

**MINUTES OF THE PLANNING AND ZONING BOARD
MEETING HELD Tuesday, August 18, 2020 AT 7:00 P.M.**

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

MEMBERS PRESENT: N. Austin, B. Broesder, J. Castignoli, J. Kader, P. Kearney, C.S. Moore J. Mortimer, R. Satti, J. Quish

NOT PRESENT: B. Kaligian

STAFF: J. Griffith, DPLU Director; D. Sulkis, City Planner; M. Greene, sec'y

C. PUBLIC HEARINGS

ITEM 1: VOTE BY DECEMBER 14, 2020

ITEM 2: HEAR BY OCTOBER 21, 2020; VOTE BY DECEMBER 28, 2020

- 1) **132 Shelland Street:** (Zone HDD/LI) Petition by Jeff Gordon for Special Permit with Site Plan Review for proposed manufacturing facility on Map 62, Block 936, Parcels 9-13, 15 and 16H of which D'Amato Brothers Builders LLC and Jordan Realty LLC are the owners.

Attorney Lynch, 63 Cherry St, reviewed the presentation made on August 4. He reintroduced the project team and shared the site plan for Valley Tool, contract purchasers of the property, saying the plan is to construct a manufacturing facility. He said a key feature was a parking lot that funnels all traffic away from residential areas. He noted that the building is zoning compliant to the area and that all comments from City Departments had been incorporated into the design. He noted that the company would bring jobs and tax revenue to the city. He said residential neighbor concerns had also been carefully considered and attempts made to address them in the design.

Mr. Sulkis again provided his administrative summary.

Chairman Quish asked the board for questions. **Mr. Satti** asked about employee shifts; **Attorney Lynch** read the statement of use describing 2 staggered shifts. **Mr. Satti** asked if Plains Road could be completely access-restricted; **Attorney Lynch** said due to emergency vehicle access and drainage issues, this was not practical. **Mr. Satti** confirmed that the top of the building will be lower than the homes on Tranquility Way and asked about landscaping between homes and building. **Jeff Gordon** of Codespoti Associates said there are 50-60' tall trees, arbor vitae and other plants to create an intensely layered vegetative buffer. He said the residents of Tranquility Way would only see the top of the building if leaf drop made it visible at all.

Chairman Quish opening the hearing for public comment.

OPPOSED

Cynthia Nazemis, 136 Harvest Lane, said she wanted all traffic limited to Shelland, but otherwise approves.

Robin Moran, 500 Plains Rd, said she was also concerned with the traffic, but otherwise happy with the project.

Paul and Jenny Rose MacAllister, 30 Tranquility Way, had questions about noise and emissions from building and when deliveries would be made.

Eileen Doyle, 539 Plains, objects due to more truck traffic on Plains Road. She noted 5 school bus stops in the area.

William Doyle, 539 Plains, said signage currently restricts trucks over 8000 lbs, but this is not being enforced. He said many large trucks come through the area. He asked for a traffic study be done to determine the type of vehicles moving down the street.

Diane Lentakis, 81 West Rutland, said she did not have confidence that the turning restriction would be observed. She said there is speeding on Plains Road already and feared lack of enforcement.

FAVOR

Mr. Sulkis noted 2 letters of support received from **Pam Stanewski** and **Don Cyr**.

APPLICANT REBUTTAL

Attorney Lynch reviewed the traffic restrictions Valley Tool would observe.

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Jeff Gordon (Codespoti Associates) said the applicant has made an usual effort to minimize residential disruption by acquiring the Shelland property in addition to the Plains Road property in order to move traffic onto Shelland. He said historic uses of the property had included heavy industrial ones such as mining.

PUBLIC REBUTTAL

William Doyle said trucks were still a concern. **Attorney Lynch** said deliveries are coming from Shelland.

William Doyle asked about size of vehicles and whether the speed limit would be enforced. **Chairman Quish** said he appreciates this concern but it's the city's job to enforce its ordinances.

Paul MacAllister said his original questions were not addressed.

Cynthia Nazemis said southbound truck traffic is being routed via GPS down Plains Rd.

William Doyle agreed that the signage is being ignored.

Robin Moran asked if contractors and 3rd party vendors will be required to observe the traffic directions that employees must.

Jenny-Rose MacAllister asked when both phases of construction were scheduled and if sidewalks could be added.

Attorney Lynch said the traffic concerns have already been addressed. He said city ordinances must be enforced by the police. He stressed that traffic is to be routed via Shelland. He said emissions and sound are suppressed by the architectural design of the building. He invited commenters to visit the current facilities, noting that no noise complaints have arisen there.

BOARD QUESTIONS

Mr. Satti asked about the traffic study described at the July 20th special meeting. **Steven Ullman**, traffic expert, said he submitted a study without traffic counts due to current COVID19 traffic suppression, but instead used a traffic generation model that demonstrated sufficient capacity.

Chairman Quish asked about morning traffic due to employees reporting to work. **Attorney Lynch** said shifts will be staggered with routing instructions mandated by the employer. Asked if construction traffic could be routed away from Plains Road, **Attorney Lynch** deferred to **Architect Phil Clark (Clariss)** who said there would be a gate on Plains Road in case emergency vehicles are needed.

Chairman Quish asked for a commitment to have all truck traffic going via Shelland Street and an emergency-only requirement to use other access during Phase 1 construction, with Phase 1 estimated to last about 10 months. **Mr. Clark** said that only rare circumstances might require the use of the rear parking lot during construction.

Chairman Quish closed the hearing and asked for a motion.

Mr. Satti moved to approve with the following conditions:

- 1) Phase I construction trucks will use Shelland Street; and 2.) Plains Road will only be used by light trucks and emergency vehicles.

Second: Ms. Austin seconded.

Discussion: Mr. Satti said he understood the public's traffic concerns but stressed that the board is only responsible for plan review not enforcement. He praised the overall plan. **Chairman Quish** asked for removal of references to Phase I, **suggesting that the motion be amended to include all construction; Mr. Satti did so, removing the reference to Phase I.**

NEW MOTION:

Mr. Satti moved to approve with the following conditions:

- 1) All construction trucks will use Shelland Street; and 2.) Plains Road will only be used by light trucks and emergency vehicles.

Second: Ms. Austin seconded again.

Vote: Motion passed unanimously.

Valley Tool Chairman Howard Turner was permitted by the chair to read a brief statement on behalf of his employees, saying that they will do their utmost to be an excellent corporate neighbor.

- 1) **158 Cherry Street** (Zone CDD-1) Petition by Thomas Lynch, Esq. for Special Permit with Site Plan Review to convert an existing combination office/residential building to an all residential building on Map 66, Block 825, Parcel 17 of which PAR BROOK, LLC, is the owner.

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Attorney Lynch, 63 Cherry St, noted the presence of Land Surveyor Ron Wassmer and Architect John Wicko. He said that due to previous board action, the CDD-1 zone now permits projects featuring full residential use without an affordable housing component. He described the project's 2 parcels: 158 Cherry Street and 122 Cherry Street, including open space on the western portion featuring extensive wetlands. He said all construction is located on 158 Cherry Street. He said the plan was to add 11 new residential units, for a total of 35 units. He said the new units will consist of 8 one-bedroom apartments, 1 two-bedroom apartment and 2 efficiencies. He said the location was conducive to residential due to proximity to the train station. He described the new parking requirement calculation, noting that only 50 spaces would be needed. He said space formerly used for parking would be repurposed to create more of a green space. He said all city departments had approved the proposal; that the city engineer's comments had been used to revise the plan, but there will be no change in the building footprint, but some changes in the windows.

Mr. Sulkis confirmed that area for green space was located on the northwest portion of the site plan. He read his administrative summary, which was consistent with the presentation, and said the proposal was substantially zoning compliant. **Mr. Kader** was enthusiastically in favor of the green space addition.

Chairman Quish invited public comment.

Sam Utler, 26 Sand Street, asked if the green space could include large shade trees rather than ornamental plants for environmental reasons. She asked for the definition of substantially zoning compliant. **Mr. Sulkis** replied that "substantially compliant" is standard language used in case he misses anything, but indicates that in his assessment, the plan is fully compliant.

Attorney Lynch said that a few more trees could be added in the green area and that an updated landscape plan would be submitted. **Chairman Quish** said the adjustment could be submitted for staff approval.

Mr. Broesder moved to approve with the following conditions the Petition by Thomas Lynch for Special Permit with Site Plan Review for a proposed conversion of a mixed use building into a fully residential multifamily building on Map 66, Block 825, Parcel 17 of which PAR BROOK, LLC is the owner. **Condition: additional trees to be added to the landscaping plan to the satisfaction of staff.**

Second: Mr. Mortimer seconded.

Discussion: Sattis and Sulkis discussed how the parking had been netted down to 50 spaces.

Vote: Motion passed unanimously.

***** 5 minute recess *****

D. OLD BUSINESS

VOTE BY SEPTEMBER 23, 2020

- 1) **125-135 Broad Street** (Zone MCDD) Petition of Metro 135 LLC, Care of Metro Star properties LLC, for a site plan approval for a 5 building mixed use complex on Map 54, Block 394, Parcel 14 of which Metro 135 LLC is the owner.

Chairman Quish confirmed that the city attorney's memorandum on public hearings had been made available online.

Attorney Lynch, 63 Cherry St, reiterated that the only submitted plan for the project is a site plan and that under the city's zoning regulations and state statute, no public hearing is required. He said he agreed with the conclusion of the City Attorney's Office that the board has the right to call for a public hearing. However, he said that the memorandum also states that the board gets its authority from regulations and statute and asked the board to respect the authority of those rules. He noted that the application is compliant and all that is required of the board is the provision of parking adequacy. He reviewed the various parking calculations, noting that after last meeting, the project team revised the plan to incorporate 178 parking spaces, whereas to be fully compliant with Sec. 5 of the regulations, only 161 were needed. He stated that this creates more than the required parking. He asserted that the plan is fully compliant with the goals and principles of Transit-Oriented Development and the Yale-based downtown study done for the city approximately 20 years ago. He said that a public hearing could let people speak, but there is no discretion on the part of the board if the plan conforms to the regulations and statute from which the board derives its authority.

Mr. Satti motioned to **hold a public hearing** on September 1st, 2020, on the Petition by Metro 135, LLC for a site plan approval for a 5-building mixed use complex on Map 54, Block 394, Parcel 14 of which Metro 135 LLC is the owner.

Second: Mr. Broesder seconded.

Discussion: Mr. Satti said the public should be heard. **Mr. Kader** said he liked the project, but the public might resent not being able to comment. **Ms. Austin** agreed that the public needs to be heard but emphasized that the board is held to account by the zoning regulations and may be walking a fine line or setting a precedent. **Ms. Kearney** said the public needs to be aware that no matter

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what is said, the board may have to approve the project because it is zoning compliant. **Mr. Moore** agreed with Ms. Austin that the board may be compromising its mission. **Mr. Castignoli** said that if parking is the only item in question, comments might be limited to that topic. **Chairman Quish** said because downtown Milford is important to all residents of the city, even if no change is made, the upside might be that objectors hear more information on the project and are able to change their minds. **Mr. Mortimer** said that the public hearing may not be the best way to hear voice of people, but because the project is in the downtown area, let them be heard. **Mr. Kader** said the board should err on the side of transparency, but he very much supports the project. **Mr. Broesder** said he agreed with Ms. Austin and Mr. Moore.

Vote: Motion passed with the following votes:

WITH THE MOTION: J. Castignoli, J. Kader, P. Kearney, J. Mortimer, J. Quish, R. Satti

AGAINST THE MOTION: N. Austin, B. Broesder, C.S. Moore

E. NEW BUSINESS

VOTE BY OCTOBER 21, 2020

- 1) **95 Cherry Street** (Zone RO) Petition of Kevin Curseaden, Esq. for a Site Plan Review for a conversion from a single-family dwelling to an office on Map 66, Block 817, Parcel 25 of which John Blevins is the owner.

Attorney Curseaden, 3 Lafayette Street, said he represented David and Stephanie Ellison, longtime businesspeople in the city, who wish to convert the house to office space. He said the zone supports a mix of residential and office uses and that parking will be increased with a 100 percent office use. He advised that city approvals have been received and called the proposal very straightforward.

Mr. Sulkis read his administrative summary, which was consistent with the presentation. He said a new sewer lateral would be required by the City Engineer.

Mr. Satti *moved to approve with the following condition* the Petition by Kevin Curseaden for a site plan approval for a conversion from a single family home to a single office use on Map 66, Block 817, Parcel 25 of which John Blevins is the owner: ***condition of 1) the plan being revised to indicate removal of the current sanitary lateral with replacement by an 8" lateral to be paid for by the applicant, and 2) any required reconstruction of the apron or sidewalk by paid for by the applicant.***

Second: Ms. Kearney seconded.

Discussion: None.

Vote: Motion passed unanimously.

- 2) **17 Maddox Avenue** (Zone R5) Petition of Kevin Curseaden, Esq. for a Coastal Site Plan Review to construct a two-family home on Map 27, Block 450, Parcel 11 of which Ish Anand/AR Housing, LLC is the owner.

Chairman Quish noted that 4 people had requested a public hearing on this item. He said after the application is heard, the board would consider that idea, but he cautioned that, unlike large-scale projects proposed for downtown Milford, which have stakeholders throughout the city, this item had a limited number of stakeholders. He noted that a slippery slope could be created if the board constantly allows public hearings.

Attorney Curseaden, 3 Lafayette St, 17 Maddox and 20 Scott Street, described approvals from the Inland Wetland Agency and City Engineer. He said that previously were 2 structures on property, but now a single 2-family FEMA-compliant structure was being proposed. He said the 2-family use can be maintained per the Department of Permitting and Land Use. He said the applicant requested a variance for a side-yard setback, but was denied, so the current plan is fully zoning compliant. He stated that a coastal site plan review does not require public hearing. He said more parking would be included. He understood that some neighbors may have issues with the plan, but that it's fully zoning compliant.

Mr. Sulkis was asked to review the nature of a Coastal Area Management (CAM) application. He stated that per statute, certain kinds of construction within 1000 feet of the shoreline have been determined to have potential impacts on coastal resources. He read the impacts, which are listed on CAM applications, as identified by the state. He said that in this case, if it were a 1 family, the proposed plan would not need a CAM as there are exemptions per regulation for single family homes. **Mr. Satti** and **Mr. Sulkis** discussed the addressing of the property.

Mr. Satti *moved to approve as presented* the petition of Kevin Curseaden for a Coastal Area Site Plan Review on Map 27, Block 45, Parcel 11 of which Ish and Sachin Anand are the owners.

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Second: Mr. Broesder seconded.

Discussion: None.

Vote: Motion passed unanimously.

F. LIAISON REPORTS None

G. SUBCOMMITTEE REPORTS **Chairman Quish** noted that recent subcommittee minutes are online, and that the next few board meetings will have a busy schedule, possibly forcing the rescheduling of some subcommittee meetings.

H. APPROVAL OF MINUTES for 7/20/2020; approved unanimously.

I. CHAIR'S REPORT **Chairman Quish** thanked the public for input and patience with online meetings.

J. STAFF REPORT **Mr. Sulkis** reported that 64 Old Gate Lane's site plan, which the board approved 7/16/2019, had asked for extension of the approval to 7/16/2021, which had been administratively granted.

K. ADJOURNMENT was at 9:09.

Attest:

M.E. Greene, Recording Sec'y

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.