

**MINUTESFOR (3) PUBLIC HEARINGS  
OF THE PLANNING AND ZONING BOARD  
HELD TUESDAY, APRIL 21, 2015 AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Benjamin Gettinger called to order the April 21, 2015 meeting of the Planning and Zoning Board at 7:35 p.m.

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

**B. ROLL CALL**

**MEMBERS PRESENT:** Michael Dolan, Jeanne Cervin, Vice Chair; Edward Mead, Carl S. Moore, Tom Nichol, Tom Panzella, Jim Quish, Benjamin Gettinger, Chair.

**NOT PRESENT:** Anthony Sutton and John L. Grant

**STAFF:** David B. Sulkis, City Planner; Phyllis Leggett, Board Clerk.

The Chair reordered the agenda to take Item D2, 14 Gulf Street, before C1.

**D OLD BUSINESS**

**2. PUBLIC HEARING – CLOSED 4/7/2015; EXPIRES ON 7/15/2015**

**14 GULF STREET (ZONE SFA-10)** Petition of Thomas B. Lynch, Esq., for Special Permit and Site Plan Review approval to construct 15 residential units under CGS 8-30(g) Affordable Housing Act, on Map 66, Block 813, Parcel 14, of which Two-Ninety Six LLC is the owner.

**Motion:** By Ms. Cervin for approval with conditions: 1) Two bedroom use of each unit is prohibited; 2) Two street trees be added on Gulf Street along with additional planting along the side of the building abutting Gulf Street; 3) The creation of a passive recreational area and the open space at the rear of the complex, and 4) The addition of one more affordable unit increasing the number of affordable units from five (5) to six (6).

**Second:** By Mr. Nichol.

**Discussion:** None

**Vote:** Seven members voted in favor of approval. Mr. Quish voted against approval.

**Motion:** Passed.

**C. 1. CGS 8-24 APPROVAL – SALE OF 71 ARDMORE ROAD**

City acquired property via a strict foreclosure.

**Chairman Gettinger:** The Board needs to formally approve this request so the City can sell the property.

**Motion:** By Mr. Quish for approval.

**Second:** By Mr. Panzella.

**Discussion:** None.

**Vote:** All in favor.

**Motion:** Passes.

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**E. NEW BUSINESS**

3. **134 and 142 OLD GATE LANE (ZONE ID)** – Petition of Ronald Wassmer, PE, LS, for Site Plan Review and Coastal Area Management Review approval to construct an 1176 SF addition and 25 additional parking spaces to an existing restaurant on Map 68, Block 811, Parcels 6F and 7C, of which Jive, LLC is the owner.

**Ronald Wassmer, PE, LS, CCG, LLC, 158 Research Drive**, representing Jive, LLC, for the applications to construct an 1176 SF addition to Pop's Restaurant and the construction of an additional 25 parking spaces. Plan S-1 on the displayed site plan showed the addition to the rear of the building, which 24 feet by 94 feet. The floor plan was also displayed. The additional parking is on 142 Old Gate Lane, which has been purchased by the applicant. Access to the new parking lot will be through the existing parking lot. The driveway at 142 Old Gate Lane will be removed and the sidewalk will be reconstructed. The existing modular block retaining wall delineates the limits of the proposed construction of the new parking lot. Additional details of this area were described.

The property is in the coastal review area and there are wetlands in the rear of the property. The CAMSPR was submitted with the Site Plan Review application. Inland Wetlands has given their approval. The landscaping plan was described. The engineering and lighting details were described via the displayed site plan.

The Police Commission recommended that No Parking signs be placed on Old Gate Lane from the property 100 to 152 Old Gate Lane on both sides of the street and no plantings or signage shall be placed within the sight line. The applicant has agreed to these conditions.

Mr. Wassmer reviewed the plan details and the floor plans which will add 36 new seats of tables for four and two.

There is a conservation easement at the rear of the property which Mr. Wassmer indicated on the site plan in response to Ms. Cervin's question.

Ms. Cervin noted there could be potential danger to pedestrians going from the new parking lot to the restaurant. Asked for a demarcated walkway on the asphalt as guidance for the pedestrians.

**Motion:** By Mr. Nichol for approval of the application with the following conditions: 1) Incorporation of the Police comments; 2) Design improvement to a waiter's station; 3) Post construction and mitigation monitoring bonds, 4) a marked walkway on the asphalt from the additional parking lot to the restaurant for pedestrian safety.

**Second:** By Mr. Quish.

**Discussion:** Chairman Gettinger who spoke highly of the success of this restaurant and its contribution to the community.

**Vote:** All members voted in favor of approval with conditions.

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**Motion:** Passed.

**F. PUBLIC HEARING – CLOSE BY 6/16/2015 (BY EXTENSION) ; EXPIRES ON 8/20/2015**

4. **PETITION FOR ZONING REGULATION CHANGE:** Petition of Milford Developers, L.L.C., for a change in the Zoning Regulations of the City of Milford to create a new zone as follows: **Article III Section 3.25 (New) - To add a new “Housing Opportunity District” (“HOD”)**. The complete text of the proposed Zoning Regulation is on file at the City Clerk’s office and Planning and Zoning Office.)
5. **PETITION FOR ZONE CHANGE: WHEELERS FARMS ROAD/EAST RUTLAND ROAD (ZONES DO 25 and R-A)** Petition of Milford Developers, L.L.C., for a Change of Zone for 26.06 acres from the DO-25, and a portion of the R-A zones, to the proposed HOD zone, on Map 96, Block 915, Parcel 11/C1, of which Wheelers Woods, LLC is the owner.
6. **WHEELERS FARMS ROAD/EAST RUTLAND ROAD (ZONE DO 25)** Petition of Milford Developers, L.L.C., for approval to a construct 180 unit multi-family rental apartment community on Map 96, Block 915, Parcel 11/C1, of which Wheelers Woods, LLC is the owner.

Each application is filed pursuant to CT General Statutes Section 8-30g.

**Discussion:**

There was Board discussion with regard to whether the applications could be heard this evening. Inland Wetlands, the Police Commission, Conservation Commission and Public Works Department have not submitted their reviews of the project. The Board should have all the information for a complete understanding of the application, as well as the public. Best for all parties to wait until the application is complete.

**Timothy Hollister, Esq.**, representing the applicant and the owner. He just heard this morning that the hearing might not be held. Went through time and effort to get ready for tonight’s meeting with regard to notice requirements; bringing staff from other locations, etc. Approvals have been received from the Sewer Commission, the Fire Department, the City Engineer; Tree Commission; and a revision of the plans based on Mr. Sulkis’ comments. Was supposed to be on the Police Commission’s last meeting, but was not. Wetlands and Conservation were delayed due to snow being on the ground at the time the site visits were to take place.

Attorney Hollister asked to make the initial presentation tonight, which would facilitate everyone’s understanding of what they are attempting to do.

The issue of the Wetlands review was discussed and if there would be a need to revise the plans. Attorney Hollister did not believe the plans would be

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changed.

The Board did not have the content of the regulation change beforehand and had not had the opportunity to review it.

The Board members determined a complete application was required in fairness to everyone concerned before the application is presented to the Board and public.

Attorney Hollister reviewed the information that should be in the hands of the Commission at this time: Basic zoning package of January 23, 2015 containing a bound document that refers to the current demand for housing in Milford; supplemental materials dated April 21, 2015, with no plan changes, just updates and an 11 x 17 of the plans.

With regard to signage, it was determined the placards would remain with the date changed to May 19<sup>th</sup>, which will be the continued date of this hearing.

**Chairman Gettinger:** Opened the public hearing and continued it to Tuesday, May 19, 2015.

Attorney Hollister put the procedural compliance on the record.

**G. LIAISON REPORTS - None**

**H. REGULATION SUBCOMMITTEE - No report**

**I. APPROVAL OF MINUTES – (4/7/2015)**

**Motion:** To approve by Mr. Mead.

**Second:** By Ms. Cervin

**Discussion:** None.

**Vote:** All members present voted to approve the Minutes as recorded.

**Motion:** Passed.

**J. CHAIR'S REPORT - None**

**K. STAFF REPORT - None**

**Motion:** To adjourn by Mr. Panzella

**Second:** By Mr. Moore

**Vote:** All in favor of adjournment

The meeting adjourned at 8:20 p.m. The next meeting Planning and Zoning meeting is scheduled for May 5, 2015.

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*Phyllis Leggett*

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Phyllis Leggett, Board Clerk