

PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 5 MAY 2020, 7:00 PM

The meeting of the Planning and Zoning Board came to order at 7:00p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Nancy Austin, Brett Broesder, Joe Castignoli, Jim Kader, Brian Kaligian, Peggy Kearney, John Mortimer, Carl S. Moore, Jim Quish, Robert Satti

Not Present: (part of meeting) Brian Kaligian

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

C. OLD BUSINESS: None

D. NEW BUSINESS: None

E. PUBLIC HEARINGS

- 1) **40 Quirk Road** (Zone LI) – Petition of Thomas Lynch, Esq. for a Special Exception with Site Plan Review for Dog Daycare on Map 91, Block 706, Parcel 2x of which Agro Brothers Investments, LLC is the owner.

Attorney Lynch said 3 members of the project development team were on the call: franchise owners Michelle McHugh and Owen Botting, as well as Lisa Goubeaux, a Dogtopia corporate architect. Attorney Lynch displayed a site plan and introduced property owners Joseph Agro and Louis Agro. He said the site had previously been a Montessori School and daycare, and that his clients planned to buy the building and retrofit it. He noted that the zone was Limited Industrial and that the rear lot line borders Metro North railroad property and wetlands, providing a sound buffer that will augment soundproofing to be done inside the building. He indicated 9 parking spaces on the site plan. He stated that the Special Exception application was required because the use was not specifically permitted or prohibited by regulation in the zone. He also noted that a supermajority is required for Special Exception approval, specifically 7 affirmative votes from board. He stated that under the regulations, there was no definition for parking with this use, so he was also seeking approval that the parking allocation was adequate. He said dogs will be taken from their owner's car by employees, creating a "drop off only" logistical model. He shared floor plans featuring indoor play areas with crates around perimeter. He said the only new construction would be a fenced-in play area in rear of property. He referred to a lighting schematic to show conformance with outdoor lighting requirements. He read from the statement of use, noting that Dogtopia is a national chain in business since 2002, with more than 90 sites in the US and Canada. He said industrial quality sound proofing and an air purification system would be installed. He said the appeal of the site was its proximity to I-95 and the Post Road, as well as surrounding communities. He said the plan was to start with 7 employees and 30 dogs per day up to a maximum of 90 dogs. He referred to a waste management plan and reviewed how it had been revised to satisfy requirements from Inland Wetlands Officer MaryRose Palumbo and City Engineer Greg Pidluski. He said it had also been reviewed by Laura Miller of the Health Department, who also approved the plan. He said Fire and Sewer reviewers had also issued administrative approvals. He said his clients were anxious to get underway.

Mr. Sulkis provided his administrative summary, which was consistent with the presentation.

Chairman Quish invited the public to speak in favor.

FAVOR

Joseph Agro, co-owner of 40 Quirk Road, thanked the board for hearing the application during the pandemic. He said the property had previously been used for manufacturing and education and that he and his brother thought this use was appropriate.

Chairman Quish invited the public to speak in opposition. No one offered comment.

DISCUSSION

Mr. Castignoli asked about the abutting neighbors; **Attorney Lynch** said there are commercial/industrial sites on either side and residential property across the street. **Mr. Satti** asked if 90 dogs would create too much noise. **Ms. McHugh** said only smaller groups of dogs would be allowed to exercise outdoors at any given times with a maximum of between 30 and 40. She said her staff goes through 100 hours of dog behavioral training including how to reduce barking. **Mr. Satti** asked if dog waste and rain creates runoff; **Attorney Lynch** said the waste plan was amended with City Engineer Greg Pidluski over the same concern. Dogtopia business partner **Owen Botting** said if there is an over 60% probability of rain, the dogs are kept indoors. He described the cleanup process after dogs come inside and said a log will be kept of cleanup activity. **Ms. McHugh** described the outdoor surface as consisting of synthetic grass over compacted stone and featuring a rubber membrane. **Mr. Broesder** confirmed that on-street parking was available; **Attorney Lynch** also confirmed that if parking became an issue, more space was available, but that the business model was dropping dogs off with employees from customer cars. **Chairman Quish** and **Architect Goubeaux** discussed

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interior soundproofing. **Attorney Lynch** said there's at least 300' between the site and any houses and a building between. **Chairman Quish** said that if there is a noise complaint, he wants a commitment to mitigate it. **Mr. Castignoli** discussed notification requirements and health code issues with **Attorney Lynch**.

Chairman Quish invited more comments.

Ellen Beatty, 32 Elm Street, expressed concerns about staff to customer ratio.

Theresa Sirico (address not provided) asked why neighbors were not notified by letter.

Robert Mickolyzk, 1 Rowe Avenue, said Milford already has several kennels, so he didn't see the need for more.

REBUTTAL

Attorney Lynch said proper notice was made per local and state requirements. He said that a potentially more bothersome industrial use could have been granted by right, but the owners were trying to be mindful of the residential neighborhood.

Joe Agro wished to add a rebuttal to the parking concerns. He said that the previously housed Montessori School had an enrollment of 96-118 children, and that parking wasn't an issue then. He said he reached out to the residential neighbors who indicated that they preferred this use to another, namely a state probation and parole division office which could have been approved administratively. **Mr. Mortimer** expressed concern about noise levels, which he further discussed with Architect Goubeaux.

Chairman Quish invited more comments.

MaryBeth Stark, 32 Higgins Drive, acknowledged that she is a competitor, but said her business is sited further from a residential due to noise concerns. She disagreed that the noise control plan was adequate.

REBUTTAL

Attorney Lynch said a direct comparison of noise mitigation methods between the two businesses was not available.

Mr. Satti moved to approve with the following conditions the petition of Thomas Lynch, Esq. for a Special Exception with Site Plan Review for a Dog Daycare on Map 91, Block 706, Parcel 2x of which Agro Brothers Investments, LLC is the owner.

CONDITIONS:

- All dumpsters shall be located on a concrete pad, enclosed and maintained rodent/fly proof and odorfree.
- The building and grounds shall be maintained in a safe and sanitary manner in accordance with the CT Public Health Code.

Second: Ms. Austin seconded.

Discussion: None.

Vote: Motion carried with 9 affirmative votes

WITH THE MOTION: N. Austin, B. Broesder, J. Castignoli, J. Kader, P. Kearney, C.S. Moore, J. Mortimer, J. Quish, R. Satti

- 2) **Proposed Regulation Change #20-5** 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. **POSTPONED**

F. LIAISON REPORTS—

G. SUBCOMMITTEE REPORTS—

REGULATION SUBCOMMITTEE:

Authorization to distribute and schedule public hearing for: Proposed Regulation Change #11-18 Article 7, Section 7.2 Special Permit Approval, 7.2.4 Renewal of Special Permit. Proposed Regulation Change #13-18 Article 5, Section 5.8 Flood Hazard and Flood Damage Prevention Regulations, 5.8.3 Procedure. Proposed Regulation Change #15-18 Article 5, Section 5.8.12.1 Anchoring, (2) (a) and (2) (b) Manufactured Homes (A and AE Zones). Proposed Regulation Change #65-18 Article 2, Section 2.6 Effect of Zoning Changes on Subdivisions.

Mr. Castigoli moved to authorize the distribution of the following proposed regulation changes:

- 1) Proposed Regulation Change #11-18 Article 7, Section 7.2 Special Permit Approval, 7.2.4 Renewal of Special Permit.

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- 2) Proposed Regulation Change #13-18 Article 5, Section 5.8 Flood Hazard and Flood Damage Prevention Regulations, 5.8.3 Procedure.
- 3) Proposed Regulation Change #15-18 Article 5, Section 5.8.12.1 Anchoring, (2) (a) and (2) Manufactured Homes (A and AE Zones).
- 4) Proposed Regulation Change #65-18 Article 2, Section 2.6 Effect of Zoning Changes on Subdivisions

Second: Mr. Broesder seconded.

Discussion: None.

Vote: Motion carried with 9 affirmative votes

WITH THE MOTION: N. Austin, B. Broesder, J. Castignoli, J. Kader, P. Kearney, C.S. Moore, J. Mortimer, J. Quish, R. Satti

H. APPROVAL OF MINUTES—4/7/2020 minutes were approved unanimously.

I. CHAIR'S REPORT – Chairman Quish informed the board of a Lot line adjustment for 417 Gulf Street.

J. STAFF REPORT – None

K. ADJOURNMENT was at 8:16.

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.