

**MINUTES FOR TWO (2) PUBLIC HEARINGS  
OF THE PLANNING & ZONING BOARD  
NOVEMBER 17, 2009; 7:30 P.M.  
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the November 17, 2009 meeting of the Planning and Zoning Board at 7:31 p.m.

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

**Members Present:** Edward Mead, Mark Bender, Janet Golden, Kathy Patterson, Kevin Liddy, Susan Shaw, Victor Ferrante, Jeanne Cervin, Chair.

**Not Present:** Kim Rose, Gregory Vetter

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

**Mme Chair:** Welcomed Edward Mead, the new and future board member. Said Mr. Mead would be a terrific asset to the Board. Noted she and the other Board members will help Mr. Mead in any way possible.

**C. PUBLIC HEARINGS CLOSE BY 12/22/09; exp. 1/21/09**

**1. PROPOSED ZONE CHANGE – LAFAYETTE STREET (ZONE R-7.5)**

Petition of Stephen Studer, Esq. for a zone change for three properties known as: 4 Lafayette Street (Map 44, Block 405, Parcel 22); 9 Lafayette Street (Map 44, Block 410, Parcel 22); and 13 Lafayette Street (Map 44, Block 410, Parcel 21) from the R-7.5 zone to the MCDD zone.

**WITHDRAWN**

**D. NEW BUSINESS**

**2. 23 BAYSHORE DRIVE (ZONE R-5) –** Petition of David Salerno for a Coastal Area Site Plan Review to reconstruct a single family residence on Map 29; Block 565; Parcel 3, of which Kristen Arisian is the owner.

**Mrs. Harrigan:** The application is straight forward. It is demolition and reconstruction of a single family house. The nearest coastal resources are within 100 feet, but on the survey and the aerial photographs that were included as part of the Coastal Site Plan application, this coastal resource is actually across the street on Bayview Drive.

**Mme. Chair:** John Gaucher noted in his comments that he wanted to make sure certain things were taken care of on the site plan. Asked if that was taken care of.

**Mrs. Harrigan:** Yes.

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**Mr. Liddy:** Made a motion to approve 23 Bayshore Drive, Zone R-5, Petition of David Salerno for a Coastal Area Site Plan Review to reconstruct a single family residence on Map 29; Block 565; Parcel 3, of which Kristen Arisian is the owner.

**Mrs. Patterson:** Second.

All members voted in favor. The motion passed unanimously.

**3, LOTS 52 & 54 NARROW LANE SUBDIVISION – BOND RETURN**

Request of DeForest Benjamin for a bond return in the amount of \$9,800.00 for completion of the subdivision requirements in accordance with the memo from the Engineering Department dated November 4, 2009 and the memo received from Bruce Kolwicz, Director of Public Works dated November 9, 2009.

**Mr. Ferrante:** Relying solely on the expertise and recommendation of the Engineering Department, move to approve the release of the bond in accordance with the Director of Public Works memo.

All members voted in favor. The motion passed unanimously.

**E. PROPOSED REGULATION CHANGES**

**Mme. Chair:** Went through the regulation changes at the last meeting except for the tandem off street parking requirements. Requested staff to take another look at this regulation and eliminate the wording that states “tandem parking is prohibited” and come up with a new section that gives the Board flexibility that on a case by case basis it can approve tandem parking if the site plan merits it. Also to include in the definition for the parking for the multi family dwellings, that garages, if provided, will not be counted toward meeting the parking requirement.

Read the proposed regulation change to Parking and Loading regulations:

**Section 5.1.17 Tandem Parking** – Any application that proposes a parking plan where car is parked in front of the other, whether open or enclosed, shall be subject to Section 7.2. This section shall not apply to single family residences in single family zones.

**Mr. Ferrante:** Asked why this wording was changed, stating he had not been present at the last meeting.

**Mme. Chair:** It was thought to give some flexibility to site plans and if it had to come to the Board as a Special Exception, that the Board could make a decision as to whether tandem parking was appropriate or not. In the original proposal it

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had been prohibited, which means that there never would be a possibility to have tandem parking. It was felt in order to be more flexible and clear, that this proposal should be made.

**Mr. Mead:** Stated he had watched the broadcast of the meeting. Asked if this was mainly for a two-family home with only one driveway? Is there any way that it could be stated that they have to have two separate driveways for two individual apartments or homes?

**Mme. Chair:** This is up for discussion.

**Mrs. Harrigan:** The discussion at the last meeting showed that there are a lot of variables when it comes to tandem parking and in some circumstances you do not necessarily want to have so much pavement, so it will be site specific. The discussion went back and forth as to whether the members thought that tandem parking could be a good thing in some circumstances and others thought absolutely not and under no circumstances should it be allowed. The two-family example came up quite a bit, especially if it is just a two-family type situation. In order to have a four-space wide parking area, (that is a lot of pavement), whereas in a two-family situation you might be able to have a tandem parking arrangement that works suitably. Given the back and forth nature, it was decided to create this section and leave it to the Board. In some circumstances it might work and in some circumstances where you think it does not work, you have the ability to deny it. Again, this puts it into a Special Permit or Special Exception review and would come before the Board for a public hearing.

**Mme. Chair:** Stated she was happy with that change and believed it to be necessary.

**Mr. Liddy:** Questioned how the last sentence applied to single family residences in single family zones as well as the MCDD zone.

**Mrs. Harrigan:** Replied that the MCDD zone was a commercial zone the section would not qualify. Suggested the wording be changed to

**Mrs. Patterson:** Agreed that the wording should be changed for clarification of the regulation's intent.

**Ms. Shaw:** Made a motion to approve the parking loading regulation 5.1.17 tandem parking. Any application that proposes a parking plan where one car is parked in front of the other, whether open or enclosed, shall be subject to Section 7.2. This section shall not apply to single family residences in single family residential zones.

**Mrs. Golden:** Second.

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**Mme. Chair:** Asked if “tandem parking” would be put in the definition section of the regulations.

**Mrs. Harrigan:** The intention was for this section to be self-defined by the regulation itself.

All members voted in favor. The motion passed unanimously.

**Mme. Chair:** Noted in the original change that was going to be and what was published, two other things were added. Under “Minimum Off Street Parking Requirements”, one space for each 250 SF has to be voted on and the other was “Health Clubs”, one space for each 50 SF. There had been discussion on these items but they were not voted upon.

**Mr. Bender:** Asked what the present parking requirement was for health clubs.

**Mrs. Harrigan:** There is no requirement at this time and that is the reason it is being added. Same situation with the take out restaurant. It has always been approximated but there has never been anything in the regulations and it has become more of an issues, especially with health clubs where they provide classes and have spacing of equipment. It seems to be a more appropriate ratio. In the past it has been estimated, given the other categories that are available. It appears that this is the ratio that the office always came up with.

**Mr. Bender:** Has this been applied to a new club, such as The Edge to see how many parking spots they would require, to see if it makes sense?

**Mrs. Harrigan:** This is the ratio that has been used in the past based on trying to approximate equipment and everything else. This is being added to the regulations even though it has consistently been used in this way.

**Mr. Bender:** Looking at The Edge, there is not enough parking spots there. So, if that is the number that is being used based on The Edge, there is not enough parking spots. In his opinion, this will not work.

**Mme. Chair:** There was considerable discussion on this. It was brought up whether it should be 60 or 50 square feet and Mr. Sulkis gave a clear explanation of why it should be 50 SF. Not sure what the parking situation is with Fitness Edge.

**Ms. Shaw:** Is it known whether The Fitness Edge is using 50 or 60 SF?

**Mrs. Harrigan:** Replied she would have to go back and recalculate the parking ratio based on the square footage of the space. This number was determined by

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the zoning enforcement officer in research that she had done. Believes she did go back to specific places and looked at the square footage, what the parking was estimated to be and this was what they felt was accurate based on the parking demands.

**Mrs. Patterson:** Made a motion regarding take out restaurants, that there should be one space for every 250 SF and under health clubs, one space for every 50 SF.

**Ms. Shaw:** Second.

**Mr. Bender:** Without knowing what that equals, right now if that fitness club is having that ratio, they are in fire lanes and parking all over where they should not be parking. Maybe that number is a lot tighter than what is there now, but it is not known. Without that information does not think the Board should move forward on this. There should be more information.

**Mme. Chair:** Stated she was relying on the zoning enforcement officer and on Mr. Sulkis who had made this estimation on this regulation. Asked Mrs. Harrigan if this item should be recalculated.

**Mrs. Harrigan:** Stated in her experience looking at other zoning regulations, this is close to a standard number. Any time one goes to a gym during a peak hour, it always seems like there is a parking shortage. This is a reasonable ration based on what she has seen. Also, different gyms may have different parking needs if one is more popular than another, i.e. 1 space for every 20 SF. To apply that formula to every single establishment would be difficult to meet.

**Mme. Chair:** Because there appears to be disagreement would like to vote on the restaurant and health club items separately.

**Mrs. Patterson:** Rescinded her motion and made a new motion: Take out restaurants; one space for every 250 square feet.

**Ms. Shaw:** Second.

All members voted in favor. The motion passed unanimously.

**Mrs. Patterson:** Made a motion regarding parking for health clubs; one space for every 50 sq. ft.

**Mr. Liddy:** Second.

**Mr. Mead:** Asked if there was any way to find out the number of members in a health club and would that come into play for the amount of parking that would be needed?

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**Mme. Chair:** Does not believe this would be in the purview of the Planning and Zoning Board as a land use board.

**Mr. Bender:** At The Edge there is youth football practices which are not part of membership, and adds to the parking. That would also skew the membership information and would not help in this instance.

Six members voted in favor of the motion. Mr. Bender voted against the motion. Mr. Mead abstained. The motion passed.

**Mme. Chair:** These regulations will become effective December 3<sup>rd</sup>.

**F. LIAISON REPORTS – None**

**G. APPROVAL OF MINUTES – (11/4/09)**

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

**Mr. Ferrante:** Second.

Six members voted in favor of approving the minutes as recorded. Mr. Ferrante and Mrs. Patterson abstained having been absent from the meeting.

**H. CHAIR'S REPORT**

The Chair told the new members that the Board's "Green Book" was being updated and should be available in late December or early January. The new members will also meet with Mr. Sulkis for an orientation. Stated she will be open for consultation with everyone that would like to speak with her about board matters and procedures, as well as board members who will be happy to help the new members get adjusted to the Board.

**Mr. Liddy:** Asked if the new fees for the Planning and Zoning Board had been approved.

**Mrs. Harrigan:** They have been approved and will go into effect tomorrow (November 18<sup>th</sup>).

**I. STAFF REPORT – None**

Mr. Bender made a motion to adjourn

**Mr. Liddy:** Second.

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All members voted in favor of adjourning the meeting at 7:55 p.m.

**Mme. Chair:** Announced the next meeting of the Board would be held on December 1<sup>st</sup>, if there is business.

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Phyllis Leggett, Board Clerk