



Town of Groton, Connecticut
Planning & Zoning Commission
Special Meeting Agenda
For Public Participation Instructions Please
Visit:
<https://www.agendasuite.org/iip/groton>

Office of Planning and
Development Services
Town Hall Annex
134 Groton Long Point Road
Groton, CT 06340
860-446-5970

Thursday, August 11, 2022

6:00 PM

Virtual Meeting via Zoom

I. ROLL CALL

I.1. Roll Call

IX. OLD BUSINESS

- IX.1. Workshop- Text Amendment Pre-Application
- Data Centers- Policy Discussion Questions
 - Cannabis- Draft Text Review
 - Short Term Rentals- Draft Text and Map Review

XIII. ADJOURNMENT

XIII.1. Adjournment

*COMMISSION WORKSHOP - PUBLIC COMMENTS WILL NOT BE ORALLY TAKEN DURING THE WORKSHOP. PUBLIC COMMENTS MAY BE SUBMITTED IN WRITING BEFORE THE WORKSHOP.

Next Regular Meeting: September 13, 2022



MEMORANDUM

TO: Jon Reiner
FROM: Jeff Davis
DATE: July 27, 2022
RE: Data Centers

Horsley Witten Group, Inc. (HW) was hired to advise the Town of Groton's Planning and Zoning Commission (PZC) on potential regulatory options for Short-Term Rentals (STR), Data Centers, and sale and cultivation of Adult-Use Cannabis. HW staff looks forward to a good discussion on August 11 with the PZC, following up on our prior discussions on June 15 and July 14, in order to continue answering some key policy questions that will help us develop first draft regulations for the Town's review. Since Data Centers were not discussed on July 14, HW presents the same set of questions for the PZC to discuss in August.

Data Centers

The State of Connecticut passed legislation in 2021 to incentivize the construction of data centers in the state, which is likely to spur an increase in demand and proposals. Note that owners and developers of qualified data centers must enter into fee agreements with the municipalities in which the data center is located before beginning the capital project.

From the exterior, data centers may be physically indistinguishable from many commercial or light industrial uses. However, the operational characteristics of these facilities are typically quite distinct from those of surrounding land uses. From a planning perspective, the most noteworthy characteristics relate to their:

- electricity and water use
- noise production
- enhanced safety and security needs
- low employment densities

Policy discussion questions for the PZC on July 14 include:

1. Should data centers be a regulated, permitted use or a prohibited use in the Town?
2. If permitted, in what zoning districts should data centers be located? Should an overlay zone be considered? *Note: HW recommends restricting these to Industrial districts.*
3. What size data center should trigger regulations? *Note: The Town has enacted a moratorium on Data Centers of 5,000 square feet or larger. This seems reasonable based on other precedent.*
4. If data centers are a permitted use, should cryptocurrency mining be a distinct use from data centers? If so, should cryptocurrency mining be a permitted use in the Town?

5. Should data centers be permitted by right, with conditions and/or by special permit?
- Permitted: Must meet appropriate sections of the regulations – parking, landscaping, etc. Approval by site plan only.
 - Conditional: Meet appropriate sections of regulations plus additional conditions specific to the use as listed in the regulations. Site plan approval only.
 - Special Permit: Meet the requirements of regulations including special permit section. Additional conditions may be imposed both on and off site. Public hearing required. Both special permit and site plan approval required.
6. If Conditions are desired, what kind?
- Noise standards
 - Vibration standards
 - Size limits (square footage of a facility)
 - Enhanced security (fencing, gated access points, lighting, etc.)
 - Additional setbacks and buffering from abutting residential properties (existing standards for Industrial zoning districts may suffice)
 - Agreements with water and electrical utilities demonstrating that the data center utility demands can be met at the proposed location
 - Renewable energy use/development or offset purchases
 - Emissions standards
 - Notification of abandonment
 - Fire suppression and mitigation plan



MEMORANDUM

TO: Jon Reiner
FROM: Jeff Davis
DATE: July 27, 2022
RE: Adult-Use Cannabis

Horsley Witten Group, Inc. (HW) has attended two meetings with the Town of Groton's Planning and Zoning Commission (PZC) on potential regulatory options for Short-Term Rentals (STR), Data Centers, and sale and cultivation of Adult-Use Cannabis. After some discussion on Adult-Use Cannabis at the last meeting on July 14, the PZC reached a general consensus to permit a variety of Adult-Use Cannabis uses with conditions, as opposed to prohibiting such uses.

While the PZC did not have the time to discuss all the cannabis-related policy questions on July 14, they tasked HW to draft regulations based on their direction to Town staff last October. HW's assumption is that each of the issues/performance standards that were discussed would have associated regulatory language.

Below are proposed edits to the Zoning Regulations regarding Adult-Use Cannabis.

Definitions

The following definitions would be added to Sec. 2.1 General Definitions.

ADULT CANNABIS USE: Any of the following uses are considered Adult Cannabis Uses per CGS 21a-420 as amended: Cannabis Cultivator, Cannabis Delivery Service, Cannabis Food and Beverage Manufacturer, Cannabis Hybrid Retailer, Cannabis Micro-Cultivator, Cannabis Product Manufacturer, Cannabis Product Packager, Cannabis Retailer, and Cannabis Transporter.

CANNABIS CULTIVATOR: A person or a business operated by a person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space as defined in CGS 21a-420 as amended.

CANNABIS DELIVERY SERVICE: A person or a business operated by a person that is licensed to deliver cannabis from (A) microcultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in CGS 21a-408 as amended, or to hospices or other inpatient care facilities licensed by the Connecticut Department of Public Health pursuant to chapter 368v as amended that have a protocol for the handling and

distribution of cannabis that has been approved by the department, or a combination thereof as defined in CGS 21a-420 as amended.

CANNABIS FOOD AND BEVERAGE MANUFACTURER, LARGE-SCALE: A person or a business operated by a person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages as defined in CGS 21a-420 as amended, wherein the production space has a floor area of more than 3,000 SF.

CANNABIS FOOD AND BEVERAGE MANUFACTURER, SMALL-SCALE: A person or a business operated by a person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages as defined in CGS 21a-420 as amended, wherein the production space has a floor area of 3,000 SF or less.

CANNABIS HYBRID RETAILER: A person or a business operated by a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products as defined in CGS 21a-420 as amended.

CANNABIS MICRO-CULTIVATOR: A person or a business operated by a person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than 2,000 SF and not more than 10,000 SF of grow space floor area, prior to any expansion authorized by the commissioner as defined in CGS 21a-420 as amended.

CANNABIS PRODUCT MANUFACTURER: A person or a business operated by a person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type as defined in CGS 21a-420 as amended.

CANNABIS PRODUCT PACKAGER: A person or a business operated by a person that is licensed to package and label cannabis as defined in CGS 21a-420 as amended.

CANNABIS RETAILER: A person or a business operated by a person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs as defined in CGS 21a-420 as amended.

CANNABIS TRANSPORTER: A person or a business operated by a person licensed to transport cannabis between cannabis establishments, laboratories and research programs as defined in CGS 21a-420 as amended.

MEDICAL MARIJUANA DISPENSARY FACILITY: 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 Connecticut General Statutes Chapter 420f and Sections 21a-408-1 to 21a-408-70, inclusive, of

the Regulations of Connecticut State Agencies. Such dispensary facilities shall be considered a retail use for purposes of these Regulations.

Table of Permitted Uses

The use “Cannabis Retailer or Hybrid Retailer” should be inserted into Sec. 4.1 Table of Permitted Uses under the Retail category. The zoning districts should be marked in the table as follows:

CR, MTC, IM: C

All other Zoning Districts: X

Pkng: 1

Conditions: 5.1-15.A

The use “Cannabis Cultivator” should be inserted into Sec. 4.1 Table of Permitted Uses under the Ag., Animal, and Natural Resources category. The zoning districts should be marked in the table as follows:

CR, IM, IG: C

All other Zoning Districts: X

Pkng: -

Conditions: 5.1-15.B

The use “Cannabis Micro-Cultivator” should be inserted into Sec. 4.1 Table of Permitted Uses under the Ag., Animal, and Natural Resources category. The zoning districts should be marked in the table as follows:

CR, IM, RU: C

All other Zoning Districts: X

Pkng: -

Conditions: 5.1-15.B and 5.1-14

Note: In October, the PZC was undecided about allowing micro-cultivation in the RU.

The use “Cannabis Delivery Service, Product Manufacturer, Product Packager or Transporter” should be inserted into Sec. 4.1 Table of Permitted Uses under the Industrial category. The zoning districts should be marked in the table as follows:

IM, IG: C

All other Zoning Districts: X

Pkng: 6

Conditions: 5.1-15.B

The use “Cannabis Food and Beverage Manufacturer, Small-Scale” should be inserted into Sec. 4.1 Table of Permitted Uses under the Industrial category. The zoning districts should be marked in the table as follows:

RU: SP/C

CN, CR, MTC, IM, IG: C

All other Zoning Districts: X

Pkng: 6

Conditions: 5.1-15.B and 5.1-14

The use “Cannabis Food and Beverage Manufacturer, Large-Scale” should be inserted into Sec. 4.1 Table of Permitted Uses under the Industrial category. The zoning districts should be marked in the table as follows:

IM, IG: C

All other Zoning Districts: X

Pkng: 6

Conditions: 5.1-15.B

The use “Medical Marijuana Dispensary Facility” should be inserted into Sec. 4.1 Table of Permitted Uses under the Retail category. The zoning districts should be marked in the table as follows:

CR, MTC, IM: P

All other Zoning Districts: X

Pkng: 1

Conditions: -

Use Standards

Note: The following should be added as a new subsection 5.1-15. While the various Adult-Use Cannabis uses could fall under many categories including agriculture, retail, and industrial, the regulations may be easier to follow if all conditions are under one section.

5.1-15 Adult-Use Cannabis Uses

Any permitted Adult-Cannabis Use shall require a Special Permit when abutting a lot in a residential zoning district.

Note: All such uses would also be subject to the buffer requirements of Sec. 8.1-6.

5.1-15.A Retail Sale of Cannabis to Consumers for Off-Premises Consumption

The sale of cannabis under the Cannabis Hybrid Retailer or Cannabis Retailer class of permit as defined by Connecticut General Statutes 21a-420 as amended, issued by the State of Connecticut for consumption off the premises, shall be permitted only under the following conditions:

1. **Distance Between Establishments:** No building or premises, or part of any building or premises, shall be used under this section of the regulations if the main front entrance to the building or premises shall be located within a 1,000-foot radius, measured in a straight line, from the main front entrance of any other permitted premises used for the same purpose.
2. **Distance from Other Certain Uses:** No building or premises, or part of any building or premises, shall be used under this section of the regulations if the lot upon which said building or premises is located is within 500 feet from any lot on which is located a public or private school, library, public playground, park or recreational facility. In determining

compliance with this provision, the controlling distance shall be the shortest distance between those lot lines of the proposed premises and those lot lines of the affected school, library, public playground, park or recreational facility.

3. **Security Plan**: A written security plan acceptable to, and approved by, the Town of Groton Chief of Police shall be required.
4. **Permit Issuance**: No Permit or Special Permit granted under this section shall become effective until the issuance of a permit for Cannabis Hybrid Retailer or Cannabis Retailer is issued by the State of Connecticut to the Permit or Special Permit applicant, its successors or assigns.
5. **Medical Marijuana Dispensary Facility**: A business establishment solely engaged in the sale of cannabis under Connecticut General Statutes Chapter 420f - Palliative Use of Marijuana (Medical Marijuana Dispensary Facility) shall be considered a general Retail use and regulated as a general Retail use under these regulations and not subject to this section of the regulations.

5.1-15.B *Retail Sale of Cannabis Not Directly to Consumers*

The sale of cannabis under the Cannabis Cultivator, Cannabis Delivery Service, Cannabis Food and Beverage Manufacturer, Cannabis Micro-Cultivator, Cannabis Product Manufacturer, Cannabis Product Packager, and Cannabis Transporter class of permit as defined by Connecticut General Statutes 21a-420 as amended, issued by the State of Connecticut, which sales by their nature do not involve sales directly to any consumer, shall be permitted only under the following conditions:

1. **Indoors**: All cultivation and/or manufacturing activities shall be conducted indoors.
2. **Security Plan**: A written security plan acceptable to, and approved by, the Town of Groton Chief of Police shall be required.
3. **Permit Issuance**: No Permit or Special Permit granted under this section shall become effective until the issuance of a permit for the Cannabis Cultivator, Cannabis Delivery Service, Cannabis Food and Beverage Manufacturer, Cannabis Micro-Cultivator, Cannabis Product Manufacturer, Cannabis Transporter is issued by the State of Connecticut to the Permit or Special Permit applicant, its successors or assigns.



MEMORANDUM

TO: Jon Reiner
FROM: Jeff Davis
DATE: July 27, 2022
RE: Short Term Rentals

Horsley Witten Group, Inc. (HW) has participated in two meetings with the Town of Groton's Planning and Zoning Commission (PZC) on potential regulatory options for Short-Term Rentals (STR), Data Centers, and sale and cultivation of Adult-Use Cannabis. After much discussion on STRs at the last meeting on July 14, the PZC decided, even though many policy questions remain to be definitively answered, that HW should attempt a first draft at regulating STRs in the Zoning Regulations. HW also offered to do some mapping exercises to show where STRs would be within walking distance of mixed-use centers and commercial nodes.

Policy discussion questions for the PZC from July 14 included:

1. In which zoning districts should STRs be allowed?

The PZC reached a general consensus that STRs could be permitted in mixed-use and commercial zoning districts. There was disagreement, however, among PZC members as to whether and where STRs could be permitted in residential districts. Some members felt this would be more appropriate within walking distance of mixed-use centers and commercial nodes. Others felt it would be more appropriate in lower density parts of town where there would be less of an impact on neighbors. There seemed to be general consensus that STRs should not be allowed within residential neighborhoods (i.e., subdivisions or plats) or abut single-family residential properties. However, some members thought it possible that homes on major roads (not within or abutting a single-family neighborhood) could be permitted as STRs.

HW expects there will be continued discussion on how to consistently and fairly identify properties in residential zoning districts appropriate for STRs. For this first draft, and for the purpose of moving the discussion forward, HW proposes that STRs be allowed in all mixed-use and commercial zoning districts. Further, STRs could be allowed on any arterial or collector road in a residential zoning district if:

- a. Located within a 10-minute walkshed of a mixed-use or commercial zoning district; AND
 - b. Not abutting a property in a single-family residential (RS) zoning district.
2. Which conditions should be addressed for STRs in the Zoning Regulations?
- a. Off-street parking standards

- b. Noise and nuisance provisions
- c. Whether or not to allow STRs with a Special Permit (allowing for scrutiny of the particular facts of a site before allowing such a use)

The PZC wanted to see all of the above addressed in zoning, including requiring a Special Permit for all STRs.

3. Given the zoning districts in which the PZC thinks STRs are acceptable, what additional standards would the PZC like to encourage the Town Council to consider for a STR Ordinance?

The PZC expressed that they would be open to allowing STRs on any owner-occupied property. The Town may be able to stipulate this in the Zoning Regulations, but it would be cleaner to also specify this in the Town's Code of Ordinances.

Below are proposed edits to the Zoning Regulations regarding STRs.

Definition

The following definition would be added to Sec. 2.1 General Definitions.

SHORT TERM RENTAL: The use of a dwelling unit, in whole or in part, for transient lodging for compensation by Renters, for no more than thirty (30) days.

Note: The above is the definition used in the Town Council's draft STR Ordinance. HW recommends that the Town use this definition for consistency. It is also consistent with the PZC's stated desire to define STRs as being rentals of 30 days or less. Alternatively, the PZC could use the similar definition used in the State of Connecticut in its legislation from 2019 regulating the room occupancy tax on STRs: The transfer for consideration of the occupancy in a furnished residence or similar accommodation for a period of 30 days or less. A residence may include all or a portion of a home, apartment, condominium, or similar dwelling.

Table of Permitted Uses

The use "Short Term Rental" should be inserted into Sec. 4.1 Table of Permitted Uses as the last entry under the Residential, Lodging category. The zoning districts should be marked in the table as follows:

RS, R, RU, RM, CN, CR, MDD, WW, MTC, MVC: SP/C
 IM, IG: X
 GR, GC: X
 Pkng: See Conditions
 Conditions: 5.1-7.C

Use Standards

The following should be added as a new subsection 5.1-7.C.

5.1-7.C Short Term Rental

Conditions and Special Permit apply in the following zoning districts: RS, R, RU, RM, CN, CR, MDD, WW, MTC, MVC

Short Term Rentals may be conducted in the following areas:

- CN, CR, MDD, WW, MTC, and MVC zoning districts
- RS, R, RU, and RM zoning districts under the following circumstances:
 - Where the STR is located in a legally permitted structure on a lot with an owner-occupant.
 - OR
 - Where the STR is located on a lot fronting on an arterial or collector road as defined by the State of Connecticut;
 - Where the STR is located on a lot within 0.5-mile watershed of a mixed-use or commercial zoning district; AND
 - Where the STR is located on a lot that does not abut a residential property in an RS zoning district.

Note: HW has produced a series of maps showing which properties meet the second set of criteria above. HW fully expects the PZC will continue to refine the criteria for where STRs may be allowed in residential zoning districts. At this point, the PZC should consider this a starting point for discussion and not a firm recommendation.

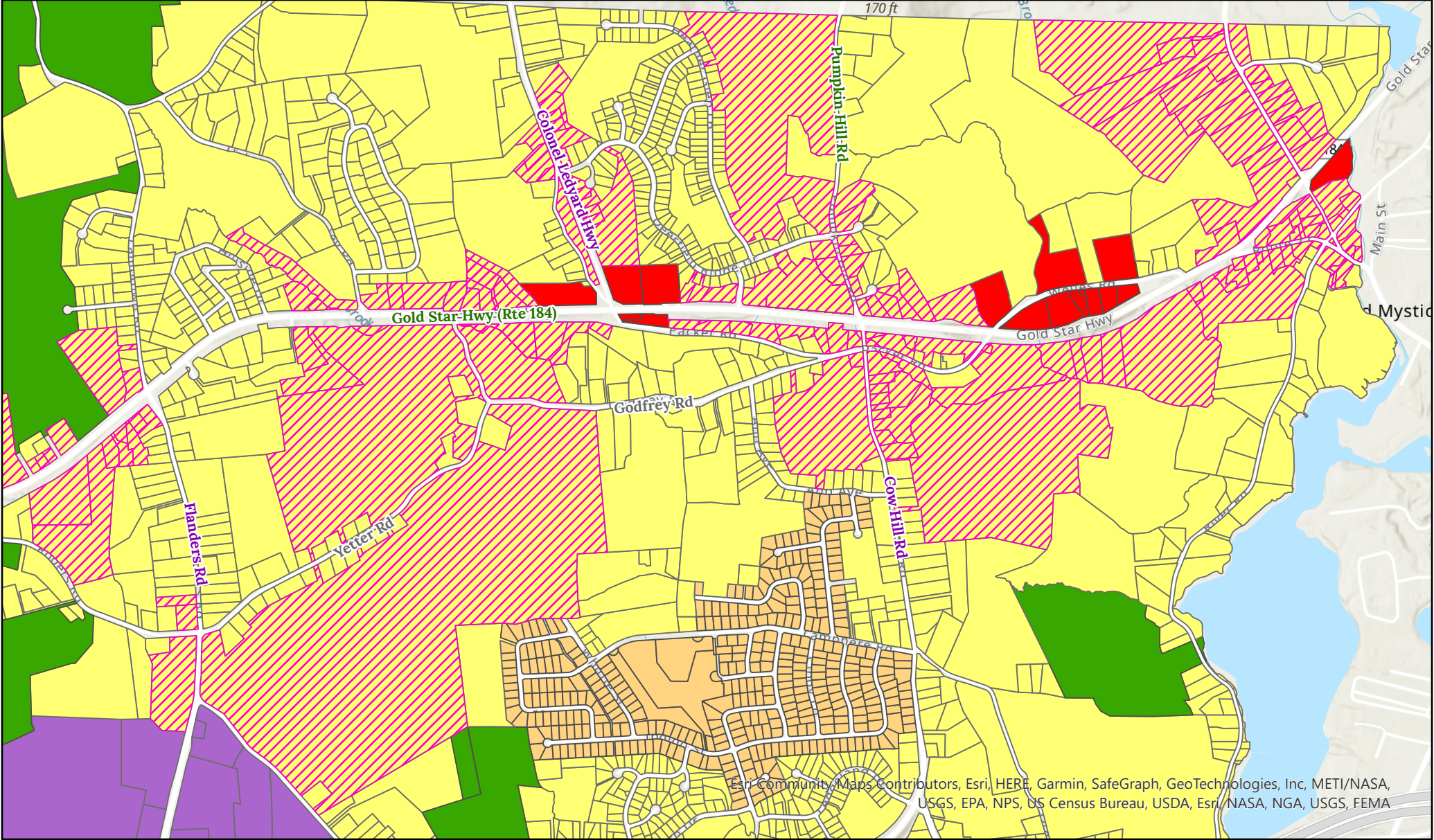
STRs are permitted in the areas described above provided the following conditions are met:

1. **Town Permit:** All STRs must file for an STR Permit with the Town of Groton per the Code of Ordinances.
Note: This will be adjusted depending on how the Town finalizes an STR ordinance.
2. **Off-street Parking:** One off-street parking space must be provided for every STR bedroom on the lot. In residential zoning districts, all required off-site parking must be located on the lot where the STR is located. In mixed use and commercial zoning districts, the required off-site parking may be located on the lot where the STR is located or on another lot within 1,000 feet walking distance with a signed agreement between the property owners.
3. **Noise and Nuisance:** The Environmental Performance Standards of Sec. 7.4 shall apply to any STR.

HW realizes that the Town Council may be adopting an STR Ordinance in August (2022) as part of the Town's Code of Ordinances. This draft ordinance does address many of the issues and concerns raised by the PZC and the general public. However, the PZC may choose to advocate that Town Council amend the STR ordinance to address any of the following additional issues:

- Residency requirements for STR owners (on site, in Town, etc.), including prohibition of corporate or investment owners.

- Spacing requirements between STRs. A distance from one STR to another may be required to assure that an entire block does not turn into a short-term rental district. (However, given the location limitations in the draft above, this may not be necessary).
- Caps on STRs. Allow a numerical or percentage cap on the number of registered STRs per neighborhood, ZIP code, Census Tract or other geography. (Similar to the previous issue, this may not be necessary given the location limitations in the draft above).
- Occupancy limits. While the current draft STR Ordinance has a limit of two people per bedroom (excluding children under the age of 12), the Town may consider an absolute cap on the number of adults allowed per STR (e.g., six, eight, or whatever number seems reasonable to the Town).
- Visitor limits. The STR Ordinance could explicitly prohibit parties or non-guests of any kind.
- Proof of code compliance, fire safety measures, adequate water and sewer service, or other utilities or infrastructure that may be of concern. The draft STR Ordinance already requires operating smoke and carbon monoxide detectors.



Parcels by Zoning District

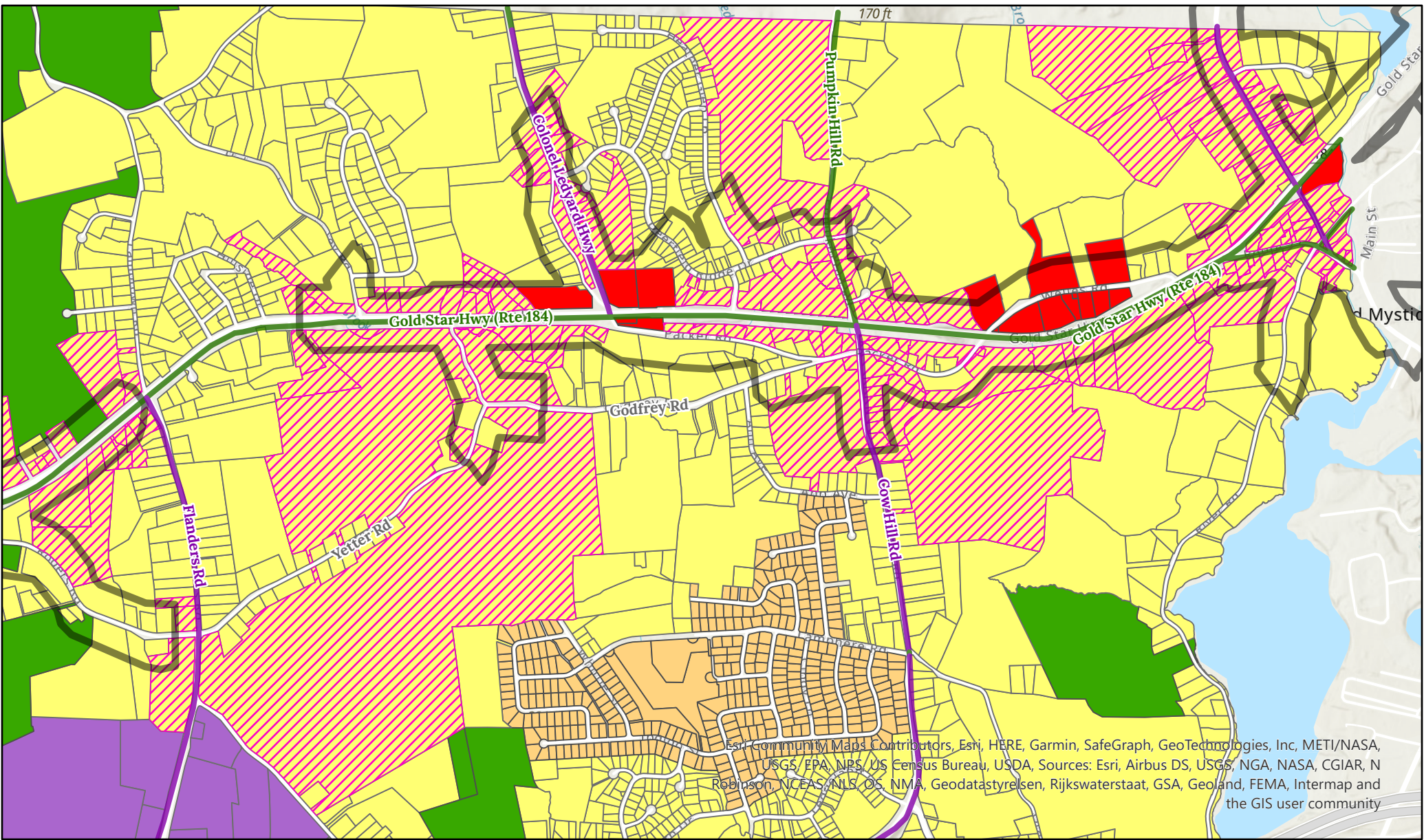
- Rural Residential Districts (RU-20, RU-40 & RU-80)
- Residential Single Unit Districts (RS-12 & RS-20)
- Residential Multi-Unit (RM)
- Residential Districts (R-7 & R-12)
- Mixed-Use Districts (MDD, MTC & MVC)
- Commercial Districts (CR, CN & WW)
- Green Districts (GR & GC)
- Industrial Districts (IG & IM)

 Meets STR Criteria

Fig. 5 Gold Star Hwy / Cow Hill Rd Walkshed



Date: 7/27/22
 Source: Town of Groton, CT DEEP
 This map is for information purposes only and is not suitable for legal, engineering, or surveying purposes.



Meets STR Criteria

10-Min Walkshed

Roads

- Minor Arterial
- Collector
- Principal Arterial (Other)
- Principal Arterial (Interstate)
- Principal Arterial (Other Expwy)

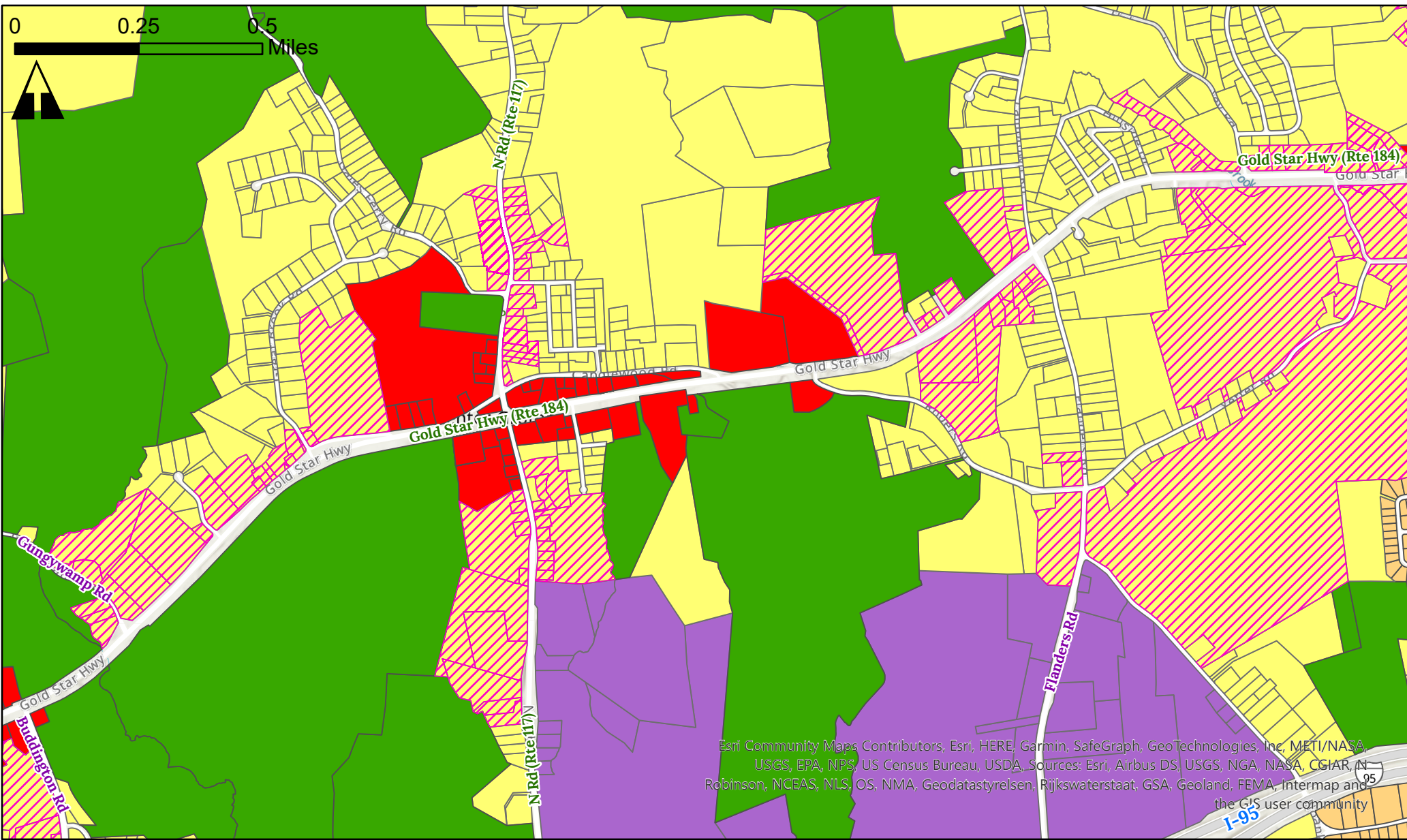
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Fig. 5 Gold Star Hwy / Cow Hill Rd Walkshed



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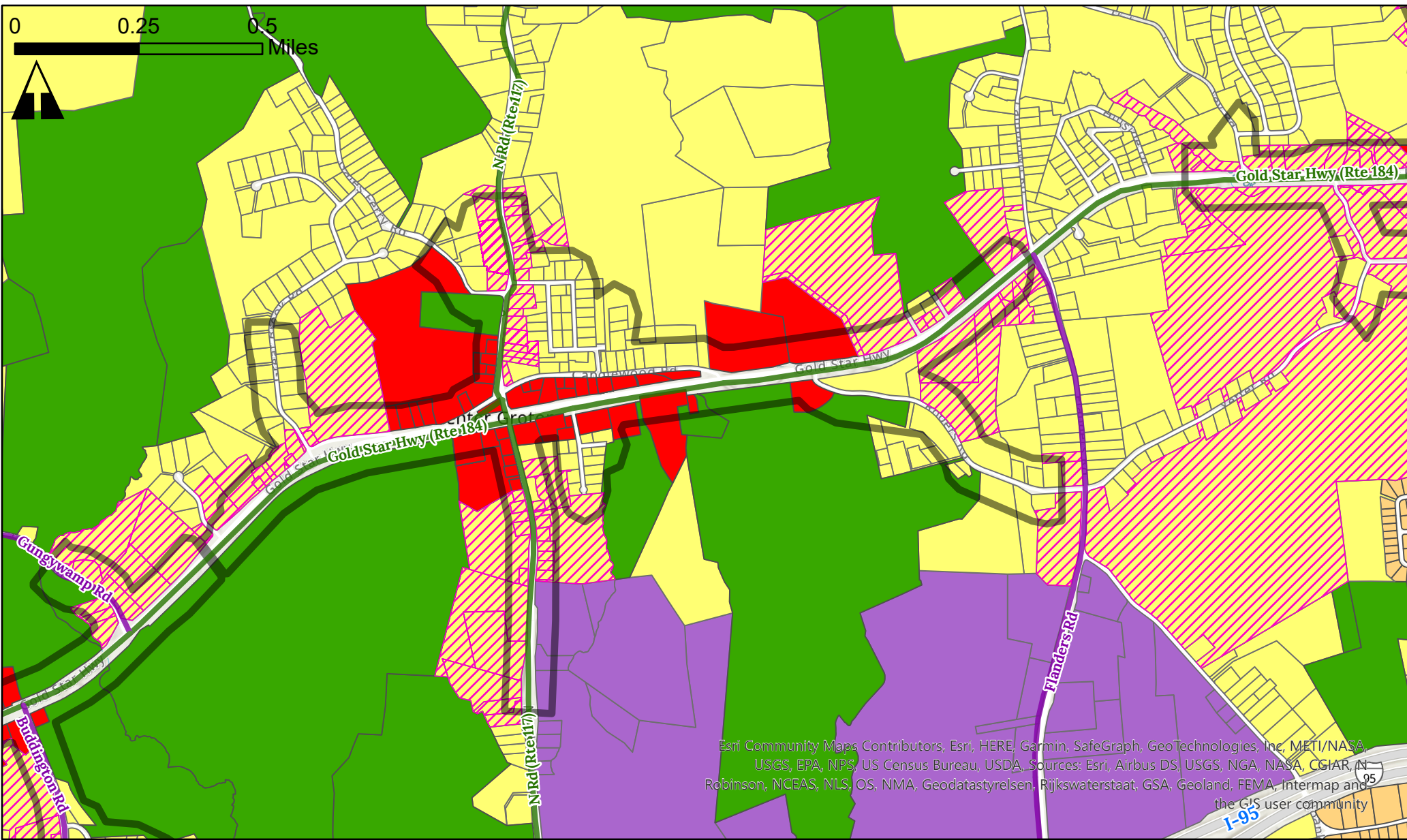
- Parcels by Zoning District**
- Rural Residential Districts (RU-20, RU-40 & RU-80)
 - Residential Single Unit Districts (RS-12 & RS-20)
 - Residential Multi-Unit (RM)
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 Meets STR Criteria

Fig. 4 Gold Star Hwy / N Rd Area Walkshed



Date: 7/27/22
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Meets STR Criteria
 10-Min Walkshed

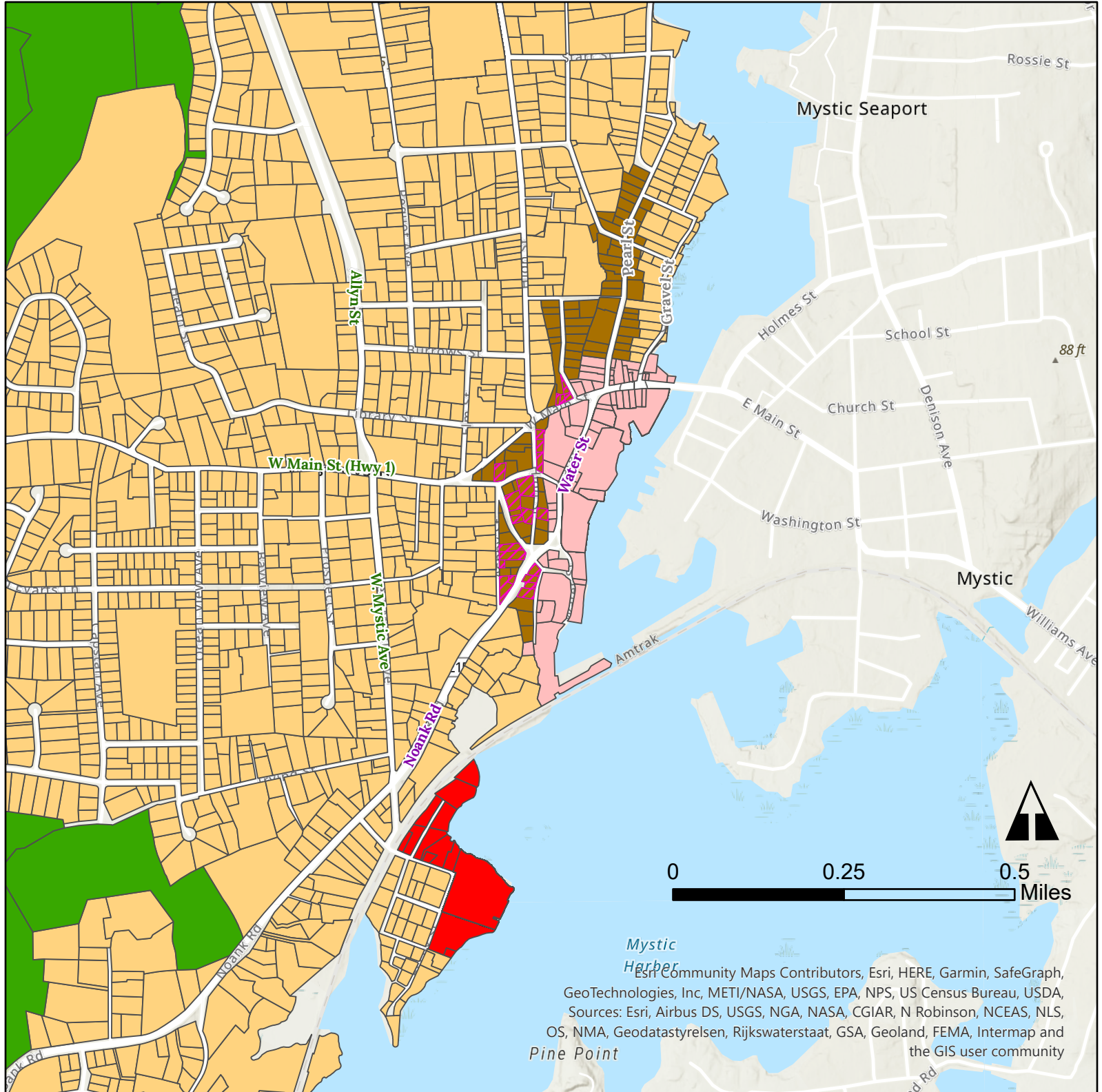
Roads
 Minor Arterial
 Collector
 Principal Arterial (Other)
 Principal Arterial (Interstate)
 Principal Arterial (Other Expwy)

Parcels by Zoning District
 Rural Residential Districts (RU-20, RU-40 & RU-80)
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 Residential Multi-Unit (RM)
 Residential Districts (R-7 & R-12)
 Mixed-Use Districts (MDD, MTC & MVC)
 Commercial Districts (CR, CN & WW)
 Green Districts (GR & GC)
 Industrial Districts (IG & IM)

Fig. 4 Gold Star Hwy / N Rd Area Walkshed



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Parcels by Zoning District

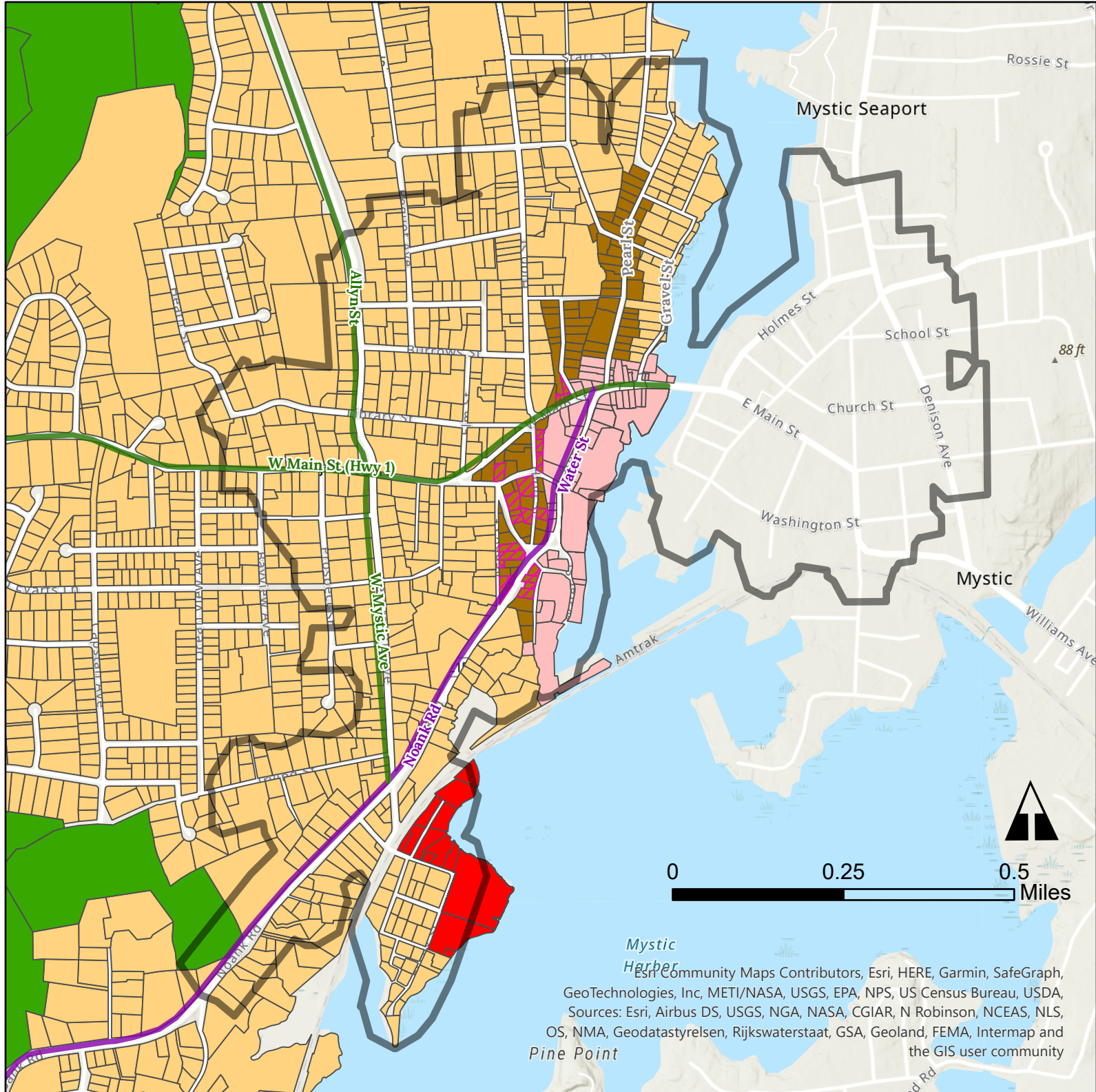
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Meets STR Criteria

Fig. 6 Mystic Area









Date: 7/27/22
 Source: Town of Groton, CT DEEP
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 Meets STR Criteria

 10-Min Walkshed

Parcels by Zoning District

-  Residential Single Unit Districts (RS-12 & RS-20)
-  Residential Multi-Unit (RM)
-  Residential Districts (R-7 & R-12)
-  Mixed-Use Districts (MDD, MTC & MVC)
-  Commercial Districts (CR, CN & WW)
-  Green Districts (GR & GC)

Roads






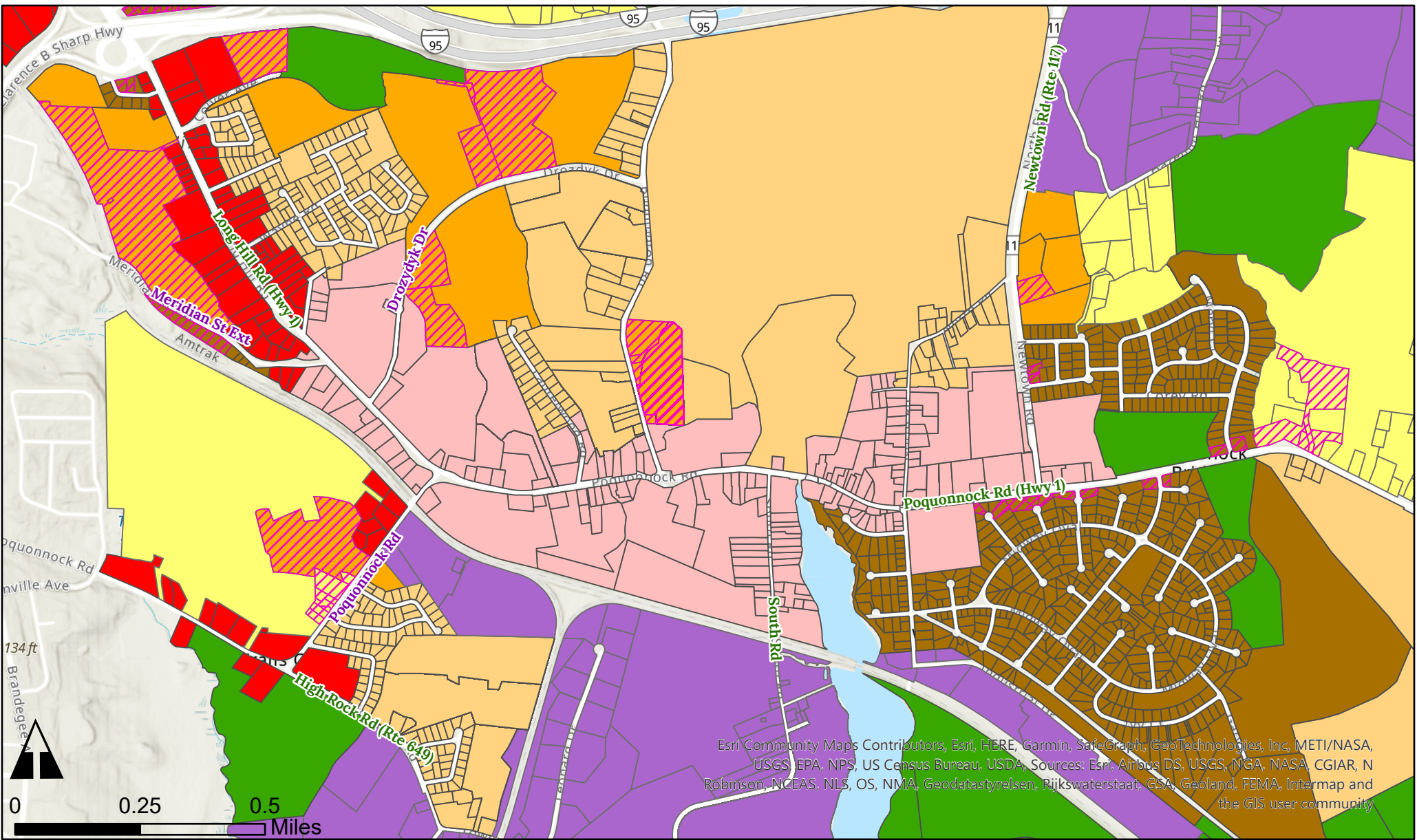
-  Minor Arterial
-  Collector
-  Principal Arterial (Other)
-  Principal Arterial (Interstate)
-  Principal Arterial (Other Expwy)

Fig. 1 Mystic Area Walkshed



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 Source: Town of Groton, CT DEEP
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Parcels by Zoning District

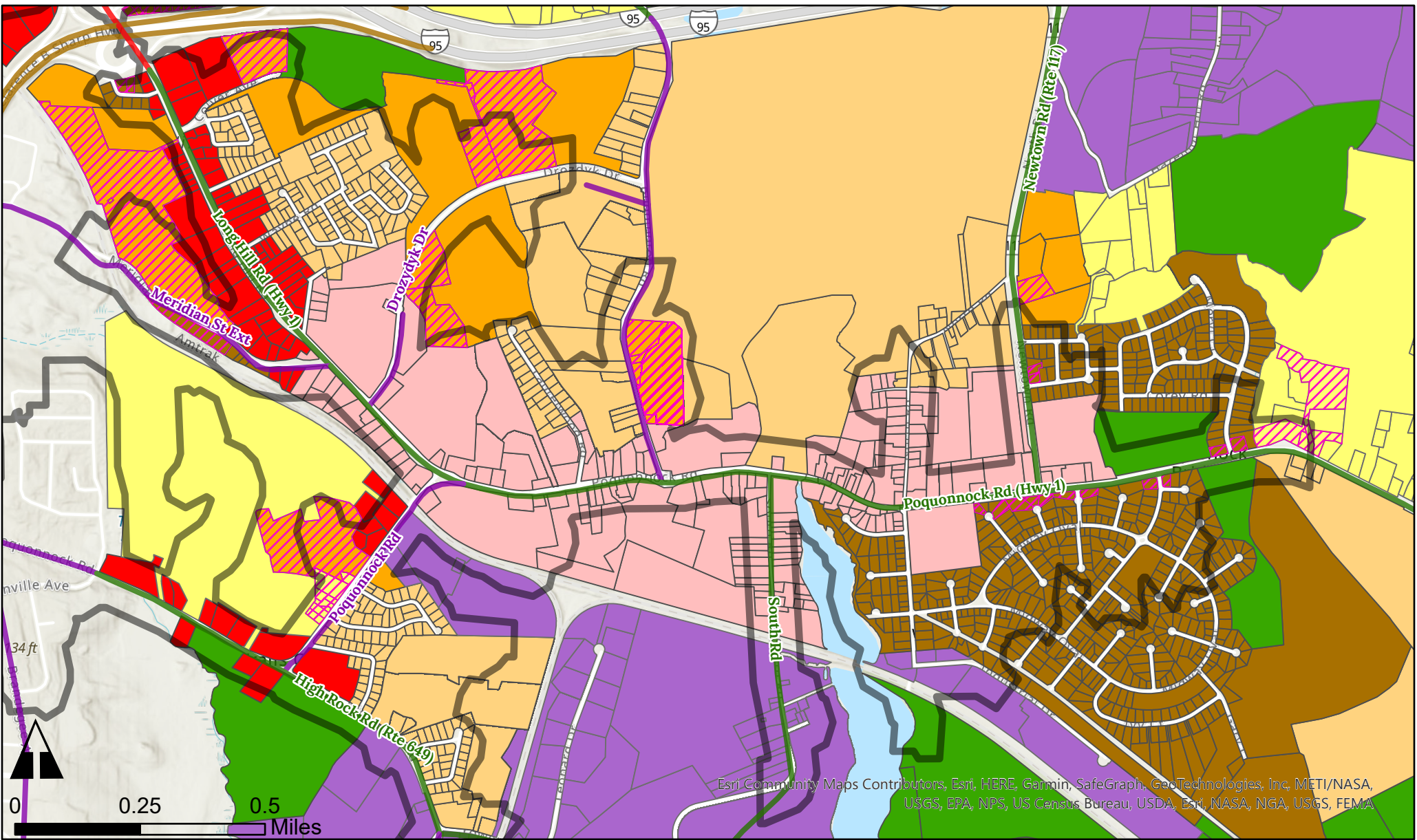
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- Green Districts (GR & GC)
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 Meets STR Criteria

Fig. 6 Long Hill Rd / Poquonnock Rd Area



Date: 7/27/22
 Source: Town of Groton, CT DEEP
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Meets STR Criteria

10-Min Walkshed

Roads

- Minor Arterial
- Collector
- Principal Arterial (Other)
- Principal Arterial (Interstate)
- Principal Arterial (Other Expwy)

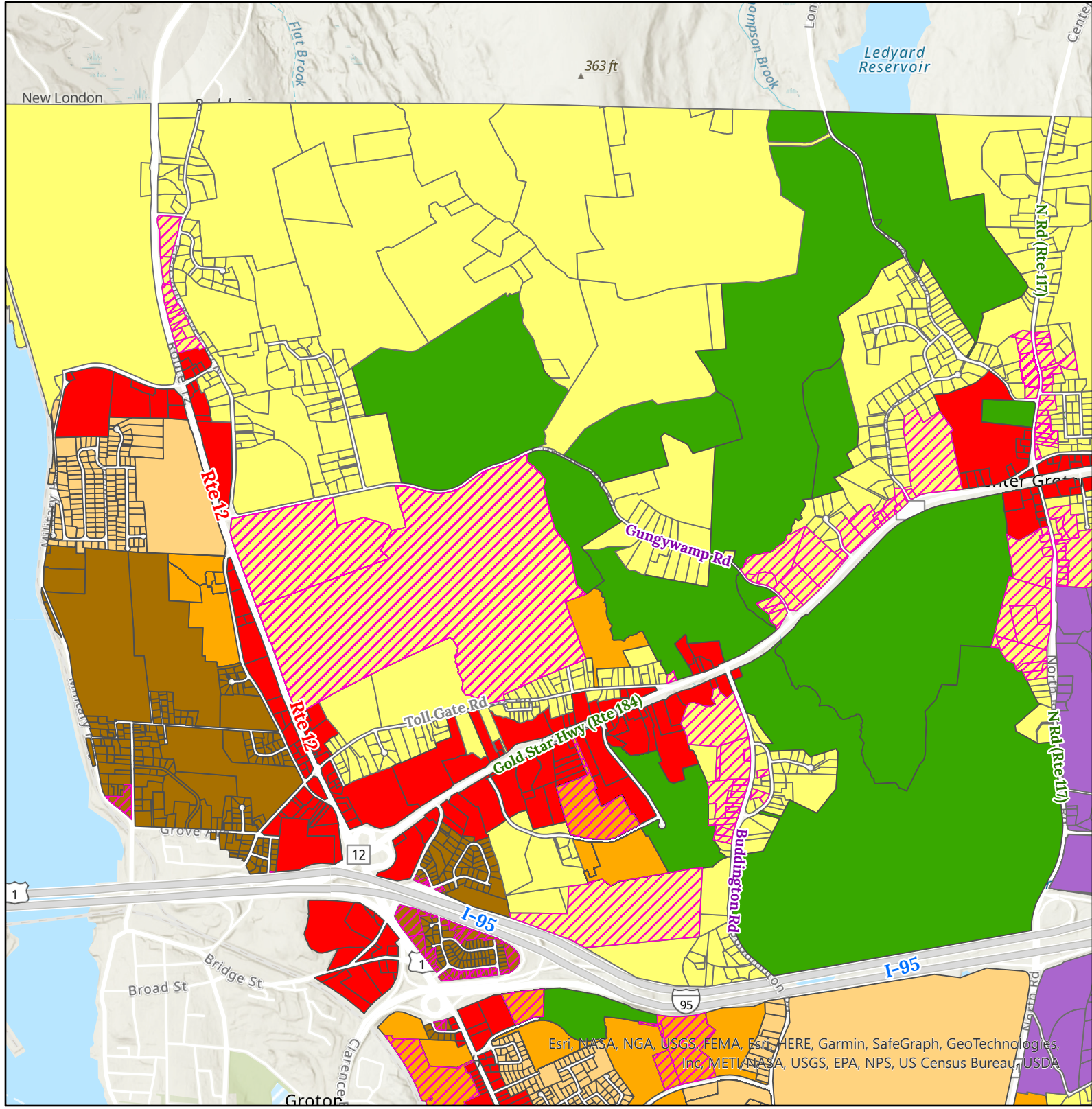
Parcels by Zoning District

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Fig. 2 Long Hill Rd / Poquonnock Rd Area Walkshed



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Parcels by Zoning District

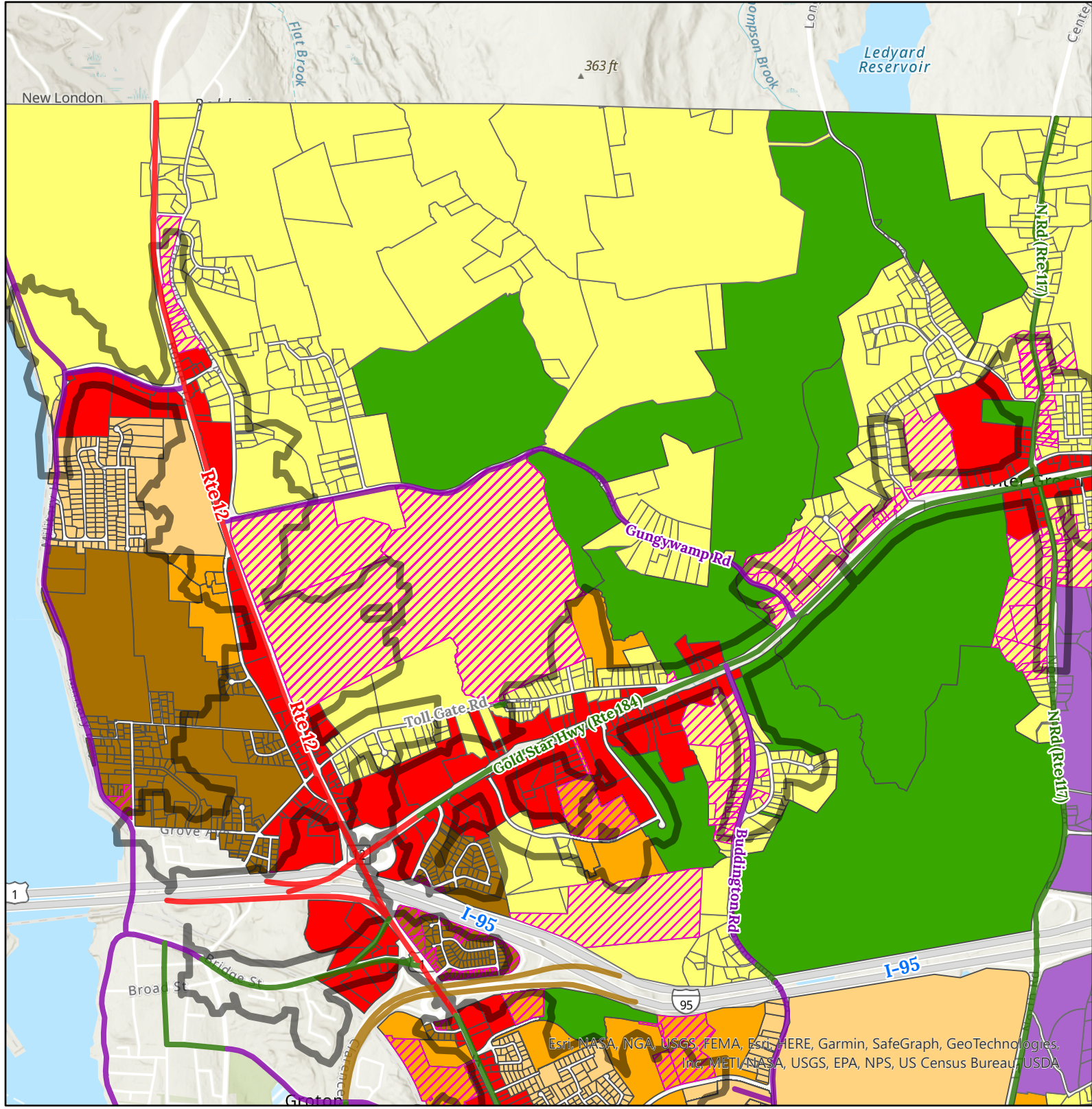
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- Industrial Districts (IG & IM)


Meets STR Criteria

Fig. 8. Route 184 & 12 Area



Date: 7/27/22
 Source: Town of Groton, CT DEEP
 This map is for information purposes only and is not suitable for legal, engineering, or surveying purposes.



-  Meets STR Criteria
-  10-Min Walkshed
- Roads**
 -  Minor Arterial
 -  Collector
 -  Principal Arterial (Other)
 -  Principal Arterial (Interstate)
 -  Principal Arterial (Other Expwy)









- Parcels by Zoning District**
 -  Rural Residential Districts (RU-20, RU-40 & RU-80)
 -  Residential Single Unit Districts (RS-12 & RS-20)
 -  Residential Multi-Unit (RM)
 -  Residential Districts (R-7 & R-12)
 -  Mixed-Use Districts (MDD, MTC & MVC)
 -  Commercial Districts (CR, CN & WW)
 -  Green Districts (GR & GC)
 -  Industrial Districts (IG & IM)

Fig. 3. Route 184 & 12 Area Walkshed



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