

**PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 1 SEPTEMBER 2020, 7:00 PM  
(Amended 9.15.2020)**

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, Joe Castignoli, Jim Kader, Brian Kaligian, Peggy Kearney, John Mortimer, Jim Quish, Robert Satti

**Not Present:** Carl S. Moore

**Staff:** Joe Griffith, DPLU Director, David Sulkis, City Planner; Meg Greene, Rec. Sec'y

During roll call, **Ms. Greene** noted that **Brett Broesder** had moved out of the district he had been elected to serve and resigned from the board accordingly. **PLEASE NOTE: Chairman Quish announced a change in the order of the agenda, to start with 134 Old Gate Lane. The minutes reflect the order advertised in the agenda.**

**C. PUBLIC HEARINGS:**

**ITEM 1: VOTE BY SEPTEMBER 23, 2020**

**ITEM 2: HEAR BY NOVEMBER 5, 2020; VOTE BY JANUARY 9, 2020**

- 1) **125-135 Broad Street** (Zone MCDD) Petition of Metro 135 LLC, Care of Metro Star properties LLC, for a site plan approval for a 5 building mixed use complex on Map 54, Block 394, Parcel 14 of which Metro 135 LLC is the owner.

**Chairman Quish** said a public hearing is not needed for a site plan application but given the level of public interest and after conferring with the City Attorney's Office (CAO), the board had voted to hold the hearing.

**Thomas Lynch, Esq.**, 63 Cherry St, said the mixed-use development application was coming before the board for a third time. He noted the presence of surveyor Ron Wassmer and architect John Wicko, as well as David Sullivan, Milone and McBroom traffic engineer, who would be providing a supplemental traffic report. He said a full presentation of the project was made at the July 20 meeting, and that more discussion had been heard at the 8/18 meeting. He requested that full verbatim minutes be made part of the record to create a complete record of all meetings on the proposal. He said a summary presentation would be made at this meeting and that Mr. Smith would comment on additional changes made. He said he wished to hold the board to compliance with the memo by the CAO. He reminded the board that they are chartered to administer the regulations. He said case law and statute that requires the board to approve a zoning-compliant application.

**Robert Smith**, Metro Star LLC, 41 Cherry St, provided an aerial view of the property. He said the mansion would remain substantially intact even though it is not deemed historically significant. He noted that the rear buildings that had been razed. He provided a site plan with the proposed apartments. He said a street view of the property would remain consistent with its appearance today and that a monument to Simon Lake would be created. He emphasized the Transit-Oriented Design features of the project. He said he had added a traffic report to the board's material for review. He said the new lower level parking reduces surface level parking, allowing for additional landscaping. He said the revision also moved the garage entrance from High Street to the right of way. He said the design could feature a parking calculation of 168 spaces, whereas the revision provides 177. He said he anticipates spending 20 million dollars to build the complex and that he would not reduce satisfaction of potential residents by creating parking problems. He said that considering the new parking accommodation, he wanted to propose a restaurant use for the lower floor of the building. He said that in addition to onsite parking, the restaurant would share parking with office spaces at the end of the business day. He said that including a restaurant on the first floor would require a minor finding of parking adequacy.

**John Wicko**, AIA, 58 Prospect St, presented a video animation of a flyover of the development. He summarized the plan, highlighting historic and nautical references. He reviewed the uses in the commercial areas including a fitness center for residents. He provided an overview of the two existing buildings to be preserved as well as three new buildings to be constructed. He said pedestrian access features ornamental pavers and unites the green to the train station in an appealing way. He said a plaque and monument to Simon Lake would be in the bottom of the clocktower near the complex's mailboxes. He noted that Simon Lake's laboratory buildings were referenced in the new architecture's rooflines. He reviewed surface finishes and treatments.

**Ron Wassmer**, PE, 158 Research Dr, reviewed the existing conditions survey, then grading and drainage, utilities, and sedimentation/erosion control. He said he incorporated changes from Engineering and that other city departments, including Fire, Police and Inland Wetlands, all approved the plan. He noted a redesign to preserve a historic ginkgo tree. He referred to the City of Milford's natural resource inventory.

**David Sullivan**, traffic engineer, 99 Realty Dr, Cheshire, reviewed his traffic report, with driveway areas on Broad Street and High Street. He estimated the development would generate between 30-40 trips during peak hours. His analysis concluded that the plan

**PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 1 SEPTEMBER 2020, 7:00 PM  
(Amended 9.15.2020)**

meets sightline requirements. He suggested that access come off the easement to reduce number of curb cuts. **Chairman Quish** and **Mr. Sulkis** discussed the sightlines

**Mr. Sulkis** provided a summary report, which was consistent with the presentation, focusing on the new garage plan with revised total square footage. He noted the inclusion in the parking calculations of dens/studies that might be used as second bedrooms. He noted the addition of green space. He stated that the plan is substantially compliant with the zoning regulations. He said he would review the pre-registered speakers. He read a list of those submitting correspondence for or against as follows:

FOR: Abby Bishop, Bradford Hubler, Carter Mario, Curran Bishop, John Profetto, Joseph Agro, Luke Porto, Thomas Nolan

AGAINST: Alderman Frank Smith, Allison Britting, Darcy Jeffrey, Jeremy Collins, Kate Orecchio, Nancy Citarella, Phyllis Thorne, Shelly Bynak, Sue Glennon, Wendy Zimardi

He added that anything arriving prior to the close of the public hearing would also be part of the record.

**DISCUSSION**

**Mr. Satti** and **Mr. Wicks** discussed parking underneath the buildings, access to that parking. **Mr. Satti** confirmed that none of the easement is used for parking. **Mr. Satti** asked **Attorney Lynch** if the complex's fitness center requires a special permit per the regulations. **Attorney Lynch** said residential amenities don't meet the standard of a fitness club under the regulations. He compared it to a fitness center in a hotel which is just considered an amenity. **Mr. Satti** expressed frustration that drawings had been submitted the day of the meeting. **Mr. Smith** said the proposed restaurant floor plans would be subject to building codes, not site plan approval. **Mr. Sulkis** confirmed that hotel fitness facilities are similar to what is being proposed and not subject to special permit review.

**Chairman Quish** opened the public hearing, asking speakers to confine remarks to 3 minutes of non-repetitive, civil comments to be addressed to the board, not the applicant. **Mr. Kaligian** asked if people who had made their position clear on the record might consider forgoing additional comment.

**OPPOSED**

**Frank Smith**, 232 Second Ave, chose not to speak, having submitted written opposition.

**Allison Britting**, 7 Bayberry, said the façade should stay the same, that the 3 proposed building will be too big, and that she fears vacant apartments, additional traffic, and lack of train commutation due to the pandemic. She said she wants port-cocheres to remain. She said she appreciated the latest changes made to the plan and for the ability to speak on the topic.

**Darcy Jeffrey**, 17 Grove St, said she is mostly in favor of the project because it will add vibrancy to downtown, but she worries about environmental impacts and is glad to see more green space added. She said a goal should be to reduce building emissions.

**Kate Orecchio**, 165 Broad St, said the MCDD's purpose is to preserve the unique character of downtown, but she does not think this preserves the downtown area. She said the site abuts her property and she fears traffic will become more dangerous. She asked where restaurant workers will park and about event (eg weddings) parking. She also commended Bob Smith for his cooperation with the community and allowed that the mansion would make a lovely restaurant. She prefers fewer apartments.

**Shelly Buynak**, 9 Windsong Ln, listed Mr. Smith's current real estate holdings. She said the city has enough development.

**Wendy Zimbardi**, 200 Red Root Lane, said she is against overdevelopment and that this seems to be too much for downtown.

**Dominic Cotton**, 60 Corona Drive, asked for consider the number of apartments. He expressed concerns about 8-30g.

**Ann Maher**, 28 Prospect Street, said the density and scale concerns her, as well as access for emergency vehicles.

**FAVOR**

**Carter Mario**, 1 Point Beach Drive, said he is a Milford resident since 1960, and has been in law practice in Milford for 31 years. He said he has known Mr. Smith since 1987, and said Mr. Smith's projects are sustainable, and typically occupied by young professionals. He said the current area near the train is unattractive and not a good first impression for people arriving via train. He said this project will be an investment in the grand list.

**PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 1 SEPTEMBER 2020, 7:00 PM  
(Amended 9.15.2020)**

**John Profetto**, 48 Carrington Ave, said he is the former owner of Rainbow Gardens, an abutting property. He said that in 1995 when he bought the house on Broad Street for restaurant use, the property was just months away from demolition due to neglect. He said the former owners of 125 Broad Street mainly used it as a commuter parking lot and that it was and is now an asphalt-covered, poorly drained area. He said this area will be transformed by high quality, architecturally pleasing buildings and that downtown businesses would love more residents and foot traffic. He said Bob Smith will create a high quality environment.

**Joe Agro**, 55 Brewster Rd, said he grew up 3 blocks away from the site, was a 70s-era alderman, has run parking lots locally, and researched Transit-Oriented Development (TOS). He said this project is a perfect example of good TOD. He said that in the 1970s, the CT Post Mall took a devastating toll on downtown businesses. He said a study done in the 1970s called for 400-500 apartments to be built within walking distance of the green to revive small business there. He said the project creates foot traffic for downtown shops and restaurants. He approved of the housing being hidden behind wonderful old buildings to be preserved. He said Mr. Smith's other projects are testament to the future quality of this project.

**Tom Nolan**, 25 High Street, said he has known Mr. Smith for 50 years. He said Mr. Smith creates beautiful architecture, a solid tenant base, and that his projects have added to the beautification of downtown.

**Rich Smith**, 59 Sixth Ave, said he has seen a lot of development but thinks this is a perfect fit behind the mansion near the train. He said change and development will happen, but the best outcome is when developers have sensitivity to the character of the community and quality.

**REBUTTAL**

**Attorney Lynch** said he heard the comments and compliments, including that Milford will be well served by the quality of a development that also recognizes the historic nature of the Simon Lake buildings. He said this is in contrast with other projects that demolished historic structures.

**Chairman Quish** invited more comments.

**Darcy Jeffrey** asked if the size be changed. **Chairman Quish** said it is not in the board's purview to mandate scale.

**Carter Mario** reiterated that downtown needs more foot traffic and businesses need help. He said Milford needs development by people who care about the city.

**Carol Singer**, 30 Barberry Court, said she is happy that the buildings and gingko tree were saved but she worried about empty units.

**Attorney Lynch** had nothing further. He thanked the board for their long consideration and asked for approval.

**Chairman Quish** thanked the public for their comments and patience. Before he closed the hearing, he noted that the new alternate ramp landscape plan LP1 dated 8/21/2020 with 178 parking spaces should be made part of any motion and that approval of parking adequacy for the restaurant would be required.

**Mr. Satti** again expressed frustration that submitted plans for a restaurant were only received today. **Attorney Lynch** reiterated that the site plan had not changed, only the floor plan. **Chairman Quish** said there is a parking issue although many downtown restaurants have no parking at all. **Mr. Castignoli** supported tabling. **Ms. Austin** said the board has spent 3 meetings on a site plan review, which seemed sufficient. **Mr. Kader** agreed with Ms. Austin. **Ms. Kearney** also agreed with Ms. Austin. **Mr. Kaligian** said he was prepared to vote. **Mr. Mortimer** was also prepared to vote. **Mr. Kader** said he supports the idea of another restaurant downtown. **Mr. Smith** said the submission was not a zoning document, just an example of what a restaurant could look like in that space; that the layout of the actual restaurant would be a building code issue. **Ms. Austin** stressed that this hearing remains a site plan review. **Attorney Lynch** stated that his client would be willing to withdraw consideration of parking adequacy for the restaurant in this vote and bring it up at a different time. **Chairman Quish** said he would allow this vote to proceed without consideration of the restaurant.

**Chairman Quish** asked for a motion.

**Mr. Kader** moved *to approve with the following condition* the Petition by Metro 135, LLC for a site plan review for a 5 building mixed use complex on Map 54, Block 394, Parcel 14 of which Metro 135 LLC is the owner.

**Condition: Incorporation of drawing LP1 of 8/21/2020.**

**Second: Mr. Castignoli** seconded.

**PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 1 SEPTEMBER 2020, 7:00 PM  
(Amended 9.15.2020)**

**Discussion:** Mr. Satti thanked the presenters for bearing with comments and reactions.

**Vote:** Motion carried unanimously.

- 2) **134 Old Gate Lane** (Zone ID) Petition by Thomas Lynch, Esq. for Special Permit with Site Plan Review for a rear outside dining deck on Map 68, Block 811, Parcel 6F of which Jive, LLC is the owner.

**Attorney Lynch**, 63 Cherry Street, presented background history and plans for a proposed rear deck to be added to Pop's Restaurant. He reviewed the site plan, pointing out parking and that portion of the lot currently being used for outdoor dining due to the COVID19 Executive Order. He said the plan is to add a deck to serve socially distanced patrons at 2-person or 4-person tables. He said the deck will be open only during mild weather seasons and will not have roofing or awnings. He noted a 15' x 48' limit on the size of the deck to per the Fire Marshall. He listed other departmental approvals. He noted that the owners are long-time and philanthropic corporate citizens of the city.

**Mr. Sulkis** provided his report, which was consistent with the presentation. He noted that seasonal outdoor dining is not being counted toward the parking requirement.

**DISCUSSION**

**Mr. Satti** asked Attorney Lynch to review the requirement for the Special Permit. He asked about the deck's height and confirmed that the deck could be accessed from inside or outside the restaurant. They discussed the reduction in the size of the deck.

**Chairman Quish** asked about seating after COVID19 restrictions are lifted.

**Chairman Quish** opened the hearing for public comment.

**COMMENTS/QUESTIONS**

**Liz Kennard**, 16 Reed St, expressed concern about the wetlands.

**Sam Utler**, 16 Sand St, asked what would happen to the use after COVID19 restrictions are lifted; **Chairman Quish** said the board is limited to deliberation of zoning regulations and that COVID19 compliance is determined by the Health Department.

**FAVOR**

**Carter Mario**, 1 Point Beach Rd, said he had attended the meeting for another item, but had eaten often at Pop's Diner and felt the deck would add to a good customer experience.

**REBUTTAL**

**Attorney Lynch** said Inland Wetlands Agency (IWA) Officer MaryRose Palumbo had reviewed the plans and determined that the project is not within the review area of IWA.

**Chairman Quish** closed the hearing. There being no further board discussion, he asked for a motion.

**Mr. Satti** moved **to approve as presented** the petition by Thomas Lynch, Esq. for Special Permit with Site Plan Review for a rear outside dining deck on Map 68, Block 811, Parcel 6F of which Jive, LLC is the owner.

**Second: Ms. Austin** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- 3) **Proposed Regulation Change #11-18** Petition by the Planning and Zoning Board, for changes to Article 7, Section 7.2 Special Permit Approval 7.2.4 Renewal of Special Permit.

Per **Chairman Quish's** request, **Mr. Sulkis** summarize all the proposed regulation changes such that they could be voted afterward with consecutive motions. **Chairman Quish** then asked the public for comments in favor of or opposition to the changes. Hearing none, he closed the hearing and asked for motions.

**Mr. Satti** moved **to approve as presented** the petition by the Planning and Zoning Board, for changes to Article 7, Section 7.2 Special Permit Approval 7.2.4 Renewal of Special Permit. Effective Date of this regulation change will be 9/18/20.

**Second: Ms. Kearney** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously

**PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 1 SEPTEMBER 2020, 7:00 PM  
(Amended 9.15.2020)**

- 4) **Proposed Regulation Change #13-18** Petition by the Planning and Zoning Board, for changes to Article 5, Section 5.8 Flood Hazard and Flood Damage Prevention Regulations: 5.8.3 Procedure; correction of Section number

**Mr. Mortimer** moved *to approve as presented* the petition by the Planning and Zoning Board, for changes to Article 5, Section 5.8 Flood Hazard and Flood Damage Prevention Regulations: 5.8.3 Procedure; correction of Section number. Effective Date of this regulation change will be 9/18/20.

**Second: Ms. Austin** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously

- 5) **Proposed Regulation Change #15-18** Petition by the Planning and Zoning Board, for changes to Article 5, Section 5.8.12.1 Anchoring (2) (a) and (2) (b) Manufactured Homes (A and AE Zones); correction of wording for consistency

**Mr. Kader** moved *to approve as presented* the petition by the Planning and Zoning Board, for changes to Article 5, Section 5.8.12.1 Anchoring (2) (a) and (2) (b) Manufactured Homes (A and AE Zones); correction of wording for consistency. Effective Date of this regulation change will be 9/18/20.

**Second: Ms. Kearney** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- 6) **Proposed Regulation Change #65-18** Petition by the Planning and Zoning Board, for changes to Article 2, Section 2.6 Effect of Zoning Changes on Subdivision; conflicts with statutes

**Mr. Mortimer** moved *to approve as presented* the petition by the Planning and Zoning Board, for changes to Article 2, Section 2.6 Effect of Zoning Changes on Subdivision; conflicts with statutes. Effective Date of this regulation change will be 9/18/20.

**Second: Mr. Castignoli** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously

**D. OLD BUSINESS - None**

**E. NEW BUSINESS**

- 1) **7 Point Beach Drive** (Zone R-7.5) Petition by Thomas Lynch, Esq. for a Coastal Area Site Plan Review to construct a new home at Map 030, Block 636, Parcel 3, of which Richard Biagetti is the owner. **POSTPONED**

**F. LIAISON REPORTS—None**

**G. SUBCOMMITTEE REPORTS—** Chairman Quish said a special meeting for subcommittees would be scheduled for 9/14 or 9/16.

**H. APPROVAL OF MINUTES—8/18/2020** minutes were approved with an abstention by Mr. Kaligian who was absent.

**I. CHAIR'S REPORT –** Chairman Quish thanked the public for their patience and participation. **Vice Chairman Satti and Chairman Quish** noted Mr. Broesder's departure and expressed gratitude for his service to the board.

**J. STAFF REPORT – None**

**K. ADJOURNMENT** was at 9:43.

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.