



Town of Cromwell
Planning and Zoning Commission

RECEIVED FOR RECORD
Mar 31, 2022 10:25
JoAnn Dasie
TOWN CLERK
CROMWELL, CT

REGULAR MEETING
7:00 P.M. TUESDAY APRIL 5, 2022
COUNCIL CHAMBERS CROMWELL TOWN HALL 41 WEST STREET
AGENDA

1. **Call to Order**
2. **Roll Call**
3. **Seating of Alternates**
4. **Approval of Agenda**
5. **Public Comments**
6. **Development Compliance Officer Report:**
7. **Director of Planning and Development Report:**
8. **New Business: Accept and Schedule New Applications:**
 - a. Application #22-07: Request for Site Plan Modification at 51 Shunpike Road to allow for renovation of the building façade and new signage for the Burlington Store. HB Nitkin is the Applicant and HBN-CSC LLC C/O HBNITKIN GROUP is the Owner.
 - b. Application #22-08: Request for Site Plan Modification at 150 Country Squire Drive to allow for the expansion of parking and removal of a lot pole fixture. Cromwell Village Associates LLC is the Applicant and the Owner.
 - c. Application #22-09: Request to Amend the Zoning Map from HB and R-40 Zone District to Mixed-Use Zone District at 100 Berlin Road and 15R Christian Hill Road. M360 Berlin Land Hodgins, LLC is Applicant and Berlin Land LLC the Owner.
9. **New Business:**
 - a. Application #22-03: Request for Site Plan Modification at 34 Shunpike Road to allow for renovation of the building façade and improvements to the parking lot. Gary Dayharsh is the Applicant and MIHEL II LLC is the Owner.
10. **Public Hearings:**
 - a. Application #22-06: Request to amend the Zoning Regulations to add Section 6.11 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone District and to amend Section 3.5.C.4 to allow for the cultivation of cannabis in the Industrial Zone District. The Town of Cromwell Planning and Zoning Commission is the Applicant.
 - b. Application #22-02: Request to amend Sections 5., 5.2.H.4 of the Zoning Regulations to allow for the waiver of a loading dock. Michael J. Cannata and Bantry Bay Ventures, LLC are the Applicants. (public hearing continued from 3/15/22 meeting)
11. **Commissioner's Comments:**
12. **Approval of Minutes:**
 - a. March 15, 2022
13. **Adjourn:**

To: Planning and Zoning Commission
From: Stuart B. Popper, AICP
Director of Planning and Development
Date: March 31, 2022
Re: Comments for the April 5, 2022 Meeting Agenda

8. New Business: Accept and Schedule New Applications:

a. Application #22-07: Request for Site Plan Modification at 51 Shunpike Road to allow for renovation of the building façade and new signage for the Burlington Store. HB Nitkin is the Applicant and HBN-CSC LLC C/O HBNITKIN GROUP is the Owner. *Attached is the architectural elevation showing the building façade and the new sign.*

b. Application #22-08: Request for Site Plan Modification at 150 Country Squire Drive to allow for the expansion of parking and removal of a lot pole fixture. Cromwell Village Associates LLC is the Applicant and the Owner. *Attached is a narrative describing the additional parking spaces and a plan showing the location of the additional parking spaces.*

c. Application #22-09: Request to Amend the Zoning Map from HB and R-40 Zone District to Mixed-Use Zone District at 100 Berlin Road and 15R Christian Hill Road. M360 Berlin Land Hodgins, LLC is Applicant and Berlin Land LLC the Owner. *Attached is the narrative describing the application.*

d. Application #22-10: Request for a Site Plan Modification at 161 Coles Road (Snow Park) to allow for the deposit of small amounts of fill material. The Town of Cromwell is Applicant and the Owner. *Attached is a narrative describing the application and a plan.*

9. New Business:

a. Application #22-03: Request for Site Plan Modification at 34 Shunpike Road to allow for renovation of the building façade and improvements to the parking lot. Gary Dayharsh is the Applicant and MIHEL II LLC is the Owner. *Attached is copy of the plans showing the proposed improvements.*

10. Public Hearings:

a. Application #22-06: Request to amend the Zoning Regulations to add Section 6.11 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone District and to amend Section 3.5.C.4 to allow for the cultivation of cannabis in the Industrial Zone District. The Town of Cromwell Planning and Zoning Commission is the Applicant. *Attached are the regulations.*

b. Application #22-02: Request to amend Sections 5., 5.2.H.4 of the Zoning Regulations to allow for the waiver of a loading dock. Michael J. Cannata and Bantry Bay Ventures, LLC are the Applicants. *Attached is a copy the regulations and a proposed modification.*

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN MODIFICATION

Name of Project: Cromwell Square Shopping Center (New Burlington Store)
Street Address: 45-51 Sharpke Road, Cromwell, CT 06416
Volume/Page: _____ PIN #: _____

Applicant Name: P. Craig Way, Vice President HB NITKIN
Address: 230 Mason Street
Greenwich, CT 06830
Telephone: 203-861-9000 (day) 203-858-7040 (evening)
Email Address: PCWAY@HBNITKIN.COM

Property Owner Name: HBW-CSC, LLC dba HB NITKIN
Address: 230 Mason St
Greenwich, CT 06830

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?* (Yes) (No)
if yes, have you obtained it? (Yes) (No)
- 3. *Will this project require a DEP Stormwater Management Permit?* (Yes) (No)
if yes, have you applied for it? (Yes) (No)
- 4. *Will this Project Require an STC Permit?* (Yes) (No)
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

3/22/22
Date

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN MODIFICATION

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

Applicant Name: Cromwell Village Associates, LLC.
Address: 2319 Whitney Avenue, Suite 1A
Hamden, CT 06518
Telephone: (203)230-1600 (day) _____ (evening)
Email Address: Markie_f@sbcglobal.net

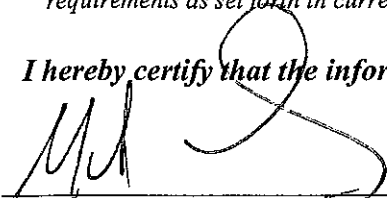
Property Owner Name: Cromwell Village Associates, LLC.
Address: 2319 Whitney Avenue, Suite 1A
Hamden, CT 06518

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
 Yes No
3. *Will this project require a DEP Stormwater Management Permit? if yes, have you applied for it?* Yes No
 Yes No
4. *Will this Project Require an STC Permit? if yes, have you submitted a copy of the plans to the STC?* Yes No
 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

3/22/22

Date



Memorandum

To: Town of Cromwell Planning and Zoning Commission

From: Thomas J. Daly, PE – US Manager of Civil and Structural Engineering
Rock Emond – Associate Civil Engineer

Date: March 29, 2022

Subject: Additional Tandem Parking at 150 Country Squire Drive, Cromwell, Connecticut

SLR #: 141.12398.00007

Cromwell Village Associates, LLC. is seeking a modification to an existing site plan approval to install 20 tandem parking spaces located along the southern portion of the property as defined on the plans provided. The 20 tandem spaces are proposed to address the need for additional parking space. The parking shall be accommodated by the inclusion of a small retaining wall and 15 foot vegetative buffer along the property edge. Drainage patterns shall be maintained and no improvements to the drainage system are warranted as the hydrologic analysis determined that the previously installed underground detention systems have excess capacity to handle the increase in impervious. Additionally, as part of this modification to the approved site plan, a light pole located within the northeastern parking area has been eliminated as the lighting coverage has been determined to be sufficient.

Popper, Stuart

From: Joe Palmieri <jpalmieri@cromwellfd.com>
Sent: Thursday, March 31, 2022 10:10 AM
To: 'tdaly@mminc.com'; Mark Forlenza (markie_f@sbcglobal.net)
Cc: Popper, Stuart; Julius Neto
Subject: Application #22-08
Attachments: The Landon Pump station.pdf

Good morning,

After reviewing the site plan modification application, we do have some concerns. There are four (4) crucial Gate valves and the Air release valve manhole located in the proposed area. The valves are shown but not to scale on the print that was submitted. I have attached a portion of the As Built that was submitted and highlighted the water mains and valves and indicated where the location of the Air release valve manhole is located. We are concerned that if this becomes parking that we will not be able to access the valves in the event of an emergency shut down or for maintenance purposes. There are already gate valves on the property that are in parking stalls and during construction it was difficult and time consuming arranging the moving of the vehicles. The valves that this project will affect are the main valve for the property, the domestic isolation valve for the water entering the pump station and the main fire line valve that isolates the fire line, along with the curb valve for the pump stations recirculation system. This past winter the contractor for snow removal made it impossible to access these valves by piling snow in this area. Hopefully, this can be addressed before next winter. If possible, I would like to meet on site early next week so everyone can look and to discuss options.

Thank you.

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

Cromwell Fire District
Cromwell, Connecticut 06416

APPLICATION # 22-09

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

APPLICATION FOR CHANGE TO THE ZONE MAP

Property Address: 100 Berlin Road & 15R Christian Hill Road PIN 00459100 & 11300100

Current Zone: Highway Business (HB) Zone & R-40 Zone Proposed Zone: Mixed-Use District Zone (MU)

Applicant: M360 BERLIN LAND HOLDGINS, LLC
Mailing Address: c/o Martin J. Kenny, Co-Manager
755 Main Street, Suite 1245, Hartford, CT 06103
Email: mkenny@lexingtonct.com
Telephone: (860)520-1005 ext. 700

Owner: M360 BERLIN LAND HOLDGINS, LLC
Mailing Address: c/o Martin J. Kenny, Co-Manager
755 Main Street, Suite 1245, Hartford, CT 06103

Reason for Proposed Change:

Application for a Change in the Zoning Map to Mixed-Use District at 100 Berlin Rd. (Red Lion Hotel) and 15R Christian Hill Rd., a 12.74 ac. Site located northerly of Berlin Rd. and southerly of Christian Hill Rd. for a proposed mixed-use development. See attached narrative and Master Site Plan for additional information.

Is the property within 500' of an adjoining town? Yes No
Does the property contain streams or wetlands? Yes No
Is the property within the Historic District? Yes No

The following shall be submitted with this Application:

- \$160 application fee;
- Legal Description of the property (metes and bounds);
- 3 copies of a map prepared in accordance with Article 8.9 of the Zoning Regulations.

M.J. Kenny 3.29.22
(Signature of owner) (date)
M.J. Kenny 3.29.22
(Applicant) (date)

TO: Planning and Zoning Commission

FROM: Alter & Pearson, LLC

DATE: March 29, 2022

RE: Project Narrative for Lord Cromwell Mixed-Use Development - Application for Change to the Zone Map from Highway Business and R-40 Zones to Mixed-Use District with a Master Plan at 100 Berlin Road and 15R Christian Hill Road

The Site currently consist of two distinct parcels, the former Red Lion Hotel at 100 Berlin Road, (Highway Business Zone) and an undeveloped parcel at 15R Christian Hill Road (R-40 Residential Zone). The combined area of the Site is 12.74± acres (555,294± s.f.), which is bounded by the I-91 entrance ramp to the west, Berlin Road to the south, Lowe's to the southeast, residential properties to the northeast and Christian Hill Road to the north. The Applicant is applying to Change the Zone for the Site to Mixed-Use District (MU) together the approval of a Master Plan.

The existing grades of the Site vary significantly between Berlin Road (Elevation 23±) and Christian Hill Road (Elevation 63±). Wetlands soils, Flood Zone (AE) and Floodway, are located on the easterly portion of the Site adjacent to Coles Brook. The developable portion of the Site is uniquely shaped in a long and narrow orientation, being approximately 450 feet wide and 1,200 feet deep. The existing hotel building will be completely razed; however, a portion of the existing parking garage will be reused in the mixed-use development.

The physical constraints of the Site allow the Applicant to achieve an integrated mixed-use development by defining three distinct areas within the Site.

- The commercial component of the Site is proposed adjacent to Berlin Road and will consist of 31,000 s.f. of commercial space (9,000 s.f. commercial/retail, 4,000 s.f. sit down restaurant, 2,000 s.f. coffee shop and 16,000 s.f. of medical office). Building R is proposed as a 1-story commercial building along Berlin Road and the second level of building A.2 will contain the remaining commercial space.
- The apartment component of the Site is proposed in the central portion of the Site and will consist of 260 rental apartment units (50 studios, 135, 1-bedroom units, 65, 2-bedroom units and 10, 3-bedroom units), together with courtyards, an amenity building and an outdoor pool with deck.
 - Building A.2 is three stories of residential, over 1-story of commercial and 1-story of parking garage
 - Building A.1 is four stories of residential, over 1-story of parking garage
 - Building B is four stories of residential, over the easterly portion of the existing parking garage which will be reinforced
 - The westerly portion of the existing 2 story parking garage will be reused for parking
- The townhome component of the Site is proposed on the northern portion of the Site adjacent to the Christian Hill Road existing residential uses and will consist of 20 townhome units that will be for sale (12, 3-bedroom units and 8, 3-bedroom units). To the east of the townhome section of the Site will predominantly remain in its existing natural state with the addition of an outdoor amenity space.

Two access points are proposed for the Site, a full-service divided access point at Berlin Road and an emergency access drive on Christian Hill Road. The emergency access drive will be gated, and only opened during an emergency. A detailed parking chart is included on the Master Site Plan. A total of 40 parking spaces will be assigned to the townhome units (2 spaces per unit) and the remaining 447 parking spaces on Site will be shared between the commercial and apartment resident users. The Applicant is proposing a 24.62% reduction in required parking for these shared uses in accordance with Section 5.2.H of the Regulations. The plan currently proposes that 240 of the proposed parking spaces will be located under the buildings which achieves the goal of screening more than half of the proposed on-site parking. Dumpster locations and loading areas are evenly located throughout the Site. Snow storage areas are depicted on the Master Plan and snow clearing efforts will be coordinated between the commercial tenants and residents by the on-site management of the development. Adequate and appropriate site lighting is proposed and light spillage will not escape the property lines. The Site will be connected on a pedestrian level with a sidewalk network that will connect to Christian Hill Road.

All bulk requirements of the Mixed-Use District are met as shown on the Master Site Plan Zoning Data Table. The Applicant achieved a proposed building coverage of 21.79%, well below the 85% building coverage that is permitted in the Mixed-Use Zone. Within the regulations there is ambiguity regarding the landscape buffer. The Applicant is proposing a 50-foot landscape buffer between the proposed development and the existing residential uses and district on Christian Hill Road; however, the Applicant is proposing a 5-foot landscape buffer between the lot lines and parking spaces at the southwest and southeast portions of the Site. The proposed 5-foot landscape buffer is consistent with the existing pavement locations on the Site and adequate due to the vegetated undevelopable portions on the adjacent properties, I-91 entrance ramp and the Lowe's property adjacent to Coles Brook.

The proposed redevelopment of the Site creates not only a destination for Cromwell, but also is directly on-point with the intent of the Mixed-Use District to create a community that offers "live, work and play opportunities within convenient walking distance of each other."

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN MODIFICATION

Name of Project: Cross Roads Plaza

Street Address: 34 Shunpike Rd

Volume/Page: 1720/214 PIN #: 00108700

Applicant Name: Gary Daymarsh

Address: P.O. Box 820 16 Sashbrook Rd
Essex, CT 06126

Telephone: 860-982-0889 (day) 860-982-0889 (evening)

Email Address: garyd@delta-building.com

Property Owner Name: MIHEL II LLC

Address: Fieldstone Court
Cheshire, CT 06110

Attached:

- Application fee. ~~100 + 25/hr \$1610~~
- 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? Yes No
if yes, have you obtained it? Yes No
3. Will this project require a DEP Stormwater Management Permit? Yes No
if yes, have you applied for it? Yes No
4. Will this Project Require an STC Permit? Yes No
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

Gary Daymarsh

2-6-2022

Date

Narrative of proposed improvements

Crossroads Plaza

March 4, 2022

The following work is proposed:

- Existing overgrown trees and shrubbery will be removed and replaced as shown on the plans. This work includes several trees on the adjacent property with Owner's approval.
- Install silt fencing where required as well as wood chips and basin protection for silt control
- Remove and replace catch basin tops, inspect drainage structures and repair if necessary
- Create planter areas along sidewalks per plans
- Install footings for new façade
- Install new light pole bases and related conduits and wiring
- Misc. sidewalk work
- Mill existing pavement, install new 3-1/2", 2 course pavement
- Install extruded concrete curbing. Islands to be located per plan
- New parking signage, striping, etc.
- Install new ornamental plantings
- Install new 14 ft. poles with LED down-lights on 2 ft. concrete bases
- Renovate existing pylon sign
- Install dumpster pads with gated enclosure screens, locations to be determined
- Install new fascia system per plans. Remove and replace signage with consistent sign types.
- Signage to be permitted under separate application(s) to P&Z
- New roofing
- Trim, painting, etc. for a complete job

Popper, Stuart

From: Chief Lamontagne
Sent: Wednesday, March 30, 2022 2:23 PM
To: Popper, Stuart
Subject: 22-03

Stuart,

I have reviewed the revised plans and satisfied with them.

Denise Lamontagne

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

CONFIDENTIAL INFORMATION: The information contained in this e-mail is confidential and protected from general disclosure. If the recipient or the reader of this e-mail is not the intended recipient, or person responsible to receive this e-mail, you are requested to delete this e-mail immediately and do not disseminate or distribute or copy. If you have received this e-mail by mistake, please notify us immediately by replying to the message so that we can take appropriate action immediately and see to it that this mistake is rectified.

Popper, Stuart

From: Gary Dayharsh <garyd@deltabuildingcorp.com>
Sent: Tuesday, March 29, 2022 8:48 PM
To: Popper, Stuart
Subject: Crossroads Plaza

Stuart

I have reviewed the final plans and I would like to highlight the revisions which have been made to address staff comments:

Regarding comments from Bruce Driska

- We will be back to P&Z for signage approvals as those plans are finalized
- Proposed dumpsters have been added to the plan. Existing dumpsters have been indicated on the existing conditions plan
- The plans indicate the location of storage containers and that they shall be removed

Regarding comments by John Egan

- A note has been added indicating that code required accessibility shall be provided / maintained

Per Engineering comments:

- The plans indicate that catch basin tops shall be replaced and that drainage shall be inspected and repaired if necessary

Per Health Dept comments:

- Dumpster locations are indicated. A condition of approval may be that provisions for waste collection and removal be reviewed and approved by the Health Department

Regarding Police Dept. comments:

- We have indicated delineation of the entrance and exit drives by signage and pavement markings.
- A stop bar and stop sign have been added at the site exit to Shunpike Rd.

Per Fire District comments:

- A condition of approval should be that we will comply with the memo from the CFD regarding gate valves, etc.

Respectfully,
Gary Dayharsh

Popper, Stuart

From: Chief Lamontagne
Sent: Thursday, March 10, 2022 2:21 PM
To: Popper, Stuart
Subject: RE: Cross Roads Plaza Narrative

Stuart,

I have reviewed the narrative and just want to make sure of the following:

- there is a stop sign and stop bar at the exit
- proper road markings delineating exit lanes.

Chier

From: Popper, Stuart
Sent: Thursday, March 10, 2022 10:16 AM
To: Chief Lamontagne <Chief.Lamontagne@cromwellpd.com>
Subject: Cross Roads Plaza Narrative

Hello Denise,

Please see attached narrative for the improvements at the Cross Roads Shopping Center.

Thanks,

Stuart

Stuart B. Popper, AICP
Director of Planning and Development
Town of Cromwell
860-632-3422
Fax 860-632-3477

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

Memorandum

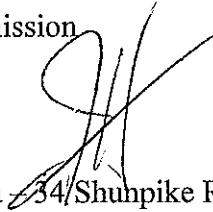
To: Stuart Popper

CC: Planning & Zoning Commission

From: Jon Harriman, P.E.

Date: 3/9/2022

Re: #22-03 – Crossroads Plaza / 34 Shunpike Rd



I have reviewed the partial plan set dated February 27, 2022 by Santo Domingo Engineering, LLC.

The plans do not show the existing drainage system or any proposed improvements. My recommendation: If it hasn't already been done, perform an inspection of the existing drainage system and make any repairs needed. I say this based on the recent failures of the same drainage network next door at the 99 Restaurant (two years ago?) and the failure of the culvert under exit 19/Route 372 (current day). It appears that this watercourse is piped underground through this and the adjoining parcels out to the Mattabassett River.



TOWN OF CROMWELL
HEALTH DEPARTMENT
Nathaniel White Building
41 West Street, Cromwell, CT 06416

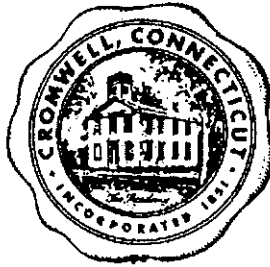
TO: Stuart B. Popper, Director of Planning and Development
FROM: Salvatore Nesci, Public Health Coordinator *S. Nesci*
DATE: March 9, 2022
RE: 22-03 Crossroad Plaza-34 Shunpike Road

Per your request, a public health review was conducted, of the site plan, for future development to take place at the Crossroad Plaza located at 32-34 Shunpike in Cromwell, CT., (plan dated 10/18/21).

A review of the plan shows no accommodations for refuse disposal for any of the establishments. In addition to the several establishments currently operating in this plaza, there are several that fall under the jurisdiction of public health, (personal services and foodservice), and are required to maintain proper garbage disposal on the exterior or the facility to accommodate refuse, garbage, recyclables and grease.

In order to gain the approval of public health, accommodations for these amenities should be made in the form of a written addendum to the plan or a revised plan submission.

Please let me know if you have any questions.



MEMORANDUM

To: Stuart B. Popper, AICP, Director of Planning & Development
From: Bruce E. Driska, CZEO, Zoning & Wetlands Enforcement Officer *BD*
Date: March 8, 2022
Re: **Plan Review, PZC Application #22-03, 34 Shunpike Road**

COMMENTS

I have reviewed the plan for Application #22-03, 34 Shunpike Road and have the following comments:

1. Proposed plan (page L2, General Notes) depicts light poles greater than 14-ft in height in conflict with Cromwell Zoning Regulation §5.6.C.8 and §5.6.C.9
2. Proposed plan does not include signage dimensions in accordance with Cromwell Zoning Regulation §5.3 and 8.6
3. Proposed plan does not include dumpster locations or dumpster enclosures in accordance with Cromwell Zoning Regulation §8.6
4. Proposed plan does not include storage container locations in accordance with Cromwell Zoning Regulation §8.6

Fontaine, Candice

From: Egan, John
Sent: Friday, March 04, 2022 6:06 PM
To: Popper, Stuart; Driska, Bruce
Cc: Fontaine, Candice
Subject: 22-03 Crossroad Plaza - 34 Shunpike Road

I have reviewed the above referenced plan and have the following comments.

1) Site accessibility shall be maintained.

Sincerely, John Egan
Chief Building Official

Popper, Stuart

From: Peck, Rich
Sent: Friday, March 04, 2022 3:33 PM
To: Popper, Stuart
Subject: 22-03 Crossroad Plaza- 34 Shunpike Road

Stuart,

The proposed lighting and building improvements will not affect the sanitary sewers within the area.

Sincerely,

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

22-10

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN MODIFICATION

Name of Project: Snow Park
Street Address: 161 Coles Road
Volume/Page: 1616/218 PIN #: 000 65700

Applicant Name: Town of Cromwell - Public Works
Address: 41 West Street

Telephone: _____ (day) _____ (evening)

Email Address: _____

Property Owner Name: Town of Cromwell
Address: 41 West Street

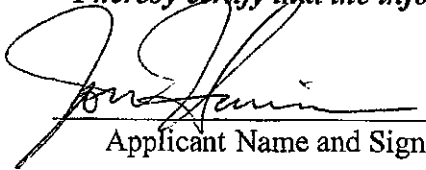
Attached:

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

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

NA

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


Applicant Name and Signature

3/31/22
Date

Popper, Stuart

From: Harriman, Jon
Sent: Thursday, March 31, 2022 9:26 AM
To: Popper, Stuart
Subject: Snow Park proposal

Stuart,

During the Coles Road reconstruction project, the contractor began doing some earthwork for the Town within Snow Park (161 Coles Road). The work performed by Baltazar included removal of existing concrete and metal debris, tree clearing, stripping of topsoil and placement of fill. At the end of the work Baltazar replaced the topsoil and planted grass.

We propose to continue this work. Beyond the area filled previously is a wooded area to the west that has more concrete and metal debris. Beyond the wooded area is the closed C&D landfill that is covered with brush vegetation. We propose removing the surface debris, clearing the trees, stripping the topsoil, and placing fill. This operation would be occasional and the material would be generated by Public Works in the course of day to day operations. Our projects generally create small quantities of material. In the fall of each year the fill material would be graded level and compacted as needed. We do not anticipate generating enough fill material in a calendar year to require a fill permit, and that would be monitored going forward.

The fill work would improve the potential of making the land usable in the future by leveling the topography. The area was previously studied for athletic fields, etc.

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

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

The Town of Cromwell Planning and Zoning Commission will hold a Public Hearing on Tuesday April 5, 2022 at 7:00 p.m. in Room 224 of the Cromwell Town Hall at 41 West Street on the following items:

1. Application #22-06: Request to amend the Zoning Regulations to add Section 6.11 to allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone District and to amend Section 3.5.C.4 to allow for the cultivation of cannabis in the Industrial Zone District. The Town of Cromwell Planning and Zoning Commission 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 21st day of March 2022.

Application# 22-06

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR AMENDMENT TO THE ZONING REGULATIONS

Name: Town of Cromwell P2C
Address: 41 West Street
Cromwell Ct 06052
Telephone: 860-632-3422 Email: spopper@cromwellct.com

A. Request to Change an Existing Regulation:

1. Current Article Number: _____

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: 3.5.C.4. and 6.11

2. Zoning District(s) to be Affected by New Regulation: F and HB

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

C. Reason for Proposed Change or New Regulation:

Establish new zoning regulations to allow by special permit the sale and cultivation of cannabis.

Therese B. Popper
(Applicant)

3/15/22
(date)

6.11 ADULT USE CANNABIS (Draft prepared by Town Staff)

6.11.A. Purpose: The purpose of this section is to regulate the location and operation of medical marijuana dispensary facilities, medical and production facilities, and adult-use cannabis retail and cultivation. The intent of these Regulations is to minimize any adverse impacts of such facilities, and to protect and preserve Cromwell's neighborhoods, commercial districts, property values and quality of life.

6.11.B Special Permit Required.

The sales and cultivation of cannabis may be authorized as a Special Permit provided the use is allowed in the district, and the following standards are met.

6.11.C. Definitions:

1. "Adult-Use Retailer" means a person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufactures and food and beverage manufacturers and to sell cannabis to consumers and research programs.
2. "Cannabis" means marijuana, as defined in section 21a-240 of the general statutes.
3. "Cannabis product" means cannabis that is in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption.
4. "Consumer" means an individual who is twenty-one years of age or older;
5. "Cultivation" has the same meaning as provided in section 21a-408 of the general statutes.
6. "Cultivator" means a person that is licensed to engage in the cultivation, growing, and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.
7. "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 Sec. 21a-408 et seq. as they may be

amended and Sections -1 to 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended.

8. "Hybrid retailer" means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.
9. "Micro-cultivator" means a person licensed to engage in the cultivation, growing, and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the Commissioner of Consumer Protection.
10. "Production facility" means a secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended.

6.11.D. Applicability:

1. Medical marijuana dispensary facilities and production facilities shall be governed by CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zones, subject to special permit approval in accordance with Section 8.7 of these Regulations, site plan approval in accordance with Section 8.6 of these Regulations, and the requirements of this section.
2. Cannabis retail and hybrid-retail facilities shall be governed by The Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA"), the Public Act 21-1 / Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zone, subject to special permit approval in accordance with Section 5.2 of these Regulations, site plan approval in accordance with Section 5.3 of these Regulations, and the requirements of this section.
3. Adult-use cannabis cultivator and micro-cultivator facilities shall be governed by the RERACA, the Public Act 21-1 / Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and

permitted only in the following zones, subject to special permit approval in accordance with Section 8.7 of these Regulations, site plan approval in accordance with Section 8.6 of these Regulations, and the requirements of this section.

a. Industrial Zone District for Adult - Use Cannabis Cultivator and Micro-cultivator facilities.

b. Highway Business Zone District for Adult-Use Cannabis Retailer, Hybrid-retailer and Medical Marijuana Dispensary facility only.

6.11.E. Separation Requirements: Uses identified in this section shall be subject to the following separation restrictions:

1. No medical marijuana production, or adult-use cannabis cultivator or micro-cultivator facility shall be allowed within 100 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.
2. No medical marijuana production facility, or adult-use cannabis cultivator or micro-cultivator facility shall be allowed on a site that is less than 100 feet from any property that is zoned for single-family residential use as a permitted use.
3. No medical marijuana dispensary facility or production facility, or adult use cannabis retailer, hybrid-retailer, cultivator, or micro-cultivator facility shall be allowed within the same building, structure or portion thereof that is used for residential purposes, or that contains another medical marijuana dispensary, production facility, or adult use cannabis retail, hybrid retail, cultivator, or micro-cultivator facility.
4. No adult-use cannabis retail or hybrid-retailer shall be located less than 500 feet from another adult-use cannabis retail or hybrid-retail. Distance shall be measured from the radius of the front door to front door of each establishment.
5. All distances contained in this section, other than those specified in the subsection "E" above shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

6.11.F. Minimum Floor Area Requirements:

1. No medical marijuana production facility shall be allowed in a building with less than 25,000 square feet of gross floor area.

6.11.G. Sign and Exterior Display Requirements:

1. Exterior signage shall be in compliance with Section 5.3 of the Zoning Regulations.

6.11.H. Off-Street Parking Requirements:

1. Required off-street parking shall be in compliance with Section 5.2 of these regulations.

6.11.I. Security Requirements:

1. All medical marijuana dispensary facilities and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment meeting at least the minimum requirements of Sec. 21a-408-62 of the State of Connecticut Regulations.
2. The hours of operation for medical marijuana dispensary facilities shall be limited to between 7:00 a.m. and 7:00 p.m., all days of the week.
3. There shall be no limitation on the hours of operation for medical marijuana production facilities, all days of the week.

6.11.J. Conditional Approval:

1. Special Permits shall be improved with the condition that the applicant obtains the appropriate Dispensary or Production Facility license issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur).
2. The conditional approval shall become finalized upon the receipt by the Director of Planning and Development of a copy of the Department of Consumer Protection-issued license.
3. The conditional approval shall expire if the applicant fails to provide the Director of Planning and Development with a copy of the Department of

Consumer Protection-issued license within six months of the date of the Planning and Zoning Commission's conditional approval.

A six-month extension of such conditional approval shall be granted to the applicant upon written notification to the Director of Planning and Development that an application for a Department of Consumer Protection license has been filed, indicating the expected decision date of the Department of Consumer Protection license.

4. No entity shall operate without a valid, current license.

6.11.K. Connecticut Department of Consumer Protection Approval:

1. The applicant shall provide the Director of Planning and Development with a copy of the appropriate Dispensary or Production Facility license issued by the State of Connecticut Department of Consumer Protection, and any subsequent renewed license.



STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

Intergovernmental Policy and Planning Division

SB 1201 - AN ACT CONCERNING RESPONSIBLE AND EQUITABLE REGULATION OF ADULT-USE CANNABIS

www.ct.gov/cannabis

MUNICIPAL AUTHORITY - IMPACT OVERVIEW

Sec. 83 – effective July 1, 2021: Addresses various issues on municipalities' authority to regulate cannabis, such as (1) requiring them, upon petition of 10% of their voters, to hold a local referendum on whether to allow the recreational sale of marijuana or whether to allow certain types of cannabis businesses within the municipality; (2) barring them from prohibiting the delivery of cannabis by authorized persons; and (3) allowing them to charge retailers, hybrid retailers, and micro-cultivators for certain initial public safety expenses.

Local Referendum: A municipality must hold a referendum on whether to allow certain cannabis sales if at least 10% of its electors' petition for such a vote at least 60 days before a regular election.

Specifically, these votes may determine whether to allow (1) the sale of adult-use marijuana in the municipality or (2) the sale of adult-use marijuana in one or more of the cannabis establishment license types.

The ballot designations are as follows: "Shall the sale of recreational marijuana be allowed in (Name of municipality)?" or "Shall the sale of cannabis under (Specified license or Licenses) be allowed in (Name of municipality)?" or "Shall the sale of recreational marijuana be prohibited (No Licenses) in (Name of municipality)?"

The referendum and ballot designations conform to existing procedures. The results take effect on the first Monday of the month after the election and stay in effect until another vote is taken. The bill allows a vote to occur at a special election, following existing procedures, if at least one year has passed since the previous vote. Existing laws on absentee voting at referenda apply to these votes. These referenda do not affect any class of cannabis establishments already allowed in a municipality and do not affect any class of cannabis establishments that do not sell adult-use cannabis, including a medical dispensary and establishments that grow cannabis products.

Delivery and Transport: Municipalities cannot prohibit the delivery of cannabis to (1) consumers or (2) qualifying medical marijuana patients or their caregivers, if the delivery is made by someone authorized to do so under the bill (e.g., delivery services). It also bars municipalities from prohibiting the transport of cannabis to, from, or through the municipality by anyone licensed or registered to do so.

Ban on Certain Actions and Local Host Agreements: The bill prohibits municipalities or local officials from conditioning any official action on, or accepting any donations from, any cannabis establishment or applicants for cannabis establishment licenses in the municipality. The bill also bars municipalities from negotiating or entering into a local host agreement with a cannabis establishment or license applicant.

Charge for Initial Public Safety Costs: The bill allows municipalities, for the first 30 days after cannabis retailers or hybrid retailers open, to charge them up to \$50,000 for any necessary and reasonable municipal costs for public safety services related to the opening (such as for directing traffic).

Sec. 84 - effective October 1, 2021: Allows municipalities to prohibit consumption of cannabis in public areas and to establish fines for use of cannabis in such areas.

Existing law in place through September 30, 2021 - Allows a municipality to regulate, on any property owned by the municipality, any activity deemed to be deleterious to public health, including the lighting or carrying of a lighted cigarette, cigar, pipe or similar device. This provides sufficient authority to regulate the consumption of cannabis of any form in the interim.

Regulation of Smoking and Cannabis Use: Existing law allows municipalities to regulate activities deemed harmful to public health, including tobacco smoking, on municipally-owned property. The bill broadens this to include property that a municipality controls but does not own. For the purposes of this section, property that a municipality controls includes, but not limited to, sidewalks, parks, beaches, municipal land and buildings, etc. It specifies that this regulatory authority applies to (1) smoked or vaped tobacco or cannabis, and (2) other types of cannabis use or consumption.

For municipalities with more than 50,000 people, if they regulate the public use cannabis, the regulations must designate a location in the municipality where public consumption is allowed. This section does not require that such municipalities provide for a location where any or all forms of cannabis can be consumed, but only some forms of cannabis can be consumed. The most common forms of cannabis consumption are smoking, vaping, and edibles. Through regulations, municipalities may set fines for violations by individuals regarding outdoor consumption of cannabis of up to \$50.

Municipalities are permitted to ban cannabis smoking and vaping at outdoor sections of restaurants. Through regulations, municipalities may set fines for violations of up to \$1,000 for businesses who allow cannabis smoking or vaping contrary to the regulation of the municipality.

Sec. 126 - effective July 1, 2021: Imposes a 3% municipal sales tax on the sale of cannabis that applies in addition to the state's 6.35% sales tax and the state cannabis tax established under the bill; specifies the purposes for which municipalities may use the tax revenue. The 3% municipal sales tax will be administered through DRS, though each municipality will be responsible for collecting the appropriate amounts as identified by DRS.

Municipal Designee: The bill requires each municipality in which a cannabis retailer, hybrid retailer or micro-cultivator is located to submit to the DRS commissioner, at least annually, the name and contact information of the individual designated by the municipality to receive notifications regarding the tax. The DRS commissioner must notify these designated individuals of the tax amount reported due from each cannabis retailer, hybrid retailer and micro-cultivator located in their respective. Such municipalities are then responsible for collecting the tax payments from each payor.

Municipal Uses of Funds: The amounts remitted become a part of the municipality's general revenue and may only be used for the following purposes:

1. streetscape improvements and other neighborhood developments in communities where cannabis retailers, hybrid retailers or micro-cultivators are located;
2. education programs or youth employment and training programs in the municipality;
3. services for individuals living in the municipality who were released from DOC custody, probation, or parole;
4. mental health or addiction services;
5. youth service bureaus and municipal juvenile review boards; and
6. community civic engagement efforts.

Sec. 148 - effective July 1, 2021: Authorizes municipalities to enact certain zoning regulations or ordinances for cannabis establishments; temporarily prohibits municipalities from granting zoning approval for more retailers or micro-cultivators than a number that would allow for one of each for every 25,000 residents; and allows the DCP commissioner to set a population-based cap for number of retailers or micro-cultivators in the future.

General Zoning Authority and Restrictions: Allows municipalities to amend their zoning regulations or local ordinances to take the following actions regarding cannabis establishments:

1. prohibit them from opening;
2. reasonably restrict their hours and signage; or
3. restrict their proximity to religious institutions, schools, charitable institutions, hospitals, veterans' homes, or certain military establishments.

Municipal chief zoning officials are required to report these zoning changes to the OPM Secretary and DCP. They must report in writing within 14 days after adopting the change.

Affirmative Zoning Approval for Retailers and Micro-Cultivators: Until June 30, 2024, municipalities are prohibited from granting zoning approval for more retailers or micro-cultivators than a number that would allow for one retailer and one micro-cultivator for every 25,000 municipal residents, as determined by the most recent decennial census. Beginning July 1, 2024, the DCP commissioner may post on the department's web site a specific number of residents such that no municipality shall grant zoning approval for more retailers or micro-cultivators than would result in one retailer and one micro-cultivator for every such specific number of residents, as determined by the commissioner.

In order to ensure compliance, the bill requires a special permit or other affirmative approval for any retailer or micro-cultivator seeking to be located within a municipality. A municipality must not grant the special permit or approval for any applicant if an approval would result in exceeding the density cap set by the bill or DCP Commissioner. The purpose of the special permit or other affirmative approval is not to require a public meeting or any other steps or procedures than would otherwise be required under a municipality's zoning ordinance, but rather to ensure that no more retailers or micro-cultivators are granted zoning approval than the number allowable under the legislation.

Application# 22-02

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR AMENDMENT TO THE ZONING REGULATIONS

Name: Michael J. Cannata and Bantry Bay Ventures, LLC
Address: c/o Amy E. Souchuns, Esq. 147 N. Broad Street
Milford, CT 06460
Telephone: 203 877-8000 Email: ASouchuns@hssklaw.com

A. Request to Change an Existing Regulation:

- 1. Current Article Number: _____
- 2. Current Regulation wording (attach if necessary):

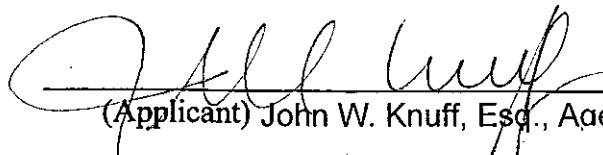
- 3. Proposed Change wording (attach if necessary):

B. Request to Create a New Regulation:

- 1. Suggested Article Number: Section 3, 3.3.C4 and 5, 5.2.H4
- 2. Zoning District(s) to be Affected by New Regulation: Highway Business (HB)
- 3. Wording of New Regulation (attach if necessary):
SEE ATTACHED

C. Reason for Proposed Change or New Regulation:

TO SELL CANNABIS AND CANNABIS-RELATED PRODUCTS AND MODIFY LOADING SPACE REQUIREMENT



(Applicant) John W. Knuff, Esq., Agent for:
Bantry Bay Ventures, LLC

February 14, 2022

(date)

Amendment 2: Authorize Commission to modify or eliminate loading space requirements under certain circumstances

5.2 OFF-STREET PARKING AND LOADING

5.2.H Reduction of Parking Facilities.

1. Permanent Shared-Use Reduction. The Commission may, by Site Plan Approval, allow a reduction of the provision of up to 25 percent of the parking spaces required for the uses on one (1) or more sites due to shared use of parking facilities when:

(1) the parking facilities provided on the site(s) are interconnected for both vehicles and pedestrians with adjacent parking facilities to create a function parking arrangement,

(2) appropriate access and parking easements are executed between the adjacent properties and in accordance with Section 5.2B4, and

(3) the Commission is satisfied that the parking needs of the joint users on the sites occur at different hours of the day or that adequate parking will be available for the current and potential future uses. Any change in use that would require greater parking under these Regulations shall require an approval by the Commission, which may require the construction of additional parking.

2. Permanent Site Use Reduction. The Commission may, by Site Plan Approval, allow a reduction of up to 25 percent of the required parking spaces on an individual site that is not interconnected with one or more adjacent parking facilities when the Commission is satisfied that the parking needs of the uses on the site occur at different house of the day, or adequate parking will be available for the current and potential future uses.

3. Temporary Installation Deferral. The Commission may, by Site Plan Approval, defer the immediate installation of up to 25 percent of the required parking spaces where:

(1) sufficient evidence has been presented, in the judgment of the commission, to show that the reduced parking facilities will adequately serve the proposed use,

(2) the applicant shall show upon the Site Development Plan the complete layout for the full parking requirements, and

(3) the applicant accepts, in writing, a requirement that the owner will file the Site Development Plan in the Office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will install as many of the deferred parking spaces as

the Commission deems necessary within six (6) months of the Commission's request, when, in the opinion of the Commission such installation is needed.

4. The Commission may modify or eliminate the requirement for one or more loading space(s) based upon the specific use proposed, provided that sufficient area is available for installation of a loading space in the event subsequent re-use of the property requires a loading space.

4. The Commission may modify or eliminate the requirement for one or more loading space(s) based upon the specific use proposed, provided that (i) sufficient area is available for installation of a loading space (the size of which space shall be the size specified in the definition of “loading space” in Section 5.2.C) in the event subsequent re-use of the property requires a loading space, and (ii) the applicant demonstrates the proposed use does not require the loading space(s) through submission of testimony, reports, or other data outlining the manner of deliveries proposed to occur. Any plan approved pursuant to this section shall be conditioned upon the provision of the area specified in subsection (i).

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

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

Absent: Robert Donahue, John Keithan and Brian Dufresne

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

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

2. **Roll Call:**

The presence of the above members was noted.

3. **Seating of Alternates:**

There was no seating of alternates.

RECEIVED FOR RECORD
Mar 24 2022 10:37A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT



4. **Approval of Agenda:**

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

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

5. **Public Comments:**

There were no public comments.

6. **Development Compliance Officer Report:**

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

7. **Town Planner Report:**

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

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

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

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

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

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

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

8. New Business: Accept and Schedule New Applications:

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

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

9. New Business:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Public Hearing:

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

The Commission members and the staff discussed the whether or not it was necessary to open the public hearings based upon the fact that Mr. Popper had said the two applications

would be withdrawn. The Commission decided to open the public hearings.

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

Ken Rozich read the Legal Notice excluding the Cannabis.

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

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

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

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

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

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

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

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

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

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

There were none.

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

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

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

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

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

11. Commissioner's Comments:

There were no comments.

12. Approval of Minutes:

a. March 1, 2022

Ann Grasso made a motion to approve the minutes; Seconded by Chris Cambareri. *All in favor, Motion passed*

Mr. Popper asked the commission who would be interested in the interviewing process for

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

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

13. Adjourn:

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Candice Fontaine".

Candice Fontaine
Recording Clerk