

**PLANNING AND ZONING BOARD MINUTES FOR THREE (3) PUBLIC HEARINGS HELD  
TUESDAY, 20 FEBRUARY 2018, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:29 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

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

**C. NEW BUSINESS**

**D. OLD BUSINESS**

1. **328 Meadowside Rd (zone R-12.5)** Reconsideration of the vote taken on 2/6/18 on the petition of Thomas Lynch, Esq., for modification of the 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.

**Chairman Quish** advised the board that the item was being revisited to provide an opportunity for board members to recuse themselves. **Ms. Doucette-Ginise** read a statement responding to the City Attorney's email in which he made a strong recommendation to recuse. She stated her reasons for not recusing herself previously and said she was willing to recuse herself as a statutorily aggrieved party with her reservations on the record. She then recused herself.

**Mr. Sulkis** advised that the previous vote had not been advertised as an Action Taken, pending the board's potential reconsideration. He said the limit of the board's action this evening would be to reconsider the exact motion from the previous meeting.

**Board Discussion:** **Mr. Grant** said he wished to reconsider the vote. **Mr. Marlow** asked if the recusal would change the outcome. **Chairman Quish** advised that any member's vote could be changed at this time, so the outcome could not be predicted. **Mr. Moore** said he wished to revote the motion. He noted that if the applicant brought suit in Superior Court, as had been promised, the applicant would almost certainly prevail with the City bearing the expense of defending another such suit.

**Motion:** **Mr. Kaligian** motioned to revote the motion of 6 February to approve the plans as presented by the applicant.  
**Second:** **Mr. Grant** seconded.

**Discussion:** **Mr. Satti** said he was concerned that he didn't exactly recall the submitted plan. **Mr. Sulkis** said the plan addressed the concerns of the board with the exception of reinstating the 4<sup>th</sup> building. **Mr. Marlow** expressed concern that a revote could set a precedent. **Mr. Sulkis** said there had been a specific problem and that a revote was rare; it would not constitute a precedent. **Ms. Austin** urged a vote.

**Vote:** The motion carried 6-3.

**Attorney Lynch** raised a point of order: he stated that the vote to reconsider had passed, but a vote specifically to approve had not been taken. After some discussion with Chairman Quish, it was agreed that a new motion to approval could be made.

**Motion:** **Mr. Kaligian** motioned to approve the plan.

**Second:** **Ms. Austin** seconded.

**Discussion:** None.

**Vote:** The motion carried 6-3.

2. **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.

**WITHDRAWN**

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**E. PUBLIC HEARINGS**

**CLOSE BY 26 APRIL 2018**

1. **100 West River Street (zone R-12.5)** Petition of Kevin Curseaden for a Special Exception to allow the temporary use of an accessory structure as a dwelling unit on Map 65, Block 313, Parcel 18, of which John and Kristin Conway are the owners.

**Attorney Curseaden**, Carroll, Curseaden and Moore, 3 Lafayette St, addressed the board. He said his clients had considered a temporary healthcare structure, but were concerned for neighbors and historic district objections. He said the family needed more space than an Accessory Apartment's limit of 800 sf because 2 people would be living there and considerable space would be taken up by medical equipment. He emphasized that the application was for a temporary use for 2 elderly, disabled parents. He reviewed the existing permitted office use of the 2-story garage, saying the request was to convert both floors to living space. He stated that proper notice was given through publication. He said that as additional assurance, his clients' request was to make the occupancy renewable such that there would be no issue with a potential rental use in the future. He said he had previewed with the City Attorney the option to draw up a Notice of Intent to Abandon document that would be recorded on the Land Records. Upon abandonment, the structure would revert to a home occupation or recreational space. He asked for the compassion of the board for his clients. Since the board had no questions, the owner Kristin Conway added her remarks.

**Ms. Conway** described her parents' ailments and the process she and her extended family used to arrive at the decision for this form of care. She described the obstacles to an addition to their home. She referred to a letter of support from the most affected neighbor.

**Chairman Quish** opened the hearing to the public with instructions.

**Favor:** One letter submitted.

**Opposed:** **Michele Kramer**, 104 West River Street, said she didn't doubt the sincerity of the applicant, but was concerned that it could become a rental property. She said there had been an issue with a previous owner.

**Rebuttal:** **Attorney Curseaden** said he had addressed the concerns expressed, saying that the issue at hand was one of use. He said his client respected Ms. Kramer's concerns, but that the Intent to Abandon document would provide stringent restrictions.

**Chairman Quish** closed the hearing. He confirmed that the Intent to Abandon would run with the land, not the owner.

**Mr. Sulkis** said the use would be treated like an accessory apartment for as long as needed with 3-year inspections. He and Chairman Quish discussed forcing the applicant to reapply every three years. **Ms. Doucette-Ginise** asked to clarify the definition of relatives as defined in the regulations. **Mr. Sulkis** reminded the board that the family could select a Temporary Housing option that would not conform to the Historic District guidelines.

**Motion:** **Mr. Grant** motioned to approve the use of the access structure temporarily for those related by marriage but not adoption. **Mr. Sulkis** suggested incorporating the proposed conditions of approval and statement of use as the basis for the motion. **Mr. Grant** amended his motion to include proposed statement of use and proposed condition of approval with no adoptions.

**Second:** **Mr. Panzella** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

**CLOSE BY 26 APRIL 2018**

2. **87 Golden Hill Street (zone MCDD)** Petition of Kevin Curseaden for an amendment to a Special Permit with Site Plan review to establish a 4<sup>th</sup> unit in an existing carriage house on Map 43, Block 389, Parcel 5, of which Bella Properties is the owner.

**PLANNING AND ZONING BOARD MINUTES FOR THREE (3) PUBLIC HEARINGS HELD  
TUESDAY, 20 FEBRUARY 2018, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

**Attorney Curseaden**, Carroll, Curseaden and Moore, 3 Lafayette St, addressed the board. He handed out a Statement of Use from the December meeting and a licensing agreement between his client and the state of CT. He reviewed the history of the property, saying it had been in decline and had been rehabbed by Mr. Zeko. He said the carriage house predated 1837 and revisited the board's previous concern that the carriage house would be legally occupied. He said nothing had changed regarding the approval.

**Mr. Sulkis** said if there was a lease with the State of CT, a permit could be issued based on a board approval.

**Board Discussion:** **Mr. Grant** confirmed that this unit was not being considered for affordable housing. **Chairman Quish** discussed specifics of the lease arrangement with **Attorney Curseaden** who said the lease was renewable annually, but Mr. Zeko would pursue a permanent lease. **Chairman Quish, Mr. Sulkis, and Attorney Curseaden** discussed the risk of refurbishing the carriage house if the state revoked the lease.

**Chairman Quish** opened the hearing to the public with instructions.

**Favor:** None.

**Opposed:** None.

**Rebuttals:** NA

**Chairman Quish** closed the hearing.

**Motion:** **Ms. Austin** motioned to approve the plan as presented.

**Second:** **Mr. Moore** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

**CLOSE BY 26 APRIL 2018**

3. **1501-1503 Boston Post Road (zone CDD-5)** Petition of Ted Hart for a Special Permit with Site Plan Review and CAM for an auto dealership expansion and lot consolidation (Acura of Milford) on Map 100, Block 805, Parcels 14B and 14C, of which 1501 Boston Post Rd LLC is the owner.

**Ryan McEvoy**, PE, Milone and MacBroom, 99 Realty Drive, Cheshire, addressed the board. He handed out drawings of light poles proposed for the site. He presented a bird's-eye, photographic view of the property. He noted that 1503 Boston Post Road was the Acura dealership and 1501 had formerly been a restaurant. He reviewed vehicle parking used by the dealership. He discussed points of access and curb cuts, saying that they would be reduced. He said the goal was to extend the service garage area with a 2-bay garage for vehicle drop-off. He said the structure would look similar to what Acura has now and that the existing restaurant would be removed. He said there would be an increase in impervious surface, but that runoff would be managed via a large underground filtration system. He reviewed the landscaping plan which also prevents current use as a cut-through. He said the Tree Commission requested more diversity in the plantings, which would be accommodated. He said lighting was proposed via 20-foot poles. He reviewed details of the building addition, noting how it matched the existing building.

**Board Discussion:** **Ms. Austin** confirmed that 18-wheelers could be unloaded and turned around on the site without affecting traffic on Route 1. **Mr. Grant** confirmed that the leased lot to the east was planned for long-term use and asked about traffic signage. **Mr. Grant** was advised that the city could not dictate the flow of traffic on a state road. **Mr. McEvoy** added that CT DOT doesn't consider approvals until an approval from local government. **Mr. Moore** confirmed that emergency vehicles would use the same access point. **Ms. Austin** confirmed access/exit on Roses Mill Road.

**Chairman Quish** opened the hearing to the public with instructions.

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**Favor:** None.

**Opposed:** None.

**Rebuttals:** NA

**Chairman Quish** closed the hearing.

**Motion:** **Mr. Marlow** motioned to approve with city staff report recommendations incorporated.

**Second:** **Mr. Austin** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

**F. CHAIR REPORT:** Subcommittee appointments and Liaison appointments.

**Subcommittees**

- Regulations (meets at 6:30 on first Tuesday of the month): **Mr. Grant, Mr. Marlow, Ms. Kearney and Mr. Quish** volunteered.

**Liaisons**

- Board of Aldermen liaison: **Mr. Moore** volunteered.
- South Central Regional Council of Government liaison: **Mr. Quish** volunteered.
- Inland Wetlands Agency liaison(unofficial): **Mr. Satti** volunteered.
- Police Commission (unofficial): **Tom Panzella** volunteered.

**G. APPROVAL OF MINUTES** 6 February 2018 was unanimous.

**H. STAFF REPORT**

**Mr. Sulkis** said there was an opportunity to bring in state experts on 8-30g Affordable Housing to educate the board, but the session could only be run at around 11 am. Board members Kalgian, Austin, Quish, and Kearney expressed interest, noting that Tuesdays would not work for Ms. Austin. Mr. Sulkis confirmed that the session would be open to public with a published agenda.

**Mr. Sulkis** also said a zoning expert could be brought in from the CT Bar Association to provide a presentation. He said the City Attorney is working on this project and would provide potential dates. Mr. Sulkis said such a session would be held on a meeting night, starting at around 5:00-5:30, and advertised to the public.

**Mr. Sulkis** reviewed materials provided to the board that evening, particularly the Plan of Conservation and Development (POCD), noting that having this document every 10 years is required by statute. He referred board members to other regulation materials, including zoning maps. He described the process of updating the POCD and how it incorporates requirements developed at different levels of state and regional planning. He said the most recent update was relatively minor, but it was still a major undertaking for staff and being that staff had been reduced, the next update may require hiring a consultant.

**I. ADJOURNMENT** was at 9:04

Attest:

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

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