



## **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 statute 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 6<sup>th</sup>. 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 6<sup>th</sup>. 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 that reads "Linda Imme".

Linda Imme  
Recording Clerk