

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
SEPTEMBER 7, 2022**

MEMBERS PRESENT:

In Person: Eric Prause, Chairman
Patrick Kennedy, Vice Chairman
Michael Stebe, Secretary
Electronically: Nicole Clemons

ALTERNATE MEMBER SITTING:

In Person: Carlos Jusem

ABSENT:

Teresa Ike
Bonnie Potocki

ALSO PRESENT:

In Person: Gary Anderson, Director of Planning
Megan Pilla, Senior Planner
Electronically: David Laiuppa, Environmental Planner/Wetlands
Agent
Nancy Martel, Recording Secretary

The Chairman opened the Public Hearing at 7:00 P.M. The secretary read the legal notice when the call was made.

CURALEAF HARTFORD, INC. – Special exception per Art. II, Sec. 24.02.01(n) for a change of use to a hybrid (medical and recreational) cannabis facility with no significant physical changes to the site at 240 Buckland Street. – Special Exception (PSE-0031-2022)

Attorney Stephen Penny introduced himself as representing the applicant. Attorney Penny reported that the site is at the former Friendly’s Restaurant, zoned General Business. He went on to describe the property and its abutters in detail. Attorney Penny stated that there are no wetlands or watercourses on the site, even though the abutting parcel contains a detention basin. Because no site work is proposed, an inland wetlands permit is not required. The applicant has the property under lease, according to Attorney Penny, proof of which is in the Planning Department’s file.

Attorney Penny detailed the regulations in the General Business zone, characterized as a mixed-use development for general public shopping, services, entertainment, and high-density residential development. Permitted uses include a broad range of retail, personal services, offices, restaurants, and other commercial and recreational uses. Also permitted in the zone are certain special exception uses, including cannabis retailer, dispensary facility, or hybrid retailer,

provided that (a) no cannabis facility shall be located within 500 ft. of the property line of any property containing a school or within 200 ft. of the property line of any property containing a religious institution, charitable institution, hospital, or veterans' home; (b) no cannabis establishment shall operate beyond the hours of 8:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 6:00 P.M. on Sundays. None of the abutters fall within the prohibited distance categories.

The hours of operation fall within the regulation, according to Attorney Penny. The site itself is suited for the General Business zone district, given its location on an arterial roadway, which was described in the 2020 Plan of Conservation and Development (POCD). The zone classification is also supported by the site's accessibility to the interstate highway network. Attorney Penny described the POCD's classification for the site and surrounding area in detail. It is clear that the Plan of Conservation and Development also contemplates the appropriateness of a commercial use of the type proposed in the application.

Attorney Penny reported that the project involves the adaptive reuse of the entire 4,322 sq. ft. former restaurant building with no changes to the building footprint and no site work. The only exterior improvements would be the installation of a new dumpster enclosure on an existing concrete pad, painting of the building's exterior, and signage on the building.

Mr. Andrew Bushnell, Professional Engineer and Licensed Land Surveyor, introduced himself, stating that they had prepared the site plan. He described the 1.05-acre site located on the western side of Buckland Street. The survey was prepared back in June and located existing features of the property, including parking spaces, landscape islands, designated crosswalks, the sidewalk along Buckland Street, landscaping along Buckland Street, existing fencing, and concrete pad dumpster areas. The surface utilities were located, and the Engineering Department provided more details of the underground utilities. The applicant is not adding any impervious surface, so the stormwater will not be a problem.

Mr. Bushnell noted the two-way access off Buckland Street with another access driveway from the Chili's Restaurant property. He stated that he did not find an easement or agreement for the access, though it appears it has been in use for a while.

Mr. Prause noted that many visitors would be from out of town and would be leaving the site through the east driveway headed south on Buckland Street. The only way to turn around to head north towards I-84 would be at Pavilions Drive, which Mr. Bushnell confirmed. Mr. Prause asked whether any signage at the exit has been considered to indicate how to proceed north.

Mr. Bushnell felt any sign would have to be on the property rather than on a State right-of-way. He felt it is intuitive because there is an island on Buckland Street. As long as there is not a pattern of accidents at that driveway on the traffic report, he did not feel more signage is warranted.

Mr. Prause noted that there were only three accidents at the exit of the building.

Mr. Bushnell commented that what is needed is a large sign in the island opposite the exit of the building.

Mr. Benjamin Clack, Real Estate Counsel for Curaleaf, introduced himself. Attorney Clack stated that he has been with Curaleaf for nearly two years. He explained that they have four dispensaries in Connecticut. The Hartford location will be relocated to Manchester to better serve their customers. Curaleaf has had issues with the Hartford location, one of which was parking. Attorney Clack agreed that navigating back to the highway is challenging, and he felt that more than one sign would be needed. He added that there is a left turn signal where individuals will make a U-turn.

Attorney Penny commented that, in the three years of traffic review, there were three minor accidents with no fatalities. In addition, there will be less traffic from this use than when Friendly's was at its peak.

Mr. Stebe understood the Chairman's concern, though occasionally GPS is inaccurate. He suggested a right arrow on the pavement at the location. Mr. Stebe asked whether there is enough room for two-way traffic on the connection to the neighboring property, to which Mr. Bushnell replied that it is narrow.

Attorney Clack reported that he had just been at the location and there is enough room for two-way traffic.

After a question from Attorney Penny, Mr. Stebe said his concern is people turning into the abutting business to access the facility rather than using the facility's turn from Buckland Street. Mr. Bushnell acknowledged that they may. Mr. Stebe mentioned to Attorney Clack that previous applicants detailed information such as lot attendants for opening, and he would appreciate that information during the presentation.

Mr. Kennedy recalled how busy Friendly's was years ago and he did not remember any problem with the traffic. Therefore, he did not believe this will generate as much traffic as Friendly's did during the day. He speculated that adding more signage would add to any confusion.

Mr. Jusem sought confirmation that they expect 35 cars per hour.

Attorney Penny clarified that would be during the peak hour. He noted that there may be five extra employee cars during the change of shift.

Mr. Jusem asked how many of their four dispensaries are hybrid use. Since this is the first recreational facility, he asked how they arrived at 35 cars per hour. As this facility will be replacing the Hartford dispensary, he assumed that Hartford customers would be coming to Manchester, which Attorney Clack confirmed.

Attorney Clack reported that there are currently zero hybrid locations. However, the plan is to convert all their dispensaries to hybrid. The number of cars per hour was determined by the medical traffic currently at the locations with an additional five. He noted that there will

ultimately be other facilities in the area which would most likely bring their numbers down. Attorney Clack informed Mr. Jusem that the nearest competitor will be up by the mall, though it is currently not in use.

Ms. Clemons asked about the number of deliveries they expect per day and asked if there is enough space. She asked at what time of day deliveries are expected.

Attorney Clack explained that there will be approximately eight deliveries per week because, under the regulations, they are required to work with all four cultivators, so there will be about two deliveries from each of the cultivators per week. The schedule of deliveries is scattered for security purposes and will be from unmarked Sprinter vans.

Attorney Penny referred to the traffic study and proceeded to detail the pertinent findings. The traffic engineer concluded that, after 30 years of experience with traffic in the Buckland Hills Mall area, the introduction of site-generated traffic will not disrupt the continuity of weekday and weekend peak traffic flow on the adjacent Buckland Street corridor.

Attorney Clack, real estate attorney for Curaleaf, reported that Curaleaf is the largest operator in America and recently expanded into Europe. The company is striving to be the market leader in quality, safety, and customer service. In the U.S., there are 136 retail sites currently open and 26 cultivation sites, the details of which he explained.

The Hartford location will be relocated to Manchester along with their employees and, hopefully, the patients. Attorney Clack explained that their 5th location is the cultivation site in Simsbury. At that facility, they grow, process and package their products and receive packages from the other three cultivators. He described the proposed site with the minor modifications planned. There is ample parking at the facility for the anticipated visitors. He reported that they have opened facilities in the past and are prepared to engage traffic controllers for the opening.

Attorney Clack explained the day-to-day operations and, using the floor plan, described the operation within the site. He described how the process will work, noting that it takes two minutes on average for the customer to check in, and they are in and out within approximately five minutes. There will be cameras throughout with 24-hour surveillance and they are required to store footage per the State regulations. Attorney Clack reported that they have security on site in Hartford, though not at all the locations, as it is site specific. They plan to do an analysis to see what is needed in Manchester. Approximately 60% of transactions are cash and they receive cash deliveries twice a week. Two people are required by the State to deliver and there are cameras and panic buttons in several areas. All stock is in the vault at night, and there is no product on the sales floor. Only authorized personnel are allowed in the back area; everything is controlled by electronic door locking systems.

According to Attorney Clack, the hours will be Monday through Saturday, 9:00 A.M. to 8:00 P.M. and Sundays 10:00 A.M. to 6:00 P.M.

Mr. Stebe inquired whether adding recreational operations in Manchester will slow down the process, noting that they currently have the medical operation in Hartford. He asked if they must

get approval from the State for recreational sales, or if they can begin medical sales while the recreational sales are pending through the State.

Attorney Clack explained that the process would be similar, in that they will alert the State that they are changing locations. The State then requires municipal approval, after which the applicant will go back to the State for approval. Once that process is complete, they can do the renovations and open because they have the medical license and would not be applying for a new one, though he was unsure if they could begin the medical portion without the recreational approval.

Mr. Stebe commented that the building has many windows, and the regulation states the windows must be opaqued. He also had concerns about the layout of the interior and the lack of a door leading from the office.

Attorney Clack reported that they will update the doors before final review. The windows will have a snow-colored paint going over them.

Attorney Penny referred to the Senior Planner's memo, and reiterated that the Commission is obliged to make findings under Art. IV, Sec. 20, Special Exception Criteria, the details of which he read, noting that the plan meets all the criteria.

Mr. Prause acknowledged that, since the applicant could transfer their medical license to Manchester and competitors may not be in that position, it appears that Curaleaf could be one of the first recreational facilities in the state.

Attorney Clack reported that one of their licenses allows them to relocate within 10 miles, which is another reason this location works well.

Ms. Chris Capitan introduced herself, stating that she currently lives in East Windsor but was born and raised in Manchester. She noted that she worked at a Friendly's in the past, as well as at one of the first dispensaries in the state. A large concern she had with Curaleaf moving their facility from Hartford to Manchester was that the patients in Hartford may not be able to access the dispensary. She was also concerned that Curaleaf is a large multi-state operation, which may not leave room for equity applicants. Fine Fettle, a local operator, will be very close to Curaleaf, which is a huge operation. It was her opinion that the intention of legalization in the State was to right some of the wrongs and inequities that have occurred. She noted that she was in a car accident leaving work from that Friendly's, and feels that Fine Fettle has a better location.

Attorney Penny commented that the growth of Curaleaf has been explosive because the market has been explosive. In addition, Attorney Clack expressed their belief that there will be a lot of competition.

Ms. Pilla reported Staff comments that they would recommend including as a modification should the Commission approve the application. Staff would like to see more of the underground utility and storm water infrastructure, not because of any concerns. They recognize that there are no planned changes to the site that would affect storm water, and the retail use would not make

heavy demand of utilities. It is to comply with the regulations of a detailed site plan. Also, the architectural plans need to be submitted on full-sized 24” x 36” sheets.

MOTION: Mr. Kennedy moved to close the public hearing. Mr. Stebe seconded the motion and all members voted in favor.

The Public Hearing was closed at 8:09 P.M.

I certify these minutes were adopted on the following date:

September 19, 2022

Date

Eric Prause, Chairman

NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.