

**MINUTES FOR THE SPECIAL MEETING OF THE
THE PLANNING AND ZONING BOARD ON WEDNESDAY, DECEMBER 11, 2013
TO HEAR (3) THREE PUBLIC HEARINGS (ONE NEW AND TWO LEFT OPEN)
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Mark Bender called to order the December 11, 2013 Special Meeting of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

MEMBERS PRESENT: Ward Willis, Jeanne Cervin, Benjamin Gettinger, John Grant, Edward Mead, (Vice Chairman); Joseph DellaMonica, Tom Nichol, Mark Bender (Chairman)

NOT PRESENT: Daniel Rindos

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

C. PUBLIC HEARING LEFT OPEN – Close by 12/24/13; expires on 2/28/2014

1. **86 POND POINT AVENUE (ZONE R-12.5)** – Petition of Tom Collucci for Special Permit and Site Plan Review approval to construct 22 residential units under CGS 8-30g Affordable Housing Act on Map 57, Block 712, Parcels 104a, 105a and 106a, of which Colberg, LLC is the owner.

Chairman Bender: The public Hearing was left open to address information that had been received at the last meeting. These items included: The DEEP letter regarding the Natural Diversity Database; the traffic addendum; the hydrology report, and two items about the correctness of the Affordability Plan. The question of the necessity for a zone change was addressed in a letter from the City Attorney, in which he stated that a zone change is not required. This letter is available for review in the 86 Pond Point file. The one item that the Board does not have tonight is the review of the Affordability Plan. Tom Ivers is on vacation and the State was asked to look at it. They will not have a response until the close of business on December 16th. We may have to leave the hearing open just for receipt of that review. Asked if the Board members had any questions regarding the information that was handed to them at the last meeting.

Mr. DellaMonica: Questions on the traffic studies. The numbers that were provided did not fully reflect the area that will be impacted. The Milford Police Department had traffic accident studies that were different from the applicant's traffic study. Was there any other study completed for that area?

Jeffrey Gordon: Mr. Spears is not able to be present tonight. Mr. Gordon summarized the letter submitted by Mr. Spears on December 3rd explaining how the trip data was calculated. The average daily trips in front of the development site are 10,882 vehicle trip average per day. This proposal will add 182 average daily trips, which is an increase of 1.67% increase that will be generated by this development.

It was determined that the letter Mr. Gordon was referring to was the December 3rd letter submitted at that meeting to the Board.

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Attorney Bercury: Clarified what Mr. Spear outlined in his letter of December 3rd, with regard to what space on the roadway that he analyzes. This comes from CT DOT based on the number of trips that would be generated. He analyzed the two roads that surround the development; essentially the accidents that would take place in front of the site and the trip generation from the site.

Chairman Bender: His data was from Pauline Street to Dawes Street.

Attorney Bercury: Those were the two closest intersections.

Ms. Cervin: Referred to the deep test holes data in the hydrology report that had been submitted by the applicant. Test was done in September 2012.

Mr. Gordon: Explained the testing was for the permeability of the soils on September 20th and 21st in 2012.

Ms. Cervin: Asked if there was an attempt to determine what the flow of the water was or how it was distributed or to check at the seasonal high water table at that time?

Mr. Gordon: The water table and surface flow was determined through these test holes. Other evaluations of testings were determined as well and he reviewed these.

Mr. Dellamonica: Asked for an explanation of the hydrology report in laymen's terms.

Mr. Gordon: Reviewed the drainage report and hydrology report included therein.

Mr. Nichol: Asked about maintenance of the retention pond.

Mr. Gordon: There is a bio retention maintenance schedule and there is also a maintenance schedule within the body of the report. It will be done seasonally after major storm events. The Commission can require reports to be submitted.

Mr. Nichol: Asked if it was a monthly inspection and who would do the inspection.

Mr. Gordon: It can be by an engineer, technician, contractor, staff, but usually it is done every spring and after storm events.

Ms. Cervin: Asked if the condominium association would be in charge of this.

Mr. Gordon: After half the units are sold.

Ms. Cervin: Asked how condominium fees fit into the prices for the units.

Mr. Gordon: Described the fee structure for the unit fees under 8-30g.

Mr. Mead: Asked if the retention pond would have standing water in it all the time.

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Mr. Gordon: Building can take place in a high water table if there is a lower place to take the water. There is an outlet structure which will tie into the road drainage system, which is lower. So, even if the water table should ease up to the bottom, it will hit that outlet structure orifice, it will run out.

Mr. DellaMonica: Asked if the massive impervious area that will be constructed, as well as the clear cutting of the wooded area, had been addressed in the hydrology report.

Mr. Gordon: That is the whole premise of the design and the report. The pre-construction conditions and how the water runs off the property must be determined. Then all the factors to be added in, such as biofiltration, retention pond, sidewalks, adding pavement determine the water runoff to make sure it is equal to or less than the pre-construction. The older neighborhoods do not have any ponds or facilities for the runoff and that is why there is water in those areas. He reviewed all the procedures put in place to make this determination.

Mr. DellaMonica: The residents want to know what will happen years down the road if there is a breakdown of these mechanical devices and the contractor is out of the picture. Who will be responsible to fix the problem.

Mr. Gordon: In any private development, it is the responsibility of the private owner to repair the problem. If neighbors are affected by a problem incurred on the development property, the City can come in to repair it and charge the owner.

Chairman Bender: Opened the hearing to the public. He reiterated the procedures for the public to speak. The public can only speak specifically to the items that were mentioned.

Attorney John-Henry M. Steele, Esq., Counsel for Suzanne Dibiase, an abutting property owner to the project. He handed the Commission a memo in response to information that was received at the last meeting. A copy had been given to the applicant's council.

Kenneth Brannin, 233 Shadyside Lane. Stated the City will not come in and take care of problems on private property. He has had that type of problem and the City would not help because it is private property.

Patricia Brannin, 233 Shadyside Lane. Had many problems with the developer that built next to their property. Thought the house that was being built was to be level, but it was raised and the water that accumulated ran down to their property and flooded their garage.

John Healey, 146 Pond Point Avenue. Thanked the Board for the work they were doing and the astute questions the Board members were asking. Suggested the Board consult with experts on the surveys that were done. They seem to be self serving, especially the traffic study and the water issue. The plan does not consider its effect on the rest of the community.

Paul Kane, 142 Snow Apple Lane. Licensed insurance adjuster who had submitted traffic accident materials to the Board at the previous hearings. He continued to dispute the traffic study and the data contained therein.

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Gregory Virostko, 102 Marino Drive. Spoke to proposed condo fees of approximately \$60, which is lower than any condo fee in the state. How can they maintain these properties based on such low fees. He claimed the average condo fee in the State of Connecticut is \$105 to \$403 a month, averaging \$254 per month on the average condo fee.

Dave Cioffi, 105 Stannard Avenue, Branford. The neighbors cannot fight the professional engineers who produce these studies. He described the process where the existing woods are able to take a large amount of rain and ground water and evapotranspire it back into the atmosphere. The water problem is dissipated into the sky. Engineers do not include biotic influences on water flow in their studies. The large trees and their deep roots are the only way to get the underground plume flow that may be moving through the site out of the system. He is a soil scientist. Their system does not get rid of the water, it gets transferred down to somewhere else.

Vincent Navikas, 107 Pond Point Avenue. Drainage. Can the city sewer system handle the additional water flow? Will be dumping water into Long Island Sound.

Sue Bedworth, 72 Lindy Street. Where will the water go if there is another super storm? The woods will be taken down. Where will they go to for the damage that is done?

Bob Lucas, 99 Pond Point Avenue. Drainage problem. Previously owned the Brannin property. Never saw the City come out to check the retention pond which is always full. The retention pond is a serious thing to be looked at.

Rebuttal by Applicant:

Attorney Bercury, Harlow Adams and Friedman, One New Haven Avenue, Milford CT. Addressed general comments questioning the engineering, hydrology and traffic studies. All that information was given to the appropriate municipal agencies or departments. In addition to what their experts are attesting to, the experts in the City have approved what was submitted. It is not fair to say that nobody else has reviewed it or the applicant has provided only self-serving information.

With regard to the system across the street and the construction of it. Not fair to say that the system itself does not work. Obviously it needs to be installed properly. As an 8-30g application, there can be conditions of approval attached to the application. There can be some method of reporting to the Zoning Department or staff that would give the neighbors a way to say are these guys complying with the conditions that have been put on this development. That would be reasonable and something they would be willing to do.

Attorney Bercury stated she received the comments by Senator Slossberg at 4:30 this afternoon. She recollected that the Senator was going to submit written comments in advance of tonight's hearing so the applicant could have an opportunity to review those comments and come up with a response. Although Senator Slossberg is not present, she wanted to thank her for the three hours she had to review the comments and the fact the Commission just received it as well. For the most part there was nothing new in her remarks.

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Her memo is littered with comments that the application does not comply with the law and the regulations. The question now is the Affordability Plan. At this point it is a matter of throw everything against the wall and we'll see what sticks. She had issues with all aspects of the application: Traffic, wildlife, drainage, CAM Report and now onto the Affordability Plan. The most recent comments regarding the Affordability Plan are things that can be fixed. What should be noted, as in the case with the drainage report, traffic study, the affordability plan, was submitted to the Fair Housing Officer. The Board has a least one set of his comments on the Plan.

Attorney Bercury: Spoke to some of Senator Slossberg's comments and clarified how the applicant had addressed all the issues raised. The sales prices and condo fees are estimates. By the time the project will be completed there will be changes in the financial market that will affect the sample prices given.

The Senator's closing comments were most disturbing of the seven page memo submitted just hours before. She said the 8-30g application was a blanked attempt to negotiate a better deal from this Commission for extracting a handsome profit from the City. Attorney Bercury found these comments to be slanderous. They are unveiled and offensive attempt to gather votes and there is no basis in reality. Her client is a lifelong resident of Milford. He cares deeply about this town. He has committed quite a bit of himself to this town. The only reason the applicant made the comment at the opening hearing that they would be willing to discuss the possible sale of the property was actually in response to the neighbors who said, "Save the Woods", there should be open space. That was a sentiment they could understand if the City or anybody else was interested, it was a discussion they would be willing to have. Put at this point, the comments that Senator Slossberg made have poisoned the waters of those wells. They are committed on going forward with this project, as has always been the case. If the Board has concerns about the Affordability Plan or other concerns about this application, they are concerns that can be fixed. There is a burden on this commission to have those concerns fixed and they will do that and then they will build this project.

Mr. Gordon: Addressed comments about a problem on another project that was not successfully completed. The City has its own experts in the Traffic and Police Commission; City Engineer; Fair Housing Officer. The application and plans have been reviewed by City experts and the applicants experts. All questions and adjustments were made as requested. The condo fees were hypothetical and are unknown. The affordable units will fully comply as far as their taxes, mortgage, principle and what their operating fees are , per the Statute. In response to Mr. Chioffi and the trees, he noted he is a landscape architect and knows the value of trees. He noted the adjoining zones allow higher impervious surfaces than the applicant's 48% impervious. This percentage could be lowered if the Board would like some parking spaces to be removed. Water leaving the site will have no impact on the town's drainage system, which will stay the same or will be slightly lightened. There are many condominium developments in Milford and Connecticut that are responsibly maintained. The condominium boards take their responsibility very seriously. They have ownership interest. Forest Glen is very well run and has affordable units.

The Senator's remarks about phasing stated it was never stated which units are which. It was clearly shown on the plans they are labeled which units are which. There is a table that labels

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it on individual units and they are proportionately spread throughout the development that when you build a building you have to have an affordable unit that goes with it.

The letter from Mr. Gaucher of the DEEP says the proposed stormwater management and S & E Control plans appear to be adequate. He wanted to know that an inspection and maintenance protocol should be developed. They are on the plans and in the drainage/storm water report. He noted trees will be cut down, identified them, but their removal was not an issue.

[A break was from 8:45 to 8:50 PM for A-V purposes]

Mr. Gordon: Ms. Beckwith comments about construction, runoff, erosion were addressed with an explanation of the protection measures that would be taken prior to construction.

Senator Slossberg had commented the applicant did not ask for a review by the Natural Resource Data Base. The information was sent for a review. They responded there was nothing that was known on the site in the database. The property is outside the area of special concern. In response to Attorney Steele's comment, because you might find something at one time on a piece of property does not mean it is a habitat for that property.

They will comply with the affordability and the designation of the units. They will make whatever adjustments are necessary to make sure that the units are sold in sequence with the rest of the development to maintain full compliance.

Rebuttal

Paul Kane: Understands that plans and proposals have been submitted to relevant agencies within the town. He asked the Committee to look closely at the study submitted to the Traffic Division. Surprised they gave their approval. He is a license casualty automobile adjuster. He goes out to the accidents to gather all the information regarding the accident and reports back to insurance companies and/or law firms. His opinion, adding 50 vehicles going out onto Pond Point Avenue at that particular spot will create a danger to traffic flow.

Chairman Bender: Asked if the person who signed the letter about the Natural Diversity Data Base which was submitted by Attorney Steele did not go to the property. They did it from a database or aerial.

Mr. Gordon: Correct.

Suzanne DiBiase, Lindy Street. She spoke to Dawn who signed the letter from the DEEP. She looked on line and wrote the letter. She said there had not been an on site evaluation done on those woods.

Chairman Bender: Only item being left open is to receive the reply from the State on the Affordability Plan expected to be received on 12/16/2013. The next meeting will be held on December 17, 2013.

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D. PUBLIC HEARING – Close by 1/6/2014; Expires 2/13/2014

2. PROPOSED ZONING REGULATION TEXT CHANGES

Updated Definition of “Family”	Article XI - Definitions
Keeping of Domestic Poultry	Section 3.1.3.4
Special Event/Temporary Tents	Section 5.17 (new)
Numeric Vehicle Fuel Filling Station Price Sign	Section 5.6.13 (new)

Updated Definition of “Family” Article XI – Definitions.

FAMILY- Persons related by blood, marriage or adoption *or no more than 4 individuals* occupying a dwelling unit who are committed to living together as a single housekeeping unit, in harmony with the surrounding neighborhood, responsible for maintaining a common household. A boarder shall not be considered a member of a family for the purposes of this definition.

Chairman Bender: Opened the hearing to the public. Gave public hearing procedure. Asked if anyone was in favor of this zoning regulation text change.

Pat DelVecchio 56 Mark Street, In favor of the new wording of this definition of family It is important that the number be limited to a reasonable amount. Three or four is reasonable, not 15 or above. She thanked the Board for finally putting this on the agenda. Thanked Mr. Bender especially for his patience,service and time in regard to this matter.

Barbara Wagner, 29 Clinton Street. In favor of the number 4 for the definition.

John Velky, 12 Village Road. In favor of the number four for the proposal. They were nvolved with an issue where the word “reasonable” caused great issues. Don’t want to see that.repeated in Milford again.

Dolores Hannon, 110 Beach Avenue. On behalf of the many people coming to the earlier meetings, thanked everyone because it has taken a tremendous amount of time and effort. They are appreciative of being able to come and present their case and situation. Thanked the Board.

Chairman Bender: Anyone opposed to the change? (No response)

The Chair closed the public hearing.

Mr. DellaMonica: Motion to approve the updated definition of family.

Mr. Gettinger: Second.

Seven members voted for approval. John Grant against. **(Effective 12/27/13)**

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Chairman Bender: Keeping of Domestic Poultry – Section 3.3.3.4. This regulation change has been considerably reviewed, examined and studied by the zoning enforcement officer, who has had extensive experience in this area from his previous job.

Mr. Grant: Right now fancy pigeons are included in the regulation. The proposed new regulation does not address this.

Mr. Sulkis: This section replaces the section that is currently there. There have not been many requests regarding pigeons, but many for hens. That is the reason.

Chairman Bender: What if someone comes in for pigeons.

Mr. Sulkis: If they have them now they would be grandfathered. If they want to establish that as a new use would require a Special Exception.

Chairman Bender opened the hearing to the public. Asked if anyone was in favor of the change (No response). Asked if anyone was opposed to the change (No response)

The public hearing was closed.

Mr. Mead: Made a motion to approve the proposed regulation text change for keeping of domestic poultry, Section 3.1.3.4 for the changes stated in the Draft dated 10/15/13.

Mr. Dellamonica: Second.

All members voted in favor. **(Effective 12/27/2013)**

Chairman Bender: Special Event/Temporary Tents - Section 5.17 (new)

The Board has wanted to create this regulation for quite some time. It refers to churches who have fairs and realize they need a permit and have to come before the Board. This allows the procedure to be handled administratively.

Chairman Bender opened the hearing to the public. Asked if anyone was in favor of the change (No response). Asked if anyone was opposed to the change (No response).

The public hearing was closed.

Ms. Cervin: Motion to approve the new text regulation under Section 5.17 – Special Event/Temporary Tents.

Mr. Gettinger: Second.

All members voted in favor.

Chairman Bender: Numeric Vehicle Fuel Filling Station Price Sign Section 5.6.13 (new)

A vehicle fueling station may utilize one digital numeric price sign as part of their ground sign to display the price of fuel. The square footage of such signage shall be included in the allowable ground size for such zone in which it is located. The numeric digits shall be a

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constant display and shall not vary in color, intensity, brightness and shall not flash, blink or otherwise be animated.

The Chair asked how this affects Pilot.

Mr. Sulkis: They are under Special Permit, so it does not affect them.

Chairman Bender: If someone wanted to do another one like that it would be a Special Permit again?

Mr. Sulkis: The reason why the Board originally granted that had to do with the height of the sign which was pre-existing non-conforming to manually change the numbers on something that is several hundred feet high, the Board understood the reasons why they asked.

It makes a lot of sense since it is a commodity whose price changes everyday and there are gas stations who have put them in illegally, which the ZEO is in the process of going after, and if it is something that makes sense and people are doing it, why not make it legal and create standards for them.

Chairman Bender opened the hearing to the public. Asked if anyone was in favor of the change (No response). Asked if anyone was opposed to the change (No response).

The public hearing was closed.

Mr. Mead: Made a motion to approve the new text regulation under Section 5.6.13 - Numeric Vehicle Fuel Filling Station Price Sign,

Mr. Nichol: Second.

All members voted in favor. (Effective 12/27/2013)

E. PUBLIC HEARING LEFT OPEN – Close by 12/17/2013; expires on 2/14/2014

3. Proposed Zoning Regulation Text Changes Petitioned by Mayor Benjamin G. Blake, In Accordance with the Provisions of Connecticut General Statute 8-3b

Article VI Non-Conforming Uses, Structures and Lots

Article VI, Section 6.2 – Non-Conforming Uses,

Section 6.2.6 – Discontinuance

Section 6.3 - Non-Conforming Structures

Section 6.3.6 - Restoration

Article VIII - Interpretation, Administration and Enforcement

Section 8.2.2 - Authority to Enforce

Article XI - Definitions

Section 11.2 - Other Terms

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Structure; Improvement, Substantial

(POSTPONED TO 12/17/2013)

F. PUBLIC HEARING CLOSED 11/6/2013; expires 1/9/2014

4. Proposed Moratorium on Medical Marijuana Dispensaries and Producers

The following language would be added to the Milford Planning and Zoning regulations:

Section 2.7.10

The Milford Planning and Zoning Board shall not accept or consider any application to permit the establishment of Medical Marijuana Producers and dispensary facilities for a period of twelve months. months commencing from the effective date of _____. The reason for the moratorium is to allow the Planning and Zoning Board to review the "*State of Connecticut Regulation of the Department of Consumer Protection concerning palliative use of Marijuana*" and the associated application process for producers and dispensary facilities, and to draft/or adopt municipal regulations regarding the production and distribution of medical marijuana within the City of Milford. The expiration date of said moratorium will be _____ unless extended by the Planning and Zoning Board.

Mr. Grant: Read through the State Statute. There is nothing that he can that the Board would need to look at as far as zoning regulations. They have zoning regulations in place for office spaces, doctors offices and light manufacturing, which basically the dispensaries fall under, more the counseling office category. They can go into any kind of a building or store front. Nothing he can see that to prevent that. Also with the grow facilities, they are to be all indoors. It is growing through hydroponics, which is kind of a manufacturing facility in the processing. At this point in time he does not see the need for putting in a moratorium of any kind. The Board has zoning regulations that are in effect.

Ms. Cervin: Agrees with Mr. Grant. At the time this moratorium was proposed, the Consumer Protection Agency had not yet put out their regulations on this. Now they have. Connecticut is has one of the most rigid requirements. Even for 2015 the applications are closed already. Thinks it's needless action on the Board's part.

Chairman Bender: He does not trust the State when they put something in. Always thinks there will be something. Maybe the time of 12 months can be lowered just to be sure. The City Attorney was for the moratorium. The Board has just been dealing for three meeting with what the State has done. He's fine with lowering the 12 month time imposed.

Mr. Grant: Two months should be more than enough time for research with what is out there and what has been done.

Mr. Sulkis: Agrees with Mr. Grant on the growing aspect within the regulation and what is allowed in those particular zones. He does not agree about the dispensing facilities. That is a unique type of use that is not called out in the regulations, nor anywhere else. It is not a pharmacy. It is not a counseling facility. It is a marijuana dispensary and right now under these regulations they would have to come before the Board as a Special Exception. It is similar to other things that are in the regulations, but it is not specifically called out.

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Chairman Bender: This is a state thing. Does it affect federal in any way, such as funding?

Ms. Cervin: If they come to the Board and the Board knows what the State requirements are, the Board would follow the State requirements. Some are very severe. Only a licensed pharmacist can distribute this. This will come under Special Exception with all kinds of conditions if it ever comes to this point. The application fee is \$25,000 just to apply. \$75,000 once you are accepted. There are so many regulations on this. Will go along with a small time period but does not think it is necessary.

Mr. DellaMonica: There are two separate entities: The grow facility and the dispensary. He thinks the City Attorney should have a couple of months to review all this. The City Attorney is busy and could take two months to get back to the Board.

Chairman Bender: He would go for two months to give the City Attorney's office time to look this over.

Mr. DellaMonica: Made a motion to approve the proposed Moratorium on Medical Marijuana Dispensaries and Producers. He read the text of the proposed regulation to Section 2.7.10.

The Milford Planning and Zoning Board shall not accept or consider any application to permit the establishment of Medical Marijuana Producers and dispensary facilities for a period of two months. months commencing from the effective date of 12.27/2013. The reason for the moratorium is to allow the Planning and Zoning Board to review the "*State of Connecticut Regulation of the Department of Consumer Protection concerning palliative use of Marijuana*" and the associated application process for producers and dispensary facilities, and to draft/or adopt municipal regulations regarding the production and distribution of medical marijuana within the City of Milford. The expiration date of said moratorium will be 2/27/2014 unless extended by the Planning and Zoning Board.

Mr. Mead: Second.

Ms. Cervin: Asked if there would be someone would be doing the investigation.

Chairman Bender: Will put the ball in the City Attorney's court. The Board has done its due diligence on the matter.

Six members voted in favor. Ms. Cervin and Mr. Grant voted against.

G. PUBLIC HEARING – Closed 11/19/13; expires 1/23/2014

5. **229 WEST MAIN STREET (ZONE SFA-10)** – Petition of Thomas J. Lynch, Esq., for Special Permit and Site Plan Review approval to construct nine residential units under Connecticut General Statutes 8-30g Affordable Housing Act, on Map 54, Block 323, Parcel 29, of which Molly Rentals, Inc. is the owner.

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Mr. Gettinger: Stated he has a problem with Hartford telling Milford how and when to enforce its Zoning Regulations. He cannot in good conscience vote in favor of the application. It is a health and safety issue. A lot of testimony was given about the increase in traffic. There's a school near where this application is being proposed. He will be voting against this application with the caveat that he is against the vilification of the applicants. There is a rule on the books that allows them to come forward with these applications. Most of these applicants are business people. He sees nothing wrong with what they are doing. He does see something wrong with the statute in general. He will vote against the application.

Chairman Bender: It is a valid statement that the statute is an issue, but right now it is the statute before the Board. Unfortunately it is on the Board's side to prove that it is not safe or healthy. There is no in between on this one. If it cannot be proved then it is fast tracked for appeal and gets okayed that way.

Ms. Cervin: No one on the Board is in favor of 8-30g State statute. It has been an issue for years, but it is the law. Parking may be an issue, but it meets most of the requirements of where affordable housing is located. Because it is the law she will vote for it.

Mr. Mead: There are many other multi-family houses in the area. It will conform to the other housing in the area.

Chairman Bender: Even the parking, unless it can be proved that not having parking will cause a safety issue. He does not disagree with Mr. Gettinger. It was a strong statement.

Mr. Nichol: Sees safety as an issue. No place to store the snow.

Chairman Bender: Would like all the people who have come to these hearings to drive to Hartford and tell the legislators how they feel about this statute.

Ms. Cervin: Made a motion to approve 229 West Main Street, the petition of Thomas J. Lynch, Esq., for Special Permit and Site Plan Review approval to construct nine residential units under Connecticut General Statutes 8-30g Affordable Housing Act, on Map 54, Block 323, Parcel 29, of which Molly Rentals, Inc. is the owner.

Mr. Grant: Second.

In favor: Ms. Cervin, Messrs. Messrs. Grant, Bender, Mead, DellaMonica, Nichol
Against : Messrs. Willis and Gettinger

Motion was approved.

I. REGULATION CHANGES – Rear Lots

Discussion of proposed regulation change to Sec. 2.5.5 Rear Lots.

Mr. Sulkis: Did not give the proposed regulation change to the City Attorney's office, because he needed to know what he should be passing on.

Chairman Bender: Pass the same thing he passed to the Board.

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Mr. Sulkis: He gave the draft to the Board for its input and got no input back. If he should pass it on to the City Attorney's office, he will do that.

Chairman Bender: Let the City Attorney's office tell the Board what they should not do on that.

Mr. Cervin: The Regulation Subcommittee has discussed how difficult it has been to get a response on this regulation from the City Attorney's office.

Mr. Sulkis: The original proposal was not to allow the creation of any new ones and she had challenges getting around that. With this it would not eliminate or prevent someone from having creating a new rear lot. It just tightens the restrictions and what qualifies as a rear lot.

Chairman Bender: Said let's get it to the City Attorney's office. We need a return by next Monday. This is not going any farther. The Board will move without it unless the Board decides not to. This is over two years in discussion.

This whole thing is going to the City Attorney's office. Please specifically as for a return date.

Mr. Sulkis: It will also have to be sent to the Council of Governments.

J. LIAISON REPORTS – None.

K. APPROVAL OF MINUTES (12/3/2013)

Mr. Mead: made a motion to approve the minutes.

Mr. DellaMonica: seconded.

L. CHAIR'S REPORT

Thanked everyone for coming to this special meeting. Appreciates the Board's cooperation.

M. STAFF REPORT – None

Mr. DellaMonica: Made a motion to adjourn.

Mr. Gettinger: Second.

All members voted in favor of adjournment at 9:40 p.m. The last meeting of the year will be held on Tuesday, December 17, 2013.

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