

**MINUTES FOR THE PUBLIC HEARING OF THE  
PLANNING & ZONING BOARD  
HELD TUESDAY, JUNE 16, 2009; 7:30 P.M.  
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the June 16, 2009 Public Hearing of the Planning and Zoning Board at 7:36 p.m.

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

**Members Present:** Mark Bender (7:44), Frank Goodrich, Mark Bender, Kathy Patterson, Kim Rose (7:39) Kevin Liddy, Susan Shaw, Victor Ferrante, Jeanne Cervin, Chair.

**Not Present:** Janet Golden, Gregory Vetter, Sr.

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

**Mme Chair:** Noted to the audience who might be in attendance for the Public Hearing concerning the proposed regulation change, that the wording of the text regulation had been changed and copies of the change were on the table in the foyer.

**C. NEW BUSINESS**

1. **1397 BOSTON POST ROAD (MODELL'S SPORTING GOODS)**  
**(ZONE SCD)** Petition of Modell's Sporting Goods for a Site Plan Review to erect a 20 x 50 foot tent for the purpose of holding a tent sale to be located in their parking lot at the Milford Crossing Shopping Center on Map 89, Block 812, Parcel 42, of which Milford Crossing Investors, LLC is the owner.

**Joe Rompel, Store Manager, Modell's Sporting Goods, Milford.** Asking for permission to set up a 20 x 50 foot tent in the parking lot in front of the store from July 15<sup>th</sup> to July 27<sup>th</sup>. The tent will take up approximately 14-16 parking spaces, which will be anchored with heavy weights and requires no drilling.

**Mme. Chair:** There had been some issues from the Fire Department. Were those issues addressed? Named the items that the Fire Department had commented upon.

**Mr. Rompell:** All those items were addressed.

**Ms. Shaw:** Asked if the property owner had given permission for the tent sale.

**Mr. Rompell:** Said he did not think so. The tent would be set up in Modell's parking area and should not affect the other tenants.

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**Mme. Chair:** In the information that was received from Modell's headquarters in New York, a fax had been sent to the shopping center's owner asking them to sign their approval regarding the terms of the tent sale and that was signed. That indicates they are in agreement with the sale.

**Mrs. Patterson:** Made a motion to approve the Site Plan Review application of Modell's Sporting Goods to have a tent sale in their parking lot at the Milford Crossing Shopping Center.

**Mr. Goodrich:** Second.

All members voted in favor. The motion passed unanimously.

2. **350 BOSTON POST ROAD (ZONE CDD-1)** Petition of John Whitcomb for Site Plan Review approval to construct a 1,750 SF addition to Valentine's Diamond Center on Map 64, Block 940, Parcel 6C, of which Mark Valentine is the owner.

**Mark Valentine, Owner, Valentine's Diamond Center, 350 Boston Post Road.** Family owned in Milford for approximately 22 years. Have been located in the present building for 16 years. The former building was an old factory that had been converted to offices. It has been kept almost exactly as it was when it was purchased. They are now in a position to expand it and fix all the old problems it has had. The building needs to be upgraded with regard to HVAC, flooring and other elements. Timing is of the essence in this business. The plans were started a long time ago. Important to have the project completed for the Christmas season, which provides approximately one-third of the year's business. Will be leasing a store across the street, but would like to get into the new store before Thanksgiving.

**John Whitcomb, PE, BL Companies, Meriden.** Described the proposed engineering plans for the addition and the parking lot. The project has a 2400 SF footprint. Drill Master is the company directly to the west, which is in good condition. There will be a drive that goes between the two properties. There will be a parking lot that meets the requirement for 20 spaces. Decreased the impervious area by trading off parking for the building. Meets all the site plan regulations. Asking for a waiver for the parking lot island. A parking lot island is required due to the required number of parking spaces. By decreasing the pavement they lost the space to have an island. The site plan meets all the requirements with regard to set backs, lot coverage, lighting and all the City department reviews. Described the building's design and the materials that will be used to make it attractive. Will have a grand entrance. Limited windows due to security issues for insurance purposes. Big improvement over the present building. Signage meets the requirements. Enclosed dumpster is in a remote part of the property with a cross-access easement that is filed on the land records.

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**Mme. Chair to Staff:** Awaiting engineering department review. Are all other department reviews favorable?

**Mr. Sulkis:** Yes.

**Mr. Liddy:** Asked Staff for an explanation of the waiver that is being requested.

**Mr. Sulkis:** In the requirements for landscaping of parking lots, if a certain number of parking spaces is required, a landscaped island must be provided in that area. In this case they are unable to do that and still meet the parking requirement.

**Mr. Liddy:** Asked if there would be a new sidewalk installed.

**Mr. Whitcomb:** A new sidewalk will be put in because the existing sidewalk is partly on the property. Will bring the whole sidewalk into the right of way and will obtain an encroachment permit from the DOT.

**Mr. Ferrante:** Asked if there would be a Route One access easement for this property.

**Mr. Sulkis:** No, because the site is for a single store and Drill Masters is next to it. If an access easement was to be obtained, parking spaces would be lost.

The proposed regulation for access easements contains language that has wiggle room for a judgment call based on the magnitude of the project. For example, if this project was for a shopping center and the adjoining property has a potential to be something large, then an access easement could be requested. This project at this time does not warrant such an easement.

**Mme. Chair:** For this situation it would not seem necessary.

**Ms. Rose:** This is a complete improvement over the old building. Happy the Valentines are able to do this project. They have been a staple in Milford for many years. Made a motion for Site Plan Review approval to construct a 1750 SF addition to Valentine's Diamond Center, pending the engineer's report and granting the waiver for removal of the parking lot island.

**Mr. Sulkis:** Suggested an amendment be made to the motion that states pending "approval of the Engineering Department".

**Mr. Bender:** Made a motion to amend the motion to reflect what Mr. Sulkis said.

**Ms. Shaw:** Second.

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All members voted in favor of the amendment to the motion. The motion carried unanimously.

**Mme. Chair:** The site plan was very straightforward. No problems with the regulations being met, except for the requested waiver. It was an excellent site plan and will be a great improvement to that area of the Post Road.

All members voted in favor of the motion to approve the application. The motion carried unanimously.

**D. CONTINUED PUBLIC HEARING EXTENDED TO 7/14/09; exp. 9/17/09**

3. **314 BRIDGEPORT AVENUE (ZONE CDD-2 AND R-7.5)** Petition of Brian Lema, Esq. for a Special Exception and Site Plan Review to construct a 10-unit multi-family residential building with off-street parking on Map 24, Block 381, Parcel 1, of which D.A. Black, Inc. is the owner.

**PUBLIC HEARING CLOSSES BY 7/21/09; expires by 8/20/09**

**4. HOUSATONIC DESIGN DISTRICT**

**3.12.5. Prohibited Uses**

**3.12.5.3 (New)** Depositing, collection, transferring, processing, or handling of any solid, liquid or gaseous materials for any purpose, including volume reduction, recycling, repackaging or reuse. For the purpose of this section, materials shall include any organic, inorganic or waste product.

**Mme. Chair:** Noted that the language of the proposed regulation had been changed and copies of that change were available in the foyer. Read the revised wording as follows:

Trash hauling, solid waste processing, construction and demolition debris storage and processing, recycling plants, and volume reduction facilities. To the extent that these uses are accessory to permitted principal uses, they shall be allowed.

Asked Mr. Sulkis to give his review and comments regarding the concerns that people have had. This change has originated from the City and not by the Board. There has been a lot of concern raised. Hopefully the change in the wording will quell some of those concerns.

**Mr. Sulkis:** Other language had been proposed. When it was published there were early public comments that the language was very broad and was of

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concern to a number of property owners in that zone. With that and some other suggestions, a tighter language was incorporated, which would meet the City's

requirements in what it was looking to do, and at the same time give a little more comfort to some of the property owners who were concerned that due to the broad language they would have been adversely impacted. This language was drafted by him and the City Attorney's office.

**Mme. Chair:** Gave the audience instructions as to how the public hearing would proceed with regard to their comments. There would be a three-minute time limit for each speaker. If there is time at the end and a speaker has not been able to make all of his points, he can come back to the podium and continue his comments. Asked that a speaker not repeat what a previous speaker has said. Just say they are in agreement with a previous speaker.

**Michael Grillo, owner of Green Cycle Organic Recycling, 1183 Oronoque Road.** Operate a recycling facility on Oronoque Road. Looking to expand his company over an adjacent piece of property. Asked for the definition of the wording "recycling plants" and how it will affect his recycling business. States he recycles organic material, leaves, grass, brush that is turned into mulch and soil. Recycles other natural products as well. Asked what kind of recycling this is considered. The State of Connecticut and federal Government has been encouraging recycling. Looking for a definition of "recycling plant" because that is what most affects him.

Also added the heavy industrial zone is very important to the City's economy, its economic structure and viability. When they came to Milford in 1993 they were a small company. Now they employ 17 people; have a large payroll; provide health insurance to all employees who make good hourly wages. They are a specialty company for landscaping and remediation projects.

**Deborah Moss, property owner of 1240 Oronoque Road.** Also owner of Gas Equipment Engineering Corporation, the company that is the primary tenant at 1240 Oronoque Road. The Company has been in Milford since the early 1960's. They manufacture gas processing equipment and the oxygen generators that are installed on all the active Navy aircraft carriers to supply the breathing oxygen to the naval aviators. This company is essential to the national security. Without the oxygen they produce, naval aviators cannot fly. Very concerned about the broad language in this proposed bill.

Company employs approximately 25 people, who are engineering intensive, highly skilled, long-term employees. These are well paid, manufacturing jobs. Not sure where this is coming from.

**Mme. Chair:** Any business that is currently operating would be grandfathered in.

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**Daniel Silver, Esq., New Britain, CT**, speaking on behalf of Recycling Inc. located at 999 Naugatuck Avenue, which is located in the zone that is subject to the text amendment. Here tonight to object and give some reasons why this amended text should not be adopted.

His client applied approximately a year and a half ago for permits with the DEP for a limited processing permit, as well as a volume reduction permit with the DEP. They recently received approval for a limited processing permit. In addition to an application for permits, special uses have been applied for to this commission and those applications have been filed and will be coming before the Board. They are present to state their opposition, even though their applications may grandfather them in.

Stated that the property has been used for what is today called "recycling" since 1955. This property is owned by the Barrett family and was used by the Barrett Construction Company. Throughout the history of the company they have been doing recycling by taking construction debris from houses and buildings that were demolished and brought to the site. Parts were separated and sold for various purposes, so recycling has been going on from 1955 until the company closed.

Their main objection to the text amendment is basically that given present "state, federal and policy guidelines, this does not constitute good planning. Additional information and handouts will be given by another speaker, which will deal with state and federal policy and guidelines dealing with the subject of solid waste and their recommendations which encourage this type of use, which could be contrary to the decision that could be made by the adoption of this planning text. Also, the adoption of this text is not in accordance with the City's Plan of Development. For these reasons they believe that this text amendment is not justified.

**Darlene Chapdelaine, Action Consulting & Associates.** Handed out written material to the Board and explained their contents.

First submission is a letter addressed to the Mayor that contained a Statement of Use that was submitted and stamped in that went back to 2007, which was when she started working on the project. It is an operation and management plan pursuant to the guidelines set forth by the State of Connecticut and their recycling guidelines.

Second submission is the State of Connecticut's Executive Summary for their Solid Waste Management Plan. The entire document is over 300 pages. Read from page ES-13 as to what the City's goal should be with regard to this plan.

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The proposed text amendment change is against the State's plan, the EPA's plan and their Natural Disaster Debris Management Plan. The Plan's goal is to increase Connecticut's recycling rate to 58% by 2024. The average person generates 4.6 pounds of MSW per day. The Milford Transfer Station only has one acre. They take in about 100 tons per day. Waste Conversion Technologies is the only other permitted company that is allowed to accept construction and demolition debris. This facility can only take in 750 tons a day. More than two facilities are necessary to handle this type of debris. This is the perfect zone for recycling, which has been taking place since 1955, although not under the title "recycling". At that time the process was called "scavaging" or "salvaging".

**John Grant, 11 Ettadore Park, Milford.** In part agreement with the idea of putting some regulations on what the uses would be in the zone. Opposed to the proposed wording of the regulation. There are a lot of industries that pose no dangerous, detrimental, or objectionable uses for the property in that area. If this is passed the City is setting a negative tone to companies who want to come to do business here. Wording should be changed to be more flexible. The Regulations should not be a book of things you cannot do.

**Mr. Goodrich:** Asked if Mr. Grant was referring to the original worded proposed regulation or the revised one that was just received.

Mr. Grant said he would review the revised proposed wording.

**Joe Barrett, Barrett Bros, Oronoque Road.** Have been the owners of the property since 1955. Have operated several businesses there. Submitted photographs that demonstrated the work that the company has been doing since its inception, which had been called "salvaging" that could now be called recycling. The regulation will handicap people in a heavy industrial zone. The property has been utilized as a business for 98 years. Does not want this ordinance to become a law.

**Brian LeClair, Esq., Berchem Moses & Devlin,** representing Milford Power Company, 55 Shelland Street, which is in the HDD District. Present with Michael Cartney, the power company's vice president and plant manager.

Stated for the record his objection to a three minute limit. This is contrary to state statute. This is a public hearing. The Board should not and cannot limit any speaker to three minutes at a public hearing. If he is limited he is noting for the record for future purposes that it is an illegal action on the Board's part.

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The Board has presented a revised document which was just shown to everyone tonight. Stated he would comment on the amended wording to the proposed amendment as originally phrased up until a few minutes ago:

1. This original item should not be approved by the Board because it completely changes the industrial character of the HDD zone and it conflicts with the City's 2002 Plan of Development.
2. It would make existing industrial and other commercial uses in the HDD zone potentially nonconforming.
3. It affects the economic viability of the existing and future industrial development in this zone, which includes the City's largest taxpayers.
4. It would constitute illegal spot zoning and is a de facto change of zone by entirely eliminating industrial and commercial uses.
5. It deprives the property owners of property rights without due process of law.
6. It is an illegal taking of property without compensation.

With regard to the first point, the industrial character of the HDD zone is designed as such. Cited sec. 3.12.1 of the regulations for the permitted uses. Cited sec. 3.12.2 of the Special Uses that are allowed in the zone. All are manufacturing and industrial type uses. The original proposal would eliminate and make nonconforming each and every one of those uses. It would prohibit depositing, collection or processing of any solid, liquid or gas for any purpose. Even the amendment is worded, "recycling plants" and "volume reduction and facilities" all as undefined terms subject to interpretation. It is not clear what those terms are referring to.

In the 2002 Plan of Development, the HDD is designed for heavy industrial uses. It recommends uses be permitted with the exception basically of major trucking facilities. The Plan also confirms the industrial nature of the zone and recognizes those uses in this district that include, or are intended to include, a mix of industrial and water dependent uses.

The original proposed regulation contradicts the intent of the master Plan of Development and makes all the existing uses in the HDD zone conforming. They may be grandfathered in, but they are all nonconforming. They cannot be expanded in any way whatsoever. That includes the electrical plant his client owns and operates; Devon Power, Iroquois Gas Transmission Pipeline, CL&P and UI facilities; BIC manufacturing facility; Green Cycle Grillo; Davis Holding Company; Beard's Sand and Gravel, O & G's facility; the Barrett facility;



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Southern Connecticut Gas's tank farm and the City of Milford's own sewage treatment plant and transfer station. They would all become nonconforming under this regulation, thereby jeopardizing the viability of each of these entities.

This would affect the economic viability of future development in this area if the original proposal is adopted. These are the City's largest taxpayers and they would all be made nonconforming.

It is also spot zoning and a de facto change in the zone, because it changes the underlying nature and character of this zone. The change would not be a regulation change, but a zone change, which fails to comply with Section 83 of the Connecticut Statutes.

Finally, it deprives owners of property without due process of law and constitutes a simple illegal taking, given the nature of the businesses in this zone; the nature of the HDD zone; the financial interest and investments put into this zone by the business owners and a taking of property without compensation.

The Chair interjected to remind Mr. LeClair that his time was up but if he wished to speak again later to continue his point, he could do so. The time limit is to facilitate everyone wishing to speak.

Mr. LeClair responded that he could not be limited to three minutes and put it on the record, stating the Board could not have piecemeal presentations back and forth. He stopped his presentation with that noted for the record, the violation of the statutes of the State of Connecticut.

Mr. LeClair submitted for the record and distributed to the Board the following:

Petition pursuant to sec. 8 3b, as well as a submission of Milford Power Company regarding the Zoning Regulations, the proposed change and the field cards that would support the property owners in this district.

**Benjamin Alderton, Esq., 528 Chapel Street, New Haven, CT**, representing Blackite Corporation, the property owner in the zone at 1183 Oronoque Road. Has a petition pursuant to sec. 8-3b that has been signed by greater than 20% of the property owners in the zone. Submitted additional items: 1. Set of DVDs from the Board's meeting of 4/7/07[sic], and receipts for payment of same; 2. A cover letter and transcript done by his client of the Board's minutes for the April 7<sup>th</sup> meeting; 3) Letter dated May 29, 2009 from Blackite Corp. to the Board and Mr. Sulkis, regarding their opposition to the zone change and a letter dated June 12, 2009 from Blackite to the Board and Mr. Sulkis regarding the proposed zone change. In the letter his client proposed a change in the wording of the regulations. In addition to the wording, even as submitted and revised, at the end of the regulation they would propose submitting: "However, nothing contained within this section 3.12.5.3, shall be deemed to prohibit recycling,

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depositing, collection, transferring, processing, or handling of vegetative or inorganic or organic earth materials at sites with such existing operations, including without limitation, for composting, volume reduction, resizing, recycling, repackaging or reuse of soil, fill, leaf, grass clippings, mulch, brush, wood, stump, sand, aggregate and stone. Nor shall anything contained within this section 3.12.5.3 be deemed to limit the contiguous expansion of such existing operations provided that any such expansion of existing operations is no closer than 500 feet from any neighboring zone and 100 feet from water's edge, excluding storm water and sedimentation basins." He submitted the items named for the record.

**James Beard**, representing Davis Holding Company and Jordan Realty, formerly known as Beard's Sand and Gravel Company. Having lived all his life in Milford he wished to present a sense of history to this particular area of Milford. The Oronoque area has been heavy industrial since the 1930's. Told how new roads were incorporated over the years to create access to Route One and the Naugatuck Avenue area. He told how the City's transfer station and large companies, i.e, Bic, Iroquois Gas, Milford Power and other large companies came to the area. He stated Milford had a vision of an industrial zone that was advanced to the heavy industrial zone to facilitate the use of the Housatonic River. This vision needs to stay intact to ensure a balanced tax base. You can't make it on residential.

**John Grant, 11 Ettadore Park.** Stated he read the revised wording of the proposed amendment and he is still opposed to the wording, which he believes should be redone.

**Mme. Chair:** Asked if there was anyone else in the audience who wished to speak. (No reply) Stated those who have spoken before may speak again.

**Michael Grillo, 1183 Oronoque Road.** Thinks it is very important to keep the heavy industrial zone intact in the City. Would like the Board to recognize what the City has in that area. People come up with creative ideas for businesses in that area and if you take that zone away, Milford will get hurt. Jobs are created, equipment is purchased, and local businesses in the area take part, which creates a ripple effect for the City's growth. The businesses do not cost the taxpayers money. They do not require City services, such as schooling.

**Mme. Chair:** Asked if anyone else wished to speak. Did not want to stop anyone from speaking. Asked Mr. Sulkis for his response as to some of issues that had been brought up.

**Mr. Sulkis:** Heard a couple of things that he did not know were of concern. Heard a lot of testimony about the original language before the language that was proposed tonight. Commented regarding the current language.

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He did not dispute this is an industrial zone. Could not dispute the importance of industrial zones because they are right. But when there are uses that are objectionable or that need to be changed, it is obviously within the Board's right to do so. That particular zone allows many different kinds of industrial uses.

Unfortunately, a lot of those uses are not there. He would like to see a lot of those uses because they would be great tax generators.

He stated the City was lucky enough to get a glimpse into the future. There had been an illegal activity taking place at 990 Naugatuck Avenue. The City had no idea there was a problem until they started getting phone calls about why are all these garbage trucks going through the neighborhood. What about all these roll-offs going through the neighborhood? Had no idea what people were talking about. It was discovered and was even on the news about the illegal activities that were taking place at 990 Naugatuck Avenue. So, the City got a glimpse into the future.

After that incident the regulations were reviewed and it was determined that without adversely affecting other legitimate industries in that zone that are currently there or could locate there at some point, what could be done to try to mitigate and minimize that kind of use, should it ever reappear. Not having a crystal ball, that use is apparently making its way through the State permitting process. It remains to be seen if those uses will make it through the local permitting process. But, just because it gets State approval, does not mean they get local approval, and if they don't get local approval they cannot exist there.

Again, this amendment, although originally prepared and presented to the public is admittedly a little too broad. The early public's comments were taken into consideration which resulted in the language that is before the audience tonight. This will help safeguard the health, safety and welfare and the quality of life of people in the zones around this particular zone, who were adversely affected by the activity that was taking place at 990 Naugatuck Avenue.

The whole purpose of the public hearing is to hear from members of that zone, the people who work in that zone. Some of their comments are valid. If a use is rendered nonconforming, that is unfortunate. They can stay there and continue to do what they do, but they can't expand. There was testimony that this was a "taking". It is not. Under the laws of the State of Connecticut, the regulations may change as seen fit. When regulations change there are people who win and people who lose. If a use goes away it is not being made illegal. It would be illegal in that zone. That activity can be located in other zones of the City and, in fact, are located in other zones of the City.

The Board can make the decision whether or not it finds in this particular zone that particular use is appropriate or not.

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There were comments that the City's sewer treatment plant and the City's waste transfer station would become illegal. Not so. The City is not subject to its own zoning regulations.

The Board has to weigh the concerns that are coming down the road, with the concerns of the people who testified tonight.

**Mme. Chair:** Stated for the record that correspondence had been received as follows:

1. Letter via email dated May 29, 2009 received at the Planning and Zoning Office on June 1, 2009 from Rod McNeil of the Blackite Corporation.
2. Email from Rod McNeil to David Sulkis dated June 10, 2009.
3. Letter from Ruth Parkins, Manager, Public Affairs, Iroquois Gas Transmission System, dated June 11, 2009, received at the Planning and Zoning Office on June 15, 2009.
4. Fax transmission dated June 15, 2009, (hard copy received 6/16/09), from Kenneth J. Faroni, Director of Planning and Permits, O & G Industries, Inc., 112 Wall Street, Torrington, CT 06790.

**Ms. Champdelaine** interjected to object to Mr. Sulkis' statements about an illegal use. As the consultant to that project she said there were no illegal activities. There was one unpermitted site, which now holds a valid State permit that was issued last year.

**Mme. Chair:** Interrupted to say that she understood Ms. Champdelaine's point but in terms of the decision the Board would have to make, that information probably would not impact its decision.

**Ms. Champdelaine:** Asked to make it clear that there were no illegal activities taking place at that site as had been stated.

The Chair declared the Public Hearing closed.

**Mme. Chair:** The Board would not be discussing this matter any further tonight. There is a lot of material and information to think about for discussion at the next Board meeting, which will be on July 7, 2009.

A short recess was taken at 8:45 p.m. The meeting resumed at 8:53 p.m.

**Mme. Chair:** At the last meeting, the Board had made some minor changes to the regulations that had been discussed. One was the poultry regulation. There

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had been discussion about keeping poultry in different districts. A vote had been taken. The reworking of the regulation allows poultry in the R-5, R-7.5 and R-10 zones with a maximum of five birds; R-12.5 and R-18, five birds; R-30 and RA, ten birds.

**Mr. Sulkis:** There is also new verbiage that states those lots have to be conforming with the current zoning regulations. Therefore, a pre-existing nonconforming lot would not be permitted to keep chickens. The other changes were: Location of the coop a minimum of 20 feet from any lot line; the raising of chickens and their byproducts are strictly for personal use.

**Mme. Chair:** At this time keeping poultry will not require a Special Permit.

**Ms. Shaw:** Stated she still believes this regulation should require a Special Permit in the R-5 and R-7.5 zones, even in the conforming lots, so that neighbors could have a say on what goes on in their community.

**Mr. Bender:** Said the Board has had no problems with chickens in the past and asked why chickens have become such an issue at this time.

**Mme. Chair:** The current regulation allows 20 birds in any zone. For a long time it had been thought that this should be changed, so it was included in the proposed changes. For some reason chickens seem to be a topic, especially with urban farming becoming popular.

**Mr. Bender:** Said he thought the matter is more complex than the Board realizes and is not sure if the members are educated enough to make these decisions.

**Mme. Chair:** Felt the Board could make those decisions but there are many decisions it will not have to make.

**Mr. Ferrante:** Was thinking of the cost factor of the Special Permit for the residents.

**Mme. Chair:** Said she was in agreement with Ms. Shaw.

**Ms. Rose:** Asked if there was some way the process could be shortened via the Planning and Zoning Office.

**Mr. Sulkis:** A Special Permit would require a public hearing. The way it is now a site plan review with a survey would be required. The zone, no matter what the size, would go through the same administrative process. The Board has to decide if they want to have the smaller zones go through the extra step of applying for the Special Permit.

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**Ms. Rose:** Asked if a certified survey would be required as opposed to a plot plan.

**Mr. Sulkis:** Thought a smaller property would have more issues and a survey would be necessary.

**Ms. Shaw:** Reiterated her position that it was no great thing for a Special Permit to be obtained in these instances, as a means of keeping track of a neighborhood.

**Mme. Chair:** Agreed.

**Mr. Bender:** Worried where the line would be drawn for the Board to make determinations about keeping animals.

**Mme. Chair:** Trying to bring clarity and be specific so there are less problems with this.

Ms. Rose and Mrs. Patterson stated their agreement with Ms. Shaw.

**Mme. Chair:** There is a consensus to have the Special Permit obtained for keeping chickens in the R.5 and R-7.5 zones. Mr. Sulkis can incorporate that in the final version of the regulation which can be submitted to the required agencies.

The only other change to be made was with regard to the tent sales.

**Mr. Bender:** Asked about tent sales that take place on various properties parking lots at holiday times throughout the City.

**Mr. Sulkis:** If they are located in the public right-of-way, then that is under the jurisdiction of the Police Department.

The Board and Staff discussed the language for the set up, disassembling and duration of the tent sale.

The Chair suggested Mr. Sulkis create the wording as he knows the Board's preference at this time.

The Board and Staff discussed the condition of the number of tent sales allowed per tenant and per property.

**Mr. Sulkis:** Summarized the changes he will make to the wording of the tent sale regulation change: 1) The tent would be up for no more than 14 days. There will be a 48 hour period before and a 48 hour period after the event takes place to set up and dismantle the tent. 2) There will be no more than two permits that will be issued for the same property at the same location. Each property will be limited to two tent sales. Any more than two will require Board permission.

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The Board might also want to put in language which talks about the maximum size of the tent, including a locking container. All this should be inclusive in one permit.

The Board gave Mr. Sulkis permission to rewrite some of the wording of the regulation changes as stated above.

The Chair clarified that the intent of this regulation is not to have the businesses take the time and energy to appear before the Board. It is not being done for the Board's convenience.

**Mr. Sulkis:** Mentioned there were a couple of other minor changes in wording of the Route One Access Easement regulation and the Building Accessory definition.

Mr. Ferrante discussed the context of the Building Accessory definition and Staff clarified its intent.

**Mme. Chair:** Asked Mr. Sulkis to make the requested changes to the proposed regulations and proceed with their submission to the necessary regulatory agencies. She suggested a short break be taken before discussing further regulation changes.

**F. LIAISON REPORTS - None**

**G. APPROVAL OF MINUTES – (6/2/09)**

**Mr. Goodrich:** Motion to approve.

**Mr. Liddy:** Second.

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

**H. CHAIR'S REPORT**

**Mme. Chair:** Thanked Ms. Harrigan and Tom Ivers of Community Development for obtaining the LEEDS brochure that is now available to the public in the Planning and Zoning Office.

**Ms. Harrigan:** Gave her thanks to Tom Ivers for obtaining the booklets and his department for paying for them.

**Mme. Chair:** Mentioned the CCM workshop that will be held on June 27, 2009 would be free to Board attendees. Mrs. Patterson and Golden will be attending.

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**I. STAFF REPORT – None.**

**Mr. Bender:** Motion to adjourn.

**Mr. Ferrante:** Second.

All members voted to adjourn at 9:38 p.m.

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Phyllis Leggett, Board Clerk