



TOWN OF RIDGEFIELD Planning and Zoning Commission

APPROVED/REVISED MINUTES PLANNING AND ZONING COMMISSION Zoom Webinar Meeting Public Hearing

These minutes are a general summary of the meeting and are not a verbatim transcription.

July 27, 2021 Present: Susan Consentino (Joined at: 7:01 p.m.)
Joseph Dowdell
Joseph Fossi
George Hanlon
Robert Hendrick
John Katz
Rebecca Mucchetti, Chair
Ben Nneji
Charles Robbins, Vice Chair

Also Present: Richard Baldelli, Director, Planning and Zoning, ZEO
Karen Martin, Town Planner
Eileen White, Recording Secretary

I. Call to Order

Chair Mucchetti called the Public Hearing to Order at 7:00 p.m. via Zoom Webinar. She gave an overview of the Agenda and the aspects of Zoom Webinar procedures.

Due to power outages from a thunderstorm, Item Number One under Discussions was discussed and voted upon after Item Number Four to allow the maximum number of Commissioners to be present.

II: Public Hearing:

- 1. A-21-3(Contd.):** Regulation amendment Application per Section 9.2.B to add a Section 7.16 Renewable Energy Regulations and Section 2.2 – Definitions.
Commission initiated.

Since the Legal Notice was read at the May 11, 2021 Public Hearing, it did not need to be read again.



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Ms. Martin screenshared the changes she made based on the discussion during the July 13, 2020 Public Hearing, including having all wind energy systems be under the Special Permit Application process.

The Chair asked if there were any comments or questions from the Commissioners.

Commissioner Consentino stated that the Commission had not addressed the screening. She proposed that the Inland Wetlands Board and the Conservation Commission, having a few landscape architects amongst them, could advise the Planning and Zoning Commission as to size and types of screening.

Mr. Baldelli said that all Special Permit Applications have a landscaping component. He also said that the Inland Wetlands Board has nothing to do with landscaping and that all Special Permit Applications have to first be approved by the Inland Wetlands Board.

Commissioner Katz said it is going to be difficult to satisfy all Planning and Zoning Commission members. He also said that Ms. Consentino had a rational point.

Discussion continued amongst the Commissioners about where and what language to insert for landscaping.

Ms. Martin and Mr. Baldelli, together, came up with: “a landscaping plan submitted with the Application shall provide adequate screening.”

The Chair clarified that that section would be a new “e” under Section F.2.

The Chair asked for any addition questions or comments regarding a landscaping plan requirement.

The Chair asked Ms. Martin if there was Technical Correspondence. Ms. Martin responded that Mr. Dwayne Escola of RACE had sent a letter, which was under general correspondence.

The following citizens gave public comment:

- Ms. Lori Mazzola
- Ms. Mariah Okrongly

Discussion focused mainly on clarifying the allowable installation size per square footage of property and whether restrictions come more from the utility company versus Town regulations.

Due to the impending storm, Mr. Katz left the Webinar at: 7:30 p.m. to take care of his vehicles.



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The Chair asked for further additional questions or comments and none were given. She acknowledged Ms. Martin for the work she has done.

The Public Hearing closed at: 7:31 p.m.

Hearing no further discussion, the Chair closed the Public Hearing at: 7:31 p.m.

Chair Mucchetti called the Meeting to Order at 7:31 p.m. via Zoom Webinar.

The Chair stated that although she had originally said that the Agenda Items would be considered in order, in order for Mr. Katz to vote on the proposed Regulation Amendment on Renewable Energy, Item Number Two Under Discussions would be considered before Item Number One.

III: Discussions:

1. **A-21-3:** Regulation amendment Application per Section 9.2.B to add a Section 7.16 Renewable Energy Regulations and Section 2.2 – Definitions. Commission initiated.

Due to thunderstorms, Mr. Hanlon (at: 7:37 p.m.), Ms. Consentino (at: 7:38 p.m.), and Mr. Katz (at: 7:38 p.m.) left the Webinar.

The Chair asked those present if a vote should be taken. The consensus was to take a vote and a quorum was present.

Mr. Katz returned to the vote via phone at: 7:38 p.m.

Ms. Consentino rejoined the Webinar at: 7:39 p.m., after the Commissioners voted on Item Number One under Discussions.

Mr. Katz motioned, Mr. Hanlon seconded, to approve as amended. Effective Date: August 6, 2021. Motion carried 7-0; Ms. Consentino and Mr. Hanlon were not present due to the thunderstorm.

2. **VDC-21-5:** Village District Application per Section 8.3 and Sec.5.1.B. of the Town of Ridgefield Zoning Regulations for wall signs –“Jaipore” at **19 Bailey Avenue**. Owner: *Jeannette Laforte*. Applicant: *Malvyn Paulino*.

The Chair stated that the only recommendation that the VDC was that the wall sign lettering match the building sign lettering.

Mr. Katz returned to the Webinar at: 7:33 p.m.



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Mr. Katz motioned, Mr. Robbins seconded, to approve as presented. Motion carried 9-0. Effective Date: August 6, 2021.

3. **VDC-21-6:** Village District Application per Section 8.3 and Sec.5.1.B. of the Town of Ridgefield Zoning Regulations for wall sign “Cross Logo” at **381 Main Street**. *Owner: 381-383 Main street LLC. Applicant: Karen Stark.*

Mr. Robbins motioned, Mr. Hanlon seconded, to approve as presented. Motion carried 9-0. Effective Date: August 6, 2021.

4. **SP-21-11:** Revision to Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations to construct a two pergola over existing bocce Court at a property located at **193 Danbury Road** (Founders Hall). *Owner: Ridgefield Senior Center Foundation. Application: Grace Weber.*

Mr. Katz motioned, Mr. Hanlon seconded, to approve as presented. Motion carried 8-0-1. Effective Date: August 6, 2021. Ms. Consentino was recused.

5. Marijuana Legislation- Update/ Discussion. % Staff

The Chair asked the Commissioners if they wanted to go into the discussion on this matter, given the power outages from the storm and the loss of some Commissioners on the Zoom Webinar. The consensus was to do so.

Chair Mucchetti stated that Ms. Martin had put a conversation about the Marijuana legislation on the table weeks ago. She furthered that a number of Town officials had been invited and that Chief of Police Kreitz had sent word that he could not attend.

Ms. Mucchetti also said that the Commission had not heard from the Fire Chief and that Mr. Ed Briggs, Director of Health, had sent a letter. The Chair welcomed First Selectman Rudy Marconi; Director of Social Services, Tony Phillips; and Chair of the ECDC, Geoffrey Morris, who attended the Webinar.

In addition, Ms. Mucchetti stated that the Commission had been hoping to have a representative of the Substance Abuse Coalition, but Mr. Katz and Mr. Marconi had both worked with the Coalition and could offer guidance from that perspective.



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The Chair asked Mr. Marconi if he had a sense of who else might be in attendance. Mr. Marconi replied that Ms. Tina Malhorta or Ms. Kim Carone might be in attendance. The Chair checked the roster of attendees and neither were present.

Town Planner Martin asked that if anyone was in the attendee section who was from the Prevention Council, they should raise their hand to be elevated to the panelist level. No hand was raised.

Because of the power outages, Ms. Martin gave a quick summary of the memo she had distributed. The purview of the Commission is over retail recreational marijuana establishments.

Ms. Martin stated that a municipal Planning and Zoning Commission with respect to recreational marijuana establishments has the following options:

- The Commission could take no action, in which case, the existing zoning language remains in place. If an application comes in for a recreational marijuana establishment, the application would have to be reviewed under the regulations for a retail establishment, that being the “most similar” use under current regulations;
- The Commission could create new regulations to allow recreational marijuana establishments under certain perimeters. The State statute allows some limitations that Planning and Zoning Commissions can have such as on: signage, location, proximity to schools or religious institutions, whether it is as of right or by Special Permit;
- The Commission could zone to prohibit Cannabis establishments entirely and draft appropriate language banning them; and
- The Commission could be a temporary moratorium, where no applications would be received or approved for a specific amount of time. This is what the Planning and Zoning Commission did in 2014, when medical marijuana was made legal in Connecticut. The Commissioners took the time to do research, including how the new legislation was effecting the public and had a study group. There could be a specific sunset date on the temporary moratorium.

Ms. Martin furthered that no action could be taken tonight because any of these changes would require a Public Hearing and a Zoning Regulation change.

Ms. Martin also said that other Connecticut Towns have had Public Hearings and have taken actions. The Staff thought that a discussion with Town stakeholders tonight would be beneficial in determining next steps.



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Mr. Katz rejoined the Webinar at: 7:45 pm.

Mr. Hanlon rejoined the Webinar at: 7:47 p.m.

The Chair stated that all nine Commissioners were present on the Webinar at: 7:47 p.m.

Chair Mucchetti conveyed that Ms. Martin had clarified the action taken by the Commissioners in 2013. Ms. Mucchetti also researched the Commissioners prior actions about the medical use of marijuana. She said that Ms. Martin reminded her that a Public Hearing was necessary to have a moratorium.

The Chair asked the guests to speak, starting with First Selectman Rudy Marconi.

Mr. Marconi stated his gratitude for being able to speak to the Commissioners. He also acknowledged the presence of Messrs. Morris and Phillips. As he testified the last time, he feels there is a lot more research to be done prior to opening a cannabis establishment. Alcohol remains the number one abuse in the schools. Studies have shown that 8-10% of cannabis users become addicted but that marijuana use is not fatal.

Mr. Marconi also said that there are three Alcoholics Anonymous meetings held in Ridgefield every day and he is concerned that that sort of need would exist 10-15 years from now, if not enough study regarding recreational marijuana use had taken place.

The First Selectman also stated that Dr. Ruggles of the Ridgefield Coalition sent him a scientific study that the former said was free of any political or ideological interests that he will send on to the Commissioners. It outlined a study of 1500 people from ages 12-15 which found that there were significant neurological changes from using marijuana.

Mr. Marconi continued that Town of Ridgefield employees operate under federal law, which prohibits marijuana use. In a recent discussion of the Board of Selectmen, most said they were against a retail cannabis establishment.

Mr. Phillips, Director of Social Services, said that he came before the Planning and Zoning Commission 4 to 5 years ago and feels “the horse has left the barn” on this issue. People are using it and he feels the Town can harness the 3% revenue that the Marijuana legislation allows.

Mr. Morris, Chair of the ECDC, said that he would like to see an open debate. He said that the New York Times had reported that Ridgefield had banned the use of cannabis and that Mr. Marconi was talking as if marijuana was not legal, when it now is. Mr. Morris continued that the ECDC had voted to debate the issue.



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Mr. Marconi said that he was not talking about the legality of marijuana and that he did not know why the ECDC had taken over the discussion.

Mr. Morris said that economic development opportunities are the purview of the ECDC. Mr. Marconi continued that the ECDC should be reporting to the Board of Selectmen.

The Chair read the letter from the Director of Health, Mr. Ed Briggs, into the Record, which urged the Commission not to allow recreational marijuana.

Commissioner Katz stated that the Commission should not be involved with this issue because they are a land use board. Mr. Katz asked the Commission to abandon any regulations and to let this issue go to the Board of Selectmen.

Commissioner Robbins suggested that the Town hold a non-binding referendum on Election Day in November and let the people vote. He said that the public would help guide his decision.

The Chair asked if there were additional comments or questions from the Commission.

The Chair suggested a moratorium to gather more information and this would require a Public Hearing to be adopted.

Commissioner Katz said he supported the idea. Discussion continued as to the details of the State law on the recreational use of marijuana and whether the current prohibition covers the new State law.

Mr. Marconi said he was not sure if a local question could be sent up to the Secretary of State at this point in time to be added to the Town docket for Election Day. The Chair stated that she thought the local question had to be to the State by the end of August to be on the November election docket, but that that is outside of her wheelhouse. Mr. Marconi said that the August 11, 2021 Board of Selectmen meeting Agenda would have this issue on it.

Mr. Baldelli clarified that the current prohibition the Town of Ridgefield has is specific to medical marijuana dispensaries and production facilities. It will not encompass retail sale as permitted by the new State law. Commissioner Katz said that he had no issue with this fact, but that this issue should be decided by the Board of Selectmen.

Discussion continued as to what recreational marijuana establishments meant within the purview of the Commission and what a moratorium would mean for the Town of Ridgefield.

Commissioner Hanlon said that he did not think that the Commissioners could “get around” deciding on whether or not recreational marijuana was a land use issue since even the growth of marijuana was a land use issue.



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The Chair summarized the issue and said that a Public Hearing on a proposed moratorium would be necessary. The Commissions docket was then considered and it was established that September 14, 2021 could be utilized for a Public Hearing.

Mr. Hendrick motioned, Mr. Fossi seconded, to Schedule a Public Hearing on September 14, 2021 to discuss a moratorium on the growing, distribution and sales of marijuana in the Town of Ridgefield. Motion carried 8-1. Mr. Dowdell voted nay.

IV: New Submissions:

- I. **SP-21-15:** Revision to Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations per section 3.2.C to use the religious meeting room to include classrooms space and food service /coffee shop within existing building at **602 Ridgebury Road**. *Owner: Ridgebury Congregational Church United Church of Christ. Applicant: Robert R. Jewell.*
To receive and schedule a site walk and Discussion.

This matter was originally incorrectly cited as **605 Ridgebury Road** and as needing a Public Hearing.

Mr. Hanlon motioned, Mr. Katz seconded, to Receive, Schedule a Site Walk for September 12, 2021 and a Discussion for September 28, 2021. Motion carried 9-0.

V: Correspondence:

None.

VI: Approval of Minutes:

- PZC Meeting-July 13, 2021

Mr. Fossi motioned, Mr. Hanlon seconded, to approve as amended. Motion carried 9-0.

VII: Adjourn

Hearing no further discussion, the Chair adjourned the meeting at: 8:56 p.m.

Respectfully Submitted,

Eileen White

2021-7-27

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