

**MINUTES FOR TWO (2) PUBLIC HEARINGS  
OF THE PLANNING & ZONING BOARD HELD  
TUESDAY, FEBRUARY 5, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Mark Bender called to order the February 5, 2013 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, Benjamin Gettinger, John Grant, Edward Mead (Vice Chair); Dan Rindos, Michael Casey, Joseph DellaMonica, Tom Nichol, Mark Bender (Chair).

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

**C. PUBLIC HEARINGS - CLOSE BY 3/12/2013; Expires 4/11/2013**

1. Petition by the City of Milford to correct map errors for the following properties:

**1200 BOSTON POST ROAD** – Correct the portion of Map 78, Block 832, Parcel 10 from the R-18 Zone to the CDD-5 Zone.

**GRINNELL STREET** – To return the four properties that were mistakenly identified as Open Space back to their original residential R-18 zone designation.

**Mr. Sulkis:** Reminded the Board that when Bed Bath and Beyond was originally approved, that lot was a split zone and the Board said the zoning map should be fixed to make it follow the property line. Over the period of time, this change did not take place. When the application the addition of another building in the plaza came before the Board, the issue of the map change came up again to make the zoning match the property line.

With regard to Grinnell Street, in 2004 when the zoning regulations and the comprehensive rezoning and mapping were done, a majority of the street where these properties are located is in open space, but when the mapping was done, it included the four residences that were abutting the open space and rezoned as such. This is problematic for the property owners, especially if they want to refinance or do anything with the property because it renders their property as nonconforming with the zoning. Requesting that these properties revert back to their previous R-18 zone.

**Chairman Bender:** Asked about the small area that was to be rezoned at 1200 Boston Post Road.

**Mr. Sulkis:** A portion of the parking closest to the off ramp is in the R-18 zone. The Board has always viewed this as a map error. The Board recognized from the site plan that this was an error each time they saw this application. All that is being done is converting the R-18 portion of the property to the CDD-5 to match the property line.

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**Chairman Bender:** Indicated the area Mr. Sulkis was referring to was in the PRD zone.

**Mr. Sulkis:** Stated the PRD was the condos that were built there.

(Mr. Sulkis went to look at the area Chairman Bender was referring to on the map of the property.)

There were no questions from the Board and the Chair opened the hearing to the public. He explained the procedure for speaking by the public. He asked if there was anyone to speak in favor of the map changes.

**Elizabeth Wynnich, 146 Grinnell Street.** Stated she is the homeowner who brought this matter to light. While in the process of refinancing her house with very favorable rates, she was rejected because she could not rebuild her house. She notified her neighbors, one of which helped her find out that it was a City error. That cost her significant funds and created a lot of aggravation for her. She said this could not be changed, but as an auditor she believes hers is not the only situation with an error. She asked that the Board make sure that those changes from 2004 be reevaluated because another family in such a situation where they are trying to sell their house is going to get caught up in the process. Approve these changes but look to see what else got messed up.

There were no other speakers for or against the map change.

The public hearing was closed. The Chair asked for a motion to approve.

**Mr. Mead:** Made a motion to approve 1200 Boston Post Road to correct the portion of Map 78, Block 832, Parcel 10 from the R-18 Zone to the CDD-5 Zone.

And to approve the return of the four properties located on Grinnell Street that were mistakenly identified as Open Space back to their original residential R-18 zone designation.

**Mr. Rindos:** Second.

**Mr. Sulkis:** Asked that the address of the four properties in question be listed.

Mr. Mead amended his motion to indicate that map changes of the four property addresses were Numbers 136, 146, 186 and 200 Grinnell Street.

All members voted in favor of the motion to approve.

2. **WALNUT BEACH CONDOMINIUMS** – Petition of the Walnut Beach Association, Inc., for Special Permit approval to expand Flood Erosion Control Structure located at Parcels 016, 137 and 073, of which Walnut Beach Condominium Association, Inc., is the owner.

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Tim Wentzell, Professional Engineer with Connecticut Property Engineering. Also present is John Hufcut the property manager and Richard Chaffee, the contractor who will be doing the work on the project.

This project has received approval from DEEP. The National Diversity Database has given their approval as well as the Milford Harbor Commission and the Army Corp of Engineers.

During some of the storm there was significant backwashing of the seawall. This has been going on for years, but the failure of the wall occurred by the wall being breached by waves which washed and eroded behind the wall resulting in the situation where the wall fell onto itself.

This project is intended to do two things: To repair the sea wall and put it back to its original condition and to add some energy dissipation behind the wall which is becoming more common as a methodology of trying to take the energy of the wave when it breaches the wall. Depending on how high the wall can be the waves could go across the top of the wall and undermine it as has been done before. There is no perfect solution in a case like this, but the intent of this project is to add a 15-foot wide energy disipation strip to the rear of the repaired sea wall in order to try to prevent the same thing from happening.

Mr. Wentzell showed a diagram and photographs that showed before the repairs were started at the site and explained the proposed work that would take place to reinforce the seawall.

He stated it was requested by the DEEP that the work be completed by March 31<sup>st</sup>.

**Ms. Harrigan:** This plan was sent to John Gaucher in the DEEP. He had no concerns about the expansion of the revetment wall. One of the concerns in terms of looking at an application such as this is that there is not a significant increase in the height envelope of this kind of flood erosion control structure. That is not what is happening here. The City has to issue a permit because the expansion that is occurring is within the City's jurisdiction. It is the landward portion of the coastal jurisdiction line.

**Ms. Cervin:** Asked if all the approvals that were mentioned are in the file.

**Ms. Harrigan:** Yes, the Army Corp permitting as well as the State DEEP permitting.

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

The public hearing was closed.

**Mr. Rindos:** Made a motion to grant permission to the Walnut Beach Association, Inc. for Special Permit approval to expand a Flood Erosion Control Structure located at Parcels 016, 137 and 073, of which Walnut Beach Condominium Association, Inc., is the owner.

**Mr. Casey:** Second.

All members voted in favor of approval.

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**D. PLAN OF CONSERVATION AND DEVELOPMENT – Update**

**Chairman Bender:** Asked Mr. Sulkis if he had met with the publisher.

**Mr. Sulkis:** It will be going to the printer on Thursday and going live on line this week.

**Chairman Bender:** Noted the board members have not reviewed the final version.

**Mr. Sulkis:** It is the cleaned up version of what the Board has approved. There is one master copy that will be used by the publisher as a guide for the PDF material that will be used for the printing.

**Chairman Bender:** Asked how many copies would be made.

**Mr. Sulkis:** About 100, which is typical.

**Chairman Bender:** Stated he had not seen the final version.

**Mr. Sulkis:** Said he could hold off on the printing until the board members come to his office to see the final version.

**Chairman Bender:** Noted the formatting would not be complete and the final copy should be seen as it will be printed, due to blank pages, etc.

**Mr. Sulkis:** Said it was because what was seen is everything is on a single sided page. In terms of what it says, it is as correct as it can be. The master will be used against the electronic form. The publisher will make one copy from the electronic copy that Mr. Sulkis will review.

**Chairman Bender:** Asked if he could review the master copy before the additional copies are made. The Board members can come into the office to review the master copy if they wish.

**Mr. Sulkis:** The electronic version will be on the City's website live this week, which will be in the single page format.

**Chairman Bender:** Stated the Board has to see the final version.

**Mr. Sulkis:** The Board has already approved the Plan. There is no difference between the previous one on line and the current version on line, other than the spelling corrections and minor edits that were made.

**Chairman Bender:** The Board approved it with the understanding the Board could see it before it went to publication.

**Ms. Cervin:** Thought the Board went through that already. The Board had the opportunity to do the proofreading. Does not know what could be gained except one more final look.

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**Chairman Bender:** Don't know that all the errors have been corrected and no one from the Board has seen the final version to say it has all been done. He would like the opportunity to review the final version before it becomes public knowledge.

**Mr. Sulkis:** That can be done when it is on line this week. There is no substantial difference from what the Board approved. Mr. Sulkis explained some of the corrections that were made.

**Chairman Bender:** When the document is on line it can be corrected, but did not want 100 copies to be printed before it is confirmed there are no further corrections.

Mr. Sulkis will notify the Board when the Plan goes live and if there is no feedback, that's a good sign. One copy will be printed for review.

**E. REGULATION SUBCOMMITTEE - Report on the Committee's third meeting.**

**Chairman Bender:** Had a Subcommittee meeting tonight. There were 51 items. 30 some odd items were reviewed. List will be reviewed and pared down again for the next meeting in two weeks, after which time the meetings may be held once a month so the Board can review the suggested changes.

**F. PROPOSED REGULATION CHANGES - Update**

- Sec 2.5.5 Lot Access and Rear Lots –** Schedule another meeting with CA
- Sec 9.2.3 Prohibited Variances –** Priority of Regulation Subcomm ittee
- Sec 5.1.4 Off-street Parking Requirements (10) Health Clubs –**

**Chairman Bender:** These regulations are more or less part of the proposed regulation changes being reviewed by the Committee. Asked if Mr. Sulkis could arrange for a meeting with Debra Kelly to discuss the Lot Access and Rear Lots. That is still up in the air along with the Prohibited Variances. He asked to be part of that meeting. Off Street Parking is a low fruit item.

**G. LIAISON REPORTS**

**Mr. Mead:** Police Commission Meeting – They did a new restriction of on-street parking for John Street as requested by numerous residents. He did not have the details. It is a small one-way street down in the West Shore area and people were parking on both sides of the street.

**Mr. Casey:** Board of Aldermen meeting - Discussed the release of an easement at 26-28 Broad Street. It had to do with the Planning and Zoning Board's approval in October 2010, but the Board of Aldermen by a 3-10 vote rejected the release of the easement in downtown Milford. A couple of issues came up at the meeting with regard to concern about mixed-use. The property owner wanted to use it for his residential parking and the Board of Aldermen addressed the Planning and Zoning how to address mixed use issues with business and residential area. Some members of the Board of Aldermen said that business should take precedence over residential parking in that

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area. It was somewhat of a contentious issue as to what the Planning and Zoning Board had done in 2010 and what their findings were, and things of that nature.

**Chairman Bender:** Was this the easement for a couple of parking spots?

**Mr. Casey:** Yes, for two parking spaces.

**Mr. Grant:** Steve Johnson was named as the Open Space Manager. His office is located in the former Inland Wetlands Office. He has a lot of things planned. At this time he is trying to get all the open space properties catalogued. Asked that people come by to say hello to him.

**H. APPROVAL OF MINUTES – (1/15/2013)**

**Mr. Mead:** Made a motion for approval.

**Mr. Nichol:** Second.

All members voted in favor.

**I CHAIR'S REPORT**

Chairman Bender is taking the 12 week Citizens' Police Academy course. He finds it very interesting.

**J. STAFF REPORT**

**Mr. Sulkis:** Next meeting there will be FEMA flood maps to approve.

**Mr. Gettinger:** Motion to adjourn.

**Mr. Grant:** Second.

All members voted to adjourn the meeting at 8:05 p.m. The next meeting will be held on Tuesday, February 19, 2013.

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Phyllis Leggett, Board Clerk