

**Town of Willington  
Planning and Zoning Commission  
Meeting Minutes  
October 18, 2022 – 7:30 PM**

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

**A. Call to Order**

J. Tehan called the meeting to order at 7:32 PM

**B. Roll Call/ Seating of Alternates**

**Members Present:**

Andy Marco  
Doug Roberts  
John Tehan  
Joe Hall (Virtual)  
Bob Shabot (Arrived at 7:33 PM)  
Rebeca Sinosky (Arrived at 7:49 PM)

**Also Present:**

Chris Roberts – Assistant Land Use Agent  
Mike D’Amato – Zoning Agent

**C. Applications for Receipt**

**1. PZ-22-18:** Text Amendment pertaining to modifications of 5.05.01.02.24 and Table 8.02 for Dimensional Requirements. Application: Joseph Williams.

**D. Public Hearing**

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

Pete Parent introduced himself and explained his application to the Commission. He explained that the proposal was to develop a building, either some sort of restaurant or retail site, with the rest of the site being covered by a solar array. He added that there would be EV Charging. He noted that they submitted to DOT and got comments back on the driveway entrance. He said that the application still needed to be heard by the Wetlands Commission. He added that they would have onsite septic and wells and that they were working with EHHD to review this.

J. Tehan asked if it would be all electric or if there would be propane involved. Pete answered that it was all electric. He stated that the public hearing would have to be kept open until a decision was made by wetlands.

J. Tehan asked the public for comments.

T. Bissonnette spoke in favor of the project.

Commissioner D. Roberts asked a question about sight lines. R. Tulis the property owner spoke to the sight lines. He explained it was something he tried to address and DOT wouldn't allow him to do it indicating that they needed the town to approve some sort of development before doing so.

P. Parent explained what they would be doing for grading but reiterated that that portion would need DOT approval first.

Commissioner B. Shabot asked if the solar arrays were stationary or tracking. Phil Thompson from Down East Green indicated they would be stationary ground mount solar panels and that there was no need for moving solar panels given the southern exposure.

R. Tulis gave some history on the parcel.

D. Roberts asked how much power would be generated.

P. Thompson indicated 900,000 Kw Hours would be generated and added they were a part of Eversource's solar program.

J. Tehan stated that the application would be kept open until the next meeting.

## **2. PZ-22-17: Special Permit Application for Cannabis Retail Establishment at 11**

Phelps Way. Owner: BTV Realty of Willington LLC. Applicant, Patrik Johnson. Close Hearing or obtain applicant extension by 11/21/22

Patrik Johnson introduced himself as the applicant. He explained that his company is looking to establish an adult use cannabis retail location at 11 Phelps Way. He added that they don't need to participate in the State lottery and were guaranteed a license contingent on an approval from the town. He continued to explain his application.

J. Tehan asked if there was an estimate for anticipated tax revenue.

The applicant answered he didn't know because there was not a lot of data for CT yet but in Massachusetts, dispensaries were doing roughly \$20,000 a day.

D. Roberts asked how many dispensaries were in MA

The applicant answered 245 adult use and 48 medical uses.

J. Tehan noted the concern amongst residents for increased crime associated with cannabis establishments. The applicant spoke about studies regarding crime in relation to cannabis establishments, and security measures that would be proposed for the site. He noted their proximity to troop C.

Linda Howe spoke of concerns with use of cannabis within the vicinity of the establishment. The applicant responded to various concerns.

B. Shabot spoke to his experience with dispensaries in MA and the cleanliness, and security. The applicant spoke to his own experience operating stores in MA. He stated his goal is that the operation blends in with the community and not stand out.

M. D'Amato asked to clarify some things and ask some questions of the applicant. He spoke to signage regulations in town and via State regulations. The applicant spoke to signage related to cannabis. M. D'Amato explained his understanding regarding odor and packaging and asked the applicant to clarify. The applicant explained that everything is pre-packaged, sealed, and child-proof, and that there wouldn't be any odor. M. D'Amato stated that his understanding was that if the applicant allowed on-site consumption, it would jeopardize their state license. The applicant confirmed this to be the case. M. D'Amato said that the law allows the town to assess the applicant costs up to \$50,000 for the first 30 days for any costs associated with the opening of the store related to traffic etc. The applicant added that they would be open to this and would work with the State police and if they encouraged traffic detail, they would be happy to do that. M. D'Amato noted that staff met with Erik and spoke about parking. He noted that one of the things that was talked about was speaking with the owner of Phelps Plaza about utilizing some parking currently used by the garden shop. The applicant answered that he didn't think that the extra parking would be needed but that it would be an option if necessary.

D. Roberts asked how many employees the operation would have.

P. Johnson answered that there would be twenty-five Full time and eight part time. He explained there would be eight registers. He explained they would like to prioritize hiring locally. D. Roberts asked if employees had to be 21. The applicant answered yes.

R. Sinosky asked if the applicant expected a lot of UConn students. The applicant said he guessed there would be some.

J. Marshall stated he didn't have any objections. He state that he did not feel this location could be allowed due to buffer distance. J. Tehan stated that that wasn't the way the regulation was written. He asked M. D'Amato for his thoughts. M. D'Amato recalled the discussion from the meeting when the cannabis regulations were being drafted and noted that the commission explored what it would look like to have an increased distance in relation to this area. He explained that the commission was provided different options for separating distances one being 500 feet and the other being 750. He explained that the commission discussed the area of Phelps Plaza and concluded that because of Kids' Kingdom anything greater than a 500 ft. buffer would have ruled out this entire area. He noted that the language originally proposed the buffer as 750 but the commission struck that and reverted it back to 500. He added that the way it was written based on the discussion was that the buffer would be measured from the permit premise meaning the portion of the building of the use rather than the property line.

J. Marshall disagreed and stated that this went against the definitions of premises in the zoning regulation and that it could not be done.

N. Tella agreed with J. Marshall, he noted the importance of terminology and added facility was not defined. He noted the definition of premises, lot, and parcel from zoning regulation. He read from Section 3.1 in the cannabis regulations.

J. Marshal reiterated his concerns.

John motioned to continue public hearing. Doug seconded. **All in Favor. Motion Passed.**

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

J. Marshall recapped his application. He explained that he submitted a clean version of his new text amendment in order to provide some clarity. He spoke to his reasoning for implementing this text amendment. He noted he met with staff the day before. He explained that he had found an example of a similar regulation in East Windsor. He noted that it's the exact same regulation. He noted a case similar to PZ-22-10 in South Windsor. He stated that earlier versions of the reg didn't have the proactive approach. He provided the commission with the original version of the draft per a screenshot of the EDC meeting recording. He noted the idea of a moratorium and stated that this application was a good first step and that he supports the moratorium. He noted to specific sections that he thought the commission should review, he further explained proposed changes. He concluded adding that he would like to hear the commissions thoughts and suggested asking staff to do market research on the issue of warehousing. He asked the commission to keep his application open while the discussion on a moratorium happens. He thanked the commission and stated his support for the moratorium.

J. Tehan explained his understanding that there might be limitations to what can be done when voting on this application. He asked M. D'Amato to speak to this. M. D'Amato stated that through a text amendment the commission can only approve what was submitted or something more restrictive.

J. Marshall stated everything he proposed earlier was more restrictive.

D. Roberts asked how big the lot was for Dollar General. He asked how big Phelps Plaza was. C. Roberts answered that Phelps Plaza is 17.9 Acres.

N. Tella spoke to the aspects of the regulation that he was in favor of. He stated he didn't want to scare away small businesses. He added some things he might like to see added to the regulation.

R. Tulis spoke to the tough nature of the regulation and stated he understands the desire to encourage business. He noted that there should have been more participation from the Planning and Zoning Commission during the writing of the original regulation. He added that there should be a workshop between the commissions and the public. He supported the need for specific warehouse definitions. He spoke to trip generation factors in relation with building size. He spoke to signage at exit 71 and around town.

Paul Carbonneau spoke that he agreed that the document is flawed. He stated that he was not in favor of striking the pro-active approach and spoke in favor of the proactive approach. He stated that going forward he thinks that Ralph's idea of a workshop with PZC and EDC was good and if that is the approach then the commission should deny PZ-22-13 and just put forth a moratorium and rework the original regulation.

K. Demers clarified that her comments were as a resident and didn't reflect the views of the Conservation Commission or its members. She agreed with a moratorium and Ralphs proposal of a workshop.

J. Tehan asked the commission if they wanted to motion to continue the hearing.

A Marco questioned the point of keeping the hearing open. The commission discussed. B. Shabot explained his perspective on the process going forward and the implications of keeping the hearing open. M. D'Amato spoke to the process and the commissions potential options going forward. The commission

discussed further. J. Marshall pointed out there's a component of his regulation regarding defining warehouses separate from the SDZ and he was concerned that closing the public hearing would stop that discussion. He discussed this with the commission. R. Tulis asked if striking section 12.15 in its entirety would require another public hearing. M. D'Amato answered the commission could strike section 12.15 as a more restrictive amendment to PZ-22-13 and that could be done as early as tonight. He stated that they could make the moratorium regarding projects in general rather than specifically for the SDZ if that's a concern. The commission continued their discussion including regulating development based on sewer and water capacity. R. Sinosky asked a question regarding procedure, the commission discussed. M. D'Amato went through the deadlines for the application with the commission and explained options going forward.

B. Shabot motioned to continue PZ-22-13. R. Sinosky Seconded. M. D'Amato noted that the commission needed to make a decision on the proactive process through this application and explained if the commission felt they wanted it to remain they could do so through PZ-22-13.

B. Shabot spoke in favor of the proactive application. J. Marshall spoke against the proactive approach. A discussion on the proactive approach ensued.

J. Tehan noted there was a motion on the table and that the commission still had to vote.

**All in Favor. Motion Passed.**

#### **E. New Business**

#### **F. Unfinished Business**

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

M. D'Amato provided the commission with a draft motion and suggested conditions for the commission to consider. The commission discussed the proposed motion and conditions. The commission decided to alter condition two regarding screening because of concerns with sight lines. They further asked Staff to investigate if the planned location of the buffer fence would be more appropriate further back from Ruby Rd. Staff stated they would investigate and provide alternate conditions if appropriate.

**Continued to 11/1/22.**

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

**Continued to 11/1/22**

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

**Continued to 11/1/22**

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

**No Discussion. Postponed to 11/01/22**

### **G. Approval of Minutes**

1. October 4, 2022

J. Tehan motioned to accept the minutes as written. Doug Roberts seconded. **R. Sinosky abstained. All others in Favor. Motion Passed.**

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

Maureen Lowe-Choa-Lee brought up a question from last meeting regarding when a home occupation becomes a commercial business. J. Tehan stated that there wasn't a hard-set rule in the regulations. M. D'Amato elaborated on this.

T. Bissonnette spoke to a hypothetical situation regarding setback regulations.

R. Tulis spoke to signing requirements in Phelps Plaza and suggested that a sign in the plaza be looked at.

### **I. Correspondence**

None

### **J. Staff Report/Discussion**

#### **1. Review/Consideration: Temporary Moratorium: Section 12.15 (Strategic Development Zone)**

M. D'Amato explained his staff report regarding adopting a moratorium.

The commission discussed the proposed moratorium.

J. Tehan moved to consider language for a moratorium on section 12.15

A. Marco suggested the moratorium be 9 months. The commission agreed.

A. Marco Motioned to make the moratorium 9 months. Doug Roberts seconded. All in Favor. Motion Passed.

M. D'Amato said that they would make the language for the 9-month moratorium and refer it to CRCOG.

D. Roberts asked M. D'Amato about his note from last meeting about the commission needing to revise the regulations. M. D'Amato stated it was something he was thinking about and felt the Commission should consider updating the Regulations.

### **K. Adjournment**

J. Tehan motioned to adjourn. R. Sinosky seconded. **All in Favor. Motioned Passed.**

The meeting was adjourned at 10:29 pm