

PLANNING AND ZONING COMMISSION  
TOWN OF SOUTHTON

APRIL 17, 2018

EXECUTIVE SESSION

The Planning & Zoning Commission of the Town of Southington entered into executive session on Tuesday, April 17, 2018 at the Municipal Center Assembly Room, 196 North Main Street, Southington, CT at 6:45 o'clock, p.m., in order to discuss pending litigation.

The following Councilpersons were present:

Paul Chaplinsky	Jennifer Clock
Robert Hammersley	Susan Locks
James Morelli	Dagmara Scalise
Michael DelSanto, Chair	

Alternates: Ted Cabata and Peter Santago

Also, Present:

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

No vote or motions were taken during executive session.

Mr. Chaplinsky made a motion to adjourn executive session which Mr. Hammersley seconded. Motion passed unanimously on a voice vote.

(Whereupon, executive session was adjourned at 7:03 o'clock, p.m.)

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Michael DelSanto  
Acting Secretary

PLANNING AND ZONING COMMISSION  
TOWN OF SOUTHTON

APRIL 17, 2018

The Planning & Zoning Commission of the Town of Southington held a public hearing and regular meeting on Tuesday, April 17, 2018 at the John Weichsel Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Michael DeSanto, Chair, called the meeting to order at 7:05 pm.

The following Commissioners were in attendance:

James Morelli	Paul Chaplinsky
Dagmara Scalise	Jennifer Clock
Robert Hammersley	Susan Locks
Michael DeSanto, Chair	

Alternates: Ted Cabata & Peter Santago

Ex-Officio: Robert Phillips, Director of Planning & Community Development  
Keith Hayden, Director of Public Works  
Carolyn Futtner, Town Attorney

Absent: Joe Coviello & Ross Hart, Alternate Commissioners  
James Grappone, Assistant Town Engineer

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 April 3, 2018

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

**5. Public Hearing Items**

Mr. Phillips read the legal notice into the record.

A. 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), continued from April 3

Attorney William Galske represented the applicant. We had a few issues to resolve last time. One concerned input from a neighbor to the north, Mr. Orofino. I contacted him last week and had a phone conversation and went down and met with him and his father, a co-owner. We had a tour around the property and looked at the fence that is in issue. It appears we don't really have a boundary line dispute. The issue is with the fence. The Orofino's purchased the property a little over 20 years ago and my client acquired his property about 19 years ago. The fence has been there probably 50 years.

The Orofino's main concern seems to be over liability and they'd like the fence moved on to the line. I offered a few suggestions and went back yesterday and spoke with him and he is inclined to move the fence himself and my client is in agreement with letting him do that --- put the fence on the line. They'd like to keep the fence solid, as it is now, for privacy.

I asked him for a map of his property. He had submitted a partial one into your exhibits last time. It was difficult to scale it. What I did and I'll enter this into your record is my client doesn't dispute the fence is over the boundary. We both seem to agree. Each have surveys by reputable surveyors. I'll give you that. It is a moot issue at this point. I stopped and saw him a few hours ago and he said he was not inclined to come tonight. That issue is done, I think, at this point.

The second issue had to do with a couple of trailers my client acquired that he uses for transporting his business wares. He did go and get them registered. (He submitted copies of the registrations.) All five are registered at this point in time.

There were questions as to whether my client's business had an effect on the property values out there. I looked at the Assessor's records. (Entered into the record property values of the property to the north, my client's property and the property to the south.) There have been no changes to the assessments or market value during the last three years. The last changes were at the time of the revaluation over three years ago. Nothing that anybody has complained about.

This issue arose because my client's prior approval didn't get filed with the Town Clerk. It has caused a significant impact and he would like to be able to open up and get back to work. I urge you to grant the permit and we'll make sure it gets filed in the Town Clerk's office.

Mr. Chaplinsky brought up getting agreements from property owners to allow for cross easements for future use for traffic management. We've been asking applicants if they would allow to put on the land records a cross easement to the north and to the south. This is not something your client would be required to fund.

Discussion.

Attorney Galske said he did discuss it with his client and Mr. Orofino. He doesn't want to do it on the north side. He's happy with his plan. The only way to go is north. My client has the smallest parcel in there between the bar and the campers. There is no objection by my client.

Discussion.

Mr. Chaplinsky brought up the affirmation that there are no sales of vehicles where we'll have vehicles out in front for display for sale. Attorney Galske said that is not the case.

Mr. Chaplinsky brought up the utility trailers and the intent to store those in the back. Attorney Galske said they'd like to keep them in the front at this point because of security. He doesn't need the parking. He doesn't get a lot of customers.

Attorney Galske brought up the picture of the box trailer submitted at the last meeting. That is a very old picture. The trailer is now up against the back of the building and that's where it was at the time of the last approval.

The little trailers are just pull behind a truck. I don't think they're impeding traffic, at all. There's plenty of room to keep them there.

Mr. Hammersley noted the approval runs with the land and not the owner. If we decide to put a stipulation that no utility trailers or any such vehicles are out in front, our intent isn't necessarily against you as a business, it's more of a long-term effect of what it might be if another business comes in and he decides to put ten vehicles out that we'll call utility trailers and then we have a situation up here.

Attorney Galkse said there'd be no objection to that stipulations. Just the five would be with his business.

Mr. Phillips commented concerning the regulations. You have two different regulations at play. You have an outdoor display and then outdoor storage. Storage is defined as behind the building a certain dimension and the front is where the outdoor display is typically – items for sale. So, considering that the applicant doesn't have a motor vehicle license to sell motor vehicles which trailers apply under, the reality is if they are out front, it's a good argument that that violates the regulations. The storage is supposed to be behind the building. It causes a problem for us from an enforcement standpoint.

(Those speaking in favor of the application.)

None.

(Those speaking against the application.)

None.

The Chair closed the public hearing for this item.

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

(Minutes are prepared summary style. You may refer to the video on line to view the full presentation along with questions and comments by the commission.)

Raj Patel, 6 Greenview, Middlefield, applicant, handed out a packet to the commission. I have Jake Patel here, also. We are here on behalf of About Wellness which exists exclusively of pharmacies. We have deep knowledge of pharmacies in a retail/pharmacy setting. Since, 2016, my partners and I have founded and operated a medical marijuana dispensary in Milford, CT, named Southern Connecticut Wellness & Healing.

I can tell you that operating a medical marijuana medical dispensary is exactly like running a pharmacy in terms of the processes we take in dispensing the medication, the regulatory oversight by the State Department of Consumer Protection and staffing with pharmacists and pharmacy technicians. There are a few differences we do find in a dispensary. Our security implementations that we've taken so far at our facility and also the big difference is the time that we get to spend with patients, one on one, not only about their medical history, but also trying to get to know their personal history and sharing our personal stories.

While there is more understanding and acceptance of the benefits of medical marijuana, we understand towns are still not comfortable enough to allow the use within their boundaries. We appreciate that Southington is open to allowing a dispensary through a special permit process and hope to provide information to strongly support our application so that the commission can be sufficiently comfortable to approve the proposed use.

Since location is one of the most critical aspects of a dispensary, when looking for a potential site, our focus was to find a site a way from the any sensitive areas. We believe this proposed site is in an appropriate location because it is in a business zone and is more than 1,000 feet away from a residential area, churches, schools and sensitive identifiers in state regulations.

In support of our special application that was submitted on March 14<sup>th</sup> of this year, we submitted three reports yesterday providing information on property values, traffic impact and compliance with special use permit regulations performed by our expert consultants.

I apologize that you have not had enough time to review the reports, therefore, our consultants will provide you with a summary of their evaluation and conclusions. Three individuals are here. Two are from Milone & MacBroom's traffic engineering/planning department and Tammy Barney from William Raveis. Once they have concluded their presentations, we will be happy to answer any questions you have regarding our application.

Quincey Brown, with Milone & MacBroom, a licensed professional engineer in the State of Connecticut. Our office is in Cheshire, CT.

We did an assessment of traffic and parking characteristics for the proposed dispensary development which he reviewed. (Please refer to the report in the Town Planner's Office.)

He summarized by saying we don't really anticipate a significant increase to traffic and from a parking perspective, we feel there is adequate parking on site to accommodate the proposed development.

Tammy Barney, a realtor with William Raveis Realty in Wethersfield, CT. (Please see her report on file in the Town Planner's office.)

She concluded as a realtor in the business for 15 years, she could pretty much guarantee you with a lot of confidence that the dispensary will have absolutely no negative impact on residential properties.

Ms. Scalise asked if this information reflected a radius around the properties? Ms. Barney explained it was the whole town. Milford has two dispensaries and when it encompasses the whole

town it is the whole town. I can tell you the higher end properties that sold after the dispensary was put in town. You can deduct from that it had basically nothing, no impact whatsoever.

Ms. Scalise asked, anecdotally, you haven't seen any information that would suggest that within a mile radius specific to each of the dispensaries there wasn't an impact on property values or your information isn't clear enough to answer that. Ms. Barney said she could put that in and come up with the information.

Mr. Chaplinsky commented there are questions on controlling the radius and how you are using the data within the immediate area around the dispensaries, as well. I would be interested to hear more on that.

And, also, you talked about, for example, Milford says there was a 9% increase in houses sold. Do you have information that supports what it would have been without the dispensary? My question is: Is 9%, would it have changed? Could it have been 12 or 15 percent? Can you possibly get that data for us, as well? Ms. Barney said probably not. That runs generally what it has been in all of Connecticut and the data went up from 2015 to 2017.

Mr. Chaplinsky suggested, if you differentiate how the entire City of Milford grew and somehow look at the radiuses around both businesses, that would be one way to do that. How about benchmarking other cities that are similar to Milford and have similar characteristics with business, similar population, industrial uses and show us in that same kind of vicinity in the state did they grow 9% or 6% or 15%. That would be helpful. Ms. Barney will get that information.

Discussion of the Milford dispensary and its location and the business of the area.

Mr. Santago pointed out that you want to be sure that if this legal business goes next to other legitimate businesses, you don't want to have anything taken away from folks that are there. And, it is pointed out by Ms. Barney that at least in Milford there is no evidence to suggest that took place.

Discussion.

Mr. Hammersley noted there are nine dispensaries in the State of Connecticut. Any reason why you picked Milford and Bristol to look at in terms of your evaluation? Ms. Barney said Milford because she was involved in the location. I was their realtor. And, I know what they do.

Discussion.

And, she confirmed she felt it was important to pick one somewhat closer to Southington to show a different location. That's closer to the greater Hartford area. That's why.

Look at the numbers and the charts in my report.

Mr. Hammersley suggested demographically South Windsor is a little bit closer to the composition of Southington than Bristol. Ms. Barney said she would get the information along the lines of what the other two commissioners had mentioned.

Discussion about the stability of the real estate market right now.

Vincent McDermott, Senior Planner and Vice President of Landscape Architecture and Planning at Milone & MacBroom. We are at 99 Realty Drive.

The applicant gave you a binder and it would be helpful to you during my review of the binder as my presentation. (Please refer to the binder in the Town Planner's office.)

My involvement is just to offer a professional opinion as to the compliance of this application to the regulations you have.

He concluded that his professional opinion is that the About Wellness application to operate the medical marijuana dispensary at this location, 33 Knotter Drive, is consistent with the standards set forth in Section 4-03.2f, the enabling piece, the Special Permit requirements in Section 8 and the specific regulations in Section 11-23.

Mr. Hammersley had a question regarding the traffic information provided. In the report you state that 23 transactions were identified per hour which would result in 46 trips to/from. That works out to able 1.3 trips per minute, presumably throughout the entire hours of operation for this facility. And, one of my questions is where are we suggesting these people are coming from? We have a facility in Waterbury and Hartford. It wouldn't seem they'd be coming from the west or the east. We have one in Bristol which is to the east, as well. Where are we suggesting the clientele is coming from for traffic purposes. The highway is right there. I'm guessing they'll be from Southington or Wolcott using I-84 to get to this facility.

Mr. Patel stated it is hard to determine where the patient population is from. It's not known and given to the public. Our assumption would be from Southington, Cheshire, surrounding towns.

Discussion of traffic routes from Cheshire maybe not using 322 but the back roads through the industrial park area. Did you look at the effects on that and whether that area can handle that amount of vehicular traffic?

Mr. Brown explained they did not get to that level of detail. They looked at the immediate access to the proposed building off 322 with the traffic signal. Some would know the back way, but those coming for the first time would use the highway and 322. We focused our attention on the immediate vicinity which is a more conservative approach. Even with that you have less than a 5% increase in traffic on 322.

Further discussion of the level of attention in the traffic analysis.

(Those speaking in favor of the application.)

None.

(Those speaking against the application.)

The following twelve speakers spoke against the application. Areas of concern were health, safety, welfare, security and property values of residents and the town. (Please refer to the on-line video to hear the full presentation.)

1. Marco Palmieri, 20 Bishop Road, West Hartford, CT., read a prepared statement.
2. Christine Gagnon, 842 Old Turnpike Road, read a prepared statement.
3. Chris Palmieri, 186 Highridge Road, speaking on behalf of STEPS, read a prepared statement.

4. The following students read prepared statements as representatives of the STEPS Youth Council:

- Kiera Mulligan, 130 Maplewood Road
- Kaitlyn Mulligan, 130 Maplewood Road
- Andrew Paradise, 298 Berlin Street
- Andrew (Inaudible), 105 Rockwood Drive
- Isabella Fest, 132 Rustic Oak Drive
- Alexis Izzo, 110 Rustic Oak Drive
- Mano Shiek, 99 Water Street

(Applause, applause)

5. Christina Simms, 359 Pattonwood Drive, Director of Youth Services in Town. Read a prepared statement.

6. Victoria Triano, 33 Belleview Avenue, this is night is a very night, I must say. I am overcome with the emotion of our youth in STEPS and stories we've heard today. I Pastor a church in East Haddam, I live in Southington and I am the Director of Pastoral Care at Southington Care. Prior thereto, I was a Senior Probation Office in the State of Connecticut for nearly 20 years.

My point tonight is this, when looking at the welfare of this town, of this community, of our kids, we can't look at the letter but the spirit of what the regulations say. And, the spirit is that the welfare of our community comes first.

Discussion.

Meriden has 4 dispensaries. We have Bristol, Waterbury. There is no need for Southington to have one no matter how close it is to I-84. I'd like statistics on how many people in Southington are being prescribed marijuana.

We have to do not the easy thing, but the hard thing and the thing that will protect this community in the welfare and safekeeping of our kids and of our adults.

Thank you for your service.

I encourage you to stand with these kids.

Mr. Phillips advised he received comments from a Denise Cicotti in opposition to this as well and it was distributed to the commissioners.

(Rebuttal)

Mr. McDermott commended the students and my heartfelt feelings go out to the woman her lost her son. I think the issue here before you is you made a hard choice some time ago when you authorized this particular type of use and limited it to a specific type of location. The question of policy, at least as this use, you exercised your judgement in establishing a policy by allowing. So, despite all

that you heard here tonight from a land use and zoning perspective, your judgement goes to the criteria set forth in the special permit and the qualifications in Section 11 that you have put forth for a medical marijuana dispensary. So, your judgment is limited in my opinion to those criteria as to whether or not this applicant has met those criteria.

The Chair asked Mr. Patel to talk about security at his facility. Mr. Patel said they take into consideration our security with all the regulations that are needed to make sure it is a properly secured facility. As to non-patients entering the facility, the way the regulations state, we use a buzzing system to let patients and caregivers come into the facility. Once they come into the vestibule area, they must show an ID and then we go ahead and check to make sure they are registered with our facility and that they are still a patient with the program itself. Until that is verified, they are not allowed to come into our actual facility.

We do not have a guard. It is not required by the regulations. We feel that when we created this entity, we decided we would not have any guard or armed guards because we wanted our patients to feel comfortable coming to the facility. We have a state of the art security system, cameras, et cetera required. We have not had any incidents so far in the years we've been open at the other location. Never had need to call the police nor have they come on their own because of issues. We did invite the police when we opened for an inspection. They came in and saw the security system that we have and they gave us some suggestions and since then we have no need for them to come to our facility.

The Chair asked if he had the number of people in our community who have a prescription for medical marijuana use. He responded the information is not available even to us. We do not have specifics as to each region or town but they tell us how many are within the county. For Hartford County, it is little bit more than 5,000 patients.

To enter into the facility, there is a key fob system. Each fob is programmed depending upon the employee's title. We employ pharmacists and pharmacy technicians. Our receptionist is a pharmacy technician. They are able to enter into the dispensary where the products are secured.

As far as patients, to get into where the dispensary portion is, they are buzzed into that location also. A secondary buzz.

Discussion on the location of the consultation rooms in relation to dispensary. No product every comes out of the dispensary into the consultation room. If there is a consultation going on outside of the dispensary area, it is just consultation. No product is allowed by regulation to come out of the dispensary area. The patients in the consultation rooms within the dispensary area, we don't bring products to them. We are not allowed to do so. Distribution is always in a secure area.

The Chair noted there are requests for additional information, so we will leave the public hearing open to the next meeting.

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

Wayne Lukonis, of 23 Mount Vernon Road, applicant presented. He submitted proof of mailings for the record. Mr. Phillips noted they can't be checked so we have to go with the assumption he made the mailings. The risk of appeal is on him. The Chair said if there is a problem that you didn't do the mailings, you're in trouble. Mr. Lukonis acknowledged this.

Mr. Lukonis stated he is building an addition on to the barn that is in the backyard. For storage. For classic cars. I have a lot of classic cars currently stored all over the place. I'd like to have them at one location at my residence. Explained the cars he has.

I own a garage in Meriden so there will be no working on them here. This is just strictly storage.

(Those speaking in favor of the application.)

None.

(Those speaking against the application.)

None.

The Chair closed the public hearing for this item.

D. Bagno, LLC, Special Permit Application to construct a garage in excess of three spaces, 114 Brookfield Court, in an R-40 zone (SPU #598)

Attorney Futtner recused herself on this item as she has a legal conflict with this matter. She left the dais.

Stephen Giudice with the office of Harry Cole & Son, 876 South Main Street in Plantsville. We have our notifications and our affidavit from the actual purchaser of the home. We proposed this application on behalf of the owner of the property but the property is under contract and we are proposing this garage for the new owner, as well.

Our application is a proposal to building a garage at the end of the driveway for this home. The applicant proposes to use it for storage of his personal vehicle and (inaudible) he owns. One door on it. Architecturally it will fit in with the existing house. We believe the proposal fits in with the neighborhood and the existing home. We think the applicant is proposing a nice structure and it will be nice.

(Those speaking in favor of the application.)

None.

(Those speaking against the application.)

None.

The Chair closed this public hearing item at this time.

Attorney Futtner resumed her chair at the dais.

**6. Business Meeting**

A. Action on settlement of appeal by Wonk Road Partnership SPECIAL PERMIT application (SPU #588)

Attorney Futtner explained there was a decision by this commission early February that was appealed by the appellant on February 14<sup>th</sup>. We've had two pretrials, four executive sessions. We've gone back and forth about a lot here. This relates to a development in the Wonx Spring Road area. The same piece of property was the subject of litigation in 2014 which was also the subject of a Stipulated Judgement by this board.

The key to that particular stipulation being that the town could be subject to the possibility of attorney's fees for breach of that stipulation. That's been a part of the discussion for a while.

Myself and opposing counsel, Bryan Meccariello, have crafted a stipulation which I've recommended to the commission to consider tonight.

I'll be happy to answer any questions.

Attorney Bryan Meccariello, 1096 West Street, Southington, reviewed the stipulation he crafted with Attorney Futtner. He thanked her for her professionalism through this process.

It is similar to the previous motion with the applicant on the former matter. I'll go through the points.

The way the statute reads on an appeal, the Judge needs to do one of three things: either assist the parties in a resolution, which in this case, he has. (2) Have a trial and his/her finding could be denial of the appeal or reverse the decision of this commission in whole or in part. In this case, it's drafted as in whole. I say that because this is not a new vote on the application. This is a vote taken to settle this matter so there would not be any rights to appeal the decision tonight with respect to the underlying approval of the Judge's decision as it is crafted to reverse the decision of February 6<sup>th</sup>.

We did take a timely appeal. In negotiating the settlement, Attorney Futtner used a heavy hand and asked for some concessions that normally wouldn't be made but my client heard the requests loud and clear and those are pretty much what the neighbors in opposition at the public hearing were saying. I'll highlight the three things:

a. This would remain a residential zone. We're stipulating not to come in with a zone change application for this property. It once was industrial. And, also not to file an application under 8-30(g) of the CGS. It pertains to both properties. There are two addresses, 37 and 43, which is the larger lot. It applies to both properties.

b. As to the carports, my client agreed to fully enclose the garages. They are detached from the building but they'll have garage doors and remotes and all of that. It won't be open to the public, therefore eliminating any of the concerns of vandalism or whatever the concerns were.

c. This was at my insistence, the commission to follow with site plan review and take questions into consideration the neighbors were talking about. Lighting is from the building. No streetlights. The entry lighting in the roadway is 4' high light structures so you won't see those unless you are driving into the area.

In addition to that, there is an agreement that everyone pays for their own attorney even though the statute is very clear that if the plaintiff prevailed, it would be entitled to attorney's fees at the discretion of the Judge. We're avoiding all that.

Tomorrow is the court date when Attorney Futtner and I will appear before Judge Levine and we'll have him review this with us and sign the order.

Questions?

Mr. Chaplinsky made a motion to approve the stipulation based on the guidance from our legal and the discussions we've had in executive session. Ms. Locks seconded. Motion passed 4 to 3 with Ms. Clock, Mr. Hammersley and Ms. Scalise opposed.

B. Wonk Road Partnership, site plan application to construct an age restricted multi family development of forty (40) units, 37 and 43 Hunters Lane, in an R-12 zone (SPR #1752)

Stephen Giudice, Harry Cole & Son, 876 South Main Street, Plantsville, presented on behalf of the applicant and owner. This is the subject of a previous item on your agenda. I want to run through our proposal.

It is an R-12 Residential zone. It is a site plan application. The parcel is 24.05 acres and it's currently open with an access drive that runs from Hunters Lane to this location. We're proposing five buildings, 40 units. Some one bedroom and two-bedroom units. The site is served by public water and sewer.

Some of the changes to the plan since the public hearing was the installation of a walking trail around the perimeter of the site for active recreational use. We also have incorporated 4' light poles for the walkway that runs throughout the site out to Hunters. Those light poles are approximately 50 feet and we kept them nice and low so they will illuminate the walkway and the driveway and will not have a negative impact on abutting properties and will fit in nicely with the surrounding wooded area.

The other lighting is just the wall mounted lights you would have on an apartment, condominium or house.

The site has wetlands and we did receive wetlands approval. No impacts to wetlands.

Storm management system consists of grass swales. We also have an infiltration system and treatment train through an existing swale that runs off site. We incorporated recommendations from the wetlands commission to provide ZIRO but also treatment for removal of silt.

Four fire hydrants were requested by the fire marshal are incorporated into the plan.

We've done turning movements on site for fire and emergency vehicles to make sure there are no issues with that.

We have a community garden proposed which was included in the original application.

The application has been submitted but we have not yet received site plan comments. Our proposal is just to present it to you for comments and then request a table to the next meeting so we can work with staff on comments.

Mr. Chaplinsky made a motion to table which Ms. Locks seconded. Motion passed unanimously on a voice vote.

C. 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), continued from April 3

William Galske, Attorney, here on behalf of the applicant.

Mr. Phillips made comments earlier about the storage trailers and how it is difficult for zoning enforcement if they're placed in front unless they are compliant with the outside display. Again, they are not licensed to sell motor vehicles which is what trailers are covered under. I see no other way to handle this other than they be moved to the back-storage area.

Mr. Hammersley made a motion to approve with stipulations:

- They move the fence in consistency with the conversation they had with the neighbor.
- They allow for cross easements per commission actions in the past knowing that corridor.
- There would be no utility trailers out in front of the property and they would be moved to the back or rear of the property.

Mr. Chaplinsky seconded.

After discussion on further stipulations that Mr. Chaplinsky suggested, the following stipulation was added:

- No sale of motor vehicles unless approved by ZBA accordingly.

Extensive discussion on the storage container followed by the commission. (Similar to WalMart and Target.)

Mr. Hammersley suggested we allow one storage unit of a size that's on the smaller end to be determined by staff. We don't want it above the building height so you can see it from the front.

Ms. Scalise commented we don't want to do something onerous.

Mr. Phillips commented allowing that container size behind the building for this type of business might be beneficial in keeping a number of things out of sight and inside the container. Staff would be supportive of that because of the nature of the business. What lies in the future? That section of town is sometimes a challenge to fill existing buildings. We don't know.

Mr. Hammersley added this is something we take up on a case by case basis and not doing a blanket prohibition of codification of how we do this. He further agreed with Rob's points.

Further discussion on the container issue.

Mr. Morelli suggested since it is already there we say he cannot add anything further for storage as he complied with the request to move it to the back. The Chair said if we add this, we are complicit and allowing this to occur. It is not allowed.

Discussion.

Discussion on sunseting the container and allowing it to be there.

Maybe we want to review the regulations and make a special exception provision saying storage containers can go to the ZBA under special exception. If we give 12 or 18 months to comply.

Discussion.

The following stipulation was added:

- Storage container removed within 18 months of the approval.

Mr. Hammersley amended his original motion to include stipulations. Mr. Chaplinsky amended his second.

Stipulations:

- They move the fence in consistency with the conversation they had with the neighbor.
- They allow for cross easements per commission actions in the past knowing that corridor.
- There would be no utility trailers out in front of the property and they would be moved to the back or rear of the property.
- No sale of motor vehicles unless duly authorized by the Zoning Board of Appeals.
- Storage container must be removed within 18 months of the approval.

Motion passed 7 to 0 on a roll call vote.

D. James D. and Joyce Voisine site plan application to operate consignment/antique business, 1126 Queen Street in a B zone (SPR #1748), tabled from April 3

William Galske, Attorney, represented the applicant. We've looked over the site plan. What he has out there has worked very well for him. On a busy day he gets 10 customers in a day. Not a large traffic generator. His big concern is the safety issue and that's why the container was there. I hear your thoughts and concerns. Safety from theft, people breaking in. He has managed it well. The property works well.

Mr. Phillips brought up the access easements to the north and south.

Mr. Chaplinsky made a motion to approve. Mr. Hammersley seconded. Motion passed 7 to 0 on a roll call vote.

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

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

F. About Wellness, LLC, site plan application for medical marijuana dispensary, 30 Knotter Drive, Unit 1, owned by Napoli Associates, LLC, in a B zone (SPR #1749)

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

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

Mr. Phillips advised we are waiting for ZBA approval so it should be tabled. Mr. Hammersley made a motion to table. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

H. Bagno, LLC, Special Permit Application to construct a garage in excess of three spaces, 114 Brookfield Court, in an R-40 zone (SPU #598)

(Attorney Futtner recused herself because of a legal conflict and left the dais.)

This is ready for action. Mr. Chaplinsky made a motion to approve. Ms. Scalise seconded. Motion passed 7 to 0 on a roll call vote.

(Attorney Futtner resumed her seat at the dais.)

I. Hidden Valley, site plan modification application to convert batting cages and open land to go-kart track an expand deck, canopy and building for mini golf staff, property located at 2060 West Street, owned by Rossi Partners, LLC, in a B zone (SPR #1679.1)

Stephen Giudice presented on behalf of the applicant. Our proposal is for an existing parcel at 2060 West Street. The batting cages have really kind of dropped of the last few years and he has been looking for another way to draw people back into the facility. This is an electric go-kart track.

We have existing parking and buildings that are going to remain. We have some additions to the existing deck that's there and some modifications to the existing starter shack for the mini golf. Then on the lower side we have a pavilion and a garage area. The pavilion will be the starting area for the

vehicles. The customers come in, get in their karts and take off. The garage area is where the cars will be stored at night. The track, we've worked with the company that provides the karts. We modified the site where the batting cages were and we incorporated the existing detention basin here and coordinated that into the track. Explained.

Minor modifications to the sidewalk. There is a sidewalk that accesses the play area in the back. We'll bring that around the side of the track. Overall, just a lot of improvements for the site.

We're excited to get going and hope you help us get there.

We did submit plans and received comments back. We did late today submit responses and revised plans. I'll let staff address that. I think we are in pretty good shape.

As to sidewalks, we are required to propose sidewalks. We are going to formally request a sidewalk waiver from the commission. If you can imagine this portion of West Street, I think Cumberland Farms is the only place that has sidewalks from the Bristol line up through this site. We don't think for this small section of frontage it is really necessary. We ask you to consider that.

Parking was discussed and it was noted there is an overflow parking agreement with Kizl's.

Mr. Phillips advised this is ready for action with the stipulation this be subject to storm water final design with engineering staff.

Extensive questions and discussions regarding the sidewalk waiver proposed and how it relates to the regulation.

Safety measures proposed were discussed as to the go kart track. Full size metal guardrails surround the site. There is fencing to keep pedestrians from walking on the track. The cars aren't going that fast and the curves are designed to slow the vehicles down.

Mr. Giudice conferred with the applicant and they formally withdrew the request for the sidewalk waiver.

Mr. Chaplinsky made a motion to approve with the stipulation this be subject to storm water final design with engineering staff as noted above. Mr. Hammersley seconded. Motion passed unanimously on a voice vote.

**7. Administrative Items**

None this evening.

**8. Items to Schedule for Public Hearing**

None.

**9. Receipt of New Applications**

Nothing that's not on the agenda already this evening.

**10. Adjournment**

Mr. Chaplinsky made a motion to adjourn which was seconded by Mr. Hammersley. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 9:28 o'clock, p.m.)