



Planning and Zoning Commission
NOVEMBER 25, 2013
MEETING MINUTES
CITY OF BRIDGEPORT

45 Lyon Terrace, Room
210
Bridgeport, CT 06604
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ATTENDANCE: Melville Riley, Chair; Barbara Freddino, Secretary; Reginald Walker, Scott Powley, Robert Filotei, Jose Tiago, Robert Morton, Anne Pappas Phillips, Edgar Rodríguez

STAFF: Dennis Buckley, Zoning Officer; Assistant City Atty. Ed Schmidt; Diego Guevara, Design Review Coordinator

CALL TO ORDER.

Commissioner Riley called the meeting to order at 6:45 p.m. A quorum was present. Commissioner Riley introduced the Commissioners seated and reviewed the application hearing process.

D-1 (13-59) RE: 16, 32, 36, 40 & 46 COLUMBIA COURT – Petition of Bridgeport Neighborhood Trust - Seeking a special permit and a site plan review to permit the construction of a 6-unit 3-story apartment building in an R-C zone.

Commissioner Freddino read a letter dated November 19, 2013 from Atty. Rizio, which stated that the application was withdrawn into the record.

CONTINUED BUSINESS.

C-3 (13-46) - RE: 35, 45, 55, 36, 48 DOWN STREET – Petition of Antonio Teixeira & Guy DeMaio - Seeking a re-subdivision and re-configuration of 6 parcels of property and a site plan review for development in an R-A zone.

Mr. Guy DiMaio of Orange, CT, came forward and said that the application was for a subdivision. The street is currently a paper street and the request is to develop the road and create a cul de sac at the end of the road.

Commissioner Walker asked if the City Engineer had given his approval. Mr. DiMaio said that he had met with the City Engineer and discussed all the details. The City Engineer is satisfied with the plan.

Commissioner Powley asked about the size of the subdivided lots. Mr. DiMaio indicated where the five plots were on the site plan. Once the street is constructed, the street will be done to City standards.

Commissioner Pappas-Phillips asked about the landscaping. Mr. DeMaio indicated where the 25 foot buffer was and said that there had been an addition of one tree per lot. Commissioner Pappas-Phillips asked if more trees could be added. Mr. DiMaio said that they could add more trees, but it would become crowded on a 25 foot lot.

Commissioner Riley asked if there was anyone present who wished to speak in favor of the application. No one came forward. Commissioner Riley asked if there was anyone present who wished to speak against the application. Hearing none, Commissioner Riley closed the hearing on 35, 45, 55, 36, 48 Down Street.

C-5 (13-54) RE: 375 MAIN STREET – Petition of the Housing Authority of the City of Bridgeport - Seeking a site plan review and a coastal site plan review to permit the construction of a mixed income community complex with 74-residential units, in an NCVD zone.

Atty. Steve Struder came forward and greeted the Commission. He said that the parcel was located in NCVD zone and in the Incentive Housing Overlay. He stated that the project would be permitted as of right and the application was not asking for any waivers. This will be a public/private partnership with JHM Richmond.

Ms. Sharon Ebert, the Director of Housing and Planning for the Housing Authority of Bridgeport came forward to address the Commission. She then gave a brief overview of the project. She said that the Bridgeport Housing Authority (BHA) has gone through many changes recently and the BHA is in the process of repositioning itself by redeveloping the housing projects as mixed income housing. She said that there were some concerns about density and affordable housing expressed.

The Housing Authority has a vision of creating Park City Communities, and a new mission statement has been approved. This statement encourages the creation of long term, sustainable communities. BHA will be working on redeveloping Marina Village, which is slated to be demolished. Ms. Ebert then displayed a large map and indicated the location of seven phases of the project would be done. Most of the land that is involved in this project is currently vacant.

There was one change with the Broad Street regarding the number of requests to have home ownership on that parcel. Ms. Ebert said that this would be a major investment in the City.

Mr. Todd Pletchy of the JHM Richman located at 1281 East Main Street in Stamford, CT came forward and said that his organization has done similar projects across the country. He said that the management is making a long term commitment; similar to the ones they have in Middletown and Stamford.

Ms. Ebert said that there were 74 units, 25% of which were low income. She then reviewed the break out of the income brackets.

Mr. Steven Hikam came forward and greeted the Commission. He said that his firm was from Boston. He said that against the railroad tracks, which are 18 feet high, there will be a five story building with parking underneath. This will block the sound for the other townhouses located south of the railroad.

Commissioner Walker left the meeting at 7:19 p.m.

Commissioner Freddino asked what the size of the units that would be for home ownership. Mr. Hikam said that these buildings will use LEEDS technology and will also use Energy Star energy methods. It will also be using resilient design that will allow the area to recover from flooding more easily. The mechanicals will not be on the ground floor.

Commissioner Walker rejoined the meeting at 7:23 p.m.

Mr. Hikam said that there had been one change. Commissioner Freddino asked if the revised plans had been given to the Commissioner. Mr. Hikam said that there was only one sheet that had been changed. Commissioner Freddino said that the Commission only approves as per plans. Mr. Hikam said that there was no change in the footprint, but simply to the height of one building.

Commissioner Pappas Phillips asked for a breakout of the number of units by the number of bedrooms. Atty. Struder said that they would give the figures to the Commission.

Mr. Hikam then displayed a street level view of the buildings. He listed the various materials that would be used, which can easily be cleaned in the event of flooding.

Commissioner Pappas Phillips asked about the fact that there were no windows on the side of the building facing the railroad tracks. Mr. Hikam reviewed the fact that there were openings that were covered by metal grates on the ground floor where the parking was.

Mr. Bevilacqua came forward and greeted the Commission. He then distributed copies of emails to Atty. Struder from Mr. John Gaucher from the Office of Long Island Sound Programs.

Mr. Bevilacqua reviewed the design of the catch basins and the storm water retention system. The first inch of rainwater is generally the most polluted and that will be retained in a cistern. The WPCA has requested that the project connect with the storm water system at a specific site.

Mr. Bevilacqua then reviewed the evacuation plans. Mr. Riley said that the underpasses by the Railroad regularly floods during regular thunderstorms. Mr. Bevilacqua said once the residents are north of the railroad, then they will be less likely to experience flooding. He reviewed the

new FEMA flood elevation and the previous elevation requirement. Because of the State funding involved, the application must be approved by the DEEP. The focus is on the evacuation plans and the height of the flood plain.

Commissioner Pappas Phillips asked how the residents who did not have private transportation would be evacuated. Ms. Ebert said that the Housing Authority, the management and the City would be working on evacuating all the residents in the South End.

Mr. Bevilacqua then reviewed the emergency access plan for emergency vehicles. Commissioner Riley asked where the evacuees would go. Mr. Bevilacqua said that there were shelters were all over the City. Commissioner Filotei said that the plans were very nice, but when there is no electricity, no heat and flooding, things are different. Mr. Hikam pointed out that the parking would be at ground level, not below grade. The emergency generators and mechanicals will be at least 19 feet above ground level.

Commissioner Powley asked how many other sites were being considered. Ms. Ebert then reviewed the various parcels under considered. She said that Marina Village contains 406 units and the Housing Authority will be replacing them at a one per one ratio.

Regarding an earlier question about the break out of the units, Mr. Hikam stated that there would be 14 single bedroom units, 42 two bedroom units; and 20 three bedroom units.

Commissioner Pappas Phillips asked about the rent ranges. Ms. Ebert wished to know how that was related to the site plan review. Commissioner Pappas Phillips said that the range of the income needs to be profitable for the developer, but there were also HUD requirements. By doing the income tiering, the median income of slightly under \$20,000 will be raised. Commissioner Pappas Phillips asked if there would be enough finances to maintain the buildings. It was stated that this is why the Richman Group was brought in to partner on the project.

Mr. Bevilacqua said that if there was flooding, the water would leave via gravity and would not have to be pumped out. He then spoke briefly about the CAM issues that had been discussed with Mr. Gaucher.

Mr. Pletchy of JHM Richman said that the financial plans were satisfactory to his group.

Mr. Phil Barlow of New Britian said that his group had developed a comprehensive landscaping plan for the area. He said the sidewalks would be concrete and the open space in the middle will be ringed with brick pavers. There will be shade trees and various plantings of shrubs and ground cover. The planting that will be used are urban tested varieties and as low maintenance as possible.

Atty. Struder said this would be a community of choice and will attract residents based on amenities. It will be a short walk to the Arena, UB, the train station, Seaside Park and other important amenities.

Atty. Struder went on to say that there had been discussions with Mr. Guevara about the landscaping design. The architectural styles reflect Bridgeport's history and on Bridgeport's community. There will be minimum curb cuts on Broad Street to insure good traffic flow. There is an extensive storm water system in the plans and the connection will be separate from the City's. The plans are in line with the CAM requirements and all living spaces are above the flood zones. The requirements for the regulations have been met. The proposed use is permitted and encouraged by the regulations. The use does not adversely affect the district. Atty. Struder said that the residential zones will have a positive impact on the area.

RECESS.

Commissioner Riley declared a recess at 8:06 p.m. He reconvened the meeting at 8:18 p.m.

C-5 (13-54) RE: 375 MAIN STREET – Petition of the Housing Authority of the City of Bridgeport - Seeking a site plan review and a coastal site plan review to permit the construction of a mixed income community complex with 74-residential units, in an NCVD zone CONT'D.

Commissioner Riley asked if there was anyone present who wished to speak in favor of the application.

State Representative Ezekiel Santiago, of 991 State Street, came forward and said that he represents the area. He said that this would be an excellent opportunity to provide good quality, affordable housing for the residents. With the Park, the Arena and the baseball field right there, it will be convenient for the residents. There is also a new school that will be built in the near future. He said that BHA has learned from previous mistakes and this could improve the South End. The Housing Authority has secured some funding. He thanked everyone for attending the meeting.

Council Member Denise Taylor-Moye came forward and said that she was a Marina Village resident, and would be speaking for herself and Council Member Jack Banta, a Seaside Village resident. She said that there needs to be changes because there are many children in the villages. This project will give the residents a good quality of life.

Ms. Terry Summers came forward and said that she was present in support of the project. She said that she has been here for many years and seen Bridgeport transform in front of her eyes.

Mr. David Kooris, the City of Bridgeport OPED Director came forward and said that he wanted to echo Rep Santiago's remarks and thanked the public for attending. He said that Park City

Community was an excellent project and that there had been a great deal of collaboration in modifying this plan. This is a seven phase redevelopment and provides many benefits.

Density and height have been concerns. The height is a transition from downtown to the residential. The 5 story building fits with the near by five and nine story buildings. The density number is actually a reduction from 35 to 28 per acre.

HUD has been considering Rebuild by Design since Sandy to help communities to come up with strategies for rebuilding rather than abandonment. One of the design teams from Louisiana has been chosen by HUD to work specifically on the South End. The goal is to learn lessons from the Gulf Coast, and from New York City's issues following Sandy. Bridgeport has 16.1 miles and it cannot afford to abandon the flood plain. The City must find ways to be created and to rebuild in resilient ways. Changes have been made in response to the community concerns. This project will be a significant project for the South End. The storm water system is separated and will not affect the sewer system.

Commissioner Riley said that there were concerns about Mr. Gaucher's letter.

Mr. Dexter Upshawl, 325 Lafayette, said that he was present in support and that the discussion was good. He said that he had been on the fence about this because of flood safety. Now that there has been an opportunity to discuss this with the developer, it is good to know that this will be done to FEMA standards.

The issue of density was presented. However, Mr. Upshawl said that he lives in a dense building. Often density is linked to crime, but that is not necessarily true.

Crime safety is addressed by the mixed use model and having both public and private investors. He said that everything he heard at the presentation has shown it was a forward thinking plan and fits in with a transitional plan for the City.

Ms. Kathy Yackovan, the president of Southwest Community Health Care, came forward and distributed letters to the Commissioners. She said that her organization was committed to the South End and believed that everyone deserves quality health care, quality education and quality living space. She said that the health center has been working to relocate the center so that everyone can have access. Every resident deserves quality housing.

Rev. Carl McCluster, of Shiloh Baptist Church and the chair if the South End NRZ came forward. He said that he voted to support the project. He added that there had been opposition to the project from members of the community. The Housing Authority has made itself available to the community and responded to the comments that the community has made. The concerns expressed to Rev. McCluster have been asked to the Housing Authority and the BHA responded. He then listed the various positions he had held over the years in the South End. This project will be the most modern and forward thinking development that Bridgeport has had in a long time. It will have a transit oriented district and mixed income. The new density has been reduced to 28

per acre and this is good for the area. This is a responsible project and will give the opportunity for all races, creeds and people to live together.

Commissioner Riley asked those who were present in favor of the project to please stand. Mr. Buckley then counted 73 people present. Mr. Buckley then counted those opposed.

Terry Calhoun, of 130 Gregory Street, came forward and said there are advantages developing the economic quality of the City. This will increase the property values and stimulate business for small business owners. Young families will consider Bridgeport as a place to come to rather than leaving Bridgeport to live in the South.

Commissioner Riley asked if there was anyone present who wished to speak against the application.

Mr. Ethan Book of 144 Coleman Street came forward and spoke about the difference between liberals and conservatives. He said that having healthy discussion between the groups. Mr. Book then spoke about the cost per unit, which he said was very high. This also included tax credits. There has been discussion about the evacuation plans, but there have been times when the City has not been able to evacuate the residents. He said that respectfully, he did not think that the project was a good idea.

Ms. Maisa Tisdale, the president of the Mary and Elizabeth Freeman Center, came forward and said there were numerous things left out of the presentation, namely the Connecticut Coalition for Environmental Justice, which she wished to have entered into the record.

A company called GeoQuest reviewed the project and indicated several strong concerns about contamination. The report was submitted to be included in the record. She said that there was a strong likelihood that there would be subsurface contamination on the site and may be important to know since it will affect the construction, the health and safety of the construction workers, residents and others.

Ms. Tisdale said that HUD had been in contact with the City about these contamination concerns and requested that the City discuss this with the Housing Authority. There is no record of an application at the State level at this time. Ms. Tisdale said that this was one of the many details that had been overlooked.

She said that she objected to the fact that a change to the site plan had been made without it being on file.

Regarding the Mary and Eliza Freeman Center, the organization was originally intended to be part of the design team for this project. It became apparent to the Center that there were flaws in the design process. This was the first of many oversight. She said that it was unclear how tall the buildings were since they were described in terms of "stories" rather than feet. The tallest building will be 84 feet tall.

The area is a flood zone and this was discussed at length. The developer would need a special waiver would be needed to develop on this site. Even raising the building does not remove the building from the flood zone. Raising the building often gives people a false sense of security. Ms. Tisdale said that during Sandy, many South End residents paid to park their cars in a different location.

Ms. Tisdale asked who was going to bear the cost of the clean up after a flood. She wanted to know what would be done if there was no electricity. She then spoke about the fact that there was no guarantee that one would be able to get in and out during a major storm event. She noted that the transformer was located above the children's playground, but during Sandy, many of the transformers caught on fire. Ms. Tisdale said this was poor planning.

There were no studies regarding wastewater or traffic. Ms. Tisdale also expressed concerns about the discussions with Mr. Gaucher and wished to know when Mr. Gaucher's concerns would be addressed.

Ms. Tisdale said that the way that the interior site was poorly set up because the children would have to cross the pavers to get the play area.

There were concerns about the ADA accessible building, which has an elevator. She wished to know what the plans were for evacuating these residents in a power failure.

She noted the plans and elevations were not on the plans. Currently, more than a third of Marina Village is not in a flood zone at all.

Adherence to FEMA regulations for construction in a flood zone is critical. If these conditions are not met, FEMA can put the entire City of Bridgeport on probation until this is addressed.

Ms. Tisdale said that there were illustrations in the packet that would indicate where the water will flow of the site and discharge into other areas. She also wanted to know how many extra gallons of water the site would generate and whether or not the cistern would be maintained on a regular basis. There was no indication on the plans regarding whether the sewer system can handle the added flow.

Before Arena events, the area around Broad Street is closed off. There have been many instances where residents have not been able to get to their homes or emergency vehicles have not been able to get to those in need.

There were several questions about the on site interior traffic circulation along with several specific questions about the transformer on site. She said that the transformer would be an attractive nuisance.

There are no fire stations located in the South End. Ms. Tisdale wished to know how the emergency vehicles would get to the development if the roads were compromised.

Ms. Tisdale said that all of the environmental justice issues must be considered.

Ms. Tamara Wood of 320 Broad Street said that people have choice, but people live in subsidized housing because of financial conditions. She said that rather than putting people at the Board Street project, they needed to put them out of harms way. Safer places to live need to be found. The resident said that there was a large pile of coal dust near her home and it is nearer to the development. The previous day's strong wind was blowing the coal dust around. She said her concerns were about this particular site and the health of the residents at this site.

Mr. Peter Sangel said that there was no traffic report. He displayed some photographs of the traffic conditions. Mr. Sangel expressed concerns about the train trestle flooding. He also displayed pictures of Lafayette Street during one of the recent blizzard. It was impassable for a number of days.

Council Member Rick Torres came forward and said that he was present in opposition. He said that the amount of funding involved could give many people the opportunity to become home owners. He said that as Marina Village stands today, the City could sell the units to the residents for \$10,000 per unit and help them with roof repair costs.

Ms. Lydia Silvas came forward and distributed copies of a letter from Charles Brilvitch to Mr. Daniel T. Forrest, at the Connecticut Department of Culture and Tourism regarding the history of the area for the African American Community, including the fact that there is a burial site in the area that has never been located.

Ms. Silvas then read a letter regarding the various reports including the crime statistics, the contamination of the parcel and in a flood zone. She respectfully requested that this application be denied. She said that she was excited about the landscaping but could not imagine HUD would be in favor of a plan that was so poorly designed. She added that she was insulted by Rev. McClusker's comment regarding "Not in My Backyard". She said that the idea that Bridgeport would be "chosen" and the South End "chosen" for this particular plan was not a positive thing.

RECESS.

Commissioner Riley called a recess at 10:00 p.m. He called the meeting back to order at 10:10 p.m.

C-5 (13-54) RE: 375 MAIN STREET – Petition of the Housing Authority of the City of Bridgeport - Seeking a site plan review and a coastal site plan review to permit the construction of a mixed income community complex with 74-residential units, in an NCVD zone CONT'D.

Mr. Andrew Martinez, came forward and greeted the Commission. He said that he spent significant time in Marina Village as a child and he was not pleased with the statement regarding "Not in my Backyard". He considers the Marina Village residents as family.

Mr. Martinez said that the vote that the South End NRZ took included some members who were not even on the Board and others were on the Board with expired terms.

Mr. Martinez said that he had several problems with the "strategic" plans and listed a number of them, including displacement plans following a catastrophic event. He concluded with a quote from Nelson Mandela regarding that a society is known by how it treats its children.

Mr. Gregory Buono, 325 Lafayette Circle, came forward and distributed copies of a letter from Sharon E. Lewis, the Executive Director of the Connecticut Coalition for Environmental Justice. Mr. Buono then read the letter into the record and submitted a copy to Mr. Buckley for the record.

Ms. Carol Gleason of Prospect Street, then came forward on behalf of her friend, Theresa Manual, who could not be present. Ms. Gleason read a letter into the record regarding the coal burning plant, the catastrophic effects of the October snowstorm and Super Storm Sandy. The resident is a social worker and believes in social justice.

Ms. Gleason said that this was being rushed for approval and that the plans were incomplete. She also expressed concern about the amount of money involved.

Ms. Barbara Hill of 43 Cottage Place, came forward, and greeted the Commissioners. She then gave an overview of the economic history of 325 Lafayette Blvd, including the tax PILOT, the foreclosures, and the property values. When the tax PILOT expired, some tenants found their tax bills had increased six times. She said that the Bridgeport Housing Authority was promoting home ownership, Ms. Hill said that FEMA has the right to increase the amount of flood insurance.

There was no one else present from the public who wished to address the Commission at this time.

Atty. Struder came forward and said that change is always difficult. He said that speculation could not be the basis for a decision.

Regarding the water coming off the site, Mr. Bevilacqua said that the project was designed to have the water flow to the center of the site and the area was permeable so the water could be treated.

Atty. Struder said that the project was designed to FEMA standards. Commissioner Riley asked if the agency had applied to the State for approval. Mr. Bevilacqua said that the project could not

submit an application until the funding was secured. Ms. Sharon Ebert came forward and said that the CHAFA funding had been applied for.

Regarding the garbage disposal, Atty. Struder said that there was a private contractor hired.

Regarding the contamination, Atty. Struder said this was a site plan. Commissioner Riley asked Atty. Struder about Council Member Torres's suggestion regarding selling the units to the residents. Ms. Ebert questioned how this related to the site plan. Commissioner Freddino said that when the applicant does not answer a question, it sends up red flags.

Atty. Schmidt commented that during a public hearing, this was the applicants' opportunity to provide information to the Commission.

Ms. Ebert said that HUD would not allow the Housing Authority to sell the units and the cost of rehabbing the units would be prohibited.

Ms. Ebert then distributed copies of the updated drawings and apologized that they were not aware that the removal of the half story was a substantive change.

Mr. Hikam said that there are many different roof heights in the project. He said that the average height would be 70 feet.

Regarding a rumor that the Health Care Clinic may move, Atty. Struder said that the Health Clinic was not moving. It will remain where it is.

In reference to the possibility that there may be a burial site in the area, Atty. Struder said the developer has been sensitive to the site and reminded everyone that there has been significant disturbance to the site during the last 60 or so years.

Ms. Ebert then addressed the issue of environmental injustice and that this term is often misused. It means that the developer would have to show that their parcel was the only parcel affected by coal dust, or auto fumes from Interstate 95 or noise from the trains.

Commissioner Walker left the meeting at 11:00 p.m.

Ms. Ebert said that no one was being forced to live at the development and that there had been requests from the residents to fix their homes.

Commissioner Riley asked if anyone happened to know if the coal plant would continue to operate. Atty. Struder said that he did not know.

Atty. Struder then pointed out that Richman Group and JHM have been in business for 40 years.

**** COMMISSIONER PAPPAS PHILLIPS MOVED TO CONTINUE THIS HEARING TO THE NEXT MEETING.**

**** COMMISSIONER MORTON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Atty. Struder said that the applicant would waive the 65 day rule.

D-1 (13-59) RE: 16, 32, 36, 40 & 46 COLUMBIA COURT – Petition of Bridgeport Neighborhood Trust - Seeking a special permit and a site plan review to permit the construction of a 6-unit 3-story apartment building in an R-C zone.

This application was withdrawn via a letter from Atty. Rizio dated November 19, 2013 as stated previously.

D-2 (13-65) RE: 30 BEACHVIEW AVENUE – Petition of David Raymond - Seeking a coastal site plan review to permit the construction of a single-family dwelling in an R-B zone and coastal area.

Mr. Raymond came forward and said that he was the owner of the property but lived in Fairfield.

Commissioner Freddino then read Mr. Gaucher's letter, which stated that he had no comments on the application into the record.

NEW BUSINESS.

(13-70) RE: 4120 (aka 4150) MAIN STREET – Petition of Bangalore Mahesh - Seeking a special permit and a site plan review to permit the construction and use of a drive-thru window to the existing fast food restaurant in an OR-R zone.

Mr. Charles Jones came forward and greeted the Commissioners. He said that the building will be reduced in size. Concerns about deliveries were then expressed.

Mr. Mahesh of 136 Morehouse Road came forward and explained that the donuts are not made on site anymore.

Commissioner Freddino asked about the location of the door. Mr. Mahesh said that he is required to remodel every 10 years by the franchise.

Commissioner Pappas Phillips asked about the dimensions of the building. Mr. Jones reviewed those with her. Commissioner Riley asked how many vehicles could queue without going onto the main road. Mr. Jones said that eight cars could queue without a problem.

Commissioner Tiago asked if there was a traffic study done on the horseshoe driveway. He was told that the traffic will only exit onto Main Street.

Commissioner Riley asked if the applicant had responded to the City Engineer and heard back from the City Engineer. Mr. Jones said that he had responded to the comments, but there had been no response yet.

Mr. Jones explained that the reason it was not possible to only use one driveway because of the utility poles. Commissioner Freddino asked about the deliveries. Mr. Mahesh said that the donuts are delivered twice a day in box trucks and indicated where the vehicles enter. There are also two deliveries during the week for other supplies.

Commissioner Riley asked if there was anyone present who wished to speak in favor of the application. No one came forward. Commissioner Riley asked if there was anyone present who wished to speak against the application. Hearing none, Commissioner Riley closed the hearing on 4120 (aka 4150) Main Street.

(13-71) RE: 4750 MAIN STREET – Petition of Robert Schulten - Seeking a special permit and a site plan review to permit the establishment of a medical marijuana dispensary in an OR-R zone.

Atty. Frederick Currie of 83 Black Rock Turnpike, came forward and greeted the Commissioners. He said that this application was for a dispensers where patients could purchase medical marijuana to aid in their recovery from Cancer, HIV, epilepsy, PTS and many others. Atty. Currie then listed the number of patients who currently had prescriptions for medical marijuana. The DCP regulations for medical marijuana are very strict.

There would be limited signage. Commissioner Pappas Phillips asked about the signage. Mr. Schulten came forward and said that it would be 16 by 18 inches and not illuminated.

Mr. Schulten then gave an overview of the application process. Mr. Schulten said that his partner was a licensed pharmacist and that Bridgeport is the largest city in the state. He went on to list the reasons why the 4750 Main Street was a good location for the dispensary. All patients will be coming by appointment only.

Commissioner Pappas Phillips asked if the paraphernalia will be sold at the site. Mr. Schulten said that the regulations do allow them to sell paraphernalia. He then narrated how the patients would be entering the facility and other security measures. He said that this would not be covered by insurance. The price is higher than the street price, which reduces the chance that the marijuana would be sold on the street.

Commissioner Freddino asked a number of detailed questions regarding the dispensing of the medical marijuana. A pharmacist will be on site while the dispensary is open and will be staffed by licensed pharmacy technicians. This will be a single produce dispensary.

The location is very good because there are no sensitive sites, such as churches, schools, and public gathering places near by.

The pharmacists are trained to look for cross addictions. Atty. Currie said that the patients would have been in a doctor's office for the prescription. The pharmacist will be providing across the counter counseling and there will be a social worker available for counseling.

Mr. Schulten said that the first year he expects to have 300 patients and have it increase after that. Commissioner Pappas Phillips asked if the State would have to be informed when new staff is hired. The supply will come from one of four licenses growers.

Commissioner Powley left the meeting at 12:06 a.m.

Commissioner Riley asked if there was anyone present who wished to speak in favor of the application. No one came forward. Commissioner Riley asked if there was anyone present who wished to speak against the application.

Council Member Lyons then came forward and distributed copies of a Sacred Heart letter from Michael Kinney and another document. She expressed concern about the location because there was a school and churches within a mile. Fairfield denied a permit for this.

Commissioner Powley rejoined the meeting at 12:10 a.m.

Council Member Lyons said that she lived near a methadone clinic and listed the negative effects of this. She said that people from other towns would be coming to Bridgeport for their marijuana. She pointed out that the property owner lived in another town but made money in Bridgeport. Sacred Heart is located nearby. Having this in the area is disrespectful.

Mr. Michael Garrity, came forward and said that Council Member Rick Torres had to leave and read his remarks into the records. Council Member Torres asked why existing pharmacies could be used.

Mr. Dennis Sedlo of 2641 Madison Avenue came forward and said that marijuana has been illegal in Connecticut for many years.

Mr. Joel Gonzales said that there might be a way to charge the City with conspiracy because Federal law supercedes State Law. He also asked what would happens if someone was robbed following their pick up.

There was no one else who wished to address the Commission at this time.

Mr. Schulten came forward and said that the pharmacies were not interested in marketing this product. The amount of marijuana involved is very small.

Commissioner Riley then closed the hearing on 4750 Main Street.

C-5 (13-54) RE: 375 MAIN STREET – Petition of the Housing Authority of the City of Bridgeport - Seeking a site plan review and a coastal site plan review to permit the construction of a mixed income community complex with 74-residential units, in an NCVD zone. CONT'D

Atty. Struder came forward and requested that the application be withdrawn.

RECESS.

Commissioner Riley announced a recess at 12:30 a.m. He called the meeting back into session at 12:34 a.m.

(13-72) RE: 1700 PARK AVENUE – Petition of 1700 Park Avenue, LLC - Seeking to modify a condition of approval on an application for a special permit and a site plan review that was granted by the Planning & Zoning Commission on January 28, 2013 in an OR-G zone.

Atty. Rizio came forward, greeted everyone and said that there had been a problem with what was approved and what was built. He then reviewed the details. Commissioner Freddino said that Atty. Rizio should come back when all the plans were in order.

Atty. Rizio said when the plans were presented, there were only two tenants, but since then two more tenants have come in. He said that when the drive through was denied, Dunkin Donuts went away. The elevation was then matched the rest of building.

Atty. Rizio then said that there was an over the counter transaction where a neighboring business had no parking so an arrangement was made to install a staircase and allow parking.

Commissioner Freddino said that Atty. Rizio should not submit amended plans, but simply reapply.

Commissioner Tiago said that he was concerned about the erosion. Atty. Rizio said that as part of the condition of approval, the slope will be repaired.

Commissioner Riley asked if there was anyone present who wished to speak in favor of the application.

Mr. David Kooris, the City of Bridgeport OPED Director, came forward in support of this application.

Commissioner Riley asked if there was anyone present who wished to speak against the application. Hearing none, Commissioner Riley closed the hearing on 1700 Park Avenue. Commissioner Riley closed the public hearing portion of the meeting at 12:50 a.m.

DECISION SESSION.

C-3 (13-46) - RE: 35, 45, 55, 36, 48 DOWN STREET – Petition of Antonio Teixeira & Guy DeMaio - Seeking a re-subdivision and re-configuration of 6 parcels of property and a site plan review for development in an R-A zone.

**** COMMISSIONER TIAGO MOVED TO APPROVE APPLICATION C-3 (13-46) - RE: 35, 45, 55, 36, 48 DOWN STREET – PETITION OF ANTONIO TEIXERIA & GUY DEMAIO - SEEKING A RE-SUBDIVISION AND RE-CONFIGURATION OF 6 PARCELS OF PROPERTY AND A SITE PLAN REVIEW FOR DEVELOPMENT IN AN R-A ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. ALL OF THE CITY ENGINEER’S RECOMMENDATIONS IN HIS LETTER STATED 11/18/13 SHALL BE INCORPORATED INTO THE SITE DEVELOPMENT.**
- 2. THE PETITIONER’S DEVELOPMENT OF SUBJECT PARCELS SHALL BE IN STRICT ACCORD WITH THE REVISED PLANS OF 11/8/13, WHICH WERE SUBMITTED TO AND APPROVED BY THE COMMISSION.**

**** COMMISSIONER PAPPAS PHILLIPS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

C-5 (13-54) RE: 375 MAIN STREET – Petition of the Housing Authority of the City of Bridgeport - Seeking a site plan review and a coastal site plan review to permit the construction of a mixed income community complex with 74-residential units, in an NCVD zone.

This application was withdrawn by the applicant just prior to the Decision Session.

It was noted that one speaker addressed the Commissioners for approximately 45 minutes. A discussion about the amount of time that any speaker should be allowed to speak followed.

Atty. Schmidt said that the applicant will be re-filing their application. He then listed a number of questions that the applicant should be requested to answer before the next hearing.

D-1 (13-59) RE: 16, 32, 36, 40 & 46 COLUMBIA COURT – Petition of Bridgeport Neighborhood Trust - Seeking a special permit and a site plan review to permit the construction of a 6-unit 3-story apartment building in an R-C zone.

This application was withdrawn via a letter from Atty. Rizio dated November 19, 2013.

D-2 (13-65) RE: 30 BEACHVIEW AVENUE – Petition of David Raymond - Seeking a coastal site plan review to permit the construction of a single-family dwelling in an R-B zone and coastal area.

**** COMMISSIONER WALKER MOVED TO APPROVE APPLICATION D-2 (13-65) RE: 30 BEACHVIEW AVENUE – PETITION OF DAVID RAYMOND - SEEKING A COASTAL SITE PLAN REVIEW TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING IN AN R-B ZONE AND COASTAL AREA WITH THE FOLLOWING CONDITION:**

- 1.) THE DEVELOPMENT OF THE SUBJECT SITE SHALL BE IN STRICT ACCORD WITH THE REVISED PLAN SUBMITTED TO AND APPROVED BY THE COMMISSION.**

FOR THE FOLLOWING REASONS:

- 1.) THE PROJECT AS APPROVED WILL HAVE NO UNACCEPTABLE ADVERSE IMPACT ON THE COASTAL AREA.**

THE EXPIRATION DATE OF THE COASTAL SITE PLAN REVIEW, AS REQUIRED UNDER SEC. 14-3-4 OF THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT, CT HAS BEEN ESTABLISHED AS DECEMBER 2, 2014.

**** COMMISSIONER RODRÍGUEZ SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

(13-70) RE: 4120 (aka 4150) MAIN STREET – Petition of Bangalore Mahesh - Seeking a special permit and a site plan review to permit the construction and use of a drive-thru window to the existing fast food restaurant in an OR-R zone.

**** COMMISSIONER WALKER MOVED TO APPROVE APPLICATION (13-70) RE: 4120 (AKA 4150) MAIN STREET – PETITION OF BANGALORE MAHESH - SEEKING A SPECIAL PERMIT AND A SITE PLAN REVIEW TO PERMIT THE CONSTRUCTION AND USE OF A DRIVE-THRU WINDOW TO THE EXISTING FAST FOOD RESTAURANT IN AN OR-R ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT SITE SHALL INCORPORATE ALL OF THE RECOMMENDATIONS OF THE CITY ENGINEER IN HIS LETTER OF 11/25/13.**
- 2. THE DRIVEWAY ON CHARION ST. SHALL BE ELIMINATED.**
- 3. THE SIDEWALK AND GRASS PLANTING SHALL BE REESTABLISHED IN CONFORMANCE WITH THE EXISTING SIDEWALK AND GRASS ON CHARION STREET.**

4. LANDSCAPING SHALL BE INSTALLED TO THE L2 STANDARD THROUGHOUT THE SITE AND TO THE L3 STANDARD ALONG THE EASTERLY PROPERTY LINE.

5. THE DUMPSTER AREA SHALL BE ENCLOSED WITH PRIVACY FENCING.

FOR THE FOLLOWING REASONS:

- 1. UPGRADES AN EXISTING COMMERCIAL BUILDING**
- 2. IMPROVEMENTS TO THE SUBJECT SITE WILL BE IN KEEPING WITH THE BEAUTIFICATION OF THE MAIN STREET CORRIDOR.**

THE EXPIRATION DATE OF THE SPECIAL PERMIT APPROVAL, AS REQUIRED UNDER SEC. 14-4-5 OF THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT, CT HAS BEEN ESTABLISHED AS DECEMBER 2, 2014.

**** COMMISSIONER PAPPAS PHILLIPS SECONDED.
** THE MOTION PASSED WITH SIX IN FAVOR (RILEY, PAPPAS PHILLIPS, RODRÍGUEZ, WALKER, MORTON, AND POWLEY) AND THREE OPPOSED (FREDDINO, FILOTEI AND TIAGO).**

(13-71) RE: 4750 MAIN STREET – Petition of Robert Schulten - Seeking a special permit and a site plan review to permit the establishment of a medical marijuana dispensary in an OR-R zone.

**** COMMISSIONER PAPPAS PHILLIPS MOVED TO APPROVE APPLICATION (13-71) RE: 4750 MAIN STREET – PETITION OF ROBERT SCHULTEN - SEEKING A SPECIAL PERMIT AND A SITE PLAN REVIEW TO PERMIT THE ESTABLISHMENT OF A MEDICAL MARIJUANA DISPENSARY IN AN OR-R ZONE.**

**** COMMISSIONER RODRÍGUEZ SECONDED.
** THE MOTION FAILED TO PASS WITH FOUR IN FAVOR (PAPPAS PHILLIPS, RODRÍGUEZ, RILEY AND MORTON) IN FAVOR AND FIVE AGAINST (FREDDINO, TIAGO, FILOTEI, WALKER, AND POWLEY)**

THOSE OPPOSED:

- 1. APPLICANT FAILED TO MEET THE REQUIREMENTS FOR THE ISSUANCE OF A SPECIAL PERMIT.**
- 2. THE SUBJECT SITE IS LOCATED IN AN UNSUITABLE AREA OF THE**

CITY, SURROUNDED BY RESIDENTIAL–A ZONED PROPERTIES AND IF APPROVED THIS USE WOULD HAVE A NEGATIVE IMPACT ON HOME VALUES.

THOSE IN FAVOR:

- 1. CT LAWS ALLOW THIS TYPE OF USE.**
- 2. THE PROPOSED USE IS CONSISTENT WITH OTHER MEDICAL USES (COMMERCE PARK) IN THE AREA.**
- 3. SUBJECT SITE IS IN A CENTRAL LOCATION FOR EASY ACCESS TO ROUTE 15, AND A DISPENSARY WOULD BE IN THE BEST INTERESTS OF THE REGION.**

(13-72) RE: 1700 PARK AVENUE – Petition of 1700 Park Avenue, LLC - Seeking to modify a condition of approval on an application for a special permit and a site plan review that was granted by the Planning & Zoning Commission on January 28, 2013 in an OR-G zone.

**** COMMISSIONER PAPPAS PHILLIPS MOVED TO APPROVE APPLICATION (13-72) RE: 1700 PARK AVENUE – PETITION OF 1700 PARK AVENUE, LLC - SEEKING TO MODIFY A CONDITION OF APPROVAL ON AN APPLICATION FOR A SPECIAL PERMIT AND A SITE PLAN REVIEW THAT WAS GRANTED BY THE PLANNING & ZONING COMMISSION ON JANUARY 28, 2013 IN AN OR-G ZONE WITH THE FOLLOWING CONDITION:**

- 1) THE EROSION CONTROL FROM PEQUONNOCK STREET AND PARK AVENUE TO THE DRIVEWAY ENTRANCE ON NORTH AVENUE NEEDS TO BE IMPROVED TO THE SATISFACTION OF THE CITY ENGINEER.**

**** COMMISSIONER TIAGO SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

CONSENT AGENDA.

CA-1 RE: 1138 & 1140 CONNECTICUT AVENUE – Petition of NBIS, LLC d/b/a Connecticut Towing and Recovery - Seeking to waive the public hearing requirement and grant under Sec. 14-54 of the CT General Statutes an amended certificate of location for a used car dealership and auto repair facility under new ownership in an OR zone.

**** COMMISSIONER RODRÍGUEZ MOVED TO APPROVE CONSENT AGENDA**

CA-1 RE: 1138 & 1140 CONNECTICUT AVENUE – PETITION OF NBIS, LLC D/B/A CONNECTICUT TOWING AND RECOVERY - SEEKING TO WAIVE THE PUBLIC HEARING REQUIREMENT AND GRANT UNDER SEC. 14-54 OF THE CT GENERAL STATUTES AN AMENDED CERTIFICATE OF LOCATION FOR A USED CAR DEALERSHIP AND AUTO REPAIR FACILITY UNDER NEW OWNERSHIP IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:

1) STANDARD DMV CONDITIONS “D”

2) ALSO, THE OPERATOR SHALL MAINTAIN THE PROPERTY WITH A NEAT AND ORDERLY APPEARANCE TO THE SATISFACTION OF THE ZONING ENFORCEMENT OFFICER.

**** COMMISSIONER WALKER SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

APPROVAL OF THE MINUTES.

Minutes of October 15, 2013.

**** COMMISSIONER WALKER MOVED THE MINUTES OF OCTOBER 15, 2013.
** COMMISSIONER MORTON SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

Minutes of October 28th.

**** COMMISSIONER MORTON MOVED THE MINUTES OF OCTOBER 28, 2013.
** COMMISSIONER WALKER SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT.

**** COMMISSIONER PAPPAS PHILLIPS MOVED TO ADJOURN.
** COMMISSIONER TIAGO SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 1:15 a.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services

City of Bridgeport
Planning and Zoning
Regular Meeting
November 25, 2013