

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

The Planning and Zoning Board meeting was called to order at 7:30 p.m. by Chairman Mark Bender.

**A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**B. ROLL CALL**

**Members Present:** Jeanne Cervin, Benjamin Gettinger, John Grant, Edward Mead (Vice Chair), Joseph DellaMonica, Tom Nichol,. Chairman Bender (left 10:35), Ward Willis (7:37 pm)

**Not Present:** Dan Rindos, Michael Casey (elected to the BOA)

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

**C. CGS 8-24 APPROVAL**

1. **36-38 BROAD STREET - COLONY GRILL (ZONE MCDD)** – Request for CGS 8-24 approval to modify an existing parking easement with the City of Milford, of which Milford Broad Street, LLC is the owner.

**Mr. Sulkis:** The Board previously approved the construction of the Colony Grill. That property contains a parking easement which many properties on that block contain which make up the municipal parking lot. After Colony Grill was completed a survey showed that the rear deck portion of the patio and some slivers noted on the survey were within the easement. When Harrison's Hardware was around there was an area in the back that was fenced in. There will be no loss of parking by approving this modification. The property owner and the tenant have asked the City to modify the easement. The City supports the modification and the Planning and Zoning Board and Board of Aldermen must approve it. .

**Chairman Bender:** Saw no issue with the modification. Had a correction to easement encroachment which read "C", but should be "D".

**Mr. Sulkis:** Will let the City Attorney know.

**Mr. Mead:** Motion to approve 36-38 Broad Street – Colony Grill (Zone MCDD request for CGS 8-24 approval to modify an existing parking easement with the City of Milford, of which Milford Broad Street, LLC is the owner.

**Mr. Nichol:** Second.

**Mr. Willis:** Abstain. (late arrival)

**D. NEW BUSINESS**

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

2. **57 PELHAM STREET (ZONE R-7.5)** Petition of Peter W. Crabtree for Coastal Area Management Site Plan Review approval to construct a single family residence on Map 29, Block 548, Parcel 8, of which Alice M. Gray is the owner.

**Peter Crabtree, 64 Stanley Street, New Haven, CT.**, representing the owner, Jeff Hatfield who bought it from Mrs. Gray. William Perfetto is the builder and Leonard Hall is the architect.

There was a variance granted on this property for an addition. He showed on the site display the area he mentioned. The cost to bring the house compliant with the energy code was very expensive, so it was decided to take the building down. It also had a very shallow foundation. Photos were shown of the house that was demolished, as well as the view from the rear yard.

Mr. Crabtree distributed information to the Board. He described the contents as they related to the CAMSPR. He showed on the map that the house will be far away from the sensitive areas on the site. There is a bluffer escarpment. The house is not considered water dependent, therefore, the State looks to have some sort of public access. In most cases it is not practical to do so, but in this case you can walk to the end of Pelham Street to Beachland Avenue on the left and to the right at the end of Platt Street there is another public access.. Therefore, the owner does not have to be burdened with that requirement.

**Ms. Harrigan:** The applicant presented the project well. This is an ideal Coastal Site Plan application. Although it is a direct waterfront site, the proposed construction is sited well away from the water. The DEEP was satisfied with the construction mitigations that are proposed.

**Ms. Cervin:** Asked if there is an issue with the neighbor's deck that is encroaching on this property.

**Mr. Crabtree:** That does not affect the CAMSPR. A survey picked up the deck area and he believes that will be addressed later.

**Ms. Harrigan:** It is her understanding that the deck requires some repair. The adjacent property owner has approached Mr. Hatfield to find out what can be done in terms of repairing. They understand that if this property owner is not amenable to repairing it in place they would have to relocate it to their own property.

**Mr. DellaMonica:** Motion to approve 57 Pelham Street (Zone R-7.5), the petition of Peter W. Crabtree for Coastal Area Management Site Plan Review approval to construct a single family residence on Map 29, Block 548, Parcel 8, of which Alice M. Gray is the owner.

**Mr. Willis:** Second.

All members voted in favor.

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

**E. PUBLIC HEARINGS – Close by 12/24/13; expires on 2/27/2014**

3. **17 ANN STREET (ZONE R-5)** – Petition of Robert Tobin, Architect, for Special Permit and Coastal Area Management Site Plan Review approval to construct a single family residence with pre-existing elevated portion within 25 feet of high tide, on Map 13, Block 139, Parcel 5, of which the Tina Laraia Living Trust is the owner.

**Robert Tobin, Architect, 115 Wigwam Lane, Stratford.** The petition is to rebuild the existing house that was damaged by Storm Sandy. Construction will be done in three stages: Rebuilding the collapsed two story portion on the beach side; the existing house is the rear portion and that will be lifted in place and expand above the lifted portion with a two-bedroom expansion on the second floor. The ZBA has approved the rebuilding of the existing with the nonconforming setbacks. Two exterior stairs were added. The ZBA application showed that the existing concrete patio on the beach side, which reduced the footprint and pulled back from the shorefront. Also reducing the size of the proposed deck to 11 feet to align the house with the adjacent house. Will be providing four off street parking spaces below the structure where none currently existed with access off the private drive, which the owner has right- of-way to on the adjacent property. The DEEP had no comments on this application. Comments by the City Engineer and Public Works Department have been complied with.

**Ms. Harrigan:** Concurred with the applicant's comments.

**Mr. Nichol:** Will the sea wall be rebuilt.

**Mr. Tobin:** The sea wall will be removed. It was severely damaged.

**Chairman Bender:** Opened the hearing to the public. Anyone in favor (no response) Anyone against (no response) The Chair closed the public hearing.

**Mr. Willis:** Motion to approve 17 Ann Street (Zone R-5) – Petition of Robert Tobin, Architect, for Special Permit and Coastal Area Management Site Plan Review approval to construct a single family residence with pre-existing elevated portion within 25 feet of high tide, on Map 13, Block 139, Parcel 5, of which the Tina Laraia Living Trust is the owner.

**Mr. DellaMonica:** Second.

All members voted in favor.

4. **229 WEST MAIN STREET (ZONE SFA-10)** – Petition of Thomas J. Lynch, Esq., for Special Permit and Site Plan Review approval to construct nine residential units under Connecticut General Statutes 8-30g Affordable Housing Act, on Map 54, Block 323, Parcel 29, of which Molly Rentals, Inc. is the owner.

**Thomas B. Lynch, Esq., 63 Cherry Street, Milford.** Also present are Jeff Gordon, Codespoti & Associaes; engineers; Lee Cooke for public safety study, and David Spear for the traffic study. Buddy and Chris Field, the property owners are also present.

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

The application is to construct a nine-unit multi-family residential development at 229 West Main Street, the SFA-10 zone, in accordance with CGS 8-30g. The site located on the southwesterly side of West Main Street, the feeder road which brings traffic from the Boston Post Road to the center of Milford and beyond to the eastern shore along Gulf Street and New Haven Avenue.

Site consists of a non-conforming two family residence of approximately 1700 SF, constructed in 1920 with outbuildings. The house and outbuildings will be razed. The second page of the displayed plan showed the proposed development.

This application seeks to allow the construction of 9 units of residential multi-family dwellings. There will be six one-bedroom units and three two-bedroom units. Each building will have a one-car garage and there will be 11 additional parking spaces on the property. That will be 20 parking spaces on site, which he believes is adequate. A concern had been raised by the Milford Police Traffic Division about parking, but under 8-30g, the zoning regulations regarding parking do not apply. The application does not meet those standards by one space.

Mr. Lynch referred to the information he distributed to the board and the tabs that highlighted information: 1) Referred to the statute 8-30g. It is a vehicle for developers can come in with projects, such as this, to allow for denser projects than what the zoning requirements allow. It also discusses the Board's standard of review. Board is bound to grant these applications and upon a denial, the court has to look at the fact that the application shall be granted unless there is some public safety impact that outweighs the need for affordable housing in a city or town that does not have 10% of its housing stock delegated to affordable housing.

The property is located in the downtown section of Milford within walking distance to the train station. That is a stated goal of the board. The City was recently awarded State grant funds to be submitted for projects that encourage affordable housing. The property is located in the SFA-10 zone, which allows for attached dwelling units on very small lots. This particular site, in a more dense zone; in an area with numerous multi-family developments very nearby, and because it is within a half mile walk from the train station.

Mr. Lynch referred to the newspaper article that described the grant that the City had received in favor of placing incentive housing zones in the downtown areas. The various multi-family housing in close proximity to 229 West Main Street was listed.

Mr. Lynch briefly reviewed the Compliance Plan for affordable housing, which is part of the package he distributed. Article X, the calculation of rents for the affordable units. The three affordable units for this project are the three two-family apartments. Two will be set aside for applicants seeking consideration whose incomes are less than 80% of the Statewide median income, and one unit will be set aside for an applicant or family meeting the standard where earnings are less than 60% of the statewide median income. Based upon the calculations in this plan, the permitted rent, or maximum housing rent that would be allowed would be \$1194 per month. That is not low income housing. That point must be stressed in these applications. Milford's median family income is very high and exceeds the median at the State level.

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

Because of this, the rent that is calculated as affordable is not that far off from the market rate. The family incomes that are eligible include: young professionals, teachers, government workers. All the City departments approved the application. The Police Department had one comment about the parking. A recommendation was made for a handicapped space. The plans were revised with a handicapped space.

**Jeffrey Gordon, President, Licensed Landscape Architect, Codespot & Associates, Orange, CT.** With regard to CGS 8-30g, part of the plan was to get the State's municipalities and towns out of the housing business, knowing that the government did not operate it as well or efficiently as might otherwise be done, so the incentive was to get private development with the caveat of slightly higher densities and providing set aside units would provide the appropriate quality and type of housing that would meet the needs and would balance the needs throughout the state of Connecticut. The intent is also to offer housing that would be affordable to moderate income people to keep people in the State of Connecticut who would otherwise have to leave due to the lack of affordable housing.

Proposed is a modest development of three, three unit buildings. Each building would have one unit being affordable within the unit. They are set up with a parking lot in front. The ratio parking is 2.2 spaces per unit. When 8-30g first came in the larger, 200-300 unit developments came throughout and that raised a lot of concern. The goal of having small infill projects that could be peppered throughout a community is very desirable of not overloading one section of town and maybe even creating a stigma. When you have them dotted throughout a community it can meet the needs of the community very well. Comparability of units is also discussed. It means quality of construction and dispersal of units throughout a development. The units were to be mixed out throughout the development, built of the same quality, so it would be imperceptible to anybody other than on a legal document, which units were deed restricted as affordable.

Site Description: 16,000 SF parcel, relatively flat with a lot of pavement on it, with a storage yard in the rear of the property. The layout is very simple. The handicapped space will be provided per the Police Department. A fire hydrant will be installed near the street. The water drainage has gone through the engineering department and there will be a reduction in the rate of runoff for the 1-50 year storm. The WPCA gave its approval. The site lighting was designed in such a way that there is no perceptible spillage on the adjoining. The Tree Commission asked that a couple of trees be swapped out and that will be done. Smaller ornamental trees will be placed. They believe the project meets the litmus test as far as health, safety and welfare are concerned.

**Milton Gregory Grew, Architect, Grew Design, Inc., Main Street, Woodbury.** This project is very simple and tasteful architectural design. Three buildings that has three townhouses three stories high. He referred to the displayed architectural plans. The ground floor each unit has a private, detached garage within the townhouse. The entries have been arranged so that you only see one front door from the front of the building, with entries to the three townhouses on the side. The second floor is the living space with a common living/dining area, an open kitchen and a half bath. The third floor is the sleeping level. On the one bedroom units is a

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

single bedroom in the front and in the rear of that level is wide open to the stairs, in a loft-home study den type space and a full bath. In the two-bedroom unit, the rear section is closed off with a door and it is a private bedroom with a closet. It shares the common bath with the front larger bedroom.

The architecture is American colonial traditional design. The single front door gives the appearance of a unified look than just individual townhouses. He described the design methods and materials that were used to achieve the traditional look. With only three homes in each unit, it does not give the appearance of a railroad, elongated appearance.

The buildings as townhouses are required to comply with the International Residential Code as adopted by the State of Connecticut.

**Lee Cooke, 48 Kohary Drive, Milford. Project Review Consulting Services.** Stated his credentials. He reviewed the plans for an 8-30g residential community complex at 229 West Main Street, Milford Connecticut.. The plans were evaluated for fire apparatus, emergency services access and ability to conduct fire suppression activities. He described the review that was conducted and found appropriate on the proposed plan with respect to fire department apparatus access on West Main Street and other emergency services vehicles ( ambulance and rescue vehicles) with regard to curb cuts and turning radiuses.

In conclusion, the site access; driveways and water supplies are adequate for emergency services requirements. It is his opinion that this project poses no risk to public health and safety or any undue hardship related to emergency services.

**David Spear, Principal Engineer with DLS Traffic Engineering, Windsor, CT.** Stated his credentials. Reviewed this application from a traffic and engineering point of view. The scope of his study included observations of existing traffic operations and characteristics in the area; review of DOT count and accident data; collection of volume and speed data at the site at West Main Street; volume development; estimated background traffic, site generated traffic distributed to West Main Street and estimated the combined traffic. Capacity analysis calculations at the site drive intersection with West Main Street. He stated the results of his report. With regard to accidents, there were no trends related to the geometry, roadway or existing condition and did not expect any impact to the accidents based on the traffic from the proposed development. With regard to the intersection site distance, all the necessary criteria were met. With regard to trip generation and the criteria used for the requirements, the proposed development meets all the criteria.

**Mr. Lynch:** Presentation concluded. Expert testimony on the issues of public safety, viability and acceptability under CGS 8-30g has been offered. The stated goals of the Board is to seek means to provide affordable housing in the downtown area. Asked for Board's consideration and approval of the application.

**Mr. Sulkis:** The applicant did a thorough job in presenting the application. Asked a question on the Fair Housing Marketing Plan reviewed by Thomas Ivers, the City's Fair Housing officer. His review stated the information was incomplete and needed updating.

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

**Mr. Lynch:** Addendums had to be attached to the plans and they were submitted.

**Ms. Cervin:** Asked if the handicapped space was included in the 20 spaces?

**Mr. Lynch:** Yes. Twenty spaces, including the handicapped.

**Mr. Nichol:** The handicapped space is at the end of the lot. Could it be relocated to a more central location? Could the handicapped space be widened for a handicapped van?

**Mr. Grew:** The townhouses are not built for the handicapped as they are three levels with stairs. The State building code dictates where handicapped accessible parking spaces are supposed to go. This project does not require a handicapped space be provided.

**Mr. Gordon:** The handicapped space is dimensioned for van accessibility; 8' x 8'.

**Chairman Bender:** Opened it to the public. Asked if anyone is in favor of the application.

**Joseph Tucciarone, 445 High Street.** Lifelong Milford resident. He is a young engineer working at Sikorsky. Has not gotten a raise in three years. On furloughs frequently. Loves Milford. Cannot afford to live here now and may have to move out of the state. Has a need for affordable housing such as this project.

**Tom Ivers, Community Development, Fair Housing Officer.** He reviewed the affordability plan and found it to be substantially compliant. Set aside units. Statute requires that half the units be affordable to those within 60% of the area median and half of those be affordable to those within 80% of the median. In this case there are three. In cases like that you have to favor the lower income side so two of the units will have to be at the 60% income level and the third for the 80% level. He is also responsible for keeping the inventory of affordable housing units for the City and annually sending a certification letter to the State of Connecticut. Of approximate 23,000 dwelling units in the City of Milford, only 1,396 are defined as affordable which represents 6.05% of the units within the town, well below the 10% threshold for being exempt from 8-30g. In order to meet that 10% threshold, Milford would need an additional 912 units. Would also need 912 units without any market rate housing being built. This development will not make a dent in meeting those housing needs. His office prepares a Consolidated Plan of Housing and Community Development. There are goals within that plan for expanding the supply of affordable housing and meeting the needs of certain populations and these proposed units will be in accordance with that plan.

**Chairman Bender:** Asked Mr. Ivers if he stated half the units have to be affordable?

**Mr. Ivers:** Thirty percent of the complex has to be affordable. Half of the affordable units have to meet incomes of 60% of median and half of the affordable units at 80%. When there is an odd number you have to favor the lower income side.

**Chairman Bender:** Asked if anyone else was in favor of the application? (No response)  
Asked if anyone was opposed to the application.

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

**Timothy Swaller, 34 Lamplight Lane.** His property borders 229 West Main Street. There was a similar situation a year ago. A developer was looking to put in two houses in a subdivision that was denied. Part of the reason it was denied was due to lack of space. He does not see how a property with nine units with 20 parking spaces could work if two houses could not. Despite the traffic expert, this is a residential neighborhood with children and this development will bring increased traffic that would cause a safety concern. Lamplight Lane is in a single family zone. He does not know why the rules should be bent to allow this project. There are some multiple family homes in the area, but they are old and are grandfathered in. If there is affordable housing in that area, why are extra houses needed in the same area? He has always lived in Milford; loves it; wants it kept the way it is. The only person to benefit by this is the builder.

**Elise Lee:** Agrees with everything Tim Swaller. She owned five luxury condominiums in Hartford. Knows what it is like to have low income properties in the building. It is detrimental to the property and the value of the neighborhood. It is also an unsafe situation. The traffic Person did not state where all the visitors will park. A new stop sign was just installed by the City because it was so dangerous at that intersection. No side parking areas. Three stories is higher than the other houses in the area. Poses a security issue. Also is any part of this project Section 8 housing?

**Kevin McTeague, 66 Lamplight Lane:** Agrees with the speakers. Overdevelopment of West Main Street. Referred to the denied subdivision last year. Affordable housing tag being used for nine houses on a lot that holds one house. The two family house there now would probably rent for \$1100-\$1200. The net result would be one extra property that would be in that ballpark, not three. Also adding six units that will rent for a lot higher. Only one to benefit is the builder. No one in the neighborhood will want this development.

**Joe Webber, 46 Lamplight Lane.** Opposed for the same reasons previously stated.

**Laurie Kratzer, 245 West Main Street.** Two doors down from the proposed building site. Opposed for the same reasons previously stated. Traffic in the area is more than 25 MPH. Many accidents where the new stop sign was placed. Children walking to school. That is why the four way stop sign was put in.

**Richard Kratzer:** Lives next door to the proposed development. What if they don't get the \$1100 rent? Further down the road there is an apartment complex started 10-15 years ago. The project was not completed. How long did that property sit after it was built and much of a compromise did the landlord or the owner have to give to get people to live there?

**Ms. Kratzer:** That building was not completed. One side was built and the other side was left. Does not think all the units are full. Now proposing another one on the street.

**Carl Skrne, 72 Lamplight Lane.** Opposed for the same reasons previously mentioned. There are other deep lots on the street. Concerned what will happen with those properties if this development goes through.



**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

**IZ - 299 High Street.** Traffic. Lives at High Street and West Main Street. Trucks travel down West Main Street. Cannot turn onto High Street. Schools in the area. Children crossing. Traffic increased. Narrow streets. Accidents all the time. Call the Police Department.

**Jacob Rajewski, 16 Lamplight Lane.** Agrees with everyone opposed. Look at the traffic every morning. The stop sign will be a big issue in the winter, as people will not be able to go up the hill. More people on the street will make it worse. Will this be available to Section 8 occupants? House values have gone down. Will go down more.

**Bruce Bishop, 12 Lamplight Lane.** Agrees with neighbors. If this development goes through the Fields will be purchasing more properties in the area to do the same development.

**Julie Webber, 46 Lamplight Lane.** Opposes the proposal and agrees with the previous statements.

**Monica Ciccone, 22 Lamplight Lane.** Opposes the proposal for all the reasons previous given.

**Amy Swaller, 34 Lamplight Lane.** Opposes this for the same reasons as her neighbors.

**John Vento, 233 West Main Street.** Opposes this for the same reasons as his neighbors.

**Rebuttal by Applicant:**

**David Spear:** Reiterated the traffic study. This is a small traffic generator. Eight trips per hour during peak hours. Does not anticipate a significant amount of traffic at the intersections. Site lines are good. Not a significant amount of traffic.

**Attorney Lynch:** Rebuttal concluded.

**Chairman Bender:** Anyone who has spoken previously may comment to what the traffic engineer just said.

**Ms. Kratzer:** What time of days were the studies done? Any time there is any issue on the thruway or the Post Road the traffic gets backed up from the intersection at High Street to the Post Road. That is a traffic issue. So many outlets feed into Cherry Street into West Main Street because it runs parallel to the Post Road. That in itself creates another issue. Snow storms, especially that which occurred last year is another traffic and safety concern.

**Elise Lee:** Question not answered: What happens to the visitor parking?

There was no further rebuttal from the applicant.

**Ms. Cervin:** Mr. Lynch presented the 8-30g State Statute and the limitations that it presents to the Board. Thought it would be more palatable to the Board with these applications if the developer would consider increasing the number of affordable units.

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

**Attorney Lynch:** He represented Garden Homes Management on the Cascade Boulevard Affordable Housing project, in which all the 36 units were designated as affordable. This actually increased the percentage of affordable units in the town because it was 1on1. The statute only requires a 30% set aside. When a developer puts together a project, cost and marketing is considered. This project is presented based upon the 30% set aside. Every application stands and falls on its own merits. Every application has its own land and building costs.

**Chairman Bender:** Asked to have the visitor parking question answered.

**Attorney Lynch:** The site lends itself to the number of spaces they can fit. Asking for 9 units. Each unit has a garage and then there are 11 spaces. Believe it is a reasonable amount of parking spaces. Not bound by the zoning regulations for parking. The legislature wrote the statute. His client has a right to come before the Board with an application that meets the standards of that statute.

**Chairman Bender:** Questioned the trip counter in the report and how that was determined.

**Mr. Spear:** Took the peak hours between the rush hour periods between 7-9 in the morning and 4-6 in the afternoon. Took the peak one hour period out of that block. The counter took 24 hour counts.

**Chairman Bender:** Confirmed there is data from all 24 hours and they picked peak hours off that data.

**Mr. Spear:** Exactly.

**Chairman Bender:** This board is put into a position with 8-30g, which is a State issue that gets put in the Board's lap, which is not an enviable position to be in.

(Speaker in the audience inaudible)

**Chairman Bender:** This is affordable housing.

**Mr. Ivers:** Thinks the question was about how the developer would be monitored in terms of maintaining the affordable units going forward. Answer: They are required to submit to the Planning and Zoning office annually a list of the affordable units; the income of the residents there and what the rents are that are being charged. It has to be submitted annually and verified and if need be, they have to make their files available for review. It is an enforceable mechanism.

**Ms. Lee:** Is that considered section 8? Will that be monitored for the next 40 years?

**Chairman Bender:** It is deeded for 40 years. It is not Section 8 housing.

**Speaker Not Named:** Will it be available to Section 8 occupants?

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

**Mr. Ivers:** Housing vouchers either issued by the Federal government or the State government is a lawful source of income. To discriminate against a potential resident who is applying as a certificate holder would be a violation of Federal law and State law and a violation of the Fair Housing Act.

**Mr. Lynch:** Clarified that if someone has a voucher they can apply towards the minimum rent. The minimum rent has to be paid.

**Mr. Willis to Mr. Ivers:** Right now Milford is at 6% affordable, just over half way from being exempt. We have been at 6% for quite a while. Will Milford ever make 10% at this rate?

**Mr. Ivers:** There have been no affordable housing units added to the City's affordable housing units in six or seven years. There have been new apartments built. The numbers have been going down.

**Mr. Willis:** There must be a better way to achieve the 10% faster.

**Mr. Ivers:** The Planning and Zoning Board has the jurisdiction to control the addition of affordable housing units as a matter of zoning. Most communities that are moving towards that goal or have achieved that goal require that setaside units be included in everything that gets developed. If something like that was adopted, the 10% goal would get there faster.

The Chair closed the public hearing.

The Chair made the announcement that Item E5 has been withdrawn from the agenda and Item F7, the Mayor's Proposed Text Regulation Changes has been postponed due to a scheduling conflict.

[A recess was taken from 8:50 pm to 9:06 p.m.]

5. **121, 123 and 131 WEST MAIN STREET (ZONES RO AND SFA-10)** Petition of Robert H. Smith, Jr., for Change of Zone and Site Plan Review approval to construct 48 apartment units and 1,620 SF of office space on Map 65, Block 321, Parcels 19, 20 and 24A, of which Metrostar Capital, LLC is the owner. **WITHDRAWN**

**Chairman Bender:** Reviewed the instructions for public speaking at the public hearing. He asked that there not be yelling out during the hearing.

6. **86 POND POINT AVENUE (ZONE R-12.5)** – Petition of Tom Collucci for Special Permit and Site Plan Review approval to construct 22 residential units under CGS 8-30g Affordable Housing Act on Map 57, Block 712, Parcels 104a, 105a and 106a, of which Colberg, LLC is the owner.

**Attorney Danielle Bercury, Harlow, Adams and Friedman, One New Haven Avenue,** on behalf of Colberg, LLC, the owner of 86 Pond Point Avenue, in support of its 8-30g application for an affordable housing development. Also present is Jeff Gordon of Codespoti & Associates

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

to present the details of the plan and discuss 8-30g from a planning perspective. David Spear, DLS Traffic Engineering, LLC, author of the traffic report that was submitted and Mr. Lee Cooke, Milford 's former fire marshall who can answer any questions that may arise about the fire safety of this project.

She acknowledged that there is concern about this project by neighbors and members of the community. It is her hope to answer the questions and concerns of the public and the Board. She noted that it has been indicated that Staff has prevented the applicant from coming before the Board with an alternative application, but that was not the case. Staff was helpful reviewing guidelines in zoning and discussing other alternatives for the site. Ultimately it was decided to present the application currently before the Board.

The applicant understands the concerns and desire to keep the property as it is, as an affordable housing application under Connecticut General Statute 8-30g, the purpose of this law is to encourage and assist the development of affordable housing in Connecticut. Section 8-30g applies to those municipalities who have less than 10% of their housing units designated as affordable. Milford has only slightly more than 6 percent of affordable housing units. As Mr. Ivers has stated, Milford would need over 900 units to meet this goal.

The property is approximately 2.73 acres. The proposed development includes six new triplexes and two new duplexes and will maintain the existing single family home for a total of 23 units. Those units contain a mix of both one and two bedroom units. 30% of these units will be set aside as affordable. All units in this development are only available for sale. No rental units are being proposed; formed as a condominium complex with a condominium association.

As previously discussed, affordable housing does not mean subsidized housing or Section 8 housing. These units are housing units that many people, including people in this audience can actually afford. Four of the units will be sold to individuals and families making equal to or less than 60% of the median income. That income can range from \$38,000 a year up to \$44,000 depending on family size. The four units at the 60% level will include two two bedroom units and two one bedroom units. The remaining three affordable units will be sold to individuals and families whose income is equal to or less than 80% of the median income. For those units the incomes will range from \$45,000 a year to approximately \$58,000 a year. Although these units are affordable, the amount that they can be sold for start at \$111,000 and go up as high as \$258,000. The ultimate price within that range will be dictated by the market.

The individuals and families who will be eligible for these units are people who work in the community as teachers, firefighters and young people, who otherwise would not be able to afford a home in Milford. Even the market rate units will be at a price and a size that are also attractive to those demographics.

Following the sale of approximately 60% of the units, a condominium association will be formed. The unit owners (affordable and market price unit owners) will responsible for the maintenance of the development. That will include landscaping, snow removal and garbage

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

removal. The location of the project is on a bus line. It is within walking distance to retail establishments and its location on a main road make it suitable for an affordable housing project.

In addition to the plans submitted to the Board, the required Affirmative Marketing Plan as required under Section 8-30g (b) that describe the marketing efforts that will be used have been submitted. Updated schedules of Exhibit B, which indicate the sale price for the units have also been submitted. This schedule was changed from the original submission due to the rise in interest rates and other financial factors that entered into it. Deed restrictions have been provided to the Commission which will apply to the sale of the affordable units for 40 years following the initial sale of each unit. A Statement of Use and all the necessary zoning applications have also been provided to the Commission. A sign has been posted on the property advising the public of the public hearing tonight. All the plans submitted to the Board were also sent to the various City agencies for review and comment. Favorable reviews were received with some suggestions from the Police, Fire and Engineering Departments and Tree and Sewer Commissions. The 11/13/13 memo from Mr. Sulkis outlines those concerns. The Inland Wetlands Department indicates there are no wetlands on the property and none within 100 feet of the property.

A letter was received from the Chair and Vice Chair of the Conservation Commission, (not the full commission). They noted that the property contains a number of non native invasive species. They expressed concerns about removing the woodlands, despite the fact that there are invasive species. She understands that the removal of the existing trees and the overall development of this site is the primary concern of many of the neighbors. She heard questions raised, how can this be done with open space? As the Commission knows, this is not open space. It is privately owned property. If, however, the City, any group or organization was interested in inquiring this property in order to preserve it as open space, that is a conversation that the owner is willing to have. At this point the property is not used for any active or passive recreation. Unfortunately, its use as an unauthorized dumping ground is most likely what it used as more than anything. If the City, Land Trust or other organization is interested in the land, the applicant is more than willing to speak with them. No one has made any gestures at this point.

**Jeffrey Gordon, Landscape Architect, President, Codespoti and Associates, Orange, CT** representing 86 Pond Point Avenue. Many people are not aware that zoning is under the rule of the State. He reviewed the 8-30g statute and how it affects the pricing structure to the developer in favor of keeping young people and families from moving out of the State who could not otherwise afford housing in Connecticut.

The legislators attempted to repeal the statute. Opponents viewed the statute as low income housing. However, many municipal employees and second generation family members qualify for these units. The repeal was never accomplished and the statute was strengthened over the years. He reviewed the history of affordable housing in the State of Connecticut and its evolution to the current time.

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

The current proposal is a moderate sized attached dwelling development. Other types of development were considered: A single family subdivision, but there were demands that would create major financing limitations. A zone change to a denser zone SFA-10 was also considered, because the immediate properties adjoining the property in question to the west are SFA-10. A zone change would be an expansion of a contiguous zone and would not be considered spot zoning. The SFA-10 zone permits duplex homes on 10,000 SF lots and single family homes on 5,000 SF lots. This would allow 10-12 duplex homes or as many 23 single family homes. That was not pursued because there would be no compelling reason to approve it and there would be sewer use restrictions from the Sewer Authority. A 3-4 story flat stacked development, garden apartment style which would produce between 48-64 units with 140 parking spaces was another option but this would also be restricted under sewer water use. All these concepts were discussed with Staff and other professionals and for one reason or another they were not acceptable.

Mr. Gordon described the site via a displayed site plan. The house that is presently on the property will remain. The proposed housing would be in the rear of the property. The new units will be triplexes, 1.5 story townhouses. They do not have garages. There is surface parking in front of the units. There are also duplex style units. He described the topography of the site and the rear wooded portion that is 50% or more and is loaded with invasive species. U-shape driveway and parking area, designed for fire truck access in mind. The drainage system is designed with a retention pond and biofiltration system for water quality. The Tree Commission's request can be accommodated. The lighting plan was designed by a consultant lighting engineer and will have no ambient lighting on adjoining properties. The design and materials of the buildings was described. He described the footprints of the buildings and the square footage of the one and two bedroom units.

He summarized that this application is viable because it passed the test of not creating adverse impacts to the health, safety and welfare that exceed the community need for affordable housing. The applicant understands that to some that any impact in the community is unacceptable and appreciate that those who have been accustomed to a vacant parcel of property in their neighborhood, that development of any kind is an intrusion into their lifestyle.

**David Spear, Principal Engineer, DLS Traffic Engineering.** Conducted the traffic study on the application. There are 22 -1.5 story townhouse units and one detached homes. Study included a site visit, review of DOT counts and accident data; volume and speed; automatic traffic recorder count to determine volumes at the site; volume development and capacity analysis. Acces to the development is from a U-shaped drive system which includes two intersections with Pond Point Avenue. He described the Pond Point Avenue driving area.

Traffic counter recorded daily traffic of 10,882 cars on a 24-hour basis with an AM peak hour traffic of 569 and peak PM traffic of 753 trips. Accident data was collected at the site. Four accidents in a three year period. No accident trends based on the accident data that was obtained from the DOT. The intersection sight distance from the two driveways is over 500 feet in each direction, which is adequate for the 30 MPH speed limit and also for the 85<sup>th</sup>

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

percentile speeds which were measured at 40 to 41 MPH. The proposed conditions include trip generation estimate. Mr. Spear described how the data is collected for this type of land use (townhouses). The capacity analysis calculations at the site drives found the level of service A for traffic entering the development at either driveway and level of service B for traffic exiting the driveways. The number of new trips is under 100, which would potentially impact an intersection according to the DOT. That is why the study did not go beyond the sight drives. Conclusion: The access to the site is excellent. There is sufficient area traffic operations that will remain with or without the proposed development. Low accident history. No trends in the accident data that would indicate any existing geometric problem at this location. The 85<sup>th</sup> percentile speeds are 40-41 MPH and there is adequate sight distance to address those speeds. The site generated traffic is small and can be accommodated by the area without any significant impact to safety or traffic operations.

**Lee Cooke, 48 Kohary Drive, Milford. Plan Review of Consulting Services.** He reviewed the plans and site for the fire safety and access for fire apparatus and emergency vehicles. He reviewed the type of houses designed for the development. The Fire Department has signed off on this application with some minor details. A fire hydrant to be installed in the rear of the property which will be done. Minor turning radiuses were requested to be increased. The construction type of these buildings will have a two hour fire separation between the units from the foundation slab to the under side of the roof deck. In the event of a fire in the development it would be no different to handle by the fire department than any other type of structure throughout the City. That would be worse case scenario. The typical emergency medical situations with ambulances and fire trucks have plenty of access. He sees no undue hardship for emergency services to access the site and conduct these services.

**Attorney Bercury:** Thanked everyone for giving them the opportunity to make their presentation. The application complies with the 8-30g statute and issues of healthy and safety have been addressed. Received many favorable reports from municipal agencies. Although there is concern for this project, believe they have met the applicable standards and asked for approval of the application.

**Mr. Sulkis:** The applicant did a thorough job representing the application. Based on his staff report he asked Attorney Bercury to confirm that they are addressing the issues from Chief Healey, Sergeant Richards and the Tree Commission.

**Ms. Bercury:** Yes. All the comments will be addressed and complied with, as well as the comments from Mr. Ivers requesting updating the price schedules.

**Mr. DellaMonica:** Questioned the Police Report and was it provided by the City or DOT?

**Mr. Spears:** It is from the State DOT.

**Mr. DellaMonica:** Noted that the DOT does not require motor vehicle participants who are involved in an accident to notify the DOT any longer about their motor vehicle accidents. It is held at a local level.

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

**Mr. Spears:** The DOT gets their accident from the DMV and they keep records on the local roads.

**Mr. DellaMonica:** The accident review was from 2008 to 2010. Not sure DOT keeps complete records on every road in each city about motor vehicle accidents; only serious motor vehicles or fatal accidents.

**Mr. Spears:** Over \$1000 of property damages, which is most accidents and any injury accidents.

**Mr. DellaMonica:** The 8-30g statute is flawed in its very nature. He has heard twice that these will ease the affordable housing shortage. This application does not do that. He did the calculation and concluded the 6.05% present affordable housing, actually lowers the percentage from 6.05% to a lower rate. Does not know how it raises the threshold for affordable housing.

**Ms. Bercury:** Responded the application complies with the statute as the statute is written. As the applicant said on the prior 8-30g proposal, to the extent the statute is drafted the way that is drafted. Developers, property owners will take advantage of the statute the way it is. The developers did not write the statute. They comply with the statute and that is what is included in the application.

**Mr. DellaMonica:** The Board has recently approved the Plan of Conservation and Development. Part of the Plan was to create affordable housing in areas that are amendable to walking to places to shop; housing and employment. The Board does not have shopping, large employment areas or multiple means of mass transit anywhere near where these units are being proposed. It is contradictory to what the town wants to do; put affordable housing where it needs to be, in an area that has those amenities. Not a residential area.

**Ms. Bercury:** This property is located along a bus line. That is appropriate and helpful to the viability of this project. While there might be a stated desire to have affordable housing within walking distance of train and other forms of mass transit, there is nothing in the regulations that prohibits placing affordable housing units throughout the City. She does not feel it is fair to say that downtown has to have affordable housing, or by the river has to have affordable housing. The goal of the statute is to have affordable housing units available throughout the municipality. While this project may not meet the same goals that the first project heard earlier tonight, it is felt this application is a viable location for affordable housing and complies with the statutes and one that is not in violation of any zoning regulation.

**Mr. Nichol:** Questioned the ability of fire apparatus, ambulances and other emergency equipment to have available space in the event of an type of emergency on the property.

**Ms. Bercury:** Referred the Board to the report received by the Fire Department.

**Mr. Cooke:** The turning radiuses are sufficient for all apparatus to make those turns. That has been determined for all types of emergencies; medical or fire.



**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

**Ms. Cervin:** The plans show an area that is obscured by fill and debris and mention of dumping on the property. Asked if testing for contamination was done.

**Mr. Gordon:** Extensive soil testing was done for drainage. Testing at the acquisition of the property most likely was done. Not sure when this took place. Before going for financing additional testing would be required by the lending institutions.

**Mr. DellaMonica:** Houses at 67, 77 and 83 Lindy Street have a basement water problem that is so severe that when the houses were built in the 1950's, the City installed at its cost, sump pumps in all the houses. The area is fully treed and provides drainage at Pond Point Avenue and Marino Drive on its eastern side. Have drainage calculations been done?. Taking away the trees and the wetland area will increase water runoff.

**Mr. Gordon:** Via site plan explained how the drainage would run via the site plan. Water will be intercepted and routed into ponds and into the biofiltration swale and into the road drainage at Pond Point Road. Whatever high water table might exist on Lindy Street is not connected to the development that is proposed, but will benefit from the drainage system. Mr. Gordon explained how the engineered drainage system will improve the current runoff conditions, despite the placement of homes and paved surfaces on the property. This has been reviewed by the City's engineering department who has approved the drainage system.

**Chairman Bender:** Stated that sometimes theory does not work in actuality.

**Ms. Cervin:** Asked about a stone wall she saw on the plans as to its historic value.

**Mr. Gordon:** This is a partial remnant of a wall. There is a fence around the rear of the property.

[Chairman Bender left the meeting at 10:35 and turned the meeting over the Vice-Chairman Edward Mead. A tenminute recess was taken to 10:45 p.m.]

**Acting Chairman Mead:** Introduced himself and noted Chairman Bender had to leave the meeting. He asked the public to keep their comments to three minutes so that as many people as possible could have the opportunity to speak. The meeting is scheduled to 11:00 pm. At that time he will ask the Board for an extension of time.

**Mr. Willis:** Suggested the Board ask for an extension of time to 11:30 p.m. and made the motion to extend the meeting to 11:30 p.m.

**Ms. Cervin:** Second.

All members approved the extension of the meeting to 11:30 p.m.

**John Henry Steele, Attorney, Depot Street, Milford,** representing Sue DeBiase. She is a contiguous property owner. Her property borders the subject property. Here to say that this application is unpopular is understated. He submitted a petition in opposition to this

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

application with more than 700 signatures on it. The primary issue to the 8-30g application is whether or not the proposal is consistent with the health, safety and other matters that could properly be considered. Traffic hazards with respect to traffic volume; unsafe ingress and egress; preservation of open space; unreasonable impairment of public trust in natural resources. Environmental issues such as wildlife, pollution, wetlands, aquifers, water course protection, interference with an endangerment of public water supply. All these fall under the public umbrella of health, safety and other lawful issues. One of the issues is this particular project is in an area where there are possible endangered species and the impact this will have on endangered species. He distributed copies of areas marked by the DEEP to show potential impact.

**State Senator Gail Slossberg, 14 Honeysuckle Lane.** Asked that the public hearing be left open and allow people to continue to speak. Threshold question: How is this board hearing this application? Why is this a Special Permit? Nothing in the Milford regulations in the R-12.5 zone that allows for a Special Permit. Should this be for a request for a zone change in addition to this application in order to make sure there is a zone for this. 8-30g is not a zone in and of itself. Other zones in the regulations allow affordable housing, such as; CDD-1, CDD-2, CDD-4, CDD-5 and the open space affordable housing development multi-family districts, Sec. 3.24 that allows a permit for this type of use. Not sure the Board has the authority to hear this application at this point without a requisite zone change. Asked the City Attorney give a legal opinion on this issue with regard to a zone change.

Property is in the area of the Indian River Watershed. Neighbors have concern as to the public health, safety and other matters. This site is within the coastal boundaries per Sec. 22.a-94 of the CGS and is subject to the CAM requirements. It is located in the Stubby Plainbrook Indian River Corridor, which makes it a very sensitive environmental location. No soil and erosion report has been submitted which is required. The DEEP team should come down to evaluate the property. Heard the applicant had changed some of the affordability requirements. That is something new. She was in the office and picked up the Affordability Plan. The change is new and the public did not have access to new information regarding this plan. She did not find the Soil and Erosion Control Plan in the file which is required. Mr. Gordon referred to an additional report that was not in the file to review. Serious due process problem when the public does not have access to the documents that are supposed to accompany this. No review of endangered species. Applicant has not done his job. It is up to the Board to ensure that the public health is being protected because they [the applicant] has not provided the Board with the adequate information it needs to make an informed decision.

Senator Slossberg referred to Page 3 of the site plan where "phasing in construction" is mentioned. There are also significant safety concerns. Not compliant with the code [building] Mentioned the letter from Joseph Griffith, Permitting and Land Use Director which states that the current preliminary review of information renders the proposed project noncompliant with the code.

The width of the interior driveway deemed unsafe by the City Planner. Rather than fixing that, the applicant has stated that other places allow for less. Does not agree with the trip data

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

provided by the traffic engineer. The plan does not conform to the POCD. This is a green belt and should be protected as such. The Chair and Vice Chair of the Conservation Conservation voted against it, although the entire commission did not vote on it. Affordability Plan is noncompliant. The Affordability Plan talks about construction of the development will be constructed at the same time. No project sequencing will be necessary and all construction will occur in a single phase. The Coastal Site Plan says that there will be a model unit and they will be sold and constructed one unit at a time and then phased. How will they designate what is affordable and what is not? Significant defects in this application.

**Brian Anderson, 49 Ingersoll Road, Milford.** He stands with his neighbors and constituents in opposing this project. Three reasons for the Board to deny the application: Traffic. He video recorded traffic during evening rush hour. He submitted the videos for the record. Sight line issues at Pond Point Avenue and Welch's Point Road. Baxter is a T intersection at Pond Point Avenue but it has only a single stop sign. This development would add another 60-70 cars to an already overburdened residential street. Nearly all the residences along Pond Point Avenue lack sidewalks. Water is another consideration. Many residences take on water in their basements. Census data. Housing data survey was compiled by the US Census Bureau. The vacancy rates in 2011 by census tracts for the entire City of Milford showed that many census tracts have vacancy rates of 4-6%. The census tract that containing the proposed development has a vacancy rate of 21.2%. It is the highest in the City. Requested the Board's denial of the application.

**John Healey, Pond Point Ave.** Has lived there 40 years. This proposed development will have a deleterious effect on health, safety and welfare. Traffic and motor vehicle accidents are prevalent. Fire apparatus would be compromised. Inadequate greenspace if there are children. No playground. Water retention pond will breed mosquitos. Wildlife will be misplaced. Groundwater absorption would be inadequate and would add to the water in basements that so many residents already have. The homeowners in this area now have to deal with a level of anxiety they did not have before this project was proposed. If approved, property values would decline. The Board should not make a decision in favor of the proposal until they can conduct a reasonable investigation into the impact the proposal will have on the community's health, safety and other matters as stated in Section 8-30g. Hopes that Mr. Collucci will reconsider his proposal in an attempt to reach a compromise that will satisfy all those affected by the project. Asked that the Mayor put it on the agenda to buy the property.

**Ken and Pat Brannin, 233 Shadyside Lane.** Submitted photos to the Board. They were told there will be an improvement of the runoff of water on their property after construction on new houses at 68 Pond Point Avenue, which had been approved by the Board. Despite his opposition to the project due to the water issue, the construction took place. Water runoff was increased on his property. Ultimately he had to sue the contractor to mitigate the water problem.

**Victoria Carman, 20 Marino Drive.** Where will overflow of parking end up, especially when there are family celebrations. Concerned about pedestrian jeopardy and vehicular accidents.

**Susan MacCready Carman, 20 Marino Drive.** Against this development in her cute little neighborhood.

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

**Vice Chairman Mead:** Motion to extend the meeting.

**Mr. Willis:** Made a motion to extend the meeting to 12:00 am.

**Acting Chairman Mead:** The meeting is going to be extended to the next meeting date.

**Mr. Willis:** Made a motion to extend the meeting to 11:45 pm.

**Mr. DellaMonica:** Second.

All members voted in favor of extending the meeting to 11:45 pm.

**Richard R. Brantley, 18 Dawes St.** Environmental issues. Trees on the property are not invasive. Endangered species are on the property. Eastern box turtles and hairy woodpeckers. Submitted photographs for the record.

**Tara Volgmuth, 11 Dawes St.** The project will back up into her property. Documentation that the New England Cottontail is under the endangered species protection. Has seen these in her backyard. Also bats in her backyard. Bats eat mosquitos and flies. Will West Nile Virus become an epidemic?

**Robert Volgmuth, 23 Dawes St.** Fighting water in his basement for 46 years. Did a traffic study at 8:00 am. Could not cross the street. Many traffic accidents.

**Paul Kane, 124 Snow Apple Lane.** He is a license insurance casualty adjuster. He has lived in the area for 25 years. He investigates serious and sometimes fatal auto accidents, and covers all aspects of investigation, including a final analysis of the contributing factors for the accidents. Pond Point Avenue is a major thoroughfare for commuters to get to the major highways and downtown Milford. There are schools in the area. This area is especially problematic during periods of inclement weather. This project will add 50 vehicles to an already congested Pond Point Avenue. Not including visitors to the complex. He went to the Milford Police Department to get their accident reports on this area. All the traffic issues will exacerbate an already dangerous traffic condition and affect the safety of the community.

**Susan Cimitt, 200 Pond Point Avenue:** Long time resident. Showed the larger Natural Diversity Data Base Map that Attorney Steele distributed. This property is in the data base area where endangered species live.

**Lorraine Volgmuth, 23 Dawes St.** Houses in the area have always had problems with water in the basements. Large amounts of water in yards. At this stage in her life she cannot physically or financially take care of the water that accumulates. This will impact her quality of life. The spilloff from the proposed houses and the pavement of the parking area will runoff into the surrounding houses on all the adjoining streets. Asked that the City buy the property.

**Ms. Cervin:** Asked to extend the meeting in order to conduct some necessary board business.

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

**Mr. Grant:** Second.

All members voted in favor of further extension of the meeting.

**F. PUBLIC HEARING LEFT OPEN – Close by 12/11/2013; expires on 2/14/2013**

**7. Proposed Zoning Regulation Text Changes Petitioned by Mayor Benjamin G. Blake, In Accordance with the Provisions of Connecticut General Statute 8-3b**

**Article VI** Non-Conforming Uses, Structures and Lots

**Article VI, Section 6.2** – Non-Conforming Uses,

**Section 6.2.6** – Discontinuance

**Section 6.3** - Non-Conforming Structures

**Section 6.3.6** - Restoration

**Article VIII** - Interpretation, Administration and Enforcement

**Section 8.2.2** - Authority to Enforce

**Article XI** - Definitions

**Section 11.2** - Other Terms

Structure; Improvement, Substantial

(Tabled to the next meeting date)

**G. PUBLIC HEARINGS - Closed 11/6/2013; expires 1/10/2014**

**8. Proposed Moratorium on Medical Marijuana Dispensaries and Producers**

The following language would be added to the Milford Planning and Zoning regulations:

**Section 2.7.10**

The Milford Planning and Zoning Board shall not accept or consider any application to permit the establishment of Medical Marijuana Producers and dispensary facilities for a period of twelve (12) months commencing from the effective date of \_\_\_\_\_. The reason for the moratorium is to allow the Planning and Zoning Board to review the "*State of Connecticut Regulation of the Department of Consumer Protection concerning palliative use of Marijuana*" and the associated application process for producers and dispensary facilities, and to draft/or adopt municipal regulations regarding the production and distribution of medical marijuana within the City of Milford. The expiration date of said moratorium will be \_\_\_\_\_ unless extended by the Planning and Zoning Board.

(Tabled to the next meeting date)

**Ms. Cervin:** Made a motion to table Items F7, G8.

**Mr. Willis:** Second.

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

All members voted in favor of tabling these items.

9. **565 PLAINS ROAD (ZONE LI)** Petition of Randy Simpson for Special Exception and Site Plan Review approval to allow a sound barrier to remain and be completed on Map 62, Block 928, Parcel 5, of which Milford Riders Motorcycle Club is the owner.

**Ms. Cervin:** Made a motion to table item G9 to the next meeting.

**Mr. Willis:** Second.

**Mr. Sulkis:** Noted this is a Special Exception and would require 7 board members to approve.

Four members voted in favor of tabling the item; two members opposed tabling the item.

The motion to table Item G9 was approved.

**H. PUBLIC HEARING – Closed 10/15/2013; expires 12/19/2013**

10. **141-159, 146 MERWIN AVENUE (ZONE R-7.5)** Petition of Daniel Migliore, for Special Permit and Site Plan Review approval to construct six units of affordable housing, in an existing building, under CGS 8-30g on Map 59, Block 739, Parcel 2, of which Millwood Properties, LLC is the owner.

**Mr. DellaMonica:** Made a motion to deny.

**Ms. Cervin:** Second.

**Mr. DellaMonica:** Read the Motion to Deny prepared by Staff.

Six members voted in favor of denial. Mr. Gettinger voted against denial.

The motion to deny the application was approved.

- I. 142 WEST TOWN STREET/65 SPRING LANE** – Update on Board recommendation for resolution of the sidewalk requirements on these properties.

**Mr. Sulkis:** The developer who holds the bond is considering. Will discuss. Hold to next meeting.

**J. REGULATION CHANGES** – Discussion of proposed regulation change to Sec. 2.5.5 Rear Lots.

**Mr. Sulkis:** Rear lot wording was submitted to the Board. Looking for their comments. There were no comments at this time.

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

**K. PROPOSED SUBCOMMITTEE REGULATION CHANGES – Update**

The four proposed regulation changes will be on the public hearing schedule for the next meeting.

**L. LIAISON REPORTS - None**

**M. APPROVAL OF MINUTES (11/6/2013)**

**Ms. Cervin:** Approve.

**Mr. DellaMonica:** Second.

All members voted in favor of approving the Minutes of the 11/6/2013 meeting.

**N. CHAIR’S REPORT - None**

**O. STAFF REPORT - None**

**Mr. Grant:** Motion to adjourn.

**Mr. Gettinger:** Second.

The meeting adjourned at 12:00 a.m. The next meeting will be held on December 3, 2013.

**Phyllis Leggett**

---

Phyllis Leggett, Board Clerk

**MINUTES FOR THREE (3) PUBLIC HEARINGS  
BY THE PLANNING AND ZONING BOARD  
HELD TUESDAY, NOVEMBER 19, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**