

**PLANNING AND ZONING BOARD AGENDA FOR MEETING TO BE HELD
TUESDAY, 19 JUNE 2018, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:30 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 Moore, Jim Quish, Robert Satti

Not Present: Tom Panzella

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

C. OLD BUSINESS

D. NEW BUSINESS

1. **74 Surf Avenue (R-10)** Petition of Roland M. Skinner for Coastal Area Site Plan review, on Map 27, Block 472A, Parcel 42 of which R.M. Skinner Enterprises Inc. is the owner.

Joseph Codespoti, PE, 263 Boston Post Road, Orange, addressed the board. He described the empty lot and the approvals previously received. He described the house and garage and committed to incorporating the city engineer's comments. He outlined steps taken to meet flood mitigation requirements. He said there was access to the estuary to meet CAM requirements.

Mr. Sulkis referred to his report, stating that no environmental impact was anticipated.

Board Discussion: **Mr. Satti** and Mr. Codespoti discussed the variance that was granted; **Mr. Codespoti** described the old subdivision lots, saying they weren't suitable for modern houses. He described the resubdivision and said the variance was for one of the front yards. **Mr. Grant** clarified average grade and building height. **Mr. Marlow** asked how maintainance of the rain garden would be ensured; **Mr. Codespoti** said Inland Wetlands Agency requirements would be recorded onto the deed.

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

Second: **Mr. Marlow** seconded.

Discussion: None.

Vote: Motion carried unanimously.

E. PUBLIC HEARING(S)

1. **622 Gulf Street (R-18)** Petition of Kevin Curseaden, Esq. to create a 4 lot Subdivision and Coastal Area Site Plan review, on Map 28, Block 520, Parcel 26 of which George H. Ward is the owner.

Attorney Curseaden addressed the board. He said Mr. Ward was present as well as Matthew Dusgay, PE, from Milone and MacBroom. He displayed GIS aerial imagery showing deeded easements providing access from Gulf Street and Old Field Lane. He provided several letters in support from neighbors. He said neighbors wanted the old accessway maintained but the Fire Marshall was not satisfied with it; an acceptable solution had been provided from Milone and MacBroom. He said there was a fire that destroyed an old house which had not been rebuilt, but that the owner did not intend to abandon the use of the 4th house. Attorney Curseaden said he would provide hardcopy of the Powerpoint presentation for the record. He reviewed old maps of the property to illustrate how the land had been used over the years. He said waivers regarding the 25' width accessway requirement would also be needed from the subdivision regulations, which could not be provided by the ZBA. He said the ZBA had accepted as a the hardship the preexisting lot predating zoning. He noted disagreement with Mr. Sulkis in interpretation of the subdivision regulations with regard to the easement. He noted a reference to a separate Open Space lot owned by Mr. Ward that is not contiguous with other

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lots. He suggested a cash payment in lieu of land. He also asserted that the lot was eligible for a Free Split, which he said Mr. Sulkis disputes.

Matthew Duscay, PE, of Milone and MacBroom, Cheshire, then addressed the board. He reviewed the layout of the 4 lots in the subdivision, as well as the proposed new homes. He said the same access method would be maintained. He discussed engineered pavers that satisfied the requirement for providing emergency vehicle access to all the properties. He said there would be a requirement to keep the accessway clear in all seasons. He reviewed the design of 2 rain gardens to prevent harmful runoff. He noted that all lots would be served by public water and sewer. He said little earthwork would be needed due to the generally level lots. **Mr. Satti** confirmed the location of driveways and structures. He also confirmed that garages proposed 2-car garages for each home.

Attorney Thomas Lynch, 63 Cherry Street, said he represented 646 Gulf Street and that he had previously planned to make a presentation in opposition. However, he said that he and Attorney Curseaden had begun negotiations regarding client concerns about the accessway ownership. He asked that the hearing be held open pending further discussions to reconfigure the easement.

Attorney Curseaden said he didn't feel the easement was overburdened, but agreed that the hearing should be held open to permit negotiations.

FAVOR

DeForest Smith, 247 Broad Street, said he was a realtor for many years, and a friend of the applicant for 60 years. He said Mr. Ward had been a guardian of the property and was 80 years old. He said Mr. Ward wanted to see it carefully used.

Doryann Mele, 612 Gulf Street, said she was concerned about new traffic on the small accessway. She wanted more information to form an opinion.

Dennis LaFerriere, former resident of Gulf Street, said he believed Mr. Ward wanted to keep the historic, residential quality of the property.

Joe Blichfeldt, 650 Gulf Street, said he was in favor of the 4-lot subdivision.

Jeremy Grant, 36 Eveningside Dr, said he supported the plan.

Michael Sabo, 21 Olive St, was in favor.

Attorney Curseaden said he wished to keep the hearing open, but he briefly addressed the traffic concern noting that no accidents had occurred in the area. He said they would work to address neighbors' concerns.

Mr. Sulkis referred to his staff report. He said the property predated the subdivision regulations, but because the project is being proposed in 2018, it has to meet current subdivision regulations. He underscored the need for a 25-foot access-way for each rear lot and stated that landlocked parcels cannot be created, noting that is the reason for Section 3.2.10 of the subdivision regulations. He said shared access-ways were approved in the past but only if the parcels had their own exclusive 25' access to the street. He stated that under current regulations, each lot requires its own 25' access to the street, which would mean that a total 50' of frontage on Old Field Lane would be required. He said that he and Attorney Curseaden often amicably disagreed about interpretations, but that he felt this regulation was clear. He stated it has been the custom and practice of the Planning and Zoning Board to interpret the regulations to require the 25' access for each new rear lot created per 3.2.10. He stressed that a subdivision approval would not affect whether or not 8-30g developments could be installed there, noting that 8-30g's can be located on any residential property.

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Mr. (John) Grant said he didn't see landscaping information on the drawings. He said each lot had problems with a couple regulations and needed to know exactly what waivers would be required.

Attorney Curseaden spoke to the concern about the rear lots being landlocked due to deeded rights of way. He said the board has the authority to grant the variances. He said 3 of the 4 lots were generally rectangular. He said there was no site plan as yet, but that no trees were slated for removal. He emphasized that the board can interpret its own regulations. He contrasted the historic subdivision with the current one, saying no language specifically addressed a 25' accessway requirement for each lot. He said old easements often did not spell out the dimensions of rights of way.

Chairman Quish said the hearing would be held open until the next meeting or possibly for 17 July.

2. **480 Boston Post Road (CDD-1)** Petition of R. Macaluso for a Special Permit/Site Plan Review to convert a retail use to an auto dealership on Map 64, Block 930, Parcel 10 of which 480 Boston Post Road Milford, LLC, is the owner.

Chairman Quish recused himself; **Vice Chairman Moore** took the gavel.

Raymond Paier addressed the board. He outlined the plan to convert the old Xpect Discount building to be used as a car dealership. He described a buffer plan for abutting properties. He said restriping of parking spaces would result in a net reduction of total spaces and that a protective guardrail would protect the buffer. He stated that he had satisfied IWA concerns and obtained other city agency approvals. He said the building appearance would be improved but the footprint would not be changed.

Mr. Sulkis said the site work would improve the current state of the lot. He said a long-standing drainage problem would be corrected.

Board Discussion: **Mr. Satti** asked if there would be a service department; **Mr. Paier** said that to his knowledge, no.

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

Second: **Ms. Austin** seconded.

Discussion: None.

Vote: Motion carried unanimously.

Chairman Quish resumed his role.

3. **38-40 and 44-50 Bridgeport Avenue (BB)** Petition of J. Knuff, Esq., for a Special Permit/Site Plan Review/Coastal Area Management Site Plan Review for a brewery/restaurant and tandem parking on Map 18, Block 363, Parcel 5&6 of which McNeice Enterprises, LLC, is the owner.

Attorney Knuff, 147 Broad Street, representing Dockside Brewing, addressed the board. He outlined the history of the marina at the site. He said the second parcel featured a single family home to be demolished for parking. He reviewed the city departmental approvals obtained and noted other documents of support, including a petition with over 1500 signatures. He said his clients would improve the site, be supportive of neighbors, and bolster economic activity in the Devon area. He reviewed the renovation of current structures and a plan for a new building. He said the beer garden section would showcase views of the Housatonic River. He said the current unpaved parking lot would be paved and have stormwater treatment. He said a portion of current boat slips would be converted to allow visiting boaters to dock at the site as a destination. He said the restaurant would close at 10:00PM most nights and no outdoor music would be played. He said the project is not a tavern, but a brewpub with no hard liquor for sale; that all beer created onsite

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would be consumed on site and not subject to truck transport. He said efforts to revitalize Devon had been longstanding and noted that the site truly marks a gateway to Devon/Milford. He said it would bring more visitors and employment opportunities to Devon. He said it was difficult to make a marina business use viable without a restaurant use added. He introduced **John Wicko, architect**.

Mr. Wicko, 58 Prospect Street, reviewed the building plans. He discussed aspects of the plan in addition to the brewpub: parking, a bake shop, a caretaker apartment for the marina, some spaces for retail, seasonal patios and decks. He said the current land grade wouldn't change much. He showed how existing utilities were integrated into the plan. He reviewed the "Nantucket" aesthetic of the elevations and landscaping. He said lighting would be both safe and low-level, incorporating the existing style of attractive Devon lamplight fixtures. He noted that the entrance would be relocated to support better traffic flow. He said the proposed building would require some reconstruction and an enhanced roofline. He said the foundation and front porch would stay the same with some renovation and that the current storefront façade was being enhanced. He reviewed the basement use, citing storage and maintenance for the docks and grounds with the restaurant above. He said a portion of the basement would be reinforced for the brewing operation. He said vats would be visible for patrons to observe brewing and then beyond that, the river. He said a fireplace was added for winter use as well as a vaulted ceiling. He said glass doors would open to decks for summer use. He showed a floor plan for the 1-bedroom caretaker apartment and at the same level, mechanicals for the building. He reviewed all elevations. He highlighted architectural details meant to enhance the attractiveness of the building.

Attorney Knuff concluded, saying the plans had been under development for a long time. He thanked Mr. Sulkis for his work on the project as well. He also noted the presence of land surveying engineer Ron Wassmer.

Mr. Sulkis said that if the board approved the application, a condition should be added to prohibit outdoor speakers, following up on the promise of the owners. He said he wasn't sure if Riverside Drive sidewalks would be required to be installed by the Director of Public works or if they would pay into the sidewalk fund. **Chairman Quish** discussed the motion structure with Mr. Sulkis.

OPPOSED

None.

FAVOR

Frank Basil, Bridge House owner, said the plan leverages Milford's coastline and that his customers are excited about it. He said the gateway concept will benefit the whole area.

Vincent Ditchus 171 Housatonic Drive, presentation answered his questions, Devon Revitalization project aimed for this type of project. He said it will attract people to a great waterfront marina project that has been struggling for some time.

Edward Chickos, 30 Bridgeport Avenue, said only concern is the south dock. He said he hoped it wouldn't expand. He liked the fencing plan.

Brett Roser, 33 Railroad Avenue, also approved, citing job creation, neighborhood revitalization, and good use of Milford's premier residential coastline. He expressed confidence that the owners are invested in the welfare of the area and city.

Libby Ditchus, 171 Housatonic Drive, said she chaired the revitalization committee and agreed that this project will beautify the area and attract other new businesses.

Carol Eaton, said she was an abutting neighbor and that she feels this project will be an asset to Devon.

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Mike Wisjewski, said he owns Fisherman's Paradise on the same property at 38 Bridgeport Avenue. He said the Dockside Brewing owners are great businessmen, and that he expects that much business will be generated.

Ms. Greene noted the submission of a letter of support from **State Representative Kim Rose**.

Julie Nash, 224 Woodruff Road, said she is Milford's Economic Development Director and read a letter of enthusiastic support from **Michael Lynch**, Chairman of the Milford Economic Development Committee.

OUT OF SEQUENCE OBJECTION: **Robert Masud**, 18 Intervale Parkway, said Devon has been adversely affected by other projects. He said this project would impact residential neighbors. He read and distributed a memorandum that set out detailed conditions for the project, particularly regarding music, noise, light, landscaping, and parking.

REBUTTAL

Attorney Knuff thanked the public for the outpouring of support. He addressed objector concerns over quality of life, noting that the owners of the site had pledged proactively not to have outdoor music. He respectfully objected to other conditions, noting compliance with photometric requirements, abundant landscaping plans, and having addressed other considerations of neighbors.

BOARD DISCUSSION: **Mr. Grant** asked if a traffic study was done; **Attorney Knuff** said the police traffic commission had enthusiastically supported the plan. He said the restaurant was of modest size. **Mr. Satti** said the area was congested and asked how many patrons expected. **Mr. Wicks** read off the square footage of the restaurant, brewery, and other areas, because that is the metric that controls required parking. **Mr. Satti** confirmed that no sound barriers were planned. **Mr. Marlow** confirmed that no repairs will be done at the marina. **Attorney Knuff** also said no off-season storage of boats would occur. He confirmed that some parking spaces would be provided for public access. **Mr. Moore** confirmed that emergency access exists via a driveway not in constant use by customers. **Ms. Doucette-Ginise** confirmed that a fence will provide a buffer and privacy fence for an abutting neighbor.

Sharon Chickos, 30 Bridgeport Avenue, said she got an email from village marina that confused her. **Attorney Knuff** said the email was nearly a year old and reflected much older proposed plans.

Mr. Grant said he still had a traffic concern, despite what he considered to be the high quality of the project. **Mr. Quish** said the project was in his voting district and he considered it to be very positive and not likely to put Devon at risk.

Motion: **Mr. Kaligian** motioned to **approve with a condition of no outdoor speakers of any kind**.

Second: **Ms. Austin** seconded.

Discussion: None.

Vote: Motion carried unanimously.

4. **354-438 Wheeler's Farms Road (DO-25)** Petition of T. Hollister, Esq., for a Special Permit/Site Plan Review for onsite earth materials processing on Map 96, Block 915, Parcel 11C1 of which Milford Developers, LLC, is the owner.

Attorney Hollister addressed the board. He outlined the background of the residential project approval. He noted that phase of construction was scheduled to start this September. He said that the proposed project was meant to reduce construction impact on the neighborhood; specifically, that excavation of earth materials could be done more quickly and without truck trips. He reviewed his discussions with Mr. Sulkis. He said the request was for a 90-day permission to process earth materials on site. He said this type of activity is allowed by sections of the zoning regulations. He detailed

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the scope of the project and reviewed approvals. He said a letter had been sent to abutting neighbors offering to answer questions on the proposal.

John Gilmore, PE, Milone and MacBroom, reviewed the map for the board, especially noting the buffer for residential areas. He displayed an aerial view of a rendered site plan. He described the site with reference to the Merritt Parkway and abutting residential areas, saying it met the spirit of the regulations and would reduce truck traffic. **Mr. Marlow** confirmed that the goal was to have a balanced site and that no material would be taken in from offsite, allowing that a small amount of material would be transported off. He discussed the engineering techniques to be used for processing the earth. He confirmed that dust control would be handled by contractors with a built-in water mist process.

Bob Sweeney, Sweeney Excavation, described the cut-to-fill process and the one machine it uses. He described earth processing techniques that are very mobile and much quieter than older techniques. **Chairman Quish** confirmed that emissions controls existed for the machines. **Mr. Grant** confirmed that operational constraints are 7:00AM-5:00PM, Monday through Friday and asked if the Saturday work start time could be 8:00AM instead of 7:00AM. **Mr. Sulkis** asked the applicant if the Saturday time limitation would effect the 90-day schedule. **Attorney Hollister** said it wouldn't.

Motion: **Mr. Grant** motioned to **approve with condition of Monday through Friday, 7:00AM-5:00PM, and Saturday 8:00AM-5:00PM.**

Second: **Mr. Marlow** seconded.

Discussion: None.

Vote: Motion carried unanimously.

F. CHAIR REPORT: None.

G. REGULATIONS SUBCOMMITTEE REPORT – Recommendation to delete Section 10.1.4

Mr. Grant reported that the Regulation change document was sent to outside agencies; he anticipated that it would come back to the board soon for approval.

H. APPROVAL OF MINUTES 15 May 2018, unanimously approved.

I. STAFF REPORT **Mr. Sulkis** said the DPLU is working on collecting electronic submissions, hoping that in FY 2019, the board would have access to electronic plans, and individual member could choose to opt out of using paper plans.

J. ADJOURNMENT was at 10:05.

Attest:

M.E. Greene, Board Clerk

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