

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, JULY 3, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Mark Bender called to order the July 3, 2012 meeting of the Planning and Zoning Board 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, Dan Rindos, Joseph Della Monica, Tom Nichol, Mark Bender, Chair.

Not Present: Ward Willis

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

C. CGS 8-24 APPROVAL – SEWER INFILLS PROJECT

1. Request by the Milford Sewer Commission for Coastal Area Management Site Plan Review and Site Plan approval for the Sewer Infills Project in accordance with Section 8-24 of the Connecticut General Statutes. Streets that are included in this project are: Kerry Court, Roller Terrace, White Oaks Terrace, Jennifer Lane, Riveredge, New Haven Avenue from Dunbar Road to Brewster Road and Dunbar Road from Merwin Avenue to New Haven Avenue.

Chairman Bender: Noted he lives on Kerry Court and he is connected to the sewer and does not have to recuse himself from participating in this hearing.

Raymond A. Macaluso, President Westcott and Mapes, Inc., 142 Temple Street, New Haven, consulting engineers for the Sewer Commission. The Sewer Commission is proposing to put in approximately 5000 linear feet of sewer connection in the streets that have been mentioned. The areas were shown on a display. There are four different areas. In accordance with Connecticut General Statute 8-24, this project must come before the Board for its approval. These are all gravity sewers tying into the sanitary sewer system. There will be no pump stations on any properties. Sewers will be provided to the noted areas which do not presently have sewers. This will go before the Sewer Commission at their Thursday, July 5, 2012 meeting having obtained all the necessary approvals. The project will go out to bid next month and be awarded in September. The project will take approximately one year. Received all City departmental approvals. Will take the recommendations made by the City Engineer which will be made upon construction. Approval was also given by John Gaucher of the DEEP; MaryRose Palumbo of Inland-Wetlands; Tree Commission which asked for tree relocation which will take place on New Haven Avenue near Treat Farm.

Ms. Emmeline: Mr. Macaluso covered the comments made by the City Engineer and John Gaucher of the State DEEP, as well as the Inland Wetlands Officer.

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Chairman Bender: Asked if this project would interact with the East Shore Middle School construction.

Mr. Macaluso: When this is contracted it will be coordinated with the Board of Education and school buses. The timing will depend on the overall project.

Ms. Cervin: Made a motion for approval with the understanding that the comments from the engineering department will be incorporated into the project.

Mr. Grant: Second.

Ms. Harrigan: Noted that Board approval is in conjunction with all of the comments that have been received by the departments.

All members voted in favor of approval.

D. PUBLIC HEARING CONTINUED – EXTENDED TO 7/19/2012; expires 9/21/2012

2. **CASCADE BOULEVARD (ZONE CBDD)** Petition of Garden Homes Management Corporation for a Special Permit and Site Plan Review to construct a 36-unit multifamily development in accordance with Connecticut General Statute 8-30(g), of which Matrix Associates, LLC is the owner.

Chairman Bender: The public hearing was left open specifically to receive comments by the Department of Health, who contacted the State for its review. The Board has received both departments' comments, as well as Attorney Lynch.

Ms. Harrigan: Summarized the content of the information received: Response from the local health department determined that the concentration of mercury found in the upland soils do not pose a health risk to the future residents of the proposed apartment building or the current residents of the Ryder Park community. In addition, as further protection, Milford Health Department posted signs around the pond located down gradient, warning people not to consume fish from those waters. The Connecticut Department of Public Health's comments were attached.

Chairman Bender: Opened the Public Hearing for comments on this specific report. Asked if anyone wanted to speak in opposition to the Cascade Boulevard application.

Jim Flynn, 5 Marble Lane. The residents could not hear the report that was read.

Chairman Bender: Re-read from the memo received by the Milford Health Department.

Mr. Flynn: Stated he brought it to the attention of the Milford Health Department that there were to be signs put there. He has not seen anyone test (retest) the land. All talk, no action.

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Al Hricz, 135 McQuillan Drive. He had received information from the DEEP that whoever was going to use that property was to notify the DEEP as far as to what the proposed use would be. When he last spoke to Representative Davis he had gotten no information that that procedure was followed. He does not know where that procedure stands at this point. Not in favor of the project.

Pat Hricz, 135 McQuillan Drive. The DEEP told her that there was mercury and methyl mercury as well on Cascade Boulevard. Concerned that when construction takes place and disrupt the land it will affect the existing mercury that will go into the ponds and the streams. Methyl mercury is highly toxic and it is a major health concern. Does not want to be told the situation is fine and down the road a health hazard affects the residents. Has not seen anyone in Haz Mat suits checking the area recently, where they have done so before.

Thomas Lynch, Esq, 63 Cherry Street, Milford, representing the applicant. The information received from the Health Department and State speaks for itself.

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

The Chair stated he believed all the required information was received and closed the public hearing.

He asked if the Board would like to discuss this application tonight. The only additional information is this report.

Mr. Mead: The reports from the City and State Health Departments indicate there is no health threat posed on the property and developing the land. The applicant's soil specialists told the Board at the opening of the hearing that there would be no mercury in the ground when the excavating would be done. He had specifically asked that question. The mercury was found mostly in the water the first time. According to the reports Light Source had to clean up the contaminated area. The State and City reports concurred on this issue.

Chairman Bender: Also, it was noted that whatever mercury they have found is very low. The hearing was left open specifically to have the experts review the report. Also recalls that mercury is not even on this property, but on adjacent property. The concern was that working on this property would affect the mercury on the adjacent property.

Mr. Mead to Ms. Harrigan: Asked if there were any recommendations that the property should be checked by the City or the State on a periodic basis for mercury?

Ms. Harrigan: It was not mentioned on the State report. The State appears to be satisfied that that is not the source of the contamination.

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Ms. Cervin: Concurred that the Board has done what it could to do the responsible thing. Does not know what else the Board could do on this. Suggested the Board take this information and do what they have to do with it.

Mr. Mead: Made a motion to approve the petition of Garden Homes Management Corporation for a Special Permit and Site Plan Review to construct a 36-unit multifamily development in accordance with Connecticut General Statute 8-30(g), of which Matrix Associates, LLC is the owner, with possible conditions based on the Board's questions:

1. A pedestrian pathway or sidewalk shall be provided on the Cascade Boulevard side in front of the development site leading to the building to provide safe pedestrian access outside vehicle travel areas to the satisfaction of the City Planner and the City Engineer.
2. Any necessary relocation of trees to meet condition #1 (sidewalks), shall be further reviewed by the Tree Commission.
3. The Planning and Zoning Board supports the Police Department's concerns about commercial vehicle traffic on Cascade Boulevard and supports the recommendation to prohibit parking on this street.
4. A restriction shall be placed in the tenant's leases to limit vehicles/per unit on site as follows:
 - a) 24 studio apartments = 1 car per unit (24 vehicles)
 - b) 6 one bedroom units = 1 car per unit (6 vehicles)
 - c) 6 one-bedroom units = 2cars per unit (12 vehicles)

The maximum number of cars allowed on site per restricted lease agreements will be 42, with 44 parking spaces provided in the site plan.

Mr.Rindos: Second.

Mr. Casey: Believes the parking situation is of concern and the study that was done. He believes some of the questions concerning some of the actual parking that was on the street and the conditions did not seem sufficient. He believes it is significant that parking not be allowed on the street. There will be a highly concentrated volume of people in this development and in the area. The police report speaks to the fact that they will not allow parking on the street.

Chairman Bender: It is out of the Board's jurisdiction. The Board can agree with them and tell them it is good. He noted that Condition #4, with regard to the lease, is something that was offered by the applicant to attempt to relieve this parking issue.

Ms. Cervin: When she first heard this it sounded like a good plan, which was brought up by Mr. Ivers. Remembered that the applicant said that if the lots were striped they could not manage it very easily. Also thinking this pertains to assigning one car to different apartments. How does this get put into effect? Seems it will be a headache. She has serious questions about whether it will be implemented as the Board hopes it will be.

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Chairman Bender: It is a good part. The tenant will be bound by his lease, but policing it would be the issue. It would be up to the association or management of the building to enforce it. He believes the neighbors will let it be known if things aren't being done properly.

Ms. Harrigan: To clarify, stated she believes the intention by the applicant was to have the restriction, but not have spaces marked in the lot. That would be a policing nightmare in terms of the management. People will be allowed to park where they want to park, but within the lease agreement it is going to limit it to one space for each studio as described by Mr. Mead in the conditions he noted.

Mr. Della Monica: His main concern with the parking issue was there was no safe refuge when someone would get out of their car on the street; placing the sidewalk from the street up to the property of the building. That is a concern, especially in inclement weather. When there is snow removal, it will narrow the roadway.

Ms. Cervin: This area does not have public transportation which is usually very desirable, especially in affordable housing. That creates a further need for parking. She would like to see more parking spots made available. There is a safety concern looking out for the best interest of the tenants in that building. You cannot park on Cascade Boulevard, which is a good thing. If there are two parties going on at one time, it would be a problem. She believes more parking should be required.

Mr. Casey: Agreed with Ms. Cervin concerning parking and public safety.

Mr. Mead: Only way to make the parking fit would be to have the developer remove two floors which would bring the units to 24, which would require 48 parking spaces, leaving them four spaces short.

Chairman Bender: Based on the 8-30g statute, it is up to the Board to prove that traffic and parking would be a significant problem. The Police Department is not commenting on the number of parking spaces for the building. He does not believe parking on the building lot would be unsafe.

Ms. Cervin: Suggested the applicant contact the Milford Transit system and see if they could arrange public transportation to that area, or at least close enough to that area that it is possible for people to take public transportation.

Chairman Bender: That was previously discussed and Attorney Lynch said that was a possibility.

Ms. Cervin: Concurred that it had been mentioned and would like this request to be a condition of approval.

Mr. Mead: Noted if there will be senior citizens living there they can request the senior citizen bus to pick up the residents and take them to the grocery store, doctor, etc. That would also be a plus for the residents, if they are 50 years or older.

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Chairman Bender: Asked for an amendment to pursue public transportation at or near the proposed housing units.

Mr. Mead: Amended his motion to add Condition No. 5 that the applicant contact Milford Transit to arrange for bus service to go on or near this housing complex on Cascade Boulevard. In addition, to request the senior citizen bus provide service to residents if they are senior citizens.

Mr. Rindos: Second.

Mr. DellaMonica: Believes Cascade Boulevard is wide enough to accommodate a large bus. There is a large turnaround at the end of Marble Lane. Believes such an arrangement could be worked out between the petitioner and the transit system.

Ms. Cervin: Asked Mr. Mead to repeat the parking requirement condition.

Mr. Mead read the proposed condition. It was determined that there would be 46 parking spaces, including two handicapped spaces for the 36 units.

A vote was taken:

Seven members voted in favor of approval with conditions.

Messrs. Gettinger and Casey voted against the motion for approval.

E. PUBLIC HEARING CONTINUED - CLOSES BY 7/23/12; expires 9/26/2012

3. **PROPOSED TEXT AMENDMENT - ARTICLE III Direct Use Regulations**
Section 3.19 Corridor Design Development District – 4
New Haven Avenue Design Corridor District: CDD-4

Chairman Bender: The public hearing was left open to give Attorney Knuff the opportunity to review the information submitted to the Board by Ms. Dutko.

Amy Souchuns, Hurwitz, Sagarin, Schlossberg & Knuff, Broad Street, Milford, representing Robert and Maureen Bruno. The hearing was continued from June 19th so they could have the opportunity to review the material submitted by Donna Dutko and to respond to a few questions that came up during the Board's comments.

Ms. Souchuns handed out information to the Board in response to a question that came up from the Commission about other sites in Milford that may have had a specific or a narrowly drafted regulation. Upon review of the regulations there were a few that are noted, in addition to the Westfield Mall, which Mr. Sulkis had mentioned. The three noted are:

1. Section 3.13.2.10 Waterfront Design District
This sets a limited circumstance for the change in the use of an interior to a building.

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2. Section 3.24.10 Open Space Affordable Housing District
When a lot was previously zoned LI-30.
3. Section 5.4.5.2 (Gasoline station provision)
Excludes grocery stores from the prohibition on beer sales within a certain distance of a gasoline station.

Ms. Souchuns noted the receipt of the Zoning Enforcement Officer's report. He noted the site is currently in violation of some of the regulations based on the erroneous information that the Bruneaus had received. Attorney Knuff had noted that this is the first step in the process of remedying those violations and hopefully moving forward with a fully compliant site. She noted that the ZEO was complimentary about the condition and the operations on the site. He noted that the conduct and the state of the site was quite satisfactory.

The last item is that Ms. Dutko had noted that there was towing being done on the site. That is an allowed operation by state statute, which is CGS 14.66. It allows towing if you are a motor vehicle dealer or have a repair license, which the Bruneaus have. This was the subject of two previous applications; one before the ZBA and the other before P & Z in 2000. (A copy of the licenses was submitted to the Board.)

Chairman Bender: Asked if anyone wished to speak in favor of the application? (No response) Asked if anyone wished to speak in opposition to the text change.

John Henry Steele, Esq., in Win Smith's absence. An additional package of information was submitted to the Board. Addressed some issues raised by the applicant's counsel:

1. Narrowly drafted regulations are not the issue in this case. This is a question of spot zoning. This is an application to amend regulations that apply to one lot and one lot only in the zone. The regulations that were cited are regulations of general application. That is not the situation here. This is designed to benefit one lot.

2. On the issue of towing. Attorney Smith discussed this in greater detail at the June 19th hearing. If towing is an incidental use to a repair business and they are properly permitted under their Special Permit to be a repair business, it is an incidental use. The Bruneaus are using their property as a 24-hour towing service for AAA to pull in trucks and cars at all times of the night and bring them to other sites to have them repaired. That is not permitted under the permitted use for which they are allowed to use their property.

At the last hearing Attorney Knuff indicated that allowing this change in the zone would create greater tax benefits for the City. He referred to the information he distributed which noted the tax liens that the City of Milford has against this property for two of the companies that are operating out of this property. There appear to be 12 existing tax liens on the property. With respect to this particular applicant and his history, creating a beneficial tax situation is not a valid argument.

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Attorney Steele referred to the preamble of the zoning regulations, which state they are designed to provide for the administration enforcement for the purpose of promoting health, safety and general welfare. He referred to a note from Ms. Dutko's doctor indicating that she has an asthma sensitivity to the diesel fumes that are emanating from the neighbor's property and the current inappropriate use of the property.

Noted the zoning enforcement officer's memo did find ongoing violations on the properties.

Also included in the distributed material is a form of internet advertising for Roberts Service Center, and noted the various areas where the applicant is advertising himself in unauthorized uses.

He summarized: This is spot zoning and it will only benefit this property; there are many existing tax liens on the property and they are in violation of the regulations they are seeking to change.

Mr. Steele referred to Mr. Harris' memorandum wherein a Certificate of Zoning Compliance was issued for an auto repair and used car dealership. This relates back to a Special Permit that was issued a few days before. The Special Permit is a permit for an auto repair facility only. The CZC exceeds the parameters of the Special Permit. Therefore, it is an unauthorized extension of the Special Permit.

Tab 4 of the material distributed refers to the text for Section 4.1.11. Waiver of Yards. This refers to non residential property that abuts an operating railroad right-of-way. The applicant's property abuts a railroad right-of-way and are not subject to rear or side yard setback requirements, which means they can run their intensive commercial use right up to the property edge. In a mixed use area such as this there are no buffers. Asked if the Commission at some future time could review whether this is properly designed. His interpretation is that this regulation assumes that all the properties on the railroad right-of-way are commercial lots.

Ms. Harrigan: Clarified that the only yard that gets a "zero" lot line is the yard that is adjacent to the railroad itself. If you have side yards, a front yard and a rear yard and it is only the rear yard that is adjacent to the railroad, it is only that rear yard that has a "zero" lot line allowance. The side yards adjacent to other properties would not have a "zero" lot line. The orientation of the parcel dictates the "zero" setback. It is only the portion of the property that abuts the railroad that indicates the setback.

Chairman Bender: Asked if anyone else was opposed to this text amendment? (No response)

Rebuttal by Applicant:

Ms. Souchuns: Referred to their previous stand and memorandum to the effect that this is not spot zoning. This is not spot zoning as they are not requesting a zone change.

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With regard to the issue of towing, this was a site that was understood at the time to include tow trucks. A copy of the Police Department's Traffic Division Report from July 2000 was distributed to the Board, which makes reference to the fact that there would be flashing red lights from the tow trucks. Roberts was already an established commercial business operating in Milford and had several tow trucks available.

With regard to the tax liens, she stated the Bruneaus confirmed there are no tax liens on the property. Tabs 7 and 9 of Ms. Dutko's submission appear to be printouts from the Secretary of State's office that appear to relate to financing statements that are recorded on the land records. The Bruneaus pay their property taxes through their mortgage company. This information may be related to that. For the record, there are no current tax liens on the property.

The other questions raised are beyond the scope of this application for a regulation text change. It is not a zone change or a site plan application or Special Permit. At this point it is premature and beyond the scope of this application to discuss how the site should be laid out in the future.

Rebuttal by Attorney Steele:

Asked to see a copy of the Police Traffic Division report that was submitted. Does not see that a towing business can be operated from the property.

Final Rebuttal:

Ms. Souchuns: The Bruneaus have been trying to work with Staff over the past several months with regard to the issues regarding their use of 210 Buckingham Avenue. This application is the start of what they hope will remedy the violations. . . as a good community They believe the regulation change has been properly crafted and addresses the situation at hand. It is consistent with the Plan of Development.

Ms. Cervin: Asked for clarification on the information that was distributed with regard to regulations of other properties that had a similar zoning situation.

Ms. Souchuns: There had been the question as to whether there were other sites in Milford that had this type of narrowly crafted type of zoning. The information distributed were examples of such zoning. Mr. Sulkis had indicated that the zoning regulations for the Connecticut Post Mall were site specific. They wanted to provide other examples of where that takes place in the City.

Ms. Cervin: Asked for the addresses of these specific properties.

Ms. Souchuns: One was the Stop & Shop on Bridgeport Avenue because there is a liquor store directly adjacent to Stop & Shop and they have a gas station in front. Does not know the address of the other two examples.

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Ms. Cervin: Asked Ms. Harrigan about restrictions for a 24-hour towing service.

Ms. Harrigan: There are no restrictions on hours in the commercial district, unless there is a specific concern.

Chairman Bender: Closed the public hearing. The Board will review the information they received and discuss it at the next meeting.

F. PUBLIC HEARING CLOSED 6/19/2012; expires 9/26/2012

1. **312 WOODMONT ROAD (ZONE ID)** – Petition of Vincent Della Rocca for Special Permit and Site Plan Review approval for a new garage addition to a truck sales and repair facility located on Map 91, Block 809, Parcel 4, of which Tri-State Rentals, LLC is the owner.

Mr. Rindos: Sees no problem with the application. It will bring more jobs into Milford. Sees no negative issues and is highly in favor of approval.

Ms. Cervin: Requesting quite a few waivers, but they all seem to make sense. This is an old, established business so the waivers seem allowable and appropriate.

Mr. Mead: Made a motion to approve the petition of Vincent Della Rocca for Special Permit and Site Plan Review approval for a new garage addition to a truck sales and repair facility located on Map 91, Block 809, Parcel 4, of which Tri-State Rentals, LLC is the owner with approval of the waivers requested, except for the request for signage, which will require a separate application.

Mr. Rindos: Second.

Chairman Bender: There was a question of the sight line from the driveway.

Ms. Harrigan: There are conditions made by the police department that will be adhered to on the plans prior to the issuance of a zoning permit.

A vote was taken. All members voted in favor of approval. The motion passed unanimously.

G. NEW BUSINESS

1. **27 POINT BEACH DRIVE (ZONE R-7.5)** – Petition of Peter Crabtree for Coastal Area Management Site Plan Review approval for substantial improvement to relocate and raise a single family dwelling on Map 30, Block 636, Parcel 11, of which Danna and Mark Thomas are the owners.

Peter Crabtree, Stanley Street, New Haven, representing Mark and Dana Thomas for substantial improvement of their single family residence. For substantial improvement the Coastal Area Management regulations and flooding issues must be adhered to.

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A small portion of the house is in the V Zone and so the whole house will be designed on columns. The plans were reviewed by the City Engineer. Because the lot was over 30% impervious, Connecticut Consulting Engineers performed a calculation for a rain garden. There will be two 110 SF rain gardens which will be 4' x 10' and 2.75' deep. There are usually no trees on this type of property, but on this property there is grass growing on both sides of the house (as shown in the CAMSPR Report). In consultation with the City Engineer, it was agreed they would excavate and have the hole inspected. There is so much salt spray that comes over the existing sea wall no plants will grow. The City Engineer agreed that they could plant grass after the infiltration area is created. Because the property is in a V zone the required elevation is 14 and the lowest supporting structural elevation number of 15. The homeowners decided to build a new house rather than do a substantial improvement, but all plans submitted in compliance with substantial improvement will be adhered to with the building of the new house. A temporary construction fence will be put up to curtail the debris of the demolition and during the construction of the house. A notice of intent to build a new house by the applicants rather than proceed with substantial improvement to the existing house, was distributed to the Board.

There is an existing seawall. During Hurricane Irene the rocks flew over the parapet and there were cobbles on Point Beach Drive. There are a lot of compelling reasons to get this house up in the air.

Ms. Harrigan: DEEP had some comments which were addressed by the applicant. This is a high velocity flood zone and even though it touches just a portion of the deck, the rule is the higher risk flood zone applies.

Chairman Bender: Asked if there was any problem changing from substantial improvement to new construction.

Ms. Harrigan: No. The plans are conforming.

Mr. Crabtree: The State Flood Agency requested the concrete underneath the support columns be serrated. So that the vertical support columns would not be affected if a huge wave goes under that area. It is part of the foundation plans and CAM report.

Mr. Mead: Asked if the house would be built in accordance with the new FEMA flood maps?

Mr. Crabtree: Can only work with what is in effect at this time, which is currently complying.

Ms. Harrigan: That is all that can be regulated to, the existing flood map in place. The proposed flood maps are still in an appeal period and have not been adopted. They can be given to applicants as to what is coming down the line. It is their choice as to what they choose to do with the current and proposed maps.

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Ms. Cervin: Made a motion to approve the application.

Mr. Gettinger: Second.

All members voted in favor.

H. PROPOSED ZONING REGULATION CHANGES

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

Chairman Bender: Building Height in residential zone is pending discussion of the Plan of Conservation and Development. There may be some overlapping information.

No response as yet from the City Attorney regarding rear lots and prohibited variances.

I. PLAN OF CONSERVATION AND DEVELOPMENT

Report on three Public Hearings held June 25, 27 and 28, 2012.

Chairman Bender: Stated concerns have been expressed with regard to the POCD in that it does not cover the Devon area. That is not the case. The POCD does not cover the entire city of Milford. Input is being sought on Devon as well as any other area of the City.

The POCD is being largely prepared in-house with the Yale Urban Design Workshop and Alan Plattus, hired by the Board to look at a few specific areas that were identified by the Board as needing outside expertise and analysis; that being: Cherry Street, Fowler Field; certain areas of Walnut Beach and the shoreline design area.

In addition, Milford Progress, Inc. has hired the Yale Urban Design Workshop to review Milford Center and provide an update as to better traffic circulation, prime sites and recommended uses, as well as parking supply, including potential parking garage sites.

The Chair stated he believes the confusion arose because in the past consultants were hired to do the entire POCD, which is not the case this time.

Ms. Harrigan: The consultant has a very limited scope of work because they are design professionals. They are helping do some design work. In terms of the outreach that is being done, they are trying to be very comprehensive with neighborhood groups, existing commissions and boards. She has been meeting with the Open Space Advisory Committee, as well as the Conservation Commission and the bike-ped people. The Plan will cover everything from the localized farms that are left to Long Island Sound, to housing, to transportation. If there are groups out there who have not met with staff there is still time to meet and to discuss their ideas for the Plan.

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The Planning and Zoning Board will be having public hearings on the Plan of Conservation and Development where the general public can look at the draft document that has been created by that point and comment on that. If there are things that were missed and if there are things that need to be slightly revised. The Board may also feel some things need to be added for the ten year plan. It is still a working document at this point and there is room for more comment.

Ms. Cervin: Asked if a public hearing should be held before a draft of the Plan is given to the Board. She has had several people ask her outside the groups that were mentioned as to whether there would be a general public hearing before the document was presented.

Ms. Harrigan: That is up to the Board. At this time they have a compressed work schedule. There were certain delays after the kick-off happened, the work by the consultant. Now they are at a race for the finish. The hope was that the Board of Aldermen could approve the plan by the end of the calendar year. This is the Board's document. If the Board wants to add more time into the process, that is up to the Board. Public meetings were held at the beginning of the process when the kick-off began. General comments were received. It has been David's and her hope that through their smaller scaled focused efforts there could be better communication with groups.

Ms. Harrigan emphasized if there are interested groups who still have comments to make, perhaps the best way to provide those comments is to call Staff and have the more informal meeting where there is a bit more collaborative discussion, as opposed to a public hearing where you make your comments and sit down.

Ms. Cervin: Her concern was to make sure that the constituents who were interested were being heard and not to take any shortcuts because apparently there is an in-house deadline for the end of the year. She knows the State does not require that. It probably could go forward, but just to make sure that everyone is heard.

To clarify, she asked if people ask the Board members, should they refer those people to Staff.

Ms. Harrigan: Yes.

Chairman Bender: Stated he would be all for another public hearing, but he thought it needs to be somewhat narrow. Does not know how a wide open public hearing would be facilitated. As the Board goes through it, the comments could go to the Plan and it would be more beneficial. For now, if there is a feeling that there are constituents that are not being heard, then it must be found out what groups and where they are and try to make them heard. If there is a predominance from a certain area, then that could be added. That would be true of any area. The Board can decide to get that information. He believes they have to get it right and still hit deadlines.

Mr. DellaMonica: Asked if the Devon contingents had been heard by Ms. Harrigan's office.

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, JULY 3, 2012; AT 7:30 P.M. AT THE
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Ms. Harrigan: Reiterated this is the Planning and Zoning Board's document. Staff was given guidance that they must get this done by the end of the year. The Board can extend that deadline. If there are public hearings and it is clear that what is being heard from the outreach that was done, is maybe not consistent with what the Board feels is appropriate for the document, maybe more time is needed. Does not know if the Board will know that until they receive the draft and for the public to comment upon in terms of are we in the right place or do we need to discuss this more. If at the end of the day this is a ten-year document and the general public and the Board feel that they need to discuss it more, then extend the deadline, because it is the Board's document. The Board needs to feel comfortable with it as a ten-year plan.

Chairman Bender: Thinks this is "our" document, not just the Board's document. He thinks it is the Staff's as well. Back in October 2011, George Gaspar who was a P & Z member, met with the Devon businesses and other people and got suggestions. As the Chair understands it, he turned the information over to Staff. Some of those things have been part of the Plan. Things were heard, written down and brought back to Staff. That happened at that point. Does not know what happened after that.

Mr. DellaMonica: This was an issue with the State Representative and the media got involved. At the time it was determined this type of thing should be referred back to Staff. He was not sure if these people had gone to Staff and aired their grievances or concerns. He wanted to know if they actually went to Staff as is being requested to do now. How does the Board narrow the scope to determine if these issues were already brought to Staff.

Ms. Harrigan: Send everyone to Staff. They are the conduit and it is appropriate as they are the repository of information. The recommendations made by the State Representative were very good and those will be included in terms of a goal for that particular commercial corridor.

Mr. Mead: Noted he was at that meeting in Devon in October. The business people who attended owned the marina on the Housatonic. They wanted to develop more of the area and put a restaurant there. There are five districts in the City. Have the two members from each district have a meeting in a school and invite the people from that district if they have any comments or questions.

Chairman Bender: That is a good idea.

Mr. Rindos: He had attended many meetings, well before he was elected to the Board, including Milford Progress meetings. Three meetings were held a week ago. He believes those reports will be made available to the Board at its next meeting. At that point the Board will get a better idea as to what was discussed and at that time make additional suggestions as to what should be looked at. He likes the idea of having area meetings.

Chairman Bender: Noted that Ms. Harrigan had given him a list of all the groups that had been contacted. He recommended the Board receive this list for the next meeting.

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The Board discussed how special district meetings would be organized and held. It was noted that public notification would be key to this endeavor.

A special meeting on the POCD will be held at 6:00 p.m. on Tuesday, July 17 at which time Alan Plattus will speak to the Board.

J LIAISON REPORTS

Mr. Casey: Attended the Board of Aldermen meeting. The status of the East Shore Middle School construction was discussed. The bidding came back too high and there was not sufficient funding. The plan going forward will be to divide the plan into different phases for the bidding process.

K. APPROVAL OF MINUTES – (6/19/2012)

Mr. Mead: Made a motion to approve.

Mr. Grant: Second.

Minutes were approved as submitted.

L CHAIR'S REPORT – None.

M. STAFF REPORT

Ms. Harrigan: There were some changes in the Coastal Management Act as it pertains to flood erosion control structures, i.e., sea walls, revetments, groins, etc., which prevent erosion along the shoreline. She explained the change and the Board's role in this change.

Mr. DellaMonica: Made a motion to adjourn the meeting.

Mr. Gettinger: Second.

The meeting adjourned at 9:25 p.m. Two meetings will be held on July 17, 2012.

Phyllis Leggett, Board Clerk

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

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