

**MINUTES FOR ONE (1) PUBLIC HEARING  
OF THE PLANNING & ZONING BOARD HELD  
TUESDAY, SEPTEMBER 18, 2012; AT 7:30 P.M. AT THE  
CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Mark Bender called to order the September 18, 2012 Planning and Zoning Public Hearing meet at 7:30 p.m.

**A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**B. ROLL CALL**

**Members Present:** Ward Willis (7:38); Jeanne Cervin, Benjamin Gettinger, John Grant, Edward Mead (Vice Chairman); Dan Rindos, Michael Casey, Joseph Della Monica, Tom Nichol, Mark Bender, Chairman

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

**C. PUBLIC HEARING – CLOSING BY 10/23/2012; expires 11/22/2012**

1. **115 MELBA STREET - (ZONE R-5)** Petition of Michael Donegan for a Minor Amendment to a Special Permit to construct a deck within 25 feet of the high tide line on Map 29, Block 587, Parcel 42, of which Mary-Louise and Anthony Vitelli are the owners.

**Michael Donegan, 123 Beachland Avenue, Milford**, representing Anthony and Mary-Louise Vitelli for a minor amendment to a previous CAM approval which the Board granted on July 17, 2012. Asking for the amendment on what is considered the side yard, which is the Long Island Sound side of the house; a 12' x 23' deck, instead of the original 4' x 8' landing with two sets of stairs that are shown on the plans.

The water side of the house is actually recognized as a side yard. The reason for that is the house fronts Beachland Avenue, so what looks like the rear of the house is actually the side of the house. He spoke with staff when he applied for the zoning permit and asked if a deck could be built there and was told yes, it is within all the setback requirements except it would have to go before the Board for CAM approval since it is within 25 feet of the high tide line. The proposed deck is within the line of the sight with the other neighbors' houses.

**Ms. Harrigan:** She did not require the applicant to provide a new CAM report given the recent time frame of the approval in July and a new CAM report would not be different. The mitigation is within the envelope of the sea wall and this deck falls within that envelope.

**Chairman Bender:** Asked if anyone wished to speak in favor of the application. (No response) Asked if anyone wished to speak against this application. (No response)

The public hearing was closed.

**Ms. Cervin:** Made a motion to approve the petition of Michael Donegan for a Minor Amendment to a Special Permit to construct a deck within 25 feet of the high tide line on Map 29, Block 587, Parcel 42, of which Mary-Louise and Anthony Vitelli are the owners.

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**Mr. Mead:** Second.

Nine members voted in favor. Mr. Willis abstained due to his late arrival. The motion was approved.

**D. NEW BUSINESS**

2. **25-27 HIGH STREET (ZONE MCDD)** Petition of John Wicko for Coastal Area Management and Site Plan Review approval to construct a mixed use housing development on Map 44, Block 402, Parcel 00001, of which Metro Star Company, LLC is the owner.

**Robert Smith of Metro Star Development LLC., One New Haven Avenue.** He is the contract purchaser of 25-27 High Street. Present with John Wicko, Architect and Ronald Wassmer, Engineer and Land Surveyor. He is seeking site plan and coastal site plan approval for the construction of a mixed use building containing 28-one bedroom units and 1,143 SF of commercial space. The application is in compliance with the Milford Center Design Development District and the project as presented is a listed permitted use. The project has received favorable responses from all required City departments and the DEP. Parking for the project is provided entirely on site and complies with Section 5.1 of the Milford Zoning Regulations.

**John Wicko, Architect, 50 Broad Street,** described the mixed-use development which will be residential on the first floor. Setbacks in the MCDD can be 0 or 4 feet. The 4-foot option was used on High Street. On Helwig Street, the other front, is 12.58 feet. The sides are 10-feet towards the residence to the north and 57 feet to the residence to the west. Within the ten feet there will be a buffer for residential use. There is also a six feet high fence to do full cutoff on headlights. The maximum height allowed is 40 feet, the building is at 36.6 feet. Sheet SP-2 depicts the parking. 61 spaces are required for the mixed use and 61 spaces are being provided; 31 of which are under the building. Out of the 31 spaces, 16 spaces are utilizing a smaller 8-foot width, which is within the regulation 5.1.7.1.

Mr. Wicko proposed an alternate to the parking plan. In the MCDD zone the Board has the ability to see if and when parking is adequate. This is one of the opportunities to reduce some of the impervious blacktop and introduce more green and more plantings. In Bob Smith's history of development, the regulation, prior to the current one, is 1.5 spaces per one bedroom unit. In his experience that amount is more than adequate, so Site Plan SK-1 depicts the parking requirement meeting a 1.5 space per unit and keeping the business portion as regulation, 1 space per 250 SF. That reduction brings the required parking spaces down from 61 to 47. The parking spaces that were removed will allow more trees and green on the site. They are trying to maneuver the 8-foot wide parking space under the building. Although not on the drawing, he asked the Board's permission to bring two of the spaces out. If approved, the final drawings with parking and landscaped plans would be presented to the City Planner.

The Landscape Plan has the buffer. Several existing trees will be kept. Street trees will be placed where they can get them. At the Helwig front there will be a retaining wall that starts

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CITY HALL AUDITORIUM, 110 RIVER STREET**

6' and 4' planting beds and the retaining wall because of the grade change from the northwest to the southeast. The street line is being modified with the retaining wall. It is 7' tall in some sections and 3' at the High Street side. There will be trees and shrubs to soften it.

Lighting Plan: Pole lamp in the parking area; wall lamps that will illuminate the parking for safety. There will be a wall lamp at the High Street exit or entrance and there will be a staircase there for the public to use. There will be lights under the building that will illuminate the parking area. There are existing cobra lights and ambient light at the corner of High Street.

Sheet SP-5 shows details of the refuse enclosure with stone veneer; sign at the High Street entrance.

The building was described: The first floor of the residential portion has an elevator. The residential units have a minimum requirement of 575 SF. The building has been designed to obtain a 700 SF minimum and 835 SF maximum, so it is over the required minimum. The third floor is also residential. The building is clad in red cedar shingle. The base, which is the office and parking area is brick veneer. They are contemplating a trim in a seacoast blue; a faded royal blue. The red cedar will be in natural stain. Architectural features will have bay windows, some diamond patterns, groupings of windows with architectural trim. Very attractive and in keeping with the structure style that Bob builds in Milford.

**Ron Wassmer, PE, LS, 158 Research Drive**, responsible for the civil engineering of this application. No significant site engineering required for the site. The site will be served by public sewer and City water. His design of the storm water system received a favorable review from John Gaucher of the DEP. He prepared the Coastal Area Management Report and there are no coastal resources on the site other than the general resource and the shoreland resource. Both of those are on all sites within 1000 feet of Long Island Sound.

He reviewed the Grading Plan; Utility Plan and Storm Water System; Sedimentation and Erosion Control Plan; Existing Conditions Survey; detail sheets that show some engineering features of the site.

**Bob Smith:** Discussed the alternate site plan. He explained that in the MCDD district the Board has the ability to determine what adequate parking is. Over the last ten years in Milford this parking requirement has gone from two parking spaces for a one bedroom unit down to 1.5 spaces for a one-bedroom unit and back to two again. So projects have been built with varying requirements. He manages 26 apartment properties in the City, (almost 500 units), and he sees no problem with the 1.5 requirement. On this site it seemed logical to offer more open space; more trees and less impervious especially near LI Sound. He will comply with the Board's wishes and is not asking for anything other than what he has submitted. He noted this building will be similar in architectuer to the building on Cherry Street which is done in the casino style, Newport Tennis Hall of Fame look.

**MINUTES FOR ONE (1) PUBLIC HEARING  
OF THE PLANNING & ZONING BOARD HELD  
TUESDAY, SEPTEMBER 18, 2012; AT 7:30 P.M. AT THE  
CITY HALL AUDITORIUM, 110 RIVER STREET**

**Mr. Sulkis:** The applicant did a fine job presenting the project. He agrees with the applicant on the parking reduction. He noted when the parking requirements had been changed for apartments it was done to address a problem outside the MCDD zone. It was aimed at townhouses and larger complexes that had multiple bedrooms in other parts of the city where there was a lack of parking. In the MCDD, there have been many years of this type of monoblock buildings that are one bedrooms and studios where the 1.5 standard is adequate and has worked out well. He would have no problem supporting this if the Board thought this was adequate.

**Chairman Bender:** Asked what areas were removed to provide more room for lawn and trees.

**Mr. Wicko:** The eight foot wide spaces under the building. They would like to increase them to 9' wide, which would mean taking two of the spaces out from under the building. Still the same number of spaces but locating them behind the refuse enclosures, so there is adequate room for lawn and trees in that area, but it will free up what might be a congested parking area under the building.

**Chairman Bender:** Asked if he would prefer to have 40 underneath; 18 outside and 40.

**Mr. DellaMonica:** Asked what building is there now and is there parking underneath.

**Mr. Wicko:** There is an existing two-story office building with parking on grade in the rear of the building similar to the location of the parking. It is a similar condition. No parking underneath. The present building will be demolished in its entirety.

**Ms. Cervin:** Commented it was a pleasure to see an application that was in full compliance with the regulations and one of such quality as well. She asked about the parking potential for the business that would come in.

**Mr. Wicko:** It will be a business use; one space for 250 SF. The business use encompasses a lot of different uses.

**Mr. Smith:** It would most likely be office space.

**Mr. Mead:** Asked if there would be one business or divided among smaller businesses.

**Mr. Wicko:** The space is 1200 SF and would most likely be one user.

**Mr. Smith:** The mechanicals and bathrooms, etc. would be built for one tenant.

**Chairman Bender:** Asked if the plans for the proposed parking would be submitted.

**Mr. Smith:** If the Board would approve that plan, he asked that it be subject to review by the City Planner as to the landscaping. That is all that is missing there.

**Mr. Mead:** How will the spaces behind the dumpster be positioned?

**MINUTES FOR ONE (1) PUBLIC HEARING  
OF THE PLANNING & ZONING BOARD HELD  
TUESDAY, SEPTEMBER 18, 2012; AT 7:30 P.M. AT THE  
CITY HALL AUDITORIUM, 110 RIVER STREET**

**Mr. Wicko:** Sketched on the site plan how the parking spaces would be positioned.

**Ms. Cervin:** Made a motion to approve the application with the understanding that the landscape changes will be dealt with through the office.

**Mr. Mead:** Second.

All members voted in favor of approval of the application.

3. **36-38 BROAD STREET (ZONE MCDD)** Petition of John Wicko for a Minor Amendment to a Site Plan Review (approved 7/17/2012) for architectural revisions on Map 54, Block 402, Parcel 16, of which Milford Broad Street, LLC is the owner

**John Wicko, Architect, 50 Broad Street**, representing Fairfield Colony, LLC, of which Ken Martin, who is present, is one of the owners. The Site Plan, CAM and Special Exception applications to allow a restaurant on the former Harrison's Hardware property was approved very close to the time the tenant for the property became known. The drawings could not be changed for recirculation at that time. The Board was advised that there would be changes to the building forthcoming, with items such as branding, the image, the roof deck would be eliminated etc. Tonight he is presenting the proposed changes.

The site plan will remain the same for the most part. They are proposing sliding the entry into the building to the left and move plants to the right. The footprint and the other specifications for the site will remain the same. There is a demolition permit and work is being done on the building.

Mr. Wicko reviewed the changes on the plans displayed and noted the areas of alteration. The front area interior has been modified with the bar/dining room configuration. The kitchen has been reworked and made a little larger. There was a lunch area in the rear of the building which will not be necessary for Colony. Instead, made a larger kitchen, a serving area for the outdoor patrons, additional bathrooms for the bar area; a cooler and a take-out area. The basement will not be used with the exception of the keg cooler which is directly under the bar location.

The seating chart has been reallocated, but will have the same number of seats, 91. The second floor is still maintained as the office and work area for the daily business of the restaurant. The storage that was in the basement is now on the second floor. No other changes have been made that the public would see from the outside.

The front will be reconstructed, but the style will be reminiscent of the vintage Harrison & Gould, turn-of-the century look with the low roof, making it more personable and inviting. Behind the copper clad roof will be the vertical wall with panels, which is in keeping with the old architecture. Below that, just above the roof, will be the Colony Grill sign.

Another improvement will be brick around the front as a belt course under the windows and at the side elevation, towards the driveway. Since doing the drawings they liked the look so

**MINUTES FOR ONE (1) PUBLIC HEARING  
OF THE PLANNING & ZONING BOARD HELD  
TUESDAY, SEPTEMBER 18, 2012; AT 7:30 P.M. AT THE  
CITY HALL AUDITORIUM, 110 RIVER STREET**

much, they are proposing to do the whole side that will go all from the ground to the overhang. It will make the front dining area very elegant. Also introduced some pilasters on the center section; some more detail to it, making it more architecturally pleasing.

The side entrance was moved from the exterior patron area directly into the building; also introducing the panels and the brick. That will also be an attractive façade. The rear steel modern patron deck was removed, but the roof concept was kept over the outside area and the entry gable and some panels were added. Also introduced a more traditional railing system with a semi-solid panel. The raised portion of the patio there will be a metal picket style fence in a dark color.

The back side is still a fire wall and will not have any openings. Would like to change the stone veneer on the patio and the trash enclosure and use the brick that is being used on the other parts of the building for the trash enclosure and the retaining wall.

Signage, which is smaller than originally presented was shown. The landscape plan was changed with the entrance. He showed the rendering that was redone as it was presented tonight.

The Board members looked at the rendering that was circulated.

**Mr. DellaMonica:** Asked about the plan for the mural presently in the building that was discussed at the application presentation.

**Ken Martin, 51 Hilltop Drive, Trumbull, CT.** They have received a lot of comments about the mural. They do not intend to have it on the side of the building. It will be recreated inside the building. It will be in the area of 8' x 20'. He is not sure what the mural will depict. Would like to commission the Art Department at the high school, in conjunction with a woman in town who is involved with historic murals and is an artist. They are working on this plan.

**Mr. Sulkis:** Had nothing to add to the presentation given.

**Ms. Cervin:** Complimented Mr. Wicko on another job well done.

**Mr. Mead:** Made a motion to approve the architectural revisions to 36-38 Broad Street.

**Mr. Willis:** Second.

All members voted in favor.

**E. OLD BUSINESS**

4. **881 BOSTON POST ROAD (ZONE CDD-1)** – Petition of Kevin J. Curseaden, Esq., on behalf of GJS Properties, LLC for a site plan review to establish a Health Club-Fitness Center on Map 77, Block 825, Parcel 64, of which GJS Properties, LLC is the owner.

**MINUTES FOR ONE (1) PUBLIC HEARING  
OF THE PLANNING & ZONING BOARD HELD  
TUESDAY, SEPTEMBER 18, 2012; AT 7:30 P.M. AT THE  
CITY HALL AUDITORIUM, 110 RIVER STREET**

**Chairman Bender:** At the last meeting the Board asked Staff to prepare a motion which has been received by the Board.

**Mr. Mead:** Made a motion to approve the petition of Kevin J. Curseaden, Esq., on behalf of GJS Properties, LLC for a site plan review to establish a Health Club-Fitness Center on Map 77, Block 825, Parcel 64, of which GJS Properties, LLC is the owner, as submitted by Staff on September 18, 2012.

**Mr. Rindos:** Second.

**Ms. Cervin:** Noted that the motion did not include the wheel stops at all parking spaces that are perpendicular to trees.

**Mr. Sulkis:** Suggested the motion be amended to continue under Condition No. 4 that the applicant shall install wheel stops at all building entrance walkways and at parking spaces that are perpendicular to trees.

**Ms. Cervin:** Stated she would be voting against the application, as she did not agree with the regulation change. Also, the number of waivers disturbed her, although it was not a new build. She also would have liked to see more landscaping, even though this is a big improvement over what is presently there.

Nine members voted in favor of the motion. Ms. Cervin voted against the motion. The motion was approved.

**F. PLAN OF CONSERVATION AND DEVELOPMENT -** Discuss public hearing comments and next steps.

**Ms. Harrigan:** Prepared a summary of the comments made at the three public hearings that were held and whether or not they were addressed in the Plan; how they could be incorporated into the Plan and whether or not the general policy is acceptable as it is currently in the Plan. Also, whether additional studies may be something that would be appropriate but not as specific within the POCD. She reviewed her summary.

It was noted that the suggestion to rename Walnut Beach to Myrtle Beach was not within the purview of the Planning and Zoning Board and the information submitted was referred to the Park and Recreation Department.

Also the Natural Resource Inventory is part of the Subdivision Regulations and it is not necessary to include it as an appendices to the POCD.

In view of the fact that the Board has recently approved funds for an Open Space Manager position, references to an open space manager will be made in the POCD.

**Chairman Bender:** Heard a lot about the perception of parking, whether it be lack of parking or lack of signage. When Colony Grill came before the Board with a parking overlay, that was an eye opener as to how much parking there really is downtown. Asked how that subject could be addressed.

**MINUTES FOR ONE (1) PUBLIC HEARING  
OF THE PLANNING & ZONING BOARD HELD  
TUESDAY, SEPTEMBER 18, 2012; AT 7:30 P.M. AT THE  
CITY HALL AUDITORIUM, 110 RIVER STREET**

**Mr. Sulkis:** One of the issues that keeps coming up is the wayfinding signage downtown because people do not know where to find the parking spaces. That is an ongoing process with MPI. The City Engineer and Department of Public Works are involved with this. Further guidance on parking will have to come from Alan Plattus. The Plan already mentions signage. He discussed the perception the public has with regard to parking.

Comments made on various issues were noted. Mr. Sulkis and the Chair agreed that not every comment that was made has to be accommodated because there are some things that cannot be addressed. It was agreed that a lot of the comments were incorporated.

**Chairman Bender:** Noted he spoke to Kathy Alagno of the Chamber of Commerce and Dr. Plattus. They are aware that their report has to get done and provided to the Board if they want the Downtown portion incorporated in the Plan.

**Ms. Cervin:** Noted she has a lot of comments. Asked if the Board would be seeing the Downtown Plan before it is finalized.

**Chairman Bender:** It is his understanding from Ms. Harrigan that the Board will see it even if it is in the form of an Executive Summary.

**Mr. Sulkis:** Unless that plan arrives in the next week the Plan will be wrapped up within the next week to two weeks to have the final draft presented to the Board and to go to the Board of Alderman and Council of Governments for their review.

**Chairman Bender:** He told Kathy Alagno the Board would get the final draft to the Board of Aldermen by October and would like their input. He also said the Board has a schedule but they want to get it right and the Chamber's report will be very important.

**Ms. Cervin:** Gave her comments and questions on Ms. Harrigan's summary.

**Mr. Willis:** Asked if the Plan submission date for the October BOA meeting is a strict date or can the Board be flexible on the date.

**Chairman Bender:** That's the scheduled date, but if it is not right it will not go in October.

**Mr. Willis:** Asked if the Plan can be amended within the 10 years that it is supposed to be in effect and has that ever been done before?

**Chairman Bender:** State Statute says it has to be done every ten years but it can be done whenever the Board chooses. The Board members' names will be on the document so they should read it carefully.

**Mr. Sulkis:** Confirmed that.

**Ms. Cervin:** The Board's regulations are based on this plan and it is very vital and she is not sure to what degree that is understood. The Board should look at the Plan with many of the applications that are brought before it.



**MINUTES FOR ONE (1) PUBLIC HEARING  
OF THE PLANNING & ZONING BOARD HELD  
TUESDAY, SEPTEMBER 18, 2012; AT 7:30 P.M. AT THE  
CITY HALL AUDITORIUM, 110 RIVER STREET**

**Chairman Bender:** Noted many of the applications are justified because they go with the Plan of Conservation and Development.

**Mr. Rindos:** Asked about the Action Plan and how it worked.

**Mr. Sulkis:** Some chapters have recommendations at the end and some do not. Those will be consolidated into a list at the back of the Plan. These are the recommendations that may or may not need action. The Board can take action if it is within their purview, but it is not mandatory to take action.

**Ms. Cervin:** The Action Plan was extremely helpful and important in the last plan and it clarifies in what agencies or departments the responsibilities lie.

**Chairman Bender:** Asked Ms. Harrigan what the next step would be.

**Ms. Harrigan:** The Board has to decide whether the policies that have been identified in this plan it agrees with and how they want to review the Plan.

**Chairman Bender:** The Board should be prepared to discuss the preliminary Plan and be prepared to go forward with it at the October 2<sup>nd</sup> meeting. By the October 16<sup>th</sup> meeting the Staff should have the completed draft to give to the Board of Aldermen for review. The Board of Aldermen could then discuss the Plan at their November meeting.

**Ms. Harrigan:** By State Statute, the Board is required to give the Plan to the Board of Aldermen 65 days for review before the final adoption date. That would push the date to January for the Planning and Zoning Board's adoption of the Plan.

**Chairman Bender:** Noted on September 27<sup>th</sup> the State's policy for this region will be held in the North Haven Public Library. He thought their policy should be finalized before Milford's is.

**Mr. Sulkis:** Stated Milford is consistent with the State Plan as he has attended all the meetings and has been following what they are doing and giving them the Board's input.

**Ms. Harrigan:** Clarified the 65 day requirement for the Board of Aldermen to receive the document. The 65 day clock starts the day the Board of Aldermen receives the document. It does not have to be at a meeting. She identified the pre-adoption and post-adoption procedures.

**Mr. Sulkis:** Noted that after all the proper authorities have reviewed and approved the document, there will be a final public hearing by the Planning and Zoning Board.

**Chairman Bender:** At this time the critical thing for the Board to do is review the document in detail and come up with any suggestions or changes they wish to make. He suggested relaying this information to Staff as soon as possible. They do not have to wait until the next meeting to do this. He will get in touch with Dr. Plattus and Kathy Alagno again to get the Downtown Plan to the Board.

**MINUTES FOR ONE (1) PUBLIC HEARING  
OF THE PLANNING & ZONING BOARD HELD  
TUESDAY, SEPTEMBER 18, 2012; AT 7:30 P.M. AT THE  
CITY HALL AUDITORIUM, 110 RIVER STREET**

**G. PROPOSED ZONING REGULATIONS**

Sec. 3.1.4.2 Building Height in Residential Zones - POCD will influence

Sec. 2.5.5 Lot Access and Rear Lots awaiting CA input

Sec. 9.2.3 Prohibited Variances - awaiting CA input

**Add: Sec. 5.1.4 Off Street Parking Requirements (10) Health Clubs**

**Mr. Sulkis:** With regard to building height, he is going through some of the background data that Mr. Plattus gave him on the shoreline. Also have to look at the FEMA and flood regulations in this regard.

He suggested the proposed parking regulation change be reviewed after the submission of the POCD.

**H. LIAISON REPORTS**

**Mr. Casey:** The Board of Aldermen approved the Open Space Manager (Agent) position.

**I. APPROVAL OF MINUTES – (9/4/2012)**

Mr. Mead noted he had voted to approve the application of 475 New Haven Avenue but his name was omitted in noting the votes on page 239. This error did not affect the outcome of the vote.

**Mr. Mead:** Made a motion to approve the minutes with the correction noted.

**Mr. Rindos:** Second.

All members voted in favor of approving the minutes with the correction noted.

**CHAIRMAN'S REPORT:**

**Chairman Bender:** Stated he had signed a Lot Line Adjustment for 417 Gulf Street. He attended a regional meeting. Some interesting discussion. State statute going into place for medical marijuana. Southington is putting in zoning regulations for medical marijuana dispensaries and producers. September 27, 2017 will be the State's Regional Policy Public Hearing.

**Ms. Cervin:** Asked if the Board could be more educated regarding the use and appropriateness of waivers in applications. She asked if the Regional Council had any information on other municipalities' regulations in this area.

**Chairman Bender:** Noted there were some very good resources on that Board with whom he would have no problem discussing this topic.

**MINUTES FOR ONE (1) PUBLIC HEARING  
OF THE PLANNING & ZONING BOARD HELD  
TUESDAY, SEPTEMBER 18, 2012; AT 7:30 P.M. AT THE  
CITY HALL AUDITORIUM, 110 RIVER STREET**

**K. STAFF REPORT** – None.

**Mr. Rindos:** Made a motion to adjourn.

**Mr. Grant:** Seconded.

The meeting adjourned at 9:15 p.m. The next meeting will be held on October 2, 2012.

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Phyllis Leggett, Board Clerk