



Land Use-Urban Redevelopment Committee – Board of Representatives

Bradley Bewkes, Chair

Nina Sherwood, Vice Chair

Committee Report

Date: Thursday, January 20, 2022
Time: 7:00 p.m.
Place: *This meeting was held remotely.*

Chair Bewkes called the meeting to order at 7:03 p.m. In attendance were Chair Bewkes, Vice Chair Sherwood and Committee Member Reps. Adams, Campbell, de la Cruz, Florio, Grunberger, Matheny, Mays, Summerville, and Tomas. Also present were President Curtis and Reps. Boeger, Coleman, Cottrell, Di Costanzo, Fedeli, Figueroa, Goldberg, Jacobson, Miller, Morson, Nabel, Pierre-Louis, Stella, and Watkins; Ted Jankowski, Director of Public Safety, Health and Welfare; Doug Dalena and Cynthia Anger, Office of Corporation Counsel; Ralph Blessing, Land Use Bureau Chief; Patricia Sullivan, Esq, Cohen and Wolf; Barry Michelson, Neighborhood Coalition; and Margaret O’Shaughnessy; Susan Halpern, and Dr. Elena Gazzola, as representatives of the South End.

Chair Bewkes called the meeting to order at 8:03 p.m.

Item No.	Description	Committee Action
1. LU31.001	REVIEW <u>and public hearing</u> ; Music and Noise Echoing through South End and District 1 Coming From The Village and Other Developments in the South End. 11/01/21 - Submitted by Rep. Bewkes and Stella 12/22/21 – Held by Committee 11-0-0	Held 11-0-0

Chair Bewkes opened the public hearing. Kieran Edmondson, Kathleen Mathews, Maureen Boylan, Peter Quigley and Sen. David Michel spoke about the need to control noise coming from restaurants, crime and drag racing in the South End. Ms. Mathews read much of the [attached statement](#) into the record. There being no further speakers, the public hearing was closed.

Margaret O’Shaughnessy, Susan Halpern and Dr. Elena Gazzola spoke about the noise they have experienced in the South End and their attempts to address it.

Committee members discussed Item No. 1 with the invited guests and Mr. Jankowski. Items discussed included the following:

- Ms. O’Shaughnessy has not been contacted by the task force
- The noise complaint reports requested last month are being reviewed by the legal department in order to ensure that no private information is disclosed; the reports detail the meter readings and the actions taken
- The City is still waiting for the delivery of 2 new meters to the Police Department
- When a noise complaint is received, the environmental inspectors go out to investigate
- The best tool for these complaints is Fix-It Stamford, so that there is a paper trail
- The only current enforcement authority comes from the noise ordinance
- What can be done tomorrow to address these issues?

- Businesses have been responsive when approached to turn down the noise
- The noise ordinance needs to include stronger enforcement and deterrence provisions
- Noise from the beaches is a separate problem which needs to be addressed by enforcement

A motion to hold Item No. 1 was made, seconded, and approved by unanimous voice vote (Reps. Bewkes, Sherwood, Adams, Campbell, de la Cruz, Florio, Grunberger, Matheny, Mays, Summerville, and Tomas in favor).

A motion to hold Item Nos. 2, 4, 5 and 6 was made, seconded, and approved by unanimous voice vote (Reps. Bewkes, Sherwood, Adams, Campbell, de la Cruz, Florio, Grunberger, Matheny, Mays, Summerville, and Tomas in favor).

Under a Suspension of the Rules:

The Committee then voted to suspend the rules to take up Item No. 7

Possibly in Executive Session:

A motion to go into executive session to discuss the impact of the Zoning Board's handling of the petition on the strategy of the current Board of Representatives litigations was made, seconded, and approved by unanimous voice vote (Reps. Bewkes, Sherwood, Adams, Campbell, de la Cruz, Florio, Grunberger, Matheny, Mays, Summerville, and Tomas in favor).

Chair Bewkes announced that all Board members present and Ms. Sullivan were entitled to enter the executive session. The Committee went into executive session at 8:42 p.m.

7. LU31.008 REVIEW; Impact of Zoning Board's actions re: Referral to the Board of Representatives of the Petition to Appeal Amendment to the Zoning Regulations under Zoning Board Approval No. 221-20 and Board of Representatives related items upon current Board of Representatives litigations. **Report Made**
 01/17/22 - Submitted by Reps. Bewkes, Curtis, Sherwood and Stella

The Committee came out of executive session at 10:17 p.m. Chair Bewkes stated that no votes were taken during executive session.

A motion to conclude Item No. 7 as Report Made was made, seconded, and approved by unanimous voice vote (Reps. Bewkes, Sherwood, Adams, Campbell, de la Cruz, Florio, Grunberger, Matheny, Mays, Summerville, and Tomas in favor).

2. LU31.003 REVIEW; Process for Appealing Amendments to C-D Designed Commercial District of the Zoning Regulations. **Held 11-0-0**
 01/05/22 - Submitted by Reps. Bewkes, Curtis, Sherwood and Stella

3. [LU31.004](#) RESOLUTION; Requesting Referral to the Board of Representatives of the Petition to Appeal Amendment to the Zoning Regulations under Zoning Board Approval No. 221-20 01/05/22 - Submitted by Reps. Bewkes, Curtis, Sherwood and Stella **Approved 9-2-0**

The Committee next considered Item No. 3. Committee members discussed the proposed resolution. Items discussed included the following:

- The Board needs to claim the responsibilities given under the charter or this will erode the power of the Board of Representatives
- The Board can't vote on this resolution without any record with which to analyze the issues

In response to questions from the Committee, Corporation Counsel Dalena stated he would need to analyze the legal issues to determine if the Board is exposing itself to any legal risks and has not done been asked to do so

The Committee continued to discuss Item No. 3, including the following:

- The Board should not exceed the authority granted to it under the Charter
- The rules regarding the validity of the petition are clear and the petitioners did not reach the threshold

In response to questions from the Committee, Mr. Dalena and Ms. Anger stated that

- Corporation Counsel's office has reached the conclusion that there was no valid petition presented;
- because there were not enough signatures, there was no valid petition to be referred;
- he has found no reason to question the opinions of the Law Department staff regarding this issue
- the Law Department gave its opinion regarding how the signatures should be counted and the Land Use Bureau followed that procedure; the section of the Charter must be read in context. There cannot be a petition referred if there is no valid petition
- there is no authority for the Town Clerk's office to be involved in this process
- the Charter is not clear on who evaluates the signatures, and recent case law has said that the Board of Representatives should not be the entity doing it; there is history of Zoning Board staff engaging in this process;
- There is no reason to question the validity of the verification of the signatures by the Land Use Bureau in this instance
- it is not clear that there is any obligation of the Zoning Board if the resolution passes because there is no valid petition to refer;
- introducing a process that is not in the Charter or the zoning regulations could create confusion and potential risk, which would need to be evaluated in a formal opinion;
- there is no clear authority for the Board of Representatives to do anything with regard to this approval at this point because there was not a valid petition
- The documents are public records which anyone could look at to decide for themselves if they thought there was a valid petition, but it would not affect the valid option provided by the Law Department upon which the Land Use Bureau relied to do its work

- City staff did their duty and submitted their results and conclusion that there were not sufficient signatures, based on the legal interpretation they were provided; even if someone else were to examine the signatures, they would have to apply the valid law department opinion

Committee members continued to discuss Item No. 3, including the following

- The Board should not move forward without an opinion
- One principle the Board should follow is to follow the rules

A motion to hold Item No. 3 was made, seconded, and failed by a vote of 3-7-0 (Reps. Campbell, Grunberger and Mays in favor; Reps. Bewkes, Sherwood, de la Cruz, Florio, Matheny, Summerville and Tomas opposed).

Committee members continued to discuss Item No. 3, including the following:

- City staff should not be accused indirectly of impropriety
- The Board members are not experts

In response to questions from the committee, Mr. Blessing stated that this was a matter of counting signatures, based on the rules and regulations established by the Charter and as confirmed by the Law Department

A motion to approved Item No. 3 was made, seconded, and approved by a vote of 9-2-0 (Reps. Bewkes, Sherwood, Adams, Campbell, de la Cruz, Florio, Matheny, Summerville and Tomas in favor; Reps. Grunberger and Mays opposed).

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| 4. LU31.005 | VERIFICATION; Petition to Appeal Zoning Board Approval No. 221-20
01/05/22 - Submitted by Reps. Bewkes, Curtis, Sherwood and Stella | Held 11-0-0 |
| 5. LU31.006 | REJECTION <u>and public hearing</u> ; Appeal of Amendment to the Zoning Regulations under Zoning Board Approval No. 221-20
01/05/22 - Submitted by Reps. Bewkes, Curtis, Sherwood and Stella | Held 11-0-0 |
| 6. LU31.007 | REVIEW; Petition and Appeal for Application of Amendment to the Zoning Regulations under Zoning Board Approval No. 221-20.
01/05/22 - Submitted by Reps. Bewkes, Curtis, Sherwood and Stella | Held 11-0-0 |

Chair Bewkes adjourned the meeting at 11:10 p.m.

Respectfully submitted,
Bradley Bewkes, Chair

This meeting is on video ([Pt. 1](#) & [Pt. 2](#))