To: Regional Planning Commission
From: Eugene Livshits, Senior Regional Planner
Subject: Thursday, October 14, 2021 RPC Meeting at 5:15pm at SCRCOG, 127 Washington Ave, 4th Floor West, North Haven, CT 06473

NOTICE: The October 14, 2021 RPC meeting will be held in-person (Mask Required) at the SCRCOG Offices. A remote option is available via: https://us02web.zoom.us/j/86113308884

1. Administration
   1.1. Minutes of the July 8, 2021 RPC Meeting
   1.2. Summary of the August 12, 2021 Meeting

2. Action Items

3. Other Business

The agenda and attachments for this meeting are available on our website at www.scrcog.org. Please contact SCRCOG at (203) 234-7555 for a copy of agenda in a language other than English. Auxiliary aids/services and limited English proficiency translators will be provided with two week’s notice.

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Senior Regional Planner
Subject: Minutes for Thursday, July 8, 2021 Meeting

Present: Jeffrey Kohan (remote), Charles Andres, Kevin Curry (remote), Tricia Mase, Andrew Skolnick, William Long, Andy Cirioli, Eugene Livshits

The meeting was held in-person at the SCRCOG, 127 Washington Ave, 4th FL West, North Haven, CT with a remote option available via Zoom.

1 Administration

1.1 Minutes of the May 13, 2021 RPC meeting. Motion to accept the minutes as presented: Kevin Curry. Second: Andrew Skolnick. Vote: Unanimous.

2 Statutory Referrals

2.1 City of New Haven: Proposed Zoning Ordinance Amendments and Zoning Map amendment pertaining to the addition of an Inclusionary Zoning Policy, and Inclusionary Zoning Overlay Map

By resolution, the RPC has determined that the proposed zoning and map amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Andrew Skolnick. Second: Kevin Curry. Vote: Unanimous.

2.2 City of Meriden: Proposed Zoning Regulation Amendment to Section 213-56 (Signs)

By resolution, the RPC has determined that the proposed zoning regulation amendment does not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Tricia Mase. Second: Andrew Skolnick. Vote: Unanimous. Recuse: Kevin Curry

2.3 Town of Wallingford: Proposed Zoning Regulation Amendment pertaining to out-patient small animal surgical facilities

By resolution, the RPC has determined that the proposed zoning regulation amendment does not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Kevin Curry. Second: Tricia Mase. Vote: Unanimous. Recuse: Jeffrey Kohan

3 Other Business

Motion to Adjourn: Andrew Skolnick. Second: Tricia Mase. Vote: Unanimous.
To: Regional Planning Commission  
From: Eugene Livshits, Senior Regional Planner  
Subject: Summary of Thursday, August 12, 2021 Meeting  

Present: Jeffrey Kohan, Andrew Skolnick, Ted Stevens, William Long, Robert Satti, Andy Cirioli, Eugene Livshits

The meeting was held in-person at the SCRCOG, 127 Washington Ave, 4th FL West, North Haven, CT with a remote option available via Zoom.

The Regional Planning Commission Meeting on August 12, 2021 did not have a quorum. The referrals were reviewed by consensus of the members present.

1 Administration  
1.1 Minutes of the July 8, 2021 RPC meeting. The approval of minutes meeting will be presented during the next scheduled RPC Meeting.

2 Statutory Referrals  
2.1 Town of Wallingford: Proposed Zoning Regulation Amendments pertaining to Cannabis Establishments

Although there was not an official quorum at the meeting, by consensus of the members present, the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

2.2 Town of Southington: Proposed Zoning Regulation Amendment pertaining to Recreational Cannabis/Marijuana

Although there was not an official quorum at the meeting, by consensus of the members present, the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

2.3 Town of Durham: Proposed Zoning Regulation Amendment pertaining to Temporary and Limited Moratorium on Cannabis Establishments

Although there was not an official quorum at the meeting, by consensus of the members present, the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

2.4 City of Meriden: Proposed Zoning Regulation Amendments pertaining to Cannabis Retail and Hybrid Retail establishments

Although there was not an official quorum at the meeting, by consensus of the members present, the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound. The RPC does recommend defining the terms “Cannabis Retail and Hybrid Retail Establishments” within the proposed regulations.

2.5 Town of Woodbridge: Proposed Zoning Regulation Amendments pertaining to Opportunity Housing

Although there was not an official quorum at the meeting, by consensus of the members present, the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

3 Other Business
Referral 2.1: Town of Wallingford

Subject:

Proposed Zoning Regulation Amendments pertaining to Data Centers

Staff Recommendation:

The proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The Town of Wallingford has proposed Zoning Regulation Amendments to add Data Centers as a use. The Data Centers would be permitted via Special Permit in the Industrial Expansion and Interchange Districts. The parking requirement for the proposed use is 1 space for each employee at peak shift.

The regulations require a Sound and Vibration Impact Analysis for Data Centers with accessory electrical substations. In addition, any mechanical equipment will need to screened to minimize visibility from adjacent roads and properties. Specific details of the proposed standards can be reviewed in the Agenda Packet.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.
TO:    [X] Eugene Livshits - South Central Regional Council of Governments
       [ ] Keith Rosenfeld - Naugatuck Valley Council of Governments

FROM: Kevin J. Pagini, Town Planner

Pursuant to the provisions of Section 8-3b of the General Statutes of Connecticut, as amended, the following proposed application is referred to the Regional Agency to review and report on:

[X] Proposed subdivision located within 500 feet of another Naugatuck Valley Municipality

[x] Adoption or Amendment of ZONING REGULATIONS affecting the use of a zone located within 500 feet of a South Central Regional COG municipality (see attached proposed text amendment concerning "Addition of Data Centers as an allowed use by Special Permit in the Industrial Expansion (IX) and Interchange (I-5) Districts"

The change was originally requested:

[X] by municipal agency (PZC)
[ ] by petition

Public hearing has been scheduled for: 10-13-21

[ ] Legal Notice
[ ] Map of proposed subdivision
[ ] Supporting statements, site map
[X] Text of proposed amendment

Other: See current Zoning Regulations and Zoning Map on Town Web Site under Planning and Zoning Department.

www.wallingford.ct.us

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 Kevin J. Pagini, Town Planner

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Wallingford Town Hall
45 South Main Street
Wallingford, CT
Phone: (203) 294-2090 Fax: (203) 294-2095
Proposed Text Amendment to the Town of Wallingford Zoning Regulations to add Data Centers as an allowed use by Special Permit in the Industrial Expansion (IX) and Interchange (I-5) Districts:

Add definition to Section 2.2 – Specific Terms

**Data Center** - A use involving a building/premises primarily occupied by computers, computer servers and/or telecommunications equipment along with any related use, including supporting equipment, where electronic information is processed, transferred and/or stored.

Add proposed new section 4.9.C.5 to Industrial Expansion (IX) District with the following language:

5. Data Centers with accessory electrical substations:

a. Submission of a Sound and Vibration Impact Analysis containing detailed information concerning all activity, equipment and machinery associated with the use, sound and vibration levels resulting from such activity, equipment or machinery as well as all measures, including but not limited to those of a structural and/or nonstructural-related nature, necessary to mitigate noise and vibration and to ensure that the noise to be emitted from the proposed development does not substantially raise the established baseline environmental noise level, emit harmful sounds (i.e. infrasound) or create vibration levels to a degree that would adversely affect the neighboring properties.

(1) In all cases in which the Commission determines that a peer review of the applicant's noise and vibration impact analysis is warranted, the applicant shall be required to pay the Town for the cost of the peer review. This payment shall be made to the Town prior to the peer reviewer beginning their work.

(2) The Sound and Vibration Impact Analysis shall include establishing an environmental baseline using ambient noise of the existing conditions, potential noise impacts and mitigation, if required. Seasonal scenarios and hours of the proposed use shall also be considered during the analysis.

b. Screening of Mechanical Equipment. In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical equipment shall be screened. This screening may be provided by a principal building. Mechanical equipment not screened by a principal building shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Notwithstanding the requirements of this section, mechanical equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the Commission, shall not be required to be screened.

c. In addition to the requirements of Section 6.14 and Section 4.9.F.3, where any side/rear yard abutting property located within a non-industrial zoning district is not developed with commercial or industrial uses, the minimum side and rear yard setback shall be dictated by the
Sound and Vibration Impact Analysis and shall in no case be less than 150 feet and shall include a 100-foot wide landscaped or natural open space buffer with an earthen berm at least 6 feet in height with a grade no steeper than 3:1. The top of the berm must be horizontal (level), with the width equal to at least three (3'-o") feet. The landscaping must be comprised of grass or meadow mix; with no trees or shrubs that could potentially affect the long-term integrity of the berm. Evergreen or native trees must also be planted every 10 linear feet along the outside edge of the berm to provide extra screening for residential properties. All substations shall be properly screened with evergreen trees not to exceed 10 feet in height. All substations shall also be surrounded by fencing; all fencing shall be designed to withstand ice/wind loading. All substations must be located a minimum of 400 feet from a residential property or residential zoning district.

Add proposed new section 4.10.C.6 to Interchange (I-5) District with the following language:

6. Data Centers with accessory electrical substations:

a. Submission of a Sound and Vibration Impact Analysis containing detailed information concerning all activity, equipment and machinery associated with the use, sound and vibration levels resulting from such activity, equipment or machinery as well as all measures, including but not limited to those of a structural and/or nonstructural-related nature, necessary to mitigate noise and vibration and to ensure that the noise to be emitted from the proposed development does not substantially raise the established baseline environmental noise level, emit harmful sounds (i.e. infrasound) or create vibration levels to a degree that would adversely affect the neighboring properties.

(1) In all cases in which the Commission determines that a peer review of the applicant’s noise and vibration impact analysis is warranted, the applicant shall be required to pay the Town for the cost of the peer review. This payment shall be made to the Town prior to the peer reviewer beginning their work.

(2) The Sound and Vibration Impact Analysis shall include establishing an environmental baseline using ambient noise of the existing conditions, potential noise impacts and mitigation, if required. Seasonal scenarios and hours of the proposed use shall also be considered during the analysis.

b. Screening of Mechanical Equipment. In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical equipment shall be screened. This screening may be provided by a principal building. Mechanical equipment not screened by a principal building shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Notwithstanding the requirements of this section, mechanical equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the Commission, shall not be required to be screened.

c. In addition to the requirements of Section 6.14 and Section 4.9.F.3, where any side/rear yard abutting property located within a non-industrial zoning district is not developed with commercial or industrial uses, the minimum side and rear yard setback shall be dictated by the Sound and Vibration Impact Analysis and shall in no case be less than 150 feet and shall include a 100-foot wide landscaped or natural open space buffer with an earthen berm at least 6 feet in
height with a grade no steeper than 3:1. The top of the berm must be horizontal (level), with the width equal to at least three (3'-0") feet. The landscaping must be comprised of grass or meadow mix; with no trees or shrubs that could potentially affect the long-term integrity of the berm. Evergreen or native trees must also be planted every 10 linear feet along the outside edge of the berm to provide extra screening for residential properties. All substations shall be properly screened with evergreen trees not to exceed 10 feet in height. All substations shall also be surrounded by fencing; all fencing shall be designed to withstand ice/wind loading. All substations must be located a minimum of 400 feet from a residential property or residential zoning district.

Add parking requirement for Data Centers under 6.11.C as follows:

Data centers 1 parking space for each employee at peak shift
Referral 2.2: Town of Orange

Subject:

Proposed Zoning Regulation Amendments pertaining to Cannabis Establishments/Distributors

Staff Recommendation:

The proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The Town of Orange has proposed three separate petitions pertaining to cannabis establishments/distributers. The first petition prohibits the use, the second petition allows the use via Special Permit in the C-1 and C-2 Zoning Districts, the third petition is a moratorium on any applications pertaining to cannabis establishments/distributers.

The petition to allow the use via special permit establishes several restrictions. The standards prohibit outside storage on a site where the establishment is located, the products cannot be visible from the exterior of the building, and it must be in a fixed location within a fully enclosed building. There is a 1,500 ft distance requirement from places of worship or schools, or in a building which contains a residence or a mixed use building (commercial and residential uses). Additional proposed standards/requirements include hours of operation, access, signage, ventilation/odor, security. Specific standards can be reviewed within the Agenda Packet.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.
PETITION TO AMEND THE ORANGE ZONING REGULATIONS-Submitted upon the initiative of the Town of Orange Planning and Zoning Commission. To prohibit cannabis establishments/distributors from all zoning districts within the Town of Orange.

PETITION TO AMEND THE ORANGE ZONING REGULATIONS-Submitted upon the initiative of the Town of Orange Planning and Zoning Commission. To allow cannabis establishments/distributors in the C-1 and C-2 zoning districts by special use permit.

PETITION TO AMEND THE ORANGE ZONING REGULATIONS-Submitted upon the initiative of the Town of Orange Planning and Zoning Commission. To install a Moratorium on any applications to permit cannabis establishments/distributors in the Town of Orange. The expiration date of said Moratorium will be October 19, 2022 or the effective date of associated newly adopted zoning regulations.

Dear Mr. Livshits:

In accordance with the Connecticut General Statutes, enclosed for your review is the above referenced Petition. The tentative public hearing date on these Petitions are October 5, 2021. A Copy of the Existing Regulation & Proposed Amendment is attached. An electronic copy with attachments was also sent to you.

If you have any questions, please contact me at 203-891-4746.
Enclosures
cc:  TPZC Members
     V. Marino, Esq.
     J. Zeoli, First Selectman

Very truly yours,

Jack Demirjian,
Zoning Administrator & Enforcement Officer
TOWN OF ORANGE PLAN AND ZONING COMMISSION

TEMPORARY AND LIMITED MORATORIUM

PROPOSED ZONING REGULATIONS TEXT AMENDMENT

Cannabis Establishments, Medical Marijuana Producers, Dispensary Facilities, and/or Retail/Distribution

Add Regulation as follows:

Cannabis Establishments and Medical Marijuana Dispensaries and Producers: The Orange Plan and Zoning Commission shall not accept or consider any application to permit the establishment of a Cannabis Establishment as defined below or for Medical Marijuana Producers, Dispensary Facilities, and/or Retail/Distribution as defined in §21a-408 and §21a-408-1 to 21a-408-70 of the Connecticut General Statutes for a period of twelve (12) months commencing from the effective date of October __, 2021. All such uses shall be prohibited in all zoning districts within the Town of Orange. The moratorium is to allow the Plan and Zoning Commission sufficient time to review the “State of Connecticut Regulation of the Department of Consumer Protection concerning Palliative Use of Marijuana” and the “June 2021 Connecticut Public Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (Public Act 21-1, Senate Bill No. 1201)” in order to consider the adoption of potential changes to the Zoning Regulations pursuant to §8-2 of the Connecticut General Statutes and Section 383-210 of the Orange Zoning Regulations. The expiration date of said Moratorium will be October 1, 2022 or the effective date of associated newly adopted zoning regulations whichever is sooner.

Cannabis shall mean marijuana, as defined in §21a-240 of the Connecticut General Statutes.

Cannabis establishment shall mean a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter as defined in the June 2021 Connecticut Public Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (Public Act 21-1, Senate Bill No. 1201).
Add the following language to Article I:

383-19.1 Subject to the regulations contained herein, Cannabis Establishments are permitted in the Commercial C-1 and C-2 Districts only and are prohibited in all other districts now existing or hereafter constituted.
3. Amend zoning regulations to add:

§ 383-143.5. Special standards for cannabis establishments.

In order to balance the various interests and manage the effects cannabis establishments have on adjacent land uses and to promote the public health, safety, and general welfare of the town, the Commission adopts the following special standards, recognizing that it has a great interest in the present and future character of the town’s commercial zones.

As provided for in §383-42H and §383-50I, cannabis establishments in the C1 and C2 zones shall conform to the following standards:

A. Definitions. The definitions contained in SB 1201, Section 1, as the same may be amended from time to time, are incorporated herein by reference as if fully restated herein.

B. Operating Regulations.

i. A cannabis establishment shall be located only in a fixed permanent location within a fully enclosed building and not within any mobile vehicle or facility.

ii. No products sold by a cannabis establishment shall be visible from the exterior of the building.

iii. No outside storage shall be permitted on a site where a cannabis establishment is located.

iv. Unlicensed cannabis establishments are prohibited from being located or operating in any zoning district.

v. All activities related to a cannabis establishment shall be conducted within the building, except as otherwise authorized by SB 1201.

C. Location.

i. No cannabis establishment may be located or operate within 1,500 feet of a place of worship or school, whether public or parochial existing before the date of the cannabis establishment application, or in a building which contains a residence or a mixed-use building with commercial and residential uses.

ii. A cannabis establishment lawfully operating in conformity with the zoning regulations does not violate this section if a place of worship or school, whether public or parochial, subsequently locates within 1,500 feet of the cannabis establishment.

iii. For purposes of this section, measurements shall be made in a straight line in all directions, without regard to intervening structures
or objects, from the nearest point on the property line of a parcel containing a cannabis establishment to the nearest point on the property containing a use listed in §383-143.5 (B).

D. **Hours of Operation.** The days and hours of operation of a cannabis establishment shall be the same as those established for the sale of alcoholic liquor established by Conn. Gen. Stat. §30-91, as the same may be amended from time to time.

E. **Access.** No cannabis establishment is permitted to use or provide a drive-through service.

F. **Signage.** All signage shall conform to the requirements of Article XIX of the zoning regulations. The Commission may impose additional restrictions on signage as appropriate to mitigate any aesthetic impacts.

G. **Ventilation/Odor.** A cannabis establishment shall install odor control technology, as necessary, in order to control ventilation at the establishment in such a manner that no odor from marijuana cultivation, its processing or the manufacturing of products, or any on-site use can be detected by a person with an unimpaired and otherwise normal sense of smell, to be determined by the Building Inspector or his designee, at any adjoining property. The Operator shall properly maintain all odor mitigation equipment to ensure maximum efficiency.

H. **Security.** The applicant shall submit a security plan to the Orange Police Chief to demonstrate that there is limited burden on the Town public safety officials as a result of the proposed cannabis establishment. The security plan shall include all security measures for the site and for transportation of cannabis and cannabis products to and from off-site premises to ensure the safety of employees and the public and to protect the premises from theft or other criminal activity. A letter from the Police Chief acknowledging receipt and approval of such a security plan shall be submitted as part of the application and/or site plan review. A cannabis establishment shall provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and location of cultivation of cannabis product is adequately secured in enclosed, locked facilities. Safety plans should mitigate any potential harm to the employees and the public including ensuring all customers and employees are at least 21 years of age.

I. **Application Requirements.** In addition to all other requirements for special use applications, an application for a cannabis establishment shall contain the following information:
   
i. **Description of Activities.** a narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of
cannabis products, on-site sales, off-site deliveries, distribution of education materials, and other programs or activities.

ii. **Context Map.** A map identifying the location of the proposed cannabis establishment and the locations of all public and parochial schools and places of worship with measured distances provided to demonstrate compliance with the standards of §383-143.5C.

iii. **Site Plan.** A plan or plans depicting all existing and proposed development on the property, including dimensions of buildings, the detailed layout of automobile and bicycle parking, the location of pedestrian, bicycle and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and any landscape design.

iv. **Building Elevations and Signage.** Architectural drawings of all exterior facades and all proposed signage, specifying materials and colors to be used. Perspective drawings and illustrations of the site from public ways and abutting properties.

v. **Traffic Report.** An analysis prepared by a qualified licensed professional modeling the expected origin and frequency of customer and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site.

vi. **Logistics Plan.** A plan identifying the on-site or off-site locations where deliveries will take place and a narrative describing how deliveries to the site, loading and other service functions will be conducted.

vii. **License or Registration Materials.** Copies of all materials submitted to the applicable state agency for purposes of licensing and/or registration, or any certification or license issued by such state agency.

J. **Special Use Criteria.** In granting an application for a cannabis establishment as a special use, in addition to the general considerations and standards for special uses, the Commission shall find that the following criteria are met:

i. the site is designed such that it provides convenient, safe and secure access and egress for customers and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.
ii. On-site loading, refuse and service are designed to be secure and shielded from abutting users.

iii. The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building’s interior.

iv. Traffic generated by customer and employee trips, and deliveries to and from the cannabis establishment shall not create a substantial adverse impact on other businesses and property owners in the vicinity.

K. Limitations on cannabis establishments. The number of cannabis establishments that can locate within the Town of Orange shall be no greater than the number authorized by SB 1201, as the same may be amended from time to time.

L. Nuisance. A cannabis establishment shall be managed in a manner to protect against nuisance conditions in parking areas, sidewalks, streets and areas surrounding the premises and at adjacent properties. “Nuisance” includes, but is not limited to disturbances of the peace, open public consumption of cannabis, pedestrian or vehicular queuing that results in obstruction of sidewalks or public ways, littering, loitering, illegal parking, loud or sustained noises, disturbing lighting or citations for violations of State or local traffic laws and regulations.

M. Compliance with Laws. All cannabis establishments shall:

i. be in compliance with SB 1201, as the same may be amended from time to time. If the state adopts stricter regulation governing cannabis establishments than that set forth herein, the stricter regulation shall control the establishment or operation of any cannabis establishment within the Town of Orange.

ii. remain in compliance with applicable federal, state, and local laws and building codes (including but not limited to, the prevailing building, plumbing, electrical, mechanical, fuel gas, and fire code).

iii. maintain all required state licenses and/or registrations and complying with all applicable state and local health regulations and all other applicable laws, rules and regulations at all times.

N. A special permit issued pursuant to the zoning regulations shall be valid only for the licensed or registered entity to which the special permit was issued, and only for the site on which the cannabis establishment has been authorized by special permit.
O. **Severability.** The provisions of this regulation are severable. If any provision of this regulation or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application.

P. **Effective Date.** This regulation shall become effective fifteen (15) days following its publication in a newspaper having general circulation in the Town of Orange.
Referral 2.3: City of Meriden

Subject:

Proposed Zoning Regulation Amendments pertaining to Cannabis Micro-Cultivator

Staff Recommendation:

The proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The City of Meriden has proposed zoning regulation amendments to permit cannabis micro-cultivator within the M-2 and M-3 Industrial Districts via Special Exception.

The proposed standards prohibit window advertising signage, require an odor control plan as part of the application process. There is distance requirement that micro-cultivators are located a minimum 250 ft from a residential structure.

The maximum permitted micro-cultivators are subject to the license cap outlined in Public Act 21-1.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.
PROPOSED ZONING REGULATION AMENDMENT
FOR CANNABIS MICRO-CULTIVATOR
Submitted 9/29/21

Chapter 213, Zoning, Article VI Industrial Districts
213-30 M-2 Industrial District  B. Permitted uses

>Add the following:

(3) Uses permitted subject to the issuance of a provisional special exception by the Planning Commission in accordance with the requirements of § 213-73.1:

(a) Cannabis Micro-cultivator, as defined in The Responsible and Equitable Regulation of Adult-Use Cannabis Act ("RERACA") Public Act 21-1 / Senate Bill 1201 as amended, subject to the following additional requirements:

1. Visibility: Window advertising signage is prohibited.

2. Distance Requirements: All Micro-cultivators shall be located so that the building is at least 250' from a residential structure.

3. The applicant shall provide an Odor Control plan as part of their application. In addition, the applicant may be required to provide additional odor control measures if offensive odors are perceived on a residentially zoned property.

Chapter 213, Zoning, Article VI Industrial Districts
213-31 M-3 Industrial District  B. Permitted uses.

>Add the following:

(3) Uses permitted subject to the issuance of a provisional special exception by the Planning Commission in accordance with the requirements of § 213-73.1:

(a) Cannabis Micro-cultivator, as defined in The Responsible and Equitable Regulation of Adult-Use Cannabis Act ("RERACA") Public Act 21-1 / Senate Bill 1201 as amended, subject to the following additional requirements:

1. Visibility: Window advertising signage is prohibited.

2. Distance Requirements: All Micro-cultivators shall be located so that the building is at least 250' from a residential structure.

3. The applicant shall provide an Odor Control plan as part of their application. In addition, the applicant may be required to provide additional odor control measures if offensive odors are perceived on a residentially zoned property.
Chapter 213, Zoning, Article XI, Site Plan Approval
Section 213-73.1 Provisional special exceptions

Purpose. The provisional special exceptions process is intended to ensure that the City of Meriden is compliant with zoning approvals for establishments licensed pursuant to Public Act 21-1. Section 213-73 A through J of the regulations are hereby incorporated into this section. In any conflict between sections 213-73 and 213-73.1, the provisions of 213-73.1 shall prevail.

...section 1 omitted for display purposes only...

2 Application for Final Special Exception
Applications will be filed with the Planning Department and may be granted only upon verification of the applicant’s status as an approved provisional licensee by the State of Connecticut Department of Consumer Protection (DCP). Administrative final special exception certification will be provided in the following manner.

...Item a through d omitted for display purposes only...

Add the following:

e. The maximum permitted micro-cultivators under this section is subject to the license cap outlined in Public Act 21-1, one (1) establishment per 25,000 residents of the City through June 30, 2024. Once the maximum number is reached, no further Final Special Exception certifications may be approved.