

**MINUTES FOR ONE (1) PUBLIC HEARING OF THE PLANNING & ZONING BOARD
HELD TUESDAY, DECEMBER 4, 2012; AT 7:30 P.M.
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

The Chair called to order the December 4th meeting of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Ward Willis, Jeanne Cervin, John Grant, Edward Mead, (Vice Chair); Michael Casey, Joseph DellaMonica, Tom Nichol, Mark Bender, Chair.

Not Present: Dan Rindos, Benjamin Gettinger

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

C. 1. CGS 8-24 APPROVAL – FENCING PROPOSAL FOR BERNARD/FRANCIS FIELD (TABLED) – Junior Major League's proposal to install a removable fence at the Bernard/Francis Field referred to the Planning and Zoning Board by the Park, Beach and Recreation Commission.

Chairman Bender: There is no representative from the Junior Major League here tonight. There have been conversations between the Recreation Department and the City Attorney's Office. He thinks the Board should act on this request, because no action would be considered approval. The request should be denied in light of the fact that no one has been present to answer the Board's questions. It can be brought to the Board again at a time there is someone present to respond to the Board's questions.

Mr. Mead: Made a motion to deny the Junior Major League's proposal to install a removable fence at the Bernard/Francis Field referred to the Planning and Zoning Board by the Park, Beach and Recreation Commission.

Ms. Cervin: Second.

Mr. Willis: Is there a reason no one has come here to represent the application?

Chairman Bender: The Rec Dept. has an opinion but he would rather not put it on the record. It had been thought this would pass very easily, but since there are specific questions from the Board and from the City Attorney's office that need to be answered, the Board cannot move forward on a decision.

Mr. Casey: When can they reapply?

Mr. Sulkis: An 8-24 request can be reapplied for at any time.

Ms. Cervin: Noted they had three opportunities to come before the Board and did not.

All members voted in favor to deny the 8-24 Request for fencing at Bernard/Francis Field.

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D. PUBLIC HEARING - CLOSING BY 1/8/2013; Expires 2/7/2013

2. **MILFORD POINT ROAD AND BOOTH BAY STREET (ZONE R-5)** – Petition of Thomas Lynch, Esq., for approval of a 4-lot subdivision on Map 20, Block 230, Parcels 6 and 7, of which Two Ninety-Six LLC is the owner.

Thomas Lynch, Esq., 63 Cherry Street, representing Two-Ninety Six LLC, owned by Angelo Lisi and Greg Field who are present tonight.

This application is a standard four lot resubdivision of the property. The property has been owned by the Nowicki family for over 60 years. The Nowicki residence is located in the central portion of the property. There are two parcels that constitute this property that are known as 835 and 849 Milford Point Road. The property combined is in excess of 35,000 SF. This is in the R-7.5 zone. This area has a multitude of zone classifications in close proximity to this property. He identified the nearby properties and the zones they are in. There are no waivers requested for lot size, setbacks, building coverage or lot coverage. This plan conforms to all regulations for the R-7.5 zone class.

Showed on the display the way the houses will be laid out, which is believed to be the nicest way to lay out the property. The area that will be designated as Open Space to the City was described, which will provide greater sight line for traffic turning left onto Milford Point Road

Police Department report asked that there be no plantings along the driveway for site line purposes.

The four raised ranch style houses were described. The City Engineer's comments were addressed. There will be 13 trees on the property and comments made by the Tree Commission will be addressed.

Mr. Sulkis: Mr. Lynch did a fine job describing the subdivision to the Board. He has nothing to add.

Mr. Mead: Will there be a drainage problem onto the adjoining neighbors due to the grade of that property?

Mr. Lynch: Noted that the drainage and wetlands questions were responded to the satisfaction of the City Engineer. It was noted that each lot will be individually serviced so that any water runoff as a result of the development on each of these lots will be self-contained within the plan that has been shown to the City Engineer and the Board.

The landscaping plan has 13 trees that will be planted on the property. The Tree Commission asked for a variety of trees, which can be accomplished. There are two large trees already on Milford Point Road.

Mr. Sulkis: This is a standard conforming four-lot resubdivision. He had nothing to add to Mr. Lynch's explanation of the project.

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Mr. Mead: Said that the area on Booth Bay has a grade. Asked if there would be a problem with drainage coming off that house.

Mr. Lynch: No. There was a drainage calculation that had been submitted with the plans to the City Engineer, Gary Wassmer, which he reviewed. He felt all the measures being taken for water runoff and drainage would be sufficient to take care of any water runoff or accumulation.

Mr. Mead: Noted on Lot 1 there is a right-of-way for drainage that goes near the rear corner. Asked if there was runoff that goes into that catch basin now.

Mr. Lynch: That is a city easement for an underground pipe that has been there for years. He noted at the bottom of the lot there is approximately four square feet of flagged wetlands that generated a comment from Mary Rose Palumbo, the Wetlands Office, who said the development of that lot would be of minimal impact. She recommended no activity within the 50-foot area. There will be a split rail fence right in that area as well.

Mr. Mead: Stated he lives in that area and there are already drywells stored on that property anticipating the project being approved.

Greg Field, 173 Kings Highway, the developer. The reason for the drywells being there is Aero Concrete is going out of business and he got a good deal for them. He had to get them out of the building which is closing.

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

The Public Hearing was closed.

Ms. Cervin: Made a motion for approval noting that payment in lieu of open space will be paid to the City.

Mr. DellaMonica: Second.

All members voted in favor.

Chairman Bender: Going back to the first item, the recreation fence; even though this Board denied it, it can still go to the Board of Aldermen, except instead of having a majority vote to approve it, they must have a super majority to approve it, if they want to approve it.

E. NEW BUSINESS

3. **44 FIELD COURT (ZONE R-5)** Petition of Peter Crabtree for Coastal Area Management Site Plan Review approval to construct a single family residence on Map 28, Block 573, Parcel 5, of which Brian Hamilton is the owner.

Mr. Grant recused himself as he did the engineering plans on the foundation.

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Peter Crabtree, 64 Stanley Street, New Haven, CT. Present on behalf of the owner to obtain approval to build a single family residence on a vacant lot at 44 Field Court. The property is near the water and requires a Coastal Area Management Site Plan Review. Via a display he showed where the original house was and where the new house will be built. He reviewed the plans for the house and discussed the CAM report.

The house conforms to the setbacks. It will be on columns and there will be parking for two cars underneath. The house will be vinyl sided. The CAM site plan submitted was reviewed and described by Mr. Crabtree. The piers will be three feet above the proposed flood hazard regulations. A construction fence will be put up. The footings will be dug first and then the construction fence will be put up. Any materials that will be received will be stored inside the construction fence so there will be no issues about equipment or supplies being left on the beach.

Ms. Harrigan: Noted Mr. Crabtree had conferred with John Gaucher of the DEEP and Gary Wassmer, the City Engineer extensively and they are both satisfied with the improvement of the plans. No further staff comments.

Mr. Crabtree: Stated that Dave Busk has been selected as the contractor to do the project and he is present here tonight. Dave is in agreement with all the construction plans and information presented to the Board.

Mr. Mead: Made a motion to approve the application. Petition of Peter Crabtree for Coastal Area Management Site Plan Review approval to construct a single family residence on Map 28, Block 573, Parcel 5, of which Brian Hamilton is the owner.

Mr. Casey: Second.

All members voted in favor of approval.

Mr. Grant returned to the meeting at 8:00 p.m.

F. PLAN OF CONSERVATION AND DEVELOPMENT – Update

The Plan is on the December 18th public hearing agenda. Approval has been received from the required agencies, as well as the Board of Aldermen.

The Chamber of Commerce Downtown Plan has been completed. It will be available to be reviewed by the Board to be determined whether it should be amended or not.

Chairman Bender: Has received the 53-page document. It is very comprehensive.

He asked Staff when the Plan tweaks will be completed.

Mr. Sulkis: It is in the process. Mainly layout and typos issues. The Board can approve the document and up to the time it goes to press the corrections can be made. He has the copies submitted by the Chair and Ms. Cervin. Staff is also reviewing it. The master Copy will be the one that will go to press.

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Chairman Bender: Asked if the master copy would be ready for the December 18th Public Hearing.

Mr. Sulkis: No, however, the information within will not be changed. It will be a matter of cleaning up the document.

Chairman Bender: Stated he would feel more comfortable approving exactly what will be printed.

Ms. Harrigan: Does not feel the cost involved in such a printing would be worthwhile unless there were significant policy direction changes to be made.

G. REGULATION SUBCOMMITTEE – Update

The first subcommittee meeting was held tonight. By the January 8th meeting the members will submit a list of regulations proposed for change to the Board Clerk. The list will be summarized by the Chair. The Board will review this list and start discussion at the next Subcommittee Meeting to be held on January 15th.

H. PROPOSED REGULATION CHANGES - Update

Sec 2.5.5	Lot Access and Rear Lots – awaiting CA input
Sec 9.2.3	Prohibited Variances – awaiting CA input
Sec 5.1.4	Off-street Parking Requirements (10) Health Clubs – Staff to review requirements and parking study.

Chairman Bender: Spoke to the City Attorney's office. They are researching the first two proposed changes. First one will take longer than the second one. Getting close on the second one. Staff to look into the third regulation.

I. LIAISON REPORTS

Chairman Bender: Reviewed the liaisons to the different boards/commissions as follows:

Mr. Mead – Police Commission
Ms. Cervin – Tree and Conservation Commissions
Mr. Casey: Board of Aldermen
Mr. Willis: Inland Wetlands and Harbor Commission

The Chair asked that the members report on their respect liaison commissions.

Mr. Casey on Board of Aldermen meeting held on December 3rd. Ordinance to waive the fees for any natural disaster. It expands the fee permit waivers for Irene and now applies to any natural disaster. They also reiterated that anyone who needs to register with FEMA for damages brought about by Storm Sandy must do so by December 31, 2012.

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One person had an objection to the passage of the Hookah Lounge due to health concerns. This had not been mentioned to the Planning and Zoning Board at the time of the public hearing.

J APPROVAL OF MINUTES – (12/04/2012)

Ms. Cervin: Made a motion to approve.

Mr. Mead: Second.

All members voted in favor of approval.

K. CHAIR'S REPORT

Had an email from the Chamber on their Plan. It is a 53 page comprehensive report. He emailed this to Mr. Sulkis and Ms. Harrigan.

Got an email from Bruce Hyde advising that the November 10th seminar was on line. Asked that the members who attended the meeting watch this and give a report to all the Board members at a future meeting.

The Chair noted he had heard from homeowners that Emmeline's advice to them after Tropical Storm Irene saved many homeowners' homes in the wake of Storm Sandy. (Applause)

Ms. Cervin: Asked if public hearings were required for all subdivisions and resubdivisions.

Mr. Sulkis: Responded it is not always required, but the Board has always made a practice of holding public hearings on subdivisions and resubdivisions which are noticed in the newspaper.

L. STAFF REPORT

Ms. Harrigan: Had a permitting workshop for Storm Sandy that was well attended. Information was given as to how to move forward; the permits that are required; substantial damage assessments, etc. At this time moving forward doing substantial damage assessments on properties. Helping people decide what they need to do in terms of elevations. There will be a number of applications that will come before the

Board related to Sandy. There are many non-conforming multiple unit developments on single family residential lots. She is seeing that some of these structures have exceeded 50% in terms of substantial damage. At that point if they do not have a variance for the multiple units on site or any other kind of prior Planning and Zoning Board approval in place, at that time they have to come before the Planning and Zoning Board to have the Board review if they want to allow that use, which is not a single family use to remain on that parcel. There may be some of those applications that will come before the Board. There will also be many CAMSPRs that will come before the

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Board. However, many homeowners may decide that it is cheaper to tear down and rebuild, especially in terms of elevation.

Mr. Mead: Motion to adjourn.

Mr. Grant: Second.

All members voted in favor of adjournment at 8:15 p.m. The next meeting will be held on Tuesday, December 18th.

Phyllis Leggett, Board Clerk