

**MINUTES FOR THE MEETING OF THE
PLANNING & ZONING BOARD
HELD TUESDAY, MAY 19, 2009; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

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

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Frank Goodrich, Mark Bender, Kim Rose, Kevin Liddy, Susan Shaw, Gregory Vetter, Victor Ferrante, Jeanne Cervin, Chair. Janet Golden (7:35)

Not Present: KathyLynn Patterson

Staff: Assistant City Planner, Emmeline Harrigan, Phyllis Leggett, Board Clerk

Mme. Chair: 314 Bridgeport Avenue will be tabled until the June 2nd meeting.

C. 8-24 APPROVAL

1. **IROQUOIS GAS TRANSMISSION UTILITY EASEMENT** – Request by Mayor James Richetelli, Jr., for Section 8-24 Approval under the Connecticut General Statutes for a utility easement and for passage and access for Iroquois Gas Transmission System, L.P. on Map 121, Block 901, Parcel 9, aka Field Lane of which the City of Milford is the owner.

Ruth Parkins, Manager, Public Affairs for Iroquois Pipeline Company, Shelton, CT. Iroquois is looking to get an easement from the City on a street called Field Lane, which is an unimproved road. An aerial map of the proposed location was distributed. A ground bed was put in at the Great River Golf Club about two years ago. Looking to run power to that ground bed. Right now there is a cable installed from that location down to a little blue box right under the proposed power cable route that power has been run to. Now looking to get power to that rectifier box. Need to install a cable underground. The line indicated in yellow is the area that they are seeking an easement from the City for. Working with the railroad for a work permit to bore underneath the railroad tracks. The rest of Field Lane, which is an unimproved road, is owned by D'Amato Brothers and an easement has been obtained from them. Originally thought the City owned that property as well, but it appears the City just had an easement on that property and D'Amato Brothers still owns it. Seeking an easement from the City right now on that portion that is indicated with the yellow line [on the aerial photo].

Mme. Chair: Asked if this property was still owned by Mr. D'Amato.

Ms. Parkins: The unimproved Field Road from the railroad up to Herbert Street is owned by D'Amato Brothers.

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Mme. Chair: Asked Staff if this is still considered an 8-24 if the property is not owned by the City.

Ms. Harrigan: Explained that a portion of Field Lane is City owned. That portion of the road is subject to 8-24 approval.

Mr. Vetter: Asked for a description of the ground bed location.

Ms. Parkins: It is trench. There is a cable that runs from that little blue rectifier box underground which runs alongside what looks like a dirt road and then makes a hook and goes over to the left hand side. That has already been laid. There is an easement from that property owner to lay it.

There is no power right now to the ground bed. It is just cable. The cable needs to be energized.

Brian Wolfe, Manager of Engineering Services for Iroquois. Explained the need to extend this pipeline. A ground bed is used to protect the pipeline against corrosion. Explained the process of energizing the ground bed.

Mr. Bender: Asked if this was a common procedure in other areas.

Mr. Wolfe: Absolutely.

Ms. Shaw: This property is City open space. What impact will this work have on the open space?

Mr. Wolfe: There would be a minimal trench that would be dug, up to two feet deep that the line would go in and would be invisible from above ground.

Ms. Parkins: Very similar to placement of underground utilities and would basically be invisible.

Mr. Ferrante: Requested a word be added to the easement document to clarify that the installation in question would be put underground.

Ms. Parkins and Mr. Wolfe agreed to this change.

Mr. Goodrich: Made a motion to approve the Iroquois Gas Transmission Utility Easement for an underground cable on the City land.

Ms. Rose: Second.

Mr. Vetter: Asked for an explanation of wording in the memo from Glen Behrle of the Milford Engineering Dept.

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Ms. Harrigan: Explained that based upon the description of the dimensions of the easement, he calculated mathematically that everything works and is acceptable.

Mr. Vetter: In the letter to the City Attorney from Iroquois, underground installation of electric and telephone lines is mentioned. Asked what that was for.

Mr. Wolfe: Phone lines are brought in underground for communication to the rectifier to see if it is on or off.

Mr. Liddy: Asked if the City was compensated for the easement.

Ms. Parkins: D'Amato Brothers was paid approximately \$12.50 per linear foot for their portion. It is estimated that the City will be paid a flat fee of approximately \$7500, which averages \$12.50 per linear foot.

Mr. Vetter: The road is used by a farmer to access his property. Will he be affected in his farming by this construction?

Ms. Parkins: It was agreed that the work would not be started until after strawberry season, which is about June 28th.

Ms. Harrigan: Land record research on this indicates that the farmer has easement rights in the land records for Field Lane. His rights would continue regardless of an additional easement.

The Iroquois representatives stated they have worked with the farm's owner, Mr. Astriab in the past and will work with him to make sure there is no impact on his business.

A vote was taken: All members voted in favor of the 8-24 approval.

D. NEW BUSINESS

2. **1755 BOSTON POST ROAD (ZONE CDD-5)** – Petition of Michael Albert for a Temporary Special Permit and Site Plan Review to erect two tents to be located at Pilgrim Furniture Company from June 5th to June 14, 2009 on Map 109, Block 805, Parcel 10, of which Kurt Volk, Jr., Trustee is the owner.

David Bassett, Pilgrim Furniture, 1755 Boston Post Road. Asked if the tent could be erected on June 2nd or 3rd, prior to its use for the sale from June 5th to June 14, 2009, to make sure it will be waterproof prior to putting furniture in it.

Ms. Rose: Made a motion to approve the application as stated above.

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Mr. Goodrich: Second.

Mr. Liddy to Staff: Were there any negative reports from the City departments?

Ms. Harrigan: No.

All members voted in favor. The motion passed unanimously.

Mme. Chair: Complimented Mr. Bassett on the attractiveness of the building and said it was a great asset to Milford.

3. **1034 BRIDGEPORT AVENUE (ZONE CDD-3)** – Petition of Show Motion, Inc. for a Site Plan Review to renovate an existing building for theatrical set production and to add a new parking lot on Map 43, Block 388A, Parcel 9, of which Show Motion, Inc. is the owner.

Raymond Paier, PE, Westcott and Mapes, 120 Temple Street, New Haven, with SMI President and Applicant, William Mensching; John Wicko, Architect and Stephen Wing, Landscape Architect.

Show Motion is an entertainment based contracting firm that employs designers, artisans, craftsmen and skilled laborers to construct sets for the entertainment industry, which include sets for Broadway theater, stage performances for touring shows, theme parks and other venues. The project site is the old Bridgeport Steel building on the north side of Bridgeport Avenue. Mr. Paier described the location via a colorized site plan of the property. In the rear are the RR tracks; east is a commercial condominium-style development and to the west is the Personal Touch Car Wash and South is Bridgeport Ave. The building is approximately 32,000 SF. The footprint will remain the same. The building is vacant and in disrepair. Propose to renovate the interior and exterior and construct a parking lot. Two existing driveways will be maintained. Proposed parking lot will be on the east side. The partial parking lot that has been taken over with vegetation will be replaced with a new parking lot with landscape islands and ancillary utilities.

The lot design and setbacks comply with the regulations. 46 parking spaces are required. 45 parking spaces are proposed. Requesting a waiver for one space. The applicant has stated that many employees use mass transit and parking should not be a problem. There are two loading spaces in the front for off-loading of materials and a third loading space in the rear for finished theatrical sets.

Department reviews have all been favorable. Engineering/Public Works had minor comments that pertain to construction issues and will be complied with. Landscaping and lighting plans comply with the City criteria.

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John Wicko, Architect, 50 Broad Street, Milford. Building is staying as it is with a change of use, but still a factory. Needs a facelift. All the additional space will be in the double height of the interior. No change in the footprint. Going from 32,000 to 34,000 SF. The front office area will be renovated and adding a two-story section within the building for administrative purposes, as well as production engineering drafting and receiving. Second floor relates to computer mechanisms, controls, pulley systems, etc. Described the architectural design that will be created while bringing the old building back to life.

The renovation of the exterior of the building is interesting. There are interesting colors and materials being used. The windows will be renovated and reused. The office section will have a synthetic stucco surface which will coordinate with the all over art deco design.

Mme. Chair: Mentioned the landscape plan passed with flying colors from the Tree Commission.

Mr. Wicko: Steve Wing did a beautiful job. Introduced a lot of street trees, the curb cuts and in the front of the building there is a lot of vegetation between the sidewalk and building and a planter in the middle of the island between the car wash and front parking lot.

Mme. Chair: Read the Administrative Summary Form provided by Mr. Sulkis: This is an adaptive reuse and full rehabilitation of a 31,975 SF existing manufacturing facility, with an interior addition of a 2,460 SF mezzanine. The new use is the manufacture of sets for the entertainment industry. A waiver of one (1) parking space is requested – 45 provided, 46 required. The applicant has indicated that some employees will utilize mass transit, so I feel there will be no adverse impact by the waiver. This is an excellent example of reuse and rehabilitation of a 1950's industrial building.

Mr. Vetter: Asked if the front overhead door would be used for primary loading purposes.

Mr. Wicko: It is an overhead door that a van could in to. It has access to the parking lot but would not be used for tractor trailers or production loading. All that activity will be in the back. It will be used but not as the primary loading area.

Mr. Vetter: Asked about the loading areas that were in the back.

Mr. Wicko: Explained that tractor trailers would drive in and be loaded within the building. Loading dock number three is low. Loading dock number one is the at-grade drive-in and will be used the most with a box truck. The front overhead door can accommodate drive in by a van for minor uses.

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Mr. Vetter: Stated his concern was backing up and maneuvering trucks onto the street as it is close to the edge of the property.

Mr. Paier: All this was taken into consideration with the design. Explained the process of how the trucks would circulate and maneuver around the property. No traffic would back up onto Bridgeport Avenue. All maneuvering would be on the site for loading purposes.

Mr. Liddy: Asked if the sidewalks would be connected all the way across.

Mr. Paier: A new walkway will be built from one end of the property to the other end of the property.

Mr. Liddy: Asked about energy saving measures to be used in construction.

Mr. Wicko: Glazing will be replaced with a polycarbonate material which has a slightly better hue coefficient. The roof will be replaced and be brought to current code levels. Solar panels could be installed in the future, but not at this time.

Mr. Liddy: Asked the time frame for construction to be completed.

Mr. Wicko: Not a year. Within months. Remediation has begun.

Ms. Shaw: Motion to approve Show Motion.

Mr. Ferrante: How can the Board ensure that there will be no backing in and out onto Bridgeport Avenue?

Ms. Harrigan: The site has been designed to accommodate adequate maneuvering on site.

Mme. Chair: There are many things that the Board cannot ensure, and must rely on the Applicant's word.

Mr. Liddy: Will the utilities be underground?

Mr. Paier: The new service will be brought underground when it reaches this property.

Ms. Shaw: Made a motion to approve the petition of Show Motion, Inc.

Mr. Goodrich: Second.

Ms. Shaw: Will add a waiver of one parking space to allow 45 spaces.

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Mr. Goodrich: Second.

Stated that when the previous business was in this building, approximately 12 years ago he had occasion to go in and the interior was huge. Feared what would happen to this building. This new project will be a wonderful addition to the City of Milford.

Mme. Chair: Suggested tours be given once the business was up and running. Added this building was one of the biggest visible eyesores in Milford for a long time. This will be a welcome addition and upgrade to Bridgeport Avenue.

All members voted in favor of approval of the application of SMI Show Motion, Inc. The motion was approved unanimously.

4. 438-450 NAUGATUCK AVENUE – BEARDS PARK SUBDIVISION

Request by James Iannini for bond reduction in the amount of \$70,201.30, leaving a maintenance balance of \$6,015.70, which is eligible for return in two years, as approved by Bruce Kolwicz in his memo dated May 18, 2009.

Mr. Ferrante: Made a motion to approve the request based upon the review and recommendation of the Engineering and Public Works Departments.

Mr. Goodrich: Second.

Noted the mathematics is a 9% reduction, not 10% and requested the paperwork be adjusted to indicate the reduction is at 9%.

Mr. Ferrante: Renewed his motion with the caveat that the paperwork indicate the bond reduction was reduced mathematically to 9%, not 10%.

Mr. Goodrich: Second.

All members voted in favor.

E. PUBLIC HEARING KEPT OPEN - CLOSING BY 6/9/09; exp. 7/9/09

- 5. 314 BRIDGEPORT AVENUE (ZONE CDD-2 AND R-7.5)** Petition of Brian Lema, Esq. for a Special Exception and Site Plan Review to construct a 10-unit multi-family residential building with off-street parking on Map 24, Block 381, Parcel 1, of which D.A. Black, Inc. is the owner.

Tabled until June 2, 2009 meeting.

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F. OLD BUSINESS

PUBLIC HEARING HELD 1/20/09; CLOSED 4/21/09; exp. 6/24/09

6. **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.

Mme. Chair: The Legal Dept. has prepared a motion.

Ms. Shaw: I move to revoke that portion of the Coastal Area Site Plan approval and zoning permit pertaining to the 16 ft. x 36 ft. portion of a deck, pool, and hot tub for the reason that the Board relied on inaccurate information supplied by the Applicant and was misled by his failure to disclose material information.

1. The Applicant's Coastal Area site plan application, including the CAM report, and site plan application did not disclose required information pertaining to the location and spatial relationship of coastal resources on and contiguous to the site pursuant to zoning regulations §5.12.3 and Connecticut General Statutes §22.a-105c. The CAM report and site plan failed to disclose the presence of beach vegetation and a shallow dune that were located on the site.

Aerial photos taken by the State of Connecticut in December 2006 show beach grass and other vegetation on site and photographs taken by the DEP in July 2007 during construction show beach grass. Copies of photos that the applicant claims were submitted to the Board in September 2006 as part of his application are not part of the record in that proceeding and do not fully depict the coastal environment or accurately depict the site in 2006. The pictures were taken at least one year before the applicant submitted them to the Board in 2006.

2. The application contained untrue statements.

On pages 3 and 4 the application states: "The beaches will not be disturbed...the building site is out of the beach area" and "The project would not significantly disrupt the natural environment." The applicant also represented on page 4 that there would be no degrading of the beach dunes. On page 7 the application states: "No grading changes are proposed once the debris is removed" and at the Board's 9/16/2006 hearing, the applicant's architect, Mr. Grew stated that "no grade changes are proposed to the existing grades." However, pictures of the site in October 2008 show that the beach vegetation depicted in the 2006/2007 pictures had been destroyed and that substantial re-grading had occurred.

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Mr. Vetter: Second.

Mr. Bender: Stated the exact wording of the motion should be, "...the grading of the beach or dunes", not "beach dunes" as Ms. Shaw had read.

Mr. Goodrich: Pointed out his previous concern that the regulations under Site Plan Approval Section 7.1.1. state that it is Staff's responsibility to make sure the plans brought before the Board are accurate. Also, in the Coastal Site Plan Review regulations, it is the Planning and Zoning Board's responsibility to make sure the plans are accurate. The Board members get the plans ahead of time to go out and review sites, as does Staff and the DEP, which they decided [if he remembered correctly] not to comment on this application. Cannot see how the Board can hold the Applicant responsible for something the Staff and the Board missed. Stated it was the Board's fault, not the Applicant's.

Mme. Chair: Stated he was categorically wrong and said that he had stated on the record that he is in agreement that the beach grass should have been shown on the original application and the CAM report that had been provided to the Staff and the Board and that is where the information was taken from. The Board asks for and must assume that they are getting accurate information from the Applicant and they should be getting that.

Mr. Bender: After watching the DVD of the last meeting he thought Ms. Harrigan made it very clear that in CAM reports it is the applicant that is responsible.

Mr. Goodrich to Staff: Isn't it the FEMA regulations that state the Applicant is responsible?

Ms. Harrigan: No, it is in the Coastal Management Act, State's statute.

Mr. Ferrante: One of the recent letters that the Applicant provided to the Board mentioned that the DEP stated had they been involved earlier they would have opted for a less expansive project than that which came before the Board. Therefore, it was not presented to them in advance.

Mme. Chair: There is a motion on the floor to revoke part of the Coastal Area Site Plan Approval and Zoning Permit pertaining to a 16 feet by 36 feet portion of a deck, pool and hot tub for the reasons that were listed.

A vote was taken: Eight members voted in favor of the motion. Mr. Goodrich voted against the motion.

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Mme. Chair: The applicant, in order to get his CO, will be required to come back to the Board with a Coastal Area Management Site Plan Review that meets all the standards of the Board, Staff and DEP. He would also have to return with a plan for the restoration of the resources on the beach that will meet the requirements of the DEP and other applicable agencies.

G. PROPOSED REGULATION CHANGES

Mme. Chair: Mentioned she had spoken with Mr. Sulkis about the tent sales that have been brought before the Board recently and she would like to take that type of approval out of the Board's domain. Has asked him to review the regulations and have this approval process become administrative.

Regarding the chicken regulation: Mr. Sulkis has volunteered to go to a "chicken expert" for more input so that this matter can be brought to a minimum. There are too many extraneous issues being dealt with and it does not have to be this way. Mentioned that the Zoning Regulations have a poultry regulation that allows up to 20 hens in a residential district. We are trying to change that regulation so it is not so excessive and makes more sense. This matter will be tabled until Mr. Sulkis has more information.

Ms. Harrigan: Gave the Board an update on her progress with the sign regulations. Needs more time to review them with the Zoning Enforcement Officer and have the City Attorney review them at least once before they come before the Board.

At the Board's direction she would like to incorporate some of the changes that were requested based on the Milford Progress study for the Milford Center Design District and to look at signage for multi-tenant buildings. One of the pet peeves has been vehicles that have off-site signage in commercial zones, i.e. Krispy Kreme and the junk truck that is permanently parked in front of the store. Been trying to draft some language with the Zoning Enforcement Officer and City Attorney that would help allow the Zoning Enforcement Officer to more efficiently enforce this type of situation.

Would also like to reorganize the signage regulations to create tables, where possible, so that all the paragraphs and subparagraphs do not have to be read through. The information would be clear and based on sign type, and what it means in terms of placement on the site, any required setbacks; what the maximum size and height would be.

Also would like to reorder the section. In the present signage regulations, the first section that is read refers to those signs that are either exempt or temporary, instead of those signs that are permitted. It seems to make sense to put the

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permitted signs first, then have the exempt and/or temporary signs and then have the prohibited signs come next.

Stated that the suggestions made by Milford Progress with regard to the MCDD were quite good. There are other pedestrian oriented districts and it would seem to make sense to take those districts, including CDD-2, (Walnut Beach, Naugatuck and Devon), and create similar signage in these pedestrian oriented commercial districts. The signage regulations where there are very similarly built environments, i.e. buildings close to the sidewalk, buildings that are smaller size, can have uniform regulations for those types of zones. These districts could have signage that applies to the automotive commercial areas as well. The present zoning regulations do that to some degree but can be more organized and uniform.

Another suggestion by the Milford Progress consultant for the MCDD section was moving those standards back into the signage regulations. Also, moving all the definitions that are sprinkled within the sign regulations and moving those to the definition section, so that what is read is just the standards; the definitions you can find in one place all together.

There are circumstances where there are sites and/or buildings where the regulations do not address adequate signage for those locations due to unique architectural situations or unique site conditions and right now the only thing that is available to a property owner or a business owner is the variance. But the variance procedure does not allow the Zoning Board of Appeals to comment on the esthetic value of signage. Other municipalities have "creative signs", which may or may not appeal to the Board. Businesses, such as Il Forno or Pietra's do not have any signage of value available to them because their architectural design has a very low roof line. So, unfortunately, the regulations do not allow them to have anything, except for signage that they have to squeeze between existing windows on their façade, which do not benefit the design of the building and do not allow that business owner to provide the message that he wants and needs to promote his business. The signage regulations hopefully can take care of most of the businesses within the community, but where they cannot, it seems as though Planning and Zoning should be able to look at those particular circumstances and realize that these are signs that have better esthetic value. Signs that complement the building both in terms of placement and perhaps sign material.

Has worked with the Zoning Enforcement Officer and she provided Ms. Harrigan with some examples where there have been problems with enforcement. Has added that to the list that had been circulated to the Board members. Spoke about the wind wavers, which she described. Wind wavers are not called out in the regulations and need to be addressed.

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The MCDD regulations proposal had an aggregate signage cap. Thought that would be useful in terms of clarifying enforcement in all the other commercial districts, both automotive and pedestrian oriented signage districts.

Asked the Board to review this information and comment as they would like.

Mme. Chair: Thanked Ms. Harrigan for her hard work and thoughts on this issue. Glad she was able to incorporate some of the Chamber of Commerce recommendations from their presentation. Hope to have a Public Hearing in July.

Mr. Liddy: Asked for clarification on Ms. Harrigan's note on eliminating temporary A-frame signs.

Mrs. Harrigan: A-frame and pennant signage which is considered temporary is very difficult to enforce. There are no clear guidelines as to what "temporary" means and how long this type of signage can be out there. The Zoning Enforcement Officer believes this type of signage should be allowed or not allowed because the way it stands now [temporary] is an enforcement nightmare.

Mr. Liddy: Noted all the A-frames posted across the street from the library and the island areas downtown. This signage notifies the public of events taking place downtown.

Ms. Harrigan: Those areas are public right-of-way. The City is exempt from the sign requirements. The Recreation Department coordinates all those temporary A-frames that go out there and must go through a process with the Rec. Dept.

H. LIAISON REPORTS - None

I. APPROVAL OF MINUTES – (5/5/09)

Mr. Goodrich: Motion to approve the minutes.

Mr. Vetter: Second.

All members voted in favor.

J. CHAIR'S REPORT - None

K. STAFF REPORT

Mr. Vetter: Asked for clarification regarding for whom the engineering consultants [previously mentioned at last month's meeting] worked.

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Ms. Harrigan: There is no City Engineer on staff at present. The City uses Westcott and Mapes and Codespoti & Associates as two on-call engineers, who are chosen by the Public Works Director to review various projects and give their comments and feedback. If one of these firms is working on the proposed project, the reviewing engineer would be from the other company.

Mr. Bender: Motion to adjourn.

Mr. Vetter: Second.

Mme. Chair: The next meeting will be held on June 2nd.

The meeting adjourned at 8:45 pm.

Phyllis Leggett, Board Clerk