

RECEIVED FOR RECORD  
Jul 20, 2018 02:36P  
JOAN AHLQUIST *off*  
TOWN CLERK  
CROMWELL, CT

**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
7:00 PM TUESDAY JULY 17, 2018  
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET  
MINUTES AND RECORD OF VOTES**

**Present:** Chairman Alice Kelly, Vice Chairman Michael Cannata, Jeremy Floryan, Nicholas Demetriades, Brian Dufresne, Paul Cordone, David Fitzgerald (alternate)

**Absent:** Chris Cambareri, Ken Slade, Ken Rozich, John Keithan (alternate)

**Also Present:** Director of Planning and Development Stuart Popper, Development Compliance Officer Bruce Driska, Town Council Liaison James Demetriades

**1. Call To Order**

The meeting was called to order by Chairman Kelly at 7:01 p.m.

**2. Roll Call**

The presence of the above members was noted.

**3. Seating of Alternates**

Michael Cannata made a motion to seat David Fitzgerald; Seconded by Jeremy Floryan.  
*All in favor; motion passed.*

**4. Approval of Agenda**

Mr. Popper added the following item under New Business: Application #18-38: Site Plan Modification to remodel signs at 161 Berlin Road (Wal-Mart), Leticia Martinez, Applicant, which he asked the Commission to consider tonight as a business item.

Michael Cannata made a motion to accept the amended agenda; Seconded by Brian Dufresne. *All in favor; motion passed.*

**5. Public Comments**

There were no public comments.

**6. Development Compliance Officer**

Mr. Driska referenced his current report in the Commissioners' packets. He said that work at 120 County Line Drive was progressing, specifically the installation of infrastructure, stormwater management and stabilization mats. He said that the building at the TPC had been demolished, as well as the parking lot and foundation removed. They were working on the 18<sup>th</sup> hole reconfiguration. The temporary bathrooms, restaurant and clubhouse facilities were open by the 1<sup>st</sup> tee. He mentioned that the TPC

had installed a wireless webcam that he could use for checking on the Erosion and Sedimentation controls. Chairman Kelly asked Mr. Driska to come up with a recommendation regarding similar technology being a requirement for larger projects and Michael Cannata said it could be a useful tool for both the police and public works departments.

Mr. Driska mentioned that Application #18-34 is for a Special Permit for the sale of alcoholic beverages at the former Oyama Restaurant at 136 Berlin Road. Paul Cordone asked Mr. Driska to look into the trailer mounted sign at the Splash Car Wash and Mr. Driska said he would. There was a brief discussion regarding the town's options as far as having banks better take care of foreclosed properties. Mr. Driska said he gets contact information on bank ownership and the maintenance companies from the Town Clerk. Chairman Kelly asked him to consider additional ways to motivate the banks to better maintain the properties.

#### **7. Town Planner Report:**

Mr. Popper said that there was an application pending with Inland Wetlands regarding enlarging Hoffinan pond to make it into a skating and fishing pond. He said that there was an application for a building to be constructed between Baci Grill and Burger King. He referenced the large number of new applications to be scheduled tonight. He asked the Commission regarding their preference for meeting in August. He recommended having two meetings in August, during which the Nike Site applications could be considered at one meeting, that being August 21, and all other applications considered at a Special Meeting to be scheduled on August 7. After a brief discussion, it was agreed that the Commission would hold two meetings in August, per Mr. Popper's suggestion.

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

- a. Application #18-41: Request to modify the Site Plan to add additional parking spaces at 135 Berlin Road (the Cromwell Diner). Christopher Plummer is the Applicant and SAAD Associates LLC is the Owner.

Michael Cannata made a motion to accept the application and to schedule it as a business item to be considered August 7, 2018; Seconded by Paul Cordone.  
*All in favor; motion passed.*

- b. Application #18-42: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to permit a restaurant with the accessory sales of alcoholic beverages at 51 Shunpike Road. David Trembly is the Applicant and HBN-CSC LLC c/o HB Nitkin Group is the Owner.

Michael Cannata made a motion to accept the application and to schedule a public hearing for August 7, 2018; Seconded by Jeremy Floryan. *All in favor; motion passed.*

- c. Application #18-43: Request for a Special Permit under Section 8.7 of the Zoning Regulations to amend the Master Plan for 150 Country Squire Drive. Cromwell Village Associates, LLC is the Applicant and Country Squire Site LLC is the Owner.

Michael Cannata made a motion to accept the application and to schedule a public hearing for August 21, 2018; Seconded by Paul Cordone. *All in favor; motion passed.*

- d. Application #18-44: Request for a Special Permit under Sections 4.7.E and 8.7 of the Zoning Regulations for a Planned Multifamily Residential Development at 150 Country Squire Drive. Cromwell Village Associates, LLC is the Applicant and Country Squire Site LLC is the Owner.

Michael Cannata made a motion to accept the application and to schedule a public hearing for August 21, 2018; Seconded by Brian Dufresne. *All in favor; motion passed.*

- e. Application #18-45: Request for a Special Permit under Section 6.1 of the Zoning Regulations for Removal of Earth Material at 150 Country Squire Drive. Cromwell Village Associates, LLC is the Applicant and Country Squire Site LLC is the Owner.

Michael Cannata made a motion to accept the application and to schedule a public hearing for August 21, 2018; Seconded by Brian Dufresne. *All in favor; motion passed.*

- f. Application #18-46: Request for Site Plan Approval for a Planned Multifamily Residential Development at 150 Country Squire Drive. Cromwell Village Associates, LLC is the Applicant and Country Squire Site LLC is the Owner.

Michael Cannata made a motion to accept the application and to schedule it as a business item to be considered August 21, 2018; Seconded by Paul Cordone. *All in favor; motion passed.*

- g. Application #18-48: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to permit a restaurant with the accessory sales of alcoholic beverages at 136 Berlin Road. William Chen is the Applicant and TNO Cromwell LLC is the Owner.

Michael Cannata made a motion to accept the application and to schedule a public hearing for August 7, 2018; Seconded by Jeremy Floryan. *All in favor; motion passed.*

- h. Application #18-38: Request for Site Plan Modification to remodel signs at 161 Berlin Road (Wal-Mart). Leticia Martinez is the Applicant.

Michael Cannata made a motion to accept the application and to schedule it to be considered tonight as a business item; Seconded by Brian Dufresne. *All in favor; motion passed.*

**9. New Business:**

- a. Request for Bond Reduction at Northwoods of Cromwell.

Mr. Popper introduced this item by saying that money had been held for the installation of two wooden footbridges along the open space trail. Both bridges were installed and the developer was requesting that the money be released. Mr. Driska had inspected and written a memo recommending the release of \$12,000.00.

It was clarified that a total of \$25,000 was being held; \$12,000.00 for the two bridges and \$13,000.00 for landscaping.

Michael Cannata made a motion to release \$12,000.00 in bond funds for the two footbridges at the Northwoods subdivision; Seconded by Brian Dufresne. *All in favor; motion passed.*

- b. Application #18-38: Request for Site Plan Modification to remodel signs at 161 Berlin Road (Wal-Mart). Leticia Martinez is the Applicant.

Leticia Martinez, Bentonville, Arkansas, said Wal-Mart was undergoing a nationwide branding change and that signs were being added and/or changed and increased and/or decreased in size. She reviewed the specific size changes to each existing sign and noted that "market" was changing to "grocery" and "outdoor" to "lawn and garden". She said that the addition of two new signs was to inform customers of the vision center and pickup center for online ordering.

Mr. Driska said that the request was for building signs only and that the total difference was an increase of 47.44 square feet, which was still under the maximum allowed. Mr. Popper asked about the signs being lit and the applicant said that only "pick-up" and "Wal-Mart" would be illuminated with LED lights. Nick Demetriades asked about the linear frontage restriction and Mr. Driska said that it was within the limits. Chairman Kelly asked about the placement of the signs in relation to the corresponding areas within the store and the applicant said that she was not aware of the exact store layout, but that the layout would remain the same and that the sign may not be in the corresponding location. Mr. Popper clarified that the Wal-Mart store was built before the sign standards were updated and therefore not subject to the 200 square foot maximum for a building sign.

Michael Cannata made a motion to approve Application #18-38: Request for Site Plan Modification to remodel signs at 161 Berlin Road (Wal-Mart), Seconded by Paul Cordone. *All in favor; motion passed.*

**10. Public Hearings:**

- a. Application #18-35: Request to amend Sections 3.3.C.2 of the Zoning Regulations to allow for Marijuana Dispensary Facilities to be permitted in the Highway Business Zone District. Curaleaf CT Retail, LLC is the Applicant.

Nick Demetriades read the public notice.

Michael Cannata made a motion to open the public hearing; Seconded by Jeremy Floryan. *All in favor; motion passed.*

Michael Romano, Esq., 41 New Britain Avenue, Rocky Hill, represented the applicant and began by passing out a handout entitled "Medical Marijuana – Basic Q&A". He introduced Greg Schaan, 1201 Falls View Road, Manchester, who was there on behalf of Curaleaf Connecticut. Mr. Schaan reviewed a PowerPoint presentation for the Commission, beginning with an overview of the history of cannabis use. He said that this was an application for medical marijuana and clarified that recreational/adult use is illegal in Connecticut. He said that Curaleaf is focused on all aspects of safety, from its sources and processes for making medicine to outreach and education for physicians and patients. He said that all operations are contained within the state. The plants are cultivated and the oils and flowers are subject to testing by a third party. There are multiple forms of delivery of the medicine: the flowers themselves, oils extracted from the leaves, which are then made into topical rubs or tinctures or used for vaping, or incorporated into edible products. He said that there are nine dispensaries in the state. The state plans to license up to another ten dispensaries.

Mr. Schaan said that the entire process is regulated by the Department of Consumer Protection and there are stringent standards regarding security and reporting. All dispensaries get products from all of the producers. He said that there are currently about 27,000 patients and 22 qualifying conditions for adults and 7 for children. A board of physicians makes recommendations about qualifying conditions, which then must be approved by the state legislative.

He said that doctors do not write prescriptions. They instead certify the patient for a card. The dispensaries have licensed pharmacists who discuss dosage and delivery with the patients. He said that their hours of operation are 9 a.m. to 7 p.m. and a dispensary sees about 50 to 60 patients a day. He reviewed the legal requirements for dispensaries: that each patient must have an identification card, to be renewed annually. They must choose one dispensary to get their medicine and can access up to 2.5 ounces per month. The medicine must be dispensed in childproof packaging.

As far as security, staff must undergo extensive training, security officers are on-site to check identification cards and to prevent diversion or on-site use, there is a sophisticated inventory management and tracking system, and the company works closely with local public safety organizations. He provided examples of physician training materials, who must have additional education to certify patients. Pharmacists must have additional training to dispense. He also provided examples of patient education materials and reviewed the company's history of outreach and community giving. He showed photographs of a typical dispensary. He said no medicine is allowed on display and it

must be kept in vaults. He also showed a rendering of a proposed exterior. He said that they choose standalone buildings for security reasons.

At this time, the Department of Consumer Protection may grant up to ten more dispensary licenses. There are currently 73 applications pending. Mr. Schaan said that they are only looking for a zoning regulation change at this time. Their application for a license had been submitted and was under review. He said that different sections of the application are given different weights in terms of points and the highest scoring applications are awarded the license.

Michael Cannata asked if it was possible that the dispensary may not happen in town, even if the zoning regulation is changed, because of the competition for licenses. Mr. Schaan said yes, but he believed his company to have a better chance of getting a license because of their experience. Chairman Kelly asked if a site plan was included in the application and Mr. Schaan said yes. The vault and drive-through at the former Comcast/Liberty Bank were not useable and the building would likely require up to \$1M to retrofit. He said that they typically look for buildings about 2-3,000 square feet in size.

Mr. Popper said that this request was for a zoning amendment change only and that a site plan was not being considered at this time. If the amendment change was approved, the applicant would have to come back for a Special Permit to discuss specific properties. This zoning change is to allow it anywhere in the Highway Business zone, which is where most pharmacies and retail locations are situated and where most other towns have located them.

Mr. Schaan answered questions about security, saying that employees undergo background checks. Other security measures include surveillance of the roof and external walls, in addition to the presence of a security officer.

Nick Demetriades asked about the proposed regulation and was told it was based on other towns. Mr. Popper said it was written by the applicant's attorney. Michael Cannata noted that the amendment does not allow for growing and Mr. Schaan said that required a separate license.

There was some discussion regarding whether to include a distance requirement from establishments such as schools and churches. The applicant proposed a 250' distance requirement. Mr. Popper noted that the state guidelines required a site map be submitted that showed "all places used primarily for religious worship, public or private school, convent, charitable institution, whether supported by private or public funds, hospital or veterans' home or any camp or military establishment that are within 1000 feet of the proposed dispensary facility location". Michael Cannata recommended leaving out the distance requirement and considering the site location as part of the Special Permit in order to have more flexibility. Mr. Popper said that the Highway Business Zone is not very deep and Cromwell is a small town and it would be difficult to locate a dispensary with a distance requirement in place.

Mr. Popper reviewed the sections of the proposed zoning regulation change. It was proposed that Section 6.11.D.1.a be eliminated and language requiring a plan showing all uses within 500' be submitted, to mirror the state's language, or specifically a radius of 250'. 6.11.D.1.c. would be eliminated. It was also recommended that the hours of operation in 6.11.F.2 be eliminated and be considered as part of the Special Permit.

Michael Cannata asked about the effect of legalizing recreational marijuana. Mr. Schaan said that their license was for medical marijuana only. Mr. Popper said that most communities in Massachusetts, where it is legal, are addressing the matter via zoning. Michael Cannata wanted to make sure this was not an automatic open door to dispensing recreational marijuana. Mr. Popper did not think it was necessary to require a review of Special Condition approval for a dispensary in the event recreational marijuana is legalized. Chairman Kelly asked about adding "Medical" to the heading of "Marijuana Dispensary". There was some discussion about the effect of altering the stat's definition of "dispensary facility" and Mr. Popper recommended that no changes be made. Nick Demetriades asked about referencing the Special Permit criteria of 8.7 and Mr. Popper agreed that the dispensary should be added under Section 3.3.C.4 instead of 3.3.C.2. He said that 8.7 should be listed under "Additional Criteria" as well. Mr. Popper offered to fix the format at the staff level and provide a clean version for approval at the August 7, 2018 meeting. The applicant said that there was a sense of urgency to get approval as soon as possible.

The application was opened up to public comment.

Jennifer Beck, 42 Franklin Road, spoke in favor. She said that she was a cardholder and currently goes to Hartford, which is not always easy to get to. She said that people need access and that the town and its citizens will both benefit.

Avery Pessa, 1 Cozy Court, said she is a patient and advocate and in support. She drives to Bristol for her medicine. She said that dispensaries are very secure. She said that, if approved, this would be the only dispensary in Middlesex County.

Timothy Yankee, 17 Geer Street, spoke in support. He said patients are family members who are sick and need this medicine. He said that he had been a patient in the past. People needed it to be accessible in this area. He said that people wouldn't even know the dispensary was there. He thanked the Commission for considering the application and said most people are very accepting of medical marijuana.

Matthew Long, 120R Washington Road, said he was in full support. He was grateful that the Commission was considering the application. He said there were shortages and that was why additional dispensaries would be licensed. He said residents would benefit, as they need better access to treatment. He said this type of medicine helps veterans and cancer survivors.

Robert G. Venetianer, 34 Hemlock Court, wrote a letter in support, saying that new business in town is a good thing and approving this regulation change was smart for the town, as it would bring in revenue.

There were no more public comments.

Mr. Popper reviewed the proposed changes discussed tonight by the Commission:

That the text would be added to Section 3.3.C.4.;

That a map showing the location of sites within a 250' radius be submitted, mirroring the state's language;

That 6.11.D.1.c. be eliminated;

That 6.11.F.2. regarding specific hours be eliminated and hours of operation be determined at the time of the public hearing; and

That "See 8.7" be added under Additional Criteria.

Mr. Popper said that the Capital Regional Council of Governments and River Council of Governments had both submitted opinions of no impact.

Nick Demetriades said that he was happy that this was moving forward as he thought it was a positive addition to town and a good fit as a Special Permit matter. Michael Cannata said that this was good for Cromwell and good for patients.

Michael Cannata made a motion to approve Application #18-35: Request to amend Sections 3.3.C.4 and 6.11 of the Zoning Regulations to allow for Marijuana Dispensary Facilities to be permitted in the Highway Business Zone; Seconded by Brian Dufresne. *All in favor; motion passed.*

- b. Application #18-32: Request to amend Section 3.3.B of the Zoning Regulations to increase the Maximum Building Height from 40 feet to 55 feet in the Highway Business Zone District. The Town of Cromwell is the Applicant.

Michael Cannata made a motion to open the public hearing; Seconded by Nick Demetriades. *All in favor; motion passed.*

Mr. Popper said that both the River Council of Governments and Capital Region Council of Governments had submitted opinions of no negative impact. He said that the current regulations limit building height to 40' in the Highway Business Zone, which is essentially a three-story building, as four stories with a penthouse exceeds that height. He was proposing 55 feet to allow for a true four-story building. He read a letter from Cromwell Fire Chief Michael Terenzio, who said that the additional fifteen feet would not cause an adverse impact on firefighting. He said that the Cromwell Fire Department has equipment to fight a fire in a five- to six-story building. He said that the Fire Marshal would need to weigh in on safety matters during site plan review. He noted that a 55' building is not a high rise.



Mr. Popper said that there have been development inquiries but developers do not want to have to apply for a variance for building height. He reminded the Commission that this would only apply in the Highway Business Zone.

Michael Cannata made a motion to close the public hearing; Seconded by Nick Demetriades. *All in favor; motion passed.*

Michael Cannata made a motion to approve Application #18-32: Request to amend Section 3.3.B of the Zoning Regulations to Increase the Maximum Building Height from 40 feet to 55 feet in the Highway Business Zone District; Seconded by Jeremy Floryan. *All in favor; motion passed.*


**11. Approval of Minutes:**

- a. June 19, 2018: No action taken.

**12. Commissioner's Comments:** Nick Demetriades asked about the possibility of attending meetings electronically. Mr. Popper said that he would research it but was aware of other towns that had legal issues result from doing so. Mr. Driska said it was a matter of not being able to view the same presentation materials as Commissioners who are present at the meeting. Nick Demetriades noted that there is technology that would allow him to view the same materials. Mr. Popper said he would look into the possibility of attending electronically, but did not think that voting electronically would be possible.

**13. Adjourn:** A motion to adjourn was made by Michael Cannata. Meeting adjourned at 9:16 p.m.

Respectfully submitted,

  
Julie C. Petrella  
Recording Clerk