

**MINUTES FOR THREE (3) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD TO BE HELD
TUESDAY, MARCH 20, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

MEMBERS PRESENT: Ward Willis, Jeanne Cervin, Ben Gettinger, John Grant, Edward Mead, Vice Chair; Michael Casey, Dan Rindos, Joseph Della Monica, Tom Nichol, Mark Bender, Chair

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

C. PUBLIC HEARINGS

1. **15 ALFRED ROAD (ZONE R-18)** Petition of Marijo Hunihan for approval of a Special Permit to establish a home business on Map 51, Block 936, Parcel 4W, of which Marijo Hunihan is the owner.

Marijo Hunihan, 15 Alfred Road, Milford, applying for a Special Permit to teach music classes in her home. The Board had received a packet that described her program goals.

Ms. Harrigan: Explained to the board members that a permit is necessary for in-home occupations in single family residence. They are very specifically allowed with certain limitations in place. The zoning regulations allow for home occupations that fall outside the parameters by Special Permit. Because the applicant is not serving any type of food, the Health Department indicated they did not require a review. This application was discussed with Sgt. Sharoh of the Police Department and he looked at Alfred Road and made sure there were no parking limitations and felt there would be no intense demand to Alfred Road based on the proposal. He felt there would be no impact, so no review by the Police Department was necessary.

Marijo has submitted a Statement of Use that describes how she intends to operate. Hours of operation are limited from 9-6 p.m., Monday through Friday and Saturday mornings. If the Board would like this permit could apply a condition for an annual review just to make sure if there were concerns from the neighbors they could be addressed on an annual basis.

Chairman Bender: Asked who enforces the hours if they are not adhered to.

Ms. Harrigan: The zoning enforcement officer. The Statement of Use outline the conditions of approval as to how they intend to operate. If Ms. Hunihan does not adhere to the conditions she outlined, the neighbors would complain and enforcement would follow.

Mr. Rindos: Asked the number of children that would be in the class at one time.

Ms. Hunihan: There would be six children in a class at one time with accompanying adults.

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Ms. Cervin: Asked about the number of cars that would be parked and would there be back to back classes that would mean more than six cars parked in the area at one time.

Ms. Hunihan: Stated there would be about a half hour between classes.

Mr. Willis: Asked about the four parking spaces allowed on the property and two on the street.

Ms. Hunihan: Last year she built an oversized two car garage. There is plenty of space. She noted there are only four houses on the street, including hers.

Mr. Della Monica: Asked if there would be a recital at the end of the sessions, where more cars would be parked at one time.

Ms. Hunihan: Stated she would not have performances for outsiders and families.

Mr. Nichol: Asked what kind of instruments would the children be using.

Ms. Hunihan: They are size appropriate to the age of the child.

Ms. Cervin: Asked if anyone other than Ms. Hunihan would be employed.

Ms. Hunihan: No.

The Chair asked if there was anyone present to speak in favor of the application. (No response). He asked if there was anyone present to speak in opposition to the application (No response).

Ms. Cervin: Noted the house across the street would be most impacted by this plan. Asked if the neighbors had been consulted about this program.

Ms. Hunihan: Yes. She spoke to the three other neighbors on the street and gave them the packets. They had no issues with her plans.

The Chair closed the public hearing.

Ms. Cervin: Made a motion for approval on a one-year trial basis. She feels protective of neighborhoods and would feel more comfortable with this condition. Asked Staff what is the process for reapproval after a year.

Ms. Harrigan: It would be done the way accessory apartments are done. They are renewed every three years and verify the necessary conditions of maintaining the accessory apartment status. Staff could meet with Marijo a year from now and make an appointment to come during one of her scheduled class times to look at the impact on the neighborhood, where the cars are parking, etc. and go from there.

Chairman Bender: She would go to Staff and not to the board for renewal of her home occupation.

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Ms. Cervin: Said she would go along with her motion to approve for review in one year.

Mr. Rindos: Second.

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

2. **278 OLD GATE LANE (ZONE ICD)** Petition of Banta Associates to Amend a Special Permit and Coastal Site Plan Review approval to construct an addition and renovate an existing hotel on Map 79, Block 811, Parcel 8F, of which Banta Associates is the owner.

Dave Ziaks, PE, F.A. Hesketh Associates in East Granby, CT. Also present is Richard Fisher, Bill Mower from Banta Associates, the owners of the hotel, as well as Ed Diamond from Russell Dawson, the project architects, and Roger Kellman, the Project Manager.

Here for Special Permit modification and Coastal Site Plan approval. This is an existing five story hotel that had been a Quality Inn. The site is 3.34 acres in the ICD zone. The plan is to completely renovate the existing building and switch it over to a Holiday Inn Express. The Holiday Inn is being rejuvenated and is starting to merge in many places.

At present there is a common driveway off Old Gate Lane that is shared by a couple of uses on the property. There are currently 138 parking spaces. The plan is to renovate the hotel to accommodate 94 rooms and the parking spaces will be 94 spaces. There will be two renovated meeting rooms on the first floor and that was calculated out to an additional 20 parking spaces. Total of 114 parking spaces where presently there are 138 spaces.

There will be a new indoor pool installed. There is an outdoor garden area on the westerly side of the building that will be demolished and a new pool enclosure will be installed. The only access will be from inside the hotel.

There will be a new drop off area installed on the southerly side at the main entrance to the hotel, which will be completely renovated. There will be new landscaping around the outside foundation walls of the building. The existing mature trees, grass and plantings are still attractive.

The City Engineer suggested that in view of the hotel being in the coastal area, some storm drainage improvements be made, even though substantial changes are not being made to the parking lot. The drainage standards on the property have been upgraded.

All the City Departments have signed off on this application. There were some minor conditions that will be dealt with through the approval process.

Ed Diamond, Project Architect with Russell and Dawson, East Hartford, CT. The present building is starting to show its age at nearly 30 years. It is in need of repair and an update.

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The owners are changing the flag to a Holiday Inn Express. This is perfect timing to address that need and to give it a fresh look. All the floors and interior of the hotel will be completely renovated. The outside will have two new elements: A new indoor pool and new port cochere. The design of the building is dictated by Holiday Inn as to colors, materials and other elements of design. The existing stucco surface is still in good condition and the new Holiday Inn colors will go over it, which will be an attractive transformation. The roof has recently been replaced. The new entrance façade was described. The back area where the pool will be located will not be visible from the front. Believes this will be an attractive improvement to the existing building and will draw more people to the area.

Mr. Sulkis: The applicant gave a fine explanation of what they intend to do.

Chairman Bender: Asked what the applicant was “amending” to their Special Permit.

Mr. Sulkis: When someone is going to make a significant change to what was previously approved in the Special Permit, they must come back to the Board for approval. There was no pool previously. They are changing the façade and making changes to the drainage.

Chairman Bender: There are conditions from the Health Department, Inland-Wetlands and Sewer Commission noted on the summary sheet, which he found very helpful.

Mr. Sulkis: Read the basic conditions of these departments that will take place administratively at the beginning or completion of the process.

Mr. Nichol: Asked about the handicap egress from the building and the rooms and floors they would be on. Also asked about handicapped exiting the building in case of a power outage. Also asked about the safety aspects of the new pool.

Mr. Diamond: The facility complies with ADA. Thirteen accessible rooms, which is above the requirement. The floor plans (ZA series) show the handicap symbol by those rooms. All three exits are handicapped and wheelchair accessible. The two other replacement doors will also be handicapped compliant. No steps to get out of the building. The pool will be built in accordance with the current building codes.

Chairman Bender: Stated the applicant is bringing everything up to the current code, which pertains to building codes. This board has no control over the building code aspect of the plan.

Mr. Rindos: Asked about the changes to the parking lot.

Mr. Diamond: The parking lot is in fairly good condition. It will be crack seal, seal coat and restripe all the parking, so it will have a fresh appearance to it. It does not need to be repaved.

Chairman Bender: Asked if there was anyone to speak in favor of the application (No response). Anyone to speak in opposition to this application (No response).

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The Chair closed the Public Hearing.

Ms. Cervin: Made a motion to approve the application for 278 Old Gate Lane.

Mr. Nichol: Second.

All members voted in favor. The motion was approved.

3. PROPOSED TEXT CHANGE TO ZONING REGULATIONS – DEFINITION

Revision to the CRAWL SPACE definition.

Chairman Bender: Ms. Harrigan gave out the new wording at the last meeting.

Ms. Harrigan: This is just changing the definition of “crawl space”. She read the current language. The only change will be the added sentence: *“Any area that exceeds this height shall be deemed a story.”*

Mr. Rindos: Made a motion to accept the new text as amended.

Mr. Della Monica: Second.

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

The text change will become effective as of April 9, 2012.

D. NEW BUSINESS

4. WALNUT BEACH (EAST BROADWAY AT VISCOUNT DRIVE) (ZONE OS)

Petition of Robert Gregory on behalf of the City of Milford for Coastal Area Management Site Plan Review approval to modify three existing dune crossings on Maps 016 and 017, Block 0150, Parcels 00001 and 00003, of which the City of Milford is the owner.

Robert Gregory, Director, Community and Economic Development for the City of Milford, 14 Manor House Lane. He is also liaison to the Walnut Beach Enhancement Committee. This is their project. Steve Wing, the landscape architect for this project is out of town and he is acting in his place.

A series of improvements have been done at Walnut Beach. Some of those improvements have been reviewed by the Board. This site improvement is for three dune crossings. The area was described via a display. The dunes are in poor condition. They are only four feet wide and have steps to get off and on them. He described what the plan will accomplish. Leave the existing posts where they are. The decking will be removed. There will be three new crossings and they will be graded so they are accessible to handicapped, beach buggies, children’s strollers, etc.

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The grades are sloped. They start out at the parking lot, sloping up and then down to the beach. To provide access there is a sideways ramp at the end to match the existing sand. Some adjustments were made after Irene because the topography of the area was changed, so those ramps will now meet the sand. The project will go out for bid. One dune will be done at a time so there will always be beach access and finish by the beach season.

Ms. Harrigan: Made a correction to the administrative summary she had provided. No ramp is required for the third dune.

Chairman Bender: Asked what the decking material would be. Concerned about being slippery when wet.

Mr. Gregory: A composite material that is being used at Audubon and the boardwalk.

Ms. Harrigan: The material being used will fall within the building code review. The Trex material is a textured material.

The Chairman noted the schedule was one dune a week. Mr. Gregory said even if it takes a little longer there will not be an interruption in people getting to the beach.

Mr. Mead: Asked who will maintain the decking where people will walk?

Mr. Gregory: This is under Public Works jurisdiction. Perhaps the life guards could sweep the area on cloudy days.

Ms. Cervin: Asked if this was the City and not the State doing this work.

Mr. Gregory: Funding is coming from a grant that the Walnut Beach Enhancement Committee received.

Ms. Cervin: Since the City does not have to comply with the Zoning Regulations this is pro forma?

Ms. Harrigan: State statute require that City projects come before the Board, so they are not exempt from the Coastal Site Plan Review process.

Mr. Mead: Made a motion to approve the Coastal Area Management Site Plan Review for the improvement of three existing dune crossings.

Mr. Casey: Seconded the motion.

All members voted in favor of approving the motion.

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E. PROPOSED ZONING REGULATIONS - Discussion

Sec. 3.1.4.2 Building Height in Residential Zones

Sec. 2.5.5 Lot Access and Rear Lots

Sec. 9.2.3 Prohibited Variances

Sec. 5.5.1.2 Restriction of Permit Locations: Clarification of Definition of Schools

The Chair asked Staff for the status of the proposed regulations changes.

Mr. Sulkis: A memo has gone out to the City Attorney's office for the first three proposed changes. On the fourth item, which is a clarification change to one section of the Liquor Regulations, the Board received the proposed change and they are to give their feedback tonight.

Chairman Bender: The City Attorney met with staff and the only change was the word "shall" in place of "must".

Mr. Sulkis: If the Board finds this acceptable, then Staff will move forward on the process to get this to a public hearing.

Ms. Cervin: The lines crossing out identifies what the change is limited to and leaves a lot of extraneous "schools" out of the picture which sometimes inhibits the selling of liquor. She is in favor of the changes.

The Board agreed to approve this for the full review by outside agencies and will come back to the Board for a public hearing.

Mr. Mead: Asked why parochial schools would be removed.

Mr. Sulkis: On advice of the City Attorney's office, this regulation will not distinguish between private and public. If it is a middle school, elementary school, etc., whether private or public, that's it.

F. PLAN OF CONSERVATION AND DEVELOPMENT –

a. Map Development

b. P & Z/Interest Group Follow-up

c. Compile Draft Plan

Mr. Sulkis: Had a meeting today with Alan Plattus and his team. Did a lot of field work. They are getting information on the Walnut Beach area, as well formulating some standards for the shoreline, which this Board has discussed throughout the years. They are progressing.

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G. LIAISON REPORTS - None

H. APPROVAL OF MINUTES – (3/6/2012)

Mr. Nichol made a motion to approve the minutes.

Mr. Ward seconded the motion.

All members voted in favor to approve the minutes of 3/6/2012.

I. CHAIR'S REPORT

The Chair asked about the Land Use Academy. April 21, 2012 is the introductory course. March 31st is the advanced course. Mr. Grant will attend the advanced seminar and Ms. Cervin will review the curriculum.

Chairman Bender: Stated he appreciated everyone's feedback saying it was basically good. He asked the Board to let him know what type of application they would like to review and another training session will be planned in the future.

Ms. Cervin: Noted she understood what Mr. Nichol was saying when he asked questions of the applicants tonight. The Board receives site plans that cover everything. She suggested differentiating more clearly what is building and what is land use.

Chairman Bender: Responded as Chair he has to be careful with that line of questioning, because if an application gets declined by the Board, the applicant will come back to the line of questioning and say that was not even pertinent. They are asking questions that were not pertinent to the application. It is his responsibility to keep the line of questioning correct. It is a delicate line that is walked. It is natural to ask those types of questions, however.

J. STAFF REPORT - None

Mr. Rindos: Made a motion to adjourn.

Mr. Mead: Seconded the motion.

The meeting adjourned at 8:37 p.m.

Phyllis Leggett, Board Clerk

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New Business, not on the Agenda, may be brought up by a 2/3's vote of those Members present and voting.

ANY INDIVIDUAL WITH A DISABILITY WHO NEEDS SPECIAL ASSISTANT TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE DIRECTOR OF COMMUNITY DEVELOPMENT, 783-3230, FIVE DAYS PRIOR TO THE MEETING, IF POSSIBLE.