

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Meeting Notice
Thursday, August 19, 2021 7:30 PM
Town Hall
14 Park Place, 3rd Floor
Council Chambers*
Vernon, CT

AGENDA

1. **Call to Order & Roll Call by Roland Klee, Chairman**
2. **Administrative Actions/Requests**
 - 2.1 Amendment/Adoption of Agenda - Additional business to be considered under agenda item #7 "Other Business" requires Commission vote
 - 2.3 Approval of the Minutes from the **July 15, 2021**.
3. **New Application(s) for receipt, if any:**
4. **Public Hearing(s) and Action on Applications**
5. **8-24 Referrals, If any**
6. **Other Business/Discussion**
 - 6.1 Municipal Zoning Regulations for Cannabis Establishments
7. **Adjournment**

Roland Klee, Chairman
Planning & Zoning Commission

*Note: This meeting is scheduled to be an in-person, public meeting; no virtual or hybrid participation option is available.

DRAFT MINUTES

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Thursday, July 15, 2021 7:30 PM

VIA ZOOM

DRAFT MINUTES

1. **Call to Order & Roll Call by Susan Reudgen, Vice-Chairperson at 7:30 PM**

- Regular members present: Robin Lockwood, Joseph Miller, Mike Mitchell, Susan Reudgen and Jesse Schoolnik
- Alternate Member: Carl Bard, sitting for Roland Klee
- Absent Members: - Roland Klee and Iris Mullan
- Staff present: George McGregor, Town Planner, Shaun Gately, EDC/Asst. Planner
- Recording secretary: Jill Rocco

2. **Administrative Actions/Requests**

- 2.1 Amendment/Adoption of Agenda - Additional business to be considered under agenda item #7
"Other Business" requires Commission vote

Robin Lockwood **MOVED** to **ADOPT** the agenda as is. Joseph Miller seconded and the motion carried unanimously.

- 2.3 Approval of the Minutes from the **June 17, 2021**.

Robin Lockwood **MOVED** to **APPROVE** the minutes from June 17, 2021. Mike Mitchell seconded and the motion carried with Susan Reudgen abstaining.

3. **New Application(s) for receipt, if any:**

None

4. **Public Hearing(s) and Action on Applications**

None

5. **8-24 Referrals, If any**

None

6. **Other Business/Discussion**

6.1 **2021 CT Legislative Session Land Use related initiatives.**

- Town Planner George McGregor provided a copy of the 2021 Guide to Legislation Impacting Development and Land Use Procedures (found online with the agenda).
- Town Planner George McGregor gave a briefing on 2021 Legislation that was passed.
- Discussion ensued.
- Jesse Schoolnik excused himself from the meeting at 8:14 PM.
- Discussion continued.

7. **Adjournment**

Carl Bard **MOVED** to **ADJOURN** at 8:29 PM. Joseph Miller seconded and the motion carried unanimously.

Jill Rocco
Recording Secretary

Other Business



OFFICE OF THE
TOWN PLANNER
GEORGE K. MCGREGOR, AICP

TOWN OF VERNON

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MEMORANDUM

TO: Town of Vernon Planning & Zoning Commission

FROM: George K. McGregor, AICP

SUBJECT: Municipal zoning regulations related to retail Cannabis establishments: Options

DATE: August 19, 2021

Pursuant to SB 1201, the legislation legalizing (de-criminalizing) the use of certain Cannabis products, municipalities are authorized to enact zoning regulations or ordinances related to cannabis establishments. This memo will focus on summarizing the options for the Planning and Zoning Commission (PZC). This land use is evolving and will continue to change; a flexible approach is necessary. We are learning new things about the industry on a daily basis.

Technically, the legislation creates licensing for a number of cannabis related activities (note that licensing for Producer and Dispensary already exist in CT).

Cultivator; micro-cultivator; retailer; hybrid retailer; product manufacturer; food and beverage manufacturer; product packager; delivery service; transporter.

Although retail locations appear to be the focus of land use discussions in many jurisdictions, any amended ordinance may need to address all available licenses.

If the PZC takes no action to amend the Zoning Regulations, cannabis establishments shall be regulated as similar retail uses would be under today's ordinance, which, according to State officials, for retail might mean similar to how we address alcohol sellers and servers. Micro-cultivators would be treated as industrial uses, etc...

The municipality may **amend** the Zoning Regulations to address the sale (or other licensing) of cannabis by:

- Prohibiting the use outright in the Town
- Allowing the use in certain select zoning districts
- Establishing a review process (Special Permit, for instance)

- Introducing separation requirements (x feet from a school, for instance) much like alcohol establishments
- Dictating hours, signage, site design, security, or other elements

The PZC may choose, subject to legal guidance, to enact a moratorium on any approvals, for a period of time, in order to collect information, perform research, and consider relevant data, prior to the amendment process. It is understood that retail establishments will not be allowed until the spring of 2022 and at a local rate of no more than one retail establishment for every 25,000 residents (for Vernon we understand that to mean a *maximum* of 2 retail and 2 micro-cultivator locations/licenses). There are no caps for the other listed establishments.

Let's start with working definitions:

- **Cannabis Establishment:** a producer, dispensary, manufacturer, retailer, packager, or delivery service for cannabis products
- **Cultivator:** a large grower with an establishment greater than 15,000 square feet of grow space
- **Micro-Cultivator:** a small grower with grow space between 2,000 and 10,000 square feet
- **Retailer:** a seller of cannabis to all categories of consumers
- **Hybrid Retailer:** a seller of both medical marijuana and retail cannabis
- **Food and Beverage Manufacturer:** Utilization of cannabis to produce food and beverages (edibles, for instance)
- **Delivery Service:** delivery of cannabis products

Land Use Characteristics of Cannabis Establishments

Land Use impacts and characteristics should be viewed similarly to any use proposed in the Town of Vernon. For most Planning & Zoning Commission applications those characteristics include (but are not limited to) such elements as traffic, architectural design, noise, odor, signage, public safety, economic development, and health. As always, it is the weighing and balancing of those characteristics which plays a critical role in decision making.

This memorandum acknowledges the potential public health indicators associated with cannabis legalization. However, the zoning ordinance is a regulatory tool for land use decision-making. Therefore, this paper focuses on land use.

For Retail Cannabis, this use appears to function quite similarly to other retail establishments such as convenience stores, liquor stores, drug stores, and other consumer driven outlets: Customers arrive, park, purchase, depart. Some states have reported traffic issues (center on demand) in the first month or so of retail operations, eventually dissipating over time to more normal intensity.

For cultivators and micro-cultivators (indoor), the use appears characteristic of manufacturing and processing operations. There does not appear to be extra-ordinary land use effects of these establishments. There are anecdotal reports about odor, especially related to processing operations. Some jurisdictions are conditioning carbon scrubbers or other air filtration devices to address this.

Land Use Approaches for Retail Cannabis Establishments

The 2021 legislation allows municipalities to enact certain zoning regulations and ordinances for retail sales of a cannabis product to consumers. Except for the silent option, any changes will require public notification and a public hearing. Following the Town of Vernon zoning framework, the options include:

1. The PZC could take no specific action (silent approach) related to retail cannabis. Here, retail cannabis would be regulated as similar retail establishments such as in the Commercial zoning district where section 4.9.4.11 indicates a Special Permit Use consistent with Section 17 (Special Regulations) is required. Section 17 includes review criteria such as compatibility with neighboring land uses and whether a use will create a nuisance. In the alternative, the PZC could amend the ordinance, adding certain cannabis establishments to select districts.
2. The PZC can amend the zoning ordinance to prohibit cannabis establishments.
3. The PZC can permit, via the special permit process--with added considerations for separation from certain other uses (schools, for instance) or perhaps other conditions related to signage, hours of operation, site considerations, etc...One option here would be to address the retail Cannabis use similar to how the current ordinance considers the sale of alcoholic beverages which includes a proscribed separating distance from seller to seller (3,000 feet); server to server (2,000 feet); seller/server to a public institution (1,000 feet or 2,000 feet from a high school).

Using the alcoholic beverage separation concept, attached to the memo is a map, intended for conversation, showing estimated various distances from public schools (1,000 feet, 3,000 feet, 5,000 feet). Separation from schools appears to be a common method of regulation and a rational approach to minimizing potential interactions with underage citizens. This concept map should be helpful in beginning (it is not intended as a specific proposal) to determine what areas would then be available for retail cannabis locations.

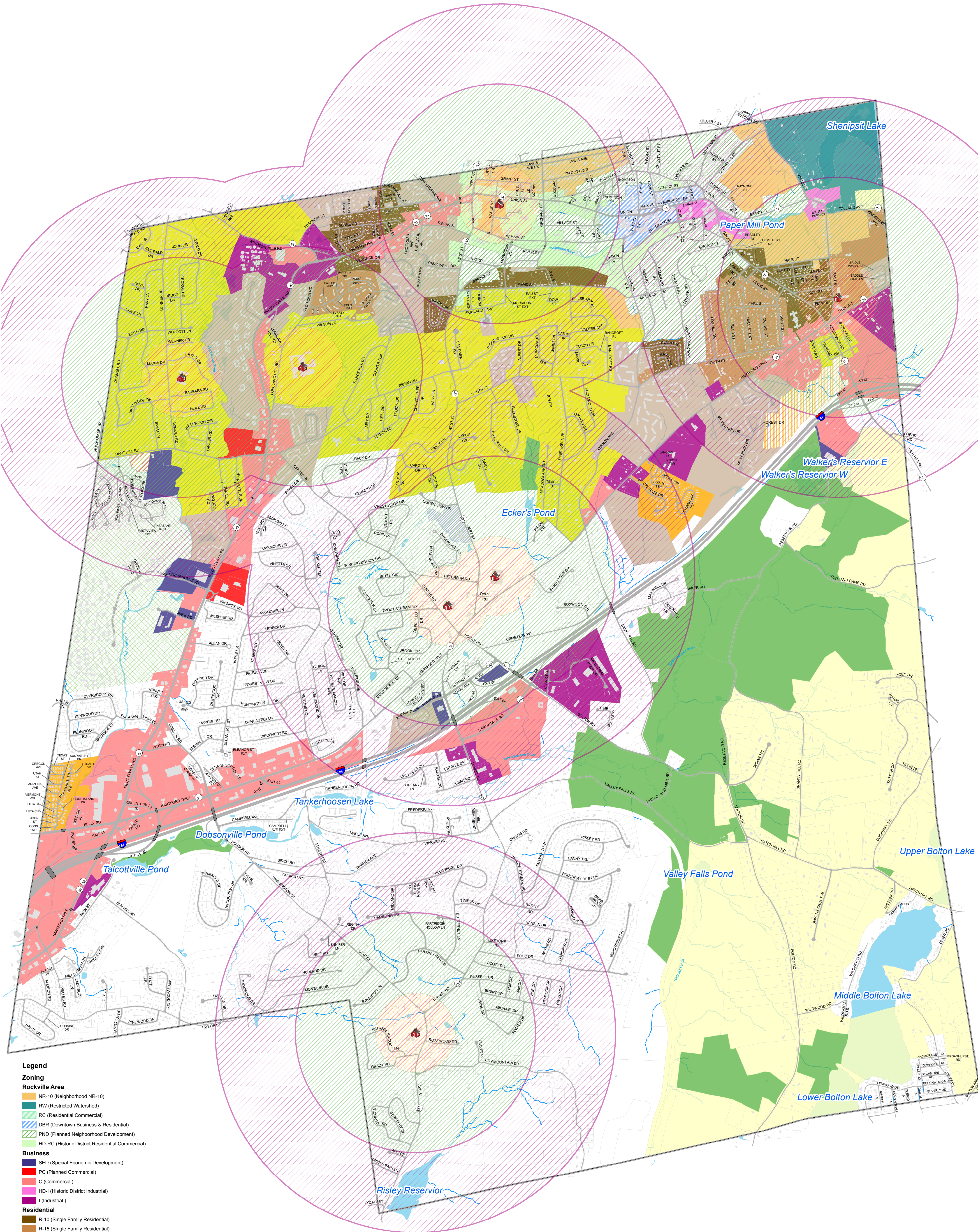
4. The above is intended to include all types of licenses selling cannabis to the consuming public (hybrid, cultivator with sales, dispensary, etc...).

Land Use Approaches for Other Cannabis Establishments

For the non-retail licensing establishments such as producer, food and beverage manufacturer, cultivator, micro-cultivator, etc...much of the above options also apply.

Next Steps

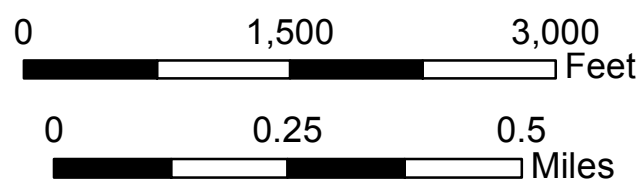
The PZC should strive for consensus direction in order for Staff and Legal Advisors to draft the appropriate ordinances. Any amendment to the zoning ordinance will require a public hearing (a temporary moratorium is also considered an amendment).



- Legend**
- Zoning**
- Rockville Area**
- NR-10 (Neighborhood NR-10)
 - RW (Restricted Watershed)
 - RC (Residential Commercial)
 - DBR (Downtown Business & Residential)
 - PND (Planned Neighborhood Development)
 - HD-RC (Historic District Residential Commercial)
- Business**
- SED (Special Economic Development)
 - PC (Planned Commercial)
 - C (Commercial)
 - HD-I (Historic District Industrial)
 - I (Industrial)
- Residential**
- R-10 (Single Family Residential)
 - R-15 (Single Family Residential)
 - R-22 (Single Family Residential)
 - R-27 (Single Family Residential)
 - R-40 (Single Family Residential)
 - PRD (Planned Residential Development)
 - MHP (Mobile Home Parks)
- Other**
- PDZ-EXT 67 (I-84 Exit 67 Area)
 - CMFDZ (Comprehensive Multi-Family Dwelling Zone)
 - Open Space
 - PDZ (Planned Development Zone Gerber Farm)
 - SFZ-GZ (Special Floating Zone - Garden Zone)

- Legend**
- Schools
 - 1000
 - 3000
 - 5000
 - Buildings
 - Property Lines

School Buffer Town of Vernon



This map was created by the
Town of Vernon GIS Dept
Date: 7/18/2021

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