

TOWN OF WEST HARTFORD

TOWN COUNCIL PUBLIC HEARING

May 24, 2022, 6:30 p.m.,

Legislative Chambers

Re: Ordinance Regulating Adult-Use Cannabis

A p p e a r a n c e s:

Town Council Members Present:

MAYOR SHARI CANTOR

LEON DAVIDOFF

MARK ZYDANOWICZ

ALBERTO CORTES

ADRIENNE BILLINGS-SMITH

(via telephone)

CAROL BLANKS

BEN WENOGRA

(via telephone)

LIAM SWEENEY

MARY FAY

TODD DUMAIS

Town Planner

RICK LEDWITH

Town Manager

DALLAS DODGE

CORPORATION COUNSEL

ESSIE LABROT

Town Clerk

1 **PRESIDENT CANTOR:** We are
2 calling the 6:30 p.m. public hearing to
3 order. This is a public hearing on
4 regulating adult use cannabis.

5 We will start with roll call,
6 **Ms. Labrot?**

7 **THE CLERK:**

8 **Ms. Billings-Smith?**

9 **COUNCILOR BILLINGS-SMITH:**

10 **(Via telephone) Present.**

11 **THE CLERK: Ms. Blanks?**

12 **COUNCILOR BLANKS: Present.**

13 **THE CLERK: Ms. Cantor?**

14 **PRESIDENT CANTOR: Here.**

15 **THE CLERK: Mr. Cortes?**

16 **COUNCILOR CORTES: Here.**

17 **THE CLERK: Mr. Davidoff?**

18 **COUNCILOR DAVIDOFF: Here.**

19 **THE CLERK: Ms. Fay?**

20 **COUNCILOR FAY: Here.**

21 **THE CLERK: Mr. Sweeney?**

22 **COUNCILOR SWEENEY: Here.**

23 **THE CLERK: Mr. Wenograd?**

24 **COUNCILOR WENOGRAD: (Via**
25 **telephone) Here.**

1 THE CLERK: And
2 Mr. Zydanowicz?

3 COUNCILOR ZYDANOWICZ: Here.

4 THE CLERK: Thank you.

5 PRESIDENT CANTOR: Thank you
6 very much. We have one of our colleagues is
7 out. She is sick and the other is on his
8 way.

9 So we will now begin with a
10 presentation by Mr. Ledwith.

11 MR. LEDWITH: Thank you Madam,
12 Mayor. I'll begin the public hearing with a
13 little history about how this ordinance
14 evolved. And we'll then have our Town
15 Planner Mr. Dumais provide an overview of the
16 ordinance itself from a zoning perspective.

17 On June 22, 2021, Governor
18 Lamont signed into law Public Act Number
19 21-1, An Act Concerning Responsible and
20 Equitable Regulation of Adult Use Cannabis.
21 And that, we refer to it as ACRERAUC. The
22 Town Council directed the Town Manager and
23 town staff to study and make recommendations
24 regarding the safe responsible use, adult use
25 and sale of cannabis in West Hartford.

1 Under ACRERAUC we essentially
2 have three options to consider as a result of
3 this new act. We could do nothing, and if we
4 took no action then a cannabis establishment
5 that looked to open a retail store in town
6 shall be zoned as if any other similar use
7 other than a cannabis establishment.

8 We could prohibit siting of an
9 cannabis establishment altogether, or we
10 could establish an ordinance that regulates
11 the cultivation, production and sale of
12 cannabis products in a manner that
13 prioritizes public health and safety.

14 The Community Planning and
15 Economic Development Committee met three
16 times over the last few months, and through
17 those discussions the decision was made to
18 focus on the third option and establish an
19 ordinance that would allow the sale of
20 cannabis in town, but would not prefer the
21 siting of cannabis establishments within
22 500 feet of any school, park, municipal
23 recreational facility, or library.

24 Through you, Madam Mayor, I'll
25 ask our Town Planner Mr. Dumais to come up

1 and to provide an overview of the ordinance
2 from a zoning perspective.

3 Mr. Dumais?

4 PRESIDENT CANTOR: Thank you,
5 Mr. Ledwith. And welcome, mr. Dumais.

6 MR. DUMAIS: Thank you. For
7 the record, Todd Dumais, Town Planner. As
8 Town Manager Ledwith discussed, ACRERAUC left
9 us with an option under zoning which were
10 directed by counsel to explore.

11 The ordinance that's pending
12 this evening is fairly straightforward and
13 simple. It's essentially two components.

14 The first component is the
15 repeal of our existing medical marijuana
16 provision. So that is Section 177-1610 of
17 our current zoning ordinances. In its place
18 we're proposing the new cannabis
19 establishment ordinance, of which there are
20 four components -- five when we include the
21 schedule of permitted uses. I'll briefly
22 outline the four components.

23 The first establishes a
24 500-foot buffer from any cannabis
25 establishment to schools, municipal parks or

1 a municipal recreation facility or library,
2 and then it establishes and provides guidance
3 on how we measure that distance.

4 The second component
5 identifies cannabis retail establishments
6 including retailers, hybrid retailers or
7 dispensaries and it restricts those uses to
8 our traditional commercial zoning districts,
9 the BN, BND, BS, BG, BC, CDBH -- and BG
10 zones. So those are traditional retail
11 zoning districts in town.

12 The third piece of the
13 ordinance establishes cannabis production
14 facilities including producers, cultivars,
15 micro cultivars, food and beverage
16 manufacturers and product manufacturers; and
17 those are all restricted to our industrial
18 zoning districts, the IE, IG, IP, and IR
19 zones.

20 And then the last component of
21 this section of the ordinance provides for
22 the permitting process. So in the ordinance
23 it establishes a cannabis use process through
24 a site plan, and it directs the Town Planner
25 to not grant a permit unless the petitioner

1 or applicant has been awarded a provisional
2 license from the State and presented
3 satisfaction of compliance with all
4 applicable state laws and regulations as part
5 of the permitting process.

6 And then the last piece is a
7 corresponding amendment to our schedule of
8 permitted uses whereby we introduce what I
9 just described as the part B and C into our
10 table of permitted uses. So it allows those
11 uses in the zoning districts I just
12 mentioned.

13 And that's the ordinance.
14 It's based largely upon our medical marijuana
15 provision and also it's very similar to the
16 way we regulate alcohol and package stores
17 currently in zoning. So the structure is not
18 dissimilar to other uses we have in zoning,
19 albeit a brand-new use.

20 PRESIDENT CANTOR: Thank you,
21 Mr. Dumais.

22 Does anybody have questions
23 for Mr. Dumais? And I will take the phone,
24 Ms. Billings-Smith and Mr. Wenograd in a
25 minute -- but people at the table, would

1 anybody like to have questions?

2 Ms. Fay?

3 COUNCILOR FAY: Thank you,
4 Mr. Dumais. I don't know if you would have
5 an answer for this, but is there a prescribed
6 amount of dispensaries or different types of
7 business that each town would have? Or can
8 you give us an estimate of how many we could
9 end up with?

10 I know that's kind of hard to
11 do -- unless there's something from the State
12 that says each town has X amount. I'm not at
13 all familiar with all the laws that are
14 coming through for this. If you could kind
15 of give us a picture of that, that would be
16 great?

17 MR. LEDWITH: Thank you,
18 Councilor Fay. So we are restricted -- it's
19 based on population, so we're restricted to 1
20 per 25,000 residents. So we could have two
21 retail establishments and we could have two
22 micro cultivators within town. So a total of
23 four until June 30 of 2024. At that point we
24 don't know what will happen with ACRERAUC and
25 what would change under that act.

1 **PRESIDENT CANTOR:** Thank you,
2 **Ms. Fay. Thank you, Mr. Ledwith.**

3 **Other questions at the table?**

4 **On the phone, any questions?**

5 **COUNCILOR WENOGRAD:**

6 **(Via telephone) No questions.**

7 **COUNCILOR BILLINGS-SMITH:**

8 **(Via telephone) No questions.**

9 **PRESIDENT CANTOR:** Thank you.

10 **All right. So we will look to**
11 **the public for sign-up.**

12 **There is nobody signed up. Is**
13 **there anyone in the audience that would like**
14 **to speak to this ordinance?**

15
16 **(No response.)**

17
18 **PRESIDENT CANTOR:** Okay.
19 **Seeing none, I will read into the record a**
20 **letter dated May 9, 2022, from Town Planning**
21 **and Zoning, recommending approval; and a**
22 **letter dated April 29, 2022, from Capitol**
23 **Region Council of Governments finding no**
24 **apparent conflict with original plans and**
25 **policies or the concerns of neighboring**

1 towns.

2 All right. I'm going to open
3 it one more time to any questions from
4 colleagues. Okay, Mr. Cortes?

5 MR. CORTES: One question --
6 and I don't know if it's covered here, you
7 know, so we create a ordinance of where, you
8 know, consumption as well. So parks you
9 cannot consume it in public parks, cannabis.

10 Are there fines in place?
11 What happens if someone happens to be
12 consuming it in a place that they shouldn't
13 be consuming cannabis? And I don't know if
14 that's here or in a different committee.

15 PRESIDENT CANTOR: It is not
16 in -- this ordinance is separate, and that's
17 what -- but Mr. Ledwith, I don't know if you
18 want to comment.

19 MR. LEDWITH: Through you,
20 Madam Mayor. Counselor Cortes, there is no
21 restriction to smoking cannabis in parks. So
22 there's no ban on smoking at all and parks.

23 PRESIDENT CANTOR:

24 Mr. Ledwith, could you address
25 the distance maybe? I don't know if you have

1 that available to you because this is a
2 separate discussion on use rather than the
3 ordinance for, you know, retail and
4 cultivation. But if you have that, or I
5 don't know if Corporation Counsel has that
6 on, you know, sort of guidelines that the
7 State has given on use?

8 MR. LEDWITH: So the State,
9 through you, Madam Mayor, the State does
10 restrict smoking in state parks, but our
11 ordinance does not address that specifically.
12 So essentially you could smoke cannabis
13 wherever you can smoke publicly in town.

14 PRESIDENT CANTOR: Thank you.
15 Mr. Dodge --

16 MR. LEDWITH: Barring any
17 further --

18 THE CLERK: Sorry. I didn't
19 mean to interrupt.

20 MR. DODGE: Thank you, Madam
21 Mayor. I don't have the exact numbers on me.
22 The Town Planner may be aware, but under the
23 Clean Air Act there are restrictions on where
24 products can be smoked along with nicotine
25 products as well. There's restrictions with

1 it. You can't do it within a certain
2 distance of a public building. So those
3 would apply currently in parks. In terms of
4 the policy decision about whether to allow
5 smoking in parks, I think that's going to be
6 separate discussion for another day.

7 We are reviewing whether
8 perhaps the Town Manager would have authority
9 to set rules and policies for the town parks,
10 or whether that would be required to be
11 picked up by ordinance.

12 PRESIDENT CANTOR: Thank you,
13 Mr. Dodge. Does that answer your question?

14 MR. CORTES: No. Yeah, that
15 was perfect. Thank you.

16 PRESIDENT CANTOR:
17 Mr. Sweeney?

18 COUNCILOR SWEENEY: Mr. Dodge,
19 I think there is also legislation passed this
20 year regarding smoking around restaurants,
21 too, that would pertain to cannabis, too --
22 in regards to increasing the space and
23 distance between where you can smoke.

24 I think that's something that
25 we've heard from folks on LaSalle, that that

1 space has now been extended. I believe it
2 was either last session or this session.

3 MR. DODGE: Thank you,
4 Councilor Sweeney. I'm not sure whether
5 there was a restaurant specific extension,
6 and I apologize for not having that with me.

7 I do know -- and maybe the
8 Town Planner can speak to this a little bit
9 more. We did look at in terms of the current
10 restrictions with the Clean Air Act.

11 It would really be --
12 especially in some of our business districts
13 in particular, based on the distance of the
14 restriction and how close you can do it to a
15 public building. And public building, by the
16 way, doesn't mean municipal building. It
17 means a building that is open to the public.
18 So a restaurant, a business, something like
19 that.

20 You effectively wouldn't be
21 able to use, you know, to use nicotine or
22 cannabis products within I think almost
23 anywhere in Town Center or in our other
24 business districts near a public building.

25 PRESIDENT CANTOR: Thank you,

1 Mr. Sweeney. And thank you, Mr. Dodge.

2 And what about the infraction
3 that be would levied if there was? I think
4 that was part of Councilor Cortes' question.
5 I don't know if we're --

6 MR. DODGE: Yeah, I'm not sure
7 what the current penalty would be for
8 violating the Clean Air Act. I think it's
9 probably an infraction. And again, I think
10 that will be discussion in terms of if we
11 want to look at further restricting the use
12 of cannabis products on public property, for
13 instance, public parks, that sort of thing.

14 We can look at whether we
15 would want to create a specific infraction
16 and penalty at the municipal level for that,
17 or if we simply want to impose a policy and
18 procedure by the Town Manager. Then it would
19 be enforced like any other rule in a town
20 park. You know, as an example you have to
21 wear a shirt and shoes in the town building.
22 So it would be enforced just like that.

23 So that's something that I
24 think we can explore separate from this,
25 Madam Mayor.

1 The purpose of this ordinance
2 I believe was really to focus on sort of the
3 business aspects of cannabis and making sure
4 this, this new industry gets up and running.
5 And I do anticipate that we will probably
6 have retail applications approved by the end
7 of the year; that we had a regulatory
8 structure in town to address cannabis as a
9 business. I think cannabis in terms of a use
10 and where it can be used is a discussion that
11 we can explore further separately.

12 PRESIDENT CANTOR: Thank you,
13 Mr. Dodge.

14 Ms. Blanks?

15 COUNCILOR BLANKS: Thank you,
16 Madam Mayor. So I have a question. It's
17 around the component with the cannabis
18 production facilities, the cultivators and
19 the micro cultivars in the IE, G, P and R
20 zones. Could someone elaborate for me,
21 because that speaks to me in terms of
22 growing?

23 And I'm just kind of
24 envisioning where, where the cannabis in
25 terms of being grown and how that would come

1 about over the course of the period.

2 I mean, I can see some folks
3 kind of taking liberty and doing some things
4 that they shouldn't do. And I know that's
5 where we have law enforcement -- but if you
6 can just elaborate on that for me and kind of
7 clear that up.

8 MR. LEDWITH: Sure. Through
9 you, Madam Mayor to Councilor Blanks. I'd
10 ask our Town Planner Mr. Dumais to come back
11 up and walk us through. So production would
12 occur in industrial zone parts of town.

13 MR. DUMAIS: Through you,
14 Madam Mayor, to Counselor Blanks.

15 Town Manager Ledwith is
16 correct. All of the uses you just described
17 are essentially -- we would classify those as
18 manufacturing or industrial uses. So they're
19 limited to our industrial zones, which are
20 generally in the southeast triangle of --
21 southeast quadrant of town.

22 There is a separate licensing
23 requirement through the State for each of
24 those different types of uses. So there is a
25 high degree of control both at the state

1 level and with the proposed ordinance on any
2 location of those uses. And the micro
3 cultivars in particular is restricted to no
4 more than two based on our population size,
5 at least through 2024.

6 COUNCILOR BLANKS: Thank you,
7 Mr. Dumais. And a follow-up through you,
8 Madam Mayor. And would you know how often
9 those facilities or production companies
10 would be monitored by the State and the Town,
11 since this is a fairly new industry rolling
12 out?

13 MR. DUMAIS: Madam Mayor,
14 through you to Councilor Blanks.

15 I don't know how often the
16 State would monitor -- but the local
17 ordinance, there is no monitoring mechanism
18 built into it. It's really, we're approving
19 the use and then the use operates under all
20 applicable state laws. So we would have to
21 dig it.

22 I don't know if Corporation
23 Counsel Dodge has an understanding of that
24 piece of the provision. And it's new and
25 there have been no licenses granted yet.

1 MR. DODGE: Thank you. No, I
2 think that's going to be in the evolving
3 process. Again, all this is a brand-new
4 licensing regime that we'll sort of be
5 learning as we go with the Department of
6 Consumer Protection, and the social equity
7 council.

8 I did want to clarify for
9 Councilor Blanks there is a provision in
10 ACRERAUC that does allow cannabis to be grown
11 for personal use at home. I believe
12 individuals are allowed to grow up to three
13 mature plants and three immature plants, and
14 that will begin on July 1, 2023.

15 Currently medical users of
16 cannabis, somebody who has a medical license
17 to use cannabis is allowed to grow their own
18 plants at home. But beginning in 2023
19 anybody will be allowed to grow up to three
20 plants and keep three immature plants at home
21 for their own personal use.

22 PRESIDENT CANTOR: Go ahead,
23 Ms. Blanks.

24 COUNCILOR BLANKS: Thank you
25 for clearing that up, because as we approach

1 the summer month -- and I know a number of
2 people like to garden.

3 And so you know, this would be
4 ideal. And as we're saying that this is
5 evolving -- so we all have the neighbors.
6 And so as folks begin to do this for
7 medicinal purposes, and I'm thinking about
8 our public safety professionals, that they
9 get these phonecalls and go out, could
10 somebody just elaborate?

11 I know again it's all evolving
12 and we're all putting these things in place,
13 but I do know of some rather presumptuous
14 neighbors that could perhaps make it a bigger
15 issue than it is?

16 MR. DODGE: Thank you, Madam
17 Mayor. I'll refer to the Town Manager in
18 terms of enforcement and how police would
19 enforce state laws again.

20 Until 2023 you're not allowed
21 to grow for personal use at all. That's not
22 permitted currently under ACRERAUC. So that
23 would be a violation of state law for
24 somebody to grow at home, and the police
25 would enforce that the way they would enforce

1 any other state law.

2 I think one thing to remember,
3 too, in terms of other cultivation, in terms
4 of other methods of cultivation one unique
5 aspect of the cannabis industry is because of
6 new England's climate and the fact that
7 cannabis is not allowed federally, most
8 cannabis in Connecticut and other New England
9 states is going to be grown indoors.

10 It's simply the climate does
11 not allow it to be grown on a large
12 industrial scale outdoors. And so I think
13 most of the operations that you would see in
14 terms of cultivation would likely be indoors
15 and not outdoors.

16 PRESIDENT CANTOR: Okay.
17 Thank you very much.

18 Anything further? Mr. Cortez?

19 MR. CORTES: One more thing.
20 And for clarification because this is all new
21 and evolving, I know I've been made aware
22 through the process these are not
23 dispensaries. So that's a whole different
24 thing.

25 So could you clarify the

1 difference between the retail, the
2 multi-cultivars and dispensaries within how
3 they lay in our ordinance?

4 MR. DUMAIS: Sure. Madam
5 Mayor, through you to Councilor Cortez.

6 The retail component is not a
7 medical based establishment. So
8 "dispensaries" is the term that we've kind of
9 inherited from the medical dispensary
10 provision that's been in existence for a
11 number of years in the State.

12 So you don't need any medical
13 prescription in a retail environment. It's
14 just for consumers to go and purchase
15 cannabis product through a traditional retail
16 environment like you would in a package store
17 and purchasing alcohol. That's the
18 distinction between the two.

19 The cultivar cultivators,
20 those are places where depending on the size
21 of the facility -- there's a different label,
22 but that's where the product is grown
23 indoors.

24 PRESIDENT CANTOR: Thank you.
25 Mr. Dodge, you want to add

1 something?

2 MR. DODGE: And just to
3 further add in terms of the distinctions
4 between the dispensaries and the retail
5 establishments. I think one benefit -- and I
6 don't believe we have any dispensaries in
7 town currently -- is under the medical
8 dispensary program cannabis will still be
9 sold for medical uses, which means that it
10 would not be subject to the excise tax, as an
11 example, that the recreational product is
12 going to be subject to.

13 So you conceivably have
14 someone who might want to open a dispensary
15 to serve that medical use population, as well
16 as somebody who opens a separate retail
17 facility to meet the needs of the
18 recreational population.

19 PRESIDENT CANTOR: Thank you.

20 Ms. Fay, you have a question?

21 COUNCILOR FAY: Yes. Thank
22 you, Mayor Cantor.

23 I can't recall off the top of
24 my head which towns, but I know that a few, a
25 handful perhaps have decided they just don't

1 want this kind of business in their towns,
2 any form of it. And can you tell me which
3 towns those were, again, Todd, if you
4 remember?

5 MR. DUMAIS: Counselor Fay, I
6 don't have a listing of the towns, but
7 there's a number throughout the state that
8 have decided to prohibit the use, the retail
9 component through its zoning.

10 COUNCILOR FAY: Do you know
11 what their overall reasoning was for that?

12 MR. DUMAIS: I do not.

13 PRESIDENT CANTOR: Thank you,
14 Ms. Fay.

15 Mr. Sweeney?

16 COUNCILOR SWEENEY: Thank you.
17 Can you guys also touch on the excise tax and
18 how the Town would benefit from dispensaries
19 and what percentage that would be?

20 I believe that we get a
21 percentage of all sales from each retail as
22 well. And I wasn't sure there was also -- I
23 don't think it's on the cultivation side, but
24 I think it was on the dispensary side.

25 MR. LEDWITH: Through you,

1 Madam Mayor to Deputy Mayor Sweeney. So yes,
2 the sale of retail marijuana will be subject
3 and -- well, the retail sales will be subject
4 to a 3 percent municipal tax. They estimate,
5 the State estimates that a retail
6 establishment on average would sell around
7 \$4 million or have about \$4 million in gross
8 revenues per year, which would generate about
9 \$120,000 in taxes to the town for each
10 facility, assuming those numbers are good.

11 But there's limits in terms of
12 what we can use those funds for. So we can
13 use the funds to make improvements to the
14 streetscapes in and around each
15 establishment, fund education programs for
16 youth employment and training programs, fund
17 services for individuals for leads from the
18 custody of the Commissioner of Correction,
19 fund mental health or addiction services, and
20 fund youth service bureaus or municipal
21 juvenile review boards.

22 PRESIDENT CANTOR: Thank you,
23 Mr. Sweeney. Thank you, Mr. Ledwith.

24 Anything further?

25 Ms. Billings-Smith, anything?

1 COUNCILOR BILLINGS-SMITH: No,
2 thank you.

3 PRESIDENT CANTOR: Okay.
4 Thank you.

5 Mr. Zydanowicz?

6 COUNCILOR ZYDANOWICZ: Thank
7 you, Madam Mayor. So I take it for
8 everyone's edification, too -- and I didn't
9 realize this and I was made aware of this
10 recently is that, you know, when we ride
11 around town -- and I think we can all agree
12 to this, is that riding down around town with
13 your windows down nowadays, there's a
14 different smell of town. And there's a lot
15 of use, and I was concerned about that.

16 So I asked the appropriate
17 people in town about that, and there is not a
18 test that exists and there's no enforcement
19 that takes place with marijuana use and
20 driving, because they can't prove that
21 they're impaired.

22 And I just say that because I
23 didn't realize that. I thought there had to
24 be a test just, you know, like alcohol is --
25 and there's not. And I was surprised by that

1 and it's just something that I just want to
2 make people aware of that when people are
3 driving around town there's not an
4 enforcement that can take place if they are
5 taking and parking -- and smoking marijuana
6 while driving. Which there's no way they can
7 stop the car and no way they can test. So
8 just something to think about.

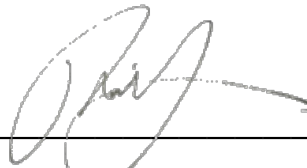
9 PRESIDENT CANTOR: Thank you,
10 Mr. Zydanowicz.

11 Okay. I don't see any more
12 questions. And so we will, with that, close
13 the public hearing.

14
15 (End: 6:58 p.m.)
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CERTIFICATE

I hereby certify that the foregoing 27 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Public Hearing in RE: ORDINANCE REGULATING ADULT-USE CANNABIS, held before the West Hartford Town Council, at Town Hall, 50 South Main Street, Room 314, West Hartford, Connecticut, on May 24, 2022.



Robert G. Dixon, CVR-M 857
My Commission Expires:
6/30/2025