

The Shelton Planning & Zoning Commission will hold a Special Meeting on October 26, 2004 at 7:00 P.M. in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins  
Comm. Patrick Lapera  
Comm. Daniel Orazietti  
Comm. Jason Perillo  
(sitting in for Comm. Papale)  
Comm. Anthony Pogoda  
Comm. Leon Sylvester  
(arrived late)

Staff present: Richard Schultz, Planning Administrator  
Anthony Panico, Planning Consultant  
Diana Barry, Secretary

Chairman Cribbins opened the meeting with Pledge of Allegiance said by all.

**TAPES (2) AND CORRESPONDENCE ON FILE IN THE CITY/TOWN CLERKS OFFICE AND THE PLANNING & ZONING OFFICE.**

**OLD BUSINESS**

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE STANDARDS #'S 1-26 (see attached list)**

Richard Schultz reported that there are standards 1-26 that are all in compliance with our regulations.

What is #7, asked Comm. Pogoda? Richard Schultz stated that they are just replacing an existing garage. It will be 23 by 19, stated Richard Schultz. It is in bad shape, he added.

What is # 13, asked Comm. Pogoda? This is at the United Methodist Home, stated Richard Schultz. I did go there and it is unobtrusive, he added.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Applications for Certificate of Zoning Compliance Standards #'s 1-26.**

**# 3809 NOCERINO CONSTRUCTION, INC. 560 HUNTINGTON ST., COMMERCIAL CONSTRUCTION**

Richard Schultz reported that this is the new Veterinary Hospital, PDD # 47 and staff recommends approval. It is 3800 sq ft.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 3809.**

**# 3842 AQUARION WATER CO., 505 HUNTINGTON ST., BUILDING**

Richard Schultz reported that this was tabled at the last meeting. Staff was directed to look into this and some of the Commissioners wanted to visit the site. We have received a letter from Carolyn Cooper, Project Manager. Richard Schultz reads from the letter that the Water Company is of the opinion that this is as a matter of right under the Connecticut State Statues, Section 16-235 that exempts Water Utility Companies from local zoning jurisdiction. Basically they felt that they would submit an application in good faith hoping that the Commission would approve it at the last meeting.

Obviously, the Commission was very concerned because we are updating our own regulations on these accessory structures. They are of the opinion that they could go to the Building Department anytime now and comply with State Statues. They are of the opinion that they have this as a matter of right just like the Connecticut Siting Council does for certain telecommunication facilities, stated Richard Schultz.

So the Commission has the option to approve this with no conditions, to disapprove it then that gives them the option to go to the Building Department to get a Building Permit under Connecticut Statue 16-235, or you can take no action at all which would result in same thing. I know some of the members have strong feelings about the direction that they were going in with this type of structure, stated Richard Schultz. It looks like a Quonset hut, stated Richard Schultz.

Their opinion is that this is a matter of right, questioned Comm. Orazietti? That is a legal question, answered Anthony Panico. I read over the letter and it is not perfectly clear to me either, he added. It makes reference to facilities under the jurisdiction of the Siting Council. This is not a facility, I believe, that is under the jurisdiction of the Siting Council. I don't know if you want a pure legal question you have to get that from Corporation Counsel.

I don't think that this Commission or Staff is of the opinion that we want to prevent this from happening. We want to be sure that the way it happens is the best for all parties involved, stated Anthony Panico.

I think the need is good and the reason to put it behind the building is excellent stated Comm. Pogoda. We were just a little concerned with the structure, stated Anthony Panico. I am disturbed with the photos that were provided by fax and it is out of character with their own facility, quiet frankly, he added.

It almost looks like the structures that the State is putting up because of new regulations that say you can't put salt or sand outside anymore, stated Comm. Cribbins. This looks like what the Street Department has done, stated Richard Schultz. If there was public works facility with pipes and other material laying around I don't think anyone would say anything about it but it is not the nature of the facility, stated Anthony Panico.

The only thing in their favor, for me, is that it is tucked away in the back of their facility and you can't see it from Huntington Street, stated Chairman Cribbins. You won't even see it in the winter because of the white pines, stated Richard Schultz. It is way back there, stated Comm. Perillo.

They had mentioned that this is the first of its kind, questioned Comm. Pogoda? That was one of their points. What is everyone else doing are they going to stay with this facility throughout the state, questioned Comm. Pogoda? They are saying that they want to, stated Richard Schultz. I wouldn't like to see this is our backyard then go up state to see a beautiful building going up, stated Comm. Pogoda. The rest of their facility is a good-looking facility, they keep it up and it is a well-maintained facility, he added. This couldn't happen at a worst time because you are sensitive with the regulations we are considering to adopt stated Richard Schultz.

How tall is this, 18 feet, questioned Comm. Oraziotti? It is 64 long by 32 wide by 21 feet high, stated Richard Schultz. We can see if there are any other options for building a shed type structure, stated Anthony Panico. Our concerns are with the esthetics of the building, we can take Tony's suggestion asking Aquarion if they could come back to us with an alternative structure that can be attached to the building. In the meantime we will research this and make the referral to Corporation Counsel for future reference, stated Chairman Cribbins. More of an issue for clarity for me, stated Comm. Perillo.

Motion to table # 3842, stated Comm. Pogoda. You can, stated Chairman Cribbins. We will call Aquarion to see if we can get this straightened out. I don't want to hold them, he added.

**Carolyn Cooper, Project Manager, addressed the Commission.** We did look at alternate designs but because of the building structures and ledge removal going towards the dam they were prohibited. The cost is several times greater. Engineering wise it was not impossible. We have a permit to go ahead in Easton and it is going up. We will proceed in Fairfield with the same design.

You are saying there is actually one up, questioned Comm. Pogoda? There is nothing up, stated Carolyn Cooper. The foundation is being poured this week for Easton.

Did you go to the Planning & Zoning Board in Easton, questioned Comm. Lapera? We went for an informal review and got it, stated Carolyn Cooper. The actually building will be ordered this week or next. It is not the prettiest thing granted but cost wise it is the best alternative for us, she added. It does serve the purpose. All three buildings at all three facilities will be hidden behind the building.

I have been to other facilities and your facilities are well maintained. I have been by the one in Fairfield and it looks good, stated Comm. Pogoda. I will rescind my motion to table Item # 3842 and I will make a motion to approve this, he added.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to rescind the motion to table Item # 3842 and then to approve # 3842.**

I am safe with this but I still would like to follow up with a letter to Corporation Counsel, stated Chairman Cribbins.

**#3881 HAROLD ELLAM, 45 HUNTINGTON PLAZA, BUSINESS**

Richard Schultz stated that Attorney David Volman is vacating his office in the back there. This is the Beard's portion of the Shopping Center. This is a real estate business, he added.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 3881.**

**# 3885 MARY VOLLHARDT, 206 LEAVENWORTH ROAD, BUSINESS**

Richard Schultz reported that this is a change of business occupancy at the White Hills Shopping Center. The East Village Liquor Store is changing ownership. It is 3600 square feet of leased area. Royal Wells is the owner. The hours will remain the same as controlled by the State. Staff recommends approval, he added.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3885.**

**# 3882 JAMES BOTTI, 514 BRIDGEPORT AVE., COMMERCIAL CONSTRUCTION**

Richard Schultz stated this is Phase 2 for the second building of PDD # 48. This is for the second building in the back.

**On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 3882.**

Comm. Perillo asked that Richard Schultz clarify just what this? Richard Schultz stated that this is the maintenance building. There are three Phases. The second Phase is the maintenance building and the third is the restaurant. We are doing individual buildings.

**# 3780 NEW MIL BANK, 487 HOWE AVE., BUSINESS/SIGN**

Richard Schultz reported that this is where the old Connecticut National Bank was. New Mil Bank, Inc. will occupy 2500 square feet and will have 8 employees. Hours are Mon-Thurs 8 to 4, Fri 8-6 and Sat 8-1. They will be using the drive-thru window that is currently in place, he added.

The parking lot next to that will have some work done. It is used right now as general parking, stated Comm. Pogoda. I have a question about the drive-thru. They will enter through White Street and exit onto Howe Avenue, questioned Chairman Cribbins? There will be 2 active lanes, one will be the actual drive-thru and the second will be the ATM, stated Ken Schaible, the owner.

No sign, questioned Comm. Pogoda? The sign will be brought in separate, stated Ken Schaible. The applicant's professionals are looking that over. What are your plans for the rest of the building, asked Comm. Pogoda? The offices are on the 2<sup>nd</sup> floor with the basement being used as storage, answered Ken Schaible.

**# 3887 JESSICA ZYCHEK, 8 SAGINAW TRAIL, HOME OFFICE**

Richard Schultz reported that this is a home office. She is proposing Internet sales of baby item. She will occupy 50 square feet and this is part-time.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 3887.****APPLICATION # 03-55 WELL SPRING ESTATES FOR MODIFICATION OF DETAILED DEVELOPMENT PLAN (MINOR MODIFICATION)-DISCUSSION AND POSSIBLE ACTION**

Richard Schultz reported that there was some clear cutting of trees in this area here(pointing to a map). The developer was sited by Staff and directed to submit revised landscaping plans.

**James Swift, Landscape Architect, addressed the Commission.** He stated that the area that was cleared was coming up on this side here and we have the sewer line coming up this way. We didn't know that when dealing with the Water Company and the Fire Marshall, the water line, the Water Company wanted it extended across Far Mill Crossing in this direction. They wanted an 8-inch extension to Daybreak Lane for a hydrant on the other side. We had the water main coming down the main road and we cut across out because there was no easement there. That is why the line got cut across here and here, stated James Swift. That is why the trees were pruned and we saved what we could. There was a maple down here, he added.

**Royal Wells, addressed the Commission.** The Fire Marshall and the Fire Chief informed me when I went for the permit for the water, when they had to sign off for the hydrant, that they had a fire on Daybreak several years ago. The house burned down because there is no water access there. The fire trucks came with 2 tankers and the house was extensively damaged because of lack of water, stated Royal Wells. They said that I would be responsible for putting in the hydrant and run the water across. To be able to do that we had to come out and across the street to Daybreak, he added.

Chairman Cribbins stated I want you to walk through the remediation. James Swift stated we are going to plant arbor vying by the existing fence by where Beard Sawmill comes down the hill. Arbor vying all the way along the fence. We have supplemental plants in groups of spruce 3, 2, red buds, and more spruce. Where the old road comes down and the old electrical service is there will be new poles. There will be a solid evergreen buffer and ornamental trees. In the corner there will be white pines. The disturbed area will be seeded and loomed with a crown veg to get a healthy dense area of greenery for a low ground cover.

There is always the condition that the Staff may require additional landscaping. Staff and Commissioners can then go see it and see if it needs any additional material. The seeding won't take stated James Swift. The bank is pretty stabilized, stated Royal Wells. This is only the material that is on the city street line and there are other things that will go on the other side once we see how things shape up. Comm. Perillo questioned what is the maturity of the trees that you are planting? These are 5-6 feet and they will knit together. The red buds and spruces are tight and short.

Chairman Cribbins stated because this is a PDD we do have standard notes. Staff goes out to approve all of these. This will be done to our satisfaction. Comm. Pogoda questioned if there was a bond taken out on this? We have a bond that covers everything, stated Richard Schultz. I wanted to make sure, stated Comm. Pogoda.

**Mr. Steiner, addressed the Commission.** I have photos of before and after. The area that I am concerned with after hearing all the discussion is this area right in front of Daybreak where the ground was not disturbed. The area was disturbed only at this point where they ran a line for the water. From that point up there were trees that were taken down. I didn't see any point, none of the ground was disturbed and I am concerned with that part, stated Mr. Steiner. This is 4 shots before looking in different directions. This here is where the trees were and the trench is here where they tied up to new hydrant. This shows you that there was little disturbance in front of Daybreak.

Was there some additional area that was disturbed going up to Daybreak, questioned Chairman Cribbins of James Swift? I think in that area stated Royal Wells. I don't know where Mr. Steiner gets the idea that we cleared cut but there were some like cat tail brushes growing up in there. There weren't any so-called trees. When we used the old entranceway to Beard Saw Mill Road in here and some of the equipment might have gone down in there. The approval was in this area where I took the asphalt out. It will be seeded and loomed and power lines back to Health Net. That area will be completely reestablished and when we are working next year we will landscape the hills along with the houses. I will be using pears and flowering cherry's down into the site, stated Royal Wells. It is a good plan and it will look nice. These trees won't be huge over night but a lot of those trees were growing into the fence and being strangled. We have come up with the trees that won't be huge in 20 years, he added.

The barrier will be put back asked Comm. Lapera? This is a city right of way, answered James Swift. It is not a State road at that point. All the landscaping will be behind here, questioned Comm. Lapera? We will loom and seed it and we will have it looking neat. It will have substance, asked Comm. Lapera? It won't be anything that will grow up into the wires, stated James Swift.

I am satisfied because I know we have a bond and there are notes on the drawings that we are responsible for the final configuration of this and we have the last shot, stated Chairman Cribbins.

**Gene Hope, 74 North Street, addressed the Commission.** I just want to make sure I understand everything correctly. A plan was set forth, part of the approval that a certain strand of maple trees were to be left untouched. Is that pretty much correct, questioned Gene Hope? I don't believe so, stated Chairman Cribbins. I don't believe that we in our discussion pinpointed certain vegetation to stay. All we requested in our proposal is that there be a buffer running along Old Stratford Road, he added.

So there was no violation of law or contract, questioned Gene Hope? So I don't believe there was any violation of law or contract stated Chairman Cribbins. I read in the papers that some trees were cut down, people were concerned about it and I assumed it was just part of the process, stated Gene Hope. We did not go there in our deliberations all we requested in our site map that we reviewed was to have a buffer between the property and Old Stratford Road. So the developers and legal people didn't do anything inappropriate, asked Gene Hope? I don't believe so, stated Chairman Cribbins.

Chairman Cribbins continued I would like to make one more comment. There are two gentlemen standing here, Mr. Wells and Mr. Swift. I have worked with both of these people on numerous projects because they are Shelton people. When they tell you they will do something, they do it. When they come to the table saying this is the outcome of a particular project that is what it is. Mr. Wells did some work at the bottom of Old Dairy Lane. He has done some other quality work in town and I take the man at his word. Some you can't trust but these people I do, he added.

I am not questioning the integrity of these gentlemen, stated Mr. Steiner. They are good citizens of the community. I do know that your package, the original package that was approved, has a drawing L1 which shows original trees to be left standing in front of Daybreak on the Wells property. That being there would have shielded the development. They are tall trees and they are shown in my photos, he added. The wires that are overhead where there with the large trees and why should they be the problem with shorter trees, questioned Mr. Steiner? I believe I was telling you what I felt about these gentlemen to give you a level of comfort so that when this is done if you drive down Daybreak you probably won't see that development, stated Chairman Cribbins.

When this road was built and the State & City acquired this, as you know Old Stratford Road and Daybreak, the saplings along that road are not that old. It was all part of the reconstruction growing helter skelter. We cut it to make way for the water line. It is a 12-inch main, stated Royal Wells. When you look toward the future they will look at my development. The utility company is looking for the proper utilities to be in the ground, he added.

**On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve the modification on Application # 03-55.**

**APPLICATION # 04-43 DOMINICK THOMAS ON BEHALF OF VETERINARY PROPERTIES, LLC FOR DETAILED DEVELOPMENT PLAN APPROVAL AND ADOPTION OF PDD ZONE CHANGE, 895 BRIDGEPORT AVENUE (MAP 8, LOT 17)-DISCUSSION & POSSIBLE ACTION**

Richard Schultz stated that we have a resolution in front of us. Anthony Panico stated we have had lengthy discussions and as we discussed they are on a very tight time frame. Anthony Panico then read from the attached resolution.

**End of Side 1A of 2A, Tape 1 of 2 at 7:45 P.M.**

We have had a lot of discussion on this and if we are all comfortable with this, I will ask for a motion, stated Chairman Cribbins. I will move it stated Comm. Pogoda, second stated Comm. Oraziotti. Chairman Cribbins then asked for a roll call vote with all Commissioners voting I to approve.

**On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Application # 04-43. A roll call vote followed with Comm. Perillo, Comm. Pogoda, Comm. Lapera, Comm. Oraziotti and Chairman Cribbins all voting I to approve.**

**PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN PDD # 41 AND # 48 (484, 494, 504 AND 514 BRIDGEPORT AVENUE) CROWN POINT CENTER—DISCUSSION AND ACTION**

**Attorney Dominick Thomas, addressed the Commission.** He showed the Commission the color coded maps. The property in yellow is PDD # 41 and that is where Nextel, Wendy's and the gas station is on Bridgeport Avenue.

Staff is of the opinion that it could have been handled administratively but they felt that we should bring it to the Commission.

This is 484 Bridgeport Avenue or Oklahoma turned backwards, stated Attorney Thomas. There was a spike strip here and once we had discussion to buy this we bought the whole thing. The maintenance building is going here. We needed to take the strip bringing it back to PDD # 41, stated Attorney Thomas.

This will be PDD # 41 and this will be PDD # 48 stated Anthony Panico. The controls were not there that is why this was not done at the time of the adoption, he added.

**On a motion made by Daniel Oraziotti seconded by Anthony Pogoda it was unanimously voted to approve the proposed boundary line adjustment to PDD # 41 and PDD # 48.**

**PROPOSED ZONING REGULATIONS INITIATED BY P & Z COMMISSION AND CONSIDERED AT PREVIOUS PUBLIC HEARINGS—DISCUSSION AND POSSIBLE ACTION**

Richard Schultz read from the attached zoning regulations.

The first component is accessory structures. We have a lot more sheds and even cabanas for the pools. At the Public Hearing we showed photos and complaints that we have received, stated Richard Schultz. You always get someone who can push the envelope such as having the accessory structure being bigger than the home, stated Anthony Panico. The larger lots have the smaller amount of coverage, he added.

We are also getting more requests for 4 car garages. There are a lot of people who collect cars in our Community, stated Richard Schultz. We wanted to limit those structures and we leave this open for the 4 car garages giving a lot of scrutiny to the Commission, stated Anthony Panico.

The second component is the freestanding walls and retaining walls. Across from Brownson there was a free standing retaining wall that was 6 feet high and it impaired the sale of the home next to it. This was why we put this on as a high priority, stated Richard Schultz. These are for walls exceeding 4 feet and the building inspector requires a standby professional engineer. It is to protect the property values, he added.

We go into fences and terraces. We don't have a provision for the good side of the fence, stated Richard Schultz. I brought a complaint back 8 years ago to the Commission. We recommend the nice side to go to the property side or to the street side, stated Anthony Panico. This says you have to put the good side out.

The next couple of pages (2-5) deal with permanent accessory structures. We are aware of the large accessory structures. Such as the barns that were built on Walnut Tree Hill Road that are not being used for livestock, stated Richard Schultz. Secondly we are dealing with the esthetics. We had 3 built up in that area in 3 years. ZBA granted a variance for the garage. They built a Quonset style and we have asked him to add wood to it, he added. Staff had no way to deny that, stated Anthony Panico. The Commission will have design control for structures over 100 square feet, stated Richard Schultz. We prohibit some materials stated Anthony Panico.

Can you get an unattractive structure at 100 square feet, you bet you can, stated Richard Schultz. You can get a small unattractive structure, stated Comm. Lapera. All permanent structures will be consistent with the residential character, stated Anthony Panico. The doors can't exceed 10 feet high, stated Richard Schultz. It doesn't allow commercial vehicles to get in.

**Comm. Sylvester arrived at 8:10 P.M.**

Richard Schultz read from page 4. We are getting ground mounted satellite dishes. This happened in the same area where the barns are. We don't want them higher than 10 feet. It can't be obtrusive or be in the front yard, he added. The large dishes should not be on the roof but we permit the small ones on the roof.

The last paragraph deals with solar panels even though we are not seeing these we might get some coming in.

The larger lot areas have the accessory dwelling being too close so Staff wanted the 10 feet with these larger lots, stated Richard Schultz. We are keeping the 60 feet for setbacks from the street line, he added.

The pools except seasonal pools are next. Regulations don't restrict where they go. On Coram Avenue there is one in the front yard. We don't see much of it happening and people go to Wetlands to get relieve. We want to put this provision in to move Shelton along into the future. The fence is put in there because they are required with the pools.

Next provision is towers and antennas. The height in the R1 zone is 40 feet. We want to provide this to be positioned so that it would stay on the private property. If they abandon the tower we want this removed in 90 days so that we don't see it rusting away, stated Richard Schultz. We have to go tall in Shelton because we are not a flat Community.

The next provision is the other limitation. No accessory dwelling should be used for profit. These accessory structures should not be used for human habitat. No mechanical equipment or commercial equipment should be stored on residential property. It is important to spell this out.

We went to Court on an issue on Newcastle Drive but the Judge always said spell things out.

Beginning on Page 6 temporary structures. Most of us have neighbors who are using these. I have had complaints that residential put temporary structures on the front yard. They have cars or boats to be covered. Staff has added a provision for temporary structures. These structures do stay up all year. There are 2 or more in Comm. Pogoda's neighborhood. Six month is the cut off period and once these regulations are approved that is it, stated Richard Schultz. The others will be grand fathered in, questioned Chairman Cribbins? They will be grand fathered in as long as you have a permit, stated Richard Schultz.

We talked to Corporation Counsel on this and he said if they are there the State Statues have a provision in there, stated Richard Schultz. When they come in for a shed we don't ask if this is temporary or not, asked Comm. Pogoda? We didn't have the provisions but we do now stated Richard Schultz. The only time it can stay up is if you have a permit, stated Comm. Pogoda.

We had the same concern with the colors to the sign and the temporary structures are the same because we need to know the timely fashion of this when it will come down and if that won't work then bond it. You can give the time and removal of that structure, stated Anthony Panico. If you have that the City can get authorization to go onto the property to remove that, he added. Even if it is smaller than 100 square feet you can make it come down.

We know ourselves we don't have the Staff to police this stated Comm. Sylvester. If you have neighbors complaining then this make sense. We can do the application with a certain amount of time, stated Anthony Panico. In the neighborhoods you see that people don't really give a damn, stated Comm. Pogoda. The form can spell out 6 months in duration and then it will be removed, added Anthony Panico.

The next provision is the boats and boat trailers. Staff is suggesting one boat and one trailer, stated Richard Schultz. I would not suggest going more than two boats. Start with one boat and if they go to ZBA for two boats we can regulate that. We can prevent them from parking in the front yard and set back 10 feet from the back, stated Anthony Panico.

Page 7 is for trailers and campers. We are recommending one stated Richard Schultz. This says it has to be the resident or lot owner. It needs to be in reasonable repair. You can put a size on it, stated Anthony Panico. This will effect a few neighbors, stated Richard Schultz.

The next is other motor vehicles. We needed to spell that out in pounds. Not in tons and we determined 6000 pounds is enough for the weight classification, stated Richard Schultz. Does that include the bobcat on the back of a trailer, asked Comm. Lopera? They have trailers for their snowmobiles, stated Richard Schultz.

What about the big trailers, asked Richard Schultz? We are pushing for the ordinance but the Police Department is saying that they can handle that, he added. They have been stated Comm. Sylvester.

**End of Side 1B of 2A, Tape 1 of 2 at 8:35 P.M.**

Oak Avenue is a big offender because that is a skinny street, stated Comm. Sylvester. Someone will always say that is my livelihood and they don't really belong in residential areas, stated Anthony Panico. We have it happen in the private parking lots, stated Comm. Sylvester. If you are a merchant and they park in your lot that is a problem we had at Bow Ties in Huntington Center, he added. The owner of the parking facility has the authority if so posted to have that towed away, stated Anthony Panico.

The Police Department is doing a good job about the parking issues, stated Comm. Sylvester. The street issue is more of a problem, he added.

Page 8 and 9 deals directly with livestock. On the top of page 8 we have a use line that deals with farms. That doesn't include the size of the lot. If you have a farm that includes 200000 square feet you can have unlimited livestock and anything that goes along with it, stated Richard Schultz. This will establish the 2-acre category or the one/two horses. The 200000 is 5 building acres, he added.

We can take advantage of towns with similar action to take the best course of action and that will keep us out of trouble, stated Chairman Cribbins.

The other side of this is when you have a domesticated animal. When you can keep those type of animals as pets, stated Anthony Panico. Excluding pigs, stated Comm. Sylvester. We all know Rich Widomski's issue with the horses on Christine Drive. All the neighbors at the bottom of the slope have the urine, etc. That is the worse case scenario, stated Richard Schultz. We are dealing with sediment erosion control right now on this. This is an extreme situation. We had to deal with the issues.

Can we go back to the towers, asked Comm. Orazietti? If you have a couple of acres can someone come to ask you about a tower? We have a Siting Council and they can approve it stated Richard Schultz. We are blessed with the high buildings, he added. I have seen them that look like pine trees stated Comm. Orazietti. Shelton has 20000 people coming in with cell phones Monday-Friday, stated Richard Schultz. Bridgeport Avenue is not the highest point in town, stated Comm. Perillo.

We are saying that you need 80000 square feet for a horse. Right now it is 2 acres of unlimited, stated Richard Schultz. Anthony Panico stated the new regulations deal with a farm and you can't have commercial piggeries or commercial breeding and raising. You can't do that. All farms have to meet setback requirements. There should be a suitable fence and that should be setback 5 feet. There should be no slaughtering or fertilizing manufacturing, he added. It is minimum criteria and we are trying to control the nuisance factors. You can raise livestock, stated Comm. Pogoda.

I am thinking of places I go to buy produce stated Comm. Sylvester. They are grand fathered in, stated Richard Schultz. If you have an acre in your backyard, you can put a garden stand up to sell it, stated Anthony Panico.

If you want livestock take that and set the rest aside for grazing for one head of livestock and another 20000 for each additional animal. If you have nice land for grazing set the amount aside for the house and then set aside for the additional horses. Set that on the mountain and you will have trouble being able to have another horse, stated Anthony Panico.

Any building has to be setback at 100 from the street and 50 from the other houses. The area for the livestock should be enclosed and not encroaching on any other property. It can go within 10 feet of any setback and not into the required setback street area.

If you have 2 acres you can have 2 horses, stated Richard Schultz. In Branford we looked at the weight of the animals, that is the way the State of Connecticut says to do it, he added. We think this is reasonable.

These are good, stated Chairman Cribbins. Once these are in effect advertise for those that are not in compliance that they come in to establish those, stated Anthony Panico. They are preexisting nonconforming. Modern zoning was started in 1952, stated Richard Schultz.

These are the regulations that we set in April of 2003. We cleaned up the language, he added. These are a good start, stated Comm. Sylvester.

I would like to digest these. Has Counsel seen these, asked Comm. Perillo? I asked Tom if he had seen these and he said no. We sat with them and we always make referrals, stated Richard Schultz. These are subjective and difficult to enforce, stated Anthony Panico. At the various enforcement hearings the judges said we need to spell things out, stated Richard Schultz. Richard Schultz read the draft motion.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was voted to approve the proposed Zoning Regulations initiated by P & Z Commission. I am not prepared to vote on these yet, stated Comm. Perillo. A roll call vote followed with Comm. Orazietti voting I, Comm. Sylvester voting I stating that because we were advised by Staff and if anything is overdone we will reconsider these, Comm. Lapera voted I, Comm. Pogoda voted I and Chairman Cribbins voted I. Comm. Perillo abstained from the vote.**

#### **OTHER BUSINESS**

#### **REQUEST FOR RELEASE OF BOND FOR DADDARIO AT 329 BRIDGEPORT AVENUE – ACTION BY THE COMMISSION**

Richard Schultz stated that this is the recent addition for the Nissan Dealership. Staff has been to the site and recommends the release.

P & Z COMM.

OCTOBER 26, 2004

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the request for release of the bond for Daddario at 329 Bridgeport Avenue.**

**APPROVAL OF MINUTES 7/27/04, 8/10/04 AND 9/14/04**

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the minutes of 7/27, 8/10 and 9/14.**

**STAFF REPORT:**

Richard Schultz reported that we are off for 3 weeks. The next meeting is on the 16<sup>th</sup> of November. We have a workshop at the Intermediate School on November 8 dealing with infrastructure.

One thing I liked is that you gave us a running list of everything that was pending, stated Chairman Cribbins. I would like to see that again, he added. I will do that in my staff report, stated Richard Schultz.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to adjourn at 9:00 P.M.**

Respectfully submitted by,

Diana Barry  
Secretary