

**PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 19 NOVEMBER 2019, 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, Jim Kader, Brian Kaligian, Peggy Kearney, Scott Marlow, Carl S. Moore, Tom Panzella, Jim Quish, Robert Satti

Not Present:

Staff: David Sulkis, City Planner; Meg Greene, Rec. Sec’y

C. OLD BUSINESS: None

D. NEW BUSINESS

VOTE BY DECEMBER 19, 2019

1. **528 Wheelers Farms Rd** (Zone DO-25) Petition of John Wicko for an amendment to a Special Permit with Site Plan Review for redevelopment of vocational education building on Map 104, Block 915, Parcel 13 of which Boys and Girls Village, Inc. is the owner.

Mr. Wicko, AIA, 58 Prospect Street, addressed the board. He noted the presence of the Boys and Girls Village (BGV) Director of Facilities. He displayed a rendering of the proposed new building and reviewed the site plan featuring the overall layout of the school. He asked the board to establish that the work would be deemed a minor amendment to the existing Special Permit, indicating a review under New Business rather than via a Public Hearing. **Chairman Quish** asked **Mr. Sulkis** to share his opinion; **Mr. Sulkis** agreed that it should be considered a minor amendment. **Chairman Quish** asked the board for a motion, reviewing the noticing requirements if the board deemed the project to require a public hearing.

Mr. Marlow moved to *find the changes to use consistent with the original Site Plan and therefore accept as a Minor Amendment only* the Petition of John Wicko for an amendment to a Special Permit with Site Plan Review for redevelopment of vocational education building on Map 104, Block 915, Parcel 13 of which Boys and Girls Village, Inc. is the owner.

Ms. Austin seconded.

There was no discussion

The motion carried unanimously.

Mr. Wicko thanked the board and referred to a Statement of Purpose document on the mission of the vocational school unit, saying it was an offshoot of the high school. He provided more detail on the project plan, saying it incorporated some functional features of the temporary building, noting that the permanent building will be slightly bigger. He described driveway access for automotive programs and deliveries. He noted walkways that tie into existing traffic areas of the campus. He noted storm water management features and the approval of the City Engineer as well as the Health Department. He reviewed other departmental approvals. He provided detail on the building and classrooms it will house. He described the floor plan and displayed elevations. He said the façade’s progressive, high tech nature was meant to reflect the activities being taught within.

Mr. Sulkis said the board originally approved the temporary classroom building with the expectation that permanent plans would be forthcoming and had been provided with this application.

Mr. Satti asked **Mr. Wicko** to quantify how much bigger the permanent building would be: approximately 500 sf bigger.

Motion: Mr. Satti moved to approve as presented the Petition of John Wicko for an amendment to a Special Permit with Site Plan Review for redevelopment of vocational education building on Map 104, Block 915, Parcel 13 of which Boys and Girls Village, Inc. is the owner.

Second: Ms. Austin seconded.

Discussion: None.

Vote: Motion carried unanimously.

Public Public Hearing

CLOSE BY DECEMBER 24, 2019; VOTE BY FEBRUARY 27, 2019

- E. **Proposed Change to City of Milford Zoning Regulations:** Petition by Kevin Curseaden, for changes to Article 5, Sections 5.2.1, 5.2.5, 5.3.6 and 11.2 to allow for Electronic Digital Billboard Signs.

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Attorney Curseaden, 3 Lafayette, handed out hard copy of his presentation and addressed the board. He introduced experts. He said the application had been under discussion for about a year and a half and included conversations with staff. He said the proposed revision would require changes to language of the regulations as well as definition changes, and by statute such proposals must be filed with the City Clerk; this had been done. He identified regulations that would be affected by the proposed changes. He displayed a list of 7 locations of current billboards in the City that about I-95, noting that only one was in a zone included residential use. He showed aerial views of the parcels where the billboards were located, and how the billboard appear from major roadways. He provided a list of digital billboards in neighboring towns. He said the application included a light engineering report. He said a portion of the billboard display cycle could be used for public service messages. He said the billboards would meet the light trespass restriction for residential property. He said preexisting nonconforming billboards would be allowed to continue. He compared the evolution of digital billboard displays with previous evolution from using painted billboards to vinyl.

Mr. Sulkis questioned whether 2 of the 7 sites, if the proposal is approved, could be converted as they did not about I-95 due to the railroad right of way. He also said that even if acceptable lighting levels could be met for residential uses, commercial requirements could not be met. **Attorney Curseaden** said the latter would be unlikely to cause problems given that most are located in commercial or industrial zones, minimizing the problem of light trespass.

Cheng Qian, MASC, Chief Product Architect, Media Resources, Inc, Ontario, Canada, provided an expert presentation on light pollution, providing definitions and units of measurement for glare and light trespass. He discussed ways of discouraging and containing light trespass. He reviewed different types of illuminated sign, saying digital billboards are fundamentally different from other types of illuminated billboards in that backlit LED billboards have no directional light or hot spots. He said dimming technology for nighttime display is similar to limits used for smartphones and that no glare would be produced. He said the billboards would comply with residential limits for light trespass.

Mr. Marlow described his understanding of the definition of ambient light at a given time of day or night, which Mr. Qian confirmed. **Mr. Marlow** also confirmed that the technique for measuring the strength of the light would be an average of several readings. He asked if the billboard's built-in self-metering would be affected by reflected light from nearby structures. **Mr. Qian** said nearby reflected light was generally not enough to affect a billboard's ambient light detection technology. **Mr. Sulkis** asked if, given the proposed industry-standard cycle of message changes every 10 seconds, the changes in displayed illumination, based on the changing message, would be distracting. He added a concern about attention-getting flashing in messages. **Mr. Qian** said such changes would be of limited magnitude. **Mr. Satti** asked how current billboard hot spots at the 7 sites compared to digital lighting emissions. **Mr. Qian** said the existing lighting has not been measured for all sites but provided the industry standard measurement for up-facing lights.

Chairman Quish invited public comment.

OPPOSED

Deanna Jacobs, 14 Darina Pl, said she became aware of the issue from the newspaper and was concerned that there was not sufficient awareness for the general public. She said she found were inconsistencies in the online regulation numbering and found the many zone acronyms confusing. She asked if old billboards would be replaced.

Chairman Quish replied that clarification could be provided. **Ms. Jacobs** asked if the display would be continuous; and was told that it would be. She asked what size the billboards would be and if sound would be associated with them. She read aloud the preamble to the regulations highlighting the section on promotion of the health, safety, and general welfare of citizens, consistent with Plan of Conservation and Development (POCD). She asked who would benefit from allowing digital billboards.

Chairman Quish said the benefit of billboards is both to the seller and potential buyers. He asked Mr. Sulkis to comment on the questions.

Mr. Sulkis said nothing in the proposed regulations involved content-related sound. He said Mr. Qian could probably comment on whether the LEDs emit any functional noise. He said the proposal is to take existing billboards and convert them to the electronic format of a standardized size limit of 14' x 48'.

Jeanne Cervin, 3 Central Avenue, said she was a long-term former Planning and Zoning board member and thought a similar application had been denied in years past. She expressed concern that CDD mixed use zones contain residential areas that could be

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affected by light trespass and also expressed concern about potential taxation issues. She said she thought the City might have as many as 60 existing billboards and feared such conversions could be applied to all of them. She listed states that prohibit digital billboards and noted that other nearby cities have also prohibited them. She said they can be hacking targets and asked about security provisions—whether control panels exist on site, how messages are monitored, and whether the City might want oversight. She said there were too many unknowns in the proposed regulation as written for approval and action should be forestalled until the next update to the POCD.

Bryan Anderson, 49 Ingersoll Rd, thanked PZ members whose terms were completed for their service: Messrs. Marlow, Grant, and Panzella. He said this proposal for digital billboards was coming before the board for a third time and was concerned about unintended consequences. He said converting to digital billboards would expand the carbon footprint of the billboards and recalled discussions aimed at making streetlight levels more environmentally friendly. He expressed concern for current billboard workers' livelihoods, about privacy, and the potential for a billboard to interact with smartphones. He was concerned about various board heights and driving visibility.

Jane Platt, 132 Platt Lane, said she shared previous speakers' concerns and that she viewed opposed the proposal as a quality of life issue. She said a recent trip to Vermont was calming due to absence of such billboards.

Dominick Cotton 60 Corona Drive, said he works with people who have brain injuries and he was concerned about human safety and distractibility, with drivers potentially taking attention off the road, particularly since Milford has more exits (7) than other communities.

Richard Platt, 132 Platt Lane, echoed the "who benefits?" question. He said society has enough information overload and agreed that such billboards are distracting with potential safety impacts.

Mary Oake, 30 Darina Pl, said the billboards are ugly marketing devices. She noted that the demographics are shifting toward an aging population that will have more difficulty ignoring distraction. She also worried about overuse of natural resources energy.

Ann Berman, 77 Pelham Street, said the current New Haven Avenue billboards are an eyesore and others are scattered throughout the city. She expressed concern for how flashing lights could trigger epilepsy and recalled historic use of subliminal messages in advertising—how such messages might be used. She noted an instance of a digital billboard being hacked by pornography. She said they may emit enough light pollution to affect both humans and animals. She wanted to know how much electricity would be used.

Donna Dutko, 236 Buckingham Ave, handed out a section of the state statute regarding uniform zoning regulations. She argued that the city would have to allow such billboards throughout all zones included in the list of 7 billboards abutting I-95. She was concerned about the issue of free speech. She said drivers sometimes will hold focus on the billboard for recurrence of an ad that's of interest, increasing danger. She asked how the light restrictions would be enforced and what the cost would be. She was concerned that the commercial light restriction could not be restricted within mixed use zones. She asked if a Gulf Street billboard would also be converted.

Chairman Quish asked if the Gulf Street billboard would be affected by the change; **Mr. Sulkis** said the proposed regulation restricts them to lots adjacent to I95. **Ms. Dutko** pressed the point about being allowed anywhere in an approved zone.

Nancy Iddings, 136 Housatonic Dr, agreed that the signs are distracting. She said Milford should be quaint, not like Las Vegas.

Dora Kubek, 33 Liberty St, said I95 is one of the busiest, most dangerous highways in the country. She compared digital billboards to the distraction of texting. She said she saw no benefit to the City and was concerned by possibility of hacking.

Sandy Griefzu, 39 Orland St, said the billboard would diminish the beauty of the city. She said information is readily available without billboards and asked if there were studies about safety impacts.

Mr. Sulkis noted emails received in opposition from:

Sarah Bromley, 27 Norway St, who said such billboards are distracting, unattractive, and harm the City's current charm.

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Alana Fagan, 73 Housatonic Dr, said ordinary billboards are distracting and unattractive enough.

There was an email in opposition from speaker **Nancy Iddings** as well.

Chairman Quish invited anyone speaking in favor to address the board; seeing none, he invited Attorney Curseaden to rebut.

REBUTTAL

Attorney Curseaden read a synopsis by a third party of a Federal Highway Administration study on billboards into the record:

The U.S. Department of Transportation Federal Highway Administration has released a landmark study declaring that digital billboards do not pose a safety risk to passing motorists. For those within the industry, the results of this study come as no surprise. Numerous traffic studies and analyses performed in the last couple of decades have come to a similar conclusion .

The report, actually divided into two studies, is officially titled "Driver Visual Behavior In The Presence of Commercial Electronic Variable Message Signs." For the purposes of the studies, the FHA refers to digital billboards as Commercial Electronic Variable Message Signs. The studies sought to address three specific questions:

- 1. Do CEVMS attract drivers' attention away from the forward roadway and other driving-relevant stimuli?*
- 2. Do glances to CEVMS occur that would suggest a decrease in safety?*
- 3. Do drivers look at CEVMS more than at standard billboards?*

To conduct the study, the FHA tracked participant's eye movements with an eye-tracking camera device mounted in the vehicle. This device was able to track the driver's eyeball movement and determine if the driver was looking ahead at the roadway or off to the side of the roadway at a static billboard or CEVMS.

Drivers in Richmond, Va., and Reading, Pa., participated in the study, and the research concluded that drivers do indeed look at digital billboards longer than they do at static billboards. Glance duration toward digital billboards averaged 0.379 seconds, while glances at static billboards were at 0.335 seconds at both test sites. Both of these measurements fall far below the two-second benchmark, which would constitute a hazard, according to the National Highway Traffic Safety Administration.

In conclusion, the study states, "The results did not provide evidence indicating that CEVMS, as deployed and tested in the two selected cities, were associated with unacceptably long glances away from the road. When dwell times longer than the currently accepted threshold of 2,000 ms [milliseconds] occurred, the road ahead was still in the driver's field of view. This was the case for both CEVMS and standard billboards."

This peer-reviewed study should help put to rest concerns that digital billboards, and other outdoor digital signs, pose a hazard to passing motorists. The study will also help pave the way for communities to bring this powerful outdoor advertising medium to their communities, benefiting not just local operators and advertisers but the entire local economy as well.

Attorney Curseaden continued saying local business could benefit from using the billboards. He said the statutory uniformity of regulation requirement doesn't mean all zones can do the same activities throughout the zone, rather it means that the regulations must be applied uniformly as legislated by the board, therefore the board has the power to enact this regulation. He said he perceived concern about a slippery slope for spreading the billboards into the heart of the community, but he said the regulation was limited to the 7 locations proposed. He said enforcement would be through the ZEO with the use of light measurement devices. He said there are also Department of Transportation regulations that must be met that regulate the devices. He said all notification requirements were met, and said information about the regulation is on file to be examined in the zoning offices. He stressed that care was taken to limit the regulation change to the 7 proposed sites.

Mr. Qian answered the question on sound, saying ventilation fans were used but the rest of the billboard is solid state. Regarding privacy concerns, he noted that data analytics software can track phones and movement anywhere without billboards. He said the internal diagnostics of signs are tracked by a network monitoring system that will shut down a sign if it malfunctions. He described power consumption as being similar to a commercial HVAC installation. He said LEDs are environmentally efficient, acknowledging that these billboards do consume power, but he said an argument could be made that mitigation from disposal of the vinyl used on traditional billboards is more environmentally harmful. He recalled a discussion at an industry conference of the porn hacking referenced by one speaker, saying that security breach involved a physical break-in of a secured room. He said most manufacturers have system locking and alarms; that no one buys unsecured system.

Mr. Satti asked for copies of letters of agreement referred to by Attorney Curseaden in his presentation and confirmed with **David Gannon**, of **Outfront Media**, 955 Washington Street, North Haven, that 14' by 48' is an industry standard. **Mr. Gannon** said that the existing structures would be refaced rather than replaced wherever possible. **Mr. Satti** asked if the public service announcements follow some standard display interval or ratio, saying he would wait for an answer if necessary. He further asked how often surrounding towns take advantage of the public service displays. **Mr. Satti** expressed dissatisfaction with the HFA synopsis, calling it an advertisement and asked for the original study.

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Mr. Moore was told that the 10-second interval could not be extended to 15 or some other value.

Mr. Marlow said he looked at FHA study online and found another link to an independent think tank called Enotran.org, which asserted that the data used and collected for the FHA study was flawed. Mr. Marlow posited that since the idea of a billboard is to get people to look at it, how can it fail to distract?

Mr. Sulkis asked for decibel level of the billboards and how much more power they use compared to conventional billboards. He also asked how the FHA study relates to Interstate highways in urban areas.

Mr. Qian agreed that the FHA study results should be evidence-based. He referenced a series of 8 studies analyzed by the University of Alabama in 2014 with a conclusion consistent with the handout provided.

Attorney Curseaden said he would provide copies of the FHA study, a draft sample letter of agreement which would require review by the City Attorney's Office.

Mr. Sulkis pressed for more information on sound levels. **Mr. Qian** quantified the decibel levels of noise created by billboard fans stating it stood to reason that it would be below the ambient noise of highway traffic.

Attorney Curseaden confirmed for **Mr. Moore** that ads are sold in 8-10 sec increments, but would research further any possibility for variation. He confirmed for **Mr. Sulkis** that 10 seconds is the interval used by neighboring communities.

Attorney Curseaden and **Mr. Gannon** confirmed for **Mr. Satti** that the 14' x48' size is an industry standard and that if structures had to be replaced; they would be replaced in kind.

PUBLIC REBUTTAL

Donna Dutko, 236 Buckingham Ave, expressed doubts about the federal study, comparing it to vaping and saying that nothing is deemed hazardous until someone is hurt.

Richard Platt, 132 Platt Lane, said that even public service announcements can be driving distractions.

Jeanne Cervin, 3 Central Avenue, said more questions needed to be clarified before the regulation could be changed. She wanted to know the cost to City versus the benefit to the developer, saying tax issues should be researched. She acknowledged that the 2012 POCD doesn't have billboard info, but said the topic should be added and examined.

Sandy Griefzu, 39 Orland St, said given the recent election, the board was about to change, and new members should be able to consider the decision.

With no further public comment, **Mr. Sulkis** read his administrative summary and suggested that the public hearing be left open.

Attorney Curseaden formally asked for the hearing to be held open.

Mr. Satti wanted more information about financial benefits of the billboards and wanted to know the total number of billboards in City. He and Chairman Quish asked for minutes regarding previous applications on the issue.

F. **LIAISON REPORTS:** None.

G. **SUBCOMMITTEE REPORTS:** None.

H. **APPROVAL OF MINUTES** – 11/6/2019 not present abstained.

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I. CHAIR'S REPORT: None.

J. STAFF REPORT – *[NOTE: Mr. Satti said he viewed the discussion on MGAT and was eligible to vote the calendar item.]*
Chairman Quish reintroduced the topic of the 2020 meeting schedule. He asked **DPLU Director Joe Griffith** to provide an overview of the two choices discussed at the last meeting, which Mr. Griffith did. **Chairman Quish** said he favored changing the schedule to 1 meeting per month for public hearings and allowing the other meeting to focus on subcommittee work. He said he anticipated more effort going forward on the 2022 POCD and wanted to open more time for that. **Mr. Moore** asked if any 8-30g applications were still in the pipeline from prior to the City's moratorium. **Mr. Sulkis** said there was only one. Mr. Sulkis said the board had done a similar schedule 12 years ago and wanted the board members to be aware that the full board won't be able to participate in second meetings because it creates a full meeting which hasn't been properly noticed. He speculated on how new members might regard the change and whether 3 meetings might be needed regardless. **Chairman Quish** said a 2nd meeting can be added, if needed, by calling a Special Meeting. **Mr. Kader** asked for clarification on the second meeting agenda. **Mr. Grant** said subcommittees are for volunteers; but members represent their districts and should adequately accommodate applicants. **Chairman Quish** asked for an average period from application to hearing. **Mr. Sulkis** said simple CAM applications may take 2-3 weeks unless a Special Permit creates an advertising requirement. **Mr. Satti** asked for details about notification.

Motion: Chairman Quish moved to hold regular meetings on the 1st Tuesday of the month and subcommittee meetings on the 3rd Tuesday of the month unless a Special Meeting is required; which will be scheduled for the 3rd Tuesday. The motion was amended to have all meetings start at 7:00PM.

Second: Mr. Kaligian seconded.

Discussion: None.

Vote: Motion carried with an abstention from Mr. Grant.

K. ADJOURNMENT was at 10:31

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.