



Jim McCrue, from Paraco Propane Gas acknowledged that the barriers had been moved to the side.

Mr. Schultz added that in that location there is an existing ice dispenser. The Fire Marshal informed him about this proposal, this ice machine and the concrete barriers that have been removed. The sidewalk area is sufficient to accommodate this dispenser; however, he has been advised that there needs to be a barrier completely around it. The left side cannot be covered because the condensers are already located there. He realizes that the Commission would not want this in the front due to aesthetic and safety concerns.

Comm. Harger asked about the location of the handicapped spot in relation to the ice machine and asked if there was any room at the end of the parking lot for it.

**Mr. Jim McCrue, Paraco Propane Gas addressed the Commission.** He distributed diagrams of the parking area to better illustrate the location and a response as to available areas for the cylinder exchange units. He apologized for the large barriers being placed in the handicapped area unbeknownst to him, although Paraco delivered them.

Mr. McCrue commented that at the time when he was at the site with the owner, they discussed where they wanted to place the cylinder exchange cage. He did not realize at that time of their agreement that the owner was going to remove the ice machine and have the cylinder cage at that location. He prepared the diagram to show that they only wanted to move it out of the line of traffic. Additionally, they delivered much larger concrete barriers than necessary.

Mr. McCrue indicated that after finding this out today, he asked the owner to find an alternative location. On his drawing, he showed a revised location in the lower parking lot near the dumpsters, out of the way of traffic, which he suggested as a possible location to put the propane cylinder cage.

Chairman Pogoda asked if the concrete barriers needed to be there for safety purposes in case someone hits them.

Mr. McCrue responded that was correct – they protect them at all convenience store/gas station locations – it is mandatory for protection.

Mr. Panico asked the approximate size of the cage.

Mr. McCrue responded that it was about 6 feet wide, 6 feet high and 2 feet deep.

Mr. Schultz commented that the application says 5'x2'. Mr. McCrue corrected that and explained that it was closer to 6'x2' and it contains 36 cylinders.

Comm. Jones asked who has access to the cage.

Mr. McCrue responded that the cage is secured at all times with a lock. The proprietor of the convenience store would have the keys.

Comm. Parkins asked if this would be eliminating any parking spaces.

Mr. McCrue responded that it would not in the revised location with the grassy area behind it. He added that Paraco tries to protect their canisters in all instances. Paraco is probably the largest single family- owned propane supplier in New England; they supply to Home Depot.

Chairman Pogoda asked for a motion to place the canisters in the revised location shown on the drawing.

**On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to approve Separate #4855 with the revised diagram/location of the canisters.**

**SEPARATE #4842 – HUNTINGTON UNITED METHODIST CHURCH, 338 WALNUT TREE HILL RD – REPAVE PARKING LOT**

Mr. Schultz indicated that this was the church located on Walnut and North Street. They want to repave the parking lot and extend it a little bit further into the gravel, which is the overflow, and add two catch basins. The two catch basins will tie into the existing storm drain that goes into the Town system. Staff is recommending that they waive a full site plan submission. He had an opportunity to go up there. The City Engineer has no issues because 90% of it is already paved. They want to take the opportunity to stop the sheet flow of water going into the City road. It is a win/win situation with the installation of the catch basins. They want to extend the pavement up to the office area where parents drop off/pick up children at the Preschool located there. Drainage will benefit the City and the Church as far as no ponding. Staff recommends the waiver of the site plan and approval of the proposal.

Comm. Harger asked if the paving would include any curbing. Mr. Schultz responded that it is mostly flush with curbing only needed in the front.

**On a motion made by Leon Sylvester seconded by Patrick Lopera, it was unanimously voted to approve Separate #4842.**

**SEPARATE #4846 – DDI SHELTON, LLC, 480 HOWE AVENUE – BUSINESS/SIGN**

Mr. Schultz indicated that the Dog House near the Pierpont has come back and, as everyone knows, they rely on curbside parking. This is consistent with the previous tenant. The signage/awning is consistent, there is nothing outlandish on it – no phone numbers and no logos. Staff recommends approval.

**On a motion made by Leon Sylvester seconded by Virginia Harger, it was unanimously voted to approve Separate #4846.**

**SEPARATE #4858 – WAL\*MART, 465 BRIDGEPORT AVENUE – TEMPORARY GARDEN CENTER**

Mr. Schultz stated that this is for Wal-Mart's temporary garden center. The Commission has been allowing them, on an annual basis, to place their garden merchandise in the outlined area of this site drawing.

Comm. Sylvester asked if they did it already. Comm. Harger responded that they have because she was there the other day.

Mr. Schultz responded that the store gets a new manager every year, and as a result, the communication breaks down every year. His job is to remind them that they need to come in for this garden center, their extended holiday hours, etc. This time, however, they exceeded the boundaries, and he started getting phone calls. The manager is aware; they are doing a major internal restoration of the building which forced them to move the garden center temporarily.

Mr. Schultz indicated that he contacted the Fire Marshal who enforces this because it is located near fire lanes. Wal-mart has assured him that they will

remove everything from the areas shown in red. It hasn't been a problem in the past, but it happened this year in conjunction with the renovation work. Staff recommends approval for the modified location.

**On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #4858.**

**SEPARATE #6939 DAVDAN, LLC, 127 CENTER STREET, MODIFICATION OF UPPER FLOOR PLAN**

Mr. Schultz announced that Club 127 on Center Street has been magically transformed and the owner intends to open in a couple of weeks. For the record, based upon the original approval, the Commission approved the transformation of this café into a sit-down restaurant with an outside patio and a two-story addition to the rear. The first floor is the kitchen and bathroom. The upper floor area is for the office. At the time, the Commission asked them to get a formal easement over the next door's property owner's property because they have the ability to park 5 or 6 cars on their property. He is pleased to report that they got the official agreement and it has been formalized. The area to the left is now paved. It is one of the few sites downtown where there are 4 – 6 parking spaces. These spaces will probably be used by the Staff.

Mr. Schultz advised the Commission that the 2<sup>nd</sup> floor area of the addition was intended for offices only. There had been some discussion about allowing private parties up there but that would trigger a need for more on site parking which would require a variance. Also, because this is a Mexican restaurant, they are going to have musicians. There is a balcony on the 2<sup>nd</sup> floor where they would like to have one or two musicians perform. Staff doesn't have a problem with this because it is not a patron function; it is more entertainment. He wants it on the record that this activity would be taking place.

Comm. Harger asked if it was an outside balcony.

Mr. Schultz responded that it is an inside open balcony near the office area – it's outside of the office area. There is a stairwell going up in the back outside of the office area where the musicians would be able to serenade. This activity is OK; however, they don't have enough on-site parking to justify a private area for up to 20 patrons on that floor.

Mr. Schultz indicated that Staff will be issuing the final certificate. They are very pleased with the workmanship – everything including the outside lighting. This is adjacent to a residence but they have no complaints because there used to be motorcycles there; additionally, they signed an agreement for the right of way indicating their show of support.

Mr. Schultz stated that the volume of any outside music would be controlled because everyone wants this to work because it adds a family restaurant to the area and it's close to The Center Stage – so people can patronize it after shows for coffee and dessert.

**On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve Separate #6939 as modified.**

**APPLICATION #09-14, UNITED RECYCLING OF SHELTON, LLC FOR SITE PLAN APPROVAL (FULL PERMIT FOR RECYCLING FACILITY), 90 OLIVER TERRACE (MAP 63, LOT 13) IA-2 DISTRICT – DISCUSSION ONLY**

Mr. Schultz indicated that Staff received a letter today from Atty. Fallon. He read and distributed copies of the letter to the Commissioners. He recalled that Atty. Fallon's client had been advised not to submit a Site Plan but they submitted one, as requested by this Commission.

**\*See attached correspondence dated 5/12/09 to Richard Schultz from Atty. John Fallon, Owens, Schine & Nicola.**

Mr. Schultz indicated that in light of Atty. Fallon's request, the Commission is being asked to table discussion of Application #09-14 until June 9<sup>th</sup>.

Chairman Pogoda indicated that for this matter, Comm. McGorty would be acting for Comm. Lapera and Comm. Sedlock would be acting for Comm. Sylvester.

Comm. Jones requested to be recused from this application as well because he has pending litigation with Owens, Schine & Nicole. He indicated that he would like to obtain clarification from Corporation Counsel before taking part in any discussion of this application.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table Application #09-14 until the June 9<sup>th</sup> P&Z Meeting.**

**Comm. Sylvester, Comm. Lapera and Comm. Jones recused themselves from voting or discussion of this application. Comm. McGorty and Comm. Sedlock acted as alternates for this application.**

At 7:30 p.m., Chairman Pogoda stated that he wanted to move this meeting to the Auditorium, and have the Public Portion there.

Comm. Parkins indicated that she realizes the Chairman reserves the right to take things out of sequence, but she was concerned that because the Public Portion of this Meeting Agenda is Item #5, some people might think, because it is online, that this portion is being held later in the evening. She asked if there might be a possible problem with people who would come in later, when they expected the Public Portion, in having an opportunity to speak. She understands that he is moving the Public Portion earlier as a courtesy for those who have come to speak; however, she wanted to avoid any miscommunication that may occur.

Chairman Pogoda indicated that was a good point and, if anyone arrives later in the meeting for the Public Portion and wants to speak, they will be allowed to speak.

There was a 5 minutes recess to change the location of the meeting from Room 303 to the Auditorium.

#### **7:37 p.m. Auditorium**

Chairman Pogoda addressed the audience and informed them that Application #09-14 for United Recycling at 90 Oliver Terrace was tabled by the Commission until June 9, 2009. He asked for a motion to change the agenda in order to move the Public Portion.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to modify the May 12<sup>th</sup> P&Z Agenda allowing the Public Portion to precede all applications and other business.**

#### **PUBLIC PORTION**

Chairman Pogoda read a letter stating that the Public is reminded tonight that the Commission will be processing Application #09-14 as a Site Plan without a

public hearing and is obligated to make a decision within 65 days from the day of official receipt. Accordingly, a decision needs to take place by July 2, 2009.

The Commission decided not to conduct a public hearing due in part because the State DEP has indicated that they will conduct a hearing if there is interest from the public. The Applicant was scheduled to give a summary of their request, which is to obtain a full permit, up to 800 tons per day of recyclable material, from the DEP, which in turn triggered a Site Plan application. The Applicant is currently operating under a general permit at 90 Oliver Terrace. The Applicant has submitted an engineering site plan showing all employee and commercial parking areas, and outdoor equipment and stockpiling areas. A traffic report has also been submitted which acknowledges a level of service D at the Bridgeport Avenue/Platt Road intersection. It should be noted that off site deficiencies are normally out of the jurisdiction of the Commission and usually addressed by the State DOT and/or the BOA, if it is a local road. The Commission has learned that one of the principals of United Recycling is out of state tonight and has requested a continuation of this agenda item to the June 9<sup>th</sup> meeting.

However, the Commission will proceed tonight with the public's questions and refer them to the applicant for a response at the 6/9/09 meeting. The Public is directed to address the Chairman only and to provide their name & address. Please direct all questions to this application only – the Commission will not hear any remarks on any other pending applications. Because the Commission will continue this agenda item to the 6/9 meeting, and to save time, it is suggested not to repeat the same comments as a previous speaker but to merely indicate agreement or disagreement. The Commission has other items on the agenda and will end this discussion on this agenda item in approx. 45 minutes.

**Joe Nechasek, 25 Waterford Lane, addressed the Commission.** Mr. Nechasek wanted to discuss a single structure - #2 Murphy's Lane, as an extraordinary eyesore. He explained that this residence is occupied on and off, has plywood boarding up the windows and blocked off exits. Mr. Nechasek indicated that he has tried to get more information from the Pine Rock Fire House regarding fire regulations about this structure. He expressed concerns about public health regulations, and by checking tax records, he found out that the current owner is a resident of Indiana. He asked the Commission to consider this and take some action regarding this residence.

Chairman Pogoda directed Mr. Nechasek to go to the Community Development Office and speak to them because they oversee the Anti-Blight ordinance.

Mr. Schultz indicated that they will solicit all the departments to write letters of recommendations to the BOA. The City initiates it but it will be the Aldermen who make the final decision and take action.

**Susan Collion, 78 Country Place, Shelton, CT addressed the Commission.** Ms. Collione indicated that she wanted to speak about the proposal for a recycling plant on Todd Road which is directly across the street from Country Place. She presently works in the medical field in Bridgeport where they have a recycling plant. They need to be aware that Bridgeport has a very high incidence of childhood asthma. There's a correlation between the recycling plant and the incidence of childhood asthma. This recycling plant is surrounded by residential areas and a school. There are a lot of issues, and if they put this plant in, in a couple years, Shelton will have the same problems. She indicated that she has been in this town for over 40 years and she can't believe this is even on the table. A recycling plant should be built away from the public not right in the middle of a residential area. She thanked the Commission.

**Joan Flannery, 8 Partridge Lane, Shelton CT addressed the**

**Commission.** Ms. Flannery indicated that in the Ordinance 6.3E – no refuse, household garbage or bulky solid waste shall be transported into the City from any place beyond the limits of the City. She commented that she knows they have an attorney's letter indicating that this does not apply in this case, but she thinks that would not hold up in court. Ms. Flannery indicated that they have a lawyer to confer with who has a different interpretation. Anyone can pay any lawyer to say anything they want, but what the judge says is what holds.

Ms. Flannery asked who was giving these people the license to collect and take refuse in and out of this plant. She inquired if they had certification to do it. At the last meeting, she stated that she was angry and upset because the Commission denied her a public hearing. She spoke to the owner of United Recycling in the hallway and asked them why they were pushing this on the people. She indicated that his response was that money has already been spent and invested – he can't lose his money on this. She asked why he spent anything if it isn't even approved yet.

Secondly, Ms. Flannery indicated that even after speaking to the owner, she was unclear as to whether or not there would be a burning facility. She has concerns about a burning facility because her parents live next to a recycling plant with one in Florida and everyone is dropping from cancer, dying. So if they want everyone in Shelton to die of cancer then put this plant in. She thanked the Commission.

**Randy York, 10 Longview Road, Shelton, CT addressed the**

**Commission.** Ms. York wanted to spend some time to clarify what they are approving because over the last year there has been a lot of confusion, and a lot of terminology used on different agenda items for United Recycling. To be clear, this is not an expansion of a current business. It is a brand new facility located at 90 Oliver Terrace. It is a volume reduction facility. The owners are in the process of applying for a permit from the DEP to construct and operate a volume reduction facility. The DEP doesn't really care that they've already built it; they did that on their own by pulling out the building plans separate from the operational plans. They went for the building expansion first without ever telling anybody what they were planning on doing inside.

Ms. York stated that they have a proposal on the table now to accept 800 tons of bulky solid waste per day that is going to come in from various places all around the City, the State or even the Country. Ms. York read a letter that she submitted for the record.

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

**Request for a Volume Reduction Facility at 90 Oliver Terrace**

May 17, 2009

I think it is important to note several specifics about this site plan because there appears to be a lot of confusion.

First of all, this is not an expansion of a current business. This is a brand new facility, to be located at 90 Oliver Terrace. The facility is a Volume Reduction Facility (VRF). The owners are in the process of applying for a Permit from the Connecticut Department of the Environmental Protection (CT DEP) to construct and operate a Volume Reduction Facility. United Recycling of Shelton, LLC has proposed a plan to accept 800 tons of bulky solid waste per day from various places around the City, State or Country. The facility will operate 6 days per week and be open from 7 a.m. to 11 p.m. The waste collected will be bulky solid waste and it will include demolition debris, land clearing debris, furniture, rugs,

mattresses, different types of recyclables, and appliances and electronics. Pretty much anything that is not considered hazardous or putrescible or rotting, like food waste.

The waste will be trucked in, separated, sorted and sometimes compressed and/or packaged. It will then be trucked back out to different buyers or Recycling Centers anywhere inside or outside the country.

So – this is a big facility. It's a big operation and it's a unique operation. It's not a little neighborhood recycling center. That's why the DEP has spent so much time on it. Operating at maximum capacity, this facility will handle almost a quarter million tons of garbage per year. Right here in Shelton, off of Bridgeport Avenue.

So, because it's big – it requires a Special Solid Waste Permit. The Permit Process includes a very detailed review from the CT DEP. As part of that review, the CT DEP wants to document that we, Shelton, have reviewed all the operational details of this plan. The CT DEP gives us an opportunity to comment on those details and express any concern that we might have about the negative impacts to our community.

So, the way I see it, this Commission has 4 possible courses of action:

- 1) You could ignore the opportunity to review the operational details, in which case the CT DEP would consider your silence to be a full approval.
- 2) You could review the plan and formally vote to give a full approval, with no conditions.
- 3) You could review the plan and formally vote to approve it **with conditions**, that you feel are necessary to protect the community from negative impacts.
- 4) You could flatly refuse to give your approval due to the negative impact this facility would have on the community.

In any event, the one important aspect that you do not want to leave out of the process of this NEW facility permit application is **public comment**. Finally, after all these months, the Commission is in a position to hear the public comment on the actual operational plans of the 800 ton per day facility.

So, for the record, I want to state that I believe this Commission should deny approval for this facility. I don't believe the site is appropriate for such a big operation. Waste Transfer Stations and Volume Reduction Facilities are high traffic generators. They generate intense diesel truck traffic. They are busy, noisy, potentially dirty operations. VRF's should not be located in the heart of a residential and business district. While the actual property is directly adjacent to Route 8, the Truck Routes aren't. There are no good or even adequate haul routes to this facility. And we must review this project with the currently available truck routes, not possible truck routes, such as off Todd Road or the possibility of creating an entrance onto Route 8 from the property or some paper Road to nowhere.

I believe this one common entrance/exit is a safety hazard. Portions of Bridgeport Avenue are very tight, with little or no breakdown lanes. Big Trucks, side by side, along with Emergency personnel racing down Bridgeport Avenue and a public bus route with unsafe bus stops, people standing on the side of the road waiting for a bus in an unmarked, unsheltered spot in bad weather, all creates a real safety hazard. I'm not an engineer, but the traffic pattern inside

the facility looks almost as bad. I just don't believe that the site has adequate space for several trucks per hour to be entering waiting, tipping their loads and exiting the facility without a lot of difficulty.

Right now, this facility has one entrance – Oliver Terrace – off the Platt Road/Bridgeport Avenue Intersection. And, in my opinion, this intersection is unsafe and inadequate. United Recycling of Shelton was supposed to do a traffic analysis. It did do one, and the traffic analysis reflected an already bad intersection. But United Recycling didn't do what it was supposed to do. It was supposed to do a detailed evaluation of the truck traffic impact to the area from the proposed activity, at full capacity of 800 tons going in and 800 tons coming out. That's 1600 tons of waste per day total with a possible 85 Trucks per day or approximately 5 to 10 Trucks per hour – or a truck every 6 minutes. United Recycling did not do this yet. And before you can approve anything, you must have this traffic analysis, not only because you made it a condition of approval yourself, but also because the CT DEP has made it a condition of the State permit process. And the public needs to see that evaluation because this traffic is going to impact them directly. Currently, there is no evidence presented in the plans that demonstrate that the facility will not cause undue traffic congestion and will not create conditions that jeopardize public health and safety.

The next reason that I feel the site is inappropriate is because of the close proximity to hundreds of residential units. We estimate that there are over 400 residential and commercial establishments within 1/3 mile of the facility and the one truck entrance/exit. They will be impacted by noise, diesel pollution, increased congestion and possible decrease in property values. What protections or benefits do they get in return? The location of this facility is directly across the street from Woodland Mobile Home Park, and is in the same ward as an existing Municipal Waste Transfer Station. This is simply too much impact for one area to bear and could possibly be an Environmental Justice Issue. An Environmental Justice Issue is an unfair placement of undesirable projects in lower income neighborhoods and areas of high density where people don't have any say as to what goes in their neighborhood. Existing businesses will find that their customers have a more difficult time than ever entering and exiting their establishments. Poor design at the Crown Point Shopping Center has already created a difficult situation for customers and drivers alike. Increased heavy truck traffic will certainly add to the already high rate of traffic accidents and the resulting property damage and bodily injuries.

Finally, this Volume Reduction Facility requires a New and Full Permit from the CT DEP. Again this is not an expansion, or a consolidation of current activities. Currently, United Recycling has a small, *general permit* to handle recyclables at 90 Oliver Terrace. The large proposed facility has absolutely nothing to do with that simple permit which is not expandable. It also has nothing to do with the permit at CT Waste Transfer at 46 Oliver Terrace, for 200 tons per day where they are bringing in demolition debris in that first building there. The operations are very different and cannot be merged if the VRF permit is approved. The total waste accepted at 90 Oliver Terrace cannot exceed 800 tons per day and the existing permit at 90 Oliver must be surrendered to the DEP.

She reiterated that it needs to be clear that this has nothing to do with anything they are currently doing. It's new, it's unique, and it's big and it merits intense review from all of us.

All in all, considering the "as is" site configuration, with only one entrance off of a congested, dangerous intersection, and considering the location which is too close to residential properties and commercial businesses, and considering the types of vehicles and number of vehicles that will utilize the facility and our existing local roadways, it appears that there is nothing that can be imposed

upon this project proposal that will improve traffic safety or reduce the traffic impact of this facility to hundreds of residents. Therefore, I believe the Commission should deny this application.

If, in the future, this Commission were to ever consider approving a Volume Reduction Facility on this property at 90 Oliver Terrace, I believe the Commission must first do a formal study of the appropriateness of the site. There should be open dialog with the affected neighbors, both residential and business, and CONDITIONS should always be applied to the approval and/or permit that will ensure an avenue for compliance and better protect the public's health, safety and quality of life.

She indicated that at the end of the letter she submitted, she provided a list of conditions that the Commission could apply that they could suggest to be applied to this permit when the DEP makes their final determination.

### **What types of Conditions/Benefits might the City request?**

- Reduction in the maximum permitted tonnage/limitations on waste generation sources (e.g. out of county, out of state) or Increases allowed on a "phase-in" basis only. For instance, allow a hundred ton increase for year one, at which time the operations are reviewed for compliancy, traffic problems, and neighborhood complaints.
- Funding of public road/infrastructure improvements.
- Restrictions on truck traffic, including designated routing, idling time limits, rush hour/weekend restrictions, low emission diesel trucks only.
- Commitment to regularly pick up litter and sweep streets outside of facility.
- Public Participation in site inspections and operation reviews, including a detailed public alert system to operational/permit changes and updates.
- The establishment of a Complaint Hotline with the name and phone number of the person responsible to act on and respond to complaints.
- Restrictions on operating hours.
- Commitment to cleaning up the tipping floor at day's end.
- Free or reduced-cost use of the facility for the community's residents and businesses.
- Improvements to host neighborhoods, affected/impacted areas (Streetscapes, open space dedication, air/water quality improvements).
- Free recyclables collection and/or processing.
- Guarantees for housing values.
- A fee paid to the local government for every ton of waste received at the facility.

Submitted by  
Randy York  
10 Longview Road

Ms. York also submitted a sheet indicating what an appropriate VRF should look like and a copy of a letter from the engineer at the State DEP reviewing this application. Upon the first application/submission by United Recycling he wrote a notification of insufficiency outlining issues that still haven't been addressed. However, one thing that has been addressed is that they are having this local level meeting right now – an important component of the State review process that offers the public an opportunity to comment on this.

### **Art Conklin, Woodland Park, Shelton, CT addressed the Commission.**

Mr. Conklin indicated that he was a retired construction professional. Last year they were besieged with recommendations that they reject this recycling plant. As an interested citizen, he called this recycling plant and asked if he could

perform an impromptu inspection. They agreed and he went to their facility to take a look. He noticed the licenses for their employees were fully displayed. He walked next door where they recycle material. It looked like a large open space with people sorting out materials – paper, plastic – it all looked like construction debris. He saw several 30 yard containers filled with aluminum, scrap metal and other materials. One of the workers told him to go see the main plant in the back. It didn't look like it is in too much use. One building had a machine that took strip singles, removed nails and ground it up into asphalt powder - which is recycling. It was stored in their sheds and he assumed it would be picked up sometime and shipped out to another place. He was glad to see that because he's seen many roofs taken off and they used to fill dumpsters with those shingles.

Mr. Conklin indicated that there is plenty of room in the back. There were containers all over the place – 30 yarders, 20 yarders, 10 and 5 yarders. The type of things they have are construction materials from job sites – not garbage. They had three bales of material on their loading dock awaiting transport. There were no garbage trucks and he didn't smell any odors. He added that the housekeeping was excellent. There is plenty of space – these numbers that they are talking about – 800 tons a day – he can't see that unless they are going to bring in garbage stuff which he doesn't think they want to do. They are calling it a waste plant, a recycling plant – he doesn't think that they are doing any recycling. Mr. Conklin stated that they seem to be packing everything and shipping it out to other places where they actually do the recycling. Recycling is what they should be doing with the material they got. The way this country is going, they've got problems...He thanked the Commission.

**Bud Zia, 4 Country Place, Shelton, CT addressed the Commission.** Mr. Zia indicated that he fully endorses the other speakers. He thanked the Commission for hearing them out, even if it's to no avail. He commented that he was quite astounded to hear about this type of a facility so close to the population. Besides Country Place, they have Sunwood, Greystone and Country Walk Condominiums. He feels that this volume reduction facility, or basically a sorting facility where certain waste will be separated – one from the other is inappropriate. In terms of handling such material, the presence of vermin has been completely overlooked. He realizes that for some types of waste, they aren't likely to find it, but vermin are omnipresent. Vermin includes everything – roaches, rats, it is incredible that they would have such a facility so close to people's homes.

He indicated that he would like to request a referendum so that this can be fully addressed because there is a lack of transparency here. He asked them, at this stage, to publicize this program. He just learned of it very recently. He thanked the Commission.

**Dr. Jeff Forte, 125 Nells Rock Road addressed the Commission.** He indicated that he has been a Shelton resident for 22 years. He stated that he considers himself an environmentalist. He is all for recycling, decreasing solid waste – he thinks it is great, and he doesn't think that anyone would be against such a concept. However, the siting for this facility is just wrong. He would suggest that most people in the room agree with him.

Dr. Forte indicated that he was told that currently this operation is below capacity even at the 200 ton approved level per day. He has heard everything from 35 – 80 tons per day currently. Even at the 200 ton per day level, they would be talking about an increase of 200%- 400%. He suggests that the current level is appropriate and that operation should exist as at it stands. He suggested waiting until they reach a 200 ton per day level before they can

access the present situation. That is his main concern. He thanked the Commission.

**Richard Lewis, 299 Old Bridgeport Avenue, Shelton, CT addressed the Commission.** Mr. Lewis stated that he just learned about this yesterday and he'd like to ask the owners a few questions. One – how much will the town Shelton benefit from this, what jobs will be created and what will they be paid. He added that they are dropping a nasty facility in the middle of an area that is surrounded by residential homes. Hunan Pan and Wendy's probably don't want the smells coming from this either.

Mr. Lewis indicated that when they blasted out the rock where Wendy's is – the trucks came by his house at 5 o'clock in the morning until 5 o'clock at night, every hour on the half hour engaging their blasting equipment. He asked if they could have a reasonable balance between what is good for the community, what's good for the citizens and what will benefit Shelton in the end. He isn't worried about children, asthma and all that – he just knows that road is not designed to handle the traffic. He's lived here his entire life, and where he lives presently, there are at least five fatalities right in front of where the commuter parking lot is located. There are accidents there every year – two or three at least. He asked the Commission, if they think this is a good idea, building this facility in the town of Shelton – then put it in your backyard, not mine.

**John Edgeworth, 20 Maple Avenue, Shelton addressed the Commission.** Mr. Edgeworth indicated that this facility is zoned for this type of industry. He asked for a show of hands as to who would like their taxes raised. The cost of doing business in this state is astronomical. Everywhere companies are shrinking and closing – and here's a company that wants to expand. They would expand the tax base which would do nothing but good for the community. It is going to stimulate the economy in the area. It is not garbage – it is recyclable materials. President Obama is pushing for this. Mr. Edgeworth added that he thinks they should be encouraging companies to expand and create new jobs and opportunities. He is in favor of anything that would do that and create a bigger tax base for the city of Shelton.

**Ingrid Waters, 261 Long Hill Crossroads addressed the Commission.** Mrs. Waters wanted to commend the Commission for giving the residents an opportunity to speak tonight. She indicated that she was at the first meeting in which Joe Salemme was very open to having a question and answer session at City Hall in order to quell rumors that would be generated by no public information coming forward. She doesn't understand what happened, and why such a meeting did not take place.

Mrs. Waters indicated that she understands that they didn't have a public hearing because there wasn't a zone change. However, she feels it is the responsibility of the members of Planning & Zoning to insure that no rumors are generated because the public is not informed properly. People want to know. She resents that fact that somehow they don't know that people get agitated because nobody knows anything, rumors are flying, and they find out in the newspaper that the general public is actually viewed as something like a lynch mob. Nobody wants to do that – they are all reasonable people who just want information.

Mrs. Waters asked about her concerns of air pollution and noise pollution. She doesn't know if there's noise with a shredder – Mr. Salemme was very open to answering questions like that; however, this Board didn't make him available for such a session. People would be a lot calmer if they just knew what was going on. It is unfair to everyone – this Board, the community, especially the taxpayers, and people who live in the area.

Mrs. Waters indicated that she is very concerned about traffic. The noise in the area that these trucks would take. It appears that they are landlocked – they are trapped in that area. She thinks it should be mandatory that the State of Connecticut give the United Recycling facility an open access ramp to Route 8. Then the traffic wouldn't be on the streets. She doesn't understand if the State wants to go green, they hear from all sides in the newspapers why aren't they pushing to give them an access way. They have school buses and older citizens driving on the roads too. Mrs. Waters concluded that she wasn't here to condemn anyone. She's a fair person but there has to be some knowledge here. She thanked the Commission.

**Renee Robillard, 28 Country Place, Shelton, CT addressed the Commission.** Ms. Robillard indicated that she was the president of the Association, and the majority of their Board is present tonight. On behalf of the 98 owners, who will bear the immediate brunt of this project including further reduction in property values. They are in complete agreement with all of those who have spoken out against the project for all of the aforementioned reasons. She thanked the Commission.

The Chairman indicated that only one or two other speakers could address the Commission because he needed to close the Public Portion of the Meeting in order to address other P&Z issues.

Someone in the audience asked the Chairman if those people who didn't have an opportunity to speak would be allowed to speak at the June 9<sup>th</sup> meeting.

Chairman Pogoda indicated that others could speak at the June 9<sup>th</sup> meeting.

**Irving Steiner, Co-Founder of We Are One, Shelton, CT addressed the Commission.** Mr. Steiner referred to the gentleman who spoke earlier about a tax base, and commented that he hears the talk, but he doesn't see the numbers. He would like to know what the numbers are that support his conclusion that this would be beneficial to the City of Shelton.

Mr. Steiner added that there are 11 loading docks there, and the owners said that 50 years ago, that traffic was there because the 11 loading docks were necessary. He recalled that 50 years ago, the car traffic was extremely light – almost Amish Country – so, to go and use that as a right, when they turned their backs on those 11 docks, didn't use them and allowed the traffic build-up of all the neighboring businesses to take up that slack – he thinks they need to reconsider the aspect of this and say “wake up and smell the coffee.” Fifty years ago, you'd be right, but right now, you're not. It will be an absolute catastrophe and a destruction of infrastructure if they allow 800 tons in and 800 tons out. He finds it hard to accept because of the change in traffic. He concluded that the basic problem here is the lack of infrastructure to keep up with the expanding City, which hasn't been done in 18 years – very little road additions have occurred. The roads that feed that facility or even Long Hill Crossroad aren't capable of handling 18-wheelers. Where is this going to go? Eventually, in the court as a lawsuit by the Applicant because, like the Applicant has said, he has a right to do his business in Shelton. We Are One isn't against anyone doing business in Shelton but it has to be appropriate and with some consideration for the public at large and people who use those roads. He thanked the Commission.

**Sheryl Jansen, 22 Strawberry Lane, Shelton, CT addressed the Commission.** Ms. Jansen wanted to bring up one issue that hadn't been raised about yet in regard to this recycling, or what they are calling recycling. She visited the facility and thought it was a “dump with a roof”. Ms. Jansen indicated

that recycling is down. Most of the recyclables in the United States were being shipped out to China. China is no longer interested in having their recyclables because of the recession. There is no market to take the recyclables, turn them into something else and ship them back. The price of recyclables, which was about \$200/ton at one point, is now \$20/ton. Quite frankly, he doesn't understand how they are even going to make money. There is discussion about creation of jobs, and having visited the facility, she saw piles of garbage being sorted by three guys. They aren't hiring a lot of people or generating a lot of tax money. She doesn't see the advantage of it and hopes the Commission looks at it more closely and denies it.

Ms. Jansen asked what is going to happen if no one buys his bales of cardboard or plastic, is it going to pile up on Bridgeport Avenue? She wanted to know where it would go if no one buys it. Right now there is tons of that stuff sitting on docks in Los Angeles that China doesn't want anymore.

Chairman Pogoda indicated that Ms. Jansen was the last speaker, and the Commission would be reconvening in Room 303 at this time.

**8:30 p.m. End of Public Portion – meeting reconvened in Room 303 at 8:35 p.m.**

**APPLICATION #09-07, BRUCE BUTLER/BUTLER COMMERCIAL SERVICES, LLC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL FOR NEW FOOD ESTABLISHMENT WITH DRIVE-THRU, BUILDING/CANOPY RENOVATION AND PARKING RECONFIGURATION, 99 BPT. AVENUE (MAP 117, LOT 1), CB-2 DISTRICT (PUBLIC HEARING CLOSED ON 3/24/09) – DISCUSSION ONLY**

Mr. Schultz put the maps of the site on the table and indicated that this discussion was a continuation from the last meeting. Staff got a sense that there was a favorable consensus, although a consensus wasn't taken.

Chairman Pogoda stated that there was a possibility of coming up that access road that goes to the back, and using that driveway as an entry area to the back of the establishment. He didn't know if Staff or Mr. Panico had an opportunity to look at that since the last meeting. He asked if the Commission members had any other questions at this time.

Mr. Panico commented that he was out of State all last week and had not had an opportunity to look at it.

Mr. Schultz indicated that the Applicant is aware that the Commission wasn't acting on this until the June meeting. The Applicant would like to do some building internally because the Parts Store is going to be consolidated and moved to the center. He wants to move ahead with that. Additionally, he'd like to do some regrading in the rear. He's anticipating most of it to be just earth, something that he can move with a backhoe. The Commission has to authorize earth work though. Staff is going to work on tweaking the plan in regard to the circulation of the traffic but the Applicant has requested a go-ahead for the earth work and some internal renovation work.

Chairman Pogoda asked if any of the Commissioners had an issue with regard to authorizing that.

Mr. Panico stated that the Applicant has the right to do any internal work on the size or quality of the interior space. Mr. Schultz indicated that Staff could work with the Applicant to be there to monitor earth work done in the back because

they don't know the specifics about the material back there. They may run into more rock.

End of Tape 1B, 8:48 p.m.

Chairman Pogoda commented that he thinks if coming in from the back doesn't work, or if Staff decides its not a good idea to come in that way, it could just be used as an exit. He thinks the traffic circulation will be safer.

Mr. Panico added that if the grade condition can be made to physically work, he thinks it would enhance the overall access and circulation around the building. It would be a plus if they can make it work.

Comm. Harger asked if the interior work they have to do will include demolishing the back corner of that building.

Mr. Schultz responded no. Mr. Panico added that it wouldn't be in the Applicant's best interest to do that because he doesn't want to make his building smaller in the event he doesn't get approved. It wouldn't be a desirable thing for him to do.

**On a motion made by Joe Sedlock seconded by Chris Jones, it was unanimously voted to approve the limited work and internal renovations for Application #09-07.**

Chairman Pogoda asked Rick Schultz to sit down with the Applicant, tweak everything and prepare a draft resolution for the June 9<sup>th</sup> meeting.

**APPLICATION #09-08, BROADBRIDGE HILL DEVELOPMENT, LLC FOR SITE PLAN APPROVAL (COMMERCIAL BUILDING), BRIDGEPORT AVENUE (MAP 105, LOT 163), CB-2 DISTRICT – DISCUSSION AND POSSIBLE ACTION**

Mr. Schultz indicated that the Applicant would be giving a presentation of the latest revised plans. He has received the City Engineer's Report and Staff has prepared a report that all Commissioners have a copy of.

**\*See attached letter from the City Engineer, Robert Kulacz dated May 12, 2009.**

**John Guedes, President, Primrose Companies addressed the Commission.** Mr. Guedes indicated that he wanted to begin by addressing the City Engineer's report. He reviewed that over the past two years, this site has gone through various revisions. They've had conflicts between the waivers that have been obtained from the ZBA and the Commission's view on those waivers. They came to an understanding in the recent months after meeting with Staff to determine the position of the building and accommodated Staff's recommendation for landscaped aisle widths. He showed the resulting layout of the site.

Mr. Guedes addressed the aisle widths and stated that they were established based on conference with the Fire Marshal and with Staff. He believes there is a letter in the file from the Fire Marshal stating his concerns about the ability of emergency vehicle to enter into and station itself inside the property; and, therefore, that's where the 26 foot width has been created. The Fire Marshal wasn't as concerned about the other; because, in general for the downtown area, he can never get apparatus to come in and maneuver anyway. Most of the emergency vehicles in small sites on Bridgeport Avenue and in Downtown will have street access. Mr. Guedes concluded that the aisle widths have been reviewed and approved by the Fire Marshal.

Mr. Guedes addressed the rest of the culvert that was evaluated by their engineers. As they know, this was the residence and business of a landscaper and the existing driveway to the area where trucks would come in and equipment would be was pretty much over the culvert. That culvert has taken, what they call, highway loading. Basically, they would just be looking at having passenger vehicles not trucks. They will get a letter from their engineers when they file for their building permits stating that. The retaining wall is part of their structural design which is part of the building and they will get Nowakowski & O'Bymachow to deal with that and formal applications to the DOT have to be submitted for the driveway permits. They will accommodate whatever requirements the DOT has.

Mr. Guedes indicated that he met with Staff and established the aisle widths, landscape areas and so forth. Staff felt that the sidewalk should be increased from 7 feet to 10 feet which resulted in moving the building further back and, thereby, requiring to go back to the ZBA.

By accommodating the landscaped areas, aisle widths and so forth, it pushed it 10 feet into the residential buffer area. He went before the ZBA and was granted a waiver. The previous waiver had never been recorded; however, the new waiver was recorded today.

Mr. Guedes indicated that there was another issue with two parking spaces. In the downtown area, at these small sites, every parking space that they can get, regardless of how awkward it is, is extremely valuable. The only thing he would do, with the Commission's blessing, would be to label #1 and #18 as employee parking, which means its basically stationary vehicles.

Mr. Guedes stated that for the most part the use of the property has been limited to the commercial area. There is no use that has been proposed for the residential area with the exception of landscaping. He has met with Staff more recently to evaluate the plan and make sure the trash container area is screened. Again, because of the retaining wall that is being installed, ??? (inaudible) it is on the lower level will not be seen from the street. There is a wall that will baffle that with some additional gates in front of it.

The back of property will be used for emergency vehicle access. On Mr. Panico's advice, he lowered the grade in the back. At the lowest point, it would be 6'4" and coming down it becomes a regular height of 9 feet, almost 10 feet. Then the intent is to just have some evergreens fill in that building and baffle that whole area. He concluded his presentation and offered to answer any questions.

Comm. Harger asked if the access in the rear would only be for emergency vehicles. Mr. Guedes responded yes.

Comm. Harger asked if it was gated. Mr. Guedes that he can't say there would be nothing there because he wants the ability...

Comm. Harger asked if the driveway looped around the building.

Mr. Guedes responded no, the grade wouldn't allow it.

Mr. Guedes indicated that they do have access around the building for fire emergencies, but otherwise, no. As the engineer had mentioned, on top of the retaining wall system there is a vinyl coated fence about 4 feet high that gets anchored into the top of the wall for protection.

Comm. Harger indicated that she was asking if the rear driveway was going to be blocked off because they made that a requirement of Aspen Ridge.

Mr. Panico commented that he didn't think it was unreasonable to put a breakable barrier back there so that it can only get used by an emergency vehicle.

Mr. Guedes responded that chances are that they would want to put a gate or something because of the possibility of dumping. The biggest problem with situations like this is that all the activity is going to be in the front.

Chairman Pogoda asked if it was going to a masonry structure for the dumpster enclosure.

Mr. Guedes responded yes, it was part of the retaining wall system.

Mr. Panico asked Mr. Guedes to discuss the skin of all the exterior walls because he thinks that the Commission is of the opinion that there are looking forward to seeing brick on it, and he doesn't think the drawings depict the brick.

Mr. Guedes indicated that the front façade is all brick veneer. The exposed part of the wall was meant to be split face block in a neutral color because it really isn't seen. Aside from the landscaping, they also have a five foot high wood stockade fence that closes off the back of the property as well so the residential wouldn't have to view the commercial building.

Chairman Pogoda asked about one the renderings that looked like brick on the side.

Mr. Guedes responded there are portions of it, but it is really hidden by the retaining wall system. He showed the renderings of both sides and explained that they should keep in mind that this really sits back. He showed the various places where there was brick and stated that if the Commission wants they could bring it around so it isn't hidden.

Chairman Pogoda responded that his personal opinion is that he'd like to see it wherever it's visible rather than leaving it as split face block.

Mr. Schultz reminded the Commission that when the Cumberland Farms went on River Road, the Commission consciously decided that they wanted four sides because of the transition to the residential. That is why he and Tony were bringing it up.

There was some discussion about how the retail space would be used and the presence of a loading slot. Mr. Guedes explained that because of the topography, the difference in grade between the levels is an average of 10 feet and the site is so tight that there is no way to get a driveway. He showed the location of the existing channel and where they were going to go in and repair the channel walls because they are deteriorating.

Mr. Panico indicated that he did not see anything on the plan about site lighting.

Mr. Guedes responded that he does have a site electrical plan, but he did not bring it. He explained that for the most part, the site lighting was going to be canopy lighting underneath the overhang and he showed the location of one island having a down light feature that would cover the driveway and the parking area.

Mr. Panico asked if he thought that was going to handle the corner of the parking lot closest to the street.

Mr. Guedes responded yes, by showing the direction in which the light would illuminate and the area it would cover. The intent is that the lighting will not go past the site. This is part of their engineering end of it and designing the height and level of lighting so that it stays within the site.

Chairman Pogoda asked Mr. Guedes to go back to the rendering of the rear elevation and asked what portion would be masonry back there.

Mr. Panico commented that it is all masonry.

Mr. Guedes showed the line and explained that it was concrete in certain locations because of their structural elements coming in too tightly. There is a portion of this where the concrete wall – it has columns every so often, but wherever the exposed surfaces are, the attempt is that the concrete is going to be ground and then painted. It won't be raw concrete.

Mr. Panico indicated he knows it is foundation. He was having some difficulty reconciling some of his building plans to the site plan with respect to how that stairway on that southerly end of the building is being handled. The floor plan shows an interior stair and then there's an exterior stair -but the site plan shows a bigger jog there.

Mr. Guedes responded by showing a portion which is part of the building and explained that the other is part of the grade.

Mr. Panico indicated that he understands his building plan but he was having difficulty relating it to the Engineering Site Plan.

Mr. Guedes responded that he thinks the Engineering Site Plan is a little screwy in its set-up; he explained that in looking at it, this stair was positioned to stay within the setback requirements.

Mr. Panico asked if he had the jog on the end to accommodate that inside stairway.

Mr. Guedes responded, yes.

Mr. Panico stated that the impression he got from the engineering plan is that jog is there reflecting the outside stairs.

Mr. Guedes responded no, this is correct the way its laid out. The setbacks were set up and they designed the building to make sure that they stay within the setbacks.

Mr. Panico indicated that then it's just a matter of resolving the two plans so that they say the same thing. He added that similarly, it's the same thing with the rubbish enclosure. The design as identified on the plan shown doesn't agree with what the engineer shows on the site plan, other than being in the same location. In the cleaning up process, those two need to be brought together.

Mr. Guedes responded that he understands what Mr. Panico's saying but added that this design is the way the foundation, structural design is set up. He only took those angles, setbacks and so forth, and laid out his walls accordingly. The intent is that the back and sides of this site will also have screening which would be a combination of wood stockade, cedar stockade fencing, and the upright arborvitae.

Mr. Panico asked about a couple of small pieces of guide rail on the site plan at the headwall and the backup spot in the parking area – because they are shown as metal beam-type guide rail.

Mr. Guedes responded no, they'll do the heavy timber...He could take care of that on the construction drawings when they submit them.

Mr. Panico added that the Commission would rather see a timber design substituted for that. He asked about the type of curbing they would be using because he couldn't find anything mentioning that on the site plan. He discussed with Rick that concrete curbing, especially around the main driveway entrance.

Mr. Guedes responded that he would work with Rick on that and showed that there wasn't a lot of curbing except for small areas. He would also be working with O'bymachow & Nowakowski for more detail on the plans.

Comm. Harger asked, in regard to the rear elevation and the foundation that he said would be ground and painted, what would be the life expectancy of that kind of paint or materials.

Mr. Guedes responded that it's masonry and would act as a stain more than anything else. They do that on all of the them. They'll have the same problem on the exposed retaining walls which will also be ground and sealed. For the back of the building, he was more concerned about getting some screening.

Chairman Pogoda commented that he would prefer to see brick back there if at all possible. Mr. Guedes responded he hates to spend the money if it's not really necessary.

Chairman Pogoda commented that they really needed to screen it a lot in the back then because it will be visible and the building might not be maintained and it might peel over time anyway.

Mr. Guedes responded that the block being used will be a split faced decorative block sealed for humidity in an earth tone that won't require a lot of maintenance. He met with Staff, heard Tony's concerns about lowering the grade, but the intent for the back exposed surfaces would be a split face decorative block.

Chairman Pogoda asked if he would be using vinyl on the rest.

Mr. Guedes responded yes, but it's only the sides – the gable ends. He showed the building rendering with the areas intended for vinyl. For the most part the intent is to have as low maintenance a building as possible because the tenants will have to pay the common charges, which is also part of the maintenance fees, and at the same time the building generally tends to look better that way for a longer period of time.

Chairman Pogoda asked if they'd be using asphalt shingles.

Mr. Guedes responded yes, it would be architectural shingles.

Chairman Pogoda asked about the four depicted store fronts and how much the bakery would take up.

Mr. Guedes responded that the intent, right now, is that they will take up half of the building. There will be two other tenant spaces. He's aware that a new

application will have to filed. Plans are ready for that and they'll go through those application processes.

Chairman Pogoda asked him to remember that whatever goes into the other spaces will have limited parking, and there won't be any street parking.

Mr. Guedes responded that he understands and reminded them that this is a building he will own; so, if any tenant coming in is unable to do business, at some point they won't pay the rent.

Mr. Schultz asked if they could get a consensus on the dumpster enclosure wall that faces Bridgeport Avenue. He recalled that the Commission liked how it was done at Huntington Depot where one side was done to match the brick on the front façade of the building - these are small things, but he wants the Commission to be aware of them.

Mr. Guedes commented that the concern he has in this particular case, is that part is going to be part of the retaining wall system.

Mr. Schultz commented he understands that's why he went in that direction; but it's just been a policy of the Commission to have the side facing the street to match – all these small features add up – the timber guide rail, the nice landscaping berm, etc.

Mr. Panico responded that in this case, he's inclined to agree with John that for logistical reasons it's not wise to introduce a dissimilar material there. Mr. Schultz commented that it would also make it look like a forced transition.

Mr. Guedes responded that the brushed concrete makes more sense and it will be stained a light gray. He added that it is in his own best interests too that it looks OK.

Mr. Panico commented that he thinks they touched on all the issues that they had. He read the Staff report and draft resolution for #140 Bridgeport Avenue.

**\*See attached Staff Report/Resolution dated May 12, 2009 for Application #09-08 for Broadbridge Hill Development LLC Site Plan Approval, 140 Bridgeport Avenue, Shelton, CT.**

Chairman Pogoda asked if the Commissioners had any other questions or comments. There were none. He asked for a motion on this resolution and stated they would need to take a roll call vote.

**On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously roll call voted (6-0) to approve Application #09-08 for 140 Bridgeport Avenue.**

Mr. Guedes thanked everyone and indicated that after their other business, he'd like to show some revised renderings of Sites C&D on the Riverfront.

**APPLICATION #09-09, JAMES BLAKEMAN FOR SUBDIVISION APPROVAL (2 LOTS: TWIN LOTS ESTATES), BUDDINGTON ROAD (MAP 62, LOT 12), R-1 DISTRICT – DISCUSSION AND POSSIBLE ACTION**

Mr. Schultz indicated they he needs to have the Commission authorize a 65-day extension. He just received comment from Corporation Counsel that CL&P needs an application by the Applicant to authorize the installation of the subsurface septic system under the easement area. The Applicant is aware of that and has

provided an extension for 65 days. A motion is in order and they can table action until the June 9<sup>th</sup> meeting.

**On a motion made by Ruth Parkins seconded by Chris Jones, it was unanimously voted to table Application #09-09 and accept a 65-day extension.**

## **OTHER BUSINESS**

### **STAFF REPORT - DOWNTOWN SUBCOMMITTEE**

Mr. Schultz indicated that the entire Downtown Subcommittee met with the Applicant, Mr. Guedes regarding Sites C&D. Mr. Guedes provided samples of some of the materials that will be used including the brick, asphalt, the material for the siding.

Mr. Guedes commented he made some improvements to his infamous computer rendering. After meeting with the Downtown Subcommittee, he stated that he made revisions and finished up with the design. The result is the drawing changes based on comments that had been made. He showed the façade of building facing the Riverwalk and explained that he tried to include as much as he could of the shrubbery, upright use, the stone wall and the units. Based on input, he tried to create character to the back of it and the intent was to put brick on the sides and end caps. For the most part, he didn't want to bring any brick to the back because there's already so much detail. The front brick wraps around to the side. The siding they are proposing is from the Norman Rockwell collection in an ocean blue, shakes would be an off white, black shutters and the architectural 25"-30" shingles.

He hopes that everyone agrees that this rendering is an improvement from the last one.

Chairman Pogoda responded that it was a complete transformation from what they saw last time.

Mr. Panico added that this is much more attractive when viewed from the Riverwalk.

Mr. Guedes addressed a question brought out by Ruth about how they would treat the area underneath the deck, and he showed the sections requiring coverings for those areas. He went over the rendering which included the decks, the privacy between units, stair access from the deck making it easier to get to the Riverwalk (inaudible due to multiple conversations).

Chairman Pogoda thanked John for the work he put into the revisions based upon the comments, sometimes rough comments, at the last meeting.

Mr. Guedes added that these changes brought about some modifications within the buildings as well. He showed on the drawings where he introduced some jogs and interior depth enhancement.

Mr. Schultz asked how many handicapped units they had. Mr. Guedes responded that there was only one in this building.

Comm. Parkins asked about the front building that he's retrofitting and if there would be any kind of roof covering over the doorways.

Mr. Guedes responded that they should probably introduce some awnings. They'll be looking at that more closely. The problem they have is that they have the door and there's still an area where they are having a transfer above the

door because they are really filling in the existing windows which are 8 feet high. He added that he wasn't sure where to put the awning without blocking the window and window light; if it is too high it will look out of place. Some of these things he still needs to improve on.

Comm. Parkins indicated that she understood about not wanting to block the window but thinks it's a much needed feature for the resident's convenience, and necessary in the event of bad weather.

Mr. Panico asked if there was another handicapped unit in the rehab brick building. Mr. Guedes responded yes, and one in the new building.

Chairman Pogoda thanked the Downtown Subcommittee for working with John Guedes on this building and enhancing the design.

#### **APPROVAL OF MINUTES: 2/24/09, 3/10/09, 3/24/09 AND 4/14/09**

Comm. Parkins indicated that she would like to have a modification made to the April 14<sup>th</sup> minutes regarding the discussion for a proposed windmill at Waterview Drive. The comment made regarding the color of the windmill was made in jest, and she does not want it to be on the record.

**On a motion made by Ruth Parkins seconded by Virginia Harger, it was unanimously voted to approve the minutes from 2/24/09, 3/10/09, 3/24/09 and 4/14/09 with the noted changes to the April 14<sup>th</sup> minutes.**

\*Revision 1 of the P&Z April 14, 2009 minutes will reflect this omission and be submitted to the Town Clerk's Office, the Planning & Zoning Office and the Webmaster for posting on the website.

#### **8-24 REFERRAL: TEMPORARY EASEMENT FOR 17 MT. PLEASANT STREET HOMEOWNER**

Mr. Schultz indicated that this was a situation where the property owner has to use the city property next door to repair his wall. However, the City Engineer is recommending that the Commission report unfavorably because there is a lot of information that still needs to be submitted. He makes this recommendation with the understanding that a new submission will be made, at which time he'll give a favorable recommendation.

They have a time frame determined by State statute by which to report back to the Aldermen, and they don't want to withdraw it. It's one of those instances where a homeowner needs to get a temporary easement over city property to repair his wall, but he submitted it prematurely.

**On a motion made by Ruth Parkins seconded by Patrick Lopera, it was unanimously voted to report unfavorably for the 8-24 Referral of a Temporary Easement for 17 Mt. Pleasant Street due to the noted deficiencies, a negative report from the City Engineer and time constraints.**

#### **AVALON SHELTON II: REQUEST FOR RELEASE OF SITE BOND**

Mr. Schultz indicated that this is the 99 apartment units next to Homestead. Comm. Lopera commented that he thinks it would be nice to have more landscaping in the back than the one row of evergreens that have been put in.

Mr. Schultz responded that it is this Commission's call whether they want to table this or make that a condition of the bond release because it's a PDD.

Comm. Jones and Comm. McGorty commented that he'd like to drive by and see it. Comm. Lopera added that another row would be good – it will fill in eventually but it would be nice to have it screened more from Huntington Road.

Chairman Pogoda asked for a motion to table this request for site bond release.

**On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to table the request for release of the site bond at Avalon Shelton II.**

### **PAYMENT OF BILLS**

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

### **STAFF REPORT**

#### **ZBA**

Mr. Schultz report about a request for a commercial kennel on Oliver Terrace (bldg. after Brennan). It's going to ZBA because the leased area doesn't satisfy the 5 acre minimum. The kennel is moving out of the Trumbull area.

#### **Cranberry Hill Estates**

Staff had to issue a Stop Work Order regarding the illegal removal of trees within the proposed open space area of this development on Armstrong Road. They have to submit a survey of what trees were removed and where they happened; 15 trees were removed in the open space area and also in the development area. This will involve a restoration plan and a determination of the dollar amount of these trees.

### **ADJOURNMENT**

**On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to adjourn the meeting at 10:05 p.m.**

Respectfully submitted,

*Karin Tuke*

Recording Secretary, Planning & Zoning Commission