



**TOWN OF WINCHESTER**  
**PLANNING AND ZONING COMMISSION**  
Town of Winchester Town Hall  
338 Main Street - 2<sup>nd</sup> Floor - P. Francis Hicks Room  
March 12, 2018 – 7:00PM  
**Regular Meeting Minutes**

**1. CALL TO ORDER:**

Chairman Craig Sanden called the meeting to order at 7:02PM.

**2. ROLL CALL:**

At the request of Mr. Sanden, Mr. Sadlowski conducted the roll call, noting that the following individuals were present: Craig Sanden, Barbara Wilkes, George Closson, Jerry Martinez and Alternates Peter Marchand and Lee Thomsen.

Ms. Wilkes and Mr. Marchand noted for the record that they had been provided with a copy of the audio from the February 26, 2018 regular meeting and had read the Minutes.

**3. AGENDA REVIEW:**

**MOTION:** Mr. Melycher, Mr. Closson second, to amend the agenda and add Discussion and Possible Action on Capital Improvement Plan for FY2018-2019 ahead of the Public Hearing; unanimously approved.

**4. NEW BUSINESS:**

**A. Discussion and Possible Action on Capital Improvement Plan for FY2018-2019.**

Town Manager Robert Geiger appeared before the Commission, reviewing the draft FY2018-2019 Capital Improvement Plan. He confirmed that Hinsdale Elementary School is being considered for renovations after a committee has been reviewing both Hinsdale and Batcheller. It was noted that a sinking fund is being created to plan for a fire truck replacement.

**MOTION:** Mr. Closson, Mr. Sanden second, to send a positive endorsement of proposed FY2018-2019 Capital Improvement Plan; unanimously approved.

**5. PUBLIC HEARINGS:**

**A. PZC#18-03 Special Permit – 100 New Hartford Road – Map 034, Block 151, Lot 020-1, Owner: Richard J. Scianna Sr. and Charles B. Payne Applicant: 100 New Hartford, LLC Proposal: Operation of 1 Marijuana Dispensary Facility.**

**MOTION:** Mr. Closson, Mr. Melycher second, to open the public hearing in the matter of PZC#18-03 Special Permit – 100 New Hartford Road – Map 034, Block 151, Lot 020-1, Owner: Richard J. Scianna Sr. and Charles B. Payne Applicant: 100 New Hartford, LLC Proposal: Operation of 1 Marijuana Dispensary Facility; unanimously approved.

Attorney Tim Furey appeared before the Commission regarding this application. He presented with an additional drawing depicting the size, location and general appearance of the signs at the site. He noted that the existing sign already on site will be reused after undergoing a scraping and painting. The only sign on the building will be on the front of the building, near where the cupola is currently. Attorney Furey indicated that the cupola will be removed and a blue and white band will be added to dress up that area.

Attorney Furey noted that an A2 survey had been provided since the first public hearing. In response to Zoning Enforcement Officer's Marc Melanson's review of the survey, Attorney Furey noted that the dumpster enclosure does indeed have a gated closure in front.

With respect to providing a more detailed narrative for the operation of the business, Attorney Furey agreed that the February 26, 2018 Minutes summarized the bulk of his oral testimony and that the Commission may rely upon those. He clarified what was discussed in terms of distances between the proposed site and the local regional high school. He explained that there is a distance of 700' from the site to the driveway of the school but the drive from the facility to the driveway of the school is a quarter mile. Additionally, he noted that the distance between the proposed dispensary building and the actual school building is 1400 feet.

Attorney Furey reviewed the guidelines included for a special permit application in the Zoning Regulations, addressing the suitability of the location, site improvements, the unanimous support of the Architectural Review Committee, the transportation conditions, adequate public services, environmental impacts and long-term viability.

Attorney Furey noted that there have been very few problems arising from the existing dispensaries across the state.

It was noted that the size of the sign mounted on the building appeared to be 8'x4'. It was noted that there would be a subsequent sign application and it would not be permitted to be larger than 40 square feet.

Mike DeClement of 378 East Wakefield Boulevard spoke in opposition of the proposed location of the dispensary, explaining that while he is otherwise in favor of the concept, the site is not low profile and is located too close to people's homes and schools. Mr. DeClement cited concerns with security at the location during overnight periods as well as the long-term viability considering the recent legalization of recreational use Massachusetts, only eight miles up the road.

Attorney Furey reminded the Commission that there would be no branding on the signs or otherwise that include a pot leaf or anything similar. He noted that he had communicated with the Police Chief over his security concerns and the Chief subsequently approved that plan. He also spoke of the distinction between the forms of medical marijuana and that of recreational marijuana, reminding the Commission about the gentleman who spoke at the first public hearing and the success experienced with using this product to treat his hand condition. Mr. Sadlowski reported that Police Chief William Fitzgerald had indicated to his office that he does indeed want to be involved in a final review of the security plan should the applicant ultimately receive approval from the State of Connecticut.

**MOTION:** Mr. Closson, Mr. Melycher second, to close the public hearing; unanimously approved.

## **6. OLD BUSINESS:**

**A. PZC#18-03 Special Permit – 100 New Hartford Road – Map 034, Block 151, Lot 020-1, Owner: Richard J. Scianna Sr. and Charles B. Payne Applicant: 100 New Hartford, LLC Proposal: Operation of 1 Marijuana Dispensary Facility.**

**MOTION:** Mr. Closson, Ms. Wilkes second, to approve Application #18-03 Applicant: 100 New Hartford, LLC Owner: Richard J. Scianna, Sr. and Charles B. Payne Location: 100 New Hartford Road Proposal: Operation of a Medical Marijuana Dispensary Facility Map: 034 Block: 151 Lot: 0201 Based on testimony and subject to the following conditions:

1. In evaluating this application, the Planning and Zoning Commission has relied upon information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete, and/or inaccurate, this permit shall be modified suspended or revoked.
2. Approvals as per the submitted plans including the following:
  - Plans prepared by GR Engineering, LLC, 135 East Main Street, Thomaston, Connecticut 06787, entitled, "Medical Marijuana Dispensary Facility 100 New Hartford Road Winsted, Connecticut Dated 2/7/18 Scale 1"=20' ", Sheet(s) SP-1 (Site Plan) and A-1 (Exterior Elevations);

- Survey prepared by Peter B. Keefe, Surveyor entitled, "Map Prepared for L.C. Corp. Showing Erosion Land Acquired from Picard Rte 183 & Rte rr 1"=50' Sept. 1985";
  - Elevation Depictions prepared by GR Engineering, LLC entitled, "Medical Marijuana Dispensary 100 New Hartford Road, Winsted, Connecticut", Sheet EL-1, Issue Date: February 20, 2018;
  - Plan prepared by GR Engineering, LLC, entitled, "Medical Marijuana Dispensary Facility 100 New Hartford Road, Winsted, Connecticut", Sheet CP-1 (Conceptual Floor Plan #1) dated 2/26/18; and
  - A2 Survey as Prepared by DiCara Land Surveying Services entitled, "Property Survey Prepared for 100 New Hartford, LLC 100 New Hartford Road (Rte #44) Winchester – Connecticut Scale 1"=20' Date March 2018".
3. That this permit allows only the dispensing of Medial Marijuana in its various forms, as prescribed by a licensed physician in Connecticut under the State Medical Marijuana Program, to persons holding a Medical Marijuana Certificate only. In the event that the State of Connecticut legalizes recreational marijuana, wherein a purchaser does not need a prescription or certificate to purchase marijuana, this facility is not allowed to dispense this recreational marijuana or any other recreational drug, under this permit.
  4. This permit is not valid until the applicant gives a certified copy of the Connecticut Department of Consumer Protection issued permit/license to dispense Marijuana. This permit shall become void if this State permit is not issued within six months of this approval date. A single six-month extension is available from the Zoning Official provided written notification that a permit has been applied for and an expected decision date provided.
  5. Final Review of Security Plan to be approved by Police Chief William Fitzgerald.
  6. Days and Hours of operation of the facility shall be to not open before 9:00AM and to close no later than 8:00PM.

*Motion passed with Mr. Sanden, Mr. Closson, Mr. Melycher and Ms. Wilkes voting aye while Mr. Martinez was opposed.*

Prior to the vote on the preceding motion, Mr. Closson questioned whether there were Minutes available for the Architectural Review Committee. Mr. Sadlowski explained that he had not printed them but that the Committee had no recommendations for changes. Additionally, Mr. Closson noted for the record that the requirements for a minor site plan application had been successfully completed. As this was an application for a special permit, the Board considered each and every point contained within that section of the Zoning Regulations. They deemed that this location was suitable for the proposed use as it is in a spot separate from other activities and has a potentially secure entrance. It was noted that it already has the appropriate improvements in terms of public sewer and water. Mr. Closson opined that the area is suitable for the transportation conditions as the dispensary will likely generate less traffic than a fast-food restaurant. In terms of impacts to the environment, the location is already a developed site and there is very little work proposed in terms of further improvements. The long-term viability of the site is an improvement in terms of the general clean up of the current unoccupied building. Finally, it was agreed that this operation in the Town Gateway zone would not conflict with the Town's Plan of Conservation and Development.

#### **7. APPROVAL OF MINUTES – February 12, 2018 and February 26, 2018:**

**MOTION:** Mr. Closson, Mr. Sanden second, to approve the February 26, 2018 Minutes; Motion passed with Mr. Sanden, Mr. Closson, Mr. Melycher and Mr. Martinez voting aye while Ms. Wilkes and Mr. Marchand abstained.

**MOTION:** Mr. Marchand, Mr. Sanden second, to approve the February 12, 2018 Minutes; Motion passed with Mr. Sanden, Mr. Closson, Mr. Martinez, Mr. Marchand, and Ms. Wilkes voting aye while Mr. Melycher and Mr. Thomsen abstained.

**8. COMMUNICATIONS:**

Mr. Sadlowski reminded commissioners that there is a second land-use training session with the Northwest Council of Governments (COG) on March 29, 2018.

**9. TOWN PLANNER'S REPORT:**

Mr. Sadlowski reported that the Town has applied to be included in the Opportunities Zone Program, which if approved, would provide tax advantages to private investors for improvements in areas of the town. He explained that Governor Dannel Malloy determines which areas are to be included, which will likely include up to half of those areas that have applied. Final approval will come at the federal level, according to Mr. Sadlowski. He noted that should Winchester be chosen, benefits may be seen in the areas of 10 Bridge Street and 32 Lake Street.

Mr. Sadlowski reported that a new business, Still River Outfitters, will be moving into the space formerly occupied by Tattoos by Candace, near ABC Pizza. He explained that the owners of this bait and tackle shop will need only to apply for a Zoning Permit and receive a Fire Marshal inspection prior to opening and will likely be opening in the next couple of weeks.

Ms. Wilkes questioned the other new store that is reportedly opening next to Foxtails Restaurant. Mr. Sadlowski noted that he is expecting an application from them, too, in the next couple of weeks or months.

Mr. Sadlowski reported that both the Lambert Kay and Bank of America deals are nearing resolution, too.

**10. OTHER BUSINESS:**

**A. Review Permitted Uses in Zone Locations.**

No business was discussed.

The Commission questioned and reviewed the recommended guidelines for participation by alternates during a Special Permit application's public hearing and subsequent deliberations. Mr. Sadlowski explained that alternates can participate, like any member of the public, while the hearing is open. He noted that only those members seated should participate in the deliberations after the public hearing is closed. The Commission requested further guidance on this issue, preferably something they can read, to provide authority over when alternates can participate and when they shall not.

Mr. Closson reported that the Short Term Rental Review Committee had just met for the first time this evening as their meeting had been previously postponed due to snow. He noted that the committee will be putting together a survey and will be meeting again in two weeks.

**11. ADJOURNMENT:**

**MOTION:** Mr. Martinez, Mr. Thomsen second, to adjourn at 8:31PM; unanimously approved.

**Respectfully submitted,**

**Pamela A. Colombie**  
**Recording Clerk**