

**PLANNING AND ZONING BOARD AMENDED AGENDA FOR FOUR (4) PUBLIC HEARINGS TO BE HELD
TUESDAY, 6 FEBRUARY 2018, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:31 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Nancy Austin, Denise Doucette-Ginise, John Grant, Brian Kaligian, Peg Kearney, Scott Marlow, Carl S. Moore, Tom Panzella, Jim Quish, Robert Satti

Not Present:

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

C. NEW BUSINESS

1. **Calendar correction to accommodate election night:** correction was approved unanimously.

D. OLD BUSINESS

- 1 **Temporary Healthcare structures-Public Act No. 17-155** City of Milford opting out of temporary health care structures pursuant to Public Act No. 17-155, Section 1.3(J) "An Act Concerning Temporary Health Care Structures."

HELD OPEN

Chairman Quish asked Mr. Sulkis to review the issue. **Mr. Sulkis** said during the last legislative session a special act was approved that would allow people with health issues to live in a separate structure on a single family dwelling lot. The response time for approving these arrangements was limited to 15 days. He said the City of Milford already has provisions for in-law apartments, and that there is a domestic servant regulation (3.1.5.2) potentially enabling healthcare workers to live in accessory structures under such circumstances. He said problems such as lax provision of doctors' notes were possible, and that the short turn-around approval period precludes careful review of issues often seen in Milford like wetlands or coastal resources.

Chairman Quish opened the hearing to the public with instructions.

Favor:

Lauren Larkin, 85 Viscount Dr, described the experience of her grandparents in a nursing home and recalled her grandfather expressing a wish to be at home. She said she volunteers for hospice and sees that family members want as many choices as possible. She rebutted several potential objections regarding the paying of rent or other constraints. She said Milford's state representatives and state senator voted in favor of this bill, as did the entire legislature.

Opposed:

Donna Dutko, 236 Buckingham Avenue, said the quality of care would be compromised if family members with health issues are housed alone and separated from other family members.

Board Discussion:

Mr. Sulkis said if a motion were made to opt out, the reason(s) for opting out must be put on the record.

Mr. Grant said the state statute limited these prebuilt structures to less than 500 sf, but he felt that adding required electrical and sanitation connections would make it cheaper to create dedicated living space within a house already attached to utilities. He said existing regulations could be improved to add options. **Mr. Moore** confirmed that if Milford opts out, there would be no negative impact on other social services that families might require for providing care. **Mr. Marlow** asked if regulation changes could make this type of temporary housing more easier to implement; **Mr. Sulkis** said it creates difficulty with enforcement, noting there are no time limits on how long the temporary unit can remain in place, potentially compromising the integrity of a single family neighborhood. **Mr. Marlow** confirmed that any structure on a property is liable to taxation and that any structure must be built to permanent standards, even if it's deemed temporary. **Mr. Sulkis** noted that the statute applies to the entire state and that every town is different, which is why the opt-out provision exists. He discussed how streamlining the process is problematic due to the

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mandated 15-day approval period. **Chairman Quish** reiterated that legislative support was universal and said that the program could provide a compassionate alternative.

First Motion: Mr. Grant motioned to opt out because current zoning regulations provide ample accommodation for housing sick family members, and because incorporating infrastructure to prebuilt units would be more costly than the current options. **Mr. Kaligian** seconded.

Vote: Rollcall was taken. The vote was tied 5-5, therefore failed.

Chairman Quish confirmed with Mr. Sulkis that not opting out implies that Milford would opt in by default.

Mr. Marlow said he wished to make a motion to opt-in, but also wished to explore adding regulations to such projects. **Mr. Sulkis** said opting out would not prevent Milford from crafting pertinent regulations of its own. He laid out 3 scenarios of how this could play out.

Second Motion: Mr. Grant made a second motion to opt out in order to craft new regulations incorporating certain provisions of the act. **Mr. Panzella** seconded. **Chairman Quish** asked for a 6-week deadline to create such regulations as an amendment to the motion. **Mr. Grant** and **Mr. Panzella** accepted the amendment. **Mr. Satti** said he did not see a provision for opting out conditionally in the statute, saying said in his reading of the statute, the Board of Aldermen could opt out as a final decision if the Planning and Zoning Board opted out. **Mr. Sulkis** agreed and said his (Mr. Sulkis') interpretation of the statute was also informed by the CT Planning Association.

Chairman Quish declined to proceed with the motion. **Mr. Panzella** said there should be a vote with a motion and a second on the floor. **Chairman Quish** and **Mr. Grant** disagreed about whether the vote should go forward based on Parliamentary Procedure or Robert's Rules of Order. **Mr. Sulkis** said past board practice allowed additional motions. **Chairman Quish** said he would hear the next item.

E. PUBLIC HEARINGS

CLOSE BY 12 APRIL 2018

1. **PROPOSED TEXT REGULATION AMENDMENT** –Sections 5.2.1 and 5.2.3.1 of the Milford Zoning Regulations to exempt light emanating from one and two family dwellings in residential zones from light regulations.

Mr. Sulkis described the proposed regulation change. He said the current residential regulation is unenforceable and should be removed. He said the City Attorney supported the change. He said current commercial light regulations would remain in force.

Chairman Quish opened the hearing to the public with instructions.

Favor: None.

Opposed:

Attorney Barbara Schellenberg, Cohen and Wolf, PC, Orange, said she represented the Moruottolo family on Chelsea Place. She said light pollution from neighbors interfered with her clients' ability to enjoy their home and the proposed regulation sent a message that light pollution is acceptable. She said Milford has a high density of homes and therefore a high probability of more problems like that of her client. She said the new regulation could also undermine a potential lawsuit for nuisance. She asked the board to keep the hearing open to provide time for more research. She asked if Mr. Moruottolo could present a demonstration of the light trespass his family was experiencing.

Joe Tozzola, 118 Gulf Street and current ZBA chairman, said the regulation change potentially would open the door to harassment.

William Soda, 35 Edgemont Street and current ZBA member, said he had been impressed by the Moruottolo's light

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presentation to the ZBA in June 2017. He said the latest LED technology is much more intense than traditional lighting. He said he supports adding requirements for direction of lighting and shielding to prevent light trespass.

Donna Dutko, 236 Buckingham, said uniformity should exist between residential and commercial lighting.

Bryan Anderson, 49 Ingersoll Road, said he was a member of the Board of Aldermen and as such, he'd been called about lighting disputes. He said lighting could be used for harassment, and that successful enforcement techniques were available. He agreed that LED intensity is problematic.

Stefan Povroznik, 312 Wheelers Farm Road, said he was on the Planning and Zoning Board when the last version of the regulations were adopted and he knew the intention. He said there are various types of lighting and that LEDs put out more lumens. He walked near the dais to demonstrate how close some houses are to one another in Milford. He asked to keep the hearing open.

Chairman Quish agreed to leave the hearing open.

CLOSE BY 12 APRIL 2018

2. **32 Milford Point Rd (zone R-7.5)** Petition of Cypress Builders, LLC, for a Special Permit, Site Plan Review, and CAM for an elevated single family home on Map 6, Block 88, Parcel 10 of which Bejaca Properties, LLC, is the owner.

Jessie Rohleder, 26 Gillette Street, addressed the board. He said the construction would be on wood pilings to elevate a home.

Mr. Sulkis described the new 3-story house within 25' of water, necessitating a Special Permit. **Mr. Grant** asked what the average grade is, noting a discrepancy between elevations. He said there was no way to tell if the height limit would be met. **Mr. Grant** and **Mr. Rohleder** discussed the drawings to Mr. Grant's satisfaction. **Mr. Sulkis** said the discrepancy was due to the Department of Public Works' anticipated requirement to raise the street.

Chairman Quish opened the hearing to the public with instructions.

Favor: None

Opposed: None

Rebuttals: NA

Chairman Quish closed the hearing. **Mr. Sulkis** said regulation conformity information is double checked during the permitting process.

Motion: **Mr. Grant** motioned to approve.

Second: **Mr. Marlow** seconded.

Discussion: None.

Vote: Motion carried unanimously.

CLOSE BY 12 APRIL 2018

3. **328 Meadowside Rd (zone R-12.5)** Petition of Thomas Lynch, Esq., for modification of application for 12-unit multifamily development per CGS sec. 8-30(g) on Map 26, Block 263, Parcel 15, approved with conditions by Planning and Zoning Board 12/5/17, of which Beachland, LLC, is the owner.

Attorney Lynch, 63 Cherry St, addressed the board. He said his clients were present to resubmit on provisions per CGS 8-30g. He corrected the date of the vote in the agenda to 12/19/2017. He read from the statute regarding adverse impacts of conditions imposed. He said he was submitting plans to address 3 of the 4 conditions added by the board to their approval on 12/19/2017, and said that he would address the 4th condition separately. He introduced Washington Cabezas, PE, to describe the first 3 modifications. **Mr. Cabezas** reviewed portions of the plan dealing with the walking

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path. He noted 24' of driveway space for 2-way traffic. He described the addition of the privacy fence. He also pointed out a new curtain drain with pitch to route water to the overflow line rather than the property line. He said a modification was also added to expose stone at grade to help with runoff. **Attorney Lynch** resumed his remarks. He reiterated that no compelling health or safety reason exists to object to the plan. He reviewed approvals by City departments and outside experts. He reviewed economic implications that would be experienced by the developers due to the condition of removing one building. He asked for approval with resubmitted plans. He said he would take an appeal if the plan was rejected. **Mr. Satti** asked if Attorney Lynch would be willing to extend the hearing to allow new board members to assimilate information on the project; **Attorney Lynch** agreed to this request, noting that publication for actions taken at the previous hearing was 12/28.

Chairman Quish opened the hearing to the public with instructions.

Favor: None.

Opposed:

Christopher Warner, 308 Meadowside, said he opposed the modification.

James Lambert, 18 Great Meadow Drive, asked to put 4 units in each building for a total of 3 buildings.

Donna Tevlin 300 Meadowside Road, said she opposed the 4th building.

Susan Glennon, 99 Carlson Drive, said the board's purview is health and safety and because the cul de sac is required for safety, it necessitated the removal of the 4th building. She said "reasonable profit" is subjective. She said Milford PD signs off on applications without extensive review. She asked the board to reduce the number of units to 9.

Rebuttal: Attorney Lynch said that he was not over-emphasizing the economic element, but focusing on issues that affect the viability of the development. He said these applications have to be approved unless an overriding issue exists for health and safety.

Rebuttal: Catherine Deramo, 308 Meadowside Road, said if a builder can make money on the project, she wants assurance that the value of her home is not adversely affected.

Chairman Quish closed the hearing.

Mr. Sulkis reminded the board is that the issues for consideration were only the conditions, not the entire project.

Chairman Quish recalled the amount of discussion on the original application, saying he was in favor of the original restrictions. **Mr. Grant** started to motion to add more affordable units until **Mr. Sulkis** reminded the board that it can't compel the applicant to raise the percentage of affordable units mandated by the statute. **Attorney Lynch** said as a point of order that his client could nonetheless consider whatever new conditions as might be added to a new approval.

Mr. Grant motioned to approve with 2 additional affordable units. There was no second.

Mr. Satti motioned to uphold the motion from the prior approval of December 19th. **Mr. Quish** seconded.

Vote: Rollcall was taken. The motion failed.

Upon hearing the vote of Ms. Doucette-Ginise, **Attorney Lynch** said as a point of order that she is a statutorily aggrieved party and her failure to recuse herself could provide grounds for an appeal. **Chairman Quish** cut off Attorney Lynch and replied that Ms. Doucette-Ginise's choice to recuse herself was her own.

Mr. Moore motioned to approve plans as presented. **Mr. Kaligian** seconded. Discussion ensued.

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Ms. Doucette-Ginise asked if the safety issues had been addressed. She noted that she resides at 331 Meadowside Road. She said that if the motion passed as presented, she wanted to assure adequate fencing. **Chairman Quish** said he felt the fencing and draining issues had been addressed, but that the turn-around radius was not adequately addressed. **Mr. Satti** noted that he had reviewed MGAT 12/19 and minutes before voting.

The motion to approve the newly submitted site plan was put to a vote and failed.

CLOSE BY 12 APRIL 2018

4. **804 Boston Post Road (zone CDD-1)** Petition of Ray Oliver, Architect, for Special Permit with amendment to the site plan for an accessory structure, on Map 77, Block 828, Parcel 1, of which NYM Milford, LLC, is the owner.

Mr. Oliver, Architect, 3 Lafayette Street, addressed the board. He said the site was the former M&M Farms, which is being converted to an Asian foods market. He said the project was to replace a large sign with a traditional structure from China called a paifang, which is a solid granite monument decorated with carvings and tiles. He said it would be a visual landmark for the store and would denote an outdoor eating area. He said it would create a loss of 2 parking spaces, but the eating area and landmark aspect of it would make the loss worthwhile.

Mr. Marlow recalled that parking was an issue during the original approval. **Mr. Oliver** said additional land had been purchased for employee parking.

Mr. Sulkis asked Mr. Oliver how many parking spaces would be provided; **Mr. Oliver** said the purchased land was not planned out yet, but his best guess was 14 additional spaces.

Chairman Quish opened the hearing to the public with instructions.

Favor: None

Opposed: None

Rebuttals: NA

Chairman Quish closed the hearing.

Motion: **Mr. Grant** motioned to approve.

Second: **Mr. Moore** seconded.

Discussion: **Chairman Quish** expressed support and encouraged teardown of a construction fence.

Vote: Motion carried unanimously.

F. CHAIR REPORT: Subcommittee appointments and Liaison appointments were briefly discussed. **Chairman Quish** listed those that have been created previously. He asked that a rules committee be formed to improve clarity for future meetings. He asked for volunteers for liaison positions and the group asked that the topic be taken up at the next meeting so people can consider various options, including new liaisons.

G. APPROVAL OF MINUTES 16 January 2018 was unanimous.

H. STAFF REPORT: None.

I. ADJOURNMENT was at 9:35

Attest:

M.E. Greene, Interim Clerk, Planning and Zoning Board

Note: Minutes are not official until approved by Board vote at a subsequent meeting.