

**MINUTES FOR FOUR (4) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, SEPTEMBER 21, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the September 21, 2010 Public Hearings of the Planning and Zoning Board at 7:32 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Edward Mead, Mark Bender, Kevin Liddy, Vice-Chair, Victor Ferrante, Gregory Vetter, Kim Rose, Susan Shaw, Chair.

Not Present: Robert Dickman, KathyLynn Patterson, Janet Golden

Staff: David Sulkis, City Planner; Phyllis Leggett, Board Clerk

C. PUBLIC HEARINGS

1. **88 BRYAN HILL ROAD (ZONE R-12.5)** Petition of David Quatrella, Esq., on behalf of the Burr Family Trust for a two-lot subdivision on Map 47, Block 530, Parcel 30, of which the Burr Family Trust is the owner.

Jeffrey Gordon, President, Codespoti & Associates, 504 Boston Post Road, Orange, CT, representing the Burr Family Trust in their application to divide off a lot from an existing two acre parcel where there is presently an existing house that is in the R-12.5 zone. The parcel lies on the east side of Bryan Hill Road. It is a two-acre parcel that is fairly flat for the first two thirds of an acre, then slopes down hill toward the rear of the houses on Welch's Point Road, which eventually has a watershed into the Calf Pen Brook. Part of the application would be to switch the existing house from the septic to city sewers and to extend the sewer main. That is the sewer that comes to the end of Minuteman Drive. That is a temporary cul-de-sac with a right of way that would be able to extend out to Bryan Hill Road. The sewers will be extended across and is going to feed the new parcel, which will be Lot 2 and the existing parcel would abandon its septic system and be hooked up to the city sewers. Because of the proximity within 1000 feet or so of the Calf Pen Brook, the property is in a CAM area. An application for a Coastal Site Plan Review has been submitted. The area is separated by quite a distance from the general coastal resources and its generally an upland area. It is separated by residential subdivisions and roads. This application has no impact on any coastal resources and no water dependent uses are being affected in any way. The proximity within the distance to a CAM area is what makes the CAM review necessary.

The owner is keeping the existing dwelling and selling the new, smaller lot. A house will be built there. There is also some storm water management that is being designed for the new lot. The roof runoff would go into a subsurface infiltration system.

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As part of the application process a Natural Resources Report was prepared. Mr. Gordon read some highlights from the report.

The existing house will maintain the larger portion of the land, which will be 1.6 acres. The new lot will be 16,000 SF in the 12,500 SF district. The application conforms in all ways and is a simple subdivision.

Mr. Sulkis: This application is a “no brainer”.

Mr. Liddy: What will happen to the old septic system?

Mr. Gordon: Probably abandoned in place. The tank would either be removed or filled with sand, whatever is required with the Health Department.

Mme. Chair: Anyone to speak in favor of the application? (No response)
Anyone to speak in opposition to the application? (No response)

The public hearing was closed.

2. **349 WHEELERS FARMS ROAD (ZONE R-A)** Petition of Stephen Studer, Esq., for a Special Permit and Site Plan Review to allow a church on Map 96, Block 914, Parcel 25, of which Pyramid Asset Management Corporation is the owner.

Brian Lema, Esq., Bercham, Moses & Devlin, 75 Broad Street, Milford, CT filling in for Stephen Studer on behalf of an application by Cornerstone Christian Center in regard to the property located at 349 Wheelers Farms Road. It is an application for a Special Permit for a change in use for the existing building from a private non-profit or charitable organization, to churches or religious institutions which is a permitted use under the zoning regulations. The required placard was posted on the property.

Also present tonight is Pastor Alfred Watts, as the applicant and Ronald Wassmer, the engineer and the architect, Diane Rathjen.

Cornerstone Christian Center has been a member of the Milford community since 1967 over 40 years. Its current location is 192 Meadow Street. However, it has outgrown its location on Meadow Street and now holds services on a fairly regular basis at Jonathan Law High School in order to accommodate the growth in their congregation.

The property located at 349 Wheelers Farms Road is the current location of the Pyramid Shriners Hall. It is located in the R-A zone. It contains an approximate 18,000 SF building. It was constructed in 1988 by the Pyramid Shriners and there are 164 parking spaces on the site. The parcel consists of 3.46 acres. In 1988 the Planning and Zoning Board granted a Special Permit and Site Plan

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approval for the current building and the charitable use. The Shriners historically use their property for their offices, meetings and special events which were sponsored by them.

Beginning in 1993 they began to rent out the hall which is located on the main level of the building to third parties for special events, such as, weddings, auctions, fundraisers and other such events. That is the current use of the property.

Cornerstone is the contract purchaser of the property and is proposing to utilize the property as a church. A detailed statement of use has been submitted and is part of the record. There is adequate on-site parking. The regulations require 139 parking spaces; one space for every four seats. There are 164 parking spaces located on the site.

There are no changes proposed to the exterior of the building. The upstairs hall is being converted to the sanctuary for worship services and will no longer be available for the type of functions the hall is currently being used for. There will be no parties, receptions or any such use in the future.

The lower level will be utilized for offices and Sunday school classrooms. The property is in an excellent location for a church. The use is a permitted one. The current site improvements are suitable for the proposed use. The site is large and the building and parking are well setback from the street line and adjoining properties.

The property to the north of this site is the Filanowski Farm. The zone is actually DO-25 (Design Office Zone). The current use is as a retail/wholesale farm operation. The area to the north also contains a number of large commercial office buildings, as well as the Boys Village complex.

The area to the south of this property is primarily residential, so this is an appropriate transitional use between the residential and the more intensive commercial type uses to the north.

The building is approximately 93 feet to Wheelers Farms Road; 54 feet to the Filanowski farm and 200 feet to the residential neighbors to the south. The proposal and existing improvements comply with all the regulations.

It is important to note that the property is located on Wheelers Farms Road, which is a major collector street. It is designed to handle the traffic that would be generated from this type of use of the property. Significantly, most of the traffic would occur on Sunday mornings when the other intensive uses in the area, such as the commercial office buildings are presumably vacant and are not generating traffic for those related uses. During the work week there are only perhaps ten or

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so employees who will work at the church on the lower level. So, during the work week when the other neighboring uses are in use, the church building will be at a lower level of occupancy and use.

All the reports from the city agencies have been favorable, including police, fire, the consulting engineers, public works, inland-wetlands and the health department. Mr. Lema submitted a copy of the Health Department permit. There was a question that the Health Department had about this property because it is serviced by a septic system and they requested additional information. Additional information has been provided and they are satisfied that their concerns have been met and issued a permit.

This is a very good, adaptive reuse of the property and in many ways less intensive than the current use of the property being made by the Shriners. As indicated, the Milford Police Department has stated they have no concerns about traffic; the Fire Department has no concerns about public safety and as noted, the Health Department's concerns about the subsurface disposal system have been addressed and it has been determined that the existing system is twice as large as what the anticipated needs are for this particular type of use.

Believe that the applicant fully complies with the regulations and is an appropriate reuse of the property. The applicant is under certain deadlines as the contract purchaser. Asked for an expedited review and approval of this application.

Mr. Lema submitted a petition in favor of the application. There are quite a few members in the audience and the petition is being submitted in lieu of all of them speaking in favor of the application.

Pastor Alfred Watts, Cornerstone Christian Center told the Board it was a wonderful occasion to come before the Board to present this opportunity to purchase this property. Cornerstone Christian Center has been a member of this community for over 40 years. He has been at the church for 15 years and have always enjoyed an incredible relationship with the City of Milford. He expressed their desire to be beneficiaries of the resources of the city but have tried to be a benefactor in many ways. At the present location there is a food pantry that feeds over 25 families every week, at least three days of food on an emergency basis. Also, they are at the Beth-El shelter conducting a soup kitchen every other weekend on a Saturday for 50-70 clients. They are always looking for ways to give back to the community. There have been other opportunities to move to locations outside of Milford but they believe that they are meant to stay in Milford to give back as well as receive from the city. He stated he does not stand alone as pastor of the church and asked for a show of hands from members of the congregation in the audience who are in support of this opportunity.

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Ron Wassmer, PE, LLS, 158 Research Drive, Milford. There will be no changes to the existing site plan that was developed in 1987. He conducted an updated survey for the purposes of the application and submitted the additional information required by the Health Department.

Mr. Sulkis: This is a very straightforward application. Mr. Lema did an excellent presentation. He has no issues with it.

Mr. Liddy: Asked about the septic system and how it would work if the church was filled to its capacity of 546 seats.

Mr. Wassmer: Explained why he found the existing septic system would be more than adequate for the new church use and the Health Department has issued a permit.

Mr. Liddy: Asked about the ownership of the property and sale to the church.

Mr. Lema: Spoke about the pending sale of the property to the church. The property is owned by Pyramid Asset Management Group. They are affiliated with the Shriners.

Mr. Lema distributed Mr. Wassmer's report to the Health Department explaining the calculations related to the septic system.

Mme. Chair: Asked if there was anyone to speak in favor of the application? Noted a petition had been received on which there were 74 signatures.

George Adams, Esq., Harlow, Adams & Friedman, 300 Bic Drive. Represents Pyramid Asset Management Corporation, which is the vehicle by which the Shriners own this property. Would like to sell this property to Cornerstone as soon as possible, so the Shriners could locate into a new facility that would be more suitable to their needs today.

Mme. Chair: Read the following petition which was signed by 75 individuals: "We the undersigned support the application to the Milford Planning and Zoning Board by Cornerstone Christian Center for permission to use the premises located at 349 Wheelers Farms Road for the purpose of conducting church services."

Mr. Liddy: Asked where the Shriners were going.

Mr. Adams: That has not been determined as yet. They are looking in Milford and in other communities if they cannot find a suitable facility in Milford. They cannot make a commitment until they know their facility has been sold.

The Chair closed the Public Hearing.

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3. **179 OLD GATE LANE (ZONE ID)** Petition of United Illuminating for a Special Permit, CAMSPR and Site Plan Review to construct a 5,000 SF mobile substation and cable storage facility on Map 68, Block 180, Parcel 1D, of which United Illuminating is the owner.

Earl Goven, Landscape Architect, with Blades and Goven, 3 Corporate Drive, Shelton, CT, presenting site plan approval for 179 Old Gate Lane, a property owned by the United Illuminating Company. Also present is Brian Lonergan from UI, Joe Simeone from the architects, Fletcher Thompson and Jim Rotondo from Rotondo Engineering.

The site is a 4.1 acre site located on the southeast side of Old Gate Lane across from the Hilton Hotel. The access is a 550 foot long accessway, 50-foot wide that accesses a 3.6 acre site in the back. The plan is to locate a 5000 SF storage building for mobile substations and enclosed butler building with additional future storage of 5000 SF adjacent, but that is in the future. In addition, there are two sheds for cable reels which equal approximately 3300 sf. They are covered and open sided but shielded with screened chain link fence.

A majority of the site will be treated with gravel; 70,000 SF with light gray gravel. There is 33,000 of paved bituminous, which will be used for transformer storage. Basically, this is a storage yard. It is not an active storage yard. It is for items that are not accessed daily but on emergency need basis. The mobile substations could be there for years, but they need to be centrally located so they can be accessed. They need to be enclosed as well as the cable reels, which have oils and some things inside them, so they need to be protected from the sun so the cable does not degrade. That is the reason for the shed for these items.

The gravel is both storage and access, a majority of the site. The dark paved area is a transformer storage. There is a wetland to the east that is adjacent to a railroad spur which runs off the Amtrak line over to the waste recycling facility.

Mr. Goven said at one time the railroad spur cut off the wetland from the tidal wetland which is across the Amtrak rail towards New Haven Avenue. It has been determined through the new flood study that will be adopted in December that there is no longer a connection between the wetlands to the east and south and the UI property. At one time there was, but it is no longer. This information caused some ambiguities in the CAM report as to whether or not there were tidal wetlands on the site. There are no tidal wetlands or inland wetlands. They are not being touched with the proposed development.

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The site is enclosed by two gates. There is an eight foot high chain link fence at the front entrance of the property to the main body of the property at which point there is a ten foot high fence. The items that are stored here copper wire and other highly sought after items by thieves. Therefore the need for the 10-foot fence around the entire property. This is not a daily use facility. There is security lighting. There will be little activity here once it is built.

Joe Simeone, Architect, with Fletcher Thompson, 3 Corporate Drive, Shelton, CT. Explained the three buildings that are proposed for construction. Main building will be a pre-engineered structure similar to a butler building. He described the features of the building. Mobile substations will be put in the buildings. The UI would use these if a substation ever went down or needed repair. They would be moved out to the particular site and be hooked up and moved back to this facility when no longer needed. They contain some oil and transformers. There is containment within the structure. There is no heat or toilet. It has electricity. No plans for permanent on site staff.

The second and third structures on the site will be cable storage reels. The structures keep the elements off the cables. There are two sizes of reels. One is approximately 7-feet high. The other set of reels is about 11-feet high. The electrical power is there primarily to service the vehicles and to do maintenance. There will be overall site lighting and task lighting which will be turned on if the equipment had to be moved at night. There will be a security system on site and a fire hydrant that comes to the end of the service drive but there is no actual water within the structure.

Mr. Goven: The town's standard for engineering has been met.

Mr. Sulkis: Had no comments, except adherence to the engineering conditions mentioned in their review.

Mr. Bender: Asked if there was oil in the transformers.

Brian Lonergan, Project Manager, United Illuminating Company. The transformers are filled with oil. It is not the old kind of PCVs. It is basically mineral oil.

Mr. Bender: Is there a plan if they start leaking?

Jim Rotondo, PE, Rotondo Engineering, LLC, Shelton, CT, the civil engineers on the project who designed the storm water management system. Safeguards were taken into account. One of the goals was storm water quality. He explained the water runoff and drainage system that will be in place in this project.

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Mr. Bender: Asked about oil leaking from other areas aside from the mineral oil within the wire reels.

Mr. Rotondo: Explained that there would be no discharge into the environment if there was any type of leakage from equipment in the structures.

Mr. Vetter: Asked about the lighting.

Mr. Simeone: Described the different types of lighting that will be used inside and outside.

Mr. Vetter: Asked for more specifics on the lighting, which were not included in the drawings. Wanted to make sure the lighting was downward.

Mr. Sulkis: Referred to Sheet E-100 which contained the lighting and restrictions of the lights and poles.

Mr. Simeone: Cut sheets of the specific light fixtures will be sent to the Board.

Mr. Vetter: Asked what property is behind the subject property and the fencing that would be around the property.

Mr. Simeone: Noted the properties abutting the UI property and where the fence would be.

Mr. Lonergan: Described the lighting heads that will be used.

Mr. Liddy: Asked how security will be monitored.

Mr. Simeone: Explained the different types of security monitoring that will take place off site. The site will be unmanned, so security is of importance. It will be sent directly to the dispatch center to be monitored. There are fixed cameras as well as swivel cameras throughout the facility. All the areas will be able to be seen remotely.

Mr. Ferrante: Is there any vegetation on the site?

Mr. Goven: Weeds mostly. Property has been used as a refuse area. Existing contaminants will be removed and cleaned up and plantings will be restored in the wetland area. For ease of maintenance and security the rest of the site will be gravel.

Mr. Ferrante: Asked if trees could be planted.

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Mr. Lonergan: Explained there is a 550 foot entranceway to the property. Explained what was along the entranceway and that it would be difficult to plant trees there.

Mr. Goven: There are larger trees in the wetlands area which will remain.

Mr. Sulkis: This is one of the rare instances where the Tree Commission was in favor of the waiver.

Mr. Bender: Verified there are no residences anywhere near this area, just the hotel nearby.

Mr. Sulkis: Record should reflect the Board will receive the cut sheets of the light fixtures.

Mme. Chair: Anyone to speak in favor? (No response) Anyone opposed? (No response)

The Chair declared the Public Hearing closed.

4. **329 OLD GATE LANE (ZONE ICD)** Petition of Ray Oliver, AIA, for a Special Exception, CAMSPR and Site Plan Review to construct a Popeye's Restaurant and 7-11 Convenience Store on Map 79, Block 810, Parcel 4A, of which Old Gate Lane Empire, LLC is the owner.

Ray Oliver, Architect, 3 Lafayette Street, representing Old Gate Lane Empire LLC. This is an application that is similar to one previously approved by the Board on March 19, 2008, but was not developed due to the recession.

This project is located on Old Gate Lane, the old Bruneau's Gas Station that has been abandoned for several years. It is next to the Duchess Diner and what was once Angelo's Sandwich Shop on the other side.

Applying for a Special Exception because this property is undersized for the zone it is in, the Interchange Commercial District. 40,000 SF are required. When the new Plan of Conservation and Development came into being and the new zone map was enacted, this piece was made nonconforming. So it now requires a Special Exception. Properties in this area have to have setbacks of 50 feet all the way around. This is a hardship for this property so a waiver is being requested on one side of the property to reduce that 50 foot setback.

The proposed application is for two stores compared to the previously approved application, which was four stores and 6,000 SF. A Popeye's Restaurant and a 7-11 Convenience Store is proposed. The Popeye's is 2,290 SF and the 7-11 is 2200 SF. This application has more parking available to the public on the front

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and the side. There is parking for the employees in the back and there is a queuing space for the drive-thru for the restaurant to come through the side. This application has 42 parking spaces, where 39 spaces are required.

The driveways are on the Old Gate Lane side. (This area was shown and described on the display). The original plans had an additional driveway that exited directly from the drive-thru, but Sgt. Sharoh of the Milford Traffic Department said that was going to be a safety issue because the exit was in front of the stop bar for the traffic signal. He referenced such a situation at the Mobil Gas Station on the Post Road. It can be a dangerous situation. The current plan is more adaptable to the conditions.

The building is one story meant to reflect the corporate image of the two companies that will be within. The 7-11 will have a gable roof with dormers along the side of it and glass fronts. The Popeyes has a more southern look. It is a Louisiana based company so it has some of the stucco elements in the front with their signage and along the side with the drive-thru there are shutters and a mural panel. The material for the 7-11 is hardi plank with Azek trim. It has a brick base all the way around it. There are brick pilasters separating the windows. The same brick picks up around Popeyes coming around the other side.

There will be pole lights on the front and back. They are shielded and hooded shoebox type lights. The photometric plan (SP-3) details the lighting.

The property will be well landscaped where there is nothing there now. There will be street trees all around. Steve Wing was the landscape designer and the Tree Commission thought highly of the plan. The perimeter plantings will be mostly evergreens of different types.

The plan was reviewed by the City Departments and was approved. The CAM was reviewed by DEP. There were some comments.

He noted David Sulkis reviewed the plans and the reports and there was some confusion in the sets of plans that were being used over the course of the circulating plans through the departments and the plans sent to the Board which incorporate all the issues that David raised in his comments on the project.

Mr. Oliver distributed his Response to the Planner's Comments that the Board members had received earlier. He reviewed and explained items 1 – 6, which correlated to Mr. Sulkis' comments.

John Gaucher of the DEP had a suggestion with regard to oils. Inland Wetlands had comments which were addressed. Percolation tests were done in the back of Bruneau's. Results were submitted for the record.

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This site has not been utilized for some time. The developer is anxious to start this project. There was another portion of the application that involved a billboard-type sign that had been on the site. There is a sheet in the Board's package, Sheet AS, referencing this. It is a sign that is targeted to the highway so it would attract customers to the site. Because it was not noticed separately in the legal ad, the sign will have to be a separate application.

Mme. Chair: Is there is a new engineering report forthcoming? Will a new fire department report be coming as well?

Mr. Oliver: Yes, the new reports will qualify some things.

Mr. Sulkis: Pleased to see that some of the comments in his report have been addressed, but there are some outstanding issues for which the public hearing should remain open. Some of the department reviews will have to be updated. There are still some outstanding issues that may have been touched upon but are not reflected in the plans, i.e. the existing contour or grading map it will be known what the beginning will be and what the end will be since this site will be heavily disrupted during development.

Mr. Oliver: Because it is a very flat site, the surveyor has put on spot elevations rather than drawing a single line around, so there are complete spot elevations that the gradings have been done to.

Mr. Sulkis: Asked if that is what the final gradings will be as well.

Mr. Oliver: No. The final grading is on the site plan. The existing grading is on the updated survey.

Mr. Sulkis: Clarified that this information was on the new plans. The concern about the storm water system, based on the comments that came from various departments, are needed, even though the Board approved a previous application that has a smaller footprint, that was a different application. The comments that were provided were from the city engineer who is no longer here. There should be an updated stormwater design. Based on the comments of the on-call engineers to a degree, DEP and Inland-Wetlands, it must be confirmed that the system will work as designed.

He remarked that coincidentally, right down the road, the previous application on the same street in the same area, the difference in design for the stormwater system for what essentially is a parking lot and holding facility, versus this application. Because that area is known to have a lot of ledge and a high water table, the Board must know that the system that is being proposed works.

Asked if a 1500 gallon grease trap was being installed. It would be helpful to know where it will be located on the site.

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Mr. Oliver: Stated it was shown on the Site Utility Plan (SP-2).

Mr. Sulkis: Asked if the calculation for the EFIS on Sheet A-1, included the back of the building.

Mr. Oliver: The rear elevation was not calculated in the EFIS calculation because it is not visible from the street.

Mr. Sulkis: Stated the regulations talk about the whole building with regard to EFIS.

Mme. Chair: Asked about the three waivers that were requested.

Mr. Oliver: This zone requires 50 foot setbacks for the entire perimeter, but can only meet that qualification on three sides. Also asked for a reduction in the side yard landscape areas from 10 feet to 5 feet.

Mr. Vetter: Questioned the options for building materials that were shown on the rendering Mr. Oliver provided to the Board.

Mr. Oliver: This is the only option that was given, however, there is a large amount of brick that goes around the perimeter of the building.

Mme. Chair: Anyone to speak in favor? (No response) Anyone opposed? (No response)

The public hearing was left open to await receipt of additional information, which will be the engineering report showing the stormwater system, written approval from the Fire Department.

Mr. Sulkis: Once the updated engineering report with the stormwater tests is received, a more positive Inland-Wetlands report should follow.

The Board might want to ask the applicant if architectural alternatives to the stucco could be obtained from Popeyes.

Mme. Chair: Stated it would be a good idea to have alternatives to the EFIS.

Mr. Oliver: Replied this would be considered.

D. NEW BUSINESS

5. **7 WATERBURY AVENUE (ZONE R-5)** Petition of William Sembiante for a Coastal Management Site Plan Review for substantial improvement to a single family residence on Map 13, Block 135, Parcel 7, of which William

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Sembiante is the owner.

John Wicko Architect, 50 Broad Street, Milford, CT, representing Bill Sembiante for the CAM application. The lot has a 3985 SF in the R-5 zone and in the AE 11 flood zone adjacent to Long Island Sound. The property has pedestrian access to Wildemere Beach. The existing house that was purchased is in disrepair and has many code violations. The plan is to remove the house and build a new house that conforms to all the regulations and CAM requirements. The proposed house is three stories with a two-car garage underneath and approximately 3400 SF of living area with an attic in the roof line that has access for storage. The proposed residence compared to the existing house has 20% less impervious coverage. All city department reviews were favorable. Any comments were revised and submitted to the planning and zoning department.

Mr. Sembiante's application for a variance on the rear deck projection into the rear setback was denied. The drawings have been revised which reflect full compliance with zoning. Copies of the new drawing were submitted to the Board and date stamped into the record.

Mr. Wicko reviewed the CAM report and described the living area of the proposed residence. The site plan shows a two-car garage with some area for storage. There is also parking in front of the garage on the driveway. The house is pushed back so as to accommodate 2-3 cars in the driveway. The project is not a water dependent use and there are no adverse impacts to the identified coastal resources. This is a much improved site than what was there. The DEP was happy with this.

Mr. Sulkis: Had no comment on the application.

Mme Chair: Asked what waivers were being requested.

Mr. Wicko: No waivers are being requested. The variance for the deck was denied, so the former proposed waivers no longer apply. He redid the plans in compliance with the regulations.

Mr. Ferrante: Asked about the guest parking area.

Mr. Wicko: Explained.

Mr. Liddy: Asked about the number of garages and the parking for the property.

Mr. Wicko: One garage door and an oversize door for one car and some storage, plus guest parking in the driveway.

Mr. Ferrante: Questioned the dimensions of the parking in the driveway.

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Mr. Wicko: Gave the dimensions to the curb and explained the curb line is at the property line which is consistent throughout the street.

Mr. Sulkis: Public Works did not have an issue with this situation. It is fairly typical in this area where there are very narrow, small streets, narrow lots and a shortage of parking. This is an application for a CAM and if it was not the Board would not be going through the house and the details. The application is for a CAM and the focus should be on any coastal area resources this project may affect, if any.

Mr. Wicko: The existing curb cut is 45 feet and is being reduced to 30 feet, which is the standard for the city. It was reviewed and approved by Bruce Kolwicz.

Mme. Chair: Noted the application stated it was for substantial improvement, but it was for new construction of a house.

Mr. Wicko: It is for new construction.

Ms. Rose: Made a motion to approve the petition of William Sembiante for a Coastal Management Site Plan Review for substantial improvement to a single family residence on Map 13, Block 135, Parcel 7, of which William Sembiante is the owner.

Mr. Vetter: Second.

Mr. Liddy: Suggested the motion be amended to note the application was for new construction and not a substantial improvement.

Mr. Vetter: Second.

Mr. Liddy: Amend the motion to strike substantial improvement and in its place construction of a single family residence.

Mr. Vetter: Second.

All members voted in favor of the amendment.

All members voted in favor of the motion.

[A recess was taken taken at 9:19 pm and resumed at 9:31 pm]

Mr. Bender left the meeting at 9:20 pm

Mme. Chair: Asked for a motion to remove the item from the table.

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Mr. Vetter: Made the motion to remove the item from the table.

Ms. Rose: Second.

All members voted in favor.

E. TABLED ITEM

6. WHEELERS FARMS AND WOLF HARBOR ROADS (ZONE R-A)

Request by AvalonBay Communities, Inc. for a five-year extension of a Special Permit/Site Plan for 160 Units of Age-Restricted Housing on Map 105, Block 914, Parcel 19, approved on January 17, 2006, of which AvalonBay Communities, Inc. or AvalonBay Milford II Development, Inc. is the owner.

Mme. Chair: Gave the history of this matter. This was a stipulated agreement entered into by the City and the applicant which was agreed to by a judge. The question by the Chair was that stipulated agreements are valid for twenty years and what course should the Board take. The City Attorney found that the Board should reapprove the request as it is customary when Special Permits are up for approval the extension is for five years.

Mr. Vetter: At the time this was a contested matter. Asked if there were other considerations by the City Attorney.

Mr. Sulkis: He could not speak for the City Attorney. It was the applicant's feeling that because state statute calls out for reapproval every five years, the city should do it. Apparently the City Attorney's office concurred.

Mr. Ferrante: Made a motion to approve the request for reapproval.

Mr. Liddy: Second.

After discussion about the correctness of the motion, the wording of the motion was reframed.

Mr. Ferrante: Removed his motion.

Mr. Liddy: Removed his second.

Mr. Ferrante: Made a motion to approve the request by AvalonBay Communities, Inc. for a five-year extension of a Special Permit/Site Plan for 160 Units of Age-Restricted Housing on Map 105, Block 914, Parcel 19, which the Board previously approved on January 17, 2006, of which AvalonBay Communities, Inc. or AvalonBay Milford II Development, Inc. is the owner be reapproved.

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Mr. Liddy: Second.

Ms. Rose: Asked if this five year extension could go on for twenty years.

Mr. Sulkis: Yes.

Mme. Chair: As long as the applicant does not alter the plan in any way it can be reapproved.

Ms. Rose: Asked if this project had anything to do with the sewer lines that are causing a problem in north Milford.

Mr. Sulkis: This project contains sewer lines that are supposed to ultimately resolve the sewer issues in north Milford.

Ms. Rose: Asked if there was a way that prior to the Board's approval the Board condition that they put in the sewer lines prior to the five year extension.

Mr. Sulkis: Responded that would be a violation of the agreement. Avalon was in the process of doing that until the economy went south. Their one portion of the sewer project heading into north Milford is small compared to all the neighborhoods that the sewer line would have to go through before getting to the Great River neighborhood. Those are all separate projects that need to be approved by other bodies of the city.

All members voted in favor of the motion.

F. OLD BUSINESS

7. **300 AND 336 BIC DRIVE AND 0 NAUGATUCK AVE. (ZONE OD)**
Petition of Subway, Inc. for Site Plan Review approval to expand its parking lot located on Map 41, Block 303, Parcels 21, 20 and 2, of which Subway Subs, Inc., 300 Bic Drive Realty and 336 Bic Drive Realty are the owners.

Mme. Chair: Reminded the board that the approval of this application will be under the conditions that the lots be merged. That would take care of the waivers that were noted in the plans. Also, Westcott and Mapes is awaiting additional engineering information. There was also a discussion about conditions and restrictions that may be part of any lease because of the maintenance of the pervious concrete.

Mr. Mead: Request that crosswalks be painted from buildings 300 and 336 for people coming and going between the two buildings.

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Mme. Chair: Can entertain a motion to approve making sure the conditions previously outlined are incorporated. Ms. Rose had mentioned conditions might include the maintenance of the property in the event it was sold.

Mr. Vetter: There would have to be a deed restriction to accomplish that condition.

Mr. Sulkis: They could put some sort of an instrument on the land records. Not sure if it would be a deed restriction, but a notice on the land records that if and when they ever sell the property, someone doing their due diligence and research would be made aware of the material that is there and what is expected in terms of maintenance. That would probably be the best that the Board could do. By doing that there are no surprises for someone buying it and if there is a failure of maintaining it properly, which would then lead to a failure in the drainage of the site, they cannot say they did not know.

Mr. Vetter: Moved to approve the petition of Subway, Inc. for site plan review approval to expand its parking lot on the positive conclusion of the engineer and on a notice in the land records with regard to the pervious structure of the parking lot and the required maintenance.

Mr. Sulkis: Asked that the Board also put in something for the merging of the properties and if the Board wants to pursue the cross-walks, it can make that a condition, too.

Mr. Vetter: Motion to include the approval of merging the properties and a request to the applicant to pursue a cross-walk with the City and other needed bodies between the two properties.

Ms. Rose: Second.

Mr. Ferrante: Suggested the motion be tabled so that Mr. Sulkis can write up a motion incorporating all the conditions.

Mr. Sulkis: It might be easier to say that all engineering comments pursuant to the memo or letter dated such and such shall be adhered to prior to a zoning permit being issued

Mme. Chair: Suggested the Board review the minutes of the last meeting wherein the two items noted as conditions by Westcott and Mapes were spelled out.

Mr. Sulkis: The letter and conditions set forth from Westcott and Mapes will be referenced in the letter of approval, as well as any other conditions established by the Board.

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Mr. Liddy: The conditions from Westcott and Mapes in the minutes are very technical. Would prefer to have everything lined up. Right now it seems to be an incomplete application.

Mr. Vetter: Does not think there is anything in the engineering report that overly concerned him. If they resolved all those issues in the engineering report, that is a done deal. Happy that Subway proposed this. This is a great addition. Some pervious parking lot space and they are a good steward to see this get put in. He is comfortable with the points and believes the staff is as well.

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

8. **734 BRIDGEPORT AVENUE (ZONE CDD-3)** Petition of Vanasse Hangen Brustlin, Inc. (VHB, Inc.) for Site Plan Review approval to construct a CVS Pharmacy on Map 33, Block 386A, Parcel 2, of which Dan Perkins Realty is the owner.

Mme. Chair: There was a request to continue this application to the October 5th meeting in order to allow the applicant more time to provide the information that the Board requested at the September 7th meeting.

The Chair asked for a motion to bring back Item 2 on tonight's agenda, 349 Wheelers Farms Road for a Special Permit and Site Plan Review.

Mr. Vetter: Made the motion to bring back this item.

Mr. Liddy: Second.

All members voted in favor.

2. **349 WHEELERS FARMS ROAD (ZONE R-A)** Petition of Stephen Studer, Esq., for a Special Permit and Site Plan Review to allow a church on Map 96, Block 914, Parcel 25, of which Pyramid Asset Management Corporation is the owner.

Ms. Rose: This application is an excellent adaptive reuse of this property. The building will be perfect for the church. Sees nothing wrong with it and will support it.

Mr. Ferrante: Moved for the approval of Petition of Stephen Studer, Esq., for a Special Permit and Site Plan Review to allow a church on Map 96, Block 914, Parcel 25, of which Pyramid Asset Management Corporation is the owner.

Mr. Vetter: Second.

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Mr. Liddy: Asked Mr. Sulkis about the use of a septic system, especially if the congregation increases substantially.

Mr. Sulkis: Responded that septic systems are not finite. They can be rebuilt if necessary. If there was a septic failure and no sewer line, they can rebuild their septic system, as could anyone with a septic system.

All members voted in favor of the motion to approve.

G. PLAN OF CONSERVATION AND DEVELOPMENT

Mme. Chair: Time is coming near to review the POCD. It has to be reviewed every ten years. The review must be completed by January 2012.

Mr. Sulkis: If the City does not have an up to date Plan of Conservation and Development, then any discretionary state funding would not go to the city.

Mme. Chair: The plan serves as a guide to the development of the town and for the regulations. Asked the Board to consider how they want to construct this process. Suggested there be a public meeting at the City Hall Auditorium to get input directly from the public. People in the community had concerns about the process that went through for the 2002 Plan. For the Plan of Conservation and Development to do the most good, it must replicate what the people in this community think about Milford and how they envision it 10, 20 or 30 years from now.

Mr. Vetter: Thought it was a great idea. Wanted to know if there were funds for a consultant to work with the board on this and/or should the public be heard from first.

Mr. Sulkis: There is approximately \$75,000 in the budget for a consultant.

Mr. Liddy: Said this process can become very time consuming. Not sure if the board is aware of this. Suggested such meetings be held on the same night as the Board's regularly scheduled meetings.

Mme. Chair: Had not planned long range but thought of having one single meeting to start with. The Board could then determine how they wish to proceed with this review.

Mr. Ferrante: Asked Mr. Sulkis' opinion as to how best to engage the public.

Mme. Chair: Thought it important to include the 52,000 residents whom this plan will affect. Does not want this meeting to be held at the same time as the regular meeting and have the public wait through all the items on an agenda.

Mr. Sulkis: Suggested a public hearing that is held solely to discuss the Plan of Conservation and Development start earlier on the night the P & Z meetings are held, for example, from 6:00 to 7:30.

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Suggested the Board go through the Plan and familiarize themselves with it and think of what they would like to see done with it. When the Board combines their suggestions with the public's, it can be determined if a change is needed, how extensive a change and how that should be accomplished.

Mr. Vetter: Thought it was important to have the first meeting and use the first 45 minutes for the Board to explain the process and then afterwards solicit feedback from the public. Suggested laying out a path as to how the Board wishes to proceed on a time line with some key dates and milestones and present that. Can discuss the overall purpose of the POCD and make sure people how it impacts the Board's decisions and how it could impact its decisions. The Board can withhold its comments and let people come in and comment. Can take the first meeting and use the first 45 minutes for the Board to explain what the process is and take comments and if there is time left, general feedback can be solicited.

Mme. Chair: Next meeting date is October 5th. Will hold a public hearing from 6:00 to 7:30 just for the Plan of Conservation and Development. Press releases will be noticed as well as the required public notices.

H. LIAISON REPORTS - None

I. APPROVAL OF MINUTES – (9/7/10)

Mr. Vetter: Motion to approve.

Mr. Ferrante: Second.

All members voted in favor of approving the minutes as recorded.

J. CHAIR'S REPORT – None.

K. STAFF REPORT – None.

Ms. Rose: Motion to adjourn.

Mr. Vetter: Second.

All members voted to adjourn the meeting at 10:14 p.m. The next regular meeting will be held on October 5, 2010. A special Public Hearing on the Plan of Conservation and Development will be held on October 5, 2010 as well.

Phyllis Leggett, Board Clerk