zone). The combined area of the Site is 12.74± acres (555,294± s.f.), which is bounded by the I-91 entrance ramp to the west, Berlin Road to the south, Lowe's to the southeast, residential properties to the northeast and Christian Hill Road to the north. The Applicant is applying to Change the Zone for the Site to Mixed-Use District (MU) together the approval of a Master Plan.

The existing grades of the Site vary significantly between Berlin Road (Elevation 23±) and Christian Hill Road (Elevation 63±). Wetlands soils, Flood Zone (AE) and Floodway, are located on the easterly portion of the Site adjacent to Coles Brook. The developable portion of the Site is uniquely shaped in a long and narrow orientation, being approximately 450 feet wide and 1,200 feet deep. The existing hotel building will be completely razed; however, a portion of the existing parking garage will be reused in the mixed-use development.

The physical constraints of the Site allow the Applicant to achieve an integrated mixed-use development by defining three distinct areas within the Site.

- The commercial component of the Site is proposed adjacent to Berlin Road and will consist of 31,000 s.f. of commercial space (9,000 s.f. commercial/retail, 4,000 s.f. sit down restaurant, 2,000 s.f. coffee shop and 16,000 s.f. of medical office). Building R is proposed as a 1-story commercial building along Berlin Road and the first level of building A.2 will contain the remaining commercial space.
- The apartment component of the Site is proposed in the central portion of the Site and will consist of 260 rental apartment units (50 studios, 135, 1-bedroom units, 65, 2-bedroom units and 10, 3-bedroom units), together with courtyards, an amenity building and an outdoor pool with deck.
  - Building A.2 is three stories of residential, over 1-story of commercial
  - Building A.1 is four stories of residential, over 1-story of parking garage
  - Building B is four stories of residential, over the easterly portion of the existing parking garage which will be reinforced
  - The westerly portion of the existing 2 story parking garage will be reused for parking
- The townhome component of the Site is proposed on the northern and eastern portions of the Site adjacent to the Christian Hill Road existing residential uses and will consist of 20 townhome units that will be for sale (12, 3-bedroom units and 8, 3-bedroom units). To the east of the townhome section of the Site will predominantly remain in its existing natural state with the addition of an outdoor amenity space.

Two access points are proposed for the Site, a full-service divided access point at Berlin Road and an emergency access drive at Christian Hill Road. The emergency access drive will be gated, and

only opened during an emergency. A detailed parking chart is included on the Master Site Plan. A total of 40 parking spaces will be assigned to the townhome units (2 spaces per unit) and the remaining 447 parking spaces on Site will be shared between the commercial and apartment resident users. The Applicant is proposing a 24.62% reduction in required parking for these shared uses in accordance with Section 5.2.H of the Regulations. The plan currently proposes that 239 of the proposed parking spaces will be located under the buildings which achieves the goal of screening more than half of the proposed on-site parking. Dumpster locations and loading areas are evenly located throughout the Site. Snow storage areas are depicted on the Master Plan and snow clearing efforts will be coordinated between the commercial tenants and residents by the on-site management of the development. Adequate and appropriate site lighting is proposed and light spillage will not escape the property lines. The Site will be connected on a pedestrian level with a sidewalk network that will connect to Christian Hill Road.

All bulk requirements of the Mixed-Use District are met as shown on the Master Site Plan Zoning Data Table. The Applicant achieved a proposed building coverage of 21.79%, well below the 85% building coverage that is permitted in the Mixed-Use Zone. Within the regulations there is ambiguity regarding the landscape buffer. The Applicant is proposing a 50-foot landscape buffer between the proposed development and the existing residential uses and district on Christian Hill Road; however, the Applicant is proposing a 5-foot landscape buffer between the lot lines and parking spaces at the southwest and southeast portions of the Site. The proposed 5-foot landscape buffer is consistent with the existing pavement locations on the Site and adequate due to the vegetated undevelopable portions on the adjacent properties, I-91 entrance ramp and the Lowe's property adjacent to Coles Brook.

The proposed redevelopment of the Site creates not only a destination for Cromwell, but also is directly on-point with the intent of the Mixed-Use District to create a community that offers "live, work and play opportunities within convenient walking distance of each other."

Application# 22-06

**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION**

**APPLICATION FOR AMENDMENT TO THE ZONING REGULATIONS**

Name: Town of Cromwell P2C  
Address: 41 West Street  
Cromwell CT 06052  
Telephone: 260632-3422 Email: spopper@cromwellct.com

**A. Request to Change an Existing Regulation:**

1. Current Article Number: \_\_\_\_\_

2. Current Regulation wording (attach if necessary):  
\_\_\_\_\_

3. Proposed Change wording (attach if necessary):  
\_\_\_\_\_  
\_\_\_\_\_

**B. Request to Create a New Regulation:**

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

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

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

**C. Reason for Proposed Change or New Regulation:**

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

Alvin B. Popper  
(Applicant)

3/15/22  
(date)

## **6.11 ADULT USE CANNABIS (Draft prepared by Town Staff)**

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

### **6.11.B Special Permit Required.**

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

### **6.11.C. Definitions:**

1. "Adult-Use Retailer" means a person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufactures 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. "**Medical Marijuana 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 dispensary facility, adult-use cannabis retail or hybrid-retailer**, medical marijuana production, or adult-use cannabis cultivator or micro-cultivator facility shall **be located on a site that is less than 100 feet from** a church, temple or other place used primarily for religious worship, a charitable institution whether supported by public or private funds, **library**, public building, private recreation area, or a school, playground, park or child day care facility. **(Please note Cromwell’s current zoning for Alcoholic Beverage retail requires 500 feet setback from the uses listed above).**
2. **No medical marijuana dispensary facility, adult-use cannabis retail or hybrid-retailer**, medical marijuana production facility, or adult-use cannabis cultivator or micro-cultivator facility shall **be located** on a site that is less than 100 feet from any property that is zoned for *(single family) Text deleted* residential use as a permitted use.
3. **No medical marijuana dispensary facility, adult-use cannabis retail or hybrid-retailer**, 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 medical marijuana dispensary facility, adult-use cannabis retail or hybrid-retailer** shall be located **on a site** less than 500 feet from another **medical**

marijuana dispensary facility, adult-use cannabis retail or hybrid-retail. (Distance shall be measured from the radius of the front door to front door of each establishment.) *Text deleted.*

5. All distances contained in this section, *other than those specified in the subsection "E" above (Text Deleted)* 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, **adult-use cannabis retailers or hybrid-retailers** 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 approved with the condition that the applicant obtains

the appropriate Dispensary or Production Facility license issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur).

2. The conditional approval shall become finalized upon the receipt by the Director of Planning and Development of a copy of the Department of Consumer Protection-issued license.
3. The conditional approval shall expire if the applicant fails to provide the Director of Planning and Development with a copy of the Department of Consumer Protection-issued license within six months of the date of the Planning and Zoning Commission's conditional approval.

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

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

**6.11.K. Connecticut Department of Consumer Protection Approval:**

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

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

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

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

**Also present:** Director of Planning and Development Stuart Popper

1. **Call to Order:** The meeting was called to order by Chairman Alice Kelly at 7:04 PM.

2. **Roll Call:**

The presence of the above members was noted.

3. **Seating of Alternates:**

There was no seating of alternates.

4. **Approval of Agenda:**

Mr. Popper said he would like to amend the agenda to add new signage for the Cloud World smoke shop to Application #22-07: Request for Site Plan Modification at 51 Shunpike Road to allow for renovation of the building façade and new signage for the Burlington Store. HB Nitkin is the Applicant and HBN-CSC LLC C/O HBNITKIN GROUP is the Owner.

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

5. **Public Comments:**

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

6. **Development Compliance Officer Report:**

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

**7. Director of Planning and Development Report:**

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

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

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

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

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

**8. New Business: Accept and Schedule New Applications:**

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

**9. Old Business:**

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

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

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

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

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

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

Mike Cannata made a motion to approve Application #22-03: Request for Site Plan Modification at 34 Shunpike Road to allow for renovation of the building façade. Gary Dayharsh is the Applicant and MIHEL II LLC is the Owner, with the following conditions: 1) that a landscaping bond be proposed and worked out with staff for a period of two years and the planting schedule to be worked out with staff. 2) there will be a continuous blue cap on top of the signage band. Seconded by Chris Cambareri. *All in favor, Motion passed*

#### **10. New Business:**

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

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

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

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

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

Mike Cannata made a motion to approve Application #22-07: Request for Site Plan Modification at 51 Shunpike Road to allow for renovation of the building façade and new signage for the Burlington Store. HB Nitkin is the Applicant and HBN-CSC LLC C/O HBNITKIN GROUP is the Owner. Seconded by Brian Dufresne. *All in favor, Motion passed*

Mike Cannata made a motion to approve the sign at the smoke shop. Seconded by Chris Cambareri. *All in favor, Motion passed.*

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

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

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

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

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

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

#### **11. Public Hearing:**

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

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

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

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

Other municipalities setbacks include:

##### **Manchester:**

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

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



home.

**East Hartford:**

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

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

**Thompson:**

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

**Meriden:**

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

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

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

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

Mr. Popper said for instance the regulations may say that a cannabis facility cannot be within 1,000 feet radius from any part of any building, structure or premises used for the purpose of a public school a duly authorized school other than a public school, an institution of higher learning, a house of worship, charitable institution whether

supported by public or private funds, library, public playground, town parks and recreation facilities, daycare centers/nurseries, municipal fire or police station, municipal town hall or other municipal or Board of Education facility open to the public.

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

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

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

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

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

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

**12. Commissioner's Comments:**

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

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

**13. Approval of Minutes:**


a. April 5, 2022

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

**14. Adjourn:**

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

Respectfully submitted,

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

Candice Fontaine  
Recording Clerk