

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, JUNE 5, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Mark Bender called to order the June 5, 2012 meeting of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

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

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

C. NEW BUSINESS

1. **7 SEAVIEW AVENUE (ZONE R-10)** – Petition of John Gabel, Connecticut Consulting Engineers, for Coastal Area Management Site Plan Review approval for substantial improvement to a Single Family Residence located on Map 6, Block 84, Parcel 48, of which John Horvack, Jr., is the owner.

John Gabel, CT Consulting Engineers, Connecticut Consulting Engineers, Meriden. He is appearing on behalf of the Horvacks for a CAM Site Plan Review for substantial improvement to an existing nonconforming lot located at 7 Seaview Avenue on the beach side between Second and Third Avenues. It consists of 0.14 acres. It is served by public water and sewer.

The proposal consists of renovating the existing dwelling. In some areas they will be taking away the existing building to make it conforming and in other areas an addition where the garage will be. There will be no change to the existing sewer and water. The existing driveway will be removed and replaced with a new gravel driveway with a concrete apron.

Drainage issues were addressed in response to the Engineering Department's comments. Proposing a rain garden to be located on the easterly side of the property to take care of runoff. During construction erosion control issues will be addressed. Will be adding a silt fence along the perimeter of the project, in addition to a six-foot high chain link fence that will be temporary for security issues during construction. Will be putting a construction entrance at the beginning of the site entrance. Received approval from all the City departments. Mr. Gabel distributed a copy of the City Engineer's comments that are being addressed except for the comment regarding the flood zone issue. At the beginning of next year the property will be in a different flood zone. His clients are aware of this and they know the risks and costs involved.

Ms. Harrigan: With any Coastal Site Plan applications part of the review had to do with protecting whatever the adjacent coastal resources are. She and the DEEP reviewed this application and feel comfortable with the vacation measures that they are proposing.

Chairman Bender: Asked if the flood zone is the applicants' prerogative.

**MINUTES FOR THE REGULAR MEETING
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Ms. Harrigan: The Planning and Zoning Office has the obligation to give them the changing flood map information. If they choose to build what the existing mapping allows and they know what procedures will take place when the new mapping goes into effect in the event of damage from a storm, that is their choice.

Ms. Cervin: Was happy to see a house on the shore going up that is not three stories and will have a gravel driveway. She made a motion for approval.

Mr. Grant: Second.

All members voted in favor of approval.

2. **56 HARBORSIDE DRIVE (ZONE SFA-10)** – Petition of Gregory Field for Site Plan Review approval to construct a single family residence in a Single Family Attached Residential Zone on Map 55, Block 507, Lot 17, of which BAMF Homes LLC is the owner.

Gregory Field, 173 Kings Highway, Milford. Proposes to build a single family ranch style home in the SFA-10 zone. He distributed a photo of what the finished house would look like.

Mr. Sulkis: Explained the reason the board is seeing this application is in an SFA-10 zone which is a single family attached zone, there could be a townhouse that goes up to the property line. In that zone you can also have a single family home, such as the one that is presented tonight. The regulation does not distinguish between the two but any new home to be built in that zone must come before the Board. That is why it is being presented tonight.

Chairman Bender: The Tree Commission is recommending another tree.

Mr. Field: There are some trees on the property, some or all may come down. He is not sure which. He can address that with the Tree Commission. There is a large pine tree where the street tree is planned to go. Does not know if he can save that tree. Will replace it with a street tree.

Mr. Rindos: Made a motion to approve the petition as presented by Gregory Field.

Mr. Sulkis: The Tree Commission's report assumes all the trees are coming down and they recommend the addition of one tree. Until it is known whether the tree is coming down or not, it can be made a condition of approval that the Tree Commission approve the final landscape plan when Mr. Field asks for his Certificate of Zoning Compliance. At the end of the process the Tree Commission can review this.

Mr. Rindos: Amended his motion to include acceptance of the final landscape plan by the Tree Commission.

Mr. Casey: Second.

All members voted in favor of approval.

**MINUTES FOR THE REGULAR MEETING
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D. PUBLIC HEARING CONTINUED - CLOSE BY 6/19/2012; expires 8/23/2012

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.

Thomas Lynch, Esq., Lynch, Trembecki & Boynton, 63 Cherry Street, Milford.

Asked that the Minutes of the May 15th meeting be incorporated with tonight's minutes so that there will be a complete record upon the conclusion of the public hearing.

Continuing with his presentation, Attorney Lynch stated three weeks ago the Board received a handout with an extensive listing of documents. After discussion with the Chair they felt it appropriate to give the Board the opportunity to review all of the background material supporting the application and to discuss it in depth tonight.

The professionals assisting Attorney Lynch were mentioned: Stephen Trinkus, Trinkus Engineering in Southbury; Andrew Hennessey, Project Architect; Dan O'Neill, Traffic consultant who will respond to Sgt. Sharoh's report requesting 2 parking spaces for each unit. Marc Casslar, soil scientist who will explain the GEO report on soil contamination on the property, which was the subject of opposition presented by the Ryder Woods residents. Mark Brantz, who is an attorney from Glastonbury. He has handled an extensive amount of 8-30g applications across the State.

Richard Freedman, the applicant will speak about his company and his successes in other areas with similar 8-30g projects.

Left off at the May 15th meeting that this is an 8-30 application under the Affordable Housing Statute. Milford presently has less than 10% of the housing stock meets the affordable housing standards. Milford is subject to the terms of 8-30g. The Board has been given a copy of the State statute.

This application is seeking to develop a multi-family development proposed in a district that allows 8-30g housing, which allows for 30% of the units to be set aside for affordable housing. Fifteen units are set aside as affordable. Rental prices for the studio and one bedroom apartments are shown on pages 10-14 of the handout.

Applications for 8-30g housing has become looked upon by municipalities as having developers come in and trying to ramrod multi-family projects into areas where they should not be. He thinks that this particular application is the exact opposite. This application is seeking to develop a multi-family development on Cascade Boulevard at the back end of the property. It consists of 60% wetlands, so only 40% of the property will be developed. He read the zoning regulation which described the Cascade Boulevard Design District and noted how this zone in a residential area pertains to this application.

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD HELD
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Stephen Trinkus, PE, Trinkus Engineering, Southbury, CT. Described the Site Plan. The site is 3.7 ac., surrounded by wetlands. He noted all the studies that were done on the site to give a base line to work with. Site Plan consists of buildings set in the back portion of the property. He showed the location of the buildings and the parking area with 45 parking spaces. Building is three stories. There will be minimal grading due to the stringent rainfall standards that the City has. Testing was done of the soils in the upland area to determine their condition. He explained the stormwater management system. With regard to the parking surface, he is not sure whether the surface will be permeable pavement or porous concrete. He described how the foundation of the parking area would be constructed and how it would not have an adverse effect on the environment. He described the proposed landscaping plan; location of the dumpster, sight lines from the edge of the road in both directions. There is more than adequate sight distances for the requirements. A comprehensive erosion and sedimentation control plan.00

Andrew Hennessey, Architect, 275 North Street, Newburgh, NY. This is a three story apartment building. Wood frame building with full fire sprinkler and alarm system. 7300 SF per floor; 21,900 building SF. He showed on the display the floor layout. First floor all handicapped accessible; laundry and gym. There will be two handicapped designated parking spaces located at each end of the building. He described the floor plans. Two stairways; one on either end of the building connected by a common corridor. Six apartments either side of the hall. Corner units are one bedroom; center units are all studios. Type A handicapped will be 4 units and Type B will be 6 units. Nine foot ceilings; use of high quality materials; ceramic tile floors except for sleeping areas; wood doors; all appliances included; custom cabinets and granite countertops; storage system for closets; sound partitions for all units. Showed the rendering of the front of the building. Described the materials to be used in the building construction. Architectural style fiberglass, 30-year roof. The insulation will exceed the code requirements for energy efficiency. All energy efficiency measures will keep the tenant costs down. Building a high energy efficient building using high quality materials.

Dan O'Neill, PE, Traffic Engineering. 36 units, 24 studio, 12 one-bedroom. When he looks at generating traffic volume or assigning how many parking spaces will be needed for a particular use he studies other similar developments. In traffic engineering there are different tools for that. The Institute of Transportation Engineers publishes parking generation; trip generation for traffic volume. A similar development is found so that projections can be made for your project. These publications are done so that a traffic engineer does not have to go to do a study individually. He gave Dunkin' Donuts as an example where in depth traffic studies were made and that data is available to traffic engineers for their future project use. The Department of Transportation also has criteria for how Dunkin Donuts parking is calculated.

He used publications and other resources to study similar developments to determine what would be required for this project. Garden Homes has that information. There was information on 13 developments in this geographic area, all with studio and one-bedroom apartments, so it is specific to this application's use. Occupancy is also in the data. Looking at the data it is assumed that each adult that lives in those developments will have

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, JUNE 5, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

his own vehicle and that would determine how many parking spaces would be needed and that would be a conservative estimate, as not every adult will have his own vehicle.

That is the basis for his main analysis. His report calculates 1.19 adults per unit when transferred to the Cascade Boulevard apartments. Using that to generate how many parking spaces are needed, the 44 spaces that are being provided exceed that. In fact it is 1.22 spaces per unit. That is the calculate that shows that 44 spaces will provide for what is needed.

A study was done in San Diego where a specific study to address parking needs for affordable housing units and also to look affordable housing and public transit. It was all broken out: Market value; units, affordable units within a quarter mile, outside a quarter mile. Looking at the data that pertains to this location, they were looking at .93 peak occupied parking spaces. So it would be .93 times the number of units, which is significantly less than the 1.19 for Cascade Boulevard. In the study, the average unit size was 1.98 bedrooms or almost two bedrooms. There are no two bedroom units in this proposed development. It is not the .93 number he is focusing on. It is concept that less parking is needed because you have an affordable component to this.

He read from the Executive Summary of the study to which he was referring:

A literature search was done. One of the documents discovered in the literature search was Parking Requirements Impacts on Housing Affordability written by Todd Lipman in 1995. Lipman contends that most existing parking requirements force developers to build more parking than is necessary, particularly for affordable projects.

He referred to another report from the City of Seattle in 2001 which proposed amendments to the City's minimum parking requirements for multi-family housing dedicated to very low income households.

The Nation Wide Personal Transportation Survey is a travel survey that provides data on the amount and nature of personal travel in the United States. The Survey collects data through surveys and interviews of all household members age 5 and over. This data clearly shows that a relationship between income and car ownership exists. It shows that as household income increases, so does the number of cars owned per household, and conversely.

He also cited information from the Institute of Transportation Engineers Parking Generation. Study of low/mid-rise apartments. Sixty-eight sites were studied but within those types of developments there were bedrooms ranging from one to over three bedrooms per unit. Looked at suburban and urban apartments as well. Concluded that fewer bedrooms per unit equal less need for parking spaces.

He noted in the Milford Zoning Regulations, in the Open Space Affordable Housing Development Multi-Family District, it is recognized that 1.5 spaces per one bedroom unit is allowed. Two spaces per unit applies to regular housing units.

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, JUNE 5, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

The Police Department pointed out that the applicant was not meeting the two space per unit requirements. He believes the number of parking spaces is adequate. Sgt. Sharoh recommends if the project is approved that Cascade Boulevard in the area of the project would be posted as "No Parking On This Street". In the off chance that someone needs a parking space, it would be better if they could park on the street. He drove through the area tonight and parking is allowed, but restricted to one side of the street only. The Police Report also asks for sight distance from the driveway. There is adequate sight distance from the driveway. There should be no problem with having a few cars parked on the street.

Mr. Lynch: At the last public hearing the Chair had requested he forward to Sgt. Sharoh, Mr. O'Neill's findings in his report for his review and comments. He complied with this request the next day and sent a copy of his request to the Planning and Zoning Office as well. For the record, Sgt. Sharoh did not comment on Mr. O'Neill's findings.

Chairman Bender: Stated he had spoken to Sgt. Sharoh on this and will relay his comments later on into the record.

Marc Casslar, President of GeoQuest, Inc., an environmental consulting firm located at 3 Barnard Lane, Bloomfield CT. Two issues have been raised relative to the environmental condition of this property. It has been rumored that this property is an "establishment" under the Connecticut Property Transfer Act. He does know how or why this rumor surfaced. This property is not an establishment. An establishment is defined under Section 22A-134 in the Connecticut General Statutes. There are five things that make a property an establishment: A dry cleaner; a furniture stripper; an auto body repair shop; a facility at which a threshold level of hazardous waste has been generated or a site at which hazardous waste has been brought on to from another property. To the best of his knowledge, this is a vacant, undeveloped parcel. He is not aware of any building or any activity on it. Therefore, he can see no reason why this property would be an establishment. He believes the issue has been raised because of confusion as to what parcel is under discussion. He thought it should be part of the record to state that this property is not an establishment.

The other issue on people's minds is that of mercury contamination. Richard Freedman had contacted him last year with regard to the mercury contamination on the property. The fact that there is mercury contamination in the vicinity of this property is not being negated. He referred to a site map that was generated in 1999 by the consultant for Light Source Industries, Inc. It is a map of mercury contamination. He believes the data was collected between 2000 and 2002. This map shows the fact that there is mercury contamination in the water and the wetlands that is adjacent to the property on Cascade Boulevard. This fact is not a secret. This issue has been raised relative to other developments in this area. The map shows the risk contamination. The contamination appears to be sourced from the opposite side of Cascade Boulevard and comes down through the wetlands area. The highest concentration of mercury are following the direction of water flow. As one approaches the property under discussion, (he indicated the property on the map), the levels of mercury fall off. This is not surprising since the source of mercury in the vicinity he

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, JUNE 5, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

pointed to and the water flow is coming around to the south and east. It is apparent that there are lower levels of mercury as you approach this property.

Mr. Freedman approached him last year to discuss this issue they started looking at the history of the property and decided that the most appropriate way to determine if there was an issue on this property itself, would be to collect soil, sediment and water samples. Mr. Freedman was concerned because if there was a mercury contamination issue on this property, he would not be interested in developing it. He would not present a situation that posed a risk to human safety.

Soil samples were collected from the property in question as well as the adjacent property. Water samples were collected. Water samples were clean. The contamination was discovered more than 10 years ago. This system has been flushing itself out continuously and has been exchanging over this period of time. Mercury is more likely to adhere to the particulate matter which is going to settle into the wetland, if it is present and if there was a new source. To the best of his knowledge the source has stopped. In 2002 the areas containing mercury were in the wetlands and that area was remediated under a court settlement. The 13 worst spots identified in the initial study were actually remediated. This whole environment is going to be cleaner than it was ten years ago.

The water was clean. Mercury was detected in the sediment samples located along the bank, but the levels were below the highest levels that were detected originally. The levels that were found were not considered to be a risk to human health and safety to tenants, site workers or visitors. The same is true of the samples from the upland area. They were extremely low and not indicative of contamination.

Concerns were expressed to him that developing this property would allow "contaminated" sediments to enter into the wetland and to migrate beyond and potentially impact neighboring properties. There will be an Erosion and Sediment Control Plan that will prevent any sediment or soil that was being disturbed during development from migrating off the site into the wetland. The levels that are actually detected in the upland are not indicative of contamination. They are indicative of a background level. He reiterated they are not trying to negate the fact there is mercury contamination in this area. It has been there for an extended period of time and there have been efforts to eliminate this contamination. He does not know the current status beyond the remediation that was previously conducted, but he knows that this contamination has not impacted this site and the development of this site would not present a risk to human health and safety either by its developments or to residents or visitors.

Mr. Kasslar said he was asked to rephrase his statement to indicate that based upon his professional opinion and his expertise and experience, development of this property would present no risk to human health and safety to tenants, site workers, visitors or anyone else who would be on the property.

Chairman Bender: Asked that the Board members receive copies of the map that Mr. Kasslar has been referring to.

Mr. Kasslar affirmed he would make copies of the map available to the Board.

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, JUNE 5, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Mark Branse, Esq., an attorney in Glastonbury. He does seminars and educational work through the Connecticut Bar Association, Connecticut Chapter of the American Planning Association and Connecticut Association of Zoning Enforcement Officers and more.

He has been asked to explain to the commission how an 8-30g application is different from the other applications the Board reviews. It is a very different procedure and concept from what the Board normally does.

Background of 8-30g: There were two Blue Ribbon committees that studied housing in Connecticut. The conclusion of both those committees was that Connecticut's economic development and future are being substantially impaired by the lack of affordable housing in the State. The State cannot attract and retain young professionals, single or with families because they cannot afford housing in this state. More than 50% of Connecticut residents cannot afford housing at 30% of their income, which is a very high percentage.

The purpose of 8-30g was to provide opportunities for housing for working families. This is not low income housing. Low income housing exists due to some form of subsidy, i.e. a tax break or subsidized financing, or municipal housing authority.

Affordable housing is called set-aside housing. The developer is given the benefit of higher density or other flexibility in zoning in order to lower the rents of some of the units. The development must contain at least 30% of units that are defined as affordable. Of those 30%, half of them (15%) have to be affordable for people earning 80% of the median income. The other half (at 15%) has to be available to persons earning 60% of the median income. In this 8-30g application there must be 12 units – 6 units at 80% median income and 6 units at 60% median income. His client has also added three units at 50% of median income. The Board has a study that was published by Milford that indicates that this 50% of income is the one with the most critical needs that the City is facing. That is why Mr. Freedman is coming in with something over and above what the statute requires. It is being done to make the proposal more responsive to the housing needs that Milford has identified in its own study.

Not subsidized or low income units. It is public enterprise. Affordable housing households: 80% of income = \$53,520 annual; 60% of income = \$40,140; 50% of income = \$33,450. The people who plow the streets, check out books, teach children, wait on you in a restaurant or store. People who make every town function.

Municipal zoning regulations do not apply for 8-30g housing. The only criteria in the case of an 8-30g application are the ones that are contained in the statutes. The criteria are that evidence on the record indicates that the project cannot be approved because of a substantial adverse impact of health, safety, or other matters which the Commission is allowed to consider. The "other matters" category has been construed very strictly by the courts and the only other matter that the courts have identified and accepted was the Coastal Area Management Act. This site is not in the Coastal Area Management area of Milford.

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, JUNE 5, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

If there is adverse impact identified, then the burden of proof is on the Commission. In the typical case, the burden is on the applicant to prove compliance with the zoning regulations. Milford presently is a little over 6% affordable housing and the statutory goal is 10%.

The third thing in an 8-30g application, if there is a substantial adverse impact and it is so great that it outweighs the need for affordable housing, then it must be demonstrated that that defect or adverse impact cannot be fixed or addressed by a condition of approval. Those conditions cannot affect the viability of a developer, (i.e. a condition that could not possibly be achieved by the developer).

Mr. Branse distributed information to the Board containing the rents that have been established for the units, which are not considered low. They are not meant to fill the need for low cost housing.

The 8-30g application is different from those the Board typically encounters because there are no regulations. The idea is to encourage affordable housing. The Blue Ribbon Commissions that drafted this legislation felt that zoning was an obstacle to provide affordable housing in Connecticut.

Richard Freedman, President, Garden Homes Management. Family owned real estate Investment development business founded by his father in 1962. They provide rental housing in the northeast. Has approximately 120 rental properties throughout the northeast and approximately 8000 tenants in those properties. Many are multi-family properties in Fairfield and New Haven counties. In Milford they own the 40-unit Golden Hill Apartments since 1968. In recent years they have been developing projects like this one; three in Stamford; one in Darien. These were conversions of office buildings. Last project completed was in Stamford with 89 units, all studios. There is a tremendous demand for smaller, more affordable units. This project is private, not subsidized. Expects 65% of the tenants will be under the age of 35; young working professionals. 3-5 will be municipal workers in Milford; the rest would be administrative assistants, and professionals in the beginning of their working years.

The Board was provided with information as demographics of the renters. Estimate for the number of children expected: 0 per studio and .05 per one bedroom. That comes out to 6/10 of a child in this complex. 40% 0 and 60% one child.

Milford uses Community Development Block Grants of \$500,000 per year given by the Federal government through HUD to benefit low and moderate income persons. Milford is considered an entitled community to receive the HUD funds.

Mr. Freedman reviewed the material that had been distributed to the Board with regard to the published reports and documentation showing the need for affordable housing. The City of Milford's report states the City needs housing for people who make 50% of the median income or lower. His housing addresses this.

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, JUNE 5, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

He emphasized that Milford's own report are representations made to the federal government and in turn the federal government provides funding to the City of Milford and the City itself has said that it needs affordable housing.

Mr. Lynch: Stated the presentation is concluded.

[A five minute break was taken and reconvened at 9:15.]

Chairman Bender: At this point the Board can ask questions and Attorney Lynch can direct the question to the proper professional. Asked for Staff's comments first.

Mr. Sulkis: Good housing application. He provided the Board with his comments based on the traffic data, which was incorporated in his comments distributed to the Board. Mr. O'Neill's traffic data was subject to interpretation.

Ms. Cervin to Mr. O'Neill. Where is the closest public transportation?

Mr. O'Neill: Does not know where the nearest public transportation is. His prior comments with regard to public transportation pertained to the San Diego study. He was not referring to public transportation with regard to this affordable housing proposal.

Mr. Lynch: Stated he thought the Milford Transit has mini buses that go along Merwin Avenue. The issue had come up earlier about contacting Milford Transit to see if there are 36 people living in these units, having Milford Transit send a bus there. Thinks Merwin Avenue is the closest bus route.

Chairman Bender: Any plans for security cameras. He is concerned about the buzz in model that will allow people into the building.

Mr. Hennessey: Could be provided if necessary.

Mr. Della Monica: San Diego and Seattle were given as examples. They have the most efficient and up to date public transportation systems in the country. Milford does not. Believes those people who will be paying the standard rent will be two income families and will need two cars.

Mr. O'Neill: Used data from 13 very similar properties. Some units will have two adults and those adults will each have a car. His analysis is conservative and should meet the parking needs of all the residents.

Mr. Lynch: This is an 8-30g application. There are no zoning regulations when reviewing this type of application. Right now on Cascade Boulevard there is opposite street parking. Does not know why Sgt. Sharoh would make Cascade Boulevard a tow zone if the 72 parking spaces are not provided.

Chairman Bender: Interjected that Sgt. Sharoh cited this as being an unsafe situation. That has nothing to do with the regulations.

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, JUNE 5, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Mr. Lynch: Sergeant Sharoh did not respond to the traffic report submitted and he is not present to speak. The traffic study provided concluded that 46 spaces are adequate to service this site. Right now Cascade Boulevard allows parking on one side of the street.

Ms. Cervin: There are several issues that surround the parking issues. The GIS maps given out show at least three areas where these developments are shown are in more dense areas. Asked if the studies were done in areas that are comparable to Milford.

Mr. O'Neill: The thirteen developments are comparable. One distinction is the number of occupants and then assigning a car to each of the occupants. It is not known if each tenant will have a car and will be fully utilizing the parking spaces. Hilson did a traffic study in Derby and Stamford and concluded the parking in that area was less than is being provided for this application.

Mr. Willis: Asked about visitor parking.

Mr. O'Neill: Parking studies are generally done in the middle of the night when it is presumed that people will be home and their cars would be parked. There should be parking available for visitors and there is now parking allowed on Cascade Boulevard. The sight distance from the driveway is adequate. The area is mostly industrial type businesses and cars that are parked in the area will leave by the evening.

Chairman Bender: Asked about the two handicapped parking spaces that look as though they could be blocked.

Steve Trinkus: Explained how there was ample room for a handicapped person to get around the car to access the site.

Mr. Mead: Asked how parking would be designated if there are more cars than spaces eventually.

Mr. O'Neill: That would be up to the landlord. Believes there will be adequate parking for all tenants.

Mr. Freedman: In buildings where there is one parking space per unit, parking is assigned. In buildings with a higher ratio, parking is not assigned. Assigned parking creates management problems.

Chairman Bender: Did not see how a handicapped person could get into the cross hatched area.

Mr. Trinkus: Explained how it would be done.

Mr. Casey: Asked about the cause of the mercury contamination.

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, JUNE 5, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Mr. Kasslar: Stated he thought it was from the improper waste disposable from a fluorescent light manufacturer, Light Source Industries, Inc. of which the earliest documentation is 1998.

Chairman Bender: Asked if the construction of the proposed project could spread the mercury contamination to adjacent properties.

Mr. Kasslar: There is no indication that there was a source of contamination or any contamination in the upland portion of this property that is to be developed and there would be no mercury contamination on the building site.

Chairman Bender: What is the accuracy measurement in such a report.

Mr. Kasslar: That is very difficult to calculate. He discussed how the order of magnitude would be determined.

Mr. Mead: In the course of excavation would there be testing?

Mr. Kasslar: Does not believe there would be a need for this because the property was never a source of contamination.

Mr. Casey: Has this property ever been used or has it always been vacant?

Mr. Kasslar: As far as he knows there has been no activity on this site.

Ms. Cervin: Asked if the Tree Commission's recommendations would be addressed.

Mr. Trinkus: Described the landscaping that would be taking place and the trees that would be left and saved outside the development area. Most significant trees are located on the southern end of the site by the wetland area.

Ms. Cervin: Read the Tree Commission's recommendations.

Mr. Trinkus: Stated they would comply with the recommendations.

Mr. Nichol: Asked what the length of the sidewalk would be for the project.

Mr. Trinkus: The entire length of the building on both sides.

Mr. Nichol: Asked about the safety of people walking and the cars parked on the street.

Mr. Trinkus: No sidewalk along Cascade Boulevard. There will be a sidewalk along the front of the building from the parking area to the building.

Mr. Nichol: If the cars were parked in the street due to an overflow. Questioned the safety of pedestrians walking from the street to the housing.

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, JUNE 5, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Mr. Trinkus: No sidewalk is proposed but there is ample parking for residents on the site. An occasional visitor might park on the street, not a resident.

Mr. Nichol: Further questioned the safety of the walking conditions on Cascade Boulevard to the housing unit.

Mr. O'Neill: No changes are being made from the existing conditions for the allowed parking on that street right now. It is not an uncommon situation and it is not unsafe.

Mr. Della Monica: Is there a contingency for snow emergency where there is no parking allowed on the street until the road is cleared.

Mr. O'Neill: Not aware of how the parking ban works. There is no street snow emergency plan on Cascade Boulevard in the plans.

Mr. Casey: Asked who parks on Cascade Boulevard now.

Mr. O'Neill: Stated he did not know.

Mr. Willis: Asked about the wild life in the area, in particular the box turtles.

Mr. Trinkus: This matter was discussed with MaryRose Palumbo, Inland Wetlands Officer as well as DEEP. While the box turtles are in the vicinity they are not on this site. There are conditions in the wetland approval to address this issue.

Ms. Cervin: Is there an area designated for snow removal on the property?

Mr. Trinkus: Showed on the site display the areas that would be designated for snow removal.

Mr. Mead: Sewer Commission's reports did not add in the dishwashers or laundry facilities. Asked if that would increase water usage. They are not indicated on the Sewer Commission's report.

Mr. Hennessey: Dishwashers would not increase the usage. Only 3-4 washing machines planned for the project.

Mr. Freedman: Noted the allowed gallonage by the sewer commission and the proposed water gallonage for the project. The project's use would be slightly more than half the allowed water usage. The use of 3-4 washing machines would not exceed the allowed water gallonage. He projects 50 gallons of water use per day by each unit.

Ms. Cervin: Mentioned the Police Report, wherein it is stated if this application is approved he will recommend that the presently allowed parking on Cascade Boulevard be closed to parking.

Mr. Lynch: Stated this statement had been noted and discussed.

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Chairman Bender: Asked if there was anyone to speak in favor of the application.

Tom Ivers, Block Grant Coordinator and Fair Housing Officer for the City of Milford. He confirmed the developer's characterization of the Community Block Grant Program and Consolidated Plan, Action Plan and the Analysis that the City of Milford prepares is correct.

He reviewed the Affordability Plan of the project and approved it. He thinks it unique that additional units are being voluntarily included, particularly on the lower side of the income scale. From what has been described this seems to be the highest quality 8-30g project to be reviewed by the City for quite some time. All amenities within the complex are comparable, which shows no discrepancy between the higher income units and the affordable units, which is in accordance with the 8-30g statute.

He noted he had done affordable housing development in Norwalk before coming to Milford. He stated parking appears to be one of the biggest obstacles in this type of development. A way of dealing with situation was to state in the lease that the tenant could only have one car. In a small development that is expected to have success in renting, this approach may be more palatable from a parking perspective. He encouraged the Board to consider this application thoroughly and fairly.

Chairman Bender: Asked if anyone else was in favor of the application (no response). He outlined the public hearing procedure for audience participation.

Asked if anyone was opposed to the application:

Jim Flynn, 5 Marble Lane, Ryder Woods. Distributed a handout to the Board which contained information on the mercury contamination, the wetlands, and letters from residents of Ryder Woods. He is concerned about the increase in mercury into his property. There is a stream running through Cascade Boulevard. Should be signs warning about the presence of box turtles. Commercial traffic will increase in the area. Does not know why they will be allowed to use a concrete pad for the dumpster which was not allowed in Ryder Woods. Afraid of more mercury, the animals and flooding.

Rebuttal:

Mr. Lynch: Stated at the May 15th public hearing he invited the residents of Ryder Woods to come and listen to the presentations made tonight in order to allay their fears about the contamination and their other concerns. The City Planner and the City's Block Grant Coordinator have said this is one of the best presented projects to come before this Board. The 8-30g standard has been met. The parking requirements have been met and there is no threat to the health and safety of the public.

Response to Rebuttal:

Mr. Flynn: He is concerned about the disturbance of the wetlands with mercury. Not sure about how the mercury contamination was tested. He asked that the information he distributed be reviewed by the Board.

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Chairman Bender read a letter sent by Eileen Torow, 37 Marble Lane, Milford.

Mr. Sulkis: Read Sgt. Sharoh's most recent report wherein he did not add anything further to his previous report.

Mr. Willis: Asked how the Board determines if the applicant's expert on the safety of the mercury is accurate. He does not feel comfortable making his decision on the report provided by the applicant, especially in the case of mercury contamination.

Mr. Sulkis: Suggested the report be sent to the Health Director for his review. He will send the report to Dr. McBride.

Mr. Kasslar: Responded to the issues with regard to another consultant's report that was provided to the Board that was done previously to the development of Ryder Woods. He referenced his work and compared it to that report.

Ms. Cervin: Asked if the applicant would be amendable to the condition of one car per unit.

Mr. Lynch: Yes, the applicant said he would agree as a condition of approval, especially as it relates to the studio apartments.

The public hearing will be kept open for one item, the response to be received from the City's Health Director.

E. PROPOSED ZONING REGULATION CHANGES

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

Mr. Sulkis: Nothing to add on the above. Awaiting two responses from the City Attorney's office.

F. PLAN OF CONSERVATION AND DEVELOPMENT

Mr. Plattus will present information on the Plan of Conservation and Development to the public on:

Monday, June 25, 2012	6:00 p.m.	Milford Library	Cherry Street Corridor and Fowler Field
Wednesday, June 27, 2012	6:00 p.m.	Milford Library	Shoreline Issues
Thursday, June 28, 2012	6:00 p.m.	Margaret Egan Center	Walnut Beach

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It is anticipated that Mr. Plattus will present his findings to the Board at the Public Hearing on July 17th.

G. LIAISON REPORTS – None.

H. APPROVAL OF MINUTES – (5/15/2012)

Mr. DellaMonica: Approve the minutes as submitted.

Mr. Casey: Second.

Nine members voted in favor of approval. Mr. Mead abstained because he was absent from the meeting.

I. CHAIR'S REPORT

Chairman Bender: Signed a Lot Line Adjustment for 69 Sunnyside Court. Thanked the Board for their patience and diligence in working through their first 8-30g application, which will be reviewed in detail at the next meeting.

J. STAFF REPORT – None

Mr. Willis: Motion to adjourn.

Mr. Rindos: Second.

All members voted in favor of adjournment at 10:25 p.m. The next meeting will be held on June 19, 2012.

Phyllis Leggett, Board Clerk`