

Town of Willington

Planning and Zoning Commission

Meeting Minutes -- November 1, 2022 – 7:30 PM

This hybrid meeting was held at Willington Town Hall (40 Old Farms Rd) and via Zoom.

A. Call to Order

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

B. Roll Call/ Seating of Alternates

Joe Hall (Virtual)

Walter Parsell

Doug Roberts

John Tehan

Rebecca Sinosky

Bob Shabot

Andy Marco

C. Applications for Receipt

D. Public Hearing

1. PZ-22-16: Application for construction of new commercial building and solar array at 0 Ruby Road (46/026-00) Owner: Ralph Tulis; Applicant Peter Parent.

(Continued from 10/18/22)

W. Parsell asked where we left off. Ralph Tulis explained they were waiting on IWWC approval. M. D’Amato explained IWWC acted on it on Monday. He explained staff received minor comments back from Joe Dillon the town engineer. One was in reference to comments received from DOT. W. Parsell asked a question regarding sightlines and grading on DOT’s property. M. D’Amato explained that that would be something the applicant would handle with the DOT. M. D’Amato explained that the second comment was suggesting the applicant investigate how to prevent erosion coming from the drip channel on the edge of the panels, and that this was discussed at the IWWC meeting and the project engineer was looking into this.

W. Parsell asked how many square feet the building would be. W. Parsell asked if the purpose of the panels was to power the site or if they intended to sell power back to the grid. R. Tulis suggested it was possible.

R. Tulis spoke to the attempts he made to improve sight lines in the past. He explained that DOT didn’t support it until the town gave their approval for development.

W. Parsell motioned to close the public hearing for **PZ-22-16**. John Tehan seconded **All in Favor Motion Passed**.

2. PZ-22-17: Special Permit Application for Cannabis Retail Establishment at 11 Phelps Way. Owner: BTV Realty of Willington LLC. Applicant, Patrik Johnson.

(Continued from 10/18/22)

P. Johnson explained where the application was left following the previous meeting and explained his understanding of concerns from the public regarding language in the regulations for separating distances and how they are measured. He explained that it was his understanding that the town had engaged with counsel and that their opinion supports the PZCs interpretation of the regulation. W. Parsell stated that it was his understanding as well and that the Commission's attorney agreed that it was to be measured from the edge of the tenant's portion of the building not the property line. He asked M. D'Amato if he was correct in that assertion M. D'Amato said yes this was the case for retail. He further explained that the criteria used to measure is different the way it is written in the regulation for retail as compared to cultivation. He explained that cultivation the measurement is to be from lot to lot. He explained that the PZC's attorney felt there was no misapplication of the definitions or regulations particularly related to the guidance they were given at the time of drafting these regs which stated that cannabis uses were to be handled like liquor establishments if absent specific regulations. M. D'Amato concluded stating that the PZC's attorney indicated there were no issues with proceeding. W. Parsell stated that the matter had been addressed.

P. Johnson offered to answer more questions. W. Parsell asked if there were any plans for parking control upon opening. P. Johnson said that they planned to work with local police to mitigate traffic and continue that as necessary. He mentioned that some things depended on how the state decided to roll out opening the market for cannabis establishments.

J. Marshall stated that even if the Commission's attorney says it's okay, that it is not allowed. W. Parsell stated that J. Marshall was wrong and asked him not to repeat the comments from last meeting and to present new evidence. J. Marshall stated there was no specific discussion in the public hearing for the regulation regarding measurements. He stated that it was the PZC's decision. W. Parsell agreed and indicated that J. Marshall was incorrect. J. Marshall disagreed. J. Tehan pointed out that the regulation used the language permit premises, not just premises. W. Parsell added that this meant from the building not the lot line. J. Marshall stated that was for liquor. J. Tehan said that that was the nearest similar use.

K. Demers read section 11.25, 3.1, A1 in the Cannabis regulations and asked for clarification. She asked about the applicants plan to use the drive-through and stated concerns with its ability to handle traffic. P. Johnson spoke to plans to use the drive through. He stated that they didn't anticipate long lines for the drive through and they had plans in place to mitigate drive through traffic.

R. Tulis asked what the orientation would be for cars coming through the drive through. P. Johnson explained they would keep the same configuration as the bank.

J. Marshall pointed out the requirements for parking and site access. P. Johnson said that they would be coming back for building permits and signage permits. J. Marshall said this was a part of this permit. P. Johnson said he agreed this was just for a special permit. J. Marshall stated this community was looking to site a new school and these regulations were important and unclear.

David Krivanec said he had lived in town for 60 years and that any time new development comes to down it gets turned down, lots of time by newcomers. He said that it's a new world and development is growing east to Willington because this is where the land is.

R. Sinosky asked if the applicant planned to use any parking in the upper part of the lot. P. Johnson answered that he didn't believe those were required and he didn't expect to use them. The commission discussed.

B. Shabot commented that the package store had been in Phelps Plaza before the daycare.

W. Parsell motioned to close the public hearing for **PZ-22-17**. J. Tehan seconded. **All in Favor. Motion Passed.**

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

(Continued from 10/18/22)

J. Marshall summed up the prior proceedings of this application and explained where it left of. He handed out a preferred revision and explained that it kept the title and heading but deleted the regulation completely, leaving it open for the Commission to workshop a new regulation. He also handed out the initial text amendment with two revisions that were discussed at the last meeting. He explained the two revisions. He explained this way the commission had two options to go forward how they prefer.

W. Parsell asked M. D'Amato a question regarding the definitions of warehouses and warehouse uses in Town. M. D'Amato responded that the SDZ is not the only way a warehouse project could seek approval in town. W. Parsell stated he thought it was important to define warehouses. He asked what the options were. M. D'Amato explained that the commission voted at the last meeting to refer the temporary moratorium to CRCOG. He noted this could take some time, but in the meantime through this existing text amendment the commission could make more restrictive changes to effectively stop future SDZ applications. M. D'Amato further elaborated on options the Commission could consider going forward.

J. Marshall asked if they left the vision statement would that leave enough grounds for someone to apply for the SDZ zone with no restrictions. J. Tehan stated that absent an application process there would be no way to apply. D'Amato agreed. W. Parsell asked what the downside to deleting the whole regulation entirely was. M. D'Amato explained leaving the vision statement would essentially leave a trail of where the regulation started rather than having a blank space. J. Marshall said that made sense to him. B. Shabot agreed with M. D'Amato about leaving the description. W. Parsell agreed.

M. D'Amato said that he would prepare something and have it reviewed by Halloran & Sage for the next meeting.

R. Sinosky asked if the hearing had to stay open. M. D'Amato said it could be done through a motion.

R. Tulis spoke to the options M. D'Amato proposed for revising the SDZ regulation.

B. Shabot motioned to close the Public Hearing for **PZ-22-13**. John Tehan seconded. **All in Favor Motion Passed.**

E. New Business

None

F. Unfinished Business

1. PZ-22-11: Special Permit Application for Expansion of Home Occupation to add propane delivery at 163 Ruby Rd. Applicant/Owner: David Lytwyn. Issue Decision by 12/08/22

M. D'Amato recapped where the application left off. He explained that conditions were reviewed, and the Commission decided to revisit the condition requiring a fence to be installed. M. D'Amato explained that from a staff perspective after visiting the property it wasn't feasible to move the fence further from the road and that doing so would provide less of a buffer. He further stated that a condition had been added to allow the commission to review the existing buffer within a year and require an extra 25 feet of fence be added if necessary.

The commission reviewed the conditions.

J. Tehan motioned to approve **PZ-22-11** with conditions.

CONDITIONS

1. Any parking of commercial vehicles beyond the requested two (2) propane delivery trucks and one (1) box truck shall be prohibited.
2. Prior to any parking or storage of the subject vehicles, a solid fence and/or gate not less than 6ft in height shall be installed North of the detached garage and parallel to Ruby Rd a distance of at least fifty (50) linear feet.
3. Notwithstanding the installation of the required fence/gate, the existing vegetation/treeline North of the detached garage shall be maintained for a distance of not less than one hundred (100) linear feet.
4. 163 Ruby Rd and 187 Ruby Rd are to remain in the ownership of the permittee
5. The existing parking area to the northwest of the detached garage shall not be expanded to accommodate additional business vehicles.
6. There shall be no overnight parking or storage of business vehicles or equipment within the existing driveway area.
7. The two (2) permitted propane delivery trucks shall only be stored onsite overnight if empty.
8. No propane storage or distribution from this property is permitted.
9. If, within twelve months of the commencement of permit activities the Commission determines that the existing vegetation and required fencing does not provide an adequate visual buffer, it may require an additional twenty-five (25) linear feet of fence to be installed along Ruby Rd.

W. Parsell Seconded **All in Favor. Motion Passed.**

2. PZ-22-16: Application for construction of new commercial building and solar array at 0 Ruby Road (46/026-00) Owner: Ralph Tulis; Applicant Peter Parent

J. Tehan stated that he supported the project. A. Marco asked for clarification about the concern with erosion from the drip edge of the solar panels. M. D’Amato explained that the applicant planned to address this through there E&S control plan. The commission discussed this.

M. D’Amato asked if the commission wanted him to prepare a motion.

A. Marco asked if there was any permeable paving proposed. M. D’Amato said no and explained that they are under the limit for coverage. A. Marco asked what the building would look like. M. D’Amato said they didn’t have architectural plans yet as they did not have a tenant established. The commission and staff discussed.

B. Shabot asked about drainage and the possibility for an engineered wetland or planted detention basin. M. D’Amato explained the drainage proposed and stated he would ask the applicant to revise the plans to include plantings for water treatment.

W. Parsell stated they would continue this discussion at the next meeting.

3. PZ-22-17: Special Permit Application for Cannabis Retail Establishment at 11 Phelps Way. Owner: BTV Realty of Willington LLC. Applicant, Patrik Johnson.

M. D’Amato stated he had a working list of potential conditions for the commission to consider. He explained that these were based on the questions raised during the hearing and legislature surrounding the topic.

The commission reviewed the proposed conditions. A discussion was held regarding the conditions.

J. Tehan motioned to approve **PZ-22-17** with the following conditions.

FINDINGS:

1. The application as submitted and subsequently amended by this approval complies with the criteria established in Section 11.25 of the Willington Zoning Regulations for Cannabis Retail Establishments

CONDITIONS

1. Any expansion of the permit premises beyond the portion of the building described within the submitted proposed floorplans shall require a modification of this Special Permit by the Commission
2. The 15 parking spaces associated with Building “B” as depicted on the site plan shall be made available for public parking for thirty (30) days from the public opening date. Should onsite parking demands necessitate, additional lengths of time may be required by Town staff.
3. For up to thirty (30) days after the opening of the retail location, the Town may charge the applicant/retailer for any necessary and reasonable costs incurred by the Town of Willington in accordance with Section 21a-422g of the CT General Statutes

4. The applicant/operator shall continuously maintain all necessary approvals required by the State of Connecticut for the duration of the operation.
5. This conditional approval shall not be considered fully executed until a copy of the State issued license has been provided to the Land Use Office. Such approval must be filed within six (6) months of the issuance of this approval unless an extension has been provided in accordance with 11.25
6. No operations, sales or advertisements shall commence without a valid, current license from the State and fully executed Special Permit.
7. Once open, the applicant shall adhere to a litter management plan to ensure the permit premises and parking lot are kept free from litter.
8. Following any planned renovations, prior to opening to the public the applicant/operator shall provide a completed interior floorplan to the Land Use Department.

B. Shabot seconded. **R. Sinosky abstained. All others in favor. Motion Passed.**

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

Continued to next meeting.

5. PZ-22-14: Text Amendment Application, pertaining to the prohibition of

Cannabis Establishments (Section 13). Applicant: Willington Planning & Zoning Commission

M. D'Amato suggested as to not complicate things there could be a way to prohibit cannabis establishments but keep the regulations for the approved establishments. The commission discussed. J. Tehan said he would like to see language drafted that would essentially grandfather the approved establishment. W. Parsell agreed. M. D'Amato said he could prepare some changes to the prohibition language to keep the criteria for the existing facility but would prohibit future facilities. The commission discussed further. M. D'Amato said he would write up some language and review it with Halloran & Sage.

G. Approval of Minutes

1. October 18, 2022

J. Tehan moved. B. Shabot seconded **All in Favor. Motion Passed.**

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

Linda Hothan asked a question regarding when a home occupation outgrows the home occupation category. She said the town was at a crossroads and this was a good time to re-evaluate growth in town. She suggested a workshopping of the regulations and said she would volunteer to help the process.

David Lytwyn spoke to what kind of establishments he would like to see in town.

I. Correspondence

J. Staff Report/Discussion

M. D'Amato stated that he applied to the towns ARPA commission to do a codification project for the regulations and ordinances.

A. Marco suggested having a discussion regarding meeting start times, and length. W. Parsell asked to add this to the agenda. M. D'Amato said that the commission needed to approve next years meeting dates in December, and this could be discussed at the same time.

K. Adjournment

W. Parsell adjourned the meeting at 8:55 pm.

Respectfully Submitted,

Christopher Roberts,

Assistant Land Use Agent

