

## ***Planning Advisory Committee Agenda***

**Wednesday, March 10, 2021**

**2:30pm to 4:00pm**

**Remote Access Meeting Only via Zoom**

**Please join the meeting by clicking: <https://us02web.zoom.us/j/81921297026>**

For those who would prefer to join by phone or those without a microphone on your computer, please dial in using your phone. (For supported devices, tap a one-touch number below to join instantly.)

Dial: +1 646 876 9923; Meeting ID: 819 2129 7026

For supported devices, tap a one-touch number join instantly: +16468769923,,81921297026#

## **Agenda**

**2:30 Welcome and Introductions, Joss Besse**

**2:35 Approval of February 10, 2021 Minutes\***

**2:40 I-89 Study Update & Input\*, Eleni Churchill**

Staff will provide an update on the I-89 2050 Study with a focus on design concepts, metrics and results of the Exits 12B, 13 and 14 evaluations. Please go to the [Envision89](#) website for comprehensive information on this study.

**3:10 FY22 UPWP Overview, Regina Mahony**

Staff will provide a brief overview of land use projects for the FY22 UPWP.

**3:20 Town of Bolton Plan Amendment, Regina Mahony**

The Town of Bolton is considering a Town Plan amendment to their future land use map. See the attached letter from Staff acknowledging this amendment and indicating that CCRPC's original plan approval still stands.

**3:30 Members Items Open Forum, Members**

If anyone has anything they'd like to bring up with the group, please do so.

**3:50 Regional Act 250/Section 248 Projects on the Horizon** - Please email Regina and Taylor with projects on the horizon.

**3:55 Other Business**

- a. Permitting Helipads and Airstrips – [Letter](#) from the Vermont Transportation Board to Municipal Manager's and Planning Commissioners.
- b. Cannabis APA magazine article\*
- c. Chittenden County Housing Convening – Monday, March 29<sup>th</sup> at 6pm. Agenda will go out soon.
- d. Community Wildlife Program at VT Fish and Wildlife is hosting a webinar on Starting Your Town Conservation Fund next Thursday, March 11<sup>th</sup> at 1:00pm-2:00pm. Registration information is [here](#).

**4:00 Adjourn**

\* = Attachment

**NEXT MEETING: May 12, 2021**

In accordance with provisions of the Americans with Disabilities Act (ADA) of 1990, the CCRPC will ensure public meeting sites are accessible to all people. Requests for free interpretive or translation services, assistive devices, or other requested accommodations, should be made to Emma Vaughn, CCRPC Title VI Coordinator, at 802-846-4490 ext \*21 or [evaughn@ccrpcvt.org](mailto:evaughn@ccrpcvt.org), no later than 3 business days prior to the meeting for which services are requested.

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION  
PLANNING ADVISORY COMMITTEE - MINUTES

DATE: Wednesday, February 10, 2021  
TIME: 2:30 p.m. to 4:00 p.m.  
PLACE: Virtual Meeting via Zoom with link as published on the agenda

**Members Present:**

Eric Vorwald, Winooski  
Ravi Venkataraman, Richmond  
Joss Besse, Bolton, Chair  
Alex Weinhagen, Hinesburg  
Cymone Haiju, Milton  
Wayne Howe, CCRPC Representative  
Paul Conner, So. Burlington  
Darren Schibler, Essex  
Owiso Makuku, Essex

Sarah Hadd, Colchester  
Melissa Manka, Westford  
David White, Burlington  
Andrew Strniste, Underhill

**Staff:**

Regina Mahony, Planning Program Manager  
Melanie Needle, Senior Planner  
Taylor Newton, Senior Planner

**1. Welcome and Introductions**

Joss Besse called the meeting to order at 2:35 p.m.

**2. Approval of November 18, 2020 Minutes**

Alex Weinhagen made a motion, seconded by Eric Vorwald, to approve the November 18, 2020 minutes. No further discussion. MOTION PASSED.

**3. Cannabis Legislation**

Regina Mahony provided an overview of Act 164 – Cannabis Tax and Regulate and the PAC had a discussion about who has put the retail opt-in question on their ballots this year (Burlington, Winooski & Richmond).

Melanie Needle provided an overview of the Chittenden Prevention Network's Prioritizing Health in the Built Environment guide. Prevention has played a key role in reducing youth substance use; and these techniques will be helpful in thinking through the regulation of cannabis businesses. This guide refers to this study that VLCT did that talks about the authority for towns to "regulate" adult only products:

<https://www.ccrpcvt.org/wp-content/uploads/2016/01/VLCT-CCRPC-Study-11-21-FINAL.pdf>

The PAC indicated that future topics that would be helpful on this front include:

- Information/presentation from VLCT on best practices in other states that have already been through these conversations.
- Keep informed of the rule making process, and potentially provide comments, as this will greatly inform how this plays out at the local level.
- Provide standard definitions for use in zoning bylaws and/or ordinances.

Presentation is attached.

**4. Westford Town Plan**

Joss Besse opened the hearing at 3:30pm. Hearing no comments, the hearing was closed.

Taylor Newton provided a brief overview of the Plan update, which includes an enhanced energy plan. Taylor stated that the Plan meets all of the statutory requirements. Taylor added that the Town received a VCDP planning grant and they are requiring the Town adopt their plan, even though it hasn't technically expired during the state of emergency.

Alex W. – several questions/comments:

1. Pg. 10. Section 3.2.1 – Census link needs to be removed or updated.
2. Pg. 17 Section 3.2.3 – Westford existing housing stock, home price and how it relates to income. Might consider updating because the data is a little old now. In 3<sup>rd</sup> paragraph data from 2013. Same comment on Pg. 19 – the figure is easy to understand but the data is old.
3. Pg. 20 density description is a great addition. Inspired by that.
4. Pg. 23 & 24 – poor cell service map. Any discussions about providing a cell tower? Melissa Manka stated that they did get public WiFi in the common this past summer; but there has been no Town initiative to add a cell tower. Alex suggested that the it might be good for the Selectboard to proactively reach out for cell coverage – especially in the common.
5. Pg. 25, Figure 9 – pie chart – re-title to Land Area by Parcel Size Distribution.
6. Pg. 26 – continue zoning permits out to 2020.
7. Pg. 36 schools – might want to consider showing a chart that shows the enrollment trends.
8. Energy Plan – pg. 59 – Section 7.2.9. Total electricity increase and limits of three phase power and challenge for solar. Can existing infrastructure handle the electricity increase? Or do the sub-stations need upgrades?
9. Pg. 66 – types of carpooling options: add GoVermont.

Alex Weinhausen made a motion, seconded by Paul Conner, that the PAC finds that the draft 2021 Westford Town Plan meets all statutory requirements for CCRPC approval, and that the municipality's planning process meets all statutory requirements for CCRPC confirmation.

The PAC also finds that the draft 2021 Westford Town Plan will meet the requirements of the enhanced energy planning standards (“determination”) set forth in 24 V.S.A. §4352.

Upon notification that the Plan has been adopted by the municipality, CCRPC staff will review the plan, and any information relevant to the confirmation process. If staff determines that substantive changes have been made, the materials will be forwarded to the PAC for review. Otherwise the PAC recommends that the Plan, and the municipal planning process, should be forwarded to the CCRPC Board for approval, confirmation, and an affirmative determination of energy compliance.

No further discussion. MOTION PASSED.

## **5. Members Items Open Forum**

Joss Besse asked if any members had any items to discuss with each other.

Alex Weinhausen asked the Town's that have the cannabis question on their ballots if they have spoken with their Planning Commission's yet about how they are going to treat the retail businesses. Eric Vorwald stated that they haven't addressed it so far but intend to treat it just like any other retail assuming that the state Board will include restrictions on signage, etc. They already have a hemp plant in the City. Ravi Venkataraman stated that they haven't spoken to the PC yet. They are tied up with other topics. They are just waiting to see how the vote goes first. Would potentially steer the PC toward light manufacturing districts.

Alex Weinhausen indicated that he is curious how to enable light manufacturing in the rural land areas. Owiso Makuku stated that Essex has these same land use issues as they straddle the line between developed and rural. Essex plans to set up a Committee to think through these cannabis related issues before bringing it to a vote.

Eric Vorwald stated that in the other states that have allowed this the licensing is very expensive so it can be prohibitive for many smaller operators that might do the cultivation piece. Owiso Makuku recalled a conversation from awhile ago about Vermont not wanting large scale cannabis in the state so they may approach this differently. Alex Weinhausen added that we are likely to take a VT scale approach to this and incentivize small folks including BIPOC folks.

Alex Weinhausen has another topic about architectural design guidelines; but he'll ask this via email.

Paul Conner brought up a topic about ways to think about making it easier for folks to allow for outdoor seating and other pandemic induced positive changes. Issue with wastewater seating (typically outdoor seats mean more seats) – but unlikely that outdoor and indoor seats would be used at the same time. In Winooski – capacity is based on what you can accomodate inside. But you can put those seats anywhere.

Next PAC meeting – how are we responding to the long-term impacts of COVID; and how can we take advantage (for lack of a better term). Bolton – inundated from recreation users – Winooski and Bolton potholes and Preston Ponds (100 cars one time). How are we doing by providing enough recreation resources? Richmond having same issue on the Winooski. Looking at creating parking and trying to manage the road. Hoping to have management strategies for the future.

#### **6. Regional Act 250/Section 248 Projects on the Horizon.**

Regina asked the PAC to email Regina and Taylor any Act 250/Section 248 updates.

#### **7. Other Business**

- a. Reminder to submit your 2020 housing, commercial and bike/ped data to Melanie if you haven't done so already. We currently have all but 6 municipalites data. Melanie Needle stated "kudos to Meagan Tuttle for getting Burlington's data in on-time for the first time in 5 years!"
- b. Chittenden County Housing Convening – Monday, March 29<sup>th</sup> at 6pm. Save the dates will be going out.
- c. [Community Leadership in Action: A Vermont Guide to Community Engagement, Project Development and Resources](#) from the VT Council on Rural Development.
- d. Incremental Development Alliance will be hosting a Small Scale Development Seminar for VT on February 23<sup>rd</sup> from 9am to 1pm. More information here: [Small Developer Virtual Seminar — IncDev Alliance \(incrementaldevelopment.org\)](#).
- e. [Smart Growth America Equity Summit](#). The videos of the three days are online. There are also a lot resources in the email I forwarded (in the PAC meeting email).

#### **9. Adjourn**

Meeting adjourned at 4:06pm.

Respectfully submitted, Regina Mahony

## Cannabis Commercialization

**PAC Meeting**  
**February 10, 2021**

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## Topics

- Review Legislation
- Town Meeting Ballot Questions
- A Municipal Planning Look at Preventing Substance Use
- Next Steps

2

## Act 164 Basics

- Retail sales will only be allowed in communities that vote to opt-in. **Note: proposed bill S.25 would require that this question be posed to the voters no later than March 1, 2022.**
- Cultivation, testing, warehousing, and distribution are not subject to any municipal opt-in. **Note: proposed bill H.164 would require a town to vote on allowing the operation of any type of licensed cannabis establishment**
- While municipalities cannot issue blanket prohibitions of cannabis establishments via ordinance or zoning, the uses are subject to zoning. The bill empowers communities to create local cannabis control commissions, and for such commissions to condition issuance of a local license on any zoning bylaw adopted pursuant to 24 V.S.A. section 4414.
- Cannabis shall not be regulated as "farming," and cultivated cannabis shall not be considered an agricultural product or agricultural crop under relevant State laws; therefore municipalities will have the power to regulate cannabis cultivation through zoning, unlike traditional agricultural practices and agricultural structures.

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## Act 164 Timelines

- April 1, 2021: Cannabis Control Board makes recommendations to the General Assembly regarding resources necessary for implementation of the program
- On or before **June 1, 2021: Board begins formal rulemaking** for cannabis establishments, medical program, and dispensaries
- On or before **March 1, 2022: Final adoption of rules** for cannabis establishments, medical program, and dispensaries
- On or before **May 1, 2022: Begin issuing licenses for small cultivators, integrated licensees, and testing labs; and integrated licensees may begin selling cannabis and cannabis products to the public**
- On or before Oct. 1, 2022: Begin issuing licenses for retailers; and **retailers may begin selling cannabis and cannabis products to the public**

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## 2021 Ballot Question

### No

- Underhill
- Westford
- Jericho
- Colchester
- South Burlington
- Shelburne
- Charlotte
- Hinesburg
- Essex Town/Junction
- Williston
- Bolton

### Yes

- Burlington
- Winooski
- Richmond

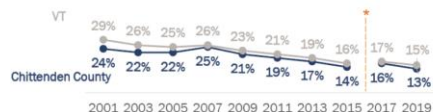
### Unknown

- Huntington
- Milton
- St. George

5

## The percent of adolescents in grades 9-12 who binge drank in the past 30 days was statistically better in Chittenden County compared to Vermont in 2019

\*Note: question wording changed between 2015 and 2017. Use caution when comparing data pre- and post-change.

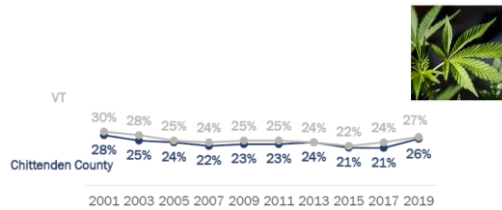


Source: Vermont Youth Risk Behavior Survey (2001-2019)  
 Vermont Department of Health

Prevalence: High School Youth – Binge Drinking

6

The percent of adolescents in grades 9-12 who used marijuana in the past 30 days was statistically the same in Chittenden County compared to Vermont in 2019



Source: Vermont Youth Risk Behavior Survey (2001-2019)

Vermont Department of Health

Prevalence: High School Youth - Marijuana Use



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## What is prevention?

### Prevention is Essential



Prevention is a protective approach that supports healthy lifestyles and attitudes and reduces substance use in our communities, especially for youth.



Tobacco, alcohol, marijuana, opioids and other drugs turn up the heat. Prevention "turns down the temperature" for youth and can prevent problems from boiling over, or even starting to simmer.



Every \$1 INVESTED in prevention SAVES \$10-18 in costs associated with:

Health Care, Criminal Justice, Lost Productivity



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### Root Causes of Youth Substance Misuse



- Community Normalization
- Access and Availability
- Substances in the Community
- Low Perception of Harm by Adults and Youth
- Early Onset of Youth Substance Misuse



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## Visualizing the Retail Environment

### TOBACCO RETAILER



7 schools in Burlington are within 1,000 ft of at least one alcohol retailer.



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## TOOLS FOR MUNICIPALITIES TO PREVENT & REDUCE SUBSTANCE MISUSE AND RELATED HARMS

Essex Junction, Williston, Jericho, and Winooski discuss substance use prevention in their town plans.

The City Council of Burlington enacted an ordinance to ban smoking and e-cigarette use in the Church Street Marketplace.

The Town of Milton adopted an ordinance making public parks smoke free.



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## Tools

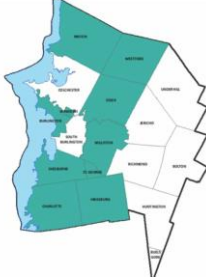
- Smoke/VAPE Free Ordinances
- Establish density maximums
- Permit retailers in certain districts
- Buffer between places where youth congregate
- Healthy Retailer Practices
  - 'Safe Routes to School'
  - Signage
  - Product Placement






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# Chittenden Prevention Network





CHITTENDENPREVENTIONNETWORK.COM





March 6, 2021

Jon Ignatowski  
Zoning Administrator  
Town of Bolton  
3045 Theodore Roosevelt Highway (US Route 2)  
Bolton, Vermont 05676

Dear Mr. Ignatowski:

The Chittenden County Regional Planning Commission approved the 2017 Bolton Town Plan and confirmed Bolton's planning process on May 17, 2017. In 2021, the Town of Bolton proposed amendments to their 2017 Town Plan.

The Bolton Planning Commission has proposed land use boundary amendments to the "Proposed Land Use" Map in the 2017 Bolton Municipal Plan. The boundary changes would adjust and expand the boundaries of the Town's Forest District and Conservation District to improve protections for existing contiguous forest blocks and provide increased connectivity for wildlife habitat. They will also expand the Village District to encompass an area of several small, non-conforming lots along the south end of the Bolton Valley Access Road, to provide regulatory relief to property owners in that neighborhood who may want to expand homes or accessory structures.

It is important to note that the redistricting proposal on Bolton Valley Access Road to the Village district is within the *ECOS Plan's* Rural Planning Area. However, because the intention is to make these existing small lots conforming, ultimately there will not be any significant change in density or character of the area. The Planning Commission's written report states:

*"The proposed redistricting of 21 properties to join the Village District was largely the initiative of the Development Review Board, who found it difficult to explain to property owners in that neighborhood why the town's development regulations severely restrict even modest projects to add living space or storage to their homes. While the addition of 63 acres to the existing Village District does represent a sizeable increase in its area (by about 50%), it will not change the existing density or rural character of the neighborhoods in that part of town."*

Therefore, CCRPC staff find that this proposed amendment is consistent with the current *ECOS Plan's* future land use map.

CCRPC staff have reviewed the amendments and determined that the affected sections continue to meet the relevant required elements and goals and are consistent with the *ECOS Regional Plan*. **Therefore, CCRPC's approval of the 2017 Bolton Town Plan and confirmation of Bolton's planning process are not affected by the 2021 Amendments.**

Please let me know if you are in need of any other information or have any questions.

Sincerely,

Charlie Baker  
Executive Director

CC (via email): Amy Grover, Bolton Town Clerk  
CCRPC Planning Advisory Committee



**Town of Bolton**  
**Planning Commission Report**  
**for Proposed Town Plan Amendments**

In accordance with 24 VSA §4384(c), the Bolton Planning Commission has prepared and approved this written report regarding the proposed amendments to the 2017 Bolton Municipal Plan. This report is in accordance with 24 V.S.A. §4441(c) which states:

"When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal..."

**Brief Explanation and Purpose of the Proposed Amendment:**

The Bolton Planning Commission has proposed land use boundary amendments to the "Proposed Land Use" Map in the 2017 Bolton Municipal Plan. The boundary changes would adjust and expand the boundaries of the Town's Forest District and Conservation District to improve protections for existing contiguous forest blocks and provide increased connectivity for wildlife habitat. They will also expand the Village District to encompass an area of several small, non-conforming lots along the south end of the Bolton Valley Access Road, to provide regulatory relief to property owners in that neighborhood who may want to expand homes or accessory structures. The two maps enclosed show the current proposed land use map, and the proposed "proposed land use" map showing boundary changes.

**Consistency with the goals established in Section 4302:**

The purpose of these changes is consistent with 24 V.S.A. §4302(c)6, which states in part:

*(C) Vermont's forestlands should be managed so as to maintain and improve forest blocks and habitat connectors.*

The proposed expansion of the Village District boundaries is consistent with the following goals, as articulated in with 24 V.S.A. §4302(c)1.a:

*(A) Intensive residential development should be encouraged primarily in areas related to community centers, and strip development along highways should be discouraged.*

### **Description and Findings Concerning the Proposed “Proposed Land Use” Amendments**

The proposed amendments have been considered by the Planning Commission for their consistency with the text, goals, and objectives of the adopted 2017 Bolton Town Plan. For each of the amendments, the Commission has addressed the following impacts, as enumerated under 24 VSA §4384(c):

*1. The probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of land use.*

The proposed amendments to the “Proposed Land Use” map in the Town Plan will have little impact on the surrounding area. The expansion of the Forest District mostly reflects recent State acquisitions of land in Bolton. The expansion of the Conservation district occurs in undeveloped or undevelopable areas with steep slopes or areas that have been recently acquired by the State. While these amendments could potentially restrict future development on these lots, it is unlikely due to their topography and preexisting constraints. These amendments will not result in an increase in traffic. In total, these amendments were drafted with the desire to increase wildlife habitat protection and connectivity. The probable impact on the surrounding area will likely be healthier ecosystems and the benefits of such.

*2. The long-term cost or benefit to the municipality, based upon consideration of the probable impact on: (A) the municipal tax base; (B) and the need for public facilities.*

These amendments will have no or nominal effect on the municipal tax base. Moving several parcels from the Forest or Rural II districts to the Conservation and Forest districts could potentially restrict future development opportunities due to increased restrictions on developing these lots. However, due to steep topography (most are at a 25% grade, or higher), and existing permanent conservation restrictions, most of these lots are already somewhat or severely constrained from future development.

This effect will be somewhat counterbalanced by redistricting 21 parcels along the south end of the Bolton Valley Access Road from Rural I or Rural II to the Village district. Reducing the current regulatory restrictions (setbacks, lot size and frontage) for these pre-existing non-conforming small lots may result in increased opportunities for property owners to build additions, building units or accessory structures to their lots, which will eventually increase these properties' taxable value on the Grand List.

These amendments will have no effect on any specific proposals for any planned community facilities; no new community facilities are planned to be constructed in Bolton in the near future.

*3. The amount of vacant land which is:(A) already subject to the proposed new designation; and(B) actually available for that purpose, and the need for additional land for that purpose.*

As noted above, redistricting 5 lots totaling approximately 1,040 acres from Rural 1 and Rural 2 Districts to Forest District, and 7 lots totaling approximately 1,530 acres from Forest District to Conservation District, will have a limited effect on these vacant lands due to existing long-term and/or permanent conservation restrictions on the parcels in question, generally steep topography and lack of road access. These factors limit development potential, in light of significant restrictions in the Bolton Land Use and Development Regulations on that basis.

Redistricting 21 small lots totaling approximately 63 acres from Rural 1 to the Village District will increase the development potential for lands already appropriate for Village-scale residential development.

*4. The suitability of the area in question for the proposed purpose, after consideration of: (A) appropriate alternative locations; (B) alternative uses for the area under consideration; and (C) the probable impact of the proposed change on other areas similarly designated.*

(a) Bolton's geography offers limited alternatives for uses other than what is already permitted in each district whose boundaries are proposed to be changed, given its generally steep topography. Also, the development opportunities within most of the Village district are heavily constrained by the restrictions of the Flood Hazard Zone, which overlays most of the existing Village district.

(b) There are few feasible alternative uses for the 12 lots proposed for redistricting from residential to Forest or Conservation district, given the steep topography, lack of road access, and permanent conservation restrictions on these parcels. The 21 properties which would be redistricted to the Village District are primarily in residential use today (mostly single family dwellings), with limited opportunities for expansion or permitting new construction, constrained primarily by their small lot size.

(c) Given existing constraints on permitted and conditional uses in the Forest and Conservation districts under current regulations, there is no impact on other properties in those districts of adding additional parcels, other than reinforcing and protecting existing forest blocks and contiguous wildlife habitat. Because the existing (and proposed) Village District is largely built to capacity for single family dwellings, and because the low-lying areas of the Village are subject to periodic flooding, the redistricting is unlikely to have a significant impact on other parts of the Village district, as currently configured.

*5. The appropriateness of the size and boundaries of the area proposed for change, with respect to the area required for the proposed use, land capability and existing development in the area.*

Bolton is known to contain some of the largest intact tracts of upland and mixed forest and prime wildlife habitat remaining in Chittenden County. The Bolton Planning Commission solicited input from the Town's Conservation Commission and the Vermont Agency of Natural Resources' Dept. of Fish and Wildlife's lead wildlife biologist to determine its priorities for protecting contiguous forest blocks and prime habitats and connectivity for wildlife. We also consulted with planning staff from the Chittenden County Regional Planning Commission to determine existing blocks of conserved land adjacent to the Forest and Conservation Districts, to set the proposed new boundaries for these districts.

The proposed revised district boundaries for these 12 mostly undeveloped lots were established with the goal of expanding permanent protection for the Town's natural resources. These district boundary changes reflect a modest increase in Bolton's inventory of conserved lands, due to existing conservation restrictions on most of these parcels. The proposed changes would increase the area of the Forest District by about 1,040 acres (18%). The area of the Conservation District would grow by about 1,530 acres (26%).

The proposed “proposed” redistricting of 21 properties to join the Village District was largely the initiative of the Development Review Board, who found it difficult to explain to property owners in that neighborhood why the town's development regulations severely restrict even modest projects to add living space or storage to their homes. While the addition of 63 acres to the existing Village District does represent a sizeable increase in its area (by about 50%), it will not change the existing density or rural character of the neighborhoods in that part of town.

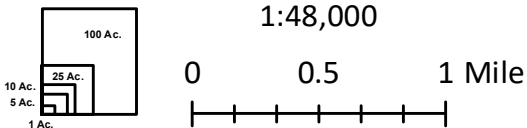


Map 12

DRAFT

Proposed Land Use

BOLTON, VERMONT



- Proposed Land Use
- Village - 130 ac.

Resort Residential - 368 ac.

Resort Village - 85 ac.

Proposed West Bolton Hamlet - 350 ac.

Rural I - 2,207 ac.

Rural II - 5,239 ac.

Conservation - 12, 974 ac.

Forest - 5,766 ac.

- Flood Hazard Overlay
- FHO I

FHO II

1,500 & 2,500 Ft Contour

Tax Parcel Boundary

Stream Centerline

Surface Water

Road Centerline

Railroad

Source:

Future Land Use - 2016 , CCRPC

Parcel Boundary - D.Russell - 2016

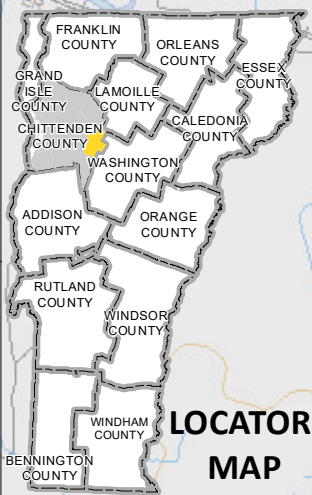
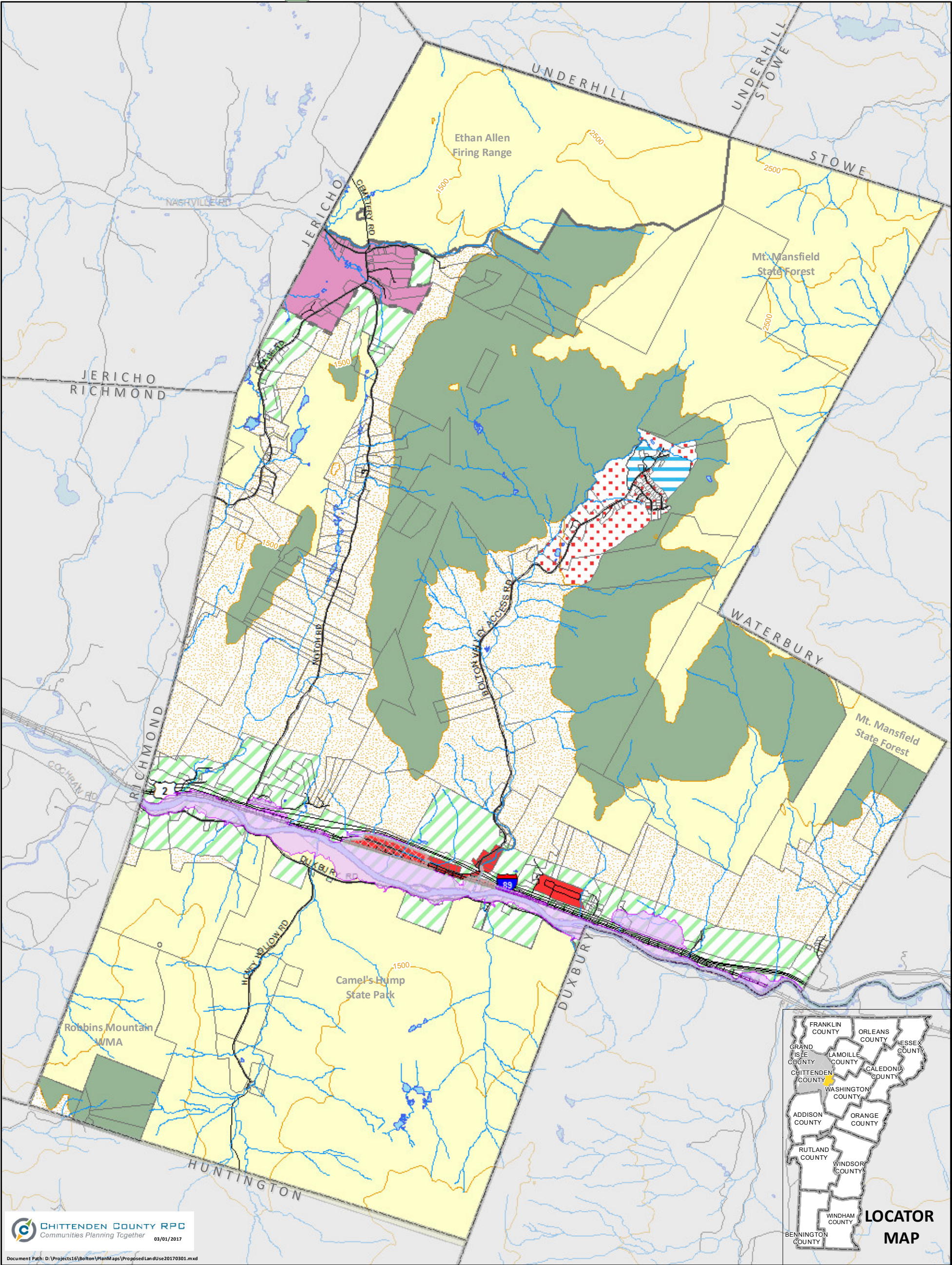
Road Centerline - e911, 6/2016

Surface Water - VHD, 2008 (VCGI)

Map created by P. Brangan using ArcGIS. All data is in State Plane Coordinate System, NAD 1983.

Disclaimer:

The accuracy of information presented is determined by its sources. Errors and omissions may exist. The Chittenden County Regional Planning Commission is not responsible for these. Questions of on-the-ground location can be resolved by site inspections and/or surveys by registered surveyor. This map is not sufficient for delineation of features on-the-ground. This map identifies the presence of features, and may indicate relationships between features, but is not a replacement for surveyed information or engineering studies.





# Map 12

## Proposed Land Use

### BOLTON, VERMONT

#### Legend

##### Proposed Land Use

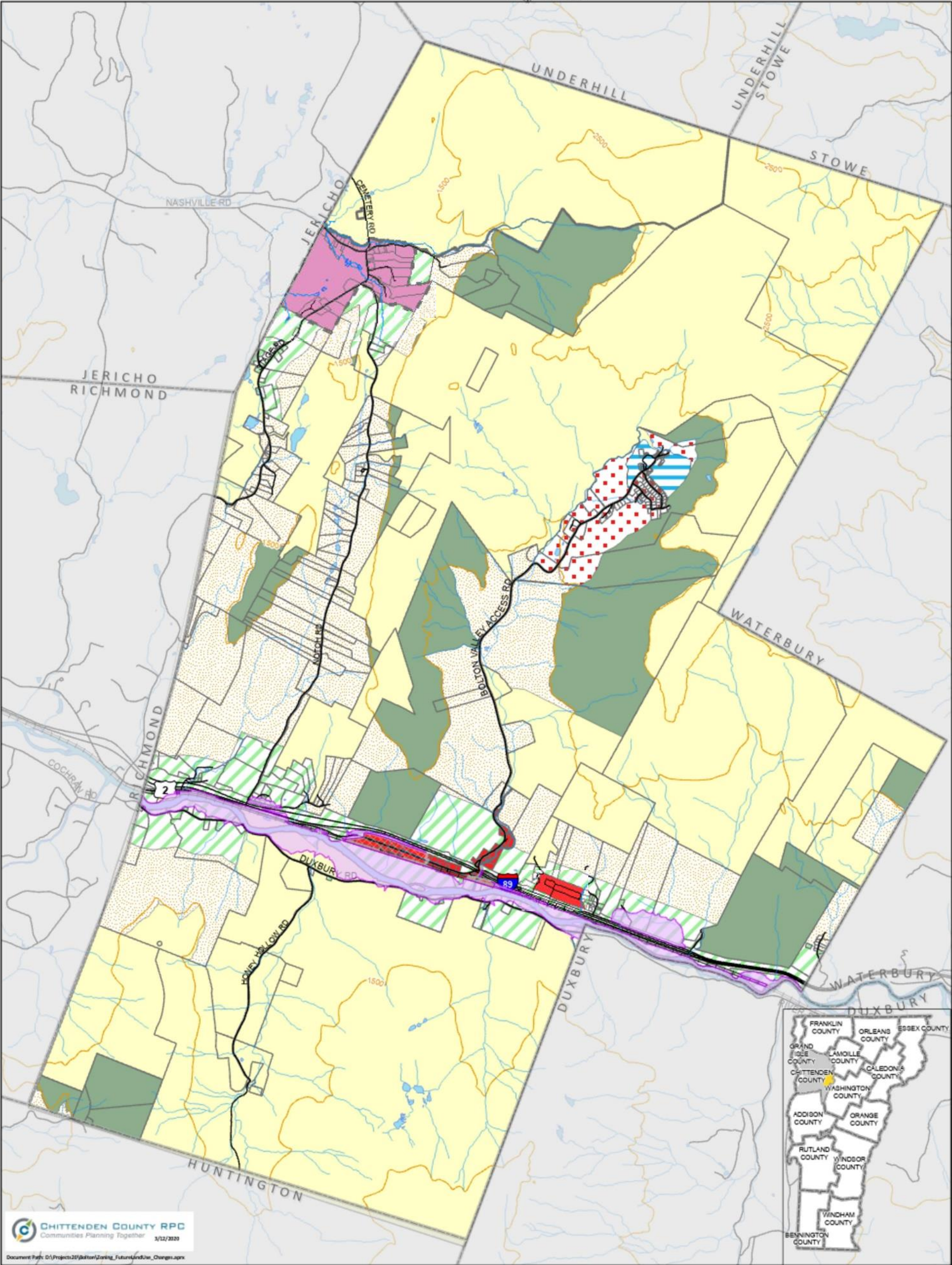
- Village - 104 ac.
- Resort Residential - 361 ac.
- Resort Village - 87 ac.
- Rural I - 2,399 ac.
- Rural II - 4,196 ac.
- Conservation - 16,940 ac.
- Forest - 3,040 ac.
- Proposed West Bolton Hamlet - 350 ac.

##### Flood Hazard Overlay

- FHO I
- FHO II
- 1,500 & 2,500 Ft Contour
- Tax Parcel Boundary
- Stream Centerline
- Surface Water
- Road Centerline
- Railroad

Source:  
Future Land Use - 2020 , CCRPC  
Parcel Boundary - D.Russell - 2018  
Road Centerline - e911, 11/2019  
Surface Water - VHD, 2008 (VCGI)  
Map created by P. Brangan using ArcGIS. All data is in  
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indicate relationships between features, but is not a  
replacement for surveyed information or engineering  
studies.











In Denver, cannabis production facilities, including the warehouse pictured above, are only allowed in areas zoned for industrial land use. Photo by David Kidd/[Governing](https://www.governing.com/archive/gov-marijuana-colorado-andrew-freedman-states-regulation.html) (<https://www.governing.com/archive/gov-marijuana-colorado-andrew-freedman-states-regulation.html>)

By Daniel C. Vock

The heart of Denver's legal-cannabis production is in dozens of unmarked warehouses, ringed with barbed wire and security cameras, and located amid factories, railyards, construction rental lots, and other industrial buildings. Sometimes these pot-producing facilities sit quite near, and in some cases across the street from, rows of modest single-family houses in predominantly Black and Hispanic neighborhoods.

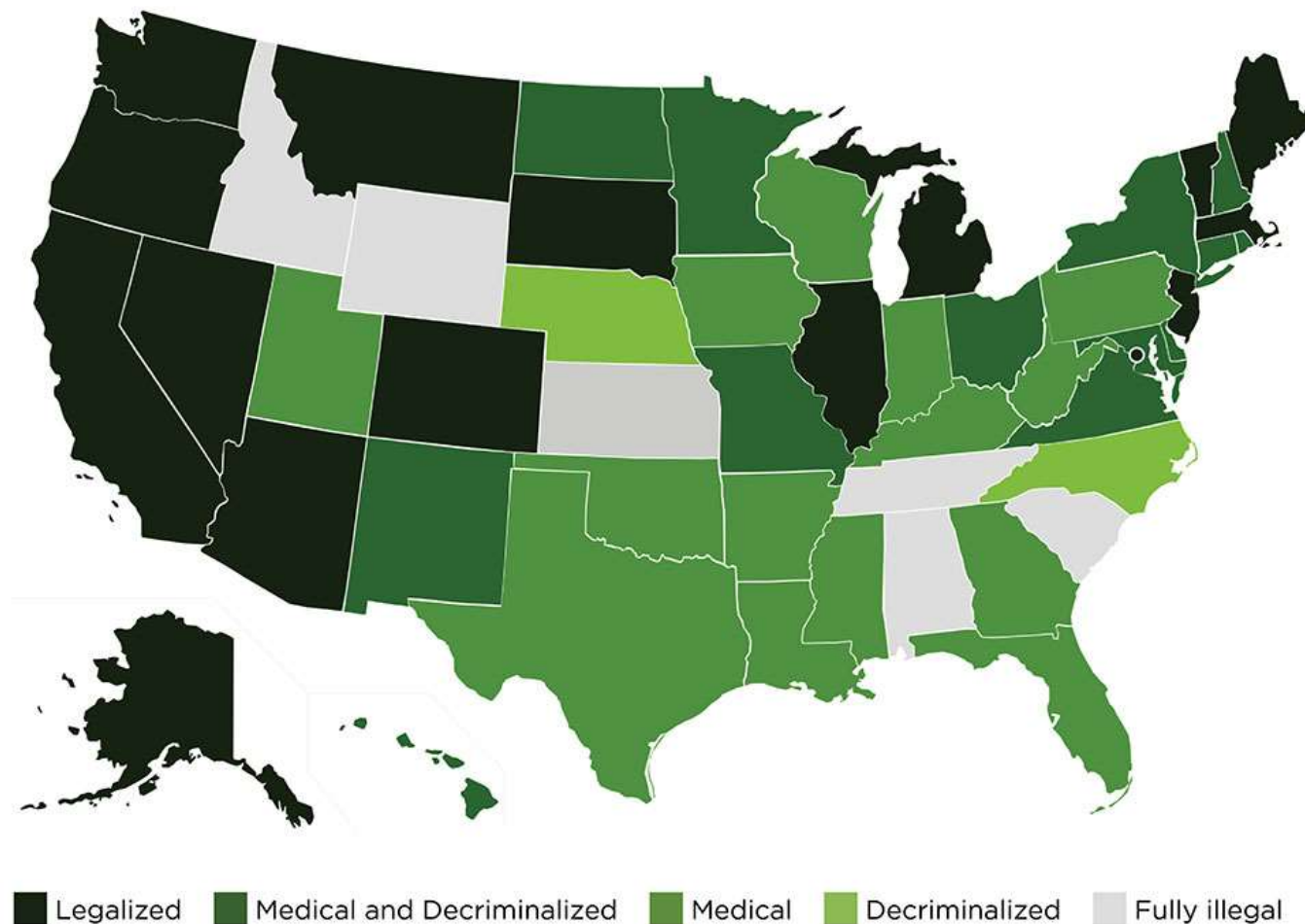
The reason? Denver recreational cannabis regulations limit cultivation facilities to areas that are already zoned for industrial use. That essentially pushes all the growing activity into a few areas of town — and neighborhoods. The highest concentration of cannabis growing facilities in Denver, for example, is in the predominantly Hispanic neighborhood of Elyria-Swansea on the north side of the city. Its streets are choked with semi-trucks making their way to and from a hulking viaduct carrying [Interstate 70](https://www.governing.com/archive/gov-denver-elevated-highway-i-70-expansion.html) (<https://www.governing.com/archive/gov-denver-elevated-highway-i-70-expansion.html>), a highway the state is now expanding.

"We basically let marijuana come into Denver without really having a good plan of how to regulate it," said Candi CdeBaca, a city council member from Elyria-Swansea who can see four cannabis growing facilities from her house. There were 54 cultivation facilities in that neighborhood and 43 in neighboring Northeast Park Hill, a majority Black neighborhood, according to a 2016 [analysis](https://extras.denverpost.com/maps/news/marijuana/licensed-facilities/index.html) (<https://extras.denverpost.com/maps/news/marijuana/licensed-facilities/index.html>) by the *Denver Post*. The city's approach to regulating land use for cannabis operations has led to many hard-to-solve problems for neighborhoods like Elyria-Swansea — and could serve as a cautionary tale for planners in other states that could soon legalize the recreational use of cannabis.

Nationwide momentum for legalization is growing. In 2014, Colorado was one of the first two states to start allowing pot sales, but just last November, five states passed ballot measures to legalize recreational cannabis — including Montana and South Dakota — two largely rural states on a list otherwise dominated by states with large urban centers. All told, 15 states and the District of Columbia have approved

legalizing recreational cannabis. As of this writing, Virginia was poised to become the 16th. Both chambers have passed bills to legalize cannabis, but they have to reconcile their differences before it can become law.

## MARIJUANA LEGALITY STATE-BY-STATE



Recreational cannabis is currently legal in 15 states. Cannabis is only fully illegal in a total of six states; all others have decriminalized it, allow it for medical use, or have legalized it entirely. Source: [Disa Global Solutions, Inc.](https://disa.com/map-of-marijuana-legality-by-state) (<https://disa.com/map-of-marijuana-legality-by-state>) Data as of January 2021.

Many other states have decriminalized the drug or authorized its use for medical purposes. Democratic governors in states such as Connecticut, Kansas, Pennsylvania, and Wisconsin are pushing for legalization in their states, too. Meanwhile, in December — for the first time ever — the U.S. House of Representatives passed a cannabis legalization bill. Now that Democrats control both chambers of Congress and the White House, the prospects of similar proposals becoming law has increased, but is by no means certain (<https://www.politico.com/news/2021/01/08/senate-democrats-marijuana-legislation-456074>).

With that kind of trajectory, policy experts say communities everywhere should be thinking about and planning for the eventuality of legalized recreational cannabis. Fortunately, they can look to local jurisdictions in states that have gone before them for lessons on what works — and what doesn't.

### Regulatory roulette

From the land-use side, each state has handled the transition differently, giving municipalities different powers to control the placement of the new facilities. Some, like California, allow cities to ban the facilities outright. Others have curbed the powers of local governments, to make sure the new industry is allowed to thrive.

Alan Weinstein, a law professor at Cleveland State University who specializes in land use, says cannabis facilities raise some of the same land-use questions as drug stores or liquor stores.

But there are unique aspects to the cannabis industry as well. One of the biggest is that nobody worries about the crops — like grains or potatoes — that produce alcoholic beverages, but people do have concerns about how and where cannabis plants are cultivated. The fact that cannabis is still illegal at the federal level also means that retail facilities that sell cannabis products by and large cannot use credit cards or anything tied with traditional banks, so they operate almost entirely in cash. While there is little evidence that pot dispensaries have higher crime rates than other types of retail establishments, many localities have required them to install more security features, such as fences and cameras, to prevent crime in the area.

Overall, though, Weinstein says the owners of cannabis businesses are willing to agree to many conditions about where they can locate and what features their facilities must have. That's because many are trying to get a toehold in places where the industry is not already established. They will compete for the ability to set up a medical dispensary knowing that companies that have licenses for medical cannabis are often first in line when a state expands to allow recreational use.

"They're willing to go along with pretty much anything, as long as it isn't going to sort of drive them totally out of business or make it unreasonably impractical to operate," Weinstein says.

#### **At the ready**

On the other hand, local planners in places where recreational cannabis is coming need to prepare for a big surge in applications. Planning departments need to be ready to accept, review, and process applications. They need to develop a way to renew and transfer licenses. They need to write their requirements for the building, set up inspection teams, prepare for hearings, and consider what local fees and taxes they can implement.

"The local government has to be prepared to take on a whole new regulatory regime," Weinstein warns. "And yes, you can use the new [tax and fee] dollars to help offset the costs of the administration, but the costs are going to lead the revenue."

Corinne Celko, a land-use attorney for Emerge Law Group in Portland, Oregon, says the spread of the cannabis industry presents a unique challenge for planners and localities.

"If I went on *Shark Tank* today because I had invented a gadget and it was successful, and I wanted to go ahead and sell the gadget and make more of the gadget, it would just fit within local jurisdictions' existing development codes and their use categories," she says. "This is the first time in my career where many local jurisdictions treated cannabis as a completely, totally new use."

Not every jurisdiction has taken that approach, but those that do want to create whole new use categories need to understand how the cannabis industry actually works.





There are 54 cannabis production facilities in the Elyria-Swansea, a primarily Hispanic neighborhood of Denver. Most are unmarked warehouses, ringed with fencing and security cameras, some just across the street from residential homes. Photo by David Kidd/Governing.

For example, if a local government wanted to zone an area for agricultural use to grow cannabis, officials and planners should anticipate warehouses and greenhouses, not fields of row crops. That might make it a better fit for industrial zones in addition to farming areas. One locality where Celko was working wanted to allow the manufacture of cannabis edibles and topicals, but it wanted to prohibit extract processing. Celko had to explain to the planning director that banning extract processing would effectively ban companies from making edibles. "Nobody wants to pick out pieces of grass from their teeth," she says.

But — apart from use designation — planners do have plenty of tools to ensure a smooth rollout, Celko notes. For example, they can work on restrictions on how and when properties are used, such as "dark sky" rules to reduce light pollution in rural areas or odor control regulations that require filtering systems.

Local officials should also be willing to revise policies that aren't working how they intended. One Oregon county, for example, wanted to block cannabis farms from being located near "youth activity centers." But the county did not define what that meant and did not amend the code to provide more clarity. Instead, the Deschutes County Board of Commissioners fought the applicant — one of Celko's clients, a grower — and lost at the Oregon Land Use Board of Appeals and at the Oregon Court of Appeals.

In California, attorney Joanna Hossack says, the rollout of recreational cannabis has been slowed by municipalities that chose not to allow cannabis businesses within their borders. Meanwhile, many business licenses have stalled in cities with long approval processes, especially ones that involve public hearings rather than just administrative decisions, she says. And state environmental reviews have taken longer than expected.

There have been bright spots in the rollout, Hossack notes. San Francisco has done a good job helping stores open quickly, and, across the bay, Oakland has helped businesses get licensed quickly, even as it dedicates half of its licenses for [equity applicants](https://www.cannabisdispensarymag.com/article/need-to-know-eco-cannabis-oakland-california-social-equity-cultivation-dispensary/) (<https://www.cannabisdispensarymag.com/article/need-to-know-eco-cannabis-oakland-california-social-equity-cultivation-dispensary/>) who have either lived in certain parts of the city or been convicted of a cannabis-related crime in Oakland.

But across the state, 70 percent of municipalities have opted not to license cannabis businesses, creating large "dry pockets" outside of urban areas like Los Angeles County and the Bay Area, she says. That means even patients who use medical cannabis in those areas now have to drive long stretches to find cannabis products. "That is a shame," Hossack says. "Given that California is a leader, you would think we would have more cities that are online.... Prohibiting it isn't reaching the goals people want, and prohibition doesn't work."

One key for successfully introducing a recreational cannabis facility in Evanston, Illinois, says Johanna Nyden, the city's community development director, was educating the general public about the changes that were afoot. Residents had many worries about the implications of legalizing recreational cannabis, such as whether it would lead to an increase in crime or long lines outside the downtown dispensary that would go from selling medical cannabis to selling recreational cannabis. (Neither of those things happened.) City officials tried to share information before rumors could take hold, Nyden says, and many of the state lawmakers from the area who authored Illinois's recreational cannabis law appeared at community events to answer questions.

"As planners, we are often focused on the zoning and entitlement process, but we often miss the parts that result in the knee-jerk reactions," says Johanna Nyden, community development director in Evanston, Illinois.

"As planners, we are often focused on the zoning and entitlement process, but we often miss the parts that result in the knee-jerk reactions," Nyden says.

Evanston, a Chicago suburb that is home to the main campus of Northwestern University, has only one dispensary, and it's on city property. The store sits across from an art supply store and a movie theater, and is so "innocuous" that you might not even notice it, she says.

But Evanston did attract [national \(https://abcnews.go.com/US/evanston-illinois-finds-innovative-solution-funding-reparations-marijuana/story?id=71826707\)](https://abcnews.go.com/US/evanston-illinois-finds-innovative-solution-funding-reparations-marijuana/story?id=71826707) attention (<https://www.washingtonpost.com/nation/2019/12/02/evanston-illinois-reparations-plan-african-americans-is-marijuana-tax/>) for how it plans to use its tax revenues on cannabis sales — by using up to \$10 million as reparations for the Black community that had been disproportionately harmed by the war on drugs. City officials have not yet decided how to use the money, but [possibilities \(https://www.chicagotribune.com/suburbs/evanston/ct-evr-reparations-housing-school-tl-0903-20200901-f3sczne6mva65klndtvd6uomcq-story.html\)](https://www.chicagotribune.com/suburbs/evanston/ct-evr-reparations-housing-school-tl-0903-20200901-f3sczne6mva65klndtvd6uomcq-story.html) include grants to help Black residents who lived in Evanston between 1919 and 1969 (or descendants of those residents) buy homes or building a new school in the historically Black area of town.

While the reparations proposal came after the land-use changes, Nyden says it has been a good way to acknowledge some of the "inherent hypocrisy" in allowing cannabis use now after decades of punishing people, especially Black residents, for possessing small amounts of the drug.

### Unintended consequences

Back in Denver, city council member CdeBaca says many of the current problems with industrial cannabis sites were the result of poor planning early on. The city has put restrictions on where facilities can be located, but many of the sites in Elyria-Swansea don't conform to those rules because the structures predate them. What's more, the licenses of nonconforming sites can be transferred to new owners and continue to operate, so there's no easy way to reduce the number of facilities in the area.

The saturation of sites did eventually lead the city to stop issuing new licenses in 2016. Before it starts giving out new ones, CdeBaca hopes to pass legislation that will encourage more Black and Hispanic people to get those licenses, because the current owners are overwhelmingly white.





City council member Candi CdeBaca can see four industrial cannabis grow operations from her house in the Elyria-Swansea neighborhood of Denver. Photo by David Kidd/Governing.

In fact, Denver's excise and license department is preparing the biggest update to its cannabis licensing regulation since Colorado's first cannabis retailers opened in 2014. The "Marijuana 2.0" revisions are expected to come before the council in March. They include new regulations to allow delivery services and hospitality sales (where customers can use cannabis on their premises), says department spokesperson Eric Escudero. Those regulations will also try to address equity concerns, he says. "People who were most disproportionately negatively impacted by marijuana prohibition should benefit from legalization," he says. "That means creating a market where more people get benefit, whether through ownership or management or employment opportunities."

The rules would also try to prevent further saturation of neighborhoods with cannabis businesses by not allowing any more licenses in the five most saturated areas of the city.

But the issue of concentration of existing facilities is complicated by Denver's approach to treat cannabis as just another industry in terms of zoning. From a land-use perspective, you can currently grow cannabis plants anywhere in the city where you can grow tomato plants. Any special requirements regarding signage or security are part of the city's cannabis licensing process, not its zoning process.

"In terms of control and management, there's a lot of upside to regulating the business, as opposed to the land use," says Tina Axelrad, the zoning administrator for the City and County of Denver. She called the approach "brilliant," because it helps government agencies keep track of who owns the businesses and whether they are fit for that role. It also easier to make sure that businesses comply with regulations the city wants to impose, because business owners tend to react more quickly when their annual license is at stake than when they have been cited for zoning violations.

"Zoning is just a tool to implement policy," Axelrad says, "and if policy changes regarding where marijuana growers should be located or should not be located in the city, the zoning will be adjusted." But she says that the problems with the cannabis facilities are located are just part of a bigger problem of how industrial activities affect some residential neighborhoods much more than others.

"Industrial zones, just like anywhere else in the U.S., tend to be a dumping ground for a lot of things that we don't want in our commercial corridors," she says.

Escudero, from the licensing agency, says Denver's regulatory scheme focused primarily on public safety, whether that was ensuring that youth weren't exposed to cannabis or making sure that the possibility of fires from manufacturing cannabis products was limited to industrial areas. "We're proud of our success in doing that," he says, "because if Denver would have screwed this up, you would not have seen legalization spreading to other communities across the U.S."

In the meantime, CdeBaca says the concentration of industry sites in her neighborhood is causing all sorts of issues. The warehouses themselves "look like jails." With all the security features, residents rarely interact with the people who work in the grow houses, and the owners of the facilities are rarely around.

"It's a little dystopian in some sense, because it's this neighbor that we never meet," she said. "It's like a fortress, but an ugly one."

As unsightly as the warehouses are, they are also driving up the price of the land that they sit on, because there are limited areas within the city where those types of facilities can be located. The more expensive land makes it harder to attract other kinds of businesses to the area and leads to higher property taxes for nearby residents, which fuels displacement, CdeBaca says.

"Our property values are being driven up very high very fast, without the typical, visible gentrification improvements," she says. "It looks exactly the same."

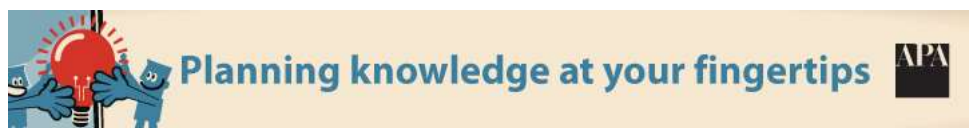
She says it's unfair to burden Black and Brown neighborhoods with the costs of hosting the industry for the whole city or region. "Whiter, wealthier people want to buy their edibles, but they just don't want the grows in their neighborhood," CdeBaca says.

She believes Denver should assess impact fees on the industry to improve the neighborhoods its facilities are located in. "We're carrying this industry on our back, and it's creating such a revenue stream, but we don't [get funds for the neighborhood]. It goes to the whole city to use how they want, when only a small slice of the city is carrying the burden," she says.

That, she stressed, is an important factor for planners to keep that in mind as they decide where facilities ought to be located as the cannabis industry expands.

"Don't layer on to the legacies of redlining," she says.

*Daniel C. Vock is a public policy reporter based in Washington, D.C.*



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