

PORTLAND PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
Buck-Foreman Community Center
Thursday, February 2, 2023 at 7:00 PM

Members Present: Robert Ellsworth, Victoria Tchetchet, Chantal Foster, Robert Taylor, Ken Kearns

Members Absent: Carolyn Freeman

Staff: Dan Bourret, Town Planner
Dawn Guite, Recording Secretary

1. Call Meeting to Order

Robert Ellsworth called the meeting to order at 7:00 p.m.

2. Introduction of Members and Seating of Alternates

The members introduced themselves.

Ken Kearns is seated for Carolyn Freeman.

3. Accept Agenda

MOTION: Chantal Foster MOVED, seconded by Victoria Tchetchet to ACCEPT the agenda as PRESENTED. **VOTE UNANIMOUS. MOTION CARRIED.**

REC'D FOR RECORD 2/9
RECORDED BY [Signature] AT 9 M.
TOWN CLERK [Signature]
X-557. A

Public Hearing

4. Application #22-17: Proposed amendments to the Town of Portland Regulations: Article 2 Definitions, to amend people. Article 2 Definitions, to add Cannabis; Cannabis Establishments; Cultivator; Delivery Service; Dispensary Facility; Food and Beverage Manufacturer; Hybrid Retailer; Micro-cultivator; Product Manufacturer; Product Packager; Retailer; Transporter. Article 5.1 Permitted Uses Business Zones. Article 6.1 Permitted Uses Industrial Zones. Add Article 9.18 Cannabis; Add Article 19.18.1 Locational Requirements. Application of the Town of Portland Planning and Zoning Commission.

Article 9.18, Article 19.18.1 Locational Requirements wording will be changed to directly dispensing to consumer...and within 4 miles of Town/PZC approved building or premises directly dispensing and/or the sale of cannabis products...

Restriction of zoning for another establishment will be discussed with the Board of Selectmen. This will be a standing item on the PZC Agenda.

Public Comment:

Andrew Simoneau, CT Pharmaceutical Solutions, 47 Lower Main Street, is the approved applicant for cannabis dispensary in Portland. He thanked the commissioners for their work on the zoning

regulations. He has partners in place for his business. The facility has to be built then inspected prior to receipt of final license.

MOTION: Chantal Foster MOVED, seconded by Rob Taylor to CLOSE the Public Hearing. **VOTE UNANIMOUS. MOTION CARRIED.**

RECORDED VOTEDATE: February 2, 2023COMMISSION: PLANNING & ZONING COMMISSIONMOTION

TO APPROVE Application #22-17: Proposed amendments to the Town of Portland Zoning Regulations: Article 2 Definitions, to amend people. Article 2 Definitions, to add Cannabis; Cannabis Establishments; Cultivator; Delivery Service; Dispensary Facility; Food and Beverage Manufacturer; Hybrid Retailer; Micro-cultivator; Product Manufacturer; Product Packager; Retailer; Transporter. Article 5.1 Permitted Uses Business Zones. Article 6.1 Permitted Uses Industrial Zones. Add Article 9.18 Cannabis; Add Article 19.18.1 Locational Requirements. Application of the Town of Portland Planning and Zoning Commission. With changes and/or clarifications to the proposed text amendment as follows:

Article 2 Definitions – definitions to be added or replaced and all definitions in section to be numbered and lettered.

Removal of regulation 2.2.5 – current definition of person and replace with i.

- a. Cannabis. Marijuana as defined in Section 21a-240, C.G.S.
- b. Cannabis Establishment. Producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.
- c. Cultivator. A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than ten thousand square feet of grow space.
- d. Delivery Service. A person that is licensed to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in Section 21a-408, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v, C.G.S. that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.
- e. Dispensary Facility. Means a place of business where cannabis may be directly dispensed, sold or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations adopted thereunder. The Town of Portland considers this to be a type of retail establishment.
- f. Food and Beverage Manufacturer. A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.

- g. Hybrid Retailer. A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.
- h. Micro-cultivator. A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner.
- i. Person. An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.
- j. Product Manufacturer. A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.
- k. Product Packager. A person that is licensed to package and label cannabis and cannabis products. The town of Portland considers this a type of use to be processing.
- l. Retailer. A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to directly sell cannabis and cannabis products to consumers and research programs.
- m. Transporter. Means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs.

Article 5 BUSINESS ZONES

Table 5 .1 Permitted Uses Business Zones			
P = Permitted by Right in the zone		SP = permitted only by Special Permit	
S = permitted subject to approval of a Site Plan		N = not permitted in the zone	
Special Permit approval is required for any site or structure identified on the Historic Resources Plan located within the Town of Portland Plan of Conservation and Development. See Regulation Section 10.6			
Permitted Use	B-1	B-2	B-3
Retail Store or dispensary selling Cannabis and/or Cannabis Products	SP	SP	N
Cultivation of Cannabis	SP	SP	N
Cannabis Manufacturing or Processing	SP	SP	N
Cannabis Delivery Service or Transporter	SP	Sp	

Article 6 INDUSTRIAL ZONES

Table 6 .1 Permitted Uses Industrial Zones			
P = Permitted by Right in the zone		SP = permitted only by Special Permit	
S = permitted subject to approval of a Site Plan		N = not permitted in the zone	
Special Permit approval is required for any site or structure identified on the Historic Resources Plan located within the Town of Portland Plan of Conservation and Development. See Regulation Section 10.6			
Permitted Use	I	IP	RI
Retail Store or dispensary selling Cannabis and/or Cannabis Products	SP	SP	SP

Cultivation of Cannabis	SP	SP	SP
Cannabis Manufacturing or Processing	SP	SP	SP
Cannabis Delivery Service or Transporter	SP	SP	SP

Article 9 Special Regulations

Section 9.18 - Cannabis

9.18.1 Locational Requirements

No premises shall be used, and no building shall be designed, erected, or altered to be used for the direct dispensing and/or the sale of cannabis products, if any part of such building is located within 4 miles of any other building or premises directly dispensing and/or the sale of cannabis products for which the CT Department of Consumer Protection issues licenses under C.G.S. Sections 21a-408 through 21a-408q shall be.

Made by: Victoria Tchetchet

Seconded by: Robert Taylor

IN FAVOR

IN OPPOSITION

Victoria Tchetchet
Robert Taylor
Chantal Foster
Ken Kearns
Bob Ellsworth

IN ABSTENTION

Recorded By: Dan Bourret

5. Application #22-18: 34 Gospel Lane. Proposed Special Permit for change of use to add 2,950 sq. ft. gym building to existing building. Application and property of MJS Realty Ventures LLC. Map 31, Zone 26. Zone IP.

MOTION: Chantal Foster MOVED, seconded by Victoria Tchetchet to OPEN the Public Hearing.
VOTE UNANIMOUS. MOTION CARRIED.

Chris Bell, Consulting Engineer, represented the applicant requesting a Special Permit for change of use to add 2,950 sq. ft. gym to existing building. The current use, storage garage and repair facility for DRVN Enterprises, LLC trucking company will continue as is. The existing 5,000 sq. ft. building used for operations office and vehicle storage will have a separation wall of 8 feet built to section off 3 bays of the existing garage area to be used for a gym, a business use. They gym will use a bathroom with an access through the remaining garage. A handicap bathroom is being built with hallway access. Two bathrooms are required per building square footage and number of people. The existing septic system will handle the proposed septic flow (including 59 gym patrons). The existing parking is adequate for the increase in parking required. Parking lot lighting exceeds the minimum lighting requirements. There is adequate handicapped access to the building. Additional emergency lighting will be installed.

Trucks entering/leaving the facility will not interfere with gym patrons. Traffic pattern for trucks is different from gym use. There is only an occasional truck that come through the tri-axle right now. Any truck activity involving salt operation will be accessible at the gated area. Fire Marshall comments state that change of use would require full code form and plan set to include: occupant load, exiting/egress, travel distances, fire protection features and building construction features. Building Official comments state that plans must meet the 2022 CSBC, occupant load of 59 people per Table 1004.5 (Exercise Room – 50 sq. ft. per person). In addition, a single exit is not allowed with an occupancy load of 59 people, travel distance is actually 105.5 ft. not 73 ft., 2 bathrooms required. Any signage must meet zoning regulations. Increased occupant load to 86 people was mentioned due to less storage (to be confirmed).

MOTION: Chantal Foster MOVED, seconded by Rob Taylor to CLOSE the Public Hearing. **VOTE UNANIMOUS. MOTION CARRIED.**

RECORDED VOTE

DATE: February 2, 2022

COMMISSION: PLANNING & ZONING COMMISSION

MOTION

To APPROVE Application #22-18: 34 Gospel Lane. Proposed Special Permit for change of use to add 2,950 sq. ft. gym business to existing building. Application and property of MJS Realty Ventures LLC. Map 31, Lot 26. Zone IP. As shown on a site of plan entitled "Site Plan - Change of Use for Gym" Dated 8/20/20, page SP1; "Floor Plan" Dated 1/4/22, page A-1; and based on all plans, renderings and information submitted, testimony provided and subject to the following instructions and conditions that are integral to this approval:

1. That this approval will expire in 5 years;
2. That 3 paper copies of the final revised plan and one mylar be submitted to the Planning and Zoning Department for endorsement by an officer of the Commission. The endorsed mylar shall be filed on the Land Records within 90 days, as per ZR Section 10.5.3.2.a;
3. That the certified Letter of Approval be placed on the revised final plan;
4. That any exterior light fixtures must comply with ZR Section 8 and must be approved by the Zoning Enforcement Officer prior to installation;
5. That a Zoning Permit be issued prior to the start of activity associated with this approval;
6. That the applicant meet comments from the Fire Marshal memo dated 1/19/23;
7. That the applicant address comments for the Town Engineers memo dated 1/26/23;
8. That applicant meet all applicable building code and ADA requirements as required by the building code;
9. That any signage requires a signage permit and must conform to ZR section 8.4;
10. That a Zoning Permit be issued prior to the start of activity associated with this approval.
11. Final administrative permit subject to final zoning review based on increased occupancy.

Reasons: The proposal conforms to section 6 and 10.4 of the Zoning Regulations.

Made by: Chantal Foster

Seconded by: Robert Taylor

IN FAVOR

IN OPPOSITION

Chantal Foster
Robert Taylor
Victoria Tchetchet
Ken Kearns
Bob Ellsworth

IN ABSTENTION

Recorded By: Dawn Guite

RECORDED VOTE

DATE: February 2, 2022

COMMISSION: PLANNING & ZONING

To Approve Application #22-19: 185 Marlborough Street. Proposed site plan review for a Tattoo Studio. Application of Stephen Guerin and property of Rosario Agostino. Map 20, Lot 202. Zone B-2. As shown on site, floor plan as well as narrative and based on information submitted, testimony presented during hearing, and subject to the following instructions and conditions integral to this application:

1. That the applicant complies with the comments from the Chatham Health District.
2. That the certified Letter of Approval be filed on the land records within 180 days, per ZR Section 10.5.3.2.a, these requirements must be met prior to the issuance of a zoning permit.
3. That a zoning permit application be submitted in accordance with ZR Section 11.1.1.A to ensure compliance with this approval.
4. That any exterior light fixtures must comply with ZR Section 8.3 and must be approved by the Zoning Enforcement Officer prior to installation.
5. Any proposed signage shall meet ZR Section 8.4.
6. That this approval will expire in 5 years.
7. _____

Reasons: The proposal conforms to Section 5 and 10.5 of the Zoning Regulations.

Motion to Approve Made by: Robert Taylor

Seconded by: Victoria Tchetchet

IN FAVOR

IN OPPOSITION

Robert Taylor
Victoria Tchetchet
Chantal Foster
Ken Kearns
Bob Ellsworth

IN ABSTENTION

Recorded By: Dawn Guite

8. Application #22-20: 127 Main Street. Proposed site plan review for a new 2-story 40,850 sq. ft. commercial storage unit building. Application and property of SROA (Storage Rentals of America) 127 Main Street LLC. Map 19, Lot 75. Zone I.

Site Plan Review; no Public Hearing required.

Aaron Mackey, Professional Engineer with Kimley-Horn, represented the applicant, Storage Rentals of America (SROA), requesting a Site Plan Review for a new 2-story 40,850 sq. ft. commercial storage unit building (2 drive-up storage buildings on 5 acres). SROA would like to convert approximately 7,900 sq. ft. of the existing building to office space requiring 32 new parking spaces. Spaces would be in front of the building with corresponding striping. There will be 8,000 sq. ft. more of green space that will improve storm water runoff. Drainage will be rerouted to an existing line the currently serves the site. Runoff will go through catch basins at the parking lot. The site plan meets setback requirements. There is existing gas and water onsite.

David Kaplan, representing the architectural firm, described proposed buildings – metal buildings with exterior installation finish known as ethos. There will be corridors at either side of the building. There is a main entry with a canopy and an extra set of doors for after hours. Design elements are included giving more presence than a plain building. There will be proposed signage facing Main Street which meets zoning requirements.

Commissioners are concerned about plantings at the site. The storage facility is the first site seen coming off the bridge and the first introduction to Portland. It should be aesthetically pleasing. Walden seed is being proposed, however, the commissioners would like to see landscaping. Other views will be from the new Brainerd Place and should be comparable to the town's revitalization measures. SROA will consult with its landscape architect for recommendations suitable to the easement for sewage and drainage. The Town Engineer and Master Gardener will also be asked to provide recommendations. Amendments to the site plan will be based on reviews from Engineering which should be available for the next meeting including a landscaping plan.

Regular Meeting

6. Application #22-16: 662 Portland Cobalt Road. Proposed site plan review for food truck hosted by Core & Restore Yoga/Spa. Application of Roseanna Singer and property of 662 PCMI LLC. Map 22, Lot 2. Zone B-2.

Applicant was unavailable to attend the public hearing.

7. Application #22-19: 185 Marlborough Street. Proposed site plan review for a Tattoo Studio. Application of Stephen Guerin and property of Rosario Agostino. Map 20, Lot 202. Zone B-2.

Site Plan Review; no Public Hearing required.

Stephen Guerin, 185 Marlborough Street, the applicant, is here for a site plan review for a Tattoo Studio. Business will include retail sale of crystals and jewelry. There is no build out required. Building has an open floor plan. Waiting area will be separated from the tattooing area by a display case for crystals and jewelry. There is an exit in the back of the building and a main entrance in front. There is a new handicap bathroom, proper ventilation, air conditioning and heating. He has requested a hand sink in the tattooing area for convenience of employees. Business will begin with 2 tables and will see how things progress. He has approval for 3 technicians.

RECORDED VOTE

DATE: February 2, 2022

COMMISSION: PLANNING & ZONING

To Approve Application #22-19: 185 Marlborough Street. Proposed site plan review for a Tattoo Studio. Application of Stephen Guerin and property of Rosario Agostino. Map 20, Lot 202. Zone B-2. As shown on site, floor plan as well as narrative and based on information submitted, testimony presented during hearing, and subject to the following instructions and conditions integral to this application:

1. That the applicant complies with the comments from the Chatham Health District.
2. That the certified Letter of Approval be filed on the land records within 180 days, per ZR Section 10.5.3.2.a, these requirements must be met prior to the issuance of a zoning permit.
3. That a zoning permit application be submitted in accordance with ZR Section 11.1.1.A to ensure compliance with this approval.
4. That any exterior light fixtures must comply with ZR Section 8.3 and must be approved by the Zoning Enforcement Officer prior to installation.
5. Any proposed signage shall meet ZR Section 8.4.
6. That this approval will expire in 5 years.
7. _____

Reasons: The proposal conforms to Section 5 and 10.5 of the Zoning Regulations.

Motion to Approve Made by: Robert Taylor _____

Seconded by: Victoria Tchetchet _____

IN FAVOR

IN OPPOSITION

Robert Taylor _____
Victoria Tchetchet _____
Chantal Foster _____
Ken Kearns _____
Bob Ellsworth _____

IN ABSTENTION

Recorded By: Dawn Guite _____

8. ~~Application #22-20: 127 Main Street. Proposed site plan review for a new 2-story 40,850 sq. ft. commercial storage unit building. Application and property of SROA (Storage Rentals of America) 127 Main Street LLC, Map 12, Lot 75, Zone I.~~

RECORDED VOTE

COMMISSION PLANNING & ZONING COMMISSION

~~Site Plan Review, no Public Hearing required.~~
Aaron Mackey, Professional Engineer with **MOTION** Horn, represented the applicant, Storage Rentals of America (SROA), requesting a Site Plan Review for a new 2-story 40,850 sq. ft. commercial storage unit building. Application and property of SROA 127 Main Street LLC, Map 12, Lot 75, Zone I. Spaces would be in front of the building with corresponding striping. There will be 8,000 sq. ft. more of green space that will improve storm water runoff. Drainage will be rerouted to an existing line the currently serves the site. Runoff will go through catch basins at the parking lot. The site plan meets setback requirements. There is existing gas and water onsite.

~~Seconded by: Chantal Foster~~
Chantal Foster, representing the architectural firm, described proposed buildings – metal buildings with exterior installation finish known as ethos. There will be corridors at either side of the building. **IN FAVOR** a main entry with a canopy and an extra set of stairs **IN OPPOSITION** after hours. Design elements are included giving more presence than a plain building. There will be proposed signage facing Main Street which meets zoning requirements.

~~Robert Taylor~~
Victoria Tebets
Jen Kearns
Commissioners are concerned about plantings at the site. The storage facility is the first site seen here off the bridge and the first introduction to Portland. It should be aesthetically pleasing. A Walden seed is being proposed, however, the commissioners would like to see landscaping. Other views will be from the new Brainerd Place and should be comparable to the town's revitalization measures. SROA will consult with its landscape architect for recommendations suitable to the easement for sewage and drainage. **IN ABSTENTION** The Town Engineer and Master Gardener will also be asked to provide recommendations. Amendments to the site plan will be based on reviews from Engineering which should be available for the next meeting including a landscaping plan.

Recorded By: Dawn Guite

9. Old Business:

- Electric Vehicle Charging Stations

According to State statute, any new development with more than 30 parking spots will require that 10 have EV charging stations supporting level 2 electric. It is Public Act 22-25 Section 5. This will potentially add significant costs to any new development. Each charging station costs approximately \$10,000 - \$15,000. With supply chain shortages, one piece of equipment is approximately 40 weeks out and these costs are already inflated. The Governor passed the bill in 2022 so it is already in effect. Regulation change for parking will be added. The State will not offer any rebates.

This item will remain on the agenda.

- Riverfront Overlay Zone

Discussion will continue to decide what is appropriate for various uses. The original RFP committee meeting minutes will be referenced to see what other uses (other than restaurant) can enhance the riverfront area. Other towns will be researched that currently have food truck sites and gastropubs.

7. Staff Report:

- Correspondence

There was no correspondence.

- Brainerd Place Update

Dan Bourret said that he did not have information regarding the ICC but that pouring of concrete will begin soon for the first apartment building.

8. Public Comment: The Commission will hear brief comments at this time from anyone wishing to speak. Comments may not be made regarding any pending application.

There were no public comments.

9. Approval of Minutes: 1/19/2023

MOTION: Robert Taylor MOVED, seconded by Victoria Tchetchet to APPROVE Minutes for 1/19/2023 as PRESENTED. **VOTE UNANIMOUS. MOTION CARRIED.**

10. Adjourn

MOTION: Robert Taylor MOVED, seconded by Chantal Foster to ADJOURN the meeting at 8:33 p.m. **VOTE UNANIMOUS. MOTION CARRIED.**

Respectfully Submitted:

Dawn Guite

Dawn Guite, Recording Secretary

8. Application #22-20: 127 Main Street. Proposed site plan review for a new 2-story 40,850 sq. ft. commercial storage unit building. Application and property of SROA (Storage Rentals of America) 127 Main Street LLC. Map 19, Lot 75. Zone I.

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Commissioners are concerned about plantings at the site. The storage facility is the first site seen coming off the bridge and the first introduction to Portland. It should be aesthetically pleasing. Walden seed is being proposed, however, the commissioners would like to see landscaping. Other views will be from the new Brainerd Place and should be comparable to the town's revitalization measures. SROA will consult with its landscape architect for recommendations suitable to the easement for sewage and drainage. The Town Engineer and Master Gardener will also be asked to provide recommendations. Amendments to the site plan will be based on reviews from Engineering which should be available for the next meeting including a landscaping plan.

RECORDED VOTE

DATE: February 2, 2022

COMMISSION: PLANNING & ZONING COMMISSION

MOTION

To Continue Application #22-20: 127 Main Street. Proposed site plan review for a new 2-story 40,850 sq. ft. commercial storage unit building. Application and property of SROA 127 Main Street LLC. Map 19, Lot 75. Zone I.

Made by: Bob Ellsworth

Seconded by: Chantal Foster

IN FAVOR

IN OPPOSITION

Bob Ellsworth
Chantal Foster
Robert Taylor
Victoria Tchetchet
Ken Kearns

IN ABSTENTION

Recorded By: Dawn Guite