

THE ZONING COMMISSION

Town of New Fairfield
New, Fairfield, CT 06812

**REGULAR MEETING
MINUTES**

Wednesday, April 4, 2018
7:30pm

New Fairfield Library Community Room

Present: Kevin Van Vlack, Vice Chair; John Brown, Joe Letizia, Gary Mummert (Alternate), Steve Hanrahan and Town of New Fairfield Zoning Enforcement Officer Evan White

Absent: John Moran (Chairman)

Alternate Gary Mummert was elevated to a full member for the purpose of this meeting.

Members of the public present: Town Attorney Neil Marcus (Cohen and Wolf), Joe Reilly and Andrew Wagner

1. **Call to Order:** Vice Chairman Kevin Van Vlack called the meeting to order to at 7:32pm.
2. **Public Comment:** None

BUSINESS ITEMS

1. Special Permit SP-18-001; 42 State Route 39-Section 4.1-Business/Commercial-Construct a Retail/Office/Restaurant Commercial Building by HKMQ, LLC Applicant-HKMQ, LLC

Joe Reilly presented the commission with samples of the bricks and siding for the building and the roof for 42 State Route 39. It was noted that there are three entrances to the building.

MOTION: Steve Hanrahan made a motion to accept Special Permit SP-18-001; 42 State Route 39 Section 4.1-Business/Commercial-Construct a Retail/Office/Restaurant Commercial Building by HKMQ, LLC Applicant-HKMQ, LLC. Joe Letizia seconded the motion.

John Brown	yes
Joe Letizia	yes
Steve Hanrahan	yes
Gary Mummert	yes
Kevin Van Vlack	yes

2. Accepting Special Permit SP-18-009; 41 Dick Finn Road 6.4- Excavation, Removal, Filling, and Grading of Earth Material- Applicant is proposing to bring in a large amount of fill to reestablish a low laying area in front of house between road to access attached garage with moderate grade and provide a level front yard. Applicant- Kujtim Shej (Timmy's Masonry) Public Hearing set for Wednesday, May 2nd

3. Site Plan SI-18-007; 42 State Route 39-Section 4.1-Business/Commercial-Applicant proposes to acquire 3,360 sq. ft. of building to build out a Medical Marijuana Dispensary Facility: means a place of business where marijuana may be dispensed or sold to qualifying patients and primary caregivers and for which the Connecticut Department of Consumers Protection has issued a dispensary facility permit to an applicant under the Act and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of the Connecticut State Agencies. (For Medical Marijuana Dispensary Only; No Growing of Marijuana on Location). Applicant Andrew Wagner from Evolution Wellness

Mr. Wagner noted that he is working with Joe Reilly and they have identified this property as being a viable location. They have applied for several locations but ultimately the state will decide where the facility should be located. This facility will operate similar to a pharmacy but will not be open to the general public. There will be a restricted area for employees only. There will be security personnel on staff during operating hours. Safety and security rules are regulated by the state. Notification from the State should be in July or August.

Town Attorney Neil Marcus spoke of the rules and regulations for the Medical Marijuana Dispensary Facility and noted that Connecticut has very strict regulations. He spoke of the Zoning process for building the facility in Bethel, CT.

Zoning Enforcement Officer spoke of the size of the facility and the amount of parking spaces.

MOTION: Gary Mummert made a motion to approve site plan SI-18-007 42 State Route 39-Section 4.1-Business/Commercial-Applicant proposes to acquire 3,360 sq. ft. of building to build out a Medical Marijuana Dispensary Facility as long as they meet State requirements and permits as well as the fire regulations. Joe Letizia seconded the motion.

John Brown	yes
Joe Letizia	yes
Steve Hanrahan	yes
Gary Mummert	yes
Kevin Van Vlack	yes

4. Discussion of Current Zoning Regulations

ZEO Evan White spoke of regulations for nonconforming vacant lots. Attorney Neil Marcus referred to New Fairfield Zoning Regulations spoke of the difference between validated and not validated lots. There was a discussion specifically of R44 and R88 Zoning regulations. Mr. Marcus recommended an amendment to the regulation to accommodate both R-88 and R-44 and possibly Lake Community Zoning. A Public Hearing would be required to change this regulation.

5. Minutes- Tabled until next meeting

6. Enforcement Actions

Evan White spoke of the following Enforcement Actions:

36 and 40 Lavelle Avenue

41 Dick Finn

60 Saw Mill Road

Properties on Vaugh's Neck

Flashing lights at nail salon

7. Adjournment

Steve Hanrahan made a motion to adjourn the meeting at approximately 8:47pm. Joe Letizia seconded the motion - **All in favor**

Respectfully submitted,
Suzanne Kloos