



Markup Line



Markup Polygon



Neighboring Towns



Parcels



2009 Color Aerial Photo

Red: Band_1

Green: Band_2

Blue: Band_3



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Wed Sep 18 15:28:55
EDT 2013

STAFF REPORT
Modification to Middlewoods Assisted Living Facility

September 18, 2013

Petition #43-13:
Site Plan Modification
2125 Main Street
Middlewoods of Newington Inc, applicant

Description of Petition #43-13:

The owners of this assisted living facility would like to increase the floor area of the building by constructing a 4750 s.f. addition within the existing interior courtyard.

Staff Comments:

See my comments under the Special Exception #44-13.

cc:
file

STAFF REPORT
"Medical Marijuana Dispensary and Production
Zoning Text Amendment"

September 6, 2013

Petition #47-13

**Text Amendment for New Section 6.15 (Medical Marijuana Dispensary and Production)
Town Plan and Zoning Commission, applicant**

Description of Petition #47-13:

The State of Connecticut passed a law last year that allows the production (growing) and dispensing of "medical marijuana". Newington's zoning regulations are silent on this, so TPZ has directed me to draft a zoning amendment to regulated medical marijuana production and distribution in Newington as allowed by that law.

Town Planner Comments:

See my previous Staff Report for the background of this proposed amendment.

I made the changes to draft as requested by TPZ at the workshop meeting earlier this month (attached).

I will ask the GIS staff to prepare a map showing the location of known churches, playgrounds, etc. with a 1000' buffer around them and the residential, Industrial and Public Land zones, so that an analysis can be done of the potential sites.

cc:
file

DRAFT
Medical Marijuana Dispensary and Production Zoning Regulations

(revised September 20, 2013)

Section 6.15 Medical Marijuana Dispensary and Production

6.15.1 Purpose. The purpose of this section is to regulate the location and operation of medical marijuana dispensary facilities and production facilities. The intent of these regulations is to minimize any adverse impacts of such facilities, and to protect and preserve Newington's neighborhoods, commercial districts, property values and quality of life.

6.15.2 Definitions. For use in this section of the Regulations:

A. "Dispensary facility" means a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under Public Act 12-155 and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies;

B. "Production facility" means a secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under Public Act 12-155 and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

6.15.3 Applicability:

A. Medical marijuana dispensary facilities shall be permitted only in the following zones, subject to special exception approval in accordance with Section 5.2 of these Regulations, site plan approval in accordance with Section 5.3 of these Regulations, and the requirements of this section:

- ~~1. B Business Zone~~
2. I Industrial Zone
2. PL Public Land Zone

B. Medical marijuana production facilities shall be permitted only in the following zone, subject to special exception approval in accordance with Section 5.2 of these Regulations, site plan approval in accordance with Section 5.3 of these Regulations, and the requirements of this section:

1. I Industrial Zone

6.15.4 Separation Requirements. Uses identified in this section shall be subject to the following separation restrictions:

A. No medical marijuana dispensary facility shall be allowed within one thousand feet of a church, temple or other place used primarily for religious worship, public building, private recreation area, or a school, playground, park or child day care facility;

B. No medical marijuana production facility shall be allowed within one thousand feet of a church, temple or other place used primarily for religious worship, public building, private recreation area, or any school, playground, park or child day care facility, or any other site containing a medical marijuana production facility;

C. No medical marijuana production facility shall be allowed on a site that is less than ~~750~~ **1000** feet from any property that is zoned for single-family residential use as a permitted use.

D. No medical marijuana dispensary facility or production facility shall be allowed within the same building, structure or portion thereof that is used for residential purposes, or that contains another medical marijuana dispensary facility or production facility;

E. All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

6.15.5 Sign and exterior display requirements:

A. Exterior signage shall be restricted to a single sign no larger than 16" x 18". No graphics of any kind will be allowed, and the text will be limited to the street address of the facility.

6.15.6 Off-Street Parking requirements:

A. Required off-street parking shall be in compliance with Section 6.1 of these regulations.

6.15.7 Security Requirements:

A. All medical marijuana dispensary facilities and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment meeting at least the minimum requirements of Sec. 21a-408-62 of the State of Connecticut Regulations.

6.15.8 Conditional Approval:

A. Special Exceptions shall be approved with the condition that the applicant obtains the appropriate Dispensary or Production Facility permit issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur).

B. The conditional approval shall become ~~automatically~~ finalized upon the receipt by the Town Planner of a copy of the Department of Consumer Protection-issued permit.

C. The conditional approval shall expire if the applicant fails to provide the Town Planner with a copy of the Department of Consumer Protection-issued permit within six months of the date of the TPZ's conditional approval.

1. A six month extension of such conditional approval shall be granted to the applicant upon written notification to the Town Planner that an application for a Department of Consumer Protection permit has been filed, indicating the expected decision date of the Department of Consumer Protection permit.

6.15.9 Connecticut Department of Consumer Protection Approval:

A. The applicant shall provide the Town Plan and Zoning Commission with a copy of the appropriate Dispensary or Production Facility permit issued by the State of Connecticut Department of Consumer Protection, and any subsequent renewed permit.



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission
From: Craig Minor, Town Planner *CM*
Date: September 18, 2013
Re: **Performance Bond Reduction #3 at "Victory Gardens"**

This has evolved into a monthly activity.

The performance bond is currently \$281,172.50. The applicants have requested another reduction, this time in the amount of \$209,412. The Engineering Department staff and the Zoning Enforcement Officer will inspect the site later this week and will make a recommendation which I will have for you at the meeting.

For your information, if approved, this will leave approximately \$71,760 which is approximately 12% of the original bond.

cc:
file

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