

3 PRIMROSE STREET
NEWTOWN, CT 06470
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TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES
MEETING MINUTES

Thursday, February 2, 2023 at 7:00 p.m.
Council Chambers, Newtown Community Center
3 Primrose Street, Newtown, CT 06470

Present: Dennis Bloom, Roy Meadows, Corrine Cox, Gregory Rich, Kersti Ferguson, David Rosen

Absent: Brian Leonardi, Connie Widmann

Staff: Rob Sibley, Deputy Director of Planning, Land Use, Helen Muro, Clerk

Mr. Bloom called the meeting to order at 7:00 pm.

Public Hearings

(Continued) Application 23.01 by Highway 202, LLC, for a Text Amendment to the Zoning Regulations of the Town of Newtown, to remove Cannabis Establishment from Prohibited Uses, to delete the definition of Cannabis Establishment in Article 1 Section 2 Interpretations and Definitions, to add Cannabis, Cultivator, Dispensary Facility, Cannabis Food and Beverage Manufacturer, Hybrid Retailer, Micro-Cultivator, Person, Cannabis Product Manufacturer, Cannabis Product Packager and Cannabis Retailer to Article 1, Section 2 Interpretations and Definitions, and to add dispensary facility, hybrid retailer, and cannabis retailer as a Special Use in the M-1 District, as described in documents submitted to the Land Use Agency dated received January 3, 2023.

(Continued) Application 23.02 by Highway 202, LLC, for a Special Exception Use located at 255-259 South Main Street, so as to permit the use of a Cannabis Retailer, as demonstrated by supporting documents submitted to the Land Use Agency January 3, 2023.

Thomas Macre, 50 Park Avenue, Milford CT, represented the applicant.

Mr. Macre handed out a document following up on the questions from the previous meeting (see attached). Mr. Macre said an analysis of properties within the M-1 zone was performed and concluded that 11 properties could potentially qualify as a Cannabis Retailer under the proposed regulation. Mr. Macre said according to data from a Massachusetts cannabis dispensary he can assume approximately 7% of weekly sales will be delivery orders. Mr. Macre said the Town can expect approximately \$288,000 in yearly tax revenue. Mr. Macre said while they didn't get a chance to speak to the direct tenants on their opinions of a Cannabis Retailer, they have the full support of the building owner.

Mr. Bloom asked if Torrington, where their original dispensary is, is the same size as Newtown. Mr. Macre said it is pretty comparable in size.

Mr. Rich said under the proposed regulation there are only 2 properties not eligible as Cannabis Retailers under the M-1 zone. Mr. Rich expressed concern with setting precedence and questioned if there was a way to limit the proposed regulation to allow 1 dispensary.

Ms. Cox expressed concerns with distracted driving and exposure of cannabis to youth. Mr. Macre said the Cannabis Dispensary offers a regulated market to 21+ consumers. Ms. Cox asked why Mr. Macre chose Newtown for his proposal. Mr. Macre said he chose Newtown based on geographical location and trying to get access to the needs of consumers.

Mr. Rosen asked if there is any data from the Torrington area on traffic violations and crime in relationship to the dispensary. Mr. Macre said the Torrington Chief of Police presented at Torrington's zoning meeting when they converted to recreational and he said there was no increase of crime, there was actually a deterrence because of the high security.

Mr. Rosen asked if the high prices of the dispensary can encourage people to purchase on the black market. Mr. Macre said over the past 2 weeks their producers have lowered the prices so in the coming months new prices will be on par with the black market.

Mr. Bloom invited public comment.

Matt Barnes, agent authorized to act on the application, residing at 14 Serene Way, clarified the proposed text has multiple distance requirements put in place to ensure that only 1 or 2 other buildings within the M-1 zone would qualify as a Cannabis Retailer.

Lisa Capitani, 5Stewart Drive, spoke in favor of the project.

Sherry Bermingham, 42 Main Street, spoke about traffic concerns and said she would prefer the business be a standalone building rather than in a strip mall.

With no further comments, Mr. Rich moved to close the public hearing on Application 23.01. Mr. Meadows seconded. All were in favor and the public hearing was closed at 7:21pm.

Mr. Rich moved to close the public hearing on Application 23.02. Mr. Meadows seconded. All were in favor and the public hearing was closed at 7:22pm.

Mr. Meadows said he felt the tax revenue was not significant enough in his opinion. Mr. Meadows said he has concerns with distracted driving. Mr. Meadows said he doesn't like that only the rear entrance will be used and the front windows will be fogged.

Mr. Rosen said in his opinion impaired driving happens regardless of a cannabis retailer. Mr. Rosen said he sees this type of business the same as a brewery offering takeaway beer.

Ms. Cox read the following into the record:

BE IT RESOLVED that Application 23.01 by Highway 202, LLC, for a Text Amendment to the Zoning Regulations of the Town of Newtown, to remove Cannabis Establishment from Prohibited Uses, to delete the definition of Cannabis Establishment in Article 1 Section 2 Interpretations and Definitions, to add Cannabis, Cultivator, Dispensary Facility, Cannabis Food and Beverage Manufacturer, Hybrid Retailer, Micro-Cultivator, Person, Cannabis Product Manufacturer, Cannabis Product Packager and Cannabis Retailer to Article 1, Section 2 Interpretations and Definitions, and to add dispensary facility, hybrid retailer, and cannabis retailer as a Special Use in the M-1 District, as described in documents submitted to the Land Use Agency dated received January 3, 2023. IS HEREBY FOUND INCONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND SHALL BE DISAPPROVED.

BE IT FURTHER RESOLVED that the denial shall become effective February 25, 2023.

Ms. Cox so moved. Mr. Meadows seconded.

The Commission voted as follows:

Dennis Bloom - AYE
Roy Meadows - AYE
Corrine Cox - AYE
Gregory Rich - AYE
Kersti Ferguson - AYE

The motion to disapprove Application 23.01 carried 5-0.

Ms. Cox read the following into the record:

BE IT RESOLVED that Application 23.02 by Highway 202, LLC, for a Special Exception Use located at 255-259 South Main Street, so as to permit the use of a Cannabis Retailer, as demonstrated by supporting documents submitted to the Land Use Agency January 3, 2023. IS HEREBY FOUND INCONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND SHALL BE DISAPPROVED as being a prohibited use in the Newtown Zoning Regulations.

BE IT FURTHER RESOLVED that the denial shall become effective February 25, 2023.

Ms. Cox so moved. Mr. Rich seconded.

The Commission voted as follows:

Dennis Bloom - AYE
Roy Meadows - AYE
Corrine Cox - AYE
Gregory Rich - AYE

Kersti Ferguson - AYE

The motion to disapprove Application 23.02 carried 5-0.

Other Business

Discussion on the potential motion to rescind vote on Application 22.26 by Farrell Building Company, for a Special Exception located at 90 Mount Pleasant Road, for the construction of 200 rental apartments in 10 buildings with associated driveways, parking and Clubhouse as shown on plans entitled “Site Development Plan Approval Drawings, Newtown Commons”, dated 4/28/2022, Rev. 10/17/2022 and 11/09/2022 and supporting documents submitted to the Land Use Agency October 17, 2022.

Pat Sullivan, Town Council, Cohen and Wolf, explained that if the Commission is interested in rescinding the vote from the January 19th meeting, a motion to rescind is needed to get them back to a position where a new vote can be taken for Application 22.26 and the true intent of the Commission can be reflected.

Mr. Meadows made a motion to rescind the vote on Application 22.26. Mr. Rich seconded. All were in favor.

Potential vote on Application 22.26 by Farrell Building Company, for a Special Exception located at 90 Mount Pleasant Road, for the construction of 200 rental apartments in 10 buildings with associated driveways, parking and Clubhouse as shown on plans entitled “Site Development Plan Approval Drawings, Newtown Commons”, dated 4/28/2022, Rev. 10/17/2022 and 11/09/2022 and supporting documents submitted to the Land Use Agency October 17, 2022.

Ms. Cox read the following into record:

BE IT RESOLVED that Application 22.26 by Farrell Building Company, for a Special Exception located at 90 Mount Pleasant Road, so as to permit the construction of 200 rental apartments in 10 buildings with associated driveways, parking and Clubhouse as shown on plans entitled “Site Development Plan Approval Drawings, Newtown Commons”, dated 4/28/2022, Rev. 10/17/2022, 11/09/2022 and 12/08/2022 and supporting documents submitted to the Land Use Agency October 17, 2022 and revisions as received. IS HEREBY FOUND INCONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND SHALL BE DISAPPROVED for the following reason:

- *That traffic report provided by the applicant did not provide suitable Health and Safety Standards for the additional traffic.*

BE IT FURTHER RESOLVED that the denial shall become effective February 25, 2023.

Ms. Cox so moved.

Mr. Meadows moved to amend the motion to the affirmative. Mr. Rich seconded. All were in favor.

Ms. Cox read the following into record:

BE IT RESOLVED that Application 22.26 by Farrell Building Company, for a Special Exception located at 90 Mount Pleasant Road, so as to permit the construction of 200 rental apartments in 10 buildings with associated driveways, parking and Clubhouse as shown on plans entitled "Site Development Plan Approval Drawings, Newtown Commons", dated 4/28/2022, Rev. 10/17/2022, 11/09/2022 and 12/08/2022 and supporting documents submitted to the Land Use Agency October 17, 2022 and revisions as received. IS HEREBY FOUND CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND SHALL BE APPROVED.

BE IT FURTHER RESOLVED that the approval shall become effective February 25, 2023.

Ms. Cox so moved. Mr. Rich seconded.

The Commission voted as follows:

Dennis Bloom - NAY
Roy Meadows - AYE
Corrine Cox - NAY
Gregory Rich - AYE
Kersti Ferguson - NAY

The motion to approve Application 22.26 did not carry 3-2.

Approval of the Minutes

Mr. Meadows moved to approve the minutes of January 19, 2023. Mr. Rich seconded. All were in favor and the minutes of January 19, 2023 were approved.

Adjournment

Mr. Rosen moved to adjourn. Mr. Bloom seconded. All members were in favor and the meeting was adjourned at 7:50 p.m.

** Please note any amendments or corrections to these minutes will be reflected in the subsequent meeting's minutes when the minutes are approved by the Commission. **

*Respectfully submitted,
Helen Muro, Clerk*

Newton Public Hearing Follow Up

Please find the below responses to Commission Member questions from the January 19th Planning and Zoning Commission Meeting

1. Have you done an analysis comparing traffic volume for liquor stores compared to Cannabis Retailers?

After doing more research we can provide the annual average daily traffic (AADT) for several liquor stores in Newtown but due to the confidential nature of information we were not able to obtain consumer foot traffic. Below is a table showing the AADT for 5 liquor stores.

STORE	AADT	CUSTOMERS PER DAY	ADDRESS
Cork N Barrel	16,100	N/A	266 S Main St
Fairgrounds Wine and Spirits	16,100	N/A	228 S Main St
Taunton Wine & Liquor	10,700	N/A	147 Mt Pleasant Rd
Oak Barrel Wine & Spirits	12,300	N/A	75 Churchill Rd
Dodgingtown Craft & Spirits	7,100	N/A	57 Dodgingtown Rd
Highway 202, LLC	16,100	~ 500	259 Main St

2. Have you looked at other properties in the M-1 Zone that could potentially qualify for a Cannabis Retailer under the proposed regulations?

We did an analysis of the 43 listed properties within the M-1 zoning district, and we believe only 11 properties could potentially qualify under the proposed regulations due to the given land use for each property. Included here is a chart highlighting these 11 properties that could be potential sites. Highlighted in RED is our proposed location at 259 S Main St.

ADDRESS	LAND USE	SENSITIVE DISTANCE	PARKING	RESIDENTIAL DISTANCE	DISTANCE TO ANOTHER DISPENSARY
259 S Main St	Store/Shop	1,175 FT to Day Care	1 per 115 sq/ft	Closest residential is 740FT	
187 S Main St	Store/Shop	School inside 1,000 FT		Closest residential 645 FT	Within 1 mile of 259 S Main St
266/274 S Main St	Store/Shop	Day Care in same plaza		Residential inside 500FT	Within 1 mile of 259 S Main St
263 S Main St	Rest/Clubs	Day Care inside 1,000 FT		Closest residential is 730FT	Within 1 mile of 259 S Main St
228 S Main St	Shopping Mall	1,547 FT to Day Care		Residential inside 500FT	Within 1 mile of 259 S Main St
17 Dusty Ln	Vacant Land	2,089 FT to Day Care		Residential inside 500FT	Within 1 mile of 259 S Main St

Received 2.2.23 HM

19 Dusty Ln	Vacant Land	2,149 FT to Day Care		Residential inside 500FT	Within 1 mile of 259 S Main St
54 Pecks Ln	Vacant Land	School inside 1,000 FT		Closest residential 645 FT	Within 1 mile of 259 S Main St
2 Buttonshop Rd	Devel Land	Parts of land inside 1,000 FT to Day Care		Touches residential on one part	Within 1 mile of 259 S Main St
11 Prospect Dr	Devel Land	N/A		Residential inside 500FT	
9 Edmond Rd	Devel Land	N/A		Residential inside 500FT	

3. What is the average percentage of sales for dispensaries via delivery service vs. in-store pickup?

According to data received from a Massachusetts cannabis dispensary - we can safely assume to do between \$20,000 and \$25,000 per week in delivery sales with (1) driver. This would be approximately 7% of our expected total weekly sales.

4. Can you provide the anticipated municipal tax revenue the Retailer would generate for the town of Newtown on an annual basis?

Each sale of cannabis made by a cannabis retailer, hybrid retailer, or micro-cultivator that is subject to the statewide Cannabis Tax is also subject to the municipal level cannabis tax of 3%. This tax amounts remitted by retailers become a part of the municipality's general revenue and must be used for any of the following purposes:

1. Streetscape improvements and other neighborhood developments in communities where cannabis retailers, hybrid retailers, or micro-cultivator are located;
2. Education programs or youth employment and training programs in the municipality;
3. Services for individuals living in the municipality who were released from DOC custody, probation or parole;
4. Mental health or addiction services;
5. Youth service bureaus and municipal juvenile review boards; and
6. Community civic engagement efforts.

On January 18th the CT Department of Consumer Protection released the revenue figures generated in the first week of adult-use sales in CT. Below is a breakdown of the average daily revenues, ticket price, and customers that we used for forecasting purposes.

- Average ticket price: \$60
- Average daily customers: 500
- Average daily revenue: \$30,000
- Average monthly revenue (27 days): ≈\$800,000

- Average yearly revenue: ≈\$9,600,000
- 3% Municipal Annual Tax = \$288,000

5. Have you reached out to the other tenants in your proposed location to see how they feel about a Cannabis Retailer opening next to them?

We have not directly reached out to the other tenants in our building, but have the full support of the building owner and landlord.