

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF
THE PLANNING & ZONING BOARD
HELD TUESDAY, JANUARY 15, 2013; AT 7:30 P.M.
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Mark Bender called to order the January 15, 2013 Public Hearing of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Ward Willis, Benjamin Gettinger, John Grant, Edward Mead, Dan Rindos, Michael Casey, Joseph DellaMonica, Tom Nichol.

Not Present: Jeanne Cervin

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

Also Present: Debra Kelly, Assistant City Attorney

C. PUBLIC HEARINGS - CLOSE BY 2/19/2013; Expires 3/21/2013

1. **835 BOSTON POST ROAD (ZONES CDD-1, R-12.5 AND R-7.5)**
Petition of Leo Carroll, Esq. for approval of a Special Permit and Site Plan Review to construct Phase III, consisting of a 31,600 SF medical building on Map 77, Block 825, Parcel 73A, of which the Torry Corporation is the owner.

Leo Carroll, attorney for the Torry Corp, a wholly owned subsidiary of Milford Hospital. Also present are the project architect Ray Oliver; Ray Paier, Project Engineer from Westcott and Mapes; Stephen Wing, Landscape Architect; Joseph Pelaccia, President of Torry Corporation and Milford Hospital, Inc., and Louis D'Amato, the vice chairman of the Milford Hospital Board of Directors.

There are four applications being presented; three of which will be dealt with tonight. Signs were posted for the Special Permit application as well as the Zone Boundary Change, which has been filed by the City of Milford.

The site plan contains five minor landscaping waivers. The Special Permit is in accordance with the regulations and the zone boundary change is an application that the City agreed to file under the terms of the conditions. The City is currently the owner of the property at 139 North Street, which consists of the existing historic building known as the Downs House, with an additional 1.76 acres to the rear, which is what the Torry Corporation will be developing as part of its overall off-site medical campus.

In 2005 the Torry Corporation obtained permission from the Planning and Zoning Board to build Phase I of the three phase plan. In 2009, Torry Corp. came in with a minor amendment to the existing site plan and made some minor changes consolidating two buildings into one. They are now back with Phase III when the Torry Corp had the opportunity to buy the City-owned Downs House and to donate some of it back to the City.

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The Torrey Corporation is a wholly owned subsidiary of the Milford Hospital, Inc., which provides medical offices to its doctors. This is a for-profit entity that is on the tax roll. All of Torrey Corporation's properties are taxable.

He referenced Mr. Sulkis' summary of the project's background and the Statement of Use regarding 835 Boston Post Road. A contract has been signed to buy the property for the equivalent of what the City paid for it, in order to keep the Downs House intact, and at the same time donate the Downs House back to an entity, either the City itself or to an entity to be determined by the City. That arrangement has not been worked out yet, but when it is, Phase III will be accomplished.

City department approvals have been received; the signs have been posted on the property and the public hearing notice has been published in the newspaper. The Historic District has issued a Certificate of Appropriateness for this project, as part of this property is in the Historic District.

In addition to the property that will be donated back to the City or its assignee, a dedicated permanent easement to the rear of the medical center property. In addition to the applications being presented tonight, a lot line adjustment is requested in order to split the properties.

The proposed use is in compliance with the existing buildings on the site. The architecture has been kept almost identical. It also meets the purposes of the CDD-1 zone. The proposed use is also in compliance with the Milford Plan of Conservation and Development.

Attorney Carroll distributed copies of the Traffic Study prepared by Milone and MacBroom, which is required to be on file. This is required more for the new State department which is now called the Office of State Traffic Administration (OSTA). They have received this report and there is an application on file for approval of what they call a major traffic generator. Administrative approval is expected of this application.

Ray Oliver, Project Architect, Architectural Services, 3 Lafayette Street. The first phase of this project was the Walk-In Center on the Post Road. The second phase is the Physician's building where some of the best physicians in Milford have relocated. The third phase of the project, will be the building located in the back. . He showed via a display the portion of the property that will be acquired from the City. It will be split off from the house located at 139 North Street. The portion that is being developed is approximately 75,000 SF. The building is approximately 36,000 SF. It will be three stories. The parking requirements for that building is 127 spaces, which will be provided at a ratio of 1:250, which the zoning code requires. The circular main entrance to the site is off the Post Road. Emergency vehicles can circulate around the site or in the rear of buildings or around the new building. The Fire Department has approved this site plan. A fire hydrant will be provided at the new building. A good deal of time was spent meeting with the North Street Historic District and considering their concerns about buffering the residential area on the back side of the south side of the property and the western side.

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Trees have been added to the existing trees. Steve Wing, the landscape architect, has provided a detailed landscaping plan. There is a mix of trees consisting of deciduous and evergreens. Some minor waivers relating to the landscaping are being requested. There is a requirement to do wheel stops next to the buffers and planted areas. Requesting not to put those in and just use the curb as the wheel stop. Wheel stops will be provided at the front and the back of the building where people pull up to the sidewalks. Along the Paul's boundary of the site, the north side, a reduction of that buffer area from 10 feet to 6 feet is being requested, but a six-foot privacy fence will also be provided along that side. Another waiver is for the end islands of the parking areas to be reduced from the required nine feet to five feet. Five feet is sufficient for the plants to grow and thrive and that is what they are in the developed area of the site thus far.

The site lighting and fixture location will be similar to those existing. Shoebox-type fixtures in planted areas and along the back side. The lighting plan shows there is no light spillage onto the residential area that exceeds the .1 foot candles that are required. Along the back side the light poles were lowered by two feet in order to mitigate some of the light that was a concern of the people from the historic district.

The new building was described. The doctors have not made determinations as to exactly where the offices will be located and what other services, such as a Surgi Center might be located in the building. The building is three stories with the first story having brick on its façade and the upper two stories will be EFOS and blue glass, the same as the existing buildings. The overall height will be 40 feet.

Westcott and Mapes have developed a complete site grading and drainage plan, as well as all the sedimentation and erosion control.

Raymond G. Paier, Chief Engineer at Westcott and Mapes, 142 Temple Street, New Haven. The engineering design of this phase is in harmony with the other two phases described. He described the storm drainage; water quality structures and catch basins. The plan is in compliance with the Sewer Department. The sewer will be tied in via gravity into the existing lateral line. The utilities are underground. There will be a backup generator. The easement on behalf of the Downs House was purposely developed not to include parking, but to maintain a heavy buffer between the development and the Downs House. All City department requirements have been met.

Mr. Carroll: Displayed the requested zoning boundary adjustment map, which showed the piece of property that is currently residential. It is part of the Downs House but belongs in the CDD-1 zone. The Downs House itself and 15,500 SF of land, plus the permanent easement will remain residential. The permanent easement will be in effect as long as the house is utilized, even if it is privately occupied. The intention of the applicant has always been to cooperate with the City's desire to preserve the Downs House.

Attorney Carroll asked for the Board's approval of the applications tonight.

Mr. Sulkis: Stated his summary and Mr. Carol's presentation speak for themselves.

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Mr. Grant: Asked if the garage in the back of the Downs house was an historic building.

Mr. Paier: The garage is not part of the historic property and is scheduled for demolition. The stone fences on the property will remain. The heavily buffered areas will be in the area where the garage is at.

Chairman Bender: Asked if there could be a means to slow traffic which will be at a higher volume to the back building from the Post Road entrance, which is a relatively open space. For example, a cross walk or speed bump that would alert traffic to slow down and add safety for pedestrians going to and from the buildings.

Mr. Oliver: Stated a stop sign or a pedestrian cross walk could be put in. Thought it was a good idea.

Chairman Bender: He also asked about the plan for snow removal.

Mr. Oliver: Showed on the site plan display the area to which the snow would be removed.

There being no further questions from the Board, Chairman Bender opened the hearing to the public and asked if there was anyone in favor of the application:

John O'Neill, DVM, 133 North Street. He is the most affected property owner. He has a 400 foot boundary with this property. He is also Vice Chairman of the Historic District Commission. He has lived on North Street for 23 years. He bought the house next to an historic structure with open space. He indicated on the map where he lives in relation to the project. He is the founder of Milford Preservation Trust, the group that saved the house. Everyone involved is from Milford. He spoke about the win-win situation for the City and the taxpayers. The land will be put back on the tax rolls and the Downs House will be saved. The necessary measures are being taken with fencing and landscaping to protect the abutting residential property from the new structure. The Torry Corporation has cooperated in dimming the lights from the buildings at night. The construction will enhance the area if the Torry Corporation observes the strict guidelines that the City sets for the project. He asked where if the extra water from the parking lot would flow through his property onto North Street.

Chairman Bender: That question will be answered after the public speaks in favor or against the project.

Richard Platt, 132 Platt Lane. The City will be retaining the Downs House. The question is what will be done with the house. The Milford Preservation Trust is pursuing that. They would like to apply for a feasibility study to determine what is the best use of the house. They had to wait until the terms of this situation were established to determine the terms of the easement and where parking could take place.

He asked what the effect on the historic district would be, in that even the part of the property the City is selling to the Torry Corporation is part of the Historic District. Has

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the Historic District Commission relinquished this?

Tim Chaucer, 104 Hawley Avenue. He is the nomination Chair for the Milford Preservation Trust. He is a lifelong member of the Milford Historical Society but is not speaking for that society tonight. The arrangement seems to be the best to be made provided the Downs House remains an historic house. It is on the National Register. It was designated as such in 1986 when the River Park National Historic District was created. He noted the historic items within the house. He gave a brief history of John Downs and the historic role he played in Milford as well as Joseph Plumb Martin, a nationally known Revolutionary War hero.

He had a letter from John Shannahan, the former director of the Connecticut Historical Commission, Connecticut State Historic Preservation Officer, endorsing the significance of the house. Also letters from Gene LaPorta, former principal of Platt Technical High School, and the Platt students who wanted to go and work on the house. Letter from The Academy signed by Bruce Blake and Annaliese Spaziano, noting it as a unique educational laboratory. Finally, a letter from Russ Stilwell, one of the carpenter teachers at The Academy. He submitted the four letters which were date stamped into the record. The list of National Register Houses was given to the DPLU director. Mr. Sulkis and Ms. Harrigan will receive copies as well.

Barbara Genovese, 19 Belmont Street. Vice President of the Milford Preservation Trust. She thanked the Torry Corporation for working with the Trust in trying to save a part of history. Asked that Planning and Zoning try to keep this part of history. There is so much enthusiasm from the children when they learned about this house and it is a way to help children learn about history and the Downs House should be kept an historical home.

Chairman Bender: Asked if anyone else was in favor of this application (No response)
Asked if anyone wanted to speak against the application (No response)

Attorney Carroll: The applicant will add speed bumps and/or a stop sign. Whatever the traffic experts advise them to do. He knew the exact area that Chairman Bender referred to in front of building one. Ray Paier is prepared to speak about the extra water flow

Mr. Paier: Gave his assurance there would be no flooding or collection of water on neighboring properties due to the design of the project. All of the catch basins and roof leder runoff is collected in the parking lot. Soils investigation and percolation tests were performed and worked with the City Engineer. Implementing ground water recharge with this project.

Attorney Carroll: With regard to the effect on the Historic District, there is a Certificate of Appropriateness issued by the Historic Commission in August 2012 saying it was an appropriate use in the historic district in view of the preservation of the Downs House. Based on that certificate, he claims there is no impact on the historic district.

Chairman Bender: With regard to the protection of the Downs House itself, it is a City issue and the Board cannot do anything about it at this point.

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Chairman Bender: Asked if the Traffic Report was in order.

Mr. Sulkis: The State Office of Traffic Administration will ultimately comment on it. If they recommend some change to the layout, that would come before the Board, but that is not likely.

Chairman Bender: Closed the public hearing.

Mr. DellaMonica. Made a motion to approve the petition of Leo Carroll, Esq. for approval of a Special Permit and Site Plan Review to construct Phase III, consisting of a 31,600 SF medical building on Map 77, Block 825, Parcel 73A, of which the Torry Corporation is the owner. The approval also includes the lot boundary adjustment between Map 77, Block 825, Parcel 73A, of which the Torry Corporation is the owner, and Map 76, Block 825, Parcel 73, of which the City of Milford is the owner.

Mr. Gettinger: Second.

Mr. Sulkis: Noted the condition that a traffic mitigation plan for the driveway in front of Building One be submitted to the City Planner's office's to be approved by the City Planner.

Mr. DellaMonica: Amended his original motion to add the Torry Corporation on the aforementioned property must have a traffic mitigation plan in place in front of Building One at the aforementioned address.

Mr. Gettinger: Seconded the amended motion.

Mr. Sulkis: With approval by staff.

Chairman Bender: Asked if the motion was understood with the amended part that would provide a speed bump or traffic sign at Building One. Also, the State traffic plan left open.

Mr. Sulkis: That should not be a concern at the moment because it is an unknown. If it becomes an issue at that point the transaction would have taken place. Everything could still move forward. The only question is whether or not a traffic light would have to be put in off site. It may or may not change how the driveway or driveways operate or do not operate. It does not have to be part of the motion.

All members voted in favor of approval. The motion passed unanimously.

2. **835 BOSTON POST ROAD/139 NORTH STREET (ZONES CDD-1 AND R-12.5)**
Petition of the City of Milford for a Zone Boundary Change between Map 77, Block 825, Parcel 73A and Map 76, Block 825, Parcel 73, of which the City of Milford and the Torry Corporation are the owners.

Mr. Sulkis: Explained until the first item was addressed, the Board could not take action on this item. The City is petitioning the Board to move the zone boundary so that

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it is in line with the new property boundary. That way all the medical center property will be in one commercial zone and the Downs House will stay in its residential zone. (A map was shown to this effect).

The Chair opened the public hearing to the public. Asked if anyone was in favor of the zone change.

Leo Carroll, Esq. He spoke at the prior hearing on behalf of the Torry Corporation. This zone change is necessary to effectuate the Special Permit and Site Plan which the Board has just approved. This is in compliance with the Historic District by virtue of the Certificate of Appropriateness. The use that is being proposed meets all the CDD-1 requirements. It is not spot zoning. It is an appropriate use of the property and is not an intrusion of the residential area. This is an essential element to allow this transaction to take place between the City and the Torry Corporation.

Chairman Bender: Anyone else in favor of this application (no response). Anyone opposed? (No response)

The public hearing was closed.

Mr. Mead: Made a motion to approve the petition by the City of Milford for a Zone Boundary Change between Map 77, Block 825, Parcel 73A and Map 76, Block 825, Parcel 73, of which the City of Milford and the Torry Corporation are the owners.

Mr. Casey: Second.

All members voted in favor of approval. The motion was approved unanimously.

D. NEW BUSINESS

3. **306 HIGH STREET - REQUEST FOR BOND RETURN** – Request by Roland Skinner for a bond refund in the amount of \$19,630 for substantial completion of a two-lot subdivision, in accordance with the memo from Bruce C. Kolwicz, Public Works Director, dated January 4, 2013.

Mr. Willis: Made a motion for approval of Roland Skinner's request for bond return in the amount of \$19,630.00 for substantial completion of a two-lot subdivision in accordance with the memo received from Bruce C. Kolwicz, Director of Public Works, dated January 4, 2013.

Mr. Grant: Second.

All members voted in favor of the bond return.

E. PLAN OF CONSERVATION AND DEVELOPMENT –

Submission of the final version of the Plan prior to its publication will be presented at the first meeting in February.

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F. REGULATION SUBCOMMITTEE - Report on the Committee's second meeting.

Chairman Bender: The Sub-committee had its second meeting. It was determined that the changes will be reviewed in priorities, analogous to a fruit tree. Those "low hanging" regulations in need of change due to error; conflicting with subsequent regulations, ambiguous or go against State statute, will be discussed first in order to clarify them. The proposed changes should be able to get through the Board more quickly. The middle "fruit" will require more mark up and more language issues. Stephen Harris will compile the first list and the Board will review his suggestions at the next meeting to be held on Tuesday, February 5th.

G. PROPOSED REGULATION CHANGES - Update

Sec 2.5.5	Lot Access and Rear Lots – awaiting CA input
Sec 9.2.3	Prohibited Variances – awaiting CA input
Sec 5.1.4	Off-street Parking Requirements (10) Health Clubs – Staff to review requirements and parking study.

Chairman Bender: Lot Access and Rear Lots. Mr. Sulkis was not present for a meeting that was held and Attorney Kelly wanted to hear Mr. Sulkis' views on it, so another meeting is to be scheduled.

Prohibited Variances will be considered as one of the first priorities. Language has been received.

Mr. Sulkis: Off-Street Parking will also be part of the low hanging package. Will go with the ITE standard of 1 space to 125 SF. Also, he wants to make a change in the MCDD and CDD-2 zone to bring those numbers back to what they were previously. For a two-bedroom apartment, instead of two full spaces it will be 1-1/2 which is more appropriate for an urban area with transit oriented development.

Chairman Bender: All proposed changes, no matter what order of priority, will go through the full process of text regulation changes.

H. LIAISON REPORTS – None

I. APPROVAL OF MINUTES – (12/18/2012)

Mr. Rindos: Made a motion to approve.

Mr. Casey: Seconded

All members voted in favor of approving the minutes of the 12/18/2012 meeting.

J. CHAIR'S REPORT

The Chair signed a lot line adjustment on January 2, 2013, for 4 Clinton Street /81 Hawley Avenue.

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On the subject of substantial improvement time period of 5 year 10 year, etc. was put in the first priority of text changes.

Ms. Harrigan: Received the letter of final determination for the pending flood maps. As part of that there will be flood regulation changes that are proposed to that section that are required by the State and then some that are optional changes. For the substantial improvement that is something where the period of time can be looked at, based on what other municipalities in the State of Connecticut are doing. Congressional changes that are coming down the line for that requirement can be discussed more specifically. The language that was just changed was the language relative to substantial damage, which is a different thing. The City is required to adopt the updated flood maps within the next six months.

Chairman Bender: This was discussed at the subcommittee meeting. About 70% of the shoreline towns and cities are one year. There are some at one, five and ten years. There is one municipality that has life of the structure. Finding that the bulk of the shoreline towns is one year.

K. STAFF REPORT - None.

Mr. Nichol: Motion to adjourn.

Mr. Rindos: Second.

All members voted in favor of adjourning the meeting at 8:30 p.m. The next meeting will be held on Tuesday, February 5, 2013.

Phyllis Leggett, Board Clerk