

traffic from Canal Street across the crossing - in addition to the gate and light system that comes with any crossing upgrade.

Mayor Lauretti indicated that the second scenario, if they didn't want to put the lights up, would be to make a portion of Wooster Street one way. Mayor Lauretti added that they took some time to think about the impact on the circulation of the traffic pattern, and it looks like, for the temporary closing, they are going to go for the one way on Wooster, which is one way out. They will still have a two-way direction of traffic on Canal Street.

Mayor Lauretti commented that while the closure for the crossing is in place, they are also going to have extensive construction on Canal Street, and when that occurs, it will probably have to be shut down anyway because it will be too tight to work in there with the type of reconstruction that is planned.

Mayor Lauretti reiterated that they were going to go with the one way out on Wooster, and he wanted this Commission to be aware of this because it has been before this Board for many discussions.

Mayor Lauretti commented that it was important for them to know because it was really a change from what they last saw there. By making it one way, it gives them the opportunity to look at what happens on Howe Avenue, because in his mind, the greatest impact in traffic pattern and flow in the downtown area is really the light system on Howe Avenue. They are going to continue to pursue the State because they own those traffic lights and every time something needs to be done with them, it really is their obligation and they are at their behest.

Mayor Lauretti asked the Commissioners if they had any questions for him.

Comm. McGorty asked when this was planned to start.

Mayor Lauretti responded that they expect that the hearing will close and the State Traffic Commission will vote to approve it, so that will happen in a matter of a week.

Chairman Pogoda asked if this would be put into effect when they start the actual work on Canal Street.

Mayor Lauretti responded that no, the next thing that's going to happen is that they are going to re-appropriate some money to do the survey for the railroad because that's the real issue. They can't redo this intersection until they know how the alignment of the track is going to conform once it makes its way down to the new crossing.

Chairman Pogoda asked about the \$2M that the State gave them that were conditional on getting the \$3M from the City. He inquired about the \$500,000 federal grant and if they had to give it back. Or, if it's still in place, is that money going to be used for this study or the one just mentioned?

Mayor Lauretti responded that the grant was for \$400,000 not \$500,000 – for the reconstruction of Canal Street.

Chairman Pogoda asked if some of those funds could be used for looking at that railroad crossing.

Mayor Lauretti responded that there is no need to – it has a designation, and he would stay with that designation.

Mayor Lauretti indicated that once they go for a permanent opening on Wooster and Canal, they can repetition the State to go forward with the traffic lights in these locations. Then there will have to be a preemption system that will have to be connected to all the lights in downtown. It is a very expensive proposition. He added that first and foremost, he thinks the traffic pattern circulation has to have priority here in how it works. They are limited in the number of roads that go through the downtown, so there aren't many options.

Mayor Lauretti indicated that conceptually, they have looked at doing a one-way on the western side of the track all the way down, right in front of New England Stair. It is doable; there are some acquisitions that would have to be made, but it's only big enough for one way. If they can accomplish that, they will have accomplished as much as they possibly can in terms of maximizing the traffic flow and the pattern for the type of circulation downtown.

Mayor Lauretti stated that something has to be done with the lights on Howe Avenue because that is the crux of any problem when there is a traffic back-up.

Comm. Jones asked for clarification as to the one way out of Canal Street, because he was trying to look at it from a Fire Department point of view. There was some discussion as to the possible routes that could be taken by emergency personnel.

Mayor Lauretti commented that - it is what it is and there's not a lot of options - all they can do is make what they have work better. If for some reason Howe Avenue gets shut down, they still have Coram Avenue and Oak Avenue as a temporary detour if an emergency traffic situation were to occur.

Mayor Lauretti indicated that this was a change of condition from what they originally approved, so he wanted to give everyone the opportunity to understand what they are doing. If there is any comment that needs to come back, there is still time to make a change because when they do the crossing, they want to make sure that all the right conduits get put in the road and underneath the crossing. So if they have to go back and add lights, they will have the ability to do it without digging and tearing everything up.

Mr. Panico asked if the lights had to go in, would the one on Howe Avenue be the State's responsibility since it's on their road.

Mayor Lauretti responded that they were going to make this one his responsibility. He got the impression that they would prefer to see the one way route out.

Mr. Panico asked if that was on a permanent basis.

Mayor Lauretti responded yes.

Mr. Panico and Chairman Pogoda commented that they were very surprised by that.

There was further discussion about the morning and afternoon traffic in that area. The Mayor indicated that he looked at the traffic counts; he didn't bring them to the meeting, but he offered to forward them to the Commissioners. He indicated that the traffic counts were heavier coming into town in the morning and then it reverses itself in the afternoon.

There was further discussion (inaudible) regarding the traffic patterns in the morning and afternoon.

Mr. Schultz commented that the action will allow the Radcliffe to move ahead. Once they vote on it, the hearing closes tomorrow and then in a week they act on it, and then the Radcliffe can move ahead.

Mayor Lauretti responded yes, and they will. He indicated that he thought the STC meets tomorrow after the hearing, and without objection at the hearing, they'll probably vote to (inaudible).

Mr. Schultz added that tomorrow is the DOT.

Mayor Lauretti commented that he'd be going to the hearing and pretty much listening, they'll give their reports and take questions. Barkin & Mess and the developer will be there and (inaudible).

Mayor Lauretti indicated that the City is going to petition the State to evaluate the existing light on Howe Avenue at the bottom of Library Hill. That light was put in when there were two railroad crossings and thousands of people working down there. His feeling is that they may have the opportunity to eliminate that light.

Mr. Panico commented that there was some concern that the light at the bottom of Library Hill was needed for safety purposes – he doesn't know if that is true, but he had mentioned once that he'd like to see that light moved. However, the response he got was that the other light was very important because there is no visibility coming down Library Hill to see if traffic is clear on both sides to exit.

Mayor Lauretti indicated that he thought the objective was to move traffic, especially downtown. They need the lights to work properly (inaudible). There was more discussion (inaudible due to multiple discussions) regarding traffic patterns.

Mr. Panico asked if the Railroad was objecting to the two way traffic on a permanent basis.

Mayor Lauretti responded that it wasn't, it was STC.

Mr. Panico reiterated that he thought the one way was going to be a temporary solution, and he's surprised that it is being thought of for a permanent solution.

Mayor Lauretti commented that he thought they could make the traffic flow better provided that they do other things on Howe Avenue – they need to do multiple things here. If there is some way to get local people to avoid going into the downtown area, they can always go up Wooster Street, Rt. 108 to Coram or Rt. 108 to Huntington Center.

There were some questions about widening Wooster Street (inaudible). The Mayor responded that it can stay two-way, the way it is now, but they want the lights shut out and that's about \$600K because they have to tie in the pre-emption to everything on Howe Avenue or else it defeats the purpose.

Chairman Pogoda asked if they would be responsible for the light on Howe Avenue if they went both ways. If they go one way, will the State take care of the light on Howe and put the responsibility for them on the bottom of Wooster Street?

Mayor Lauretti responded that they have not said that, but when they first proposed one light here, they made it clear that it would be a City-owned light, and then they came in with the request for the light there.

Comm. Parkins asked if it was either/or – if it's one way, than that light is not needed?

Mayor Lauretti responded yes, both lights go. But there is a signal system here and on both sides of the crossing. In addition, they want the lights.

Mr. Panico commented that he didn't understand the rationale for a light at this location – he understands the light at Wooster and Howe, but he can't understand the light on Wooster and Canal. Mayor Lauretti agreed and responded that they vigorously contested it.

Chairman Pogoda commented that another light there would impede the flow of traffic.

Mayor Lauretti cited another problem they have in putting a light in down there, in addition to the gates and the signal is that a big cabinet has to go on the sidewalk where it's already tight with clearance.

Mr. Schultz added that need to see which way the STC goes and the Downtown Subcommittee (inaudible).

Comm. Jones asked the Mayor if he was just going tomorrow to listen and get suggestions about this.

Mayor Lauretti responded that no, they will approve the temporary closing, and this will go into effect. As he indicated earlier, they can repetition when they do the permanent opening and Canal Street is completed - if they want to revert back to two-way traffic. He showed again the two locations where they want to put signals in addition to the gates.

Mr. Panico asked what their traffic engineer says about the signal at Wooster and Canal.

Mayor Lauretti responded that he agrees with them; he doesn't see where it is warranted. They've had extensive meetings on this and have gone back and forth about it.

Mr. Panico noted that beyond that intersection it's a dead end within 400 or 500 feet.

Mayor Lauretti ended the discussion and indicated that he would send the Commission the traffic counts with the full build out.

During this discussion, Commission Lopera arrived at 6:51 p.m. and Commissioner Sylvester arrived at 7:05 p.m.

PUBLIC HEARING
PROPOSAL OF THE SHELTON PLANNING & ZONING COMMISSION TO
AMEND THE ZONING REGULATIONS BY AMENDING SECTIONS 2 & 3:
CERTIFICATE OF ZONING COMPLIANCE AND ADMINISTRATION AND
ENFORCEMENT

Chairman Pogoda reminded the audience of the procedures for conducting public hearings.

Chairman Pogoda read that the Shelton Planning & Zoning Commission, with its ongoing implementation of the 2006 Plan of Conservation and Development is proposing to amend Sections 2 and 3 of the Shelton Zoning Regulations regarding how applications for Certificates of Zoning Compliance are processed

for traditional residential related permits (i.e. additions, pools, sheds, etc.). Currently these types of applications are reviewed and acted on by the Commission which has resulted in permit delays and long meetings over the years. Therefore, the Planning & Zoning Commission has determined that this is the appropriate time to delegate the responsibility of issuing zoning permits to the Department Zoning Enforcement Officer for this will allow Staff to issue or reject applications in a timely manner.

In the event of an appeal of a ZEO action by an applicant, the Commission will become the Appeals Board, instead of the ZBA which is currently hearing these types of matters. If the Commission opposes the ZEO, the applicant will have the right to go to the Superior Court after exhausting all municipal remedies. It should be noted that all applications for variance will go directly to ZBA.

Chairman Pogoda indicated that Mr. Schultz would go over the amendments to the regulations.

Mr. Schultz read the call of the hearing.

***See attached Draft dated 10/24/08 Rev. 11/25/08**

SECTION 2 – APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE, TEMPORARY AND FINAL CERTIFICATE OF ZONING COMPLIANCE PROCESS AND APPLICATION FOR CERTIFICATE OF NONCONFORMITY PROCESS.

Additionally, Mr. Schultz read the legal for the Open Space Plan.

***See attached 2008 Draft Open Space Plan prepared by the Conservation Commission submitted to the Shelton P&Z Commission for adoption as supplement to the 2006 Plan of Conservation and Development.**

He read several pieces of correspondence.

***See attached letter from Rick Dunn, Executive Director, Valley Council of Governments, dated 10/09/08.**

***See attached letter from South Central Regional Planning Commission, Charles Andrews.**

Mr. Schultz indicated that he would review the subsections and he asked the Commission not close the hearing on this proposal because he is continuing to work with Asst. Corporation Counsel. They made some minor revisions again today which is why the latest revision date of the document is 11/25/08.

He reminded the newer commissioners, that when the P&Z Commission has a proposal, there is no timeframe. They don't have to close it – there is no clock running – they are approaching a holiday period, but they felt this was a good time to begin this.

Mr. Schultz reiterated that the intent and purpose is to allow Staff to handle these permits. He indicated that in regard to Section 2.1, there are Applications for Certificates for Zoning Compliance that are a part of Site Plan Applications; therefore, the Commission will still be getting sign applications under a site plan. Additionally, they will still be getting applications for stone walls or retaining walls that are over 4 feet.

He referenced 2.2, Applications for Certificates of Zoning Compliance and summarized that the ZEO will receive it, ensure it is complete and reject or approve the simple ones (i.e. distance). As administrator, he will do site plan applications. Additionally, 2.2 indicates that an application is good for a period of 2 years, and this Commission will be able to grant a one year extension.

Mr. Schultz stated that 2.3 applies to the final zoning document issued by Staff before going for the Certificate of Occupancy.

Temporary Certificates, 2.4., refer to projects such as those that are completed in the winter with landscaping or paving that can't be completed until spring.

He continued to explain 2.5 and 2.5.1 refer to the process for Applications of Zoning Compliance and the time limit clarifying the 2 year period for completion and the one year extension by the Commission.

Mr. Schultz indicated that the next provision, 2.6, Applications for Certificates of Non-Conformity for Use was new, but this Commission has been processing these requests for use, not for non-conforming lots. He provided examples such as the Mohegan gas stations, the farm that repairs trailers/farm equipment, and Fairchild & Sunnyside Trailer Parks.

Mr. Schultz asked the Commissioners to give this provision a lot of thought; Asst. Corporation Counsel is a little apprehensive. He assured them that this has been processed this way since the early 80's. It can get quite involved, case in point, the Fairchild Heights Trailer Park, and most P&Z Commissioners don't like to get that involved. They prefer that Staff would handle it, reject it or indicate that it is recognized by Staff as pre-existing, non-conforming. He added that most of the pre-existing, non-conforming uses in Shelton are quite involved; he thinks that this Commission should hear it, not just Staff.

He continued with 2.7, Conflict of Amendments and indicated it was a statutory provision currently in the regulations.

Section 3 – Administration and Enforcement. Mr. Schultz stated that 3.1 identifies the Zoning Enforcement Officer appointment and his authority to enforce local zoning regulations. He added that they do from time to time issue Stop Work Orders and Cease & Desist Orders. The Commission can reverse them or direct them to do it.

In regard to 3.2 including subsections 3.2.1 through 3.2.5, it spells out all the requirements that need to be applied for to obtain an application – i.e., application fee, plot plan, site plan, etc.

Mr. Schultz added that it includes a lot of discussion about the interplay between the ZEO and Administrator. Presently, all three of them are designated ZEO's who can all issue permits; he added that they all work together for a consensus. He added that this was necessary when there are many variables, as with many of the earlier non-conforming lots that are quite difficult.

He continued that Section 3.3, Referrals and Review, indicates that all applications go to the ZEO and the P&Z Administrator and new residential construction goes to the City Engineer for review and approval.

Mr. Schultz discussed Section 3.4, the Engineer Site Plan, as a new provision outlining the requirements when submitting an Engineering Site Plan. Some of these items may need to be tweaked a little more, which is why Staff has requested that the hearing remain open. Corporation Counsel wants to continue to work on the wording, and he's received feedback from concerned citizens regarding the wording too.

Mr. Schultz indicated that Section 3.4.1 was new. Presently, they require an "As-Built" at the end of the line. This Foundation Verification would be required 14 days after the foundation is poured. He added that most towns have done this

and they've always asked applicants to do it. It ensures that they comply with setbacks.

Section 3.5 Inspections is presently in the regs for ZEO's to conduct inspections of land, building or structure as deemed necessary. He indicated the importance that no Certificate of Occupancy (CO) shall be issued until the Final Certificate of Zoning Compliance shall be approved. He added that the Building Department can not issue a CO because Zoning signs off; this is a very important provision.

Mr. Shultz reviewed Orders such as Cease and Desist and Stop Work that ZEO's can issue, and that the Commission can reverse, modify, or direct Staff to issue it.

He indicated that 3.7 regarding Site Plans, Special Exceptions and Variances were presently in the regulations and straightforward. Section 3.8 discusses his administrative responsibilities of keeping records for the Commission. In regard to Section 3.9 Administrative Rules, he provided the example of the P&Z Commission's recent establishment of the referral for Engineering Site Plans to be sent to the City Engineer for all new residential dwellings.

Mr. Schultz concluded that these were all provisions under the rewrite of Section 2 and 3. He indicated that it was a lot of text, but Staff was pleased that the Commission believes in them and that this is the appropriate time to do this. He added that it would leave so much more time at their means to deal with planning issues and bigger projects. He concluded that it would be a win/win situation for the Commission, Staff, and the community at large. He thanked the Commission for allowing this to become a reality and asked them to keep the hearing open.

Chairman Pogoda asked if any of the Commissioners had any questions or comments at this time.

Comm. Sylvester asked if they would still be receiving a report at each meeting of the things that have taken place.

Mr. Schultz responded that he would provide everything that goes on in the office in his Staff Report which he gives to the Commission at the regular meeting every month.

Comm. Sylvester asked if he would be able to see what has passed so that he could be informed if asked by someone in the community.

Mr. Schultz responded that information would be included in his monthly report.

Atty. Steven Bellis, representing the Shelton Builders Association Inc., addressed the Commission. He stated that the Shelton Builders Association was a tax exempt, non-profit association of Shelton builders and developers. He indicated that they have reviewed the draft changes, and think that overall they are in agreement that the regulations are needed. He wanted to provide some suggestions.

Atty. Bellis stated that in 2.2, under the current statutes, there is no time requirement for the ZEO to act or approve an application. He knows that it has not been a problem in this office with the current staff; however, they may not be here forever. Therefore, he suggested that they put a time frame in there, since they are taking the time to change these regulations.

Atty. Bellis indicated that they had issues with Section 3.3, and the language which discusses new residential construction being referred to the Office of the

City Engineer. He stated that he has no problem with the City Engineer reviewing it; however, again, there is no time frame provided. He suggested that there needs to be a time frame for the City Engineer to review something and give his written comments and suggestions. He added that very often, something goes to the City Engineer's Office and it just gets handed back to the person, and they have no idea why it was returned or rejected. Therefore, he suggests a time frame of 10 days would be adequate.

Atty. Bellis indicated that it was also very important to limit what the City Engineer's job is. In the past, they have had significant problems with the City Engineer's Office - most of the builders in the town, at one time or another - because he comments on things that are outside his jurisdiction or domain. These builders don't have a problem with an Engineer's Office reviewing engineering issues; however, he shouldn't be discussing wetlands, legal issues, etc. that are outside his area of expertise. Atty. Bellis suggested that it should be put in the regulations, specifically what the City Engineer should review such as excessive storm water runoff, driveway slopes and sight lines.

Atty. Bellis commented that presently, the way the current regulations are, there is no review by the City Engineer's Office. The ZEO looks at the application and if it meets the regulations by law, he has to grant it. This goes beyond what the State Statutes require, so they want it to be very specific what the City Engineer should review. They don't want to have unwritten policies like he has had for 30 years in his office, and no one knows what he is talking about.

Atty. Bellis suggested that they ought to add that there is no Office of the City Engineer. The City Engineer works for the Department of Public Works, and that is his department, by Charter. He understands that there is a City Engineer; however, there is no Office of the City Engineer. Therefore, if there is a problem with the City Engineer and the applicant, they are suggesting that the Department of Public Works, who he really works for, can select an independent engineer to review the site plan in the event of a disagreement.

In regard to 3.4, Atty. Bellis commented that for item "c" regarding the street address and Assessor's Map and lot number, the City Engineer works with the Tax Assessor's Office to give out the street address; therefore, on many projects, they don't know the street address to put it on the map. He suggested that they should put "street address and/or Assessor's map and lot number."

Atty. Bellis suggested that they eliminate item "j" from 3.4 because there really is no need to put the 25 year flood and 100 year flood line on a map. It's difficult because a lot of engineers don't have that information, it's difficult to obtain and not that helpful anyway.

Mr. Schultz interrupted that they do use it for the Maples though.

Atty. Bellis agreed that down by the water he can understand that, along the Housatonic River, but up in White Hills it really isn't going to get flooded.

Mr. Schultz responded that it was only if it is deemed necessary.

Atty. Bellis indicated that he was not in disagreement with what they were doing, but those are the kind of technical corrections that they wanted to make to the language.

Chairman Pogoda asked if there was anyone else from the audience with any questions or comments. There were none. Chairman Pogoda asked for a motion to recess the public hearing and resume it at a time indicated by Staff.

Mr. Schultz added that it would be sometime in January.

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to recess and keep the public hearing open until a date to be determined by the P&Z Staff and Commission for the Proposal of the Shelton P&Z Commission to amend the Zoning Regulations by amending Sections 2 & 3: Certificate of Zoning Compliance and Administration & Enforcement.

2008 DRAFT OPEN SPACE PLAN PREPARED BY THE CONSERVATION COMMISSION AND SUBMITTED TO THE SHELTON PLANNING & ZONING COMMISSION FOR ADOPTION AS SUPPLEMENT TO THE 2006 PLAN OF CONSERVATION AND DEVELOPMENT.

Mr. Schultz indicated that he had one piece of correspondence to read.
***See attached letter dated 11/25/08 to Chairman Pogoda from Terrance Gallagher, Shelton Conservation Commission.**

Mr. Schultz informed the Commission that one of the recommendations of the 2008 Plan of Conservation and Development is to maintain the Open Space Plan. He indicated that the current '93 Open Space Plan is a well-conceived, comprehensive document that energizes a fiscally conservative community to protecting open space in a more meaningful manner. Many of the recommendations of that plan have been implemented, resulting in successful open space acquisition and trail construction.

The stated goal of preserving 10% of the City's open space has been achieved but residents continue to feel that more open space is needed; hence, the 15% set aside. The Open Space Plan should be updated to reflect the regulatory and acquisition progress to date, and incorporate the latest information on open space protection. They prioritize remaining acquisitions based on the last 12 years of change, as well as current opportunities and threats, and reflect the current desire for open space plan and recreation opportunities. The up-to-date Open Space Plan can then be adopted by the P&Z Commission as an addendum to the newly adopted Plan of Conservation and Development and provide greater detail and a more strategic vision of that document. Mr. Schultz added that Tom Harbinson was present and would be going into more detail. He added that he has provided copies of the Executive Summary to the Commissioners. He indicated that he has read the document in detail and there is much more emphasis on the Greenway program. The Greenway program was a new initiative back in the early 1990's that has been very successful.

Mr. Schultz indicated that there is some opposition to the 15% set aside. Staff and Corporation Counsel have investigated this, and there are many communities in the State that use a 15% set aside without any problems. He added that they will probably hear from Corporation Counsel down the road because ultimately, they will have to amend the subdivision regulations.

Mr. Schultz added that most importantly, this planning document will be used to secure grants. Everyone is aware of how competitive it is to secure grants and the financial situation that the State of Connecticut is going to be in for many years to come. This Open Space Plan update will help Shelton, once again, secure those grants.

Thomas Harbinson, 15 Soundcrest Drive, Chairman of the Conservation Commission addressed the Commission. Mr. Harbinson indicated that he has been on the Commission for ten years. He stated that he would reiterate Terry Gallagher's comments about their appreciation of the P&Z Commission's contribution and release of funds from the Huntington Woods subdivision so that

they could construct the recreation path. He indicated that there would be an unveiling of that recreation path on December 13th, Saturday. He invited all of the Commissioners to attend.

Mr. Harbinson stated that the Open Space Plan from 1993 served the community very well. It allowed them to purchase properties in greenway corridors, a concept that was a new one to Shelton and to the State. It allowed them to assemble large tracks of land by acquiring specific parcels that were in a corridor, and with a larger assemblage of acreage allowed them to have a wildlife migration and habitat and other passive recreational opportunities that they would not have been able to obtain if they had scattered parcels throughout the City.

Mr. Harbinson indicated that most of their greenways follow natural resource corridors, which are waterways such as Far Mill River Greenway, the Means Brook Greenway in White Hills, the Housatonic River Greenway, the Trap Falls area and the Shelton Lakes. Although the Plan of Conservation and Development would probably be updated every ten years, he wasn't aware of any requirement that the Open Space Plan be similarly updated on that schedule. But they felt it was appropriate to recognize the achievements and the potential of their community's future to update the Open Space Plan.

Mr. Harbinson indicated that he was a member of the Plan of Conservation and Development Update Committee, and they outsourced that to Planimetrics, but they decided to do the Open Space Plan in house with their own talent. He thanked Teresa Gallagher and the rest of the commissioners who pulled together this document. He indicated that it was this Commission's document to approve as a supplement to their Plan of Conservation and Development.

Mr. Harbinson stated that the assemblage of properties that have expanded the current greenways include the Long Hill Avenue Greenway which has created in excess of 100 acres. Rather than being recognized as a periphery area to the Housatonic River Greenway or the Far Mill River Greenway, they want to recognize it in its own right, as its own greenway area.

Similarly, in the Ivy Brook area along Constitution Boulevard, they have acquired what would be slivers of property; however, there are steep slopes that protect the gorge area where Ivy Brook comes down and empties into the Housatonic River. They want to recognize that this open space border lends a beautification to the Constitution Boulevard area and the businesses that are located there.

In regard to the use of the Open Space Plan for grants, the Conservation Commission applies for many grants such as those from the Department of Agriculture to purchase development rights; the Forest Service to purchase timber bridges on their trails; or the Connecticut DEP for trails enhancement or the DEP's Land Acquisition Program. He concluded that they go after them all, and they are pretty successful. This is due to a lot legwork by the Conservation Commission and due to the planning documents that they have in place to illustrate that they are following a plan, and that they are consistent at it and persistent at it. For that reason, he asked the Commission to review the plan before them and, hopefully, adopt it.

Mr. Harbinson added that one of his objectives on the Conservation Commission is to be very transparent to the public. They promote everything that they do quickly and clearly via the Internet. This Plan has been available on a special domain that they've created by the City website, with links from the front page of the City website. They have all their e-mail messages immediately posted onto the Internet. There is a lot of opportunity for public input, and they've received some, and tweaked the plan before presenting it to you. He hopes the

Commission will approve the plan and he will answer any questions that they have.

Chairman Pogoda asked if there were any questions or comments from the Commission.

Comm. Jones asked about privatization of parcels that they try to acquire.

Mr. Harbinson responded that he would provide a little history on that. He indicated that in the past, they had an Open Space Committee in addition to a Conservation Commission. The Open Space Committee was created for the purpose of researching and targeting properties that would be appropriate for acquisition as open space. He got involved with the Conservation Commission in about 1998, and it was after that the Committee was created and he was a representative of the Conservation Commission on that Committee. There were also representatives from the Planning and Zoning Commission, the Inland Wetlands Commission, and some members at large. Somewhere along the line before he got involved with that Committee it morphed into commenting on subdivision applications, similar to what the Conservation Commission is doing. That was actually inappropriate, because somebody sitting on a Committee can't really comment on an application that they are also commenting on as an Inland Wetlands commissioner.

Mr. Harbinson indicated that they recognized that this committee format of identifying properties was not working anymore, so the Open Space Committee was absolved. But during its time, and now under the Conservation Commission, they have what is called a Quality of Life List. The Quality of Life List identifies properties throughout the community that they thought were appropriate to look into for acquisition or purchase the development rights for based upon review of their Open Space Plan.

Comm. Jones asked how long ago this Quality Life List was used.

Mr. Harbinson responded that it was dissolved in the 1990's, but it's a list that still exists. How properties are put on that list is based upon their Open Space Plan. A previous commissioner on the Conservation Commission, Terry Jones, was and still is a large property owner, and he showed them the type of brochures and literature that were sent to him from large developers, such as Toll Bros., listed on the NYSE, who wanted to buy his property for development – that is the asset they need to function. They recognized that if developers, both on a national scale and local scale, are talking to raw land owners, it behooves them to also develop a conservation and talk to these property owners as well.

Mr. Harbinson explained that is why the Quality of Life List was developed and mailings would be sent out to those property owners, inquiring if they'd be interested in preserving their properties. Of that list of mailings, some of those ended up being acquisitions and accomplishments for the purchase of development rights. Some of those conversations are ongoing. Depending upon the ownership of the property, there may be several families or parties involved; there may be types of use such as agricultural use or life use of a property; estate issues, accounting issues – all of those are entered into the decision as to which properties need to be immediately looked at or focused upon. It is a wide spectrum of properties on the Quality of Life List.

Chairman Pogoda asked if there were anymore questions or comments from the audience.

Atty. Steven Bellis, representing the Shelton Builders Association Inc., addressed the Commission. Atty. Bellis indicated that they were objecting to

a part of the Conservation Commission's suggestions to amend the subdivision regulations which require mandatory open space. He commented that the plan suggests a set aside of 15% as part of every residential development application. Presently, there is a 10% set aside.

Atty. Bellis stated that they are objecting to this because the City's subdivision regulations cannot conflict with Connecticut General Statutes. In this particular case, there is a Connecticut General Statute 8-25 that concerns the subdivision of land, and under the statute it states "such payment or combination of payment in the fair market value of land transferred shall be equal to not more than 10 percent of the fair market value of the land to be subdivided prior to the approval of the subdivision."

Atty. Bellis indicated that the use of the word "shall" in that sentence clearly reflects that the legislature mandated that the open space not be greater than 10 percent. Therefore, the Conservation Commission's suggestion of requiring that open space be set aside at 15% would be in direct conflict with that provision.

He provided some history of Statute 8-25 and indicated that it allowed towns, at one point in time, to have open space set asides for developments with subdivisions so that it wouldn't be so densely populated. He added that in 1990, the legislature changed the statute by adding language to include payment in lieu of open space and open space exceptions for children and relatives. He noted that the language has not changed, and it clearly states that it is not greater than 10 percent.

Atty. Bellis summarized that there were three reasons why they should not change it. The first being, as he just discussed was that it would exceed the legislative authority in its enactment – the statute is clear that it should not be greater than 10 percent.

He continued that his second argument would be one of taking – this is private property that the public is taking without paying the homeowner. His third argument was equal protection of the laws under the U.S. Constitution. They have had subdivision regulations since 1963 in which they have allowed a 10 percent set aside for developers and homeowners. Now, in 2008, when there are not as many parcels of land left, it penalizes a few select people who have large parcels of land. For 40 years, they haven't done that for most of the development in town, now the few people left with large parcels of land would be penalized because the open space subdivision regulations are going to change. Therefore, when Mr. Schultz stated that other towns have a higher percent of open space, that may be true, but it may be something that they had from the beginning, not something they changed in 2008.

Atty. Bellis commented that they should be careful because Corporation Counsel may tell them that other towns have it; however, just because other towns have it, that doesn't mean it is legal. There are many things in their own regulations that he doesn't think are legal, but unless they are challenged in court, they can go on and on. He indicated that he has reviewed the cases, and he hasn't seen a challenge, but he promises that if it is enacted, it will be challenged on the grounds that he has given.

Atty. Bellis concluded that he had no problem with the town acquiring open space – he thinks it is great for the town; however, he is talking about taking people's private property and saying that it will be put in a pot for the town's use.

Atty. Ed McGreery, 14 Arden Lane, Shelton, CT addressed the Commission.

Atty McGreery indicated that he was a lawyer, and as lawyers often do, he explained that what just happened to them was a little quick slight of hand in regard to the language of this statute.

Atty. McGreery clarified that the statute does not say that they cannot require more than 10 percent of the land. The 10 percent is talking about valuation; in fact, they can require more than 10 percent, and that is what some of the towns are doing now, and Corporation Counsel can investigate this because some of these changes are fairly recent.

Atty. McGreery provided some examples of other towns requiring more than 10%:

Bridgewater at 15%;

Brookfield at 15%;

Danbury, depending upon the zone, ranges from 5% to 20%;

New Fairfield is at 20%;

New Milford, which was very controversial with the same arguments two years ago, was recently increased to 15%;

Newtown increased to 15%;

Sherman is at 15%;

Oxford is at 20%;

Lebanon is at 20%;

South Windsor is at 20%;

East Hampton is at 15% - so don't buy this argument that it is illegal to require more than 10% on open space when they aren't talking about the valuation of the contribution.

Atty. McGreery commented in regard to equal protection, that's not equal protection, argument regulations change all the time. He added that Counsel knows full well that it is not an equal protection argument to say "Gee the speed limit last week was 65 mph, and you gave me a ticket, who knew you were going to change it to 60 mph, you can't change it, I've been going 60 mph on this road all my life ..." He concluded that was not a proper analysis of the law. There is nothing wrong with the proposal for 15 percent.

Comm. Lapera asked if there was any case law on this – have any of the towns ever had a challenge – is there any case law.

Atty. McGreery responded that no one has ever challenged the claim that they can only get 10 percent because that is not how the statute reads, so no one has brought that lawsuit.

Chairman Pogoda asked if there were any more comments or questions.

Tom Harbinson, commented that their Conservation Agent, again did do some diligence in terms of preparing a plan and they did reach out to other communities to see what they do or are planning on doing. He read a reply off of his Blackberry from the Conservation Director from the Town of Greenwich regarding this particular issue – "Ten percent of the land is not necessarily 10% of the value, all land in terms of market value is not created equal since often the developers include wetlands and the open space parcel land is clearly not the same value as the uplands. Perhaps you could ask your developer to give you 10% of the buildable land and refuse to accept wetlands in your open space set aside. In Greenwich, we take 15% and this is not challenged. The only time we don't take this is on a two lot subdivision which we normally do as a split as of right." He indicated that this comment was from Denise Savageau, Conservation Director, Town of Greenwich.

Mr. Harbinson reiterated that their Conservation Agent really did reach out to other communities to see what they do with their open space plans and what kind of regulations they have enacted to try to keep their model up-to-date.

Terrence Gallagher, 42 Judson Street, addressed the Commission. Mr. Gallagher thanked Rick Schultz for reading his letter and helping them get the recreational path underway. He indicated that Bill Dyer of the Trails Committee spent many nights out with the contractors, and they are moving quickly to get everything done before Thanksgiving. He indicated that construction is going well. He thanked the Commission for their support of the open space.

He reviewed some major points from his letter regarding making open space more accessible to the public, the management issues and how they deal with multiple uses for the open space. To the extent that they can, this new plan is a good upgrade for that, and they are trying to promote the greatest use possible on the open space plans that they have while keeping with a passive recreation theme that most citizens seem to want to have.

Comm. Sylvester commented that in his conversations with the people involved with saving the Housatonic River, he heard so many complimentary comments about Mr. Gallagher, his knowledge, and his contributions to any inquiries about open space, especially the MacCallum piece, and everything involved with the Riverfront. He wanted Mr. Gallagher to be aware of these comments specifically from people with no involvement with this process, but who know him and the quality of his work.

Chairman Pogoda asked if there were any more questions or comments. There were none, and he asked for a motion to close the public hearing.

On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to close the public hearing for the 2008 Draft Open Space Plan prepared by the Conservation Commission for adoption to the 2006 Plan of Conservation and Development.

OLD BUSINESS

APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE SEPARATE #4111, HUNTINGTON WOODS, LLC, 698 – 708 BRIDGEPORT AVENUE, SIGN

Chairman Pogoda indicated that this Separate was tabled at the last meeting because the Commission had planned to have the public hearing on sign amendments tonight; however, that portion of the public hearing was canceled until sometime in January. He did not want to hold up this application.

Mr. Schultz indicated that he was passing around a rendering of the proposed modification to the monument sign at Old Stratford Road, as well as the Bridgeport Avenue monument sign. The Commission heard from the tenants at the last meeting that they want the exposure, and they hope the Commission acts favorably on it. This is a PDD so the final design is up the Commission.

Comm. Jones asked if they would be rotating these eight signs also.

Mr. Schultz responded that they were rotating them until it came to a final design solution.

Comm. Jones asked how many stores were there – 14 stores (inaudible due to side discussions)

Mr. Schultz commented that if the Commission does act favorably, Staff was recommended to install black numbers for 911 purposes.

Atty. Bellis, representing the developer, indicated that he was in agreement with that for issues of safety. He thought it was a good idea (inaudible due to side discussions).

Chairman Pogoda commented that the numbers were white on the brick, if they could fit it in between the last batch of letters on Split Rock... (inaudible due to side discussions).

Comm. McGorty suggested putting the numbers on the end as opposed to the side, because of the monument's angle from the road, it would be easier to see.

Atty. Bellis agreed with making that adjustment to the numbers on the Old Stratford Road sign – just for the numbers themselves.

Mr. Panico added that it was also about the coloring because it just disappears into the background.

Atty. Bellis commented that he would have them come up with some other ideas with the numbers – making them larger.

Chairman Pogoda agreed that letters are black there right now and the white is difficult to focus on.

Atty. Bellis wanted it on the record that the Commission should be aware that he thought the sign regulation portion of the public hearing was canceled, so he had everyone in attendance go home.

Comm. Sylvester indicated that it was his fault because he didn't realize the separate was on the agenda...(inaudible due to side discussions).

Comm. Parkins commented that she was not opposed to having this split with everyone having equal opportunity to do advertising, but she feels there is a lot going on with all these different colors and logos. She added that some of them are hard to read and are distracting, such as V Ristorante Pizzeria. She asked if it couldn't be more consistent in some way so that it is clearer. She mentioned that if someone doesn't know the logos, it can appear very confusing and distracting. If a new tenant comes in with a blue and yellow logo, then there will be red, blue, yellow, and other colors.

Atty. Bellis indicated that he understood what she was saying but he wasn't sure how to respond because some of them were trademarks, such as Tutor Time.

Comm. McGorty asked if V Ristorante had to have that red background because it washes it out, unless the photo isn't doing it justice, but it's hard to make out what it says.

Atty. Bellis commented that maybe for the non-trademark ones such as that one, it could be more uniform. He indicated that he would pass that suggestion along.

Chairman Pogoda indicated that this is a PDD, and if they go through what they approved on the signs – he didn't know if it was their fault, or the developer's fault or the applicant's fault that these weren't followed through. This was on the PDD application and the approval as to the three anchor stores being on the main sign. At any time, no one knows if business is going to be good or bad, but this is what was approved and accepted. They've been fighting all these

signs – and that is why they are going to do the sign regulations and put something down. Chairman Pogoda agreed with Comm. Parkins, that the colors start getting radical and try to distract from one another by being brighter or bigger.

Atty. Bellis responded that he didn't believe that was the intent. They just have these logos...

Chairman Pogoda added that Sleepy's is bright red, and he understands that is their company's logo but when they try to add others on to get their visibility – it becomes a hodgepodge in his estimation.

Comm. Parkins commented that it is hard to tell some tenants that they can't advertise and others that they can. She realizes that they are trying to make the best of it right now by rotating them – there are some that are seasonal and some that are not, and if they get in the wrong rotation...

Chairman Pogoda asked how many tenants there were, about 21. He asked if they were going to see someone coming back in another month and saying that they have 10, and the other 11 tenants want to get on there – what now?

Atty. Bellis responded that he thinks that what they are trying to say is, aside from the national ones, where they are stuck with them, that they would rotate the remaining tenants that aren't national chains.

Comm. Parkins asked if they would still be rotating them then.

Atty. Bellis indicated that they would not be rotating the national ones – Walgreen's, Tutor Time, Sleepy's .

Chairman Pogoda asked if, not including the national ones, the rest of them – would they be rotated?

Atty. Bellis indicated that when a tenant first came on board there, they would put their slot in there temporarily – that is what he thinks they said.

Comm. Parkins asked if all the tenants, all the space that is available, will they all fit on this sign as they are proposing here, or will they come back and ask for more?

Comm. Lopera responded that no, there's 21 of them and only 10 slots.

Atty. Bellis added that they would not all be able to fit.

Comm. Jones asked if the liquor store would be in there until September and then another one put in.

Atty. Bellis responded that if a tenant moves out, then they have to replace that sign anyway.

Comm. Jones asked if they were going to ask for more than 10 slots.

Atty. Bellis responded that they wouldn't come back and say that they need 10 more slots.

Comm. Parkins asked if that was on the record.

Atty. Bellis commented that he wasn't here when Split Rock was approved because he would have asked for more slots.

They discussed comments made at the 11/18/08 meeting from the woman representing Blakeman Construction and the tenants at Split Rock and her desire to help the smaller businesses by rotating their signs so that they will be seen on Bridgeport Avenue. The corporate entities have lease agreements allowing them to remain on the monument – Walgreen's, Sleepy's, Gamestop but the smaller businesses have less or no visibility from the road.

Chairman Pogoda asked Atty. Bellis if he was stating that there will not be any rotation of tenants.

Atty. Bellis responded that he didn't want to make that representation – they won't rotate - unless they move out.

Chairman Pogoda commented that aside from moving out, forget about moving out – that is understandable, if they move out, their sign has to come out. He asked if, once these ten people come on this sign...

Mr. Panico interrupted to ask why they were concerned about it – in order to put in a different tenant, they have to remove one. If they choose every six months to change the face with a different tenant, he didn't think that they should really be concerned about that as long as it remains as an innocuous, standardized block type sign – what difference does it make?

Comm. Parkins asked if they could just restrict it to black and white – block lettering.

Comm. McGorty agreed that he didn't think they should care about who is on the sign as long as they don't have the craziness with different colors and logos.

Mr. Panico suggested making a statement to that effect to limit that to essentially the graphics that were there before, so they don't suddenly see all these rather pedestrian black and white name only signs turn into signs that are multi-colored, logos, etc.

Atty. Bellis agreed that he thought that was fair.

Mr. Panico commented that it was too bad they can't get rid of Tutor Time because that's the one that is messing everything up.

Comm. Parkins added that Tutor Time is the franchise, so they would have to decide if another franchise comes in, what would they do? Right now, they have Gamestop which is a franchise and Tutor Time that's a franchise.

Comm. Harger indicated that she could understand the new merchants thinking that people may be picking their business because they see it while driving down the street and it fits the need of something that they are looking for. She added that she thinks splitting this up makes it even more busy and there is only so much a person can grasp when driving down the street.

Atty. Bellis responded that he wanted to buy tropical pet fish the other day, and he pulled into the mall to see if there was a Petco or Petsmart on the sign, if they didn't have it, he would move on.

Chairman Pogoda commented that he just said he pulled into the mall and stopped.

Atty. Bellis said no, he meant he stopped on Route 34 and looked – at the sign.

Mr. Panico added that in Split Rock, there is a directory sign less than hundred feet in.

Atty. Bellis responded that he understands some of their concerns about making it uniform – he understands that they don't want a lot of mismatched colors and lettering; however, he thinks that the tenants need to have some kind of publicity so that people know that they are in this big shopping center way up on top of a hill. He continued that none of them can be seen from the road, and that is the problem. A lot of the split malls are right on the road level, and drivers can look at their buildings and see their wall signs.

Mr. Panico indicated that tenants in a large mall have no outside signs; their only presence is when people walk into the mall. There is a certain level of responsibility that the business person has to recognize and the shortcomings in advertising in respect to their (inaudible due to side discussions).

Atty. Bellis responded that he was willing to work with them for uniformity of colors and lettering.

Comm. McGorty stated that he thought there was still an issue though with the remaining businesses that move in and can't be on that monument sign. However, he thinks that they need to do a better job with the address, and he thinks that will help, because if they advertise with their address, people driving by look will look for the big numbers.

Chairman Pogoda suggested that in advertisements they use their address - 704 Bridgeport Avenue at Split Rock.

Atty. Bellis agreed but added that these people think of it a little differently because they feel that they are on a big intersection – Bridgeport Avenue & Old Stratford Road – with a lot of traffic, and they want visibility. He is not arguing with them from a planning stance, but from a businessman's perspective, they have paid a lot of rent, and all they want is a little sign.

Comm. Harger responded that it is not up to P&Z to remedy an issue that they have backed into.

Atty. Bellis commented that if he could have it his way, he would have all 21 tenants on there – that is what he would be arguing for.

There was continued discussion about how many names were originally on the monument sign and what was now being proposed for each sign – the one on Bridgeport Avenue and the one on Old Stratford Road.

Comm. McGorty expressed the fact that it will impede traffic if there is too much for people to read – the busier the sign gets, the more distracted the drivers get. Picking one sign out of twenty isn't easy. However, there are businesses that aren't going to be happy because they can't get on it – it is a tough situation.

Comm. Harger commented that they have 20, with room for 25.

Chairman Pogoda indicated that he didn't want to prolong this debate, he asked for a motion to deny or approve it with conditions.

Comm. Harger made a motion to deny Separate #4111. There was no second.

Comm. Sylvester responded that if there is no second than there is no motion. He commented that he could make a motion that says that they should have a sign to represent all the stores. He believes that, but he won't make that motion

because he knows that it won't go anywhere. He added that they needed to make a motion on something they could agree about; obviously, they all have different philosophies here about small businesses and their obligation to help people make it.

Comm. Sylvester continued to say that personally, he has just sat here and not said anything. It's hard to sit and not say anything, but the good representation was that they should all be standard. It bothered him that big companies can move in to this community and demand something that small businesses trying to make it, can't get, so they are at an immediate disadvantage. When they look at these signs, they should take that into consideration.

Secondly, he believes that anyone who has a business and money invested in that business should have a right, somehow, to make it known that they are there. He agreed with Atty. Bellis that the design of that particular site, which this Board approved, is a very difficult site for those businesses that are not up in the front – they are someplace in the back. It is very difficult for someone to sell ice cream in the back if they can't tell someone out in the front driving by that they are back there. They rely on traffic and people driving by. He won't try to sell his wares as far as signs are concerned because everyone knows how he feels about the signage in the city of Shelton. He doesn't think they should sit here and talk about Split Rock, which he should have disqualified himself from talking about anyway because it's Split Rock; however, this discussion is about signs. And it is about what do they want to do here and what can they do with the rest of the community to stay somewhat consistent and allow people to bring exposure to their own private businesses.

Chairman Pogoda indicated that he still needs a motion since this motion to deny has gone down.

Comm. Parkins indicated that she would like to make a motion to approve the application #4111 as proposed with the stipulation that the smaller signs be standardized without colors – black and white.

Comm. Sylvester stated that he would second that motion.

Mr. Panico asked for clarification if they would incorporate into that restriction, the existing signs, because several of them out there aren't black and white.

Comm. Parkins asked if there was any current lease agreement that indicated that the signage they have out there was required to be logo signage.

Atty. Bellis responded that in the negotiation of these leases, to the best he can remember, it was always subject to the P&Z Commission's approval. He would say that if this was starting off fresh, it would be fine; however, he doesn't know if they have already approved something beforehand.

Mr. Panico stated that his concern was that on one of those signs, for example, Sleepy's occupies a full panel all the way across. This proposal modifies that and gives them half a sign, so that's a new sign. So his question to Comm. Parkins in framing her motion is - what's her intent with respect to that sort of thing.

Atty. Bellis responded that he was unsure about the Walgreen's.

Comm. Parkins indicated that Walgreen's was fine. It's the rest of them and at this point they need to decide about it. Tutor Time is also a logo, but if they allow that logo, then something else comes in at one of the other places with a logo color, then they have already set a precedent. So it has to be all standardized black and white, with the exception of Walgreen's.

Atty. Bellis responded that he thought they might be OK with that.

Comm. Parkins indicated that means that Gamestop would become black and white.

Atty. Bellis continued that might be OK, because it's subject to Planning & Zoning approval, so he doesn't think that they can disagree with that.

Comm. Jones commented that Planet Fitness is right next door and they took their purple & yellow logo on the Bridgeport Avenue monument and made it maroon.

Chairman Pogoda responded that they changed it to maroon because that is what the Commission requested.

Comm. Parkins mentioned that most of the bigger places already have a logo up on their wall, like Gamestop, that is visible.

Chairman Pogoda reiterated that a motion was made by Comm. Parkins. He asked her to restate the conditions of the approval.

Comm. Parkins responded that they should all be standard, one color, black on white. And they should change the street numbers to appear more visible on the monument signage.

Comm. Sylvester seconded the motion. Chairman Pogoda took a vote and Comm. Harger voted in opposition.

Atty. Bellis thanked the Commission for all the time spent on this.

On a motion made by Ruth Parkins seconded by Leon Sylvester, it was voted (5-1) to approve the proposed signage for Separate #4111 with the stipulations that there be size & color standardization made as indicated in addition to a visibility enhancement of the street numbers on the monument structure located at 698 – 708 Bridgeport Avenue. Commissioner Harger voted in opposition for this application.

2008 DRAFT OPEN SPACE PLAN: DISCUSSION AND POSSIBLE ADOPTION AS SUPPLEMENT TO THE 2006 PLAN OF CONSERVATION AND DEVELOPMENT

Chairman Pogoda indicated that this was on for discussion, and possible adoption to the supplement to the 2006 Plan of Conservation and Development. He asked if there were any questions or comments on the Open Space Plan, the opposing comments by Atty. Bellis or the 15% set aside. He asked Staff about the possibility that this could go to court (inaudible due to background noise).

Mr. Panico clarified that this was only a planning document. The time that push would come to shove is if they decide to amend the regulations. Then there would need to be a public hearing, and at that point anyone with disagreement by a person with that decision, can then appeal that regulation. However, this is strictly an advisory document and there is no real basis for an appeal.

Mr. Schultz indicated that he prepared a draft resolution if the Commission is ready for him to read it.

Comm. Jones asked if he could make some comments. He indicated that, like Tom Harbinson, he got involved with local politics about 10 years ago, around

1998. He's listened and wrote things down from comments made by Atty. Bellis and Tom Harbinson that he'd like to go over.

He asked if he could make some comments about the Shelton Open Space Plan from 1993. He reread the definition of open space as designated areas deemed necessary or desirable for preservation of the City's natural resources with particular attention paid but not limited to farm land, forest lands, riverfront lands, coastal area management zones, reservoirs and aquifers. He identified the four major greenways as Far Mill River, Means Brook, Housatonic Valley, Shelton Lakes, with the addition of Ivy Brook, Long Hill and Trap Falls.

Comm. Jones made reference to the Action Plan that is part of the Conservation Commission's document and it's priorities to secure grants, create tracks of land for habitat and migration, the research and targeting process, and the Quality of Life List. He mentioned a piece of property he recalled hearing about in the late 1990's that abutted the Shelton Intermediate School that the City wasn't interested in but later purchased from a developer at double the price.

Comm. Jones continued to discuss a privately owned piece of property near the Shelton High School, approx. 25 acres that was ultimately taken by eminent domain. He commented about another a recent occurrence in which a homeowner near Soundview Avenue sold their property to a developer who resold it to the City of Shelton at double its price.

In regard to tracks of land for habitat and migration, Comm. Jones commented about the Housatonic River Greenway which runs from Monroe to Stratford that was perfect waterfront land that the City did not purchase. He mentioned the Far Mill River Greenway, another piece of property that would have been perfect for passive recreation that a developer came in and bought first.

In conclusion, Comm. Jones indicated that he doesn't understand how this Shelton Open Space Plan is used. He asked if it was used on an individual basis – it was confusing. He was uncertain as to how this document was to be used because properties meeting open space criteria were not purchased. Comm. Jones added that as long as he was on this Commission he was going to try to get some of these questions answered about why some of these properties were purchased and why some weren't.

Chairman Pogoda responded to Commissioner Jones' comments and said that Planning and Zoning does not control what is to be purchased and what is not to be purchased. P&Z has no input, in any way, shape, or form. All of that comes from the Board of Aldermen. They are the ones who act on whether they are going to purchase property or not purchase property. Whether the Conservation Commission requests it, wants it, has it on their to do list or wish list, for whatever reason, the BOA still has to approve it or provide funding for it.

Comm. Jones asked if they give 8-24 Referrals on this property.

Mr. Panico responded that they provide advisory reports.

Comm. Jones commented that this document is going to be inserted into the Shelton Plan of Conservation and Development.

Chairman Pogoda responded that yes, it is, but they have no control over how these ...

Comm. Jones indicated that he thought that he thinks they should have a little bit more input.

Chairman Pogoda responded that it is two different parts of government.

Mr. Panico added that it could be likened to the fact that as planning commissioners, they may decide that they need a road from A to B. They can put it on a map, try to promote it and protect it, but in the final analysis, someone else has to say it's time to build the road, it's time to get the money, buy the property and do it. However, this Commission can't do it, they can only attempt to guide things that occur as best they can.

Comm. Jones indicated that he would try to better guide things then.

Mr. Panico indicated that he thinks, in respect to open space, this Commission has tried to guide things the best that they could by supporting all the recommendations of the Conservation Commission. In some cases, the desirability of some pieces of property doesn't go that far and sometimes it does.

Comm. Sylvester commented that this Board called the Hurd property to the attention of the community when they came in to rezone to get greater relief to build a more dense development. This Board recognized it and thought the City should be involved in purchasing that property. The one piece of property that he remains disappointed on, which falls on this Board, is the Maples. There have been mistakes made, some by this Board, some by other Boards, but not for any other reason than everyone is trying to do a good job to make this a better community.

Chairman Pogoda asked the Commissioners if they had enough info to approve putting this into the POCD tonight or would they like to get more information and wait until the next meeting.

Comm. Jones asked Tom Harbinson if this would hold anything up if it isn't approved tonight, such as any grants.

Tom Harbinson responded that it would not hold anything up.

Comm. Parkins indicated that everything that they have heard tonight is positive; however, she would personally like to review it prior to voting.

On a motion made by Ruth Parkins seconded by Patrick Lopera, it was unanimously voted to table the discussion of the 2008 Draft Open Space Plan until the December 9th P&Z Meeting.

PLANNED DEVELOPMENT DISTRICT #51: PARKING PLAN FOR THE RENAISSANCE, PARROT DRIVE

Mr. Schultz read a letter dated 11/25 from James R. Swift requesting withdrawal of this application.

On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to accept the withdrawal of the discussion/acknowledgement of Compliance with the Statement of Uses & Standards for PDD #51 parking plan for the Renaissance and Parrot Drive. Comm. Sylvester abstained from voting.

OTHER BUSINESS **2009 MEETING SCHEDULE**

Chairman Pogoda indicated that everyone should have received the 2009 meeting schedule in the mail – it is only for the regularly scheduled monthly P&Z meetings.

On a motion made by Patrick Lopera seconded by Chris Jones, it was unanimously voted to accept the proposed 2009 P&Z Meeting Schedule.

On a motion made by Ruth Parkins seconded by Patrick Lopera, it was unanimously voted to adjourn at 8:58 p.m.

Respectfully submitted,

Karin Tuke

Recording Secretary, Planning & Zoning Commission