

The Shelton Planning and Zoning Commission held a special meeting on Jan. 22, 2008 in the Shelton City Hall, Room 303, at 7:00 p.m., 54 Hill Street, Shelton, CT.

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

The following members were present: Chairman Anthony Pogoda  
Comm. Patrick Lopera  
Comm. Ruth Parkins  
Comm. Leon Sylvester  
Comm. Thomas McGorty (alternate for  
Comm. Harger)

Members absent: Comm. Virginia Harger  
Comm. Daniel Oraziatti  
Comm. Chris Jones (alternate)

Staff members present: Richard Schultz, Administrator  
Anthony Panico, Consultant  
Pat Gargiulo, Court Stenographer  
Karin Tuke, Recording Secretary

Chairman Pogoda called the meeting to order at 7:06 p.m. with the Pledge of Allegiance.

**PUBLIC HEARING**

**APPLICATION #07-56, FITNESS EDGE, LLC FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS AND DETAILED DEVELOPMENT PLAN FOR PDD #2 (FITNESS CLUB IN FORMER BRADLEES), BRIDGEPORT AVENUE (MAP 9, LOT 14)**

Mr. Schultz read the call of the hearing. There was no correspondence.

**Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission.**

He indicated that he was representing the Applicant, Fitness Edge LLC who are trying to put the fitness club, The Edge, into the final spot of the vacated Bradlees in Shelton Square Shopping Center. He indicated that he had already submitted the notices in accordance with regulations and the photographs of sign postings. He distributed photos of the proposed facility's parking lot to the Commissioners.

He wanted to briefly explain that this was Planned Development District #2, one of the early PDD's, comprised mainly of a series of retail stores anchored at one end by Super Stop & Shop and at the other end by a Bradlees department store.

Bradlees department store went the way of Ames, Caldors, and others – leaving a large, vacant space at the end. The way the shopping center had been designed and the way it was laid out, it sort of stepped down from Stop & Shop to the little stores with another set of stairs going down to where Bradlees was located. Basically, Bradlees had its own parking lot. In front of the Bradlees was a small bank that has now evolved into the People's Bank with the recently approved drive-throughs.

Atty. Thomas indicated that the first two spots have been occupied by Hawley Lane Shoes and Bed, Bath & Beyond. The final spot remaining is 2200 square feet. He stated that his research indicated that they need to do a change to the Statement of Use. However, he pointed out that the entire PDD #2 includes what is known as Shelton Place. Shelton Place is presently Staples, Citibank and Panera Bread. Shelton Place seems to have its own Statement of Uses. In reviewing that Statement of Uses for that portion of the PDD, which is across a small stream there, fitness salons are a permitted use within that area. However, they were not in the original Statement of Uses for the main body of the Shelton Square Shopping Center.

Atty. Thomas stated that they are proposing that the Commission permit a full service fitness center within that area. He indicated that the main tenants of the Stop & Shop property will be doing some renovations to the façade and the interior to create a vanilla box.

He showed the Commission a colored interior floor plan sent from the engineers in Massachusetts to a local architect who put it on a board. He distributed some color copies of the exterior façade depicting the emblems of the stores that would be there. He stated that there would be a total match of the façade across; it would be real brick, as is there. Atty. Thomas stated that, although it isn't indicated on the drawing exactly what it is, he spoke to the architects and Stop & Shop. He was told that the materials would match all the way across with Hawley Lane Shoes and Bed, Bath & Beyond. Additionally, there would be some renovations to the roof to upgrade the mechanicals. He referenced the photographs distributed to the Commissioners.

Atty. Thomas stated that his client would be coming in and stated that the sign would be a little bit larger than what is proposed in the drawing. He informed his client, that under the P&Z procedures, they would have to make a separate application for sign approval because this is a Planned Development District. He realizes that the Commission has some control over the sign and concerns about the consistency of size and colors. It has only been put on the drawing for the purposes of this presentation.

Atty. Thomas indicated that he had smaller versions of the floor plan (aside from the displayed drawing) and the owner was present to answer any questions. He outlined the major areas on the floor plan showing the front of the facility, reception area, lockers, and open areas. He specified that there was no intention of putting in a club or cafes serving drinks. Drinks would be available, but only from vending machines.

In regard to the issue of parking, Atty. Thomas distributed a three page handout to the Commissioners and stated that his client went out during the peak period of Bed, Bath & Beyond and Hawley Lane Shoes shopping – the holiday period from November 27<sup>th</sup> through January 8<sup>th</sup>. He found that there were 291 regular spaces and 10 handicapped parking spaces available in the front. Additionally, he conducted these parking counts on certain days at various times of the day.

Atty. Thomas explained that the peak sales period for retail was the holiday season which coincides with the off-peak period for fitness gyms. The peak period for fitness gyms is after New Year's resolutions are made to lose weight. Their peak period would be January through the end of March - when many people run out of steam.

He explained that they've tried to demonstrate how peak to peak, with respect to customers, the least amount of available parking spaces during these various timeframes was 195. During the peak period for a full service fitness center, as popular as The Edge fitness centers, the peak time is 6 p.m. to 8 p.m. At that

time, they would anticipate somewhere between 150 – 170 cars. Therefore, even if the retail peak of the holiday season matched the fitness center peak, there would be enough spaces available during that time period. He explained that the photographs were taken during some of the times when the parking space counts were made.

Atty. Thomas stated that there is parking in the rear with 50 spaces that are seldom used. During the peak period of the fitness center, January – March at 6 p.m. – 8 p.m., the maximum number of employees would be 17 – 20. He indicated that all employees would be required to park in the rear. There are plenty of parking spaces in the rear of the building. Customers would park in the front and even during the peak periods, Hawley Lane Shoes and Bed, Bath & Beyond, don't generate a heavy volume of traffic.

Atty. Thomas concluded his presentation and introduced Vincent Sansome, the owner of The Edge Fitness Center.

**Vincent Sansome, 1100 Kings Highway, Fairfield, CT (corporate office location) addressed the Commission.** Mr. Sansome indicated that they were very happy to be there and have looked at Shelton for a long time because it is a great market to grow to. He stated that the Fitness Edge is the largest, privately-owned chain in Connecticut. They built their company and their philosophy on providing their members with outstanding facilities and a very friendly staff. They try to create a "Cheers" environment for the people that come there – saying hello and knowing who everyone is. All of their managers are owners in their company; therefore, it is not revolving staff like some clubs have.

Mr. Sansome continued to state that they strive to give their members a great experience every time they come in to exercise. They offer many great services in addition to the good atmosphere such as state of the art equipment and award-winning group exercise classes, such as the group spinning program which has won awards from magazines and newspapers throughout Fairfield County. They provide specialized rooms for services such as one-on-one Pilates, yoga, cardio kickboxing, personal/group and team sports training with levels for all age groups.

Mr. Sansome stated that at all of their clubs they do a lot of work with the towns and school systems. Additionally, they work with the various Boys' and Girls' Clubs and the YMCA on programs that they don't have but The Fitness Edge does. Other services included a Silver Sneakers structured exercise program for seniors and Kids Care, which provides on-site interactive babysitting for their members. He explained that while Moms/Dads come in to exercise, the children do can have fun too with arts & crafts activities, story times, and games - not just television.

Mr. Sansome indicated that their club would have state of the art equipment and personal entertainment screens on all of their pieces of cardiovascular equipment (treadmills, bikes...). He described the locker rooms as being very large and having a home-like atmosphere. The women's locker room provides separate changing areas in front of the showers.

He stated that they have locations in Milford, Stratford, Fairfield, Norwalk, Westport and Greenwich. He added that he feels this Shelton club would be their best club out of all of them.

Atty. Thomas indicated that concluded their presentation and they would be happy to answer any questions.

Chairman Pogoda asked what the hours of operation would be.

Mr. Sansome responded that they would be open 5 a.m. to 10 p.m. Monday through Friday and 7 a.m. to 6 p.m. on Saturday/Sunday.

Mr. Panico asked if the 17 -20 employees there at the peak operation was the total number of employees.

Mr. Sansome responded that the total number would be much higher and would include managers, babysitters, group exercise teachers, cleaners, etc. Teachers and trainers would come for their classes and leave so the total number would be different given the time.

Atty. Thomas clarified that he indicated the peak number of employees would be 17 – 20 to demonstrate the availability of parking.

Mr. Panico asked if they would enforce the employee parking in the back lot.

Mr. Sansome responded that they would.

Mr. Panico asked if it was adequately lit.

Mr. Sansome responded that it was.

Atty. Thomas added that it was the perfect lot for employees because it's located right outside their back door.

Mr. Sansome stated that they would have a closed pad for employees to type in a code and come in.

Mr. Panico asked what they would be doing for rubbish disposal.

Mr. Sansome responded that they would have dumpsters behind the building.

Mr. Panico stated that they've had some problems in that particular center with dumpsters getting out of hand, not having proper enclosures, etc. He cautioned him that Rick Schultz would be on his back about getting the dumpsters in the right location and maintaining them.

Mr. Schultz commented to the Commissioners that if they look favorably on this application, please direct Staff to work with the façade because it is critical to have the colors match for continuity.

Mr. Panico asked Atty. Thomas if he could provide any concrete information about what Stop & Shop is doing with the rest of that Center.

Atty. Thomas responded that through Mr. Randolph, they wanted to combine the applications. At first Stop & Shop was indicating that they were going to be coming in separately on the façade. They felt it was a minor thing. After conversations with him, he suggested to Mr. Randolph that they be combined.

Mr. Panico commented that they need to tie the façade improvements down.

Atty. Thomas stated that their engineers sent him a black & white façade which Rick Schultz has. He showed them a color version that he received through email. Atty. Thomas indicated that he didn't think Stop & Shop would have a problem with Staff's condition that it should match and coordinate. He has no involvement with what Stop & Shop is doing at the other end of the Center though.

Mr. Panico stated that they need to tie down a time frame for when these improvements would be done.

Atty. Thomas indicated that the lease was signed and the Fitness Edge planned on opening in August or September.

Mr. Sansome added that they would like to open sooner, hopefully. He commented that the Stop & Shop engineers are working full force. They have to complete their work which is the façade and the mechanicals before they can go in and start paying rent. He believes that if they want the rent, they'll get it done as soon as possible.

Atty. Thomas commented that they do not have any specifics on it though.

Mr. Schultz reminded the Commission that the subs work very quickly. They were watching them very closely for both occupants.

Mr. Sansome commented that, for a big company, they've been great to deal with from their end. Their engineers and realtors have been great.

Atty. Thomas added that their leases provided that they don't receive rent until people move in. They have to deliver the vanilla box and façade improvements before they can claim any rent.

Mr. Schultz commented that he had been advised that they would be addressing the roof over the pedestrian walkways going to all the retail tenants. He suggested to the Commissioners that they take a look at that when they are up at Shelton Square because it really needs to be upgraded. He asked them to think about what type of architectural design they would like there because it's a big area.

Comm. Lapera asked about the 180 lockers and the peak being 150.

Atty. Thomas responded that they used 150 – 170 to determine the maximum number of cars for a parking count. There might be 180 people in there.

Comm. Lapera commented about the four tanning booths shown, and if that or anything else takes into account anything that might make it more than 170.

Mr. Sansome responded that the parking count included everything and the tanning booth is actually one booth with a changing room in front of it. He showed Comm. Lapera on the floor plan that it was self-contained area.

Comm. Lapera asked about parking counts and the size of parking lots at the other locations.

Atty. Thomas responded that they didn't have the size of the other parking lots, but based on a similar sized building with similar sized memberships, the maximum number of cars at a peak time (6 p.m. – 8 p.m.) would be about 170. He stated that is what they looked at to make sure. He added that the peak time for the two retail stores would be fading off during their peak time. They thought the best way to do it would be to combine their peak time with the retail peak time to ensure that 170 cars would fit, and they can fit them.

Mr. Panico asked what the gross leasable area was.

Atty. Thomas responded that it was 22,000.

Chairman Pogoda asked if there were any more questions or comments from the Commissioners. There were none. He asked if there were any public comments. There were none.

Mr. Panico stated that the parking should be more than adequate because there should have been sufficient parking ratio allocated for 22,000 square feet of retail space to be more than the demand of this particular user.

Atty. Thomas noted that if there were a Bradlees-type department store there during the Christmas period, the parking lot would be filled to the back. He indicated that he could put them in direct contact with the company in Boston if they want any extra detail.

**On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to close the public hearing for Application #07-56.**

### **OLD BUSINESS**

**APPLICATION #07-44, BRIDGE STREET PARTNERS, LLC FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS: MIX USE DEVELOPMENT: (KYLE'S AND PULASKI CLUB PROPERTIES), 44-46 AND 56-64 BRIDGE STREET (MAP 129, LOTS D37, D38, D39, AND D40), CB-2 AND IB-2 WITH CBD OVERLAY (PUBLIC HEARING CLOSED ON 9/25/07) – DISCUSSION AND POSSIBLE ACTION**

Mr. Schultz informed the Commission that they haven't completed the resolution, but it will be ready for the February 12<sup>th</sup> meeting. He stated that he has contacted the Applicant, and he does not have a problem with it. He conveyed that the Applicant wanted the Commission to be aware that he would be meeting with the demolition team this week. He would be concentrating on the removal of the Pulaski Club first.

Mr. Shultz added that at the February 12<sup>th</sup> meeting, they would be reviewing the 8-24 Referral to the BOA on the abandonment of that part of Bridge Street. The Commission has directed Staff to write a favorable resolution on this and he needs a motion to table action until February 12<sup>th</sup>.

**On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to table Application #07-44 and accept an extension until the 2/12/08 meeting.**

**APPLICATION #07-46, DOMINICK THOMAS FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS: 7 UNIT CLUSTER RESIDENTIAL DEVELOPMENT), 122 BUDDINGTON ROAD (MAP 62, LOT 31), R-1/LIP DISTRICTS (PUBLIC HEARING CLOSED ON 11/27/07) - DISCUSSION ONLY**

Chairman Pogoda recused himself from this application with the Vice Chairman Lopera acting in his behalf.

Vice-Chairman Lopera indicated that there has already been some discussion on this application. Now it's a proposal for six as opposed to seven.

Mr. Schultz added that they are still entertaining seven – they voluntarily advised Staff that they would be willing to reduce it to six.

Mr. Panico commented that the decision is based upon what was submitted, but the Applicant showed them how he would propose to modify the rear area in order to comply with certain of the reservations and comments that Staff had made in earlier discussions relative to the spacing of the buildings, the proximity

to the wetlands, the proximity to the boundaries, etc. The result of what they showed them indicated a reduction of one unit in that back area from five down to four.

Vice Chairman Lapera asked what the total lot area was.

Mr. Panico didn't know offhand but it would be in the specs that Rick Schultz has.

Mr. Schultz informed the Commission that he prepared a Project Overview that he wanted to go through with them because there was a lot of correspondence in it.

**\*See attached Development Overview for Application #07-46**

Mr. Schultz read the Development Overview.

Mr. Panico commented about the discussion at the previous meeting regarding the reception of the adjacent development by the neighborhood. He thought that Comm. Sylvester may have been under the misapprehension that the Heritage Point project next door was received with open arms – but that was not the case. Everyone in the neighborhood spoke out against that project.

Mr. Panico indicated that he went back and checked the minutes and there was no neighborhood support for it.

Vice Chairman Lapera asked for clarification about the location of Heritage Point.

Mr. Panico responded that Buddington Park was to the north, Heritage Point was to the south. He thinks that Comm. Sylvester somehow got the impression that the proposal was well-received by the neighborhood.

Vice Chairman Lapera asked if he checked the minutes for Buddington Park.

Mr. Panico responded that he didn't have those minutes in his possession – they went too far back but he recalls that there had been opposition to that also.

Mr. Schultz added that there had been opposition with Country Walk too and the introduction of multi-family during that period. He continued reading page two of the Development Overview.

He interjected that Buddington Road has been R1 for single family; however, this property is in a split zone like Heritage Point. Additionally, the PDD regulations allow this type of technique to be used insofar as this is a transitional area. Walmart is to the east and there are cluster developments to its north and south.

Mr. Panico added that it was transitional both in terms of land use, that is, the commercial land used down this portion of the site as compared to the residential neighborhood. It is also transitional in the sense of multifamily on one side and single family cluster on the other side.

Mr. Schultz commented that the property is not completely surrounded by single family because in their new regulations, it states that they will not use the PDD if completely surrounded by single family.

Mr. Panico stated that the closest single family R1 lot is across the street.

Mr. Schultz added that the PDD technique is clearly the best technique to use for this type of land use proposal. He continued to read the Development Overview in regard to the site evaluation and development scenarios.

In regard to grading, Mr. Panico added that it was unfortunate that because of the higher grade in one location and where it meets in the back, that particular section of the road has to be elevated. As a result, they need to be extra cautious about headlight glare especially during the winter months when vegetation is off of the trees. He commented that he thought those issues could be addressed with proper evergreen screening, etc. He used the site plan to show where he would look to relocate or move some houses because of the headlight glare and added that when they look at the finite aspects of it, they will deal with those kinds of things. He added that fortunately there was pretty good room in there to do some good landscaping. There is an area where it is a little bit tight but by the time a car reaches that point, the headlights are already away. They can create an opportunity to get in the area by the bend in the road and do some evergreen screening.

Mr. Schultz indicated that they are proposing a 14% grade. City roads allow up to 10%. They do have areas that exceed 10%; however, they try to avoid them. But now with the remaining land the way it is, they have to deal with it. The City Engineer's report raises that concern. He stated that the project review period expires on January 31<sup>st</sup>. They need an extension from the Applicant, and they are aware of it.

He read the City Engineer's Report.

**\*See attached City Engineer's Report from R. Kulacz dated January 22, 2008.**

He indicated that the map highlighted the five dwelling units down in the back. The two up in front can be served quite adequately.

Mr. Panico commented that theoretically they could have their own driveways right off of Buddington Road, which they would discourage if a private road is available right along side of it. He added that when they talk about the number of houses served by this private street, they are really talking about the interior houses. For the front houses, it serves as a matter of convenience but the long grade starts beyond those two front houses.

Mr. Schultz read the correspondence from the Fire Marshal.

**\*See attached correspondence from James M. Tortora, Fire Marshal dated January 22, 2008.**

Mr. Panico asked Rick Schultz if he knew what the turning radius number was (to allow access for emergency vehicles).

Mr. Schultz responded that he did not know. It was an ongoing design situation. As the City Engineer indicated because of the 14%, the Commission should be looking at a further reduction of five. They've agreed to reduce it voluntarily by four.

Mr. Schultz stated that concluded all the reports. The Traffic Authority didn't have any comments. He asked the Commission to determine if the technique, the PDD, is justified in this instance. There are no other zoning regulations to accommodate this type of development. ZBA previously denied three. It appears that this is the right location of where the road intersects with Buddington Road for site line purposes. At this point, they need to know how the Commission feels about the overall project and the direction they would like to go.

Mr. Panico commented that Comm. Sylvester had asked at the last meeting about the highest and best use. They've talked about it being unrealistic to think that putting a single single-family home back there is the highest and best use. In his estimation and from a planning point of view, it would be inappropriate

with condominiums on one side and cluster housing on the other side. He stated that he thinks they need to explore something in the vein of what the Applicant has proposed, but the number of homes to be there is something they'll have to wrestle with. The mitigating factor that has to be considered is the steep grade condition. It could be flattened; but the cost of flattening that grade in terms of getting it up higher in the air with high retaining walls to put the headlights further up – he doesn't think it is warranted. The 14%, although it is high, it's a relatively short distance. It is workable. He personally lives on a public street grade that is about 13 ½ %. He has the same situation in which his driveway comes right up the middle of the grade. In very adverse weather conditions before the street had been properly maintained, he would just go down to his cul-de-sac and around and he'd usually roll right up. By the time the traction gets to be a problem, the momentum has carried him up to the top. If it's a reasonably well maintained driveway, it should work. As the City Engineer indicated, they've dealt with some topographically difficult sites elsewhere in the community. There is a mechanism in the Zoning Regulations to approve private roads serving up to four or six (inaudible). They've done one and that is the one the City Engineer is referencing off of 110.

Mr. Schultz stated that it was Housatonic Rise.

Mr. Panico commented that wasn't the best condition in the world but its further aggravated by the fact that the road has to do a horseshoe turn. Fortunately, in this case, it is a shorter distance and it's a relatively straight shot down to the cul-de-sac. He concluded that he thinks the nature of the proposal is the proper type of proposal, it is just a matter of this Commission deciding what they think is an appropriate density.

Comm. Parkins asked if the grade situation would exist with the as of right two lot subdivision or three lot with a variance.

Mr. Panico responded that if they put anything back there, they would have a driveway, at the very least with a grade of approximately that magnitude. A driveway might even be steeper.

Vice Chairman Lapera asked Mr. Panico about the adverse comments from the neighbors on the single family clusters.

Mr. Panico responded that the neighborhood in general was not supportive of it.

Vice Chairman Lapera recalled the subdivision to the north, Buddington Park and the discussions about industrial development on that property.

Mr. Panico responded that it was topographically challenged and would have required a lot of site work and some pretty good sized retaining walls to create the big areas on which to build the big industrial buildings.

Vice Chairman Lapera recalled that the Commission thought it would be better not to have the industrial and to put in some housing there.

Mr. Panico commented that the Commission was not supportive of the idea because it could end up with a road bringing industrial traffic out to Buddington Road and having to negotiate that sharp curve.

Vice Chairman Lapera added that it was the lesser of two evils. Personally, he is hesitant to take an action where another Board has said "no" to three, and in effect, reverse the decision of that Board by allowing six or seven.

Mr. Panico stated that it was two different mechanisms though. When they went to the ZBA, they went for a variance. A variance requires a demonstration of hardship. It was denied because there was no demonstrated hardship. Now they're faced with a planning solution to create a zone which would accommodate the development.

Vice Chairman Lapera commented that they are creating a PDD in what is essentially an R1 zone.

Mr. Panico added that it was done next door and on numerous other occasions where they have transitional circumstances.

Vice Chairman Lapera stated that he didn't remember being on the Commission voting for the one was to the south of this. He was loath to put even six houses in there.

Mr. Panico stated that he was not advocating the project as submitted. He suggested that the direction the Application is going is the proper direction. The number of homes is for the Commission to decide what they think is comfortable. Obviously, something more than one.

Vice Chairman Lapera responded that they would have two as of right.

Mr. Panico added that the two houses up front are a given, there is nothing wrong with how they work; they work nicely. Looking at the back portion, what they are wrestling with is the interior portion of the site that is accessed from the 14% grade.

Vice Chairman Lapera asked if it would be better for traffic to put none in the front and three or four in the back.

Mr. Panico responded no – the fewer number of units put in the back at the 14% grade makes him the most comfortable. The two in the front are fine and compliment the streetscape along Buddington Road.

Vice Chairman Lapera noted that this property was only three acres – 3 1/3.

Mr. Panico stated that it isn't the size of the parcel, it's the frontage of it. An R1 lot is 150 feet, nobody knows if it goes back 265 feet or 120 feet. Their particular R1 lot doesn't even look like one acre zoning, it looks like something denser than one acre zoning. A really comfortable one acre zoning would be 200 foot front by a 200 foot deep – a nice square lot. They take all the excess land, put it in the backyard and it never gets used.

He commented that there had been a lot of commentary at the public hearing by the neighbors in this particular case who felt that with all the development going on, this guy sort of deserves the same consideration. They received more positive feedback from the neighborhood on this Application than they did on these -Buddington Park or Heritage Point.

Mr. Panico stated that as Commissioners, he didn't want them to feel as though their hands were tied or they were undermining the ZBA because the ZBA operates under entirely different criteria. There was no hardship that would justify their request. The ZBA had no alternative but to really turn it down.

Vice Chairman Lapera asked if they knew what the acreage was on the back portion with the four houses excluding the wetlands in the middle.

Comm. McGorty asked for clarification as to the concerns expressed about the density in the back with that wetland when there was significant flooding.

Mr. Panico responded that the City Engineer reviewed the storm drainage report, and it does address retention for the 25 year storm, but he wanted to know about lesser storms. They need to design the retention so that it functions at all different storms, and apparently the material that was submitted didn't address that.

Mr. Panico estimated from the site drawing that the acreage of the back portion was between an acre and two-thirds or  $1\frac{3}{4}$  - depending upon where the line is drawn.

Vice Chairman Lapera asked Rick what the density of the other two developments was.

Mr. Panico commented that the density of the other sites averages out on the whole site, including their wetlands. If he were to include the wetlands for this site, it would be bigger.

Vice Chairman Lapera commented that it was about the area that the houses would actually be put on – 4 houses on  $1\frac{3}{4}$  acres.

Mr. Panico stated that if they were going to do that, they should go into the other plan and block out the wetlands and open spaces there.

Vice Chairman Lapera stated that it just seems as though 4 houses on  $1\frac{3}{4}$  acres is pretty dense.

Mr. Panico asked what the minimum lot size requirement at Heritage Point was – probably something in the order of 8,000 or 10,000 square feet. Those houses in the central part of it are very compact.

Vice Chairman Lapera stated that a single family detached should be more than 10,000 square feet for a lot.

Mr. Panico responded that they are a minimum sized lots. The average lot size is bigger, there is no question about that. The minimum size lot, if they were able to come up with a unique situation, could be that small. He would have to look at it. He indicated that he could answer that question given some time. He could overlay this shape on their drawing to see how many houses fall within that shape.

Vice President Lapera asked if, knowing the site, he could estimate it - instinctively.

Mr. Panico used the site plan to show how one portion was comparable in size to a similar location. He indicated that he was just eyeballing it, but if he were to superimpose that shape on that development, he could count 4 to 5 houses/lots in various locations on that site plan.

Vice Chairman asked if that was the same size lot as this one.

Mr. Panico responded yes – they try to use the same guidelines of a 25 foot minimum separation between houses.

Mr. Schultz added that in looking at the standards for Heritage Point, there were 8 foot sidelines – 16 feet.

Mr. Panico commented that the approved plan had changes to that because it was much too tight.

Mr. Schultz informed the Commissioners that Staff realizes that they may be wrestling with the final numbers. If the Commission is comfortable with the technique, and they want to direct Staff to write up a favorable resolution, then the number can be dealt with at the next meeting. It would allow everyone to give it more thought and Staff can do some more exercises on it.

Mr. Panico stated that in his estimation it's the only reasonable technique to use.

Mr. Schultz added that it is a fundamental issue that the Commission needs to say yeah or nay to.

Vice Chairman Lapera asked if the fact that there is a little bit of industrial in the back doesn't violate the no PDD's in an R1 zone.

Mr. Schultz responded that is what allows it – it's one of the criteria.

Vice Chairman asked the other Commissioners if they were comfortable with the PDD.

Comm. Parkins stated that she was agreeable with that.

Mr. Panico responded that with the authorization of the Commission, Staff would put together a resolution with the usual background, findings, and set up the basis for what they're doing. He'll leave the number blank so that Commissioners can give it some thought between now and the next meeting.

Comm. Parkins restated that they are really just focusing on the back because the two in front are a non-issue.

Mr. Panico stated that in one of the first discussions with the Applicant they commented about how tight some of the units were, the proximity to the wetlands and a couple of other issues. They went back and addressed those issues by taking a unit out, spread them out and moved them around. They showed Staff a drawing, which is not an official part of the Application, to demonstrate that it could be done very successfully.

Mr. Schultz added that they could prepare some additional exhibits for the Commission. They will take it to the next level. They've got all the reports. They all wanted to stay away from quantifying because they felt that was the Commission's call.

Atty. Thomas requested a 30-day extension with a follow up in writing to take them to the end of February.

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to accept the request for a 30 day extension for Application #07-46.**

Chairman Pogoda returned to the meeting at 8:13 p.m.

**APPLICATION #07-53, HUNTINGTON WOOD, LLC FOR MODIFICATION OF BASIC DEVELOPMENT PLANS AND STATEMENT OF USES AND STANDARDS FOR THE CENTER AT SPLIT ROCK AND DETAILED DEVELOPMENT PLAN APPROVAL, PHASE II, (CHILD DAYCARE CENTER), 708 BRIDGEPORT AVENUE (MAP 29, LOT 26) (PUBLIC HEARING CLOSED ON 11/27/07) – DISCUSSION ONLY**

Mr. Schultz stated that Staff has provided a Project Overview summary for Application #07-53. He indicated that this was a two part petition. The first part would be to amend the Statement of Uses and Standards and the second part would modify the basic development plans by replacing an office building with a child daycare facility.

He read the Project Overview Summary.

**\*See attached Proposal/Development Overview – Split Rock Phase II.**

In regard to the development scenarios and projected taxes, Mr. Panico added that there is roughly 50% more taxes from the contemplated development as opposed to what would have arisen based upon the original proposal submitted.

Comm. Lopera commented that the Class A would generate some significant personal property tax.

Mr. Panico responded that he would imagine so.

Mr. Schultz added that he only looked at the building.

Mr. Panico suggested that Crosby Commons is not typical of the proposed assisted living facility. He thinks it would be head and shoulders above Crosby Commons.

Mr. Schultz added that he would agree with Mr. Panico. His mother-in-law used to live in Crosby Commons, and she is now in a nice facility similar to the one proposed. He thinks the figure would be higher than \$124.

Mr. Panico stated that they could probably get a handle on that by getting some assessed values from other communities where their facilities are located. He thought they should also look at the benefits to the traffic and circulation. They take away 70,000 or 80,000 square feet of office space with its morning and evening traffic and replace it with something that puts no burden on peak traffic flows, and it conceivably generates up to 50% more taxes.

Mr. Schultz stated that the recommended policy is to optimize net tax. Staff suggests that they could meet that objective.

Chairman Pogoda agreed with Mr. Panico about the traffic generated from 80,000 square feet of office space. He commented that when Split Rock came into existence, one of the public's biggest concerns was about the amount of traffic it would bring. He's on that street a lot and can't imagine the number of cars that would be going to that facility every day if it were an office space. He thinks there would be a considerable number of vehicles coming out onto Bridgeport Avenue and Old Stratford Road. As Rick Schultz mentioned, we should be trying to optimize the tax base and those figures sound pretty good.

Mr. Schultz stated that he hadn't yet made reference to the Route 8 corridor plan, between Exits 11 and 12 that recommended support services – such as hotels. These two would fall into that category, too. The original zone was Office Park District so they anticipated offices and support services for that whether it be hotels, printing establishments, child daycare facilities, etc... Many years ago the Commission said they wanted child daycare facilities in their corporate areas. So it is consistent with the Route 8 corridor plan between Exits 11 and 12.

Mr. Schultz continued reading the Project Overview relative to the Staff Comments concerning the school bus pick up /drops off at Bridgeport Avenue.

He indicated that Tutor Time had submitted a letter indicating that they did not have a problem with the Commission making it a restriction not to have school buses. Tutor Time wants to be at this location, and they are willing to eliminate that possibility. However, they've also submitted correspondence from other communities in the state where school bus pick up and drop off has worked on a multi-range state highway. Obviously Staff has its concerns, just as the Commission does about safety issues. He indicated that the project review period ends on 1/31/08 and they would require an extension from the Applicant.

**\*See attached letter from Tutor Time, Atty. Chauncey Hitchcock, dated January 17, 2008.**

**\*See attached correspondence from Farmington Public Schools dated January 17, 2008.**

Chairman Pogoda asked Mr. Schultz for clarification because he recalled that Tutor Time indicated that they would basically be a daycare facility with no after school program.

Mr. Panico stated that he recalled they said that too. Their representative at the meeting made some statements not in concert with their program.

Mr. Schultz stated that was correct and they have a letter here clarifying that.

Comm. Parkins added that she was the one who raised the issue.

Chairman Pogoda stated that he hadn't yet read the entire letter from Tutor Time but would have concerns about any children being dropped off on Bridgeport Avenue even with a sidewalk. If they aren't brought right to the door or escorted...

Comm. Parkins added that was quite a hike though. From Bridgeport Avenue to the top of that hill – that is a hike for kids, absolutely.

Chairman Pogoda agreed that it would especially not be good in bad weather, rain and cars going in and out, and young children...

Mr. Panico stated that a sidewalk or something would have to be installed – it could be installed if necessary - because they don't want groups of younger children walking up that driveway.

Mr. Schultz reminded the Commission that this was a two step petition – Staff is looking for a consensus. The first part to the modification of the Statement of Uses allowing the family of uses to change from the concept plans that showed the office plan to these two uses. Secondly, to approve the Detailed Development Plans for the child daycare facility.

Chairman Pogoda commented that there had been some concerns about the change from the office condo to this scenario. However, he feels that they have brought out good information about the gain in tax dollars and reduction in traffic. They've presented a nice building. Their services sound good, and they've got a good reputation. Additionally, the assisted living program sounded like a high end thing that is needed in this area. He asked for a consensus from the Commission.

Comm. Lopera agreed based upon the traffic information and it isn't a bad use for the area. He doesn't want any public buses dropping and picking kids up on Bridgeport Avenue or Old Stratford Road. They can have their own buses.

Comm. Parkins agreed that she was in favor of the uses, but not in favor of any school buses going to that facility.

Comm. McGorty agreed with the other commissioners.

Chairman Pogoda asked Mr. Schultz to write a favorable resolution for change of uses and detailed development plan approval.

Mr. Schultz asked Atty. Bellis for action on the 30-day extension.

Atty. Bellis requested an extension until the end of February. He'll provide a written letter to Rick Schultz.

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously approved to accept the Applicant's request for a 30 day extension of Application #07-53.**

**APPLICATION #07-55, RICAR, LLC AND MIANUS HOLDINGS FOR FINAL SITE DEVELOPMENT PLAN APPROVAL (MARINA EXPANSION, MULTI-FAMILY AND RESTAURANT/POOL CLUB), 704-722 RIVER ROAD – DISCUSSION ONLY**

Some of the revised boards with drawings of the marina site plan were not available for the discussion. They were being used for a meeting by the Board of Alderman to discuss the abandonment of Murphy's Lane Ext.

**Mr. Richard Kral, Beacon Point Marina, addressed the Commission.**

Mr. Kral indicated that he provided a lot of information to the Commissioners when they met right before the holidays. In those packages were reduced copies of what they had planned to show on their display boards.

Mr. Schultz provided a large schematic of the marina and with its revisions to be used by the Commissioners for the discussion.

Mr. Kral addressed three areas where they had made some changes in consideration of the Commissioners' comments. He began with the changes to the water side because he recalled that was the most significant, especially with the outside groups that were providing some input.

He used the site drawing to point out the areas where the M and L dock, the two northernmost docks were located. He stated that they reduced those by about 30%. He showed the line where they were originally proposed to come down on the channel and how much they were shrunk down. They reduced them to the minimum amount they could while still being able to facilitate the crew boats. The crew boats are 65 feet in length, so they needed to at least accommodate two of those. He noted about the crew boats - believe it or not, two people can pick it up, but its 65 feet long. They still plan to use that dock, as mentioned in the earlier application stage, that primary dock M is a structural dock to ice flow and current regulation for the downside of the marina.

He continued to say that in working with the engineers, they have gotten it as close as they can get it so that anything coming down – as they can see they've got some structural piles in there. They still need to some engineering on that dock to make sure that ice flow and everything else coming down river would be deflected properly from that dock and pushed away from the marina. From an engineering standpoint, they've got it as small as they can to truly facilitate protecting the marina in strong ice flow condition during the winter months. Originally, that was the primary reason for having it out there a little bit longer. It will still be 20 – 25 feet longer than the L dock. He said that they did reduce

the area and it will bring the slip count down, because they had to shrink a few of the other ones, into the 260 – 265 rentable, on the slip number requested in the preliminary approvals.

Comm. Lopera asked, if it shrank 30% - was it about 200 feet and it shrank to 140 feet?

Mr. Kral responded that it was almost 260 – almost 270 feet originally, and it is down now to about 170 feet. So it shrank about 100 feet.

Comm. Lopera commented that they did a very good job on that.

Mr. Kral noted that they had worked in that area which was one of the primary concerns in the marina. He commented that he thinks everything else fell into place really well. They are going to make some adjustments down around the launch ramp area. Originally they had a ramp and then a dock south of that – they are talking about putting it so that there is no dock south of the boat well and the launch ramp. Mr. Kral showed that location on the revised site plan where there was only a single dock and no finger slips.

He continued to state that there had been concerns about the pedestrians still wanting to access these docks and the ramps so they did a little change there. They widened the retaining wall on the very southern end so that they access this for their service facility and the boat ramp, thereby keeping pedestrians ending at the actual gazebo that was at the end of the walkway.

Chairman Pogoda asked if that was the public dock now.

Mr. Kral responded no but showed the location of the public dock on the site plan.

Chairman Pogoda asked if it was a single long finger with no perpendiculars.

Mr. Kral responded that was correct – a single long dock with no perpendiculars.

Chairman Pogoda asked how they would tie up on that.

Mr. Kral responded that it would actually be easier to slide the boat right down to the parallel ramp right along side it. In this way, none of their marina guests that have their boats have to walk across the ramp area or walk through the service area. It will make it better for vehicle traffic, and it's definitely better for pedestrians if they can end it right at the gazebo so that there aren't a lot of people walking around down in that area. It makes it a safer condition.

Comm. Lopera asked if there was still a ramp there then.

Mr. Kral responded that absolutely, there is a ramp. He showed the location on the site drawing. He explained that the ramp side would be the north side of that pier and the south side would be used for facilitating any marina folks coming in from the travel lift side.

Mr. Panico restated that the travel lift was on one side, the ramps on the other side and the pier is in between.

Mr. Kral stated that they thought this change was a nice segregation to make sure it was safer. Those were the two major changes, actually improvements that they made to the marina design.

Comm. Lopera asked if the ramp was for public access, if someone wants to launch a boat, put a kayak in or whatever.

Mr. Kral responded yes, they call it a staging area.

Comm. Lopera asked Mr. Panico if he had any concerns about moving the retaining wall back.

Mr. Panico stated that he did not off the top of his head – he'll look at it a little more closely.

Mr. Kral added that it raised the retaining wall a matter of 2 feet or 2 ½ feet. There was no significant increase in the size of wall, it just gave them more room back there and (inaudible).

Mr. Kral stated that other concerns brought up, in the comments, in the preliminary approval involved making some adjustment to the traffic flow, breaking up the long driveway, and accessing the buildings. He showed on the drawing the placement of the sidewalks and stairways that had been recommended by Tony Panico early on. More importantly, however, when they were looking at that whole flow, they decided to separate the uses. Mr. Kral stated that with their architect, Joe Mingolello, they looked at separating the buildings, which worked out pretty well.

He continued by showing some revised architectural drawings, stating that the original plan had one big clubhouse where the pool and everything congregated. Then they went through a little bit of a separation and it works out better with the clubhouse as its own entity, circulation of traffic, and its own parking there. It spreads the parking sources out which were one of the concerns that Tony pointed out early on as well as the distance that some people might have to walk to get to all the facilities.

Mr. Panico commented that the distribution of parking around the buildings was much better under this plan.

Mr. Kral added that they moved the access drive so instead of coming in all the way at the end, it comes in the center more of where the activities would be held. The parking would be segregated for the clubhouse on one side. He stated that they moved the rowing facilities and dual-purposed the rowing facilities with the pool and the little cabana house and bathrooms that facilitate the pool area. He indicated that they thought it would allow them segregate the condominium owners and the boat owners use of the pool area in making sure that they can kind of control that area while still allowing the public to access the walkway, use the restaurant and enjoy the facility as well. In doing so, they would be able to maintain the integrity of the use of the clubhouse on the second floor. Because what Joe had designed still maintained the dining facility that the previous chairman had been concerned about having the dining facilities... (inaudible)

Mr. Panico added that now its two stories instead of three. Three stories perched on the edge of the river, he doesn't think were consistent. He likes it much better as two stories – it's still elevated and still looking down at the boats.

Mr. Kral continued to say that it's still on the second floor as far as the dining facilities and down below they put a meeting room, for some form of private functions or meetings at the marina.

Mr. Panico commented that by sliding things around, getting parking in and providing interconnections – he thinks they've brought parking in closer proximity to the use.

Chairman Pogoda added that it's easier for pedestrians too. He asked if the facility in Greenwich... (inaudible)

Mr. Kral stated the public wasn't as much involved with the restaurant in Greenwich because it's still only for the club members.

Comm. Lopera asked if it was a public restaurant.

Mr. Kral responded that it was not a public restaurant. That makes it a little bit different, but when they did that design, they kept the driveway between the dining facilities and the pool so the recreation uses are separate from the dining.

Comm. Parkins asked if they would have any food or bar service at the pool area.

Mr. Kral responded that they would not. There is always take out service so they could go over to the Club House and take something out, but they limit what's allowed around the pool anyway.

Mr. Kral indicated that they don't want glass or kids with French fries, etc... They have a picnic area or people can go down to the boardwalk. They don't want that kind of stuff in the pool. Definitely, they aren't looking to have a cabana crowd or anything. They watch what goes up to the pool area.

He continued to explain the last modification requested to put the access driveway or emergency access between units. Additionally, they were to look at an emergency access on the very north end that would come back out on to Rt. 110 from the upper access to facilitate emergency vehicles.

He used the site drawing to explain the option they were considering. Instead of taking the driveway between the buildings, which he wasn't very happy with, and facilitating an emergency drive along... (inaudible) and circulate right around. They would connect two driveways and circulate the whole site.

Comm. Lopera asked if that would just be used for emergency vehicles – the fire trucks, etc...

Mr. Kral continued to say that from where it ends they would still do some sort of paved driveway because it's required it should be paved. It would be gated for emergency access only, but it would still circulate. They wouldn't use it for anything else because they want to keep the upper driveway private. They don't want it to become an access way for the marina as long as the Commission is in agreement that they could control that for privacy purposes. He added that he thinks looping it creates a much better condition than trying to put it between these two buildings for aesthetic reasons and from a functional standpoint for getting back out to Rt. 110.

Mr. Panico commented that hopefully, they will never have to use it, except in the event they have to bring a large emergency vehicle down there. Instead of trying to turn it around, it could be taken out that way.

Mr. Kral added that he thought they get better grades as well. He showed how it would have been a 12% or 14% grade; however, coming around they don't exceed 9%.

Mr. Panico commented that they don't want a situation in which, if some emergency happens here, they've choked off the whole marina – and there's no way to get in or out of it. At least if there's a safety valve, it can be put to use if something happens.

Comm. Lopera asked if it the place where the fire trucks were supposed to come in was wide enough for them to access or if there was direct access to 110.

Mr. Panico indicated that the road across the front has to be a fire lane anyway for the condominiums, but the only time a fire vehicle would go around the end of the building there is if the other one is not usable. He used the site drawing to show that under normal circumstances, the response would be to this location and down.

Comm. Lopera asked them to show him the other access point.

Mr. Panico showed him how they would access if they had to respond to an emergency with a larger vehicle, and rather than trying to back up, they could open the gate and release the vehicle.

Mr. Kral added that if there were a fire in the condo units, it would provide better access to the front of those units than going all the way around.

Mr. Panico commented that the condominiums would have emergency access in the front and back for fire purposes.

Mr. Kral also pointed out the widened entrance area that had been suggested with two lanes shown by arrows on the drawing to depict different traffic flow patterns.

Mr. Panico asked if they would be dividing it or channelizing it.

Mr. Kral responded that they could put in island or something in there, that's fine. That's why they're here tonight to discuss any other improvements like an island or a sign in there.

Chairman Pogoda added that he thought an island would be nice.

Mr. Panico asked if there had been any discussions with the DOT about improvements to this driveway.

Mr. Kral responded that they have filed with the State, so they are waiting to see if the State comes back with any comments on it.

Mr. Panico stated that mainly they need a reasonably gentle radius to get in and it's so close to the property line that the radius is going to encroach on the adjacent property, and normally they frown on that – so, just be prepared for it. They may force it to be moved over a little bit.

Mr. Kral agreed and responded that he thinks they have some room in there to move.

Mr. Panico stated that it is important that it be an easy turn for a trailer.

Chairman Pogoda added that if it was just a car, it would a different story – but with some of those big boats/trailers...

Mr. Kral agreed because it's a commercial site with trucks coming in for deliveries and everything else anyway. They don't want to restrict their own business

operations. They deal with those large tractor trailers that deliver boats on a daily basis so they need to be sure they can access the site.

Chairman Pogoda added especially on a busy road like that one. He asked if they had gotten any approvals from the DOT.

Mr. Kral responded that they had not because they are waiting on SDC. They had to wait for the road abandonment before they could file everything with SDC. They've accepted their application and it's in process right now. It was all done back in December – the holidays slowed everything down a little bit. They've asked for some additional information, so they know they are processing it. Once they get that, they can come back and make sure they are working with the DOT. They have to talk a little bit about the engineers and the sewer line that (inaudible) coming up the street the other way. He's sure all that will come into play as they bring the sewer up. Then they'll be looking at where they are going to put the pump station and manholes and things like that.

Mr. Panico commented that it seems like the main layout issues have been addressed.

Comm. Lopera asked about Docks A-I, and if they have gotten any longer.

Mr. Kral responded that they are the same length as they were.

Comm. Lopera commented that he thinks it looks much better.

Chairman Pogoda added that they did a good job on it.

Mr. Panico asked where their fuel dock was located.

Comm. Lopera showed him the fuel dock on the site plan – he asked if the fuel dock meant there was a fuel tank in the water.

Mr. Kral responded that fuel tanks are on land. He commented that those were the changes or improvements that they've made to the overall site. If the Commission is happy with these, they can get them more detailed and colorized so that everyone can get a good feel for it. He added that Joe Mingolello had put together the architectural renderings and has some of the materials that they wanted to run by everyone to make sure that there was agreement on all that.

**Joe Mingolello, Mingolello & Hayes Architects, 90 Huntington Street, Shelton, CT addressed the Commission.**

Mr. Mingolello showed the revised drawings of the restaurant and the clubhouse. He indicated that those were the two buildings that changed. He commented that the first building seen coming into the site, the maintenance building stayed the same architecturally as well as the condominiums. The materials are reflected on the whole development so whatever is used on the clubhouse and the restaurant would be used everywhere else.

Mr. Mingolello showed a revised drawing of the restaurant as a two-story building instead of the previously submitted three-story. He showed how it comes in with a lower level lobby waiting area. There would be two small meeting rooms, a large storage room, a small office, mechanical equipment, a lower kitchen, and bathrooms to service the marina.

He continued to show the stairs and elevator location to the upper lobby space where there would be a large dining room, bar, a wrap-around deck for summer

dining and viewing the marina, and toilet facilities. He showed a drawing of River Road elevation and the East elevation, the Housatonic River.

He explained that the canopy would be a traditional, sort of a Nantucket, New England type architecture with a little bit of arts & crafts detailing. For the south elevation garage, there would be an overhead door to the service part of it, the wrap around deck, and the north elevation that faces up the river. He stated that those were the elevations for that building – they were much more in scale with everything that is going on there.

Chairman Pogoda asked about the outside of the upper level – if it was all seating.

Mr. Mingoello responded that it was seating all around on the outdoor deck. He continued to show the revised drawing of the clubhouse. He showed the upper level which is adjacent to the pool with storage, kitchenette, women's/men's locker rooms, elevator vestibule and a training room. The lower level consisted of the four team rooms (crewing) that are planned, coaches' offices, toilet facilities, elevator and boat storage. The upper level would be viewed from River Road with the one story adjacent to the pool. He showed the lower level from the river view with the overhead doors, meeting rooms, training rooms, locker rooms and the clubhouse on the far left side.

Mr. Kral clarified that the boat storage was for the crew boats, paddle boats, and kayaks – small boats. There are no power boats stored in that area.

Mr. Mingoello indicated that both buildings would have a stone veneer that they carried up. It's a wainscoting along the perimeter – it's a river rock with rounded corners. They brought a sample with them. He indicated that it was real stone veneer, thin stone.

He discussed the shingles to be used on the upper level, and indicated that it should probably be something that is relatively maintenance-free. They could go with a high grade certainty vinyl or James Hardy makes a cementitious shingle. They are looking at a gray and white color scheme with a dark colored asphalt shingle roof. The product has a 15 year warranty. They would be architectural grade shingles. He concluded that was what they had in mind for the architecture of those two buildings.

Mr. Kral added that as they know from the shingled-look at the facility in Cos Cob – it really comes out nice. They might change a little bit of the tones and some of the gables or shading at different levels. It would all be of the same color scheme, just a little change to the tones to give the building a little dimension.

Mr. Panico asked if they would be able to see any of the stone work as they approach the building or would it be buried behind landscaping.

Mr. Mingoello responded that he thinks the landscaping would be relatively low so that they don't hide it. It's an expensive veneer. They'd hate to hide it all.

Mr. Panico added that they get a good feeling for that river stone walking down the promenade because there's no landscaping, but when coming in and approaching it and making that turn in, it would be nice if it had as much attractiveness to it as possible.

Mr. Kral commented that it had to be in the accent – public buildings where they've veneered up on the walkout level in Cos Cob, it almost looks like it might have been too much, to be honest.

Mr. Panico stated that the buildings as they are conceptualized now is 250% better than what they started with. He got the feeling from the first building – that it looked like an industrial building. – that was the impression he got. He added that he was really pleased with the revised drawing.

Mr. Mingolello responded that the pillars are all stone down below. They gave it some massing, some beefiness because it is two stories and they've got a big deck up above.

Comm. Lopera asked about the architectural detailing – if it was some kind of scalloping.

Mr. Mingolello responded that it was arch sculpturing, brackets underneath (inaudible)...

Comm. Lopera asked if the outdoor dining was summer only.

Mr. Kral responded that it would be seasonal. He concluded that was where they were heading. They'll plan on coming back for a couple more meetings or whatever it would take. They wanted to make sure that they had addressed the Commission's concerns for preliminary approval, and that everyone was comfortable with the changes they've made. He continued that if they like the changes and endorse wrapping that driveway, which seems to work well...

Mr. Panico added that if they can make it work from an engineering point of view and it's not choking the backside of those condos – functionally he has no problem with it.

Mr. Kral responded that the reason that they slid everything down that way was because of the Murphy's Road abandonment. Now that they've gotten the abandonment, they can shift things south. In shifting things south, it opens up that north end. The topography there is a little difficult but as long as they can adjust all the way around now and make that sweep, they shouldn't have any trouble, which they can do. Now that they can shift further south a little bit, it helps.

Comm. Parkins asked how many units have they ended up with in the condos.

Mr. Kral responded that there would be 23.

Comm. Lopera asked how many slips.

Mr. Kral responded that there would be 265 slips – which was the number they requested.

Chairman Pogoda commented that the revised plan looks even better than the first with the two story building. The parking layout seems more flexible and pedestrian friendly too.

Mr. Panico commented that the one of the things the Commission questioned in the early discussions was about securing the boating areas in the off season when they would be operating the restaurant but don't want people driving around looking at the empty docks. He added that it could be done easily by seasonally blocking that off. He wasn't sure if it could be done at one end or not.

Mr. Kral responded that they do that now by using the winter stored boats and putting them in a row and creating parking in front of them. It becomes the end of the winter access. It is a working facility; it's a commercial site, they are still

running the marina and there are things going on there that they need to operate.

He added that during the winter months it does slow down; obviously, they'd like to continue using the restaurant. The site plan shows where they've facilitated the winter storage hash marks, where it's ended and they have left those rows of parking for the restaurant in between the driveway down and one road to the south.

Mr. Panico asked if they would have any boat racks parallel to the boardwalk.

Mr. Kral responded that there would be some racks on the southern end of the winter storage area, because that's behind their service area. There will not be any in the north end behind the restaurant or in the permanent area to remain open during the winter. There would be some near the area of the boat ramp because they would leave it open all year round.

Comm. Lapera added that if the City has a boat, they would need access to it. They can't block off that access.

Mr. Kral responded that there would always be access down into that area. But there would be some racks on that northern end.

Mr. Schultz indicated that he would give them a call after Staff meets.

**APPLICATION #07-57, R. D. SCINTO, INC. FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #58 (PARKING EXPANSION), 6 RESEARCH DRIVE (MAP 28, LOT 1) – DISCUSSION AND ACTION.**

Mr. Schultz indicated that he had provided a copy of the Staff Report to the Commissioners.

**\*See attached Staff Report dated January 22, 2008.**

**\*See attached correspondence from City Engineer, Robert Kulazc dated 1/22/08.**

**\*See attached correspondence from Fire Marshal, James F. Tortora dated 1/22/08.**

Mr. Panico read the Staff Report on the proposed modification of #07-57. Mr. Schultz read correspondence from the City Engineer dated 1/22/08.

**Comm. Sylvester arrived at 9:07 p.m.**

Mr. Panico pointed out that the site coverage standards are within what is permitted for the zone established. He asked the project engineer to clarify the number of parking spaces.

**Jim Swift, 102 Village Road, Shelton, CT addressed the Commission.**

Mr. Swift stated that the parking spaces were increased to 68. He showed a site drawing of the existing layout that showed the existing detention pond, the proposed detention ponds, and some subsurface detention. The proposal would be to replace those surface ponds with underground detention in a concrete vault. This is not a case of taking away any storm water detention. They are taking volume that is in one form right now and converting it into another form proposed.

Mr. Panico asked if he accounted for the additional pavement of the additional 68 spaces.

Mr. Swift responded that he does by what he's asking – which was brought up in the Wetlands meeting as well. The commitment is there to not increase the run-off rates - clearly. Whatever the representations, whatever the discharge rate was for the previous approval, that's what they intend to meet. They weren't going to go through the entire hydrograph process without knowing if Wetlands was going to approve the project. Now they have it under the condition of the City Engineer's review and approval.

Mr. Swift stated that what they are looking at is not a question of "is this possible?" or, "can it be done?" They know it can be done. It's a question of providing the hydrographs and doing the outlet stretches to determine how big they might be.

**Robert Scinto, R.D. Scinto Inc., 1 Corporate Drive, Shelton, CT addressed the Commission.**

Mr. Scinto asked to receive the same type of approval that they received from the Wetlands stating that they would receive approval subject to the Town Engineer. In that way, they wouldn't have to come back in, and they could work with the Town to make sure the numbers are correct.

Mr. Swift indicated that they are happy to let Bob Kulacz be the determining factor that they've done the job correctly.

Mr. Panico asked if there was a possibility that they could avoid installing some of the spaces, get them on the approved plan, prepare them, but grass them over for the time being.

Mr. Scinto responded that he would probably go in that direction.

Mr. Panico added that they are never going to use those spaces in that far corner.

Mr. Scinto responded that they will if there are no other spaces. He just wants to be able to have... They've done very well with this building. They have five of the six floors rented and they are just pouring the concrete base on the slabs. They are all very, very good tenants with recognized names so he wants to make sure that he has the parking. He doesn't think he's going to need it. In his experience, once they're over 3 ½ per thousand, they don't need anymore than that. He wanted to make sure he could get the 4 for a thousand. Building this chamber will cost a lot of money, and there will be two of them. However, he wants to get that done now, so if he needs the parking, he can have it.

Mr. Panico commented that it is probably still cheaper than putting a deck up though.

Chairman Pogoda asked if it's not a deterrent, he'd like to hold off until the next meeting until they get something from the City Engineer. He doesn't want to start a precedent. He indicated that the next meeting would be in two weeks.

Mr. Scinto indicated that he was OK with that.

Comm. Lopera asked if there was any question with submitting documentation to the City Engineer.

Mr. Swift responded that he just needed to run the hydrographs.

Mr. Scinto responded that they would get that done so Bob would have everything.

Chairman Pogoda commented that this was similar to what was done at Healthnet which worked out nicely. The lot in the back wasn't paved until they starting filling up. It was like that for quite a while before it was needed.

**On a motion made by Comm. Lapera seconded by Ruth Parkins, it was unanimously voted to table Application #07-57 until the 2/12/08 meeting.**

**APPLICATION #08-01, RADCLIFFE PARK, LLC FOR FINAL SITE DEVELOPMENT PLAN APPROVAL (SITE B: 250 MULTI-FAMILY APARTMENTS) PDD #60, CANAL STREET (MAP 129, LOT 19) – DISCUSSION ONLY**

Mr. Schultz stated that the Downtown Subcommittee met and directed the Applicant to modify the exterior materials. The resolution states that the predominant exterior materials should be brick masonry and the consensus was that it fails. They agreed to modify the plans, and it has to go back before the Downtown Subcommittee again.

He reminded the Commission that this was a very large project with 250 dwelling units.

Comm. Parkins asked if they were apartments, rental.

Mr. Schultz responded that they were rental units. It's a 4.4 acre site; it's the old asphalt plant next to the Birmingham. He commented that it was really going to set the tone, because the Birmingham was a retrofit, as they know, and it is all brick. Obviously, it has to be done right. There's a lot riding on this. The consensus was there that it needed to come back. There is still a lot that needs to be reviewed, and the Downtown Subcommittee is going to prepare a report for this Commission.

He stated that others areas that were discussed involved improvements that the City would be doing for the next phase. The Downtown Subcommittee is going to be invited to a meeting in a couple of weeks. It's going to be beneficial because the road would be improved up to Wooster.

The River Walk incorporates this because it's going to come back up Canal Street and go back down to the River Walk through this piece of property. The other issues involve two parking spaces per dwelling unit which is a real positive.

He explained that the parking would be internal within the site. Cars would drive in through an entrance, go through multi-levels that have access to each floor. It's a unique design solution.

He continued to state that fundamental issues were brought out at the Downtown Subcommittee about the exterior. There are a lot of nice jogs and features to this building, and they want to work on that so they are all looking forward to the revised plans. There is still a lot of work; it's premature to go into details, because they have to get by this fundamental issue.

Mr. Schultz added that they do want to go with the nautical theme like the marina, but not to that extent.

Comm. Lapera asked if they broke up the front.

Mr. Schultz responded that they did, but it is a wood frame structure, and there are limitations to that, but they have to work with that and come to a consensus on it.

Chairman Pogoda added that it was a wood frame – not steel, take that into consideration. There would be 100% sprinklers. In their resolution, they had indicated it would be predominantly brick masonry. Windows would comprise 30% of the total building. He commented that they would like to see more masonry on that building.

Mr. Schultz commented that there was a lot of work to do in regard to the materials to be used. He referenced the materials being used at the marina as being high-end.

Comm. Sylvester asked why they couldn't use high end stuff for this.

Mr. Schultz indicated that was what they were working on.

Comm. Sylvester asked if they expected a wood frame building.

Chairman Pogoda responded that he didn't.

Mr. Panico responded that it had never been discussed. Traditionally, residential construction is normally wood frame unless it's high, multi-story apartment houses.

Comm. Sylvester asked what they were going to get on Route 8 – Avalon.

Mr. Panico responded that would be wood frame with some brick.

Comm. Sylvester commented that made him feel better, but this is a different setting. It sets the tone for downtown. It's the anchor of what's happening.

Mr. Panico stated that if this was a seven or eight floor apartment house, there wouldn't be peaked roofs, and it would be a whole different design approach and for necessity, it would be a masonry building.

Comm. Sylvester stated that the buildings downtown, like the Pierpont, are buildings that have withstood the test of time and are still productive. They've remained anchors even though downtown has been through some very difficult times. The wood frame structures are really make-believe structures – the corner where Krieger's used to be. That's wood frame, the old cotton mill. He thought there was a big difference. In talking about building for the future, for the ages...He asked Mr. Panico for his opinion.

Mr. Panico stated that it was difficult for him to comment because those types of comments really have to come from the Commission. That design can be very successful. If it were 100% brick exterior, he would have concerns. It would need to be treated carefully. He mentioned the case of a 100% brick building built over on Route 8 that many people think looks like a jail.

Comm. Sylvester asked what building that was.

Mr. Panico responded that it was the one across from Blockbuster Video.

Comm. Sylvester commented that the Pierpont was brick and architecturally charming, and so was the Bank.

Mr. Schultz stated that the Commission's expectations are high and the Subcommittee knows that, they'll convey it again. They want to give a full report.

Chairman Pogoda indicated that their expectations should be high because this would set the tone for the development all the way down to the canal.

Comm. Sylvester asked how far they can go in dictating or demanding what the finished product should be.

Mr. Panico responded that his concern was that if the Commission expected that building to be 100% masonry building, it probably should have been made clear up front and they did not.

Mr. Schultz added that the word was predominantly.

Mr. Panico stated that they got concerned with the exterior materials and that's when the word predominantly was thrown in there. They didn't have the kind of discussion there were having now, which is probably what they should have had because they were making major decisions then.

Chairman Pogoda commented that they would be relying heavily on Staff and the Downtown Subcommittee working with the Applicant. They've been alerted to the concerns and expectations of the Commission. He was surprised that with a building of this size, it would be a wood structure.

Comm. Sylvester added that he was surprised and given that it's rental...

Mr. Panico commented that he asked about the fire separation and if the building was going to be (inaudible)... They indicated that firewalls would be required by code. He thought there were be a full concrete (inaudible)

Comm. Sylvester stated that in a large building, rental situation, they don't want materials that can be easily damaged or destroyed. It has to be the benchmark for what they want downtown.

Chairman Pogoda added that this was going to be the biggest building in downtown Shelton. They want it to be the pinnacle of the Canal Street redevelopment.

Comm. Parkins asked if they disclosed whether or not they were high end rentals.

Chairman Pogoda responded that the smallest unit would be 650 square feet and the largest would be 1100 or 1200 square feet. They would rent from \$1600 - \$2200.

Comm. Parkins asked if they had a rendering she could see.

Mr. Schultz showed the floor plan of the garage and unit layout.

Mr. Panico explained how the garage runs parallel to Canal Street and how it sits in the core of the building completely encased by dwelling units. The garage can't be seen from anywhere outside of the building.

Comm. Parkins asked how many levels the parking garage would be.

Mr. Panico responded that it would be five levels with ramping. He showed the air slots that go all the way up to the roof for ventilation. There would be one unit depth, the garage, one unit depth, and then the street. He showed the entrance into the lower level of the parking garage from Canal Street. He explained that parking for third floor units would have parking on the third floor of the garage.

He showed the recess on the River side that would have the pool and a low retaining wall and 5 – 7 feet down to the pedestrian walkway.

Mr. Schultz added that they cleaned that area up environmentally.

The discussion continued (many portions were inaudible) regarding the views from the various corners of the proposed buildings and the proximity of the bank to the building, the River Walk, focal points, and pedestrian walkways.

**On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to adjourn at 9:42 p.m.**

Respectfully submitted,

Karin Tuke