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**MINUTES OF THE ZONING BOARD**  
**PUBLIC HEARING & REGULAR MEETING,**  
**HELD MONDAY, MARCH 24, 2014, 7:00 P.M.,**  
**4<sup>TH</sup> FLOOR, CAFETERIA, GOVERNMENT CENTER**  
**BUILDING, 888 WASHINGTON BLVD,**  
**STAMFORD, CT 06901**

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

Barry Michelson called the meeting to order and opened the Regular Meeting at 7:14 p.m. Mr. Michelson asked to take the agenda out of order and go to Old Business to discuss the O&G Industries agreement.

**OLD BUSINESS**

1. **Application 96-024, 207-05 - O&G Industries, 72 Davenport Street**, stipulated agreement to resolve court appeal.

Attorney William Hennessey stated he felt all parties are in agreement, including staff.

Attorney Jim Minor, City of Stamford agreed.

Wes Stout, Landscape Architect explained the planting of trees and ivy.

Mr. Stein asked if wall plantings would be irrigated? Mr. Stout said yes and referred to plan SP-3 for clarification and further Board discussion.

After further discussion, Mr. Stein moved to accept the stipulated agreement. Mr. Morris seconded the motion and the agreement was unanimously approved 4 to 0 (Michelson, Morris, Stein and Gwozdzowski).

Mr. Michelson returned to the Public Hearing.

**PUBLIC HEARING**

1. **Application 214-02 – ZONING BOARD, CITY OF STAMFORD, 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. Cole read a description of the application into the record and the exact proposed text change being requested.

Mr. Michelson told the Public there was a sign up sheet to speak and encouraged the public to express their concerns which will help the Board reach a decision.

Mr. Cole read a copy of the Planning Board referral letter into the record.

Patricia Foston, 79 Webb Avenue, discussed how home based production of medical marijuana got out of control in Canada forcing them to change their law. Connecticut should follow Canada's example. She said this should never be allowed at all in Stamford. Mr. Michelson explained what the text amendment would involve. The moratorium would allow the board to explore options on this matter. Ms. Foston submitted the article into the record.

Kiran Ryan, 345 Stamford Avenue, spoke in favor of the moratorium to allow the Board to get a handle on this issue and how it will impact Stamford. The Zoning Board should have participated in issuance of the Zoning permit at 46-50 Magee and doesn't understand how this matter bypassed the Zoning Board or the oversight process. This use will hurt this neighborhood. Marijuana should be handled like any other controlled substance.

Michael Kirshbaum, owns 22 Magee Avenue, stated only four dispensaries will be allowed in Connecticut. Has a signed petition from every parcel owner on Magee Avenue opposing this site. The approved site lacks adequate parking and will cause traffic congestion and hurt surrounding businesses and he is in favor of the moratorium.

Dominic Franchella, owner Stamford Ford Lincoln on Magee Avenue, is in favor of the moratorium and hopes to stop the plan at 46-50 Magee Avenue. As a property owner, he was never notified of this proposed use. Mr. Michelson explained how the property use on this specific parcel received legal opinion from the City of Stamford saying a "drug store" use was permitted in this zone and a "dispensary" was the same as a "drug store".

Steve Anastos, 88 Verplank Avenue expressed concern with traffic and parking issues not only on Magee Avenue but in and out of Shippan. The area is already impacted by the sewage treatment plant, a junk yard, the gravel pit, tile store and he supports the moratorium.

Michael Kirshbaum asked if the approval was already a fait accompli at the one location? Mr. Michelson said no, the Zoning Board is very interested in what the public has to say on this topic. There is real concern about the dispensary going through the process as a drug store.

Kathleen Mathews, 43 Harbor Drive, asked a question about drug stores dispensing marijuana if it is not FDA approved. She also objected to how Corporation Counsel issued the drug store opinion.

Frank Cobb, 33 Myrimar, spoke in favor of the moratorium.

Dominic Franchella had a question about how the parking will work and what the bulk of the interior of this building would be used for. How will the City enforce that the building is not used other than for what is approved? Mr. Cole said the Zoning Enforcement Officer is responsible to approve the parking regulations and enforcement of parcel use.

Kiran Ryan noted the applicant still needs a permit from the State and he urged people to write to their state representatives and Department of Consumer Protection because they are the responsible parties to approve this.

Terry Adams, 15 Lipton Place spoke in favor of the moratorium. His constituents were completely surprised by this applicant, opposed to this use and in favor of a moratorium. Should be sited away from homes and local businesses.

Kathleen Mathews said this dispensary should be run by a government or hospital entity, not by a private for-profit company. It takes the cash out of the system.

Regina Kirshbaum, 24 Ralsey Road, submitted a 34/35 signature petition against 46-50 Magee.

Mr. Michelson closed the hearing on this matter at 8:18pm and called a brief recess. Mr. Michelson resumed the regular meeting at 8:40pm.

### **REGULAR MEETING**

#### **APPROVAL OF MINUTES:**

##### **Minutes of March 10, 2014**

Mr. Stein had a clarification to his being seated in place of Mr. Michelson and asked for a correction. Mr. Michelson asked for a correction on page 3 regarding parking. After a brief discussion, Mr. Morris moved to approve the minutes as amended. Ms. Gwozdzowski seconded the motion and the minutes were unanimously approved 4 to 0 (Michelson, Morris, Stein and Gwozdzowski).

#### **PENDING APPLICATIONS:**

1. Application 214-02 – ZONING BOARD, CITY OF STAMFORD, Text change

Mr. Michelson summarized that the Board heard strong concerns voiced by the public this evening regarding the Magee Avenue facility and how the process subverted the Zoning Board and the normal course of approval.

Mr. Michelson asked for a motion to amend the regulations with respect to the two new definitions. Mr. Stein moved to approve the proposed definitions as submitted, Ms. Gwozdzowski seconded the motion and this portion of the text change application was unanimously approved 4 to 0 (Michelson, Morris, Stein and Gwozdzowski).

Mr. Michelson asked if the Board would like to comment on the moratorium portion of the application.

Mr. Stein spoke in favor of a moratorium to allow rules to be established regarding dispensaries but felt it was too late to affect the approval of the facility on Magee Avenue.

Mr. Morris spoke in favor of a moratorium and asked if Legal Director, K. Emmett would meet with the Board to discuss. Mr. Morris asked if the ZEO permit could be appealed? Mr. Cole said yes, to the ZBA. Mr. Morris asked if the zoning permit decision has been published. Mr. Cole said he didn't know and it may still be possible to appeal to the ZBA. Mr. Morris asked how a resident would know the ZEO had made a decision on this? Mr. Cole said the Board may want to ask Attorney Emmett if there was pursuit of estoppel for damages to surrounding properties. After a brief discussion, Mr. Cole said it appeared a second permit would be needed to build the store.

Ms. Gwozdzowski said she was in favor of a moratorium based on the concerns expressed by the public regarding traffic and impact to the neighboring properties.

Mr. Morris spoke in favor of a moratorium.

Ms. Gwozdzowski made a motion to approve the text amendment establishing a moratorium for one year on the issuing of permits for a marijuana dispensary and marijuana producing facility, seconded by Mr. Stein and the motion was unanimously approved 4 to 0 (Michelson, Morris, Stein and Gwozdzowski).

Ms. Gwozdzowski made a motion to adjourn, seconded by Mr. Morris and the motion was unanimously approved 4 to 0 (Michelson, Morris, Stein and Gwozdzowski).

Mr. Michelson adjourned the meeting at 9:05pm.

Respectfully submitted,

Barry Michelson, Acting Chairman  
Stamford Zoning Board