

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
7:00 PM TUESDAY, MARCH 15, 2022
COUNCIL CHAMBERS CROMWELL TOWN HALL, 41 WEST STREET
AMENDED MINUTES AND RECORD OF VOTES**

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

Absent: Robert Donahue, John Keithan and Brian Dufresne

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


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

2. **Roll Call:**

The presence of the above members was noted.

3. **Seating of Alternates:**

There was no seating of alternates.

RECEIVED FOR RECORD
Apr 13, 2022 09:24A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT 

4. **Approval of Agenda:**

Mr. Popper said he would like to add to the agenda Application #22-06: Request to Amend Section 3.5.C.4 and Section 6.11 of the Zoning Regulation to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. The Town of Cromwell Planning and Zoning Commission is the Applicant. Mr. Popper said he would like to add this under New Business and there will be a public hearing held Tuesday, April 5th.

Michael Cannata made a motion to add Application #22-06 to the agenda. Seconded by Ann Grasso. *All in favor, Motion passed.*

5. **Public Comments:**

There were no public comments.

6. **Development Compliance Officer Report:**

Mr. Driska asked if anyone had any questions about any items. No comments were made

7. **Town Planner Report:**

Mr. Popper referred the Commission members to his comment memo for the March 15, 2022 PZC meeting. He said we received a lot of positive feedback from the people that attended the zoom meeting for the Affordable Housing Plan program that was prepared by the SLR consultants for the Lower Connecticut River Valley Council of Governments (River COG). Mr. Popper discussed the attached Community Vision Statement and the

Poll Everywhere Summary report. He said Cromwell is unique the region because we already have and our zoning regulations have provided for a diverse variety of single family, two family and multi-family housing at various price points. Mr. Popper quoted portions of the Community Vision Statement and said the important part of this is that “that future housing development should continue aligning with the unique characteristics of each neighborhood in accordance with the Plan of Conservation and Development which will be updated in 2022 to reflect the current vision for Cromwell”.

Mr. Popper said there are two applications up for Public Hearing tonight and two business items. He said that he would be asking the Commission to table Application #22-03, Request for a Site Plan Modification at 34 Shunpike Road to allow for the developer time to address the various staff comments which were included in the meeting packet.

Mr. Popper said that he would be asking the applicants to withdraw their applications listed below and replaced with the application and regulations prepared by town staff.

- a. Application #22-02: Request to amend Sections 3., 3.3.C.4 of the Zoning Regulations to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. Request to amend Sections 5., 5.2.H.4 of the Zoning Regulations to allow for the reduction of parking facilities. Michael J. Cannata and Bantry Bay Ventures, LLC are the Applicants.
- b. Application #22-05: Request to amend the Zoning Regulations to add a new Section 7.6 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. Mary Ann Marchio and 6 West Ave LLC are the Applicants.

Chairman Alice Kelly said she would like to say on the record and on behalf of the Commission that she would like to thank Mr. Popper and the staff that worked on the proposed cannabis regulations. She said I want to thank you very much because you did it in a short period of time and we really appreciate that.

Mr. Popper said he prepared and posted two RFP/RFQ's one to update the Plan of Conservation and Development (POCD) and one to amend the Zoning regulations. He said that three firms submitted proposals for the POCD and he expects the same firms to submit proposals to amend and update the zoning regulations. Mr. Popper explained that he would be setting up interview committees for RFP/RFQ's. He would like to have members of the Planning and Zoning Commission on both committees. Mr. Popper thinks it would be helpful if both he and Mr. Driska were present for the interviews. Mr. Popper said he will ask during Commissioner's comments if people could think about it and let him know if they would be interested.

8. New Business: Accept and Schedule New Applications:

Application #22-06: Request to Amend Section 3.5.C.4 and Section 6.11 of the Zoning Regulation to allow for the retails sales of cannabis and cannabis related products in the Highway Business Zone. The Town of Cromwell Planning and Zoning Commission is the Applicant.

Mike Cannata made a motion to accept and schedule application #22-06 for April 5th at the Public Hearing. Seconded by Chris Cambareri. *All in favor, Motion passed.*

9. New Business:

- a. Application #22-03: Request for Site Plan Modification at 34 Shunpike Road to allow for renovation of the building façade and improvements to the parking lot. Gary Dayharsh is the Applicant and MIHEL II LLC is the Owner. Mr. Popper asked the Commission to table the Application #22-03, to allow for the developer time to address the various staff comments.

Mike Cannata made a motion to table Application #22-03 Request for Site Plan Modification at 34 Shunpike Road to allow for renovation of the building façade and improvements to the parking lot. Gary Dayharsh is the Applicant and MIHEL II LLC Seconded by Chris Cambareri. *All in favor, Motion passed.*

- b. Application #22-04: Request for Site Plan Modification at 60 Hicksville Road to replace the existing pool with a splash pad. Adelbrook, Inc is the Applicant and the Owner.

Mr. John Wagenblatt, Engineer and Principal with the LRC Group located at 160 West Street, Suite E in Cromwell described the proposed splash pad at the Adelbrook facility at 60 Hicksville Road. He discussed the location of the existing swimming pool and pool house and noted that the pool has not been used and is empty from water except for some rain and snow melt. Mr. Wagenblatt said they would like to eliminate the entire pool area and replace it with a splash pad. He explained that the splash pad will include various fixtures with water going up and down out of fixtures. Mr. Wagenblatt said the plan calls for demolishing the pool and crushing the pool and deck cement and using as fill, topped with stone to bring it up to grade. He said they will remove the fencing around the pool and the pool house will remain.

Mr. Wagenblatt said a temporary construction driveway will be installed to provide access for the construction equipment. Access. He explained that in order to attenuate the stormwater two drains will be installed in the concrete pad area connecting into the manhole which will then go into the stormwater management system. Mr. Wagenblatt explained that the stormwater management system will attenuate up to the 25-year storm and then eventually back feed into the existing storm water system and flow out to the southwest.

Mr. Waggenblatt noted that Mr. John Egan the Chief Building Official in his review comments suggested that some type of handicapped access be provided to the splash pad area from the existing walking path. Mr. Wagenblatt said they came up with ADA compliant path from the sidewalk up to the splashpad. He said they are proposing to tie into the town water system.

Ann Grasso asked if the public could use the splashpad and what they will do to protect it if the public is not allowed.

Mr. Wagenblatt said the splash pad is strictly for the students of the school. He said the splash pad is fenced in with a gate, the splash pad water is on a timer and there will be a no trespassing sign.

Ms. Alyssa Goduti, president and CEO of Adelbrook said the campus is staffed 24 hours a day, seven days a week and there will be staff in the area of the splash pad when it is in use. She explained that any illegal use of the splash pad is trespassing and would be addressed. Ms. Goduti said the splashpad is not meant for public use it is for the students of the school.

Chairman Kelly asked if anyone who lives there, or a student was in a wheelchair that may need special access to this area. Ms. Goduti said the facility is designed to be handicapped accessible hence the need for the ADA compliant path. She noted that currently there is not anyone in the school that is in a wheelchair.

Ann Grasso said she does not consider the residents of Covenant Living the public, because they are adjacent institutions and were founded and at one time owned by the same organization. She said maybe an arrangement could be worked out so the residents of Covenant Living could use the splash pad.

Chairman Kelly asked if the water is being recirculated. Mr. Wagenblatt said the water will not be recirculated and the site is designed so it will work its way into the storm water drainage system on the site.

Chairman Kelly asked the commission if they had any questions or comments. Mr. Popper said he would like to make a note, which does not have to be a condition of approval, that staff will work with the applicant in regards to the grading around the handicap access path. He noted that based upon the plans shown this evening all the other staff comments have been addressed.

Michael Cannata made a motion to approve Application #22-04: Request for Site Plan Modification at 60 Hicksville Road to replace the existing pool with a splash pad. Seconded by Chris Cambareri. *All in favor, Motion passed.*

10. Public Hearing:

- a. Application #22-02: Request to amend Sections 3., 3.3.C.4 of the Zoning Regulations to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. Request to amend Sections 5., 5.2.H.4 of the Zoning Regulations to allow for the reduction of parking facilities. Michael J. Cannata and Bantry Bay Ventures, LLC are the Applicants.
- b. Application #22-05: Request to amend the Zoning Regulations to add a new Section 7.6 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. Mary Ann Marchio and 6 West Ave LLC are the Applicants.

The Commission members and the staff discussed the whether or not it was necessary to

open the public hearings based upon the fact that Mr. Popper had said the two applications would be withdrawn. The Commission decided to open the public hearings.

Michael Cannata recused himself at 7:53PM.

Ann Grasso made a motion to open the Public Hearing. Seconded by Paul Cordone. *All in favor, Motion passed.* Mr. Michael Cannata recused himself.

Ken Rozich read the Legal Notice excluding the Cannabis.

Attorney Amy Souchens from the Law offices of Hurwitz, Sagarin, Knuff, LLC, in Milford representing the applicants Michael J. Cannata and Bantry Bay Ventures, LLC. She said that she understands that there is a preference of not opening the public hearing on the Cannabis portion, however she respectfully requests that the hearing can be open, so she can provide in the context and reference so everyone can understand what's going on in the process.

Mr. Ken Rozich re-read the Legal Notice including Cannabis.

Attorney Amy Souchens said she does understand there will be a public hearing on the Cannabis Regulations prepared by the town staff at the next meeting. She said at the conclusion of the Public Hearing she will be withdrawing the Cannabis portion of the application. Attorney Souchens explained that currently under the existing zoning regulations the Commission has the authority to waive the requirements for parking space but not the requirements for loading spaces. She requests to amend section 5.2-C and 5.2-D and it's to add a subsection 4. with respect to loading spaces which would give the Commission the ability to waive the requirement for a loading dock.

Attorney Souchens noted that the deliveries to the medical cannabis facilities today in Connecticut are much like the deliveries to a pharmacy. She said there is a specific process that is followed for the deliveries and they are delivered in smaller types of vehicles like a Sprinter van similar to the Amazon delivery vehicles we see everywhere today. Attorney Souchens discussed the loading space portion of the proposed for her client and noted that Mr. Popper wants the site to be designed so that the loading space could be installed with a different user if need be. She pointed out that this facility will be designed to have more than the required number of parking spaces for a typical retail use and the point in amending the regulations is to allow for even more parking because the loading area will not be necessary.

Mr. Demetriades asked that the applicant provide more information on the area that will be sufficient to provide a loading zone for the deliveries to this facility. He noted we need some context for the size of the vehicles and the space needed.

Mr. Rozich said the applicant under this proposed amendment should have to demonstrate that they do not need a loading space.

Mr. Cordone was concerned with having enough parking spaces if they have the loading space. Attorney Souchens said at this facility there will be 40 to 50 parking spaces which will be way more than required by the regulations at this time.

Chairman Kelly asked how Cannabis is dropped off at the facility. Attorney Souchens introduced Ms. Margorie Juliado who works in a Cannabis medical facility. Ms. Juliado explained that when the deliveries arrive, they pull up to a secure area at the store and the staff is informed that the delivery is coming which they can also see on camera. She explained that the delivery people are met at the door, and they come and the product is unloaded and then it's checked off and then the delivery people leave. Ms. Juliado said the delivery happens very quickly and it's all very highly regulated.

Attorney Amy Souchens said she will revise the language in the regulation which will include the loading space and make a presentation for the meeting on April 5th. She requested to withdraw the portion of 3.,3.3 C.4 part of her application and continue the Public Hearing for the remainder of her application on April 5th.

Chairman Kelly asked if there were any members of the public that wished to address the Commission.

There were none.

Nick Demetriades made a motion to continue the Public Hearing to the April 5, 2022 meeting. Seconded by Ken Rozich. *All in favor, Motion passed.*

Mr. Andrew Simonow from 6 West Ave in East Hampton said he is the representative for Application #22-05: Request to amend the Zoning Regulations to add a new Section 7.6 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone. Mary Ann Marchio and 6 West Ave LLC are the Applicants. Mr. Simonow said he is respectfully withdrawing his application.

Chairman Kelly asked if there were any members of the public that wished to address the Commission.

Mr. James Demetriades, Town Council Liaison at 272 Skyview Drive discussed the proposed regulations. He said he supports cannabis sales and asked the commission to consider the economic impacts.

Nick Demetriades made a motion to close the public hearing; seconded by Ken Rozich.

11. Commissioner's Comments:

There were no comments.

12. Approval of Minutes:

a. March 1, 2022

Ann Grasso made a motion to approve the minutes; Seconded by Chris Cambareri. *All*

in favor, Motion passed

Mr. Popper asked the commission who would be interested in the interviewing process for the POCD and Zoning Regulations. Chairman Alice Kelly, Nick Demetriades and Chris Cambareri volunteered for the POCD interviewing process.

Chairman Alice Kelly, Ken Rozich and Paul Cordone volunteered for the Zoning Regulations interviews. Mr. Popper asked the volunteers to contact him and let him know when they are available.

Michael Cannata re-joined the meeting at 8:29 PM

13. Adjourn:

Michael Cannata made a motion to adjourn at 8:30 PM. *All in favor, Motion passed.*

Respectfully submitted,

A handwritten signature in cursive script that reads "Candice Fontaine". The signature is written in black ink and is positioned above the printed name and title.

Candice Fontaine
Recording Clerk