

1. Call to Order

The Chester Planning & Zoning Commission met on Thursday, September 9, 2021 as a hybrid meeting, with virtual participation via ZOOM. Chair Michael Sanders called the meeting to order at 7:03 P.M.

2. Roll Call and Seating of Alternates:

Commission members attending in person at Town Hall and seated were Seth Fidel, Elaine Fitzgibbons, Steve Merola, Bettie Perreault, Michael Sanders, Keith Scherber and Peter Zanardi; with Pat Bisacky, Henry Krempel Andrew Landsman and Shubert Koong via ZOOM. Also present via ZOOM was Zoning Compliance Officer John Guskowski. Others present at various times during the meeting included Charlene Janacek and John Schroeder in person, and via ZOOM, Lauren Gister, Tom and Terri Englert, Susan Wright and two others who were not identified. All regular members were seated; no alternates were seated.

3. Audience of Citizens: None had anything to present at this time.

4. Old Business

a. Discussion of process regarding marijuana legislation to become effective 2022.

First Selectman Lauren Gister reviewed regulations already in place, what the new State regulation allows, medical versus recreational uses, the need for a very public and transparent process for all stakeholders, the need for enforcement measures that are well thought out, enforceable and “have teeth”. Other Selectmen added comments regarding enforcement, concern for where or if allowed, what can/cannot be allowed, and what aspects of actions and/or regulations taken are under the jurisdiction of the Board of Selectmen/Town Meeting or Planning & Zoning Commission.

During a far-ranging discussion, the following were among the points brought up:

- Federal legislation needs to be considered.
- Where might such an operation/facility be located? (This is a P&Z decision and must include carefully considered and actionable conditions.)
- Do State regulations over-ride local regulations? (State has influence, but Town has authority to regulate.)
- How many and where facilities can be located depends on population.
- Other agencies need to be involved in the review process, including but not limited to River COG, Tri Town Youth Bureau, legal counsel (Robinson & Cole), inter-municipality communication and cooperation.
- What would be the impact on the community; what experience have other CT towns and other states had?

- What might the financial impact to the town be and if revenue were received, where would it be allocated? (State revenue goes into General Fund; additional tax may be imposed by municipality for local revenue). EDC offered to provide research gathered.
- What would be the cost for extra services (police, emergency services, fire marshal, etc.) and would those costs be offset by any revenue received?
- Take the time to study all aspects of the matter.
- Potential for application to be submitted at any time.
- Implement a moratorium with time limit(s) and defined purposes.

On Motion by Seth Fidel, seconded by Peter Zanardi, the Commission voted to establish a moratorium for not less than six (6) months or more than one year from the date of adoption or until such time as the Commission adopts Zoning Regulations that regulate the establishments and activities described herein, whichever occurs earlier, following a Public Hearing.

All seated members voted in favor of the motion except Keith Scherber, who subsequently made a motion to ban all such operations. There was no second for the motion.

A Public Hearing will be held on the establishment of a moratorium at the next regular Commission meeting on October 14, 2021. The full text to be presented at the Hearing is attached and made a part of these minutes.

Additional meetings will be scheduled following this Public Hearing to provide factual evidence and information in a professional and unemotional setting and presentations.

5. New Business:

- a. Receipt of Application for Special Exception for short Term Rental as Special Accessory Use in Commercial District, 59-61 Main Street (Map 14, Lot 542), Applicant: Chelsey Feldcher. ZCO Guskowski pointed out differing interpretations of the Zoning Regulations for residential apartments, bed and breakfast units and AirBnB units, and the need to clarify the different activities. The Commission will hold a Public Hearing on the Application at its October 14, 2021 meeting.

6. Other – Guests or Members: Nothing further was brought up at this time.

7. Report of Officers and Subcommittee:

- a. Zoning Compliance Officer Guskowski reviewed activities over the past month, noting that enforcement activities have been relatively quiet with only a couple of smaller projects approved. Location of construction dumpsters was noted and discussed briefly. Activities associated with construction of approved apartments at 191 Middlesex Avenue have been noted and are under review.

- b. The state legislative session has ended for this season. There was nothing to report.
- 8. Bills for Payment: None had been received.
- 9. Communications, Receipt of New Petitions, New Applications received after posting of Agenda: There had been nothing submitted.
- 10. Approval of Minutes: August 12, 2021 Regular Meeting

On Motion by Seth Fidel, seconded by Peter Zanardi, the minutes of the August 12, 2021 meeting were approved, with Elaine Fitzgibbons and Keith Scherber abstaining.

- 11. Pending Litigation: There is no pending litigation.
- 12. Adjournment

There being no further business to come before the Commission, on motion by Seth Fidel, seconded by Steve Merola, the meeting adjourned at 8:23 P.M.,

Respectfully submitted,

Bettie Perreault, Secretary

See following page for attachment

Proposed Temporary Moratorium on Recreational Cannabis

Application Received September 9, 2021

Public Hearing: October 14, 2021

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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 Chester’s Planning & Zoning Commission seeks to establish a temporary moratorium on Cannabis Establishments so that it can take the time necessary to thoughtfully contemplate the development of regulations regarding these uses.

PROPOSED LANGUAGE TO BE ADDED

(NEW) Section 160D - 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 Chester 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 for not less than six (6) months or more than one year from the date of adoption 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 Chester.