The meeting was called to order by Chairman Theodore Haddad Jr. at 7:34 PM.

Present were Michael Coelho, Candace Fay, Ryan Hawley, Rick P. Jowdy, Robert Melillo, Theodore Haddad Jr., and Alternate Olga Mejia. Also present were Planning Director Sharon Calitro, and Assistant Corporation Counsels Daniel Casagrande and Robin Edwards.

Absent were Milan David, Angela Hylenski, Joseph Raya, and Alternates Bruce Bennett and Edwin Duran.

Chairman Haddad asked Ms. Mejia to take Mr. Raya’s place for the items on tonight’s agenda.

Chairman Haddad led the Commission in the Pledge of Allegiance.

Mrs. Fay made a motion to accept the July 12, 2022 minutes. Mr. Jowdy seconded the motion and it was passed unanimously by voice vote with seven ayes.

CONTINUATION OF PUBLIC HEARING:


Planning Director Sharon Calitro said the link was provided on the agenda for the revisions to the amendment language as discussed at the July 12, 2022 meeting. She said she had gotten the information on the State projected revenue from the State website. She said the calculation is a simple formula but what she is presenting tonight is probably a conservative estimate. This information was labeled Exhibit 5.

Chairman Haddad asked Attorney Casagrande to speak next. Mrs. Calitro shared her screen so the Commission could follow along as Attorney Casagrande referred to his five-page opinion letter which was designated Exhibit 6. He said that at the previous meeting two
specific questions arose regarding the federal governments enforcement of the possession and sale of marijuana. The first question was about the impact of the federal law enforcement on the state allowing the regulation of cannabis establishments and does this influence the Zoning Commission determining whether to allow them in Danbury. The second question was if the federal law prohibits the transportation of marijuana purchased in Connecticut across the state lines. He said briefly the federal government is unlikely to challenge the Zoning Commission’s adoption of the proposed regulations or to interfere with the implementation of the regulations. The answer to the second question is that it is a federal crime to transport marijuana across state lines even if it is purchased legally in Connecticut. He added that this includes medical marijuana purchased with a prescription. Attorney Casagrande then explained in detail what documents he had referred to in order to arrive at these answers. Mr. Melillo asked if the Commission members would be provided copies of his letter and would they still be able to ask questions about it if they close the hearing tonight. Attorney Casagrande said yes to both, they can still ask questions of him because he is their legal counsel. He added that based upon his research there has been no effort by the federal government to push back against local regulatory enactments and we have cautious confidence that we can enact these regulations without consequence. Mr. Melillo asked if any of the bordering states have had issues regarding crossing state lines with legally purchased cannabis. Attorney Casagrande said there had been some enforcement actions but no court cases. Mr. Coelho asked if you have to have ID to purchase this in Connecticut. Mrs. Calitro said this is highly regulated and even if someone orders the cannabis for delivery, they must provide a significant amount of identification and proof of address because even the delivery is tracked. Mr. Coelho asked if there is a maximum amount that can be purchased and Mrs. Calitro said she would need to check on that.

Chairman Haddad asked Mrs. Calitro if she was able to find out what the surrounding towns are doing regarding regulating the sale of marijuana. She said she had gotten information from both WestCOG and CCM (CT Conference of Municipalities). She read through the list of the seven towns in WestCOG, noting that the list from CCM is much longer as it includes all 169 municipalities in Connecticut. Mr. Melillo asked that it be put into the record. This information was designated Exhibit 7.

Also speaking in favor was Councilman Paul Rotello, 13 Linden Place. He asked for a clarification on the distance measurement with respect to shopping centers. He also spoke about his interpretation of how much money the City will make from this. He said that every community that does not permit the sale of cannabis will increase the amount of sales made in Danbury. Chairman Haddad asked Mrs. Calitro to respond to the distance question and she said it was written that way because we did not want a cluster of these businesses in any one area.

Attorney Ward Mazzucco, 44 Old Ridgebury Road, said he represents D & B Wellness, LLC d/b/a The Botanist, which is the medical marijuana dispensary that is located at 105 Mill Plain Road. He said he applauds Mrs. Calitro and Attorney Casagrande for a thorough job on the proposed regulations. He said the Commission has heard that the revenue from cannabis sales should be quite substantial, which would be beneficial to Danbury. He added that this use will not have any effect on Police, Fire, or other Emergency Services. He then reiterated his opposition to the requirement for a class A survey map saying that a class D would serve the same purpose. He said that the details
required for a class A survey map create a lot of work for the surveyor making it a much more difficult job and he does not believe the extra information is necessary.

Councilman Benjamin Chianese, 5 Briar Ridge Road, said he is not sure if he is for or against this. He said these regulations do not give any indication of a required lot size, they only list the parking requirement. He added that they also do not address the nuisance issue either. He said the way these are written, it would be like having only one liquor store for the entire city. He said he had contacted Corporation Counsel Les Pinter as well as Assistant Corporation Counsel Casagrande about who has the legislative rights to adopt regulations for this. He said he has a memo that he would like to submit from Attorneys Casagrande and Edwards to Attorney Pinter but he does not know technically how to share it now. He said the memo states that there is no question under the state statutes that zoning has the right to adopt these regulations but he believes that under the City Charter zoning has the right to promulgate regulations. Mr. Melillo then asked Attorney Casagrande if this memo should be part of the record. Attorney Casagrande said there is no new information contained in this memo, but if they want to include it in the record, they do not need to leave the hearing open, as it is legal advice from City staff. Mr. Chianese said he had just emailed it to the secretary, so she can get it to the Commission members.

Al Domeika, Director of Retail Operations for Acreage Holdings, which is the parent company of D & B Wellness. He said Acreage Holdings has three medical dispensary licenses and they are in favor of these regulations with the changes proposed by Attorney Mazzucco. He offered to answer questions.

Chairman Haddad asked how often medical marijuana cards have to be renewed and is there a reason that they might not be renewed. Mr. Domeika said the cards expire after one year and the patient must get re-approved by their doctor and then go back to the state and go through the same process to get their card re-issued. He said he does not know of any situations where someone was refused a renewal. He said some people just choose to let their card expire and not renew it. He said some of the differences between medical patients and recreational purchasers are that the medical patients will have a priority on products and the medical marijuana has a different potency than the recreational product. Also there is no tax charged on medical marijuana, whereas there will be a 22% tax on recreational cannabis and the accessories are charged a 6.25% sales tax. Chairman Haddad asked if health insurance or Medicare covers medical marijuana. Mr. Domeika said it is not covered by any health insurance, although there have been some workmen’s compensation claims that have been accommodated. Chairman Haddad asked if there is a difference in the pricing of the medical versus the recreational. Mr. Domeika said they are waiting for the Department of Consumer Protection (DCP) to determine if they will have two separate price structures. He added that this will not be like California or Oregon because in Connecticut a customer cannot touch or smell the product, the only way to see it is by online images per the State regulations. Chairman Haddad asked if they will only be able to sell recreational cannabis to Connecticut residents. Mr. Domeika said they have not received direction from DCP yet but he will reach out to get the answer. He continued saying that he does not think it will be limited as other states do not restrict their purchases to state residents only. Chairman Haddad then asked if someone purchases recreational cannabis in Massachusetts and brings it back to Connecticut, would police be able to tell it was from a different state. Mr. Domeika said he does not know the answer as that is a law enforcement issue.
Chairman Haddad asked if there was anyone else to speak in favor and there was no one. He then asked if there was anyone to speak in opposition to this petition and there was no one. He asked if Attorney Casagrande or Attorney Edwards had anything else to add and they deferred to Mrs. Calitro.

Mrs. Calitro said in response to Attorney Mazzucco’s comments regarding the distance requirements and definitions; both of these have already been discussed and she has presented the revisions to the proposed regulations. She said that having the same survey requirement as we do for package stores is reasonable, especially because liquor is not a controlled substance. She then said in response to Mr. Chianese’s comments the lot size requirement is determined by the zone which permits the use. In CA-80, the minimum lot size is 80,000 sq.ft., in CG-20, it is 20,000 sq.ft., in IL-40, it is 40,000 sq.ft., and in IG-80, it is 80,000 sq.ft. And since the regulations prohibit the granting of any variances, this will have to be complied with. Regarding the parking and nuisance comments, the parking requirement (which was determined by the Institute of Traffic Engineers) is greater than the requirement for regular retail sales, so it should be adequate. Additionally, these uses are all proposed as special exception uses. This means the Planning Commission must hold a public hearing before deciding it and there are standards in the Zoning Regulations that must be complied with in order for a special exception to be approved. She said the proposed regulations were drafted in accordance with the state statutes. Regarding social equity, she said we regulate land use, not petitioners. The state will address social equity issues as it is under their purview. Lastly, she said that Mr. Chianese had forwarded the memo he spoke about to the secretary who forwarded it to her, so that will be designated Exhibit 8. She then said if there are no other questions, she asked that they close the public hearing.

Chairman Haddad asked if anyone had any questions for Mrs. Calitro and there were none. He then asked for a motion to close the public hearing. Mrs. Fay made a motion to close the public hearing. Mr. Hawley seconded the motion and it was passed unanimously by voice vote with seven ayes.

NEW BUSINESS:

Petition of 55 Triangle LLC/Bridgeport Roman Catholic Diocesan Corp., 55 Triangle Street (J15222) for Change of Zone from IL-40 to RMF-4, and 19 Sheridan Street (J15219) for Change of Zone from RMF-4 to IL-40. Public hearing scheduled for September 13, 2022.

Chairman Haddad said he found the wording on this rather confusing. Mrs. Calitro clarified that this is for a small land swap between these two parcels but in order to do it legally, both parcels need to be rezoned. Mr. Coelho made a motion to accept this petition, refer it to the Planning Commission for a recommendation, put on file in the Town Clerk’s office, and forward to any other agencies as may be required. Mr. Jowdy seconded the motion and it was passed unanimously by voice vote with seven ayes.
Application of Pioneer Realty LLC/Steamboat Motors LLC d/b/a Mercedes Benz of Danbury, 1 & 15 Miry Brook Road (G18007 & G18016) for a Certificate of Location Approval for a Motor Vehicle New Car Dealer’s License in the IL-40 Zone (in accordance with Section 6.A.5.g. of the Zoning Regulations). Public hearing scheduled for August 23, 2022.

Chairman Haddad noted that no referral is necessary for this type of application.

Chairman Haddad asked if there was anything to discuss under Other Matters. Mr. Melillo asked if tonight’s exhibits would be emailed to the members right away versus waiting until the next agenda goes out. Chairman Haddad asked that the exhibits be sent out to the Commission members right away. Mrs. Calitto said they would be sent out tomorrow by email. He then noted that under For Reference Only there were three public hearings listed that are scheduled for public hearing on August 9, 2022 and the public hearing for the 40 Apple Ridge Road Zone Change has been scheduled for August 23, 2022.

At 9:19 PM with no further business to discuss, Mr. Coelho made a motion to adjourn. Mr. Jowdy seconded the motion and it was passed unanimously by voice vote with seven ayes.

Respectfully submitted,

[Signature]

JoAnne V. Read
Planning Assistant