

**MINUTES FOR THE REGULAR MEETING OF THE
PLANNING & ZONING BOARD HELD
TUESDAY, MARCH 6, 2012; 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Mark Bender called to order the March 6, 2012 Planning and Zoning Board meeting at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Ward Willis, Jeanne Cervin, Ben Gettinger, John Grant, Edward Mead, Vice Chair; Michael Casey, Dan Rindos, Tom Nichol, Joseph Della Monica, Jr., Dan Rindos, Mark Bender, Chair.

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

C. EXECUTIVE SESSION - Discussion concerning Memorandum of Decision Planning and Zoning Board vs. Zoning Board of Appeals.

Chairman Bender: Asked for a motion to go into Executive Session.

Mr. Mead: Made the motion to go into Executive Session.

Ms. Cervin: Seconded.

Mr. Casey: Recused himself from participating.

All members voted to go into Executive Session at 7:31 p.m.

Mr. Mead: Made a motion to come out of Executive Session.

Mr. Casey: Second.

All members voted in favor of coming out of Executive Session at 8:25 p.m.

Mr. Mead: Stated in accordance with the discussion in Executive Session, he made a motion that the Planning and Zoning Board not take an appeal of Judge Doherty's Memorandum of Decision dated January 23, 2012, in which he granted the Defendant's Motion to Dismiss.

Mr. Grant: Second.

A vote was taken: Messrs. Gettinger, Grant, Bender, Mead, Rindos, Della Monica voted in favor of the motion not to appeal Judge Doherty's decision.

Ms. Cervin and Mr. Willis voted against the motion.

Messrs. Casey and Nichol abstained.

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C. PLAN OF CONSERVATION AND DEVELOPMENT – Update by Alan Plattus

Alan Plattus, Director of the Yale Urban Design Workshop, a community design center based at the Yale School of Architecture, which has been in existence for the past 20 years working with communities, towns and neighborhoods throughout the State of Connecticut on urban design, planning and community development issues. Worked with the City of Milford and Milford Progress ten years ago developing a downtown plan for the last POCD.

Providing two scopes of work currently in Milford: 1) Working directly with Milford Progress, Inc., with other people and the City involved as well to revise the Downtown Plan for that section of the new POCD. This Plan was discussed at a public meeting held at the Milford Library, which was very well attended. Parking, traffic, and opportunity sites for more productive downtown development were just some of the topics discussed. Recommendations will be coming back to the Board as the Plan moves forward.

He is also working with Milford Progress and Planning and Zoning on four specific areas, which are: 1) Fowler Field. To develop a series of alternative scenarios ranging from no change to minimum change to large change. 2) Cherry Street Corridor from Prospect Street to Route One. Would like to make this area look like part of downtown Milford rather than Boston Post Road. 3) Development of design guidelines for future shore development. Hopes to produce form based design guidelines. 4) Walnut Beach area to evaluate opportunities for better connecting that area with other parts of Milford, while enhancing its local character. There is a small budget for each task which will include two public meetings per task.

Chairman Bender: Asked where Mr. Plattus was in the process.

Mr. Plattus: Still in the early stages. Had an early run on Fowler and Cherry Streets. Hopes to get into the shoreline regulations and Walnut Beach more quickly now. Got a bit derailed. Ready to move more quickly now.

Mr. Rindos: Asked if other areas of Milford would be looked into.

Mr. Plattus: Has not been formally asked to. Has four specific tasks from Planning and Zoning and those from Milford Progress.

Mr. Rindos: Said he attended the meetings presented by Mr. Plattus and commended him on his excellent performance and appears to be an integral part of the community.

Mr. Plattus: Has had a very good experience working with Milford over the years. He is a big fan of Milford and considers it a unique city. The public is very knowledgeable and constructive in their ideas for Milford, as exhibited at the public meetings.

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Chairman Bender: Staff has provided a list to the Board of the numerous meetings and groups with whom they have met.

E. NEW BUSINESS

1. **EAST SHORE MIDDLE SCHOOL (ZONE R-12.5)** – Petition of William Silver, Architect, for Coastal Area Management Site Plan Review approval to perform additions and alterations to the middle school located on Map 70, Block 737, Parcel 42A, of which the City of Milford is the owner.

William Silver, Architect, Petrucelli & Associates, Hamden, CT. Represents the Board of Aldermen and its Permanent School Building Committee. This has been on the Capital Improvement Plan for seven years and now is being put into fruition. \$12 million will be invested into the expansion of the school, which is approximately 60,000 SF. The location of the school and proximity in the CAM areas was described. He described the changes that would be made in expanding the square footage as condensed as possible while providing the necessary square footage, and to alleviate and improve the traffic and parking situation that currently exists. He described the floor plans and elevations of the new structures.

Ms. Harrigan: City Engineer, Director of Public Works and John Gaucher of DEEP reviewed the plans and approved them. The City is exempt from the zoning regulations in regard to the Site Plan. This application pertains only to the Coastal Area Management aspect of the plan.

Chairman Bender: Asked if the drainage in the parking lot that will be added was approved. There has been a drainage problem in the past in that area.

Ms. Harrigan: The City Engineer reviewed the plan and felt that the improvements that were being made to the site to achieve the drainage goals will be met.

Mr. Rindos: Asked how long the project would take.

Mr. Silver: Should be completed by September 2013.

Ms. Cervin: Happy to see this project coming to fruition. Made a motion to approve.

Mr. Rindos: Second.

All members voted in favor of approval.

2. **GULF BEACH MANAGEMENT PROGRAM (ZONE OS)** Petition of Michael Ludwig, Ocean and Coastal Consultants, Inc., for Coastal Area Management Site Plan Review approval to re-nourish and manage Gulf Beach along Gulf Street, of which the City of Milford is the owner.

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Michael Ludwig, Ocean and Coastal Consultants, Inc, Trumbull, CT, representing Public Works on the Long Range Management Plan for the restoration of the eastern portion of Gulf Street. He explained how the western portions of Gulf Beach will be excavated and put back on the eastern side. Mr. Kolwicz's letter, which the Board has received, described the process and scope of work that will be done. Showed the excavation from the mean low water line. Sand migrates from east to west. Some of the sand migrates into the harbor area which affects commercial vessels. Taking the sand that has over accumulated and will bring it over. This will be a repair of the inner tidal zones.

Ms. Harrigan: This is a multi-year, five year approval. The Board had approved such a five year project for the Laurel Beach Association. Where the State recognizes an annual or more than an annual beach maintenance is required, they are trying to do these longer term permits so that the State does not have to process them so frequently. The City would like to match the State's approval. She asked that the Board approve the five year period that it will take for this project. This project also covers unforeseen storm events.

Mr. Della Monica, Jr: Made a motion to accept Petition for a five year term.

Ms. Cervin: Second.

All members voted in favor.

3. **99 MELBA STREET (ZONE R-5)** - Petition of Jesse J. Hamblin for Coastal Area Management Site Plan Review approval to construct a single family residence on Map 29, Block 587, Parcel 33, of which James and Denise Secondi are the owners.

Mr. Grant: Recused himself as having participated in the design and engineering of this home.

Jesse Hamblin, ID Design Group, 36 Lawrence Avenue, Milford CT, representing James and Denise Secondi, owners of the property located at 99 Melba Street in their application for Coastal Area Management Site Plan Review approval to construct a new single family residence in an R-5 zone. The property is 7,785 SF. The Fire Department, Engineering and Public Works Department and State DEEP have approved this project. Their letters are on file at the Planning and Zoning office.

Ms. Harrigan: There are conditions that will need to be met required by the City Engineer providing the Board gives its approval before permits are issued.

Ms. Cervin: Commended Mr. Hamblin on the CAM report he prepared and made a motion to approve the application.

Mr. Willis: Second.

All members voted in favor.

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4. **118 SMITH AVENUE (ZONE R-5)** – Petition of Mark Pucci, for Coastal Area Management Site Review Approval to construct a new single family residence on Map 13, Block 135, Parcel 1, of which Joe Kim and Renee Gudhe are the owners.

Mark Pucci, 2 Broad Street, Milford, representing Joe Kim and Renee Gudhe for a Coastal Area Management Site Plan Review approval to construct a new single family residence in place of a now demolished house. In September a variance was applied for to vary the rear yard setback from 20 to 12 feet, which was granted. The lot coverage from 65% to 83%. This house sustained major damage from Hurricane Irene. The lot is 5,787 SF and will be a single family three-story home which will be flood compliant.

Ms. Harrigan: There are a couple of unique things with this application. Smith Avenue will have to be extended in order to accommodate access to the parcel. There is some addition design that has to happen after the Board provides its approval, if it does so. The City Engineer feels he is comfortable having this done after the Board makes its decision.

Ms. Cervin: Noted the Board had received an email from John Gaucher sent on February 2nd noting a lot of problems with this CAM.

Ms. Harrigan: The City Engineer has worked with the surveyor to provide the additional documentation requested.

Ms. Cervin: Read Mr. Gaucher's comments.

Ms. Harrigan: Stated the City Engineer has worked closely with John Gaucher on getting these issues resolved.

Mr. Mead: Noted the removal of a concrete apron would help the impervious surface.

Ms. Harrigan: Public Works and City Engineer required the concrete apron because the site intersects with the public right-of-way.

Ms. Cervin: Can the Board assume the problems John Gaucher cited have been corrected? She did not think the CAM Report was easy to understand and thought that was one of the reasons John Gaucher had issues with it.

Ms. Harrigan: The issues have been resolved.

Chairman Bender: Noted there appear to be some open issues.

Ms. Harrigan: A lot of the open issues fall within the purview of the City Engineer and he felt comfortable bringing the project before the Board.

Mr. Rindos: Made a motion to approve the petition of Mark Pucci, for Coastal Area Management Site Review Approval to construct a new single family residence

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on Map 13, Block 135, Parcel 1, of which Joe Kim and Renee Gudhe are the owners.

Mr. Casey: Second.

All members voted in favor.

F. ZONING REGULATIONS - Discussion

Sec. 5.17 Special Event/Temporary Tents

Sec. 3.1.4.2 Building Height in Residential Zones

Sec. 2.5.5 Lot Access and Rear Lots

Sec. 9.2.3 Prohibited Variances

Sec. 5.5.1.2 Restriction of Permit Locations: Clarification of definition of schools

Chairman Bender: Some of these regulation changes were left open to obtain further information. Special Events/Temporary Tents, waiting for the City Attorney's comments. Mr. Sulkis was asked if there would be significant changes to the Special Events/Temporary Tents regulations.

Mr. Sulkis: According to the memo in the file from the City Attorney's office, those have to be redrafted.

Chairman Bender: Building Height in Residential Zones.

Mr. Sulkis: The language that is in there has to be confirmed and double check that the City Attorney's comments have been received.

Chairman Bender: There was a question as to whether anything was received from the City Attorney. Has that been confirmed?

Mr. Sulkis: No.

Chairman Bender: Asked Mr. Sulkis if he had reviewed Mr. Grant's comments. Asked if he had comments on the comments.

Mr. Sulkis: John had a meeting with Emmelline.

Ms. Harrigan: She prepared a memo and distributed it to the board for the proposed text change discussion – Crawl Space/First Story. She met with John Grant and talked through some of the issues. Decided not to revise the first floor definition, but to revise the crawl space definition instead. The CRAWL SPACE DEFINITION reads as follows:

“An area below the lowest floor of a structure used for the purpose of gaining access to the mechanical items with not more than 4 ft. in the clear as measured from the inside grade to the bottom of the floor joists.”

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The sentence, ***Any area that exceeds this height shall be deemed a story*** would be added. This simple change will not confuse some of the terminology that FEMA uses in Section 5.8 of the Zoning Regulations as related to the flood hazard requirements. Finished first floor is a terminology that excludes the garage level essentially, but Planning and Zoning counts the garage level as a first story. She wanted to avoid that confusion. John was thanked for talking through this change with Ms. Harrigan.

Chairman Bender: Building Height in Residential Zones. Mr. Sulkis will review John Grant's comments.

Lot Access and Rear Lots.

Mr. Sulkis: Have not received comments from the City Attorney's office.

Chairman Bender: Prohibited Variances.

Mr. Sulkis: City comments have been received. It may be ready to go.

Chairman Bender: Asked for the comments.

Mr. Sulkis: Stated they were in the file

Chairman Bender: Restriction of Permit Locations: Clarification of definition of schools. The board just received a handout on this item.

Mr. Sulkis: In the continuing effort to clarify the zoning regulations, the current language has a strike through it. There was some confusion about types of schools (parochial, non-profit, for-profit, etc.). City Attorney's office suggested stating day care center, nursery, elementary, middle, or high school, that is much clearer for this regulation.

This regulation is about determining the distance between a proposed liquor regulation and these particular kinds of uses.

Chairman Bender: Asked if there were any questions on the new wording. Asked Mr. Sulkis if this wording came from the City Attorney's office.

Mr. Sulkis: In consultation with them. Asked the board members to review the wording he distributed. If the board approves the language, it can be sent out for circulation. He noted the board could take a look at the other uses as well and see if they should remain or not.

Chairman Bender: This information will be discussed at the next meeting. Something that has come out of the session is "Variance Review", or whatever wording should be used. He wants to make sure this is identified and the City Attorney's office is contacted for its recommendation.

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Ms. Harrigan: This again most likely falls under “prohibited variances”. She and Mr. Sulkis should have a conversation with the City Attorney’s office and get back to the Board.

G. LIAISON REPORTS

Mr. Casey: The Board of Aldermen took up the Grove Street and the Downs House acquisitions and voted to approve them last night.

H. APPROVAL OF MINUTES – (2/21/2012)

Ms. Cervin: Made a motion to approve.

Mr. Mead: Second.

All members voted in favor.

I. CHAIR’S REPORT

The Chair welcomed newly appointed Joseph Della Monica to the Board.

He thanked the Board for coming early for the training session. He hoped it helped them understand the process better. He asked that the board members email their comments to him. He noted if they had questions to contact the Staff or some of the senior board members. Depending on the Board’s response, this type of session may be held again.

Ms. Harrigan: Noted that “process” questions could be asked of other members, but not “content” questions about applications. If there are questions concerning specific applications, those should be directed to Staff.

J. STAFF REPORT – None.

Mr. Willis: Noted an error in his email address on the Board Members’ Information list. He also asked that his telephone number be changed on the City’s website.

The Chair noted that the Planning and Zoning information on the website was to be reviewed and updated.

Mr. Willis: Made a motion to adjourn the meeting.

Mr. Rindos: Second.

All members voted in favor of adjourning the meeting at 9:33 p.m.

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