

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, APRIL 5, 2011; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the April 5, 2011 meeting of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Edward Mead, Mark Bender (left 9:09 pm); Robert Dickman, Gregory Vetter (Vice Chair); Janet Golden, KathyLynn Patterson, George Gasper, Victor Ferrante, Susan Shaw (Chair); Kevin Liddy (arrived 8:28 pm)

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

C. WESTMOOR ROAD AND WAY STREET AREA – CITY OWNED PROPERTY

1. Request by Mayor James L. Richetelli, Jr., for Planning and Zoning Board clarification on the proposed sale of City property at Westmoor Road and in the Way Street area.

Mme. Chair: The Board has seen these two and approved the sale of these properties. Asked the City Planner to explain why it is back to the Board.

Mr. Sulkis: After the Board took its action on March 1st, and the referral for these properties went to the Mayor's office, the Mayor asked him for guidance as to what would make sense since there are so many different parcels involved. A hand out of maps given to the Board members show the properties in question.

There are two March 14, 2011 memos to the Mayor: One for the Westmoor Road properties and one for the Way Street and Harriett Street properties. He suggested the Board look at the Mayor's request and the color map attached that correlates to those properties, it would make it easier to understand. His suggestion to the Mayor is to look at the City parcel (Parcel A) and across the street is the Field & Son property that is basically all wetlands. Mr. Sulkis suggested that perhaps the City might want to swap those properties. The actual values would have to be determined, since the property across the street, although larger, is all wet. The purpose of doing this would be to consolidate all the properties on that side and they could be preserved in perpetuity as open space. The City has a lot of property on that side and there are paper streets and the portions of the paper streets that are shown in red are recommended to be abandoned, since there are no other properties on either side of those areas called out, other than City of Milford property.

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The Mayor would need the Board's approval to do a property swap. Although the Board did approve the sale of the property on Westmoor Road, a swap is a different transaction. Therefore, the Mayor is requesting the ability, should a swap of property make sense, to be able to do so.

Mme. Chair: Suggested discussing each parcel individually before voting. Suggested a motion be formed to approve the City Planner's recommendation for Westmoor Road.

Mr. Vetter: Clarified that the recommendation is to swap for both the Field & Son lots.

Mr. Sulkis: The Board can authorize the Mayor to do that, whether or not it actually occurs is up to the Mayor. This was Mr. Sulkis' recommendation.

Mr. Dickman: Asked what the most effective way to phrase the motion would be.

Mr. Sulkis: Suggested the Board refer to the Mayor's request in his March 23rd memo, Items 1B and 1C, and use that wording for the motion. Item C has to do with an abandonment of a portion of the paper streets known as Oakdale, Eastmoor, Maple Road and Westmoor.

Mr. Ferrante: Moved to give the Mayor authority under Connecticut General Statutes 8-24, to accept land by the applicant, Christopher Field, either one or both parcels owned by Christopher (sic) and Son on the north side of Westmoor Road, to have one or both of those parcels designated as open space.

Mr. Vetter: Second.

Mr. Dickman: Offered an amendment to approve the Mayor's request for Planning and Zoning Board approval under Connecticut General Statutes for the abandonment of certain paper streets in the area known as Eastmoor Road, Oakdale Avenue and Maple Road to be designated as open space.

Mr. Vetter: Seconded the amendment.

Mr. Sulkis: Asked if the amendment could be amended to include a portion of Westmoor Road. Although the Mayor did not put it in his memo, it is part of the area.

Mr. Vetter: Withdrew his second.

Mr. Dickman: Amended his amendment to approve the Mayor's request for Planning and Zoning Board approval under Connecticut General Statutes for abandonment of certain paper streets in the area known as Eastmoor Road, Oakdale Avenue, Maple Road and portions of Westmoor Road to be designated as open space.

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Mr. Sulkis: For clarification it would be portions of all of those. Not all of them will be abandoned in their entirety.

Mr. Vetter: Seconded the amendment.

Mme. Chair: Asked for a vote on the motion.

All members voted in favor of the motion. The motion passed.

Mme. Chair: Moving to the Way Street area.

Mr. Sulkis: Asked the Board to look at the map showing the parcels identified by letters A to G. He noted that Property G is not part of proceedings. There was no issue as far as the Mayor was concerned with the Board's recommendation to sell that property to the abutting neighbor, Mrs. Haydusky.

Referred to his March 14th memo to the Mayor, wherein he suggested combining certain City properties, i.e. A and B, to make that a larger lot in compliance with the zoning of the area. The same for lots C, D and E. The City is in the process of foreclosing on both the Sweeney and Unger properties, which he believes should be combined with properties F and the property on the corner of Harriet and Way Streets, identified as "Milford". By doing it this way the City is able to maximize the value of these parcels, instead of selling them in small slivers, which some of them are.

He had also pointed out on the south side of Way Street there is Avery LLC, who owns the other properties there. He recommended that if the City was to enter into some sort of agreement with them, the City should investigate having them, at their expense, complete Way Street down to Harriett and perhaps Harriett down to Meadowside, if it turns out that it is a feasible and desirable situation for the City, because they own both parcels on the south side and the north side. That was only a suggestion and does not need to come to fruition as is stated in the report.

Specifically, the Mayor is asking for guidance on a couple of different areas; the first is 2A, asking for any guidance on Parcels 7 and 8 and on the second map, Parcels 7 and 8 are Parcels A and B. He recommends that those properties be combined.

The Mayor asks under 2B for the Board to include any additional recommendations or clarifications regarding the sale with reference to the requests of James Warmby, dated 2/22/11 and Mr. and Mrs. Szgiel and Mr. and Mrs. DePolo, dated 1/4/11 and Alice Astriab, dated 8/19/10. Mr. Warmby, and Astriab are interested in Parcel 8 (showing as Parcel B). He recommends Parcels A and B be combined and if all of the parties are interested in those parcels, they can bid on them when the City puts them up for sale.

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The parcel that has an interest by Avery LLC and Szgiel and possibly DePolo, is shown as Parcel E. Mr. Sulkis recommends that Parcel E be combined with the Sweeney Parcel, which the City is in the process of foreclosing on and D and E to create a more conforming single parcel. If the City does that and puts it up to auction, any one of these parties will have a shot at it.

If the Board feels that because Avery LLC owns the rest of the block , the property be developed by them, then the Board can indicate this to the Mayor as well.

Mr. Vetter: Asked about Lot F and the Unger property.

Mr. Sulkis: Lot F is owned by the City and Unger is another property that the City is foreclosing on. He suggested that Lot F, Unger and even the property at the corner of Way Street and Harriett Avenue, marked as "Milford", be combined into a lot that would be about an 8,000 SF, L-shaped lot, which would be more conforming with the zoning in that area.

Mr. Ferrante: Asked how the Board could combine a property owned by the City and owned by somebody else.

Mr. Sulkis: The ones owned by somebody else are going to end up being the City's, (the Sweeney and Unger properties). At this time the Board is making a recommendation to the Mayor. If the Board wants to recommend any portion of the report that is before them dated March 14th, they can do so. They can change the report as well.

Mr. Ferrante: Suggested Mr. Sulkis draft a motion at this time to the effect of the Memo that Mr. Sulkis prepared.

Mr. Bender: Stated he would have a hard time voting on something that the City does not own. If there was a stipulation as to "if" the City was to own the property...he would be ok with that.

Mr. Sulkis: That could be an amendment to the report. He gave examples as to how this could be worded.

Mr. Mead: Commented that one of the parties put in to buy Lot B. If Lots A and B are combined, the person who wants to buy only Lot B, would not be able to do so.

Mr. Sulkis: The City is not in the business of selling property just because people want it. Therefore, the Board has to make recommendations to the Mayor, who will then take those recommendations and use them or not use them and pass them along to the

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Board of Aldermen and if they decide they do not want to combine them and make smaller lots, they are free to do that. He is just suggesting, as City Planner, that those particular lots combined, would be closer to conforming lots vs. extremely nonconforming separate lots.

Mr. Vetter: Stated he did not know if the Plan of Conservation and Development or the City Plan addresses his question as if it was anticipated that there would be a Harriett Street one day, to be developed, or is it to be determined as to whether people want to develop those properties.

Mr. Sulkis: Noted there is a Harriett Street. It's a paper street. Although the street has not been built, the right-of-way is there. So, if at such time the City chooses to build it, if it is feasible, it is there.

Mr. Vetter: The proximity of Silver Sands, the sensitivity of keeping open space, there are almost contiguous lots and bike trails could be run through there. Asked if from a land use stand point, is this something the Board should consider.

Mr. Sulkis: Harriett Street is not being considered to be sold off. The paper street is there, just as Waverly and Way Streets are there. If the Board wanted to look at some of these paper streets as a place for bike trails as part of the Plan of Conservation and Development, that is something the Board can do. They are shown as paper streets because they have not been developed, but a paper street does exist and its right of way is defined.

Mme. Chair: Suggested the Board take this information and review it. Asked if there was a time factor involved.

Mr. Sulkis: The Mayor requested the Board take up this matter at this meeting so that the City Attorney's office will have sufficient time to notice the Board's actions for inclusion in the Board of Aldermen's agenda on May 2nd.

Mr. Dickman: Asked if this information had been discussed previously when the request to purchase properties on Westmoor Road and Way Street were presented to the Board on March 1st.

Mr. Sulkis: To some degree, but not with the detailed map that has been provided. Also, the Mayor had received requests to purchase some of these properties by other property owners, so he is looking for some guidance on this issue. All the interested parties are listed on the map showing the parcels they are interested in.

Mr. Dickman: The fact that combining the parcels would not bring them into compliance with Section 6.4.2, would not prevent them from being developed in the future.

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Mr. Sulkis: The City will typically put conditions on properties that it sells that do not meet the current zoning standards. That condition usually is that you cannot build on it as an individual building lot. If it is combined with other lots that bring it into compliance, then that is fine. So if it is a larger parcel, you are that much closer to compliance and then if one of the abutting property owners wants to combine their existing property with it to make a complying lot, then that would be acceptable.

Mr. Dickman: Moved to clarify as follows: Way Street and Harriet Street Zoning
All of the City Parcels in question are located in the R-12.5 Zoning District which requires a minimum lot size of 12,500 square feet (SF). Since the lots were created prior to 1929, they can all be "certified" as buildable lots per Section 6.4.2 of the Zoning Regulations even though they do not meet the minimum 12,500 SF size.

Lots A & B (4,000 SF each lot)

It is recommended that these lots be merged into one (1) 8,000 SF lot. Although still short of the 12,500 SF, a new merged parcel is closer to conformance with the zone and would be in accordance with Section 6.4.3 of the Zoning Regulations which recommends reducing non-conformities with respect to lot size.

Lots C (2,000 SF) and D (4,000 SF) and E (2,000 SF)

For the same reason stated for lots A and B, Lots C and D should be merged into one (1) 6,000 SF lot. The adjacent lot indicated as Sweeney (MBL – 25/218/11) owes \$3,049.72 in taxes and has been referred to the City Attorney's office by the Tax Collector's office for non-payment of taxes. (The assessment for the lot is \$62/year.) If the City acquires that parcel through foreclosure, it should be combined with parcel E. The mergers of C, D, Sweeney, and E will yield a 10,000 SF building lot. This size lot is more compatible and consistent with other developed lots on the Meadowside Road portion of the block.

Lot F (2,000 SF) and Unger (2,000 SF)

The Unger parcel (MBL – 25/218/7) owes \$3,049.72 in taxes (like Sweeney) and has also been referred to the City Attorney's office for non-payment of taxes. It should be combined with Lot F to create a 4,000 SF lot. This 4,000 SF combined lot could be combined with another adjacent City lot at the corner of Way Street and Harriet Street to create an 8,000 SF "L"-shaped lot.

If Sweeney and Unger are ultimately acquired by the City, and if they are combined with the Avery LLC parcels, it is recommended that as a condition of the sale, the combined Avery LLC parcels and City parcels with lot line adjustments, should yield no more than three (3) 9,900 SF parcels in total. The newly combined 9,900 SF although not fully conforming to the R-12.5 standard would be similar in size to other developed lots in the neighborhood.

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Further, if Avery is the successful purchaser of the these lots (as well as lots A & B), it would make sense to require that the public right-of-way on Way Street and Harriet Street (between) Meadowside Road and Way) be developed to City specifications by Avery LLC. This should be a condition of and be negotiated at the time of purchase. This will allow further residential development on Harriet Street.

Lot G (2,000 SF) and other 2,000 SF lot

This 2,000 SF lot should be sold to either abutting property owner with the condition that it cannot be used as a separate building lot. Technically in existence prior to 1929, this lot could be considered a legal building lot under Zoning Section 6.4.2, but it would be detrimental to the character of the neighborhood to develop the greatly undersized lot.

The other 2,000 SF lot on Harriet (opposite Way Street) should be handled just as Lot G. It should be sold to an abutter with the condition that it cannot be a separate building lot.

Mr. Vetter: Second.

Mr. Mead: After Mr. Dickman read what is recommended, plus what Mr. Vetter said about open space, the Board is putting in that if Avery LLC is the successful bidder, then they have to develop Harriett Street all the way down to Way Street, which would mean the City is putting in another public street off Meadowside Road, according to this recommendation. Is that something the Board wants to do?

Also, the Warmbys put in a request to buy Lot B and the Board is recommending combining Lots A and B. If the person only wanted one of those parcels, he is locked out unless he wants to buy both. He stated that coming off that street is overdeveloping that area. Does not think that developing Harriett Street coming off Meadowside Road should be developed at this time.

Mr. Vetter: He added that this is the first time he is seeing some of the conditions that exist and due to the clarify of the map he does not know if this should be considered as a whole and does the Board want to recommend making a street. There also may be a lot of wetlands of these properties.

Mr. Bender: Commented no matter what the Board recommends, these issues will come before the Board. Nothing can be created until they come before the Board for permission.

Mr. Sulkis: This is just a recommendation to the Mayor and Board of Aldermen to consider these things if this scenario should play out.

Mr. Vetter: Noted that the Mayor's request made him think more specifically about land

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use. Thought that the Mayor and the Conservation people might look at this and come up with another plan regarding these streets.

A vote on the motion was taken: Six members voted in favor. Messrs. Vetter, Bender and Gasper voted against. The motion passed.

D. PUBLIC HEARING CLOSES BY 4/19/11; Expires 5/19/11

2. 89 POND POINT AVENUE – 3 LOT RESUBDIVISION (ZONE R-12.5)

Petition of Two Ninety Six LLC/Gregory Field, for approval of a three-lot re-subdivision to construct two single family residences on Map 57, Block 529, Parcel 45A, of which Two Ninety Six LLC is the owner.

George Adams, Esq. Harlow, Adams & Friedman, 300 Bic Drive, Milford. Here on behalf of Two Ninety Six LLC, a local LLC owned by Gregory Field and Angelo Lisi. The project is a three lot subdivision in the R-12.5 zone. It consists of one rear lot, which will be a building lot; one front building lot and then a lot that contains the existing home at 89 Pond Point Avenue. The total parcel area is 74,767 SF. A good size piece of property is being used here.

Part of the proposal is to convey 1,311 SF of the parcel to the neighbor at 99 Pond Point. David Sulkis has suggested doing this now rather than doing it later as a lot line revision, so that the Board can see the whole picture at one time. This is a three lot re-subdivision, together with a conveyance of 1,311 SF to increase the size of the rear yard of 99 Pond Point Avenue.

All of the lots are fully conforming. The rear lot will contain over an acre, even after the conveyance of 1,311 SF; not including the square footage of the 25-foot access way. The 25-foot access way is zoned in fee. The lot containing the existing house is fully conforming to all the requirements for a lot, in terms of lot size. There has been a variance obtained from the Zoning Board of Appeals as to the rear setback on that lot, which is noted on the plans. It was waived from 25 feet to 13.5 feet. However, the lot itself meets all the requirements in the zone. It is the location of the house that does not.

There are 866 SF of wetlands on the site. The proposal has already been before the Wetlands Board and has received approval and there has been a bond set for the Wetlands approval. 866 SF is a very small portion of wetlands on the site.

The plans have been circulated to the City departments and have been reviewed by Westcott and Mapes, the City's consulting engineers for this project. It has been back and forth a few times between Codespoti & Associates, the applicant's engineering firm and Westcott and Mapes, so that all the issues that have been raised by the City

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Planner, or by Westcott and Mapes, have been addressed. There is a March 30th memo in the file that indicates that Westcott and Mapes is satisfied with the issues that it raised. Rather than come before the Board with a plan that was not fully approved, the applicants made sure the requirements of all the City departments were satisfied.

The Board has received drainage calculations and detailed drainage facility plans. These plans have also been reviewed and approved by Westcott and Mapes and the Public Works Department.

The file also contains a CAM Site Plan Report, a natural resources inventory and appraisals done for the two lots. The rear lot was appraised at \$115,000 and the front lot at \$110,000. Money will be given in lieu of open space, because the open space would not be contiguous with any other open space. These appraisals will be reviewed by the City Planner and the City Assessor and a number will be arrived at and the open space contribution will be 10% of that number. The amount should be in excess of \$20,000 to be paid to the Open Space Fund as part of this proposal.

The Tree Commission has walked the property with the applicants and has identified the trees to be removed and the location of additional trees to be planted.

The Police Department and Traffic Commission have signed off on the project with the caveat that the sidewalk be repaired and that certain trees along the road be removed. There is one tree in question; a pin oak where the driveway would come out. The Traffic Commission and Sgt. Sharoh thought the pin oak should go, but the Tree Commission would like to save the pin oak, if possible. That will become more apparent once the other vegetation and the pine tree that is nearby are removed.

An agreement was reached that if the pin oak does go for public safety reasons, as determined by Sgt. Sharoh, an additional street tree will be planted in addition to the three trees that are already planned.

There is a perspective purchaser looking to buy the existing house, but a contract to sell the house cannot be entered into on a lot that does not exist. This is a truly conforming subdivision in all respects that has been thoroughly vetted by the Town departments, as well as Codspoti & Associates and Westcott and Mapes. It would be appreciated if the Board could approve this application sooner rather than later, so that someone can own the house and people can start working on building a new house.

Mr. Sulkis: This is a good subdivision that conforms to the regulations.

Mr. Vetter: Asked if there was more detail about the number of trees on the property, their size and the ultimate disposition of them.

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Mr. Adams: There is a tree plan with the Board's information that shows which trees are to be removed and which trees are to be saved and where the street trees will go.

Mr. Vetter: Referred to the Subdivision Regulations concerning the regulation for trees and the inches of trees that are to be remaining on the lot or added to the lot to conform. He could not reconcile this information with the plan.

Mr. Adams: Said he could not reconcile that information at this time either. The Tree Commission has reviewed it and believes they conform to the regulations. He would have to make a thorough analysis of this and get back to the Board.

Mr. Vetter: Read from the Subdivision Regulations concerning the tree requirements.

Mr. Adams: Said the Subdivision Regulations regarding trees would definitely be complied with. He could not state at this time how many inches of caliper trees are presently there and how many would be installed.

Mme. Chair: Anyone to speak in favor? (No response)
Anyone to speak in opposition?

Kenneth Brennan, 233 Shadyside Lane. Their property is on the down gradient portion of the lot. Property is on wetlands. They purchased this property in 1967. They were the second owners. House was built in 1965. There has been a problem ever since the house was built. There are springs and wetlands throughout the property. Described how the water comes out of the wetlands and goes throughout the adjoining three neighbors' properties. There has been a tremendous water problem throughout the 44 years he has owned the property. The lot should never have been approved by the City. There should have been catch basins and it should have been carried into the storm drains. This did not happen. There is so much water on the property it can stock trout. The property has never been fully engineered for drainage. Over the years through a lot of physical labor and expense his house and garage are now dry for the most part. As long as the flow off the property remains the same as it is right now, he would not have a concern. Concerned that any change of the grade or drainage coming onto that property will create another water problem for his property. He does not have the physical or financial ability to deal with this any further. He asked what assurance he would have that this property will not create another water problem for him. He noted the problem is not coming from Shadyside Lane. His driveway is 30 feet from his foundation. By doing the math it can be shown that there is a significant grade. Water does not flow uphill from Shadyside. It definitely comes off this property.

He understands the plans have been reviewed but asked what assurance he has that the construction will be built according to the plans and will be reflected in the as-builts.

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He asked that a bond be provided for those homeowners who could be dealing with this problem all over again.

Patricia Brennan, 233 Shadyside Lane. Thought her husband summed up the matter very well. She made the correction that it was Mayor Povinelli who looked at their property, not Mayor Baldwin. Water does not run all the time, but does run when there is a storm or a thaw and the water accumulation is significant. At that time they get deluged with water. They need assurance from this Board that this plan will not make it worse for them.

Rebuttal:

Mr. Adams: The Board has the March 23, 2011, Site Investigative Summary and Storm Water Gallery System that was prepared by Codespoti & Associates. They also have the March 30th memo from Westcott and Mapes saying that they reviewed it and both engineering firms believe that what has been designed for the project will work for the project. His clients do not want to cause the neighbors any flooding issues, but there are two fine engineering firms involved in the design of this system and they believe it will work.

Opposition Rebuttal:

Mr. Brennan: Knows that Westcott & Mapes is a very reliable engineering firm. His concern is what guarantee does he have to make sure that the property is built in accordance with the reviewing engineer.

Mr. Vetter: Stated he did not see a downward slope on Mr. Brennan's property on the plans.

Mr. Brennan: There absolutely is. It starts where Pond Point Avenue intersects Oriole and all the water drains onto this property and then onto his property.

Mr. Sulkis: Confirmed that there was a downgrade on the property. Wetlands are at 28 and Mr. Brennan's property is at 26.

The Board reviewed the plans that showed the drainage calculations.

Mr. Sulkis: Described to the Board how the grading goes on the properties.

Mr. Bender: Asked if the Board had the authority to require a bond.

Mr. Sulkis: Was not sure what the Board would be bonding. In response to Mr. Brennan's question, what Planning and Zoning has to guide them is the plan as it is

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submitted, which has finished grades provided. There is a slight grade change where the house is being built. They are basically re-contouring what is there and that is behind the Huber's house, because they stayed away from the wetlands. These would be the finished grades that they will be held to, unless there is some horrific site condition that the engineers are sending off on, but when the final inspection of this property is made in order to issue the CO for this house, that is what they will be expecting to see.

Mr. Bender: If a new problem is created for Mr. Brennan because of this construction, the bond would be there to help solve the problem that was created.

Mr. Sulkis: Stated he was not sure of that. He said the amount of runoff by law and by design cannot be any more than it is now. There are impervious surfaces that are being graded that do not exist and those are being handled with underground galleys, which is a typical engineering solution in this case.

Mr. Bender: Stated he understood the point made by Mr. Brennan and he would feel the same in his situation.

Mme. Chair: Told Mr. Adams he could respond one last time to the applicant.

Mr. Adams: As Mr. Sulkis said, the applicants have to build what they say they are going to build or they will not get the certificates of occupancy that they need. At that point they will have hundreds of thousands of dollars invested in the project. It has been designed with the gallery systems by a reputable engineering firm, Codspoti & Associates, which is the other firm that the City uses as its outside engineer. All the engineering aspects of the plan have been reviewed by Westcott & Mapes and are in the file. They cannot show the Board one thing and build another or a Certificate of Occupancy will not be issued and the house will not be able to be sold. The agencies that have designed and reviewed these plans are not fly by night operations.

Should the runoff be increased onto the neighbor's property and cause him flooding, the applicants will be subject to lawsuits by the neighbor, too. Not only will they have hundreds of thousands of dollars involved in building the houses, they would also open themselves to suit. They will build what they say they are going to build out of their own self-interest and because it makes no sense not to.

Mrs. Golden: There are a lot of trees being removed on the property. Concerned about the water with the removal of trees on the property.

Mr. Bender: Asked if the applicants would be agreeable to the bonding if it could be figured out for both sides.

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Mr. Adams: Did not know how this could be done. Believed things should be done in the conventional way, which has been done through the City's system.

Mr. Bender: Noted the validity of the points made by the taxpayer.

Mme. Chair: Asked if during the excavation of the property, there was a possibility for water damage at that time. Is there remediation that could be done during the building to assure the neighbor that water would not run off onto his property.

Mr. Adam: There is a plan for where soil is stockpiled. There is a plan for silt fencing and that type of thing. He would have to come back with the engineer to give the Board the technical explanation as to why this should not be a problem.

Mr. Ferrante: The galleries take care of the roof runoff. What is the calculation for the asphalt driveway? Has that been taken into account?

Mr. Sulkis: All impervious surfaces are taken into account. They have to by law because they cannot have runoff off the property any greater than it is today.

Mr. Ferrante: The runoff from the driveway is taken into account, but only the roof drains are connected to the galleys.

Mr. Adams: Noted that the driveways themselves are connected to the galleries, but the overall calculation is that there would be no net increase.

Mr. Ferrante: Stated there may be a way to make the driveway pervious.

Mr. Adams: Stated his client would not be adverse to a different type of driveway.

Mr. Vetter: Asked for an updated landscape plan that shows the final number of trees on the lot.

Mr. Adams: Asked if it would be permissible to make the tree calculation a condition to be reviewed by staff.

Mr. Vetter: Noted that staff review of the tree plan would be okay.

Mme. Chair: The sidewalk will be up to the Police Department.

Mr. Adams: The pin oak tree will be up to the Police Department. Spoke to the Tree Commission if the tree had to be taken down, they would be given four street trees as opposed to three street trees. Not adverse to putting more trees in the back yard. The

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tree plan that the Board received has been approved by the Tree Commission. He has not counted or measured all the trees.

Mr. Vetter: Noted that one of the intents of a subdivision and one of the intents of the regulation that has been written is around preserving the lots and the trees and the character of the property. If trees are being cut down and replaced, they should be measured and counted and placed in good spots.

Mr. Adams: Agreed.

Mr. Liddy: Asked about sidewalks.

Mme. Chair: As part of the Police and Traffic Commission Report, the sidewalks would have to be repaired.

Mme. Chair: The Public Hearing will be left open to bring the engineer in to address the concerns of the neighbors regarding water, and the calculation for the trees.

Mr. Vetter: The front lot where the existing house is ends up with a 13 foot backyard. Is the reason for that lot line strictly to preserve the greater than one acre rear lot, or are there other reasons.

Mr. Adams: That was the chief motivation, to design the subdivision this way rather than put in a stub of a road or that kind of thing.

Mme. Chair: The public hearing will be left open and will be heard at the next meeting to be held on Wednesday, April 20th.

E. NEW BUSINESS

3. **HIGH STREET HARBOR IMPROVEMENTS** – Petition of DeCarlo & Doll, LLC for Coastal Area Management Site Plan Review approval to do Town Dock and street improvements from the end of High Street to Helwig Street, of which the City of Milford is the owner.

Doron Dagan, PE and President of DeCarlo & Doll, Inc, 90 Colony Street, Meriden, CT. Also present is Terrance Gallagher, Senior Professional Engineer at DeCarlo & Doll. Before the Board tonight to present his firm's design for the reconstruction of the Town Dock and improvements to High Street, as well as review and approval of the CAM Site Plan.

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Terrance Gallagher: Reduced drawings of the Existing Conditions Survey and the Proposed Site Plan were distributed to the Board members. Photos and copies of approvals received from the City Departments were also distributed.

The topography of the area and scope of work was described via a large display. The project involves about 450 linear feet at the end of High Street where it comes out to the end of the Town Dock. The Town Dock has been at this location since 1650, but was turned over to the City in 1750, according to Richard Platt, the City Historian. Because there is commercial fishing activity at this location, the Federal Government maintains the federal channel all the way up to the head of the Harbor District. So, it is very important to keep this area open for commercial fishing, and it is a primary Coastal Area Management area for the City of Milford. There is recreational fishing at the end of the dock and the general public walks to the end of the dock to enjoy the views. There is a small gazebo at the end of the dock where people sit. This is an important coastal access area for the City and the dock is in disrepair and needs maintenance work. This project is for maintenance, capital maintenance and repairs.

Mr. Gallagher: Explained the repairs that will be taking place; the materials used and the reconstruction of the road. A new and larger gazebo will be installed. All the federal and state approvals were noted. This is not a big job. It is under a half acre disturbance. Hope to start construction in June and complete the work by December. That will depend on the final DEP conditions. Sometimes they put conditions on when you can do the work in the water and that affects the roadway work.

Mrs. Harrigan: The applicant did a very thorough job of explaining the project. It is state statute that brings this project before the Board for Coastal Site Plan Review.

Mr. Liddy: Asked if there would be seating aside from the gazebo.

Mr. Gallagher: The larger gazebo will take the place of plastic benches that have had to be chained down because of vandalism. People can also bring their own chairs to sit.

Mr. Liddy: Asked if the area would be closed off to the public during construction.

Mr. Gallagher: That may be the case at certain times during construction.

Mr. Bender: Noted it appears that the site line will very different from what it is now.

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Mr. Gallagher: There will be some site changes, but nothing major.

Mrs. Harrigan: From the State of Connecticut Coastal Area Management Act perspective where there are water dependent uses, such as commercial fisheries and boating, they are extremely limited and are being gobbled up by residential uses and other types of things, which is why the Act was created. In this particular area there are lots of opportunities for vistas for pedestrians, but again this is one of the only commercial fishery access points in the harbor, so from a coastal management perspective, that sets the priority for this particular location.

Mr. Vetter: Is there a technical reason why this work is being done at the nicest time of year when people enjoy this area, especially now, when fishing season starts.

Mr. Gallagher: It is harder to do this type of work in the winter. The Harbor Commission is trying to get the work done and have the area fully reopened to the public as soon as possible. If that is the goal, paving should be done before November. If paving and other work is delayed, the project would extend into the next spring, which would be more inconvenient to the public.

Mr. Vetter: Questioned the type of railing design and material that would be used.

Mr. Gallagher: Harbor Commission chose a metal railing for less maintenance.

Mme. Chair: This is a great project for Milford and the Harbor Commission and other city departments which have done a lot of work on this and it is appreciated.

Mr. Dickman: Made a motion to approve the Petition of DeCarlo & Doll, LLC for Coastal Area Management Site Plan Review approval to do Town Dock and street improvements from the end of High Street to Helwig Street, of which the City of Milford is the owner.

Mrs. Patterson: Second.

All members voted in favor. The motion passed unanimously.

A recess was taken from 9:09 to 9:21p.m.

(Mr. Bender left the meeting at 9:09 pm.)

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4. **48 POINT LOOKOUT (ZONE R-12.5)** - Petition of Raymond Macaluso for Coastal Area Management Site Plan Review approval to conduct beach remediation and regrading within the flood plan on Map 28, Block 581, Parcel 23, of which Peter H. and Patricia Shea Lovell are the owners.

Raymond A. Macaluso, President & Principal of Westcott and Mapes, Inc., 142 Temple Street, New Haven. Present on behalf of Mr. Peter Lovell and Ms. Patricia Shea Lovell for a Coastal Area Management review for 48 Point Lookout East. This property goes back to 2001 when there was a violation and stipulation put on the land records by the Connecticut DEP. He is here to explain what will be done to remediate the property. The Lovells purchased the property in October 2010. The existing conditions drawings show the conditions that exist today. The intention of this project is to bring the property substantially back to where it was prior to the violations of the previous owner. This will include the removal 140 linear feet of rip rap. (He showed the existing area on the display.) Also will remove a portion of the lawn area and restore 4,830 SF of sandy beach. The construction of a small rip rap will be constructed in this area and there will be a planting berm along the northern portion of the beach. The plantings will be in accordance with the DEP and Milford's staff personnel. The construction methods will be the standard construction for earth removal. Heavy equipment and excavators will be on the upland area of the beach and the restoration of the area from the lawn to the sandy beach will definitely be a reduction in the runoff. The ground waters will be recharged. The plantings along the beach will be a transition zone, primarily for slope stabilization in this area.

There were many meetings with the CT DEP and with Messrs. John Gaucher and Savoy to get to this plan. The Board can see the amount of area to be restored. He indicated the lawn area that will be restored to beach.

There is a sanitary easement that runs along the perimeter of the property on the southern side, going easterly. The previous owner had constructed a manhole that was brought up to grade to where the lawn is. That existing manhole is being brought back to grade where it should be and will conform to the City of Milford standards.

The area of rip rap that is being removed is approximately 100 cubic yards and about 250 cubic yards of sand will be brought int. The sand is granular, being brought in from Cape Cod and is approved by the DEP.

Mr. Macaluso referred to and read a portion of Mr. Gaucher's letter dated March 29th, that stated his support for this restoration plan that will bring the beach back to its natural state and eliminate the violations that exist.

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Mr. Gaucher also included a letter dated March 29th, from Mr. Fisher, the Supervising Environmental Analyst for LI Sound, wherein he made some stipulations; one of which is the restoration must be completed by September 1, 2011.

Mrs. Harrigan: This is a Coastal Site Plan Review application. Tried to show the Board what the preexisting site looked like prior to today, but it was hard to determine exactly where the beach was. The DEP issued the initial violation and is comfortable with the plan before the Board this evening in terms of restoration.

Mr. Vetter: Made a motion to approve the petition of Raymond Macaluso for Coastal Area Management Site Plan Review approval to conduct beach remediation and regrading within the flood plan on Map 28, Block 581, Parcel 23, of which Peter H. and Patricia Shea Lovell are the owners.

Mrs. Golden: Second.

All members voted in favor. The motion passed unanimously.

5. **941-949 BRIDGEPORT AVENUE (ZONE CDD-3)** Petition of Bridges...A Community Support System, Inc. for Site Plan Review approval to construct a single story addition and site upgrade on Map 34/43, Block 214, Parcel 44AB/BE, of which Bridges...is the owner.

George Perham, Principal and Licensed Architect with Antinozzi & Associates in Bridgeport. Also present are Stephen Wing, the Landscape Architect, and Barry Hammons from Hammons Engineering. The President and CEO of Bridges... is also present.

The existing site is on the corner of Robert Treat Drive and Bridgeport Ave. There are three curb cuts on Bridgeport Avenue and three on Robert Treat Drive. Parking is in the major parcel of Bridges' present location, in the front yard of Bridgeport Avenue and Robert Treat Drive and its gross square footage is approximately 24,815 SF. There are 67 parking spaces that are somewhat unorganized. Bridges needs to expand its operation and the adjoining property to the west became available and Bridges purchased the parcel, which is approximately 3,215 SF.

The site display showed the proposed improvements. Reduced curb cuts from 3 to 1 on the most westerly part of the property and the same was done at Robert Treat Drive. No parking will be in the front of the building except for seven spaces, which were necessary in order to meet the parking requirements as best that could be done.

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The original parcel had 67 parking spaces. The new project proposes up to 91 parking spaces to accommodate the 26,631 SF. The addition will be 1684 SF at the southerly portion of the adjacent building. There will be a connector that is approximately 132 SF that gets from the one story parcel to the main headquarters. A dumpster enclosure was added towards the southwest corner of the property.

Waivers are being requested in order to have the project meet the zoning requirements:

1. Size of spaces: The requirement is 9' x 18'. Proposing to make seven spaces 9'x16' for compact cars. The zoning requirements do not specifically address parking sizes for compact cars. Research has shown that the top selling autos in 2110 were less than 16 feet, except for the Honda Accord, which is 16'2". Not asking for a waiver in width, just in length. Would assign these parking spaces to staff members to assure that they would be used properly.
2. Off-street loading space. Bridges has been at this site since the early 80's and they never had the need for a loading space due to the type of business that it is. Asking that this not be made a requirement for site plan approval.
3. Landscape off street parking required is 10%. Only providing 6%. Added grass islands to break up the parking lot enough so the appearance is there is not a lot of cars all in one spot.
4. Buffer between street line and parking area of six feet. As shown on the map displayed, Robert Treat was all parking as well as the parcel on Bridgeport Avenue. All that parking has been reduced with the exception of the seven spaces previously discussed. Requirement is that the buffer be 10 feet at the property lines, specifically at the west property line. At this time there is no buffer. It has been increased to 3.5 feet on that side. Also willing to introduce a 6-foot high decorative fence as a compromise in lieu of the buffer.

A 5-foot buffer between the building and the parking. This refers to the west side of the property that at present does not have a buffer. A 3.5 foot buffer between the properties to the west has been added.

Buffer in the rear adjacent to the residential zone is 10% of average depth of 20 feet. Asking to reduce the 20 feet down to four feet. Asking to continue that westerly as it goes into the new parcel. Will add a six-foot privacy fence to buffer the residential zone as it relates to Bridges.

5. Parking requirements. The requirement is 107spaces and proposing to provide 91 spaces. 87 spaces are regular and 4 are handicapped. The existing parking plan is disorganized. The new plan will be more organized and more in compliance to the

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regulations. Adding more spaces than are required for the 1,684 SF proposed addition. That is also taking away parking from the front of the building, which will make it more attractive. The deficit is 33 cars and they are proposing 16.

Bridges has extended their hours due to the success of the business. The staff can be as low as 50 people and can be as many as 80, but there are never more than 25 clients in the building at one time. Some of the clients are drop offs. They do not feel that the lower amount of parking spaces will deter their operation.

Mr. Perham explained the floor plan of how the improved facility and new addition will service Bridges clients. He described the architecture of the project and how the two buildings will be tied in with the use of the color of the efos material that will be used. Glass will be used to add light to the building and connector. The Bridges logo will also be etched in frosted glass. The dumpster enclosure has been designed to match the building.

Barry Hammons, PE and LS, with offices in Fairfield CT. Did the survey and did the engineering of the western piece. Described the engineering aspect of the project. It is designed to comply with all the State regulations and Milford's regulations concerning stormwater regulations. They looked at every type of storm, both in rate of runoff and volume of runoff, and have reduced the rate of runoff for every one of these storms through this design.

Stephen Wing, Landscape Architect, Crown Street, Milford. Described the existing trees on the property, which includes the second largest sassafras tree in Milford, and other nice trees and planters along the building. At the rear property line is a row of white pine trees. In the southwest corner of the property is a small wooded area. Part of the organizing principal was to pull together what had been three diverse commercial properties into a little campus. This is being accomplished by removing asphalt and using landscaped areas as a unifying element along the front and between the building and extending along the sides of the buildings. New trees have been spaced so that overall there is a shade tree every 40 feet along the street frontage and trees in the parking lot have one tree per five parking spaces. Planted islands will be covered with low evergreen material that remain green that do not require a lot of attention, but can withstand the occasional harsh winter such as we have just experienced. No room for buffer plantings but there will be the decorative fence in its place. The complete plant list is on the plan submitted. The Tree Commission has approved this plan.

Barry Kasden, President and CEO of Bridges. He has been with the organization since 1984. Originally Bridges was a tenant in the building and then the building came up for sale and the Board of Directors launched a capital campaign to purchase the building. At that time they received some funding from the State of Connecticut in bonding money. The State has also granted bonding money for this project; one of the

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few non-profit organizations that were able to get bonding money reinstated into the budget. When this project goes out to bid Bridges will be able to apply to the Bonding Commission. There is State support, legislative support and full support from the local delegation. Since he has been at Bridges they have brought in over \$2 million in State bonding money for capital improvement on this property which has provided construction and jobs in the community. Bridges is a fairly large provider of mental health and addiction services for the State of Connecticut, funded locally through the City of Milford, Town of Orange and the local United Way. Bridges is an institution in this community, going back to 1957. The adults and families who use Bridges' services are of low income and according to the survey taken have compact vehicles and the average number of cars in the parking lot was 50, of which 7 or 8 were over 16 feet. This expansion is necessary in order to serve the growing needs for Bridges' services.

Mrs. Harrigan: All referrals from the City departments were very favorable. The waivers that are being requested have to be considered by the Board. Other than the three waivers related to parking, the rest are related to landscaping and the buffers that are required within the regulations for landscaping. The Tree Commission was very enthusiastic about the landscape plan and has offered to give the project ten trees.

Mrs. Patterson: Will the lighting and signage for the handicapped spaces noted by the Police Department be addressed?

Mr. Perham: Yes.

Mr. Liddy: Asked if Bridges might eventually increase its buildings in height?

Mr. Perham: Not at present. Potentially in the future there is open space available for more growth.

Mme. Chair: List of waivers: Parking for 91 vs. 107 spaces. There is also off-street parking available in the area.

Mr. Vetter: Noted the best was done with the space available. Made a motion to approve the Petition of Bridges...A Community Support System, Inc. for Site Plan Review approval to construct a single story addition and site upgrade on Map 34/43, Block 214, Parcel 44AB/BE, of which Bridges...is the owner, to include the waivers, including allowing a total of 91 parking spaces; a minimum of off-street parking requirements general business and professional office for Section 5.1.7, the size of the spaces required to allow 7 spaces at 9 feet by 16 feet for Section 5.1.5.1, for off-street loading requirements to not have an off-street loading requirement; for Section 5.14.6.1, landscaping of off-street parking areas to allow six percent; for Section 5.14.6.5, for the buffer between street line and parking area to be zero (0). For section 5.14.6, for the buffer to be ten feet at other

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property lines to allow a 3.5 foot buffer with a six-foot privacy fence as an alternative, and for Section 5.14.6.8, a five foot buffer required between building and parking and this is to allow zero (0) as that buffer and for Section 3.18.4.2, for the buffer in the rear adjacent to the residential zone at 20 feet, to allow for a six foot privacy fence as an alternative, and a four-foot buffer.

Mrs. Patterson: Second.

All members present voted in favor. The motion passed unanimously.

F. EXECUTIVE SESSION – Sammer Karout vs. Planning & Zoning Board of the City of Milford settlement offer discussion.

The Chair asked for a motion and vote to allow City Attorney Win Smith, Trial Attorney Matthew Woods and City Planner David Sulkis to join the board members in executive session to discuss the above-captioned item.

Mr. Vetter: So moved.

Mr. Dickman: Second.

All members voted in favor to allow the noted individuals to attend the Executive Session.

Edward Mead, Robert Dickman, Gregory Vetter, Janet Golden, KathyLynn Patterson, George Gasper, Victor Ferrante, Susan Shaw, Kevin Liddy, with David Sulkis, Win Smith and Matthew Woods, adjourned the auditorium at 10:10 p.m. and re-entered the auditorium at 10:49 p.m.

G. BOARD MEMBERS GREEN GUIDELINE BOOK AND BY-LAWS.

Mme. Chair: Stated she was aware of the time and suggested this item be discussed at the next meeting. This matter needs to be resolved before November.

H. DISCUSSION OF FENCE REGULATION.

Mrs. Harrigan: A proposed regulation change is pending. The intent is to clarify that this is not a change in the regulation, rather a clarification of the regulation. For most of the environmental and scientific community, the mouth of the Housatonic River is part of Long Island Sound. She tried to address this in some of the questions that were asked in the memo that was handed out to the Board.

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Mr. Vetter: Thanked Mrs. Harrigan for this clarification. He feels comfortable to go ahead with the regulation change.

Mme. Chair: Asked if the Board wanted to accept this.

Mr. Vetter: Stated he had previously been vocal about his concern about the change that has been proposed. He would feel comfortable moving forward in the acceptance of this regulation change that Staff had provided the Board with.

Mr. Dickman: Stated the public was vocal about this change at a public hearing and he would like to hear from the public again before he would feel comfortable in voting yes.

Mme. Chair: That is what made the Board and Staff go back and take a look that this was what the public was talking about. This clarifies the original intent that Long Island Sound and the Housatonic were treated the same. It is her understanding that is how zoning enforcement had been done; that historically that was the regulation that a zoning enforcement officer used. It was only when this came up at the ZBA where they were questioned, that Ms. Harrigan came here and said this is historically how it has been done. All she would like to do is insert the word "Housatonic" to make it clear that according to science, that is part of Long Island Sound. Stated if the Board does not accept this, then the regulation would have to be changed. Right now it clarifies that this is what it means.

Mrs. Harrigan: Confirmed that in her conversations with Linda Stock, the former Zoning Enforcement Officer, the Housatonic was always treated as part of the Sound.

Mme. Chair: In her view the recommendation is good to clarify that was always the intent of that regulation. If the Board, on the basis of the public hearing wants to go back and change that, that is a whole other issue.

Mr. Sulkis: Do you want to add the words, even though it has always been "and Housatonic", which he believes was the last change. After the public hearing all the other information and proposed changes were taken out and the very last one was leaving in the words "and Housatonic" in the regulation. That way it is clear to the ZBA in the future that this is part of the harbor.

Mr. Dickman: Asked if this is what the Board had voted on.

Mrs. Harrigan: This was not voted on as yet.

Mr. Sulkis: After the concerns were expressed at the Public Hearing, the language was pared down. The language, "all rivers, streams, tidal wetlands", was removed. This would have included the Wepawaug River, the Indian River and make the

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regulation much more expansive. Based on the comments from the public it seemed clear that they had concerns about it, the Board members expressed concerns, so they went back to the original language. Research was done as to what was really included in Long Island Sound based on the prior interpretation of the prior zoning enforcement officer. This seems consistent with that, to just clarify the language that is and has been in place.

Mr. Dickman: Recalled there being a vote that failed and asked to go back to those minutes to determine what took place.

Mme. Chair: Her recollection was that the Board voted on the proposed wording of the change; held a public hearing and on the basis of that public hearing the language has been pared down and there has not been a vote subsequent to that discussion. The only vote was on the original language, which has now been pared down.

Mr. Liddy: Referenced number 9 on the memo wherein it was mentioned that 90 homes south of the Washington Bridge would be affected and other properties would be delineated. He noted the Housatonic Valley Association states that the lower twelve mile section of the river is tidal wetlands and salts, which is right below the Derby dam. Asked if this regulation would include the homes out by the sewer treatment plant, dump, Caswell Cove?

Mrs. Harrigan: Thinks the Caswell Cove development has its own common space regulations that apply to that and there is no fencing allowed for that particular development. The other is Baldwin Station and they have a large conservation easement that runs adjacent to the river itself. So this would not be a consideration for that particular property.

Mr. Ferrante: Thought the reason for no fences was to be in conformity with the bigger issue, i.e. the floodways, or to be in conformity with requirements of the DEP. Therefore, the Board could not allow fences in the LI Sound area.

Mrs. Harrigan: The Long Island Sound regulation has already been in place in the regulations. She stated the beach environment is constantly changing and installing a fence and having to enforce where that fence is and is it allowed and to which line and who permits it, is beyond the planning principle of not wanting to have so many fences intervene in what would be a pristine coastal view corridor, it becomes an enforcement difficulty because it is a shifting environment.

Mr. Ferrante: There are also other reasons to have no fences, such as floodways.

Mr. Vetter: Moved to extend the meeting five minutes.

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Mr. Liddy: Second.

Mr. Dickman: Voted opposed to extending the meeting. The members in attendance voted in favor of extending the meeting for five minutes.

Mme. Chair: The meeting is extended for five minutes.

Mr. Dickman: The Board voted on this on February 15th and it did not pass. Asked to see the motion that was made on February 15th that did not pass. He recalled that it was substantially similar to what the Board is talking about right now.

Mme. Chair: In view of the time the matter will be taken up at the next meeting and will verify that situation.

I. PLAN OF CONSERVATION AND DEVELOPMENT

Mr. Sulkis: He contacted many of the City department heads to arrange meetings with them individually in their areas of expertise such as, health, park and recreation, fire, police and has several of those meetings scheduled for next week. The data collection has started among the City staff and that will expand to other boards and commissions who will meet with staff.

Mme. Chair: In line with the email that went out to the Board, there are some questions about the table of contents that Ms. Harrigan has given. Looking for liaisons of people that are interested in working on some of these issues.

Mr. Vetter: For the next meeting perhaps an email should be sent out asking what people see as their role in the POCD and the role of the Board in general.

I. LIAISON REPORTS –

Mme. Chair: At its last meeting, the Board of Aldermen unanimously approved the purchase of 462 Oronoque Road.

K. APPROVAL OF MINUTES – (3/15/11)

Mr. Vetter: Moved to approve the minutes of the 3/15/2011 meeting.

Mrs. Patterson: Second.

All members voted in favor of approving the minutes as recorded.

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L. CHAIR'S REPORT – None.

M. STAFF REPORT - Stated under POCD.

Mr. Vetter: Motion to adjourn.

Mrs. Patterson: Second.

The meeting adjourned at 11:05 p.m.

Phyllis Leggett, Board Clerk