

**MINUTES FOR TWO (2) PUBLIC HEARINGS  
OF THE PLANNING AND ZONING BOARD  
HELD TUESDAY, FEBRUARY 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Mark Bender called to order the February 19, 2013 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:** Jeanne Cervin, Benjamin Gettinger, John Grant, Edward Mead, Dan Rindos, Michael Casey, Joseph DellaMonica, Tom Nichol, Mark Bender (Chairman); Ward Willis (7:38 pm)

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

**C. CGS 8-24 APPROVAL – 9-11 RIVER STREET (ZONE MCDD) - Petition of Leonard Wisniewski for approval to construct a third floor balcony which will encroach into the airspace over the City's right of way.**

**Mr. Sulkis:** Noted that no one was present to represent this request for approval. He explained that Mr. Wisniewski requested permission from the City to put a balcony at the front of his building. This was done previously to that building for a canopy. This is the large steel and glass canopy for the market on River Street. The requested balcony would be a couple of stories above that and would not project as far out as the canopy.

**Mr. Grant:** Asked what was the purpose of the balcony?

**Mr. Sulkis:** Not speaking on behalf of the applicant who was not present, stated based on the material that was submitted, it projects three feet and they have some false balconies on the building. He assumes with a three-foot deep balcony they would be able to set out onto it.

**Mr. Mead:** Asked what the construction would be and how would it be attached to the building? The applicant is not here to respond to that information.

**Mr. Sulkis:** A diagram showing this information was distributed to the Board tonight.

**Chairman Bender:** The construction of the balcony would be directed from the Building Department. The Board is granting the use of City space for the balcony.

**Ms. Cervin:** This is allowed under the Milford Center Guidelines under Number 6 which allows for a projection of three feet beyond if it is above 14 feet above the ground and this request complies with that.

**Chairman Bender:** This is a typical 8-24. If it is approved by the Board it goes before the Board of Aldermen for their approval. If the Planning Board does not approve it, the Board of Aldermen must have a super majority to pass it.

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**Ms. Cervin:** Made a motion to approve the request under CGS 8-24 to construct a third floor balcony which will encroach into the airspace over the City's right of way, as it complies with the guidelines.

**Mr. Gettinger:** Second.

**Chairman Bender:** Stated he would feel more comfortable if the applicant was present. Even though this application is simple, he does not want to get in the habit of not having the person making the request present to make their presentation. Does not want this approval to set a precedent.

Nine board members voted in favor of the motion. Ward Willis abstained due to his late arrival which precluded his participation in the discussion. The motion passed.

**D. GRANT APPLICATION RESOLUTION** - Request for approval of a Resolution for an application to apply for a pre-development planning grant under the Housing for Economic Growth Program of the State of Connecticut.

**Mr. Sulkis:** This is an opportunity for the City to secure a planning grant of up to \$20,000 to look at incentive housing zones for high density housing. This grant dovetails nicely with the City's Plan of Conservation and Development because an area downtown has been identified. It is the transit oriented development area of about three-quarters of a mile, or a ten minute walk, which this Board and the City has identified as being a high priority for more dense housing. This grant will allow the City to get a specialized consultant that the state has used in other municipalities to look at this same question to see what the feasibility would be in terms of should the regulations be changed; should the special zone be created; maybe the existing zones meet the criteria of this zone. He noted the City is under no obligation if it is granted the funding to create the type of zone which is called "The Incentive Housing Zone". However, the City is under the obligation to do a study which would be beneficial because it would look at that area, as well as the Cherry Street corridor, which the Board also realized is an area where, at present, there is not a lot of housing and that might be a desirable area as well. This is pretty much free money for the City to get the information that could be used to perhaps further development or make Milford even more marketable than it already is.

**Ms. Harrigan:** Noted that Tom Ivers, the City's Housing Officer is present to respond to any of the Board members' questions on the need for this type of housing in Milford.

**Chairman Bender:** Recapped the plan which would be to use the funds to get a consultant to do a study and upon completion give it to the Board for its review.

**Mr. DellaMonica:** Asked the present percentage of Milford's affordable housing.

**Tom Ivers, Community Development Office:** The present number is 5.8%-6.3%. Cascade Boulevard is not counted as it has not been built. When it is it will not even make a tenth of a percent difference.

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**Chairman Bender:** The City is under 7%; not near 10%. Based on his meeting with the Regional Council last week, there are very towns in the State of Connecticut that are above 10%, if any.

**Mr. Mead:** Made a motion to accept the Grant Application Resolution request to apply for a pre-development planning grant under the Housing for Economic Growth Program of the State of Connecticut. Also endorses the submission of the pre-development grant application for assistance under the Housing for Economic Growth Program, referenced in Section 8-13 of CGS and certifies that it will consider the creation of one or more housing incentive zones.

**Mr. Rindos:** Second.

**Mr. Sulkis:** Suggested Mr. Mead amend his motion to say Section 8-13, subsections M through that.

**Mr. Mead:** Amended his motion to include Section 8-13, subsections M through X.

**Mr. Willis:** Stated he would abstain from voting because he was tardy and could not participate in the discussion.

A vote was taken: Nine members voted in favor of the motion. Mr. Willis abstained. The motion passed.

**E. NEW BUSINESS**

**PUBLIC HEARING CLOSES BY 3/26/2013; expires on 5/30/2013**

1. **64 RIVERSIDE DRIVE (ZONE R-12.5)** Petition of Robert Sonnichsen, PE, for a Special Permit and Coastal Area Management Site Plan Review to construct a residential dock on Map 18, Block 363, Parcel 10, of which 64 Riverside LLC is the owner.

**Robert Sonnichsen, RPE, Waldo & Associates, Guilford, CT.** He is representing the applicant, 64 Riverside, LLC in its request for Coastal Site Plan approval and there is construction activity proposed within the City's regulatory area. It also requires a Special Permit under Section 3.15.2 of the zoning regulations because it includes a dock.

A site plan of the property was displayed. The property is an R-12.5 zone, in a primarily residential area along Riverside Drive. Immediately to the south of it is a commercial yacht club. The rest of the property immediately to the north is residential and the properties on the east side of Riverside Drive, across the street, are also residential.

The application is for the construction of a dock and some other related site work that will allow the applicant to be able to utilize his residential dock. It includes three parking spaces and driveway access to the parcel. The parcel is relatively small. It is about 5,200 SF. In October 2009, the DEEP granted a permit to 64 Riverside LLC for

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the dock construction. At that time as it continues to be under DEEP policy, they encourage shared docks. This dock is shared between 70 Riverside Drive, the residence immediately to the north of the property and 64 Riverside, which is currently undeveloped.

At the time the application was submitted to the DEEP, there were a number of issues that were dealt with by the Department. A copy of the permit is in the application file. One requirement was removal of a number of derelict structures; a dock and a pier that were located along the waterfront of 70 Riverside Drive. There was also a wetlands mitigation requirement in front of 70 Riverside Drive. Access to that work had to be gained from 64 Riverside Drive because there was no other practical way of getting down to the waterfront. At that time some grading was done and vegetation was removed because it was overgrown and the work required by the DEEP permit could not get done. Since that time that work was all completed. At the time of the application the same owner owned 70 and 64 Riverside Drive, subsequent to the permit being granted and the work being done, 70 Riverside Drive was sold but there continues to be a shared license and maintenance agreement for the dock. A copy of the license and maintenance agreement were submitted for the record.

Work on the dock that was exclusively under the jurisdiction of the State, (beyond the mean high tide), has been completed. Grading and some surface hardening was done to be able to get down into the site. Meetings were held with the City staff during the fall and early winter. A number of modifications were made, such as removal of some of the crushed stone surface and replanting vegetation. Staff thought additional landscaping would be a positive amenity to this property. Parking spaces are shown in the gravel area. The City Engineer had many requests, such as; an asphalt apron at Riverside Drive which will keep stormwater from running down the driveway and eroding any of the stone on the site. A berm was included on the north side of the driveway. The purpose was to keep any storm water confined on the site. The natural grading tends to run off onto 70 Riverside Drive. It was felt that a low berm would take care of that and would direct the water where it should be directed, down the driveway into the Housatonic River.

The City Engineer also asked for a quantitative stormwater analysis. This was done and is included in the application. The City engineer agreed there would be an extremely minor increase in any stormwater runoff and it would not have any negative impact on the Housatonic River.

The coastal features on the site are coastal hazard area. A portion of the site within the City's jurisdiction is within the coastal hazard area. There are tidal wetlands that are not located on the site. Tidal wetlands are located north and south of the site. In the State's jurisdictional area of the Housatonic River there are shellfish concentration areas offshore in the Housatonic River. There are also shorelands which is the portion of the property that is above the 100 year flood. He noted the line that is shown on the applicant's map is the currently effective flood insurance rate map 100 year flood line. The new map will move that 100 year flood elevation 11 somewhat landward, but it will not have any impact on any of the work that is being done on the site.

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The tidal wetlands will not be impacted. The dock crosses the tidal wetlands. There is no negative impact to the wetlands. The Aquaculture Division reviewed this application and had no comment as it was to diminish to have any impact on the shellfish resources in the Housatonic River.

John Gaucher, the Connecticut DEEP LI Sound Programs representative reviewed the application and indicated that he had no concerns with this application and felt it would have no negative impact on the coastal resources.

This is a water dependent use that will be strictly for recreational use. The application meets all the requirements of the City's CAM regulations and the CAM Act. The Natural Diversity Database was contacted to make sure that they did not feel there would be any impact on resources that they have jurisdiction over. A letter was received from the NDD which said this project would have no impact on any rare and endangered species or any habitats of concern.

**Ms. Harrigan:** The applicant covered everything she had in her summary. The landscape that was worked on adding it back to the parcel is important because this is a single family residentially owned piece of property. She felt that this helps bring back some of the residential character to the property which did not look very residential when the applicant started to do some of the work on the site.

**Chairman Bender:** Asked if there was a building on the property at this time.

**Ms. Harrigan:** No there is not.

**Chairman Bender:** Referred to an unnumbered document that stated "Consistency with Policy" and read ... "If done in accordance with the DEEP permit there is very little opportunity to despoil wetlands. "If" done? Why would there be an "if"? Should it not be "when" done?

**Mr. Sonnichsen:** Of course they are required to build a dock in consistency with the DEEP permit and provide an As-Built drawing, which has been done. The As-Built drawing is identical to the drawing that was permitted by the DEEP.

**Chairman Bender:** Under "Boating", he questioned the wording "allowing the owner to berth several boats at the floating dock, as per Section 22a..."

**Mr. Sonnichsen:** It is "owners" and it will not be several boats. There is room for two small water craft for each owner. Several is most likely an exaggeration. It is not a large facility. There is a tie off and the arrangement that was made was that it would be exclusively for these two owners. There will be no friends or anyone else tying in.

**Chairman Bender:** Concerned about the wording. How specific do they need to be in this?

**Ms. Harrigan:** This is a Special Permit. The Board can add conditions.

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**Chairman Bender:** Noted the applicant stated he was not aware that City permits were necessary.

**Mr. Sonnichsen:** Stated he became involved in this project when it was evident that a City permit was necessary. If he had been involved with this application initially he would have indicated that there was activity that would be regulated.

**Chairman Bender:** When the permit was given by the DEEP, it specifically said in that letter to contact the Planning and Zoning Department for any permits.

**Mr. Sonnichsen:** Agreed that is the standard condition of the DEEP permit.

**Chairman Bender:** Looking at the property it looks like there was more work done there than to get down to the docks.

**Mr. Sonnichsen:** The eastern part of the property is steep and needed to be stabilized. The rest of it was covered with gravel to make a stable base to do the removal of the derelict structures. It did not extend into the tidal wetlands. There is an existing rip rap embankment between the tidal wetlands and the rest of the upland on the site and there was no encroachment beyond the upland on the site.

**Chairman Bender:** He will let it go at that, but believes there was work done without a permit. He believes the applicant, who is not present tonight, was doing things to secure the land. It looks like he set up his gravel area prematurely.

**Mr. Sonnichsen:** When he came on board, he met with the City staff and added some overall improvements to the resources of the site. There is enough room for three parking spaces, which is a reasonable use with a driveway to get down into it. The owner does not live at the property so he has to drive there.

**Chairman Bender:** His issue is that work was done ahead of time.

**Mr. Sonnichsen:** When he became involved in the project they had to do the work on 70 Riverside Drive. There was a lot of trash and debris and heavy equipment was needed. The only way to accomplish this and to stabilize the ground so it would not erode was to do the work then.

**Ms. Cervin:** Had the same thoughts as Mr. Bender. In 2009 a letter from the DEEP stated that Planning and Zoning permits were required. There was a long period of time when some work must have gone on and apparently did go on. She asked if there was any work that was done that now required remediation due to requirements through the applicant's permit application.

**Mr. Sonnichsen:** To the extent that some of the gravel removal being replaced with landscaping, could be called remediation. Staff said to take a look at how much space is needed to do the things that need to be done on the site, which is: Drive down onto it with a vehicle; parking space for three vehicles; a place to back around to get out of the site and a walkway to access the wooden dock.  
he plan submitted to the Board shows those features on the property, as well as an area

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where gravel is being removed and grass and indigenous species of vegetation will be planted. Also, a potential problem with erosion of gravel onto 70 Riverside Drive has been avoided.

**Ms. Cervin:** Made the point that it is always hard for the Planning and Zoning Board to give a permit after the fact. If the applicant had come to the Board in 2009, it is possible the Board would have voted no on this and then there would be a problem for Mr. Sonnichsen.

**Mr. Sonnichsen:** The permit was granted in October 2009. It took a long time after the winter to meet the requirements of the DEEP permit up to the time that they were in contact with the City and started the CAM process. It was not like the applicant went out and did a lot of work and ignored the City. It was a continual process throughout that time.

**Mr. Mead:** Will there be utilities run out to the dock such as water or electricity?

**Mr. Sonnichsen:** Did not think so. He reviewed the dock drawings and saw nothing that indicated utilities. They would have to be separately approved as they are not shown on the drawings.

**Ms. Cervin:** Asked if the two waivers from the Engineering Department are in the file.

**Ms. Harrigan:** The engineering report said he was required to obtain them and given the natural slope of the site, indicates that those would be granted.

**Chairman Bender:** To Ms. Cervin's question, they have not been received yet. That will come later?

**Ms. Harrigan:** Stated she believes the correspondence is enough. She recollects from Public Works if they indicate in writing that they are giving a waiver for it, there is not an official waiver form like this Board would grant for something. There is not that kind of official documentation.

**Mr. Willis:** Asked how the boats will be hauled in and out at the beginning and end of the season. Will boat trailers be used or a boat lift?

**Mr. Sonnichsen:** There is no way to access the Housatonic River based on the design of this site with a trailer with a boat. The boats will have to be put in at another boat launch ramp and motor up to the site. There will be no trailers due to the conditions of the property.

**Mr. Nichol:** Is there a partition between the yacht club and this location, such as, plantings, fencing etc.

**Mr. Sonnichsen:** There is a grass strip behind the building on the yacht club and a stone embankment. This property is somewhat higher than the yacht club property

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immediately to the south on the eastern end and a sloping embankment. The applicant has told him he has a good relationship with the yacht club and they were happy with the plans that have been proposed.

**Ms. Cervin to Staff:** Asked how this came to Ms. Harrigan's attention.

**Ms. Harrigan:** Through neighbor complaint. There was an enforcement action that occurred. After that they met with the applicant to review the necessary application materials that were required for permitting.

**Ms. Cervin:** Asked to clarify for the sake of the Board's knowledge and understanding of the process: If proper procedure had been followed, the Board's permission or non-permission would have had to be granted before any work began? So the DEEP work should not have begun or the clearing should not have begun until the Board gave its permission for it?

**Ms. Harrigan:** It depends on the project. In a situation where someone is reconstructing a bulkhead, that work is entirely in the State's jurisdiction because it is a vertical project. In this project, where the coastal jurisdiction was located, there were portions that needed to be constructed landward of the DEEP's jurisdiction. Even absent the landward work that was done with the gravel and everything else, which is clearly the City's jurisdiction, a portion of that dock to get down to the dock itself, is in the City's jurisdiction so even that small portion which was clearly shown as part of the DEEP permit should have come to the Board. Given the fact that the rest of the site was also developed, that was definitely the City's jurisdiction.

**Chairman Bender:** Opened the hearing to the public and explained the procedure. Asked if there was anyone to speak in favor of the application (No response). Asked if there was anyone to speak in opposition to the application.

**Debbie Ann Levanti, 69 Riverside Drive.** Stated the property is a tiny 50-foot lot and should be a park. There is no way three cars can park in there. There will be other boats and friends there. This is a narrow one-way street, there is no room to park and there are no sidewalks. Most people do not know that the street exists.

She purchased her home in 2005 and went to Planning and Zoning to inquire as to what was happening with that lot. She was told it was one lot and nothing could happen to it. The applicant came in and bought it and the property was split into two nonconforming lots. He redid more than 50% of that house. It had been a boathouse with a flat top roof and wanted to put in a garage, but the neighbors got together and the garage was not allowed. He worked for a week filling the property when a Cease and Desist Order was in effect. She has photographs of everything she is stating.

The driveway is very steep and the foliage has been removed. She had faxed Planning and Zoning to learn of any activity on the property, but to no avail and then one day a dock appears.



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The applicant is getting approvals after he does the work. She has photos of the club under water after a storm.

Her driveway washes down into the street in front of that piece of property when it rains.

**Chairman Bender:** There being no one else to speak, the applicant has the opportunity to respond to the opposition.

**Mr. Sonnichsen:** The street is one way with no sidewalks. You can drive down the street and with this plan park on the property. There is not enough room to park on the street. A number of the driveways are elevated and they run down into the street. There is no drainage in the street. The driveway apron that has been installed in cooperation with the City Engineer will be improved. When he drove by tonight there was not a lot of puddling or ponding of water on the street.

**Ms. Levanti:** Responded someone got stuck down there and had to be towed. The water runs that way and has nowhere else to go.

**Mr. Sonnichsen:** This parking area is only going to be used during the boating season. The area will most likely be used only during dry weather in the summer months. Will not be used in snow.

**Mr. Bender:** Stated he would like to see the photos, but they are on Ms. Levanti's phone. He asked Ms. Levanti to present some photos of what she was describing and he would leave the public hearing open to receive just this information. He asked that she email the photos to someone before the next meeting in two weeks, March 5<sup>th</sup>.

**Ms. Cervin:** Is parking allowed on the street, even though it is difficult?

**Ms. Levanti:** Parking is allowed but it is difficult. When the dump trucks were there doing fill, even on the weekends, no one could get past.

**Mr. Grant:** Since this came up as a complaint, if the Board denied the application what procedure would follow?

**Ms. Harrigan:** Then the zoning enforcement officer would continue his enforcement action.

**Mr. Grant:** Which would include what?

**Ms. Harrigan:** Referring this over to the City Attorney's office to file court proceedings.

**Mr. Grant:** Would he have to restore the site?

**Ms. Harrigan:** Just as the Board can render its decision, the applicant has the right to appeal the Board's decision. If the Board approves the application with conditions that the applicant feels are too onerous. The applicant can appeal and if they do there would be no additional zoning enforcement, because the application is still pending at that point. It is still under review at another level.

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**Mr. DellaMonica:** If work is continuing prior to the Board's approval, and if they plan on appealing the Board's decision, should the Board deny the application, what stops the applicant from continuing the work at present?

**Chairman Bender:** No work should be done. Obviously three feet of snow would have slowed down the work considerably, but there is a cease and desist order in place right now.

**Ms. Cervin:** Asked if Staff was familiar with the history of that property. Two nonconforming lots made out of one conforming lot?

**Ms. Harrigan:** Said she would have to check the property history.

**Chairman Bender:** The public hearing will be left open for the receipt of the photos and stated it would be helpful to learn the history of this property.

**Ms. Harrigan:** Noted even if an error was made splitting the property, each property is owned by someone and it cannot be taken away from him. One property has a house that is owner occupied. The other piece has the dock.

**Chairman Bender:** Is it known that this lot is nonconforming right now?

**Ms. Harrigan:** It is in an R-12.5 zone and it is much less than that.

**Chairman Bender:** The hearing will be left open for the photos only. He would have liked to know what the property is starting with, is it nonconforming? What is the Board dealing with from there.

The public hearing will be left open for the receipt of photos to be provided by Ms. Levanti.

**Mr. Sonnichsen:** Asked if there would be any further testimony expected on his part.

**Chairman Bender:** Only to those photos.

**2. MANDATORY FEMA REVISIONS TO FLOOD HAZARD REGULATIONS AND MAPS**

The Planning and Zoning Board on behalf of the City of Milford is required by the Federal Emergency Management Agency (FEMA) to adopt revised Flood Insurance Rate Maps (FIRM) based on FEMA's updated coastal flooding studies and risk analysis as part of FEMA's RISK Map Update Project and in order to continue to participate in the National Flood Insurance Program (NFIP) with associated regulation changes.

**Ms. Harrigan:** Said she brought the maps and if the Board wished they could take a break to look at the maps. She also brought the flood insurance studies that the remapping is based on.

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FEMA hires consultants to look at how the flooding risk has changed. This was a statewide project for the coastal communities along the Connecticut shoreline. Not all of Milford's maps were revised from the 2010 adoption that was done. Only those directly adjacent to the shoreline. There are a couple of upland maps that include the upper reach of the Housatonic River as well as the areas that border Orange and those maps were not revised because this was a coastal risk study and that is where there was the most change. There was an extensive amount of public outreach that was requested by FEMA. Two public meetings were held at Parsons in April 2012 and extensive outreach with Everbridge to get as many homeowners there to answer questions and provide them with information about the maps. A New Haven County meeting that was held by FEMA to get community input. In January the letter of final determination was received stating these were the maps that were going forward by FEMA.

Impact to Milford: There are 800 parcels that were not in the flood plain that are going into the flood plain. No parcels are being mapped out of the flood plain. This is showing there is more risk along Milford's shoreline; not less risk. There are 2600 parcels that remain within the flood plain. Most of those are at elevated risks. Those waterfront parcels closest to wave impact tend to get higher in elevation and the high velocity zone moved landward based on changes in Milford's coastal topography, showing Milford had coastal erosion.

Proposed regulation changes include adopting the new map letters for each panel within Milford's zoning regulations. There is also an optional change to substitute what is referred to as the Coastal Jurisdiction line. That was a change in determining the State's jurisdiction. Previously the State's jurisdiction would be at the highest high tide line. There is a slight revision to the substantial improvement definition and a recommendation to approve the substantial damage language that was approved in December, so that does not have to be done.

Ms. Harrigan discussed "The Limit of Moderate Wave Action" identified in the new FEMA maps. This has to do with waves of high velocity that interact with the shoreline, the result of which can cause significant structural damage. She asked the Board members to review the information she distributed to them on this topic and if they decided to, they could put it on a separate track for adoption. That would have to be referred to the Regional Council of Governments.

Chairman Bender: Told the Board members if they had any questions of Ms. Harrigan to ask them after the break so they could be put on the record.

[The Board took a recess from 8:38 to 8:46 pm.]

**Chairman Bender:** Asked the Board to review the regulations and understand what the Board is adopting. This is being brought to the Board by FEMA and nothing that Milford has a choice in. He noted the Board members will be questioned by the public on these new maps, especially if the area they represent is in the shoreline.

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**Mr. Casey:** Asked what the result of the changes would be. Is it empirical or in the topography of the city or both?

**Ms. Harrigan:** The flood insurance studies for Milford were done in 1978 originally when the City joined the NFIP. Since that time because Milford was at the base of the watershed, all of the development landward, inland, within the watershed affects the City at the coast and rolls downhill. Milford is getting more directly impacted by the watershed runoff issues being compounded at the shoreline as well as the changes in the coastal topography. When FEMA's consultants did the coastal flood study they walked the shoreline from Greenwich to Stonington to determine whether the coastal changes (depth of beach got shorter; the depth of the beach got wider; there was more erosion, etc.) affected shoreline flooding. They realized it did. The studies that were done in 1978 because of all the development that had happened in the years since then, there is more flooding along the coast. They also do hydrolic and hydrology studies. They also look at prior storm events and historical documentation as to where those storm events affected coastal communities.

**Mr. Rindos:** How often is this done?

**Ms. Harrigan:** This study was mandated by Congress. They looked where the claims were being paid and realized that it was along the coastal areas of the country. This study was done for all high claim coastal areas.

Asked if the Board was comfortable with the flood maps they adopt the flood maps and the regulations that reference the map panel numbers. If the Board wants to discuss further some of the proposed changes to the regulations, she recommended she and the Board members go through each of those items and determine whether they feel that it is a diminimus change and can be adopted immediate or prefer to look at some of the regulation changes in more detail.

**Chairman Bender:** The maps are the maps and have to be adopted by a certain date.

**Ms. Harrigan:** Those take effect federally on July 8<sup>th</sup>. She is finding that most people want to build to the specifications of the new maps because they want to build higher after being involved in two storms. It is more helpful to the Planning and Zoning office to have those maps in effect as soon as possible so there is no confusion.

**Chairman Bender:** If the maps are adopted the public has to comply with them immediately.

**Ms. Harrigan:** Correct. This was a lengthy process with FEMA and their consultants which was started in October 2011.

**Chairman Bender:** Said he would like a bit more time to about how these maps will affect all homeowners involved in the rebuilding process.

**Ms. Harrigan:** In the letter of final determination that was sent to Mayor Blake, it says this is the best available data now and this data should be used now.

**MINUTES FOR TWO (2) PUBLIC HEARINGS  
OF THE PLANNING AND ZONING BOARD  
HELD TUESDAY, FEBRUARY 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

Ms. Harrigan said there would be huge insurance implications if the homeowner chooses to build to a standard that will not be in place four months from now. Grandfathering does not exist anymore.

**Mr. Ward:** Stated he would prefer to wait until the next meeting to adopt the maps.

**Ms. Cervin:** Stated she did not think it was necessary to wait the two weeks, but was okay with it.

The Board members were not opposed to waiting until the next meeting to take action on the new flood maps.

The Chair opened the public hearing to the public and asked if there was anyone to speak in favor of the Mandatory Flood Regulation and Maps. (No response) Asked if there was anyone to speak against the Mandatory Flood Regulation and Maps (No response).

The public hearing was closed.

**F. REGULATION SUBCOMMITTEE – Update**

Messrs. Sulkis and Harris are working on the first level of proposed regulations changes to be presented at the next subcommittee meeting to be held on Tuesday, March 5, 2013. The foremost changes will be the rear lot access and parking table.

**G LIAISON REPORTS - None**

**H. APPROVAL OF MINUTES – (2/5/2013)**

**Mr. Rindos:** Made a motion to approve the minutes

**Mr. Casey:** Second.

All members voted in favor of approving the minutes of the February 5, 2013 meeting.

**I. CHAIR'S REPORT**

Chairman Bender attending a South Central Regional Planning Commission meeting last week. There was a lot of talk about CGS 8-30g. Towns are trying to do affordable housing opportunity development areas. But if a town is under 10% it does not matter. It might be meant for a developer to go to this area because there will be less issues and make it cleaner.

**Mr. Sulkis:** Stated Milford has those areas as well.

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**Ms. Cervin:** Inquired as to the usual availability of an easel in the auditorium.

Mr. Sulkis volunteered to track it down.

**J. STAFF REPORT - None**

**Mr. Mead:** Made a motion to adjourn.

**Mr. Grant:** Second.

All members voted in favor of adjournment at 9:00 p.m. The next Planning and Zoning meeting will be held on Tuesday, March 5, 2013.

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Phyllis Leggett, Board Clerk