

**MINUTES FOR ONE (1) PUBLIC HEARING OF THE  
PLANNING & ZONING BOARD  
HELD TUESDAY, MARCH 17, 2009; 7:30 P.M.  
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

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

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

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

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

**C. 8-24 APPROVAL**

1. **120 BRIDGEPORT AVENUE – PURCHASE OF PROPERTY BY DEVON REVITALIZATION COMMITTEE** - Request of Mayor James Richetelli for CGS 8-24 approval for the purchase of a vacant lot at 120 Bridgeport Avenue, Map 18, Block 365, Parcel 5, of which Christina D’Arcangelo and Daniel Bagley are the owners, as well as an easement to the City for a right-of-way through 128 Bridgeport Avenue, Map 18, Block 365, Parcel 7, of which Joseph P. Arcudi is the owner.

**Bob Gregory, Director, Community Development**, representing the Mayor on behalf of this Connecticut General Statutes 8-24 Approval for the Devon Revitalization Committee to purchase a vacant lot at 120 Bridgeport Avenue in order to provide much needed municipal parking in the Devon area.

Funding for this purchase will be made via a grant that was given to the Devon Revitalization project. Thought there would be more spaces than there will be. Less space than originally thought. One way to maximize the spaces will be to get an easement from the rear property located at 128 Bridgeport Avenue for use as an egress, rather than have ingress and egress onto Bridgeport Avenue. It would also be a safer way to manage the parking because cars would not be coming out onto Bridgeport Avenue. They would go through onto Ormond Street and come out at a light where they could then go back onto Bridgeport Avenue.

**State Representative Barbara Lambert, 8 Breakneck Lane**, spoke in favor of the project. The Devon Revitalization Committee has voted to acquire the property at 120 Bridgeport Avenue and they are asking the Board to approve the project.

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**Mme Chair:** Asked if there was a legal agreement with the adjoining property owner for an easement at this time.

**Mr. Gregory:** No, but the Committee will not go forward with this sale unless there is a written legal agreement. There is a verbal agreement but nothing in writing. The City Attorney is in the process of drawing up an agreement.

**Ms. Shaw:** Questioned whether it was premature in the process to be making this decision, i.e. has the City's Traffic Division reviewed this? Was the grant specifically for the parking or part of a general grant?

**Mr. Gregory:** There was no traffic study. The former City Engineer had reviewed the proposed plan. Part of a general grant. Three separate grants that have been rolled into one. The budget has been modified periodically as different needs have come up. This is part of the \$4.7 million grant.

**Ms. Shaw:** This is part of a comprehensive plan the City has for Devon revitalization?

**Mr. Gregory:** Yes. There was a separate parking study made and this is a parcel that had been recommended.

**Mrs. Patterson:** How many parking spaces will there be to eliminate some of the traffic jam that is currently in that area?

**Mr. Gregory:** There would be 12 spaces with the easement going through the property next door.

**Mr. Bender:** Would the maintenance be the City's responsibility? Is one space for the handicapped?

**Mr. Gregory:** Maintenance would be done by the City. There would be at least one handicapped space.

**Mr. Goodrich:** Recalled the study that had been done that showed most of the businesses in that area lacked parking. Any additional parking would help all businesses in the Devon area. Using this lot is probably the least traffic intensive use for this property.

**Mme. Chair:** Does not disagree but is concerned that the Board does not have enough information to make a responsible decision at this time. If the Board decides to approve this request, it would have to be approved with several stipulations.

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**Mr. Vetter:** Asked if the Board gets to approve this upon the condition of a Site Plan Review.

**Mme. Chair:** It's the Board's right to request that, just as it is required of any other submission that is brought into the office. That is how the required accurate information is obtained. Aware that there is a tight time frame here and there are concerns on the Applicant's side with doing this, but that is what is required with any other plan of this type.

**Ms. Rose:** Lives very close to this area. Believes that the parking would mostly be used by the restaurant patrons very nearby rather than the general public.

**Mr. Vetter:** Believes this parking lot would benefit the day businesses that have no parking on Bridgeport Avenue and might encourage other businesses to open. Parking for Al Dente's restaurant would most likely take place at night.

**Mr. Liddy:** Asked if there would be a sign identifying the lot as free municipal parking.

**Mr. Gregory:** This would be identified as a municipal parking lot.

**Ms. Rose:** Asked the purchase price of the lot.

**Mr. Gregory:** \$160,000. Two appraisals were obtained; one for \$130,000 and the other for \$180,000.

**Mme. Chair:** Asked Staff if there was an issue with increasing the nonconformity of a nonconforming parcel.

**Mr. Sulkis:** The plan can be accomplished, but there are steps that need to be taken before it can come to fruition. By putting in the lot at 120 Bridgeport Avenue, they are removing parking that exists on the lot for 128 Bridgeport Avenue. It is required parking for 128. Therefore there is a nonconforming situation which is being increased, which is prohibited by the regulations. The regulations allow the Board to waive that, but that is on the condition of the property owner at 128 Bridgeport Avenue entering into a long term lease with the City for the parking that would be removed from his property on that lot. For example, if they are removing three parking spaces from 128 Bridgeport Avenue, they need to replace those parking spaces. As it stands now, if the Board approves the request and none of this is done, that property is in noncompliance with the zoning and a Certificate of Zoning Compliance could never be issued for it.

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**Mme. Chair to Mr. Sulkis:** This is a very serious matter and difficult for the Board to work around. Can they do anything that would not require coming back to the Board with a site plan?

**Mr. Sulkis:** This change to 128 Bridgeport Avenue is basically a Site Plan Amendment. It is an old building. No idea whether the parking lot that is there now is conforming or nonconforming. Do not know what the size of the spaces are. These are the kinds of things the Board needs to know before it can make an informed decision. An updated survey is needed so that when they give Planning and Zoning measurements, there is a base to measure from. Cannot do this without having a site plan.

The parking lot proposed for 120 Bridgeport Avenue is fine. The regulations specify the design of the parking lot, the setbacks, landscaping, etc. Do not know if it conforms to any of it, as there are no plans that give the details of the project. If this application was brought into the office as is, it would be rejected.

**Mme. Chair:** Aware of this and it makes for a difficult decision by the Board. These are legal requirements and if the Board does not ask for them, it is not making a responsible decision.

**Mr. Goodrich:** Asked if the Board was looking for a proper survey and site plan.

**Mr. Sulkis:** Number 5 of the conditions written is important because the property owner of 128 Bridgeport Avenue would have to appear before the Board to ask for a parking waiver and would also have to enter into a lease agreement with the City to replace whatever parking is lost on his site, which would have to be placed in this new parking lot. It is doable but there is a process that must be followed.

**Mr. Ferrante:** Cannot imagine that the adjacent property owner, Mr. Arcudi understood that he was placing his own property in jeopardy by this beneficent act. Would like to see some landscaping on this project.

**Mr. Vetter:** Asked if it was known how many parking spaces would be lost.

**Mr. Sulkis:** Looked at the lot today. Could not tell because half of the lot is not striped. There are vague outlines but could not be sure. Could be two or three.

**Mr. Vetter:** Stated he was familiar with the property. Does not know how many spaces they are starting with and would losing 2-3 spaces be a big problem.

**Mr. Sulkis:** It is a problem as it increases the nonconformity, which is illegal.

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**Mrs. Patterson:** How does the easement affect Mr. Arcudi's property at 128 Bridgeport Avenue in the event he would want to sell it in the future?

**Mr. Sulkis:** Any easement that is agreed to goes with the property and it would be in perpetuity, as that is the only way the new parking lot would be able to function.

**Mr. Liddy:** Who would prepare the site plan?

**Mr. Ferrante:** It's a wonderful idea. Not sure how the plan got this far without providing the necessary information. The Board would have liked to approve it but under the circumstances, a site plan, a survey and any other required information have to be provided.

**Ms. Rose:** Moved to grant 8-24 approval by the Planning and Zoning Board subject to the motion presented by Staff as follows:

Petition of James L. Richetelli, Jr., Mayor, for 8-24 Approval to Purchase a parking lot at 120 Bridgeport Avenue, Map 78, Block 365, Parcel 5 from Christina D'Arcangelo and Daniel Bagley, is approved with the following conditions:

- 1) Submittal to the Planning and Zoning Board of a full Site Plan that fully conforms to the City of Milford Planning & Zoning Regulations.
- 2) Application and submission of an amended Site Plan for the following two parcels.
  - a) The vacant lot on Ormond Street, Map 18, Block 365, Lot 7
  - b) 128 Bridgeport Avenue, Map 18, Block 365, Lot 6
- 3) Submission of a notarized statement by Joseph Arcudi, owner of the two aforementioned lots agreeing to an easement through his property.
- 4) Submission of the easement, description and map to be provided to the Board and to be filed on the Land Records after further Planning and Zoning review.
- 5) An application by Joseph Arcudi asking for a waiver of the parking for paces lost to provide egress from the City lot and provide the required lease agreement for use of the new City lot per Section 3.17.2.16(6). The lease that is required to be executed shall be for the same number of parking spaces that are to be displaced by the egress from the new lot.

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**Mr. Goodrich:** Second.

**Mr. Liddy to Mr. Gregory:** Who will provide the site plan?

**Mr. Gregory:** Professionals will be hired and paid out of Devon Revitalization funds.

**Mr. Vetter:** Expressed his concern about the traffic flowing through both lots and the safety aspect of coming in and going out of the lots. Would like the site plan to include the easement, so the lot where the cars will be leaving from can be seen.

**Mr. Sulkis:** The amendment might read that the lot known as Map 18, Block 365, Lot 7 has to show all the elements required in a standard site plan review.

**Mr. Vetter:** Asked for clarification as to whether 128 Bridgeport Avenue is Al Dente restaurant.

**Mr. Sulkis:** Yes, but the parking area in the back is a separate lot. It is joined through use, but they are two separate tax parcel lots. Anything that applies to the restaurant applies to the lot in the back as well.

**Ms. Rose:** Made an amendment to the motion that the site plan provide all the necessary elements required by the Planning and Zoning office and that a study be made and a report be obtained by the Milford Police Department Traffic Division.

**Mrs. Patterson:** Second.

All members voted in favor of the amendment.

**Mr. Liddy:** Asked if lighting would be provided for the parking lot.

**Mr. Gregory:** Responded yes, as required by the regulations.

All members voted in favor of the motion. The motion with conditions was approved unanimously.

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**D. PUBLIC HEARING CLOSING BY 5/21/09**

2. **35 PAGE STREET (ZONE R-12.5)** Petition of Thomas Lynch, Esq. for approval of a 2-Lot Subdivision on Map 19, Block 232, Parcels 6A, 7 and 7A, of which Damon Daniels is the owner.

**Thomas Lynch, Esq., Lynch, Trembecki and Boynton, 63 Cherry Street, Milford,** representing Ellen and Damon Daniels. Straightforward application for a subdivision located at the end of a cul-de-sac on Page Street. The property is at the end of a cul-de-sac on Page Street. The property is an oversized lot in the R-12.5 zone and consists of approximately 33,000 SF. The proposed development plan prepared by Codespoti & Associates shows the house parcel as Parcel A, consisting of 13,900 SF. He explained the proposed building Lot B, consists of a net of 17,000 SF. because the property and residence known as 41 Holly Street has a driveway easement on a portion of Lot B. In conforming to the regulations, the calculation of lot square footage does not include an easement area.

This property received a variance in October 2006, based on the required lot width in the R-12.5 zone. Property is located at the back end of the Jonathan Law athletic fields.

The garage on the property to be developed will be removed. There will be a reconfigured driveway for the Daniels' house and a new driveway that will service the new dwelling.

The Tree Commission reviewed these plans. Four trees will be removed through the construction. Two shade trees will be planted at the entrance of the driveway for both driveways. They are smaller than the Tree Commission would like and it would be no problem to have the tree size comply with the recommendation of the Commission.

These two lots meet or exceed the requirements of the zoning regulations in this zone. This property was not subject to a free split because it had been split off in 1942 from the Honnock property where Milford Concrete Products had been located for many years and therefore had to come before the Board for approval.

**Mme. Chair:** Asked if there would be Open Space funds donated for this subdivision.

**Mr. Lynch:** There are no plans at this time to develop the property, but at such time the property is sold or developed, there will be an open space donation.

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**Mme. Chair:** A fire hydrant was requested by the Fire Department.

**Mr. Lynch:** The applicants will install one.

**Mme. Chair:** Anyone to speak in favor of the application? (None)  
Anyone to speak in opposition to the application? (None)

Declared the public hearing closed.

**Ms. Rose:** Made a motion to approve the two lot subdivision as presented by Attorney Thomas Lynch with the following conditions: A fire hydrant must be provided at the end of the cul-de-sac at Page Street and compliance with the changes recommended by the Tree Commission.

**Mrs. Golden:** Second.

All members voted in favor.

**PUBLIC HEARING CLOSSES BY 4/7/09**

3. **417 GULF STREET (ZONE R-12.5)** Petition of Peter W. Crabtree for approval of a 3-Lot Resubdivision and Coastal Area Management Site Plan Review on Map 36, Block 519, Parcel 18, of which Nicholas Riggione is the owner.

**Mr. Goodrich:** The CAM report and the applicant state that it is unsafe to walk on the phragmites. The easement from the other two lots goes through the phragmites causing an unsafe condition. Thinks that the easement for the other two properties should include some grass areas.

**Mme. Chair:** The DEP approved this. There appears to be 35 feet of exposure to the harbor. Phragmites are an invasive species and they can take over if left to grow on their own. Does not see this as a problem.

**Mr. Sulkis:** The DEP has no concerns about this, nor does Planning and Zoning. DEP has a program where they remove the phragmites. If a dock is placed in this area in the future the DEP will review the property again.

**Mr. Liddy:** Concerned that there are no sidewalks on this very busy street. The Board should enforce the sidewalk rules for subdivisions. Putting in sidewalks would make it safer for pedestrians walking to and from Gulf Beach.

**Mr. Ferrante:** Does not think that sidewalks are a bad idea.



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**Mme. Chair:** Asked for clarification as to where the sidewalks would be placed.

**Mr. Liddy:** Clarified that there are sidewalks on both sides of the bridge.

**Mr. Sulkis:** Has no issue with installing sidewalks. The City appears to have seven feet from the edge of pavement and the property lines. That is where all the landscaping is and that is where the proposed new trees would be. In order to preserve the trees, the sidewalks would have to be smaller than the current City specifications for sidewalks.

**Mr. Ferrante:** Leave the trees and do the sidewalk.

**Ms. Rose:** Addressed the concerns of the general public regarding the historic house on the property. She is Chair of the Planning and Zoning Historic Committee. At the meeting held on February 10, 2009, it was suggested that the different historic groups in Milford get together and go to the Board of Aldermen and work with them to form one historic commission in Milford. Dick Platt found a State statute that is available so that the Board of Aldermen can choose a commission in Milford. The commission would go property by property to designate particular homes to be covered under historic rules and regulations. Hopefully the groups will be getting together shortly to go before the Board of Aldermen to get the wheels in motion for this. This would protect homes, such as the one that is on the 417 Gulf Street property. The designation of the homes would be with the approval of the homeowners. Wants the public to know that the Committee is concerned with the historic homes in Milford and the wheels are in motion for this. Asked the public to get involved and support this endeavor by going to the Board of Aldermen, watch their agendas and when this issue comes before them, go out and show support for the different historic groups when they come before the Board. There is a book containing hundreds of properties that have been picked out. The problem in Milford is the homes are scattered throughout the City and not in one specific district.

**Mme. Chair:** People spoke about this issue at the public hearing on this property, expressing their concern. It was made clear to them that the Board does not have any say as to what happens with the home on this property. It can only rule on the subdivision.

**Ms. Rose:** Made a motion to approve with the condition that sidewalks will be added on Gulf Street while maintaining the existing trees on the property.

**Mr. Liddy:** Second.

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All members voted in favor. The motion passed unanimously.

**PUBLIC HEARING HEARD 2/17/09; expires by 4/23/09**

**4. PLAINS ROAD – MILFORD CORPORATE CENTER PHASE II**

**(ZONE DO-10)** Petition of Kevin J. Curseaden, Esq., on behalf of Jay Patel, for 1) A Special Exception to construct and operate a conference center building, one hotel and one hotel pad; 2) A Special Permit to construct a conference center building, one hotel and one hotel pad and 3) A Site Plan Review, on Map 52, Block 939, Parcel 35C, of which WDC Milford Associates, Ltd. is the owner.

**Mme. Chair:** Worked with Mr. Sulkis on the motion, which is subject to the Board's comments and discussion. The applicant has submitted a modification to the site plan. Asked Mr. Sulkis to tell the Board about it.

**Mr. Sulkis:** Based on the Board's comments at the last meeting, talked to the Applicant to see if the plan could be modified taking into account the Board's concerns and those expressed at the public hearing. Listed the Board's concerns:

- 1) Distance of the parking area in relation to Ford Street. Although the plan complied and even exceeded the regulations, the concern was that the berm and natural vegetation were being adversely affected. The Applicant pulled back the parking area almost another 100 feet. In doing that they are asking that the Board approve valet parking. The modified plan shows 219 spaces of valet parking before the conference center. The conference center would have free valet parking.
- 2) By moving the parking lot for valet parking, the concern about the amount of open space was addressed. The lot for open space will now stand on its own and meets all the open space requirements.
- 3) The parking now provides for a 125 room hotel because there will be 612 spaces on the property. The pad they are asking for would support a 125 room hotel. The pad as presented on the plans would not change. It could be smaller but could get larger. One of the conditions of the motion is that the hotel would have to be constructed within five years.

The Applicant provided information that showed if the utilities would have to be put in at a later date it would cost an additional \$200,000. That did not take into account the changes that the State Traffic Commission would require at that point. To delay the approval of the hotel pad would mean a second visit to the STC and

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probably different conditions on Plains Road at that time.

He further stated he went through zoning tables to double check all the figures that were provided and they all work.

Another issue that had come up was the term “accessory use” which was used for the conference center. Believes that the term applied to the conference center as being an accessory use to the other hotels that were there. The conference center is massive enough to be a principal use and has always been treated as such through setbacks and it meets all the requirements of a principal use according to the regulations.

The Board had also expressed confusion as to which waiver for a setback is which and the new and improved site plan shows this clearly and is available for the Board’s review. This plan is color keyed with a table and could be a model for future applications.

[The Board took a few minutes to review the modified plan.]

**Ms. Rose:** Asked about loading docks for the hotel pad.

**Mr. Sulkis:** Yes. The plan shows the loading docks for both hotels and the conference center.

**Mr. Ferrante:** Asked why the hotel pad could now accommodate a 125 room hotel when they came in asking for a 90 room hotel.

**Mr. Sulkis:** There had been the same potential for the size of the hotel to have 125 rooms but they would have required a parking waiver as they would not have had enough parking spaces. Now they can accommodate all of the parking, because valet parking allows more cars.

**Mr. Liddy:** Asked if the valet parking would be 24 hours a day.

**Mr. Sulkis:** That would be the case when the conference center is in use because it is providing the parking for the conference center.

**Mr. Liddy:** Cited Sec. 3.6.4.4 of the regulations regarding the design. The two buildings that are currently there are close in design, however, the conference center and hotel are dissimilar from these buildings in design and are not in harmony with them.

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**Mme. Chair:** That issue was mentioned at the last meeting. It was her feeling that the three buildings proposed will be on their own site and will be in conformity.

**Mr. Ferrante:** Discussed the existing buildings and the proposed buildings with regard to the architecture. The five buildings will be considered a campus. There should be more conformity in the overall design of the park.

**Mme. Chair:** Talking about different uses; hotels and a conference center as opposed to office buildings. That is a significant issue.

**Ms. Shaw:** There is a space differential between both sides with landscaping separating the two areas. There is a buffer between the properties.

**Mr. Vetter:** Stated the back of the hotel that faces one of the existing office buildings has no landscaping in that area. There is a road and parking spots. There is approximately 75 feet from the back of the hotel to the red office building. If they were integrated a little more with landscaping, it might give the appearance of conformity to the overall design of the park. It was an office designed area. Now there is a separate park within what was an office park.

**Mr. Sulkis:** The closest point of the office building that is closest to the Holiday Inn is 160 feet away.

**Mr. Goodrich:** This board is a land use board, not an architectural review board. They could go 50 feet from Ford Street. They are coming in with 280 feet. Overall this project far exceeds the regulations. Moved to approve the petition of Jay Patel for a Special Exception, Special Permit and Site Plan Review to construct a conference center building, one hotel and one hotel pad in accordance with the plans submitted to the Planning and Zoning Office on February 11, 2009 and the revised conceptual parking plan dated March 10, 2009 with the following modifications:

1. The parking area shall be set back 280 feet from Ford Street, maintaining the existing berm and vegetated area.
2. The newly reduced parking area shall serve as free valet parking for the conference center, and shall provide for 219 valet parking spaces.
3. The hotel pad for a maximum 125 guest room hotel shall be approved. If the hotel is not constructed within five years, the pad shall be converted into additional parking. The pad may decrease in size but may not increase in size.

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4. Waivers for loading docks, the number of rooms (96) at the projected Holiday Inn, and requested yard waivers is granted.
5. Plans for enclosing the proposed generators for the hotels must be approved by the City Planner
6. A schedule for construction must be submitted to the City Planner. No certificates of zoning compliance shall be issued for either hotel unless the conference center has received its building department permits and the framing of the conference center is substantially complete.

**Mr. Liddy:** Second.

**Mme. Chair:** Stated she thought the project had a very good landscape plan with significant trees and a very good buffer. This application is for a Special Exception and a two-thirds vote is required. Appropriateness to the zone and if the application complies with the zoning regulations have to be considered, despite concerns over other issues such as tax benefits to the City, or concerns about future viability which are not relevant to the Board's decision making.

**Mr. Vetter:** I guess two of my main questions from the last meeting were around the setbacks and the open space requirements. Not seeing the new plans, although I would like to, I don't see how any one of those questions is answered. I think it is important because - - it's important for a lot of reasons but, aside from the fact this is built out to the edges and all, I still don't understand and the waiver says here, "...and requested yard waivers are granted". I am not even clear what they are. I am not clear by looking at the original map, I think there were some question as to which side they are asking for which part of the setback. The discussion on accessory building came up because it is a different requirement on an accessory building versus a main building, so the two main questions I had from the last meeting, without looking at the new plans may be, I guess I'm struggling with a little bit and getting comfortable with those two things.

**Mme. Chair:** I do think Mr. Sulkis spoke to those issues and he validated the applicant's information. Are you questioning Mr. Sulkis on that information?

**Mr. Vetter:** Maybe I missed what he validated. I know he said he looked at all the stuff and it looked good.

**Mr. Sulkis:** Do you have a specific setback question that I can refer to? If I bring this over to you, you can see each of the areas where they are asking for it and I can explain it to you better if you would like.

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The other concept that is going on here is they are calling waivers things that really are not waivers, because the regulations allow that not to be counted, but they are calling them waivers. So again, under section 3.6.4.2, that section says that a lot of these things that normally someone will come in and say to you, "Oh, I need a waiver of that", they are given an automatic go ahead. But they are still calling them waivers. There are a couple of instances here that they are actually asking for a waiver that is not covered by that section. Among them would be the size of the first hotel. The regulations say that the minimum size of the hotel in this zone has to be 100 rooms. They are asking for 96. So they are asking a waiver for that. I can walk you through everything. Probably the most significant waiver is the waiver of where the pavement of the parking lot is along the eastern property line, which is along the highway. Our regulations say that a parking area should be 50 feet away from that line. The reality is on the other side of that line is I-95. Is that a reasonable waiver to ask for? In my opinion, I would say yes. Some of the things that they are calling waivers would be the areas along the parking lot where it meets the parking lot of the property next to it. They don't have the classic setback that the first part of the regulations talks about. But, again, under the DO regulations and under section 3.6.4.2, they are given a go, but they are calling it a waiver because there is a two feet setback between their parking area and the parking area of the parking next to it. The corner of the Holiday Inn Hotel is 43.79 feet away from the parking area of the neighboring property. Again normally another 50 foot setback, so it is 7 feet closer and it is closer again to a parking area. Those are the basic waivers and most of them are again "give mes" under our regulations and say well, you don't really have to comply to it if you are in an office park setting.

I can show you this and if you have any specific questions about specific areas you can see the actual – I had them clearly measure things and show things in a format that would hopefully be helpful to you.

**Mr. Vetter:** One of the interesting things – the highway waiver, which seems like the easiest thing, it's up against the highway – listening to the residents and talk about the wildlife and protection of wildlife and Madame Chair just spoke about it's too bad we can't retain some of this – Looking at that line of trees that follows down 95 before the property line and then looking at the contiguous space, undeveloped space, as you go down 95 and it actually reaches all the way down to the Milford Reservoir, it goes down the railroad tracks, this whole thing, and one of the things they asked us to do in the Plan of Conservation and Development and these regulations is to look for the opportunity in the office parks to continue to connect this open space. They want the 50% open space and the idea is that you provide some kind of continuity. It fits into the way we develop a piece of property and then you try to connect some of these things so

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the open space in the City is extended. I think there are a few reasons for that, so folks can enjoy and also so that the wildlife habitat has a place to go and it's also for safety and a matter of things, so the interesting thing is that what seemed most easy is the setback against the highway actually takes away something that is probably helpful, which is that wildlife corridor which connects to other open space areas and I think it is probably needed. So, you get a little bit of screening if you are in the hotel from the highway, which is nice, not necessarily our problem, but I think giving up that setback is not necessarily a good idea.

**Mr. Sulkis:** I respect Mr. Vetter's opinion on that but if you actually look at the site and look at the site plan that you have, it's really not a corridor at all. It is the highway, again basically south of this site will know it's east but looking at the map it's south. That corridor is then split by Plains Road at one end and Ford Street on the other end and according to our regulations, which we have to go by, this site now complies with the open space requirements. This site on its own, not counting the rest of the office park, by pulling that parking back, has 50.1% of the site. So by .1%, they are over the requirements and under our regulations they have met the requirement.

**Mme. Chair:** Addressed Mr. Vetter and said as an environmentalist and one who has visited this property many times has looked at this whole issue and has been concerned about these matters. Knows the neighbors were concerned about the wildlife going over to the lily pond and other issues, but there is a great corridor all around this property that is landscaped, does not have buildings on it and access to the lily pond. Thinks with the extra green space that will be given as well, without the parking lot being put in, that is a great favor to the environment. Does not agree with Mr. Vetter's concerns.

**Mr. Sulkis:** Has a drawing of the entire open space of the entire office park. Showed the Board the plan that depicted the open space of the project which consists of 18 acres or 55.8% of both office parks. This includes green spaces within the parking lot, which is allowed according to the regulations. No matter how you cut up the parcels, they meet with the requirements of the regulations. If there is a problem with the regulations, then they should be changed. Right now the application that is before the Board meets the requirements of the regulations.

**Mme. Chair:** There is a motion on the floor.

**Ms. Rose:** Thanked the applicant for working so well on the concerns of the Board by revising the building and cutting down the parking area. The regulations state that the project should fit the character of the neighborhood. Does not agree with Mr. Goodrich that the Board is not an architectural review

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board. Not happy with the design of the hotel and conference center. Does not feel they architecturally go together. Will be voting in favor of the project, with that reservation.

**Mr. Ferrante:** In calculating the 50.1% open space, is that inclusive of the rooftop garden?

**Mr. Sulkis:** No, but the landscaping around the hotel that is required by the site plan is being included.

**Mr. Vetter:** I am not sure if we should include, but will go back to the regulations, not seeing the new plans and understanding how this 50% was established, not knowing the valet parking regulations and how we interpret that and apply those counts and stuff, I am not comfortable voting for this at all. I also think that the buildings are not oriented at all to the rest of the park. They don't try to leverage what is a nice piece of land now and what is currently established there. They create something that is not in conformity at all, or not in harmony I guess, with the other areas. If we are giving an opinion, that's my short and sweet. I also have a problem voting for a pad and I just won't do it. So with that...My other question is whether or not we comply with the tree requirements 5.14 and the direction we get from our regulations which instruct us to try and save as many trees as possible. I think we have gone away from looking at this and trying to be more proactive, without being the Tree Commission, but trying to be more proactive in looking at these trees. Some of these trees in the middle of the area probably could be saved in the parking lot are of a size that is required for us to look at and try to save. That is the first thing, the trees.

The second thing is, in looking at the size of the trees that are recommended to be planted, I don't think they meet the requirements in terms of the diameter and the height that is required. It's 6-8 feet from the back and the minimum requirement is 7 feet. It's 2-1/2 inches. The minimum requirement is 3 inches. David Sulkis is shaking his head so I may be corrected in a minute. That's why I apply that, so I am wondering why, and I am asking if you looked at 5.14 and if there is a reason we are not trying to save at least some of that topography.

**Mme. Chair:** I have asked Mr. Sulkis to look at the Tree Commission's report. The former chairman of the Tree Commission did the landscape plan. He is very familiar with the regulations and the height and types of trees that are required and will be planted. Very pleased with the landscaping and the number of trees that they have put in and a part of the area that they are working on was not a treed area.



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**Mr. Sulkis:** Mr. Vetter might be getting confused with the types of trees. The deciduous trees are of 3" caliper. The flowering variety of trees do not have to be that large. For the Board's information this plan fully complies with all of the regulations. Quoted the Tree Commission, "The planting plan for this project complies with the regulations in all respects. So, there is no issue involving landscaping or trees."

**Mr. Goodrich:** Stated he understood some of the concerns of some of the board members in voting for a hotel pad that may or may not be built. Asked them to keep in mind the Board approved 35 Page Street, a subdivision which may or may not get built. The Board approved 417 Gulf Street, a 3-lot subdivision, which was previously approved and expired. Again, two lots that were never built. Proving the concept that there is no guarantee something will built or it's going to expire.

**Mr. Ferrante:** Madame Chair. The Board is approving the building of a pad. Does it get worse than that? So they don't build the houses on a subdivided property. That's fine. But they're building a pad and we're letting it sit there.

**Mme. Chair:** Stated to Mr. Ferrante this was not something to argue about. The motion has tried to cover the possibility that this may not get built and that it will be removed or converted ...

**Mr. Sulkis:** Reminded the Board the applicant stated in his presentation that they are negotiating with a couple of hotel chains. They have privately said that they are very close to signing one of those vendors and the Board will probably see that hotel design come before them probably within a year at the most, and most likely, sooner than that.

Added to what Mr. Goodrich stated, that planning boards in the past have approved pads all over the city that have ultimately gotten built. The last such time was the Hilton Garden Inn at the Lowe's site.

**Mme. Chair:** Understands that but the Board must look at only what is before them now. Will be voting for this application. It meets the regulations. It has been a well thought out plan. Appreciates the changes Mr. Wicko made and the landscape and wetlands improvements, as well. Cannot see anything within the regulations to keep the Board from voting against it.

Eight members voted in favor. Two members opposed. (Messrs. Vetter and Bender) The motion passed.

**Mme. Chair:** Wished the applicants good luck with this project.

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[A recess was taken from 8:55 to 9:05 p.m.]

**CONTINUED PUBLIC HEARING CLOSES BY 4/30/09; exp. 6/24/09**

5. **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 whether to revoke 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.

Item remains tabled until the April 21<sup>st</sup> meeting.

**E. PROPOSED REGULATION CHANGES**

**Mr.Sulkis:** He and the Chair worked together on some regulations that they would like to see changed. The list is as follows:

1. Junk yards prohibited in all zones in the City. CDD-4 has to be put back in.
2. 8' fence in the industrial district.
3. Number of chickens that can be kept on residential properties.
4. Corridor study of the CDD-2. Min. lot size for 1 and 2 family homes. Board has indicated not happy with two two families on one lot.
5. Verbiage as to what is buildable and not buildable.
6. Add verbiage to 8.2.2 zoning authority adding words
7. Parking regulations. When calculating parking in residential structures.
8. Getting easements from neighboring properties on the Boston Post Road.
9. Clarification of the building height definition which was brought up last week.
10. Regulations for wind turbines.
11. Number of affordable housing units. Compare Milford to other cities

**Mme. Chair:** Mr. Sulkis had been concerned about cluster regulations.

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**Mr. Sulkis:** Previous experience showed that the calculations were not reliable.

**Mme. Chair:** Landscaping around bollards.

**Mr. Sulkis:** Any site plan that involves landscaping can be reviewed for appropriateness for placement of bollards.

Asked the Board clerk to provide the members with copies of this list.

**Mr. Liddy:** Spoke about the definition of junkyard. Stated the property at 417 Gulf Street, which subdivision has just been approved, contains the definition of junkyard. Is this a violation?

**Mr. Sulkis:** This is something the Board can look at.

**Mr. Ferrante:** Asked if Ms. Harrigan would confer with the people who proposed or worked on the sign regulations. Did not want their efforts to go unrecognized.

**Mme. Chair:** Agreed and stated when the Board voted down acceptance of the proposed sign regulations, they said at that time that all the proposed regulations would be taken into consideration.

**Ms. Harrigan:** Said she would.

**F. LIAISON REPORTS**

**Ms. Rose:** Reported on the meeting of the Historic Planning Committee that was held on February 10<sup>th</sup>. Mr. Platt found a state statute that could be applied to having the historic groups within the City go to the Board of Aldermen in an effort to form an historic commission.

**Mr. Goodrich:** Asked if something could be done directly at the State level for historic preservation in the City rather than continuing to create committees for that purpose.

**Ms. Rose:** Explained how the process would work and what was in the realm of the Planning and Zoning Board.

**G. APPROVAL OF MINUTES – (3/3/09)**

**Mr. Ferrante:** Asked if the motions that were read in full be incorporated or appended in the minutes.

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**Ms. Shaw:** Made a motion to approve the minutes.

**Mr. Vetter:** Second.

**Mr. Goodrich:** Noted two changes he would make to the minutes.

The Clerk noted the comments and the minutes will be corrected as necessary.

All members voted in favor of accepting the minutes as corrected.

#### **H. CHAIR'S REPORT**

The Board has to be very careful with FOI requirements, State statutes and the information the Board receives before and during the meetings, especially during public hearings. Need to have a policy. Asked that all cell phones and electronic devices be shut off during the meetings so that there is no information coming in and going out other than what is being spoken into the record. This is very important.

**Mr. Vetter:** Commented he was going to ask Staff about modernization in the use of information technology at meetings. Sometimes he checks a satellite map on his I-Phone if he wants additional information. The paper plans are sometimes difficult to read. Spoke about GIS access to projects so the Board can have a better overview of the property involved.

**Mme. Chair:** Thought it was helpful to have GIS maps of certain larger projects. Does not think it appropriate for a Board member to use a device at a meeting, as that person gets access to information other members do not have.

**Mr. Sulkis:** Thought the City should not prepare special maps for the applicants. It would be up to the Board to ask the applicant if they do not have all the information they need on a project.

**Mr. Ferrante:** The Board is encouraged to visit the site to gather their own information. Did not see a problem with Mr. Vetter using his I-Phone.

**Mr. Vetter:** Did not understand what the FOI problem was.

**Mr. Sulkis:** Explained that a Board member using a device is doing research on something at the meeting and therefore not taking in the information that is being presented to the Board. If the Board feels an applicant is not providing it with the information it needs, the Board must advise the applicant as such.

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**Mme. Chair:** The public does not know what the board member is looking at. It is easy enough to get the information in another way.

**Mr. Sulkis:** The accuracy of the information being looked at could also be in question. The technology is out there but the expense is high. The City would not undertake such an expense, especially at this time.

**Mr. Bender:** Did not agree with the accuracy point. No one knows how accurate anyone is in presenting information. No one is under oath. Asked the Chair if anyone has been complaining about this.

**Mme. Chair:** Had her own concerns and those offered by viewers. This should be considered a Board requirement as it pertains to FOI issues and should be carried through.

Asked the Board to be as informed as they can, especially with public hearing site plans and to thoroughly review the plans they receive so they will not ask questions that are obvious and that show they are not aware of what is in front of them. She is getting feedback from the public who watch the hearings. Suggested the members visit the sites in person. This is the most technical board in the City and it takes a lot of time and energy from the members to do it right. It is a long learning process.

If a member has any questions after a public hearing, call her or Staff.

Board members have brought up the issue of other board members asking questions or bringing up extraneous matters. It uses up Board time and is not relevant to what the Board is dealing with.

**Ms. Shaw:** Ms. Harrigan worked with her to prepare a resolution to present to the Mayor and Board of Aldermen asking that municipal buildings over 5,000 SF be LEEDS silver certified. The resolution was read and is appended to these minutes.

**Ms. Harrigan:** Mentioned this resolution was based on Stamford's model. Mentioned that the State legislature passed the requirement that any buildings that get State funding over \$2M for new construction and over \$1M for renovations are supposed to be LEEDS certified structures, but that statute has not been implemented at this time in Milford according to the Building Department.

**Mr. Shaw:** Reminded the members this resolution applies to "municipal" buildings, those buildings that the City undertakes for construction or renovation.

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The members discussed their views of the proposed resolution.

**Mme. Chair:** The stimulus package will provide this City with funding. If this were to be in place

**Mr. Ferrante:** Suggested Staff prepare a memo with the resolution attached and another attachment that describes the LEEDS program. The intent would be to show the Board's desire to have all applications that come before it comply with a level of LEEDS, but would first like to ask for passage of the resolution by the Board of Aldermen which would require municipal buildings and municipal renovations be LEEDS certified at the Silver level.

**Mme. Chair:** There is a consensus that the Board is behind this idea. Will discuss this issue further at the next meeting.

**Mr. Liddy:** Suggested that stipulating 5,000 SF should be eliminated and gave his thoughts on this.

**I. STAFF REPORT – None.**

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

**Mr. Goodrich:** Second.

Meeting adjourned at 9:52 p.m.

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Phyllis Leggett, Board Clerk

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**Proposed LEEDS Resolution**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Board of Aldermen of Milford, CT, as follows:

- A. That the Milford Board of Aldermen hereby adopts the “City of Milford Sustainable Development Design Standards.” This policy reflects the City’s commitment to encouraging environmentally sensitive construction practices in the City of Milford by adopting construction practices based on the **Leadership in Energy and Environmental Design (LEED™)** certification process.
- B. That the City of Milford Board of Aldermen hereby declares that all new City buildings over 5,000 square feet in size, will be designed, contracted and built to achieve the LEED™ Silver certification level, and to strive for a higher level of certification (either Gold or Platinum) whenever project resources and conditions permit.
- C. The Board of Aldermen may grant exceptions to this Policy when it deems appropriate.
- D. That the Milford Board of Aldermen hereby declares that all future renovations and non-occupied (as defined by the City’s building code) City buildings will be designed, contracted, and built to include as many principles of the LEED™ program as feasible.
- E. That no building permit shall be issued until an architect or designer has certified that the LEED™ standards are being addressed in the plans or specifications. The certification shall be submitted to the Building Department for verification.
- F. That this ordinance shall take effect immediately from and after its passage in accordance with the provision of the Charter of the City of Milford and it is accordingly so resolved.

PASSED AND ADOPTED by the Milford Board of Aldermen, Milford, Connecticut this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

CITY OF MILFORD

By: \_\_\_\_\_  
Alan Jepson, City Clerk

By: \_\_\_\_\_  
James L. Richetelli, Jr., Mayor

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