

**HARWINTON ZONING COMMISSION
MONDAY, JULY 11, 2022
TOWN HALL 7:00 P.M.**

Present: Chairman Daniel Thurston, Deborah Kovall, Theodore Root, Alternate Member Dave Foster, Alternate Member Michelle Whitford, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer Don Truskauskas
Also Present: Michael D. Rybak and Michael D. Rybak, Jr.
Absent: Cynthia Kasey and William Ponte

PUBLIC HEARING #1

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Thurston called the hearing to order at 7:00 p.m. All members present are seated.

2. ZONING COMMISSION INITIATED PROPOSAL TO AMEND THE ZONING REGULATIONS DATED 12-3-2021 TO CONSIDER EITHER PROHIBITING OR ALLOWING CANNABIS ESTABLISHMENT USES IN TOWN PER PUBLIC ACT 21-1.

Chairman Thurston reads the call to hearing as published in the Republican American newspaper. He acknowledges the following contents of the file as noted in the Exhibit List prepared by LUC Redmond:

- A) A copy of Public Act 21-1 An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis.
- B) Zoning Regulations dated 12-3-2021
- C) Legal notice as published in the Republican American newspaper on July 1, 2022 and July 8, 2022
- D) Notice to Northwest Hills Council of Governments on April 26, 2022. Their response has been received finding that the proposal to prohibit or allow is “*not to be in conflict with any regional plans*”.
- E) Notice to Naugatuck Valley Council of Governments on April 26, 2022. Their response has been received finding that the proposal to prohibit or allow is “*found to be regionally insignificant*”.
- F) Notice given to Harwinton Planning Commission on April 22, 2022.
- G) Notice given to Harwinton Town clerk on May 2, 2022
- H) Notice given to the Board of Selectmen on May 2, 2022
- I) Notice given to Town Counsel Michael D. Rybak on May 2, 2022

Chairman Thurston opens the floor to public comment to which there is none.

Atty. Michael D. Rybak addresses the Commission stating that the following should be added to the file:

- J) Atty. Rybak submits a copy of Public Act 21-1, Section 148.
- K) Atty. Rybak submits a copy of PA 22-103, Section 9, that has repealed the limit of permits that can be issued. Originally, one permit for every 25,000 residents was to be issued but with PA 22-103 there is now no limit on the number of permits that can be issued within a municipality.
- L) A copy of the Naugatuck Valley Council of Governments Memorandum dated July 6, 2021 titled 07062021 Public Act No. 21-1 Cannabis Act Summary.
- M) A copy of State of Connecticut Office of Policy and Management Municipal Authority - Impact Overview on An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis.
(*It is noted that the Municipal chief zoning officials are required to report these zoning changes to the OPM Secretary and DCP (Department of Consumer Protection) – in writing – within 14 days after adopting regulation changes.)
- N) A copy of the Town of Harwinton Zoning Commission’s Temporary One-Year Moratorium on Cannabis Establishments, Section 4.0.1, that expires December 3, 2022.
- O) A copy of Statement of Purpose: *To Address the prohibition of allowance of retail sale of recreational cannabis/marijuana by Zoning Regulation* written by LUC Redmond is entered into the record.

The Statement of Purpose includes the proposal to amend Zoning Regulation Section 2.3 - Definitions for **Cannabis/Marijuana** as defined in Section 21a-240 of the Connecticut General Statute which “*means all parts of any plant, or species of the genus cannabis or any infra specific taxon thereof, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt derivative, mixture, or preparation of such plant, its seeds or resin.*”

Also to include the definition for **Retail Recreational Cannabis/Marijuana Establishment** which “*means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, cannabis food and beverage manufacturer, cannabis product manufacturer, cannabis product packager as defined in the Connecticut Public Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (Public Act 21-1).*”

The Statement of Purpose also includes a proposal to amend Section 4 – Permitted Uses and Special Permit Uses for Each Zone to either A) Consider Retail Recreational Cannabis/Marijuana as a Prohibited Use in all zones or B) Consider permitting Retail Recreational Cannabis/Marijuana in certain zones.

At this time Don Truskauskas, 99 Scoville Hill Road, speaking as a Harwinton resident states that there has been a lot of discussion on the pros and cons of Medical Marijuana and there should be just as much discussion on whether to prohibit or permit Cannabis Establishment Uses because it is unknown on where this recreational aspect will go. Harwinton is a small town and property values should be protected. He suggests that the Board of Selectmen prepare an Ordinance prohibiting use of cannabis and cannabis products on municipal property.

3. CONTINUE OR CLOSE PUBLIC HEARING.

T. Root **motioned** to continue the public hearing to Monday, July 25, 2022 following the 7:00 p.m. hearing for Matthew Cassina, 495 Burlington Road, seconded by D. Kovall. Motion passed unanimously.

PUBLIC HEARING #2

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Thurston called the hearing to order at 7:20 p.m. All members present are seated.

2. JOHN AND NOREEN SAKSA – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR 47’ X 33.5’ ADDITION TO HOME FOR USE AS AN ACCESSORY APARTMENT, 165 HILL ROAD.

John Saksa is present and submits proof of certified mailings giving notice of this hearing to property owners within 200 feet of his property lines. As requested by the Zoning Commission, Mr. Saksa now provides stamped drawings that show the additional required two parking spaces in accordance with Zoning Regulation 9.3.5. for the 1063 square foot accessory apartment. TAHD approval has been received for one full bath but was asked to review the floor plans once again for the two full baths being added. That approval has not yet been received. Chairman Thurston opened the floor to public comment to which there is none.

3. CONTINUE OR CLOSE PUBLIC HEARING.

T. Root **motioned** to close the public hearing at 7:30 p.m., seconded by D. Kovall. Motion passed unanimously

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Thurston called the meeting to order at 7:30 p.m. All members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 6/13/2022

D. Foster **motioned** to approve the minutes of the previous meeting, seconded by T. Root. Motion passed unanimously with M. Whitford refraining from vote due to her absence at the previous meeting.

3. PUBLIC COMMENT.

None.

4. DISCUSSION/POSSIBLE DECISION - ZONING COMMISSION INITIATED PROPOSAL TO AMEND THE ZONING REGULATIONS DATED 12-3-2021 TO CONSIDER EITHER PROHIBITING OR ALLOWING CANNABIS ESTABLISHMENT USES IN TOWN PER PUBLIC ACT 21-1.

None.

5. DISCUSSION/POSSIBLE DECISION - JOHN & NOREEN SAKSA – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR 47' X 33.5' ADDITION TO HOME FOR USE AS AN ACCESSORY APARTMENT, 165 HILL ROAD.

T. Root states that the applicant has met all requirements of Zoning Regulation 9.3 and drawings have been updated with required details. T. Root motioned to approve the application for Special Permit and Site Plan approval with contingency that TAHD approval for two bathrooms is received in the Land Use office. Once received, LUC Redmond can sign off on the application. Motion seconded by D. Foster and passed unanimously.

6. COMPLAINTS/ENFORCEMENT ACTIONS.

ZEO D. Truskauskas informs the Commission that there have been inquiries as to what is happening behind the Liquor Lad on Burlington Road. A new septic system is being installed and silt fence is in place.

ZEO Truskauskas reports that paving has been done on the majority of roads within Sunset Ridge.

7. ANY OTHER BUSINESS.

None.

8. INVOICES.

None.

9. ADJOURN.

T. Root **motioned** to adjourn the meeting at 7:45 p.m., seconded by D. Kovall. Motion passed unanimously.

Respectfully submitted

Polly Redmond
Land Use Coordinator

