

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, JANUARY 27, 2014, 7:00 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CT 06901**

Present for the Board: Thomas Mills, Barry Michelson, William Morris, Rosanne McManus and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner

Chairman Mills called the meeting to order and opened the Public Hearing at 7:20 p.m.

PUBLIC HEARING

1. **Application 213-39 – 467 GLENBROOK ROAD, LLC Site & Architectural Plans and/or Requested Uses and Special Exception**, proposes to construct a 17 unit residential development on 0.31 acres in a VC zone with site improvements and landscaping.

Mr. Mills read a description of the application into the record. Mr. Michelson read a letter dated January 27, 2014 from Mario Musilli, Esq. into the record requesting that the application be placed on the February 10th agenda. Based on this request, Mr. Mills asked Staff to schedule the Public Hearing for this matter to be placed on the February 10, 2014 agenda at 7:00pm in the 4th floor Cafeteria.

Ms. Gwozdzowski made a motion to change the order of the agenda to discuss the minutes, seconded by Mr. Morris and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

APPROVAL OF MINUTES:

Minutes of December 9, 2013

After a brief discussion, Ms. Gwozdzowski moved to approve the minutes with the one correction. Ms. McManus seconded the motion and it passed with the eligible members present voting, 4-0 (Mills, Michelson, McManus and Gwozdzowski; Mr. Morris not voting).

Minutes of January 6, 2014

After a brief discussion, Mr. Morris moved to approve the minutes. Ms. McManus seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

Minutes of January 13, 2014

After a brief discussion, Mr. Morris moved to approve the minutes. Ms. Gwozdzowski seconded the motion and it passed with the eligible members present voting, 4-0 (Mills, Michelson, Gwozdzowski and Morris; McManus not voting).

Mr. Michelson made a motion to change the order of the agenda to discuss the Old Business item of Medical Marijuana, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

OLD BUSINESS

2. Medical Marijuana Moratorium

Mr. Cole explained the history of events and read a draft. The process involves the Zoning Board initiating a Text Amendment application, hold a Public Hearing and implement the decision.

TO AMEND Article II, Section 3 - Definitions, by renumbering Definition #67.1 as #67.3 and adding the following new definitions:

67.1 "Medical marijuana dispensary facility" means a place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers, and for which the CT Department of Consumer Protection has issued a dispensary facility permit to an applicant in accordance with Section 21a-408-14 of the Regulations of Connecticut State Agencies.

67.2 "Medical marijuana production facility" means a secure, indoor facility where the production of marijuana occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies.

TO AMEND Article III, Section 7 - Area and Supplemental Regulations, by adding a new Section 7-U to read as follows:

Section 7-U. Medical Marijuana Dispensaries and Producers

Purpose: The Zoning Board acknowledges the enactment of Public Act #12-55 and adoption of regulations concerning the "Palliative Use of Marijuana". In order for the Zoning Board to properly evaluate these complex State regulations and to consider the adoption of zoning regulations for local control of these uses, with a goal toward maintaining and protecting the public health, safety, convenience and property values of the residents of the community, a limited moratorium on the acceptance of any application for facilities for dispensing or growing of medical marijuana is justified.

Moratorium: For a period of twelve (12) months commencing from the effective date _____ of this Section, no applications shall be accepted, considered or approved and no zoning permits shall be issued to permit the establishment of a Medical Marijuana Dispensary Facility and/or Medical Marijuana Production Facility within any zoning

district within the City of Stamford. Dispensing, production and cultivation of marijuana shall be prohibited uses within all zoning districts. For the purposes of this section Dispensary, Licensed Dispensary Facility, Producer and Licensed Production Facility shall be as defined in Public Act #12-55. The expiration date of this Moratorium shall be _____ unless extended by the Zoning Board.

Mr. Mills asked for the address of the one location already permitted for this use. Mr. Cole referenced a letter from Attorney Michael Cacace.

Ms. McManus asked what would happen if a moratorium was not passed. Mr. Cole said the State review and permit process would control what happens in Stamford.

Mr. Michelson said he was troubled by the way this legislation was handled. Discussion of definition of drug store versus dispensary. This Board was bypassed when the issue was discussed by Legal Counsel and the Zoning Enforcement Officer. The Citizens of Stamford deserve to have a public hearing on this issue and provisions made on where these locations may be located. The Board's in a position of catchup and should receive legal counsel that's not politically motivated.

Ms. Gwozdzowski asked what other towns have a moratorium. She said she would support a moratorium and allow the Board to have further discussions on the topic. Staff believes Greenwich and Darien and Ridgefield have implemented moratoriums.

Ms. McManus said she would support a moratorium.

Mr. Michelson made a motion for the Zoning Board to file a text amendment application with the above language, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

Ms. McManus asked that Staff get a legal review of the Cacace memo. Mr. Cole said that he would refer the memo to the Law Department and ask for independent legal counsel.

Ms. McManus made a motion to return to the Public Hearing and regular agenda, seconded by Ms. Gwozdzowski and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

PUBLIC HEARING

2. Application 213-31 – SEASIDE REAL ESTATE GROUP, LLC, 108, 114, 116 and 118 Seaside Avenue, Site & Architectural Plans and/or Requested Uses and Coastal Site Plan Review, proposes to construct a 17 residential unit, 11,459 s.f. development located on properties known as 108, 114, 116 and 118 Seaside Avenue in an R-5 zone covering approximately 0.785 acres. Proposed demo of two existing buildings and construction of 4 new buildings with site and landscaping improvements (*continued from January 13, 2014*).

Mr. Mills read the description of the Application into the record and explained it was a continuation of a Public Hearing from January 13, 2014.

John Pugliesi, P.E., for the Applicant, submitted the property owner notice of changes in the application and explained the changes to the Board. Changes include reduction of one unit, saving the historic building (Section 7.5 Special Exception), locating the BMR unit in the historic house, relocating the retaining walls farther from the property line and lowering the height of the fence. A total of 37 parking spaces are provided. The BMR requirement is calculated as 1.58 but Mr. Pugliesi noted that staff believes the BMR requirement is 1.70. He submitted copies of a revised landscape plan to the Zoning Board and passed out photos of other existing buildings to demonstrate neighborhood compatibility. He passed out a catalog showing the type of fence proposed and presented samples of the cultured stone used to face the wall along the street.

Mr. Killeen asked if they would provide the documents qualifying the structure as a historic building. Mr. Pugliesi said Wes Haynes would submit a letter and secure a second opinion letter.

Chairman Mills called for comments from the public.

Wes Haynes, Director of the Historic Neighborhood Preservation Program, said he strongly supports saving the historic building and will submit two letters regarding the historic house.

Patricia Foston, 79 Webb Avenue, said she hasn't seen the new plans but is still concerned with traffic and parking and doesn't understand the need for affordable housing.

Alexander Moch, 13 Webb Avenue, was concerned with traffic, density, building height and storm water.

Louis Volpentesta, Esq, asked if the applicant will accept the condition of 70% owner occupancy and also asked if the fence will be a solid vinyl.

Carolyn Foston, 79 Webb Avenue asked who will take care of the landscaping and said the wall heights are unclear.

Christina, 74 Mathews, showed photos of other 3 to 3.5 story buildings and said that she was opposed to the project.

Frank Chiapeta, 15 Mathews, said that he had called the applicant but gotten no response and asked about the Zoning Board's process for review of the application. Mr. Mills explained that the Public Hearing will be continued.

Mr. Pugliesi said they have adequate parking at 37 spaces and will reduce stormwater runoff with on-site retention system. He said they can't control summer beach traffic and do accept the condition of 70% owner occupied. He reviewed the wall and fence heights again and noted that the project conforms to R-5 zoning. Mr. Pugliesi said that the Condominium Association would use a landscaping service and would submit a landscape maintenance agreement.

Mr. Mills announced the Public Hearing on this item will be continued to February 10, 2014 at 7:00pm in the 4th Floor Cafeteria of the Government Center.

REGULAR MEETING

PENDING APPLICATIONS:

1. Application 213-33 – Zoning Map Amendment and C SPR – RICHARD REDNISS, Saddle Rock Road

Mr. Mills opened discussion on the application.

Ms. McManus said that future subdivisions are not an issue and the Murphy house is already at maximum height. She disagreed with the statement that RA-1 zoning is only in North Stamford.

Mr. Morris said he liked the reduction in density and noted that since the setbacks of R-20 are the same as RA-1, there won't be any impact on views. He said he did have a concern that the zone change only applies to seven lots. He asked Mr. Cole if this constituted "spot zoning". Mr. Cole replied that it was of sufficient size and complied with the Master Plan, and was not "spot zoning".

Mr. Michelson said that the need to elevate houses in response to increasing flood heights should be addressed comprehensively for the entire city, and not just for seven lots. He proposed a design district, floating or overlay be established to follow the Flood Hazard Area along the coastline from the mean high tide mark along the entire coast, and would be coupled with a formula to increase building setbacks as height increased in order to maintain views.

Ms. Gwozdzowski said the increase in height is needed to elevate flood prone buildings. If this is not addressed by the Zoning Board, the only remaining option would be a variance from the ZBA.

Mr. Mills said he would like a comprehensive flood plain regulation allowing more height for all properties in the floodplain.

Ms. McManus made a motion to approve the application for six lots, excluding the Murphy property as requested during the public hearing. Mr. Morris seconded the motion, which carried unanimously by a vote of 4 to 0 (Michelson, Morris, McManus and Gwozdzowski in favor; Mills abstaining).

OLD BUSINESS

1. APPL 210-16 – FINAL Development Plan (GDP) and Coastal Site Plan Review – GATEWAY, Washington Blvd, (Site Plan Modifications).

Attorney John Freeman described the review process for the change in the driveway, saying that they applied to the State Traffic Commission, received approval from the city traffic engineer and multiple approvals from the Building Department. He said the commuter parking lot is

important to the city and that the change in the driveway configuration was necessary to avoid traffic backups onto Washington Boulevard. He reviewed the recommended remedial measures in the staff memo dated January 23, 2014.

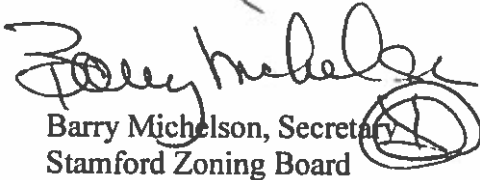
Regarding the recommendation to reestablish a landscaped pedestrian connection on the south side of the driveway by moving the residential building 20+ feet, Attorney Freeman proposed to move the residential building 15 feet.

Regarding screening exposed views of cars on the P1 deck, Attorney Freeman agreed to install a solid architectural screen subject to staff approval. He also agreed to add lighting and enhance the sidewalk and pedestrian signals but said he could not add pavers to the driveway as that would add too much weight to the structure.

Mr. Michelson said this should be reviewed with traffic engineers and the Zoning Board should hold a public hearing. He asked Staff to invite Mani Poola to the next Zoning Board meeting.

Mr. Mills adjourned the meeting at 11:25pm.

Respectfully submitted,


Barry Michelson, Secretary
Stamford Zoning Board