

**PLANNING AND ZONING BOARD AMENDED AGENDA FOR SEVEN (7) PUBLIC HEARINGS TO BE HELD
TUESDAY, 5 DECEMBER 2017, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:32 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Scott Marlow (Ch), Jim Quish (V-Ch), Nancy Austin, Michael Dolan, John Grant, Brian Kaligian, Carl Moore, Tom Nichol, Tom Panzella

Not Present: Rick Varrone

Staff: David Sulkis, City Planner; Meg Greene, Acting Board Clerk

Chairman Marlow opened the meeting. He asked for a motion and vote to reorder the agenda to place the application for 13 Sailors Lane at the end of the hearing due to the applicant's scheduling conflict. **Mr. Quish** motioned to adjust the agenda. **Mr. Grant** seconded. The motion carried unanimously. **Chairman Marlow** also stated that 328 Meadowside would not be discussed as traffic engineering information was pending.

C. NEW BUSINESS None.

D. PUBLIC HEARINGS

CLOSE BY 8 FEBRUARY 2018

1. **Cooper Avenue (R-5)** Petition of Jeff Attolino, agent, for a Site Plan and CAM for new single family home on Map 22, Block 459, Parcel 15C of which Carmen Stefano is the owner.

Ron D'Aurelio, architect, addressed the board. He said the proposed house was within 15' of the high water line, and was planned for the same approximate position as the one damaged by Storms Irene and Sandy. He stated that Inland Wetlands Agency approval had been granted. He described the elevation to mitigate flood risk, parking areas, and other site plan details.

Mr. Sulkis said the City Engineer had several comments that could be addressed with conditions attached to approval.

Board Discussion: **Mr. Nichol** said he noted dirty sand on the site. **Mr. Attolino**, the contractor, confirmed that the sand would be removed.

Chairman Marlow opened the hearing to the public with instructions.

Favor: None.

Opposed: None.

Rebuttals: NA

Chairman Marlow closed the hearing.

Motion: **Mr. Grant** made and amended a motion to approve on satisfaction of the City Engineer's 11/14 memo.

Second: **Mr. Nichols** seconded.

Discussion: None.

Vote: Motion carried unanimously.

CLOSE BY 8 FEBRUARY 2018

2. **13 Sailors Lane (R-10)** Petition of William Kenny, agent, for a proposed boat ramp on Map 11, Block 17, Parcel 2 of which David and Meg Peterson are the owners.

NOTE: THIS ITEM WAS HEARD SECOND-TO-LAST PER BOARD VOTE.

Mr. Kenny, William Kenny Associates, 195 Tunxis Hill Cutoff South, Fairfield, landscape architect and soil scientist, addressed the board. He described the project and the location of the fixed pier with respect to the surrounding marsh.

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He said the owners have the required permit from DEEP and clearance from the Army Corps of Engineers. He referred to submitted documents and details on the ramp.

Mr. Sulkis said the project was in keeping with other similar approved projects.

Chairman Marlow opened the hearing to the public with instructions.

Favor: None.

Opposed: None.

Rebuttals: NA

Chairman Marlow closed the hearing.

Motion: Mr. Quish motioned to approve.

Second: Mr. Grant seconded.

Discussion: None.

Vote: Motion carried unanimously.

CLOSE BY 8 FEBRUARY 2018

3. **553 West Avenue (DO-25)** Petition of Grillo Services, LLC, for modification of application for 342 unit multifamily development per CGS sec. 8-30(g) on Map 42, Block 335, Parcel 1, approved with conditions by Planning and Zoning Board 10/3/17, of which Kingdom Life Church, LLC, is the owner.

Chairman Marlow recused himself and **Vice Chair Quish** substituted.

Attorney Thomas Lynch, Lynch, Trembicki & Boynton, 63 Cherry St, addressed the board. He reviewed the application of the 342-unit residential complex under the 8-30g statute. He said the condition for 40% affordable units attached to the motion by the board had an adverse impact on the viability of the project. He said his client had accepted other expensive conditions related to the project such as traffic lights and those attached by the Inland Wetlands Agency. He summarized the financial impact of lost rental income totaling \$17,000 per month. He said the board had overstepped its authority by changing the percentage of affordable units from 30% to 40% because that percentage is established by statute. He said he had consulted the City Attorney's office and encouraged the board to do the same. He provided materials documenting case law as it relates to the statute and reviewed highlights of how the statute had evolved to the present. He read from the decision where Judge Berger (chief judge of the Land Use Court) "prohibited a commission from imposing more stringent percentages for longer set-aside periods." *Griswold Hills Newington v. Newington Planning and Zoning Commission* was another case study he referred to with the same outcome.

Mr. Sulkis said that upon receiving the application, he consulted City Attorney John Berchem who corroborated everything Attorney Lynch just said.

Vice Chairman Quish opened the hearing to the public with instructions.

Favor: None.

Opposed: None.

Rebuttals: NA

Vice Chairman Quish closed the hearing.

Motion: Mr. Grant motioned to revise the approval to revert to the 30% statute limitation.

Second: Mr. Nichol seconded.

Discussion: None.

Vote: Motion carried unanimously less Mr. Marlow.

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4. **0 Shelland Street (HDD)** Petition of Kevin Curseaden, Esq., for a Special Permit and Site Plan Review for outside storage and auto repossession yard on Map 51, Block 936, Parcel 17K of which Jordan Realty, LLC, is the owner.

Attorney Curseaden, Carroll, Curseaden, and Moore, 3 Lafayette Street, addressed the board. He noted the presence of Jeff Gordon of Codespoti Associates; Frank Fournier, company owner; and Christopher Mann, his operations manager. He said several City agencies had provided approvals. He referred to the Statement of Use, the use being repossession of late model cars. He said the business would operate out of a 2400 sf, pre-finished, barn-red metal building on a vacant lot. He said storage containers would be provided to hold personal possessions taken from the cars. He said he respectfully disagreed with Mr. Sulkis' opinion regarding storage containers not being used for permanent outdoor storage. **Attorney Curseaden** said the use is allowed in an industrial district, and also permitted in the HDD zone. He raised an issue from the original subdivision of a sidewalk mandated in 1998, which he said was inappropriately added to the approval after the fact. He said that in an analogous project in the same area approved by the board about a year ago, no sidewalk was required. He submitted photographs of a similar office operated by the same applicant's company in Plainville. He said 2 companies would be working from the same location doing the same type of business. He reviewed the company's vehicle inventory. **Mr. Nichol** asked if floor drains were being proposed. **Attorney Curseaden** deferred to Mr. Gordon. **Mr. Nichol** asked if a sprinkler system was required, **Attorney Curseaden** said the fire department approved the plans as submitted without one.

Jeffrey Gordon, Codespoti Assoc., 263 Boston Post Road, Orange, address the board about the drainage. He said his firm designed the Tower Heights subdivision for Jordan Realty in 1998 alongside a subdivision with component areas of industrial use, residential, and an open space buffer. He provided details on drainage plans for the original subdivision and some changes planned to accommodate City Engineer Greg Pidlusi's comments. **Mr. Gordon** provided a sample of the color of the building, reviewed parking, described plantings and grading, and presented a lighting plan to illuminate the parking lot and storage areas. He reviewed details of the floorplan. He showed elevations depicting a barn-like design. **Attorney Curseaden** showed photographs of the Plainville site.

Mr. Sulkis summarized the project and reiterated his statement that the external storage containers would violate the section 4.1.1.5 regulation prohibiting outside storage containers remaining for more than 3 months.

Board Discussion: **Mr. Grant** confirmed with **Mr. Fournier** that the storage containers were needed to hold personal property of debtors for a legally mandated 60 day holding period. **Attorney Curseaden** deferred to Mr. Fournier.

Frank Fournier, Skyline Recovery Services, 376 Easthampton Rd, Northampton MA, addressed the board. He listed several of his business's locations in CT. He described the process of retaining personal property from a repossessed vehicle. **Attorney Curseaden** outlined his difference of interpretation with Mr. Sulkis regarding storage containers. **Attorney Curseaden** said that if this is an issue for the board, could the hearing be left open to allow for a revision of the plan. **Mr. Grant** thought that the storage containers would have to be set up as accessory structures and would have to meet building code, noting that the applicant was willing to paint or side the structures. He confirmed with **Mr. Sulkis** that the containers could be set up as accessory structures that meet setbacks, etc. **Chairman Marlow** confirmed with Christopher Mann, Plainfield Operations Manager, that business hours were 9-5, but cars may come in at various hours, day or night, and that portions of the building had to be secured for certain employees to comply with financial regulations. **Mr. Sulkis** asked if there would be a chance of outgrowing the storage container; **Mr. Mann** said because there are a fixed number of cars on the property and a fixed amount of time to hold personal property, they could gauge the amount of storage needed without danger of outgrowing the storage units. **Mr. Sulkis** confirmed that there would be about 100 cars on the lots. **Mr. Mann** described the logistics of personal property rotating through the site. **Mr. Panzella** asked how vehicles leave the property; **Mr. Mann** said it is typically via 3-car trailers during 9-5 hours with 1 or 2 trucks running at night, but with all other functions happening during business hours. **Mr. Marlow** asked that the hearing be left open to give the applicant an opportunity to provide an alternative. **Attorney Curseaden** said the applicant would accept a condition to make the storage containers into accessory structures. **Mr. Sulkis** said there was

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no design submitted. **Chairman Marlow** said the hearing would be left open pending submission of drawings for the outdoor containers.

Chairman Marlow opened the hearing to the public with instructions.

Favor: None.

Opposed: **Robin Moran**, 500 Plains Road, confirmed that the company is currently on Raton Drive and is now moving to Shelland Street. She asked if a sign could be posted to limit commercial access via Bic Road. **Mr. Sulkis** said only the traffic commission or public works can post signage, but a request can be made by the board and attached to an approval.

Rebuttals: NA

Chairman Marlow left the public hearing open.

5. **87 Golden Hill Street (MCDD)** Petition of Kevin Curseaden, Esq., for a Special Permit and Site Plan Review for 4 dwelling units on Map 43, Block 389, Parcel 5 of which Bella Properties, LLC, is the owner

Attorney Curseaden, Carroll, Curseaden, and Moore, 3 Lafayette Street, addressed the board. He provided handouts with information about the history of the property. He noted that Jimmy Ziko, of Bella Properties, was present. He summarized that the site had previous approval for development of 3 structures, but also features a carriage house that intrudes onto the state railroad right-of-way. He said a previous approval to develop the property expired and that the property went into foreclosure. He said he's asking for approval of 3 units plus a 4th unit in the carriage house conditioned on a lease agreement with the state of CT. He said Mr. Ziko has made significant improvements on the property. He asked the board not to approve based on the City Engineer's comments which required sidewalks because the previous approval was still in effect. He said the sidewalks added to construction costs. He asked that the board approve the application "as is."

Mr. Sulkis described the project and reinforced the City Engineer's insistence on replacement of sidewalks. **Attorney Curseaden** said this was burdensome to new businesses when remodeling is only being done to the interior of a structure. He said if the owner was adding to the structure or repaving, he would agree with the sidewalk recommendation, but it is only an interior renovation. He asked for several years to comply. **Mr. Dolan** confirmed that the site is across from Mr. Mac's. **Mr. Dolan** said the building is blighted and if someone is improving it, a small business owner should be given a break.

Chairman Marlow opened the hearing to the public with instructions.

Favor: None.

Opposed: None.

Rebuttals: NA

Chairman Marlow closed the hearing. **Mr. Dolan** expressed support for the attempt to improve a distressed property and sympathized with the costs born by a small business owner. He said if the sidewalk had to be installed, there should be a 3-year period to comply.

Motion: **Mr. Dolan** motioned to approve with a 3-year period to comply with installation of a sidewalk.

Second: **Ms. Austin** seconded.

Discussion: **Mr. Nichol** said he agreed except he wanted to see that the state had agreed to provide a lease. **Mr. Sulkis** said he had discussed this problem with Attorney Curseaden, but that the state moves slowly. **Mr. Grant** suggested that the motion to approve be amended to exclude the carriage house until state approval is obtained and that 3 years be provided to meet City Engineer's recommendation.

Vote: Motion carried unanimously.

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NOTE: THE BOARD VOTED TO HEAR 13 SAILOR'S LANE NEXT BECAUSE THE APPLICANT HAD ARRIVED.

CONTINUED from 8 NOVEMBER 2017, CLOSE BY 12 JANUARY 2018

6. **100 Raton Drive (LI)** Petition of Tribus Beer/Sean O'Neill, for a Special Exception for brewery with pub and patio on Map 73, Block 928, Parcel 4Q of which Best Buddies, LLC, is the owner.

Attorney Thomas Lynch, Lynch, Trembicki & Boynton, 63 Cherry St, addressed the board. He said his clients had leased the property, started to renovate the building, and installed equipment for the brewery. He said the manufacturing aspect of the business is a permitted use in the LI zone, but the tasting area is not, which is why the Special Exception is being requested. He said he would review plans for the property and proactively address some concerns by neighbors. He said the site is in the northwest portion of the city near the power plant, zoned industrial in the 1970s, and featuring a variety of industrial uses, such as the dirt track for motorbikes and the automobile storage area. He said the 1500 sf of the building being leased was previously used by a fiber optic company. He referred to the floorplan. He said the building would be retrofitted to a pub. He referred to the good corporate citizenship of craft breweries like Two Roads and Thimble Islands, saying they are active members of the business community. He said there would be no construction on the property except for a small patio for spring-fall service and that no outdoor music or live entertainment will be hosted. He said the parking area would be striped and that based on the use, 57 spaces are required but 65 are available. He referred to the Statement of Use with a specific permit for breweries where activities include taking the product offsite or consuming it onsite. He outlined manufacturing hours. He compared the production volume to Two Roads, saying it would be much less, which in turn would create relatively small amounts of new traffic. He said wine and cider would be sold, as well as branded merchandise. He said provision would be made for a food truck, but there would be no kitchen facilities. The food truck would provide pizza and sandwiches. He referred to the layout of the interior. He said existing office and storage would be used and new toilet facilities added. He said the patron area would be bounded by the bar. He said in that area multiple exits and public safety upgrades were added including sprinklers and emergency lighting. He said social media would direct visitors via Bic Drive. He said his clients want to become active members of the community's chamber of commerce and sponsor local events. He said these activities tend to create economic vitality. He stressed that noise will not be generated by entertainment and that no smells of manufacture will emanate from the building.

Jay Coulis, CME Traffic Engineering, 101 East River Drive, East Hartford, addressed the board. He summarized findings that 37 additional trips would occur in the evening peak traffic hour. He said sight lines to driveways and at Plains Road met or exceeded minimum requirements. He said the project wouldn't have a significant impact on traffic in the area.

Attorney Lynch summed up by reiterating the amount of excess space and excess parking available at the building. He said his clients reached an agreement with UI to install lighting fixtures in parking lots in compliance with the City's lighting regulations. He said the landscaping of the back parking area had caused a concern, but no parking expansion is being requested. He said the dumpster enclosure requirements would be met. He said the Police Commission visited the site and approved the proposal. He said new aprons would be provided per the City Engineer. He said the previous septic system had been replaced by connection to the City sewer system.

Mr. Sulkis summarized the project. He said the submitted plans lacked detail on lighting and landscaping. He agreed that as a condition of approval would be careful review of the lighting provided by UI. **Mr. Nichol** confirmed that the food truck would leave each day during business hours and that the outdoor patio use would be determined by the weather rather than strict calendar dates.

Chairman Marlow opened the hearing to the public with instructions.

Favor:

Michael Finley spoke on behalf of Brett Bosner, 33 Railroad Ave, in favor of the project due to the success of craft

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brewing throughout the state. He said Milford should share in the economic growth opportunity it presents, noting that craft brewing is a multi-million industry that creates skilled jobs, attracts tourism, and revitalizes old industrial areas.

Max Ludwig, 26 Blair St, said he has had a very different, positive experience visiting craft breweries throughout New England as opposed to bars.

Gregory Harla, Vice Chair of the Milford Economic Development Commission, read a statement endorsing the project, and stating that the brewing industry has made an economic impact in Connecticut of \$718 million annually with thousands of jobs created and tourism generated. He said regulatory agencies will address related concerns.

Fred Miller, 65 Henry Albert Drive, said he lives near the proposed site and welcomes vital new business to Milford which benefits the community without strains on resources like schools. He said he can hear the bikes on Oronoque Road, but he has no fear of noise or odors. He said he is a runner in the area and did not fear any traffic impact.

Bill Mc Donald, 32 Elizabeth St., says he knows the owners to be conscientious business persons, and welcomes an addition to the tax base.

Ryan Eaton, 82 Loomis Street, said he is a distribution business owner, described his operation, and said the proposed business would not be disruptive.

Martin Kelly, 163 Beach Ave, said the idea will be good for the community and that the owners are of good character.

Opposed:

Vince Saruollo, 45 Haystack Road, said he served on the Planning and Zoning Board and was familiar with the regulations. He said the LI zone of the proposed project abuts residential property and that the LI zone is meant for smaller industrial uses like machine shops. He said microbreweries are economically beneficial, but he objected to the pub/patio aspect of the project, saying a precedent would be set. He shared images of the New England Brewery site in Woodbridge and the Two Roads Brewery as a comparison. He said there would be a traffic impact.

David Proskin, 136 Harvest Lane, said he would tend to be supportive but has a concern about traffic with regard to his child.

Andrew Litowitz, 198 Cornfield Rd, referred to regulations that he felt were contradicted by the project. He was concerned about traffic and noise from a food truck.

Marcia Doran, 64 Harvest Lane, was concerned about the impact on family life in the area, especially drunk drivers.

James Ballas, 106 Cornfield Rd, said he was concerned about air quality, production scale, by-product disposal, numerous patrons, traffic, disorderly behavior, and Milford's lack of a noise ordinance. He submitted a petition.

Robin Moran, 500 Plains Rd, spoke about the difference between the LI zone versus the ID aone. She said the use was not in harmony with area. She was concerned about traffic increasing, saying Plains Rd is winding, with no street lights on Shelland. She anticipates a negative impact on the value of her home. She said speeding is already a problem and had concerns about parking lot lighting.

Kimberly Andrade, 161 Cornfield Rd, was concerned about impaired driving in a darkened area, saying the roadway was not brightly lit like that near Two Roads in Stratford. She doubted people would take a longer route via Bic Drive.

Jeanne Dubois, 116 Cornfield, said Plains Rd traffic and noise has increased over the years and was concerned about

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large trucks having to back up.

George Hoppes, 550 Plains Rd, said the effect on the neighborhood would be devastating and discussed traffic issues.

Michael Bresnin, 499 Plains Road, said craft beer alcohol percentages are higher. He said other properties are available on the Post Road. He reviewed regulations that he felt were being violated.

Barbara Bresnin, 499 Plains Road, handed out photos and a section of regulations, concern for walking, biking, daycare, dog walking. She said cars were already going wrong way on one way part of Plains Road. She had photos of another brewery selling beer in Woodbridge. She made a request to cul de sac the street.

Pat Hoppes, 550 Plains Road, said that there are injuries now with the activities at the Milford Riders group and that if drinking is available, there will be more. She expressed a concern about litter.

Jim Mallico, 579 Plains Rd, was concerned with trucks coming through.

Earnest Dubois, 116 Cornfield Rd, said he was a retired firefighter and that there is already too much traffic due to Milford Riders. He said a brewery is fine, but not a patio. He described other current activities that create noise and traffic and light pollution.

Rebuttal

Attorney Lynch reiterated that this is a permitted use. He stressed that the special use involved a tasting room rather than a bar. He said the scale of New England Brewery's operation in Woodbridge was not going to be comparable to the proposed use in Milford. He said that Haystack and Cornfield are dead-end streets. He said that if a person buys a house in close proximity to an industrial zone, expectations of tranquility are diminished. He noted that the closest residence to the proposed brewery is 700 feet.

Rebuttal in favor

Laurie Melius, 61 Knobb Hill Road, stressed that it is in the character of owners to be attentive to the neighbors and address their concerns.

Ryan Eaton, 82 Loomis, agreed that these owners are responsible and stressed that breweries are not rowdy.

Mike Branniff, 25 Mill?? Rd, said the project is great for Milford, that he works in the industry, and that all servers are trained to recognize impaired people and cut them off.

Meghan Glynn, 26 Deer Run Trail, said she lived close to the brewery and also thought the project was great for Milford. She said she has a young daughter and doesn't fear for her safety due to the use.

Deb Warrek, 10 Westport Pl, said she lives nearby, supports the project, and knows the owners will give back to community.

Rebuttal in opposition

[No name given] said a brewery was permitted but no patio should be allowed.

[No name given] echoed the sentiment of a brewery being permitted, but not the deck or tasting room. He said the neighborhood had accepted the existing dirt track and soccer area, but there should not be a new exception.

Kimberly Andrade, 161 Cornfield Rd, said she accesses her street from Plains Road and is concerned about impaired

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drivers. She was not confident that servers will cut off impaired patrons

Robin Moran, 500 Plains Rd, said impaired drivers can easily turn onto dead-end roads. She said she has observed disregard of existing signage barring commercial traffic, so she expects more of the same.

Gary Hoppes, 75 Cornfield Road, said a brewery is fine; the exception for patio is not. He said it would set a precedent for more bars.

Michael Bresnin, 499 Plains Road, said he bought his home knowing the dirt track was there. He said a tasting room would not be serving only 2 oz of beer, and that televisions and games are being installed for extended attendance.

Ellen Beatty, 194 Centennial Drive, said she was on the Board of Alderman, 1st district, and had concerns about the entranceway and that the use in a residential area. She said traffic should be redirected to Bic Drive. She asked for modification of the plan to reduce concerns.

Robert Andel, 84 Cornfield Rd, said a brewery was allowed, but there no tasting area or patio should be approved.

Second Applicant Rebuttal

Attorney Lynch said intoxicated drivers do not cause problems in currently licensed establishments in residential zones such as the Great River Golf Course or Scribners. He stated that the application is a special exception, meaning that the use is neither permitted or prohibited. He stressed that the application is not a variance and not in derogation of the zoning regulations.

Mr. Dolan confirmed that there was adequate liability insurance.

Mr. Moore confirmed with **Matt Weichner**, 72 Sunset Ave, a partner in the business, that families, including children and pets, are welcome because the atmosphere is unlike a bar or nightclub. Families can also bring their own food and enjoy the sense of community.

Chairman Marlow closed the hearing. He said the late hour meant the board would take up matter at the next meeting.

- 7. 328 Meadowside Road (R-12.5)** Petition of Thomas Lynch, Esq., for a Special Permit and Site Plan Review for 8-30g 12-Unit Residential Complex on Map 26, Block 263, Parcel 15 of which Beachland, LLC, is the owner.

Postponed with an extension.

E. CHAIR REPORT: **Chairman Marlow** advised that he signed a lot line adjustment at 80 Surf Avenue.

F. LIAISON REPORTS: None.

G. REGULATION SUBCOMMITTEE: None.

H. APPROVAL OF MINUTES 21 November 2017, approved with a correction--last page referred to the date of the next meeting as 21st, not 19th. Mr. Dolan so moved, Mr. Moore seconded, and the corrected minutes were approved.

I. STAFF REPORT: None.

J. ADJOURNMENT was at 11:02.

Attest:

M.E. Greene, Interim Clerk, Planning and Zoning Board

Note: Minutes are not official until approved by Board vote at a subsequent meeting.