

In reference to Separate #5014, Mr. Schultz showed the photographs of the proposed blue lighting. They learned that the blue lighting was soft and desirable, as opposed to the white. They asked the general manager to discuss whether or not the 200 wattage was necessary. It should be noted that in Meriden, the Holiday Inn is a 3-story building and the Shelton Holiday Inn Express is 6 stories, so it would require more wattage. The lighting they saw in Meriden would be workable for the Bridgeport Avenue corridor.

Scott McKay, General Manager, Holiday Inn Express, 695 Bridgeport Avenue, Shelton, CT addressed the Commission. He indicated that the wattage is 150 not 200.

Chairman Pogoda asked what wattage was being used in Meriden.

Mr. McKay responded that the wattage in Meriden is 70 because it's a 3-story building, but Shelton is 150 because it has 6 stories.

Comm. Parkins asked if it was 150 per bulb with 4 bulbs for each illumination.

Mr. McKay responded that was correct. It is a Holiday Inn Express design specification that if the building was 1-3 story it would be 70 watts and anything above 3 floors would be 150.

Chairman Pogoda asked what the wattage was on the front pillars.

Mr. McKay responded that he wasn't sure what it was.

Mr. Schultz asked if they would be using the existing ground mounted fixtures.

Mr. McKay responded that they would not. They would be installing lights similar to what they saw in Meriden.

Chairman Pogoda asked if that would be on the ground or will it be installed on the first floor as it was in Meriden.

Mr. McKay referenced the photograph, and indicated the lights would be basically one floor up. They'd use the same ornate hardware. The down lights already exist and will be replaced; however, the up lights on the buildings will be additional fixtures.

Chairman Pogoda asked if the structures would be similar to the ones in Meriden.

Mr. McKay responded that was correct, exactly the same.

Chairman Pogoda commented that they visited the Meriden Holiday Inn around 4:30 p.m. If the wattage is the same as what they had there, it would be acceptable – it didn't seem to be too bright – that wattage was good.

Mr. McKay showed some photographs he took in Meriden last night around 8:30 p.m.

Comm. Parkins commented that it would be double what they saw in Meriden because its 70 watts there, 4 lights as well, but it would be double the wattage in Shelton.

Chairman Pogoda added that it would need to be doubled for 5 more stories otherwise it would just be lost.

Comm. Lopera asked if there was any lighting in the back of this building.

Mr. McKay responded that there wasn't.

Chairman Pogoda asked if it would just be the 4 lights on each side in the front and 2 on the front columns.

Mr. McKay responded that yes, there would be 4 up-lights and the 2 down lights on the columns.

Comm. Sylvester arrived at 7:07 p.m.

Comm. Lopera asked if there were lights on the sides of the building, or anything in the back.

Mr. McKay responded that in the back they have standard exterior lighting but nothing additional like the others. They have turned down the side lighting and they won't be installing any side lighting, just the front.

Comm. Lopera asked what happens when that light hits the top of the building.

Mr. McKay responded that it stops; it is not designed to shine up into the night sky. It is flat against the building, and once it reaches that rooftop, it dissipates.

Comm. Lopera asked if there was any construction on the roof top for a shield or anything like that.

Mr. McKay answered no, and the light is soft enough that it won't extend past it.

Chairman Pogoda asked for a motion on Separate #5014, if there were no more questions.

On a motion made Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve Separate #5014.

SEPARATE #5023, TAGR CORP, 695 BRIDGEPORT AVE, SIGN

Mr. Schultz reiterated that the Holiday Inn Express is doing a complete makeover – lighting, exterior painting in an earth tone and changing the signage.

He circulated photos of the proposed new ground and wall signage.

Mr. McKay added that there was nothing additional, but they were replacing the existing logo of the corporate identity. The new "H" logo and the whole re-launch is the result of 18 months of extensive research/surveys to give Holiday Inn & Holiday Inn Express a more modernized look.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve Separate #5023 for wall and ground signage.

SEPARATE #5020, DRAFT HOUSE, 350 BRIDGEPORT AVENUE, SIGN

Mr. Schultz indicated that this was for the new sports bar. The applicant was not present; however, he provided two different scenarios for the Draft House signage. The first proposed sign (Option 1) depicts a picture of a beer stein with the words DRAFT HOUSE and the second proposed sign (Option 2) has the same DRAFT HOUSE lettering without the beer stein graphic. He explained that the raceway was consistent with the existing signage there.

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to approve the second option for signage without the graphics for Separate #5020.

SEPARATE #5024, EDWARD STOCKMAL, 243 BEARDSLEY ROAD, HOME OFFICE

Mr. Schultz indicated that this was for a home office – 50 square feet, pet-sitting service, 24 hours, personal car, phone, and PC. Staff recommends approval. All services rendered off site.

On a motion made by Ruth Parkins seconded by Patrick Lopera, it was unanimously voted to approve Separate #5024.

SEPARATE #5030, THOMAS BARTOMELI, JR., 722 HOWE AVENUE, HOME OFFICE

Mr. Shultz indicated that this was for a landscaping business, 100 square feet, M-F, 8 a.m. – 4 p.m., one commercial vehicle parked in Monroe. Conditions for approval are noted for no commercial vehicles at any time. Staff recommends approval.

On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to approve Separate #5030 with the standard conditions.

SEPARATE #5027, DAVID BRODER, 143 LONGFELLOW ROAD, HOME OFFICE

Mr. Schultz indicated that this is for a financial services home business, 25 square feet, one employee, hours of operation 9-5, M-F, PC and phone; Staff recommends approval.

On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to approve Separate #5027.

2008 DRAFT OPEN SPACE PLAN: DISCUSSION AND POSSIBLE ADOPTION OF SUPPLEMENT TO THE 2006 PLAN OF CONSERVATION AND DEVELOPMENT PLAN (PUBLIC HEARING CLOSED ON 11/25/08)

Mr. Schultz indicated that Staff met with members of the Conservation Commission last week. Specific adjustments have been made and everyone has a copy of it. It is entitled the 2009 Open Space Plan (Revised January 2009). He wanted to go through each change highlighted in red text so that Commission is aware of the revisions. Staff believes these changes were needed to reflect the concerns of the Commission discussed at the last meeting.

Mr. Schultz indicated that they had a very productive meeting with the Conservation Commission, and he has prepared a draft resolution if the Commission is ready to adopt it.

He read the highlighted areas in the revised plan.

***See attached City of Shelton 2009 Open Space Plan, Revised January 2009**

After reading Page 2, Paragraph 3 of the revised plan, Mr. Schultz noted that it is the opinion of Staff that the “450 acres” is only going to be done through acquisition because they aren’t seeing many subdivisions anymore.

They have heard that the 15% is inconsistent with the State language and is excessive. In reality, other towns have done it successfully and there haven't been any appeals, but they are bound by State statutes. Presently, Corporation Counsel is indicating that they should go ahead, other towns have been successful with the 15%, but in reality, the City of Shelton is not going to put the burden on developers because they just don't have the land base anymore. Staff believes that the 450 acres will be done through acquisition.

Mr. Schultz added that the Conservation Commission is requesting that they amend their subdivision regulations by changing to 15%; ultimately, this Board will have to decide whether or not they want to do that. Obviously, the Conservation Commission believes that they should, so when the time comes that a public hearing is held, the decision may be not to do it, or to reduce it to 12% or 13%. Clearly, there are only 3,000 undeveloped acres of land, and they are hoping to secure 450 acres.

He noted that on Page 3, in regard to Farmland Preservation/Agriculture Zones, the Conservation Commission may be able to do this through their own documents and mechanisms instead of through the zoning map or by creating new zones.

Mr. Schultz explained the *Open Space in Shelton* chart on Page 9, noting that it was important to clarify that there was State of Connecticut Open Space, but the Conservation Commission has no control over that space, which is substantial, such as Indian Well, but it's controlled by state legislators. The 15% represents public control including land trust property.

Other changes dealt with the language changes throughout the document.

Mr. Schultz indicated that they referenced and discussed the Hydroelectric Facility adjacent to Riverview Park. He reported that Staff has issued a Cease & Desist Order. They aren't relying on the State DEP to resolve that fence issue so they did it at the local level and they are ready to pursue that through a lawsuit, if necessary. He added that it was important to have the reference to this specific area in as many documents as possible.

Comm. Sylvester commented that it is designated open space.

Mr. Schultz responded that the hydroelectric facility is private. They made the condition that pedestrian access is provided to the boat/fishing area.

Comm. Sylvester asked if it was included in the documented open space.

Mr. Schultz responded that it was not in the inventory– but because they did the zone change, all the documents recommend that it be preserved as open space.

Comm. Sylvester commented that when that hydroelectric plant went into that space, the land was designated as open, accessible for recreation. He asked if that openness attachment in the decision follows the land – not just the hydroelectric plant. He asked why it isn't documented City Open Space, because it was agreed to by the owners and it was part of a decision made in 1986. What makes that different from any other open space?

Mr. Schultz responded that it was a good point and there should be a specific category that lists that. They have local, regional and state planning documents that indicate the property should be preserved for historical purposes, but it should also be added to inventory. The State of Connecticut space is designated separately because they have no control over it, but this is private, and he would make sure that it gets included.

Comm. Parkins commented that if it is not recorded with the deed of the land, than it doesn't necessarily carry with the land if it's open space access and not recorded in the deed.

Comm. Lopera asked if they recorded the approval on the land records.

Mr. Schultz responded that it was a special exception but it never demarcated the specific area. It was pretty broad.

Comm. Sylvester commented that it does in a way, and if they go back in the minutes, it does. The only thing forbidden at the time was access to the house, and the platform around the fishing area. He recalled that steps were put in half way down so that the public could access the water.

Mr. Schultz responded that the whole property, the historic Canal Street, should be listed as open space, every component should be except for the hydroelectric part.

Comm. Sylvester thought that Ruth's question needs to be answered because it impacts other decisions that have been made by this Board that put constraints on a piece of property as a result of approval. He couldn't think of any other properties right now, however, it would seem that there are other properties that have been influenced by the decisions of this Board.

Comm. Parkins asked if this land were to be filled in successfully and condos were built, would that open access continue with the land.

Comm. Sylvester responded that he thought it would carry until it was legally changed.

Mr. Schultz addressed the Chairman that this is an element that is important to incorporate before they adopt this tonight.

Comm. Sylvester indicated that he didn't want his comments to hold things up...

Mr. Schultz indicated that they would be meeting again on the 25th.

Comm. Sylvester asked if there had already been a meeting about this, what Board members attended, and if they were made aware of it.

Mr. Schultz responded that yes there was a meeting last Thursday, and this revision was the result of it. The Commission directed Staff to have a meeting with the representatives of the Conservation Commission and the Chairman was available. He added that it was the Commission's call on how to proceed with this.

Comm. Sylvester commented that he was surprised that they weren't made aware of it. He added that he took such a blasting about his comments at the last meeting that he would have at least liked to have been made aware of another meeting so he could defend himself.

Chairman Pogoda commented that if the Commission members think that they want to get together with them...

Comm. Sylvester responded that no, it wasn't necessary, there was a meeting already. He's not disputing anything that was decided, he's just disappointed that he wasn't made aware of it.

Comm. Jones commented that he thought they had agreed to schedule a meeting so that both Commissions could go over this.

Comm. Sylvester commented that he assumed that too, and thought it would happen this evening.

Mr. Schultz responded that he could be wrong, but he was directed to have Tony Panico meet with the Conservation to resolve these ambiguities.

Comm. Sylvester stated that he didn't want to make more of this than necessary.

Mr. Schultz read the last page of the Open Space revision, page 53, regarding White Hills. He concluded that a lot of this is redundant, but they wanted to make sure the language was changed in all of the sections. He added that the Conservation Commission was not under the gun on any pending grants, if the Commission didn't decide tonight.

Comm. Jones commented that he thought that part of the reason they were going to get together with them was because they didn't have any pending grants. Last month, he recalled that he said it would be good for the two Commissions to interact about decisions being made.

Mr. Schultz responded that he'd be glad to set up a meeting with more representatives.

Chairman Pogoda asked Rick to get in touch with Tom Harbinson to set something up and touch base with the Commission members that are interested to find a convenient time to meet.

Comm. Jones suggested combining their Conservation meeting with the P&Z meeting.

Mr. Schultz responded that they meet on the 2nd Wed. of the month at 7 p.m. but they are willing to meet at 5 p.m. or 4 p.m.

Comm. Parkins suggested that they should determine or note how many members should be present from each Commission.

Comm. Sylvester responded that there should be three or four at least.

Comm. Parkins suggested that there is a certain number from each Board if they call a meeting.

Mr. Shultz responded that if it was a meeting for a quorum, he'd have to post it, but this was just a Staff Meeting that they had.

Comm. Sylvester clarified that just because he questioned certain things, he was still prepared to vote to accept this plan. He was prepared to do that at the last meeting. He just thinks that there are some items in it that are impactful to the City. He read it carefully from beginning to end, and there are several recommendations made that are totally or partially in the hands of the P&Z Commission.

Comm. Sylvester clarified that the only thing he was trying to say was that if the Conservation Commission has priorities in their Plan and say that the P&Z Commission is the group to do everything, and they accept it – then this group needs to discuss it. Even if everyone doesn't agree, the discussion is healthy – that is all he was trying to say. He clarified that as far as the 15% is concerned, it was stated afterward, that he was pro-development and, therefore, against the

15%. He added that the comment that he was against the 15% because he's pro-development is ridiculous, and he would challenge anyone to review the decisions of the Board he's been involved on as Chairman – he's not pro-developer or anti-developer. He thinks the discussion of 15% versus 10% would be a healthy discussion. There are many people that have things to say as to why it would be unfair to now take 15% from a landowner or a developer, and there are other people who think that it is very fair. As Rick brought out, they are down to the very end of development, and those kinds of items need to be discussed.

Comm. Sylvester commented that Chris Jones brought out some good points as to what determines legitimate or desirable open space. He wanted to go on the record to say that many people speak to him on a regular basis who feel that just because it's a large parcel of property, it's not more important than a unique, strategically located small piece of property. He added that he thinks that things like that can be discussed intelligently without being attacked – he doesn't need to be attacked, his family doesn't need to be attacked. He recalled that he has sat on this Board for 20 years and has never made a dime. He never made a vote that would influence anybody, his family or anyone else to make a dime. He isn't corrupt; this is legitimate discussion about their community, and that is all it is about. He thinks 15% or 10% is a good discussion, and he thinks that hearing from the public would be a good idea. He added that Atty. Bellis made some good points and he's sure others would make some good points as well. He concluded that he doesn't understand how, by sitting here and having differences of ideas, he's been accused of things.

Comm. Sylvester indicated that he wanted to clarify that in his discussion at the last meeting, he suggested that he would like to accept the Plan with the notation that there are several items in the Plan that should be discussed openly. He didn't say he wanted to change any of their recommendations, but to just have an open discussion – and have everyone be transparent.

Comm. Parkins responded that the transparency would come about if they decided to change their regulations to reflect that it's going from 10% to 15%, and that is when public discussion, etc., would be invited.

Mr. Schultz agreed and informed the Chairman that he received a fax today from Atty. Bellis dated January 13th. He did some more background checking on the legislative history of the open space provision of the State statutes. Mr. Schultz indicated that he couldn't discuss the content because the hearing was closed, but he wanted to acknowledge receipt of this letter. He summarized that Atty. Bellis would take up the matter when the Commission has a hearing regarding the subdivision regulation amendments.

Chairman Pogoda asked Rick to set up a meeting and get in touch with everyone regarding a meeting with the Conservation Commission, and they can take it from there.

Comm. Sylvester stated that he wanted to make a motion to accept the City of Shelton 2008 Open Space Plan as submitted to the P&Z Commission.

Comm. Lopera responded that they shouldn't do that if they are going to have a meeting.

Comm. Sylvester commented that he wanted to be on the record that he wants to do it.

Comm. Lopera responded that they shouldn't accept the plan unless they have this meeting.

Comm. Sylvester added that if he didn't get it seconded, then they don't need to discuss it at all. He was doing this for a purpose. He asked Comm. Lopera if he had been at the last meeting.

Comm. Lopera responded that he was not at the last meeting, but he doesn't understand why they would adopt a plan and then have a meeting once they adopt it. He would rather have the meeting, and then adopt the plan.

Comm. Sylvester commented that was fine, if no one seconded it.

Comm. Parkins asked if he was accepting the Plan as presented. She stated that she would second it.

Comm. Sylvester responded that now they could discuss it.

Comm. Lopera reiterated that he was certain they should not accept a plan if they have questions about it. If the meeting results in changes, then they will have to amend the motion. He added that, without having the background, the fact that the Shelton Canal is in "Managed Open Space," he is assuming that what they meant is that, since it was dedicated by the hydroelectric facility, it should be in the "Dedicated Open Space." He wants to make sure that they have a clear understanding of which category it is in, and if it is in the right category. He concluded that he would rather make sure that is correct before he votes on the plan. If Leon is saying that they were required to dedicate that space as open space...

Comm. Sylvester responded that was his understanding of it.

Comm. Lopera stated that it may be floating open space, but it's nonetheless, open space. If that's the case, than it's in the permit, and the special permit was recorded on the land records, then the question is whether it's open space, dedicated open space, other dedicated open space...

Comm. Parkins added that if it's dedicated as such, rather than just public access – property can be dedicated as public access, the ownership is retained. Less taxes are paid on it because it's public access, but if it's sold or the access is changed, than they're taxed fully on it. She indicated that was her understanding of it.

Comm. Lopera indicated that they don't know what the special permit says and he'd like to check the tax records on it.

Mr. Schultz commented that it's a valid point, and they need to look into it. They may have a new category – he thinks that's what may happen here.

Chairman Pogoda summarized that they still have a motion on the table with a second, and the discussion is regarding dedicated open space and members have some other questions. There are plans to hold a meeting, and as Pat brought out, it could bring some changes to the Plan, in which case they will have to go back, change it and have another public hearing. He asked the Commissioners if they want to keep that motion.

Comm. Parkins commented that the issue on the table, isn't really an issue with this Plan, it's what they requested be in the Plan in terms of labeling. It is really their issue.

Comm. Sylvester asked if once they adopt this Plan, would it become part of their Plan.

Mr. Schultz responded yes, it would be a supplement to the 2006 Plan of Conservation and Development. Another body prepared it and asked for a hearing for P&Z to adopt it.

Comm. Sylvester reiterated that the reality of it is that when they adopt it, it is a part of their Plan.

Comm. Parkins added that it doesn't change their regulations.

Comm. Sylvester commented that if his motion makes it more difficult for this group, than he will withdraw his motion. However, he was trying to make a point that he made at the last meeting, he wants to pay tribute to the people who made this document – it is well done. There's an awful lot of work and time that has gone into it, and he understands where people might get upset if it isn't accepted and if it's questioned. He doesn't want it to be that way, and he doesn't want that type of confrontation to exist. He wants to personally let that Commission know that he appreciates the work that went into it.

On a motion made by Leon Sylvester seconded by Ruth Parkins to adopt the 2009 Draft Open Space Plan as a supplement to the 2006 Plan of Conservation and Development. No voting took place.

On a motion made by Leon Sylvester seconded by Patrick Lopera, it was unanimously voted to withdraw the motion to adopt the 2009 Draft Open Space Plan as a supplement to the 2006 Plan of Conservation and Development.

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to table the discussion and adoption of the 2008 Draft Open Space Plan as a supplement to the 2006 Plan of Conservation and Development.

End of Tape 1, Side A 7:47 p.m.

NEW BUSINESS

APPLICATION #09-01, MICHAEL SALEMME FOR RE-SUBDIVISION APPROVAL (2 LOTS: LONG HILL CROSS ROAD), (MAP 51, LOT 29), PDD #69 – ACCEPT & SCHEDULE PUBLIC HEARING

Mr. Schultz indicated that this is the property that the Commission recently rezoned as a PDD for an industrial building and a residential dwelling.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to accept Application #09-01 and schedule a public hearing for February 24, 2009. Comm. Jones recused himself from voting on this application.

APPLICATION #09-02, ALL CAR CARE II FOR SITE PLAN APPROVAL (AUTOMOTIVE REPAIR/USED CARE SALES); 61 CENTER STREET (FORMER SHUSTER'S GARAGE), (MAP 129D, LOT 53), CA-3 DISTRICT – ACCEPT, DISCUSSION, AND POSSIBLE ACTION

On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to accept Application #09-02.

Mr. Schultz indicated that the last applicant that received approval has withdrawn their approval, and they have a new one. He read the new applicant's request

and indicated that he put it on the agenda for possible action because the Commission is so familiar with the subject property.

Mr. Schultz stated that the new applicant was All Car Care II, and the applicant is seeking site plan approval for the 7000 square foot building for the repair of motor vehicles and the sale of up to 7 pre-owned cars. He added that the last applicant agreed to reduce the 7 to 5, but previously, this Commission has approved up to 7 vehicles. There are 7 spaces on the far left side of the property for the sale of pre-owned cars. There would be no towing is being proposed for this garage. There are no exterior alterations proposed for the existing masonry building and the existing parking will remain at 13 spaces. The property exists in a CB3 district with the CBD overlay zone and enjoys a pre-existing, non-conforming use. He continued to read other requirements and conditions from various City departments (see attached Draft Motion for details).

Comm. Harger mentioned that with the last applicant, there was a request from Staff at the 12/9/08 meeting that they reduce the amount of pre-owned cars from 7 to 5. She asked whether they shouldn't remain consistent with that and keep it at 5 cars.

Mr. Schultz responded that he was supportive of the 5, but he still wants to request to the Commission for 7. Staff feels better for 5, so the Commission is presented that question again.

Eric Aydar, 29 Brownstone Drive, Southington, CT addressed the Commission. Mr. Aydar indicated that he would like to have 7, but 5 is fine. He added that this is his 3rd garage. He stated that he would maintain it well, keep it clean and provide necessary landscaping. He would prefer 7 cars to help his business, but if that's a problem, 5 would be acceptable.

Comm. Jones responded that in this economy everyone is trying to make a dollar. Just last month they approved up to 7 pre-owned cars.

Comm. Harger made the correction that they only approved 5 – it was reduced from 7 to 5.

Mr. Schultz added that it was the applicant's request. Three years ago it was 7 cars, but Staff asked the last time, if they could live with 5, it would be better. At the time, that applicant agreed to it.

Comm. Harger reiterated that she just thinks they should remain consistent.

Mr. Schultz commented that it was this Commission's call, not the ZBA. The applicant can always return and request 7.

Comm. Sylvester agreed with Ginny that it was a good point that they accepted it last time at 5, and they should remain consistent. If there's a hardship, they can come back – but they should be consistent.

Edward Shuster, owner of property and previous operator, addressed the Commission. Mr. Shuster commented that the switch from 7 to 5 was a request made by a different person. This guy is looking for 7 and he doesn't see how that is outrageous. They are talking about 2 more cars on display – the more stock he shows the better – but it's up to the Board. Historically, the property has been an automotive place and he wants it to remain that way.

Chairman Pogoda asked about the previous tenant who had the facility for about a year, how many did they approve then?

Mr. Schultz responded that it was 7.

Comm. Sylvester commented that he was torn about this. He agreed with Ginny that they should stay consistent; however, Chris makes a good point that this is tough economic times, 7 cars would give the guy a better chance to be successful which makes it better for the economy of the city. He suggested that they try 6, and leave one up for grabs.

Comm. Jones agreed and recalled that they did that with the subdivision on Buddington Road – met in the middle with 6 houses.

Comm. Sylvester indicated that he is very torn and sees both sides of this thing. He addressed the fact that Mr. Shuster ran that business for as long as he can remember, and it never really created a problem downtown. The place was always well-kept and attractive, even though it is a garage downtown.

Comm. Parkins asked if the Staff of the shop would park elsewhere, as the previous applicant agreed to do. There was a lot of discussion previously about that, and it was a condition of the first application, so she'd like to make sure it stays with that.

Mr. Aydar agreed and responded that they would all come in one car anyway.

There were further comments made about the amount of space for the cars to turn around at the property, the heavy traffic downtown in that area and the importance of remaining consistent in their voting. Chairman Pogoda asked for a motion, with a vehicle number.

Comm. Harger wanted to reinforce that the Applicant can come back and revisit this issue – the Commission has always been open to that. However, knowing everything, it's an issue of public safety and in that section of Center Street there seems to be a bottleneck.

Chairman Pogoda asked for a motion and a vote.

Comm. Sylvester wanted his vote noted to say that he encourages the applicant to open the business, get started and return with his feelings about them accommodating the 7 vehicles.

On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to approve Application #09-02 with the condition that there are no more than 5 used cars on the lot at one time.

PUBLIC PORTION

Chairman Pogoda asked four times if there was anyone from the public wishing to address the Commission on any item not on the agenda. There was no one.

On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to close the Public Portion of the meeting.

OTHER BUSINESS

Mr. Schultz requested to add an item to the agenda that he just received by fax today for a 90-day extension for the mylar map for the Meadowview development.

On a motion made by Ruth Parkins seconded by Patrick Lopera, it was unanimously voted to accept the addition of agenda item, Application

#08-21, request for a 90-day extension to record a mylar map for the Meadowview cluster residential development.

On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to approve the request for a 90-day extension for Application #08-21.

APPROVAL OF THE MINUTES – 9/23/08, 10/14/08, 11/18/08, 11/25/08, 12/9/08

On a motion made by Ruth Parkins seconded by Virginia Harger, it was unanimously voted to approve the minutes of 9/23/08, 10/14/08, 11/18/08, 11/25/08 and 12/9/08. Comm. Lopera and Comm. Sylvester abstained from voting on approval of the 12/9/08 minutes.

VISTAS AT WHITE HILLS: REQUEST FOR RELEASE OF SEDIMENT & EROSION CONTROL BOND

Mr. Schultz indicated that this was for the release of the \$140K performance bond, (now there's a maintenance bond that started last month for one year period) for the Tole Bros. subdivision, the Vistas at White Hills. They also have a \$140K sediment and erosion control bond because they disturbed a lot of acreage many years ago. The site has been completely stabilized, and no lawsuits have materialized from adjacent homeowners.

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to approve the request for release of the Sediment & Erosion Control in the amount of \$140K for the Vistas at White Hills.

PAYMENT OF BILLS

On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to pay bills, if funds are available.

STAFF REPORT

Mr. Schultz provided the Commission with the P&Z Staff Report dated 1/13/09 and reviewed pertinent issues such as the possible ZBA decisions for the ZEO.
*See attached Jan. 13th, 2009 P&Z Misc. Zoning & Planning Matters & Mtg. Schedules Report

**ZBA Issues - #109-4, 60-64 Huntington Street
Atty. Dominick Thomas, 315 Main Street, Derby, CT representing the Applicant for the ZBA Application #109-4, 60-64 Huntington Street, LLC provided a summary and status of this property.**

He explained that this property was now under the control of Amy Montanaro. At the suggestion of Staff, they looked into the possibility of doing a PDD for 66, and 60-64 Huntington Street.

He explained that under the current regulations, they came 440 square feet short of the 6000 square feet after the two surveys, so they have to go to the ZBA for variance. After that time, they can return to the P&Z Commission with a site plan.

Atty. Thomas explained that the current intent of the site plan is to incorporate the two properties in their parking and uses. They will have to use this two step process because they cannot use the PDD process. He showed a schematic of the property layouts, the existing buildings, the planned structures and setbacks,

and the proposed variance that he will present to the ZBA. He also provided a graphic of the architecture to be used for the proposed building.

Comm. Lapera inquired as to who the opposing council would be for the adjacent property owners. Atty. Thomas responded that it was Atty. James White of Pullman & Comley.

Comm. Lapera recused himself from any further discussion because his wife is a member of that law firm.

After much description of the proposed application, Chairman Pogoda asked Atty. Thomas what he was looking for at the present time from the Board.

Atty. Thomas responded that he was looking for a recommendation with respect to the footprint and the reduction of the non-conformity, nothing else.

Chairman Pogoda asked Mr. Schultz for his comments about it.

Mr. Schultz commented that there was a couple of components – the architecture and whether they liked it architecturally. He suggested that they keep their comments general at this time about the overall approach without going into the specific details because the adjacent neighbors have issues as well. He provided three alternatives for the Commission – not recommend anything at all; authorize him to write general letter indicating they think it is reasonable; or have him contact the ZBA following the hearing, and report back to this Commission.

Chairman Pogoda stated that he agreed with Mr. Schultz that they should have him report back to the Committee after the ZBA hearing.

Zoning Subcommittee

Mr. Schultz indicated that they are still working with Asst. Corporation Counsel regarding the amendments to the Applications for Certificates of Zoning Compliance. He plans to have that ready for the February P&Z Meeting.

End of Tape 1B, 8:31 p.m.

Downtown Subcommittee Report

Chairperson Virginia Harger provided an update regarding the Canal Street/Wooster Street, construction plans and traffic concerns. There was discussion among members regarding the planned closing of Wooster Street, State involvement with providing traffic lights, and the predictable traffic problems that will result during and after construction.

Shelton Canal Company/McCallum Enterprises

Mr. Schultz mentioned again that Staff issued a Cease & Desist Order for the fence removal. They hope the DEP can resolve this, if not, they are proceeding with Asst. Corp. Counsel. McCallum just received the certified letter and the clock is ticking on their 10 days. He has not received any calls yet; he will keep them informed if there is any spirit of cooperation. If necessary, they will take it to a lawsuit at the local level to get it resolved once and for all. He provided a copy of the Cease & Desist Order to all the Commissioners.

ADJOURNMENT

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Karin Tuke

Recording Secretary, Planning & Zoning Commission

