

**Town of Willington
Planning and Zoning Commission
Special Meeting Minutes
September 13, 2022 – 7:30 PM**

Note: This hybrid meeting was held at Willington Town Hall and via Zoom.

A. Call to Order

W. Parsell called the special meeting to order at 7:30 PM.

B. Roll Call/ Seating of Alternates

Members Present:

Rebeca Sinosky

Doug Roberts

Joe Hall

Andy Marco

Walter Parsell

Bob Shabot

Also Present:

Michael D’Amato, staff Zoning Agent

Christopher Roberts, staff Assistant Land Use Agent

C. Applications for Receipt

None

D. Public Hearing

a. PZ-22-15: Special Permit Application for Alcohol Sales: 12 Tolland Turnpike (Flat Pennies Kitchen).
Applicant: Laura Pineo. Owner: Willington Station LLC.

Laura Pineo introduced herself. She explained to the commission that she was looking to serve alcohol in her new restaurant Flat Pennies Kitchen. She explained her operation and what she was proposing.

W. Parsell asked if the bar area would be the same as the breakfast bar. She said yes. W. Parsell asked if it would just be wine and beer. She explained that she would have a limited bar.

A. Marco pointed out regulations pertaining to alcohol sales and pointed out they were in compliance with them. The commission discussed the regulations.

W. Parsell opened up the floor to public comment.

Michael Mazzo introduced himself as the property owner and stated that he was in support and spoke to the applicant’s professionalism.

Ralph Tulis asked if the health department had signed off on this and noted concerns with the septic capacity. L. Pineo stated that the health inspector had been through and signed off.

Melissa Miller spoke in favor of the restaurant and stated that her experience was great.

R. Sinosky Moved to close the public hearing. Doug Roberts Seconded. **All in favor. Motion Passed.**

b. PZ-22-11: Special Permit Application for Expansion of Home Occupation to add propane delivery at 163 Ruby Rd. Applicant/Owner: David Lytwyn.

Dave Lytwyn introduced himself and explained that he was looking to add propane delivery to his current septic business which he operates from his home on Ruby Rd. He further stated that this would be for the parking of the propane trucks, but that there would be no propane tank or propane storage. W. Parsell asked for details and asked how many gallons the truck holds. D. Lytwyn said 3000 gallons. D. Lytwyn provided the commission with regulations regarding separating distances. W. Parsell asked Mike D'Amato if he was aware of anything. M. D'Amato explained his review of the proposed operation and the regulations in question.

W. Parsell opened the floor to public comment.

R. Tulis questioned how section 6.01.09 applies to the application

W. Parsell asked M. D'Amato to clarify the regulation. A discussion was held in regard to the applicability of section 6.01.09.

M. D'Amato stated that ultimately the operation would need to be inspected by the Fire Marshal. He explained the commission could condition that the vehicles be empty when on the property. The commission held a discussion regarding this section of the regulations and its implications. M. D'Amato stated that he could involve the Fire Marshal and get his opinion/ comments on the matter. D. Roberts pointed out that the Fire Marshall had commented on this. M. D'Amato said that he did correspond in December with the former Fire Marshal and that he could try to get input from the new Fire Marshal.

James Marshall asked if there were a stipulation as to how many trucks he could have on site. W. Parsell said that according to the application, he would have two trucks.

Todd Bissonette introduced himself and spoke of concerns with the amount of area that the business operates to in relation to the amount required by regulation. He spoke to concerns with the proposed activity. He provided the commission with materials which he presented and cited the home occupation regulations and the original permit for the applicant's septic business. He highlighted the condition for the business to have no outside evidence of the operation, and that the trucks shouldn't be visible from the road or abutting properties. He gave the commission a copy of the original permit. He provided the commission with copies of reviews for admiral septic from the real yellow pages. He provided the commission with photos of the property from google earth and other realtor sites. He asked the board to investigate Admiral Septic's Compliance with the zoning regulation before approving a new special permit to expand the business. He asked that the board deny the permit until the applicant meets all regulations.

W. Parsell recommended that this be continued, and that staff go to the property and investigate the property for zoning compliance. He asked that the Fire Marshal weigh in on the application as well.

D. Lytwyn asked that the regulations be applied equally to all properties in town. He asked the commission for any complaints against his business/property.

Maureen Lowe-Choa-Lee explained why they brought this complaint forward. T. Bissonette pointed out more concerns with parking areas, and lack of screening on the property.

A. Marco asked if the properties were contiguous. T. Bissonnette said they were adjacent to each other but they are separate.

R. Tulis asked about notification to abutters. M. D'Amato confirmed that notice to abutters were sent.

W. Parsell motioned to continue PZ-22-11 to the meeting on October 4th. Joe Hall seconded. **All in Favor. Motion Passed.**

Maureen Lowe-Choa-Lee stated her and T. Bissonnette's reasoning for speaking out. Todd Bissonnette pointed out further concerns.

c. PZ-22-13: Text Amendment Application pertaining to modifications to the Strategic Development Zone (Section 12.15). Applicant: James Marshall

W. Parsell said that he recommended this be continued after the closing of PZ-22-10. James Marshall agreed and asked this be postponed until after PZ-22-10. He asked that this be clearly noted on future agendas. J. Marshall asked for the commission to impose a moratorium on section 12.15 until his application PZ-22-13 is heard. He provided the commission with a letter granting an extension.

M. D'Amato explained the required statutory timeframes and provided the commission with options to either postpone opening the hearing or opening the hearing and continuing it until a future meeting. A discussion was held on this.

D. Roberts asked if we could suspend section 12.15. in the meantime. M. D'Amato explained that this would have to be done as a text amendment and would take time due to statutory requirements. The commission discussed this option.

R. Sinosky motioned to postpone opening the public hearing for PZ-22-13 to the October 4th meeting.

d. PZ-22-14: Text Amendment Application, pertaining to the prohibition of Cannabis Establishments (Section 13). Applicant: Willington Planning & Zoning Commission.

M. D'Amato explained that during the public hearing to consider cannabis establishments, it was decided that language would also be considered to prohibit cannabis in all zones. He explained that currently there were regulations to allow cannabis that were approved by the commission and that an application had been submitted under these regulations. W. Parsell asked if adopting a prohibition would effectively prevent any new applications. M. D'Amato said that yes this was the case. The commission and staff discussed this further.

W. Parsell opened the floor to the public.

Ed Taiman asked the commission why we would prohibit cannabis. He explained his background as an attorney and his involvement with cannabis businesses. He explained that these businesses produce tremendous amounts of foot traffic and said that this is what we want in town. He noted that a dispensary could bring more than 10 million in sales. He pointed out that this would bring traffic to the town's shops and restaurants. He questioned the disparity in treatment between cannabis and alcohol and made the point that they should be treated similarly. He pointed out the loss for the town should they prohibit this. He reiterated that this was a tremendous opportunity for the town.

Tess Gustkowski stated that she doesn't support cannabis in town. She noted her reasons for this being the conflict between state and federal laws, increased crime, and the towns lack of a police force. She referenced a letter she had written and provided to the Commission.

N. Tella pointed out that cannabis was illegal federally. He spoke to a study that showed an increase of injuries and fatalities in car crashes related to recreational marijuana.

T. Bissonnette noted the increased traffic that would come with a cannabis establishment and the benefits it would bring to the town.

James Marshall stated concerns with the towns ability to enforce the laws. He said that as long as the town can monitor and maintain the laws, he had no issue with cannabis establishments.

D. Roberts asked if the revenue coming from a cannabis establishment could be used to address safety concerns. Erica Wicewski stated that she was not sure that was the case and referenced the eligible uses of this revenue as written in the law. A discussion was held on this issue.

A. Marco motioned to close the public hearing. B. Shabot seconded. **All in favor. Motioned Approved.**

E. New Business

a. **PZ-22-15:** W. Parsell Motioned to approve the special permit for PZ-22-15. D. Roberts Seconded **All in Favor. Motion Passed.**

b. **PZ-22-11** Continued to 10-4-22

c. **PZ-22-13** Postponed to 10-4-22

d. **PZ-22-14** W. Parsell said he would like to decide at a later date. He asked M. D'Amato to push this to the 10-4-22 meeting.

e. 264 Ruby Rd Informal Discussion

Ben Sherry and Attorney Joe Williams introduced themselves to the Commission. He said they were from SunCap property group. A. Marco asked what SunCap is. He explained they are a property development group.

He explained the commission they would like to propose a text amendment to allow a surface parking lot for a nearby existing distribution facility. He explained the specifics of his potential request. He noted that this had nothing to do with PZ-22-10.

W. Parsell asked what the purpose of this lot would be. Attorney Williams explained it would be for trailers as well as vans and employee parking. W. Parsell asked why they needed this facility. B. Sherry said that typically it would be used in the peak seasons when overflow parking was needed. A discussion ensued regarding the logistics of this site.

W. Parsell asked how much parking there would be.

B. Sherry answered that he believed it would be 346 spaces.

R. Sinosky stated concerns with the layout of the road regarding safety and sightlines.

R. Tulis stated concerns with tandem trailers and distance of the site to the highway. He noted concerns with the layout of the road, safety issues, and necessary infrastructure improvements.

J. Williams reiterated that these concerns would be discussed at a later date.

B Shabot suggested that they expand on site. M' D'Amato explained that this had been explored with the land use staff but there was a conservation easement on the property that prevented them from doing so.

James Marshall stated concerns with the company leasing to the lot to the user making the point that it could be used for other future potential companies that want to use it. R. Tulis cited the Loves project and made a point that the commission really needs to look into the future when considering this text amendment.

W. Parsell stated that he was not ready to give an opinion on this yet and that he needed to wrap his head around this. A. Marco agreed.

M. D'Amato pointed out that they were looking on guidance for how to proceed related to their approach on just the text amendment.

Patrick Lord stated that he was speaking as a citizen not a member of any commission. He asked that the commission seek council on this matter.

W. Parsell stated that the commission needed to do their homework.

F. Unfinished Business

a. Affordable Housing Plan: Update

M. D'Amato explained the commission that they have informed the state to the timeline for the Commission to adopt this plan. He gave an update on where the development of the plan was to date and what the next steps would be. The commission and staff had a discussion regarding the affordable housing plan. It was agreed that this would be taken up in October when the Commission's agenda opened up.

G. Approval of Minutes

B. Shabot suggested we hold these to the next meeting. The commission agreed.

H. Public Participation (for items not listed on the agenda):

R. Tulis stated that on meeting agendas that the address needs to be clearer. He also stated that he believed that FOIA requires hybrid meetings to be noticed 48 hours in advance. The commission discussed this.

J. Marshall asked if he needed to bring copies of his application. He asked if the public could continue to speak at the upcoming public hearing. The commission explained that they couldn't, and that they had meet the required deadlines. A discussion ensued related to this.

N. Tella stated concerns with a conflict with the scheduling of multiple town meetings. He noted that he contacted a lawyer regarding his FOIA request, and he would be following up with a complaint.

Kathy Demers asked why future applications weren't included on the agenda under applications to be received. M. D'Amato explained that this was because of timing that they did not appear on the agenda. He noted that if an application comes in prior to the agenda being published it is referenced on the agenda but if they are received prior, they are noted by staff.

I. Correspondence

None

J. Staff Report/Discussion

K. Adjournment

W. Parsell adjourned the meeting at 9:38 PM.