



# *Town of Southwick*

## **Planning Board**

### **MINUTES**



### **MARIJUANA SUB-COMMITTEE**

### **MINUTES**

**October 24, 2017**

**MEMBERS IN ATTENDANCE:**

Marcus Phelps, Chair  
Doug Moglin, Vice Chair  
David Ricardi  
Ryan Pease  
St. John Donnie McGrath  
Alan Slessler, Town Planner

**ABSENT:**

Dr. Jerry Azia  
Michelle Ackerman

The regularly scheduled meeting of the Marijuana Subcommittee was called to order at 7:00 p.m. by Mr. Phelps. He stated that the meeting was being recorded and asked if anyone in the audience was recording the meeting.

**PUBLIC COMMENTS:**

Two gentlemen from West Hartford Connecticut expressed interest in a Retail Marijuana License. They said they are looking for prospective Towns. They said they are visiting meetings at Towns when they are discussing marijuana. They said Connecticut allows medical only.

**Review Draft Marijuana Bylaw**

Mr. Phelps said that he printed out "Chapter 94 G, Regulations of the use and distribution of Marijuana not medical Prescription." He copied section three from the document of 14 sections which discusses local control. Each Board member was given a copy. Mr. Slessler said that allowing Marijuana in the Industrial (I) and Industrial Restricted (IR) zones was what had been decided. He said he revised the maps he made showing the 500 foot restriction where Marijuana could possibly placed. He said all the laws, rule and regulations will be passed down by the State. He said they also discussed how many alcohol facilities we have in Town. Mr. Moglin said it was not to be consumed on the premises. He said Southwick has an outsized number of alcohol establishments in Town. Chief Ricardi said there are around 27 in Town. Mr. Moglin said it is a big number compared to our population. He said according to the State suggested equation the Town could have a 20% percentage of the package stores. The Town could have 5 dispensaries. Mr. Phelps said a page labeled 9/19/ 17 which are the definitions. He said they had not changed those and will remain as part of the Marijuana Zoning bylaw. He said the bylaw will include Medical Marijuana, Recreational Marijuana, Marijuana Dispensaries and growing Marijuana.

The second section is permitted districts. There was a discussion as to permitted by right would be required to have a Special Permit or just a Site Plan approval. Mr. Moglin said a Special Permit would also list hours of operation. Mr. Phelps said that growing and distribution would be allowed by Right in the Industrial zone subject to a Site Plan approval. He said dispensaries would be allowed in the Business (B) zone with a Special Permit. Mr. Pease reminded the group that marijuana growth is restricted by the State to the Industrial (I) zone and the Industrial Restricted (IR). Mr. Slessler pointed out that marijuana was not considered an agricultural product. Mr. Moglin said marijuana must be grown in an enclosed building. Mr. Phelps said in reality there are not many places in Southwick where marijuana can be placed if the 500 foot distance is required. Mr. Moglin questioned why a grow business needs to have the 500 foot separation from other structures. The Committee realized the 500 foot distance requirement does not allow any spaces in Town. Growing and dispensary facilities are allowed in the Industrial zone. Mr. Moglin said he did not want a "by-right" in Southwick but should require a Special Permit Process. He said the special nature of this product dictates a Special Permit is appropriate. Mr. McGrath asked if other businesses in the (I) zones are required to apply for a Special Permit. Mr. Moglin said all businesses in the (I) zones except Book Binding are required to apply for a Special Permit. Mr. Phelps said the draft bylaw has been changed to reflect the conversation from the last meeting. He read that from the draft zoning bylaw marijuana substance cannot be consumed on the premises. The topic continued to be discussed. The next item discussed concerned the hours of operation. It stated hours will be determined by the Planning Board. The next item covered keeping things inside a fully enclosed building with ventilation. Mr. Phelps said that the State may require these items. He felt just in case it should be kept in the proposed zoning regulation. Mr. McGrath felt the draft zoning law was too restrictive. He said this has approved by the voters and it is a business and should be allowed where business are allowed. Mr. Moglin said he felt there is a big difference between a medicinal dispensary and recreational dispensary. He also said there is a big difference between an Industrial grow and the rest of this. Mr. Phelps said he agreed there should be a by-right in the Industrial (I) zone for all marijuana. Mr. Moglin said the applicants should be required to get a Special Permit from the Planning Board. Mr. Moglin suggested the required distances be eliminated except the required distances from the State. Mr. Phelps said the 500 foot distance from parcel to parcel just about eliminated any possible sites. He said the State says the property where the Marijuana facility is to be located is not to be within 500 foot from a pre-existing public or private school education including kinder garden and grades one to twelve, unless a city or Town adapts and ordinance bylaw that reduces the distance required. Mr. Moglin said an overlay district can be created in the Industrial (I) zone and an overlay district in the Business (B) zone. In an overlay zone a Special Permit can be required. Mr. Phelps said he and Mr. Slessler will review an overlay zone. Mr. Slessler made maps showing three different scenarios. Mr. Phelps said there was interest in allowing approvals to be transferable. Mr. Pease contacted a lawyer and she said a regarding a license transfers it will go back to the Commission. Mr. Phelps handed out a paper from the Pioneer Planning Commission that showed what communities voted as to whether or not allow Marijuana in their community. He also said the Cannabis Commission might not award Southwick a license. They are creating a limited amount of licenses. Mr. Phelps said the troubling thing that was brought up at the meeting that the Cannabis Commission may not recognize the Marijuana moratoriums that some Towns have in place. They said after April 1, 2018 the Commission will accept applications. If an application exists before the Town has a

bylaw in place nothing can be done to stop it. He said the zoning Bylaw needs to go to the Planning Board as soon as possible so they can have a hearing.

**MINUTES**

**A MOTION** was made by Mr. Pease and seconded Mr. Ricardi to approve the minutes for September 19, 2017. The motion passed unanimously.

**A MOTION** was made by Mr. Ricardi and seconded by Mr. Pease to adjourn the meeting. The motion passed unanimously.

Marcus Phelps \_\_\_\_\_  
Chair

Doug Moglin \_\_\_\_\_  
Vice Chair

Dr. Jerry Azia \_\_\_\_\_

David Ricardi \_\_\_\_\_

Michelle Ackerman \_\_\_\_\_

Ryan Pease \_\_\_\_\_

St. John Donnie McGrath \_\_\_\_\_

Respectfully submitted,  
Ruth Preston  
Planning Board Administrative Assistant