

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

**April 15, 2014**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, April 15, 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 7:01 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)	✓		

Denise Bradley, Assistant Planner was also present.

Chairman Roberts noted at the time of roll call there were seven (7) full members and three (3) alternate members (\*Commissioner Dean arrived at 7:03 p.m.) 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.

**3. NEW BUSINESS:**

**3.1 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.---CONTINUED FROM 03-18-14 and 04-01-14.

Applicant (and Principal of *Biorelief Pharmaceuticals, LLC*) 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 indicated the proposed amendment would enable a medical marijuana dispensary in the RC and GB commercial zones subject to a special permit in the Town of Wethersfield. Site specific issues would be addressed in a subsequent application. She mentioned that in response to comments made at the April 1, 2014 public hearing meeting, the following revisions have been made to the proposed zoning text amendment:

- 1) Minor grammatical and organizational edits;
- 2) Page 1, Section 5.11.B.2 (requiring that any changes to an approved use require a new Special Permit);
- 3) Page 2, Section 5.11.C.2 (added language regarding the potential separation distance between dispensaries);
- 4) Page 2, Section 5.11.D.3 and 4. (requiring copies of the State Department of Consumer Protection approval and a one (1) year timeframe on the Special Permit to provide evidence of State approval);
- 5) Page 2, Section 5.11.D.F. (additional language regarding visibility of materials and paraphernalia);
- 6) Page 3, Section 5.11.G.2. (revised language regarding the security plan and review by Chief of Police).

Ms. Pelletier noted the program is not a recreational program but rather a program designed to allow seriously ill patients (people suffering from debilitating illnesses, terminal illnesses, or those who are in the process of dying) to engage in the palliative use of marijuana while preventing marijuana from being misused or diverted from its medical purpose.

Ms. Pelletier indicated the proposed framework would empower Wethersfield with the utmost discretion to select by way of the Special Permit Process the best operators to serve the community. She thanked the Commission for its time and consideration of this matter while noting that she, Attorney Sucoll and Mr. Awugah (Pharmacist) could entertain additional questions or concerns regarding this Application.

**PUBLIC COMMENTS:**

Sheila Wells, 336 Hartford Avenue, spoke as a former pharmacist and as an attorney of a parent whose child died from a drug overdose. She noted she is unsure if a medical marijuana dispensary is needed in Wethersfield, as there will now be such a dispensary in Hartford. She indicated the seriousness of what the facility's purpose (helping medically involved patients needing relief) should be reflected if Wethersfield decides to locate a dispensary in Town. She also indicated that a medical marijuana dispensary should be associated with a medical building or pharmacy rather than a facility associated with businesses such as a dollar store, package (liquor) store, or pawn shop.

Chairman Roberts noted the following correspondence for the record: 1) e-mail from Lisa Belgrove of 14 Buckland Road who questioned and opposed the Application, particularly pertaining to the originally suggested location of a dispensary; 2) Article (regarding legalization of marijuana generally and the individuals supporting that effort) provided by Commissioner Standish to the Planning and Zoning Commission.

Chairman Roberts indicated that the April 1, 2014 PZC meeting concluded with two (2) matters to address: 1) Potential separation distances between facilities and what would essentially get us to one;

and 2) Potential separation distances from residential zones and/or residentially used properties to the sites identified as within the RC and GB zones and otherwise also met the 1000 foot separation.

Ms. Bradley indicated that as it currently stands within the RC and GB zones, there are fifty-eight (58) properties outside the 1000 foot separation from a school or place of worship. If a residential buffer is imposed, several properties would be immediately eliminated from consideration. Any residential buffer imposed in the aforesaid zones would result in approximately thirty-three (33) properties being available. If a one hundred (100') foot buffer was applied in the aforesaid zones, approximately twenty-four (24) properties would be available, and if a two hundred (200') foot buffer was applied, approximately ten (10) properties would be available. GIS data revealed that a seventeen thousand (17,000) foot buffer in the aforementioned zones would limit the number of available properties for a medical marijuana dispensary to one (1).

Commissioner Standish asked Ms. Bradley to obtain GIS data using variables of 1) a residential buffer of one hundred (100') feet, and 2) the imposition of a distance between two (2) dispensaries.

Vice Chairman Harley noted that imposing a seventeen thousand (17,000) foot buffer would limit the number of dispensaries to one (1) [within 3 miles].

Commissioner Standish indicated that imposing a buffer lower than seventeen thousand (17,000) feet and a residential buffer as well may limit available sites.

Vice Chairman Harley indicated that language in the proposed amendment that would limit dispensaries to one (1) per major route (Silas Deane Highway/Berlin Turnpike) is optimal over imposing a seventeen thousand (17,000) foot buffer between dispensaries.

Chairman Roberts indicated the April 10, 2014 Memo from Peter Gillespie, Director of Planning & Economic Development and Denise Bradley, Assistant Planner to The Wethersfield Planning & Zoning Commission goes into detail about which of the segments of the Town have lots remaining. The Silas Deane south central portion, eight (8) sites are within two hundred (200') feet, nine (9) are within one hundred (100') feet – with the railroad line creating perhaps a fewer amount of lots available. Silas Deane north portion, two or three (2 or 3) lots may be available. Wolcott Hill Road (by Bliss Market), no lots are available. Berlin Turnpike south portion, six (6) properties with a large buffer may exist, but likely one (1) is a potential fit. He is wary of the transparency of imposing at seventeen thousand (17,000) foot buffer, as our Town Attorney indicated the Town cannot have explicit language limiting the number of dispensaries to one (1) and is concerned in the creation of an unintended consequence of having a dispensary in a location where ultimately it is not desired rather than in a location where a dispensary is ideally suited.

Commissioner Oickle indicated he viewed the South Windsor and Hartford dispensary sites recently approved. He noted those locations were industrial locations near major intersections of interstate highways. The South Windsor location did have a residential neighborhood within proximity, as residences are within approximately 500-1,000 feet of the dispensary's proposed location. He concluded that due to the South Windsor and Hartford dispensary approvals, it would not be far for residents to travel to those locations. He indicated that, therefore, a dispensary is not needed in Wethersfield.

Commissioner Homicki inquired and Ms. Pelletier indicated the buzz and lock system and bullet proof glass features of a dispensary are security measures imposed by the DCP and those features will not be obvious from street view. Ms. Pelletier indicated no studies have been done regarding the impact on the housing market with a dispensary in a particular location, but a study from Realtors in Georgia indicated that the location of dispensaries in commercial zones had no negative impact on property values.

Commissioner Homicki noted the possible availability of a Pad Site across the street from 125 Silas Deane Highway.

Ms. Pelletier indicated she did not obtain feedback from other retail tenants in proximity to 125 Silas Deane Highway and that expensive technology (database equipment, etc.) could generate revenue to the Town.

Commissioner Homicki noted that despite making himself familiar with the record, he would abstain from voting in this matter, as the alternate members have been in attendance for all public hearing meetings pertaining to this Application.

**Motion:** Vice Chairman Harley made a motion to close the Public Hearing 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:** Clerk Margiotta seconded the motion.

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

Nay: None;

Vote: 9 – 0;

(Commissioner Homicki abstained from voting in this matter.)

**Public Hearing Closed.**

Clerk Margiotta inquired and Chairman Roberts indicated the purpose in adopting a regulation amendment would be for trying to create a framework for which the evaluation of an Application for a dispensary can occur.

Chairman Roberts indicated that not acting on this Application will not prevent further Applications, as the State of CT has legalized medicinal marijuana to serve the needs of the public. He mentioned that having some Town Regulation in place to address such an Application is optimal to avoid State policy that could be forced on the Town.

Commissioner Oickle disagreed with Chairman Roberts. He indicated that the State Department of Consumer Protection (DCP) completed due diligence with the approvals for dispensaries recently made. He noted that two (2) of the six (6) dispensaries approved by the State are closely located to each other (even though they are in Hartford and Tolland Counties). He noted the State would evaluate what the Commission and the Town has reviewed thus far if another Applicant came forward.

**Motion:** Vice Chairman Harley made a motion to approve, with modifications, the April 10, 2014 submission of the subject Zoning Text Amendment to **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.

- 1) Minor grammatical and organizational edits;
- 2) Page 1, Section 5.11.B.2 (requiring that any changes to an approved use require a new Special Permit);
- 3) Page 2, Section 5.11.D.3 and 4. (requiring copies of the State Department of Consumer Protection approval and a one (1) year timeframe on the Special Permit to provide evidence of State approval);
- 4) Page 2, Section 5.11.D.F. (additional language regarding visibility of materials and paraphernalia);
- 5) Page 3, Section 5.11.G.2. (revised language regarding the security plan and review by Chief of Police).

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

**Discussion:**

Commissioner Standish indicated that if there are two (2) dispensary facilities within five (5) miles of Wethersfield, then dispensaries do not have to be located in Wethersfield. He mentioned that the sites Hartford and South Windsor dispensary locations described by Commissioner Oickle are not like those described in Wethersfield. He indicated that other communities and/or counties in CT will be looked at and possible sited in response to an underserved population. He suggested that this Commission either declare a moratorium or vote this Application down this evening.

Commissioner Dean indicated this Application is for the establishment of a mechanism by which such application can be considered. He noted that any future applicant would have to go through the plethora of land use regulations. The social policy wisdom of whether we should have medical marijuana facilities within the state is not an issue this Commission should be dealing with, as the debate was already carried out in the State Legislature. A strict regulatory process was put in place, and he concurs with Chairman Roberts' concern that long-term consequences of state intervention could be mitigated if the Town does not adopt a regulation. He noted the importance of having a system of a fair hearing process with a potential of having dispensary facilities as better for the Town in the long run.

Commissioner Oickle concurs with the statements made by Commissioner Standish and noted that the Town would be entering into an untested situation. He is concerned that akin to States in the West the medicinal marijuana was the first use legalized. States in the West then legalized recreational use of marijuana. He also commented that the dispensary (as mentioned by Ms. Pelletier) is unsure of what marijuana products the producer will provide to the dispensary.

Commissioner Vasel concurs with the statements made by Commissioners Oickle and Standish. He is in favor of a moratorium on the issue and would like more information/studies regarding dispensaries.

Clerk Margiotta indicated that more information is desired, that the program has not matured, and data/facts have not been provided by the State, etc.

Commissioner Homicki believes the Town should regulate the issue at some capacity.

Commissioner Edwards expressed concern over State regulation changes in the future and how Town Regulations would respond to those changes.

Chairman Roberts indicated the Commission has the right to track the matter over time and/or request a moratorium.

Vice Chairman Harley noted that even though it is unknown as to whether State regulations can be locked into for a period of time, a non conforming use clause in Town Regulations would null and void a permitted use.

Aye: Roberts, Harley, Edwards, Dean;

Nay: Margiotta, Oickle, Fazzina, Vasel, Standish;

Vote: 4 – 5;

(Commissioner Homicki abstained from voting in this matter.)

**Motion Denied.**

**THE FOLLOWING MOTION WAS WITHDRAWN:**

**Motion:** Clerk Margiotta made a motion to approve, with modifications, the April 10, 2014 submission of the subject Zoning Text Amendment to **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.

- 1) Minor grammatical and organizational edits;
- 2) Page 1, Section 5.11.B.2 (requiring that any changes to an approved use require a new Special Permit);
- 3) Page 2, Section 5.11.C.2 (delete added language regarding the potential separation distance between dispensaries and add language pertaining to creation of a buffer abutting residential neighborhoods);
- 4) Page 2, Section 5.11.D.3 and 4. (requiring copies of the State Department of Consumer Protection approval and a one (1) year timeframe on the Special Permit to provide evidence of State approval);
- 5) Page 2, Section 5.11.D.F. (additional language regarding visibility of materials and paraphernalia);
- 6) Page 3, Section 5.11.G.2. (revised language regarding the security plan and review by Chief of Police).

**Second:** Vice Chairman Harley seconded the motion. -- **MOTION WITHDRAWN**

**Motion:** Commissioner Oickle made a motion for a one (1) year moratorium regarding **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. During the moratorium period, Town Staff is to investigate and provide information to the Commission regarding the implementation of dispensaries, including but not limited to dispensaries located in the State of Connecticut.

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

Aye: Roberts, Harley, Margiotta, Oickle, Edwards, Fazzina, Vasel, Standish;

Nay: Dean;

Vote: 8 – 1;

(Commissioner Homicki abstained from voting in this matter.)

**Motion Approved.**

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

##### **4.1 Discussion Regarding MapGeo – Town GIS System**

Ms. Bradley gave a demonstration pertaining to the use of MapGeo – Town GIS System for online access to Wethersfield's geographic information. The geographic information available at this time from this online resource includes: 1) property information (including ownership, valuation, and zoning); 2) planning information (i.e. wetland and conservation areas); and 3) recent aerial photos. The system can be found at the following link: <http://mapgeo.com/wethersfieldct/>.

#### **5. MINUTES – April 1, 2014 Planning & Zoning Commission Meeting Minutes**

Commissioner Oickle noted that on Page 10, Paragraph 5, Line 2, “7:30” is to read “7:00” and the voting on Page 10 and Page 12 is to read “9 – 0” instead of “10 – 0.”

**Motion:** Commissioner Oickle motioned to approve the minutes, as corrected.

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

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

Nay: None;

Vote: 9 – 0;

Commissioner Homicki did not participate in the vote, as he was not present for the Planning & Zoning Commission Meeting of April 1, 2014.

**April 1, 2014 Planning & Zoning Commission Meeting Minutes approved as corrected.**

#### **6. STAFF REPORTS:**

There were no reports made by Staff during this meeting.

#### **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:**

**8.1** A letter dated April 7, 2014 from Leonard Jacobs to Peter Gillespie regarding 61 Arrow Road. The letter dated April 7, 2014 from Leonard Jacobs to Peter Gillespie regarding 61 Arrow Road was discussed, and the Commissioners concluded that no Application needs to be filed with PZC regarding the ZBA's October 28, 2013 variance (Application No. 6134-13 to ZBA) approval for that particular applicant at the subject site.

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

An Application will be brought forth in the near future wherein an Applicant is seeking a Special Permit to park a recreational vehicle that is larger than permitted in a residential zone.

**10. ADJOURNMENT:**

**Motion:** Vice Chairman Harley motioned to adjourn the meeting at 8:47 p.m.

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

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

Nay: None;

Vote: 9 – 0;

Meeting adjourned.

Respectfully submitted,  
Ellen Goslicki, Recording Secretary