

posted this property at the Access Road/Bridgeport Avenue side of the property and at the Buddington Road side of this property.

Atty. Thomas began by mentioning that he could not remember a time when this property had not been a car dealership because it had been there for so long. This property is tucked behind Access Road, which is a unique transportation set-up. He recalled that in 1995, in going through the proposal for Wal-mart, both the City and the State of Connecticut attempted to see whether or not they could get Wal-mart to shut down Access Road entirely because of the problems they perceived would happen at that intersection. Improvements were made in making Access Road a one-way into Nells Rock Road. It is probably one of the most ignored Wrong Way/Do Not Enter Signs in the State of Connecticut as people continue to go down it the wrong way. That creates one of the ultimate problems here - Access Road and the traffic. These issues have to be addressed.

Atty. Thomas indicated that the developer has addressed the Access Road issue by approaching the Town and doing some due diligence since the purchase period. The Developer discovered that the Town had tasked the City Engineering Department to investigate the closing down of Access Road.

They could close it the simple way by laying down Jersey barriers at Nells Rock Road and the Crabtree Entrance to close it off; but they could not go beyond the Crabtree Entrance because Blanchette's and Viking Tool still have to get in/out. Another option would be, if the car dealerships were to remain open, there would have to be a closing off of the road and they would need to work with the State to incorporate the traffic from that site onto Bridgeport Avenue.

The Developer, from the very beginning, had to incorporate the closing of Access Road to resolve the traffic issues. The Developer made a request to the BOA for a discontinuance of the road. That matter has been submitted to the Street Committee and it is proceeding along. They believe they have responded to all of their issues regarding drainage, traffic, and presently, legal issues.

In regard to where Access Road came from, Atty. Thomas explained that in the 1940's Bridgeport Avenue was planned to be Route 8, a thoroughfare that would stretch from Bridgeport to Waterbury and farther north. The State of Connecticut took that property and condemned a large piece, took large portions and realigned Bridgeport Avenue deeding Access Road and Todd Road to the City leaving islands in between. Access Road came from an Eminent Domain situation and in 1948 it was deeded to the City of Shelton. With respect to the zoning, this has always been part of the Commercial Zone.

Atty. Thomas continued that in the late 1990's, this Commission embarked upon an ambitious Route 8 Corridor Upgrade in which he was a part of because he represented some of the property owners – including some of the auto dealerships. They were upset by the proposal for restrictive zoning of OPD which would make them a non-conforming use. As a non-conforming use, it would make it difficult for the dealerships to expand.

Therefore, there was an Appeal and lengthy discussions resulting in the Restricted Business District Zone. The entire area proposed for this Planned Development District is Restricted Business District Zone. The purpose of RBD zoning was to prevent the evil, dreaded, and thought to be unnecessary, large box retailers such as Home Depot, Lowe's, or Cosco. Certain restrictions called Restricted Retailing were imposed. The auto dealers were satisfied because, at least, it remained retail; additionally, auto dealerships remained a permitted use which gave them the opportunity to expand more easily. The retail limitations imposed that a store could not be smaller than 10,000 square feet and the use could not generate traffic of five vehicles per 1000 square feet at its peak.

In the years since this zone passed in early 2000, there has been no proposal for any retail to address RBD, until now. When it is analyzed, the zone itself refers that - 5.28 in the Definition says "moderate impact outlets included but necessarily limited to furniture and appliances, bookstores, clothing and accessories, sporting goods stores, pharmacy, office supply/equipment, medical, appliances plumbing or other service/specialty stores. Grocery stores, discount-type store, department stores, large scale home improvement centers and similar large-scale activities are excluded."

Atty. Thomas stated that in looking at this zone, the zone is designed for the property owner with a large parcel directly toward a Planned Development District. Because at 10,000 square feet as the limit, they aren't going to get retailers like a jewelry store, a collectibles store, banks, most restaurants, service stores (hair salons, spas, UPS) – most of them average out at about 1500-2000 square feet, and they are no larger 4000-6000 square feet. In looking at other bigger retailers like Kohl's, Marshalls, Barnes & Noble, Sports Authority – no, they don't qualify either because they generate more than 5 vehicles per 1000 square feet at their peak under the traffic trip generation. Most pharmacies aren't small anymore; the pharmacies, like CVS, built these days exceed 10,000 square feet, so they qualify but they generate too much traffic. When the zoning regulations are applied to reality – it essentially tells the property owner to just stay as a car dealership. This Commission may want to do that; however, they have chosen to go the route of a PDD. This Commission has effectively used, especially along Bridgeport Avenue, what he refers to as somewhat restrictive zoning (OPD, etc.) that tends to direct applicants toward a PDD. It is a zone change and, more importantly, it is a give and take between the Developer and the Commission.

The give and take is that the Developer gets to propose uses which it believes are compatible with the area, beneficial to the area, and can generate higher taxes. The Commission gets the full discretion to address architecture, materials, signage, landscaping, continued jurisdiction over landscaping, layout, and continued jurisdiction of the layout. This Commission has used this very effectively in the PDD concept. They believe it is appropriate here because of their discretion.

Atty. Thomas noted that if it remains a car dealership, it's a permitted use and there is absolutely no control architecturally or in regard to landscaping, etc.; whereas with a PDD, the Commission has control. They could propose condos for the area but the area, as shown in the color rendering in the hand-out is surrounded by various uses in the Restricted Business District - IA-3 (Light Industrial) PRD#4 (Country Walk Condos) R-4 (Country Place Condos) PDD 9A Wal-Mart; IA-3 (light industrial) 1A-2 Office Park District (single building - AT&T Service Ctr); PDD 57 (retail); PDD 53 (Car Wash); PDD 3 (Knollbrook Condos, Heritage Point, Buddington Park) and a great number high density residential uses.

They could have Office but there is no market for office without tenants, and certainly if there was a market for Office, it would probably want to locate up between Trap Falls, Commerce and Research where it is designed for. Finally, there is Retail, and there is some retail in this area with Wal-Mart, Crown Point and King's Point and the car dealerships which are retail; therefore, their proposal is for a retail center.

Under the PDD concept, submitting for this jurisdiction under architectural and engineering, they have approval from the Shelton Inland Wetlands Commission. This is an important thing – this property is not virgin land. This property was a car dealership with pavement; it is in the Far Mill River Watershed, not Burying Ground Brook. Nells Rock and Platt Road is the dividing

line - this was in the 1950's and 1960's. Improvements were done in the 1970's and 1980's. There was no BMT – Best Management Practices; there was no treatment of the water, there was not any effort to address the flow, temperatures, or the oil that gets into the water.

The Developer that wants to develop this site has to address, and is addressing environmental issues on this site that had an auto dealership and a body shop. These are areas that have to be cleaned up.

In the Wetlands approval the Developer has proposed an extensive underground water treatment and detention system that will greatly improve the water flow from this site as it exists and improve it substantially with this new proposal. Jim Swift, the Developer's PE, will address this in his engineering presentation. Pat Rose will address the architectural and Fred Greenberg will address traffic report that was submitted as part of this application.

Atty. Thomas indicated that he wanted to point out a few things in regard to the traffic. In studying Access Road, they learned that one of the problems is that a vehicle coming down Access Road comes to a Stop Sign which intersects with Nells Rock Road. If the person coming down Nells Rock Road is polite, they don't block Access Road. They stop short of Access Road, leaving the distance between the road and the traffic light open for a car to be able to pull out. Once a car stops there, it is narrow because Nells Rock Road is only one lane. There might possibly be room for two smaller vehicles. But once the car stops short of Access road, the backup occurs, and then no one can get by if they are turning right. That is a serious problem.

In the traffic report, they analyze some of the options for this problem such as two lanes, a right-hand turn lane, a straight and a left-hand turn lane. Or they could approach it the best way by creating three lanes, improving that intersection, improving the drainage, giving some right of way to the City, and creating a situation where the flow out of Nells Rock Road onto Bridgeport Avenue is a dedicated straight lane, a dedicated right-turn lane, and a dedicated left-turn lane. Commensurate to that would be improvements on the Platt Road side of the intersection and appropriate improvements to the traffic light. As a result of that, even with the build-out and the improvements, it will result in no change to the level of service for that intersection during the peak hours. The peak hours are Friday afternoon and Saturday midday. The peaks do not coincide with the go-to-work or come-home-from work traffic except for the Friday peak because the main anchor is the food stores where people want to stop.

Another proposal he wants to highlight is the intersection of Nells Rock Road and Buddington Road which is a problem. The proposal is to put a 3-Way Stop because now there will be better flow of traffic down to the light. It will create a safer situation because of the curvature in the road right after it. The 3-Way Stop would have to have signs up and down Nells Rock Road indicating there is a Stop Sign ahead. It has a secondary impact of slowing traffic flow as it is coming down and going up Nells Rock Road.

They could talk all day about alleviating traffic in this area by the completion of Constitution Boulevard, but that is not happening now, so they need to address this as best they can, and they feel they have.

One of the most significant and confusing things is the issue of pass-by traffic. In looking at Page 10 & 11 in the hand-out of the Traffic Report, there is a table showing peak hour trip generation for the land use. The Max Pass-By shows a negative figure because this is not a site - it doesn't take into account the issue

that this site already had traffic being used as a car dealership -regardless of that, it is not being used now.

In regard to what will happen with the traffic at peak, the CT DOT only allows them take 10% of adjacent street traffic (that is the number that must be used) – that is the number shown in the negative figure.

However, on Page 10, the Trip Generator Handbook of Traffic Engineers says that the common pass-by traffic would be closer to 30% or 35%. That means, that when looking at trips to this place, 30-35% of the traffic that exists out there now such as people living in the condos, people driving to Wal-mart, Crown Point, etc. So, if the 30% figure is used, that number of 12,036 goes down to 978. Then it must be considered that this is a PDD and because of the retail being proposed, there are substantial traffic improvements to address and improve this as well as other areas such as the entrance to the site and Bridgeport Avenue /Route 8 Exit 13 area.

Atty. Thomas indicated that a representative from Realty Concepts will make a presentation about the Marketing and Impact Analysis; however, he has been detained on the tarmac at O'Hare Airport. He will be here next week, at the continuation of this public hearing to address issues such as the impact, what the demand area covers for this and, more importantly, the tax issues. He indicated that Jim Swift would discuss engineering and landscape issues and Pat Rose would make the architectural presentation.

James Swift, Licensed Professional Engineer and Landscape Architect addressed the Commission.

Mr. Swift began by addressing the aerial site map with the area for the application outlined in yellow. He pointed out the locations of Nells Rock Road on the Webster Bank side of the site; Access Road and Bridgeport Avenue running parallel to the site; the existing Crabtree buildings (one large/one small) At the other end of the site, he pointed out the proximity of Blanchette's, two driveways leading up to the old body shop and PLR Enterprises and a couple of light industrial buildings. He pointed out Buddington Road and the existing residences that run along the top of the site.

The property, as it stands right now, is 11.2 acres but with the addition of the Access Road parcel, if abandoned, it would become the front of the site adding another 9/10th acre making the total property for this application approximately 12.1 acres.

That is what exists on the site today. He put a color overlay on the aerial site map to show the existing zoning of the area. The site is presently RBD for its entirety across Bridgeport Avenue in one spot and over to Blanchette's parking lot at this time. He explained that there was an interesting mish-mash of other zones including the OPD, PDD's, IA-3, CA-1 and CB-1. Slowly, but surely they are consolidating and will get it into one zone at some point.

He showed the proposed site plan for the property with two major tenants that they've configured as a grocery store or supermarket-type of a building. They have a secondary major user adjacent to that building with the square footage in the 27,000 range. They have no plans as yet for that space. No definitive users right now. At either end of the main building, they have blocks of space for the smaller stores which would be 2,000 – 5,000 square feet each. They have two out buildings, one towards the front that is clearly set up for a bank with a drive-through. Toward the rear, they have another out building with drive-through, Retail C that is envisioned as a coffee shop type store. The total square footage as proposed on this concept plan is 125,690 square feet. On this concept plan, they show approximately 671 parking spaces or about 5.3 spaces per acre. The

regulations for this PDD require that there is a minimum of 5 spaces per 1000, so this proposal is slightly over the requirement.

Mr. Swift showed some more detailed site drawings of the proposed site plan that indicates where they have provided access to the site. The proposed main access would be in the middle of Bridgeport Avenue between Nells Rock Road and the next intersection down. At Access Road, a new traffic light signal would be added at Access Road, and a portion of Bridgeport Avenue would be widened for obligatory turn lanes. Access Road will be terminated at the property line, but will continue just short of the property line to provide access for the old Crabtree Body Shop, PLR Enterprises, Blanchette's and the other users of that street. As configured, these users will now travel south using the entrance further down toward Wal-Mart. This has been the writing on the wall for the City to close the Access Road intersection at Nells Rock Road.

At the intersection of Nells Rock Road coming into Bridgeport Avenue with the closing of Access Road, they would ease up that intersection up considerably. Coming down right now it is one lane, sometimes a right turn can be made depending upon the size of the vehicles. They expand that from one to three dedicated lanes (right turn, left turn, straight). That will clean up Nells Rock Road considerably because they will have a lot less traffic build-up – they will have three lanes of stacking instead of a single lane. Across the street at the Platt Road intersection, Fred Greenburg will better explain how this intersection performs; however, they propose to add another turn lane to the westbound lane on Platt Road.

Moving up Nells Rock Road, they will have a right turn in only and right turn out only onto the property about midway up Bridgeport Avenue and Buddington Road. No left turning. The basic reason for including this entry way, is because, if they have any traffic coming from the Buddington Road / Nells Rock Road intersection there is no point making that traffic cycle through this intersection. It is very easy to allow them to drive right into the site.

They will be adding Stop Signs at Nells Rock Road eastbound and westbound. It goes without saying, are all subject to the SDT approval process which is extremely thorough.

Mr. Swift continued that in order to make these lane improvements, the Developer will be giving up land and deeding it to the City to expand the width of the Nells Rock Road right of way. That land comes out of the property area of this site.

Some highlights on the grading – it is basically flat, slightly rising until the Crabtree Buildings and then in the back it goes up steeply to Buddington Road. Mr. Swift indicated that this was sort of a good news/bad news situation. There is some material that they need to take out because they are working with the Bridgeport Avenue grades. The bad news is that they will be doing some excavating back there. He showed the location on the site map where they would need to make an approximately a 35 foot rock cut in one area and a slightly smaller 25 foot deep rock cut in the back of the building. The good news for that is the less desirable part of the buildings such as the service areas, are basically going to be put in a hole. It would be hidden from Buddington Road by this severe 25 - 35 foot drop in elevation; it would also act as a sound barrier. There are some benefits in this way.

The total excavation is approximately 135,000 cubic yards. It is significant, but certainly not the largest excavation they have ever seen in this town.

Mr. Swift explained that the storm drain system has been extensively reviewed by the Inland Wetlands Commission. He provided an overview by indicating that

this entire site drains into a brook on the other side of Bridgeport Avenue that is a tributary to Wells Hollow Brook. The entire area flows in that direction. The discharges for the existing uses are uncontrolled – very old school. The basins are filled with silt, the pipes are undersized. There is no provision for oil separation unless it is inside of the buildings, nothing for the parking lots and no storm water detention or retention of any kind.

Another issue on this site at the present time is that the systems are mixed up – the City system of Nells Rock Road discharges into Private Property (the Crabtree property); the State System also drains into that property (the Crabtree property) but drains back out again. In reviewing the capacities of all the conduits and pipes in this location, they are all substandard and would not pass muster with the City Engineer or the State these days.

Mr. Swift stated that they are proposing to renovate all of this. They would be organizing the all of the onsite drainage to be directed to two vortex chambers that control water quality, sand silt, oil, trash and things of that nature. The water will cycle through them. He showed a large blue area on the site plan indicating the location for an underground chamber for storm water detention. Also, it will have a secondary function with a gravel bottom to emit some water back into the ground water system. They are going to separate all the systems. The City is going to have a separate system with easements, where required, separate from the private. The City System will drain into the State System, as it should. The Private System will drain into the State System, as it should, and all those conduits will be upgraded and discharged into the tributary through Wells Hollow Brook.

This analysis of flows also includes some of the run-off from Blanchette's parking lot, the body shop area and others. The water quality is enhanced by all of this and they've reduced the peak flows in that location. The 100-year storm results show the existing flow at that point is 170 cubic feet per second, and they are going to reduce that to about 142 cubic feet per second resulting in approximately a 17% reduction in peak flows. This will certainly help out on some of the erosion that is going on downstream here.

Mr. Swift indicated that this is pretty much a retrofit to what has been going on over the years in this building and area. They will essentially be bringing this up to acceptable standards.

This plan also shows all the utilities- gas, water electric, communications and sanitary sewer that are already available at this site and would be used. Mr. Swift indicated that the Soil Erosion Plan is fairly comprehensive. He identified stockpile areas, temporary sedimentation and retention to keep sands and silts from flowing downstream. They will also be working with the State DOT to manage their access into and out of the site during construction. They don't want their construction trucks/traffic trying to use the intersection that they are trying so hard to clean up. They will be working with the State during construction. They have the advantage of using Access Road until such time that it is abandoned. In conclusion, Mr. Swift stated that it is a fairly comprehensive plan; it has been reviewed by the Inland Wetlands Commission which has approved this project with minor modifications that do not affect the layout.

Mr. Swift added that the Inland Wetlands Commission made some conditions regarding erosion control including a more comprehensive schedule and monitoring of the site. If they are fortunate enough to get through the concept plan, they will prepare that for the detailed plans. Basically, the soil erosion control can be managed properly on this site during construction.

Mr. Swift showed a landscaping detail to overview the type of screening proposed for Buddington Road. He mentioned that they have a nice drop in elevation that they can work with. They would add many evergreens and buffer plantings along that area. He added that there is already a lot of very good screening, both evergreen and deciduous??, at the corner of Nells Rock Road and Buddington that they will attempt to save.

The landscaping for the front of the site will meet the standards that the City has come to expect over the years with the planting islands in the parking lots and landscaping around the buildings. The PDD is tailor made for the Commission to enforce and require those types of improvements. The front of the site will be buffered from Bridgeport Avenue. There is a slight rise in the parking lot. It is 4 to 6 feet higher than Bridgeport Avenue, so driving down Bridgeport Avenue, only the first row of cars would be seen instead of an entire parking lot. They plan to build a stone masonry wall in that location to further hide the bumpers of the cars. However, these are the types of details that they would get into with the detailed plans with the Commission.

Comm. Jones, asked if the excavation in the back included blasting. Mr. Swift responded that there would be. Comm. Jones asked how much.

Mr. Swift responded that of the 135 cubic yards, they don't have testing along there now. In some of the notches, ledge can be seen on the surface but there are some valleys in there that may not generate quite as much rock. He stated that 50% to 2/3 would be an intelligent guess.

Pat Rose, Project Architect, Rose Tiso & Co. addressed the Commission.

Mr. Rose indicated that this project is little bit different than the typical shopping center that they've come to see in the area. They've tried to do something that meets the new retailer's needs, which is not your typical run-a-canopy-all-the-way-down, hide all the stores and put the signs on top. The retail concept is changing. Some of these ideas have come to fruition in Milford and other places

Mr. Rose showed renderings of the site and explained that at the entrance of the center off Bridgeport Avenue, coming in the driveways, they are utilizing the corner for a strip of retail as an accent. It also has parking with it. The main retail tenant, set up as a grocery store, is shifted down in the center a bit to take advantage of the body of parking in front of it as well as the secondary retail is to the side of that for the same reason, to take advantage of the parking. Toward Nells Rock Road, there is another area of retail, a longer strip, which would be deeper stores, whereas the others are shallower stores. He orientated everyone to the layout by showing the location of the anchor stores and the main tenant because this helps to define the architecture.

He showed the architectural renderings that show the various pieces of the center. Mr. Rose showed that upon coming in the main driveway, it turns toward a tower which defines that corner. Therefore, entering the site, the larger tenant isn't seen; only the retail running down the front and side of the building. Beyond that, upon turning, the main retail tenant is seen with a typical center entrance with a canopy over it, as for a grocery store. The other tenants along the side have no canopies, only awnings out in front of the windows to direct entrance into each store. There will be signage bands on the awnings or on the bands over the windows. There won't be restricted visibility of what that tenant is; all of the signage will be cohesive with the architecture.

Mr. Rose showed a rendering of the main retail tenant and indicated that they would be using hard materials all along the lower portion where people would be standing and walking– stone as a base. Between each of the buildings there are different facades, and they are using brick at the lower sections to define the

breaks between the different retailers. At the other end of the center there is another tower that defines the other end coming in from Nells Rock Road.

Mr. Rose showed another rendering of the main and secondary retail space with the stone on the lower section extending up into the piers of this tower, the piers of the main retail tenant, in the façade of one of the retail tenants, and on the pillars of the other tower. There is stone all along the bottom on each one of these stores. There is brick in between. Different colors would be incorporated to define each one of those retail tenants. It creates an opportunity of visibility for the retailer and a very handsome facility from the street.

Mr. Rose commented that this style of architecture is used in Milford at the old Wayside Furniture location which has been developed into a high end retail shopping center there with individual buildings for each retail tenant.

Atty. Thomas indicated that the representative from Realty Concepts will have to make his presentation next week because he is detained at the airport. Fred Greenburg is also here to answer any questions about the traffic study. He would like to turn this over to the Commissioners for questions at this time.

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

Comm. Jones asked who was in charge of traffic; he asked if he made a presentation.

Atty. Thomas stated that he summarized the main traffic issues and has provided traffic reports for everyone; Fred is available to answer any questions.

Comm. Jones asked about Page #17, he asked Mr. Greenburg if he could explain what is meant by the level of service.

Mr. Greenburg, Traffic Engineer, responded that the level of service is similar to a grade in school, in this case, for intersections determined by the Transportation Research Board which is an unpopular organization made up of transportation officials. The grades run from A to F. Level of Service A would be the best, meaning very little delay. Level of Service F, the worst level, usually means highly congested. They looked at the level of service at a bunch of intersections. Based upon the current situation, there are two peak periods. The first peak period was Friday afternoon which is a very high traffic period during the week. The second peak period occurs on Saturday in the middle of the day, around 2:00 p.m. which is also a peak for retail activity. When they looked at these intersections during both of these peak periods, they did an analysis at each location based upon the current situation Level Service of C; then with the build situation (building a shopping center with no improvements) creating a Level of Service D; and with the build situation and the proposed improvements (additional turn lanes on Nells Rock & Platt, and traffic signals) keeping the Level of Service C overall for the intersection.

He explained the table which indicates that for the Nells Rock Road/Platt Road /Bridgeport Avenue intersection, the current C level would be maintained if the shopping center is built and the planned traffic improvements are made.

Atty. Thomas suggested that Commissioner Jones could find further explanation of the Levels of Service for traffic on Pages 14 & 15 of the Traffic Report.

Mr. Greenburg added that it is basically based on average delay.

Comm. Jones asked what times the peak period on Friday would be.

Mr. Greenburg responded Friday between 4:00 and 6:00 p.m. They take the traffic cast and take the highest numbers to determine the peaks.

Comm. Jones asked about the level of traffic for the southbound ramp for Route 8. Mr. Greenburg responded that overall it stays the same.

Chairman Pogoda asked if any of the Commissioners had any questions at this time. Most of the Commissioners indicated that they would hold their questions until the continuation next week. Chairman Pogoda reminded everyone from the Public to provide their name and address and speak directly to the Chair and not to the Applicant. The Public is reminded that they would like to accommodate any individuals who can't attend next week by having them speak first. This Public Portion will end at 9:50 and they will continue it next Wednesday, May 27th at 7:00 p.m.

Richard Lewis, 299 Old Bridgeport Avenue addressed the Commission.

Mr. Lewis stated that he thinks there should be some development at this site; it is blight – something needs to be built there, but a fair compromise. He pointed out that his house is at 299 Old Bridgeport Avenue which used to be connected to Access Road. People from the Naugatuck Valley traveling to Bridgeport went by his house since 1749. Shelton was built around his house. The problem that he has is that no one has really addressed the traffic issue. The gentlemen discussing traffic basically said that nothing would be changed near the southbound entrance to Route 8. He has lived at his address for 9 years and there have been countless numbers of car accidents right in that spot 300 feet from his house and at least five fatalities.

Mr. Lewis brought out another point that half of the trees that buffer Old Bridgeport Avenue have died over the last nine years. He asked that, if they are going to buffer, he hopes that they take the commercial and residential areas around there into consideration and supply some type of buffer for the people in that area which includes Country Place, Sunwood, and his house. He would have no problem with this project if more trees are brought in to the area.

Mr. Lewis commented that as far as bringing in more tax revenue, some people would argue that bringing in more business would increase tax revenues. He wanted to point out that Ansonia and Derby have three times the tax rate. Shelton's is not lower because of all the business they have, but because of all the area Shelton has to develop. They don't have to take all this land and develop it all at once. He asked that a little bit be left for their children. Open space is more than 250 acres with a walking path through it. Open space, to him, means opening up his window and not having to hear his neighbors discuss their dinner plans. It is a compromise. They should definitely build something there. The pictures are great but pictures don't have sound coming out of them – like the noise of dump trucks and blasting that he heard all summer long when they built Wendy's across the street.

Mr. Lewis asked that they please take into consideration the neighbors, please build a buffer along Bridgeport Avenue and address the dangerous traffic situation – these numbers are not made up, it's a matter of public record. He thanked the Commission for their time.

John Babina, 9 Freedom Way, Shelton, CT addressed the Commission.

Mr. Babina indicated that he wasn't against this project, in general, but he had some issues to protect the taxpayers in Shelton. He stated that Buddington Road and Nells Rock Road are treacherous roads that have become key cross town roads. Unfortunately, the curvatures in these roads, because of the terrain create a burden at the end, near the intersection. Obviously any project in this

location, and car dealerships have low traffic flow in terms of customers, is going to increase traffic on these two roads.

Mr. Babina stated that it seems that the citizens of Shelton own a valuable piece of property in Access Road. He asked if the strip of land between Bridgeport Avenue and Access Road belonged to the City, the State or if it is shared.

Chairman Pogoda responded that they would get that answer for him and provide it at the next meeting.

Mr. Babino also wanted to know if this road had been transferred yet or promised or anything else. He asked if deeding Access Road over to this developer was an action of this Board.

Chairman Pogoda responded that would be done by the Board of Aldermen.

Mr. Babino indicated that that it would be interesting to see the true cost analysis for the value of that property. It seems to be a key piece of property. He wanted to bear in mind that this would increase taxes but as everyone knows, they are going into an era of hyperinflation and the promise of taxes downstream is not as important as what the property could be traded for right now.

Mr. Babino stated that in looking at Buddington Road, it is nothing more than an exotic driveway coming along the path of the back piece of this project. The water problem there was terrible when he first moved in about three years ago. Some work has been done and it seems to have gotten a little bit better, but it still develops big ice shields across the top. Now they are proposing to put it across this cliff area. He wanted to throw out an idea for the Commission to look into trading some of Access Road for some extra piece on Buddington Road, because at some point that road has got to get wider.

Mr. Babina expressed his concerns in regard to cutting away even more of the already unusual, steep terrain of Buddington Road. He suggested that the City Engineer take a look at it to determine what would be needed to fix Buddington Road. He also indicated that he would like see tax dollars go to the infrastructure and improving the drainage on Buddington Road or as a trade off for the valuable piece of property – Access Road.

Mr. Babina asked if anyone had ever done an assessment of what Access Road was worth, or if there were any records about it. He indicated that he really wanted to find out the cost impact of having that road for this project.

Mr. Babino also commented that he thinks the parking looks tight even for this size of property and what is proposed. They certainly have a lot of examples in town of what the parking requirements are for a grocery store. They don't need a mathematical analysis. Everyone in town knows from the stores already here. He suggested looking at supermarket parking lots in Ansonia and areas with Stop & Shop, Big Y, Shop Rite, Shaw's, etc. to test the traffic report or parking assessment.

Mr. Babino asked if light pollution was part of the zoning regulations, because it is an issue that needs to be addressed. He lives in Heritage Point and light pollution is problem – when they look down on Wal-Mart it looks like E.T. has landed or something with all the skylights illuminating the sky. He's assuming they would be using down lights and hopes it is part of the regulations.

Chairman Pogoda responded that it is.

In conclusion, Mr. Babina stated that they should do a thorough analysis because of the unique characteristics of Buddington and Nells Rock Road. He commented that before a spade of dirt is turned over, now is the time to make the appropriate trade-offs with respect to protecting that right of way. He thanked the Commission.

John Strauss, 11 L Hermitage Drive, Shelton, CT addressed the Commission.

Mr. Strauss indicated that he lives off of Nells Rock Road. Mr. Strauss stated that he had two points to make. The traffic estimate is well done, citing several books, but he wanted the Commission to verify it with another source. Clearly, there is a commitment from a major grocer to move in and he's sure that vendor has done projections for their own business purposes as to the expected volume. He asked the Commission to secure that information and at least collaborate the numbers because this is all they have to work with about traffic.

Mr. Strauss commented that in regard to the peak volumes as presented and the number of parking spaces – they don't have enough parking spaces for the peak volume that they project right now. Clearly, this is an issue.

Mr. Strauss indicated that his main issue for coming tonight is in regard to the traffic regardless of the projections. The need to increase the elements of the intersection at Nells Rock Road and Bridgeport Avenue has already been recognized. But they haven't heard anything about that cross-through traffic increase on Nells Rock Road – not just the intersection. He indicated that he lives in a condominium on Nells Rock Road which is a dense residential area. It is difficult to get out of the condo driveway safely right now and get onto Nells Rock Road. He is very much concerned about increased traffic on that road.

Mr. Strauss commented that those who repair roads in Shelton have done an admirable job of keeping Nells Rock Road up through the rough winters, but the bedrock of that road is disappearing in several spots with the current vehicular traffic. At the very least, they have to recognize that the Town will incur great cost just from the increased traffic flow on Nells Rock. He suggested, as they give up valuable property for retail purposes, that part of this deal would be that the infrastructure surrounding the project that would be impacted, be addressed by the developer. He suggested that they repair infrastructure issues on Nells Rock Road to accommodate the increase in traffic that they admittedly recognize. Mr. Strauss thanked the Commission.

Arthur Gaughran, 40 Woodland Park, Shelton, CT addressed the Commission.

Mr. Gaughran indicated that he has resided at Woodland Park for 2 ½ years. His large neighbor to the north is Wal-Mart. He indicated that he likes the lighting system and traffic controls established on Bridgeport Avenue in that area. He hopes that is what they will have for this new project. He hopes it will slow down some of the speeders on Bridgeport Avenue.

Mr. Gaughran stated that there are 2 supermarkets 1.4 miles from his home on Bridgeport Avenue. He has never had a problem parking. As a retired construction person, he examined the drawing at the City Clerk's Office and saw the entrance and exits. He's very impressed and he is in favor of this project. He thanked the Commission.

Joan Roy, 54 Country Place, Shelton, CT addressed the Commission.

Ms. Roy stated that she is on the Board of Directors for Country Place. She indicated that she has great concerns about the increase in traffic that will happen on Nells Rock Road. She commented that putting a Stop Sign, as it is proposed, on Buddington Road, is just going to create an increase in the backed up traffic. They can't get out of their driveway right now. She asked how they

will get out if a Stop Sign is put almost directly across from their entrance and exit. She indicated that they won't be able to get in and out of where they live.

Ms. Roy commented that she understands that the Traffic Study was conducted in January. She said January is the worst time of year to do a traffic study because that is when the least amount of cars is out on the road. So, in her mind, the Traffic Study is invalid because it really doesn't show what the real traffic is. Additionally, as the speaker before her mentioned, it doesn't address the increase in traffic above the entrance/exit to Nells Rock Road. It is major cut-through for Shelton. There is definitely going to be an increase in traffic and if a Stop Sign is put there, the traffic will get built up and no one will be able to get in and out of their driveways on that road.

Additionally, she had concerns about noise because of the number of stores being proposed. Most stores have deliveries that come very early in the morning or very late at night when most residents are trying to sleep. An increase in stores will bring an increase in deliveries which will increase the noise levels.

Ms. Roy expressed concern about the major amount of blasting proposed. She asked about who would be responsible for damages to residences within the area of the blasting. She concluded that she has great concerns about the amount of retail space they are providing with the limited number of parking spaces being provided and the impact on traffic in the area.

John Leveritt, 394 Papere Ridge, Sunwood Condos, Shelton, CT addressed the Commission. Mr. Leveritt indicated that he agrees with the previous speaker about there being an existing plan here. He thinks the scope of this project is twice the size it should be. The traffic, noise pollution, light pollution and the fact that they have a supermarket they don't need that will get early morning deliveries. He added that no matter how deep they dig that hole, they'll still hear it.

Mr. Leveritt stated that his other issue is a general concern with this Commission, and that they seem hell-bent in trying to turn Bridgeport Avenue into a strip mall hell like the kind they have on the Post Road in Milford. This is a site, and in spite of the pretty pictures, he thinks it is just too much. He agrees something should go in there, but this is too darn big.

Phyllis Sereno, 39 Freedom Way (Heritage Point), Shelton addressed the Commission. Mrs. Sereno stated that she knew that the Commission would work with these developers and whatever comes out of this will probably be good. She realizes that these types of developments need a big anchor like a grocery store in order to continue. She's seen the strip mall mentioned in Milford and it is beautiful. However, her concern is that she lives off Buddington Road – Heritage Point. The three-way stop sign is probably a good idea, but she is just worried about what is going to happen to Buddington Road. She's concerned this development is going to make it even narrower. Presently, it is hard to get on and off Buddington and Nells Rock Road. It is so narrow that the cars get scratched by mailboxes and trees on the side of the road. She asked if the City would be making the road wider there because it's so hazardous. This is her main concern. She knows that most of the other issues will be addressed by the Commission and the developer. She thanked the Commission.

Chairman Pogoda indicated that they would be taking a five minute break at this time.

End of Tape 1B, 8:30 p.m.

The meeting resumed at 8:37 p.m. with the next speaker.

Jim Severson, one of the principal owners with the Viking Tool Company, addressed the Commission.

Mr. Severson stated that he had a couple of issues with the Access Road proposal. In general, he's absolutely in favor of development of that property. Anything would be an improvement over what is there right now, and any enhancement would enhance his property as well. Currently, it's been described that they have the ability to exit to the north onto Nells Rock Road and out onto Bridgeport Avenue. With the proposal he would have to go down to the south end of Access Road, and he as well as all his employees, would go north on Bridgeport Avenue. He commented that there is no way in Hell that anyone could get across Bridgeport Avenue and go north with the current system there. The light at the end of the Wal-Mart driveway normally has two or three cars backed up in the southbound lane. The northbound lane can't be seen. This would take away the safe egress that he has right now getting out of Viking Tool, as well as Blanchette's.

Mr. Severson indicated that he also has a piece of property that he leases to a construction company just south of Viking Tool. They have large construction vehicles that need to go across Bridgeport Avenue and go north. There is no way in this new proposal that they could do that in a safe manner.

The other major issue is that there is no outlet for emergency vehicles to come up Access Road and turn around at the dead end of Access Road. His understanding is that they need a 50 foot turning radius or a hammerhead type of configuration in order for a fire truck to come up and address any emergencies on his properties or for Blanchette's. That can't happen with this proposal – these are major issues that must be addressed.

Mr. Severson stated that he has concerns in regard to blasting because he has high-precision manufacturing operation with a lot of grinding machinery that is calibrated and requires certain qualifications on a periodic basis. Any type of blasting, even if he knows about it in advance, is a major concern.

Mr. Severson mentioned a current problem associated with the south end of Access Road – that is the second entrance for Wal-Mart, which is where most of their service vehicles come in. Most of Wal-Mart's large shipments come through there. Right now it is an "S" turn that is almost impossible for some of those truckers to go through there. If additional traffic comes in from retail, in addition to his operation/his employees and Blanchette's, he thinks it is something that is going to have to be addressed. He implored the Commission to take a look at how this plan will affect the area. Mr. Severson stated that he should be able to maintain his safe egress from his property going north that he already has. He thanked the Commission.

Jason Dokla, 67 Cold Circle, Shelton, CT addressed the Commission. Mr. Dokla indicated that his friend, Anthony Celantro, who could not be there tonight, lives in Country Walk condominiums. He & Mr. Celantro organized a group called "Protect Shelton." It is a group that attempts to prevent overdevelopment in the Nells Rock Road area. They are pleased to have the assistance of Atty. Shansky, and Planner Brian Miller to help them communicate their message to the Planning & Zoning Commission.

Mr. Dokla indicated that the Nells Rock/Bridgeport Avenue area is highly residential with several large condominium projects. The rezoning plan does not provide any buffer or transition for the residential neighbors in this large retail plaza format. The rezoning is not consistent with the City of Shelton's Plan of Conservation and Development. The City POCD called for industrial uses and small neighborhood retail, not a regional destination shopping plaza anchored by a large grocery store. It is his understanding that the City wanted to separate

retail development from this area, and instead, encouraged industrial or office park uses in and around this intersection. Large format retail belongs farther down Bridgeport Avenue toward Shaw's, T.J. Maxx, Stop & Shop area. If large format retail is put at this site, it greatly disrupts the existing development pattern and City plan. Nearly half of the car dealerships in Connecticut will close, they don't need to create a string of national chains and big box format retail to replace these dealerships. They don't want to turn Bridgeport Avenue into the Route 1 in Milford format with the traffic, noise and pollution.

Lastly, Mr. Dokla wanted to give the Commission 50 signatures from residents who had the following statement, which he read: "We, the undersigned residents of Shelton urge the Shelton Planning & Zoning Commission to reject the zone change that would allow for a strip mall and grocery store at Bridgeport Avenue and Nells Rock Road. The P&Z Commission should carefully examine the history of the RBD zone and continue the policy of restricting retail uses in this area. He thanked the Commission and submitted the list of signatures.

Joan Flannery, 8 Partridge Lane, Shelton, CT addressed the Commission. Ms. Flannery indicated that she had prepared something that she wanted to read to the Commission:

Dear Planning & Zoning Commission,

I miss your past Chairman Joe Pagliaro. Why? Something is lacking from your Commission that he brought to the table. What is missing is the compassion for the residents of this town. Commissioner Pagliaro listened to both sides involved, the developer and the neighboring residents. He worked at finding a compromise.

Years ago, when residents, including myself, objected to the development of clustered houses on Old Stratford Road, he put provisions in for a buffer and scenic walkway for the public along the River. At least the neighbors got something and it wasn't 100% of what the developer wanted. It was quite obvious last week that this current Commission does not have the same respect or compromising spirit. You just didn't listen to the public when they spoke. It looked like you didn't care. Please bring back Comm. Pagliaro's spirit. Let's listen to the people. Let's find a compromise. Let's have a buffer between this Crabtree property and the neighboring homes so the noise is absorbed. Let's limit the amount and size of the stores so that there is less traffic, garbage and pollution. They don't need another grocery store and more traffic congestion on a road already given a D in a recent traffic study done by United Recycling. Let's protect the citizens with strict consequences for builders if they damage any homes.

Monty Blakeman is the builder of this Crabtree proposal. I personally had to take \$4000 out of her own pocket for her own well to be fixed after Monty Blakeman blasted for Split Rock in her neighborhood. Her well collapsed and he had no consequences; even though she was promised in this meeting room that if anything happened to her wells that he would take care of it. No resident should have to pay this price for development. She is asking this current Commission to act responsibly and do its homework like Comm. Pagliaro did.

Ms. Flannery commented that after listening to tonight's one hour sales pitch, which didn't convince her, she is against the proposal to change the zoning. She said that she wants to keep the zoning the way it is.

She reminded everyone that in 2005, directly across the street at the same intersection, this Commission didn't want a Vasi's, a bank, or a self-storage facility next to the Car Wash because there was too much traffic. She added that she thinks the traffic has gotten worse in 4 years, so she doesn't understand why this is being considered. She misses the Farmer's Market that used to be there.

Ms. Flannery commented that she wanted the presenters tonight to check reality. She indicated that as an example of the traffic -she has an appointment at 5:30 p.m. a couple times a week at Access Rehab off Bridgeport Avenue which is five minutes from her home off Old Stratford Road. She has to leave 30 minutes early in order to get there on time – for her 5:30 p.m. appointment. That is what the traffic is like.

John Bissett, 5 Buddington Road, Shelton, CT addressed the Commission. Mr. Bissett indicated that he just moved into his house a month ago. His main concern is the blasting because his well is within 50-75 feet of this project. He is concerned about what will happen if his well collapses. It has happened in other parts of town. No one has mentioned the increased traffic that is going to happen off of Platt Road with the new Recycling Center. If more trucks are put there for this, it will be traffic 6 days a week. He doesn't understand how this can be done and he's opposed to this and he's opposed to the Recycling thing. He added that the person who did the traffic survey, he sat across the street from his house, not on the corner of Nells Rock Road and Buddington Road. He thanked the Commission.

Myra Babina, 42 Falmouth Drive, Shelton, CT addressed the Commission. Mrs. Babina stated that she liked the presentation. She thinks they need something in that area; it is such a blight area right now. She is a particularly glad that a grocery store is coming because right now they have to go to the other end of Shelton to go to the grocery store right now.

She really wants to address a couple of traffic problems. The first is the three-way stop sign going up Nells Rock Road. In the winter, the car has to go all the way to the left to pass the other vehicles stuck on the hill and it is difficult to know what's coming down because it's hard to see. She doesn't think there should be a Stop Sign for people going up, unless they plan to do something with the grading of the hill. It is not a very big hill, but a lot of people can't make it. It is really frightening if there are bad winter conditions.

Mrs. Babina commented about another traffic problem in regard to people coming out of the first condominium opposite Buddington Road, Country Walk, because they think they have the right of way and come driving right out of their driveway. She and her husband have had to swerve over into the other lane, which is dangerous in the event someone is coming down because of the curves in the road. She asked if something could be done to make sure that they stop at their Stop Sign coming out of their condominium before she has another heart attack.

Susan Blanchard, 38 L'Hermitage, Shelton, CT addressed the Commission. Ms. Blanchard indicated that she is concerned with the same things as the previous speaker who spoke about concerns with a three-way Stop at Buddington Road.

If a car going uphill on Nells Rock has to come to a full stop at a 3 way Stop Sign, especially under snow conditions, it probably won't get started again. There is no bale out lane or space to turn around on Nells Rock Road. Also, coming down the hill, and on a hill and on a curve it is dangerous driving conditions, and it is too difficult to come to a complete stop. It is dangerous to put Stop Signs there. She thanked the Commission.

Mark Wodomski, 55 Longmeadow Road, Shelton, CT addressed the Commission.

Mr. Wodomski asked what the reason was for proposing a Stop Sign at Buddington Road and Nells Rock Road.

Chairman Pogoda responded that he can't provide an answer right now. The developer is writing down everyone's questions so that he can respond.

Mr. Wodonski commented that he recalled the Attorney said it was going to be put there to control the speed of traffic. He stated that, the last he heard, a Stop Sign can't be used to control the speed of traffic. Mr. Wodonski commented about the right turn in /right turn coming out of the side entrance on Nells Rock Road – it seems similar to Huntington Center where there are no turn signs. He asked if anyone would be monitoring it.

Mr. Wodonski commented about the amount of rock to be blasted and that the planned drop off would be about 35 feet. He noted that 35 feet in height is about a 3 ½ story building; the 25 feet at the other end would be as high as a 2 ½ story building. He commented about the architectural renderings and estimated that the tower portion looked to be about a 2 ½ story tower. According to them, this will not be visible from Buddington Road. If there aren't any trees, he doesn't understand how it would not be seen.

Mr. Wodonski responded to the engineer's comment that he wasn't really sure about how much blasting they would have to do. He asked how the Commission accepts a plan without even knowing how much blasting is going to take place. He added that it sounds to him like another Lane Street. He hopes it doesn't turn into that due to a lack of foresight and some common sense. This plan is based upon 9/10 of an acre that they are going to get from the City of Shelton. He asked how they can make this plan before purchasing this piece of property. He commented that he thinks that is putting the horse before the cart; unless, this deal is already done.

Mr. Wodonski asked about the Marketing person for this project – from Chicago? – not knowing anything about Shelton. He asked how the Commission could conduct a hearing without all the information being presented – especially from Marketing. He asked if it would not have been more prudent if they had waited for all the information to be presented so that everyone present has enough information to make educated remarks.

Chairman Pogoda responded that is reason that the Public Hearing is being held over for one more week. So that additional information that has to be presented will be provided to the Public. The person presenting the marketing information will be at the hearing next week.

Mr. Wodomsoski asked what happens if he isn't here next week.

Chairman Pogoda responded that they will deal with that, if necessary, next week.

Mr. Wodonski commented that was his point.

Mr. Wodonski continued that Shelton has gone from a small, well-thought out community with zoning that made sense to a mumbo-jumbo, piece-meal city that has no continuity. Zone changes and developments are approved haphazardly in bizarre locations with no rhyme or reason except to please the developer. The P&Z Commission derived its authority from the Connecticut General Statutes. But their authority is still not been (inaudible)...

This project that is proposed is going to generate a large amount of traffic, as admitted by the developer. Traffic studies are developed by car counters, some physical observations and computer programs written for a perfect world. Traffic studies are nothing more than an educated guess as to what the conditions may be at a particular time based upon assumptions. He'd love to

believe that traffic studies are based upon actual fact, but as everyone knows, they are nothing more than a fallacy.

Mr. Wodonski commented that if they want proof, they should look at Huntington Center, Huntington Street at rush hour, Bridgeport Avenue on a daily basis, or Commerce Drive. He added that everyone in the room, including the Commissioners, know that these roads are used way beyond their capacity. Common sense tells them that after sitting at the same traffic light for two, three or four cycles. But yet, traffic studies submitted by these various developers along these corridors tell us that these traffic jams are nothing more than a figment of their imaginations.

Mr. Wodonski indicated that the project before this Commission is at a corner that has already been subject to controversy. This is the same corner that heavy truck traffic is being proposed by United Recycling. The owners of that project have indicated, off the record, that the traffic into this plant will traverse Bridgeport Avenue to gain access and not disrupt residential streets. Mr. Wodonski stated that he believes that when the traffic gets heavy on Bridgeport Avenue, adding in the traffic from this proposed project, these trucks won't sit idle in traffic. They will use residential streets as shortcuts because, for them, time is money. Also, he believes that if truck drivers know these alternate routes, so will other vehicular traffic. The residential streets where families and children live and play will no longer be the quiet safe havens they moved here for as claimed by the Mayor just a few days ago. The surrounding side roads off Bridgeport Ave were designed and built many years ago for residential specifications. Are they capable of handling the increased traffic flow? The surrounding roads near both these projects have, according to the Shelton City Engineer, no record of road bed construction and the class of asphalt that was used. Without this information, how can this Commission make an educated decision on the amount and type of traffic these roads can actually handle? Has this Commission required the developers to submit more tests for each of the surrounding roads as part of their approval process? If this project is approved, how long will these roads last with that type of traffic? The condition of the existing roads, which are already poor, indicate that there is already too much traffic on them. What will happen with even more? As these roads deteriorate, a safety issue arises. Poor road conditions are going to cause drivers to make erratic, sudden moves causing accidents, bodily injuries, and/or death. As pieces of pavement become airborne, these projectiles can and do become missiles causing bodily injury or possibly death to anyone in the area. The talk of accidents, injuries and death come down to one thing, safety of the public.

Mr. Wodonski commented again about where the Commission derives it's power. One of the statutes specifically states that the Commission shall set both conditions necessary to protect the public healthy, safety, convenience and property values. He stated that if they approve this project, the Commission is violating all four of the elements he just referenced. They will have knowingly disregarded the public health by bringing in more traffic, and thus more pollutants. They have knowingly disregarded the safety of the public by allowing more traffic onto the roads not designated to handle it and inevitably causing harm. They have knowingly disregarded the convenience of the residents by forcing him or her to travel longer to get to their home. He indicated that he wouldn't mention property values due to the slumping markets affecting everyone.

In closing, Mr. Wodonski urged the Commission to study and investigate all the testimony presented tonight to ensure that all the statutes and obligations are fulfilled so that an educated and factual decision could be rendered.

Richard Wodonski, 49 Christine Drive, Shelton, CT addressed the Commission. Mr. Wodonski indicated that he didn't have a prepared statement, just a few questions. Most of his concerns are regarding traffic and the manner in which this Board will make a judgment on whether to approve or disapprove this conceptual design.

Mr. Wodonski asked about who will study the system of the inter-planning for the site, the qualifications of the Commissioners, and if there will there be an outside agency representing the City?
Do they have the expertise on this Board or in this City to make an honest and fair judgment on what will take place on this property?

Mr. Wodonski commented that in the past they've seen the Engineer is overridden, a licensed professional engineer paid to be in the Office, overridden by elected politicians that aren't licensed in the State of Connecticut.

Mr. Wodonski stated that there was an incident recently where Planning & Zoning Commissioners agreed with an applicant's attorney stating that the City Engineer wasn't qualified to submit an opinion regarding a traffic report. The Commission, rather than support the City Engineer, would obtain a former traffic study report to represent the taxpayers, accept the report as the Applicant's traffic study. To make matters worse, a political appointee overrode the report of the City Engineer and chose as a Board to support the study from the Applicant. Is this the type of decision-making that is in store for this and the Recycling project? After the summarization of both projects, neither individual project should be considered.

It was mentioned earlier this evening about give and take. If the PDD is approved, will there be a give and take between Applicant and the City? Mr. Wodonski stated that he believes the legal application is a conceptual application with a pie-in-the-sky hidden agenda. The Commission is asked approve a zone change, not a project. Once the PDD zone is approved, the conceptual idea could be changed and what is shown by some is now a done deal to perhaps a done deal in concrete or asphalt. If approved, it will be in all likelihood, there will be neither additional public input on the Crabtree concept nor additional impact on the already stonewalled application of the Recycling Plant. The decision will then be made in the back room of the Planning & Zoning offices. Under PDD regulations, his understanding is that once the project is approved, Commissioners and/or Staff will sit down and approve or disapprove any additional changes or modifications that take place in the PDD. The public is out of the picture.

Mr. Wodonski continued to say that some years ago, he mentioned the lack of planning in the City of Shelton. Nothing has changed. Two massive projects within a stone's throw of each other - one project is hidden from the public and the other is dealing in generalities. Yet, together they have a monumental impact on the entire area and the feeder roads. It is his understanding that there has been at least one meeting with the Applicant and City Officials. The public is addressing the issue at this public hearing. In the name of fairness to openness, it is thought that any meetings or possible meetings held will not proceed as secret sessions. He is asking those who have attended any meetings, submit for public record, any or all recordings, minutes, letters and verbal decisions agreed to from these meetings, if any have taken place. The Applicant has given testimony. The public has given testimony; therefore, he would expect that the City and others, in all fairness, release to the Public, all that has taken place in regard to this and other applications that may have a direct or indirect impact on the area of this concept. It is conceptual, it is an idea, it is a notion. If the Commission and the Applicant fail to conform with the

viable and concrete plan that benefits the City of Shelton, then the Commission has no option but to deny the Application.

He suggested that the Commissioners and the Applicant drive to East Haven to see and drive at a poorly laid out shopping center there that is similar to the one planned. He indicated that it is a dead end and it does not work.

Comm. Harger asked if he was referring to Frontage Road. She added that it wasn't a dead end; it connects to Route 1.

Mr. Wodonski shared other comments about the traffic and difficulty driving on other Bridgeport Avenue shopping centers.

Jim Gallagher, 27 L'Hermitage, Shelton, CT addressed the Commission.

Mr. Gallagher indicated that he had a couple of comments about the Traffic Study that was conducted. The first, having to do with Nells Rock Road, which he travels several times every day. He commented that he feels that Nells Rock Road is waiting for a major disaster. Even a year ago, signs were posted that construction would be done. But so far, it is just relined and numbered. The City really needs to take a look at Nells Rock Road – it is a disaster.

Mr. Gallagher also commented about the Buddington Road and Nells Rock Road intersection and the exits out of the condo development there that he feels are also a disaster. Anyone coming out of that bank, cannot get out onto Nells Rock either. Nothing from the bank facility should exit onto Nells Rock Road near that intersection – just Bridgeport Avenue.

At the last meeting, comments were made that it would take a couple of years for this property to be developed completely. There were comments made about how bad it looks there. They were told, at that meeting, now that there is an identified owner, that place would be cleaned up. He commented that they haven't even cut a blade of grass – it looks terrible. He asked if something could be done with that area in the interim. He thanked the Commission.

Bud Zia, 4 Country Place, Shelton, CT addressed the Commission. Mr. Zia wanted to comment that he endorses any comments already made about the traffic flow; it is going to be a nightmare. He doesn't think that the Traffic Study is worth the paper it is printed on. It doesn't take into account what traffic will occur with the Recycling Plant and it's regularly scheduled trucks delivering materials from dawn till dusk. This situation will be unacceptable for everyone. He urged the Commission to reject this proposal unless there's a good rationale and to include the traffic from the Recycling Center. He thanked the Commission.

Eric Vine, 11 Doe Place, Shelton, CT addressed the Commission. Mr. Vine thanked the Commission for the time tonight and their service to the City. Mr. Vine indicated that he's been a resident of Shelton since 1994, and it is amazing to him that Mr. Blakeman has brought numerous projects before the Zoning Commission and every one of them requires a zoning change to the property.

Mr. Vine stated that, with that being said, he has some concerns regarding this property. He wanted to go on record and say that Mr. Blakeman is entitled to develop his property; he owns it or he is buying it, but he thinks that the zoning regulations that govern this property were put in place for a reason and should stay in place. If there is a plan that can be approved within the confines of those regulations, he would support it because something needs to happen there.

Mr. Vine expressed concern about all of the issues that have been presented tonight regarding, traffic, traffic safety and road conditions. He lives off of Buddington Road. He uses this intersection everyday, numerous times on some days, and he also uses the other end of Buddington through Huntington Street. He added that the Huntington Street intersection was supposed to be improved as part of the previous project that Mr. Blakeman has done, Huntington Woods. It is yet to be done. So, he is concerned about that.

Mr. Vine concluded that his general statement to this Zoning Commission is – when is enough, enough? How many shopping centers do they need? How many supermarkets do they need? The quality of life for the residents of Shelton is going to be deeply impacted by all of this development. They need to consider the controls that were put in place as part of the previous zoning regulations that govern this property. He is concerned about all of the development on Bridgeport Avenue, and he is concerned that they are going to end up like another Route 1 like they have in Milford. They don't need another coffee shop – they have enough. Mr. Vine stated that he believes that this property should be developed; something needs to happen with it – but within the confines of the existing zoning regulations that govern it. If that happens, he doesn't think they will have as many people up here saying, don't develop it. If it is another car dealership – so be it – they've lived with them for years. If it's commercial office space, medicals arts, whatever it is, if it meets the confines of the zoning regulations in place, he will support it.

Mr. Vine stated that they need to look at traffic flow there today – with what is going on there today – not what is proposed. It is bad intersection and anyone who drives it, knows it. Anyone who drives Bridgeport Avenue at commuter time (early morning/late afternoon) – knows what the traffic loading is there already. He can't believe that adding more commercial space, retail, is going to lessen that. They will be drawing in more traffic from other communities at the same time. Let's just keep the zoning regulations that are in place today in place and allow developers to develop under those regulations. They know it when they buy the property. It seems like every project that is on the books these days requires major zoning revisions to make it work. Regulations were put in place for a reason and they need to be kept in place. He thanked the Commission.

James Welch, 12 Broc Terrace, addressed the Commission. Mr. Welch stated that he lives right off of Long Hill Avenue – just under the other side of Route 8 from this proposal. Right now, he has trucks going up Long Hill Avenue – they have United Recycling, JJ Brennan and Sikorsky. He moved here 15 years ago to bring his children up in a nice community, country-like community. Every proposal that is one the books in this town has to do with rezoning. They change R-1 into Light Industrial; many zones are changed just to get money into this town. Money that no one sees. He doesn't see why they bend over backwards for developers to come in and tell the Town that the roads are adequate for their projects. Every road in this town is an old cow road. Going up Nells Rock Road and Buddington Road, the only reason pavement was put in there was to provide a flat surface for the cows. It's the same thing for all the streets in town except for the Corporate area roads, Bridgeport Avenue which is a State road, Shelton Avenue which is a State road.

Mr. Welch stated that he doesn't want the traffic or the malls next door to him for the sake of his kids – the traffic, the pollution, the noise. He lives on the other side of Bridgeport Avenue and he can hear phones ringing at the car dealerships – and he lives on the other side of Route 8. This proposal, with the 35 foot wall that is planned, will only give him another woofer to blast up his hill. It is just going to be a big speaker.

Mr. Welch indicated that his major concern is Buddington Road. Right now, Buddington Road is nothing but ledge. English Street is a ledge above that. He thinks that if they put in one blasting cap, everything might start coming down. That scares him, especially with water flow there that comes down to the River.

Mr. Welch stated that he is concerned about the quality of life for his children in this town. Nells Rock Road is used by school buses to get the Shelton Intermediate School and the Shelton High School. They use school buses on Buddington Road too. If anyone has ever travelled with their kids on a school bus, they know it isn't exactly a nice ride going up those hills on a bus. He coaches baseball and they practice at the Nike Site and Shelton Intermediate; Nells Rock Road and Buddington are the quickest ways to get there. It is a major thoroughfare to get to the other side of Town from that intersection. It is very dangerous there as everyone can tell.

Mr. Welch added that with the proposal of these three lanes on Nells Rock Road, it is still going into a one lane road. It doesn't matter how many lanes are put on the end of it, it is still squeezing down into one lane. They also proposed Stop Signs where Access Road comes out now. That's about 500 feet, if they are lucky. So there will be a stop sign and then a traffic light – cars will be sitting there for more than four traffic light cycles during the day. At 5:00 p.m., it takes about a half an hour to get down the road – as another speaker mentioned.

Mr. Welch stated that he works in North Haven and he spends more time on Bridgeport Avenue to his house off Long Hill Road, than the entire rest of the way on the Merritt Parkway. It is a traffic nightmare and it has been this way for 14 years. From Stop and Shop downward– it is like the Boston Post Road. It is getting like that all the way to the downtown area. If they want this type of development, they should put it Downtown. There is enough land Downtown to put this thing and it is zoned for that. His neighborhood isn't zoned for this; he's almost afraid that they are going to come over to his side of the highway and put a strip mall across the street from his house.

Chairman Pogoda indicated that he will take one more speaker from the Public and then stop for the evening. He would like to allow the Applicant's attorney, Atty. Thomas, to respond to some of these questions. They will conclude this portion of the meeting at 9:50 p.m. to attend to some other P&Z business.

Louis Santiago, 17 Buddington Road, Shelton, CT addressed the Commission. Mr. Santiago stated that he is the third house in from the intersection of Buddington Road and Nells Rock Road. He did not want to comment on the decision about this project because that is up to the Commission; however, he would like to see something put in there with some greenery and places to go to and work instead of any empty parking lot with overgrown bushes and grass.

Mr. Santiago indicated that his concern is about Buddington Road. When the trees are planted and everything is moving forward for this project, they don't have any off street parking on his street. Anyone visiting has to park their cars at the bank. He asked if it would be possible to put some paved areas there for off the street parking. Right now it exists for about three of the homes there. He asked if they would maintain the grass and landscaping during the summer months. He thanked the Commission.

Atty. Thomas indicated that he would try to have the right person answer some of the questions that have been brought out.

Atty. Thomas stated that he wanted to address the many comments and questions brought out about Access Road and what procedures they would follow. Atty. Thomas indicated that he has been involved, not just in Shelton, but in Shelton, Derby, Oxford, with what is known as "excess right of way." Normally, they would be dealing with the State of Connecticut in dealing with this excess right of way. The reason right of way is important is because when they are dealing with that property which is frontage for the person, they can't create a spike strip. They can't sell it to somebody else because it's the person's frontage.

Atty. Thomas continued to say that Access Road was obtained by the City for nothing. The State of Connecticut condemned the property, then deeded it for zero dollars to the City of Shelton. If it were not deeded, if the right of way had been given to the City, then upon the discontinuance, the road is discontinued. And then the fee under the road goes either 50% to either side or goes to all to one side, if that side can prove that the road came out of their side. That is the way it would normally happen. Atty. Thomas commented that he doubts anyone could find another situation like this, other than a situation brought up by Mr. Wodonski about Frontage Road in East Haven. It is a very unique situation.

Atty. Thomas indicated the Developer has said to the City, that he will make substantial improvements if this goes through. But they have to address it now. This began with the fact that the City was going to close it because it is a traffic nightmare. This is the real issue that they are discussing, and they will continue to discuss it.

Atty. Thomas commented that somebody stated that they should openly state all their meetings – well, they were on the agenda for the Street Committee. He indicated that he went to the Street Committee Meeting with Mr. Swift, met with the Street Committee and the BOA. They submitted the plans to them. Alderman Finn made a specific request to review the plans because he wasn't on the Street Committee. Atty. Thomas stated that he provided the plans and they have made themselves available to answer questions.

In regard to what will happen – if this were in the reverse, the State has a regulation that says excess right of way that is frontage on a public highway, is first offered to the town for public purposes. If the town takes it for public purposes, the landowner has the right to cross in any way, shape or form as long as it is permitted. Secondly, if the City doesn't want it, then it is offered to the abutter. There is an appraisal done, and the abutter purchases it. That is what they are confronted with, that may be the case here. They have only asked the City to discuss with them the improvements to the existing, out-of-date, environmentally damaging drainage that they will be making in, not on their site, but in the public sphere as part of that pact.

Atty. Thomas stated that he has requested, so that everyone knows, that he has requested the Street Committee to have another meeting with Asst. Corporation Counsel to discuss those other issues. At that point, the BOA is going to have to determine how to address this issue of excess right of way. Usually, cities don't have excess right of way. It is mostly in the State. Because cities don't buy up large chunks for state highways and such. So, the City has to address its procedures for selling land (inaudible) – it can not sell this land in spikes.

Atty. Thomas wanted to respond to another question regarding the trucks coming out of Wal-mart that he thinks Mr. Severson from Viking Tool brought up. In 1995, he was involved in the discussions with the DOT and P&Z Staff, the Mayor, and the Police Chief when Wal-mart requested a straight road going out to Bridgeport Avenue. The problem was that it created an offset intersection with Todd Road. The City did not want to close Todd Road; the DOT didn't want

to have an offset intersection with Todd Road. He isn't sure, but he believes that Wal-Mart was required to widen that --where Access Road comes out make access for the trucks. That was proposed – but the State DOT rejected it.

Atty. Thomas addressed the issue of blasting and explained that the City of Shelton probably has the most progressive and detailed blasting requirements. Shelton passed an ordinance that went beyond the State level. Most people are anticipating that those requirements will be adopted at the State Level. Atty. Thomas noted that the real issue is control over the blasting; it is the jurisdiction of the Fire Marshal. It is the PDD concept that provides for the ability to sit down and develop a blasting plan that will be part of the final development plans which would involve line drawing and other safety precautions, especially in a situation like this.

Atty. Thomas wanted to address a question raised about the turn-off at the end of Access Road. In the initial plan it was actually a little wider and in a different location. However, the individual that owned the Body Shop and PLR in the mid 1990's must have been really ticked with Crabtree Haas so he sold the piece and subdivided it. He assumes it was a free split that created spike strips. He showed how the different pieces were split on a site map. Efforts to address this issue have been unsuccessful with the adjacent land owner (who is adjacent on both sides because of how it's set up) Certainly they were able to resolve issues - a possibility exists to have an internal access way for a lot of those people into the proposed shopping center and out to the light. However, those issues cannot be resolved at this point.

Atty. Thomas stated that he took down a lot of questions that relate to Buddington Road, the potential widening of Buddington Road and the landscaping on top of Buddington Road that he would like to have Jim Swift respond to.

James Swift, Professional Engineer responded that they looked at Buddington Road and they are aware that some of the neighbors were interested in widening the road, and adding some parking on Buddington Road. That is a good news/bad news type of situation because they can provide some width but the issue of actually widening Buddington Road gets into landscaping issues. They want to try and save as many of the large trees on Buddington Road as they can because the trees screen them from the neighbors. They can certainly plant a lot of plants, but it will take them a while to grow, so they need to save the existing trees. Mr. Swift stated that they are going to leave that decision to the P&Z Commission and the Street Committee which they have discussed this with already as far as parking on Buddington. They don't have an objection to it; it is something that would have to be worked out at the detail phase.

Mr. Swift indicated that he felt Atty. Thomas addressed the blasting issue well. This Commission probably has as many blasting experts on it than any other similar Commission in the State due to the fine work they have done on it. He wants to add that, as everyone knows, Mr. Blakeman is responsible for the building of Split Rock up the street where blasting has been done. The neighbor in that location was Perkin Elmer, who also has sensitive equipment and testing equipment. They were able to work out a schedule and notification system with Perkin Elmer and all of the other neighbors to ensure that they were well-informed. They would certainly do the same for the neighbors in this location as they did at Split Rock.

Atty. Thomas asked Jim to explain the right turn out onto Nells Rock Road. Mr. Swift used the site plan to show the right turn in at Nells Rock and a right turn out of Nells Rock. The right turn in is pretty much a no-brainer; it isn't traffic controlled, there's no Stop, and allows for driving right into the Center.

In regard to the right turn out, he wasn't certain if the person asking about this was under the impression that a left turn could be made onto Nells Rock or if they were under the impression that they could make a left turn coming down Nells Rock Road into the site. Clearly, those are two movements that cannot be made. Even the addition of the right turn out and right turn in lanes are going to be under the jurisdiction of the State Traffic Commission. The STC will take a hard look at those as well. They will get input from the City and the State Traffic Commission. They believe that these lanes are workable and should be installed but it will be determined by other authorities.

Atty. Thomas noted that there are going to be people who don't abide by the traffic laws and accidents will occur but they can only design this as best that they can and assume that most will follow the law.

Atty. Thomas asked Jim to address the issue of an emergency turn around on the end of Access Road. Mr. Swift responded that this gets back to Atty. Thomas' allusion to the fact that they have these two access strips. Coming up access road, they don't have control over the PLR Enterprises property. They do have control over the Crabtree Family LLC. So, what they can do and what they have offered to do is grant access to come into that and designate a portion of the parking lot for vehicles to turn around in. Clearly this plan is going to be reviewed by the Police Department, and the Fire Marshal and any requests or requirements that they make will be complied with. There are ways that they can provide the adequate turn around.

Chairman Pogoda indicated that there was a question about the water course on Buddington Road.

Mr. Swift indicated that there are two areas where water comes off of Buddington Road onto this property. One is higher on the site, comes down the hill and comes off, but basically, it is out of their sphere of influence. Mr. Swift explained that the one that is more important has some drainage on the upper side of Buddington Road that comes down into a headwall into this site. Buddington Road is so far above this site that obviously, they don't contribute any water to it. The City did not have a technical easement to drain into this site before – and no one disputes that they have that right because that is where the water goes now. They are going to formalize an easement with the City so that any improvements that are made or are there now have the right to come onto the property. They are going to design the receiving system so that any improvements that are made on Buddington Road will be received onto their site, passed through their site and back on to Nells Rock Road.

Atty. Thomas indicated that Fred Greenburg would answer questions regarding when the traffic study was done, what adjustments are made to the Traffic Study and generally other things of that nature.

Mr. Fred Greenburg, registered State PE, responded to questions about the traffic study being conducted in January when there is not much traffic. He indicated that is true that there is less traffic in January; however, they do seasonal adjustments derived from factors on the State roads. They are well aware of that and adjust accordingly.

In regard to the Stop signs heading up the hill on Nells Rock Road, Mr. Greenburg stated that his understanding is that the condominium association informed them that they had difficulty getting out of their driveway because of the curves of the road, the grades they have, and the terrible sight distance. They felt that the addition of a Stop sign in those locations would help with their

egress by creating some gaps in traffic and help mitigate their problem with the sight distance.

Atty. Thomas indicated that someone from the Public commented that he said that the Stop Sign was put there to control speed. He clarified that his comment was that the Stop Sign was there for safety and traffic control - not to control traffic. He added that one of the concerns brought up after the traffic report was initially drafted involved conversations with Fred Greenburg and someone at Country Place, and they discussed the fact that they had a poor line of sight looking down. They actually went and took a look at this and it appears, from their observations, that the line of sight issues are due to the shrubbery and landscaping on their own property – Country Place. It is within their own control.

He realizes that many people are saying that, if there's a Stop Sign, they won't be able to get out – all they can say is, that is wrong. The Stop Sign is there to create a break in the traffic coming up and down. There are warning signs indicating a stop is coming. Normally, drivers will let someone in.

Atty. Thomas responded to a comment made that Nells Rock Road is a main thoroughfare. He indicated that he has been doing zoning in Shelton for over 20 years, and he thinks the entire time he has been doing zoning in Shelton, they've talked about Constitution Boulevard. Constitution Boulevard isn't the be all end all but certainly if Constitution Boulevard went as it is on paper, from the White Hills area down through to Route 8, they would alleviate, not eliminate, the traffic on Nells Rock, and on Buddington. With the traffic that exists right now, they are making substantial improvements.

As far as the traffic studies being phony, he clarified the accusation that the Commission ignored the City Engineer in favor of the Applicant's Traffic Report findings. He set the record straight that the City Engineer issued a report with no factual basis in regard to the location of an A&T fiber optic cable and the need for a Jersey Barrier. The developer learned from the A&T Company that the fiber optic cable was not in that location and it was 14 feet underground anyway. As a result of this conflict, the developer went to the City's main traffic engineering firm, MacGuire Group, to obtain a report indicating that the Jersey Barrier was not needed in the location mandated by the City Engineer. That led to the consensus that it was OK to remove the Jersey Barrier and put in a guide rail. It had nothing to do with this Commission ignoring valid and valuable Engineering input.

Secondly, Atty. Thomas, mentioned that on a previous application for Avalon Bay, the Commissioner hired its own traffic engineers, Fuss & O'Neill, to conduct a Traffic Study. At that time, Commissioner Jason Perillo informed the public that the City's traffic study was more favorable to the Developer than the Developer's own traffic report, so they welcome this Commission to go out and hire somebody else. Because what developers do is hire a traffic engineer, like Mr. Greenburg, who is as conservative as possible; therefore the traffic report is as conservative (using the lowest figures) against the developer as possible to indicate that everything will work.

Chairman Pogoda indicated that they he would like a motion to conclude this public hearing for tonight and reconvene on May 27th.

On a motion made by Patrick Lopera, seconded by Virginia Harger, it was unanimously voted to recess the public hearing for Application #09-10 to May 27, 2009 at 7:00 p.m.

OLD BUSINESS

Proposal of the Shelton Planning & Zoning Commission to amend the Zoning Regulations by amending Section 44 (Signs) - Cancel Public Hearing.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to cancel the public hearing for the Proposal of the Shelton Planning & Zoning Commission to amend the Zoning Regulations by amending Section 44 (Signs).

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to adjourn the meeting at 10:02 p.m.

Respectfully submitted,

Karin Tuke

Recording Secretary, Planning & Zoning Commission