

**TOWN OF MANCHESTER
MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION/
INLAND WETLANDS AND WATERCOURSES AGENCY
FEBRUARY 5, 2024**

MEMBERS PRESENT:

In Person: Eric Prause, Chairman
Patrick Kennedy, Vice Chairman
Michael Stebe, Secretary
Teresa Ike
Chris Schoeneberger
Daniela Luna
Michael Farina

ALTERNATES PRESENT:

In Person: Zachary Schurin

ABSENT:

Maliha Ahsan
Bonnie Potocki

ALSO PRESENT:

In Person: Megan Pilla, Principal Development Planner
Gary Anderson, Director of Planning & Economic
Development
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.

AYR WELLNESS – Special exception under Art. II, Sec. 24.02.01(n) for a cannabis retail use at 185 Spencer Street. – Special Exception (PSE-0057-2023)

Attorney Stephen Penny introduced himself as representing the applicant. Attorney Penny detailed the property location, size, abutters, and public utilities.

The regulations of the General Business zone were reviewed by Attorney Penny. The regulations set forth regarding a cannabis retailer are met with the application. The proposed use also meets the goals of the Manchester Plan of Conservation and Development. The proposal will keep an empty building in productive use.

Attorney Penny stated that the project involves the readaptive use of the former Starbucks with no changes to the building or site work.

Mr. Andrew Bushnell, Professional Engineer/Licensed Land Surveyor, Bushnell Associates, introduced himself. Mr. Bushnell was not aware of any changes to the property aside from signage. The specifications of the property, surrounding area, public utilities, and shared driveway were detailed.

Current landscaping, lighting, parking, shared utilities, and catch basins were noted, all of which are in working order.

Mr. Bill Vliet, Vliet & O'Neill, introduced himself. Mr. Vliet addressed the Town Traffic Engineer's concerns, namely the queuing problem and morning peak hour traffic operations. There will no longer be a morning rush hour associated with this site. He noted that the drive-through, which can easily accommodate 10 stacked cars, will be utilized for appointment-based orders. The trip report's worst-case scenario estimates 35 vehicles entering and 35 vehicles exiting the property per hour, which is significantly less than Starbucks had. Mr. Vliet reported that there are no issues with access and roadway capacity with the signalized operations of the driveway intersection with Spencer Street or Hillstown Road.

After a question from Mr. Prause, Ms. Tenisha Victor, Vice-President of Market Expansion, reported that deliveries will take place through a door located by the drive-through window. During delivery time, the facility would be shut down. The security guard will assist in the deliveries. The delivery hours will vary. She explained that this will be the first location in Connecticut, though they operate across eight markets in the country, about 90 facilities currently.

Responding to a request from Mr. Prause, Mr. Vliet commented that, at this time, there are no plans for a specific employee parking location.

Attorney Amanda Ostrowitz stated that there is an employee public transportation incentive program, but noted that there is adequate parking. Due to state legislation, the signage will be well-lit and down facing.

Mr. Vliet reiterated that the morning peak hour congestion has been eliminated, and the signal is traffic responsive.

Ms. Pilla reported that the required parking spaces are based on the square footage of the building and the plan is well above the number required.

A general discussion was held regarding the parking and traffic flow regarding the southern parking area. Attorney Ostrowitz suggested signage indicating the southern parking lot is for employee and handicapped parking only, with signage directing customers to the rear of the building.

Mr. Stebe commented on the Popeye's traffic conflicts and suggested the traffic be a loop. A discussion commenced with Mr. Vliet.

After a question from Mr. Schoeneberger, Ms. Victor detailed the process and flow of the drive-through.

Ms. Luna requested clarification of the number of employees per shift and the incentive programs, which were explained. Ms. Victor noted that it all depends on the geographic location and the accessibility of mass transit.

Mr. Kennedy observed that the plan will reduce the traffic issues from the previous operation. Mr. Vliet reiterated that the traffic report utilized a much larger number of vehicles than will actually visit.

Attorney Tiana Hercules, Criminal Defense Attorney, Hartford reported that she is partnered with AYR on all the Connecticut projects. Attorney Hercules explained that criminal justice and re-entry are huge passions of hers. They are in the process of their third pardons clinic to help individuals clear their criminal records for free. She explained the success of that program as well as others, including cannabis education. She reported that she has been in talks with the Squire Village community to initiate programs based on needs.

Mr. Schoeneberger asked whether there have been security issues that will influence the security plans for the location. Ms. Victor said they have had no break-ins throughout their 90 locations, and Connecticut has very strict security regulations.

Ms. Luna asked how an individual would apply for the community outreach programs. Attorney Hercules explained that the word is spread via social media, colleges, and libraries. The steps to request services were detailed.

Attorney Penny cited letters from people associated with the programs Attorney Hercules explained. He concluded that the project conforms with the regulations by:

- Suitable location for use/neighborhood compatibility
- Adequate streets for use
- Adequate parking and access
- Adequate public utilities
- Suitable structures for use
- Environmental protection and conservation

Ms. Pilla reported only one outstanding comment, which is the addition of a utility label on the site plan. The Police Department requested the removal of a statement, which has already been done. There is one outstanding comment regarding a label.

Ms. Ike asked whether notifications were sent to abutters and Ms. Pilla reported that they were sent to property owners. There were also signs and the legal notice.

Attorney James Zimmer, Jacobs, Walker, Rice & Barry, introduced himself, stating that he represents the owners of the abutting apartment building, Apex 191. He explained that his client does not believe this is an appropriate location for a cannabis dispensary. They contend that the use is not compatible with other existing uses in the area, particularly the adjacent apartments. Since the property was converted to a multi-family residential property and has a shared driveway, many individuals may not want to live in proximity to this business. He noted that the

hours of operation are to be from 9:00 A.M. to 8:00 P.M. Monday through Sunday. Attorney Zimmer remarked about the traffic and parking on the property, speculating on the potential difficulty for emergency vehicles.

Ms. Pilla read letters of support from Ian Wilson, 84 Lyness Street and Keren Prescott, Founder of PowerUp Connecticut and PowerUp Manchester, and Executive Director of the EmpowerU program.

Ms. Luna inquired whether reinvestment in the community is a requirement of cannabis dispensaries. Attorney Hercules stated that part of her reason for involvement in the cannabis industry is the requirement for a social equity plan on all sites, retail and cultivation.

Mr. Anderson stated that those are state requirements which go through the state licensing process.

Attorney Penny reiterated that the amount of traffic associated with this business will be approximately one-third that of Starbucks. Regarding security concerns, the applicant's representatives have indicated that they have not had security issues, noting that the site is under camera monitoring 24 hours a day.

Attorney Ostrowitz clarified that the hours of operation are 10:00 A.M. to 8:00 P.M. The average site visit time is 7 minutes for a walk-in customer and 4 minutes for a pre-order. She commented that these facilities are built to be a fortress with no exterior advertisements visible to the public; no one can see into the facility and individuals cannot enter the building and sales floor if underage.

Ms. Luna stated her concerns over the number of parking spaces, and she does not believe employee incentivizing will be successful in reducing the parking needs.

Mr. Vliet reiterated that he and Jim Mayer, the Town Traffic Engineer, used the worst case for the number of vehicles, and explained how the numbers were reached.

Mr. Stebe referred to the two cannabis operations in Manchester and noted the concerns when they were approved. He asked whether there have been any issues reported since opening.

Mr. Anderson stated that the Chief of Police noted no issues whatsoever.

Ms. Luna asked why AYR chose Manchester and whether they sought to open in other towns.

Attorney Ostrowitz responded that she handles site selection strategy. She explained the analysis going into the decision for this town and this property. The factors involved were explained in detail by Attorney Ostrowitz. After questions from Ms. Luna, she explained why their location will be preferable over the Buckland area operations, and detailed the many other locations she has sited.

Mr. Prause asked how the traffic counts were captured. Mr. Vliet stated that they looked at other AYR facilities and contoured their counts to the size of this location.

MOTION: Mr. Kennedy moved to close the Public Hearing. Mr. Schoeneberger seconded the motion and all members voted in favor.

The public hearing was closed at 8:40 P.M.

I certify these minutes were adopted on the following date:

February 21, 2024
Date

Eric Prause, Chairman

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