To: Cheshire Planning and Zoning Commission

From: Planning Staff

Re: Proposed Zone Text Amendment to Section 30, Schedule A, Item 58 of the Cheshire Zoning Regulations

Date: April 24, 2020

Proposal

Section 30, Schedule A, Item 58 of the Cheshire Zoning Regulations currently permits the "manufacture, processing, assembling of goods and storage incidental to the primary use as a Special Permit use within the Industrial 1 (I-1) zone and as a Site Plan use in the I-2 zone. Applicants are proposing to add new section "a" which recognizes "breweries, wineries, distilleries and other alcoholic manufacturing facilities as licensed by the State of Connecticut" as the equivalent of other uses in this category and to permit them by Site Plan approval within the Commercial 2 and 3 (C-2 and C-3) districts. No other manufacturing uses are or will be allowed within the C-2 or C-3 zone under this proposal.

The proposed amendment also states that "such facilities may have tasting rooms with food service, full service restaurants, food trucks, delivery services and/or retail sales, and may also be designed to hold events or provide entertainment to their guests." The regulation finally states that the distance requirements of Section 40 (a) of Section 30 shall not apply to such facilities. Section 40 (a) imposes a 2,000 foot separation distance between restaurants and other food service establishments within the industrial zones.

Staff Analysis

Breweries are manufacturing facilities that could now be located within either industrial district. However, the brewing industry no longer relies only upon single use facilities and has evolved to include smaller scale operations which commonly have tasting rooms supported by some type of food service. Many of these facilities have become destinations for recreation and entertainment. They are found throughout the state in many industrial areas as they are ideal adaptive reuse alternatives for older industrial buildings as well as in commercial areas. The amendment also includes a broad range of alcoholic beverage types all of which must be licensed by the state. Staff sees no problem with having the regulation be as flexible as possible.

This amendment seeks to permit such uses in the C-2 and C-3 districts by Site Plan approval which is a logical response to interest that have been expressed commercial areas. We have been approached by small operators who wish to have the ability to locate in these areas, and in locations where such a use may successfully locate within an otherwise underperforming building. Staff sees no downside to this provision.
Finally, the amendment enables the inclusion of "tasting rooms with food service, full service restaurants, food trucks, delivery services, and/or retail sales, and may also be designed to hold events or provide entertainment to their guests, and states that the "distance requirements of Section 40 (a) of Section 30 shall not apply to such facilities." A tasting room would already be viewed as a reasonable and customary accessory use for a brewery, but the inclusion of food would not be permitted under the current regulations. This provision will enable breweries within Cheshire to include all of the things that such facilities have throughout the state. The food service in whatever form is chosen is essential to the operational needs of these facilities. To not include them is a barrier to their ability to come and to function successfully within Cheshire. The specifics on parking for deliveries and/or food trucks will be resolved during the approval process for each facility to eliminate any potential conflicts or safety issues.

As noted, existing Section 40 (a) imposes a 2,000 foot separation distance between restaurants and other food service establishments within the industrial zones, and this regulation eliminates that for breweries. It should be understood that the food service is not the primary function of the facility, but an accessory to the brewery. Also, local restaurants could deliver or increase their take-out to the breweries that may elect that to be the extent of their food service. This is already occurring at facilities around the state.

Staff has reviewed the 2016 Plan of Conservation and Development and finds no conflict with any provision found therein. Staff has no concerns with this application. Comments from the regional agencies are enclosed as is a letter from the Regional Water Authority whose comments will be relevant to any specific proposal that may occur within Aquifer Protection areas or the Mill River watershed.
PETITION FOR A ZONE TEXT CHANGE

In accordance with the General Statutes of the State of Connecticut, the undersigned hereby petitions the Cheshire Planning & Zoning Commission for a text change ( ✓ ) and/or map change ( ) to the Cheshire Zoning Regulations to permit, amend, or delete the following:

For Zone Text Changes:

Indicate pertinent section/paragraph of Zoning Regulation to be changed.

Add new paragraph 58a to Section 30, Schedule A,

Permitted Uses, Text Attached

For Zone Map Changes:

Location of Property: N/A

Assessor’s Map No.(s)

Lot No.(s) Zone

Change from present _______ zone to _______ zone.

Reason for Proposed Text and/or Map Change:

To add a new category of use to Section 30, Schedule A

The following is attached and hereby made part of this petition:

1. For a text change, five (5) copies of the existing and proposed text.

2. For a map change, six (6) copies of a written legal description of the proposed zone boundary and six (6) copies of a map drawn to a scale of not less than 200 feet to the inch, covering the area of the proposed change, and all areas in the Town within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines, and the names and addresses of the current property owners as indicated by the Cheshire Assessor’s records.
3. For a map change, the applicant must submit an **affidavit at least ten (10) days** before the hearing stating that notification has been sent to all abutting property owners (including those across the street). The affidavit shall confirm that the notice was mailed at least **fifteen (15) days prior to the hearing and shall list the names, property addresses and mailing addresses**, if different from property addresses. Notification to property owners shall be in the form of letter or postcard and shall specify the date, time, and place of the public hearing.

4. A base fee of $560.00* and a Public Hearing Fee of $175.00 is payable by check to “Collector, Town of Cheshire” in the amount of $735.00.

*This includes a $60.00 State of Connecticut Fee.

Petitioner’s Name  Counterweight Brewing Company, LLC
(Print or Type)

Petitioner’s Address  23 Raccio Park Road, Hamden, CT 06514

Petitioner’s Signature  _______________________________

Telephone Number  203-821-7333    FAX #:

Owner’s Name  N/A
(Print or Type)

Owner’s Signature  _______________________________

Agent, if other than applicant, to be contacted with regard to this application.

Name  Anthony J. Fazzone, Esq., Fazzone Ryan & Ricciuti, LLC

Address  Two Town Center, Cheshire, CT 06410

Telephone Number  203-250-2222    FAX #  203-250-7388

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This application must be filed in the Planning Office at least seven (7) days prior to the regular Planning & Zoning Commission meeting date.

Disclaimer: Additional information may be required, please contact the Planning Office for complete application packets.
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<th>R-40</th>
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<td>58.</td>
<td>a. Breweries, wineries, distilleries and other alcoholic manufacturing facilities as licensed by the State of Connecticut. Such facilities may have tasting rooms with food service, full service restaurants, food trucks, delivery services and/or retail sales, and may also be designed to hold events or provide entertainment to their guests. The distance requirements of Section 40 (a) of Section 30 shall not apply to such facilities.</td>
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PLANNING DEPARTMENT
TOWN OF CHESTER
64 SOUTH MAIN STREET
CHESTER, CT 06410
April 27, 2020

Planning and Zoning Commission
84 South Main Street
Cheshire, CT 06410

Re: Zone Text Change Amendment
Counterweight Brewing Company, LLC

Dear Commission Members:

The applicant, Counterweight Brewing Company, LLC, currently operates a brewery in Hamden and has outgrown its facilities.

It is proposing the amendment to the Town of Cheshire Zoning Regulations to allow breweries with attendant activities in the Industrial Zones and the C-2 and C-3 Commercial Zones.

As presented, the proposed regulations would allow breweries which are reflective of brewery uses currently in effect in Connecticut.

We believe the proposed use with the associated activities are appropriate to the designated zones.

We will be present at the public hearing to present additional information and answer questions.

Very truly yours,

FAZZONE RYAN & RICCIUTI, LLC

Anthony J. Fazzzone

AJF/vlc

E-mail: afazzzone@fazzoneryan.com

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March 23, 2020

Email and Overnight Courier

Mr. Ronald Walters
Land Management Division
Regional Water Authority
90 Sargent Drive
New Haven, CT 06511

Re: Counterweight Brewing Co., LLC
Zone Text Change Application

Dear Mr. Walters:

Counterweight Brewing Co., LLC has filed a Zone Text Change Application with the Town of Cheshire Planning and Zoning Commission. A copy of the application and the proposed text are enclosed.

The Zone Text Change Application would allow breweries with restaurants, tasting rooms, entertainment and retail sales in the I-1, I-2, C-2 and C-3 zones.

Some areas to which the proposed regulation could apply are within the aquifer protection area and the watershed areas.

It appears that a public hearing would not be held until May, at the earliest.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

FAZZONE RYAN & RICCIUTI, LLC

Attorneys for Counterweight Brewing Co., LLC

By: Anthony J. Fazzone
AJF/lvc
cc: Planning & Zoning Commission
Enclosures
E-mail: afazzone@fazzoneryan.com
March 24, 2020

Mr. William Voelker
Cheshire Town Planner
84 South Main Street
Cheshire CT 06410

Dear Mr. Voelker:

Re: Zone Text Change, Section 30 Schedule A, Breweries and other alcohol manufacturing activities

The Regional Water Authority (RWA) has reviewed the above referenced zone text change. The applicant is requesting breweries and other alcohol manufacturing activities be allowed in the I-1, I-2, C-2, C-3 zone. Portions of these zones are located within the North Cheshire Aquifer Protection Area (APA). Alcohol manufacturing is not a regulated activity in the APA. Our only concern is related to the distribution process. Maintenance of fleet vehicles is a regulated activity. On-site refueling and washing could be conducted using a similar process as Whole Foods and AirGas. Based on the information submitted, we have no objection to the zoning amendment.

Thank you for the opportunity to comment on this application. If you have any questions please contact me at rwalters@rwater.com.

Sincerely,

REGIONAL WATER AUTHORITY

Ronald Walters
Senior Environmental Analyst

cc Mr. Anthony Fazzone
From: Eugene Livshits [mailto:elivshits@scrcog.org]
Sent: Wednesday, April 15, 2020 10:45 AM
To: Voelker, William
Subject: Town of Cheshire Referral

Thank you for submitting the proposed zoning regulation amendment to add new paragraph 58a to Section 30, Sch. A, Permitted Uses. The referral was reviewed by SCRCOG Staff, and it was determined that a review by the Regional Planning Commission is not required for this item. The applicable zoning districts are not within 500 feet of a municipality in the South Central Region.

Best,

Eugene Livshits
Senior Regional Planner
South Central Regional Council of Governments
127 Washington Avenue, 4th Floor West
North Haven, CT 06473
(203) 466-8626
March 26, 2020  (Revised April 8, 2020 to include comment.)

TO: CHESHIRE PLANNING AND ZONING COMMISSION

REPORT ON ZONING REFERRAL Z-2020-24: Proposed zoning regulation amendments pertaining to breweries, wineries, distilleries and other alcoholic manufacturers.

COMMISSIONERS: Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

COMMENT: The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies of neighboring towns. For sites located on a municipal border we recommend that the Town take into consideration the uses across municipal boundaries and that any more limiting/restrictive measures related to traffic management, hours of operation, parking, screening, noise, lighting or signage, particularly for sites bordering residential uses in neighboring towns, be applied so as to mitigate potential impacts across municipal borders.

The public hearing date has been scheduled for 4/13/2020.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. Questions concerning this referral should be directed to Lynne Pike DiSanto.

DISTRIBUTION: Planner: Southington, NVCOG

Respectfully submitted,

Jennifer Bartiss-Earley, Chairman
Regional Planning Commission

Lynne Pike DiSanto, AICP
Principal Planner and Policy Analyst
TO: Planning and Zoning Commission, Town Manager, and Town Planner of Cheshire, Capitol Region Council of Governments, South Central CT Council of Governments, Naugatuck Valley Council of Governments (NVCOG) Regional Planning Commission (RPC) representatives

FROM: Keith D. Rosenfeld, Regional Municipal Planner, NVCOG, 49 Leavenworth Street, Suite 303, Waterbury (203-757-0535)

DATE: March 13, 2020

NVCOG FILE NO.: CHES-18-031220-Z
MUNICIPALITY: Cheshire
DATE OF PUBLIC HEARING: April 13, 2020
TYPE OF REFERRAL: Zoning
APPLICANT: Counterweight Brewing Company, LLC

DESCRIPTION OF PROPOSAL:
The Cheshire Planning and Zoning Commission has received a zone text change petition from Counterweight Brewing Company, LLC to add a new paragraph 58a to Section 30, Sch. A, Permitted Uses.

STAFF RECOMMENDATION:

Staff finds this proposed zoning regulation text amendment to be not regionally significant and have no inter-municipal impacts.

* * * * * * *

This staff recommendation is transmitted as written above unless we receive comments or objections within five days of the time you receive this proposal. If objections cannot be resolved within the scope of the original recommendations, you may submit a reconsideration request to the Regional Planning Commission for further discussion of the findings.

CHES-18-031220-S