

FROM: Planning and Zoning Commission, Town of Prospect

Rosalyn Moffo (203) 758-4461

DATE: June 17, 2021

RE: NOTICE OF DECISION

PROSPECT PLANNING & ZONING COMMISSION NOTICE OF DECISION:

The following action was taken at a virtual meeting of the Prospect Planning & Zoning Commission held virtually on Wednesday, June 16, 2021

a. Proposed Changes – Cannabis Establishments:

Zoning Regulations Section 2.2 Definitions

“Cannabis Establishment” means a producer, dispensary, facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager or delivery service, all as defined in the Responsible and Equitable Regulation of Adult Use of Cannabis Act

Zoning Regulations Prohibited Uses

New Section 10.1.3 “Cannabis Establishments” as defined in the Responsible and Equitable Regulation of Adult – Use Cannabis Act

APPROVED: Amended to Zoning Regulations Prohibited Use

Effective Date: June 17, 2021

b. Section 4.8 Commercial Garages, Gasoline Filling & Service Stations

4.8.1 The erection, conversion or alteration of any premises for use as a commercial garage, service station or filling station shall be allowed only by Special Permit issued by the Planning and Zoning Commission. The operation of such facilities will be allowed dependent upon adherence to restrictions assigned by permit and will include as a minimum.

APPROVED: Elimination of Section 4.8.1.1 in its entirety

4.8.1.1 No part of the lot or building shall be situated within a five hundred (500) foot radius of any part of a lot used for a school, public playground, hospital, church, theater, youth club, public library or building used for public assemblies.

Effective Date: June 17, 2021

Questions or concerns on the above decision may be directed to the Land Use Office in the Prospect Town Hall, 36 Center Street, Prospect.

E. Gil Graveline, Chairman

**Planning & Zoning Commission
Minutes of Motion
June 16, 2021
Virtual Meeting**

Chairman Graveline called the meeting to order at 7:01 p.m.

A roll call for attendance was taken by Land Use Inspector, Mary Barton.

Via Online: G. Graveline, A. Havican, M. Dreher, B. Albert, J. Crumb @ 7:05, R. Russell S. Duffany, J. Kollcinaku

Members Absent: None

Also, in Attendance: Mary Barton Land Use Inspector; Rosalyn Moffo, PZC Clerk; Mayor Chatfield, Mark Gustaferrri; John Muratori, Applicant; Bob Molnar & Lucia Venditti; David & Kimberly Iannatuoni; Tom & Irva DellaValle; Eric Meade; John Pinto; Rich Blanc, Scott & Brenda Martin

MOTIONS:

Approval of Minutes:

Motion made by A. Havican, seconded by M. Dreher to approve the minutes of 6/2/2021. **Unanimous.**

Public Hearing:

Motion made by A. Havican, seconded by S. Duffany to close the public hearing of 6/16/2021 for
1) Proposed Changes – **Cannabis Establishments:** Zoning Regulations Section 2.2 Definitions and **Zoning Regulations Prohibited Uses New Section 10.1.3** “Cannabis Establishments” as defined in the Responsible and Equitable Regulation of Adult – Use Cannabis Act; 2) **Section 4.8 Commercial Garages, Gasoline Filling & Service Stations:** Proposed Change: **Eliminate Section 4.8.1.1** in its entirety.
Unanimous.

Motion made by S. Duffany, seconded by M. Dreher to approve as presented the amendments to the Zoning Regulations: **Cannabis Establishments:** Zoning Regulations Section 2.2 Definitions and Zoning Regulations - **Prohibited Uses New Section 10.1.3 “Cannabis Establishments”** as defined in the Responsible and Equitable Regulation of Adult – Use Cannabis Act; 2) **Section 4.8 Commercial Garages, Gasoline Filling & Service Stations:** **Eliminate Section 4.8.1.1** in its entirety.
Unanimous. Effective Date: June 17, 2021.

Land Use Inspector’s Report:

Motion made by S. Duffany, seconded by R. Russell to place the Land Use Inspector’s Report on file.
Unanimous.

Adjournment:

Motion made by A. Havican, seconded S. Duffany to adjourn the meeting. **Unanimous.** The meeting adjourned @ 8:58 p.m.

Respectfully submitted,

Rosalyn Moffo
PZC Clerk

RESOLUTION TO PROHIBIT CANNABIS ESTABLISHMENTS
WITHIN THE TOWN OF PROSPECT

Zoning Regulation Amendments

Article 2 Section 2.2 Definitions

Article 10 Section Prohibited Uses New Section 10.1.3

Applicant: Prospect Planning and Zoning Commission

Date of Approval: June 16, 2021

Date of Notice: June 17, 2021

RESOLVED TO APPROVE request for Zoning Regulation amendment revisions to Article 2 Section 2.2 Definitions and Article 10 Prohibited Uses New Section 10.1.3.

Whereas, The Prospect Planning & Zoning Commission submitted the application for a Zoning Regulation amendment revisions to Article 2 Section 2.2 Definitions and Article 10 Prohibited Uses New Section 10.1.3

Whereas, The proposed Zoning Regulation amendments are in accordance with the Town of Prospect Plan of Conservation and Development effective February 1, 2014 which is an advisory plan including recommendations for future development, land uses and location of public improvements

Whereas: The proposed Zoning Regulation amendments are in accordance with the Town's comprehensive plan. The comprehensive plan is a general plan to control and direct the use and development of property by dividing it into zoning districts according to the present and potential use of properties. The comprehensive plan includes the zoning regulations and zoning map.

Whereas, Senate Bill 888 ("SB 888"), referred to as the "Responsible and Equitable Regulation of Adult-Use Cannabis Act" or "RERACA", was recently approved by the Connecticut Legislature and signed into law by Governor Edward M. Lamont; and

Whereas, SB 888 is comprehensive, detailed and lengthy legislation that legalizes marijuana (cannabis) use in Connecticut and authorizes the establishment of various cannabis businesses as defined in Section 1(6) thereof (“Cannabis Establishments”); and

Whereas, under the current version of the Town of Prospect Zoning Regulations (the “Zoning Regulations”), Cannabis Establishments, as defined in SB 888, are not permitted uses and therefore are prohibited; and

Whereas, pursuant to Section 83(b) of SB 888, unless this Commission amends the Zoning Regulations on or before July 1, 2021 to specifically prohibit Cannabis Establishments, such establishments “shall be zoned as if for any other similar use, other than a cannabis establishment, would be zoned;” and

Whereas, unless this Commission prohibits Cannabis Establishments on or before July 1, 2021, Section 83(b) will override the Zoning Regulations’ current prohibition of such businesses as of that date; and

Whereas, prohibiting Cannabis Establishments will maintain the status quo while allowing time for the Commission to: 1) study and understand the many aspects of SB 888; 2) research and evaluate the benefits of Cannabis Establishments as well as the potential negative impacts they may have on the Town of Prospect; and 3) provide residents with an opportunity to be heard regarding their views on how the Zoning Regulations should address Cannabis Establishments; and

Whereas, the Commission has considered a moratorium on Cannabis Establishment applications as an alternative to a prohibition; and

Whereas, the Commission has determined that a prohibition is preferable due to various disadvantages of a moratorium, including but not limited to: 1) if the Commission needs additional time to study the issues after the moratorium expires, the Commission must complete the entire zoning regulation amendment process again to extend the moratorium; and 2) any inadvertent untimeliness or unexpected delay in extending a moratorium or adopting amendments to the Zoning Regulations after expiration of the moratorium could result in a situation where SB 888 overrides the Zoning Regulations for a period of time; and

Whereas, if someone were to submit an application for a Cannabis Establishment use during such period of unintentional override of the Zoning Regulations, the Commission could be obligated to approve the application even though the Commission may have determined it intends to prohibit the proposed use or may still be evaluating whether to do so.

Now therefore; it is hereby resolved that:

1) Zoning Regulations Section 2.2 "Definitions" is amended to add the following new definition:

"Cannabis Establishment" means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager or delivery service, all as defined in the Responsible and Equitable Regulation of Adult Use of Cannabis Act; and

2) Regulations Article 10 "Prohibited Uses" is amended to include a new Section 10. 1.3 as follows:

10.1.3. "Cannabis Establishments" as defined in the Responsible and Equitable Regulation of Adult-Use Cannabis Act. The effective date of this amendment will be June 17,2021