

**PLANNING AND ZONING BOARD MINUTES (amended) FOR THREE (3) PUBLIC HEARINGS TO BE HELD
TUESDAY, 21 NOVEMBER 2017, 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, Michael Dolan, Brian Kaligian, Carl Moore, Tom Nichol, Tom Panzella

Not Present: Scott Marlow (Ch), Jim Quish (V-Ch), John Grant, Rick Varrone

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

Being that the Chair and Vice Chair were absent, **Mr. Sulkis** opened the meeting. He asked for a motion and vote to appoint an acting chairperson for the evening. He noted that there was a simple quorum present. He said that the applicant for 100 Raton Drive had requested that the item be postponed until the 5 December meeting.

Mr. Nichol motioned for Mr. Moore to serve as acting chairperson. **Mr. Panzella** seconded. The motion carried unanimously.

C. NEW BUSINESS

1. Acceptance of the proposed 2018 Planning and Zoning Board Calendar

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

Second: **Mr. Dolan** seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. PUBLIC HEARINGS

Close by 21 DECEMBER 2017

- 1. 65 Plains Road (CDD-1)** Petition of AAP Builders LLC, for a Special Permit and Site Plan Review for 12 units of housing constructed under CGS 8-30g on Map 53, Block 939, Parcel 30 of which 65 Plains Road, LLC, is the owner.

Mr. Sulkis said a letter giving permission for the applicant to access property owned by an abutter had been received.

Board Discussion: **Mr. Dolan** asked if the public hearing was still open; **Mr. Sulkis** said the hearing was open pending receipt of a letter from the abutter. **Mr. Dolan** suggested a vote.

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

Second: **Mr. Panzella** seconded.

Discussion: None.

Vote: Motion carried unanimously.

Close by 8 JANUARY 2018

- 2. 32 Field Court (R-5)** Petition of Donald O'Brien, for a Special Permit, Site Plan, and CAM for new single family home on Map 28, Block 574, Parcel 6 of which Saul/Patricia Englander are the owners.

Mr. O'Brien, 32 Torrey Rd, Enfield, representing Westchester Modular Homes of Fairfield County, addressed the board. He said the application had been found to be zoning compliant and he was ready for questions. He introduced Mr. Englander.

Board Discussion: **Mr. Nichol** asked about the relationship between 30 and 30 ½ Field Court, saying the two structures are on one lot and that 32 is abutting. Mr. Nichol confirmed the status of these homes with Mr. Englander. Mr. Nichol said he thought 30 ½ seemed to have sewer lines running into 32. **Mr. Englander** said he thought all lines were

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separate. Mr. Englander described the hardship he and his wife have faced for 5 years since 32 Field Court was damaged in Storm Sandy. He said he thought he had been diligent in meeting all requirements.

Chairman Moore opened the hearing to the public with instructions.

Favor: None

Opposed: None

Rebuttals: NA

Chairman Moore closed the hearing.

Motion: **Mr. Nichol** motioned to approve, with the condition of the sewer lines being acceptable to the City Engineer.

Second: **Mr. Panzella** seconded.

Discussion: None.

Vote: Motion carried unanimously.

CLOSE BY 26 DECEMBER 2017

3. **100 Raton Drive (LI)** Petition of Tribus Beer/Sean O'Neill, for a Special Exception for brewery with pub and patio on Map 73, Block 928, Parcel 4Q of which Best Buddies, LLC is the owner.

Postponed.

Close by 8 JANUARY 2018

4. **328 Meadowside Road (R-12.5)** Petition of Thomas Lynch, Esq., for a Special Permit and Site Plan Review for 8-30g 12-Unit Residential Complex on Map 26, Block 263, Parcel 15 of which Beachland, LLC, is the owner.

Attorney Lynch, Lynch, Trembicki & Boynton, 63 Cherry St, addressed the board. He described the project and introduced P.E. Washington Cabezas and Traffic Engineer David Spear. Attorney Lynch said he was aware that the board had heard many 8-30g applications and that these applications generate public reaction. He said he appreciated the board's consideration of each individual application. He reviewed the history of the area and the transition of single family homes to the emergence of multi-family housing during the 1940s and 1950s and noted the appearance of condominium complexes in the 1960s. He noted the presence of multi-family senior housing owned by the City of Milford. He said the 8-30g complex approved in 2015 is now fully occupied. He said the site is close to downtown, public transit, and major roadways, alleviating potential traffic issues. He noted similarities to 65 Plains Road which the board approved earlier in the evening. He reviewed the 30%-of-units requirement to rent to those earning 80% and 60% of the median income threshold. He said the 8 fair-market priced units would rent for approximately \$1800-2000 per month. He reviewed the City Planner's administrative summary and the zoning characteristics of the project, noting that the building heights were lower than those permitted for single family homes. He listed required approvals by City agencies. He said each unit would have private waste pickup using individual recycling and waste bins, thereby eliminating repetitive large vehicle traffic.

Washington Cabezas, Cabezas-D'Angelis, 1450 Barnum Avenue, Bridgeport, reviewed the site plan set. He described the parking plan. He reviewed site coverage characteristics, the grading plan (with changes in response to the City Engineer's comments on drainage featuring a trench to accommodate runoff), the soil erosion and control plan, plantings, and other construction details.

David Spear, DLS Traffic Engineering, 14 Brent Rd, Windsor, submitted hardcopy of his study. He described the metrics used for the study as well as the intersections evaluated. He reviewed the number of vehicles in the area during peak hours and the local accident history, saying no accident trends were apparent. He said that at 34-35 mph (85th-percentile speed), there was 400' of sight in each direction. He estimated site-generated, incremental traffic would be 9

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trips during AM peak hours and 11 trips during PM peak. Directional distribution of traffic was determined to be about 50/50. The level of service was assessed at Level B or better for all intersections. He said majority of traffic free-flowing with no constricting patterns.

Attorney Lynch suggested the independent traffic analysis might be presented next.

Andy Chakraborty, PE, Traffic Engineer, BL Companies, 355 Research Parkway, Meriden, said he generally agreed with the DLS traffic analysis. He cited minor technical issues such as the age of some traffic-count data used by Mr. Spears. He said a different direction for the 55/45 traffic split might be more likely, but a small enough change of distribution as to be inconsequential. He said he would like to see curb cut geometry allow delivery of service vehicles to not need to back into Meadowside Road.

Mr. Cabezas replied that a cul de sac would be needed for an autoturn, and that this didn't seem feasible for the site. He said having 24' between parking stalls and vehicles would be adequate for turning vehicles. **Mr. Spear** submitted a specification for what he said would probably be the largest design vehicles to frequent the site, namely a FedEx type truck. He said these vehicles have a smaller turning radius and should be able to leave the site facing forward. He submitted an annotated illustration of the type of vehicle he meant.

Attorney Lynch said the presentation was complete.

Mr. Sulkis said his report was available and offered to respond to questions about it.

Board Discussion: **Mr. Nichols** referenced SP2 or SP3 trucks, and asked how they relate to a contractor's vehicles, noting that during construction, there would be concrete trucks and the like. **Mr. Spears** said in Connecticut, construction vehicles are considered temporary. **Mr. Nichol** asked if a police officer would be needed and was told this was not customary. **Mr. Nichols** asked if 6' rear setback would be adequate to access the site during construction; **Mr. Cabezas** said permission would be needed for access on the abutting lot.

Bill Columbo, Cabezas-D'Angelis, assured that planning would assure access through use of miniature equipment. **Mr. Nichols** asked if permission would be needed from the Oyster Bay condominiums; **Mr. Columbo** said it would not be necessary. **Mr. Nichols** asked about the lot tilting toward rear, **Mr. Cabezas** revisited the grade drains toward center of property on the site plan, noting that the parking lot was flat. He discussed the draining plan and catch basin in greater detail.

[A short recess was taken.]

Chairman Moore opened the hearing to the public with instructions.

Opposed: Comments and concerns are summarized below, with a list of residents voicing opposition appearing afterward.

Concern that the objective of creating Zoning Regulations was not being honored; that the impact to area would be negative. Concern about property values: one resident said he reviewed tax records for nearby property assessments that had been negatively impacted by a similar affordable housing development. Concern that the true priority was allowing developers to make more profit. Concern that heights will be excessive and trucks will have trouble turning. Concern about topography and runoff to abutting properties. Concern about additional sewer processing. Concern about existing drainage issues being compounded. Concern about pedestrians and schoolchildren in the area. Several residents of Oyster Bay Condominiums (72 units) had concerns about adding density to the neighborhood. Concern about the number of units situated on a small lot. Concern that quality of life will be affected. Concern about traffic, with one speaker noting that the traffic engineer was hard to hear, and asserting that the smallest intersections were

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chosen for analysis. Residents agreed that there are other multi-family developments nearby, but the residents felt that the older multi-family developments were constructed on appropriately sized lots. Concern for schoolchildren. Concern that animal habitat will be lost and that there will be an increased risk of ticks and tick-borne disease. Concern about accumulation of water in an area that is already boggy. Concern that the topography slopes toward single-family lots. Concern about preserving the beauty of the community. Concern that traffic from Silver Sands should also be considered. Concern that the deer population in wooded area will be displaced, potentially increasing Lyme disease risks. Requests for additional independent studies. Request for fencing to prevent deer transiting the neighborhood. Concern that the traffic peer review identified the use of an older data set.

James Lambert, 18 Great Meadow Road

Adrienne D'Eramo, 308 Meadowside Road (She noted that she would email photos to the board.)

Doug Graham, 300 Meadowside Road

Susan Glennon, 99 Carlson Drive

Andrea Davies, 300 Meadowside Road

Matt Glennon, 22 Crescent Drive, formerly of 99 Carlson Drive

Paula Peterson, 300 Meadowside Road

Chairman Moore read the names of the absent board members in response to a request for them by members of the public.

Rebuttal by Applicant

Attorney Lynch offered a rebuttal, saying many speakers were residents of Oyster Bay condos, a large condominium complex. He said there would be no disturbance of woods. He stated that there are 300' between his client's property and the Glennon's property, making runoff issues unlikely. He noted that the traffic had been reviewed by 3 experts—2 outside entities and the City's police traffic department. He said drainage issues had been assessed by competent engineers, including the City's engineer. He reiterated that absent any pressing public safety issue, the application should be approved.

Mr. Sulkis clarified that Traffic Engineer Andy Chakraborty of BL was hired by the City, not the applicant, but that by ordinance, the applicant must pay for the study.

Rebuttal by Opposition

The following residents of the neighborhood voiced further opposition to the project, including these issues: Asserting that Oyster Bay's density is not a factor because the condominium was built on an appropriately sized lot. Sharing dismay that no variance was required. Insistence on hiring another independent traffic study review. A concern that the nature of the area is being changed in a negative way, including negative impact on wildlife.

Doug Graham, 300 Meadowside Road

James Lambert, 18 Great Meadow Road

Susan Glennon, 99 Carlson Drive

Andrea Davies, 300 Meadowside Road

Board Discussion

Mr. Dolan asked about the idea that other experts be hired. He asked if traffic from 335 Meadowside Road was considered. He asked a comment made by Traffic Engineer Chakraborty about 2013 data being used by Traffic Engineer Spear. **Mr. Chakraborty** said Mr. Spear had included projected traffic for 335 Meadowside traffic. **Mr. Dolan** asked for clarification about an apparent concern about use of older traffic data. **Mr. Chakraborty** said standard guidelines don't usually approve of the use of data older than 3 years, however DLS took highest traffic volumes for summer of 2013, representing a spike in volume. **Mr. Dolan** asked if it would be preferably for the board to order an

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entirely new traffic study with current data. **Mr. Chakraborty** said that per the guidelines for traffic impact studies published by the Institute of Traffic Engineers, it would be preferable. **Mr. Spears** said traffic volumes were addressed by detailed count data in Attachment 2. He noted one DOT count from 2012, 2015, with the inclusion of automatic traffic counts from 2017. He asserted that the data was very current. **Mr. Chakraborty** said the numbers were unlikely to be significantly higher than those of the studies, but there was still some uncertainty about current turning movement and intersection counts. **Mr. Dolan** revisited concerns raised about sewers; **Mr. Sulkis** referenced a letter from the City Sewer Commission dated 3/24/2017, which approved the application, raising no issues. **Attorney Lynch** referred to the minutes of the Sewer Commission meeting of 3/24, saying that new sewer count standards had gone into effect around the time of that approval. He said there had been an agreement to use water-saving devices on the project. He said the application meets the new guidelines. **Mr. Dolan** said he wanted to keep hearing open to allow more experts want to be considered. He said he understood that the board was constrained by what it could consider with regard to 8-20g applications, but wondered if a brand new traffic report should be ordered. **Mr. Chakraborty** said the numbers could be verified, that a limited study at various intersections might be appropriate, but that he didn't think the conclusion would be different. **Mr. Dolan** said he would advocate a new review. **Mr. Nichols** said that he wanted Silver Sands traffic from last summer factored into the new review. **Attorney Lynch** asked what the board was specifically asking for. **Mr. Chakraborty** said he suggested collecting turning movement counts at previously studied intersections to verify traffic study numbers. After consultation with staff, **Mr. Dolan** requested that the independent traffic engineer do additional analysis. **Mr. Nichols** asked **Mr. Cabezas** when the perc test was done on the lot; he was told it was done on 3/2/2017. **Mr. Spears** defended his conclusions. **Attorney Lynch** asked that the public hearing be kept open for the purpose of hearing the additional traffic analysis. **Mr. Chakraborty** said the updated traffic counts would be available the 2nd or 3rd week of December. **Chairman Moore** stated that he thought the hearing should be kept open for any concern the public might have. **Mr. Sulkis** reviewed the process for requisitioning the additional consulting work. **Mr. Chakraborty** said he was reluctant to do a study after the 2nd week of December because Christmas traffic patterns tend to set in. After some discussion, there was agreement that the data could be presented at the **19 December** meeting. **Mr. Sulkis** noted that the public hearing must be closed by **25 January 2018**.

Chairman Moore stated that the public hearing would be held open.

- E. CHAIR REPORT:** None.
- F. LIAISON REPORTS:** None.
- G. REGULATION SUBCOMMITTEE:** None.
- H. APPROVAL OF MINUTES** 8 November 2017 were approved unanimously.
- I. STAFF REPORT:** None.
- J. ADJOURNMENT** was at 9:23.

Attest:

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