

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the March 16, 2010 Public Hearing of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Ed Mead, Mark Bender, Kathy Patterson, Robert Dickman, Kevin Liddy, Kim Rose, Janet Golden, Victor Ferrante, Susan Shaw, Chair.

Not Present: Gregory Vetter, Sr.

Also Present: David Sulkis, City Planner; Emmeline Harrigan, Assistant City Planner; Phyllis Leggett, Board Clerk

Mme. Chair: Announced that the Public Hearing for 145 High Street, 0 Railroad Avenue has been postponed to the April 20, 2010 meeting date.

C. NEW BUSINESS

1. **112 BEACH AVENUE (ZONE R-7.5)** Petition of John Wicko, Architect, for Coastal Area Management Site Plan Review to construct an unattached garage on Map 60, Block 743, Lot 5, of which Judith Schubert, Trustee is the owner.

John Wicko, Architect, 50 Broad Street, Milford, representing the Schuberts for a Coast Area Management application, located on Beach Avenue, in the Anchor Beach section of Milford. There will be two parts to the construction: The site plan shows an existing three-story house that will be added onto. The porch will be filled in at the first floor. The second and third floor is existing. The second portion will be a detached garage that was granted a variance and is shown on the site plan as being closest to Village Road.

The lot is across the street from Long Island Sound. Beach Avenue separates the lot from the coastal area. The CAM report has been filed, reviewed and revised with John Gaucher of the DEP. A couple of comments were received and were addressed. He had nothing more to say after his comments had been addressed.

Other City Departments: Fire Department approved; Engineering and Public Works had comments. They make note of the driveway width, for which a waiver is being requested, which requests a 43-foot wide apron with a 35-foot driveway.

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The 43-foot includes the splay to the curve, so it is three feet wider, which is a result of the configuration of the garage itself. Sheet A-1 [Shubert Garage] shows the three bays in the front. Six inches go out from each of the extreme overhead doors and give the width that is being requested. In conversations with Engineering and Bruce Kolwicz, Bruce said he would approve a curb cut based on the reasoning that Village Road is a one-way street; it is narrow; there is no on-street parking, so parking is not being affected with a wider curb cut, and it will provide some off-street parking because there is a bigger driveway for this residence. Bruce Kolwicz's memo approving the curb cut is in the file.

With respect to drainage, the existing residence is not part of the CAM review in respect to runoff. The garage is a new structure, so the ground will be recharged with clean water from the roof itself. The coastal part of DEP would like the water discharged onto the grass, but the other part of DEP likes to have the water go into the ground. Through direction of the engineering department, the on-call engineer and Bruce Kolwicz, a solution was proposed to use the gravel driveway in front of the garage, especially with the nature of the soil underneath it. It was agreed that would be a good solution and no holes need to be dug, and infiltrators do not have to be put in. The condition of approval is that this will be engineered at the time of construction with perc tests and in-holes. The preliminary calculations indicate that the roof leaders should be able to handle the garage area by themselves. The sanitary sewer permit will be obtained. The driveway apron will come with the waiver from the DPW.

The Chair asked Ms. Harrigan for her comments.

Ms. Harrigan: Confirmed Mr. Wicko's presentation. A CAM was done for this particular garage because of the size of the garage. It is similar a single family house footprint. Otherwise, an accessory structure would not trigger a CAM requirement. All the standard requirements for silt fencing, identifying your stockpile and all of the construction best management practices were implemented on the plan and reviewed by John Gaucher from the DEP. It is agreed that the plan meets the criteria.

Mr. Bender: Asked if there were alternative plans, should the perc tests does not turn out as expected for the driveway drainage.

Mr. Wicko: The Engineering Department would require more infiltration in other parts of the sites as necessary, based on those tests.

Mr. Ferrante: Asked if the garage was going to be a living area and what would be housed in the upper area.

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Mr. Wicko: This will be a three-car garage. The upper area will be for storage of the owner's car parts. He has specialty cars that will be housed in the garage. There is no intention to have living space in this garage.

Mr. Liddy: Asked for clarification on the waiver requested.

Mr. Wicko: Explained how the calculation for the waiver was determined.

Ms. Harrigan: Public Works controls the right-of-way (the flare for the apron). Planning and Zoning controls the width of the driveway at the property line. The flare is controlled by municipal ordinance and the width of the driveway is dictated by the zoning regulations.

Ms. Rose: Made a motion to approve the application for a Coastal Area Management Site Plan Review for 112 Beach Avenue, as presented, granting a waiver for a 35-foot driveway.

Mrs. Golden: Second.

All members voted in favor. The motion passed unanimously.

D. PUBLIC HEARINGS CLOSE BY 4/20/10; exp. 5/19/10

2. **145 HIGH STREET AND 0 RAILROAD AVENUE (ZONE MCDD)** Petition of DeLeo Brothers Property Group, LLC. for Special Permit and Coastal Area Management Site Plan Review approval for building renovation and reconstruction as well as a 15,800 SF parking lot on Map 54, Block 322, Parcels 1 and 2B, of which DeLeo Brothers Property Group, LLC is the owner. **(POSTPONED TO APRIL 20, 2010)**
3. **90 HEENAN DRIVE (ZONE CBDD)** Petition of 90 Heenan Drive, LLC for Site Plan Review approval to construct affordable housing units pursuant to CGS Section 8-30g on Map 91, Block 807, Parcel 2, of which 90 Heenan Drive, LLC is the owner.

Leo Carroll, Esq., Stevens Carroll and Carveth, 26 Cherry Street, here on behalf of Louis and James D'Amato, the owner and developer of the property known as Rolling Meadows, 90 Heenan Drive, Milford. Also present: Kevin Curseaden, Esq., of Stevens, Carroll and Carveth; Ronald and Gary Wassmer, project engineers; Brian Miller, AICP, a consultant from the Turner Miller Group and Louis D'Amato, developer/property owner.

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Mr. Carroll asked that the hearing remain open after this evening. He sent a letter to Mr. Sulkis in February asking for a report that would detail his comments. During the course of this type of project meetings are held with the planner on a number of occasions. There were a number of comments that had to be dealt with. He felt it was best to have these comments in writing. He received that report at 3:00 p.m. today. Under those circumstances he felt it was appropriate to not only hold the hearing open for that reason, but also, if the Board had any questions or comments that have to be made subsequent to the presentation, they can be answered. And finally, as part of the presentation tonight, an amended proposal will be made which will reduce the number of units from 28 to 26 and solve some, or most, of the problems that Mr. Sulkis has raised. That plan was dropped off to Mr. Sulkis yesterday. By leaving the hearing open, everyone will have time to review the plan.

Mme. Chair: Said she would rather not make a decision on this right now, but would like to wait to make a determination after seeing what items are not covered.

Mr. Carroll: Stated it was his prerogative to ask for the hearing to be held open.

Mme. Chair: Felt it was premature to do this, but would be happy to accommodate him if necessary.

Mr. Carroll: It is important that this matter be thoroughly vetted by the Board and believes the Board is accustomed to doing that. From his experience, sometimes questions come up during the post-closing time on a hearing, and he wants to be prepared and able to answer any questions that come up.

Mme. Chair: Said she agreed.

Mr. Carroll: This is an 8-30g application. That is a phrase that means it is an Affordable Housing Act application. 8-30g was an act enacted in the late 80's as the result of the lack of availability and the high cost of affordable housing in the State of Connecticut. The State legislature designed this remedial statute to prevail over 8-2 and 8-26 of the Connecticut General Statutes, which have to do with adopting of regulations. Therefore, 8-30g prevails over the City's regulations. Milford is subject to this statute because it has less than 10% of its housing stock in affordable units. Believes that number is 6.17%. Milford has not reached the 10% and until it does, it will be subject to the Affordable Housing statute. The Affordable Housing Statute provides addresses the issue of density limits and zoning regulations and is specifically clear that they prevail over any of the regulations in the town. Be that as it may, his applicant has tried to develop a project that is not only attractive, but safe and available for the residents of the City of Milford.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
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The location is within the Cascade Boulevard Design District. This zone was created in 1986 to accommodate the Ryder Woods issue. It also includes three or four properties, including Mr. D'Amato's property. It is in the northeasterly part of the city and is directly adjacent to Ryder Woods. Ryder Woods is a community of homes that were previously located on the Post Road where the present Wal-Mart is, and was relocated to Cascade Boulevard after 2006. It has 177 units. What is being proposed today is a natural extension of that zone.

The issue that has come into play is the 4.1 acre piece, of which the dominant feature is a steep slope. The property is bisected by the steep slope which, in effect, creates two different properties; one elevated about 40 feet above the other. In the space of about 80 feet there is a drop of 40 feet, so it is a significant feature. Interesting that feature is there because one of the things the Cascade Boulevard Design District was designed to do was to address that issue. In the preamble of the Milford Zoning Regulations, under the Cascade Boulevard Design District, it is to preserve sites that have these types of features. That is what they are trying to do: Preserve that site, yet utilize it for something that can be utilized under the Milford Zoning Regulations, because the CBDD provides for the same type of development that is being proposed on this site.

There are various reports in the file. The police report was amended as of today, because the police report had previously indicated that it was necessary to interconnect the two roads, which will be explained by Mr. Wassmer shortly. The amended report received today says it is necessary, although desirable, it is not necessary. Mr. Wassmer will testify that it is not something that can physically be done. It is virtually impossible to connect the upper and lower part of this property through engineering feats. So, it is a situation where they are trying to use the properties together, but they are really separate properties.

The Fire Department report is in the file. The Sewer Commission report is in the file. He pointed out that one of the things that was involved in the Sewer Commission report was previously in 2004, the Board of Sewer Commission in approving the Ryder Woods project, put a stipulation in the sewer approval dated March 8, 2008 [sic] a copy of which has just been handed out, that requires the developer of that site to provide for access to Heenan Drive properties both west and south of its site and therefore, this project qualifies under that regulation, and in fact, there is a sewer approval in the file. There is a report from Inland Wetlands, Engineering and Public Works, as well as the Tree Commission. All reports are in the file.

Mr. Carroll pointed out that 8-30g application is to be construed liberally. It is a remedial statute. It was designed to be liberally construed. It was designed to

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allow the set-aside development, which means in this situation, when there are 28 units proposed that will be reduced to 26, eight will be what is called "affordable units", which will be owner-occupied. All of the units will be owner occupied. None will be rental units. They will all be occupied by people who have purchased the manufactured home. (Mr. Carroll referred to the display showing photos of what the homes would look like.) They are three-bedroom homes that may end up being two bedroom, because of people desiring not to have three bedrooms, but they are all planned at three bedrooms. The homes will be owner-occupied. The ground underneath the homes will be leased to the people and they will buy a home from Mr. D'Amato and the home will be installed on the site in accordance with their specifications. It is specified in the affordable plan for this project that the home must be owner-occupied. That issue has come up and it has been resolved in that way.

He pointed out that the affordable plan has been reviewed by Tom Ivers, of the Department of Community Development. He made some suggestions and a revised draft to the report was filed on March 11th, dated March 8th. It contains the same information as earlier, but revised to comply with Mr. Ivers' comments. Attached to that is a marketing plan, a designation of housing opportunity sites and copies of the deeds of conveyance. There are extra copies of the plan which are available to the Board members. It adequately addresses an affordable plan and also meets all the requirements of 8-30g that have been enacted by the legislature and by case law.

There are some legal issues that will come up and will be addressed later, such as, a right of way over other property that Mr. D'Amato controls under another LLC. An easement for that has been developed and has been approved by the Police Commission for that access way. It may end up being a 99-year lease rather than an easement, but that is something that can be worked out with the City Attorney's office as time goes on. At this point they are trying to get the approval under 8-30g so that they can begin the project and the process will evolve naturally, as did Ryder Woods.

Introduced Ron Wassmer of Connecticut Civil Group who will go through the site plan aspect of the project.

Ronald Wassmer, PE, LLS of Connecticut Civil Group, 158 Research Drive, Milford. Representing the applicant in regard to the plans that were prepared by his firm. Reviewed the plans that were submitted to the Planning and Zoning Department, which were reviewed by the various City departments. They are trying to satisfy the regulations of the Engineering Department, Department of Public Works, Police Department, Sewer Commission, Fire Department, Inland Wetlands. The plans were reviewed by the on-call engineering company of

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HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Codespoti & Associates who acts in the absence of a City Engineer and passes the information to the director of public works.

Reviewed the plans for the project that had been distributed to the Board. Reviewed each sheet briefly: Sheet C-1 is a Zoning Map which indicates the zoning designation of the parcels. Sheet C-2 indicates Existing Conditions and Boundary Information. This indicates what is on the site right now, as well as the topography and some of the improvements of the adjoining parcels. Sheet C-3 is the Site Plan, which depicts home improvements such as the home sites, streets, driveways, utilities, sheds, air conditioning units, retaining walls and some additional details on the various types of material use in some of the construction. Sheet C-4 is the Grading and Drainage Plan, which indicates all the existing and proposed slopes and retaining wall locations and drain structures. Sheet C-5 is the Utility Plan. This provides additional detail on utilities such as, but not limited to, sanitary sewers, water mains, electric lines, storm drainage. Sheet C-6 is the Roadway Plans and Profile. The roadway widths are 28-feet. Over the various years he has worked in the City, he has come to an understanding with the Fire Department and what they consider the minimum width for both the public and private street and that is 28-feet. The roadways on the plan are 28-feet. The cul-de-sacs have an 80-foot diameter. 80-foot diameter is the standard pavement width for a minor residential street in the City of Milford and that meets the City standards for cul-de-sac diameters. Sheets C-7 is the Sanitary Sewer Profile, which indicates the locations of the various components of the sanitary sewer plan. Sheet C-8 is a landscaping plan, which indicates various plantings and screening, as well as some of the landscaping incorporated directly around each of the home sites. Sheet C-9 is an Erosion and Sedimentation Control Plan. This indicates the location for the silt fence and erosion control features. Sheets C-10, C-11, C-12, C-13 are all miscellaneous details in regard to erosion control, storm drainage structures, sanitary sewer details. Sheet C-14 is an Easement Plan from Research Drive on to 90 Heenan Drive, which Mr. Carroll will review in further detail. This is proposed as an easement, not necessarily as a private street. Sheet C-15 is a Mitigation Plan. This plan was specifically prepared for the wetlands application to indicate some of the improvements that will be made in the vicinity of the wetlands, which are off-site of the property. The details include turf reinforcement.

Color renderings were put up for display. No. 1: Site as Submitted to the Board. The 15 +/- sheets that were submitted contain a lot of information. Each sheet is challenging for people to decipher if they do not deal with this on a daily basis and to absorb in a short period of time. The displayed renderings are a boiled down version which are colored for simplicity to show the components and

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general layout of the site. Heenan Drive is on the bottom of the plan; driveways coming off Heenan Drive; home sites are indicated, as well as on Cottontail Lane and Golden View Terrace.

The site is bisected by a steep slope as previously mentioned. The area that is brownish green in color is labeled "Common Open Space". Mr. Wassmer indicated the area of steep slope that has been referred to. He read the following excerpt from the zoning regulations regarding the purpose of the Cascade Boulevard Design District:

"The purpose of the Cascade Boulevard Design District is to enable the creation of a residential area in an area of the City where the features are appropriate for environmental protection. Because of these natural features, including extensive wetlands, areas of topographic variation" ... [Mr. Wassmer pointed out there were no extensive wetlands on the site. There are extensive wetlands on the adjoining parcel. There is a portion of wetlands on the adjoining parcel that is within the 100-foot regulatory area. They have been to the Wetlands Commission to discuss that and have received approval from the Wetlands Commission.]

The regulations continue with regard to topographic variations: "Sites with more density, clustered single family housing family developments in exchange for retention of large areas of open space are encouraged to protect these important natural features. As in the case with the Corridor Design Development Districts, the high level of design is established for the review of the development proposals within the site plan and procedures".

In general, when they looked at this site, they saw the slope, (the topographic variation) and they knew it would be in the best interests of the City and the developer to avoid trying to extensively change that slope. For that purpose, a portion of the site was accessed from Research Drive via an easement.

A plan was displayed which would address some of the comments received by Mr. Sulkis today. There was a suggestion that an access to the upper portion from the lower portion could be "engineered". The plan displayed shows Cottontail Lane with its proposed finished grades down towards the bottom of the plan. The grades on Cottontail Lane are in the vicinity of 3%. It is a very moderate, reasonable grade for any public and/or private residential street. The same is true of Goldenview Terrace. It does have a slightly steeper grade of 8% for a portion, but as the cul-de-sac is entered it is flattened out to 3%. This is a typical design that would be used on a residential street.

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HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Then the extensively steep slope between the two roads can be seen [Mr. Wassmer pointed to Cottontail Lane and Goldenview Terrace.] The approximate 1:1 – 2:1 slope in between.

Mr. Wassmer stated he has been practicing engineering for quite some time. He has been involved in civil engineering from his teen years, in college worked for heavy highway construction firms, has been in his own practice for over 20 years. He stated just about anything could be engineered. People can go to the moon, the World Trade Centers can be built with 90-foot deep foundations, with 80 story buildings 20-feet away from them. Asked if that would be a practical solution to a site in Milford. He did not think so when he looked at the site. Said extensive cuts could be made on the site. 40-foot retaining walls could be built all around the site with 30-foot cuts and 40-foot fills. Could probably quadruple the number of sites, and at least double the number of home sites, but that is not the approach that was taken on this project. The approach was to work in harmony with the regulations that the City adopted.

As the proposal went through its motions there were some comments made about some alternatives. There were some areas where various people thought perhaps they were not in conformance with the regulations, so they went back to the drawing board and submitted an alternative plan.

A color rendering of the alternative plan was displayed which more simply indicated a conceptual alternative incorporating some of the comments that were brought to their attention. On the alternative plan all the driveway cuts were eliminated off Heenan Drive. The driveways were brought to the front of the units. Bringing the driveways into the rear of the units they found that they would be putting themselves in the position of making extensive cuts in large retaining walls. On this proposal two units were eliminated, in particular, the unit that was closest to 70 Heenan Drive, which although was not creating any problems, it was one of the sites that required more grading than the majority of the site. So that unit was eliminated and is part of the reshuffling of the units down by Heenan Drive. One of the units off Cottontail Lane was also eliminated.

Mr. Wassmer stated he had shown the Board the different plans that were prepared, some alternatives, as well as some boiled down color renderings for clarity and at this point he would briefly try to walk through some of the comments that he received today. Agreed with Mr. Carroll's comments that these plans were submitted to Planning and Zoning on June 5th. They met with the on-call city engineer back in October. His report is in the file. There are no glaring negative comments. Nevertheless, this review was received today at

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HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

about 3:00 p.m. Some of the review prepared by Mr. Sulkis is in regard to 8-30g, which he would not comment on. Some of the comments are on page 2 entitled "Site Plan Concerns (Cottontail Lane, Heenan Drive – Phase I)". Did not read in all the comments Mr. Sulkis made but made the following comments: Grass swales are shown on sheet C-4; the retaining walls are shown on sheet C-3 and C-4; final design is to be submitted prior to the issuance of the zoning permit. (That is a comment that was provided by the on-call engineer.) Finished grade slopes are indicated on the plans. The storm drainage is also indicated on the plans.

He read in the first paragraph of the memo to Bruce Kolwicz from Bob Wheway, "Our review of the project was performed for the compliance with the City of Milford Engineering Guidelines. Based on our review of the material provided, it is recommended that the following items be incorporated in the final construction drawings and documents...". He does elaborate on four specific items regarding sanitary sewers. Mr. Wassmer said he met with Messrs. Wheway and Kolwicz in September. They talked about an alternative location for a sewer pump. It was moved closer to Cottontail Lane to make it more accessible. This sewer pump system will be owned and maintained by Mr. D'Amato. It will eventually be discharged into the City's municipal system, but it will not be the City's responsibility to maintain the sanitary sewer, just as it does not on any other private development.

The design that was submitted does not indicate any excessive retaining walls approximately eight feet tall. They are reserving the final design based upon some of the comments they are going through right now. Some alternative site layouts and some comments that they anticipated they would receive and/or will come as this project works itself through the approval process.

Another comment of Mr. Wheway was read into the record regarding storm drainage: "Provided the infiltration rates assumed in the calculations in the system is properly installed, it is our opinion that the storm water management system will meet the City of Milford's engineering guidelines for a 25-year storm." There is not much more to say except he believes it will meet the requirements of the City's engineering guidelines.

Back to Mr. Sulkis' site plan concerns: Private streets – Ryder Woods, in particular, as private streets. Mr. Wassmer stated he was not involved in that project. He looked at some of the records in his office. It appears it was approved in approximately 2004. All the roads in Ryder Woods are private roads. There is adequate room for snow shelves around the site. In regard to garbage cans, there is a shed that has been indicated with each individual unit.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
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HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
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Mr. Wassmer digressed to recall that when this design project was first started Peter Crabtree was the assistant city planner. They met several times with Peter who is now retired and is not available for comment. Peter made some suggestions, one which he learned from Ryder Woods, was that he wanted to see a shed incorporated with each individual unit because people have outside equipment and this gives them a place to store these things. So, there is a shed indicated on each unit.

In regard to driveway cuts, an alternative has been indicated. Some of these things are boilerplate, but the pavement and curbing type are indicated on the plan on Sheet C-3. It is asphalt concrete curbing.

In regard to the creation of a "private street" on 225-249 Research Street, this is proposed as an easement, not as a private street. Setbacks are not measured from easement lines. They are measured from the property lines. There are comments about the retaining walls. Again, none of the retaining walls are excessive in height. There is adequate storm drainage around the site. There are catch basins and yard drains are all over the place to intercept any of the runoff. He stated he had been involved with Mr. D'Amato in the development of the industrial park from Woodmont Road up through the terminus of Research Drive. This area, as well as this site, is all composed of fractured rock. It is very permeable. In the 20 years since this Research Drive area has been developed they have never witnessed any type of runoff and/or erosion problem. It is just a lot of fractured broken rock. The water that falls on the site sinks into the ground and he does not see any issues with that.

Sewers were discussed with Bob Wheway and Bruce Kolwicz and their comments will be incorporated into the final plan.

Mr. Sulkis has a paragraph entitled "Grading and Fill", where he asks for a de-emphasized plan. There are no objections to that and it is a common procedure to go from the zoning process to design and construction documents, to increase the drawing size to the 42" size drawings. The scale is brought up and it makes it easier for the people on the site to read all the details. So, the plan can be de-emphasized.

Regarding "Open Space", Mr. Wassmer stated he believed the open space provided meets the intent of the Cascade Boulevard Design District regulations.

Regarding "Parking", Mr. Wassmer stated he had mentioned that both of the streets were 28-feet wide and the cul-de-sac is 80-feet in diameter.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
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Mr. Wassmer skipped ahead to the final page entitled "Phase II", which says: "Phase II should be denied for the following reasons". In the last paragraph Mr. Sulkis states: The applicant can easily access and develop the front portion on Heenan Drive and by choice, not necessity, has chosen to develop the rear portion (Phase II), by attempting to access through the industrial park, instead of engineering a solution from Heenan Drive."

Mr. Wassmer stated that he believed the plans that were submitted, as well as the plans that have been in Mr. Sulkis' office for nine or so months indicate that it would be a significant challenge, although not impossible by the "Put an engineer on the moon philosophy", that the rear could be accessed. But he does not believe that that would be in harmony with the regulations.

Mr. Wassmer summarized that he had no objections to the recommendations by the on-call engineer's review. In his professional opinion no elements of the site plan or engineering included but not limited to grading, storm drainage, use of retaining walls, parking, utilities, sanitary sewer design, storm drainage design, pose any threat to the health, safety or welfare of the general public. He stated he would be happy to answer any questions.

Leo Carroll: Thanked Mr. Wassmer. Stated he would be introducing Mr. Brian Miller, a certified planner, who would be presenting his planning analysis for Rolling Meadows. The applicant felt it was appropriate and necessary in this case to provide the perspective of an independent planner. Mr. Miller prepared a report that will be circulated to the Board.

Mr. Carroll pointed out that one aspect of Mr. Sulkis' report says that an 8-30g application cannot bypass the Code or Ordinances. That is not so. The City is not able to adopt ordinances that prevent affordable housing. If they try to, he is sure the courts will strike them down, as they have stricken down any previous attempts to restrict or reign in the Affordable Housing Act. Additionally, there is an issue regarding Mr. Sulkis' claim that the industrial property is being used for residential purposes by virtue of the access way. That is not so. It is an access way. Nobody is living on that access way. You are just accessing it. By the way, there is nothing in the Milford Zoning Regulations or any of the City ordinances that prevents you from getting to a residential neighborhood by accessing it through an industrial area. If there was, no one would get home tonight.

At this point Mr. Carroll asked that the color drawings be stamped in and entered into the record, as well as the drawing showing the steep slope.

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HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Carroll spoke about the plan that was submitted as a proposed amended plan. That plan was developed over the past three weeks and it was shown to Mr. Sulkis yesterday. That plan is being submitted to the Board and if the Board finds it more acceptable than the plan being discussed tonight, the applicant will amend the application to it. If the Board finds that no plan is acceptable, he asked that the Board act on the 28-unit plan that has been proposed. The idea of the 26-unit plan was to meet that driveway issue on Heenan Drive and also create some smaller retaining walls along the end of the property down here [indicated on the displayed drawing]. Two units were removed and hopefully the Board will take a look at that and ask him questions about that and the original proposal.

Brian Miller, AICP, Professional City Planner, Principal of Turner Miller Group, 408 Highland Avenue, Cheshire, CT. Stated he was asked, not at the beginning, but further into the process, to look at this piece of property, on behalf of the developer, to help the developer work with the City on what makes sense from mutual perspectives. He stated this is understandably a difficult piece of property, but noted that he is finding that the easier pieces of property, at least in Southern Connecticut, have already been developed, and almost all of the properties now have certain challenges, and this property certainly does.

Mr. Miller stated he had previously testified before this commission, although there are some new faces. He mentioned he has sat on the same side of the table as the Board, as he is the town planning consultant for five state municipalities, including the Town of Orange.

He said when he looks at any property from whatever the perspective is, he looks at a couple of things: 1) What are the overall influences on the property and 2) What are the guiding regulations and plans on the property; not only the municipal regulations, although that is of paramount importance, but what other applicable regulations, including state regulations, are influencing or regulating the development of the property, and finally, 3) What makes sense?

Mr. Miller noted has come into contact with other zoning regulations where sometimes they have been around for a while and they may not make a great deal of sense for contemporary needs or standards. That is not the case for this piece of property. In fact, the zoning regulations do make a lot of sense and it is his understanding that they were adopted fairly recently and specifically, even though the intent was to facilitate or allow the development of the Ryder Woods property, they were drawn to include this property and some other bordering properties in that vicinity. He said he assumed that there was thought and discussion behind that and the reason to do that was to encourage not only Ryder Woods, but similar types of development in this vicinity.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

This property is zoned the Cascade Boulevard Design District and everyone knows what the intent was, and the purpose is to enable the creation of a residential area of a city where there are features appropriate for environmental protection. Because of these natural features, including extensive wetland areas and [emphasis] topographic variations, sites with more densely clustered single family housing developments in exchange for the retention of large areas of open space, are encouraged to protect these important features. That is the guidance here.

Stated when looking at the property, he likes to look at the big picture within the context of the property. The context is that the property is adjacent to the Ryder Woods community, a 177 unit manufactured home community. By doing this, not only is the guidance in the regulations, but how it related and comparison to the Ryder Woods property. One of the handouts given to the Board members tonight is a one-page comparison between the proposed Rolling Meadows property and Ryder Woods. So, where there was a question on the zoning regulation, because sometimes the regulations leave room for interpretation you try to fall back to what was done on Ryder Woods. This is a much smaller property. The land characteristics are a bit different, but it is adjacent and it is in the same general neighborhood and it is in the same fairly restrictive zoning district within the City. One of the outstanding, very important aspects of the land itself is a ridge and you can see it runs through diagonally across the property. In the report there are pictures of it: It is a 40-foot high hill. When people look at the maps, there is a tendency to say why can't we do this or that? But when you look at the property itself, it is a rather significant feature of the property, and in getting back to purpose, which he just read and Ron and Leo discussed, that was one of the guiding principles of his evaluation of the design itself.

One of the other uses allowed in this district is a single-family subdivision. This idea was evaluated and it appeared to be an inappropriate alternative. Intuitively, to think of a single family subdivision in that area it is understood that it is in an industrial area, the railroad tracks are across the street and Ryder Woods is next door. It would not be marketable, desirable and would not benefit either the property owner nor the City, because it is not compatible with anything else in the area.

As Leo Carroll pointed out, this is an 8-30g application and that has certain legal ramifications which have been explained and will be explained again. That means that certain elements of the zoning regulations do not have to be adhered to in the overall evaluation of it, if it does go to a court, and that is: Does the need for affordable housing and the provision of it, according to the proposal, does it meet health, safety and welfare stipulations, rather than the letter of the law of the zoning regulations. What they are trying to do here is do both. In spite

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

of the fact that it is an affordable housing proposal, it has been designed, and then amended, according to Mr. Sulkis' comments, to meet the requirements of the Cascade Boulevard Design District.

In the overall intent, it meets the purpose. There are only two uses allowed. Mr. Miller corrected himself to indicate that churches may be allowed as a third use. Of the two principal uses, conventional subdivision or a manufactured, cluster housing community, it certainly fits that better. Again, it is similar to the Ryder Woods. It is respective of the topography – as Ron talked about putting a man on the road – and he has heard engineers say that they can do all sorts of things, and sometimes they do, but in the context of this there is an option to push that hill back to the north and put up a retaining wall or a series of retaining walls, and he suspects that would allow more than 28 units. However, in the context of what they are talking about, one of the decisions to be made is: Is that desirable? It meets the maximum number of lots; Section 3.23.1.2(2) of the regulations require that the maximum number of lots be calculated based upon a minimum lot area of 3,000 SF and that is what was used in Ryder Woods and that is usable area. There is no wetlands on the property. According to the standard, 59 units would be permitted to be maxed out on this property, 28 are being proposed, that is 48% of the maximum allowable density. As a point of comparison this proposal, (on the 28 units), one dwelling unit per 6,900 SF of usable lot area, as a comparison, Ryder has one unit per 7,582 SF. That is a small difference. If the number of units goes down to 26, the numbers would be just about identical. Right now they are within 10%. So, it is comparable as far as density to Ryder Woods. It meets the minimum lot requirements. It meets the minimum yard open space requirements. Mr. Sulkis had a comment about the open space. Again, Ryder Woods has open space, most of which is wetlands. Here, 26% of the site is open space, most of it is slope. But going back to the intent of the regulation, which is to preserve the natural features and that is what the open space attempts to do here.

Another point that was raised was the driveways along Heenan Drive. That is a point that is well taken. As was presented, there is an alternative now that would meet that requirement. Mr. Miller pointed to the displayed drawing. He noted there would be a landscaped area that would improve the visual context from Heenan Drive that could be landscaped as the Board would desire. That would conform to the letter of the regulations. It knocks out two units and also further limits the necessary regrading of the site. Stated Mr. Sulkis' suggestion was very good on that point. In fact, it would be an improvement to the submitted site plan.

Mr. Miller noted another concern that has come up is the issue of the northern access, the driveway at Research Drive. As Attorney Carroll pointed out, there is

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

no prohibition in the Milford Regulations that he could find against utilizing commercial property or industrial property to access residential property. Typically, many zoning regulations have a reverse prohibition; you cannot access commercial property through residential property. Intuitively, that makes sense.

Stated he has done work on 8-30g, usually representing or working with municipalities who are concerned about an 8-30g, or sometimes neighborhood groups that are very concerned about certain 8-30g plans. The industrial exemption that they have spoken about and as Mr. Sulkis referred to in his comments, the intent of that was based on a proposal in Cheshire, where somebody was going to take a nice piece of prime industrial property and put an affordable housing apartment complex on it. The intent of the legislature in passing that was that they felt a community should not be subject to the 8-30g affordable housing applications come up and swallowing their economic base. Mr. Miller stated he fully agreed with that and is very sensitive to that. In this situation, the access is not swallowing up or using any of the industrial base. It is not going to [significantly] physically change anything. What is being suggested is that the entrance could be dressed up to make it more conducive as an entrance to a residential environment, i.e., landscaping, perhaps narrowing it a little bit, but nothing at all that would detract from any of the economic development potential of the property fronting on Research Drive. It is not going to be a road. It is a driveway, like any other driveway into other multi-family residential. It is not a private road. It is a driveway. Therefore, he would suggest the setbacks that are already there don't apply, because it is not changing anything. If it is determined that setbacks apply to driveways, a whole new set of concerns will come into play as to how things are designed in the City.

While it is nice to say, "Leave the top, the northern part of the property undeveloped". But in fact that is just not the way things work. Not having run out the numbers, believes that if the developer is not allowed to use that, then the option is to build out from the south and push back and put up probably ugly retaining walls. He thinks this is a much more desirable and environmentally sensitive approach that is much more conducive and consistent with the CBDD.

Stated he agreed that private roads sometimes become an issue, but they are almost necessary to be dealt with. His comment was that the private roads are trying to mirror, as close as possible, Ryder Woods. Same zone, right next door. So, whatever legal constructs that you have in Ryder Woods is what is being proposed here. The two cul-de-sacs are being built to the same standards as Ryder Woods.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Finally, on the consistency of the land uses, the Statement of Use is very similar. That is something that the Board or its predecessors found appropriate, so the Statement of Use is the guideline for the project before the Board tonight.

On the issue of affordable housing, there will be the required 30% set aside by deed restriction, the 40 years, etc. One of the things when affordable housing is discussed, is what the State calls affordable housing and sometimes what everyone knows is really affordable. According to the market assumptions and the reading of the economic conditions, in fact the whole thing will be de facto affordable, providing low cost family or either housing for families, housing for seniors, housing for young couples, whoever, that it will provide an alternative that everyone recognizes is needed and will be beneficial to the host community.

In summary, the proposal here is actually in conformance, as will revise it, if the Commission wants to the zoning regulations of the City of Milford; that the access to the northern part of the site is consistent with the regulations. It does not contradict. It is not in nonconformance with any zoning regulations that he could discern, using the access to the north. That the proposed development is respective of the topography and consistent with the intent of the CBDD and finally, the site as it exists right now is not really any sort of benefit to the City and the proposal will provide a use that does play an important role in the City's land use and economic function. Will answer any questions.

Mr. Carroll: Stated he would hand out copies of photographs of what the manufactured homes would look like, photos of the interiors of the homes and floor plans for each of the proposed types of building, which will adjunct Mr. D'Amato's description of the homes to be used in the development.

Louis D'Amato, D'Amato Brothers Builders, 183 Quarry Road, Milford. Stated things have changed in the 50 years since he started his business and came before the Milford Planning and Zoning Board for a 3-lot subdivision. Stated costs have gone up and there is a real need for affordable housing in Milford.

He spoke to the misconception that manufactured housing is an inferior product. Stated this is not true. The product is built in a factory and some day in the not too distant future, all housing will come from factories and be delivered to the site. These houses are built under ideal conditions. Screws are used. They are glued together because they have to be moved a great distance in many cases.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The manufacturer chosen for this project comes from Pennsylvania, so he is moving approximately 500 miles to bring this product here. What is being shown is a small example of what can be done with this house. This particular house is the same house that he built for \$15,900, fifty years ago. It is a 1000 SF house, which could be larger or smaller, and is a better house than was built 50 years ago. It is energy efficient, air conditioned and has a host of other features. Someone walking into this house would not know the house was built in a factory. It is that nice. A number of housing styles were shown. Office buildings have been built in factories. He said that a house built in a factory is about one third the cost of a conventionally built house and would be a much better product.

Mr. Carroll: Stated his presentation was over and if a short break was to be taken, his team would be available to answer any questions.

Mme. Chair: Said the Board would take a five-minute break at which time the audience can look at the plans.

[A recess was taken from 7:57 p.m. to 8:09 p.m.]

The Chair referred to Mr. Sulkis for his comments:

Mr. Sulkis: Stated the first thing the Board heard was that the applicant got his report at 3:00 today, but there is nothing in the report that should be a surprise to the applicant or the applicant's representatives because there have been multiple meetings about this project over the last two years. He has had these meetings with Mr. Carroll, Mr. D'Amato, Mr. Curseaden, and most recently, with Mr. Miller. Also, as a courtesy to them, as the report was being formulated over the last two weeks, he made multiple phone calls to them just to keep them apprised about what would be in the report, if in fact there might have been something that might not have been discussed at one of the multiple previous meetings over the last two years.

Heard a lot tonight about working in harmony with the regulations. Heard that from Mr. Wassmer, Mr. Carroll and Mr. Miller. The applicant should be commended in submitting an application that tries to closely follow the regulations as best it can. But the fact of the matter is this is an 8-30g application. It is not required to follow the regulations and in fact, if this was not an 8-30g application, the Board would not be hearing this application at all. This application does not meet the requirements and regulations of that district in which it is located. The district requires a minimum 10 acre lot for the type of housing that is being proposed. As we know, this does not have that. But that is okay. This is an 8-30g application and does not have to meet the regulations.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Board and applicant have his report. Some things of concern: Mr. Wassmer mentioned the on-call engineer's comments. One of those comments had to do with retaining walls. If you look at the plans, they do show retaining walls, but there are no details. It is not necessarily a horrible situation, and he understands the applicant not wanting to do any of that engineering until they have some sense as to where the application is going, but to get a true sense of what the runoff is going to be for units that are immediately adjacent to those walls, you have to know what kind of wall and what kind of drainage is going to be there. He did speak to Mr. Wheway regarding that and he agreed with Mr. Sulkis that was a concern, and the City had experience with that. The last time the Board approved a project, many years ago, that had engineered walls that were not shown, the City had a big issue that it is still dealing with today, and are in litigation with it today because, once again, that project also had drainage calculations just like this...everything is fine, except they did not provide the engineered wall and there were issues with runoff. The litigation is going to be coming to a close, but the same thing here, we do not want to deal with future litigation and we don't want to have to deal with a future resident of this complex calling the City saying, "How come you guys approved this and I have water coming through my living room because I am five feet away from a retaining wall?". We don't want that. We want them to be safe and that is what this is all about.

The Board heard a lot of talk about an easement through the industrial park. Mr. Sulkis stated in his report he characterized it exactly as the applicant did it: An easement through the industrial park, but in effect, it acts as a private road. The Board heard tonight that the only way to access that site without doing any extraordinary engineering, which apparently can be done, but again, they choose not to do it for a bunch of reasons. Whether they conform to zoning or not, or the intent of the Cascade Boulevard Design District does not matter, because nothing here conforms with the Cascade Boulevard or intent of the Cascade Boulevard Design District because it is an 8-30g. That private easement, which in effect is a private road, would require in his opinion a different application to the board, because the applicant in effect would be changing a use of the industrial park. They would be changing the site plan. They would be changing the intent which is an industrial park in an industrial zone for industrial purposes. And if you have to go through this industrial park for residential purposes and again on a private road or a private driveway, that is a change of use.

One of the things that Mr. Miller touched on is the health, safety and welfare of the people who live in this housing complex is important and is something that is taken seriously when evaluating issues, if there are negative issues, with

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

affordable housing and in this particular case he is only raising a concern that the housing that is located in what the applicant calls "Phase II", again which is behind the industrial park, how you get from your house to a public roadway? How do you walk from your house to a public roadway? Apparently, the only way to do that is going to be through an industrial park, not an industrial zone, well you have that anyway because the industrial park is in an industrial zone. You are walking through an industrial park. This housing may have children in it. We do not know. It may not, but if it does you are going to be sending school children walking through the private road through the private industrial park, out the public road of Research Drive. That is a concern. There is a reason why the City has industrial zones and there is a reason why the City has residential zones and there is a reason why you do not have residential in industrial zones. The two do not mix. You do not want people to be in harm's way who are not in that zone for business purposes. You go into an industrial park. You are there for an industrial purpose. In this case you are going into an industrial park apparently for a residential purpose as well as an industrial purpose.

Mr. Sulkis continued that having said what he did about Phase II, other than some site modifications, he did not have any issues with Phase I. The alternatives that the applicant presented this evening are alternatives that they had previously discussed with him, and that particular part of the site, other than the concerns that he mentioned in the report, he has no issue with.

Mme. Chair: This portion of the public hearing is open to Board questions.

Mr. Carroll: Asked the Chair if he would have the opportunity to respond to Mr. Sulkis.

Mme. Chair: Said this could be done after the Board questions.

Mr. Bender: Asked for clarification of a statement made by Mr. Carroll, "...available for residents of Milford". Is that correct?

Mr. Carroll: No. They would be available to residents of the State of Connecticut.

Mr. Bender: It was said these would be purchased homes, leased land. Would that be deeded for 40 years? How would that work? Isn't that how the original Ryder Park was handled?

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Carroll: They will be given a lease that will be in excess of the period of time of which they have chosen to take out a mortgage, or for the period of time that -- a permanent lease, in other words, a permanent renewable lease. They will have rights to maintain this.

Mr. Bender: Permanent renewable?

Mr. Carroll: Permanent.

Mr. Bender: Not permanent. Renewable.

Mr. Carroll: Renewable.

Mr. Bender: Mr. Wassmer said something about "minor" when he was talking about Golden View Terrace, regarding the dimensions. He said 80 feet, 28 feet for a minor cul-de-sac or street. The street is about 300 feet long and there are 15 houses on it. Does not see that it is minor.

Mr. Wassmer: The City has a term that is called "a minor residential street". It is a typical design of 30-foot pavement, sloped --

Mr. Bender: But 300 feet long.

Mr. Wassmer: -- that is the City's definition of a residential street. Typical "minor" residential street.

Mr. Bender: They would term this street 300 feet long with 15 houses on it, minor?

Mr. Wassmer: The definition of a minor residential street refers to the cross-section; the width of the pavement, the makeup of the pavement. It is a standard detail that the City of Milford Engineering Department came up with 30-40 years ago, versus an industrial collector street, the Boston Post Road. It is not referring to the length of the street. It is referring to width.

Mr. Bender: It does not refer to what is on that street, so it is irrelevant whether it has one house or a hundred houses on it.

Mr. Wassmer: Yes.

Mr. Bender: Asked if building codes would apply to these types of homes?

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Sulkis: Yes. Said he agreed with the comments made by Mr. D'Amato about the quality of manufactured housing.

Ms. Rose: Did not get a copy of the financial details of this project. According to Mr. Miller's report, that according to the 2000 Census, out of the 21,962 units, Milford is at 6.18% affordable. This proposal would give us 9 units. Milford would then need an additional 838 units to reach its threshold. This will be leased land and the units will be sold?

Mr. Carroll: Yes.

Ms. Rose: What will be the cost of the units, (2 bedrooms), for the affordable units, versus the cost for the regular priced units?

Mr. Carroll: The set aside units will be based upon income in the State of Connecticut. There is a copy of the affordable plan in the file. The set aside requires 30% of the units to be set aside; 15% are to be affordable by 80% of the population and 15% by 60%. The prices on those 3-bedroom homes as calculated by the applicant's affordable plan will be \$74,000 for the 60% units, and \$130,000 for the regular cost. This is noted on page 8 of the affordable plan.

Mr. Carroll gave Ms. Rose a copy of the affordable plan and stated he had additional copies if the Board members requested them.

Mr. Carroll: Stated they had worked with Tom Ivers on this plan which is pretty standard. The numbers are all there. He explained that the income numbers will change next week because the numbers change every April. The census will no doubt have an impact on these numbers, but in the meantime the way the law has been interpreted is you deal with what the reality is the day you file the application.

Ms. Rose: Will the lease amount be the same for both the affordable and non-affordable units, or will that also be on a sliding scale?

Mr. Carroll: Said that Mr. D'Amato said they differ with respect to whether they are affordable or not.

Mr. Carroll read from the plan: "The home size lease on the maximum sale price of the 80% units will be \$500 and the home site lease for the 60% units will be \$471." That is on pages 9 and 11 of the sample calculation of the affordable plan.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Ms. Rose: Will Mr. D'Amato be administering this?

Mr. Carroll: Yes. The plan is that he will be maintaining ownership of the underlying land. He will be responsible for the maintenance and upkeep of the road, the plowing, etc., so that the residents have somebody to look to for any issues that come up.

Ms. Rose: Will that be an additional fee over and above the lease land fee, or will that be a maintenance fee on top of that?

Mr. Carroll: That will be included in the lease fee

Mr. Sulkis: Asked to add a little more to the affordability plan. On November 13, 2009, Thomas Ivers, who is the appointed Housing Compliance Officer, issued a letter to Mr. Carroll about his concerns regarding the affordability plan. He had multiple issues with how the calculations were done. Yesterday, March 15th, Planning and Zoning got the new recalculated affordability plan. Mr. Ivers has just returned from vacation and he took a quick look at it. He has not had a chance to fully evaluate it. He did send a note saying that the same concerns that he had in the calculation of housing, still remain in the new report. So, it will be necessary to keep the record open for a full report from Mr. Ivers, so he can better elaborate on his comments. But, he seems to indicate that his concerns from November have not been addressed.

Mr. Carroll: Asked if Mr. Miller could respond to the remarks just made.

Mme. Chair: Asked if Mr. Carroll would mind, because the public would like to speak, too.

Ms. Rose: How will the applicants be chosen for the affordable units? Is there a lottery system?

Mr. Carroll: There is a marketing plan in the affordability plan. Beginning on page A1, there are a number of things that have to be done. The administrator will analyze census and other data; the groups representing the population; announcements in publications and advertising, such as the New Haven Advocate, the Inner City News, Spanish newspapers, New Haven Inquirer, social service agencies and community contacts with low-income families will be included, including the notice to the City of Milford Community Development, the Milford Housing Authority, West Haven Housing Authority, Stratford Housing Authority, and various other. It goes on and on. The applications will be on a

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

first come, first serve basis. The Fair Housing Act requires that Rolling Meadows not discriminate on the basis of race, color, creed, religion, natural origin, familial status or disability, or any other protective federal, state or local fair housing applicant. It is based upon the qualified governing authorities income classifications. So, the answer to your question is that it is an extensive process. It takes a good deal of information to qualify somebody, but it is on a first come, first serve basis.

Ms. Rose: There are only nine units. You are going to contacting civil service, churches, community development, housing authorities, newspapers. Don't think it will take long to find nine people who will qualify for these homes.

Mr. Carroll: That is exactly why there is an Affordable Housing Statute in Connecticut. It is because the need is there.

Ms. Rose: Stated she will go to Hartford and change that statute just so more units will be allowed in there.

Mr. Carroll: It is a remedial statute. It is on the books and it is there and that is exactly why Connecticut has it.

Mme. Chair: Asked the public if there was anyone to speak in favor of the proposal. (No response). Anyone to speak in opposition to this proposal?

Albert Hricz, 135 McQuillan Drive, Milford. Stated he is familiar with the area. The slope area erodes on a natural basis as far as the dirt sliding down the side of the hill. Any more construction on the top of it that would disturb the ground around and on the side of the slope is only going to cause it to deteriorate more. As far as the impact of the size of the proposed project goes, his only concern on that would be: Should the Army Corps of Engineers be involved to give their viewpoint on the project?

Stephen Povroznik, 17 Marble Lane. President of the Ryder Woods Association. This application is 8-30g. There have been a lot of comparison to Ryder Woods, but the fact is, if it was not for 8-30g according to the regulations 3-23-1-2, they need ten acres to do this and they do not have it. So, they had to invoke 8-30g, which is so-called "affordable housing". To him it is a very unfair legislation and they are trumping this card to force this development in. Stated he does not think it is right. Thinks there could be a development put in there that would conform to the uses of the Cascade Design District.

Corrected the applicant who said that there are 177 units at Ryder Woods. There are not. There are 174.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The applicant asked to keep the public hearing open. Asked if public comment could be given at the next session if it is kept open for any changes that are made.

Mme. Chair: If the hearing will be kept open for a couple of reasons, then the public could speak to those reasons. If it is kept open for everything, then all items can be addressed by the public.

Mr. Povroznik: The applicant brought up about the sewer commission, which was Ryder Woods was given on March 8, 2004, but that application was made with five homes being connected to the Ryder Woods sewer lines, not 31.

Next item, there seems to be a lack of buffer between the development that is proposed and Ryder Woods.

The upper development access to the industrial zone. He has never seen anything like that before. It's where you are just trying to jam something in there and once again, there are going to be citizens living here. There could be kids. They will need to walk out, not just in the industrial zone but off across the industrial site. Where are the school buses going to pick them up? School buses do not go on private streets and driveways. They know this at Ryder Woods. There is also a lot of truck traffic in the industrial zone and there are a lot of successful businesses up there. That is great, but there are a lot of tractor trailers that he sees every morning. Also, the Milford Transit District is up there, so those busses are going back and forth all the time, too.

Stated he does not know what the intent of the applicant was, but a statement was made that Ryder Woods was affordable housing under 8-30g. That is absolutely, positively incorrect. It is a fabrication. It is not true. Ryder Woods never applied for 8-30g. They complied with all the City regulations, Planning and Zoning, Inland Wetlands, the Building Department and Engineering. Also, the quality of life that you have with people living right beside the industrial area is not conducive for families. Also, the keeping of the landscape with the retaining walls are still not defined. That makes the application incomplete and it should be done.

With the upper lot there was a lot of talk about engineering and going to the moon, etc. He grew up in Appalachia and they have streets that are much steeper than the street that they are putting in there. So the reason they do not want to put it in there is economics. That should be taken into consideration. This application, or some derivative of it was before the Zoning Board of Appeals and was denied.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Insulted that one of the applicant's consultants indicated that having single family homes placed on this site would bring down property values because of the train tracks and because Ryder Woods is there. Stated he found that extremely insulting. Once again, that is an industrial zone up there where they will have access – people have gotten hit in Milford before. There are buses and tractor trailers up there. There is a lot of traffic up there that the Board needs to consider. 8-30g is a bad law and needs to be redone. Affordable housing is needed, but that does not mean you can cram in affordable housing where you say single family homes would bring down your property value. That is not right and that will only bring a dangerous situation to Milford in the future.

George Puskas, 60 McQuillan Drive, Milford. Stated he is not familiar with engineering and planning and zoning. Dealt with Planning and Zoning and Inland Wetlands departments when he applied for his shed. From this experience he has gotten the impression that anyone who comes in and says the magic words "8-30g" can get what they want. Does not think that is fair. This is on an emotional level, not necessarily on a technical or legal idea. He feels it is a bad idea to put that park next to Ryder Woods. One of his main concerns is the hill or wall. He met with Mr. Carroll on this issue. He feels it is still unstable. Mr. Carroll said that there was rock underneath there but rock can break and crack and accidents can happen and he would hate to see anyone's life in peril.

Mme. Chair: Asked if there was anyone else to speak in opposition. (No response)

Rebuttal by the Applicant:

Mr. Carroll: Asked to make a general statement that there is a lot of law in the affordable housing area going back to the 90s. It seems to be a full employment for lawyers act. It seems that there are a lot of cases involved in this. The black letter law on affordable housing in the State of Connecticut says that a Planning and Zoning Commission cannot deny an affordable housing application unless it finds there is some quantifiable probability of harm from the defect or problems of which have been discovered. That is a quantifiable probability, the fact that something may happen. The fact that a wall may fall. The fact that children or school buses, etc. The law says it has been a quantifiable problem. Mere speculation does not work and that is the case law. Unfortunately, as Mr. Puskus says, 8-30g does trump the regulations. And partly in response to Mr. Sulkis, he pointed out that they tried to work within the regulations to make it as acceptable as possible to the Board, but they recognize that they did not have to at all.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Believes they should get credit for that, even though Mr. Sulkis is criticizing them for it. He thinks the mere possibility of harm to any public interest is not sufficient to deny this application. That is black letter law based on the case of Carr v. Planning and Zoning of the Town of Bridgewater, which is a 2005 case and that case has been followed a number of times and it is good law and it will be good law for a long time. If people have a problem with affordable housing, they should go to their legislators, not to this commission, because the Commission's hands are tied on this matter.

Asked to address a couple of other issues that were brought up by Messrs. Sulkis and Povroznik.

Mr. Sulkis indicated he had kept the applicant up to date and there were no surprises in the report. The report is six pages long and they have not had time to digest it. He read it but could not absorb every word that was in it. Mr. Sulkis had from February 25th to draft that letter. Sure there is a lot in there and they need to respond to it and respond to it in writing, the way they did with all the other town agencies, to try and work out the issues. Respectfully requested that the hearing be kept open for that purpose.

Mr. Sulkis also indicates that there are some engineering resolutions that can occur. There is a difference between could and practically and practically occurring engineering resolutions for this site are out of the question. Any reasonable man would look at that slope and say, "You can't fix it." You can tear into it and build a wall, but you can't put a roadway from the bottom up to the top. It doesn't work. Mr. Sulkis said the applicant "chose" to use that property on the top for housing. The reason they chose to use that property for housing is because this board zoned it for housing. Said he did not know if the board looked at the slope before they zoned it, which goes back to when they did the Ryder Woods project. They zoned a number of parcels, (5 or 6 parcels) in the Cascade Boulevard Design District. Not sure if any member other than Mr. Liddy was on the board at that time. They chose to include Mr. D'Amato's property in that zoning and in order to utilize the two acres that are on top of the slope, it has to be used for residential and they have to come through the industrial area.

Mr. Carroll said he also took exception to Mr. Sulkis' categorization that they are changing the use of industrial land by putting a driveway through it. It is a driveway now and it will continue to be a driveway. It will be a driveway that goes into a residential neighborhood, but it is not a change of use. There is no interpretation of the law that says a driveway through an industrial zone to a residential neighborhood is prohibited. That could have been put in the regulations, but it was not. So, that is a disingenuous argument.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Povroznik mentioned that he [Mr. Carroll] said that Ryder Woods was an affordable project. It is affordable by its nature. The units are less expensive than what is being proposed, but it was never claimed that theirs was an 8-30g application. If that was mistakenly heard or somehow conveyed to anyone, that is not what they intended to say.

Thanked Mr. Povroznik for clarifying that the number of units at Ryder Woods was 174 vs. 177. He pointed out that he [Mr. Povoznik] made reference to a sewer commission approval in 2004, which letter was handed out to the board. There is no restriction in that letter about how many units can go in there. Also, there is no requirement for a buffer between Ryder Woods and Rolling Meadows. There is a wetlands between the two and it is all on Ryder Woods' property. It is not in the regulations that a buffer is required between residential properties.

Mr. Povroznik also made references about jamming things in. From Mr. Miller's chart the Board can see the percentages and square footage. There is 6900 SF of property on the site for each of the units. There is 7400 SF of property on each of Ryder Woods sites. The difference is insignificant. A larger site should have a few more SF per unit. There is a little bit less open area (26 v 37). Proposed is a slope, theirs is wetlands, both not usable.

Presented this application and ask that the Board look at it very hard. Asking to keep it open to respond to Mr. Sulkis' memo in writing; for the applicant to answer any questions that they may direct Mr. Sulkis to ask about the proposed amended plan because they are willing to amend their application to include. Thank Mr. Sulkis for pointing that out. There are also other changes that were adopted from what Mr. Sulkis said. As Mr. Sulkis said there were no surprises in his report, but until you see it in writing you do not appreciate it. Would also like to meet with staff to discuss the 26 unit plan.

Mr. Miller: Stated he agreed with Mr. Ivers comments when he looked at the affordability plan, that it was not appropriate for the type of development that was being proposed. The one that was just handed into the planning office is very different. He would suggest that staff take a good look at it.

Mr. Miller said he works as a town planner in various communities, one of which is the Town of Oxford. The town of Oxford had an affordable housing application for manufactured homes and he raised the same questions about the affordability plan that he thinks Mr. Sulkis is raising. The affordability plan that the Board has now was fashioned upon that same mix of housing ownership on leased land, which to his knowledge had not been done before on any affordable housing. The court did approve that plan. He suggested that as part of the review that they might want to look at Garden Homes vs. Town of Oxford. Documents can be made available for staff's review and compare it.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Rebuttal from those who spoke in opposition:

Mr. Povroznik: Accepted Mr. Carroll's apology but reaffirmed that the statement was made. Has nothing against affordable housing. Another point that was brought up a couple of times by the consultants is that the Ryder Woods open space is all wetlands. That is not true. The open space is about the same size as that proposed by the applicant and it is not on wetlands.

Ms. Rose: Wants to keep the public hearing open for the approval from Tom Ivers on the affordability plan. Did not see sheds on the drawings. Would like to see them. Is questioning the sewer commission's letter and what it means. Would like to see something new from them for this development. Would like to see a better landscaping plan, with something to buffer Ryder Woods. Would like Mr. D'Amato to round up to ten the number of affordable units.

Mr. Bender: Would like to get the opinion of the City Attorney on this matter. Any plan for handicapped units?

Mr. D'Amato: No handicapped units are required or planned for.

Mr. Liddy: Asked about the 8-30g state statute compliance by the applicant.

Mr. Sulkis: The applicant has complied with the state statutes.

Mr. Liddy: Lease vs. ownership. What if a company on Mr. D'Amato's other properties wants to expand, will he be able to kick all the people off and have them move their homes somewhere else, i.e., Ryder Park situation. Why does he want to lease the land instead of having the people own the land in perpetuity.

Mr. Carroll: As Mr. Miller indicated, the Oxford proposal was what this plan was modeled after. The plan is that these leases will be permanently renewable. The reason they are not one lease for X number of years is because the increase of the cost of maintaining the property will be going up, so the landlord has to have an opportunity to increase the amounts. But as long as someone is paying the rent they cannot be thrown off. They are not going to turn this around and turn it into some other use because the property will be subject to these leases and those leases will go for longer than anyone will be around.

Mr. Liddy: Referred to Mr. Miller's booklet and the proposed driveway and safety. How will the children be safeguarded going through an industrial park to get to the bus? It is plain as day that anyone driving through, from the pictures that are shown, is going through an industrial park to get to a residence and since these are private streets, the children will have to walk through the

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

industrial park to get to the road to get to the bus. The buses are not allowed to come onto this property because it is a private road. If the private road is changed to a city road, that is another story. How will our children be protected going through an industrial park?

Mr. Carroll: The law that was quoted is black letter law. What they are planning on doing is landscaping the area so it looks more pleasant and there will be more trees and buffers and the roadway itself will be improved. They will also voluntarily agree to put a sidewalk in on one side of the road so the children can walk through.

Mrs. Patterson: If a sidewalk is put on one side, it would have to be on the right because there are four buildings. If trees and buffers are put there, what would prevent someone coming out and not seeing anything coming to the left.

Mr. Carroll: Mr. Wassmer will design a safe and adequate area where the children can cross and walk on the sidewalk. It will have to be designed properly.

Mrs. Patterson: Asked for the count of traffic or trailers into the four buildings that are there now.

Mr. Carroll: Mr. D'Amato has operated this industrial park for many years and stated that the numbers are low. There are a number of businesses where the employees come in the morning, leave at night and are not there on the weekend. They are not retail or commercial stores.

Mrs. Patterson: Is it possible to request a traffic study?

Mr. Sulkis: It would not be a traffic study, but a review of land use. What is in that industrial park as well as the industrial park next to it. According to the plans the easement goes over into the adjacent industrial park as well.

Louis D'Amato: This complex could have 10-12 children. He had this discussion with Mr. Sulkis. He would have preferred to make this an elderly housing complex, but Mr. Sulkis did not give a favorable response to that. Mr. D'Amato stated he would adjust his application to that.

Mrs. Patterson: The street will come between two or three buildings. If a sidewalk is put in either way there will still be traffic one way or the other coming through there.

Mrs. Patterson and Mr. D'Amato did not agree as to how each saw the sidewalk/driveway situation working out.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Bender: The Board has to look at least 40 years into the future and they must be concerned as to what will be there in the future, not necessarily what is there today.

Mr. D'Amato: The uses in these buildings is of very light use. They are not adaptable to heavy industrial use. Mostly of office use. That is where it is headed now more so than any industrial use.

Mrs. Golden: How will this project affect Ryder Woods with regard to digging into the hill and water runoff and mud. Also, if there is runoff from a storm, who will be responsible for the damages that occur to the houses below?

Mr. Carroll: They rely on the engineers to design adequate protection into the design of the drainage to prevent that type of thing from occurring. Mr. D'Amato will be the landlord. If there is a problem, people will come to him. That is one of the advantages of having a project where the developer is not walking away. He is staying on the site and his son James will be running it after he is finished running it. The plan is to address all the drainage issues. They hope and do not think that it will have an impact on Ryder Woods. Will do everything they can to prevent anything like that from happening. They don't want any problems.

Mr. Dickman: Mr. Sulkis had said there were no private roads approved since the 90's. The applicant says there were private roads approved for Ryder Woods. Asked if there was something he was missing in this, or is one statement correct and the other incorrect?

Mr. Sulkis: Ryder Woods was approved in 2000, but that was a project that the Board and the City got behind because it was a very unique situation having to relocate a housing complex from the Post Road to there. So, in that particular situation there are private roads. Those private roads are quite obvious. When you get off Heenan Drive you are in a complex of private roads. One of the issues with the proposed Cottontail is that is right off Heenan Drive. So, for someone who is driving around, he is not entering a community or a complex, he is taking a left onto what looks like a public street but it is really not. That's the difference.

Mr. Dickman: Are there any other private roads that are attached to industrial parking space in the way that Golden View Terrace is proposed in this application?

Mr. Sulkis: Clarified if Mr. Dickman was asking whether there is a private or similar dead end road whose only access to residential is through a private existing industrial park? Not to his knowledge.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Dickman: Asked if there was any way to confirm that.

Mr. Sulkis: During the last six years, no. Would have to go back and look at the industrial zone to see if there is residential surrounding the industrial zone, who only has access through the industrial park to get to it. Stated he did not think there would be.

Mr. Carroll: Asked the Chair if he could address Mr. Sulkis' comments about Ryder Woods being a unique situation. Question is: What does Ryder Woods have that this proposal does not have? Maybe they are not building a Wal-Mart on the old site. This is very important. If he [Mr. Sulkis] interprets these regulations to mean that if you got the right project you'll get it approved, this is terrible.

Mme. Chair: That is not germane to this application. The tape will be available. The Board will be talking about this and asking questions, but the Board will be the one that will be determining this application.

Mr. Carroll: Stated he did not know what was so unique about Ryder Woods that it got special treatment.

Mme. Chair: Right now this application is being discussed. Ryder Park is not being discussed. Will continue forward. Asked if there are further questions from the Board.

Mr. Mead: A few things about safety have been brought up: The sidewalk that is proposed to be put on from Research Drive down to the project. According to the photo there is no lighting.

Mr. Carroll: Lighting will be put there.

Mr. Mead: Who will maintain the sidewalk for snow removal?

Mr. Carroll: Mr. D'Amato will.

Mr. Mead: And for early morning for the children to get the bus?

Mr. Carroll: Hopefully.

Mr. Mead: Will he provide an enclosed place for them to catch the bus?

Mr. Carroll: Yes.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Mead: Since this is a right-of-way going through an industrial parking lot to get to the area, how will it be named in order for emergency vehicles to get there without being confused.

Mr. Carroll: That issue has been discussed. Have had preliminary discussions with the police and fire departments about identifying it and making sure they know where it is, especially the fire department; that it is a residential area off Research Drive. Extra precautions will be taken to make sure that the health, safety and welfare of the residents are paramount. Aware of that situation and it will be addressed.

Mr. Mead: The width of the road was brought up for the minimal type of area. Is there any extra parking provided for people if the people in the project have visitors?

Mr. Carroll: No there is not. If a subdivision of single family homes is built, there is no extra parking there either. The HS-30g regulations do not require it.

Mr. Mead: What is being considered open space left over is the 26% of the slope and that is all the open space there is for the residents to enjoy and use?

Mr. Carroll: That is what they have.

Mr. Liddy: The applicant knows the regulations for subdivisions usually require a sidewalk throughout the subdivision, and if you do not want a sidewalk you have to ask for a waiver. Mr. D'Amato generously said he would put a sidewalk down here, but would he be willing to have a sidewalk go around the whole cul-de-sac to make it more family oriented.

Mr. Carroll: The applicant can work with Mr. Sulkis to try and figure out a sidewalk plan.

Mr. Liddy: Mr. D'Amato brought up an interesting point: He would consider elderly housing. If he did that there would not be the children issue. Would that still be considered 8-30g or would it be 8-30g with elderly housing restrictions?

Mr. Carroll: If an over 55 project was approved, it would not be an 8-30g project. It would require the Board to issue a Special Exception for an over 55 project. They would stick to 26 units and probably reduce the bedroom count. That is something they are seriously willing to consider. That is one of the reasons they want to keep the hearing open, to maintain the flexibility and hope that this process works.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Carroll stated despite the fact that he and Mr. Sulkis get into a number of arguments, they do work well together. The applicant would like to work on this.

Mr. Liddy: That sounds like it might be a great idea, but Mr. Sulkis mentioned if it came in as a normal subdivision, nothing would be in compliance.

Mr. Sulkis: When you look at the regulations and you look at the zone you have certain things that are allowed as of right. You have certain things that are prohibited and then there are a whole range of things that are not in there that are as right and are not prohibited. Those of the things that an applicant can come in for as a Special Exception. The applicant has an option to apply for a Special Exception.

Ms. Rose: Asked if legally the 8-30g could be limited to a 55-year and over? Said she would never approve a 26-unit for elderly. This is not even a place for a kid to ride a bike in that development. They would be out in the industrial area riding their bikes zipping in and out of all of those buildings. There is no place for a swing set. It's basically disgusting. Would hope that anyone thinking of moving in there would not have any children.

Mr. Sulkis: For clarification, the Board should keep in mind that what was mentioned was "age restricted" housing, not elderly housing. They are two different kinds of housing. Also keep in mind that an age-restricted (55 and over) could be someone who is 55 and may have a younger spouse and that spouse might have a young child as well. So, if the Board operates under the assumption there can be no children in age restricted, that is not true.

Mrs. Patterson: Regarding the fire report. Was there anything in there about fire hydrants or of that nature?

Mr. Wassmer: The locations of the fire hydrants are indicated on the plan.

Mr. Carroll: C3 site plan.

Mme. Chair: The hearing will be kept open. Went through the items that the Board will be receiving:

1. Mr. Ivers' response to the revised Affordable Plan.
2. A legal opinion on the driveway easement.

Mr. Sulkis: The Board will not get an opinion on this project from the City Attorney's office. It is not the responsibility of the City Attorney's office to chime in on this at this time. This is fully within the Board's jurisdiction.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Bender: Thought the Board should get that in writing from the City Attorney. This is a very serious issue and the Board is taking a lot of responsibility with it. Would like the City Attorney's office put in writing that they have no opinion, it is not their jurisdiction, etc.

Mr. Sulkis: By statute it is not. CGS 8-30g and land use is under the purview of this board. The City Attorney's office gets involved when, if things do not go well, the matter goes to litigation. The City Attorney's office will not give the Board an opinion as to should they do this or that with 8-30g. Is this a good thing or a bad thing. That is not their job.

Mme. Chair: There was a statement made about "easement v. property lines". Her question has more to do with if there is a distinction and what are or are not the liabilities on an easement in this particular case.

Mr. Sulkis: An easement is an easement. A property line is a property line. What other clarification is needed?

Mr. Carroll: An easement vs. a lease, a 99-year lease. The reason they used the alternative terms was that there is currently a mortgage on the property and they have to go to the mortgagee and request a release. It may be that they want the applicant to give a lease. They may approve an easement. Whatever they want to do, they want to come back to this board and say, we have it guaranteed that the access will be there. He stated he did not know whether the City Attorney would give an opinion or not. In his own opinion, this is good and whatever is crafted, be it a lease or an easement, will stay there forever. There are a lot of legal requirements that will be involved, and will be done.

Mme.Chair continued: Retaining wall and runoff calculation. The Board is asking for an engineering report regarding the runoff.

Mr. Sulkis: They may or may not be able to do this because it would require knowing what those engineered walls are. Let's see what they come back with.

Mr. Wassmer: Stated he could provide some conceptual details of the retaining walls. In his opinion the walls are 8-feet tall. He is very familiar with the litigation that is going on in the city regarding the project along the railroad. Of all the developments he has know that have gone on in the past 25 years, that is the only time (and he did not play a role in this development), that litigation has come about as a result of a retaining wall. In that instance the developer chose not to follow up on the plans that were submitted. It is his understanding that the company that reviewed his plans was hired by the City to help facilitate the

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

design of those retaining walls. The reason he knows that is because his company was hired to try to rectify some of the drainage problems that have gone on in that project.

In regard to the Storm Drainage Report, it is in the memo, second page, "The provided calculations demonstrated a proposal to contain the increased runoff volume between pre and post construction for a 25-year storm". So, that information is already there.

Mme. Chair: Told Mr. Wassmer he was going to try to provide something with the retaining wall.

Mr. Wassmer: Said he would provide some sketches of some of the retaining wall; a typical cross-section could be shown. There are a lot of manufactured solutions these days. Twenty-years ago the typical design was a cast in place concrete wall with a footing. A lot of companies have come up with proprietary walls. They vary in cost and esthetics. The applicant did not think he had to go into that detail at this point, but a sketch of a typical cross-section indicating the slopes behind the wall; how tall they are, would not be out of the question.

Mr. Sulkis: Asked that drainage from the wall be included. When the wall is put in place it changes the drainage and flow in the area. That is what he is trying to get at.

Mr. Wassmer: The details will indicate how the runoff will be controlled.

Mme. Chair: Asked if Ms. Rose wanted more a more detailed landscaping plan.

Mr. Wassmer: Asked for clarification as to what the Board is looking for in regard to landscaping.

Ms. Rose: Asked for a better landscaping plan. Going down to the 26 units wanted to see how the landscaping would change eliminating one unit on the left on Heenan Drive. Also, a buffer to be provided for Ryder Woods.

Mr. Wassmer: The landscaping plan on sheet C-8 has been submitted. Perhaps the driveways will be changed. It seems at this point they are going back and forth as to what the final design will be. Similar trees will be provided as on C-8.

Referred back to the question of the sheds. Unit 23 shows proposed "P" attached shed, typical. Looking at sheet C-3, the closest units to Ryder Woods

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

would be Units 28 and 7. (Referred to the display) This is approximately 50 feet from Ryder Woods. This slope is going to have some temporary construction to put in some utilities, but then it will be stabilized and it will provide a 50-foot buffer, as well as whatever land Ryder Woods already has over there between their units and this parcel. Did Ryder Woods provide a buffer on this land (pointed out on the display) to this piece? Asked how much money was going to be volunteered on Mr. D'Amato's behalf. In Unit 28 there is a wetland area that was not developed as part of Ryder Woods. Mitigation was proposed on their (D'Amato's) property in relation to those wetlands. So, there is a buffer, in fact, between the Ryder Woods project and the proposed project in the two locations where they are closest to their development.

Ms. Rose: The people in Ryder Park mentioned that they would like to see a buffer, so perhaps Mr. Wassmer could communicate with them to see if there is anything he could do to satisfy them, should this application be approved, that might make them a bit happier. She looked at the landscaping plan in detail and thought it was scant, at best.

Mme. Chair: Asked if the applicant could provide a better site plan for Research Drive and the private driveway to Golden View Terrace that would show the sidewalks and buffers and the other elements that were discussed tonight for the next meeting.

Mr. Carroll: Stated he would redo that portion of the site plan.

Mr. Ferrante: Since there is an easement or a lease for the access driveway, is the Board responsible for making sure that that is temporally co-terminus with the leased land?

Mr. Sulkis: Said he was not sure.

Mr. Ferrante: It appeared to him that a vital part of this plan and a quantifiable probability of harm is whether or not these people can get access to the land, if not in fee simple, certainly in perpetuity. He said he could not imagine not having that in solid form for the Board. Isn't that a really big problem?

Mr. Carroll: Concurred with Mr. Ferrante and said he was on target with what the nature of the problem is. Was surprised at Mr. Sulkis' response that the City Attorney would not chime in on this. That is why he said he would give the Board that representation.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Ferrante: Said he wanted something beyond Mr. Carroll's representation that it would be okay.

Mr. Carroll: Said he would prefer to have the City Attorney tell the Board it is okay as well.

Mr. Sulkis: If there is a specific legal question that the Board needs to have the City Attorney respond to, that could be passed along. The City Attorney's office has notified him since the Board does not have a land use attorney any more, that there will possibly be a delay in getting legal responses for the Board.

Mr. Ferrante: Had no legal specific question to that end. Thinks what Mr. Sulkis is saying that they, as a board, have some responsibility to make sure these people have access. He did not want an opinion from Mr. Carroll and did not want him talking to the Board's potential attorney. Said he would expect that Mr. Carroll would have come to the Board with leases or easements that covered all situations. Since these are at least two parcels, he understands that Mr. D'Amato controls both, so that leaves a lot of questions: Does he control them in his own name; which are encumbered; are they controlled by other entities; what happens if they are mortgaged; what happens if it's foreclosed? It seems that before the Board can do anything, the applicant must come in with something iron clad that the lease to their homes and the lease to the access to their homes, is firm and solid.

Mr. Carroll: Stated he understood Mr. Ferrante's issue.

Explained that they originally submitted an easement to the police department when they were reviewing the traffic issues. After it was submitted to the police department they discovered there may be an issue with a mortgagee. So, rather than getting that approved they decided to wait until the commission would make a decision, and make it contingent on the applicant producing a document to the Board and, therefore, the City Attorney for review proving that point to the Board. Then they would go to the mortgagee and say, here is the issue and we need to get either a lease or an easement approved by the mortgagee.

He stated they were very aware of what the nature of that is. They could not sell the units to anyone who put a mortgage on them if they could not prove their right of access. Title companies will ask that question and everything else.

Said what they are asking the Board to do is make its approval contingent upon proving that to the Board subsequent to its approval.

**UNAPPROVED MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 16, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Ferrante: Said he had not read the case of Garden Homes v. Town of Oxford. In that situation were those individual leases or a master lease?

Mr. Carroll: They did not know.

Mme. Chair: Asked Mr. Sulkis about his comments that the detail on the sewer plans were lacking. Asked if he could be specific.

Mr. Sulkis: The consulting engineer had a problem with the location of the site as it was shown regarding the sewer pump station, which was behind Unit 26. There is no access to it. The engineer suggested and Mr. Carroll or Mr. Wassmer stated that they were looking to relocate that somewhere along Cottontail Lane, so that should be shown as well.

Mr. Carroll: It has been agreed to relocate it and it will be shown.

Mr. Liddy: Suggested Cottontail Lane be 8-30g and Golden View Terrace be age restricted, so as to mix and match.

Mr. Carroll: Stated they were available to discuss this with Mr. Sulkis, as indirect discussions with the Board. Again stated the applicant's flexibility and desire to do a nice project in that location. Hopefully the project will be approved which will get some people back to work in the City of Milford.

Mr. Dickman: Asked if there was a report from the Police Department on this matter. Asked if he had it.

Mr. Carroll: The Board should have a report dated last summer of '09 and then an amended report that was dated today. Sgt. Sharoh issued a report.

Mr. Sulkis: Confirmed that the office got a new, amended report today and it will be mailed out to the Board members.

Mme. Chair: The public hearing will be continued on Tuesday, April 20, 2010.

Mr. Sulkis: Suggested the hearing be continued at the next meeting on April 6, 2010.

Mr. Carroll: Agreed that would be enough time for the applicant. He thanked the Board for their attention to this matter.

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E. PROPOSED REGULATION CHANGES

Mme. Chair: Tents and signage study both of which are still pending. She had spoken to Attorney Smith who gave her an update on these pending changes.

F. ZONING ENFORCEMENT OFFICER - No update

G. BUDGETING FOR PLANNING AND ZONING DEPARTMENT – No update

H. LIAISON REPORTS

Mrs. Patterson: Police Commission meeting. The only thing of discussion was near Bayview Beach. They are going to look at a traffic study near the cross walk. Since they put No Parking signs down there, traffic will pick up, so they may put up a Stop sign or a crossing near the beach.

I. APPROVAL OF MINUTES – (3/2/10)

Mr.Liddy: Made a motion to approve the minutes.

Mrs. Patterson: Second.

Eight members voted in favor of approval. Ms. Rose abstained.

J. CHAIR’S REPORT - None

K. STAFF REPORT – None.

Ms. Rose: Made a motion to adjourn.

Mrs. Patterson: Second.

All members voted in favor to adjourn the meeting at 10:45 p.m.

Phyllis Leggett, Board Clerk