

**MINUTES FOR FIVE (5) PUBLIC HEARINGS
OF THE PLANNING AND ZONING BOARD
HELD TUESDAY, FEBRUARY 4, 2014; AT 7:30 P.M.
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Benjamin Gettinger called to order the February 4, 2014 meeting of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Terrence Copeland, Michael Dolan, John Grant, Jeanne Cervin, (Vice Chairman); Edward Mead, Carl Moore, Tom Nichol, Tom Panzella, Jim Quish, Benjamin Gettinger, Chairman.

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

Also Present: John Gaucher, DEEP

C. PUBLIC HEARING LEFT OPEN – Close by 2/4/2014; expires on 4/10/2014

1. **Proposed Zoning Regulation Text Changes Petitioned by Mayor Benjamin G. Blake, In Accordance with the Provisions of Connecticut General Statute 8-3b**

Article VI Non-Conforming Uses, Structures and Lots

Article VI, Section 6.2 – Non-Conforming Uses,

Section 6.2.6 – Discontinuance

Section 6.3 - Non-Conforming Structures

Section 6.3.6 - Restoration

Article VIII - Interpretation, Administration and Enforcement

Section 8.2.2 - Authority to Enforce

Article XI - Definitions

Structure; Improvement, Substantial

Mayor Blake: Returned after two months in further support of his application for changes to Sections 6.2.6; 6.3.6 and Article XI, Definitions of the Milford Zoning Regulations. The proposed change to Article VIII, Section 8.2.2 has been withdrawn.

The Mayor gave a brief background of the proposed changes from the previous hearing for the benefit of the newer board members who had been provided with all the information presented at the prior hearing of November 6, 2013.

In response to the Mayor's comments made at the public hearing, Staff had made additional comments via a memorandum dated November 18th, to which the Mayor responded.

Upon Mayor Blake's conclusion, Mr. Sulkis responded to the Mayor's statements regarding rebuilding nonconforming structures and uses, in the event they are destroyed. He disputed the Mayor's table of towns given as examples of not having the 50% rule. These towns do not

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compare to Milford and its varied land use (ie, residential, commercial and large industrial areas). What the Mayor proposes does not solely affect residential structures, but other areas as well.

In response, the Mayor cited 16 out of the 24 shoreline towns in the State, including Greenwich and Stamford that have this rule.

Ms. Harrigan stated that Milford has nonconforming properties that are two feet off property lines. In some instances houses have only 5-8 feet between them. When people have had to reconstruct their homes they have spaced their homes in the middle of the property. They have relocated their house in lieu of having to get a variance. The relocation of the house to a different part of the property is advantageous to the City from a flood plain management standpoint.

The Mayor further responded that the houses have to conform to the FEMA elevation requirements, but contended the new regulation change would not put additional hardship on a property owner who lost his property through no fault of his own, (i.e. fire or an act of God).

The Board members asked the Mayor questions with regard to his proposed regulation changes.

Chairman Gettinger opened the hearing to the public. He asked if there was anyone to speak in favor of the application. (No response). Asked if anyone was opposed to the application. (No response).

The Chair acknowledged a letter received via email from Mr. Paul Hartman.

Mr. Nichol: Made a motion to close the public hearing.

Mr. Quish: Seconded the motion.

The Chair declared the public hearing closed.

Ms. Cervin: Expressed her concern in making a decision on these regulations, especially with five new board members. Through no one's fault this matter was held over to the new board. There should be more time and consideration given to making regulation changes.

She made a motion to move these regulations to the Regulation Subcommittee and the subcommittee would bring it back to the full Board. She made a motion for Denial Without Prejudice to be moved to the Regulation Subcommittee.

Chairman Gettinger: Disagreed with Ms. Cervin. He stated the new Board received all the information presented to the Board members before and after the November 6, 2013 public hearing, including the DVD of that meeting. He did not think anything would change between today and a vote in the future. The public hearing and record is closed and nothing further can be discussed outside the Board. Postponing a vote would further delay some changes that some board members do not like. By taking a vote it passes or does not. Stall and delay

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tactics with the guise that the Board does not have information or knowledge to make a decision is unfair. Have a straight vote on this.

Ms. Cervin: Noted her motion needed a second. She was not doing this to stall and delay but to make sure they are making a wise and thoughtful decision. That is the only reason.

Mr. Mead: Second.

Mr. Copeland: Asked about the subcommittee.

Chairman Gettinger: Presently there is no subcommittee. There was one last year but it was not an efficient process. Things were delayed with a lot of red tape and going back and forth. He believed the regulations should be voted on and not put into a subcommittee that does not currently exist. He suggested a vote be taken

Messrs. Mead and Grant expressed their views regarding the definition of structures.

A hand vote was taken on Ms. Cervin's motion for denial without prejudice.

The motion failed.

Mr. Quish made a motion to approve all of the Mayor's proposed regulation changes.

The manner in which to vote on the regulation changes was raised. It was determined that the regulation changes would be voted on separately.

Mr. Dolan: Motion to approve the proposed regulation text change to Article VI, Non-Conforming Uses; Structures and Lots, Section 6.2; Non-Conforming Uses, as amended by the Petitioner at the November 6, 2013 public hearing.

Mr. Quish: Second.

A hand vote was taken: Six members in support; four members against. The motion passed.

Mr. Dolan: Motion to approve the proposed regulation text change to Article VI Nonconforming Uses, Structures and Lots, Section 6.3 Nonconforming Structures, as amended by the Petitioner at the November 6, 2013 public hearing.

Mr. Grant: Second.

Ms. Cervin: Said she would like to see a change in the specific percentage.

A hand vote was taken: Five votes to five votes. The motion failed.

Mr. Dolan: Motion to approve the proposed regulation text change to Article XI, Definitions; Section 11.2 Other terms; Definition of Structure as amended by the petitioner at the November 6, 2013 public hearing.

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Mr. Grant: Second.

Ms. Cervin: Not in favor of the motion as recreational equipment is too broad a term.

A hand vote was taken: The motion failed.

Mr. Dolan: Motion to approve the proposed regulation text change to Article XI Definitions; Section 11.2; Other Terms – Definition of Improvement, Substantial.

Mr. Quish: Second.

A hand vote was taken: The motion passed 6 to 4.

Chairman Gettinger: Asked for permission from the Board to take Item E. New Business, out of order. The Board was in favor of taking item E. 6 out of order.

E. NEW BUSINESS

6. **23 PLATT STREET (ZONE R-7.5)** Petition of Robert Stevens for Coastal Area Management Site Plan Review approval to construct a single-family residence on Map 30, Block 639, Parcel 39, of which Robert Stevens is the owner.

Robert Stevens, owner of the property known as 23 Platt Street, where they plan to build one-family structure to replace an existing 1500 SF, two story structure that will be demolished. The new house will conform to setback regulations and FEMA Regulations. A new concrete apron and asphalt driveway will be installed on the property. There will be two rain gardens and erosion control measures will include the installation of silt fencing. The silt fencing will be maintained throughout the home construction duration. The project will have no effect on coastal resources. Anticipation of the construction process is 6-8 months.

Ms. Harrigan: This had favorable review from the referring agencies. It is a straightforward reconstruction of a single family structure.

Mr. Quish: Questioned Ms. Harrigan's staff comment pertaining to the attic stairs.

Ms. Harrigan: Explained the number of stories allowed to a structure and the height requirement as they pertain to the regulations. The definition of attic is limited. Without approval by the Board the application would be limited to a pull down stair. Attics are required to be unfinished and they are limited to six feet in height and no wider than 10 feet and no longer than 50% of the length of the floor area for that area above the third floor. If it does not meet any of those criteria, it is taken to the Planning and Zoning Board for its review so that the attic level can be approved. For houses, especially in the flood plain where there is no storage at the ground floor level, the Board has approved attics, regardless of size, with stairs that lead up to it, as long as there is an agreement filed on the land records so that future owners can understand this is not intended to be a livable story.

Mr. Stevens: Noted the mechanicals and heating system are stored in the attic.

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Mr. Mead: Asked why no attic was indicated on the drawings.

The plans submitted to the Board were reviewed. It was determined the sheet describing the attic was not provided in the plans. Ms. Harrigan indicated elevation plans that showed the roof area with a dormer and stairs on the third story level that accessed the attic above.

Mr. Mead: Asked to know the specifics of the attic space.

It was suggested this item be tabled until the applicant provides the plans that include the details of the attic area.

Mr. Mead: Also noted that the size of the rear deck was different from the CAM report, 10' x 24 v. 10' x 44.

This was considered a typographical error and will be corrected.

23 Platt Street will be tabled to the next meeting at which time the Board will have received the proper Plans.

Chairman Gettinger: Due to Mr. Gaucher's travels to and from Hartford, the Board was asked its permission to take Item D 4 before Items D2 and D3. The Board had no objection to this agenda change.

D. PUBLIC HEARINGS – Close by 3/11/2014; expires on 5/15/2014

4. **39 AND 45 POINT LOOKOUT (ZONE R-12.5)** – Petition of Edward Leavy, for Special Permit and Coastal Area Management Site Plan Review approval for a flood erosion control structure and bluff repair on Map 28, Block 583, Parcels 12A and 11, of which Margaret Dubuque and Servando and Sandra DeLosAngeles are the owners.

Edward Leavy, PE. This project is for the reconstruction and protection of the slope area that supports properties 39 Point Lookout, owned by Mrs. Margaret Dubuque and 45 Point Lookout owned by Dr. Servando and Sandra DeLosAngeles. The properties were damaged in storms Irene and Sandy. The houses sit on a plateau approximately 39 feet above the water. He described the property and the sloping, eroding condition. There is an inground pool in the back of Mrs. Dubuque's property. A collection of sand, stone and materials that have no cohesive quality are evident in the slope. Once that starts to go it will continue to go. He described the problems that exist with this type of material. If there is another weather disaster, the pool will go. The bank is extremely unstable. Showed via dark red color on the site detail the portion of the slope that collapsed on the two properties. Wound up with a rip-rap slope. He gave the results of a study that would protect the slope. There is no access to this area by the owners. There have been long ongoing discussions about this repair with Staff and DEEP.

Ms. Harrigan: Explained that this type of application is very unusual. Such a project has never come before the Board since she has been here and that is why she asked John Gaucher to speak and clarify the situation to the Board. This is a mandatory referral to the State DEEP.

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John Gaucher: It is unusual for the DEEP to write a letter in support of projects. This project and another project that will be presented to the Board are very similar. They are unarmored, bluff shorefronts sandwiched between structures on either side. The structures are exacerbating the erosion for the subject landowners. The State statutes are very specific about the criteria that have to be met to allow these structures. There are policies that protect bluffs. There are very specific criteria to meet with these two structures to protect the bluff.

As a result of the two storms that have occurred the State Legislature has taken action to change the Coastal Management Act, especially as it relates to the two structures in question, as well as the pool. He confirmed that the DEEP worked with the applicant and staff and approves this design which meets the high standards of the State's criteria by which these structures are allowed.

Mr. Mead: Asked how the work would be done.

Mr. Leavy: Described how access to the property would be made to manage the repair.

Mr. Nichol: Stated the view of the property from the front looks like nothing is going on, but the rear of the property is very precarious.

The Chair opened the hearing to the public. Gave the instructions for the public to speak. Asked if anyone was in favor of the application (No response). Asked if anyone was opposed to the application (No response).

Mr. Nichol: Motion to close the public hearing.

Mr. Grant: Second.

Mr. Nichol: Motion to approve the application to allow flood erosion control structure and bluff repair at 39 and 45 Point Lookout.

Mr. Mead: Second.

All members voted in favor of approval.

2. **425 BUCKINGHAM AVENUE (ZONE R-12.5)** – Petition of Raymond A. Macaluso, for Special Permit and Coastal Area Management Site Plan Review approval to expand St. Mary's Cemetery with grading in the flood plain, on Map 46, Block 510, Parcel 17, of which St. Mary's Church Corporation is the owner.

Raymond A. Macaluso, President, Westcott and Mapes, Inc., 142 Temple Street, New Haven, CT. Representing St. Mary's Church for the expansion of St. Mary's Cemetery off Buckingham Avenue. The proposed expansion is to the south of the cemetery which consists of 17 acres. The number of acres proposed for expansion are 2.5 acres, of which 1.35 acres will be disturbed. All City departments approved this application. 1,143 full depth burial plots are 296 cremation plots are being proposed for expansion. On June 6, 1995 a Special Permit was granted by the Board to allow expansion of this portion of the cemetery, within 25 feet of

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the tidal wetlands, but the project was not completed. A Certificate of Zoning Compliance was issued on December 15, 1995 for all work up to the road. The new plan that is being presented has less impact and is within 50 feet of the tidal wetlands. Because the work and approvals were given so long ago, a new application for the expansion had to be filed.

Raymond Paier, PE, Vice President, Westcott and Mapes, Inc., 142 Temple Street, New Haven, CT. Via a compilation site plan he described the survey, site plan and grading plan. The Board asked questions of Staff and Mr. Macaluso with regard to why this application was being brought before the Board after being approved in 1995. Ms. Harrigan stated upon review of the plans were that were presented to her, there were changes made from the previous approval that required it to go before the Board again.

Chairman Gettinger: Opened the hearing to the public. Asked if anyone was in favor of the application (No response). Asked if anyone was against the application.

Richard Merly, 439 Buckingham Ave. His property abuts a portion of the cemetery parcel. He is not against the project, but wants it made smaller in some areas. Has not experienced water in his home. Fearful the fill is being placed in the flood zone and is putting his home at risk for water. He asked to have the fill line back to the edge of the flood zone, so he could be more at ease.

Mr. Macaluso: Understands Mr. Merly's concern. This has been designed to keep all the water and drainage off Mr. Merly's property. The runoff should go into the tidal wetlands. Drainage swale and grading should not cause Mr. Merly any problems.

Mr. Merly: Not concerned as much with the runoff into the swale. It is from the flooding that comes from Gulf Pond and LI Sound. Not asking for removal of gravesites. Asking for the fill on the flood plain to be moved back.

Mr. Paier: Gulf Pond is a very large body of water that empties into LI Sound. The amount of fill that is 1/10 of an acre, is infinitesimal compared to the size of Gulf Pond.

Mr. Macaluso: Noted the City Engineer had input and agreed with the design of this project. Both engineers feel there will not be an issue.

The Chair closed the public hearing.

Mr. Nichol: Made a motion to approve the expansion of a portion of St. Mary's Cemetery with grading in the flood plain.

Mr. Panzella: Second.

All members voted in favor of approval.

[A recess was taken from 8:50 to 8:57 pm]

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3. **116 BEACH AVENUE (ZONE R-7.5)** – Petition of Jeffrey Gordon, for Special Permit and Coastal Area Management Site Plan Review approval to construct a single family residence with grading in the flood plain, on Map 60, Block 743, Parcel 7, of which REAL LINK HOLDINGS, LLC is the owner.

Joseph Codespoti, Founder, Codespoti & Associates, representing Real Link Holdings, LLC, the property at 116 Beach Avenue. The owners are proposing to construct a single family home with a three car garage. The property is on a quarter of an acre, 1100 SF, that fronts on Blackhall Road and Village Road. There is a walkway but no driveway access on Beach Avenue. He reviewed the flood elevation levels from all directions of the house. There

were photographs that depicted the present damaged condition of the house that will be demolished. The house is subject to flooding. A new home will be constructed and will be elevated. Although this is not shorefront property, it falls within the CAM zone. Mr. Codespoti explained the improvements in the flood hazard zone that will take place. The reason for the Special Permit is to request the patio that will require fill in the flood plain. The water that will flow under the new house will be more than adequate to provide a better flood prevention than presently exists.

Mr. Codespoti described the storm water control measures that will be put into place in view of the impervious area.

No comments from staff.

Ms. Cervin: Noted the impermeability is being increased by 12.7%. The driveway to the garage is large. What will the surface of that be?

Mr. Codespoti: The driveway is already there. Part of it will be the garage.

Opened the hearing to the public. Asked if anyone was in favor of the application (No reply). Asked if anyone was against the application

Dennis Sanzone, 118 Beach Avenue. The house in question is four feet from his house. Where will the location of the new house be?

Mr. Codespoti: Showed the distance between the new house and the existing home. The new home will be moved back 12 feet.

Ms. Cervin: Made a motion to approve the construction of a new house at 116 Beach Avenue with grading in the flood plain.

Mr. Grant: Second.

All members voted in favor of approval.

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5. **121, 123 AND 131 WEST MAIN STREET (ZONES RO and SFA-10)** – Petition of Metro Star Capital, LLC for Zone Boundary Change and Site Plan Review approval to construct a mixed use building with 48 residential units and office space on Map 65, Block 321, Parcels 19, 20 and 24A, of which 121 West Main Street Associates, LLC is the owner.
(Postponed from January 21, 2014 meeting)

Robert Smith, Jr., Managing Member, Metro Star Capital, LLC, the contract purchaser for 121, 123 and 131 West Main Street properties. Offices are located at 50 Cherry Street, Milford. Also present are Ray Oliver, Architect, Architectural Services; Ron Wassmer, PE, CCG Engineering and Land Surveyors, and real estate consultant Stanley Gniazdowski Realty Concepts, Inc.

Mr. Smith stated he was seeking a zone boundary adjustment, which, if approved, will extend the adjacent MCDD zoning district to include the subject parcels, which are currently RO, (Residential

Office) and SFA 10, (Single Family Attached) zoning districts. He is also seeking site plan approval for a mixed use building incorporating four studio apartments; 44 one-bedroom apartments and 1620 SF of office space. This building, as presented, conforms to all MCDD zoning and parking standards. It also includes the demolition of the existing single family home and the 11,400 SF office building that currently exists. The project has received City departmental approvals from the Sewer Commission, Tree Commission, Fire Department, Police Department, Public Works and a unanimous vote from the Inland Wetlands Commission.

This project was previously submitted with a different configuration, which included two buildings with more exposed parking. In response to the request by the Tree Commission to save a very large Linden tree in the front of the property, the project was completely redesigned to relocate the proposed building to the eastern property line and moved more parking under the building. This provided for an appropriate buffer during construction and permanent growing space for the tree.

Ray Oliver, Architect, 3 Lafayette Street, Milford, Project Architect. The property location was noted as immediately to the west of the City parking lot and the Wasson ball fields. Presently on the proposed site is a 12,000 SF office building and a small bungalow house next door to it. Those two buildings will be demolished and replaced by one structure entirely along the eastern side of the property line. There will be 49 parking spaces underneath the building and there will be an additional 28 parking spaces at grade. There is a large wooded area in the rear of the property, which will remain as is. Some of the yard that is on the property will become wooded area to match the wetland type area that is in back of it.

Mr. Oliver indicated the Linden tree on the site plan displayed. It is approximately 48 inches in diameter. It is a landmark tree and it was thought important to save it.

The ground floor of the building will be parking spaces for the residents. There will be an elevator lobby access and some of the mechanical space. At the front of the building is approximately 1640 SF of offices that will be at street level. The two floors above the parking level will be one bedroom apartments with the exception of a total of four studio apartments. 44 one bedroom units and four studio apartments. They will all be handicap accessible. Very high end market rate units.

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The front of the building is a three-story building with a hip roof. It will be brick with a slate roof and limestone detailing. The intent is to pick up some of the character of the Parsons Building that is opposite the parking lot. The façade of the building has been broken up into separate sections to give it a village street look. There is a mix of brick, clapboard, stucco and some limestone look over the façade of the building. It is broken up into different components to minimize the scale of the building. There is a lot of detail to give the building character. The other sides of the building were described. The building and site will be well landscaped. There will be a large tree buffer along the residences to the west of the property. Approximately 25% of the property will remain as open space for the residents to walk around.

Ronald Wassmer, PE, LLS, 158 Research Drive, Milford CT, representing the applicant. He described the site plan drawings that were displayed. Two zoning maps were displayed showing the current zoning configuration and another zoning map showed the proposed zones after the boundary adjustment of the zone lines. All engineering aspects of the project were described, including utilities and lighting plan. Copies of the zoning maps were distributed to the Board. The maps were explained and structures identified. It was noted that the design professionals worked closely with the departments, agencies and commissions to develop a sound redevelopment plan for this parcel.

Mr. Smith: A complete restoration of the existing wetlands will be undertaken, which will improve the area and the environment.

Stan Gniazdowski, Realty Concepts, Inc., a real estate consulting and advisory firm in Guilford, CT. Mr. Gniazdowski listed his credentials. He performed a development impact study on the proposed development. The study was performed as if the project was in place today and completed to see what impact it would have on the municipality. The main focus of the report is the impact the project would have on the school system. Other issues were addressed as well.

He described the method of analysis he used in conducting his study. These included: Visiting the site; review the architectural and engineering drawings; review the City's zoning regulations; the POCD and also performs of demographics. He uses Cirq data and compares data that he develops in order to get a feel for the City of Milford. The demographics he provided indicates that there is some growth projected between now and 2018. At this time Milford is in high demand for apartments due to its location. It is between New Haven and Bridgeport; on a train line to Stamford and New York; and is near the center of the population of Connecticut. A drive time analysis was also done. All these factors put Milford and the subject property in a very good position for apartment development. The rental rates are high with the median income at \$76,000 for one bedroom and some studio apartments.

The proposed building, its location and impact on traffic was also evaluated. The traffic report showed traffic in the morning and afternoon. Depending on the tenancy of the office part of the building, there could be traffic all day long.

His conclusion was that the proposed development should have a positive fiscal impact on the City of Milford with little or no increase impact on demand for City services and no major impact on the school system. He also saw no impact on the other residential properties in the area.

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Mr. Smith: Noted the traffic calculations were in the rear of the Impact Study. He reviewed the ways this project was in keeping with the 2012 Plan of Conservation and Development and listed the project's benefits to the City. He reviewed how his apartment buildings have been successful in the City.

Mr. Sulkis: Had nothing to add to the applicant's presentation.

Mr. Grant: Questioned the locations of where the traffic study took place.

Mr. Smith: Comparison was only made between existing and proposed uses. There was a net reduction in peak hour trips. No other streets were studied.

Ms. Cervin: Asked if restaurants or retail stores would be possibilities for the mixed use.

Mr. Smith: Only 1600 SF available. Most likely office space.

Chairman Gettinger: Opened the hearing to the public and gave the public speaking procedure. Asked if anyone was in favor of the application.

Ellen Velazquez, 265 High Street. Proposed building would be behind her back yard. Has no problem with the proposed building. Welcomes this project. There is traffic all over this area.

Mr. Sulkis: Noted there was a letter from George Hunnihan, 88 West Main Street who is in favor of the project.

Chairman Gettinger: Asked if there was anyone to speak against the application.

Brian Anderson, 49 Ingersoll Road. Came to hear the details of the application. What was proposed months ago is not what was presented tonight. It went before Inland Wetlands and he had been in favor of it at that time. Spoke highly of Mr. Smith. Has questions about the size of the project. One key item that was not mentioned was that it overlooks Wasson Field. He believes the original proposal had more than one building. The present application is for one building. He asked what the overall length of the building was. It is three stories with parking underneath. Is it the same size as the new building on High Street at the town dock? That size would be too large for West Main Street. The words "Central Business District" was mentioned. He does not think most residents in the area regard this as the Central Business District. It is an historic area. He described the mixed uses and housing in the area. He noted he requested the stop sign at High Street and West Main Street due to all the traffic by trucks and cars and accidents that were occurring.

Mr. Anderson noted the architect's description of a varied façade that would allow the building to appear more modest in nature. No matter what you do with the façade, a single building with three stories creates a wall that overlooks Wasson Field. Suggested the Board ask the applicant to go back to the drawing board and come back with something more modest and in keeping with the area. He did not recall 48 units being sought in the first application.

James Rude, 141 West Main Street, at the corner of West Main Street and High Street. He has concerns about the scale of the property. This is an historic neighborhood. His house was built in 1785 and has lived there since 1993. The factory was built in 1850. Most of the homes along West

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Main Street were built in the late 1800's or early 1900's. A project that was put in across the street from him went bankrupt and became public housing. It would be like taking the Carter Mario building on Cherry Street and putting it next to a 200 year old carriage house. Traffic – in 21 years he has witnessed the cleanup of one major accident per month, minimum. Grateful for the stop sign but it has not cut down on the number of cars. How can a 48 unit building reduce the peak traffic time both before and after business hours. He is a businessman in Milford. Mr. Smith has done wonderful projects in the City, but the scale of this project is too large for an almost exclusively residential neighborhood. It will significantly change the character of an historic neighborhood. Other developments have increased the water table and trees have died in the process. He does not believe the 200 year old Linden Tree will survive the project. Wrong building, wrong project in the wrong place.

Bertha Gallant, 135 West Main Street, the property directly adjacent to 131 West Main, which will be torn down under this proposal. Agrees with the past speakers. No way that traffic will be reduced at West Main Street. Of primary concern is the scale of this project. Asked the Commission to ride down to the end of High and Helwig Streets and take a look at the project that is three stories with only 20 apartments. It is next to a house that was built in the late 1800s. That house has been dwarfed. She is fearful that is what will happen to her piece of property and others on the street as well. She has lived at her house for almost 30 years. If the Board goes down New Haven Avenue and looks at the harbor, they will only see the new building at High and Helwig. She is also opposed to the change in zoning to MCDD. She feels this will open up the possibility to build other types of projects on that property, should this project not be completed. She urged the Board not to change the zone and to consider the scope of this project.

John Reynolds, 107 Maple Street. Questioned the term “mixed use”. What does it mean?

Loretta Toomey, 114 Maple Street. Against the zone change to allow for this 48 unit apartment building. Lives on corner of Maple and Meadow. Accidents almost every day. Size of the building does not go with the neighborhood. Ruining the small town charm by building on every vacant piece of property.

William Bradford Beetham. Concerned about the scope which is oversized for the neighborhood. Too much density; affect property values and lower the quality of life in Milford.

Alex Brack, 25 Housatonic Avenue. Owns a single home which is a main filter street to the development. Works at home and sees the traffic on the streets. Housatonic Avenue is the main road to Route 1 and is a major route for emergency vehicles that go there all day long. This project would cause more of a cluster in that area. Worries about his property value. Local homeowners take pride in their property. Apartment renters do not have that same level of pride in the town. Putting in such a massive project will detract from the town. It should be determined at what point do you decide to give up some of your tax base in an area to keep some of the charm in the downtown area. Many houses for sale in the neighborhood. Won't sell if there is mass development.

Joanna Escandon, 261 High Street. Her backyard would be in back of part of the parking lot and the end of the building. Lives across the street from Foran Towers. Does not want her view to be of all apartment buildings. Looking at windows and added lights. The glare from cars exiting and

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entering Foran Towers into her house is annoying. Ambulances and fire trucks are constant at Foran Towers.

Chairman Gettinger: Asked for a motion to extend the meeting..

Ms. Cervin: Made a motion to extend the meeting to 11:30 p.m.

Mr. Grant: Second.

All members voted in favor of extending the meeting to 11:30 p.m.

Steve Rathbun, 44 Prospect Street. Against the zone change. The scale of the project is too big. Adding units adds traffic. The downtown roads are quaint New England roads that are overly taxed by the cars that are going by now. This lot was zoned RO for a reason. MCDD should not have been there. Asked Board to vote against the zone change.

Ann Maher, 50 Prospect Street. As the zoning stands now this project would not be allowed. The people who live in this area are not in the MCDD district. Her home is in the MCDD district. If this development due to size or scope requires a zone boundary change, and that change is solely for the development and it is not taking into account the surrounding neighborhood, then it is spot zoning. If it happens here, what stops it from happening from development encroaching in other areas throughout Milford where the zones meet? When zones can be changed so easily only when that zoning change encourages development and conversely, when obstacles are pointed out when zones are asked to be changed to minimize already overdeveloped areas of downtown, what does that mean for the Small City With the Big Heart? Where do we go? Who do we value? There are neighbors on Prospect Street that are part of the MCDD district. They are apartment dwellers. Also, within 1800 feet, not just a train station, but four already existing apartment complexes. How many more are needed? Homeowners and apartment dwellers must co-exist. This is not MCDD. Please consider that when making your decision.

Ethel Reynolds, 107 Maple Street. Agrees with everyone who has spoken. Has seen a lot of changes in Milford since 1962. Sees this as a way for people to break up neighborhoods. The beauty of Milford should be considered and why people come to live here.

Chairman Gettinger: Asked the Applicant to address the question what mixed use means, and more importantly, how it applies to his application.

Mr. Smith: Mixed use means you have a commercial use and residential use in the same building. There is a very small office space and residential for the rest of the building. He clarified that the building is two stories over parking; not three stories over parking. He noted change is defined in the Plan of Conservation and Development and establishes what change should be and how to implement it in the City. It is a collaboration many groups that make up the City. It calls for change to buildings of this type in this area. The neighborhood is not predominantly single family homes, but a mix of everything. This is not just a residential zone.

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Ray Oliver: The length of the building is 276 feet. There are large buildings in the area; Harborside School, Parsons Complex, Housing . Big buildings in the area. The proposed building is not as big as those buildings. The building at Schooner Wharf is a big building but was divided up into different materials and architectural styles so that the building has character and does not appear to be massive in scale.

Bob Smith further responded to comments that were made: The new building at High and Helwig Streets has 28 units, not 20. The neighbors who live in the surrounding areas sent letters to the City Planner asking that a fence not be erected because they enjoy the view of the building and think it is very attractive. He further noted that this could be approved by the Board as a Special Exception via the RO zone. This would be allowed as it is not a prohibited use. Because it is in two different zones and adjacent to the MCDD zone, the City Planner recommended the zone line be moved and keep it clean and not be in multiple zones.

Rebuttal by Opposition:

Brian Anderson, 49 Ingersoll Road. His question was not answered: Why was the change made to a single structure?

Mr. Smith: The plan was changed from two buildings solely to save the Linden tree.

Mr. Sulkis: This is the first time this application has come before the board.

Ann Maher: Pointed out the many references to the Plan of Development. It is the Comprehensive Plan of Conservation and Development. It is not purely development. While an office building may be allowed in the zone that it is in right now, that is not the proposal, so it is moving the truth away from what is being discussed now. This is not an office building; it is a mixed use building. To say that an office building would be allowed right now, an office building is not being proposed. Asked that the "Conservation" part of the POCD not be forgotten.

Alex Brack. When is enough enough? There might be low income housing directly across the street, but do we want to look like Coney Island where every building is a sky rise. Garage level and you have two levels of apartment above it, it's three levels. It is still higher than any building in that immediate area.

Mr. Smith: It is essentially the same height as the building that is there now. There is a sizeable office building there now.

Ms. Cervin: Asked if it was explored to incorporate the RO zone into the SFA-10 zone?

Mr. Smith: It made more sense to move the zone line because it is adjacent to the property. The Plan of Conservation and Development spoke about this procedure and change.

Chairman Gettinger: Asked if the record should be kept open.

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Mr. Quish: The Impact Analysis was just received tonight. Would read it and think about what was said and consider the different options with regard to changing the zone or a Special Exception.

Mr. Sulkis: Asked what the record was being kept open for.

Chairman Gettinger: Thought to leave the record open so the Board could read the report and if there were questions or anything to be added to the record, it could be done.

Asked Staff with regard to the applicant's statement that all City departments approved, didn't the Police Department technically deny the review?

Mr. Sulkis: The Police Department denied it because they reviewed it under the current zoning, which is an unusual circumstance. There has never been an application reviewed by the Police Department where they did not actually review the application as a prospective application. They looked at the project as proposed and said as proposed with the current zoning it does not comply. They said they would re-review it if the zone is changed for compliance at that point. He told them that they are advisory to the Board and will not get a second bite at the apple. He agrees it does not comply with the current zoning and that is why they are asking for the zone change. With the zone change it complies 100% with the standards of the MCDD.

Chairman Gettinger: The record will be left open for the limited purpose that was discussed.

Mr. Sulkis: The public can come to the office to review the report and ask questions on the report.

New Business:

7. 835 MILFORD POINT ROAD – REQUEST FOR BOND RETURN

Request for a partial subdivision bond return in the amount of \$20,350, retaining \$4,690 for one year, in accordance with the memo received from Richard Tomasco, Acting Public Works Director, dated January 9, 2014.

Mr. Sulkis: Explained to the new members the process of the subdivision bond return.

Ms. Cervin: Made a motion for approval of the subdivision bond return for the Milford Point Road Subdivision.

Mr. Grant: Second.

All members voted in favor.

F. LIAISON APPOINTMENTS

Mr. Mead: Police – nothing to report.

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Ms. Cervin: Tree Commission

Mr. Quish: Conservation Commission.

Mr. Copeland: Golf Commission

Fire Department, Board of Aldermen, Inland Wetland Commission were still available for coverage.

Mr. Cervin: Will take the Board of Aldermen and not the Tree Commission.

G. APPROVAL OF MINUTES – (1/7/2014)

Ms. Cervin: Motion to approve.

Mr. Grant: Second.

Ms. Cervin noted at the last meeting she asked that the entire motion not be read upon approval or denial, as it had already been read into the record. She asked that this practice be adhered to when a member makes a motion.

Mr. Gettinger: Agreed that should be the practice.

H. CHAIR'S REPORT

Would like to restart the Regulation Subcommittee.

I. STAFF REPORT

Mr. Sulkis: Moratorium on Marijuana Growth and Dispensary Facilities will expire on February 28th. Suggested the Moratorium be extended and then the Board could give guidance on how they want to proceed with this matter.

Chairman Gettinger: Agreed. Suggested it be extended for two months.

Mr. Quish: Second.

All members voted in favor of extending the Moratorium on Marijuana for two months.

Mr. Sulkis: The regulation changes that were approved tonight need an effective date. Suggested 2/21/2014.

Mr. Dolan made a motion to approve the effective date of 2/21/2014 for the regulation text changes that were approved tonight.

Mr. Quish: Second.

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All members voted in favor.

Mr. Sulkis: John Gaucher who was present tonight from the DEEP offered to hold a DEEP CAM workshop for the Board.

Ms. Cervin: Asked for a Site Plan Review Workshop as well.

Chairman Gettinger: Thought the Board could benefit from these workshops and asked Mr. Sulkis to set them up.

Ms. Cervin made a motion to adjourn.

Mr. Grant: Second.

All members voted in favor of adjourning the meeting at 11:20 p.m.

*Phyllis Leggett*_____
Phyllis Leggett, Board Clerk