



TOWN OF KILLINGLY

PLANNING & DEVELOPMENT OFFICE

172 Main Street, Killingly, CT 06239

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2022 APR 22 AM 8:36

Elizabeth M. Wilson

MEMORANDUM

TO: Elizabeth Wilson, Killingly Town Clerk
FROM: Ann-Marie Aubrey, Director of Planning and Development
DATE: APRIL 21, 2022
SUBJECT: Zone TEXT Change Ap #22-1287 – Town of Killingly, to allow by special permit the creation of cannabis establishments in the Business Park, General Commercial, Light Industrial, Mill Mixed Use, and the Mixed-Use Interchange Zones.

AMA

In accordance with Connecticut General Statutes Section 8-3(a) the Killingly Planning and Zoning Commission notifies you that the Commission will hold a public hearing on the following:

Zone TEXT Change Ap #22-1287 – Town of Killingly, to allow by special permit the creation of cannabis establishments in the Business Park, General Commercial, Light Industrial, Mill Mixed Use, and the Mixed-Use Interchange Zones.

A copy of the proposed Zoning TEXT Change is attached for your use.

The public hearing has been scheduled for: **MONDAY, MAY 16, 2022 @ 7:00 pm**
Town Meeting Room
Second Floor, Killingly Town Hall
172 Main Street, Killingly, CT 06239

All interested parties are urged to attend and be heard. If attending in person, your written testimony will be accepted up and through the close of the public hearing.

If unable to attend in person, public comments can be emailed to publiccomment@killinglyct.gov, or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239. If mailed, or e-mailed, all public comment must be received prior to 2:00 pm the day of the hearing.

The application file is available for review at the Planning and Development offices at the above address during our regular business hours; Monday, Wednesday, Thursday 8:00 am to 5:00 pm; Tuesday 8:00 am to 6:00 pm and Friday 8:00 am to 12:00 pm (noontime).

Please post this notice for public notification a minimum of 10 days before the scheduled public hearing, excluding the day of posting and the day of the hearing. Please do not remove this posting until after the public hearing on TUESDAY, MAY 17, 2022. Thank you.

Any inquiries or questions can be directed to the Planning and Development Office at 860-779-5311; voicemail is available after our normal business hours.

Visit us at: www.Killinglyct.gov

This institution is an equal opportunity provider and employer.

Cannabis Establishment

Add Section xxx.x.x under Special Permitted Uses in the Borough Central Business District, Borough General Commercial, Business Park, General Commercial, Light Industrial, Industrial, Mill Mixed Use and Mixed-Use Interchange Zones.

x. Cannabis Establishment

The purpose of these Zoning Regulation is to regulate the location and operation of cannabis sales, cultivation, or production in accordance with SB 1201 – An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis and Connecticut General Statute 420f – Palliative Use of Marijuana, as amended from time to time.

1. Separation requirements
 - a. The cannabis establishment shall not be within a five hundred (500) foot radius of any part of any building or structure used for the purpose of a school, house of worship, library, public playground, Town parks and recreation facilities, daycare centers/nurseries, municipal building, or Board of Education facility open to the public, as measured from entrance of the above use (for parks or similar outdoor uses it is from the property line) to the entrance of the proposed cannabis establishment.
 - b. A two hundred (200') foot buffer zone shall be required when abutting a residential district, as measured from the property line.
2. The application must include the following:
 - a. The map identifying all the locations of all above referenced uses within five hundred (500') feet of the proposed cannabis establishment.
 - b. Noise abatement methods used, if necessary.
 - c. Odor controls used, if necessary.
 - d. Security methods implemented.
 - e. Water consumption estimates and handling of wastewaters.
 - f. Exterior lighting and signage; all exterior lighting shall be night sky compliant.
 - g. Emergency power; location of generators, if necessary.
3. No cannabis establishment shall be allowed within the same building, structure, or portion thereof that is used for residential purposes. In the mixed use zones the cannabis establishment should be in a separate building from any residential uses on that property.
4. All cannabis establishments shall have an adequate security system to prevent and detect diversion, theft, or loss of cannabis, utilizing commercial grade equipment meeting at least the minimum requirements of the Department of Consumer Protection Title 21a – Consumer Protection Section 21a-408-62.
5. The production and/or storage of cannabis shall be conducted indoors.
6. Hours of operation for any retail component, shall be limited to between 9 am to 9 pm, Monday through Saturday and between 10 am to 6 pm, Sunday.
7. Copy of all State Permitting must be on file with the Town of Killingly Planning Office and displayed within the Cannabis Establishment.

Disclaimer: Marijuana, whether medical or recreational, continues to be listed on Schedule I of the U.S. Controlled Substances Act (CSA) and is therefore still illegal under federal law. Any applications for cannabis dispensaries and/or production facilities are done under SB1201 and Connecticut General Statute 420f and at total risk of the applicant.

Definitions add for purpose of this regulation

Cannabis – Marijuana as defined in Section 21a-240, CGS.

Cannabis Establishment – Producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.

Cultivator – 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 (15,000) square feet of grow space.

Delivery Service – A person that is licensed to deliver cannabis from (A) micro-cultivators, retailers, and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers, and research program subjects, as defined in Section 21a-408, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v, C.G.S. that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

Dispensary Facility – Means a place of business where cannabis may be dispensed, sold, or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations adopted thereunder.

Food and Beverage Manufacturer – A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.

Hybrid Retailer – A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

Micro-cultivator – A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand (2,000) square feet and not more than ten thousand (10,000) square feet of grow space, prior to any expansion authorized by the commissioner.

Person – An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

Product Manufacturer – A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.

Produce Packager – A person that is licensed to package and label cannabis and cannabis products.

Producer – Grows cannabis for medicinal use.

Retailer – A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.

Transporter – Means a person licensed to transport cannabis between cannabis establishments, laboratories, and research programs.

Add Definition to Section 310

School – Any building or part thereof or accessory facilities there to which is designed and constructed to provide full time instruction and education, associated with a program of study which meets the requirements of the educational laws of the State of Connecticut. Includes public, private, charter, and parochial schools, at the primary (day-care & kindergarten), elementary, middle school and high school levels; excludes home schools. For the purposes of these regulations home schools are still considered a private residence.

*****Notes*****

Another consideration is for a cannabis establishment that is exclusively an indoor grow facility, be allowed by Special Permit in the Rural Development Zone. Provided the property is a min. of ten (10) acres and all buffering & conditions stated above. Systems must be in place to prevent odor.

Currently only the retail and micro cultivator license types under Cannabis Establishments the Town of Killingly is capped at one (1) of each license type. (1 – 25,000 residents allow for one (1) of each type per the State of Connecticut and current State law for the municipality). There is currently no cap on other license types that are also considered Cannabis Establishments under the law in each municipality. There is pending legislation that proposes eliminating the cap or changing the ratio of number of residents per license type issued.

Upon passage of this text amendment, Section 640 – Temporary and Limited Moratorium on Cannabis Establishments, will be lifted and removed from the Town of Killingly and Borough of Danielson Zoning Regulations.