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**TOWN OF EAST HAVEN
PLANNING AND ZONING COMMISSION**

MINUTES FOR SPECIAL MEETING

**Held Monday, August 29, 2022 at 7:00 p.m.
At East Haven Senior Center, 91 Taylor Avenue, East Haven**

Meeting opened at 7:09 PM.

I. Roll Call and Pledge of Allegiance

Members in attendance: William DeMayo, Chair; Marlene Asid, Vice-Chair; John Tarducci; and Louis Fusco. Member Robert Cubellotti participated via Zoom videoconference.

Others present: Joseph Budrow, Planning and Zoning Administrator and ZEO and Jennifer Coppola, Assistant Town Attorney – Land Use

II. Public Hearing

1. **Application No. 22-11 – East Haven Planning and Zoning Commission.** A Petition for a Text Amendment to the East Haven Zoning Regulations to extend an existing Moratorium that prohibits the issuance of any zoning permits that would permit the use of a Cannabis Establishment in any zoning district in the Town of East Haven for a period of twelve (12) months from December 6, 2021 to December 31, 2022.

Attorney Coppola reviewed the status of the moratorium and the procedure to be followed on the agenda item.

Public comments were called for and received.

Town resident Judy Mison addressed the Commission regarding her concern about the process. Mr. DeMayo responded to her comments.

Potential cannabis establishment business owner Frank Kane addressed the Commission. He understands that the Commission wants to be cautious about location and number of establishments but encourages the Commission to allow the use. He encouraged the Commission to allow the delivery license as well as the dispensary license. He is willing to answer any questions.

Attorney Coppola asked question of Mr. Kane regarding delivery versus transporter use, based on comments he made at prior Commission meeting and he responded. She also emphasized that the Commission has been updated on actions taken by other municipalities and provided with copies of regulations that have been passed, etc.

Town resident Cindy Sparago pointed out that the public has not come out with a lot of opposition to allowing cannabis establishment uses. She encouraged the Commission to consult with Massachusetts municipalities and expressed concern about missing out.

Ms. Asid made a Motion to Close the Public Hearing and Mr. Fusco seconded the Motion. All were in favor and Motion passed 5-0.

Ms. Asid made a Motion to Approve the Extension of the Moratorium to December 31, 2022 and Mr. Cubellotti seconded the Motion. All were in favor and the Motion passed 5-0.

III. Other

1. Discussion of Public Act No. 21-1 AN ACT CONCERNING RESPONSIBLE AND EQUITABLE REGULATION OF ADULT-USE CANNABIS (codified at Connecticut General Statutes Section 21a-420, *et seq.*) and as subsequently amended by Public Act No. 22-103 AN ACT CONCERNING CANNABIS and Public Act No. 22-104 AN ACT CONCERNING CANNABIS ADVERTISING AND THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO THE CONSUMER PROTECTION STATUTES. A presentation will be given by counsel and the Commission will be receiving

information regarding cannabis establishment uses. Public comment will be permitted, and East Haven residents and property owners and other interested persons may attend and offer their comments.

Attorney Coppola addressed the Commission regarding Commission's interest in touring/making a site visit to a cultivation establishment.

Mr. DeMayo welcomed Police Chief Edward Lennon to address the Commission. He stated he was present to answer any questions the Commission had regarding public safety impacts of adult use cannabis facilities, particularly with regard to locations and issues faced by the East Haven community. He explained each community is different and he was not expressing any personal or professional opinion on whether they should approve or disapprove the use(s) and in what location as that decision solely rests with the Commission. He offered to answer the Commission's questions.

Ms. Asid asked what impacts he believed there would be on Police services. Chief Lennon explained unlike alcohol DUIs, no set test for cannabis – post arrest involves testing of urine and blood. He explained Advanced DUI training and that cannabis difficult to detect. The biggest issues are with regard to what occurs around the dispensary; may experience higher level of activity and if near highway, there is a fast on fast off of highways which is what criminals look for. So where it is versus what it is, is important to consider. It is still against federal law. He explained cash nature of business and theft being an issue in CO, CA, OR, and Washington State which have dealt with legalization longer. There is not a huge rise in violence around dispensary; but rise in crime – people exiting store with something not everyone can have. It is a location-based concern that he has; not operational that he is concerned with.

Ms. Asid asked about Frontage Road. Chief Lennon said his biggest concern is Frontage Road with 50 up to 60% of all thefts for entire Town occurring in that area. There is one way roadway with high speed traffic. It is one of the more difficult areas to police. There could be contemporaneous criminal activity occurring, etc.

Ms. Asid asked whether retail owner should be responsible for hiring security. Chief Lennon said when private entity needs protection, they would be responsible for. He would have to see a traffic study to consider whether there would be traffic impact. The Chief gave an example of northerly Frontage Road retail / restaurant

plaza has hired police. Attorney Coppola spoke to statutory provision regarding police assistance with traffic at time of opening. Ms. Asid added that she was asking for recommendations and pointed out that they had heard about interior security but not exterior/outside parking lot security.

Mr. Tarducci questioned whether the use will generate revenue for the Town. He thinks it will be a number of years and he does not think it will be significant. He asked the Chief about financial impacts on Police Department. The Chief said there has been a steady increase in calls for service. This year will probably be highest ever, likely up 5% as Town's needs are growing and changing. Colorado has had nominal to significant increases in calls for service around dispensaries; officers tied up whether criminal activity or just a nuisance – still need officers' attention. He cannot say one state or another is right. He stated there will be traffic accidents, shop liftings, and theft and that there will be a price tag – but he cannot provide a number.

Mr. Demayo asked about Frontage Road. He stated that when they heard Frontage Road, the Commission thought it would be a good location. He asked the Chief what would be a good location and the Chief responded that he cannot tell the Commission where to put (a cannabis establishment). He prefers to wait to see an application to comment on proposed location.

Mr. Budrow said when looking at locations; the Commission should look at uses allowed and determine where it makes sense to put that use. He thinks the Commission should be open for cultivation and transporter, delivery service, and packaging; keep open mind dispensary somewhere in Town to see where it happens.

Mr. Fusco said overreacting; the use is going to be everywhere.

Public comment was received by the Commission.

Frank Kane said biggest issue is robbery of cultivators. There is a ton of parking at Frontage Road. He would be happy to sit with the Chief and talk about a security plan for inside and outside and would be happy to pay for security. He would be happy to commit to put a car with security outside the business during all open hours. He disputed that there are mostly cash transactions. He estimated that a cannabis establishment could earn up to \$18M in first fifteen months.

CJ Cofrancesco, East Haven Youth Services Coordinator, said he was in the process of implementing surveys to middle school and high school and EH

Academy youth regarding use of marijuana, alcohol, vaping. The Commission should have information before it acts. C-Rec is an outside company sending out the surveys.

Wendy Bellmore stated that the questions being asked were going outside the authority of the Commission – asking question regarding revenue, youth survey, etc. not within the Commission’s authority. Members of the Commission and Attorney Coppola responded to Ms. Bellmore’s comments.

Judy Mison said the Commission has an opportunity to control the sale of cannabis noting that a lot of street pot has fentanyl.

The Commission discussed the location issue.

Frank Kane proposed having as part of a Regulation that the business’s security plan be signed off on by Police Department.

Cindy Sparago asked Chief Lennon about location. The Chief commented that a proper traffic study would need to be done; but Foxon Road would be a better area in terms of policing.

Other locations were discussed and Mr. Budrow mentioned industrial districts.

Prior discussion regarding cultivation/micro-cultivation uses was discussed.

Attorney Coppola and Mr. Budrow asked the Commission for direction and Commission members responded with input on location, use, etc. Next steps were discussed.

2. Discussion of portions of Public Act No. 21-29 (codified at Connecticut General Statutes Sections 8-2o and 8-2(d)(9), respectively) concerning accessory apartments/accessory dwelling units and dwelling unit parking limitations, including “opt-out” provisions thereof. A presentation will be given by counsel and staff regarding a potential text amendment. Public comment will not be heard on this agenda item as a future public hearing(s) will be noticed and held before the Commission if an application for text amendment is submitted at the Commission’s direction.

This agenda item was not discussed.

IV. Adjournment

A motion to adjourn was made by Ms. Asid and seconded by Mr. Fusco. All were in favor. The meeting adjourned.

Next scheduled Planning and Zoning Commission regular meeting: **Wednesday, September 7, 2022 at 7:00 PM.**