



**TOWN OF WINCHESTER  
PLANNING AND ZONING COMMISSION  
Town of Winchester Town Hall  
338 Main Street - 2<sup>nd</sup> Floor - P. Francis Hicks Room  
February 26, 2018 – 7:00PM  
Regular Meeting Minutes**

**1. CALL TO ORDER:**

Chairman Craig Sanden called the meeting to order at 7:05PM.

**2. ROLL CALL:**

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

It was noted that Barbara Wilkes and Peter Marchand were absent excused. Mr. Thomsen was seated for Ms. Wilkes.

**3. AGENDA REVIEW:**

No changes were made to the agenda.

**4. 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.

The legal ad for the public hearing was read into the record. It was noted that it was published the requisite two times, on February 14, 2018 and February 19, 2018, in the Republican American.

Attorney Tim Furey, accompanied by Pharmacist Annik Chamberlin, appeared before the Commission regarding this application. Attorney Furey reminded commissioners that the site for this proposed medical marijuana dispensary is the former Kentucky Fried Chicken restaurant located at 100 New Hartford Road, consisting of an existing 2568 square foot building on two acres of land. He noted that Mr. Sadlowski had provided a copy of a previous 2014 approval for this type of use at this location. Attorney Furey explained that the recipient of that 2014 Special Permit had not ultimately received a license from the State of Connecticut and that under the Town's Zoning Regulations, the Special Permit lapses should the recipient not receive a state license within six months or with an extension, within a year.

Attorney Furey reported that the applicant has no plans to make any improvements except to clean the building and the site. He acknowledged that the building is in a state of disrepair, noting that the site is overgrown and that the landscaping needs to be cleaned up. Attorney Furey explained that the lights on the site need to be updated and will be replaced with LEDs that are more appropriate. Additionally, Attorney Furey noted that the cupola will be removed, fill in with a matching band and change the color scheme to white and blue and eliminate

the drive-up window. He reported that the Architectural Review Committee voted unanimously last week to approve these proposed changes.

Attorney Furey explained that for the same reasons it has sat empty and underutilized for many years as it is far away and removed, not visible from the main highway and easy to access, it is ideal for this type of proposal. He noted that while it is seven-hundred (700') feet from the local regional high school (Northwestern Regional District #7) to make the connection by driving is a half-mile. Attorney Furey noted that the residential property behind the site are over one-hundred yards, on top of the plateau, and that while standing at the proposed site on the day prior to this meeting, the only thing he witnessed was water flowing down from that residential property.

Attorney Furey indicated that there has been no operational and community impacts resulting from the nine (9) sites that are currently operating in the Connecticut, other than to give medical relief to qualified individuals. He explained that many of the 1500 residents in Litchfield County who receive medical marijuana are registered to receive their products at the Bristol dispensary which can be a forty-five-minute ride. He noted that the Bristol dispensary occupies a former abandoned used-car lot which now has a small, discreet sign.

Attorney Furey noted that medical marijuana facilities are more highly regulated than a pharmacy. He pointed out that he has included a sampling of those regulations but had not attached all seventy of them. Attorney Furey indicated that he had reviewed the security plan with Police Chief William Fitzgerald this same date. He then referred to and reviewed a 24"x36" rendering of a proposed interior floor plan, depicting the layout of the rooms of the facility and the thirty-six cameras included as part of the security plan. Attorney Furey noted that to even gain access to the lobby to the facility, a person must be registered with the State and receive a medically appropriate prescription from one of the nine hundred doctors in Connecticut who also must be specially registered with the State as an authorized prescriber for these products. He explained that it is the State of Connecticut Department of Consumer Protection who administratively vets the patient's background and regulates the restriction that prohibits a patient from registering at more than one facility.

Attorney Furey noted that the applicant is anticipating five employees at this site including a security person, several technicians and two pharmacists. He noted that all employees undergo background checks and must also be registered with the State. The floor plan was reviewed including the fire exit doors as well as the necessary vault area for the marijuana storage, constructed to Department standards. He reviewed some of them including the necessity for signage within the area and the need for perimeter cameras as well as cameras at all points of entry and dispensary and all the necessary alarm features. Attorney Furey relayed that Chief Fitzgerald had approved the security plan for the proposal and would like to later review the final layout and have the ability to provide additional insight and suggestions.

Ms. Chamberlin then addressed the Commission, explaining that she served on the advisory board of a producer of medical marijuana, Theraplant, located in Watertown, Connecticut, during 2013-2014. She noted that she has functioned as a consultant and liaison to pharmacists seeking to gain licensure for dispensaries. Ms. Chamberlin explained that what is unique to pharmacists in this respect is that what is dispensed is the end-product with no manipulation involved. She noted that medical marijuana dispensing is different than a typical pharmacy in that there are greater restrictions, regulations and security. Ms. Chamberlin distributed a document containing the twenty-two conditions that a patient can currently use medical marijuana to treat and noted that there are presently six conditions that medical marijuana is sanctioned for patients under the age of 18.

Ms. Chamberlin noted that the State is likely to award new licenses to between three and ten new dispensaries while there is between fifty and one-hundred applicants vying for those new licenses.

Ms. Chamberlin explained that the proposed size of vault is so very large in hopes of limiting the number of deliveries that will need to be processed during the week.

Mr. Melycher questioned whether the security guard would be armed. Explaining that she had visited many licensed dispensaries, Ms. Chamberlin explained that initially there were many concerns with these types of facilities. However, because things have gone so smoothly, most security are not armed but are instead retired state police or possess a similar military type background, according to Ms. Chamberlin.

Mr. Martinez questioned whether the deliveries received in the area located on the side of the building must also be buzzed in to gain access. Ms. Chamberlin confirmed, noting that deliveries are pre-scheduled.

Attorney Furey noted that the State did not anticipate nor desire guards to be armed which prompted the requirement for the panic buttons, the silent alarm and security protocol. He reiterated that no one, from security to outside cleaning personnel, enters these buildings without being registered with the State.

Mr. Sanden questioned the size of the vault. Ms. Chamberlin noted that it is designed at 12'x17' but that a foot of that will likely be lost all around of it as it is constructed. She explained that the products are different with varying size of containers and tend to take up a lot of physical space. Noting that the building is larger than what is needed, Attorney Furey noted that it just made sense to build a larger vault especially after consultation with facilities currently operating.

Addressing traffic, Attorney Furey reported that during the busiest of time, the proposed dispensary may serve up to sixteen (16) people in the course of an hour. He observed that a fast food restaurant could serve up to 130 people in the course of an hour and that the dispensary would not have this many in the course of a day. Attorney Furey noted that dispensing is done by appointments.

Noting that hours would be dependent upon what the competition adopts, the facility would not open before 9:00AM nor remain open past 8:00PM. Attorney Furey noted that the minimum requirement from the State is that the facility is open 35 hours but that it will likely be dictated by patient demand.

Attorney Furey shared a personal anecdote about a family member with a form of Lupus who prior to using her medical marijuana, had been previously treated with all sorts of heavy drugs. He relayed that she has subsequently been weaned off those heavy drugs finding relief with what is similar to the form of Gummy bears composed of medical marijuana. He noted that this form is not allowed in Connecticut as the State deemed that it appears to look like candy but that people use the products but not all smoke it.

Mr. Closson questioned whether the alarm system is tied to someplace. Attorney Furey explained that it will be tied to a third party monitor as well as a direct notification to the principals responsible for the facility. Mr. Melycher questioned whether it is tied to the Town's Police Department. Attorney Furey noted that Chief Fitzgerald agreed to coordinate that with the State because the dispensary is a medical facility so is therefore subject to HIPPA (Health Insurance Portability and Accountability Act of 1996). He explained that once the facility is open, there will be parts that will not be able to be shared but that the public spaces such as the outside of the building are areas that the Police may be able to access.

Mr. Closson noted the site plan requirement as part of the Special Permit Application as provided for in the Zoning Regulations. Attorney Furey noted that the facility is more or less removed from the pure retail corridor and is removed by distance, topography, and nature of street patterns from the local school, and removed from residential districts just by its topography, design and nature. He opined that the improvements made to the architecture better compliment the community and that the site would otherwise just become more blighted as it has currently for the past eight years.

Having received previous positive referrals from the Department of Public Works and Fire Marshal, and the Police Chief this date, Attorney Furey noted that with respect to the Zoning Enforcement Officer's comments regarding the site plan, his client would be willing to comply prior to receiving the sign-off. He noted that the dimensions are

not changing, nothing is being built, and that the only improvements being made are to the skin of the building. Attorney Furey noted that a stamped A2 survey could be sought from the land surveyor John DiCara even though there are three on file. He noted that there is currently an existing dumpster enclosure.

The hearing was open to the public at 7:49PM.

David LaPointe of 11 Hillside Avenue spoke in opposition of the proposed dispensary, noting his prior experience as a correctional officer in the substance abuse treatment unit of the former Fairfield Hills Hospital in Newtown. Citing his affiliation with a taxpayer's advocacy group, he disagreed with any arguments in support of the proposal based on an increase in tax revenue as he noted that the site is already on the tax roll. Finally, Mr. LaPointe pointed out that the proposed use is currently against federal law.

Robert Powers of 111 Tarringford Street, noting that he is an abutting neighbor and is a licensed medical professional in Connecticut and is also a registered medical marijuana card holder, explained that his residence abuts the proposed site and had attended the public meeting due to his interest in assessing how this proposed new use might affect his property's value. He also shared an anecdote how a medical marijuana hand cream, priced at \$22, functioned to remedy a condition in only thirty days, and replaced a previous ointment that had been less effective and was priced at \$2800.

Cindy Gary of 10 Herman Road shared her concerns with how this proposal might play into what she characterized as a historical negative image of Winsted and the resulting affects to property values. She cited problems experienced with the previous sale of a home on Walnut Street and the negative news stories that may have contributed to those obstacles. She urged commissioners to contemplate whether this proposal will serve to make the Town better.

Mr. Sadlowski urged the Commission to consider what might transpire at this site if two or three years in the future, the use of recreational marijuana is permitted by the State Legislature.

In response to the concerns expressed regarding a federal prohibition of marijuana, Attorney Furey noted that the State has authorized restrictive use and that this Commission has agreed to that by including it in their regulations. In response to the concerns regarding a potential future recreational use, Attorney Furey noted that the Zoning Regulations have allowed a medical marijuana dispensary and a recreational dispensary is not part of the current proposal. He opined that the Legislature will not likely ever deem a medical marijuana dispensary as having been grandfathered in should the ban on recreational use be lifted. He noted that this Commission may someday want to amend the Zoning Regulations to clarify that medical marijuana dispensaries are not the same as recreational dispensaries.

Jack Bourque of 78 Crown Street explained that the Board of Selectmen have for the last couple of years tried to undertake initiatives to foster improvements in the town without raising taxes. He questioned whether this facility will be a tax-paying facility and whether the personal property contained within the building would also be taxed. Attorney Furey confirmed that it would be taxed like every other business. Mr. Bourque noted that every effort should be made to build the tax base and spoke in support of the proposal noting that this site is away from the Town Center and will likely bring more people into the area.

Steve Sedlack of 103 Indian Meadow Drive spoke in support of the proposal noting that the town does not have a medical marijuana problem but instead has an opioid problem.

Mr. LaPointe readdressed the Commission, noting that those seeking medical marijuana currently can secure their product by traveling to the next county over and spoke about the Police Department potentially having to respond to alarm calls at the site.

Robin Guilmette (sp) of 111 Torringtonford Street questioned whether despite all the cameras, there have been problems at the Bristol site or other sites, within the residential areas. Attorney Furey noted that based on all their research and inquiries into different sites, there have not been. He explained that all the high-resolution security serves to discourage problems.

Mr. Closson referred to the very specified site plan requirements that have not been included as part of this proposal. He explained that consistency is necessary by this Commission in reviewing applications and the requirements of a complete application. Mr. Closson referenced the first four pages of the State's regulations for medical marijuana facilities that were provided at this meeting. Attorney Furey explained that these were provided for convenience and that the remaining regulations may be found online.

Attorney Furey noted that he will get together with Mr. Sadlowski to determine what he has in the files that will be adequate to address the Commission's concerns after having had an opportunity to consult with Mr. Sanden. Mr. Sadlowski noted that the last survey was completed by Mr. DiCara. Mr. Closson noted that the cost is likely minimal for Mr. DiCara to simply update the plan, making it current within six months of the application, in order to comply with the Zoning Regulations.

The consensus of the Commission was that an updated, re-certified A2 survey should be provided that verifies existing markers, depicts the dumpster enclosure, the proposed sign detailing the dimensions, the lighting, the directional sign, and the distance from churches and schools. It was noted that page 93 of the Zoning Regulations include all of the materials that the Commission reviews when considering a Special Permit application.

Mr. Sanden urged the commission to provide any additional questions to Town staff who will then submit to the applicant for response.

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

#### **5. OLD BUSINESS:**

**A. 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.**

No business discussed.

#### **7. APPROVAL OF MINUTES – December 11, 2017:**

**MOTION:** Mr. Marchand, Mr. Sanden second, to approve the December 11, 2017 Minutes; unanimously approved.

#### **8. COMMUNICATIONS:**

No communications were noted.

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

Mr. Sadlowski reported that a new permanent farm stand will likely be going into the former barber shop in the space adjacent to Foxtails. Mr. Martinez questioned whether it would occupy the alley in this location. Mr. Sadlowski confirmed that it would be in the actual building where a barber shop was a while back but has been empty for some time.

#### **10. OTHER BUSINESS:**

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

No business was discussed.

**11. ADJOURNMENT:**

**MOTION:** Mr. Martinez, Mr. Thomsen second, to adjourn at 8:38PM; unanimously approved.

**Respectfully submitted,**

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