

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 15 NOVEMBER 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, J. Mortimer, R. Satti, M. Zahariades

Not Present: C.S. Moore, J. Quish

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

Vice Chairman Satti announced that he would chair the meeting in Chairman Quish's absence.

C. NEW BUSINESS

VOTE BY JANUARY 6, 2023

- 1.) **0 Quarry Road** (Zone R-18) Petition of Jeff Attolino for a waiver under subdivision regulation 6.4 to an approved Subdivision to allow overhead utilities at Map 101, Block 807, Parcel 9R, of which Black Lab Investments, LLC is the owner.

Mr. Attolino addressed the board. He reviewed the problems his project had encountered with trying to install underground wires, reminding the board that Mr. Sulkis had asked for written verification of United Illuminating's (UI) preferred implementation method. **Vice Chairman Satti** asked Mr. Attolino to provide more detail for members who were not at the previous meeting. **Mr. Attolino** said the main problem was a line-of-sight issue that would be created by adding additional poles to support underground services. **Mr. Mortimer** and **Mr. Kader** verified that UI recommended adding more lines to the existing pole.

Mr. Kaligian moved to approve as presented the Petition of Jeff Attolino for a waiver under subdivision regulation 6.4 to an approved Subdivision to allow overhead utilities at Map 101, Block 807, Parcel 9R, of which Black Lab Investments, LLC is the owner.

Second: Mr. Castignoli seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. PUBLIC HEARINGS

CLOSE BY NOVEMBER 24, 2022; VOTE BY JANUARY 28, 2023

- 1) **Proposed Regulation Change 22-8** Petition of John Knuff, Esq. for a change to Article III, Section 3.18.2 Corridor Design Development District 3 – Bridgeport Avenue Design Corridor District: CDD-3, Article V, Supplementary Regulations Section 5.1 Parking and Loading Regulations (Held Open from September 20, 2022).

Attorney Knuff, 147 Broad Street, provided handouts and addressed the board. He reviewed actions of the board thus far in allowing multi-family development in the CDD-3 zone and listed the several items the board had yet to address. He noted that in September, neighbors objected to the proposed multifamily dwelling height of 55' and said the proposed height had been lowered to 50', which he would ask to be retroactively incorporated into the previous the regulation change. He said neighbors at Meadows End would have tree landscaping blocking views of the complex with a 150' wide buffer between them and the rear buildings. He said the site was also reconfigured to create the Fire-Department-preferred 28' access, which Fire Marshall Suden approved. He referred to the administrative summary by David Sulkis summarizing how property lines were to be brought into alignment to zone lines for subdivision with the goal of having one zone encompass the whole parcel. He identified a portion of the property that could be designated as Open Space. He said the project team was present and could answer questions and concerns raised at the last hearing. He reminded the board of the improvement this project would bring to the neighborhood and that enacting the plan would place the property more substantially back on the tax rolls.

Jim Roviello, architect, Martin Architectural Group, addressed the topic of lowering the building height to 50' while preserving a roof pitch for snow weight. He referred to a rendering of a traditional style building, reviewing the massing, colors, vertical recesses and different gables creating visual interest. He pointed out the entrance with columns, clapboard siding, stone veneer, and transitional trim with a subtle color palette. He reviewed trash removal procedures and facilities, which feature a separate building containing a compactor. **Mr. Castignoli** asked Mr. Roviello to point out the refuse area in the southwest corner of the map and verified that it would be about 14' high. **Attorney Knuff** underscored the scheduled trash removal twice a week, the entirely enclosed building so as not to bother neighbors or tenants, and the large buffer.

Wayne Violin, landscape architect, BL Companies, referred to a drawing illustrating distances between the complex and Meadows End Road. He pointed out a graphic that highlighted the distance from the back of the proposed buildings to the edge of the buffer property. He described the nature of the trees in that area and noted that much of that area would remain undisturbed, including

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the wetlands. He reviewed site lighting, noting that the highest picture pole was 20' except near Rt 1, which is more commercial. He said no light trespass would emanate from the property.

Attorney Knuff asked for questions. **Vice Chairman Satti** verified that the zone change was a prerequisite to other approvals. He reviewed various statistics associated with the project. **Attorney Knuff** said the conceptual plans showed 202 units and current plans reflect the same number but noted that as tenant negotiations ensued, the unit density had to change. He noted that the plan still featured 10 percent affordable units. Additional discussion ensued regarding references to stories versus height setbacks, but concluded that the regulations had eliminated references to stories. **Mr. Sulkis** also reviewed for the board its actions on the proposal to date and what was being requested at the current hearing. He listed the order of approvals needed, including the option to approve with a condition to change the residential building height to 50'. **Mr. Hirsch** verified that the original plan was for 4 stories, but had changed to 5 stories. **Attorney Knuff** stressed a goal of maintaining 202 units to make the project economically feasible and noted that substantial environmental cleanup was also a cost.

Mr. Sulkis read his administrative summary, which listed the salient details of the project including the application review approvals, the previous regulation change, and the increased density from 17 units per acre to 19. He underscored that references to stories have been removed from Milford Zoning Regulations. He noted that there are proposed 2 parcels, one for commercial and one for multifamily residential use. He reviewed details on the retail redevelopment. He said the multifamily complex is comprised of 7 buildings plus the trash building and reviewed the parking configuration. He said the proposed subdivision adjustment will be substantially compliant with the regulations. He noted that the applicant asked for a waiver of Open Space fee by providing donated space instead.

DISCUSSION

Vice Chairman Satti asked for public comment.

OPPOSED

Robin Lewis, 195 Meadows End Road, objected to the height of the buildings. She compared this development unfavorably with the MUSE development on 26 acres. She said she appreciated the attempt to deal with objections, but still thinks the project is too big for the neighborhood.

Curt Rossell, 14 Lucille Drive, said the project seemed like a bait and switch to him. He said shade will be cast over the entirety of Lucille Drive and he was disappointed that the view along the street will change.

Bob Rich, 195 Meadows End, reviewed his understanding that the approval given in February featured 180 units on 12 acres. He said he had polled his neighbors with the result that 22 residential owners opposed to the project.

Thomas Rebello, 147 Meadows End Road, expressed concern about the lighting plan and the wetlands, saying he thought the plan involved filling them in.

Suzanne Chimini, 187 Meadows End Road, said she started a petition after talking to people whose privacy will be disrupted by the complex. She said she felt the density is excessive and expressed concern for the wetlands after the proposed zone change.

Vice Chairman Satti noted receipt of a letter in opposition from Donna Dutko. He invited Attorney Knuff to rebut.

REBUTTAL

Attorney Knuff said the MUSE complex was also situated on 10-acres. He said the residential building height will be similar to the tree canopy, and that there will be no filling of wetlands, noting 3 approvals from the Inland Wetlands Agency. He said a conservation easement could be added as a condition and that the number of units had consistently been 202. He noted environmental challenges, lease issues, and a general consensus that the site has been an eyesore for decades. He listed the substantial improvements planned, including moving from no stormwater treatment of any kind now to the treatment included in the plan, saying the Inland Wetlands Agency was pleased with this improvement. He said the complex was dark-sky compliant with 18' light poles in the residential area and 20' light poles in the commercial area.

Vice Chairman Satti noted 6 letters of support from the earlier application. He and Attorney Knuff discussed how it came about that more density was needed. **Attorney Knuff** said the goal was to retain the same number of units despite having to adjust space distribution between commercial and residential portions of the project. He said that apportionment was based on the results of ongoing negotiations with tenants at the time of the original proposal that subsequently broke down. **Vice Chairman Satti** asked **Mr. Sulkis** about potential for the regulation change to affect other CDD3 property, but to the best of Mr. Sulkis' knowledge there is no other property this size. **Mr. Sulkis** explained why it makes more sense for just one type of property to occupy one zone, noting

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that the zoning regulations address conditions for buffers between commercial and residential zones, but without clarity about the property's zone, it becomes hard to decipher how the buffer is managed. **Attorney Knuff** revisited the history of applications for the project. He focused on the buffer zone, noting that it could be made subject to Open Space (OS) restrictions or deemed a conservation easement such that it can never be built upon. **Mr. Zahariades** and **Mr. Mortimer** asked for detail on the buffer zone and discussion ensued on the 50' height of the existing trees, many of which are deciduous. **Attorney Knuff** said they will be preserved, and evergreen trees added. Further discussion ensued on the proximity of trash containment structure to residential area of both neighbors and tenants. The presence of 4 electric charging stations was identified in the residential area, as well as solar panels on clubhouse. **Mr. Hirsch** and **Mr. Zahariades** resumed discussion of unit density and the economically feasibility of reducing the number of units.

Vice Chairman Satti reviewed the timetable for closing and voting the various items and asked if **Attorney Knuff** wanted a vote with only 8 members present. Further discussion on voting criteria and the configuration of the Milford board ensued. **Attorney Knuff** expressed a preference for an immediate vote unless some members have substantial concerns. **Vice Chairman Satti**, **Mr. Sulkis**, and **Attorney Knuff** discussed the sequence of the vote, with the zone map amendment needing action first. **Mr. Sulkis** reviewed requirements for making a donation of open space for the re-subdivision, including natural resource protection and environmental education, noting that the IWA can create public postings to educate residents. **Attorney Knuff** stated there was no verified protest under section 10.5, which only applies to zone changes and requires participation of 20 percent of parcels in the zone. **Mr. Castignoli** suggested the public hearing could be closed and the vote delayed. **Mr. Hirsch** agreed that the hearing should be closed. **Vice Chairman Satti** closed the public hearing while **Attorney Knuff** added that as a point of order, his client preferred a vote tonight.

Mr. Hirsch warned that denying the project would scuttle a deal correcting a blighted property. **Mr. Kader** wanted conditions about the donation of open space and solar panels. **Mr. Sulkis** recommended incorporating an OS easement to preserve the space in perpetuity but allow the city to receive taxes from it.

Mr. Mortimer moved to approve as presented the Petition John Knuff, Esq. for a change to Milford Zoning Regulations Article III, Section 3.18.2 Corridor Design Development District 3 – Bridgeport Avenue Design Corridor District: CDD-3, and Article V, Supplementary Regulations Section 5.1 Parking and Loading Regulations. Effective Date December 9, 2022.

Vice Chairman Satti asked if Mr. Mortimer would allow an amendment to modify subparagraph 5 for a height limit of 50' which Mr. Mortimer accepted. **Mr. Zahariades** and **Vice Chairman Satti** discussed the amendment. **Mr. Kader** asked about application to other 10-acres parcels; **Mr. Sulkis** said there were, to the best of his knowledge, no other such parcels in the zone, although another set of lots might be assembled to create a parcel of that size. He corrected the parcel size to 15 acres.

Second: Ms. Austin seconded.

Discussion: Vice Chairman Satti expressed reservations that density information had not be presented earlier. **Mr. Castignoli** felt that another proposal would be forthcoming. **Mr. Hirsch** thought it better to accept the current proposal.

Vote: Motion failed as follows:

WITH THE MOTION: N. Austin, E. Hirsch, B. Kaligian, J. Mortimer

AGAINST THE MOTION: J. Castignoli, J. Kader, R. Satti, M. Zahariades

Vice Chairman Satti asking about the remaining votes. Mr. Sulkis said a vote could be taken on the zone change because this correction of a zone bifurcation doesn't have to be connected to an application. Mr. Sulkis said item 3 could be voted. **Vice Chairman Satti** asked if they wished to vote to move the line on a map to make the zone line match property line.

2.) **589 Bridgeport Avenue** (Zone CDD-3) Petition of John Knuff, Esq. for a Special Permit with Site Plan Review, and re-subdivision to construct a residential complex at Map 025, Block 207, Parcel 50A, of which Casey Associates LTD Partnership is the owner. (Held Open from September 20, 2022) **(REMOVED FROM VOTING DUE TO FAILURE OF PREVIOUS MOTION)**

3.) **589 Bridgeport Avenue** (Zone CDD-3) Petition of John Knuff, Esq. for a Change of Zone to construct a residential complex at Map 025, Block 207, Parcel 50A, of which Casey Associates LTD Partnership is the owner.

Mr. Mortimer moved to approve as presented the petition of John Knuff, Esq. for a Change of Zone to construct a residential complex at Map 025, Block 207, Parcel 50A, of which Casey Associates LTD Partnership is the owner. Effective Date December 9, 2022.

Second: Ms. Austin seconded.

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Discussion: None.

Vote: Motion carried unanimously.

2. 589 Bridgeport Avenue (Zone CDD-3) Petition of John Knuff, Esq. for a ~~Special Permit with Site Plan Review, and~~ re-subdivision to construct a residential complex at Map 025, Block 207, Parcel 50A, of which Casey Associates LTD Partnership is the owner. (Held Open from September 20, 2022)

Discussion ensued on the possibility of making a motion to re-subdivide the property with designation of wetlands as Open Space to be preserved in perpetuity, but the group deemed it preferable to delay the vote to allow for crafting of the motion.

The public hearing was closed.

4.) 1620 Boston Post Road (Zone CDD-5) Petition of Corey LeBlanc, Phase Zero Design for a Special Exception to allow Hartford Health Care to utilize a portion of the structure on Map 100, Block 804, Parcel 8A of which BPR Milford RSK, LLC is the owner.

Matthew Wittmer, Phase Zero Design Architects, Simsbury, addressed the board. he noted the presence of Mr. LeBlanc. He described the plan for the Ethan Allen building with the tenant looking to subdivide the current 20,000 sf space into to units of 10000 sf each. The rear unit would become a medical use with the remaining space facing Boston Post Road remaining a retail use. He shared the site plan demonstrating sufficient parking, noting that none of work proposed negates the parking covenant in place for reciprocal easements. He noted the addition of an enclosed dumpster and 2 more handicapped spaces. He said he was aware of a medical use approval nearby. He shared an elevation of the proposal with Hartford Healthcare approved design and signage. **Mr. Castignoli** asked if the practice provided urgent care; Mr. Wittmer said care was by appointment only with 45 employees on site. **Mr. Sulkis** advised that engineering and fire marshal approvals had already been met in the pre-existing building, but that sewer commission approval was required due to the change in use.

Vice Chairman Satti asked for public comment. Hearing none, he closed the hearing and asked for a motion.

Mr. Kader moved to approve as presented the petition of Corey LeBlanc, Phase Zero Design for a Special Exception to allow Hartford Health Care to utilize a portion of the structure on Map 100, Block 804, Parcel 8A of which BPR Milford RSK, LLC is the owner.

Second: Mr. Castignoli seconded.

Discussion: None.

Vote: Motion carried unanimously.

E. OLD BUSINESS—None.

F. LIAISON REPORTS— **Vice Chairman Satti** noted that he had attended SCRCOG and observed an ADU application from Hamden.

G. SUBCOMMITTEE REPORTS— **Regulation Subcommittee: Vice Chairman Satti** announced that **Mr. Hirsch** and **Mr. Mortimer** had joined the subcommittee and that two regulations had been submitted to the board for a vote on circulation: Proposed 22-10 Accessory Apartment Regulation and 22-11 Electric Vehicle Charging Stations. After circulation, the items could be added to the full board agenda. **Mr. Castignoli** motioned to approve the items for circulation, **Ms. Austin** seconded, and the motion passed unanimously.

H. APPROVAL OF MINUTES—**11/1/2022** minutes were approved unanimously.

I. CHAIR'S REPORT—**Vice Chairman Satti** noted as of next year, educational requirements go into effect for all members of land use boards with a requirement of 4 hours, minimum. He said **Mr. Sulkis** will follow up with news of educational opportunities.

J. STAFF REPORT—The proposed Meeting Schedule for 2023 got a motion to approve from **Mr. Hirsch**, seconded by **Mr. Zahariades**; it passed unanimously.

K. ADJOURNMENT was at 9:01

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.