

PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 16 FEBRUARY 2021, 7:00 PM

The meeting of the Planning and Zoning Board came to order at 7:00p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: N. Austin, J. Castignoli, J. Kader, B. Kaligian, P. Kearney, J. Mortimer, C.S. Moore, J. Quish, R. Satti, M. Zahariades
Not Present:

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

C. PUBLIC HEARINGS

VOTE BY MARCH 25, 2021

- 1) **100 Raton Drive** (Zone LI) Petition of Kevin Curseaden, Esq., for a Special Exception with Site Plan Review for a proposed escape room and event facility on Map 73, Block 928, Parcel 4Q, of which Best Buddies, LLC is the owner. Link to 100 Raton Drive Docs Link to 100 Raton Drive Plans. **WITHDRAWN**
- 2) **67 Prospect Street** (Zone MCDD) Petition of Patrick Rose, Rose Tiso and Company, for a Coastal Area Site Plan Review for a proposed Mixed Use Commercial Building on Map 54, Block 817, Parcel 6, of which 67 Prospect Street LLC is the owner.

Attorney Lynch, 63 Cherry Street, noted the presence of the design team and his clients. He reviewed the nature of the application, describing it as a site plan review for the restoration of a historic house plus the addition of 36 residential units. He said his clients were happy to participate in the public hearing voted on by the board, despite the application's zoning compliance and conformity with city departmental requirements. He reminded the board that its ability to act in a legislative capacity according to its own discretion, such as with zone changes, was not in force with the application. He said that if the plan complied with state statute 8-3 and the Milford Zoning Regulations, the board must act administratively in reviewing the plans. He acknowledged that the board chose to hold a public hearing because the application had generated public interest but wanted to review changes to the original plans. He said these changes were the result of negotiations between historic preservation interests and the developers and that whereas the previous plan involved demolishing the Baldwin house and constructing 44 residential units, the current plan preserves and restores the historic house and reduces the number of apartments to 36. He said an application for a Certificate of Appropriateness was made to the Milford Historic Preservation Commission (MHPC), where his clients offered expert testimony concluding that the Baldwin house did not require preservation and restoration. However, MHPC denied the application and the applicants appealed to the Superior Court, where during pretrial discussions, despite an opinion that the MHPC decision could be overturned, the described settlement was reached. He said the stipulation also involved replacing wood siding and placement of an historic plaque. He said the state archeologist studied the rear portion of the property with sonar, looking for bones or artifacts, but found no evidence to support anecdotal information on the burial of early settlers. Attorney Lynch noted letters of support from the State Historic Preservation Office and William Silver of MHPC. He expressed confidence that concerns had been addressed. He reviewed city departmental approvals. He referred to a pre-covid-19 traffic study done by traffic engineer Kermit Hua during 2017-2018 which concluded that no adverse impact was anticipated then. He said with a reduced number of units, even less impact should be seen. He said the fire marshal had required that a fire hydrant be installed nearby, and it was. He said he would defer discussion of the stormwater management system to the engineer but that the plan was designed to retain all runoff up to and including the results of a 100-year storm for 24 hours without any discharge. He read a portion of the report from the city engineer into the record.

Patrick Rose, partner, Rose Tiso, 35 Brentwood Ave., Fairfield, presented an existing conditions survey. He said newer sections of Baldwin house and its garage would be removed and that the remaining historic house would be renovated. He described abutting properties and described the proposed new apartment building, with parking below, located 40' behind the existing house and connected by a port cochere. He said the first floor will have office space and the 2nd floor will have a small fitness center and a meeting room for apartment residents. He described the parking plan, noting that it meets requirements. He said a 10' landscaped buffer will encircle the building as well as a 6' privacy fence. He described the driveway, reserved space for fire apparatus, and a snow storage area prior to having snow hauled offsite. He said the maximum height requirement of 40' has been met. He reviewed the floor plan in detail, noting that the second and third floor will have 18 1-bedroom apartments. He shared elevations that feature 5 different shingled facades with louvered-window open parking below and a stair-and-elevator tower.

Manny Silva, civil engineer with Rose Tiso, described the stormwater management infrastructure in detail, saying it was designed to hold all stormwater in underground galleries. He reviewed a drainage report based on the existing house, pool and yard which showed that runoff discharge would be reduced to zero by the new system. He stated that DEEP water quality requirements will be met, and the plans include catch basins to trap contaminants. He reviewed other utilities and noted an accommodation to the city engineer to widen Prospect Street in one area. He said that during construction, sediment and erosion controls will be used including silt sacks placed in catch basins to avoid debris collecting there. He described landscaping including juniper shrubbery,

white cedars, shade trees for the parking lot, and ground cover of spreading yew rather than lawn. He reviewed the sewer connection, parking lot details, and a photometric plan to avoid light spillage beyond the edge of the lot. He noted a Coastal Area Management report consistent with best practices due to zero runoff. He reviewed history of how the plan has evolved to accommodate neighboring concerns. He said the plan met or exceeded city requirements.

Mr. Sulkis read his administrative summary, which was consistent with the presentation.

DISCUSSION

Mr. Satti noted a typo on the report regarding the date. He asked Attorney Lynch about the court stipulation details regarding relocation of the historic plaque and about the house exterior being restored to wood siding. He confirmed that if any damage came to Baldwin House during construction, it would be rebuilt as it is now. He discussed the number of apartments built by Smith Craft in 2016, with Attorney Lynch, who recalled approximately 44-55. He discussed section 7.1.3.8 (Character and Appearance) and how the project might be detrimental to character and appearance of the surrounding neighborhood. Attorney Lynch stated that the plan will be an enhancement to the neighborhood and reiterated that the plan had been reviewed by all city departments charged with the health and welfare of the neighborhood.

Chairman Quish opened the hearing for public comment. He noted emailed comments about Plan of Conservation and Development (POCD) and stated that the next POCD meeting offered a chance to observe the process as well as participate when public hearings are scheduled. He noted that members of the public can petition for a zone change or request a public hearing.

FAVOR (SUBMITTED VIA EMAIL)

William Silver, Chair of Milford Historical Preservation Commission

Catherine Labadia, on behalf of the CT Dept of Economic and Community Development's Historic Preservation Office

OPPOSED

Richard Platt, 132 Platt Lane, said Prospect Street never should have been put into the MCDD. He said the residents were unaware of the implications until the first controversial apartment complex was controversial. He said Prospect Street is in the River Park Historic District. He asked that Prospect be removed from the MCDD and that the development is out of character with the zone. He urged the board to prevent the project by rethinking the MCDD.

Ellen Liscov, 28 Plymouth Ct, said she is concerned about historic nature of the property and agreed that the project is not in character with the neighborhood. She felt that a 3-story apartment building creates too much density. She expressed surprised about a lack of burial ground evidence. She asked if variances had been needed for the design.

Chairman Quish briefly interrupted public comments to ask Mr. Sulkis for and answer to the variance question; **Mr. Sulkis** reported that no variances were required.

Ray Oliver, 404 Gulf, Vice President of the Milford Cemetery Association said no soil tests had been done to prove a 100-year-storm-level containment of runoff would work and that if the galleries are filled, retention cannot be the entire solution. He said an alternative would be for high water overflow to be incorporated into the catch basin near railroad bridge on Prospect Street. He said that a ditch along rear portion of the property will fill with water that could migrate onto cemetery property. He listed other concerns about the buffer area, the loss of mature trees, and that a vinyl fence may be substituted where appropriate. He stated that the rear of the 40'x80' building would be unappealing.

Arlene Painter, 32 Shipyard Lane, Unit B, thought the traffic study was inaccurate. She said Prospect Street is often backed up with traffic and that with the main fire station at end of street, traffic hazards would increase. She also objected to aesthetic of façade, saying it is not in keeping with the neighborhood.

Jane Platt, 132 Platt Lane, said she was delighted with historic character of Milford when she moved here many years ago but now believes projects such as this are eroding its appeal.

Elizabeth Keefe, house- and groundkeeper for the abutting Daughters of the American Revolution building at 55 Prospect, said she has concerns about the high water-table, noting frequently experiences of excess water on the DAR property. She said she is concerned about drainage there and toward the cemetery. She also objected to the project's aesthetic and felt there will be traffic compounded by proximity to the fire station.

Lily Flanagan, 38 Prospect St, said she is across street from the earlier condominium development on Prospect Street. She said the proposed multi-facade is less appealing than the condominium's white clapboard. She noted that delivery trucks enter and exit driveway of current apartment complex and asked if there a truck turnaround capability in the proposed apartment complex. She noted that trucks also get stuck under the railroad bridge near New Haven Avenue end of Prospect Street.

Max Case, 185 Plains St, Secretary of the Milford Cemetery Association, thanked the board for voting to hold a public hearing. He noted the presence of Jim Beard and Robert Hiza, saying they should comment. He was also skeptical that no overflow of water from the proposed storage galleries would flood onto the cemetery. He referred to the liability that would result from water damage to abutting properties and that if the project increases the flow of water onto adjacent property, there is an obligation to protect cemetery. He said he would rather see water being directed into catch basins.

Jim Beard, 762 Wheelers Farm Rd, President of the Milford Cemetery Association, noted that Robert Hiza's research raised concerns about water management. Mr. Beard said he was involved in the POCD's downtown plan, and said Milford history has not been preserved. He also wanted Prospect Street removed from the MCDD zone.

John Kranz, 15 West Main St, owner of J. Kranz Carpentry, member of MHPC, said he was relieved Baldwin House was spared, but he still disagrees with the overall project. He noted that he is a close neighbor of the property, having bought and restored the old parsonage for First Church. He was dismayed by the loss of historic houses being replaced with moneymaking apartment houses.

Steve Rathman, 44 Prospect St, said the project was outsized to the lot. He noted that the other complex on Prospect Street sits on over 2 acres.

Ann Maher, 50 Prospect St, said the expense to restore Baldwin House had been worsened because the applicant allowed the property to fall into disrepair. She said the remains of colonial settlers there were documented by Peter Prudden, that gravestones were not used by the religious sect they adhered to, and that an archeological investigation would be unlikely to detect anything but coffin nails or other durable artifacts. She noted that since the pandemic began, there have been daily delivery of Amazon and Grubhub trucks along the street. She cited MZR section 7.1.3.8 regarding the safety, comfort, and convenience of neighborhoods. She said the project was not in harmony with built form of surrounding areas and that scale should be compatible with existing buildings whereas Baldwin House will be dwarfed by proposed building.

REBUTTAL

Attorney Lynch asked Mr. Silva to address Mr. Oliver's comments. He read into the record Mr. Hiza's page 2 comments about increasing the storage capacity of the proposed galleries. He stressed that a 100-year storm event can be accommodated.

Mr. Silva shared a memo to the Inland Wetlands Agency reviewing soil analysis and groundwater testing indicating there would be no way for runoff to increase.

Attorney Lynch reiterated the plan's compliance with MCDD zone regulations and the board's obligation to approve a plan that complies. He said more downtown housing promotes patronage of local businesses and use of amenities and transit.

REBUTTAL OF REBUTTAL

Mr. Beard said the 100-year flood mitigation is inadequate when the Wepawaug River floods.

Ms. Maher stressed that the board should also consider 7.1.3 with regard to comfort and convenience of the public and abutting neighborhood.

Mr. Platt joked that the Veterans Administration will get to the age of 100 to directly evaluate the impact of 100-year floods.

Attorney Lynch said he stood by his comments.

Chairman Quish asked for a 2-minute recess to allow board members to review section 7.1.3.8.

Mr. Sulkis displayed the relevant section of the regulations.

Mr. Satti asked if board had authority to require additional reports. **Chairman Quish** and **Mr. Sulkis** said yes, most customarily regarding traffic studies. **Mr. Satti** said there were competing engineering reports from the Cemetery Association and the

developer. He asked if an independent engineer could compare and assess them. **Mr. Sulkis** said independent traffic consultant had been used because city does not have expertise on staff, but the City Engineer's evaluation was expert and not tied to either side. However, he said a request for additional expertise would be up to the board. He referred to Section 7.1.2.14 regarding storm water management, which is the standard used by the City Engineer to determine if a project conforms.

Chairman Quish asked for reasons not to close public hearing. **Mr. Satti** asked to hold it open for further input. Discussion ensued on newer traffic patterns due the pandemic with apartment parking spaces filled by people working from home and the potential danger of delivery trucks backing out of the lot. The tradeoffs between supporting economic growth downtown versus maintaining the historic character of downtown were a concern. A consensus emerged to hold the hearing open.

The board and Attorney Lynch settled on a deliverable for the next hearing consisting of a meeting between the three engineers who had evaluated the plan to be sure all information had been shared among them—City Engineer **Greg Pidlowski**, development engineer **Manny Silva**, and Milford Cemetery consultant **Robert Hiza**. **Mr. Kader** asked that any information following the meeting be forwarded to Mr. Sulkis prior to the next meeting to avoid unnecessarily delaying a vote.

Mr. Sulkis said no motion was needed if applicant agreed to this next step. **Chairman Quish** urged the board members to study Section 7 and said he would like consultation with the City Attorney.

D. OLD BUSINESS – None

E. NEW BUSINESS – None

F. LIAISON REPORTS – None

G. SUBCOMMITTEE REPORTS—

Chairman Quish said the POCD and Regulation Subcommittees would both meet on 2.24.2021.

H. APPROVAL OF MINUTES—1/19/2021 minutes were approved unanimously.

I. CHAIR'S REPORT -None.

J. STAFF REPORT - None.

K. ADJOURNMENT was at 9:05.

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.