



Town of Cromwell Planning and Zoning Commission

RECEIVED FOR RE
Sep 29, 2022 02:
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

**REGULAR MEETING
7:00 P.M. THURSDAY OCTOBER 6, 2022
COUNCIL CHAMBERS CROMWELL TOWN HALL 41 WEST STREET
AGENDA**

1. **Call to Order**
2. **Roll Call**
3. **Seating of Alternates**
4. **Approval of Agenda**
5. **Public Comments**
6. **Development Compliance Officer Report:**
7. **Director of Planning and Development Report:**
8. **New Business: Accept and Schedule New Applications:**
9. **Old Business:**
 - a. Application #22-21: Request for a Site Plan Modification at 33 Berlin Road. 6 West Ave, LLC is the Applicant and Mary Ann Marchio is the Owner.
10. **New Business:**
 - a. Application #22-22: Request for Site Plan Approval to construct a restaurant at 195 West Street. Cromwell Chicken, LLC is the Applicants and NL Grocery II DST is the Owner.
 - b. Application #22-28: Request for Site Plan Approval to construct a building at 263 Main Street. Cromwell Automotive LLC is the Applicant and the Owner.
11. **Public Hearings:**
 - a. Application #22-16: Request for a Special Permit under Section 6.11.B of the Zoning Regulations to allow for the retail sales of Cannabis and Cannabis related products at 33 Berlin Road. 6 West Ave, LLC is the Applicant and Mary Ann Marchio is the Owner.
 - b. Application #22-23: Request for a Special Permit under Section 3.3.C.4 of the Zoning Regulations to permit a restaurant with a drive-up window at 195 West Street. Cromwell Chicken, LLC is the Applicants and NL Grocery II DST is the Owner.
 - c. Application #22-24: Request for a Special Permit under Section 6.1.H.2 of the Zoning Regulations to permit a crushing operation at 80R Geer Street. Paramount Construction is the Applicant and Steve Reilly is the Owner.
 - d. Application #22-27: Request for Special Permit under Section 4.1 of the Zoning Regulations to permit the construction of a 4,992 building in the floodplain at 263 Main Street. Cromwell Automotive LLC is the Applicant and the Owner.
 - e. Application #22-30: Request to Amend the Zoning Regulations to delete Sections 3.3.C.4 and 6.11 of the Zoning Regulations to allow for Medical Marijuana Dispensary Facilities to be permitted in the Highway Business Zone District.
12. **Commissioner's Comments:**
13. **Approval of Minutes:**
 - a. September 6, 2022
14. **Adjourn:**

Permit	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
		P&Z 2022 Permit Report	F:\Private\CFontaine\CANDICE DOCUMENTS\Spreadsheets Tracking\JPZC 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	4/19/2022	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	5/5/2022	Approved
22-07	P. Craig Way (Vice President, HB Nitkin)	Cromwell 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)	4/19/2022	Approved
22-09	M360 Berlin Land Holdings, LLC	100 Berlin Road & 15R Christian Hill Road	App for Change to the Zone Map	5/5/2022	Approved
22-10	Town of Cromwell Public Works	161 Coles Road	Site Plan Modification- Snow Park	4/5/2022	Approved
22-11	Rodney Bitgood	419 Main Street	Temporary Event Permit (Car Show)	Admin Approved-event on 5/27	
23-12	Timothy & Sharon Farrell	560-562 Main Street	Garage greater than 1,000 SF	6/7/2022	Approved
22-13	Miodrag Delmic	Zoning Amendment	Text to allow electric charging stations	7/19/2022	Approved
22-14	Cromwell Little League	9 Captain James Mann	Site plan modification for lights	6/21/2022	Approved
22-15	Alvin Ravizza	150 Sebeth Drive	App for Special Permit	7/19/2022	Approved

22-16	6 West Ave, LLC Andrew Simonez		33 Berlin Road	App for Special Permit for Retail Cannabis	Pending	
22-17	John Paul Golino		6 River Park Drive	App for Special Permit	9/6/2022	Approved
22-18	Bantry Bay Ventures, LLC c/o Amy Souchens		5 Berlin Road	App for Special Permit to establish Adult-Use Cannabis Retailer	9/6/2022	Approved
22-19	Bantry Bay Ventures, LLC c/o Amy Souchens		5 Berlin Road	App for Site Plan Approval	9/6/2022	Approved
22-20	Bantry Bay Ventures, LLC c/o Amy Souchens		5 Berlin Road	App for Special Permit-Special Flood Hazard Area Overlay District	9/6/2022	Approved
22-21	6 West Ave, LLC Andrew Simonez		33 Berlin Road	App for Site Plan Approval	Pending	
22-22	Cromwell Chicken LLC c/o Jay Klein (Carmody Law)		195 West Street	App for Site Plan Approval	Pending	
22-23	Cromwell Chicken LLC c/o Jay Klein (Carmody Law)		195 West Street	App for Special Permit-Proposed to construct a fast food restaurant w/drive up	Pending	
22-24	Paramount Construction - Steve Reilly		80R Geer Street	App for Special Permit-Crushing of materials	Pending	
22-25	Covenant Living		52 Missionary Road	App for site plan modification - Additional Parking 4-6 stalls	Pending	
22-26	Magdalene Mehic & Sead Mehic		12 Summer Brook Lane	App for Special Permit - add fill to property	Pending	
22-27	Cromwell Automotive, LLC		263 Main Street	App for Special Permit - Special Flood Hazard area Overlay District	Pending	
22-28	Cromwell Automotive, LLC		263 Main Street	App for Site Plan Approval-Construction of 1-story steel frame accessory bldg	Pending	
22-29	Walmart 2299		161 Berlin Road	App for Site Plan Modification	Pending	
22-30	Planning and Zoning Commission		41 West Street	App for Amendment to the Zoning Regs	Pending	
22-31	Cromwell Village Associates		150 Country Squire Road	Site Plan Modification - Car chargers - (The Landon)	Pending	

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

APPLICATION FOR SITE PLAN APPROVAL

Name of Project: Retail Cannabis Establishment
 Street Address: 33 Berlin Rd.
 Volume/Page: 726-140 PIN #: 00301700

Applicant Name: 6 West Ave, LLC
 Address: 6 West Ave. E. Hampton, CT 06424

Telephone: 860-962-9067 (day) _____ (evening) _____

Email Address: 6 West Ave LLC@gmail.com

Property Owner Name: Mary Ann Marchito
 Address: 2 Quann Hunt Rd. West Simsbury
CT 06092

Attached:

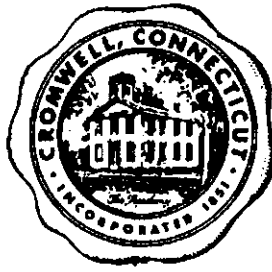
- () Application fee.
 () Twenty-five copies of the **Site Development Plan** prepared in accordance with Article 13.3 of the Cromwell Zoning Regulations.

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

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


 Applicant Name and Signature

7-15-2022
 Date



MEMORANDUM

To: Stuart B. Popper, AICP, Director of Planning & Development
From: Bruce E. Driska, CZEO, Zoning & Wetlands Enforcement Officer *BD*
Date: July 18, 2022
Re: Plan Review, PZC Applications #22-16, 33 Berlin Road, Site Plan

COMMENTS

I have reviewed Application #22-16 and have the following comments:

1. The proposed dumpster enclosure is three-sided and not screened in the front. Please show a screened front gate.
2. Proposed lighting specifications is requested.
3. Proposed signage specifications is requested.

Fontaine, Candice

From: Egan, John
Sent: Thursday, August 25, 2022 3:25 PM
To: Popper, Stuart
Cc: Driska, Bruce; Fontaine, Candice
Subject: 22-16 33 Berlin Road - Revised Plans for Site Plan Approval
Attachments: Untitled; Untitled

The above revised site plan has been reviewed and the following issues remain. The accessible parking signage does not meet the 2018 Connecticut State Building Code.

The attached examples will meet the code. Revise plans as required and resubmit for review.

Sincerely, John Egan
Chief Building Official

Popper, Stuart

From: Peck, Rich
Sent: Monday, July 18, 2022 12:05 PM
To: Popper, Stuart
Cc: Milardo, Michelle
Subject: 22-16: 33 Berlin Road- Retail

Stuart,

No formal approval is required from the CWPCA.
Sanitary sewers are connected to the existing proposed retail building at 33 Berlin Road.

Sincerely,

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

Fontaine, Candice

From: Harold Holmes <hholmes@cromwellfd.com>
Sent: Wednesday, August 17, 2022 1:22 PM
To: Fontaine, Candice
Subject: RE: #22-16 Request for Site Plan - 33 Berlin Road

Site plan is ok with the fire marshal's office for 22-16.

The 5 Berlin road I would request the address be changed seeing as the property sits between Number 11 and 29 Berlin road, should be 15 perhaps. The first address is Parisians hair salon at 9 Berlin rd

Stay Safe, Stay Healthy !

Harold Holmes NAFI- CEFI, IAAI-FIT
Fire Marshal
Cromwell Fire District
1 West Street Cromwell Ct 06457
hholmes@cromwellfd.com
860-635 3188 Office
860-306-6534 Cell



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From: Fontaine, Candice <cfontaine@cromwellct.com>
Sent: Wednesday, August 17, 2022 11:30 AM
To: Harriman, Jon <jharriman@cromwellct.com>; Jason Balletto <jballetto@cromwellfd.com>; Harold Holmes <hholmes@cromwellfd.com>; Joe Palmieri <jpalmieri@cromwellfd.com>
Cc: Popper, Stuart <spopper@cromwellct.com>; Driska, Bruce <bdriska@cromwellct.com>
Subject: #22-16 Request for Site Plan - 33 Berlin Road

Good morning.

Please email your comments for #22-16 Request for Site Plan - 33 Berlin Road.

Thank you.

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

APPLICATION FOR SITE PLAN APPROVAL

Name of Project: Proposed Popeyes Restaurant
Street Address: 195 West Street
Volume/Page: 1716/81 PIN #: 00424500

Applicant Name: Cromwell Chicken LLC
Address: c/o Jay Klein, Carmody Law
1055 Washington Boulevard, Stamford, Connecticut
Telephone: 203-252-2669 (day) 203-252-2669 (evening)
Email Address: JKlein@carmodylaw.com

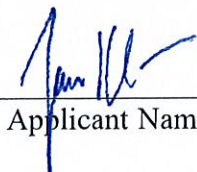
Property Owner Name: NL Grocery II DST
Address: 2901 Butterfield Road
Oak Brook, IL 60523

Attached:

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

- | | | |
|--|---|--|
| 1. Is <u>any part</u> of the site within 500' of an adjoining town? | <input checked="" type="checkbox"/> Yes | <input 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 DEP <u>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 checked="" type="checkbox"/> Yes | <input 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

7.27.22

Date

Fontaine, Candice

From: Peck, Rich
Sent: Thursday, September 29, 2022 11:48 AM
To: Popper, Stuart
Cc: Fontaine, Candice
Subject: 22-22 195 West Street - Proposed Popeyes

Stuart,

No formal approval is required from the CWPCA.

Sanitary sewers are available and have the capacity for use to the proposed commercial building at 195 West Street. The proposed building utility plan shows 4" SDR-35 pvc sewer pipe; minimum sewer pipe connection size to the sewer main shall be 6" SDR- 35 pvc pipe.

The Food Service Establishment will be required to adhere to the Code of Cromwell, Article V Regulations of Fats, Oils & Grease (FOG).

The developer need's to recognize that a Sewer Assessment/Connection Fee will be required upon issuance of a Sewer Permit for connection to the Town owned sewers.

Sincerely,

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

Popper, Stuart

From: Harriman, Jon
Sent: Wednesday, September 28, 2022 2:12 PM
To: Popper, Stuart
Subject: 22-22 195 West Street

Hello Stuart,

I have reviewed the submissions for the proposed Popeye's facility. The development makes use of the existing curb cuts into State roadways, and uses the existing private drainage that connects to State drainage. They are showing a reduction in impervious cover which will reduce runoff from the existing condition.

I didn't see any boundary survey information on the plans. Is there a requirement that is begin waived?

I could not find the low impact development(LID) checklist form completed. Can you ask the development team to fill that out so that I can complete my review?

Jon Harriman, P.E.
Town Engineer
Town of Cromwell, CT
ph: 860 632-3465
fx: 860 632-3477

Fontaine, Candice

From: Joe Palmieri <jpalmieri@cromwellfd.com>
Sent: Wednesday, September 28, 2022 3:31 PM
To: Popper, Stuart; Fontaine, Candice
Cc: Julius Neto; Jason Balletto; Harold Holmes
Subject: RE: Application # 22-22 and 22-23

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

Please see comments below from email dated August 10th.

Thank you.

Joseph A Palmieri
Water Operations Manager
Cromwell Fire District
1 West Street
Cromwell, CT 06416
Phone: 860-635-4420 x1000
Fax: 860-632-0413
E-Mail:



From: Joe Palmieri
Sent: Wednesday, August 10, 2022 3:20 PM
To: Popper, Stuart (spopper@cromwellct.com) <spopper@cromwellct.com>
Cc: Julius Neto <jneto@cromwellfd.com>; Jason Balletto <jballetto@cromwellfd.com>; Harold Holmes <hholmes@cromwellfd.com>
Subject: Application # 22-22 and 22-23

Stuart,

I am pleased to see that they have recognized our water main running along the front of the property. That is a 12" Water main that has a static pressure of approximately 100 to 110 PSI. This is a high-pressure Transmission Main, if there is a break within their frontage and repairs are required, it will most definitely shut down their business. Not only due to the lack of water service but the excavation of their parking lot. No structures should be erected or installed on top of the water main within the minimum 10 Ft. ROW on each side of the main. No utilities shall be installed (electric, comms, etc.) within that minimum of 20 Ft ROW. According to the drawings a small portion of the drive through lanes and curbing are currently within the 10 Ft. The Fire District owns and maintains the water main and is responsible for repairs to the main and the replacement of the asphalt above the main. The district is not responsible for anything else within the right of way. Please advise the applicant of these items.

Thank you.

Joseph A Palmieri
Water Operations Manager
Cromwell Fire District
1 West Street
Cromwell, CT 06416
Phone: 860-635-4420 x1000
Fax: 860-632-0413
E-Mail:

Cromwell Fire District
Serving Cromwell Connecticut Since 1971

Fontaine, Candice

From: Jason Brade <jbrade@cromwellfd.com>
Sent: Wednesday, September 28, 2022 6:21 PM
To: Fontaine, Candice
Cc: Harold Holmes; Joe Palmieri; Harriman, Jon
Subject: Re: Application #22-22 and #22-23 - 195 West Street - Popeyes Chicken

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Mrs Fontaine,

I apologize for the delay. These plans have been going to Fire Chief Jason Balletto. He will be leaving our department effective October 9th and I am sure he is inundated trying to wrap things up. I will be your contact in the fire chiefs office going forward until a permanent replacement is appointed. I believe my fire marshal replied earlier that he is all set.

I reviewed the plans this evening for the proposed Popeyes Chicken and find the site plans acceptable as presented.

If at all possible, it would be appreciated if the distance between the parking area and drive thru lane on the east side of the building be extended from 18' to 20' without shrinking the passing lanes on the west side. Our outriggers on our ladder truck extend to 18 feet wide making it doable, but a tight squeeze if cars are parked there and it's not widened. Since the passing lane all the way around the building is not wide enough we would appreciate at least one side of the building to be able to set up for aerial suppression operations or simply for roof access. Thank you for your consideration.

Respectfully,

Jason J. Brade
Assistant Fire Chief
Chief of Operations

Cromwell Fire District
Cromwell Fire Department
Fire Chief's Office: 860-635-6155
Fire Marshal's Office: 860-635-3188
Department Cell Phone: 860-876-6029
CFD Dispatch Center (24/7): 860-635-5211
Email: JBrade@CromwellFD.com

This electronic message is a public record as defined by the Connecticut Freedom of Information Act. A copy of this message and any reply may be retained by the Cromwell Fire District and may be available for review by the public.

#22-23

Fontaine, Candice

From: Egan, John
Sent: Tuesday, August 02, 2022 11:30 AM
To: Popper, Stuart
Cc: Fontaine, Candice; Driska, Bruce
Subject: Re: 22-22 195 west Street - Site Plan Approval Application Review

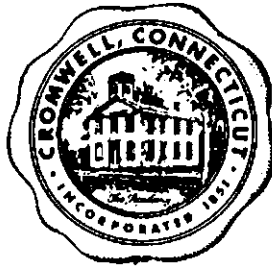
The above reference project was reviewed and the following Building Code issues observed.

The van accessible parking signage on Sheet 12 contains additional language. The sign shall read " Reserved Parking ,Permit Required, Violators Will Be Fined Minimum of \$250 , Van accessible.

The proposed count of 32 parking spaces will require 1 additional accessible parking space in addition to the van space already shown on the drawings.

The accessible van space shall be 8'wide plus an 8' wide access isle for a total of 16', the other accessible parking space shall be 10' wide plus a 5'wide access isle for a total of 15'.

Sincerely, 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: August 2, 2022
Re: Plan Review, PZC Site Plan Application #22-22 & Special Permit #22-23
195 West Street, Proposed Popeyes Restaurant

COMMENTS

I have reviewed the applications and plans for Applications #22-22 & 22-23 and have the following requests to assist in completing a staff review:

1. Applicant shall submit a Signage Proposal depicting:
 - Sign locations on building elevations (number of signs, color graphics and dimensions)
 - Sign locations on ground (number of signs, color graphics and dimensions)
 - Sample photos of sign illumination to show brilliance and intensity

Fontaine, Candice

From: Harold Holmes <hholmes@cromwellfd.com>
Sent: Wednesday, September 28, 2022 3:08 PM
To: Fontaine, Candice
Subject: RE: Application #22-22 and #22-23 - 195 West Street - Popeyes Chicken

I have no issues in the site plan or the special permit application. Plenty of access for emergency vehicles at this time.

Stay Safe, Stay Healthy !

Harold Holmes NAFI- CEFI, IAAI-FIT
Fire Marshal
Cromwell Fire District
1 West Street Cromwell Ct 06457
hholmes@cromwellfd.com
860-635 3188 Office
860-306-6534 Cell



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From: Fontaine, Candice <cfontaine@cromwellct.com>
Sent: Wednesday, September 28, 2022 1:56 PM
To: Harold Holmes <hholmes@cromwellfd.com>; Joe Palmieri <jpalmieri@cromwellfd.com>; Harriman, Jon <jharriman@cromwellct.com>; Jason Brade <jbrade@cromwellfd.com>
Subject: Application #22-22 and #22-23 - 195 West Street - Popeyes Chicken

Good afternoon.

Can you please confirm if you received the Request for Comments memo for Applications #22-22 and #22-23?

Please let me know if you have any questions.

Thank you.

Candice Fontaine

#22-28

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN APPROVAL

Name of Project: Construction of accessory building
Street Address: 263 Main Street, Cromwell
Volume/Page: 987/286 PIN #: 00043200

Applicant Name: Cromwell Automotive, LLC
Address: 263 Main Street, Cromwell, CT 06416

Telephone: 860-613-2355 (day) (evening)
Email Address: fatal2@snet.net

Property Owner Name: same as applicant
Address:

Attached:

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

- | | |
|---|---|
| 1. Is <u>any part</u> of the site within 500' of an adjoining town? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. Will this project require an <u>Inland Wetlands Agency permit</u> ? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| if yes, have you obtained it? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Will this project require a DEP <u>Stormwater Management Permit</u> ? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| if yes, have you applied for it? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Will this Project Require an <u>STC Permit</u> ? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| if yes, have you submitted a copy of the plans to the STC? | <input type="checkbox"/> Yes <input 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

8-26-22
Date

IMPACT STATEMENT PER SECTION 9.4A

1. General description of conditions including, but not limited to, environmental features, traffic, zoning character of the area and existing facilities.

The property, which is located in the Local Business (LB) Zone, presently contains a 4,584 square foot 1-story building operated by Cromwell Automotive for automobile sales and repair. The property is on the westerly side of Main Street and surrounded by other commercial uses. The easterly portion of the 1.4003-acre site contains the existing building and a bituminous parking lot. The westerly portion of the site, which consists of reclaimed stone, is presently used for the outdoor (uncovered) storage of equipment and vehicles. The southwesterly edge of the property is within the 100' upland review area from wetlands. No significant traffic is generated by this site.

2. The proposed activity and results of proposed action in reference to environment, traffic, zoning, character of the area, and existing facilities.

The applicant is proposing to construct a 1-story 4,992 sq. ft. steel frame building and bituminous driveway in the westerly portion of the property. This building will be used for the storage of plowing equipment. The area of development is previously disturbed, consisting of reclaimed processed stone. While the building is not located within the 100' upland review area from the wetlands, 8,390 square feet of upland review area will be impacted for the purposes of constructing the infiltration basin and for grading. The Cromwell Inland Wetlands and Watercourses Agency granted a permit for this project on August 3, 2022, deeming it non-significant (IWWC Permit 22-04). The construction of this accessory building is in character with the other commercial uses presently occurring within the zone and it will not cause additional traffic within the area.

3. Alternatives and possible mitigating measures.

The alternative to this project would be the continued outdoor storage of equipment. This storage building will allow for the keeping of the equipment protected from floodwaters and other outdoor elements. The proposed infiltration basin allows for a net gain in volume of flood storage capacity of 11 cubic yards. Erosion and sedimentation controls will be utilized during construction, to include a construction entrance, silt fencing, hay bales, and inlet protection.

4. The commitment of irretrievable resources.

There are no irretrievable resources being utilized for this project. A portion of 100' upland review area from wetlands is being impacted but this area of impact was previously disturbed and contains reclaimed crushed stone. The Cromwell IWWC granted a permit for this regulated activity on August 3, 2022 (IWWC Permit 22-04).

5. The location and amount of blasting anticipated as part of the project.

No blasting is anticipated as part of this project.

6. Existing and proposed utilities and public facilities including sewers or sanitary disposal, surface drainage, water supply, fire protection and other issues of consequence. The Commission may require implementation of the information into the findings of fact or onto the Site Plan.

The property is presently serviced by public water and public sewer. This accessory building will not require either sewer or water service as it will be used solely for storage. No fire protection measures are required. An infiltration basin is proposed to be located on the westerly portion of the site to address surface water and to allow for floodwater storage as necessary.

7. Existing and proposed hours of operation for each use on the site.

Cromwell Automotive's operating hours are 8 a.m. to 5 p.m. during weekdays and 8 a.m. to 1 p.m. on Saturdays. They are closed on Sundays. Their operating hours will remain the same.



MEMORANDUM

To: Stuart B. Popper, AICP, Director of Planning & Development
From: Bruce E. Driska, CZEO, Zoning & Wetlands Enforcement Officer *BD*
Date: September 16, 2022
Re: **Plan Review, PZC Application #22-27, #22-28**

COMMENTS

I have reviewed Applications #22-27, #22-28 and have no comments.

Fontaine, Candice

From: Egan, John
Sent: Friday, September 16, 2022 11:22 AM
To: Popper, Stuart
Cc: Driska, Bruce; Fontaine, Candice
Subject: 22-27 - 263 Main Street - Special Permit - Special Flood Hazard Area Overlay District - Plan Review Requested on 9/12/22

The above project was reviewed on 9/16/22 and the following observed.

This structure as proposed will be located in a Flood Hazard Area and at or below the 100-year flood elevation, therefore this structure and associated equipment shall be required to be constructed to ASCE - 24 Flood Resistant Design and Construction Standards. All submission shall be signed and sealed by a Connecticut Licensed Professional Engineer.

Sincerely, John Egan
Chief Building Official

Fontaine, Candice

From: Chief Lamontagne
Sent: Monday, September 19, 2022 1:34 PM
To: Fontaine, Candice
Subject: 22-27, 22-28

Follow Up Flag: Follow up
Flag Status: Flagged

I have reviewed the above applications and I do not have any comments on the applications.

Denise Lamontagne

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

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Fontaine, Candice

From: Harold Holmes <hholmes@cromwellfd.com>
Sent: Wednesday, September 14, 2022 9:04 AM
To: Driska, Bruce; Fontaine, Candice
Subject: 22-27, 22-28

Follow Up Flag: Follow up
Flag Status: Flagged

The Fire Marshal's office has no issues with the applications. If you have any questions please let me know.

Stay Safe, Stay Healthy !

Harold Holmes NAFI- CEFI, IAAI-FIT
Fire Marshal
Cromwell Fire District
1 West Street Cromwell Ct 06457
hholmes@cromwellfd.com
860-635 3188 Office
860-306-6534 Cell



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

Memorandum

To: Stuart Popper

CC: Inland Wetlands Commission

From: Jon Harriman, P.E.

Date: 7/28/2022

Re: Application # 22-04 – 263 Main Street

I have reviewed the plans to construct a new single story commercial building in the rear of 263 Main Street. The proposal shows no direct impacts to wetlands, with less than 0.2 acres of proposed disturbance within the upland review area. The disturbance consists of grading necessary for the applicant to mitigate increase in runoff and to account for work within the 100-year flood plain. As such I have no comments on this application

In compliance with Cromwell's CTDEEP MS4 permit requirements, attached to this memo is the Town's notification to contractors regarding CTDEEP storm water permitting requirements that may be relevant to this project.

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

The Town of Cromwell Planning and Zoning Commission will hold a Public Hearing on Thursday October 6, 2022 at 7:00 p.m. in Room 224 of the Cromwell Town Hall at 41 West Street on the following items:

1. Application #22-23: Request for a Special Permit under Section 3.3.C.4 of the Zoning Regulations to permit a restaurant with a drive-up window at 195 West Street. Cromwell Chicken, LLC is the Applicants and NL Grocery II DST is the Owner.
2. Application #22-24: Request for a Special Permit under Section 6.1.H.2 of the Zoning Regulations to permit a crushing operation at 80R Geer Street. Paramount Construction is the Applicant and Steve Reilly is the Owner.
3. Application #22-27: Request for Special Permit under Section 4.1 of the Zoning Regulations to permit the construction of a 4,992 building in the floodplain at 263 Main Street. Cromwell Automotive LLC is the Applicant and the Owner.
4. Application #22-30: Request to Amend the Zoning Regulations to delete Sections 3.3.C.4 and 6.11 of the Zoning Regulations to allow for Medical Marijuana Dispensary Facilities to be permitted in the Highway Business Zone District.

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 19th day of September 2022.

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SPECIAL PERMIT

Type of Activity: Retail Cannabis Establishment
(Per Section 6.11. of the Cromwell Zoning Regulations)
Street Address: 33 Berlin Rd. Zoning District: HB
Assessor's Parcel ID #: 00301700 Volume/Page: 726-140

Applicant's Name: 6 West Ave, LLC
Address: 6 West Ave E, Hampton, CT 06429
Telephone Number (daytime): 860-952-9067
Email Address: 6 West Ave LLC@gmail.com

Property Owner's Name: Mary Ann Marchio
Address: 2 Quorn Hunt Rd West Simsbury, CT 06092

Description of Proposed Activity:

Restore vacant laundry facility to retail cannabis establishment.

I certify that I have read and I am familiar with the Cromwell Zoning Regulations that pertain to this type of Special Permit activity, and with Section 13.2.d. (Sign Posting).


(applicant)

6-27-2022
(date)

Town of Cromwell Planning and Zoning Commission

Dear Planning and Zoning Commission,

This letter is to provide the commission and the public with a clear understanding of an "Adult-Use Cannabis Retailer" and what this establishment would look like in Cromwell, CT. This facility proposed to be located at 33 Berlin Rd. The regulation for this cannabis use is further explained in the State of Connecticut's Bill 1201, Public Act No. 21-1. This includes requirements for security, product control, public welfare & awareness, etc. For an approved retailer in the State of Connecticut, all these criteria in the regulation will previously be met before opening and will continuously be met and regulated by the CT DCP Drug Control Division. Additionally, Cromwell has adopted a zoning regulation specifically for cannabis which will be met by this application and in the future.

This retail use is desirable because of its traditional retail nature, similar to a small convenience store. The average customer would be at this facility for approximately 5-10 minutes and is well within the typical averages of any similar retail use. The product arrives packaged and is distributed packaged; there is no consumption permitted onsite. All products are behind a barrier and are distributed by trained and DCP registered staff, so there is no risk of theft of the products. All patrons must be 21 years of age or older and have a valid form of ID to enter. There will be a carbon filtration system installed where product is stored within the facility and there will be no odor produced or released from the facility ever. Strict inventory procedures are required. The facility will always have sufficient and experienced management onsite when open. The facility will operate during regular business hours of 9 A.M. - 10 P.M. Monday-Sunday. The facility will be secured with access control and video surveillance systems 24/7/365 and will meet all the DCP Drug Control Division's requirements prior to commencing operation. This facility will require an approximate staff of (40) individuals which will be compensated above market rate and will be provided benefits.

Our experience with retail cannabis locations is very positive and the municipalities where they are located would agree. Note that it is important to have an experienced operator to achieve a consistently secure and successful operation. Additionally, we have witnessed the surrounding areas of these locations to be clean, safe, quiet, and professional; as well as remain a very positive contributor to the community financially and developmentally for years to come. This use is a great fit to contribute to Cromwell in this retail corridor called the "Central Business District". We believe with the correct operator this type of retail establishment would be considerate of the town residents while providing a great contribution to the community and keeping public safety and welfare in mind. Adult-Use Cannabis

Community impact and positive impact expanded: We feel it's important to direct attention to the job creation and professional manner that this facility will operate in. I think the overall view on retail cannabis is changing however there is limited information available to the public which are published by accredited organizations. It is important to note this historical data is not directly connected with these regulated facilities but just the cannabis plant or cannabis derived products in general, some of these articles or events reported do not even separate issues related to non-regulated CBD being sold and surely do not identify the source of the products. Most of these products are likely coming through the "black market". Not only would regulated cannabis sold in Cromwell, CT create jobs both in construction and operating of the facility; the city will have 3% of the dispensary's revenue directed towards the municipality as a tax revenue which they can use for several items outlined in the cannabis bill including but not limited to fixing roads. With the cost of maintaining our cities and towns here in CT I know this is

Town of Cromwell Planning and Zoning Commission

surely something we can all benefit from, and we don't know of any other industries offering these incentives. Will all this being said the cost of these regulated products are likely still be competitive.

Regulated Cannabis Quality: All regulated cannabis is lab tested before leaving the production facility and if contaminants are found the DCP requires the entire batch to be disposed of. The introduction of regulated adult-use cannabis into communities has been known to reduce crime rates, reduce the "black market" which in return ensures the community is buying legal high-grade products with no traces of harmful ingredients.

Traffic and Parking: The retail use that the previous site plan was approved under is equal to or less than the conditions of this current proposed use. This site is well designed to handle this use seeing that it has multiple entrances and exits which are well designed to manage the traffic in and out of this retail location. Additionally, we have the advantage of being part of the shared parking easement on the rear parking lot that is currently underutilized and able to handle overflow parking, employee parking and traffic management without disturbing the public or neighboring businesses in the event there is a high initial demand. Please refer to the professional traffic study for greater detail. We would like to request a waiver to allow (4) parking spaces in the front of our establishment as depicted on our site improvements plan.

Thank you,

Andrew J. Simonow

6 West Ave, LLC

6WestAveLLC@Gmail.com

860-952-9067

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

Memorandum

To: Stuart Popper
CC: Planning & Zoning Commission
From: Jon Harriman, P.E.
Date: 8/29/2022
Re: #22-16 – 33 Berlin Road



I have reviewed the revised site plans, site lighting plans and traffic study. The site plan calls for minimal revisions to the existing site, and does not appear to require changes to the existing drainage.

I am in support of the revision that changed the curb cut on Hammer Head Place to one-way entry only. The traffic study should be updated to reflect this change. Additionally the operational analysis should indicate level of service in the existing condition as well.

Popper, Stuart

From: Chief Lamontagne
Sent: Monday, August 29, 2022 8:53 AM
To: Popper, Stuart
Subject: 22-16

Stuart,

I have reviewed the revised plans for this application. The driveway off of Hammerhead Place will be for traffic entering the facility only and will be posted as one way with approved STC signs and markings.

Denise Lamontagne

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

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Mitchell Traffic Engineering LLC

7 East Forest Drive
Enfield Connecticut 06082
(860) 841-1690
email: steve@mitchelltraffic.com
www.mitchelltraffic.com

August 23, 2022

Mr. Stuart Popper
Director of Planning and Development
Town of Cromwell
41 West Street
Cromwell CT 06416

via email SPOPPER @ CromwellCT.com

**RE: 33 Berlin Road
Dispensary Application**

Dear Mr. Popper:

We have received Police Chief Lamontagne's comments provided in a memorandum dated July 15, 2022. I have had the opportunity to discuss the comments with her, and we have agreed to the following resolution:

We will modify the site plan to show the driveway to Hammerhead Place to be a one-way drive for traffic *entering* the site only. Appropriate "One Way" and "Do Not Enter" signs will be placed at the driveway entrance. Exiting traffic will utilize either of the two other driveways to the main site.

Please contact me if you have any questions.

Very truly yours,

MITCHELL TRAFFIC ENGINEERING LLC



Stephen F. Mitchell, PE

cc: Andrew Simonow
Mark Reynolds
Mark Degnan
George Fellner

Fontaine, Candice

From: Popper, Stuart
Sent: Thursday, August 04, 2022 10:28 AM
To: Fontaine, Candice
Subject: FW: 22-16

From: Chief Lamontagne
Sent: Friday, July 15, 2022 10:18 AM
To: Popper, Stuart <spopper@cromwellct.com>
Subject: 22-16

Stuart,

I have reviewed the provided information. I am concerned with traffic exiting the establishment on Hammerhead Place and impeding traffic turning onto Hammerhead Place from Rt. 372 causing a hazardous condition. The traffic study refers to the previous business, however, the previous business had no delivery trucks entering/exiting the facility, which this establishment will have. I would suggest the entrance/exit onto Hammerhead Place be removed so all traffic entering/exiting from the two other areas in the plaza.

Denise Lamontagne

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

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Mitchell Traffic Engineering LLC

7 East Forest Drive
Enfield Connecticut 06082
(860) 841-1690
email: steve@mitchelltraffic.com
www.mitchelltraffic.com

June 24, 2022

Mr. Andrew Simonow
GC National
PO Box 281
East Hampton CT 06424

**RE: Proposed Marijuana Dispensary
33 Berlin Road
Cromwell, Connecticut**

Dear Mr. Simonow:

We have prepared this report to accompany land use application(s) for a Marijuana Dispensary in an existing building located at the east end of an existing shopping center on the south side of Berlin Road in Cromwell, Connecticut. This 3240 square foot building was previously occupied by a service laundry facility, but is presently vacant. This report will address the traffic impacts of the proposed use.

Project Description

The building proposed for this use is located at the easterly end of the site, and the remainder of the site is occupied by restaurants and personal care establishments in a single building running east to west. The primary parking field is located in front of this larger building, and there are two unsignalized full-movement driveways to Berlin Road.

The proposed dispensary is located in a building that previously housed a service cleaning facility for many years. As such, it was configured without a large parking field immediately in front of the building, since the great majority of customers were dropping off or picking up, with short parking durations. Parking to support the general use, employees and deliveries is available behind the building. There is a short driveway from the front of the building to the east, where it merges with a driveway to the adjacent gasoline station/convenience store and Walgreens pharmacy. This combination driveway provides access to Berlin Road at a signalized T-intersection.

As part of this site plan, it is proposed to make the drive to the east (to the signalized intersection) one-way eastbound. This will allow exiting traffic to utilize the signalized intersection. Entering traffic will utilize one of the existing driveways west of the building.

Roadway Network

The site is located on Berlin Road, which is State Route 372. Route 372 originates in the Town of Plainville at the intersection of Route 72, and travels through New Britain, Berlin, and into Cromwell, where it terminates at Route 99 after passing the site. To the east, there is a major interchange with Route 9, and to the west, there is a major interchange with Interstate 91. In the vicinity of the site, Route 372 is two lanes wide in each direction, without marked turn lanes for any of the three drives that can be used to access the site. The posted speed limit is 40 mph.

In addition to providing access to several commercial properties along its route, Berlin Road serves as a primary route for traffic from several major residential areas to the north and south, which either access Berlin Road directly, or use Routes 3, 524, or 217 to reach Berlin Road. It then connects to points east and west, as well as Route 9 or I-91.

The eastern combined driveway provides a traffic signal that is tied to the operation at the signals immediately to the east, as well as the signals to the west. It provides a 10 second advanced left turn phase (green arrow) for westbound traffic entering the driveway, and a 22 second driveway phase. Left turns into the driveway are also permitted during the green portion of the 80 second cycle.

Existing Traffic

Connecticut Department of Transportation (CTDOT) traffic counts were obtained in order to estimate the amount of traffic on Berlin Road that was expected at pre-Covid levels. A Permanent CTDOT count station (CROM-003) is located just east of the site and was used to project weekday peak hour volumes reflecting pre-Covid conditions. Saturday peak hour volumes were extrapolated from continuous count data available on Route 372. This results in the following existing traffic volumes (in vehicles per hour):

	<u>AM Peak hour</u>	<u>PM Peak Hour</u>	<u>Saturday Peak Hour</u>
Eastbound	685	850	950
Westbound	550	900	950

We note that these volumes are as much as 20% higher than present-day counts.

Projected Traffic

In order to estimate the amount of traffic that will be generated by this facility, a national database compiled by the *Institute of Transportation Engineers (ITE)* was consulted. This database, known as *Trip Generation*, is based on actual traffic counts at similar facilities, and is now in its 11th Edition. It includes counts taken at Marijuana Dispensaries and shows the following:

	<u>Weekday</u>	<u>AM Peak</u>	<u>PM Peak</u>	<u>Saturday Peak</u>
Entering	342	18	30	46
Exiting	342	16	31	47
Total	684	34	61	93

It should be noted that the existing building generated traffic when it had been occupied by the service cleaners, so some of the traffic generated by the dispensary will replace the traffic that had been generated previously. As a cleaners, this site would have generated approximately 30 trips during the peak hours.

Operational Analysis

The projected generated traffic was distributed to the roadway network following the existing patterns of traffic flows on Berlin Road. The proposed modification to the drives was included in producing the trip assignment. All entering traffic was assigned to one westerly driveway to present a "worst case" analysis. Actually, this traffic will be split between the two westerly drives to some degree. All exiting traffic was assigned to the easterly driveway, and will utilize the traffic signal. The combined traffic volumes are shown graphically in the appendix for each of the peak hours.

Capacity analyses were conducted for both driveways using the techniques found in the Highway Capacity Manual published by the National Academy of Sciences and Engineering. This Manual is the widest used and universally recognized procedure for determining the operation of roadways, highways and intersections throughout the United States. This analysis technique rates the operation of an intersection based on delay to vehicles, and a rating known as Level of Service is given to each movement or leg of an intersection. Level of Service ratings are between A and F, with A being a condition of minimal delay, and F indicating a congested intersection. For unsignalized intersections, the Level of Service focuses on the side street and left turns on the main street. The following are the results of the analyses:

<u>Level of Service</u>	<u>AM Peak</u>	<u>PM Peak</u>	<u>Saturday Peak</u>
East Drive	B	B	B
West Drive	C/A/A	D/B/A	D/B/A

Both drives are anticipated to operate at excellent Levels of Service during the peak hours, with minimal delay to site traffic and ambient traffic in the area. Note that the unsignalized driveway shows Levels of Service A or B for the entering traffic, which includes the traffic generated by the site.

Sight Lines

CTDOT has published requirements for providing sight distances at intersections of roads or driveways, known as Intersection Sight Distance (ISD) in the Geometric Design Standards of the Highway Design Manual. ISD is the distance that a driver at an intersection must be able to see to the left or right to be able to enter a roadway from a stop or yield condition. ISD must be computed based on the observed 85th percentile speed on the roadway, regardless of posted speed, and is measured from a point 15 feet from the travel way.

The observed 85 percentile speed at the CROM-003 count station on Berlin Road was between 32 and 33 mph, which equates to a required ISD of 390 feet. The observed sight distance at the two site driveways is more than 1000 feet in each direction, well in excess of DOT requirements.

Conclusion

Based on the analyses described herein, it is our professional opinion that the operation of the proposed facility will have no impact on the operation of the roadway network, or any adverse impact on the safety of the travelling public. Operations at the driveways during the peak hours will not cause delays to site traffic or passing traffic in the area.

Very truly yours,

MITCHELL TRAFFIC ENGINEERING LLC

A handwritten signature in blue ink that reads "Stephen Mitchell". The signature is stylized with a large 'S' and a cursive 'Mitchell'.

Stephen F. Mitchell, PE

Appendices

←597
→8

785→
10→ Site Drive 2

Berlin Road

←558
→20

→29
→67

725→
60→ Site Drive 1

Berlin Road

HCM Signalized Intersection Capacity Analysis

3: Site Drive 1 & Berlin Road

06/24/2022



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑			↑↑	↑	↑
Traffic Volume (vph)	725	60	20	558	67	29
Future Volume (vph)	725	60	20	558	67	29
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	5.0			5.0	5.0	5.0
Lane Util. Factor	0.95			0.95	1.00	1.00
Frt	0.99			1.00	1.00	0.85
Flt Protected	1.00			1.00	0.95	1.00
Satd. Flow (prot)	3499			3533	1770	1583
Flt Permitted	1.00			0.92	0.95	1.00
Satd. Flow (perm)	3499			3250	1770	1583
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	788	65	22	607	73	32
RTOR Reduction (vph)	7	0	0	0	0	25
Lane Group Flow (vph)	846	0	0	629	73	7
Turn Type	NA		pm+pt	NA	Prot	Prot
Protected Phases	2		1	2	4	4
Permitted Phases			2		4	4
Actuated Green, G (s)	43.0			48.0	17.0	17.0
Effective Green, g (s)	43.0			48.0	17.0	17.0
Actuated g/C Ratio	0.54			0.60	0.21	0.21
Clearance Time (s)	5.0			5.0	5.0	5.0
Lane Grp Cap (vph)	1880			1967	376	336
v/s Ratio Prot	c0.24			c0.02	c0.04	0.00
v/s Ratio Perm				0.17		
v/c Ratio	0.45			0.32	0.19	0.02
Uniform Delay, d1	11.3			7.9	25.9	24.9
Progression Factor	1.00			1.00	1.00	1.00
Incremental Delay, d2	0.8			0.4	1.1	0.1
Delay (s)	12.1			8.3	27.0	25.0
Level of Service	B			A	C	C
Approach Delay (s)	12.1			8.3	26.4	
Approach LOS	B			A	C	
Intersection Summary						
HCM 2000 Control Delay			11.5		HCM 2000 Level of Service	B
HCM 2000 Volume to Capacity ratio			0.37			
Actuated Cycle Length (s)			80.0		Sum of lost time (s)	15.0
Intersection Capacity Utilization			42.5%		ICU Level of Service	A
Analysis Period (min)			15			
c Critical Lane Group						

Intersection

Int Delay, s/veh 0.2

Movement	EBT	EBR	WBL	WBT	NBL	NBR
----------	-----	-----	-----	-----	-----	-----

Lane Configurations	↑↑			↑↑	↑↑	
---------------------	----	--	--	----	----	--

Traffic Vol, veh/h	785	10	8	597	5	5
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Future Vol, veh/h	785	10	8	597	5	5
-------------------	-----	----	---	-----	---	---

Conflicting Peds, #/hr	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

Sign Control	Free	Free	Free	Free	Stop	Stop
--------------	------	------	------	------	------	------

RT Channelized	-	None	-	None	-	None
----------------	---	------	---	------	---	------

Storage Length	-	-	-	-	0	-
----------------	---	---	---	---	---	---

Veh in Median Storage, #	0	-	-	0	0	-
--------------------------	---	---	---	---	---	---

Grade, %	0	-	-	0	0	-
----------	---	---	---	---	---	---

Peak Hour Factor	92	92	92	92	92	92
------------------	----	----	----	----	----	----

Heavy Vehicles, %	2	2	2	2	2	2
-------------------	---	---	---	---	---	---

Mvmt Flow	853	11	9	649	5	5
-----------	-----	----	---	-----	---	---

Major/Minor	Major1	Major2	Minor1
-------------	--------	--------	--------

Conflicting Flow All	0	0	864
----------------------	---	---	-----

Stage 1	-	-	859
---------	---	---	-----

Stage 2	-	-	343
---------	---	---	-----

Critical Hdwy	-	4.14	6.84
---------------	---	------	------

Critical Hdwy Stg 1	-	-	5.84
---------------------	---	---	------

Critical Hdwy Stg 2	-	-	5.84
---------------------	---	---	------

Follow-up Hdwy	-	2.22	3.52
----------------	---	------	------

Pot Cap-1 Maneuver	-	774	177
--------------------	---	-----	-----

Stage 1	-	-	375
---------	---	---	-----

Stage 2	-	-	690
---------	---	---	-----

Platoon blocked, %	-	-	-
--------------------	---	---	---

Mov Cap-1 Maneuver	-	774	174
--------------------	---	-----	-----

Mov Cap-2 Maneuver	-	-	174
--------------------	---	---	-----

Stage 1	-	-	375
---------	---	---	-----

Stage 2	-	-	678
---------	---	---	-----

Approach	EB	WB	NB
----------	----	----	----

HCM Control Delay, s	0	0.2	19.1
----------------------	---	-----	------

HCM LOS			C
---------	--	--	---

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
-----------------------	-------	-----	-----	-----	-----

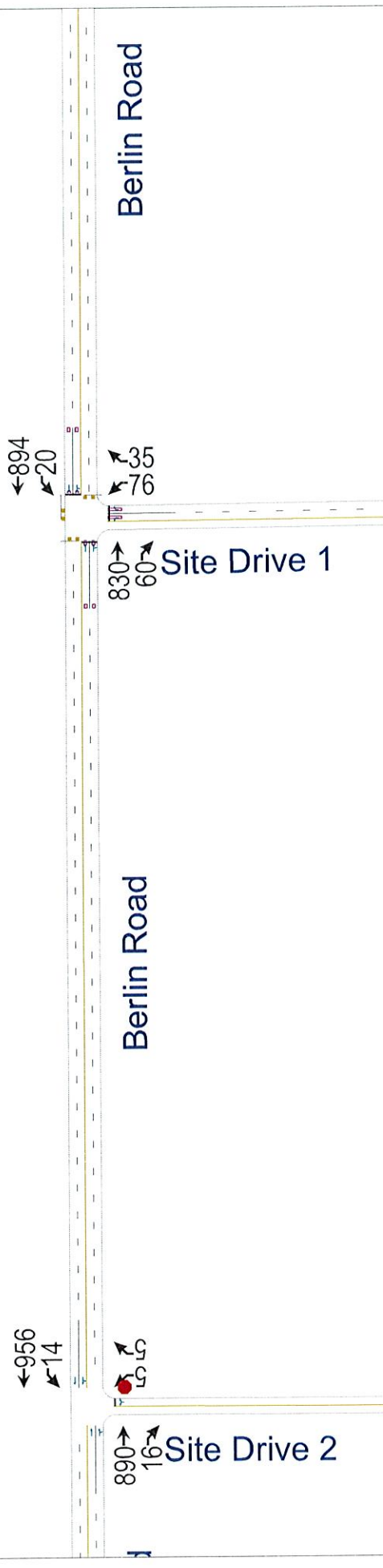
Capacity (veh/h)	267	-	-	774	-
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HCM Lane V/C Ratio	0.041	-	-	0.011	-
--------------------	-------	---	---	-------	---

HCM Control Delay (s)	19.1	-	-	9.7	0.1
-----------------------	------	---	---	-----	-----

HCM Lane LOS	C	-	-	A	A
--------------	---	---	---	---	---

HCM 95th %tile Q(veh)	0.1	-	-	0	-
-----------------------	-----	---	---	---	---



HCM Signalized Intersection Capacity Analysis

3: Site Drive 1 & Berlin Road

06/24/2022



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑			↑↑	↑	↑
Traffic Volume (vph)	830	60	20	894	76	35
Future Volume (vph)	830	60	20	894	76	35
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	5.0			5.0	5.0	5.0
Lane Util. Factor	0.95			0.95	1.00	1.00
Frt	0.99			1.00	1.00	0.85
Flt Protected	1.00			1.00	0.95	1.00
Satd. Flow (prot)	3504			3535	1770	1583
Flt Permitted	1.00			0.93	0.95	1.00
Satd. Flow (perm)	3504			3278	1770	1583
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	902	65	22	972	83	38
RTOR Reduction (vph)	6	0	0	0	0	30
Lane Group Flow (vph)	961	0	0	994	83	8
Turn Type	NA		pm+pt	NA	Prot	Prot
Protected Phases	2		1	2	4	4
Permitted Phases			2		4	4
Actuated Green, G (s)	43.0			48.0	17.0	17.0
Effective Green, g (s)	43.0			48.0	17.0	17.0
Actuated g/C Ratio	0.54			0.60	0.21	0.21
Clearance Time (s)	5.0			5.0	5.0	5.0
Lane Grp Cap (vph)	1883			1982	376	336
v/s Ratio Prot	c0.27			c0.03	c0.05	0.01
v/s Ratio Perm				0.27		
v/c Ratio	0.51			0.50	0.22	0.02
Uniform Delay, d1	11.8			9.2	26.0	24.9
Progression Factor	1.00			1.00	1.00	1.00
Incremental Delay, d2	1.0			0.9	1.4	0.1
Delay (s)	12.8			10.1	27.4	25.1
Level of Service	B			B	C	C
Approach Delay (s)	12.8			10.1	26.7	
Approach LOS	B			B	C	
Intersection Summary						
HCM 2000 Control Delay			12.3		HCM 2000 Level of Service	B
HCM 2000 Volume to Capacity ratio			0.43			
Actuated Cycle Length (s)			80.0		Sum of lost time (s)	15.0
Intersection Capacity Utilization			51.6%		ICU Level of Service	A
Analysis Period (min)			15			
c Critical Lane Group						

Intersection						
Int Delay, s/veh	0.4					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑			↑↑	↑↑	
Traffic Vol, veh/h	890	16	14	956	5	5
Future Vol, veh/h	890	16	14	956	5	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	967	17	15	1039	5	5

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	0	984	0	1526
Stage 1	-	-	-	-	976
Stage 2	-	-	-	-	550
Critical Hdwy	-	-	4.14	-	6.84
Critical Hdwy Stg 1	-	-	-	-	5.84
Critical Hdwy Stg 2	-	-	-	-	5.84
Follow-up Hdwy	-	-	2.22	-	3.52
Pot Cap-1 Maneuver	-	-	698	-	108
Stage 1	-	-	-	-	326
Stage 2	-	-	-	-	542
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	698	-	102
Mov Cap-2 Maneuver	-	-	-	-	102
Stage 1	-	-	-	-	326
Stage 2	-	-	-	-	514

Approach	EB	WB	NB
HCM Control Delay, s	0	0.4	27.5
HCM LOS			D

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	171	-	-	698	-
HCM Lane V/C Ratio	0.064	-	-	0.022	-
HCM Control Delay (s)	27.5	-	-	10.3	0.3
HCM Lane LOS	D	-	-	B	A
HCM 95th %tile Q(veh)	0.2	-	-	0.1	-

←967
→24

930→
22→

Site Drive 2

Berlin Road

←944
→20

↗54
↘103

870→
60→

Site Drive 1

Berlin Road

HCM Signalized Intersection Capacity Analysis

3: Site Drive 1 & Berlin Road

06/24/2022

	→	↘	↙	←	↖	↗
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑			↑↑	↑	↑
Traffic Volume (vph)	870	60	20	944	103	54
Future Volume (vph)	870	60	20	944	103	54
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	5.0			5.0	5.0	5.0
Lane Util. Factor	0.95			0.95	1.00	1.00
Frt	0.99			1.00	1.00	0.85
Flt Protected	1.00			1.00	0.95	1.00
Satd. Flow (prot)	3505			3536	1770	1583
Flt Permitted	1.00			0.93	0.95	1.00
Satd. Flow (perm)	3505			3278	1770	1583
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	946	65	22	1026	112	59
RTOR Reduction (vph)	6	0	0	0	0	46
Lane Group Flow (vph)	1005	0	0	1048	112	13
Turn Type	NA		pm+pt	NA	Prot	Prot
Protected Phases	2		1	2	4	4
Permitted Phases			2		4	4
Actuated Green, G (s)	43.0			48.0	17.0	17.0
Effective Green, g (s)	43.0			48.0	17.0	17.0
Actuated g/C Ratio	0.54			0.60	0.21	0.21
Clearance Time (s)	5.0			5.0	5.0	5.0
Lane Grp Cap (vph)	1883			1982	376	336
v/s Ratio Prot	c0.29			c0.03	c0.06	0.01
v/s Ratio Perm				0.28		
v/c Ratio	0.53			0.53	0.30	0.04
Uniform Delay, d1	12.0			9.4	26.5	25.0
Progression Factor	1.00			1.00	1.00	1.00
Incremental Delay, d2	1.1			1.0	2.0	0.2
Delay (s)	13.1			10.4	28.5	25.2
Level of Service	B			B	C	C
Approach Delay (s)	13.1			10.4	27.4	
Approach LOS	B			B	C	
Intersection Summary						
HCM 2000 Control Delay			12.9		HCM 2000 Level of Service	B
HCM 2000 Volume to Capacity ratio			0.47			
Actuated Cycle Length (s)			80.0		Sum of lost time (s)	15.0
Intersection Capacity Utilization			54.4%		ICU Level of Service	A
Analysis Period (min)			15			
c Critical Lane Group						

Intersection						
Int Delay, s/veh	0.5					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑			↑↑	↑	
Traffic Vol, veh/h	930	22	24	967	5	5
Future Vol, veh/h	930	22	24	967	5	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1011	24	26	1051	5	5

Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	1035
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	-	4.14
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	-	2.22
Pot Cap-1 Maneuver	-	-	667
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	-	667
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.7	30.9
HCM LOS			D

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	150	-	-	667	-
HCM Lane V/C Ratio	0.072	-	-	0.039	-
HCM Control Delay (s)	30.9	-	-	10.6	0.5
HCM Lane LOS	D	-	-	B	A
HCM 95th %tile Q(veh)	0.2	-	-	0.1	-

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
*APPLICATION FOR SPECIAL PERMIT***


Type of Activity: Proposal to construct a Restaurant, fast food with a drive in window
(Per Section Section 3.3.C.4, 6.5 & 8.7 of the Cromwell Zoning Regulations)
Street Address: 195 West Street Zoning District: HB
Assessor's Parcel ID #: 00424500 Volume/Page: 1716/81

Applicant's Name: Cromwell Chicken, LLC
Address: c/o Jay Klein, Carmody Law, 1055 Washington Boulevard Stamford, Connecticut
Telephone Number (daytime): 203-252-2669
Email Address: JKlein@carmodylaw.com

Property Owner's Name: NL Grocery II DST
Address: 2901 Butterfield Road Oak Brook, IL 60523

Description of Proposed Activity:
See enclosed Application Narrative

I certify that I have read and I am familiar with the Cromwell Zoning Regulations that pertain to this type of Special Permit activity, *and with Section 13.2.d. (Sign Posting)*.



(applicant)

7.27.22

(date)

Narrative & Statement of Compliance Site Plan & Special Permit Applications

I. Introduction & Project Description

Cromwell Chicken, LLC (the “Applicant”) seeks Site Plan and Special Permit Approvals from the Planning & Zoning Commission (the “Commission”) to construct a new Popeyes Restaurant on the property located at 195 West Street, Cromwell, Connecticut (the “Property”). The proposal includes a drive-through window to service diners. The Property is bounded in green in the aerial photograph below.



The Property is located at the West Street/Shunpike Road intersection, and is home to a Stop & Shop and other commercial/retail uses. The Property is in the Highway Business District (the “HB District”). The Town Plan of Conservation and Development (the “POCD”) designates the Property as “Regional Commercial.”

The Applicant is a family-run franchisee that owns 9 Popeyes Restaurants across Connecticut. The Applicant was also recognized as the 2020 Popeyes Developer of the Year. The Applicant now seeks Commission approval to bring a customer focused casual dining experience to the Town of Cromwell. The Applicant proposes building a new 2,454+/- sf Popeyes Restaurant in the northeasterly portion of the Property (the “Project Area”) as generally bounded in yellow in the above aerial photograph.

The proposed drive through will allow the Applicant to serve Cromwell residents and other patrons at their convenience. Dine-in patrons will be accommodated within the proposed dining

Before the Commission approves a Site Plan Application, it shall consider the following. In such review the Commission shall take into consideration such factors as the following:

- (1) The adequacy of access, for fire and police protection and otherwise.*

Fire, police and other emergency services will continue to be able to access the Property via existing site drives.

- (2) The adequacy of provisions for drainage of surface waters and storm water management and for waste disposal.*

The proposed development constitutes a decrease in impervious coverage onsite, via the addition of curbed planting islands in the existing parking lot area. The proposed development has been graded to safely maintain existing stormwater runoff patterns and convey runoff to the existing stormwater infrastructure onsite. 2 separate sanitary sewer laterals are proposed to safely dispose of kitchen and domestic waste alike. Effluent from the drains in the kitchen will be conveyed through a grease trap prior to connecting to the sanitary sewer lateral conveying the domestic wastewater. The sanitary sewer lateral then connects into the existing sanitary sewer main onsite.

- (3) The location and layout of accessory off-street parking and off-street loading spaces, the width and grading of all entrances and exits to such spaces, the location of such exits and entrances, and degree of visibility and the direction of major traffic flow, together with:*

All required off-street parking is located on the Property. The Project Area will be improved with 20 parking spaces, and the proposed drive through will accommodate several vehicles at any given time. No changes to existing site drives are proposed.

- (4) The distance from street intersections.*

No changes to existing street intersections are proposed.

- (5) The likelihood of left-hand turns and other turning movements, and*

The proposed restaurant will have no perceivable impact on traffic along West Street or Shunpike Road. As such, no impact on left-hand turn movements into the Property is anticipated.

- (6) The likelihood of drawing vehicular traffic to and through local residential streets.*

The location of the Property along West Street and Shunpike Road, and its proximity to the Highway and other commercial uses make it unlikely that it will result in any vehicular traffic through local residential streets.

- (7) The arrangement for safe and convenient pedestrian circulation, on the site and its approaches.*

Proposed planed islands will separate the restaurant from the remainder of the parking area on the Property, facilitating safe conditions for both vehicular and pedestrian traffic.

(8) The impact of the proposed layout upon the surrounding area, and particularly upon any nearby residences, including, but not limited to:

a. The location and height of buildings and the extent of their shadows.

The proposed building is approximately 18' less than the maximum Building Height permitted in the HB District.

b. The location, intensity and direction of any outdoor lighting and the proposed times for its use.

All lighting will be downlit. Pole mounted fixtures will contain internal house side shields. Lighting will be maintained during normal business hours.

c. The location of any overhead power lines.

No new power lines are proposed.

d. The likelihood for any other nuisances, and

No nuisance is anticipated as a result of the proposed restaurant use.

e. Whether appropriate and adequate screening is provided.

Existing screening along West Street and Shunpike Road shall be maintained and enhanced as shown on the enclosed plans, and will provide adequate screening for this commercial neighborhood.

(9) The size, location and type of any signs, and their appropriateness in the area involved.

All proposed signage is in compliance with the Zoning Regulations.

(10) The nature and arrangement of any outdoor display lighting and loudspeakers or noise-making devices.

Signage shall be internally lit and will not result in any spillage onto adjacent roadways. Loudspeakers associated with the drive through will not create a noise disturbance.

(11) The availability of adequate sewerage, water supply, drainage, and fire and police protection.

The restaurant will be adequately serviced by utilities.

- (12) *The proposed location and configuration of any outdoor storage areas including trash receptacles and proposed screening.*

No outdoor storage is proposed. A 10'x20' masonry trash enclosure will be located behind the restaurant and appropriately set back the closest property line along Shunpike Road. The enclosure will adequately screen trash receptacles within it.

- (13) *The proposed landscaping and its appropriateness in the area involved. Preservation of substantial trees and other important natural features is to be encouraged to the maximum extent possible.*

Site landscaping is appropriate given the existing site features, the surrounding neighborhood and the nature of both onsite and surrounding improvements.

- (14) *The arrangement of buildings, structures and landscaped areas on the site.*

The proposed building is in compliance with the Area & Bulk Standards applicable in the HB District. Enhanced landscaping is proposed where achievable given existing site features within the Project Area.

room. Site landscaping and associated improvements within the Project Area. No changes outside of the Project Area are proposed.

II. Requested Approvals

The Applicant requests the following approvals from the Commission:

- Site Plan Approval pursuant to Sections 3.3.C.3 and 8.6 of the Zoning Regulations of the Town of Cromwell (the “Zoning Regulations”) to permit the construction of a fast-food restaurant;
- Special Permit Approval pursuant to Sections 3.3.C.4, 6.5 and 8.7 of the Zoning Regulations to permit a drive-in window to service the fast-food restaurant;
- Site Plan Approval pursuant to Sections 5.3.H and 8.6 to permit wall signage, incidental free standing signage (Class 2) and Menu Board Free-Standing Signage (Class 2) as shown on the enclosed plans.

III. Compliance with Special Permit Standards

The proposal satisfies the Special Permit Standard of Approval contained in Section 8.7.E of the Zoning Regulations as follows:

In considering any application for a Special Permit, the Commission shall evaluate the merit of the application with respect to the following factors:

1. Compatibility with the Plan of Conservation and Development

That the proposed use is consistent with the current Cromwell Plan of Conservation and Development.

The Property is designated as “Regional Commercial” in the Town POCD, which encourages commercial establishments that take “advantage of highway access” and incorporate attractive design components.¹ The proposed restaurant will include vintage brick and wood paneling. The Property is also in close proximity to Route 9. Approval of this proposal is also in furtherance of Goal 6 as identified in the POCD, which seeks to “expand Cromwell’s economic base.”²

2. Suitable Location for Use.

The location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it are such that the use shall be in harmony with the appropriate and orderly development in the district in which it is located and shall promote the welfare of the Town.

¹ POCD pg. 28.

² See POCD pg. 12.

Locating the proposed restaurant in the northeasterly portion of the Property will ensure the restaurant does not interfere with existing onsite traffic patterns. No adverse traffic impacts are anticipated. Thus, the proposal is in harmony with the appropriate and orderly development in the HB District, which is home to other retail and restaurant uses. Jobs created by the proposed restaurant will promote the welfare of the Town and its residents.

3. *Appropriate Improvements.*

- (1) The design elements of the proposed development will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and will enhance the existing and probable future character of the neighborhood in which the use is located.*

The proposed restaurant will be thoughtfully designed and appointed such that it is in keeping with the surrounding HB District. The Applicant, who was recognized as the 2020 Popeyes Developer of the Year, proposes facing the building with an attractive blend of wood paneling and brick elements. Signage associated with the Popeyes brand is also proposed. The proposed casual dining use is in keeping with surrounding uses and improvements.

- (2) The location, nature and height of buildings, walls, and fences, planned activities and the nature and extent of landscaping on the site will be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.*

The proposed restaurant building will be 21'-10" feet tall, well under the 40' maximum permitted in the HB District. The casual dining use is consistent with other commercial uses located on the Property and in the immediate vicinity thereof. As such, the proposed use will likely encourage the appropriate development and use of neighboring lots and buildings.

- (3) The proposed use or activity shall have no adverse effect upon the neighboring area resulting from the use of signs, exposed artificial lights, colored lights of any nature, flashing lights, loudspeakers or other noisemaking devices.*

All proposed signage is in compliance with the applicable provisions of the Zoning Regulations. Signage shall be internally lit, and no colored or flashing lights are proposed. Speakers associated with the drive through window shall not create a noise disturbance.

- (4) In cases where it is proposed to convert a structure designed and built originally for other uses, the structure is adaptable to the proposed use from the point of view of public health and safety.*

No conversion is proposed.

4. *Suitable Transportation Conditions.*

- (1) The design, location and specific details of the proposed use or activity shall not adversely affect safety in the streets nor unreasonably increase traffic congestion in the area nor interfere with the pattern of pedestrian, bicycle, or vehicular circulation in such a manner as to create or augment unsafe traffic conditions.*

No new access drives to the Property are proposed. Instead, restaurant patrons will access the Property via existing site driveways. Planted islands within the parking lot will act to separate the restaurant and associated drive through from the remainder of the parking lot. Thus, the proposed drive through will not interfere with site traffic.

The location of the proposed restaurant will largely maintain existing site-traffic flows that customers and employees have grown accustomed to. As stated in the enclosed Traffic Analysis prepared by Dynamic Traffic, the proposed restaurant will not cause a degradation in the operating conditions of roadways serving the Property.

- (2) Parking area or areas will be of adequate size for the particular use, shall be suitably screened from adjoining residential uses, and entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.*

All 50 parking spaces required for the proposed restaurant will be located on the Property. The onsite parking on the Property will adequately serve customers and employees of all commercial uses located on the Property. No changes to site entrances and exit drives are proposed, and site screening shall be maintained as shown on the enclosed plans.

- (3) Streets and other rights-of-way shall be of such size, condition and capacity (in terms of capacity, width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use.*

The enclosed Traffic Analysis prepared by Dynamic Traffic indicates no noticeable impact on future traffic conditions resulting from the proposed restaurant.

5. Adequate Public Utilities and Services.

- (1) The provisions for water supply, sewage disposal, and storm water drainage conform to accepted engineering practices, comply with all standards of the appropriate regulatory authority, and shall not unduly burden the capacity of such facilities.*

Existing and proposed utilities as outlined in the enclosed plans comply with all standards of the appropriate regulatory authority and will not be unduly burdened by the proposed restaurant.

- (2) The proposed use or activity shall provide easy accessibility for fire apparatus and is laid out and equipped to further the provision of emergency services.*

The restaurant will be accessible by all emergency services.

6. *Environmental Protection and Conservation*

Appropriate consideration shall be given to the protection, preservation, and/or enhancement of natural, scenic, historic, and unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.

Approximately 82.35% of the Property is currently developed. With that said, the Applicant proposes maintaining and enhancing site landscaping along the West Street and Shunpike Road frontages within the Project Area as shown on the enclosed Landscape Plans. There are no unique natural, scenic or historic features on the Property or surrounding area that will be impacted by the proposal.

7. *Long-term Viability.*

Adequate provision has been made for the sustained maintenance of the proposed development (structures, streets and other improvements).

The Applicant has earned industry-wide recognition for their commitment to creating and maintaining an inviting, safe and successful dining experience for guest and patrons. The Applicant is committed to delivering the same type of experience to Cromwell guests, and looks forward to becoming a member of the Town's business community. Should the Commission approve the restaurant, the Applicant would be amenable to a Condition of Approval requiring the recording of Maintenance Agreements guaranteeing the upkeep of drainage and landscaping improvements associated with the restaurant use.

The Applicant further notes the proposed drive through is in compliance with Section 6.5 of the Zoning Regulations as follows:

- Queuing lanes within the drive through are separated from other circulation lanes as shown on the enclosed Site Plan;
- Queuing lanes within the drive through are sufficiently separated from other traffic via the pavement parking and signage as shown on the enclosed Site Plan.
- The pick up window is more than 60' from all site exits.
- The location of the proposed restaurant and drive through within a developed commercial property will have no impact on nearby street intersections.
- The queuing lane will accommodate up to 13 vehicles at any given time.
- The drive-through window is more than 50' from any residential property.
- A solid wood fence/masonry wall at least 6' high is proposed as shown on the enclosed Site Plan.

IV. Compliance with Site Plan Standards

The proposal satisfies the Site Plan Objectives contained in Section 8.6.D.4 of the Zoning Regulations as follows:

TRAFFIC IMPACT STUDY

For

**Cromwell Chicken, LLC
Proposed Popeye's Restaurant with Drive-Thru**

Property Located at:

**195 West Street (Route 372) & Shunpike Road (Route 3)
Parcel #00424500
Town of Cromwell, Middlesex County, CT**

Prepared by:



**1904 Main Street | 245 Main Street, Suite #110
Lake Como, NJ 07719 | Chester, NJ 07930
(732) 681-0760**



**Corey Chase, PE
CT PE License #26718**

June 15, 2022

1021-99-027T

EXECUTIVE SUMMARY

Dynamic Traffic LLC has been retained to prepare this Traffic Impact Study to assess the traffic impact associated with the construction of a 2,534 SF Popeye's restaurant with drive-thru (The Project) located at the intersection of West Street (Route 372) and Shunpike Road (Route 3) on the adjacent roadway network. The study area includes the intersections of West Street (Route 372) and the Cromwell Square Driveway/Stop & Shop Driveway, West Street (Route 372) and Shunpike Road (Route 3) and Shunpike Road (Route 3) and the Stop & Shop Driveway. Based upon the detailed analyses, the following findings are noted:

- Trips generated by the proposed restaurant will have no perceptible impact on road conditions when compared to No-Build conditions.
- All adjacent roadways will continue to operate at acceptable levels of service (LOS) after the construction of the proposed development.
- The proposed 2,534 SF Popeye's restaurant with drive-thru is projected to generate 20 entering trips and 18 exiting trips during the evening peak hour, and 32 entering trips and 31 exiting trips during the Saturday peak hour that are "new" to the adjacent roadway network.
- Access to the site is currently provided via a signalized, full movement intersection along West Street (Route 372), a right turn out only driveway along West Street (Route 372) and two full movement driveways along Shunpike Road (Route 3). It is proposed to maintain the existing access points.
- As proposed, The Project's site driveways and internal circulation have been designed to provide for safe and efficient movement of automobiles and large wheel base vehicles.
- The proposed parking supply and design is sufficient to support the projected demand and satisfies the Ordinance requirements.

INTRODUCTION

It is proposed to construct a Popeye's restaurant with drive-thru on a parcel of land currently developed with a parking lot adjacent to a Stop & Shop retail center, located at the intersection of West Street (Route 372) and Shunpike Road (Route 3) in the Town of Cromwell, Middlesex County, Connecticut (see Figure 1 in Appendix A). The site is designated as Parcel #00424500 on the Town of Cromwell Tax Maps. The existing use consists of an approximate 81,000 SF retail center that includes a Stop & Shop grocery store. It is proposed to construct a 2,534 SF Popeye's restaurant with drive-thru on a portion of the existing retail center parking lot ("The Project"). The site is located within the HB – Highway Business Zoning District. Access to the shopping center is provided via a signalized, full movement intersection along West Street (Route 372), a right turn out only driveway along West Street (Route 372) and two full movement driveways along Shunpike Road (Route 3). It is proposed to maintain the existing access points.

Dynamic Traffic LLC has been retained to prepare this study to assess the traffic impact associated with the construction of The Project on the adjacent roadway network. It is our professional opinion that the proposed restaurant will not adversely impact the adjacent street system. This study documents the methodology, analyses, findings and conclusions of our study and includes:

- A detailed field inspection was conducted to obtain an inventory of existing roadway geometry, traffic control, and location and geometry of existing driveways and intersections.
- Existing traffic data was collected via manual turning movement (MTM) counts during the weekday PM and Saturday midday peak periods at the intersections of:
 - West Street (Route 372) and Cromwell Square Driveway/Stop & Shop Driveway
 - West Street (Route 372) and Shunpike Road (Route 3)
 - Shunpike Road (Route 3) and Stop & Shop Driveway
- Projections of traffic to be generated by the proposed development were prepared utilizing trip generation data as published by the Institute of Transportation Engineers. Site traffic was then assigned to the adjacent street system based upon the anticipated directional distribution.
- Capacity analyses were conducted for the Existing, No Build, and Build conditions for the study intersections.
- The proposed points of ingress and egress were inspected for adequacy of geometric design, spacing and/or alignment to streets and driveways on the opposite side of the street, relationship to other driveways adjacent to the development, and conformance with accepted design standards.
- The site plan as designed was reviewed for sufficiency in accommodating large wheel base vehicles such as delivery trucks, refuse trucks, and emergency vehicles.
- The parking layout and supply was assessed based on accepted design standards, local requirements, and demand experienced at similar developments.

EXISTING CONDITIONS

A review of the existing roadway conditions near the proposed site was conducted to provide the basis for assessing the traffic impact of the development. This included field investigations of the surrounding roadways and intersections, collection of traffic volume data, and extensive analyses.

Existing Roadway Conditions

The following are descriptions of the roadways in the study area:

West Street (Route 372) is an Urban Minor Arterial roadway under Connecticut Department of Transportation (CTDOT) jurisdiction with a general east/west orientation. In the vicinity of the site the posted speed limit is 30 MPH and the roadway provides two travel lanes in each direction. On-street parking is not permitted. Curb is provided along both sides of the roadway, while sidewalk is provided along the eastbound side of the roadway at the intersection with Shunpike Road (Route 3). West Street (Route 372) provides a curved horizontal alignment along the site frontage and a downgrade from west to east. The land uses along West Street (Route 372) in the vicinity of The Project are mixed commercial and residential. However, all uses adjacent to The Project are commercial.

Shunpike Road (Route 3) is an Urban Minor Arterial roadway under CTDOT jurisdiction with a general north/south orientation. In the vicinity of the site the posted speed limit is 40 MPH and the roadway provides two travel lanes in each direction. On-street parking is not permitted. Curb is provided along both sides of the roadway, while sidewalk is not provided along either side of the roadway. Shunpike Road (Route 3) provides a curved horizontal alignment and a downgrade from north to south. The land uses along Shunpike Road (Route 3) in the vicinity of The Project are primarily commercial.

Existing Traffic Volumes

Manual turning movement (MTM) counts were conducted on Wednesday, July 14, 2021 from 4:30 to 6:30 PM as well as on Saturday, July 17, 2021 from 11:00 AM to 2:00 PM at the following intersections:

- West Street (Route 372) and Cromwell Square Driveway/Stop & Shop Driveway
- West Street (Route 372) and Shunpike Road (Route 3)
- Shunpike Road (Route 3) and Stop & Shop Driveway

COVID-19 Traffic Count Normalization

It should be noted that various impacts associated with the COVID-19 pandemic were in effect as of the time of the traffic counts. However, traffic counts were conducted after COVID-19 treatments were made available in Connecticut, and before the spread of the subsequent variants. However, to be conservative, historical traffic volume data has been reviewed and compared with current traffic volumes in order to account for any discrepancies in the data stemming from COVID-19. Specifically, the current traffic volumes at the study area intersections were reviewed and adjusted by CTDOT.

Review of the collected traffic data reveals that the weekday evening PSH occurs between 4:30 - 5:30 PM and the Saturday PSH occurs between 12:00 - 1:00 PM. Figures 2 and 3, located in Appendix A, show the existing and adjusted peak hour traffic volumes at the study intersections. All traffic counts are contained in Appendix B.

Existing Capacity Analysis

The methodology utilized in the capacity analyses is described in the *Highway Capacity Manual*, published by the Transportation Research Board. In general, the term Level of Service (LOS) is used to provide a "qualitative" evaluation of capacity based upon certain "quantitative" calculations related to empirical values, such as traffic volume and intersection control.

At signalized intersections, factors that affect the various approach capacities include width of approach, number of lanes, signal "green time", turning percentages, truck volumes, etc. However, delays cannot be related to capacity in a simple one-to-one fashion. For example, it is possible to have delays in the Level of Service "F" range without exceeding roadway capacity. Substantial delays can exist without exceeding capacity if one or more of the following conditions exist: long signal cycle lengths; a particular traffic movement experiences a long red time; or progressive movement for a particular lane group is poor. Table I describes the level of service ranges for signalized intersections.

An unsignalized (STOP sign controlled) driveway or side street along a through route is seldom critical from an overall capacity standpoint, however, it may be of great significance to the capacity of the minor cross-route, and it may influence the quality of traffic flow on both. When analyzing an unsignalized intersection, it is assumed that both the major street through and right turn movements are unimpeded and have the right-of-way over all side street traffic and left turns from the major street. All other turning movements in the intersection cross, merge with, or are otherwise impeded by major street movements. Traffic delays at unsignalized intersections are determined by sequentially processing these impeded movements. Table II describes the level of service ranges for unsignalized (stop controlled) intersections.

**Table I
Level of Service Criteria
for Signalized Intersections**

Level of Service	Average Control Delay (seconds per vehicle)
A	0.0 to 10.0
B	10.1 to 20.0
C	20.1 to 35.0
D	35.1 to 55.0
E	55.1 to 80.0
F	greater than 80.0

**Table II
Level of Service Criteria
for Unsignalized Intersections**

Level of Service	Average Control Delay (seconds per vehicle)
a	0.0 to 10.0
b	10.1 to 15.0
c	15.1 to 25.0
d	25.1 to 35.0
e	35.1 to 50.0
f	greater than 50.0

It should be noted that the analyses within the *Highway Capacity Manual* assume a random arrival for all the movements, which may not be the case if an adjacent traffic signal is present that platoons vehicles, such as the signalized intersection of West Street (Route 372) and Shunpike Road (Route 3).

All capacity analyses were performed utilizing Synchro 11 software. Table III summarizes the existing levels of service (LOS) and delays. All capacity analysis calculation worksheets are contained in Appendix C.

**Table III
Existing Levels of Service**

Intersection	Direction/ Movement		PM PSH	SAT PSH
West Street (Route 372) & Cromwell Square Driveway/Stop & Shop Driveway	EB	L	A (6)	A (4)
		TR	A (9)	A (7)
	WB	L	A (5)	A (4)
		TR	B (17)	B (11)
	NB	L	D (44)	D (42)
		TR	B (14)	B (19)
	SB	LT	C (27)	C (30)
		R	A (8)	A (10)
Overall		B (14)	B (11)	
West Street (Route 372) & Shunpike Road (Route 3)	EB	L	B (14)	B (11)
		TR	D (53)	E (56)
	WB	L	D (39)	C (23)
		T	C (24)	C (21)
		R	A (3)	A (3)
	NB	L	D (38)	D (43)
		T	E (64)	E (62)
		R	B (20)	C (30)
	SB	L	D (52)	D (47)
		TR	D (49)	E (57)
Overall		D (36)	D (37)	
Shunpike Road (Route 3) and Stop & Shop Driveway	EB	L	d (32)	d (31)
		R	b (12)	b (12)
	NB	LT	b (10)	a (10)

a (#) - Unsignalized Intersection Level of Service (seconds of delay per vehicle)

A (#) - Signalized Intersection Level of Service (seconds of delay per vehicle)

The following are discussions pertaining to each of the existing intersections analyzed. It should be noted that the existing percentage of trucks and peak hour factors were used in the existing analysis.

West Street (Route 372) and Cromwell Square Driveway/Stop & Shop Driveway

The Cromwell Square driveway and the Stop & Shop driveway intersect West Street (Route 372) to form a four-leg intersection controlled by a traffic signal operating on a three-phase 80-second background cycle. The traffic signal permit plans are included in Appendix D.

The eastbound approach of West Street (Route 372) provides a dedicated left turn lane, a dedicated through lane and a shared through/right turn lane, while the westbound approach provides a dedicated left turn lane and a shared through/right turn lane. The northbound approach of the Stop & Shop driveway and the southbound approach of the Cromwell Square driveway both provide a dedicated left turn lane and a shared through/right turn lane.

A review of the existing analysis reveals that the intersection operates at levels of service "B" and all movements operate at levels of service "D" or better during the analyzed peak periods. See Table III for the individual movement levels of service and delays.

West Street (Route 372) and Shunpike Road (Route 3)

Shunpike Road (Route 3) intersects West Street (Route 372) to form a four-leg intersection controlled by a traffic signal operating on a four-phase 132.3-second background cycle. It should be noted that this intersection operates on the same controller as the adjacent intersection of West Street (Route 372) and the Route 9 SB Off-Ramp. Additionally, the westbound approach of West Street (Route 372) and Shunpike Road (Route 3) operates with extended green time in order to allow traffic from the Route 9 SB Off-Ramp to clear both intersections. The traffic signal permit plans are included in Appendix D.

The eastbound approach of West Street (Route 372) provides a dedicated left turn lane, a dedicated through lane and a shared through/right turn lane, while the westbound approach provides a dedicated left turn lane, dedicated through lane and dedicated right turn lane. The northbound approach of Shunpike Road (Route 3) provides a dedicated left turn lane, two dedicated through lanes and a dedicated right turn lane, while the southbound approach provides a dedicated left turn lane, dedicated through lane and shared through/right turn lane.

A review of the existing analysis reveals that the intersection operates at levels of service "D" and all movements operate at levels of service "E" or better during the analyzed peak periods. See Table III for the individual movement levels of service and delays.

Shunpike Road (Route 3) and Stop & Shop Driveway

The Stop & Shop driveway intersects Shunpike Road (Route 3) to form a unsignalized T-intersection with the eastbound approach of the Stop & Shop driveway operating under stop control. The eastbound approach of the Stop & Shop driveway provides a dedicated left turn lane and a dedicated right turn lane. The northbound approach of Shunpike Road (Route 3) provides a shared left turn/through lane and a dedicated through lane, while the southbound approach provides a dedicated through lane that provides access to the Cross Roads Plaza driveway and a shared through/right turn lane.

A review of the existing analysis reveals that all movements operate at levels of service "D" or better during the analyzed peak periods. See Table III for the individual movement levels of service and delays.

FUTURE CONDITIONS

Traffic volumes and operational analyses were developed for both the 2023 No Build and Build conditions. The No Build conditions provide a baseline for assessing the impact of the site development traffic on the roadway system. The process of developing the No Build and Build traffic volumes and the subsequent analyses is outlined below.

Regardless of whether the subject site is developed or not, traffic volumes on the surrounding roadways are expected to increase as a result of developments throughout the region. A growth rate of 1.3% per year, consistent with historical background growth on the surrounding roadway network, was provided by CTDOT and utilized in the analysis.

Through consultation with the CTDOT staff, there are no other developments in the vicinity of the site that have been approved but not yet constructed that are identified as significant traffic generators. It was assumed that the background growth rate was adequate to account for the traffic associated with all developments not listed.

Future 2023 No Build traffic volumes were developed by applying the background growth rate of 1.3% for two (2) years to the study area roadways existing traffic volumes. Figure 4, in Appendix A, shows the 2023 No Build traffic volumes.

Traffic Generation

Trip generation projections for The Project were prepared utilizing trip generation research data as published under Land Use Code 934 – Fast-Food Restaurant with Drive-Through Window in the Institute of Transportation Engineers' (ITE) publication, *Trip Generation, 11th Edition*. This publication sets forth trip generation rates based on traffic counts conducted at research sites throughout the country.

According to studies conducted by ITE, traffic associated with LUC 934 is not 100% newly generated. Rather, a portion of the traffic is diverted from the existing traffic stream on the adjacent roadway network. This is because the Popeye's restaurant with drive-thru is not exclusively a destination land use, instead patrons stop on their way to/from other locations such as home or work. ITE identifies a 55% passby traffic percentage, which was used during the evening peak hour. It should be noted that there will realistically be passby traffic during the Saturday midday peak periods as well even though there is no data published by ITE. Therefore, the weekday evening passby percentage of 55% was applied to the Saturday midday peak hour volumes. In an effort to provide a conservative analysis, no credit was taken for the potential internal trip reduction for trips oriented to/from the Stop & Shop retail center. Table IV below details the traffic volumes associated with the subject project taking into account internal capture and the passby credits.

**Table IV
Trip Generation Considering Passby Traffic**

Trip Type		PM PSH			SAT PSH		
		In	Out	Total	In	Out	Total
2,534 SF Fast Food Restaurant with Drive-Thru	Total	44	40	84	71	69	140
	Passby	24	22	46	39	38	77
	New (Primary)	20	18	38	32	31	63

Furthermore, as a conservative measure, no reduction in trip generation is made to account for the internal interaction between the restaurant and retail uses onsite.

Once the magnitude of traffic to be generated by the site is known, it is necessary to assign that traffic to the adjacent street system. The distribution of new traffic to the surrounding roadways is based on the location of primary arterial roadways, major signalized intersections and existing traffic patterns. Located in Appendix A, Figures 5-9 illustrate the Primary Traffic Trip Distribution, Primary Site Generated Volumes, Passby Traffic Trip Distribution, Passby Site Generated Volumes and the Total Site Generated Volumes, respectively. The Total Site Generated Volumes assigned to the study area network were added to the No Build traffic volumes to generate the Build traffic volumes, which are shown in Figure 10.

Future Capacity Analysis

Operational conditions at the study intersections were analyzed under the No Build and Build conditions and are summarized in Table V below.

Table V
Future Levels of Service

Intersection	Direction/ Movement		PM PSH		SAT PSH	
			No Build	Build	No Build	Build
West Street (Route 372) & Cromwell Square Driveway/Stop & Shop Driveway	EB	L	A (6)	A (6)	A (4)	A (4)
		TR	A (9)	A (9)	A (7)	A (8)
	WB	L	A (5)	A (5)	A (4)	A (4)
		TR	B (18)	B (18)	B (12)	B (12)
	NB	L	D (44)	D (44)	D (42)	D (43)
		TR	B (13)	B (13)	B (19)	B (18)
	SB	LT	C (27)	C (27)	C (30)	C (28)
		R	A (8)	A (8)	A (9)	A (9)
	Overall		B (14)	B (15)	B (11)	B (12)
West Street (Route 372) & Shunpike Road (Route 3)	EB	L	B (15)	B (15)	B (11)	B (11)
		TR	D (54)	D (54)	E (59)	E (59)
	WB	L	D (47)	D (48)	C (26)	C (27)
		T	C (25)	C (25)	C (22)	C (22)
		R	A (3)	A (3)	A (3)	A (3)
	NB	L	D (38)	D (38)	D (43)	D (43)
		T	E (64)	E (64)	E (62)	E (62)
		R	C (22)	C (22)	C (33)	C (34)
	SB	L	D (54)	D (54)	D (48)	D (48)
		TR	D (50)	D (50)	E (58)	E (59)
	Overall		D (38)	D (38)	D (39)	D (39)
Shunpike Road (Route 3) and Stop & Shop Driveway	EB	L	d (34)	e (39)	d (33)	e (41)
		R	b (12)	b (13)	b (12)	b (12)
	NB	LT	b (11)	b (11)	b (10)	b (10)

a (#) - Unsignalized Intersection Level of Service (seconds of delay per vehicle)

A (#) - Signalized Intersection Level of Service (seconds of delay per vehicle)

West Street (Route 372) and Cromwell Square Driveway/Stop & Shop Driveway

With the addition of site generated traffic, the intersection is anticipated to operate at overall intersection levels of service "B" or better during the analyzed peak hours. Additionally, each movement is anticipated to operate at No Build levels of service "D" or better. See Table V for the individual movement levels of service and delays.

West Street (Route 372) and Shunpike Road (Route 3)

With the addition of site generated traffic, the intersection is anticipated to operate at overall intersection levels of service "D" or better during the analyzed peak hours. Additionally, each movement is anticipated to operate at No Build levels of service "E" or better. See Table V for the individual movement levels of service and delays.

Shunpike Road (Route 3) and Stop & Shop Driveway

With the addition of site generated traffic, all movements are anticipated to operate at levels of service "E" or better. See Table V for the individual movement levels of service and delays. As noted, with the presence of the adjacent traffic signal, the site driveway is expected to operate at better than calculated levels of service. Further, the 95th percentile queue is calculated to increase by less than one (1) vehicle between No Build and Build conditions.

SITE PLAN

Site Access and Circulation

The site plan was reviewed with respect to the site access and on-site circulation design. As noted previously, access to The Project will be provided via the existing access points to the overall shopping center. These access points include a signalized, full movement intersection along West Street (Route 372), a right turn out only driveway along West Street (Route 372) and two full movement driveways along Shunpike Road (Route 3).

The parking lot in the vicinity of the proposed Popeye's will be serviced by one-way parking aisles with widths between 18' to 20' and two-way parking aisles with widths of 24', which satisfy the Ordinance's minimum requirement of 18' for one-way parking aisles and 24' for two-way parking aisles, respectively. These aisles will allow for adequate circulation around the proposed building. Review of the site plan design indicates that the site can sufficiently accommodate, within paved areas, a large wheel base vehicle, such as a single unit truck (SU), along with the automobile traffic anticipated.

Parking

The Cromwell Town Ordinance sets forth a parking requirement of 1 parking space per 50 square feet for fast food restaurants, 2.5 spaces for each 1,000 SF for shopping centers over 50,000 SF and 4 spaces for each 1,000 SF for retail outlets up to 10,000 SF. This equates to a parking requirement of 50.68 spaces for the proposed 2,534 SF Popeye's restaurant with drive-thru, 188.46 spaces for the existing 75,383 SF shopping center and 22.23 spaces for the existing 5,557 SF retail outlet, or a total of 262 (261.37) spaces for the entire site. The site as proposed provides 592 spaces and the Ordinance requirement is satisfied.

It is proposed to provide parking stalls with dimensions of 9.5'x20' for 60 degree angle parking and 10'x20' for 90 degree angle parking, which satisfy the Ordinance minimum requirements.

FINDINGS & CONCLUSIONS

Findings

Based upon the detailed analyses as documented herein, the following findings are noted:

- The proposed 2,534 SF Popeye's restaurant with drive-thru is projected to generate 20 entering trips and 18 exiting trips during the evening peak hour, and 32 entering trips and 31 exiting trips during the Saturday peak hour that are "new" to the adjacent roadway network.
- Access to the site is currently provided via a signalized, full movement intersection along West Street (Route 372), a right turn out only driveway along West Street (Route 372) and two full movement driveways along Shunpike Road (Route 3). It is proposed to maintain the existing access points.
- There will be no perceivable impact on the adjacent roadway system from traffic generated by The Project when compared to No Build conditions.
- As proposed, The Project's site driveways and internal circulation have been designed to provide for safe and efficient movement of automobiles and large wheel base vehicles.
- The proposed parking supply and design is sufficient to support the projected demand and satisfies the Ordinance requirements.

Conclusions

Based upon our Traffic Impact Study as detailed in the body of this report, it is the professional opinion of Dynamic Traffic LLC that the adjacent street system of the Town of Cromwell and CTDOT will not experience any significant degradation in operating conditions with the construction of The Project. The site driveways are located to provide safe and efficient access to the adjacent roadway system. The site plan as proposed provides for good circulation throughout the site and provides adequate parking to accommodate The Project's needs.

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
APPLICATION FOR SPECIAL PERMIT**

Type of Activity: CRUSHING
(Per Section 6.1.H.2 of the Cromwell Zoning Regulations)
Street Address: 80 R GEEK ST Zoning District: BP
Assessor's Parcel ID #: 00000500 Volume/Page: 1508-208

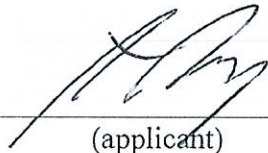
Applicant's Name: PARAMOUNT CONSTRUCTION - STEVE REILLY
Address: 49 HOLLOW TREE LN NEWINGTON CT 06111
Telephone Number (daytime): 860-250-5495
Email Address: STEVE@PCONSTRUCTIONLLC.COM

Property Owner's Name: STEVE REILLY
Address: 8 LALOBANA RD SOMER, CT 06071

Description of Proposed Activity:

CRUSHING OF MATERIALS

I certify that I have read and I am familiar with the Cromwell Zoning Regulations that pertain to this type of Special Permit activity, *and with Section 13.2.d. (Sign Posting)*.


(applicant)

8/3/22
(date)

49 Hollow Tree Lane
Newington, CT 06111

PARAMOUNT CONSTRUCTION, LLC

Office: 860-233-6333
Fax: 860-436-4810

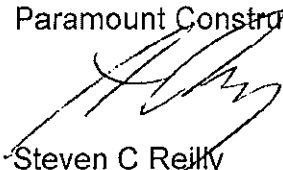
August 3, 2022

Stuart B. Popper
Director of Planning and Development
Town Hall, 2nd Floor
41 West Street
Cromwell, CT 06416

Stuart,

We need another special permit to allow crushing of concrete and asphalt at our yard located at 80R Geer Street. We would like to crush sometime between October 1st and December 31st. I need a total of 20 days between normal working hours of 7:00AM to 5:00PM. We crush our concrete and asphalt annually to make recycled processed gravel for use on our projects. In addition, I would like a (5) year multi-year approval with an annual review by your staff.

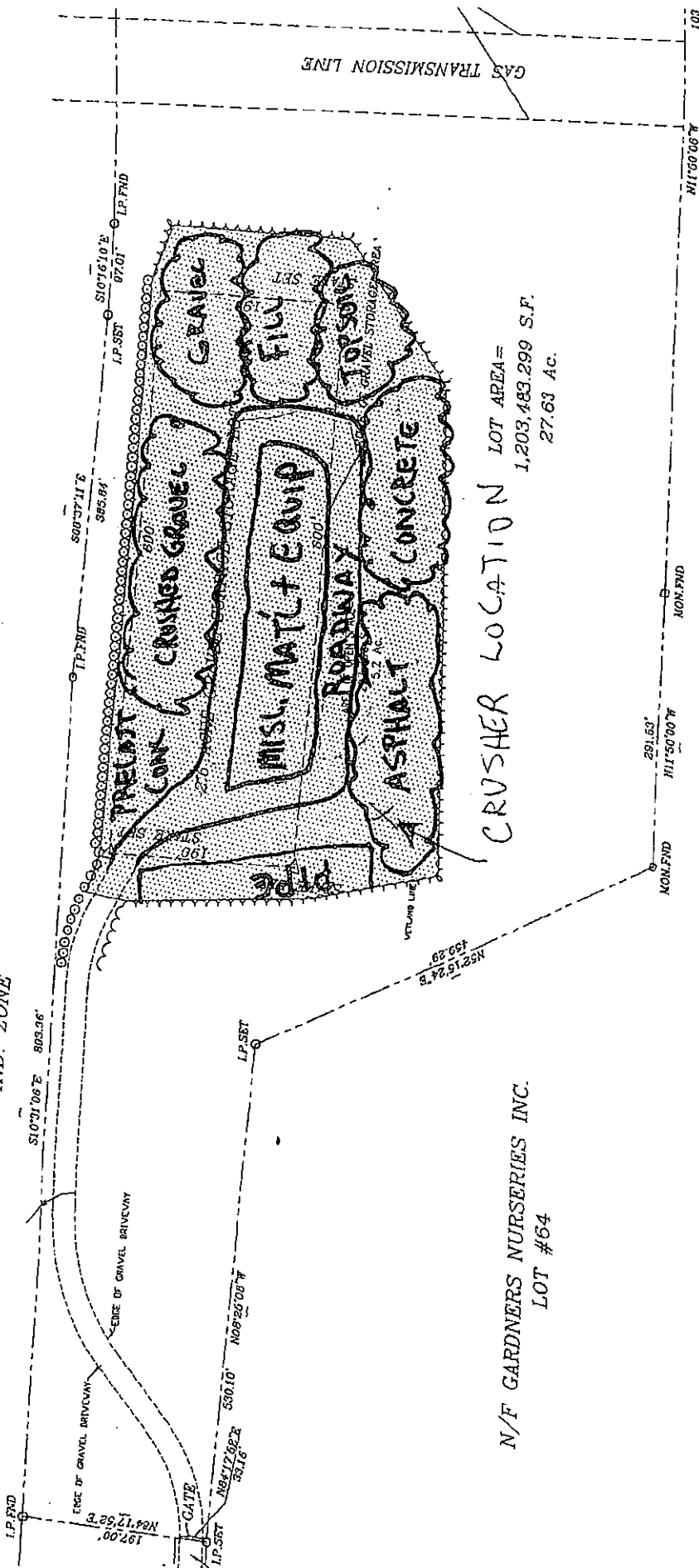
Paramount Construction LLC



Steven C Reilly
Member

*State of CT DAS Certified SBE/MBE/WBE
DOT Approved Contractor
Affirmative Action/Equal Opportunity Employer*

IND. ZONE



CRUSHER LOCATION LOT AREA =
1,203,483.299 S.F.
27.63 Ac.

N/F GARDNERS NURSERIES INC.
LOT #64

N/F GARDNERS NURSERIES IN.
LOT #64



Property Information

Property ID 00000500
Location 80R GEER STREET
Owner
Owner Address
Map Block Lot

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town of Cromwell, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 6/25/2021
Data updated on a daily basis

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

22-27

**Town of Cromwell
Planning and Zoning Commission**

**APPLICATION FOR SPECIAL PERMIT
SPECIAL FLOOD HAZARD AREA OVERLAY DISTRICT**

Description of Activity: Construction of accessory building
Street Address: 263 Main Street Zoning District: LB
Parcel ID #: 00043200 Volume/Page: 987/286

Applicant's Name: Cromwell Automotive, LLC
Address: 263 Main Street, Cromwell, CT 06416
Telephone Number (daytime): 860-613-2355
Email Address: fatal2@snet.net

Property Owner's Name: same as applicant
Address: _____

Description of Proposed Activity:
Construction of a 1-story 4,992 sq. ft. steel frame accessory building. The
property is located within Flood Zone AE

"I have read and I am familiar with the Cromwell Zoning Regulations Article 4.2 ("Special Flood Hazard Area Overlay District"), Article 8.7 ("Special Permit Application Procedures"), Article 8.10.G ("Notification of Abutting Property Owners") and Article 8.10.H ("Public Hearing Sign Posting Requirements"). An "Impact Statement" per Section 9.4.A is attached."


(signature of applicant)

RODNEY B. BOOTH
(printed name of signer)

8-26-22
(date)

4.2.R (General Standards) for developments in a Special Flood Hazard Area (SFHA)

1. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage.

The 100-year flood elevation for this property is 23.7. The proposed finished floor of the building is at 15.5. Therefore, the portion of the building below elevation 23.7 will need to be constructed to be resistant to flood damage.

2. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment resistant to flood damage.

All of the construction materials below elevation 23.7 will be a steel structure resistant to flood damage. Utility equipment will be elevated above the 100-year flood elevation.

3. New construction, substantial improvements, and structures that have sustained substantial damage shall be anchored to prevent location, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

The proposed building will be constructed with a slab on grade. The elevation of the finished floor slab will be at elevation 15.5. Flood vents will be provided below the 100-year flood elevation to prevent hydrodynamic and hydrostatic loads and the effects of buoyancy.

4. New construction, substantial improvements, and structures that have sustained substantial damage cannot be constructed or located entirely or partially overwater.

The proposed building is not being constructed over water.

5. Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes and circuit breaker boxes.

The furnaces, air conditioners, heat pumps, ventilation ductwork, electrical junction boxes and circuit breaker boxes will be above the 100-year flood elevation and will not be at risk of flood damage. No hot water heaters or washer and dryer hook-ups are proposed, as the building will not be serviced by water.

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

There is no water service proposed to this building.

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

There is no sanitary sewage service proposed to this building.

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

An on-site waste disposal system is not required.

9. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad or be securely anchored with tie-down straps to prevent floatation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for infiltration of flood water.

The proposed building will be serviced with natural gas from a new lateral brought into the building from the existing gas main in Main Street. There are no underground or aboveground oil or propane tanks proposed as part of this project.

10. In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Environmental Protection (DEEP), Inland Water Resources Division prior to any alteration or relocation of a watercourse.

There are no watercourses being altered as part of this project.

11. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

The entire property is in a Special Flood Hazard Area and the entire site is being designed to meet the requirements of the SFHA.

12. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e. V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached garages,

decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone).

The entire site is located within the flood zone AE, so this provision does not apply.

13. **Compensatory Storage.** The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in the footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

The site will be regraded to mitigate for the filling required for the construction of the proposed building. A breakdown of the Compensatory Storage Mitigation is as follows:

Gross Volume of Fill below the 100-year flood elevation 23.7 = 316.0 cubic yards

Gross Volume of Cuts below the 100-year flood elevation 23.7 = 327.0 cubic yards

Net Volume of Flood Storage Capacity below the 100-year flood elevation 23.7 = 11 cubic yards of increased flood storage

14. **Equal Conveyance.** Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

Because there will be a sight increase in flood storage capacity after the project is completed, there will not be any resultant increase in flood elevations.

Application# 22-30

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

APPLICATION FOR AMENDMENT TO THE ZONING REGULATIONS

Name: Planning and Zoning Commission
Address: 41 West Street
Cromwell, CT. 06416
Telephone: 860.632.3422 Email: _____

A. Request to Change an Existing Regulation:

1. Current Article Number: 3.3.C.4 and 6.11

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: _____

2. Zoning District(s) to be Affected by New Regulation: _____

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

C. Reason for Proposed Change or New Regulation:

Delete Sections 3.3.C.4 and 6.11

Stuart B. Pyper
(Applicant)

8/30/22
(date)

PROPOSED ZONING AMENDMENTS

3.3.C.2

USE	ADDITIONAL CRITERIA (See Section)
• Dispensary Facility	See 6.11

• *special permit*

see 8.7

6.11 MARIJUANA DISPENSARY

6.11.A Purpose

1. The purpose of this section is to regulate the location and operation of marijuana dispensary facilities. The intent of these regulations is to minimize any adverse impact of such facilities, and to protect and preserve Cromwell's property values and quality of life.

6.11.B Definitions

1. A "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 §21a-408 et seq. as amended, and §§21a-408-1 to 21a-408-70 of the Regulations of Connecticut State Agencies, as amended.

6.11.C Applicability

1. A Dispensary Facility shall be governed by GS §21a-408 et seq. as amended, and §§21a-408-1 to 21a-408-70 of the Regulations of Connecticut State Agencies, as amended, and permitted only in the following zone, subject to Special Permit approval in accordance with Section 8.7 of these Regulations and the requirements of this section.

- a. Highway Business (HB)

6.11.D Separation Requirements

1. Uses identified in this section shall be subject to the following:

- a. No Dispensary Facility shall be allowed within 250 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.
- b. No Dispensary Facility shall be allowed within the same building, structure or portion thereof or within one mile of a parcel that contains another dispensary facility which has obtained a conditional approval.
- c. All distances contained in this section shall be measured from main entrance to main entrance of each site.

6.11.E Off Street Parking

1. The requirements of off street parking shall be in compliance with Section 5.2 of these regulations.

6.11.F Security Requirements

1. All Dispensary Facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana using commercial grade equipment meeting at least the minimum requirements of CGS § 21a-408-62 of the Regulations of Connecticut State Agencies, as amended.
2. The hours of operation for Dispensary Facilities shall be ~~limited to between 7:00 a.m. and 7:00 p.m.~~ ^{determined} at the time of the public hearing for the special permit.

6.11.G Conditional Approval

1. Special Permits shall be approved with the condition that the applicant obtains the appropriate Facility license issued by the State of Connecticut Department of Consumer Protection (or other appropriate state agency).
2. The conditional approval shall become final upon receipt by the Town Planner of a copy of the Department of Consumer Protection issued license.
3. The conditional approval shall expire if the applicant fails to provide the Town Planner with a copy of the Department of Consumer Protection issued license within six (6) months of the Planning & Zoning Commission's conditional approval.
4. A six (6) month extension of such conditional approval shall be granted to the applicant upon written notification to the Town Planner that an application for a Department of

Consumer Protection issued license has been filed, indicating the expected decision date of such application.

5. No entity shall operate without a valid, current license and approval.
6. The applicant for a Department of Consumer Protection issued license who has applied for a Dispensary Facility conditional approval need not be the owner of real property providing such applicant submits proof of a right to operate such facility.

6.11.H Connecticut Consumer Protection Approval

1. The applicant shall provide the Town Planner with a copy of the appropriate Dispensary Facility license issued by the State of Connecticut Consumer Protection and any subsequent renewed or extended license.



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING 7:00 P.M. TUESDAY SEPTEMBER 6, 2022 COUNCIL CHAMBERS CROMWELL TOWN HALL 41 WEST STREET Amended Minutes and Record of Votes

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

Absent: Robert Donohue, Nick Demetriades

Also present: Director of Planning and Development Stuart Popper

1. Call to Order

The meeting was called to order at 7:02pm by Chairman Kelly.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates - none

4. Approval of Agenda

A motion was made by Michael Cannata and seconded by Brian Dufresne to approve the agenda as amended to change item 8f to special permit instead of site plan modification and to add item 10d application #22-20. All were in favor; the motion passed.

5. Public Comments - none

6. Development Compliance Officer Report:

Mr. Popper said that Mr. Driska is not here tonight but he can help with any questions you might have about this report.

7. Director of Planning and Development Report:

Mr. Popper said that there will not be a meeting on September 20th but there will be a Special

Meeting on September 27th. He said there will be a presentation on the Plan of Conservation and Development and one item on the agenda. He said he has been thinking about forming a subcommittee for zoning regulations and the meetings could be held via zoom.

Mr. Popper also said there are 2 applications for cannabis retail facilities and since those have been submitted the State has changed the statute from allowing 1 store for every 25,000 residents to allowing the towns their own purview in the number they will allow. He said we will amend our regulations with the number that the Town Council says we will allow. The Town Attorney said the Town Council should be the ones to determine that number. He said until that happens there will be no new applications until the town council decides in September. He said they are looking for the Commission to approve a 30-day moratorium for any new cannabis retail applications.

Michael Cannata recused himself from the discussion and vote.

Mr. Cambareri asked if this commission was simply passing the baton to the Town Council or could they make the decision on the number. Mr. Popper said that the Town Attorney has interpreted that the statue says the Town Council should be the ones to make the decision.

A motion was made by Brian Dufresne and seconded by Paul Cordone to impose a 30-day moratorium on accepting any new cannabis retail applications. Brian Dufresne, Paul Cordone, Alice Kelly, Ann Grasso, Chris Cambareri, Ken Rozich and John Keithan were in favor, the motion passed.

Mr. Popper continued with his updates and said we should see an application for a medical office building and a large retailer which will surprise everyone. He also said the old Lord Cromwell site will be at Wetlands tomorrow and if it is approved they will submit an application to Planning and Zoning by the end of the month. Mr. Popper said the Wetlands Commission closed the public hearing on the warehouse and they indicated they will likely vote tomorrow night.

8. New Business: Accept and Schedule New Applications:

- a. Application #22-22: Request for Site Plan Approval for a restaurant at 195 West Street. Cromwell Chicken, LLC is the Applicant and NL Grocery II DST is the Owner.

Mr. Popper said this is a pad site in front of Stop and Shop for a fast food restaurant and 2 applications will be heard.

A motion was made by Michael Cannata and seconded by Brian Dufresne to accept and schedule application #22-22 as business item on October 6th. All were in favor; the motion passed.

- b. Application #22-23: Request for a Special Permit under Section 3.3.C.4 of the Zoning Regulations to permit a restaurant with a drive-up window at 195 West Street. Cromwell Chicken, LLC is the Applicants and NL Grocery II DST is the Owner.

A motion was made by Michael Cannata and seconded by Brian Dufresne to accept and schedule applications #22-23 for a public hearing on October 6th. All were in favor; the motion passed.

c. Application #22-24: Request for a Special Permit under Section 6.1.H.2 of the Zoning Regulations to permit a crushing operation at 80R Geer Street. Paramount Construction is the Applicant and Steve Reilly is the Owner.

A motion was made by Michael Cannata and seconded by John Keithan to accept and schedule application #22-24 for a public hearing on October 6th. All were in favor; the motion passed.

d. Application #22-25: Request for Site Plan Modification to construct additional parking at 52 Missionary Road. Covenant Living of Cromwell, Inc. is the Applicant and the Owner.

A motion was made by Michael Cannata and seconded by Chris Cambareri to accept and schedule application #22-25 as a business item on October 6th. All were in favor; the motion passed.

e. Application #22-26: Request for Special Permit to allow to add fill material at 12 Summer Brook Lane. Magdalene and Sead Mehic are the Applicants and the Owners.

Mr. Cannata asked if this had to go to Wetlands and Mr. Popper said yes so just accept and then we will look at the schedule.

A motion was made by Michael Cannata and seconded by John Keithan to accept application #22-26. All were in favor; the motion passed.

f. Application #22-27: Request for Site Plan Modification to construct a 4,992 building in the floodplain at 263 Main Street. Cromwell Automotive LLC is the Applicant and the Owner.

g. Application #22-28: Request for Site Plan Modification to construct a 4,992 building at 263 Main Street. Cromwell Automotive LLC is the Applicant and the Owner.

Mr. Popper said that Mr. Rodney Bitgood is here tonight and this project received their wetlands permit last month. He said he is proposing a new building behind the existing one.

A motion was made by Michael Cannata and seconded by Chris Cambareri to accept and schedule application #22-27 as a business item for October 6th. All were in favor; the motion passed.

A motion was made by Michael Cannata and seconded by Chris Cambareri to accept and schedule application #22-28 for a public hearing on October 6th. All were in favor; the motion passed

h. Application #22-29: Request for Site Plan Modification to allow for temporary outside storage containers at the Walmart Store at 161 Berlin Road. Walmart 2299 is the Applicant and Infinity Cromwell Prop LTD Partnership 1643 is the Owner.

A motion was made by Michael Cannata and seconded by John Keithan to accept and schedule application #22-29 as a business item on October 6th. All were in favor; the motion was passed.

- i. Application #22-30: Request to Amend the Zoning Regulations to delete Sections 3.3.C.4 and 6.11 of the Zoning Regulations to allow for Medical Marijuana Dispensary Facilities to be permitted in the Highway Business Zone District.

Mr. Popper said that when we established the new regulations we forgot to get rid of the old regulations so this is just a clean-up task.

A motion was made by Michael Cannata and seconded by Brian Dufresne to accept and schedule application #22-30 for a public hearing on October 6th. All were in favor; the motion passed.

- j. Application #22-31: Request for Site Plan Modification to install two charging stations at 150 Country Squire Drive. Cromwell Village Associates, LLC is the Applicant and the Owner.

A motion was made by Michael Cannata and seconded by Chris Cambareri to accept and schedule application #22-31 for October 4th. All were in favor; the motion passed.

9. New Business:

- a. Application #22-32: Request for a site plan modification at 33 Berlin Road, 6 West Avenue, LLC is the Applicant and Mary Ann Marchio is the owner.

Michael Cannata recused himself.

Mr. Popper said we will have to delay the application and hear it on September 27th.

A motion was made by Chris Cambareri and seconded by Brian Dufresne to table application #22-32. Alice Kelly, Paul Cordone, Ken Rozich, Ann Grasso, John Keithan approved; the motion passed.

- b. Application #22-19: Request for site plan approval to construct a building at 5 Berlin Road. Bantry Bay Ventures, LLC and Michael J. Cannata are the Applicants and Michael J. Cannata is the owner.

Mr. Popper said we will hear this application tonight with the public hearing.

10. Public Hearings:

Ken Rozich reads the public hearing notice.

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

A motion was made by Ken Rozich and seconded by Brian Dufresne to table application #22-16. All were in favor; the motion passed.

b. Application #22-17: Request for a Special Permit under Section 2.7.A.4 of the Zoning Regulations to allow for a garage larger than 1,000 square feet at 6 River Park Drive. John Paul Golino is the Applicant and the Owner.

A motion was made by Brian Dufresne and seconded by Chris Cambareri to open the public hearing for application #22-17. All were in favor; the motion passed.

Mr. Popper said our regulations allow for up to 1,000 square feet for garages. A permit can be obtained for garages up to 1,600 feet. This garage will be underground but it is still a garage.

Carlos Pena of First Best Builders at 28B Woodhouse Avenue in Wallingford said the owner is looking for more storage and there is not enough room in the 3-bay garage. He said the storage space will be under the slab. Mr. Pena said the space will be 12 feet underground with 6-inch concrete and steel supporting beams. He said the space will hold 6-7 cars and will be 1,400 square feet. Mr. Pena walked the plans around to the Commissioners for better viewing. He said there will be a straight walk into the house from underground and a lift in the 3rd bay to bring the cars up.

Chairman Kelly and Mr. Cordone asked for specifics about the lift and Mr. Pena said the underground garage can support the weight of 3 fire trucks. He said the space will be under the present driveway and will be constructed with rebar and corrugated concrete. Mr. Popper clarified that they are not exceeding the regulation requirements for a permit.

Chairman Kelly asked if anyone from the public wanted to speak.

Lorrie Young of 4 River Park Drive asked how close this is to her property and the impact it will have her septic system.

Mr. Pena said this will have no impact on your property as it is around 20-30 feet away from your property. Mr. Popper said there are State Regulations regarding how close you can build to an existing septic system. He noted that the Health Department will look at this plan and will not let them violate those regulations.

A motion was made by Michael Cannata and seconded by Brian Dufresne to close the public hearing for application #22-17. All were in favor; the motion passed.

A motion was made by Michael Cannata and seconded by Chris Cambareri to approve application #22-17. All were in favor; the motion passed.

c. Application #22-18: Request for a Special Permit under Section 6.11.B of the Zoning Regulations to allow for the retail sales of Cannabis and Cannabis related products at 5 Berlin Road. Bantry Bay Ventures, LLC & Michael J. Cannata are the Applicants and

Michael J. Cannata is the Owner.

A motion was made by Ken Rozich and seconded by Paul Cordone to open the public hearing for application #22-18. Michael Cannata recused himself from this application and left the Commissioner seating. Chairman Kelly, Chris Cambareri, Brian Dufresne, John Keithan, Ann Grasso, Ken Rozich and Paul Cordone approved; the motion passed.

Attorney Amy Souchins of Horwitz, Sagarin, Slossberg and Knuff at 147 Broad Street, Milford said 5 Berlin Road is a 5.3-acre site within the Highway Business Zone District. She said they have incorporated all of the staff comments into the revised plans and the applicant's engineer is here to make a presentation.

Mr. Tom Daley Engineer with SLR Consulting introduced himself and started by showing the site plan and location of the property. He said the Mattabesset is adjacent and wetland scientists have identified the wetlands. Mr. Daley said they have received approval from the Wetlands Commission and there will be no building or activities within the wetlands. He said the entire area is in a flood plain. He said they are proposing a 5,000 square foot building with very good traffic circulation. There will be 37 parking spaces although the regulations state we only need 20. He said some of the parking spots are for parallel parking and would probably be used for employees. He said there will also be a spot for a loading space. He said there would be full access on the north driveway for customers and a loop around the property with an exit only driveway on the southside. He explained the floodplain compensation and talked about the landscaping and buffers. He said they are planning a large palette of landscaping materials to provide for 4 seasons. Mr. Daley said the Town Engineer signed off on the floodplain work. He said we are proposing fully compliant, efficient lighting.

Mohammed Aguib of SLR Consulting at 800 Boylston Street in Boston said he has completed an analysis of traffic and parking. He showed an overview of the study and analysis and said the study accounts for new developments and future traffic. He said they have concluded there is enough parking and the traffic will be acceptable.

Mr. Popper asked if traffic data exists for marijuana retail. Mr. Aguib said they use data from previous projects and similar uses. He said the studies are very conservative. Chairman Kelly asked how they can look at traffic with what is there now. She asked if they studied other marijuana facilities perhaps in Massachusetts. Mr. Aguib said they look at existing conditions and there are no issues and then we add trips that will be generated by this establishment. Mr. Rozich asked how they determined the number of trips. Mr. Aguib said IT uses equations and forecasts from similar uses.

Attorney Souchins said Fine Fettle operates these facilities in both CT and MA and Ben Zachs will be able to tell you about that.

Ms. Grasso said she finds it difficult to exit left out of Parisians Hair Salon parking lot and asked if this will be similar since people will exit and enter from the same driveway.

Mr. Popper said this site is not as close to the light as Parisians and that isn't the problem of this

applicant. He said the site line at Parisian's isn't the issue here. Mr. Popper also clarified that the Police Chief doesn't have an issue with this.

Tom Daley of SLR said the arborvitae will be stepped back from the property by about 25 feet. He said the site lines are excellent and the full traffic study also agrees but I understand what you are saying. Ms. Grasso said taking a left is really her concern. Mr. Daley said that the traffic counter covered 3 days over different times so the study really covered all possible situations. He also said they will need a DOT encroachment permit and they will be the ones to approve the curb cut.

Chairman Kelly said the attraction here is not the building size but what you are selling and a large number of people will be interested in coming here. Mr. Daley said IT has jumped on this data and has done their research on this especially out West where these businesses have been running for a while now.

Mr. Dufresne asked about the curb cut and Mr. Daley said it will be 24 feet at the exit.

Sheldon Crosby of L'arc Architect at 14 Colton Street Farmington showed a rendering of the one-story building. He explained the materials they will use. Chairman Kelly asked about the blocks/squares shown in the rendering. Mr. Crosby said it is a synthetic stucco and Mr. Cambareri said it is similar to the new hotel.

Mr. Popper asked about the signage and Mr. Crosby showed the plan with the sign which is under regulation size. Mr. Cambareri asked how about the height of the ceiling and Mr. Crosby said about 14 feet.

Ben Zachs, CEO of Fine Fettle at 40 Woodland Street, Hartford said the ceiling height is higher in the middle for better camera angles.

Mr. Crosby explained the floorplan layout and said customers need to be buzzed in then go through a security check and then buzzed in again. He said appointments are required to go to the facility.

Mr. Zachs said due to COVID we implemented timed appointments and orders are placed online. He said it has actually worked well and we plan on continuing with that model.

Mr. Popper asked if this would be for medical patient and Mr. Zachs said no. Mr. Popper asked if they would still require appointments for recreational and Mr. Zachs said in the beginning appointments slots seem to make the most sense. He said the average transaction will be around 3-5 minutes. He said we do understand the demand. Mr. Popper asked what happens if someone just shows up and Mr. Zach said if an appointment is available we will allow them to place an order up front but if there are no appointments available then they will have to leave and place an order online. He said there will be no loitering allowed in the parking lot.

Mr. Zachs said that people must be 21 plus to enter the facility and he explained the check in process which includes ID verification.

The meeting was paused while the recording tape was changed at 8:21pm.

Chairman Kelly asked where the product was kept and Mr. Zach's said according to Connecticut State regulations it has to stay in the vault and can't come out. He said it is a DEA registry vault with 8 inches of concrete on all sides and steel rebar. He said that there is a day gate and employees must badge in. He explained the process of fulfilling orders.

Mr. Zach talked about the delivery from 4 producers and said the times can be inconsistent. The producers call ahead to secure delivery. He said every item delivered is counted and put in an inventory plan. He said CT has a seed to sale process. Mr. Zach said the building will have 360-degree camera coverage inside and outside with a 30-day backup camera. He said they do try to keep 90 days though. He said they track where all employees have badged in and out and not all employees have access everywhere.

Mr. Popper asked what the hours will be and how many employees. Attorney Souchins said it would be 9:00am - 8:00pm 7 days a week. and Mr. Zachs said they would have anywhere from 13 to maximum 20 employees. He said they may overstaff at the beginning and then right side that number as they understand the staffing needs better. He said we provide a stipend to employees who carpool, uber or use public transportation. He said we typically have 6-9 maximum employees working at one time. He said the transactions are between 3-5 minutes long and they allocate about 15 minutes from pull in to pull out for each customer.

Mr. Popper asked about the corporate structure and Mrs. Zachs said we have 18 facilities with 3 of them in Connecticut. He said those are medical facilities. Mr. Zachs named their Chief Officers and said they have 3 equity applicants who are based in Hartford, CT. He said there are 11 employees in the corporate office and 125 total employees. Ms. Grasso asked if it was hard to find staff and Mr. Zachs no. She asked about the pay scale and Mr. Zach said a budtender would make about \$18-20 an hour and Managers make in the \$75-90k range with full benefits.

Mr. Dufresne asked if there would be a pharmacist on staff and Mr. Zachs said no, not here but our Regional Director is a Pharmacist and our training curriculum is built by a pharmacist.

Mr. Popper asked about a monument sign on the street and Mr. Crosby showed the area where it would be on the plans and Mr. Popper said that is fine for tonight but the final plans should show it on there and based on your description it seems to be acceptable and within the guidelines.

Chairman Kelly asked about the parking space for the delivery truck and Mr. Zachs clarified the process of the delivery truck and the unloading process. Chairman Kelly asked for a sign in that spot that says no public parking.

Mr. Cambareri asked how long they anticipate it to be appointment only and Mr. Zachs said it depends on the demand and how many other establishments there are in the area. He said we will assess that based on different metrics and when it becomes more normalized. Mr. Zachs explained the differences between products sold at medical versus recreational facilities and the taxes at the recreational facility.

Chairman Kelly asked if anyone in the public wanted to speak for or against the application.

Paulette Scarpetti of the BBB at 29 Berlin Road said water from the Mattabesset comes up quite high between this site and our building. She said she is concerned about water coming into the building after they start construction. Mr. Popper said that the Town Engineer has reviewed this plan and site and legally no one is allowed to push water into someone else's property. He said we will make sure that is not going to happen. Ms. Scarpetti said this is an area where a 100-year flood is a concern. She also asked about the number of transactions per day and said based on their figures they will conduct 132 transactions per day so that is a lot more traffic than what they are saying. She said with only 37 parking spaces there may not be enough parking for all your customers and employees and they may go to other businesses to park and to use marijuana. Ms. Scarpetti said someone tried to steal a new umbrella and I can't imagine what 132 more people in the area would mean.

Tom Daley of SRL said we took the water concern seriously and we are not sending any water to the stream that is in between these properties. He said our stormwater detention area is further away and your property will not see any increase in runoff and there will be no drainage impacts. He also said the traffic study looks at peak hours and it concluded we have sufficient parking by exceeding the required 20 spots and having 37. Mr. Daley said his client has no interest in customers parking in the neighbor's business and the BBB is a far walk from our property.

Mr. Zachs said public on site consumption is not allowed and the company takes that very seriously. He said trespassing is not acceptable and the company wants to be good quiet neighbors.

James Demetriades, 272 Skyview Drive and a member of the Town Council said the Town Council wanted to make sure the organization was a good fit for the neighborhood. He said I am very impressed with the plan and presentation. He asked about the lighting in the parking lot and whether there would be light pollution and would it be well lit in the evening.

Mr. Daley said the lights will be LED full cut offs. He said they are modern fixtures that are fully programmable. He said there will be zero-foot candles at the property line, Mr. Zachs said the state has regulations as well.

Mr. Dufresne said that the proposed business would create quite a stir when opened and asked how they would manage the non-appointment customers. Mr. Zach said we would work with Laz Parking and would those without appointments that there are no slots. He also said they would put that appointments are necessary on all materials. They would also have greeters outside to manage the flow. Mr. Cordone asked about the availability of appointments for people who walk in and Mr. Zachs said they do have appointments for people who don't know what they want. He said there is a workflow to the operation. He said there is no scientific answer as to when they can get rid of appointments and many elements are up in the air. Chairman Kelly asked how people will know you are open and Mr. Zach said he isn't able to define the business as a marijuana facility. Chairman Kelly and Mr. Popper agreed an open now sign or similar would be consistent with other businesses' grand openings.

Chairman Kelly said this is a good site for something the State says is legal.

Paulette Scarpetti of the BBB asked when could this be built and open. Mr. Zachs said that is a good question and I wish I had an answer. He said it is usually a 6-8-month process for the building process and another 4 weeks or so for the regulatory checks but those are just estimates.

Mr. Cambareri asked if there were traffic issues would you work with the police. Mr. Zachs said the State law says they have to reimburse the extra money the police spend up to \$50,000.

A motion was made by Chris Cambareri and seconded by Brian Dufresne to close the public hearing for application 22-18. Chris Cambareri, Brian Dufresne, Chairman Kelly, Ken Rozich, Paul Cordone, John Keithan, Ann Grasso approved; the motion passed.

Mr. Popper said there should be a condition of a sign in the loading spot that says no public parking and the building sign and monument sign should be shown on the plan and to meet the regulations. He also said that no other departments including the Town Engineer, Police Chief and water department had any comments.

Mr. Popper and Attorney Souchins agreed that the motions should be in the order of application #22-20, #22-18, #22-19.

A motion was made by Ken Rozich and seconded by Paul Cordone to approve application #22-32. Chris Cambareri, Brian Dufresne, Chairman Kelly, Ken Rozich, Paul Cordone, John Keithan, Ann Grasso approved; the motion passed.

A motion was made by Ken Rozich and seconded by Brian Dufresne to approve application #22-18 with the 2 conditions of putting the signage that adheres to the regulations on the final plan and putting a no public parking sign on the loading parking spot. Chris Cambareri, Brian Dufresne, Chairman Kelly, Ken Rozich, Paul Cordone, John Keithan, Ann Grasso approved; the motion passed.

d. Application #22-20: Request for a Special Permit under Section 4.1 of the Zoning Regulations to construct a building within the Flood Zone at 5 Berlin Road. Bantry Bay Ventures, LLC & Michael J. Cannata are the Applicants and Michael J. Cannata is the Owner.

A motion was made by Ken Rozich and seconded by Chris Cambareri to approve application 22-20 with the 2 conditions of putting the signage that adheres to the regulations on the final plan and putting a no public parking sign on the loading parking spot. Chris Cambareri, Brian Dufresne, Chairman Kelly, Ken Rozich, Paul Cordone, John Keithan, Ann Grasso approved; the motion passed.

Michael Cannata returned to the meeting.

11. Commissioner's Comments:

12. Approval of Minutes:

a. July 19, 2022

A motion was made by Michael Cannata and seconded by Ann Grasso to approve the minutes of July 19, 2022. All were in favor; the motion passed.

13. Adjourn:

A motion was made by Brian Dufresne and seconded by Chris Cambareri to adjourn at 9:28pm. All were in favor; the motion passed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Linda Imme".

Linda Imme
Recording Clerk