

STAMFORD PLANNING BOARD
REGULAR MEETING
APPROVED MINUTES, TUESDAY, MARCH 4, 2014
4TH FLOOR CAFETERIA, GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT

Stamford Planning Board Members present were: Theresa Dell, Chair, Claire Fishman, Zbigniew Naumowicz, Jay Tepper, and Michael Totilo. Roger Quick was absent. Present for staff was David W. Woods, Ph.D., AICP, Principal Planner.

Ms. Dell called the meeting to order at 7:09 p.m. Ms. Dell announced that since Mr. Quick was absent, and that Mr. Williams had not been replaced that Mr. Tepper and Mr. Naumowicz were voting on all items tonight.

Request for Authorization:

Pulaski Street, Greenwich Avenue, and Waterside Place Intersection Improvement Project, Final Report of Property and Easement Acquisition Damages for the Pulaski Street, Greenwich Avenue, and Waterside Place Intersection Improvement Project. The total payment is for \$630,000. Rachel Goldberg will make a brief presentation to the Board regarding this project including the next steps. After a brief discussion, Mr. Tepper moved to recommend accept the Final Report of Property and Easement Acquisition Damages for the Pulaski Street, Greenwich Avenue, and Waterside Place Intersection Improvement Project, and that this request is consistent with Connecticut General Statue Section 8-24 and Section C6-30-13 of the City Charter, as well as consistent with the adopted 2002 Master Plan;); Ms. Fishman seconded the motion and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Naumowicz, Tepper, and Totilo).

Zoning Board Referral [CONTINUATION]:

ZB Appl. 214-02 TEXT CHANGE, to Amend Article II, Section 3 to add a new definition #67.2 and #67.3 for Medical Marijuana dispensary and production facilities and to Amend Article III, Section 7 by adding a new Section 7-U to establish a limited moratorium regarding Public Act #12-55.

Mr. Woods submitted to the Board a briefing memorandum on this issue outlining two points:

- (1) During the 2012 session, the Connecticut General Assembly passed Public Act No. 12-55 – effective October 1, 2012, which legalized the distribution and production of Medical Marijuana in a highly regulated fashion. The most important part of this referral is the request by the Zoning Board for a one year Moratorium to allow staff to assess where to designate where these facilities could be placed.
- (2) As of right now, Medical Marijuana dispensary’s are permitted to open wherever it is permitted as a “drug store,” which includes all commercial and industrial zones in the City (as per the legal opinion by Joseph Capalbo, II dated 11/14/13) – assuming that the location meets setback requirements outlined in Public Act No. 12-55. Similar to Zoning Board revising the Flood Prone Area Regulations last July, the City must amend Article II, Section 3 Definitions #67.1 & 67.2, wording of which are derived directly from Public Act 12-55 – Section 9 and 10, and amend Article III, Section 7 Area and Supplemental Regulations by adding a new section 7-U. Medical Marijuana Dispensaries and Producers.

Ms. Dell outlined the issues that the Board needs to accomplish in its recommendation about the Medical Marijuana moratorium. Ms. Dell stated that she believed that a moratorium was warranted, she pointed out the wording was from the Connecticut Statute, and she emphasized that if the Planning Board recommends the Zoning Board adopt this moratorium for Medical Marijuana for a year, that the Zoning Board work with the Planning Board in developing the regulations. Including making sure that distribution and production are separate, amending the Master Plan identifying where these uses are located in the neighborhoods, and other issues not yet identified.

Mr. Totilo pointed out the medical marijuana is still in violation of Federal Law, and that the easiest way to deal with it is to recommend that “we don’t allow use not allowed by Federal Law in the City of Stamford” – Mr. Totilo pointed out that the Federal government is going after the dispensary’s not the state; I have a concern about the producer potentially has a bigger impact than the dispensary. He stated that he agrees with the moratorium, but we need to worry about the producer not so much the dispensary.

Mr. Tepper pointed out the letter from the City Attorney’s opinion was that this use was “as of right” so the definitions are needed to define what the moratorium will study.

After considerable discussion among the members, Mr. Tepper moved since the Zoning Board *must* amend Article II, Section 3 definitions to comply with the Public Act No. 12-55, the Board agrees that including the definitions in alphabetical order makes the more sense creating a new 67.1 & 67.2 while moving the existing 67.1 to 67.3; Mr. Totilo seconded the motion and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Naumowicz, Tepper, and Totilo). Ms. Fishman moved in order to allow for the time needed to assess and regulate where these legal uses would meet the regulations of Public Act No. 12-55, the Planning Board recommends that the Zoning Board adopt a one-year Moratorium to effectively study the locations that would meet the requirements under the State Act; Mr. Tepper seconded the motion and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Naumowicz, Tepper, and Totilo).

Zoning Board of Appeals Referrals:

ZBA Appl. 015-14 914-926 Newfield Avenue, a Special Exception to permit the reconstruction and upgrading of its athletic facility complex including a new state of the art turf field, lighting, grandstands under the school use of the Zoning Regulations. After a brief discussion, Mr. Totilo moved to recommend to the Zoning Board of Appeals grant this special exception, and that It is the opinion of the Board that the proposed reconfiguring of this athletic field complex should have no adverse impact on the neighborhood and that it is consistent with the Master Plan; Mr. Tepper seconded the motion and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Naumowicz, Tepper, and Totilo

Planning Board Meeting Minutes:

Meeting of 2/11/14 – the Board referred acting on the minutes of the 2/11 Planning Board meeting until the next scheduled meeting.

Old Business

Subdivision #4007 Request to Revise Condition 12, Boris and Helen Miloslavsky has requested to present their request to revise Condition No. 12, requiring the posting of a performance bond prior to filing the Final Map. Since the Miloslavsky’s did not attend the meeting, this agenda item was carried over to the 3/18/14 meeting.

New Business

Mr. Tepper and Mr. Woods discussed the results of the Master Plan Steering Committee meeting that occurred during the afternoon of 3/4/14. Mr. Tepper discussed the importance that he emphasized that the Board be included more closely from here on out in reviewing the chapter's prior to them being posted on the website for the public's initial comments. Mr. Woods reported on the recommendation that the Planning Board host a Master Plan Open House on Tuesday, April 1st on the 4th floor starting at 7:00 p.m.

Ms. Dell thanked the staff for their hard work in producing the final Capital Budget document to turn into the Mayor's office by February 26, 2014, and requested that Mr. Woods draft a letter of appreciation and recognition to Jim Hricay, Director of OPM with a carbon copy to Michael Handler, Director of Administration of Mr. Romano's dedication and assistance to the Board in developing the Board's final version.

Ms. Dell announced that since there were only a few items lined up for March 11th, the Board would not meet next week but would meet on March 18th.

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 8:18 p.m.

Respectfully Submitted,

Claire Fishman, Secretary
Stamford Planning Board

Note: These proceedings were recorded on tape and are available for review in the Land Use Bureau located on the 7th floor of Government Center, 888 Washington Boulevard, during regular business hours.