

**PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 2 JULY 2019, 7:30 PM,
AT BOARD OF EDUCATION MEETING ROOM, PARSONS CENTER BUILDING, 70 WEST RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Nancy Austin, Jim Kader, Brian Kaligian, Peggy Kearney, Scott Marlow, Carl Moore, Tom Panzella, Jim Quish, Robert Satti

Not Present: John Grant

Staff: David Sulkis, City Planner; Meg Greene, Board Clerk; Sue LaFond, Admin Assistant

C. OLD BUSINESS: None

D. NEW BUSINESS

VOTE BY AUGUST 6, 2019

1. **5 Point Beach Drive** (Zone R-7.5) Petition of Mike Guastaferrri for Coastal Area Site Plan Review to construct a Single Family House on Map 30 Block 636 Parcel 2 of which Paula and Cynthia Guastaferrri are the Trustees.

David Carson, OCC Group Inc., 2091 Highland Ave, Cheshire, addressed the board. He said the site has 8092 sf in an R 7.5 zone. He reviewed improvements and said all proposed work will be in the AE 12 flood zone, noting that the new home will comply with all FEMA and zoning regulations. He said curbing and sidewalks will incorporate all city engineer's requirements. He noted a 9% increase in total impervious coverage but stated that ground water recharge units will decrease runoff by 29%.

Mr. Sulkis said that the Inland Wetlands Agency had no issues with the project.

Mr. Satti referenced a 6/7 letter from the city engineer and expressed concern that the applicant had not provided the board with updated plans showing compliance with city engineer's comments. **Mr. Satti** also expressed concern that the CAM application was incomplete. **Mr. Carson** submitted a transmittal letter and CAM to the board.

Chairman Quish stated that the hearing would be held open until updated documentation was provided.

2. **100 Gulf Street** (Zone LI) Petition by Ron Wassmer for an Amendment to Existing Site Plan for a Veterinarian office and Pet Day Care on Map 55 Block 816 Parcel 2 of which FVS Property Management, LLC is the owner.

Mr. Kaligan recused himself.

Mr. Wassmer, PE, CCG Engineers, 158 Research Dr, described the property as the former home of "Who's Your Doggie" daycare. He reviewed the site plan, noting that adjoining properties are mixed-use. He said the applicant would like to make minor improvements to the building and site by adding storm drainage and traffic signage. He said minor parking lot changes would be made along the north side of the site and that the easterly portion of lot has steep grades which will require minor regrading. He reviewed landscaping, storm drainage, driveways, and placement of the dumpster enclosure, as well as interior plans. He said that substantial exterior work will increase attractiveness of the property, including an exterior illumination plan reviewed by the city engineer and the city planner.

Mr. Satti asked about an area just north of the property and if there were noise concerns. **Mr. Wassmer** said past noise concerns had been addressed.

Mr. Sulkis asked about the size of the dog run; **Mr. Wassmer** said it will be smaller than the previously one.

Motion: **Mr. Satti** motioned to **approve** as presented.

Second: **Ms. Austin** Seconded.

Discussion: None.

Vote: Motion carried unanimously

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3. **51 Hillside Ave** (Zone R-5) Petition of John Gabel for Coastal Area Management Site Plan Review to construct a Single Family House on Map 49 Block 723 Parcel 3 of which John Neff is the owner.

Mr. Gabel, PE, Ct Consulting Engineers, 733 East Broadway, addressed the board. He noted the attendance of his business partner Frank Diciarlo. He described the property, noting that it includes portions in the AE13 and VE13 flood zones. He said the owner wished to demolish the existing structure and build a new elevated house with a detached deck. He noted 2 ZBA approvals for side yard variances in March. He reviewed engineering details including curbs, sidewalks and the driveway apron.

Mr. Sulkis read his administrative summary.

Mr. Kader questioned the detached deck; **Mr. Gabel** explained that the building department will be receiving the detailed construction plans for the detached deck.

Chairman Quish asked Mr. Sulkis to explain the difference between attached and detached decks. **Mr. Sulkis** said it does not make much difference to the board's assessment, but that a more stringent zone applies to the deck. **Mr. Kader** expressed concern about deck weight and security. **Mr. Sulkis** reiterated this issue would be handled by Building Inspection.

Motion: Mr. Kaligian motioned to **approve with the condition** that the applicant will update their plans to the satisfaction of the City Engineer.

Second: Ms. Austin seconded.

Discussion: Mr. Moore asked **Mr. Kaligian** to correct the parcel number in his motion, which Mr. Kaligian did.

Vote: Motion carried unanimously

E. PUBLIC HEARINGS

CLOSE BY AUGUST 6, 2019; VOTE BY OCTOBER 10, 2019

- 1) **1698 Boston Post Road** (Zone CDD-5) Petition of Thomas Lynch, Esq. for Special Exception and Special Permit, with Site Plan Review for a Used Vehicle Dealership, and New Auto Storage Yard on Map 109 Block 804 Parcels 10 and 12B of which 1698 Boston Post Road LLC is the owner.

Attorney Lynch, 63 Cherry St, addressed the board. He noted the present of Ron Wassmer, PE. He said that the applicant has been in business here for over 50 years, but purchased this property in 2017 with the intention of moving their used car dealership there. He described a proposed 2600 sf building to be used under Special Exception to store new cars awaiting sale at the primary dealership. He said the property consists of roughly 4 acres where the now-demolished El Torero restaurant and Milford Post Inn had been located. He said the application is being made for use of the rear portion of the property; the front portion will be reserved for future use and development. He said the building would be used for auto prep prior to delivery. He referred to required buffers along both residential side of property in contrast to less of a buffer on the side of the property bordering Goodwill and Costco. He noted an 8' security fence in far northwest portion of property allowed by a variance granted by the ZBA. He said a Statement of Use had been submitted. He referred to the site plan, which delineates parking spaces for employees and display vehicles. He said plans had been revised per the Fire Department's requirement to add a 2nd fire hydrant. He said the police commission had approved the project and that the City Engineer's comments were addressed in submitted plan modifications.

Mr. Wassmer, PE, CCG Engineers, 158 Research Dr, reviewed the plan set; emphasizing revision dates incorporating departmental review and comments. He drew attention to a proposed driveway on southwest corner of the property to provide for future expansion of the property, featuring 2 lanes exiting and 1 entering, subject to a state driveway permit. He described the building to rear of property and the parking spaces. He reviewed characteristics of the 70' buffer along residential properties on Tumblebrook Drive, noting that existing trees will be supplemented by evergreens, shade trees, and buffer landscaping. He said no significant changes would be made to the existing property's grading. He reviewed plans for utilities and illumination. He said the property will be newly paved with exception of an existing paved area where former restaurant was located. He shared a conceptual site plan for potential future uses such as a restaurant, which was not part of the current proposal. He noted that the 2 driveway aprons currently on property would be reduced to one on the southwest of the property. He said the property includes 2 parcels which will be merged. He shared a floor plan showing the exterior and interior of building.

Chairman Quish opened the hearing for comment.

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Mr. Sulkis stated that the applicant should be restricted from utilizing the front portion of the property without board approval. Discussion followed about whether the applications should be separated or taken as a whole. Mr. Sulkis read comments submitted by abutting neighbor Frank Tomaszek regarding fencing and plantings.

Attorney Lynch indicated that he had discussed these concerns with the neighbor at the last, truncated meeting.

Mr. Sulkis recommended that the landscape plan be amended to include more arborvitae, suggesting that Attorney Lynch use language similar to the following: "My client will install additional arborvitae to the right side of the buffer to Mr. Frank Tomaszek's (124 Tumblebrook) satisfaction." **Mr. Sulkis** indicated that the addition of fence slats to the chain link fence had also not occurred. **Attorney Lynch** agreed to add to this language to the conditions.

Mr. Wassmer added that there had been additional review of plans after Mr. Sulkis' administrative summary was written and that additional arborvitae were now on the drawings.

Mr. Satti requested details on the merger of the properties.

Mr. Marlow questioned the wording for conditions of approval to address Mr. Tomaszek's concerns; Ron Wassmer recommended the "right side" area have arborvitae which continue in the area of Mr. Tomaszek's concerns. He also suggested slats in the fencing only occur where Mr. Tomaszek is impacted.

Chairman Quish asked if anyone wished to speak in favor of or in opposition to the application. Hearing none, he closed the hearing and asked for a motion.

Motion: Mr. Satti motioned to **approve with conditions** as follows: The applicant 1) shall update their plans to the satisfaction of the City Engineer and Fire Marshal; 2) shall plant additional arborvitae in a quantity and location to meet Mr. Tomaszek's satisfaction; 3) shall not develop or use the portion of the property closest to the Boston Post Road.

Second: Ms. Austin seconded.

Discussion: None.

Vote: Motion carried unanimously

2) **17L Shelland Street** (Zone HDD) Petition of Ray Paier for Special Permit with Site Plan Review for Contractors' Building and Storage Yard on Map 51 Block 936 Parcel 17L of which Prindle Hill Construction LLC is the owner.

Mr. Paier addressed the board. He described the contractor storage yard and building, noting one entrance/exit driveway. He said the building was centrally located on the lot with the storage yard behind. He noted landscape buffers featuring trees and shrubbery. He said the plan satisfied the City Engineer's comments regarding a sidewalk along Shelland Street, deepening of basins and other improvements. He stated no commercial activity or sale of goods would be conducted at the site. He described the building as a 6-bay, secured facility strictly for contractor use. He referred to fencing that would enclose the property and include a buffer strip. He said trash storage and storm-water capacity, including water quality requirements, had been addressed.

Mr. Marlow said the sewer commission review indicated that the property would be split into six separate units. **Mr. Paier** said the original application included potentially leasing some of the spaces; however, the current plan did not.

Chairman Quish asked if anyone wished to speak in favor of or in opposition to the application; no one came forward. He clarified that multiple bins on the plans will be constructed of concrete. As there was no public comment or issues in dispute, he asked for a motion.

Motion: Mr. Kaligian motioned to **approve with conditions** as follows: The applicant 1) will update their plans to the satisfaction of the City Engineer to include sidewalks; 2) a drainage maintenance plan shall be created and approved by the City Engineer; and 3) an oil/water separator shall be installed if floor drains are installed in the building.

Second: Mr. Marlow seconded.

Discussion: Mr. Satti recommended approval because updated reports and materials were provided.

Vote: Motion carried unanimously

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- 3) **29 Captains Walk** (Zone R12.5) Petition of David Provencher for Special Permit to construct a Fixed Pier on Map 45 Block 511 Parcel 14 of which Joyce Hsiao is the owner.

Mr. Provencher walked the board through a short timeline featuring a 3/7/2019 CT DEEP permit; a 3/15/2019 New England Army Corps of Engineers review with favorable consistency determination; and updated plans to address 3 recommendations on a 5/28 memo from City Engineer. He described a 4x24 ft fixed beginning in the middle of the property and terminating at the mean high water mark. He said railings were proposed and that diamond pier footings would be installed by hand for minimal site disturbance. He said the structure will be used for family kayaking and to dock small boats.

Chairman Quish asked for description of the diamond pier footings; **Mr. Provencher** said it is a precast concrete footing set into the ground and featuring steel pins that are driven approximately 6 feet, crossing each other to provide for load and uplift. He said timber posts are bracketed to each footing.

Mr. Satti further questioned and discussed the pier construction **Mr. Provencher** said it would be a well elevated structure for an area that sees frequent tide action. He said wave action occurs through the lower portion of the structure.

Chairman Quish asked if anyone wished to speak in favor of or in opposition to the application; no one came forward. He asked for a motion.

Motion: Mr. Marlow motioned to approve.

Second: Ms. Austin seconded.

Discussion: None.

Vote: Motion carried unanimously

- 4) **Proposed Change to City of Milford Zoning Regulations:** Article 5, Section 5.13 (5.13.2, 5.13.3 and 5.13.4) Activities Requiring a Certified Erosion and Sediment Control Plan; proposed by the City Planner (Tracking #1-19)

Mr. Sulkis said the regulations are being updated to accurately reflect the standards and agencies referenced—for example what used to be “DEP” is now “DEEP”; “CT Guidelines for Soil Erosion” is now “Southwest Conservation District”. He said state guidelines referenced in the regulations are being updated from 1985 to 2002 to be made current.

Mr. Satti asked whether these changes went through the Regulations Subcommittee; **Mr. Sulkis** responded they did not. **Mr. Satti** recommended the following small change in the document, to which **Mr. Sulkis** agreed: Change in section 5.13.3 is deminimis – “...principles as outlined in of the Connecticut Guidelines...”

Mr. Marlow asked who inspects tracking pads, and similar things for application that are subject to this regulation. **Mr. Sulkis** said different departments look at the project at different times. **DPLU Director Mr. Griffith** explained that these details appear on drawings to ensure that Inland Wetlands Compliance Officer Palumbo and City Engineer Pidluski are aware of the controls needed. **Mr. Marlow** expressed concern that a number of project sites are not being managed and controlled as they should be. **Mr. Griffith** said building inspectors report any deficiencies to Inland Wetlands for action.

Chairman Quish asked if anyone wished to speak in favor of or in opposition to the application; no one came forward. He asked for a motion.

Motion: Mr. Kaligan motioned to approve.

Second: Mr. Panzella seconded.

Discussion: None.

Vote: Motion carried unanimously.

- F. **LIAISON REPORTS** – **Chairman Quish** said he attends monthly regional planning meetings and would provide **Mr. Sulkis** with their agenda so the Board can be aware of current events.

- G. **REGULATION SUBCOMMITTEE** – **Chairman Quish** asked **Mr. Sulkis** to generate a list of potential opportunities on other boards

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and commissions. He noted that **Mr. Marlow** was elected Chair of the Regulation Subcommittee.

H. APPROVAL OF MINUTES – 5/21/2019 were approved unanimously.

I. CHAIR'S REPORT – None.

J. STAFF REPORT

Mr. Satti raised a point of order regarding the next 2 items, questioning whether they could be addressed at this point in the meeting; **Mr. Sulkis** indicated there was sufficient notice.

1) Approval of extension of Moratorium on Self Storage Facilities to September 30, 2019 (Tracking #27-18)

Mr. Sulkis reminded the board that at the beginning of the year, a self-storage moratorium was approved and that it expired July 1. Since the crafted amendment was not in place at the time of expiration, he recommended that the moratorium be extended to September 30, 2019.

Motion: Mr. Marlow motioned to approve.

Second: Mr. Panzella and Ms. Austin

Discussion: None.

Vote: Motion carried unanimously.

2) Approval to circulate a proposed change to the City of Milford Zoning Regulations re: Self Storage Usage and Facilities (Tracking #3-19)

Mr. Sulkis suggested reviewing proposed language allowing self storage facilities in HDD zones but prohibiting them in all other zones and providing a definition of a self storage facility. He said the document goes through the regulations section by section, prohibiting the use in all but the HDD zone, and specifically removing it from CDD3 where it has previously been allowed.

Chairman Quish summarized the changes to section 3.5.5. He said the board is not being asked to approve the regulation change, but is being asked to allow the regulation change to be circulated to other agencies.

Motion: Mr. Kaligan motioned to approve.

Second: Mr. Moore seconded.

Discussion: None.

Vote: Motion carried unanimously.

3) Lot Line Adjustment for 203-211 Plains Road.

Mr. Sulkis described lot line adjustment.

4) Lot line adjustment between 42 Naugatuck, 35 Park, 15 Broadway.

Mr. Sulkis described lot line adjustment for Fig Cooking School; saying the 15 Broadway property owner agreed to the adjustment. **Chairman Quish** asked how many square feet are involved; **Mr. Sulkis** said less than 1000. **Chairman Quish** asked what the threshold is for an administrative adjustment vs. board review; **Mr. Sulkis** said that a lot line adjustment that doesn't add a lot is generally approved administratively. **Chairman Quish** asked if there are monies exchanged; **Mr. Sulkis** said often yes. He noted that corrections can be made when, for instance, a garage was built on a property line; the opportunity is there to move the line.

K. ADJOURNMENT was at 9:05 pm.

Attest:

S. LaFond/M.E. Greene, Board Clerks