



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: Tuesday, June 28, 2022
SUBJECT: Zone TEXT Change Ap #22-1287 by the Town of Killingly, for the creation of Cannabis establishments as a special permitted use under Business Park, General Commercial, Light Industrial, Mill Mixed Use and Mixed-Use Interchange Zones.

Following Connecticut General Statutes Section 8-3(d) the Killingly Planning and Zoning Commission lets you know that the Commission has **approved with an amendment – Zone TEXT Change Ap #22-1287 by the Town of Killingly, for the creation of Cannabis establishments as a special permitted use under Business Park, General Commercial, Light Industrial, Mill Mixed Use and Mixed-Use Interchange Zones.**

A complete copy of the zone TEXT change, with the amendment highlighted in “**Red**” is attached hereto and incorporated herein for your convenience.

Following CT General Laws, the decision legal notice was published in the Friday, June 24, 2022, edition of the Norwich Bulletin. Following said laws, a fifteen (15) day appeal period commenced on that date. The appeal period ends at the end of the business day on Monday, July 11, 2022. Provided no appeal is taken; **the approved TEXT change becomes effective on Monday, July 18, 2022, at 12:01 am.** 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 about 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, Building Asst. (email)	William Skene, Asst. Fire Marshal (email)
Diane Guertin, Adm. Secretary (email)	Tammy LaPlante, Adm. Secretary (email)
David Capacchione, Town Engineer (email)	Gary Martin, Asst. Town Engineer (email)
Alec Ethier, Engineering Tech. (email)	Kenneth Slater, Attorney (email)

NOTE: PLEASE KEEP THIS MEMORANDUM POSTED UNTIL TUESDAY, JULY 19, 2022.

RECEIVED
TOWN CLERK, KILLINGLY, CT
2022 JUN 28 AM 9:39

Elizabeth M. Wilson

Note 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.

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. The Commission may, in its sole discretion, increase separation distances between the cannabis establishment and any uses previously mentioned “identified” in this paragraph up to a maximum of 1500 feet, as the Commission deems necessary. The Commission may, in its sole discretion, increase separation distances between the cannabis establishment and any uses previously mentioned (“identified”) in this paragraph up to a maximum of 1,500 feet, as the Commission deems necessary. (added June 20, 2022)
- b. Where the proposed use abuts a residential district, a buffer strip of at least 25’ wide, containing planted screening may be required by the Commission. Permanent structures such as wooded fences, stone walls and the like may be approved in lieu of part or in conjunction with the required planting where, in the opinion of the Commission, the intended buffering purpose is served by such a substitution.

2. The application must include the following:

- a. A 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. Waste management
- g. Exterior lighting and signage; all exterior lighting shall be night sky compliant.

- h. 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.