

The Shelton Planning & Zoning Commission held a meeting on May 8, 2007 in the Shelton City Hall, Room 104/Auditorium, 54 Hill Street, Shelton, CT.

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

The following members were present:

Chairman Alan Cribbins
Comm. Virginia Harger
Comm. Patrick Lopera
Comm. Daniel Orazetti
Comm. Anthony Pagoda
Comm. Leon Sylvester
Comm. Karen Tomko-McGovern
Comm. Ruth Parkins

Staff present:

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

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

Chairman Cribbins opened the meeting at 7 p.m. with the Pledge of Allegiance.

He announced that all commissioners and both alternates were present this evening including Ruth Parkins who will be taking the place of Jason Perillo. Ruth was selected by Republican members and sworn in.

Chairman Cribbins stated that the first item on the agenda is a public hearing. It a proposal of the Shelton Planning & Zoning Commission to amend the Shelton zoning regulations by creating a new district and related regulations entitled Riverfront District (RFD). It proposes an amendment to the building zoning map by changing industrial IB2 zone to RFD on Canal Street.

Richard Schultz read the call of the hearing. There was one piece of correspondence.

***See attached letter dated April 26, 2007 from R. Dunn, the Valley Council of Governments.**

He indicated that copies have been submitted to Corporation Counsel. This draft is a result of several meetings with the Zoning Subcommittee as well as the Downtown Subcommittee. He read the location map and distributed copies to the Public so that they could follow along.

Chairman Cribbins stated that this is our attempt to clean up property on the Riverfront downtown next to the bridge. We reviewed it in a number of subcommittee meetings, brought it before the Board, and authorized Tony to write a resolution for us to be taken to a hearing. That is where we are at as of this evening.

The location map was presented in the front of the room. Richard Schultz explained that this an amendment of the zoning regulations, the text amendments, and to the building zone map for an area of approximately 3.3 acres. This area consists of five separate parcels just south of the Derby-Shelton Bridge, immediately south of the Spongex store and immediately north of the monument. He reads a narrative on the first page. This is a series of proposed amendments to the zoning regulations for the purpose of creating a zoning district in the downtown area. Both the Mayor's Office and the Shelton Economic Development Commission advised the Planning and Zoning Commission that the City was seeking grant money for a specific area of Canal Street as shown here. One thing that had to be done – the underlying zone needed to allow mixed uses including residential. The existing zone designation there is an industrial IB2 – a heavy industrial zone that doesn't allow residential.

The Commission is working with the Mayor's Office and the SEDC, and accordingly, the proposal is being presented tonight. The proposed district will accommodate high density development supportive of the downtown area and able to make advantageous use of the river orientation. The proposal response to the recent studies completed by the SEDC in support of the proposal amendment Shelton Enterprise of Commerce Park project plan and recommendation for SECP Phase II project sites adjacent to the Housatonic River.

A recent marketing study concluded that current industrial zone and light industrial uses are inconsistent with the direction that the downtown area is taking. The study concludes that the mixed use development of residential office and retail commercial are consistent with the new vision for downtown. Accordingly, the Commission was requested to hear appropriate zoning amendments which will enable new project investment that have responded to Shelton's progressive commitment to downtown revitalization. The proposal set forth below would create a new underlying zone referred to as the Riverfront District (RFD) intended to be integrated with the current CBD overlay zone which encompasses our downtown area right now.

Accordingly, the provisions for both would be applicable in the new zone, permitted uses as of right, subject to site plan and architectural plan approval, would include retail sales/services, personal services, and professional services; general business offices; restaurants with limited catering facilities (barring cocktail lounges and bars); and the typical government/municipal uses. Special Exception would be required for high density residential use.

Mr. Schultz noted that it is still the Commission's desire to use the planning and zoning district technique. It has been used north of the bridge to give the Commission more control. This is being driven by the Mayor's Office and SDEC for the grant proposal and it needed to move forward. Therefore, it made sense to create a new underlying zone, accordingly called the River Front District (RFD). Staff also wanted to acknowledge that this is consistent with the 2000 plan of development which recommends it is a high priority to constantly formulate new regulations for the downtown area to facilitate the redevelopment.

Mr. Schultz commented on the proposed draft hand out. He pointed out that on Page 2 and 3 there is a Permitted Uses Schedule A. The last five pages are the actual Schedule A.

On Page 4, Schedule B Standards showing minimum lot size, building height, block coverage, etc.

Page 5 explains two notable provisions including the Riverwalk setbacks. This proposal regulation facilitates redevelopment downtown and on the Housatonic River. Accordingly, there are standards needed for the Riverwalk and parking requirements.

Special exception information such as multi-family dwelling units and dwelling units per acre are included on Pages 5 and 6.

The parking standards are discussed on Page 7. This is something that the Commission needs to consider. We have come up with a 1.5 space for a one bedroom unit and 2 spaces for 2 or more bedroom units. Previous public hearings have indicated the Commission's desire to get at least 2 spaces per dwelling unit. Mr. Schultz stated that this matter would be the Commission's call and he requested that the Commission mark Page 7 specifically for the parking standards.

In regard to the Central Business District, currently there is an overlay zone. Right now, this provides assists the Commission in uses that are undesirable and better control on signage. Downtown Shelton is the first area in the community that prohibited internally illuminated box signs. The Commission feels very strongly as part of the redevelopment downtown there needs to be a good mixture of residential, solid retail and professional uses. They try to prevent uses that do not fit.

The next seven pages are the schedules of permitted uses and last right-side RFD column shows permitted uses (X- prohibited, E – Special Exception, P Permitted, S - Site Plan Approval).

Mr. Schultz reiterated the Chairman's statement that this draft has gone through subcommittee levels and come to the Planning and Zoning Commission. This evening we will hear from a representative from SEDC and some other community organizations. This is one of many steps that the Planning & Zoning Commission has to do for the revitalization downtown. Our zoning downtown as in other areas are very old, approx. 1952. The industrial zone goes back to the 1940's which is why the IB2 zone is heavy industrial and allows no residential. Mr. Schultz concludes and presents Mr. Ryan

Mr. Jimmy Ryan, Shelton Economic Development Corporation addresses the Commission.

He states that the SEDC is the implementing agency for the city of Shelton as it relates to downtown revitalization. Each time there is a major new project they look at our designation as the implementation agency.

Mr. Ryan states that in 1996, the Shelton Board of Aldermen following a review by Planning & Zoning adopted a project plan called the Shelton Enterprise in Commerce Park. A legally binding agreement on the City of Shelton. It was adopted under Chapter 132 on the Connecticut General Statutes called municipal development plans. The purpose of this statute is to allow a municipality to assemble land to be resold for private redevelopment.

In general terms, the project area created that the city agreed with, was from Route 8 up to the Derby-Shelton Bridge from the River and out to the other side of Howe Avenue. However, the primary targets for redevelopment were the old BF Goodrich site (the Slab) which was largely called Phase 1. As part of the project plan, all areas north and west of it were called Phase II. We didn't undertake any of the redevelopment work in Phase II because of money, environmental issues, etc.

The goal was to create a site for fresh development. They ended up with a disposition parcel of approximately 5 ½ acres that was marketed for a number of years with the assistance of Ropers (?), The State of Connecticut. It remained unsold for years, only being used by the City of Shelton for the Boys & Girls Club, Relay for Life and Parks & Rec. activities.

The City fell in love with the area for community events. They held a referendum which stated that this area, Phase I area, should be retained permanently as open space. A few years ago, the Connecticut General Assembly with Representative Bell's assistance, passed a law that superseded the primary plan and left this site as permanent open space.

The Phase II area was left under the project, and it has been suggested that it be maintained for light industrial use based on the project plan. However, the State of Connecticut indicated that the Phase I marketing of that land for that use failed. They would like the City of Shelton to conduct a marketing evaluation. The firm of ??? ???? was hired and compiled a report which is available to the Commission or Public. The light industrial zoning for this area was not recommended in this report. They recommended that the zone should be changed for a market that will respond to it and suitable for planned future changes to the downtown area. This report was referred to the Administration, the State of Connecticut and the Planning & Zoning Commission to consider zone changes.

This is a Staff position, not a Board position because the Board referred to you makes these changes. The Staff position is that the ordinance being suggested is absolutely appropriate. We only have one suggestion for the Board to have additional discussions to include the Spongex property as part of this plan. We believe that the new and significant private investment interest in downtown will continue to move the balance of properties in that direction. Mr. Ryan stated that they agree with the housing and retail uses.

The Board feels that the proposed plan is the next logical step, when or if it is approved, the zone will be placed in the project plan and sent to the State of Connecticut for approval before this project can go forward.

The owners of the Cornell Street parking lot are working with the Administration to determine if the one or one and half acre site could be placed in city's inventory as a lease or property acquisition. It is currently leased from Yankee Gas on a monthly basis.

There are one or several parcels that can be put together and made available for private redevelopment. All of the parcels have fairly high levels of contamination. The Administration has done a technical analysis, and there is a clean up plan that can be applied to the redevelopment of those sites. They know the location of the contamination and the types of technology to remediate it. These sites, with the kind of interest seen on the other side of the Derby-Shelton bridge, we think we be marketed effectively once P&Z approves the zone change and the State of Connecticut approves the project plan amendment. That is what the objectives are.

The City of Shelton has received a 1.6 million dollar grant to extend the Riverwalk along the Housatonic River or coming in and out in different locations. It begins in an area near the railroad line. There is another proposal to develop a memorial area for citizens of Shelton that have made considerable contributions.

Chairman Cribbins asked if the Commissions had any questions or comments. There were none.

Chairman Cribbins asked if the Public had any comments for or against this application. There were none.

On a motion made by Anthony Pagoda seconded by Virginia Harger it was unanimously voted to close the public hearing for the proposal of the Shelton Planning & Zoning Commission.

The public hearing concluded and the P&Z Commission adjourned at 7:25 p.m. and reconvened in the Auditorium at 7:40 p.m.

Chairman Cribbins stated that the meeting would begin with Old Business and Certificates of Zoning Compliance.

APPLICATIONS FOR CERTIFICATES OF ZONING COMPLIANCE

Richard Schultz stated that there are a total of 24 standards. They have been reviewed by Shelton Planning & Zoning, and they are in compliance with Shelton zoning regulations. They recommend approval.

On a motion made by Anthony Pagoda seconded by Patrick Lopera it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards #1-24.

SEPARATES

#6976 PROSOURCE BUILDING LLC, 42 TUCKAHOE DRIVE, IN-LAW

Richard Schultz stated that this a two story addition, 2 garage under, living space above including an in-law at 900 square feet. This is a residential area with modest homes growing in size. He shows the Commission a footprint of the two story addition and architectural. The addition is consistent with what the Commission likes to see with appearance. All applicable requirements met including the affidavits. Staff recommends approval.

On a motion made by Leon Sylvester seconded by Anthony Pagoda it was unanimously voted to approve Application #6976.

#4282 PRUDENTIAL, 504B BRIDGEPORT AVENUE, BUSINESS

Richard Schultz stated that this is for the Prudential Real Estate Office. It is a zoning permit for occupancy at 504B Bridgeport Avenue at the Crown Point. Staff recommends approval.

On a motion made by Anthony Pagoda seconded by Patrick Lapera it was unanimously voted to approve Application #4282.

#6987 MICHAEL ARCHER, 1 FOREST DRIVE, BUSINESS

Richard Schultz stated that this is the first building coming in from Long Hill Crossroad. It is a large office building on the right side of the road. This is a 78,600 square foot building. Laboratory Corp. of America is proposing to occupy it. They are open 24 hours, 7 days a week. They have a total of 420 employees but there are only 287 in any shift. Mr. Schultz asked if the applicant was present, but they were not.

They have an outside generator. This was previously a multiple tenant building (Allstate, Dun & Bradstreet) but this proposal is for a single occupant, Laboratory Corp. of America to occupy the entire building. This is similar to the laboratory approved on Parrot Drive.

Mr. Schultz stated that they are beginning to see facilities from lower Fairfield County, Milford and Stratford moving to Shelton because of the larger buildings and sufficient on site parking.

Commissioner Pagoda asked what type of work is performed at this laboratory and if there were any hazardous materials.

Mr. Schultz indicated that it is a research lab, and the Fire Marshal has been notified. He will have to go through the entire building for a single occupant such as this.

Mr. Panico asked for clarification as to the number of employees.

Mr. Schultz stated that there are 420 total employees. The parking lot is very large because it was previously used for multiple tenants. The permitted use it is Line Use 50, a light industrial park zone.

Mr. Panico asked Mr. Schultz if they bought the building. He stated that they are leasing it from One Forest Drive LLC, the property owner.

Mr. Schultz suggested that Staff monitor this facility.

On a motion made by Anthony Pagoda seconded by Virginia Harger it was unanimously voted to approve Application #6987.

#4299 BOB FITZSIMMONS, 409 BRIDGEPORT AVENUE, BUSINESS

This is the Crabtree automotive dealership. Crabtree is now leasing out parts of its establishment. This lease is to Bob Fitzsimmons who will continue with the auto body shop. Staff has been out in the back of this facility because of modifications that created some noise issues. This has since been under control. The area is 7800 square feet, 10 employees. This is consistent with what Crabtree has been doing with independent operations.

Mr. Panico asked if he would be operating independently and if he would have his own individual signs.

Mr. Schultz stated that he would be operating independently with his own individual signage. Mr. Schultz continued to show the Commission a draft of the sign COACHWORKS OF SHELTON to replace the existing sign. It would be a white solid sign with black and red.

Mr. Panico asked if he would have sufficient onsite space to house vehicles awaiting repair. Operating independently, vehicles cannot be spread over a wide area.

Mr. Schultz replied that he has visited the site there has been a tremendous reduction in the inventory of cars there because of these changes. Mr. Panico raises an important issue because the Commission will probably see more independent operations showing up on this site. This is something that should be monitored.

Comm. Sylvester commented that this would be difficult for P&Z to monitor because what had been originally approved there was one facility that blended in and one operator runs it more smoothly. By breaking it down into different operations there might will competition between groups for space, parking, signage, etc.

Mr. Panico stated that they need to make sure that each operation functions in a self-sufficient manner on the real estate that they control.

Mr. Schultz stated that the hours are consistent. Monday through Friday, 8 a.m. to 5:30 p.m., Saturday 8 a.m. – 12 p.m.

Mr. Panico stated that it does introduce elements that weren't of concern before.

Comm. Sylvester stated that he is concerned by what Rick Schultz indicated about this becoming a trend.

Mr. Panico replied that those pieces of real estate are available. It was fortunate that they were under one umbrella before, but there is nothing in our regulations that would prevent them from operating independently as long as P&Z reviews and concludes that they are operating in a safe and satisfactory manner independently.

Comm. Sylvester asked what could be expected next.

Mr. Panico replied that they could expect large automobile dealerships with two and three different lines making subdivisions so that separate lines are individually owned.

Comm. Sylvester clarified that he wanted to know what they could expect next in regard to the maintenance of the cars.

Mr. Panico suggested that maybe prep could become independent.

Comm. Sylvester asked about the car wash taking place under the automobile umbrella.

Mr. Panico stated that car washes are strictly accessories to the main operation. The auto body shop is recognized in their zone as capable of being an independent use. It isn't only allowed as an accessory use.

Comm. Sylvester stated that he thought an auto dealership would have an auto body shop as part of their dealership.

Mr. Panico replied that the large dealerships have their own auto body shops, but many of the smaller ones do not.

Comm. Sylvester stated that particular operation was accepted as a large self-sufficient operation. He remembered that they did come in to request the right to wash their own cars.

Mr. Panico stated that is clearly an accessory activity because any car off the street can't just drive in there to be washed.

Comm. Sylvester requested that the Board be alerted to what is planned because it is such a visible location.

Mr. Schultz stated that he will put together a plan showing the footprints of the buildings for any discussions with owners.

Mr. Panico agreed with Comm. Sylvester about the high visibility factor. He stated that if an independent auto body shop had come in to establish themselves there, they would have had more misgivings. However, since it was a related use to the car sales it has been treated differently. Staff will go back and pull out paperwork for the original approval to check zoning. He thought it was a CB zone that allows auto body shops.

Mr. Schultz stated that it was a Restricted Business District. Some components of it are grandfathered.

Chairman Cribbins suggested putting a one year time limit for Staff to monitor the outside storage of vehicles awaiting repair.

Mr. Panico stated they need to make sure that vehicles awaiting repair are properly enclosed and that parts created as a result of damage are removed in a timely manner.

Comm. Sylvester asked if they could provide an approval that needed to be renewed.

Mr. Panico was unsure about the legal enforcement of that type of approval. However, he believed that appropriate restrictions can be applied to an approval to ensure the adequate maintenance of the area.

Comm. Sylvester asked Mr. Panico if he recommended approval of this application.

Mr. Panico stated that he didn't have a problem with an action to approve but it would need to be supplemented with necessary precautions and safeguards.

Comm. Sylvester indicated that he would approve it if the notations of this discussion be attached to the minutes so that everyone is aware of the Board's concern about what could possibly take place there with ancillary services.

On a motion made by Leon Sylvester seconded by Anthony Pagoda it was unanimously voted to approve Application #4299.

#6993, GAMESTOP INC., 702 BRIDGEPORT AVENUE, BUSINESS

Richard Schultz stated that this was another occupant for the Split Rock for video games retail sales. It is 1965 square feet, 2 employees and 10 parking spaces assigned. Staff recommends approval.

Comm. Harger asked what particular part of Split Rock it would be located in. Mr. Schultz showed her a schematic showing its location.

On a motion made by Anthony Pagoda seconded by Leon Sylvester it was unanimously voted to approve Application #6993.

#4264, TD BANK NORTH, 44 HUNTINGTON PLAZA, BUSINESS/SIGN

Mr. Schultz stated that this is on the Beard property. This bank occupied it without receiving zoning approval. It is 2156 square feet, 4 employees; hours are Monday through Wednesday 8 a.m. – 5 p.m., Thursday and Friday 8 a.m. – 6 p.m. and Saturday 9 a.m. to 12 noon. Staff recommends approval.

Mr. Schultz stated that he would like to hold off on the sign and vote on occupancy.

On a motion made by Anthony Pagoda seconded by Daniel Orazetti it was unanimously voted to approve Application #4264.

#4202 MY FAVORITE ITALIAN DELI, 702 BRIDGEPORT AVENUE, SIGN

Richard Schultz presented a rendering of the signage. Pat Rose was present to provide a description of it.

Pat Rose, Rose, Tiso & Co. addressed the Commission.

Mr. Rose distributed a revision of the drawing, per Commission request, with reduced signage on the front elevation. The Coco Spa sign on one end of the building balances the Asian Bistro sign at the other end. All would be illuminated. Most of the discussion was inaudible.

While the Commissioners analyzed the signage drawing, Mr. Schultz addressed the Commission to notify them about the status of Cingular. He stated that Staff spoke to Cingular since the last meeting when it was learned that they posted their signage without a Shelton P&Z permit to do so. He relayed that the Cingular indicated it was a judgment call. The developer informed Mr. Schultz that in three weeks, Cingular would become AT&T anyway.

Comm. Pagoda stated that they need to return to P&Z to obtain a permit.

On a motion made by Anthony Pagoda seconded by Leon Sylvester it was unanimously voted to approve Application #4202.

#4213 LORENCE SIGNWORKS, 704 BRIDGEPORT AVENUE, SIGN

Richard Schultz indicated that this Separate has been withdrawn.

On a motion made by Anthony Pagoda seconded by Virginia Harger it was unanimously voted to withdraw Application #4213.

#4733 NW SIGN INDUSTRIES, 828 BRIDGEPORT AVENUE, SIGN

Richard Schultz indicated that this Separate has been withdrawn (*Cingular*).

On a motion made by Anthony Pagoda seconded by Virginia Harger it was unanimously voted to withdraw Application #4733.

#6992, ANCO SIGN CO., INC., 702 BRIDGEPORT AVENUE, SIGN

This separate is for the GameStop signage already shown by Pat Rose with the rendering of signs for the first elevation at Split Rock.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to approve Application #6992.

End of Tape 1, Side 1, 8:02 p.m.

#4236 SIGNS UNLIMITED INC., 539 HOWE AVENUE, SIGN

This sign had been previously tabled due to sign color and quality. Revised signage for The Shelton Pizza Palace was shown to the Commission. The quality of the awning material has been upgraded and the color green used for the awning is darker than the previously chartreuse.

On a motion made by Anthony Pagoda seconded by Leon Sylvester it was unanimously voted to approve Application #4236.

4262, VICTORIA STEVENS, 60 LYNNE TERRACE, HOME OFFICE

Richard Schultz stated that this is 42 square feet. It is an internet business, hours 10 a.m. – 8 p.m. with one employee. Staff recommends approval.

On a motion made by Anthony Panico seconded by Leon Sylvester it was unanimously voted to approve Application #4262.

#4280, PATRICIA RACSKO, 12 SUNNYSIDE DRIVE, HOME OFFICE

Richard Schultz stated that this is an EBay business, 75 square feet, one employee up to 35 hours/week. Commissioner Lopera asked about outside deliveries. Mr. Schultz indicated there would not be any EBay deliveries, no signs.

On a motion made by Anthony Pagoda seconded by Leon Sylvester it was unanimously voted to approve Application #4280.

#6584 DAVIUSR SOKOLOWSKI, 41 NEW CASTLE DRIVE, HOME OFFICE

Richard Schultz stated that this is for a painter/contractor, 75 square feet, one employee, no signs, one van (unmarked), and no outside equipment/storage. Staff recommends approval.

On a motion made by Anthony Pagoda seconded by Leon Sylvester it was unanimously voted to approve Application #6584.

#6982 ED SOL, 259 WAVERLY ROAD, HOME OFFICE

Richard Schultz stated that this is a roofing contractor business, 50 square feet, one employee, full time 8 a.m. - 5 p.m. He has one five ton pickup truck, no signage, no outside storage, no deliveries. Staff recommends approval with the standard conditions.

On a motion made by Leon Sylvester seconded by Anthony Pagoda it was unanimously voted to approve Application #6982.

#6977 DANIELA CAPOZZI, 664 BOOTH HILL ROAD, HOME OFFICE

Richard Schultz stated that this is for a Mary Kay Cosmetic business, 50 square feet, one employee. The conditions of approval are no signage and no shows at this residence. Staff recommends approval.

On a motion made by Anthony Pagoda seconded by Leon Sylvester it was unanimously voted to approve Application #6977.

#5831 COMMERCE BANK, 828 BRIDGEPORT AVENUE, COMM. CONST.

Richard Schultz stated that this for Grants Bank facility (next to Fairchild Trailer Park), 3669 square feet. Staff recommends approval.

On a motion made by Anthony Pagoda seconded by Virginia Harger it was unanimously voted to approve Application #5831.

#4293 LIBERTY AUTO & ELECTRIC, 276 HOWE AVENUE, REPLACE CANOPY

Richard Schultz stated that this is the old Texaco station by the Commodore Hull Bridge. Many years ago, the Commission approved the renovation. They are finally ready to obtain the permits to resurface the building with brick. They want to replace all the canopy, and they agreed to put the upgraded *dentable(?)* molding (inaudible), similar to the Cumberland Farms canopy on Long Hill Avenue & River Road. This will be their Phase 1 work. They will return to obtain permits for the entire renovation. They will be replacing old signage with a monument sign.

Commission Pagoda asked if this is in line with what was approved a few years ago. Richard Schultz stated that it was except for the *dentable(?)* molding.

On a motion made by Anthony Pagoda seconded by Patrick Lopera it was unanimously voted to approve Application #4293.

#6589 LINDA HOOPER, 61 EAST VILLAGE ROAD, BARN

Richard Schultz stated that this is the Hubble Farm. It is listed as one of the official farms in Shelton since amendments were made to the zoning regulations for keeping livestock. Mr. Schultz wanted the Commission to take note of a restrictive provision in those regulations that was probably done incorrectly. Mr. Schultz stated that he hopes to resolve it tonight. He stated that when they mandated that all farms in Shelton needed five acres for unlimited livestock, we also placed a provision that all barns be constructed of wood. The reason the Commission did this was because many property owners were building barns on single acres, and consequentially, Quonset huts were being constructed. The provision was issued that any barns being built must be made of traditional materials such as wood. Staff feels that legitimate farms should be allowed a provision to deviate from this limitation on materials for barns.

Mr. Schultz provided a location map of the Hubbell Farm being surrounded by other farms and open space. He recommends approval and directs Staff to amend the regulations to put in exception for existing farms. Farms today are building maintenance free barns (steel construction). The intent of the previous provision was to insure that only traditional looking barns were being constructed on smaller lots.

Chairman Cribbins asked how P&Z classified a farm.

Mr. Schultz stated that it would be based upon it being 200,000 square feet and its occupancy.

Comm. Panico recalled that the original intent had been to prevent the building of oversize accessory buildings and calling them barns in residential areas.

On a motion made by Daniel Orazetti seconded by Anthony Pagoda it was unanimously voted to approve Application #6589.

#07-07, ALEX ESPOSITO FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (RESTAURANT EXPANSION), 376 RIVER ROAD (MAP 66, LOT 57), CA-2 DISTRICT – (PUBLIC HEARING CLOSED ON 3/27/07)

Richard Schultz stated that Staff advised that this application be tabled until May 29th. The applicant is still working with the City Engineer. Essentially, the major issue is that they are not supplying on site storm water catch basins. They are asking the City to let drainage flow go into River Road. The City Engineer is very much opposed to this. The architecture, landscaping, street trees and onsite parking have been greatly improved. Presently it comes down to onsite drainage.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to table Application #07-07.

#07-08, HUNTINGTON DEVELOPMENT GROUP, LLC FOR SUBDIVISION APPROVAL (11 LOTS: TREE TOPS SUBDIVISION) 279 SOUNDVIEW AVENUE (MAP 136, LOT 23), R-1 DISTRICT.

Richard Schultz stated that today he was informed by the City Engineer that there are some deficiencies that need to be addressed. The time frame runs out on May 17, 2007. Accordingly, we received a letter from the Applicant's attorney, R. Reeds, for an extension. None of the engineering concerns are of significance – property line dispute. Staff recommends that this extension be approved and tabled until May 29th.

On a motion made by Anthony Pagoda seconded by Virginia Harger it was unanimously voted to table and approve an extension for Application #07-08.

#07-24, BIC CONSUMER PRODUCTS USA FOR MODIFICATION OF SITE PLAN APPROVAL (RENOVATION AND OFFICE IMPROVEMENT), ONE RESEARCH DRIVE (MAP 27, LOT 1).

Richard Schultz read some correspondence from the Fire Marshal and the Staff Report.
***See attached letter from the Fire Marshal dated May 8, 2007.**

***See attached Staff Report dated May 8, 2007.**

The applicant is asking the City Engineer, Police and Fire Marshal to authorize the change of address from One Research Drive to One Bic Way.

On a motion made by Anthony Pagoda seconded by Daniel Orazetti it was unanimously voted by roll call to approve Application #07-24.

Chairman Cribbins skipped to New Business applications.

NEW BUSINESS

#07-26, KEVIN RUSSO FOR MODIFICATION OF SPECIAL EXCEPTION APPROVAL AND RE-SUBDIVISION OF LOT 7 (2 LOTS), MEADOW WOOD ESTATES, 7 PLUM TREE LANE (MAP 145, LOT 124), R-1 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING.

On a motion made by Anthony Pagoda seconded by Virginia Harger it was unanimously voted to accept Application #07-26 and schedule a public hearing for June 26, 2007.

#07-27, DOMINICK THOMAS FOR CROSSROADS AT EXIT 13, AMENDMENT OF STATEMENT OF USES AND STANDARDS FOR PDD #50, BRIDGEPORT AVENUE – ACCEPT AND SCHEDULE PUBLIC HEARING.

On a motion made by Anthony Pagoda seconded by Patrick Lopera it was unanimously voted to accept Application #07-27 and schedule a public hearing for June 26, 2007.

#07-28, PERRY PETTAS FOR DETAILED DEVELOPMENT PLAN APPROVAL AND ADOPTION OF PDD ZONE CHANGE (COMMERCIAL DEVELOPMENT), 366-368 HOWE AVENUE (MAP 117B, LOTS 60 AND 61) – ACCEPT FOR REVIEW.

On a motion made by Anthony Pagoda seconded by Leon Sylvester it was unanimously voted to accept Application #07-28 for review.

#07-29, ROBERT AND DOROTHY SLOSSAR FOR RE-SUBDIVISION OF LOT 10 (2 LOTS), LAUREL WOOD MANOR, 14 BUCK HILL ROAD (MAP 49, LOT 41), R-1 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING.

On a motion made by Anthony Pagoda seconded by Virginia Harger it was unanimously voted to accept Application #07-29 and schedule a public hearing for June 26, 2007.

PUBLIC PORTION

Chairman Cribbins asked if there were any members of the public who would like to address the Commission about an item not on the agenda.

On a motion made by Anthony Pagoda seconded by Leon Sylvester it was unanimously voted to close the Public Portion.

#07-30, HUNAN PAN FOR A SPECIAL EXCEPTION SITE PLAN APPROVAL FOR RESTAURANT AND PARKING EXPANSION, 303 BRIDGEPORT AVENUE – ACCEPT AND SCHEDULE PUBLIC HEARING.

On a motion made by Anthony Pagoda seconded by Virginia Harger it was unanimously voted to add and accept Application 07-30 and schedule a public hearing for June 26, 2007.

#07-31, DOMINICK THOMAS FOR A MINOR MODIFICATION OF A DETAILED DEVELOPMENT PLAN FOR PDD #50, 895 BRIDGEPORT AVENUE, ELIMINATION OF A CARPORT (SHORELINE VETINARY) – ACCEPT FOR REVIEW

Richard Schultz stated that this is the Shoreline Veterinarian Hospital.

On a motion made by Anthony Pagoda seconded by Virginia Harger it was unanimously voted to add and accept Application 07-31 for review.

#07-32, TH REAL ESTATE SHELTON LLC, MINOR MODIFICATION FOR DETAILED DEVELOPMENT PLAN FOR PDD #29, PARKING EXPANSION, 20 CONSTITUTION BOULEVARD SOUTH– ACCEPT FOR REVIEW.

Richard Schultz stated that this is for the Sure Source facility on top of the hill. They are requesting more parking for their expansion and additional employees.

Comm. Sylvester was confused about the location of many of the applications, and he requested that the agenda items be cited in some way other than numbers for identification purposes.

Chairman Cribbins returned to Old Business Applications #07-14, 07-15 and 07-16.

07-14, JOSEPH WILLIAMS ON BEHALF OF AVALONBAY COMMUNITIES, INC. FOR AMENDMENT TO THE ZONING REGULATIONS (SECTION 35, SUBSECTION 35.5.2: PRD REGULATIONS), (PUBLIC HEARING CLOSED ON 5/1/07) – DISCUSSION ONLY

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 (PUBLIC HEARING CLOSED ON 5/1/07) – DISCUSSION ONLY

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 (PUBLIC HEARING CLOSED ON 5/1/07) – DISCUSSION ONLY

In an effort to initiate a discussion, Chairman Cribbins stated that he considers the Avalonbay applications as a package of two proposals from 2005. He wanted to begin a discussion so that Mr. Panico could draft a proposal.

He is still in the process of reading it all the material that has been authorized to be included in the record from 2005. But he wanted to get a sense of how the Commissioners felt about the May 1st meeting and the Avalonbay proposals. They are now faced with a significant reduction in units. Chairman Cribbins felt it was prudent that the Commission at least heard their proposal under the advice of Counsel.

He expressed concerns about pitting two neighborhoods against each other – one gets 40 units at the expense of Bridgeport Avenue. Also, he is concerned about how a Court will view the fact that Avalonbay has already received WPCA and Inland/Wetlands approval on this property. This can be a negative factor in the courts. Assistant Corporation Counsel believes that the Commission should seriously look at these two applications. Even if the PDD Overlay Zone is approved, we would still have an opportunity to modify these proposals in regard to blasting, Beaver Dam Lake water quality, traffic control, etc. We would have to provide many modifications if these applications were to go forward.

Chairman Cribbins stated that he feels that they should write a detailed resolution with restrictions on implementation of the two projects regarding environmental concerns and blasting. He is concerned about having another Lane Street incident. He wants to speak

to and receive recommendations from the Fire Marshal. He still has questions for him regarding the blasting survey requirements (homes 500 ft from blast).

Mr. Panico agreed that the blasting survey requirements that were provided in the presentation were not adequate. The Commission needs to address the emotions of the neighbors about the blasting perimeter. Arbitrary distances are a good starting point but must be modified as needed. The Commission should provide a minimum radius within which they need to survey, but delegate them with the responsibility of returning to this Commission with their proposed survey area. This Commission can examine and modify it as necessary. Even the blasting expert testified that the 500 foot distance should be tempered by the area residences and nature of their construction.

Chairman Cribbins stated that he spoke to many people and reviewed many cases (75% of Avalonbay cases are won). Chairman Cribbins stated his opinion that it *appears* that the courts don't trust communities that push back on providing affordable housing. The courts seem to be siding with the acceptance of affordable housing. However, he asked members of the legislative delegation in the area about the possibility of including any existing community housing (trailer parks, etc.) in our affordable housing numbers

Mr. Panico asked if these legislative reps are open to or working on this possibility.

Chairman Cribbins stated that it wasn't accepted with much enthusiasm for it going forward in this state. Therefore, he is considering that perhaps the Commission can control certain aspects of both of these proposals rather than letting the case go forward in the courts.

Chairman Cribbins stated that he would be in favor of going forward and putting a resolution and restrictions on the proposals. He wanted to know the opinions of the other Commissioners.

Comm. Sylvester stated that he has been clear about his position on this issue, and it has not changed. Although he respects the negotiation process and the other Commissioner's opinions, he could not accept the numbers, the configuration or the design of the Avalonbay development on Bridgeport Avenue. He stated that he feels that the application for Bridgeport Avenue is very abusive. When he looks at the number of units, design, and the possible long term impact on the community, he cannot in good conscience, support it.

He has great concern about the blasting as well. Comm. Sylvester thinks they need to do everything they possibly can to protect the Shelton citizens. In the years to come, he feels that this will become an albatross in our community. It is too many buildings in too small of an area – not an appropriate area. The number of children predicted by Avalon seems inaccurate. It similar misconception came during the approval of Aspetuck Village. It is a poor and unsafe site for children. There are no provisions for recreation and open space. The clubhouse and pool are so inappropriate. He feels that Avalon is overconfident with this presentation - that they can push the limit and come forward with anything and have it approved. He can't support it.

Mr. Panico stated that what Avalon proposed is pretty consistent with their other projects.

Comm. Sylvester reiterated that 99 units on that property inappropriate. Furthermore, rental units could turn into anything.

Mr. Panico stated that is the type of business they are in. Our statutes have given them the green light to do what they want to do.

Comm. Sylvester feels that he would be baffled if a judge approved that many units on that site.

Mr. Panico stated that he knew they wouldn't approve 302 units, but he think they might approve more than 200 if it goes back to court.

Comm. Sylvester simply wanted to state that his position has not changed.

Comm. Orazetti asked for clarification of the current zoning in that area.

Richard Shultz stated it was split – R1 and office park district.

Comm. Orazetti asked Mr. Panico to recall an incident in which the courts wouldn't change the office park district zone.

Mr. Panico confirmed that he recalled it. Although the Armstrong Road proposal might be approved, he didn't feel as though the Avalon case would be as strong for the Bridgeport Avenue plan because of the OPD zoning. On the Armstrong Road, piece the R1 zoning and access to public utilities qualifies them as meeting reasonable standards.

Comm. Pagoda asked what would happen if the Commission approved Armstrong Road but denied Bridgeport Avenue because of the OPD zoning.

Mr. Panico stated that Atty. Sous was very specific that it was acceptance of both or the rejection of both.

Comm. Pagoda stated that if the Commission were to approve this, the amount of children and the amount of recreational space is too small. He thinks the swimming pool should go in lieu of more open space.

Comm. Pagoda stated that he feels the blasting is also a serious concern. Over the years, some blasting projects have worked out well and some have fail. He spoke to the developer on the Riverview site off of Murphy's Lane. When that project was set in motion, the Commission required him to bring in an outside concern specifically paid for by the developer to oversee (in addition to the Fire Marshal) blasting, blasting times, and amounts of charge. There has never been a problem with that site.

Mr. Panico stated that the problem with Lane Street was that it was a subsection of a site development. Because of that the Commission became less involved as it was taken over by the builders, contractors and Fire Marshal. P&Z really had no more role in it.

Comm. Pagoda expressed that the Commission needs to go above and beyond anything that they have ever done to protect these residents.

Mr. Panico believes that in that respect, the applicant understands and has already taken steps with their own blasting expert.

Chairman Cribbins stated that his theory is that if they put down specific terms and conditions, we go forward with the acceptance.

Comm. Pagoda feels it is still too early to make a decision.

Chairman Cribbins asked Comm. Orazetti for his thoughts.

Comm. Orazetti stated that he feels that the Bridgeport Avenue site isn't big enough.

Comm. Harger stated that she is not comfortable with a judge deciding because he has no emotional attachment to this town. She feels that we are in the best position to control this. She indicated that she has experienced blasting near her previous residence, she has traveled on Bridgeport Avenue and Huntington Street with its increased traffic. Although she isn't happy with the whole plan, she doesn't feel as though they should roll the dice and send it back to the court. The court doesn't know Shelton like we do, and they have nothing to lose. Comm. Harger stated that this is not the best possible layout for her, but this Commission needs to decide what goes on that site not the court.

Comm. Lopera agreed with Comm. Harger. These types of cases have a significant win rate (3 out of 5 win). If a judge awards a set number of units as a verdict then the

Commission will have very little control. The present numbers aren't ideal given the risks involved, but it is reasonable settlement, if we can put considerable controls on it. The developer would have to follow these controls, provide insurance and bonding requirements. The risks are high if we lose.

Comm. Lopera doesn't think that 99 is a good number on Bridgeport Avenue, however, 99 is better than 170. If another proposal comes in for this property it will probably be higher. He doesn't advise letting go of the decision-making because controls can be put in place. Settlements are never ideal – in good settlements both sides walk out unhappy. It is better than what we've been presented in the past. We don't want the housing statute burden of proof to turn to us. With controls, we should pursue this.

Chairman Cribbins stated in 16 years we haven't lost a case. However, by going back to court, the burden would switch to us to telling them why they can't do this as opposed to Avalonbay stating why they can. Corporation Counsel indicated that as well – we want to remain in the position of being able to tell Avalon why they can't do it.

Comm. Lopera stated that with the Wetlands and WPCA approvals, it leaves the Board with having to play with the hand we've been given.

Chairman Cribbins stated that he thinks the next step should be to put a package together including material from Mr. Trautman and others.

Mr. Panico stated that we are going rely very heavily on what was compiled for the last decision. He feels that a lot of the information will be negated by the fact the Inlands/Wetlands, who had the major role in responsibility, approved this. We will review and readdress information but he doesn't believe that it will reinvent the wheel.

Chairman Cribbins indicated that they should go forward preparing packets of information. Additionally, if outside consultants or experts are required to advise on blasting or other issues, we should have Rick Schultz look into that now.

Comm. Sylvester asked if they could address some issues of the design.

Mr. Panico replied that Staff spent a lot of time with Avalon. Within the parameters of what they are dealing with, there is a relatively small amount of design work possible. However, Staff was successful in moving the front building back from Huntington Street to increase the buffer by approx. 25 feet and increases the amount of landscaping. Staff successfully addressed other issues of roadway geometry, under-drainage in the buffer zone, and the Conservation Commission's request that the buffer zone remain as pristine as possible. Mr. Panico indicated that there was not a lot of room for very much flexibility.

Comm. Sylvester stated that is because there isn't any room there.

Mr. Panico stated that Avalon is cooperative to deal with; however, short of taking out about 25 units, there isn't much that they can do. We succeeded in getting a better transition to the north slope where landscaping can be improved. However, the south slope can't be improved because the space available can't be used or landscaped due to the water company easement. They have strengthened and improved upon the landscaping in areas where there is no easement.

Comm. Pagoda stated that besides the importance of the blasting issue, is there anything or anyone that can be brought in to assure 100% quality runoff of the water leaving that site to Beaver Dam Lake.

Mr. Panico indicated that they can monitor this process.

Comm. Pagoda wanted to know if they are using the best possible equipment and personnel.

Mr. Panico stated that Staff will look at it further and speak to an engineer that he knows who has performed an analysis of the Beaver Dam Lake. He'll ask if there is anything more that can be done as a precautionary measure. Even if all safeguards are put in place, unexpected events can occur that may cause abnormal condition.

Comm. Pagoda stated that he is aware of that but wanted to make sure that the Commission cannot be faulted for not taking all possible safeguards and controls in regard to Beaver Dam Lake.

Comm. Lapera stated that they should monitor the water for a period of time especially during construction.

Mr. Panico stated that he will investigate that or obtain expert advice.

Chairman Cribbins stated that he spoke to a very knowledgeable person working for the Town of Stratford, Mr. Danzer, regarding the Armstrong site. He feels that we should get the Town of Stratford involved with the prevention portion and making sure that storm water management be involved at these sites.

Comm. Orazetti asked about how many of the original 302 Avalon units were for affordable housing.

Mr. Panico stated that 30% or about 90 units out of 302 would have been affordable housing with the remainder being market value rental units.

Comm. Orazetti asked what percentage of the units requested does Avalonbay get awarded in the courts. They couldn't possible get everything that they ask for.

Mr. Panico indicated that the courts usually send the developers and the towns back to the drawing board to reach a compromise. If they can't compromise, the court will set a maximum.

Comm. Orazetti wanted to know if some units could be added and some taken away between the two properties to achieve a better ratio of units and acreage.

Comm. Sylvester stated that this is danger of this situation. The P&Z Commission is in the corner where two groups (neighborhoods) of citizens are pitted one against the other. He doesn't believe that the court would fly in the face of people's rights. He doesn't want to make an arrangement that would fail one part of the community and do nothing for affordable housing numbers.

Mr. Panico stated that it happens all the time – affordable housing will win.

Comm. Sylvester continued to say that there is a lot of emotion surrounding these proposals. He thinksthat the Armstrong Road units will probably blend into the neighborhood over time; however, the Bridgeport Avenue development will never blend in to that area.

Chairman Cribbins asked if there would be any other discussion tonight.

On a motion made by Patrick Lapera seconded by Anthony Pagoda it was unanimously voted to pay bills, if funds are available.

On a motion made by Anthony Pagoda seconded by Virginia Harger it was unanimously voted to adjourn at 9:25 p.m.

Respectfully submitted by,

Karin C. Tuke
Clerk

