

He showed that the build-able area and the square on the lot is 150 meeting the R-1 requirement. He added that since this lot is the residential lot, the Applicant will come in later with a residential house and go through the regular site plan review process.

Atty. Bellis showed Lot A (industrial) and the proposed industrial building footprint for Swage-Loc and the parking areas. He pointed out the diagonal line delineating the R-1 and LIP zones. He concluded that it was exactly what was presented at the hearing. He provided certified mail copies indicating that he notified all property owners within 100 feet and indicated postage of the sign 14 days prior to this hearing.

Comm. Parkins asked for clarification about the zoning change staying as LIP/R-1.

Atty. Bellis responded that it became a PDD and was approved by the Commission on 11/18/08 with the effective date of 12/5/08.

Mr. Panico added that the PDD provisions will apply to that entire track and, therefore, apply to both of the parcels that are being created. One carries a residential land use and the other carries a non-residential land use.

Atty. Bellis commented that it is delineated in the Statement of Uses; however, this is a public hearing tonight because the line creating these two lots technically makes this a re-subdivision.

Mr. Schultz added that normally when they have a subdivision, regardless of it being residential or industrial, the public open space set aside is still a requirement. However, when this area went through a subdivision a number of years ago, they imposed a conservation easement which stays on the record map.

Chairman Pogoda asked if the Commissioners or anyone from the Public had any further questions or comments.

Karen Platt, 253 Long Hill Cross Road, Shelton, addressed the Commission. Ms. Platt stated that her family's home is the immediate neighbor to Lot B, the residential space. She commented that her family was very relieved to see a reasonable use of this property and an end to the uncertainty as to what would be moving in next door to them. She added that she was grateful to the Planning & Zoning Commission and to Mr. Salemme for taking their concerns into account. She indicated that Mr. Salemme has their full support in his project. They are confident that care will be taken with regard to landscaping the parcel and appropriate outdoor lighting. She hopes that the lighting will be adequate security for his tenants without being a disruption to the neighborhood. She thanked them again for their time and thoughtful consideration. She feels that all parties – the City, the developer and the neighborhood have reached a satisfying compromise.

Mrs. Ingrid Waters, 261 Long Hill Cross Road, Shelton, addressed the Commission on behalf of herself and her husband, John Waters. She expressed gratitude for the planned development and land use for this property. She thanked Mr. Michael Salemme for yielding to requests of the abutting neighbors to preserve the residential character of the neighborhood. She extended their support for his ventures with Swage-Loc.

With no further comments, Chairman Pogoda requested a motion to close the public hearing.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to close the public hearing for Application #09-01.

PROPOSAL OF THE SHELTON PLANNING & ZONING COMMISSION TO AMEND THE ZONING REGULATIONS BY AMENDING SECTIONS 2 & 3: CERTIFICATE OF ZONING COMPLIANCE AND ADMINISTRATION & ENFORCEMENT (PUBLIC HEARING CONTINUED FROM 11/25/08).

Mr. Schultz read the call of the hearing (continuation of the public hearing). He recalled that at the public hearing in Nov '08, the Commission asked Staff to sit down with Asst. Corporation Counsel to further revise this proposal. This had been done at the request of public input. He provided the latest revision dated 2/10/09.

Mr. Schultz commented that Staff is of the mindset that the Zoning Department is ready to internally process applications for Certificates of Zoning Compliance dealing with such things as additions, pools, single family homes, etc. The Commission will still deal with stone walls 4 feet or higher, Certificates of Nonconformity (i.e. Fairchild Mobile Home Park), and special items that he deems appropriate. At the request of several Commissioners, it was asked that a list of Requests for Certificates of Zoning Compliance continue to be provided with his Staff Report for their review.

Mr. Schultz added that he believes this action is necessary because the Commission needs more time for planning related issues. Presently, the Commission is instituting the 2006 POCD, dealing with the Canal Street redevelopment and future developments in the Constitution Blvd. north extension. Staff believes that this is an appropriate time to delegate this back to Staff; the issues responsible for its establishment in the 1970's are no longer applicable.

Mr. Schultz indicated that the document given to them has incorporated some of the revisions. Without going into extensive detail, it follows what the Commission currently has; however, it gives the ZEO's the right to review, approve or deny applications. Presently, any denials go directly to the ZBA because the P&Z Commission is acting on it. Now, if an application is denied, it will go to the Lower Courts. The applicant still has a right to go to the ZBA for relief on variances, etc. He added that the ZBA would be pleased to have some of these appeals go to the Lower Court instead of them.

He stated that they've followed the same time elements for Certificate completion (6 months to begin a project & 2 years to complete projects) with one year extensions only being provided by the P&Z Commission.

Applications for Certificates of Non-Conformity (i.e. Fairchild, Sunnyside) will still come before the Commission as well as pre-existing, non-conforming uses throughout the community; however, many of them have already been addressed.

He commented that Administration & Enforcement steps are basically the same. They have added Engineering Site Plan; last year the Commission indicated that they still want to see the Engineering Department review new single family homes because that department evaluates drainage, driveway locations, retaining walls, flooding issues, etc.

He discussed the addition of the Foundation Verification which is a new requirement that has been spelled out. The Commission would still be able to order the Zoning Dept. to issue a Cease & Desist or Stop Work Order, revoke it or uphold it. Any Cease & Desist orders issued by Staff will be included in his

monthly Staff Reports along with any Certificates of Zoning Compliance issued, ZBA info and Subcommittee updates.

Mr. Schultz reiterated that he feels Staff believes it is prepared to assume these important undertakings which take up so much of the Commission's time. He hopes the Commission adopts this plan; he's put it on the agenda for possible action tonight. Atty. Bellis would like to remark on some of the issues that he brought up at the 11/25/08 hearing regarding timeframes, and delays from the Engineering Dept., etc.

Atty. Stephen Bellis, addressed the Commission, representing the Shelton Builders Association Inc. which is a non-profit organization.

Atty. Bellis began by stating that he has no problem with the Zoning Staff reviewing these applications.

Atty. Bellis commented that there's been a major change in regard to the Engineering Site Plans. Under the current regulations, Engineering Site Plans are not needed for anything. He indicated that he is bringing this up because it involves a major cost. He specified his concern with the requirement for New Construction to go through the Engineering Site Plan A-L on 3.4. He clarified that his problem was that under 3.2 for something such as a home addition (i.e. family room); an Engineering Site Plan is not required; only a plot plan drawn to scale is required.

However, under 3.4, if an applicant does an interior alteration (i.e. making the living room into a home office), "the ZEO or the P&Z Administrator may waive the required submission of an engineered plot plan." Atty. Bellis questioned why a whole engineering site plan would be required just to remodel a living room and make a home office. He added that it would require hiring a soil scientist, a surveyor, an engineer – it would cost thousands of dollars – if it isn't waived.

Atty. Bellis concluded that he was confused by the intent of the wording. He suggested altering the wording from "may" to "shall." Many of the members were concerned that a ZEO could make an applicant go through a whole engineering site plan just for an alteration inside the house.

Atty. Bellis indicated that there was a great flaw in Section 3.3, Referrals & Review, in regard to "new residential construction shall be referred to the Office of the City Engineer for review and approval prior to final action by the ZEO and issuance of the Zoning Permit." Specifically, he found a flaw with regard to the word "approval" because it is not up to the City Engineer, nor can it be, to approve a site plan. A site plan only needs to comply with the zoning regulations. He suggested removing the word "approval" because a site plan doesn't require the City Engineer's "approval." He questioned why a site plan even needed to go the City Engineer because under the regulations, an Engineering Site Plan from a professional engineer is already required to ensure that the requirements under 3.4 A-L have been met. A ZEO only needs to look at the Engineering Site Plan information to determine compliance with the zoning regulations.

Atty. Bellis commented that he had no issue with a ZEO consulting the City Engineering; however, he stated that the language requiring the City Engineer's "approval" should not be allowed because there is no appeals process or checks and balances. Any dispute with the City Engineer's "approval" would require a lawsuit with the City.

Atty. Bellis indicated that there was also no timeframe given regarding Site Plan approval; thereby giving an applicant no recourse if an application sits for

months and months in the City Engineer's Office. He suggested that some timeframe, any time frame such as 30 days, 2 weeks should be provided. He urged the Commission not to approve the document the way it is presently written because it is flawed.

Mr. Schultz informed the Chairman that these text amendments were referred to Asst. Corporation Counsel. As they are aware, this Engineering Site Plan issue has been before the Commission for many years. Both Asst. Corporation Counsel and Corporation Counsel are adamant that all new single family residential developments should go before the Office of the City Engineer.

Mr. Panico agreed but added that some language could be incorporated into 3.3 that establishes a time for action by the City Engineer and outlines the three possible actions as being (1) approval; (2) approval with modification; or (3) denial with the requirement that the reasons for denial be stated. He suggested that would solve everyone's issues. In regard to the timeframe, he agreed that a reasonable appropriate time should be given.

Mr. Schultz suggested removing the word "approval" and put "sign-off" instead.

Comm. Parkins responded that it was the same issue though - he isn't going to sign off on it if he has issues.

Mr. Schultz commented that he regularly includes any significant delays in his Staff Report to the Commission. He realizes that many of Atty. Bellis' issues have to do with him not always being in the Staff position to do that. However, he is concerned about putting in an arbitrary timeframe; he has never used them in his entire career and hopes the Commission doesn't go down that road. He agreed that the other language can be revised as Tony suggested. He reiterated that he will provide a list of all applications and their status including whether or not applications have been delayed because of Inland Wetlands issues, delayed by the City Engineer, or delayed for any other reason.

Comm. Parkins asked if there were any State Statutes regarding time limitations.

Mr. Schultz responded that he was not aware of any and neither was Asst. Corporation Counsel or Corporation Counsel. In regard to the issue Atty. Bellis brought out about interior alterations, that issue has to do with a house served by a septic system. As they all know, that if the livable floor area changes, it triggers many things, especially in hilly areas, such as expanding the septic system. He added this to cover any worst case scenarios; however, he can tone down that language. He had wanted to provide every conceivable issue - he added that Valley Health District deals with those septic issues; John deals with Wetlands issues and any grading issues are brought to the City Engineer.

Mr. Panico asked what would trigger a modification to a leaching field, for example - isn't it an expansion of livable floor space.

Mr. Schultz responded yes, but sometimes there is an inherent problem. As they know, the Valley Health District did not start until 1973, and they have a lot older dwellings that have not been registered with the Health District. He commented that he gets phone calls once a week regarding residents who want to add on but there is no record with the Health District, and they have to do deep test holes, etc. or surveys.

Mr. Panico commented that there was no question if there was an addition involved that they need to go through the process. The concern is for an internal modification such as converting a 2-car garage into living space;

however, a reshuffling of the finished livable floor space without any increase - than a simple plot plan is OK.

Comm. Harger added that they should have to clarify what kind of living space.

Mr. Schultz agreed that they absolutely should.

Comm. Parkins commented that it was too ambiguous, too subjective.

In regard to the timeframe, Chairman Pogoda commented that Rick monitors that; however, he understands Atty. Bellis' concern that someone else, at some point, may not be as conscientious as Rick. He doesn't think they should have to mandate a time to the Engineering Dept - everyone involved is a professional, and if it's within a reasonable amount of time... He couldn't say what anyone else thinks is reasonable - 2 weeks, 2 months, 30 days...

Atty. Bellis suggested that they put in an outside time - the longest time reasonable.

Mr. Panico commented that everywhere in the Statute that allows the ability of the Commission to regulate certain things, they always impose a timeframe for action such as a zone change; period of time to take action after receipt, period of time in which to call a public hearing, period of time to complete the hearing and a period of time to make a decision. It's not unusual to put timeframes in regulations.

Comm. Parkins asked if that time frame could be extended, if they need more information or something like that.

Mr. Panico indicated that if, for example, the City Engineer receives something, has a problem with it and can't get a response from the Applicant, he should give a denial including reasons within the given time period. The Applicant can resolve the reasons, bring it back again, and start the time frame over again. The City Engineer just needs to take his action within a given time.

Chairman Pogoda asked Rick if he had any suggestions for a reasonable timeframe.

Mr. Schultz responded that Tony's suggestion of 30 days sounds reasonable. He has never seen a timeframe given; however, he has also never had any issues with it. It isn't as necessary in smaller towns as opposed to larger towns with many personalities involved.

Comm. Parkins and Comm. McGorty agreed with the 30 day time frame as well.

Mr. Panico agreed that 30 days was reasonable; the City Engineer has no reason to hold on to it any longer unless he's having some difficulty with it.

Chairman Pogoda asked if the Commissioners had any other questions or if anyone from the public had comments.

Irving Steiner, 23 Partridge Lane, Shelton addressed the Commission.

Mr. Steiner stated that as an engineer himself, and with respect to Atty. Bellis, he feels that a Site Plan should be looked at by the eyes of a Professional Engineer. If the City Engineer is overworked or delayed, it is still his responsibility. There would be an extreme liability if they don't have an individual with credentials look at a Site Plan. He suggested that since the City Engineer is on board, and he is obviously on board for a reason, he should be used to review these plans. He should not be eliminated or be cut out of the process just because he evokes

criticism from Legal or other professionals. As an engineer himself, he suggested that if he were in the position of a Commissioner, he would be more comfortable having the City Engineer's blessing on a plan rather than have someone of lesser capability approve it.

With no further questions or comments, Chairman Pogoda asked for a motion to close the public hearing.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to close the public hearing regarding the Amendment of the Zoning Regulations.

End of Tape 1, Side A 7:50 p.m.

OLD BUSINESS

APPLICATION #09-01, MICHAEL SALEMME FOR RE-SUBDIVISION APPROVAL (2 LOTS: LONG HILL CROSS ROAD), PDD #69, (MAP 51, LOT 29), DISCUSSION AND ACTION

Mr. Schultz indicated that he already read the letter from the City Engineer dated 2/24/09 with the three conditions.

Commissioner Jones requested that he be recused from any discussion or action regarding Application #09-01 and Application #09-05 for the reasons stated at the previous Public Hearing.

Mr. Schultz read his Staff Report dated 2/24/09 and the draft motion for approval and the conditions of approval for the two lot subdivision, Application #09-01.

***See attached Planning & Zoning Staff Report and Resolution regarding Application #09-01 dated 2/24/09.**

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Application #09-01.

APPLICATION #09-05, LONG HILL CROSS ROAD, LLC FOR FINAL SITE DEVELOPMENT PLAN APPROVAL FOR LOT A (INDUSTRIAL BLDG), PDD #69, Long Hill Cross Road (Map 51, Lot 29) – discussion only.

Mr. Schultz indicated that the Applicant and his representatives are present to discuss some revisions to the layout of the building. The Commission currently has a pending application; Staff is prepared to put it on the March 10th agenda for final action if the Commission finds these modifications to be minor in nature. He reminded the Commissioners that this is a PDD, and their action tonight has created two lots. This discussion will be in regard to Lot A (industrial).

Mr. Panico added that in the action of the PDD and in the discussion, it was pointed out that by eliminating the second industrial building might dictate a logical revision of this parcel. Therefore, this is a logical follow-up.

Mr. Schultz agreed and thought the Commissions might find these changes minor in nature.

Atty. Stephen Bellis, representing the Applicant addressed the Commission. He introduced the property owner, Michael Salemme, Long Hill Cross Road, LLC; Chris Jones, the supplier to Swage-loc, Connecticut Valve & Fitting and the building occupant; Fred D'Amico, Engineer; and Michael Green, architect from Architectural Innovations.

Atty. Bellis indicated that they would be discussing the Detailed Development Plans on Lot A, and under PDD regulations 34-10, they will be showing the final location of the building. He showed the location on a site plan with the building footprint of 9200 square feet. He indicated that the location has changed from the initial concept plan and the building has been made smaller.

Mr. Panico questioned how much smaller the original building was.

Mr. Salemme responded that it less than a 1000 square feet difference, but it's smaller.

Atty. Bellis asked Fred D'Amico to explain the site development and parking layout.

Fred D'Amico, Registered Engineer and Surveyor, 9 Park Road, Oxford, CT addressed the Commission. Mr. D'Amico explained that the original PDD site plan showed one large property to be used for industrial. He showed that now they had two buildings with a large parking lot in between them.

Mr. D'Amico clarified that they've split the lot into two lots (one lot 2/3; one lot 1/3). He pointed out the locations for the lot intended for industrial and the lot for the proposed dwelling. Mr. D'Amico showed that the parking lot had been reduced, and a large area has been left open for truck access and turning. He indicated that the back of the property, as mentioned earlier, is the conservation easement that had been approved in a previous subdivision. It will remain as a conservation easement. He pointed out the wetlands line where nothing will be done, and the zone line which technically no longer exists because this is a PDD (#69). Therefore, the entire property is one zone.

Mr. D'Amico showed the proposed location for landscaped areas, with one section for white pines to further buffer the industrial zone/residential use. He indicated that they have already addressed drainage issues with the City Engineer and they've placed catch basins required by Inland Wetlands. He added that it would be connected to the City sanitary sewer and City water so there will be no septic or well on the property.

Mr. D'Amico indicated that the 10,000 square foot building was reduced to 9,200 square feet.

Mr. Panico asked if there were any issues with sight distances at the drive-in location.

Mr. D'Amico responded that there were no issues.

Comm. Harger asked for the location of the exterior dumpsters.

Mr. D'Amico pointed out the proposed fenced in area for the dumpsters at the top of the site map near the landscaped area.

Mr. Panico asked why they were putting the dumpster in that location instead of alongside the end of the building where they already have truck activity.

Mr. Salemme explained that there really was not much room there.

Mr. D'Amico added that they need a large area for the trucks to back in; it's at a wedge angle to the wetlands area.

Chairman Pogoda asked where the loading dock would be.

Mr. D'Amico showed the hatched area on the plan for the loading dock.

and the location of the two overhead doors proposed. He stated that one overhead door is for a tractor trailer that comes in about once a month and the other overhead door is more for UPS drivers that come on a daily basis.

Comm. Harger asked how much space there was from the building to the landscaped area.

Mr. D'Amico responded that the landscaping was approx. a 10 foot wide strip by about 30 or 40 feet. They wanted to make sure and leave the area clear for the tractor trailer because they don't want it backing out into the road. He added that was why they reduced the size of the building from 10,000 to 9,200 doing those cut backs to provide a better radius.

Comm. Parkins asked how many employees there were and if there was sufficient parking.

Chris Jones, Connecticut Valve & Fitting, 30 Balsam Circle, Shelton, CT, addressed the Commission. He responded that they have 15 employees but 4 of them are field salesmen, so on a typical day there would be about 10 employees/cars there; occasionally they will have a couple of visitors.

Mr. Salemme added that there was a whole area for overflow parking in the radius area set aside for the tractor trailer truck which only comes once a month. He indicated that what they have now is adequate, and in his discussions with the engineer, parking shouldn't be an issue. The overflow area can all be used because the tractor trailer only comes once at this point – maybe twice later on.

Chairman Pogoda asked again how many parking spaces are there now.

Mr. D'Amico responded that there are 14 spaces and one handicapped parking space.

Comm. McGorty asked for more detail about the tractor trailer pick-up/drop-offs.

Mr. Jones responded that tractor trailer comes once a month, maybe, and delivers tubing in 20 foot long sections. It's the only big delivery they get. He added that it isn't even a tractor trailer; it's usually a flatbed vehicle.

Mr. Panico asked Fred D'Amico what the distance was between the face of the building and the proposed property line for the residential lot.

Mr. D'Amico responded that it was approx. 100 feet.

Chairman Pogoda asked to see the location of the employee entry.

Mr. Salemme responded that there have been some modifications, but showed the location of two entrances. He pointed to an area on the drawing near the location of the Crossroads at the top right hand corner. He added that they are proposing two entrances– a customer entrance and an employee entrance – and they can be used interchangeably.

Mr. Panico asked if he would visualize the semi-truck coming in, pull over as far as possible and then maneuver and back into the loading area.

Mr. D'Amico responded that from the property line to the closest corner there is 92 feet - that is why they cut it back for the tractor trailer because he felt they needed a minimum of 100 feet for a turning radius.

Comm. Parkins asked if they had multiple shifts.

Mr. Jones responded that they only had one shift, 5 days a week with occasional weekend work.

Michael Green, Architectural Innovations addressed the Commission.

He showed the latest revised architectural plans and elevations of the building which exhibit the break-up of the office space versus the warehouse space and assembly room.

He explained the location of the overhead entrance/exit door near the stock shelving area necessary for efficient loading/unloading. Mr. Green added that the other overhead door comes up another additional 10 feet and is set back 10 feet from the face of the building for the UPS truck; therefore becoming the shipping/receiving area with its own entrance doors, drop off areas and storage rooms. He indicated that the warehouse, assembly and shipping area comprises approx. 4500 square feet.

Mr. Green showed the rest of the space, approx. 500 square feet for additional storage, restrooms and egress hallways/doors and approx. 4000 square feet office area for office equipment, cubicles and executive offices. He explained that there would be glass partitions and 6x6 glass windows on the façade facing the parking lot level and on the roadside levels.

He explained that the building would be constructed of typical 12-inch textured, two-tone concrete block with accent bands and possibly stone accents, if the budget allows. He showed the Commission samples of the materials to be used and added that he was trying to work with earth tones for an eco-friendly building. He hopes to aesthetically complement the existing surrounding area.

Chairman Pogoda asked if there would be any air conditioning units on the roof.

Mr. Green responded that they've provided a mechanical room in the event that they want to put the HVAC systems on the floor but the feedback they are receiving from mechanical people is that the rooftop is more efficient. The units would be centrally located near the rear side of the building on the industrial backside.

Mr. Panico asked if there was any parapet on the building walls.

Mr. Green responded that there were parapet walls working all the way around.

Mr. Panico asked how far above the roof it would come.

Mr. Green responded that the parapet walls would be approx. 2 feet. The building is about 16 feet high, so it won't be visible from the road.

Mr. Panico asked if it would be visible if they centralize the HVAC units in one place near the office space where the demand is.

Mr. Green responded that it probably will be centrally located but it would not be visible from ground level between the parapets and the distance and the height and the elevation of the building.

Comm. McGorty asked for clarification as to the location of the assembly areas.

Mr. Green pointed out the larger and smaller assembly areas and access doors to and from those areas. He indicated that a polished concrete floor finish would be used in that area. Carpeting would be used in the upstairs office areas.

Comm. McGorty asked about what type of assembly work was being done there and if there was a lot of machinery.

Mr. Jones responded that there was not a lot of machinery; the only mechanical work involves swaging materials together with wrenches. They do have an orbital welding machine for tubing up to 4 inches; it is not hand-held and there is no visible flame.

Mr. Panico asked if the overhead doors would be closed during the day.

Mr. Jones responded that they do stay closed during the day.

Comm. Harger asked if there would be any outside picnic tables or anything like that outside for the employees.

Mr. Salemme indicated that there was nothing planned but there is room in the back and on the side.

Mr. Green added that it would be nice to create a small park like setting in the back to appreciate the conservation area.

Mr. Panico asked Mike Green if he had some drawings that he could leave with them.

Mr. Salemme responded that he would get a finalized set to them.

Mr. Panico commented that he'd like to take a better look at the parking layout and circulation because he doesn't think it is the most efficient layout for those trucks.

APPLICATION #08-23, RICAR LLC AND MIANUS FOR FINAL SITE DEVELOPMENT PLAN APPROVAL FOR PDD #66 (MIX USE MARINA DEVELOPMENT) RIVER ROAD, MAP 32, LOTS 16 AND 17, MAP 22, LOT 1) – DISCUSSION ONLY

Mr. Schultz stated that the Final Detailed Plans for the Mixed Use Beacon Point Marina is on the agenda for March 10th. Staff is meeting this week with the Applicant to review numerous issues. He wanted to refresh the Commissioners about this application because they haven't looked at it for many months. He showed a site plan with the 31 condos and the area to drive under them, the revised locations of the pool, clubhouse, restaurant, and covered storage.

He recalled that Staff and the Commission worked quite a bit on the reorganization of the on-site parking especially near the municipal access and trailer parking. He pointed out the location for the gazebos and boardwalk. He showed the net reduction in the number of slips and where they had been pulled in. He reviewed how the upper tier swings up and that it would be gate-controlled for emergency access.

Mr. Schultz reviewed their previous discussions about creating walking areas to get from the top parking areas to the lower part of the marina as well as additional walking areas in the condominium section. He commented that they believe that during nicer weather, people are apt to walk, so he asked the Commissioners to give some thought as to the easiest way to walk down –

straight down or across. Staff has always recommended that good pedestrian circulation be provided.

Mr. Panico asked if the marine service component had gone away – the repair services - because this revision doesn't seem to reflect it.

Mr. Schultz responded that they would need to go over all those issues with them. He hopes the Commission sees fit to have the Applicant aesthetically enhance the area on top where the gas area is with the unsightly fencing around it. Some screening would look better up along the road. It is in a State right of way, and the State will allow it if it's the appropriate type of vegetation.

Chairman Pogoda asked if he thought the State would be amicable to that.

Mr. Schultz responded that they would be if it is planned out and the Commission is behind it.

Comm. Parkins asked if the plantings would be on Rick Kral's marina property.

Mr. Schultz responded no, it would be on the State right of way – it's an easement within the State right of way. He concluded that this is a large mixed use development and he wanted to keep the Commissioners up-to-date about it; it will be on the March 10th agenda.

Chairman Pogoda asked Ruth if they would allow plantings near or around the pipeline.

Comm. Parkins responded that they would allow it if it wasn't planted over the pipeline. They would screen around the area and shield the pipe from the property.

APPLICATION #09-02, PRIMROSE COMPANIES FOR FINAL DETAIL DEVELOPMENT PLANS FOR SITES C & D (MULTI-FAMILY & COMMERCIAL USES), PDD #60, CANAL STREET (MAP 129, LOTS 17 AND 18) – DISCUSSION ONLY

Mr. Schultz provided a version of the site plan showing the next two sites – C & D. He explained that they would have both conversion of existing buildings and new construction of townhouses – these would be condos. The Radcliffe is apartments. They would be retrofitting an existing commercial building for commercial related uses. He reviewed the key issues are the architectural because they are doing more conventional townhouses. He asked the Commissioners to give it a lot of thought when the presentation is done on March 10th. He recalled how they had spent a lot of time on the Radcliffe to increase the amount of brick and improve exterior details. He added that landscaping, on site parking, and pedestrian connections are other important issues for their consideration.

As they were aware, STC approved the approval for the City to do the work and the Developer to do the enhancements to the Canal. There will be a lot going on there with Wooster Street being blocked off and turned into a one-way as imposed by the STC for this redevelopment. He suggested that everyone take a ride down there. As a side note, the Radcliffe indicated that they will proceed but they have not submitted their bonding, so permits have not been issued. He informed them that they have been advised that Avalon has budgeted for this and will not be pulling back on this project.

PROPOSAL OF THE SHELTON PLANNING AND ZONING COMMISSION TO AMEND THE ZONING REGULATIONS BY AMENDING SECTIONS 2

AND 3: CERTIFICATE OF ZONING COMPLIANCE AND ADMINISTRATION AND ENFORCEMENT – DISCUSSION AND POSSIBLE ADOPTION

Mr. Schultz asked the Commission if they were prepared to adopt this tonight because the changes are minor in nature. Staff has prepared a draft resolution if they would like to adopt it.

Chairman Pogoda commented that he agreed with the areas brought up by Tony regarding a time limit and some of the other wording.

Mr. Panico stated that time limits for engineering action, and changing the language from “approve” to “review” or “sign-off with modifications” or “deny” within 30 days, and if there is a denial, provide a reason for the denial, or the request for a modification.

Chairman Pogoda commented that he thought a good point was brought out about minor interior changes not requiring as much as a major addition.

Mr. Panico stated that the key is if there is an expansion of finished livable floor space. Even if it turns out to be something, the applicant has to satisfy Valley Health regardless of what the regulations say or don't say.

Comm. Parkins asked if a homeowner put in a bathroom someplace where there wasn't an existing bathroom, wouldn't that effect the septic system.

Mr. Panico responded that would be Valley Health – if Valley Health goes out and tells them to expand the leaching field, then that is an outside change that would trigger them to provide the engineering information to them anyway.

Mr. Schultz added that in many of the older homes, the leaching field often needs to be re-established, especially if it's not working properly. They are referred to Valley Health as part of the standard checklist.

Comm. Harger commented that it should just be clarified in the language as being applicable to homes with septic systems.

Mr. Schultz responded that he would be making that revision. The City is about 60/40 served by municipal sewers.

Mr. Schultz read the draft resolution dated 2/24/09 for the 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.

Comm. Parkins stated that she would be more comfortable seeing the rewording of 3.3 and 3.4 before voting on the Proposal. The Commissioners agreed to authorize Staff to incorporate the modifications discussed, and prepare a draft resolution to be voted on at the next scheduled meeting.

End of Tape 1, Side B 8:35 p.m.

OTHER BUSINESS/CHAIRMAN'S REPORT'

Chairman Pogoda indicated that he'd like to get together with the Zoning Subcommittee and discuss the signs and the 15% set aside issues. He suggested Friday, 2/27 at 4 p.m. as a possible meeting time for members to get together for about an hour of discussion. He'd like to get these things underway.

Mr. Panico indicated that he, Rick and the Chairman went through the sign regulations again and identified some areas that might need modification, and areas that they'd like to present for public input.

Mr. Schultz reminded the Commissioners that in these economic times, there will be a lot of requests for sidewalk sale signs, so this needs to be out there now to regulate those things.

Chairman Pogoda added that he'd like to get it down in black and white to let the applicants know where they stand as to what is right, what is wrong, what is too much, etc. He would like to discuss this on Friday to get this off the table.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Karin Tuke

Recording Secretary, Planning & Zoning Commission