

**STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, APRIL 25, 2023
REGULAR MEETING & PUBLIC HEARING
VIA THE INTERNET & CONFERENCE CALL
Regular Meeting - 6:30 p.m. / Public Hearing - 7:00 p.m.**

ZOOM WEBINAR

Webinar ID: 813 6856 1581

Passcode: 851642

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/81368561581>; **OR**
- If not, then **Call-in** using the **Phone Number & Passcode** 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; and Michael Totilo. Alternates: William Levin and Stephen Perry. Absent: Michael Buccino, Voting Member. Present for staff: Ralph Blessing, Land Use Bureau Chief and Lindsey Cohen, Associate Planner.

Ms. Dell called the meeting to order at 6:30 p.m.

Ms. Dell introduced the members of the Board and staff present and introduced the first item on the agenda.

PLANNING BOARD MEETING MINUTES:

April 11, 2023: After a brief discussion, Mr. Tepper moved to recommend **approval** of the Planning Board Regular Meeting of April 11, 2023; Mr. Totilo seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

ZONING BOARD REFERRALS:

The following Zoning Board Applications (ZB #223-16 and #223-18) are part of the ongoing process to clarify ZB #222-01, which the Planning Board unanimously voted to recommend approval of at its regularly scheduled meeting held on February 22, 2022, finding the request consistent with the Master Plan.

Approval of ZB Applications #223-16 and #223-18 is recommended as the applications are aligned with Planning best practices to provide clear and organized regulatory documents, and the applications are supportive of the following Master Plan policies:

- Policy 3A: Increase Economic Resiliency and Diversity
- Policy 7M: Protect Watersheds (ZB #223-16)

1. **ZB APPLICATION #223-16 - CITY OF STAMFORD ZONING BOARD - Text Change:** The purpose of this Text Change is to move Section 17 and Section 18 concerning Zoning Permits and Certificates of Zoning Compliance to Section 19.I which contains all approval types and to require a Zoning Permit for activities that are currently not or insufficiently regulated.

Section 17 - Applications and Permits will be combined with Section 18 - Certificates of Zoning Compliance into a new Section 19.I - Zoning Permits and Certificates of Zoning Compliance. These documents are issued by the Zoning Enforcement Officer, so it is reasonable to have them in the same section. All types of permits are in Section 19 and, therefore, it is logical to move Zoning Permits and Certificates to Section 19. In addition, this Application requires a Zoning Permit for paving projects due to potential impacts on stormwater and erosion.

After a brief discussion, Mr. Tepper recommended **approval** of *ZB Application #223-16* and that this request is compatible with the neighborhood and consistent with the 2015 Master Plan; Mr. Perry seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Tepper and Totilo).

2. **ZB APPLICATION #223-18 - CITY OF STAMFORD ZONING BOARD - Text Change:** The purpose of this Text Change is to create a separate section for General Development Plans (GDP) in the Zoning Regulations with uniform requirements across different uses and districts and to simplify application procedures.

A GDP subsection of Section 19 would be developed clarifying when a GDP is required (i.e., larger, multi-phased developments requiring Final Site and Architectural approvals) and which regulations apply. Pre-application Reviews would no longer be required for the DW-D District. GDPs would no longer be required to accompany zoning map changes in certain districts.

After a brief discussion, Mr. Levin recommended **approval** of *ZB Application #223-18* and that this request is compatible with the neighborhood and consistent with the 2015 Master Plan; Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

As it was only 6:45 p.m. and too early to begin the Public Hearing, Ms. Dell called for a motion to bring forward *Old Business* and *New Business*.

Mr. Tepper made a motion to bring forward *Old Business* and *New Business*; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Tepper and Totilo).

OLD BUSINESS:

Ms. Dell mentioned the letter from the Legal Department regarding the vote on ZB Application #223-15 - Sweetspot Stamford, LLC, which was presented at the April 11, 2023 meeting. As Ms. Dell did not quite understand the opinion, Ms. Dell asked Ms. Cohen to speak to the Legal Department for further clarification. Ms. Dell provided a detailed explanation of how the vote was rendered as a recommended approval followed by a discussion on hybrid marijuana shops.

NEW BUSINESS:

Next regularly scheduled Planning Board meetings are:

- May 9, 2023 (Regular Meeting)
- May 23, 2023 (Regular Meeting & Public Hearing - Master Plan Amendment #442)

THE PUBLIC HEARING BEGAN AT 7:00 P.M.

Ms. Dell opened the Public Hearing.

Ms. Dell stated that Ms. Cohen will bring the presenters into the meeting to speak about their applications. After the applicants' presentations, the public will be allowed to speak. Ms. Dell asked that those from the public who wish to speak to use the "raise hand" icon so Ms. Cohen will be able to identify those who would like to address the Board. Ms. Dell also requested that all speakers have their video turned on so they can be seen when they join the meeting. Also, all speakers should state their name and affiliation.

Ms. Cohen noted that those calling in should hit *9 to raise hand and *6 to unmute.

INSTRUCTIONS FOR THE PUBLIC TO SPEAK ON MASTER PLAN APPLICATION #MP-442 & SUBDIVISION #4045:

- *Speakers from the public will have 5 minutes each to speak.*
- *Any public speaker wishing to submit written testimony prior to the meeting can send it to Lindsey Cohen, Associate Planner at lcohen@stamfordct.gov or to Theresa Dell, Planning Board Chair at tdell@stamfordct.gov or submit the request through a Chat message to the Planning Board Chair during the meeting.*
- *During the meeting, please do not send Chat messages to "Everyone" because it is distracting for all attendees.*
- *All public speakers wishing to speak at the Public Hearing shall send a Chat message to the Moderator/Planning Board Chair with their name and address to sign-up to speak.*
- *All public speakers shall announce their name and address clearly for the record prior to speaking.*

MASTER PLAN AMENDMENTS:

1. **MASTER PLAN AMENDMENT #MP-442 - JOSEPH J. CAPALBO II, ESQ. - 91 HOPE STREET (Continued from the March 28, 2023 Meeting):** Applicant is proposing to amend the City of Stamford 2015-2025 Master Plan changing the Master Plan designation of 91 Hope Street (Tax Assessor No. 002-6785) from Master Plan Category #2 (Residential - Low Density Single-Family) to Master Plan Category #3 (Residential - Low Density Multifamily).

Ms. Dell announced this item will be continued to the May 23, 2023 meeting as the information requested at the March 28, 2023 meeting had not been completed.

SUBDIVISIONS:

1. **SUBDIVISION #4045 - JOSEPH J. CAPALBO II, ESQ. representing SOUND BEACH LANDING, LLC - 40 SIGNAL ROAD and 0 THREAD NEEDLE LANE (4 LOTS):** The applicant is proposing to subdivide this 2.3-acre property into four (4) lots. The proposed subdivision will facilitate construction of four (4) single family homes served by a common driveway. The property is located at the southeast corner of Gate House Road and Signal Road in the Single-Family District, Low Density (R-20) Zone.

Ms. Dell announced Subdivision #4045 for 40 Signal Road and 0 Thread Needle Lane.

Ms. Dell asked Ms. Godzeno to read the legal notice into the record as follows:

*Subdivision Application No. 4045: Notice is hereby given that the Planning Board of the City of Stamford, CT will conduct a Public Hearing on **Tuesday, April 25, 2023 at 7:00 p.m.** via phone and internet video conference to consider the application of Sound Beach Landing, LLC to subdivide property into a total of four (4) parcels. The subject properties are commonly known as 40 Signal Road (Assessor #002-8017) and 0 Thread Needle Lane (Assessor #003-1160) located at the southeast corner of Gate House Road and Signal Road in the City of Stamford.*

ATTEST: THERESA DELL, CHAIR
STAMFORD PLANNING BOARD

Dated at the City of Stamford this 14th day of April 2023.

The property is located in Master Plan Category #1 (Residential - Very Low Density Single-Family), which the Planning Board approved at their May 24, 2022 Public Hearing. The property is currently improved with a large single-family home that is operated as an office building. Land uses immediately to the north are commercial/office and to the west and east are single-family homes. CT DEEP and EPB have expressed concerns regarding increasing residential densities within flood-prone areas and having dry access to the site in the case of a 100-year storm. The property formerly allowed for greater density than what is currently being proposed. The Applicant has also determined a plan for dry access via Thread Needle Lane.

Approval of this Application is recommended as it is compatible with the neighborhood and aligned with the following Master Plan policies and strategies:

- Strategy 6C.4: Continue encouraging conversion of vacant office buildings to residential use
- Policy 7H: Encourage Infill Development
- Policy 7P: Prepare Flood Mitigation Strategy

Of note, the project would be more aligned with the Master Plan if it provided for public access to the waterfront and/or incorporated water-dependent uses.

Brian Thompson, Director, Connecticut Department of Energy & Environmental Protection, Land and Water Resources Division, in a letter dated February 28, 2023, stated their office had reviewed the CSP application for consistency with the policies and standards of the Connecticut Coastal Management Act (CCMA), and found the project as proposed inconsistent with several relevant policies of the Act.

Dr. Damian Ortelli, Chairman, Stamford Harbor Management Commission (SHMC), in a letter dated March 11, 2023, stated the SHMC reviewed the Applicant's current subdivision application during the SHMC's meeting on February 21, 2023. Following significant discussion with the Applicant's representatives and comments heard from members of the public, the SHMC approved a motion to conditionally express no objection to the Applicant's subdivision plans pending receipt and review of any comments provided by the Connecticut Department of Energy and Environmental Protection; confirmation that prior to amending the Zoning Map as previously requested by the applicant that the Zoning Board determined that the map amendment would not result in a significant increase in previously allowable residential density in the coastal flood plan; and with the understanding that by reducing the extent of impervious surfaces on the site, the proposed development project is expected to significantly improve storm water and water quality conditions on the affected property.

Robert Clausi, Executive Director, Environmental Protection Board, in a memorandum dated April 18, 2023, stated the applicant has shown this site can be subdivided and developed with four single-family houses that are conceptually compliant with the Flood Prone Area Regulations. The applicant's plans include mitigation measures that minimize impacts on natural resources, water quality, stormwater runoff, etc., though some final details, such as a landscaping plan, remain to be provided. The Planning Board may approve Subdivision Application #4045 provided the applicant demonstrates to the Planning Board that the Emergency Access Platform is acceptable to the neighbor and is feasible for large emergency equipment to reach. In the absence of affirmative responses to these two outstanding questions, EPB recommends the Planning Board deny this subdivision on grounds of inadequate public safety.

Willetta Capelle, Coordinator of Site Plan Reviews and Inspections, Engineering Bureau, in a memorandum dated February 27, 2023 stated the Engineering Bureau does not object to the application proceeding with the approval process, however, the following shall be addressed by a CT professional engineer:

1. The proposed development will require lot consolidation, lot line revision (near Thread Needle Lane) and lot subdivision prior to Building Permit submittals, to be filed in Stamford Land Records.
2. Identify the curb type on sheet SE-1.

3. Confirm with the Zoning Department if the Lot #4 patio encroachment into the side yard setback is permitted.
4. Show trees to be protected and removed. Add a tree protection detail, if applicable.
5. Revise the sanitary invert at the house for Lot #1. The invert shown is lower than SMH #2 invert.
6. Clarify if the flood water relief culverts (between Lot #1 and #2 and between Lot #2 and #3) will penetrate the retaining wall and if there will be a pipe connection or if the culverts will discharge to the surrounding ground. Clarify the impacts on the property at the discharge locations.
7. The existing catch basin near the flood relief culvert outlet (between Lots #3 and #4) needs a 2 ft sump and a bell trap on the outlet.
8. Add unique identifiers for all flood relief culverts.
9. The callout for R.O.W. (Right-of-way). Driveway 2 is covering an existing catch basin. Relocate the callout and specify the existing catch basin to be cleaned.
10. Specify the existing catch basin in front of Lot #2 to be cleaned.
11. Sheet SE-3: The six Porous Driveway callouts should reference "Permeable Paver" for consistency with the patio callouts and detail.
12. The no parking sign on sheet SE-1 near the property line between Lot #2 and #3 may need to be relocated due to potential utility conflicts.
13. The bottom elevation of TP #10 is incorrect on the Lot #4 Permeable Patio callout.
14. The mottling depth should be 46 inches for TP #7 on the Lot #3 Driveway callout.
15. The WQV provided should be 1,370 cu. ft. for the R.O.W. Driveway 1 callout.
16. List permeable pavement in the "Drainage Facilities" list on the Drainage Maintenance Agreement (DMA). Add a section to the DMA for the permeable paver maintenance as specified on sheet SE-5.
17. Provide the 50-year HydroCAD Summary so the peak flow rates can be verified.
18. Provide the soil survey information, since it was not included in the Site Engineering Report.
19. The Engineering Bureau reserves the right to make additional comments.

Frank Petise, Transportation Bureau Chief and Jianhong Wang, PE, Traffic Engineer, in a memorandum dated February 10, 2023 provided the following comments in support of approval of Subdivision #4045:

1. It is shown on the plan that the proposed common driveway of the Site involves driveway realignment and construction on the adjacent property to the north. The subdivision application should address the coordination with the adjacent owner on the driveway construction.
2. The proposed dry access walkway is discontinuous and there is a gap along the frontage of Unit 1. Please clarify.
3. ADA compliant ramps should be installed associated with the proposed dry access walkway.

4. The type of curb for the driveways and corresponding details should be included in the plan.
5. Include standard details of the *No Parking Sign* in the plan.

The Fire Marshal and Health Department both offered no objections to the proposed application.

Ms. Dell again stated the applicant will make their presentation followed with questions from the Board. The hearing will then be opened to the public. Ms. Dell requested that anyone from the public wishing to speak should use the “raise hand” icon to be identified.

Ms. Dell introduced Joseph J. Capalbo II, Esq. to present Subdivision #4045.

Mr. Capalbo, along with Richard Redniss, David Pinto and Ted Milone, Redniss & Mead and Tim DeBartolomeo, Sound Engineering Associates, made a presentation and answered questions from the Board.

Ms. Dell opened the public portion of the Hearing.

Ms. Dell once again asked speakers to use the “raise hand” icon to be identified and Ms. Cohen will bring you into the meeting. If a speaker has called in, Ms. Cohen will announce the last four digits of the phone number as to who will speak. Ms. Dell requested that all speakers state their name, affiliation and whether you are In Favor, Against, or would just like to make general comments. The following provided comments to the Board:

- Bill Smith, General Counsel, Geneve Corp. - 96 Cummings Point Road, owners of the structure at 32 Thread Needle Lane and a member of the Cummings Point Residents Association. Mr. Smith made comments and presented several concerns about the project. Mr. Smith stated opposition to the project.
- Nicholas Vitti, Esq., Partner, Murtha Cullina, LLP representing Dolphin Cove Club Corp. Mr. Vitti made a presentation in opposition to the subdivision siting numerous concerns about the project.
- William Hennessey, Carmody Torrance Sandak Hennessey, LP representing 72 Cummings Point Road, LLC. Mr. Hennessey spoke In Favor of the application.

Ms. Dell invited Mr. Capalbo to respond to the public speakers’ comments. Ted Milone, Redniss & Mead, responded to concerns about the stormwater drainage management system and Tim DeBartolomeo, Sound Engineering Associates, responded to protection of the stone revetment.

Ms. Dell reminded the Board that the only obligation is to consider the four-lot subdivision. Many of the issues and concerns brought up by the speakers would fall under the Site and Architectural plans which will come back to the Planning Board through the Zoning Board as a referral where all interested parties with the construction of the homes will be allowed to voice their opinions and concerns.

Ms. Dell stated she felt the stone wall does need to be discussed but not at this time. There should be a conversation between Mr. Capalbo and the Associations to follow Mr. DeBartolomeo’s suggestion with regard to having two independent contractors assess the condition of the stone wall before and after construction.

Ms. Dell asked the Board for final comments.

Ms. Dell then allowed Mr. Vitti and Mr. Smith to make final comments.

Ms. Cohen noted she received a chat message from Hollingworth Boyk(?) asking if comments were allowed before closing the Public Hearing.

Ms. Dell explained the process for when public comments will be allowed on this application.

Ms. Cohen noted Hollingworth could send an email if there were any further questions.

Mr. Vitti made one final comment regarding the condition of the stone wall.

Ms. Dell closed the public portion of the Hearing. As the Planning Board had no further questions, Ms. Dell called for a vote on Subdivision #4045.

After some discussion, Mr. Totilo recommended approval of Subdivision #4045 with the following conditions:

1. Per Section 4.B.2.d(4) of the Zoning Regulations, a reduced front yard setback has been granted for this subdivision that is to be accessed by a private right-of-way and is impacted by FEMA flood zone. The minimum Front Yard along the private right-of-way shall be at least 20 feet and shall be filed on the Stamford Land Records.
2. A standard Conservation Easement based on the easement area offered by the applicant shall be submitted for review and approval by Environmental Protection Board staff. The applicant shall execute and file the approved agreement concurrently with the filing of the final subdivision map.
3. The conservation area established under the terms of the Conservation Easement shall be field staked with permanent markers concurrently with the filing of the final subdivision map. Iron pins and EPB approved conservation signage shall be installed along all property boundaries, turning points, and at intervals of no less than 100 feet along continuous stretches of the conservation boundary.
4. A landscaping plan shall be submitted for review and approval by EPB staff. This plan shall include trees to mitigate for those that will be cleared and measures, such as vegetative screening, to lessen the viewshed impact of the development.
5. The final design of each house, the common driveway and emergency access must be submitted through the Coastal Site Plan Review process to confirm compliance with Sections 15.A and 15.B of the Zoning Regulations.
6. A revised flood preparedness plan that includes specific information about the least intense return frequency storm likely to produce flood waters that impact the pools, garages, and Signal Road vehicular access shall be submitted for review and approval by EPB staff. A copy of the final flood preparedness plan shall be provided as a resource to future resident(s) of this subdivision.
7. An emergency access plan directing first responders how to reach the subdivision in case of flooding shall be filed on the Stamford Land Records in advance of the issuance of a building permit for any individual lot.
8. A final, phased soil erosion and sedimentation control plan shall be submitted for review and approval by EPB staff prior to any site activity and shall include measures to protect the areas to be used for infiltration from being compacted prior to installation of the permeable pavement, measures to prevent sediment from contaminating the permeable surfaces after they are installed, and flood contingency protocols for removal of stockpiles, materials, and equipment in advance of any storms that might cause flooding of the site.
9. Bond or other acceptable surety for the installation of erosion controls, roadway drainage improvements and certifications to be filed with EPB Staff prior to commencement of site development. An estimate shall be prepared by the developer and submitted to City staff for review and approval prior to bond submission.
10. All drainage and other engineered elements associated with the roadway shall be completed under the supervision of a Connecticut registered professional engineer/surveyor in accordance with plans approved by the City Engineer. An improvement location survey (surveyor) and written certifications (engineer) submitted to EPB Staff prior to release of surety.

11. EPB staff shall be included in the preconstruction site meeting with the owner, contractor, and project engineer. All sediment and erosion controls shall be installed and approved in writing by EPB staff prior to the start of any site activity.
12. A copy of Engineering Bureau approval of the stormwater management design shall be submitted to EPB staff prior to the start of any site activity or issuance of a building permit.
13. Written consent from Soundview Farms, LLC for all project-associated work to be performed on 27 Signal Road shall be submitted to EPB staff prior to the start of any site activity or issuance of a building permit.
14. Written consent from Geneve Corporation for project-associated work to be performed on 32 Thread Needle Lane shall be submitted to EPB staff prior to the start of work on said property.
15. Prohibition of new, in-ground fuel oil storage tanks. Limitation shall be noted on the final record plan.
16. In accordance with CGS 8-26c, approval shall expire on April 25, 2028, five years after the approval of the plan for such subdivision, unless all "work" as said term is defined in CGS 8-26c (c), has been completed by said date.
17. Subdivision reference number to be placed on Final Map.

The Planning Board *approved* Subdivision #4045 and found this request to be compatible with the neighborhood and consistent with Master Plan #1 (Residential - Very Low Density Single-Family); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Tepper and Totilo).

Ms. Dell asked Mr. Capalbo to reach out to Dolphin Cove Club Corp., Geneve Corp. and 72 Cummings Point Road, LLC regarding the issues they spoke about before the Site & Architectural plans come to the Planning Board.

Ms. Dell stated for the record that Subdivision #4045 has been approved by the five (5) voting members of the Planning Board.

THE REGULAR MEETING CONTINUED AFTER PUBLIC HEARING

Ms. Dell noted again that Master Plan Amendment #442 - 91 Hope Street has been continued to the May 23, 2023 meeting.

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 8:30 p.m.

Respectfully Submitted
April 27, 2023

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