

**MINUTES FOR THE REGULAR MEETING OF THE
PLANNING & ZONING BOARD
HELD TUESDAY, MAY 6, 2008; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The 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, Janet Golden, KathyLynn Patterson, Kim Rose, Kevin Liddy, Susan Shaw, Greg Vetter, Victor Ferrante, Jeanne Cervin, Chair.

Staff: David Sulkis, City Planner; Peter Crabtree, Assistant City Planner, Phyllis Leggett, Board Clerk.

C. 8-24 APPROVAL

1. **NATURAL GAS LINE EASEMENT – BEAVER BROOK WASTEWATER TREATMENT FACILITY – (ZONE R12.5)** Request by Mayor James Richetelli, Jr. for CGS 8-24 Approval to extinguish a portion of the old easement and create a portion of the new easement for the gas line at the Beaver Brook Wastewater treatment facility located on Map 12, Block 67, Parcel 10.

Raymond Macaluso, President, Westcott & Mapes, 142 Temple Street, New Haven, CT.

Consulting Engineers for the City of Milford Sewer Commission and the Mayor's office. Here at the request of the Mayor and the Sewer Commission to ask the Board to approve to extinguish an easement that had been brought before the Board and approved in April 2007. The easement is for the Southern Connecticut Gas Company. This is part of the facilities upgrade of the Beaver Brook and Housatonic Water Treatment Plants. Would like to move it 15 feet to allow for future expansion.

Mr. Bender: There is a chain link fence. Will it be demolished and replaced?

Mr. Macaluso: Yes, in accordance with the Site Plan that had been previously approved by the Board. All the amenities that had been presented will be adhered to.

Mr. Liddy: What kind of expansion could be made in 15 feet?

Mr. Macaluso: An out building of some sort.

Mr. Goodrich: Motion to approve.

Ms. Rose: Second.

All members voted in favor. Motion passed unanimously.

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D. PUBLIC HEARING (Continued from 4/15/08)

2. **180 MELBA STREET (ZONE RMF-16)** Petition of Stephen Studer, Esq. for a Special Permit and Coastal Area Management Site Plan Review to construct nine townhouses in three buildings on Map 38, Block 533, Parcel 1, of which Acquisition Trust LLC is the owner.

Stephen Studer, Esq., Berchem, Moses & Devlin, 75 Broad Street, Milford. Verified the placards are in place and had been posted properly. An affidavit from Nancy White, the on-site construction supervisor had been submitted to the P & Z office stating as such. Submitted a copy of the letter sent to 25 property owners in the area, offering them the opportunity to meet with Mr. Studer and review the plans for the property. Presented for the record signed petitions of support from people in the area.

Stated that at the previous public hearing Ms. Gloria Wehle expressed concern about parking in the area. A letter from Ms. Wehle was read into the record, wherein she stated her concerns were satisfactorily met by the applicant, who would make some provisions for fencing between the property at 180 Melba Street and Springdale Street.

Via a displayed site plan, Mr. Studer showed where the fence would be located and stated he had the approval of the residents whose properties would be affected.

A mathematical correction to Mr. Brian Miller's report was submitted and stamped into the record.

Will need Board approval for the height of the fencing.

Ms. Shaw: Asked about letters that were solicited.

Mr. Studer: Letters of support had been solicited, however, petitions were spontaneous from people walking in the area.

Ms. Shaw: Stated there had appeared to be a problem concerning parking in the neighborhood. How does walking near the property and installing a fence address the parking issue?

Mr. Studer: Explained that people could walk through the parking lot into Springdale Avenue, they could easily park a car and go into the building on the applicant's property. With a fence in place, it removes the temptation to park on Springdale Avenue and satisfactorily addressed Ms. Wehle's concerns.

Ms. Rose: Asked if the petitions were strictly for the six townhouses or for the entire project?

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Mr. Studer: Petitions were in support of the townhouses.

Mrs. Golden: Asked if enough open space had been provided.

John Wicko, Architect, 50 Broad Street, Milford. The townhouses meet and exceed the open space requirements of that zone.

Ms. Rose: Asked what the potential selling price of the units in the apartment house will be compared to the townhouses.

Mr. Wicko: No determination as to selling price has been made at this point. The situation is market sensitive.

Ms. Rose: Asked for confirmation that the apartment building presently pays \$36,000 annually in taxes.

Mr. Studer: The property confirmed that is the most approximate amount.

Mr. Liddy: When will occupancy be available for the main building?

Mr. Studer: No specific date has been set. Settling abatement issues with the City.

Mr. Ferrante: Asked about the abatement issues.

Mr. Studer: The property had been condemned in 2005 for mold and had many health code violations. Working on settling the documented deficiencies with the Health Department.

Ms. Patterson: Asked if one building could be taken out and add one unit to each building so as to provide a more open area, possibly to allow for more parking.

Mr. Wicko: The original concept had been for 13-15 units, and then possibly 11. The present plan is the most open, honest and realistic approach for this property. If the number of buildings were reduced, while making the other buildings larger, the village look would be lost.

Mr. Studer: The townhouses play a role in this site. They work well within the neighborhood, which is single family. The scale of the proposed buildings with smaller footprints was well considered. Did not want to have an institutional look to the building. The townhouses have parking underneath and the additional parking provided exceeds the parking requirements of the zone.

Mme. Chair: Asked about the Community meeting. Did he tell the residents they were requesting a density bonus waiver from the Planning and Zoning Board.

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Mr. Studer: Did not directly mention "bonus density". Told the community the applicant was going for approval of the townhouses as well as the renovation of the existing building. The question never came up and was not highlighted.

Mrs. Golden: Asked specifically about the number of parking spaces.

Mr. Studer: 50 units proposed. 106 parking spaces on site. Does not include the spaces in front of the garages of the townhouses.

Mr. Liddy: If the townhouses do not get approved, what will happen to the proposed townhouse property.

Mr. Studer: Have not determined what would go there. Would need an analysis of the situation.

Mme. Chair: Asked for staff comments.

Mr. Sulkis: Comments based on the reports that were submitted: The handouts from Turner Miller were for correcting some numbers in a couple of tables that were in the report submitted at the last public hearing. However, the tables in the report are theoretical for measuring density differently than how Milford defines and does it. He explained his statement by referring to specific sections of the report. No matter how one reviews the report, it is theoretical and does not apply to the application that is presented.

The LUI Realty Advisors, Inc. report uses three comparables that are out of lower Fairfield County, which is a totally different demographic area than Milford.

Agreed that there will be an economic benefit to renovating a building that has been in disrepair, such as the building in question, which is stated in both reports. When something is improved where there was previously nothing, there will be a benefit. However, there is no breakdown of the added value of the nine proposed added units. They are lumped in with the big building. Redoing the large building will be a tremendous benefit to the neighborhood, but there has been no information given in the reports, or testimony heard, that has put a dollar amount, qualitative figure, or any method to say what those nine units will do for the neighborhood, pro or con.

Told the Board not to be too concerned about whether or not the units will be condominiums or rentals. Both reports give numbers as to what the rental units will be going for in such a building. It would be reasonable to assume that the tenants or unit owners will be well chosen in order to protect the investment of the property owner.

Mme. Chair: Anyone to speak in favor of the application?

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Phil Vetro, 10 Carmen Road, Milford. Alderman in this district. Has lived in this neighborhood for 40 years. What was there previously was a disaster. The building renovation is now esthetically pleasing and increasing the value of the neighborhood. The constituents that used to complain about the condemned building and their property values are now very pleased and speaking in favor of the project.

Mme. Chair: Anyone to speak in opposition.

Mr. Lofthouse, 54 Maple Street, Milford. The changes to this building are positive. The Board is being asked to give a density bonus. The finances of the project have nothing to do with the Board's vote. The Board should not vote on a project based on finances, tax money, or rental rates. It's about the application. Area is dense enough. If the Board approves the density bonus it would fly in the face of the change they wanted to create when they were elected. The petitions from people are reacting to the cleanup of the main building. They could care less about the three new buildings that are proposed. The area is being cleaned up. Leave it as it is.

Mr. Studer: To recap: Proposing to reduce the overall number of units from 53 to 50. Propose to make the units more functional and more in keeping with what is desirable in today's real estate market. Recycling the building, not demolishing it in an environmentally friendly approach. Reducing the impervious surface of the property. Asking for a waiver, but it is not a bonus. It is a waiver for an overall unified concept for this property that will meet both the needs of the neighborhood, as well as the investor.

Spoke about the concept of density. Have showed that additional bedrooms do not translate into adverse impacts to the City or the neighborhood. The number of people who will be living in the units, whether there be 41 or 50 units, will essentially be the same. The number of public school children would be lower with the townhouse units than it would be if there were 41 units. These statistics are based on the Rutgers University study's analysis in the State of Connecticut. Creating a larger living area does not mean more people will be inhabiting the space.

The proposed number of bedrooms in the three townhouses will exceed the sixteen bedrooms per acre that the regulations talk about. But it is consistent with the existing bedroom, two lot area ratios already in the neighborhood, both older single family and newer single family residences. This is comparing apples to apples. What is being proposed is consistent with the existing bedroom counts on a per acre basis.

The townhouses dramatically improve the streetscape. They provide an additional component to the neighborhood. They integrate the existing building into the fabric of the neighborhood. The townhouses are part of a design with a purpose to add value to the character, as well as property values of the neighborhood.

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The people who will live in the complex will be patrons to support the commercial center down the street. There will be a lot of positive things coming out of this project. Don't focus on the number of bedrooms. Look at the totality of the proposal. No negative impacts to the public health, safety or welfare of the community. These criteria should be looked at in the Board's consideration of the waiver. Everything complies with the regulations except for the bedroom count. The application has the support of the neighbors. Asked the Board to support the neighbors.

Rebuttal:

Mr. Lofthouse: The Board is being asked to throw the regulations out the window. Stand by the regulations. Don't vote for something based on finances. There is nothing in the regulations that mentions finances. Don't allow the density bonus.

Final Rebuttal:

Mr. Studer: The applicant believes he is doing the right thing by this property in the City of Milford. It is important what the neighbors and neighborhood thinks. Have demonstrated that this is a well thought out proposal that meets all the Planning and Zoning standards, but for the number of bedrooms. Not asking the Board to throw out the regulations. The regulations have a built in component for Special Permits and for Site Plans that allow the Board to be flexible and proactive in its planning, when the circumstances warrant it. The Board has the ability to waive certain regulations. Consider the totality of the positive points that have been made.

Mrs. Golden: The people of Milford have concerns about density. Would like to consider Mrs. Patterson's suggestion to have two buildings instead of three.

Mr. Studer: The number of buildings is not an issue, just the number of bedrooms. Two buildings can be explored with the Board.

Mr. Bender: Asked for confirmation based on the Miller-Turner report that the number of bedrooms went from 65 bedrooms to 82, which is an increase of 17 bedrooms.

Mr. Miller: Correct.

Mme. Chair: Declared the Public Hearing closed

E. NEW BUSINESS

3. **995 BRIDGEPORT AVENUE (ZONE CDD-3)** Petition of Andriopoulos Design Associates, LLC for a Site Plan Review in order to construct a partial two-story dry cleaners building on Map 43, Block 214, Parcel 41, of which 993 Bridgeport Avenue LLC is the owner.

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Bill Andriopoulos, Architect, representing 993 Bridgeport Avenue Associates.

Introduced Marie Genovese, who prepared the application; Don Strait of Grumman Engineering Associates, who prepared the site's stormwater, drainage and landscape design; and Mr. Steve DeMarco, owner of Triple S Cleaners, who will be the building's occupant.

The site plan and landscape plan were displayed.

Triple S Cleaners is a family owned and operated cleaning business with facilities in Stamford, Norwalk and Stratford Connecticut. The property is approximately 1.5 acres. 300 feet of frontage on Bridgeport Avenue and over 200 SF in depth. The building and its use are in conformance with the City's CDD-3 zone. It meets all the scheduled criteria for height and size. There are two existing structures presently on the site. One is a retail dry cleaning establishment and other retail stores. The retail structures will be removed and approximately 50% of the larger building will be removed.

The site plan shows a single 10,000 SF structure that is proposed. Regulations for parking require 42.3 spaces. Site Plan proposes 49 spaces. A required loading zone is in the rear of the property. There will be a required 5-foot buffer up against the building, the sidewalk around the building and parking up against the building. Buffers and screening meet the setbacks. The property abuts a residential zone and a 21-foot rear yard setback will be provided. This will be a good commercial neighbor in the area.

Donald Strait, Landscape Architect, Grumman Engineering, LLC, 69 East Avenue, Norwalk. Discussed the site amenities. In order to make the vehicular circulation work well, there are three proposed driveways off the long street frontage along Bridgeport Avenue. A new four-foot concrete sidewalk will replace the existing one. The remainder of street frontage will be a lawn area with many different varieties of trees. Thirty-six evergreen trees, 7-foot height minimum, will be planted as a screen between the building and the residential property. There will be additional foundation and island planting in the parking lot. The existing building, which is 993 Bridgeport Avenue, will have a fence around it, separating it from 995 Bridgeport Avenue, the building that will be in use.

There will be two handicapped parking spaces in the front. Described the storm drainage and sanitary lateral provisions for the site, and noted sediment and erosion controls were noted in the plans.

Mme. Chair: Comments from staff?

Mr. Crabtree: Property will be under utilized.

Mme. Chair: Is there a phase 2 to this plan?

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Mr. Andreopoulos: There is no phase 2 planned at this time. Intent is to get this up and going and see how the business goes.

Mr. Liddy: Is there a dumpster on the property?

Mr. Andriopoulos: The dumpster area would be behind parking space 17 in that back corner.

Mr. Liddy: This will have to be included on the plan and screened in accordance with the regulations.

Mr. Andriopoulos: Agreed.

Mr. Liddy: Asked about the five monitoring wells on the site plan.

Mr. Andriopoulos: Those are existing monitoring wells due to past contamination of the site. Remediation was in progress when Mr. DeMarco purchased the site and it is ongoing.

Mr. Liddy: Asked about the three curb cuts and one in particular.

Mr. Andriopoulos: Stated that curb cut would be utilized, if not at present, some time in the future if and when the existing building would be utilized.

Mr. Ferrante: On the far right of the plan there is an existing 6' high chain link fence and another fence is indicated as well. Also asked if the landscaping ended at that point.

Mr. Andriopoulos: The fence will be chain linked.

Mr. Strait: Stated that three trees would be planted in this area.

Mr. Liddy: Asked staff how the proposed building conforms to the newly instituted architectural standards in the regulations.

Mr. Crabtree: It fits in.

Mr. Andriopoulos: The building will be primarily a metal structure. A prefab metal building, which will be enhanced with an aluminum and glass curtain wall on the front. The lower foundation portion will have a stone facade.

Mr. Vetter: Asked what kind of traffic will there be due to the kind of work that is being done, i.e., dry cleaning of upholstered furniture and carpets. Asked if this business is similar to the other businesses that he owns.

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Mr. DeMarco: Similar building. Will also have a window treatment shop.

Mr. Vetter: Interested in the loading dock area and how that will be utilized. Would there be chemical deliveries, furniture delivered, etc, whereby large trucks would be used.

Mr. DeMarco: Almost all traffic is through the front door.

Mme. Chair: Will there be big trucks going through the parking area?

Mr. DeMarco: Just a delivery van that would go down the center and back up onto the loading dock. Most deliveries come from the other branches.

Mr. Vetter: Asked for a more detailed explanation of the delivery aspect of the business.

Mr. DeMarco: Products used are green as stated in his report. Previous businesses at this location were all laundries and/or dry cleaners.

Mrs. Patterson: Property backs to a residential area. Questioned the lighting and the residents' homes that abut the property.

Mr. Andriopoulos: Can review the lighting to be more sensitive to the neighbors.

Mr. Sulkis: Suggested that a full photometric survey of the property be submitted along with the manufacturer's specifications of the light fixtures to be used.

Ms. Rose: Questioned the third curb cut and would it be kept as grass and be maintained.

Mr. Strait: The area will be mowed and well maintained. It has a gate with a lock and will not be used.

Mr. Ferrante: Concerned about the look of a chain link fence along the frontage.

Mr. Strait: For the street side, an aluminum picket fence could be constructed. Would give it a more upgraded look.

Mr. Liddy: Asked if there are any other facilities such as this in Milford.

Mr. DeMarco: Don't believe so.

Mme. Chair: Referred to the Police and Tree Commission's Reports and asked if their remarks were being addressed.

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Mr. Strait: Plans were resubmitted and both departments' concerns were addressed.

Mr. Crabtree: The tree commission's comments were addressed immediately. The area is very well buffered. The adjacent apartment building has put up lighting and trees, as well, providing a double buffer to the property.

Mme. Chair: This plan will improve the streetscape on Bridgeport Avenue. For the May 20th meeting, will expect to receive the full photometrics plan, the placement of the dumpster and some evidence of the fencing that will be used.

4. **6 MONROE STREET (ZONE CDD-2)** Petition of Warren Field, Jr. for a Site Plan Review to construct a single family residence on Map 16, Block 154, Parcel 2, of which Warren Field, Jr. is the owner.
5. **CHESTERFIELD COURT (ZONE CDD-2)** Petition of Warren Field, Jr. for a Site Plan Review to construct a single family residence on Map 16, Block 154, Parcel 10, of which Warren Field, Jr. is the owner.

Thomas Lynch, Esq., Lynch, Trebecki and Boynton, 63 Cherry Street, Milford, representing Warren Field Jr., the owner. Before the Board for two site plan applications in the Devon section of Milford. They are listed separately on the agenda, but Chesterfield Court is next door to 6 Monroe Street and comments will be made for both site plans.

Described the location of 6 Monroe Street, which is two doors down from the intersection of Chesterfield Court. It is a conforming lot in the CDD-2 zone of approximately 3,000 SF in size, and meets the lot frontage and depth requirements. The site plan depicts a proposed three-bedroom single-family dwelling with a one-car garage and two parking spaces on the property. Departmental response has been positive. It meets all the requirements of the CDD-2 zone. No requirement for a CAM review.

Chesterfield Court is also owned by Warren Field, Jr. The property is a triangular shaped lot also approximately 3,000 SF. Proposing a single family, three-bedroom colonial styled home. There will be a sewer easement that will allow a sewer lateral to be brought in off Chesterfield Court and be tied into the back of the Monroe Street residence as well.

Mr. Sulkis: These applications are very straightforward.

Mme. Chair: Read from the Police Report concerning the disrepair of the sidewalks.

Mr. Field: After the sewer connections and curtain drains are installed, new sidewalks will be put in.

Mr. Lynch: Chesterfield Court does not have sidewalks and none are proposed.

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Mr. Vetter: Asked Staff how these proposed properties fit into the neighborhood.

Mr. Sulkis: These applications are for site plan reviews. As long as they meet the requirements of the regulations, they are allowed. The CDD-2 zone allows many uses.

Ms. Rose: Made a motion to approve the site plan applications of Warren Field, Jr. for the construction of a single family residence on 6 Monroe Street and a single family residence on Chesterfield Court, as presented to the Board.

Mr. Bender: Second.

All members voted in favor. The motion passed unanimously.

6. **220 ROCK LANE (ZONE LI)** Petition of Robert Blanchette for a Site Plan Review to construct an 8,290 SF one-story warehouse/manufacturing addition on Map 92, Block 705, Parcel 1D, of which Stevens Manufacturing Inc. is the owner.

Robert Blanchette, Borghesi Building & Engineering Company, 2155 East Main Street, Torrington, CT. Representing Stevens Manufacturing located at 220 Rock Lane, to construct an 8,290 SF addition to their existing building. The application meets all the zoning requirements. Met the comments from the various City departments. Area is heavily landscaped. The existing building is 25,044 SF. Will be building out toward the railroad tracks. All wooded areas will remain as they are. No new curb cuts. The inside of the existing building has become congested. Would like to add storage and spread out on the inside via the addition.

Mme. Chair: Staff comments?

Mr. Crabtree: This site is loaded with trees on an industrial site. It is owner occupied. Not a multi-use facility. Has deferred adding parking to the plan. If it becomes necessary to add parking, it can be done at a later time.

Mr. Goodrich: Motion to approve the application of 220 Rock Lane as presented to the Board.

Mrs. Patterson: Second.

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

F. PUBLIC HEARINGS HELD 4/15/08; exp. 6/19/08

7. **PROPOSED ZONING REGULATION AMENDMENT – Section 3.10.5.7(9) (ZONE LI)** Application of Robert Mickolyzck for a zoning regulation amendment to section 3.10.5.7(9) in order to allow a pet crematory but not including facilities for domestic pets; not exceeding 200 pounds for use as an accessory to a commercial kennel and veterinary hospital only.

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Ms. Rose: Recused herself because she had participated in a discussion of this matter at a Regional Planning Council meeting.

Mrs. Patterson: Made a motion to deny the proposed zoning regulation amendment for the following reasons:

1. It is not supported by the Plan of Conservation and Development.
2. It has an adverse impact on the abutting residential neighborhoods.
3. The use is currently and appropriately prohibited in an LI zone.

Mr. Goodrich: Second.

Mme. Chair: Discussion.

Mr. Goodrich: At the public hearing he asked the applicant if there was any difference in cremation from the State's statutes regarding human cremation, which requires 20 acres and animals up to 200 pounds. The applicant stated there was no difference that he knew of. Does not see a difference between cremating a human or an animal. They should have the same standards and follow the same state statutes.

Mme. Chair: Agreed. Letters have been received from the City Attorney, who did not recommend the change due to the difficulties of enforcement. The Southern Connecticut Regional Council of Governments (SCRCG), advised against it.

Mr. Vetter: Asked for clarification as to why they would be against the regulation amendment.

Mr. Sulkis: Stated the regional councils look at the application as to how it will affect neighboring municipalities. Felt that this could possibly have an adverse inter-municipal impact because it is close to West Haven. Any time there is a proposed regulation change within a certain number of feet of the municipal border, it is referred to the Regional Council for their comment, because they have a more regional approach and by statute it is required and they look at whether or not the actions that are proposed will have an inter-municipal impact. In this case they felt it potentially could have an adverse inter-municipal impact.

Mr. Vetter: Asked if that impact would be setting a precedent to allow this elsewhere? What would the inter-municipal impact be?

Mr. Sulkis: It could be smoke, fumes, truck traffic, or any number of things.

Mr. Vetter: Since there is no other facility nearby this would become almost a service entity. However, this is a long time resident that has run a business successfully in town without any difficulty. Also, it is a service that many people have used or may use.

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Mr. Sulkis: This is an incinerator. To his knowledge, Milford's zoning regulations have always prohibited incinerators because they can adversely impact neighbors. This is one of those things you do not want to have in a community. Technology may change over time, but this is a use that has historically not been in the City. What they are proposing is a text change. This would not only apply to this location, it would apply to anyone in an LI zone anywhere in the City. LI zones are specifically there as a buffer between residential areas and the more heavy industrial areas.

Mr. Bender: Asked for clarification of number two of the reasons to deny. Was it due to the zone change or that the business would have an adverse effect?

Mr. Sulkis: It refers to the type of use. An incinerator would not be a welcome use to a neighborhood. This also could open the way for someone else in an LI zone to request an incinerator to destroy chemicals, hazardous waste or garbage, for example. It will set a precedent for that kind of a use in an area that abuts the residential zone.

Mr. Goodrich: Cited the state statutes for cremation. Have not heard a difference between a crematory for humans and for animals.

Mr. Sulkis: The state statute does not apply. It only applies if the City allows the use. State statutes do not trump local regulations.

Mme. Chair: Motion on the floor to vote in favor of denying the application.

Eight members in favor of denying the application.

Mrs. Golden - Abstained

Ms. Rose - Recused.

Mme. Chair: The motion passes.

8. **148 CLARK STREET (ZONE CDD-1)** Petition of Richard and Debra Bourt for a Special Exception and Site Plan Review to keep goats and chickens on Map 53, Block 305, Parcel 1, of which Richard and Debra Bourt are the owners.

Mr. Liddy: Went by the property in question, walked around the area. No odor at all. It appears to be on an island with no neighbors around it. The goats can be seen, but there is no odor. They appear to be doing what they claim to be doing. No objection to it.

Ms. Rose: In favor of the application. The family is benefiting from the products they are making. They have proved to be very responsible in the upkeep of their animals. No complaints from the neighbors. Would like to see the number of chickens be kept at a maximum of 10 and the amount of goats to remain at 3.

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Mme. Chair: This application is presented as a Special Exception, which means two thirds of the full board must vote to approve it. As a Special Exception, each case is considered on individual merit. Main thing to consider is what impact it has on the neighborhood and the community around it. Heard many positive comments. Agree with Mr. Liddy. Anonymous letters discounted because they are anonymous. Concerned about setting a precedent, but if this is taken on a case-by-case basis, would feel comfortable approving it. Suggest that a provision of a two-year renewal be placed on the permit.

Mr. Liddy: Suggested a three-year period before renewal be established.

Ms. Shaw: At the public hearing, the issue of the neighbors was raised and if anybody was impacted. The Board looked at the letters and from the testimony that was given, a question was asked if anyone had – they had talked to all their neighbors – and if the letters that were received reflected all the neighbors and anybody that would be impacted. There was a reply from the Board that they had no other neighbors than what was represented in our records.

Mr. Goodrich: The Board cannot please all the people all the time. In favor of the application. Keep the number of animals at 10 adult chickens and 3 adult goats. The Board of Aldermen passed tax relief to the farmers of Milford. The P & Z Board gets criticized for too much development, this is the opposite, going back to roots.

Mrs. Patterson: Would like to see a three-year provision put on the exception.

Mr. Liddy: Should not get into the numbers too much. The Bourts seem responsible enough to know what they can and cannot do with their animals and property.

Mr. Sulkis: This particular application has to do with a land use, not the people who own the land. Should they sell or rent the property to people who will not be as careful and as conscientious as the Bourts, the Special Exception permit can be abused.

Mme. Chair: Stated she was under the impression that once the land changed hands, the Special Exception would no longer be valid.

Mr. Sulkis: Not unless the use disappears. It's grand-fathered unless the use ceases. If the Bourts decide to stop having animals and a period of time goes by and it is clear that they are no longer farming, the permit will not be in effect.

Ms. Shaw: Was under the impression the number of animals on the property would be determined by the Health Department or the State.

Mr. Vetter: In favor of the application. Concerned about the follow-up capabilities of the Board. Would not like the Board to be giving up its ability to monitor any situations that may arise with regard to keeping the animals on this property. Believe a time

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period for renewal of the permit is a good idea.

Mr. Crabtree: The City has a lot of sanitarians working and if the place starts to smell or is ill kept, they will be there to investigate the matter.

Mr. Bender: Asked how the three-year time period would be monitored.

Mr. Crabtree: The property is inspected and if we don't see anything wrong with it, the permit rolls over, similar to the way it does with an accessory apartment.

Mrs. Bourt: Stated that the weaning period for the goats is two months. She asked for clarification that three resident goats could be maintained on the property.

Ms. Rose: Motion to approve the application of Michael and Debra Bourt for a Special Exception to maintain 3 adult goats and 10 adult chickens with the stipulation that the Special Exception will be revisited in three years.

Mrs. Golden: Second.

All members voted in favor. The motion was approved unanimously.

G. PROPOSED REGULATION CHANGES

Mr. Sulkis prepared regulation changes for the Board's review. Mr. Sulkis summarized the changes. The Board will review this material and discuss them at the next meeting.

H. LIAISON REPORTS - None

I. PLANNING COMMITTEE

Ms. Rose: Next meeting will be held on Tuesday, May 12. Stated there was an article that appeared in the Milford Mirror that she will address at the Planning Committee meeting.

J. APPROVAL OF MINUTES – (4/15/08)

Mr. Bender: Motion to approve.

Mr. Vetter: Second.

K. CHAIR'S REPORT

Stated that the purpose of public hearings was to gather information, which is discussed at a future meeting by the Board.

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Told the Board the Dutko case that had been in litigation for a number of years had been dismissed by the Court and ruled in the City's favor.

When a Board members recuses himself, it is up to the Board member as to whether he wants to leave the room or not.

Mr. Sulkis explained that the member does not have to give an explanation as to why they are leaving.

L. STAFF REPORT

None.

Mr. Bender: Motion to adjourn.

Mr. Liddy: Second.

All members voted in favor of adjournment.

Meeting adjourned at 10:00 p.m.

Phyllis Leggett, Board Clerk