

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
HELD TUESDAY, APRIL 15, 2008; 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 7:34 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

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

Staff: David Sulkis, City Planner; Peter Crabtree, Assistant City Planner; Phyllis Leggett, Board Clerk.

C. PUBLIC HEARING

1. **PROPOSED ZONING REGULATION AMENDMENT – Section 3.10.5.7(9)**
(ZONE LI) Application of Robert Mickolyzck for a zoning regulation amendment to section 3.10.5.7(9) in order to allow a pet crematory but not including facilities for domestic pets; not exceeding 200 pounds for use as an accessory to a commercial kennel and veterinary hospital only.

Robert Mickolyzck, 30 George Street, North Haven, CT. The owner of Snowflake Pet Center on Rowe Avenue in Milford. Has owned a large kennel for 40 years. Added a veterinary hospital 10 years ago. Would like to add the crematorium to help take care of the pets at the end. In this area the deceased pets are kept in freezers and then shipped out to Westbrook, Manchester or Stamford. There is nowhere local where people can have their pets' remains cremated and interned.

The Chair asked Mr. Sulkis for his comments based on the memorandum he had written to the Board.

Mr. Sulkis: Stated this was a bad idea. Crematories of any kind are a prohibited use in any zone in the City, because they have been a noxious use. The proposed use is in the LI zone, of which there are several in the City. The LI zones act as buffer between the adjacent residential neighborhoods and the heavy industrial areas. The proposed text amendment, if approved, can end up anywhere in those zones. The use would be adjacent to a residential area. The Regional Council of Governments did not approve this application. They felt it would have a negative inter-municipal impact.

Mr. Vetter: This appears to be a second request by the applicant. Were there any changes between the first and second application?

Mr. Sulkis: The City Attorney had comments that needed to be addressed. The applicant resubmitted the application and addressed the comments made by the City Attorney.

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Ms. Golden: Stated her concern with the proposed crematory was noise as well as the environmental impact it would have in proximity to the residential neighborhoods.

Mr. Mickolyzck: Minimal amount of noise and there is no odor or smoke with the equipment that has two chambers. Should be no impact to the neighborhoods.

Mr. Vetter: Asked about the facility in Stamford where the pets are sent. Stated the requirement is a 20-acre site usually seen on an existing cemetery.

Mr. Mickolyzck: The State calls for a 20-acre site, but the State has no regulations for a veterinary hospital. The State responded that it did not have an objection to the proposal.

Mme. Chair: To reiterate: There are no State statutes for pet crematoriums. There are for human crematoriums and they require what the human crematoriums require which is 20 acres.

Mr. Mickolyzck: Yes.

Mr. Goodrich: Asked about the weight of under 200 pounds as a provision of the application. How does a human differ from an animal in weight for cremating purposes?

Mr. Mickolyzck: Have not checked the difference between humans and animals for cremation purposes. Most likely the guidelines are more strict for humans. For the animals logs will be kept of cremation, dates, where the ashes go, etc.

Mrs. Patterson: The application said crematory or cemetery. Any consideration for a cemetery in the future?

Mr. Mickolyzck: No.

Mr. Vetter: Asked if the Applicant's proposed crematorium would be open to other facilities in the area.

Mr. Mickolyzck: This is a possibility. Would do it locally with animal hospitals and shelters in Milford, Stratford, and other local areas. Would not be practical to service farther areas of the State.

Mr. Bender: Questioned the number of cremations needed in order to make this a viable business enterprise.

Mr. Mickolyzck : Approximately 30 to 40 animals a month from the Snowflake Pet Center are being sent to the Westbrook cremation facility, more or less.

Mrs. Patterson: Asked if the Health Department had been contacted to see if there would be an impact to the community from their standpoint.

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Mr. Mickolyzck: There is no health issue. Described what is done after the animals are euthanized before being sent for cremation. The applicant stated the crematorium equipment with two chambers leaves no odor.

Mr. Bender: Confirmed that the incinerator manufacturers boast that the process is smokeless and odorless.

Mme. Chair: Asked if there was anyone to speak in favor of the application. (No response)

Asked if there was anyone to speak against the application. (No response)

The Chair closed the Public Hearing.

2. **148 CLARK STREET (ZONE CDD-1)** Petition of Richard and Debra Bourt for a Special Exception and Site Plan Review to keep goats and chickens on Map 53, Block 305, Parcel 1, of which Richard and Debra Bourt are the owners.

Deborah and Richard Bourt, 148 Clark Street, Milford. Handed out copies of letters of support and other written material and information pertaining to the farming of goats in support of their application, which was date stamped into the file.

Mrs. Bourt gave the history of their keeping chickens and goats on their property, as well as a description of the events that brought them before the Board at this Public Hearing.

Sequence of Events: July 2007, Assistant City Planner, Peter Crabtree made an inspection of the property in response to an anonymous letter of complaint received at the Planning and Zoning office. July 2007, Inspector Bob Grive, of the Milford Health Department inspected the property. October 4, 2007 received a letter from the Planning and Zoning Department stating they had 10 days to cease and desist the keeping of the chickens and goats, or apply for a Special Exception Permit for the goats and a Site Plan Review for the chickens. November 2007, attempted to apply for the required permits but was then told a variance was needed because the fence was too high. In December 2007 a variance was granted for the fence. January 2008, applied for a Special Exception and Site Plan Review. January 2008, the departmental response from the Health Department had no objection to the Bourts proposal. In March 2008 was told a Special Exception had to be obtained for goats and chickens and site plan approval was not required. Applied for the Special Exception as required.

The Bourts have kept chickens and goats on their property for seven years. Stated they had originally spoken with a planning and zoning official seven years before about keeping chickens and five years later about keeping goats. Mrs. Bourt described the parameters of keeping the animals on her property, which were outlined to her when

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she met with the P & Z official. She recounted subsequent times going to the Planning and Zoning office wishing to get into other areas of farming, but was not able to for various zoning reasons.

Mrs. Bourt stated she holds a Class C Exhibitor's license issued by the USDA Animal and Plant Health under the Animal Welfare Act. State inspectors inspect her facilities on a quarterly basis and she must meet all required standards and regulations.

The Bourts read letters of support from their neighbors, veterinarian and other people in the community who support their farming efforts.

Mme. Chair: Stated the Board had not received copies of negative letters in this matter.

Mr. Sulkis: Stated there had been an anonymous letter of complaint that initiated the inspection. He described under what conditions the Planning and Zoning Office follows up anonymous complaints. He clarified how the keeping of goats and chickens was not allowable according to the zoning regulations.

Mme. Chair: Asked the age of the goats and the number of chickens the Bourts have.

Mrs. Bourt: Two goats are five years old and one goat is three. Have 10 chickens.

Mr. Goodrich: Asked how often the animals are checked.

Mrs. Bourt: Twice a year, as well as the Dept of Agriculture comes out quarterly.

Mr. Ferrante: Anonymous letters are not recognized.

Ms. Rose: Asked if the Bourts were looking to get a license to sell from the house.

Mrs. Bourt: Not allowed to sell from the house due to the lack of parking.

Mrs. Patterson: Before obtaining the animals, was research done via the P & Z office?

Mrs. Bourt: Yes, in 2003.

Mme. Chair: In the conversations held with Mrs. Stock, wouldn't notes have been taken?

Mr. Sulkis: Not always, but in this case she had a recollection because of the unique nature of the situation.

Mr. Vetter: Are there any plans to change this situation down the road?

Mrs. Bourt: Not able to do any more than they are doing now with the animals. No plans to change things.

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Mme. Chair: Anyone to speak in favor of the application?

Diane Vassar, 17 Devol Street, Milford. Met Mrs. Bourt through home schooling and 4H. Praised Mrs. Bourt for her organization, cleanliness and beautiful property.

Josefa Sherman, 108 Seaside Avenue, Milford. Avid walker. Walked by the property many times and never knew there were goats or any other animals on the property. Has worked with the ASPCA in another state. Saw the environment and condition of the goats. No barnyard odor, no piles of manure. Healthy and happy animals.

Chris Wrinn, 56 Harborside Avenue, Milford. Has been involved in animal rights over the years. Bourts are in no way abusing their animals, nor are they causing harm to the community. Important for our society to support those who are bringing up animals in a natural environment. Organic and microfarming lifestyles like the Bourts should be supported.

Ann Berman, 77 Pelham Street, Milford. Speaking in favor of this application on principle. Milford supports the roaming of ducks and geese that pollute the Wepawaug River. There are deer, wild turkeys and other roaming animals. The small organic farm of the Bourts should be supported.

Dave Weimer, 56 Harborside Ave., Milford. Has known the Bourts for many years. Has been to their house on many occasions. The goats and chickens get the best of care. Never noticed any odor from the animals even on the hottest of days.

Dr. Timanek, 21 West Clark Street, Milford. Works next door to Debra Bourt. Has spent a lot of time with Mrs. Bourt. Farming is a lost art, but should be greatly encouraged.

Dana and Nancy Rottman, 44 Gibson Road, Milford. Has been in Milford over 55 years. Assisted farming with the Novelli family at Rolling Acres. The property across from Platt Tech was farming and orchards, where the YMCA is now located and adjacent to it. Had horses and cows on the property. Farming is largely regulated by the State and the Bourts have been compliant in all areas.

Mary Treat, Treat Farm, New Haven Avenue, Milford. Her farm is what is left of the agriculture of Milford. Supports the Bourts. Has been to their property and Debra should be commended for what she does on the size property she has. Goats are allowed in the Woodmont area of Milford.

Dr. Carl Brueggestrat, 21 West Clark Street, Milford. Has a dental practice next door. Never had a bad experience with the Bourts. Young patients always like to visit the goats.

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Gail Box, 110 Erna Avenue, Milford. Supports the Bourts. Great for the kids to see and pet farm animals. Property is well maintained.

Mme. Chair: Anyone to speak against the application. (No response)

Asked Mr. Sulkis to read the letters of complaint.

Mr. Sulkis read two anonymous letters of complaint.

Mr. Ferrante: Spoke about anonymous letters received by the P & Z office. If a zoning violation is in question it should be investigated. Any other information not relevant to the zoning issue should not be in the record.

Mme. Chair: This application will be discussed at the next meeting and perhaps the subject could be revisited to clarify this concern.

Declared the public hearing closed

There was a brief recess 8:47 pm to 8:57 pm.

3. **180 MELBA STREET (ZONE RMF-16)** Petition of Stephen Studer, Esq. for a Special Permit and Coastal Area Management Site Plan Review to construct nine townhouses in three buildings on Map 38, Block 533, Parcel 1, of which Acquisition Trust LLC is the owner.

Stephen Studer, Esq., Berchem, Moses & Devon, 75 Broad Street, Milford on behalf of the owner and applicant, Milford Arms LLC. Placards were posted on Platt and Melba Streets in accordance with the regulations. Submitted photographs for the record to show the condition of the property today. Described the property and proposed development. Proposing to add nine townhouse units in conjunction with the ongoing renovation of the existing apartment building on the property. Believes this development is a quality proposal that will have a positive effect on the neighborhood.

Mr. Studer, via the site plan display, described the property of about four acres located on the corner of Melba and Platt Streets. The existing residential building on the property was approved in 1965 for 53 units comprised of efficiency, one and two bedroom units. The property to the east is a paved parking field. Proposing to construct three structures within the paved area to house the proposed 9 townhouse units which are designed to look like single family residences. The site is abutted by South Wind condominiums on the north and on the south the Breaker Beach condominiums are located and to the west is a single family residential neighborhood.

The apartment house, not being upscale or well managed, became a source of problems for the neighbors because of its rundown condition. It has had a history of

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being run down, at one time had 19 unregistered motor vehicles on the property. The police and fire departments have had many calls to this location over the years ranging from fires to drug use, domestic disputes, etc. In 2005 the City condemned the building for a number of public health and safety violations and relocated the tenants.

The applicant purchased the property in 2007. Received permits to renovate the building, which is in the process of being done. The reconstruction is being done in an energy efficient and environmentally friendly manner. Proposing to reduce the number of units from 53 to 41, and to add nine townhouses, which would be a total of 50 residents. The number of bedrooms per unit is being increased in keeping with the housing needs of today. There will be no efficiency units. There will be larger, upscale one and two bedroom apartments for owner occupancy, not rental. Asking for a waiver to do this under section 7.1.3.15 and 7.2.11 of the zoning regulations. Specifically, Sec. 3.3.4.1(2) of the RMF-16 zone standards for lot area size. The regulation allows 16 bedrooms per acre. Asking for a waiver that would allow 20.5 bedrooms per acre. Other than the number of bedrooms, the application is in compliance with the requirements of the zone.

Also requesting two minor technical site waivers relating to site lighting along the street line and to the location of the air conditioning compressors and utility panels for the proposed townhouses.

The project has substantial support from the neighbors. Met with the Board of Directors of the Breaker Beach and South Wind Village Condominiums and both associations support the project. Had an informational meeting with some of the neighbors who signed a petition of support. Letters of support from Asst. Fire Marshal Lee Cooke and from the director of the Health Department, Dennis McBride, who had personal knowledge of the conditions that existed before the present owner improved the site. Read various letters of support for the project, which were date-stamped into the record. City departments all responded favorably to the proposed development.

John Wicko, Architect, 50 Broad Street, Milford. Intention was to create a more residential quality to the project. Make it green, spacious and inviting and have a village character that would fit into the neighborhood. Took the present building and came up with an attractive architectural rendering. Had to consider what could be placed in the large parking lot. Came up with a traditional farmhouse look for three units of townhouses. The same look is carried over to the existing building. Did not change the footprint, but made architectural improvements to give it an upgraded more residential appearance. There will be five handicapped accessible units with a ramp and raised graded walkway going into the lobby to the first floor where the units will be located.

All parking will be on the site with overflow parking available. The lower level of the townhouses will have garages. Reduced a curb cut. Described the photometrics and other site improvements that will be made (picket fence, walkways to gates).

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Described all aspects of the project through explicit color renderings, drawings and site plans of the existing building and the three proposed buildings that comprise the townhouses.

Requesting a waiver of locations for one gas compressor and gas meter, so they are not in an open area.

Stephen Wing, Landscape Architect, 26 Crown Street, Milford. This project will vastly improve the existing site. Described the area to be landscaped with trees and plantings and its relationship to the wetlands near the property. Taking a place that is an eyesore and turning it into a higher quality area, environmentally and visually. There will be no trees removed from the property.

Mark Davis, Project Engineer, Westcott & Mapes, 120 Temple Street, New Haven. Described the stormwater drainage on the property and engineering aspect of the proposal via displays. Relocating and reconfiguring the parking area, which will reduce the amount of impervious surface.

Brian Miller, Principal, Turner Miller Group, 408 Highland Avenue, Cheshire. Did a planning analysis of the proposed development. Will be submitting a written report. Dealing with an existing property. As a consultant he tries to look at the big picture. The context of the neighborhood is urbanized. Has a strong and well-balanced diversity of housing types. Was asked to evaluate the projected development on a series of factors, i.e., on schools, rentals v. ownership. The projected population would be 76 people with less than one public school student. If the development was to be rented units, as it was previously, there would be approximately five public school students. The projected development, sold as condominiums, would produce more in the way of property tax revenue than if the units were rentals in the existing building and without the three additional townhouse units being built. Mr. Miller's data source was a Rutgers University Study done in 2006 of the northeast, with information specific to Connecticut, which is included in his written report. The proposed project strengthens the surrounding neighborhoods by replacing a blighting influence with high quality housing.

Mr. Miller discussed the density factor as it related to the waiver requested for the increased lot area per bedroom. His analysis showed the project's lot area for bedrooms is in keeping, or lower than the existing multi-family buildings in the surrounding area. He made additional points relating to how the proposed project would revitalize the shoreline area, as well as the existing commercial property on Melba Street.

Mr. Studer: Summarized: Reduce number of dwelling units from 53 to 50. The use is permitted in this zone. Asking for a waiver for the lot area per unit for RMF-16 for the additional bedrooms. Survey of the area shows the number of bedrooms per acre is consistent with existing land uses for single family and multi-family. The Board must decide if the size and character of the proposal in harmony with the development of this neighborhood. Reviewed the departmental responses and are responding to comments

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where necessary.

A report from the appraisal firm LUI Realty Advisors, Inc. was date stamped into the record. The report demonstrates that based upon their analysis of real estate property sales adjacent to similar communities, construction of this type will generate between a 3-5% increase on adjacent property values.

Mme. Chair: Board must decide as to whether to give the density bonus and approve the general welfare of the surrounding area.

Mr. Goodrich: Asked for whom the extra bedrooms would if not school children.

Mr. Miller: Responded that empty nesters who have downsized choose to have two bedrooms, one of which can be used for a den, grandchildren or college children returning home. When people sell houses they tend to want extra room at their new location.

Mr. Liddy: Asked what the amount of decreased impervious surface would be.

Mr. Davis: From 1.78 ac. to 1.74 ac. of impervious surface.

Mrs. Patterson: Asked about the number of parking spaces and inlands-wetlands approval.

Mr. Wicko: Described the parking spaces that are proposed, as well as the handicapped spaces near the existing building, not the townhouses. An area of wetlands will be recharged with clean roof water.

Mme. Chair: Asked Mr. Sulkis for his input on the project.

Mr. Sulkis: Asked if the LUI analysis broke down the value of the existing building separately from the projected value of the three additional proposed units.

Mr. Miller: Stated the tax revenue that would be generated from the townhouses is greater than the revenue generated by the existing rental building. The report does not separately break down the improved value of the two components.

Mr. Sulkis: If the proposal for developing the townhouses is not approved, which would increase the density, what added value would they bring to the neighborhood? Rehabilitation of the existing building is an obvious plus and is happening regardless of whether or not the townhouses are approved.

Mr. Studer: Believes there is a qualitative component to the townhouse units, even though the report does not distinguish the value for just renovating the building without the townhouses. Purpose of the application is to propose the townhouse units and receive the waiver for the bedrooms. Believes there is nothing negative to the proposal.

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Ms. Rose: If this project is not approved what will go in that area, i.e. clubhouse, pool, tennis court?

Mr. Studer: Nothing of that sort.

Mr. Ferrante: Stated he believed the comparisons were between apples and oranges.

Mr. Miller: The comparison boiled down to two land use scenarios. One was the renovation of the existing building for rental purposes. The other was the development as proposed, which would include the nine townhouse units for sale. These are the alternatives.

Mme. Chair: Anyone to speak in favor of the application?

Anne Berman, 77 Pelham Street, Milford. This project will improve the neighborhood. Happy with the way it was presented. Gone the extra mile by keeping and renovating the existing building. Concerned that parking will be tight.

Diane Vassar, 17 Devol Street: Represents the EEC Milford Recycling and Waste Reduction Committee. Approves the building being rehabilitated and reusing existing infrastructure. The landscaping enhances the neighborhood nicely.

Mme. Chair: Anyone to speak against the application?

Gloria Whalley, Mills St. Milford. Many of the two bedroom units could house residents who have three cars. Visitors will also crowd the parking areas. Small streets not meant for parking.

Rebuttal:

Mr. Studer: Respect the neighbors' concern about parking but the property is not proximate to the neighbors. Parking is within the permitted amount according to the regulations. The 106 spaces do not include the parking that would be available at the townhouse units. Those spaces could provide additional parking, if necessary.

Rebuttal:

Ms. Whalley: Most of the people in the area were not made aware of this project.

Mme. Chair: Aside from the placards posted on the streets, letter were not required to be sent.

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Mr. Sulkis: Suggested the public hearing be kept open, as a lot of information was given to the Board for review, i.e., reports from Mr. Miller, LUI Realty Advisors, and Mr. Studer, and verification that the placards are still posted on Melba and Platt Streets and will remain so until the next meeting.

Mme. Chair: The public hearing will be kept open to the next meeting to be held on May 6th for the items mentioned.

D. PUBLIC HEARING 3/18/08; exp. 5/22/08

4. **364 BRIDGEPORT AVENUE (ZONE CDD-2)** Petition of Post Road Commons, LLC for a Special Exception and Site Plan Review to construct 10 residential units in four buildings on Map 24, Block 364, Parcel 1, of which Post Road Commons, LLC is the owner.

Mr. Sulkis: Prepared the motion the Board requested. A new site plan was submitted showing the open space area they are proposing. They have reduced the size of the building but not the number of units. The amount of open space is approximately 2700 SF.

Mme. Chair: Summarized what the Board's consensus was when they charged Mr. Sulkis to create the motion and the developer has complied.

Ms. Rose: Stated she thought the revised plans looked very good. The developer complied with the Board's requested changes and can still afford to do the project. She moved to approve the petition of 364 Bridgeport Avenue for a Special Exception and Site Plan Approval, as submitted by Staff.

Mrs. Golden: Second.

Mme. Chair: Asked for an amendment to the motion: That the open space not be just a lawn; that the City Planner work with the landscape architect to create a passive recreational area with benches and landscaping for use by the residents.

Mr. Liddy: Second.

All members voted in favor of the amendment.

Mme. Chair: The main motion has been moved for approval and seconded.

Mr. Vetter: Questioned the placement of the main entrance being in the back of the buildings near the parking area.

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Mr. Sulkis: Reviewed the plans and stated some of the units have front doors, some have doors on the side because of the way they are situated.

Mr. Vetter: Thought the intent of the design district was to utilize the front of the building to show activity, families and a thriving residential life in the area. This will not be the case in this development as the front door does not lead into a habitable area, and basically will be ornamental.

Mme. Chair: Stated she understood his concern, and commented in this case it might prove to be a safety issue, as the front of the buildings face busy Bridgeport Avenue.

All members voted in favor. Motion passed unanimously.

Mr. Liddy: Made a motion to extend the meeting to 11:30 p.m.

Mr. Ferrante: Second.

All members voted in favor.

E. PROPOSED REGULATION CHANGES

Mr. Sulkis: Will be bringing changes in some of the definitions the Board requested, as well as some other cleanup items in the regulations.

Ms. Rose: Asked if the changes would include the applicant's choice of which building height definition suited his purpose.

Mr. Sulkis: Stated this change is already in use by the office.

F. LIAISON REPORTS

Mme. Chair: Irwin Langewisch, the former tree warden, is the new Chairman of the Tree Commission. Previously Steve Wing served as the Chairman.

G. PLANNING COMMITTEE

Ms. Rose: Reviewed what took place at the meeting held on 4/8/08.

H. APPROVAL OF MINUTES – (4/1/08)

Mrs. Patterson: Motion to approve.

Mr. Goodrich: Second.

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

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I. CHAIR'S REPORT

Mme. Chair: Reiterated that she prefers that the members not say "through you" when asking a question or commenting.

A response from the City Attorney to the Chair's request for an opinion concerning Zoning Enforcement Authority was distributed to the Board for placement in the green books for future reference. The Board held a brief discussion on this issue.

J. STAFF REPORT

No report.

Mr. Liddy: Motion to adjourn.

Ms. Rose: Second.

The meeting adjourned at 11:10 p.m.

Phyllis Leggett, Board Clerk