

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

**RPC
Representatives**

Bethany:
Alex Hutchinson

Branford:
Charles Andres
(Chair)

East Haven:
Vacant

Guilford:
Sean Cosgrove

Hamden:
Jay Cruickshank

Madison:
Carol Snow

Meriden:
Kevin Curry
(Vice-Chair)

Milford:
Robert Satti
(Executive Committee)

New Haven:
Vacant

North Branford:
Tricia Mase
(Executive Committee)

North Haven:
Theresa Ranciato-
Viele
(Executive Committee)

Orange:
Tom Torrenti

Wallingford:
Jeffrey Kohan
(Executive Committee)

West Haven:
Kathleen Hendricks

Woodbridge:
Andrew Skolnick
(Secretary)

To: Regional Planning Commission
From: Benjamin Lovejoy, Director of Regional Planner
Subject: RPC Meeting – Thursday, December 8, 2022 at 5:15pm

NOTICE: This is a hybrid meeting with in-person attendance at the SCRCOG Office and remote access via Zoom.

Office Location: 127 Washington Avenue, 4th Floor West, North Haven, CT 06473
Zoom: <https://us02web.zoom.us/j/86113308884>

1. Administration

- 1.1. Minutes of the November 10, 2022 RPC Meeting **3**
- 1.2. 2023 Meeting Schedule **5**

2. Action Items

- 2.1. Town of Woodbridge: Proposed 14-Lot Subdivision at 10 and 14 Merritt Avenue. Received: November 8, 2022. Public Hearing: January 3, 2023. **6***
- 2.2. City of Milford: Proposed Amendment #22-10 to Article III, Section 3.1.1.7 Accessory Apartments. Received November 15, 2022. Public Hearing TBD **8**
- 2.3. Town of Madison: Proposed Text Amendment Moratorium Extension on Retail Cannabis Establishments. Received November, 28, 2022. Public Hearing: December 15, 2022 **14**
- 2.4. Town of Cheshire: Proposed Text Amendment to Extend Limited Moratorium on Cannabis Establishments for an Additional 6 Months. Received: November 18, 2022. Public Hearing: December 12, 2022 **18**
- 2.5. Town of Prospect: Proposed Text Amendment Section 3.1 Uses by District, Article 5 Accessory Use in Residential Zones Section 5.2.2 & 5.2.2.2 and Article 2 General Provisions Section 2.2. Received November 21, 2022. Public Hearing Start Date December 7, 2022. **27**

3. Other Business

- 3.1 Regional Program Updates
- 3.2 Director's Report
- 3.3 Nominating Committee

**Packet attached separately*

South Central Regional Council of Governments

127 Washington Avenue, 4th Floor West, North Haven, CT 06473

www.scrkog.org T (203) 234-7555 F (203) 234-9850 rpc@scrkog.org

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

The agenda and attachments for this meeting are available on our website at www.scrcoq.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.

La Agenda y Adjuntos para esta reunión están disponibles en nuestro sitio web en www.scrcoq.org. Favor en contactar con SCRCOG al (203) 234-7555 para obtener una copia de la Agenda en un idioma distinto al Inglés. Ayudas/servicios auxiliares e intérpretes para personas de Dominio Limitado del Inglés serán proporcionados con dos semanas de aviso.

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SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

DRAFT – Not yet approved by the Commission

MEETING MINUTES

The meeting of the Regional Planning Commission (RPC) was held on Thursday, November 10, 2022 at 5:15 p.m. at the SCRCOG Office and on Zoom.

Presiding: Charles Andres, Chair

Voting Members Present: Alex Hutchinson, Charles Andres, Jay Cruickshank, Carol Snow, Kevin Curry, Robert Satti, Theresa Ranciato-Viele, Tom Torrenti, Andrew Skolnick

Non-Voting Members Present: Laura Brown

Staff Present: Joshua Petro

1. Administration

1.1. *Minutes of the October 13, 2022 RPC Meeting*

Motion to accept the minutes as presented: Tom Torrenti. Second: Andrew Skolnick. Abstain: Carol Snow, Robert Satti, Theresa Ranciato-Viele.
Vote: Unanimous.

2. Statutory Referrals

2.1. *Town of Hamden: ADU Regulations Amendment. Received: October 14, 2022. Public Hearing: November 15, 2022.*

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 does there appear to be any impact to the habitat or ecosystem of the Long Island Sound.

Motion: Andrew Skolnick. Second: Kevin Curry. Abstain: Jay Cruickshank.
Vote: Unanimous.

2.2. *Town of Branford: Proposed Amendments Concerning Alternative Energy as Part of Sec. 6: Basic Standards. Received: October 17, 2022. Public Hearing: N/A.*

By resolution, the RPC has determined that the proposed zoning regulation amendment does not appear to cause any negative inter-municipal impact to the towns in the South Central Region nor does there appear to be any impact to the

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

committee member elections to take place in January and the following year's meeting schedule.

Land Use Planning: A meeting was called by Rebecca Augur from the Office of Policy and Management (OPM) last week to discuss the land use training program that will become mandatory for land use officials in Connecticut as of the first of January 2023 pursuant to PA 21-29. The role of the COGs appears as if it will be mainly to raise awareness of training opportunities.

New Haven's First Special Permit for a Cannabis Establishment: Laura Brown provided commentary on New Haven's experience. There was some local opposition based on the location of certain facilities including a basketball court and a school. The special permit passed with a 3-1 vote.

Elections: Voting happens annually at the January meeting. Officers traditionally serve two years in their position, but this is not a requirement. Being in regular attendance is the greatest task of the executive committee.

Next Year's Meeting Schedule: A schedule has been drafted. Joshua Petro will distribute the draft for the Commission to review. It appears to not have any major conflicts with holidays or other observances.

Motion to adjourn.

Motion: Tom Torrenti. **Second:** Andrew Skolnick. **Vote:** Unanimous.



SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS

Planning for Our Region's Future

Bethany Branford East Haven Guilford Hamden Madison Meriden Milford
New Haven North Branford North Haven Orange Wallingford West Haven Woodbridge

Carl J. Amento, Executive Director

**Regional Planning Commission (RPC)
2023 MEETING SCHEDULE**

The South Central Connecticut Regional Planning Commission meets the second Thursday of every month at 5:15 PM, unless notified otherwise. The RPC Agendas will be posted a week prior to the meeting.

The meetings shall be held in the SCRCOG offices at 127 Washington Ave, North Haven with opportunities to participate remotely.

January 12, 2023	August 10, 2023
February 9, 2023	September 14, 2023
March 9, 2023	October 12, 2023
April 13, 2023	November 9, 2023
May 11, 2023	December 14, 2023
June 8, 2023	January 11, 2023
July 13, 2023	



SCRCOG

SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS

Planning for Our Region's Future

South Central Regional Planning Commission (RPC): Referral Submission Form

SCRCOG is required to be given notice by certified mail, return receipt requested thirty days before the public hearing for Zoning Amendments (Regulations, Map) and Subdivision Applications (see below for applicability). Notice can be sent by email, instead of certified mail, per the requirement of the Connecticut General Statutes (CGS) 8-3b, 8-26b. Amendments/Update to the Municipal Plan of Conservation and Development are required to be submitted to SCRCOG at least 65 days before the public hearing, per CGS 8-23.

Municipality: Woodbridge	Date Sent: 11/8/2022	Public Hearing Date: January 3, 2023
Subject: 15 Lot Subdivision		
Referral is From (Select one):	<input checked="" type="checkbox"/> Private Applicant – Applicant Name:	
	<input checked="" type="checkbox"/> Town/City Planning Department or the Planning and Zoning Commission	
Preferred Municipal Contact for this Referral:		
Name: Kristine Sullivan	Phone Number: 203-389-3406	Email: ksullivan@woodbridgect.org

Statutory Responsibility (Select Below):	
<input type="checkbox"/>	Application involves a proposed Zoning Regulation Amendment that affects the use of a zone within 500 feet of a municipality in the South Central Region
<input type="checkbox"/>	Application involves a proposed Zoning Map Amendment that affects the use of a zone within 500 feet of a municipality in the South Central Region
<input checked="" type="checkbox"/>	Application involves a Subdivision of Land, which will abut or include land in two or more Municipalities
<input type="checkbox"/>	Application involves an Amendment and/or Update to a Municipal Plan of Conservation and Development (POCD)
<input type="checkbox"/>	Applicant requests a voluntary RPC review for informational purposes only; an RPC resolution is not necessary

Process (Select Below): The communication should be addressed to SCRCOG, Re: RPC Referral	
<input type="checkbox"/>	Material sent via "Certified Mail - Return Receipt Requested" to SCRCOG, 127 Washington Avenue, 4th Floor West, North Haven, CT 06473
<input checked="" type="checkbox"/>	Material sent via Email to: rpc@scrcog.org
<input type="checkbox"/>	This application has been previously submitted for RPC Review. If checked, on what date:

For any questions, please email rpc@scrcog.org.

November 8, 2022

South Central Regional Council of Governments
Regional Planner, Joshua Petro
127 Washington Avenue
North Haven, CT 06473-1715

Re: Subdivision Application
10 and 14 Merritt Avenue, Woodbridge

Dear Mr. Petro,

Pursuant to Sec. 8-26b of the Connecticut General Statutes, this letter is to serve as notification that the Woodbridge Town Plan and Zoning Commission has received an application for a fifteen lot subdivision with open space for property located at 10 and 14 Merritt Avenue in Woodbridge which abuts the City of New Haven.

A public hearing will be held by the TPZ on the subject application on Tuesday, January 3, 2023 in the Central Meeting Room of the Woodbridge Town Hall, 11 Meetinghouse Lane, beginning at 6:30 pm.

Comments on the proposed subdivision are welcome to submitted in writing for receipt at that regular meeting.

Very truly yours,

Kristine Sullivan, Woodbridge Land Use Agencies



City of Milford, Connecticut

Founded 1639
70 West River Street ♦ Milford, Connecticut ♦ 06460-3317
www.ci.milford.ct.us

Department of Permitting
and Land Use

David B. Sulkis,
City Planner

Amendment #22-10

TO: South Central Regional Council of Governments
 Greater Bridgeport Regional Planning Council
 City Attorney, City of Milford
 State of CT DEEP
 City of West Haven, City Clerk
 Town of Stratford, City Clerk
 Town of Orange, City Clerk

FROM: David B. Sulkis, City Planner

DATE: September 13, 2022

RE: **Proposed Changes to the City of Milford Zoning Regulations
Article III, Section 3.1.1.7 Accessory Apartments**

In accordance with Milford Zoning Regulations 10.3 and CT General Statutes 8-3b and 22a-104, the distribution of the following proposed regulation change is submitted for your agency’s review and comment. Please provide this office with acknowledgement of your receipt of this memorandum and provide your comments or approval within 35 days of the above date. review.

EXISTING TEXT:

3.1.1.7 Accessory Apartments: It is the intent of this section to preserve/maintain the character of existing single-family neighborhoods, but at the same time recognize that certain family members related by blood, marriage or legal adoption may need the support and close physical proximity of other family members, yet desire the ability to maintain their own semi-independent living space. For this reason, an accessory apartment is allowed under the following conditions:

A single-family dwelling may have a portion converted for use as an accessory apartment, which can include kitchen facilities. For purposes of this Regulation, the term converted shall mean either completely within an existing principal building or added to the already existing principal building. Both dwelling units shall be attached by a common wall, floor, ceiling with access through a common living space from the main house and cannot be attached by a breezeway, porch, deck or garage and must be contained as one building. No accessory apartment application shall be accepted unless the property is in compliance with all current lot requirements. Applicants

must provide a current A-2 survey, and full floor plans and full elevation views of the entire structure.

Including the aforementioned, all Accessory Apartments shall conform to the following requirements:

- (1) In no instance shall an accessory apartment have its own doorway on the front of the dwelling. Any existing doorway other than the main front door to the dwelling shall be removed if it provides exclusive ingress and egress to the accessory apartment. Any new means of ingress and egress if required will be provided at the rear of the house or accessory apartment.
- (2) No single-family dwelling can contain more than 1 accessory apartment. Non-conforming lots with more than 1 single family dwelling are prohibited from having an accessory apartment in any structure.
- (3) The dwelling shall be owner-occupied during the entire duration of the Permit.
- (4) One portion of the dwelling is to be occupied by a person related by blood, marriage or legal adoption to one or more family members related by blood, marriage or legal adoption living in the other portion of the dwelling.
- (5) The proposed accessory 800 square feet as measured from the exterior walls. Staircases providing exclusive access to the accessory apartment will be counted toward calculating the 800 Sq. ft. limit. Exterior patios, decks and porches without roofs will not be included toward calculating the 800 sq ft. limit.
- (6) The accessory apartment shall be accessible to and from the main dwelling.
- (7) The accessory apartment shall utilize the existing dwelling's driveway and utilities; i.e., electric, gas, water; and, if applicable, single mailbox. Separate utilities including but not limited to heating systems, electrical service, water service and gas service are prohibited.
- (8) Kitchen facilities consist of individual units of refrigerator, stove and sink and associated cabinetry, counters, and the related electrical and plumbing hook-ups. All shall be removed when the permit expires and/or not renewed, or when the property is sold except as provided in 3.1.1.7 (13) below.
- (9) No accessory apartment shall be utilized for income purposes.
- (10) The Permit shall expire 3 years from the date the application is approved by the Planning and Zoning Office. The applicant may, at least 2 months prior to the three-year expiration date, apply to extend the previous approval for an additional 36-month period. Proof in a form acceptable to the Planning and Zoning Office will be provided by the applicant verifying the relationship of the family member occupying the apartment to the property owner residing in the house.

- (11) If requested by the Planning and Zoning Office, The applicant will allow the dwelling to be inspected for compliance with these regulations.
- (12) If the Permit expires or the property is to be sold before the 36-month termination date, the seller shall, at his or her expense, remove all kitchen facilities.
- (13) If the property is to be sold before the permit issued pursuant to this section expires, the kitchen facilities may remain provided that the new owner(s) apply for and are granted a new permit for the accessory apartment pursuant to these regulations before occupancy commences.
- (14) Any previously approved but non-conforming accessory apartment shall be removed upon the sale or transfer of property ownership, unless the dwelling and apartment are brought into compliance with these regulations.
- (15) A numeric address of at least 5" in height must be affixed to the main dwelling. A separate numeric address for the accessory apartment is prohibited.
- (16) Upon expiration and/or non-renewal of the permit, the property owner is required to notify the Planning and Zoning Office to inspect and certify removal of the accessory apartment.
- (17) Application to the Zoning Board of Appeals to vary any part of 3.1.1.7 shall be prohibited.
- (18) Accessory apartments greater than 800 sq. ft. are prohibited.

PROPOSED TEXT: (Changes indicated in **BOLD** italicized text and/or strikethrough text)

3.1.1.7 Accessory Apartments: It is the intent of this section to preserve/maintain the character of existing single-family neighborhoods. ~~, but at the same time recognize that certain family members related by blood, marriage or legal adoption may need the support and close physical proximity of other family members, yet desire the ability to maintain their own semi-independent living space. For this reason,~~ **a** An accessory apartment is allowed under the following conditions:

A single-family **principal** dwelling may have a portion converted for use as an accessory apartment, which can include kitchen facilities. For purposes of this Regulation, the term converted shall mean either completely within an existing principal building or added to the already existing principal building. Both **the principal and accessory** dwelling units shall be attached by a common **interior** wall, floor, **ceiling with habitable space on each side, and** with access through a common living space from the **principal dwelling to the accessory dwelling. main-house. and cannot be attached by a breezeway, porch, deck or garage and** **Both the principal and accessory dwellings** must be contained **as in** one building. ~~No accessory apartment application shall be accepted unless the property is in compliance with all current~~

lot requirements [please discuss]. Applicants must provide a current A-2 survey, and full floor plans and full elevation views of the entire structure.

Including the aforementioned, all Accessory Apartments shall conform to the following requirements:

- (1) ~~*In no instance shall a*~~ An accessory apartment ~~*have its own doorway shall not have an exterior door on the front of the dwelling-building, facing the street.*~~ Any existing doorway other than the main front door to the *primary* dwelling shall be removed if it provides exclusive ingress and egress to the accessory apartment. Any new means of ingress and egress if required will be provided at the rear *or side* of the ~~*building house or accessory apartment.*~~
- (2) No single-family *primary* dwelling can contain more than 1 accessory apartment. ~~*[Non-conforming lots with more than 1 single family dwelling are prohibited from having an accessory apartment in any structure.]*~~
- (3) The *primary one of the* dwelling units shall be owner-occupied. ~~*during the entire duration of the Permit. If at any time one of the dwelling units becomes not occupied by the owner, the owner shall advise the Planning and Zoning Office, the accessory apartment use shall be discontinued, and the accessory apartment permit revoked. Upon receiving notice of revocation, the owner shall:*~~
 - a. *Remove all cooking appliances, and electrical or gas services.*
 - b. *Notify the Planning and Zoning Office which, through the Building Official, shall inspect and certify removal of the accessory apartment and discontinuance of the accessory apartment use.*
- (4) ~~*One portion of the dwelling is to be occupied by a person related by blood, marriage or legal adoption to one or more family members related by blood, marriage or legal adoption living in the other portion of the dwelling.*~~
- (5) The *maximum size of an proposed* accessory apartment is 800 square feet as measured from the exterior walls. *Staircases Stairs and corridors* providing exclusive access to the accessory apartment, *and all habitable space* will be counted toward calculating the 800 sq. ft. limit. ~~*Exterior patios, decks and porches without roofs will not be included toward calculating the 800 sq. ft. limit.*~~
- (6) The accessory apartment shall be accessible to and from the *main principal* dwelling.

- (7) The accessory apartment shall utilize the existing dwelling's driveway and utilities; i.e., electric, gas, **and** water. ~~and, if applicable, single mailbox. [Separate utilities including but not limited to heating systems, electrical service, water service and gas service are prohibited.]~~ [why strike only a portion of this provision?]
- (8) ~~Accessory apartment~~ kitchen facilities **shall include consist of individual units of refrigerator, residential type stove and cooking appliances sink and associated cabinetry, counters,** and the related electrical and plumbing/gas services hook-ups. ~~All shall be removed when the permit expires and/or not renewed, or when the property is sold except as provided in 3.1.1.7 (13) below.~~
- (9) ~~[No accessory apartment shall be utilized for income purposes]~~
- (10) ~~The Permit shall expire 3 years from the date the application is approved by the Planning and Zoning Office. The applicant may, at least 2 months prior to the three-year expiration date, apply to extend the previous approval for an additional 36-month period. Proof in a form acceptable to the Planning and Zoning Office will be provided by the applicant verifying the relationship of the family member occupying the apartment to the property owner residing in the house.~~
- (11) ~~If requested by the Planning and Zoning Office, The applicant will allow the dwelling to be inspected for compliance with these regulations.~~
- (12) ~~If the Permit expires or the property is to be sold before the 36-month termination date, the seller shall, at his or her expense, remove all kitchen facilities.~~
- (13) ~~If the property is to be sold before the permit issued pursuant to this section expires, the kitchen facilities may remain provided that the new owner(s) apply for and are granted a new permit for the accessory apartment pursuant to these regulations before occupancy commences.~~
- (14) ~~Any previously approved but non-conforming accessory apartment shall be removed upon the sale or transfer of property ownership unless the dwelling and apartment are brought into compliance with these regulations.~~
- (15) A numeric address of at least 5" in height must be affixed to the main dwelling. A separate numeric address for the accessory apartment is prohibited.

- (16) ~~Upon expiration and/or non-renewal of the permit, the property owner is required to notify the Planning and Zoning Office to inspect and certify removal of the accessory apartment.~~
- (17) Application to the Zoning Board of Appeals to vary any part of 3.1.1.7 shall be prohibited.
- (18) ~~Accessory apartments greater than 800 sq. ft. are prohibited.~~ [already said this/intimated this in #5?]

FINAL REGULATION TEXT:

3.1.1.7 Accessory Apartments: It is the intent of this section to preserve/maintain the character of existing single-family neighborhoods. An accessory apartment is allowed under the following conditions:

A single-family principal dwelling may have a portion converted for use as an accessory apartment, which can include kitchen facilities. For purposes of this Regulation, the term converted shall mean either completely within an existing principal building or added to the already existing principal building. Both the principal and accessory dwelling units shall be attached by a common interior wall, floor, ceiling with habitable space on each side, and with access through a common living space from the principal dwelling to the accessory dwelling. Both the principal and accessory dwellings must be contained in one building. Applicants must provide a current A-2 survey, and full floor plans and full elevation views of the entire structure.

Including the aforementioned, all Accessory Apartments shall conform to the following requirements:

- (1) An accessory apartment shall not have an exterior door on the front of the building, facing the street. Any existing doorway other than the main front door to the primary dwelling shall be removed if it provides exclusive ingress and egress to the accessory apartment. Any new means of ingress and egress if required will be provided at the rear or side of the building.
- (2) No single-family primary dwelling can contain more than 1 accessory apartment.
- (3) One of the dwelling units shall be owner-occupied. If at any time, one of the dwelling units becomes not occupied by the owner the owner shall advise the Planning and Zoning Office, the accessory apartment use shall be discontinued, and the accessory apartment permit revoked. Upon receiving notice of revocation, the owner shall:

- a. Remove all cooking appliances, and related electrical or gas services; and
 - b. Notify the Planning and Zoning Office which, through the Building Official shall inspect and certify removal of the accessory apartment and discontinuance of the accessory apartment use.
- (4) The maximum size of an accessory apartment is 800 square feet as measured from the exterior walls Stairs and corridors providing exclusive access to the accessory apartment, and all habitable space will be counted toward calculating the 800 sq. ft. limit.
 - (5) The accessory apartment shall be accessible to and from the principal dwelling.
 - (6) The accessory apartment shall utilize the existing dwelling's driveway and utilities, i.e., electric, gas, and water.
 - (7) Accessory apartment kitchen facilities shall include residential type stove and cooking appliances and the related electrical and plumbing/gas services.
 - (8) A numeric address of at least 5" in height must be affixed to the main dwelling. A separate numeric address for the accessory apartment is prohibited.
 - (9) Application to the Zoning Board of Appeals to vary any part of 3.1.1.7 shall be prohibited.

REASON FOR CHANGE: Board proposal to update regulations.

A petition for substantially the same change in regulations has previously been filed:

Yes: _____ No: X If yes, date of hearing:

This regulation change is proposed by: Petitioner: DPLU Staff or PZB Subcommittee

Cc: J. Quish, Chairman P&Z
J. Griffith, DPLU

Approved for distribution by the PZ Board 11/15/22



SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS

Planning for Our Region's Future

South Central Regional Planning Commission (RPC): Referral Submission Form

SCRCOG is required to be given notice by certified mail, return receipt requested thirty days before the public hearing for Zoning Amendments (Regulations, Map) and Subdivision Applications (see below for applicability). Notice can be sent by email, instead of certified mail, per the requirement of the Connecticut General Statutes(CGS) 8-3b, 8-26b. Amendments/Update to the Municipal Plan of Conservation and Development are required to be submitted to SCRCOG at least 65 days before the public hearing, per CGS 8-23.

Form with fields: Municipality: MADISON, Date Sent: 11/28/22, Public Hearing Date: 12/15/22, Subject: TEXT AMENDMENT MORATORIUM EXTENSION ON RETAIL CANNABIS ESTABLISHMENTS, Referral is From (Select one): [] Private Applicant - Applicant Name: [] Town/City Planning Department or the Planning and Zoning Commission, Preferred Municipal Contact for this Referral: Name: ERIN MANNIX, Phone Number: 203-245-5633, Email: MANNIXE@MADISONCT.ORG

Form with section: Statutory Responsibility (Select Below): [x] Application involves a proposed Zoning Regulation Amendment that affects the use of a zone within 500 feet of a municipality in the South Central Region, [] Application involves a proposed Zoning Map Amendment that affects the use of a zone within 500 feet of a municipality in the South Central Region, [] Application involves a Subdivision of Land, which will abut or include land in two or more Municipalities, [] Application involves an Amendment and/or Update to a Municipal Plan of Conservation and Development (POCD), [] Applicant requests a voluntary RPC review for informational purposes only; an RPC resolution is not necessary

Form with section: Process (Select Below): The communication should be addressed to SCRCOG, Re: RPC Referral, [] Material sent via "Certified Mail - Return Receipt Requested" to SCRCOG, 127 Washington Avenue, 4th Floor West, North Haven, CT 06473, [x] Material sent via Email to: rpc@scrcog.org, [x] This application has been previously submitted for RPC Review. If checked, on what date: 06/21/22

For any questions, please email rpc@scrcog.org.

127 Washington Avenue, 4th Floor West, North Haven, CT 06473

www.scrcog.org T (203) 234-7555 F (203) 234-9850 rpc@scrcog.org



8 CAMPUS DRIVE
MADISON, CONNECTICUT 06443-2563
(203) 245-5632
FAX (203) 245-5613

TOWN OF MADISON
CONNECTICUT
LAND USE OFFICE

MEMORANDUM:

Date: November 28, 2022

To: Planning & Zoning Commission

From: Erin Mannix, Town Planner

Re: 21-19. Regulation Amendment. Moratorium Extension – Applicant: Madison Planning & Zoning Commission. ARTICLE 2.20.4 – Extend temporary moratorium on Recreational Cannabis Establishments until July 1, 2023.

SUMMARY

Following the passage of Public Act 21-1 (SB 1201) or “RERACA” which legalizes the cultivation, sale, transport and distribution of adult use cannabis, the Town of Madison’s Planning & Zoning Commission established a temporary moratorium on Cannabis Establishments so that it can take the time necessary to thoughtfully contemplate the development of regulations regarding these uses.

The Town of Madison established the ad-hoc Marijuana Committee that was charged with preparing recommendations for the conditions of use and sale of cannabis within the Town. While the Committee was actively meeting earlier in the year, delays have occurred and additional time is needed for the Committee to reconvene; receive public input; and make final recommendations. It is proposed that the Temporary Moratorium on Recreational Cannabis Establishments, as described in Article 2.20.4 be amended to extend the moratorium until July 1, 2023 or until such time as the Commission adopts Zoning Regulations that regulate the establishments and activities described herein, whichever occurs earlier.

PROPOSED LANGUAGE TO BE ADDED

(NEW) ARTICLE 2.20.4 - Temporary Moratorium on Recreational Cannabis Establishments

Section 1: Purpose

Following the passage of Public Act 21-1 (June Special Session), as of July 1, 2021, the personal use and possession of cannabis by adults over the age of 21 became

legal in the State of CT. The law also requires that the CT Department of Consumer Protection draft regulations pertaining to the use and sale of cannabis and to begin accepting applications for licenses. The law further provides for Municipalities to prohibit or enact reasonable restrictions on cannabis establishments. However, if standards are not established, such uses will be deemed a permitted use in zoning districts where similar retail and commercial establishments are allowed.

The potential regulation of recreational cannabis creates a multitude of legal, regulatory and safety issues that must be carefully considered. The establishment of a temporary moratorium on the use of land and structures in the Town of Madison for cannabis establishments as defined in PA 21-1 will allow sufficient time for the Town to consider the various components of this new industry, develop regulations which appropriately address these establishments and coordinate with other Town agencies.

Section 2: Definition of Terms:

For the purpose of this section, the terms referred to herein shall be defined and used as outlined in PA 21-1.

Cannabis Establishment: a non-profit, person(s) or business entity otherwise engaged in an activity which would be defined as a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, transporter and, delivery service by PA-21-1 (SB 1201).

Section 3: Temporary Moratorium:

For the reasons set for above, and notwithstanding any other provisions of the Zoning Regulations to the contrary, the Planning & Zoning Commission hereby adopts a temporary moratorium related to the acceptance, review and/or approval of applications seeking to establish the use of land and/or structures for a Cannabis Establishment and other uses related to recreational marijuana. This moratorium shall be in effect until ~~December 31, 2022~~ [July 1, 2023] or until such time as the Commission adopts Zoning Regulations that regulate the establishments and activities described herein, whichever occurs earlier. While this moratorium is in effect, the Commission will undertake a planning process to evaluate the potential impact of allowing these establishments and consider any draft regulatory language provided by the CT Department of Consumer Protection with the ultimate goal of adopting a new Zoning Regulation which addresses these uses in a manner that is suitable to the Town of Madison.

Highlighted text indicates proposed changes.

**MEMORANDUM
TOWN OF CHESHIRE**

CHES-44-112322-Z

84 SOUTH MAIN STREET, CHESHIRE, CONNECTICUT 06410
(203) 271-6670 Telephone (203) 271-6688 FAX

Date: November 18, 2022

FROM: Michael Glidden, Town Planner

SUBJECT: Regional Referrals

The Cheshire Planning and Zoning Commission submitted the following application (s) and we are forwarding such application(s) for regional referral:

TYPE OF APPLICATION

Zone Text Change Petition
To extend Temporary and
Limited Moratorium on Cannabis
Establishments for an additional 6 months.

**SCHEDULED DATE OF PUBLIC
HEARING IF APPLICABLE**

Public Hearing to open 12/12/2022
7:30 p.m. – Cheshire Town Hall
Cheshire, CT, 06410

Existing and proposed text attached.

If further information is required, please contact me at the Planning Office at (203) 271-6670. We look forward to receiving your comments.

Distribution List:
Naugatuck Valley Council of Governments
South Central Council of Governments
Capitol Region Council of Governments

NOV 18 2022

PETITION FOR A ZONE MAP OR ZONE TEXT CHANGE

In accordance with the General Statutes of the State of Connecticut, the undersigned hereby petitions the Cheshire Planning & Zoning Commission for a text change () and/or map change () to the Cheshire Zoning Regulations to permit, amend, or delete the following:

For Zone Text Changes:

Indicate pertinent section/paragraph of Zoning Regulation to be changed.

Section 31.4d of the zoning Regulations Purpose
of amendment is to extend temporary and limited
moratorium on cannabis establishments Extension is
for a period of six (6) months with expiration
date of July 12, 2023.

For Zone Map Changes:

Location of Property: _____

Assessor's Map No.(s) _____

Lot No.(s) _____ Zone _____

Change from present _____ zone to _____ zone.

Reason for Proposed Text and/or Map Change: _____

The following is attached and hereby made part of this petition:

1. For a text change, five (5) copies of the existing and proposed text.
2. For a map change, six (6) copies of a written legal description of the proposed zone boundary and six (6) copies of a map drawn to a scale of not less than 200 feet to the inch, covering the area of the proposed change, and all areas in the Town within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines, and the names and addresses of the current property owners as indicated by the Cheshire Assessor's records.

3. For a map change, the applicant must submit an affidavit at least ten (10) days before the hearing stating that notification has been sent to all abutting property owners (including those across the street). The affidavit shall confirm that the notice was mailed at least fifteen (15) days prior to the hearing and shall list the names, property addresses and mailing addresses, if different from property addresses. Notification to property owners shall be in the form of letter or postcard and shall specify the date, time, and place of the public hearing.

4. A base fee of \$560.00* and a Public Hearing Fee of \$175.00 is payable by check to "Collector, Town of Cheshire" in the amount of \$ 735.00.

*This includes a \$60.00 State of Connecticut Fee.

Petitioner's Name Cheshire Planning and Zoning Commission
(Print or Type)

Petitioner's Address 84 South Main Street

Petitioner's Signature M. J. [Signature]

Telephone Number (203) 271-6670 FAX # _____

Owner's Name Cheshire Planning and Zoning Commission
(Print or Type)

Owner's Signature M. J. [Signature]

Agent, if other than applicant, to be contacted with regard to this application.

Name Michael Glidden Town Planner

Address 84 South Main Street

Telephone Number (203) 271-6670 FAX # _____

This application must be filed in the Planning Office at least seven (7) days prior to the regular Planning & Zoning Commission meeting date.

Disclaimer: Additional information may be required, please contact the Planning office for complete application packets.

Pursuant to Article VII, Section 70 of the Cheshire Zoning Regulations and C.G.S. §8-3, the following amendment to the Zoning Regulations is proposed:

Section 31.4: Temporary and Limited Moratorium on Cannabis Establishments

a) Statement of Purpose.

Public Act No. 21-01, entitled "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis," which legalizes the cultivation, processing, distribution, possession, and use of cannabis (marijuana) for recreational purposes was signed into law on June 22, 2021 and became effective on July 1, 2021; and

The law is lengthy and complex and raises novel legal, planning, and public safety issues, requires that the Cheshire Planning and Zoning Commission study and assess the potential impacts of the law on the Town of Cheshire and the need for potential regulation of Cannabis Establishments as defined by the Public Act in a thoughtful and responsible manner and to undertake a planning process to consider amending the Cheshire Zoning Regulations to address regulation of such establishments; and

This temporary and limited term moratorium has been adopted to provide the Cheshire Planning and Zoning Commission sufficient time to undertake the required assessment and planning process, including the receipt and analysis of input from Town officials, residents and property owners, and others.

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 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 of the State of Connecticut Department of Consumer Protection.

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/or 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, the Planning and Zoning Commission shall not accept, consider or approve any application **except for micro-cultivators**, and hereby prohibits the issuance of any zoning permits to permit the use of a Cannabis Establishment in any zoning district in the Town of Cheshire for the period set forth in d) below herein.
 - d) **Effective Date/Term.** This temporary and limited moratorium shall become effective on January 24, 2022 and shall remain in effect for a period of twelve (12) months until January 25, 2023.

Pursuant to Article VII, Section 70 of the Cheshire Zoning Regulations and C.G.S. §8-3, the following amendment to the Zoning Regulations is proposed:

Section 31.4: Temporary and Limited Moratorium on Cannabis Establishments

a) Statement of Purpose.

Public Act No. 21-01, entitled "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis," which legalizes the cultivation, processing, distribution, possession, and use of cannabis (marijuana) for recreational purposes was signed into law on June 22, 2021 and became effective on July 1, 2021; and

The law is lengthy and complex and raises novel legal, planning, and public safety issues, requires that the Cheshire Planning and Zoning Commission study and assess the potential impacts of the law on the Town of Cheshire and the need for potential regulation of Cannabis Establishments as defined by the Public Act in a thoughtful and responsible manner and to undertake a planning process to consider amending the Cheshire Zoning Regulations to address regulation of such establishments; and

This temporary and limited term moratorium has been adopted to provide the Cheshire Planning and Zoning Commission sufficient time to undertake the required assessment and planning process, including the receipt and analysis of input from Town officials, residents and property owners, and others.

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 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. "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/or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

8. "Product Manufacturer" means a Person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type.
9. "Product Packager" means a Person that is licensed to package and label cannabis.
10. "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.
11. "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, the Planning and Zoning Commission shall not accept, consider or approve any application and hereby prohibits the issuance of any zoning permits to permit the use of a Cannabis Establishment in any zoning district in the Town of Cheshire for the period set forth in d) below herein.
- d) **Effective Date/Term.** This temporary and limited moratorium shall become effective on January 12, 2022 and shall remain in effect for an additional period of six (6) months until July 12, 2023, for purposes of developing regulations.

**NVCOG
STAFF REFERRAL REPORT**

TO: Planning and Zoning Commission, Town Manager, and Town Planner of Cheshire, Capitol Region Council of Governments, South Central CT Council of Governments, Naugatuck Valley Council of Governments (NVCOG) Regional Planning Commission (RPC) representatives

FROM: Joanna Rogalski, Senior Regional Planner, NVCOG, 49 Leavenworth Street, Suite 303, Waterbury (203-757-0535)

DATE: November 23, 2022

NVCOG FILE NO.: CHES-44-112322-Z
MUNICIPALITY: Town of Cheshire
DATE RECEIVED: November 23, 2022
DATE OF PUBLIC HEARING: December 12, 2022
TYPE OF REFERRAL: Zoning
APPLICANT: Cheshire Planning & Zoning Commission

DESCRIPTION OF PROPOSAL:

The Cheshire Planning and Zoning Commission is proposing a zone text change to the Town of Cheshire Zoning Regulations to extend the Temporary and Limited Moratorium on Cannabis Establishments for an additional six months with an expiration date of July 12, 2023.

STAFF RECOMMENDATION:

Staff finds this proposed zoning regulation text change to be not regionally significant and have no apparent inter-municipal impacts.

* * * * *

This staff recommendation is transmitted as written above unless we receive comments or objections within five days of the time you receive this proposal. If objections cannot be resolved within the scope of the original recommendations, you may submit a reconsideration request to the Regional Planning Commission for further discussion of the findings.

CHES-44-112322-Z

TOWN OF PROSPECT
LAND USE DEPARTMENT
36 CENTER STREET
PROSPECT, CT 06712

TEL: 203/758-4461 FAX: 203/758-4466
EMAIL: rmoffo@townofprospect.org

November 21, 2022

Via Electronic Mail

Eugene Livshits (elivshits@scrcog.org)
South Central Council of Governments

Dear Mr. Livshits:

In accordance with Section 8-7d(f) of the Connecticut General Statutes, please be advised that the Prospect Planning and Zoning Commission has scheduled a public hearing for Wednesday, December 7, 2022 at 7:05 p.m. on the proposed revisions to the sections of the Prospect Zoning Regulations (see Schedule A). Comments on the revision are welcome to be made at the hearing or submitted in writing for receipt into the record.

If you have any questions, please contact the Land Use Office at (203) 758-4461.

Sincerely,

Rosalyn Moffo *RM*
Planning & Zoning Clerk

Attachment

ADMIN / STAFF - REVIEW
AGENDA =
CALL - KEEP IT OPEN =
AGENDA - ADDED -

Proposed text amendments to the Zoning Regulations

Revised 11-18-2022

Article 3 District Regulations

Amend Section 3.1 Uses by District of the Zoning Regulations

Existing text in the Zoning Regulations

Accessory Living Units are permitted as of right in a RA-1 Residential Zone, R-A2 Residential Zone , and B- Zone Business Zone.

***Accessory Living Units AKA Accessory Apartments ***

Proposed text amendment

Accessory living units aka accessory apartments (amendment pursuant to Public Act 21-29 Section 6 : Opt out of the requirement for the allowance of accessory living units aka accessory apartments) as of right on each lot that contains a single- family dwelling).

Amend Article 5 Accessory Use in Residential Zones Section 5.2.2 Private Garages, Detached Section 5.2.2.2

Existing text in the Zoning Regulations

Shall not exceed 24 ft maximum height measured from the floor elevation of the garage door to the peak of the roof and must meet the main building setback in accordance with the underlying zone requirements

Proposed text amendment

Shall not exceed 24 ft maximum height measured from the floor elevation of the garage **floor** to the peak of the roof and must meet the main building setback in accordance with the underlying zone requirements.

Article 2 General Provisions Section 2.2 Definitions

Existing text

Building Height-The distance measured from the average level of the of the ground surrounding the building to the highest point of the building.

Proposed Text amendment

Building Height-The distance measured from the average level of the of the ground surrounding the building to the highest point of the building. **Excluding cupolas providing that the cupola is not used for human occupancy, does not cover an area larger than one hundred (100) square feet individually and no larger than ten percent (10 %) in their aggregate cover of the roof area of the building ; primary and accessory which they are an integral architectural element.**