

**MINUTES FOR THE REGULAR MEETING OF THE  
PLANNING & ZONING BOARD  
HELD TUESDAY, JANUARY 6, 2009; 7:30 P.M.  
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

David Sulkis, City Planner, acting as Board Chairman, called to order the meeting of the Planning and Zoning Board at 7:30 p.m.

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

**Members Present:** Frank Goodrich, Mark Bender, Janet Golden, Kathy Patterson, Kim Rose, Susan Shaw, Gregory Vetter, Victor Ferrante, Jeanne Cervin, Kevin Liddy (8:35 pm)

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

**C. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN**

**Mr. Sulkis:** At the first meeting of the new year, it is customary to hold elections for Chairman of the Board. Asked for nominations for Chairman of the Board.

Mr. Sulkis recognized Ms. Shaw.

**Ms. Shaw:** Moved to nominate Jeanne Cervin as Chair of the Planning and Zoning Board. At the last session it was noted that Ms. Cervin has led a board where a majority of the members were new. Yet this Board was able to reach unanimity on a number of important issues and completed several regulation changes that will enhance the community. Ms. Cervin has given many years of service to the community and to the Planning and Zoning Board. Her success is due in large part to a decision making process that is inclusive and open. Her keen intelligence and knowledge of zoning law issues has spurred the productivity of the Board. Believes and hopes the rest of the Board concurs that the quality of life in Milford has improved. Stated it was a great honor for her to make this motion.

**Ms. Golden:** Second.

**Mr. Sulkis:** Asked if there were any other nominations for Chairman of the Board.

(No response)

**Mr. Ferrante:** Hearing no other motions, moved that the Secretary be directed to cast one ballot for Jeanne Cervin as Chairman of the Board.

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**A vote was taken:** By a show of hands, all members voted in favor of electing Jeanne Cervin, Chairman.

**Ms. Cervin:** Wished everyone a happy new year. Stated it has been her privilege to serve as Chair of the Board for the past year. Has appreciated the Board's patience and support as she adapted to the role. Feels very honored to continue for another year. Thanked everyone for their continued support.

Continued that she has her feet more on the ground and the Board members are now seasoned. The prior year was unprecedented with seven new board members. Commended all the new members, as well as the senior board members for a job very well done. Feels the members have coalesced as a board as much as possible, overcoming political differences and understanding that everyone is on the same page when it comes to making good land use decisions for the City of Milford.

Thanked Mr. Sulkis for his wise counsel, patience and fortitude with the Board.

Opened the floor for nominations for Vice-Chair of the Board.

**Mr. Goodrich:** As the only other member of the Board going into his eighth year serving on the Board, he had considered running for vice-chair. However, he is removing himself from that position.

**Ms. Cervin:** Thanked Mr. Goodrich and commended him for his years of service and diligence on behalf of the Board.

**Mrs. Patterson:** Placed the name of Kim Rose as Vice-Chair of the Planning and Zoning Board.

Stated during the past year under the leadership of Ms. Cervin and Ms. Rose, the Board was able to cover a multitude of issues as a unified body impervious to party lines. Feels that Ms. Rose is qualified to continue in the role of vice-chair and the Board would be sorely remiss if it was to break up this leadership. Ms. Rose led the charge for the board meetings to be televised. Thanked Ms. Rose for her diligence to this end and thanked the Board for voting for it.

Confident and committed in offering the name of Kim Rose to continue in her role as vice-chair of the Planning and Zoning Board.

**Ms. Shaw:** Second.

**Mme Chair:** Asked for any other nominations.

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(No response)

**Mr. Ferrante:** Moved that the Chair be directed to cast one vote for Kim Rose as Vice-Chair.

**Ms. Golden:** Second.

**A vote was taken:** By a show of hands, all members voted in favor of electing Kim Rose, Vice Chairman.

**D. PUBLIC HEARING heard 12/16/08; exp. 2/19/09**

1. **95 WOLF HARBOR ROAD (ZONE R-A)** Petition of Connecticut Center for Child Development, Inc. for a Special Permit and Site Plan Review to construct a private, non-profit school with accessory buildings and uses on Map 105, Block 914, Parcel 18, of which Connecticut Center for Child Development, Inc. is the owner.

**Ms. Patterson:** She and Ms. Golden were not present at the last meeting. They listened to the entire tape of the meeting and will be voting on the application.

**Mr. Goodrich:** Asked for clarification on one of the items on the motion prepared by Staff, relating to the options in the plans that the Board had received.

**Mme. Chair:** Options 1 and 2 had to do with the color and color choices for the gymnasium.

**Mr. Sulkis:** Explained the Board asked Staff to meet with the applicant regarding the façade of the main structure and the appearance of the gym structure. There were several color and texture options for the gym. The Board was presented with a colonial red, for a traditional New England barn look, instead of the blue that had been proposed for the gymnasium. For both options there would also be a four-foot stone base coming from the bottom, which would give the appearance of a foundation, but actually be a façade.

The main difference between options one and two were whether or not there was going to be a color band on the top coming down that would be similar in color to the roof or just to have the color of the sides continue up to the roof line.

(Diagrams of these changes were offered to the Board for their review.)

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**Mme. Chair:** Referred to Mr. Carroll's [sic] letter requesting that the Board choose Option 1. Reasons given: "...it is the architect's professional opinion that once constructed, option 1 would look far better on the site."

Option 1 is one color. Option two has the brown color on the top.

"This is due to the fact that changing the color of a portion of flat wall without a corresponding change in depth will not achieve the same look or affect as appears on a set of plans. Therefore, we request that if building color is made a condition of approval, that it be Option 1."

The Chair stated she would go along with Option 1. It has a fine appearance and their rationale makes sense.

**Mr. Bender:** Does the Board have jurisdiction over this?

**Ms. Cervin:** The applicant does not have to legally do this. The Board looks to improve facades, site plans and the architectural look of buildings. The Board is granting three waivers. The applicant has been very cooperative in this manner.

**Mr. Vetter:** Stated he still has concerns that he expressed at the end of the last meeting, which was about the traffic patterns and the flow of traffic on Wolf Harbor Road. He stated the following points:

1. The entrance and exit for the school is in a tough spot because of the commuter lot across the street, as well as an entrance and exit ramp for the Merritt Parkway at that interchange. The road is governed by two stop signs, which does not help the flow of traffic at all.
2. Went back to the reports that were provided and looked at the statistics. It had been stated that the peak flow time was the evening rush hour. That is when there is the greatest amount of activity. The resident who spoke at the public hearing spoke about the congestion and line of cars that are waiting to get onto the Merritt Parkway from the office buildings in the nearby area.
3. He reviewed the numbers in the traffic report and did some calculations on his own. Based on his calculations he is concerned that the activity there will start to create a feel of rush hour for almost five hours of the day, broken up into different parts of the day. The road is not made to handle this volume of traffic, just using stop signs.
4. Expressed concerned that the ramp to the Merritt Parkway is short. Maybe only 3-4 cars could be spaced out but it is over hill and it is a quick ramp and it

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comes to a stop sign as well. Stated he has concerns about safety and traffic flow in this area.

5. In addition, there was a memo sent to Staff in October that other plans and studies would be considered as they did this review. However, no consideration has been given to Avalon Bay's potential construction and the traffic impact of that development. If 215 is a high number, what would the traffic flow be with Avalon Bay?

Given the traffic numbers, stop signs, entrance/exit ramp to the parkway, a commuter lot and a school with children and small buses trying to get in and out, concerned about the safety and the ability of the traffic flow. Believes this concern has been supported after reviewing the numbers.

**Mme. Chair:** Asked Staff for their thoughts and to review comments of the Traffic Commission of the Police Department.

**Mr. Sulkis:** From a general planning sense, in development, always looking to place higher traffic generating things near the infrastructure. In this case, having a school and Avalon Bay immediately off the parkway is where you want to have these kinds of uses. If the local road needs to be improved as the traffic increases, would be a part of natural development and could occur in the future.

The Police Commission Traffic Review had no specific concerns and voted favorably on this.

Not concerned about the location from a planning perspective, where this kind of a use is proposed.

**Mme. Chair:** Recalls at some point the potential Avalon Bay development had been brought up as a traffic concern.

**Mr. Sulkis:** This can be double checked. If it was not, it should have been as Avalon Bay is an approved project, so they would have to operate under the assumption in the traffic estimations that it would be fully operational.

**Mr. Vetter:** One of the first memos talked about inquiring about that information but the information did not seem to be available and it is not in the calculation that was presented.

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**Mr. Sulkis:** Read from a memo in the file from Van Nesse and Hagen dated 10/2/07 emanating from a meeting that was held, wherein specifics were outlined as to what information would be provided in the traffic report. The memo stated that he made them aware of the need to include the Avalon numbers.

**Mme. Chair:** That verification is very important. How can it be confirmed?

**Mr. Sulkis:** Ms. Harrigan is reviewing the file and should have a response.

**Mr. Goodrich:** Believes that originally Avalon Bay asked for over 300 units but in court settled on approximately 170 senior units. The number was much lower than the original proposal.

**Mr. Sulkis:** Recalls 166 as the number of units. If the traffic study used the 277 units, then there is wiggle room.

**Mrs. Patterson:** Agrees with Mr. Vetter. Wolf Harbor is a single lane road.

**Ms. Shaw:** Also concerned that this is a tight site and how the flow of the traffic at the drop off point will work.

**Mr. Goodrich:** The Police Report reflects that the queue lane was not an issue. There would be no cars on the street that would drop off or pick up children. He reviewed the request for the three waivers.

**Ms. Shaw:** Clarified she was talking about the two spaces in the loading spaces.

**Mr. Sulkis:** Clarified that the waiver pertaining to the loading area was with regard to truck deliveries. However, this was not a warehouse and the deliveries would be minimal and not by tractor trailers.

**Mme. Chair:** Thanked staff for including some conditions that the Board had not mentioned previously.

**Mr. Vetter:** Stated he had reviewed the police report. The report contained its usual information pertaining to proper signage, proper handicapped spaces and sight lines. The report does not go into the actual impact. A review of the 10/07 memo shows that Staff asked that the whole picture be looked at, including the other approved development. Concerned that the Board does not know the full scale of numbers. Reviewed the information he felt was missing from the traffic study which would provide the full picture.

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**Mr. Sulkis:** Explained how the traffic count is arrived at in a study. Queried is a road upgraded in anticipation of development or does the development go in and then road improvements are made. That typically is the case as road improvements are costly.

**Mme. Chair:** If there would be congestion, it would be around the Wolf Harbor and Merritt Parkway entrance.

**Mr. Sulkis:** The file does not contain an answer to the Avalon Bay question. Will have to get clarification on this.

**Mme. Chair:** It is important to obtain this information. There is a time frame involved, but the Board has to do what it needs to do.

**Mr. Sulkis:** After a full review of the files if it is necessary, can speak to the Applicant's engineers for clarification or determine if something is being overlooked. Hopefully the requested information has already been submitted.

**Mme. Chair:** Asked Mr. Curseaden if he or the project staff are aware of this information being provided.

**Mr. Curseaden:** Knows he raised that issue at a meeting with Staff before this hearing in talks with the traffic engineer, because there were some questions about on site traffic issues.

His specific recollections were based on the infrastructure that surrounds the site and supported the infrastructure. It was a joint determination with the planning and zoning staff and the traffic engineer that those numbers were not required. That information was not going to be necessary because there was no concern about it. There might have been some preliminary studies or research done by the traffic engineer, but any additional work was not going to be necessary, other than what has been provided. Worked long and hard with staff and put the VHB engineer directly in touch with planning and zoning staff so that they could communicate directly, thereby eliminating any miscommunication. VHB may have that information available and a technical report can be provided to staff as additional information requested. Asked if receipt of that information could be made conditional upon approval.

**Mr. Vetter:** Asked to review the motion prepared by staff and coordinate it with the material the Board received on January 2<sup>nd</sup>. The motion has additional requests by the Board, in particular, the façade improvements.

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**Mr. Sulkis:** Clarified the eave around the building would be 18 inches all around to add some depth to the building which would be more in line with the artist's rendering.

Reviewed other changes that had been made since the last meeting.

**Mme. Chair:** The Board can proceed with the motion and make it conditional on the traffic issue or delay action on the application.

**Mr. Vetter:** Believes it would be necessary to put some kind of measurement on the traffic count in order to make it a condition of the motion.

**Mme. Chair:** Would not necessarily need a specific number.

**Ms. Harrigan:** When one looks at the combined numbers, if there are more than 200 trips, it comes into the purview of the State Traffic Commission, at which time a permit would be required for that particular use on the roadway. At that point there is another level of review for the traffic.

**Mr. Sulkis:** Outlined what would occur if the State became involved in the traffic aspect of this development.

**Mr. Ferrante:** Noted the requested waivers would be affected if the State became involved in road improvements, both in substance and appearance.

**Mr. Sulkis:** That is a possibility but it is unknown at this point.

**Mr. Goodrich:** Should table this to the next meeting since there is a question.

**Mr. Vetter:** Additional information should include the current traffic count; the additional traffic predicted from the school and the projected traffic that would be brought about by the Avalon Bay development.

**Mme. Chair:** General consensus is to table the application until the additional information requested is obtained.

**Mr. Vetter:** Motion to table the application until the traffic study could be fully reviewed and vote upon it at the next meeting.

**Ms. Golden:** Second.

**Mr. Bender:** Asked if the Board could ask how the expiring grant would be affected.



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**Mme. Chair:** Did not feel that information should be part of the Board's decision making at this time.

**Mr. Bender:** Stated he would like this information. That question and others had been brought up by the Chair. Would like clarification on this.

**Mr. Sulkis:** At the public hearing the question of whether the New Haven Foundation, who is making this grant, could extend the deadline date had been asked.

**Mr. Curseaden:** Client spoke with the Foundation after the last meeting and apprised them of the situation. They said call them after the meeting tonight and let them know what happened. They did not give a definitive answer.

**Mme. Chair:** Was happy to hear their response. There seem to be no other significant issues aside from the traffic concerns.

**A vote was taken:** Eight members voted in favor of the motion to table the application. Mr. Bender opposed the motion.

**E. NEW BUSINESS**

2. **847 EAST BROADWAY (ZONE R7.5)** Petition of Jim Denno for a Coastal Area Management Site Plan Review to construct a single family residence, on Map 27, Block 475, Parcel 7, of which William and Pamela Doolittle are the owners.

**Kevin Curseaden, Esq., 26 Cherry Street, Milford.** Coastal area management site plan review to construct a single family home. This application is before the Board because the property is within beaches and dunes and the entire property is in the coastal flood hazard area. Mark Davis from Westcott and Mapes prepared the CAM report and Jim Denno designed the house.

Based on the regulations, it is the Board's role to see if this application has an impact on any water dependent uses and whether it has an adverse impact to coastal resources. This is not a water dependent use issue. It is a single family home replacing an existing single family home on the same site. The house is 70 to 100 years old, an old beach cottage. It has no heat and has been in the family for a couple of generations. The Doolittles want to build a 2.5 story home almost on the same footprint as the existing structure. Only difference is a slight increase in impervious surface. Proposed is a 591 feet increase from the

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existing structure. The City agencies and DEP comments have been received and addressed.

**Ms. Harrigan:** Had no comments on this application. Everything is in order.

**Mr. Goodrich:** Concerning the porch where the windows are close to the property line and a fire resistant wall, asked if a waiver had been granted by the Zoning Board of Appeals.

**Mr. Curseaden:** A variance from the ZBA has been obtained because there is an increase in the fire rating of the building materials on that corner because it is three feet or less away from the property line.

**Mr. Goodrich:** Commended the applicant on the fact that the building height was lower than allowed in that area and the flood elevation could have been higher and still been within the height requirements.

**Mr. Curseaden:** Commented that the look and dimensions of the house is in keeping with the neighborhood.

**Ms. Rose:** Motion to approve the application.

**Mr. Goodrich:** Second.

All nine attending members voted in favor. The motion passed unanimously.

3. **55 SOUTHWORTH STREET – JOHN HENRY ESTATES SUBDIVISION**  
Request for acceptance for City services of John Henry Lane in its entirety, in accordance with the memo received from Bruce C. Kolwicz, Public Works Director dated December 23, 2008.

**Mr. Goodrich:** Motion to approve.

**Ms. Rose:** Second.

All nine attending members voted in favor. The motion passed unanimously.

4. **296 ORANGE AVENUE – REQUEST FOR BOND RELEASE** in the amount of \$11,820 for completion of work on 296 Orange Avenue, known as Subdivision 729. Bond release is in accordance with the memo from Bruce C. Kolwicz, Public Works Director, dated December 24, 2008, which states the subdivision has met all the necessary requirements for full bond return.

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**Mr. Ferrante:** Moved to approve the bond release based on the recommendations of the City officials.

**Mr. Goodrich:** Second.

All nine attending members voted in favor. The motion passed unanimously.

**F. LIAISON REPORTS –**

Conservation Commission: Mr. Ferrante had no report.

**G. APPROVAL OF MINUTES – (12/16/08)**

**Mr. Bender:** Motion to approve.

**Mrs. Golden:** Second.

All nine attending members voted in favor. The motion passed unanimously.

**H. CHAIR'S REPORT**

**Ms. Rose:** Thanked the Board for their support in re-electing her Vice Chair of the Board. Stated she has learned much from Ms. Cervin. Looking forward to continuing to serve the Board.

**Mme. Chair:** Asked if there had been clarification from the City Attorney on questions the Board raised last meeting.

**Mr. Sulkis:** A memo has been sent to the City Attorney's office. Awaiting a reply.

**Mme. Chair:** Next meeting will be a public hearing on the last regulation change, definition of building height.

Regulations will be put back on the agenda. Will try to expedite the process.

Asked all the Board members to look at the plans they receive very carefully before the meetings so as not to appear unprepared before the applicant and the public.

Asked if the Board was due to receive an updated zoning violation report.

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**Mr. Sulkis:** Will get an update from the last quarter.

**Ms. Cervin:** Congratulated the City Planner and his wife on their acquisition of a new dog. Also noted that Mr. Bender will be having minor surgery and will not be at the next meeting.

**I. STAFF REPORT**

**Mr. Sulkis:** The Regional Council of Governments will be having their annual dinner on January 15, 2009. All the Board members are invited to attend at a cost of \$30.00 each.

(Mr. Liddy joined the meeting at this time)

**Mr. Goodrich:** Asked for copies of the updated regulations and asked if a new zoning regulations book would be printed.

**Mr. Sulkis:** Responded that the regulation changes would be distributed to the members. Since there are more regulation changes to be made, it would not be cost efficient to print more books at this time.

**Ms. Rose:** Requested that a new front page be updated to note the current board members.

**Mr. Liddy:** Noted that in today's New Haven Register there was an article that stated the Board of Aldermen voted to make a \$5,000 grant to add some green to the Boston Post Road. Approximately 50 trees will be planted between Orange Avenue and Locust Street on the Post Road. Commended the Board of Aldermen on their action.

**Mme. Chair:** Commended the Tree Commission for their hard work and diligence over a long period of time to make this action come to the fore.

**Mr. Bender:** Motion to adjourn

**Mr. Ferrante:** Second.

The meeting adjourned at 8:45 p.m.

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Phyllis Leggett, Board Clerk