

The Shelton Planning & Zoning Commission held a special meeting on May 15, 2007 in Shelton City Hall 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 Lapera
- Comm. Daniel Orazetti
- Comm. Anthony Pagoda
- Comm. Leon Sylvester
- Comm. Karen Tomko-McGovern
(Alternate)
- Comm. Ruth Parkins (Alternate)

Staff present:

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

Tapes (3) and correspondence on file in the City/Town Clerk's Office and the Planning and Zoning Office. Attachments are not available on line.

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

PUBLIC HEARING
APPLICATION #07-20, BRUCE MATTO FOR RE-SUBDIVISION APPROVAL
(LOT 3, DEANWOOD MEADOWS), 212 SOUNDVIEW AVENUE (MAP 9, LOT
25), R-1 DISTRICT.

Richard Schultz read the call of the hearing and one piece of correspondence.

***See attached letter dated May 10, 2007 from Thomas Harbinson, Conservation Commission.**

Jim Swift, Landscape Architect and Professional Engineer addressed the Commission.

Mr. Swift submitted certificates of mailing to Rick Schultz. He stated that this is a subdivision on Soundview Avenue at the intersection with Willoughby Road that was formed in 2002. At that time, it was a four lot subdivision with a large house (5000 square ft +) on it. Some may remember it as an old school for girls. The lot in question is Lot 3. It is a large single family residence with an apartment complex. That is how it was broken up when the school portion of that building was closed. This parcel is the subject of this re-subdivision application. At the time the subdivision was done, we showed all the commissions that this lot could be divided by showing a line on the map stating "possible future subdivision line." It was a matter of record at the time in 2002. We have since applied for a re-subdivision of that lot as stated on those plans.

Mr. Swift showed a map detailing this re-subdivision. He stated that part of one building must be demolished. This was the reason the original developer did not create a five subdivision lot in 2002. The present owner is willing to create a partial demolition of that structure. Part of the house will remain. There are no Zoning Board of Appeals variances or subdivision variances required for this subdivision. It is conforming in all ways.

Mr. Swift concluded the proposed application by informing the Commission that there has been approval by Inlands/Wetlands because there are some inlands/wetlands for this re-subdivision.

He addressed the Conservation Commission letter. At the time of the former lot subdivision a certain percentage of lots of raw land were required for open space. At that time, portions of three of the lots were encumbered with conservation easements. This satisfied open space requirements for the overall parcel. It has been well settled in case law that you can not double-dip for the open space. This original subdivision fulfilled its entire obligation for open space. Additional open space can not be requested in a smaller lot of that subdivision in the future. Mr. Swift stated that the open space obligation was fulfilled. He hopes the Commission will conduct its due diligence with Corporation Counsel or others.

Chairman Cribbins asked if anyone on the Commission had any questions or comments.

Comm. Pagoda asked what the total area of the parcel to be split was.

Mr. Swift stated that Lot 3 is 2.74 acres. The lots comply in all respects for area excluding wetlands.

Comm. Pagoda asked if they would be using the existing driveway or where a new one would be put.

Mr. Swift responded that the house has an existing driveway with a second driveway in a different location for the apartment.

Comm. Pagoda asked if it was presently being used.

Mr. Swift stated that it is an open driveway and it will serve the new house.

Comm. Pagoda asked about driveways in the other lots.

Mr. Swift stated that there is an existing driveway with a detached garage and an attached garage for another portion of the house. This existing house will be served by this existing driveway. The new house will also be served by an existing driveway.

Comm. Lopera asked if the open space was based upon the number of lots or the total acreage when the subdivision was first approved.

Mr. Swift stated that it was based on acreage.

Comm. Lopera asked if the acreage had changed at all in this subdivision. Mr. Swift replied that it had not changed.

Chairman Cribbins asked if there was anyone in the audience who would like to speak for or against this application.

Mildred Davy, 245 Soundview Avenue addressed the Commission. She stated that she lives across the street from the old Lombardi property, where Bruce Matto now lives. She indicated that she was very happy when Mr. Matto moved into the area and saved the old Lombardi School. It is a large, unique house in Shelton. Her concern is aesthetic. She feels as though changing a house like that changes the character of the neighborhood. Furthermore, it was her understanding that in R1 zone, there needs to be 40,000 square feet to build a new residence. She checked the plot size in the P&Z office. The map on file states that it is only 30,006 feet, and there are a considerable amount of wetlands there too. She asked for confirmation as to whether or not the Inland/Wetland Commission had approved this lot. She concluded that this plan seemed incongruous with the preservation plan.

Chairman Cribbins stated that it did receive Wetlands approval.

Kim Hanley, 225 Soundview Avenue addressed the Commission. She stated that she lives within 100 feet of this lot and has concerns about drainage, traffic and speeding. She disagrees with the Wetlands Commission, and is concerned about the value of her own home being affected.

Tom Hanley, 225 Soundview Avenue addressed the Commission. He doesn't feel as though the Wetlands did a very good study of this area because every time there is a heavy rain, water comes from the wetlands across the driveway and floods out into the street. Additionally, he stated that this plan would cause them to lose a tree line around the road.

Maureen Walker, 221 Soundview Avenue addressed the Commission. She lives across the street from the driveway discussed tonight. There is a dangerous curve with a lot of morning traffic. She stated that she thinks the driveway is too close to this curve and questioned whether or not the driveway would be moved.

Jim Swift addressed the Commission regarding these comments. He stated that the 2nd lot 30,000 square footage is without wetlands. Calculations are done without slopes, wetlands, etc. to prove that there is a minimum lot area. There are 1.8 acres for Lot 3b and 1.56 acres for Lot A – both lots are well above one acre.

In regard to the drainage, they are trading pervious for impervious. This is why there is no additional drainage. Even if there is no increase in impervious surface or discharge, sometimes they will put in galleys for roof drainage mitigation at the request of the City Engineer or P&Z.

The existing driveway nearest the curve is not going to be moved. The new house will be dropped down on the land in such a way that the existing driveway runs right into its existing garage.

Comm. Harger asked if the detached garage was going to be demolished. Mr. Swift stated that the detached garage will stay because it is a small structure (2 cars) and conforms to all setbacks.

On a motion made by Virginia Harger seconded by Patrick Lapera it was unanimously voted to close the public hearing for Application #07-20.

APPLICATION #07-21, CHINATOWN SHELTON FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR): RESTAURANT WITH TAKEOUT), 194 LEAVENWORTH ROAD (MAP 144, LOT 15) CA-2 DISTRICT.

Richard Schultz read the call of the hearing.

Royal Wells addressed the Commission on behalf of Chinatown Shelton and Henry Cho.

Henry Cho, who is present tonight, wishes to run a Chinese takeout restaurant with limited seating in the White Hills Shopping Center. His present restaurant located on Route 111 in Monroe has a great reputation. It is owned by Stop & Shop, and it is going to be demolished. He would like to relocate to Shelton. He makes great Chinese food.

Henry Cho, (street address inaudible) addressed the Commission. He stated he has been in business since 1990 and his restaurant is family-owned.

Chairman Cribbins asked Mr. Wells how many units he had the capacity for in the new building. (Was it nine?)

Mr. Wells stated that one door leads to the upstairs, but there were eight units downstairs. It will occupy 1100 square feet per unit.

Mr. Wells stated that on the schematic provided, Henry would be the unit #107, the 3rd unit going from left to right.

Chairman Cribbins asked what the hours of operation would be.

Mr. Cho stated that it would be Monday through Sunday (7 days/week) from 11 a.m. – 9 p.m.

Chairman Cribbins told Mr. Wells that the Commission will review each application in his new building as the units are occupied in an effort to monitor the adequacy of the parking. He stated that he wanted to review this application here tonight because generally anything with takeout constitutes a high traffic generator even though he knows

there is usually plenty of parking at this location. As the building fills up, the Commission would like to monitor how many spaces each unit requires so that there will continue to be sufficient parking. Chairman Cribbins indicated that they are going to put this on the record.

Comm. Pagoda asked if there would be any liquor served on the premises.

Mr. Cho stated there would be no liquor served.

Comm. Pagoda asked how many tables there would be inside.

Mr. Cho stated that there would be 2 or 3, it is primarily takeout.

Arlene Liscinsky, 54 Country Ridge Drive, Shelton addressed the Commission.

She stated that she has been a long time customer of Henry's restaurant and she loves his food. Additionally she is the store owner in the White Hills Shopping Center. In regard to the parking, from her perspective, she indicated that she prefers the quick in and out (takeout) traffic with a high turnover. She has no problem with this and Mr. Cho would be a welcome member to the establishment.

Sally Carroll, 130 Longfellow Road, Shelton addressed the Commission. She stated that this restaurant will not negatively impact traffic at the White Hills Shopping Center. It actually allows for more shopping to be done in one place and the opportunity to save gas.

Ken Roberts, 76 Rock Ridge Road addressed the Commission. He stated that he has been eating at Henry's restaurant for 5 – 7 years. He and his wife own/run the daycare at White Hills Shopping Center. Most traffic for them is families with hectic schedules running in and out to pick up kids. It would be great for them to pick up something to eat too. He indicated that he is 100 percent for this – it will be great for families in White Hills.

On a motion made by Anthony Pagoda seconded by Patrick Lapera it was unanimously voted to close the public hearing for Application #07-21.

APPLICATION #07-11, BARRY KNOTT ON BEHALF ON RICAR, LLC AND MIANUS HOLDINGS, LLC FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS: MARINA EXPANSION, MULTI-FAMILY, RESTAURANT/CLUB HOUSE), AMENDMENT OF THE 2006 POCD (PLAN OF CONSERVATION & DEVELOPMENT) BY MODIFYING CHAPTER 6, RESTRICTED COMMERCIAL DESCRIPTION AND CAM SITE PLAN, 704, 712 AND 722 RIVER ROAD (MAP 32, LOTS 16 AND 17), IA2 AND IA3.

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

***See attached letter from the Conservation Commission, Thomas Harbinson dated May, 10, 2007.**

***See attached letter from the State of Connecticut, Department of Environmental Protection Agency, Office of Long Island Sound Programs, Crystal Columberg dated May 14, 2007.**

Chairman Cribbins stated that Alderman Perillo was present and would like to put his comments on the record before the Applicant's presentation.

Jason Perillo, Shelton Board of Alderman, 454 Coram Avenue, addressed the Commission. Alderman Perillo stated that he was speaking to represent the Board of Alderman about this application. He referenced a memo that he sent to Rick Schultz that summarized the points he would be discussing. Rather than have Rick read the memo, he wanted to highlight some points in it that would clarify the position of the Board of Aldermen.

Aldermen are largely cautious about an amendment to the Plan of Conservation and Development. Many believe that such an amendment is reasonable provided the Planning & Zoning Commission is diligent in its wording so as not to set unwanted precedents for future, less desirable amendments. Others believe that the amendment should not be allowed.

Alderman also wish to make the Planning & Zoning Commission aware of other issues such as public access, density and intensity, positive economic impacts, environmental questions, and sanitary sewer lines.

Alderman Perillo stated that he will briefly cover these issues.

- **Amendments to the Plan**

Aldermen are concerned about amendments to the P&Z plan. One Alderman suggested that the plan not be amended and the 24 townhouses be denied. Others have suggested that the Planning & Zoning Commission carefully craft its rationale for an amendment in such a way that clearly confines action to the subject parcel. Such wording should be specific for the subject parcel and its current designation under the plan thus minimizing the risk of precedent setting for undesirable land use parcels in the future.

- **Public Access**

Many aldermen agree that adequate public access to the riverfront on the subject parcel must be preserved. The application includes the provision for public access, but it has not been clearly defined. The application also requests that the City relinquish its right of way to the paper street continuation of Murphy's Lane to the riverfront. This further enhances the need for public access within the project. One alderman suggested that the City maintain its right of way in Murphy's Lane. It should noted that the right of way would be confronted by significant topographical challenges and access by a marina may be more feasible and practical.

- **Density and Intensity**

The Aldermen are concerned about the number of boat slips proposed as well as the number of residential units. Should the uses be approved? Many of the Aldermen

would suggest that the numbers be decreased in order to create a less intense development that has a lesser impact on vehicular and boating traffic and a less intrusive impact on the Housatonic River.

- Tax Impact

Many Aldermen believe that such a project could be a good source of tax revenue.

- Environmental

One Alderman has voiced concerns about environmental impacts given the fact that the subject parcel is situated along the Housatonic River, and there are concerns about sanitary sewer lines.

Barry Knott, lawyer for office of Knott & Knott, 1656 Main Street, Stratford addressed the Commission. He stated that he represents Ricar LLC and Mianus Holdings LLC, both of which do business as Beacon Point Marina at 704, 712 and 722 River Road, Shelton. The principle and managing member of those companies is Rick Kral.

Before beginning his presentation, Mr. Knott thanked Rick Schultz for his courtesy and patience in guiding him through this process.

He distributed folders of exhibits to the Commission for reference throughout the presentation. He submitted letters of mailings to Rick Schultz.

He began by calling attention to the first 14 exhibits. The first is a photograph of the signage on the property per P&Z regulations. The second through fourteenth exhibits are photos of the existing conditions at Beacon Point Marina. The photos showed views of Beacon Point Marina from various vantage points such as south, north, and street level, looking up the river and looking down the river. Photos of crew team boathouses (Fairfield University, Fairfield Prep, Sacred Heart University) and adjacent residential homes (712 River Road and 704 River Road) were provided.

Mr. Knott commented that the Fairfield Prep Crew Team would be interested in speaking to the Shelton High School athletic staff about initiating a crew team at that level. There is ample availability of space at the proposed site.

Mr. Knott discussed some history of the site, ownership components and how they arrived here tonight. He referenced the Exhibit 15 survey of existing conditions at the site. The site consists of 9 acres comprised of three parcels. Parcel 1 to the south which he called the Murphy Marina Piece is approx. 7.7 acres originally purchased by the first Patrick Murphy on November 15, 1877. This property has been in the Murphy family for over 100 years until subsequently being acquired by others. Mr. Knott is uncertain as to when the Murphy's began operating a marina, but as far as he knows there has been a marina there for at least four decades. There is also the paper street made reference to in one of the comments known as the Extension of Murphy's Lane. This leads down from River Road where the current functional Murphy's Lane dumps onto River Road then across the street down a 50 foot change of elevation into the water. It has never been able

to be used by anyone at the city level because of the change in elevation. The property is still privately owned. The deed was never transferred to the city, but notwithstanding the fact that the City never acquired title to that portion of Murphy's Lane, it shows up as a paper street on Shelton maps. Therefore, they have asked the Board of Alderman to abandon any claim the city of Shelton may have in that street in favor of the public access or public amenity offered to the City in this proposal.

The parcel contains 1.4 acres north of the paper street upon which sits the house known as 704 River Road. This marina property contains six temporary buildings and two permanent buildings together with about 48 boat slips, and a single family house. The house parcel contains another house, 2 garages and one boat house. Currently, there are no sewers at this site. The nearest one is 1200 ft down River Road to the south. The site is IA2 zoned.

Mr. Knott changed the focus of his discussion from the site overview, marina history, and marina business to an existing site they operate in Greenwich. The Greenwich Water Club, which in many ways is similar to this proposal. One of the unnumbered exhibits included a Greenwich Water Club brochure. Additionally, Mr. Knott showed exhibits and photographs of the Greenwich marina site.

Richard Kral, Jr. addressed the Commission. Mr. Kral commended the Commission on its efforts in setting the standards it has with their Plan of Conservation and Development. He sits on a special council in Greenwich where he resides. He has been asked by the moderator to work with the in-progress Greenwich Conservation and Development Plan to integrate their capital improvement projects into the POCD. He has often referenced the Shelton plan and its standards. He is very in tune with the work of conservation and development, and he is impressed by the work Shelton has done in this regard.

Mr. Kral stated that he has developed a good plan and put together a great team of people for this mixed use endeavor. He introduced his team and indicated that they will be making brief presentations tonight in their areas of expertise. Barry Knott, our lawyer, is knowledgeable in local attributes as are many of the members of our team. Additionally, they are all knowledgeable in working on projects such as this.

Mr. Kral introduced Dave Sullivan from Barkan & Mess Associates traffic engineers and Joe Mingolello from Mingolello & Hayes architects. Joe is local architect very familiar with the town's requirements and initiatives. He introduced Dean Pushlar, a landscape architect, Studer Design Associates who worked on the Greenwich project, and Craig Flaherty, engineer/site planner/surveyor of Redniss & Mead, Inc. Mr. Flaherty can address any environmental concerns.

Mr. Kral stated that he believes they have designed a plan that brings together a balance with mixed uses. He hopes the residents of the community and the Commission will be happy with what they plan to bring forward.

Mr. Kral stated that they have worked with the Greenwich community to bring in a project with a lot of the same components such as public access, easements, recreational access to the waterfront, commercial uses, servicing and storage of boats. He'd like the Commission to keep three points in mind during his presentation:

- A mixed project such as this is a matter of give and take in order to balance economics with needs. There may be some things that people aren't happy with but there is a lot here with something for everyone.
- There is little speculation here. They have worked on this site for five years. Previously, they operated Beacon Hill Marina in Stratford. They have been operating in this community for five years with 12 -15 people.
- They aren't pioneers in this type of project – this is being done all over the area. They've been involved in the marina in Greenwich with a mixed used setup. The marina in Stratford and Milford are also similar with its mixed uses of a marina with commercial entities such as a restaurant, boat slips, service area, etc.

The common element is the mixed use component with commercial entities. They've had to balance components to justify the mix of marine uses, the access to the water for the public and economic drivers for putting a project of this magnitude together.

Mr. Kral stated that he wanted to provide an overview of the Greenwich facility because other speakers will be referring to it. He referenced the public handouts including a map of the Greenwich site and a collage of photos.

Chairman Cribbins asked if there was a residential component to the facility in Greenwich.

Mr. Kral answered that there was not but they provided a medical use building as a commercial component for the mixed uses in Greenwich.

While referencing a large schematic of the Greenwich layout on display, he referenced specific areas from north to south such as the parking, winter storage and boat racks. He showed the permanent parking and semi-pervious storage areas. He informed the Commissioners that this same type of application will appear in the Shelton plan. The Greenwich buildings include the clubhouse/restaurant – dining facility, 2 meeting rooms, team lounge and locker rooms/showers that service the pool and the marina. South of the swimming pool is an 18,000 square foot training center with workout facilities, indoor boat storage, training & rowing rooms, and team rooms. The marine operations' building is used for marina offices and boat sales. A 15,000 square foot medical office building was placed there instead of a residential component because the Greenwich site is a commercial zone with some grandfathered uses. Additionally, given the proximity of I-95, the Greenwich site was not conducive to the residential component.

The Greenwich marina has 270 boat slips. They rent approx. 250 of them, 20 are used for service operations, yacht sales, etc. This marina has a rowing dock for crew programs, fuel dock, a pump out (for public use), and a fire suppression and pollution

control unit. The slips average in size from 50 ft to 25 ft. This site is very familiar to the proposal being presented tonight.

Mr. Kral stated that in his presentation of the proposed Shelton site, he would reference the hand-outs and again discuss the site from north to south on the visual display in the front of the auditorium. On River Road from the north, where the two residential homes currently exist (Exhibit 15), the dotted line that runs about 1/3 way through the site is the paper road known as Murphy's Lane. Therefore, from the northern property line to the center of the paper road is the proposed 24 condominium units.

Farther south from there would be the Clubhouse and the swimming pool. The Clubhouse and swimming pool would be part of the association but they have combined what were two buildings at the Greenwich site into one unit for the Shelton site. The first and second floor of the proposed Clubhouse would have the crew programs, the team rooms, meeting rooms, training center and workout facility. On the third floor would be the dining room and clubhouse. By combining these functions it works efficiently while taking up less footprint and providing more of a clubhouse environment at this site.

To the south would be the Marine Service building. This would combine the boat service and main offices that took up two buildings at the Greenwich site. This was done due to the topography and high elevation at this location. It was conducive to creating a service yard with operating offices above it. They will be keeping the marine component on the site.

The main entry into the marina facility and Clubhouse will be from the southern access. A new driveway will be brought in order to get grade and parking to work well across this site. Presently, the driveway comes in down along the bank, and it is very dangerous. In order to get into the 5-8% range it would have work across the site to bring the driveway down to a reasonable level into the site.

It works well to center the Clubhouse and bring the traffic flow in and to the main parking area as well as access boat slips and crew amenities. The clubhouse has parking around it to accommodate mixed uses for individuals who want to be closest to the clubhouse, low profile docks or swimming pool.

The driveway access for the condominium units will be separate and to the north just about where Murphy's Lane is across the street. It will have its own entrance and an emergency access road at the northern end.

The marina itself has 300 boat slips, 2 large low profile docks (low to the water) for launching canoes, crew boats, kayaks, paddle boats, etc. These special docks have worked well at the Greenwich marina allowing them to have the boats, such as those used by crew teams, be easily accessible into the water. These types of docks are designed for this type of launching. They aren't as wide as the standard boat docks.

They intend to have a fuel dock with a pump out station as well as environmental compliance gear in the event of a spill or emergency in the marina. The final part of the facility is the travel lift well and the public access boat ramp. Public access and easement details will be addressed by Mr. Knott. North of that would be a sitting gazebo with a public access boardwalk leading north all the way up to the condo dwellings with another gazebo located at that end.

Mr. Kral concluded his presentation of the marina components stating that it has some similarities with the Greenwich facilities. He told the Commission that he was looking forward to working with them to bring this project to the town.

Chairman Cribbins asked Mr. Kral about how well the parking accommodations worked out for the 270 boat slips in Greenwich. This application is for 300.

Mr. Kral asked the Chairman if he could wait and address that question to Dave Sullivan from Barkan and Mess traffic engineers at the time of his presentation.

Mr. Knott addressed some specific details of the current proposal. There are a number of applications before the Commission. One is to amend the zoning map by changing the zone from IA2 and IA3 to PDD. Secondly, they are requesting approval of an initial concept plan along with approval of a statement of uses and standards submitted in support of that initial development concept. The intent of this PDD is to accommodate a mixed use proposal including a marina facility with 300 boat slips, clubhouse with a 100 seat restaurant, a swimming pool and 24 residential condominium units. This application includes a public access component consisting of a 1000+ foot boardwalk with a gazebo water overlook at either end as well as a small boat launching ramp available to Shelton residents at no charge. A public access easement will be reported on the land records insuring the public access components into perpetuity. This water related use is in addition to the 300 boat slips with a fuel dock, sanitary pump out facility as well as a marine service building, clubhouse for water related activities, a full service restaurant open to the public and a swimming pool.

Also on this site but serviced by a separate driveway entrance/exit and a separate parking lot are 24 residential condo units located on the north end of the site in the vicinity of the two single family houses. All of the residential units will have waterfront views with access to the clubhouse, restaurant, swimming pool and boat slips adjacent to the condominium units. This site will be serviced by city water and municipal sanitary sewers connecting to the town of Stratford. An application has been submitted by us to the Stratford Water Pollution Control Authority for hook up connection to the Stratford system. That application is pending and it has not been acted upon as of yet.

We have also submitted a Coastal Area Management Site Plan which has been submitted to you as part of this application. Finally, this application also contains a request to modify the Plan of Conservation and Development (POCD) to amend the definition of Restricted Commercial as contained in that plan to include waterfront residential use with significant public access components including restaurant open to the public, private club

servicing owners of the residential units as well as other entities such as university and secondary level water related teams, a significant public access boardwalk and a public access small boat launch. Currently, the existing Restricted Commercial use definition simply mentions water dependent uses along the Housatonic River such as marinas. It is that limited definition of Restricted Commercial that we are seeking to expand by including all the public access components just recited. We want to expand that definition to include these amenities and public access components.

The applicant has already received the Army Corp of Engineers permit for the 300 slips. Exhibit 24 is a copy of that permit dated January 16, 2007. Additionally, they received a request from the Mayor's Office about a month ago as to whether this Applicant would be willing to provide a boat to the City of Shelton to be used in emergency situations.

Mr. Knott stated his client is willing to accommodate the city in this regard. The details remain to be done. They envision a situation in which a one or two policemen or firemen would be designated as the core people to operate the emergency vehicle in case a water-related situation arises. Those individuals would be trained by his client on the operation of the emergency boat, have access to the marina/boat, and have use of this boat for emergency purposes. Mr. Knott told the Commission that he relayed this to the Mayor and it is a subject not mentioned in any of the submitted material. Mr. Knott introduced Craig Flaherty of Redniss & Mead, civil engineers for the project. He will address existing conditions, proposed site plan, site grading, utilities plan and the storm management plan.

Craig Flaherty of Redniss & Mead addressed the Commission. He stated he was a licensed engineer in the State of Connecticut and his part in this project was related to the surveying, site engineering, drainage plans and infrastructure. He showed key points of the site plan on a displayed drawing.

The existing access driveways to this site are steep grades. The grades in River Road vary from about 50 – 60. Most of this site is between an elevation of 9 and 15 in the marina with an approx. 35 ft drop down. The other three curb cuts are associated with the single family residential use at the north of the site. He pointed out an area on the drawing that would be packed surface (fresh stone or asphalt milling); it extends all the way up the northern section of the site that is flat along the river. The existing site drainage includes a drainage corridor that comes in next to Murphy's Lane, goes under the site and discharges in the river through a 48" RCP. The existing facilities are served by onsite septic systems.

The proposal gives them an opportunity to improve the site infrastructure. The first improvement would be to create a permanent way to access down to the lower levels that is very safe, very easy and very feasible. It would involve taking the 35 foot drop and instead of doing it in a few hundred feet, they would do it in close to a few thousand feet. These grades would result in a wide easy radius, wider road with the same curb cut locations and a parking area that ends up on a desirable 5% grade. This provides an easy way to get to the center of the site and the access road to the boats and Clubhouse. This

is a major improvement from present operation. They are eliminating two curb cuts to the north.

They have another opportunity to get rid of underground septic systems and instead have the sewage flow from the site collected by a gravity system. The gravity system collects from all the buildings on the site plan, pumps the flow up the driveway and down to the existing gravity sewer and flows just in front of the (inaudible) building where the development across the street ties in.

In terms of the present drainage system, anything that falls on the site comes down overland and spills into the river without any positive collection or treatment and without any consideration to mitigating water quality in the storm water runoff. Mr. Flaherty stated that what they have the ability to do here is collect the surface water and add water quality improvements. All the (inaudible) spaces on the site first go through an (auger?) separator and underground infiltration systems to recharge some of that water, pull down suspended solids from pollutants before tapping into that 48" pipe before going out into the river.

This calculation is in the DEP's Storm Water Quality Manual on how to size these infiltration systems, do water quality volume calculations, and provide DEP requirements in that regard.

The southerly end similarly will have catch basins and manholes collecting water from parking areas and the boat yard, piping it through an (auger?) separator, a similar size infiltration system and tying it into the one discharge RCP.

They tested these pipes to determine they had adequate capacity both for existing flows and proposed flows. The calculations are fine and have been submitted for the record.

Mr. Flaherty stated that this could be done in a way that improves existing water quality conditions in terms of storm water runoff. He stated that he would be happy to answer any questions regarding infrastructure.

Barry Knott introduced Dave Sullivan from Barkan & Mess to discuss traffic and parking issues. He referenced handouts #25 – 27.

Dave Sullivan, Barkan & Mess addressed the Commission. He stated that he wanted to summarize the traffic study and address parking issues.

The traffic study began with a review of the existing conditions. This includes accident statistics, a review of the site and a traffic study. The traffic information for this site was gathered from an automatic traffic recorder which gave them the ability to look at traffic over an extended period of time. They started it on a full weekday and included a Saturday and a Sunday in 15 minute increments for the entire time period by direction. This allows them to determine travel speeds on the road as well. On this particular road, most drivers aren't traveling at the posted 40 mph speed limit.

In the proposal itself, one of the two key issues has to do with traffic impact. In terms of that issue, they determined the amount of traffic they expect the site to generate and where those trips go. Due to the unique nature of the land uses for this site, they looked at four different analysis periods – morning peak hour on a weekday, afternoon peak hour on a weekday, peak hour on a Saturday and peak hour on a Sunday. Obviously, Saturday and Sunday will be when marina activities peak. In terms of the amount of trips in those four periods, the lightest of all the trips was during the weekday morning peak hour (est. 45 trips in/out of facility). This traffic is primarily the residential and a small amount from the marina. In the weekday afternoon peak hours the traffic ramps up due to restaurant and club activities (est. 100 trips in/out). The peak hours on Saturday would be approx. 125 trips and on Sunday peak hours about 130 trips in and out of the site.

We assigned those to the area roadways and came up with two future traffic scenarios. We do a series of analyses - one without the Beacon Point traffic and one with the Beacon Point traffic. These analyses are in terms of level of service which is similar to school grades (Level A, B, C...). Those analyses showed that both driveways will operate at good levels of service, Grade C or better during three of the four peak hours analyzed. We found that level of service D would be the operations existing during the weekday afternoon peak hours. Mr. Sullivan pointed out that it isn't necessarily the traffic coming and going from this site that is causing the traffic. This is a function of how this road operates. For example, the residential drives during the same peak hours received a D. Making a left turn from any driveways along Route 110 during this peak hour will be difficult.

Mr. Sullivan referenced a Bar Graph of Traffic Volumes on Route 110 (#26). The graph depicts traffic each hour from midnight Friday to 11 p.m. Sunday night. The hourly traffic profile indicates that the marina traffic is not adding to the peak hour traffic flows but adding to it at times that have lower volumes of traffic.

Mr. Knott asked Mr. Sullivan to explain to the Commission why the marina traffic peak was at a time when River Road traffic was at a lower peak.

Mr. Sullivan stated that it was due to the characteristics of the site and the characteristics of the road. Heavy commuter patterns on River Road are associated with parkway ramps and Sikorsky Aircraft. Heavy traffic patterns for the marina are on the weekends when it has the bulk of activity.

Mr. Sullivan addressed a question from a neighbor about the visibility of turning out of Murphy Lane and if that condition would be the same. The study looked at the site lines and the speeds (52 mph) northbound and (53 mph) southbound. This is higher than the posted speed of 40 mph. They looked at those speeds and they looked at conduct guidelines for safety and visibility that should be between 580 – 590 feet. An initial study confirmed that those guidelines were achieved; however, in lieu of the Murphy Lane concern, they returned to recheck. They determined that there is a dip in the road but it did not hide the car from the marina location. It was also noted that the Murphy

Lane problem is compounded by the existence of a large retaining wall there. This would require some clearing in front of the site to maintain visibility because they are on the inside curve.

Mr. Sullivan addressed the parking issues. This is not in the study but is included in a follow up letter (Exhibit 25). They looked at the demand after seeing what regulations were in place, if any, and analyzed regulations in area towns with boat slips. A number of shoreline towns had data showing 1 parking space, 1.5 parking spaces or .6 and .7 per slip.

The Beacon Point Marina proposes 300 slips so the initial calculations used 1 space per slip with other components has their own requirements (clubhouse, marina service, training facility). In total that analysis which they consider a worst case scenario, concluded that 437 on site spaces would be required. They consider this a worse case scenario after researching the marina parking requirements.

They looked at the Institute of Transportation parking requirements that were conducted on a Memorial Day weekend. That study estimated .59 spaces per slip. Also, they found some other standards from the California Department of Boating and Waterways. They design standards for new marina facilities and they estimated .6 parking spaces.

Other factors include the fact that the condo facilities residents will have their own parking near their homes. Those residents will most likely have boat slips and patronize the restaurant. Employees working in the marina will be using other facilities. There will be a lot of interplay between functions that effect the parking needs. The service facility will utilize some slips for annual servicing. In lieu of this data, the parking requirement per slip was recalculated to be .75 spaces per slip. This new total provided a 347 space requirement with additional reserved spaces added. In conclusion, there would be 252 year round spaces, 84 seasonal spaces, 6 trailer parking spaces and 106 reserve spaces on site if demand warrants it. This new total is 448 spaces.

Chairman Cribbins requested that Mr. Sullivan point out the reserve spaces on the marina site drawing.

Mr. Knott stated that it was shown on Exhibit 27.

Mr. Kral stated that they have designated permanent year round parking spaces and 84 seasonal marina parking spaces that will be freed up when boats are moved out of that winter storage location. They could extend the permanent parking up along the driveway to add an additional 25 parking spaces if the Commission desired. As Mr. Sullivan stated, they feel that the 340 spaces estimated will be more than sufficient for this location. The Greenwich location has 370 spaces. They can accommodate 447 with the addition of trailer parking. These numbers do not include the condominiums because they have their own parking spaces.

Chairman Cribbins asked how many acres the Greenwich marina site is.

Mr. Kral stated it was 5 acres with the medical use building. The Shelton site is 9 acres.

Chairman Cribbins asked if they would specifically identify public access parking.

Mr. Knott stated that the entire site's parking would be public access.

Comm. Harger asked if there would be a walkway to get to the water from the upper parking areas.

Mr. Kral answered that they anticipate upper parking to be for service and employees. Additionally, parking accommodations have been provided around each building to prevent any excessive walking.

Mr. Knott introduced Dean Pushlar, Landscape Architect from Studer Design Associates, Inc.

Dean Pushlar addressed the Commission to discuss landscape design, lighting, and winter storage. He stated that there would be a combination of deciduous and evergreens which are much needed on this site. Sixty large trees will be added along the street line such as maples, pines, cedars and blue spruce. Evergreens will be used throughout the site to enhance and to provide screening. Shrubs will be planted around building foundations.

The lighting for this site would be residential in scale with 12 foot fixtures directed straight down focusing along the residential parking areas and the parking down to the site. There would be additional lighting on all the buildings as well.

The winter storage has been designed with the estimation that 78% of boats would stay on the site in the winter. They would use a rack system of two or three tiers. There will be three areas for the racks. These racks take out approx. 15 parking spaces and are located in the seasonal zoned area.

Mr. Kral stated that the lower portions of the winter storage racks could be removed to create parking for the peak season.

Comm. Sylvester asked for clarification as to whether or not the storage rack was taking away from the proposed parking.

Mr. Kral stated that the upper portion of the storage rack would only be over 15 spaces and not interfere with the permanent parking.

Mr. Knott stated that historically marinas have been sloppy about winter storage. On this marina they incorporate the new philosophy of marina ownership with structured winter boat storage facilities. These new storage facilities provide specific lanes, fire lanes and the ability to maneuver without a bunch of stacked up boats. The purpose of this exhibit is to provide you with a winter boat storage facility. This was not part of the initial

submittal, because we have been working on it. They wanted to present it tonight so you would be aware that this requirement has not been overlooked.

The area of the winter boat storage area is in the location to be used for extra seasonal parking that is reflected on Exhibit 27. In the wintertime it will be a boat storage facility, in the summertime, the lower portions will be removed for additional seasonal parking in the same location.

Commissioner Sylvester expressed his concerns that this parking and boat storage was based on the numbers (.75 parking spaces per boat slip) just presented. He hasn't conducted a study, but he has been to boat yards that tell him that number (.75) doesn't make sense. How can he accept all this additional information about boat storage if the original numbers provided for parking don't make any sense? Comm. Sylvester relayed that his experience from being at a boatyard was that he was invited to go fishing with others on a fishing boat – and at least three separate cars would show up for the same boat.

Additionally, he isn't familiar with any boat stacking so he doesn't understand why that boat storage isn't in a separate building.

Mr. Knott addressed Comm. Sylvester's comments. Assuming that .75 spaces aren't enough, the parking statistics from Mr. Sullivan indicated that even if every use in the marina uses the maximum number of required spaces (restaurant, clubhouse) it would total 337 spaces. This 337 spaces doesn't include the shared components (condos use slips, slips use restaurants, etc.) They can provide 448 with additional seasonal parking. Some of that seasonal parking is located where winter storage boats would be removed from.

Mr. Kral indicated that this winter rack storage system is used in the Greenwich facility. The lower cross members can be pulled out from under the racks to fit cars. Even on peak days such as Memorial Day, July 4th and Labor Day, they don't anticipate over a 1.6 space usage per slip. They are never at that 100% capacity.

Mr. Kral wanted to note at this point that the proposed marina is not a mega-yacht facility. They are not talking about big boats. Two-thirds of the slips designed for the Shelton facility are below 30 ft. The majority are 25 ft and under. The demographics here are indicating that the majority of boats are fishing boats, sport boats, etc. The largest slips accommodate 40 feet and there are only 12 of them. Right now at the Beacon Point Marina there are a lot of bigger boats there because right now winter storage is an economic driver. They store boats from anywhere up the coast. Greenwich storage last year was \$58/foot. The storage rate on the river is \$28/foot. The bigger boats are staying with us right now because it is cheaper for the owners. In Greenwich they have discovered that 60% of the boats that are with them in the summer stay for winter storage. It is their hope that small boat owners for this marina facility will do the same so that we can meet the needs of this community.

Comm. Sylvester asked if they would still attract other boats to come here.

Mr. Kral indicated that summer slip customers have preference for winter storage in Greenwich, and summer customers here take priority for storage here as well.

Mr. Knott introduced Joe Mingoello, the architect and referenced the handouts #30.

Joe Mingoello from Mingoello & Hayes Architects, P.C. addressed the Commission.

He began with a description of the sales facility which is the first building seen at the site. It is a total of 4000 square feet, 50' x 80'. The sales building will be at the grade level when you enter the site with the service portion on the lower level. The grade situation and the retaining wall hide much of the two story building from the rear (waterside) and hide one story from River Road. Therefore, you would see only one story from the front and two stories from the back.

The architecture has been carried through three of the buildings and the condos. There is a gray tone to the buildings with a Nantucket style water-oriented architecture, green patina standing scene roof with a lot of glass being used. In this sales building as well as the Clubhouse, they have incorporated some stone veneer as well. From this elevation, the building's stone veneer, gray siding and its cupola on top of the roof can be seen upon entering the site. The materials used in this marina services building are carried down to the Clubhouse.

One of the important aspects visually from Route 110 is the Clubhouse which is tucked down because of the major grade difference between the road and the water. They created a three story building with a lighthouse at the corner to attract the eye.

This lighthouse is the entrance to the building used for the training center and the restaurant. It is 7000 – 7700 square feet per level. The corner entrance has a stair that winds up to the upper level and an elevator. The training facility can be entered at this location or at another separate entrance. The training room and team training area has 14 rooms for teams that face the water, storage/equipment rooms, lavatories facing the pool and kitchen storage/access on the south elevation for less visibility.

The second floor level includes training rooms (with cardio and strength training equipment), 2 locker rooms, and kitchen storage. The whole restaurant is on the upper level facing the water. It includes a hostess/waiting area, a bar and dining room. The orientation for these facilities is facing the water and the pool. Also at this level is a kitchen service area, party room and wrap around deck looking north up the river. Summertime will offer nice outdoor dining.

The one corner with the lighthouse will be the focal point of the building with a canopy that wraps around to break up the elevation, standing scene metal roof, a lot of glass with the rest of the building in gray with white trim. He showed drawings of the view from

River Road and from the east elevation, the river elevation, the north elevation facing the pool and the south elevation where the kitchen is located.

The last aspect of the architecture is the residential component. The design is a 2 story townhouse with an unfinished attic space, two car garages, each level 9800 square feet, including balcony and deck, and one of the bedrooms facing the water. The rear elevation facing the water has what could be a used as family room or office. The total square footage is approx. 2000 square feet.

The materials include an asphalt shingle roof, stone veneer carried from the first building, and a gray shingle siding with a white trim. This concluded his discussion of the architecture.

Mr. Knott discussed the Army Corp of Engineers application (Exhibit 24). The project includes the shifting of the 7" deep, 100 ft wide Federal Navigation Channel. The applicant will dredge 19,500 cubic yards of material from a 30,000 square foot area to a depth of minus 5 feet mean below water. After being dewatered, it will be redistributed as ocean fill on the site. The existing bulkheads will be replaced, the riprap embankment will be rehabilitated and restored, reconfiguration to the floating docks, platforms and ramps will also be accomplished. Chris Drake submitted a detailed CAM application with a discussion of coastal resources and attests suitability of the project for the proposed site and the capability of resources to accommodate the proposed uses.

He has also discussed the water dependency issue as required by the Coastal Area Management Act. Suffice to say, the Army Corp of Engineers is satisfied with our submittals as evidenced by the permit to do the work (Exhibit 24).

Mr. Knott addressed the letter read by Richard Schultz that he received from Crystal Columberg, DEP Long Island Sound Program. Mr. Knott stated that he has submitted many waterfront petitions to the Long Island Sound Program and the response letters are usually much longer than 2 pages with many more adverse comments than the letter Mr. Schultz received. Ms. Columberg commends this marina project for its public access amenities but has concerns about the presence of the condos. Mr. Knott addressed these comments by stating that these public amenities can only be afforded by his client through the residential component (condos) of this mixed use proposal.

Mr. Knott wanted to address the Board of Alderman's comments, too. Especially those comments made in relation to the Plan of Conservation and Development (POCD) and the Applicant's request to amend the definition of Restricted Commercial district in the 2006 POCD. Mr. Knott stated that they need to amend that definition to include the public access components such as the restaurant, the clubhouse, the pool, boardwalk, etc. The definition of Restricted Commercial in the current plan of development it is very limited. It needs to be expanded.

Some of the Aldermen seemed be concerned about the propriety of amending the plan of development since it was just enacted in July 2006. Mr. Knott stated that he feels as

those individuals who are against the amendment of the Plan of Conservation and Development, miss the point of the POCD. It was created as a living document capable of be changed as time and circumstances warrant. He quoted Mayor Lauretti as stating on Page 4 of the memorandum to the Board of Alderman,

“I want to make a general statement about the plan of development. In general, plans of development, budgets, long range plans are blueprints to be guided by. I have always believed that you have to have flexibility moving forward because things change. Things change drastically in ten years. While the changes are not meant to be sweeping or catastrophic, you do have changes, and you have to have the ability to do that. I would just have to shake my head and throw my hands up in the air and not even respond to that if anybody thinks that this is a big departure from the Plan of Conservation and Development.”

Mayor Lauretti continues to say,

“I am never going to be one to get hung up on “the plan says we must do this or the plan says we must do that.” Life just doesn’t work that way in my eyes. I think they are good to have. They call attention to certain things and they remind us how to be guided. But in the big picture of things, you’ve got to be able to make decisions that move things in the right direction.”

In that regard, Exhibit 31 is a copy of certain pages of this POCD. Highlighted sections address the issue of amending this plan of development. It includes sections from the Connecticut State General Statutes. Mr. Knott continues to read other highlighted sections provided in his handout regarding the integration of coastal resources and the descriptions of Regional Business Economic Development Areas and Restricted Commercial Land Use categories.

His last Exhibit 32 was a highlighted copy of Shelton’s new PDD regulations, Section 34 which states “the intent of the Planned Development District is to encourage and accommodate unique and desirable development that will be consistent with the long range, orderly development of an area but is not accommodated by the established conventional zoning of that area by virtue of use and/or area, location and bulk standards.”

In conclusion, Mr. Knott addressed the benefits to City of Shelton. Taxes will go from slightly less than \$20,000/year to approximately \$385,000 year for all uses. Employment will go from 12 – 15 presently to 40 – 50. The 300 slip marina makes Shelton a true waterfront community because this is a full service marina. These new boat slips will represent the only new boat slips in Shelton. It will also provide a recreational component to the city that will support and augment the downtown residential development proposal. It will be a recreational draw for young professionals considering a move to the area. He concluded his presentation by stating that Mr. Kral had a few more comments to make.

Mr. Kral stated that he wanted to conclude with Mr. Knott's last point. He indicated that he knows the City of Shelton has a very aggressive downtown development plan. One thing that he has learned from the Greenwich facility is that over 80% of their members reside within six miles of that marina. They are very neighborhood oriented and the marina is a recreational and a family-based facility. They are looking to carry this same ambience to the Shelton facility. The people you are trying to attract to downtown are young professionals with a young child or two. They are looking for recreational venues. This kind of proposed facility will add a new dimension to this community's recreation and appeal to new residents.

He added that he worked in Murphy's Boat Yard as a kid and now he is looking forward to working with this Commission & this community to put together a quality recreational facility that would be a gateway to the waterfront. Mr. Kral stated that they can put Shelton on the map as a waterfront entity to be proud of.

At approx. 9:25 p.m., Chairman Cribbins stated that everyone has been sitting for over two hours, and after a short break, the meeting will resume at 9:30.

Chairman Cribbins resumed the meeting with questions from the Commissioners.

Comm. Harger asked if there were any thoughts about incorporating houses such as the one at 704 River Road. Could it fit in the plan anywhere for preservation purposes?

Mr. Kral stated that the house she refers to has been added onto numerous times over the years. The interior wiring and plumbing is extremely out of date. As Joe Mingoello mentioned, they have tried to incorporate some of that stone design into the overall design of buildings.

Comm. Harger asked about two wheel bike traffic on that road. It appears to be an attractive area for bike riding. Will you have an area to accommodate that?

Mr. Kral stated that as they get to the final site plan they will begin to add amenities such as handicapped parking spaces, dumpsters, bike stands, and bike paths. As a recreational facility they would encourage that type of activity. The Greenwich facility has many high school aged kids that come to the facility every day to row and recreate. In the spring and summer months they ride their bikes there. They have several bike racks to accommodate them.

Comm. Harger asked when the boat season was (when boats get put in & taken out of the water).

Mr. Kral stated that this year was a little late but typically the launch starts in April with some still going in around Memorial Day. The active season typically ends around Labor Day; however, there are still people going out on fishing boats in September and October. By Christmas, boats are completely out of the water, and they are finished with winter preparations.

Comm. Lopera asked if there was a fishing pier on the public access.

Mr. Kral stated that they do not accommodate any fishing in this application because of the marina facility. They have learned that casting lines in an area so close to boats was not a good idea. When they went through the original application with the DEP they looked at the constrained area for the docks. It didn't allow enough area for a fishing pier. They opted for the gazebos and walking areas. This occurred at the Greenwich facility as well. The DEP looks to minimize any sort of outcroppings into the water that aren't a definite water dependent use. They don't consider a walking pier to be water dependent or necessary to put out in the river. The DEP requests that this be shielded away from and that is why the walkways stay along the embankment and the gazebos are set back off the water.

Comm. Lopera asked if the public amenities in Greenwich were different than the public amenities here. Do they have the same walkway in front, or the same public access?

Mr. Kral stated that yes they have a public access walkway that extends from the sidewalk and runs the perimeter of the site and back up to the sidewalk. It is similar to this proposal except the southern and northern points here are very steep. We have a different environment here because it is public. The Greenwich facility is a private club. We provided access for the public walkway and created 3 parking spaces for that walkway in Greenwich. However, if those three public spaces are full, cars have to park somewhere else in the neighborhood.

We don't want as restrictive a facility in Shelton and want to allow entry/exit at any time and not be so restrictive of uses.

Comm. Sylvester asked if the restaurant would be year round.

Mr. Kral stated that it would be year round.

Comm. Sylvester asked about the extension into the water way and how many boats are presently there.

Mr. Kral stated that there were about 45 boats.

Comm. Sylvester wanted to clarify that they would be going from 45 to 300 and how far they would be going out into the river with the docking. How much farther is that than the dock that already exists (if it exists)?

Mr. Kral stated that yes they would accommodate 300 boats. Mr. Kral showed the farthest floating dock which is currently just north of the travel lift pit. The dotted line on the proposed plan schematic indicates the existing Federal Channel Line with the farthest proposed dock being 40 feet from that line plus an additional 30 feet. Therefore, it would be 70 feet farther in total.

Comm. Sylvester was surprised and questioned that by asking again if they were really going 70 feet farther and how wide the river would be at that point.

Mr. Knott stated that he thought it was over a 1000 feet.

Comm. Sylvester stated that he has fished on that river and can't imagine docks coming out that far. How does that affect the river traffic?

Mr. Knott stated that the docks would be 23 feet away from the new channel. The Army Corp approved the relocation of the channel.

Comm. Sylvester asked if we approved the extension of the docks into the river

Mr. Knott stated that this Commission approves the land side amendment.

Comm. Sylvester asked if they had anything to do with the docks.

Mr. Knott stated no. Your jurisdiction stops at the water way.

Mr. Kral added that they did have a neighborhood meeting at the hotel to review the Army Corp application. There were a number of folks that are familiar with the facility around the river that came to the meeting. We explained some of the conditions being dealt with. It was a good meeting with good input. From that point, the Army Corp of Engineers did issue a permit for us to change the channel. Part of the reason for this was the confusion that resulted from prior years between Beard mining the river and Murphy building docks and asking for forgiveness later. Things were not being kept on permanent record between the EPA and the DEP and the different agencies.

If you look at the existing condition, the current channel the way it is depicted on the Coast Guard federal channel maps runs through five of our docks that are now on the river. We needed to correct this condition no matter what. When we worked with the DEP and the Army Corp to correct that condition we had to go through many studies, soundings, sediment samples for the whole area. The channel in this area is silting in. If the channel line is moved out into the channel there will be less sediment.

End of Tape 1 Side 2

Comm. Sylvester stated that his issue wasn't with the channel but the confinement of the river and the use of the river by going out 70 additional feet. He stated that he has come to know that the DEP has little regard for the communities that it affects in lieu of the recent dumping of sediment from Stratford to Shelton. He asked if they took comments from the community about this extension into the river.

Mr. Kral stated that they did and it went through the public notice period.

Comm. Sylvester asked where these comments went because he is completely unaware of this.

Mr. Kral stated that it was published in the area newspapers. They went through the whole process. It was a joint effort from both the DEP and the Army Corp of Engineers. They dealt with both governing agencies. The Army Corp has jurisdiction over the federal channel and the DEP takes over jurisdiction from the federal channel line to the mean high water. Mean high water inland is the P&Z jurisdiction. Our DEP permit is basically approved pending your approval of the land facilities. They have two final questions regarding the parking and paper road issue. These two issues have to be cleared by this Commission for us to get our permit.

Mr. Kral pointed out that they aren't making any more waterfront, and have looked at being able to maximize the benefits to City of water dependent uses and public access to the water way. He stated that there isn't a great probability of another application of this magnitude coming before this Commission in the very near future, because it has taken us four years to get to this point. This is a very rigorous process. It is very difficult to enact the process of moving a federal channel.

Comm. Lapera had a question for Joe Mingolello, the architect about what the specific materials would be used on the roofing and siding.

Joe Mingolello stated that they would use a natural thin stone veneer, side shingles of a very high grade vinyl, standing scene metal roof in light green that looks like lead and copper.

Mr. Panico asked if there was room for variation on that.

Mr. Mingolello stated there would be.

Mr. Panico stated that some of the concern has been with trying to get away from that traditional Cape Cod look. Dealing with a three story building is difficult; however, some of their discussions hoped that you would gravitate toward that traditional Nantucket/Cape Cod look, if that is doable.

Mr. Mingolello stated that they are flexible on the shingles and horizontal/vertical lines of the building.

Chairman Cribbins asked the audience if there were any comments for or against this application.

Public Portion

Bob Leopold, President of Tanglewood Condo Association on Murphy Lane, Shelton, addressed the Commission. He commended the speakers on their presentation but he has some concerns. He stated that he and the Board of Tanglewood have meet

with John Anglace and Mayor Lauretti to express concerns about this project. They are not against it, but they do have concerns.

Presently, Tanglewood Condominiums have three buildings that are 32 years old, and they have water views (different buildings have different water views at different times of the year). If this project goes forward as it is, those water views will be taken away from the residents.

Traffic is another concern. Trying to get out of Murphy's Lane at rush hour, or anytime, is a dangerous situation. Adding a street opposite Murphy's Lane is going to be an even more dangerous situation. If this goes through, he requests that the City seriously consider a traffic light.

They are going to have to put up with a lot more noise than in the past.

He hopes that the City of Shelton isn't planning on giving up the Murphy's Lane Extension. It seems like the City should get something in return if they do.

Alderman Perillo mentioned the sanitary sewers briefly, but this is our main concern. He used the proposed site schematic to show the location of the Tanglewood Condos. The proposed sewer plan indicated that they would go in about 1200 feet for the pumps and holding tanks. Murphy's Lane isn't that much farther than the proposed 1200 feet. Residents on Murphy's Lane have a major concern about still having septic systems. They were the last condo in Shelton to get the septic systems, and now they are the only condo in Shelton that still has septic systems.

Mr. Leopold stated that if they are giving up their water views and putting up with a lot more noise and traffic, they would like to see them come up to Murphy's Lane with the sewers. Something should be given back to the City of Shelton besides a boat.

Richard Conklin addressed the Commission as a boat owner. He wanted to ask the applicant some boat related questions. Would there be pilings for the docks? Would the docks be removed in the winter and put up on land? Regarding the storage racks to be used in the winter, what size opening is on the lower part of that rack that you could park a car in it?

Additionally he expressed some concerns about safety on the river. He indicated that he stays off the river on the weekend because it is unsafe now. If there is a 200% increase in boat traffic, there will probably be an increase in boat accidents. He believes the City of Shelton needs to provide some sort of patrol there. There will probably be an increase in car accidents on River Road as well.

Mr. Conklin also wanted to know how much boat storage and slip rentals would be. He is concerned that it will be too expensive for the average boat owner in the area to afford.

Chairman Cribbins asked Mr. Conklin if he knew what the boat speed limit was on the river.

Mr. Conklin said that 5 mph is posted along the buoys but no one pays attention to it anyway. He told the Chairman that “as fast as you can go” is probably the speed limit.

Bob DeSoulo (sp?), President of ? Homeowners Association (above Tanglewood) addressed the Commission.

He wanted to share the same concern about how challenging it is to get in and out of Murphy Lane due to the traffic. He isn't questioning the data or traffic patterns provided, however, River Road isn't complete. Crescent Village isn't completely occupied, and now there is discussion about 300 boat slips, more homeowners, etc. He stated that traffic patterns, good or bad, are going to change, and this is putting a lot of stress on Murphy's Lane. It is becoming a shortcut up to Long Hill Avenue. The access coming out of Murphy's Lane has to be changed.

He stated that he regrets that Tanglewood never got their sewers when Crescent Village was being built. This opportunity should not be skipped now.

He thanked the applicant for their presentation, their vision and their investment. Once the details are ironed out, he thinks this is a great opportunity for the City of Shelton parallel to the redevelopment downtown.

He addressed Chairman Cribbins question about speed limits because he is a member of the Coast Guard Auxiliary. He stated that he believes there is plenty of room to bring that channel out but the problem is the state laws in Connecticut. If you are within 100 feet of pilings or morays you must slow down to 5 mph. Boats should not be going whatever speed they want. Therefore, enforcement will become a greater issue. The Coast Guard would send more support to the area if it is required to work with the city police and fire department, especially on the weekends.

Jeff Sneider addressed the Commission. He resides at 302 Maple Hill Road in Naugatuck. Although he isn't a resident of Shelton, he has been involved with the Friends of the Housatonic River over the last few months in their challenge with the State of Connecticut and the Caswell Cove Dredging Project.

He wanted to, respectfully, point out some of the statutory obligations that this Commission has as well as discussions they are authorized to undertake under Connecticut State General Statutes.

He applauded Mr. Kral and his team on their monumental and visionary project. It is something not seen very often in the State of Connecticut. They should be commended for their attempts to bring more water related uses to this state and the Housatonic River.

Under the Connecticut Coastal Management Act, the Zoning Commission does have the statutory obligation to determine consistency with the CCNA, and as Atty. Knott has

stated, primarily with activities above knee-high water. You have the ability to look at water dependent uses and public access issues and how those types of activities are impacted by the proposed project. This Commission, at the municipal level, has a front line review with regard to CCNA compliance and determination of adverse impacts. He encourages the Commission to look at the large dependent uses. Obviously, from the questions already asked by the Commissioners tonight, the public access that is offered by this project has generated a great deal of concern.

Just because the Corp of Engineers has authorized the shift of the channel, the dredging project and the slope stabilization that is required, this does not mean that the Army Corp of Engineers is infallible - because they are not. Also, it does not mean that this is a carte blanche approval for the project. Ultimately, the State of Connecticut and the City of Shelton have to determine if this is the right kind of project for the state's waters. The Army Corp of Engineers looks at issues such as water quality, navigational point of view, and compliance with federal statutes. They don't look at compliance with state statute where this Commission and the State of Conn. DEP come into play.

Mr. Sneider stated that he had an opportunity to review the coastal site plan that the Applicant submitted to the Commission. He said that when you look at the shift in the navigational channel it is interesting because it takes the tone that for some reason the channel made this mistake of going underneath the Applicant's docks. In reality that is not the case. As the Applicant has stated, there has been a lot of confusion over the years as to how those docks were established and how the existing channel was set. When you look and the sounding that show how deep the river really is, it tends to show the existing channel line a lot more closely than the proposed channel.

The Army Corp of Engineers authorized the channel shift is not because the river is huge but because the federally authorized channel is 7 feet and there is 7 feet of water when moving east. But as Comm. Sylvester asked, how deep is the river?"

Bank to bank this river is several hundred feet wide, but that doesn't mean that the public access from the waterway is several hundred feet wide. As the actual navigation is shifted to the east, they are possibly restricting access to the waterway because they are shifting the channel into the shallow water.

Mr. Sneider states that he tends to put more emphasis on the comments from Crystal Columberg, DEP, and Long Island Sound Programs. In her recommendations regarding this project, Ms. Columberg points out that an independent feasibility assessment of the proposal should be considered with respect to the proposed number of slips, parking spaces relative to size and grade of the site, the width of the river channel, and existing boat traffic on the river.

If you consider that the width of the channel authorized by the Corp. of Engineers is a 100 feet wide and the existing boat traffic, right now there are approximately 175 commercial slips available in the town of Shelton on the Housatonic (3 marinas). This project will bring it up to approximately 445 extra vessels total on this river in a town

with no harbor management plan and no marine police or any other type of law enforcement on the river. The DEP and Coast Guard are rarely present on the river.

The Applicant should be commended for willing to assist the city in its efforts to provide assistance for an emergency vehicle, training for city personnel and access to the river. In the greater context of the project and the development goals of the city, what kind of impact does this have on the river, the water dependent uses and the public access?

Ms. Columberg also recommends an independent visual impact assessment of the proposal. I am not sure what she means by this; however, it could be the hard stabilization of the bank versus the soft stabilization of the bank. The bank is so steep that the rip-rap may be the only option the Applicant has.

There is a concern about the number of slips assessable to the public versus what would be assigned to residential units at the site. Perhaps this could be addressed as well as the terms of rentals or sales of these slips to the public. This might help to put the public access of this project into better perspective. Other concerns are the location and feasibility of the public ramp as well as the location and feasibility of the public boardwalk. My question for the Commission would be how likely is it that the public ramp would be used?

Especially in lieu of the route that trailers with boats would have to take to get into the site. Furthermore, only six parking spots for vehicles with trailers are not enough considering the size of this project and an already tight parking scheme on the site. This can hardly be considered a public access.

Taking all these things into consideration, this is a huge project with a large scope and a lot of complexity both upland and as you push closer to the waterfront. Under Connecticut General Statute's 22A-109 Subsection E, a local municipal zoning commission has the discretion of performing a separate public hearing to specifically look at the coastal site plan review. Considering how complex the project is, the recommendation to the Commission, respectively submitted, is that you exercise that discretion. Separate the upland issues related to traffic, sewer, architecture, etc. under what you've already begun here. Look at the coastal site plan review under a hearing that you are authorized under state statute to use. In this way you are serving Shelton and the Applicant because you are putting them in the best position to put together a project that everyone will be happy with and not challenge later.

Comm. Sylvester wanted to commend the presentation just given by Jeff Sneider. He stated that his presentation for the Friends of the Housatonic River was probably the reason why Shelton was victorious in reversing the dumping in the Housatonic from Stratford to Shelton. He is somewhat familiar with his great credentials in this field. He didn't cite them today, but he has incredible credentials and works in this arena all over the world. He has become a friend of the Housatonic River. He has become an active participant in making our river better. Comm. Sylvester just wanted to editorialize by urging the other Commissioners to take Jeff Sneider's comments very seriously.

Additionally, he would like to take Mr. Sneider's suggestion and make a formal request to have a special hearing to look into the coastal site plan and its future impact on the River. That would be beneficial to everyone concerned.

Chairman Cribbins thanked Mr. Sneider for his efforts and the work he has done for the Shelton community.

Joseph ???, 2 Fifth Street addressed the Commission.

I am a resident that enjoys the river and its integrity. He wanted to state that he feels that the number of additional boats this marina would bring onto the River might negatively impact it. He is concerned about safety on the water. He also wanted to agree with many of the comments made by Jeff Sneider who just spoke.

Ed Perez, 681 River Road addressed the Commission.

Mr. Perez stated that he lives right across the street from the project. He personally likes the marina plan, and he likes that it will improve his property value. He hopes that this project can help the Tanglewood Condo residents so that this could be a great project for everyone involved.

Mike Talmidge, Director of Friends of the Housatonic addressed the Commission.

He has been a boat owner for 15 years. He feels that a boat patrol will be needed because of the increase in boats there. He likes idea of the pump house because presently that has to be done in Stratford. The place where he keeps his boat right now has 60 slips with 1 ½ to 2 spaces per slip. He doesn't understand the calculations of .75 used by the Applicant for this project's parking. He likes the idea of this project but feels it needs further discussion. He asked the Commission to keep the forum open.

Adam Zuckerman, 2 Murphy's Lane, addressed the Commission. He likes this project and the fact that this Applicant has purchased all the property it will be using unlike other developers who come here.

Nancy Steiner, 2 Partridge Lane, Shelton addressed the Commission.

Due to the recent dredging of the river, she wanted clarification of the materials to be removed from the river and relocated when making these new slips. What is the volume and make up (chemicals, metals) of this material that they removing, and where are they going to move it to?

Mrs. Steiner wanted to know the approx. cost of the condos? She asked if any children expected to be there because they are attracting young professionals who may have kids. Her hope is that the architecture and design reflects a New England river town.

Chairman Cribbins asked if there were any other public comments. There were no more comments.

Chairman Cribbins asked the Applicant whether some docks were going to be removed.

Mr. Kral stated no, the docks are not going to be removed.

Chairman Cribbins asked if there would be any pilings.

Mr. Kral stated that yes there would be pilings and some anchoring of? (Inaudible).

Chairman Cribbins asked about the size of the openings in the storage racks. How wide would they be?

Mr. Kral asked them to look at the photograph of the racks at the Greenwich site to show the lower portion removed on the bottom. He indicated that this photo was taken in September at the beginning of winter storage.

Mr. Panico asked if it would be 2 cars between each support.

Mr. Kral stated that it is basically consistent with a 9 foot wide parking space. In the winter storage area, they will allow a 9 foot width for smaller boats with 18 feet in between each rack (2 cars). In another area of winter storage for larger boats, they will allow a 10 ft wide space in between boat racks. The racks and their spaces are scaled for the different boat sizes.

Regarding some of the pricing questions, Chairman Cribbins told the audience that the P&Z Commission does not get involved in the commercial applications, such as how much a condo costs, how much a slip rental is or prices for dinner at the restaurant, etc. Chairman Cribbins also noted that Mr. Kral might not even know that until he gets to the end of his own project.

For instance, this Commission could stipulate more or less condos, thereby changing the applicant's entire price structure. It isn't fair to ask the applicant what things cost at this time.

Mr. Knott stated that he would be able to respond that the slips would be rentals only, not sold, because he did hear someone ask that question.

Mr. Kral stated that theoretically they are all available to the public on a first come, first serve basis. Obviously, rates in that environment would be what the market dictates. It can vary widely in different locations. They are hoping that the well-rounded amenities of this marina will be part of the attraction to the area.

Comm. Sylvester asked if the condos would they be buying or renting slips.

Mr. Kral stated that the slips would all be rentals on a first come first serve basis.

Chairman Cribbins asked what materials would be removed from the river.

Mr. Kral stated that there will be some near shore dredging. This is handled by equipment from the shoreline. Most of this dredging will occur south of the retaining wall where

they are re-establishing the riprap bank. There is some sediment when it becomes shallow at low tide. This sediment has been tested; it is river sediment, bank run. It is clean with no metals. It has all passed through testing by the DEP, and it is suitable for onsite fill. None of it will be going to any disposal sites in the river or in Long Island Sound. It is only about 20,000 cubic yards. There is no dredging of the river, no disturbance in the river areas, no barges, and no rigs being brought in.

In regard to a question about ripraps, the DEP has required that they only restore the existing bulkheads and that everywhere else they only replace the ripraps if the river is minimally disrupted. They can't go in and establish walls or structures.

This makes it more difficult for them to establish a public access boardwalk because they will have to drive piles through the ripraps in the area to sustain the walkway. Whereas, if they were able to do a bulkhead like they did in Greenwich it would be easy to establish the walkway right on the bulkhead. This creates more construction costs for them, but it was a condition of the DEP.

In going through the DEP application, the Commission will see that they have already gone through many of these exercises. They will be minimally changing the flow of water along the river.

They are presenting this to the P&Z now because they went through the federal application process first. It is done and it is accomplished. They have gone through the DEP process and all the Coastal Area Long Island Sound Programs so that there would be no speculation by this Commission. In this way, the Commission can see what can be permitted in this area and all the criteria that have been met to do this. Mr. Kral stated that they have come to this Commission last. Furthermore, they are not developing the entire potential waterfront that they possibly could. They have scaled back this plan to what they hope the Commission will be comfortable with (from a parking standpoint, boats, condos...). Technically speaking, if the P&Z Commission decides against the condos, they could further develop the waterfront with more slips or more structure. They want to create a balance of economics, market factors, boat traffic, etc.

Mr. Panico asked Mr. Kral to address the convenience or lack thereof of the public boat launching area and the adequacy of the six trailer park spaces to support it.

Mr. Kral stated that in assessing this site, they wanted to create a 5% grade for large vehicles. The aisle widths and radius turns are very conducive to bring in large trailered boats. Adjacent to the ramp they included six full size car and trailer parking spaces that could park there all day. Trailers are used more to bring in and take out boats at the beginning and end of the seasons. If there is a greater availability of slips, there will probably be fewer trailers.

Mr. Panico asked if six trailer spaces would be sufficient for people who only want to bring their boat out for a day and trailer it back home at night.

Mr. Kral assumes that six should be. He wasn't certain how to best calculate the need.

Mr. Panico asked if it could be compared to another area like the boat dock behind Sunnyside School in Shelton.

Mr. Sylvester stated that might not be the best example because it is the only public boat ramp around, and it is used by many surrounding areas.

Mr. Panico asked if anyone knew how many spaces were behind that school.

Joe Mingolello, project architect, stated that he brings his kayak down there. He thinks that there is about three.

An audience member stated that there were more like fifteen.

Chairman Cribbins stated that due to the late hour, he would like to suggest recessing this hearing. It would allow the Commission the opportunity to familiarize themselves with the Coastal Management Plan. Over the course of the next couple of weeks they would like to discuss what others questions they need to ask the Applicant and who they might like to invite to provide other inputs.

Comm. Sylvester agreed that the community needs to learn more about this opportunity and the impact on the river.

On a motion made by Leon Sylvester seconded by Anthony Pagoda it was unanimously voted to recess the public hearing for Application #07-11 until May 29, 2007.

On a motion made by Anthony Pagoda seconded by Patrick Lopera it was unanimously voted to adjourn at 10:35 p.m.

Respectfully submitted,

Karin C. Tuke
Clerk