

Town of Montville
Planning and Zoning Commission

ZONING TEXT & MAP AMENDMENT APPLICATION FORM

Please submit original and 15 copies of this application and relevant plans.

FOR OFFICE USE ONLY

Application Number: **24 ZC 1** Submittal Date: **4/3/2024**
Date of Receipt: **4/23/2024** Fee Paid: **N/A**

Application is for: **TEXT AMENDMENT** **MAP AMENDMENT**

Name of Applicant(S): **Montville Planning & Zoning Commission**

Mailing Address(es): **C/O Matthew Davis, Director, Dept. Land Use & Development
310 Norwich-New London Turnpike, Uncasville, CT 06382**

Telephone Number(s): **(860) 848-6779**

Email Address(es): **mdavis@montville-ct.org**

All required application materials must be submitted not less than 15 days prior to the scheduled public hearing.

AMENDMENT TO ZONING REGULATIONS. Proposals must indicate text to be added and/or deleted, and provide a statement as to why the amendment is being pursued, its consistency to the Plan of Conservation and Development and the Comprehensive Plan and a statement regarding conformance to general purposes of the Zoning Regulations. **SEE PROPOSED ZONING REGULATIONS AMENDMENT ATTACHED.**

AMENDMENT TO ZONING MAP. Proposals must include a Class A-2 Survey depicting proposed zoning district boundaries, a legal description of the property, list of abutting owners and their addresses, and an Impact Statement.

COMPLETE FOR ZONING MAP AMENDMENTS ONLY:

Property Address(es): **SEE PROPOSED MAP AMENDMENT ATTACHED**

Assessor's Parcel ID(s): **083-029-00B, 083-029-00A, 083-030-000, 083-031-000, 083-032-000, 083-033-000, 005-008-000, 005-007-000, 005-006-000, 005-005-000, 005-004-00A, 005-004-000, 005-018-000, 005-019-000, 005-020-00A, 005-020-000, 005-021-000**

Present Zoning District: **C1**

Proposed Zoning District: **COZ**

Previous Petitions: List all previous zoning amendment petitions that have been made with respect to the above listed property(ies): _____

COMPLETE FOR ZONING REGULATION OR MAP AMENDMENTS:

Reason for requesting Regulation or Map Amendment: (ATTACH SHEET IF NECESSARY):

The Montville Planning & Zoning Commission is proposing an application to define regulations for new retail cannabis establishments in Montville.

The undersigned applicant hereby consents to necessary and proper inspections of the above-mentioned property by agents of the Commission at reasonable times both before and after a permit is granted by the Commission.

The undersigned declares all information supplied is accurate to the best of his/her knowledge and belief. If such information subsequently proves to be false, deceptive, incomplete, or inaccurate, any approvals may be modified, suspended, or revoked by the Commission or its agents.

Applicant Signature(s):  (for) Date: 4/9/24
Sara Lundy, PZC Chairperson

**PROPOSED ZONING REGULATIONS
FOR CANNABIS ESTABLISHMENTS
IN THE TOWN OF MONTVILLE
(PH Version 3-27-24)**

ADD THE FOLLOWINGS DEFINITIONS TO SECTION 1.3:

CANNABIS: Marijuana, as defined in section 21a-240 of the Connecticut General Statutes.

CANNABIS ESTABLISHMENT: a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter; as defined in CGS §21a-420(4) as follows:

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 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, or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to chapter 368v that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

DISPENSARY FACILITY: A place of business where cannabis may be dispensed, sold or distributed in accordance with chapter 420f and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under chapter 420f 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.

GROW SPACE: The portion of a premises owned and controlled by a producer, cultivator or micro-cultivator that is utilized for the cultivation, growing or propagation of the cannabis plant, and contains cannabis plants in an active stage of growth, measured starting from the outermost wall of the room containing cannabis plants and continuing around the outside of the room. "Grow space" does not include space used to cure, process, store harvested cannabis or manufacture cannabis once the cannabis has been harvested.

HYBRID RETAILER: A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

LABORATORY: A laboratory located in the State that is licensed by the department to provide analysis of cannabis that meets the licensure requirements set forth in section 21a-246.

MANUFACTURE: To add or incorporate cannabis into other products or ingredients or create a cannabis product.

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 square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner.

PRODUCER: A person that is licensed as a producer pursuant to section 21a-408i and any regulations adopted thereunder.

PRODUCT MANUFACTURER: A person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type.

PRODUCT PACKAGER: A person that is licensed to package and label cannabis.

RESEARCH PROGRAM: A program approved by the Connecticut Department of Consumer Protection and meeting the requirements of CGS 21a-408t and any State regulations adopted thereunder.

RETAILER: A person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs.

TRANSPORTER: A person licensed to transport cannabis between cannabis establishments, laboratories and research programs.

ADD THE FOLLOWING TO SECTION 12.2 (LI PERMITTED USES):

- 12.2.19 Cannabis Establishments including Cultivators, Micro-cultivators, Food and Beverage Manufacturers, Producers, Product Manufacturers, Delivery Services, Transporters and Product Packagers, subject to the requirements of section 4.11.15 of these Regulations.

ADD THE FOLLOWING TO SECTION 13.2 (I PERMITTED USES):

- 13.2.11 Cannabis Establishments including Cultivators, Micro-cultivators, Food and Beverage Manufacturers, Producers, Product Manufacturers, Delivery Services, Transporters and Product Packagers, subject to the requirements of section 4.11.15 of these Regulations.

ADD THE FOLLOWING NEW SECTION 4.11.15:

4.11.15 REGULATIONS CONCERNING CANNABIS ESTABLISHMENTS.

4.11.15.1 **Purpose** The purpose of this section of the regulations is to permit Adult-Use Cannabis (“Cannabis”), in accordance with CGS Chapter 420h (Regulation of Adult-Use Cannabis) §21a-420 to 22a-422s, as may be amended, in a manner that protects public safety and limits negative impacts on the surrounding community. The Commission may grant permits for the various types of Cannabis Establishments in the zoning districts specified herein.

4.11.15.2 General Provisions

1. Cannabis Establishments shall not be permitted through the “Change of Non-Conforming Use” process in Section 4.9.9.
2. Retail cannabis sales shall not be permitted as an accessory use to any other non-cannabis use or activity.
3. The Montville Zoning Board of Appeals shall be prohibited from approving variances to any of the use, zone, design, operational or application requirements governing Cannabis establishments.

4.11.15.3 Permissible Uses

There shall be three classes of permissible Cannabis uses, as follows:

1. Class I

Class I uses shall be limited to Delivery Services and Transporters. Class I uses shall not be subject to the requirements of section 4.11.15. For zoning purposes, Class I uses shall be regulated in the manner applied to like conventional uses permitted by the Zoning Regulations at the time of adoption of section 4.11.15.

2. Class II

Class II uses shall be limited to Cultivators, Micro-cultivators, Food and Beverage Manufacturers, Product Manufacturers, Producers and Product Packagers. Class II uses may be permitted by Site Plan approval in Industrial (I) and Light Industrial (LI) zoning districts provided they meet the requirements of Section 4.11.15 and any other applicable Site Plan application requirements.

3. Class III

Class III uses shall be limited to Dispensary Facilities, Retailers and Hybrid-Retailers. Class III uses shall only be permitted in the Cannabis Overlay Zone East (CZE) and Cannabis Overlay Zone West (CZW), subject to approval of a Special Permit and Site Plan application, meeting the applicable requirements of this section 4.11.15 and the requirements of the CZE or CZW contained in section 14B of these regulations, as applicable.

4.11.15.4 Mandatory Referrals

All applications submitted pursuant to this section 4.11.15 shall be referred by the Commission or its duly appointed agent to the Montville Chief of Police, WPCA Director, Public Works Director, Town Engineer and ConnDOT District for review and comment. Failure to receive comments shall not be construed as a recommendation in favor or against the application and the Commission shall act on the application in accordance with the timeframes in CGS 8-7d. Conditions of approval and/or modifications imposed by the Commission in acting on an application shall be limited to those permissible based on the applicable Site Plan and/or Special Permit regulations.

4.11.15.5 Supplemental Application Requirements

In addition to meeting any and all Site Plan application requirements in place upon the effective date of the adoption of this section 4.11.15, applications for Class II and III uses shall include the following supplemental application materials:

1. Detailed project narrative describing:
 - a. The scope and nature of the use, hours and days of operation, and staffing.
 - b. Odor control
 - c. Water and potable or process wastewater
 - d. Site security
 - e. Site lighting
 - f. Parking, including areas to be restricted from parking/loading
 - g. Site access conditions, proposed vehicular access/egress and sightlines

- h. Deliveries/shipping
 - i. Refuse/recycling
 - j. Adjacent land uses and zoning districts
2. Scaled and accurate floor plans, depicting the use of all interior areas
 3. Scaled elevations for all building sides, showing proposed materials, attached lighting, and screening of roof mounted mechanicals
 4. Existing and proposed site lighting details, including fixture specifications/details and BUG rating, as well as an isometric plan showing foot candle or lumen distribution.
 5. A scaled plan showing that internal drive aisles are sufficient to accommodate delivery vehicle movements onto, off of and within the site in a manner that does not encroach upon required parking areas, landscaping, pedestrian walks or other areas not approved for vehicular use.

4.11.15.6 Design and Operational Standards

Class II and III Uses

In addition to meeting any and all Site Plan application requirements in place upon the effective date of the adoption of this section 4.11.15, applications for Class II and III uses shall address compliance with the following design and/or operational standards specific to these uses:

a. Odor Control

Applicants shall provide detailed odor control plan based on industry-specific best control technologies and best management practices. The building shall be designed or equipped and operated so that cannabis odors and/or other objectionable odors emanating from on-site activities are not detectable from the property line by a person with an unimpaired and otherwise normal sense of smell. No operable windows or exhaust vents shall be located on any building façade. Exhaust vents on rooftops shall direct exhaust away from residential uses or zones. The odor control plan shall be reviewed by a third-party consultant chosen by the Town with expertise in odor control measures for cannabis growers. Such review shall be paid for by the applicant. Upon operation of the business, the approved odor control plan shall be continuously implemented by the applicant.

b. Site and Building Lighting

Site and building lighting shall be the minimum necessary to safely operate the facility. There shall be no increase in lumens or foot candles at a property line

adjacent to a residential use or residential zone. In general, all fixtures, light levels and operations shall comply with the most recent Dark Sky International standards.

c. Loading and Delivery

Loading and delivery shall be strictly limited to a specific on-site location, designated on the Site Plan and approved by the Commission for this purpose, regardless of the day or time of day that deliveries may occur. Delivery vehicles shall not encroach on parking stalls, pedestrian walks, landscaping or other features not designed or approved for vehicular movements.

d. Hours and Days of Operation

Hours of operation for patrons shall be limited to 7:00 am to 10:00 pm, Monday through Saturday and noon to 6:00 pm on Sundays, unless otherwise approved by the Commission, based on the specific location of the use in terms of proximal or abutting land uses and/or zones.

e. Parking

All employee and patron parking shall be located on site unless otherwise approved by the Commission. Parking shall not interfere with safe access to and within the site for emergency or public safety vehicles or staff.

f. Drive Thru

Drive through lanes and pick up windows shall be prohibited.

Class III Uses

Due to the unique nature of these uses and the permissible locations, in order to promote orderly development, limit land use conflicts, avoid or mitigate potential traffic impacts, and otherwise assure that establishment of these uses sufficiently addresses the unique characteristics of a given location, in addition to the requirements of 14.11.15.5 and 14.11.15.6 above, special permit and site plan applications for Class III uses shall also comply with the following:

a. Traffic Impact Study

Applications for Class III uses shall include a Traffic Impact Study (“TIS”). The purpose of the TIS shall be to identify and evaluate the impacts on existing levels of service at impacted intersection and upon affected public roads; to evaluate the existing vertical and horizontal geometrics of public roads and intersections

within the study area; to evaluate the sufficiency of existing sight lines, based on actual 80th percentile travel speeds; and to identify measures proposed to mitigate development impacts.

Such mitigation measures may include but are not necessarily limited to:

1. Physical improvements to roadway vertical and horizontal geometry
2. Clearing or grading within available rights of way to address sight line deficiencies
3. Additional traffic controls and/or adjustments to existing traffic controls
4. turning lanes, widening of road shoulders, increased radii and/or similar adjustments
5. limitations on site access locations, design and/or traffic circulation
6. prohibitions of off-site parking and/or on-street parking
7. drainage improvements related to other necessary mitigation

SECTION 14B: CANNABIS OVERLAY ZONES

14B.1 Purpose

The sole purpose of the two cannabis overlay zones is to permit Class III adult use cannabis facilities in locations that will promote economic development, while avoiding proliferation of these uses throughout Montville's commercial zones.

14B.2 Cannabis Overlay Zones

There shall be two cannabis overlay zones. The locations of these are depicted on the Montville Zoning Map. There shall be only one Class III use permitted in each COZ.

Cannabis Overlay Zone East ("CZE")

The purpose of the CZE is to further codify the legal standing of the one Class III facility already permitted and operating in this zone. Accordingly, this use and the physical plan upon which it was established, shall remain as a lawful, conforming use and plan. Notwithstanding this, any changes to the approved use or to the physical improvements approved and required as part of its original establishment, shall be subject to these regulations.

Furthermore, unless otherwise established by the Commission by enactment of additional zoning regulations affecting the CZE, the applicable bulk, parking,

landscaping and other design and operational standards in effect at the time of approval of this established use, shall continue to govern.

Cannabis Overlay Zone West (“CZW”)

The purpose of the CZW is to allow for one additional Class III facility to be established in this overlay zone. In that no such use has yet been approved and established in this CZW, the Commission chooses to create a set of design standards that are unique to this CZW, with the intention being to promote the consolidation of nonconforming properties at a scale sufficient to encourage the private investments necessary to provide a catalyst for improvement of this general area, in support of the goals and objectives contained in the Town’s POCD.

In evaluating a special permit and site plan application for a use in the CZW, in the event of a conflict between zoning regulations, this section shall prevail.

14B.3 Design Standards

14B.3.1 MINIMUM BUILDABLE LOT AREA

The lot shall contain a minimum of 60,000 square feet of area that is devoid of inland wetlands, 100-year flood area and slopes over 25%.

14B.3.2 MINIMUM LOT FRONTAGE

The lot shall contain a minimum of 150 feet of contiguous and continuous frontage along an existing State or Town road.

14B.3.3 ZERO SIDE/REAR LOT LINE

Subject to the Commission’s sole discretion, the Commission may allow one or more side or rear setbacks to be reduced to zero feet. The purpose of this discretionary standard is to take advantage of site conditions as a means of mitigating other project impacts, without creating other conflicts. In the event such a modification is not deemed necessary or appropriate, the setback minimum side and rear yard standard shall be 20 feet.

14B.3.4 MAXIMUM FRONT YARD SETBACK

In order to promote the location of parking to the rear of the building, to begin creating a more viable pedestrian interface between the public and private spaces, to enhance the streetscape in this area and to recognize and accommodate the excessive State right of way in this area, the Commission may allow a reduction of the front yard setback to zero. In any event, the maximum front yard setback shall be no more than 25 feet.

14B.3.5 BUILDING HEIGHT

Maximum building height shall be 30 feet.

14B.3.6 MINIMUM FLOOR AREA

In order to promote the project scale necessary to accomplish the intentions of the CZW, the building shall have a gross floor area of at least 5,000 square feet.

14B.3.7 MAXIMUM IMPERVIOUS AREA

The maximum impervious area shall not exceed 75% of the subject lot.

14B.3.8 LANDSCAPING

Interior: Each site shall include a minimum of 10% of the interior of the parking areas in landscaped islands, of at least 6 feet wide. These should be located to control traffic movements and to protect vehicles at the ends of parking “bays,” at site access drives and to separate abutting rows of parking. Islands shall be planted with shade trees at a ratio of one tree per 100 square feet of landscaped area and such trees shall be a minimum of 2” caliper and 8 feet high at planting. In addition, all parking spaces and drive aisles shall be separated from the building wall by a minimum 10 foot wide landscaped area, containing a 6 foot wide concrete walk.

Perimeter: Each site shall provide a minimum 10 foot wide perimeter landscaped area, also containing shade trees. The area along public streets shall contain 1 shade tree per each 50 feet of frontage and meeting the caliper and height standards as above. Perimeter landscape areas along the side and rear property lines shall also contain 1 shade tree for each 50 linear feet of property line, however, the Commission, in its sole discretion, may modify and reduce in whole or in part, the width of the perimeter landscape area, the planting density and/or type of plantings, or may allow for the substitution of existing mature vegetation, with or without supplemental plantings.

14B.3.9 BUFFERS AND SCREENING

Where a lot abuts a residential use or residential zone, the Commission may require landscaping buffers along the applicable property line. Such buffers shall provide all season screening and shall be at least 25 feet wide. The Commission may permit a combination of plantings and fencing with or without planted berms.

14B.3.10 LID STORMWATER DESIGN FEATURES

In order protect the environment and assist the Town in accomplishing its stormwater

management plan obligations, the proposed design shall incorporate low impact design features and best management practices, including but not necessarily limited to rain gardens, vegetated swales, disconnection of existing piped systems and other such methods.

14B.3.11 PUBLIC SIDEWALKS AND PEDESTRIAN SAFETY

Depending on the unique circumstances of the site and its environs, the Commission may require concrete public walks to be installed along the property frontage, with connections into the site to access the main “patron” door. In addition, all site designs will incorporate internal walks designed to facilitate the safe movement of patrons and staff during all seasons, within the parking areas and leading to/from the building.

14B.3.12 INTERLOT ACCESS

Where deemed appropriate by the Commission in its sole discretion and based upon the required traffic impact study, as well as input from the Town Engineer and/or ConnDOT District staff, the Commission may require the approved plan to show provisions to allow for future pedestrian and vehicular interlot access between the site and directly abutting commercially zoned property.



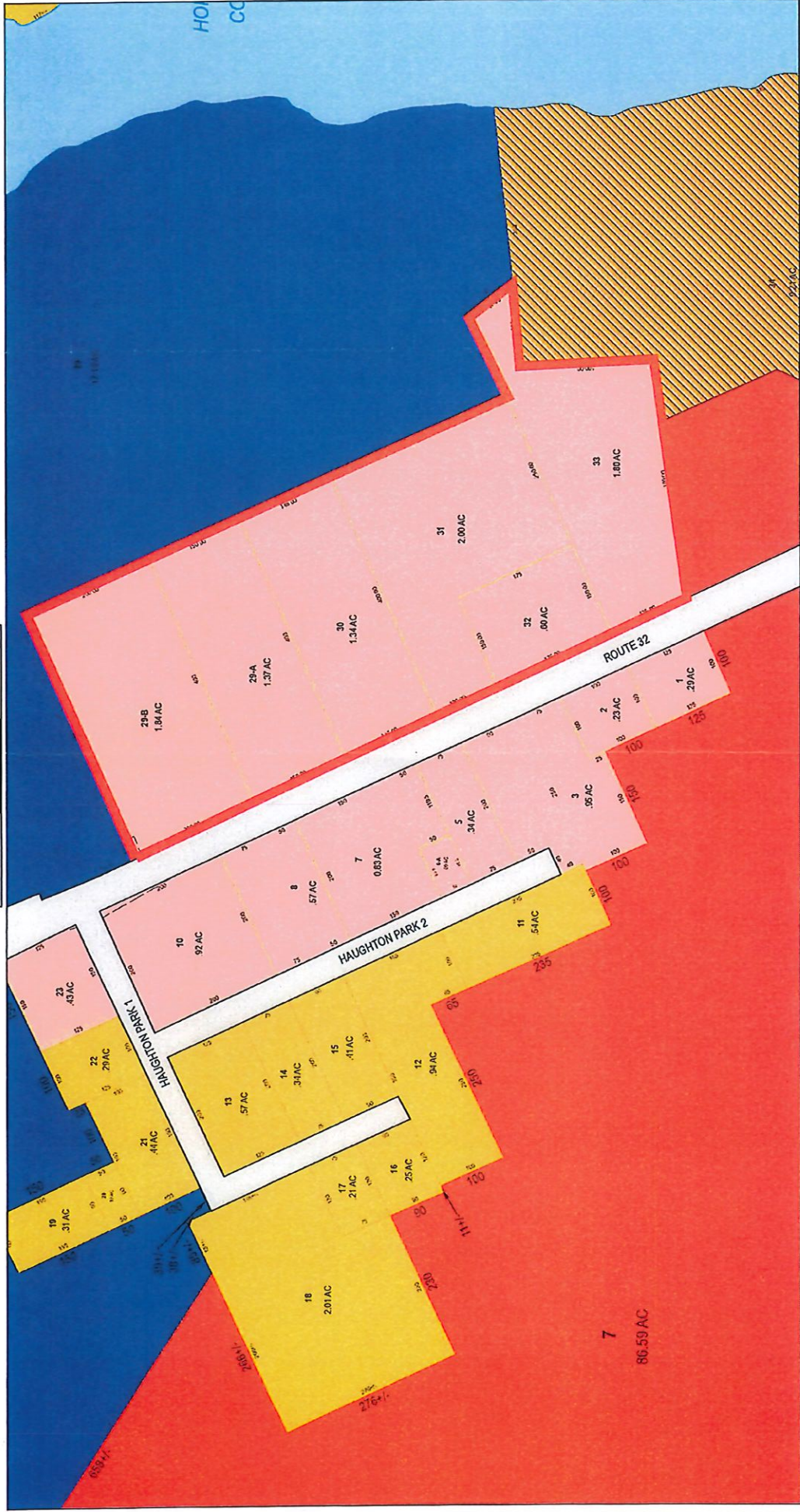
March 25, 2024

East Side Montville, CT

1 inch = 141 Feet



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March 25, 2024

East Side

Montville, CT

1 inch = 141 Feet



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West Side

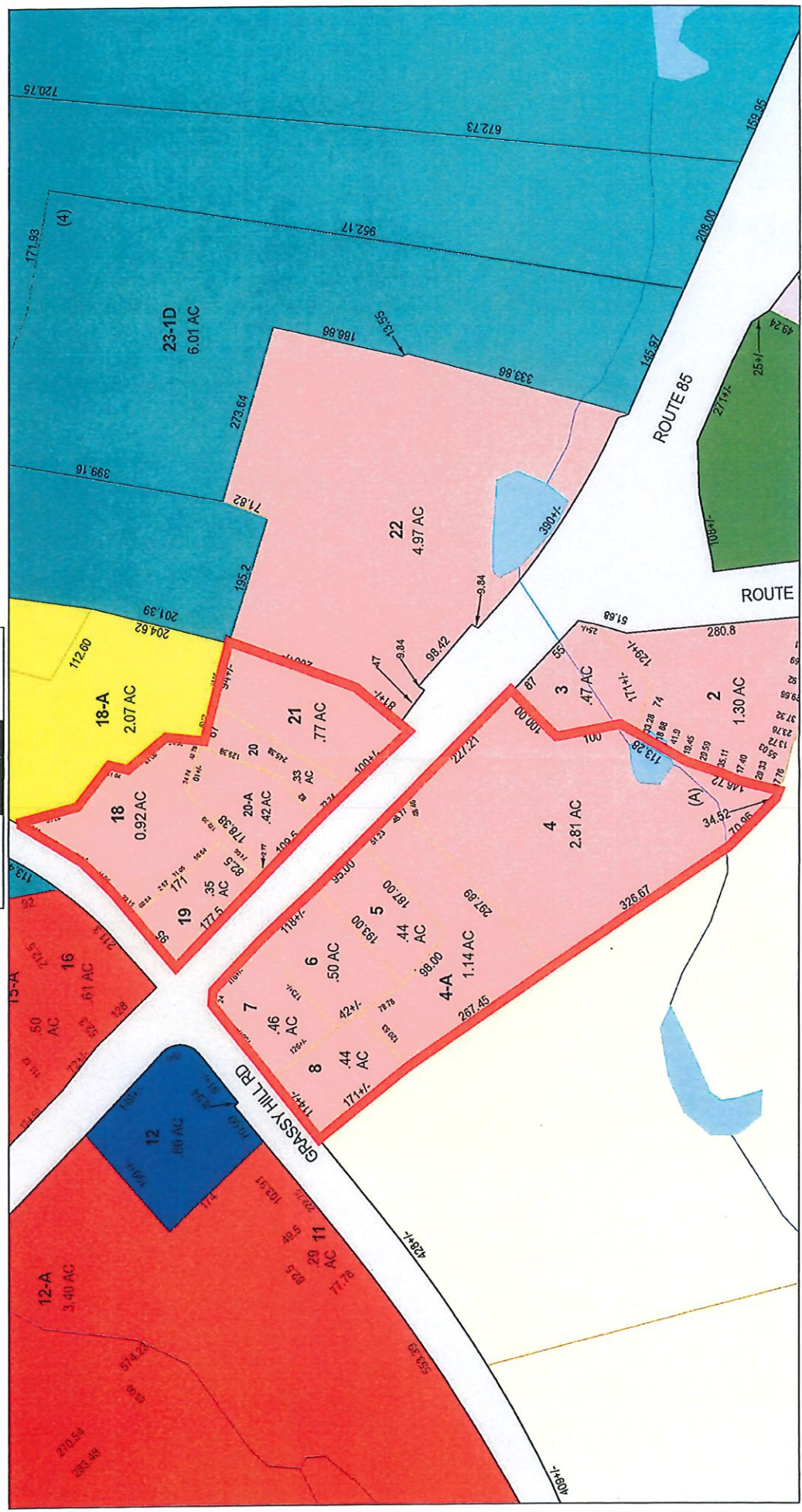
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Montville, CT

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March 25, 2024



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West Side

Montville, CT

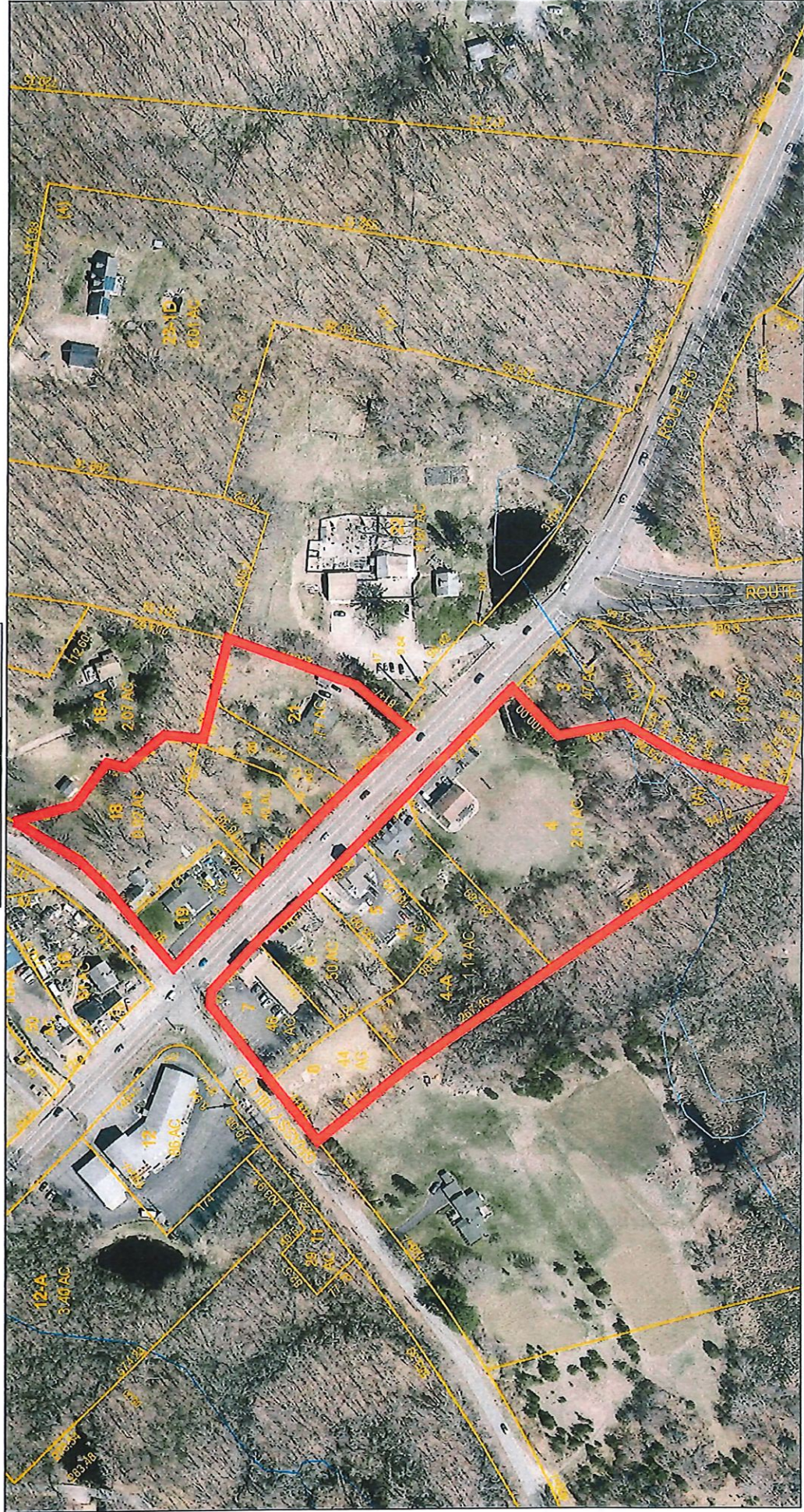
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March 25, 2024

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