



TOWN OF KILLINGLY

PLANNING & DEVELOPMENT OFFICE

172 Main Street, Killingly, CT 06239
Tel: 860-779-5311 Fax: 860-779-5381

MEMORANDUM

TO: Elizabeth Wilson, Killingly Town Clerk
FROM: Ann-Marie L. Aubrey, Director of Planning and Development
DATE: August 23, 2021
SUBJECT: Zone TEXT Change Application #21-1270; Town of Killingly and Borough of Danielson Zoning Regulations; Amendment to Art VI (Adm. & Enforce.); add Section 640; Temporary and Limited Moratorium on Cannabis Establishments.

In accordance with Connecticut General Statutes Section 8-3(d) the Killingly Planning and Zoning Commission notifies you that the Commission has **approved – Zone TEXT Change Application #21-1270; Town of Killingly and Borough of Danielson Zoning Regulations; Amendment to Art VI (Adm. & Enforce.); add Section 640; Temporary and Limited Moratorium on Cannabis Establishments.**

A complete copy of the zone text change, with edits, is attached hereto and incorporated herein for your convenience.

In accordance with CT General Laws the decision legal noticed was published in the Thursday, August 19, 2021, edition of the Norwich Bulletin. In accordance with said Executive Order, a fifteen (15) day appeal period commenced on that date. The appeal period will end at the end of the business day on Friday, September 3, 2021. Provided no appeal is taken; the approved text change became effective upon passage – August 16, 2021.

If appealed, and there is a positive finding of the court in favor of the Town of Killingly (i.e., the court upholds the zone text change), the Zone text change will become effective immediately upon the publication of the court's decision.

Any inquiries or questions regarding the zone text change can be directed to my attention at 860-779-5311. Thank you for your consideration.

cc:	Mary T. Calorio, Town Manager (email)	Jill St. Clair, Dir. Economic Dev. (email)
	Jonathan Blake, Planner 1 (email)	Allison Brady, Assistant Planner (email)
	Tracy Bragg, Building Official (email)	Randy Burchard, Fire Marshal (email)
	Paul Gazzola, Asst. Bldg. Off. (email)	William Skene, Asst. Fire Marshal (email)
	Diane Guertin, Adm. Secretary (email)	Dana Barrow, Asst. Fire Marshal (email)
	Tammy LaPlante, Adm. Secretary (email)	David Capacchione, Town Engineer (email)
	Gary Martin, Asst. Town Engineer (email)	Alec Ethier, Engineering Tech. (email)

NOTE: PLEASE KEEP THIS MEMORANDUM POSTED UNTIL TUESDAY, SEPTEMBER 7, 2021. THANK YOU.

Section 640 Temporary and Limited Moratorium on Cannabis Establishments

1. **Statement of Purpose.** This section has been adopted to provide the Commission with the time necessary to consider adoption of potential changes to the Zoning Regulations pursuant to Section 8-2 of the Connecticut General Statutes.

The Connecticut General Assembly has passed, and the Governor has signed S.B. 1201, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (the "Act"), portion of which are effective on July 1, 2021. Said Act contains provisions allowing municipalities to prohibit or place certain restrictions on cannabis establishments except for existing dispensary facilities and producer for medical marijuana as defined in Chapter 420F, C.G.S., Palliative Use of Marijuana – legislation passed in 2012 authorizing the use of medical marijuana. This temporary and limited term moratorium has been adopted to provide the Town with the time necessary to develop regulations for cannabis establishments that meet statutory responsibilities and promote the public's general health, safety, and welfare.

2. **Definitions.**

a. Cannabis. Marijuana as defined in Section 21a-240, C.G.S.

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

c. 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.

d. 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.

e. 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.

f. 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.

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

h. 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.

i. 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.

j. 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.

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

l. 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.

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

3. **Applicability.** During this temporary and limited-term moratorium, cannabis establishments shall be prohibited in the Town of Killingly and the Borough of Danielson, and all applications submitted for the approval of any cannabis establishment shall be denied by the Planning and Zoning Commission or Zoning Enforcement Officer, as may be appropriate.
4. **Effective Date/Term.** This temporary and limited moratorium shall become effective (immediately upon passage), **August 16, 2021**, and shall remain in effect until **December 31, 2022**.