

**UNAPPROVED MINUTES FOR REGULAR MEETING OF THE  
PLANNING & ZONING BOARD  
TO BE HELD TUESDAY, FEBRUARY 3, 2009; 7:30 P.M.  
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the meeting of the Planning and Zoning Board at 7:30 p.m.

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

**MEMBERS PRESENT:** Frank Goodrich, Mark Bender, KathyLynn Patterson, Kim Rose, Kevin Liddy, Susan Shaw, Victor Ferrante, Jeanne Cervin, Chair., Gregory Vetter (7:35)

**NOT PRESENT:** Janet Golden

**STAFF:** Emmeline Harrigan, Assistant City Planner, Phyllis Leggett, Board Clerk

**C. NEW BUSINESS**

1. **200 RESEARCH DRIVE (ZONE ID)** Petition of Eastern Bag and Paper Company for a Minor Amendment to a Site Plan Review to construct an 8-foot fence on Map 91, Block 807, Parcel 13, of which Meredith Reuben/Mfg. Baum, LLC is the owner.

**Thomas Watt, 19 Buck Hill Road, Shelton, CT. and Patrick Horay, 12 Hale Avenue, Milford.** Representing Eastern Bag and Paper Company.

**Mr. Horay:** Stated he is the Director of Operations at Eastern Bag and Paper Co. There have been thefts on the property over the past 12 months. Two tractors were removed from the property. Ten tires were removed. They also act as a common carrier, shipping to other companies. A truck containing a load of flour was stolen approximately two months ago. Seeking to secure their property with an 8' perimeter fence on the front of the building and on one side to prevent entrance into the yard.

**Mr. Bender:** Asked if the Police Department and Fire Department had been contacted to see if there would be access to the property for emergency services with the fence.

**Mr. Horay:** Had not contacted either department. There is a key box at the facility. There will be an electric gate on one side operated by remote control and there will be a key with a lock on the other fence. Will notify the Fire Department of this.

**Mme. Chair:** According to Ms. Harrigan that is common procedure and those departmental reports were not necessary.

Mr. Horay was questioned as to whether additional methods of security are being considered. He replied that their plan was to add security measures in phases. There is a surveillance system in place but the thieves act in a very short period of time. The 8-foot fence will prohibit trucks from being driven out of the yard.

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In addition, the structure on a 6-foot fence is not as sound as that of an 8-foot fence, which is more heavy duty.

**Mme. Chair:** This appears to be very straightforward. The Board will be considering changing this regulation in the future to allow 8-foot fences in the industrial zone.

**Ms. Rose:** Made a motion to approve the application as presented.

**Mrs. Patterson:** Second.

**Mr. Bender:** Asked if the grades on the sides of the property will present a problem.

**Mr. Horay:** The fence would protect the area that could be driven through.

**Mr. Goodrich:** Based on the regulation concerning fencing in the industrial area, he saw no problem with the proposed 8-foot fence.

All members voted in favor. The motion passed unanimously

2. **849 BOSTON POST ROAD (CDD-1)** Petition of Ray Oliver for a Minor Modification to a Special Permit and Site Plan Review to construct Phase II of the Milford Hospital Walk-In Center on Map 77, Block 825, Parcel 73A, of which Torry Corporation is the owner.

**Mr. Goodrich:** Had recused himself when the original application was presented because his wife worked for Milford Hospital. She no longer works there. Therefore, he will be participating in reviewing this application.

**Ray Oliver, Architectural Services, 3 Lafayette Street, Milford.** Representing Torry Corporation, a tax paying subsidiary of Milford Hospital. In 2005 received a Special Permit to construct a medical complex on the Boston Post Road. The first building, the Walk-In Center has been operating and successfully serving the community for the past year. Distributed a photograph of the existing building.

Via a display showed two site plans; one which was approved in 2005, which shows three buildings that were originally approved, which were comprised of the Walk-In Center, a physicians building and a building that was designated behind Mama Teresa's Restaurant, for a total of 49,000 square feet.

The applicant would like to consolidate the area of the two buildings into a single building. The reason for doing this is the space can be readily rented at this point. The doctors want to be a part of the medical complex. The plan is to consolidate the 22,000 SF building and the 11,000 SF building into a single 33,000 SF building.

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The advantages are: 1) It would move the building from the back portion of the site, further away from the residences on Sunnyside Court, which would make it 90 feet away instead of 40 feet away; 2) It would be more accessible to medical emergency equipment for pickup and transfer to the hospital; 3) The footprint of the building will be reduced by approximately 6,000 SF, which results in a net decrease of impervious surface. This provides an environmental advantage; 4) Because the building will be more compact and energy efficient it will receive an LEED Silver Certificate.

The style is the same as the first building with an atrium entryway, which relates to the Milford Hospital design.

The City departments have approved this plan. The consulting engineer's comments will be addressed during the construction process. A plan of the layout of the doctors' offices was on display.

Requirements for the trees in the parking area and around the perimeter and in front of the building have been met. Steve Wing, the landscape architect has developed a rain/healing garden in the front of the entryway which will be a very nice feature. The trees on the back side of the property will be preserved and infilled with other plantings for the buffer area. The dumpster will be screened and out of sight in a back corner.

Materials: First story will be tan brick. The second and third stories will be EFIS, an insulated stucco system, which is very energy efficient. Glass will be blue and areas of trim will be white metal.

**Mme. Chair:** The Board is very happy this will be a LEEDS building and is a great improvement over the previous plan.

**Ms. Harrigan:** Had no comments on the presentation.

**Mr. Goodrich:** Asked if the entry doors to the two wings were handicapped accessible? Did not note them marked on the drawing.

**Mr. Oliver:** The entire building will be handicapped accessible.

**Mr. Vetter:** Asked for clarification concerning the need for a buffer and a fence.

**Ms. Harrigan:** The requirement is 10% of the area to be provided as a buffer as far as the length goes. In lieu of providing the entire 10% area, they are providing a six-foot high fence and decreasing the buffer by 10 feet for both sides adjacent to the residential sides on the east and the north.

**David Stahelski, Vice President of Administration, Milford Hospital.** Thanked the Board. Explained that the Torrey Corporation is the for-profit arm of the Milford Hospital, which takes exceptional pride in building and maintaining its facilities as

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promised. Accepting this proposal will keep the hospital strong, keeping the overall healthcare system in the community, and creates the local access for the residents and the hospital.

**Mr. Liddy:** How does the building qualify as a Silver LEEDS building.

**Mr. Oliver:** There are four levels of qualification for the LEEDS building. There is a checklist of everything that must be accomplished. Biggest thing is saving energy. The roofing system will prevent the heat island effect from occurring. Electrical equipment and controls. Windows that are operable. Majority of space gets natural light from outside. The use of local or regional materials, as well as recycled materials. The gold and platinum levels are more difficult to achieve and a lot more money has to be spent (i.e. geothermal).

**Mrs. Patterson:** Rear of building for use for emergency vehicles and for deliveries?

**Mr. Oliver:** Rear of the building is primarily for employee parking. Also can be used for emergency pickup, if necessary. This is a major benefit over the previous plan, which did not allow for this access.

**Mme. Chair:** This is a very nice looking plan and a lovely landscaping plan. The buffer appears excellent for the neighbors behind.

**Ms. Rose:** Made a motion to approve the application as presented.

**Mr. Liddy:** Second.

**Mr. Goodrich:** Commented on exhaust vents that can be very noisy and affect the nearby residences. Asked if the exhaust vents could not be placed at the rear of the building facing the residential area.

**Mr. Oliver:** All the venting for the building will be on the roof. The mechanical room Mr. Goodrich referred to is for electrical panels and the sprinkler system.

**Mr. Liddy:** Will there be a Phase III in the future?

**Mr. Stahelski:** This application completes this project. Parking allowed for the lot size has been exhausted.

**Ms. Rose:** Congratulated the applicants and thanked them for making this a LEEDS building. Hope that more developers will do this in the future.

All members voted in favor. The motion passed unanimously.

**Mme. Chair:** Added her congratulations and stated Milford will be very proud of this

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project.

**D. PUBLIC HEARING; exp. 3/26/09**

3. **701 NORTH STREET (ZONE R-A)** Petition of Cornerstone Christian Center, Inc. for a Special Permit and Site Plan Review to construct a church facility on Map 107, Block 807, Parcels 27, 27B and 28, of which Harris A. Stone is the owner.

**Mr. Bender:** Believes there will be a traffic issue with this application.

**Mme. Chair:** Received the traffic report from the Police Department. They have approved the application. No further traffic study is required.

**Mr. Vetter:** Expressed the same concern, especially with the number of people that will be making left turns on Sunday. The matter of volunteers on the road directing traffic could be a problem. Thinks there should be a flashing yellow light during the week and a light that allows the turn on Sundays.

**Ms. Rose:** Agreed about the potential traffic problem. Also concerned about overflow. If the parking lot cannot handle the volume and the church gains more parishoners, parking will spill out onto North Street.

**Mrs. Patterson:** This is a one-lane road in each direction. In the summer when all the facilities are in use this will create a traffic issue.

**Ms. Shaw:** Concern is whether they can build on the adjoining orchard.

**Mme. Chair:** They have maxed out the possibility of additional building.

**Mr. Goodrich:** Churches are allowed on residential roads. North Street, Route 121 is a state road and one that is geared for heavy use.

**Mme. Chair:** The traffic is an unknown at this time. It can present a problem when the playing fields are being used at the same time. May turn into a traffic issue that the police will have to deal with.

**Mr. Liddy:** North Street is a state road and the State would have to approve any installation of lights in the area. The State does not view this as an issue.

**Mr. Ferrante:** Of all the possibilities for the use of this beautiful piece of property, the church is one that presents minimal impact.

Although it has been established they have maxed out the use of the property, whatever could be done to maintain the property as it is with this use, would be desirable. Do not

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want this subverted in the future.

**Mme. Chair:** Referred to Item 4 of the prepared motion which would prohibit further development to that area.

**Mr. Bender:** Foote Field has ball games every Sunday morning from April to October with adults playing ball and cars going in and out all the time.

**Mme. Chair:** Asked Staff if there was a way to govern the traffic issue.

**Ms. Harrigan:** As a state road, the DOT has control over it, not the municipality.

**Mr. Bender:** Would rather the Board not state that it approves volunteers directing traffic.

**Mr. Ferrante:** Does not feel the Board is bound by anything that was stated by the applicant at the public hearing.

**Mr. Goodrich:** With regard to testing the neighbors' well water, Item #2 of the motion, he thought it was in the applicant's best interest to do so, but also felt it was not really their responsibility.

**Mr. Ferrante:** Moved to approve the petition of the Cornerstone Christian Center in accordance with the conditions and modifications stated in the Motion prepared by staff dated February 3, 2009.

**Mr. Vetter:** Second.

**Mr. Ferrante:** Read the conditions of the motion into the record.

**Mr. Goodrich:** Second.

**Mr. Vetter:** Asked to make sure that "adjacent" neighbors also include the resident who spoke at the public hearing whose residence was across the street. Perhaps Staff could use its judgment to determine which neighbors who are using well water are in the closest proximity to the subject property.

Also asked who monitors the tests and do the homeowners receive results of the testing.

The Board discussed who would do the well water testing, and those parties who would receive copies of the results and the follow-up that would necessary. Staff stated the Planning and Zoning office would receive copies of the results as well, and could provide the condition that before issuance of zoning permits, the wells must be tested and prior to issuance of certificates of zoning compliance the wells must be tested.

**Mr. Bender:** The wording should be specific.

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**Ms. Harrigan:** Suggested the wording that could be used for the amendment.

**Mr. Ferrante:** Amended the motion to incorporate Ms. Harrigan's suggested phrasing.

**Mr. Vetter:** Second.

**Ms. Rose:** Require the applicant to follow up with a study by the Department of Transportation.

**Mrs. Patterson:** Second.

**Ms. Harrigan:** Recommended the inclusion of a specific follow-up time, i.e., a year after the issuance of the certificate of zoning compliance or certificate of occupancy.

**Ms. Rose:** Amended her amendment to require the applicant to follow-up with a traffic study by the Department of Transportation within a year after the Certificate of Zoning Compliance or the Certificate of Occupancy has been issued.

**Mrs. Patterson:** Second.

**Mr. Goodrich:** Does not see the need for this. The Board has never done this to anyone else.

**Mme. Chair:** Not necessarily for a traffic study, but to check the traffic situation. The Board has serious concerns and it wants to do the best it can to alleviate any problems in the future.

**Mrs. Patterson:** The one year time period would include the school year when school buses are on that street as well as Platt Tech High School, which will have school buses and students driving in that area.

**Mr. Vetter:** Asked if the side grove could be sold off and developed.

**Ms. Harrigan:** If they were to subdivide any portion of the property they would no longer be within zoning compliance for lot coverage.

**Mme. Chair:** There is still an amendment before the Board.

**Mr. Ferrante:** Not sure how the Board could ask the Applicant to go before the State for a traffic study. If there were complaints about the traffic, the DOT would be notified to investigate.

**A vote was taken on the amendment to the motion:** Eight members voted in favor. Mr. Goodrich voted against the amendment.

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**A vote was taken on the motion:** Eight members voted in favor of the motion. Ms. Rose voted against the motion. Motion passed to approve the application for 701 North Street with conditions.

**CONTINUED PUBLIC HEARING CLOSES BY 2/24/09**

4. **12 FRANCIS STREET (ZONE R-7.5)** Pursuant to Sec. 7.1.3.14 of the City of Milford Zoning Regulations, the Planning and Zoning Board will review and consider revoking the zoning permit issued to Joseph Voll on April 17, 2007, for work to be performed at the property located at 12 Francis Street, Assessor's Map 6, Block 84, Parcel 2, and owned by Antoinette Voll.

**Mme. Chair:** The report from the DEP was received today. The applicant has asked for time to review the report and prepare a response. The public hearing is left open. The matter is tabled until it can be heard on 2/17/09 or 3/3/09.

**E. PROPOSED REGULATION CHANGES**

**Mme. Chair:** Wants to go back to creating a list of changes in the regulations the Board would like to make.

The Chair's list included the following:

1. Change designation of "Basement" in flood zone to "Flow Through Area" or \_\_\_\_%. (Sec. 5.8.13.1)
2. Cluster regulations.
3. Chickens and livestock.
4. CDD-2: Eliminate mixed use. Change 2000 SF lots per 2-family. (increase to 4000 SF?)
5. Require a specific number of affordable units in all multi-residential buildings above a certain size. (To aid the City in attaining the 6% affordable housing requirement.)
6. Exclude non-buildable land (i.e. wetlands) on the lot coverage calculation.
7. Parking tandem in driveways. Not considered two parking spaces, but one.
8. Sec. 8.2.2. add "on advice of counsel".



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9. Clarify drive-thru access. Enlarge it not to obstruct parking lot.
10. Landscape buffer around condenser units that face a road, in addition to bollards.
11. Recommend interconnecting drive through in parking lots, especially on the Boston Post Road.
12. Peter Crabtree left a list of recommendations. Will ask Staff to review them, i.e., Look at the regs for location of package stores. The State has a cap on the number of liquor stores allowed per town.

**Mr. Goodrich:** The City has two more liquor stores than are allowed by the State at this time.

**Mme. Chair:** Asked Ms. Harrigan about the progress on the sign regulations.

**Ms. Harrigan:** Have started to review the sign regulations. There will be things to review before the July time frame previously established.

**Mme. Chair:** Concerned about off-site signs, such as trucks with advertising on them that park in various parking lots.

**Mr. Liddy:** Asked about the noise ordinance that has been spoken about in the past, especially during the summer months.

**Mme. Chair:** Believed it was discussed and this ruling comes under the jurisdiction of the Board of Aldermen.

**Mr. Goodrich:** Suggestions: Building height vs. setback.

**Mme. Chair:** That has been discussed. Not sure what can be done about this.

**Mr. Ferrante:** Agreed that this should be addressed and asked that it be included in the list of proposed changes.

**Ms. Harrigan:** Stated the change could be made, but other related changes would have to be reviewed and perhaps instituted.

**Mr. Liddy:** Mentioned he read in the New Haven Register today that the Town of Seymour has increased the open space requirement to 15%.

**F. LIAISON REPORTS**

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**Ms. Rose:** Historic Planning Committee Meeting will meet on Tuesday, February 10<sup>th</sup> from 7:00 to 9:00 p.m.

**G. APPROVAL OF MINUTES – (1/20/09)**

**Mr. Bender:** Motion to approve.

**Mr. Vetter:** Second.

All members voted in favor of approving the minutes as recorded.

**H. CHAIR'S REPORT**

**Mme. Chair:** Would like to put a policy in Board's Green Book concerning the policy of voting, abstaining and recusing.

Robert's Rules are used as a guide. They are adjusted to the Board's needs. Recusing pertains to a conflict of interest, financial or personal. Believe the policy should be to leave the room.

Personally feels board members should abstain on rare occasions. If someone misses a meeting and does not have the opportunity to listen to the tapes, would be a reason to abstain. As elected officials who have to make some difficult decisions, voting for or against an issue is part of the responsibility the board members take on.

Asked for discussion and for someone to make the argument for abstaining.

**Mr. Goodrich:** Does not think it is a good policy to abstain, even though he has done so on occasion. Will not do it in the future.

**Mr. Bender:** Problem would be abstaining too much. The members have to police themselves. In some cases a member can feel that they can see both sides and there is no clear yes or no to an issue. In such cases, it would seem best to abstain.

**Mme. Chair:** The Board has taken an oath to follow the law and the regulations are one of the laws. Hard to abstain or say no if, in fact, an application meets all the requirements.

**Mr. Bender:** The attorney made it clear that a member can abstain.

**Mme. Chair:** That is the issue being taken up at this time. That opinion is according to Robert's Rules and they do not have to be followed stringently.

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It is her opinion that board members are abstaining too much. Would like anyone who abstains to say why they are abstaining.

**Mr. Vetter:** The Board is trying to work on problems together. They are also learning from each application. By knowing what the board members think and how they vote is important. Important to know someone's reasoning in their decision, as it can support another member's thinking on an issue, or can help another member's logic in forming an opinion. Agrees that there can be some privacy issues, but the Board has to work on problems together.

**Mme. Chair:** Believes the Board is cohesive in working as a team.

If a board member feels he or she needs more time, the Board can take more time in making a decision if it is within the time limit.

**Mr. Ferrante:** Abstaining in certain instances can mean opposition or protest. For example, the bond returns the Board has to approve. If a member abstains too much then it is up to the voters to take action. Does not feel that establishing a policy for each board member to vote, or that someone be required to state the reasons for his or her abstention can be a policy established by the Board.

**Ms. Shaw:** When there are controversial issues to abstain would send a terrible message to the community.

**Mme. Chair:** Asked if Mr. Ferrante would draft the wording for how abstention could be used and she will work with his thoughts in order to incorporate a policy into the Board members' green book.

**Mr. Liddy:** Recalled the Prospect Street application as being very controversial and most members would have preferred to abstain but did not.

**Mme. Chair:** Would like to write up something along these lines, about which the members are in agreement, to put in the Green Book as a policy.

Took a tally of the number of members who think it would be appropriate to give a reason for abstaining. Five members thought it appropriate; four members did not.

**Mme. Chair:** Suggested that Staff determine whether the Board should receive the large size or reduced size plans.

**Kimball Report:** Thinks the Planning and Zoning Department came out all right. Many recommendations were made but not sure how they will be implemented. A three member committee is being established. Would like a P & Z board

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member to be a liaison on that committee to make sure there is input from Planning and Zoning.

**Mr. Bender:** Thought there were a lot of recommendations and talk, but the real conclusion was to institute new software. That was disappointing.

**Mme. Chair:** Most of their suggestions were very costly, especially during this difficult time.

**Mr. Liddy:** Rosemary Scarpa's son has passed away. She is the Republican Registrar of Voters. We send Rosemary and her husband our thoughts and prayers at this difficult time.

**Ms. Shaw:** Distributed LEEDS information that municipalities are implementing through their aldermen and various departments, including planning and zoning. Asked the Board to come to a strong point of view as to how it can establish an ordinance or work with the aldermen and to look at possible ways to prod builders to achieve the silver level of LEEDS in their projects. Has additional information available at her bookstore.

**Mme. Chair:** Commended Ms. Shaw for the work she has done in this effort. Hopes to follow through with this and get something in place.

**Mr. Ferrante:** Noted that the Medical Arts Building that came before the Board tonight is in the only growth industry in the country at this time and the most they could achieve is the silver level. Thought the Board should see what the regulations could do to bump it up to the next level, which would be gold.

**Ms. Shaw:** Silver level is still high and is a reasonable start.

**Mme. Chair:** Asked Ms. Harrigan for future input as to how implementing a LEEDS program could be incorporated into the regulations.

**Ms. Harrigan:** Told the Board some aspects of how the LEEDS program works into various planning and zoning guidelines.

**Mr. Liddy to Staff:** Asked about

## **I. STAFF REPORT**

**Ms. Harrigan:** Had distributed booklets put out by FEMA, which provided answers to the questions about the National Flood Insurance Program. Addresses some items that are addressed in the Coastal Area Management Site Plan Review applications.

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**Mme. Chair:** The police report concerning 95 Wolf Harbor Road was received and they have no problems with the traffic information and they full approve the application.

**Mr. Bender:** Motion to adjourn.

**Mr. Liddy:** Second

The meeting adjourned at 9:15 p.m.

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Phyllis Leggett, Board Clerk