



## ***Land Use-Urban Redevelopment Committee – Board of Representatives***

Nina Sherwood, Co- Chair

Carmine Tomas, Co-Chair

# **Continued Special Meeting Committee Report**

**Date:** **NEW!** **Monday, November 4, 2024**

**Time:** 6:30 p.m.

**Place:** *This meeting was held in the Democratic Caucus Room, 888 Washington Blvd, Stamford, CT, 4th Floor and remotely.*

The Land Use-Urban Redevelopment Committee met as indicated above.

In attendance were Co-Chairs Nina Sherwood and Carmine Tomas, and Committee Member Reps. Bonnie Kim Campbell, Virgil de la Cruz, James Grunberger, Thomas Kuczynski, Jennifer Matheny, Don Mays, and Annie M. Summerville. Committee member Reps. Terry Adams and Karen Camporeale were absent or excused.

Also in attendance were Reps. Sean Boeger, Mary Fedeli, Anabel Figueroa, Carl Goldberg, Eric Morson, Bobby Pavia, Jeff Stella, Jessica Vandervoort, Kindrea Walston and Carl Weinberg; City staff Ralph Blessing, Land Use Bureau Chief; Cindy Barber, GIS Administrator; Assistant Corporation Counsel attorneys John Harness and Mike Toma; Mr. Steve Garst, and members of the public.

Co-Chair Sherwood called the meeting to order at 6:32 p.m.

<b>Item No.</b>	<b>Description</b>	<b>Invitee(s) or Designees</b>
1. <a href="#">LU31.045</a>	REVIEW; To investigate the rejected petition from Zoning Board on 10/21/24 10/24/2024 – Submitted by Rep. Tomas <b>11/04/2024 – REPORT MADE</b>	<b>T. Cassone</b> <b>S. Garst</b> <b>R. Blessing</b>

A procedural overview was provided, with emphasis on decorum and the scope of the discussion.

1. Counting signatures on petitions.
  2. Identifying valid signatures.
  3. Clarifying procedures for determining landowner lists and the 500-foot rule.
- **Key Issues Highlighted:**
    - Whether landowners in adjacent municipalities (specifically Darien) should be included in petitions.
    - The legal basis for determining which landowners within 500 feet of a property qualify for petition inclusion.

### **Legal Framework and Opinions**

- **1990 Legal Opinion on Cross-Municipality Inclusion:**

Attorney John Harness, Assistant Corporation Counsel, presented the rationale for including landowners from neighboring municipalities (e.g., Darien). This was based on:

  - A 1990 legal opinion related to a zoning issue near the Greenwich border.
  - Statutes and charter provisions requiring the inclusion of landowners within 500 feet of the affected property boundary, regardless of municipal boundaries.
- **Contentious Points:**
  - **Representative de la Cruz** argued that the 1990 legal opinion was outdated and misinterpreted, emphasizing a distinction between legal precedents for "aggrieved parties" (those who can file lawsuits) and zoning petition rules.
  - Some representatives questioned the unilateral application of the legal opinion to current circumstances without revisiting or updating the framework.

### **Comparative Case Discussion: Cannabis Dispensary Zoning**

- **Comparison with Prior Case:**

Representative Kuczynski highlighted inconsistencies between current zoning petition handling and a prior case involving a cannabis dispensary at the border of Darien. In that case:

  - Darien residents were informed they had no standing to influence decisions.
  - Contrasts were drawn regarding procedural clarity and fairness in including neighboring residents in the petition process.
- **Key Question Raised:**

Why were Darien landowners automatically included in the current case, despite not actively participating, while they were excluded from the cannabis dispensary zoning decision?

### **Petition Specifics**

- The committee reviewed **67 signatures** deemed valid by both petitioners and the Land Use Bureau.
- Two additional lists were presented by:

1. **Land Use Bureau** – Outlining questionable signatures.
  2. **Petitioners** – Highlighting disputed or missing entries.
- The committee planned a **signature-by-signature review** to evaluate validity and resolve discrepancies.

### **Procedural Transparency Concerns**

- Several representatives, including Kuczynski, emphasized the importance of:
  - Clear, **publicly accessible guidelines** for future petitioners.
  - **Pre-identified landowner maps** showing impacted properties.
  - Simplified processes to ensure residents are informed of petition requirements and eligibility criteria.
- Concerns were raised about potential ambiguity in interpreting zoning rules, particularly regarding what qualifies as "500 feet" and ownership boundaries.

### **Outcome and Next Steps**

#### **1. Focus Areas Identified:**

- Clarifying the scope of zoning petition rules.
- Revisiting the legal opinion for updates or better alignment with modern needs.
- Resolving discrepancies in signature counts and validity.

#### **2. Chair's Directive:**

- Reiterated the committee's intent to remain impartial and avoid discussions on the merits of specific zoning applications.
- Suggested future procedural improvements to enhance transparency and equity.

### **Key Highlights of Exchanges**

- **John Harness's Defense of Inclusion of Darien Residents:**
  - Argued that Connecticut law allows Darien residents to appeal zoning decisions affecting their properties, thereby validating their inclusion in petitions.
  - Noted reliance on prior legal precedents.
- **Representative de la Cruz's Criticism of the Legal Basis:**
  - Called the 1990 opinion "incorrect" and argued that cases cited were unrelated to zoning petition rules.
  - Suggested a need to distinguish between statutory appeal rights and municipal petition rules.
- **Representative Kuczynski's Push for Transparency:**
  - Advocated for maps and clearer rules to guide residents through petition and zoning processes.
  - Expressed concern about perceived inconsistencies and lack of public awareness.

The committee agreed to prioritize clearer, actionable guidelines for petition processes, particularly on signature validation and cross-municipality inclusions.

A motion to adjourn the Land Use Committee meeting to continue on Tuesday, November 12, 2024 at 7:30 p.m. as a HYBRID meeting (being held simultaneously via webinar and in the Democratic Caucus Room) was made, seconded and approved unanimously 9-0-0 by voice vote of member Reps.

Co-Chair Sherwood adjourned the meeting at 11:32 p.m.

Respectfully submitted,

Nina Sherwood, Co-Chair

This meeting is on [video](#).