

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
April 25, 2012**

Present: Richard Calkins, Chairman
Greg Mele, Vice Chairman
Doris Murphy, Member and IW Liaison
Donna Greco, Alternate
Jim Bobinski, Alternate

Also Present: Martin Connor, AICP

Not Present: Paul Summers, Member
Greg Perosino, Member
Christine Mele, Alternate

1. Call to Order:

Chairman Richard Calkins called the order to order at 7:03 p.m., Torrington City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT

2. Attendance/Announcement by Chairman:

Chairman Calkins announced present and serving on the Commission this evening will be Greg Mele, Doris Murphy, Donna Greco, Jim Bobinski, and Richard Calkins. Also present is City Planner Martin Connor.

3. Minutes for Approval:

a. 4-11-12

MOTION by Ms. Murphy to approve the 4/11/12 minutes, seconded by Mr. Mele, motion carried with Mr. Bobinski abstaining from voting.

4. Old Business:

a. Enforcement Update

Mr. Connor noted he has spoke with Corporation Counsel today regarding Ace Boat Marine on the Goshen Road, and they are in the process of signing a lease at an appropriate location that will hopefully resolve that enforcement action.

The enforcement action with Enoch Little on Harwinton Avenue is currently on hold as that property is being listed in the tax sale.

b. Site Plan 1037

Applicant: Shawn V. Pace
Location: 560, 574 & 576 South Main Street
Proposal: Construct two commercial buildings, each 50' x 120'

MOTION by Mr. Mele to table this application, seconded by Ms. Murphy, unanimously carried.

- c. Site Plan 1038
Applicant: Colby Engineering and Consulting
Location: Migeon Avenue, Assessor's Map 222-5-35
Proposal: Construct two commercial buildings, 2,400 sq. ft. and 2,800 sq. ft.

MOTION by Mr. Mele to table this application, seconded by Ms. Murphy, unanimously carried.

- d. Site Plan 1043
Applicant: Brooker Memorial, Cathy Doyle
Location: 157 Litchfield Street
Proposal: Additions and renovations to Maria Seymour Brooker Memorial

MOTION by Mr. Mele to table this application, seconded by Ms. Murphy, unanimously carried.

- e. Zone Change
Applicant: Gregory L. Mele
Location: 10 Hayes Street, 234 Oak Avenue, 240 Oak Avenue, 250 Oak Avenue
(Assessor Map 128, Block 5, Lots 1, 2, 3, 4)
Proposal: Proposal Zone Change from R-6 to Industrial
(Public hearing closed)

Mr. Greg Mele recused himself from this portion of the meeting and left the meeting room.

Mr. Connor reviewed portions of his 4/2/12 memo to the Commission.

MOTION by Ms. Greco to APPROVE Zone Change

- Applicant: Gregory L. Mele
- Location: 10 Hayes Street, 234 Oak Avenue, 240 Oak Avenue, 250 Oak Avenue
(Assessor Map 128, Block 5, Lots 1, 2, 3, 4)
- Proposal: Proposal Zone Change from R-6 to Industrial

The Commission finds the proposal to be consistent with the City's Plan of Conservation and Development, and does not constitute spot zoning. The effective date of the zone change shall be the day after publication of the legal notice of decision in the Republican American.

Motion seconded by Ms. Murphy, motion carried with Mr. Bobinski abstaining from voting.

Commissioner Greg Mele returned to the meeting room at this time.

5. New Business:

Mr. Mele stated to Mr. Connor that the City Development Guide recently sent out is excellent.

At 7:09 p.m. the Commission went into recess until 7:30 p.m.

6. **Public Hearing Scheduled for Wednesday, April 25, 2012, 7:30 p.m., City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT:**

- a. Zoning Regulation Amendment Proposal
Applicant: City of Torrington Planning and Zoning Commission
Proposal: Proposed amendments to Torrington Zoning Regulations, New Section 4.16, Alternate Incarceration, Substance Abuse/Mental Health, Medical Marijuana Dispensary Overlay Zone (ASM Zone)

At 7:30 p.m. Chairman Richard Calkins opened the public hearing and stated serving on the Commission this evening will be Commissioners Donna Greco, Greg Mele, Jim Bobinski, Doris Murphy and Richard Calkins. Also present is City Planner Martin Connor.

Commissioner Mele read the legal notice which was published in the Republican American.

Chairman Calkins explained this is a proposed change to the Torrington Zoning Regulations, and this proposal has nothing to do with any particular project, rumored or otherwise. There is no application before this Commission at this time that may or may not come underneath this regulation. Any project that has been rumored and written about in local newspapers is not part of this application this evening. If this regulation is approved, the public will have ample opportunity to speak about any future application for a specific site that comes through.

Mr. Connor read his memo dated March 23, 2012 to the Commission.

Mr. Connor noted the Commission has been following what could be the passage of medical marijuana as approved in the State of Connecticut. As a Planner and a Member of the American Planning Association, Mr. Connor has been following what has been happening in other states where medical marijuana has been approved and the problems that follow with the dispensaries for the medical marijuana. Particularly the State of California, the Police Chief Association has spoken of the problems following the legalization of the marijuana clinics. Several operators of dispensaries have been attacked and murdered, in part due to the large amount of cash kept at these dispensaries, heavy traffic and burglaries, loitering, increased noise and robberies have been by-projects in the neighborhoods of these dispensaries. It's important that the Commission get in front of the legalization of marijuana and carefully look at the site where a site could be proposed. A public hearing would be held, and that site would be carefully considered if it was an appropriate site for such uses.

Chairman Calkins opened the hearing to the public for public comment.

Lynn LaRocco of 148 Edgewood Drive appeared with various comments regarding the methadone clinic. Mr. Calkins explained this is an amendment to the Zoning Regulations, and not regarding a particular site as Ms. LaRocco had mentioned.

Collin Hall from Torrington West Street appeared and asked questions regarding the location of these zones. Mr. Connor explained this proposal excludes the Downtown District Zone, all the residential zones. The only zones that could possibly be applied for would be the Industrial Park, the Industrial, or the Local Business Zone. At that time if this regulation is approved, a public hearing would be scheduled to determine if the location would be appropriate. It would not be allowed in any residential zone in town, or in the Downtown District.

Anthony Basso of 34 Chamberlain Street appeared and spoke of the petition to the Mayor, and stated all of the people who signed that petition would appreciate this Commission approving this revision to the regulations. Mr. Basso spoke of a previous crime that took place at such a facility on Prospect Street many years ago.

Bea Torsiello of 94 Chamberlain Street appeared with questions regarding the dispensing of medical marijuana, and Mr. Connor provided further details about how many states do not dispense

medical marijuana at pharmacies, they are dispensed at storefronts where they are licensed to sell medical marijuana. If the business is specifically a medical marijuana facility, then this Commission will regulate that storefront type facility under our regulations. This Commission is getting in front of such a law legalizing medical marijuana, so we are not caught like California was, dealing with the aftermath of unexpected repercussions.

Mr. Connor referenced the town of Ansonia, who had proposed that methadone clinics would not be allowed anywhere in their town. In the end, the Courts ruled that this was a violation and they could not ban it entirely in their town. What this Commission is saying, is that we are not banning them altogether, but we are saying they have to provide a zone change application and come under additional scrutiny to decide whether or not it would be a proper zone/location for one of these uses. It is more restrictive, and gets a more thorough review. Mr. Connor provided an explanation of the "floating zone" or "overlay zone". An application would have to be received for a zone change in one of three existing zones: Industrial, Industrial Park or Local Business zone, and that after a Zone Change Application/Hearing was held, if the Commission were to approve it, those five outlined uses in this proposed amendment would float over that property and would be permitted if they were approved by this Commission.

Ms. Torsiello inquired why this wouldn't work near the hospital, and Mr. Connor responded it would not work near the hospital, as the Charlotte Hungerford Hospital is located within a residential zone. Mr. Connor provided further explanations in response to Zoning questions.

Paula Dante of 260 Crestwood Road appeared, and inquired about public health, safety, and welfare in these particular zones. Mr. Connor provided details, and it depends on where the property is, how many people would be supported by such a facility, neighbor's comments. The Commission can comment if and when an application is received.

Beth Daley of 63 Deercreech Drive appeared with comments regarding alternate incarceration. Ms. Daley appreciates this document and it will be a help to Torrington. It is important where such a facility would be located, and it is important to review it. Ms. Daley stated she is in support of this proposal.

Mike Nickerson, 231 Lindberg Street appeared with comments, questioning why so many uses are included with the medical marijuana proposal. Mr. Calkins explained these matters have come up and discussion and applications in the past have occurred. This particular document is to try and wrap all of these uses together, making it easier for a potential application to understand. It's hard to do this with just zones, and Mr. Calkins explained how a straight zone change would impact the entire city, and this regulation will allow these uses to be narrowed to approved particular sites.

Lynn LaRocco, 148 Edgewood Drive, appeared and spoke again against various uses.

Collin Hall, Torrington West Street, appeared in support of the regulation.

At 8:15 p.m. Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE Zoning Regulation Amendment Proposal

Applicant: City of Torrington Planning and Zoning Commission

Proposal: Proposed amendments to Torrington Zoning Regulations, New Section 4.16, Alternate Incarceration, Substance Abuse/Mental Health, Medical Marijuana Dispensary Overlay Zone (ASM Zone)

The Commission finds the proposal to be consistent with the City's Plan of Conservation and Development. The effective date of the regulation amendment shall be the day after publication of the legal notice of decision in the Republican American. Motion seconded by Ms. Murphy, motion unanimously carried.

At 8:17 p.m. the Commission took a brief recess.

7. **Public Hearing Scheduled for Wednesday, May 9, 2012, 7:30 p.m., City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT:**

- a. Special Exception 12-271 / Site Plan 1044
Applicant: Doug Korfel
Location: 500 Technology Park Drive (lot 10)
Proposal: Reduction of sideyard setback to 50 feet (required 75 feet)
Section 4.14 Industrial Park sideyard setback. Construct
40' x 80' commercial building

At 8:25 p.m. the Commission reconvened.

Mr. Calkins announced this application will be have a public hearing on May 9, 2012

8. **Adjournment:**

At 8:27 p.m. Motion by Mr. Mele to adjourn, seconded by Ms. Murphy, unanimously carried.