

PLANNING AND ZONING COMMISSION  
TOWN OF SOUTHTON

MARCH 20, 2018

The Planning & Zoning Commission of the Town of Southington held a public hearing and regular meeting on Tuesday, March 20, 2018 at the John Weichsel Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Michael DeSanto, Chair, called the meeting to order at 7:00 pm.

The following Commissioners were in attendance:

Dagmara Scalise                      Jennifer Clock  
Robert Hammersley                  Susan Locks  
Michael DeSanto, Chair

Alternates:        Joe Coviello, Ted Cabata, Ross Hart & Peter Santago

Ex-Officio:        Robert Phillips, Director of Planning & Community Development  
James Grappone, Assistant Town Engineer  
Carolyn Futtner, Town Attorney

Absent: Paul Chaplinsky & James Morelli, Commissioners

The Chair seated Joe Coviello for Paul Chaplinsky and Mr. Santago for Mr. Morelli for this evening's meeting. A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance.

MICHAEL DELSANTO, Chair, presiding:

4. APPROVAL OF MINUTES

A. Regular Meeting of March 6, 2018

Ms. Locks made a motion to approve the Minutes as presented. Mr. Hammersley seconded. Motion passed on a majority voice vote with Mr. Coviello abstaining.

5. PUBLIC HEARING ITEMS

Mr. Phillips read the legal notice into the record.

A. William Wells, Special Permit application to construct a garage which will bring the total number of garage spaces to in excess of three, property located at 15 Hawks Nest Drive, in an R-80 zone (SPU #593).

William Wells, 15 Hawks Nest Drive presented. He stated he would like to construct a detached garage at the back of his property. I've got a three-car garage now and I have four car drivers. I have a lot of equipment I'd like to put in the garage. That is the purpose of the application.

(Those speaking in favor of the application.)

None.

(Those speaking against the application.)

None.

Mr. Phillips indicated the applicant has filed a signed affidavit that it won't be used for a business use. Engineering had a question seeking confirmation of the surface to be used for the garage. Paved, or whatever.

Mr. Wells said there will be no pavement to the garage area. Just the grass. I have arborvitaes that border the corner so it is pretty well detached from the house about 100' back from the house.

The Chair closed the public hearing.

B. Robert Ludecke, Special Permit application to construct a carport which would bring the total number of garage spaces to in excess of three, property located at 61 Norton Street, in an R-20/25 zone (SPU #594).

Mr. Ludecke, 61 Norton Street presented the application. Just to do mostly remodeling and a carport on the side of the house. Basically, that's about it. It is not going to be enclosed. Three sides open.

(Those speaking in favor of the application.)

None.

(Those speaking against the application.)

None.

Mr. Phillips indicated he has a signed statement it is not for commercial use.

The chair closed the public hearing.

C. Praveen Dhulipalla, Special Permit application for a medical marijuana dispensary, property owned by 995 Queen LLC, located at 995 Queen Street, in a B zone (SPU #592), continued from March 6<sup>th</sup>

The Chair noted this is a continuation of the public hearing so everything that was said at the last public hearing is part of the record and there is no reason to reiterate anything said. We did have some outstanding questions last time.

The applicant noted traffic and property values as the issues. And, we have an architect here to show the elevations.

Jesus Martinez, Architect, presented. (See attached handout, Exhibit A, Property Evaluation.) (Exhibit B is a floor rendering of the facility.)

Property location: 995 Queen Street within a series of retail stores, in the center of the image. Left is retail and to the right is residential. The building has only one tenant with one vacancy which is the one the applicant is applying for. It is 2,000 sf.

The main entrance, registration and three waiting areas were discussed. The three consultant areas were discussed. The secure area for storing drugs were discussed. Receiving area was discussed. Breakroom area for staff was noted. The safe area was discussed.

The process was discussed fully by Ms. Scalise and the applicant.

The exterior entrance and concerns the landlord or next-door neighbor might have was discussed by Ms. Scalise and the applicant, as well.

Location of the security guard's post was discussed. Security protocol throughout the building was discussed by Mr. Santiago and the applicant. Specifically, who has access to what. Emergency exit procedures were discussed.

Parking area space was discussed.

Protocol for a security breach was discussed.

The Chair asked the applicant to expand on the property values aspect. (Documentation on file in the Town Planner's Office for review.) He noted 14 residential values and 3 commercial properties near the Bristol Dispensary which is located at 159 East Main Street. All property noted is within one mile of the facility in Bristol. All information is from Zillow. He concluded it is regular inflation with the 10%. No drastic changes with or without a dispensary in Bristol in the last years.

Mr. Hammersley asked: What methodology was used in selecting these specific properties? The applicant explained he took the location and with the Google map took the surrounding areas to see the recent sales from 2011 to 2017. Foreclosures were discussed as being or not being included.

The Chair explained the commission could not do a proper analysis of this as it was just received about 12 minute ago. Our staff has to do a little more analysis of this list.

Normally a report is done by a licensed professional noted Mr. Santiago.

Scott Hesketh, licensed engineer in the State of Connecticut with F.A. Hesketh & Associates in East Granby, CT. I did email a copy of the report earlier. He reviewed the report which is on file in the Town Planner's Office. The traffic volumes we're talking about here, he explained, is an increase of about one every four minutes during peak hours and doesn't affect the levels of service of the intersections on that roadway. (Printed copies of the report are available.)

(Please refer to the video on line for the full presentation including questions from the commission answered.)

(Those speaking in favor of the application.)

1. Andy Florian, 512 Mount Vernon Road. I was here at the last meeting and I'd like to also say I own a house on Dunham Road and my wife owns a house on Butler Avenue where her Mom resides. I am an investor in town. I have an insurance restoration company. Spoke about the affordability of the homes in the Dunham Road area.

I did some research on property values on line and property values have been soaring in the areas where there is allowance of medical or recreational marijuana.

Discussion.

Marijuana medical use for pain and benefits of same were discussed.

He explained from what he heard tonight this facility is like a fort.

He is not concerned about the property values in the area being a property owner in the area. He found no research to support the lowering of the property values.

2. Stacy Dolan, 55 Vermont Avenue. I am totally in favor of this but I don't know if I am totally in favor of the location. That is my issue. People need to be open minded and this is going to happen eventually. In this area, it is not like it is virgin territory for this.

Discussion.

Location wise, I wouldn't want it there but I am totally for it.

3. Sue Chubet, Medical Marijuana User. Patient in Bristol. I have MS and in order for me to get through my day, I cannot function without the help of these wonderful people that have provided this medicine in so many different forms and ways that it is a great Godsend! I would not be able to work or take care of my children. The kids are going to get into it just like liquor. Nobody has ever taken any product from my house as it is under lock and key. My kids see the difference in me with the medical marijuana use.

Discussion.

Spoke about the protocol at the facility she goes to.

I am all for it if I can get it in Southington without going to Bristol. It is a great medicine to help many people. You need to get onboard with this. Great moneymaker. Tax incentives. Brings other people into this area. It should be considered.

Mr. Santago asked her to compare this proposed facility here in Southington to one she goes to in Bristol. She said they are exactly the same.

Discussion.

4. Thomas O'Connell, 34 Ashwell Drive. Spoke in favor. He explained education he received that illegal drugs were bad, underage drinking was bad. I am now a medical marijuana patient as I had an accident and broke my back. Explained the excruciating pain he experiences.

He spoke on opiate use. Depression.

Medical marijuana allows me to be myself.

Discussion.

Teach the children what is right and what is wrong.

I have empty bottles for you to see there are warning labels and directions. It says: Use as indicated by the physician or the pharmacist.

Discussion.

It is not recreational marijuana. It is a medicine to help sick/injured like myself. On behalf of those people, this is a good idea. It would be easier for me if I could go in town so I wouldn't have to have a ride out of town.

As to the advertising and children seeing the building, the Healing Corner in Bristol, I've driven by it and had no idea it was a medical marijuana dispensary. Not pot leaves on the side of the building. Very discreet. For medicine to help people.

Discussion.

(Those speaking against the application.)

1. Tracey Wales, 81 River Street. Four or five houses down from where this proposed. Spoke about the traffic and the backups. The traffic study is wrong and not with all the building going on. This is at the entrance of a residential neighborhood. Spoke about property values in the residential neighborhood with this facility right at the entrance. There are other spaces which are more convenient.

Security guards and cameras in a residential neighborhood? It doesn't feel family oriented.

A different business should go in there that is more conducive to the neighborhood as the sewing center is.

Medical marijuana dispensary here is not appropriate.

What about expansion here like that which was talked about in Bristol? More employees, more patients, what's going to happen with that and how does it impact the neighborhood? If he has other pharmacies, and he has to go to the other pharmacy, who is going to dispense to the patients at this facility when he is not there?

Discussion.

2. Edmund Flores, 50 College Avenue. Not against this medical marijuana for medical use, but I don't think it is appropriate to have it in our neighborhood. I don't feel it is an appropriate business near a church I belong to. Family neighborhood with a school and a firehouse.

The following students read a prepared statement as to why they are against having a medical marijuana dispensary in their hometown. (Please refer to the video for the full presentation.)

3. Gabe LeBlanc, 72 (Inaudible). Member of the STEPS Council and a student at SHS.

4. Margaret Miller, 73 Miller Farm Road. Member of the STEPS Council and attends the JFK Middle School

5. Kelly Berklund, 228 Hilltop Drive. Member of the STEPS Council and attends SHS.

6. Mary Miller, 73 Miller Farm Road. Member of the STEPS Council and attends SHS.

7. (Inaudible), 87 Great Pine Path. Member of the STEPS Council and attends JFK Middle School.

Mr. Phillips added a note from Christopher Bray, 130 Dunham Street, also opposed.

The Chair noted all information received is being included as part of the record.

8. John Kolosky, 73 Candlewood Lane. The young people who came up here to express their concern, concerns me. I don't think the decision is whether or not the medical use of marijuana is effective. There are enough studies that indicate that. Several here spoke about the benefits.

More importantly, we are looking for you to render a decision that is good for the citizens of Southington. The demonstration of the young people that came up here is a small example of how many people in the town feel.

In summary, all information presented to the PZC, you have to individually discuss this, weigh it out and determine whether or not this particular business is good in this particular location at this particular time.

What troubles me most is not about the building that is here, but the concern I have is that we all know in order to get approval, you need to get a certification from a doctor, not a prescription. There are some doctors opposed to issuing a certificate of cause and they say "no". This particular dispensary, when they learn of something I told you, a person may go there and say I have an ailment listed as an acceptable ailment but my primary care physician is opposed to giving me a certificate. What troubles me is that this dispensary says, why don't you go to one of the 30 doctors that'll look at this. I have a problem with that. Are we doctor shopping for this?

Discussion.

I think you have to apply common sense and do what's best for the citizens of this town for a very unique problem. Maybe it's not the time or the location.

Discussion of prescription versus certification. A big difference.

9. Melissa Murphy, 96 College Avenue. Spoke last time and wanted to come and speak again. She spoke about the drugs in town. This is a residential area with churches and elementary schools where they want to put this facility. I started a Petition. If I need to get thousands of signatures, I will continue on. I am just so against this coming to town. Discussion.

10. Christina Simms, 359 Pattonwood Drive. Director of Youth Services with two children attending Thalberg School. I am clarifying after the last public hearing. I went to the facility in Bristol. I found it easily. Not in a comparable area, at all. The parking lot was full and we had to wait for somebody to pull out.

Discussion.

I got in easily after ringing the doorbell. I explained I was there as a result of a public hearing in Southington. I was asked to have a seat. Discussed she wanted to get more information, talk to a pharmacist or take a tour. I gave my full name and where I worked.

While he was away from the post, people came in/out. He came out and said they have no appointments right now but he gave me a contact person. I took the card and left.

I didn't need my license to come into the building. The security was a customer service person, polite, standing at the door. I didn't need identification.

I have not heard back from the person who I reached out to on the card.

The guard was wearing a yellow polo shirt, no uniform, at a podium similar to this.

Ms. Simms intends to visit all the dispensaries to see the protocol.

(Questions for the applicant)

The Chair asked the applicant to shed some light on the comment about the fact this is not a prescription but a certification. The applicant said the doctor should certify a condition for the patient -- a document for the State of Connecticut ---and he has to submit to the state to get an approval for the medical marijuana. Then you bring the card to the dispensary. For those who are not able to submit on their own to the state, we help them.

Discussion.

No referrals to other doctors are allowed by staff. If they do, they'd be replaced stated the applicant.

Discussion.

The applicant stated he has almost ten pharmacists between all the businesses and fifty employees. This needs special registration. I cannot be there fifty hours. I have a family. I have other people and two pharmacists will be here backing each other. As for expansion, my business plan with this facility, one pharmacist can support twenty patients if forty come and I cannot support it, I cannot hire another pharmacist as it is not going to support the consulting rooms, etc. I would have to find another place immediately.

Discussion.

Mr. Hart asked the applicant to compare the two processes comparable to need, being prescribed an opiate and medical marijuana.

Discussion.

The business plan by the applicant was discussed by Ms. Scalise with the applicant. (Two-year plan.)

The Chair advised the applicant a report on property values would have to be done and submitted by a licensed real estate analyst.

Discussion.

Mr. Hammersley explained extension options to the applicant. The Chair asked the applicant to work with staff on the timing.

The Chair left the public hearing open to the next meeting.

## BUSINESS MEETING

A. William Wells, Special Permit application to construct a garage which will bring the total number of garage spaces to in excess of three, property located at 15 Hawks Nest Drive, in an R-80 zone (SPU #593).

Ready for action. Ms. Locks made a motion to approve with the stipulation he can't run a business. Mr. Hammersley seconded. Motion passed 7 to 0 on a roll call vote.

B. Robert Ludecke, Special Permit application to construct a carport which would bring the total number of garage spaces to in excess of three, property located at 61 Norton Street, in an R-20/25 zone (SPU #594).

Ready for action same stipulation as the previous one. Ms. Locks made a motion to approve with the same stipulation: can't run a business. Mr. Santago seconded. Motion passed 7 to 0 on a roll call vote.

C. Praveen Dhulipalla, Special Permit application for a medical marijuana dispensary, property owned by 995 Queen LLC, located at 995 Queen Street, in a B zone (SPU #592), tabled from March 6<sup>th</sup>

Mr. Hammersley made a motion to table. Ms. Scalise seconded. Motion passed unanimously on a voice vote.

D. Praveen Dhulipalla, site plan application for a medical marijuana dispensary, property owned by 995 Queen LLC, located at 995 Queen Street, in a B zone (SPR #1744), tabled from March 6<sup>th</sup>

Mr. Hammersley made a motion to table. Ms. Scalise seconded. Motion passed unanimously on a voice vote.

E. Winterfell Holding, LLC, site plan application to construct business offices and associated parking lot, property located at 1248 Meriden Waterbury Turnpike, in a B zone (SPR #1745) tabled from March 6<sup>th</sup>

Stephen Giudice represented the applicant. This is a proposal for a business office and retail space for this property. There is an existing house located on the site currently. He will remove the house and build a house. We have parking areas throughout and detention areas located in the front and the back. Dumpster location was noted. The flow of traffic is one way in and one way out to keep cars from pulling out close to the intersection.

We have addressed all staff concerns I believe. We did provide a letter with responses to comments and revised plans.

We are requesting a sidewalk waiver. We do identify sidewalks along Meriden Waterbury Turnpike and Putnam Place. If you are familiar with that, there sidewalks and it is industrial in nature. Again, the sidewalks on Meriden Waterbury Turnpike are on one parcel to our west and there are no sidewalks to the east.

Discussion.

Ms. Scalise, very familiar with the area, explained a concern with traffic and parking and questioned whether or not the waiver is a good idea. A lot of restaurants and facilities in the area. (Hopknot Restaurant and the YMCA gymnastics facility.)

Discussion.

Ryan Vassar, 15 Saddlebrook Path, Southington. Said the Hopknot Restaurant is up the Meriden Waterbury Road quite a ways. There is plenty of parking down in that direction. I'm very familiar with the area. As far as existing sidewalks already there, there aren't any right now. We could say if the town were to add sidewalks in the area, we could add them at that time. Right now, it would be a strip of sidewalk not connected to anything. I would be willing as a resident to improve and do things like that. Right now, it is an extra expense for us at this point and it would be almost a hardship for us. Once we are further developed with a continuing line of sidewalks that is something we would be more ready to do at that time. Right now, it is an island on its own.

Discussion.

When we are open, we are not going to fill our parking lot. We are adding parking to the area.

Ms. Scalise suggested a stipulation that if traffic did increase sidewalks would be incorporated in the future.

Mr. Phillips stated there is a staff comment addressing the lack of an access easement to the west. To the south isn't feasible and would be to an area that isn't developing anytime soon. The response from the applicant as to the west side was that they were considering it. The Chair explained the cross-easement request to Mr. Giudice and the applicant. Mr. Giudice said he and the applicant think in theory it sounds like a great idea and I don't know if it will work well when the time comes. Mr. Giudice explained how access easement were done in the past along the property lines. Mr. Giudice recommended curb cuts not on the state road would be a more reasonable approach.

Mr. Giudice explained the request to the applicant.

Mr. Vassar agreed he is all for future development. The nearest parcel right now is far from being developed and I don't know what is going to come next to me. Do I want an easement on that property?

Discussion.

Mr. Phillips said in a case like this, we ask for the easement on this side of the property so there is the ability to connect when the other sides develop. The key is when the other side gets developed, they'd have to provide that access. It would set it up so they'd be able to have a mutual agreement. All you are doing today is showing it on paper.

Discussion.

Mr. Vassar said he is okay with the idea, but he doesn't want to say yes right now.

Discussion.

The Chair again explained the benefit of cross easements and taking traffic off the Meriden Waterbury Turnpike.

Discussion.

This is ready for action. The sidewalk waiver request needs a two-third majority vote.

The Chair said he felt we shouldn't make a business put a sidewalk to nowhere. I get we have to start somewhere but to put a sidewalk in front of this property and at the side that ends at the end of his property just doesn't make any sense to me. That's my opinion.

Ms. Scalise restated her position on the sidewalk waiver. You have to start somewhere. Is there a plan for Rte 322? That's where I am coming from.

(Pause)

Ms. Clock said it is not line with the POCD to not have a sidewalk, however, there is not a plan for 322 that I'm aware of and so in the spirit of being business friendly and he has agreed to other things in the site plan, I would say there would be no reason to deny it, so I'll make a motion to approve the sidewalk waiver. Ms. Locks seconded. Motion carries to waive the sidewalk 6 to 1 with Ms. Scalise opposed.

A motion to approve with the aforementioned stipulation for a possible easement towards the west was made by Mr. Hammersley. Seconded by Mr. Santago.

Mr. Hammersley said this is precisely the type of development fits with this part of town. I welcome you and hope you expand that lot into something bigger further down the road with success. I am strongly in favor of this development.

Motion passed 7 to 0 on a roll call vote.

F. John Formatto, floodplain filling application to provide parking lot, property owned by 474 North Main, LLC, located at 464 and 474 North Main Street, in a B zone (FF #257)

Mr. Giudice with Harry Cole & Son represented the applicant. This is at the corner of Curtiss and North Main Street. The property has recently changed hands and the new owner is proposing to formalize the parking. Explained.

We did through wetlands. We are proposing to pave and provide some storm drainage control and connect the parking lots from front to back. We are proposing to close a curb cut here (indicating) on North Main Street and have a more easily accessible curb cut with the parking.

The majority of this site is within a flood zone so we did request to do some filling in the flood zone. We are compensating that with excavation on an adjacent property to the Quinnipiac River and we did get a favorable review from the wetlands commission on that, as well.

We have two motions before you, one on the floodplain filling and one on the site plan.

The applicant is proposing to reface the outside of the building and try to make it more upscale and formalize the parking, as well.

The timing on the compensatory cut will be at the same time. Mr. Grappone said the town is in favor of that.

This is ready for action. The IW Commission approval was on March 1<sup>st</sup>. From a planning standpoint this is an improvement over the existing.

Ms. Clock made a motion to approve. Ms. Locks seconded. Motion passed 7 to 0 on a roll call vote.

G. John Formatto, site plan application to combine parcels and expand paved parking lot, property owned by 474 North Main, LLC, located at 464 and 474 North Main Street, in a B zone (SPR #1746).

This is the site plan portion of the previous application. Mr. Phillips said this is ready for action with the same comments as on the previous application.

Ms. Locks made a motion to approve with the same comments. Mr. Hammersley seconded. Motion passed 7 to 0 on a roll call vote.

7. ADMINISTRATIVE ITEMS

None this evening.

8. REGIONAL PLANNING COMMISSION UPATE

No report this evening.

9. ITEMS TO SCHEDULE FOR PUBLIC HEARING

1. James D. and Joyce Voisine, special permit application to allow operation of a consignment/antique business with outdoor display of inventory during business hours, and seeking outdoor storage in rear of building within allowable footprint/distance from building, 1126 Queen Street, in a B zone (SPU #595), April 3

This one can be scheduled.

2. About Wellness, LLC permit application for a medical marijuana dispensary, 30Knotter Drive, owned by Napoli Associates, LLC, in a B zone (SPU #596), April 3

Discussion about the date for the public hearing. This item should be scheduled for April 17<sup>th</sup>.

3. Wayne L. Lukonis, special permit application for a garage in excess of three spaces, 23 Mount Vernon Road, n an R-20/25 zone (SPU #597), April 17

This one can be scheduled.

10. RECEIPT OF NEW APPLICLATIONS

- Voisine
- Wellness Application

- Lukonis
- J.P. Manufacturing site plan for 4800 sf industrial building at 48 Industrial Drive.

11. EXECUTIVE SESSION to discuss pending litigation

A motion to go into executive session barring the press and the public but including town staff and the Town Attorney was made by Mr. Santago with a second by Mr. Hammersley. The purpose is to discuss pending litigation. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned to executive session.)

EXECUTIVE SESSION

The Planning & Zoning Commission of the Town of Southington entered into executive session on Tuesday, March 20, 2018 at the Municipal Center Assembly Room, 196 North Main Street, Southington, CT in order to discuss pending litigation.

The following Commissioners were present:

Dagmara Scalise	Jennifer Clock
Robert Hammersley	Susan Locks
Michael DelSanto, Chair	

Alternates: Joe Coviello, Ted Cabata, Ross Hart & Peter Santago

Also Present:

Robert Phillips, Director of Planning & Community Development  
Carolyn Futtner, Town Attorney

Absent: Paul Chaplinsky & James Morelli, Commissioners

No motions or votes were taken.

Motion made and seconded to adjourn the executive session. Motion passed unanimously on a voice vote.

(Whereupon, executive session was adjourned at 10:20 o'clock, p.m.)

**REGULAR SESSION**

Mr. Santago made a motion to adjourn. Ms. Clock seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 10:21 o'clock, p.m.)

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Robert A. Phillips  
Acting Secretary

12. ADJOURNMENT