



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
www.danbury-ct.gov

(203) 797-4525
(203) 797-4586 (FAX)

MINUTES
JUNE 3, 2020

The web based meeting hosted on Zoom was called to order by Chairman Arnold Finaldi Jr. at 7:30 PM.

Present were Robert Chiocchio, Helen Hoffstaetter, Perry Salvagne, Joel Urice, and Arnold Finaldi Jr. Also present were Planning Director Sharon Calitro, and Deputy Planning Director Jennifer Emminger.

Absent were Alternates Kevin Haas and Gary Renz.

Chairman Finaldi explained that this is virtual web-based meeting being held on the Zoom platform and people can watch it by using the link on the front page of the agenda. If they want to join the meeting, they should use the link on the last page of the agenda. He added that there also are phone numbers listed on the last page of the agenda for anyone who just wants to call into the meeting with questions or comments. He said that all of this access information is also available on the City website on the Planning Commission page.

Mr. Chiocchio made a motion to accept the amended May 20, 2020 minutes. Ms. Hoffstaetter seconded the motion and it was passed unanimously by roll call vote.

Chairman Finaldi said the next virtual meeting is scheduled for June 17, 2020.

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

Julianna Lunetta, Trustee - Application for two (2) lot Re-Subdivision (1.288 ac.) - 41 Golden Hill Road. (H11130) - SUB #20-01.

Chairman Finaldi said the Commission members should have received a draft resolution of approval from Mrs. Emminger by email. Mrs. Emminger then asked if there were any questions regarding the resolution. She added that this was a fairly simple re-subdivision and the resolution contains the standard conditions. Mr. Urice made a motion to approve the draft resolution. Mr. Salvagne seconded the motion and it was passed unanimously by roll call vote

REFERRALS:

8-3a Referral - Petition for BRT Sconset LLC to Add Section 4.I to the Zoning Regulations. (Create “Active Adult Residential Floating Zone: AAR”) Zoning Commission public hearing has been rescheduled to June 23, 2020. THIS DATE IS SUBJECT TO CHANGE DEPENDING ON CIRCUMSTANCES RELATED TO COVID-19. THIS ITEM WILL BE DISCUSSED AT THE JUNE 17, 2020 PLANNING COMMISSION MEETING.

Chairman Finaldi said this matter would be tabled this evening and discussed at the next regular meeting.

8-3a Referral - Petition for SC Ridge Owner LLC for a Zone Change from IL-40 to PND and approval of Master Plan, 100 Reserve Road (C16022). Zoning Commission public hearing scheduled for June 9, 2020. THIS DATE IS SUBJECT TO CHANGE DEPENDING ON CIRCUMSTANCES RELATED TO COVID-19. .

Chairman Finaldi asked Planning Director Sharon Calitro to review her staff report on this petition dated May 28, 2020. Mrs. Calitro said the PND Regulations were adopted in 2002 and last year were amended to add the concept of adaptive reuse. She said the Regulations require a 100 acre minimum area in order to be re-zoned to PND. The subject property is approximately 99 acres and in 2015, the property was granted a variance to allow it to petition for a re-zoning. She said additionally in 1977 when Union Carbide was proposing to build this structure, they were granted a height variance allowing a maximum height of 70 feet. She said this parcel has frontage on Saw Mill Rd. and has vehicular access from two private roads which are located within The Reserve. This property is completely surrounded by The Reserve development and contains environmentally sensitive areas. The staff report goes through the PND Regulations, section by section explaining how this proposal complies with each section. She said this proposal includes a mixture of non-residential and residential uses as well as a proposed warehouse on the site. The proposed residential consists of one and two bedroom units and meets the development standards in the Regulations. The proposal is to add 404 dwelling units, although based on the size of the parcel, they would be permitted a total of 433 units. The development is proposed in three phases, as they retrofit the existing structure into the mixed uses and build a new warehouse structure on the site. She said at the end of her report, she had prepared a table which identifies the proposed uses floor by floor. The economic analysis estimates that the residential space would result in an additional 11-17 school children. This should not impact the school age population as calculated by the Board of Education. They are proposing to add a warehouse building to the site which is served by municipal water and sewer services. She said the existing building is considered iconic not historic but the developers want to maintain the originality of the structure. In 2018, the Environmental Impact Commission (EIC) conducted and approved an overview of this proposal, but each phase will need to go back to them for approval before the site plans can be approved. She said this type of development was envisioned in the Plan of Conservation & Development (POCD) and is consistent with the goals of the West Side Development Plan. She added that it is inconsistent with the Land Development Plan in the POCD, but that is because that plan was prepared for the 2002 POCD

and does not include The Reserve. Additionally that plan was not updated when the 2013 POCD was prepared. She said they also will have to go to the State Traffic Commission for approval. She then said this is a very brief overview of the proposal but it does comply with the goals and recommendations of the POCD and will not have a negative impact on the surrounding area. This is a unique building and due to its size, it is doubtful that it could totally be used for an IL-40 use. Mr. Salvagne said this is the best thing that could happen to this site. It could become the hub for commercial activity for this whole area. Mrs. Calitro pointed out that The Reserve and this proposal have separate Master Plans which do not conflict with each other. This development will have their own neighborhood services although the residents of The Reserve will be able to utilize it and hopefully vice-versa with The Reserve's community areas. Mr. Urice pointed out that the existing density of office space at this site would translate into much less density overall. Mr. Chiochio expressed concern about overcrowding the schools and Mrs. Hoffstaetter questioned the capability of the infrastructure to handle this additional development. Mr. Salvagne asked if they would review the site plan for the addition of the warehouse. Mrs. Calitro explained that once the Zoning Commission approves the change and the Master Plan, each phase will be reviewed administratively by City staff including all City departments. This is the way the PND Regulations were written. Chairman Finaldi then said he agrees this is an interesting proposal for a city within a city. He continued saying it is an impressive move into the future and this is a good resolution for the adaptive reuse of this very large building. Mr. Urice then made a motion to give this a positive recommendation as they have found this site suitable for rezoning to PND as proposed in the Master Plan included with this petition. Mrs. Hoffstaetter seconded the motion. Chairman Finaldi said they need to state reasons and after brief discussion, the following reasons were given:

- 1) The proposed development is consistent with the goals, policies, and recommendations of the Plan of Conservation and Development and the Comprehensive Planning Program on which it is based as noted in the Staff report dated May 28, 2020.
- 2) Environmentally sensitive areas are adequately protected.
- 3) The proposed development is in substantial harmony with the surrounding area.
- 4) Existing streets, including proposed street improvements, and proposed streets providing access to the site, are adequate to support anticipated traffic volumes at acceptable levels of service.
- 5) Existing and proposed public facilities are adequate to serve the proposed development.
- 6) Municipal sewer and water service adequate to serve the proposed PND can be provided.

Chairman Finaldi took a roll call vote and the motion for a positive recommendation was passed unanimously with ayes from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi.

DATE IS SUBJECT TO CHANGE DEPENDING ON CIRCUMSTANCES RELATED TO COVID-19.

Chairman Finaldi again asked Mrs. Calitro to give an overview of her staff report for this petition. Mrs. Calitro said that in 2012 the State approved to sale of Medical Marijuana. At that time, Zoning Regulations were put into place to only allow it to be sold in pharmacies. Since that time, the State program has undergone a lot of changes although Marijuana is still a class one drug and pharmacies cannot sell it. She said the applicants are the current owners of the Medical Marijuana dispensary located in Bethel. They have outgrown that site and want to move the business to Danbury. She said this amendment does not propose any changes to the definition in the Regulations, although it does propose specific use regulations for both of the zones. It also limits the number of permitted dispensaries in Danbury to two. It spells out the regulated distance from sensitive uses which is comparable to the distance requirements for package stores. It states how the distance is to be measured and requires vehicular access from an arterial or collector street. She added that this is proposed as a special exception use, so the specific site would come before this Commission for approval. She said that the restrictions include not being located on Main St. and no dispensing through a drive-thru window. She said because this is retail, it complies with the POCD Land Development Plan goals. It also addresses the changing needs and practices of the community and has no potential impact on land use. She said it has been eight years since the State implemented their regulations and only four states do not have access to Medical Marijuana. The Federal government still considers Marijuana a class 1 drug and prohibits the sale of it. This petition does not provide for the sale of recreational Marijuana; that would need to be addressed in a separate petition if it becomes legal in Connecticut. She added that since this is proposed as a special exception use, it would have to comply with the requirements in Section 10.C.4.a. of the Zoning Regulations. Mr. Salvagne said a lot has changed since 2012 and this is still a controversial moral issue. He added that the City should be able to benefit from this business. Mr. Urice said all of the reefer madness regarding the medical use has passed and he has no problem with this proposal to bring the dispensary into Danbury. Mr. Chicchio and Mrs. Hoffstaetter both agreed that this will not be detrimental to the citizens of Danbury. Chairman Finaldi said this is another issue that is evolving and changing as we learn how it can benefit some people who suffer with severe pain and disabilities. He said this has not caused any problems from a land use perspective and he has no problems with this proposal. Mrs. Calitro said staff worked with the applicant to determine if the pharmacy scenario would play out but they could not make it work. Mr. Salvagne made a motion to give this a positive recommendation. Mr. Chicchio seconded the motion. The following reasons were given for the motion:

- 1) It limits the number of medical marijuana dispensaries that could be established within Danbury to two (2), and provides specific use regulations that are appropriate for this special exception use in the CA-80 and CG-20 commercial zoning districts.
- 2) These two zones where medical marijuana dispensary facilities could be established currently allow retail sales.
- 3) The use is strictly regulated under the State's Medical Marijuana Program and all licensing and other operating requirements must be met by an applicant.

- 4) Distancing requirements are included and must be met to ensure appropriate separation from sensitive uses.
- 5) The approval procedure provides for the vetting of sites where a medical marijuana dispensary is proposed in a public hearing process before the Planning Commission.
- 6) The amendment specifically excludes the sale of recreational marijuana within such medical marijuana dispensaries so as to limit exposure and consequences for this potential new legalized use.
- 7) This amendment allowing only two medical marijuana dispensaries in Danbury subject to the proposed additional requirements, coupled with the increasing needs of area residents to obtain medical marijuana products to manage debilitating illnesses and conditions, is consistent with the Plan of Conservation & Development as it provides for a revision of the land use regulations to accommodate growth without diminishing the quality of life of the City.

Chairman Finaldi took a roll call vote and the motion for a positive recommendation was passed unanimously with ayes from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi.

NEW BUSINESS:

8-3a Referral - Petition of Sugar Hollow Land Development LLC to Amend Sections 6.A.2.b. & 6.A.5. of the Zoning Regulations. (Add Sale, Rental, and Repair of Automobiles and Trucks to the IL-40 Zone as a Special Exception Use) Zoning Commission public hearing scheduled for July 28, 2020. THIS DATE IS SUBJECT TO CHANGE DEPENDING ON CIRCUMSTANCES RELATED TO COVID-19.

Chairman Finaldi said this petition would be on file in the Planning & Zoning office as well as the Town Clerk's office and they would discuss it at a later meeting.

Chairman Finaldi asked if there was anything to discuss under Other Matters and there was nothing. He then said there was no Correspondence and one Floodplain Permit listed under For Reference Only.

At 8:55 PM, Mrs. Hoffstaetter made a motion to adjourn. Mr. Chiochio seconded the motion and it was passed unanimously by roll call vote.

Respectfully submitted,

JoAnne V. Read
Planning Assistant