

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

**-1-**

**MAY 24, 2022**

**MEMBERS PRESENT:** Stephanie Dexter, Bart Pacekonis, Michael LeBlanc, Alan Cavagnaro, Stephen Wagner

**ALTERNATES PRESENT:** Paul Bernstein, Carolyn Carey

**STAFF PRESENT:** Michele Lipe, Director of Planner; Michael Lehmann; IT Support; Caitlin O'Neil, Recording Secretary; Marek Kozikowski, Council Liaison

**PLEDGE OF ALLEGIANCE**

**CALL TO ORDER:**

Secretary Wagner read the legal notice posted in the Journal Inquirer. Chairman Pacekonis clarified that Appl. 22-07P and Appl. 22-08P that were posted in the legal notice have been postponed per the request of the applicant.

**PUBLIC HEARING/ COUNCIL CHAMBERS- 7:00 P.M**

1. PZC Sponsored Revised Text Amendment- Delete Section 2.24 An one-year moratorium on retail cannabis establishments; and Add Section 7.24 Hybrid-Use Cannabis Dispensary and Production facilities including definitions; and Modify Table 4.1.1A Permitted Commercial and Industrial Uses to add Hybrid-Use Dispensary by Special Exception in the General Commercial zone; Cannabis production facilities and Micro cultivator facilities by Special Exception in the Industrial zone and Modify Table 3.1.1A Permitted Residential Uses to include Micro-cultivator of cannabis by special exception on farms in excess of 50 acres in the Rural Residential zone, subject to specific setbacks (Continued from 4/26/22)

Chairman Pacekonis asked for staff comments.

Director of Planning Michele Lipe commented on the revised text with redlined with changes from last public hearing. Ms. Lipe reviewed the changes that had been made to the text from the last public hearing, adding that per State law the technical term used is cannabis not marijuana. Ms. Lipe commented that a change that were made was adding a definition of micro cultivator and adding this permitted use to RR zone as well. Another change that was added was making production facilities and micro cultivator facilities a special exception use in the Industrial zone. Ms. Lipe added that she updated the use table to reflect the proposed changes and added a statement that would not permit a retail showroom or sales in the Industrial zone. Ms. Lipe distributed a map and listing that showed properties in the RR zone with over 50 acres (Exhibit A). Ms. Lipe commented that she did have a conversation with Chief Lindstrom about the proposed text amendment and reviewed his comments. Chief Lindstrom asked the Commission to consider the fencing requirements and standoff distance referenced in text and understands the pros of this distance, such as making the business less conspicuous. However, he pointed to the cons of a 400 ft standoff, which would make the business difficult to patrol for the police.

Chairman Pacekonis asked for public comment.

Bernard Thomas of 29 Sunset Terrace commented on the previous public hearing question in regard to security. Mr. Thomas commented that Connecticut Legislature has guidelines for fencing and security and submitted this information for the record (Exhibit B).

Joe Kennedy of 81 Alison Drive and Chairman of the Agricultural Commission spoke in favor of the application, specifically the addition of hybrid cannabis retail sales and cannabis production facilities in the RR zone on properties of 50 acres or more. Mr. Kennedy commented that he felt Bruce Snow's farm would be an ideal spot for this production facility.

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

**-2-**

**MAY 24, 2022**

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Chairman Pacekonis sat Alternate Commissioner Carey for Commissioner Foley and Alternate Commissioner Bernstein for Commissioner Vetere.

Secretary Wagner read a letter in opposition into the record from Aaron Carbone (Exhibit C)

Chairman Pacekonis asked for Commissioner comments.

Commissioner Bernstein commented that he felt the redlined draft felt it was good and comprehensive. Commissioner Bernstein commented that he did have one question regarding how the term qualifying adult consumer is defined. Michele Lipe responded that she assumed this term was defined by an age and assumed that age would be 21 years old. Ms. Lipe suggested that she could look into the formal definition further. Commissioner Bernstein agreed that he would assume 21 years or older and commented that his instinct would be to define that somewhere and confirm that definition.

Commissioner Cavagnaro commented that he felt there was a great deal of thought that went into the text amendment with thorough definitions. Commissioner Cavagnaro commented on other towns have recently updated their cannabis regulations and overturned their moratoriums such, Danbury, Stafford, and Old Saybrook. Commissioner Cavagnaro added that he felt there was no reason to turn down this text amendment.

Commissioner LeBlanc commented that agreed that the text amendment looked good. His initial concerns regarding security have been answered. Commissioner LeBlanc commented that has seen these types of facilities out of state and has always viewed them as a professional establishment. He added that he viewed this change to the regulations as positive and not a negative to South Windsor.

Commissioner Wagner questioned Table 4.1.1A, specifically the micro cultivators in the RR zone. Director of Planning Michele Lipe clarified that micro cultivators would be allowed in the RR zone by special exception and cannabis production facilities would be allowed in the Industrial zone by special exception. Commissioner Wagner questioned if anyone would be cut out by the way this amendment is worded. Michele Lipe responded that she believes so, as no one else has contacted the Planning Department with concerns. Commissioner Wagner confirmed that farmers would be covered in this text amendment.

Commissioner Wagner commented that they defined an adult use hybrid cannabis facility and questioned if it is stated anywhere that anything other than a hybrid facility would not be allowed. Michele Lipe commented that the table shows where the uses would be permitted and not permitted but if they wanted to eliminate it out of the definitions than they could make this change. Ms. Lipe added that the Commission chose to not allow a standalone retail cannabis facility, hybrid use would only be allowed and commented that should anyone want to change this they could need to submit a text amendment to the Commission in the future.

Commissioner Dexter commented that the initial reason they voted on a moratorium was to research as much information as possible from the State of Connecticut. Commissioner Dexter questioned if Director of Planning Michele Lipe felt confident that they had reviewed as much information as possible. Ms. Lipe responded that she felt she had done a significant amount of research. One item she did question were the quotas eventually going away prior to 2024, but had done further investigation and had been unable to find a valid answer to this. Commissioner Dexter commented that per the map Ms. Lipe had distributed that highlighted the properties with 50 or more acres in the RR zone, aside from property owned by the Town, she was surprised that there was not a large amount reflected. Ms. Lipe commented that there are other larger parcels of 50 acres or more but they are in the A-40 zone. Commissioner

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

**-3-**

**MAY 24, 2022**

Dexter questioned if the properties reflected on the map were vacant land. Ms. Lipe responded that yes to her knowledge all of these properties are vacant.

Commissioner Carey commented that she was in agreement with the text amendment.

Chairman Pacekonis confirmed that the properties on the map that the town owns are open space. Michele Lipe confirmed that they are, mainly they are areas off of Never Road Park and also include two golf courses. Chairman Pacekonis commented that if this text amendment passed the properties that are not town owned eventually could qualify under this text amendment. Chairman Pacekonis commented that he did hear and understand that quota numbers may be removed in 2024. Michele Lipe agreed. Chairman Pacekonis commented that this would not be a bad thing, just something for the Commission to consider. Chairman Pacekonis questioned if the revised language was sent to CRCOG. Ms. Lipe responded that it was not. Chairman Pacekonis commented that he would be curious to see what CRCOG would have to say, adding that the law states that the micro cultivator is not considered farming, Ms. Lipe commented that the law is clear that Cannabis production is not an agricultural activity.

Chairman Pacekonis questioned if any other towns that have approved cannabis in any other zones than commercial or industrial. Michele Lipe responded not to her knowledge but she would do further research. Chairman Pacekonis commented that one item that had not been discussed are the odors produced from this type of site. Chairman Pacekonis commented that he had reviewed other town's language and he noticed in some of these towns the issue with odor had been mentioned, specifically with cultivating facilities. Chairman Pacekonis added that other towns have used language that states no hybrid use cannabis dispensary facility shall be located within 500 feet of a residence, municipal building, public park or child care facility, from his understand, this would try to alleviate the issue with odors affecting nearby neighbors. He added that other towns have done the 500 feet distance by property lines instead of from a residence and suggested that this could be an option. Michele Lipe clarified that Chairman was mentioning a dispensary facility instead of a production facility, a dispensary would not be permitted in the RR zone. Chairman Pacekonis commented that his point is that they have a distance requirement that are consistent across the board.

Chairman Pacekonis commented that some additional language he had noticed in other towns was limiting cannabis establishments to be 1,500 feet away from one another. Another item he noticed in other towns language was not allowing micro cultivators and marijuana production in any residential building. Chairman Pacekonis questioned the proposed hours of operation and commented that he assumed this could be regulated by special exception. Chairman Pacekonis questioned Bernard Thomas if they had considered what their hours of operation might be. Mr. Thomas responded that they are suggesting Monday to Friday from 8am to 5pm, standard business times. Michele Lipe questioned approximately how many employees. Mr. Thomas commented that they were thinking six but no more than twelve. Chairman Pacekonis commented that he would like more clarification on the above-mentioned items. Michele Lipe commented that she would resend to the updated text amendment to CRCOG and would do research to see if other communities have allowed cannabis production in other areas other than commercial or industrial zones. Ms. Lipe added that since the production facility would fall under a special exception, the Commission would have more ability to address potential odor issues. Ms. Lipe added that from her understanding, there is filtering equipment used in facilities to help mitigate odors.

Chairman Pacekonis questioned Mr. Thomas if a 500-foot distance requirement would be something that could work for this proposed project. Bruce Snow commented that in regard to 500-foot distance requirement from a property lines, this may hinder some of the plans since there are also wetlands on the

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

**-4-**

**MAY 24, 2022**

property. Mr. Snow added that Peter DeMallie of Design Professionals would know better if there would be an area that would meet the 500 feet requirement from any property line and not impact wetlands on the property. Chairman Pacekonis asked if Bruce Snow could review that in the meantime. Bernard Thomas commented that they had been growing hemp outside for the past four years and now they are looking to grow cannabis inside a facility, not outside, therefore, he felt there would be no odor issue from this. Mr. Snow added that they had not had any complaints with odor from the hemp they have been growing.

Commissioner Wagner commented that following up to Commission Bernstein's comment on adult users, and questioned if the Commission should define who a qualifying adult use consumer is. Michele Lipe commented she would like time to review the law in regards to this a little further to see if this is defined. Commissioner Wagner commented that his impression of a typical agricultural operation is a 24-hour facility and questioned Bernard Thomas about the suggested operating hours, specifically if there would be any employees visiting the site outside the proposed hours. Mr. Thomas responded that these proposed hours would be realistic depending on the lighting in the facility, there may be watering that would need to happen 7 days a week during certain cycles of growth, however, this would only require one or two workers. Mr. Thomas added that once the plants begin to grow they do need to be monitored as frequently. Commissioner Wagner commented that he understood what they are envisioning and added that he did not want to add restriction of hours of operations.

Commissioner Wagner commented that the distance from a residence, there may be a residence on one of these farms where a farmer may actually live. Additionally, some of these farm lands are narrow and increasing the 500-foot distance may make these sites unusable. Michele Lipe responded that it's hard to say until you are reviewing a specific site.

Commissioner LeBlanc questioned if there would be a light pollution issue from the greenhouse. Bruce Snow responded the greenhouse would have blackout shades that would be able to keep the light in the facility. Commissioner LeBlanc questioned after cultivation, would there be any THC levels in the waste. Mr. Snow responded that there is very limited THC in the waste and furthermore, they are looking into using the waste as much as possible, potentially even using it as mulch.

Commissioner Bernstein commented on the potential odor issue. Commissioner Bernstein clarified that given the population of South Windsor, there would only be one dispensary allowed in town, and questioned the number of production facilities that could be allowed in South Windsor. Michele Lipe commented that the State of Connecticut decides on the number of production facilities and added that at this time, given the population, only one production facility is allowed in town. Chairman Pacekonis commented that this is what the current state law allows, this could change in 2024 and added that he feels they should make the regulations with this in mind. Ms. Lipe added that the licensing process is a lottery system with the state, therefore, the Commission may see many applicants, however, the state's lottery ultimately decides who will receive a license.

Commissioner LeBlanc commented that a live marijuana plant does give off an odor as if someone was smoking. Bruce Snow commented that while it is flowering in the later stages, it does emit an odor, the proposed facility would have to have an air filtration system and feel this filtration system would greatly reduce the smell. Michele Lipe added that they did put a statement about a facility being dark sky compliant, so any application would need to demonstrate this.

Commissioner Wagner mentioned that the WPCA has been dealing with odors being emitted from the sewer plant and they have hired experts that identify odors. Commissioner Wagner suggested Michele

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

**-5-**

**MAY 24, 2022**

Lipe discuss this with Superintendent of Pollution Control, Tony Manfre, and perhaps one of these experts could help the Commission understand the odors that could be emitted from a cannabis facility.

Chairman Pacekonis and Michele Lipe commented that this public hearing could remain open but could not be on the agenda until the June 28 meeting.

Commissioner Wagner motioned to continue public hearing to June 28. Commissioner Carey seconded the motion. The motion passed unanimously.

**REGULAR MEETING/COUNCIL CHAMBERS:**

**CALL TO ORDER:**

**PUBLIC PARTICIPATION:**

**NEW BUSINESS:** Discussion/Decision/Action regarding the following:

1. PZC Sponsored Revised Text Amendment- Delete Section 2.24 An one-year moratorium on retail cannabis establishments; and Add Section 7.24 Hybrid-Use Cannabis Dispensary and Production facilities including definitions; and Modify Table 4.1.1A Permitted Commercial and Industrial Uses to add Hybrid-Use Dispensary by Special Exception in the General Commercial zone; Cannabis production facilities and Micro cultivator facilities by Special Exception in the Industrial zone and Modify Table 3.1.1A Permitted Residential Uses to include Micro-cultivator of cannabis by special exception on farms in excess of 50 acres in the Rural Residential zone, subject to specific setbacks (Continued from 4/26/22)

The public hearing for this item was continued.

**BONDS:** Callings/Reductions/Settings

**Subdivision Bond**

Engineering recommends a bond in the amount of \$920,000 for public improvements associated with Appl 21-39P, Kilkenny Heights II

Commissioner LeBlanc motioned to set the above-mentioned bond. Commissioner Wagner seconded the motion. The motion passed unanimously.

**Landscape Bond**

Appl. 20-30P Windsor Federal Landscape Bond in the amount of \$4,000 to be reduced by \$4,000 to leave a balance of -0-

Commissioner LeBlanc made a motion to reduce the above-mentioned bonds. Commissioner Cavagnaro seconded the motion. The motion passed unanimously.

**IWA/CC Bond**

Appl. 20-30P Windsor Federal E&S Bond in the amount of \$10,000 to be reduced by \$10,000 to leave a balance of -0-

Appl. 20-30P Windsor Federal Stormwater Bond in the amount of \$10,000 to be reduced by \$10,000 to leave a balance of -0-

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

**-6-**

**MAY 24, 2022**

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Commissioner LeBlanc made a motion to reduce the above-mentioned bonds. Commissioner Cavagnaro seconded the motion. The motion passed unanimously.

**MINUTES:** 4/26/22 and 5/10/22- Accepted by consensus.

**OLD BUSINESS:**

**APPLICATIONS OFFICIALLY RECEIVED:**

1. **Appl. 22-20P, The Golden Lampstand T&C** – request for a 2 year temporary and conditional permit to establish a small parking area with gazebo for periodic church gatherings, on property located at 401 King Street, RR zone
2. **Appl. 22-21P, Leonard Zoning Text Amendment** – request to Modify Section 6.4.2B Minimum Required Parking Spaces with a break down for different restaurant types; and add to Section 10.3 Definitions to add Restaurant, Fast Food (small) and Shopping Centers

**OTHER BUSINESS:**

**CORRESPONDENCE/REPORTS:**

Michele Lipe distributed communication from the Energy Committee that highlighted PA 21-29 incentives and possible recommendation for the zoning regulations (Exhibit D).

Chairman Pacekonis commented on the recently formed Subcommittees, only the Subdivision Subcommittee had met at this time. Chairman Pacekonis commented that Commissioner Foley would no longer be able to sit on the Warehouse Subcommittee and would need a replacement. The Commission and Director of Planning Michele Lipe discussed and Commissioner LeBlanc volunteered to move the Warehouse Subcommittee and Commissioner Wagner volunteered to sit on the Subdivision Subcommittee.

**ADJOURNMENT:**

Commissioner Cavaganaro motioned to adjourned.  
Commissioner LeBlanc seconded the motion.  
The meeting adjourned at 8:14 pm

Respectfully Submitted,

Caitlin O’Neil, Recording Secretary