

**WETHERSFIELD PLANNING AND ZONING COMMISSION  
PUBLIC HEARING AND MEETING**

**March 18, 2014**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, March 18, 2014 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut 06109.

**1. CALL TO ORDER:**

Chairman Roberts called the meeting to order at 7:00 p.m.

**1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum):**

Clerk Margiotta called the roll as follows:

Member Name	Present	Absent	Excused
Richard Roberts, Chairman	✓		
Thomas Harley, Vice Chairman	✓		
Antonio Margiotta, Clerk	✓		
James Hughes			✓
George Oickle	✓		
Joseph Hammer	✓		
Anthony Homicki			✓
Dave Edwards	✓		
Angelo Robert Fazzina			✓
Thomas Dean (alternate)	✓		
Alex Vasel (alternate)	✓		
Leigh Standish (alternate)	✓		

Also present were: Jeff Bridges, Town Manager;  
Peter Gillespie, Town Planner/Economic Development Manager;  
and Denise Bradley, Assistant Planner

Chairman Roberts noted at the time of roll call there were six (6) full members and three (3) alternate members in attendance. All members present to participate.

Members of the Public were present.

**2. OLD BUSINESS:**

There was no old business discussed during this meeting.

**Motion:** Vice Chairman Harley made a motion move the public comment portion of Agenda Item **4.1 A discussion regarding Billingsgate Development, LLC / Princeton** for hearing before Agenda Item 3.1.

**Second:** Commissioner Standish seconded the motion.

Aye: Roberts, Harley, Margiotta, Oickle, Hammer, Edwards, Dean, Vasel, (Standish);

Nay: None;

Vote: 8 – 0;

**Agenda Item 4.1 (public comments only) was taken out of order for hearing before Agenda Item 3.1**

Maria V. Perez, 555 Nott Street, appeared before the Commission regarding Agenda Item **4.1** [A discussion regarding Billingsgate Development, LLC / Princeton Street.] She mentioned Mr. Zavarella, a neighbor of hers, planned to speak at tonight's meeting to express his opposition to the private road proposed. Since he was not present, she chose to speak. She has routinely maintained the subject property for seventeen (17) years and is not in favor of having the proposed private road located on her side of the street (as proposed by the developer). She mentioned it was expressed to her in the past that the Town of Wethersfield owned the paper street and, therefore, she maintained that property due to that information. She is concerned that if the developer is allowed to create the proposed private road, it will become unsafe for a resident disabled person, as well as the children and families of her and her neighbor's. She indicated that advertising for the proposed development mentioned accessibility through "the other street." She noted that trash receptacles for the proposed development will be visible to her residence. She asked that the Town keep in mind the concerns she has expressed, and those of her neighbors, regarding this issue, as they have been long standing taxpayers in Town.

**3. NEW BUSINESS:**

**3.1 C.G.S. § 8-24 Review No. 22-10-MR - Review of the five-year Capital Improvement Program.**

Les Cole, Chairman of the Wethersfield Capital Improvement Advisory Committee (hereinafter referred to as CIAC), and Michael J. Turner, Town Engineer appeared before the Commission to provide an update and answer questions regarding the five-year Capital Improvement Program submission.

Mr. Cole referred to Capital Improvement Budget document provided to the Commissioners.

Chairman Roberts inquired and Mr. Cole indicated the annual investment through the separate levy for highway/pavement maintenance is One Million, Two-Hundred Thousand (\$1,200,000.00) Dollars. Mr. Turner clarified that the LOSIP contribution (which has doubled in recent years), Town aid for roads (which has remained steady), and the General Fund contribution (\$300,000.00) are included in the separate levy amount (\$1.2M) stated above.

Commissioner Oickle inquired and Mr. Turner indicated that the separate levy noted above (\$1.2M) is no longer a capital expense, as the levy is in a different portion of the budget. Commissioner Oickle mentioned the levy described herein should be considered a capital expense, as the expense is one of the most important expenditures for the community.

Commissioner Oickle inquired and Mr. Turner indicated that the spring and fall pavement programs will proceed on a schedule.

Chairman Roberts indicated capital maintenance items have continued to be underfunded for many years, and he would like that underfunding trend to change.

Commissioner Oickle commented on the ADA replacement, and Mr. Turner indicated the ADA replacement is a federal mandate, and a proactive approach is being taken to address areas that meet the criteria. Mr. Turner noted the design of the replacement was created with tactile attributes for visually impaired users. Commissioner Oickle anticipates sidewalk maintenance issues being addressed by the new Zoning Enforcement Officer. Mr. Turner also noted that competing resources and funding availability dictate the maintenance schedule when addressing Town parking areas.

Vice Chairman Harley inquired and Mr. Cole indicated that eight (8) generators are being installed in Town facilities and that FEMA has provided a grant at an 80%--20% match.

**Public Comments:**

There were no comments made by members of the public.

**Motion:** Commissioner Oickle made a motion for a positive § 8-24 referral to the Town Council of the Wethersfield Five Year Capital Improvement Program.

**Second:** Vice Chairman Harley seconded the motion.

Aye: Roberts, Harley, Margiotta, Oickle, Hammer, Edwards, Dean, Vasel, (Standish);

Nay: None;

Vote: 8 – 0;

**A Positive Referral was made to Town Council.**

**3.2 PUBLIC HEARING APPLICATION NO. 1817-14-Z:** Anhnguyet Nguyen seeking approval to amend Application No. 1782-12-Z in accordance with Sections 10.1.D.5 and 6.3.I of the Wethersfield Zoning Regulations to allow retail use and the installation of a window sign with changeable message at 326 Silas Deane Highway.

The Applicant, Anhnguyet Nguyen, appeared before the Commission regarding this Application. She noted that the sole proprietor who expressed interest in renting the second floor of her building no longer wished to pursue rental of the second floor. As to market the second floor of the building, the Applicant continues to seek an approval for retail (or office) use of the second floor. She would also like an approval to install an electronic window sign that would offer flexibility in changing 1) the color of the lighting, 2) the size of the message/lettering in the sign, and 3) the amount of time a message in the sign could change.

Mr. Gillespie mentioned the sign is a changeable message box type of sign with message scrolling capability that can be programmed according to user specifications that are directed to and programmed by the sign provider. He mentioned the Commissioners could discuss limitations when considering those variables. He noted the Applicant had expressed that the proposed sign would be used solely during business hours and suggested the Commissioners include the hours of operation in any conditions included in this Application. The proposed sign would be located indoors with its placement as hanging in the window of the first floor shop.

Vice Chairman Harley inquired and Mr. Gillespie indicated the picture submitted to the Commission does not depict the actual sign. The Applicant noted the proposed sign is smaller.

Commissioner Oickle inquired and Mr. Gillespie and Ms. Nguyen indicated the proposed sign does not flash, but it scrolls a message for a certain amount of time (fixed or scrolling). Mr. Gillespie indicated the proposed sign is similar to those used at gas stations.

Commissioner Vasel inquired and Ms. Nguyen indicated the sign is not neon. Ms. Nguyen indicated the sign would only operate when she is at the premises during her business hours.

Commissioner Oickle inquired and Ms. Nguyen indicated handicapped accessibility requirements cannot be met for the second floor due to lack of space for location of a handicapped accessible ramp. She also mentioned that receiving an approval for retail/office use would allow her to place another salon station upstairs and to allow for hair care products to be located upstairs if the need arises in the future. Mr. Gillespie confirmed with Ms. Nguyen that she received a waiver of that requirement (ADA accessibility) from the State Building Official pertaining to the second floor only.

Chairman Roberts inquired and Mr. Gillespie indicated that in the original Application, use of the second floor was contemplated for office and not necessarily for her business.

Commissioner Edwards inquired and Mr. Gillespie indicated that the State waiver for ADA accessibility pertains to the entire site and is not limited to a portion of the building. Ms. Nguyen indicated in the event desired products are located on the second floor, someone would bring those products downstairs and provide them to a customer who could not access the second floor.

Vice Chairman Harley inquired of the Town's process in which a tenant would occupy the second floor if a use was approved by the Commission. Mr. Gillespie indicated that there might be a necessity to pull permits depending on the business but at the minimum, a zoning permit would have to be obtained as an internal process of the Building Department. The waiver from the State would also be reviewed at that time. All codes would be reviewed as well.

Commissioner Edwards inquired and Mr. Gillespie indicated the Building Inspector would be required to look at details of the site including, but not limited to, any existing (or lack thereof) hand rails.

Chairman Roberts inquired and Mr. Gillespie indicated that seven (7) parking spaces exist on site. Mr. Gillespie is concerned with the concept of providing a blanket approval regarding parking at a site and suggested a condition of having staff review parking as tenancy of the second floor occurs and/or changes.

Chairman Roberts inquired and Mr. Gillespie indicated that the proposed sign (with the changeable aspect of the sign) is an exception to the general rules for signage in Town.

Commissioner Oickle thought the Town was getting away from signs that light, flash, etc.

Commissioner Hammer inquired if there is an outright prohibition of any illuminated sign. Mr. Gillespie referred to Wethersfield Zoning Regulation 6.3.I.2. Sign Regulations: Sign Construction & Illumination [2. No sign shall contain flashing or intermittent illumination, moving parts, exposed neon lights or animation unless specifically approved by the Commission. No sign shall be used so that the message content can be periodically changed, except menu boards, unless specifically permitted through the issuance of a Special Permit by the Commission. (1-15-08)]. Commissioner Hammer concluded that there is no outright prohibition, as sign illumination is subject to special permit. Chairman Roberts indicated that the Town used to outright prohibit the aforesaid illumination choices.

Commissioner Standish inquired and Chairman Roberts clarified that the retail use and the sign use can be addressed in separate motions.

Commissioner Standish offered alternatives than granting a blanket approval for the second floor use. He noted it would be reasonable to impose the types of limitations that would conform to the use for which the second floor was originally proposed or wait until an actual retail use is proposed and respond to the unique circumstances that use presents.

Clerk Margiotta inquired and Mr. Gillespie indicated this Application does not exceed the square footage presented in the initial Application approval. Ms. Nguyen indicated the proposed sign is for the first floor space only.

### **PUBLIC COMMENTS:**

Steve Murtha, 291 Silas Deane Highway, indicated if the sign utilized neon lighting, it would not be acceptable. He noted he has no problem with the sign the Applicant described. He also noted the proposed sign utilizes LED illumination and that Town Regulations should reflect there is a difference between neon (used in business zones with no residential component) and LED illumination.

Ms. Nguyen indicated she works with one (1) client at a time and has done so for approximately ten (10) years. She noted there are no plans in the immediate future to increase employees or add additional chairs, as she does not have additional clients to support that need. She also noted that possibly in the distant future, she may add a part-time employee.

Mr. Gillespie inquired and Ms. Nguyen indicated that at least three (3) parking spaces remain available when she is working with one (1) client.

Vice Chairman Harley inquired and Ms. Nguyen indicated she is awaiting an approval from this Commission before she uses the proposed sign (for which she already purchased, briefly utilized, and then was cited). She purchased the sign due to familiarity with its use in West Hartford and with the idea that it would be appropriate here in Town.

Mr. Gillespie indicated that the sign company would visit her premises, program the sign as directed (by way of a laptop computer).

Vice Chairman Harley mentioned that a scrolling/rolling terminology in the sign is not optimal. He inquired of the Applicant as to what she would like to convey in the sign and how often (clock time). There was a discussion of the amount of seconds a message would remain in the sign before it changed.

Commissioner Oickle described the LED illuminated sign with no scrolling or changing message as his preference. He likes the idea of having separate motions in this Application (one addressing use of second floor and sign on first floor).

Commissioner Hammer mentioned he has serious concerns for signs of this type and in this location. A video or photographs depicting what the sign will actually look like would have been optimal in reviewing this Application. Commissioner Oickle concurred and noted that this decision could set a strong precedent.

Commissioner Vasel inquired and Mr. Gillespie indicated that signage can occupy up to twenty five (25%) percent of the window space according to Wethersfield's window sign regulations.

Mr. Gillespie indicated the proposed sign is One foot by Three feet (1' x 3') in length.

Ms. Nguyen indicated the lettering in the sign can be any color desired.

Chairman Roberts clarified and Ms. Nguyen concurred that the sign can be programmed to display one matter, and then ten (1) seconds later, the sign will display a different matter.

**Motion:** Chairman Roberts made a motion to close the public hearing of **PUBLIC HEARING APPLICATION NO. 1817-14-Z: Anhguyet Nguyen** seeking approval to amend Application No. 1782-12-Z in accordance with Sections 10.1.D.5 and 6.3.I of the Wethersfield Zoning Regulations to allow retail use and the installation of a window sign with changeable message at 326 Silas Deane Highway.

**Second:** Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Margiotta, Oickle, Hammer, Edwards, Dean, Vasel, (Standish);

Nay: None;

Vote: 8 – 0;

**Public Hearing Closed.**

**Motion:** Vice Chairman Harley made a motion to approve, with the following stipulation, **PUBLIC HEARING APPLICATION NO. 1817-14-Z: Anhguyet Nguyen** seeking approval to amend Application No. 1782-12-Z in accordance with Sections 10.1.D.5 and 6.3.I of the Wethersfield Zoning Regulations to allow retail use at 326 Silas Deane Highway (second floor):

- 1) Upon identification of a tenant for the Second Floor of the premises, the Applicant shall return to Town Staff to review and discuss adequate parking based on that use and for the entire site.

**Second:** Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Margiotta, Oickle, Hammer, Edwards, Dean, Vasel, (Standish);

Nay: None;

Vote: 8 – 0;

**Application Approved as Stipulated.**

**Motion:** Vice Chairman Harley made a motion to approve **PUBLIC HEARING APPLICATION NO. 1817-14-Z: Anhnguyet Nguyen** seeking approval to amend Application No. 1782-12-Z in accordance with Sections 10.1.D.5 and 6.3.I of the Wethersfield Zoning Regulations to allow the installation of a window sign with changeable message at 326 Silas Deane Highway, as stipulated.

- 1) The sign shall be operated solely when the Applicant is on premises, commencing at the hour of 9:00 a.m. and concluding at the hour of 5:00 p.m.;
- 2) The message on the sign shall change every Two (2) Minutes during and subject to the timeframe noted above; and
- 3) The lettering illumination of the sign shall not flash or move and shall be one (1) constant color at any given time.

**Second:** Chairman Roberts seconded the motion.

**Discussion:**

Commissioner Oickle indicated the proposed sign sets the wrong image for the Silas Deane Highway.

Commissioner Standish learned that the size of the lettering displayed can vary but can also be as large as the height of the sign itself. Since the Applicant owns the sign, he noted that perhaps the sign could contain a static message with the name of the business with the sign remaining lit and staying constant without ever changing.

Commissioner Hammer noted that perhaps the sign could be changed once a day. He concurs with Commissioner Oickle's comment above and noted that signage in Town, in general, should be going in the other direction (cleaned up, be made more uniform and more attractive. He is not comfortable with any flashing or moving text on signage. He is more comfortable with the Applicant's use of the sign with a stationery message with no changing of the message.

Vice Chairman Harley indicated the Applicant would get more use from the sign if the message change occurrence was more frequently. He mentioned that a sign change every eight (8) seconds is not noticeable to a motorist but would be noticeable to residents across the street.

Commissioner Hammer indicated the sign change of once an hour would not be noticeable to someone driving by, as one would have to stand in front of the location to notice the change. He explained that

the view of the proposed sign's changing every hour is different and less noticeable than a change every minute or few minutes. He realizes that the Applicant would like the public to see more messages on the proposed sign, but he is not comfortable with that idea.

Commissioner Dean concurs with the comments and rationale made by Commissioners Oickle and Hammer. He indicated an internally-mounted static sign visible to the public is more appropriate for the business and cultural climate the Town wishes to foster.

Vice Chairman Harley inquired if the time interval (i.e. minute, hour) needed to be reviewed.

Commissioner Roberts indicated if the premise on changeable, moveable, flashing signs is to have it not be noticeable to the general public or distracting to drivers, then changing the interval to a longer period probably accomplishes that premise.

Commissioner Standish inquired if other signage identifies the business and Mr. Gillespie indicated a freestanding sign is located at the front of the site and the Applicant's business telephone appears in the front window on the first floor. He mentioned the Applicant's proposed sign message content is "Welcome to Ann's Beauty Salon & Spa" "Hair, Waxing, Nails, Facial" "Walk-in Welcome." He mentioned an alternative to the proposed message that could state the services and walk-ins welcome (as a changeable message) rather than the proposed language due to the signage (freestanding, etc.) which now exists at the site.

Aye: Roberts, Harley, Margiotta, Edwards;

Nay: Oickle, Hammer, Dean, Vasel, Standish;

Vote: 4 – 5;

**Motion Failed.**

**Motion:** Vice Chairman Harley made a motion to approve **PUBLIC HEARING APPLICATION NO. 1817-14-Z: Anhguyet Nguyen** seeking approval to amend Application No. 1782-12-Z in accordance with Sections 10.1.D.5 and 6.3.I of the Wethersfield Zoning Regulations to allow the installation of a window sign with changeable message at 326 Silas Deane Highway, as stipulated.

- 1) The sign shall be operated solely when the Applicant is on premises, commencing at the hour of 9:00 a.m. and concluding at the hour of 5:00 p.m.;
- 2) The message on the sign shall change every One (1) Hour during and subject to the timeframe noted above;
- 3) The lettering illumination of the sign shall be of the lowest intensity possible; and
- 4) The lettering illumination shall not flash or move and shall be one (1) constant color at any given time.

**Second:** Chairman Roberts seconded the motion.

**Discussion:**

Commissioner Standish expressed concerns pertaining to future requests for increased time interval for

changeable messages and Commissioner Hammer concurred.

Chairman Roberts indicated when future Applicants apply for changeable message signs, Staff will have the expertise in advising those Applicants of what they may reasonably expect in the way of permission.

Commissioner Hammer indicated the time interval of one (1) hour that as a practical matter, a business owner would have to consider. Mr. Gillespie concurred and noted signs with changeable message capability are expensive.

Commissioner Vassel suggested that the illumination of the sign be set at the lowest intensity possible.

Aye: Roberts, Harley, Margiotta, Hammer, Edwards, Vassel, Standish;

Nay: Oickle, Dean;

Vote: 7 – 2;

**Application Approved as Stipulated.**

**3.3 PUBLIC HEARING APPLICATION NO. 1817-14-Z: Jessica Pelletier** seeking a Zoning Text Amendment in accordance with Section 10.1.F of the Wethersfield Zoning Regulations for Medical Marijuana Dispensary and Production Facilities.

Chairman Roberts stated that the cover page of the Application references a property owner and property address, noting that said information was not relevant to what is being applied for this evening.

Ms. Pelletier indicated the sole purpose of tonight's Application is to Amend the Zoning Regulations. She noted the next meeting will be for the site plan.

Applicant, Jessica Pelletier of 97 Fox Hill Drive, Rocky Hill, CT, appeared before the Commission regarding her Application to Amend, in accordance with Section 10.1.F of the Wethersfield Zoning Regulations for Medical Marijuana Dispensary and Production Facilities. She mentioned that *Biorelief Pharmaceuticals, LLC* is currently in the running to receive a Dispensary Application in the State of Connecticut Department of Consumer Protection. Ms. Pelletier is the CEO of *Biorelief Pharmaceuticals, LLC* and she, along with the following individuals, made a presentation: Jason Sucoll, Esq.; David Schuberth, COO; and Kevin Awugah, Pharmacist and Dispensary Facility Manager. The presentation had four (4) parts, and the fifth (5<sup>th</sup>) part was for answering questions directed to the presenters. The Applicant indicated tonight's presentation was supported by information learned in materials such as: federal memorandums, university research studies, examinations, and police department surveys.

Ms. Pelletier spoke of her experience suffering with tumors [four (4) tumors in one of her breasts, and then, four (4) months later, two (2) tumors removed from her stomach] that involved surgery, reconstruction of tissue, and treatment. This experience and the experience in witnessing a friend suffer and succumb to Non-Hodgkin's Lymphoma, as well as meeting others in the hospital who were fighting for the lives with debilitating illnesses gave her the impetus to join the movement for medical marijuana regulation.

Part I of the presentation was “Understanding Connecticut’s Medical Marijuana Program.” C.G.S. §21a-408 to 21a-408q An Act Concerning the Palliative Use of Marijuana was signed into law on May 31, 2012. Ms. Pelletier indicated the program is designed to allow seriously ill patients to engage in the palliative use of marijuana while preventing marijuana from being misused or diverted from its medical purpose. The program provides immunity from criminal and civil state penalties for patients, caregivers, and physicians. The immunity described herein extends to dispensaries and producers who act responsibly and according to law.

Ms. Pelletier further explained how the Program is “Designed to Prevent Misuse and Diversion.” She read the following list of the “limited group of debilitating medical conditions qualify [for the Program] as recognized by the Law”: Cancer, Glaucoma, HIV/AIDS, Parkinson’s Disease, Multiple Sclerosis, Epilepsy, Cachexia, Wasting Syndrome, Crohn’s Disease, Post Traumatic Stress Disorder, and Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity.

Ms. Pelletier spoke as to how patients would obtain Medical Marijuana. Producers would cultivate Marijuana, manufacture the products containing Marijuana and wholesale the products to dispensary facilities. The dispensary facilities, such as *Biorelieve Pharmaceuticals, LLC*, will sell and dispense the producer’s pre-packaged products to the patient. Dispense will occur to the patient or the patient’s designated caregiver.

Ms. Pelletier noted the State Department of Consumer Protection has awarded four (4) production facilities in Connecticut as follows: 1) Advanced Grow Labs, LLC, West Haven; 2) Curaleaf, LLC, Simsbury; 3) Connecticut Pharmaceutical Solutions, LLC, Portland; and 4) Theraplant, LLC, Watertown. Current estimates of dispensary facilities are between three to five (3-5), and they would be geographically dispersed. Pharmacists at dispensaries are DEA trained/approved.

Ms. Pelletier indicated that RFAs require that 1) dispensary and production facilities are located in areas that will not negatively impact the local community, 2) security controls and their systems are strong and in place, 3) advertising of the facilities with the mindset as to not encourage recreational use or use by those under 18 years of age, and 4) all employees be licensed or registered with the Department of Consumer Protection’s conducting of background checks. Ms. Pelletier noted that since dispensaries must work with government agencies to ensure transparency and compliance with State Regulations, *Biorelieve Pharmaceuticals, LLC*, has consulted Wethersfield Police Chief Cetran, and Nancy Brault, Director of Health. Advertising of the dispensary would be subdued and would include the following attributes on the exterior of the building: 1) one sign only and of reasonable size, 2) no use of graphics relating to Marijuana or drug paraphernalia, 3) no advertising of brand names, 4) no use of graphics relating to Marijuana or drug paraphernalia that can be seen from outside the building. 5) advertising cannot include statements, designs, or pictures that encourage: a) non-medical or recreational use, b) a portrayal, suggestion, or use by people under the age of 18, c) obscenity, indecency, a misleading, or a falsehood .

It was mentioned that product will be stored in approved vaults or safes that are accessible solely by authorized employees. Registered patients and designated caregivers may enter a dispensary facility. Other than emergency situations, only the State Department of Consumer Protection can approve visitors in production or dispensary facilities.

The proposed zoning text amendment would allow for dispensaries and producers to be located in the RC, TC, and GB Commercial Zones and would be subject to an approval by special permit. These uses

would be restricted to sites located in excess of 1,000 feet from a church, school, or similar facilities and would limit the number to one (1) of each of those facilities in the Town of Wethersfield. The proposed regulation also permits the occurrence of plan and document submissions in support of applications.

Throughout Connecticut, municipalities have taken various positions in addressing zoning regulations for medical Marijuana facilities.

The following fifteen (15) municipalities in Connecticut have enacted a moratorium to further research the matter and/regulation amendments: Ansonia, Berlin, Brookfield, Darien, Madison, Monroe, New Canaan, Ridgefield, Rocky Hill, Shelton, Stratford, Trumbull, West Hartford, Westport, and Wilton. A hearing is being scheduled in Greenwich.

The following eleven (11) municipalities in Connecticut consider medical Marijuana facilities as permitted use: East Hartford, Haddam, Middletown, New Britain, Portland, Simsbury, Torrington, Waterbury, Watertown, West Haven, and Winsted.

The following six (6) municipalities in Connecticut have adopted a zoning text amendment: Canton, East Hartford, Haddam, Plainville, Southington, and Torrington.

The following two (2) municipalities in Connecticut have adopted definitions only for dispensaries and/or production facilities: Portland and Winsted.

The following two (2) municipalities have granted location approval for a dispensary: Branford and Canton.

The following five (5) municipalities in Connecticut have granted location approval for a production location: Bridgeport, Portland, Simsbury, Watertown, and West Haven.

The City of Fairfield denied two (2) dispensary applications.

The Applicant noted that a well regulated medical Marijuana market will enhance the safety of the Town, its residents, and promote the well being while also promoting economic growth and long-term viability for the Town of Wethersfield.

Jason Sucoll, Esq. thanked the Commission for the opportunity to speak regarding this Application. He indicated that an adoption of the proposed regulation is very important is to promote the public health and well being in the State of Connecticut and throughout the United States. He spoke of federal and state policies relative to the enforcement of medical Marijuana. He noted that the federal government will not interfere with polices adopted in local government relative to the palliative use of marijuana. He mentioned banking institutions must register with the federal government in order to receive permission to lend to Producers and/or Dispensaries. He reiterated that compliance with state law is required of all whom are qualified to participate in the program and that the State Department of Consumer Protection is the regulatory body for medical Marijuana and can also enact enforcement mechanisms with respect to medical Marijuana for purposes of enforcing the law concerning Marijuana's palliative use, production, and dispense.

Commissioner Oickle inquired and Ms. Pelletier indicated that currently, Town zoning regulations do not permit a Production Facility or a Dispensary Facility in the Town of Wethersfield. He inquired and

Ms. Pelletier indicated that the reason in asking for one (1) of each facility (Dispensary, Production) in the proposed regulation is to prevent too many locations of these facilities in Town. She indicated that in Denver, Colorado, for example, facilities were popping up all over Town and language in the proposed text amendment was chosen to avoid that phenomenon.

Commissioner Hammer inquired and Ms. Pelletier indicated the only Application made by her or *Biorelief Pharmaceuticals, LLC* to the State of Connecticut is for a Dispensary location in Wethersfield and that she would like to locate in Wethersfield. She noted there have been no additional Applications for either Production or Dispensary facilities in the State of Connecticut. Upon inquiry from Commissioner Hammer, she also stated that the State of Connecticut needs to know (show proof) that Wethersfield will allow the Dispensary before the State would issue a license for her to locate the Dispensary in Wethersfield.

Vice Chairman Harley mentioned that *Biorelief Pharmaceuticals, LLC* is not on the list of companies looking to locate in Connecticut as dispensary facilities. He inquired if the company changed names. Ms. Pelletier indicated *Biorelief Pharmaceuticals, LLC* was made aware of the mistake when the information was provided to the *Hartford Courant*, as the company was inadvertently not included in the list that appear in that paper.

Commissioner Edwards inquired and Ms. Pelletier indicated that as far as she knew *Biorelief Pharmaceuticals, LLC* does not have additional facilities in other States.

Commissioner Hammer inquired and Ms. Pelletier indicated the State does not place in its regulations a limit on the number of either type of facility that can be located in a particular Town or geographical area. Ms. Pelletier noted that four (4) production facilities have been approved and the State is anticipating three to five (3 to 5) dispensary facilities total in the State of Connecticut. Those facilities will be geographically dispersed. She agreed that the number of dispensary facility applications pending far exceeds the number that will ultimately be granted by the State.

Chairman Roberts indicated the numbers the State arrived at for licenses of production and dispensary facilities are based on the current patient population.

Ms. Pelletier provided law enforcement data regarding crime relative to existence of production and dispensary facilities. Overall research indicated that crime occurrence in consideration of the variables (production, dispensary) that crime has no more impact on a neighborhood with the existence of the variables as crime with the variables being a coffee shop or a drugstore. Research provided also suggested that strong security measures (such as video cameras, doormen) utilized in production and dispensary facilities deter crime.

Commissioner Standish inquired and Ms. Pelletier indicated that studies relative to crime and dispensary facilities have been conducted in suburbs (Sacramento, California study included in the informational booklet provided to the Commissioners).

Commissioner Oickle inquired and Ms. Pelletier indicated that studies discussed in her presentation were conducted pre-adoption of legal recreational Marijuana in Colorado.

Chairman Roberts inquired and Ms. Pelletier indicated that a study involving 15 states allowing palliative use of medical Marijuana revealed a decrease in rates of recreational use of Marijuana by teenagers.

Shane Allen, United Food and Commercial Workers Union Local 919 (U.F.C.W. Local 919) Union Organizer and Representative, appeared before the Commission regarding this Application. He thanked the Commissioners for the opportunity to speak. He indicated the UFCW is the largest private sector union in the country, as it represents 1.3 million workers in the United States, Puerto Rico, and Canada. UFCW is the primary pharmacy and retail union making them the industry union representing medical campus workers. The UFCW represents several thousand workers in six (6) states and the District of Columbia. Through collective bargaining, the UFCW brings legitimacy and dignity to the campus workers in their occupations. Collective bargaining agreements serve as a first line of defense for an already very stringently-regulated program. *Biorelief Pharmaceuticals, LLC's* commitment to best practices will prove to bring good jobs to Wethersfield with American-made products and a commitment in bringing medicine in a dignified manner to patients.

Commissioner Margiotta inquired and Mr. Allen indicated the UFCW represents, rather than hires, employees and background checks and testing requirements of employees is not a UFCW function.

Commissioner Hammer made an inquiry regarding how many employees and what the size of a typically-sized dispensary facility would be. Ms. Pelletier indicated a typical dispensary facility is between 2,200 and 5,000 square feet. Initially, approximately 10-12 employees would be hired and there would be growth in the number of employees. She is awaiting a response from the State regarding the planned hours and days of operation. The hours proposed were 9:00 a.m. to – 6:00 p.m. Monday through Saturday (closed on Sunday).

Commissioner Oickle inquired and Ms. Pelletier indicated that the proposed text Amendment was written by her with input (regarding tonight's presentation) from Town Staff.

Kevin Awugah, Pharmacist (Dispensary Facility Technician), appeared before the Commission regarding this Application. He is a graduate of the University of Connecticut, is a doctor of pharmacy and is licensed in Connecticut. He is currently employed with Connecticut Hospice, a terminally ill patient hospital located in Branford, Connecticut. Hospice specializes in pain management and symptom control. He continues to work as a retail pharmacist. He spoke of the logistics of a Facility Manager and the medicinal benefits of medicinal Marijuana. He mentioned that over the past few years, virtually every continuing education program he has attended has addressed medicinal Marijuana. He commented on the State of Connecticut's program as strong with placing physicians and pharmacists at the program's forefront. The goal as pharmacists and a Dispensary Facility Manager is to help promote safety and safe dispensary of the pharmaceutical product while helping to reduce misuse and abuse of medicinal Marijuana. One must hold a valid DEA license in the State of Connecticut, a controlled substance license and a valid medical license, to qualify as a physician who can suggest to a bona fide established relationship patient the use of medicinal Marijuana. The patient must be over the age of 18, have a valid Connecticut residence, and must over one of the illnesses listed in the Regulation. The physician and patient must register with the Connecticut Prescription Monitoring Program website, and the patient must subscribe to only one (1) dispensary. The dispensing information of the patient would be accessible to the Dispensary Facility Manager. Detailed information of the patient that would include any controlled substances they have taken within the past twelve (12) months would be accessible. The system is professional with no standard Marijuana names being referenced, as the Marijuana will be

standardized, will have a chemical footprint (amount within 3%) and will have a compound name for each of the two (2) therapeutic compounds found in Marijuana, THC and CBD.

Commissioner Oickle inquired and Mr. Awugah indicated the federal government has approved uses for Marijuana analogs. Mr. Awugah noted an example of the compound, Delta 9 THC, is used in treatment of HIV patients.

Mr. Awugah mentioned concerns of the Marijuana plant being standardized, as Saw Palmetto and St. John's Wort, which are widely available over the counter and not FDA approved, cannot be standardized.

Commissioner Edwards inquired and Mr. Awugah indicated that testing will be done through producers and through drug control. The products dispensed will meet State standards. Every product dispensed will be done by the Dispensary Facility Manager. Medicinal Marijuana variability allowed by the State of Connecticut is far less than, for example, the drug *Lipitor*'s generic version can be 20% plus or minus the parent drug and dispense it as *Lipitor* (and 10mg may be 12 mg or 8mg).

Vice Chairman Roberts indicated the responsibility is of the producer regarding product packaging and outside testing, functions of which are not the responsibility of the dispensary/pharmacist.

Mr. Awugah mentioned the benefit of using Phorbol dibutyrate (legal in the US) in treating nausea/vomiting secondary to chemotherapy, and in AIDS, Cachexia, and Anorexia treatment, and Sativex, an oral spray medication (legal in the UK and in Canada) approved for pain secondary to Multiple Sclerosis. He also spoke of the list of diseases provided by the State wherein medicinal Marijuana is permitted under the program guidelines (Cancer, Glaucoma, HIV/AIDS, Parkinson's Disease, Multiple Sclerosis, Epilepsy, Cachexia, Wasting Syndrome, Crohn's Disease, Post Traumatic Stress Disorder, and Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity).

Commissioner Dean spoke of his understanding of THC aiding nausea and asked for some information relative to the therapeutic compound CBD (Cannabidiol) in treating intractable seizures. Mr. Awugah noted that ideally in the future, treatments will be tailored utilizing percentages found in specific plant species to optimize patient treatment. Commissioner Dean noted the State of Florida is considering the use and decriminalization of CBD for treatment of retractable seizures in small children. Mr. Awugah indicated the State of Connecticut's standards are for utilization of the plant as is in a prescription while other States allow for oral treatments (spray, etc.).

Ms. Pelletier reiterated her position for the text amendment in order to bring safe, alternative therapy to very sick people. She requested a public hearing to be held by April 2014.

Commissioner Oickle inquired and Ms. Pelletier indicated that as of now, there are at least three hundred and fifty (350) people in the area who are eligible for medicinal Marijuana treatment.

Commissioner Hammer inquired and Ms. Pelletier indicated that dispensary locations will be regulated proportionately and according to population eligibility. Her understanding is that dispensary locations will not be in close proximity at this time.

Commissioner Edwards inquired and Mr. Awugah indicated a patient would be assigned to a dispensary. Commissioner Edward concluded the State should take population demographics in the State and plan

which areas the facilities would be located. He reasoned that patients may have to drive in excess of a half hour to obtain the product.

Ms. Pelletier indicated her belief that the State is planning geographically, especially knowing how municipalities are responding (i.e. moratoriums, etc.).

Mr. Gillespie indicated the proposed text amendment mirrors state definitions in the palliative act. Distance requirements (proximity from churches, schools, etc.) were left to the choice of municipalities.

Commissioner Edwards inquired and Ms. Pelletier agreed that the proposed text amendment can be written without reference to production facility.

Commissioner Standish inquired and Ms. Pelletier indicated the investors of *Biorelief Pharmaceuticals, LLC* are Capital Reconstruction of Hartford, CT and New England Communications of Rocky Hill, CT.

Mr. Gillespie provided the Commissioners with maps of eight views of the Town. He indicated that an initial GIS analysis notes seventy-five (75) properties that can be considered as a site for the use proposed. He also indicated that the Commissioners can attach conditions/limitations to the Application.

Ms. Pelletier indicated *Biorelief Pharmaceuticals, LLC* is open to having a city tax imposed on their business if located in Wethersfield.

### **PUBLIC COMMENTS:**

Joe Hickey, 28 Meadowview Drive, spoke in opposition to this text amendment Application. He mentioned his experience as a former Planning and Zoning Commission member and Chairman, as well as his experience as a professional land planner. He stated that Wethersfield's location as a first ring suburb has the challenge, as do other first ring suburbs, of maintaining its civic character and quality while confronting the gravitational impact of the center social city where many social and economic issues exist. He noted it is the Commissioners responsibility to enforce their statutory authority to protect Wethersfield's health, safety, and welfare. He mentioned that inclusion of businesses such as pawn shops, pay-day loan offices, one (1) production and one (1) dispensary facility (for medical marijuana) are plans that will not protect the well being of the Town. He thanked the Commissioners for the opportunity to speak.

Joseph Smith, 83 Apple Hill, urged the Commission to deny this Application without prejudice. He thanked the Commissioners for the opportunity to speak. He is not opposed to the sympathetic plea of the Applicant, as he was an employee of a hospital for thirty-four (34) years and a monthly visitor to an infusion room. As a member of the Town Planning & Zoning Commission for seventeen (17) years, he mentioned his understanding of his vote contributing to the growth, development and character of the Town. He mentioned that the vote on this Commission regarding this issue could have more far-reaching consequences than that of the Town Council or Board of Education. He mentioned the example of a race track that was proposed in Wethersfield wherein promises for jobs, tax revenue, etc., were made. The track ultimately was located in Plainville, CT, and is now defunct. A derelict track now remains at that site. He strongly urged the Commission to either hold off on deciding this Application until all the regulations can be properly reviewed with the Town's best interests in mind, or

to deny this Application without prejudice. He is not in favor of the notion of quickly acting on this Application and recommends that focus for new business in Town be placed on filling vacant commercial/office space in order to serve a wider and more diverse client base.

Robert Bacci appeared before the Commission in support of this Application. He has known the Applicant for many years. He described her as a very accomplished 22-year-old who knows firsthand the suffering associated with debilitating illness. He considers the success of this Application as a necessary stepping stone for many processes thereafter and believes Wethersfield is a great location for the dispensary. He noted that more and more people are getting sick every day, and he would like to see a mechanism in place so that patients can have an alternative therapy for their suffering. He also mentioned that jobs and tax revenue will be created that will benefit Wethersfield.

Deborah Durgin, 155 Boulter Road, commented in support of this Application. She indicated that if she had cancer, she would want the benefits of medical marijuana based on information she has read (no side effects). She mentioned that all the information provided this evening in a very professional presentation, coupled with the information she has read elsewhere, leads her to question as to why not have it (dispensary) in Wethersfield?

Hari Unger appeared before the Commission in support of this Application. She respectfully disagrees with the comments made from Mr. Hickey and Mr. Smith, as she cannot equate a medical necessity to a pawn shop or rack track being located in Town. She indicated the economic factor is positive for the business proposed. She is a cancer survivor and believes a positive consideration of the presentation and this Application would be good for the Town and its surrounding areas.

Kelly Sheridan appeared before the Commission in support of this Application. She believes the focus in reviewing this matter is to view it as a new industry that is helping people who are suffering rather than focusing on the negative issues associated with Marijuana. She thinks it's an honor for Wethersfield to be a chosen location in leading the effort.

Jean Sherwood of Wethersfield appeared before the Commission in support of the Applicant, and her Application.

Lucille Pelletier, 97 Fox Hill Drive, Rocky Hill, CT, appeared before the Commission in support of the Applicant (who is her daughter) and the Application. She mentioned her daughter struggled hard when learning of the tumors. Mrs. Pelletier never expected her daughter to turn around and try to change so many lives. She noted the State guidelines prevent further advancement (next step) of the dispensary. She admitted that initially, she did not support her daughter on this matter. She is proud of her daughter and her fellow business partners for all their hard work in pursuing this Application. She indicated that if faced with the need for higher level pain management, she would prefer medical Marijuana rather than pursuing a higher level of prescription drug for pain management.

Ms. Pelletier believes Wethersfield has the capacity for a dispensary location. She stated her willingness to make any changes in the proposed zoning text amendment in order to satisfy this Commission. She reiterated that this Application is not about the site plan.

The Commissioners discussed having the proximity factor incorporate 1500 feet rather than 1000 feet from a church, school, etc. It was noted that language with inclusion of day care operations was not added to the proximity factor language.

Ms. Pelletier noted that Wethersfield Police Chief Cetran was contacted and he had no comments. The Town Attorney was not contacted.

Many Commissioners expressed the need to further review the proposed text amendment with the elimination of production facilities in the proposed amendment and mindful that the State may relax its regulation requirements in the future.

It was discussed to keep the hearing open in order to refine a version of a map of the Town based on the feedback and discussion held during tonight's meeting and to have some input from the Town Attorney.

Attorney Sucoll agreed that it was a good idea to keep the public hearing open at this time.

**Motion:** Commissioner Oickle made a motion to continue and keep the Public Hearing open until April 1, 2014, 7:30 p.m. of **PUBLIC HEARING APPLICATION NO. 1817-14-Z: Jessica Pelletier** seeking a Zoning Text Amendment in accordance with Section 10.1.F of the Wethersfield Zoning Regulations for Medical Marijuana Dispensary and Production Facilities.

**Second:** Commissioner Hammer seconded the motion.

Aye: Roberts, Harley, Margiotta, Oickle, Hammer, Edwards, Dean, Vasel, (Standish);

Nay: None;

Vote: 8 – 0;

**Hearing Continued to April 1, 2014.**

#### **4. OTHER BUSINESS:**

##### **4.1** A discussion regarding Billingsgate Development, LLC / Princeton Street.

Mr. Gillespie noted referenced legal opinion received in Commission members' meeting materials. The subject property is located on a paper street off Nott Street that has been undeveloped for many years. The approvals issued to the property pre-date Subdivision Regulations and may pre-date Town Zoning Regulations. An interested Developer would like to build four (4) single-family homes on the property. Due to approvals issued many years ago, Wethersfield would only accept a Town Road at the site if the Town could possess clear title to ownership of the right of way for the road proposed. Despite any legal processes by the Developer to exercise rights to build a road and access the property, obtaining the necessary for the Town to accept the proposed road into the Town road system could not be achieved. The Town Attorney is referencing sections of the Town Zoning Regulations which state that an alternative scheme for access and public improvements to the property could be proposed and as long as those are approved by the Town Engineer, the Developer can go forward with the development of the property. The Developer is looking to propose a private road that would be less than the standards required for a public/Town road and is planning to submit such a proposal for approval by the Town Engineer. The approvals required do not involve the Planning & Zoning Commission but would required approval by the Wethersfield Inland/Wetlands and Watercourses Commission of an erosion and sediment control plan.

The following paragraph also appeared on Page 2, as Ms. Perez spoke earlier during tonight's meeting:

Maria V. Perez, 555 Nott Street, appeared before the Commission regarding Agenda Item **4.1** [A

discussion regarding Billingsgate Development, LLC / Princeton Street.] She mentioned Mr. Zavarella, a neighbor of hers, planned to speak at tonight's meeting to express his opposition to the private road proposed. Since he was not present, she chose to speak. She has routinely maintained the subject property for seventeen (17) years and is not in favor of having the proposed private road located on her side of the street (as proposed by the developer). She mentioned it was expressed to her in the past that the Town of Wethersfield owned the paper street and, therefore, she maintained that property due to that information. She is concerned that if the developer is allowed to create the proposed private road, it will become unsafe for a resident disabled person, as well as the children and families of her and her neighbor's. She indicated that advertising for the proposed development mentioned accessibility through "the other street." She noted that trash receptacles for the proposed development will be visible to her residence. She asked that the Town keep in mind the concerns she has expressed, and those of her neighbors, regarding this issue, as they have been long standing taxpayers in Town.

**5. MINUTES – February 19, 2014 Planning & Zoning Commission Meeting Minutes**

Commissioner Oickle noted on Page 4, Item 2.3, Paragraph 6, Line 2. The word "planning" is to be changed to "planting."

**Motion:** Chairman Roberts motioned to table the review and voting of the minutes (with the change made by Commissioner Oickle as described hereinabove).

**Second:** Commissioner Standish seconded the motion.

Aye: Roberts, Harley, Margiotta, Oickle, Hammer, Edwards, Dean, Vasel, (Standish);

Nay: None;

Vote: 8 – 0;

**Minutes Tabled for review and vote at next meeting.**

**6. STAFF REPORTS:**

Mr. Gillespie noted an area in the Goff Brook Shops has been fenced off due to the upcoming construction of the freestanding standing restaurant approved for the north side of the site (Chips Restaurant). He and the Commissioners discussed the Ribbon Cutting Ceremony, for *Buffalo Wild Wings* restaurant which recently opened in the Goff Brook Shops on Silas Deane Highway. He reported that the site work at 1260 Silas Deane Highway is moving along and that interior fitting work is being completed in the for a sit-down restaurant at 100 Great Meadow Road (Putnam Park). He also reported that the construction projects at 411 Wolcott Hill Road (Wethersfield High School) and 176 Cumberland Avenue (CREC's Discovery Academy) are making progress. Commissioner Standish inquired and Mr. Gillespie indicated there is no update on the Lifestyles Unlimited project other than what was previously reported. Jeff Lefkovich, President/CEO, Lifestyles Unlimited, had begun the process of discussing a memory care facility proposed for the Harris Property (Old Reservoir Road/Back Lane), and there was a neighborhood meeting for purposes of discussion and feedback. Mr. Gillespie anticipates Mr. Lefkovich will contact him in the near future.

**7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING:**

There were no public comments made at this meeting regarding general matters of planning and zoning.

**8. CORRESPONDENCE:**

There were no items of correspondence discussed at this meeting.

**9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:**

At the time of this meeting, there were no pending Applications to be heard at future meetings.

**10. ADJOURNMENT:**

**Motion:** Commissioner Oickle motioned to adjourn the meeting at 11:10 p.m.

**Second:** Commissioner Hammer seconded the motion.

Aye: Roberts, Harley, Margiotta, Oickle, Hammer, Edwards, Dean, Vasel, Standish;

Nay: None;

Vote: 9 – 0;

Meeting adjourned.

Respectfully submitted,  
Ellen Goslicki, Recording Secretary