

**PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD
TUESDAY, 7 AUGUST 2018, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:32 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

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

Not Present: Peg Kearney

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

C. CGS 8-24 APPROVALS

1) CGS 8-24 APPROVAL FOR SOLAR ARRAY ON VARIOUS SCHOOL PROPERTIES - Referral pursuant to CGS §8-24, to authorize one or more providers to be selected by the Milford Board of Education, and said provider's affiliates, designees and/or assignees, to site, own, operate and maintain a solar array at John F. Kennedy Elementary School, Live Oaks Elementary School, Meadowside Elementary School, Orange Avenue Elementary School, Westshore Middle School.

Jim Richelli, COO, Milford Board of Education (BoE), addressed the board. He said the BoE had recently replaced roofs on the schools listed and that now was the ideal time to ADD energy-efficient solar panel arrays to both reduce costs and protect the environment.

Board Discussion: **Mr. Grant** confirmed that the roofing had been constructed to support the weight of the panels. **Mr. Richetelli** said engineering studies were performed and warranties were in place to ensure safety.

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

Second: **Mr. Marlow** seconded.

Discussion: None.

Vote: Motion carried 7-0. (Ms. Austin had not yet been seated.)

2) CGS 8-24 APPROVAL FOR PRESCHOOL LEASE - Referral pursuant to CGS §8-24, to authorize a lease with Milford Preschool at Margaret Egan Center, 35 Mathews Street.

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

Second: **Mr. Moore** seconded.

Discussion: None.

Vote: Motion carried 7-0. (Ms. Austin had not yet been seated.)

Ms. Austin joined the meeting.

Chairman Quish, **Ms. Doucette-Ginise**, and **Mr. Grant** each confirmed that they had studied the YouTube video on Milford Government Access Television and were prepared to vote on 622 Gulf despite their absences from the previous meeting.

D. OLD BUSINESS

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.

Mr. Sulkis recapped the application for the board. He reminded the board that 8 votes (75% of the board) would be required for potential approval.

Chairman Quish said he supported the use and recommended approval.

**PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD
TUESDAY, 7 AUGUST 2018, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

Motion: Mr. Grant motioned to approve. The motion was read into the record as follows:

I move to approve 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, by Variance, per section 6.4 of the Subdivision regulations, specifically :

- 1) 3.2.10 varying the rear lot requirement of a 25' access way for each lot, a combined requirement of 50', to the existing 10' driveway easement width.*
- 2) 3.2.7 varying the requirement that side lot lines be at right angles to the street for lots 1, 2 and 4.*
- 3) The applicant shall make a monetary donation to the open space fund in accordance with Section 3.10 of the subdivision regulations.*

Second: Ms. Doucette-Ginese seconded.

Discussion: None.

Vote: Motion carried 8-1, with Mr. Satti voting against the motion.

E. NEW BUSINESS

1. **17 Gardner Ave (ZONE R-5)** – Petition of Paul Friia for a Coastal Management Site Plan Review approval to construct a single family residence, on Map 27, Block 455, Parcel 9, of which Kristen L. Blando is the owner.

Mr. Friia pointed out that he is the owner of the property and that the application description contained a scrivener's error on the ownership.

Mr. Sulkis read the administrative summary, saying no adverse impact on coastal resources were expected.

Motion: Mr. Grant motioned to **approve** the coastal area site plan with **a condition of submitting a storm water treatment plan and the sidewalk fund.**

Second: Mr. Panzella seconded.

Discussion: None.

Vote: Motion carried unanimously.

Mr. Satti recused himself for the next item.

2. **16 Seaview Ave (R-10)** – Petition of John Wicko for a Coastal Management Site Plan Review approval to construct a single family residence, on Map 9, Block 79, Parcel 8, of which Mark and Theresa Valentine are the owners.

Mr. Wicko, AIA, architect, 65 Propsect Street, addressed the board. He reviewed his plan set in detail, including the site plan, setback requirements, landscaping, and driveway positioning. He discussed drainage, soil erosion controls and other details. He said the City Engineer's comments had been addressed and that the owner asked for and received approval from the City Engineer for a waiver of sidewalks on the Seaview Avenue side of the property as there are no other sidewalks there. He described the elevation level of the house, saying it would meet the more demanding requirements of the FEMA VE Flood Zone rather than the AE zone which would normally be required. He reviewed a system of decks that are flood resistant but independent of the house. He presented the floor plans and noted that the roof plan would support the air conditioner condenser. He reviewed the construction materials, focusing on their weather resistant properties. He displayed the elevations for the house.

Mr. Sulkis read the administrative summary, saying no adverse impact on coastal resources was expected.

**PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD
TUESDAY, 7 AUGUST 2018, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

Board Discussion: **Mr. Grant** confirmed that the City Engineer's recommendation resulted in a compromise regarding the roadway, which will be raised at some future date.

Motion: **Mr. Grant** motioned to **approve with the condition that the owner contribute to the City's sidewalk fund.**

Second: **Ms. Austin** seconded.

Discussion: None.

Vote: Motion carried 8-0 (due to Mr. Satti's recusal).

3. **990 Naugatuck Ave (ZONE HDD)** – Petition of Jeffrey Gordon requesting if he can pursue a change of zone without submitting an application for special permit/site plan review per 10.1.2 of the Zoning Regulations.

Mr. Gordon submitted a proposed site plan with 204 units. He addressed the board, saying he hoped to file several applications, including an unbuilt phase of the Caswell Cove condominium complex. He said that launching this effort required a zoning change for the much-litigated property at 990 Naugatuck Avenue. He said the 990 Naugatuck Avenue development involved other complex processes, including improvements to the railroad crossing and state-owned easement. He said the time frame and challenges of the property would be expensive without having a zone change in place ahead of time. He called it a chicken-and-egg conundrum. He compared it to a zone change issue in Orange where the use changed prior to a zone change; he said the zone change should make sense on its own merits. He said the HDD permitted industrial uses as of right, whereas a WDD made sense for the location and would be self-limiting as all current WDD are fully developed. He reviewed other uses in the HDD in the vicinity of the former recycling plant. He said the preliminary proposal involved waterfront apartments in 3 buildings. He said a full site plan application with detailed project engineering would be premature.

Mr. Satti confirmed with Mr. Gordon the location of the proposed new condos with respect to the existing condos.

Attorney Franklin Pilicy, 365 Main St, Watertown, representing Caswell Cove Condominiums, said the zone change would protect Milford from future recycling in the zone, which has already resulted in much litigation for the City. He said that filing a site plan/special permit application would be a long, costly, and burdensome project if such required prior to securing a zone change.

Mr. Satti confirmed that fiscal impact study had not been completed. **Mr. Gordon** asked that such a study, along with a CAM application, be deferred.

Mr. Sulkis said the request was unusual due to the Milford Regulations requiring that a site plan/special permit application accompany a zone change request. He said the regulations do allow an applicant to ask for waiver from these applications in order to proceed with the zone change request. He clarified that Gus Cursio/Recycling, Inc. is still the owner of record. He reviewed several potential outcomes, including an economic impact study for a property that is not ever actually built. He said some other new project could be proposed once it's permitted in the revised zone.

John Guedes, Primrose Companies, 1425 Noble Avenue, Bridgeport, said he opened discussions with Caswell Cove 6 years ago to determine why the final phase was never built. He said he was the developer of the Shelton Riverfront project, which also features railroad and contamination challenges. He said he had experience with environmental issues similar to this application. He said he had reached an agreement with Caswell Cove to proceed on the final phase if he could acquire the Recycling, Inc. property. He said if the zone change was approved, all litigation would cease because the current use would be disallowed and stated that a garbage recycling station should not be located adjacent to a residential development. He said the City Attorney is aware of the proposal.

Mr. Sulkis and **Mr. Guedes** discussed potential issues that could fall under the jurisdiction of the Connecticut

**PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD
TUESDAY, 7 AUGUST 2018, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

Department of Transportation's State Traffic Commission regarding railroad safety. **Mr. Guedes** referred to his experiences on a similar project in Shelton, saying he had experience with the difficulties of dealing transportation agencies; he was of the opinion that MetroNorth would welcome safety equipment upgrades. He said with a zone change, the development of the site might well take years, but that a recycling plant would not be allowed. He added that his condominium plan would not be as dense as the original application.

Mr. Sulkis clarified that Phase 7 of Caswell Cove is already zoned appropriately for residential use. He asked when **Mr. Guedes** would take possession of 990 Naugatuck; **Mr. Guedes** said when approvals were received. He referred to a contract between himself and **Mr. Cursio** that says when the zone change goes into effect, all operations cease and all lawsuit will be dropped. **Mr. Guedes** said that all taxes would also be made current. **Mr. Sulkis** asked if former nonconforming uses would be stopped, noting that the contract should feature a guarantee that all current operations on the site would cease with the zone change. **Mr. Sulkis** also pointed out that the adjacent power plant presents the same problem of an industrial use adjacent to a residential use, but that the power plant will remain. **Mr. Guedes** said that the recycling was different from the power plant in that it created a constant nuisance to Caswell with dust and noise. He said the recycling is one issue, the railroad crossing is another, hazardous environmental cleanup is another. He emphasized that the process would be extremely complex and lengthy, but that he had experience with similar projects.

Mr. Marlow said that he had concerns similar to those raised by **Mr. Sulkis**. **Mr. Marlow** asked if the property would be vacant during the approximately four years of processing that **Mr. Guedes** estimated the approvals would take; **Mr. Guedes** said the only activity on the property would be preparing for its eventual development. **Mr. Satti** confirmed that **Mr. Cursio** had signed a letter consenting to the application for a zone change. **Mr. Satti** also confirmed that **Mr. Guedes** had entered into an agreement such that once approvals are in place, he (**Mr. Guedes**) would close on the property. **Mr. Guedes** said **Mr. Cursio** was selling the property with a condition of the zone change. **Mr. Quish** said the approval tonight, if granted, would be limited to permission to proceed with the zone change application, not approval of the zone change itself. He said that type of application would be a public hearing.

Motion: Mr. Marlow motioned to approve the petition to pursue a zone change without a Special Permit/Site Plan Review.

Second: Mr. Moore seconded.

Discussion: Mr. Satti and **Mr. Grant** said they thought the vote should be postponed to allow for receipt of more information. **Mr. Sulkis** said the board should specify what information should be provided. **Chairman Quish** reiterated that the vote was for a limited scope. **Mr. Moore** noted that a motion was on the floor. **Mr. Marlow** and **Mr. Moore** rescinded their motion. **Chairman Quish** encouraged board members to forward questions to **Mr. Sulkis** who would in turn forward them to the applicants.

F. CHAIR REPORT None.

G. REGULATIONS SUBCOMMITTEE REPORT

Chairman Quish noted that a public hearing would be held on 5 proposed regulation changes (listed below); but that a board vote was required to authorize circulation for regional review. **Mr. Grant** elaborated on **Mr. Quish's** remarks, saying the regional agencies have 35 days to review and comment. He reviewed each amendment in detail for the board.

- 1) **Security Fence text amendment #2-18 section 4.1.7.4 and 11.2** (circumstances for 8' fence and no barbed wire)
- 2) **Recycling plants amendment 3-18 Article 3, Sec 3.11.2, 3.11.2.9 Special Use** (reconciles local regulation with state.)

**PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD
TUESDAY, 7 AUGUST 2018, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

- 3) Authority amendment 4-18 Article 10, Sec 10.1, 10.1.4** (junkyard location board approval not allowed; it's in state purview)
- 4) Flood text amendment #5-18 section 5 8 13 1 _ 5 8 13 2 and 11 2 (DFE)** (base flood elevation to exceed Building Code requirements and meet FEMA requirement)
- 5) Commercial Vehicles text amendment #11-17 section (3 1 5 3 and 3 1 3 8) update 5-25-18** (adds definition of commercial vehicles and trailers; issues for residential parking of such vehicles)

Motion: Mr. Grant motioned to approve regional circulation of the proposed regulation changes.

Second: Mr. Panzella seconded.

Discussion: None.

Vote: Motion carried unanimously.

H. APPROVAL OF MINUTES 17 July 2018, unanimously approved.

I. STAFF REPORT None.

J. ADJOURNMENT was at 8:55.

Attest:

M.E. Greene, Board Clerk