



**Town of Cromwell
Planning and Zoning Commission**

**REGULAR MEETING
7:00 P.M. TUESDAY JULY 17, 2018
ROOM 224 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. **Town Planner Report:**
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.
 - 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.
 - 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.
 - 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.
 - e. Application #18-45: Request for a Special Permit under Section 6.1 of the Zoning Regulations to Removal of Earth Material at 150 Country Squire Drive. Cromwell Village Associates, LLC is the Applicant and Country Squire Site LLC is the Owner.
 - f. Application #18-46: Request for Site Plan Approval for a Planned Multifamily Residential Development at 50 Country Squire Drive. Cromwell Village Associates, LLC is the Applicant and Country Squire Site LLC is the Owner.
 - 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.
9. **New Business:**
 - a. Request for Bond Reduction at Northwoods of Cromwell.

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.

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 (Continued).

11. Approval of Minutes:

a. June 19, 2018

12. Commissioner's Comments:

13. Adjourn

P & Z 2018 Permit Report						
Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status	
18-01	Coles Road Brewing LLC	14 Alcap Ridge	Manufacture and sale of beer	Approved 2/6/2018	Awaiting renovations	
18-04	Greater Hartford Community Foundation	100 Golf Club Road	Travelers Golf Tournament	Approved 3/27/2018	Event Complete	
18-05	Carrier Group, Inc.	76 Field Road	Special permit for Planned Residence Development	Approved	Awaiting Construction	
18-06	Carrier Group, Inc.	76 Field Road	Site Plann approval for Planned Residence Development	Approved	Awaiting Construction	
18-13	Carrier Group, Inc.	76 Field Rd/59R Nooks Hill/10 S. Ridge Rd	Substantial filling	Continued	Awaiting Construction	
18-14	Joe's Filling Station LLC	35A Berlin Road	Permit to see Alcohol	Approved 5/15/18	Bulding under renovation	
18-15	Cromwell Little League	WIS School ballfield	Add a scoreboard	Approved 5/15/18	Awaiting installation	

	P&Z 2018 Permit	Report		
Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date
18-17	PGA Tour, Inc.	674 Main Street	Gravel parking lot 1st tee	Accept 4/24/18
				Site improvements underway
18-18	Covenant Village	Missionary Road	Amend max bldg height zoning reg.	Approved 5/15/18
				Awaiting Construction
18-19	Covenant Village	Missionary Road	Amend master plan for Covenant Village	Accept 4/24/18
				Awaiting Construction
18-20	Garrett Homes, LLC	539 Main Street	Importing of fill	Approved 6/19/18
				Awaiting Construction
18-21	Garrett Homes, LLC	539 Main Street	Construct retail bldg.	Approved 6/19/18
				Awaiting Construction
18-26	Ed Bartolotta	New Lane & Hillside Rd	Car Show	Approved by staff 4/30/18
				Event Completed
18-27	Kemal Cecunjamin	35 Berlin Road	Restaurant	App with/cond. 6/5/18
				Renovations Underway
18-28	Town of Cromwell	41 West Street	Library Expansion	Approved 5/15/18
				Awaiting construction
18-29	Town of Cromwell	204 Main Street	Transfer materials and grading	Approved 6/5/18
				Awaiting Construction
18-31	The Well LLC	540 Main Street	Amend zoning reg. To permit café/tavern	Withdrawn

		P&Z 2018 Permit	Report			
Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status	
18-32	Town of Cromwell	Highway Bus. Zone Dist.	Amend zoning reg to increase max bldg height	Continued	Awaiting Approval	
18-33	Dennis King	14 North Ridge Drive	Addition to East side of existing accessory bldg	Withdrawn		
18-34	Bill Chen	136 Berlin Rd. Unit#115	K.K. Hibachi & Sushi Rest	Use Permit Approved by staff 5/31/18	Awaiting Sp. Permit	
18-35	Curaleaf CT Retail LLC		Amend 3.3.C.2 zoning reg	Scheduled for 7/17/18		
18-36	Linden Landscape Arch.	60 Hicksville Road	Adelbrook Additional Parking	Approved 6/19/18	Awaiting Construction	
18-37	Robert Gallitto	150 Sebethe Drive	Top soil processing facility	Approved 6/19/18	IWWA Approved 07/12/18	

Memo

To: Planning and Zoning Commission

From: Stuart B. Popper, AICP
Director of Planning and Development

Date: July 13, 2018

Re: Comments for the July 17, 2018 Meeting Agenda

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. *The 1.21 acre site contains the existing 13,099 square foot Cromwell Diner and is located on the south side of Berlin Road in the Highway Business Zone. The applicant is proposing remove some landscaping to install additional parking spaces in the rear of the building. Staff is requesting that the Commission accept the application and schedule it to be considered at the Tuesday August 21, 2018 meeting.*

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. *The applicant is proposing to open a full service restaurant in the vacant space located in the corner of the former KMART shopping center in the area adjacent to the Dollar Store. Staff is requesting that the Commission accept the application and schedule it to be heard as a public hearing item at the Tuesday August 21, 2018 meeting.*

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. *The applicant is proposing to amend the previously approved Master Plan for the Planned Multifamily Residential Development at the former Nike site. This application and the following applications #'s 18-44 and 18-45 all pertain to the development of the Nike site. Staff is requesting that the Commission accept the applications and schedule them to be heard at a public hearing at the Tuesday August 21, 2018 meeting.*

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.

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

f. Application #18-46: Request for Site Plan Approval for a Planned Multifamily Residential Development at 50 Country Squire Drive. Cromwell Village Associates, LLC is the Applicant and Country Squire Site LLC is the Owner. *Staff is requesting that the Commission accept the application and schedule it to be considered at the Tuesday August 21, 2018 meeting.*

e. 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. The applicant is proposing to open a full service restaurant in the former Oyama Restaurant space. Staff is requesting that the Commission accept the application and schedule it to be heard as a public hearing item at the Tuesday August 21, 2018 meeting.

9. New Business:

a. Request for Bond Reduction at Northwoods of Cromwell. *The applicant is requesting a reduction in the bond for the installation of the wooden bridges on the trail system. Please see attached letter.*

10. Public Hearing:

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. *The applicant is proposing to amend the Section 3.3.C.2 of the Zoning Regulations to allow for a Marijuana Dispensary Facility to be permitted by special permit in the Highway Business Zone District. Attached is a copy of the proposed regulations.*

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. *The Town is proposing to amend the Zoning Regulations to allow for increased height of buildings within the Highway Business Zone District.*

18-41

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN APPROVAL Modification

Name of Project: Cromwell Dipur
Street Address: 135 Berlin Rd
Volume/Page: _____ PIN #: _____

Applicant Name: Christian Plummer
Address: 224 Shumpike Rd
Cromwell

Telephone: 860-398-0101 (day) _____ (evening)

Email Address: christian@plummerlandscaping.com


Property Owner Name: SAAD Associates, LLC
Address: 135 Berlin Road
Cromwell, CT 06416

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 DEP <u>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.

 Christian Plummer 7-10-18
Applicant Name and Signature Date

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
APPLICATION FOR SPECIAL PERMIT

Type of Activity: RESTAURANT, SIT DOWN, WITH ACCESSORY SALE of Alcoholic Beverages
(Per Section 3.2.C.4 of the Cromwell Zoning Regulations)
Street Address: 51 SHUN PIKE Zoning District: LOCAL BUSINESS
Assessor's Parcel ID #: 00107900 Volume/Page: 1613/209

Applicant's Name: David Tremblay
Address: 105 Fisk Dr Newington
Telephone Number (daytime): 860-371-5757
Email Address: dtremblay189@yahoo.com

Property Owner's Name: Craig Way
Address: 230 mason st W Greenwich CT 06830

Description of Proposed Activity:
Fit out for a Barbs Pizza Restaurant

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).*

[Signature]
(applicant)

7-9-18
(date)

18-43

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
APPLICATION FOR SPECIAL PERMIT

7/11/18 JD
RECEIVED

Type of Activity: Special Permit to Amend Master Plan
(Per Section 8.7 of the Cromwell Zoning Regulations)
Street Address: 150 Country Squire Drive Zoning District: PRD
Assessor's Parcel ID #: 00336000 Volume/Page: 1486/142
Cromwell Village Associates, LLC
Applicant's Name: c/o Joseph P. Williams, Esq., Shipman & Goodwin LLP,
Address: One Constitution Plaza, Hartford, CT 06103-1919
Telephone Number (daytime): 860-251-5127
Email Address: jwilliams@goodwin.com

Property Owner's Name: Country Squire Site LLC
Address: 10 Sachem Drive, Cromwell, CT 06416

Description of Proposed Activity:
Amendment to Master Plan to make minor changes, to shift unit types between buildings, and to reduce the height of the buildings abutting neighboring condominiums. The number of buildings and units will not change and the footprints and layout will remain substantially the same.

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).*

Joseph P. Williams
(applicant)
By: Joseph P. Williams, Esq.
Attorney for Applicant

7/10/18
(date)

18-44

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
APPLICATION FOR SPECIAL PERMIT

RECEIVED
7/11/18 JPD

Type of Activity: Planned Multifamily Residential Development

(Per Section 4.7.E and 8.7 of the Cromwell Zoning Regulations)

Street Address: 150 Country Squire Drive Zoning District: PRD

Assessor's Parcel ID #: 00336000 Volume/Page: 1486/142

Cromwell Village Associates, LLC

Applicant's Name: c/o Joseph P. Williams, Esq., Shipman & Goodwin

Address: LLP, One Constitution Plaza, Hartford, CT 06103-1919

Telephone Number (daytime): 860-251-5127

Email Address: jwilliams@goodwin.com

Property Owner's Name: Country Squire Site LLC

Address: 10 Sachem Drive, Cromwell, CT 06416

Description of Proposed Activity:

The proposed project consists of building seven multifamily residential buildings (a total of 160 apartment homes) including an amenities building and a pool with associated site infrastructure.

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).*

Joseph P. Williams
(applicant)
By: Joseph P. Williams, Esq.
Attorney for Applicant

7/10/18
(date)

18-45

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION



APPLICATION FOR SPECIAL PERMIT

Type of Activity: Filling and Removal of Earth Material

(Per Section 6.1 of the Cromwell Zoning Regulations)

Street Address: 150 Country Squire Drive Zoning District: PRD

Assessor's Parcel ID #: 00336000 Volume/Page: 1486/142

Cromwell Village Associates, LLC

Applicant's Name: c/o Joseph P. Williams, Esq., Shipman & Goodwin LLP,

Address: One Constitution Plaza, Hartford, CT 06103-1919

Telephone Number (daytime): 860-251-5127

Email Address: jwilliams@goodwin.com

Property Owner's Name: Country Squire Site LLC

Address: 10 Sachem Drive, Cromwell, CT 06416

Description of Proposed Activity:

The proposed project consists of building seven multifamily residential buildings (a total of 160 apartment homes) including an amenities building and a pool with associated site infrastructure. Approximately 25,000 cubic yards of material will be removed from the site for the construction of the project.

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)*.

Joseph P. Williams
(applicant)
By: Joseph P. Williams, Esq.
Attorney for Applicant

7/10/18
(date)

15-18-46

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN APPROVAL



Name of Project: Planned Multifamily Residential Development
Street Address: 150 Country Squire Drive
Volume/Page: 1486-142 PIN #: 00336000

Applicant Name: Cromwell Village Associates, LLC
Address: c/o Joseph P. Williams, Esq., Shipman & Goodwin LLP,
One Constitution Plaza, Hartford, CT 06103-1919
Telephone: 860-251-5127 (day) _____ (evening)
Email Address: jwilliams@goodwin.com

Property
Owner Name: Country Squire Site LLC
Address: 10 Sachem Drive
Cromwell, CT 06416

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 any part of the site within 500' of an adjoining town?* (Yes) (No)
- 2. *Will this project require an Inland Wetlands Agency permit if yes, have you obtained it?* (Yes) (No) _____
- 3. *Will this project require a DEP Stormwater Management Permit if yes, have you applied for it?* (Yes) (No) (submitted)
- 4. *Will this Project Require an STC Permit if yes, have you submitted a copy of the plans to the STC?* (Yes) (No)
- 5. *Does the parking comply with the handicapped parking 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

July 10, 2018
Date

By: Joseph P. Williams, Esq.
Attorney for Applicant

18-48

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
APPLICATION FOR SPECIAL PERMIT

Type of Activity: Restaurant with accessory sales of alcoholic beverages
(Per Section 7.5.B.4 of the Cromwell Zoning Regulations)

Street Address: 136 Berlin Rd Zoning District: HB

Assessor's Parcel ID #: 00094000 Volume/Page: 1563/216

Applicant's Name: William Chen
Address: 15 Faxon Dr, West Hartford, CT 06117

Telephone Number (daytime): 860-416-7771

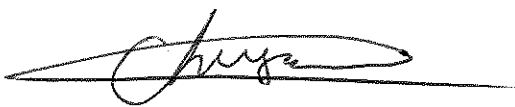
Email Address: ourname@gmail.com

Property Owner's Name: TNO CROMWELL LLC

Address: Ocean Harbor Dr. Ocean Harbor, NY 11572

Description of Proposed Activity:
Restaurant with accessory sales of
alcoholic beverages

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)

7/12/18

(date)

Northwoods of Cromwell, LLC
370 Deming Road
Kensington, CT 06037
Phone: (860) 828-3512 Fax: (860) 828-0549
Email: nadeaufoundations@yahoo.com

July 12, 2018

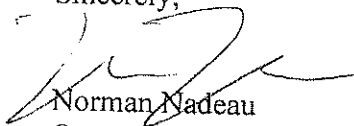
RE: Release of Bond for (2) Bridges for Northwoods of Cromwell Bucks Crossing and Fawn Run

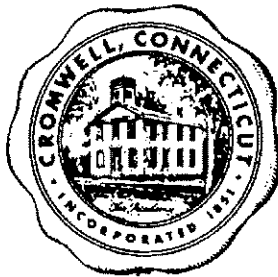
Town of Cromwell
Planning and Zoning
Attn: Stuart Popper
2nd Floor
41 West St
Cromwell, CT 06416

To Whom It May Concern:

This letter is to request the release of the Bond for 2 Bridges at Northwoods of Cromwell.

Sincerely,


Norman Nadeau
Owner



MEMORANDUM

To: Stuart B. Popper, AICP, Director of Planning & Development
From: Bruce E. Driska, CZEO, Zoning & Wetlands Enforcement Officer *BD*
Date: July 12, 2018
Re: **Request for (Partial) Bond Release, Northwoods of Cromwell**

I recommend the release of \$12,000 in bond funds designated for two (2) trail foot bridges at the Northwoods subdivision.

Town of Cromwell

REPORT of RECEIPTS to TOWN TREASURER

DEPARTMENT	DEPARTMENT REPORT NO.	DATE OF REPORT	PERIOD
ACCOUNT	SOURCE OF RECEIPT	CASH	FROM TO AMOUNT
P+Z		1/12/18	
	P+Z Cash Bond ck #2119 Northwoods of Cromwell P.O. Box 163 Berlin, CT 06037 Per P+Z Request 12/12/17 mtg. (26 street trees - \$13,000.00) (2 wooden bridges - \$12,000.00) Site: Northwoods	(✓)	\$25,000.00

I hereby certify that this is a true and complete report of all collections made by this office since the date of the last report.

TOTAL ➔ \$25,000.00
 Signature Phota Date 1/12/18

ACCOUNT	AMOUNT	For Treasurer's Office Use:
001-2021	\$25,000.00	DATE RECEIVED: <u>1/12/18</u>
		RECEIVED BY: <u>RK</u>
		RECORDED BY: _____
TOTAL ➔	\$25,000.00	

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

The Town of Cromwell Planning and Zoning Commission will hold a Public Hearing on Tuesday July 17, 2018 at 7:00 p.m. in Room 224 of the Cromwell Town Hall at 41 West Street on the following item:

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

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 5th day of July 2018.



18-35

Town of Cromwell
Planning and Zoning Commission

APPLICATION TO AMEND THE ZONING REGULATIONS

Name: Curaleaf CT Retail, LLC
Address: 100 Grist Mill Lane
Simsbury, CT 06070
Telephone: 860-559-0361 Email: greg@curaleaf.com

A. Request to Change an Existing Regulation:

- 1. Current Article Number: 3.3.C.2
- 2. Current Regulation wording (attach if necessary):
- 3. Proposed Change wording (attach if necessary): See attached

B. Request to Create a New Regulation:

- 1. Suggested Article Number: 6.11
- 2. Zoning District(s) to be Affected by New Regulation: Highway Business Zone
- 3. New Regulation wording (attach if necessary): See attached

C. Reason for Proposed Change or New Regulation:

To provide local, convenient access to certain medicines for local residents.

Greg Schain
(applicant)
CURALEAF CT Retail LLC

5/29/18
(date)

ADD the following:

Permit Medical Marijuana Dispensary or Production Facilities as Special Exception as follows in SECTION VI. G. 3. f. And SECTION VI. H. 3. L.

- (1) Medical Marijuana Dispensary or Production Facilities: subject to Special Exception and Site Plan approval.**
- a. No medical marijuana dispensary or production facility shall be permitted to be located closer than 300 feet measured closest point of the building housing the use to closest point, in a straight line, from a public or private school or an established place of worship.**
 - b. Any proposed dispensary or production facility shall meet all criteria as established by any applicable Connecticut General Statute or any applicable regulation of the Department of Consumer Protection pertaining to such facilities.**
 - c. Any dispensary facility which is permitted under this Section or any Section of the Connecticut General Statutes existing at the time of approval may not be permitted to dispense marijuana for recreational purposes, regardless of any revision to the Connecticut General Statutes permitting such use without first seeking and obtaining a special permit from the Commission for such change of use.**

Key: New text is shown in **BOLD**

Amend SECTION II – INTERPRETATION OF REGULATIONS, as follows:

C. Definitions

ADD the following:

Licensed Medical Marijuana Production Facility: Means a secure, indoor facility where production of marijuana occurs and that is operated by a person to whom the Connecticut Department of Consumer Protection has issued a producer license under section 10 of “An Act Concerning the Palliative Use of Marijuana and whose purpose is to cultivate marijuana for palliative use, selling, delivering, transporting or distributing such marijuana only to licensed dispensaries under sections 1 to 15, inclusive of the Act.

Licensed Medical Marijuana Dispensary Facility: Means a place of business where marijuana may be dispensed or sold at retail by a pharmacist licensed pursuant to Connecticut General Statutes, Chapter 400j, Sections 1 to 15, inclusive, to qualifying patients or primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit to an applicant under the Act Concerning the Palliative Use of Marijuana, Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

Amend SECTION VI – COMMERCIAL AND INDUSTRIAL ZONES, as follows:

ADD the following:

Permit Medical Marijuana Dispensary Facilities as Special Exception as follows in SECTION VI. A. 3.e. And SECTION VI. C. 3. g. And SECTION VI. D. 3. d. And SECTION VI. E.3.c. And SECTION VI. F.3.d.

- (1) **Medical Marijuana Dispensary Facilities: subject to Special Exception and Site Plan approval.**
 - a. **No medical marijuana dispensary facility shall be permitted to be located closer than 300 feet measured closest point of the building housing the use to closest point, in a straight line, from a public or private school or an established place of worship.**
 - b. **Any proposed dispensary facility shall meet all criteria as established by any applicable Connecticut General Statute or any applicable regulation of the Department of Consumer Protection pertaining to such facilities.**
 - c. **Any dispensary facility which is permitted under this Section or any Section of the Connecticut General Statutes existing at the time of approval may not be permitted to dispense marijuana for recreational purposes, regardless of any revision to the Connecticut General Statutes permitting such use without first seeking and obtaining a special permit from the Commission for such change of use.**

PROPOSED ZONING AMENDMENTS

3.3.C.2

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

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.

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.

July 10, 2018

TO: CROMWELL PLANNING AND ZONING COMMISSION

REPORT ON ZONING REFERRAL Z-2018-51: Proposed zoning regulation amendments to Sections 3.3.C.2 and 6.11 (new) to allow medical marijuana dispensaries with conditional approval in the Highway Business Zone.

COMMISSIONERS: Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

COMMENT: The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.

The public hearing date has been scheduled for 7/17/2018.

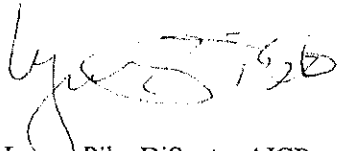
In accordance with our procedures this letter will constitute final CRCOG action on this referral. Questions concerning this referral should be directed to Lynne Pike DiSanto.

DISTRIBUTION: Planner: Berlin, Rocky Hill, Glastonbury, River COG

Respectfully submitted,

Karl Robert Profe, Chairman
Regional Planning Commission

Jennifer Bartiss-Earley, Vice Chairman
Regional Planning Commission



Lynne Pike DiSanto, AICP
Principal Planner and Policy Analyst

18-32



**Town of Cromwell
Planning and Zoning Commission**

APPLICATION TO AMEND THE ZONING REGULATIONS

Name: Town of Cromwell
Address: 41 West Street
Cromwell, CT 06416
Telephone: 860-632-3422 Email: spopper@cromwellct.com

A. Request to Change an Existing Regulation:

1. Current Article Number: Section 3.3.B
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. New Regulation wording (attach if necessary):
Increase the Maximum Building Height from 40 feet to 55 feet
in the Highway Business Zone District

C. Reason for Proposed Change or New Regulation:

Stuart B. Popper
(applicant)

5/8/18
(date)

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY JUNE 19, 2018
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Chris Cambareri, Jeremy Floryan, Ken Slade, Nicholas Demetriades, John Keithan (alternate)

Absent: Ken Rozich, Brian Dufresne, Paul Cordone, David Fitzgerald (alternate)

Also Present: Director of Planning and Development Stuart Popper, Town Engineer Jon Harriman, Development Compliance Officer Bruce Driska, Town Attorney Kari Olson

1. Call To Order

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

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Michael Cannata made a motion to seat John Keithan; Seconded by Chris Cambareri. *All in favor; motion passed.*

4. Approval of Agenda

Mr. Popper added the following item under New Business Accept and Schedule New Applications: Application #18-38: Site Plan Modification to remodel signs at 161 Berlin Road (Wal-Mart), Alicia Martinez, Applicant, to be considered on July 17, 2018, as a business item.

It was agreed that the Executive Session would be moved to after New Business.

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

Mr. Popper mentioned that Application #18-33 had been withdrawn.

5. Public Comments

Robin Levanti, 20 Fawn Run, Cromwell, read a letter to the Commission regarding her objections to the possible two-lot development of the parcel in Rocky Hill, north of Fawn Run, and the creation of a potential accessway through Lot 20 of the Northwoods subdivision. She said that the residents of Fawn Run were vigorously opposed and submitted a partial petition to that effect.

Mr. Popper told her that the application submitted to Rocky Hill had been withdrawn and nothing was pending. She asked if one house could be developed, thus creating access to the property. Mr. Popper said that it was normal for towns to negotiate the terms of access, but nothing was being considered at the time.

Danielle Libera Tencza, Company N Tempo, 211 Shunpike Road, Unit 8, and Ed Long, Middlesex Glass, 211 Shunpike Road, Unit 3, spoke regarding their concerns over the process for issuing zoning infractions. He said that they had recently been told to remove their lawn and sandwich board signs, and this had taken place in front of customers, which was upsetting to them. Mr. Long said that the process should be a written notice with a point of contact, and a 30 day cure period before action is taken. He said that their businesses are hidden and they have no frontage. The simple lawn signs attract customers as they can be seen while traveling quickly on Shunpike Road.

Mr. Popper offered to meet with Mr. Long and Ms. Tencza, along with Mr. Driska, to discuss their concerns. He said that they could leave their A frame signs in place until that meeting. Mr. Cambareri said that the Zoning Regulations allow some signage exceptions the two weeks before and after the golf tournament, but to check with Mr. Driska. Michael Cannata said that the Commission is business friendly and thanked them for stating their concerns. He said that if they don't get a resolution after talking with Mr. Popper and Mr. Driska to come back to the Commission.

6. Development Compliance Officer

There was no report.

7. Town Planner Report:

There was no report.

8. New Business: Accept and Schedule New Applications:

- a. Application #18-36: Request for Site Plan Modification to add more parking at Adelbrook at 60 Hicksville Road. Linden Landscape Architects LLC is the Applicant and Adelbrook, Inc. is the Owner.

Nick Demetriades made a motion to accept the application and to schedule it to be heard at tonight's meeting; Seconded by Michael Cannata. *All in favor; motion passed.*

- b. Application #18-37: Request to Operate a Top Soil Processing Facility under Section 3.5.C.3 of the Zoning Regulations at 150 Sebeth Drive. Robert Gallitto is the Applicant and Alvin Ravizza is the Owner.

Michael Cannata made a motion to accept the application and schedule it to be heard at tonight's meeting; Seconded by Nick Demetriades. *All in favor; motion passed.*

- c. Application #18-38, Site Plan Modification to remodel signs at 161 Berlin Road (Walmart), Alicia Martinez, Applicant, to be considered on July 17, 2018, as a business item.

Michael Cannata made a motion to accept the application and schedule it to be heard as a business item on July 17, 2018; Seconded by Nick Demetriades. *All in favor; motion passed.*

9. New Business:

- a. Application #18-36: Request for Site Plan Modification to add more parking at Adelbrook at 60 Hicksville Road. Linden Landscape Architects LLC is the Applicant and Adelbrook, Inc. is the Owner.

Mr. Popper said that the Commission had previously approved Application #18-27 to add more parking. This request was for an additional ten (10) spaces. Mr. Harriman had two comments per his June 12, 2018 memo, requesting to review the maintenance plan and that the applicant submit a maintenance report annually, by January 31 of each year. Per Mr. Driska, one additional tree was to be planted.

Tom Linden of Linden Landscape Architects presented the application. He said that they were asking to construct 10 more parking spaces, 4 on one side and 6 on the other. The total space count would then be 187. He said that the net increase in paving and storm runoff would be 547 square feet, which would have minimal impact. He said that they have 11 trees already planted and were requesting a waiver of the additional one tree.

Mr. Driska said that the one tree should be planted as this is the parking lot in front of the main building. The applicant agreed to the one tree as well as to the annual maintenance plan and reporting requirement.

Michael Cannata made a motion to approve Application #18-36: Request for Site Plan Modification to add more parking at Adelbrook at 60 Hicksville Road. with the following conditions: that the requirements in Jon Harriman's memo June 12, 2018 be adhered to, that the requirements in Bruce Driska's memo June 5, 2018 be adhered to, and that the applicant submit the missing maintenance plan by July 31, 2018; Seconded by Chris Cambareri. *All in favor; motion passed.*

- b. Application #18-37: Request to Operate a Top Soil Processing Facility under Section 3.5.C.3 of the Zoning Regulations at 150 Sebeth Drive. Robert Gallitto is the Applicant and Alvin Ravizza is the Owner.

Mr. Popper said that the property was located in the Industrial Zone and the processing of materials was allowed in that zone. He said that because there were residential properties located nearby, they had reviewed the town's noise ordinances.

Robert Gallitto presented the application. He wanted to store extra materials and screen topsoil. He said that the screening was done on an as needed basis, seasonally. He said that the noise levels, per his tests, were 57 decibels, under the 70 decibel threshold when there is a residence 500 feet away. He showed his site location and that of adjacent properties. He said that his hours were 7 a.m. to 6:30 p.m. on

weekdays, and 8 am to 6 p.m. on Saturdays and 10 a.m. to 5 p.m. on Sundays.

Mr. Driska read his June 15, 2018, memo saying that Class C noise emitters can operate during daytime hours and that hours proposed by the applicant were less than those allowed. He said that a silt fence should be installed by the entranceway to the property.

Mr. Popper read three letters of support from nearby businesses, Joseph's Autobody, Roy's Landscaping, and the Tap House, saying that Mr. Gallitto was a respectable businessman and his proposal would not cause any disturbance to their businesses.

Mr. Popper said that the closest proposed use in the Regulations is #3, Other Uses: Assembly, Manufacturing, Processing or Wholesale Distribution of Goods. He said that there have been noise issues in the past because of the adjacent residences and the topography of the area. He wanted leeway to adjust the applicant's hours in the event of problems. Chairman Kelly asked that the applicant to forego screening on Sundays, to which he agreed. Michael Cannata said he may have to cut his hours back to more middle of the day. The applicant said that the screening operation separates the dirt from rock. He also stores topsoil, stone and millings, as well as his heavy equipment.

Michael Cannata made a motion to approve Application #18-37: Request to Operate a Top Soil Processing Facility under Section 3.5.C3 of the Zoning Regulations at 150 Sebeth Drive under two conditions: that no screening be conducted on Sundays and that the applicant work with the Town Zoning Enforcement Officer and Town Planner in the event of any noise concerns; Seconded by Chris Cambareri. *All in favor; motion passed.*

10. Old Business:

- a. Application #18-21: Request for Site Plan Approval to construct a new retail building at 539 Main Street. Garrett Homes, LLC is the Applicant and P&D LLC is the Owner.

Chairman Kelly stated that she had listened to the tapes for the meetings she had missed.

Matthew Bruton, Engineer with BL Companies, presented the application. He began by reviewing the 1 acre site at 539 Main Street, saying it currently has a single family home. The applicant was proposing a 9,100 square foot retail building. He was proposing an access drive onto Main Street and said that an encroachment permit from the state would be required, but local approval was needed first. He reviewed the abutters and zones surrounding the site. He said that all setbacks and parking requirements were met, and all utilities were available.

Mr. Bruton reviewed the grading and drainage plan next, saying the site was shaped like a bowl. He proposed both a detention basin and subsurface infiltration system to reduce peak runoff and reduce total suspended solids. There would be no outlet to the road

drainage, but all water would be retained on site. He also reviewed the erosion and sedimentation plan. He said that he had submitted a stormwater management report to staff for review. Mr. Bruton next reviewed the landscaping plan and lighting plan.

He presented the revised architectural plans. He said that that windows were 6 feet by 6 feet and 16' 9" apart on the front façade and 18' 10" along the side. The HVAC unit was lowered to just above the finished floor and hidden by a chain link fence with privacy slats. There was also a privacy wall proposed for around the detention basin. Those two elements, along with the landscaping, would provide noise mitigation. The applicant said that no lighting, doors or windows were proposed for the side of the building facing the Subway.

Mr. Bruton said that the arborvitae would be planted at 135 elevation, providing screening to 141. They were cover half the building from view at first and then grow to the shingled roofline. He said adding a berm was not practical as it would cause flooding to the neighbors.

Nick Demetriades said that he went through the meeting documents and minutes. He asked about anti-tracking measures. Mr. Bruton said that he proposed an Erosion and Sedimentation Plan, to include a riprap track pad, sweeping, silt fence, dust control via watering, silt sacks and seeding/planting any stockpiles that are not to be immediately used. He said that snow storage would be onsite unless removal was needed. Mr. Driska said that he, as ZEO, had the power to add more erosion and sedimentation controls as necessary.

Michael Cannata said that all of his previous questions had been addressed.

Mr. Popper asked about the height of the fencing proposed, as well as their locations.

Doug Grunert, BKA Architects, reviewed the colors proposed, which were a light yellow beige as the main color, a tanner beige accent for the gable, a light brown asphalt shingle and brown fencing around the HVAC unit. Chairman Kelly was concerned about the vinyl fencing being white. Mr. Grunert said he could modify the colors to make it match.

Mr. Bruton said that there was not a contracted tenant at the moment, that the DOT encroachment permit review probably would take at least 4 to 6 weeks, for a fall start to construction and finishing in spring 2019.

Chris Cambareri asked about adding windows to the side facing the Subway to make it more pleasing aesthetically for Main Street. Mr. Bruton said that side would be landscaped and screened from viewing from Main Street by street trees as well.

11. Public Hearings:

- a. Application #18-20: Request for a Special Permit under Section 6.1D of the Zoning Regulations to permit the importing of fill at 539 Main Street. Garrett Homes, LLC is the Applicant and P&D LLC is the Owner (continued).

Michael Cannata made a motion to open the Public Hearing for Application #18-20; Seconded by Jeremy Floryan. *All in favor; motion passed.*

Mr. Bruton said that the site was shaped like a bowl. In order to raise it up, they were asking for a Special Permit for 1,400 cubic yards of fill to bring the finished elevation to match the neighbors and for stormwater management purposes. The water would be captured and retained onsite and recharge the groundwater. Mr. Bruton said this would take about 10 days of trucking in the materials, about 70 truckloads, during normal business hours. He agreed to limit the trucking hours during school bus route hours when children are using the sidewalks. Chairman Kelly asked the applicant to work with Mr. Driska regarding that condition. Mr. Bruton said he would and asked to incorporate his previous testimony into tonight's hearing.

Mr. Popper said that the Town Engineer, via a memo dated June 19, 2018, had asked that the stormwater management be included on the site plan for compliance purposes and that an annual management report be provided by January 31 of each year.

Mr. Popper asked about the HVAC equipment enclosure and was told that it reduced noise and rattling so that it was 72 decibels at 10 feet away. He also asked about the fence color and windows, to ensure that if they were added, they would be spaced out.

There were no public comments.

The applicant said that they were agreeable to the Town Engineer's requests. Mr. Bruton offered to add two windows to the front of the north side of the building, to move the rest of the planned landscaping down to the rear of the north side of the building, and to change the fence color to a wood grain finish.

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

Michael Cannata made a motion to approve Application #18-21: Request for Site Plan Approval to construct a new retail building at 539 Main Street; with the following conditions: that Jon Harriman's memo dated June 19, 2018 be adhered to, that the North facing blank wall have two window treatments added to it at the front and the landscape screening be moved to the rear of the building, and that the fence around the detention basin be tan, with a wood grain finish; Seconded by Chris Cambareri. *All in favor; motion passed.* (Nick Demetriades and John Keithan abstained).

Michael Cannata made a motion to approve Application #18-20: Request for a Special Permit under Section 6.1.D of the Zoning Regulations to permit the importing of fill at 539 Main Street; with the following condition: that the applicant work with Town Staff regarding the hours of truck access to the site; Seconded by Chris Cambareri. *All in favor; motion passed.* (Nick Demetriades and John Keithan abstained).

- 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.

Mr. Popper asked that the public hearing be continued as he had not yet received a final response from the Capital Region Council of Governments or the Lower River Valley Council of Governments.

Michael Cannata made a motion to continue the public hearing; Seconded by Jeremy Floryan.

12. Executive Session:

- a. Discuss Pending Litigation for Application #17-22: Request for Site Plan Approval for Center Point Apartments (an Affordable Housing Application) at 186 Shunpike Road. JPG Partners, Inc. is the Applicant and the Estate of Helen M. Ewald c/o Sybil C. Martin Executrix is the Owner.

Michael Cannata made a motion to go into Executive Session at 8:30 p.m. and invited Mr. Driska and Attorney Kari Olsen into Executive Session; Seconded by Nick Demetriades.

Michael Cannata made a motion to come out of Executive Session at 9:12 p.m. with no action taken; Seconded by Jeremy Floryan. *All in favor; motion passed.*

13. Approval of Minutes:

- a. April 3, 2018: No action taken.
- b. June 5, 2018: No action taken.

- 13. Commissioner's Comments:** Nick Demetriades said that the Commission should give some consideration to the permit request for next year's TPC tournament. He said that he would prefer extending the permit for a few days rather than allowing construction to begin at 5 a.m. He also said that the larger trucks are supposed to be using the back access roads and are not supposed to be traveling through the development but they are doing so.

He said that the Commission approved the Field Road development, as well as the TPC construction, and that trucks are going to be using the same roadways (Field Road and Golf Club Road) during the same timeframes. He asked about the pesticides report for the Field Road project and Mr. Popper said he would get him the final remediation report.

He also asked about the moving of contaminated soils, and Mr. Popper said that the proposal was in line with DEEP standards.

Nick Demetriades also said that the Commission should do more planning, especially in light of the expiration of the POCD in 2012. Mr. Popper said that the expiration was not until 2022. There was a brief discussion regarding the reasons the prior 2012 planning grant was not used.

14. Adjourn: A motion to adjourn was made by Michael Cannata. Meeting adjourned at 9:19 p.m.

Respectfully submitted,



Julie C. Petrella
Recording Clerk