

**MINUTES FOR ONE (1) PUBLIC HEARING
HELD TUESDAY, OCTOBER 19, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called the Planning and Zoning Public Hearing of October 19, 2010 to order at 7:31 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Edward Mead, Mark Bender, Robert Dickman, Kevin Liddy (Vice Chair), Kim Rose, Janet Golden, Susan Shaw, Chair; Gregory Vetter (7:32); Victor Ferrante (7:35).

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

C. PUBLIC HEARING – APPROVE BY DECEMBER 17, 2010

1. **TO APPROVE MANDATORY FEMA REVISIONS TO FLOOD HAZARD REGULATIONS AND MAPS** - The Planning and Zoning Board on behalf of the City of Milford is required by the Federal Emergency Management Agency (FEMA) to adopt changes to the Flood Hazard Regulations in order for Milford residents to continue to participate in the National Flood Insurance Program (NFIP). As part of FEMA's Map Modernization Project, the Board must also adopt revised Flood Insurance Rate Maps (FIRM) which have been converted to a digital format and display the flood zones over aerial photography for ease of reference.

Mme. Chair: Asked Ms. Harrigan to discuss some of the discretionary items, as well as this plan, for the Board.

Ms. Harrigan: Stated most of these changes are specifically required by FEMA. The regulations had to be submitted to the State DEP who reviewed them on behalf of FEMA. They included in those regulations what the mandatory changes were. There were only a couple of items that were discretionary changes. Those were based upon some of the discussions that the Board had with regard to flood zone properties in the past.

The most significant mandatory change within the regulations has to do with the way in which substantial improvement (Page 27) is arrived at. Substantial improvement is the terminology that triggers "almost a brand new house" that must be brought into compliance with the flood hazard regulations. It has to meet construction criteria, sometimes it has to meet location criteria, so it can alter a structure significantly.

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Ms. Harrigan described the former process of calculating substantial improvement of a property. The federal government has determined that formula cannot be used any longer.

Compliance must be met by looking at substantial improvement in a market value analysis. So, the property owner must supply the tax assessment information that gives the value of the house and the property owner can only improve fifty percent of the value of the house.

What happens along the shoreline is that the land is significantly more than the value of the house, so many times if you have a property that is valued at \$1.1 million, \$860,000 of that amount may be in the land and then the balance is in the structure. Therefore, if a second story addition is being constructed, it is likely they will hit that market rate substantial improvement number and they will have to bring that property into National Flood Insurance Program compliance in terms of FEMA regulations and the construction requirements.

There were a couple of other optional changes that were added. One of the ones that was discussed was the ability to have tandem parking (page 18) approved by waiver of the Planning and Zoning Board. There were a couple of examples where four parking spaces were put on the elevated first floor level, which because of the flood requirements could only be used for parking storage and for entry into the unit. It could not be used for anything but that. But the regulations are very specific as to the number of parking spaces for a single family residence and those are usually limited to two or three spaces depending on the size of the lot. This allows a homeowner within the flood hazard area that has to elevate the first livable story significantly above grade to be able to use that space at least to alleviate some of the parking issues which tends to occur in those beachfront neighborhoods with very tight lots.

The other optional change was on page 23. The recommended change by FEMA was to allow fences in the floodway that must be aligned with the flow and be of an open design. Ms. Harrigan recommended that fences be prohibited in the floodway unless recommended by the Inland Wetlands officer. At this time there are fence regulations in place that do not allow fencing for parcels that are on Long Island Sound. However, it has been discussed with the Board whether or not to include tidal wetlands and water courses. Oftentimes, flood ways are actually freshwater water bodies. So, in most circumstances, unless the fence regulations are very specifically updated, it will be consistent. Otherwise, with flood ways it seems like you would not want to alter the view corridor that is available, which was the intention of the other fence regulation. In this way, if it is required by the Inland Wetlands officer, as a delineation, which sometimes also occurs, this would cover that requirement.

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Mr. Bender: Asked that Ms. Harrigan to highlight specifically the changes that are not mandatory. For future reference, he did not want all the changes lumped together as mandatory.

Mr. Vetter: Asked if the 14-foot elevation in a recent approval made by the Board was related to the FEMA requirements.

Ms. Harrigan: Recalled the Deerfield Avenue application was dictated by FEMA requirements, as well as the fact that the owners had received a federal grant to raise their house. She explained how this house would be affected by receiving the federal grant under the new regulations. She clarified that there are different factors that determine how high a structure would have to be raised in a certain flood zone.

At this time substantial improvement applies to properties, but it is calculated in a different way. It is based upon an area estimation. Are they improving more than 50% of the area or the volume of the house. It is then required that the flood hazard regulations be instituted. There is also a substantial improvement requirement for single family homes that are outside the flood zone. It may be required that sidewalks, curbs, a new apron and other building code improvements be installed.

With this change and in consultation with the Building Department, the market value way of looking at substantial improvement will apply to all properties, whether in the flood zone or not, because it is within the main definition section.

Mme. Chair: Asked if there was anyone to speak in favor of the adoption of the flood regulations. (No response) Asked if there was anyone to speak in opposition to any portion of the regulations.

John Grant, JLG Designs, 11 Ettadore, Milford. Stated he was not opposed to the proposed flood regulation changes, but had reviewed them and had some comments.

1. **Article 11, Definitions. Improvement, Substantial.** The portion that states ten years of accumulative work is not required by the building code or by FEMA. It was recommended by the DEP. Thinks the word "repair" should not be considered cumulative the 10 year period. Thinks there should be an exception to this definition, things like replacing the roof, windows, insulation, repair of porch steps, or an item such as that should be included when a major renovation is being done. The cost of doing maintenance to your home should not be in this section. If the renovation was just under the 50% and you factor in these things because they were done in prior years, it would push over the 50% and that should not be included in that number.

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2. **Section 5.8.2, Zoning Applicability.** There is a special flood hazard. It states there is a VE, A, and AE Zone. Believes the V zone is missing, which is a special hazard area and is missing out of the documentation.
3. **Section 5.8.5.2.** That section number is used twice. Should be corrected.
4. **Section 5.8.12.5. Parking.** The wording seems vague. Explained how he interpreted the meaning and suggested the regulation be deleted. His reasoning was the more cars off the street and parked on the property, is a benefit.
5. **Section 5.8.13.1. Residential Construction.** Requires the lowest floor (including the basement) be raised to or above base flood elevation and be certified by a licensed professional. He believes there are enough requirements by the building codes, regulations by zoning and requirement of an A-2 survey, to determine that the level is above grade. He cannot see forcing a homeowner to pay additional money to get an engineer or surveyor to stamp the drawing, just to reiterate what the design already shows. It would be an additional unnecessary expense to the homeowner.
6. **Section 5.8.14.2. Construction Methods.** Item (4) there is a redundancy about the breakaway walls. It is already called out in (d), (h), (c) and (g). Believes that part of the regulation could be condensed and actually combine (d) and (h) to read: "Breakaway walls, lattice and screening" all within one item. Also suggested (c) and (g) could be combined. This would make the regulation read easier.

Mr. Grant stated he was happy to see the regulations being changed, but offered these items for clarification and avoidance of redundancy. Suggested the Board review these changes before they are put into effect.

Mme. Chair: Stated it was her intention to discuss the ten year accumulative work. Agreed that moderate repair work could add up substantially in the course of ten years. Does it make sense for the Board to decrease the number of years?

Ms. Harrigan: That is up to the Board. The one thing that cannot be altered is the repair phrase, which came from FEMA. She believes the intention by FEMA and the DEP is that there has to be some sort of time period. Milford has a lot of properties that are in flood jeopardy, so they want some sort of time line for properties to eliminate some of the risk to damage and some of the risk to potential loss of life. That is the goal of the City entering into the National Flood Insurance Program. The federal government backs flood insurance. The homeowners and the City make an agreement to eventually eliminate that risk.

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Mme. Chair: The only action the Board can take on this is to change the aggregate number of years.

Ms. Harrigan: Correct. Because ten years is a significant amount of time, it makes people upgrade the property out of the flood risk sooner, rather than later, because they will hit that substantial improvement number.

Mme. Chair: Asked if there was anyone else to speak in opposition. (No response)

The Chair closed the Public Hearing.

Mr. Bender: Thanked Mr. Grant for reviewing the document so thoroughly, which is a tremendous help to the Board. However, some of the areas identified by Mr. Grant did not change from the previous regulations. He just noted issues he has with those sections.

Ms. Harrigan: Agreed.

Mme. Chair: Asked for clarification regarding parking.

Ms. Harrigan: Believed what Mr. Grant was saying is that if someone had an existing garage on site and they had to elevate the house, right now the Board would allow them to park there and he would be correct. If a property is at the 2 or 3 car limitation depending on the size of the lot, in most cases a waiver would have to be obtained in order for someone to park underneath because they have already maximized the number of garage spaces that are allowed per site. For a single family home, two off-site parking spaces are required. Anything in excess of that is calculated per the regulations and the size of the lot.

Mr. Liddy: Asked about the omission of the "V" zone Mr. Grant had mentioned.

Ms. Harrigan: Replied it was not a change. That whole section was a correction from when the zoning regulations were reviewed. In Milford there are only VE zones, no V zones.

Ms. Rose: Asked if 5.8.13.1, requiring an engineer or land surveyor for certification would be an added expense to the taxpayer.

Ms. Harrigan: This was not an area that was targeted for change by FEMA. Her understanding is that this is a minimum requirement, so if FEMA did not ask to change the regulation, she did not change it.

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The verbiage requiring a professional's certification is in several parts of the flood hazard regulations. It is a requirement of the building code. She does not think it does harm to also state it within the zoning regulations.

Mr. Bender: Asked how the number of years would be addressed.

Mr. Ferrante: Agreed that there were many paragraphs that were duplications and might be consolidated.

Ms. Harrigan: At this time this was not a change requested by FEMA. Thought the intention was to target those FEMA required changes, plus a couple of changes that were requested by the Board and leave the flood hazard regulations alone.

Stated she was not sure that the sections that were duplicates could be altered without first checking with the DEP. She will check with the DEP and see how they want this handled.

Mme. Chair: The regulations are mostly the minimum requirements that come directly from FEMA after reviewing Planning and Zoning's regulations, plus changes that were discussed, i.e. 50% substantial improvement; parking and the fence. Everything else is under minimum requirement of what is in the regulations now.

Mr. Bender: Simple repairs can add up. Ten years is a long time to start adding up the dollars. In favor of reducing the number of years.

Mr. Liddy: Asked how a record of a property's maintenance, especially simple repairs, could be determined over the number of years. Also, a good attorney could attempt to show that the expenditures were not included in the regulation.

Ms. Harrigan: Under substantial improvement there are specific items that are not considered under the definition. She read the regulation. Ultimately the insurance companies and mortgage companies now require flood insurance. It will be up to the property owner to prove that they are not breaking the rules.

With regard to the fencing question, she suggested the Board vote to prohibit fences, except where required by the Inland Wetlands Officer for delineation of wetlands or such other reason.

Mme. Chair: Two separate motions are needed: One for the flood hazard regulations and the other for the revised Flood Insurance Rate Maps.

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Ms. Rose: Made a motion to approve the mandatory FEMA revisions to flood hazard regulations. The Planning and Zoning Board on behalf of the City of Milford is required by the Federal Emergency Management Agency (FEMA) to adopt changes to the Flood Hazard Regulations in order for Milford residents to continue to participate in the National Flood Insurance Program (NFIP).

Mr. Vetter: Second.

Mr. Bender: Asked if the substantial improvement regulation was being left at ten years.

Mme. Chair: Yes.

Seven members voted in favor of approval. Messrs. Bender and Dickman opposed the motion. The motion passed.

Mme. Chair: A second motion must be made to approve FEMA's Map Modernization Project.

Mr. Vetter: Made a motion to approve as part of FEMA's Map Modernization Project, the Board must also adopt revised Flood Insurance Rate Maps (FIRM) which have been converted to a digital format and display the flood zones over aerial photography for ease of reference.

Ms. Rose: Second.

All members voted in favor of the motion. The motion was approved.

The effective date of the FEMA Regulation Changes will be November 5, 2010.

D. PUBLIC HEARING LEFT OPEN – CLOSE BY 11/25/10; exp. 12/30/10

2. **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, Milford, representing Old Gate Lane Empire, LLC. Thanked the Board for leaving the hearing open to receive three items: 1) The Fire Marshal's approval; 2) Discussion about the finish material of the building and 3) the on-call engineering report.

The fire marshal's approval is in the file. He has had discussions with Popeye's corporate office about what the finish possibilities are for the building. At this

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point they have no other facility in the country that has a different finish other than stucco, but they are amenable to accommodating the Board's desire to have a different finish.

Mr. Oliver submitted a sample of the EFIS finish material. He stated an advantage is the insulation value of the building envelope, which practically doubles the R value of the wall. Where there may be a concern about the esthetic issue, the ability of the owner is being reduced to develop a building that meets the highest standards of energy efficiency. One of the concerns with the EFIS should be in the detailing and the way it is done, not so much that the material is bad.

In speaking with the corporate office there are two alternatives to the stucco finish. There is a panel material that is a fiber cement material that is similar to hardy plank. This is in panels 18 inches by 6 feet and is applied to the building. There is also a tile material that is actually porcelain tile and would be applied to the building like a stone veneer. Mr. Oliver has used this on a car dealership. He submitted these samples for the Board's review. The color of the building would be a cream color. The building is not big. Will use hardy plank on the back of the building.

The on-call engineer's comments were received at 2:00 this afternoon. Had this been received sooner he would have been able to respond to all the issues prior to the meeting. He asked to make the comments a condition of approval of the plan that was submitted, which the City Planner would ultimately approve before a zoning permit would be issued.

Mr. Oliver reviewed the engineer's comments and noted how they either were or would be complied with. Test pits were done but had not been submitted to the engineer. There was no evidence of ledge or water in the test holes. Confident that the system works. Comments that the sewer should connect properly to the city sewer. Some traffic control items were recommended. DOT's guidelines were followed at the entry way.

This project will enhance that area and bring new life to that area, especially with D'Angelo's going out of business. It will provide jobs for construction and the people who will be working there, as well as good food.

Mr. Sulkis: Agrees the comments are all small items but taken in total it add up to a picture that needs to be tweaked. He would have no objection to working with Westcott and Mapes to make sure that all the comments are addressed. If the Board is agreeable to the proposed architectural changes, that the office receive the elevations for all four sides.

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Ms. Rose: Asked if the insulation factor could be made up if the ceramic tile option was chosen for the building's façade.

Mr. Oliver: It's difficult because the tile has to adhere to the sheathing of the building. The good thing about EFIS is that it provides an extra layer of foam at the outside of the building that does not have any substantial weight to it. When there is something as heavy as tile, it has to be anchored directly to the studs in the sheathing. If it is done from the inside it takes away from the use of the building.

Mr. Bender: Asked why there is a problem using EFIS.

Mr. Sulkis: When the Board enacted the architectural design guidelines, the Board felt that the use of EFIS, which was typically showing up in commercial construction did not exude a New England character and charm, which is the desired look. Stucco is more of a southern and southwestern style of architecture.

Mr. Ferrante: Noted the two styles of buildings proposed for the site did not compliment each other.

Mr. Oliver: Stated the two buildings balance each other even though they are architecturally different.

Ms. Rose: Asked what would happen 20 years down the road if the two buildings are there but the proposed businesses are not. Wouldn't one building be better.

Mr. Sulkis: The thought behind these buildings would be similar to the design of Milford MarketPlace where the Board has requested that there be variation in the design, because the variation creates architectural interest. He agrees that this is in keeping with the kinds of architectural requests the Board has made in the past.

Mr. Bender: This will look a lot better than what is there now.

Mme. Chair: Asked if there was anyone to speak in favor of the application (No response). Asked if there was anyone to speak in opposition to the application (No response).

The Chair closed the Public Hearing.

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E. NEW BUSINESS

3. **79 MELBA STREET (ZONE R-5)** – Petition of David Salerno for a Coastal Area Management Site Plan Review to make substantial improvements to a single family residence on Map 29, Block 587, Parcel 27, of which Alyssa Blume is the owner.

David Salerno, 9 Old Colony Road, Monroe, CT. General contractor for the homeowner, Alyssa Blume. Goal from the beginning was to demolish the house at 79 Melba Street. Worked with Ms. Harrigan, John Gaucher of the DEP and Bob Wheway, the on-call engineer from Codespoti & Associates and work within the coastal regulations and build a new house that conforms to the standards of FEMA.

The house is mostly in the AE zone. There is a very small portion of the house that is located in the VE zone, which means that the house has to be built to VE standards. In doing this the height of the house had to be higher than had been anticipated; the piers to build the house had to be done a certain way and the breakaway walls had to be built to adhere to 20 pounds of pressure. He learned that in the VE zone the height of the house has to start at 15 feet. By doing that, the crawl space had to be over four feet, which becomes the first floor, thereby losing the third floor to the house.

John Gaucher of the DEP worked with him to move the house from the VE zone back into the AE zone. That would make it work. Want to adhere to the VE zone standards with the piers and the breakaway walls. The only thing changed was the height of the house to make it work so they would be able to have a third floor to the house. Also wanted to keep the house in line with the other houses on the street and realized they got less in the parking area than they had wanted, but it was important to keep within the Milford regulations, which Ms. Harrigan helped him through.

Drainage issues are being done by installing infiltrators around the property. Materials will not be stockpiled to cause any kind of environmental issues and they will not be going near the beach or sea wall. All machinery will be kept away from that area. Once it was determined how to build the project according to FEMA standards, everything else was standard.

Ms. Harrigan: Had no comments. Mr. Salerno summarized the situation well.

Mr. Liddy: Asked if there were any variances requested?

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Ms. Harrigan: Originally, when the application was for substantial improvement, variances would have been requested. Once it was determined the structure would be demolished and the setback requirements would be adhered to, no variances were necessary. There had been a variance granted for the garage, which is a little too close to the property line to the front.

Ms. Rose: Made a motion to approve the petition of David Salerno for a Coastal Area Management Site Plan Review to make substantial improvements to a single family residence on Map 29, Block 587, Parcel 27, of which Alyssa Blume is the owner.

Mrs. Golden: Second.

Mr. Vetter: Asked Ms. Harrigan to address the height of the turret.

Ms. Harrigan: Explained how the measurements were determined and allowed for the structure. This structure is basically an elevated skylight. It is just an architectural feature and is allowed per the zoning regulations.

The regulations in place allow for belfries, towers, spires and allows 10% of the roof area not to exceed 15 feet above the height, which is noted in Sec. 4.1.13.

The Board discussed the project's roof architectural structure. It was suggested a short recess be taken to allow Ms. Harrigan to define and respond to some of the members' questions.

[A recess was taken from 8:51 to 9:02]

Mr. Sulkis: Clarified the height requirements and determined the roof structure was within the maximum allowable height, despite whatever the roof structure was labeled.

There was further Board discussion on the subject and the need to revisit the regulations concerning the definitions of these types of structures and their height limitations.

Mme. Chair: Reminded the Board there was a motion on the floor.

Ms. Rose: Withdrew her motion.

Mrs. Golden: Removed her second.

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Mr. Vetter: Made a motion to approve the petition of David Salerno for a Coastal Area Management Site Plan Review to make substantial improvements to a single family residence on Map 29, Block 587, Parcel 27, of which Alyssa Blume is the owner with the condition that the turret appearing in the drawings does not exceed three feet from the roof line.

Ms. Rose: Second.

Mr. Bender: Questioned what point in the roof line.

Six members voted in favor of the motion. Messrs. Bender, Dickman and Ferrante voted against the motion. The motion passed.

4. **639 NORTH STREET (ZONE R-A)** Petition of Barbara Zink for a Site Plan Review to allow poultry coops and poultry on Map 98, Block 801, Parcel 31, of which Barbara Zink and Robert Slesinski are the owners.

Barbara Zink and Amanda Slesinski, 639 North Street. Amanda Slesinski stated she has been raising chickens with her family for eight years and there are some in her classroom in school. She described how the chickens are cared for.

Ms. Zink provided the Board with her statement of use and letters of support from her neighbors which were date stamped into the record.

Ms. Harrigan. A letter had been received from the Health Department who had a few comments related to where the chicken feces could be located in relation to any public water supply well that was located on site as well as keeping feed water and other items associated with the keeping of poultry chickens protected in a way that prevents infestation by rats, mice or other rodents.

Ms. Zink: Stated the Health Department made an inspection of the property and determined there was no need or cause for action.

Mr. Vetter: Asked if there were letters from the abutting property owners.

Ms. Zink: Identified the abutting neighbors and said she did not have letters from abutting property owners at the rear because she did not know them.

Mr. Liddy: Asked what was the issue that brought this matter to the Board when the chickens have been there for years.

Ms. Harrigan: There was an anonymous complaint which generated a violation letter because there was no permit for the chickens. Chickens and poultry coops

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are allowed under the regulations, but they require site plan review approval , which had not been obtained previously.

Mr. Ferrante: Made a motion to approve the petition of Barbara Zink for a Site Plan Review to allow poultry coops and poultry on Map 98, Block 801, Parcel 31, of which Barbara Zink and Robert Slesinski are the owners.

Mr. Dickman: Second.

All members voted in favor. The motion passed unanimously.

5. **35 PAGE STREET– 2-Lot Subdivision** - Bond reduction approval in the amount of \$12,515.00, in accordance with the Engineering Department's property inspection and memo of authorization from Bruce Kolwicz, Public Works Director.

Mr. Ferrante: Made a motion relying on the expertise of the Public Works Director, the Engineering Department and City Planner, to approve the reduction of the subdivision bond in the amount of \$12,515.00, requested by Ellan Daniels.

Mr. Vetter: Second.

The Board discussed the wording of Bruce Kolwicz's memo approving the bond reduction. It was determined that the bond reduction approved was in the amount of \$12,515.00, leaving a maintenance bond balance of \$6,095.00.

Mr. Bender: Suggested the subdivision bond refund memoranda be written more clearly in the future.

Mr. Ferrante: Amended his motion to say that the bond in this matter be reduced to, and that all monies be refunded except for \$6,095.00, based on Mr. Sulkis' interpretation of the information in the file and the request of Director Kolwicz.

Mr. Liddy: Second.

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

F. OLD BUSINESS

6. **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.

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Kevin Curseaden, Esq., Stevens, Carroll and Carveth, 26 Cherry Street, Milford. Also present from VHB is the Senior Project Engineer, Paul Vitaliano and Nate Kirschner, also Project Engineer.

There were some open questions left from the previous hearing on this application. He presented a letter from the architect which states the composition of the material that is being proposed for the coating of the EFIS material, especially at the drive-thrus.

A board member had asked for something in writing from the DOT, which is being presented via an email from Mr. Vitaliano and a response from the DOT representative, specifically regarding the full access onto Route 1.

Paul Vitaliano, PE, VHB, Middletown, CT: Expounded upon the DOT traffic issue. He put the board's question in writing about any potential widening of Route or a right turn lane. They stated in response, as they stated from the initial meetings over a year ago, that they do not want the applicant to add a turn lane, nor the signals moved.

He noted that they had met with Mr. Sulkis since the last meeting and one thing that had not been clear, but he wants to clarify, is that they are proposing an easement fifteen feet off the existing curbing. That easement would allow the DOT to come in and expand the road in the future, if they deem it necessary. He showed on a display where the easement would be. The fifteen foot easement, coupled with the existing shoulder on Route 1 would be more than adequate to provide a third travel lane in the future, if DOT approves it. At that time there would be no additional agreements needed from the property owner, and no extra reason to come before the board or anything of that nature. In addition, the pylon sign that is proposed would be close to the easement and they moved it back ten feet and treated that easement as a property line. In the event that the DOT does come and take all that land, they could take two feet of it, or all fifteen feet.

The other item that was questioned, but not answered in the email from DOT, was with regard to the pedestrian crossing across Schoolhouse Road. Spoke to two people at DOT and they both gave conflicting interpretations of the work that would be required to do that. So, there is no definite answer to bring to the Board as to what would be required. This would require further research on DOT's part.

Mr. Liddy: Asked what the two conflicting issues on DOT's part?

Mr. Vitaliano: One person was at the district office and one was at the main Newington office. Newington had a more general response to the question, i.e.,

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sure, why not. The district office was more explicit as to how it would affect the existing signals; would have to look into that to make sure it does not mess the with the timing of all the other signals. VHB looked into the matter and they do not feel it would affect the signals. He believes further research by the DOT will determine what will happen.

Mme. Chair: Read the comments made by Sgt. Sharoh in his report of traffic issues on this application.

Mr. Bender: Questioned some data he read in the traffic report and asked Mr. Vitaliano if going back several years in time for statistics was typical for these reports.

Mr. Vitaliano: It is typical to find dates in that range in collecting data.

Mr. Liddy: Asked if the Board was obligated to follow DOT's recommendations.

Mr. Sulkis: Route One is a State road and the DOT can say what can and cannot be done. The Board has to look out for the health, safety and welfare of the community and must gather all the information they can and make a judgment and among other criteria, use the guidance of the zoning regulations and Plan of Conservation and Development.

Mr. Ferrante: Thought the easement in question was the access easement from one property to the other.

Mr. Sulkis: The access easement was addressed previously and has been accepted. The Board brought up a third lane for ease in turning but the DOT will not allow it, however, the applicant will provide an easement so that in the future, should the DOT approve such a change, the easement will be part of the application.

Ms. Rose: Said a constituent called her and did not have a problem with the application or an issue with the traffic. He did suggest extending the sidewalk on Schoolhouse Road.

Mr. Vitaliano: There is an existing sidewalk around the perimeter which will be replaced because it is not in good condition (showed on the display the sidewalk area).

Ms. Rose: The constituent suggested extending the sidewalk up past the CVS property. People who would walk from the hotel to the corner could use the sidewalk.

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Mr. Vitaliano: Summarized the trip generation of the traffic report. Weekday afternoon peak hour it is 105 new trips. Saturday midday peak hour it is 66 new trips. A trip constitutes entering and exiting, so it is not a direct split of 105 and 66.

Mr. Vetter: Clarified that the total volume of activity going in and out is greater than the number of new trips, as a new trip is someone who is left their house just to go to CVS. So, it is a greater number of people going to CVS.

Mme. Chair: Thanked the applicant for returning with the material the Board requested.

Mr. Vetter: Still very concerned about the infrastructure situation at Schoolhouse Road and its proximity to I-95 and Route One. Believes the total number of trips would be 1300 trips per day to CVS. Believes this will make a bad situation worse. Believes Schoolhouse Road needs to be widened. Once CVS is built it will be very difficult to widen the road.

Mr. Dickman: Noted the road widening would have to take place at the Wendy's side of Schoolhouse Road and that is not an option. This is a situation that is already bad, but does not think the project will make it worse. It is a bad artery but the application will not make it substantially worse.

Mr. Bender: Believes the curb cuts and the chaos that goes on at that location now is worse than what will take its place.

Ms. Rose: Asked if the applicant had ten feet to give on Schoolhouse Road.

Mr. Curseaden: There is 11-12 feet off the existing property line to the curb.

Mr. Sulkis: Suggested getting 15-feet for an easement for the entire length of the property.

Mr. Vitaliano: Fifteen feet off the existing curb will be provided on Route One. Will provide a fifteen foot off the existing curb on Schoolhouse Road.

Mr. Liddy: Asked that another traffic study be done based on hypothetical information concerning adding lanes on Route One and Schoolhouse Road.

Mr. Curseaden: Could not provide another traffic study based on expansions of roadways that may or may not ever come. Mentioned that the number of curb cuts were reduced; the site will be cleaned up environmentally. There are a lot of positives to this application and whatever goes there will have the same issues as it is the nature of the location. He also clarified the number of new trips during peak hours that Mr. Vetter had referred to.

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Mr. Bender: Clarified the F rating in the traffic study referred to Saturday during peak time.

The Board discussed Mr. Sulkis' Motion for Approval with Conditions, some of which would be contingent upon the DOT conceding to the Board's requirements.

Mr. Ferrante: Summarized: Will get an easement on Schoolhouse Road. Have an easement on Route 1. Will leave the future lanes to the jurisdiction of DOT and City of Milford. Does not think DOT will yield to the Board's demands for change on the public highways. Believes the Board mostly agrees that all the consultants, including the Milford Police, have said that the exit from CVS onto the highway should not be restricted to right turn only. Suggested Mr. Sulkis reform the motion for approval with conditions for the next meeting.

The Chair and Mr. Dickman agreed that the Board was coming closer to clarity on this matter and felt comfortable taking action on the application tonight.

Mr. Vetter: Thought it was a shame that the City could not work with the applicant at the time the property is being torn up, to improve the conditions of Schoolhouse Road, including extending the sidewalk. If the Board can be instrumental in accomplishing this, it would be very beneficial to this area.

Mr. Bender: Coming from I-95 going over the hill there is an overpass that is very tight, so there would be a lot more involved than widening Schoolhouse Road. Would not be a simple project.

Mme. Chair: Recap of the conditions:

- 1) Improved pedestrian signalization will stay.
- 4) Changes to the reduced front landscape area.
- 5) The access easement to provide interconnectivity.
- 6) Easement on Schoolhouse Road, fifteen feet from the curb line.

Mr. Bender: Moved to approve the petition of Vanasse Hangen Brustlin, Inc. (VHB, Inc.) for a Site Plan Review to construct a CVS Pharmacy on Map 33, Block 386A, Parcel 2, of which Dan Perkins Realty is the owner with the following conditions:

The Plan of Conservation and Development specifically calls for improvements to turn lanes and signalization along Bridgeport Avenue (page 95). These improvements are for the safety and welfare of the general public.

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The following shall be required:

1. Improved pedestrian signalization/access at the intersection of Bridgeport Avenue and Schoolhouse Road.
2. An access easement and map providing for interconnectivity with the neighboring property shall be filed in the City Clerk's office prior to the issuance of a zoning permit.
3. Easement to be 15 feet from the existing curb line to the entire property fronting Schoolhouse Road.

Mr. Dickman: Second.

Mme. Chair: Asked to amend to include item 4 concerning the landscape area.

Mr. Sulkis: That condition was included in the event the road was actually built, there would be changes to the landscape and front yards. The signage portion was already taken care of, but there will be changes that will have to be made and he would like to make them administratively, whenever those changes should occur.

Mr. Liddy: Amend the motion to include Number 4: Changes to the reduced front landscape area and adjustments to the landscaping and signage caused by the addition of a right turn lane shall be reviewed and approved by the City Planner, when a third lane is put in.

Mr. Dickman: Seconded the amendment.

Mr. Vetter: Asked to include both easements in the 4th condition.

Mr. Liddy: Amended his motion to include the area along Schoolhouse Road, along the entire length of the property.

Mr. Vetter: Seconded the amendment to the motion.

A vote was taken on the amendment to the motion:

Eight members voted in favor. Ms. Rose opposed the amendment to the motion. The amendment passed.

A vote was taken on the motion to approve the application with conditions:

Eight members voted in favor. Ms. Rose opposed the motion to approve. The motion passed.

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G. PLAN OF CONSERVATION AND DEVELOPMENT

Mme. Chair: Stated she was very gratified, as was the rest of the Board with the turnout for the initial meeting on the Plan of Conservation and Development.

Eighteen people spoke at the meeting. The key issues were: Agriculture in the City; Open Space, issues of infill development; as well as maintenance of the City's open space properties. Approximately four speakers concerned about the downtown area who spoke of development as well as the Harrison's property, specifically.

The City Planner and Assistant City Planner will help the Board find a way forward that will help meet the goals of Plan of Conservation and have a very open process where anyone who wants can participate in being a part of the Plan of Conservation and Development.

Mr. Sulkis: Presented and explained a hand out presented to the Board which outlined the process and time line for revising the Plan. He suggested the Board review this information and familiarize themselves with the material.

Mr. Bender: Had listened to the last meeting. Heard a number of people ask about things that are already in the Plan that have not been implemented. In Chapter 7 of the Plan, there are 56 items that were recommended for action. Would like to know how many have been implemented. What is the point of having a Plan or reworking it if so many items have not been implemented? Who could provide the information and determine what the 56 items are that have not been implemented.

Mr. Sulkis: Said he did that years ago for the Board and will have to look for that information. A vast majority of those items were implemented through an appropriate City body or through changes in the zoning regulations. The creation of the last Plan of Conservation and Development was so different from the previous plan, that it promulgated a total redo of the zoning regulations. That is why new zoning regulations were established in 2004. A lot of those goals, concerns and land use related issues were codified into today's regulations.

Mr. Bender: Stated he would like to see the information that Mr. Sulkis said he had prepared on the Plan items.

Mme. Chair: Next thing to discuss is how to post materials for the Plan. Asked Staff if this information should be posted.

Mr. Sulkis: Not necessary at this time. Not enough information compiled yet.

H. LIAISON REPORTS – None

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I. APPROVAL OF MINUTES – (10/5/10)

Regular Board Meeting

Mr. Vetter: Motion to approve.

Mr. Ferrante: Second.

All members voted to approve the minutes of the board meeting.

Special Public Hearing – Plan of Conservation and Development

Mr. Ferrante: Motion to approve.

Mr. Vetter: Second.

All members voted in favor of approving the minutes for the public hearing on the POCD.

J. CHAIR’S REPORT - None

K. STAFF REPORT

Zoning permits were issued for the construction of the DPLU offices in Parsons. Plans are in the Building Department. No actual start date of construction.

Mr. Vetter: Motion to adjourn.

Mr. Ferrante: Second.

The meeting adjourned at 10:46 p.m.

Phyllis Leggett, Board Clerk