

**MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, APRIL 17, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Mark Bender called to order the Planning and Zoning Public Hearing of April 17, 2012 at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Jeanne Cervin, Ben Gettinger, John Grant, Edward Mead, (Vice Chair), Michael Casey, Joseph Della Monica, Dan Rindos, Tom Nichol, Mark Bender, Chair. Ward Willis (7:38 p.m.)

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

C. PUBLIC HEARINGS

1. **54 WILSON STREET (ZONE R-10)** – Petition of Gregory Field for a two-lot subdivision on Map 89, Block 832, Parcel 13, of which BAMF Homes is the owner.

Ronald Wassmer, PE, LLS, Connecticut Civil Engineers, 158 Research Drive, representing BAMF Homes, Greg Field is a member. The application is for a two-lot resubdivision on Wilson Street. Favorable reviews have been received from the City departments. He reviewed the plans via a display. Wilson Street is a dead end street off High Street, north of the Boston Post Road. The parcel is approximately 1.5 acres. There is a 20' x 20' home on the property. The rest of the property is lawn, fields and an overgrown area to the rear. It is bounded by a small creek that separates this parcel from the City of Milford Public Works yard. There is a residence to the north and to the west. There is also some Milford Land Trust property known as the Black Swamp to the southwest.

He referred to Sheet Number 3: The Subdivision Plan. Lot Number 1 is 19,285 SF in Zone R-10. Lot Number 2 is a total of 48,753 SF of which 5,000 SF is a fee simple access way, with a net building lot of 43,753 SF. This is considered a rear lot and it meets the requirements of the regulation 2.5.5.

Proposing approximately 15,000 SF of open space of the rear lot to connect to the Milford Land Trust property. Wetlands are on the property. Sheet 4 shows the proposed houses, driveways, parking areas, setbacks from the zoning requirements as well as inland-wetlands.

Sheet 5 is the overall plan of development that shows everything that will happen on this property. The utility plan was described. All the houses have septic systems and a favorable review has been received from the Milford Health Dept.

The Grading and Drainage Plan was described as well as the Erosion and Sedimentation Control Plan.

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The landscaping and tree protection plan was displayed which showed the existing trees that will be protected and remain, as well as the trees that will be removed for construction.

The Applicant is requesting a waiver of the sidewalk requirements. Wilson Street is a dead end street and does not get much traffic.

Proposed Open Space. The regulations require one acre of open space to waive the open space fee requirement. Proposing a compromise to give a portion of open space in land in consideration of a reduction of the open space fee. These details can be worked out with the City Planner through a normal appraisal process.

Mr. Sulkis: Mr. Wassmer gave a fine presentation of the application. The two issues are the request for a waiver of the sidewalks and what the Board wants to do regarding the open space requirement.

Ms. Cervin: Asked if the applicant's intent would be to give some of the land to the City's open space and pay the balance in cash? Asked if the proposed open space property accesses another City owned property in the surrounding area.

Mr. Wassmer: The portion of the open space area is upland to the rear of the lot and is contiguous with open space owned by the Milford Land Trust.

Ms. Cervin: Stated she thought that area is all wetlands.

Mr. Wassmer: That is the area known as the Black Swamp.

Ms. Cervin: Asked if he would be in favor of creating a public access to that rear area.

Mr. Wassmer: Stated he did not think any other parcels in the neighborhood provide an access to that area. Thinks there is an entrance on the cul-de-sac of Wilson Street. Thinks it would be deterrent to this property to have an access through the driveway. The house is as close to the street as possible in order to provide as large a buffer to the wetlands as possible. Does not appear feasible to this location.

Ms. Cervin: Does not this property is a plus for the city as it is landlocked.

Mr. Wassmer: It is contiguous with the Black Swamp and would be contiguous to City property. It also was approved by Inland Wetlands because of its proximity to City owned property.

Chairman Bender: Agreed with Ms. Cervin that there seems to be no advantage to the City to have the wetlands as open space. No benefit to the public.

Mr. Sulkis: Noted that wetlands are environmentally sensitive so you don't always want people going into them. In this particular case having public access to them may or may not be advantageous to the City.

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Mr. Wassmer: Cited one of the City's recommendations for open space is the passive use of open space and protection of environmentally sensitive areas, so this property accomplishes that.

Chairman Bender: On the subject of sidewalks, he believes if there is an opportunity to put in sidewalks, it should be done.

Mr. Mead: Noted the Police Report asked for sidewalks. They are in the cul-de-sac and should be continued.

Ms. Cervin: Wanted to know more specifically what the formula for the open space payment would be.

Mr. Sulkis: The Board needs to determine what the percentage of land would be and the balance would be a fee. If the property donated equals 25% of the land that is required, the balance of 75% would be what the fee would have been.

The Chair asked if anyone wished to speak in favor of the application (No response)
The Chair asked if anyone wished to speak against the application.

Gordon Levi, 79 Wilson Street. Not specifically against this project. Asked if these dwellings would be single or multi-family. Has anyone looked at the rear of the property and determined if it is a creek or wetlands? He recalls in the past there have been some applications to do something with that property, but that has not occurred. Assumes that the house that is there would be leveled and be replaced. Questions whether the property can accommodate two houses as everyone has septic systems and the drainage flows down the street into the Black Swamp.

Mr. Wassmer: Two single family residences will be built. The small house will be demolished. Drainage has been addressed for the new homes. The older homes in the area most likely did not have drainage provisions at that time. The houses will have septic systems that are designed for the most current code.

Mr. Sulkis: Noted the board could ask the applicant to replace the trees that would be removed.

Mr. Wassmer: Stated he was not aware that the Police Department had asked for tree removal. He stated he would work with Staff and replant the trees to substitute those that are being removed from the Police Department.

Ms. Cervin: Clarified her previous remark regarding the name the "Black Swamp".

The Police Department took away some of the trees to keep the sight line clear. Asked if the Tree Commission should take another look at the property in view of this.

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Mr. Sulkis: The Board can use its judgment on this to determine whether long sight lines are required at the end of a dead end street. The Board can also ask the applicant to replace those trees to another location. It is a question of the number of trees. If the Police Department is adamant that the trees have to come out, the applicant can replace the trees somewhere else.

The public hearing would have to remain open if new information was to be brought in by the Tree Commission.

Chairman Bender: If the Police Department wants to maintain the sight line he would be more apt to stay with their recommendation. If the applicant wants to replace those trees somewhere else, that would be acceptable.

Mr. Wassmer: Noted he was not aware that the Police Department had asked for the tree removal. They are along the curb line. Street trees were proposed and they can be relocated somewhere on the property. Asked that the public hearing be closed and allow the City Planner to review the tree placement.

Placement of the trees, street trees or otherwise, as well as the species, will be left to Mr. Sulkis' review and approval.

Mr. DellaMonica: If sidewalks are put in the street trees would be a moot point.

The Chair closed the Public Hearing.

D. NEW BUSINESS

2. **134 OLD GATE LANE (ZONE ID)** – Petition of Gus Grigoriadis for Coastal Area Management Site Plan Review and Site Plan Review to construct a new restaurant on Map 68, Block 811, Parcel 6F in the ID zone, of which Dare Associates, LLC is the owner.

Mr. Grant recused himself from hearing this application as he designed the plans.

Jeffrey Gordon, Environmental Planner and Landscape Architect; President of Codespoti & Associates, 504 BPR, Orange, representing Gus Grigoriadis, the owner of Pop's Restaurant who has been in business in Milford for 23 years. He has been at his present location for 21 years on New Haven Avenue, where he operates a restaurant that seats approximately 140 people. He has a maximum of 46 vehicles parked on his lot when business is doing well. He is looking at purchasing 1.6 acres at 134 Old Gate Lane to develop a new restaurant that he would own. The building would contain 4,021 gross square feet on the first and accountable space on the second floor. The building would seat a maximum of 123. The Sewer Authority has given interim approval for 103 seats. Once there is a water usage established for the new building, he could potentially increase the seating if the water usage permits.

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The proposal at 4,021 gross square feet requires 54 parking spaces, 55 spaces are proposed. The property is located on Old Gate Lane across the street from the Fitness Edge. The plan will have a parking lot out front with the building in the center of the property. From the back of the property the salt marshes can be seen on the Indian River. The plans were approved by the Inland Wetlands Commission on January 18, 2012. Referrals were made to the required City departments as well as the DEEP for a Coastal Area Management Review.

Also present is Gus' attorney Kal Ali and Fire Safety Controller, Lee Cooke.

The Coastal Area Management Plan has determined that the site is not suitable for a water dependent use. There is no access to the water and there is limited visibility. It was noted that a previous subdivision for an access easement for land in the back was not approved. There is a 16-foot sudden change in grade and it is an area that is covered with phragmites. Out of safety concerns the City declined allowing access for those reasons.

Mr. Gordon referred to Attachment "C", Additional Information for Part VII.B "Water Dependent Uses" of the CAM Report with photographs. He read portions of this additional information that he believes satisfies the statutory requirements to show this site is not suitable for a water dependent use. This property is not appropriate for any on-site public access. The geometry of the property is such that it drops 16 feet in the back. There is also an area of intervening inland-wetlands which cannot be traversed to get to the tidal wetlands. The Inland-Wetlands Commission has mandated them to remove some of the invasive material in the upland review area but they cannot go down to the wetlands and disturb anything there.

The seating plan was displayed showing the 20 seats that had been dropped to accommodate the 103 seat requirement by the Sewer Commission. The area can accommodate 123 seats. He noted after three sewer bills the applicant could apply for additional seating if the water usage calculations allows for it.

He is looking for relief in Sec. 5.14.6.6 to the side buffer; a reduction of ten feet, down to 4.6 on one side and 8.0 feet on the other side. The 4.6 side abuts the owner of the property who is selling this property. The plan is to relocate some of the arborvitae in the front of the property to the side for the buffer.

Lee Cooke, Plan Review Consulting Services. Retired Assistant Chief Fire Marshal for over 36 years in the City of Milford. Currently and past member of the Connecticut Fire Safety Code Community Development Committee and Connecticut Life Safety Code Development Committee. He has been asked to review the plans for fire service emergency vehicle access. After reviewing the plans he found them to be code compliant for all emergency services access for fire service vehicles. The plans were forwarded to the Fire Department for their review and were returned with a positive review was returned.

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Mr. Gordon: The second floor contains an open mechanical area; a couple of locker rooms and an office. The storm water management system has a bio filtration rain garden in the front landscape area. This will give the opportunity to cleanse the water coming off the parking lot through biofiltration and then discharges out into the wetlands system in the back, so it becomes one big sand filter with some plantings.

The landscaping plan is very generous. Some minor alterations were made. The Police Department asked that some street trees be moved back a couple of feet in order to maintain the required sight distance. He described the trees and plantings that would be on the property, as well as the rear area where there is a brief strip of inland wetlands before you get to the tidal wetlands. There was an old modular concrete wall in existence and the land drops off about 16 feet in the back, which makes it rather hazardous to get from the rear of the proposed building to the marsh area.

Mr. Sulkis: Mr. Gordon described the application well. There are a couple of areas that the Board needs to make determinations on. He stated he and Mr. Gordon disagree on the following but based on the regulations and past practice, this application is short 17 parking spaces because they are not counting the cellar. When the Board reviewed Gusto's and the Bridge House, that space was counted. What is not being counted are mechanical spaces, with which he agrees with Mr. Gordon. He noted this is an applicant for a restaurant to be located on Old Gate Lane. Right now it is for Pop's Restaurant but in the future it could be somebody else's restaurant and they can refigure the building and use that basement space. It is very trendy now to have private downstairs dining areas. There are several options that the applicant can undertake to remedy that parking deficit, which are outlined in the report he distributed to the Board.

Mr. Sulkis stated Mr. Gordon did a fine job outlining the CAM application. He then referred to his correspondence with John Gaucher of the DEEP in which Mr. Gaucher noted if the phragmites grew over ten feet tall, they could significantly impact views of the lower areas of the adjacent land to the marsh, which could impact the sight suitability for public viewing of the marsh without some type of elevated platform. Upland of the marsh the area between the phragmites and the proposed restaurant consists primarily of mature trees with a fairly open understory. If public access is considered, then parking may be required for it to be accessible to the general public.

What is being suggested here is that it would be very difficult to access the rear marshes due to the inland-wetlands. However, the beautiful marshes could be viewed by the public from the back deck of the restaurant.

He noted in 2011 the City undertook a study with the Yale School of Forestry in Environmental Studies. The report was called "Creating a Greenway; Strategy for Land Conservation", which was submitted to the City. That report talks about this particular area being one that may be advantageous at some point to have water access to the greenway. There are different kinds of greenways and accessways. This does not pertain to this particular parcel, but those areas along the Indian River. That area is also discussed in the Plan of Conservation and Development for the same purpose.

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He stated his report mentioned options if the Board wants this property to have water interaction, which is required by the CAM Act. Anything from a platform to easements for possible future greenways.

Mr. Sulkis concluded that other than that it is a fine application.

Chairman Bender: There was a question about 103 seats as opposed to 123 seats.

Mr. Sulkis: After he received the updated Statement of Use today from Mr. Gordon he checked with the Sewer Commission to verify that particular statement. He was told that this property is approved for 103 seats. That is the final word from the sewer administration.

Mr. Casey: Asked if Mr. Sulkis' concern was that the basement would be used for additional seating.

Mr. Sulkis: The regulations for parking speak to the gross floor area of a building, including the service area. That basement is a service area. Another way of looking at it is could this restaurant function without the use of that basement. He did not think it could. He and Mr. Gordon disagree on this issue. The Board has to look at the application and the use and this is the layout they are using at the moment. That is why the regulations talk about the gross floor area of the building including service areas. That basement is a service area. Could this restaurant function without the use of that basement. He does not think that it can but he and Mr. Gordon disagree on this.

Chairman Bender: Referred to two figures for the gross area of Sheet A1-1. Actual gross area 3,566 SF and another figure "gross area by definition = 0 SF". He did not understand what these figures meant as he thought gross area is gross area.

Mr. Gordon: Commented he had a meeting on March 1st with Mr. Sulkis, Mr. Grigoriadus and Jocelyn Mathiasen. They had a discussion concerning the gross square footage calculation and at the end of the meeting Mr. Sulkis agreed with his interpretation of the cellar vs. the basement. He had an email to this effect. He read the definitions from the zoning regulations. He noted by definition the proposed area is a cellar which is excluded from gross floor area. Gross floor area is what is used to calculate parking. Gusto's meets the definition of a basement because it is a walk out level and they have tables there. This cellar will have a wine cellar, a beer cooler, a mechanical room with a sump pump and dry storage. When parking was calculated, the main floor had patrons, it has a prep kitchen and some walk in cooler areas. The patrons are there and the kitchen workers are there They drive cars and so they are allotted a certain amount of parking requirement. The cellar has beer, wine, canned goods and sacks of potatoes. They don't drive cars, cause traffic and do not apply to parking. To equate that a cellar should have the same parking requirements as an occupied floor is beyond reason and that is why the regulations speak this way.

Mr. Gordon noted all the restaurants in the area he designed. Some of the restaurants he mentioned are slab on grade without cellars and they function well. For the longest

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time Milford's parking regulations were not based on gross floor area, rather patron floor area. This gross floor area formula is a more recent occurrence. The logic should be that dry goods do not generate cars. People generate cars and his belief is that the regulations clearly say you excerpt that.

Mr. Gordon read John Gaucher's (DEEP) comments with regard to the conditions that will limit visual access to the water as well as the substantial grade change that reduces the physical connection to the water as well. Mr. Gaucher specifically stated that he had previously misunderstood the intention of the use of the wetlands are, but now understands the applicant is not making a specific recommendation about the suitability of this specific site for water access. Mr. Gordon responded to Mr. Gaucher that he was not making a specific determination regarding the suitability of the site for public access and this was not incorporated into the site plan. Based on Mr. Gaucher's updated comments, Mr. Gordon submitted an addendum with photographs to his CAMSPR report.

Mr. Gordon asked if the applicant had to put in a deck that the restaurant could not use but the public could use, who would be liable if they come on to his private property and someone gets hurt?

With regard to the reference to the Yale Report Incentives to Expand the Greenway, this is talking about the entire greenway collectively. The report acknowledges if you have private property it is very hard to say, "Give it up to us. The public is going to come on your property and they have all the tenant rights to it", especially where there is a history of the City being concerned about safety.

Mr. Gordon showed a photograph taken from the rear of the Hyatt Hotel that showed the salt marsh area before the phragmaties are in season. The photo was entered into the record.

He stated his company had done the expansion of Schick on the other side of the marsh area of Indian River and there was no request of Schick to provide a public access site facility there. It appears onerous to make such a request of this application.

Mr. Gordon stated he addressed all the issues in question and is fully confident that the parking as proposed on this application will meet the needs of Pop's Restaurant now and in the future.

Chairman Bender: Stated the Board has to look at the plan, what it is and what it could be, not what it is right now or what Mr. Gordon is trying for it to be. That is one of the dilemmas that the Board faces; once it is approved as a restaurant, it becomes a restaurant for whatever other plan there is.

Mr. Gordon: But this is the application before the Board.

Chairman Bender: Asked if Mr. Gordon thought this area was not a service area.

Mr. Gordon: It is a storage area.

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Mr. Sulkis: Asked to clarify a few things that Mr. Gordon said. Mr. Gordon was correct in that he has an email [from Mr. Sulkis] regarding the definitions of cellars and basements and he agrees with the definitions but that has nothing to do with the issue at hand as to how the regulations apply and what the Board should be looking at.

He has no issue with Mr. Gordon's depiction of what John Gaucher told him. That is accurate. Mr. Sulkis has correspondence from John Gaucher which speaks about a viewing area or platform. It is not uncommon for the board and other boards throughout the state to get public access when you have commercial entities that are in the CAM zone. It is not uncommon for this board to get public rights of way to, when possible, get open space.

He does not know the history of what Mr. Gordon said about a "patron floor area". For the past ten years Milford has computed floor area and what the use is and that is how it has been. You can argue where people stand and where they do not stand. That is why most places use gross floor area for any kind of use calculation for a building.

Chairman Bender: One of the first things the Board has to determine is if that area is unsuitable for public use. The Board is hearing different sides to this and then the gross floor area.

Ms. Cervin: Stated she believes that an easement in perpetuity should be provided for a greenway in view of the study that had been done and it would be in compliance with the Plan of Conservation and Development. She is not in favor of a viewing deck or something that would give public access as it would take up more parking and there is not enough parking now.

Mr. Mead: It was said that after three water bills they could increase to 123 seating, but Mr. Sulkis said that 103 seats are the maximum allowed.

Mr. Sulkis: Stated he had no knowledge of that. He had met with the sewer secretary and she stated that the information contained in the Sewer Commission letter on the application strictly applies.

Mr. Gordon: In response stated he may not have been clear in what he had said. The applicant originally applied for 123 seats but because there is no water use history, they go by the formula of the acreage. The acreage comes out to 103. When the building is established and there are three quarters of water bills, they can determine that the actual water usage is such that would allow additional seats, then the sewer commission can review and perhaps modify and increase the seating capacity. The number of seats in the restaurant for Board approval is for 103, but the seating plan can accommodate 123 seats if occupancy is allowed to increase.

Mr. DellaMonica: Stated he is not in favor of any type of a public access to the restaurant. That is asking too much of someone who is opening a new business and putting up a new building. It should not be incumbent upon a new business owner at this time to put an easement in place where there has not been access to an area

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previously. He does not think it is proper to saddle a business with an easement, even though the study says that it may be beneficial. He does not know who it would be beneficial to at this point. That property has not and is not being used for any type of access and it would not be advantageous to anyone, especially with that little cliff between the wetlands and the marsh.

Chairman Bender: Asked if the applicant had looked at other ways of increasing parking if the Board determines more parking is required?

Mr. Gordon: Parking has been maximized.

Chairman Bender: And no additional parking alternatives have been explored.

Ms. Cervin: Asked the number of employees.

Mr. Gordon: Maximum of ten.

Ms. Cervin: Ten cars possibly?

Mr. Gordon: Yes.

Ms. Cervin: Asked if there could be shared parking for employees on either side of the property.

Mr. Gordon: He is going by the fact he has a maximum of 46 cars in his lot now with 140 seats. With 100 seats it was felt 55 spaces was adequate and did not pursue any other arrangements.

Ms. Cervin: Thought she saw tables on the deck in the plans. Asked if there would be seating on the deck outside.

Mr. Gordon: There is no outdoor seating on that deck. There are some air conditioning units on one side and there is a barbeque grill and an egress from the back of the dining room.

Ms. Cervin: So it will be a place for people to gather to look at the view?

Mr. Gordon: People can exit through the parking lot that way.

Ms. Cervin: Stated it is hard to believe there will not be tables on that deck.

Mr. Gordon: It is a very narrow deck. There would not be enough room to put tables.

Ms. Cervin: Asked where deliveries would be made.

Mr. Gordon: Showed the areas via the display where the deliveries would be made.

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Ms. Cervin: Asked Ms. Harrigan to discuss the Greenway Study for the Board's information.

Ms. Harrigan: Gave a summary of the Greenway Study and its connection to the Plan of Conservation and Development.

Mr. Gordon: Thought a conservation easement could be provided up to the tidal wetlands area.

Chairman Bender: Encouraged Mr. Gordon to pursue additional parking for staff with some neighbors.

(John Grant rejoined the meeting)

3. **254 MELBA STREET (ZONE BD)** – Petition of Gregory Davies for an Amendment to a Site Plan Review to establish an alcohol (liquor/wine) store on Map 39, Block 542, Parcel 2, of which Melba Realty, LLC, is the owner.

Kevin Curseaden, Esq., 26 Cherry Street, Milford, representing Gregory Davies, the owner of the "Crushed Grape". He gave a history of this application. On December 21, 2010, this Board approved the application for a site plan review to operate a liquor store. There was a waiver requested by Mr. Davies. This location is 254 Melba Street, across from the old Point Beach School which is no longer a school. There is an open field area that was originally a playground. In 2004 the playground equipment was removed. Many years before there had been a pharmacy at 254 Melba Street where liquor was licensed to be sold. When Mr. Davies came before the Board in December 2010, he had to ask for a waiver to operate a liquor store within 300 feet of a what was considered a public playground. Following the Board's approval, Mr. Davies has obtained his permits and is doing work to get his store open hopefully around the first week of May. The City was sued following that approval by some package store owners in the area and another citizen, stating that the Planning and Zoning Board did not have the right that waiver of a distance from a playground.

The Board was given handouts of information that classified the various Recreation areas which was prepared and updated by the Recreation Department.

In looking at the City's list of playgrounds and parks, beaches, etc., and the definitions of such, the Planning and Zoning Regulations have no definition for what is a park or playground. The Recreation Commission does not have a definition either. However, the Recreation Commission, through Paul Piscitelli, did a full review of the reclassifications of their recreation areas. That review came back with a recommendation that was accepted by the Rec Commission in March of this year that this area across the street from 254 Melba Street is no longer classified as a playground.

Therefore, the waiver previously required by the Planning and Zoning Board that was granted to Mr. Davies, is no longer necessary. There is no change to the original Site

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Plan. The Minor Amendment to the Site Plan Review is asking the Board to remove that waiver from the previous approval.

Mr. Sulkis: Mr. Curseaden described the situation. He had nothing to add.

Chairman Bender: Asked if it was as clear cut as if it is a field it is okay, but if it is a playground it is not?

Mr. Sulkis: It is up to the Board to determine the classification under the Planning and Zoning Regulations of land use.

Ms. Cervin: Stated she would like to see the store in that location, however, she requested the Board receive a letter from the City Attorney designating this area as a field rather than a playground.

Chairman Bender: The Rec Department has sent this information.

Ms. Cervin: Asked for clarification by the City's legal department that it was in the Recreation Department's purview to make such a decision.

The City Planner will contact the City Attorney's office to agree that it is within the Rec Department's jurisdiction to authorize the change of the property from a playground to a field.

Mr. Sulkis: Said he would do so but this was analogous to looking at a floor plan for which a use is stated, but only the Board can determine what the actual use on the floor is. He gave other examples of how interpretations can be made of the land use.

Chairman Bender: Responded this was not a question of land use. It is a question of whether the Recreation Commission can make this designation change. Then the Board can make its determination.

Mr. Curseaden: Noted that former Chairman Susan Shaw had said [not speaking for the board], that when she had approved this application previously, she was approving it for the use, not the classification of the land across the street. He gave further comments with regard to what the reasoning of the board members had been during the first application, although he had not been a part of the application at that time.

He stated he believes that the Recreation Commission has the right to classify these properties. He also suggested that the Planning and Zoning Board should add some of these definitions in their zoning regulations for edification purposes.

Ms. Cervin: Made a motion to approve the application to approve the application with the condition that the City Attorney's office make the verification.

Mr. Willis: Second.

All members voted in favor of the motion. The motion passed unanimously.

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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

Mr. Sulkis: Stated that Mr. Grant's comments on Sec. 3.1.4.2 on Building Height in Residential Zones had not been incorporated in the circulation of the proposed change because they had been received after the change had been submitted to the outside departments. He will review Mr. Grant's new comments and see how they fit into the rewriting of the regulation that the City Attorney's office has requested.

Received the letter on Section 9.2.3 which the City Attorney's office had approved. They also said they wanted to change something else, which they have not done. At this point if the Board wants to move forward with a public hearing on that particular item, they could do so. It is tied to Section 2.5.5. and comments were not received back from the City Attorney. He will follow up to find out where those comments are because they are interrelated. He guesses that because they approved Sec. 9.2.3, they will not have an issue with 2.5.5.

Chairman: The question is whether to proceed with 9.2.3 or hold it for an opinion on 2.5.5.

Mr. Sulkis: Will follow up on this.

Mr. Grant: Asked for a final draft of each one of the regulations.

Mr. Sulkis: They were distributed to the board previously, but the Board can receive them again. The draft of the building height in the residential zone will have to be recirculated based on the changes to be made.

Mr. Grant: The comments he had made for those regulations previously submitted to this Board were not incorporated into what went to the City Attorney.

Chairman Bender: Not in the building height. That got submitted earlier.

Mr. Sulkis: Mr. Grant submitted comments in February. The regulations were reviewed by this board and submitted to the City Attorney's office prior to Mr. Grant being on the Board. They go back to last year.

Chairman Bender: Verified that Mr. Sulkis will now review Mr. Grant's comments to see if they can be used in the new version of the regulation change.

Mr. Sulkis: Yes, because the regulation has to be rewritten.

Chairman Bender: Will hold up on 9.2.3 awaiting comments from City Attorney on 2.5.5.

**MINUTES FOR ONE (1) PUBLIC HEARING
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TUESDAY, APRIL 17, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

F. PLAN OF CONSERVATION AND DEVELOPMENT

- a. Map Development
- b. P & Z/Interest Group Follow-up
- c. Compile Draft Plan

Chairman Bender: At this point the Board should be seeing a draft plan.

Mr. Sulkis: In the process of putting it together slowly. They do not have the consultant's work yet. In the process of updating a majority of the report which is what currently exists. The consultant is focusing on four particular areas that will definitely be different in the upcoming plan. The rest of the plan is a minor update of figures, etc. When whole chapters are prepared they will be given to the Board for review, however, they will be subject to change.

G. LIAISON REPORTS – None.

Chairman Bender: Attended the South Central Connecticut Regional Planning Commission meeting for his first time. It is comprised of Bethany, Branford, East Haven, Guilford, Hamden, Madison, Meriden, Milford, New Haven, West Branford, North Haven, Orange, Wallingford, West Haven and Woodbridge. Each town has a representative. Anything that may affect that region comes before the Board. There were 7 or 8 items on the agenda. This is done each month.

H. APPROVAL OF MINUTES – (4/3/2012)

Mr. DellaMonica: Made to approve the minutes.

Mr. Grant: Second.

The minutes were approved as submitted.

I. CHAIR'S REPORT

Chairman Bender signed two lot line adjustments for 39 Overton Avenue and 100 Hilldale Court.

It was a difficult application tonight. There was a lot of information. Asked the Board to think about it and if they had any questions to call Staff for clarification.

Reminded the Board members about the Land Use Seminar they will be attending on Saturday, April 21st in Haddam. Directions and car pooling information will be sent to the seven members who will be attending.

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J. STAFF REPORT

- Flood Map Update.

Ms. Harrigan: Has been busy preparing the upcoming meetings for the FEMA Map updates. She explained that Congress allocated funds to restudy certain areas of the country where the flood map studies were old and that there was significantly more flooding occurring than the maps showed from the late 70s.

FEMA restudied all of coastal Connecticut from Greenwich all the way east to Stonington. Milford had significant changes in the flood maps, both in the western and eastern portions of the City. In order to better inform the residents as to what those changes will mean to them both financially from a building perspective and what their flood insurance potential could be. Also the requirements from a Coastal Area Management standpoint for construction of properties on the water as opposed to inland properties.

The City will be hosting a two-part meeting on Wednesday, April 25th, for those property owners who live in the western portion of the City, west of the Harbor and the coastal homeowners east of the harbor are requested to come on Thursday, April 26th. The presentations will be tailored specifically to those areas of the City and do a power point presentation that show the changes in the flood maps. There are about 800 homeowners that are going from a non-mandatory flood area to a mandatory flood zone where flood insurance will be required by their lender if they have a mortgage. These special flood hazard areas will restrict certain types of building that will be changed, i.e. where a basement is now allowed, in the AE flood area a basement would not be allowed. Hoping to inform homeowners to obtain flood insurance now so they could be grandfathered at their current status instead of waiting for the new flood maps to go into effect. Announcements, press releases and information on the City website have been circulated to get as many people to attend these meetings as possible.

Mr. Mead: Made a motion to adjourn.

Mr. Grant: Seconded.

All members voted to adjourn the meeting at 9:30 p.m. The next Planning and Zoning meeting will be held on Tuesday, May 1, 2012.

Phyllis Leggett, Board Clerk

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