

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE PLANNING AND ZONING BOARD HELD  
TUESDAY, JULY 5, 2017 AT 7:30 P.M. AT CITY HALL AUDITORIUM, 110 RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:31 p.m.

**A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**B. ROLL CALL**

**Members Present:** Scott Marlow (Ch), Anthony Sutton (V-Ch), Michael Dolan, John Grant, Carl S. Moore, Tom Nichol, Tom Panzella, Jim Quish, Rick Varrone

**Not Present:** Richard Lutz

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

**C. STAFF REPORT: Chairman Marlow** noted that this item should appear at the end of the agenda.

**D. PUBLIC HEARING – CLOSE BY: AUGUST 9, 2017; EXPIRES: OCTOBER 13, 2017**

1. **PROPOSED TEXT REGULATION AMENDMENT** – Petition of Thomas B. Lynch, Esq., on behalf of Beach Village, LLC, to amend Section 3.17.2.16 (2) and 3.17.2.16 (4) of the Milford Zoning Regulations to allow mixed use buildings in the CDD-2 zone with less than 20% commercial.

Article III Section 3.17.2.16 (2) and (4) as follows:

*(2) In case of a lot that is wholly or partially in the AE-12 flood zone and containing four or more acres, the total gross floor area devoted to commercial use shall be 5.5% and the remaining use shall be residential. **(new)***

*(4) The balance of the total gross floor area of the buildings in a mixed-residential use shall contain one or more of the following uses: **(new)** (items a thru e unchanged).*

**Attorney Lynch**, Lynch, Trembicki and Boynton, 63 Cherry St., asked that this item be withdrawn. He briefly reviewed the history of the application and said recent discussions with neighbors had yielded new possibilities for site plan changes. He said a withdrawal would allow examination of these potential changes.

2. **30 EAST BROADWAY (ZONE CDD-2)** Petition of Thomas B. Lynch, Esq., for an Amendment to a Special Permit and Site Plan Review to construct two four unit residential buildings (A & D per amended plan) on Map 16, Block 149, Parcel 7, of which Beach Village, LLC is the owner.

**Chairman Marlow** noted that this item was related to the previous one and had been withdrawn.

**E. PUBLIC HEARINGS LEFT OPEN**

**EXTENDED TO CLOSE BY: JULY 5, 2017;  
EXPIRES: AUGUST 24, 2017**

3. **PROPOSED ZONING REGULATION TEXT CHANGES** – Petition of Metro 150, LLC to amend the following language of Sections 3.16.2.2 (CDD-1) and 5.1.4 Figure 4:

**Amend Section 3.16.2.2** to remove the requirement that multi-family residential buildings are only permitted in the CDD-1 zone “when at least 30% of the units are defined as affordable housing in accordance with Section 8-30g of the Connecticut General Statutes.”

**Amend Section 3.16.2.2(4)(b)** to reduce the permitted minimum square footage of one-bedroom units in multi-family residential buildings in the CDD-1 zone to 700 square feet.

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**Amend Section 5.1.4 Figure 4** to set the following minimum off-street parking requirements for multiple family dwellings in the CDD-1 zone: (a) minimum required parking spaces of 1-1.5 per efficiency bedroom unit; (b) minimum required parking spaces of 1.5-2 per one bedroom unit; and (c) minimum required parking spaces of 2-2.5 per two bedroom units.

**Bob Smith**, Managing Director of Metrostar Properties, 50 Cherry St, noted the presence of his project team: Engineer Ray Paier, Architect Wicko, Traffic Engineer Dave Sullivan, and Attorney Amy Souchin attending in place of Attorney John Knuff.

**Chairman Marlow** asked Mr. Smith to review the previous discussion of the zone changes. **Mr. Smith** said the changes his company was requesting would be more consistent with current real estate market trends and be more consistent with other zones in Milford. He said his company doesn't do 8-30g projects and that incorporating 8-30g units should not be a *de facto* requirement of all projects. He argued for the benefit of the reduced density of his project.

**Board Discussion:** The board did not have questions for the applicant.

**Chairman Marlow** opened the hearing to the public with instructions.

**Favor:** **Dan German**, 114 Beach Avenue, said he approved of the quality of MetroStar projects.

**Opposed:** Summarized below:

**Kim Rose**, 292 Naugatuck, 118<sup>th</sup> District State Representative, opposed the project's lack of concern for affordable housing, which she said was designed to help city workers and others to live locally. She noted her own efforts to change implementation of the 8-30g statute. She said the proposed project site was well suited to affordable housing units. She noted a probable moratorium on the statute, but said that even after such a moratorium, Milford would need about 400-500 more affordable units to reach the 8-30g target percentage. She said there should be a percentage of affordable housing allocated to this project.

**Dominic Cotton**, 60 Corona Dr., urged the board to consider the long-term implications of the board's decision. He reviewed recent 8-30g projects, saying there were negative impacts to single family neighborhoods.

**Susan Glennon**, 99 Carlson Dr., reiterated comments she made at the previous meeting. She disagreed that the regulations should be changed at the request of a developer, stating that predatory developments were being forced into single family neighborhoods. She felt the proposed site of this development was much more appropriate to siting 8-30g development.

**Rebuttal**

**Mr. Smith** said 8-30g applies to all current zones except industrial zones. He said he wished to build a moderately dense, balanced project.

**Board Discussion:** **Chairman Marlow** closed the public hearing. **Mr. Sutton** asked Mr. Sulkis how many multi-family projects had been built in CDD-1; **Mr. Sulkis** said no affordable project had been proposed in any CDD zones since the inception of the CDD zones in 2004. **Mr. Grant** said he didn't have a problem with the zoning requests except as they related to 8-30g construction. He expressed concern that the city would only be halfway to the 10% target of affordable units, and that it would be raising the ratio by adding more non-affordable units. He said he didn't want an opportunity lost to work at attaining the target percentage. **Mr. Quish** agreed.

**Motion:** **Mr. Quish** motioned to deny all changes to the regulations.

**Second:** **Mr. Moore** seconded.

**Discussion:** None.

**Vote:** The motion received a simple majority of those present (5-for/4-against), but not a majority of the board, so the vote was nullified per later discussion with the City attorney.

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4. **92 Plains Road, 100 Plains Road, 150 Boston Post Road, and Map 53/Block 304/Lot 88A (CDD-1)** - Petition of Metro 150, LLC for Special Permit and Site Plan Review approval to construct multi-family residential at Map 43, Block 304, Lot 80, and Map 53, Block 304, Lots 82, 83, and 88A, of which Jordan Realty, LLC is the owner.

**Mr. Sulkis** noted that this item could not be presented because it was not clear whether a majority of those present was required to pass the motion, or a majority of the board. This item was suspended pending legal clarification.

**F. PUBLIC HEARING**

**CLOSED: JUNE 20, 2017;**

**EXPIRES: AUGUST 24, 2017**

5. **178 SEASIDE AVENUE (R-12.5)** Petition of Thomas Lynch, Esq., for Special Permit, Coastal Management and Site Plan Review approval, to construct 12 residential units under Connecticut General Statutes 8-30g, on Map 35, Block 434, Parcel 8, of which GAMS LLC is the owner.

**Board Discussion:** **Chairman Marlow** noted that the hearing was closed and asked for further comment. **Mr. Grant** reviewed his previous proposed changes to the plan.

**Motion:** **Mr. Grant** moved to approve with conditions as follows:

- 1) Unit D-3 shall be removed, making the rear most building only 2 units (project total of 11 units) and set the dumpster further back from the property line.
- 2) The number of affordable units shall remain at 4.
- 3) The area of the removed unit shall be suitably landscaped with tall and thick vegetation to obscure the remaining buildings from view from the rear and side property line.
- 4) An additional landscape buffer containing tall and thick vegetation to obscure the view of the parking lot shall be added along the property line with 170 Seaside Avenue in the location of the 2 guest parking spaces closest to the front of the property line. The buffer shall extend north and south toward the front property line in as far as it can extend without interfering with site lines of vehicles entering or exiting the property.
- 5) The existing 8' north setback along the property line bordering 182 Seaside Avenue shall be increased to 10' and landscaped as a landscaped buffer containing tall and thick vegetation to obscure the view of the buildings from 182 Seaside Avenue. The 10' buffer shall extend along the entire property line and shall extend toward the front property line in as far as it can extend without interfering with site lines of vehicles entering or exiting the property.
- 6) The Affordability and Marketing plan shall be updated taking into account the removal of 1 unit, and shall be accepted by the City prior to the issuance of building permit.
- 7) Change architectural elevation rendering to make the buildings more aesthetically appealing.

**Second: Mr. Varrone**

**Discussion:** **Mr. Dolan** said he would vote in favor of Mr. Grant's motion, despite reluctance to see such projects proceed when they don't fit in the proposed neighborhood, because it would be a waste of City taxpayer money to defend appeals that would not succeed in court. **Mr. Varrone** echoed Mr. Dolan's sentiments, saying the project abused the spirit of the 8-30g law. **Mr. Grant** said he would like to see the developer withdraw the project and plan one for Plains Road. **Mr. Marlow** echoed the sentiments expressed. **Mr. Quish** expressed opposition.

**Vote:** In favor: Messrs. Dolan, Grant, Sutton, Verrone, Marlow, Panzetti; Against: Messrs. Quish, Moore, Nichols  
**The motion passed.**

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**NEW BUSINESS**

6. **395 ORANGE AVENUE – REQUEST FOR BOND RETURN** - Request by Angelo Lisi and Michael Field for the return of their subdivision bond in the amount of \$23,895.00, which represents the total bond payment of \$26,550.00, less \$2,655.00, (10% withheld for one-year maintenance), in accordance with the memo by Gregory Pidluski, City Engineer, dated June 29, 2017.

**Mr. Sulkis** explained the standard administrative procedure for subdivision bonds, and that a motion was required to release the bond.

**Motion:** Mr. Sutton motioned to deny all changes.

**Second:** Mr. Moore seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- G. **LIAISON REPORTS** –None

- H. **REGULATION SUBCOMMITTEE** – Three regulation changes were proposed: A new definition of take-out restaurants; and related to this, a change to the parking regulation for drive-through to include “fast food.” The heading was changed from Drive-In to Drive-Through and the location of that regulation was changed from Article 5 to Article 4.

**Motion:** Mr. Grant motioned to accept all changes.

**Second:** Mr. Nichol seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- I. **APPROVAL OF MINUTES** –for **6/20/2017**: by new recording secty, approved unanimously.

- J. **CHAIR’S REPORT** – No update

- K. **STAFF REPORT** – **Mr. Sulkis had** no update now, but said he would get an opinion on the majority required for a vote. He advised that motions should be in the affirmative.

- L. **ADJOURNMENT** was at 8:32 PM.

Attest:

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