

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, OCTOBER 6, 2009; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The October 6, 2009 Public Hearing of the Planning and Zoning Board was called to order by Acting Chair, Kim Rose at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Frank Goodrich, Mark Bender, Kim Rose, Kevin Liddy, Susan Shaw, Gregory Vetter, Victor Ferrante, Kim Rose, Acting Chair.

Not Present: Jeanne Cervin, Janet Golden, KathyLynn Patterson

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

C. PUBLIC HEARINGS CLOSE BY 11/10/09; exp. 12/10/09

1. **100 GULF STREET (ZONE LI)** Petition of Melissa Marter for a Special Exception and Site Plan Review to establish a dog resort which will provide dog daycare, boarding, dog grooming and dog training on Map 55, Block 816, Parcel 2, of which One Hundred GSM Company is the owner.

Ray Oliver, Architect, 3 Lafayette Street, Milford, representing Melissa Marter for her application for a dog resort called "Who's Your Doggie. This business will be housed in an existing building on the corner of Gulf Street near the railroad intersection. The site is approximately a half acre. The existing building is approximately 8,400 sf. Showed via a site plan display the location of the existing building and its surrounds. Parking is on two sides of the building. 21 spaces surround the building. There is no real calculation for this use in the zoning regulation. The way it is set up is the dog area of the building is calculated as 750 SF per space and the balance is the office area for the employees. That was calculated at the standard 250 sf per space. The site is relatively level. It drains in a certain direction (indicated on the site plan). There is a drainage problem at the railroad underpass during heavy or flash flood storms. No changes are being made to the site in terms of grading or drainage. There is one small area that would be the outside dog run and that dog run will be surrounded by a curb and roofed. In essence, a little bit of that site drainage area is being deducted from the low that is going to be going into the storm sewer.

The landscaping is existing around the building. There is a grass area around the building. There is a large maple tree at the corner of the entryway. There was a large tree in the back that got cut down that will be replaced with a new maple tree. There will be three white birches to accent the gray color of the building. Sea grass will be added to soften up the site area.

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The dog run will be fenced in. The detail on the site plan that shows it roofed and fenced with a privacy fence, so that it is totally enclosed from the outside. There will be a bituminous curb around it and a timber guard rail to prevent any of the cars parking on one side from backing up and smashing into the fenced area. All of the feces and urine from the animals will be washed down several times a day. The Sewer Commission agrees that this is the best way to handle this is to put it into a floor drain in that area. The drain would drain to the City's sanitary sewer. That would be done within the building as well for the training area.

There will be a new dumpster for the trash in a corner of the parking area. There will be a perimeter fence around it, which will be completely enclosed and sanitary (indicated on the site plan display).

The building is being cleaned up. Two signs on the building; one on the Gulf Street and the other is at the parking lot side. The signs will be the same size of those that have been existing on the building.

The main entrance to the building will be in the parking area. People will park, come in and drop off their pets and can exit back to Gulf Street or onto Wampus Lane, go around the corner and back onto Gulf Street. It is a handy way to go in and out for drop off. There is extra parking for employees and people that are staying for training periods.

The petitioning within the building is staying the same. The main change will be the dog kennels that are being built within the building. They will be wire fence structures. Some will have slats in them so they are not bothered by other dogs and this will keep them quiet. This is entirely a masonry building. Sound transmission is minimal.

The central area will be used for office personnel. There will be a receptionist and an area for the sale of some dog related products. A large open room will be used for the training area. There is a smaller room that will be used for grooming.

All the City departments have approved this application. The City's consulting engineer suggested an alternative detail for the dog run. The plans proposed a bituminous curb on the bituminous parking lot. None of the paving is being removed. A timber guard rail will be put around the structure. The structure is a fenced in structure with a privacy fence and the roof is translucent fiberglass.

The consulting engineer mentioned having an alternative guard area which would be a concrete curb that is into the ground. It is a larger expense for the potential tenant. He believes the detail that has been provided accomplishes those purposes.

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Melissa Marter, 105 Canary Place, Stratford. Proposing to open a “bed and breakfast” for dogs, so as not to have a kennel environment. The dogs will not be in indoor/outdoor runs like most kennels where they go in and out on their own. Building approximately 27 mini-rooms with beds, approximately 8’ x 14’, depending on the size of the dog. They can relieve themselves on the outdoor run and inside there will be a sewer as well. Music will be played. Music tends to keep the noise down when dogs are sleeping at night. She and her family will have another room which will have sleeping arrangements for her and her family. They will initially be the ones spending the night in the building.

Will hold training classes at night, 7:00 on a Tuesday or Wednesday night. The class will consist of 6-7 people and be an hour long.

Will do grooming and there will be a storefront where people can drop off their dogs and some pet related items will be sold. Everything will be done inside. There will be no activities outside the building. The only time a dog is outside the building is when they are outside on the run, which is for the daycare portion. That area will be closed off at night. The outdoor run is relatively small, approximately 30 feet long.

Mr. Oliver: A lighting plan was submitted which shows the requirements for maintaining the spillover onto this property, not the adjacent properties.

Ms. Marter: Distributed written material to the Board which contained support letters and signatures and her training certificate from 2005. Also included information from the Federal Railroad Administration. It shows that Milford is not on the list of “quiet” zones designated by the railroad. This is submitted to show she is not trying to move into an area that is considered quiet or create additional noise in a particular area. A map was included that shows where a train sounds its horn before it reaches the Milford stop. The place where the horn is sounded is right in front of the building, which is about a half-mile from the train stop. (This information was date stamped into the record)

Ms. Rose: Asked for Mr. Sulkis’ comments.

Mr. Sulkis: The building is pre-existing in an industrial zone, bordered by the railroad right of way which is a buffer, since it is a raised berm. Not a bad location for this type of use.

Mr. Bender: Asked if a hair separator would be required by the Sewer Commission, which he thought was necessary for anything going into the sanitary sewer, i.e. hair.

Mr. Sulkis: Read the Sewer Commission’s report which stated a trap would be necessary.

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Mr. Oliver: There will be a trapped floor drain. The separators are usually used for oil separation, silt and sand. This is on a paved area and there is no silt and sand accumulation and there is no oil being used, so a separator is not required. The drain can have a wire basket that will catch hair, if it is required, but there has been no mention of that.

Mr. Vetter: Asked if there was a staircase in the middle of the building.

Mr. Oliver: It was used to access a mezzanine loft which was used for storage of printing materials. It is only 6 feet high and will not be used.

Mr. Ferrante: Asked if they would be putting in a concrete curb as suggested by the engineer in his review.

Mr. Oliver: Their preference is to stay with the plan that has been submitted, which is the 6" bituminous curb with the timber guard rail surrounding it. The consulting engineer recommended that the concrete curb be installed, but it is a lot more expensive to dig up the parking lot and put in the concrete curb.

Mr. Ferrante: Asked if it was expected that the Board should make the decision between the Engineering's report and what the applicant would like.

Mr. Oliver: Stated he would like the plan to be approved as submitted, without the concrete curb. Mentioned he had a meeting with Bob Wheway, the consulting engineer who said once the applicants addressed the items that he mentioned in his report, he would review it again and make a decision about the curb.

Mr. Ferrante: Asked if Mr. Oliver had any other discrepancies between any other recommendations.

Mr. Oliver: Responded, no. He explained that it was a matter of one professional saying here is one way of doing it and he, as another professional, is saying here's another way to do it. He is being an advocate for his client saying he would like to do it in the most cost effective way.

Mr. Liddy: Asked how the dog suites would be constructed.

Ms. Marter: Propose to have them built with chain link fence because that is the most economical, yet the strongest. They have gates approximately 36" wide that will open in front.

Ms. Marter described how the different rooms will be laid out; some where dogs will be able to see each other and other rooms with wood slats as separators so they cannot see other dogs. Some will have sheet rock separators.

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Mr. Liddy: Asked about the outside door run and how it would operate.

Ms. Marter: There is a garage door that will be lifted up during the day so that they can run in and out. The indoor portion is larger than the outdoor portion and will be used a majority of the time.

Will have elevated dog beds which can be washed down.

Mr. Liddy: Asked if the State is involved in licensing the dog care facility.

Ms. Marter: The application has to be stamped by Planning and Zoning before the Department of Agriculture can issue the license.

Mr. Bender: Spoke further to the Engineer's report which mentioned sewer runoff, not the snow plowing issue for the higher concrete curb.

Mr. Oliver: The assumption had been made that the slope on the site was greater than it is. The surveyor came out to do some spot elevations so the slope is not as great as Mr. Wheway thought it was. It would take a very large rainstorm to overflow a 6" curb. He believes the 18" curb takes the place of the guard and the curb.

Mr. Ferrante: Asked why an agreement was not obtained from Mr. Wheway on this issue.

Mr. Oliver: Stated he had the conversation with Mr. Wheway last Thursday and resubmitted the plans and has not received a response back. Would be happy to accept this as a condition to have the matter resolved between the engineer and the applicant.

Ms. Shaw: Asked for clarification of the number trees to be planted on the Gulf Street side.

Mr. Oliver: Two white birch trees on the Gulf Street side. There will be one on the side near the entrance, which will be new.

Mr. Liddy: Asked Ms. Marter about the people on the list of references/supporters she distributed. Asked if she had another dog daycare service.

Ms. Marter: Responded the names of the people on the list are clients, not all of whom live in Milford. Stated she does dog care in her home in Stratford as well as going to clients' homes. She has been doing this type of work since 2005.

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Ms. Rose: Asked if there was anyone to speak in favor of this application?

Bill Perry, 158 Orange Ave, Milford. Real estate broker. There are many empty commercial and industrial buildings in Milford due to the declining economy. Have to be creative in this economy to find new ways to fill these buildings so that the City can continue to collect its taxes. This is a good business in a stand alone building. This is a creative reuse of the building.

Esther Alexander, 321 Gulf Street. Has resided in Milford for several years. Believes that Melissa Marter is a businesswoman who will do the right thing in renting this property. Melissa has been taking care of her dogs for the past several years. Drives down Gulf Street every day and drives to Stamford everyday. Has had to go to Norwalk in the past to board her dogs. Pleased at the possibility of having her dogs play with other dogs at Melissa's day care center right up the street. Well aware of the noise from the train and traffic on the street. The Board should consider the good it would do for the community to have a business of this type for the residents who own dogs and would benefit from not having to take their business to other areas.

Arlene Walton, 58 Victoria Lawn, Stratford. Friend and client of Melissa who has taken care of her dog as a puppy. Melissa has very large dogs and keeps them under wonderful control. Melissa's business will not have dogs in kennels. They will have a loving, warm environment. The train is noisy and was in the light industrial zone before the condominiums received permission to change their area to residential. Melissa picked a light industrial zone and did not ask to go into a residential area with a variance. The set up of the building will be wonderful. Milford needs this type of business and she is the best person to run this business.

Angelo Lisi, 49 Lori Drive. Owns 100 and 86 Gulf Street and 20 Wampus Lane. The building has been on the market for six months. This is the only perspective tenant who has been interested in renting it in the past six months. Totally supports Melissa's proposal. He hopes the Board understands how important it is to bring new business into Milford and to rent some of the empty buildings all over Milford. The building has 12-inch block walls; the sound is minimal. The railroad tracks are higher than the building and there is at least 150 feet, if not more distance between the building and the condos. The condo owners knew that they were moving next to the railroad tracks.

Mr. Vetter: Asked if the 12-inch block walls were cinder block.

Mr. Lisi: Yes with a stucco finish on the outside. Mentioned that the second floor mezzanine is a steel cage floor with stairs that is only six feet high. It is not good for working in. It is only for storage purposes. It cannot be used otherwise, as the floor is wire steel. The prior tenant was a printing company. Printing presses were run and tractor trailers were delivering all the time.

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Nina Chevalier, 219 Meadows End Road. Client of Melissa's. Speaking on behalf of her entrepreneurship for economic growth. She is also an educated businesswoman, who should be encouraged not just here, but in general. There is great communication and follow-up with her and quality of care for her animal. This is a unique service, not easy to find. Based on the letters from supporters who live in other towns, shows that business will be brought from the surrounding area to this area. From her experience, places that have this kind of business tend to be more upscale. Will be a benefit to dog owners in the area.

Ms. Rose: Anyone else to speak in favor? (No response)
Anyone to speak against the proposal?

Joseph Tuozzola, President, 118 Gulf Street, Unit 24. Also representing Gulf Gardens Condominiums as its president. Has a petition from residents against this proposal who are unable to attend the hearing tonight.

He stated the reasons his condominium residents are against this application: This business plans on being open 7 days a week 24 hours a day. There will be service hours from 6:00 a.m. to 10:00 p.m. It will always be an active area. They plan on having a minimum of 22 dogs with several more dogs coming in for either training or grooming during the day. They are talking about an indoor-outdoor run using a permitted connection to a sewer for waste disposal. Does not know what the situation might be as to whether this is acceptable or not.

Many items they are in opposition of, most important would be is that there is no way they can have that many dogs in an area and keep the dogs quiet so that they are not barking all the time.

Heard about the noise from the trains. The trains go through but the train goes through and the noise stops. Most of the residents knew that when they moved there. There is also traffic. But at a dog resort there would be no way to control the barking, which they believe would be constant.

Believes at certain times of the year there would be an odor coming from the location. Even if it is hosed down, there might be a strong odor from the disinfectant that would be used.

The railroad underpass is less than 100 feet from the building. On a heavy rain day the underpass floods; the City places barricades to stop the traffic going through there. Will the present sewer system have any effect on the proposed waste disposal?

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Believes that traffic coming and going can create a hazard at that location, as the underpass is only within 100 feet of the driveway and the vehicles will have difficulty coming out of the driveway to Gulf Street where the cars coming through come through like bullets from the underpass.

Mr. Oliver mentioned the cemetery across the street and the business across the street, but he neglected to mention St. Mary's Church, which is only several hundred feet from the proposed dog care center. The church has seven o'clock mass every morning. There are Sunday masses from 7:00 to 12:30. Sure they will be hearing dogs barking.

St. Mary's School is also several hundred feet away. The children in the playground are only several hundred feet away. The sounds of children playing may also cause the dogs to bark.

Not sure how dog boarding centers operate. Today visited Black Birch Farms on Old Gate Lane. Got a tour of the building and the grounds. The building is soundproofed and the dogs are out when it is felt they will not affect the surrounding neighbors. He was told the building was constructed in a special way to deaden the sound. They have a large piece of property to accommodate that type of business with a buffer of trees. They are in a heavy industrial zone where noise is not a factor, but they have taken their neighbors into consideration and still receive complaints from neighbors as far as one mile away. His visit helped him understand what was entailed in running a dog boarding resort.

The proposed dog resort at Gulf Street is in a light industrial area. It does not have enough outside area and there is no way they can contain the constant non-stop noise that the dog will create.

He is an animal lover and in favor of new business coming into Milford, but the property at 100 Gulf Street is not the location for a dog resort for the reasons stated and the impact it will have on the community.

Submitted a signed petition to the Board which was date stamped into the record.

Ms. Shaw: Asked how many residents live in the condominiums.

Mr. Tuozzola: Thirty residents live in Gulf Gardens. Sign has been up for only 13 days. Got 22 signatures. Most likely could have gotten 100% with more notification.

Mr. Liddy: Asked if the dog facility he visited told him of the costs for the additional insulation.

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Mr. Tuozzola: Yes. He was told the ceiling blocks had to be changed from time to time. It cost him \$10,000 to redo the soundproofing in the building.

Anthony Cardone, 118 Gulf Street, Unit 5. Visited the condo site before it was built and knew about the trains. The ground does not tremble as had been stated. The trains are not an annoyance; the dogs continuous barking is. Went to the dog pound at Silver Sands. When one dog starts barking they all start in. To have such an annoyance in your yard or near your home makes concentration or sleep very difficult. He is an educator and believes the distraction of the dogs barking will disrupt the children's concentration and focus on learning.

Mary Jane Clark, 118 Gulf Street, Unit 23. Moved in knowing the train was there. Visited the site many times. Has lived there 4-5 years. Train is not a bother as much as a barking dog. Has owned dogs and has taken them to facilities for boarding. When they are outside they bark.

Richard Sparago, 118 Gulf Street, Unit 25. Has a small child who has to do homework. Their windows face the dog daycare building. Believes this will affect the child's concentration

Judy Duffy, 118 Gulf Street, Unit 20. Resident of the condo complex. Concerned about more traffic. Has a child in middle school who takes the bus at Gulf Street in the morning and returns in the afternoon. There is plenty of traffic now. Concerned about more traffic with a dog daycare. Also concerned about the odor of urine and feces and the disposal of same, as well as the use of disinfectants. There are at least five children in the complex who like to play outside. Worried about the noise and quality of life.

Kevin Carroll, 118 Gulf Street, Unit 17. Opposed for the reasons previously stated, especially the noise. Weekends when time is spent outside will be affected.

Sandra Massabuffy, 118 Gulf Street, Unit 22. Opposed to the dog facility for all the reasons previously mentioned. Has lived in Milford for 50 years and has lived on Gulf Street and Buckingham Avenue for that amount of time. Familiar with the noise of the train and traffic. Prefers this type of noise to dogs barking day and night. Not the proper location for that type of business.

Maureen Nolan, 118 Gulf Street, Unit 26. This establishment will be in her back yard. Has owned dogs and when one dog starts barking, it sets off the others. Does not believe this area is large enough for a dog run. Also believes the condominiums will decrease in value due to the proximity of this type of business.

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Ms. Rose: Asked if there was anyone else to speak in opposition. (No response)

Applicant Rebuttal:

Mr. Oliver: Said there was confusion over the types of sewers that they have. The connection of the building will be to the sanitary sewer and there is no interconnection between the sanitary sewer and the storm drainage system that works in the City. There will be no contribution at all to any of the drainage problem that is under the railroad bridge.

Addressed the sound that would potentially be transmitted to the condominiums. As Mr. Sulkis pointed out, the railroad tracks are elevated, actually higher than the building, so that is a substantial berm. A berm of that size and height is one of the most effective sound barriers that you can have. DOT has alternatives for sound barriers that are timber walls, concrete walls. In this case there is the concrete walls of the building, plus a berm that is 20 feet wide and almost 20 feet high of solid earth. There is nothing that is more effective than that in cutting sound. The potential for the sound is minimal in the direction of the condominiums.

With regard to the proximity to St. Mary's, the property owner owns a relatively large two-story house that is between this building and the St. Mary's property, so there is some buffering on that side of the property.

Ms. Marter: Odor will not be a problem. Several hundred products on the market which deal with pet odors. Does not believe odor will be a problem at all. Business will be regulated by the Department of Agriculture and will be shut down if it is not kept clean and properly maintained.

The dogs will not be kept outside. At Black Birch Farm, dogs have an indoor and outdoor run. They can go in and out as much as they want and bark as much as they want because they are locked in all day long barking at the dogs next to them. Her facility will be where the dogs are playing all day. As a trainer, one of the things to prevent dogs from barking is exercise. By 9:00 at night the dogs are exhausted. If the dogs were to bark at night, between the 12-inch wall, the berm which is covered with trees and the train tracks and several feet before the condominium, it would be impossible for anyone to hear the dogs.

Stated she received a letter from her neighbor who lives across the street from her for five year and has stated she cannot hear Ms. Marter's four large breed dogs bark when Ms. Marter comes home. If the neighbor, who lives 50 feet away from her, cannot hear the dogs barking within the house, she doubts anyone will hear the dogs several hundred feet away with 12-inch block wall between them. The dogs will not be able to go outside whenever they want.

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With regard to the school several hundred feet away, she is sure, within the regulations, once she is a certain number of feet away, there should be no effect on the school.

Ms. Bender: Asked if she had worked at Black Birch.

Ms. Marter: No.

Mr. Vetter: Asked about the outdoor dog run which seemed small as a play area. Asked if the larger room marked as a training room would be a play area during the day.

Ms. Marter: Yes.

Mr. Vetter: Asked if it was true that if one dog starts barking, they all bark.

Ms. Marter: Yes, if one dog starts barking, it can start the other dogs barking. The facility will be staffed 24-hours. She will be staying there at nights and as a trainer she will know what to do.

Mr. Liddy: Determination as to noise is subjective. Is there a way to get a professional sound testing of the potential of dog barking and how it can affect the neighbors?

Opposition Rebuttal:

Joe Tuozzola: This is a 24-hour a day business. Will the owner/dog trainer be there 24 hours a day to make sure that the barking is put in place. There is no control over the noise factor.

Anthony Cardone: Reiterated what he previously stated about barking affecting the concentration of the children in school.

Mr. Ferrante: Mr. Liddy had a point which is the possibility of noise testing in the absence of a City noise ordinance. That should be part of the record.

Discussion followed amongst the Board members as to the best way to professional test or determine if noise from the dog resort facility would affect the surrounding neighbors, in particular, the condominium residents.

Mr. Ferrante: Asked for Mr. Sulkis' input on this matter.

Mr. Sulkis: There is no noise ordinance so there are no standards to go by. In cases of noise complaint, the Police Department is called and they determine whether the noise is disturbing the peace.

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In the past no company has ever been required to provide the Board with any noise information ahead of time. The regulations do not have any standards for this.

Mr. Ferrante: Told how an expert could accomplish this. The applicant could have a test professionally done as well. The noise factor is a true concern for the neighbors in the condominium.

Ms. Rose: Asked Mr. Sulkis if he thought a professional could view the building and come up with a report without having to go through a noise test.

Mr. Sulkis: Stated he would be more comfortable with consulting legal counsel to see if the Board can even consider doing any of the proposed measures. Since this is a Special Exception, the Board is going to have to figure out what acceptable noise level would be. There will always be ambient noise in the area, but if there is an issue of durational barking, then that might be the target to look at. He is not an expert in this and it is an unusual case.

Mr. Vetter: The Board may have to decide on the application as presented unless the applicant can present information in its favor for noise control. The applicant may feel that the cost is worth the investment.

Mr. Goodrich: The Board has never required this of an applicant before. There is no city ordinance on noise but there are State laws on it. Agreed that just as every application in the past has been decided on the information presented at the public hearing, so should this one.

Ms. Shaw: Asked Mr. Sulkis about the soundproofing aspects of the cement block construction of the building and the berms.

Mr. Sulkis: Explained that berms can be used for sound protection and blocking views. This berm is unusual in that it is blocking sound but is supporting something that makes a lot of noise when it goes by. It is a combination of the material of the building and how many ways sound can escape from that envelope. There are many factors that will affect this, i.e. open doors which let in noise.

Stated there was a noise situation with the club on Daniel Street. Every time the door was open the sounds came out. With the doors closed, the building was fairly quiet.

Mr. Bender: Leave the public hearing open only to accept qualitative sound data.

Mr. Vetter to Mr. Oliver: What kind of roof is it?

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Mr. Oliver: According to the owner it is a steel truss roof with 2 x 10 decking and a tar and gravel built up roof on top of that. It is very substantial.

Ms. Rose: Will keep the public hearing open to allow Mr. Sulkis to check with legal counsel and to receive information from the applicant concerning sound testing, should she wish to.

There was discussion as to how long the public hearing should be kept open in order to received additional information on noise. Ms. Marter stated she wished to consult with an attorney on this matter in view of the fact there is no noise ordinance and she is not legally bound to provide such information. Other companies have not had to do so, then why should she.

Mr. Liddy: Pointed out that there are different types of noise, i.e. monotonous machine noise vs. dog barking. It is a question of quality of life for the people living in the area.

Ms. Rose: Stated she would keep the public hearing open for two weeks, pending Mr. Sulkis checking with legal counsel and giving the applicant enough time to speak with her attorney.

[A recess was taken from 9:04 to 9:15 p.m.]

Mark Bender left the meeting at 9:05 p.m.

2. **282 WEST MAIN STREET (PARCEL B) (ZONE R-10)** Petition of Gregory Field to create a two-lot Re-subdivision on a portion of Map 53, Block 309, Parcel 2, of which Two Ninety Six, LLC, is the owner.

George Adams, Esq., Harlow Adams and Friedman, PC, 300 Bic Drive, representing the principals of the owner, Two Ninety Six, LLC in a straightforward two-lot resubdivision. Both lots are fully compliant with all the zoning regulations in every respect. Each lot is larger than the zone requires. One lot is 12,000 +/- SF and the other is 14,000 +/- SF. The houses proposed for the lots meet all the minimum setback coverage requirements with room to spare. The northerly part of the property is wetlands. The wetlands have been reconfigured pursuant to the Inland Wetlands approval that has already been obtained for the site. There was 1,000 feet filled in and 1000 feet created. There is a split rail fence required by Inland Wetlands to separate the wetlands from the usable part of the property.

There is a drainage easement to the City along the easterly boundary of the property. The City has requested that the area be monumented and that the applicants be conscious of where the pipes are located within that easement area.

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The wetlands have been cleaned. There were a lot of invasive species, such as bamboo that have been removed and other plantings have been made. MaryRose Palumbo is very pleased with the developments in the wetlands.

The area that has been of most concern is the safety issues with the driveways. Greg Field and Sgt. Sharoh of the Police Department met and reconfigured the driveways, which is marked "Revisions, September 14th".

Read the Police Commission's report which recommended moving the driveways closer to each other and putting the turnarounds facing outward, rather than facing each other. As a result, the Police Commission recommended approval of this application.

The Natural Resources Inventory prepared by Codespoti & Associates is in the file, as well as an appraisal of the property prepared by Curtis Freda. A cash contribution will be made in lieu of open space.

Mr. Ferrante: Asked if there was a house at 282 West Main Street.

Mr. Adams: No. The house was demolished. There are now three lots.

Mr. Goodrich: The proposed house is on the easement line. Asked if the applicant would be taking responsibility for any pipes that were underground.

Mr. Adams: Yes. The engineer has pointed this out in his report and has pointed out the location of these pipes. The owners are very conscious of this and will be responsible should any damage occur.

Stated his clients would like to begin building as soon as possible and will be buying necessary supplies from local contractors and hiring employees and asked if the Board could approve this application tonight.

Mme. Chair: Anyone to speak in favor of the application? (No response)

Anyone to speak against the application. (No response)

Hearing none, the Chair closed the Public Hearing.

Ms. Shaw: Made a motion to approve a two-lot resubdivision on a portion of Map 53, Block 309, Parcel 2, of which Two Ninety Six, LLC, is the owner,

Mr. Sulkis: Suggested a condition be made based upon the recommendation of the Police Department.

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Ms. Shaw: Amended her motion that approval would be granted upon the condition of the Engineering Department's requirement that monuments be placed in order to identify the easement and the Police Commission's report recommending moving the sidewalk in towards the property line to prevent parking that would block sight lines.

Mr. Goodrich: Second.

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

D. NEW BUSINESS

3. **6 MONROE STREET (ZONE CDD-2)** Petition of Warren Field, Jr. re-approval of an expired site plan and a minor amendment to the site plan on Map 16, Block 154, Lot 2, of which Warren Field, Jr. is the owner.

Warren Field, Jr., 957 West River Street. Handed out material to the Board which was date stamped into the record. This property received site plan approval in May 2008. Coming here tonight for reapproval of an expired site plan, as well as requesting to make minor amendments to the plan. The previously approved plan called for a three-story house. In the meantime he built a two-story house on Chesterfield Court. He decided that it would be more in keeping with the houses on Monroe Street to build a two-story house, even though a three story house was approved. He submitted a photo of the proposed two story house which prototype has been built on Falmouth Street. When he came to the Planning and Zoning office, he found out the site plan approval had expired, so he is before the Board for dual purposes.

The house meets all the setbacks and complies with everything required for the zone.

Mr. Vetter: Motion to approve the petition of Warren Field, Jr. for reapproval of an expired site plan and a minor amendment to the site plan on Map 16, Block 154, Lot 2, of which Warren Field, Jr. is the owner.

Mr. Goodrich: Second.

Mr. Liddy: Clarified that this reapproved site plan will expire on May 5, 2009.

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

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- . **9 HILLSIDE AVENUE (ZONE R-5)** Petition of Douglas Blake for Coastal Area Management Site Plan Review approval for substantial remodeling of a single family residence on Map 49, Block 715, Parcel 3, of which Douglas Blake is the owner.

Peter Crabtree, Stanley Street, New Haven. Prepared the CAM report for the owner, Douglas Blake. The house is not being completely torn down, but there is enough of it that is going to be removed that it qualifies under the revised zoning regulation as a new home. After the CAM report was prepared, the house designer did a revised site plan.

Mr. Crabtree described the coastal resources and other items described in the CAM report. Property is a conforming lot; has the conforming setbacks and has two off street two parking spaces, all of which meet the zoning requirements.

Leonard Hall, 321 Anderson Avenue. The existing and proposed house are three stories. A section of the first floor entry, bath, laundry area and kitchen will be retained. The balance of the house will be newly built; 50% will be rebuilt to code. The design is traditional arts and crafts style, which fits into the neighborhood. The houses next door are either the same size or taller.

Photographs were distributed and date stamped into the record.

Douglas Blake, 9 Hillside Avenue, property owner. Stated he is improving a house that is a 100 year old waterfront piece of property. When they planning to do work on the house discovered that it needed a lot of upper level improvements, as well as the waterfront property. Have done a lot of enhancement to the landscaping over the last 17 years. Realized the best way to demolish and rebuild would be to manually tear it down and then to build it up, rather than attempt to bring any equipment that could cause damage to the surrounding property and his own property.

Mme. Chair: Asked Ms. Harrigan for her comments.

Ms. Harrigan: Thanked the Board for reviewing this plan on short notice. This is a unique situation. This was really a substantial improvement instead of a complete tear down and rebuild, where there is significant site improvement that is done. The owners will be required, based on the site plan, to have the silt fence in place to protect the adjacent coastal resources. The dumpster will be located at the street elevation. There is a significant slope on this site. It goes from 31-feet at the street level down to 15 feet at the seawall. The constraints of having large equipment enter the site are significant. Mr. Blake and his contractor have said they would hand demolish and have teams of people with wheel barrows. That is certainly less site intensive than some of the other coastal sites where there has been new construction.

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Mr. Vetter: Questioned the height of the existing house and that of the proposed house.

Ms. Harrigan: Proposed is 34.5 feet midpoint to the roof.

Discussion and review of the plans determined the height of the proposed house meets the 35-foot height regulation.

Mr. Crabtree: With regard to public access, there is probably more public access on this stretch of Hillside Avenue than any other place in Connecticut. This house will set substantially below the road and will not be any higher than its neighbors. It will fit well.

Ms. Shaw: Made a motion to approve the petition of Douglas Blake for Coastal Area Management Site Plan Review approval for substantial remodeling of a single family residence on Map 49, Block 715, Parcel 3, of which Douglas Blake is the owner.

Mr. Goodrich: Second.

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

5. **155 FOURTH AVENUE (ZONE R-10)** Petition of Daniel Lemire for a Minor Modification to a Special Exception approved on 2/5/08 (extended to 2/21/10), on Map 9, Block 80, Parcels 5 and 6, of which Daniel Lemire is the owner.

Mr. Sulkis: Said this was a minor change of a previously approved application that would allow an elaborate garage be built on this site. This is located on Laurel Beach. There is a house on one side of a public access way and they own the property on the other side of the public access way and they wanted to build a fancy garage on it. The Board was concerned the two-story garage could be used for living purposes. The garage was never built and the owners have come back and want to put in a one-story garage and the footprint will be a bit smaller than the one previously approved. Because it was a Special Exception, it has to come to the Board.

Mr. Vetter: Made a motion to approve the Petition of Daniel Lemire for a Minor Modification to a Special Exception approved on 2/5/08 (extended to 2/21/10), on Map 9, Block 80, Parcels 5 and 6, of which Daniel Lemire is the owner.

Mr. Ferrante: Second.

All members voted in favor. Motion passed unanimously.

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6. PROPOSED FEE INCREASES

Ms. Harrigan: Reviewed the situation regarding fees and the State's portion of permits issued, as well as other fees, such as copying in the office.

Gave the Board the fee schedule she put together, including the State increase in permit fees, which went into effect October 1st. The increases are in keeping with other cities and towns in Connecticut. Milford's fees have been significantly lower than other cities of its size and even smaller towns. This was mentioned in the KRIT report.

The City Attorney's office has asked the Board to approve the proposed fee increases so that it can be forwarded to the Board of Aldermen for their approval before the fees can be enacted.

Mr. Vetter: Asked if the State fee was now \$60.

Ms. Harrigan: Yes. The State used to charge \$30 for certain land use fees and those would include zoning permits, coastal site plan reviews, site plan reviews and the other land use application fees.

Mr. Liddy: Questioned why some permit fees were as much as four times higher than the present fee.

Ms. Harrigan: Explained she reviewed the fees of comparable communities and tried to match Milford's relevant applications to those fees.

Mr. Liddy: Asked if this matter had been discussed with the City Attorney's office.

Ms. Harrigan: Yes. What the Board does this evening, with the exception of subdivision fees, which by State statute can be adjusted by the Board without aldermanic approval, will go to the Board of Aldermen for their review and change the fees as they see fit.

Stated she was trying to find a middle ground in terms of the range that was there and the fact that Milford has been significantly lower than other cities and towns in their fee structure.

A few errors in calucations were noted that will be corrected

Mr. Vetter: Stated perhaps the fees were kept low because of the efficiency of the office and the quality of work done in Milford. Believed if the fees were low and the budget is okay, should fees be raised just because other towns are doing it.

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Mr. Sulkis: The fees have to be raised to cover the State's fee increase. Right now the City is getting little, if anything, because a majority of the money is going to the State. Now there is the situation that some of our fees are below what the State requires. We are now losing money, because the fees cannot be increased without aldermanic approval, which cannot take place until their next meeting, but the State is receiving its increase on each permit written.

Mr. Vetter: Asked when the last time was that the department's fees were raised.

Mr. Sulkis: There has been no increase since he has been in the department, which is 5-1/2 years.

Ms. Rose: This was recommended in the KRIT report which was approved last night. If the fee increase is not done now, it will be coming back to the Board in the future.

Mr. Sulkis: Something must be approved to cover the State fees.

Mr. Vetter: Agreed that it was necessary to increase the fees to cover the State's charge, but was it necessary to add onto these fees at this particular time.

Mr. Goodrich: Made a motion to approve the fee schedule as recommended in Ms. Harrigan's memo with the appropriate corrections to the typographical miscalculations.

Mr. Liddy: Second.

Ms. Shaw: Asked if there was a way to keep the fees lower for signs for smaller business owners.

Ms. Harrigan: The Board can unilaterally approve the line item change on Subdivisions. The rest of the fee schedule can go to the Board of Aldermen and they can make the changes accordingly.

Mr. Ferrante: Seconded Mr. Goodrich's motion.

Five members voted in favor to approve the motion. Mr. Vetter voted against the motion. The motion was approved.

E. PUBLIC HEARING CLOSED 9/15/09; exp. 11/19/09

7. **1770 BOSTON POST ROAD (ZONE CDD-5)** Petition of Richard Michaud for a Special Permit and Site Plan Review for indoor recreational use of the property located on Map 109, Block 804, Parcel 17, of which M & K Post Road Associates is the owner.

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Mr. Sulkis: Mr. Michaud submitted the photometric survey as requested by the Board.

Mr. Vetter: Thinks there is a need for such a business. Can't get past the clear lack of parking and the flow of traffic with cars picking up turning around and dropping off children.

Mr. Goodrich: Read through the easements as they pertained to the rear property and the parking, traffic and pedestrian aspects. Counts 58 available parking spaces. Believes there is adequate parking between the two properties and there is adequate access to pedestrians.

Mr. Vetter: Thought the City Planner stated 74 spaces were required.

Mr. Goodrich: He came up with 58 spaces.

Mr. Vetter: Is 58 spaces sufficient for the entire property?

Mr. Goodrich: That is what is existing on the property. That is all you are going to get in there.

Mr. Ferrante: Rare that the Board gets a situation where it must interpret a legal document and make a judgment, such as the legal easement. Should this be turned over to the City attorney?

Mr. Sulkis: The Board was given information by both parties. During the public hearing the neighbors' attorney spelled out what they believed Mr. Michaud was entitled to. Mr. Michaud did not dispute this at the public hearing. Each party put down a different number of available parking spaces.

Mr. Vetter: The parking may work but the problem is the turnaround is in the abutting property line, there is no rear access, no sidewalk on the side of the rear, with a narrow drive. Cannot see how this plan will work day to day. Don't disagree with the space count, even though they fall short of the allowable amount, but cannot see how they will function as actual spaces to be used.

Ms. Shaw: Also struggles with the safety issue and the lack of back lighting.

Mme. Chair: Also concerned about the safety aspect. Not so much concerned with the parking.

Ms. Shaw to Mr. Sulkis: Asked about the photometric survey.

Mr. Sulkis: The photometric survey only shows lighting on the front portion. No lighting in the back.

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Mr. Ferrante: Drove to the site and initially had the same concerns as Mr. Vetter, but now believes there is enough room to do this.

Mr. Liddy: If parents believe there is an unsafe condition they will escort their children into the building.

Mr. Goodrich: Motion to approve the Petition of Richard Michaud for a Special Permit and Site Plan Review for indoor recreational use of the property located on Map 109, Block 804, Parcel 17, of which M & K Post Road Associates is the owner.

Mr. Liddy: Second.

Mr. Vetter: Children will not be the only ones using this facility. Adults will be using the facility as well. There will be a lot of people there at one time and a lot of traffic will be drawn from different areas.

Five members voted in favor of the motion. Mr. Vetter opposed the motion.

F. PROPOSED REGULATION CHANGES

Mme. Chair: Moved to postpone discussion of proposed regulation changes.

Mr. Liddy: Second.

All members voted in favor.

G. LIAISON REPORTS

Ms. Shaw: Economic Development. The Harrison's building was sold. It is said the building will be restored but not changed and possibly used as a restaurant.

Whole Foods is opening and there will be 200 job openings, mostly full time.

Neighborhood Preservation (Blight Ordinance) is moving forward as soon as a complaint form is developed.

Local Proud was launched on September 28th and was a big success.

H. APPROVAL OF MINUTES – (9/15/09)

Mr. Vetter: Motion to approve.

Mr. Liddy: Second.

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A typographical error was noted which will be corrected on the Approved minutes.

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

I. CHAIR'S REPORT

Mme. Chair: Attended the Board of Aldermen's meeting last night. Happy that the Assistant City Planner's position has been retained.

J. STAFF REPORT

Mr. Sulkis: Thanked the Board of Aldermen who were supportive of keeping the Assistant City Planner's position and understood the importance of it.

Mr. Vetter: Motion to adjourn.

Mr. Liddy: Second.

The meeting adjourned at 10:26 p.m. The next meeting will be held on October 20, 2009.

Phyllis Leggett, Board Clerk