

**MINUTES FOR THE REGULAR MEETING OF THE
PLANNING & ZONING BOARD
HELD TUESDAY, APRIL 1, 2008; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Chair Jeanne Cervin called to order the meeting of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE TO THE FLAG

B. ROLL CALL

MEMBERS PRESENT: Frank Goodrich, Mark Bender, Kathy Patterson, Kim Rose, Susan Shaw, Victor Ferrante, Jeanne Cervin, Chair, (Janet Golden 8:16)

NOT PRESENT: Kevin Liddy, Gregory Vetter

STAFF: David Sulkis, City Planner, Peter Crabtree, Assistant City Planner, Phyllis Leggett, Board Clerk

C. TABLED BUSINESS

1. **38 PARK CIRCLE (ZONE SFA-10)** Petition of 42 Park Circle, LLC for a Coastal Area Management Site Plan Review to construct a single family residence on Map 55, Block 510, Parcel 43, of which 42 Park Circle, LLC is the owner.

Ron Wassmer, PE, LLS, CCG Engineering, Research Drive, Milford representing 42 Park Circle LLC, the applicant. Location is close to the athletic fields at the former Milford Academy site. Coastal resources of the site were described via the displayed site plan. The property's flood hazard is AE11. House proposed is 8.5 feet above the flood elevation 11, so no flooding is anticipated. House will be located 75 feet from the closest corner of the house to the tidal wetlands and 105 feet from the closest corner of the house to the coastal waters. Described the other buildings in the immediate vicinity of the proposed residence.

The Chair asked Mr. Crabtree for his comments on the application.

Mr. Crabtree: The house is 29 feet tall to the peak; no problem with the proposed height of the structure. The coastal wetlands will provide a view to the new homeowner that will forever be unobstructed.

Ms. Rose: Motion to approve the application as presented.

Mr. Goodrich: Second.

All members voted in favor. Motion passed unanimously.

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D. PUBLIC HEARING 3/18/08; exp. 5/22/08

2. **364 BRIDGEPORT AVENUE (ZONE CDD-2)** Petition of Post Road Commons, LLC for a Special Exception and Site Plan Review to construct 10 residential units in four buildings on Map 24, Block 364, Parcel 1, of which Post Road Commons, LLC is the owner.

Mme. Chair: Discussion.

Mr. Ferrante: Asked if 10 units were suitable for that site?

Mme. Chair: According to the regulations it is. This is a wonderful addition to Bridgeport Avenue and will upgrade the area. One concern: There is no communal open space for the residents. Would like to see some kind of open space provided. Suggested removing one or two units from Building D to create an open space with landscaping and possibly a gazebo for the residents.

Mr. Goodrich: The project appears dense, but they could have put in more units. What they are doing is permitted. The proposal conforms to the regulations and cannot find anything wrong with it.

Ms. Shaw: If there is an opportunity to get open space, then it should be done. It is a high priced project and it seems they can afford to do this.

Mr. Bender: Hesitate to take out units or make decisions as to whether the applicant can afford to make the changes proposed to create the open space. Don't know if this is within the realm of the Board.

Mme. Chair: This is a Special Exception and it is up to the Board to enhance the quality of life for the people living in this condominium and to see what it means to the City as a whole.

Mr. Patterson: Agreed that a unit could be removed, especially the one in the back.

Mr. Goodrich: Don't know on what grounds it can be dictated to provide open space. If a handicapped unit is removed then there will be only one handicapped unit. There is no open space requirement for this property.

Mme. Chair: This is a Special Exception and the Board can ask for whatever they wish.

Mr. Sulkis: There are no standards for a Special Exception. If the Board wants to apply a standard related to Open Space, the closest thing that are in the regulations in this zone is for mixed use residential with multiple buildings, which is section 3.17.2.16,

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which calls for 1,000 SF of open space per unit. However, the Board is not obligated to take that standard.

Ms. Rose: This will be a wonderful boon to the area. A developer is going to put as many units as he can in an area. Providing open space and removing a unit is a very feasible idea. Asked about the future of the units designated for the handicapped.

Mr. Sulkis: The handicapped units should not be an issue, as there is no permanent status associated with them.

Mr. Ferrante: Suggested Mr. Sulkis prepare a motion that would encompass the Board's thoughts. Also concerned about the fence on the northern perimeter. The fence appeared haphazard and he would like it replaced.

Mme. Chair: A maintenance free fence around the perimeter of the property should be installed.

It was suggested that Mr. Sulkis prepare a motion that would incorporate an open space area. This could be done with or without removing a unit. 22-24 feet x 80 might be the dimensions of the open space area, or an area equal to the size of one of the units.

Mme. Chair: Also suggested determining the size of the open space and the applicant can design the building in a way that works best for them.

Mrs. Patterson: Would like to see some signage for added safety, in particular a caution sign.

Mme. Chair: Mr. Sulkis will prepare a motion for approval, incorporating the Board's suggestions.

E. REQUEST FOR BOND RETURN

3. Rindos Estates Subdivision – 694 West River Street

Full release of a cash bond in the amount of \$7,240.00 for the above-captioned property, as requested by Louis D'Amato in his letter dated February 19, 2008, and in accordance with the memo received from Bruce Kolwicz, Director of Public Works, in his memo dated February 29, 2008.

Mr. Goodrich: Motion to approve the bond release.

Mrs. Patterson: Second.

Mr. Ferrante: Agreed, in view of the fact the Board members are not acquainted with the details of the bond return request, but that the City personnel have reviewed the project and have determined everything is in order for the full return of the bond.

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All members voted in favor. The motion passed unanimously.

F. PROPOSED REGULATION CHANGES

Mme. Chair: Asked Mr. Sulkis for an update.

Mr. Sulkis: Spoke with his counterpart in Fairfield and received information from him the previous day. From a preliminary review, the Fairfield regulations are not user friendly. A majority of the residential districts in Fairfield have higher building heights than Milford (i.e. 40 feet). The lowest height area is called the Beach District, which is on the water. The building heights in the beach district have not changed since the late 70s and early 80s, when the FEMA regulations came into effect. The method that Fairfield uses to compute building heights is complicated and there is no clear formula for calculation. Milford's regulations are more straightforward and easier to decipher. Each of Milford's residential zones is unique in terms of lot size. In Fairfield there are zones that are labeled in different ways and the size of a lot can be anywhere from 5,000 SF to two acres.

If the Board is determined to make a change on the shoreline, the easiest way to effect that change would be to remove from the table the rule that excludes the basements. That way in the case where it presently looks like four stories, that would no longer be the case, which would, in effect, bring down the height.

Mr. Sulkis' colleague in Fairfield also told him that a study had been done to make changes away from the shoreline in an attempt to lower some heights in some areas and raise them in other areas (especially in the flood zone). However, the study was controversial and has not been implemented.

Still feels the best way to address the problem is to remove the "basement" floor, which gives the appearance of a four-story building, as well as tightening up the language for the cupolas and turrets. This will achieve what the Board is looking for, at least at the shoreline.

Ms. Shaw: From past discussions, the Board was interested in how Fairfield deals with "house density", which appears to be an issue for them.

Mr. Sulkis: The term that is used is "building mass". Part of that issue is the reason why they split off the lot sizes in the different zones. The definition of the zone is not really tied to the lot size, but to whatever the amount of land is you actually have. Milford has that, but it is done differently.

Fairfield did not approve changes regarding building mass. They changed some definitions and made other small changes, but did not go with their own recommendations.

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Ms. Shaw: Is there anything positive that the Board can take away from this?

Mr. Sulkis: They were arguing about issues relating to half stories. Milford got rid of half stories a long time ago. Architects and engineers are needed for almost every application. It appears they have a larger staff than Milford for only 3000 more residents. If the Board wants to look at building mass issues, they can consider changing lot coverages. However, with a 5000 to 7000 SF lot on the water, it becomes easy to ask for and obtain a variance based on hardship.

Mr. Ferrante: The issue that affects Milford is the mass problem. Perhaps the suggested changes for dealing with the mass issue that were not appropriate for Fairfield, could be implemented by Milford.

Mr. Bender: Asked if there were other coastal towns that could be researched.

Mr. Sulkis: Stated he would continue investigating other areas along the coast. However, Milford has good regulations that have not changed drastically over the years because they are good.

Ms. Rose: Asked how soon the changes could be brought before the Board.

Mr. Sulkis: Stated he gave the Board language for tweaking the building element and to remove the basement from the table in the regulations. These two changes would drop the shoreline house height by a story.

Mrs. Patterson: Asked Mr. Sulkis to prepare a potential motion incorporating the definition changes he has suggested, at which time the Board can discuss the motion and eventually vote on it.

A discussion followed as to accomplishing the changes the Board wants to make without creating more complicated situations; the process of presenting regulation changes; the mass issue; how these changes will affect nonconforming properties;

Mme. Chair: Board is asking for something specific to be presented for change: Definition of basements and clarify dome/turret height issue.

The Chair handed out a list of proposed regulation changes.

The Chair stated a longtime goal for the Board has been how to deal with the State's section 8-30g (affordable housing) requirement for all municipalities to have 10% of their housing units affordable. Stated how this rule has worked to the advantage of the developer in the past. Possible solution could be to require a certain number of affordable units in any multi-residential building above a certain number of units. At this point Milford has approximately 6% of affordable housing units.

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Mr. Goodrich: Suggested looking at excluding nonbuildable areas from lot area calculations, i.e., waterfront and wetlands as a means to deal with building mass.

Mr. Crabtree: Stated that other factors have to be considered when changing the regulations, i.e. accessory structures, storing large items, motor powered equipment, etc. and how these changes affect the bigger picture (putting up structures without permits, etc.)

G. LIAISON REPORTS - None

H. APPROVAL OF MINUTES – (3/18/08)

Mr. Goodrich: Motion to approve.

Mr. Bender: Second.

All members voted in favor. The minutes were approved as recorded.

I. CHAIR'S REPORT

Reminder about the Land Use Academy course on May 17th in Groton.

Tuesday, April 8th will be the first meeting of the Historic Review Committee.
Members of the committee are: Mrs. Golden, Ms. Shaw, Mr. Liddy, Ms. Rose as Chair.

Spoke to the Mayor about Mr. Sulkis joining Devon Revitalization Committee. He will be used as a consultant for certain issues of the project.

J. STAFF REPORT

Mr. Sulkis: Last Thursday, Mr. Crabtree received a lifetime achievement award from the Connecticut Federation of Planning and Zoning Officials. (Loud applause!)

Ms. Rose: Motion to adjourn.

Mr. Goodrich: Second.

Meeting adjourned at 8:30 p.m.

Phyllis Leggett, Board Clerk

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