

**MINUTES FOR ONE (1) PUBLIC HEARING OF THE  
PLANNING & ZONING BOARD  
HELD TUESDAY, OCTOBER 7, 2008; 7:30 P.M.  
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the meeting of the Planning and Zoning Board at 7:30 p.m.

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

**Members Present:** , Frank Goodrich, Mark Bender, Janet Golden, Kim Rose, Kevin Liddy, Susan Shaw, Greg Vetter, Victor Ferrante, Jeanne Cervin, Chair.

**Not Present:** Kathy Patterson

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

**C. CONTINUED PUBLIC HEARING HEARD 9/16/08; closes by 10/21/08**

1. **62 WEST MAIN STREET (ZONE RO)** Petition of Beverly Streit-Kefalas and Nicholas Kefalas for a Special Exception and Site Plan Review to convert an existing first floor office to two apartments on Map 65, Block 313, Parcel 13, of which Beverly Streit-Kefalas and Nicholas Kefalas are the owners.

**Mme. Chair:** The first agenda item will be continued on October 21st. The applicant has requested this continuation in order to supply a modified site plan. Thanked Mr. Goodrich for looking at the specifics and determining the site plan was not complete.

**D. PUBLIC HEARING; closes by 12/10/08**

2. **103 HILLSIDE AVENUE (ZONE R-5)** Petition of Gail DuBoys for a Special Permit and Coastal Area Management Site Plan Review to construct a single-family residence within 25 feet of the mean high tide on Map 49, Block 724, Parcel 13, of which Gail DuBoys is the owner.

**Mme. Chair:** Stated to Mr. Curseaden that it was her understanding there was an issue regarding the mapping of the application. Asked that the Assistant City Planner explain the change to the Board before the application is presented.

**Ms. Harrigan:** With any application that is in the flood hazard area, depending on where the flood hazard line is, if there are two separate zones and the most restrictive zone hits where the proposed house is, you have to build to those standards. application was originally received, The site is split into a high velocity flood zone (VE15) and a regular flood zone (AE12). When the first survey was received the high velocity line was actually represented at the sea wall. Within the past two weeks draft FEMA maps were received which superimposed where the flood zones are located on top of an aerial photograph for each of the areas within the City that have flood hazard zones. Upon looking at that aerial it became clearer where that line was located on the

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property. It was clear that it was further landward than had been originally thought, based on the information provided to the Planning and Zoning office with the application.

The proposed FEMA maps do not change where the line is located. All the updated FEMA maps do is look at the topography and figure out whether that is the real topography that is on the ground, based on what they understood the topography to be when they originally did the FEMA maps in the 70's. That is all that is being updated. They are not updating where the flood hazard line lies in terms of what is in the high velocity zone and what is in the regular flood zone. What they might change with the proposed maps is whether or not it is really an elevation 15 or an elevation 14. As a result of this, the Applicant was advised that she would need to raise the structure in order to meet the high velocity flood standards in addition to constructing below the flood elevation breakaway walls instead of hydrostatic flood openings, which is what is required if you are only in the standard flood zone. High velocity they have to be completely breakaway walls. That is what the Applicant was advised and why the Board received a separate set of plans tonight.

**Kevin Curseaden, Esq., Stevens, Carroll and Carveth, 26 Cherry Street,** representing Gail DuBoys, the property owner. Also present are Jim Denno, the designer, Mark Davis of Westcott and Mapes, who prepared the CAM report, Mike Bordeau, the builder. Agreed with Ms. Harrigan and what had transpired over the past few weeks. The owner wishes to comply with the regulations by following the staff's guidance on the flood hazard issue.

Entered into the record notice of posting the placards on the property. No significant change as to what is noted on the agenda or the Board's review for the Special Permit, except for raising the structure in order to comply with Staff's opinion. Building is being raised three feet but is within the maximum height allowed in the regulations. Application needs a Special Permit because of its location within 25 feet of the mean high water mark. The proposed wooden deck is within that range. There was a single family home on the property and a single-family residence is going there. The garage is staying in the same place and was not part of the demolition of the former house.

The application became necessary because there had been an attempt made to rehabilitate or take apart a certain part of a house built in 1920, and once work started it became evident the structure could not support the new construction and more of the house was demolished than originally planned. It was determined by the zoning staff that the allowable 80 percent reconstruction had been exceeded. Subsequently, the necessary variances were obtained and all the proper steps have been taken to build the new structure in accordance with the zoning regulations and building codes based on the flood zone in the most recent FEMA map.

Asked for the Board's conditional approval tonight, pending final approval by the staff, if necessary.

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**Mme. Chair:** Asked Staff if there was anything to add.

**Ms. Harrigan:** Stated the application was straightforward and had nothing to add.

**Ms. Rose:** How far will this house extend to the shoreline in comparison to the neighboring homes?

**Mme. Chair:** Suggested there might be an aerial in the CAM report that would show the neighboring houses.

**Mr. Sulkis:** Asked the Board to look at their surveys where there is a neighboring deck that matches the deck that is there and on the side there is a concrete deck that actually goes beyond. The house is basically on the same spot that it was previously.

**Mr. Vetter:** Asked about the side yard setbacks.

**Mr. Sulkis:** It conforms to the side yard setbacks because they received a variance for them. Therefore, the setbacks are conforming.

**Mr. Ferrante:** Asked for clarification as to obtaining a variance on the structure that has been torn down and the fact that a new structure is being built.

**Mr. Sulkis:** Explained that their permit went beyond the acceptable rebuild percentage and had to be considered a new structure. The garage that was already there was now too close under the current regs. The garage that is now considered new is considered too close and another variance was sought and received, which made the already existing portion of the structure legally conforming.

Ms. Harrigan showed the Board members on the survey what areas were granted variances and a description of the variances.

**Ms. Rose:** Asked for clarification on where the deck will be located.

Mr. Curseaden showed Ms. Rose where the deck will be located.

**Mr. Ferrante:** Asked about the material of the deck and was it pervious or impervious.

**Mr. Curseaden:** Showed where the wood deck would be located approximately five feet above an existing concrete deck.

**Mr. Ferrante:** Stated the concrete deck which extends the width of the property was a lot of impervious surface for a small lot.

**Mr. Curseaden:** Impervious surface increase is 2%.

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**Mr. Liddy:** Asked about the breakaway panels.

**Ms. Harrigan:** Explained how the breakaway panels will operate.

**Mr. Sulkis:** The Building Department will be looking at how the walls are engineered, due to the location of the house.

**Jim Denno, Project Designer, 93 Sunnyside Court.** Referred the Board to the foundation plan on the first page and explained that the breakaway walls are FEMA regulated and designed in accordance with those regulations.

**Mr. Curseaden:** Concerning the extension of the deck, the existing footprint will be utilized for the new structure. No further extension to the water that is not already there. There will be a wood deck over the existing concrete slab. The overall increase of impervious surface on the site will be 2%.

**Mr. Ferrante:** Questioned the amount of impervious surface for the project.

**Mr. Sulkis:** Stated the lot requirements for this zone is 65%. The project's lot coverage will be 56.5% and is under the standards and they are not required to change their plans.

**Mme. Chair:** Asked if there was anyone to speak in favor of the application.

**Irv Greenberg, 75 Whipporwill, Milford.** Project will enhance and beautify the Hillside Avenue street. Very much in favor of it.

**Mme. Chair:** Anyone to speak in opposition? No response.

**Ms. Rose:** Concerned about how far the deck extends in relationship to the neighbors. Also, is there a right of way for any of the neighbors where the wood deck will be?

**Mr. Sulkis:** This is private property. There is no right of way. One neighbor's deck is equal to this and the other deck goes beyond this deck.

**Mme. Chair:** The aerial photo is unclear and the deck does not look the same as it does on the plans.

**Mr. Denno:** Explained the location of the deck via the site plan presented. Everyone's deck is at the edge of the sea wall and that is allowed. Complied with the building setback staying 5" behind it.

**Mrs. Gold:** Asked why a bathroom on page A-5 would have to be remodeled if this is to be a new house.

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**Mr. Denno:** It is a misprint left over from the previous plan when the former house was to be renovated.

**Mme. Chair:** Declared the public hearing closed.

**Ms. Rose:** Made a motion to approve the application for 103 Hillside Avenue for a Special Permit and Coastal Aerial Site Plan Review on the condition that a new site plan is submitted and approved by the planning and zoning staff.

**Mr. Goodrich:** Second.

**Mr. Sulkis:** Clarified the condition to be that large size plans, the same as those presented at this meeting, need to be submitted to the office.

All members voted in favor. Motion passed unanimously.

**E. LIAISON REPORTS**

**Ms. Rose:** There was no regional council meeting held last month. There will be no Planning Committee meeting this month. Still waiting for Community Development to print the list.

**Mme. Chair:** The Board of Aldermen voted on acceptance of the video taping of the planning and zoning meetings. \$1600 was approved. Any cost over and above would be paid through grants. Some specifics have to be worked out. Televising could start as early as the November public hearing. No taxpayers funds will be used for this purpose.

The Chair found out that the members' phone numbers are not listed on the website. This situation will be corrected.

**F. APPROVAL OF MINUTES – (9/16/08)**

**Mr. Bender:** Motion to approve.

**Mr. Goodrich:** Second.

All members voted to approve the minutes as recorded.

**G. CHAIR'S REPORT**

Asked about the Board receiving the sign regulations for review.

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**Mr. Sulkis:** The books are in transit and will be mailed to the Board.

**Mr. Liddy:** Asked for an update on the Personas Mortgage sign.

**Mr. Sulkis:** They are under orders to take the sign down. I have had a discussion with the gentleman who owns Personas Mortgage and he tells me that he will be taking the sign down.

**Mr. Ferrante:** Asked if a consultant was hired by the City or the Board to prepare the change in sign regulations.

**Mr. Sulkis:** This is an outside proposal prepared by the Chamber of Commerce.

**Mr. Ferrante:** Asked if there had been any other input on this.

**Mr. Sulkis:** The Chamber is a diverse group and has been working on this for a very long time. Met with the Chamber to give them his input. This is an outside proposal and it will be up to the Board as to whether they want to adopt any of the proposal, change any of it, etc.

**Mr. Ferrante:** Expressed his ideas as to whether to get the top three contenders rather than what they have decided. The Chamber is doing the culling and they have competing interests within their organization. Whatever the result is has been culled for reasons that may not be appropriate for the City at large. Once it gets the proposal the Board will have to start from scratch and will not know what the competing wishes were. Is there some way to determine that?

**Mr. Sulkis:** Stated he was in agreement with Mr. Ferrante's remarks, however, the proposal that will be brought before the Board is only related to the MCDD zone. The proposal is from an outside applicant and the Board will determine what to do with it. Stated the main things being proposed are the ways in which signage is computed for a building front. They would like to change the present formula that is used for this purpose. Also proposing no additional signage above the first floor. There will be other subtleties.

The Milford Progress proposed changes will be available at the Planning and Zoning Office and at the Chamber of Commerce for review, and a request has been made to provide a digital copy on the website for review.

**Ms. Shaw:** Asked Mr. Sulkis if he knew how the Chamber was notifying businesses of this hearing.

**Mr. Sulkis:** Responded he did not know how the Chamber will be making notification, but the Planning and Zoning office notifies the public via legal notices in the newspaper, as required.

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**H. STAFF REPORT**

**Mr. Ferrante:** At the last meeting the Board started to discuss the denuding of the Housatonic River in the area of --- and it only seems to have gotten worse. That is the observation from traversing the bridge several times a day. Asked for Staff's feedback.

**Mr. Sulkis:** They are working with the Inland-Wetlands office. When that condominium complex was built there was a particular landscape plan that involved a clearing down to the water, which was never done. Now they are in the process of doing that and they are going back and forth with Inland Wetlands. There are invasive things that are coming out and things that have to be put back in. Not at a point yet where we know if they are in violation of the approved plan there, but it is being closely watched by Inland-Wetlands.

**Mme. Chair:** There was also to be a public access path.

**Mr. Sulkis:** That had not been put in. Now they are in the process of putting in the public access. What Mr. Ferrante is seeing might be that public access work that is taking place. Not sure, but will know shortly.

**Ms. Shaw:** Asked for clarification about the site plan approval process, which according to the regulations, allows the board to look at a lot of issues that have to do with neighborhood, traffic and certain other issues such as appearance in the neighborhood. Asked Mr. Sulkis for clarity on this subject.

**Mr. Sulkis:** Stated he attempts to guide the Board as to what is within their purview for comments and review and what will work against the City if the Board pursues questioning and makes decisions that go beyond their jurisdiction. The staff attempts to inform and guide the Board in an attempt to keep them from going into territory that could be detrimental legally to the Board and the City

**Mr. Liddy:** Asked about the address changes on Smith Point Road.

**Mr. Sulkis:** Responded the residents were happy because they have a distinct address and will not be confused with their neighbors on Milford Point Road.

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

**Mr. Goodrich:** Second.

The meeting adjourned at 8:30 p.m.

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Phyllis Leggett, Board Clerk

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