

Shelton Planning & Zoning Commission July 13, 2010

I. Pledge of Allegiance/Call to Order

The Chairwoman Ruth Parkins called to order the Shelton Planning and Zoning Commission regular meeting on July 13, 2010 at 7:02 p.m., in the auditorium at Shelton City Hall residing on 54 Hill Street, Shelton, CT. Chairwoman Parkins reserved the right to take items out of sequence.

II. Roll Call

Commissioners Present: Chairwoman Ruth Parkins
 Vice Chairman Anthony S. Pogoda
 Commissioner Virginia Harger
 Commissioner Joan Flannery -
 (arrived at 7:40)
 Commissioner Thomas McGorty
 Commissioner Joseph Sedlock

Staff Present: Richard Schultz, Administrator
 Anthony Panico, Consultant
 Allyson Burke, Clerk (filling in for
 Karen Tuke)

Tapes (2) and correspondence on file in the City/Town Clerk's office and the Planning and Zoning office and on the City of Shelton Website www.cityofshelton.org.

III. Public Hearing

Application #10-08. Optiwind Corp. on behalf of MBI, Inc. to amend zoning regulations by adding section 49 (Distributed Wind Energy Facilities) continued from 6/29/10.

Chairwoman Parkins announced that this would be a continuance from the June 29th meeting and though it was stated the applicant would only be allowed to respond to staff reports, the commission will have no restrictions and allow the public to speak on this matter. Chairwoman Parkins asked the applicant to come to the podium and begin.

Matthew Speck, Project Development and Permitting Manager of Optiwind Corp. whose offices are located at 59 Field Street, Torrington, CT 06790 addressed the commission. Mr. Speck provided the commission with written responses to staff comments received in June. Mr. Speck said he would only go over Optiwind's response to staff comments and concerns from the handouts received by the commission.

The first comment staff had given Optiwind is that this is new to Connecticut and there is insufficient “on-the-ground” experience with these types of wind energy facilities and systems. Mr. Speck explained how this technology is used world wide and divided into three sections. There are really three markets, a small residential/home owners size market, a midsize market, and a large commercial market. There are dozens of manufacturers through out the world for these turbines and the technology has really evolved.

Mr. Speck commented that Nation wide there are 8 – 10 states who will never have the resources for wind energy. But of the 40 that remained, Connecticut would be a state that could utilize this type of alternative energy. Connecticut’s policies are not well aligned for this, but Mr. Speck realizes that is more than a planning and zoning issue. He uses Massachusetts as an example of a state that has embraced wind energy and aligned its policies toward that. Mr. Speck included a list of construction grants for the 20 wind projects in Massachusetts. He included some pictures of the turbines in the Massachusetts community as well.

Mr. Speck continued that many of the turbines are over 200 feet tall and they are integrated into communities by being places at municipalities, schools, etc. He also highlights Shelton’s Plan of Conservation and Development (POCD) 5-40 which states *While there is little that Shelton can do to advance capacity and reliability enhancing projects by the utility companies, the City can still do its part by supporting their efforts and by encouraging green development strategies and conservation practices designed to lower power consumption and reduce pressure on the region’s strained electrical grid.* Mr. Speck also cited POCD policies 1-21, 1-22, and 4-15 in support of Optiwind’s application.

In regards to point 3, Mr. Speck has already addressed much of that in letters sent to the commission. Mr. Speck referenced section 43 of the current Zoning Regulations in regards to noise. Section 43 established performance standards regarding noise.

Point #4 recognizes Shelton is a neighbor to Sikorski Aircraft and helicopters regularly fly over Shelton making the height of the turbines a concern. Mr. Speck points out that air traffic is not unique to Shelton. Fairfield Country has 19 airport or helicopter facilities with Shelton being one of them. There are many buildings throughout Connecticut as well as church steeples, cell towers, and transmission towers that are taller than the 200 ft wind turbine. Flight patterns remain a technical and regulatory matter of the FAA.

Mr. Speck provided the commission with a copy of the regulations for the wind turbines. He recognized it would be hard to create a new proposal without knowing which way the commission was leaning.

Commissioner Harger read back from Mr. Speck’s response “As of December 2009, the world installed 157, 899 MW” then asked how many units is that?

Mr. Speck said it was enough to power all of Italy, there are many thousands of them.

Commissioner Harger continued there are thousands of these?

Mr. Speck said yes.

The questions was clarified how many wind turbines are out there generating this much energy.

Mr. Speck answers thousands. To the small residential market, there are not great numbers. Its estimated 9,000. (tape in-audible) Wind energy constituted 40 % of the electrical contributions in new growth last year.

Chairwoman Parkins asked if there were any members in the audience who would like to speak for or against this proposal. There were none.

Commissioner Joseph Sedlock made a motion to close the public hearing on Application #10-08 Optiwind Corp.

The motion was second by Commissioner Thomas McGorty.

The motion carries

5 - 0.

(tape in-audible)

IV. Old Business

Add Ons:

Commissioner Virginia Harger made a motion to add on to the agenda Application #5374 - Charco 2000, Inc, 281 Canal St. for a business, Application #5386 - John DiMatteo, 79 Bridgeport Ave for a business, and Application #065 for a two car with an in-law apartment above.

The motion was second by Commissioner Joseph Sedlock.

The motion carries 5 - 0.

Standards:

Chairwoman Parkins asked if any of the commissioners had questions about the standards 1 -39.

Commissioner Harger asked what was the nature of the home offices 34 - 37.

Mr. Schultz responded 5382 Home Office 116 Gray Street is a computer consulting company; 5393 113 Buddington Rd is a remodeling business that has restrictions for storage. 5404 60 Grove Street #6 is a fitness-consulting firm.

Commissioner Harger says there was one prior to that.

Mr. Schultz continues 5379 - 79 Independence Drive is a publishing service.

Commissioner Harger questions the retaining wall at Woodland Park. Mr. Schultz explains it was under 4 feet so they issued it.

Commissioner Harger asks Mr. Schultz if the commission spoke about Angels with Tails #5398 before because it is a home office too.

Mr. Schultz says it is for pet sitting.

There is some questions from the commission as to whether or not the pet sitting is done of the premises.

Mr. Schultz clarifies that the applicant goes to the homes of the pet owner to pet sit. There are no kennels on 39 Audobon Lane.

Separates

#5417 - Delafield Construction Company, 30 Winchester Drive, temporary mobile home.

Mr. Schultz explains that the home was damaged by water and the family would like to reside on the property while the house is reconstructed. They requested the conditions to allow up to 8 months.

Commissioner Harger asked if the neighbors have been notified.

Mr. Schultz responds yes. He says the staff recommends approval.

Vice Chairman Anthony S. Pogoda made a motion to approve Application #5417 - Delafield Construction Co., 30 Winchester Dr. for a temporary mobile home.

The motion was second by Commissioner Joseph Sedlock.

The motion carries 5 - 0

#5418 Signlite, Inc., 320 Coram Avenue for a sign

Mr. Schultz informs the commission this is for Wells Fargo Bank, which will be taking over the existing Wachovia Bank. The applicant is here.

Paul Silver for Image One the company that will actually complete the sign, Signlite is the subcontracting company who will consult.

Mr. Schultz stated the signs will cover both the existing wall sign and the ground sign.

Mr. Silver brought the sign package for what is there and what is going to be replaced. He handed them out to the commission. It also includes information about Wells Fargo and their colors and how long they have been in existence.

Commissioner Sedlock questioned the differences in size between the existing one and the proposed one, as the proposed one looks much bigger.

Mr. Silver responds the current sign is 44 square feet. The proposed sign including the background would be 106 square feet.

Commissioner Harger comments that it is about an additional 12 feet longer than the existing sign.

Mr. Silver says that is correct.

Mr. Panico questions the colors and if they can use stand alone letters on a white background.

Mr. Silver indicates Wells Fargo's preference is red as that color is synonymous with Wells Fargo. The letters will be illuminated not the background.

Chairwoman Parkins thinks it look too much like a tourist location.

Mr. Silver believed that code allowed them up to 116 feet and that is why Wells Fargo maxed out with their biggest sign.

Mr. Schultz informed Mr. Silver that the commission is in the process of rewriting the codes and that is why they asked him to attend tonight. Hopefully they can find some common ground.

The Commission agrees the ground signs are not bad.

Mr. Silver says they are actually a little smaller than the existing ones.

Mr. Panico suggests they go down one size in the letters and reduce the background. They are covering up all the brickwork.

Commissioner Sedlock feels like it sticks out and is way too big.

The commission agrees.

Mr. Panico asks if they letters are raised.

Mr. Silver says yes they are raised.

The commission agrees the wall sign needs to be smaller and Mr. Silver presents them with a second option. The second wall sign is down from 106 square feet to 84 square feet.

Commissioner McGorty asks if it is 3 feet shorter in length.

Chairwoman Parking says yes it is.

There are some questions about the diagrams and pictures to decipher what is there and what is proposed. Mr. Silver clarifies by telling them which pictures to look at.

Mr. Panico feels it is a step in the right direction but could Wells Fargo go any smaller? The sign will be very visible no matter what. It is located in a residential area with no other competition.

Commissioner McGorty explains that you are so close to the road right there and there is no set back. A sign like that slaps you in the face.

Chairwoman Parkins feels it is overkill.

The Commission wants to know if there is a third option.

Mr. Silver presents them with his 3rd and final option. The third one is 47 square feet.

The commission feels this is much better and appropriate as it is not much larger than the existing sign.

Commissioner Sedlock wants to know if the illumination shuts off at night.

Mr. Silver says yes it does. But he doesn't know what time if it is 10, midnight, or some other time.

The commission does not feel it needs to be on all night as there are neighbors across the streets whose windows will be looking right at it.

A question was raised as to what time the bank closed and Commissioner McGorty pointed out there will be ATM activity at night.

The commission feels the lights should go off at 9 pm and that they should be able to revisit this once the sign is in place if it needs to be toned down.

Mr. Panico asked Mr. Silver if they would be willing to tone down the illumination if it was too bright and offensive.

Mr. Silver did not know that answer or what the light reading on the sign is.

Vice Chairman Anthony S. Pogoda made a motion to approve Application # 5418 - Signlite, Inc., 320 Coram Ave for a sign with the stipulations the sign will be 47 square feet (the third option presented) and the illumination on the sign will be shut off by 9 p.m. nightly. The motion was second by Commissioner Thomas McGorty. The motion carries 5 - 0.

The record reflects that Commissioner Joan Flannery arrived at 7:40 p.m.

#5400 Bianca Signs, Inc., 521 River Road – sign

Mr. Schultz explains this is the Rivendale Diner and they are replacing the wall signage and the ground signage. He passes a diagram of the proposed sign.

There is no representative for the application present.

Commissioner McGorty reports the restaurant has just been repainted red on the building with blue shutters.

Staff recommends tabling and working on the application with the applicant further.

Vice Chairman Anthony S. Pogoda made a motion to table Application #5400 – Bianca Signs, Inc., 521 River Road. The motion was second by Commissioner Virginia Harger. The motion carries 6 – 0.

#061 – Sprint/Clearwire, 70 Platt Rd. – Co-location for telecommunication

Scott Muska representing Clearwire LLC was present to answer questions.

Mr. Schultz explained the tower was not being extended and it is co-location which the commission likes to see.

Mr. Muska explained there are already 3 panels and 2 dishes installed.

Staff recommends approval.

Mr. Muska explains it's a single cabinet, they are not extending the pole.

Chairwoman Parkins wants to know how tall the pole is.

Mr. Muska says it is 150 feet. Clearwire will be mounting at 75 feet for the dish and panels.

Chairwoman Parkins questions the size of the dish.

Mr. Muska explains it is a 2 foot dish that allows point to point communication.

Mr. Panico questions how many are already on the antenna.

Mr. Muska says it looks like there are 6 now and they will be adding 3 to bring it to 9 panels and they will add 2 dishes.

Vice Chairman Anthony S. Pogoda made a motion to approve Application #061 - Sprint/Clearwire, 70 Platt Road for co-location for telecommunication.
The motion was second by Commissioner Thomas McGorty.
The motion carries 6 - 0.

#5424 Clear Wireless, LLC, 605 Huntington Street/1000 Bpt Ave. - antenna.

Mr. Muska says that is a typo; it is just for 605 Huntington St.

Mr. Schultz informs the commission this is the second application for antennas to be mounted on the water tank. Clearwire proposes to install 3 panels and 3 dishes on the existing water tank.

Mr. Muska had some copies of the plan that he passed out to the commission.

Commissioner Flannery wants to know if they will be taller than the existing ones.

Mr. Muska says no they will match the height or be shorter than the other panels there.

Mr. Schultz wants to remind the commissioner it is on the list of thing to do to notify the property owners. It is not in the regulations. The Applicant did not notify the property owners in this neighborhood.

Chairwoman Parkins wants to know if citing counsel has those requirements.

Mr. Muska says they do not. If the City or Commissions asks them to, they will notify the property owners.

Mr. Schultz asks if it would be a burden to table until the August 10th meeting so staff can notify neighbors.

Mr. Muska says he doesn't believe it would, but he would need to check with his client.

The commission agrees that out of courtesy staff should notify adjacent property owners and revisit the application on August 10th.

Commissioner Joan Flannery made a motion to table Application #5424 - Clear Wireless, LLC, 605 Huntington St. for an antenna until the August 10th, 2010 meeting.
The motion was second by Commissioner Virginia Harger.
The motion carries 6 - 0.

#5425 - Mike Miska, 22 Sanford Drive - in-law addition

Mr. Schultz tells the commission that this is a half-acre lot and the applicant already went to Zoning Board of Appeals for a reduction of lot area. This is an application for an 835 square foot addition for the in-law plotted next to the existing house. Parents will be occupying the apartment.

Commissioner Flannery asked if the neighbors were notified.

Mr. Schultz responded yes that Zoning Board of Appeals had a public hearing. The property will connect to the sewers. Valley Health made that a condition of the approval.

Staff recommends approval.

Mr. Panico questions if the addition will be consistent with the house.

Mr. Schultz answers it will be, it will have the same siding and follow along with the house.

Commissioner Joseph Sedlock made a motion to approve Application #5425 Mike Miska, 22 Sanford Dr for an in-law addition
The motion was second by Vice Chairman Anthony S. Pogoda.
The motion carries 6 - 0.

Add Ons

#5374 Charco 2000, Inc., 281 Canal Street - Business.

Mr. Schultz informs the commission this is the John Watts factory building. They have backed away from the re-development of the site to convert it to residential. Accordingly they have come to an agreement with a firearms manufacturer to rent 6000 square feet. The Building is 35,000 square feet. There are 25 employees and hours of operation will be 8 am - 4:30 pm with 2 company cars. Even though that whole area has been re-zoned as a PDD, the commission grandfathered in all the existing uses that included manufacturing, professional offices and warehouses.

Mr. Panico and Chairman Parkins question which building it is exactly as there are several similar ones on Canal St.

Staff Recommends clarification.

The commission will be doing an inspection of the area on Friday, July 16th so the commission feels it is best to table so staff can acquire more information and the commission can inspect the building.

Commissioner Virginia Harger made a motion to table Application #5374 - Charco 2000, Inc., 281 Canal Street for a business.
The motion was second by Vice Chairman Anthony S. Pogoda.
The motion carries 6 -0.

5386 John DiMatteo, 79 Bpt. Ave - Business

Mr. Schultz reminded the commission that Mr. DiMatteo had expanded a few years back and this application was to lease 200 square feet to a financial advisory. Staff recommends approval, as it is consistent with the zoning and availability of onsite parking.

Vice Chairman Anthony S. Pogoda made a motion to approve Application # 5386 - John DiMatteo, 79 Bridgeport Ave for a business.

The motion was second by Commissioner Joseph Sedlock. The motion carries 6 - 0.

#065 Albert Perrera - two car garage with an in-law apartment above.

Albert Pereira from 29 Wopowog Trail addressed the commission.

Mr. Schultz told the commission this is an application for an addition. It will be a two-car garage with an in-law apartment above. Mr. Pereira went before the Zoning Board of Appeals for set back regulations; his will go from 12 feet to 3. A public hearing was held and there were no oppositions.

(Tape is in-audible)

Mr. Schultz asks who will be living there.

Mr. Pereira says it will be his father in-law living in the apartment.

The commission asks Mr. Pereira to describe the construction material.

Mr. Pereira says it will be a cinderblock foundation, wood frame, and siding to match the existing structure.

Mr. Panico questions if the apartment will match up with the main living level.

Mr. Pereira says it will and the garage is underneath because he has an above ground basement.

Chairwoman Parkins asks if the stairs are outdoors.

Mr. Pereira says yes there are stairs outside on the existing house and they will give him stairs for his own entrance. Mr. Pereira explains they tried to put the stairs on the interior but it did not work with the existing glass slider. The square footage is 24 by 28.

Commissioner Flannery asks Mr. Pereira to point out where the stairs will be on the proposal. He shows her they are in the corner on the side of the house.

Mr. Panico asks if there are any other alternatives to the stairs being located on the outside of the house.

Mr. Pereira said he tried to put it on the inside but they were losing 13 to 14 feet on the house.

Mr. Panico is also concerned about setback issues and the neighbors.

The neighbor owns two lots and it is not an issue as he has seen the plans and signed off on them.

The commission is against the side stairs for the separate entrance. Vice Chairman Pogoda suggests a landing with stairs leading to the back but not an actual staircase. It will be more like a walkway. The commission and the applicant all agree that is a better option.

Vice Chairman Anthony S. Pogoda made a motion to approve Application # 065 for a two-car garage with an in-law apartment above with the modifications of removal of the stairway and creating a walking path for access to the back separate entrance. The motion was second by Commissioner Thomas McGorty. The motion carries 6 - 0.

Application #10-13 Dominic Thomas on behalf of Shelton Hotel Assn. , LP for Modification of Statement of Uses and Standards (rear yard setback), for PDD #64 (Hotel Sierra), 820-838 Bpt. Ave (Map 18, Lots 19 and 27) (public hearing closed on 6/29/10)

Mr. Schultz informed the commission that staff has provided a draft resolution, which everyone received on Friday.

Mr. Panico read the draft resolution into the record. Final surveys reveal a set back that is not in compliance with zoning regulations. The land is above the adjacent Armstrong Park and landscaped providing no intrusion on the affected property. The application is to amend the setback from 10 feet to 8 feet. The adjacent property owner was contacted and had no objection to it. A public hearing was held on it June 29, 2010 at which time no public comments were registered on it.

Mr. Panico informed the commission if they are ready to vote on it, they can act on the staff recommendations.

Commissioner Flannery asked if you are going to go that much over what it is supposed to be, do they have to pay a fine? In other towns they do.

Mr. Panico said no we don't have a mechanism of that sort. Usually if a problem occurs like this, they go back to zoning board of appeals and try and work it out.

Commissioner Flannery does not want to set a precedent with builders that it is OK to go over the regulations then go back and ask for a pardon.

Mr. Panico responded this is the first time it has ever happened to us.

Mr. Schultz added yes there are so many checks and balances.

Mr. Panico believes the problem was having two surveyors and one moved a stake and the other didn't know creating the two-foot difference in the setback.

Vice Chairman Anthony S. Pogoda made a motion to approve Application # 10 - 13 Dominic Thomas on behalf of Shelton Hotel Assn., LP for Modification of Statement of Uses and Standards (rear yard setback), for PDD#64 (Hotel Sierra), 820-838 Bpt. Ave. The motion was second by Commissioner Thomas McGorty. Chairwoman Ruth Parkins called for a roll call vote. Commissioner Pogoda - Aye, Commissioner Harger - Aye, Commissioner McGorty - Aye, Commissioner Sedlock - Aye, Commissioner Flannery - No, Chairwoman says Aye. The motion carries 5 -1.

V. New Business

Application #10-15 - James Blakeman for Subdivision Approval (Twin Lots Estates: 2 lots), Buddington Road (Map 62, Lot 12), R-1 District: accept, discuss, and possible action.

Mr. Schultz told the commission this is coming before them for the second time. The property owner was waiting for the utility company to authorize grading. Mr. Schultz had some correspondence on it he read into the record.

Valley Health approved it March 27, 2009 subject to professional engineer septic plans. It is well water.

It is the understanding of the City Engineer the applicant obtained the required authorization from Connecticut Light and Power. The City Engineer endorsed the project.

Mr. Schultz also read in the open space requirements as the subdivision abuts open space. Currently there is a trail running through the private property and the developer will move it off the lot.

James Blakeman was there to represent the application.

Chairwoman Parkins asked how far along they are with CLP.

Mr. Blakeman responded there are a lot of department at CLP they are through the technical engineering department but CLP will not write an

endorsement until they are all the way through. The designs the commission has are complete septic tank plans.

Mr. Panico asked you are not encroaching at all are you?

Mr. Blakeman said yes they were on lot 1. There is a trail of emails from CLP about you have to do this, you have to do this, and we are at the last step.

Chairwoman Parkins questioned about the easement with the gas line since she did not see it on the map.

Mr. Blakeman says it is on the other side outside of the property.

Chairwoman Parkins is there any blasting that is going to be needed in this area?

Mr. Blakeman there is. It will be minimal. We already went through Zoning Board of Appeals with this as we had issues with blasting in the neighborhood. They modified the location of one house which will not need blasting, but the second house will need it for a foundation although it may be able to be hammered out.

Commissioner Flannery asked about the size of the lots? And if there would be more houses in the future?

Mr. Blakeman answers they are oversized lots, well over an acre.

Mr. Panico added there are too many wetlands to develop further back.

Commissioner Pogoda also questioned where other houses were in location to this property and you could not see the houses he questioned. He asked Mr. Blakeman if there would be fill.

Mr. Blakeman said there would not be.

Mr. Blakeman stated for the record the applicant has no problem with any of the requirements.

Commissioner Virginia Harger made a motion to accept Application #10-15 - James Blakeman for Subdivision Approval (Twin Lots Estates: 2 lots), Buddington Road for review. The motion was second by Commissioner Joseph Sedlock. The motion carries 6 - 0.

Commissioner Thomas McGorty made a motion to approve Application # 10-15 James Blakeman for Subdivision Approval (Twin Lots Estates: 2 lots), Buddington Road subject to following conditions 1, 6, 9, 12, 13, 15, 19, 21, 24, and 33 which is submission of confirmation by CLP before final approval as read by Richard Schultz. The motion was second by Commissioner Virginia Harger.

The motion carries 6 - 0.

Application #10-16 Dominick Thomas on behalf of 714, LLC for Initial Development Concept Approval and Planned Development District Zone Change (retail shopping center), 405-407 Bridgeport Ave., 12 Nells Rock Road and 20, 28, and 36 Buddington Road and a portion of 409 Bpt. Ave. and Access Road (Map 77, Lots 26, 27, 28, 29, and 30 and Map 63, Lots 10 and 20) - accept and schedule public hearing.

Commissioner Flannery asks what the zone change is.

Mr. Schultz says right now it is a restricted business district and the request is for planned development district.

There was some confusion by Commissioner Flannery on when they can vote on the application. Mr. Panico and Mr. Schultz explained that when an application comes before the commission it must be processed and to schedule a public hearing before the commission can make a decision.

Mr. Schultz said staff advised the applicant that the commission would probably shoot for September 22, 2010 since there is no conflict with the auditorium. Attorney Thomas submitted a letter for a request of extension on time on behalf of his client. The 65 day period within which to commence the public hearing will expire September 16th. The extension will allow for the scheduling of the public hearing September 22, 2010.

Commissioner Joseph Sedlock made a motion to accept application #10-16 Dominic Thomas on behalf of 714, LLC for Initial Development Concept Approval and Planned Development District Zone Change (retail shopping center), 405-407 Bpt. Ave., 12 Nells Rock Road and 20, 28, and 36 Buddington Road and a portion of 409 Bpt. Ave. and Access Road and schedule a public hearing for September 22, 2010.
The motion was second by Commissioner Virginia Harger.
The motion carries 6 - 0.

VI. Public Portion

Chairwoman Parkins asked if there was anyone in the audience who would like to address the commission on anything not on the agenda.

Geraldine DeLibero from the Views of Long Hill at Asbury Ridge addressed the commission. Ms. DeLibero stated she would like to thank the commission. I think this is what I want to do and I hope its OK. I want to thank the board for the time and effort they put in on my request for the generator to be moved and I just thank you very much because if we didn't get the help from the town it wouldn't have been resolved. I just want you to know I appreciate it so very, very much.

Chairwoman Parkins responded I am glad it worked out.

Ms. DeLibero continued I am happy where they moved it and how the surrounded the tall bushes with it. My concern is they put little bushes around the part they left behind. They left something behind, I don't know the names of the different things but there is something that tall (demonstrated with hand between waist and shoulders) that they left behind. It must be an electrical box or something.

Mr. Schultz said yes it is a cabinet.

Chairwoman Parkins said that doesn't have anything to do with the generator.

Mr. Schultz said it is a separate issue. But the commission is being asked to direct staff to put up some more uprights and to do some additional screening. In so far as it is a PDD you always have that provision that the commission may require additional landscaping if deemed necessary. If that's the consensus because I have already called United Methodist Homes.

Chairwoman Parkins responded she did not know if anyone had the chance to go up there. Where they moved it to they put some skinny little cedar tall trees around. They are very brown, they obviously haven't been watered and they are probably going to die.

Mr. Schultz responded you have to keep watch of them.

Chairwoman Parkins said if they do make it, they will look half dead, half alive.

Commissioner Pogoda said when we left they looked perfect so they must not be watering them and maintaining them.

Chairwoman Parkins said I must say they did a nice job landscaping the lower area.

Ms. DeLibero responded yes. My only concern is if those bushes will grow tall enough to cover that box.

Mr. Panico responds why the cabinet must be there but the table is inaudible.

Mr. Schultz said with the commission's permission he would like to advise United Methodist but to hold off until the fall since we will be going through dry periods.

The commission's consensus is that anything planted right now will die.

Chairwoman Parkins asks Ms. DeLibero it is really just for the front you are looking for additional screening. They probably still need access and can't totally surround it with trees.

Ms. DeLibero said yes she said she is sure they will take care of that. What was left there still that the bushes will grow. They only put little bushes there. I'm not sure what type and if they will grow tall. And there is an exterior staircase they and if they could put some tall bushes that would be nice. But the trees they did plant the deer love those trees. This morning at 5:30 there was a beautiful fawn behind my deck. Those deer like to eat around those trees did you know that about those trees?

Mr. Schultz says we will pass that on.

Chairwoman Parkins thanks Ms. DeLibero. She also adds there does not appear to be anyone else who like to speak on anything not on the agenda.

Vice Chairman Anthony S. Pogoda made a motion to close the public portion of the meeting.

The motion was second by Commissioner Virginia Harger.

The motion carries 6 - 0.

VII. Other Business

A. Approval of minutes 4/28/2010, 5/11/2010, 5/26/2010, and 6/8/2010.

Vice Chairman Anthony S. Pogoda made a motion to approve all minutes from 4/28/10, 5/11/10, 5/26/10, and 6/8/10.

The motion was second by Commissioner Joseph Sedlock.

The motion carries 6 - 0.

B. Application #05-35 (Porta Bella: 66 Huntington Street): request for two (2) year extension on Site Plan Approval

Mr. Schultz says many of the commissioners were not here when this was approved 5 years ago. State statutes give s the permission for an additional 5 years, 10 years total. I thought that it would make sense not to go more than 2 years so the commission can re-evaluate the site plans. So accordingly, they submitted a request to go for their seventh year.

Chairwoman Parkins asked what is Porta Bella? Is that the restaurant down the road?

Mr. Schultz responds that was the name at the time.

Commissioner McGorty says it is Ari Bella now. It has been that for a while.

There was some confusion as to which building it is. It is the brick building where the restaurant is.

Vice Chairman Anthony S. Pogoda made a motion to approve Application #05-35 (Porta Bella: 66 Huntington Street) request for two-year extension on Site Plan Approval.
The motion was second by Commissioner Thomas McGorty.
The motion carries 6 - 0

C. Twisted Vine Estates Subdivision: request for reduction of Performance Bond.

Mr. Schultz asked if the commissioners had been up to Poe Place and Dickinson Drive. He then read into record correspondence from the City Engineer dated July 7th. The Engineer has been monitoring the progress and recommended a reduction of the performance bond.

Commissioner Joseph Sedlock made a motion to approve the request for reduction of Performance Bond for Twisted Vine Estates Subdivision.
The motion was second by Commissioner Thomas McGorty.
The motion carries 6 - 0

Mr. Schultz added that if anyone has not been up there they should take a ride as it is probably the largest ongoing subdivision currently.

D. Dlugas Subdivision: request for release of Performance Bond

Mr. Schultz reminded the commission this was the small cul-de-sac installed at the end of Valley Road for the two-lot subdivision. He also read into the record the correspondence from the City Engineer regarding the request and himself. They monitored the construction of it. All the neighbors loved it for the holidays. The public improvements were constructed in a workman like manor and they recommended the release of Performance Bond subject to the Board of Alderman's acceptance of the cul-de-sac and the posting of a maintenance area.

Vice Chairman Anthony S. Pogoda made a motion to approve the request for release for the Dlugas Subdivision.
The motion was second by Commissioner Virginia Harger.
The motion carries 6 -0.

E. Turkey Hill Estates Subdivision: request for extension on Agreement to complete road improvements.

Mr. Schultz read a letter from Shelton Developments, LLC. for a request for an extension to complete the road improvements until November 3, 2010. They have to just finish the last course of pavement. That is more than enough time since generally speaking the asphalt plants close by Thanksgiving. They are hoping to be done by October, as that is what the City Engineer is recommending.

Vice Chairman Anthony S. Pogoda made a motion to authorize the Turkey Hill Estates request for extension on agreement to complete road improvements.

The motion was second by Commissioner Virginia Harger.
The motion carries 6 -0.

F. Payment of Bills

Commissioner Flannery stated the funds are available.

Commissioner Joan Flannery made a motion to pay bills, as funds are now available.
The motion was second by Commissioner Thomas McGorty.
The motion carries 6 - 0.

G. Staff Report

Mr. Schultz said everyone received a copy Friday. Starting with the ZBA the zoning enforcement officer and the appeal for the Cott Street matter. It was continued until July 20th. The ZBA wanted to get advice from corporation counsel. The chairman asked if the zoning officer was available to attend the meeting and I said yes. This is part of the checks and balances system.

Mr. Schultz asked the commission to look at the agenda he gave them. Most of the items are pretty traditional the big one is 88 Long Hill Cross Roads. This is Mr. Scinto. He is looking to add another loading dock/ramp and needs a reduction for street setback.

Connecticut Citing Counsel and 219 Nells Rock Road Clearwire Wireless is requesting an addition of 3 remote radio heads and 4 dishes. We are starting to see a lot more co-location.

Still nothing on United Illuminating on Old Stratford Road. We are hearing rumors but nothing official.

The Zoning Sub-Committee last met June 18th and are meeting again this Thursday at 9:30 (7/15). The meeting is to afford one of the zoning enforcement officers that deals with signs that wants to ask clarifications. We are also working on the excavation, filling, grading, and removal. That is a rewrite.

Downtown Sub-Committee's last meeting was June 4th. They are meeting this Friday (7/16). I will not be present but Mr. Panico will be there. This Friday you will be doing site visits. Mr. Schiabile will be there to show some facade work he did. The package store is in you can see the signs. There will also be a stop at Johnny's Pizza. He has done a lot of work and wants to address the sub-committee. He feels confident it is safe. Mr. Schultz asked everyone to use their judgment please. All Planning and Zoning members are invited to attend.

Mr. Schultz continued Zoning Enforcement program, 38 Lark Lane, blight junkyard condition. The owner was contacted its ongoing. It is an elderly lady and the neighborhood is up in arms. We are trying to get

the daughter to work with us. We are doing our best but we are working with an elderly resident although that doesn't change anything.

Chairwoman Parkins suggests getting a volunteer crew together.

Mr. Schultz continues 90 Poplar Drive, another blight junkyard condition. The owner was contacted and it is on going.

351 Long Hill Ave across from Ripton School. Staff sent out second notice to complete removal of two remaining junk cars. Will recommend legal action at the August meeting as this has been on going.

45 Nicholas Ave, blight junkyard conditions, owner contacted it is on going.

We are working with zoning department and the blight ordinance is in full force.

Filling and grading: we all know 39 Wabuda Place they started work, they are about 30% done, they will have that done shortly. 11 Lady Slipper is about 50%.

Commissioner Flannery asked where they are taking all the stuff.

Mr. Schultz responded to the Bridgeport site and breaking it down. No complaints but we are monitoring it. And they know that and the neighbors know that.

190 Huntington Street, the owner came in today. He removed a lot of fill in the back; you can't see it. He is going to be putting an addition onto the house and then will back fill the lot. I am just concerned because you do not want to backfill adjacent to the footing and foundation. It has nothing to do with the septic system. We have to get the filling out of there it is an eye sore. He has put all his life savings into the house and he has lost about 6 figures. He has to occupy the house to get funding and doing everything in sequence but it is a horrendous project. If he just walks away from it, we have an issue. He is doing everything he can and you don't want to hold that up because you want progress. Staff will keep working with him and monitoring it.

Moving on to Planning: the phase II land disposition, SEDC will be submitting final plans and be having another meeting with the Downtown Sub-committee. They want the Riverwalk Phase II endorsed by the commission so they will be having a community meeting be SEDC.

Commissioner Flannery had some questions regarding the design. Mr. Schultz informed her that it was a simple drawing and they would be having a community meeting to discuss it all.

Commissioner Flannery also wanted to know if they avoided the bridge area because of all the drug selling that goes on down there.

Chairwoman Parkins said no, it was financial reasons. Once you install the Riverwalk you will have people down there with lighting and it will reduce the crime.

Mr. Schultz continued with his report there will be no special meetings in July and the next meeting is August 10, 2010.

Staff approved one single family dwelling, well below traditional numbers.

I emailed you a request for Mr. Scinto for the reuse of Blockbuster. The request is to occupy it as a bakery but a wholesale bakery not a retail bakery.

Commissioner McGorty commented like wedding cakes.

Mr. Schultz continued this is a gal from Shelton who wants to try this concept and Mr. Scinto believes it is consistent with the current zoning and the commissions wish to reoccupy it with minimal traffic. We will see the application at the August meeting.

Chairwoman Parkins added I am in favor of it as long as it is a special order type and come back and start offering pastries and other things.

The commission agrees it needs to be order taking and not a retail bakery. They also prefer not to have the awning.

H. Report from Chairman/Subcommittee Chairs

None

VIII. Adjournment

Commissioner Joan Flannery made a motion to adjourn the meeting.

The motion was second by Commissioner Joseph Sedlock.

The motion carries 6 -0.

The meeting adjourned at 9:18 p.m.

**Attachments can be found at the end of the document.

Respectfully Submitted,

Allyson Burke, Clerk