

**STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, DECEMBER 15, 2020
REGULAR MEETING & PUBLIC HEARING
VIA THE INTERNET & CONFERENCE CALL**

Regular Meeting - 6:30 p.m. / Public Hearing - 7:00 p.m.

JOIN ZOOM MEETING
<https://us02web.zoom.us/j/85305125362>

*Meeting ID: 853 0512 5362
Passcode: 744126*

Web & Phone Meeting Instructions

- *If your computer/smartphone has mic and speaker then:
Type in, paste or click the following link: <https://us02web.zoom.us/j/85305125362>; **OR***
- *If not, then **Call-in** using the **phone number & password** provided above.*
- *Sign-up for Planning Board meeting updates by emailing lcapp@stamfordct.gov.*

Web Meeting Ground Rules:

- *The meeting shall be recorded and the video shall be posted on the City of Stamford website http://cityofstamford.granicus.com/ViewPublisher.php?view_id=8*
- *The Planning Board shall moderate the audio for attendees.*
- *Attendees shall be on mute and will be unmuted when called to speak by the Planning Board members.*
- *Applicants will have 20 minutes to make their presentation.*
- *Any applicant wishing to submit written testimony can send it prior to the meeting to lcapp@stamfordct.gov or submit through a Chat message to the Planning Board Chair during the meeting.*

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jay Tepper, Vice Chair; Jennifer Godzeno, Secretary; Michael Totilo and Michael Buccino. Alternates: William Levin and Claire Fishman (Arrived at 6:40 p.m.). Present for staff: David W. Woods, PhD, FAICP, Deputy Director of Planning; Sandy Dennies, Director of Administration; Mark McGrath, Director of Operations; Jay Fountain, Director, Office of Policy & Management; and Anthony Romano, Management Analyst, Office of Policy & Management.

Ms. Dell called the meeting to order at 6:30 p.m., introduced the members of the Board and staff present and made a brief statement regarding the public hearing.

Ms. Dell introduced the first item on the agenda.

PLANNING BOARD MEETING MINUTES:

December 8, 2020: After a brief discussion, Mr. Tepper moved to recommend approval of the Planning Board Regular Meeting Minutes of December 8, 2020; Ms. Godzeno seconded the motion, and passed unanimously with eligible members present voting, 4-0 (Dell, Godzeno, Tepper and Totilo). (Mr. Buccino was ineligible to vote as she was absent at the December 8, 2020 meeting.)

REQUEST FOR AUTHORIZATION

SUPPLEMENTAL CAPITAL PROJECT APPROPRIATION REQUESTS:

1. **CITYWIDE VEHICLE REPLACEMENT & UPGRADE - PROJECT #C65200 - TOTAL AMOUNT REQUESTED \$368,000.00:** 644 Front Loader (Cost \$233,000.00). 524 Front Loader (Cost \$135,000.00). Total cost \$368,000.00. Replace end-of-life front-end loaders which are used to address leaf collections and snow removal.

Richard Freeman, Chair, Board of Finance would like to clarify Sandy Dennies' memo and states: "The Board of Finance is not looking for the Planning Board to determine a financing mechanism. That is in our purview and our decision was the City should use capital non-recurring funds as opposed to a lease purchase. (It is less expensive). However, regardless of the purchase mechanism, the Board of Finance feels this has to be treated as a Capital Appropriation and, as such, start with the Planning Board. The Board of Finance was favorably disposed given the circumstances but the Planning Board has to review it first as per the normal process."

Sandy Dennies, Director of Administration; Mark McGrath, Director of Operations and Anthony Romano, Management Analyst, Office of Policy & Management provided background information and details on this Appropriation Request and answered questions from the Board.

After a brief discussion, Mr. Totilo recommended approval of the Citywide Vehicle Replacement & Upgrade - Project #C65200 - Total Amount Requested \$368,000.00 and this request has been reviewed pursuant to Connecticut General Statute Section 8-24 and Section C6-30-13 of the City Charter and finds this request to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the adopted 2015 Master Plan; Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

ZONING BOARD REFERRALS:

ZB #220-45 & ZB #220-46 will be presented together but voted on separately.

The Planning Board reviewed an application by this applicant in 2018 for approximately a 62-unit development in which the Planning Board unanimously recommended approval. Since the 2018 approval, the applicant has purchased an additional adjacent vacant parcel and would like to expand the development to 85 units through ZB Application #220-45 & #220-46 and in doing so will increase the BMR units from 10% to 12%. That is, will provide 10 BMR units onsite - 5 one-bedroom and 5 two-bedroom at 50% AMI. Lisa Feinberg, attorney with Carmody Torrance Sandak Hennessey, LP; made a brief presentation in which she discussed both ZB Application #220-45 and #220-46 together and answered questions from the Board.

1. **ZB APPLICATION #220-45 - 819 EAST MAIN STREET, LLC & 831-833 EAST MAIN STREET, LLC - 821, 825, 827 & 831 EAST MAIN STREET & 27 - 29 LAFAYETTE STREET - Map Change:** Applicant is seeking a Zoning Map change from C-I Zoning District to MX-D Zoning District.

After a brief discussion, Mr. Totilo recommended **approval** of **ZB Application #220-45** and that this request is compatible with the neighborhood and consistent with the Master Plan Category #9 (Urban Mixed-Use); Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

2. **ZB APPLICATION #220-46 - 819 EAST MAIN STREET, LLC & 831-833 EAST MAIN STREET, LLC - 821, 825, 827 & 831 EAST MAIN STREET & 27 - 29 LAFAYETTE STREET - General Development Plan and Special Permit:** Applicant is proposing to demolish all existing structures and construct a residential building with eighty-five (85) apartments, ground floor retail/flex amenity space and eighty-five (85) on-site parking spaces.

After a brief discussion, Mr. Tepper recommended **approval** of **ZB Application #220-46** and that this request is compatible with the neighborhood and consistent with the Master Plan Category #9 (Urban Mixed-Use); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

Ms. Dell stated as it was almost 7:00 p.m. ZB Application #220-47 will be postponed until after the Public Hearing.

PUBLIC HEARING TO START AT 7:00 P.M.

Ms. Dell suspended the Regular Meeting and opened the Public Hearing. Ms. Dell read the two items for consideration into the record as follows:

PUBLIC HEARING:

1. **MASTER PLAN AMENDMENT #MP-439 - RICHARD REDNISS, REDNISS & MEAD representing SPRAGUE OPERATING RESOURCES, LLC - 10 WATER STREET; 2187 ATLANTIC STREET and PARTS OF THE RIGHT-OF-WAY - Map Change:** Applicant is requesting a change from MP Category #10 (Shorefront Mixed-Use) to MP Category #9 (Urban Mixed-Use).
2. **MASTER PLAN AMENDMENT #MP-440 - RICHARD REDNISS, REDNISS & MEAD representing SPRAGUE OPERATING RESOURCES, LLC - 10 WATER STREET - Text Change:** Applicant is requesting to amend the City of Stamford 2015-2025 Master Plan by adding the following language to the end of Section 8.2, Subsection #9 (Urban Mixed-Use):

All shorefront development shall include meaningful public access to the waterfront except where public safety would be a risk. After review and recommendation by the Harbor Management Commission and the Planning Board, all development within this category shall be subject to approval of site and architectural plans and/or requested uses by the Zoning Board. Development plans must include water-dependent uses such as public access facilities, boatyards, marinas, marine sales and service and business requiring waterborne shipping and receiving or water access. Access to the Waterfront for lots designated as part of the Proposed Greenway in the 2015-2026 Master Plan (Figure 18: Connectivity Map) shall provide public access easements recorded on the Stamford Land Records.

Ms. Dell provided a detailed explanation of the procedure for the Public Hearing.

Ms. Dell turned over the meeting to Dr. Woods, who asked Ms. Godzeno to read the Legal Notices into the record as follows:

Legal Notice - Master Plan Amendment #MP-439

APPL. MP-439 - Notice is hereby given that the Planning Board of the City of Stamford, CT will conduct a Public Hearing on Tuesday, December 15, 2020 at 7:00 p.m. via phone and internet video conference to consider the applications of Sprague Operating Resources, LLC to amend the City of Stamford Master Plan Map to change portions of property currently located in Master Plan Category #10 (Shorefront Mixed-Use) to Master Plan Category #9 (Urban Mixed-Use). The subject properties are commonly known as 10 Water Street; 2187 Atlantic Street and parts of the Right of Way.

Land to be changed from Master Plan Category #10 to Master Plan Category #9 is described as follows:

Including portions of those parcels of land commonly known as 10 Water Street (Assessor Card #003-8404) and 2187 Atlantic Street (Assessor Card #001-0695), located in the City of Stamford, generally bound as follows:

Beginning at a point on the northeast corner of 10 Water Street and thence running in the following directions:
Southerly: 240' ± along land n/f of Walter Wheeler Drive SPE, LLC
Easterly: 131' ± along said land n/f of Walter Wheeler Drive SPE, LLC;
Southerly: 198' ± along said land n/f of Walter Wheeler Drive SPE, LLC to the centerline of Atlantic Street;
Westerly: 352' ± along the centerline of Atlantic Street;
Northerly: 572' ± along the West Branch of Stamford Harbor; and
Easterly: 301' ± along land n/f of City of Stamford, land n/f of Sprague Operating Resources, LLC; the southerly terminus of Berkeley Street and land n/f of Sprague Operating Resources, LLC; each in part, to the point of beginning.

Instructions for joining the meeting will be posted on the Planning Board website in advance of the Hearing (www.stamfordct.gov/planning-board). The Hearing may be continued to such time and place as will be announced by the Planning Board at the Public Hearing. Additional plans and application materials will be available for your review online in advance of the Hearing on the Planning Board website (www.stamfordct.gov/planning-board) or upon request at the office of the Land Use Bureau, 7th Floor of the Government Center, 888 Washington Boulevard, Stamford, Connecticut.

ATTEST: THERESA DELL, CHAIR
STAMFORD PLANNING BOARD

Dated at the City of Stamford this 4th day of December 2020.
[End Notice MP-439]

Legal Notice - Master Plan Amendment #MP-440

APPL. MP-440 - Notice is hereby given that the Planning Board of the City of Stamford, CT will conduct a Public Hearing on Tuesday, December 15, 2020 at 7:00 p.m. via phone and internet video conference to consider the applications of Sprague Operating Resources, LLC to amend the City of Stamford Master Plan 2015-2025 by adding the following language to the end of Section 8.2, Subsection #9 (Urban Mixed-Use):

All shorefront development shall include meaningful public access to the waterfront except where public safety would be a risk. After review and recommendation by the Harbor Management Commission and the Planning Board, all development within this category shall be subject to approval of site and architectural plans and requested uses by the Zoning Board. Development plans must include water-dependent uses such as public safety dock with access, other public access facilities, boatyards, marinas, marine sales and service and businesses requiring waterborne shipping and receiving or water access. Access to the waterfront for lots designated as part of the Proposed Greenway in the 2015-2025 Master Plan (Figure 18: Connectivity Map) shall retain serviceable in water structures and provide public access easements recorded on the Stamford Land Records.

Instructions for joining the meeting will be posted on the Planning Board website in advance of the Hearing (www.stamfordct.gov/planning-board). The Hearing may be continued to such time and place as will be announced by the Planning Board at the Public Hearing. Additional plans and application materials will be available for your review online in advance of the Hearing on the Planning Board website (www.stamfordct.gov/planning-board) or upon request at the office of the Land Use Bureau, 7th Floor of the Government Center, 888 Washington Boulevard, Stamford, Connecticut.

ATTEST: THERESA DELL, CHAIR
STAMFORD PLANNING BOARD

Dated at the City of Stamford this 4th day of December 2020.
[End Notice MP-440]

Dr. Woods introduced Richard Redniss, of Redniss & Mead, representing Sprague Operating Resources, LLC. Mr. Redniss made a presentation and answered questions from the Board.

Ms. Dell asked the Board if they had any questions or comments.

Mr. Tepper suggested Dr. Woods make his comments first so the Board can consider all the information presented.

Ms. Dell asked to make her comments first

Ms. Dell stated she is very concerned about the change from Category #10 to Category #9. The main reason is this is a major water-dependent access piece of property. Category #10 in the Master Plan is very emphatic on water uses and water access and any building on this site can only be at a height of Category #4 which would be only be 4 to 5 stories. Even though there are other properties which are Category #9, this parcel should not be Category #9 and should be Category #5 which is not as intensive and would also like to have the Text Change for the Master Plan be included in Category #9 and Category #5 as it applies to both. Many properties near the water can fall under Category #5 and should not be this intense. This is an important property and it is near the end of the properties on the water that can be developed. It is feared, as seen before with Category #9, an applicant can come forward and build a 25 story building on that piece of property. We would not like to see a huge high rise on this piece of property. Would like to see a smaller development, something in line with the surrounding residential neighbors. This parcel should not be changed to Category #9 and put in Category #5 and if there is disagreement, then it should stay in Category #10 which would mean whatever is built would need to stay within the Category #4 building requirements and with very water-dependent uses and minimum building on the site.

The following is the original Text Change proposal for the benefit of those who have not seen the application:

All shorefront development shall include meaningful public access to the waterfront except where public safety would be a risk. After review and recommendation by the Harbor Management Commission and the Planning Board, all development within this category shall be subject to approval of site and architectural plans and requested uses by the Zoning Board. Development plans must include water-dependent uses such as public access facilities, boatyards, marinas, marine sales and service and businesses requiring waterborne shipping and receiving or water access. Access to the waterfront for lots designated as part of the Proposed Greenway in the 2015-2025 Master Plan (Figure 18: Connectivity Map) shall provide public access easements recorded on the Stamford Land Records.

After conversations with Dr. Woods, it was decided the Text Change language should be amended as many of the aspects in the original proposed language related more to Zoning issues than Master Plan issues and reads as follows:

All shorefront development shall include meaningful public access to the waterfront except where public safety would be a risk. Access to the waterfront for lots designated as part of the Proposed Greenway in the 2015-2025 Master Plan (Figure 18: Future Connectivity Map) shall provide public access easements recorded on the Stamford Land Records and context-appropriate water-dependent uses.

This makes it so there are water-dependent uses on this parcel, which is felt to be very important. This paragraph should be added to both Category #5 and Category #9.

Ms. Dell then asked the Board for comments.

Ms. Dell asked Dr. Woods for his comments. Dr. Woods stated Category #9 allows for a mix of open space land use and potential water-dependent uses as well as Category #5. What is it the Planning Board wants as far as overall goals for housing, affordable housing and development along the waterfront in a way that people who are boating can see beautiful buildings. Architectural design and urban design, walkability; all things the Planning Board needs to think about. Strongly recommend Category #5 or #9; should not remain in Category #10.

Mr. Redniss stated that this parcel is zoned RH-D which has a height requirement of a maximum of 12 stories and this site is not eligible for a 25-story building.

Ms. Dell made further comments regarding keeping the building requirements to lower height construction making an argument for a change to Category #5 for this parcel.

Mr. Redniss provided additional argument for the change to Category #9.

Ms. Dell called for comments for the public but allowed Mr. Tepper to ask Mr. Redniss what the issues are with considering changing to Category #5 instead of Category #9.

Mr. Redniss stated that Category #5 is a category for residential development only. Whereas Category #9 requires a mix of uses within the development to be approved.

Ms. Dell opened the public portion of the meeting and asked Dr. Damian Ortelli, Chair, Harbor Management Commission to read his comments into the record.

Dr. Ortelli stated the Commission has been working closely with Mr. Redniss over the last two months and have met four times on this project and have spent a significant amount of time and been working together on both of these applications.

The Text Change was found last month, by vote, unanimously consistent with the Harbor Management Plan and the applicant did revise the language in the interim and again found the text as submitted to the December 5, 2020 Application Review Committee of the Harbor Management Plan to also be consistent with the Harbor Management Plan. For the record, The Commission did not review or vote on the Staff changes prepared by Dr. Woods that was sent out today. We have not found that particular version consistent with those changes to the record. It was not formerly presented to us and that particular version was not found consistent.

The Commission found, in what was not a unanimous vote, the Map Change to be inconsistent with the Harbor Management Plan. There were some recusals; some extensions, nay votes but did have enough positive votes to find it inconsistent. Therefore, this would create a need for a $\frac{3}{4}$ majority vote (4 of the 5 voting members) from the Planning Board for approval. There is the option to go against our findings but would take a $\frac{3}{4}$ majority vote of the Planning Board to do so. The Commission found several issues with this application and listening to your comments, it seems like our issues are similar. Without the applicant in front of us, it was difficult to ascertain and ask what the issues would be and unable to figure out what the applicant could do in Category #9 but could not do in Category #10. The Commission is concerned the change from Category #10 to Category #9 would not be consistent with the Harbor Management Plan and could diminish water-dependent use. The Commission will prepare a full and thorough letter outlining all the Commission's concerns. A few of the highlights are there was no study to show the viability of this site under Section 10 was no longer viable, it was felt the best way to protect and promote water-dependent uses would be to not make a change and the Commission felt this was somewhat premature at this point but would consider a change if presented with all details of the change.

Dr. Woods stated the main concern with leaving this site at Category #10 is water-dependent uses that are of a heavy industrial type and working to remove heavy industrial uses from the area.

Dr. Ortelli commented that maybe there should be a more thorough review as to whether Category #10 is appropriate for this site.

Dr. Woods stated that even though it is agreed this is a good idea, there is just is not enough time or personnel to conduct a Category #10 study until the new Master Plan.

Mr. Tepper asked Dr. Ortelli what the Commission's objections are to Category #9 or Category #5.

Dr. Ortelli said the Commission did not review Category #5 as that was not part of the discussions; only looked at Category #9 and Category #10. Category #10 as currently laid out is specifically for protecting existing water-dependent uses and encouraging new uses. Whereas in Category #9 the language is more encouraging of redevelopment and providing a transition to a more intensive Downtown area; not specifically working towards those water-dependent uses and that is our prevue, to protect, enhance and support those water-dependent uses. The Commission felt there was not enough of a reason to provide relief to the applicant.

Mr. Tepper asked Dr. Woods, based on Dr. Ortelli's comments, is the Planning Board is in a position where the only Category that specifically protects water-dependent uses also leaves the possibility of uses we do not want?

Dr. Woods agreed but explained that is not the only one. Category #9 talks about recreational uses serviced by mass transit. This is recreational uses which are access to the waterfront and potentially water-dependent uses that are included as part of the text we changed - Context appropriate water-dependent uses - as recommended. The Master Plan talks about recreational uses and protecting the waterfront and connecting the waterfront recreation activities especially along the West Branch. Again, my biggest concern is what could be put on that site.

Ms. Dell opened the public portion of the meeting and asked if anyone from the public would like to speak *In Favor* of these applications. There was no response.

Dr. Ortelli asked Ms. Dell is there was anything further as he needed to leave to return to their meeting in progress.

Ms. Dell called one last time to the Planning Board if there were any questions for Dr. Ortelli.

Ms. Godzeno asked for clarification on the Harbor Management Commission's objection to Category #9 and the Amendment for the additional language.

Dr. Ortelli again stated the Commission approved the submitted Text Change and substantial language that the Harbor Commission would be involved. This all goes back to the Coast Area Management Act where all these zones come in. We did not find any reason why the applicant could not accomplish their goals in the current category. We encourage the Planning Board to not act on this tonight and further review this application.

Dr. Ortelli stated the Harbor Commission's Chair of Application Review, Robert Karp, was present, and asked for confirmation the question was answered thoroughly.

Mr. Karp stated the Commission did not feel comfortable approving these applications without a specific proposal presented.

Dr. Woods showed on the South End Master Plan map that the last major Master Plan amendment was approved was in May 2020 were a large area in the South End was changed to Category #16 and also taking parcels from Category #9 to Categories #4 and #6. There were no development proposals presented for any of those parcels. So to say we do not approve Master Plan changes without a development proposal is incorrect and that's not always the case. It happens a lot. The question before the Planning Board is what type of development should be on this site and what types of developments does the Planning Board, as the stewards of the future of the City, what they want for future projects.

Ms. Dell called for anyone who would like to speak *In Opposition* the applications.

Ms. Dell called Sue Halpern, Vice President, South End NRZ, to address the Board.

Ms. Halpern stated she agreed with Ms. Dell and spoke about negative environmental impacts, less dense development and more green space.

Ms. Dell called Peter Quigley, South End resident, to address the Board.

Mr. Quigley read comments into the record. (Attached)

Ms. Dell called Sheila Barney, South End resident, to address the Board.

Ms. Barney stated she agreed with the Harbor Commission and there should be further review of these applications.

Mr. Brendan Hutchings, owner of 19 Berkley Street; also joined with owner of 13 Berkley Street, Reletta; owner of 21 Berkley Street, Michelle and owner of 24 Berkley Street, Laura. Mr. Hutchings spoke about their interest in protecting Berkley Street. Have concerns about 26 & 27 Berkley Street. Although not up for discussion but they are part of the property owned by Sprague. Recommend they be made green space or deeded to the City or sold to current residents of Berkley Street. Also concerned about sightlines to the water, damage to the retaining wall from any construction and that any redevelopment may impact parking on Berkley Street.

Ms. Reletta Frackwich(sp?), Resident 13 Berkley Street and currently rent their property. Agreed with comments made by Mr. Hutchings.

Ms. Elizabeth McCauley thanked Ms. Dell for her support of the South End and felt these changes should not be made without a proposal.

Ms. Michelle DeCarlo, Owner, 21 Berkley Street. Ms. DeCarlo made comments agreeing with her Berkley Street neighbors.

Mr. Greg Wright, Owner 16 Berkley Street, made comments about protecting the neighborhood and over development.

Ms. Dell made a final call for anyone to speak *In Opposition*. There was no response.

Ms. Dell called for anyone who would like to make any *General Comments*.

Mr. William Hennessey, of Carmody Torrance Sandak Hennessey, LP, spoke on behalf of First National Joint Venture Limited. They own the property known as either 0 Canal Street or 461 Canal Street, which is a vacant parcel located at the southeast corner of the intersection Canal Street and the Urban Transitway on the upper reaches of the East Branch of the canal. Mr. Hennessey was participating to ensure there were no consequences for First National should these applications pass.

Ms. Dell made a final call for any *General Comments*. There was no response.

Ms. Dell closed the public portion of the meeting.

Ms. Dell then asked the Planning Board if they would like to have Mr. Redniss answer some of the questions posed by the public. All agreed and Ms. Dell turned it over to Mr. Redniss.

Mr. Redniss addressed questions of Category #5 vs. Category #9 with regard to building height, spoke about the issues discussed by the Berkley Street residents and the possible approval of these applications without a development proposal in place.

Ms. Dell asked the Board for comments.

Mr. Tepper and Mr. Totilo agreed with the height restriction.

Ms. Godzeno stated she is in agreement with the change to Category #9 but not clear on the condition of the height limitation.

Mr. Levin stated being in favor of the change to Category #9.

Mr. Buccino and Ms. Fishman agreed with the change to Category #9.

Mr. Redniss explained that language could be added to the Text Change. The Map Change similarly is usually pretty clean but intentions can be stated and when brought in with the RH-D zone the height restriction is covered. Although not sure how this would be done with a Map Change other than what is stated in the record.

Ms. Dell agreed with the change to Category #9 if the RH-D restriction could be added. But would like that stated in the application. Would like it stated for construction close to the waterfront in Category #9 the RH-D restriction comes in for 12 stories. If not, I would have to vote against the amendments.

Mr. Redniss stated that the Text Change application does state “residential development within this category not to exceed permitted in Category #5.” The wording in Category #9 references Category #5 and could add “including height limitations along the coast.” I believe this would cover what you want and the Map Change is clean.

After considerable discussion it was decided to make the restriction part of the approval of the Map Change to Category #9 and add language to the Certificate of Approval that building height is on the condition of Category #5 but listed as Category #9 for the flexibility of that Master Plan category to allow for the type of development wanted there; with the mix of uses. It is a redevelopment category more than anything else where Category #5 is more of a residential category.

As per Dr. Woods, the wording for the Certificate of Approval for the Map Change amendment would be as follows:

The Planning Board approved the Master Plan Map Change Amendment for this parcel from Category #10 to Category #9 with the condition building height be limited to the requirements of Master Plan Category #5.

After final discussion, Ms. Dell called for a motion to approve Master Plan Amendment #MP-439 with the added condition.

Mr. Tepper made a motion to approve Master Plan Amendment #MP-439 with the added condition of building height being limited to the requirements of Master Plan Category #5; Mr. Buccino seconded the motion and passed unanimously with eligible members voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo)

Ms. Dell then called for a motion to approve Master Plan Amendment #MP-440.

Mr. Totilo made a motion to approve Master Plan Amendment #MP-440; Ms. Godzeno seconded the motion and passed unanimously with eligible members voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo)

ZONING BOARD REFERRALS (Continued):

3. **ZB APPLICATION #220-47 - GROVE STREET STAMFORD, LLC - 114 GROVE STREET - Special Permit:** Applicant is seeking a Special Permit pursuant to Section 10.H to convert two (2) commercial units into residential units and to permit one (1) parking space for each unit in lieu of the required 1.25.

These two special permits would convert two commercial spaces into studio apartments and the second Special Permit additionally would allow for one parking space per studio unit in lieu of 1.25 now required. Staff recommends approval especially since this parcel is located on the eastern edge of Master Plan Category #11 (Downtown) and is compatible with the neighborhood.

Joseph Capalbo, attorney representing the applicant, made a brief presentation and answered questions from the Board.

After a brief discussion, Ms. Godzeno recommended **approval** of **ZB Application #220-47** and that this request is compatible with the neighborhood and consistent with the Master Plan Category #11 (Downtown); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

4. **ZB APPLICATION #220-49 - RICHARD REDNISS, 22 FIRST CORP. - Text Change:** Applicant is proposing to amend Section 9 (CSC-D Community Shopping Center District) 9.O.5 Site Design and Architectural Criteria “e” to add additional signage language.

Ray Mazzeo made a presentation and answered questions from the Board

5. **ZB APPLICATION #220-50 - UP STAMFORD, LP - 2215 SUMMER STREET - Site & Architectural Plans and/or Requested Uses:** Applicant is seeking to extend the parking deck over part of the Stop & Shop surface lot, modify vehicle flow to improve circulation in the main (Summer Street) surface parking lot, relocate and add new signage. The property is in the CSC-D Community Shopping Center District.

These applications will allow flexibility of parking and retail uses and allow entrances from the parking deck. A number of stores including on the most successful, Stop & Shop, is located underneath the parking deck and needs better signage for people to find.

After a brief discussion, Mr. Totilo recommended **approval** of **ZB Application #220-49 & #220-50** and that this request is compatible with the neighborhood and consistent with the Master Plan Category #7 (Commercial Arterial); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

6. **ZB APPLICATION #220-48 - GR CAPITAL, LLC & RSM NORTH AMERICA, LLC - Text Change:** Applicant is proposing to amend Article III, Section 5.E (Use Regulations) of the City of Stamford Zoning Regulations to clarify the definition of “Professional Office-Principal Use” to make clear that tutors may maintain and operate professional offices within the City of Stamford.

The Applicants propose amending Article III Section 5.E of the Zoning Regulations of the City of Stamford to clarify the definition of “Professional Office - Principal Use” to confirm that tutors may maintain and operate professional offices within the City of Stamford. The precedent for classifying professional tutor offices as a Professional Office is well documented, as tutoring uses have been permitted as “Professional Office” uses in the City, including those at 1090 High Ridge Road and 111 High Ridge Road. The proposed amendment to the Zoning Regulations will codify this precedent so that future tutors may be permitted in the same manner. This use serves an important function to City residents, as tutors can be a critical component to the development of students of all ages and abilities. Approval of this application will further the goals of the Master Plan by fostering an environment that allows for “cradle to career” programming within the City and increasing workforce readiness.

Jason Klein, of Carmody Torrance Sandak Hennessey, LP, made a presentation and answered questions from the Board.

After a brief discussion, Mr. Buccino recommended **approval** of **ZB Application #220-48** and that this request is compatible with the neighborhood and consistent with the 2015-2025 Master Plan; Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

7. **ZB APPLICATION #220-44 - MORGAN GREGORY, LLC - 83 & 95 MORGAN STREET - Site & Architectural Plans and/or Requested Uses and Special Permit:** Applicant is proposing to construct a five (5) story residential building consisting of forty-two (42) apartments, two (2) levels of structured parking, associated tenant amenities and upgrades to the existing buildings.

Morgan Manor was originally constructed in the 1960s with residential towers totaling 238 apartments. The applicant is proposing an infill of the existing parking lots to add 42 additional residential units. Raymond Mazzeo, of Redniss & Mead, made a brief presentation.

After a brief discussion, Mr. Buccino recommended **approval** of **ZB Application #220-44** noting that this is the first application coming before the Planning Board which will allow the BMR units to be in the larger units instead of the studio apartments and that this request is compatible with the neighborhood and consistent with the Master Plan Category #5 (Residential - High Density Multifamily); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

ZONING BOARD OF APPEALS REFERRALS:

1. **ZBA APPLICATION #044-20 - JAMES FLEISCHER & REGAN ALLAN - 45 BELLMERE AVENUE - Variance of Table III, Appendix B:** Applicant owns a two-story single-family dwelling and is proposing to add a new 20 ft. x 34 ft. (655 sq. ft.) deck to the back of the house. Applicant is seeking: **(a)** side yard setback of 2.1 ft. in lieu of the 6 ft. required; **(b)** side yard setback of 1.7 ft. in lieu of the 6 ft. required; and **(c)** total side setback of 3.8 ft. in lieu of the 12 ft. required.

The applicant wants to build a deck close to the back corner on a corner lot. The applicant does not appear to have a hardship, which means there is no reason why they cannot build the deck with the proper setbacks. However, on the other hand, allowing for aesthetic reasons, putting the deck in the back corner as proposed would allow a larger use of the backyard and would not impact the neighbors. It is consistent with Master Plan Category #2 (Residential - Low Density Single-Family) but will leave this for Planning Board discussion.

Ms. Dell asked Dr. Woods to provide comments on this application in which he stated that today he had a conversation with applicant, James Fleischer, who brought additional information which was not clear on the application and had asked to speak. Mr. Fleischer gave a brief presentation and explained the actual hardship is a public safety issue where by putting the deck close to the back corner of this corner lot is for the protection of the public. That is, it will leave the required setback and the space will not be a hazard to children playing and pedestrians. Therefore, Dr. Woods recommended approval.

After a brief discussion, Mr. Buccino recommended **approval** of **ZBA Application #044-20** as submitted as the Planning Board feels there is a hardship with this parcel being a corner lot and a public safety issue with the placement of the deck and that this request is compatible with the neighborhood and consistent with the Master Plan Category #2 (Residential Low Density Single-Family); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

OLD BUSINESS:

Ms. Dell reported that the Safe Debt Limit was approved at \$40M. In discussions with Jay Fountain, Mr. Fountain explained the extra \$10M was for the City's new computer accounting system.

NEW BUSINESS:

Next regularly scheduled Planning Board meetings are:

- January 12, 2021 - Regular Meeting & Public Hearing (Capital Budget & Subdivision)
- January 19, 2021 - Regular Meeting

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 10:27 p.m.

Respectfully Submitted,

Jennifer Godzeno, Secretary
Stamford Planning Board

NOTE: These proceedings were recorded on video and are available for review on the Planning Board website at http://cityofstamford.granicus.com/ViewPublisher.php?view_id=20

Planning Board Public Hearing
December 15, 2020
Public Comments - Peter Quigley

Peter Quigley, 4-year South End resident, 40 years living here; 20 years running my own media business at Holly Pond Plaza, one of first tenants of Metro Center in the 1980's.

- Former Vice-Chair of the Greenwich legislative RTM Land Use, Water management and Environmental Committee; member 1st Greenwich Harbor Management Committee.

I am opposed, as should be members of Land Use Boards, to applicant's MP 439 replacing Category 10 (**Shorefront, Water-dependent Mixed Use**) of the 2015 Master Plan with Category 9, (**Urban Mixed-Use**), allowing for further high-rise development on Stamford's West Canal and then adding 440 – just the State Regulations CGS Title 22a (Environmental Protection CGS 22a – 93, (16)).

Second MP-440 is okay. Not 439!

While not to the applicant's professional background and the merits of his efforts to find a buyer, no need to add MP-439 to his MP-440 which is CT State statute ** - designed to protect 'waterfront dependent usage' along with current visions and regulations by the 2015 Master Plan.

MP-439 is making applications for Amendment changes as done at B&S Carting and High Ridge Fitness in court right now. **Category 5** being court challenged, REJECTED by Board of Representatives - 15 stories, now 25?

Is there really a need, desire, or want by the community for adding MP-439 now? Why not just enforce to the state regulations CGS Title 22a and 2015 Master Plan categories, stick to visions found in 2015 Master Plan-Category 10, as at B&S Carting site. In short, NO NEED TO CHANGE to Category 9 (MP-439) that may allow for continued high-rise business or apartment buildings – that can be built anywhere inland, not on waterfront property!

Is there a need for further overdevelopment adding population density to the South End for the 15-20,000 already coming here or rather water-dependent services, open spaces, Mill River Walks, public access? Maybe owners might be willing to work with Mill River Consortium and South End to give back, donate parcel as 'good will' marketing write-offs to do proper careful remediation of one of the most contaminated sites in the South End.

Tired of hearing economic development rationale when the City is broke needing millions \$ of debt, 'kicking the proverbial can down the road' to future tax payers. Still no traffic studies. 'This is cart before horse'

You all need to be aware of the serious public health and safety issues being raised throughout the South End with the DEEP and EPA over past 2 years. There should be land use management considerations for making certain remediation plans, and proper soil testing is to be done to protect the neighborhoods, all 12-15,000 residents, and public's health & safety surrounding any Sprague application. Public's health with known buyer(s) and their plans should be known before any deliberation – review impact of demolition, excavations and remediation plans allowed impacting neighbors.

This is no longer business in the South End as usual, as there have been significant new developments made over past 2 years culminating this year by involvement now by a super-majority Board of Representatives, the state's Attorney General, state DEEP and EPA, & all state preservation agencies.

THE NEW DEVELOPMENTS:

- (1) There are serious contamination issues and unanswered questions being raised to DEEP & EPA by community organization environmentalists to public's neighborhood health and safety.
- (2) Board of Representatives have just approved the hearing for approval of an ad hoc group's Resolution **LU30.030** in January for a Historic Preservation Study to review how and why there are been a loss of 40% historic homes – study, to make recommendations on how to prevent further loss working with Land Use Boards. **Hope you & the Land Use Bureau will support.** Study has met all state and local guidelines and requirements to be approved.
- (3) State Attorney General on November 7th has been directed to halt further demolitions in South End's historical district at 2-3 homes and Blickensdorfer factory on Atlantic Street that could involve litigation to SUPPORT state CEPA laws and won court case precedents i.e. as Cornish v City of New London.

This action from recommendations by state's Preservation Council November 7th by an 8-0 unanimous VOTE to halt further demolitions in South End – supported by state preservation agencies and many local preservationists. SHPO and all state and local independent preservationists.

- (4) Still awaiting appeal to the CT Supreme Court for "Home Rule" decisions at B&S Carting site and High Ridge as to legislative authority (Stamford Charter C2-10-2) to 'enact ordinances' to existing Categories 4 and 6, and authority of Zoning Board (C6-40-3) to make changes to Category 5 for 15 - 25 story high rises.

Respectfully, suggest denial of this Sprague Oil tank application until further information and above decisions are clarified, along with a delay of further discussion of 2020 Omnibus proposals, Section 7.3 overhaul, 2nd round at B&S carting, and Amendment changes impacting South End.

Of course, no matter what court outcomes may be, there are political overtones of land use decisions into 2021. The 'super majority' members of the 40 Board of Representatives who VOTED to REJECT land use decisions at B&S Carting and Fitness Center represent their constituency of supermajority of 150,000 City residents, home and business owners, local community leaders, the City's voters, not just the few large developers - voted to REJECT land use Amendment decisions with a message, one surmises, to stick to the enforcement of 2015 Master Plan to protect City neighborhoods – wait until 2025 when a review is made of the Master Plan. They oversee re-appointments and budgets.

Thank you, Ms. Dell and Board for the opportunity to speak.

Respectfully submitted

P. Quigley

December 15, 2020

NOTE: **CGS Title 22a – 93 (16):** *Water-dependent uses" means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to: Marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat building facilities, water-based recreational uses, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water which can reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal water.*