

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, MAY 15, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Mark Bender called the meeting to order at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Ward Willis, Jeanne Cervin, John Grant, Dan Rindos, Michael Casey, Joseph DellaMonica, Tom Nichol, Mark Bender, (Chair)

Not Present: Edward Mead

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

C. OLD BUSINESS

1. **134 OLD GATE LANE (ZONE ID)** – Rescission of action taken May 1, 2012 on petition of Gus Grigoriadis for Coastal Area Management Site Plan Review and Site Plan Review to construct a new restaurant on Map 68, Block 811, Parcel 6F in the ID zone, of which Dare Associates, LLC is the owner.

John Grant and Michael Casey recused themselves.

Mr. DellaMonica: Made the motion to rescind the motion to deny of action taken May 1, 2012 on petition of Gus Grigoriadis for Coastal Area Management Site Plan Review and Site Plan Review to construct a new restaurant on Map 68, Block 811, Parcel 6F in the ID zone, of which Dare Associates, LLC is the owner.

Mr. Rindos: Second.

Mr. Willis: Stated he believed it was necessary for a two-thirds vote of the board in order to rescind a motion.

Mr. Bender: That is not the case. The City Attorney's office had a ruling on this, which he had sent to the Board. This was noticed and placed on the agenda ahead of time so it does not need a two-thirds vote. Had it not been noticed or placed on the agenda ahead of time it would need a two-thirds vote.

Ms. Cervin: Asked what had changed from the last meeting with the motion the Board had made. She thought the motion was clear and she is troubled and would like to know the reason as to why this is being done.

Mr. Bender: Responded at the conclusion of the May 1st meeting he had concerns regarding the explanation of parking requirements. Based on these concerns he believed he had erred in voting to deny rather than tabling the motion and asking for an opinion from the City Attorney's office concerning the parking requirements.

First thing the following morning he contacted the City Attorney's office with his concerns and requested their advice on whether or not this matter could be reconsidered. The City

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Attorney's office advised that a Motion to Reconsider can only take place at the same meeting upon the original motion is made. However, a Motion to Rescind can be made at a later meeting provided no action has been taken in reliance of the original motion. At his request the action taken was not published and a letter was not sent to the applicant. No action was taken in reliance of the original motion and therefore, a Motion to Rescind is appropriate. If a Motion to Rescind carries, the prior action is null and void and the matter can be taken up anew.

In addition, he asked the City Attorney's office to give the Board its opinion on the parking requirements, which he forwarded to the Board members. That is where this came from.

Ms. Cervin: Asked if the Chair was saying that if a person changes his mind or has a different view after the vote that any Board member can ask to have a motion rescinded at that point or at the following meeting?

Mr. Bender: As it was explained to him, it was very explicit as to how that change could take place. Everything has to fall in place. No action has been taken and no notification been made.

Mr. Willis: That does not really answer the question. If someone has changed their mind or there is new information. He is very uncomfortable about doing this. This sets a very uncertain precedent that the Board is doing tonight. It could be said that this is the one rare time that this is being done and yes the Board is treading in uncertain waters. He thinks when this Board makes a decision, what will it be? If someone does not like ... the Board will decide that it wants to rescind the decision? He is not comfortable doing this tonight.

Mr. DellaMonica: Stated he believes not only was this decision correct [to rescind the motion], this kind of action must be taken when the Board feels an error has been made in either the way someone interpreted one of the Board's regulations or if, in fact, if the regulation itself is either so convoluted or nondescript, that it can be determined in a myriad of ways. The Board got a decision from the City Attorney's office, which he believes is the correct way to go with this.

Ms. Cervin: Continued with the issues she had: In her history on the Board she does not believe the Board has ever asked for an opinion on a regulation from the City Attorney. It is up to the Board to interpret its regulations. The vote was three of the seasoned members voting a denial, plus a new member. She thought any one of the members could have said I question what I did, but it is what it is. She thinks it is strange that after a month or three weeks that there was not an opportunity or chance to decide what [Mr. Bender's] position was on the parking issue. What was received from the City Attorney was not more than any one on the Board would understand and know. She is very concerned about setting a precedent here. It is setting a standard that leaves the Board in a lot of legally questionable positions. She also feels that rescinding the vote lends itself to speculation as to what motivated the repeal, which puts the Board's integrity in question. Concerned about how people will perceive the ethics of this Board and she wants to make sure everything is done legally correct. She does not qualify the reason for this as an adequate basis for that decision. She knows a lot of this is based on people's feelings about Pop's in general. She thinks it is important to say and for Pop's Restaurant to know that just because the Board denied the application last time does not mean that it is dead in the water. There are some options for this applicant. Believed it was important to say and for the Board to know.

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Chairman Bender: Responded he thought he was clear it was not about Pop's Donuts. During the discussion it was made clear it was about a restaurant. It was not weeks. It was an immediate choice to contact the City Attorney's office about rescinding the decision. In the four plus years he has been on the Board there has never been a tie vote on an application. That was a unique situation and to him it indicated just how confusing the situation was. The fact that as the Board went into that motion that motion got more and more detailed on the shortage of 17 parking spaces and more specifics to that requirement. He believes that bore a lot on matter. Since he is the one who initiated this, he will be a little careful in the accusations as to whether there was something else to do with it. The Board knows that it had this discussion and it was very clear that he felt very uncomfortable given the circumstances and made immediate contact with the City Attorney's office. He is taken aback by the accusation that there were some improprieties because he decided to change his vote.

Ms. Cervin: Stated she did not mean to make that direct accusation to him. In general she thinks that is what the Board is opening itself up to in this situation.

Mr. Rindos: Noted he was confused with the 4-4 tie vote. He did not realize it was an automatic defeat of the proposal. He also thought there was a lot of confusion. The Board was not sure about the parking situation and did it really affect what they were trying to do with the property. He believed getting the clarification was probably something the Board should have done before they voted on it. This may be an opportunity for the Board to do that.

Mr. Gettinger: Stated he believes the Board has a duty to get the applications right and if it means going into unchartered territory with this application, he is willing to take the risk. He thinks the decision should be rescinded and based on the new information decide the application on the merits.

A vote was taken:

In favor of the Motion to Rescind: Messrs. Gettinger, Bender, Rindos, DellaMonica, Nichol.
Against the Motion to Rescind: Ms. Cervin, Mr. Willis

The Motion to Rescind passed.

1. **134 OLD GATE LANE (ZONE ID)** – Petition of Gus Grigoriadis for Coastal Area Management Site Plan Review and Site Plan Review to construct a new restaurant on Map 68, Block 811, Parcel 6F in the ID zone, of which Dare Associates, LLC is the owner.

Michael Casey rejoined the meeting at this meeting.

Ms. Cervin: Asked if this changes anything in terms of the time line of the application or getting or receiving new information that had not been received before?

Mr. Bender: No, this was not a public hearing. However, the additional information is the opinion from the City Attorney's office, the opinion that everyone has received and read.

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It adds some information. Each board member has to decide what it does for them individually.

Mr. Willis: Asked for clarification that everything in the original motion, the greenway easement is that still on the table?

Mr. Bender: Everything in that motion is gone. A new motion would have to be made to create whatever conditions the Board wanted.

The previous motion is gone. The Board would have to re-motion anything it wanted on a new motion.

Mr. Gettinger: Now having the benefit of the City Attorney's memorandum, he would think that the waiver requirement is no longer necessary and the application could be made without the waiver requirement.

Mr. Bender: Agreed.

Ms. Cervin: Disagreed because the Assistant City Attorney ended the memo that it was in the Board's purview that the intent is to provide parking and loading space to meet the needs of employees and patrons and it is at the discretion of the Board to make that decision. She stated she wished to make the following points as to why she voted against this application:

Thought it would be interesting to compare Milford's regulations to some other municipalities. What she found out was that Milford comes out as being far on the liberal end of the spaces that is allowed per gross feet of floor area. Milford is 1 to 75; Stratford is 1 to 60; Branford is 1 to 75; Fairfield is 1 to 40 and Norwalk is 1 to 45. Previously on the motion it was agreed to waiver the buffers on both sides. The buffer requirement was 10 feet to be reduced to one side to 4 feet 6 inches and on the other to eight feet. If the waiver had not been granted at that time there would be no room for the needed parking spaces. With those two things she thinks it shows that the City is very generous and has been very generous with this application in trying to find adequate parking for them.

Also notes there is no designated loading zone. Mr. Gordon stated that delivery trucks would be using the area in the front of the entrance or would need to use those designated parking spots to unload the truck. Mr. Gordon stated that the hope was that there would be an increase in seating to 123 that would be granted by the Sewer Commission versus the 103 seats that are now proposed. This would indicate that if seating went to 123, probably 10 more spaces would be needed. According to Mr. Gordon's public statement there would be no seating on the deck, yet there are plans for an outdoor grill, which would certainly indicate that this is an area that would be used by patrons. A width of seven feet leaves adequate room for tables or any other use of patrons, so she thinks it is usable floor space and should be calculated as such. It was not included in the gross area calculation. If that area was to be included it comes to 280 SF. Even with the cellar removed from the calculation there would still be an additional four spaces required.

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Pop's now seats 140 people and their present parking is often full. She knows of instances where patrons have used the surrounding streets for parking. On Old Gate Lane there is absolutely no parking on the street. It is known that shared parking works in other areas of Milford, specifically in Milford Center. She believes it would be feasible to work out a shared parking arrangement. Mr. Gordon stated that the abutting neighbors would not put up a gate or a fence to prevent parking. Not sure what he is implying, but it seems that there is some room there to investigate this further. One thing that could be done is to have employees park off-site.

She agreed with Mr. Bender that this application should be looked at as a generic restaurant application, not being biased because it is one of Milford's favorite restaurants and to what might possibly happen to the future of this site. She ended by saying that the issue to her is to meet the needs of the employees and patrons. She does not think they are adequately met with the parking spaces that are now on the site plan.

She stated she was ready to talk about a compromise of some sort.

Chairman Bender: Stated he had the same concern about the potential increase to 123 seats. Mr. Gordon did retract that statement after it was challenged. Asked Staff for the procedure if the application or any subsequent application for this property gets approved for additional capacity, do they have to provide a new application?

Mr. Sulkis: Stated he could not speak to the procedures for the Sewer Commission. Planning and Zoning does not have a procedure, nor does it calculate the parking based on the number of seats. It is based on the square footage of the restaurant. The only wild card here is if the deck is used in any way by patrons or people in the restaurant, then that has to be counted in the parking regulation and that would make this a Special Permit, because outdoor seating is a Special Permit in the regulations.

Chairman Bender: Noted he goes by Pop's present restaurant between 2 and 20 times a day. He said Sunday morning is the busiest he has ever seen it. He sees people waiting outside but he never sees problems in and out of the parking lot. He looks for that because he goes by there so frequently. He has purposely looked for the past month or so to see if there is chaos on a Sunday morning, which appears to be the busiest time and there is not. He concluded that Pop's present parking seems to be adequate but that is not the issue before the Board.

With regard to the deck he would be very specific in a motion about having no seating on the deck and that would be an enforcement issue.

Mr. Rindos: How do you ask the applicant to redo the parking for the employees with the neighbors. The Board asked this but there was no definitive answer. How does this get worked into the motion?

Chairman Bender: Regulations say that if there is the same property owner for both properties it can be done, but once the person sells the property and there are now two different adjoining property owners, some things can be discussed, but you could not dictate to the neighbor what to do with his property.

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Ms. Cervin: There could be a condition of approval that there are X number of parking spaces that are provided in addition to what has already been provided on the site plan that has been presented. It is not up to the Board to figure out the details. Of course the applicant is going to tell the Board certain things and want the Board to go along with their thinking, but the Board has to think a bit more out of the box and understand things a little bit more. There are a lot of options in dealing with this in her mind. It may take some money, but that is not the Board's problem. The Board is trying to do its best with an application that will create a restaurant that is open in perpetuity in some sense because it will be grandfathered. The Board wants to be careful about these things and it is the Board's right to put conditions on applications if it so chooses and this could be one of them.

Mr. DellaMonica: Made a motion to accept the application placed before the Board by Pop's that has been reopened tonight without any conditions.

Chairman Bender: For clarification, that would mean that everything is off; no buffer ...

Mr. DellaMonica: With the buffer and the Coastal Management review for the easement.

Chairman Bender: The motion is to accept the petition with the buffer waiver and a conservation easement up to the inland wetlands flag.

Mr. DellaMonica: Yes.

Mr. Casey: Seconded the motion.

Mr. Sulkis: Asked the Chair if the Board wanted to make a determination under 7.1.3.15, as to whether or not a waiver is required for the amount of parking? The City Attorney's opinion did not say that anything with regard to a waiver. It said the Board has to interpret whether or not you should interpret your regulations in whatever way you are going to interpret them. Asked if the Board want to formally take an action on the interpretation that way there will be a clear motion.

Chairman Bender: Said he believes that is one of the problems he had the last time. He is okay with the motion as it is right now. Upon discussion there are some areas he would like to clean up.

The motion needs to be amended to add that there will be no seating on the deck.

Ms. Cervin: Asked to expand it to no patron use or seating on the deck.

Mr. Sulkis: The applicant stated on the record that its only purpose was for egress. Knowing that, the Board can condition that no one can use it other than for egress. No patron seating. No patron use of any kind. The plan also shows a built in grill there. So if it is only for egress, you don't need a built in grill.

Chairman Bender: Remembered in one of the discussions the deck is there to look at this public space and now you want to tell them they cannot do that. He is okay with no seating.

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Mr. Casey: Agreed. Patrons should have the ability to enjoy the benefit of the view. There is no reason to limit patrons from using the deck.

Mr. Sulkis: If the deck is going to be used by patrons then you have to include it in the parking calculations. It will be a used area.

Chairman Bender: It will be used for normal use. If it is only for egress he believes it gets too specific.

Ms. Cervin: Mr. Gordon said it would be used for egress, so the Board has a right to condition that. If not, then it should be included in the parking requirement and add the necessary square footage. She is happy to add an amendment that would add an additional four parking spaces, as well as a Special Permit and Site Plan Review if they are going to use that area. They put the grill out there so it is a no brainer that their patrons will be using that area.

Chairman Bender: There is a motion to accept the application with a waiver of the buffer and the conservation easement, which has been seconded. There was discussion of amendments and second motions. Asked how the Board wished to proceed.

Mr. DellaMonica: Said he could agree with Ms. Cervin's motion that the deck should be used specifically for an egress area. That would be a compromise that could be made.

Chairman Bender: Amend the motion to add that?

Mr. DellaMonica: Stated he amended his motion to add Ms. Cervin's comments to use the deck solely for egress.

Mr. Casey: Seconded the amendment.

Ms. Cervin: Noted if it is used for any other purpose it will have to come back to the Board.

Chairman Bender: Original motion is an amended motion to have the buffer waiver; the conservation easement and the deck can be only used for egress. That is the motion the Board is voting on.

A vote was taken:

In favor of the Motion to Approve: Messrs. Gettinger, Bender, Rindos, Casey, DellaMonica, Nichol.

Against the Motion to Approve: Ms. Cervin, Mr. Willis

The motion to approve the application for 134 Old Gate Lane passed.

John Grant rejoined the meeting.

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D. PUBLIC HEARING CLOSE BY 6/19/2012; expires 8/23/2012

2. **142 WEST TOWN STREET (ZONE R-10)** Petition of Ronald Standish for a two-lot re-subdivision on Map 53, Block 324, Parcel 9, of which David Korman is the owner.

Danielle Bercury, Esq., Harlow, Adams & Friedman, One New Haven Avenue, Milford
Present on behalf of Ron Standish, the contract purchaser for part of the parcel that is involved in tonight's application. This is a straightforward two-lot resubdivision application which conforms with the zoning requirements.

Via a display it was shown there is an existing house located at 142 West Town Street. The property owners, David and Gail are present tonight. The property is located in the R-10 residential zone. With the resubdivision application, the property line will be redrawn to cut the lot almost in half. Parcel A, which will be the new building fronts on Spring Street. The Korman's property at 142 West Town Street will remain as is.

There are wetlands in the middle of the property. The application went before the Inland Wetlands Commission and approval for this subdivision application was received. Approval was also received from the Sewer Commission.

SP-3 shows the site plan for the new property. Parcel A conforms with all the zoning requirements of the R-10 zone. Parcel B, with the existing house also conforms with the requirements. There is a 15-foot setback for West Town Street which is a preexisting nonconforming setback. That setback lines up with the other properties that are located on West Town St. The application has been approved by the reviewing City departments. The City Engineer asked for a slight increase in the level of the driveway to make it the same level as the street. That was agreed to by the developer.

The Police Department commented that the application complies with the Subdivision Regulations, which is 3.3.11 as far as a 150-foot sight line. However, the Commission requested a 250-foot sight line, which is in excess of the requirements of the regulation. In order to accommodate that request, the applicant will remove the existing vegetation on Parcel A on Spring Lane; putting the vegetation behind the sight line easement as a deed restriction on the property, so that will be a no planting zone. With that restriction and the existing conditions on Spring Lane, there will be a 250-foot sight line. That does presume that the next door neighbor does not plant large trees on his property. That appears unlikely because he would be creating a sight line problem for himself.

The City Planner requested that the applicant provide sidewalks. Sidewalks will be put on Spring Lane and it has been agreed to put some street trees on West Town Street. The trees will not be put on Parcel A on Spring Lane because it will create a sight line issue, but not in that sight line easement.

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Chairman Bender: With regard to the vegetation area and trees, is that something the Tree Commission has looked out or is what you are telling the Board different from what the Tree Commission has seen and approved.

Ms. Bercury: Not sure that the Tree Commission saw that plantings will not be there. She thought the Police Commission's report was subsequent to them reviewing the application. The trees will be provided, it is a matter of where they can be placed.

Ms. Cervin: Asked about the Open Space contribution.

Ms. Bercury: Because of the wetlands in the middle of the property, 10% of the appraised value will be paid to the Open Space Fund.

Mr. Casey: Asked if the sidewalks will be connected to other sidewalks on the street.

Ms. Bercury: Does not believe there are presently sidewalks on Spring Lane.

Mr. Sulkis: He thought it unclear in the presentation whether or not the additional sidewalks were put on the other parcel or if she is saying that the trees are in lieu of putting in the sidewalks.

Ms. Bercury: Trees are not in lieu of sidewalks on West Town Street. There are no sidewalks at present. With the street trees there will be a small amount of sidewalks. If Staff wants sidewalks on West Town Street, the applicant will comply.

Ms. Cervin: As explanation to the new members with regard to putting sidewalks where there are none at present, it may seem strange. But the hope is in the next 10, 20, 40 years or however long a sidewalk lasts, there may be abutting neighbors who might add sidewalks. The City does its best to have a walkable city.

Mr. Sulkis: These parcels are located on the edge of the MCDD district, right behind Lauralton Hall. That is a heavily traveled vehicular and pedestrian street. The goal has been to add sidewalks where they can be added and make every street safer for pedestrians.

Chairman Bender: Agreed that is the goal, even if sidewalks have not been in place in 20 years, someone has to start it. He's on the fence about this because this is a property that is not getting touched, other than being split, not convinced on this yet.

Mr. DellaMonica: From a public safety standpoint, he thinks the sidewalks on the Lauralton Hall side are more important than the other side of the parcel. He believes most of West Town Street has sidewalks. He is in favor of the sidewalks on West Town Street.

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Chairman Bender: Explained to the public the Public Hearing Procedure. Asked if anyone is in favor of the application. (No response) Asked if anyone was opposed to the application.

David Korman: 142 West Town Street. In favor of the subdivision.

Anyone opposed to this application? (No response)

Chairman Bender: Closed the public hearing.

Ms. Cervin: Made a motion for approval of the application with conditions.

Discussion as to conditions: Sidewalks on Spring Lane and West Town Street. Sight line of 250 SF in accordance with Police Department's comments.

Ms. Cervin: Stated she would like to address the sight line issue at another time.

Chairman Bender: Motion is to approve with the additional sight line; the sidewalk on West Town Street and Spring Lane.

Mr. Grant: Second.

All members voted in favor of approval.

3. **CASCADE BOULEVARD (ZONE CBDD)** Petition of Garden Homes Management Corporation for a Special Permit and Site Plan Review to construct a 36-unit multifamily development in accordance with Connecticut General Statute 8-30(g), of which Matrix Associates, LLC is the owner.

Mr. Sulkis: Corrected his Administrative Summary sent to the Board yesterday to state that the City Engineer's comments have been received.

Thomas Lynch, Esq., 63 Cherry Street, Milford, representing Garden Homes Management Corp. Richard Friedman, Principal of Garden Homes Management also present. Handed out a spiral bound book containing 140 pages of documents for the Board's review.

He has had conversations with the City Planner and the Board Chairman as to the best way to proceed with presenting this application as most of the Board members have never reviewed a Section 8-30g affordable housing application. An 8-30g application is more complicated in terms of the documents that have to be submitted; going through the calculations for coming up with the rentals based upon the affordability concept units that are part of this project. He asked the Board to review the book that he distributed so they can be more informed about the project when it is continued at the June 5th meeting.

He said he hoped the Board members have visited the rear portion of Cascade Boulevard to see the site. The site consists of 3.75 acres located in the Cascade Boulevard Design District (CBDD). It was put together at the same time that Ryder Park was transferred from

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the Boston Post Road. The CBDD zone was created to allow residential development. The Statement of Use of this application makes reference to the purpose of the CBDD.

That purpose is to enable the creation of a residential area in an area of the City where these features are appropriate for environmental protection can be developed.

He described the natural features as extensive wetland areas and topographic variations, sites with more densely clustered single family housing developments in exchange for the retention of large areas of open space are encouraged to protect those natural features.

What is proposed for development is a small portion of this property because of the large amount of wetlands that is currently situated there. Bringing an application to the Board under Section 8-30g allows the applicant to propose multi-family development in non-industrial areas to adhere to the concern of the State for the development of affordable housing. He stressed that affordable housing is not low income housing. It is housing that is developed under a particular regimen that is set forth in the State statutes. It allows for 30% of the development to be set aside by the developer for affordable renters meeting income criteria. He noted the Affordability Plan takes up about 30% of the document that he handed out to the Board.

The project will have 36 units. There will 24 studio/efficiency units and 12 one-bedroom units. The property has an extensive amount of wetlands around it, however, the application was brought before the Inland Wetlands Commission and it was approved. Of the 36 units, 6 units will be set aside for tenants earning less than 60% of the statewide median income, which at this time for a family of four is \$89,200.00. Another 6 units will be set aside for those earning between 60% and 80% of the median income and in excess of the 30% that is required, 3 units are being set aside for those tenants that are earning less than 50% of the median. The calculations that are in the handout have been reviewed by Thomas Ivers, the City's Fair Housing and Block Rent Coordinator and he has submitted a written approval on page 36 of the handout. All departments have reviewed the plans. They have issued comments which have been addressed. All the response letters have been submitted as part of the file. The plans were revised as recently as March of this year, meeting all of the comments that were met from the agency. There were two agency responses that were adhered to or revised per comments. Those were from the Fire Department and the City Engineer and their responses will be submitted to the file by the June 5th meeting.

Attorney Lynch asked the Board to look at the one department that issued a rejection of the plan. Sgt. Dan Sharoh reviewed the plans. He initially had three comments: The location of handicapped spaces near the proposed dumpster. He requested calculations of sight lines along the curve of Cascade Boulevard at the western side of the property, and his major concern was that the plan provided 44 parking spaces. Article V of the Supplemental Zoning Regulations provide that there should be two spaces per unit for efficiency and one-bedroom units. That would come up with 72 required parking spaces with 44 provided on the plans. Sgt. Sharoh noted that if the Planning and Zoning Board approved this plan then he would make a recommendation to the Police Commission that that portion of Cascade Boulevard be marked for no off-street parking because he did not want overflow parking on

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Cascade Boulevard. The applicant's response to that memo is on page 43 and 46 of the handout and he asked the Board members to read it before the next meeting. The applicant's engineer, Steve Trinkus sent a letter dated March 16th. He did a sight line

calculation. He also proposed a change in the location of the parking spaces by the dumpster. In response to the parking count, a parking usage study dated June 29, 2009 from Bruce Hilson, who did an analysis for a prior project that Mr. Freedman had addressing the parking issue. He noted pages 54-73 as the pages that outline the response from Bruce Hilson indicating a parking study that was done for other Garden Home Management projects in terms of the usage of the parking area for tenants in one bedroom and efficiency apartments. The outcome of the study is that 44 parking spaces is adequate for the proposed number of apartments and the ratio is one parking space for each apartment; efficiency or one bedroom in the other projects owned by Mr. Freedman.

Mr. Lynch summarized his intent in tonight's preliminary presentation. This application meets all the requirements of Section 8-30g for affordable housing.

Chairman Bender: Asked if the parking usage report was given to the Police Department.

Mr. Lynch: No.

Chairman Bender: Asked that the Police Department receive a copy of the report so that Sgt. Sharoh could respond to it. He asked that this be done by May 31st in the hope that Sgt. Sharoh will respond by the June 5th meeting.

Mr. Lynch will email the report to Sgt. Sharoh with a copy to Mr. Sulkis.

Chairman Bender noted there were a number of people present for the Public Hearing. He asked if anyone was in favor of the application who wished to speak. (No response)
Anyone against the application?

Albert Hricz, 135 McMillan Drive. Corrected Mr. Lynch in that Ryder Woods is a manufactured home facility. He is not in favor of the project primarily because the proposed parcel of land is home to various forms of wildlife. Inland Wetlands has told him that runoff in the area is excessive compared to what was originally anticipated. This development will only increase the problem. The project will create more traffic which will affect the surrounding areas that already have a traffic problem. A 36-apartment complex will put a bigger load on the City pumping station in the area. There was a mercury spill in that area from a light company some years ago that was supposed to be checked on a regular basis. If that mercury is still in the ground or under the water's surface, the ground disturbance will spread the mercury. For those reasons he is not in favor of the project.

Chairman Bender: Noted in Staff's comments, there were conditions by Inland-Wetlands. Asked what they were.

Jim Flynn, 5 Marble Lane. The Fire Department had concerns about the fire trucks being able to make a turn around the building. Asked about overflow of cars. He lives almost directly across from where the project is to be built. There is wildlife of all kinds in that

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area. There are more animals there now than ever before. A lot of work was done in order to protect the box turtles and other living things in that environment.

Attorney Lynch: Acknowledged the neighbors' concerns and asked that they come to the next meeting at which time he believes their fears will be allayed. He stated 60% of the land will be left as open space and their environmental concerns will be addressed by the professionals who will be at the June 5th meeting.

Chairman Bender: Stated he was aware the public did not know this hearing would be stretched out over a few meetings, so he wanted to give them the opportunity to speak. There will be a lot more information presented in the coming meeting and hopefully the questions they had will be answered. If not, they will have an opportunity to voice their opinions again at the next meeting. The speakers were asked if they wanted to rebut Mr. Lynch's comments.

Mr. Sulkis: Inland Wetlands had conditions. There was a letter dated March 19th that stated a bunch of conditions and need for clarifications on the plans. Mr. Trinkus, the engineering consultant for the applicant, sent a letter May 7th saying that most of those issues have been resolved. That letter was not received by the Planning and Zoning office. Will request that of MaryRose Palumbo, the Inland Wetlands Officer.

Chairman Bender: The Public Hearing will be left open.

E. PROPOSED ZONING REGULATIONS

- Sec. 3.1.4.2 Building Height in Residential Zones
- Sec. 2.5.5 Lot Access and Rear Lots
- Sec. 9.2.3 Prohibited Variances

Chairman Bender went to the South Central Regional Council of Government meeting. The proposed liquor regulation change wording was incorrect and will be resubmitted to the Council of Government. This issue should be clarified by the next meeting.

Mr. Sulkis has not had an opportunity to rewrite Section 3.1.4.2, as requested by the City Attorney's office. On Section 2.5.5, the City Attorney's office requested additional information.

F. PLAN OF CONSERVATION AND DEVELOPMENT - Staff Update

Mr. Sulkis: He noted he had earlier distributed information on Affordable Housing and the issues of Section 8-30g. which he suggested the Board read prior to Mr. Lynch's handout.

He provided the Board with a memo updating the Board on the POCD, which is more or less on schedule. At the worst it is running a month behind based on the amount of time it is going to take to get the information from the consultants.

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There has been some talk that there is a perception that if this is not done by the end of this calendar year that there will be some harm to the City of Milford in terms of the discretionary funding, which is not the case. In the Board's package is the legislation that the legislature passed that amended all of the deadlines for all of the municipalities in their plans of conservation and development. That legislation relieves all municipalities from having to prepare a plan between July 1, 2010 and June 30, 2013, but also suspends the disqualification provision regarding discretionary State funding until July 1, 2014. With the completion target of January of 2013, the City will be more than compliant with all State POCD statutory deadlines.

After this memo was written, late this afternoon, he received a confirmation of three meeting dates for the consultant. He will be coming to hold public meetings for the tasks that he has to complete. The first meeting will be June 25th. The topics will be Fowler Field and the Cherry Street Corridor. June 27th will be the Shoreline issues meeting. June 28th will be Walnut Beach meeting. He will also be coming the evening of July 17th to present to the Board the findings from those meeting and present the information that he believes should be complete at that time.

The Staff continues to put together information. They are doing the best they can with what they have and are updating information that they currently have. In the Board's packet is a schedule for all of the mapping that has to be created for the Plan, which is created by the City's MIS Department, based on what needs to be put in the plan; their projected completion date is mid-July for that information. That does not include the Open Space and sidewalk information because they need to check some of the information.

In addition, the Downtown Plan, which is not part of the Board's study, but was commissioned by Milford Progress, is not complete yet and has not been distributed. That is a big hole in the Plan right. Hopefully that information will be received by June so it will be incorporated into the Plan as the Board sees fit.

Ms. Cervin: Stated she has had inquiries from Dick Platt and Open Space people as to whether there would be public hearings outside of the specific study areas?

Ms. Harrigan: Staff is working directly with the Mayor's Open Space Advisory Committee in drafting the plan. They only meet once monthly. Trying to incorporate their goals into the plans. Feels it is important to get their input before they go to a public hearing. Hope to do a better job of categorizing the type of open space and mapping that better in the next POCD, so it is understood better in terms of acquisition and long term maintenance goals.

Mr. Sulkis: With regard to historic information, he will personally contact Mr. Platt

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tomorrow and arrange a meeting and bring him up to date and get his input.

Ms. Cervin: Asked if there would be a general public hearing for people outside these particular topics.

Mr. Sulkis: Referred to Item I of his schedule. Hope is to have a draft report with the consultant's information by the end of July, beginning of August. Then there can be as many meetings as the Board would want between August and September to massage the information. Ultimately the Board will have to go through all the information that is put together and with the public's input, determine what should be and shouldn't be and how it should be massaged.

G. LIAISON REPORTS

Mr. Bender: He had his meeting at SCRCOG.

H. APPROVAL OF MINUTES – (5/1/2012)

Ms. Cervin: Motion to approve.

Mr. Rindos: Second.

All members voted in favor to approve the Minutes of May 1, 2012.

I. CHAIR'S REPORT

Thanked the Board for their support during the past couple of weeks which was a difficult time.

Asked that the Staff review Mr. Lynch's book, so they could get all comments or refutable information to the Board in the same time frame being requested of Mr. Lynch to provide the traffic study to the Police Department for its comments before the next meeting. The book has been provided by the applicant. He wants to make sure there are no issues that will cause grief or confusion.

Ms. Cervin: Asked if there could be clarification could be made to Sgt. Sharoh as to the differences in types of trees and whether they affect the sight line or not. Also the sight line in the regulations appear to be different from the sight line guidelines he is using. Asked for clarity on this matter.

Mr. Sulkis: Suggested a meeting between members of the Tree Commission and Sgt. Sharoh on this issue.

Ms. Cervin: The reports are received at different times and that affects the issue as well.

J. STAFF REPORT – None.

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Ms. Cervin: Would like to know what the basis for asking Legal for an interpretation of the Board's zoning regulations. She does not recall this being done in the past. She thinks the Board should be doing the research and understanding it. What are the standards, requirements and why would the Board make that choice after it has had the time to research it themselves.

Chairman Bender: Recalls asking the City Attorney's office for opinions. They have to defend the Board's decisions. If the Board's decision is at all questionable, they are the ones that will have to litigate it. It is his belief if the City Attorney has to defend the Board's decision and he feels there is an issue with the decision, then he wants their opinion because it will end up in litigation. They are a resource for the Board and if the Board wants to use them, it has that right.

Mr. Willis: Made a motion to adjourn.

Mr. Rindos: Second.

All members voted in favor of adjourning the meeting at 9:00 p.m. The next board meeting will be held on June 5, 2012.

Phyllis Leggett, Board Clerk