

position at that point was that Access Road was basically excess State Right-of-Way. The City had expressed their intent to discontinue it because it was a traffic nightmare. And that, he stated for the record, that discontinuance, was something that dates back to approximately 1995 when the Wal-Mart proposal was going through. There were some efforts made at that point to discontinue it and to alleviate the issues at the intersection with Nells Rock.

Atty. Thomas stated that after this was done, there was an exchange. There was a resolution between the State of Connecticut DOT Property Management Division, Office of Right-of-Way, and the City of Shelton. For the record, he submitted correspondence dated September 30, 2009 addressed to Mayor Lauretti from Terrence Ovie, who is the head.

Basically, what that says is that, as it was discussed when Access Road or a portion thereof is discontinued, because the 1928 deed to the City for no consideration, was deeding to them property which the State had taken by eminent domain from the Malick family - because it was for a road. Once the City ceased to use it for road, it reverts back to the State.

Atty. Thomas indicated that he wanted to make it clear because so many people got up last year and said that they didn't want the developer to get this for nothing. Well, they aren't - the procedure is as stated in that letter and he will provide an update on the State DOT because he spoke to them today. The procedure that is involved is that, if there is an approval of the PDD or any development that encompasses the use of Access Road, the City, and what is satisfactory to the City as it addresses the traffic issues, the City would then discontinue Access Road. At the point that they discontinue Access Road, it would be quick-claimed back to the State of Connecticut, who are simultaneously completing their due diligence. The only thing left for them to do is an appraisal for the cost of Access Road.

He explained that the State, when it is non-zoneable property, or property that only has any value for the abutter, appraises it as an assemblage to that abutter. They will do that and then it will be up to the developer to purchase Access Road from the State - that portion which has become excess right-of-way from the State of Connecticut. Atty. Thomas indicated that he has done this several times and he has not known the State to be a generous low-balling type of entity so that is a cost of this development and also resolves the Access Road issue.

Atty. Thomas stated that the other major change in this is the movement of a line on the site map. He showed the old and new locations of that line and said that it now encompasses a portion of 409 which is not in the name of Crabtree Trust; it is in the name 714, LLC (where the Body Shop is located). It encompasses a portion of that property and a portion of 411 which is a property owned by PLR Enterprises.

Atty. Thomas indicated that at the time they came before the Commission, they did not have an agreement with PLR Enterprises so they could not incorporate their property. In their conversations with the State of Connecticut and in their conversations with the City of Shelton, concern was that once they closed it off, how was there going to be access to all those properties to the right.

He introduced a second document which has been redacted because there is information in this document that is not for public consumption but the rest of it is an agreement between 714 and PLR Enterprises.

He left in the signature pages (and he double-sided it to save paper) so that the Commission can see the agreement between PLR which permits their property to be part of this and it goes beyond that to address other issues. This is a concept

proposal. He showed the location of PLR on the site map and explained how PLR's trucks come out and go down and go out. He then stated that PLR's trucks will now be able to go through another access and go down to the light. He asked Jim Swift, P.E. to present a better site plan to show this.

Atty. Thomas explained that PLR's two buildings with three or four tenants will now be able to go down to Access and to the light. Mr. Swift showed the location of the buildings and the route to the traffic light. In addition to that, they have met with, at the generic request of the State, and the specific request of the Mayor, about the two buildings/businesses – Viking Tool and Blanchette Sporting Goods. The question became if they would get access to the light. In the PLR agreement, it provides that PLR must permit over these spite strips. So that they understand, when Mr. Sciongay needed to subdivide these two pieces of property – one with the Body Shop and one with the PLR – he created two spite strips. He doesn't know why; he didn't like the car dealership. He created a spite strips that separated one piece of property. There are two flags – like a flag with a flagpole - except the flagpoles caused the Crabtree property to be separated from what became of the Body Shop property. They had to address a lot of these issues and that is why that spite strip comes down and they need to have an agreement with PLR. That is what that they did; they negotiated an agreement with them. They included in the agreement that Viking Tool and Blanchette's would be able to access through this opening and get out to the light.

Atty. Thomas indicated that they met with Blanchette's and Viking Tool, and he is not going to represent that they agreed to anything; but what he is telling them is, based on their input, they are looking at two things that can be done. Jim Swift will provide more detail on this. But it is that Blanchette's will be able to have an access straight across in a T with the main road in front of the building and Viking Tool will be able to create a driveway from their building into the Body Shop site. Then their employees will be able to access the light and easily turn right or left on Bridgeport Avenue. Obviously, their main concern is about taking a left on Bridgeport Avenue from the light. Atty. Thomas summarized those are the major changes that they have addressed in respect to the size of it by moving the line over, the amount of retail grew a bit.

In addition to that, he pointed out, to remember in dealing with the State, that even though you can go out and look at the State Right-of-Way and look at the island and driveway in between that everyone uses to get to Center Stage - there is a non-access line at that point. Mr. Panico pointed this out to him last year and he confirmed it with the State. So, in looking at reasons why the State wants access, the City has a reason why they want Access Road taken care of and that property taken care of and developed out to Bridgeport Avenue, and the State does too. Also, the State is going to make the developer purchase the access through there. Even though a cut exists there already, the State is going to say that they have to purchase the land and the access through the non-access line. So those are some of the costs of the development of this property and they haven't even heard yet from Jim Swift regarding the cost to the developer of the infrastructure.

Atty. Thomas indicated that this property was zoned RBD. He happens to be the lawyer for the car dealers at that time. They were concerned and there were some proposals to put it in as OPD and some proposals to put it in as other things. The P&Z Commission at the time was concerned about a lot of rampant, large big box developments. There were a lot of issues. The zone that came out of it is really Restricted Business District with the emphasis on **RESTRICTED** because when you look at all the requirements and say something, for instance – “nothing smaller than 10,000 square feet” – they couldn't have a jewelry store, a collectibles store, a bank, most restaurants, no UPS, no service stores, no hair

salons – those are all less than 10,000 square feet. Traffic is limited to 5 per 1000 square feet – that means no Marshall's, no Kohl's, no bookstores, no Sports Authority, no pharmacy, etc. By the time you get done, the zone really is a bunch of words on paper, but in theory, and in reality, the development of that and the finding of those tenants – they aren't there. Such a development, and this is the real conundrum of the Crabtree site, with so many limitations would never sustain economically the ability to do the improvements such as purchase Access Road and all the other things. They would never be able to do it and the conundrum is that you'd never be able to develop it that way.

Atty. Thomas indicated that there are other uses, obviously, the uses of car dealerships are kept in there. They should know that all those homes in the back were in the Restricted Business zone, they were not in a residential zone. He indicated that Jim Swift would be speaking next, however, there was an impact study done and it showed that there was a need for a food store, and there may be a tenant, and a need for a neighborhood retail center. He did a conservative analysis of the taxes. He understands from talking to Rick that they have the copies from a year ago and there was no need to update the theoretical portions. They have presented a conservative approach to what this would bring in taxes and it is not a small amount considering the development. They will have a traffic report presented by Fred Greenburg. Pat Rose from Rose Tiso will discuss the architecture and Jim Swift will go over the engineering.

Atty. Thomas commented that he stood up before this Commission numerous times on projects in which he could tell you the tenants. He stood before them with projects in the conceptual stage with the tenant and their entire staff sitting next to him. Over the last two years, the economy has changed. For example, in 2006 and 2007 when they did 828, he had five national chain restaurants calling him every 2 or 3 days to see what was going on. In 2007, when they did the hotels, he finished talking to 4 different hotel entities and that isn't the economy-driven. The economy today is that the tenants want to see an approval especially where the site does not permit what has to be done. He told them what the RBD does and they need to know that it has to be done.

Atty. Thomas stated that their PDD is the closest thing that any Connecticut town has to form based zone which is the wave of the future. He says this because he's been out for the 3rd year to the national conference of land use attorneys, municipal attorneys and planners and a form based zone is what they need here. As a planning and zoning commission they are going to develop the setbacks, and landscaping requirements for the site. It sounds familiar because it is their PDD concept. This is an area that is a niched use area.

Atty. Thomas showed a color schematic showing the subject site and the zones all around it. There is a very high concentration of high density housing. Some single family housing, some offices, car dealerships, little retail, big retail, light industrial, car wash, restaurants, banks, etc. There is a variety of commercial and retail uses in this area. They are proposing, the retail use here fits within that area because it is a mixed use. One of the decisions that the Commission has to make is what is going to happen to this property from Nells Rock Road to Wal-Mart. Is it going to stay the way it is? Is it going to evolve? How is going to be developed? Do they want it? The impression he's always had is that the car dealerships are good citizens but when you replace them, replace them with something different. The intention in the retail businesses is that it be replaced with retail. Their position is that now, this is the type of retail for this site that they have to do because there are extensive development costs if they want to take care of the Access Road and the traffic issues of Nells Rock Road and Bridgeport Avenue. The other thing about repeating the (inaudible) when they do the 2 step process at this point, if they get an approval, they have "X" number of feet of retail, "X" number of parking – as you'll hear from the

others who will be talking, there are things that they want to incorporate into it but they aren't at the detail stage. They've gotten the Wetlands approval, Mr. Swift may talk briefly about the fact that they have the capacity with their gallons underneath to do rainwater recapture and use rain water to irrigate the landscape. The buildings are going to be designed so that if a future tenant wishes to be very concerned about the utilities costs, solar is an option, if the cost of it comes down. These are things that have to be considered in today's market. They have to look at and appeal to tenants as they come in. Once they get the approval and the tenants come in, their process allows them to come back in and say "Ok, fine. We've got tenants and we are going to split the buildings – make a courtyard out of it." The Commission may say no or it may say it needs a public hearing, but they go from the conceptual, being able to tell tenants that conceptually, the retail has been approved and these are the basic standards of it. Then when they get to the detail, they are able to address the issues of tenants a lot better and make the development a lot more attractive. They have used the PDD process for a number of years but they believe that in this economy, the PDD process really is suitable and allows a developer or landowner to look, get a conceptual as to what needs to be done and then be able to proceed to the next level of the tenant, because in this economy, there are no tenants stalking him like there used to be 4 or 5 years ago.

Atty. Thomas indicated that they have communicated with tenants. They've communicated with food stores. They are still doing it. They have communicated with retail, smaller-size retail and banks, restaurants. They are all talking but they are saying "fine" but come back after you get approval. So at this point, he'd like to call on Jim Swift to review the engineering and point out in more detail and better, some of the differences and some of the issues that they have addressed concerning access, parking and other related issues.

Jim Swift, Landscape Architect and Civil Engineer licensed in the State of Connecticut addressed the Commission. Mr. Swift showed an aerial map of the parcel involved and pointed out the two existing car dealership buildings, the large parking lot in the back, the perimeter with Buddington Road, Nells Rock Road, and Bridgeport Avenue across the front of the site. He showed the location of Access Road coming across the front of the site. He pointed out the Body Shop on the PLR properties and some of the right-of-ways that Atty. Thomas already discussed. He showed the location of the Blanchette Building, the Webster Bank and Country Place Condominiums across the street.

Mr. Swift indicated that the zoning for the existing land right now is shown on the map with the yellow depicting the RBD district. The entire site that they are contemplating for their parcel is RDB right now so there is no question involving any residential zoned property in this at all.

Mr. Swift explained some of the basics of the layout of the parcel. They have one large tenant, one minor tenant, some smaller satellite stores in the center of the property. They are proposing two out buildings in the corners. They are generic at this point. One would be some sort of a bank that has a drive-through toward the back of it and the other out building would be some sort of donut shop located more toward the back corner of the site. He showed that there would be smaller stores on either side of the main tenant. The total floor area in this proposal is 132,742 square feet and as Atty. Thomas explained, that number can and will likely change as they go forward with the development plans which this Commission has full control over to make sure that is done the way they see fit.

Mr. Swift explained the parking ratio for the property, with the parking they propose is 5 per 1000 square feet. Sometimes it is deemed appropriate by the

Commission and some users to not have to build that many parking spaces. That is part of the new way of being ecologically responsible on these developments. He noted that they have all gone by a lot these large developments and the parking lots are not used most of the time. There are many areas of this site that they can take and not pave at this time. They can just put them in grass, see if they need them, and then they can grade them out. If they find out later on that they need those parking spaces, there needs to be no massive grading or anything of that sort; they can just come back in and pave it. Again, that is a question for the detailed development plans.

Mr. Swift indicated that they are deleting Access Road which has been a thorn in the side of the Bridgeport Avenue-Nells Rock Road intersection for quite some time. So, that is the primary reason why that road disappears. He showed the location where they are going to pick it up and bring it out to Bridgeport Avenue. It is a minor difference from the last plan that they saw at the last public hearing where it was a dead end. In this layout, they have a one way in and one way out for Access Road. They think that the State will go for that. They think it serves some of these uses pretty well. He showed on the site map that there are barriers to prevent them from taking turns that they shouldn't take. He reiterated Atty. Thomas's point that they did work with Viking Tool and Blanchette's to make sure that they could access the parcel because that was one of their prime concerns. Mr. Swift indicated that when you put in a new light to any kind of a significant development, you need to stack up and have some area to queue up traffic. So, now they basically have an intersection built up right there that is built in a way that it can continue. It can continue temporarily or to service the Blanchette parcel but it can also continue as far as they need it to go. They can expect that as these parcels, if they stay the way they are, there is no issue; and if these parcels get developed in a way that their parcel is developed, then they've got a built-in outlet. Then they can start talking about the intersection farther down the road. And again, Access Road begins to disappear the farther down the road that you go.

Mr. Swift indicated that they are proposing a widening of Bridgeport Avenue. There is widening for turning lanes into their site. Northbound there is widening of Bridgeport Avenue to provide for the light and turning lanes into their site traveling south. Probably, the most significant traffic issues (inaudible)...

Nells Rock Road, right now, essentially only has one lane that comes down. They have all seen where some people come down and queue it at Nells Rock Road, and they try to squeeze in two lanes, but there really are not two lanes there right now. Mr. Swift indicated that one of the things that they are going to do with Nells Rock Road is put in three lanes entering the Bridgeport Avenue intersection down Nells Rock Road. One is a dedicated right turn lane; one is a dedicated straight lane; one is a dedicated left turn lane. That is going require them to give up additional right-of-way to the City and force Nells Rock Road that the proposed street line is reflected on this plan and they are fully prepared to grant that right-of-way to the town. Mr. Swift pointed out that in coming up Nells Rock Road they have a one-way in and a one-way out situation. There is a reason for the one way intercourse. He showed that as you come down Nells Rock Road or coming from Buddington Road, if your goal is to get to their site, there is no reason to drag you through the intersection - you come down Bridgeport Avenue and then enter the site. This is an uncontrolled exit, access to the site, cars don't have to stop. It gets them into the site and cleans up this intersection.

Mr. Swift showed the one way out and showed the area where they are not going to allow anyone to come out and take a left onto Nells Rock Road. This one way out lane comes down to the Bridgeport Avenue intersection. They are also prepared to grant right-of-way to Buddington Road. Buddington Road is a

very old road; it does not have a 50 foot right-of-way for its width. They are prepared to grant a right-of-way on their side of the property. He indicated that line is shown on the plan as a proposed street line for Buddington Road. This Commission will probably get into what should happen on Buddington Road. They find that people that live on these roads don't necessarily want them improved. They don't see a lot of traffic demand coming down Buddington Road to their site. The traffic seems to be pretty static. So they don't propose any roadway improvements there. They do and are prepared to work with whatever is inside the Nells Rock Road right-of-way to make sight distance improvements in this location. Anything that is within the right-of-way that is within their control, they will look at for clearing, replanting, removing things and making sure it works as it should.

Mr. Swift indicated that on the other side of the street, Platt Road, they are widening that roadway slightly, so as you come down Platt Road into the intersection light, there will be two lanes there where there is one lane now. So there will be a dedicated left turn lane and a right turn-straight lane. So Platt Road on the other side will see some improvements.

Mr. Swift stated that they spoke to the Blanchette and Viking Tool. The Blanchette people have an easy access to the light. With the Viking Tool people, they discussed the possibility of (inaudible) so that they could come through the parking lot of what used to be the Body Shop. This interior intersection can and will handle any additional traffic there.

Mr. Swift discussed the frontage and explained that there are some very large trees between Access Road and Bridgeport Avenue. All those trees are proposed to remain and they are reflected on the plan. Because this parking lot is slightly higher than Bridgeport Avenue that helps to hide cars and that is something that they always talk about. If you have a parking lot that fronts on the street, nobody wants to look at the bumpers as they go by. What they propose to do – he showed Bridgeport Avenue and a long area that represents State highway – they are proposing a masonry-type of permanent wall in that location to hide the cars. It rises up above even what the grade is necessary and can hide the cars from a lower point of view.

Comm. Sedlock asked if Access Road was going to end in front of Viking Tool and not come out on Bridgeport Avenue anymore.

Mr. Swift responded that what happens is that Access Road continues all the way through to what is part of their parking lot. They are going to take it, pave it, remove it there, and then blend that pavement down near Bridgeport Avenue. So, if you were leaving Viking Tool and came out Access Road and took a left, you could come down and you can get onto Bridgeport Avenue southbound.

Comm. Sedlock asked if it was still going to continue down to where it comes out right now.

Mr. Swift responded yes, Access Road, from there down to the intersection that is near Wal-Mart, remains unchanged.

Comm. Sedlock asked if that meant there were two ways into Viking Tool and Blanchette Sporting Goods.

Mr. Swift responded that there would be three ways. If you were going to Viking Tool or Blanchette's, there are actually three ways – in and out. One through their property, one through Access Road-Bpt Ave right at that location although there are some movements restricted, and down at the intersection of Access

Road-Bpt Ave southbound. So there are three means of access for all those parcels.

Mr. Swift showed a plan with a little more detail of how things are laid out – he pointed out the two retail buildings and how it would work with the bank and the drive-through and how they have a nice, divided entry. The inlays and walkways are divided by an island that runs the entire length of the driveway. They did not have to do it that way, but they think it is attractive.

Mr. Swift stated that he was going to talk about the boring, technical stuff and get into the grading. He reiterated that the high point of the site was towards the rear going down toward Bridgeport Avenue. He showed a map showing the back of the site and indicated that they were going to excavate the rear areas and create a rock cut and a wall construction all the way across the back. It is going to be a significant height, anywhere from 25 – 35 feet. That is kind of a good news, bad news situation. He thinks in a lot of ways it is good news for the town because it takes this development and sinks it farther below these residential uses that are across the street. As they will see, there is a buffer that further hides that. It is bad news for them because it is costly.

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

Mr. Swift indicated that the flows that come out onto the site will be collected in a very, very large, expensive storm water storage area. This has been through the Inlands Wetlands, of course, who had many questions and issues that they wanted to have clarified. Basically, they are taking all this discharge and running it through that. The way this works right now, the existing condition, it is pretty much a mess. Right now, what they have is some drainage coming down Nells Rock Road and from the Bank across the street. That drainage flows into the City system and Nells Rock Road which, in turn, flows into the private property of the car dealers right now. He isn't talking about Access Road; he is saying that drainage flows onto the car properties. It is co-mingled with the car property drainage, then comes back out to Access Road, which right now is a Town road. It flows down the Town road and then out through the State road drainage and out. It is substandard right now without any improvements, and there is some flooding there that is seen on occasion at the intersection of Nells Rock Road.

The water drainage plan for that separates all these systems. They take the City drainage system and connect it directly to the State drainage system which is the way it should be. They would take all the private property drainage and connect that directly to the State system, and again, that is the way it should be.

Mr. Swift indicated that they are clarifying cleaning all of that up so that people that are responsible and may want to get at that drainage at some point have a clear definition where the systems are. Those systems right now do discharge directly into the Wells Hollow Brook system. This is the upper part of that watershed and right now all of the car dealers, the houses, the bank, and all those areas right now, have uncontrolled, direct discharge into those water courses. They will not grate, but that is the way they used to do it in the old days. They are going to rectify that by using state of the art systems. The first thing that they are going to do is take all their site drainage and route it in through vortex chambers. Vortex chambers can take out trash, oil, silt and things like that to take a first pass at cleaning out the water. The second thing that happens is that it enters a chamber – this is a huge, massive underground storage area that has an open bottom to it. So it has a massive amount of actual volume. It can let some of the water back into the ground for light summer rains; it does have an open bottom so it can get back into the ground water system but, otherwise it will be discharged into a new and properly sized culvert that would be owned by the State and crosses into the Wells Hollow

system. All these things are not only going to create cleaner water discharging into that system, but it is going to lessen volume quite a bit. Some of the volume reductions were in about a 10% -12% volume reduction in peak flow to Wells Hollow Brook. He thinks it gets up to as high as 20% reduction of peak values from the higher (inaudible) than Wells Hollow Brook, so they've taken care of that.

Mr. Swift added for the record that all utilities are available – water, gas, electric, communications and sewer systems – they are all there at the site. This is where they get into some of the costs that are related to the abandonment of Access Road. It primarily has to do with the overhead utilities. Just to look at redoing the utilities in the Nells Rock Road- Bridgeport Avenue intersection – he indicated that looking at any of the poles out there, you would see that it takes all the lines coming down Bridgeport Avenue, all the lines coming down Nells Rock Road, all the lines coming down Bridgeport Avenue in the other direction and across to Platt Road. And that pole - in order to correct the pavement lane structure and the intersection - has to be moved. That is a huge expense. They spent as much as \$125,000 on a pole that did not have that kind of systems on it down at Split Rock. They don't have the actual cost yet but they know it is a very expensive pole to move. They are also going to require moving all the poles coming down this road and each pole is in the \$70,000-\$80,000 range to move those poles as they abandon Access Road. The same thing goes for how they reconfigure some of the roadways here.

Mr. Swift indicated that he was going to digress a little bit. The City did go to the State to close Access Road at this intersection. The City would like it closed; it's a mess and a traffic nightmare. The City did go out and did get a preliminary design to close that off, to maybe lose some pavement, and the State was willing to look at it. But the State was very clear on that- that it was not the permanent solution to the problem. It may be something that the City could do temporarily but the State wasn't going to accept it as the final solution for how to clean up this intersection. At some point the town was going to have to come back and address the rest of that. He commented that it goes to Atty. Thomas's point about some of the costs that they are going to incur.

Mr. Swift indicated that there was a fully developed soil erosion control plan for the site. The activity out there it should be a fully designed, this is a pretty good detailed run at it right now. It shows temporary sediment basins, control water dirt construction, and it shows stockpile areas. It will also be further detailed and commented on by all the City Staff during construction, but it is submitted for the record.

Atty. Thomas indicated that he wanted to comment on the parking before turning the discussion over to Pat Rose. He commented that Jim Swift mentioned that the parking was designed for 5 per 1000 square feet. He explained what he did in the Statement of Use and showed the parking on the site map. He stated that this parking could very well end up, depending upon the tenant, be Christmas Time Only parking, with some spaces only being used on Black Friday; other than that they aren't used, but they could be depending upon the tenant. He added that in the Statement of Uses, under parking it says that they are going to give them 4 per 1000 but the Commission, at its sole discretion, can add a 5th per 1000, if needed. So they are going to have to design the site to show that if they want reserve parking, which is becoming a very popular concept. They are giving them the street tree look. The planner who spoke a year ago discussed Randall Aaron. He indicated that he had been to Randall Aaron's seminars and his concept is to create a street tree look. If the Commission wanted more green in the first row, he has given them a Statement of Use that allows them to say "OK, make it like it could be spaces." They can ask for ten spaces of green, five spaces of space, ten spaces of green, five

spaces of space – and they can ask that they have no curbs so that the water can just recharge into them. Atty. Thomas indicated that these are things that can be done. Between Jim's design and the Statement of Use, it allows them that flexibility to do it. He stated that the other thing is, and he is not saying that this will ever happen, but if they look at the State right-of-way, where they are retaining it– the State retains an awful lot of that green in their street line, so if, the City and the State ever decided they wanted a biking pedestrian path, at least in front of their property, it exists. But in the State right-of-way, because of what they have kept, there is plenty of room for that.

Atty. Thomas stated that these are things in the concept plan and the statement of use. They've given them the ability to address the traffic issues. He indicated that Pat Rose would now discuss the architectural and then Fred Greenberg would talk about the traffic

Patrick Rose, Rose Tiso & Co., licensed architect and architect for the applicant addressed the Commission. Mr. Rose indicated that the project before them consists of the main building which is 126,000 square feet, all proposed to be retail. He explained that this is a concept plan since they don't have any specific tenants at the moment. Their design was to seek out what they thought the center might be in the end, so they could best respond to different tenants as they came upon them. That's why they have a supermarket tenant, medium retail tenant, some smaller retail tenants on the end. Retail tenants on the end near the main entrance focus you onto the retail space on the side. In doing that he thinks that they've left themselves the flexibility to respond to any future tenant needs that they might have.

Mr. Rose indicated that what they've done architecturally for the building- and since this is a few years later - they are trying to respond to the different tenant needs if they want a green building, they want to be able to respond to the environment and themselves, they are environmentally friendly. They have looked at different ways that they can put solar rays on the roofs, if necessary, using the white membrane roof, being reflective. They could be using a high energy building envelope in order to reduce the amount of fossil fuels that get used. They are all becoming commonplace in design every day (inaudible)

The outside of the building hasn't changed from their original concept. They want this to be a main street-looking facility – not a typical shopping center. They liken it to the center that was done in Milford where Whole Foods is currently located. It is a very similar concept that they have; different storefronts for different tenants using different materials to try and break up that façade in and out, up and down, so that they are using brick in certain areas, stucco, and stone. They are taking towers and placing them at certain locations so that they become focal points even though some of these high windows, depending on the tenant, may not use that third story window to bring in light.

He showed the location of the potential supermarket portion and the medium style retail tenants. He showed the different retail facades, shorter and taller, to break up vertically that long façade so that it resembles a main street that people are getting used to seeing now. They aren't used to seeing the old-style shopping centers any more. He concluded that this will give them a handsome facility that will be an asset to the town. He indicated that Fred would go over the traffic.

Atty. Thomas indicated that before Fred Greenberg speaks, he wanted to go over something that Jim Swift mentioned with respect to traffic. They've had the advantage of already listening to a lot of the comments and the comments with respect to traffic had to do with the sight line by the exit of the Country Walk condos. They went out and took a look at that after the last public hearing and it

turned out that all the bushes and shrubbery that were affecting the line of sight weren't on the City's right-of-way property. They were on the private property of the condominium association. Certainly, they took a look at all the various options. Back then, they took a look at having a STOP sign at the intersection, but everyone rejected it. They are still willing to discuss that and will still try to address it. With that, he'd like to turn over the discussion to Fred Greenburg to talk about the traffic study that was done.

Fred Greenburg, Traffic Engineer with the BL Companies of Meriden, CT and a registered Professional Engineer in Connecticut addressed the Commission.

Mr. Greenburg indicated that he would talk a little bit about the traffic study they performed for this site. It was a traditional traffic impact study for a retail development. They looked at the peak traffic periods which are a Friday afternoon and Saturday midday. They tried the traditional peak periods times for retail traffic and traffic on the roadway in general. They looked at about a half dozen nearby intersections as well the site access point. They used very conservative assumptions in this study. Basically, they have a study that produces a worst case analysis. They assume that the 60,000 square foot anchor building would be a supermarket. As you might surmise, it's about to generate traffic at a much higher rate than generic retail so, the supermarket assumption increases the traffic projections significantly.

They also limited the pass-by traffic. Pass-by traffic is a concept that you've probably heard of before from other presentations. For retail developments in particular, a certain amount of their customers come from traffic driving by the site. So, for example, if they do a study on something like Dunkin Donuts, 85%-90% of the traffic comes from traffic right by the site. They limited our pass-by percentage for this site to about 10%-12% which is something that the baseline criteria of the State Traffic Commission have for limiting pass-by. But they know that in the national studies of shopping centers of about this size, the actual pass-by traffic percentages typically are about 35% or a third of the traffic that comes from traffic passing by the site.

Mr. Greenburg indicated that from Bridgeport Avenue that have about 16,000 – 18,000 cars daily, they expect a good percentage of their traffic, in reality, would come from that traffic. For the purpose of that traffic study, they figured that basically 1/3 of the reality, and they limited their pass-by percentage to about 10% or 12%.

They went through the traditional traffic engineering traffic impact study tasks. They took traffic counts, generated traffic for the site and the street network, and they did a capacity analysis. They made some recommended improvements and that was discussed briefly before. At the site driveway which is about 800 feet south of Nells Rock Road, they are proposing to signalize it. The signal will be coordinated with the other signals along Bridgeport Avenue. They are going to widen Bridgeport Avenue, providing a northbound left turn lane and southbound right turn lane which gets the turning traffic out of the way of through traffic. It provides a much safer operation.

Mr. Greenburg stated that going on Route 1 Nells Rock Road, of course, our designed frontage provides three lanes coming out and Jim Swift mentioned that to be a left turn lane, a right turn, and a through lane. Basically, what you have now is one lane and maybe a half of an extra lane between the intersection and where Access Road comes out. They will have three good lanes for a significant distance. And what happens under that scenario, according to their analysis, when they are all done and after the shopping center is built, they will have less delay with Nells Rock Road traffic and shorter queues than they have today even

with traffic getting onto the site. They widened the?? of Platt Road to get a left turn lane coming out of Platt, and increased the capacity there. As it was mentioned by Atty. Thomas, they are going to close this portion of Access Road because right now Access Road comes right out at the intersection – it is really a horrible location; something left over from another time. They are going to eliminate that connection; they are going to close off that section of Access Road. There are going to provide an internal connection between the site and the rear property - the rear property being PLR Enterprise and the former Body Shop, and they will have access out directly to the signal, an easy out, right turn lane/left turn lane coming out/coming in making for a much safer and efficient operation. There is also the potential to connect to the property to the south – the Blanchette property and the Viking Tool property. So there is also the potential to get them out at the intersection that is being signalized.

As a result of all this, there is a level of service analysis; it is in the traffic study. They produced the table and there is a little, shortened version. One of the intersections that they studied under the normal build and build analysis and in almost every case there was an anomaly down at Todd Road. They have current levels of service or maintaining acceptable levels of service for the intersections that they looked at. Finally, this entire project is a traffic generator. Under the State Statutes, it would be subject to the State Traffic Commission review and approval. As they may be aware, the State Traffic Commission doesn't approve anything until local Planning & Zoning approval has been attained. He'll give the discussion back to Atty. Thomas.

Atty. Thomas indicated that was basically their presentation. To summarize, what they have there is a situation that is designed for a Planned Development District process. They need to go in conceptually. The existing zone is, as he explained, not really viable for the development of that site with the infrastructure improvements that are required. Again, by the infrastructure improvements that he is stating to them - the development of this site based on everything they've done, in speaking with State and the City, it is unlikely that this site can ever be developed with the existing Access Road, the existing cut through the No Access line continuing. So the appropriate development of this site is contingent upon something being done with Access Road, something being done with all of the improvements that are required to the utilities along Access Road and to the drainage. Now, there are two choices, if that is going to happen, then this property is going to be developed, a municipal or State entity, obviously flush with money, can come in and do all the work. Or, as is common procedure, the State or the City could say that they prefer that the developer do the work. And in fact, when they went to District 3, they spoke to the DOT about the plan submitted in 2007 to temporarily close Access Road. The response of the State was temporarily, but let's let the developer do the hard stuff. So the hard stuff costs money. Access Road is not going to be given to them. The non-access line is not going to be broken for nothing and the physical improvements that are needed to improve the traffic and improve the utilities are not going to be done for nothing. So the process that has to be done is that there has to be a high quality development on the site, by a developer who is able to do all this. The high quality development is accomplished by your zoning – your PDD zoning. It gives you the discretion to really put standards on the development, which they have done all along Bridgeport Avenue. And any developer coming into it has to do so with their eyes open and the developer here has done that. They have addressed similar issues at Split Rock and they are prepared to address similar issues down here. With that, they are prepared to answer any questions that the Commission may have.

Comm. Harger indicated that she had a question about the traffic study. How does it evolve that the traditional traffic study times that they studied are a weekday afternoon and Saturday midday. She stated that she could understand

the Saturday midday, but questioned a weekday afternoon. Her concern is that, if there is a retail grocery store in there, she thinks that human nature is to shop in the morning when everything is fresh and the greatest selection is available. She added that she thinks that the morning, right after rush hour, would be a much heavier travel time than the afternoon. Comm. Harger asked if he could explain how he called the afternoon a traditional traffic study time.

Mr. Greenburg, traffic engineer, responded that they chose Friday because Friday is actually the busiest weekday. But for a typical shopping center, including a supermarket, the highest volume traffic of the day total is usually sometime late in the afternoon. Some people come out to shop early in the morning, some come out at early afternoon, but if you look at the total volume in the shopping center it is usually 4:00 p.m. or 4:30 p.m. in the afternoon.

If you look at the highest volume on Bridgeport Avenue right now, you would find that it is higher in the afternoon around 4:00 or 5:00 in the afternoon than 10:00 or 11:00 in the morning. So in adding them all together, the highest total volume usually comes out later in the afternoon during commuter rush hour.

They take the highest volumes that they find on the roads and the highest volumes generated at the shopping centers and add the two together, and that is how it is worked out. Mr. Greenberg added that Saturday is used because Saturday is a big shopping day so they always use Saturday. Typically, they don't use Saturday mornings for retail centers because usually the traffic, like at the supermarket, doesn't generally begin until later in the morning. Many of the other stores don't even open until 10:00 in the morning.

Comm. Harger asked if that was based on a State-wide study with numerous traffic reports, and was this the average.

Mr. Greenberg responded that it is based on studies of numerous shopping centers and basically, what the center generates during the course of the day – between 9:00 and 10:00; 10:00 and 11:00, 11:00 and 12:00 etc. and there are tables for that and the last volume is taken in the late afternoon. Similarly, there are tables for Saturdays. It might be possible that there is a location with a restaurant that generates more traffic earlier because of a good noontime crowd. But most of the cases they've been involved in, the worst period is in the afternoon.

Comm. Harger asked if the study was based upon demographics of the population – the residents, such as their age.

Mr. Greenberg responded no, they can't get that level of detail – like Tuesday is Senior Citizen's Day - no.

Comm. Harger commented that she just wanted to know if that had been taken into account.

Comm. Flannery indicated that she wanted to relay a story about the traffic in that area. In 2004, her daughter got a job at the intersection of Staples (850 Bridgeport Avenue). Every Wednesday she would go to lunch at Wendy's (484 Bridgeport Avenue). In 2005, she couldn't go anymore because, even with a 45 minute lunch break, she couldn't get back in time and that is not a long stretch on Bridgeport Avenue. So if another restaurant goes into that center, she doesn't know how people will get to it around noon.

Mr. Greenburg responded that it might be a restaurant, it's 1,800 square feet; but down by Staples, and further south from Wendy's, there are a whole lot of

restaurants there. He's agreed that a lot of the people in the office buildings want to go to the restaurants for lunch.

Chair Parkins commented that she thinks that the State DOT has a lot to do with that as well – the timing of the lights (inaudible).

Comm. Sedlock asked if the one way in and one way out on Nells Rock was put in there for safety precautions -for the fire trucks, or is that just to help alleviate the traffic.

Jim Swift, P.E., responded that when they did have the conversations with the Fire Marshal, he was concerned that this turn could handle appropriate fire trucks, and they had to show him that the radius was sufficient – so, yes, in short, that is an emergency access there.

Comm. Sedlock commented that the reason that he asks that question is because, in coming from Huntington – there are two roads where the traffic is going to increase a lot more – one is Mill Street and the other is Buddington Road. He was thinking that if there was no one way in, one way out, that would force people to go on the regular, main thoroughfare. There would be a better possibility that they would use Commerce as opposed to Mill Street and Buddington. Buddington Road is an awful, awful road and if the traffic increases by a lot, now it becomes a dangerous road. There are parts of that road where nothing is going on right now, very tricky with two cars passing at the same time. He'd prefer that there be nothing there, but if they are going to put something there, force people to use the main thoroughfares set up for a lot of cars and not use the back, country roads.

Comm. Flannery indicated that she had another question about that intersection. What's stopping those people from coming out of that shopping center, wanting to make a left-hand turn, realize they can't and then go across the street to Webster Bank, turn around in that parking lot and then go up the hill? She added that there will be people that are going to do that.

Chair Parkins asked where the entrance to Webster Bank was in relation to that.

Comm. Flannery responded that it was right across from it. Comm. McGorty commented that it was a little offset.

Mr. Swift responded that is true but he had to say that it would be pretty foolish to go to all that trouble when this is a right turn and this is a right turn.

Comm. Flannery commented that people are still going to do it.

Atty. Thomas indicated that he wanted to address that - he promised Rick that he was not going to use his very common sniper analogy, which is, of course, a way to stop people from making left-hand turns illegally. He won't use that though. He explained that even if there is no traffic coming down Nells Rock Road – nothing, they have no way of engaging in behavioral modification. If somebody wanted to pull out, make a wide turn, there's nothing they can do. But if someone wanted to do that at rush hour and they were sitting there, hopefully the person behind them is not a road rage person, and they were sitting there while the car parked next to them made a left-hand turn and went by them when they were still sitting there, then maybe they won't do it anymore. But when there is no traffic, they cannot engage in behavioral modification. The point is, they can generate an island, and they can even stretch it out to make it even more difficult. It has been done in other locations, so they can do something, if it is a really serious issue. For example, in Seymour, he was involved with the DOT and the developer on the new CVS store. They were very

concerned on West Street about people not coming out to make a left hand turn toward Route 67, so they chose to put an island. So, if it were that serious an issue, they could put an island in the middle of the road. However, they believe that this is viable and it is a good procedure. They believe that the traffic in (inaudible), certainly, the one way out is an appropriate thing to do.

Comm. McGorty asked a question regarding PLR, Viking Tool and Blanchette's using that access road to get out. He asked what PLR does.

Atty. Thomas responded that PLR does landscaping. They have tenants there and they have to make sure that semi-tractor trailers can negotiate there. They have several tenants, but none of them are high traffic.

Comm. McGorty commented that was his concern – if they were going to have semis coming in and out of there, trying to integrate with cars.

Atty. Thomas responded that in his conversations with PLR, it would be a couple a day. It is not like there is a steady stream.

Comm. Harger commented that, unlike Shop Rite on Bridgeport Avenue, they don't have a separate entrance for tractor trailers or trucks going to the loading dock.

Atty. Thomas responded that was correct.

Comm. Harger added that they would have to use the main entrance/exit like the regular traffic.

Atty. Thomas responded yes, they would have to come in that way. They are limited from putting in a second entrance because it would more than likely be on Nells Rock.

Comm. McGorty asked if they could go up around the properties and down to the Access Road from the backside – where the Body Shop is up on the top. He asked if, instead of pulling out to the right, if they exited to the left is there any way that they could go up and around and get through there.

Atty. Thomas responded no, they don't own those properties, so there is no way for them to get in there if they are pulling in the tractor trailers. Jim Swift showed how it is set up for the traffic flow. Using the site map, he showed that they can go out to the light if they are going to turn and go south or go out here and go out to the light and turn north.

Chair Parkins asked what the approximate distance was between the light at the main entrance there and the left-only turn off of the Access Road south.

Atty. Thomas responded that it is a right turn, not a left turn. The right turn in, and right turn out.

Jim Swift, P.E., responded that it is obviously very little because the radii take up most of it but it is probably about 50 or 60 feet.

Chair Parkins asked how they were going to treat that right turn, exit only that is going to prohibit people from taking a left. She just envisions people coming out of the parking lot and taking a right and somebody there trying to take a left.

Mr. Swift responded that, first there is a light, so anybody that is coming down this road is going to make a right, then these people are stopped at the light.

Chair Parkins responded – well, most of the time, but people take right turns on red, take a quick look and then pull out...

Mr. Swift commented that people can take a right turn on red, yes, he'd pause a bit, and it doesn't matter whether they attend the turn or not...

Chair Parkins commented that she thinks there should be a two lane exit from there so that people that are waiting at the light can make a left coming out (inaudible)

Mr. Swift responded that this is two lanes – one is a dedicated right turn and one is dedicated left turn. But that is the point; this is light-controlled to keep that from happening. He pointed to another area on the site map and explained that they were doing something similar to Split Rock, there already is a raised island proposed here so the people coming out are really blocked from taking a left – that is a raised island.

Chair Parkins commented that she didn't realize that was raised. She asked how much of a right-of-way they were proposing to give the City up on Buddington Road.

Mr. Swift changed to a different site drawing and commented that it varies. He pointed out the lines and explained that they take the existing pavement line, they find the center line of that and he understands that the city road is 25 feet on their side. So what they are doing is giving 25 feet from the center line of the road which should give the city some room to maneuver, if they ever have to do anything in there. It probably varies from 10 or 11 feet here, 2 or 3 feet here, but it's pretty consistent through another area at 10 to 12 feet. The existing width is very narrow, it's only like 8 feet – and that is the right-of-way, not even the pavement. He indicated that line was the proposed line and the other is the existing line.

Chair Parkins asked about the houses currently across the street and if they would have enough of a shoulder there for them to pull off to the side of the road.

Mr. Swift responded that this is probably something that this Commission is going to wrestle with, and he is sure that they will hear from the people that live there. He stated that at one point, there were some people who wanted to be able to park on the shoulder. He thinks that will be up to the City to decide whether – they are providing the ability to do that if that is the City's decision.

Chair Parkins asked what type of buffer they were proposing in that area between the (inaudible)

Mr. Swift responded that the first thing that they were going to do was that there are some trees in there. Some of them are too far into the property to save but there are many trees that are fairly close to the existing pavement. They plan on saving all of those. A lot of those are evergreens, especially lower down and at the corner. They will save all of those. There is also a lot of existing vegetation on the top of the property. Beyond that, they are looking at a double layer of evergreens all the way down. The distance varies anywhere from 20 to 25 to 30 feet in width but they are banking on a couple of things. One is that line of evergreens and the second is that grade change.

Comm. Harger asked how high the evergreens would be.

Mr. Swift responded that they are proposing white pines; however, the City and the planners do get involved in that – they do look at that.

Comm. Harger asked about the trees he wanted to save.

Mr. Swift responded that some of them are maples and one is an oak. There are some smaller ones in there that he thinks are fir and some are upright evergreens. He referenced the lower part of the site and indicated that they were pines, a couple of deciduous trees and a very large??

Comm. Harger indicated that she was asking about the height.

Mr. Swift responded that a white pine would get up over 100 feet or so.

Comm. Harger asked about the height of the trees he wants to save – how high are they right now?

Mr. Swift responded that the smaller evergreens in there might be in the 20 - 50 foot range approximately. The trees vary but they are probably 10 or 12 inch diameter trees but they aren't particularly high – maybe 40 feet.

Comm. Harger asked if the designs have been developed enough for lighting.

Mr. Swift responded that they show on the site plan, a 30 foot maximum pole and that keeps it below that area on the site map. So, they do show it. They also call for the house side shields for lights that are on possible adjacent properties. And so, (inaudible) - but once they get into more detailed plans, they will put that in there.

Comm. Harger asked if the ones on the poles were for the parking in the front.

Mr. Swift responded yes and generally in the back of the buildings it is more for security lighting so there are more wall packs.

Atty. Thomas indicated that he wanted to respond about that issue on Buddington Road. There was some discussion at one point about providing off street parking – indents as you go along. He recalled the discussion from last time that a much smaller area than an indent was proposed, a pull off lane was proposed and they did not meet with comments from either the Department of Public Works or the City Engineering Department. With respect to it and because of the fact that when there is indent that means a plow has to make that maneuver and that creates an issue. But certainly, that is something that they would listen to as they go through. It is not anything that is going to impact the development, obviously they don't want to gold-plate it or granite-curb it but if it is there, it is not going to be that big of an issue.

Comm. McGorty asked about the two out buildings. He commented that he didn't hear if it was mentioned whether or not they were equipped with a drive-through.

Atty. Thomas responded that both of them are. Again, in the conceptual plan, both of them are, yes. The front is geared to be a financial building and the rear one is geared to be a relatively small restaurant, not anything large.

Comm. Flannery commented that the drive-through is going to attract a lot of traffic with people who want to quickly get their donuts and coffee. She asked about the traffic study done in 2009, and why it was done in the wintertime and not in the summertime when more people are out and around driving.

Mr. Greenburg, Traffic Engineer, responded that they do the traffic studies; it is not quite like a ski area in Vermont. There may be some changes in traffic

seasonally but people are out on the road in January and work all along this corridor and travel along this corridor all year long. In terms of the drive-through, there have been some recent studies on banks; trip generation to banks has dropped significantly over the last ten years because of on-line banking.

Comm. Flannery commented that she was more concerned with a Dunkin Donuts.

Mr. Greenburg responded that he didn't know if it would be a Dunkin Donuts.

Comm. Flannery commented the he said it, not her.

Atty. Thomas clarified that he said donut shop.

Mr. Greenburg responded that they assume it will be a quick-serve restaurant.

Comm. Flannery commented that he also based it upon a report done in 2007 but only added 1% per year of traffic. Is that realistic, only 1%? She added that she just gave an example of the drastic change in traffic in one year between 2004 and 2005. She indicated that she did not think that 1% was realistic. She asked where he got that number.

Mr. Greenburg responded that they are only talking about one year, so if she wants to make it 2%, it doesn't make a difference. It wasn't done in 2007; the traffic cast was done in 2009 and projected out to 2011. The daily traffic volumes that she is referencing from 2007 are just the latest data from the DOT. It is only in there for information; they don't use them for these purposes.

Comm. Flannery asked why he only adds 1%, why not 2% or more.

Mr. Greenburg responded that for many years they were using 2% but based upon the recent economic conditions, the DOT has allowed them to go to 1%. In fact, in some areas, the traffic has been in the negative but they've increased it by 1%. Of course, if between 2009 and 2011 they use 2%, then this will be 2% so it will really be small change. It is not like it is 10 or 20 years where it compounds so 1% is a reasonable number based upon what the current state of the economy is.

Comm. Flannery asked about the back of the building because a lot of earth is going to be removed – how much blasting is going to be done.

Jim Swift, P.E., responded that the overall estimate of the quantity being removed is somewhere around 120,000 cubic yards – that is the estimate. To put that in perspective, it is probably somewhere in the neighborhood of ¼ to 1/3 of Split Rock, which was fairly large, but just so that you can get a perspective – it is somewhere around (inaudible)

End of Tape 1B, 8:38 p.m.

Comm. Flannery asked how they are protecting the people on Buddington Road that live in houses from the blasting. Are they going to go and take a look at their water flow - is it City or septic behind there?

Mr. Swift responded that it is City, but as she knows the City has been looking at blasting issues very intently for the last couple of years. This development will have to follow all those things. He'd like to point out also, since they are talking about blasting, at Split Rock they were adjacent to some very sensitive instruments up there. What they did there and what they are willing to do here is some very intensive monitoring and they have restrictions on the blasting to

make sure that they don't disturb anybody needlessly. But, yes, there are requirements now for offsite surveys, inspections, photographs, etc.

Comm. Flannery commented that the blasting at Split Rock collapsed her well and she had to pay \$4,000 to get it fixed, and she had to pay for it on her MasterCard. She wanted to know if there was going to be any reparations. Are these people, the homeowners going to be protected?

Atty. Thomas responded that the City has an ordinance, the State has requirements, and there is insurance that has to be provided. They can only do what has to be done. He thinks that what Jim was saying is that, in addition to that, there are three reasons. Number One, they do have homes across the way; Number Two, they have a public road up here; and Number Three, the City has an enhanced desire to supervise blasting. So things like line drilling may very well be put on the Applicant, in this case. As far as he knew, none of the geological surveys have been done to determine the extent of the blasting, so once they get to that point, there will be a lot of restrictions put on it. They know that with this site – it isn't a site in the middle of a farm somewhere. It is a site that is going to have to be addressed appropriately and there is going to have to be appropriate blasting steps. They know that they have to live with that.

Comm. Flannery asked if that was going to look like the area where Wendy's is right now with the rocks, and with the rocks continually falling. Even though Wendy's has been there a few years, they are still having problems. They have big signs up that say "watch out for falling rocks." Is that going to happen here too? How are they going to prevent that?

Atty. Thomas responded that first of all, he wasn't aware that the rocks were still falling but he'll have Jim Swift respond to that.

Jim Swift, P.E., responded that they have the appropriate distances from any rock fallen to the pavement; that wasn't necessarily respected in that area. Sometimes those pavements crept closer onto the rock falls than they should have and it wasn't line drilled properly, etc.

Comm. Flannery commented that also the water through the rocks erodes it.

Mr. Swift responded that he agrees.

Comm. Sedlock asked Atty. Thomas if they were to approve a PDD for this project, and then they put the road in where Access Road is right now – does that have to be approved by the State after it is put in or prior to when it is put in, do they lose control of that?

Atty. Thomas responded that they don't lose control of the zoning. The issue one year ago was why are you here over Access Road and the City (inaudible). His response was that it was excess right of way in the State. They are taking a risk the same way it has happened up and down Bridgeport Avenue when someone builds and assumes that they are going to get the excess right of way from the State. The State usually sells it. Right now, the State is under a mandate to sell as much as they can sell, whatever they own, to get money into their coffers. They will always have exclusive control over what goes on Access Road through zoning. However, the way that the property is going to get into the development is going to be the City. And that is why, after many discussions, that letter was generated from Mr. Ovie. The City would have to abandon the property. Discontinue is the technical word. They would discontinue the road, deed the property to the State and the State would then sell it to them. The State is not going to put any conditions on it except one –

that the State will only sell it to the abutter, which are them. So, they can actually make arrangements in both their PLR agreement and their discussions with the State that the little 20-25 foot strip of PLR that they are taking care of. PLR will still have its full access. So the State, in the meantime, in response to Atty. Sous have done all the engineering and traffic study concluding that they need to close it. So they will always have control over the zoning but the only thing that the City isn't going to get is the money. The State is going to get the money.

Chair Parkins asked if that transaction would take place upon approval of this.

Atty. Thomas responded well, upon the approval of, well, they have asked the State very nicely if they would do their appraisal while the Commission is going through this process. They have to write a check out for them to do that. Once they get that approval, it occurs when they get approval, then it goes to the BOA, and the BOA discontinues it. They have already done the discontinuance map. All the traffic studies have been done, everything has been done. They deed it to the State and then the State goes (inaudible)

Comm. Flannery asked if they were going to go green in the back - like the school that she works at now used to be a Clairol building and they gutted it and made it into a school. Are they going to just keep the building that is there and gut it and build or (inaudible)

Atty. Thomas responded no, it is not viable whatsoever. The reason a developer looks to go green now is twofold. Number one, (inaudible), it is really the wave of the future and he thinks that Pat Rose mentioned it. Number two, tenants are looking for it. They are living in a state with one of the highest utility rates in the country. So when tenants come in, they are going to tell them this is a triple net lease, they are paying for everything else. They like to know that some sort of a development is being created that offers the possibility of them lowering their carrying costs. And that is why things are designed now to see whether or not they can incorporate as much green in. In some areas of the country they have to do rainwater recapture. Maintaining a lot of greenery takes a lot of water and the last time he checked, Aquarion did not give it away for free. So in fact, if some rainwater recapture can be incorporated just to do irrigation that may save thousands of dollars a year and multiplied over the length of the lease it becomes a big savings – it becomes a month or two rent.

Comm. Flannery asked why when they take down those buildings, why can't they use something that (inaudible).

Atty. Thomas responded that those buildings used to be automobile dealerships and there is a cost that is going to be associated with this by the developer. There is environmental remediation that has to be done. It is not a big deal. There are a few AOC's throughout the site. They had to do an environmental study and that will have to be complied with the DEP. The buildings are not really useable unless they wanted a CarMax, then it would be viable.

Comm. Pogoda asked what is the relationship of that rear building to the curb on Buddington Road. Where is that approximately in relation to the curb?

Atty. Thomas asked if he meant the distance.

Jim Swift, P.E. responded that existing street line happens to be very close to the pavement, so it is approximately 60 feet.

Comm. Pogoda commented that if they have that road going straight, he is assuming that there has to be a curb in there someplace.

Mr. Swift showed the location of the curb on the site map.

Atty. Thomas responded that he recalls that the curb begins after the Wal-Mart piece touches Buddington Road. He specified a location on the site map that was owned by Wal-mart Real Estate Business Trust and indicated that the Wal-Mart property actually goes all the way to Buddington Road. He added that the curb begins after that where the houses are. Wal-Mart does not use that, but it is part of their property.

Comm. Harger asked if the plan had been developed enough to show how they plan to handle garbage – would it be internal. Are there any loading docks?

Mr. Swift responded that the town has a long standing policy now that all dumpster enclosures are masonry and gated. It is not so much an issue on these buildings because the large tenants already have it built in but some of these smaller out buildings will have a small masonry structure that matches the architecture. That is just standard; this Commission has required that for at least 12 years.

Comm. Harger indicated that she was more concerned about the specific buildings.

Mr. Swift responded that it will be in the back. Most of these big users have some sort of a compactor and assuming a larger chain comes in, they may have some sort of a prototype or something like that. They will be introduced to Shelton's Planned Development District regulations and their compactor will need to be close to the aesthetic.

Comm. Harger asked how food waste gets handled.

Mr. Swift responded that was a good question. He knows that they recycle now and have separate areas for different material; it's some sort of a dumpster format - but it is true garbage.

Atty. Thomas relayed a story about the compactor announcements that he's heard over the intercoms at Stop & Shop. He knows that they'll have something back there.

Comm. Harger commented that her concerns were about the odors and the residents in the back.

Chair Parkins asked for elaboration about the truck traffic and how they are going to have deliveries come in.

Mr. Swift used the site map to show the one primary route that they envision. Whether arriving southbound or northbound, trucks come in the main entry. He noted that a lot of the radii on some of these islands are specifically large. The truck traffic will come in; this will be a one way traffic pattern across the back of the building. He showed the backing movements for large trucks, and the radii designed specifically to work two ways. One radius allows trucks to go in a northbound direction, but it also works if they need to go in the other direction because the radius is large enough. But it is a one way pattern along the back.

Comm. Flannery asked if the residents are going to hear these trucks all the time.

Mr. Swift responded that there is about a 35 foot cut and it is fairly close to the back. He can't promise that there won't be any noise but from where those trucks are, there will be some type of a structure that goes straight up 35 feet.

Comm. Flannery commented that that people on Buddington are right now complaining about the truck noise from Wal-Mart – it wakes them up all the time.

Mr. Swift responded that there is a large distance there, it's fairly substantial...

POWER OUTTAGE AT 8:52 p.m.

Chair Parkins asked what the purpose was of the trucks coming to the front of the building.

Mr. Swift responded that they are just giving them that option.

Chair Parkins commented that she thought it was a dangerous situation to have those tractor trailer trucks coming to the front of the building where the pedestrians are coming out of parking areas.

Mr. Swift responded yes, and it is not their preferred route but they are aware that once they get into the STC and other areas, if anything happens with that exit they are going to have to make sure that they can do it. And they have other options, too. He showed another route but added that they think a safer pattern would be one-way.

Comm. Harger asked about the smaller trucks like UPS, FedEx – smaller delivery trucks that take away from the parking.

Mr. Swift responded that every store will have access at the back of the building. He pointed out a bank of stores with frontage in both directions and a service corridor in the back.

Atty. Thomas commented that some of this can be discussed concerning the leases. Certainly, if it's in the lease and it's improper and they are told that, then it is some form of behavioral modification. If a tenant receives a notice, violation or ticket about blocking the front area, they will know nobody wants to have the front area blocked by a UPS or FedEx delivery truck.

With no further questions from the Commission, Chair Harger indicated that she would open the hearing for members of the public to speak after a brief five minute recess.

Recess 8:55 p.m. – 9:02 p.m.

Chair Parkins called the meeting back to order. Atty. Thomas indicated that he forgot to mention that if anyone would like an electronic copy of any part of the plans, the traffic report or the marketing study, he will provide his email address after the meeting to anyone interested in obtaining an electronic copy.

Chair Parkins called the first public speaker.

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

Mr. Steiner stated that according to Dominick Thomas it sounds like any application will not be approved until the City of Shelton owns Access Road, is that correct?

Chair Parkins responded no, the City of Shelton currently has the right to use Access Road. If the development is approved, the developer will purchase Access Road from the State. It belongs to the State.

Comm. McGorty added that the City can't sell it.

Mr. Steiner commented that he was speaking about it being transferred back.

Chair Parkins asked if he could rephrase his question.

Mr. Steiner asked when this Board would be approving this application. Would it be after the State returns the property back to Shelton? He stated that Atty. Thomas described a process now where they have to abandon it; it goes to the State and the State ...

Mr. Schultz responded that the State sells it to the developer; it doesn't go back to the City.

Chair Parkins commented that they aren't doing that though, they are doing the plan.

Mr. Schultz indicated that in the letter that Atty. Thomas submitted dated September 30th, there is a sequence. When the City relinquishes its use for vehicular purposes, then it goes back to the State. The State then establishes a value and then sells it to the abutting neighbor. So, it does not go back and forth to the City.

Mr. Steiner asked when is this Application firm enough for this Board to approve it.

Chair Parkins responded that if this Board approves the PDD and its use for the Applicant, then the Applicant can take the next step and go to the State.

Atty. Thomas commented that their approval is subject to them getting the property from the State.

Comm. Flannery asked if their approval meant that they were abandoning it.

Atty. Thomas responded no, they couldn't do that.

Mr. Schultz added that the Board of Aldermen does that.

Chair Parkins stated that they are approving the project with the use of Access Road as part of that development. If the State does not sell it to them, then this is nothing. And the Board's approval will be nothing because they cannot do this development without Access Road. But the State wants to make sure that the plan has been approved before they will grant the use for the development. So it is kind of a (inaudible)

Comm. Flannery asked what gives them the right to approve this if the City owns that road.

Comm. McGorty responded that the City doesn't own that road. It was given to them for use as a highway. They can't sell it so it goes back to the State for them to sell. It has nothing to do with what this Board is doing.

Mr. Steiner asked when this Board feels that it will have sufficient authority – is it after ...

Chair Parkins stated that their only authority lies with the approval of this project as proposed, with the use of Access Road.

Mr. Steiner asked if that would happen any time in the near future.

Chair Parkins responded that the State will await their approval prior to selling it to the Applicant.

Mr. Steiner asked if that meant that this Board has to approve it before the State will release the property to the Applicant.

Chair Parkins responded that the State will sell it to the Applicant – not release it.

Mr. Steiner asked about the traffic study and how anyone could figure out a traffic study when they don't know the combination of business going in that facility. He mentioned that Split Rock -one direction of Bridgeport Avenue - is already at "F" status according to the State even before Split Rock went in there. "F" is the worst status a street could have. There are two roads between the intersection of Split Rock with that traffic light - there are two roads that come off of Bridgeport Avenue. All the traffic down there is "F" so it could very well be "F" up here. No one is considering the waste disposal plant that is going to go in across the street from this application which means that there will be a large number of trucks mixing with automobile traffic. And that has not even been considered. He has heard no mention of that reality.

Mr. Steiner indicated that yesterday there was a new IRS agent at City Hall. Among her stops was the P&Z asking whether Mr. Botti was a member of the 714, LLC developers applying to develop the Crabtree property. Or if Mr. Botti had any financial connection to the applicant.

Chair Parkins interrupted Mr. Steiner and asked him to direct his comments to the application as it is proposed this evening. She indicated that she did not think that was relevant to this application.

Mr. Steiner responded that it is relevant because she asked about the Crabtree operation.

Comm. McGorty commented that it doesn't have anything to do with what they are doing here; it is not a part of the public hearing. That is a separate legal matter; it has nothing to do with this.

Mr. Steiner responded that he thinks it does because if Mr. Botti is part of the backing for this application, he would consider that relatively illegal and of some concern to your Board if there is his financial backing behind this application.

Chair Parkins reiterated that she didn't think it was relevant.

Mr. Steiner asked if the P&Z can positively state that Mr. Botti has no connection with the Crabtree Dealership Application #10-16.

Comm. McGorty responded that he doesn't think that is their business. He isn't on trial here right now. They don't know.

Mr. Steiner responded that he didn't say he was on trial.

Chair Parkins stated again that it was not relevant. Their jurisdiction is the land use, not business owners or anything else.

Mr. Steiner asked if they had no responsibility as to who is financing this application.

Comm. McGorty responded no.

Mr. Steiner thanked the Commission.

Comm. Flannery commented about United Recycling, she indicated that it was mentioned in the Traffic study on page 8; they did consider United Recycling and the figures reflect the traffic from there.

Arnold Sapiro, Basking Brook Lane, Shelton addressed the Commission.

Mr. Sapiro indicated that he lived about a mile up Nells Rock Road from Bridgeport Avenue. His main concern was the effect on traffic coming down Nells Rock and Buddington heading for Bridgeport Avenue. One problem he sees in the way it is laid out is people coming out of this development who want to make a left turn on Bridgeport Avenue. There will be a third lane to allow for that but what about people coming down Nells Rock at the same time that want to make a right turn on Bridgeport Avenue. He asked how that traffic would cross. From what has been presented, he doesn't see any way that could happen.

Also, since there would be a lot of egress from the development on that little road that goes to Nells Rock, it is going to cause a lot of back-up on Nells Rock and Buddington. There are about 600-700 families on Nells Rock with all the condos there and on Buddington to say nothing of the traffic coming down from White Hills. Nells Rock is one of the few pathways to get from White Hills down to Bridgeport Avenue. He sees a tremendous amount of congestion the way that they have it. He is assuming there is going to be a successful development there but in the present state of the economy, who knows. If the egress came down to this intersection making it a 5-way intersection, which there are plenty of examples of, it would be preferable to it coming out here onto Nells Rock, for the reasons that he just stated.

Mr. Sapiro indicated that he would like to suggest that as part of a review of this application, they take another look at that egress so as not to back up the traffic on Nells Rock. Also, a stand-alone, and several times it was mentioned that it might be bank, right across the street from Webster Bank, doesn't seem to make too much sense with all the banks that they have in Shelton. He's not sure that they need to have that type of adjacent competition. As a part of bringing that egress down to the intersection of Nells Rock and Bpt. Ave., if it meant that they have to get rid of that or move it, that would make a lot of sense. Those are his concerns. He thanked the Commission.

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

Mr. Babina indicated that he spoke last year about issues with Buddington Road and provided some comments and reports to the Commission. The topic came up very briefly in front of the BOA and he provided those comments again. He is assuming that those comments are still valid and still stand. However, with respect to Buddington Road, he has very high concern and the road is very narrow.

Mr. Babina referred to the site map provided by the Applicant to discuss a curb location on Buddington Road that he visited today. He provided some photographs to the Commission with respect to a school bus issue at that location. He discussed a lane only nine feet from the center of the stripes where there is also an apron of asphalt to keep tires off of lawns. He indicated that he wanted to provide the Commission with a DVD of photographs that he took and a copy of his comments.

Mr. Babina indicated that he was pleased to see that they were giving 25 feet from the center of the line towards their property, but he thinks that they will need more. The reason is that there is going to be a very high, expensive wall that is going to pretty well define what you can do up to that limit. And on the other side there is very high ledge and a lot of ground water activity that comes out of that ledge. In the wintertime there are ice shields there. So those are all big concerns.

Mr. Babina referenced the photos that he took of cars and a school bus on the curb that he had mentioned. The photos were taken with a telephoto lens from a distance so as not to disrupt traffic. He indicated that his photos are raw files (6mg) taken directly from his camera and he did not use Photoshop. He indicated that cars pile up in one photo and in another the school bus goes over the line because road is too narrow. Many larger cars and trucks go over the line as well due to the narrowness of the road. He explained similar situations at this curb location in other photos he provided.

Mr. Babina stated that this is very dangerous situation. One of the main features of zoning is safety. He suggested that this information is brought to the attention of the proper authorities within the school system and the police. The cars just don't fit. There is a desperate need for a sight line even now with the tree growth (inaudible). You can't see through those trees; you need to be able to see it ahead of time. Mr. Babina indicated that they should think twice about how much right-of-way they are going to need that is going to be easy to get to because if they start chopping out that ledge, all the taxes that they'll get from that property will pale compared with what they have to do to make that road safe.

Mr. Babina indicated that another issue that is going to be pretty scary is if that road has to be closed for blasting at any point. Now there is only one access out of Buddington Road until you get to that cut over to Mill Street. A fire engine needs a very wide right-of-way. If a school bus and a fire engine meet at a narrow point, they are not going to be able to clear each other. They need to think about how they are going to handle not only traffic in the future but safety and traffic during the construction process.

Mr. Babina stated that he is not for or against this project. His only concern is that they will get stuck with a huge bill later on for a road that will pale the taxes compared of what it is going to cost to fix it.

Chair Parkins told Mr. Babina that for clarification, any information that he submitted previously does not carry over to this application. So, if he would like to have it on record, he would have to resubmit it.

Mr. Babina thanked the Commission and asked if he would have another session of this hearing. He asked if he would he have a chance to submit the old paperwork.

Chair Parkins responded yes, and that more than likely, they will continue this hearing.

Mr. Babina informed that Commission that the photographs that he provided are 6 mg files so they can do a lot of detailed zoom to see vehicle clearance on those lines. They are high quality photos. He thanked the Commission.

Renee Robillard, President, Country Place Condominiums, Shelton, addressed the Commission.

Ms. Robillard indicated that on behalf of the Board of Directors for Country Place Condominiums, they want to state for the record that they do oppose any zoning change for this project. Specifically, the site is now in the Restricted Business District (RBD), as Atty. Thomas stated and as such it is defined as a moderate sized retail establishment with the types of business that it generates require moderate to low traffic volumes. Grocery stores, discount-type department stores, large scale home project are specifically excluded. They are not exactly sure why grocery is being promoted for this site rather than in the downtown area, for example. They are very concerned with regard to the truck deliveries that would be coming in. They frequently get lost trucks coming in from Sikorsky which is a distance away from their development. They are concerned about the waste that it is going to generate, the hours of delivery for those trucks, the noise that they will incur as well.

With regard to Atty. Thomas's statement about their sight line, in the past two years they have gone to the City and the Tree Warden has given them permission to remove two trees that he stated were on City property. They have considerably pruned back their shrubs but the sight line problem stems from the traffic coming from Bridgeport Avenue up the hill. Vehicles come fast; they pull out from the STOP sign at Buddington Road.

Ms. Robillard stated that the other concern is that they have a community bus stop, for whatever reason, although they are private property, they have Country Place II and several children from the neighborhood are using their bus stop. In the afternoon, it has been noted there are children that get off the bus and then walk down Nells Rock Road, into the bank parking lot and cut back into Country Place II which is a liability issue for all of us that they need to be considering. The proposed traffic flow situation makes little sense to them given that the traffic lights on Nells Rock Road and Bridgeport Avenue are what is going to control traffic. The proposed exit onto Nells Rock Road will only exacerbate traffic problems and cause more difficulty for those trying to exit the Webster Bank parking lot. They all know that a simple sign stating "no turn" will not deter those that intend to turn left onto Nells Rock Road. Instead it is going to dump more traffic on the hill in front of the STOP sign causing more traffic problems. There is frequently trouble getting up that hill from Bridgeport Ave. in the wintertime. If the trucks are not out icing immediately, cars cannot get up the hill. They frequently try to back down and that is a problem. Emergency vehicles are still going to be able to get into the facility with an entrance only but with regard to emergency vehicles, that is already a problem on Nells Rock Road. They have been told in the past that the traffic problems on Nells Rock would be eliminated with the completion of Constitution Boulevard so maybe the project needs to wait until that time.

Ms. Robillard indicated that another issue they have is ecological responsibility. Sidewalks need to be installed. There is a sidewalk going from Huntington Center to up to Trap Falls reservoir that is just for walking purposes so perhaps they need to consider a similar sidewalk.

She added that they understand that something would be better than vacant buildings with graffiti and a weed infested property that they now see. They applaud Mr. Blakeman's vision but they can't help but be concerned about the impact that this project will have on their property values and what construction and blasting may do to their buildings.

Ms. Robillard concluded that they would hate to see the project get approved just for a zone change only to have the property sold or another project come in its place. She thanked the Commission.

Mike Nidoh, 57 Basking Brook Lane, Shelton addressed the Commission.

Mr. Nidoh indicated that he was present at the last public hearing making comments which apparently fell on deaf ears. His main concern is not with the project but with the Nells Rock Road entrance/exit. To start off, if this was a good neighbor to the City of Shelton, the condition of this site would not be as it is. There is an UST on the site and a pile of construction debris. It is overgrown and weed-infested. It is a hell hole. Nells Rock Road itself is a major problem area. He drives it every day going back and forth to work. The area is a winding road only recently paved about 2 years ago. The line and grade of the roadway itself still has water sheeting over it and in the wintertime that water sheeting freezes overnight. Coming along the Country Place condos heading toward Bridgeport Avenue, there are a bunch of bumps and curves. As soon as you come over to Buddington Road, you are blind until you get over the crest. Traffic on a normal rush hour day is backed up well past Buddington Road. It is an area that does not need any more curb cuts. The curb cut that is there now from the car dealership was basically unused. The use of the land didn't warrant it.

Mr. Nidoh agreed with previous speakers that people will naturally try to take shortcuts if that entrance/exit is on Nells Rock Road. He stated his concerns about trucks and truck traffic at that location on Nells Rock. He indicated that he has an issue with the proposed three lanes at the bottom of Nells Rock Road.

End of Tape 2A, 9:32 p.m.

Mr. Nidoh had some questions regarding the PDD zone and asked if any restrictions could be imposed after there is a zone change.

Mr. Nidoh stated that a retail site was a natural attraction for teenagers to hang around. Teenagers will get there by walking. He referenced and agreed with the previous speaker's comments about a need for sidewalks, especially if this development is built. He further commented that Nells Rock Road is too narrow for walkers, especially kids who tend not to walk single file.

He indicated that he had concerns about bio-swells and other environmental concerns to deal with the water instead of putting it in very expensive holding tanks to make it work.

Mr. Nidoh commented that he realizes that he is not naive enough to believe that the site will never be developed. He indicated that he found the architectural façade designs and the plans to be impressive but it is only a concept. He thanked the Commission for their attention.

David Hill, Buddington Road, Shelton addressed the Commission.

Mr. Hill indicated that his house is directly affected by this project. The back of this project is about 30 feet from his front door. He stated his concern about seeing tractor trailers loading 24/7 so close to his home. He is concerned about the noise, the smells, and the traffic. He is not opposed to this project per se. His family has lived in Shelton for over 70 years. Everyone wants the best for the City and they'd all like to see an end to the blight that they currently have at this site. They would also like to see Shelton's tax base expand. But he doesn't think he and his neighbors should have to pay the price for that expansion. He indicated that he was concerned about dropping property values and blasting because they have discussed blasting the ledge that his house has been sitting on for 6 decades. He is very concerned about that. Other issues that he wanted to address were the trucks coming and going at all hours of the day and night, back-up warning buzzers on the trucks and all the noise that this would

generate. Additionally, he was concerned about all the proposed lighting on poles and on the buildings, air conditioning units and the effects of all this on the residents of Buddington Road. He does not think that there is going to be an adequate buffer zone. He indicated that he and his family have lived in their house for 59 years which long precedes this zoning. The proposed site was not RBD zoned when he bought his home.

Mr. Hill addressed Mr. Greenburg's traffic study with the 16,000 – 18,000 cars per day and added that anyone who drives on that road in the afternoon knows that it is a traffic nightmare. This development is only going to add more cars and more people in that area at all hours of the day and night. Any retail stores put there will be open all day and night, with deliveries occurring at any time during the day or night. There is noise and pollutants associated with all that traffic congestion.

Mr. Hill asked if the Commission would be making a decision on this tonight and if he could submit his comments in writing. He asked if there would be a continuance to the hearing.

Chair Parkins responded yes, that was correct.

Ron Pavlucik, 87 Eagles Landing, Shelton addressed the Commission.

Mr. Pavlucik commented that in general he is in favor of this project. He sat through the other sessions a year ago and heard all the comments but did not speak at that time. He indicated that there were a lot of valid issues and concerns raised at this hearing by property owners, condo residents and people who just spoke. He added that he thought the Commission needed to investigate those and look for alternatives within their group and with the developer.

Mr. Pavlucik indicated that the owner has a right to develop his property. There are some people in town who would like to see it reverted to trees and let somebody pay the taxes on it forever. They have someone who is probably paying over \$100,000 a year in taxes on it even in its current state who has a right to turn it into an income producing use. A key point that he wanted to make was that this is kind of a gateway area where it is located not too far from Exit 13 that gets a lot of visitors from the Valley. He commented that they have been looking at a lousy-looking piece of property for 4 or 5 years now and they have to do something soon. It is an area that gets a lot of traffic for better or worse – it is right off of Exit 13. He doesn't want people noticing that property much longer than they already have. It is kind of a black mark in Shelton right now by the way it looks. They certainly need the additional tax revenue that would come from the complete development of the property as proposed tonight. He recalled some figures that he heard at the previous public hearing last year. He asked if it would generate more tax revenue than the previous Crabtree property. He indicated that the tax revenue would be beneficial because it will be a difficult budget year.

He did some research on the Internet to determine what type of project would generate the least amount of traffic because he understands that nobody wants to have a development in their backyards. The information that he found indicated that the only other uses that would generate less traffic would be a penitentiary, a cemetery or a nuclear power plant. Those uses would result in the fewest number of trips in and out. Therefore, if those are the alternatives, he feels that this project should be approved as presented.

Nate Taverna, Buddington Road, Shelton addressed the Commission.

Mr. Taverna wanted to ask a question on behalf of Lynn Farrell regarding three boarded up houses on Buddington Road. He asked if that was an issue that would be addressed tonight. She had heard that they were going to be burned down by the Fire Department two weeks prior to Thanksgiving. He asked if the Commission knew anything about that.

Chair Parkins responded that she did not.

Mr. Schultz responded that he received that information late this afternoon. An agreement was executed for a controlled burn. He doesn't know the exact date but it will be in the near future. He doesn't know any other particulars.

Mr. Taverna indicated that he was concerned about that because he drives by there every day and it is a disgrace. The City should not allow that – it has been that way for a couple of years now.

Mr. Schultz responded that there should be a press release soon.

Mr. Taverna commented that it is terrible the way it is. It is lowering the property value of people in the area trying to sell their houses in this bad economy.

Mr. Taverna indicated that Nells Rock Road is a very narrow road made worse by the traffic from Bridgeport Avenue and the entrance from Webster Bank. He asked if it was possible not to have an egress or an access or exit on Nells Rock Road. He thinks that is going to add to the problems that they already have. There is going to be a lot of traffic going through there.

He is not against the development; anything is better than what is there today. Eventually it should turn out nicely and add to the community. He asked if they could have the access on Bridgeport Avenue and not on Nells Rock Road – another access maybe. He suggested two entrances on either end but eliminating the one on Nells Rock Road. He commented about the congestion with cars coming in and out of Webster Bank and added that the location had serious potential for accidents. He is requesting that they not put the entrance/exit for the development on Nells Rock Road.

Mr. Taverna indicated that he had another question about Buddington Road and the proposed buffer. As one of the previous speakers mentioned, Buddington Road is very narrow and dangerous. The road is terrible and should be maintained better. He asked if there was a possibility of that road being widened, even after the development. Would there be any room to do that if this development goes through as planned? He reiterated his concerns about how unsafe Buddington Road was and that he would like to see the entrance to this development on Bridgeport Avenue not Nells Rock Road.

Chair Parkins asked if there was anyone else from the public wishing to speak for or against this proposal. There was no one.

Atty. Thomas asked if the Commission would like them to respond at the next meeting. He added that he had not received any reports from the City Engineer on this set of plans, or reports from the Fire Marshal or about the Traffic Study. Hopefully, he'd like to get them at least one week to 10 days ahead of time before the continuation of the public hearing so that they can not only address the questions that they have received tonight but also address their comments.

Chair Parkins asked for a motion to continue this public hearing to October 26th.

On a motion made by Anthony Pogoda seconded by Thomas McGorty it was unanimously voted to keep the public hearing open for Application #10-16 and continue it on Tuesday, October 26th at 7 p.m.

ADJOURNMENT

On a motion made by Anthony Pogoda seconded by Joan Flannery, it was unanimously voted to adjourn at 9:45 p.m.

Respectfully submitted,

Karin Tuke
Recording Secretary, Planning & Zoning Commission