

***Borough of Newtown  
Zoning Commission  
Newtown, Connecticut***

**THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOROUGH OF NEWTOWN ZONING COMMISSION**

**Minutes from the Meeting of September 8, 2021**

Meeting of the Borough of Newtown Zoning Commission was held on Wednesday, September 8, 2021 at the Lower Meeting Room, Edmond Town Hall, 45 Main Street, Newtown.

**Commission Members Present:** Doug Nelson, Brid Craddock, David Francis, Claudia Mitchell, Margaret Hull and Doug McDonald.

**Commission Members Absent:** none.

**Staff Present:** Rob Sibley, Borough ZEO, and Maureen Crick Owen, Clerk.

**Public:** none.

**Also Present:** Borough Warden Jay Maher.

The meeting was called to order at 7:01 p.m.

**Public Hearing:**

*Application by Borough of Newtown Zoning Commission for text amendment to the Borough Zoning Regulations by: (1) adding the definition of Cannabis; adding the definition of Cannabis establishment; and (3) adding Cannabis establishment as a prohibited use.*

The public hearing was opened at 7:05 p.m. Mr. Nelson read the proposed changes to the zoning regulations. He also read the response from West COG as well as the referral letter from Newtown Planning and Zoning Commission.

Mrs. Mitchell said her concern is where would someone buy cannabis if we approve it as a prohibited use. Mr. Nelson said that they could change the regulations in the future. Mrs. Hull said we should have town input. Mr. Nelson said that the concern is how quickly this legislation was put into place and unsure of how to handle it. Mr. Sibley said that it can be revisited in the future and described how the Town handled this. Mr. Francis suggested we do not prohibit but make it a special permit. Mr. Sibley said the bill for zoning is to allow but not through a special process. The use is yes or no. Mrs. Hull asked what happens if someone is driving under the influence of cannabis. Mr. Sibley explained what a police officer can do. Mr. Nelson said that time is needed to figure this out. Mr. Nelson also said that if it is an allowed use how does the commission feel about not being in step with the Town. Mrs. Mitchell wanted to confirm her understanding that if the proposed regulations are not approved that permits could be filed. Mr. Sibley said yes. Mr. Maher said he does not think it is appropriate for the

Borough or the Town. Mr. Nelson said that the state statute said that one establishment is allowed for every 25,000 residents. He questioned how that works for the Borough when there are 2,000 residents. He also said he felt this should be done hand-in-hand with the Town. The public hearing was closed at 7:48 p.m.

Public Hearing:

*Opting out of the "installation of temporary health care structures" (granny pods).*

Mr. Nelson opened the public hearing at 7:50 p.m. He said that the commission had discussions about the granny pods several years ago. He said it is a temporary health care structure for impaired resident. He said this has nothing to do with accessory apartments. Mr. Nelson said the concern is how do you determine when the temporary structure is no longer necessary. And, he said enforcement can be difficult. Mr. Sibley said the idea was to create an affordable stand-alone structure on residential property with a kitchenette for an impaired person (physical or mental). The disability had to be documented. Mr. Maher said he feels the Borough should opt out.

The public hearing was closed at 8:11 p.m.

Minutes: A motion was made by Mr. Francis to approve the minutes of the meeting of July 14, 2021 of the Borough of Newtown Zoning Commission. The motion was seconded by Ms. Craddock and unanimously approved.

Chairman's Report - none.

Borough Zoning Enforcement Officer's Report – none.

Old Business:

1. Application by Borough of Newtown Zoning Commission for text amendment to the Borough Zoning Regulations by: (1) adding the definition of Cannabis; adding the definition of Cannabis establishment; and (3) adding Cannabis establishment as a prohibited use - After the public hearing was closed, Mr. McDonald made a motion to approve the application by Borough of Newtown Zoning Commission for text amendment to the Borough Zoning Regulations by: (1) adding the definition of Cannabis; adding the definition of Cannabis establishment; and (3) adding Cannabis establishment as a prohibited use. The motion was seconded by Mrs. Hull. The vote was 3-2 (with Mrs. Mitchell and Mr. Francis voting against the motion). See attached document with approved text amendments.

2. Opting out of the "installation of temporary health care structures" (granny pods) - After the public hearing was closed, Mr. Francis made a motion to opt out of the installation of temporary health care structures (granny pods). The motion was seconded by Mrs. Mitchell and unanimously approved. See attached document dated 07.14.2021 for the rationale for opting out.

3. CT House Bill No. 6107 impact on housing apartments – Mr. Nelson spoke to the new law regarding accessory apartments. The State is providing guidance to municipalities to have accessory apartments. The State lists what can or cannot be

done in their law. The proposed revisions to the accessory apartments zoning regulations will be forwarded to P&Z for referral and a public hearing will be held at the October meeting on this.

Mr. Sibley thanked the Commission for all their work previously done on the accessory apartment regulations. Mr. Maher thanked them also.

New Business:

1. Any new proposed signs, if any - none.
2. Acceptance of any new applications, if any - none

Mr. Francis made a motion to adjourn at 8:45 p.m., seconded by Mrs. Mitchell and unanimously approved.

The next regularly scheduled meeting will be held on Wednesday, October 13, 2021 at 7:00 p.m.

Respectfully Submitted,

Maureen Crick Owen  
Clerk

For an audio of the meeting, please go to: <https://drive.google.com/file/d/1LNANJuvumdQ9-aqNJKIIutmR5vBBQPYM/view?usp=sharing>

# **Borough of Newtown Zoning Regulations For Cannabis and Cannabis Establishments**

**APPROVED 09.08.2021**

2.02.A “Cannabis” shall mean marijuana as defined in section 21a-240 of the Connecticut General Statute.

2.02.B “Cannabis Establishment” shall mean a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product packager, delivery service or transporter all as defined in the Connecticut General Statute 21a-240.

4.03.E Cannabis Establishment.

***Borough of Newtown  
Zoning Commission  
Post Office Box 164  
Newtown, Connecticut 06470***

**7/14/21**

**Rationale for Opting out of Public Act No. 21-29 “provisions of subsection 5 of subsection [(a)] (d) of section 8-2 regarding authorizations for the installation of temporary healthcare structures.”**

The Borough of Newtown has various zoning options for housing of impaired individuals in residential zones, including, Borough of Newtown Zoning Regulations:

1. 4.07.F – Accessory Apartments attached to a single family dwelling.
2. 4.07.G – Accessory Apartments detached from a single family dwelling.
3. 4.07.C – Keeping of not more than two roomers or boarders by a residential family is allowed, exclusive of domestic help.

**Zoning Enforcement Issues**

1. Enforcement of all the conditions including verification of impaired resident status, caregiver status, medical documentation reviews are all beyond traditional zoning officer jurisdiction.
2. Removal of the structure once vacated by the impaired person will be problematic. If the dwelling refuses to remove the structure, enforcement would be difficult and probably lead to costly court proceedings.
3. There is no language in the statute addressing the disposition of the structure after the Borough calls the bond and removes the structure.

**Health Department Issues**

1. Public Health Code requires each structure to have a separate septic system.
2. Attaching a one (1) bedroom structure to the existing septic system would require a State exception.