

## PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 1 FEBRUARY 2022, 7:00 PM

The meeting of the Planning and Zoning Board came to order at 7:04 p.m.

### A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

### B. ROLL CALL

**Members Present:** N. Austin, J. Castignoli, E. Hirsch, J. Kader, B. Kaligian, J. Mortimer, C.S. Moore, R. Satti, M. Zahariades

**Not Present:** J. Quish

**Staff:** Joe Griffith, DPLU Director, David Sulkis, City Planner; Meg Greene, Rec. Sec'y

**Vice Chairman Satti** ran the meeting in Mr. Quish's absence. He advised that 1500 Windward was being postponed at the request of the applicant.

### C. NEW BUSINESS

**CLOSE BY APRIL 7, 2022**

- 1) **7 (aka 0) Smith Avenue** (Zone R-7.5) Petition of Atty. Thomas Lynch for a Coastal Site Plan Review to construct a single-family dwelling at Map 13, Block 134, Parcel 4, of which JMAK Properties, LLC is the owner.

**Attorney Thomas Lynch**, 63 Cherry Street, addressed the board. He introduced Phillip Krebs, owner, and noted the attendance of Ron Wassmer, PE, LS, to answer questions about the plans. He said the previous house sustained damage in Storms Irene and Sandy. He said there was a prior application to subdivide the property but due to neighborhood opposition, the owners withdrew it. He reviewed the site plan, saying the proposed house was 7200 sf and noting that it is zoning compliant due to the large size of the parcel. He provided detail on the living space and elevations. He said the City Engineer's comments were minor and could be made a condition of approval.

#### BOARD DISCUSSION

**Mr. Castignoli** asked about an abutting property; **Mr. Wassmer** confirmed that it was a single-family house and gave some measurements of the project's proximity to it.

**Mr. Sulkis** said no adverse impact on coastal resources were expected. **Attorney Lynch** said the Inland Wetlands Agency approved the project at their last meeting.

**Mr. Mortimer moved to approve as presented** the Petition of Atty. Thomas Lynch for a Coastal Site Plan Review to construct a single-family dwelling at Map 13, Block 134, Parcel 4, of which JMAK Properties, LLC is the owner.

**Second:** **Mr. Castignoli** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- 2) **1 Smiths Point Road** (Zone R-7.5) Petition of Atty. Stephen Bellis for a Coastal Area Site Plan Review to construct a single-family dwelling at Map 003, Block 90, Parcel 1, of which James Blakeman is the owner.

**Attorney Stephen Bellis**, 475 Whitney Avenue, had technical difficulty so his comments were delayed. Mr. D'Amico presented the plans, which Attorney Bellis later said he agreed with.

**Fred D'Amico**, PE, 9 Park Road, Oxford, addressed the board, saying the application was like the previous one. He described the lot as being bounded by water on 2 sides as well as a bird sanctuary. He said the existing dwelling would be replaced and an existing pool would remain. He said a new septic system would be installed which was approved by the Health Department, Inland Wetlands, and the City Engineer. He said all zoning requirements were met.

#### BOARD DISCUSSION

**Mr. Castignoli** confirmed with Attorney Bellis that there is one neighbor. **Mr. Kader** asked about the square footage of the prior and proposed homes; **Mr. D'Amico** said both dwellings were of similar footprint. **Mr. Hirsch** confirmed that a USA label on the plan was the bird sanctuary. **Vice Chairman Satti** asked if there was an easement to the bird sanctuary; **Mr. D'Amico** confirmed that there was. He said a big turnaround would also be added to accommodate emergency vehicles. **Mr. Sulkis** and **Mr. D'Amico** discussed a notation for the turnaround on the survey, with Mr. D'Amico confirming that underground infrastructure could withstand the weight of emergency vehicles. **Mr. Castignoli** confirmed that vehicles could access the bird sanctuary.

**Mr. Sulkis** read his summary, noting no adverse impact on coastal resources.

**Mr. Mortimer moved to approve as presented** the Petition of Atty. Stephen Bellis for a Coastal Area Site Plan Review to construct a single-family dwelling at Map 003, Block 90, Parcel 1, of which James Blakeman is the owner.

**Second: Mr. Castignoli** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- 3) **16 Marsh Street** (Zone R-7.5) Petition of Paul Stowell for a Coastal Site Plan Review to construct a single-family dwelling at Map 006, Block 088, Parcel 19, of which David Plaskon is the owner.

**Mr. Plaskon**, 16 Marsh Street, addressed the board. He said he planned to demolish the present home and construct a new FEMA-compliant home.

#### BOARD DISCUSSION

**Mr. Castignoli** asked about the size of the proposed home and its relationship to neighboring properties. **Mr. Plaskon** said the new house roughly doubles the living space sf. He confirmed that the house was zoning compliant.

**Mr. Sulkis** said no adverse impact on coastal resources were anticipated. He asked to make payment of the application fee a condition of approval and confirmed for **Vice Chairman Satti** that building code issues were under the purview of Building Department.

**Mr. Kader moved to approve with the following modifications** the Petition of Paul Stowell for a Coastal Site Plan Review to construct a single-family dwelling at Map 006, Block 088, Parcel 19, of which David Plaskon is the owner.

**Second: Mr. Castignoli** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

#### **D. PUBLIC HEARINGS**

**CLOSE BY FEBRUARY 22, 2022; VOTE BY MARCH 30, 2022**

1. **Proposed Regulation Change #21-8** Petition of John Knuff, Esq. for a change to Article III, Section 3.18.2 and 3.18.5 Corridor Design Development District 3; CDD-3; Article V, Supplementary Regulations Section 5.1 Parking and Loading Regulations to allow multifamily housing on Map 025 Block 207 Parcel 50A of which Casey Associates Limited Partnership is the owner. (Continued from 1/18/22).

**Vice Chairman Satti** noted that the public comment portion of the hearing was closed at the previous meeting.

**Attorney Knuff**, 147 Broad Street, addressed the board, reviewing the nature of the proposed regulation change and stating that the changes to the original submission that were requested by the board had been made. He reviewed the revision to the multifamily portion, he said he'd researched the CDD3 zone to locate other parcels larger than 12 acres and found none. He said that per the chair's request, 10% of the new units would be affordable to help the city address its affordable housing target. He reviewed the potential for subdividing to separate commercial and residential portions of the parcel. He said solar panels would be added to the clubhouse roof to offset an anticipated 40 kw of power usage in the clubhouse. He stressed that details would be provided when the application for a Special Permit and Site Plan Review were submitted. He said the full development team was present for questions.

**Mr. Sulkis** confirmed that the applicant provided what the board requested.

#### BOARD DISCUSSION

**Mr. Kader** and **Mr. Hirsch** said they appreciated the accommodations made by the applicant. **Mr. Mortimer** asked about EV charging and bike stations; **Attorney Knuff** said discussion of these features would be made under the Special Permit application. **Vice Chairman Satti** said he also appreciated the revisions to the application. He asked **Mr. Sulkis** to clarify how the affordability percentage would be affected. **Mr. Sulkis** provided statistics on the city's progress and how that progress is tracked. **Attorney Knuff** added that there is a point system which will be addressed by the 10% accommodation. **Mr. Zahariades** asked if a percentage could be imposed to address the points. **Mr. Sulkis** said that market-rate housing stock growth has been affecting the overall percentage for many years and that the city is working on a comprehensive housing affordability plan. **Attorney Knuff** said the owner wanted to give the board what was requested in good faith.

Mr. Hirsch motioned to reopen the public hearing

Second: Mr. Kaligian seconded.

Discussion: None.

Vote: Motion failed with Mr. Hirsch voting with the motion and the rest of the board voting against the motion.

Mr. Castignoli moved to approve, with the inclusion of materials dated 1/25/22, the Petition of John Knuff, Esq., for a change to Article III, Section 3.18.2 and 3.18.5 Corridor Design Development District 3; CDD-3; Article V, Supplementary Regulations Section 5.1 Parking and Loading Regulations to allow multifamily housing on Map 025 Block 207 Parcel 50A of which Casey Associates Limited Partnership is the owner. (Effective Date: 2-25-22.)

Second: Mr. Mortimer seconded.

Discussion: None.

Vote: Motion carried unanimously.

CLOSE BY MARCH 8, 2022; VOTE BY APRIL 12, 2022

2) **1500 Windward Road** (Zone WDD) Petition of Primrose Companies, LLC for a Special Permit with Coastal Site Plan Review on Map 40, Block 300, Parcels s 100-3A through D of which Caswell Cove Condominium Association, Inc is the owner. **POSTPONED**

E. **OLD BUSINESS**—None.

F. **LIAISON REPORTS**—None.

G. **SUBCOMMITTEE REPORTS** The Regulations Subcommittee met to discuss short-term rentals (STRs) and opted to accept public comment at the group's next meeting with the eventual recommendation likely to be passed to the full board. Mr. Kaligian summarized the discussion as a choice between enforcement via zoning regulations or city ordinances. Mr. Moore asked about concerns. Vice Chairman Satti said loud parties at STRs come down to noise issues or public health issues. Mr. Kaligian noted that weekly rentals have been common in Milford for many years. Ms. Austin said she leaned toward regulation by ordinance and underscored the seasonal nature of rentals.

H. **APPROVAL OF MINUTES of 1/18/22** was unanimous.

I. **CHAIR'S REPORT** - Consideration of in-person meetings and previous motion to return to city hall in March. Vice Chairman Satti asked for agreement to accept the vote from the last meeting. The group discussed how to handle future changes of venue. Mr. Zahariades thought it best to monitor situation. Mr. Sulkis said the board could be polled if the situation got worse. Mr. Castignoli favored moving ahead with the previous vote and a consensus was recognized.

J. **STAFF REPORT** Vice Chairman Satti asked for information about board member education requirements and opportunities; Mr. Sulkis said they would be provided shortly.

K. **ADJOURNMENT** was at 8:27.

Attest:

M.E. Greene

New Business, not on the Agenda, may be brought up by a 2/3's vote of those Members present and voting.

ANY INDIVIDUAL WITH A DISABILITY WHO NEEDS SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE DIRECTOR OF COMMUNITY DEVELOPMENT, (203) 783-3230, FIVE DAYS PRIOR TO THE MEETING, IF POSSIBLE.