

NEWINGTON TOWN PLAN AND ZONING COMMISSION

November 26, 2013

Regular Meeting

Chairman Michele Camerota called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the Helen Nelson Meeting Room at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Frank Aieta
Commissioner Carol Anest
Chairman Michele Camerota
Commissioner Michael Camillo
Commissioner Cathleen Hall
Commissioner Stanley Sobieski
Commissioner Audra Ekstrom-A
Commissioner Kenneth Leggo-A

Commissioners Absent

Staff Present

Craig Minor, Town Planner

Commissioner Leggo was seated for the vacant position on the Commission.

II. APPROVAL OF AGENDA

Chairman Camerota: Craig, any changes to the agenda?

Craig Minor: No.

III. PUBLIC HEARINGS:

- A. Petition 59-13: Special Exception (Section 6.2.4; Free Standing Business Sign at 665 New Britain Avenue (C&C Janitorial Supplies) 665 CC Associates LLC, owner C&C Janitorial Supplies, applicant, Grace Café, 665 New Britain Avenue, Newington, CT, contact.**

Tim Stewart: Good evening, my name is Tim Stewart and I represent Grace Café and Martin Café of C & C Janitorial Supplies.

Chairman Camerota: If you could just give your address?

Tim Stewart: 60 Whiteman Road, New Britain, Connecticut. C & C Janitorial Supplies is an industrial sales complex located at 665 New Britain Avenue in Newington. Over the last several years it has grown substantially and their product lines have grown with that growth. They have developed several new manufacturing lines and are licensed distributors for such which is requiring them to change their signage somewhat to indicate the new lines that they

have acquired. Their request this evening is to change their sign basically. I still think it's within the legal size limits, but Grace and Martin want to do everything by the book, and have requested this change just to comply with the zoning ordinances. She is here to answer any questions that you may ask. I believe that they sent copies and pictures with their request.

Chairman Camerota: Craig, any comments?

Craig Minor: A couple of things. I had the Zoning Enforcement Officer inspect the site to make sure there is sufficient capacity for the signage, and he confirmed that there is. It's a huge building, so there is plenty capacity for the signage, but he also found something interesting. Apparently some twenty or thirty years ago there was a larger sign that was approved for C & C. It was like a seven foot by fourteen foot sign, so my question is, the sign that we have seen in the photographs, obviously that is the successor to that sign, is the current sign in the same location as the old sign was?

Grace Café: Yes it is.

Tim Stewart: This would just be an additional piece underneath the sign.

Craig Minor: And the other point that we would like to bring up tonight, and it's not directly related to the sign, but to spare you from having to come back at a future meeting, if C & C plans on, not storing, but putting any of their inventory outside to be displayed, such as the firewood or the snowmobiles, let's discuss that now, because that requires the Commission's approval, so if that is your intent, we can discuss it now and if the Commission wishes to, they can make that approval also.

Tim Stewart: Occasionally, for instance, they picked up a line of Ariens Snow Blowers, occasionally they will put them out in front of their building, inside of the fenced area, not out in front of the property where the sign is located, just to indicate that they are selling Ariens equipment there because it is not indicated on their sign as yet. I think they had temporary signs out there for a little bit for firewood and for Ariens Distributorship and this will all be incorporated on the signage.

Craig Minor: Okay, and I noticed the other day that there was a small pallet of wood, shrink wrapped, that's the kind of thing that does require the Commission's permission to have outside.

Tim Stewart: That won't be there again.

Craig Minor: Okay, good.

Grace Café: Can we have it though?

Craig Minor: You have to ask, and if the Commission says yes you can have it, but you have to ask and the Commission has to say yes.

Tim Stewart: That would be an additional request.

Craig Minor: Yes, but again, like I said, to save you from coming back next month, I'm suggesting that we do it all at one time.

Commissioner Aieta: We're going to need a site plan, where it's located, how are we supposed to know where it is going to be unless we do a site visit.

Chairman Camerota: I think we could do it within this application, but we need a little bit more information. I think it is something that they would have to come back next month and present to the Commission as far as where it is located and what is outside.

Tim Stewart: They do sell firewood, just as a side to the business, and sometimes they put it out in front of the building, just to let you know there is firewood, not in the front of the building, but inside by the fencing area. All of that, the volume of that, is located in the back of the property so as long as they can indicate it on their sign, that there is firewood available that should be sufficient.

Chairman Camerota: Any Commissioner comments? Mr. Stewart, since this is a public hearing, I'm going to ask you to have a seat and we'll see if there are any comments from the public.

Tim Stewart: Thank you very much.

Chairman Camerota: Thank you. Is there anyone from the public wishing to speak in favor of this petition? Is there anyone from the public wishing to speak against this petition? Seeing none, what is the pleasure of the Commission.

Commissioner Aieta: I suggest that we move it to Old Business and act on it tonight so they can get their sign.

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

Chairman Camerota: Okay, we will put this under Old Business and vote on it tonight. Thank you.

B. Petition 60-13: Special Exception (Section 6.13: Accessory Apartment at 18 Homecrest Street, Miguel Braga, owner/applicant Attorney Jessica Dornelas, 350 Silas Deane Highway, Wethersfield, CT, contact.

Chairman Camerota: The petitioner is not here, and I will have Town Planner Minor explain why.

Craig Minor: This is a request by the homeowner to basically create an apartment in what I will call the basement for his sister, and they started to do it with no zoning approval, and as their application went through the building department, the Zoning Enforcement Officer pointed out to them that they need a special permit for an accessory apartment which is how it then came before you. But as I reviewed their application in more detail, and I calculated how much of the floor area was going to be for the apartment, and there is a requirement in your zoning regs that the apartment can not take up more than thirty percent of the total habitable floor area, I could see that they were considerably exceeding that thirty percent because basically, what I will call the basement, and it's not really a basement, and we can talk about that later, but the basement floor is obviously the same size as the first floor, so how is it going to be thirty percent? Well, as I tried to work with the owner to try to find a way to comply with your regulations, and get it down to below thirty percent, the owner, or his lawyer pointed out to me that the laundry room which is in the basement, will also be accessible to the primary residents, to the folks upstairs and if fact, if you can see where the stairs are, if someone were to come downstairs into the laundry room, there is really no separation from the what I'll call the basement apartment from what I will call the home owner who wants to go and use the laundry room.

So I noted that as an issue, and then as I continued to look over their plans, I noticed that they have a storage room and an office room which they have separated in an attempt to reduce the percentage of the floor area down below thirty percent, but that doesn't work because to even think of the office and the storage room as part of the upstairs that doesn't work because the resident upstairs would have to go through the apartment to get there. So as I'm finding all of these problems with just making this work, I called the Attorney and I explained all of these problems, and as we talked about it some more I asked her, well, do you really need a special exception, I mean, is there some reason, and I don't want to get into your, the family relationship between the brother and the sister, but is there some reason why you need to be officially an accessory apartment? Why can't this house simply have an extra kitchen downstairs, an extra bedroom downstairs, an extra living room downstairs and pay rent if that is what the brother and sister want to work out, but why do you need a special permit, a special exception? Her answer was, because that is what the Zoning Enforcement Officer told her. So I talked to Art about it, and I said, Art, why does this need a Special Exception? Why isn't this just another house that has more than one kitchen? As he looked at the floor plan he realized that the so called apartment really is not isolated, and he used a building technical term, but the basement apartment is not really isolated from the upstairs apartment because someone can come downstairs to go into the laundry room, but can just as easily go into the so-called living, so it is not truly isolated. So, and at that point I told the Attorney working for the owner, that well, in that case, you don't really need a special exception, it's just a house that has two kitchens, two bathrooms, two bedrooms and that's why I suggested that she withdraw her application, which she said she would do as long as she gets a letter from the Zoning Enforcement Officer saying that he is okay with this, and that is why I was prepared tonight to recommend that this be taken off of the agenda because from my point of view, it doesn't need a special exception. But then I discovered that the Commission maybe has a different feeling about this, so that's the history, that's why the applicant's are not here tonight because I told them you don't need a special exception, but I guess I'm about to find out otherwise.

Commissioner Hall: First of all, this is a very controversial topic. We had it in our regulations, and then we took it out. And it was out for about five, six years maybe even longer, but it was less than ten years, and then we decided from input from the townspeople that maybe we were making an unfair restriction on accessory apartments. So we spent months creating criteria to allow accessory apartments again, and they were very specific. It was a special exception, it was a certain amount of square footage, it was entrance, exit, all kinds of things. We spent a lot of time on it. Also, what you don't seem to understand or realize is that a house in an R-12, which this is, with two kitchens is considered a multi-family. It's illegal. So if a bank comes in, if somebody is going to buy this house, and there is a second kitchen in the basement and it's in the R-12 Zone, the bank rejects it because it is multi-family dwelling in an R-12 Zone so that was the other thing we did, we made it a legal entity if they met certain criteria and therefore it would pass if somebody wanted to sell the property as well. So a lot of thought, time and effort went into it, so to say that you don't have to do it, I think, well, let's listen to other people, but I think we did it on purpose.

Commissioner Aieta: I have a problem with trying to take the regulations to fit every person who comes in to try to do something. I mean, the regulations are pretty clear. I know we like to help everybody and try to be good government, but sometimes things don't work, don't fit. When you start stretching the regulations, or exempting things, from the regulations, we run into problems. This is a clear case where they have to meet the requirements for an accessory apartment, an in-law apartment. To say they can do it with, they're still paying rent, it doesn't work. We have to take a better look at how we inform people of what their rights are. You can't just circumvent the regulations just because someone comes in and

says they want to do something. It doesn't fit, it doesn't work. I mean, I have no problem with denying someone an application when it doesn't work.

Chairman Camerota: Any other Commissioner comments on this?

Commissioner Anest: I just want to say I do concur with Cathy because I do remember that, and I know that we spent hours and hours going through to make sure that it was treated properly, so that when you sold the property there would not be a problem.

Chairman Camerota: I agree. I think part of the problem was that I think what we were seeing was when they became apartments, we didn't want this kind of thing to become de facto two family houses, and that's why there was the requirement with the internal and external connection with the house so there was one exit to the outside for the person in the apartment and also an internal connection so they weren't totally separated, that kind of deterred people from making it a two family house, so I agree, I think we should let them know that it should be on a public hearing and put them on the first meeting in January.

Craig Minor: Okay, I will do that.

C. Petition 61-13: Special Exception (Section 6.6: Liquor Store) at 256 Harford Avenue (Country Liquor Store) Wethersfield Colonial LLC, owner, Rushabh LLC, applicant, Bhadreesh Shad, 109 Coronado Drive, Newington, CT, contact.

Chairman Camerota: Is the applicant or a representative here?

Tom Taglione: I'm Tom Taglione, I'm the attorney for the applicant, 35 Pearl Street in New Britain, Connecticut. We have a liquor store that has been in operation with this owner since the year 2000. We have a pending sale and in discussing certain requirements and we wanted to comply with the contract that we had signed indicating that we had followed all local ordinances, etc., we were asked about a special permit and we sought to find out if in fact there was one on record. We looked high and low, we talked to certain members, we talked to the Zoning Enforcement Officer, we talked to Mr. Minor, by the way, they were extraordinarily helpful to try and get this rectified and we appreciate that. We found out that there was not a special permit on record. So we started to do a little investigation to see what was going on, and well, we, with the Freedom of Information Act we made application to the State Liquor Control, we got a copy of our file, and it turns out that all applications, when Mr. Shah was the managing member, when all applications were filed, it was approved by the city officials, it was approved by the Zoning Enforcement Officer, it was approved by the town clerk, the town permits, the liquor permits, have been recorded each year so we couldn't figure out what was going on. We looked at the land records, we researched the Planning and Zoning minutes, and we couldn't find anything. We started talking to people and Mr. Shah had known some of the prior owners, we talked to people, we talked to a lot of the people involved. We talked to the owner of the land who has been running the property since about 1972, which was when the building permit was issued. It turns out that there has been a package store there with four or five different owners for nearly forty, possibly over forty years. We weren't, we only had approximates and much as we were anticipating anecdotes, we found out that the building was 1972, there was Illusions Package Store there for several years, they sold to a Wine Loft, that was the second owner. I think then the Wine Loft sold to a fellow who used to wear a cowboy hat, I'm told and the cowboy decided he was going to make it the Country Package Store, and that's what it has been since then. In 1992 the cowboy sold it to another LLC and Mr. Shah bought it in 2000 and has run it since then. We kind of assumed, we still weren't sure what was going on, we kind of assumed that every time

there was a sale all of the requirements were met, trying to deal with the Liquor Control Commission is very difficult, I'm sure you folks realize that. You know that we have to comply with their requirements and yet we still were somewhat confused. We looked at the regulations and it appears that all the regs were met, the distances were okay, it wasn't near any special locations where we were dealing with the proximity of locations, the signs were fine, it seemed harmonious with the neighborhood, everything seemed to be in order. There have been no traffic problems, no complaints. One theory was that maybe in the relocation of the offices, the files got lost. We then talked to Mr. Minor, and Mr. Minor was concerned about it, because it seemed unusual, what was going on, and then recently Mr. Minor indicated that prior to 1983, you didn't need special exceptions. So everything kind of followed from there, I mean, then everything started to make sense. So, we're trying to satisfy the prospective purchaser, who is now saying, if it's okay, give us the special exception, so we didn't want to confuse the deal any further. We made application, and here we are. We asking that the special exception be granted. It seems like it would be terribly unfair not to grant it at this point, and we would just ask you to approve our application.

Chairman Camerota: Thank you.

Tom Tablione: You're welcome.

Chairman Camerota: Craig, any comments?

Craig Minor: No, that's exactly what I was going to say. I will add though that I did drive through the neighborhood just to confirm that there are no other package stores within the five hundred feet distance, and I didn't see any, so I would say that there doesn't appear to be any problem with approving this permit.

Chairman Camerota: Any Commissioner comments or questions?

Commissioner Aieta: I don't know, when you say they don't have to come Craig, this probably was one that didn't have to come here because they preceded the change in the zoning regulations. They had, if I remember correctly, they did not have special exceptions until '83 or '84 when they put it into the regulations. Before that it was not under special exceptions for a package store. So they preceded the date, so it's a technicality and I would suggest that we move it so that he can make his sale. It's obviously been a package store for forty or so years.

Tom Tablione: I would just add that Mr. Minor did believe that, and suggested that we talk to the buyer and of course I presented that to the buyer, and once these things get antsy, they want to make sure, and I don't blame them, if I were their attorney I would probably tell them the same thing, I would never admit that to the other attorney.....

Commissioner Hall: I think he's listening.

Tom Tablione: Probably sitting in the back row, right now.

Chairman Camerota: Mr. Tablione, this is a public hearing so I am going to ask you to take a seat and we will see if there are any comments from the public.

Tom Tablione: Thank you for hearing me out.

Chairman Camerota: Thank you very much. Is there anyone from the public wishing to speak in favor of this petition? Anyone from the public wishing to speak against this petition?

Seeing none, can I have a motion to move this petition to Old Business for voting tonight.

Commissioner Leggo moved to add Petition 61-13 to Old Business. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

D. Petition 47-13: Zoning Text Amendment (New Section 6.15: Medical Marijuana) Town Plan and Zoning Commission, applicant.

Craig Minor: I think most people know the history of this amendment, but I'll briefly for the record summarize it. The State of Connecticut last year adopted the public act that essentially legalized the production and dispensing of medical marijuana for medicinal purposes. The Town of Newington Zoning Regulations were, it was ambiguous as to whether somebody could do this as of right. There was some discussion by the Commission and the feeling was that we should adopt regulations that clearly provide guidelines for someone that wanted to apply for a state license to either produce, in other words grow, grow and process, and dispense, in other words sell medical marijuana. So we drafted the regulations, so what I am going to do now is just go through the highlights of it, and then at that point turn it over to the Commission, if they have any questions, and then the public if they have any comment.

The first aspect of the regs that I want to talk about are what is called the applicability and separation requirements. Production and Dispensing is restricted to the Industrial Zone only. Sites must be at least 1,000 feet from any church, i.e., place of worship, school, or playground and also at least 1000 feet from any residential zone, and I have the zoning map over there which I'll display more prominently in a moment. The second point I want to bring up is signage. Only the street address will be allowed. No graphics and no text that identifies the activity. The Department of Consumer Protection regulations prohibit a registered patient from purchasing medical marijuana at any dispensary other than the one that the patient is registered at, so there is no need for identifying signage. Security requirements: Production and dispensing facilities must have quote, an adequate security system to prevent and detect diversion, theft, or loss of marijuana utilizing commercial grade equipment. Hours of operation shall be limited to between 7:00 a.m. and 5:00 p.m. seven days a week.

Let me just close with the regulation, a copy of the regulation was sent to the Capital Region Council of Governments for their review, I've not received any comment from them at this time. It was also sent to the Central Connecticut Regional Planning Agency for their review and they have replied that it was found not in conflict with regional plans.

I'm going to go over and pick up the sign and show the audience and the Commission where in town someone could apply for a medical marijuana permit. The Commission has seen the sign, so I'll show the public. The regulation, as proposed, limits the medical marijuana production and dispensing to only Industrial Zone. There are several Industrial Zones in the Town of Newington, but the regulation goes on to say that any such site must be 1000 feet from a church, school, playground and at least 1000 from any residential zone. That ends up leaving just these areas in town where someone could apply for a medical marijuana license. This area here on Fenn Road, and a little tiny area up here off of North Mountain Road. So those are the only area. Only this area here, actually, this area here is Balf Quarry. Effectively, actually Fenn Road and North Mountain Road are the only areas. That concludes my comments.

Chairman Camerota: Thank you Craig. Before getting comments from the public, do any of the Commissioner have any comments or information that they want to share. Seeing none, I'll entertain comments from the public and instead of asking for comments for and against, I'm just going to say, generally come up and comment on it if you wish to do so.

Andy Brecher, 120 Stage Coach Lane: I am appearing before you tonight in my capacity as Newington's Economic Development Director. I find myself in an unusual position tonight. As a child of the sixties and seventies, I am probably one of the few people of my generation who have never used and for that matter, never even tried marijuana, yet here I am to advocate for relaxing the draft regulations to make it easier for medical marijuana dispensary and production facilities to locate in Newington. In my role as the Town Economic Development Director I have set aside my own personal beliefs regarding use and legalization of marijuana, to take a professional and somewhat dispassionate view of the value that medical marijuana facilities can bring to our town. Essentially medical marijuana production is nothing more than agricultural manufacturing. A plant is grown, harvested and processed into a pharmaceutical final product. Medical marijuana dispensing is nothing more than a medical facility that provides a specialized therapeutic agent to patients. In both cases, they provide jobs, tax revenue and in the case of dispensing facilities a convenience to Newington residents who might find relief from debilitating medical conditions that include cancer, glaucoma, Parkinson's Disease, HIV and Aids, MS, Chron's Disease, Spinal Cord Damage causing spasticity, Epilepsy, and Kakeisha, which is the emaciation of the body that is a result of cancer and other chronic disease and is otherwise know as wasting away syndrome. In legalizing and regulating medical marijuana facilities in Connecticut, the Legislature was clearly cognizant of the potential for attempted theft and black market trafficking of marijuana. Therefore they are requiring unprecedented security and control throughout the manufacturing and dispensing processes. In fact, one could argue that the security requirements are greater than what banks have, because banks allow anyone in, whereas medical marijuana facilities would only grant access to previously approved employees and patients. Despite what you might have read in the newspapers, there are two companies that are interested in locating their marijuana facilities in Newington, one production and one dispensary. Representatives of the dispensary are here tonight I believe, and they will speak on their own behalf about a building at 260 Stamm Road. The production company is interested in a place for their operation at 610 North Mountain Road. There is a 37,000 square foot building there that has been vacant for some time. It's a very difficult property to lease or sell because it has only one overhead door and that's accessible only by a long narrow driveway, and parking for the building is across the street. This would be a new division of the manufacturer whose operations began in the mid 1800's. Today they are the last remaining manufacturer in the world of a pharmaceutical product that sold at retail and was also used as a component in hundreds of other pharmaceutical products. They cultivate the plant that is the base material for their product in a variety of places comprising some thirty thousand acres throughout New England. They harvest the plant, and take them to their modern facility in the south central part of Connecticut where they make their final product. The parallels between medical marijuana production and their current product are uncanny. The main differences are that marijuana must be grown indoors and their current product is not subject to extreme security measures as the marijuana production. Both require clean manufacturing, stringent conditions control, and careful disposal methods. Under the Draft 6.15 regulations, neither the dispensary or the production facility would be able to operate in their preferred locations. In fact, I don't believe there is any building in town, that currently exists where a medical marijuana facility could be sited, and the reason is, the 1,000 foot buffer zone in 6.15.4. Both companies I have been talking to agree that an Industrial location is the preferred location for their operations because such buildings are easier to secure, and they have no need for the general public to access them. What is unclear to me and to the dispensary and production applicants that I represent is why buffer zones between residential areas, schools, parks, etc., are needed at all. Newington has already established Industrial Zones to accommodate a variety of manufacturing and commercial enterprises, and the question is why is medical marijuana, why is that industry subjected to additional limitations. If the product was aspirin, or vitamins, or antibiotics, or codeine, or even oxycontin, no special buffers would apply. As a point of fact, we had a

wholesale pharmaceutical compounding facility in town, off of Pane Road before, for all I know, there might be others in town that are operating right now. Clearly medical marijuana ignites strong moral feelings among many people, but bottom line, the public, including children are not affected by the presence of regulated marijuana dispensing and production facilities. Requiring such businesses to be in an Industrial Zone is smart, requiring buffers for such use has no basis in land use planning and should be eliminated. It's interesting that another moral hot button enterprise, the largest gun dealer in New England used to be located in an Industrial building on Stanwell Road. It was there for decades. Most people in town had no idea it even existed. The business was subjected to extreme security requirements imposed upon it by the Federal Government, and to the best of my knowledge, they never had any issues or impact to the public. Also, limiting the hours of operation per 6.15.7, to between 7:00 a.m. and 5:00 p.m., should, that as well should be eliminated. Manufacturing of an agricultural product such as marijuana is a 24/7 operation. The plants grow all of the time, they must be monitored, tended to and harvested when the time is right regardless of the time of day that might be. Similarly, dispensaries should be open for the convenience of the patients and the care givers. I know many of you can relate since you have cared for loved ones that need to get to medical appointments or doctor's appointments or medical treatment, and many patients suffering from the illnesses that I listed before find that it is impossible for them to drive themselves to a dispensary. If the dispensary is amenable, patients and care givers should be allowed appointments that really meet their schedule. Before and after the normal work day, and the care givers in particular should not be forced to have to take time off from work to make the appointment. Again, I don't see a land use basis for restricting the hours of operation from 7:00 a.m. to 5:00 p.m. I think that the demand for the services would dictate the hours that the dispensary chooses to operate. I have no idea whether the dispensary or the production companies that have applied for the Connecticut licenses will be granted those licenses. But if they are, I would like to see them operate here as part of our overall broad based Newington economic development strategy, and for the convenience of Newington residents. Deleting the 1,000 foot buffers and the 7:00 a.m. to 5:00 p.m. time restrictions would allow that to happen, so I also ask you to put aside any preconceived moral feelings that you might harbor and consider medical marijuana simply as a state regulated process that can be safely produced and dispensed within our existing Industrial Zones without distance and time restrictions. Thank you for your time.

Chairman Camerota: Thank you Mr. Brecher. Any one else from the public wishing to speak on this petition? Good evening.

Charles Meek: Good evening, Charles Meek, 78 Valentine Street, obviously here in Newington. I wanted to first say that I do support medical marijuana as a product for any of the things that he mentioned. I do support this coming into the town. Companies regulations, I have just a few questions, I don't know if they can be answered or not, and just a couple of minor concerns. You talk a lot about the buffer, I think that is very important for this use, especially at this time. This is something that is new to Connecticut, new to a lot of America right now with medical marijuana coming into play in the states. Zoning regs can evolve over time, and they can be changed based upon the demand from the public and perhaps that is something that can be addressed later on, but right now I think that buffer is a nice buffer for the town. My other question was, or concern I should say is can the number of dispensaries be limited through the regs, I just don't know if it's one at a time or just one period or some sort of maximum numbers of dispensaries that can come into the town. Again, although I do support it, I do think it should be controlled based upon a certain level that is comfortable to the town. Thirdly, just real quick, I read the security requirements of the State, and as you said, they are pretty tight, they are very, very tight and my question regarding that is, are those security measures regulated, not regulated, but followed up with the Town or the State

required to monitor those regulations. That was one question that I had. I think that was it, the buffer, the locations are, I think are great as we have right now in the Industrial Zone.

Chairman Camerota: Thank you Mr. Meek. We will answer your questions when we go back through our comments.

Richard Pelletier, 580 Burnside Avenue, East Hartford, Connecticut: I helped Mr. Azhai actually make the application to the State for the dispensary facility at 260 Stamm Road. We also, back in May or June, I forget what it was, we actually proposed regulations and we were asked to pull them so that you could actually do the regulations yourselves and my only concern with the whole thing is the 1000 foot from residential areas. In our original proposal there was no such buffer from residential areas, and I don't know why it was added in. A dispensary facility that we are proposing is more like a medical physician's office. I can actually leave with you, if you would like, a copy of our proposal, just so you can see, it's like a doctor's office, the whole set-up, so I agree with everything that Mr. Brecher said, maybe leaving some kind of a buffer for production facilities, but 1000 feet from a residential zone? It's an Industrial Zone, it should, that part should be eliminated.

Chairman Camerota: Anything else?

Richard Pelletier: No, that's it. That's for you.

Chairman Camerota: Thank you Mr. Pelletier. Is there anyone else from the public wishing to speak on this petition? Seeing none, Commissioner comments? Craig, do you want to go first, answer some of the questions?

Craig Minor: Yes, Mr. Meek, to answer your question, can we limit the number of them, basically no. What the Commission can do is adopt regulations that require a certain distance between uses and the same philosophy applies to things like alcohol related uses, adult entertainment uses, a lot of towns try to regulate those things, and having a limit of how many there can be, my understanding is that we cannot do, but we can require them to be separated far enough apart so that would limit the number that the town would have.

Chairman Camerota: But there is a state limit right, or is that not clear?

Craig Minor: The law limits the number of production facilities that the Commissioner of Consumer Protection can issue, not less than two and not more than eight, I'm not sure right now, but there is no limit on how many dispensary licenses he can issue. He'll use a rational process, he'll only issue as many as he thinks are needed based on the number of patients are registered, but there is no statutory limit on how many dispensaries statewide can be approved by the State. As far as security, we would be following up to make sure that any successful applicant complies with the security requirement, just like we follow up on any zoning condition of approval, and that would be in addition to what the State does. As a practical matter, the State would probably do a better job than us, but we would also do it ourselves.

Chairman Camerota: Any Commissioner comments or questions? Seeing none, I am suggesting that we leave this open for one more meeting given that this is a holiday week, so this will be on the agenda for the next meeting as well.

Richard Pelletier: When is your next meeting?

Craig Minor: It will be the second Wednesday in December which I think is the 11th.

IV. **PUBLIC PARTICIPATION** (for items not listed on the Agenda; speakers limited to two minutes.)

None

V. **REMARKS BY COMMISSIONERS**

None

VI. **MINUTES**

A. November 13, 2013

Commissioner Sobieski moved to accept the minutes of the November 13, 2013 regular meeting. The motion was seconded by Commissioner Camillo.

Chairman Camerota: I did read the meeting minutes, I was not here, but I will vote on them tonight. I did read through them thoroughly.

The vote was unanimously in favor of the motion, with six voting YES.

VII. **NEW BUSINESS**

None

VIII. **OLD BUSINESS**

Craig Minor: I didn't prepare draft motions for approval for either of these two, but I think we can simply read the Petition, and then if there are conditions that the Commission wants to talk about, we can discuss it during the discussion phase, and then if the motion is amended to include conditions we can do that, if the Commission wants to do it that way.

Chairman Camerota: Sounds good.

Petition 59-13
Special Exception Section 6.2.4
Free Standing Business Sign
665 New Britain Avenue

Commissioner Aieta moved that Petition 59-13 Special Exception (Section 6.2.4) Free Standing Business Sign at 665 New Britain Avenue (C & C Janitorial Supplies) 665 CC Associates LLC owner, C & C Janitorial Supplies, applicant, Grace Café, 665 New Britain Avenue, Newington, CT contact be approved.

The motion was seconded by Commissioner Camillo.

Craig Minor: Any conditions that anyone wants. Obviously we don't have to make mention of the outside storage, because they said that they didn't need that.

Chairman Camerota: Should there be any findings?

Commissioner Aieta: The Commission finds that the addition to the sign falls within the required signage for that zone and it is not oversized.

Chairman Camerota: Can I have a second on the motion with the findings.

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

Petition 61-13
Special Exception Section 6.6
Liquor Store
256 Hartford Avenue

Commissioner Leggo moved to approve Petition 61-13 Special Exception Section 6.6 Liquor Store 256 Hartford Avenue, Country Store Liquor Wethersfield Colonial LLC, owner, Rushabh LLC, applicant, Bhadresh Shad, 109 Coronado Drive, Newington CT contact.

The motion was seconded by Commissioner Sobieski.

Chairman Camerota: I would just add under FINDINGS that this meets all the distance requirements and other requirements of Section 6.6. Can I have a second on those FINDINGS?

Commissioner Camillo seconded the findings. The vote was unanimously in favor of the motion, with six voting YES.

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING:

- A. Petition 62-13: Zoning Text Amendment Section 3.11.7: Fueling Station) Hayes-Kaufman Newington Associates LLC, applicant, Attorney Mark S. Shipman, 20 Batterson Park Road, Farmington CT, contact.

Craig Minor: We've received a request from the attorney from Hayes Kaufman Newington Associates LLC to amend the fueling station regulation. This is for a gas station that is associated with a shopping center and they have asked that the wording be amended to, in their case, to address a specific situation where they have a parcel of land that is next to the Stop and Shop Shopping Center and they are concerned that the Commission would be rigorous in their interpretation of the existing rule which is that it must be within the shopping and feel that they couldn't approve it, so they have asked to amend the regulations to have a broader definition of what constitutes a shopping center fueling station.

Commissioner Aieta: I remember when this came in, it was, there were other areas, when we put this regulation in, it fit other shopping centers in different places and it sounds like that we're changing the regulations to fit a specific piece of property, and that would be spot zoning in my opinion. This regulation would probably, with this change, would only apply to that one situation in town where the shopping center owns additional land adjacent to it. They originally came in specifically for a gas station inside the confines of the parking lot, and we approved that. I think we're getting away from what we originally thought was the approval because in my opinion, I thought, well, we're not just specifically approving this for one specific location, other locations could fit these requirements. Target, Wal-Mart, probably some other ones, but now to say that we want to move it off site, I don't know if that is stretching that to make it specifically for this applicant, or this specific location.

Craig Minor: Well, I think you want to wait, I'm sure what you want to do is wait and let the applicant make his presentation.....

Commissioner Aieta: I'm just making an observation from what I saw.

Craig Minor: I mentioned to the Attorney that the hearing would be, normally the hearing would be at the next following meeting, but in your case, you are only meeting once in December, so the hearing would be at the first meeting in January, but he's on vacation that week, so he asked that it be scheduled for the second meeting in January, so, two months from now.

X. TOWN PLANNER REPORT

A. Town Planner Report for November 26, 2013.

Craig Minor: Again, not much to report as far as things going on but I did update my chart of performance bonds which I passed around and as usual, I started working on it two days ago, and did a lot of updates. I contacted some of the owners, I sent e-mails to people I hadn't heard from in a month or so, but there is one in particular that I do want to talk about. The House of Pancakes one, I contacted the Developer, a Mr. Boylin out of White Plains and he was the developer who got the House of Pancakes approved. He's, as you can imagine, long since gone from that project, he has no involvement any more, I think the property even changed hands a couple of times since then. He was the one who posted the bond, so it's, so if it is to be released, it would be released to him. I looked at the site plans and I looked at an aerial photograph of the House of Pancakes, I went out there, and all I could find missing was a few trees, and I could see why the trees weren't planted because if you look at the site plan that shows the street lights, or the parking lot lights, there is a light exactly where one of those trees is supposed to be. I'm guessing that when they actually began construction they went to Ed Meehan and said, Ed, we kind of screwed up here, and Ed said oh, well then obviously don't plant the tree where the light is going to go, but I don't know what Ed did tell them, but in any event, there's still this fairly large amount of money, I'm sorry, I don't have it in front of me.....

Commissioner Hall: \$5700.00.

Craig Minor: Yeah, a fairly large amount of money and if and although I feel very strongly that we should hold applicants to their word, if they say they are going to do something, we should make them do it, but what if they say they are going to do something that goes way beyond the minimum and some thirteen or fourteen years have gone by, and they didn't do it, specifically the landscaping. By that I mean, the site definitely has enough landscaping to comply with the zoning regs, it just doesn't have all of the trees and shrubs that they said they were going to plant, which they didn't have to do, they chose to because it's good marketing, but they didn't have to. So, there is no regulation that says like you have to have twenty trees per hundred parking spaces or something of that sort, which some towns do have, so it's not as if they are in violation of the zoning regulations, so I'm going to suggest, I'm going to throw it out there, that except for the couple of trees that they should have planted, that in a sense they do owe you because they said they were going to plant them, we release the rest of the money because I can't figure out why it was held back. There's nothing else missing that I can find from the site. Mr. Boylin, as we were talking, it began to come back to him, he recalled that the bond was posted because there were some foundation plantings along the base of the building that he seemed to recall because of the season, it was in the late fall, didn't get planted, and I can go back out and take a look and see if there appear to be enough foundations plants to satisfy my aesthetics, but there is no rule that says there has to be a certain amount. So, I'm throwing it out to you for some guidance as to whether we should continue to hold his money, or give it back to him, I guess we could talk to the current owner and ask him if he would like us to plant some shrubbery at the expense of Mr. Boylin.

That kind of doesn't seem fair, after some fourteen years or so. I'm finding out why some of these bonds have been sitting around all these years. They are kind of thorny, there's a reason why Ed didn't deal with them before he left because they are kind of problematic.

Chairman Camerota: Thoughts from the Commissioners?

Commissioner Sobieski: You're talking about just putting in a couple of trees and some foundation plantings, is that what we are talking about here?

Craig Minor: That's what I'm suggesting, yes.

Commissioner Aieta: How much is that going to cost?

Craig Minor: A couple of thousand, at the most.

Chairman Camerota: Well, it can't be done now, so this would have to wait until the spring.

Craig Minor: True.

Chairman Camerota: Is it your suggestion that we return some of the money now and retain enough to do it in the spring, or just wait until the spring?

Craig Minor: Well, let's do it now and get rid of it. If conceptually this seems to have some appeal, what I will do is to contact some landscaping businesses, find out how much a couple of appropriate trees would cost, how much some appropriate plantings would cost, and come back to you with that dollar amount and then actually, no, we can't do it now, I really want to get this off the table, but.....

Commissioner Ekstrom: What's a few more months?

Craig Minor: You're right, after thirteen years or so? Well, if the Commission is amenable to that, that okay, I'll pursue that, I mean, we'll put it aside for a couple of months and bring it back in the spring with, I'll come back with that specific proposal fleshed out in the spring.

Commissioner Anest: As long as we don't forget about it.

Craig Minor: It's on the chart, we'll see it. The others again, I'm just following up on. The homeowner who built his, or the developer built the driveway too close to the neighbor....

Commissioner Hall: Waverly?

Craig Minor: Yes. He came into the office yesterday but I wasn't in and he wanted to talk to me, but he left and didn't leave his phone number and I don't have his phone number, I've been having to write to him, and, but last time I spoke to him he did say his neighbor was amenable to selling him a little strip of land, and he is working with the original consulting engineer, Jim Cassidy to actually do the plan, to show it, so hopefully that will be resolved, but I'm afraid though the fact that he came into see me means that its hit a bump in the road, but we'll see.

Then I asked Art if he knew, the last four or five on the list there, the ones with no comments from me because I haven't been able to find anything on them, I asked Art if he knew anything about any of them, and the one about the tree, he recalled vaguely that there was a large tree that the Commission wanted to be preserved, and as we talked about this, I said, are you saying that the Commission approved it with the condition that the tree be saved,

because if that is what happened, then I'm sure Ed would have waited for them to submit a revised plan saving the tree before he had the Chairman sign it, but the plans don't show any saved tree, and Art's thought was, and it wasn't like he was making it up, he seemed to have reason to think that Ed allowed the applicant's to submit the original plan but they would have to pay a fee to purchase additional trees to compensate for the loss of the big tree.

Commissioner Hall: The tree is still there.

Craig Minor: All right, so much for that theory. I drove around looking for a very outstanding tree and I didn't see anything that was really outstanding.

Commissioner Hall: When you come in the driveway, you know how it curves?

Craig Minor: Yes.

Commissioner Hall: Well, it curves around the tree.

Craig Minor: And it's that big a tree? I didn't see.....

Commissioner Hall: And a sycamore has what looks like big freckles on the trunk, you can't miss it.

Craig Minor: Okay, so if the tree is there, so much for the theory that that's what the bond was for.

Commissioner Hall: If they killed it.

Craig Minor: Okay.

Commissioner Hall: So if they killed it, then they had \$10,000 to replace it with another tree.

Craig Minor: But the tree obviously has survived.

Commissioner Hall: It's still there, still has leaves.

Craig Minor: Then at this point, we can release this bond.

Commissioner Anest: I have a question. When it was approved though, when they had the bond and they released part of it, isn't there something like in the minutes saying why the \$10,000 is still retained.

Craig Minor: When Art and I were talking about that today, that is something that he suggested, so what I was going to do then is to up to what they call cold storage and go through the minutes of the meetings when the plan was approved and see if there is anything in the minutes that talks about the tree. That was my last resort, going through those minutes. It's tedious, but now I don't think I have to, I think Cathy's, what you are saying.....

Commissioner Hall: Does everyone agree with me.

Commissioners: Yes.

Craig Minor: It makes perfect sense, and at this point the tree obviously has survived, so it is safe to return the money.

Commissioner Hall: Part of this was, two owners ago, what is it now, the Aero-space company that is there, it was, there were two others, they were heavily involved with that, because they wanted to make sure that that tree survived. For whatever reason I don't know, but they are long gone also.

Craig Minor: All right, and the rest of them are still a work in progress. That's all I have. Well, can we talk about LID for a moment?

Chairman Camerota: Sure.

Craig Minor: Okay, does the, how does the Commission feel about having Glenn Chalder come to your next meeting on the 11th and go through the zoning and subdivision regs in more detail, answer any questions that you have, and then depending on how you feel at that point, proceed to the public hearing process, or not, if you still have more questions, or you still have more changes to be made, but shall I put it on the agenda for just a presentation by Mr. Chalder at the next meeting?

Commissioner Aieta: Other than what he presented tonight?

Craig Minor: Yes. Exactly, in detail, literally going through the zoning regulations page by page and the subdivision regs page by page. I'll do that.

XI. COMMUNICATIONS

None

XII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to two minutes.)

None

XIII. REMARKS BY COMMISSIONERS

Commissioner Aieta: I have a couple. I had talked to the Planner about Newington Electric's site plan, I brought to his attention that their drainage, they are using a pipe that drains into Pane Road as their drainage for the site. I also have been that they put a charging station on their property, they have done extensive renovations for the building, the parking area, landscaping, they took down the old sign, I'm assuming that they are going to put up a new sign, I think that was something that should have come to this Commission for review. Do you want to comment on this?

Craig Minor: Yes, nothing in there requires your approval. The drainage was illegal, thank you for pointing that out, and the Town Engineer has gotten after them on that, but cleaning up the façade doesn't require your approval, addressing the landscaping doesn't require your approval, putting in a roll top door doesn't require your approval. The electrical charging station, I haven't heard about that before, you just told me about that, that was new, that's interesting, I'll have to think about that.

Commissioner Aieta: Well it's not in the regulations, so if it's not in the regulations then it's not allowed.

Craig Minor: No, it's not that simple.

Commissioner Aieta: Yeah, it is that simple, because if it's not in the regulations it's not allowed. I mean, we should address that, and put it in the regulations because Best Market put one in their parking lot which we have, I'm not saying they should not have these, I think they have to have them, but we should have it in our regulations so that it's legal. The way it stands now, it's not a legal entity. It doesn't exist because it's not in the regulations.

Craig Minor: No, no. What Mr. Ingall's business is, is electrical, so what this is is an accessory to existing use, it doesn't require your approval, because if you think about it, what you are saying is that you could deny it if you wanted to. I don't see how you have the ability to tell him that he can't put.....

Commissioner Aieta: Site plan review.

Craig Minor: There is no requirement for site plan review. Your regulations have certain thresholds, certain triggers, when a property owner does certain things, or wants to do certain things, he has to come in and get your approval.....

Commissioner Aieta: Not having drainage on the site, that's not enough to trigger that they should come in to this Zoning Board? I think it is.

Craig Minor: Show me in the regulations. Show me.

Commissioner Aieta: So you're telling me that we would have to comply with.....

Craig Minor: I'm just saying show me where it says it.

Commissioner Aieta: This is the same problem that we had when we did the Floor Now. It was administratively done, through, I'm telling you, you are going to get yourself in trouble if you don't bring these things to the Commission. Let us, we're the ones that interpret the regulations, let us determine whether it is something that we have to approve or it can be done administratively.

Craig Minor: No you don't. If the regulations say, I'm saying, for example, if the regulations clearly say, and I'll stipulate this, if the regulations clearly say that something is a permitted use, you don't have the right to say that they have to get a special exception. You don't, once the regulations say what they say, then.....

Commissioner Aieta: I'm talking about site plan review.

Craig Minor: Once the regulations say what they say, then that is the process. The chips fall where they may. In the case of this electrical charging station, you just now told me about it, it's very interesting, I don't know, I'll have to go back and research it, and maybe, after I look at it more carefully, and think about it, I'll come back and agree with you, about the charging station, but I doubt it, because I deal with this all the time. People ask me all of the time, what do I have to do.....

Commissioner Aieta: What about the sign? They don't have to come in for a sign? They took the sign down.....

Craig Minor: Right.

Commissioner Aieta: They're not going to have a sign on their property?

Craig Minor: What, a free standing sign?

Commissioner Aieta: Yeah.

Craig Minor: If they replace it exactly where the old one was, then no, they don't need your permission, if it is exactly the same, which is kind of unlikely, so he probably will, but you have to wait until he either does something wrong, or asks me whether he needs approval and then I'll tell him, well describe this new sign to me, and when he describes it, if it is exactly the same, if it is exactly the same in the sense of what you have jurisdiction over, because you don't have jurisdiction over everything, but if it is exactly the same as far as it is from your point of view so to speak, then he doesn't need another permit from you. I'll have to look into it and get back to you.

Commissioner Aieta: You're telling me about the off premise parking of his trucks that it doesn't require some kind of a document.....

Craig Minor: I didn't say that.

Commissioner Aieta: Okay.

Craig Minor: I didn't say that because I am troubled by his off site parking.

Commissioner Aieta: There is more to this than, it probably started off with something that you could have done administratively, but it's ending up where it's.....

Craig Minor: Well, no, not necessarily. As you peel off, as you look at each individual, and you have to do this, I mean, we are a bureaucracy, good or bad, as you look at each aspect of what he is doing out there, you have to look at them independently.

Commissioner Aieta: I'm not against him doing it.

Craig Minor: I know you're not.

Commissioner Aieta: I'm happy that he's doing it, he's cleaning the building up and he's doing a lot of good things there but we could have caught the drainage problem if he came.....

Craig Minor: No, he did that illegally, so that is not a good example. That was wrong.

Commissioner Aieta: Here is a situation where you have an existing building, existing site with zero, zero storm drainage management, at all.

Craig Minor: Right.

Commissioner Aieta: Zero, he draining directly into Pane Road. That specific location adds to the flooding of the curve on Pane Road in an extreme storm.

Craig Minor: Right, and the Engineering Department is after him on that.

Commissioner Aieta: Okay, that's something that could have been caught here.

Craig Minor: How?

Commissioner Aieta: If we had a site plan, we would have seen that there was no drainage.

Craig Minor: But he didn't need to submit a site plan, because none of the things that you have said so far trigger the requirement to get site plan approval. Putting in a door doesn't require site plan approval, cleaning up the façade doesn't require site plan approval, changing the tenants doesn't require site plan approval, changing the content on a sign doesn't require site plan approval.

Commissioner Aieta: He took the sign down, he has a charging station that is now allowed in this zone.

Craig Minor: It's not, not allowed in this zone.

Commissioner Aieta: The charging station that he has there, it's allowed?

Craig Minor: It might be.

Commissioner Aieta: Show me in the regulations where it says.....

Craig Minor: It's an accessory use for his business.

Commissioner Aieta: I'm not going to argue any more with you. You know the point that I am trying to make, don't get yourself in trouble and bring it to the Commission and let us decide what is appropriate that, for the Commission to decide what is appropriate for us to hear, and what is not, not the staff, that's my opinion.

Commissioner Sobieski: Craig, referring to charging stations, obviously this is something that is going to be coming more and more as time goes on. Can you look to see if any of the surrounding towns, like West Hartford I know has a bunch of them.....

Craig Minor: There is one in Plainville. Yeah, it's a big issue.

Commissioner Sobieski: There's one in Blue Back Square over there, I guess there are three or four bays there for charging. It might be something that we might want to look at and see....

Craig Minor: It's a hot topic in planning. I didn't know it was coming to Newington until I was at the Best Market opening, their grand opening and saw the charging station there, and I'm thinking, I didn't know about this, and I was a little, it caught me eye that they put these charging stations in the parking lot which then occupy two parking spaces that now not everybody can park at, and possibly conflict with where the handicapped spaces, so that was my thought when I saw the charging stations at Best Market.

Commissioner Sobieski: I'm sure people in town must own electric cars and they have personal charging stations at their house too, so I'm just suggesting maybe we should see....

Craig Minor: And maybe the time has come for Newington to have something in it's regs about charging stations. Then there are charging stations for a businesses own use versus charging stations for the public, like at Best Market, there's a lot going on here which is why it's a hot topic in planning circles.

Commissioner Sobieski: I think the one at Blue Back Square is for the shoppers use.

Craig Minor: I think the one in Plainville is at the GE Factory, it's pretty much for their employees. So, and that's an issue, if you are going to have regulations, you will have to talk about a charging station for the general public in which case I think we have some obligation to make sure that it is done correctly, as opposed to a charging station for one's own employees, in which case it's probably not that much, that we should get into too much, but okay, I can put together....

Commissioner Sobieski: I know about West Hartford, that they had put that in, I didn't know about Plainville. I think we should look at it down the road because it could become a hot button issue. We might want to modify what they have.

Commissioner Aieta: The charging stations on the application that Attorney Shipman is bringing in, it mentions charging stations, and they are looking for that to be allowed also, so we don't have it in our regulations to say they can or can't do it.

Commissioner Leggo: Just one more thing to add it. There are different types of charging stations too as how they are constructed and how they are supplied and everything else, so we might want to look into that as well.

Chairman Camerota: Any other Commissioners comments?

Commissioner Hall: Just a question. A couple of meetings ago I asked about the Saputo sign on Fenn Road, whether it was built as they presented it, so if you could look into that, because it seems to have moved again. It's like the wandering sign.

Chairman Camerota: Any other remarks?

XIV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Camerota: Have a Happy Thanksgiving, and let's hope that we have more people come with comments about the medical marijuana, and it will be on the agenda for the next meeting as well.

XV. ADJOURMENT

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Aieta. The meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary