

TOWN OF LISBON REGULATION AMENDMENT APPLICATION

CORRESPONDENCE WILL BE SENT TO APPLICANT OR DESIGNATED AGENT. ALSO SEE NOTES 1, 2 AND 3 BELOW:

- | | |
|--|-----------------------------|
| ➤ APPLICANT: Town of Lisbon, Planning and Zoning Commission | TELEPHONE: 860-376-3400 |
| ADDRESS: 1 Newent Road, Lisbon, CT 06351 | EMAIL: ejoseph@lisbonct.com |
| ➤ APPLICANT'S AGENT (IF ANY): Michael J. Murphy, AICP, Lisbon Town Planner | TELEPHONE: 860-376-3400 |
| ➤ ADDRESS 1 Newent Road, Lisbon, CT 06351 | EMAIL: mmurphy@seccog.org |
| ➤ OWNER / RUSTEE: Town of Lisbon | TELEPHONE: 860-376-3400 |
| ADDRESS: 1 Newent Road, Lisbon, CT 06351 | EMAIL: _____ |
| ➤ ENGINEER/ SURVEYOR/ ARCHITECT: _____ | TELEPHONE: _____ |
| ➤ ADDRESS: _____ | EMAIL: _____ |

1. TO BE ACCEPTED BY THE PLANNING AND ZONING COMMISSION, THIS ENTIRE APPLICATION MUST BE COMPLETED, SIGNED BY THE PARTIES LISTED BELOW, AND SUBMITTED WITH THE REQUIRED FEE(S).
2. THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION, ITS STAFF, AND/OR ITS CONSULTANT(S) TO ENTER PROPERTY FOR THE PURPOSE OF INSPECTION IF PERTINENT TO THE APPLICATION.
3. I HEREBY, AGREE TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY TOWN STAFF UNDER THE LISBON LAND USE FEES ORDINANCE.

SIGNATURE OF APPLICANT/AGENT *Michael J. Murphy* PRINTED NAME OF APPLICANT/AGENT Michael J. Murphy, AICP
 DATE: 11/6/2023

SIGNATURE/RECORD OWNER *Thomas W. Sparkman* PRINTED NAME/RECORD OWNER: Thomas W. Sparkman, First Selectman
 DATE: 11/6/2023

REGULATIONS PROPOSED FOR AMENDMENT:
 ZONING X SUBDIVISION _____

PROPOSED AMENDMENT(S) (Section, title, and text-attach sheets as necessary):
 Zoning Amendments to Sections ~~2, 3, 4, 5, 5B, 6, 7, 8, 10, 15~~ and 19 to Permit, Prohibit, Restrict and Regulate Cannabis Uses, Including New Standards for Cannabis Establishments 11/8/2023

REASONS FOR EACH AMENDMENT REQUEST:
 To come in to compliance with State mandates regarding municipal regulations for Cannabis Establishments

APPLICATION SUBMITTAL DATE: _____ FEE(S) PAID: _____
 OFFICIAL DAY OF RECEIPT: _____
 P & Z COMMISSION ACTION: _____ DATE: _____
 CHAIR'S SIGNATURE: _____

Adopted _____ Modified and Adopted _____ Denied _____

Zoning Amendments to Sections 2, 4, 5, 5B, 6, 7, 10 and 19 to Permit, Prohibit, Restrict and Regulate Cannabis Uses, Including New Standards for Cannabis Establishments

SECTION 2 - ENFORCEMENT AND ADMINISTRATION

- 2.3.4 **Prohibitions** Any structure or use not specifically permitted by these Regulations is prohibited in the Town of Lisbon. No activity shall be engaged in and no zoning permit nor variance shall be issued for any use which creates, or may reasonably be expected to create: a hazardous or unwholesome condition; noxious or objectionable vibrations, noise, smoke, dust, gas, odor or fumes; discharge or dispersal of liquid or solid wastes in a manner or amount as to cause damage to surface or groundwater, either on or off site. Without limiting the generality of the foregoing provisions, the following uses are expressly prohibited in the Town of Lisbon:

Revise entire subsection o. accordingly as noted below:

- o. Cannabis establishments that have the following meanings established in Section 1 of Public Act 21-1: An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis, including cannabis producers, cultivators (excluding micro-cultivators), food and beverage manufacturers, product manufacturers, and product packagers.**

(No other changes to this section)

SECTION 4 - R-40, R-60, and R-80 RESIDENTIAL DISTRICTS

- 4.2 **Special Permits** The following uses are permitted by special permit in an R-40, R-60 and R-80 Districts, provided the dimensional requirements of Section 8 and the special conditions of Section 11 are met.
- 4.2.9 **Commercial agricultural buildings, but not including those associated with any cannabis establishment or its operations.**

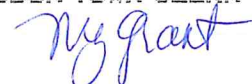
(No other changes to this section)

SECTION 5 - BUSINESS VILLAGE DISTRICT 1

- 5.2 **Special Permits** The following uses are permitted by special permit in BV-II Districts, provided the dimensional requirements of Section 8 and Section 10.17 if applicable of these Regulations are met.
- 5.2.2 ~~Intentionally left blank.~~ **Cannabis dispensary facility, medical marijuana dispensary facility, cannabis hybrid retailer, and cannabis retailer in accordance with the provisions of section 10.30.**

(No other changes to this section)

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SECTION 5B - BUSINESS VILLAGE DISTRICT III

5B.2 Special Permits The following uses are permitted by special permit in BV-III Districts; provided the dimensional requirements of Section 8 and Section 10.13, if applicable, of these Regulations are met:

5B.2.4 Cannabis dispensary facility, medical marijuana dispensary facility, cannabis hybrid retailer, cannabis retailer in accordance with the provisions of section 10.30.

(No other changes to this section)

SECTION 6 - INDUSTRIAL PARK - I DISTRICT(IP-I)

6.4 Special Permit The following uses are permitted by special permit in the IP-I District, provided the dimensional requirements of Section 8 and the special conditions of Section 10.30, inclusive are met.

6.4.24 Cannabis establishments defined as cannabis dispensary facility, medical marijuana dispensary facility, cannabis hybrid retailers, cannabis retailers.

(No other changes to this section)

SECTION 7 - INDUSTRIAL PARK DISTRICTS ~~II (IP-II) (I)~~

7.1 Purpose. The purpose of this zone is to foster development ~~in an open and park-like setting~~ with suitable landscaping, and preservation of natural features and open space.

7.2 Minimum Size. An ~~Industrial Park District-II (IP-II)~~ shall contain a minimum of twenty-five (25) contiguous acres.

7.3 Permitted Uses. The following uses are permitted in the **Industrial (I) P-II** District, provided the dimensional requirements of Section 8 are met.

7.4 Special Permits. The following uses are permitted by special permit in the **Industrial (I) Districts**, provided the dimensional requirements of Section 8 and the special conditions of Section 10 are met.

7.4.22 Cannabis establishments defined as micro-cultivators, delivery services and transporters in accordance with the provisions of section 10.30.

(No other subsections are being changed)

SECTION 10 - SUPPLEMENTARY REGULATIONS

10.30 Cannabis Establishments

10.30.1 Intent. Cannabis establishments are divided into several categories. This section is intended to minimize adverse impacts and manage their development in respective zoning districts to promote and enhance the public health, safety and general welfare.

10.30.2 Applicability. Dispensaries, retailers and hybrid retailers are permitted in all Business Village and Industrial Park 1 zones subject to approval of a special permit and compliance with required conditions. Micro-cultivators, delivery services, and transporters are permitted only in the Industrial zone district.

10.30.3 General Conditions and Standards which apply to all cannabis establishments. The following standards shall apply to all cannabis establishments within the Town of Lisbon unless otherwise specified in these regulations.

- a. The cultivation and storage of cannabis shall be conducted indoors.
- b. No cannabis shall be applied, ingested, or consumed inside the premise of a Cannabis Establishment.
- c. Only one (1) cannabis licensed establishment as defined herein shall be located within a facility, and no portion of any Cannabis Establishment use shall be located in the same building or any portion thereof used for residential purposes.
- d. Cannabis Establishments shall only be permitted as principal uses and shall not be allowed as an accessory use to any other cannabis establishment.
- e. All signage shall comply with Section 15 of these Regulations and the requirements of the State of Connecticut Department of Consumer Protection, as amended, and whichever is more restrictive.
- f. If there is a change in operator or licensee, the new operator or licensee shall provide the new State license to the Zoning Enforcement Officer.
- g. Operations, Maintenance and Security Plan (OSMP): A written plan to prevent and detect diversion, theft, mismanagement or loss of cannabis acceptable to, and approved by, the Lisbon First Selectman or law enforcement agency as he or she may require, shall be submitted with the application. In addition, the OSMP shall address the following items:
 - i. Hours of operation
 - ii. Plans for facility security and access
 - iii. Odor monitoring and mitigation provisions
 - iv. Management, security and disposal of cannabis waste products
- h. Vehicular access onto the site shall be provided solely from a minor or major collector or arterial street in the road hierarchy and classification system. This shall not preclude access from an internal roadway system designed in a project to exit or enter such collector or arterial street.

10.30.4 Dispensaries, Retailers and Hybrid Retailers for Retail Sale of Cannabis to Consumers for Off-Premises Consumption. The sale of cannabis under the Cannabis Hybrid Retailer or Cannabis Retailer class of permit as defined by Connecticut General Statutes 21a-420 as amended, issued

by the State of Connecticut for consumption off the premises, shall be permitted only under the following conditions:

- a. No cannabis establishments may be accessed by a drive-in or drive-through facility by which a cannabis product in any form is dispensed to individual patrons within motor vehicles.
- b. No use under this section shall be located within one half mile or two thousand six hundred and, forty feet (2,640') of another cannabis establishment, excluding delivery or transporter establishments, or a protected use, defined to include a licensed adult or child day care center, any nursery/prekindergarten or any dependency treatment center, which is in existence as of the effective date of the application for a special permit .The distance shall be determined as the shortest distance between the lot lines of the proposed premises and the lot lines of such other use, respectively.This required distance shall not apply when there is a permanent barrier between the adult-use cannabis use and an applicable use under this section. Permanent barriers include limited access interstate highways, and active railway tracks that preclude standard vehicular and pedestrian crossings and access. In addition, a dispensary under this section shall not become non-conforming by the later establishment of a use prescribed herein within said 2,640' feet and such dispensary may be enlarged, renovated, and rebuilt, in accordance with all other applicable laws and regulations.
- c. Where required by the Town of Lisbon Board of Selectmen, the retailer or hybrid retailer, as the case may be, shall hold in trust and pay to the Town of Lisbon within 35 days of receipt of an invoice from said town, three (3) percent of its gross receipts for deposition in the general revenue fund of the Town of Lisbon as provided by, and for the purpose of funding such programs in accordance with, the Connecticut General Statutes.
- d. Hours of operation for retail sales shall be limited to between 8 a.m. – 10 p.m., Monday through Saturday, and between 10 a.m. – 6 p.m., Sunday.
- e. No Special Permit shall be issued to any applicant granted such permit under this section until a certified copy of a corresponding dispensary, retailer or hybrid retailer for retail sale of cannabis permit issued by the State of Connecticut to the applicant is filed with the approved application for the project.

10.30.5 Micro- Cultivation, Delivery, Transport, and Sale of Cannabis Not Directly to Consumers. The sale of cannabis under the Cannabis Micro-Cultivator, Cannabis Delivery Service, or Cannabis Transporter class of permit as defined by Connecticut General Statutes 21a-420 as amended, issued by

- the State of Connecticut, which do not involve sales directly to any consumer, shall be permitted only under the following conditions:
- a. No Special Permit shall be issued to any applicant granted such permit under this section until a certified copy of a corresponding Cannabis Micro-Cultivator, Cannabis Delivery Service, or Cannabis Transporter permit issued by the State of Connecticut to the applicant is filed with the approved application for the project.
 - b. Where required by the Town of Lisbon Board of Selectmen, any micro-cultivator shall hold in trust and pay to the Town of Lisbon within 35 days of receipt of an invoice from said town three (3) percent of its gross receipts for deposition in the general revenue fund of the town as provided by, and for the purpose of funding such programs in accordance with, the Connecticut General Statutes.
 - c. No micro-cultivator under this section shall be located within one half mile or two thousand six hundred and forty feet (2640') of another cannabis establishment, excluding delivery or transporter establishments, which is in existence as of the effective date of the application for a special permit. The distance shall be determined as the shortest distance between the lot lines of the proposed premises and the lot lines of such other use, respectively. This required distance shall not apply when there is a permanent barrier between the adult-use cannabis use and an applicable use under this section. Permanent barriers include limited access interstate highways, and active railway tracks that preclude standard vehicular and pedestrian crossings and access. In addition, no facility under this section shall not become non-conforming by the later establishment of a use prescribed herein within said 2640' feet and such facility may be enlarged, renovated, and rebuilt, in accordance with all other applicable laws and regulations. This distance requirement shall not apply to delivery and transporter establishments.

SECTION 19- DEFINITONS

Cannabis. Cannabis means marijuana, as defined in section 21a-240 of the general statutes.

Cannabis Establishment. "Cannabis establishment" means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter engaged in an activity which would be defined by PA-21-1 (SB 1201).

Cannabis Hybrid Retailer. A person or a business operated by a person licensed by the Department of Consumer Protection to purchase cannabis and sell cannabis and medical

marijuana products to qualifying medical patients, primary caregivers, and to qualifying adult-use consumers.

Cannabis Retailer. A person or a business operated by 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.

Cannabis Dispensary. "Dispensary facility" means a place of business licensed by the Department of Consumer Protection where cannabis may be dispensed, sold or distributed in accordance with chapter 420 of the general statutes pursuant to Section 21a – 408h of the Connecticut General Statutes and any regulations adopted there-under.

Cannabis Micro-cultivator. A person or a business licensed by the to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than 2000 square feet and not more than 10,000 square feet of grow space, prior to any expansion authorized by the commissioner.

Cannabis Delivery Service. A person or a business operated by 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 CGS 21a-408 as amended, or to hospices or other inpatient care facilities licensed by the Connecticut Department of Public Health pursuant to chapter 368v as amended that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

Cannabis Transporter. A person or a business operated by a person licensed to transport cannabis between cannabis establishments, laboratories and research programs.

Medical Marijuana Dispensary Facility. A business establishment solely engaged in the sale of cannabis under Connecticut General Statutes Chapter 420f - Palliative Use of Marijuana.

Legend

~~Abc~~ Language to be removed or changed
Bold New language