

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY, 1 MARCH 2022, 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, E. Hirsch, J. Kader, B. Kaligian, C.S. Moore, R. Satti

Not Present: J. Castignoli, J. Mortimer, J. Quish, M. Zahariades

Staff: J. Griffith, DPLU Director, D. Sulkis, City Planner; M. Greene, Rec. Sec'y

In Chairman Quish's absence, **Vice Chairman Satti** opened the meeting.

C. NEW BUSINESS

- 1) **83 Bayshore Drive** (Zone R-10) Petition of Jerri Garceau, Gateway Development for a Coastal Site Plan Review to construct a single-family dwelling on Map 006, Block 083, Parcel 5A, of which Alyssa Blume is the owner.

Joe Rousseau, JMR Architectural Design Consultants, LLC, 215 Research Drive, addressed the board. He said his client bought the house intending to renovate but it became apparent that renovation was not feasible. The plan is now to construct a new home.

Vice Chairman Satti referred to the City Engineer's report. **Mr. Sulkis** read his administrative summary, saying no adverse impacts on coastal resources were expected.

DISCUSSION

Vice Chairman Satti, having established that there were no questions from the board, closed the hearing and asked for a motion.

Mr. Moore moved to approve as presented the Petition of Alyssa Blume for a Coastal Area Site on Map 006, Block 083, Parcel 5A of which Alyssa Blume is the owner.

Second: Ms. Austin seconded.

Discussion: None.

Vote: Motion carried unanimously

D. PUBLIC HEARINGS

CLOSE BY APRIL 5, 2022; VOTE BY JUNE 9, 2022

- 1) **615 Plains Road** (Zone LI) Petition of Thomas Lynch Esq. for a Special Exception with Site Plan and Coastal Area Management Review for a school bus storage, maintenance, and dispatch facility with outdoor fueling station on Map 062, Block 928, Parcel 48 of which 615 Plains Road LLC is the owner.

Attorney Kevin Curseaden, 3 Lafayette Street, addressed the board. He noted the presence of Attorney Thomas Lynch and Professional Engineer Ron Wassmer. He referred to the submitted statement of use, saying the existing site has been upgraded to create a parking lot for school busses. He described various sites previously used by the bus company and said there was a need for a permanent storage area. He said that the city planner had recommended denying the application but that he and Attorney Lynch respectfully disagree with Mr. Sulkis's assessment. Attorney Curseaden reviewed details on the proposed use of the site, noting that an assessment provided by the BL Companies projected that the number of trips per peak hour would not exceed 70 and that this anticipated traffic impact is lower than the threshold which would normally trigger the need for a traffic study. He described the route to be used by busses exiting and entering the site, which aimed to avoid residential areas except to transport schoolchildren who lived on those streets. He said departmental approvals were in place. He said a planting plan had been submitted to the Inland Wetlands Agency (IWA). He said no negative impacts to coastal resources were expected. He described abutters as consisting of a landfill, MetroNorth, and a motorcyclist club.

Attorney Lynch, 63 Cherry Street, then addressed the board. He said the application was filed last spring, but in June he was notified that a traffic study was required. He drew a distinction between traffic studies related to Special Exception applications, like this project, and Special Permits, therefore he also disagreed with the city planner's position requiring a traffic study. He said the cost of \$20,000 would be burdensome to a leading city vendor that busses Milford's school children.

Ron Wassmer, CT Civil Group, 158 Research, presented the project plans. He described the surrounding area, noting an existing building. He said the owner had enhanced the parking lot and added a fueling station. He reviewed the landscaping plan which he said provided street trees and met the requirements of the regulations. He noted the access driveway and reviewed the storm drainage improvements. He said the area was developed in the 1970s. He reviewed other aspects of the project including lighting.

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He said the facility was connected to city sewer system. He said there would be provision for basic maintenance of the busses, but the site would not be used to perform extensive repairs. He said the plans were modified to accommodate the IWA's request for changes to a drainage ditch and catch basin. **Vice Chairman Satti** and **Mr. Wassmer** discussed how parking would be used and the site's prior use. **Vice Chairman Satti** said that while a traffic assessment had been made, it did not specify the extent of the area affected; **Attorney Curseaden** could not provide an answer, saying the basic report described a total number of trips but offered to find out by the next meeting. He suggested a condition of approval be added that all traffic must avoid Plains Road. **Vice Chairman Satti** and **Attorney Curseaden** discussed the board's ability to require additional consultants. **Attorney Curseaden** referred to 2015 Board of Aldermen minutes regarding creation of the relevant ordinance where reference was made to large-scale threshold projects. He argued that this application doesn't rise to a threshold project and in this case, adding such a requirement is punitive. **Vice Chairman Satti** asked about the vote count in 2015, which was 13 in favor, 2 opposed. **Mr. Hirsch** described the word "shall" in the ordinance as being mandatory versus the word "may" being discretionary; he also said there was no language about threshold projects. **Attorney Curseaden** said he was looking for a standard for when consulting was required, the lack of which could create arbitrary enforcement of the ordinance.

Vice Chairman Satti opened the hearing to public comment.

Anthony Giannattasio, First District Alderman, 58 Rosebrook Road, said the use was consistent with an industrial zone and agreed there was no traffic issue. He said he was an alderman when the ordinance was enacted, he still represents people in the area, and he supports this project being in his district. He said as he understood it, the need for outside consultants was more urgent for small towns without a city engineer. He said the project was small in scope with a small business owner. He urged approval.

Mr. Hirsch asked **Mr. Sulkis** for his chief issue with project; **Mr. Sulkis** said that even small projects in the city require traffic studies depending on their location. He said the concern was a densely settled residential neighborhood nearby. He read Section 7.2.3(2) of the ordinance referring to traffic impacts on neighborhoods. He said that for the board to grant a Special Exception, any impacts to the area must be considered. He noted that employee traffic at the site would have an effect, apart from the bus trips.

Attorney Curseaden asked that the vote not take place at this meeting because a supermajority is needed to approve, and a supermajority was lacking. He asked that absent board members review the MGAT video and vote the application at the next meeting. He said the board could then decide on the evidence presented and make the bus routing a condition of approval. He said there is a traffic overview based on Department of Transportation metrics and trip information used by traffic engineers for small scope projects. He noted that Milford Police Department had approved the project.

Vice Chairman Satti asked that the members of LLC be named. **Attorney Lynch** provided the member names and **Vice Chairman Satti** stated that he was realizing at that moment that he must recuse himself. He asked that the hearing be held open but said he would recuse himself from considering the application regardless.

Mr. Moore asked if discussion of a traffic study could continue. **Mr. Sulkis** reviewed the voting options available to the board.

Attorney Lynch said his client would agree to the request for a traffic study but asked that a 3rd party review be waived. He asked that the public hearing be held open, a traffic study submitted, and a vote based on the study without a 3rd party review be taken.

Mr. Sulkis said a specific traffic study was needed and that 2 possible traffic engineers had been approached to do it. **Vice Chairman Satti** reiterated he had to recuse himself but suggested continuance and further discussion about traffic study.

The public hearing was held open.

D. LIAISON REPORTS—None.

E. SUBCOMMITTEE REPORTS—None.

F. APPROVAL OF MINUTES—2/15/2022 minutes were approved unanimously.

G. CHAIR'S REPORT — None.

J. STAFF REPORT - None.

K. ADJOURNMENT was at 8:06pm.

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.