

**MINUTES FOR FOUR (4) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
HELD TUESDAY, NOVEMBER 20, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Acting Chairman Kevin Liddy called to order the meeting of the Planning and Zoning Board at 7:48 p.m.

A. ROLL CALL

Members Present: Jeanne Cervin, Mark Lofthouse, Jack Jansen, Frank Goodrich, Pat Champney, Nanci Seltzer.

Not Present: John Ludtke, Chairman

Staff: David Sulkis, City Planner, Peter Crabtree, Assistant City Planner, Phyllis Leggett, Board Clerk.

Mr. Lofthouse: Made a motion to reorder the agenda put Items 2, 3, 4 before number 1, as most of the people in the audience were present to hear about Twin Oaks Terrace, 12 Riverdale Road and Yale Avenue.

Second: Nanci Seltzer

All members voted in favor. Motion carried unanimously.

B. PUBLIC HEARINGS

1. **PROPOSED ZONE MAP CORRECTION – TWIN OAKS TERRACE**
To change the residential properties on Twin Oaks Terrace from the CDD-3 Zone back to the RO Zone.

Mr. Lofthouse: The change makes a lot of sense. The neighbors have come in and asked to change this zone back. The City Planner agrees with this, as well. We should move forward on this.

Mr. Jansen: Wasn't this a Board originated change?

Mr. Sulkis: Originally there was an applicant who came to the Board and the Board decided this was a good idea.

Mr. Liddy: Asked if anyone present would like to speak on the proposed zoning map correction.

Greg Field, 183 Wolf Harbor Road. Owns a house at 26 Twin Oaks Terrace. In favor of the zone change back to RO.

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Stephen Grappo, 37 Sycamore Road. Abutting property owner to Twin Oaks Circle. In favor of the proposal.

Jim Peterson, 22 Anderson Avenue. Realtor with ERA PropertyWorld and the listing agent for 32 Twin Oaks. There had been a sales contract for that property's purchase that was scheduled to close this past July. Due to the current zoning scenario, it did not happen because of the lender's inability to have the building rebuilt should a fire take place, because of the current zoning. Working with the present owner, definitely in favor of bringing it back to the residential zoning.

Mr. Liddy: Anyone else to speak in favor? (No response) Anyone to speak in opposition? (No response)

Declared the Public Hearing closed.

Ms. Cervin: The Board is the applicant. Makes a lot of sense. Three people have stated they agree. Make a motion to approve.

Mr. Lofthouse: Second.

Ms. Seltzer: Why an RO and not R-10?

Mr. Jansen: It was originally an RO zone. Just going back to the way it was.

Ms. Seltzer: Believed it was the Board's intention to get rid of these pocket zones and convert them to R-10 to keep them uniform.

Mr. Sulkis: It is important to keep in mind the character of that particular street. There is a Saab dealer on one corner, a restaurant on the other corner and the large Knights of Columbus building in the front on the Boston Post Road. It is a commercial area that happens to have residential there. At least with the RO, they could have some of the limited benefits of a commercial character, as well as the ability to continue to use and improve their single-family homes.

Mr. Jansen: If the Board decided to change this back to residential instead of RO, we would have to have another public hearing, because it has been advertised. It can be denied or go as RO, and if the next board wants to make it residential, they can handle that.

Mr. Goodrich: Changing it back to what it was when these houses were built will enable the homeowners to maintain their homes the way they would like.

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Ms. Cervin: There are five properties involved. There were two property owners and one representative for a property owner, all who are in favor of RO, so that speaks for a majority of those homes. That is important.

All members voted in favor of changing the zone from CDD-3 to RO (Residential Office).

Mr. Lofthouse: Make a motion to amend the motion to make the date of change effective December 4, 2007.

Ms. Seltzer: Second.

All members voted in favor. The motion passed unanimously.

Mr. Sulkis: Stated the effective date of the zone change would be December 4, 2007.

Mr. Lofthouse: Made a motion to amend the effective date of this zone map correction to be December 4, 2007.

Ms. Seltzer: Second.

All members voted in favor. The motion carried unanimously.

2. **12 RIVERDALE ROAD (ZONE R-10)** Petition of Giuseppe and Maria Bertini for a Special Permit to construct an accessory apartment addition on Map 82, Block 708A, Parcel 12, of which Giuseppe and Maria Bertini are the owners.

Maria Bertini, 12 Riverdale Road. Wants to build an addition with a kitchen for use as an accessory apartment in her daughter's home.

Mr. Lofthouse: Stated to the applicant that every 3 years the accessory apartment special permit has to be renewed. If it no longer is being used as an accessory apartment, the kitchen facilities must be removed.

Mr. Crabtree: The paperwork is in order.

Mr. Goodrich: Apartment meets all setbacks. The apartment is in the rear of the home, not the front or the side. Do not see any problems with this application. This application appears in order. (To Mr. Crabtree) Anything missed?

Mr. Crabtree: No site waivers were required.

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Mr. Liddy: Asked if there was anyone to speak in favor of the application.

Joseph J. Prisco, 11 Riverdale Road, Milford. In favor of this application.

Steve Borer, 204 Anderson Avenue. In favor of the application.

Mr. Liddy: Anyone else to speak in favor? Anyone to speak in opposition to the application?

Declared the public hearing closed.

Ms. Cervin: Motion to approve.

Mr. Goodrich: Second.

Mr. Jansen: This application is one of the reasons why the Board is proposing to change the regulations. This absolutely fits and it is a waste of the applicant's time, as well as the Board and staff. The regulation change should go.

All members voted in favor. The motion carried unanimously.

3. **YALE AVENUE (LYNN ACRES) (ZONE 12.5)** Petition of George Adams, Esq. for Resubdivision approval on Map 39, Block 602, Parcel 10B and a Portion of Parcel 11, of which Russell W. Watrous (lot 10B) and Robert and Alice Renzoni (Lot 11) are the owners.

George Adams, III, Esq. Harlow, Adams & Friedman, P.C. 300 Bic Drive, Milford. Present on behalf of the applicant. Gave a history of the property in question. Mr. and Mrs. Watrous obtained title to No. 132 Yale Avenue in 1958. That was the free cut out of the initial Watrous parcel on Yale Avenue. In 1992 the remaining land was subdivided into parcels A and B, approved by the Planning and Zoning Board. A copy of the subdivision map AB1923 was distributed and date stamped into the record. Mr. Adams described the ownership of the parcels on the map and explained that the proposed road is constructed as it is because the applicant does not own the property directly across the street from Linden Drive. The Police Department made a suggestion to align the new road with Linden Drive. The road has to be laid out in such a manner as to conform to the prior approval of the subdivision made in 1992. Therefore, there cannot be four perpendicular corners for the road alignment.

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The subdivision is for eight conforming lots in the R12.5 zone. Payment in lieu of dedicated open space is proposed. This parcel is not of a size that would have a meaningful open space parcel. The developer is requesting a waiver of sidewalks. No sidewalks currently exist on Yale Avenue. The proposed subdivision will be a cul-de-sac. If the Board should require sidewalks, it is requested that only one side of the street have them. No wetlands involved. As many trees as possible will be saved. Many beautiful trees on the parcel. The street trees will be of two different varieties. Property will be serviced by public water and sewer.

There is a drainage problem on the site. This problem is being corrected by the developer and will improve the drainage of the neighbors as well. The methodology of dealing with the drainage by all parties will improve the situation greatly.

Mr. Watrous has always envisioned this three-acre parcel developed for single-family residences. The Renzoni's backyard is being added to the property, and they, too, are in favor of this project. The developer is well-known for the quality of his work in the City of Milford.

Derek Schull, PE, LSL, 367 Highland Street, West Haven, CT. Described the water flow drainage problem on the parcel in question, via the displayed plans. At this time the water creates a flooding condition. It flows out onto Yale Avenue and freezes in the winter months. An earth berm will be created to intercept the water coming down and will go into three catch basins into an underground storm water detention system that will flow underground into the Yale Avenue drainage system. The current flow entering Yale Avenue will be decreased.

Mr. Jansen: Is this drainage system going to require any maintenance, or all underground with catch basins?

Mr. Schull: All catch basins with nets over them to catch debris. There will be no collection of sand in the basins. There will be a 48" drainpipe. Will be accessible with manholes for inspection.

Mr. Jansen: Will this be a public street?

Mr. Schull: Yes. Approved by the City Engineer and Director of Public Works.

Mr. Liddy: Asked about the location and maintenance of the catch basins.

Mr. Schull: Described that the catch basins would go on lots 3 and 2. There is a natural berm existing on lot 1 at this time. There is a private easement and the individual homeowners will be responsible for them.

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Ms. Cervin to Staff: Did Mr. Adams cover all the city agency reports?

Mr. Sulkis: No. Did not state what the actual sight lines were and if they meet the State standards which is a minimum of 250 linear feet. No sight lines were stated and no plans were provided.

Mr. Adams: One of the sight lines does not meet the 250 feet State standard.

Mr. Sulkis: Actually seeking a waiver of Section 3.3.8.6 of the subdivision regulations, which require the 250 LF site line.

Mr. Adams: Yes.

Mr. Sulkis: Does the Storm Water design meet the latest City Storm Water Management Plan?

Mr. Adams: Drainage plans and report have been reviewed by Codespoti & Associates, when they were acting city engineers, as well as Bob Brinton, the new City Engineer.

Mr. Sulkis: Read the latest report from the City Engineer dated September, 2007. Read the City Engineer's report. Could a detention system be built on this site to handle the 11 CF of water?

Mr. Schull: At this particular site about two feet below the surface is all hard-pan. Because of its poor drainage, the water table is very high. To dig out a detention basin, water will be sitting in it two feet below the surface. It would require a massive area not to have standing water. Also, this could create standing water in the summertime with mosquito problems. There would be no way to have a controlled outlet at the difference of elevations to let the overflow go into the system. There is no easement downhill from this property. There are no streams for it to drain into as it is normally designed. Felt this is the best way to address the problem.

Mr. Sulkis: This is for an above ground detention area. Why couldn't such a system be constructed underground?

Mr. Schull: It would be massive. It would be very expensive. The City would not want to maintain it. Not feasible. Those types of structures are generally used for commercial purposes. It would not work for this type of site.

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Mr. Sulkis: At its last meeting the Board approved a subdivision that had an underground structure and it is by covenant and deed for the property owners to maintain it. Why couldn't this type of system be engineered with covenant and deed by the property owners?

Mr. Schull: Would be difficult to enforce. People do not want to deal with this type of issue.

Ms. Seltzer: It appears that by removing one of the building lots, a better drainage system for all the residents could be accomplished.

Mr. Schull: No. What is proposed creates a better condition than what exists today by 20-25%. No underground system could do better.

Ms. Seltzer: Why are we looking at a 25-year flood instead of a 100-year flood?

Mr. Sulkis: We have to go by the standards that are set in the City Management Plan. So the question is: Does the drainage system proposed conform to the City Storm Water Management Plan. Bob Brinton, the City Engineer, did not say it conforms to the City Management Plan.

To Mr. Schull: Does it conform to the currently existing City Storm Water Management Plan?

Mr. Schull: Yes it does.

Mr. Jansen to Staff: For zoning purposes, do our regulations require the subdivision to meet the City's storm water plan?

Mr. Sulkis: Yes, it is part of the Subdivision Regulations.

Ms. Cervin to Mr. Sulkis: Could the City Engineer give further information for the next meeting?

Mr. Sulkis: The public hearing should be kept open to receive additional information from the City Engineer.

Mr. Jansen: Could we ask the City Engineer for a statement as to whether the storm water runoff will be an improvement over the present situation? The developer is not required to solve the neighborhood's problems, but not make it worse than it was prior to development.

Mr. Sulkis: Currently there is a water issue at that site. This should be obtainable.

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Mr. Adams: As long as the public hearing is being kept open, the applicant can do further research to answer some of the questions that have been raised.

In summary, eight proposed conforming lots comply with the Plan of Development. It is the preferable way to develop this property as opposed to any alternatives that might be considered.

Ms. Cervin: Site was unusual because it did not have a landscape plan. It seems to be combined with the utility plan, which is unusual. Asked who would be maintaining the trees. If sidewalks were to be added, the landscape plan would change somewhat, but would not reduce the number of trees in the plan?

Mr. Adams: It is a public street and the trees would be the normal street trees in any subdivision and would be the responsibility of the City. There are a lot of trees on the site that are being preserved. The number of trees will remain the same but may have to be adjusted if sidewalks were waived.

Mr. Schull: There is an old maple tree hanging over the road. It blocks the vision of traffic going around the small bend. Would like to trim it to improve the whole situation around there.

Ms. Cervin: Asked if a Natural Resource Summary had been submitted.

Mr. Sulkis: Yes. Nothing particular to note.

Ms. Cervin: Any passive solar energy techniques being considered in this project?

Mr. Sulkis: This is a subdivision and no structures are being proposed at this time.

Ms. Cervin: Would the developer consider using solar energy when the homes are built?

Mr. Adams: Some positions of the homes will lend themselves to solar panels and that could be considered at that time.

Mr. Jansen: Why the objection to sidewalks?

Mr. Adams: The client feels the sidewalks would not lend itself to the rural character of the development.

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Mr. Jansen: This is not a rural area by any means, it is near a school and there are many sidewalks in the area and can be used in a cul-de-sac very effectively.

Mr. Goodrich to Staff: Stated that the 12.5 zone requires a 100- foot minimum on a lot, but lot 3 on the cul-de-sac measures about 87 feet. It is not 100 feet in the middle.

Mr. Adams: Mr. Sulkis and he had a substantial discussion on this. It is the mean depth, not the minimum depth according to the regulations. Described how the calculation was established, and thus meets the requirements.

Mr. Liddy to Mr. Sulkis: If the subdivision gets built as proposed, will the neighbors to the south still be flooded, or have any water at all coming over the berm?

Mr. Sulkis: There is currently a flooding problem there. What is being proposed will help alleviate the flooding issue. Mr. Brinton's further comments should shed some more light on this. Minimizing a problem is better than not doing anything.

Mr. Jansen: They are not obligated to solve the neighborhood's problems, just not to make the problems worse.

Mr. Liddy: Asked if the public would like to view the plans on display.

Five minute recess was taken at 8:51 p.m.

The meeting reconvened at 8:56 p.m.

Mr. Liddy: Public Comment on the application. Anyone to speak in favor of the application?

Craig Kydes, 1041 New Haven Avenue. Would be nice to see some more development in this part of the town. All the development seems to be taking place in the north part of town.

Ann and Tom Williams, 4 Beacher Road. In favor of the project as it appears on the plans. Pat Devine built their house and did a wonderful job. Neighbors were very happy with how he worked during the construction and that their properties were not adversely affected during this time. He finished the project within the budget and the time frame he was given.

Alice Renzoni, 140 Yale Avenue. In favor of the proposal. Lifelong resident of Milford.

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Mr. Liddy to Ms. Renzoni: How close are you to the development?

Mr. Adams: Mrs. Renzoni's backyard is included in the development.

Russell Watrous, owner of the property known as Lot A on Yale Avenue.

Told the history of the property that has been in his family for many years, originally a cow pasture. No heirs for the property. Did not want condos or apartments built. Saw nice looking single-family homes being built on Gulf Street, which were built by Mr. Devine. Thought that type of development would be good for the property and approved of the quality of building that was being done.

Mr. Liddy: Anyone to speak in opposition? (No response)

The Public Hearing will be kept open.

Mr. Jansen to the Applicant: If this matter is not concluded by the next meeting, it will have to be represented by the new board in the New Year. Try to get the necessary information to the board by the next meeting.

C. NEW BUSINESS

5. **70 RIVERSIDE DRIVE (ZONE 12.5)** Petition of Rene LeDuc for approval of a Coastal Area Management Site Plan Review for substantial improvement to a single family dwelling on Map 18, Block 363, Parcel 11, of which Rene LeDuc is the owner.

Rene LeDuc, 167 Cherry Street. Owner of the property located at 70 Riverside Drive.

Ms. Cervin: We are seeing this now for a CAM report. Are there any issues that the Board needs to be concerned with?

Mr. Crabtree: Explained the need for this issue to come before the Board again. Due to a flood hazard situation being discovered, it was reviewed and determined that they needed to fill in the cellar to elevation 10. They also had some minor decks to be added and to change the roofline from a shed roof to a minor peak roof. However, it was still going to be one-story building. Other changes that needed to be made so it morphed into a substantial improvement and needed a CAM report, even though a permit had been given out for some earlier work. It will remain a one-family, one story building and the dimensions of the building will remain as they are.

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Ms. Seltzer: Need to look at this more closely. Appears to be off site coastal resource problems.

Ms. Cervin: However, the overall review says it does not adversely impact the coastal land and water resources.

Mr. Lofthouse to Mr. Crabtree: Does this meet the CAM?

Mr. Crabtree: Explained how the CAM review is determined. There is very little going on. The applicant is only required to address the resources that fall within the scope of the project as determined by the map. This is an existing house. The addition was 12' x 20' and a deck was being added. Very little going on outside. Mostly internal.

Mr. Lofthouse: Recommendation?

Mr. Crabtree: Do not think they are doing anything damaging to the environment.

Ms. Cervin: This building is being built on footprint. Believe as stated on page 3A of the report that there is no issue here. Elevation is not an issue either. Motion to approve.

Mr. Lofthouse: Second.

Mr. Goodrich to Staff: Was told there is a deed restriction on the building not getting any taller. Can that be explained?

Mr. Crabtree: Not aware of any deed restriction on the property.

Mr. Sulkis: If there is a private deed restriction, the Board has no jurisdiction over this.

All members voted in favor. The motion passed unanimously.

1. **PROPOSED TEXT AMENDMENTS**

SECTION 5.16 ARCHITECTURAL STANDARDS – Proposed regulation text change to add a new section to promote a higher quality and visually appealing streetscape and building form.

Ms. Cervin to Mr. Sulkis: This is an exciting possibility to add to the regulations. Is this legally binding in any way? What basis do we have to support this?

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Mr. Sulkis: Leeway with Special Exceptions and Special Permits. The Board has been very good in getting the developers to do what the Board is suggesting. By having this in the regulations the developer sees beforehand what will be expected of him in this area. It will provide guidelines.

Ms. Cervin: Enforcing this?

Mr. Sulkis: It will be easier to enforce in a court because it is in the regulations.

Ms. Cervin: Can this be applied to the air conditioning units?

Mr. Sulkis: This would be on the proposed regulation change for zoning permits on the agenda tonight.

Mr. Sulkis: Would like to have this apply to utility meters that are placed randomly and can be unsightly.

Mr. Jansen: In apartment houses or multi-tenant facilities the utility panels can be unsightly.

Mr. Sulkis: This does not affect any residential zone. It is strictly for commercial zones. In some of the CDD zones where you can have an apartment building, it would apply.

Ms. Seltzer: Has this been brought before the City Attorney?

Mr. Sulkis: It has been reviewed by everyone who is supposed to review it. Their concern was that it was subjective, as Ms. Cervin has pointed out.

Mr. Jansen: The more specific the regulation is, the easier it is to enforce.

Mr. Goodrich to Staff: The word "reveals". What is it?

Mr. Sulkis: It is an architectural term.

Mr. Goodrich: Certain districts, such as, Housatonic Design District, residential, residential-office, and other districts are not included. Is this deliberate?

Mr. Sulkis: Yes. These standards are aimed at commercial zones, not residential or industrial.

Ms. Seltzer: What about residences allowed in a commercial zone, i.e., CDD-2?

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Mr. Sulkis: Yes, this regulation would apply.

Mr. Lofthouse: Would like to add to require current elevations to be submitted with all applications.

Mr. Sulkis: That is being done, but it can be done.

Mr. Lofthouse: Could we add, "to require color elevations to be submitted with all applications"?

Mr. Sulkis: That has become the norm with new applications, but it can be added to the text of the regulation.

Mr. Lofthouse: Instead of stating "avoid" vinyls, could we state "prohibit" vinyls?

Mr. Sulkis: There are applications where vinyl makes sense and would be appropriate. This would be treading on the skills of an architect.

Mr. Lofthouse: Have previously discussed enclosed dumpsters. Could those requirements be inserted in this regulation?

Mr. Sulkis: All applications that are coming before the board have been shown to have enclosed dumpsters, but it can be stated as such in the regulation change.

Ms. Seltzer: This has been a long time in the works. Very happy it is being done.

Mr. Liddy: Anyone to speak in favor of the proposed text regulation change?

Lily Flannigan, 44 Prospect Street. How does one get a copy of the text of the change in the regulation?

Mr. Sulkis: It is at our office and it is at the City Clerk's office.

Mr. Liddy: Anyone to speak in opposition to the proposed regulation change?

Ray Oliver, Architect, 3 Lafayette Street. Recognize the Board's intention. Sympathetic to the goal that of what the Board is trying to achieve. Do not think this regulation change will do it. To try to legislate good design through legislating materials and other details, does not really address the process properly. Design is a creative process. Many ways to make beautiful buildings and ugly buildings. Having one material over another material will not ensure

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you will get the product you are looking for. This regulation has holes in it. Named instances where inappropriate structures could be allowed that would not be correct for the area. Discussed why prohibiting materials does not necessarily create a beautiful structure and vice versa.

Also, the Board is attempting to create a certain façade that is only seen from the front. Believes the regulation should be reworked. This is being stuck in as a way to legislate design. Perhaps an architectural review board, committee or subcommittee would be appropriate. Also stated that in cases of utilities, etc. building codes and utility company rules should be taken into consideration.

Asked that it be tabled and be worked on in the future. Colleagues and other builders were not aware this regulation change was coming up. Should have input from other professionals and people who put up the buildings in this town. Stated the Board's intention of raising the bar for design was good. Asked that this item be tabled and reworked over the next few weeks or month.

Mr. Lofthouse: Advocating an architectural review board as a better process?

Mr. Oliver: Have worked with other towns where there is an architectural review committee, i.e., the Tree Commission, as an advisory committee to the Planning and Zoning Board. He stated other towns use this process.

Mr. Lofthouse: Has been advocating this. Not up to this board to do. That is why this approach will set the guidelines.

Mr. Oliver: Another issue is that this regulation addresses the downtown village part of the city. Milford has changed. It is not a little seaside village anymore. Look at the shopping centers that are cropping up all over the city.

Ms. Seltzer: This is a good starting point. It has taken a long time to come about. Adding another layer is an aldermanic decision. Some projects have been built that the Board had little or no control over.

Mr. Oliver: Stated if there were any projects that could be considered failures, and if the regulation were applied, the Board would see that there would be little or no difference.

Mr. Jansen: Asked if the Board were to create a subcommittee, would he be willing to serve on it.

Mr. Oliver: Yes, as would other professionals in the City.

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Ms. Cervin: Thanked Mr. Oliver for his input. Sorry other professionals did not know of this. The draft regulation also states “unless otherwise determined by the Planning and Zoning Board”. There are also Special Exceptions. It is not as if anyone coming before the Board in a commercial zone where it would seem not to be appropriate, would not be able to do what they are looking for.

Mr. Sulkis: Mr. Oliver has raised some valid points. The regulation does state that it is for all four sides of the building. This is a good starting point. Under a Special Permit and Special Exception a good building will be built. This is a guideline.

Mr. Jansen: The last sentence gives the Board and developers the flexibility they need.

Mr. Liddy: Anyone else to speak in opposition? No response.

Mr. Sulkis: There is no deadline to this. Can be kept open, tabled, etc.

Mr. Jansen: This was available to be seen by the other professionals, but only Mr. Oliver is present. Can close the public hearing and discuss it later.

Ms. Seltzer: Asked if the Board would see a revised version of the regulation which would add the requirement for color elevations and enclosed dumpsters. could be added to this regulation.

Mr. Sulkis: Yes, but those changes are significant enough where it would require another public hearing.

The Public Hearing was closed.

2. **SECTION 3.1.1.7 ACCESSORY APARTMENTS** – Proposed regulation text change to replace section 3.1.2.1.

Mr. Liddy to Mr. Sulkis: Asked for a synopsis of the proposal.

Mr. Sulkis: This has been discussed and tweaked by the Board many times in the past. Basic requirements were the 800 SF. If an application meets the standards and requirements, it is a walk-in permit and can be issued administratively instead of coming before the Board. It saves the Board time and the applicant time.

Ms. Cervin: Is #8 and #12 duplicating information about removing the kitchen?

Mr. Sulkis: Appears to be redundant.

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Ms. Cervin: In the old regulations there was a minimum of 425 SF. It does not appear to be included here.

Mr. Sulkis: If they want to make it less than 800 SF, what do we care?

Mr. Lofthouse: On number 15, where the size of the address numbers are stated, would the applicant get the idea they can put one-half "1/2" on the apartment. Should note there can be no more than one address number affixed to the building.

Mr. Sulkis: They are only for single-family homes and can only have one address. The Planning & Zoning office issues the addresses and would monitor this.

Mr. Lofthouse: It should be spelled out. Only one official numeric address at least 5" in height must be affixed to the dwelling.

Mr. Sulkis: The whole idea of an accessory apartment is that it must be part and parcel of the main house and not a two-family house.

Discussion between Messrs. Sulkis and Lofthouse concerning the posting of the address on an accessory apartment.

Mr. Lofthouse: Suggested the wording be changed to, "Only one numeric address of at least 5" in height may be affixed to the dwelling".

Mr. Jansen: Suggested, "A separate address for the accessory apartment is not allowed".

Mr. Sulkis: Sounds good.

Mr. Lofthouse: Agree.

Ms. Seltzer: Had been discussed in the past that handicapped ramps would not go before the ZBA and that this type of permit would become an administrative function of the Planning and Zoning office.

Mr. Sulkis: The waiver for ramps and access ways is done on a case-by-case basis in the office. We always try to accommodate these cases for residents to access their homes.

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Mr. Jansen: We spoke about having language that non-compliant pre-built additions could not be made into accessory apartments if they want to go beyond the 800 SF maximum.

Mr. Sulkis: If an applicant cannot meet the absolute requirements they would have to come before the Board for a Special Exception.

Can make it #18. Square footage cannot exceed 800 SF.

Mr. Goodrich: Second paragraph. Have had cases where part of the existing building was too close to the property line, but the accessory apartment was on the other side and was compliant. That would make them have to come before the Board.

On #14, in order to enforce this regulation, is the Planning and Zoning office going to coordinate with the tax assessor's office to find undocumented accessory apartments?

Mr. Sulkis: They notify our office if they suspect that when they do their inspections, as does the Building Department, so it is coordinated. Another source of enforcement is real estate agents and attorneys because when a property is being sold and they are doing their due diligence, they may discover a discrepancy as to what is on the property and what the office shows.

Mr. Liddy: Anyone to speak in favor of the proposed accessory apartment proposal?

Stephen Studer, Esq., Berchem Moses & Devlin, 75 Broad Street. Have not read the regulations. Sounds like a good concept. One comment: It is never a bad idea to give a neighborhood some idea of what is going on, i.e., handle it like a 6.4.2, where if it meets the criteria, a placard is placed on the property notifying the public of the intention of the permit. If no one objects or files an appeal with a valid reason within a certain time period, then you move forward. In general, the change is a good one.

Mr. Liddy: Anyone else to speak in favor? Anyone to speak in opposition to this proposed regulation change.

Mr. Liddy to Mr. Sulkis: Any comments on Mr. Studer's comments?

Mr. Sulkis: In the past four years, there have been no objections to a Board approved accessory apartment.

Mr. Goodrich: Chatham Avenue was one.

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Mr. Jansen: They were not in compliance, so it would not have passed.

Mr. Crabtree: Explained what happens when construction begins on an accessory apartment and how the neighbors react. The applicant can place an ad notifying the public of the permit, thus starting the 15-day appeal period. State law recognizes this. This is a good mechanism for a controversial situation and it eliminates the placard system.

Mr. Sulkis: Not every accessory apartment requires construction. An accessory apartment can be within the existing dwelling. The office issues a permit for an addition. The only difference between the addition and the accessory apartment is the kitchen.

Mr. Goodrich: Another option would be to notify the neighbors within a certain distance, as variances are done with the ZBA.

Mr. Liddy: Declared the Public Hearing closed.

There will be no action on this tonight. For the next meeting Staff can prepare a motion with the noted changes.

Mr. Goodrich: Reviewed the changes to the proposed regulation change: #18, no apartment over 800 SF; 425 SF minimum; #12 is redundant.

Ms. Cervin: Don't know why the 425 SF is even in there. There does not appear to be a good reason.

Mr. Liddy: #15 will remain the same, but added will be "a separate address is not allowed for any accessory apartment".

2. **SECTION 8.3.5 APPLICATION FOR ZONING PERMIT** – Proposed regulation text change addition to section 8.3.5.

Mr. Liddy to Mr. Crabtree: What is the purpose for this change?

Mr. Crabtree: There had been a discussion some time ago about meters. When we look at a plan it has to be analyzed. If the applicant does not tell the staff he has an air conditioner or a rear deck with a set of stairs coming off it, so we do not know and therefore cannot tell the applicant he has a problem. This is a heads up primarily for homeowners as to some of the details they have to disclose.

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Ms. Seltzer: Wish this had come through a couple of years ago. The air conditioning situation was a problem with the Walnut Beach project. Even though it is after the fact, happy it is being addressed now.

Mr. Jansen: Is this primarily for a single family or residential areas?

Mr. Crabtree: These are mainly things that get left off by homeowners. In larger projects, or multi-family plans there is generally an architect involved. An architect will not leave off a bay window because it will show up on the floor plan. Many homeowners do not have any ideas that a bay window projects and it is necessary to show it on the plot plan. This will be supplementary information.

Mr. Liddy: Should outside stairs be included on it?

Mr. Crabtree: We could put decks and stairways on it. It will not have to be resubmitted to the Regional Planning Authority.

Mr. Liddy: To the audience: Anyone in favor of the application? (No response) Anyone in opposition? (No response).

Declared the Public Hearing closed.

Ms. Cervin: Made a motion to approve this regulation text change for zoning permits.

Mr. Goodrich: Second.

Ms. Seltzer: Made a motion to add to the motion to approve where it states "bay windows", "decks and external stairways" should be added.

Mr. Lofthouse: Second.

All members voted in favor of the motion.

All members voted in favor of approving the amendment to the motion to approve the text regulation change.

Mr. Jansen: All these proposed changes were brought before the Regional Planning Council. No impact on adjacent communities or on the LI Sound.

All members voted in favor of approving the regulation to amend the Zoning Permit. The motion carried unanimously.

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Mr. Lofthouse: Motion to amend the motion that the effective date of the regulation change be December 4th, 2007.

Ms. Seltzer: Second.

All members voted in favor. Motion passed unanimously.

C. NEW BUSINESS

6. **155 HILL STREET (COLONIAL TOYOTA) (ZONE CDD-1)** Petition of Colonial Toyota for a Minor Amendment to a Site Plan Review for a temporary parking area on Map 42, Block 329, Parcel 3, of which Clarke Avenue Properties is the owner.

Raymond Macaluso, President, Westcott & Mapes, 142 Temple Street, New Haven. Here on behalf of his client Wittek Development Clark Avenue Properties, LLC. Property located at Hill and Clark Streets. Requesting a minor amendment to a site plan review for a temporary vehicle parking area. Mr. Wittek is attempting to help Colonial Toyota during their time of reconstruction of their building. This would be for a one-year temporary lease. At Mr. Sulkis' request based on the total size of the building, establish the amount of parking spaces that would be needed for this size building. 99,000 SF is presently leased by Robert Shaw at 155 Hill Street. They are in the process of cleaning up the contamination that has been there for many years. They have one more year to clean up the property, after which time the 99,000 SF of lease space will become available. At that time Colonial Toyota's temporary lease will expire and Mr. Wittek will be able to lease out the 99,000 SF once more.

Also present: Attorney Stephen Studer representing Colonial Toyota and Barry Horton of Colonial Toyota.

Mr. Liddy to Mr. Sulkis: Have there been any problems with Colonial Toyota parking their cars on the grass?

Mr. Sulkis: No.

Ms. Cervin: Are there any other issues the Board should be aware of?

Mr. Sulkis: This is pretty straightforward. Only temporary.

Mr. Lofthouse: Motion to approve for one year after the 15-day appeal period expires.

Ms. Seltzer: Second.

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All members voted in favor. Motion passed unanimously.

D. OLD BUSINESS

7. **85-95 BUCKINGHAM AVENUE (ZONE MCDD)** Petition of 31 Developers LLC for a Special Permit, Coastal Area Management Site Plan Review and Site Plan Review in order to construct two three-unit apartment buildings on Map 55, Block 591, Parcel 2, of which 31 Developers LLC is the owner.

Mr. Lofthouse: Motion to approve as submitted by Staff.

Ms. Cervin: Second.

All members voted in favor. The motion carried unanimously.

8. **436, 446, 450 NAUGATUCK AVENUE (BEARDS PARK) (ZONE CDD-2)** Petition of Kevin J. Curseaden, Esq. for approval of a 5-lot subdivision on Map 19, Block 12, Parcels 5, 6 and 7, of which LAG Realty, LLC is the owner.

Mr. Lofthouse: Motion to approve as submitted by Staff.

Ms. Cervin: Second.

Mr. Goodrich: These lots are not at right angles per subdivision regulations.

Mr. Sulkis: Read section 3.2.7 of the Subdivision Regulations regarding side lot lines. The applicant has proposed something different. The Board can approve or disapprove this lot layout. They are adding one extra lot in this layout. Beard's Park is a previously approved subdivision of four lots.

Mr. Goodrich: The zoning map dated 1992 shows three lots.

Mr. Sulkis: Explained that the big lot that is shown on the map never needed to be merged. The lot requirements are so small that the stand alone side portion of that big lot does stand alone under the Beard's Park Subdivision. Technically, if they knock everything down they have the four lots that are there. The zoning map is not the same as the tax map and is not the same as the subdivision map. That was a confusing issue. Technically they currently have four lots. The application before the Board adds the fifth lot.

Mr. Jansen: If we left it at four lots there would be no open space money?

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Mr. Sulkis: That is correct. If they wanted they could ask for some lot line adjustments. They could never add any lots at that point and we would not get any open space money.

Mr. Liddy: How much money is involved?

Mr. Sulkis: Once the subdivision is approved, an appraisal will be done. Do not know what the average lot on Naugatuck Avenue is getting these days, however, it will be 10% of the market rate.

Mr. Goodrich: We should not base our decisions on whether we get open space or not.

Mr. Jansen: Aside from one lot that has lines that are not all parallel to the back, they meet the regulations for frontage.

Six members voted in favor of the motion. Two members voted against the motion. (Liddy and Goodrich) The motion passed.

E. TABLED BUSINESS

9. **214 BROADWAY (ZONE R-5)** Petition of Mark Pucci for a Coastal Area Management Site Plan Review and Site Plan Review to construct a single family residence on Map 13, Block 132, Parcel 5, of which Mark Pucci is the owner.

The item remains tabled.

Mr. Liddy: Have a request for an item to be added to the agenda.

Ms. Cervin: Motion to add the item of new business to the agenda.

Ms. Seltzer: Second.

Rich Farricielli, 198 East Rutland Road. Proposal for a temporary permit, for one month of seasonal use, to sell Christmas trees, grave pieces, evergreen items, bundled firewood and other related items. Location is the old Gloria's farm market site located at 258 Boston Post Road.

Mr. Sulkis: This is the same building and parking area that the Board gave approval for the sale of fireworks this past summer.

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Mr. Lofthouse: Knows the property well. Approval with the condition that it is cleaned up by 4:00 p.m. on December 26, 2007.

Mr. Farricielli: Agreed.

All members voted in favor. The motion carried unanimously.

F. LIAISON REPORTS

Ms. Cervin: Milford's Legacy Aboretum. Working on the plan with Edgar Vaughn. Will be completed soon. Has the plan for anyone to review.

G. PLANNING COMMITTEE

Ms. Seltzer: Not getting any replies. This may be due to the change in board members.

H. APPROVAL OF MINUTES - 11/7/07

Mr. Lofthouse: Motion to approve.

Mr. Jansen: Second.

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

I. CHAIRMAN'S REPORTS

Ms. Seltzer: Read a thank you from Linda Stock for the edible arrangement the Board was kind enough to send her during her convalescence.

Stated she got a call from Chris Saley who is present tonight. A neighbor diagonally behind him has some concerns about the placement of the dumpster on the approved site plan of his restaurant at 49 Bridgeport Avenue. He would like to keep the neighbor happy, but still use the dumpster. Would like to talk about what could be done on his behalf.

Mr. Sulkis: This is improper. Have been working with Mr. Saley. If there are issues to be worked out they will be worked out on the staff level. Aware that it is being proposed to put the dumpster on someone else's property across the street. Will work with Mr. Saley to come up with something. That is the proper procedure and channels to go through. Bypassing staff and coming before the board is highly improper.

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Mr. Lofthouse to Mr. Sulkis: Is the dumpster listed on the plans? Is it placed where it was supposed to be? If it is a site plan issue, shouldn't it come back before the Board?

Mr. Sulkis: Yes, it should. But it will have to go through the proper channels to do that. It has to be evaluated.

Mr. Lofthouse: Sounds like Mr. Saley wants to appease his neighbor even if it means moving the dumpster and getting an amendment to a site plan review. There is a new board coming in. Can we see something on this by the next meeting?

Mr. Sulkis: Yes. It is within the realm of possibility. Know Mr. Saley is anxious. Will continue to work with him and help him on this, but it has to be done properly.

Mr. Lofthouse: Know he is anxious and wants to get this resolved. He is also aware there is a whole new board coming up and how long will this take?

Mr. Sulkis: A resolution may not have to come before the Board. If it has to go before the Board, hopefully it will be before the next meeting on December 4th.

Ms. Seltzer: Appreciate that this was brought out and there was discussion. Now we know there will be action on this so he can open his restaurant.

Chairman's Report:

Ms. Cervin: Mark Lofthouse made this suggestion. All aware of the changes that are in front of the Board. Would like to have some consistency in the transition period. The Board has been talking about regulation changes for some time. Would appreciate if the Board members would put together some of the items that have been discussed in the past and get them to David or herself. That way there is something to carry through as to what the Board has been working on, i.e, drive-thrus, outdoor music, etc.

Mr. Goodrich: Write them down for the three existing board members.

Mr. Lofthouse: Agree. Put down notes for the City to work on, putting politics aside. It is for the betterment of the City and for the next Board to be as successful as it can be.

Ms. Cervin: Would like this to be done by next meeting.

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J. STAFF REPORT

Mr. Sulkis: Met with several of the new board members as an orientation to the Board. Look forward to meeting the rest of the board.

Mr. Lofthouse: The new Board should collect the funds that are due them via open space. They should see and get the ledger sheet. They should understand their obligation to get cash or land when appropriate. Previously, collecting funds and lands was not worked at aggressively. Still have the open question about the Cadley property. Stated what he believed the situation was regarding the City's purchase and use of the Open Space fund for the Cadley property.

Mr. Sulkis: Brought up the Board's concern to the Mayor about the parcels that are the open space. The Mayor feels the City got its open space parcels. The subdivision that is going there now is the same as it was previously.

Mr. Lofthouse: Stated that it was appropriate that the open space funds that were withdrawn be returned to the Open Space Fund.

Mr. Jansen: Motion to adjourn.

Mr. Lofthouse: Second.

Meeting adjourned at 10:58 p.m.

Phyllis Leggett, Board Clerk.