

**PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD
TUESDAY, 2 JANUARY 2019, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:34 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Nancy Austin, John Grant, Peg Kearney, Scott Marlow, Carl S. Moore, Tom Panzella, Jim Quish

Not Present: B. Kaligian, Robert Satti

Staff: David Sulkis, City Planner; Meg Greene, Board Clerk

Chairman Quish opened the meeting and announced that the items under Old Business had been postponed. He announced the resignation of Denise Doucette-Ginese due to personal reasons and said a replacement would be named shortly.

C. OLD BUSINESS

1. **0 and 990 Naugatuck Avenue:** (ZONE HDD) – Petition of Jeffrey Gordon, for a Change of Zone from HDD to WDD, on Map 40, Block 300, Lots 2 and 3B; of which Recycling, Inc. is the owner (**POSTPONED to January 15th by applicant request**)
2. **Proposed Change to City of Milford Zoning Regulations:** Article 3, Section 3.13.2.3 Special Uses, 3.13.3 Building Requirements and 3.13.4.3 Accessory Uses, Multiple Family Dwellings, in the WDD Zoning District proposed by Jeffrey Gordon as agent for applicant Primrose Companies/Recycling, Inc. (**POSTPONED to January 15th by applicant request**)

D. NEW BUSINESS

1. **CGS 8-24 APPROVAL** - Referral pursuant to CGS §8-24, to approve the sale of 393 Bridgeport Avenue, which is owned by the City of Milford.

Mr. Sulkis said the city had foreclosed on 2 properties on the agenda, and that they could ultimately be sold after board approval.

Board Discussion: None.

Motion: Mr. Grant motioned to approve.

Second: Mr. Panzella seconded.

Discussion: None.

Vote: Motion carried unanimously.

2. **CGS 8-24 APPROVAL** - Referral pursuant to CGS §8-24, to approve the sale of 686R Wheelers Farm Road, which is owned by the City of Milford.

Chairman Quish said the situation was the same as the previous item but required a separate vote.

Board Discussion: None.

Motion: Mr. Grant motioned to approve.

Second: Mr. Marlow seconded.

Discussion: None.

Vote: Motion carried unanimously.

3. **411 Welchs Point Road** (ZONE R-5) - Petition of Joseph R. Codespoti for a Coastal Area Site Plan Review on Map 38, Block 533, Parcel 32A, of which Robert B. and Jenny Y. Finlayson are the owners.

Mr. Finlayson, 12 Boylston St, West Haven, presented copies of an updated survey to the board. He said the plans met all requirements for the CAM application.

Mr. Sulkis said the applicant was originally showing a house that was too tall relative to average grade. He said staff hadn't reviewed the revised plan, but the applicant asserted that the height was now compliant. **Chairman Quish** said he preferred staff review prior to the vote. **Mr. Panzella** agreed. **Chairman Quish** postponed voting on the application to the next meeting.

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E. PUBLIC HEARINGS

CLOSE BY February 6, 2019; VOTE BY March 8, 2019

- 1) **8-10 Laurel Avenue** (ZONE CDD-2) – Petition of Thomas B. Lynch, Esq. for a Re-approval to create a two-lot re-subdivision on Map 13, Block 142, Parcel 4; of which Laurel Dunes, LLC is the owner. (Originally approved 1/19/16)

Attorney Lynch said the application had been presented to the board in January 2016 as a 2-lot subdivision. He said 2 residences were constructed at the site in 2003 under a Special Exception. Subsequent to that, he said the owner considered making one structure an inn, but this did not happen. He said a Mylar filing was required within 90 days of approval, but this also wasn't done. Because the subdivision had expired, Attorney Lynch said he was returning to the board for a new approval. He reviewed the plan set, noting frontages and driveway access for both properties via an easement on one. He said the re-subdivision was necessary to allow the two houses to be sold separately.

Mr. Sulkis said **Attorney Lynch** had described the situation accurately.

Chairman Quish invited the public to speak; no one came forward.

Motion: Mr. Panzella motioned to approve.

Second: Mr. Austin seconded.

Discussion: None.

Vote: Motion carried unanimously

- 2) **Proposed Change to City of Milford Zoning Regulations:** Article 3, Section 3.22.4.2 Minimum Yard and Open Space Requirements, (3) Buffer Strip for the ICD Zoning district proposed by Chris Smith, Esq. as agent for applicant Turnpike Lodge, Inc.

Phillip Kraft, 1052 Boston Post Road, introduced himself as president of Turnpike Lodge. He introduced Attorney Smith.

Attorney Smith, Shipman & Goodwin LLC, 1 Constitution Plaza, Hartford, presented notification materials to the clerk for inclusion in the record. He asked if the Zone Change and Special Permit applications could be presented simultaneously. **Chairman Quish** asked for Mr. Sulkis' counsel; **Mr. Sulkis** agreed the presentation could be combined, but the votes should be held separately.

Attorney Smith introduced architect Patrick Rose from Rose Tiso & Co., operations director Carol Secondino from the Fairfield Inn/Waterford Hotel Group, construction design manager Julie Starzynski from Floor and Décor, civil engineer David Bjorkland of Spath Bjorkland, landscape architect Matthew Popp, and Traffic Engineer David Sullivan from Malone and MacBroom. He presented a summary packet to each board member, noting that everything in the summary was already in public submission. He reviewed the contents, noting documents regarding the proposed zone text change, special permit, site plan review, survey, floor plans, elevations, and overall aesthetics. He said that the application sought to permit the redevelopment of 2 properties at 1040 and 1052 Boston Post Road and replace the old hotel with new hotels. He said this entailed merging the 2 properties, removing the existing hotel and restaurant, and replacing them with a new 80,000 sf, 108-room hotel featuring many amenities. He said the site location is described by Milford's Plan of Conservation and Development (POCD) as a main gateway to the city from I-95. He said the project met the standard of legal review for a zone change, asserting that, if approved, the proposal is consistent with Zoning Regulations and the 2012 POCD, and that it presents no adverse impact to public health and safety. He reviewed the statement of use saying it necessitates a text amendment regarding buffer strips in ICD zones when such zones are adjacent to a residential zone. He said the proposal was to preserve current language but add a new formula to calculate the buffer strip. He said the proposed change would create a formula to be applied when a mixed-use property with a hotel. He described the proposed buffer metrics in detail. He stressed that the zone text was tailored to this proposal, but as an additional restriction, any application for a similar use would require a Special Permit application. He referred to POCD excerpts to support his assertion that the use was consistent with the redevelopment zoning goals. He referred to a Yale study identifying Cherry St. as a critical gateway, noting that it is the first experience of Milford for many people traveling on the Post Rd.

Mr. Marlow asked how the buffer strip calculation works with regard to height, noting the steep grade of the site. **Mr. Sulkis** said linear measurements are made without factoring the slope into area calculation.

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Patrick Rose Rose Tiso & Co., Shelton, reviewed the site plans, including structures and access. He said there was a 20-30 foot difference in grade at the site. He reviewed parking space allocations, and landscaping percentages. He presented floor plans for the hotel, noting a small area in the basement to house mechanical equipment. He reviewed the plans floor by floor, highlighting guest rooms and amenities for guests. He noted the layout of rooms and suites. He reviewed materials used, particularly on the façade and front canopy. He said colors used on the façade would incorporate brand enhancement. He described the 4 potential tenant spaces in the building.

Mr. Sulkis said the exterior finishes don't appear to comply with current regulations.

Carol Secondino said she works for Waterford Hotel Group and noted other successful hotels under her firm's management in Milford. She said Fairfield Inn was a Marriot property, with much corporate use and an upscale customer base. She said the project would bring business to other local restaurants and businesses.

Julie Starzynski, Floor and Décor Construction Design Manager, Smyrna, GA, said her company was opening stores in MA, NY, and NJ, and that they sell materials for countertops and floors. She said they hire locally and value giving back to the community. She said there are 100 stores nationwide. She described the sales model, including how customers would pick up materials.

David Bjorklund, PE, Spath Bjorklund, Monroe, reviewed the site plan consisting of 8.2 acres with 3 buildings. He said the goal is to break the site up and give each component its own identity. He said a unique aspect of the site is the extreme grade change. He said a loop road was added around the entire property to provide a loading area for trucks as well as for cars. He noted loading areas were kept away from customer and residential areas, saying the I-95 ramp isolates the truck areas. He said that due to the size of the development, the CT DOT would also review all traffic generation and other engineering features such as the storm water system. He noted the present of rock and the addition of galleys to deal with excess water on the site. He said the storm water plan conforms to the City Engineer's requirements but also goes beyond normal standards. He said stormwater treatment was consistent with CT DEEP requirements. He said the plans feature extensive erosion control during and after construction and that maintenance and records would be maintained. He noted green amenities such as bike racks and electric car-charging stations. **Mr. Sulkis** asked about retaining walls; **Mr. Bjorklund** reviewed them on the plan, saying a combination of walls and rock cut would encompass the site.

Matthew Popp, Environmental Land Solutions, stated that he is a landscape architect and a wetland scientist, although the site doesn't feature wetlands. He said the landscape buffer was unusually deep. He reviewed the number of shade trees and flowering trees, as well as evergreens in the rear of the site. He said the tree commission made a request for the replanting of several existing trees with cherry trees. He reviewed the lighting plan featuring downward-pointing LEDs using warmer lights. **Mr. Sulkis** referenced his administrative report to the board where he had asked for a calculation demonstrating that 10% of the parking area be landscaped per regulations. He said he had not yet received that calculation. He also questioned placement of a structure within a buffer strip, contrary to the regulatory definition of a buffer area.

David Sullivan, Traffic engineer at Milone and MacBroom reviewed volumes, statistics, and other characteristics of traffic in area, comparing operational conditions with and without additional traffic. He noted the median on Route 1 restricting turning and discussed the westerly entrance with full turning access. He reviewed the intersection traffic between exit 39 and Locust Street during peak traffic hours. He provided estimates of future background traffic with and without development, as well as with and without normal growth. He said the CT DOT had been consulted and that he had incorporated their estimates. He said the analysis used standard industry data for hotel traffic. He also incorporated a Floor and Décor traffic study with useable statistics; he consulted DOT, which agreed with the study's conclusions. He said peak additional trips would be about 130-200 trips in and out. He said additional traffic patterns might be improved and suggestions would be passed along to the state agencies. **Mr. Sulkis** asked if improvements to the state roadway could be made that would also be advantageous to the hotel site. **Mr. Sullivan** said some of their earliest ideas had been incorporated by the ShopRite development site. He said he reviewed access and queuing. **Mr. Marlow** asked if the loop would be used for truck traffic to return to I-95; **Mr. Sullivan** said emerging trucks would be required to make a turn on Locust Street.

Attorney Smith addressed some of Mr. Sulkis' points. He said the parking area landscape minimum percentage was 21.2% per a zone data table in revised plans. **Mr. Sulkis** asked if the front yard was included in the computation; **Mr. Bjorklund** said it was not. **Attorney Smith** and **Mr. Sulkis** discussed the structure present in the landscape buffer and whether the utility structure could be put underground or moved as a condition of approval. **Mr. Rose** and **Mr. Sulkis** discussed changing the façade material to comply

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with the regulations, saying it was possible to substitute an approved material as a condition of approval. **Mr. Quish** asked if Floor and Décor used solar panels, **Ms. Starzynski** said it was not normally done.

Chairman Quish invited the public to speak; no one came forward.

Chairman Quish asked for a motion on the zone text change.

Motion: Mr. Marlow motioned to approve the zone text change effective of 1/25/19.

Second: Ms. Austin seconded.

Discussion: Mr. Marlow asked if there were any other place in ICD zones, such as Old Gate Lane, with a mixed use containing a hotel; **Chairman Quish** noted that it also had to border residential property. **Mr. Moore** ascertained that the City Attorney's approval was not required.

Vote: Motion carried unanimously.

- 3) **1040 and 1052 Boston Post Road:** (ZONE ICD) – Petition of Chris Smith, Esq., for a Special Permit and Site Plan Review for a Hotel and two Retail Buildings, on Map 77, Block 832, Lots 2 and 2A, of which Turnpike Lodge, Inc. (1052) and Connecticut Foods, Inc. (1040) are the owners. Applicant: Turnpike Lodge, Inc.

Motion: Mr. Moore motioned to approve with conditions of removal of the structure from the buffer area and changes to exterior materials of the hotel, based on staff approval of both.

Second: Mr. Panzella seconded.

Discussion: Mr. Quish noted the unusual nature of the retail parking calculation. He asked whether if the tenant changed, the calculation would need additional review. **Mr. Sulkis** said the new tenant would need to seek a site plan change or a variance.

Vote: Motion carried unanimously.

- 4) **Proposed Change to City of Milford Zoning Regulations:** Article 3, Section 3.13.5.3 and 3.1.3.8 Commercial Vehicles proposed by the Planning and Zoning Board, to align definitions with city ordinances.

Mr. Grant reviewed ordinance changes made by the Board of Aldermen, which caused a misalignment with zoning regulations. He said the proposed change realigned the zoning regulations with revised City Ordinance.

Chairman Quish invited the public to speak.

Donna Dutko, 236 Buckingham Avenue, reviewed the proposed camp trailer vehicle language and asked that commercial vehicles smaller than a trailer be restricted. She asked that a definition be added to the regulations for small commercial vehicles such that 8' tall, 21' long vehicles be barred from parking on residential properties and from abutting directly to neighbors' lot lines. She suggested language and that only one such vehicle be allowed. **Mr. Grant** said the city ordinance defined a commercial vehicle, and that the definition doesn't cover pickups with attachments for a couple ladders such as a tradesperson might use. He said the ordinance covers box or dump trucks, and trailers with items such as backhoes. He said even if the truck isn't used commercially, it would be considered commercial based on the size requirement. He said he thought the concerns were covered by the revision.

Ms. Dutko said the ordinance was at odds with the regulations. **Mr. Grant** said several classifications of vehicles were covered by metrics such as length versus weight. He said he and several aldermen researched the metrics of such vehicles at dealerships when refining the definitions. **Ms. Dutko** said she thought box and dump trucks should be specifically excluded. **Chairman Quish** advised Ms. Dutko that she could submit a regulation change as a citizen. He said the language could not be changed without another public hearing. **Mr. Grant** said he was open to leaving the item open. **Mr. Sulkis** suggested the hearing be closed and regulation be voted as it did not preclude a future change.

Motion: Mr. Grant motioned to approve effective 1/25/19.

Second: Mr. Marlow seconded.

Discussion: None.

Vote: Motion carried unanimously.

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F. LIAISON REPORTS

G. REGULATIONS SUBCOMMITTEE Mr. Grant noted 3 regulations were being submitted for regional review: #31-18 (Article 3 Accessory Uses; #36-18, Article 3, Prohibited Uses Sect. 3.7.5; #27-18, Article 3, Sec. 3.8.5 Prohibited Uses. Chairman Quish reviewed the regulation change approval process.

Motion: Mr. Grant motioned to circulate the referenced amendments for regional review.

Second: Mr. Marlow seconded.

Discussion: None.

Vote: Motion carried unanimously

H. APPROVAL OF MINUTES 12/04/2018, unanimously approved.

I. CHAIR REPORT None.

J. STAFF REPORT: None

K. ADJOURNMENT was at 9:39.

Attest:

M.E. Greene, Board Clerk