

## PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 2 AUGUST 2022, 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:** N. Austin, J. Castignoli, E. Hirsch, J. Kader, B. Kaligian, C.S. Moore, J. Mortimer, J. Quish, R. Satti, M. Zahariades

**Not Present:**

**Staff:** D. Sulkis, City Planner; M. Greene, Rec. Sec'y

### C. NEW BUSINESS--None

### D. PUBLIC HEARINGS

1. **Accessory Apartments** To opt-out of the default state law Section 6 of Public Act 21-29 (An Act Concerning the Zoning Enabling Act, Accessory Apartments, etc.), in accordance with the opt-out procedure contained in Section 6(f) of PA-21-29. provisions that allow for accessory apartments (continued from July 5, 2022).

**Mr. Sulkis** addressed the board, summarizing the previous actions and reviewing the options before it as regards adoption of or opting out of PA-21-29. He noted emails expressing support as follows:

All in for Milford.org  
Leigh Bak, 15 Seaside Court  
Robbie Barrett, 47 Point Beach Drive  
Bruce A. Barrett, 47 Point Beach Drive  
Emma Bromley, 27 Norway Street  
Michael Bromley, 27 Norway Street  
Rayford Bromley, 27 Norway Street  
Sarah Bromley, 27 Norway Street  
Theresa Eke, 47 Point Beach Drive  
D'Arcy Jeffery, no address provided  
Peggy Kearney, 23 Mountain View Drive  
Katie Lacadie, 150 Bittersweet Avenue  
Callie Merva, 90 Dart Hill Road  
Joseph Merva, 90 Dart Hill Road  
Rachel Merva, 90 Dart Hill Road  
Charles Montalbano, 30 Revere Place  
Laura Mutrie, 10 Snow Appl Lane  
Nija Phelps, 1264 Naugatuck Avenue

He reported that no letters in opposition had been received.

**Chairman Quish** announced that public comment would be heard.

**Mayor Ben Blake** said he was appearing based on the policy implications of the issue. He said opting out allows the city to retain local control of regulating these units and that it would be harmful the city relinquishes that control. He reminded the board that it is elected to plan for the city's development. He said Milford zoning regulations could be put into complete conformance with the statute if the board desired, but the board would retain the ability to modify them. He noted the exceptional nature of Milford with its extensive coastline and its size and said the board was best able to adapt policy to Milford's needs. He said the city has been recognized for its diverse housing stock and its efforts to meet the needs of its citizens. He said the approved affordable housing plan is inconsistent with the state law. He said he entrusted the board to continue to act in Milford's best interests.

**Therese Eke**, 47 Point Beach Drive, said she has strong ties as a Milford resident via family, church, and civic groups. She said she has 2 adult children working fulltime who cannot afford the typical \$2000 per month rent required to live in Milford. She said some people would be attracted to ADUs, but not everyone must participate.

**James Rude**, 41 West Main Street, said he is a 33-year resident and described a financially difficult time when he was helped by living in an ADU belonging to friends. He said ADUs change people's lives and that there is a housing crisis now. He said if the board opts out, the regulations should be changed to allow homeowners help with mortgage payments and renters able to find apartments. He said rents are exorbitant. He said the board should consider the needs of Milford's residents.

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**+++ Before continuing, Chairman Quish announced that Item 3 had been postponed by the applicant. +++**

**Rachel Merva**, 90 Dart Hill Road, urged the board not to opt out, saying she agreed with the previous speakers. She said the clause limiting Milford ADUs to blood relatives is unduly restrictive when a homeowner might want to rent to children of friends or elderly friends. She said Milford zoning policies should be reformed.

**D'Arcy Jeffery**, 17 Grove Street, said she is a school nurse in Milford and was lucky to live in a family home. She said her parents wanted to move back to Milford after a stay in another state and proposed ADU change could allow conversion of a garage to living space where they can age in place. She said it would make a difference in many lives and wants to make Milford affordable to others.

**Kathy Kennedy**, 265 New Haven Avenue, and Milford's current state representative described how Public Act 21-29 moved through the legislature. She stated that when bill was before the house and senate, the opt-out option was important to bipartisan support. She said the bill does not reduce affordability target mandates. She said local authority must be protected and that she works and lives here, and that she wants to retain local control.

**Dominic Cotton**, 60 Corona Circle, spoke in favor of the board retaining local control of regulations. He said affordability is important and he approves of the board's support for it, because he works with the disability community and it's an issue he deals on their behalf. However, he felt additional constraints may be needed in certain cases and the solution cannot be one-size-fits-all.

**Tessa Marquis**, 84 Broad Street, said small, self-contained living spaces would benefit people like her, such as empty nesters who would benefit from additional income. She also foresaw the possibility of shared transportation and community-building. She said rowdiness associated with short-term rentals would be constrained because owners live onsite. She urged the board not to opt out.

**Michael Brown**, 84 Broad Street, there is questionable language in the current regulations for accessory apartments. He said there are difficulties in enforcement and felt the whole section should be removed. He said the definition of a family should be revisited. He said Milford lacks affordable housing and his research suggests the average rental costs between \$2000 and \$2500 per month.

**Sarah Bromley**, 27 Norway Street, said Milford is special but not unique in the current housing crisis. She said if the city opts out, a lot of research and work that was already done at the state level will be wasted. She urged the board to think about who isn't in the room today, saying she delivers food to needy families who experience housing costs as the biggest factor in creating food insecurity. She gave examples of working people who can't afford to move. She favors non-relatives being able to share housing expenses.

**Chairman Quish** asked if any more public comment was forthcoming. Hearing none, he closed the hearing.

**Mr. Satti** said that at the 7/5 Planning and Zoning meeting, comments from speakers had persuaded the board to refer the issue to the Regulation Subcommittee. He reviewed the opt out requirements, noting some ambiguity. He said the subcommittee met last week and discussed many of the same topics brought up in the hearings. He said the item should be tabled to allow gradual consideration of the various issues.

**Mr. Kaligian** said he is also on the subcommittee, he considered the issue straightforward, and the board should vote tonight.

**Mr. Hirsch** asked how many legal ADUs are currently active in Milford; **Mr. Sulkis** said he estimated 100-200 units. **Mr. Hirsch** asked how many might be created if the city opts under the statute. **Mr. Sulkis** said anyone with a single-family dwelling could have an ADU, creating the potential for thousands of units. **Mr. Castignoli** said that if the board votes to opt out, ADU regulations remain under local control and can be amended. **Mr. Sulkis** confirmed this and noted that the board can incorporate everything in the statute if they so desired. **Mr. Mortimer** agreed that Milford is an expensive place to live and wanted to assure those who spoke in favor that their concerns had been noted, but a "cookie cutter" approach might not be the best one, should it produce unintended results. **Mr. Hirsch** asked if a framework and timeline should be in place to create substitute regulations, should be board choose to opt out. **Mr. Sulkis** said that if no agreement to opt out occurs by 1/1/23, the state mandate would override local regulations. **Mr. Zahariades** said he prefers local control and disagreed with the lack of control associated with 8-30g. **Chairman Quish** said that effort and thought went into legislation to address a substantial need. He said it enables elderly and young to stay in their home city and allows homeowners to build wealth. He said if the board opts out and sends the matter to the subcommittee, crafting new regulations should be a substantial and ongoing task.

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**Mr. Mortimer moved** to opt-out of the default state law provisions that allow the construction of accessory apartments contained in Section 6 of Public Act 21-29 (An Act Concerning the Zoning Enabling Act, Accessory Apartments, etc.), in accordance with the opt-out procedure contained in Section 6(f) of PA-21-29. for the following reason(s): Milford has regulations for the provision of Accessory Apartments which can be found in 3.1.1.7 of the zoning regulations.

**Second: Mr. Castignoli** seconded.

**Discussion:** None.

**Vote:** Motion carried with all but **Mr. Satti**, who abstained, voting in favor.

**+++ Before continuing, Chairman Quish announced that Items 5 and 6 (67 and 69 Cooper Street) would be heard next. +++**

### CLOSE BY SEPTEMBER 6, 2022; VOTE BY NOVEMBER 9, 2022

- 2. 67 Cooper Avenue** (Zone R-5) Petition of Kevin Curseaden, Esq. for a Special Permit with Coastal Area Management survey on Map 22, Block 458, Parcel 50, of which Jeff Hatfield, Artisan Home Restorations LLC, is the owner.

**Attorney Curseaden** addressed the board. He provided details about the lot, saying they abut both tidal and inland wetlands, where approval has been given after responding to comments from the City Engineer and the Inland Wetlands Officer. He said a lot line adjustment had been made and a house on the lot was demolished. He asserted that no negative impact on coastal resources was anticipated, but because of proximity to the Mean High Water (MHW) mark, a hearing was required. He requested two votes for the two Cooper Street addresses, but that they be based on one presentation.

**Mr. Sulkis'** admin summary was consistent with the presentation. He noted a small difference between the distance to the MHW line for each of the 2 lots but said that the proposed houses were identical.

**Mr. Satti** asked for details about the lot consolidation, which **Attorney Curseaden** and **Mr. Sulkis** provided. There was discussion of a numbering scheme on the survey. **Mr. Satti** asked about a plan notation which Attorney Curseaden said was the name of the architect. The typical timeframe for review of this type of application was also discussed. **Attorney Curseaden** said conforming houses could be built on each of the 2 lots. **Mr. Satti** asked if an ADU could be placed on each of the lots. **Attorney Curseaden** discussed several possible outcomes as the response to PA-21-29 play out. He said setbacks and lot coverage limits also remain constrictions.

**Mr. Castignoli** and **Attorney Curseaden** discussed the abutting marsh and the height of surrounding houses.

**Mr. Quish** asked for public comment. Hearing none, he closed the hearing and asked for a motion.

**Mr. Castignoli moved to approve as presented** the petition of Kevin Curseaden, Esq. for a Special Permit with Site Plan and Coastal Area Management Review on Map 22, Block 458, Parcel 50, of which Jeff Hatfield, Artisan Home Restorations LLC, is the owner.

**Second: Mr. Mortimer** seconded.

**Discussion: Mr. Satti** asked for an indication of which property was being voted on. **Mr. Moore** asked as a point of order whether both public hearings were officially closed. **Mr. Castignoli** rescinded the motion, and **Chairman Quish** reopened and closed both items to ensure procedural accuracy. **Mr. Castignoli** reread his motion and **Mr. Mortimer** seconded again.

**Vote:** Motion carried unanimously.

- 3. 69 Cooper Avenue** (Zone R-5) Petition of Kevin Curseaden, Esq. for a Special Permit with Coastal Area Management survey on Map 22, Block 458, Parcel 50, of which Jeff Hatfield, Artisan Home Restorations LLC, is the owner. **See previous item.**
- 4. 615 Plains Road** (Zone LI) Petition of Kevin Curseaden Esq. for a Special Exception with Site Plan and Coastal Area Management Review for a school bus storage, maintenance, and dispatch facility with outdoor fueling station on Map 062, Block 928, Parcel 4B of which 615 Plains Rd, LLC is the owner.

**NOTE: Mr. Satti recused himself and left the auditorium.**

**Attorney Curseaden**, 3 Lafayette Street, addressed the board. He introduced the project team, noting that Professional Engineer Ron Wassmer was ill and could not present his plan set to the board. Attorney Curseaden reviewed the plan and revisited discussion about the requirement for a traffic study. He said a 3<sup>rd</sup> party review of traffic was performed. He said the location was near the end of Plains Road near the Milford Riders Club and the building was an existing renovated building. He said Inland Wetland approval had been secured although the board also needs to determine that there are no negative coastal resources impacts. He said the use created the need to obtain a Special Exception since it was neither allowed nor prohibited. He reviewed

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the surrounding uses, all of which were industrial or warehouse uses. He said the site would operate during the school year. He noted the times and staggered schedules to be implemented. He said some busses might return late due to transporting school sports teams, but normal operation would occur during school hours when schools were in session. He said bus drivers would adhere to a route for exiting and entering the facility consisting of Plains Road to Shelland Street to Bic Drive and vice versa. He noted the professional nature of the Durham staff and said parking busses was guided by their experience. He said delivery of fuel would be in similar fashion to a gas station. He said the month-to-month tenancy at the Post Mall was an uncertain business arrangement and should be resolved. He noted the presence of a small office on the site. He said DPLU staff expressed concern about use of the 2<sup>nd</sup> story, but Attorney Curseaden expressed assurance that the upper part of the building's space would not be used. He said the applicant offered to remove the mezzanine staircase, which he displayed via photos, but he also said he questioned whether the alternative—ladder access—would become a safety issue. He shared a photo depicting a dropped ceiling, preventing the space from being used.

**Attorney Thomas Lynch**, 63 Cherry Street, co-presenting with Attorney Curseaden, said that Casey Julian was his client and that the application had been bogged down for a year due to requests for additional traffic studies. He said Attorney Curseaden's photos demonstrated that no use of the upper part of the building would be feasible. He said shrubbery had been removed from near the proposed entrances, enhancing visibility. He referred to an approval for Valley Tool with a condition that traffic come out via the Plains-Shelland-Bic route described by Attorney Curseaden and said the same traffic restriction could be applied to this proposal. He reiterated that the bus drivers are professionals who will be instructed in how to enter and exit the facility. He said the busses that transport Milford's students should be local to the city and the use belongs in an industrial zone.

**Chairman Quish** asked if busses have GPS devices that could be used to hold drivers accountable to such a condition. **Attorney Curseaden** said the bus company would be willing to monitor driving patterns, but he would need to research their GPS capability.

**Mr. Sulkis** read his administrative review, describing the site and building in detail. He said 25 parking spaces would be required if the gross area formula were used, but the calculation wouldn't apply because the use was not listed in the parking regulations. He said the applicant's traffic report calls for 77 spaces to accommodate office workers and drivers, but the floor plan does not reflect them. He said the board would need to determine adequacy of parking as a part of the Special Exception. He referred to the KHA traffic study of May 2022, citing traffic engineer Hua's concerns about driver staffing turnover and long-term compliance with the prescribed street driving routes in the absence of street signs. Mr. Hua also identified possible issues with the turning radius of busses and fuel trucks and suggested the creation of turning templates to demonstrate feasibility.

**Mr. Castignoli** asked about proximity to surrounding residences. **Attorney Lynch** stressed the Plains Road signage prohibits trucks and that professional drivers will comply with their instructions. **Mr. Mortimer** noted the proximity of residential area a quarter mile away and **Attorney Lynch** reiterated the analogy to Valley Tool. **Mr. Moore** was assured that driving rules would pertain during weekends and holidays. **Mr. Hirsch** asked if the condition of approval could include a penalty; **Attorney Curseaden** said the board doesn't have legal authority to fine for non-compliance, but Milford Police Department can ticket for violations. **Mr. Sulkis** reminded the board that zoning stipulations pertain to private property and can't be enforced offsite. Discussion of enforcement mechanisms ensued. **Mr. Sulkis** displayed a "bird's eye" photographic view of neighborhood to help the board gauge proximity to the residential area.

**Attorney Curseaden** said, in response to Mr. Hirsch, that he respectfully disagreed with **Mr. Sulkis**; asserting that a Zoning Enforcement Officer could enforce approval conditions. He said that in his practice, he had represented clients who faced penalties when a condition wasn't met, and zoning permits were revoked. **Mr. Sulkis** generally agreed with Attorney Curseaden except he reiterated that zoning has no jurisdiction off private property. **Mr. Zahariades** confirmed with Attorney Curseaden that a maximum of 77 busses would be stored on the property, but said he was concerned with employees parking on road. **Attorney Curseaden** said there are 77 parking places on site for drivers and employees, but that the busses are "stacked" not traditionally parked, calling the site less a bus parking lot than a bus storage facility. **Chairman Quish** and **Attorney Curseaden** discussed parking numerically, noting the latest site plan provides 80 spaces for drivers and 3 non-driver staff members.

**Mr. Quish** asked for public comment.

Hearing none, he closed the hearing and asked for comment. **Mr. Sulkis** said that if outstanding information is required from the applicant, the hearing should not be closed. **Chairman Quish** asked if anyone objected to closing the hearing; no one did. **Mr. Hirsch** wanted to craft a motion to prevent employees from parking on Raton Drive or Plains Road. **Ms. Austin** observed that if there is legal parking on Raton Drive, it can't be prohibited; noting that restriction of traffic is one thing, but parking is another. **Mr. Castignoli** confirmed with **Mr. Sulkis** that the board can only regulate what's happening on the property.

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**Mr. Castignoli moved to approve with the following modifications** the Petition of Kevin Curseaden Esq. for a Special Exception with Site Plan and Coastal Area Management Review for a school bus storage, maintenance, and dispatch facility with outdoor fueling station on Map 062, Block 928, Parcel 4B of which 615 Plains Rd, LLC is the owner.

**Conditions:** Bus drivers will adhere to the following traffic pattern when exiting the facility: Plains Road to Shelland Street to Bic Drive. Bus drivers will adhere to the following traffic pattern when entering the facility: Bic Drive to Shelland Street to Plains Road.

**Second: Mr. Mortimer** seconded.

**Discussion:** The original motion was amended to add a condition that identified the bus drivers' required traffic pattern.

**Vote:** Motion carried with **Mr. Hirsch** voting against the motion and **Mr. Satti** absent due to recusal.

5. **Proposed Regulation Change 22-4** Petition of Kevin Curseaden, Esq. for a change to Article VII, Sections 7.1.1.1, 7.1.1.2, and 7.1.1.3 to change Site Plan Review Procedures. **(POSTPONED)**

6. **Proposed Regulation Change #22-6** Petition of Kevin Curseaden, Esq. for a change to Articles V and XI, Sections 5.2.1, 5.2.5, 5.3.6.A, 5.3.6.B to allow modernization of existing conforming and legal non-conforming billboards abutting the I-95 corridor, and conversion to Electronic Digital Billboard signs.

**NOTE: Mr. Satti rejoined the meeting.**

**Attorney Curseaden**, 3 Lafayette, addressed the board. He introduced applicant Dominic DiMartino and billboard expert Dave Gannon. He noted that the same item had come to board twice before, the latest time being 2 years ago. He reviewed the previous applications. He said the regulation was limited to converting 6 specific existing billboards near I-95 to an electronic format with no more than that. He said he had resumed discussions with DPLU with new proposed measurements. He said no additional billboards would be eligible under this zone change. He displayed a chart about and aerial view of the 6 locations and provided details about them. He referred to a federal traffic study which was much debated at previous hearings and to a national traffic expert's report that found no problems with the placement of the electronic billboards. He said for conversion of each billboard, plans by a professional engineer would be submitted to the ZEO, who would have to certify that it complies with regulations. He said that because the project was limited to these 6 billboards, Special Permit or Site Plan Review don't make sense. He also said that it was unlikely all 6 billboards would be converted at the same time, due to business considerations. He noted that there is a provision for nonprofit organizations to intermittently access electronic billboards. He said there is no evidence of an increase in highway accidents due to digital billboard and that many surrounding cities and towns increasingly allow them.

**Mr. Gannon** described the historical progression of billboard presence in Milford and stated that there has been no proliferation of billboards over the past 33 years. He asserted that this change will not create proliferation.

**Mr. Sulkis** noted letters of opposition from the following:

Joseph DeSisto Alling, no address provided

Wendy Beyer, 31 Governors Avenue

Christopher Bishop, no address provided

Joan Braun, 22 Salem Walk

Sarah Bromley, 27 Norway Street

Cheryl Cappiali, 234 Grinnell Street

Ann Carter, 35 Burwell Avenue

Jeanne Cervin, no address provided

Tim Chaucer, no address provided

Donna Dutko, 236 Buckingham Avenue

Joy Duva, no address provided

Marianne Fahy, 522 Swanson Crescent

Lily Flannigan, no address provided

Laura Fucci, 418 Anderson Avenue

Nancy Iddings, 136 Housatonic Drive

D'Arcy Jeffery, no address provided

Michael Kramer, 104 West River Street

Michelle Kramer, 104 West River Street

Dora Kubek, 33 Liberty Street

Barbara Milton, no address provided

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Charles Montalbano, 30 Revere Place  
Barbara Moran, 38 Freemont Avenue  
Sandy Morgan, 39 Orland Street  
Steve Rathburn, 44 Prospect Street  
Betsy Rater, no address provided  
Lori Romick, 10 Valery Court  
Patricia Schein, 531 Pope's Island Road  
Susan Simmat, 200 Pond Point Avenue  
Lisa Tryon, 1425 Windward Road  
Carole Walker, 555 Pond Point Avenue  
Catherine Williams, Hilltop Circle  
Wendy Zimbardi, 200 Red Root Lane

**Mr. Sulkis** read his report, summarizing application history and board actions. He noted an ambiguity in light measurement data.

**Mr. Castignoli** and **Attorney Curseaden** discussed the mechanics of using a site plan review versus a zone change to make these changes, with Mr. Castignoli expressing concerns about setting a precedent for future zone changes. **Attorney Curseaden** said federal limits on the installation of billboards will constrain proliferation. **Chairman Quish** said the zone change affects I95 only and limits light pollution to residential areas. **Mr. Sulkis** said zoning regulations prevent more billboards from being placed on private property due to a restriction of 1500 feet between them. He noted that preexisting nonconforming billboards also still exist. **Mr. Gannon** said federal regulations don't allow placement of billboards on residential land. He elaborated on the near impossibility of placing more billboards in Milford due to local zoning regulations, plus state and federal constraints. More discussion ensued between **Mr. Castignoli** and **Attorney Curseaden** about whether approval would set a precedent. Further discussion ensued about the relative claims, relevance, and accuracy of the many studies referenced on the safety of digital billboards. **Mr. Moore** asked about the feasibility of staggering approvals to restrict implementing the billboards. **Mr. Sulkis** said a different regulation would be needed because regulations must be uniformly applied. **Mr. Hirsch** asked if all billboards would ultimately be required to be converted to digital; **Attorney Curseaden** said conversion would be limited to these 6 sites and a different application would be needed. **Mr. Hirsch** agreed that a precedent would be set. **Attorney Curseaden** said he's never been successful in gaining approval of an application using the justification of a precedent having been set. He said he's had to win on the merits of the proposal. He said that in its legislative capacity the board has total discretion. **Mr. Kader** said anecdotally he was personally distracted by an electronic billboard. He referred to a Virginia Tech study and Swedish study that deemed the billboards a dangerous distraction.

**Mr. Quish** asked for public comment.

**Ron Montfort**, 7 Mickel Lane, president of Gloria Commons associations, said he opposes because the condominium complex is in proximity to one of the billboards and he does not want blinking lights all night.

**Donna Dutko**, 236 Buckingham Avenue, read her email in opposition. She said she had case law to submit and reviewed a case she found relevant from Ridgefield. She said the use of Special Permit approval would allow conditions to be attached to approval. She asked the applicant to identify case law that limits such a zone change to a certain select group of locations.

**Bryan Anderson**, 49 Ingersol Road, said he strongly opposed the application due to incompatibility with the quality of life in Milford. He said he sees no compelling reason to change the regulation and that many digital distractions to driving already exist. He said responsible driving requires attention and provided statistics. He said the billboards would also increase the carbon footprint of the billboards and would threaten jobs. He described other business expansions of digital billboards by the applicant.

**Jane Platt**, 132 Platt Lane, said she is strongly opposed. She described a trip to Vermont, which prohibits billboards, as providing aesthetic relief from them.

**Richard Platt**, 132 Platt Lane, said he had reviewed posted documents on the website and saw a study with inconclusive findings about safety. He said the city should err on the side of caution. He said he can't avoid looking at the electronic billboard in West Haven whenever he drives by it. He asked not to add to the existing level of distraction.

**Dominic Cotton**, 60 Corona Drive, said the previous defeats of the project were sufficient and static billboards aren't a distraction.

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**Peter Cozzolino**, 31 Gulfview Court, he said he opposes digital billboards throughout the city, but doesn't have a problem with these 6. He said billboard advertising is not affordable to small business, but the electronic format makes it so to more potential advertisers. He said he thinks it's a modern trend. He said he's on the economic development council and favors the proposal.

**John Wojnarowski**, 209 centennial Drive, said he has a small business and would welcome this type of affordable advertising.

**Sarah Bromley**, 27 Norway Street, said she submitted 27 articles citing safety issues with such advertising. She said it's difficult to attribute the cause of an accident to any distraction because there are so many distractions when driving now.

**Dora Kubek**, 33 Liberty Street, said the billboards are obviously trying to get drivers' attentions on one of the busiest corridors in the northeast and called the project a stupid idea.

**Darcy Jeffery**, 14 Grove Street, said screens surround everyone all day and no more are needed. She said residential light pollution is unfair and that such billboards would change the character of the city.

### **REBUTTAL**

**Attorney Curseaden** said the evening's comments were consistent with past applications. He said his client would be willing to remove the CDD1 site near Gloria Commons from the proposal and would agree to make the rest subject to a Special Permit. He said he would resist site plan review due to the nature of the billboard sites and the difficulty of bringing them up to site plan standards.

**Chairman Quish** asked if the public wished to address the rebuttal.

**Peter Cozzolino**, 31 Gulfview Court, said business owners want to see this form of modernization.

**Chairman Quish** asked **Mr. Sulkis** how to proceed if the suggestion to change the language of the application was entertained. **Mr. Sulkis** said the board could try to amend motion on the fly but cautioned against this. He said the board could ask applicant to return with a modified application but advised that such a modification may not meet citizen concerns expressed at the hearing.

Discussion ensued on whether only 2 billboards would be completed, whether the digital images appear on both sides of the billboards, and about the overall presence of electronic billboards between New Haven and Stamford. **Attorney Curseaden** said a Special Permit application could allow the board to restrict options like double-sided electronic billboards. **Mr. Sulkis** said **Mr. Satti** noted that 235 pages of documents were submitted for the application. He asked if Attorney Curseaden had legal authority to come back to the board after the previous denials. **Mr. Sulkis** said petitions for regulation changes can come back no more than once a year unless a substantial change in the application was made. **Mr. Satti** said previous discussion was identical to the discussion at this meeting.

**Chairman Quish** closed the hearing and asked for a motion. **Mr. Mortimer** started a motion, but **Mr. Sulkis** asked if it might be prudent to have staff craft a new draft motion for the board to consider. The item was tabled to next meeting to allow for this.

### **E. OLD BUSINESS**

**F. LIAISON REPORTS**—None.

**G. SUBCOMMITTEE REPORTS**—The subcommittee meeting on ADUs, scheduled for Wednesday, 8/3, was canceled after the board's vote on Item 1. The next meeting would be determined at another time.

**H. APPROVAL OF MINUTES**—7/19/2022 minutes were approved unanimously.

**I. CHAIR'S REPORT**—A new motion to return to Zoom meetings was defeated.

**J. STAFF REPORT**—None

**K. ADJOURNMENT** was at 10:46.

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.