

The Shelton Planning and Zoning Commission held a Special Meeting on June 21, 2005 at 7:00 P.M. in the **NEW SHELTON INTERMEDIATE SCHOOL AUDITORIUM**, 675 Constitution Boulevard North, Shelton, CT.

Members present: Chairman Alan Cribbins  
Comm. Patrick Lapera  
Comm. Daniel Orazietti  
Comm. Jason Perillo  
Comm. Anthony Pogoda

Staff present: Anthony Panico, Planning Consultant (arrived late)  
Richard Schultz, Planning Administrator  
Attorney Raymond Sous,  
Assistant Corporation Counsel  
Pat Garguillo, Court Stenographer  
Diana Barry, Clerk

Tape (3) and correspondence \*(correspondence in Planning & Zoning file) are on file in the City/Town Clerk's Office and the Planning & Zoning Office.

Chairman Cribbins opened the meeting with the pledge of allegiance.

**PUBLIC HEARING:**

A. Avalon Bay Communities, Inc. (Shelton I)

1. **Application # 05-20**, Joseph Williams on behalf of Avalon Bay Communities, Inc. to amend the Zoning Regulations by establishing a new District entitled HOD (Housing Opportunity District) and related standards
2. **Application # 05-21**, Joseph Williams on behalf of Avalon Bay Communities, Inc. to amend the Building Zone Map by changing from R-1 to HOD, Armstrong Road/Daybreak Lane (Map 19, Lots 2, 3, 4, 5)
3. **Application # 05-22**, Joseph Williams on behalf of Avalon Bay Communities, Inc. for Site Plan Approval (302 apartment units) Armstrong Road/Daybreak Lane (Map 19, Lots 2, 3, 4, 5)

Comm. Daniel Orazietti read the call of the hearing. There were two (2) pieces of additional correspondence one from the Valley Council of Governments and one from Margaret L. Walsh, State of Connecticut, Department of Environment Protection Agency. (These letters are on file in the P & Z Office.)

Chairman Cribbins stated that this meeting was posted at City Hall and the Old Shelton Intermediate School. He then reminded the audience to follow normal procedures for conducting the hearings and explained how the hearings would run. He stated that this hearing would be continued until July 12<sup>th</sup> to allow more testimony to be submitted.

**Attorney Joseph Quebeck, Harlow, Adams & Friedman, Milford, CT., representing T. Tucker Properties, LLC, the owner of the Cranberry Bog located in Stratford, CT.** This is a notice, for the record, that I have served the Commission and Attorney Williams who I believe represents Avalon Bay Communities. Thank you.

**Chairman Cribbins read a couple of paragraphs stating** The City of Shelton has historically provided a wide variety of housing types to accommodate all socio-economic groups within the Community.

Since 1952 the beginning of Shelton's modern zoning regulations the City has always maintained inclusionary zoning. These regulations included multi-family zoning districts in the downtown area, recognition of our three trailer parks and the ability to bring them up to code without limiting them, accessory dwellings and most recently the creation of the Central Business Overlay Downtown which encourages both market rate and affordable housing units.

Chairman Cribbins continued to read stating our most recent residential development under the CBD Zone is the Ripton Senior Housing Project, which contains 100% affordable housing units.

All of these are examples, clearly, that show a willingness of the City to continue to provide affordable housing, as it always has. The current affordable housing Statues, unfortunately, do not recognize the true inventory of Shelton's affordable housing stock. This is due primarily because the State will only recognize deed-restricted units, government assisted units, or units financed by CHFA, read Chairman Cribbins.

Shelton in accordance with the 2000 Census Housing has 14,700 total housing units. According to the 2003 Affordable Housing Appeals Procedures List the City of Shelton has 3.27% of its total housing stock meeting the Affordable definition. Clearly, 3.27% doesn't reflect the actual number of affordable housing units currently in existence.

Unfortunately, until the laws are changed communities like Shelton with adequate existing affordable housing will be subject to the Affordable Housing Appeals. Nevertheless the City will continue to provide a wide variety of housing types as it has in the past. The 1992 Plan of Development recommends this and the new Plan, which is currently being formulated by the Plan Update Advisory Committee, will do the same, stated Chairman Cribbins. Thank you.

**Attorney Joseph Williams, a Partner with the Law Firm of Shipman & Goodwin, 1 Constitution Plaza, Hartford, CT., representing Avalon Bay Communities, Inc., addressed the Commission.** With me is a stellar team including Attorney Beth Briton from Shipman & Goodwin, Sharon Calitro, who is Development Director, with Avalon Bay, speaking on landscaping is Vincent McDermott from Millone & McBroom, (Tom Shield also from Millone & McBroom could not be here this evening), Ted Hart will speak on Engineering issues, David Sullivan from Barkan & Mess is our Traffic Engineer (will arrive later from another hearing) and I will submit for the record a report from Michael Kline who is a Wetlands Scientist (whose scheduled didn't permit him to be here this evening).

Attorney Williams stated that we have already submitted an application package dated February 25, 2005 and he explains what was in that package. We also submitted a memo dated April 15, 2005 concerning affordable housing and the towns plans. We submitted a Traffic Study and some additional plans showing road improvements. You have a letter from the DEP with regard to housing development in coastal areas.

We have also presented additional materials that include copies of the certified notice letters with the receipts letters, copies of letters sent to the Water Companies, regional area council of governments and copies of the photos showing the posting on the property.

Attorney Williams stated there was additional information that was submitted at the end of the hearing previously. There is copies of the 1992 Plan of Development, submission of articles concerning affordable housing in Connecticut, letters submitted from businesses concerning the Scinto development with regard to affordable housing in Shelton and several resumes of associates involved in the project.

Attorney Williams continue describing other additional information including documents with regard to the sewer system, memos from the McGuire Group (the WPCA consulting group), water regulations, WPCA minutes, and a report from Duberry & Goodkind, Inc with regard to the analysis of the sewer system.

Attorney Williams presented additional information that included the application (dated 1/24/2004) of Avalon Bay to the Wetlands Commission of the City of Shelton, existing Wetlands Permit for the Cranberry Hill Application dated 9/23/2003, wetlands had approved the 49-unit Cranberry Hill application.

Attorney Williams continued with additional information being provided that included a letter from Avalon Bay to confirm the stipulations of wetlands with regard to the previous approval from Cranberry Hill, a letter to Robert Kulacz, City Engineer regarding storm water management, a letter from Ted Hart concerning the Engineers stipulations, Wetlands Report from the Commission, a soil science report from Michael Kline and a wetlands assessment from Michael Kline.

Chairman Cribbins stated that we will take these documents as testimony on behalf of Wetlands. As it stands the Wetlands Commission has not approved this application and until they do so we will not be able to approve this application. We can address that but I will respectfully disagree with that statement, stated Attorney Williams. The question for this Commission is if the proposal is an appropriate one, rather if the Commission has concerns with regard to public health & safety, rather those outweigh the need for affordable housing.

Our Supreme Court recently rendered a decision on the Carr vs. Bridgewater P & Z Commission in which there was a Wetlands denial that was not sufficient enough to deny an affordable housing application but rather the P & Z had to weigh the evidence under the Statutes. So I would say to you that the actions of the other agencies which I will come back to are not reason why you can or can not go forward with an application and are not reason why this Commission would need to deny this application, stated Attorney Williams.

I would note on the subject of housekeeping the signs have been posted and pictures were handed in. As this is listed the property is at 62, 66, 70 and 82 Armstrong Road. It is a 22.94 acres at that location. Access to the property, making reference to our site plan dated 1/27/2005 and there is a color-coded map showing the property. Access is from Armstrong Road, which is the southerly border of the property. Access would be from a 28-foot wide stop sign controlled road. At Daybreak Lane we are proposing an emergency access only in that area, the driveway would be connected to the existing right of way at the end of the cul-de-sac at Daybreak Lane. What we propose, stated Attorney Williams, is to place a gate, which would be locked and only accessible by Emergency Personnel so that proposal is just to have another access for emergency only. That will not be normal access. That will be locked at all times.

Route 8 to the North borders the property. By property owned by the State of Connecticut. On the Northwest residences border it with frontage on Daybreak Lane. On the East it is bordered by land owned by CL&P, United Illuminating, Yankee Gas and some residents. By the West with residents on James Farm Road.

It is zoned R1 with two wetlands areas on the property. One is associated with Black Brook and the other is in the area of the Cranberry Bog. The property is currently owned by Cranberry Hill, LLC. The site is partially undeveloped and there was a previous SDA and PDD on this parcel for development of a condo, 49-unit clustered, that was denied on 3/3/2004.

Your 1992 Plan of Development recognizes of course the goal and policy of the City to encourage additional affordable housing opportunities and this proposal would make substantial progress in that regard, stated Attorney Williams.

The proposal is for a rental apartment Community consisting of 302 apartments in 9 buildings with garages included a rental/leasing building, a trash & recycling center (s), a mail kiosk and a swimming pool. The break down of the units is that there will be 108 one-bedroom units, 124 two-bedroom units, and 70 three-bedroom units. The range and square footage contemplated on the site plan is be 725 square feet for the one bedroom units to 1520 square feet for the three bedroom units with a loft. Under this proposal and in accordance with Ct. General Statutes 91 units total will be set-aside for 40 years as affordable housing as defined by our State Statues.

**End of Side 1A of 3A, tape 1 of 3 at 7:55 P.M.**

Attorney Williams stated units will be set at the maximum income rentals for affordable units and that will cap the rents formal.

We are amending the regulations to add a new district HOD, Housing Opportunity District that was submitted with February 25<sup>th</sup> 2005 application materials. The regulations are similar to the ones proposed and adopted in towns such as Wilton, Darien, Canton, Wallingford, Westport, Orange, New Canaan, Avon, Monroe, Trumbull and Farmington just to name (inaudible).

The proposed regulations are drawn by us are part of the PDD Regulations Section 34, PDD Section 35 and Regulations Section 33. It is largely site specific and the regulations were drafted to be applicable to the Armstrong Road site. P & Z may consider this site as to rather or not it wants to adopt an HOD. It is our feeling that in the Shelton Regulations that there is no specific district or provision that is directly intended to encourage development of additional affordable housing. The Chairman pointed out the Central Business Overlay District but this proposal will provide a specific individual district and specific regulations that will comply with the Statues to encourage affordable housing.

The most recent list references material that the current amount of housing that qualifies as affordable housing under the State's definition is (inaudible), stated Attorney Williams.

The second part of our application is to amend the Building Zone Map to rezone the property to the HOD. The third part is the site plan approval.

In our affordability plan it shows the application complies with 8-30 of the Statues.

The Administrator will tell you he has a substantial amount of experience in administrating and enforcing this type of program. There is the requisite of apartment plans, rent calculations, etc., stated Attorney Williams.

In the development there will be 211 market rate units. The rents will be based on the market but as of right now and considering similar developments in surrounding Communities Avalon Bay rents will be \$1300.00 to \$2400.00. 91 units will be restricted for 40 years and break down to 1, 2, and 3 bedroom using that same ratio. The material and amenities will be the same in the affordable units as in the market rate unit. The affordable units are indistinguishable and dispersed throughout the development and are built with all the same schedules.

I did mention the standards that apply to this application, when reviewing an application for affordable housing the Statues requires all the evidence be reviewed and concern for any harm to the application and if the Commission identifies those issue they can deny the application on that basis to protect health and safety or other matters that the Commission may consider rather it risks harm or rather the public interest can be protected by the affordable housing or conditions. There are no issues of that magnitude and we can address any questions you may have so the Commission can feel comfortable in approving this development so Shelton ultimately will receive an asset to the Community. This will provide much needed housing that will help the City to achieve its own goals, stated Attorney Williams.

What City do you live in, questioned someone from the audience?

Briefly, to the sewer issues, the Wetlands Commission denied the wetlands application by Avalon Bay in May of this year. Avalon Bay has filed an appeal on that decision and that appeal is pending. I would submit to you a few facts that are important for you. I gave you the existing Wetland approval for the property. Granted a different site plan, 49 condos in a cluster format. However, our expert testimony will respectively submit that our proposal will have potentially less impact on the wetlands and watercourses, stated Attorney Williams. We agree to meet every condition of the Wetlands Commission that was placed on that property and the City Engineer's comments who found the storm water management plan to be sound and extensive.

He endorsed those plans for construction. Our proposal as our experts will testify improved upon the plan that was approved for Cranberry Hill. They proposed that the Wetlands Area 1 drains towards the pond. The City of Stratford was concerned about that and the applicant in response designed the change in the storm water management plan to prevent there from being any discharge of storm water into that wetlands, stated Attorney Williams. The Wetlands Commission then had a concern of drying out that area by not having any run off into it. We did look at that issue, Mr. Kline and Mr. Hart, and we are proposing an improvement to that plan. The proposal here is to maintain the collection and treatment of paved surfaces and divert them away from Wetlands Area 1. Any run off coming into contact with paved surfaces will not be discharged into that wetlands area but to assure that it won't dry out we are proposing to allow the discharge to be the clean rainwater collected from rooftops. Mr. Hart will explain that better than me. We believe our plan and our experts will tell you will have no adverse impacts.

The sewer issue, in May of 2003 the WPCA gave approval to extend the sewer line to this property for the Cranberry Hill proposal. The projected amount was approximately 10,000 gallons per day. In 2004 we applied to WPCA and we asked to increase the flow to approximately 63,000 gallons a day. We complied with all regulations and plans. We explained that this would not create any capacity problems for any of those facilities near the lower Route 8 or the Route 8 pump station or the wastewater treatment facility. Those facilities are currently under a program to be upgraded. We propose to wait until those upgrades are completed to begin any discharge. McGuire Group, retained by WPCA, essentially agreed with us that our proposal would have no adverse effect on the sewer system.

In addition we learned that WPCA had been receptive on recent applications to improvements that will be made to the sewer system to actually reduce the amount of storm water pull out of the system. We believe we are prepared to make such improvements such that we will produce the I & I into the system that is equal to or greater to the amount to make sure that we are having no net increase. WPCA denied the application and cited their 1990 facilities plan. Our appeal is pending and this Commission can rest assured that before we build anything (inaudible), stated Attorney Williams.

**Sharon Calitro, Development Director of Avalon Bay, with offices in New Canaan.** Avalon Bay is a Real Estate Investment Trust in the business of developing and redeveloping, acquiring and managing high quality apartment Communities in markets throughout the United States. Marketing locations are the Northeast, Midatlantic, Midwest, Pacific Northwest and Northern & Southern California.

Avalon Bay is common stock and is exchanged on the New York Stock Exchange, stated Sharon Calitro.

There are 148 apartment communities with over 42,800 apartments in 10 States. Of the 148, 11 are under construction. We have future development rights for 49 more Communities.

The National Home Builders Associations and others have continually recognized Avalon Bay for its design and its management for the last decade. We have won over a dozen awards. She continues with the awards that Avalon Bay has won.

In Connecticut, we own and manage 16 apartment Communities with over 4500 apartments. In 6 of these Communities, Orange, Darien, New Canaan, Wilton, Trumbull and Milford, we have apartment homes that are restricted under the States affordable housing program. We are the largest manager of strictly residential units in the State, stated Sharon Calitro. Our residential management team is experienced in management.

Many of our residents choose to rent. Renters pick our communities because of the maintenance free-living experience. Many of the renters are empty nesters. Residents are a 50-50-female/male split with many of our renters earning between \$75,000 and \$80,000.00 a year. The ages are between 25 to 49, well educated and professional. We strive to manage a superior Community. We are a good corporate sponsor and participate in many local events throughout our Communities. We look forward to the opportunity (inaudible) in Shelton, stated Sharon Calitro.

**Vincent McDermott, Senior Vice President of Millone & McBroom, Licensed Landscape Architect and Certified Planner, addressed the Commission.** I have been licensed in the State of Connecticut for over 30 years and hold licenses in 8 other States generally along the Eastern Seaboard. I received a Master's Degree in Landscape Architect and I have a degree in Plant Science. I have been with Millone & McBroom since 1988 and Vice President since 1992.

By the nature of Planning & Zoning some of the things I have to say are going to be repeat but I will go through the existing conditions of the property. The second part will illustrate the conditions on the property; we have two boards one of which was already submitted to Wetlands Commission as part of their record. It is an aerial photo entitled Avalon Bay. This photo was taken in April 2003. This shows the site but includes Route 8, the property is in yellow right in the center of the photo and the photo includes the use in the area. You see Daybreak Lane and you can see Armstrong Road, stated Vincent McDermott.

Second illustration is the composite map of existing conditions dated June 20, 2005. It shows similar information on a larger scale. The property is approximately 23 acres bound by Route 8 on the South, on the right down hill is the CL&P driveway, on the left side is Black Brook. The property is located about 1400-1500 feet away from the highway underpass at James Farm Road.

Aside from the 4 dwellings that are on the property to a common driveway southwest to another common driveway southeasterly the balance of the property is vacant. This is largely wooded, mixed hardwoods, generally (inaudible). We have highlighted numerous trails that begin at Armstrong Road and one of them ends at the cul-de-sac at Daybreak Lane. Obviously there are people that use this property for a long period of time for their own purposes, even though it is private, and enjoyed the recreational opportunities of that, stated Vincent McDermott.

The property on the East is about an elevation of 2.04 and rises to 2.72 at the center of the property; it goes down toward the watercourse at elevation 1.50. Generally the property rises to crest slopes down in a westerly direction. There is some slopping north and south but generally speaking it goes up and down. The soils are exception and are well drained.

The next illustration is a composite map dated the same date (June 20, 2005). This shows in brown the building, the green areas are the areas that will remain in either a vegetative state or used (inaudible) and it depicts the road network that will be constructed. In the dark tan color are the 9 structures totaling 302 dwelling units. There are 2 sizes of structures there. We call them triple because they have 3 main entries from the parking areas. There are 42 larger units and 48 smaller units. The buildings range in length from 200 feet to 175 feet. By virtue of the topo 6 of the 9 buildings have lower sides, we refer to them as  $\frac{3}{4}$  splits. For example from the easterly side the property from the entrance coming from the driveway there is a lower level. Similarly on the westerly side of the property of the main road all of these units are  $\frac{3}{4}$  splits. If you look at the grading plan they show a walk out on the lower sides.

The building heights, taking your definition of a story, these are 5 stories. In reality they are 4 living units. 4 living levels by virtue of the architecture, stated Vincent McDermott. The building setbacks, the closest one will be the clubhouse structure will be located adjacent to Armstrong Road, that is 40 feet from the road, I am sorry 50 feet from the road, he added. Other buildings that are close will be Building 7, 120 feet from the road; Building 3 on this side is 70 feet. The closest side yard has a setback of 50 feet and the closest rear setback in Building 9 along the northerly property line (inaudible). All the other dimensions will exceed over 100-200 feet.

You will see as an example the big buildings will be adjacent to parking, those are the garage spaces and in the regulations there are certain percentages that had to be carports but these are garages. Two to each bay and so we have a total of 104 vehicles that can be enclosed.

We have a clubhouse facility consisting of an office, a clubroom, a swimming pool and exercise room all available to the residents of this community.

Access as Attorney Williams mentioned starts at Armstrong Road diverse through the property and does connect physically to the cul-de-sac at Daybreak Lane. This will be gated, locked at all times, in cooperation with the emergency services for the City of Shelton for access only. That road is 28 feet in width and from that road there are 2 driveways and parking (inaudible) one just beyond the clubhouse, the second services (inaudible) apartments. There is no parking on the main circulation system. There is no provisional parking. We have 544 parking spaces, approximately, 104 of those will be covered. The ratio is 1.25 spaces for single dwelling units and 2 spaces for the two or more bedrooms, stated Vincent McDermott.

If you look in great detail at the plans, the entrances to each building there are sidewalks leading right into the buildings.

The topography of the site is a low side then wetlands and to construct this we maintain that there will be no construction in the wetlands area. To accomplish this we terrace the area and create a flag area in the center core. We will use retaining walls and plantings.

Some of the vegetative plants are highlighted. There is a shaded green area those are the shade trees. Along the street there will be trees and we have a large quantity of flowering trees. We have planted trees along the development areas for screening one building from another. There will be finished landscaping around all the buildings including shrubberies. We have photos to show you what Avalon has recently done, stated Vincent McDermott.

A gentlemen speaks up from the audience. We can't have dialogue to the application yet, stated Chairman Cribbins. Get to the point, stated someone in the audience, another gentlemen comments it is o.k. they can take as long as they want they are all getting paid, this is coming out right at my front yard, another gentlemen comments. You will have your opportunity stated Chairman Cribbins. Lets move it on, stated a gentlemen in the audience and several people make comments from the audience all at the same time.

These are photos of projects that were recently constructed. This is the façade of the clubhouse, the attached building, this is the rear of the building. We can't see it stated a women from the audience. Rear of the clubhouse shows the pool. This is the entrance and the plantings around it. There is a picture of the wall treatments. One of the large buildings shows the architecture character. The point of this is that the buildings have characteristics including gables and these are pleasing structures.

Hold on a second I want to know where the entrance is, what number is the entrance at, questioned a gentlemen in the audience? Sir, I will find that out for you, stated Vincent McDermott.

I propose to allow the applicant to finish with this portion of his testimony, we will take a short recess and allow people to come and look at the maps of the property, stated Chairman Cribbins. There are comments made from a gentlemen in the audience stating that they are taking up all the time, how much time will the public have, will we have the same amount of time? Yes, the public will get as much as they want, stated Chairman Cribbins. That is the reason that we are continuing this to July 12, so if someone gets tired now, or needs to go home by 9, we will still be here at 10:00 o'clock, or later and someone gets tired then they come back at the July 12 meeting, stated Chairman Cribbins. Will we be at the front end of that one, questioned a gentlemen from the audience? We will start with the Public comments, stated Chairman Cribbins. I mean July 12 we will be on the front of that one, nice, stated a gentlemen from the audience.

**Ted Hart, Professional Engineer, with (inaudible) addressed the Commission.** The current site development and present engineering site at the site, we looked at preparing utilities plans including sanitary sewers, telephone and laying out the cable. The water is already located at Armstrong Road we will bring the sewers in a similar fashion that was approved for Cranberry Hill. We have worked closely with McGuire Group and have gone through many revisions requested by the McGuire Group. Finally, we have a proposal that McGuire is satisfied with. WPCA turned us down. The McGuire Group found that this proposal would not adversely impact the Route 8 substation or the pump station.

Subsequent to Avalon's denial there was an apartment tower proposed by Scinto that was approved by WPCA showing conditions of offsetting the flows and reducing the I & I, stated Ted Hart. The Duberry report that we handed in tonight shows a problem in this area with 550,000 gallons per day. Storm water and rainwater will be getting into the system, it is not part of the domestic sewerage flows. There is a significant amount of inflow to the system that needs to be corrected. WPCA is working on that. Avalon proposed with the Shelton 2 project to do the same thing, reduce the inflows, (inaudible) and that WPCA (inaudible) for Shelton 2. The plan was reviewed by City Engineer and found to be sound and suggested putting in (end of tape)

**End of Side 1B of 3A, Tape 1 of 3 at 8:45 P.M.**

**Ted Hart continued.** There will be catch basins, they are shown in green and there are 3. They will contain 2 one hundred year storms. They are designed with (inaudible) at the bottom of the basins so that (inaudible) recharge and the water quality that is recommended from the DEP.

A gentlemen from the audience asks that Ted Hart shows them on the map what he is talking about.

The basins are here, here and here. These are catch and retention basins on the site. These are designed so that the volume will meet the predevelopment annual ground water recharge (inaudible) infiltration. It is designed so that once you develop the site we will provide an area for ground water recharge within the water shed, mainly ground water recharge, and flow to underlying soils. The water quality volume around the storm water run off should be captured. The water quality was recommended by DEP.

We have provided areas located below ground and we will reintroduce that back into the ground. The bottom of the basins will be planted with a New England wildflower, meadow mix. There will be shrubs, included brushes found in wetlands areas.

No surfaces will discharge into the Cranberry Bog, stated Ted Hart. All paved surfaces will discharge to the 3 basins we have. This basin in the south corner discharges across Armstrong Road into a small brook into the Cranberry Pond outlet. The only water comes into the pond coming off of the roofs passes through the infiltration areas, here and here, recharge this wetlands and out to the Cranberry Pond.

The proposal also shows a detailed operation and maintenance plan post construction for our storm water devices. First step will be to inspect these twice a year and clean them once a year, stated Ted Hart. They will inspect the basins and driveways and parking areas will be swept twice a year. A log will be kept with that information. We have a detailed erosion and sediment plan.

We have a construction entrance for (inaudible) coming on and off the site. That is required by the guidelines set forth by the DEP. We have also provided a sediment fence and (inaudible) down slope of any disturbed areas along the Easterly and Westerly side. We have provided temporary berms and swales for those sediment traps shown in red. These swale, go up hill and take the run off to the sediment basins and traps.

The three basins will be used during construction for setting traps (inaudible) the site. It is modified to the final configuration for a retention (inaudible). We have provided erosion control maintenance on the 2 to 1 slopes to show the grading that is there to the center of the site. There will be erosion control logs and we have provided notes and erosion narratives.

We intend to do no blasting in this area that is a contributory to Wetlands 1. This area is all fill and we proposed no shot rock in this area. There will be some blasting on the site. We propose road improvements.

I would like to remind the Commission all the Engineering and Storm Water Management information is in the packages we provided this evening.

I would like to talk briefly about the road improvements. At the entrance road at the main entrance of the site, we will be widening the road. Mostly on our side or the north side of Armstrong Road. This will allow for a bypass lane for those continuing in a easterly direction, stated Ted Hart. They won't have to wait for those turning left into the site. This gray shaded area shows the widening to the north side. It is about 2.5 feet of widening on the south side. This area on the south side will be turned back into grass.

Don't take it down, you are going to widening it right in front of my house, stated a gentlemen from the audience.

East of the site there is an intersection of Armstrong Road and Old Stratford Road. We proposed to widen that on the easterly side of the intersection to provide two (2) ways in the southbound direction. One for Armstrong Road and for straight ahead. The widening will be 5-6 feet maximum.

When is it our turn, questioned someone in the audience? Hopefully we will go to 9 o'clock with the applicant, stated Chairman Cribbins. Then we will take a 5 minute break so that you can look at these particular photos and everything that is here. We will then allow the Public to speak until 10:30 and then we continue the hearing until July 12<sup>th</sup>. At which time we will open with the Public and we will continue this hearing for that evening, also. Believe me, if you don't do this and we don't allow them to make their complete application it won't hold up in Court. So we need to allow them to make their application in complete and if we shut them off or turn them down or whatever, it won't hold up in Court, they will say that we didn't allow them to have the opportunity to present all data that they needed to support their application, so please have patience with us, stated Chairman Cribbins. Thank you.

A gentlemen commented again from the audience and Chairman Cribbins – asked Please.

Vincent McDermott stated that the gentlemen who asked where the entrance is. It is where the sign was posted advertising this meeting, it is UI Pole # 2018. Right across the street from my driveway, stated a gentlemen in the audience.

**David Sullivan, Barkan & Mess, Traffic Engineer, Professional Engineer, addressed the Commission.**

I have collected hundreds of studies with many of them done in Shelton. We were asked to access the traffic impact of this proposed development. The study consisted of 3 phases, we look at the existing conditions, we evaluate what is proposed with regard to concepts and safety, we look at the traffic that will be generated and we then move on to the back portion of our site.

The existing conditions as it was pointed out, access is off of Armstrong Road. It is approximately 350 feet to the west of where you come out of the curb after the intersection of James Farm Road. Frontage on Armstrong Road is approximately 30 feet wide. There is one lane in each direction, stated David Sullivan.

We requested three years of the latest accident statistics and reports from the Police Department. The section along the frontage at the intersection. There were 5 accidents reported in the last 3 years and all but one had property damage. Each and every one of them reported slippery road conditions.

One of the elements of the roadway is that there is an S curve in this area. This is James Farm Road which is stop sign controlled. There is the S curve here. We assembled traffic volumes for the existing conditions for traffic counts. We took counts at James Farm Road and Old Stratford Road. We took our counts in the morning and afternoon periods. We collect them at the highest hour in the morning that is 7:45-8:45 A.M. and afternoon 4:45-5:45 P.M.

We next looked at the proposal for access. In terms of the access road we look at site lines. Where the driveway is proposed to the right, the site lines are well over several 100 feet. Well over what would be required for the posted speed limit on Armstrong Road (25 m.p.h.)

Looking to the left under current conditions the site line is abstracted by the topography inside the S curve. The curve blocks the visibility and restricts the speed, stated David Sullivan.

Next we determine what the traffic volumes would be on the site. For this we use a publication called "Trip Generation." It is a statistic book of residential projects. It provides us with a basis for a traffic number. The site in the morning would generate 155 trips during the 7:45-8:45 time that I mentioned before. In the afternoon the trips generated would be 185 during the 4:45-5:45 time period. Most of the trips in the morning would be leaving site and in the afternoon trips would be coming back to the site.

Next we need to determine where the trips are going on the area roadways. We look at Census data part of which is journey to work information.

Next we determine the impact. What the conditions would be without the project and what the traffic would be relative to town. You add that on to the background traffic. We added the traffic from projects in the area that included Wells Springs Estates, the Renaissance project, the office complexes in the area, and Spilt Rock.

For the combined, we add the site traffic that would be projected in several intersection, and we do computer analysis to get the levels of service. They go from letter of service A to F and we even have a letter E, stated David Sullivan. F would be the worse and A of course would be the best.

The analysis at the site is at Level A at peak hours. The intersection at James Farm Road both pre-construction and post-construction operates at a Level A. The Old Stratford Road, James Farm Road and Armstrong which is operating now at a Level C and D during peak hours and afternoon peak was E. As a result of the analysis, the data that was collected, the recommendation is widening along Armstrong Road, stated David Sullivan. One of the things that should be mentioned is that the benefit to widening is the softening of the S curve. This area will not be widened, we will remove the pavement here and on the south side of the road a very small sliver will be widened and straightened out further. This will allow the left turn into the site and there will be enough pavement to the right to bypass the left turn lane.

In addition to the widening there will be minor things done in accordance with the recommendations. We reviewed plans dated June 9<sup>th</sup>, 2005 that included what we talked about and these other small modifications. We will be (inaudible) the site driveway off of a 93% angle. In connection with the old driveway in this area we are recommending a stop sign and stop bar be installed. There will be a center line strip at this intersection for guidance.

The fourth recommendation is to do some grading and changes to take place in this place where there is a retaining wall. The regarding is to a point that the site line then can be extended for 350 feet. 280 feet is the posted speed limit plus 5 miles over that is ample to go through the sign.

Lastly, the widening at Armstrong Road, Old Stratford Road and James Farm Road the levels of service have gone from a D to an E. We want to look at what we can do and there are a few options. By providing the second lane that will increase the levels of service from an E to a C. That would be an improvement from what it is today and what it does is increases significantly the (inaudible). It is a significant impact to reducing impacts on the levels of services, stated David Sullivan.

In summary, we feel that there would be no adverse impacts to the operations of the roadways from the proposed development on Armstrong Road. The existing improvements the operational conditions would be improved.

Chairman Cribbins asked Attorney Williams if that concludes their initial presentation? Attorney Williams answered that does conclude the initial presentation. I would like to ask one question and address the scheduling matter, stated Attorney Williams. Will the Commission or the City be presenting any outside retained Consultants or Experts in regard to this application? I can't answer that at this time, answered Chairman Cribbins. Have any been retained or asked to prepare reports some where along the way, questioned Attorney Williams? I am not aware of any, stated Chairman Cribbins. I didn't know until you opened that the hearing that you planned to continue this right a way, stated Attorney Williams. I will be out of state on July 12<sup>th</sup> and I respectfully request that we try to work out a date that is mutually agreeable with everyone, he added. If the hearing is scheduled for July 12<sup>th</sup> and it won't give us any time to conclude the hearing by Statues and that would take us within 4 days. That would have to be the last day for the hearing to be concluded. I would ask that the Commission not alter that day and if there is going to be any expert testimony on behalf of anyone, the interveners, the City, or any one else, that it be heard this evening so we have a chance to (inaudible). We don't know (inaudible) so I can't answer that stated Chairman Cribbins. That is our request, stated Attorney Williams.

Chairman Cribbins stated we will take a 5 minutes, take a look at the pictures, get the details, find your driveway, and we will return. Chairman Cribbins reconvened the meeting and explained the procedures for the Public speakers. Please don't repeat what someone else has already said about the traffic, etc. Just say yes I agree with the previous speaker with regard to traffic. We will go as far as the list of speakers until 10:30 P.M. We will give the secretary that sign up sheet, take it with us, and we will start again on July 12<sup>th</sup> at City Hall, he added.

Normally, what would happen here, is that the Commissioners would be allowed to ask a lot of questions. I personally am going to refrain from doing that because I have about 2 inches of paperwork that I have to go through so that I can familiarize myself with the application prior to development of my own questions. We will hold this open and we will allow the Public to speak, stated Chairman Cribbins.

Mr. Chairman, Commissioners, with your indulgence, I am not first on the speakers list. I would like to be granted this opportunity and at this point I would like to enter a (inaudible) extension on behalf of WER1. **John R. Trautman, addressed the Commission.** There are 14 signed interveners on the Section 22 (inaudible) Intervention. After I submit the intervention and have it received I would like to advise the Committee, the Commission, that since WER1 will now be a party to the proceedings that we would ask certain considerations with regard to scheduling. Certain of our primary interveners have conflicts with July 12<sup>th</sup> date and we ask that you consider that to accommodate us. They do want to participate in the proceedings and we ask that you set a continuance either prior to July 12 or some point after the 26<sup>th</sup> of July, stated John Trautman. At this time I would like to enter into the record three (3) copies of the original signature Intervention and a long list of (several photo copies) of the Intervention. The first three (3) contain signed interveners signatures at the rear and the additional 7 interventions are photocopies.

I would ask your indulgence now that the interveners have party status to the proceedings along with the City of Shelton and the applicant, we would like to be accommodated in the scheduling. Two of our primary interveners who wish to participate and contribute to the proceedings won't be available on July 12<sup>th</sup>.

We ask that the continuation of the date be set and consideration given so its set either before July 7<sup>th</sup> or after July 26<sup>th</sup>. If this necessitates the applicant set an extension of any sort that can be requested by the applicant. In addition to that, stated John Trautman, since brand new testimony was just entered before the Commission this evening we as interveners would like ample time to review it and analyze it and not be forced to go ahead with certain components of our testimony, this evening. We reserve that right to provide that testimony (inaudible).

If there are any questions, I would be (inaudible) continuation so that I reserve the opportunity to provide additional testimony. My testimony itself will be one hour, perhaps one hour and 15 minutes on behalf of the interveners. I request not to go on this evening. I need time to review the brand new information and the additional site plans dated June 20<sup>th</sup> as well as written testimony by (inaudible). I would need additional time to review that testimony, stated John Trautman. I do want to reserve my opportunity to provide expert testimony (inaudible).

**Joseph Marino, 3 Peter's Lane, addressed the Commission.** I have lived on my property for 28 years. My property has 400 feet that abuts to the Black Brook. I have always been concerned about the wetlands. I strongly oppose the zone change for the lots that are being requested. I think that all property owners should be allowed to put one or two additional homes on our one acres. I heard something about a traffic study. I heard it would make James Farm Road worse but I worry about my end of the traffic. If this is approved how many traffic lights will be put up? I certainly need one at Peter's lane so I can get out. I don't believe that there are only going to be 155 people. There are 302 apartments. They all will have 2 cars and most of them have 2 people working.

I am concerned with the septic system. It is not fair about the kick back they will have on the sewers for the other homes. They will offset the rain and all but they are not looking at the cumulative impacts. It will have a major increase on all these services.

If this is not approved the City should consider and I know I am not, eminent domain, take over this property and have it as Open land. Then we wouldn't have to worry about the Wetlands.

I am concerned with the culverts on Armstrong Road. When it rains now they back up if there is any additional run off (inaudible). I respectfully request that you deny this application.

**Irving Steiner, 23 Partridge Lane (prepared text is part of the P & Z file) WER1, co-founder, addressed the Commission.** Why are we here tonight? Why is this Planning & Zoning Commission entertaining this application? Sound and common sense practice and logical procedures should require that an applicant meet the minimum requirements on infrastructure and acceptable environmental impact on a property that could support the proposed development. How many times in the past have applications lacking the basic approvals on infrastructure and environmental impact such as this one, come before this Commission, only to later find that the exercises have wasted this Commissions time and money. I realize that this Commission, in the past, has shown little concern as to rather adequate infrastructure exists to support an application under review, as you felt it was not in your area of responsibility. State Statues indicate otherwise.

This applicant has been denied a sewer hook –up by the WPCA and is presently being appealed in Court. A similar case on Avalon in the Town of Milford in which Avalon attempted to install a sewer line for their proposed development was denied. If I recall the wording of the Court, an applicant can not force a municipality to install sewer lines even if the applicant assumes cost of the installation. Considering this present case wouldn't it be prudent and make common sense for this Commission to deny the application rather than waste anyone's time on an (inaudible) exercise, stated Irving Steiner.

This applicant has also been denied by the Inland Wetlands Commission whose Chairman is also presently part owner of the property accepted for review by this Commission. Avalon is also appealing that decision in Court. The basis of Inland Wetlands denial of this application was the lack of sufficient information on the environmental impact of this development on the surrounding area and in particular the Cranberry Bog. It was mentioned this evening that Avalon has cooperated with all requests of Inland Wetlands and this is not true. The information that Inland Wetlands needed for proper evaluation of the application required more time. Further studies had to be done on the property and this was denied by Avalon. This did impact on their decision to deny the application, stated Irving Steiner. The environmental research that was included with this application (end of tape)

**End of Side 2A of 3A, Tape 2 of 3 at 9:35 P.M.**

This applicant insists on basing the present application on this denied application that was (inaudible). I feel that this Commission should take that into consideration while evaluating the present application. This application is flawed, two studies on environmental impact and traffic in the Armstrong Road area were recently funded for \$13,000.00 by the Board of Aldermen for Avalon I. These studies if pursued, should become part of the P & Z's reviewing process. Can this (inaudible) inform me as an intervener as to the status of these two studies? As I understood it from the attached minutes of the BOA meeting on 4/14/05, it was understood that the P & Z should be requesting reimbursement (inaudible) these studies should be made contingent upon the application process. I don't know if this was heard or if you are proceeding with this or not, questioned Irving Steiner.

I don't know answered Chairman Cribbins, I will have to get back to you on that. That is the Board of Aldermen and I am not sure, he added. Chairman Anglace is for funding and without the condition on the applicant for paying for it to the agreement that you would make, the P & Z. Apparently this request was not successful because the funding, though allocated, apparently is contingent upon you receiving approval from the applicant, stated Irving Steiner. In any event those studies would be highly valuable at this point in time since the clock is running. I commend John Anglace for trying to take the effort to try to fast track the funding and avoid the delays that can occur involving the applicant in these decisions. In light of those circumstances this Commission should consider the filing of this application at this time to be premature. I ask again, why are we here? Thank you for your time, stated Irving Steiner.

**Tom McCarthy, 50 Daybreak Lane, addressed the Commission.** I would like to thank you for letting me speak before you. First I take offense to the applicants even mentioning the Wetlands application because they have not received any approvals for those. They have all been denied.

As an intervening party to all these applications I am here to ask you to deny all three of Avalon's applications. Application 05-20 changing to HOD known to many of us as hilariously, detrimental and out of control. Application # 05-21 and 05-22. These should all be denied for the following reasons there is no way that an application of this size should be approved as is evident by your previous denial for the 49-unit application on the same property. That denial was appealed and the Courts upheld the Commission's decision that a development of that size was too intense. An application more than 6 times the size of that is only laughable. The zoning on that property is there for a reason. The land can't support. (inaudible).

Shelton schools are over crowded and under funded and there is talk of closing some. We can't afford to add hundreds more students, stated Tom McCarthy.

Our roads are in disrepair and congested, we can't afford to add hundreds (544 to be exact) more cars to the roads in their current state. Currently the City can't enforce the traffic laws on Armstrong Road and Old Stratford Road.

The sewer system is beyond its capacity which is evident by hundreds of thousands of fines that Shelton pays every year. Plus the fact the WPCA has denied this application.

What your big responsibility is as a member of this Commission is protection of the environment. The land offers some unique resources and a development of this size would be nothing less than a disaster. Blasting will not only damage the Cranberry Bog but change the PH levels, introduce pollutants into the ground water but it would also do damage to the wells of the homes in the area, mine included, and others here.

These applications should be considered incomplete (inaudible). Also all of the notices posted in the paper and on the property were incorrect. Who knows how many hundreds may be thousands who could have been here tonight who could have gone to the Old Intermediate School. There is a reasonable alternative, that is one house per build able acre. I can go on and on but there are a lot of people here who wish to speak this evening. Please make the simple, correct, reasonable decision for the current citizens of Shelton and deny all these applications, stated Tom McCarthy. Thank you for your time.

**Mr. Paul Baker, 46 Daybreak Lane, addressed the Commission.** I am an intervener. I want to speak to you about traffic. I felt that it would be increased but I am told now that it won't be. The traffic is not only the problem in here (as he points to the maps) and their solution in this area here will do well if there are only cars going up and down that road. As long as no trucks are making deliveries over here. The solution won't handle a truck that is in the center lane wanting to make a left hand turn here. The car tries to get by there then they are really in trouble.

A gentlemen in the audience stated what about the corner at Split Rock?

Paul Baker continues also the intersection of Armstrong and Old Stratford Road. It was 4 years ago that I had the front end of a Volvo taken off because someone didn't stop at a stop sign. That is the kind of common occurrence. You can ask the Shelton Police Department they sometimes have 2 patrol cars sitting on Armstrong Road getting people going through that stop sign. People are in a hurry trying to get to over to Sikorsky's. It is a traffic problem and this is going to make it worse. What are we going to do put in another stop sign? There are 3 stop signs within 200 yards coming off Armstrong Road, already. It takes forever to get out of Daybreak Lane. You have traffic coming up, going down, you can't see around the corner and now we have traffic being increased.

Our section has often been referred to as the poor section of Shelton. When I think that they put up tennis courts, they do things for the people of Shelton, our section has always been the poor cousin. Our section of town has done more than its share to bring the taxes down. Look at the big offices we have, look at Commerce Park on Commerce Drive, look at all Scinto has put over there, look at Health Net, look at the taxes that are coming and now you want to burden us with this and lower all our property values.

I am sorry. This is the first time that I have gotten involved in what the City of Shelton does. I have been living here for 25 years and maybe I have had my head in the sand, like the rest of you. You are the Planning & Zoning Commission, right, I don't understand that title if indeed the developers do the planning and you do the zoning. Is that the way it is suppose to work? Why shouldn't the Planning & Zoning Commission decide what kinds of zone we are going to have in certain spots and uphold that?

Paul Baker continued if you guys vote to set up the zones proper for us to try to maintain our neighborhoods, to try to keep the level of our pride in our homes where it is. I think it is working a little backwards here when an outfit like this comes in and decides where they want to build and then threatens us with the Courts.

We already have the Chairman of the Wetlands Commission do a job on us. Please don't follow in his footsteps.

Certainly taxes are important but I am sure we all have pride in ownership and proud to be in our neighborhoods. If it is taxes that are causing an outfit like this to come in and persuade a Planning & Zoning Commission that this is good for a City because they are going to bring in more taxes. Please raise my taxes and keep my neighborhood the way it is.

I remember hearing them say how beautiful it is but I don't remember hearing them say that they are going to take 70 feet off the top of the property to disburse it somewhere else. They are going to tell us that doing something that drastic to the property is not going to endanger our wells, it won't endanger the Bog, it is going to endanger that brook down there, you can look at the culverts from that brook, the way they run under the highway, have you seen the size of them, they won't take that kind of water, stated Paul Baker.

They talk about the areas that won't be blasting in. I have walked that property and I have walked there with my dogs, grandchildren and I see all the rock that is there. That is all ledge up there. I am sure that with all that blasting there will be trouble with our wells. They say that won't happen but I don't believe them.

My oldest son was a debater in school, in Boston College he debated, he is a lawyer and he proved to me that it didn't matter to him what side he took in a debate if he did enough work he could come up with enough surveys to prove anything, no matter how right or wrong it was.

I have seen a lot of projects go up. I was brought up in Bridgeport, across the hill in World War II, they built a park, low income housing park. A lot of people came and after 4-5 years the park got to be a disaster. They said lets take this park and sell it to the people. 50 years you can go to Success Park and people are taking care of it because it is there. If you want to help people that don't have a lot of money you don't do it by locking them into a rent because that way they will never be able to afford to buy a house, stated Paul Baker. You give them a place that they can afford to pay for it and that they will be proud of their place just like all of us are. I didn't prepare anything and I reserve the right to speak again at the next meeting.

**Constance Schwartz, 536 Huntington Street, addressed the Commission.** I am a member of the Voices of Shelton along with WER1. I am against this Avalon I project (inaudible). The area is zoned for one home per acre and it should stay that way. The owners of properties in Shelton have all purchased their homes in different zones because they wanted that much property. The zones should stay the same and not change because builders come to you with projects not appropriate for the zones. What are the zones for just to fill the pages of your books so things look good when we purchase our homes and then you change them to make good sense for some builder coming in from out of town to upset our neighborhoods by changing things strictly to suit their needs. At this rate no one will want to move to Shelton and we will then have our own Walnut Grove. I ask you to keep our zone as is and deny the zone change. Thank you.

**Albert Schwarz, 536 Huntington Street, addressed the Commission.** I am in agreement with the previous speaker. Thank you.

**John Tristine, 56 Armstrong Road, addressed the Commission.** I don't have any degrees. I work for a living. I won't be able to find any loop holes in the Community because this is something that we don't want. I am against these applications. I want to go to the map because my property is closest to this. Here is my house and my well is ten feet from their property. 58 feet away from the closet house. If you move the pool over I can just walk out my front door and go to their Community center.

He was talking about construction basins and I don't see any construction basins protecting my property. Nothing whatsoever. He was talking about brown water discharge. On this map there are no galleries and no brown discharge. The other guy was talking about screening trees and pleasing the eye. There is nothing screening or pleasing to eye from my house to this property, stated John Tristine.

If you look at the map they are cutting right across my property. According to this the line goes right over my driveway.

What I want to talk about tonight is traffic. He was talking about the left site line. Before I get into that lets talk about widening the roads. I have lived here for 25 years and I moved from across the street to this house 3 to 4 years ago. I thought the property would never be sold or have this big thing built right on top of me. 4 years ago when Armstrong Park was put in there were about 300 cars coming and going. They widen the road then and they blasted knocking out my wall. A year later the house started to collapse. I was young and didn't know we had any recourse. We are widening the road again and if someone moves in we'll widening it again. He passed around some pictures of traffic coming and going. This is a picture that shows you can't see the cars coming. You can't see the other site line and this is a picture that is here. They're going to widen this right to my driveway, stated John Tristine.

He showed us a picture of the kids walking down the street. There are no sidewalks. There are kids living in this neighborhood. Also I don't know where he came up the Census Bureau and the year 2000. Did anyone talk about how many people have moved into Shelton since 2000.

The blasting and my well. I had a horror story when I lived across the street. I am the closest one 10 and 58 feet away. What gives them the right to come blast 58 feet from my house when I have been here 25 years paying taxes to the City of Shelton, stated John Tristine. I volunteer for football, baseball and I volunteer everywhere for the City and I get this (inaudible).

When they widened the road years ago, it was a nice country road. They posted 25 M.P.H. speed limit. It is the Shelton 500. If you widen it now we will have drag racing. I had a car go over the stonewall across the street almost hit my house. I have pulled countless people out of snow banks. First of all you can't see the lines. I called last year they spread oil and I was told that this would last 10 years. Now you are going to put Blakeman's project, Wells Springs, Armstrong Park and now this and you expect the road to hold up. He showed pictures of the road getting eaten up and gravel on the road.

The road conditions are so bad and you want to add more cars. This is not paved. They call it an A grade I call it an F grade.

Mr. DaSilva, Inland Wetlands Commission, why is this not a conflict of interest? It got denied and he sues the City. This works out well.

Great Public servant, stated someone from the audience.

Mr. Williams was talking about the households devaluing. I would like Mr. Williams to write a letter promising to pay in 5 years after he builds this mess and make sure I get the same money I would have gotten if he wasn't there. Put it in writing please, stated John Tristine.

The speed limit 25 m.p.h. There is not enough Police in the City to set up speed traps. When we had the last meeting they were courteous to come out for 3 days for speeding. You are going to widen the road, they go to the grocery store, there is Route 8, there is the Merritt, there is Sikorsky, you can't tell me the traffic is going to support this type of (inaudible). I have pictures, this is just today, more cars. (inaudible) If you widen the road it will be a better site, let's just take part of my property. If you can't do it with what you got you shouldn't do it at all.

First of all it is not zoned for that and I ask that you deny all of this, stated John Tristine. Thank you.

**Reme Kocurek, 15 Partridge Lane, addressed the Commission as a member of the Executive PTA Board at Long Hill School.** I am a concerned parent. (inaudible) is a normal part of a growing town. Recently however approval of housing applications in the Long Hill School District with high density projects may have serious impacts to the enrollment numbers if these approved projects are completed. These projects have been approved Pinecrest 135 units, Four Winds 55 units, River's Edge 59 units, Well Springs 30 units. These are all within the Long Hill School Zone. Well Springs which has 30 units advertises a great school system in their sales brochure. When they gave their presentation they were targeting empty nesters.

We already have 275 residential units approved for the Long Hill School District and now with this Avalon proposal 302 units would continue the surge of students that would simply overwhelm an already overburdened school system. Based on Avalon's configurations of 1, 2, and 3 bedroom apartments Avalon could add well over 250 students alone to our district. Increasing the numbers not only in Long Hill but also the Intermediate and the High School with current enrollment now at the high school of over 1700 students.

Long Hill School is currently quiet full with enrollment at 560 students with several classrooms reaching 24 students each. Part of the newly relocated Ripton Preschool program has claimed a room. There are no empty classrooms with music being taught in the cafeteria. This is not only the case throughout the City but throughout the State. The numbers are great at Long Hill and add to that the potential of 275 already approved and the 302 unit application. The logistics of having to provide a solid education are insurmountable. Even redistricting would not allow Shelton to (inaudible). Many of the schools have more classrooms and many high density projects like Avalon 2 in the Booth Hill District are being proposed.

I can't believe that (inaudible) affordable housing has not overburdened the school system completely misses the point. Affordable or not simple math indicates that (inaudible) will do just that. Please do not allow this over development to put further strains on our Shelton School System. Thank you.

**Michael Pacowta, 166 River Road, addressed the Commission.** When I spoke before you a couple of weeks ago about Avalon 2, I mentioned a concept that is certainly stronger, that was neighborhood rights. I won't be labor the definition of that again because quiet frankly I am just going to follow Mr. Schwartz who endorsed Mrs. Schwartz because quiet frankly she said it all. I agree with her in her opposition of this proposal. I hope that the people of this Commission would see things that way. I thank you.

**Richard Patterson, addressed the Commission.** I will be wearing many hats tonight. I also reserve the right, as an intervener, to come back to speak again. Including the rebuttal after the applicant's rebuttal.

First of all, for the record, I would like to enquire how many Commissioners are here this evening? 5 Commissioners, stated Chairman Cribbins.

I live at 31 Daybreak Lane which is just adjacent to Building 9. If this was to be built as proposed my 2400 square foot raised ranch would resemble a shed compared to the Building # 9.

Now we are facing a lot of problems here. We have the applicant shoving the State Statues down our throat. Affordable housing laws. They are shoving 65-day limits down the Commission's throat yet they are not available if we need to extend this, stated Richard Patterson.

They are throwing all these experts at us, they have had months and months, if not a year, to prepare for this application. Now we have very limited time. At first it was suggested that the Commission ask the applicant for another 65 days extension. If they deny that then the Commission has the right to deny the application because there is not enough time (inaudible).

Secondly, I truly resent what is going on here with these so-called expert witnesses. We have a Traffic Engineer telling us that we are going to see 170 cars in the morning coming out of this project. There are 302 units. I don't know a household that doesn't have at least two drivers. That is 604 they way I count. Unless most of them are unemployed and can't afford to pay the rents. We are going to have a lot more than 170 cars coming out of there.

Armstrong Road has been mentioned as a major thoroughfare. You have 902 Oronoque Village residents that go to the shopping center for groceries, you have Far Mill Condos in Stratford, you have Sikorsky employees, you have Tudor Ridge condos, you have all the other people cutting down Armstrong Road to go to Stop & Shop. I say to you that traffic study is a farce.

Additionally when the Inland Wetlands Commission inspected this property and then publicly apologized to us the Citizens, because when Cranberry Hill was brought up they didn't walk the site. On the second proposal they walked the site and found a significant area of wetlands in the middle of the site where a building is proposed, not mapped on the site plan and it is not being counted for, stated Richard Patterson. Which in my books makes this application a fraudulent application. There has been nothing provided by the applicant knowing that this application is fraudulent, by their professional engineers and surveyors, that they overlooked this wetlands area. They didn't mention that at all tonight or make amends for it or try to modify it. They are just trying to shove it down our throats.

Additionally with the change of zoning or the amendment to the zoning regulations, this HOD, they say that the town has to develop some type of zoning regulation for this. This doesn't have to be toward the direction of the applicant so it fits his need, stated Richard Patterson. I see no reason why some type of regulation could be devised by this Commission but keep it more reasonable. Keep it to a two story buildings, not 4 and 5 story buildings. You know that Avalon and many more are coming in forcing these regulations and State Statues down our throats and they are all coming in to the R1 and one acre zoned areas. Lets make them keep their structures as to the same size and height as the surrounding structures.

As a licensed Real Estate Agent with 33 agents in my office, I think that makes me an expert, values of the property surrounding this property will be decreased by 35% to 40%. It is my understanding that is the charge of this Commission to protect are values and the quality of our life, stated Richard Patterson.

**End of Side 2B of 3A, Tape 2 of 3 at 10:25 P.M.**

**Richard Patterson, continued.** It is well known that the wells will be contaminated. There has been no testing done. That testing must be a condition before anything is done. Without well water our homes are useless.

He continued by reading a letter from his wife that is on file in the Planning & Zoning Office.

Chairman Cribbins stated we are now at 10:45 and it is running late. I need to talk to Attorney Williams for a minute. There is a discussion between all interested parties including Assistant Corporation Counsel Raymond Sous, Attorney Williams, John Trautman, Chairman Cribbins and members of the Commission. We will continue the hearing on July 19<sup>th</sup> at the City Hall Auditorium starting with the Public testimony. Then the interveners, if we can't get it finished in 3 hours we will continue to the 21<sup>st</sup>. The reason we are doing this is that the hearing has to be completed by the 26<sup>th</sup> of July. That is the following Tuesday. We need the grace period. We will do that for 2 days. There was a question for an extension but there is no extension now. The extension comes after the hearing is closed, stated Attorney Sous. There is a lot of discussion between everyone and people in the audience. The schedule dates are discussed.

**On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to adjourn at 11:00 P.M.**

Respectfully submitted by,

Diana Barry, Clerk