



ZONING BOARD OF APPEALS

Clifford J. Hurgin Municipal Center
1 School Street, Bethel, Connecticut 06801 *(203) 794-8578

ZONING BOARD OF APPEALS MEETING MINUTES JULY 15th, 2014 – BETHEL MUNICIPAL CENTER 7:00 P.M. – GENERAL PURPOSE ROOM

COMMISSION MEMBERS PRESENT : J. Hurgin; J. Streaman; N. Santaniello
R. Lawlor; S. Dolan; M. Ryan; S. Catino; W. Foster; C. Andres, TOB Land Use Counsel, B.
Cavagna, Assistant Planning & Zoning official.

J. Hurgin called the meeting to order and continued the Public Hearing at 7:06

PUBLIC HEARING (continued):

14-07: Appeal by Michael J. Moore and Philip M. Lombino from a decision by the Zoning Enforcement Officer to approve an application for a Zoning Permit filed by Angela D'Amico and Karen Barski for use of property located at 16 Stony Hill Road/4 Garella Road, Bethel, CT as a medical marijuana dispensary. Property Owner: JAMM Real Estate, LLC.

Chairman Hurgin explained the procedures for Phase II & Phase III of the public hearing, which includes public comment, questions from Board Members and rebuttal from Appellant, ZEO and Permit Applicant.

Those who spoke:

Frank Hislop
Tom Connelly
Shani Burke Specht
Mary Lou Strano

John Robertson
Phillip Gallagher
Dick Radebach
Gloria Whaley
Kurt Boyce
Joy Kisling
Diane Tomaino
Jerry Dinnen
Phillip K. Lu

5 Evergreen Drive
401 Monroe Trnpk., Monroe, CT
26 Nashville Rd.
166 Walnut Hill Road; Ms. Strano read a letter by G. Mills
Colonial Drive, into the record
12 Maple Row
15 Sunset Hill Road
Portsmouth, R.I.
5 Limekiln Court
17 Birch Drive
Colonial Drive (with attachments)
Maple Row
46 Topstone Drive
33 Garella Road

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TOWN OF BETHEL
TOWN CLERK

William Hillman	86 Walnut Hill Road
Thomas Burke	6 Stone Dam Road
Vincent Nero	12 Kristy drive
Kurt Rayvis	12 Clearview Drive
Joan Gereg Bradley	66 Ridgedale Road
Mo Afanel	Owner, Biotrack THC, Florida
Robert Crnic	Old Hawleyville Road
Daniel Herrera	119 Dadderio Rd., Middletown, CT
Robert Specht	74 Edgemere Rd., Hamden, CT
Michael Macchi	30 Hickok Ave
Paul Szatkowski	24 Winthrop Road
Delores Tierney	Sky edge Drive
Ms. Caggiano	
Carol Cheslock	21 Huntington Court
William Duff	Long Meadow Lane

Chairman Hurgin closed the Public Comment portion of the hearing at 9:10 p.m.

Chairman Hurgin entered the following correspondence into the record:

- John J. Gillen, 3 Westview Drive dated July 6th, 2014
- Geraldine F. Mills, 4 Colonial drive dated June 16th, 2014
- Mary Lou Strano, 166 Walnut Hill Road received June 30, 2014
- William G. Hillman, 86 Walnut Hill Road , undated
- William G. Hillman, 86 Walnut Hill Road, undated, rec'd 6/30/14 with attachments.
- Neil R. Marcus , Cohen & Wolf, P.C., 158 Deer Hill Ave., Danbury, with attachments dated July 3rd, 2014.
- Penny Kessler, 22 Spring Hill La., dated July 14th, 2014.
- Debbie Jacobs Eckert, 16 Elgin Ave., dated received July 15th, 2014.

The following documents were entered into the record:

- Definition of Retail, Black's Law Dictionary , Ninth Edition, Ed. Bryan A Garner, p. 1430.
- Petition in Support of the decision of the ZEO, 112 signatures, rec'd by P&Z Dep't 7/15/14
- Map entitled "Overall Site Plan for Westchester Modular Homes of Fairfield County, 4 Garella Rd. A.K.A. 16 Stony Hill Road, " by Authur H. Howland & Assoc, New Mildord, CT dated August 2, 2007 with correspondence from Chris Van Zanten, P.E. dated April 7th, 2008
- Written statement from Steven Palmer "Medical Marijuana Dispensary " dated June 16th, 2014

At this time the Board reviewed some of the following items:

- Sec. 4.1 of the Bethel Zoning regulations
- Zoning Permit processing procedures
- Dispensary size and projected clientele growth
- Pharmacist Model and pharmacist role in dispensing
- Permitted Medical uses in Rt 6 Zone
- Alternate locations explored by the Applicant

Attorney P. Olson, representative for the Appellant, requested that the Board permit him to question ZEO S. Palmer regarding delivery of the Appeal to the Planning & Zoning Department. Permission granted.

Attorney Olson provided a packet to Board members entitled "Appeal of Michael J. Moore and Philip M. Lombino, Zoning Permit Issued to Angela D'Amico and Karen Barski, Medical Marijuana Dispensary Facility, 4 Garella Road/16 Stony Hill Road, Zoning Board of Appeals of the Town of Bethel, July 15th, 2014, Rebuttal Presentation" with attachments.

Also entered into the record by Attorney Olson:

- "Zoning Board of Appeals hearing, July 15, 2014 Remarks by appellant Michael Moore".
- "Zoning Board of Appeals hearing, July 15, 2014, Remarks by Appellant Philip Lombino".

Attorney C. Leonard, representing the ZEO, provided a packet to Board members entitled "Connecticut Practice Series, Volume 9A, Land Use Law And Practice, 3rd ed. By Robert A Fuller" with attachments.

Attorney N. Marcus called to the podium Dick Rudabach, Owner, Greenleaf Compassionate Care Center, Portsmouth, R.I. to answer questions regarding security procedures at this Rhode Island facility. In his rebuttal, Attorney Marcus addressed the aggrevement process.

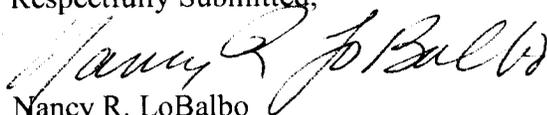
Chairman Hurgin closed the Public Hearing at 11:30 p.m.

WORKSESSION:

Motion by N. Santaniello, seconded by J. Streaman to set a Special Meeting date of July 17th, 7:00 p.m. in the Bethel Municipal Center Meeting Room D.

Motion by J. Streaman, seconded by N. Santaniello to Ajourn at 11:45 p.m. Motion approved.

Respectfully Submitted,


Nancy R. LoBalbo
Recording Secretary