

**PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD
TUESDAY, 16 OCTOBER 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, John Grant, Brian Kaligian, Peg Kearney, Scott Marlow, Carl S. Moore, Jim Quish, Robert Satti

Not Present: Denise Doucette-Ginise, Tom Panzella

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

C. NEW BUSINESS

1. **CGS 8-24 REQUEST** – Construction easement – Flax Mill Road Bridge Project (120/906/2B)

Planning and Zoning Board approval requested under Connecticut General Statutes 8-24 for a construction easement in favor of the State of Connecticut.

Per **Chairman Quish's** request, **Mr. Sulkis** briefly described the project.

Motion: Mr. Satti motioned to approve.

Second: Mr. Grant seconded.

Discussion: None.

Vote: Motion carried unanimously.

2. **CGS 8-24 REQUEST**- Reciprocal Easements at 15-23 River Street and 25 River Street.

Planning and Zoning Board approval requested under Connecticut General Statutes 8-24 for a reciprocal easement.

Bernard Pellegrino, Esq., introduced his client, property owner and local restaurateur David Fernandez. Attorney Pellegrino said there is a footing shared with property now owned by the city. He referred to a survey and said the goal was to memorialize the easement.

Mr. Sulkis said the City Attorney's description matched Attorney Pellegrino's and that the City Attorney was in favor of granting the request.

Board Discussion: Mr. Satti asked for and received confirmation that the documents were public and would be recorded on the land records.

Motion: Mr. Marlow motioned to approve.

Second: Mr. Moore seconded.

Discussion: None.

Vote: Motion carried unanimously.

3. **CGS 8-24 REQUEST**- 123 Cherry Street – Request to acquire an easement by the City from the Bango Family Trust.

Planning and Zoning Board approval requested under Connecticut General Statutes 8-24 for an easement.

Mr. Sulkis said the City was seeking an easement along Gulf and Cherry Street.

Motion: Mr. Satti motioned to approve.

Second: Mr. Grant seconded.

Discussion: None.

Vote: Motion carried unanimously.

4. **26 Cherry Street (RO)** - Petition of Petition of Jeffery Wasikowski, Esq., for an amendment to previously approved site plan to construct an addition to an existing building on Map 65, Block 822, Parcel 43, of which 26 Cherry St. Assoc., LLC, is the owner.

Mike Del Re, stated that he was a partner in 26 Cherry St. Assoc, LLC, and described their goal of moving the enclosed dumpster away from rear neighbors. He stated that the same plantings would be retained. He said a 6' white vinyl fence was being proposed for the enclosure to match fencing currently on the site.

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Mr. Sulkis confirmed with the applicant that the edge of pavement on the rear of the property was different than that approved. **Mr. Del Re** said the pavement had been extended to allow easier egress from the rear parking spots and noted that the change also provides snow storage.

Board Discussion: **Mr. Grant** asked Mr. Sulkis whether the lot coverage was still conforming; **Mr. Sulkis** said he thought so. Land Surveyor **Fred D'Amico** confirmed the lot coverage was conforming.

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

Second: **Ms. Austin** seconded.

Discussion: None.

Vote: Motion carried unanimously.

5. **Bond Release for 240 Fresh Meadow Road Subdivision** - Request for Subdivision Bond Release by RDB Enterprises, LLC

Mr. Sulkis said the developer was seeking to release a \$37,087 bond posted for the project approved by the board in 2016. He said the work was completed to the satisfaction of the City Engineer and Public Works Director and that the bond may be released with a condition that \$16,960 be retained for the sidewalk fund in lieu of installing sidewalks, leaving a balance to be returned to RDB Enterprises of \$20,127.

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

Second: **Mr. Grant** seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. OLD BUSINESS

Set effective date for zoning regulations amendments passed by the board at the 10/2/18 (proposed date, 10/29/18)

1. Amendment #2-18 – Article 4, Sections 4.1.7.4 and 11.2 – Security Fences
2. Amendment #5-18 – Article 5, Sections 5.8.13.1, 5.8.13.2 and 11.2 – Design Flood Elevation

Chairman Quish asked for a motion to provide an effective date for the amendments passed at the 10/2 meeting.

Motion: **Mr. Grant** motioned to make the amendments effective on 10/29/2018.

Second: **Mr. Marlow** seconded.

Discussion: None.

Vote: Motion carried unanimously.

E. PUBLIC HEARINGS

1. **100 Plains Road (ZONE CDD-1)** – Petition of John Knuff, Esq., for a Site Plan Review and Special Permit, for a proposed office building on Map 053, Block 304, Lots 83 and 84; Map 043, Block 304, Lots 80 and 88A; of which Metro 102 TIC is the owner.

Attorney Knuff addressed the board. He noted that due to the City Assessor's list updates, which are in progress during October and into November, the application included a reference to the old Map/Block/Parcel data. He said that the proposed use change was considered a major amendment to the previous board approval of a hotel use and therefore required a public hearing. He said the new proposed use as a office facility would result in a smaller building footprint and reduced traffic impact. He said all City agencies had approved the change of use. He stated that the occupant would be the Carter Mario Law Firm, which has experienced a great deal of growth and whose owner, Carter Mario, is a resident of Milford who wants to keep the business in Milford. He introduced Land Surveyor Ron Wassmer to review the new plans.

Mr. Wassmer, PE, LS, 158 Research Dr., presented the new plan set, noting boundaries, site features, and abutting uses. He displayed the footprint of the previous site plan. He noted the presence of the building architect and landscape architect for any board questions about other aspects of the plans.

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Attorney Knuff concluded by noting the sophistication of the design and the benefit of retaining an important employer.

Mr. Grant said he liked the project and recognized the law firm as a beneficial city employer. He recalled that the previous plan featured an emergency exit to Junior Street and asked if a secondary road could provide access for emergency vehicles. **Attorney Knuff** checked with **Mr. Wassmer** about providing such an access. **Mr. Wassmer** agreed that it could be done, albeit with some difficulty. **Mr. Sulkis** pointed out that retention basins provide an obstacle to such access and that neither the Police nor Fire Departmental reviewers had raised this as an issue.

Chairman Quish invited the public to speak; no one came forward. He closed the hearing.

Board Discussion: **Mr. Grant** noted a 20-foot sewer easement that might be adapted for an access. He asked to consult Mr. Wassmer despite the hearing closure. **Mr. Wassmer** said a graded path could be added from Junior Street.

Motion: **Mr. Grant** motioned to approve with the condition of adding a 20' right-of-way to provide a back emergency exit for service vehicles.

Second: **Mr. Marlow** seconded.

Discussion: **Mr. Moore** expressed a concern that the rear access way would be improperly used for non-emergency vehicles. **Mr. Satti** said he shared the same concern. Both board members said they wanted the application approved as presented.

Vote: Motion to approve with a condition failed by a vote of 3 with the motion and 5 against.

Mr. Moore motioned to approve the project as presented by the applicant.

Ms. Austin seconded.

Discussion: None.

Vote: Motion to approve as presented carried with a vote of 7 with the motion and 1 against.

2. **230 Woodmont Road (ZONE ID)** – Petition of Chris Willet, for a Special Exception to expand previously approved brewery to include a tasting room, on Map 091, Block 809, Lot 25; of which D'Amato Investments is the owner. **POSTPONED**

3. **Zoning Regulation Amendment #11-17** – Article 3, Sections 3.1.5.3, 3.1.3.8 and 11.2 – Commercial Vehicles

Mr. Sulkis described an ongoing problem of commercial/professional vehicles being stored on private property in residential areas. He said the Planning and Zoning Office recognized that the current regulation and definitions were unclear, and the proposed regulation was an attempt to provide more clarity. He said the Board of Alderman had recently taken up the same problem and that the proposed amendment attempted to reconcile the Board of Alderman language with the Zoning Regulation language by incorporating the Aldermanic definitions. **Chairman Quish** said the Regulation Subcommittee had briefly considered the issue but had paused its deliberations to see the outcome of Aldermanic discussions.

FAVOR

Donna Dutko, 236 Buckingham Avenue, commended the Planning and Zoning Board and the Board of Alderman for addressing the problem.

With no other comment forthcoming, **Chairman Quish** closed the hearing.

Board Discussion: **Mr. Grant** took issue with the draft amendment document, saying the petitioner was listed as the Regulation Subcommittee, but that the Subcommittee's language had been changed. He said he had a concern with Section 3.1.3.8 because it does not allow for small trailers. He said the Subcommittee had tried to avoid creating hardship for small business persons or tradespersons who need to store trailers containing tools safely at their home addresses. He noted a similar issue with 3.1.5.3. He said the regulation should specify that small commercial trailers must be required to park in a garage or away from the front yard. He said he did not have a problem with the new definitions for camping trailers, commercial vehicles, and motor homes. He said there was existing text defining a recreational vehicle that was redundant to a new definition, so the old definition should be deleted. He said Sections 3.1.3.8 and 3.1.5.3 used the term "commercial trailer" without defining it. He summarized with examples. He noted that current regulations require homeowners to store small trailers away from front yards. He recommended that the language be revised in the Regulation Subcommittee; **Chairman Quish** agreed that the issues raised previously by the

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Regulation Subcommittee had not been included in the proposed amendment. **Chairman Quish** said he wanted to send the amendment back to the Subcommittee and have language drafted that was consistent with the aldermanic language but expressed the concerns of the Subcommittee. He asked that it be ready for the next board meeting after Subcommittee review. He and Mr. Sulkis discussed whether a new public hearing would be required; **Mr. Sulkis** said it would depend on how extensive the language changes were in the revised document. **Chairman Quish** said he wanted a new, advertised public hearing for a new agenda item.

Motion: After discussion of how to craft the motion with a goal of withholding approval and sending the amendment to the Subcommittee for revision instead, **Mr. Grant** motioned to approve.

Second: **Ms. Austin** seconded.

Discussion: None.

Vote: Motion to approve failed by a vote of 8 against (unanimous).

F. REGULATIONS SUBCOMMITTEE REPORT None.

G. APPROVAL OF MINUTES 10/2/2018, unanimously approved.

H. CHAIR REPORT None.

I. STAFF REPORT Amendment 27-18 proposed moratorium on self-storage facilities. **Chairman Quish** stressed that the vote was not to enact a moratorium, but for the board's permission to schedule a public hearing.

Motion: **Mr. Grant** motioned to circulate the amendment for comment and to set a public hearing.

Second: **Ms. Austin** seconded.

Discussion: None.

Vote: Motion carried unanimously.

Mr. Satti asked about the numbering of the amendments and if it implied that no other amendments were approved in 2018, **Mr. Sulkis** said the numbering didn't imply this.

J. ADJOURNMENT was at 8:21.

Attest:

M.E. Greene, Board Clerk