

PLANNING & ZONING
COMMISSION
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

WILTON PLANNING & ZONING COMMISSION MINUTES FEBRUARY 24, 2014 REGULAR MEETING

PRESENT: Chairman Christopher Hulse, Vice-Chair Sally Poundstone, Secretary Doris Knapp, Commissioners Lori Bufano, Joe Fiteni, Bas Nabulsi, Peter Shiue, and Franklin Wong

ABSENT: Marilyn Gould

ALSO

PRESENT: Robert Nerney, Town Planner; Daphne White, Assistant Town Planner; Lorraine Russo, Recording Secretary; members of the press; and interested residents.

PUBLIC HEARINGS

- 1. SP#386, Hoffman Landscapes, Inc., 647-651 and 631-643 Danbury Road, To amend SP#267 with respect to operation of a contracting business at the premises**

Mr. Hulse called the Public Hearing to order at approximately 7:15 P.M., seated members Bufano, Fiteni, Hulse, Knapp, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the hearing was postponed until March 10, 2014 at the request of the applicant.

Mr. Hulse asked if anyone in the audience wished to speak for or against the application.

There being no further comments from the Commission or the public, at approximately 7:16 P.M. the Public Hearing was continued until March 10, 2014.

2. REG#14343, Proposed moratorium on acceptance of applications for Medical Marijuana Dispensary and/or Production Facilities

Mr. Hulse called the Public Hearing to order at approximately 7:16 P.M., seated members Bufano, Fiteni, Hulse, Knapp, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Knapp read the legal notice dated February 10, 2014.

Mr. Nabulsi arrived and was seated at approximately 7:17 P.M.

Mr. Nerney referenced the recent bill passed in the Connecticut legislature to allow for the production and dispensing of marijuana in Connecticut for medicinal purposes. He stated that he attended a seminar session last September where the Commissioner of Consumer Protection presented an overview of the State act. He noted that many Towns (including Ridgefield and New Canaan) are enacting a moratorium on the issuance of zoning permits to provide time to study, and create regulations consistent with, the new State legislation. He explained that the purpose of this evening's hearing is not to discuss the merits or locations of such facilities but rather to just consider the moratorium as proposed. He noted that a proposed moratorium is the same as a proposal to amend zoning regulations, albeit for a temporary period of time, and thus the reason for a public hearing to gather information/input from the general public.

Mr. Hulse asked if anyone in the audience wished to speak for or against the application.

Mike Stenzler, 66 Graenest Ridge Road, stated that his wife is disabled with multiple sclerosis and, as a result, is unable to walk. He noted that her physician has indicated that medical marijuana would help her with debilitating nerve pain. He questioned the need for such a moratorium, referencing the fact that Connecticut's rules/regulations adopted in 2012 are among the most restrictive in the country. He felt that the proposed moratorium appears to be a solution to a problem that doesn't exist since no one has even applied for a medical marijuana permit in Town. He felt that such an action sends a message that Wilton doesn't care about, and is lacking in compassion for, its disabled residents/neighbors. He emphasized that this is not for recreational use of marijuana but is rather for a legitimate medicinal use for people in need of such a drug. He noted further that such facilities would be a boon to the Town, generating both jobs and tax revenue.

Mr. Hulse thanked Mr. Stenzler for his input.

Mr. Nerney explained that the proposed moratorium is not to pass judgment on the subject or its merits but is rather to address the issue of land use as it relates to such a use, (e.g. what would be the best zoning district for such a facility, etc). He stated that since it is a medical use, he would envision it being treated as such with it perhaps being

allowed in a professional office building.

Mr. Hulse noted for the record that an amendment to address such issues could be formulated and passed much sooner than a year's timeframe.

Mr. Nerney explained that any formal regulations amendment would be subject to the usual public hearing process, similar to this evening's hearing.

There being no further comments from the Commission or the public, at 7:28 P.M. the Public Hearing was closed.

REGULAR MEETING

- A.** Mr. Hulse called the Regular Meeting to order at 7:28 P.M., seated members Bufano, Fiteni, Hulse, Knapp, Nabulsi, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. February 10, 2014 – Regular Meeting

MOTION was made by Ms. Knapp, seconded by Ms. Poundstone, and carried (7-0-1) to approve the minutes of February 10, 2014 as drafted. Mr. Shiue abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

- 1. SP#386, Hoffman Landscapes, Inc., 647-651 and 631-643 Danbury Road, To amend SP#267 with respect to operation of a contracting business at the premises**

Tabled.

2. REG#14343, Proposed moratorium on acceptance of applications for Medical Marijuana Dispensary and/or Production Facilities

The Commission discussed the proposed moratorium in more detail.

Mr. Wong questioned the basis upon which the Town would be setting up regulations for one medication but not for any others.

Mr. Nerney noted that the State statute allows for communities to weigh in on the matter, similar to its alcohol-related regulations.

Mr. Hulse felt that the Town would not want to be caught in a situation where it was unprepared, noting that a moratorium provides some time for the Town to engage in these types of discussion.

In response to questions from Ms. Knapp, Mr. Nerney explained that the State has imposed strict licensing requirements/procedures (e.g. an on-premises pharmacist, prescription-only dispensing, restrictions for specific diseases, etc.) but has not imposed any land use standards except for some signage restrictions. He explained further that such a facility must be a stand-alone business and cannot be part of a standard pharmacy.

Mr. Wong felt that any comparison to alcohol was not legitimate since medical marijuana would be prescribed by a physician whereas alcohol is not.

Mr. Nabulsi felt that the dispensary aspect of the business would be a relatively straightforward portion of any regulations amendment, as compared to the growing of the product. He thought that perhaps the Commission could act fairly quickly on the dispensary portion of any new regulation.

Staff distributed a Draft Resolution #0214-1REG for Commission review.

In response to additional questions from Commissioners, Mr. Nerney explained that a very limited number of licenses will be issued and scattered state-wide so as to provide convenient access to the citizenry of Connecticut. He again emphasized the State's imposition of very strict standards, noting further that volume associated with a typical pharmacy is not anticipated in this situation.

Ms. Poundstone stated that she would regret leaving the community unprepared if someone were to come in with an application in the near future and regulations were not in place to properly address the matter. She felt that the proposed moratorium would protect the Town and the community while the Commission takes some time to study the matter, formulate regulations, etc.

Mr. Wong disagreed.

Mr. Nabulsi noted that the Town would need to consider issues such as zones where the use would be permitted, parking requirements, etc. He questioned what other use the Commission would look to as a possible template for development of such regulations.

Mr. Nerney stated that it would be helpful to look more carefully at the actual Statute itself.

Ms. Knapp asked if it would be possible to contact other Towns that have already gone through this process for some guidance.

Mr. Nerney stated that if the moratorium is passed, the Town has an obligation to begin the study and to gather information from the Statute as well as from other communities.

Ms. Poundstone felt that a moratorium would empower the Commission to begin a rather intensive work on this regulation. She felt that the issue of medical marijuana was different from package stores for the sale of alcohol in Town since package stores had been voted on by the citizenry of the Town, whereas medical marijuana was not.

MOTION was made by Ms. Knapp, seconded by Ms. Poundstone, and carried (7-1) to adopt as drafted Resolution **#0214-1REG** for **REG#14343**, effective February 28, 2014. Mr. Wong opposed.

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Ms. Bufano, seconded by Mr. Nabulsi, and carried unanimously (8-0) to adjourn at 7:49 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary