

TOWN OF WEST HARTFORD

TOWN COUNCIL PUBLIC HEARING

May 28, 2024, 7:01 p.m.,

Legislative Chambers

**Re: ORDINANCE CONCERNING ZONING REGULATIONS FOR
CANNABIS ESTABLISHMENTS**

Reporter: Lisa L. Warner, CSR #061

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

Council Members:

MAYOR SHARI CANTOR

DEPUTY MAYOR BEN WENOGRA

CAROL BLANKS

MARY FAY

TIFFANI MCGINNIS

DEBRA POLUN

BARRY WALTERS

MARK ZYDANOWICZ

Alternate:

ZONING ALTERNATE BURKE DOAR

(For Councilor Cortes)

Town Manager:

RICK LEDWITH

Corporation Counsel:

DALLAS DODGE, ESQ.

Town Clerk/Council Clerk:

LEON DAVIDOFF

1 (Commenced at 7:01 p.m.)

2 PRESIDENT CANTOR: All right. Good
3 evening everybody on this beautiful pre-summer,
4 but it feels like we're really warming up. This
5 is a public hearing on an ordinance concerning
6 zoning regulations for cannabis establishments.

7 We'll begin with roll call, Mr.
8 Davidoff.

9 MR. DAVIDOFF: Good evening, Madam
10 Mayor.

11 Councilor Blanks.

12 COUNCILOR BLANKS: Present.

13 MR. DAVIDOFF: Mayor Cantor.

14 PRESIDENT CANTOR: Here.

15 MR. DAVIDOFF: Councilor Cortes is
16 absent.

17 Councilor Fay.

18 COUNCILOR FAY: Here.

19 MR. DAVIDOFF: Councilor McGinnis.

20 COUNCILOR MCGINNIS: Present.

21 MR. DAVIDOFF: Councilor Polun.

22 COUNCILOR POLUN: Here.

23 MR. DAVIDOFF: Councilor Walters.

24 COUNCILOR WALTERS: Here.

25 MR. DAVIDOFF: Deputy Mayor Wenograd.

1 DEPUTY MAYOR WENOGRAD: Here.

2 MR. DAVIDOFF: Councilor Zydanowicz.

3 COUNCILOR ZYDANOWICZ: Here.

4 MR. DAVIDOFF: Mr. Doar for Councilor
5 Cortes.

6 ZONING ALTERNATE DOAR: Here.

7 PRESIDENT CANTOR: Thank you, Mr.
8 Davidoff.

9 And thank you, Mr. Doar, for filling in
10 for Mr. Cortes.

11 We will begin with a presentation by
12 staff, Mr. Ledwith.

13 MR. LEDWITH: Thank you, Madam Mayor.
14 For the record, Rick Ledwith, town manager. The
15 purpose of tonight's public hearing is to amend
16 the ordinance concerning zoning regulations for
17 cannabis establishments.

18 In terms of background, on June 22,
19 2021, Governor Lamont signed into law Public Act
20 Number 21-1, An act concerning responsible and
21 equitable regulation of adult use cannabis,
22 commonly referred to as RERACA. At that time, the
23 Town Council directed the Town Manager and town
24 staff to study and make recommendations regarding
25 the safe and responsible use and sale of cannabis

1 in West Hartford.

2 Under RERACA we essentially had three
3 options to consider as a result of that new act:
4 We could do nothing. And if we took no action,
5 then a cannabis establishment that looked to open
6 a retail store in town shall be zoned as if any
7 other similar use other than a cannabis
8 establishment; number two, we could prohibit
9 siting of cannabis establishments; or three, we
10 could establish an ordinance that regulates the
11 cultivation, production and sale of cannabis
12 products in a manner that prioritizes public
13 health and safety while creating local conditions
14 for the development of a new business in this
15 emerging industry.

16 On May 24, 2022, the Town Council voted
17 to establish an ordinance that provided temporary
18 zoning regulations allowing cannabis
19 establishments that are scheduled to expire on
20 June 30th of 2024. Since then, we have had almost
21 two years of experience with the current
22 ordinance, and in this time we have had two retail
23 establishments open. The first, Budr, opened last
24 July of 2023, and the second, Sweetspot, opened
25 earlier this year. Both have been welcome members

1 of our small business community.

2 As we are getting closer to the June
3 30, 2024 deadline, we've had the opportunity to
4 review our current ordinance with the Community
5 Planning and Economic Development Committee and
6 have suggested four changes for the Council to
7 consider this evening.

8 This first would expand the number of
9 retail establishments in town from a maximum of
10 two retail establishments to a maximum of three
11 retail establishments.

12 The second change would create a 5,000
13 foot buffer between the current retail
14 establishments and a third retail establishment,
15 ensuring that we would not have a cluster of three
16 retail establishments within close proximity.

17 The third change would be to restrict
18 cannabis establishments to the BN, BS and BG
19 zones, which are traditional commercial zoning
20 districts, excluding the BC zone, which is our
21 West Hartford Center, Elmwood Center; our CBDH
22 zone, which is Blue Back Square; and then BND
23 zone, which is the eastern most part of Farmington
24 Avenue. As part of this ordinance, we have
25 attached our schedule of permitted uses to the

1 ordinance which would include, as I said, the BN,
2 BS and BG zones only.

3 The fourth change would define how we
4 measure the 500-foot buffer presently required
5 between a school, municipal park or recreational
6 facility or library and a cannabis establishment
7 to mirror the definition we use between liquor
8 establishments in these same areas. The
9 definition would be, "beginning at the center of
10 the main entrance to the portion of the building
11 where said cannabis is proposed to be sold, thence
12 to the center of the address street by the
13 shortest distance without intersecting a
14 structure, thence along the center line of said
15 street or streets to the address street of any of
16 the above-cited uses, and thence to a point
17 opposite the nearest portion of a lot used for any
18 of the above-cited uses on the address street
19 thereof, thence to the nearest portion of the
20 lot." I know that was quite a bit. But that does
21 mirror our liquor ordinance in terms of a buffer
22 from those same proposed -- or parks, et cetera.

23 Finally, our Town Planner presented the
24 ordinance change to our Town Plan and Zoning
25 Commission on May 6th where the TPZ acted by

1 unanimous vote 5-0 recommending approval of the
2 ordinance and finding no inconsistencies with the
3 Plan of Conservation and Development.

4 In addition, the Capitol Region Council
5 of Governments reviewed the ordinance and found no
6 apparent conflict with regional plans and policies
7 or concerns of neighboring towns.

8 I will pause there and through you,
9 Madam Mayor, turn it over to you and the Council
10 for any questions or comments you would have on
11 these proposed changes.

12 PRESIDENT CANTOR: Thank you, Mr.
13 Ledwith. While we all are thinking potentially
14 about, and we have discussed this over a period of
15 time, but I do want to know if we have received
16 any public comment.

17 So Mr. Clerk, have you received any
18 written comments?

19 MR. DAVIDOFF: We have not.

20 PRESIDENT CANTOR: Okay. Has anybody
21 signed up? I don't think so because there's
22 nobody in the audience.

23 No one has signed up to speak, so now
24 we will open up the floor to any town councilors
25 that have questions. Ms. Fay.

1 COUNCILOR FAY: Thank you. Mr.
2 Ledwith, when you mentioned the areas that were
3 excluded, the business center, the center, and
4 Blue Back and Park Road, what about Bishops
5 Corner, was there any thought about that or was
6 there a reason why that's not excluded too? Thank
7 you.

8 MR. LEDWITH: That is not excluded
9 under the current ordinance -- proposed amended
10 ordinance that's in front of you. And I think
11 part of the reason for not excluding Bishops
12 Corner is, you know, as folks know right now, we
13 have two establishments that are located very
14 close to one another, about 1,100 feet from one
15 another. And within this proposed amendment we
16 did go and put in the 5,000 foot buffer, which
17 creates about a 1.1 mile buffer from those two
18 establishments, but by leaving Bishops Corner as a
19 potential spot for a retail establishment, that
20 creates even further buffer from the current two
21 locations on there as well.

22 COUNCILOR FAY: Thank you. As a
23 follow-up, are the reasons then the others are
24 excluded because they're within that buffer of the
25 two establishments in place? If I summarize what

1 you said, is that why they're excluded and Bishops
2 Corner is included?

3 MR. LEDWITH: So, as I said, Bishops
4 Corner is included because it does create that
5 larger buffer from those two. The center and Blue
6 Back Square are a good distance away from both of
7 those two establishments as well. Part of the
8 reason we excluded Blue Back Square and the center
9 is both of them are within, if you use the
10 500-foot buffer from the town municipal building
11 and Veterans Memorial Park and then we have the
12 library, excluded a lot of spots anyway. So we
13 just included both of those or excluded the BC and
14 the CB -- the letters right there, the CBDH
15 district.

16 PRESIDENT CANTOR: Okay. All set,
17 Ms. Fay?

18 COUNCILOR FAY: Yes.

19 PRESIDENT CANTOR: Mr. Doar.

20 ZONING ALTERNATE DOAR: Thank you,
21 Madam Mayor. Mr. Ledwith, you say that the new
22 ordinance indicates that the maximum cannabis
23 establishments who would be retail establishments
24 is three. Can you just show me in the ordinance
25 where you see that? Do you get that in paragraph

1 E, is that how you get to that by calculating
2 25,000? I just don't see that language in the
3 ordinance.

4 MR. LEDWITH: Through you, Madam Mayor,
5 to Mr. Doar. So it is under the new letter E in
6 the ordinance. And if you go to the last sentence
7 of that paragraph it says, "The town planner shall
8 not grant site plan approval for more than three
9 cannabis retail establishments." It's the very
10 last line.

11 ZONING ALTERNATE DOAR: Missed it.
12 Thank you.

13 And another question. The use of the
14 word "establishments" would indicate that you're
15 only referring to retail and production; is that
16 correct?

17 MR. LEDWITH: So with that language
18 we're referring to retail establishments, not
19 production.

20 ZONING ALTERNATE DOAR: Okay.

21 MR. LEDWITH: So production is only
22 permitted under the current ordinance, which we
23 are not changing, in the industrial zones. And we
24 have zero, there's no, presently no production
25 facilities in West Hartford.

1 ZONING ALTERNATE DOAR: Okay. Thank
2 you very much.

3 MR. LEDWITH: You're welcome.

4 PRESIDENT CANTOR: Thank you, Mr. Doar.
5 Mr. Zydanowicz.

6 COUNCILOR ZYDANOWICZ: Thank you, Madam
7 Mayor.

8 So the production versus
9 micro-cultivator, cultivator in my mind
10 is production.

11 MR. LEDWITH: Yes.

12 COUNCILOR ZYDANOWICZ: So I'm confused.
13 Maybe I didn't hear. You said no production.

14 MR. LEDWITH: So production is
15 permitted under our current ordinance and will
16 also be permitted under this amended ordinance.

17 COUNCILOR ZYDANOWICZ: Okay. So three
18 retail and three cultivators?

19 MR. LEDWITH: Yes.

20 COUNCILOR ZYDANOWICZ: Okay.

21 ATTORNEY DODGE: Three retail.

22 MR. LEDWITH: Yeah, three retail.

23 COUNCILOR ZYDANOWICZ: And how many
24 cultivators?

25 MR. LEDWITH: Three --

1 ATTORNEY DODGE: No limitation.

2 MR. LEDWITH: Oh, there's no
3 limitation. Okay. Sorry. No limitation on the
4 cultivator.

5 COUNCILOR ZYDANOWICZ: Okay. And the
6 5,000 feet, because that mirrors the alcohol, what
7 was the 5,000 feet?

8 MR. LEDWITH: So for the 500-foot
9 distance between municipal parks, yeah, so that's
10 related to the liquor.

11 COUNCILOR ZYDANOWICZ: Okay. So the
12 500 is for the liquor.

13 MR. LEDWITH: Yes.

14 COUNCILOR ZYDANOWICZ: So the 5,000
15 feet, why not 5,280, why not a full mile?

16 MR. LEDWITH: So we in our -- and I
17 actually have a copy of the map with me -- but we
18 kind of mapped out where 5,000 feet from the
19 present to the establishments are. And we wanted
20 to ensure that we were avoiding, you know, Park
21 Road and having a third establishment potentially
22 be on Park Road. And this takes Park Road
23 completely out of the picture. That's why we
24 ended up at 5,000.

25 COUNCILOR ZYDANOWICZ: Thank you. And

1 then the last time when we spoke, and if my memory
2 serves me correct too, and it never made it, but
3 we did talk about it as a group, that we really
4 didn't want these retailers to kind of cluster.
5 And I was shocked when the second one came up
6 where it did because we as a group talked about it
7 being distances, and I know we played with the
8 distances too with the park and things like that.
9 So I was really shocked. And I meant to do some
10 due diligence and go back and watch that
11 particular meeting, and my fault for not doing it,
12 because it's really water under the bridge because
13 we never got to that point.

14 But now we're here again, and I note
15 5,000 feet and three established, but, you know,
16 are we going to come back to the same table and
17 vote again? You know, because now we're doing
18 this, we're adding a third, and we did this two
19 years ago with two that we wanted distances away
20 from each other, but yet they clustered.

21 So I'm just, where do we stop for this
22 particular zoning reg? When we first originally
23 did it, the two were all we voted for, and now
24 we're coming up to a third. So I can see two
25 years now from, oh, we want a fourth, do you want

1 a fifth. At what point does that stop there?

2 And, you know, why revisiting it, and why not just
3 keep it what we originally intended it for?

4 MR. LEDWITH: So that's essentially a
5 policy decision and discussion for the Council to
6 have, certainly. So I can say that we -- and if
7 folks who were on the Council on May 24th of 2022
8 remember that meeting -- so at going into that
9 meeting, the RERACA essentially limited the town
10 to no more than one per 25,000 residents, and we
11 were told going into that meeting that you round
12 down, not round up, and almost essentially the
13 night of that meeting that limitation went
14 completely away. So we could have essentially
15 gone unlimited at that point. And there was a lot
16 of discussion among the Council that evening about
17 that limit of two or, you know, why not five or
18 why not limitless.

19 So when we were coming up on the
20 expiration of the current temporary zoning
21 ordinance, we took a look at, all right, is this
22 an opportunity to add one more and kind of go back
23 to that original RERACA law, which is one per
24 25,000, but you were supposed to -- we didn't know
25 this at the time. Technically we're supposed to

1 round up which would have been a limit of three.
2 So I think that's where that number of three came
3 from.

4 COUNCILOR ZYDANOWICZ: Thank you. And
5 then the other thing too is we really haven't had
6 a full year, you know, July of last year was when
7 the retail opened and that was the first one,
8 correct?

9 MR. LEDWITH: Correct.

10 COUNCILOR ZYDANOWICZ: So it's been two
11 years since we voted, right, but yet the
12 establishment didn't open until, you know, 11
13 months ago really. So we haven't really had two
14 full years of experience with it. And I just want
15 to, because we opened the meeting up with saying
16 that we had two years of experience, I don't think
17 we had two full years of experience. I think we
18 had 11 months of one retail and the other one just
19 opened recently, right, so just for the record.
20 Thank you.

21 MR. LEDWITH: Thank you.

22 PRESIDENT CANTOR: Thank you, Mr.
23 Zydanowicz. Are there comments, questions?

24 ZONING ALTERNATE DOAR: Can I ask one
25 more question?

1 **PRESIDENT CANTOR:** Sure, Mr. Doar.

2 **ZONING ALTERNATE DOAR:** Thank you,
3 **Madam Mayor.**

4 So corporation counsel said that there
5 was no limitations on the cultivators, but then
6 again as I'm just trying to read it, in Section E
7 it does say that there will only be
8 micro-cultivators that would result in no more
9 than one per 25,000 residents. So wouldn't that
10 indicate that there would be a limitation, unless
11 there's a difference between a cultivator and a
12 micro-cultivator?

13 **ATTORNEY DODGE:** Thank you, Madam
14 **Mayor.**

15 Yes, under current law or under our
16 current ordinance there is a limitation for one
17 per 25,000 residents that applies to both
18 retailers and micro-cultivators. And I think that
19 was a recommendation of the town planner at the
20 time who want to restrict the proliferation of
21 micro-cultivators.

22 Now, if this ordinance is adopted,
23 micro-cultivators would be regulated under Section
24 D of the new ordinance which applies to cannabis
25 production facilities which includes producers,

1 cultivators, micro-cultivators, food and beverage
2 manufacturers, product manufacturers and product
3 packagers, and those uses are restricted to the
4 IE, IG, IP and IR zones which really are
5 industrial zones.

6 So yes, while the 25,000 sort of per
7 capita cap is applied to micro-cultivators under
8 the existing ordinance, which expires on June
9 30th, there will be no cap on the number of
10 micro-cultivators on the new ordinance, if it's
11 adopted, except to the extent that
12 micro-cultivators would be restricted to these
13 zones that I just identified.

14 ZONING ALTERNATE DOAR: Okay. Thank
15 you. Thank you.

16 PRESIDENT CANTOR: Thank you, Mr. Doar.
17 Any comments, questions?

18 (No response.)

19 PRESIDENT CANTOR: All right. Well, I
20 don't think -- so I'll go one more time, one more
21 time around. No more questions from the Council?

22 (No response.)

23 PRESIDENT CANTOR: All right. I'm
24 going to read into the record a letter dated April
25 11, 2024 from Capitol Region Council of

1 Governments finding no apparent conflict with
2 regional plans and policies or the concerns of
3 neighboring towns; a letter dated May 7, 2024 from
4 the Town Plan and Zoning Commission recommending
5 approval.

6 And if there's nothing further, we'll
7 close the public hearing. The public hearing is
8 now closed, and we'll begin our Council meeting in
9 just over ten minutes at 7:30. Thank you.

10 (Whereupon, the above proceedings
11 adjourned at 7:20 p.m.)
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CERTIFICATE

I hereby certify that the foregoing 19 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the WEST HARTFORD TOWN COUNCIL PUBLIC HEARING IN RE: ORDINANCE CONCERNING ZONING REGULATIONS FOR CANNABIS ESTABLISHMENTS, which was held before THE WEST HARTFORD TOWN COUNCIL, 50 South Main Street, Legislative Chambers, Room 314, on May 28, 2024.



**Lisa L. Warner, CSR 061
Notary Public
My commission expires:
May 31, 2028**