

**MEMORANDUM**

To: Shelley Caltagirone, Director of Planning and Land Use Services

From: Richard J. Johnson, Town Manager

Date: January 13, 2023

**Re: Town Council Action – Building Zone Regulations – Cannabis Moratorium**

At its meeting of Tuesday, January 10, 2023, the Council referred this subject to the Commission for a report and recommendation. Specifically, to extend the 18-month moratorium on cannabis establishments an additional 3 months. The current amendment (copy attached) was adopted on August 11, 2021 and amended on March 8, 2022. The 18 months ends March 1st and the thought is to extend to June 1st to allow additional time for Commission and Council review and action. A Council public hearing on the proposed amendment is scheduled for the January 24th meeting. A report and recommendation at the Commission's January 17th meeting will be appreciated.

RJJ/sal  
Attachment



# Town of Glastonbury

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Richard J. Johnson  
Town Manager

ITEM #5(B)  
01-10-2023 Meeting

January 6, 2023

The Glastonbury Town Council  
2155 Main Street  
Glastonbury, CT 06033

**Re: Building Zone Regulations – Moratorium on Cannabis Establishments**

Dear Council Members:

By Council action in August of 2021, Section 3.27 of the Building Zone Regulations was enacted to establish a Temporary and Limited Moratorium on Cannabis Establishments. This initial action was amended by Council in March of 2022. The Moratorium was established at 18 months effective September 1, 2021 through March 1, 2023. The proposal is to amend Section 3.27 to extend the Moratorium an additional three months through June 1, 2023. This will provide the time required for the Town Plan and Zoning Commission and Council to complete its full review of this matter.

The following is provided for Council consideration on Tuesday evening:

*"BE IT RESOLVED, the Glastonbury Town Council hereby refers to the Town Plan and Zoning Commission proposed amendment to Building Zone Regulations Section 3.27, 12(d) to extend the Temporary and Limited Moratorium on Cannabis Establishments through June 1, 2023 and schedules a public hearing for 8:00 p.m. on Tuesday, January 24 or February 14, 2023 in the Council Chambers of Town Hall, 2155 Main Street, Glastonbury and/or through Zoom Video Conferencing to consider the proposed amendment, as described in a report by the Town Manager dated January 6, 2023."*

Sincerely,

Richard J. Johnson  
Town Manager

RJJ/sal

### **3.21 Commercial Radio And Television Towers**

Commercial radio, television and other transmitting or relay antenna towers, when permitted, shall be set back from all abutting streets and adjacent property a distance of not less than one and one-half (1 1/2) times the height of the tower.

### **3.22 Airports**

Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities or airport zoning, which is not part of any airport, shall be so developed as not to endanger safe flight conditions to and from an established airport. This provision is supplemental to any adopted airport zoning plan or ordinance.

### **3.23 Voting Place**

The provisions of these Regulations shall be so construed as not to interfere with the temporary use of any premises as a voting place in connection with a municipal, state or federal election, referendum or primary.

### **3.24 Approval Of Subdivision Plans**

No proposed plan of a new subdivision or resubdivision shall hereafter be approved unless the lots within such plan equal or exceed the minimum area, yards and lot coverage requirements set forth in the various zones of these Regulations, except as may otherwise be specifically provided in Section 6.7 of these Regulations and except that in the case of a subdivision or resubdivision of a parcel of land containing five (5) acres or more, where the slope of the parcel, the topography or other natural features prevent the best subdivision in strict conformity with such lot size requirements, the Town Plan and Zoning Commission may, at its discretion, permit the reduction to not less than eighty (80%) percent of the minimum lot size requirement for such zone or not more than ten (10%) percent of the lots in such subdivision or resubdivision, provided that it shall find that such reduction will have not detrimental effect on the appropriate residential use of the land within the subdivision or on the general character of the surrounding area and will not significantly impair health, safety, general welfare, property values or future land use or road layouts.

### **3.25 Stream Belt Protection**

REPEALED EFFECTIVE APRIL 20, 1989. Refer to Inland/Wetland Regulation.

### **3.26 Dual Zoned Property: Flood Zone And Other Zone**

When a lot or parcel contains land partially designated Flood Zone and partially any other zone listed in Section 1.1 of the Building Zone Regulations (PAD Zone excluded); that area designated Flood Zone may be counted or utilized in order to satisfy the lot area, lot frontage, lot coverage, front yard, side yard, rear yard and open space requirements of the zone where development is to occur. New residential construction on a lot or parcel, which also contains Flood Zone, shall not be permitted within the Flood Zone and shall have the lowest habitable floor elevated to or above the 500 year Flood elevations. (See Section 4.11.6.b). Development (see definition in Section 4.11.2 of the Building Zone Regulations) within Flood Zone areas is permitted only in accordance with Section 4.11 of the Building Zone Regulations. EFFECTIVE OCTOBER 28, 1983.

### **3.27 Cannabis Establishments Temporary and Limited Moratorium**

- a) Statement of Purpose. This section has been adopted to provide the Zoning Authority with the time necessary to consider adoption of potential changes to the Zoning Regulations pursuant to Section 8-2 of the Connecticut General Statutes and the Act. Said Public Act contains provisions allowing municipalities to prohibit or place reasonable restrictions on cannabis establishments. This temporary and limited term moratorium has been adopted to provide the Town with the time necessary to develop regulations for

cannabis establishments that meet statutory requirements and promote the public's general health, safety and welfare or develop regulations prohibiting the establishing of cannabis establishments.

b) Definitions. For the purposes of this section, the following terms are defined as:

1. "Cannabis" means marijuana as defined in Section 21a-240, C.G.S.

2. "Cannabis Establishment" means " means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter.

3. "Cultivator" means a person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.

4. "Food and Beverage Manufacturer" means a person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.

5. "Grow space" means the portion of a premises owned and controlled by a producer, cultivator or micro-cultivator that is utilized for the cultivation, growing or propagation of the cannabis plant, and contains cannabis plants in an active stage of growth, measured starting from the outermost wall of the room containing cannabis plants and continuing around the outside of the room. "Grow space" does not include space used to cure, process, store harvested cannabis or manufacture cannabis once the cannabis has been harvested.

6. "Hybrid Retailer" means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

7. "Micro-cultivator" means a person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner.

8. "Person" means an individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

9. "Product Manufacturer" means a person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type.

10. "Product Packager" means a person that is licensed to package and label cannabis.

11. "Retailer" means a person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers to sell cannabis to consumers and research programs.

12. "Sale" or "sell" has the same meaning as provided in section 21a-240 of the Connecticut General Statutes.

c) Applicability. During this temporary and limited-term moratorium, cannabis establishments shall be prohibited in the Town of Glastonbury and no applications shall be approved by the Town Plan and Zoning Commission or the Office of Community Development to establish a cannabis establishment.

**EFFECTIVE March 28, 2022**

d) Effective Date/Term. This temporary and limited moratorium shall become effective on September 1, 2021 and shall remain in effect for a period of 18 months until March 1, 2023.

**Effective September 1, 2021**

**Section 3.28 Fees for Third Party Technical Review**

The Council and/or Commission, within their respective jurisdiction of review, may commission additional technical assistance in evaluating any application submitted hereunder, or a modification to an existing application or permit, if the Council or Commission determines that such assistance is necessary to make an informed decision on an application and the expertise required to review any aspect of the application is outside of the expertise of Town staff. The entire fee for such services shall be borne by the applicant and paid in accordance with Town ordinances relating to application fees.

Upon completion of the technical review and determination of the cost, all fees for any technical services required shall be paid in full before the application is acted on by the Town Plan and Zoning Commission or Council as the case may be.

**Effective November 25, 2022**