

## Minutes, Public Hearing of Zoning Board of Appeals Meeting held 14 September 2021

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday 14 September 2021, beginning at 7:00 p.m. at 110 River Street, to hear all parties concerning the following applications, some of which require Coastal Area Site Plan Reviews or exemptions.

### **A. PLEDGE OF ALLEGIANCE / ROLL CALL**

**Mr. Tuozzola** called the meeting to order at 7:03 pm. He advised that the first item, 22 Broad Street, had been postponed to October. He asked Mr. Casey to vote in in Ms. Ferrante's absence and asked Ms. Valiquette to act as Board Secretary, also in Ms. Ferrante's absence.

**MEMBERS PRESENT:** Chris Wolfe, William Soda, Christine Valiquette, Joseph Tuozzola (Ch)

**ALTERNATES PRESENT:** Michael Casey, Gary Dubois

**MEMBERS/ALTERNATES ABSENT:** Sarah Ferrante, Etan Hirsch

**STAFF PRESENT:** Stephen Harris, Zoning Enforcement Officer; Meg Greene, Clerk

### **CONSIDERATION OF AGENDA ITEMS**

- 1) **22 Broad Street** MBP 54/402/12; MCDD; Appeal the Decision of the City Planner/Zoning Enforcement Officer in accordance with the provision of section 9.2.1 regarding decision dated July 23, 2021, that ZEO had erroneously issued zoning permit and revoking permit a year after it was issued and substantial work performed in reliance on permit. **POSTPONED**
- 2) **8 Belmont Street** MBP 71/774/5; R-7.5; Seila Mosquera, owner; Vary section 3.1.4.1 front-ym setback to 10' where 20' req., bldg. cov. of 54% where 40% perm., lot cov. of 67% where 60% perm; sec. 4.1.4 rear-ym projection to 18' where 21' req. for porch and steps.

**Ms. Mosquera** addressed the board and introduced her husband, Angel Bruno. She described the in-law apartment they wish to build. She introduced her architect, Ray Oliver. 3 Lafayette Street. He described the variance requests in detail and displayed elevations and floor plans. He said the hardship was that the lot has 2 front yards. He pointed out the 500 sf in-law apartment is a modest request for the use.

### BOARD DISCUSSION

**Mr. Tuozzola** asked if anyone wished to speak in favor of or in opposition to the application; hearing none, closed the hearing and asked for board discussion and/or a motion.

**Mr. Soda** said he originally thought the increase in the house's footprint was too big, but having reviewed the elevations, he was reassured that it was not excessive. **Mr. Tuozzola** and **Mr. Wolfe** expressed concerns about lot coverage.

**Mr. Soda** motioned to **approve** based on the hardship of the corner lot. **Mr. Casey** seconded. The motion carried with **Ms. Valiquette** and **Messrs. Casey, Soda and Wolfe** voted **with the motion**. **Mr. Tuozzola** voted **against the motion**.

- 3) **20 Maddox Avenue** MBP 27/451/7; R-5; Thomas Lynch, Esq., attorney for Three S Properties, LLC, owner; Vary Sec. 3.1.4.1 east side-yard setback to 5' where 10' req.; 4.1.4 rear deck proj. to 12.8' where 16' perm., porch proj. to 6.1' where 8' perm. to construct a single-family residence.

**Attorney Lynch**, 63 Cherry Street, asked for separate votes on each of the individual addresses, but requested permission to describe them concurrently as they are very similar. The chair asked **Ms. Valiquette** to read both items 3 and 4, which she did.

- 4) **20 aka 22 Maddox Avenue** MBP 27/451/7; R-5; Thomas Lynch, Esq., attorney for Three S Properties, LLC, owner; Vary Sec. 3.1.4.1 east side-yard setback to 5' where 10' req.; 4.1.4 rear deck proj. to 10' where 16' perm., porch proj. to 6' where 8' perm. to construct a single-family residence.

**Attorney Lynch** said the request was to allow more aesthetically pleasing homes to be built by allowing them to be wider than the setbacks require, because the lots would support taller, more narrow houses that could be built as of right. He said the wider footprint also provided space for side-by-side parking under the home, rather than tandem parking which tends to result in the

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homeowner parking on the street. He said his client, Buddy Field, had discussed the variances with the neighbors and most agreed to sign a letter of supporting a preference that the houses be built based on the variance application proposals.

### **DISCUSSION**

**Mr. Soda** noted that recent similar approvals had featured a condition that the height be restricted. **Mr. Field** expressed concern that a height restriction could set up a conflict with the regulatory limit due to elevation required by the flood zone mitigation rules. **Mr. Soda** suggested that in lieu of a height restriction, a limit of 2 floors of living space and restriction on finishing attic space be set as conditions of approval.

**Ms. Valiquette** expressed concern about the proximity of the houses. **Mr. Soda** expressed sympathy for the small lot sizes which were often a feature of their historical nature as small beach cottages.

### **BOARD DISCUSSION**

**Mr. Tuozzola** asked if anyone wished to speak in favor of or in opposition to both applications, hearing none, he closed both hearings.

### **MOTION FOR ITEM 3:**

**Mr. Soda** motioned to approve with conditions as follows: *a limit of 2 floors of living space above the foundation with attic space for storage only with no living space*. **Mr. Casey** seconded. The motion carried with Messrs. Casey, Soda, Wolfe and Tuozzola voting with the motion. **Ms. Valiquette** voted against the motion.

### **MOTION FOR ITEM 4:**

**Mr. Soda** motioned to approve with conditions as follows: *a limit of 2 floors of living space above the foundation with attic space for storage only with no living space*. **Mr. Casey** seconded. The motion carried with Messrs. Casey, Soda, Wolfe and Tuozzola voting with the motion. **Ms. Valiquette** voted against the motion.

**A. NEW BUSINESS** – None.

**B. OLD BUSINESS** – None.

**C. STAFF UPDATE** – None.

**D. ACCEPTANCE OF MINUTES FROM 10 AUGUST 2021 HEARING:** Approved with an abstention from **Mr. Soda** who was not in attendance.

**E. ACCEPTANCE OF APPLICATIONS FOR 12 OCTOBER 2021 HEARING:** 22 Broad Street.

**Discussion ensued** about the difficulty of understanding speakers wearing masks and using the public address system. The chair said he was considering a return to online meetings.

Adjournment was at **7:30 PM**.

Any other business not on the agenda to be considered upon two-third's vote of those 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, PRIOR TO THE MEETING IF POSSIBLE.**

Attest:

M.E. Greene, Clerk, ZBA