

PZC 21-9

TOWN OF ESSEX
LAND USE APPLICATION
PART ONE

RECEIVED
AUG 10 2021

BY: _____

PLEASE CHECK THE APPROPRIATE LINE(S) AND ATTACH THE APPROPRIATE APPLICATION(S):

SPECIAL EXCEPTION	_____	VARIANCE/ APPEAL	_____
SITE PLAN REVIEW	_____	APPROVAL OF LOCATION	_____
INLAND WETLANDS PERMIT	_____	REGULATION TEXT AMENDMENT	<u>X</u>
INLAND WETLANDS PERMIT - AGENT APPROVAL	_____	ZONE CHANGE	_____
	_____	COASTAL SITE PLAN REVIEW	_____
WETLAND PERMIT TRANSFER	_____	MODIFICATION OF PRIOR APPROVAL	_____
SUBDIVISION / RESUBDIVISION	_____	SPECIAL FLOOD HAZARD AREA PERMIT	_____

PROJECT DESCRIPTION:

PROJECT NAME: TEXT Amendment

STREET ADDRESS OF PROPERTY _____

ASSESSOR'S MAP _____ LOT _____ LOT SIZE _____ DISTRICT _____

APPLICANT _____
_____ PHONE _____

APPLICANT'S AGENT (if any) _____
_____ PHONE _____

ENGINEER.SURVEYOR/ARCHITECT _____
_____ PHONE _____

Note:

1) TO BE ACCEPTED BY THE LAND USE OFFICE. THIS APPLICATION MUST BE COMPLETED, SIGNED, AND SUBMITTED WITH THE REQUIRED FEE(S) AND MAP(S) PREPARED IN ACCORDANCE WITH THE APPLICABLE REGULATIONS.

2) THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION OR ITS STAFF TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION.

3) I HERBY TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY THE LAND USE OFFICE AS DESCRIBED IN PART THREE OF THIS APPLICATION.

TOWN OF ESSEX
Planning and Zoning Commission
Essex Town Hall, 29 West Avenue
Essex, Ct 06426

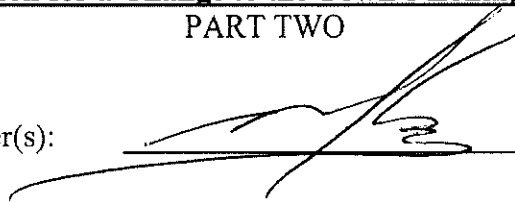
Petition for a Text Amendment of Zoning Regulations

or

Petition for a Change to the Town's Zoning Map

PART TWO

Signature of Property Owner(s):
Or Petitioner



Roger J. Kern

Address:

6 Turnstone Road
Essex, CT 06426

Application #

Date of Receipt

The undersigned request a text amendment to the Essex Zoning Regulations.

☒ This petition **requests a change in zoning regulations** and there is attached:

- 1) A full text of the proposed change in the zoning regulations clearly indicating existing provisions to be repealed and the new provisions to be enacted.
- 2) A complete and comprehensive statement of the reasons for any proposed changes, including any special interest the Petitioner(s) may have in such change, is attached.

[] This petition **requests a change to the Town's Zoning Map** and there is attached:

- 1) A map clearly showing the area to be re-classified and specifying the present classification and proposed new classification with existing and proposed boundaries.
- 2) A list, keyed to the map, of the names and addresses of the record owners of and within the area to be affected, and within 500 feet outside the area to be affected by such reclassification, and
- 3) A complete written description, by metes and bounds or courses and distances, of the location of any new zoning district boundary or boundaries proposed.

Proposed Change in Essex Zoning Regulations Submitted by Roger J. Kern 8/10/2021

Revision to Section 40A.1

Existing Provision:

40A.1. For a period of twelve (12) months commencing from the effective date of January 15, 2014, no applications will be accepted, considered or approved and no zoning permits will be issued to permit the establishment of Medical Marijuana Dispensaries and/or Producers, who cultivate, process, distribute, dispense and sell medical marijuana within any zoning district within the Town of Essex. For the purposes of this section Dispensary, Licensed Dispensary, Producer and Licensed Producer are defined in Public Act #12-55. The expiration date of this Moratorium shall be January 15, 2015 unless extended by the Zoning Commission.

Revised Provision:

40A.1 No applications will be accepted, considered or approved and no zoning permits will be issued to permit the establishment of Marijuana Dispensaries and/or Producers, who cultivate, process, distribute, dispense or sell marijuana, or any products containing marijuana, within any zoning district within the Town of Essex.

Statement of Reasons for Proposed Amendment to Zoning Regulation 40A.1

Roger J. Kern

August 10, 2021

The Preamble to the Essex Zoning Regulations, as amended to January 1, 2021 states:

“10A. PURPOSES: GENERAL. For the purpose of promoting the health, safety, morals, and general welfare of the community;.....the following zoning regulations for the Town of Essex are and have been adopted pursuant to the provisions of the statutes of the State of Connecticut.”

On January 14, 2014, the Essex Zoning Commission adopted Section 40A.1 in response the passage of State of Connecticut legislation legalizing the sale of medical marijuana. The adoption of Section 40A.1 obviously illustrated the Commission’s concern about this activity occurring in Essex.

However, Section 40A.1 was only a moratorium which expired on January 15, 2015.

Recently, the State of Connecticut enacted legislation legalizing the cultivation and sale of recreational marijuana in the State of Connecticut. That legislation includes provisions that allow municipalities within the state to enact zoning regulations prohibiting the cultivation and sale of recreational marijuana within the municipality’s jurisdiction.

It is the consensus of public safety officials, the medical community and leaders of numerous religious organizations that the legalization of the recreational use of marijuana will be deleterious to the “health, safety, morals, and general welfare of the community” that is defined as the purpose of the Essex zoning regulations in the preamble of the Zoning Regulations. Specifically, concerns about addiction, impaired driving, and access to underage people whose brain structures are not fully developed are paramount. I, personally, have additional concerns that the allowance of this activity within the Essex jurisdiction will irrevocably diminish the character of our town.

Therefore, it is imperative that Essex zoning regulations be amended in order that Essex does not inadvertently facilitate such use by allowing any activities related to the now legalized marijuana industry to be conducted within its jurisdiction.

I have amended the existing provision in such a manner as to exclude all commercial marijuana activities from our town. Some may question the exclusion of medical marijuana commercial activities, but in light of the proliferation of expanded uses of medical marijuana now authorized by the State of Connecticut, the likelihood of significant commercial activity has increased substantially. The adoption of the original Section 40A.1 in 2014 was obviously a response to similar concerns by the Essex Zoning Commission at that time.