



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Planning and Community Development

Memorandum

FROM: George K. McGregor, AICP, Director

TO: Town of Simsbury Zoning Commission

CC: Maria Capriola, Town Manager
Robert DeCrescenzo, Town Attorney

DATE: January 18, 2023

SUBJECT: ZC 22-32, Cannabis Text Amendment-Legal & Process Update

At your regular meeting on January 4, 2023, the Commission closed the public hearing on the above reference and forwarded it to the January 18, 2023 meeting for discussion, deliberation, and potential action.

Subsequent to this action, the Board of Selectmen (BOS), at its January 10, 2023, directed Town Staff to prepare a Town Ordinance prohibiting Retail Cannabis sales in the Town for a period of 18 months. The public hearing on this ordinance is planned for February 13, 2023. The BOS took no action on Manufacturing, Cultivation, Processing, and other non-retail uses.

The BOS action (if approved) will supersede any action related to Retail Cannabis taken by the Zoning Commission. Legally, the Commission could not adopt a zoning text amendment permitting the sale of retail cannabis.

Staff has reviewed this matter with the Town Attorney and offers the following for consideration:

1. The Commission may continue work on the draft elements **NOT** related to retail: Manufacturing, Cultivation, Processing, etc. If the Commission takes no action on manufacturing or manufacturing related uses, they would be considered by right in the Industrial Zoning Districts (I-1, I-2).
2. The Commission could revise the text amendment related to retail in the Town regulations by inserting retail cannabis as “not permitted” in all of the commercial zoning districts. If the prohibition expires or is otherwise lifted by the BOS, then an affirmative text amendment process with new public hearing would be required. The current draft already prohibits all cannabis uses in the Center Zone and the Hartford Simsbury Code.
3. The Commission could defer action on the retail component to a future date; since no time constraints exist for an amendment initiated by the Commission, the Public Hearing would technically remain valid and no new public hearing would be required. However, after more than 18 months, new public hearing would be timelier.

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Facsimile (860) 658-3206

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