

**MINUTES FOR THE REGULAR MEETING OF THE
PLANNING & ZONING BOARD HELD TUESDAY, JUNE 7, 2011; 7:30 P.M.
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the June 7, 2011 meeting of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Edward Mead, Mark Bender, Victor Ferrante, Janet Golden, KathyLynn Patterson, George Gasper; Robert Dickman, Kevin Liddy, Susan Shaw, Chair; Gregory Vetter, Vice Chair (7:32)

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

Mme. Chair: Announced Item 2, the Public Hearing on 42 Westmoor Road will not be heard tonight. It has been postponed to the June 21, 2011 meeting.

C. NEW BUSINESS

1. **37 SHELL AVENUE (ZONE R-7.5)** – Petition of James and Maryanne Champagne for a Coastal Area Management Site Plan Review to construct a new garage and relocate the front entry and rear steps on Map 27, Block 444, Parcel 14, of which James and Maryanne Champagne are the owners.

Ray Oliver, Architect, 3 Lafayette Street, Milford, representing Jim and Maryanne Champagne, the property owners. The property has an existing dwelling in the R-7.5 zone. Here requesting Coastal Site Plan approval for some of the improvements and additions that they are proposing to do to the house. Photos of the existing house were circulated to the Board members. This is being brought to the Board because under the new FEMA regulations, all of the present standards are required to be complied with, because this is an over 50% reconstruction. The project went to the ZBA to get variances for the site area for the addition to the side entryway, the side yard setbacks and a small increase in the setback for the proposed garage.

The CAM plan was sent to John Gaucher of the State DEP, who reviewed the CAM plan and had no comments. All of the best practices for water management and runoff have been included. Not proposing any addition to the beach side of the dwelling. The only addition is on the street side, which will be the new garage. The site plan shows the existing footprint of the house and the existing footprint of the deck. The new site plan shows the same footprint for the house; a small increase in the side of the deck and then the new garage. The site development will include a paved driveway with pavers that are permeable so let the water run through them. There will be a little bit of a rain garden along the side to pick up the drainage coming off the drainage of the roof and the balance of the site will be landscaped grass and other plantings. The sea wall will stay where it is and the beach will be unchanged.

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There are no fences being proposed or any of those controversial things in the beach area.

The Board has copies of the existing plans with elevations. A new floor plan features a new garage, opening up the first and second floor a bit and making a master bedroom suite on the third floor. The height of the building will stay unchanged at 28 feet. He described some small features that will be made with a new porch area; a new entryway with some decorative touches. The character of the building will be preserved with its decks and railing staying where they are, with an additional deck on the third floor near the master bedroom. There will be a cupola that will allow light to come into the master bedroom suite.

Mrs. Harrigan: Explained that the change that the Board approved which triggers review for a CAM when there is over 50 percent improvement based on a construction estimate of what the existing assessed value of the house is. So, it excludes the land value and just looks at the house. That is why this is before the Board.

Mr. Liddy: Asked about the variances requested.

Mrs. Harrigan: Explained they asked for the property to remain nonconforming and that status was granted.

Mr. Vetter: Made a motion to approve the petition of James and Maryanne Champagne for a Coastal Area Management Site Plan Review to construct a new garage and relocate the front entry and rear steps on Map 27, Block 444, Parcel 14, of which James and Maryanne Champagne are the owners.

Mrs. Patterson: Second.

All members voted in favor. The motion passed unanimously.

D. PUBLIC HEARING – CLOSING BY JULY 12, 2011; EXPIRES 9/15/2011.

2. **42 WESTMOOR ROAD – (ZONE R-12.5)** Petition of Christopher Field for a Special Permit and Coastal Site Plan Review to construct a single family residence with regrading in a flood zone on Map 30, Block 644, Parcel 7, of which Field and Son Builders, LLC is the owner. **(POSTPONED TO 6/21/11)**

NEW BUSINESS - (CONTINUED)

3. **WALNUT BEACH SITE IMPROVEMENTS (ZONE OS)**
Petition of Stephen Wing, on behalf of the City of Milford for a Coastal Area Management Site Review to perform beach site improvements on Map 016, Block 0150, Parcel 00001 and Map 17, Block 0150, Parcel 00003 Of which the City of Milford is the owner.

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Robert Gregory, Director of Community and Economic Development, residing at 14 Manorhouse Lane. He is the liaison to the Walnut Beach Enhancement Committee, which is the recipient of a grant for the Walnut Beach area, including the Stowe Farm.

The first concentration has been the Walnut Beach section. There was a chain link fence that has been moved and there is now a post and beam fence. A new sidewalk is going in on Naugatuck Avenue and there is a storage shed and welcome booth under construction now. This phase of the project needed a CAM review and it is basically tying in with the new boardwalk. There will be a sidewalk that will start where the boardwalk ends and come around and tie into East Broadway to tie in the neighborhood with the new boardwalk. Steve Wing, the architect, will explain the details of the project.

Stephen Wing, Landscape Architect, 26 Crown Street, Milford, project architect. He described the detail of the work to be done. The focus of this project, the site improvements at Walnut Beach is to connect the foot traffic generated by the boardwalk project to the rest of Walnut Beach. At the present time the boardwalk ends at the base of the pier. There is a driveway with a lot of asphalt and no sidewalks that would encourage anyone to walk from the end of the pier to East Broadway and to the business district of Walnut Beach. The connecting sidewalk, which is 1200 feet long and six feet wide will pick up the end of the new boardwalk, take it along parallel to the water through a landscaped area and will take a right and connect it to East Broadway.

Right now the existing parking lot carries to within 10 feet of the fence at the southerly and westerly end of the parking lot so there is really no place to accommodate a nice walk. Part of the plan is to shorten the parking lot, taking away about 30 parking spaces to create a landscape area so the new walk can create a pleasant ambiance for people going in that direction.

Also being reconfigured is the drive that connects to the Walnut Beach parking lot that is adjacent to the State boardwalk. This is being done to create a space for a lifeguard storage area in the future, a first aid station, a sitting area and a small concession stand. Somewhat along the lines of what was done at Gulf Beach. Although it is shown diagrammatically on the plans presented, it is not part of this application.

This project is also going to accomplish a number of accessibility enhancements so there will be more curb cuts and paved walks to picnic shelters so that those shelters will be more accommodating of people with immobility issues. The furniture will be rearranged in the Casey Pavilion. Although set up for handicapped accessibility, it does not have a picnic table for people who are wheelchair users. Some of that furniture will be redistributed throughout the park.

The asphalt curbs are falling apart and will be replaced. The asphalt curbs along the planting islands will be peeled away and that will make the trees and plants there happier. Also the impervious surface will be reduced by 23,000 SF. Additional fencing will be put on the left side of the drive as you enter the park to create a more park-like ambiance.

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All the drainage structures are going to get cleaned out and renovated so that they will function better as dry wells and for storm water remediation measure.

A sign exactly like the one that is down at the end of Stowe Avenue which interprets pictorially the LI Sound marine life and bird life will be posted.

The plans for the welcome booth and storage addition were sent to the State DEP. John Gaucher walked around the site and responded with a letter that endorses the measures that have been incorporated in this program.

This project has been bid out and a contractor has been chosen. The contractor expects to begin before the end of the month if everything falls into place.

Mrs. Harrigan: Had nothing to add to Mr. Wing's presentation.

Mr. Vetter: Asked if the changes to the road would be made with this project.

Mr. Wing: Yes. It will shift about 40 feet inward. (Shown on the display) It will be the same width as the existing road.

Mr. Liddy: Asked why the trees and landscaping were not a committed part of this project.

Mr. Wing: The landscaping would be costly and the committee is hoping that other sources will contribute that portion of the plan.

Mr. Mead: Will this work obstruct the use of the parking lot during the summer months?

Mr. Wing: Have spoken to the contractor. Appears there will be enough of an area available not to affect parking.

Mme. Chair: Asked how many parking spaces would be left after the renovation of the parking lot.

Mr. Wing: Thinks there were 329 parking spaces and believes 300 will be left. A striping plan has been set up that provides the correct number of handicapped spaces for the total number of spaces that will be there.

Mrs. Patterson: Asked about sidewalk lighting at the beach.

Mr. Wing: No lighting included in this project. The park officially closes at dusk.

Mr. Liddy: Asked if the other three phases of the project will come before the Board.

Mrs. Harrigan: The welcome booth and the storage addition were both done with coastal exemption because of their scale. This parking lot project is quite expansive in area so there could not be an exemption for it. The other two items; the dune crossings and the first aid station will come at a later time to the Board.

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Mr. Ferrante: Moved to approve the petition of Stephen Wing, on behalf of the City of Milford for a Coastal Area Management Site Review to perform beach site improvements on Map 016, Block 0150, Parcel 00001 and Map 17, Block 0150, Parcel 00003 , of which the City of Milford is the owner.

Mr. Dickman: Second.

All members voted in favor. The motion passed unanimously.

4. 436-450 NAUGATUCK AVENUE – BEARDS PARK RESUBDIVISION

Request by Iannini Development LLC for release of bond in the amount of \$6,015.70, in accordance with the approval of Bruce C. Kolwicz, Public Works Director.

Mr. Ferrante: Moved to approve the Request by Iannini Development LLC for release of bond in the amount of \$6,015.70, in accordance with the approval and inspection by the Engineering Department and approval by Bruce C. Kolwicz, Public Works Director.

Mrs. Golden: Second.

All members voted in favor of the bond return.

D. BOARD MEMBERS GREEN GUIDELINE BOOK AND BY-LAWS

Mr. Ferrante: Suggested that a place and time for a meeting be determined tonight. Three dates will be sent to Mr. Sulkis tomorrow. Mr. Gasper will be the alternate. He will be present at the meeting but not participate unless a member is absent and he may act as a participant. Mr. Sulkis was asked to provide available dates in the next two weeks and the participants would check their calendars to determine a date and time. Room availability will be checked as well.

F. PLAN OF CONSERVATION AND DEVELOPMENT

Mme. Chair: Each member received a copy of the letter that was sent by The Chair and Vice Chair to the City Boards and Commissions.

G. LIAISON REPORTS – None.

H. APPROVAL OF MINUTES – (5/17/2011)

Mr. Liddy: Made a motion to approve the minutes of May 17, 2011.

Mrs. Patterson: Second.

The 5/17/2011 minutes were approved unanimously.

All members voted in favor.

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I. CHAIR'S REPORT - None

Mr. Liddy: Asked about the newly appointed City Engineer.

Mr. Sulkis: Replied Gary Wassmer became the City Engineer approximately three weeks ago and reports to the Public Works Director, Bruce Kolwicz.

J. STAFF REPORT

Mr. Sulkis: Stated at the last meeting under Staff Report he handed out some proposed regulation tweaks for rear lots. He then emailed to the Board a clearer version of that and the Board was asked to look at it and think about it and let him know if it was something they wanted to entertain improving.

Mme. Chair: Asked if the Board had looked at the information Mr. Sulkis walked them through. She noted that rear lots had come up a couple of times with this Board where the Board had questions or concerns, so this is an opportunity to look at the existing regulations and look at changes that may clarify for everyone what constitutes a rear lot and when it can be acceptable, also in terms of fee simple or not fee simple.

Mr. Sulkis: There were sort of two versions in there. One was if the Board wanted to keep rear lots then it clarified the language of what we have and there is also language in two places; both in the zoning regulations and then the subdivision regulations that mirror one another, so this would remove it from the zoning regulations and put it squarely in the subdivision regulations which is where it should be, because the Board has to determine the creation of a new lot.

The option is if the Board does not want to continue having rear lots, there was language in there to remove them from being an acceptable lot option.

Mme. Chair: Asked if this follows the same path as a regulation change?

Mr. Sulkis: Yes it does. That is why he is asking for two things: For some guidance as to whether the Board members wants to do anything and if they want to do something, do they want to eliminate rear lots or do they want to improve the language if they want to keep the rear lots and then based on what guidance he is given, the circulation and review process could start.

Mr. Liddy: Concerned that by eliminating rear lots those lots will become land locked and there would be no access to them.

Mr. Sulkis: That is not the case. This would not affect something that is already in existence. This only affects the creation of future lots.

Mr. Liddy: So if it can't create a lot in the future, then land becomes land locked.

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Mr. Sulkis: No. What happens is there will be oddly shaped lots that will not be able to be broken off in the back. There will just be the front portion, because you can't have a rear lot. What is going on now, and which is allowed in some instances, you could have a lot up front and if you have at least an acre in the back you can create something in the back that has a 25-foot access way going back there. If the Board thinks that should continue, then there are recommendations in there on clarifying what is meant by access way and if the Board thinks that having rear lots is not advantageous to the City, then there is language in there to get rid of that, but the land is not going to go anywhere, it would just be part of the front lot.

Mr. Vetter: From a city planning standpoint is there trending one way or another? He thinks it affects the appearance of lots. It affects the layout. Curious as to Mr. Sulkis' background...

Mr. Sulkis: When a lot of land is available they are less noticeable and as land has dwindled, not just in this municipality but others as well, it becomes more problematic in that people go out their back yard and they expect, well, that is someone else's back yard. They usually don't expect to see, either rightly or wrongly, someone's house that looks like it is in their backyard. There are municipalities around the state and in this county that just don't allow them. They never have. If Milford were a more rural community, which it was once upon a time, they were probably fine, but as Milford becomes more densely developed, and it is already more densely developed, unless it can be guaranteed there is a lot of land back there and right now with the regulations it is required a minimum of one acre, if there actually is that acre, or more, it might be depending on the shape of the lot, something that people could live with. But what is happening over time is the land is dwindling and people are getting variances and you are not getting those full acre rear lots, so that again increases the density of what is going on in the block. Unfortunately, there have been many instances of neighbor disputes and although that is not Planning and Zoning's fault, they get dragged into them because there may be shared driveways, people are in closer proximity to just being right next door, etc. If Milford was a town or city that had minimum two acre zoning across the entire town as some neighboring towns have, it is probably less of an issue, but because Milford has zones that are R-12.5, R-7.5, all of a sudden now in the middle of an R-7.5 zone there is a house in the backyard, it becomes more problematic.

Mme. Chair: Is in support of this as a matter of density. These issues have come before the Board. There have been requests for waivers and regardless of what the Board does, the language has to be firmed up. She is inclined to support doing away with rear lots due to the issue of density.

Mr. Liddy: Asked if the Board does away with rear lots, can they go to the ZBA and say there is a hardship and they need a rear lot.

Mr. Sulkis: That is not a hardship. If the regulations prohibit rear lots, there is nothing to ask for.

Mme. Chair: This is not so much about the variances and waivers. It is about community and about what the Board hears from people who live in Milford, about the

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density and lack of open space. That is really the concern and why she would support language that would prohibit rear lots. She asked for a consensus from the Board.

Mr. Bender: Stated he would like to review what Mr. Sulkis sent the members. Asked that it be placed on the agenda for the next meeting so he would be reminded about it and be more acquainted with the information he was sent.

Mme. Chair: Replied that was a fair request and asked that the Board look for this email they were sent by Mr. Sulkis.

Mr. Sulkis: There are presently two applications for this type of subdivision, but this change would not affect these two items.

Mr. Bender: Asked for the date of the email as he remembers there being more than one.

Mr. Sulkis: One was handed out at the last meeting and the other was dated May 18th and emailed to the Board on May 19th.

Mr. Vetter: Motion to adjourn.

Mr. Ferrante: Second.

All members voted to adjourn the meeting at 8:20 p.m.

Phyllis Leggett, Board Clerk