Chairman Domenic Pane called the regular Zoom meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m.

I. **PLEDGE OF ALLEGIANCE**

II. **ROLL CALL AND SEATING OF ALTERNATES**

Commissioners Present

Chairman Domenic Pane  
Commissioner Bryan Haggarty  
Commissioner Garrett Havens  
Commissioner David Lenares  
Commissioner Stephen Woods  
Commissioner Stuart Drozd-A  
Commissioner Thomas Gill-A

Commissioners Absent

Commissioner Anthony Claffey  
Commissioner Jonathan Trister  
Commissioner Hyman Braverman-A

Commissioner Gill was seated for Commissioner Trister and Commissioner Drozd seated for Commissioner Claffey.

III. **APPROVAL OF AGENDA**

Renata Bertotti: The John Patterson parking lot extension ended up not being discussed by the Council last night so that will be pushed out for your next agenda.

IV. **PUBLIC PARTICIPATION** *(For items not listed on the agenda, speakers limited to two minutes.)*

Tucker Sals: Thank you for allowing me to speak tonight. I work for Transport Hartford on the Hartford development project. I am not from Newington but I do run events in Newington. My job is to hold walk audits and other community events to inform stakeholders about TOD's and get them involved in the way that the town develops. If you remember when I ran this the last time, it was at the Newington Junction station, and what we want to do is increase the walkability and accessibility for neighborhoods, especially around transit. We feel that these types of developments really increase the town and the health of the town. This is because large parking lots and commercial properties are denser and they can also be co-located with housing and require less maintenance per acre within the realm of the zoning laws. So, I am letting myself be known to the public in Newington, and is it okay for me to put some contact information in the chat? If anyone is interested in transit oriented development, or the walkability and access of the community wants to reach out to me, I'd love to run a walk in Newington, I'm Tucker Sals, and my number
is 860 944-5113 and if any of you have any questions about transit development, I’d be happy to answer them.

V.  ZONING ENFORCEMENT OFFICER REPORT

Chairman Pane: Do any of the Commissioners have any questions for Erik?

Commissioner Haggerty: Express Kitchens, is that a repeat offender, it seems like I have seen that a couple of times.

Erik Hinckley: This is the first on my watch, maybe it was a couple of years ago. I had a conversation with the manager there today and he did take that stuff down.

Chairman Pane: Any other questions? Erik, do you have anything that you would like to report to us?

Erik Hinckley: No, I was in class for a couple of weeks so it isn’t as robust this month as other months, but keeping busy between Planning and Zoning and Wetlands.

Renata Bertotti: If I may report, Erik spent this past week, and before that in CADS training, so I had asked him to put together a couple of pointers of what resonated with him from the training and do that for you at either, depending on the load of the agenda, give you a little briefing of what he learned for either next time, or the meeting after that for both you and the Conservation Commission. So it will be a little staff run training, or an informational type thing for the Commission.

VI.  REMARKS BY COMMISSIONERS

None

VII.  PUBLIC HEARING

A. Petition 19-22: Zoning Regulations Amendment (Sec. 6.13 and Sec. 9.1) pertaining to accessory apartments and to opt out of accessory apartment provisions of PA21-29/SB6107, Applicant Newington TPZ, Contact Renata Bertotti.

Renata Bertotti: The first document that I will ask Erik to display will be the copy of my memo that was sent to the Commission and just to kind of brief everybody again and also to inform the public, last year the state legislature passed an act number, public act 21-29 which included a number of changes to the zoning act and one of the changes in that act was that it included provisions under new Section 6 that essentially mandated that each town zoning regulations would have to allow accessory apartments as of right, subject to zoning permits, unless towns opt out of this, and there are a number of provisions in this public act which I will display to you in a minute, that talk about how that has to be done by the towns, if the towns do not opt out of these provisions. As I said in my memo, the Town of Newington already has zoning regulations which regulate accessory apartments which means that we allow them. We allow them by special permit, we allow them in our R-20 and R-12 zoning district. I have some maps that I will show later on in the presentation that display where those zoning districts are, and then we have a number of local zoning provisions that do not comply with this public act right now. The most significant provisions that are not compliant, that they are kind of out of step with the act, how the state regulates and we regulate, we require special permits, they say you can’t do that, they also require certain doors,
we require the door connection inside units, we regulate certain ways for outside doors, and where these outside doors can be, and that also is not allowed.

We regulate minimum floor area which is also not allowed and then we regulate time limits and require that the special permit be renewed which, all of these things are out of compliance with the public act, so I wrote this up to the Commission where in several instances we kind of talked about this, and we discussed that if we do not fix this, we have this year to correct this, if we leave things as they are, if we do nothing right now, the State Statutes will supersede the local zoning regulations, which means that come next year, we will be required to essentially sign zoning permits and ignore our own regulations. So that is not ideal and because of that we are better off fixing our regulations to either match the state statutes if that is what you want, I have a sense that is probably not where we want to go with this regulation, so we then can fix our regulation to how we want it to be, and opt out of the provision which we must do if we don’t want to comply with the state statutes.

So those are our overall options. Now in order for the community to opt out of this process there is a two step process. First, the Planning Commission has to call the public hearing which is what we are doing right now, so this public hearing counts and I will show you that section 6 of the public act and we will talk about that so that you will understand clearly what are the provisions that we are talking about opting out of.

The Commission will have to make a vote, and that vote has to be a super majority vote, a two-thirds of the Commission voting in the affirmative to approve the opt out, and then when you do that, you need to state on the record the reasons that you will justify an opt out. Then we, the staff need to do a couple of things, publish the decision notice, and after all of that, everything has to go to the Council which essentially needs to do pretty much the same type of steps. The law says they also have to do a two-thirds vote, but I would assume that they also would want to hold a hearing as well, so it’s probably going to be a similar process, so it is a two step process.

The language, if we decide to change the language of our zoning regulations on how we regulate out accessory apartments, which in your packet I included some proposed changes for that, and I will recommend that we definitely consider changing how we regulate accessory apartments because our regulations are out of date, they do not make sense in many ways, and they could stand some correcting to make them better.

We don’t have to do both things together. We can consider opt out separate and the language adoption separate.

Page 13 of the public act, so as you can see it starts by saying the Section 6, any zoning regulations as amended shall designate the zoning district where accessory apartments are allowed provided that at least one accessory apartment shall be allowed as of right on each lot that contains a single family dwelling and no such accessory apartment shall be required to be an affordable accessory apartment.

Allow accessory apartments to be attached or located within the proposed or existing principle dwelling or detached from the proposed principle dwelling and located on the same lot as such dwelling.

Our regulations and I will show you our current regulations shortly, but we require special permit and we also only allow attached. We do not currently allow detached units.

The State Statutes say that the regulations shall set a maximum floor area for an accessory apartment unit and then they go into mathematics of how much that shall be. That regulations shall require setbacks, side yard and building frontage that can be less than or equal to what is required for a principle dwelling, so essentially they are saying we cannot require larger setbacks for accessory units then we do for like a normal, primary dwelling.

Provide height, they have standards that are higher than those for a regular house, the regulations will be prohibited, the regulations cannot require a passage way to any accessory apartments and principle dwelling, so these doors, between a house and an accessory apartment, we cannot require that with this regulation. The regulations cannot require an exterior door by what this code says, they cannot seek more than a parking space, they can’t regulate the familiar or employment relationships, so essentially
some towns have language that says in-law apartments, and that is not allowed. That is not the case with us but for some towns that is an issue.

The minimum number of occupants shall not be restricted to senior citizens or young people, or something.

So this is about utilities and correction, the apartments must still meet the building codes and the other codes. They did not take that away from anything, but zoning does not regulate building, but what it essentially says is that you cannot require in zoning things that are otherwise regulated by the building, so you can't be setting minimum floor area because that is a building code issue.

You have to approve it within a certain amount of days, and we can condition approval on correction of non-conforming use, we cannot require installation of fire sprinklers, because again the Fire Department does not regulate family homes anyway. We can't require installation of separate utility connection, and if we do not adopt new regulations or adopt, or amend our existing regulations or opt out by January 1 of 2023, this becomes law and our regulations are superseded.

So this is a general talk about what happens with regards to the opt out. Now, our current regulations, in our accessory apartment regulations you can see that the owners of the property shall reside on the property throughout the duration of the permit. That is okay, and I carried that over in my proposal. The accessory apartment shall have a maximum occupancy of two persons, that is not allowed, we cannot do that under the public act, nor do I think that is actually smart, nor do I believe that is enforceable, because frankly how are we, the zoning officers going in and counting people in their houses.

The building shall be determined to be capable to be added on in a safe manner and applicants for accessory apartments shall have the zoning survey. We kept some elements of this in my proposed regulation. An accessory apartment shall contain at least 500 square feet. I, in my package eliminated this because it is not allowed and I don't necessarily think that it needed. If it meets building code, it doesn't matter the smallest of it, you know, the small isn't going to be an issue. I think we probably should focus on how big these units can be. There is some language here about garages, I don't even remember what I proposed and there is language here about the outside access and internal doorway. I eliminated all of the language talking about internal doorways. In my opinion, talking about any internal connections implies familiar connection. If you have internal doorways, you are actually regulating who lives next door, because that is like an in-law apartment or an apartment that is set for a family member. I don't know that that is necessary. If we are talking about exterior doors, we may want to look into where those exterior doors are located so that you don't have two front doors facing the street if that is offensive to the Commission. If that gives an appearance of overdeveloped, over populated on the whole. There is some talk here about bedrooms and baths and kitchens and all that, and I think some of that stuff I cleaned up.

Parking, our parking regulations are good. I left them as is, I didn't really change anything. I eliminated the stuff about the affidavit, well, no, I kept the ownership certification but I eliminated anything that was about certifying the special permit and having to like having to renew the special permit.

Here, I am going to show you a couple of maps. What I was thinking is, we could allow as of right, in R-20 and R-12 zones accessory apartments. Then I included also, as of right, detached apartments on lots that are larger than 40,000 square feet, and let me how you, this map, this is the map that was prepared for me by our GIS person and it shows all of the parcels that are larger than 40,000 square feet. On an acre lot, I mean a lot of these properties are, they are going to be (inaudible) I mean, they are going to be occupied by something, some are easements, some are industrial, but some are large enough and could actually accommodate more than just a house. As long as that detached unit is located in the rear or side yard, as long as it is not in front. You can allow them, either, I also created a map that shows 20,000 square feet, and I wanted to do this and I premised my presentation to the Commission on this with you know, I am going to offer you a couple of ideas and I want you to think about this because you really have some options here, with the attached unit, with the detached unit, and with the size of lots, you can regulate this because we might consider opting out. If we opt out, then we will have special permits in
place. If we are using special permits already then we might consider allowing detached units, at least by special permit on certain sizes. We should probably allow attached by special permit on smaller lots. We have options here, so we can regulate by size of the lot, by attached, by detached, but we should allow all of these developments in some fashion and on larger lots, attached units should be allowed as of right. On larger lots I believe even detached units should be allowed as of right, just because the housing need is such a great need, but it is going to be a community conversation again, and a community decision.

On the map, green are parcels that are greater than 20,000 square feet but smaller than 40. Purple are all of the parcels that are larger than 40. Those are all residential parcels, all R-20 and R-12. So this area here looks pretty dense if we go to like parcels that are greater than 20,000 square feet and we allow, we could see some development, some increase in density in these kind of areas, but if we keep it for like a detached unit to 40,000 square feet, like we probably wouldn't see much.

My kind of like first original draft, we allowed one attached accessory apartment as of right, one detached accessory apartment as of right on parcels that are larger than 40,000 square feet, one detached accessory apartment by special permit on parcels that are less than 40, and should talk about, I eliminated the number of occupants, but I would like to have a provision that requires that at least one of the occupants of either accessory units or primary is an owner of the property. I want an owner to live where we have these.

No short term rentals, you know, we still have to comply with all of the building, fire codes. The accessory apartment can only be located on the side or rear of the single family dwelling. It says on the corner, the Commission may, by special permit allow an alternate location. We are requiring certain things for application, which is normal. The accessory apartments shall not exceed 1,000 square feet of gross floor space, I think these are intended to be an accessory apartment, I really don't want a second house on the lot.

Outside access to an accessory apartment shall not be from the street, and this is in our current regulations. I don't know if this is something that the Commission felt strongly about. It is more appearance than anything. I personally don't feel very strongly about it, but it is for you to consider. The bedrooms and bath and kitchen, this is out of our current regulations, again, my person feelings, I'm not really all that interested in how many bedrooms, but it is in our current regs and I just carried it over.

Then, 6.13.12 is for the attached accessory apartments, that they are a special file of a single family house doesn't change so much so that it doesn't look like a completely different house. I recommend, so this is my presentation essentially. I recommend that you discuss all of this, I will recommend that you don't act on the regulation amendment. I think the regulation amendment, the text of this regulation probably warrants a little bit of time. There are some options here to think about, the opt out itself, you may feel about that because it is pretty straight forward. If you want to act on that, you may, if you want to, but, that is what I am going to leave you with. I'm going to be available for questions.

Chairman Pane: Very good, Renata, I'll open it up to the Commissioners. Do any of the Commissioners have any questions for Renata?

Commissioner Haggarty: Tell me again your reasoning for not being concerned with minimum square footage?

Renata Bertotti: It's a building permit issue, I don't think that anybody is required to build a 300 square feet apartment, and if they do, that is good for them. Tiny homes are a thing too.

Commissioner Haggarty: These apartments, are they separate utilities or are they off the main dwelling, whatever that is.
Renata Bertotti: They are not allowed to be required separate utilities. That is all that it says. They are not allowed to require that they have separate utilities. The property owner can, if they want, provide together utilities or separate utilities. We just can't require the separate, by regulation.

Commissioner Gill: The parking spaces, on page 176 does that say per dwelling? Does that mean if you had a non-attached that you would have the possibility of six parking spaces?

Renata Bertotti: No, what this is, is that you will have no more than three parking spaces for the use of the principal dwelling and the accessory apartment, unless otherwise approved by the Commission. So you can have a total of three parking spaces, no more.

Commissioner Gill: Okay, that's your request, correct? That's, we're flipping back and forth here as far as opting out and I can't see why or how we could not opt out of this, I mean, there are so many things.

Renata Bertotti: So in my regulation, the way I proposed this regulation amendment, it includes an opt out. It's got like an opt out build in it. The, every mention of special permit in this proposed amendment means that we have opt out.

Commissioner Gill: The other question is, as far as utilities again, if we have a detached building, where are we going to get the utilities from?

Erik Hinckley: That would be up to the property owner to get that done.

Commissioner Drozd: What was, you are differentiating between twenty thousand square feet and forty thousand square feet. What was that pertaining to, I wasn't following that?

Renata Bertotti: We, as of now, only allow attached accessory apartment. We should consider how to allow both attached and detached units because sometimes you can have a unit that is on top of the garage, sometimes you can have a unit that is on a large, acre and a half lot, there can be tucked back on one of the long skinny lots, it doesn't bother anybody, so depending on the lot size, and how we regulate I think we should set by lot size how we regulate. One example that I included in this is that we allow as of right attached units, across the board, regardless of the size of the lot, and we allow detached units as a special permit up to one acre, almost one acre lots, and if the lot is less than one, or more than one acre, then it is allow as of right, if it is less than one acre, then it requires a special permit. So let's take 20,000 square feet and say an attached unit is okay, only as of right above 20,000 square feet. For a lot that is smaller than that, it's either not permitted at all, or permitted by special permit. Those are kind of like a threshold I think limits that we can use to regulate how we allow this.

Commissioner Drozd: The only other question was if the choice is to opt out, super majority vote, and if we vote to opt out we need to voice the reasons for opting out, I got that, what other ramifications are there by choosing to opt out?

Renata Bertotti: I don't know, that I do not know. When this bill first passed there was a lot of talk of how if you opt out you will be a bad town, a lot of towns have already opted out. I think if we fix our regulations so that they work for us it doesn't matter that we opted out. We will have a good regulation for us.

Commissioner Drozd: So it's not like the State is going to go and hammer us with something else because we opted out on this?
Renata Bertotti: They might, but I don't know of anything that is coming up like that.

Commissioner Woods: I'm struggling with, let's say we adopted this plan as is, does this satisfy the state? I'm thinking, listening to you talk for the last five minutes, it doesn't and I believe where you said in here where there is a special permit, we would be in violation of the new state statute. Is that correct?

Renata Bertotti: We are not in violation if we opt out, we are not in violation of the statute.

Commissioner Woods: So if we opt out, then that act does not pertain to us.

Renata Bertotti: Exactly.

Commissioner Woods: As long as we adopt our own regulations, we have to adopt our own.

Renata Bertotti: We don't need to do anything, we just have to opt out of the state regulation. We already have our own regulations. They actually don't care what we do, we either have to regulate accessory apartments the way they say they have to, or we have to opt out of their regulations.

Commissioner Woods: I'm leaning towards Commissioner Gill. I think you have some great changes here, I just don't know that it is going to work and satisfy the state, so I'm thinking that our only option is to opt out. I'm not opposed to a lot of these, some of them probably don't make sense, but some of them do, I think it was clear, if you really read our regs here that these were meant to be in-law apartments, family members, so that is clearly what the board or Commission was trying to do back then. The State doesn't want that any more. Again, I can see somebody turning a two car garage into an apartment, so utilities wouldn't be an issue but then parking then becomes an issue. This is, I don't know, it's very confusing. Again, I like what you did and I think we can play with this and adopt something very similar to update our current regulations, where we are definitely off the marker, but I'm still leaning more towards opting out.

Chairman Pane: Anyone from the public wishing to speak, either in favor or opposition? Anyone wishing to speak on this?

Gail Budrejko: I'm not speaking in favor or against, I just like some of the Commissioners here I'm a little confused and have some research on some of these and I just have some questions as to whether they need to be included if we do create our own regulations or not. One of the things that I am a little bit concerned about is the density, particularly, like I live in the north end of Newington and the lots are very very small, and I was just wondering why whether there should be consideration for a minimum lot size. I know you say attached accessory apartment allowed on a lot less than 40,000 square feet but there is no minimum. A lot has to be a minimum of a certain number of square feet to add an ADU. I'm just thinking if that might be something to consider. Secondly, again about the utilities, I guess I'm more concerned about if we are going to start building stand alone units, that does mean sewers as well and that may or may not be problematic, I'm not sure. Third, in terms of the parking, I mean, quite frankly now we have an awful lot of on-street parking because most single family homes, no matter what size they are, have more than three vehicles. Newington has an awful lot of on-street parking now so when you are talking about no more than three parking spaces for the principal dwelling and the accessory, are you going to be requiring that off-street parking for this accessory dwelling unit? I think maybe some consideration should be given to that. Driveways to the back of the lot, if parking is again, I'm just concerned it seems like many people are complaining that they don't have enough parking and are parking on the street which leads to what are the accessory units going to do to the parking? I think that has to be looked at a little bit
more. What about these lots, no matter the size of it, can there be other structures in the yard? What if there is a big shed already, what if there is a big garage already, if there is an inground pool, or a stand alone pool, or a chicken coop or whatever, is that going to be taken into consideration to allow another structure such as an ADU, I mean, how many structures can be allowed on a lot? Also, I really don't understand by special permit, or by right, but if the unit is going to be big enough, if there is going to be parking will this still be subject to review by Wetlands, in terms of if it is in the 100 foot buffer. I think that's it, thank you.

Chairman Pane: I believe......

Renata Bertotti: I can answer a tot of that. If there is any type of activity in the wetlands, the Commission will be reviewing that, whether it is a shed or house or accessory dwelling unit, or anything, so yes, they would have to review that. We currently do not regulate the number of structures on residential lots, so hypothetically speaking, somebody could have seven sheds, we do say in this regulation you are allowed to have one accessory apartment but that still doesn’t take away from the fact that you can have seven sheds. That is a different topic to be addressed in a different section of the regs.

With regards to parking, this particular regulation says unless otherwise approved by the Commission, so I think the idea with the parking is to not burden the accessory dwelling units by over requiring parking. Some times, some towns require three parking spaces for a 500 or 700 square foot accessory dwelling unit, that can accommodate perhaps one person. That is why I think this regulation is good, we can, but this is a first draft, really truly for community to see and to start a conversation. This is not presented for adoption tonight. This is something that I am putting forward so that we can start looking into so that people can read and then give me feedback and some communication back on this. This was not shown too long to anybody to look at areas of the town, these are two large zoning districts. I did not intend to have this before the Commission and have this adopted tonight. So, parking, definitely can be discussed. The special permit versus as of right literally means that if something is allowed as of right, somebody comes to Erik and if that application meets our zoning regulations, Erik has to sign it. There is no going to the Commission, there is no discretionary standards, there is no discussion or considerations that are not listed in the zoning regulations. Those are the distinctions. Then, with the size of the lot, I included what I used as a start of the conversation. I included that, at max, for the Commission to show, and these are parcels that are 40,000 square feet, these are parcels that are 20,000 square feet, so now we can truly consider, okay if something is smaller then 20,000 square feet, should not have anything added to it, but then it would be something that the Commission would like, so you can tell me that, so that is all on the table for conversation and consideration.

Chairman Pane: Is there anyone else from the public wishing to speak?

I think we should leave this public hearing open, I’m not sure how the other Commissioners feel, but I think I would like to see if we can get some more involvement from the public and we have plenty of time. If there is no objection, I’d like to make a motion to leave this public hearing open.

Commissioner Havens moved to keep Petition 19-22 open, seconded by Commissioner Haggarty. The vote was unanimously in favor of the motion, with seven voting YEA.

B. Petition 23-22: Special Permit (Sec. 6.16) to allow a hybrid retail location for adult use Cannabis Sales at 2903 Berlin Turnpike, Applicant: Verano, Owner: GLM1867 Realty LLC, Newington Realty Inc., Contact: Rain Theobald.
Reno Therabee: Good evening, I am the executive vice-president of Verano's north region and I’m here tonight on behalf of this application. I am joined by Mark Casinski, our security director and Rain Theobald our associate who helped in the preparation of the application.

I do have just a little background, like I said, I’m here tonight on behalf of the application for special permit for a hybrid retailer to be located at 2903 Berlin Turnpike, but before we dive in I want to thank the town planning staff for patiently answering our questions and guiding us in this process. We put a lot of effort and time into the application, we wanted to make sure we got it right. I want to say while Verano is a national company that employs 4,000 employees in 18 states, all of our state operations are locally managed and operated. I personally joined Verano in December of 2021 through a merger of CT Pharma, a company that I co-founded and operated since 2014. Verano merged with CT Pharma and retained all of the management to stay on board to operate the company and we currently operate with over 120 employees. We do that here in Rocky Hill, Connecticut and Verano also acquired two Connecticut dispensaries in 2021, Willow Brook Wellness in Meriden and Terri-Nature in Waterbury and both of those sites are managed and operated locally and we employ over 30 at those locations. I can say in my eight years as a cannabis company operator, first in Portland and now in Rocky Hill I am pleased that we have maintained strong ties with the community and we expect the same relationship with the Town of Newington. We are a generous and times anonymous contributor to host community fund raising events, we support the local police and fire departments, we invite them to use our facilities and meet our staff and tour our sites, we’re an open book. We met with Sergeant Ryan Dean of the Newington Police Department to establish a line of communication and it is our intention to be a great corporate citizen to the Town of Newington.

I do have a slide presentation, just a quick overview of what we are proposing for the location, and the work that we have done in support of that location so that we will not interrupt the business or traffic there. Just a little something about our company, we are in 18 states, all locally managed and operated. We’re a local company on a national scale.

This is an application for 2903 Berlin Turnpike, a hybrid retail facility and there will be no obvious changes to the existing building, the parking or the surrounding areas. There will be no advertising for cannabis and certainty no cannabis use will be permitted on the property, this is all in compliance with state regulations. Connecticut has the most official cannabis program in the country and we are a serious operator within that program.

Our operations are strictly managed so that when a patient, or customer enters the facility, they are checked in and they are checked out. They are tracked throughout the entire process. Medical patients are meeting with a pharmacist who will consult with them and recommend products and only pharmacist technicians can interact with patients. There is a mandatory technician for one pharmacist ratio that we will maintain on the medical side. On the adult use side of the business, those will be lay people, no pharmacists. A pharmacy manager will oversee the site and will be on site at all times. Strict certification of twenty-one and over, as required by ID or a state credential, you are not allowed to access the site unless we can verify your age, no exceptions. There will also be appoint of sale tracking system, essentially every single product that is manufactured within Connecticut cannabis program is tracked by the State of Connecticut’s Department of Consumer Protection. Basically a serialization of every single product that is produced and we close the loop from the seed to grave through the tracking point of sale system that will be in use at the site.

This is the floor plan, essentially the customers will enter through the waiting area, they will check in, provide their badge, their credential, they will enter then into the facility and if it is a medical patient who requires a consult they will meet with the pharmacist, otherwise they can make their way to the counter where they will interact with one of our staffers, and then they will make their way out through the egress. This sort of single flow process in one direction.
Products, when they are received into the receiving door, and then quickly stored in a vault. The product is never stored outside of the vault, not even during daily operations, everything is strictly controlled, and you can see the rest of the facility here, employee entrance, employee break room, offices, etc., Signage, there will be no large sign with cannabis leaves on them, there will be no, actually it will look very much as it does today with the exception of a small sign, no bigger than 16 x 18 inches containing our legal name. This is actually per the regulation. There will be a vent, looking like the one that is there in the picture. Our working hours will be Monday through Sunday, 9:00 a.m. to 7:00 p.m. This is the location that we are interested in, like I said, it will look a lot like it does today, we'll maintain it, we have landscaping, painted, it will, it is a beautiful building as far as it is and will keep it looking exactly as it is today.

We did engage Kermit (inaudible) who is here on the call, he is a certified traffic engineer, and we commissioned him to do a traffic study on the site, and we do have the report along with the application and they are available for review.

Parking, we will allocate six parking spaces closest to the neighboring building to the Premier Urgent Care, to allow them additional space as needed. That was a request from them, and we are happy to meet that request.

In closing, I will just talk about security, and the facility will be secure, limited access in and out of the facility with key access fobs, we will have burglar alarms on site, high security locking hardware on the doors, and key access, state of the art surveillance system both indoors and outdoors, which I can tell you has come in handy a lot of times across our facilities. Local police even the federal police have asked us for the surveillance in helping them with crimes in sort of piecing together an event that happened around our building. Nothing related to anything that we did, but just asked to use our surveillance.

Again, a chain of custody on all of our products, customer and employee (inaudible) is key and we take it very seriously.

In closing, again 2903 Berlin Turnpike for a hybrid retail, and if there are any questions, I'd be happy to answer them. Thank you.

Chairman Pane: Thank you very much. Why don't we go to staff before we go to any questions.

Renata Bertotti: I will report. We reviewed this application and I suppose I will start by reminding you that we recently held a number of hearings to amend our zoning regulations so actually along hybrid and retail to our Berlin-Berlin Turnpike as well as the PD Zoning District. Actually, those hearings, as recent as October of '21 and January of this year is when we adopted.

If the Commission remembers we kept a couple of hearings intentionally open for a couple of nights and had no positions from the public, none whatsoever, as far as I can remember. I don't remember anyone speaking in opposition to this.

This particular location is an abandoned, not an abandoned, but it's a vacant property that has been vacant for quite some time. The proposed use is a use of an existing vacant building. There is, I recently remembered of a study that I read a couple of years ago, and it is not a very recent study, I want to say, at least 15 years old that found that a vacant building results in a significant impact to the residential properties that abut it. I just looked this afternoon really quickly and it's like maybe 15, 20 years old study that indicates that at the time that study was done it found within a circle of 150 feet of a vacant, the residential property values dropped by 7600 dollars annually, just because of the building being vacant, so repopulating this building, in my opinion, going to help.

I will also say we have produced a number of comments in your packet and we have provided these comments to the applicant. They are related mainly to any kind of changes of the floor, for example they say they are going to expand their sales area, they will need to notify, because that may have some other consequences. We also will hold them accountable for their state license because that is also the way
that their state permit but more importantly, this use has the potential of creating some sort of novelty traffic. That being said, there is another same kind of hybrid retail use that was recently approved just down the street, on the Berlin Turnpike and is the same kind of use and that was approved also in 2021 for hybrid, so they are probably likely to take away some of the novelty kind of traffic, so that gives me a little bit of comfort. With all that being said, we have met today with the Police Department and the applicant and discussed the opening plan which as you know, I also shared with the Commission, there is a traffic opening plan, so they will be closely working with our PD, and they are in close contact with us and the police department had said that they are in compliance with the traffic plan and will be working with the applicant on any kind of pre-opening event ensuring that there are police presence when they open and there is enough traffic sort of measures at the time that this facility opens just in case there is any kind of opening day novelty traffic that is generated at that time.

So, that being said, they meet the regulations, and we recommend approval. With that being said, I don't recommend approval, I do recommend approval at the next meeting, but at this meeting as I had said to the Chairman, we had some staff turnover and in the staff reduced position, we did not send abutter notices in time so we did not mail out abutter letters so therefore this hearing has to be continued until May 26th.

Chairman Pane: Thank you Renata for that report. Are there any questions from the Commissioners before we go to the public for either the applicant or Renata?

Commissioner Drozd: Just a quick question. I noticed, I do like the overview of the building, like the vault being far away from the front door and everything secured, even during open business hours. The question involves the access to the wall, the outside wall of the vault. Being that we are talking something of significant value being in that vault, it has already happened a couple of times in Newington, dealing with some different retail establishments with high value items locked in vaults, where they were able to drive a truck through a concrete block wall, and then steal and take off. So, what kind of access is there, what kind of protection is there to that outside wall of the vault, when we are not during normal business hours?

Mark Kazinski, Security Director: Basically the regulations in Connecticut follow the federal regulations, and it's pretty strict. It's going to be a concrete rebarred vault. The door is a very heavy duty, much like a bank vault, and the security system, of course, there is video surveance, burglar alarms, and as far as people trying to break into a vault, it would be very difficult first of all to get into the vault, but even if they start tampering with it, we have motion sensors, we have seismic sensors, for example our vault in Portland is so sensitive that sometimes, since we were right near the Portland bridge and some time traffic would set off the seismic. It's a pretty sensitive sensor that is there, so as soon as someone sets that off, the burglar alarm gets triggered and obviously the police will respond. We would meet them there as well, so it would be pretty difficult to spend a lot of time to dismantle the whole system and the way the state regulations are, there is a back up system, there is cellular contact as well as hard line, IT, so pretty sophisticated and again, that is all state regulations. The concrete is half inch rebar, vertically and horizontally, six inches on center with eight inches on concrete, walls and floors.

Commissioner Drozd: I appreciate that, because obviously my question involves someone literally driving a truck and doing a smash and grab through the wall versus the front door system, know what I'm saying? I appreciate that.

Commissioner Haggarty: Regarding the traffic study, in the third paragraph of your summary you stated "the increase in side trips will not significantly impact the traffic movements on adjacent roadways." I'm
looking at Table 4 in the study, comparing what the previous restaurant was doing versus the projected of the dispensary. In the morning, since the restaurant wasn't open, there were zero trips, but in the dispensary there were 50 trips and in the afternoon it jumps from 43 to 91 trips, that's a one hundred percent increase, and then Saturday mid day goes from 54 to 138, which is more than doubling, so just curious how you are doubling traffic but yet it doesn't significantly impact, so what would the traffic have to be to be considered significant? Like triple, quadruple?

Kermit Hua, Meriden Connecticut: I prepared the traffic study. Just to answer the question, I believe the Commission member was absolutely correct. We will, we will generate more traffic than the previous restaurant, and for the previous restaurant my assumption was sort of a site down restaurant, people visit, for the duration of an hour or so, plus or minus, we will generate more trips during the afternoon peak hour and the Saturday peak hour, but again, other uses, as you know, this site has been, has some history. First you had the nation chain donut shop, which didn't last very long, which I assume probably was more traffic intensive than what we are proposing here. The overall point, as far as the trips compare, my point is really compare the peak hour trips with the overall adjacent traffic volumes on the adjacent roadways. What I did, I compared the trips that we generate on a major thoroughfare in the area, just in terms of the increase in trips compared to the existing trips, so we are looking at about two or three percent, so it's not a large percent. I think the advantage of this site is the way it is configured. If you are familiar with the site, from the Berlin Turnpike you can only make a right turn into this site, if you are going I would say, southbound on the Berlin Turnpike, make a right into the site. The only way you can enter on the Main Street driveway, opposite I think the across the assisted living facility, so I think the layout of the site has already been configured in such a way to minimize the impact. Certainly we don't create an impact directly to the Berlin Turnpike because we can't exit to the Berlin Turnpike. The only way is the southbound traffic that goes into the site. Incrementally again, going to my previous point, the net increase in percentage wise to the Berlin Turnpike traffic it's not a big jump, and if we don't go in there, some other retail use most likely will occupy the space, so it won't be that much different. I acknowledge it is higher than the previous restaurant but just to look at the big picture, I don't see a big jump in terms of traffic deterioration as a result of this development.

Commissioner Haggarty: I appreciate that, and I appreciate the Town Planner's comment about leaving that building vacant decreases the values of the adjacent properties, I mean, mostly and I think you made the point that the traffic on the signalized intersection of the turnpike doesn't really get worse, well, there is really nowhere to go to get worse. On a weekday afternoon everything is already level of service F, and on Saturday everything goes from an E to an F, and on Main Street, everything gets worse. Goes from a C to a D, E to an F, D to an F, I mean, again, I don't want to let a building sit there, you know, we allowed this in our town regulations, I just think it's going to make a significant impact, that's all.

Chairman Pane: Any other questions from the Commissioners? If there is no objection, I'll go to the public. Is there anybody from the public wishing to speak in favor or in opposition to this?

Elaine Matulis: I am opposed to this application, can I speak at this time?

Chairman Pane: Yes you can, go right ahead.

Elaine Matulis: Good evening, thank you for your service to the community. I own the property at 2116 Main Street, Newington which directly abuts this property. I guess you are aware that there was a failed notice and I was not notified nor were my neighbors notified of this action pending, and what I am concerned about is in one provision of the application which I believe was number 13B, it says the
cannabis was not to be within a hundred feet of a residential property. Their maps do not seem to be accurate to me at all. I directly abut that property, and you know, I'm really concerned and really opposed to this use of a special permit for this usage. This property was involved in litigation regarding another special permit application and I just can't believe that we are going down this road again. Number one is, I feel that this property that they are considering use of for Verano is within the hundred feet barrier that is provided by the actual notification in the application. Another item is that there is a public building that is within a hundred feet, that is the Department of Transportation building, which is directly, well diagonally across the street from here, and I believe that there is a prohibition with public buildings to have a cannabis dispensary within that area. Regarding the traffic report, I feel that this understates peak traffic usage, and I think the report fails to look at traffic reports from similar types of property. We don't know where the employees are going to park and I will tell you, when Bonefish Grill was there, it was a nightmare because they would park all the way down the street, up to my property where you couldn't get in and out. The access way for this property is only through the Berlin Turnpike and the exit pattern which services Firestone also the medical facility and this building are all on Main Street, so that means the traffic on Main Street is going to increase and it will be to the detriment of anyone who lives around that area. I'm also worried about delivery. Where the vault is in the back, so it will be more noise, security issues to the neighbors, lighting that may come onto the surrounding properties, and this dispensary is open seven days a week and I don't know what kind of noise they will have for deliveries and people just constantly going in and out, and as you know, there is already a dispensary in Newington and I'm just concerned, why does Newington need two dispensaries in town? What kind of reputation would follow that? I guess when you look at the special permit requirements, they are specific to each individual location and this specific location is going to be negatively impacted by the proximity to residential property. Across the street you also have a senior housing facility, across the street from me is residential, we're residential where we are, I mean I just don't think it's a good location at all for this type of usage, and in the permit itself it listed incorrectly that I was I believe at 2990 Berlin Turnpike, so I don't know how they came up with that information. I would respectfully request that the Commission deny this application. I think it is too close to the residential property and given this location and close proximity to the public buildings, I think the traffic impact will be an absolute nightmare to people who live in that area, and I would like to have this denied. Thank you very much for your attention.

Chairman Pane: Thank you very much. As we stated earlier, we are going to leave this public hearing open until all of the proper notifications have come.

Lori Dabowski, 2107 Main Street: I'm opposed to this application. Literally I didn't know much about it until today because we weren't notified that anything was going into that building. I did peak to a retired traffic commissioner with DOT and he did look at the plans for traffic and the flow of traffic and his concerns I could read to you and send it to you in writing. It says, location LOS, DES are operating at under levels of service, entrances are jammed, exits were really bad measure of delay, the traffic will make an already bad situation worse. They don't have turning volumes at the exit driveway, impossible to determine the impact, if any at the intersection. Cars lined up waiting at the exit driveway can interfere with traffic circulation causing congestions and extreme safety issues. This plan needs to be reviewed by a traffic engineer hired by the Town of Newington.

We had ongoing issues with this property, when the doughnut shop was there they were parked on our lawns, when the restaurant was there they were parking on Main Street and on Louis Street and people were running across in the dark at all times of the day. The traffic is already lined up past our houses on weekends and on busy nights. It's difficult for the fire units to get through Main Street sometimes because of this, because I witness it daily. There are accidents constantly on the corner of Louis Street and Main Street and at the corner of the Berlin Turnpike so I don't understand how an increase in traffic by, I don't know, hundreds of cars an hour is going to help the situation. Also, you are trying to locate this in a residential neighborhood, and that doesn't seem like a very good idea. I will put my concerns and the
issues that I had with the traffic consultant and I will send it to you in writing, and I am just opposing this application. Thank you.

Gail Budrejko: I really wasn’t paying that much attention to it, but just with the applicants presentation tonight regarding that they do anticipate more traffic than there was with the restaurant, just an observation. People, you know, I shop at Price Chopper and coming back at that intersection which is basically a death trap, I mean, they have blocked the box now which people tend to disregard quite a bit, you cannot see people turning from the turnpike onto Main Street. I was just wondering if there was any kind of way that intersection, if this application does go through, if there can be some improvement to that intersection? I know four people personally that have gotten into small fender benders there, and if there is going to be that much more traffic, I mean, it’s just a very bad intersection. The traffic coming off of Louis Street, trying to make a left or a right, quite frankly, onto Main Street, so if you can just consider that in the design. Thank you.

Chairman Pane: The applicant has an opportunity to answer any of those questions or rebut them.

Rena Therebee: I appreciate the comments from the residents, I certainly wouldn’t want to deal with the circumstances that they are describing. I want to remind you that the traffic pattern, that we are talking about the first couple of weeks, as the business matures and is there longer the novelty wears off and we are going to see less traffic. It will be akin to a pharmacy. It’s unfortunate that it is cannabis, and cannabis in the US now has a stigma, of a wild drug but in reality there are very very careful and formal processes and programs. It is administered by pharmacy technicians, Department of Consumer Protection Drug Control Audit regulates us. We are an A plus student with respect to being a business in town. We will be sensitive to the traffic and the concerns of the neighbors. Of course we will, there is going to be a business located in that building and I’m kind of happy, and that is an expensive building, so you are going to need a business that, to move in there has to be able to support the rent, and the utilities and all the expense that comes along with occupying that particular location. I think that we would be your best bet in that we are formal and we are strictly regulated. I think plays to the advantage of all of the parties involved.

There were some other points, delivery, delivery noise. Our delivery because we are delivering a controlled substance scheduled two in Connecticut so the same as Oxycontin really, which is highly regulated. The delivery vans are nondescript, they are typical, just a white delivery van, there is no noise, they are just a regular vehicle.

As far as the people crossing the street, at night and in the dark, we won’t tolerate that. We’re going to be there, we’re going to have set hours, there will be licensed pharmacists on site and the pharmacists are licensed by the Department of Consumer Protection so that the business itself is licensed by the Department of Consumer Protection and then the pharmacists there, independently have their own license, so you have a formal licensed professional on site that will deal with any concerns and in addition all the technicians are licensed. It is a very formal group of individuals who will be operating in the location. Because there are two in town I think you are going to see less traffic than you would see in a town that only has one. There is also one located in Hartford, one in South Windsor, one in Meriden and I think that Central Connecticut is fairly well represented. I don’t imagine that we are going to have the lines that you see in Massachusetts in day one. I don’t think Connecticut is going to have those lines because Massachusetts has been adult use for a couple of years now, New York is adult use now, New Jersey, and Connecticut is joining the party last, so I think those are all things that sort of play to, I don’t know that we are going to see the big traffic lines that we are concerned about.

In closing, I’m happy to provide my own contact information, my phone number, if there are issues, I am available, Rocky Hill, 287 (inaudible) I am there every single day and I am, I’d be happy to be the first point of contact for you in the event that something is happening and you are not happy about it.
Chairman Pane: Very good, thank you. Renata, do you have anything else you would like to add?

Renata Bertotti: I will just address, one thing that was brought up and it was regards, so I don't know, but I believe the resident was referring to Sections A and B, under the separation requirements, and each one of these sections only pertains to the production facility and cultivators and micro-cultivators. It's not, these two sections do not apply to this particular use. I wanted to address that, and then lastly, one thing that is perhaps of some value to consider also is, and I don't know if the applicant has a answer to that, but it would be helpful to understand just the level of investment that they will be putting into this building, this kind of use, just by the nature of being equipped, their facility, with a certain type of air conditioning, and climate control and security systems and you know, certain type of things, so just the level of investment into the building improvements itself creates a condition that compares to any other use that could be here such as another restaurant, or a drive through restaurant, or a fast food place or some other place that is likely to be one thing to come to this location on the Berlin Turnpike, we are looking at a use that is more likely to invest into the building much more than I would imagine some other retail or restaurant use would. So, I don't know if the applicant has any of those numbers, but it would be informative to know just how, if they had some idea about what is the investment into the building that they were looking at.

Chairman Pane: Maybe they will provide us with some answers on that at our next meeting. As everybody knows, we are going to continue this public hearing. If there is no objection and there are no Commissioners that have any other questions, we can entertain a motion to leave Petition 23-22 open.

Commissioner Lenares: I have a question, for the applicant, if by chance some of the initial parking demand was higher than anticipated, because of that novelty most likely in the early stages of doing business, what are their arrangements for the employee parking or overflow parking. Just for reference, as one of the residents had stated earlier, I think there was a large issue, maybe employees or if it was the customers who were walking up Lewis Street, trying to cross that pretty good size intersection, because they were parking in the open parking lot at Price Chopper, so I just wanted to know, what was the thought process for what they have arranged let's say to try to avoid that. Thank you.

Reno Therabee: We have allocated, there is a park and ride across the turnpike on Griswoldville Avenue that we will utilize. We would utilize it in the initial weeks, we would use it for employees and any overflow parking, and then we are open and we have done this in other markets where there is that need. We want to work with the site, we want the customers to come in and have places to park. It doesn't help us if the customers don't have any place to park, so we will move the employees and transport them from park and ride to keep the site open. Thank you.

Chairman Pane: Thank you very much. I would image that the turnover is fairly fast too, I don't think customers are in there for a very long time. Am I correct?

Reno Therabee: That is absolutely correct. Up to 70 percent are pre-orders. So the customer pre-orders, and are in there typically less than three minutes. We get them in and out very quickly.

Chairman Pane: All right, if there is no objection, we'll leave this public hearing open.

Commissioner Haggarty moved to leave Petition 23-22 open. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion with seven voting YEA.
APPROVAL OF MINUTES

Commissioner Drozd: Two quick points, one I was shown on the meeting of April 13, 2022, I was not there. Second thing is, I don’t know if there is anyway to fix the spelling of my name, if you could pass that along.

Chairman Pane: Do you want to talk to Renata about that later, tomorrow?

The motion to accept the minutes of the April 13, 2022 and the April 27, 2022 meeting was approved with the corrections from Commissioner Drozd, with seven voting YEA.

VII. NEW BUSINESS


Postponed

IX. OLD BUSINESS

A. Petition 19-22: Zoning Regulations Amendment (sec. 6.13 and Sec. 9.1) pertaining to accessory apartments and to opt out of accessory apartment provisions of PA21-29/SB6107, Applicant Newington TPZ, Contact Renata Bertotti.

B. Petition 23-22: Special Permit (Sec. 6.16) to allow a hybrid retail location for adult use Cannabis Sales at 2303 Berlin Turnpike, Applicant: Verano, Owner: GLM1867 Realty LLC, Newington Realty Inc., Contact: Rain Theobald.


All Petitions were left open and Petition 26-22 was postponed.

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

A. Petition 25-22: Special Permit (Sec. 3.4.7) to legalize Conversion of an older home into a multiple dwelling Home at 44 East Cedar Street, Applicant, Owner and Contact Robert J. Santerre.

Renata Bertotti: We have one petition that is scheduled for the 25th, for a conversion of an older home into multiple dwellings at 44 Cedar Street. It is an old house that was supposedly for a long time used as a multi-family home, the applicant is trying to sell it, they had asked us for a Certificate of Compliance, we can’t prove in our regulations that it was ever approved for a multi-family use, so we cannot sign that. So they need to get that permitted through you.

XI. TOWN PLANNER REPORT

Renata Bertotti: The future agenda is, right now, the 25th looks pretty packed. We have put everything off so we have cannabis, we have opt out, we have applications for a resubdivision and application for an
interior lot on Cedarwood Lane, we have these applications that we just scheduled and I have had a request for a pre-application meeting in front of the Commission, so I think it is going to be a good test to use our 10:30 termination time. So we will see how that plays out, but we will have a long agenda.

Chairman Pane: What is the pre-application for?

Renata Bertotti: They haven't submitted the papers in yet, so I'm reluctant to say, but it is something that I personally am really excited about, I really can't say until I have a paper in front of me. I'm not comfortable saying. That's it, the next meeting looks as if it is going to be a long one. Under the report I will also say, the decision, the Planning Commission's decision on Culver Street special permit and site plan got appealed and we are defending it, I forwarded the appeal for right now, just to the Chair, I really haven't shared it because there is not that much in those documents. You are welcome to individually if you want to come into our office and review the filing, but we are defending it so just please don't discuss any of this among yourself or anybody and I will keep you posted as things develop.

Commissioner Haggarty: Do you know, best guess, how many towns have or are going to opt in to these state regulations versus how many are going to opt out?

Renata Bertotti: So nobody is opting yet, so people will either not do anything, where they will be subject to the state's regs, or they will change their regulations so they are in conformance with the state regulations. For the most part, most communities that I am aware of and I have on my desk about seven or eight, most communities are changing their regulations, kind of doing the same thing that we are doing. People are opting out, but in the opt out process, they are also changing their regulations and making them better. So most communities are making their regulations better, so they are fixing a problem. In our case, our regulations have a number of things that really prevented the people from having accessory apartments and some of those provisions had to do with the limitations, it has to be so many square feet but not more than so many square feet, so it just hindered in many many case, so many towns had some kind of weird provisions, like that just because of that it didn't work, so a lot of people that are making changes. A lot of rural communities are allowing as of right, just as the state does, but those communities tend to have larger lots. They have a minimum of lot sizes that tend to be larger than what we have here.

Commissioner Haggarty: Thank you, you know, reading through your proposed regulations, I like a lot of them, I think we have to think about allow detached apartments, even via special permit and even on an acre lot, but, we will talk about it.

Renata Bertotti: That will be a discussion, you do not have to agree with me on that. This is a big deal in a big part of the town. I may have my opinion, but this is a Planning process, we should have these kinds of conversations.

Chairman Pane: It comes down to how much protection we want for these single family homes and/or right now we allow them in a few zones, I'm concerned too about allowing it in every single family home. I would have concerns with that, but we can talk about that.

Commissioner Gill: As far as the agenda for next meeting, how is that put together? The thought is, something like the opting out, can we put that at the end of the agenda?

Renata Bertotti: The opt out process is our proposal, we can keep that off the agenda for the 25th, or we can keep it as........
Chairman Pane: It’s still an open public hearing on it. So it would still be on the agenda. We have time on it so we don’t have to finalize it at the next meeting, right?

Renata Bertotti: We don’t but I would prefer the opt out conversation finished, we don’t have to change the text amendment, but because we have to go to the Council with the opt out, I would like that finished sooner.

Commissioner Gill: The school expansion parking, is that going to be on?

Renata Bertotti: That is going to be on the next agenda, yes.
I’m telling you, that 10:30 will come into play at the next meeting.

XII. COMMUNICATIONS

CRCOG Letters

XIII. PUBLIC PARTICIPATION (For items not listed on the agenda, speakers limited to two minutes.)

None

XIV. REMARKS BY COMMISSIONERS

None

XV. CLOSING REMARKS BY THE CHAIRMAN

None

XVI. ADJOURN

Commissioner Gill moved to adjourn the meeting. The motion was seconded by Commissioner Haggarty, with the meeting being adjourned at 8:55 p.m.

Respectfully submitted,

Recording Secretary