

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE  
PLANNING & ZONING BOARD HELD  
TUESDAY, OCTOBER 18, 2011; 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

**Members Present:** Edward Mead, Greg Vetter, Vice Chair; Janet Golden, Kathylynn Patterson, George Gasper, Kevin Liddy, Susan Shaw, Chair.

**Not Present:** Mark Bender, Robert Dickman, Victor Ferrante

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

**C. PUBLIC HEARING – Closes by 11/22/2011; Expires on 1/26/2011**

1. **5 RIVEREDGE (ZONE R-10)** Petition of Bruce Blake for a two-lot subdivision on Map 37, Block 588, Parcel 10, of which Bruce Blake is the owner.

Has been taken off the agenda for tonight's meeting.

**D. PUBLIC HEARING - PROPOSED TEXT AMENDMENTS TO ZONING REGULATIONS**

2. **Section 5.1.4.2** Prohibited Drive-thru Windows, Curb Cuts and Driveways

**The Chair:** Read the proposed text amendment.

**Mr. Sulkis:** The reason the Board wanted to do this was concern that too many curb cuts and drive-thrus downtown conflict with the pedestrian character of downtown. This only affects the one and only type of drive-thru window that currently is allowed in downtown, which are banks. Currently restaurants and pharmacies are not allowed drive-thrus. Only thing that is allowed for this type of drive-thru is a bank.

**Mme. Chair:** Asked if the Board members had any questions. [No response]

The Chair explained the public hearing process.

The Public Hearing was opened to the public for comment.

**Catherine Lally, 51 Pelham Street.** Milford resident speaking on behalf of her family. She uses many of the commercial services of downtown. Does not live downtown. With the number of banks in town she finds it difficult to get in and out of parking from various downtown businesses. There are enough banks in town. The City needs other kinds of business to attract consumers. Milford is an excellent stopover for people traveling to northern New England, as well as harbor trade.

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE  
PLANNING & ZONING BOARD HELD  
TUESDAY, OCTOBER 18, 2011; 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

**Steven Spector, 68 Housatonic Avenue.** Business address is 84 Broad Street in downtown Milford. He is licensed real estate broker in business in Milford for six years. He also represents 233 Broad Street, which will soon be the former CVS. He is concerned for his city and its downtown. He noted an incident where the downtown municipal parking lot was being used by train commuters. Went on Channel 12, got Public Works, Police Department and the Mayor's office involved. Within two weeks the parking spaces were again used for the customers of businesses downtown. He brought PC Richards to Milford and leased Liquid Lunch on Broad Street. Does not understand why if a site can accommodate a bank branch with a drive-thru on its site, why this blanket restriction for property owners who may at one point in time want to possibly have a bank on its property. Does not think it is a good idea to say, "Welcome to downtown Milford. No banks allowed". Thinks it sends a terrible message. If a proposal is brought to this Commission and it does not fit the requirements, it gets rejected. By adding this obstruction to the property owner, who might be able to lease or sell his property, is not fair. The CVS on Broad Street has about an acre of land with an 8000 SF footprint. Bank branches are usually 2500 to 3000 SF. He believes the banking community has been wonderful to Milford. The City has all the safeguards at its disposal to make sure that any development proposed is sound, makes sense, is within the zoning regulations and will be fairly considered one way or another. Not in favor of this restriction. Urges the Board's consideration to some of the points he made. He also noted he was in touch with Sgt. Dan Sharoh of the MPD and was informed there was no study requested to the Police Department regarding this matter. Wants to make sure all the facts and information are present. If there is something that can show there is a serious issue here, he would like to see it. Each property should be evaluated on its property and what it can accommodate.

**Cyrus Settineri, 151 Platt Lane.** He is the Chairman of the Economic Development Commission. He is here to express his opposition to this regulation. In a state and a city that unfortunately has a reputation for being unfriendly to business, he thinks this is just another step that supports that reputation. He read the comments of Jim Wilson who owns Milford Photo on River Street and who resides at 56 Commodore Place. His comments are eloquent and adequately express the opinion of many who are concerned with this proposed regulation. "I am opposed to the regulation regarding drive-thru windows and curb cuts. My building at 22 River Street was originally a bank with a drive-thru. Under the proposed regulation, the future use of this property will be limited. This could certainly inhibit new commercial investments in downtown. This past economic down turn has led to many businesses to close their doors. We need to encourage new business to come to town, not throw more road blocks that would limit or discourage new investment. It is also puzzling as to why this is now being proposed at a time when a new plan of development is in the process of being formulated. It would make more sense to hold off on a new regulation until there is a consensus of opinion regarding a future plan for downtown."

**Mme. Chair:** Asked Mr. Settineri if he was speaking on behalf of the whole Economic Development Commission.

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE  
PLANNING & ZONING BOARD HELD  
TUESDAY, OCTOBER 18, 2011; 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

**Mr. Settineri:** No. This has not been discussed with the EDC. He just said he was Chairman.

**Joseph Agro, 55 Brewster Road.** He and his brother are property owners in downtown Milford. He has a property of approximately 1-3/4 acres in the center of town. He is working with the Yale people who are working on the POCD. He has no plans for a drive-in window, nor a bank, but he is concerned about this type of regulation that precludes things entirely. He suggests the Board consider keeping the bar very high for someone to get a drive-thru window, whether it be a bank or anything else, that it be made a Special Exception with some other capabilities behind it. The bar should be set high for most of downtown development, but to make it a prohibited use you may as well prohibit banks from coming to downtown Milford. He noted there are two or three drive-in windows that the public has become very accustomed to: Milford Bank, which is on a side street; Webster Bank and New Alliance. If they were to add on or develop a portion of their property and go to change their plan, would it prohibit them from rearranging, and lose the right to have that, because it would be a new permit. This might preclude future and good development for downtown Milford, especially in the case of Milford Bank, where it is on a large site with a hidden drive-thru window. Requested the Board reconsider this action. While keeping the bar high there are ways to keep the design in downtown Milford to a suitable level, without making it a prohibited use.

**Stephen Studer, Esq., 75 Broad Street.** Resides at 80 Christine Terrace. He read a letter on behalf of Milford Progress, Inc, which was date stamped into the record and is attached. MPI is also opposed to the proposed regulation change in the CDD-2 zone, which runs from Liberty Rock Park to the Housatonic River and from North of Devon Center Village to Walnut Beach. It includes the Village of Devon, sections of Route 1 and sections of Route 1 or Naugatuck Avenue, where a drive-thru window may be appropriate. If the regulation was to pass, all dissimilar areas would be treated uniformly. MPI believes the suitability of a site for a drive-thru window should be made on a case by case basis. The current regulatory scheme should be maintained until the entire community can take a look at the issue of drive-thru establishments in the context of the circumstances in the Milford downtown district and the CDD-2 zone.

Mr. Studer stated he would speak on his own behalf at this time. The Chair noted he was already into four minutes. Mr. Studer's allotted time to speak was then addressed by Mr. Sulkis who noted the Board was allowed to set a time limit for each speaker.

The Chair allowed Mr. Studer to continue.

**Mr. Studer:** Noted Section 2 is unclear. Asked that the Board take a look at that section as it makes reference to a property in question. It is unclear as to whether the property in question is a property where someone might be requesting a driveway or a curb cut, or that the property in question is something adjacent to the other property. Also appears that this particular section could be read in such a way as to deny access to a piece of property. This section seems to be focused specifically on one site, which

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE  
PLANNING & ZONING BOARD HELD  
TUESDAY, OCTOBER 18, 2011; 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

is the Harrison's site. Not appropriate for this board to adopt a regulation simply to affect the use of a very small, specific piece of property. On the Boston Post Road in the CDD-2 district, an outright prohibition, except for banks, may not be appropriate. If the Board wants to regulate these uses, it should be done on a case by case basis, keeping the design bar high.

**Russell Barton, owner of 36-30 Broad Street.** Against the passing of this regulation.

**Suzie Stone**, speaking on behalf of Bryan Atherton, who is also an owner of the property at 36-38 Broad Street in Milford. She read a letter from Atherton Associates Commercial Properties. They have been marketing the Harrison's hardware building since July 2009. Prior to that the property was marketed for three years by another real estate agent. The only serious interest in the property has been from the banking industry. The highest and best use of this property is for a bank. If the proposed regulation eliminating curb cuts and drive-thrus on the Milford Green is passed, this property will continue to sit vacant for years to come. No residents or business owners would want that. There is an abundance of retail and office vacancies on the Green. This trend will continue because it is not feasible with today's rental rates for new construction. The financial statistics were noted pointing out the extremely high number of years it would take to have the financial situation turn around. It is believed that the Dunkin Donuts on Broad Street went out of business because it did not have a drive-thru. If the Commission passes this regulation it will lead to more vacancies downtown.

**Susan Ashelford, 45 James Street.** She is a downtown business owner at 4 Daniel Street. Does not see how another bank will enhance the economic vitality of downtown Milford. Concerned with the retail environment of the downtown and the impact that another bank would have on it. Recounted an incident that occurred when someone was exiting Milford Photo's drive-thru parking lot and a couple was coming down the sidewalk with a stroller. The car bumped the stroller. She sees people driving down River Street the wrong way. To add to that, more curb cuts and exiting onto the Green sends a bad message to the people the downtown is trying to attract.

**Ann Maher, 44 Prospect Street.** She is a resident of the MCDD and owns a business on Broad Street. The proposed regulation change is to minimize the number of curb cuts and driveways which cross heavily into pedestrian sidewalks in Milford Center and Devon. She had done studies in the MCDD and similar districts in Guilford and Madison. She believes what Milford is aspiring to do is similar to what other towns have done up the line. She read from Madison's Downtown Village District Design Standards: "Wide curb cuts and other sidewalk interruptions destroy the scale and pedestrian continuity of streets. Frequent curb cuts on heavily traveled streets can create unsafe conditions. Curb cuts and interruptions of the pedestrian sidewalk should be kept to a minimum and when interrupted, the continuity of the sidewalk surface should be maintained, while the material of the driveway should be interrupted." She stated the idea is to get people out of their cars, as opposed to making it easier for them to stay in their cars. Both Madison and Guilford down district zoning regs exclude drive-thrus in some manner. The lack of a drive-thru did not close some of the businesses in town; it was the lack of people coming downtown closed those businesses.

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE  
PLANNING & ZONING BOARD HELD  
TUESDAY, OCTOBER 18, 2011; 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

**Carol Carilla, 30 Weeping Willow Lane**, representing Smith-Craft Real Estate Corporation. She read a letter from Robert H. Smith, Jr., President of Smith Craft, as well as the owner of 68 South Broad Street. He owns 25 buildings in the Milford Center area.

The letter is in opposition to the proposed text amendment to Section 5.1.4.2, specifically number 4 of the Amendment, which will cause an existing drive-thru to be removed if the property has a vacancy for more than six months. By removing the drive-thru entitlement from an existing property will result in a decline of 30% from its current value. For many property owners this will cause their current mortgages to fall out of balance with the property's new lower value. Zoning regulations exist to provide a road map to permitted uses. Property owners rely on these regulations to be consistently applied in order to provide a continuing level of confidence to induce ongoing investment in the City and protect the property values. (Letter date stamped into the record).

**Joseph Voll, 17 Colonial Drive, Monroe, CT.** He owns several properties and several on the Green. He owns Harbor Walk (22-24 Broad Street) and 30 Broad Street which adjoins the Harrison's Hardware property. Has been downtown Milford for over 20 years with numerous types of diverse tenants and businesses. Knows the Board cares about Milford. The businesses in this economy, according to all sources, show that business is bad. Milford does not need more regulations. Need less regulations. The City Planner stated that this regulation prohibits strictly banks. That bothers him more because it shows the community the intention to discriminate against banks. He has a borrower needs banks. The more the better. He submitted, for the record, a petition signed by ten business owners in the downtown who are opposed to the regulation change. He sees no benefit at all to this change. Would prefer a mixed use building to be on the Harrison's site, but it won't happen. The economics will not allow it. This regulation will the properties and all the people who own businesses downtown.

There were no additional speakers. The Chair closed the public hearing and thanked the audience for coming down and speaking passionately and eloquently on this matter. The Board will take this up at its next meeting on November 1<sup>st</sup>.

**[A recess from taken from 8:10 pm to 8:18 pm]**

**3. Section 9.3 Zoning Board of Appeals Procedures**

**Mrs. Harrigan:** The Zoning Board of Appeals reviews site variance applications. An A-2 survey should be presented to the Board so that it can be understood completely and factually what the request for the variance is and how it affects the structure(s) on that property. This regulation change will require five certified plot plans prepared by a licensed land surveyor be submitted.

**Mr. Liddy:** Asked if a certified plot plan was equal to an A-2 survey.

**Mrs. Harrigan:** Stated this type of survey would be suitable for the ZBA needs.

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE  
PLANNING & ZONING BOARD HELD  
TUESDAY, OCTOBER 18, 2011; 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

**Mme. Chair:** Asked if there was anyone to speak in favor or against this proposed text change.

(No response)

The Chair closed the public hearing..

Asked for a motion to approve.

**Mr. Vetter:** Made the motion to approve the text change as presented.

**Mrs. Golden:** Second.

All members voted in favor. The motion passed unanimously.

**Mr. Sulkis:** This change will take effect, Monday, November 7, 2011.

**E. NEW BUSINESS**

4. **190 BROADWAY (ZONE R-5)** – Petition of Lindsay Suter, AIA, for Coastal Area Management Site Plan Review approval to construct a single family residence on Map 15, Block 132, Parcel 13, of which Roxanne and Donald Sessions are the owners.

**Lindsay Suter, Architect, 16 Mill Road, North Branford,** representing Mr. and Mrs. Sessions.

**Mrs. Harrigan:** The property is presently a vacant lot. The house has been designed to comply with the Flood Regulations. The house is conforming and there have been no variances proposed. John Gaucher of the DEEP has approved it and it has met the approval of the City departments.

**Mr. Mead:** Is the total height of the house 35 feet from the midpoint of the roof?

**Mr. Suter:** It is 32.4 above average grade. These elevations have been updated to the current elevation standards.

**Mr. Liddy:** Asked about the grass paving and other type of paving noted on the drawings.

**Mr. Suter:** The permeable pavers are for the driveway portion. The grass pave is for occasional overflow parking.

**Mme. Chair:** Asked for further explanation of the roof height with a roof access platform.

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE  
PLANNING & ZONING BOARD HELD  
TUESDAY, OCTOBER 18, 2011; 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

**Mr. Suter:** Mr. Suter explained this is ancillary to the roof and height projections are permitted as long as they are less than 10% of the roof area, which this is. The purpose of this platform is for maintenance of various solar heating materials.

**Mr. Liddy:** Made a motion to approve the petition of Lindsay Suter, AIA, for Coastal Area Management Site Plan Review approval to construct a single family residence on Map 15, Block 132, Parcel 13, of which Roxanne and Donald Sessions are the owners.

**Mrs. Patterson:** Second.

All members voted in favor. Motion carried unanimously.

5. **MILFORD CHASE – SUBDIVISIONS II AND III BOND RETURN** – Request by T & M Building Co., Inc. for full bond returns in the amounts of \$201,540.45 (Milford Chase III) and \$97,943.20 (Milford Chase II), in accordance with approval by Bruce Kolwicz, Public Works Director, Debra Kelly, Assistant City Attorney, and the Milford Land Conservation Trust, Inc.

**Mr. Sulkis:** The reason this bond return has been delayed for these established subdivisions, is because the developer had not transferred the open space to the City and until that was done the bonds would not be released. They have now complied with what was necessary and the open space was transferred and accepted by the Milford Land Conservation Trust.

**Mr. Vetter:** Deferring to the guidance of Bruce Kolwicz, Public Works Director, he moved to approve the request of T & M Building Company, Inc. for full bond returns in the amount of \$201,540.45 for Milford Chase III and \$97,943.20, which is Milford Chase II.

**Mrs. Golden:** Second.

All members voted in favor. Motion carried unanimously.

**F. OLD BUSINESS**

6. **90 HEENAN DRIVE (ZONE CBDD)** – Reconsideration of Petition of 90 Heenan Drive, LLC for Site Plan Review approval to construct affordable housing units pursuant to CGS Section 8-30g on Map 91, Block 807, Parcel 2, of which 90 Heenan Drive, LLC is the owner, pursuant to August 11, 2011 Superior Court decision.

**Mme. Chair:** This was discussed at the last meeting. The trial attorney was present. The Board received the Judge's decision and has had time to review it. The judge found in favor of five of the Board's conditions and denied two of the conditions.

**Mrs. Patterson:** The owner of this property was able to exercise his right to bring this to a higher court. The decision of that judge was not brought to this entire board. The decision was made with lack of time for the Board to appeal that decision and the decision was made by the City Attorney only. It was not until after the members came

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE  
PLANNING & ZONING BOARD HELD  
TUESDAY, OCTOBER 18, 2011; 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

to the Board meeting that they were made aware that this property had the other two issues that were denied for them. She strongly feels that it is a safety issue for the people who will buy those houses as well as the properties that abuts this property. The Board has no legal recourse due to negligence by not allowing this Board which was voted by the City residents. One person made this decision for the entire board.

**Mrs. Golden:** Also feels this is very unfair to this board that the power was taken away from the Board and there is no appeal process on this decision. If the Board feels there are health or safety issues with something that has been brought before the Board and a judge just could take that away from the Board, why would this come before the Board and they have to vote on it. Her feeling is this was already voted on. The Board felt there were safety issues and then a judge does what he does, so let it be on the judge's head if something happens with this piece of property. Not on the Board.

**Mr. Vetter:** Henry S. Cohn is the judge. He had a conversation with the judge and noted what the judge's reasons were for his decision. The judge cited the Board for "a lack of evidence and spoke specifically that the Board did not provide any further evidence of traffic studies or similar reports to demonstrate an actual risk".

Mr. Vetter summarized that if someone wants to put a crosswalk across I-95, logic cannot dictate that is a safety issue. You need to have traffic studies. Therefore, this Board was superseded based on the fact that it did not provide additional studies about the safety concerns that it had for its residents, as opposed to the plaintiff providing that information.

Also, the judge noted the excessive cost to the plaintiff in order to execute what the Board thought was a safer plan. That seemed to be the overriding element of the judge's decision: 1) The Board did not prove enough evidence to prove that there was a safety issue and, 2) It would be too costly for the developer to execute this.

He noted the judge's last sentence which said the Board should reconsider in a manner consistent with this decision... Mr. Vetter said he could reconsider this and choose not to vote for this because he will not support this kind of ruling.

**Mr. Liddy to Staff:** Asked if the Board could the Board have taken further steps, such as conducting a traffic study, as the judge suggested and have the City pay for it.

**Mr. Sulkis:** This is an 8-30g application. The onus is on the City, through the Board, to always show the reason why the application has a defect, which is the opposite of how the Board normally operates. In this particular case he does not know how to answer that question. He thought there was a lot on the record in support of the Board's decision. At the same time in that very decision the judge sort of glossed over the economic side of things using an industrial parcel. He also glosses over the fact that by definition, in terms of use of land and safety, the City has different zones that have different characteristics. In a residential zone you put residences and in an industrial zone, by definition, you don't have residential uses. It is just common understanding that industrial zones, by their definition, by their being, are more



**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE  
PLANNING & ZONING BOARD HELD  
TUESDAY, OCTOBER 18, 2011; 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

dangerous areas than residential zones and that was just glossed over, in his opinion of this decision.

**Mr. Liddy:** If this situation comes up again, could the Board request a traffic study?

**Mr. Sulkis:** A traffic study will just project how many cars per hour will be coming through there. It was known how many units would be going there and how many trips a day would be going through there. What you do not know, but you surmise based on the zoning, that you have an industrial park that this road is going through. The record showed the size of the park. The record showed the kind of businesses that were there. The record shows what kinds of uses based on the zoning can be located in that park. The Board can extrapolate what kind of interactions and that was discussed at the meeting. There was testimony about tractor trailers in that area and the industrial nature of that property.

**Mr. Vetter:** According to the judge the police report superseded any opinions expressed by the Board. Mr. Vetter considers these reports advisory and advises the Board to be careful that if that advisement is in conflict with the Board's final decision, it could undermine the Board in its final decision.

**Mme. Chair:** The Fire Department report also superseded the Board's concern that the houses were too close together. The reports received from the City Departments are important on how they look at 8-30g.

The Chair asked Mr. Sulkis what happens next if the Board chooses not to approve this.

**Mr. Sulkis:** Based on the trial attorney's testimony, if the Board does not approve it, the applicant, Mr. D'Amato, can go back to court and take further action against the Board because the Court has ordered the Board to approve it.

**Mrs. Golden:** The Board has no power in this and is forced to vote yes.

**Mr. Sulkis:** Correct, but there are still five conditions that have to be met that were not thrown out by the judge. Until those five conditions are met they cannot get a permit.

**Mrs. Patterson:** The one that was thrown out was connecting the roads for emergency access.

**Mr. Sulkis:** Yes.

**Mme. Chair:** The Board that had been sitting at the time voted unanimously on this. The Chair and Vice Chair had a meeting with the judge and spoke to him about the safety issue. The Board is now in a position where it cannot appeal the decision.

**Mrs. Patterson:** Stated the Board could have appealed this issue had the Board had the time and been notified immediately and not waited the time elapsed for it to appeal this. That decision was made by one person.

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE  
PLANNING & ZONING BOARD HELD  
TUESDAY, OCTOBER 18, 2011; 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

**Mme. Chair:** Going by the testimony of the City's Trial Attorney Woods, he testified and stated the same thing when she and Mr. Vetter met with him privately, was that the City Attorney's office reviewed the finding by the court and after their study, did not feel that it was winnable on appeal. He said if the City felt they had a case they would have moved forward. She noted it was hoped for a different outcome but it is now past the appeal process. Time has run out on that option.

**Mr. Liddy:** Noted the Memorandum of Decision was dated August 11, 2011, which was only a couple of months ago. Asked Staff what the time limit for an appeal would be.

**Mr. Sulkis:** According to Attorney Woods the City had 20 days. It is not technically an appeal. It is a Certification of the Appellate Court.

**Mrs. Golden:** What will happen if the Board decides to do nothing.

**Mme. Chair:** Explained that through the allowed process, the applicant had a right to appeal the Board's decision. He did so and the judge ruled partially in his favor and partially in the Board's favor. She stated she felt the Board needs to approve to because the Board has no option and it is not the applicant's fault that he used the resources that were available and a judge found differently than 10 members of this board.

**Mr. Vetter:** This is another instance where 8-30g overruling the design intent of an elected commission.

There was further discourse about what would happen if the Board does not vote in favor and what is the difference if the Board has no further say in the matter. Wording of the motion was discussed.

In response to Mr. Liddy's question, Mr. Sulkis explained the difference between an easement in perpetuity and a lease.

**Mr. Liddy:** Made a motion to approve 90 Heenan Drive, Zone CBDD, for the reconsideration of Petition of 90 Heenan Drive, LLC for Site Plan Review approval to construct affordable housing units pursuant to CGS Section 8-30g on Map 91, Block 807, Parcel 2, of which 90 Heenan Drive, LLC is the owner, pursuant to August 11, 2011 Superior Court decision of Judge Henry S. Cohn, with revised Condition #2 – The Applicant shall file an easement in perpetuity for the private roadway as described in the Memo to Sergeant Daniel Sharoh, Milford Police Department, dated February 26, 2010. The Applicant may not substitute a lease in lieu of an easement in perpetuity. Condition #7 - To be deleted.

**Mrs. Golden:** Second.

**A roll call vote was taken: In favor:** Edward Mead, Susan Shaw, Chair; Janet Golden; Kevin Liddy. **Opposed:** Gregory Vetter, Vice Chair; KathyLynn Patterson, George Gasper. The motion passed 4-3; a simple majority vote was required.

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE  
PLANNING & ZONING BOARD HELD  
TUESDAY, OCTOBER 18, 2011; 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

**7. PUBLIC HEARING CLOSED 9/6/2011 - PROPOSED TEXT AMENDMENT TO  
ZONING REGULATIONS**

1. **Section 2.5.6** Non-Conforming Plan, Construction or Use
2. **Section 6.1** Non-Conforming Uses, Structures and Lots

**Mme. Chair:** There had been a discussion and a vote. Mr. Sulkis has provided language for the Board to review. Will go to the agencies and then to public hearing.

**G. PROPOSED TEXT REGULATION CHANGES – Discussion**

Sec. 2.5.5 Lot Access and Rear Lots

**Mme. Chair:** This has been sitting around for some time with no Board action. This comes about because of questions regarding rear lots where ZBA has granted variances on rear lots less than an acre.

The City Planner has come up with different forms of language on this proposed change. It was also discussed that this section be removed from the zoning regulations and be incorporated solely in the Subdivision Regulations, thereby leaving it in the sole purview of the Planning and Zoning Board. Also in question was fee simple, which determines who owns the driveway to the back lot.

**Mr. Vetter:** Asked for clarity on the recommendations.

**Mr. Sulkis:** Explained that the regulations for rear lots are located in the Subdivision Regulations as well as the regular zoning regulations. Thought is to put them in one area and define it more clearly.

**Mr. Vetter:** His thought was not to exclude rear lots but for the Board to control the design and how they are implemented, so as to keep with the Board's review of how it impacts the design and fits into the neighborhood.

**Mme. Chair:** This would bring clarity to the process of rear lots.

**Mrs. Patterson:** Agreed with Mr. Vetter and the Chair.

**Mme. Chair:** Asked if this could be moved to the next level.

**Mr. Sulkis:** Explained the purpose of his suggested changes to this regulation.

Discussion of how this change would affect other subdivisions and variances that had been granted by the ZBA and later came before the P & Z Board.

Knowing the Board's intent, Mr. Sulkis will revise the wording of the proposed regulation change.

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE  
PLANNING & ZONING BOARD HELD  
TUESDAY, OCTOBER 18, 2011; 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

**H. BOARD MEMBERS' GREEN GUIDELINE BOOK AND BY-LAWS**

**Mr. Vetter:** Distributed a summary of the election guidelines that were discussed at the last meeting. There is still another meeting to be held where the Board can approve this and have it in effect before the election. He reviewed the points of the Board Chair and Vice Chair election process.

**Mrs. Patterson:** Thanked Mr. Vetter. This result shows that the members of the subcommittee worked very well together.

**Mr. Mead:** Who will take the chair/vice chair position if a member leaves before the end of his term.

**Mr. Vetter:** If the Chair or Vice Chair are not available to sit, the "Liddy Rule" will go into effect. That is, the member who has served the longest number of years on the board will preside.

**Mme. Chair:** Commended Mr. Vetter and everyone who served on the subcommittee.

The wording will be further refined a vote will be taken at the next meeting and then be inserted in the Green Book, if passed.

**I. PLAN OF CONSERVATION AND DEVELOPMENT**

**Mr. Gasper:** Had a very good meeting for about 1.5 hours. People who attended are very excited and positive about the POCD. He is putting together many of the comments.

**J. LIAISON REPORTS**

**Mr. Mead:** Inland-Wetlands. Had three plans approved. One for Cascade Boulevard for a 36-unit multi-family rental building. Two lots for building on 48 and 54 Westmoor Road were approved.

**K. APPROVAL OF MINUTES – (10/4/2011)**

**Mr. Vetter:** Motion to approve.

**Mrs. Patterson:** Second.

All members in favor of approving the minutes as recorded.

**L. CHAIR'S REPORT – None.**

**Mr. Liddy:** Asked about the sidewalk at Walnut Beach will continue up to the street.

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE  
PLANNING & ZONING BOARD HELD  
TUESDAY, OCTOBER 18, 2011; 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

**Mrs. Harrigan:** It is under construction. It should not take very long.

**Mr. Mead:** Sidewalk goes up the way up to the pier and there is a little bit left to do on East Broadway. It looks very nice.

**M. STAFF REPORT – None.**

**Mr. Vetter:** Motion to adjourn.

**Mrs. Patterson:** Second.

Meeting adjourned at 9:31 p.m. Next meeting will be held on Tuesday, November 1, 2011.

---

Phyllis Leggett, Board Clerk