

## PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 7 DECEMBER 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, J. Quish,

**Not Present:** C.S. Moore, R. Satti, M. Zahariades

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

### C. NEW BUSINESS

**CLOSE BY FEBRUARY 12, 2022**

- 1) **5 Year Capital Improvement Plan** Referral pursuant to CGS Section 8-24, to approve the 5-year Capital Improvement Plan for 2021-2026.

**Justin Rosen, Mayor's Chief of Staff**, addressed the board. He said the budget was a planning document with a list of projects that does not imply obligating the city financially, but which is presented annually for board review. He stressed that the planning aspect of the budget is especially important this year as preparation is made for use of federal recovery and infrastructure funding. He said it expedites the grant application process.

**Mr. Kader moved to approve** the Referral by the City of Milford pursuant to CGS Section 8-24, for the 5-year Capital Improvement Plan for 2021-2026.

**Second: Mr. Castignoli** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- 2) **130 Ford Street and Bailey Lane (Bilberry Reserve)** (Zone R-12.5) Request of Bryan Wilson, RGSF Builders, for partial bond release for work associated with the subdivision known as Bilberry Reserve; in accordance with the memo from Christopher Saley, Public Works Director, to David Sulkis, City Planner, dated November 3, 2021.

**Mr. Sulkis** said that bonding is an administrative function of the board. He said the bond was being reduced rather than retired, with 43,520 being released and \$2200 retained for tree planting. He said a new bond of \$3000 will be posted for new work. He said that the old subdivision that was being closed out, including the bond posted for it. Per Subdivision Regulations, the Director of Public Works in consultation with the City Engineer determining that bond requirements were satisfied.

**Mr. Kader moved to approve the** Request of Bryan Wilson, RGSF Builders, for partial bond release for work associated with the Subdivision known as Bilberry Reserve, in accordance with the Memo from Christopher Saley, Public Works Director, to David Sulkis, City Planner, dated November 3, 2021.

**Second: Mr. Castignoli** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously

### D. PUBLIC HEARINGS

**CLOSE BY JANUARY 7, 2022; VOTE BY FEBRUARY 11, 20**

1. **4 Oxford Road** (Zone LI) Petition of Fernando Pastor for a Special Exception to allow live-work units at Map 102, Block 702, Parcels 4D-1, 4D-3, 4D-7 and 4D-8 of which David E. Barnes is the owner.

**Attorney Kevin Curseaden**, 3 Lafayette Street, addressed the board. He stressed that the request was for a Special Exception rather than a site plan review, despite the fairly extensive plans submitted, which had already been circulated to Inland Wetlands and Engineering. He said if the board saw fit to approve the Special Exception, the approval only applies to that specific property, and would not set a precedent. He said the application is for live/work units to be incorporated into 2 out of 5 buildings on the site, which represents a reduction in the total units originally requested. He the scope and use are in harmony with neighborhood and presented an opportunity to entertain this use without changing the regulations, which would affect the entire LI zone. He said that post-approval, conversion would be phased in over time because of current tenants whose leases extend several years. Allows for fine-tuning for future potential uses. He said the reason for the proposal is the shift in thinking about life-work balance and commutation, which reflects current and future trends. He said several cities and towns had changed regulations to allow this use. He said if there are fears of widespread 8-30g applications appearing throughout the LI zone, the industrial exemption would

prevent the affordable housing use, an issue being addressed in a current lawsuit. He emphasized that the use doesn't present the threat of "mission creep" toward all-residential use in the LI zone. He said this use is consistent with POCD goals regarding enhanced housing across income levels and adaptive reuse of existing structures, as well as preserving the remaining industrially zoned areas, also per the POCD. He argued that the new use can allow owners of property in the LI zone to survive the trend in reduced leasing currently seen work-only buildings. He pointed out the limitations to doing business using current regulations for residential zone home-occupation as well as potential transportation issues. He stressed that the new life/work ways of functioning are likely to persist after the pandemic. He said a site plan review would be required when further conditions would be imposed on specific plans for developing this site.

#### DISCUSSION

**Chairman Quish** asked about other communities that have implemented live-work zones and whether the ratio of living space to workspace being proposed is similar to cities on the list; this was unknown. **Mr. Castignoli** confirmed that revisions required by the City Engineer and Inland Wetland Officer were made and floor plans submitted. He discussed parking calculations with **Attorney Curseaden** and **Mr. Pastor**, with **Attorney Curseaden** reminding the board that the application did not involve approving specific plans. **Mr. Pastor** said 150 spaces were available in the back of the building to support 4 cars per unit as could be required to support residents and their clients. **Mr. Kader** asked whether feedback on the status of such projects was available from the 4 Connecticut towns listed in the presentation. **Mr. Pastor** said he was familiar with the New Haven live-work project where spaces were created in empty warehouses and mills. He said there was support for the conversions prior to the pandemic, which has expedited these plans. **Chairman Quish** reviewed floor plans with the applicant. **David Marasow**, project team member, reviewed a variety of potentials uses. **Mr. Mortimer** wondered how to attract, and monitor uses in tenants. **Chairman Quish** and **Mr. Kader** expressed concern about potential unforeseen, unintended consequences. **Attorney Curseaden** said an additional protection would be the condominium association where restrictions could be put in place and rules and bylaws could be added to municipal enforcement.

**Chairman Quish** asked for public comment. Hearing none, he closed the hearing and asked for a motion.

**Mr. Castignoli moved to approve with the following modifications** the petition of David Marosow and Fernando Pastor for a Special Exception to allow live-work units at Map 102, Block 702, Parcels 4D-1, 4D-3, 4D-7 and 4D-8 of which of which Marsh Hill Condominiums is the owner.

#### Conditions:

- 1) *The applicant shall present a full "Property Survey" as specified in Section 7.1.2.*
- 2) *The applicant shall submit a Landscape Plan in compliance with Section 7.1.2.15 and Section 5.14.*
- 3) *The applicant shall provide floor plans for each unit.*
- 4) *The applicant shall clarify the traffic pattern and pavement markings behind buildings C and D per Section 5.1.10.4.*
- 5) *The applicant shall provide a parking table with bedroom count.*
- 6) *An updated Site Plan shall be provided showing the details for what will be constructed and the materials, planters etc. that are proposed.*
- 7) *The applicant will submit plans for the restoration of the drainage basin to the satisfaction of the Inland Wetlands officer.*
- 8) *The applicant shall make a complete Site Plan application for Board Review.*

**Second: Mortimer** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

#### **PUBLIC HEARINGS (continued)**

**CLOSE BY JANUARY 7, 2022; VOTE BY FEBRUARY 11, 2022**

2. **0 Quarry Road** (Zone R-18) Petition of Jeff Attolino for resubdivision of property at Map 101, Block 807, Parcel 9R, of which Louis Fox is the owner.

**Mr. Attolino**, 63 Research Dr, addressed the board. He reviewed the responses to the proposal from City Engineer.

**Mr. Sulkis** read his administrative summary, saying the application consisted of a 3-lot, zoning-compliant re-subdivision with an Open Space contribution. **Ms. Kearney** asked if the engineering report had been presented to board. **Mr. Attolino** summarized the city engineer's comments. **Chairman Quish** suggested the motion include satisfying City Engineer's 7 December memo.

**Chairman Quish** asked for public comment. Hearing none, he closed the hearing and asked for a motion.

**Mr. Mortimer moved to approve with the following conditions** the Petition of Jeff Attolino for re-subdivision of property at Map 101, Block 807, Parcel 9R, of which Louis Fox is the owner.

**Conditions:**

- 1) *The applicant shall make a payment in-lieu of providing open space in accordance with the provisions of Subdivision regulation 3.10.1.*
- 2) *Will comply with the City Engineer's memo of 12/7.*

**Second:** Mr. Castignoli seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

3. **37 Point Beach Drive** (Zone R-7.5) Petition of Adam Vernot, Race Coastal Engineering, for a Special Permit to repair a seawall at Map 030, block 635, Parcel 2, of which John Garces is the owner.

No one appeared; therefore the item was tabled.

4. **85 Point Beach Drive** (Zone R-7.5) the Petition of Raymond Paier, Westcott and Mapes, Inc., for a Special Permit to repair a seawall at Map 030, Block 643, Parcel 1, of which James Fairweather is the owner.

**Mr. Paier**, Westcott and Mapes 1442 Temple Street, New Haven, addressed the board. He said the plan involved repairing the sea wall footing and noted that the plan has been approved by CT DEEP. He reviewed the site plan, locating the wall and providing cross-sectional views. He said the wall would not be impacted, only the undermined footing area. **Chairman Quish** and **Mr. Paier** discussed technical aspects of the repair. **Mr. Kader** asked if this repair would be long term. **Mr. Paier** said the fix would be permanent and was due to wave action at toe of wall rather than sea rise.

**Chairman Quish** asked for public comment. Hearing none, he closed the hearing and asked for a motion.

**Mr. Kader moved to approve as presented** the Petition of Raymond Paier, Westcott and Mapes, Inc., for a Special Permit to repair a seawall at Map 030, Block 643, Parcel 1, of which James Fairweather is the owner.

**Second:** Mr. Mortimer seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

5. **1698 Boston Post Road** (Zone CDD-5) Petition of Thomas Lynch, Esq. for a Major Amendment to the Special Permit with Site Plan Review for a proposed auto dealership at Map 109, Block 804, Parcels 10 and 12B, of which 1698 Boston Post Road, LLC is the owner.

**Attorney Lynch** addressed the board. He introduced his client and the project's civil engineer Ron Wassmer. He reviewed the history of the site, noting that in 2019, the board granted an approval for a similar use of the property—for vehicle storage as well as for a new use as a sales office and service. He said that in 2019, the lot was undeveloped with only a smaller rear storage area in use. He said that changes in market conditions delayed development of the front of property with the plan using the rear of the lot for storage of vehicles and the front of the lot for a 5500-sf building to house a sales office for used cars and a small servicing area. He said that after the 2019 approval, neighbors on the westerly side of the property complained a required landscaping buffer was not installed. He said that the owners are resubmitting plans for a landscape buffer now that the property will be developed.

**Mr. Wassmer**, PE, LS, 158 Research Drive, described the site and its surroundings. He said the driveway enters from the Boston Post Road where customer parking is also located. He said the building will have offices and a showroom, with the bulk of the site used for vehicle parking. He displayed the landscaping plan in accordance with standard site plan requirements including a buffer facing the abutting residential zone. He said existing trees were maintained in buffer with plantings added during this phase of the plan. He reviewed other related drawings for grading and drainage, and other utilities, including underground electricity. He reviewed other details of the plans. **Attorney Lynch** said that due to neighbor complaints, most of the plantings were done near that boundary with Tumblebrook Drive.

**Mr. Sulkis** read his report with details on the proposal and the existing conditions. He described the formula for calculating the landscaping area. He said there was a concern about double-counting landscaping toward satisfying the regulations asking for clarification as to whether enough green space is being allocated. **Mr. Wassmer** quantified the landscaping. **Chairman Quish** said he felt the issue could be resolved through retention of a bond.

**Chairman Quish** asked for public comment.

**Laurie Utzler**, 26 Sand Street, asked why the buffer zone hadn't been built in 3 years. **Chairman Quish** said the \$50,000 bond was assigned to the project to exert pressure and that no zoning permit would be issued until the landscaping was completed. **Mr. Sulkis** said a condition be added that the plantings are to the satisfaction of Mr. Frank Tomaszek, a direct abutter, and to his knowledge that condition was not met. **Chairman Quish** said he thought the bond would force compliance this time.

Hearing no further public comment, **Chairman Quish** closed the hearing and asked for a motion.

**Mr. Kader moved to approve to approve with the following modifications** the Petition of Thomas Lynch, Esq. for a Major Amendment to the Special Permit with Site Plan Review for a proposed auto dealership at Map 109, Block 804, Parcels 10 and 12B, of which 1698 Boston Post Road, LLC is the owner.

**Proposed Conditions:**

- 1) **No zoning permit shall be issued for the improvements to the site until a substantial portion of the required landscaping has been satisfactorily planted.**
- 2) **Provide an updated Hydrology study to the satisfaction of the City Engineer as referenced in his letter dated 11/4/21 to the City Planner.**
- 3) **Provide a landscape cash bond in the amount of \$50,000 per 5.14.8 of the zoning regulations.**

**Second: Mr. Mortimer** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

**E. OLD BUSINESS**—None.

**F. LIAISON REPORTS**—None.

**G. SUBCOMMITTEE REPORTS** — **Chairman Quish** said a consultant was selected but funding is unclear for POCD. **Mr. Griffith** said negotiations are to reduce scope of services as a next step.

**H. APPROVAL OF MINUTES – 11/3/21** (11/16/21 meeting was cancelled)

**I. CHAIR'S REPORT** - **Chairman Quish** initiated conversation regarding zoom meetings or returning to in-person meetings. The group expressed general agreement that in-person meetings are desirable, but given the rising positivity rate, a vote was taken to table the decision to return to in-person meetings.

**Mr. Castignoli moved to table** the discussion to return to in-person meetings.

**Second: Mr. Mortimer** seconded.

**Discussion:** None.

**Vote:** Motion carried with Msrs. Castignoli, Kader, Mortimer and Quish voting with the motion, Ms. Kearney abstaining, and Ms. Austin and Mr. Kaligian voting against the motion.

**J. STAFF REPORTS**

1) Joseph Griffith, Milford Flood Plain Administrator, Flood Hazard Mitigation Plan Update

**Mr. Griffith** shared the following remarks and a Powerpoint presentation referencing City website resources and other graphics: *The intent of this brief presentation is to report on the status of our Hazard Mitigation plan. The purpose of the plan is to outline steps and strategies that Milford can take to mitigate against the loss of life and damage to property during natural disasters. While we have just ended hurricane season and the bulk of our storms happen in the fall, it is important to be aware that flooding can happen at any time. As we saw this year flooding can occur both along our rivers and coast from significant precipitation events not just hurricanes.*

*Public outreach is one of the priorities in the plan and the Hazard Mitigation Committee asked me to make a presentation to the Planning and Zoning meeting as this board and its audience is focused on personal property and development within the city. I would like to take the opportunity to point out a few resources available to residents for learning more about hazard mitigation. The plan itself can be found on the city website by typing Hazard Mitigation into the search box on the home page or on the page for*

[Emergency Management Services](#). On the Emergency Management Services page are a number of links to other important sources of information on preparing for and recovering from a disaster.

Residents are encouraged to sign up for [Milford Alerts](#), the city's emergency notification system. Residents can sign up online, by phone, fax or mail. On the city website there is a sign-up page that can be found under "Important Links" or on the Emergency Services page. Information can also be found on the Milford CT City Hall and Milford Fire Department Milford, CT social media pages when preparing for and during a storm event.

During Hurricane preparedness week in May and National Preparedness Month in September NOAA's National Weather Service (NWS) and its partners encourage individuals, families, businesses, and communities to know their risk, take action, and be an example when it comes to dangerous weather. People are encouraged to make an emergency preparedness plan of their own. More information can be found on the Emergency Services page of the city website.

Should a storm or flood impact the city it is important to remember the National Weather Service slogan "Turn Around Don't Drown." Walking or driving through flood water is dangerous and should be avoided.

Regarding floods, more than 25% of all the property owners in the city have land in a flood zone, which covers a third of the city. The planning and zoning department has a number of resources for residents who would like to inquire about the city's flood zones and purchasing flood insurance; they can be reached at 203-783-3245.

In closing, the Hazard Mitigation Plan was updated through the South Central Regional Council of Governments accepted by the Board of Alderman on 8/7/18. Rather than plan alone, we are now participating in a multi-jurisdictional plan with 13 other towns. Representatives from the Hazard Mitigation Committee participated in the planning and review process for the Regional plan and will continue to meet yearly to review implementation of the plan. The [2018 Hazard Mitigation Plan](#) update can be found on the City of Milford website and the SCRCOG website under [Regional Hazard Mitigation Plan](#).

The meeting minutes for this presentation will include the links for the above referenced sites to help you better prepare. Thank you for the opportunity to share this information.

2) David Sulkis, Executive Secretary to the Planning and Zoning Board, shared the 2022 Board meeting calendar.

**Mr. Mortimer moved to approve as presented** the 2022 Planning and Zoning Board Meeting Calendar.

**Second: Chairman Quish** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

**K. ADJOURNMENT** was at 9:08.

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.