

**COVENTRY PLANNING AND ZONING COMMISSION
MINUTES
MONDAY, JANUARY 9, 2022
7:00 P.M.
VIA ZOOM INTERNET CONFERENCING AND TOWN HALL ANNEX**

CALL TO ORDER

By: Christine Pattee, Vice Chairperson

Time: 7:03pm

Place: Virtual

ROLL CALL:

		PRESENT	ABSENT
REGULAR MEMBERS:	Steven Hall, Secretary	X	
	Bill Jobbagy, Chairperson		X
	Ed Marek	X	
	Christine Pattee, Vice Chairperson	X	
	Darby Pollansky	X	
ALTERNATE MEMBERS:	Bob Burrington (arrived 7:10)	X	
	Brian Murray	X	
	Carol Polsky	X	
STAFF:	Eric Trott, Town Planner	X	

Christine Pattee, Vice Chairperson, assumed role of Chairperson due to absence of Chairperson, Bill Jobbagy.

AUDIENCE OF CITIZENS:

Susan Tischofer- Pucker Street – Traffic speeding on Pucker Street is an issue. Various neighborhoods across the neighborhood have signs, and I would like to see something done to addressing the safety concerns.

Christine Pattee: Eric could you direct Susan to the appropriate department?

Staff (Eric): Best suggestion would be to bring up these concerns to the Chief of Police. Typically it is education first, and enforcement second.

Susan Tischofer: The developer of Pucker Street subdivision, allegedly destroyed drain pipe culvert, and driveway. This portion collapsed due to the tractor trailer.

Staff (Eric): Suggests contacting DPW to address the culvert issue.

Bob Burrington arrived at the meeting at 7:10pm remotely. Christine Pattee unseated Brian Murray at 7:11pm and Seated Darby Pollansky who arrived at 7:11pm remotely.

PUBLIC HEARINGS:

- 1. #22-11 – Subdivision application of Heather Sansone, owner; Mark Reynolds, agent, for a two lot subdivision at 467 Flanders Road (Assessor’s Record Number: R06183) GR 80 Zone.**

Mark Reynolds and Heather Sansone were present.

Staff: State Archaeologist went out to the property, the State Archaeologist is no longer requesting archaeologist survey. Am I correct with this information Mark?

Mark: Yes, you are correct. Appreciate the efforts and solutions made from Eric, and the State Archaeologist.

Eric: Regulations due to having 5 acres or more requires an approval and review from the state archaeologist. Will reach out to Sara to work on developing a possible amendment to the regulations to avoid delays and focus on sites that are appropriate to examine for archaeological resources.

Christine Pattee: Proud of the state archaeologist, the town, and the staff for the successful work they are doing.

Christine Pattee: Anyone in the audience have further questions?

Staff: No further outstanding issues with the application, and ready to close the above meeting.

MOTION:

The Coventry Planning and Zoning Commission approves Subdivision application #22-11 of Heather Sansone, owner; Mark Reynolds, agent, for a two lot subdivision at 467 Flanders Road (Assessor's Record Number: R06183) GR 80 Zone.

Motion by: Pollansky

Seconded: Polsky

Voting:

For: Hall, Pollansky, Polsky, Marek, Pattee

Against: None

Abstain: None

Reason for Decision: The application complies with the applicable criteria.

Motion unanimously approved.

2. #12-22 – Zoning Regulation Amendment application of the Coventry Planning and Zoning Commission to adopt regulations for cannabis related establishments.

Staff: Reviewed State of Massachusetts regulations and local samples regarding cannabis. Worked with Town Attorney to draft regulations this past year. We are comfortable with moving forward. The town did two moratoriums for cannabis. Public notices to the residents, the region, abutting towns, and capital region council of government (CRCOG). No responses from the abutting towns, but received a letter from CRCOG outlining that these regulations appear to have no conflict with the nearby municipalities. No way of limiting the limitation of cannabis establishments within the Town according to CT General Statutes. However, could be limited due to proximity of schools, day cares, public parks, youth recreation facilities by utilizing separating distance requirements.

Carol Polsky: Is it correct that we can no longer limit it to the original 1 cannabis facility?

Christine Pattee: In theory we could get 5 or 6 cannabis establishments within the town

Staff: Commercial Zone on Route 44 is the only zone to support cannabis establishments with the proposed draft.

Christine Pattee: Is that legal?

Staff: Originally the commission desired the Cannabis establishments to be located down route 44 in the commercial zone. This has not changed.

Staff: The Neighborhood commercial zones are not viewed as an appropriate location for cannabis establishments due to potential conflict with existing uses.

Christine Pattee: Do these establishments still need to submit plans to the town for review because they are going to build something? Will the planning and zoning commission review these plans?

Staff: A special permit from the planning and zoning commission will be required for all cannabis establishments. That includes cultivation, manufacturing, and retail cannabis establishments.

Christine Pattee: We could see numerous establishments attempt to move into our town. It is no longer first come first serve, we could see plenty applications.

Staff: Other towns have already adopted their own versions of the Regulations already. The market for such uses will dictate as to how many are going to be appropriate for each town. The separating distance 500ft is the only way of limiting the presence of cannabis establishments from the Planning and Zoning commission perspective. The commission can utilize the separating distance criteria to limit the number of these establishments within the town. The 500 feet distance could work well due to the nature of the commercial zoning on route 44. The intersection between bread and milk, and route 44 is a small, contained zone as well grant hill road and route 44 is contained as well, the separating distance would prevent clustering to occur.

Christine Pattee: Thank you for this perspective. The market is going to have to take care of it itself. Do other commissioner members have questions about this regulation?

Ed Marek: I do. This draft on regulations. What happens once this regulation is passed? What happens next?

Staff: The following process is expected: PZC adopts amendment to Regulations, Staff prepares legal notice, notify Town Clerk, and file copies with the Town Clerk. Regulation becomes effective. Those who go through the process for cannabis establishments will have to abide by these regulations. I think we have provided clarity on the criteria there is and what the commission is examine for such use. At the end of the month the current Moratorium is set to expire.

Steven Hall: Just for clarification, they have to still go through a licensing process through the Department of Consumer Protections?

Staff: Right, that is correct.

Ed Marek: What happens if we do not approve these regulations?

Staff: The moratorium would lapse at the end of the month. A candidate could still apply, and since we do not have specific regulations regarding cannabis, anything that is closely related to the establishment would be the permitting basis for a cannabis establishment. For example, a retail establishment, dispensary, an applicant could look at the regulations and say that retails sales is allowed wherever retail is allowed. This is because this is the

closest similar industry, and therefore cannabis sales could occur wherever retail is allowed, since this type of establishment is closest aligned to this form of business retail. This could also occur in respects to manufacturing and cultivation within zones that are deemed rural development zones within the Town if our current moratorium lapses. However to the best of my knowledge the needs to manufacturing and cultivation establishments would require public sewer and public water, and current Coventry does not have readily accessible access to this within commercial zones.

Christine Pattee: I would like to clarify Ed's questions. Tomorrow there is a town-wide referendum. Residents have a vote on the HVAC systems within public building. It is my recollection we voted on this last minute. Did we vote on this in previous meeting?

Staff: We casted a consensus vote at a previous meeting to proceed with the draft regulations and a public hearing on January 9th. We casted a consensus ruling previous meeting to ensure everyone was in agreement with how the draft was progressing. We then also brought the concept of drafting regulations to allow cannabis establishments in Town to Town Council. The Council voted, though not a unanimous ruling, to support this action.

Christine Pattee: Thank you for that clarification.

Staff: I would recommend keeping this public hearing open for the next meeting to allow opportunity for residents to understand these regulations and voice any concerns. This would also allow an extended period of time from the public to submit their comments for the record. This is similar to something we did in our housing affordability regulation development.

Darby Pollansky: I was going to say that as well Eric.

Ed Marek: I am very against adopting these regulations. Numerous studies show cannabis it is a gateway drug. I have serious reservations about this whole thing. I am certainly not in favor of this regulation.

Staff: You have been consistent with your thoughts, and I appreciate it. We are doing the best we can with the commission, and we are attempting to give guidance and regulate it in an appropriate manner. It does not appear prudent to do nothing and allow for the establishments to occur in an arbitrary nature.

Christine Pattee: I appreciate your perspective Ed. Marijuana can be harmful for the public, and for young brains. However, it is less harmful than the effects of alcohol. Two big reasons I support the legalization. It is a recreational drug people like to use. While also there is limited education on this drug and the more transparent it is, we can study it further. Small amount of privately funded research is anecdotal. We can only do further if the federal government allows for the research of this, so we can better educate our children. State has allocated money for the education of the community on the impacts of driving.

Steven Hall: Question. The motion was in draft sent today prior to the meeting. Why are we not voting on it today?

Staff: Due to policy and procedural perspective, I think it is best to vote on this again at the next meeting to ensure the community has adequate time to respond. Also, so it does not appear that the commission's mind was made prior to the meeting to pass this. However, if the commission decides whether a vote will occur that is entirely up to the commission.

Steven Hall: Sorry to cut you off, the regulation were mentioned in the media as well as the moratorium. The public should be well aware of this matter. We postponed a meeting on this for a long period of time. I am ready to vote on this tonight. I do not think the public has been kept in the dark on this and is well informed.

Staff: We spent a lot of time informing the community. I think there is still room to gather more community input and provide additional time for the community. However, if the commission decides whether a vote will occur that is entirely up to the commission.

Steven Hall: I have been ready to vote on this for a long period of time now. I was not in favor for the moratorium to begin with. But I do agree moving this agenda item to next meeting, for additional time and to allow absent Bill Jobbagy, Chairperson to attend next meeting, as he is familiar with this item and has been working on it substantially.

Staff: I strongly suggest making a decision by next meeting due to the moratorium ending at the end of the month. It is my recommendation that the commission move this agenda item to next meeting to allow additional citizen feedback.

Christine Pattee: I agree with Eric that this is the time to evaluate this regulation further. There is no down side to pushing this off to the next meeting. I do agree with would make sense to allow Bill Jobbagy to be present to make this decision as well.

Staff: We have a few residents present to speak or share their perspectives.

Susan Tischofer (Resident): I lived in NYC for 10 years. I moved back to the country, and there is a reason I am here. We have a sheltered lifestyle here. There are benefits to both. We need to find a balance between preserving our town values and character, and being informed about what's really happening in the real world. The more we educate our town residents it will be. Anything can be a gateway drug, alcohol included.

Christine Pattee: You should know Susan that Bill Jobbagy was equally responsible alongside Eric for the well drafted cannabis regulations.

John Sable (58 Susan Lane): Were the regulations changed from a month ago?

Staff: No

John Sable (58 Susan Lane): Is there a reason transporter licenses are not mentioned in the regulations? Is there a reason for that?

Staff: We did define it in the regulation. We also have the commercial zone which encompassed motor vehicle terminals. The commission did not specifically reference it within the regulation itself. The closest use would be the commercial zone. I think this could satisfy the transporter license considerations. I will also clarify this matter with our town attorney.

Christine Pattee: *I motion to move this application to next meeting to allow for proper review if there are no further objections.*

Unanimous Consent

OLD BUSINESS:

None.

NEW BUSINESS:

1. Appointment of Manuel Medina as ZEO

MOTION:

The Coventry Planning and Zoning Commission appoints Manuel Medina as the Zoning Enforcement Officer for the Town of Coventry.

Motion by: Pattee

Seconded: Polsky

Voting:

For: Hall, Pollansky, Polsky, Marek, Pattee

Against: None

Abstain: None

Motion unanimously approved.

2. PZC Member Sexual Harassment Prevention Training – New Statutory Requirement:

Staff: New Legislation defines that commission members are considered town employees, and are required to complete sexual harassment prevention training. Amanda Backhaus's memorandum outlines options to adhering to the sexual harassment training. This training is a two hour video followed by questions.

Steven Hall: The term employee could cause great implication in terms of the things people can do. What type of issues does this imply if we are considered employees of the town?

Christine Pattee: As an unpaid commissioner member or am I at risk of being the harasser or can I be the person harassed. There needs to be something better than this.

Staff: This statute creates a lot of questions that currently we do not have the answers for. Unfortunately, we have to require this training completion. If a vast majority do not comply I am unsure what the results would be, but is something we are required to complete.

Carol Polsky: Since we are alternates, do we have to complete this requirement.

Staff: Yes you do.

Staff: The training should take a couple of hours of your time. Once I receive the training certificate, I will file it in the town clerk's office, and that will complete that requirement

Steven Hall: This training is good for 10 years.

Staff: Please let me know if you have any additional question, we have to have this submitted by March 31st.

ADOPTION OF MINUTES – November 28. 2022

MOTION:

The Coventry Planning and Zoning Commission approves the minutes of the November 28th, 2022 meeting with the following corrections:

Motion by: Pattee

Seconded: Polsky

Page 3:

: First paragraph – 6th line, project should be projects; 7th line, suggest should be suggests

: Second paragraph – 2nd line, 'add' between 'looking' and 'the'

: Fourth paragraph – 3rd line, culvert should be culverts

Page 4: Last paragraph, 1st line delete 'with'; Last paragraph; 4th line, 'Dejulio' should be 'Digiulio'

Voting:

For: Hall, Pollansky, Polsky, Marek, Pattee

Against: None

Abstain: None

Motion unanimously approved.

Brian Murray Seated for Darby Pollansky 8:11pm due to schedule conflict.

COMMUNICATIONS:

None

STAFF REPORTS:

1. Town of Andover – Zoning referral – regulation amendments

Staff: No comment

2. Regulation interpretation – dog grooming – personal service establishment

Staff: Question regarding the definition of ‘personal service establishment’. A dog grooming business is wishing to move into the Village Center Zone. We currently do not have regulations that specifically outline dog grooming in the Zoning Regulations. Dog grooming could be considered to be a personal service. I reviewed concept with the Town Attorney and the Town of Wethersfield is doing a similar situation. The Wethersfield ZEO was comfortable with considering a dog grooming as part of personal services as well. Is the commission okay with this interpretation?

Christine Pattee: I support the consideration of a personal services establishment in terms of a dog grooming establishment in a standalone place within the village or wherever he/she is applying.

Staff: CT Bar Association hosting a training on land use regulations. This training will be help on March 11 from 9:30am – 4pm via Zoom.

Christine Pattee: Is interested in attending.

Staff: Yvonne has resigned from the position of record secretary for the Town of Coventry. I will have a card available if you are willing to sign it. Also, the Town Council volunteer gifts will be available for pick up in the land use office as well.

Christine Pattee: Eric you have anything further on your agenda?

Steven Hall: Has the driveway work on Dunkin Donuts been taken underway.

Staff: No, that project has not been begun.

ENFORCEMENT:

None

ACKNOWLEDGEMENTS:

None.

ADJOURNMENT:

Pattee adjourned the meeting at 8:21 p.m.

Jase Ramon Olavarria

Jase Ramon Olavarria, PZC Recording Secretary

PLEASE NOTE: These minutes are not official until approved by the Planning and Zoning Commission at the next Commission meeting. Please see the next Commission meeting minutes for approval or changes to these minutes.