



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Office of Planning & Community Development

TO: Zoning Commission

FROM: George K. McGregor, AICP, Planning Director

DATE: November 21, 2022

SUBJECT: Staff Report: ZC 22-32 Cannabis Establishments

Introduction

Pursuant to Public Act 21-1, the legislation legalizing (de-criminalizing) the use of certain cannabis products, municipalities are now authorized to enact zoning regulations or ordinances related to cannabis establishments. In the absence of local regulation or ordinance, the legislation requires that cannabis establishments be treated as other similar uses are in the local regulations (retail cannabis as retail; cannabis facilities for manufacturing as industrial).

The Zoning Commission adopted a temporary and limited moratorium on cannabis establishments effective November 8, 2021, expiring first on November 8, 2022, then extended to May 8, 2023 in order to provide the necessary time to develop a local regulatory approach to regulating these types of establishments. A moratorium means that no new cannabis uses shall be permitted during the time period the moratorium is in effect.

Although retail locations appear to be the focus of local land use discussions in many municipalities, the legislation does create a licensing scheme for a number of cannabis related activities: cultivator, micro-cultivator, retailer, hybrid-retailer, product manufacturer, food and beverage manufacturer, product packager, delivery service, and transporter. On May 26, 2022, the Governor signed a bill (PA 22-103) removing the density cap limits for municipalities.

Medical Marijuana and Simsbury

In 2013, Simsbury amended the Zoning Regulations to permit medical marijuana dispensaries: allowing a maximum of two by Special Exception in the B-1, B-2, and B-3 districts. Medical marijuana production facilities are also permitted by Special Exception in the I-1 and I-2 districts.

Definitions

As part of the moratoria adoption, the zoning regulations have been amended to include the definitions as contained in the State law. If the Commission approves cannabis related uses, Staff recommends moving those definitions from Section 2.6 to Section 17.4.

Municipal Approaches

The following chart compares how *select* Connecticut municipalities are addressing cannabis establishments:

Municipality	Retail Cannabis	Notes
Avon	Prohibited	Via Zoning Regulation
Canton	Permitted	Special Exception
Farmington	Permitted	
West Hartford	Permitted	Adopted by Ordinance
Manchester	Permitted	Special Exception
Glastonbury	Moratorium	
Vernon	Permitted	Special Permit
Newington	Permitted	Special Exception
Bloomfield	Permitted	Special Exception
Granby	Moratorium	
Suffield	Permitted	Special Exception

Land Use Impacts

Cities and Towns taking an affirmative approach are amending their regulations to allow cannabis retailers by special permit/special exception in primary commercial districts, with some added criteria related to things like submission requirements, hours of operation, traffic review, and in some cases, separating distances from certain land uses. The approach to cannabis production (cultivators et. al.) appears more varied, with some allowing by site plan/by right; others by special permit/special exception in Industrial areas.

For retail cannabis, the use appears to function quite similarly to other retail establishments such as convenience stores, package stores, and other consumer-driven outlets: customers arrive, park, purchase, depart. Some places have reported acute traffic issues in the first month or so of a new opening, returning to a brisk, yet retail-familiar pattern over time. Thus, for cannabis, typical land use review characteristics apply: traffic, architectural design, noise, odor, signage, etc.

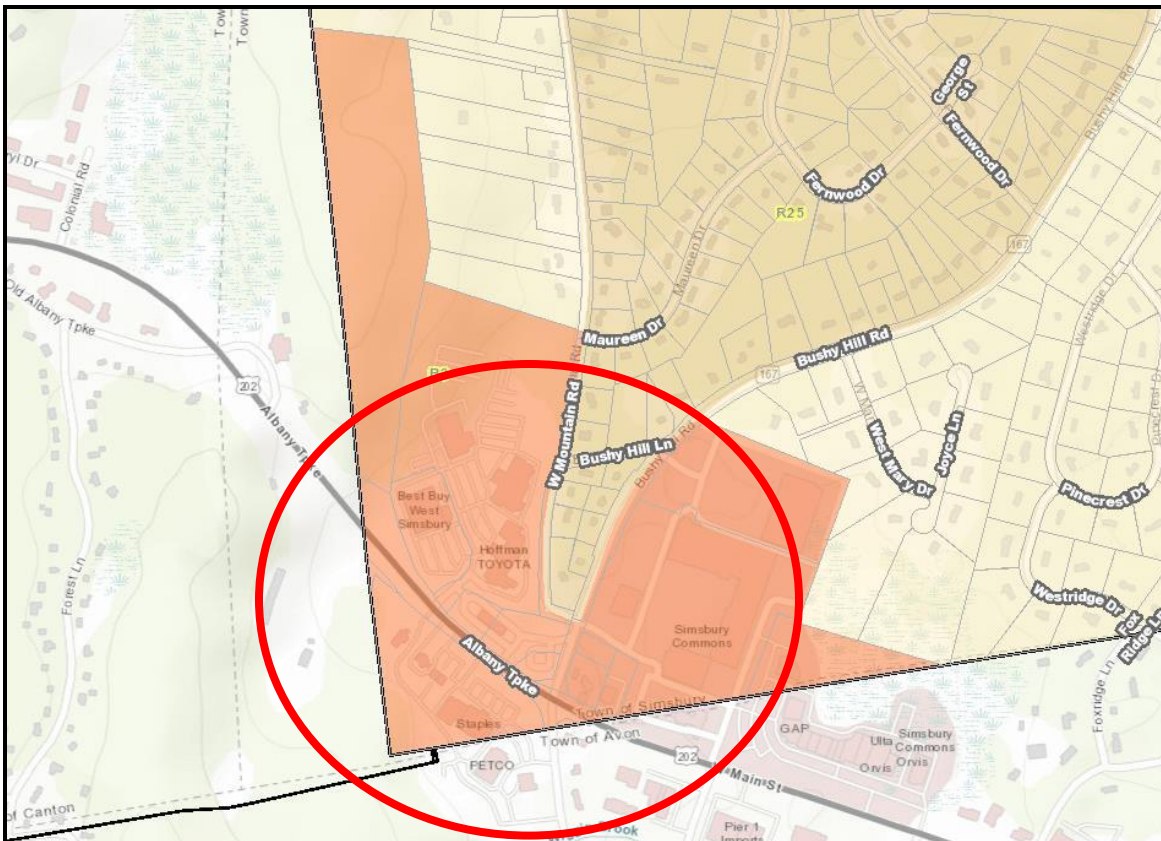
For cultivators, micro cultivators, and other productions-related cannabis uses, the use is most similar to standard manufacturing and industrial operations. There are some anecdotal reports of odor related to processing operations, often resolved through the use of carbon scrubbers and other air filtration devices.

Zoning Commission Activity

The Zoning Commission began work on developing a zoning framework for retail cannabis establishments on June 6, 2022. Subsequent discussion ensued at the July 18 and September 19 regular meetings. The Commission settled on the following direction:

1. Retail Cannabis. Amend the Zoning Regulations to permit retail cannabis establishments through the special exception process in the B-3 Zoning District within 1500 feet of the intersection of Route 167 (Bush Hill Rd. and Route 44). This would require a special exception (public notice and public hearing) on each individual request and is consistent with the customary local practice for uses such as alcohol sales, convenience stores, and restaurants. Other retail stores and personal service uses are allowed as a matter of right. The Commission set a cap of one retail establishment.

Map Showing Approximately 1,500 ft. from Intersection of Rt. 167 and Rt. 44



This approach would prohibit retail cannabis anywhere else in the Town of Simsbury. The use would not be permitted in the Center Zone nor the Hartford-Simsbury Code.

This intersection in the southwest corner of Town is zoned B-3 and is characterized by a concentration of retail and other commercial uses and is located on one of the region's primary commercial corridors.

The special exception review process requires a public hearing. The Zoning Commission is responsible for the review and consideration of any request based on such standards as:

- Orderly development
- Property values
- Public safety
- Traffic
- Landscaping and buffers
- Relationship and impact on utilities and community facilities.

2. Cannabis Manufacturing and Production. Amend the Zoning Regulations to permit Cannabis Manufacturing and related uses (packaging, transport, cultivation) through the special exception process in the I1 and or I2 districts. Most uses permitted in the industrial districts in Simsbury are permitted as a matter right, upon site plan review. In contrast, medical marijuana facilities are required to go through the special exception process. The Commission may want to consider additional language to address the existing Curaleaf facility on Hopmeadow St. so as to ensure the use maintains its legal zoning status.

Included in the application packet is a summary of the zoning framework and the strike through text amendment for each of the three zoning regulations in Simsbury.

Public Hearing

After November 21, 2022, the Zoning Commission could choose to close the public hearing and act on November 21 or at a future meeting. The Commission could continue the public hearing to their next regular meeting on December 5 or to a future date.

Public comments received in writing or in person at the hearings are a part of the public record and may be used to revise, extend, or amend the publicized draft text amendment. Written comments received prior to the publication of this document have been submitted to the Zoning Commission as part of the public record.

Actions by Others

It should be noted that under the State legislation, the Board of Selectmen may address the issue of Cannabis independent of the Zoning Commission. Further, the law also authorizes a referendum process by citizen petition to place the question of cannabis on a future general election ballot. The Board of Selectmen has scheduled a public comment session for November 28, 2022. Please note that this is independent and unrelated to the Zoning Commission process.

Municipal Cannabis Tax

The legislation imposes a 3% municipal sales tax on the gross receipts from cannabis by a retailer, hybrid retailer, or micro-cultivator. The tax may be used for:

- Streetscape improvements and other neighborhood developments
- Education or youth employment training programs (youth services)
- Services for individuals in DOC custody, probation, or parole
- Mental health or addiction services

- Community civic engagement efforts
- The amount of tax generation is to be determined.

Draft Motion(s)

The Zoning Commission moves to continue the public hearing on ZC 22-32, Cannabis establishment text Amendment, at its regular meeting on December 5, 2022.