

Planning and Zoning Commission

6/21/2022

Meeting Minutes

Note: This meeting was held online

Meeting recording can be viewed [here](#).

A. Call to Order

John Tehan called the meeting to order at 7:30 PM.

B. Roll Call/ Seating of Alternates

Andy Marco
John Tehan
Bob Shabot
Rebecca Sinosky
Joe Hall
Walter Parsell (absent)
Doug Roberts (absent)

C. Applications to be Received

None

D. Public Hearing

a. PZ-22-10: Zone Change Application: R80 to SDZ related to a Zone Change and Concept Plan application per Section 12.15.4(b). 0 River Rd (MBL 34 009-0A, 34 009-0B, 34 0090C). Owner: Barnini Circle Associates LLC (1/3) & Perleon LLC (1/3) Alsyd LLC (1/6) Breng LLC 1/6 Applicant: Thomas Cody

Thomas Cody from Robinson and Cole introduced himself as the applicant of PZ-22-10 and the attorney representing the application. He explained that they had made a typographical error when they created the notice signs for the public hearing. He requested that the Commission postpone opening the public hearing until the 19th of July to allow for the application to be noticed again. He explained that they were going to meet with the Economic Development Commission on July 13th and wanted to give a presentation to the EDC and members of the public, and that they wanted to do so before the public hearing. B. Shabot made a motion to postpone the public hearing to July 19th. R. Sinosky Seconded.

All in Favor. Motion Passed.

b. PZ-22-9: Text Amendment Application: pertaining to the Regulation of Cannabis Applicant: Planning & Zoning Commission. (Continued from June 7th)

M. D'Amato explained the background of the regulations and how the Commission had been workshopping changes to the regulations based on public comments and changes in legislation. M. D'Amato stated that the regulations had also been reviewed by the Town's land use attorney. He reviewed the feedback provided by the attorney and the newly proposed changes as follows:

Title: Section 11.23 changed to 11.25

Section 2: Clarifications made in definitions of terms section, removed transporter, and delivery service as these are not uses that zoning regulations can regulate.

Section 3: Changed “SUP” or special use permit to “SP” or special permit. Made it clear that this applied to retail, hybrid retail, and dispensary facilities.

Section 3.1: Changed separating distances to be similar to regulations for alcohol. Also added 1000-foot buffer between cannabis establishments. Made it so signage shall be in accordance with the current regulations in section 19 of the zoning regulations.

Section 3.2: Added that any cultivation shall be done in a permanent building. Added a 750-foot buffer between a cultivation building and residential structure, and a 1000-foot buffer from any cannabis establishment.

Section 3.4 added language requiring cannabis establishments to maintain all approvals required from the State of Connecticut.

J. Tehan said it looked good and it seemed all of the concerns of the last meeting were covered. B. Shabot asked if these changes would be run by the land use attorney. M. D’Amato said he could do that, but these changes were in response to the comments from the attorneys.

J. Tehan opened the floor to public comment.

Patrick Lord asked for clarification for the rule on the agenda stating that no business or comments could be made about items on the agenda. J. Tehan pointed out that we were not in the public comment section of the meeting, and that we were currently in a public hearing for PZ-22-9 and that any public comment at this point in the meeting should be about that application only.

Donna Cook stated her concerns with the proposed separating distances, and requested they be increased. M. D’Amato explained that the separating distances had been increased previously and explained that by state statute we have to allow these establishments somewhere and that the regulations can’t make it impossible for an establishment to locate. He explained the special permit process that such an establishment would have to go through and the discretion the commission would have at that time.

Rebecca Hannan asked how many establishments would be allowed based on these regulations. M. D’Amato said he would try to put together a map to demonstrate the proposed separating buffers.

Nicole of 23 Lucerne Drive asked if there was a difference between a dispensary and a cultivator. J. Tehan read and explained the terms from the regulations. Nicole asked if there was a required amount of land for cultivation. M. D’Amato explained that lot size was not looked at but they would have to meet requirements in the regulations.

Ralph Tulis added that he thought the number of establishments was controlled by population size per statute. M. D’Amato explained this was not the case and this was removed from law on May 24th.

Kathy Demers asked about the Planning and Zoning Commission’s authority to create a town-wide prohibition. M. D’Amato explained what the PZC had the ability to prohibit the use, but a complete ban would require an Ordinance.

Nicholas Tella asked if there had been any consideration or studies done related to crime and law enforcement. M. D’Amato said no studies had been done and noted that we don’t have a local Police Department. He added that there are provisions in the law that allow specific arrangements between the

operator of a cannabis establishments and the town to collect funds for policing for specific reasons related to cannabis establishment operations when they first open. N. Tella asked if there was a way we could be proactive. M. D'Amato explained that because that provision pertains to the special permit process, that it would be hard to find a uniform way to apply it ahead of the establishment being open.

Joan Taraskiewicz asked what had been done to take an opinion of the townspeople on whether or not they want to allow cannabis establishments. J. Tehan noted that the reason for these regulations is so that there are standards in place and that the public hearing was for these purposes.

D. Cook asked if the map that M. D'Amato was working on was ready. M. D'Amato displayed the buffer distance of 1000 feet on a sample property. He also showed the zoning layer to generally show where cannabis establishments would be allowed.

Jessica Uziemblo asked about the process of obtaining a zone change. M. D'Amato explained the process. J. Uziemblo stated her concerns with regarding zone changes..

Mellisa Miller asked if the map was available on the website and stated her concerns with development in town. J. Tehan explained how to find the GIS map on the Town's website.

Samantha Sperry asked about the zone change process. J. Tehan explained the zone change process. S. Sperry asked who voted on a Zone change. J. Tehan answered that the PZC votes on a zone change application.

Jennifer Sutton made comments with her concerns about more retail establishments on the north side of town and asked the commission to consider the people who lived there.

James Marshall asked about the public comment section of the meeting.

Lottie Hackner voiced her concerns about truck traffic, she asked if there were any studies done on the traffic caused by cannabis establishments. She asked if the town gets to vote on the application for a cannabis establishment. J. Tehan said that the PZC votes on these applications. L. Hackner asked if the town had any influence on these regulations. M. D'Amato explained the process and added that the reason for this public hearing was to take public opinions and comments into account.

Kathy Demers asked if the PZC could change the regulations. M.D'Amato explained that yes, the PZC could enact changes to Regulations.

Matthew Pelletier asked if Federal laws had been considered and noted his concerns with cannabis still being illegal federally. J. Tehan noted that these regulations were being created in response to State law.

Donna Cook asked about business taxes and related revenue. J. Tehan explained what revenue would be gained from a cannabis establishment. D. Cook added that she thought that was a low bar.

Nicolas Tella asked if we could consider Federal Laws. J. Tehan explained that the purpose of these regulation was to give the PZC the ability to regulate cannabis establishments. N. Tella asked if we can only allow one location or if multiple locations had to be allowed. M. D'Amato explained that it would be difficult to create criteria to do so and added that separation distances can be increased further. N. Tella commented that he would like to see maximum buffer distances implemented.

Joan Taraskiewicz asked about the size of a cannabis establishment.

Jessica Uziemblo noted her concerns with cannabis locations and related traffic.

D. Cook requested the PZC to put a moratorium in place until the regulations were in effect and requested an increase in the buffer distances.

R. Sinosky motioned to continue the public hearing to the next meeting. B. Shabot seconded.

All in Favor. Motion Passed.

E. New Business

None

F. Unfinished Business

None

G. Approval of Minutes

a. June 7, 2022

B. Shabot asked that the comments made by Kathy Demers be added to the minutes, which are as follows:

K. Demers of 48 Mason Road reviewed a list of questions and concerns that she had with the draft regulations.

She pointed out the first page of the handout under summary and asked for clarification as to what kind of power the Planning and Zoning Commission had to prohibit cannabis vs a town wide ordinance. She went on to point out the second page under “suggested draft language” that it said new section 11.23. She wanted to clarify the numbering on this section as she believed the next section was to be 11.25.

Her next concern was under definition of terms in which she pointed out dispensary facility was not defined in the terms, as well as the term grow space. She suggested these be added.

She noted that under subsection three on the third page that the table included a table describing where certain uses were allowed and by what kind of permit. She asked if “SUP” meant special use permit. Next, she had a question about if cannabis establishments would be allowed in the new SDZ zone.

She went on to point out under section 3.1 cannabis retailer’s subsection that separating distances were only 250 feet and questioned why this was the case when liquor establishments were currently 500 feet.

She also had a question about the term adjacent used when referring to parks and playgrounds in relation to cannabis establishments. She asked whether that meant lost adjacency, and why there was a difference between distance.

Her next concern was regarding section 3.2 cultivation and product establishment she asked if a greenhouse was considered a building.

She asked the commission to consider separation distances for cultivation and production cannabis establishments citing odor and water control issues.

She also asked how the town would monitor effects of water use on residential wells, and stream belts along the commercial areas.

She suggested additional language regarding use of pesticides and fertilizers and suggested that under 3.2 b would be lowercase e which would talk about the use and management of fertilizers and pesticides and potential pollution.

Last she asked for clarification on concentration of uses, specifically with a hybrid retailer and micro cultivator and how many would be allowed over the next two years.

To conclude she again suggested the regulations be brought before the town's attorney.

H. Correspondence

I. Public Comment

Sarah Reis wanted to address concerns about PZ-22-10. J. Tehan stated that comments couldn't be made about this application until the public hearing. M. D'Amato noted the Economic Development Commission would be hosting a meeting with the applicant so that concerns not related specifically to the zone change could be addressed.

James Marhsall had questions about the SDZ regulations. M. D'Amato responded to his questions. J. Marshall asked if members of the public were allowed to share visuals or screen share during virtual meetings. M. D'Amato explained the process and best practice for a member of the public sharing information or visuals with the Commission.

Lindsey Dycan asked if there would be a change of venue for the meetings and noted that zoom had limited participants to 100 people.

Paul Carbonneau asked if the next meeting would be hybrid because he had traveled to gain access to the meetings twice only for them to be postponed. J. Tehan said that the July 19th meeting would be hybrid.

Rosa Helena Chinchilla asked questions regarding procedure. J. Tehans and M. D'Amato responded to her questions.

Mary Young asked about Willington's POCD and where it could be found. M. D'Amato added that it can be found on the website.

Ralph Tulis spoke to the traditional zone change approach and cited section 12.03.02.05 in the regulations.

Nicolas Tella asked how he could be sure what he submits to be shared is not altered by the Town.

James Marshall asked questions regarding the proactive process of the SDZ regulations. J. Tehan and M. D'Amato responded to his questions.

J. Staff Report/Discussion

None

K. Adjournment

R. Sinosky motioned to adjourn the meeting. B Shabot seconded.

All in Favor. Meeting Adjourned at 9:16 PM