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ENFIELD PLANNING DEPT.

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Proposed Modifications to Section 8.200 Recreational Marijuana

Purpose:

- To prohibit the Enfield ZBA from granting variances to the separation distance requirements of these regulations.
- In recognition of the unique range of uses, the frequency of occupancy changes, the physical development pattern within the BR and the major role the BR zones play in the Town's economy as both a source of tax base and employment, create provisions for the PZC to modify separation distances within the BR zones only, subject to detailed criteria and findings and the approval of a special permit. Both the cannabis use and the "protected use" must be located within the BR zone. Separation distances shall otherwise remain in effect and no modifications shall be granted with respect to cannabis uses proposed within a BR zone and "protected" uses outside of that BR zone.

Proposed Text:

Add a new section 8.200.5 iv, entitled "Modifications of Separation Distances in BR Zones" as follows:

"For uses within BR zones, the PZC in its sole discretion may approve a modification to the applicable separation distance by special permit, subject to the following criteria and findings:

- a. Criteria
 - The specific physical, use, infrastructure, vehicular and pedestrian circulation and other like attributes of the location and its immediate environs.
 - The hours of operation, patronage, scale, access and other attributes of the protected use in relation to the same attributes of the proposed use.
 - The likelihood of interaction between the use and protected uses in proximity to the proposed use where such interaction would create undue risk to the health or safety of occupants, employees or patrons of the protected use.
- b. Findings: Based on the above considerations, before the Commission may approve a modification under these provisions, the Commission shall find:
 - The proposed use will not likely create undue risks to the health or safety of occupants, patrons, employees or others using the protected use's site or facilities AND;
 - The application if approved will not create conflicts with, or undermine the Town's Comprehensive Plan or the general principles of orderly development AND;
 - That, in the Commission's sole discretion, as or if necessary, the Special Permit approval includes conditions and/or modifications which will serve to sufficiently mitigate any relevant potential issues under the Commission's legal purview in acting on the Special Permit application.

- c. In considering and acting on a modification request, the Commission may require the applicant to submit documentation in support of the request and relating to the criteria and findings described herein, including but not necessarily limited to surveys, written reports, land records, data, photographs or other materials. Applicants shall also be free to provide whatever additional documentation they feel supports their modification request.

Add a new section 8.200.5 v, entitled "Prohibition on Variances to Separation Distances" as follows"

"The Zoning Board of Appeals is prohibited from granting variances to any of the separation distance requirements contained in section 8.200."