

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 6 JUNE 2023, 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, E. Hirsch, J. Kader, B. Kaligian, J. Mortimer, R. Satti

Not Present: J. Quish, M. Zahariades

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

Vice Chairman Satti opened the meeting in Chairman Quish's absence.

NEW BUSINESS

VOTE BY AUGUST 10, 2023

City Attorney Jon Berchem prepared to address the board. Vice Chairman Satti asked if Attorney Berchem would allow the four CGS 8-24 items to be combined for the sake of presentation and voting. Attorney Berchem agreed.

- 1) 44-64 River Street referral pursuant to CGS Section 8-24, to approve easements on Map 54, Block 322, Parcel 4, of which the City of Milford is the owner.
- 2) 145 High Street referral pursuant to CGS Section 8-24, to approve easements on Map 54, Block 322, Parcel 1, of which the City of Milford is the owner.
- 3) 0 Railroad Avenue referral pursuant to CGS Section 8-24, to approve easements on Map 54, Block 322, Parcel 28A, of which the City of Milford is the owner.
- 4) 0 River Street referral pursuant to CGS Section 8-24, to approve easements on Map 54, Block 322, Parcel 4A, of which the City of Milford is the owner.

City Attorney Berchem said he considered the request being comprised of 2 easements because items 2 through 4 were essentially an emergency access easement for first responders to reach the site from River Street to High Street. He said the city had tried unsuccessfully to get Railroad Avenue approved as a 2-way street by the Department of Transportation. He noted that in February the Planning and Zoning Board approved modifications to the Metro Transit-Oriented District's site plan for 44-64 River Street resulting in the need for 2 easements—the emergency access easement and a construction and use easement due to a slight encroachment onto the River Street sidewalk. He said that if the Planning and Zoning Board determines the easements are consistent with the Plan of Conservation and Development (POCD) and vote in favor, a simple majority approval would be needed from the aldermanic board rather than a supermajority.

Vice Chairman Satti closed the hearing for the first 4 items of New Business.

Mr. Mortimer *moved to approve* the following:

- 1) 44-64 River Street I move to approve a referral pursuant to CGS Section 8-24, to approve easements on Map 54, Block 322, Parcel 4, of which the City of Milford is the owner.
- 2) 145 High Street I move to approve as presented, a referral pursuant to CGS Section 8-24, to approve easements on Map 54, Block 322, Parcel 1, of which the City of Milford is the owner.
- 3) 0 Railroad Avenue I move to approve as presented, a referral pursuant to CGS Section 8-24, to approve easements on Map 54, Block 322, Parcel 28A, of which the City of Milford is the owner.
- 4) 0 River Street I move to approve as presented, a referral pursuant to CGS Section 8-24, to approve easements on Map 54, Block 322, Parcel 4A, of which the City of Milford is the owner.

Second: Mr. Castignoli seconded all motions.

Discussion: None.

Vote: Motion carried unanimously.

5.) 31 Melba Street (Zone R-5) Petition of Inda and Tarun Gupta for a Coastal Site Plan Review on Map 13, Block 136, Parcel 2, of which Inda and Tarun Gupta are the owners.

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Andrew Flanagan, LS, 1460 New Haven Avenue, addressed the board. He described the project as new construction with a deck that would be cantilevered over the sea wall. He noted city engineering requirements were met including sidewalk and concrete apron, that no variances were required, and that the project is zoning compliant.

Mr. Sulkis gave his administrative summary which was consistent with the presentation and noted no anticipated adverse impacts to coastal resources.

Vice Chairman Satti closed the hearing.

Mr. Mortimer *moved to approve as presented* the petition of Inda and Tarun Gupta for a Coastal Site Plan Review on Map 13, Block 136, Parcel 2, of which Inda and Tarun Gupta are the owners.

Second: Mr. Castignoli seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. PUBLIC HEARINGS

- 1) **3, 7-9 Roller Terrace** (ZONE R-12) Petition of Hugo Roller for a re-subdivision to Map 076, Block 921, Parcel 19, of which Hugo Roller & Ann Roller Schuchmann & Survivors are the owners.

Mr. Roller, 3 Roller Terrance, addressed the board. He said Mr. Sulkis advised that historical context was not germane to the application, but Mr. Roller recounted that the property had been owned by his family for 100 years, had been impacted by eminent domain when the Route 15 connector was built, and that his grandfather had created lots for family use. He said concerns exist for surface runoff which he had addressed by converting hardscape to a vegetable garden, constructing subsurface drainage, and installing gutters routed to an old farm well. He said his main concern was the sidewalk. He noted the absence of sidewalks in the rest of the Roller Street cul-de-sac except for one his father put in. He also noted the absence of sidewalks on Meadow Street. He asked the board to consider waiving the sidewalk requirement. He asked for consideration of his age in maintaining a larger property. He noted the presence of his surveyor for other questions.

Mr. Sulkis read his administrative summary. He said the re-subdivision would require connection to city sewer, that sidewalks were required, and that a cash payment was due the Open Space (OS) fund.

Mr. Hirsch asked about the original parcel and asked Mr. Sulkis who pays for the sidewalks; he was advised that the applicant does. Discussion ensued on the presence or absence of nearby sidewalks, who was responsible for payment, and if the board could exercise discretion. **Vice Chairman Satti** asked about the length of the sidewalk.

Tracy Lewis, LS, 260 Main Street, Monroe, surveyor for the application, said the length was approximately 180 feet.

Mr. Sulkis explained that the sidewalk requirement is mandated not only by the Subdivision Regulations but by City Ordinance, which places it under the jurisdiction of the Department of Public Works, thus the board cannot waive the requirement. He noted sidewalks are also recommended by the Plan of Conservation and Development (POCD). He also noted the requirement for sidewalks in commercial areas along the Boston Post Road. Further discussion revealed that the Zoning Board of Appeals has no ability to vary the Subdivision Regulations.

Discussion shifted to the applicant's offer of a 1.6-acre northern parcel of a landlocked parcel in lieu of the OS payment. **Mr. Sulkis** advised that the parcel doesn't meet OS requirements per Jeremy Grant, the city's Open Space Agent, because it is landlocked and has been encroached upon by neighbors.

Vice Chairman Satti opened the hearing to public comment. Hearing none, he closed the hearing.

Mr. Mortimer asked how an OS payment is calculated; **Mr. Sulkis** advised that it is based on 10% of the appraised value of the land involved, without consideration of any structures. He emphasized that this is a consistent policy for all subdivisions and that the percentage is defined in the Subdivision Regulations, which are in turn based on state statute.

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Mr. Mortimer moved to approve with the following modifications the petition of Hugo Roller for a re-subdivision to Map 076, Block 921, Parcel 19, of which Hugo Roller & Ann Roller Schuchmann & Survivors are the owners.

Conditions of approval:

- 1) The applicant shall make a payment in lieu of open space in accordance with section 3.10.1 of the subdivision regulations.
- 2) The applicant shall amend the re-subdivision plan to show the abandonment of the existing septic system on "Lot A", and the existing house to be connected to the sewer system.
- 3) The applicant shall connect the existing house on "Lot A" to the municipal sewer system prior to the filing of the subdivision mylar.
- 4) A legal description of the driveway easement shall be filled concurrently with the final approved re-subdivision mylar at the City Clerk's office.
- 5) The applicant shall install sidewalks and curbing per 3.3.10.4, and the City Engineer letter dated 5/22/23.

Second: Mr. Castignoli seconded.

Discussion: None.

Vote: Motion carried unanimously.

C. LIAISON REPORTS—None.

D. SUBCOMMITTEE REPORTS—**Mr. Castignoli** reported that 2 public hearings for POCD comments had occurred and that written public comment was still open through Friday. **Mr. Sulkis** advised that public comments will be incorporated into an updated draft to be provided on 6/20. Regulation Subcommittee Member **Kaligian** summarized the potential merger options as merger-by-operation-of-law versus merger-by-use, as had formerly been the case. He noted the moratorium through August and said proposed language on merger-by-operation-of-law would be presented for board discussion and stakeholder evaluation.

E. APPROVAL OF MINUTES—**5/2/2023** minutes were approved unanimously: motion by **Mr. Mortimer**, second by **Mr. Castignoli**.

F. CHAIR'S REPORT — None.

J. STAFF REPORT — **Mr. Sulkis** said final comments were being collected and integrated into the POCD and that he would like board approval to circulate it simultaneously to the aldermen and regional stakeholders. The updated draft document with public comments is on target to submit to the full board on 6/20. He said alders and SCRCOG both get 65 days to give feedback if they choose. After this, one or two public hearings for the actual adoption of the document can be scheduled. He said the plan is to have a new POCD by end of September. Regarding the new proposed merger regulation, a 35-day review period for SCRCOG would precede board review with a public hearing. He noted that the lot certification moratorium expires at the end of August. **Mr. Satti** thanked members of both subcommittees for their efforts. Discussion ensued about the need for consistent application of the regulations.

K. ADJOURNMENT was at 7:50.

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.