



Lower Connecticut River Valley Council of Governments

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Regional Planning Committee

May 2, 2022

Mr. Frank DeFelice, Chairman
Durham Planning & Zoning Commission
30 Town House Road
P.O. Box 428
Durham, CT 06422

SUBJECT: Petition to Allow Cannabis Establishments by Special Permit in Certain Zones
Petitioners: Durham Planning & Zoning Commission

Dear Mr. DeFelice:

The Durham Planning & Zoning Commission has submitted the proposed zoning regulation petition to the RiverCOG Regional Planning Committee for review for intermunicipal impacts pursuant to Section 8-3b of the Connecticut General Statutes. The petition proposes the addition of Section 14.7, regulations that will permit the establishment of cannabis establishments, both dispensaries and producers (micro-cultivators) in certain districts according to newly adopted standards. These comments are offered for the consideration of the Durham Planning & Zoning Commission at its public hearing scheduled to commence on Wednesday, May 4, 2022.

Findings

At its monthly meeting on Monday, April 25, 2022, members of the RPC discussed five petitions concerning the sale and cultivation of cannabis, one of which was the Durham petition. Three of the petitions proposed regulations to establish sales and production of cannabis (Cromwell, Durham and Westbrook), one proposed a six-month moratorium (Westbrook – proposal of the two petitions at the same time), and one which proposed a prohibition of cannabis establishments with limited exceptions (Old Saybrook).

In an effort to more fully understand the ramifications of the various petitions and the permitting of the sale and production of cannabis, members were presented with background on the issues of cannabis sales and production and the status of cannabis regulation adoption in the RiverCOG towns and surrounding adjacent towns. Members also heard and participated in a staff description of a Friday, April 22, 2022 site tour of the CT Pharma production site in Rocky Hill. RPC members expressed no significant concerns regarding the intermunicipal impacts of sale of adult-use cannabis other than costs to a town and parking management issues, which were acknowledged to be more “internal” to a town’s decision-making process. Members came away with an understanding that from an

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intermunicipal impact perspective, however, production facility odor management and considerations regarding water use and disposal were of most concern.

When discussing the three petitions that would permit the establishment of cannabis production facilities, it was noted that only the Durham regulations include an important standard that allows the Planning & Zoning Commission to consider requesting an Odor Dispersion Analysis that would assist in deciding whether concerns regarding production odor issues warrant more attention before approving a Special Permit application. The other regulations did not. For the purposes of this intermunicipal impact review, members concurred that such an analysis would be most important for a production facility that might be located close to the Durham municipal border, thereby potentially impacting properties in a neighboring town. Comments sent to the other two towns included a recommendation to include odor management language similar to that included in the Durham petition.

Members of the RPC also expressed concerns about potential water use and discharge in production facilities and suggested that language be included in the regulation that would allow the Planning & Zoning Commission to review water use characteristics of a facility. Depending upon location, water use characteristics could impact properties in adjacent towns. For sites where there is no public water available, information regarding the wherewithal of a well-fed water system would seem important in determining the viability of cannabis production plants.

Thank you for the opportunity to comment on the proposed regulations. If the Commission has any questions regarding this review or any other land use issue, please don't hesitate to contact us at 860-581-8554.

For the Commission,



J. H. Torrance Downes
Deputy Director, RiverCOG

Copy via email to:

Joe Pasquale, Durham Alternate to the Regional Planning Committee