

**PLANNING COMMISSION MEETING
WEDNESDAY, NOVEMBER 12, 2014
TOWN HALL 7:00 P.M.**

Present: Chairman Michael Orefice, Paul Roche, Lee Hall, Alternate Member Roland Perreault and Land Use Coordinator Polly Redmond

Absent: Christina Emery and Michael Letourneau

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Orefice called the meeting to order at 7:04 p.m. All regular members present are seated with Alternate Member R. Perreault seated for C. Emery. Lee Hall acknowledges that he has resigned as an Alternate Member of the Commission to fulfill his term as a Regular Member. He has been sworn in as a Regular Member by the Town Clerk.

2. ELECTION OF OFFICERS.

P. Roche nominates M. Orefice to continue as Chairman of the Commission, seconded by R. Perreault. With no further nominations, nominations are closed. M. Orefice will remain as Chairman of the Commission.

P. Roche nominates L. Hall as Secretary of the Commission, seconded by R. Perreault.

With no further nominations, nominations are closed. L. Hall will become Secretary of the Commission.

3. APPROVE MINUTES OF PREVIOUS MEETINGS: 5/14/14, 5/28/14 AND 10/8/14

The minutes of 5/14/14 are tabled due to lack of a voting quorum.

R. Perreault **motioned** to approve the minutes of 5/28/14, seconded by L. Hall. Motion passed unanimously with P. Roche refraining from voting due to his absence at the 5/28/14 meeting.

P. Roche **motioned** to approve the minutes of 10/8/14, seconded by R. Perreault. Motion passed unanimously with M. Orefice refraining from voting due to his absence at the 10/8/14 meeting.

4. DISCUSSION – ZONING COMMISSION'S PROPOSAL FOR MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES AND PRODUCERS.

Chairman Orefice questions whether there will be representation from the Zoning Commission tonight in case there are questions. LUC Redmond states that it was never discussed among Zoning Commissioners as they are only looking for informal input at this time. State Statute 8-3a(b) calls for the Planning Commission to give a report on their findings of consistency of a proposed Zoning Regulation with the Plan of Development and that formal request will be forthcoming from the Zoning Commission.

Chairman Orefice questions Paragraph 2 wording within the proposed Moratorium where it states, "...goal toward maintaining and protecting the public health, safety, convenience and property values of the residents of the community...". Chairman Orefice believes that the Zoning Commission should study the State's documents on Medical Marijuana and investigate any potential hazards on implementing Zoning Regulations pertaining to Medical Marijuana Dispensaries and/or Production Facilities and that those findings would seem to be a better reason than protecting the public health and safety of the community. Chairman Orefice states that the Zoning Commission must ask themselves, "Where is the best place for these types of facilities?" and that they should have open discussions with other towns who have since adopted Zoning Regulations on Medical Marijuana facilities.

Chairman Orefice questions whether adopting such a regulation allowing for a Dispensary or Producer of Medical Marijuana may affect grants because possession of marijuana is still a federal offense.

Discussion on whether growers of Medical Marijuana could come in under an agricultural use takes place with P. Roche stating that the Zoning Regulation could specifically state that the facilities would not be considered agricultural and that they would be considered a commercial use.

Chairman Orefice questions whether the Zoning Commission will establish a subcommittee to discuss wording of the proposed regulations on Dispensaries and Production Facilities after the Moratorium is in place and again stresses that the Zoning Commission should conduct a thorough investigation into wording and past experiences of other towns who have implemented Zoning Regulations concerning Medical Marijuana Facilities. He believes there should be public input from residents of the town as well.

Discussion on the wording within the proposed Moratorium under *Intent and Purpose* is questioned and Chairman Orefice asks how the Zoning Commission came up with this wording and determination. He believes the statement, "The Zoning Commission has *determined* that the following uses have the potential to impair the health, safety and welfare of its citizens, and that a temporary, limited Moratorium is needed...." could be challenged at the time of a public hearing. He sees the wording as predetermined and opinionated. Better wording would be that the Intent and Purpose is to *Explore Potential Regulations*.

The Planning Commission appreciates the opportunity provided to them to comment on this proposal.

5. INFORMAL DISCUSSION – ABANDONED AND DISCONTINUED ROADS.

Atty. William Tracy is in the audience and reminds the Commission that Raymond Bentley drew up a map and index of the map that is located in the Town Clerk's office that is very useful and has roads listed that have been formerly discontinued. Atty. Tracy notes that a vote by the town is what makes a road become discontinued. He states that abandoned roads are more complicated in determining since it can be a very long time without use of the road. He touches upon Proprietor Roads where ownership of the land under the road comes into question.

The Commission thanks Atty. Tracy for his input. No action is taken at this time but the Commission will deal with these kind of roads as they come before them in applications.

6. REVIEW AND APPROVE 2015 PLANNING COMMISSION MEETING SCHEDULE.

Commissioners agree that they will meet once in November 2015 due to Veteran's Day falling on the second Wednesday of that month. P. Roche **motioned** to approve the Meeting Schedule, seconded by R. Perreault. Motion passed unanimously.

7. OLD BUSINESS.

None.

8. NEW BUSINESS.

The matter of vacant Alternate Member positions is discussed as well as non-attendance of Regular Members. LUC Redmond will email Member Michael Letourneau who has been absent for a number of meetings to ask whether he wishes to remain on the Commission. If he chooses to resign, he must submit a letter of resignation.

9. **ANY OTHER BUSINESS.**

LUC Redmond has written up the Annual Report for 2013-2014. Commissioners review and approve of it.

10. **CORRESPONDENCE.**

None.

11. **INVOICES.**

None.

12. **ADJOURN.**

R. Perreault **motioned** to adjourn the meeting at 8:02 p.m., seconded by P. Roche. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARTWINTON CT
ON 11/14/2014 AT 9:26 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK