

The Shelton Planning & Zoning Commission held a Regular Meeting on August 8, 2006 in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins
Comm. Virginia Harger
Comm. Jason Perillo (sitting in for Comm. Papale)
Comm. Anthony Pogoda

Staff present: Anthony Panico, Planning Consultant
Richard Schultz, Planning Administrator
Thomas Dingle, Zoning Enforcement Officer
Pat Garguillo, Court Stenographer
Diana Barry, Clerk

Tapes (2) and correspondence on file in the City/Town Clerk's Office and the Planning and Zoning Office. Attachments are not available on the website.

Chairman Cribbins opened the meeting with the Pledge of Allegiance.

PUBLIC HEARINGS:

APPLICATION # 06-24 DOMINICK THOMAS ON BEHALF OF CROWN POINT REAL ESTATE INVESTORS LLC/CROWN POINT ASSOCIATES III, LLC/CROWN POINT ASSOCIATES IV, LLC FOR SDA OVERLAY, 96 LONG HILL CROSS ROAD (MAP 51, LOT 13) – REQUEST TO WITHDRAW (INITIATED BY APPLICANT) AND APPLICATION # 06-25 DOMINICK THOMAS ON BEHALF OF CROWN POINT REAL ESTATE INVESTORS, LLC/CROWN POINT ASSOCIATES III, LLC/CROWN POINT ASSOCIATES IV, LLC FOR MODIFICATION OF PDD # 48 (PARKING EXPANSION/CONTRACTOR'S BUSINESS AND STORAGE FACILITY, ACCESSORY WAREHOUSING) 96 LONG HILL CROSS ROAD (MAP 51, LOTS 8, 9, AND 73 AND MAP 63, LOT 25) – REQUEST TO WITHDRAW (INITIATED BY APPLICANT)

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the request for withdrawal on Applications # 06-24 and 06-25.

Attorney Thomas addressed the Commission stating that he wanted the Commission to understand that this issue is not dead. The issue is the extreme wetlands that we have discovered on the property. We have not given up but we are still negotiating.

Chairman Cribbins stated that if anyone is in the audience who is interested in Lava Real Estate, I have had a conversation with Attorney Thomas who represents Lava Real Estate. We feel we would like to have the whole Commission here; we do have some Commissioners who are on vacation tonight. In order to have us vote on that, it is so important to the Community, we would like to have all the Commissioners in attendance. So we have received an extension to September 13, 2006. No the 12th, the meeting is the 11th, stated Richard Schultz.

APPLICATION # 06-26 DOMINICK THOMAS ON BEHALF OF LAVA REAL ESTATES FOR SDA OVERLAY, 667 BRIDGEPORT AVENUE AND TWO ADJACENT PARCELS (MAP 38, LOTS 2, 3, 4) (PUBLIC HEARING CLOSED ON 5/23/2006) DISCUSSION AND ACTION AND APPLICATION # 06-27 DOMINICK THOMAS ON BEHALF OF LAVA REAL ESTATES FOR PDD ZONE CHANGE (MULTI-FAMILY) 667 BRIDGEPORT AVENUE AND TWO ADJACENT PARCELS (MAP 38, LOTS 2, 3, 4) (PUBLIC HEARING CLOSED ON 5/23/2006) – DISCUSSION AND ACTION

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the extension on Applications # 06-26 and 06-27 until September 12th, 2006.

APPLICATION # 06-39 DOMINICK THOMAS ON BEHALF OF JOHN AND NANCY TODICE FOR SPECIAL EXCEPTION APPROVAL (THREE FAMILY DWELLING) EAST AVENUE/MIDDLE AVENUE (MAP 105, LOT 145) R-1 DISTRICT

Attorney Thomas addressed the Commission and presented the mailing receipts.

Comm. Pogoda read the call of the hearing and two additional pieces of correspondence, one from the Fire Marshall and one from the City Engineer.

Attorney Thomas stated he did present the receipts for mailings; also he has a picture of the posting of the property and a letter from the adjacent property owner in support of this proposal.

This is an R-4 with sufficient property and size for a 3-family dwelling. We have been through wetlands and there have been extensive changes. We also have addressed the engineering concerns as we went through wetlands, stated Attorney Thomas.

James Swift, Landscape Architecture, addressed the Commission. He showed everyone on the map that this property is located on Middle Avenue at the termination of the cul-de-sac. As you come to the rear of the site you see a parcel that has a lot of land more than others on the street. Towards the rear, just some history with regard to the wetlands application, we had proposed the house toward the rear of the property.

The Wetlands Commission and the City Engineer both had a problem with us putting this in an area where they felt the drainage was not working properly, stated James Swift. There is a swale that comes through the back yard and a rock face that is not high. This is not an area where we will get a lot of money for the house. So faced with the opposition from Wetlands we said we have to put this at the top of the hill. You can do that by filling this area.

We have a 12-foot driveway coming off the end of the cul-de-sac; the 12-foot driveway comes off the cul-de-sac and climbs up the hill. The triplex units will sit facing this direction. Each triplex unit will have a one-car garage and a separate service parking space to make 2 parking spaces per unit.

They fit within the setbacks and as so meet the criteria for lot frontage area. We are under the lot coverage for each unit.

When we made our application to Wetlands the City Engineer had some comments with regard to additional galleys for run-off. We have one set of galleys down in this area and we modified the plan to put in the drywell system for run-off. We did a significant onsite retention system structure. With regard to the City Engineers letter, we haven't seen that letter prior to this meeting; it is a matter of increasing the galley system and the dry well system. We have that capability, stated James Swift.

Chm. Cribbins questioned the slope of the driveway? James Swift answered it will be a 12% which is the maximum with regard to the subdivision but by ordinance the maximum would be 15%.

Richard Schultz stated that I have met with the Fire Marshall and our requirements for interior provisions require the driveway be 18 feet wide, which is excessive. Just keep that in mind. Chm. Cribbins stated we did get an approval from him. The Fire Chief is concerned with the apparatus in regard to a rear lot, stated Comm. Perillo. It does have adequate frontage, stated Chm. Cribbins. Comm. Pogoda asked for drawings. James Swift put the drawings up on the easel.

Diane Barriga, 51 Middle Avenue, (it is difficult to hear her). She questioned where the house was going, Mr. Todice answered and Chm. Cribbins explained that questions come to the Commission then we ask Counsel to answer who can ask Mr. Todice to help with his response. Diane asked where the house would be positioned in regard to her house. Her house is the last house on the right. Chm. Cribbins questioned the distance between the two houses as show on the map there. James Swift measured the distance from house to house is about 63 feet. Your yard has a flat yard then slopes in the backyard and this house is about 10 feet past the top of the slope. As you look out the back you will see the slope. The driveway then is at the end of the cul-de-sac so will there be blasting, questioned Diane? James Swift answered this is in a part of town where we don't want to spend a lot of money on blasting. We will fill up this area to try to get to the top of that. James Swift asked Mr. Todice if these would have basements or be on grade? Mr. Todice answered on grade. With the slab on grade there won't be any blasting for the basements, stated James Swift.

Are there wells on that property, questioned Chm. Cribbins? City water, answered James Swift.

Diane questioned the driveway going up and how the run-off with effect her? There is a diversion swale in the backyard and we will put in a pipe to pick that up. As we build this area up we will put an inlet with the drywell. The natural inclination in this area is for the water to run by you. All the roof drains and pavement drainage will go into the pipes crossing the driveway. There should be no increase to that run off.

Richard Schultz asked James Swift to clarify the difference between an elevated deck and a patio. He also asked Mr. Todice to explain that the garage will be curbside and not a dumpster. It will be collected on the street curbside for both the cans and recycle.

James Swift stated that this is setback on the top of the hill. The three units are close to the line and to avoid the Open Space these private spaces will be patios on grade.

A women in the back room addressed the Commission. She is the last house on the left. She is not happy with this being a three family house and worries about more cars and the depreciation of her home.

Chm. Cribbins questions Mrs. Rubio as to where she is and explains that this house will be 100 feet back. Anthony Panico asked how far from the street is the house? 120 feet answered James Swift. Anthony Panico 120 feet and tucked back behind Mrs. Barriga's house. You mentioned the slope, is that a vegetative slope, questioned Anthony Panico? There is vegetation, stated James Swift. Do you have room to do landscaping, questioned Anthony Panico? In back of the structure there is 20 feet setbacks, stated James Swift. Can the building slide another 10-20 feet, questioned Anthony Panico? We are about 6 feet shy of pushing all the way back, answered James Swift. You mentioned the parking, is it a single car garage or two- car garage, questioned Anthony Panico? One car garage and the second parking space is not in front of the garage door, answered James Swift.

Mrs. Rubio asked the parking to be explained again. James Swift stated that the Zoning Regulations for the town require two parking spaces per unit. For the three units then we will need 6 spaces. You won't have any problem with these people parking in the street, stated James Swift. Diane was concerned with the pipeline in the back? This is nowhere near the pipeline stated James Swift.

Chm. Cribbins asked if there was anyone else with any questions and hearing no response asked for a motion to close the Public Hearing.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to close the Public Hearing on Application # 06-39.

Attorney Thomas stated since this is a Special Exception and this is straight forward we would like some consideration to begin site work. Chm. Cribbins stated we will not vote on this tonight and will probably put this on the September 11th agenda.

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE (see attached)

Mr. Dingle stated that we have standards 1-20 for houses, decks, sheds and pools.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards 1-20.

SEPARATE # 6265 JOSEPH COCI, ONE WATERVIEW DRIVE, BUSINESS

Mr. Dingle reported that this is for a sales office. They will use 4,000 square feet. It is an existing office building and this is for a parking expansion. There are 12 employees and hours of operation are Monday through Friday 8 to 5. They need 4 parking spaces per 1,000 sq.ft. This is an investment property company. There are 12 employees with 16 parking spaces needed.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 6265.

6249 DIANE ALTERIO, GARDENS AT SUMMERFIELD CONDO. ASSOC, FENCE

Mr. Dingle reported that this is the emergency driveway on Willoughby Road. They will be building a 6 foot high white fence. Richard Schultz stated that a fire truck did get up there. We have a letter from the Chief requesting the closure of that. Comm. Perillo asked what would happen to that apron? They will close it and seed it answered Richard Schultz.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6249.

6209 JOHN DEGENNARO, 56 LAKEVIEW AVENUE, IN-LAW

Mr. Dingle reported that this is for an in-law addition. We have wetlands approval and the affidavit along with some pictures. It is 592 square feet. The addition won't be visible from the street. There will be only the one existing front door. Are they providing additional parking, questioned Comm. Pogoda? The application doesn't show that, stated Richard Schultz. That is an opened staircase in the back, questioned Anthony Panico? I don't know that, answered Mr. Dingle. It is a 16 by 20 addition in the back and opening the dormer in the back, he added. Is the apartment (in-law) all on one level, questioned Anthony Panico? One level, answered Mr. Dingle. Is there anything beyond the existing rear wall of the house, is the entire addition the in-law, if so then it is two story, questioned Anthony Panico? Mr. Dingle said it is not a two-story in-law. My concern is the deck with the open staircase in the back, stated Anthony Panico. Mr. Dingle then read the statement from the applicant.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 6209.

Chm. Cribbins stated that we need to have drawings and more information on these in-laws. We want a clear picture on what is happening here.

K. WEINSTEIN, 25 WEYBOSSET ST., HOME OFFICE

Tom Dingle stated that the name of the company would be The Heart of Aerobics and Conditioning. It will be video sales. She will use 10 square feet. All contact is done over the Internet. Comm. Perillo stated I have a conflict she is on the EMS. So I will abstain.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was voted to approve Separate # 6229. Comm. Perillo abstained.

Chm. Cribbins stated that we all know a lot of people in town also people we are associated with and unless you have a financial interest you don't need to abstain.

6237 RAYMOND VECSEY, 3 PRINCESS TERRACE, HOME OFFICE

Tom Dingle stated that this is a computer based business. The company name is Darkside Enterprises.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6237.

6238 KRIS SKERENCAK, 132 MOHEGAN ROAD, HOME OFFICE

Tom Dingle stated that this is for a home office. KDS,LLC he is a general contractor with a 2006 Chevy that has no signs or markings. His parents have provided a letter that they have no problem with the business in the house. It is stated that there be no storage, questioned Comm. Pogoda? Yes, stated Tom Dingle.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 6238.

6261 PAULA BACHMAN, 43 APPLEWOOD DRIVE, HOME OFFICE

Tom Dingle stated that this is a home office for an asset management company. The company will be called Bachman Management. There will be no visitors to the home and no signs. There will be one employee.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 6261.

6241 TERRENCE RICH, 77 JEFFERSON ST., HOME OFFICE

Tom Dingle stated that this is for chemical sales. It will be a home office with computer and desk. There will be no storage and no chemicals or materials delivered to the home.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6241.

6217 MARK RHODES, 88 TRAP FALLS ROAD, HOME OFFICE

Tom Dingle stated that this is a replacement tenant that will use 1,000 square feet. It is a commercial and residential mortgage broker. There will be two employees with two vehicles. Hours Monday through Friday 9 to 5. Why is this under home office, questioned Comm. Pogoda? It should be office use, stated Richard Schultz.

6232 KATHLEEN BARONE, 88 TRAP FALLS ROAD, SIGN

Tom Dingle stated that this is for occupancy at the same building. It is a different tenant. The sign is 71 by 27. It is setback 10 feet from the road, stated Richard Schultz. There are a few things going on here including the size and the color, he added. There are 2 tenants in the building.

End of Side 1A of 2A, Tape 1 of 2 at 7:55 P.M.

Kathleen Barone addressed the Commission with her concern with regard to clients being able to find the business. We have been trying to be consistent with no telephone numbers and not listing individual tenants, stated Richard Schultz. If we allow her to do a separate tenant sign then we will have other tenants wanting to do the same thing. Lets table this and give Staff the opportunity to work with her, stated Chm. Cribbins.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to table Separate # 6232.

6266 DOGGIE STYLES, 128 CENTER STREET, SIGN

Richard Schultz stated that this is a projected sign over the sidewalk. It is consistent with what is in that area.

On a motion made by Virginia Harger seconded by Anthony Pogoda it was unanimously voted to approve Separate # 6266.

6234 MARK DYMERSKI, 427 HOWE AVENUE, SIGN

Richard Schultz stated we have two requests. The Baskin Robbins has been eliminated. The applicant wants to relocate the channel letters and the second request is for identification purposes is to put a small projected sign on the sidewalk on the Howe Avenue corner. Staff has met with the applicant and he then passed around renderings of the sign. What is the reasoning they want to put this up, questioned Comm. Pogoda? For exposure, stated Richard Schultz. Are they trying to tell me that no one knows it is a Dunkin Donuts, added Comm. Pogoda. The applicant stated there is poor visibility. My clients say that when they actually go there they have gone by it. This location runs about 20% less then the average Dunkin Donuts. It is poor visibility. If you are new to the area you won't know it is, the applicant stated.

What I like about this is where the visibility is challenged, it is up and down Howe Avenue, is the lateral visible, stated Comm. Perillo? The applicant stated I took pictures and you can see how invisible my store is. If you are coming down Center Street to Howe Avenue, stated Anthony Panico. The picture shows Dunkin Donuts right in front, unless you are sight impaired, the picture is saying Dunkin Donuts right here, stated Comm. Pogoda. We wrestled with the signage issue from day one and I thought we arrived a reasonable solution back then, stated Anthony Panico. Correct, stated the applicant. Where is the other sign, asked Chm. Cribbins? Right next to it, stated Richard Schultz. You are not at a location that relies on impulse stopping, stated Anthony Panico.

As you guys approve more Dunkin Donuts, the one at Wendy's, I have lost business, stated the applicant. That may be true but I don't think it is because people don't know that you are there, stated Anthony Panico. I think that it is, stated the applicant. The market base is just getting cut up a certain way, stated Anthony Panico. Visibility is one issue there, stated the applicant. I think that we should work to improve that visibility there by putting that sign up, stated Comm. Perillo. Where would that be, asked Anthony Panico? It will be on the protruding area where the dining room would be, stated the applicant. Once again if you need the visibility on Center St could you come up with a projecting sign on the Center Street side so it doesn't interfere with the clock tower, stated Anthony Panico. I can't understand how any Shelton resident or even the Derby residents coming home that way don't know you are there, he added.

Chm. Cribbins stated we have a sidewalk projection sign over the sidewalk. Comm. Harger stated I think this is a clean way to do this but I object to this. With the design element along Howe Avenue I don't think that this is necessary, she added.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was voted to approve the projection side over the sidewalk. Comm. Harger was opposed.

Next is the channel letters, I know we had a lot of discussion in regard to this and I would not be in favor of that, stated Chm. Cribbins.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was voted to deny the moving of the channel letters on Separate # 6234.

OLD BUSINESS:

APPLICATION # 06-37 JOSE MOTA/PRIMROSE DEVELOPMENT, LLC FOR SUBDIVISION APPROVAL (3 LOTS) 86 WALNUT AVENUE (MAP 104, LOT 24) R-1 DISTRICT – DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated that Wetlands has not acted on this and there are significant issues raised by the Fire Chief and the City Engineer. The applicant has been made aware of that.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to table Application # 06-37.

APPLICATION # 06-38 DOMINICK THOMAS ON BEHALF OF PIC AND PORK REALTY, LLC FOR SITE PLAN APPROVAL (SECOND FLOOR PATIO AREA) 50 CENTER STREET (MAP 129D, LOT 48) CA-3 DISTRICT – DISCUSSION AND POSSIBLE ACTION

Richard Schultz read a letter from the Fire Marshall. He did state that the applicant is here with revised plans.

Attorney Thomas explained the revised plans and showed a rendering of the changes. The architect could not be here this evening so I will defer a lot of the comments back to Rick and Anthony. Initially when we came in with this application with regard to the concerns, we had a knee wall, and when we met with the Downtown Committee and Staff they felt other things could be done. The knee wall rose about 1 to 1 ½ foot with a planter in the knee wall. Certain architectural then were wrapped around the building, stated Attorney Thomas. This is the front with sign that will be illuminated in line with downtown. This was raised with the planter and flowers then above that. The patio will have internal holders for glasses, etc.

Anthony Panico the parfait can be retrofitted for an enclosure? Yes, answered Attorney Thomas. We talked about a rail just below the cornice so that if it got hit accidentally it would be hit into the brick, stated Comm. Perillo. Below the top of the knee wall is shelf, stated Attorney Thomas. There can't then be any accidentally lost of material, stated Anthony Panico. No answered Attorney Thomas. This design is far superior to what we looked at originally, stated Anthony Panico. They will be providing an area within the patio area for drinks and cigarettes. We are going to make sure there is a good look from the patio with regard to the windows and doors, stated Attorney Thomas.

I find the rendering attractive more so then we started out and thank you to the applicant for working with Staff and the downtown Committee, stated Chm. Cribbins. These changes are a vast improvement to what we started out with. He then asked for a motion. Richard Schultz stated that there are conditions from his draft motion that include, 3, 4, 5, 7, 18, and 24.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Application # 06-38.

**APPLICATION # 06-40 PHIL PLANTE FOR SUBDIVISION APPROVAL (3 LOTS) 21
MOHEGAN ROAD (MAP 86, LOT 56) R-1 DISTRICT-DISCUSSION AND POSSIBLE ACTION**

Richard Schultz read a letter from the Fire Chief. Say that again, questioned Comm. Pogoda? The Fire Chief is recommending City water while the applicant is requesting wells. Richard Schultz then read the Naugatuck Valley Health letter, City Engineer's letter, Shelton Board of Education and attached is the Chief of Police's report. He then read his staff memorandum. Lot size was 4.9 and that includes the free split out parcel. The Conservation Comm. wants only an easement no fee in lieu of, stated Richard Schultz. We can establish an easement for the Board of Ed to go out there to cut that brush. There are two issues the public water, stated Richard Schultz. There are three recommendations predicated on public water, stated Chm. Cribbins that include the City Engineer's recommendations are for that public water.

The applicant's representative stated that there was public water out there. The final mapping from the Water Company that shows that there is not water out there. We are confident we will get approval for private wells. The Health Department letter predicates the public water because that is what we showed. The Engineer's letter shows that the water is approximately 350 feet and by Statue we are not obligated to provide that, stated the applicants representative. The Commission however has the right to exercise judgment if water is within a reasonable distant to the property they can require that, stated Anthony Panico.

The City Engineers recommendation referring to others in the area extending the water is a little misleading. The proposed extension would serve at most 5 other properties. There are existing properties served by well. You are not getting a huge benefit, stated the applicant representative.

10 years ago we made it clear that the pockets be extended with regard to the Fire Commission, stated Richard Schultz. Comm. Pogoda stated that statutory that we can make them go over 200 feet. The statues say beyond 200 feet is the Commission's call. Fire safety and the issues we have we try to get City Water, stated Comm. Pogoda. Comm. Perillo stated we are talking about 350 feet and when your house is burning it is not that far. We have flexibility with regard to the school property and the water there, stated Anthony Panico. I would go with the City Engineer stated Richard Schultz.

The other issue is the Open Space, stated Richard Schultz. We still have not received an appraisal but we can take that up at another meeting. I like the Conservation easement so that we can maintain the wall running along the side of the property, stated Chm. Cribbins. We need a maintenance easement as well, he added. I would start at the corner coming to here with an adequate room to be cleared stated Anthony Panico. Richard Schultz read his draft motion.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Application # 06-40. A roll call vote followed with all participating Commissioners voting I to approve.

NEW BUSINESS

APPLICATION # 06-41 BISHOP DEVELOPMENT OF SHELTON FOR SPECIAL EXCEPTION FOR SITE PLAN APPROVAL (HIGH TRAFFIC GENERATOR: RETAIL/OFFICE BUILDING) 865 RIVER ROAD (MAP 5A, LOT 2) CA-2 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

This is the old Esther's Hacienda, stated Richard Schultz. This is right on the town line. If we go back to the 4th Tuesday, is September 26. What do they want there, asked Chm. Cribbins? They want retail, two story building, upper floor with offices, answered Richard Schultz.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to accept Application # 06-41 and schedule the Public Hearing for September 26th.

End of Side 1B of 2A, Tape 1 of 2 at 8:45 P.M.

APPLICATION # 06-42 BORAN BROS. IMPORTS, INC. FOR SITE PLAN/CERTIFICATE OF APPROVAL FOR MOTOR VEHICLE DEALERSHIP, 330 RIVER ROAD (MAP 80, LOT 145) CA-2/R-5 DISTRICT – ACCEPT, DISCUSSION AND POSSIBLE ACTION

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to accept Application # 06-42.

Richard Schultz stated that everyone knows the site, next to the cemetery, Petro Plus. There are two occupants that consist of retail shop in the front that installs electrical systems and Boran Brothers that has been in existence since the 40's. This is a change of ownership, which would like to maintain the used car license. The State legislatures have taken the decision powers away from the Zoning Board of Appeals and have given that power to this Commission. The Commission has the request to maintain the operation with the change of ownership. The applicant is requesting a waiver of site plan because there are no changes interior or exterior alterations. They are requesting acting on this tonight.

Anthony Panico asked the display area, is that where that has always been? Along the side of the building is where the cars will be and that is where the dumpsters are, stated Richard Schultz.

I have met with the adjacent property owner. The cemetery is to the north and Mr. Curtis owns property surrounding it. The single family is rented out. They own property on the east and south, stated Richard Schultz. It is all grass. I received a letter from the Fire Marshall (see attached). He will do a walk through. He read his Staff Report. The dumpsters will be relocated to the back area. There are no conditions you want to deal with, stated Anthony Panico. The only one was the dumpster, stated Richard Schultz. Mr. Curtis has always maintained his property. The parking is tight on the side, stated Anthony Panico. It is all opened stated Richard Schultz. No change in the front stated Chm. Cribbins. Just changing the ownership, stated Richard Schultz. The original license, did it have a public hearing, questioned Anthony Panico? No it is too old, the 40's, stated Richard Schultz. For motor vehicles this is now the first application we are reviewing since the Statue got changed, this will set the precedence, we understand as a Commission, we want to know if the public should have some input into any motor vehicle operation, stated Chm. Cribbins. This is not a problematic area, stated Richard Schultz.

A woman from the audience stated she thought that this was the one across the street. Oh my no, stated Chm. Cribbins. That is an ongoing problem, stated Anthony Panico. What we need in the south end is a market, I have been a resident for 20 years. This is there, she added. For a new dealership I would have a hearing but this already exist, stated Anthony Panico.

Robert Boran addressed the Commission. The business has changed from my brother and I to Bob Cammisa. This is the only change it will be. There will be no change and there will be no body shop, that will be eliminated, stated the applicant. With a body shop there are always cars waiting to be worked on, stated Anthony Panico. Dumpsters to the back, stated Richard Schultz. Since we have had discussions, I would like a motion, stated Chm. Cribbins.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Application # 06-42.

PUBLIC PORTION

Richard Schultz read the attached letter from Irving Steiner. Chm. Cribbins stated it is our right, typically we don't do it and in 16 years I have been here we have never lost in Court. You have never made a land use decision that would lead up to an issuance of a permit without having the benefit of the approvals and inputs from the other Boards and Commissions, stated Anthony Panico. I know it has been our process, added Chm. Cribbins. My friend would say I could rule on that without that, he added. Attorney Thomas stated that they don't understand the PDD process. With the PDD process you make the zoning decision, which is followed, by administrative decisions on the plan that is then permitted. At that stage in time you get the approvals such as Wetlands, stated Anthony Panico. You have to get that achieved without issues with Wetlands, he added.

A woman from the audience addresses the Commission with concerns regarding a buffer at the end of Cranston Avenue. The silk buffer runoff is not working right. That goes 100 feet or more into the swamp. We will give that to the staff. Chm. Cribbins asked for the woman's name? Margaret Poulson, (inaudible).

Attorney Dominick Thomas, representing Mucci Construction, addressed the Commission.

I wanted to suggest an informal consideration from you on a piece of property on Todd Road. This is the veterinary facility. He passed out a location map and a goggle map with what is in the surrounding area. What the proposal is for 130-140 apartments with 5% dedicated to be affordable. That is the original proposal.

This area is IA-3. The area between Todd Road and Bridgeport Avenue has wetlands. The island everyone thinks will just disappear. That is a state road, stated Chm. Cribbins. There is light industrial with vacancy and above this property is heavy manufacturing and warehousing. On Todd Road you have an auto facility, an office facility and the shelter going in with one or two houses still left, stated Chm. Cribbins.

How big is this piece asked Chm. Cribbins, roughly 5 acres? I don't know, we had preliminary numbers stated Attorney Thomas. We would go to the plan of development, the Future Land Use Plan, stated Chm. Cribbins. I have it here and that indicates office or light industry, stated Comm. Perillo. We would have to get together saying do we want to change the plan or is that a proper use for the land, stated Chm. Cribbins.

The point we are making here is the client has to do his due diligence. You look above this property and you have the garbage company, you have the molding company and the chances of office there are slim. Light industry are possible. There are 30,000-40,000 square feet empty up there. You want to limit yourself, you don't want the truck traffic and then you have to negotiate into Todd Road. This area slopes in the back and some use suggestion would present difficulty. The most desirable use would be the apartments.

This is on a good road with public transportation. Residential use doesn't impact the traffic, stated Attorney Thomas. Given what is around there, granted light industry maybe, but this Commission can wait to see if light industry comes. There are site issues with the site. It does slope in the back. There is quiet a grade there. What we are trying to do is come to you for feedback.

We have two Commissioners that are not here this evening, we will pass this on to them, we will have some informal discussion and make our opinion, stated Chm. Cribbins. Since we just did the plan this would be a hard sell but I will take this information pass it along then give you some feedback.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to close the Public Portion.

OTHER BUSINESS

APPROVAL OF MINUTES: 7/11/2006

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve the minutes of 7/11/2006

8-24 REFERRAL: WATER MAIN EXTENSION (RIPTON ROAD)

Richard Schultz stated that we received a request from the Board of Aldermen. He read the City Engineer's letter who endorses the proposal. This is for 165-188 Ripton Road. He showed the location map. The length of the extension is 1050 feet, stated Richard Schultz.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to report favorably on the 8-24 Referral: water main extension (Ripton Road).

WILLOW ESTATES SUBDIVISION: REQUEST TO MODIFY CONDITIONS OF APPROVAL (ELIMINATE PEDESTRIAN EASEMENT/REVISE PROPERTY LINE/CONVEYANCE OF OPEN SPACE)

Richard Schultz stated that this subdivision goes back to 1996. This is aka Rodia Ridge, Winthrop, on the left going down. He read the Conservation Commission's letter that recommends approval of this proposal. The Conservation Commission determined the easement is no longer needed to provide access to the Open Space. I think that is a reasonable request.

This is on the Board of Aldermen's agenda for Thursday.

You have three things going on eliminating the easement, carving out some Open Space and the adjustment of the property line, stated Richard Schultz. It was a concept that was thought about 10 years ago and in some areas it didn't work. There is access another way, stated Chm. Cribbins.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the request to modify conditions of approval on Willow Estates Subdivision that include the elimination of the pedestrian easement, revision of the property line and conveyance of Open Space.

CONSTITUTION SQUARE CORPORATE OFFICE PROJECT (WATERVIEW DRIVE): REQUEST FOR FIVE (5) YEAR EXTENSION ON COMPLETION DATE

Richard Schultz read Mr. Scinto's letter. Anthony Panico asked don't we have to have a Public Hearing? No, answered Richard Schultz. Would you want to extend that, questioned Chm. Cribbins? It is an administrative action, stated Richard Schultz. You should look into that, stated Anthony Panico. That is a PDD and you can check that out. Comm. Perillo stated 5 years is a long time. Chm. Cribbins stated we could do three. We are not limited to how many times we can extend that, questioned Comm. Pogoda? No, stated Anthony Panico. The property is not in a disarray, he hasn't done anything over there, added Comm. Pogoda. He is not abandoning the project, stated Anthony Panico. There is nothing in the surrounding environment to suggest that he would either, he added.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve the request of Constitution Square Corporate Office Project (Waterview Drive) for three (3) years on the completion date

PAYMENT OF BILLS

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to pay bills, if funds are available.

**STAFF REPORT:
SEE ATTACHED**

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to adjourn at 9:35 P.M.

Respectfully submitted by

Diana Barry,
Clerk