

The Shelton Planning and Zoning Commission held a Special Meeting on April 24, 2007 at 7:00 p.m. in the Shelton City Hall, Room 104 and the Auditorium, 54 Hill Street, Shelton, CT.

The Chairman reserves the right to take items out of sequence.

Members present: Chairman Alan Cribbins
Comm. Virginia Harger
Comm. Patrick Lopera
Comm. Karen Tomko-McGovern
(for Commissioner Leon Sylvester)

Staff present: Richard Schultz, Planning Administrator
Anthony Panico, Planning Consultant
Pat Garguilo, Court Reporter
Karin Tuke, Clerk

Members absent: Comm. Anthony Pagoda
Comm. Leon Sylvester
Comm. Daniel Orazetti

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 at 7:03 p.m. with the Pledge of Allegiance. He made one announcement for the Press stating that the Republican members of the Planning & Zoning Committee have selected Ruth Parkins as their new alternate. Although she is not present tonight, she will be replacing Jason Perillo who will now be on the Board of Alderman.

PUBLIC HEARING

APPLICATION #07-06, JOSEPH MINGOLELLO FOR BISHOP GOLF, LLC FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #30 (BUILDING ADDITION FOR ARCADE AREA) AND CAM SITE PLAN, 784 RIVER ROAD (MAP 12, LOTS 31 AND 38).

Richard Schultz reads the call of the hearing and two pieces of correspondence.

***See attached letter dated April 24, 2007 from City Engineer.**

***See attached letter dated April 10, 2007 from Chairman of Shelton Conservation Committee.**

Additionally, Mr. Schultz stated that the Fire Marshal also received a referral but has no comments at this time.

Joseph Mingolello, Mingolello & Hayes Architects, 90 Huntington Street, Shelton CT addressed the Commission and introduced Mr. Howard Soffan. Mr. Mingolello represents Mr. Soffan, the owner of the Sports Center of Shelton.

Mr. Soffan addressed the Commission first to outline the reason for this change of use. The Sports Center of Shelton would like to provide year round facilities for birthday parties. They would like to create an arcade with redemption (coupons). Players of arcade video games (suitable for ages 4 to adults) would receive coupons for the purchase of merchandise such as iPods, computer games or other upscale items. Mr. Soffan indicates that his client enjoys the present amenities such as fun bowl, putting greens and paddle boats at their parties; however, they would like something more, especially during the fall and winter months. Usage of the proposed space is presently limited to a seasonal paddle boat lagoon and putting greens.

Chairman Cribbins asked about additional parking due to the addition of the arcade. Mr. Soffan responded that presently, even during the peak summer season, there is sufficient parking at the Sports Center. This change of use will affect the off season.

Additionally he plans to meet later in the week with P&Z Rich Schultz and Tony Panico, and there will be discussion about some other changes to the property including some additional parking.

Joseph Mingoello, Mingoello & Hayes Architects presents the complete site plan of the existing Sports Center (including parking, parking adjacent to River Road, the Club House, batting cages, mini-golf, skating center and driving range) and the location of the proposed additions.

The addition will come out 30 feet for the video arcade. It will line up with the front and back of the existing building. The total first floor addition is 3107 square feet. It will be built into the existing roof line with some stairs and open space being created. A mezzanine (video arcade) will be located on the front and backside that looks down on lower levels.

The overall facade, as seen from River Road, shows the batting cages with nets, existing golf center and the addition with the same roof line and architectural style as the existing structure.

Prior to closure of the application, Richard Schultz requested that the applicant address an issue of importance to the Conservation Commission regarding access to the Housatonic River site. Mr. Soffan had previously agreed to provide access, but not through a pedestrian easement. Mr. Soffan stated that a path has been created behind the golf range down into the water bay. They will check to make sure there are no materials blocking it. To the best of his knowledge the path is there. If is not there, it is where Joe Mingoello previously identified its location on the survey. Mr. Soffan stated that if there is something that is blocking it, it will be taken care of this week. He agreed to work with the Conservation Commission, and he has no intention of preventing usage of the path.

There were no public comments or any further discussion regarding this application.

On a motion made by Virginia Harger seconded by Patrick Lapera it was unanimously voted to close the Public Hearing on Application #07-06.

APPLICATION #07-09, R. D. SCINTO, INC. FOR PDD ZONE CHANGE AND MODIFICATION OF PDD#4 (PARKING DECK FOR BUILDING #4), 4 CORPORATE DRIVE (MAP 28, LOT 12), WITH SDA OVERLAY ZONE.

Richard Schultz read the call of the hearing and one piece of correspondence from the City Engineer. Additionally, he stated that he spoke to the Fire Marshal, and he is preparing a letter recommending a favorable action.

***See attached letter dated April 24, 2007 from the City Engineer.**

Robert Scinto, 4 Corporate Drive, Shelton, CT addressed the Committee.

He stated that he has a request before the Committee for a parking deck behind Corporate #4. He has designated this as a medical building; however, he cannot get the doctors or nurses to walk from the existing parking lot. He would like to have a first-class medical building and construct a parking garage of the same quality right at the doorstep. He introduced Jim Swift to provide details.

Jim Swift, Landscape Architect/Engineer, 102 Village Drive, Shelton, CT addressed the Committee.

Mr. Swift explained that the purpose of this application is two-fold. It is a request for the construction of the parking deck to provide walking convenience, and a request for the paperwork type of application to accomplish this goal. Mr. Swift indicated that they have had prior discussions with Staff as to how to accomplish this goal because the parking deck exists in an IA-2 zone. Presently, Corporate #4 is not part of any Planned Development District. He stated that they are proposing to include everything under one umbrella (Corporate Towers #1, #2 and 2 parking garages) and incorporate Corporate#4 into PDD #4.

He requested some modifications to the statement of uses and standards for PDD #4:

1. Addition of land acreage
2. Addition of a medical and dental use line to PDD #4 Statement of Uses

3. Approval of standard setbacks for parking decks (relative to height between stories of the parking garage)
4. Revision of a minimum square from 300 feet to 275 feet because of the shape of the parcel
5. Clean up of the revised minimum surface parking percentage from 15% to 20%
6. Clarification of the parking ratio as 3 ½ spaces per thousand gross reasonable floor area

Mr. Swift added that once Corporate #4 is incorporated into the PDD it will give the P&Z Commission more control over a large development such as this.

Mr. Swift showed a proposed layout and explained that the parking deck falls fully within the existing parking lot. It is set back slightly farther from Progress Drive than the existing parking deck and does not affect trees and hedges already located there. It will have no impact on appearance of the site. He mentioned the two full elevations of this parking structure are only visible in one corner. As the street goes up, the structure disappears until finally being hidden by landscaping. It is not as though the two levels of this parking structure are visible all the way up Progress Drive.

In regard to landscaping, the existing trees will remain in the front with some additional evergreens and spruces being added to break up the elevation. An elaborate entry way and elevator lobby that ties in with the building will also be added by Mr. Scinto.

Chairman Cribbins commented on the pleasing appearance of the overall campus on Progress Drive. However, he expressed his concerns relative to a different parking deck that the Commission approved for downtown in front of the Birmingham. Mr. Cribbins relayed that the Birmingham parking structure did not come out as aesthetically pleasing as some of the commissioners had anticipated. Therefore, the quality of this parking deck is of concern because of its high visibility.

Mr. Scinto responded that this parking deck will be aesthetically pleasing. He has based portions of this parking deck on architecture designed by Renzo Piano for the J.P. Morgan Library and the New York Times Building in New York City. He stated that he had photos taken of these buildings in NYC as a reference to create a similar effect on parts of his structure.

End of Side 1 of Tape 1 (1 of 2 tapes) 7:48 p.m.

Also, lighting on the parking decks will enhance the architectural effect. Mr. Scinto stated that because this is the corner piece of the park, he has been very focused on its harmony and proportion with the surrounding area. The same panel material will be used as the material used on the parking garage behind it. From the road it will blend with the panels on the buildings near it.

In conclusion, Mr. Scinto explained that the construction of this garage will fulfill two goals for him. Besides providing more accessible parking, this structure will reduce the steep grade that exists at this site. Because the road goes up substantially – there is a 12 – 14 foot difference from one end of the road to the other – it results in more steepness than he would like for a medical building.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to close Application #07-09.

APPLICATION #07-17, COCO MANAGEMENT, INC. FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS: MEDICAL/BUSINESS OFFICES), 897-911 BRIDGEPORT AVENUE (MAP 8, LOT 15), OPD WITH SDA OVERLAY ZONE.

Richard Schultz read the call of the hearing and correspondence from the City Engineer. Also, he stated that the Fire Marshal is preparing a report recommending approval.

***See attached letter dated April 24, 2007 from the City Engineer.**

Jim Swift, Landscape Architect and Engineer, 102 Village Drive, Shelton, CT addressed the Commission and presented Certificates of Mailing.

Mr. Swift stated that this is a 2.83 acre site located at 900 Bridgeport Avenue. It presently consists of approx. a half a dozen outdated small buildings dedicated to light industrial and office space. They would like to demolish the existing buildings and construct an updated office building specifically tailored to medical uses. This site is in a special development area already.

They are proposing a 4-story medical office bldg with a basement for storage. The building is located towards the front of the site with Bridgeport Avenue on the side of the parcel. They are proposing to park at a ratio of 4 ½ spaces per 1000 in keeping with medical use. Joe Mingoello will describe how he's tailored the architecture for medical use.

Mr. Swift stated that they are keeping the entryway in place. It will be brought up to code as far as grades for the Department of Transportation because Bridgeport Avenue is a State Highway. They will be cutting back site lines and providing lanes for left and right turns to exit. Although it will be the same entryway location, the area will be upgraded entirely for safety purposes. A dedicated service area will be located at the side of the building with a side entrance (trash, loading dock, service truck parking).

Ordinarily this site would conform to the Office Park District with the exception of a 12 foot grade change from Bridgeport Avenue up to the site. However, the developer is concerned with having the building up front with greenery for visibility and parking in the back.

The reason for proposing the PDD is to allow for the flexibility to move the building up to the front to achieve this layout. As the Commission is aware, aside from the setback issue, there is mandatory conformance with most of the other OPD Standards. They are developing a PPD as far as coverage. Zoning has 8% building coverage, and we have less than 65% impervious coverage.

Mr. Panico asked for clarification on the total square footage of the four stories. Mr. Swift indicated that the total square footage of the building is 39,400.

The grades are straightforward with the most obvious issue being that there is a 12 foot difference from Bridgeport Avenue up to the site. They have lowered the existing grade somewhat, but it is still there. They plan to save as many of the white pines in the front as possible. Additionally, they are still awaiting approval of the site line. Proper landscaping will create a beneficial site.

Mr. Swift continued to state that they have a balance of impervious surfaces compared to what had existed. Previously, there were very few catch basins with run off and little protection.

A much more upgraded drainage system which is more environmentally friendly will be added. It will have some catch basins, a flat perforated 24" pipe to collect storm water and even out water temperature before being discharged off the site. It will have a vortex device unit on the lower portion of the site for water quality. This plan has already been approved by Inlands/Wetlands. This is the first step for the Planned Development District; however, these drawings are approved for the standard of Detailed Development Plan approval as well. Mr. Swift relayed that they have gotten all the Inlands/Wetlands issues and approvals first. They have significant erosion control for state standards.

Chairman Cribbins asked to hear more about the exterior of the building. Mr. Swift deferred the discussion to Mr. Mingoello.

Joseph Mingoello, Mingoello & Hayes Architects, 90 Huntington Street, Shelton CT addressed the Commission.

Mr. Mingoello began by discussing the first floor of the building. He stated that the building perimeter is 9968 square feet, 84 feet in depth from Bridgeport Avenue and 124 feet long. They have created a covered canopy in front of the entrance

doors for protection from the elements. It will lead into the lobby. The lobby space is two stories with a staircase and two elevators with doors that can be mechanically operated.

For the purpose of this presentation, the schematic shows the building is divided into two suites – an east and west suite. Each suite can be divided or subdivided into separate doctor suites or for one tenant (about 9968 square feet).

The basement level is the same gross square footage for storage with two elevators.

The second, third and fourth floors are both 9968 square feet with north and south stairs, two story lobby space and lots of flexibility for the division of suites for one or multiple tenants.

There is an elevation from Bridgeport Avenue with the building perched up on a hillside providing a great view and good visibility. The elevation at the front and back entrances and north and south entrances are identical.

The materials on the building will be mostly brick with some curtain wall glass which comes at the entrance. They've introduced some stucco to articulate the corners of the building. There will be a standing scene roof. Colors will be coordinated. At the elevation of the standing scene roof there is a small mansard section between the towers on the ends that will be set up high creating a natural screen to hide mechanical equipment.

He provided a colored version of the exterior building drawing. The overall height of the building is 63 ft from grade to the midpoint of the corners or towers.

Mr. Mingolello provided a drawing of the north and south view of the building from Bridgeport Avenue.

Mr. Panico asked about the use of brick and stucco. Mr. Mingolello stated that brick will be used on all four sides with a small amount of stucco. He further explained that the stucco is being brought in to break up the brick and enhance the corners of the building. Different materials are being used to avoid having the building look like a brick box.

Commissioner Lapera commented on the height of this structure in addition to its high grade above Bridgeport Avenue. He is concerned that if the building does not look good, it will be even more visually prominent due to its height.

Mr. Mingolello asks Jim Swift to reiterate how much the grade will be lowered from the road. Jim stated that the grade has been lowered from 24 feet to 12 feet. The first floor will be approximately 12 feet above Bridgeport Avenue.

Mr. Lapera asked for clarification that the canopy will be 12 feet above the pavement on Bridgeport Avenue. Mr. Panico asked them to address the distance between the pavement and the face of the building.

Mr. Swift explained that there was a wide driveway beginning at the pavement of Bridgeport Avenue with a right of way lane that juts outward.

Therefore, even though they are requesting 15 ½ feet from the pavement line, it is actually 16 feet plus.

Mr. Panico asked what it would look like from the edge of the pavement looking at the door. Mr. Swift indicated that it would be a 45 degree angle from the pavement looking at the roof.

Comm. Harger asked why the grade hasn't been brought down even more. Mr. Swift answered that it was an economical decision. He claimed the original layout was five feet higher, but the owner requested a gentler driveway with more visibility for the building. They decided upon the grade in this presentation for aesthetic purposes.

Comm. Lapera asked if they had maxed out the ratio per floor space for available parking. He also asked if there would be more building space if more parking had been available. Mr. Swift confirmed that the building could only be bigger if the parking ratio were to be changed.

Mr. Panico suggested the idea of taking the grade on the front of the building, dropping it and opening up the base level to make it the first floor, adding another 1000 square feet. Jim explained that it is feasible but too difficult to accomplish such a plan because the area is comprised of solid ledge. As it is presently planned, the basement is already being created out of solid rock. They could have made it a five story building but a basement is required because it will be a medical building.

Comm. Lopera asked why a medical building required so much basement storage. Mr. Swift indicated that storage is a much requested requirement for medical use buildings – patient files, equipment, etc.

Mr. Swift concluded that there were many scenarios for number of floors and amount of park spaces. The plan they have presented provides the best feasible balance for building size/floors and parking spaces.

Richard Schultz added two issues. The proposed zone change is consistent with the 2006 plan of development which recommends office and light industrial. Mr. Schultz asked Mr. Swift and Mr. Mingolello to explain the benefits of this and how it affects the shoreline.

Mr. Swift stated that Beaver Dam Lake next door continues to landscape and deal with their rock slope. By lowering the grade for the site on our side of the street, we reduce half of the slope going up on the shoreline. It will be much lower and will benefit Beaver Dam Lake.

Dave Sullivan, Barkan & Mess Associates Inc. (traffic engineers and transportation planners addressed the Commission.

Mr. Sullivan reported that they conducted a traffic study at this site. The traffic study is achieved by looking at the existing conditions, the proposal, and the future conditions. Traffic operations were compared before and after the planned development to see if there is any impact on operations. They performed their counts at the office building to the north of the site. In this way, they recorded travel patterns to see which way people are coming and going. In terms of the site itself we took a conservative approach by utilizing the full square footage (including the basement) as stated by IT. They looked at the existing intersections and penetration at on/off ramps to determine what impact it would have. Mr. Sullivan stated that they estimated conservatively to conclude the morning peak hour has approximately 125 trips/hour and 165 trips/hour in the afternoon peak hour. These numbers were assigned to the street system; there are no changes in the existing level of service at the signalized intersection or the office building intersection.

Mr. Sullivan specified that the study that traffic will operate fine at the site in the morning peak hour. During the afternoon peak hours it will be more difficult to exit the site due to increases in traffic volume.

They have found that during the afternoon peak hours, more people take right turns than left turns (out of necessity) from of driveways along Bridgeport Avenue as compared to the morning hours. Additionally, most drivers exiting anywhere onto Bridgeport Avenue during the afternoon peak hours will have difficulty. However, this is not a unique scenario.

Mr. Sullivan provide his recommendations to maintain 500 feet of site line in both directions. There are some signage recommendations for *Keep Right* signs on the island in the middle of the driveway, *STOP* signs and a sign for *exit* traffic.

Mr. Panico asked if an SDC certificate was required, and Mr. Sullivan stated that it wasn't large enough in size (parking lot needs to be a 100,000 square feet). Comm. Lopera asked if they are proposing a signalized turn. Mr. Sullivan indicated that it would not be a signalized location because a signal light exists right at the Exit 11 off-ramp intersection. Comm. Lopera also asked if it would be right turn only like at Staples on Bridgeport Avenue. Mr. Sullivan said it would have a left turn lane and right turn lane with the option for drivers making right turns being able to bypass those waiting to make

a left turn. Mr. Panico asked if it was possible to have two separate exit lanes designated for right turn only and left lane turn. Mr. Sullivan said no because it would be too close.

Mr. Cribbins asked if there were any further comments from the audience.

Steven Brennan, President of Beaver Dam Lake Association addressed the Commission.

Beaver Dam Lake is approximately one mile south of the proposed development. The northern end of the watershed is Trap Falls Reservoir at an elevation of 315 feet and Beaver Dam Lake is at the southern end of the watershed at 173 feet. Beaver Brook runs downhill 142 feet to Beaver Dam Lake through the adjacent property and at the right side of the 900 Bridgeport Avenue building.

The mission of the Beaver Dam Lake Association is to protect the water of Beaver Dam Lake. There is long history beginning with P.T. Barnum, the second president of Bridgeport Hydraulics Co. for 9 years in the late 1800's. At the time Bridgeport was growing and required more water. He was instrumental in developing 14 small reservoirs in the area to provide Bridgeport's growing population and industrial areas with more water. Beaver Dam Lake Reservoir was built as one of the small reservoirs in 1901. In the 1920's it was sold to another company to create even more reservoirs to provide more water to Bridgeport. In the 1940's a dozen homeowners around the lake informally cared for the lake, stocked fish, etc. Because the area was growing, they formally created this Association, which from 1940 until today, functions to protect the Lake.

The Association was involved in the preplanning and construction phase of the Trumbull Industrial Park. They formalized the maintenance of the Dam to meet state and federal regulations and worked with the Washington Headquarters of the Fish & Wildlife Dept. when a fish kill disaster occurred in the 1970's. The Association began a fish stocking program by working with the State Fish & Wildlife Dept. and the Connecticut DEP.

In 1979, the Association worked with the Army Corp of Engineers to assure that Beaver Dam Lake was in line with all state and federal regulations. This lake was the first lake in Connecticut to institute a lowering of the lake in winter to aid with weed control. In the early 1980's they began water quality testing because of all the construction occurring around them.

Beaver Dam Lake Association has become a model for other lakes in New England. The Association developed bylaws to control development around the lake – septic systems or anything that could impact the water. We have significant control because they have so many homeowners with 5 – 8 acres of property each. They would never allow a four story medical building or 99 unit condo to be built on the Beaver Dam Lake. This is in their Charter and in all of their deeds.

Mr. Brennan stated that the Association realizes that a lot of excavation is going on around them, and they want to make sure that whatever comes downstream to them is as clean as possible.

Mr. Brennan indicated that the Beaver Dam Lake Association engineer has worked with the City of Shelton Engineer and Mr. Swift's engineers.

Mr. Brennan concluded that the Beaver Dam Lake engineer has told them that this is a good building plan that is closely aligned with their Association's goals. They have submitted a report with a half dozen recommendations that are mostly on the technical side such as having enough water volume to capture sediment, and other issues dealing with velocity and slopes. Beaver Dam Lake Association would like to have their recommendations taken into consideration by this Commission.

Comm. Cribbins stated that a copy of this report has been submitted into the P&Z records.

On a motion made by Virginia Harger seconded by Patrick Lapera it was unanimously voted to close Application 07-17.

The Committee recessed at 8:02 p.m. and reconvened in the Auditorium at 8:35 p.m.

Chairman Cribbins reviewed the P&Z Commission's decision, based upon analysis of extensive data, to reject a previous application submitted by Avalonbay Communities Inc. This decision resulted in the application being reviewed in the court system. Now through negotiations with the Town Attorney, a presentation has come to the P&Z Commission negotiating a compromise application for consideration.

The Commission has agreed to review this application because it contains 70% fewer units than previously proposed in the summer of 2005.

Chairman Cribbins announced that two proposals will be reviewed at this hearing— one for a 40 unit development and one for a 99 unit multifamily development. It is not a multifloor development such as the one previously proposed.

Chairman Cribbins stated that they are going to allow the Applicant to walk through his hearings so that everyone can understand what is being proposed. Due to the delay in the availability of the Auditorium, he would like to propose having discussions until 10:30 p.m. and reconvening this hearing next Tuesday, May 1st at 7 p.m. in the same location. Comm. Cribbins thanked all in attendance for their patience.

APPLICATION #07-14, JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES, INC. FOR AMENDMENT TO THE ZONING REGULATIONS (SECTION 35, SUBSECTION 35.5.2: PRD REGULATIONS)

APPLICATION #07-15, JOSEPH WILLIAMS ON BEHALF OF AVALONBAY COMMUNITIES, INC. FOR PRD OVERLAY ZONE (SHELTON 1: 40 UNIT CLUSTER DEVELOPMENT), ARMSTRONG ROAD (MAP 19, LOTS 2, 3, 4, AND 5), R-1 DISTRICT.

APPLICATION #07-16, JOSEPH WILLIAMS ON BEHALF OF AVALONBAY COMMUNITIES, INC. FOR PDD ZONE CHANGE (DETAILED DEVELOPMENT PLANS: (SHELTON II: 99 UNIT MULTI-FAMILY), BRIDGEPORT AVENUE (MAP 8, LOT 8), R-1/OPD WITH SDA OVERLAY ZONE.

Richard Schultz read the call of the hearing. He read several pieces of correspondence.

***See attached letter from Council of Governments of Central Naugatuck Valley dated March 27, 2007.**

***See attached letter from Shelton Conservation Commission dated April 10, 2007.**

***See attached letter South Central Regional Planning Commission dated April 17, 2007.**

***See attached letter from Albert & Constance Schwartz dated April 18, 2007.**

***See attached letter Conservation Commission regarding Shelton II dated April 9, 2007.**

Chairman Cribbins stated that before the presentations begin he would like to note that although all P&Z Commission members are not present, there is a quorum with Commissioners Lopera, Harger, Cribbins and McGovern (for Comm. Sylvester).

Attorney Joseph Williams with Shipman & Goodwin, One Constitution Plaza, Hartford, CT representing Avalonbay Communities, Inc. addressed the Commission. He stated that he would begin his presentation with the Armstrong Road development. He introduced the team of presenters for that project as Kevin Bennett, development manager with Avalonbay Communities Inc., Alison McKeen, an attorney from his office, Bill Carboni, a licensed professional engineer with Spath, Bjorkland firm and David Sullivan, traffic engineering specialist. Mr. Bennett and Mr. Sullivan are available for questions but Mr. Carboni and I will be making the presentation this evening.

He began by summarizing that this Public Hearing was for the Application's text amendment to Section 35.5.2B of the zoning regulations and to amend the zoning map

for approval of a PRD overlay zone on the property at #62, #66, #70 and #82 Armstrong Road. Mr. Williams addressed the Commissioners stating that the Applicant understands that the site plan for the 40 unit Armstrong Road development would be reviewed with them in detail if they approved the PRD Overlay zone; however, he will present the plan and layout tonight for the Commission and the Public's understanding of the plan should a PRD overlay zone be approved.

Mr. Williams begins his presentation by stating that this site is a 23 acre, R-1 zone that is eligible for PRD development under Shelton zoning regulations. The zoning history of the site is summarized in the application dated March 7, 2007. The package contains all necessary application materials. Attachments (1) and (9) explain that these applications are being proposed as a compromise and an offer to settle the pending appeal from the Commission's denial of Avalonbay's application for 302 multifamily rental units on this site proposed in 2005.

It is set forth as a motion (contained in Section 9 of the Attachments) that Avalonbay has proposed that if the 40 unit development for Armstrong Road and 99 unit development for Bridgeport Avenue receive all necessary final approvals that are mutually acceptable, Avalonbay would withdraw the three appeals that are pending (concerning Armstrong Road, Bridgeport Avenue, and the zoning appeal for Bridgeport Avenue).

In regard to all the applications and for the record, all the necessary mailings required by the regulations to property owners within 1500 feet of the sites have been completed. Additionally, they posted the required signs on the property as recommended by Staff. He provided an affidavit stating the mailings had been made, a copy of the mailing, a list of residents who received it, certified mail receipts and green cards and two photographs of the signage at the site were provided to Mr. Schultz.

Mr. Williams stated that the Armstrong Road application consisted of two parts. The first part is an application to a minor amendment to PRD regulation Section 35, Subsection 35.5.2B. The text is found in Tab 3 of the submitted package. It requests that the Commission amend the regulation to provide that for single family detached dwellings in a common interest ownership development there be establishment of a new density standard of 2.5 times the established density base of the PRD. This amendment encourages the clustering of single family homes for condominium developments as opposed to individual subdivision lots. This results in the plan they are proposing with less land clearing and great preservation of larger continuous tracks of open space. The proposed amendment replaces a higher density under the current regulations in Section E for multiple dwelling 3.5 density multiplier. They would like to replace that 3.5 for 2.5 with a condominium development.

Mr. Williams continued that this amendment is consistent with the purpose of a PRD district in the statement of your regulations 35.2 and with the goals in Shelton's plan of Conservation and Development.

The second application is to amend the zoning map to place a PRD Overlay Zone on Armstrong Road. They believe that this proposal is reasonable, appropriate and fair settlement of the litigation that is pending with the Commission. It benefits the town and complies with Shelton zoning regulations and Shelton's plan of conservation and development. It is a substantial reduction from the 302 unit apartment plan. Mr. Williams noted that the site is appropriate for a PRD development that would allow 40 units such as the one being proposed. The site is zoned R-1, it's large enough under Shelton regulations for a PRD, and it has access to public utilities, particularly sewers. The clustered single family plan that they are proposing is more keeping with single family residential nature of the surrounding neighborhoods than was the previous plan. The site and vicinity do contain natural resources that are appropriate for a PRD residential development. Additionally, it would have the controls that can be obtained from having the condominium association in place with rules that are to be enforced by the town and Commission.

Specifically this type of clustered plan provides greater open space that is configured to provide sensitivity to natural resources on the site and vicinity. It provides greater long

term control over environmental issues such as pest control, fertilizers, snow removal, etc. Therefore, placing a PRD Overlay on this site satisfies the PRD district and provides benefits over a conventional R-1 district.

In conclusion, Mr. Williams states that the application meets all the requirements for a PRD Overlay. They have submitted all the plans for the Commission's consideration and administrative approval of the site plan should it be granted

The plan will contain 40 single family detached market rate units complying with the common interest ownership act. Mr. Williams noted that the site has received wetlands and sewer approvals in 2003 for a 49 units plan denied by this Commission. This plan is even further reduced and the development even further removed from wetlands than the 49 unit plan which was awarded a permit. It will result in even less discharge to the city sewer system. They have made additional improvements from a wetlands perspective in response to comments from the Wetlands Commission, the City Engineer, the Town of Stratford, and meetings that our Engineers had with Richard Schultz and Anthony Panico. Mr. Carboni will explain those additional improvements as well.

They currently have pending requests with the Inlands/Wetlands Commission and the Water Pollution Control Authority to approve our modified and reduced plan. Mr. Williams concluded his overview and turned the presentation over to Mr. Carboni.

Mr. Bill Carboni, Spath, Bjorkland Associates addressed the Commission.

Mr. Carboni introduced himself by stating that Spath, Bjorkland are engineers in the surveying of this development. He utilizes two map schematics of the proposed site.

Mr. Carboni stated that project site is comprised of 23 acres on Armstrong Road, a PRD Overlay was based on the development of a standard subdivision shown on the map to the left. This is a 16 lot subdivision, single-family lots containing 1730 feet of legal road and 14.31 acres of open space. Of that open space 1.9 acres is quality area or area that does not contain wetlands or slopes over 30%. This exceeds the amount required by zoning – that is, 75% of the 10% of the area. Taking that number and applying the 2.5 multiplier, on the right-side map, is the proposed cluster zone that we are proposing tonight. This is 40 single family homes in cluster, condominium ownership in 2100 feet of legal road and 6.9 acres of open space. Of this open space 3.79 is qualifying area (that is, not sloped all the way). This is a 57% increase in the amount of open space and doubling of the qualifying area of usable amount of open space. In addition to the dedicated open space, we are proposing dedicating the area shown in dark green to the town (he points to this dark green area on the right-side map)

Mr. Carboni shows a light green area of the same map that he indicates is a conservation easement area, as proposed by Staff. This area will not be disturbed by the development. It lies between the houses and road going west. With the conservation easement, this plan contains 1.75 acres that will be undisturbed bringing the area of open space and conservation easement area to 8.34 acres as compared 4.21 on the standard subdivision (almost twice the amount of open space)

This was the idea – more open space and more undisturbed land, if we cluster the development.

We tried to work with the site – the green areas on each side contain wetlands on each side. We have maintained an open space buffer around it, particularly the open space on the east that is tributary to the Cranberry Bog and Cranberry Pond. This was a prime concern to maintain quality for those areas. This was requested by the Town of Stratford and looked at by the Wetlands Commission. We have insured that the area that is tributary to that is wetlands on either side and contains no road run off. There is a minor amount of driveway in one area, but it will slope overland to the wetlands areas or taken up in landscaped or vegetative areas.

This is the idea of low impact development to disconnect impervious areas from more sensitive wetlands or other resources. We have made several changes to this plan since submitting to Commission in meeting with Shelton Planning and Engineering Staff, and the Town of Stratford. One of those changes has been to reduce an area that had been a

roadway which almost came out to Armstrong Road. It had a hammerhead turn around to provide access to neighboring houses.

At the suggestion of Planning Staff, we moved it back and made a cul-de-sac in that area. This allowed us to increase the amount of open space in the east, further away from the wetlands, and provide a larger corridor of the wetlands.

Also, the Town Engineer suggested that because of the volume of water that would be stored in the increased amount of wetlands on one side of the site, tension on the other side is not as important.

So we eliminated a retention basin in that area and put in two bioretention filters in the other location. Bioretention will take the water, store it, restore the water close to it (which includes some root water), and to allow it to percolate into the ground. In this way, the water can be used by vegetation before discharging downhill and into the distributor protecting the water.

One of the aspects padded into this plan is the use of underground storage basin.

Each of the root leaders from the house will be connected to an underground storage basin (based on the concept of septic system galleries).

The idea of this underground storage basin is to store the water that comes from the runoff, and put it in the ground water to create several benefits to the area.

It is a benefit that acts as a detention system to low flow stores and may maintain the base flow of the ground water. The base flow is the water that is in the ground that slowly migrates toward the wetlands. By keeping it underground for a longer period of time it is not subject to water temperature changes from heat or temp changes in the houses. This would change the temperature of the wetlands which would not be advantageous. Our engineering reports will show that by using this we maintain the base flow, and there is no increase in peak flow.

At the Wetlands meeting last week, one area homeowner stated that the runoff currently and adversely affects his house. He feels as though this project will further aggravate his problem. We propose to utilize an access road along this area, run off a ? (*inaudible*) from that road, take all the water that comes from our site, and direct it into a detention lot that goes out beyond his property into a wetlands area. We believe this will not only maintain the peak flow but reduce the amount of runoff onto his property.

Also, there is a proposed water and sewer; there is a water main in Armstrong Road that we will extend into our property to service these houses. We are also proposing a low pressure sewer to pump the water from these houses up and down Far Mill River, east of Route 8 and discharged into a sewer on the west side of Route 8.

In summary, Mr. Carboni concluded that in this design we have tried to maximize the open space and undisturbed areas. We have almost doubled the amount of open space or area protected by conservation easement in the proposed subdivision.

Mr. Williams indicated to Chairman Cribbins that was the conclusion of their presentation, and he would be happy to answer any questions at any time.

End of Side 2 of Tape 1(1 of 2 tapes) 9:07 p.m.

Chairman Cribbins asked for some detail as to configuration of parking.

Mr. Carboni described the front entrance begins at Armstrong Road. We've designated a spot with a line of sight in both directions. We've done an esplanade entrance with a median down the center that extends from Armstrong Road to the intersection.

All the curbs in this development will be concrete except for the island and those will mountable curbs. Another aspect being added to the cul-de-sac, at the suggestion of Staff, will be to add islands in the middle of them that green up that area.

With the configuration that we have, there will be a two car garage with two parking spaces in front of each garage. Throughout the area there are additional parking spots for guest parking. There will be a pull-off area on Armstrong Road for mailboxes.

We have intentionally moved the cul-de-sac back from Daybreak Lane and put driveways and houses there so that it could not be extended. This was requested by the neighbors on Daybreak Lane.

Commissioner Harger asked what the total parking spaces are. Mr. Carboni did not have the exact count on his plan but he believed it was approximately 5 on Armstrong Road and (inaudible) number of spaces on the cul-de-sac.

Chairman Cribbins asked if anyone from the Public wished to speak for or against this Application.

Rich Patterson, 31 Daybreak Lane, Shelton, CT addressed the Commission.

Mr. Patterson relayed that it has been four years back and forth over the development of this property. My property is immediately to the north, abutting this site. I am in one acre looking at three new houses that will be looking into my yard. Speaking for most of the neighbors, we are pretty much settled with the fact that some sort of cluster zoning is going to happen here, but we do have some serious concerns. We feel your Commission has the authority and power to stipulate to protect us. Primarily it is our wells and septic.

There is going to be a lot of blasting done on this property. We have experts that will speak about the blasting and the type of rock that is there. It can cause contamination harm to our wells, not to mention our flow depending upon what happens. We think that this development should take responsibility for any damages.

I think that for any properties within 1000 feet of this site, they should bear the expense of doing a pre-blasting test of all the wells, septic and foundations. We feel that if any damage is done to our properties, this development should be held accountable to correct it. It should be corrected with a bond.

Secondly, I've been requesting since this cluster zoning discussion began, that city water be brought at least to the edge of Daybreak Lane. No one has ever addressed this issue. City water is going to be within 100 feet of Daybreak Lane at this development. For four years Aquarian and the City of Shelton have been unable to agree upon how to get this done.

We could desperately use a fire hydrant at the end of that road for public safety. If there is ever a fire on Daybreak Lane, the Fire Department will have no water to access any closer than Old Stratford Road (1/4 mile away). This Commission does have the authority to make these stipulations.

John Tristine, 56 Armstrong Road, Shelton, CT. addressed the Commission.

Mr. Tristine stated that he has accepted the fact that this development is going to happen - he does not have the money to beat this, and, if he did, he would move. It has caused him stress, worry and aggravation about his property for four years.

I have some concerns of my own regarding the water flow coming from Armstrong Road and the development. The four houses in the corner on the development plan are approximately 100 feet from my property. They are planning on put a road there. There is no drainage. With no drainage on that road, the water will eventually come onto his property. He requests that someone could place a drain there or do whatever is possible to keep the water from coming into his house.

Also, I have a discrepancy with the driveway. On their grid, their land goes through my property. I went to Zoning recently to look at my plot. I have 10 feet of driveway. I see about 30 feet of that property going into my plot. There is a discrepancy there. If this road is built, blasting will have to be done, and I will have no access to my house.

I talked to Mr. Williams about coming to a compromise about this, but I do want this to be on the record because I don't want to be stuck without access to my home. I have lived in Shelton for 30 years and 6 years at this house. I assumed it would stay an R-1 district. My well is 20 or 30 feet from the property line. When they discussed blasting with Inlands/Wetlands, I believe that they will be blasting 40 or 50 feet from my well. If they would like to hook me up to water and sewage line that would be good.

I would like to have those four houses eliminated from the plan. They are positioning the houses overlooking me with a new road right there - I have no privacy. I think that was poor planning on their part and provided no consideration for me.

Mr. Tristine asked the Commission to please look at this driveway issue. He requested that he be given some assurance that the foundation, well and septic won't be damaged. I am the closest homeowner to this development he states. He asked who he could speak to, or what he could do to be given some assurance. As a 30 year resident of Shelton it is not fair that I have to come up with money to protect my home and property to defend myself against this developer. I need someone to help me.

Irving Steiner, 23 Partridge Lane, Shelton, CT addressed the Commission.

Mr. Steiner states that he and his wife were the only members of the public to attend the hearing held in New Britain Superior Court regarding the agreement between Avalonbay and the City of Shelton. We are concerned members of the public – our concerns are not with the agreement, but whether the agreement is comprehensive and extensive enough to protect the rights and property of the residents during the construction phase.

In particular, Mr. Steiner spoke about blasting. He states that to date, the city of Shelton has been unable to come to grips with these problems. Developers are blasting more and more. Mr. Cole of the State Fire Marshal's Office stated that Shelton has the highest rate of blasting in Connecticut. Not addressing and controlling the blasting process can leave damaged wells, broken foundations and residents so financially destitute for repairs that they are unable to afford the legal costs for remediation. The site to be developed consists of a pyretic rock. When this pyretic rock is exposed by blasting to oxygen and rain water it turns to sulfite which is highly acidic and creates a dangerous run off. It is not appreciated that the Administration can approve blasting without defining the conditions that could impact public safety. Therefore, the City of Shelton has defaulted from their responsibility to define programs that could control blasting activities.

It has been left to the discretion of astute property owners, blasters, and abutters to recognize the seriousness of impending activities. Blasting results can be unpredictable. Residents need protection from the City of Shelton for the possibility of errors. The developer on the 2003 blasting fiasco was given unfettered approval without regard to blasting protocol despite expert testimony about rock formations that don't hold up well to blasting. There was no restriction placed on the blasting company near Split Rock, the public was unaware of the pending damage to their wells and foundations until it happened. Plans for remediation for the damage inflicted are still in litigation. Mr. Steiner asked who is better to cope with this void of responsibility than this Commission. We can't leave public safety issues and safeguards as options to be decided on by developers and blasters who may not feel responsible.

Joan Flannery, 8 Partridge Lane, Shelton, CT.

Ms. Flannery held up a sign stating the message that she would like to be delivered this evening "Remember Lane Street. Don't Blast Our Wells. Save Our Homes." She stated that we are all here tonight because we are concerned about our homes. Last summer, my house shook and my well was damaged by the blasting, that was controlled, at Split Rock. I still owe money for my well, and I can't bear the cost of going through litigation like Lane Street has.

Ms. Flannery had questions regarding the presentation tonight such as whether or not anyone involved in this development visited the proposed site since last week's nor'easter. How were the wetlands affected by all that water?

Secondly, she asked about three proposed houses on the bottom of the developer's map plan along Armstrong Road. She stated that there is only about 20 feet between the street and that property. She asked whether the proposed homes would be built 20 feet above looking down or would the area be blasted out level to the street? Additionally, Ms. Flannery requested that the P&Z commission stipulate a walking path for the public be placed on the property such as the path created on Old Stratford Road from the Wells Spring Hollow development.

In conclusion, Ms. Flannery expressed that if measurements were to be taken on the proposed schematic of the site, there probably would not be much more open space than the previous plan.

Robert Baker, 47 Daybreak Lane, Shelton, CT addressed the Commission.

Mr. Baker stated that he submitted some photos to the Commission of a vernal pool that exists that no one in the town (P&Z or the Wetlands Commission) has recognized. Mr. Baker spoke to the Commission when he stated that, at a previous meeting, Chairman Cribbins had indicated that they could “walk the property” but nothing seemed to come of it.

Chairman Cribbins stated that he did walk the property, and that Mr. Patterson had seen him the day that he walked it.

Mr. Baker indicated that the vernal pool has been there for two years at the size of 30 x 40 for approx. 8 months, and prior to that the vernal pool was there about 4 – 6 months a year. Although, Mr. Baker admits that he doesn’t know the rules, he believed that you could not build homes on a vernal pool. He inquired whether anyone could examine the types of wildlife existing in this vernal pool before destroying it.

Mr. Baker received some public applause when he reiterated that he felt this entire project began semi-illegally, and he felt that the Inlands/Wetlands Commission was responsible for it getting this far.

Mr. Baker stated that he has been familiar with this property from walking it for 30 years, and there is a so much rock to blast that it doesn’t seem feasible. He feels as though this section of town has become a dumping area for all types of commercial activities. This area has been shortchanged before this Avalonbay project even came up. This is hardly justice for everyone.

Remi Kosturik, 15 Partridge Lane addressed the Commission. She read a letter from Thomas and Michelle McCarthy of Daybreak Lane who could not be present for the meeting. The McCarthy’s are abutters to the Avalonbay development on the Cranberry Hill property urging the P&Z Commission to enforce pre-blast testing and blasting notification. In the event of well damage, P&Z should approve that city water be provided at the builder’s expense. The McCarthy’s letter also requests that a 100 foot environmental buffer be provided between this development and the existing homes because these residents originally purchased their homes in an R-1 zone.

Ms. Kosturik concluded this letter and added her own comments. As a potential neighbor of this development, she indicated that she feels vulnerable - my well, drinking water, foundation and ceiling are at risk, particularly from blasting.

The Lane Street residents were not protected and are still suffering years later. Ms. Kosturik requested that all homes within 1800 feet of the perimeter be given pre-blast surveys. She feels as though the City Boards and developers have some shame to bear for the Lane Street debacle. She urged that the P&Z Commission be conservative in restricting the blasting and generous in the measures taken to protect Shelton residents. Please let our neighborhood -Daybreak and Partridge Lanes - become synonymous with a successful development and not a debacle.

Nancy Steiner, 23 Partridge Lane, Shelton, CT. addressed the Commission. She had some questions for the Avalonbay developers regarding the stone walls that exist on many of the properties. Will they be eliminated, replaced, destroyed?

Could we have a description of the proposed houses to be built such as size, garage size, and materials to be used?

She introduced John Trautman, an expert to assist in clarification of environmental issues.

John Trautman, Ecological Consultant, 797 East Broadway, Stratford, CT addressed the Commission.

Mr. Trautman reads a 5 page letter of qualifications addressed to Chairman Cribbins and provides it for the record. The correspondence indicates that he has been requested by the members of **We Are One** to represent them in the referenced application. He provides copies of this letter and list of qualifications for the commissioners and Mr. Williams.

He reads another piece of correspondence dated 4/24/07 to Chairman Cribbins in reference to Application 07-15, Avalon Shelton I, Armstrong Road. He provides copies for Chairman Cribbins and Mr. Williams. It is a formal request to incorporate a previous application (05-2) such as zone change, zoning map amendment and receipt of a site plan testimony, supporting documentation from the applicant and the intervening party (We Are One and other citizens) be incorporated into these proceedings. Mr. Trautman feels that because so much high quality information came in during that intervention, he feels the information provided at that time was integral in the denial of the first proposal. He asked the Chairman for a vote to incorporate this information.

Chairman Cribbins claimed that this evening's goal was to take testimony. He would like to consult with his Planning Consultant and Corporation Counsel before affirming his request.

Mr. Trautman clarified that if there is a consensus among the Commissioners and Corporation Counsel that this submittal is permitted than he can go by reference and not spend a lot of time reinventing the wheel from the 2005 proceedings

Ramon Sous, Corporate Counsel, addressed the Commission. He interjected that he takes the same position that he took recently with the Inlands/Wetlands Commission on this issue. He does not believe that the incorporation of other files for this current application because it results in mountains of paperwork.

He feels as though whoever wants a particular piece of evidence brought in needs to bring it in again. However, if he agrees with this scenario it would overrule what he already agreed upon in the Inland/Wetlands Commission. Other files brought in from other applications would cripple the situation and cripple the Commission's ability to digest all the information from prior applications or commissions. Mr. Sous believes that it would not shed light on the situation. Furthermore, it is the applicant's position or other respondent's position that they present specific evidence that they need to put in but not entire files that were hashed out at a previous hearing. If some piece of evidence needs to be put forth, it should be specifically set forth by that individual and not all incorporated by reference. I took this position at the Inlands/Wetlands Commission the other night.

Mr. Panico agreed with Mr. Sousa, if Mr. Trautman can refer to a specific piece of evidence, the Commission can go and retrieve it but to accept all that testimony is a tremendous burden to Staff.

Mr. Sous stated that he made the same ruling against the Applicant who attempted to incorporate things by reference. He felt as if it would be blind sighting the Commission to look at evidence from other files. Specific documents should go with specific applications and the person who produced the documents would need to indicate the relevance of previous evidence.

Chairman Cribbins asked Mr. Trautman if he had record of the testimony that he submitted to the Commission.

Mr. Trautman respectively disagreed with Corporation Counsel that the Commission should have access to high quality, highly credible information regarding this specific property – Armstrong Road. He urged the Commission not to disregard this information.

Mr. Panico stated that if Mr. Trautman references a specific environmental report or assessment; they will go back to it. However, making that entire file part of resources that the Commission will have to examine is not proper. You need to be specific.

Mr. Trautman respectfully disagreed with Mr. Panico that his viewpoint is that, if the Commission has enough high quality information, it will be able to better render a decision.

Chairman Cribbins recommended to Mr. Trautman that they meet during the course of the following week to examine that data and extract packets of material that he feels should be incorporated.

Corporate Counsel, Mr. Sous, spoke to the Commission that they need to look at who is presenting and what they are presenting. It cannot be presumed that whatever was presented before, that those presenters are going to present again.

Chairman Cribbins clarified that he was not suggesting that the two foot stack of previous information needed to be incorporated but perhaps a one-inch stack (submitted by Mr. Trautman) within it could be referenced.

Mr. Trautman disagrees with Mr. Sous that the testimony from the previous application is for the same of piece of property. It is his position that although it is a different proposal, it is for the same property, the same natural resources, the same concerns and it is the same natural resources, and that testimony should travel with the property. At the Chairman's suggestion, Mr. Trautman is prepared to introduce selected parts of that testimony into these proceedings.

Mr. Panico stated that he feels as though Mr. Trautman needs to present what he has presented in the past, not other people's testimony.

Mr. Trautman, as a matter of record, reiterated his stance that it is the same property, different application. The record has been established that he has requested that the previous record be transferred to these proceedings for additional information for the Commission. I am prepared to selected parts of that testimony to represent this evening.

Commissioner Cribbins stated that this is unfamiliar territory and he has to listen to Corporation Counsel. He will get a further ruling on this over the course of next week or so, and he will keep this hearing open so that we can select specific packets of information.

Mr. Trautman continued that the previous application did foster environment intervention. He read the intervention document dated June 20, 2005 into the record and supplied a highlighted copy to Mr. Schultz. One of the allegations in the previous intervention document – Allegation 9C – regarding blasting of specific rock types. Mr. Trautman is referencing this document from the previous proceedings as Verified Petition to Intervene 07-15 of the R1.

Mr. Sous addressed Chairman Cribbins to state that it can be accepted for what it says in the document but not as an intervention. The record should show that it is not an intervention but a reflection of what is in that particular document.

Mr. Trautman, confirmed that was correct and We Are One has not intervened in these proceedings.

Mr. Sous stated that is why he did not want the entire record incorporated. We have possibilities for different interveners than previously.

Richard Patterson, 31 Daybreak Lane addressed the Committee. I am an intervener and Mr. Trautman is speaking in my behalf. He addressed the frustration that some of the public audience members are feeling about Corporate Counsel sitting with and conferring with the developer. As far as he can see, resident tax dollars are paying for him, not the

developer. Mr. Trautman expressed that he feels as though Mr. Sous is giving rulings, not opinions to the Commission.

Chairman Cribbins disagreed with Mr. Trautman and stated that he felt Mr. Sous was speaking independently.

Mr. Trautman requested to enter into tonight's proceedings 07-15 a report prepared by a Yale University professor Benoit dated 7/21/05 as part of previous proceedings. The report provides a detailed analysis of the underlying rock structure beneath Cranberry Hill and in the immediate region. This report was submitted in relation to the blasting process when this rock is exposed to oxidation and rain water creating an acidic runoff. This report asks for conditions of approval regarding a phased blasting process and minimization to destruction of vegetation. Furthermore the report addresses the issues of surface water run off and contamination of ground water supply.

Mr. Trautman supplied Richard Schultz with copies of the Benoit report.

To accompany the report, Mr. Trautman introduced into this record (a previously entered report from the previous intervention) a three page document showing a reduced scale location map with shaded areas located over the proposed location. This report provides a water quality index for surface and ground water prepared by the Connecticut River and South Central Coastal Basin. The report states that already the ground water beneath the subject property is been degraded and not meeting ground water standards. This makes the water vulnerable to any additional impacts. He provided a copy of this report to Mr. Schultz.

Mr. Trautman also submitted into record a schematic from the intervention two years ago. The schematic provides a good diagram of the hydrologic cycle highlighting processes such as precipitation, infiltration, ground water recharge, and run off. He provided Richard Schultz with copies for the record.

Mr. Trautman introduced into record a highlighted copy of the Shelton Zoning regulations amended in 2004, Section 32 Earth Materials Removal. He provided a copy to Richard Schultz.

The excerpt that he notes regards what regulatory body has control over blasting/heavy excavation. He reads Section 32 (General) of the Shelton Zoning regulations which states that earth moving processes such as blasting are under the P&Z cognizance.

Mr. Trautman states that site development on the subject property will require heavy excavation/blasting of shallow and exposed bedrock. Infrastructure, placement, city water, sewers, basements will require heavy excavation and blasting no matter what scenario is approved.

He continues to read Section 32.2 for special exceptions such as public health/safety, stagnant water, soil erosion, water pollution, excessive drainage or runoff.

Mr. Trautman's summarized his concerns about the blasting – the exposure of sulfite rock and the potential surface run off contamination.

According to Section 31.2.4 of the Shelton City Zoning Regulations, the P&Z Commission may request the submission of additional information as necessary in order to act on a site. Sections 32.1 and 32.2 of the Zoning Regulations provide the Commission with the authority regulate earth material removal. The Commission may formulate and impose conditions of approval while granting approval to assure consistency.

In reference to the concerns about shallow ground water well contamination, Mr. Trautman submits and reads a report for the record. He provides a copy to Mr. Williams and copies for the Commissioners.

In retrospect, during the Avalon 1 a couple of years ago this issue arose. There has been a two year window in which this geological study could have been conducted and this information could have supplied this Commission with this illuminating ground water information.

In lieu of the data in this report, Mr. Trautman requests that this Commission, consider as a condition of approval, that the applicant or the permittee submit a satisfactory detailed subsurface geological survey.

In conclusion, Mr. Trautman suggested that everyone involved learn from what occurred on Lane Street. As a condition of approval or permit, please conduct a geological survey before any work is done. The conditions of approval should travel with the permit.

Joe Laponski, 10 Peters Lane, addresses the Commission.

Mr. Laponski told the Commission that he experienced floor cracks and drainage changes since a blasting done years ago on Bridgeport Avenue.

I am here tonight to express my concern about wells. I have a well; however I am not directly attached to this property. Throughout the 17 years I have lived here, whenever any type of work is done on Bridgeport Avenue or vicinity my house shakes. There are cracks in my floors. When TJ Maxx was first put in, he addressed the City about the cracks in my floor in the kitchen. The City directed me to the builder. The builder stated that a pre-testing survey should have been necessary prior to doing the work. He still has the cracks in his floor and continual tile shifting issues. His concern about his 72 ft. shallow well and septic system.

After the recent nor'easter, the pipes that run from the well to his house developed an increase of water flow. There have been changes in his water flow over the span of 16 facilitating the need to install additional pumps to accommodate the flow. He isn't sure what has happened but he can feel, and his home is affected by the blasting that occurs in the area.

John Tristan, 56 Armstrong Road, Shelton CT, addresses the Committee.

Mr. Tristan has concerns regarding the access road become additional parking spaces for residents of the new development because it is so near his driveway. He wanted to know if a gate would be placed there to prevent this.

Richard Jaeger, 2 Coppel Lane, Shelton, CT addresses the Commission.

My property is located on the bottom of the left map displayed. It is also known as 39 Armstrong Road. He would like to state for the record that he still objects to this project as he originally stated 2 years ago.

Mr. Jaeger requested that if the Commission is including previous testimony, please include his testimony as well.

Nancy Steiner, 20 Partridge Lane, Shelton, CT addressed the Commission to state a few weeks ago several residents approached Avalonbay attorney Mr. Williams themselves to address some concerns.

Mrs. Steiner and approx. five other residents presented a list of concerns to Mr. Williams during an informal meeting last week at the Avalon offices. During this meeting, some of these concerns were not addressed. This list does not address all of the resident's issues but a good representation of most of them.

1. Blasting and Site Development – pre, mid and post blast testing of wells, flow rates water quality and foundations (and photos of foundations) conducted to all homes within 1800 feet of the perimeter of the property.
2. Residents want the best blasting method to prevent contamination.
3. Testing company that tests the wells and foundations should be selected by the residents and paid for by Avalon.
4. Blasting insurance and bonding to be in effect for a date agreed upon before and after post blast testing.
5. Strategic location requirement for seismic reading during all blasting.
6. A blast schedule provided to all resident within an agreed to radius of the blast site.
7. The extent of remediation efforts on the part of the developers if wells fail. According to Aquarian, installation of a city water main on Daybreak and

Partridge Lanes would be approx. 450K. This does not include the hook up to individual homeowners.

8. We would also like to address the sewer line. If the sewer lines cross the property of any residents, they should be provided the opportunity to hook up to it.
9. Will the modification of the PRD to allow a 40 home density to be a change applicable to Avalon 1 or is this going to be a change for all PRD's?

Bill Pastore addressed the Commission. Mr. Pastore does not feel as though a zoning change should be approved because this is a residential area. He spoke about that the Cranberry Bog is a wildlife sanctuary with a huge concentration of wood ducks. He requested that P&Z please consider all the environmental issues regarding Cranberry Bog such as water retention and long-term, gradual run off of other substances (vehicle fluids i.e. oil, brake fluid, antifreeze...)

Alderman Randy York, Longview Road, Shelton, CT addressed the Committee Regarding the appropriateness of the PRD, Alderman York personally does not feel that she would approve it because it is an ecologically dense area. We have a zoning designation for that - CRD – Conservation Residential District Area. The amount of house placed in the one acre zoning, cluster that housing and protect the sensitive areas around it. I realize that this is part of a settlement for a PRD, but she does not feel as though it is an appropriate area. There is significant information presented here, testimony from an ecological expert. She thinks a CRD zoning would be more appropriate than a PRD.

Mr. Cribbins asked for any further comments before

Mr. Williams claimed he would need a lot more information before addressing some of the comments brought up this evening. Due to the late time he did not feel confident in responding to everything tonight. Briefly, Mr. Williams stated that he was grateful to have met with the Steiner's and We Are One. He is working with Inland/Wetlands to develop a written protocol blasting procedure, requirements, testing and surveys to incorporate any conditions that the Commission may plan. It is in the developer's best interest, as well as the town residents, that everyone knows up front what events will occur and when they will occur. We want the Public and the City to take a look at this beforehand to avoid any misunderstandings such as occurred in the past.

After meeting with We Are One, we engaged a blasting expert, a professional engineer named **Orrick lavous** who develops, implements and oversees these types of projects around the state. He is familiarizing himself with the site and the plan. Mr. Williams will request that he compromise an outline from him for the next hearing. If the Commission would like this blasting expert to attend the next hearing, please let him know. We welcome a discussion. He does not want to give partial discussion about this critical issue this evening.

Chairman Cribbins did ask Mr. Williams if he could address the question about the stone walls. Mr. Williams has not considered the stone wall issue and could not provide an answer this evening.

Chairman Cribbins announced that the Special Hearing will continue next Tuesday, May 1, 2007 in the this location (the Shelton City Hall Auditorium) at 7 p.m. with the Bridgeport Avenue Application #07-16 being addressed first followed by further discussion about the Armstrong Road Application.

On a motion made by Virginia Harger seconded by Patrick Lap era, it was unanimously voted to continue Public Hearing for Application #07-14 on May 1, 2007.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to continue Public Hearing for Application #07-15 on May 1, 2007.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to continue Public Hearing for Application #07-15 on May 1, 2007.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to adjourn at 10:47 p.m.

Respectfully submitted by,

Karin Tuke, Clerk