

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 3 MAY 2022, 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: J. Castignoli, E. Hirsch, B. Kaligian, C.S. Moore, R. Satti, M. Zahariades

Not Present: N. Austin, J. Kader, J. Mortimer, J. Quish

Staff: D. Sulkis, City Planner; M. Greene, Rec. Sec'y

Vice Chairman Satti opened the meeting in Chairman Quish's absence. He announced that the items for **Proposed Regulation Change #22-4** and **238 Zion Hill Road** had been postponed by their respective applicants.

C. NEW BUSINESS

- 1) **28 Bayshore Drive** (Zone R-5) Petition of Thomas Lynch, Esq. for a Coastal Area Site Plan Review to construct a new single-family dwelling at Map 29, Block585, Parcel 4, of which Lisa Lombard is the owner.

Attorney Lynch addressed the board. He said his clients, the Lombards, had been working with Professional Engineer Ron Wassmer on a design for a new home for some time. He described the area and provided specifics on the lot. He reviewed existing nonconformities and said a side-yard variance had been granted by the Zoning Board of Appeals. He showed elevations of the house featuring two levels of living space. He said the roofline was discussed with the zoning office and the building height was compliant as well as other features covered by the variance. He said the City Engineer found the plans acceptable and FEMA-compliant. He reviewed the floor plans.

Ron Wassmer, PE, LS, 158 Research Drive, remarked on the house's compliance with coastal resource preservation and flood mitigation guidelines.

Vice Chairman Satti closed the hearing.

Mr. Sulkis read his administrative summary, saying the project was substantially zoning compliant with no anticipated adverse effects.

DISCUSSION

Mr. Moore moved to approve as presented the Petition of Thomas Lynch, Esq. for a Coastal Area Site Plan Review to construct a new single-family dwelling at Map 29, Block585, Parcel 4, of which Lisa Lombard is the owner. He accepted an amendment to make the City Engineer's comments a condition of approval.

Second: Mr. Castignoli seconded and accepted the amendment.

Discussion: None.

Vote: Motion carried unanimously.

- 2) **Milford Affordable Housing Plan** Adoption of the City of Milford Affordable Housing Plan, prepared by RKG Associates for the South Central Regional Council of Governments, as required by CGS 8-30(j).

Joe Griffith, DPLU Director, addressed the board. He said that the city is required to adopt an affordable housing plan that has been created in the past year, and that state statute requires adoption of the plan by this board.

Mr. Sulkis added that the plan must be updated every 5 years.

DISCUSSION

Mr. Castignoli moved to approve as presented as presented the Adoption of the City of Milford Affordable Housing Plan, prepared by RKG Associates for the South Central Regional Council of Governments, as required by CGS 8-30(j).

Second: Mr. Moore seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. PUBLIC HEARINGS

CLOSE BY MAY 24, 2022; VOTE BY JULY 28, 2022

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1. **535-543 Plains Road** (Zone R-18) the Petition of Kevin Curseaden, Esq. for a cluster development at Map 62, Block 928, Parcel 8, of which Nicholas Marlow and Daniel Thornberg are the owners.

Attorney Curseaden, 3 Lafayette Street, addressed the board. He introduced Jeff Gordon of Codespoti and Associates. He reviewed a previous application for a zone change to create a consistent R-18 zone. He said the current application was for a cluster development was to promote appropriate land use and population density—that the goal of this clustering was to reduce conforming lot sizes in return for deed-restricted open space. He said the applicant also wished to preserve a current house on the property. He said the road is private and the applicant/owners will be responsible for maintenance. He said comments from Department of Public Works (DPW) and the City Engineer resulted in conditions. He said he had consulted the city attorney regarding deed restrictions defining the responsibilities of the eventual owners. He said the city attorney wanted it pointed out to the board that for liability reasons, the open space was not public space. He said the subdivision would be managed in a way that maintains shared resources. **Mr. Hirsch** asked if water and sewer were to be private; they were not. **Mr. Castignoli** asked for more detail on cluster subdivisions versus traditional subdivisions, which **Attorney Curseaden** provided.

Jeffrey Gordon, President, Codespoti Associates, 263 Boston Post Road, Orange, addressed the board. He said the proposed development is amid other cluster subdivisions. He reviewed details of the plan, pointing out a landscape plan featuring trees and other buffer plants around the existing house. He said the plan sought a waiver of sidewalks to preserve stands of established evergreen trees and to avoid narrowing the street. He noted the landscape barrier also shields the site from an industrial area. He circulated a drawing. He reviewed the private drainage plan featuring a dry well on the intersection with Plains Road to prevent runoff. **Mr. Kaligian** asked about an inconsistency in the number of lots on the lighting plan versus the other plans, which Mr. Gordon addressed. **Mr. Zahariades** confirmed with Mr. Gordon that an existing house was not part of the plan. **Mr. Satti** asked about sidewalks that would abut existing sidewalks on Cornfield. **Mr. Gordon** described the presence of the current sidewalks on the document he handed out. **Attorney Curseaden** said any sidewalks would be managed through an association. He offered to circulate several copies of an email from the City Attorney that discussed managing the property via a declaration of deed restrictions reviewed by the City Attorney. He said the association could take a variety of forms, yet to be defined, and the nature of which might figure in procuring construction funding. He reviewed the utilities to be funded and managed by the private property owners. **Mr. Satti** said documentation seemed to be lacking. **Mr. Hirsch** asked to have the regulations displayed, which **Mr. Sulkis** did. **Attorney Curseaden** said the Department of Public Works Director's comments were memorialized in the City Engineer's memo and were also shared in a personal conversation with the Attorney Curseaden. Attorney Curseaden circulated a draft declaration of deed restrictions.

Mr. Sulkis read his administrative summary which said the board may approve the cluster subdivision if it judges the project to be consistent with Section 5.9.1 of the regulations. He stated that the proposal was substantially zoning compliant. He said the board could use its discretion regarding the sidewalks. He referenced the relevant regulations on clustered developments. **Attorney Curseaden** said all requirements had been met.

PUBLIC COMMENT

Vice Chairman Satti invited remarks.

FAVOR

Robin Moran, 500 Plains Road, said she was in favor of the project.

Cheryl McCullogh, 484 Plains Road, also spoke in favor.

OPPOSED

No opposition to the project was expressed.

DISCUSSION

Mr. Moore asked if conditions should be included in the motion, **Mr. Sulkis** said they could be. **Vice Chairman Satti** said that earlier he asked **Attorney Curseaden** if the members present, while a quorum, would satisfy him for a vote tonight or if he preferred to wait until more board members were present; **Attorney Curseaden** said he would accept a vote tonight.

Vice Chairman Satti closed the hearing and asked for a motion.

Mr. Moore moved to approve with the following modifications the Petition of Kevin Curseaden, Esq. for a cluster development at Map 62, Block 928, Parcel 8, of which Nicholas Marlow and Daniel Thornberg are the owners.

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Conditions:

The Applicant shall submit documentation that is satisfactory to the City Attorney for the following:

- 1) Shall submit documentation as stated in Section 5.9.3.1 (1) and (2) (ownership/association documents)
- 2) Shall submit documentation as stated Section 5.9.4.7 (2) (open space association documents)
- 3) City Engineer conditions in the report dated 4/19/22 letters A-H; General Comments 1-5; and the supplemental comments in the letter dated 5/2/22.

Optional

- 4) Shall install sidewalks on the new proposed private street.

Second: Mr. Castignoli seconded.

Board Discussion: **Mr. Hirsch** felt there should be no requirement to add sidewalks if the development was private. **Mr. Castignoli** asked if the sidewalks depended completely on the board's preference; **Mr. Sulkis** said yes. **Vice Chairman Satti** said he was concerned about the lack of sidewalks, that documents were provided late, and that he disagreed that one of them satisfied the requirements of advising the board about ownership. **Mr. Satti** also had concerns about the project's bonding requirements and the nature of the open space provided. He said he did not find it substantially zoning compliant with Section 9.5.3 and 9.5.4. **Mr. Hirsch** asked about the nature of surety provisions versus a board's vote for final approval; he and **Vice Chairman Satti** discussed the regulatory language and agreed there may be some ambiguity. **Mr. Sulkis** said if this project were a traditional subdivision, a surety bond would be calculated after board approval. **Mr. Hirsch** pressed for a clarification of the term "final approval"; **Mr. Sulkis** said the board provides final approval for plan and that a bond can't be posted for something that has not yet approved. **Mr. Zaharides** asked **Mr. Moore** to clarify whose option—the board's or the applicant's—would be exercised for installation of sidewalk as part of his conditions for approval. **Mr. Moore** said he meant the sidewalks would be optional for the applicant to install.

Vote: Motion carried as follows:

WITH THE MOTION: J. Castignoli, E. Hirsch, B. Kaligian, C.S. Moore, M. Zahariades

AGAINST THE MOTION: R. Satti

E. LIAISON REPORTS—None.

F. SUBCOMMITTEE REPORTS—None.

G. APPROVAL OF MINUTES—Mr. Kaligian motioned approve the **4/19/2022** minutes with an amendment to strike a typo reading "passed" from each of the first two motions on Item 5. **Mr. Moore** seconded. A voice vote was unanimous.

H. CHAIR'S REPORT – Vice Chairman Satti said that as had been done throughout the pandemic, the board was invited to discuss remote versus in-person meetings based on rising infection levels in the area. He reminded the group that publication schedules required that any such decision be made a month in advance. He said he felt various views were well understood based on previous debate. He noted that a new coronavirus variant may be more infectious and that, apart from the pandemic, people who are traveling on business could participate. He asked if there was a desire for further discussion that evening. **Mr. Hirsch** said he watched Connecticut Supreme Court conduct hybrid hearings with 4 justices present and 1 at home and if that process is good enough for Supreme Court, it should be good enough for this board. but that the board had been told there could be no hybrid meetings with city investment in different broadcasting equipment. **Vice Chairman Satti** said at the SCRCOG meetings he attended, smaller towns than Milford are that are using ZOOM or hybrids. He noted that people who work are also affected. No discussion was forthcoming.

J. STAFF REPORT - None.

K. ADJOURNMENT was at 8:14.

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.