

**BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, MARCH 8, 2023
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD
In-Person and Via Zoom**

MINUTES

PZC Members Present In-Person: Chairman Tom Manning, Vice-Chair James Cropley, Arlene Fiano, Rodney Fournier, Thomas Robbins

PZC Members Present Via Zoom: Jeremy Flick, and Alternates Tom Crockett, Kawan Gordon, Steven Clark

PZC Members absent: Jeffrey Scala

Staff Present Via Zoom: Patrice Carson, AICP, Consulting Director of Community Development , Michael D’Amato, Interim Zoning Enforcement Officer, Recording Secretary Linda H. McDonald

Others Present Via Zoom: Cheryl Udin

Others Present in-Person: Robert Morra, Meghan Crandall, Gary Crandall, Pamela Sawyer, Andrew Ladyga

1. Call to Order: Chairman T. Manning called the meeting to order at 7:35 p.m. Kawan Gordon was seated for Jeffrey Scala.

2. Approval of Minutes: February 8, 2023

J. Cropley MOVED to APPROVE the regular meeting minutes of February 8, 2023 as presented. J. Flick SECONDED. By roll call vote, the MOTION CARRIED 7:0:0.

3. Residents’ Forum: No one came forth to speak.

4. Staff Reports:

P. Carson reported she is working on the senior housing regulations and on items for the Connecticut Countryside group.

M. D’Amato reported he has been working on the housing regulations. He met with someone on the potential re-use or renovation of their commercial property. He reported an uptick in zoning complaints and that he and Danielle have completed the address migration with the town’s permitting system.

5. Public Hearings

a. Continuation: Zoning Regulation Amendment regarding Cannabis (#PL-22-6):

- 1. allow only retail sales of cannabis products only in the GB Zone by Special Permit, or**
- 2. prohibit any cannabis establishment, or**
- 3. extend the current moratorium to continue to further evaluate public input and consider amendments to draft regulations**

P. Carson read email correspondence dated March 7, 2023 from Robert DePietro, 32 Bayberry Road: “The issue of Board of Selectmen stating policy on cannabis regs in the town was discussed tonight and although not conclusive, the consensus seemed to be that rather than the board taking an official

position as a whole, it would be more appropriate for individual selectmen who have an opinion one way or the other to provide feedback as they might choose,=the basic premise being that if a business entity applied to the planning &/zoning commission, they should go through the same process as any other applicant, which would probably or most likely be similar to the approval process required for a new package store, The latter is where I personally come down.”

P. Carson read email correspondence dated March 8, 2023 from William Anderson, 77 French Road: “It was mentioned at the last public hearing that the POCD did not address cannabis related business. It does not, nor should it. But the word business is used 103 times throughout the document. What was not in the POCD was what business types should be encouraged or discouraged. One of the “Sorry’s” on page 14, “was the lack of business development.” The category with the highest number of planning points was, “Business Development.,” page 15.

Early on in the development of cannabis growing facilities throughout the United States was the complaint of the smell of the flowering plants. This issue has been mostly rectified with advanced filtration and venting of the air being discharged from the facility

Within PA 21-1 it also states that “The terms “agriculture” and “farming” do not include the cultivation of cannabis, as defined in section 1 of the act”, page 234. It does not mean that zoning regulations can’t be developed to allow it, it just means that cannabis cultivation is not afforded the same as of right in every zone status that agriculture and farming enjoy.

It appears that the POCD is in favor of allowing both a dispensary and cultivation facility in Bolton as state regulations allow with proper zoning protections as with alcohol sales and obnoxious fumes.”

P. Carson read email correspondence from Rhea Klein, 4 Bayberry Road dated March 8, 2023:

“As I am unable to attend this meeting tonight, please accept this communication as my testimony and include it in the records.

My husband and I have resided in Bolton for approximately 40 years, and we love the small town and agricultural environment. However, we are cognoscente of the need for the creation of business opportunities for our town within the areas that have been zoned for that purpose. Recently, the Dollar General and All Fresh businesses have provided products and services that the residents of Bolton need while providing increased revenue.

With respect to a Cannabis dispensary, I believe Bolton should support the zoning for this business in an appropriate business corridor that currently exists. There will most likely be dispensaries in adjacent towns that will take advantage of providing a product that people want without providing Bolton with the revenue that it desperately needs.

Hopefully, the Planning and Zoning Commission will understand that this business is a good fit for Bolton. I don’t believe that this business will place undue burdens on police or town management above and beyond any other business. It is no different that the liquor stores that are on West Street or in the strip mall next to the Post Office.

Finally, I know that there hasn’t been a large response to the opportunity for residents to voice their opinion. However, in my experience, the residents of Bolton usually come out for those initiatives that they are not in favor of. If you have been watching the budget process in this town over the years, it is evident that individuals don’t want to pay higher real estate taxes. If my understanding is correct, adding business should reduce real estate taxes in kind.

I appreciate the opportunity to address the commission and look forward to a positive decision.”

At this time, T. Manning asked for any comments from the online and in-person audience to address 1. Allow only retail sales of cannabis products only in the GB Zone by Special Permit.

Cheryl Udin, 31 Keeney Drive: I live within walking distance of the beautiful Dollar General store. Routes 44 and 6 are the business-zoned areas and to have a business like a liquor store less than a mile from a liquor store we already have at the Notch, might be not the best place for it. I am in favor of having the regulations and do not think the town needs to re-invent the wheel when it comes to the regulations. I am in favor but not in my backyard, not anymore.

Robert Morra, 15 Tinker Pond Road: He has given this considerable thought from different aspects and has the following comments:

1. Sale of recreational cannabis – He is personally opposed to it and does not think the town needs another means of mind-altering materials to be on the marketplace. It seems that the majority of the state legislature in their zeal to generate more money went ahead and approved it anyway. I might have felt better if these funds were geared toward mental health and dealing with addiction which will inevitably be tied into use of this material. I know that some is pure recreational but a great deal of it impairs individuals. In the one area that is most troubling is drivers. We do not have the proper means to determine if someone is truly impaired. Recent statistics show the number of people involved and actually killed in serious accidents are due to an impaired driver. We have tightened down on our liquor laws so that if you have had two drinks you are almost at that point. We need to address this in the cannabis issue. I do not feel we should be supporting the sale of a material that, I think, could be a serious detriment to the safety of folks in town and other people in this state.
2. Prohibit any cannabis establishment – The incentive put out by the State of Connecticut is that you get a piece of the action. I do not think the town should be a drug dealer, in that sense a legal drug dealer but a drug dealer. I do not think our community needs that. I do not think it is an asset to the community. If someone wants to buy it, it is readily available. It is not as if not having an outlet in Bolton is not going to impair anyone's ability to buy this. I frankly feel it would not be an asset at this time to allow cannabis to be sold here. However, I am reasonably open-minded. This is something that is just starting in the state. We really have not seen its impact both economically and impact to our citizens. It would behoove us to wait at least a year or eighteen months before we consider the sale in our community.
3. Extend the current moratorium to continue to further evaluate public input and consider amendments to draft regulations – I would only extend the moratorium two or three months. Somewhere along the way a decision has to be made. I feel the proper decision is to say no, we will not allow the sale of cannabis or the growth of it in this community and that the board will revisit it periodically, annually or every year and a half. That is the proper method of doing it. This way you will have real data to make a decision, data that we do not have now. The comments on income are what might be. Let's see what the data is. Then the board can make a sound decision after we have this data.

Pam Sawyer, 95 South Road: I did contact a small town in western Massachusetts I thought was very similar on their experience with having the cannabis sales in their town. One of the things I found in the discussion was they said it was a greater pressure on their police force. In Bolton we have a very solid, but not depth of bench police force. In Bolton we have two resident state troopers both of which serve their forty hours, five days on, three days off, one for days, one for nights. The other times we are served by resident state troopers from all around the Troop K area. Having more pressure on policing would get very expensive if we have to increase our police force. Having to rely on the state police and its structure now, they are very low on their enrollment in the academies and their numbers with the retirements they have had. I do not support at this time the retail sales of cannabis products in the special zones. We do not have enough information. How much money do we get? Should that be the driving force or should it be the quality and value of the item we are looking at in this town?

2. I would have a comfort level with prohibiting it.

3. I think a three year moratorium at this time to study it and look around at other towns. Do we want to be known as a cannabis seller? We are known for other things. I am coming to you as the head of your police force and I believe it would be a great strain on our policing.

Andrew Ladyga, 2812 Boston Turnpike, Coventry: I am pro-business and think Bolton should do everything in their power to promote cannabis along with other economic growth. The cannabis business has a unique advantage where they do create money and donate back money to the municipalities and they invest in their communities. Some of the investments of the 3% tax that goes back to the town does help promote education programs, streetscape improvements and mental health and youth service. These are at the discretion of what the town wants to utilize these funds for and has the ability to use these funds in any ways they think it should be appropriated. There have been places in different states that the cannabis revenues they generate do help the neighborhoods and help teach and educate people with mental health addictions and the values and the risks of it. I think it is important that everybody has a full knowledge of what cannabis is. People are realizing that cannabis does not have all the nasty side effects of some of the pharmaceuticals. People with a medical cannabis card have the legal right to grow this in their house. Starting on July 1, 2023 everybody will have the ability to grow in their house without any odor control, without any regulation, do not have to come to the town for permits, which shows the progression of what this is. UCONN and ECSU have programs specific to cannabis education and to teach students about it and to create jobs. This is an industry that is creating a lot of jobs. Massachusetts and Rhode Island already have been doing this for five or ten years and have had very little problem, very little issues with this and it has the ability to create a lot of good. Towns around us have considered it and are participating in it; Vernon, Coventry, Mansfield, Manchester. It is becoming very accepting and I do not feel waiting for certain things, sometimes you do not want to wait to be the last to something because then you get the scraps. It is better to be an innovator and try to attract some of this economic development that could come your way could help out with tax revenue. I feel a small town like Bolton that has three package stores and is looking to put in a fourth, should be able to have a retail location for a cannabis store and potentially a cultivation facility as well. I think a cannabis business coming to town would be a great economic development creator, a tax revenue generator. I do support the retail of cannabis provided being away from schools. There have to be certain boundaries set in place. I think it has the good to highlight the town and bring a lot of recognition to the town.

R. Morra, 15 Tinker Pond Road addressed the topic of medical marijuana – I absolutely have no objection to that. It is like any other regulated drug. It is highly effective. We all know friends or family who benefit from it and does not have the side effects that so many other things do. My opposition is the sale of recreational cannabis. You can grow it in your backyard and if that is the case, grow it in your yard and use it yourself. You then become responsible for everything that happens. I do not think the community should be part of it.

T. Manning asked for input from the board.

J. Cropley asked where the tax revenue (3%) from the sale of cannabis go?

First Selectman P. Sawyer explained it would be up to the Board of Selectmen, once it comes into the General Fund, to become a designated fund and it could be something specific.

J. Cropley said his concern is with the police department. He does not know if these businesses need more assistance form the legal aspect of police. If there is an issue in a store is that something that is

going to be a problem in the long run? Do the cannabis stores have their own security people? Another concern is people growing in their backyards. How much can they grow?

T. Manning noted the regulations presented at the hearing do not include cultivation due to the lack of sewers in town.

R. Morra said regarding an existing business already tied into the sewer system, there are restrictions of what can go into the sewer line and that it determined by the recipient of it and that is the Town of Manchester.

M. D'Amato provided some data to the board. He said the town of Canton approved a retail facility on Albany Turnpike. They did a lot of legwork and polled 32 towns in Massachusetts that have one or more cannabis facilities. None of them cite an increase in crime, traffic, trash. The only real issues that came up was in Northampton because that was the first retail establishment basically on this half of the United States. That was more of a tourist type of situation that caused the traffic issue. Of the 32 towns polled, some of which had multiple cannabis retailers, none of them cited any negative measurable increases in any of those things. M. D'Amato said if you look at the ITE, which is basically how you determine trip generation, a cannabis retailer is within that code seen to generate approximately the equivalent traffic to a coffee shop with drive-through, somewhere between 30 to 35 trips during a peak hour in and out. He said there are limitations on how the town can spend funds once collected from a retailer. It includes using the funds to 1. to make improvements to streetscapes and other neighborhood developments in and around each community; 2. fund education programs, youth unemployment, training programs in the town; 3. fund services for individuals released from the custody of the commissioner of corrections, probation or parole and residing in the municipality; 4. fund mental health or addiction services; 5. fund youth service bureaus; and 6. fund efforts to promote civic engagement in the communities.

P. Carson said the point is that the tax money just does not go into the general fund to offset taxes. It has to go toward certain items that are called out in statute.

A. Fiano asked whether a cannabis store is more similar to a pharmacy than a package store when regulated? M. D'Amato said when the original act was passed, and the statute says if you do not develop regulations, you have to regulate it like a similar use, the reaction was liquor store. In later discussions, the thinking was it was more like a pharmacy. He said cannabis stores are allowed to have a drive-thru. Cannabis stores are treated in every other way as retail. M. D'Amato explained the no other standards were changed in the regulations with the exception of retail. M. D'Amato explained there are different classes of licenses. Medical marijuana does not fall under the adult use cannabis statutes. Towns have had medical marijuana dispensaries for multiple years. If a town prohibits adult use cannabis, it is not obligated to lump in medical. It is a separate licensing unless an existing medical dispensary wants to go and co-locate and become a hybrid, where they would do retail and medical.

A. Ladyga said you can house a hybrid license at the same location. There are two separate entrances, one for medical, one for recreational. You can get a stronger prescription of cannabis and you get the medical benefit where you do not have to pay the taxes because you are getting it medically prescribed. Cultivation is only allowed in very specific locations in Connecticut and Bolton would not be able to support a cultivation facility and it is not allowed in those towns. Micro cultivation in my opinion is a very good fit for Coventry or Bolton because it is a much smaller size and the utilization of water is not going to be that abundant.

P. Carson noted that the commission is not allowing cultivation, only looking at retail sales.

K. Gordon said tonight's discussion and active participation have been helpful. I agree with a lot of A. Ladyga's points, being first in a situation like this, being proactive, because this is not something that is going to go away or stop. The risk of a potential accident on the road is being mitigated by having someone drive to and from ten or fifteen minutes down the road. There could still be an issue with police response if the sale was in a neighboring town. If something is going to happen, it will, in my opinion, whether the town allows the retail sale or not. Being first and hoping to trust the process that we have and security and the state mandates that go along for people looking to open retail sales cannabis positions. I think we should trust the process and be ahead of the curve vs being behind it. I think the pros outweigh the cons at this point.

S. Clark said he has a wide range of opinions. My personal position is if folks are able to produce this on their own at their house and other locations are pursuing this, I personally do not see the benefit or the value for Bolton to take part. I do not see the upside to it. I would have to hear more of the upside of why Bolton would want to take a position to want to pursue this. Sometimes first is not always the best position to take.

J. Crolley said the only advantage I see is that we are going to get some money for taxes. Other than that, I do not see any other reason for us to have it. How much is our little town business going to provide when we have larger towns around us? Is a viable business going to come to our town because if they are going to put them every three miles, they are all going to share that profit.

A. Ladyga said this industry it is all about brand. A lot of these cannabis companies try to create their own unique flavor so people will come to them and establish roots in that community and try to do your best to create that destination location. There are places that mass produce cannabis, but the bigger they get they cannot always be the best at what they do. That is where a lot of these micro cultivators do it on a need basis and you cannot get that in other stores.

T. Manning asked for a motion to close the public hearing.

J. Crolley MOVED to CLOSE the public hearing to Amend the Zoning Regulations (#PL-22-6) re: cannabis regulations amendments to;

1. allow only retail sales of cannabis products only in the GB Zone by Special Permit, or
2. prohibit any cannabis establishment, or
3. extend the current moratorium to continue to further evaluate public input and consider amendments to draft regulations

T. Robbins SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

6. Old Business:

a. Continuation: Zoning Regulation Amendment regarding Cannabis (#PL-22-6):

- 1. allow only retail sales of cannabis products only in the GB Zone by Special Permit, or**
- 2. prohibit any cannabis establishment, or**
- 3. extend the current moratorium to continue to further evaluate public input and consider amendments to draft regulations**

T. Manning said the commission has to extend the moratorium or take action. He polled the members and said he is ready to adopt the proposed regulations for retail sales.

A. Fiano and K. Gordon were in favor of adopting the proposed regulation amendment.

J. Flick, R. Fournier, T. Robbins and J. Cropley were in favor of extending the moratorium.

T. Manning said it looks like the commission would like to extend the moratorium to July 13, 2023 to give them more time to act on the regulations.

J. Cropley MOVED to extend the current moratorium to July 13, 2023 to continue to further evaluate public input and consider amendments to draft regulations. K. Gordon SECONDED. By roll call vote, the MOTION CARRIED 7:0:0.

T. Crockett asked P. Carson if she could find out if this price is fixed for the marijuana that you can buy.

b. Other: None

7. New Business

a. Application: Special Permit for CANDle Studio and Retail Store, 299 Boston Turnpike, Meghan Crandall (#PL-23-3)

M. Crandall, 299 Boston Turnpike, Suite D, Bolton, explained approximately 600 square feet will be used for candle classes and an area of retail. The back half of the store will be used for storage and production. People can come in during the day during open studio hours to make a candle or to purchase something from the retail store. During private hours they can schedule a candle party like a birthday party or bachelorette party and come and make a candle with their family and friends.

A. Fiano MOVED to accept the special permit application for CANDle Studio and Retail Store, 299 Boston Turnpike, Meghan Crandall (#PL-23-3) and set a public hearing date for April 12, 2023. J. Cropley SECONDED. MOTION CARRIED 7:0:0.

J. Cropley said he thought there would be sale of alcohol on site. M. Crandall responded there are no alcohol sales whatsoever. Some candles are made in recycled beer cans and some are made in regular containers. The idea behind the space is that it is BYOB and BYOF.

P. Carson added, from the public health standpoint, M. Crandall does not need any kind of permit from them unless she is serving food. People will be bringing their own food and drink.

Discussion followed on whether a special permit application was needed. P. Carson said the Commission can determine that it is a minor modification to the existing restaurant. There is already a special permit there for a full-blown restaurant.

Arlene Fiano MOVED to rescind her prior motion to accept the special permit application for CANDle Studio and Retail Store, 299 Boston Turnpike, Meghan Crandall (#PL-23-3) and set a public hearing date for April 12, 2023. J. Cropley SECONDED. MOTION CARRIED 7:0:0.

J. Cropley MOVED that the Commission refer application #PL-23-3 to town staff for their review and determination as a minor modification after discussing it with the applicant, and to amend what she has paid in the application fee to fit the zoning application. R. Fournier SECONDED. MOTION CARRIED 7:0:0.

b. Other: None

8. Correspondence

P. Carson asked the members if they still want a draft agenda sent out the Friday before the meeting. Consensus of the board is to only receive the final agenda and packet the Monday before the meeting.

9. Adjournment: J. Cropley MOVED to adjourn the meeting at 9:14 p.m. MOTION CARRIED 7:0:0.

Respectfully submitted by Linda H. McDonald

Linda H. McDonald

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.