

**MINUTES FOR FOUR (4) PUBLIC HEARINGS PLANNING AND ZONING BOARD TO BE HELD
TUESDAY, 15 AUGUST 2017, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:35 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Scott Marlow (Ch), Anthony Sutton (V-Ch), Nancy Austin, Michael Dolan, John Grant, Carl S. Moore, Tom Panzella, Jim Quish, Rick Varrone

Not Present: , Tom Nichol

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

Chairman Marlow introduced new member Nancy Austin. He asked for a change in the agenda that moved the 553 West Avenue application to the end of the meeting. A motion to do so carried unanimously.

C. NEW BUSINESS

1. **8-24 Approval for an access easement agreement between the City of Milford and Eversource Energy** on Map 50, Block 300, LOT 3A, of which the City of Milford is the owner.

Mr. Sulkis described Eversource's requirement for access via City land per a contract negotiated by the City Attorney's office. He said the Board of Aldermen would also vote on the item.

Board Discussion: None.

Chairman Marlow closed the hearing.

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

Second: **Mr. Grant** seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. PUBLIC HEARINGS

Close by 19 OCTOBER 2017

1. **41-43 Hillside Ave** (Zone R-5) Petition of Stacey Fiore for a Special Permit and Site Plan Review for a staircase on Map 49, Block 723, Parcel 5 of which Hillside Commons Condominium is the owner.

Stacey Fiore, 41-43 Hillside Avenue, described the stairs she has constructed from her back patio to the revetment. **Mr. Sulkis** commended her for coming in to get a permit.

Board Discussion: There were no questions for **Ms. Fiore**.

Chairman Marlow opened the hearing to the public with instructions.

Favor: None

Opposed: None.

Chairman Marlow closed the hearing.

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

Second: **Mr. Grant** seconded.

Discussion: None.

Vote: Motion carried unanimously.

2. **1680 Boston Post Road** (ZONE CDD-5) Petition of CFP Milford LLC, for a Special Exception and Site Plan Review for a boutique health club on Map 109, Block 804, Parcel 9, of which BLR Realty Co. is the owner.

John Knuff, Esq., 147 Broad Street, described submissions he provided consisting of photos of placards, a petition of support, and other letters in favor. He described the proposed use, the location (directly beside Whole Foods Market),

**MINUTES FOR FOUR (4) PUBLIC HEARINGS PLANNING AND ZONING BOARD TO BE HELD
TUESDAY, 15 AUGUST 2017, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

and parking. He noted that the exclusion of health clubs in CDD-5 is unlike other CDD zones, creating the need for a Special Exception. He said the unique characteristics of the Orange Theory business model necessitated the application for a Special Exception despite its approval requirement of a favorable super-majority of the board. He said classes were kept small and that the parking allocation would work with the surrounding retail uses because scheduling differed from retail hours. He shared letters from other Orange Theory locations indicating that gym users tended to boost shopping in nearby stores and no parking conflicts had resulted.

Joe Miller, 75 Tressler Blvd, Stamford, said he had been in the fitness industry for many years. He said Orange Theory is a premium brand and would make a positive impact on Milford.

Board Discussion: None.

Chairman Marlow opened the hearing to the public with instructions.

Favor: None.

Opposed: None.

Chairman Marlow closed the hearing.

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

Second: **Mr. Grant** seconded.

Discussion: **Mr. Varrone** described his involvement in the fitness industry and said the potential use sounded positive.

Vote: Motion carried unanimously.

A. PUBLIC HEARING LEFT OPEN

1. PROPOSED ZONING REGULATION TEXT CHANGES

Closed

Petition of Metro 150, LLC to amend the following language of Sections 3.16.2.2 (CDD-1) and 5.1.4 Figure 4:

Amend Section 3.16.2.2 to remove the requirement that multi-family residential buildings are only permitted in the CDD-1 zone "when at least 30% of the units are defined as affordable housing in accordance with Section 8-30g of the Connecticut General Statutes."

Amend Section 3.16.2.2(4)(b) to reduce the permitted minimum square footage of one-bedroom units in multi-family residential buildings in the CDD-1 zone to 700 square feet.

Amend Section 5.1.4 Figure 4 to set the following minimum off-street parking requirements for multiple family dwellings in the CDD-1 zone: (a) minimum required parking spaces of 1-1.5 per efficiency bedroom unit; (b) minimum required parking spaces of 1.5-2 per one bedroom unit; and (c) minimum required parking spaces of 2-2.5 per two bedroom units.

Chairman Marlow reviewed the previous outcome of the vote on the regulations and asked for a motion. He confirmed with **Mr. Sulkis** that 6 votes were needed to pass. **Messrs. Grant** and **Quish** urged the board to reject the changes. **Mr. Moore** said developers should be free to build better housing if they chose to and not be forced into supporting 8-30g. **Mr. Varrone** said he felt the board has been held hostage by the 8-30g statute and agreed this project doesn't have to be deemed an 8-30g. **Mr. Sutton** confirmed with **Mr. Sulkis** that CDD zones were created Jan 1 2004 and that no 8-30g housing had been built in them. **Mr. Sulkis** noted that 8-30g developments could still be built in CDD zones even if the regulation was changed. **Mr. Sutton** said he agreed with Mr. Moore and Mr. Varrone. **Mr. Grant** reminded supporting board members that approval would further burden the need to build 8-30g units to improve the City's conformity to mandated affordable housing ratios. **Mr. Panzella** felt the project was worthy and should be supported. **Ms. Austin** said she had reviewed previous recordings on this matter and felt confident she could make an informed vote. **Chairman Marlow** reiterated that the Board's authority is derived from the regulations. He agreed with Messrs. Grant's and Quish's comments. He said developers are being funneled toward

**MINUTES FOR FOUR (4) PUBLIC HEARINGS PLANNING AND ZONING BOARD TO BE HELD
TUESDAY, 15 AUGUST 2017, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

residential areas for new 8-30g developments.

Motion: Mr. Varrone motioned to approve and later amended his motion to approve the regulation change.

Second: Mr. Sutton seconded.

Discussion: Mr. Grant argued that current ambiguity regarding the 8-30g legislation, veto, and override will create future headaches until the statute is clarified.

Vote: Motion carried.

VOTED WITH THE MOTION: N. Austin, M. Dolan, C.S. Moore, T. Panzella, A. Sutton, R. Varrone

VOTED AGAINST THE MOTION: J. Grant, S. Marlow, J. Quish

- 2. 92 Plains Rd, 100 Plains Rd, 150 Boston Post Rd, and M53/B304/L88A (ZONE CDD-1) Close by 15 AUG 2017**
Petition of Metro 150, LLC for Special Permit and Site Plan Review approval to construct multi-family residential at Map 43, Block 304, Lot 80, and Map 53, Block 304, Lots 82, 83, and 88A, of which Jordan Realty, LLC is the owner.

John Knuff, Esq., 147 Broad Street, expressed sympathy for the dilemma faced by board members as they deliberate implications of 8-30g projects. He said this project's 168-unit size is not conducive to 8-30g applications.

Ray Macaluso, Westcott Mapes, said he had spoken with Mr. Richetelli of Milford's Board of Education, and that Mr. Richetelli does not favor schoolbus access directly on private property. **Chairman Marlow** confirmed with Mr. Sulkis that discussion should be limited to the bus issue since that was the reason the hearing was left open. **Mr. Varrone** asked if a turn-around was discussed, but was told that the Board of Education want to be able to stop traffic in the public right of way. **Mr. Sulkis** said other in housing complexes, schoolchildren picked up at the curb on public streets.

Chairman Marlow opened the hearing to the public with instructions.

Favor: None.

Opposed: None.

Chairman Marlow closed the hearing.

Motion: Mr. Varrone motioned to approve.

Second: Mr. Panzella seconded.

Mr. Grant asked that a condition to add an emergency exit on Junior Street.

Discussion: Mr. Varrone amended his motion to include the condition.

Vote: Motion carried.

VOTED WITH THE MOTION: N. Austin, M. Dolan, S. Marlow, C.S. Moore, T. Panzella, A. Sutton, R. Varrone

VOTED AGAINST THE MOTION: J. Grant, J. Quish

PUBLIC HEARINGS Close by 19 OCTOBER 2017

Chairman Marlow said that he would recuse himself from the 553 West Avenue application, and that Mr. Sutton would take the role of chairman for that item.

- 3. 553 West Avenue (ZONE DO-25)** Petition of Grillo Services, LLC, for a Special Permit and Site Plan Review for Residential Development per CGS sec. 8-30g on Map 42, Block 335, Parcel 1, of which Kingdom Life Church, LLC, is the owner.

Thomas Lynch, Esq., Lynch, Trembicki and Boynton, said the Grillo brothers were present. He described the project participants. He said issues raised by DPLU Director Joe Griffith would be addressed as well as traffic issues raised by a police report. He described the 57-acre property and said the proposed development would have 342 units. He said the property lies between I95 and MetroNorth. He stressed that 80% of the property would remain open space. He said the development would be upscale due and in line with Milford's demographics. He said affordable housing residents were

**MINUTES FOR FOUR (4) PUBLIC HEARINGS PLANNING AND ZONING BOARD TO BE HELD
TUESDAY, 15 AUGUST 2017, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

teachers, firefighters, and other young professionals making upwards of \$50,000. He described the proposed development as a potential signature property. He reminded the board that the previously proposed use as a composting operation met with resistance due to truck traffic. He said the business use had been denied, opening the possibility for a residential use. He described a series of scenarios with commercial use traffic counts. He said sight line standards would improve with removal of vegetation and that traffic levels would not be a concern. He referred to the affordability plan. He said tenants at the 80% rate would pay 1150.40/month and 910.63/month at the 60% rate. He reviewed Sewer, Health, Conservation, and Engineering responses. He said the Fire Marshall initially rejected the plans due to utilization of pavers, requiring amendment of plans and another appearance with Inland Wetlands, which had asked for more impervious services. He returned to the Police Commission's concerns with access to the rear of the building. He said complete access would be provided by the revision made per the Fire Marshall.

Fred Mascia, Civil Engineer for Tighe and Bond, 1000 Bridgeport Avenue, Shelton, reviewed the plan set submitted in detail. He said 27 of the 57 acres are designated as wetlands. He described the placement of the Iroquois gas line. He described conservation access areas and trails in the area. He said only 9.5 or 10 acres can be developed. He said the storm drainage from I95 dumps onto the northern part of the site causing erosion. He said the Inland Wetlands Agency imposed a requirement to relieve this problem. He said improvements to the property would consist of 2 buildings with structured parking for residents. He described the access driveways required by the Fire Marshall. He described water supply infrastructure. He said Beaver Brook is part of a flood zone and was indicated by colors on the site plan. He said he would apply to FEMA for an amendment to mitigate floodway issues. He said the driveway would load onto I95 and meet Federal Department of Transportation requirements. He described other access to the property via City roads as well as utilities infrastructure. He said a pond would be cleaned up and restored to better condition. He described how debris from the highway would be captured and cleaned up. He described 5 underground infiltration systems that would handle runoff of storm water from impervious surfaces. He said the surfaces would use porous asphalt as well as storm drainage systems and erosion controls. He said review and approvals would also be required from state and federal agencies. He said the structure would be long and linear providing attractive views.

Aris Stallis, Aris Land Studio, Barnum Avenue, Bridgeport, said the project design process had been iterative and reduced to be in harmony with the site. He said the units would be sunlight-filled due to a southern exposure. He said the gas line bisecting the site helped open the space up. He said a walking system for the site tied into hiking trails. He said areas in the center contained a children's play area and a water feature. He said sitting areas and barbecue pits were integrated on the site to support family activities. He said signage and stonework would emphasize quality. He pointed out a pedestrian path on the southern border. He said site lighting was minimized to avoid glare. He said plantings would be guided by the Inland Wetlands Agency. He described conformance to Health requirements, particularly with the planned public swimming pool.

Tim Gooding, Gooding Architecture, 135 Bedford Street, Stamford, architect, described the challenges of the property. He said the residential buildings wrap around the parking garage, maximizing views. He said lobbies and amenities face the open space on the pipeline. He described the façade and its incorporation of a variety of architectural elements to invoke a residential scale. He described the floor plans, appliances, balconies, and other features. He said unit sizes resembled condominiums. He disputed a Building Inspection issue on code.

Bob Jurason, Tighe Bond, traffic engineer, said the traffic impact study assessed existing and future conditions. He described the anticipated vehicle generation for entering and exiting the site. He said about 75% were anticipated to come via Schoolhouse Road and the rest from West Avenue. He said the traffic added would not be significant, but said roadway improvements would be needed. He said the road would be restriped with left-turn lanes created. He noted placement of stop signs, and reviewed sight distances and speed limits in the area. He said a motel driveway in the area had not created an increase in accidents. He listed issues in the police denial that he felt had been addressed. He said the project would need to pass state traffic requirements if this board approved it. He said traffic generated by the project would be relatively small but roadway improvements would result in reduced congestion and enhanced safety.

**MINUTES FOR FOUR (4) PUBLIC HEARINGS PLANNING AND ZONING BOARD TO BE HELD
TUESDAY, 15 AUGUST 2017, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

Attorney Lynch concluded the presentation with an assertion that state statutes had been met and that the project was well designed and attractive.

Mr. Sulkis asked **Mr. Jurason** about the sight distance from Schoolhouse Road toward the I95 bridge abutments. **Mr. Jurason** said he responded point by point to the chief's concerns. He said the bridge abutment measurement met the standard if vegetation obscuring it was removed. **Mr. Sulkis** asked if the approved Bic Drive affordable housing project had been considered in the traffic calculation; **Mr. Jurason** said it had been factored in. **Mr. Sulkis** asked **Mr. Mascia** when pervious asphalt would become less pervious. **Mr. Mascia** said maintenance is different from regular asphalt, requiring that leaf matter be prevented from clogging the pervious asphalt via use of leaf vacuums. **Mr. Sulkis** asked **Mr. Mascia** to provide data from the University of New Hampshire research he referenced about pervious pavement.

Board Discussion: The board had no questions for the presenters.

Vice Chairman Sutton opened the hearing to the public with instructions.

Favor: None.

Opposed: noted below with objections listed first and speakers identified in a list . Many concerns were expressed by several speakers.

Reasons: Amount of development, displacement of wildlife creating dangers with coyotes and fishercats. Curves in road and traffic safety. Pump station odors. Cars hitting deer. No sidewalks. State of uncertainty with 8-30g moratorium. Concerns about the nearby school and increased traffic. Traffic backups on Schoolhouse Road leading to increased use of West Avenue. Smell of wastewater treatment. Number of vehicles seemed understated. Sewage pump station smells now, more population will create worse odors. Impression that developers are changing the character of Milford. First responder access issues. Lack of sidewalks on West Avenue as well as maintenance of the sidewalks that are there. Potential for accidents involving the Iroquois pipeline, citing a history of safety issues and the original installation's goal of avoiding high-density residential areas. Concerns about the size of the development relative to the land. Concern that developers have the advantage over current residents' needs. Increased use of Grinnell Street to get on I95N. OSTA and DEEP are both slow to conduct reviews. Concern that the application is premature. Concern that the design is out of character for the neighborhood, area, and city.

Speakers

Cheryl Morgan, 11 Mickel Lane
Paula Shurko, 26 Lucius Court
Ronald Monforte, 7 Mickel Lane
Carol Penta, 21 Lucius Court
Marcia Tompkins, 19 Lucius Court
Maria San Marco, 27 Lucius Court
Frank Ellison, 11 Tibbals
Louis Csizmadia, 24 Raycroft Street
Joseph Bogdan, 3 Audubon Close
Irene Ellison, 8 Lucius Court
Cliff Mason, 1427 Naugatuck Avenue
Mark Kliger, 33 Audubon Close
Gayle Slossberg, 14 Honeysuckle Lane

The hearing was suspended due to rules requiring a motion to proceed past 11:00, which was not made.

G. LIAISON REPORTS –None.

H. REGULATION SUBCOMMITTEE – No report.

I. APPROVAL OF MINUTES –8/1/2017: approved unanimously.

**MINUTES FOR FOUR (4) PUBLIC HEARINGS PLANNING AND ZONING BOARD TO BE HELD
TUESDAY, 15 AUGUST 2017, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

- J. CHAIR'S REPORT** – None.
- K. STAFF REPORT** –None.
- L. ADJOURNMENT** was at 11:05 PM.

Attest:

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

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