

**MINUTES OF WORKSHOP
HELD BY THE PLANNING AND ZONING COMMISSION
OCTOBER 4, 2021**

MEMBERS PRESENT:

In Person: Eric Prause, Chairman
Patrick Kennedy, Vice Chairman
Dean Ott
Electronically: Michael Stebe, Secretary
Jessica Poland

ALTERNATES PRESENT:

In Person: Julian Stoppelman
Electronically: Bonnie Potocki
Teresa Ike

ALSO PRESENT:

In Person: Gary Anderson, Director of Planning
Megan Pilla, Senior Planner
Kyle Shiel, Senior Planner/Comprehensive Planning
Electronically: Nancy Martel, Recording Secretary

The Chairman opened the Workshop at 8:25 P.M.

RECREATIONAL CANNABIS
Section 148

Ms. Pilla presented information regarding CT Legislation – SB 1201. The State legalized adult use of cannabis in June. There is a small section that pertains specifically to zoning purview.

Until June 30, 2024, municipalities can only grant zoning approval for one retailer and one micro-cultivator for every 25,000 municipal residents. For Manchester, that would be a maximum of two retailers and two micro-cultivators. After that date, the Commission of Consumer Protection may change that number to ensure reasonable access by consumers.

The bill requires a cannabis retailer or micro-cultivator be required to obtain a special permit, which, for Manchester, is the equivalent of a special exception. If a municipality does not state

otherwise in its zoning regulations, it will be treated as the most similar zoning use. She added that if the Commission did not act on this, a cannabis establishment shall be zoned as if for any other similar use.

Municipalities can amend zoning regulations to take the following actions, and only these actions:

- Prohibit cannabis establishments from opening – potentially by defining them in the regulations but not listing them as a permitted use.
- Allow them in certain zones, the way Manchester’s zoning regulations do for any other use.
- Reasonably restrict hours and signage.
- Restrict their proximity to religious institutions, schools, charitable institutions, hospitals, veterans’ homes or certain military establishments.

In a brief discussion a few weeks ago, it was suggested that it would be a good idea to look at Manchester’s regulations for liquor stores, as a similar use.

Proximity Restrictions for Liquor Stores:

- Cannot be located in residence zones.
- Cannot be located within 200 ft. of any part of a lot used for a college, school, place of worship, charitable institution, hospital or library.
- Cannot be located within 1,000 ft. of another liquor store (does not include restaurants, bars or grocery stores).

Hours for Liquor Stores:

- Regulated by the State – 8 a.m. to 10 p.m. Monday through Saturday, 10 a.m. to 6 p.m. Sunday.

Signage for Liquor Stores:

- No additional restrictions.

Manchester Regulation of Alcoholic Liquor Stores/Package Stores

- Permitted by Right: B2, B3, B5, CBD, Historic, SDC (Special Exception if over 2,000 SF), NBZ, GB, FBZ
- Not Permitted: Residential zones, B1, CUD, IND

Ms. Pilla offered examples from several other cities:

Worcester, MA

Proximity Restrictions:

- Minimum 300 ft. from residential zoning.
- Minimum 500 ft. from the nearest school, licensed day care, public park, public library, and dispensary.

Hours:

- Cannot operate between 11 p.m. and 8 a.m. Monday through Saturday and before 10 a.m. on Sundays.

Signage: N/A

Springfield, MA

Proximity Restrictions:

- Minimum 500 ft. from any school, university, child care facility, residence (including commercial residences such as hotels) or residential zone.
- Minimum 500 ft. from any other marijuana facility, except in Industrial zones.

Hours:

- Cannot operate between 8 p.m. and 8 a.m.

Signage:

- Sign must be displayed on the exterior of the facility's entrance in plain sight of clients stating "*Registration Card issued by the MA Department of Public Health required*" in text 2" in height.

Chicopee, MA

Proximity Restrictions:

- Minimum 300 ft. from any residence and all residential zoning.
- Minimum 500 ft. from any school, childcare facility, municipally owned park, playground or ballfield, youth center or other establishment regularly hosting youth under age 18, place of worship or library.
- Minimum 1,000 ft. from any drug rehabilitation/detoxification facility, boarding house, or prison or detention facility.

Hours:

- Cannot operate between 9 p.m. and 9 a.m. Monday through Saturday and before 10 a.m. on Sundays.

Signage: N/A

Ms. Pilla noted that the Commission has purview over reasonably restricting signage. Many of the zoning regulations in Massachusetts do not address that, and it is because the state law addresses it comprehensively. The Connecticut state law does as well.

CT State Cannabis Advertising Laws

- Cannot portray anyone younger than 21 years old.
- Cannot use mascots, cartoons, celebrity endorsements or other strategies deemed to appeal to a person younger than 21 years old.
- Cannot advertise in any physical form visible to the public within 500 ft. of an elementary or secondary school ground, recreation center, child care center, playground, public park, or library.
- Cannot display products so as to be clearly visible to a person from outside the facility.
- Cannot advertise any brand or any kind of marijuana or marijuana product on the exterior of the facility.

In addition, there are specific requirements for names, brand names and store names. They cannot be obscene or indecent. They cannot be confusingly similar or identical to an illegal product or something that already exists by the same name. They cannot include something that is customarily associated with persons under the age of 21. However, there is no mention of logos or graphics. There are no particular restrictions in the state law that mention the logo or the graphics that can be on the sign.

Additional Cannabis Signage Restrictions Example – Killingworth, CT

Signage (medical dispensaries):

- Restricts external signage to a single sign no larger than 16” x 18”.
- Cannot illuminate a sign advertising a marijuana product.
- Cannot advertise marijuana brand names or utilize graphics related to marijuana or paraphernalia on the exterior of the building in which the facility is located.

Considerations for Commission Feedback

- Should Manchester’s zoning regulations prohibit these types of facilities from opening?
- What zoning should these facilities be permitted in, keeping in mind it would be a special exception?
- Should the regulations reasonably restrict hours?
- Should the regulations reasonably restrict signage?
- Should the regulations reasonably restrict proximity to certain uses?

- Uses can include religious institutions, schools, charitable institutions, hospitals, veterans' homes, or certain military establishments.

Mr. Stebe noted that a couple of neighboring communities have verbally indicated that they will not allow these facilities. He asked if Town Staff has looked into their reasoning.

Mr. Anderson replied that you have to read between the lines when reading the newspaper. There are several different ways that towns have "prohibited it." He believed that Vernon prohibits the use in public places, though he did not think they ban retail sales. Various towns have passed a moratorium for different periods of time. Given the opportunity to have these conversations, that is something that could be done. He believed Enfield stated that they will not have the facilities in their town. If the Commission would like, Staff could look into the reasoning.

Mr. Stebe observed that it would be two storefronts. He did not see a reason to put something in the regulations that would be overly restrictive. However, he felt the Commission should put some language in the zoning regulations because the regulations need to define it and state which zones the two facilities will be allowed in. It breaks it down to a very small space given the restricted zones. In his opinion, it is something the Commission should be defining and adding language about to allow people to explore Manchester for opportunities.

Mr. Kennedy noted that his initial thought was that these should be treated the same as liquor stores. However, the regulations do not limit the number of liquor stores in town. Therefore, there need to be restrictive conditions, particularly proximity restrictions, to avoid the first four applicants receiving the rights. He stated that he is not concerned about signage as the regular signage regulations will cover it.

Mr. Stoppelman sought confirmation that there will be no on-site bar-type of venue. He commented that he did not understand why the Industrial zone could not be used for growing as he felt that would be the ideal location.

Ms. Pilla responded that state law specifies that it cannot be used in the same location where it is sold. She said that state law would not prohibit growing in the Industrial zone.

A significant part of the meeting was inaudible.

Ms. Potocki suggested locating all the liquor stores on the zoning map. She theorized that liquor stores would come for a change of use. She praised Killingly's approach to signage. She inquired what the zone is for the methadone clinic.

Mr. Anderson stated that nothing will be permitted by right. It will require a special exception.

Mr. Stebe stated that, other than the first month of curiosity, this will be similar to opening a Chick-fil-A. It will settle in to actual numbers after the initial chaos. A traffic study will not be helpful, because there is nothing to refer to in regards to traffic for this type of establishment. He noted that putting it downtown would be no different than a new restaurant – there will be greater traffic for a month or two. Looking at a comparably sized facility in Massachusetts would be helpful to estimate traffic. Noting that state law prohibits putting it in mixed use and residential zones will eliminate the Broad Street area, but perhaps the Commission should consider doing it in the mall area, Burr Corners, or similar locations where they have ample built-in parking. He suggested the old Outback Steak House, which is not close to areas such as a school, a church, or recreational facility, but because it is part of the mall functions, currently that would not be a permitted location. He noted that those areas are having a hard time gaining tenants.

Ms. Potocki suggested that the Commission hear from the zoning enforcement officer.

Mr. Stoppelman noted that it has been described as a “lottery,” but stated that it is not strictly a lottery.

Mr. Anderson commented that there will be two lotteries. One will be a regular lottery; the second will be a social equity lottery.

The remainder of Mr. Anderson’s comments were inaudible.

Mr. Stoppelman suggested allowing the use on Broad Street, but not near the housing. He said the Commission could put a distance restriction on the Form Based zone, which Mr. Anderson refuted.

Mr. Prause felt it is very interesting that other communities are not considering allowing this use. That puts Manchester at a very competitive advantage, and he would be against any moratorium or prohibition in town. He felt the Commission should be proactive in creating regulations that make it very clear where this can go. In general, when the Comprehensive Urban Development (CUD) zone was created, the Commission delineated a general zone which would be partitioned into what is residential and what is commercial. However, it never got decomposed into what is now residential and what is now commercial. In his opinion, depending on distances from residential development, the CUD zone can be an option. Places with good highway access would make sense, as long as there are good parking restrictions in place, and it will push people away from places like Main Street or a smaller business zone without adequate parking. He did like restrictions relating to day cares, residential and recovery services. He did not see a need to

worry about liquor stores because they are two distinct entities, and he felt that Manchester has a lot of great location opportunities.

Mr. Anderson's response was inaudible.

Mr. Kennedy speculated that, if the use is allowed in the CUD zone, where there are known traffic issues, it would be bringing a lot of traffic into high traffic areas.

There was discussion that was inaudible.

Mr. Stebe questioned whether Ms. Pilla had enough information for agriculture. He did not think anyone had an issue with adding a definition. He noted that Manchester allows the indoor hydroponics in the Industrial zones.

There was discussion that was inaudible.

The workshop closed at 9:15 P.M.