

**MINUTES FOR THE MEETING OF THE
PLANNING & ZONING BOARD
HELD TUESDAY, JUNE 2, 2009; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the June 2, 2009 meeting of the Planning and Zoning Board to order at 7:33 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Frank Goodrich, Mark Bender, Janet Golden, KathyLynn Paterson, Kim Rose, Kevin Liddy, Susan Shaw, Victor Ferrante, Jeanne Cervin, Chair.

Not Present: Gregory Vetter, Sr.

Staff: David Sulkis, City Planner; Emmeline Harrigan, Assistant City Planner; Phyllis Leggett, Board Clerk

C. NEW BUSINESS

1. **195 CHERRY STREET (CDD-1)** Petition of Bob's Stores for a Site Plan Review to erect a 20' x 30' tent and a 10' x 40' storage container to be located in their parking lot for the purpose of holding a tent sale from 6/27/09 to 7/05/09 on Map 66, Block 813, Parcel 16, of which Stovemar Properties, LLC is the owner.

Chuck Butler, Assistant Manager, Bob's Stores, 195 Cherry Street. One of 16 Bob's Stores out of 35 existing Bob's Stores chosen to have a tent sale due to the success of their sidewalk sales. Would like this sale extended to the parking lot to hopefully attract more business. Sale will be held from June 27th to July 5th during regular store business hours, 9:30 a.m. to 9:00 p.m.

There will be a 20' x 30' tent rented from Milford Tents. Want to have a 10' x 40' storage container. It makes it easier to store the merchandise at night instead of bringing it back into the store.

Ms. Harrigan: Received comments from Sgt. Sharoh from the MPD Traffic Division and he saw no problem with the traffic location for this sale. Also received the Fire Department's report from the new Assistant Fire Chief, Dan Johnson, who is doing his reports differently from retired Assistant Fire Chief, Lee Cooke. He will be making all his comments in one report, rather than doing them in stages, as did Lee Cooke. He approved this application in his memo dated today, June 2, 2009.

Mr. Ferrante: Stated he believed the amount of time involved and the magnitude of the sale, which includes a large storage container was pushing the envelope for this type of event.

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Mr. Liddy: Asked type of outdoor advertising would be utilized.

Mr. Butler: There will be a banner attached to the trailer in the parking lot in the area of the sale. May have an ice cream truck and some balloons. No additional outdoor lighting is planned.

Mr. Ferrante: How far is the trailer from the tent?

Mr. Butler: About 100 feet from the tent.

Mr. Ferrante: Thought the container could be used for advertisement purposes rather than storage in view of the fact it will be 100 feet away from the tent.

Ms. Harrigan: Clarified that it was 2-1/3 parking widths away from the tent, which would be approximately 20 feet away from the tent. Believes it makes sense to have the container so that the merchandise will not have to be carried back and forth from the tent to the store at closing time. Another application is pending with a similar setup. Beginning to see this as a familiar request.

Mr. Sulkis: Around July 4th, all the fireworks tents have a container to lock up the fireworks.

Mr. Ferrante: Said he saw the necessity but was concerned about the magnitude of this.

Mr. Liddy: Asked if the property management company was aware of their tent sale plans.

Mr. Butler: Yes. Received correspondence and maps and other information. They could not get together in person, but the management company has approved.

Ms. Rose: Stated Bob's Stores has been a successful business in Milford for many years and she was happy they had been chosen for this sale. Made a motion to approve the petition for site plan approval for a tent sale to be held from June 27th to July 4th 2009.

Mr. Ferrante: Second.

All members voted in favor. The motion passed unanimously

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2. **64 COOPER AVENUE** (ZONE R-5) Petition of Discover Construction LLC for Coastal Area Management Site Plan Review approval to construct a single family residence on Map 21, Block 459, Parcel 15E, of which Kymberle Kowalski-Ortiz is the owner.

John Kowalski, Project Designer, 306 Park Street, Stratford. The project consists of removal of an existing home which has already taken place. The location is in a coastal flood hazard area with a required elevation of ten feet. The second floor will be set at 16 foot 7, which gets it above the flood plain. For required flood openings 1,080 square inches is required and 1,280 square inches will be provided. Putting a sediment control fence around the property. The sediment control fence in the back of the property which is adjacent to tidal wetlands will be held back 25 feet from the wetlands. Also providing a 15-foot wide by 30 foot long anti-tracking pad to make sure that no sediment gets onto the road. The entire project when it is finished will actually reduce the impervious surface of the property by approximately one percent.

Mme. Chair: Asked Ms. Harrigan if she had received information from DEP on this project and were there some things added and corrected?

Ms. Harrigan: Yes, and they added some things to the plan for construction mitigation as requested by the DEP.

Mr. Goodrich: Had reviewed the plans and noted that the house meets the height regulations and other requirements. No objections to anything on the plans.

Made a motion to approve the application as presented.

Ms. Rose: Second.

Mr. Liddy to Staff: Asked if there was anything on the CAM report the Board members should be aware of that could come up at a later time?

Ms. Harrigan: There were some minor corrections that had to be made to the application sheet which he submitted tonight. The corrections on the application were noted and she is in agreement with the CAM application and report.

All members voted in favor. The motion passed unanimously.

D. PUBLIC HEARING CLOSSES BY 6/9/09; exp. 7/9/09

3. **314 BRIDGEPORT AVENUE (ZONE CDD-2 AND R-7.5)** Petition of Brian Lema, Esq. for a Special Exception and Site Plan Review to construct a 10-unit multi-family residential building with off-street parking on Map 24, Block 381, Parcel 1, of which D.A. Black, Inc. is the owner.

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Mme. Chair: The Applicant, Attorney Brian Lema, asked for an extension to the public hearing, which was extended to the next meeting on June 16.

Mr. Sulkis: Stated he received a memo from the Community Development office regarding extending the Devon style sidewalks to include the proposed project at 314 Bridgeport Avenue, which had been suggested at the public hearing. The memo stated it was highly unlikely that the sidewalks would be extended anywhere near that property.

There is no funding in sight for that purpose from the State. If the property owner wants to do it, that would be their decision.

E. PROPOSED REGULATION CHANGES

Mme. Chair: Stated she would like to wrap up this segment of the proposed regulation changes. The Board has received a packet of the proposed changes in the hope these changes can be submitted to the necessary agencies and be acted upon at one time.

The following proposed regulations were discussed by the Board:

1. Section 3.1.3.4 - Poultry and Poultry Coops
2. Section 3.17.4.1 – Minimum Lot Requirements
3. Section 3.19.5.4 – No junkyard or outside storage yards permitted (New)
4. Section 4.1.7.4 – Allow an 8-ft. chain link fence in commercial areas (New)
5. Section 5.17 – Special Event/Temporary Tents (New)
6. Section 5.18 – Route One Access Easement (New)
7. Section 7.1.2 – Site Plan Elements
8. Proposed [Text] Definition Correction – Building, Accessory
9. Minimum Off-Street Parking Requirements

After discussion of the proposed regulations, the Board asked Staff to change the verbiage in some of the regulations which will be reviewed at the next meeting. Upon approval of each proposed regulation change by the Board, the next step in the process will be submission to the legal department, regional agencies and adjoining cities and towns for their comments. When this process is accomplished a public hearing will be held in order for the public to provide their input on these regulations.

Mme. Chair: Something that is not in the packet but was discussed previously is Section 8.2.2, Zoning Enforcement Officers.

Mr. Sulkis: The Assistant City Attorney requested that the Chairman be removed as being the Zoning Enforcement Officer. This paragraph is in the regulations in the event of extraordinary circumstances, such as in the event the entire staff was wiped out, the Chairman of the Planning and Zoning Board would then preside. The Assistant City Attorney feels there should be a separation

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between the enforcement and judgment of a matter and the Chair, as part of the Board who sits in judgment of such matters, should not have the role of enforcement officer.

Mr. Bender: Asked what the plan would be should the zoning enforcement officer become long-term disabled.

Mr. Sulkis: The Regulations state the City Planner and Assistant City Planner will have that responsibility.

Mme. Chair: There are other regulations that were on the initial list that could be put off and others that can be discussed after the current group of regulations go to Legal. One will be that brought up by Mr. Goodrich regarding buildable lots in terms of wetlands and what can and cannot be done. The other is regulations for wind turbines. Another change will bring about clarity to the building height definition.

Mr. Sulkis: Said he has come up with better definitions and illustrations that will put to rest the complications of how height is to be measured.

Mme. Chair: This might go with the changes to the sign regulations.

Mr. Ferrante: Suggested applications such as those for Coastal Area Management Site Plan approvals be subject to a public hearing and be noticed to neighbors.

Mr. Sulkis: The way CAMs are handled is according to State Statute. If a property is within 25 feet of the mean high water mark a public hearing is held. If the property was not in the CAM area, and was new construction, it would not have to come before the Board at all.

Mme. Chair: Brought up the fact there is an increasing number of clothing donation drop off bins in many parking lots. Asked what could be done about this.

Mr. Sulkis: Some of these are over six feet tall and should be permitted. Anything on these lots would have to come before the Board as a Special Permit or Special Exception. These bins are all over the City and there is only one enforcement officer. This can be added to the list of items that we do not have the resources to enforce.

Mr. Ferrante: Mentioned these bins appear to be commercial in nature and not affiliated with a volunteer agency, such as Good Will or Salvation Army.

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F. LIAISON REPORTS

Mr. Goodrich: Last night the Board of Aldermen approved the Planning and Zoning Department's request to purchase a desk unit.

G. APPROVAL OF MINUTES – (5/19/09)

Mr. Bender: Made a motion to approve the minutes as submitted.

Mr. Goodrich Second.

All members voted in favor of approving the minutes of the 6/2/09 meeting.

H. CHAIR'S REPORT

Mme. Chair: Asked Mr. Sulkis to work on an item for the board members' Green Book as to what the Board's purview is on 8-24 issues.

Mr. Liddy: Asked for clarification on the letter the board members received from the Blackite Corporation regarding a proposed regulation change.

Mr. Sulkis: Replied this matter would be coming before the Board at the next meeting's public hearing and it will be discussed at that time. It would be inappropriate to discuss it at this time.

I. STAFF REPORT - None

Mr. Bender: Made a motion to adjourn.

Mr. Goodrich: Second.

All members voted to adjourn the meeting at 9:09 p.m.

The next meeting will be held on June 16, 2009.

Phyllis Leggett, Board Clerk