

PLANNING AND ZONING
January 15, 2014

The Planning and Zoning Commission of the Town of Trumbull met for a regularly scheduled meeting on Wednesday, January 15, 2014 in the Council Chambers of the Trumbull Town Hall.

Members Present: Anthony Chory, Chairman
Tony Silber, Secretary
Fred Garrity, Jr. and alternates
Steven Mahlstedt and Don Scinto

Also Present: Jamie Brätt, Director of Planning and Development
Vincent Marino, Town Attorney

The following is a brief summary of the meeting. A complete record is on tape, on file, in the office of the Planning and Zoning Commission located in the Trumbull Town Hall.

A quorum being present, the Chairman called the meeting to order at 7:37 p.m.

AGENDA

The meeting began with the introduction Vincent Marino, of Cohn and Wolf, the newly appointed land use attorney for the Town.

Municipal Improvement

Pursuant to CGS 8-24 request for P&Z recommendation for the sale of property known as Temple Street, as part of settlement of case Joseph Krisak V. Estate of Rufus T. Rockwell et al, Docket No. FBT-CV-07-5010106-S

Attorney Mark J. Kovack of Berchem, Moses & Devlin addressed the Commission providing background on the pending litigation.

Joseph Krisak alleges to have obtained title to Temple Street by adverse possession. Attorney Kovack advised that there is no evidence that the Town ever maintained this paper road. Krisak, in contrast, has produced materials demonstrating the plaintiff's possession and control over the subject land over a long period of time.

The parties entered into settlement negotiations and have reached agreement whereby the Town, in consideration for payment of \$7,500.00 will quit claim all rights to Temple Street to Joseph Krisak subject to a ten foot wide pedestrian easement in favor of the Town. The easement will allow for access to the Town's open space land from Catherine Street.

MOTION MADE (Mahlstedt), seconded (Scinto) and unanimously carried to recommend approval of the settlement agreement negotiated between the Town of Trumbull and Joseph Krisak as it pertains to the sale of the property known as Temple Street.

Minor Modification of Approved Site Plan

Special Permit #13-15 – RDR 5520, LLC
5520 Park Avenue

Attorney Raymond Rizio came forward representing the applicant. Application #13-15 received approval for 72 additional parking spaces in May of 2013.

Subsequent to the approval, the facility's parking garage, which is located in Bridgeport, was redesigned reducing the number of garage spaces from 518 to 478. There are no proposed changes to the approved parking plan located in Trumbull. The Commission was advised that the reduction in spaces will not bring the project into non-conformity with parking requirements. The combined 693 spaces continue to exceed the 663 required. It was noted that all conditions of approval, as they pertain to Application #13-15, still remain in effect.

MOTION MADE (Garrity), seconded (Silber) and unanimously carried to approve the proposed modifications to the approved parking plan for Application #13-15.

At this point, Commissioner Silber voiced concern regarding the inadequate parking situation at the shopping complex located at 51 Monroe Turnpike. It was agreed that current commercial parking requirements warrant re-evaluation. The issue will be put on the agenda for discussion at one of the upcoming P&Z meetings.

Planner's Report

Review Draft of Medical Marijuana Regulations

Prior to Jamie Brätt's presentation the First Selectman, Timothy M. Herbst, addressed the Commission offering the following input on the proposed regulation pertaining to this issue.

First Selectman Herbst advised that he has reviewed the deliberations held by this Board on this matter and expressed the following concerns.

A more expansive moratorium should be implemented, as was recommended by the Town Attorney and staff. Adoption should not be rushed into, as additional due diligence needs to be applied.

For example, the language is too broad and does not clearly delineate the standard an applicant must meet in articulating community benefits (Sec. 4 – 4.16 A). The language needs to clearly define what constitutes a nuisance or negative impact. The proposed regulation, in its current form, creates too much discretion and does not provide a consistent standard that can be applied.

The Commission has also not, as yet, articulated what they view as a suitable zone to locate marijuana dispensing and production facilities and whether establishing these types of facilities would be of benefit to the community.

Mr. Herbst advised that this type of regulation requires a strong bi-partisan consensus on how this particular use should be implemented. A four month moratorium does not provide ample time to conduct the extensive research needed in order to create clear and effective regulations.

Commissioner Garrity noted that the proposed language being presented for consideration tonight is only the initial draft and that the moratorium can be extended if additional time is required.

Following the First Selectman's comments Jamie Brätt came forward and distributed the preliminary draft for the Commission's review.

The Town Attorney noted that the moratorium placed on this issue will expire in the beginning of March and that the process of drafting regulations will likely take a longer period of time. Attorney Marino stressed the importance of having well-defined language that will allow the Commission to have control over this matter.

Attorney Marino recommended, and the Commission agreed, to have the moratorium placed as an agenda item on the upcoming meeting to allow for action on an extension, if it is needed.

The Town Planner then provided a brief overview of the preliminary draft requesting Commission members to review the document in depth prior to discussion at an upcoming working session. Ms. Brätt informed that 90% of the text has originated from a task force that is working on medical marijuana language for New England. Jamie Brätt noted that, right now, the document excludes dispensaries anywhere in Town.

Chairman Chory requested and the Town Planner agreed to supply data from out of state municipalities with existing production facilities. Ms. Brätt asked members to provide her with any other questions or concerns they may wish to have researched.

The preliminary draft to be re-visited at a special session of the Commission to be held on Monday, February 3, 2014 at 7:00 p.m. in the Helen Plumb building located on Church Hill Road.

There being no further business to discuss a motion was made by Commissioner Garrity and seconded by Commissioner Silber to adjourn.

The January 15, 2014 meeting of the Planning and Zoning Commission adjourned at 9:12 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog
Clerk

