

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
SPECIAL MEETING MINUTES
Held Remotely via ZOOM
Wednesday, August 17, 2022 at 7:00 PM**

PRESENT: Chairman Ted Stoutenberg, Dan LaPlante, Mike Misiorski, Marty Post, and Alternates John Burdick, Jack Casey, and Robert Goodskey;
Zoning Enforcement Officer Mike Lucas.

ABSENT: Jim Steadman.

Chairman Ted Stoutenberg called the meeting to order at 7:00PM. Mr. Burdick was seated for Mr. Steadman.

1. PUBLIC HEARINGS:

A. Town of New Hartford – Proposal to amend the Zoning Regulations to opt out of: (1) the Provisions of Section 6 subsections (a) through (d), inclusive, of Public Act 21-29, and (2) section 8-2(d)(9) of the General Statutes as amended by Public Act 21-29.

Mr. Lucas reported that the public hearing was advertised the requisite two times, on August 5, 2022 and August 12, 2022, in The Hartford Courant. Additionally, he confirmed that notices had been provided to the Council of Governments (COG). He noted that a positive referral had been received from the COG.

Mr. Stoutenberg noted that the Town has their own regulations for accessory apartments that have served the community well for twenty to thirty years. He canvassed the commission for comments. No commissioners had additional comments.

The hearing was open to the public.

First Selectman Dan Jerram supported opting out on accessory dwelling units, noting that this commission has reviewed many applications for these in the past. Mr. Stoutenberg reminded Mr. Jerram that this matter also needs to be addressed by the Board of Selectmen.

MOTION: Mr. Post, Mr. Burdick second, to close the public hearing; unanimously approved.

B. Town of New Hartford – This Amendment is to adopt a temporary and limited moratorium (“Moratorium”) concerning cannabis establishments and any related uses, in order to provide the Commission with the time necessary to consider adoption of certain changes to the Regulations pursuant to Section 8-2 of the Connecticut General Statutes.

Mr. Lucas reported that the public hearing was advertised the requisite two times, on August 5, 2022 and August 12, 2022, in The Hartford Courant. Additionally, he confirmed that notices had been provided to the Council of Governments (COG). He noted that a positive referral had been received from the COG.

Mr. Stoutenberg read aloud a draft Amendment to the New Hartford Zoning Regulations regarding a moratorium on cannabis establishments and any related uses.

The hearing was open to the public.

Mr. Jerram supported the commission in implementing a moratorium on cannabis, opining that it was wise planning by this board to consider the long-term effects on how they want to handle the issue before an application is received.

Mr. Post questioned whether the commission had to act by September of 2023. Mr. Lucas noted that nothing is forced upon the town and that the moratorium just gets the board extra time to figure out the issue. Mr. Stoutenberg noted that without a moratorium, he understood that an application would need to be considered under the lens of other similar facilities.

MOTION: Mr. Burdick, Mr. Post second, to close the public hearing; unanimously approved.

2. PENDING APPLICATIONS:

A. Town of New Hartford – Proposal to amend the Zoning Regulations to opt out of: (1) the Provisions of Section 6 subsections (a) through (d), inclusive, of Public Act 21-29, and (2) section 8-2(d)(9) of the General Statutes as amended by Public Act 21-29.

MOTION: Mr. Burdick, Mr. Misiorski second, to adopt the following amendment to the Town of New Hartford Zoning Regulations, adding Section 8.12:

Section 8.12: Opting Out of Certain Provisions of Public Act 21-29

The Town of New Hartford hereby opts out of the following:

- (1) The provisions of Section 6, subsections (a) through (d), inclusive, of Public Act 21-29; and
 - (2) The provisions of subdivision (9) of subsection (d) of section 8-2 of the General Statutes,
- as amended by Public Act 21-29.

This Section 8.12 shall become effective on the two-thirds vote of the Board of Selectmen pursuant to Sections 5 and 6(f) of Public Act 21-29.

unanimously approved.

B. Town of New Hartford – This Amendment is to adopt a temporary and limited moratorium (“Moratorium”) concerning cannabis establishments and any related uses, in order to provide the Commission with the time necessary to consider adoption of certain changes to the Regulations pursuant to Section 8-2 of the Connecticut General Statutes.

Mr. Lucas reported that the public hearing was advertised the requisite two times, on August 5, 2022 and August 12, 2022, in The Hartford Courant. Additionally, he confirmed that notices had been provided to the Council of Governments (COG). He noted that a positive referral had been received from the COG.

MOTION: Mr. Post, Mr. Burdick second, to approve the following amendment to the New Hartford Zoning Regulations regarding a moratorium on cannabis establishments and any related uses:

Moratorium on Cannabis Establishments.

1. **Statement of Purpose.** This Amendment is to adopt a temporary and limited moratorium (“Moratorium”) concerning cannabis establishments and any related uses, in order to provide the Commission with the time necessary to consider adoption of certain changes to the Regulations, pursuant to Section 8-2 of the Connecticut General Statutes.

The Connecticut General Assembly has recently passed legislation legalizing the use of recreational cannabis in the State of Connecticut by adults over the age of twenty-one. Said legislation; Senate Bill No. 1201, June Special Session, Public Act No. 21-1 (as amended from time to time; the “Act”) contains provisions allowing municipalities to prohibit or place reasonable restrictions on “Establishments” for palliative medical use (as previously authorized by the General Assembly) and/or recreational use of “Cannabis”;

both as are hereinafter defined. In addition, the Commission needs time to determine how best to integrate Establishments (if ultimately permitted) into the Regulations, in a manner consistent with existing permitted uses.

For the above reasons, this Moratorium is adopted to provide the Town of New Hartford with the time necessary to develop Regulations for Establishments that meet all statutory requirements and to promote the public's general health, safety and welfare; or to consider a ban on Establishments and any related uses.

2. Definitions.

a. "Cannabis" means "Marijuana" as defined in Section 21a-240 of the Connecticut General Statutes.

b. "Establishment" means any one or more of the following for palliative medical and/or adult recreational use of Cannabis: producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter as defined in Section 1 of the Act.

3. **Applicability.** This Moratorium applies to: (i) the acceptance, review and/or approval of applications seeking to establish the use of land, and/or any buildings or other structures for any Establishment; and (ii) any other uses related to the palliative medical or adult recreational use of Cannabis.

4. **Effective Date/Term.** This Moratorium shall become effective on September 1, 2022 and shall remain in effect for twelve months, i.e., until September 1, 2023;

unanimously approved.

MOTION: Mr. Misorski, Mr. Burdick second, to adjourn; unanimously approved. The meeting adjourned at 7:19PM.

**Respectfully submitted,
Pamela A. Colombie
Recording Secretary**