

# CITY OF TORRINGTON



Land Use Office  
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City of Torrington website: [www.torringtonct.org](http://www.torringtonct.org)

To: Planning & Zoning Commission  
From: Jeremy Leifert, AICP, City Planner *JL*  
Date: March 15, 2023 (Rev 1)  
RE: Site Plan #1441 and Application of Change of Zoning Map, 53 McDermott Avenue to adopt the “Alternate Incarceration, Cannabis Dispensary Overlay Zone” and change the use on the property from a restaurant use to and adult use cannabis retail establishment and for proposed site improvements

## **In reviewing the application, plans and documents submitted, I have the following comments:**

Patrik Jonsson has filed an application for property located at 53 McDermott Street - Tax Assessor’s Map 133 Block 012 Lot 007, Tax Assessor’s Map 119 Block 006 Lot 012 to request the following approvals:

1. To adopt the “Alternate Incarceration, Cannabis Dispensary Overlay Zone” on the subject property
2. To change the use in the existing building from the current restaurant use to an adult-use cannabis retail establishment. No use change is proposed for the house on the site, and will remain as office space.
3. Site improvements to modify traffic flow on the site and install new signage

The property is owned by McDermott Street LLC, is 2.41 Acres (105,162 sf) in area and is located in the LB-Local Business zone. There are no previous commission approvals on file for this property, and property is currently a restaurant use in the larger building and office space in the smaller building on site. The proposed Adult Use Cannabis Retail Establishment is a conforming use in the LB zone with the adoption of an AM overlay zone under zoning regulations section 3.1, Table of Permitted Uses, subsection 22.03 and section 4.16 – Alternate Incarceration, Cannabis Dispensary Overlay Zone (AM Zone). A zone change hearing and a new site plan approval are required for this proposed project.

An A-2 quality property survey has been submitted titled “Topographic Survey, Prepared for The Collective, 53 McDermott Avenue” by Close, Jansen, and Miller, P.C., Consulting Engineers, Land Planners and Surveyors, Wethersfield, Conn. Dated January 31, 2023. 1 Sheet. A plan set, including a zone change map and site layout plan has been submitted titled “Site Plan Development, 53 McDermott Street, Torrington, CT” by East-West Engineering, West Hartford, CT. Dated February 9, 2023. 3 Sheets. The contents of the zone change and A2 survey sheets meet the basic requirements for a zone change application. Comments on the site plan as presented are contained in this memo. Staff has met previously with the property owner and engineer to discuss the project prior to this meeting.

Other Items of note:

1. The “detention pond” area of the property shall be evaluated by a licensed soil scientist for the possible presence of regulated inland wetlands or watercourses. The locations of such regulated resources shall be noted on the plans, including regulated upland review areas, or a note placed on the plan that non are present. Land use staff will then make a determination whether inland wetlands permitting is necessary.
2. A detailed landscaping plan shall be provided showing added green space/grassed areas and the species and location of new trees and shrubs to be planted. See the buffer and landscaping requirements in section 5.11 of the Torrington Zoning Regulations.
3. There are violations existing around the existing house/office on the property. These violations should be remediated as a condition of any approvals on this property.
4. A photometric lighting plan of the site shall be required to show all lighting on the site in accordance with section 5.17.4 of the zoning regulations.
5. One loading space shall be identified on the plans to satisfy the retail requirements of section 5.13.5.F of the regulations.
6. All parking lots in the local business zone are required to be paved. The gravel/milling parking lots in the rear of the property and behind the existing house should either be eliminated and converted to green space or paved and marked as a parking area. Please refer to the *maximum* parking allowed for retail uses in the parking table in section 5.13.4, subsection 3.10 of the regulations. The parking requirements for the existing office building may also be used in this maximum calculation. Parking maximums should be added to the existing zoning table.
7. The existing utilities on the site shall be located on the plans (sewer, water, electric, gas, etc.)
8. In accordance with the narrative provided with the application, no new signage is proposed for this application. The applicant intends to replace or reuse all existing signage at no greater than the current square footage or locations. Any proposed directional or wayfinding signage should be added to the plans if proposed. In my opinion, the free-standing sign size restrictions for the AM Overlay zone in section 4.16.7.B would not apply here, as the existing free standing sign is pre-existing.
9. The proposed route of the Sue Grossman Greenway trail passes in the vicinity of this property. The applicant should discuss the possibility of routing the trail within this property along the southern (side) boundary with the Assistant City Planner and Economic Development Director.
10. In accordance with a note included on the zone change map (ZC-1) there are no parks, playgrounds, recreational facilities, child care centers or libraries within 500 feet of the subject property.
11. The nearest approved Adult-Use Cannabis retail facility in the City is approximately five miles away from this property on Winsted Road.
12. The commission should discuss with the applicant the proposed hours of operation and expected traffic/customer levels at peak flow.
13. A traffic study titled “Site Traffic Evaluation, The Collective, 53 McDermott Avenue, Torrington, Connecticut” dated February 7, 2023, prepared by East-West Engineering, West Hartford, Connecticut has been submitted. The language in the conclusion states: “The proposed use of the site for a cannabis dispensary will have a negligible impact on the existing traffic operations of the neighboring roadway network”.

14. In my opinion, the proposed use, location and site design is generally compatible with the allowed uses in the Local Business Zone and the specific uses in the area of this application with corrections to the site plans as outlined in this memo.

**Other Staff Comments:**

**Economic Development: Rista Malanca, City of Torrington Economic Development Director:** Rista Malanca, AICP, Torrington Economic Development Director, in verbal discussions with the City Planner has taken a neutral stance on the application. She is however in favor of engaging the property owner on a cooperative project and right-of-way for the City to route a planned future section of the Sue Grossman Greenway trail through the southern (side) portion of the property if agreeable to the property owner.

**Assistant City Planner:** In an email to the City Planner dated February 28, 2023, Nate Nardi-Cyrus, Assistant City Planner, offered the following comments on the plans:

*General – Applicant shall work with the Land Use Office to resolve active zoning and blight violations on the property including occupied mobile homes, illegal commercial activity, and junk, prior to the issuance of a zoning permit.*

*Wetlands – There are potential regulated wetlands and watercourses within the subject property that might require wetlands review for this proposal. The applicant was made aware of this and is working with a soil scientist to map wetlands and watercourse on site if they occur. A wetlands report cannot be issued until the presence or absence of wetlands is confirmed.*

*Landscaping – There is no landscaping plan included in this application. The applicant shall provide a plan consistent with section 5.11 of the City zoning code. The plan should exclusively use native species and include replacements for existing trees and shrubs that are in poor health.*

*Lighting – No lighting is shown on the site plan. If new lighting is proposed, a full photometric plan will be required to demonstrate compliance with section 5.17 of the City zoning code. We require the use of full cut-off fixtures and encourage the use of products approved by the International Dark-Sky Association: <https://www.darksky.org/our-work/lighting/lighting-for-industry/fsa/fsa-products/>.*

*Signage – There are no new signs proposed as part of this application. A sign permit shall be required before installing any signage in accordance with section 5.15 of the zoning regulations.*

*Conservation – To the west of the property is City of Torrington conservation land, where the City is actively planning the development of a multi-use trail to connect the Sue Grossman Still River Greenway with the Naugatuck River Greenway. The applicant would demonstrate commitment to the community by conveying a trail easement to the City, along the southern boundary of the parcel, to guarantee public access from City-owned land to McDermott Ave. The applicant should continue to collaborate with the City regarding future recreational improvements and screening; This application was referred to the conservation commission for further review and comment.*

**Architectural Review Committee:** No significant changes are proposed to the building exterior or the site that require ARC review.

**Torrington Area Health District:** TAHD offered no comments on the plans.

**Engineering:** Paul Kundzins, City Engineer in a memorandum to the City Planner dated March 3, 2023, submitted a list of comments on the submitted plans for correction by the applicants' engineer. See attached.

**Police Traffic:** Police Traffic Sergeant Dustin Baldis, in an email to the City Planner dated March 1, 2023, offered the following comments on the plans:

*Based on the initial review I see they have changed the entry and exit which does allow for removing people from being so close to the intersection which helps to clear up any queuing into the intersection. The exit also allows for left or right turns and traffic would be backed up if any to the parking lot and not into the roadway. My only thought is the intention of the multi-use trail coming through here if this is a problem for the area or I had spoke with engineering about making a redesign to this intersection and if that would affect their entrance or not. Those are my only comments currently. Thank you.*

**Fire:** Fire Marshal Edward Bascetta, in letter to the City Planner dated February 28, 2023, offered comments regarding Fire Department access lockboxes, fire protection system requirements and other life safety code requirements. See attached.

**WPCA:** Ray Drew, Public Works Director, in a memo to the City Planner dated February 15, 2023, offered comments on requirements for sewer discharge permitting. See the memo attached.

**Building:** Building Official Kevin Gillette, in an email to me dated March 2, 2023, offered the following comments:

*Building Department Permits must be obtained for all work performed. Permit applications must be accompanied by complete sets of IBC Section 107 Construction Documents.*

**Conclusion:** Per City Staff review responses above, I recommend continuing the public hearing to the next regularly scheduled Commission meeting to allow time for plan revisions and additional staff review. See specific comments from the City Planner, Assistant City Planner and City Engineer.

END OF MEMO

Cc: Patrik Jonsson, The Collective

# City of Torrington

ENGINEERING DEPARTMENT  
(860) 489-2234



140 Main Street • City Hall  
Torrington, CT 06790-5245  
Fax: (860) 489-2550

## Memorandum

To: Jeremy Leifert, City Planner

From: Paul Kundzins, PE - Deputy Director of Public Works - City Engineer

Date: March 3, 2023

**RE: Engineering Review – Site plan Application for adult use cannabis retail establishment at 53 McDermott Ave , and Zone Change to LB with AM overly - Nutmeg Northwest JV LLC (dba Higher Collective)**

**Applicant: Patrik Jonsson**

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I have reviewed the above application, supporting plans and documentation, and provide the following comments:

Submitted supporting document:

1. 53 McDermott Ave property card.pdf
2. 53 McDermott Floorplan.pdf
3. 53 McDermott Traffic report.pdf
4. 1101\_PZC Site Plan Submission\_2023-0209\_Final.pdf
5. Application Narrative Torrington.pdf
6. photos for application.pdf
7. Site Plan Application - 53 McDermott Ave Signed.pdf
8. Survey\_53 McDermott Ave.pdf
9. Zoning Change Application - 53 McDermott Ave Signed.pdf

The Engineering Department has the following comments:

1. This application submission is incomplete due to the following missing design information:
  - a. The proposed site plan is missing annotations and dimensions to accurately depict the intended use of the property.
  - b. Grading plan – show all storm sewer piping – with all pipe inlets and outlets.

- c. Storm water design plan and report – confirm existing site features including detention pond, all catch basins and all storm piping are operational and meet capacity requirements for proposed site use.
  - d. Typical details
  - e. Landscape plan
  - f. Lighting plan if applicable
  - g. Vehicle turning paths for all entrances and exists for typical design vehicles.
  - h. Utility design plan – including profiles to show crossing utilities
  - i. Traffic signing plan -
2. Drainage Plan - Confirm the existing site does not create any adverse effects to the City Streets or adjacent properties from storm runoff. Confirm all storm sewer systems are functioning and meet City specifications for storm drainage design and are adequate for the site.
  3. The existing site consists of existing bituminous asphalt and gravel/milling surfaces – confirm and show all proposed site features including but not limited to such features as parking spaces, driveways, traffic circulation routes, etc.
  4. Show proposed use of gravel areas – if these areas form part of access routes and or parking then show parking spaces and driveway routes.
  5. Confirm accessible spaces meet ADA requirements. Show all dimensions and grading for all ADA accessible parking and routes.
  6. Traffic Study report makes reference to “Federal Road” – please confirm.
  7. Survey plan shows storm drainage with only partial underground piping - show all storm sewer piping – with all pipe inlets and outlets.
  8. Storm water report shall include (but not limited to) capacity analysis of existing detention pond.

Based on the above-mentioned missing information and comments, the Engineering Department is **withholding approval** of this application at this time.



Paul Kundzins  
2023.03.03 13:  
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Paul Kundzins, P.E.  
Deputy Director of Public Works - City Engineer



Peter A. Towey  
Chief Fire Services

**Torrington Fire Department  
City of Torrington**

Robert Shoppey  
Training/Safety Division

Edward Bascetta  
Fire Prevention/Investigation Division

David A. Tripp Jr.  
Deputy Chief Operations



February 28, 2023

Jeremy Leifert, City Planner  
Planning and Zoning  
City of Torrington

Dear Mr. Leifert,

I have received and reviewed the application for the change of use to a Cannabis Retail Establishment located at 53 McDermott St. The Fire Department would provide the following general recommendations:

The building should be equipped with a complete and compliant fire protection system compatible with the change of use. The fact it will be vacant during non-business hours make it a prime candidate for the delayed discovery of a fire inside.

Torrington makes use of 'lock boxes' to allow quick access by fire fighters in time of an alarm without causing damage. If not already in existence, a lock box should be installed on the exterior of the building near the main door. The fire department will use its secure master key to open the box and allow the building owner to leave appropriate building access keys inside. This eliminates any delay in entering the building or waiting for a key-holder to arrive in the middle of the night.

The building and area must comply with all required building and electrical codes and will be inspected by the Fire Marshal for compliance with the Life Safety Code prior to the issuance of a Certificate of Occupancy, and annually thereafter.

We appreciate the opportunity to review these plans. Please feel free to contact me if there are any questions.

Respectfully submitted,

*Edward Bascetta*

Edward Bascetta  
Fire Marshal  
City of Torrington  
860-489-2534

[Edward\\_bascetta@torringtonct.org](mailto:Edward_bascetta@torringtonct.org)



# City Of Torrington



WATER POLLUTION CONTROL AUTHORITY  
140 Main Street  
Torrington, CT 06790-5245

Tel: (860) 485-9166  
Fax: (860) 485-0730

## MEMO

TO: Jeremy Leifert, City Planner

FROM: Ray Drew, Public Works Director

DATE: 2/15/23

RE: Change of Use to Restaurant to Cannabis Retail Dispensary, 53 McDermott

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### No Comments on Zone Change

#### WPCA Comments:

1. Applicant shall submit application for Sewer Discharge Permit.
2. Additional Information Required
  - a. Weekly Days of Operation
  - b. Number of full time and part time employees.
  - c. Projected annual water consumption for new facility.
3. Capacity Reserve Fee shall be paid prior to commencement of discharge. (Fee will be determined upon receipt of items #1 and #2 Above)
4. Owner shall certify that there are no discharges of storm water either directly or indirectly into the sanitary sewer system from the building. Storm water discharges shall comply with City of Torrington Department of Engineering Standards.
  - a. Owner/Applicant shall contact WPCA to inspect building for compliance with chapter 170-14 of Torrington Code.
  - b. Contact James Hilton 860-485-9166 to schedule inspection.
5. Occupants shall use Best Management Practices to minimize the amount of fats, oil and greases that are discharged to the public sewer.
6. Occupants shall use Best Management Practices to minimize the use of phosphate containing cleaners and detergents.
7. Submit copies of any Federal or State permits related to wastewater discharges.
8. For additional information or questions contact WPCA (860) 485-9166