The Shelton Planning and Zoning Commission held a regular meeting on December 14, 2010 at 7:00 p.m., Room 104, 54 Hill Street, Shelton, CT. The Chairman reserved the right to take items out of sequence.

Commissioners Present: Chairperson Ruth Parkins
Commissioner Joan Flannery
Commissioner Virginia Harger
Commissioner Thomas McGorty (departed 8:47 p.m.)
Commissioner Anthony Pogoda
Commissioner Joe Sedlock
Commissioner Ludwig Spinelli (Alternate for T. McGorty)

Staff Present: Richard Schultz, Administrator
Anthony Panico, Consultant
Karin Tuke, Recording Secretary

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

CALL TO ORDER/ PLEDGE OF ALLEGIANCE

Chairperson Parkins began the regular meeting at 7:01 p.m. with the Pledge of Allegiance and a roll call of members present.

OLD BUSINESS
APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Chair Parkins asked if any of the Commissioners had any questions regarding Standards #1-#10.

Comm. Harger asked about Standard #5556, Douglas Milyo, 18 Gene Drive for a detached structure.

Mr. Schultz responded that it was for a garage.

Comm. Harger asked if any of the Standards #1-#10 had to go before the ZBA.

Mr. Schultz responded no.

Chair Parkins asked if any of the Commissioners had any questions regarding Separates #1-#9. There were no questions. Chair Parkins began with the first Separate requiring PZC action.

SEPARATE #5626 GREGORY OSTROFSKY, 10 EAGLE DRIVE, IN-LAW

Mr. Schultz passed around a copy of the plot plan and explained that this was an existing in-law apartment that was created without the benefit of zoning approval. It is a raised ranch home. The unit is in the lower level. It contains 648 square feet and contains a bedroom, bath, living room and kitchen. It was established prior to 1986. As the Commission is aware, when people try to sell or refinance, they check with the P&Z Office. It complies with the existing regulations. Staff recommends approval as submitted.

Chair Parkins asked if they do anything about back taxes owed on this.
Mr. Schultz responded that the Assessor’s Office checks it annually. Some of the illegal activities are brought to his attention but most of them are not. They do pick it up though, especially if you allow inspectors walk through the house.

Chair Parkins responded that it is really not their purview anyway.

**On a motion made by Joe Sedlock seconded by Joan Flannery, it was unanimously voted to approve Separate #5626.**

**SEPARATE #5648 MUCCI CONSTRUCTION, 207 DICKINSON DRIVE, IN-LAW**

Mr. Schultz indicated that this application was withdrawn at the last meeting. The applicant has made some adjustments and would like to discuss them with the Commission tonight. He passed around some photographs of the house.

**Barry Mucci, Mucci Construction**, he went over the regulations and noted that two common walls should be abutted together so that there is an access in the house. He knows that the Commission was not too crazy about the idea of going to the side so he redrew it. He explained that it would have a 4 foot cantilever off the front to give him an access.

Mr. Schultz asked if the dimensions would be the same – 26 x 26.

Mr. Mucci responded no, the dimensions will change to 30 x 26.

Comm. Harger asked to be shown where the common wall was located. Mr. Mucci showed her on the rendering.

Comm. Flannery asked for clarification as to what was different from the previous plan.

Mr. Panico explained that it used to be corner to corner but now he has kept the garage in place, and on the second floor he slid it toward the street so that the walls would now overlap and give them a common wall shared where the door will probably go.

Mr. Mucci responded yes, that is where the door would go.

Chair Parkins indicated that it now meets the requirements that they have.

Comm. Harger asked for clarification about the orientation of the two floor plans which Mr. Mucci explained to her (inaudible).

Comm. Flannery asked what would be happening on the first floor now.

Mr. Panico explained that it was the same - the garage. In effect, he is shortening the garage by pushing the garage face back in order to preserve accessibility to the existing garage that is there. It is not an unreasonable solution and aesthetically it should be fine.

Mr. Schultz asked how much of the common wall was on the second floor.

Mr. Mucci responded 4 feet.

Mr. Schultz asked how much it covers of the existing house (inaudible)

Mr. Mucci responded (inaudible).
Comm. Flannery asked to see the location of the common wall.

Mr. Schultz asked Mr. Mucci to pencil in on his drawing where the roof line would be in relationship to the house.

Mr. Mucci responded (inaudible)

Multiple conversations (inaudible)

Comm. Flannery stated that she did not understand how this complies with the regulations if there is only 4 feet of common wall.

Mr. Mucci responded that the regs don’t say how far it needs to be.

Mr. Panico responded that is all it needs to be. It is important to get a common wall and an entrance through that common wall – four feet is adequate to accomplish that. They had suggested to Barry that he eliminate the garage and move the whole thing forward and obviously that got him to thinking that he would just move the living area forward and not the whole thing.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was voted (5-1) to approve Separate #5648. Comm. Flannery voted in opposition.

SEPARATE #5638 JAI SINGH, 905 BRIDGEPORT AVE., BUSINESS/SIGN

Mr. Schultz indicated that this was the Coco property with the multiple buildings across the street from Burger King. He showed the Commission a picture of what the building looks like and an aerial photo showing the location. He stated that this is for the manufacturing of advanced materials, ceramic products. It is a 3,000 square foot leased area. They’ll have three employees with hours of operation 3 a.m. to 5 p.m., Monday through Friday. They are assigned four parking spaces. The previous tenant was Clearwater Industries.

Mr. Schultz showed the Commission a photo of the sign out in front at 900 Bridgeport Avenue. They have an internal directory sign and that is why they are submitting sign as well as occupancy. The current zone is PDD for multi-story professional office buildings. Some of these uses are pre-existing, non-conforming because it was an industrial zone.

On a motion made by Joan Flannery seconded by Virginia Harger, it was unanimously voted to approve Separate #5638.

SEPARATE #5637 ARI YIANNOULIS, 99 BRIDGEPORT AVE., BUSINESS

Mr. Schultz indicated that they now have a tenant for the drive-through on lower Bridgeport Avenue by Shelton Auto Parts. It is a 1,500 square foot leased area. There are 4 to 6 employees. They will serve breakfast and lunch with the drive-through in the back. Bruce Butler, the property owner is present tonight. The hours of operation are 6 a.m. to 4 p.m., 7 days a week.

Mr. Panico asked if they knew what the signs were going to look like.

Mr. Schultz responded that has not been submitted; this is only for the occupancy.

Chair Parkins asked for some clarification as to their type of menu.
The Applicant, Ari Yiannoulis responded that it would be a full breakfast menu and lunch menu.

Mr. Schultz showed the Commissioners the floor plan and noted that there were 8 free standing tables and counter space.

Chair Parkins asked if there was enough room to stack (inaudible).

Mr. Panico responded that they have the whole length of the back of the building.

Comm. McGorty asked how many parking spaces they had.

Mr. Schultz responded that they had 18 parking spaces plus some in the front. He recalled that the Commission designed a bypass in the drive-through in case someone wanted to leave and not place an order.

Chair Parkins asked if they also hadn't discussed only having one actual entrance into the back there, rather than a dual entrance.

Mr. Panico responded that it was going to be a bypass but because of the rock it was modified. You go into the side parking lot or that private driveway on the side and turn in.

Comm. Harger commented that it was going to come up the driveway (inaudible).

Chair Parkins recalled that they had discussed it because if people were parked there and pulling out, then there would be a line of people blocking the lane.

Mr. Panico commented that if it stacked all the way back to there, he doesn't think that people are going to want to wait. They'll park and go inside. He asked if there was going to be a designated space for any orders that can't be prepared quickly so as not to hold up the whole line of cars.

Bruce Butler, property owner, 99 Bridgeport Avenue addressed the Commission. Mr. Butler responded that they could designate the spot right at the end of the drive-thru, to the right there is a space.

Chair Parkins asked where the order taking would be, where the speaker would be located.

Mr. Butler responded that it would be located 2/3 of the way down the building toward the other end. He thinks that it was five cars between the ordering device and the window.

Chair Parkins asked if the building would be blocking it from an open area.

Mr. Panico responded yes, it is behind the building.

Comm. Pogoda asked if they had a location set for the dumpster/enclosure yet.

Mr. Butler responded that the dumpster is already there and it is also behind the building. It is adjacent to the drive; they went through all of that on the original (inaudible).

Comm. Pogoda asked if the dumpster would be where that pad was located.
Mr. Butler responded yes, where the original pad was in the back. They took down a little piece of the building.

Mr. Panico commented that it should be as far as possible from the back of the building.

Mr. Schultz stated that Staff will work with the Commission before the CO is issued so they can see it. They'll do some test runs.

Chair Parkins asked for a motion if there were no other questions.

On a motion made by Joan Flannery seconded by Virginia Harger, it was unanimously voted to approve Separate #5637.

SEPARATE #5642, THOMAS BERNHARD, 40 OLIVER TERRACE, BUSINESS

Mr. Schultz indicated that this is the commercial kennel at 40 Oliver Terrace. The Commission did not approve the training of dogs. The applicant visited him a couple of weeks ago and he read her the Statement of Uses approved with the Special Exception and it was just for the commercial kennel. The commercial kennel also includes grooming but the training is a separate activity. He wanted the Commission to make a conscientious decision if that fell under the umbrella of what they approved or if they want to have another public hearing on it because it was a special exception.

Mr. Panico asked if it would still be an entirely indoor operation.

Mr. Schultz responded yes, totally indoor. Unfortunately, the applicant is having problems with visibility because of the location. The new regulations will afford her a sign on Platt Road on someone else's property. She was made aware that she could go to the BOA to authorize a sign in a city right-of-way. She has that option; she needs that exposure and the current regs don't provide it. She is not doing as well as expected.

Mr. Panico commented that he's talking about exposure in terms of advertising and that is what they try to stay away from with their signs. The signs are for identification purposes.

Comm. Sedlock asked if this was the business that came from Monroe that is supposed to have a really long runway inside the building.

Mr. Schultz responded yes, this is state of the art type of facility.

Chair Parkins asked if it was going to be one-on-one training or group training.

Mr. Schultz responded that it is all one-on-one because she is basically a one person operation. She has a person that she is going to bring in. There is plenty of parking because that was an industrial facility.

Comm. Harger indicated that she has other employees because she has been there.

Mr. Schultz responded yes, she does have staff but she runs it and monitors everything herself. He just wanted the Commission to feel comfortable because this is an expansion of activities. If they feel comfortable and feel that no hearing is required, they can act on it tonight.

Chair Parkins stated that her opinion was that it wouldn't require a hearing.
Comm. Pogoda agreed that she is using all the same things. There have been no comments from the area neighbors.

**On a motion made by Joe Sedlock seconded by Anthony Pogoda, it was unanimously voted to approve Separate #5642.**

**SEPARATE #5641, NATIONAL SIGN, 18 OLD STRATFORD ROAD, SIGN**

Mr. Schultz indicated that this is for Dunkin Donuts. The applicant is proposing to modify the Dunkin Donuts. He passed out photographs showing the existing sign and the new signage. He added that it’s a box going to channel letters with a graphic of the coffee cup. This is at the BP gas station. It is for both the wall sign and the ground sign.

Mr. Panico asked if it was just replacements of the existing signs.

Mr. Schultz responded yes.

Chair Parkins asked if they had a ground sign there.

Mr. Schultz responded yes, the big pole sign.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #5641.**

**SEPARATE #5644, PAUL DUMONT, 862 BRIDGEPORT AVE., SIGN**

Mr. Schultz stated that this was for the Shelton Square entrance sign. He passed out three different versions of the proposed signage. The first version is the one that the Commission has approved with uniform background colors. The applicant is here with some display boards. He showed them Version 2 and Version 3.

Paul DuMont, Shelton Square addressed the Commission.

Mr. DuMont explained that Version 1 was approved in late April of this year.

The Commission discussed the three versions (discussion inaudible).

Comm. Sedlock asked if this was just for the sign right in the front.

Mr. Schultz responded yes and they are asking what panels they can put in there.

Comm. Flannery commented that because this came up before, she went by some other businesses in the area and the other businesses have different shaded panels up already. She mentioned that Panera Bread and Staples were like that.

Chair Parkins asked if four was the max that they were allowing on that sign.

Mr. Schultz responded that is the Commission’s call. This is PDD #2.

Chair Parkins indicated that she thought Version 2 was visually clearer to read; it stands out better and is not as confusing.

Comm. Sedlock commented that the only difference between that one and Version 3 is the “Pharmacy.”
Mr. DuMont added that it is just identifying that there is a pharmacy in that location.

Chair Parkins commented that everyone knows that there is a pharmacy in that location.

Mr. DuMont responded that in looking at Stop & Shop's corporate identification throughout the region, they will see that when the store has the pharmacy, they do have it shown on the sign. It matches the replica of the building signage.

There was further discussion about the sign versions 1, 2, 3 and the pharmacy identification. Comm. Harger commented that with Walgreen’s they held them back from listing everything they have.

Chair Parkins indicated that she thought it was more attractive without it.

Comm. McGorty commented that Walgreen’s has a better view from the street though.

Commission Harger made a motion to approve #5644 with Version 2 signage.

Chair Parkins asked if there was any further discussion.

Comm. Flannery agreed since they did it with Walgreen’s then it is only fair.

Mr. DuMont asked how the Commission felt about having the apothecary symbol in lieu of the entire written word “Pharmacy.”

Comm. Sedlock commented that he didn’t think that was going to make that much difference advertising-wise.

Mr. DuMont responded that he was just trying to make his tenants happy.

Comm. Flannery commented that they should do the same thing as they did for Walgreens. She seconded the motion.

Mr. Panico noted that Walgreen’s is a pharmacy; Stop & Shop is not a pharmacy. They are a grocery store that has an adjunct pharmacy.

Comm. McGorty commented that not every one of them has the pharmacy.

Comm. Harger stated that Walgreen’s has “pharmacy” on their building.

Mr. Panico indicated that if Walgreen’s came in and wanted to start advertising their food products on the sign, he doesn’t think the Commission would be receptive to it.

Comm. McGorty noted that not every food store has one so they might not associate a pharmacy with Stop & Shop.

Comm. Harger noted that it is shown in all their circulars and it is on the building.

Comm. McGorty stated that it is hard to see that from Bridgeport Avenue though.

Comm. Harger commented that they would be opening a Pandora’s Box by listing every nuance on those signs.

Comm. Flannery agreed.
Further discussion (inaudible)

**On a motion made by Virginia Harger seconded by Joan Flannery, it was voted (3-2) to approve Separate #5644 Version #2 of the signage. Comm. Sedlock and Comm. Pogoda voted in opposition.**

**SEPARATE #5652, JAMES & KELLY BOTTI, 35 MAPLE AVENUE, DWELLING UNIT RECOGNITION**

Mr. Schultz provided a site map of the property for the Commission to review. He indicated that the applicant is seeking Commission approval for recognition of an apartment unit in one of the detached carriage structures on the property while the property owner constructs a new single family dwelling. He explained that they have a single-family dwelling under construction with the proper permits and 2 detached carriage structures. The carriage structure closer to the street, up in front, has an apartment in it. The request tonight is to recognize that apartment unit as the singular dwelling unit on the property while the new single-family house is under construction. They have been advised that once the CO is issued on the new single family house that apartment will cease and desist.

**Atty. Dominick Thomas, 315 Main Street, Derby, CT addressed the Commission.** Atty. Thomas indicated that the situation here is that when the property was purchased, there was an existing home in the front. There was actually a carriage house with an apartment that had an approved living unit in it. In addition to that, there was a cabana, a pool and a couple of other buildings – three buildings on the property. After the present owner purchased it, he believes that the carriage house was taken down. A new building was constructed in the rear which is solely a garage for vehicle storage. This building was renovated into garages from the old horse bunker. He knows that this is going to be subject to Naugatuck Valley Health District approval. He has been meeting with them and has a copy of their file. When it was built for the horse farm, it was built with a septic system – a tank, a trench and two reserve areas. He is in conversation with them as to what they will need. The main building then had a fire which damaged a substantial portion of the rear.

Comm. Flannery asked which building was burned.

Atty. Thomas responded that it was the house that existed in the front. It was damaged and instead of being reconstructed, it was taken down and this new house began. It is presently only a shell. At that point when it was unlivable in the house, he renovated the top area. It had a bathroom, kitchen area, etc.

Comm. McGorty commented that he thought the carriage house was gone.

Atty. Thomas agreed that the carriage house was gone but this is part of the horse barn.

Comm. McGorty commented that it was a fairly new structure.

Atty. Thomas responded no, it looks new but it was renovated – it was a horse barn; it was done by Jerry Glover Construction. It was a horse barn and it was built in 1998 with the septic approval and everything.

Comm. McGorty commented that it was totally renovated and that's where the residence has been (inaudible)

Atty. Thomas indicated that it was totally renovated and that's where the residence was put up so he needs to get it approved as a residence. And
obviously, it is going to be approved as the only residence. The intention is not to ask for an additional residence. This is going to be the only residence. When the CO is issued for the main house, it will cease to be the only residence on the property. At that point, if the applicant wants to go to the ZBA to reinstitute the carriage house, that will be his issue and he may not get it granted. The carriage house had a variance.

Atty. Thomas stated that his only focus tonight is to get it recognized as the primary residence subject to approval by Naugatuck Valley Health District and the Building Department. The intent was to have this as a temporary thing and have the house built but he won’t go into the detail as to why that hasn’t occurred as quickly as it could have.

Comm. Harger asked how many bedrooms would be in this building.

Atty. Thomas responded that it was two or three and a den or something like that. There is a kitchen and a family room and the existing renovated bathroom. It is all on the second floor.

Mr. Schultz summarized that the structure in question was built in ’98 with proper permits but without the approval of an apartment and a septic. The apartment unit was established sometime after ’98 without the benefit of zoning and building permits and that is why they are hearing it tonight. The Valley Health needs to officially approve the installation of the septic system that approves this apartment. The applicant wishes the Commission to acknowledge this apartment as the official single family dwelling unit while the permanent single family dwelling unit is under construction. The applicant will remove this apartment when the CO is issued for the home. They also have the option of going to ZBA which requires a public hearing where the neighborhood would be notified. Lastly, the Commission has never had a situation like this before so there is no background to share.

Chair Parkins commented that it is really no different than when a house burns down and they allow a trailer to be there.

Mr. Schultz agreed that they have always allowed the trailers to come in but they’ve never had an apartment that they’ve wanted to have recognized.

Comm. Harger asked what the time frame would be as to the construction.

Atty. Thomas responded a while.

Comm. Flannery asked for clarification on the site drawing as to the location of the septic tanks.

Atty. Thomas showed her the location of the 1,000 gallon tank that has already been approved for the apartment. He got that info from the Naugatuck Valley Health so the tank is sufficiently sized. There is a trench that exists and there is a reserve area for one or two more trenches. That is the decision that they have to make – whether one trench is sufficient or if two more trenches are needed. He showed Comm. Flannery the dotted lines on the drawing depicting their location.

Comm. Flannery asked if each residence would then have its own septic.

Atty. Thomas responded yes, absolutely, they are too far away from each other.

Comm. Sedlock asked if this had to be approved before Valley Health and the Building Dept.
Mr. Schultz responded that it would be a condition of approval subject to Valley Health.

Comm. Sedlock asked if the Commission acts unfavorably then Valley Health wouldn't come in.

Atty. Thomas responded then there would be no reason to go to them.

Comm. Sedlock asked if there were any tax ramifications on the smaller dwelling.

Mr. Schultz responded yes.

Comm. Flannery asked if there was any on the larger one.

Atty. Thomas responded that it was under construction so it is being taxed percentage-wise - with the full tax when they get the CO.

Chair Parkins asked if they didn't just pay taxes on the property.

Mr. Schultz responded that there are specific phases.

Atty. Thomas commented that they actually tax as they are constructing it. They go in and access the structure. He doesn't know if they have done this. He knows that they have taxed the building in the rear and this building is taxed. They are only asking - this is a piece of property in an R-1 zone and they want to have one residential unit as required by zoning.

Chair Parkins commented that it can be approved with that stipulation then - when the house is built and the CO is issued, then the apartment is null and void.

Mr. Schultz added yes - and Valley Health.

On a motion made by Joe Sedlock seconded by Virginia Harger it was unanimously voted to approve Separate #5652 with the noted stipulations.

Comm. Harger indicated that she had a question regarding one of the Staff Separates - Separate #092 Mondo Construction, 162 Birdseye Road for a concrete pad and Separate #5628 Transcend Wireless, 219 Nells Rock Road to add antennas.

Mr. Schultz indicated that the antennas for Separate #5628 were approved by the Citing Council. He indicated that the concrete pad for Separate #092 was for a patio area. They are seeing a lot of elevated concrete patios. When the patio is on the ground and there is no air that gets under it then that is as of right and they don't need to approve it. But they are now getting them with footings and elevated patios.

Mr. Schultz responded that it was 12 x 14 adjacent to the house.

Comm. Sedlock commented that he had one of those on his house when it was originally built because he had a door that went out the back and if they put it on the ground then it would have been too big a step going down. It can fit a couple of chairs and a cooker.

APPLICATION #10-16, DOMINICK THOMAS ON BEHALF OF 714, LLC FOR INITIAL DEVELOPMENT CONCEPT APPROVAL AND PLANNED
DEVELOPMENT DISTRICT ZONE CHANGE (RETAIL SHOPPING CENTER), 405-407 BPT. AVE., 12 NELLS ROCK ROAD AND 20, 28 AND 36 BUDDINGTON ROAD AND A PORTION OF 409 BPT. AVE. AND ACCESS ROAD (MAP 77, LOTS 26, 27, 28, 29 AND 30 AND Map 63, Lots 10 and 20).

*See attached Shelton P&Z Commission Document for Application #10-16 - 714, LLC INITIAL DEVELOPMENT CONCEPT APPROVAL Preliminary Draft Plan Comments and Stipulations for Commission Discussion on 11/30/10; Revised and Expanded for Discussion on 12/14/10

Mr. Panico provided the site drawings of the area for discussion. He indicated that subsequent to their last discussion where he had given them some stipulations and conditions that might be used as a starting point to accompany an action that the Commission might take. He decided that now he would go into some of the background and findings that they would normally go through for a total resolution.

Mr. Panico indicated that he wanted to make some comments to reassure the Commission with respect to some zoning issues. They will hear a letter read later during the Public Portion of this meeting. It alludes to the fact that they are pursuing a pig in a poke and the concept plan is just somebody’s idea and it is going to go away and that there was no basis under statute to do it. He wanted to reassure the Commission that the P&Z Commission has properly adopted zoning regulations under and in accordance with the provisions of Section 8-2 of the State Enabling Statute. That is a given. They have legal zoning regulations. Those regulations provide for the establishment of Planned Development Districts (PDD) utilizing a procedure that allows the Commission to establish a PDD predicated on the review and approval of a preliminary or “concept” plan. If it is adopted, final development plans predicated on the so-called “conceptual” plan or preliminary plan must be submitted for review and approval before any development can take place. Any deviation from the approved concept plan will require further public hearings, reports and studies and run the risk of a denial. The preliminary or “concept” plan as it is referred to is not some abstract notion but does represent a specific development proposal that may or may not change at a later date, but not without Commission approval. Any and all changes will require Commission review and approval. Failure to gain Commission approval of final development plans that are consistent with, reflect, and implement the approved concept plan run the risk of a loss of the PDD zone adoption.

Mr. Panico indicated that he wanted everyone to be clear on that. This is not just the figment of someone’s imagination called a “concept.” They don’t deal with things that lightly. It is a well-founded basis in zoning and in the statutes. With that as an aside, he indicated that he would read the material he has revised and expanded.

During the reading of the report, Chair Parkins interrupted to make a clarification that it is not the City that is going to sell the portion of the property. The City gives it back to the State because it is no longer used as a road and the State will sell it to the Applicant.

Mr. Panico responded that he misunderstood and made the correction.

Comm. Sedlock asked if there was a time duration as to when it is sold back.

Mr. Panico responded that the time duration is inherent in the process. The Applicant can’t go forward and bring them detailed development plans or site
development plans until he can show ownership. Whether it takes 6 months or 2 years, the ball will be back in the Applicant's court.

On Page 2 of the Draft Plan, Mr. Panico clarified, in regard to the zoning, that there has been discussion that this site should be saved for corporate development. Corporate development doesn't seem to be interested in being on Bridgeport Avenue. They have been looking for and locating what limited development that they have been getting lately and opting for sites off Bpt. Ave. either on their own or on sizeable parcels of land or in established industrial parks. They have had absolutely no interest for corporate or office development on a site along Bpt. Ave. for as far as long he can recall.

Comm. Flannery asked what he meant by the development of a hybrid commercial zone.

Mr. Panico responded that they developed something called a Restricted Business zone and they applied it to that area.

Comm. Flannery asked why they wanted to change it.

Mr. Panico responded that the specifics of that zone do not accommodate sufficient development to make it reasonable for the property to get developed.

Comm. Flannery asked why they did that in 2000 then.

Mr. Panico responded that at that time they were trying to take a small step. They simply just wanted to get it out of the CB-2 zone. They tried for an IA-2 but the property owners fought them. They were taken to court and in an attempt to arrive at a compromise; they had to give back some commercial zone. So they gave back the least that they felt they could get away with. It got everyone peaceful and they got the property locked up and protected.

Comm. Flannery asked if they weren't just changing it back to a fast food right now with this proposal because they want that little donut shop in the corner.

Mr. Panico stated that whether or not that donut shop goes in is the Commission's call. That is not the purpose of this zone – to allow that donut shop to go in there. It is an unfair characterization of the proposal.

Comm. Flannery responded that it could be other fast food things going in there.

Chair Parkins commented that it is a PDD.

Mr. Panico added that if they feel that those uses don't belong there, then take them out. That is the answer. The purpose of this proposal is not to accommodate one or two fast food operations. That is not the intent.

Comm. Flannery responded that she is opposed to any food operation because of all the traffic that the food operation would generate.

Mr. Panico stated that traffic is a technical issue that gets addressed by traffic engineers to your satisfaction or not to your satisfaction. The food operation can go in today in an IA-2 zone. In most zones, they are not deemed to be undesirable uses.

Comm. Flannery indicated that this was not an IA-2 zone.

Mr. Panico responded that any IA-2 zones or any of the commercial zones that exist along Bpt. Ave. can accommodate restaurants. He indicated that he would
defy her to come up with a zone that she would put there that would not allow a restaurant.

Comm. Flannery responded that it is not only restaurants. She is thinking about grocery stores too – any kind of food operations. The people in the public hearing said that they did not want any kind of food operation on this property because of all the traffic that it generates all day long.

Chair Parkins commented that she would not say it was all the people there. There were some people who stated that.

Comm. Flannery stated that she wanted to make that clear.

Mr. Panico responded that she has made it clear on previous occasions and again tonight. He added that it was pretty clear what her position is. It is what it is and they have to go with it.

Mr. Panico continued reading from Page #2 regarding traffic impacts.

On Page 4, Mr. Panico commented about the Buddington Road/Nells Rock intersection traffic. He suggested that despite what they are concluding from the traffic studies that have been made, when the applicant comes in with his final plans and they know what the tenant mix is, at that time, if they aren’t satisfied with the conclusions of the earlier traffic reports, they can take the time and commission their own evaluation and either confirm it or refute it. But to just refute it based upon layman’s knowledge, in effect, is not going to stand up to well. They have a qualified technician saying one thing so they can’t just automatically say that they don’t believe him. When final development plans come in, they may want to do their own traffic study.

Comm. Flannery commented that they already have a traffic report that says there are 31 accidents in that corner which is a lot of accidents. One accident is too many.

Mr. Panico responded that the accidents are related to the road system as it exists today. The accidents are not related to the road system as the proposed improvements would create.

Comm. Flannery commented that there will be more traffic.

Mr. Panico responded that yes, absolutely there will be more traffic.

Chair Parkins added that at that point, it would be decided if something further should be done.

Mr. Panico commented that they can’t do it now because they don’t have time but they need to keep in mind that they can do their own traffic report. In fact, it may be a better time when they know what the tenant mix is. So when the applicant brings in those detailed development plans, they can commission to have a traffic evaluation done based on what they know without having to go in and redo everything the previous traffic engineer did.

He added that in the past, they have hired their own traffic engineer who basically evaluates the report done by the other person and either concurs or disagrees with them.

Comm. Sedlock asked when the STC comes in and does their evaluation, are they just evaluating in that area or will they evaluate through Buddington Road.
Mr. Panico responded that it is unlikely that they are going to evaluate Buddington Road. They will evaluate the roads and intersections around the site. The STC report and the STC certificate, if they issue it or not, will be for this proposal. This is the proposal that they are bringing up there. If that proposal changes, it necessitates them coming back here. By the same token, they have to go back to the STC.

Chair Parkins commented that they have also asked to have input into that STC process.

Mr. Panico responded that they normally have input through their local traffic authority which is the Chief of Police.

Mr. Panico read the Stipulations/Conditions – Traffic & Circulation and Overall Site Plan Organization.

He concluded with “Should the applicant fail to obtain Commission approval of said Final Detailed Site Plans within a period of 2 years from the date of adoption of the subject PDD designation, the Commission at its sole discretion may schedule a public hearing to change the zoning of the site back to the previously existing zone or to another appropriate zone.”

Mr. Panico indicated that he included that last line of the Stipulations/Conditions to allay some of the concerns that the Commissioners might have and to remind the Applicant that it is something that they can do. If things fall apart, if the market is not there, if the applicant can’t get tenants and this sits around for two years, the Commission can have a public hearing and put the old zone back in.

He concluded the report reading the Statement of Uses and Standards.

Comm. Flannery commented that what keeps haunting her is that a few years ago when the Car Wash went in, this Commission denied a Vazzi’s on the opposite corner because the traffic it would generate. She doesn’t know what has changed other than the improvements to the road. She asked if they could add another item to the Statement of Uses and Standards to indicate that there are no food establishments.

Mr. Panico responded that he thinks that it is unrealistic but if that is what the Commission wants, certainly they can do it. He asked why she would totally preclude a food establishment from being a tenant in one of the front buildings.

Comm. Flannery responded that they were high traffic generators.

Mr. Panico responded that it may or may not be.

Comm. Harger commented that they have time to look into that in the detailed plans.

Mr. Panico commented that if they feel strongly today that the back corner 2,800 square foot building is a threat - then they can take it out.

Comm. Flannery responded that she thinks a whole supermarket in there would be a threat. If they put a Big Y or a Trader Joe’s in there, they are going to get a lot of people from other towns, not just Shelton, coming in.

Mr. Panico indicated that the drawing area of a supermarket is not inter-town.

Comm. Flannery stated that it is if it is something like Big Y, Trader Joe’s or Whole Foods.
Mr. Panico responded that he could conceive of Trader Joe's because it is a specialty type, but a traditional supermarket doesn't rely on a draw from other communities because they have their own supermarkets. It serves the immediate area.

Chair Parkins stated that it is all speculation. They don't know what is going in there. It is a PDD and they have control over what goes in there. But to say no food, no restaurants, no banks, no donuts, etc. – what are you going to put in there?

Comm. Flannery responded that she wants the original zoning that is in place now.

Chair Parkins indicated that she thinks everyone knows that but she is going to ask for comments from other Commissioners at this point.

Comm. Harger commented that she thinks Tony's draft with all the comments is very extensive and she doesn't have any issues with it. She thinks it is time to move forward and let the applicant do what they need to do and then come back to the Commission. There will be a lot more discussion that can take place when they know a little bit more about what might go in there.

Comm. Sedlock commented that from where he lives on Mill Street, in the summer, spring and fall it is heavily wooded and he sees nothing. When the leaves fall off, he sees all the Scinto buildings over there, which he doesn't necessarily mind, but they are going to be seriously disrupting the people on Buddington. He is seriously concerned and he wants to make sure that when they put something in that buffer zone, it is going to protect them all year round. They will be disrupted enough.

Mr. Panico responded that they will rely heavily on Rick when it comes to looking at the landscape aspects of it because he has a strong background in it but they would certainly want to see a predominantly evergreen buffer.

Comm. Sedlock asked if they have a large say in that when the time comes.

Mr. Panico responded yes.

Comm. Sedlock responded that makes him feel more comfortable with it.

Mr. Panico commented that the Applicant had a potential buffer strip on their plan but much of that buffer strip was utilizing right-of-way of the road and he wasn't sure that they could rely on that right-of-way, so he was concerned about it. And other parts of that buffer strip were shown to be used for slope grading. You can plant on slope but it is not as effective. He thinks that what they are talking about now is outside of the proposed right-of-way adjustment line to provide another 10 feet on land that they own and essentially at the existing grades up on Buddington Road. And then start the grading so that the planting that can take place is not just 10 feet. They can actually spread some of that buffer strip planting out into what they are setting back for right-of-way purposes.

Comm. McGorty commented that Tony covered their concerns very well and in a lot of detail. He thinks that they need to get this in their court and see what the final plan is.

Comm. Pogoda indicated that he concurred with everything that Tony had mentioned and what Joe brought up about Buddington. He thinks that is a very
important piece of road and they need to protect those homes as much as possible. It is very narrow at that point and there are three telephone poles there that make it very rough for anybody, especially in the wintertime to get anywhere near there. As he mentioned to Tony, possibly if they could widen that and possibly get a right and left turn at that area by the first curb. He added that he would like to see a lot more of that knoll preserved. He wants to protect those people right on the curve. It is important to him that they got rid of the egress onto Nells Rock Road. Also getting some delineation over here to avoid any left hand turns. They have to make it as hard as possible for anybody attempting to do that.

Comm. Pogoda commented that when they were looking at the drawings Tony brought up a good point, if they could separate the buildings possibly. Not just for truck traffic but to break up the long building.

Comm. McGorty indicated that the danger is in taking away from square footage or encroaching on that knoll.

Chair Parkins stated that she thought the design lended itself to being one long building because of the way that they have the jutting and the roof lines.

Comm. Pogoda indicated that he'd like to see the removal of Building C and possibly Building B. If it does get put back there, and there was discussion of it being a bank, but they don't know what it will be – he'd like to see something done really nice there. He stated that he thinks it is an important corner. Taking it and putting it back there, he knows that most of that knoll will have to be removed. They aren't going to be able to preserve much of that, if that building is put back there.

Mr. Panico stated that they could say that if Building B is to be a bank then it is not acceptable at that location. He doesn't want to tie their hands completely if they can come up with a good, aesthetic design solution for creating something nice in that corner, it might involve a building.

Comm. Sedlock commented that they have the opportunity to revisit that rather than restricting it outright now.

Mr. Panico responded that it is good to get the concerns on the table so it is not a brand new issue.

Chair Parkins indicated that she wasn't opposed to Building C in the corner but she isn't sure that she agrees with the drive-in.

Mr. Panico stated that this 2,800 square foot building is not going to be a make or break situation for this proposal. If it makes more of the Commissioners pleased with the project by eliminating it, then he would say eliminate it. Because down the road, when the applicant is working his final plans, if he comes up with a very attractive tenant who works ideally in that corner then let them come back in and put it on the table. If the lack of knowledge as to what it might be is creating so many concerns, then why not just eliminate those concerns by getting rid of 2800 square feet.

Chair Parkins commented that she didn't think that was necessary.

Mr. Panico stated that what he might do is state that if retail Building B is to be a banking facility, then it needs to be relocated. So in effect, if it stays there and it is not a banking facility, then it has to be some kind of a small independent office building or more than likely it needs to be a stand-alone restaurant.
Chair Parkins indicated that she concurs with basically all the comments made so she won’t repeat them. The location of Building B she is not opposed to and with Building C, it isn’t of major importance to her whether it goes or stays.

Mr. Panico asked what the consensus was about Building C - do they want to leave it or take it out.

Comm. Sedlock responded that they get to revisit it again when they find out what goes in there so just leave it.

Comm. Harger agreed that they should leave it in.

Comm. Flannery indicated that she wanted to take it out.

Mr. Panico summarized that he is going to say that if Building B is to be a bank, it should be located away from that corner and for Building C they have some reservations but it will be examined at the time of the detailed development plans.

Mr. Panico indicated that he would build this up into a complete resolution for the next meeting. He asked Rick for a time extension to take them to the next meeting.

Mr. Schultz responded yes. He asked Atty. Thomas to authorize January 12th. They’ll get an extension to January 12th. The next meeting is 1/11/11.

Chair Parkins commented that she thinks he has accurately captured their discussions. No motion is required on this.

**APPLICATION #10-22, 252 GROVE LLC FOR SUBDIVISION APPROVAL (SCENIC GROVE: 15 LOTS), RICHARD BOULEVARD (MAP 94, LOT 17), R-3 DISTRICT**

Mr. Schultz indicated that Staff is going to read the recommendations from the City Engineer, Police Department, the Conservation Commission and the Fire Marshal. Staff will look for direction from the Commission. They all essentially know that the proposal is for a through road and the residents have made it perfectly clear that they would like two dead end scenarios. There is no way that they can come up with a final design solution tonight because there are too many issues. But Staff would like to meet with the Applicant after tonight’s discussion to come up with the different scenarios that make sense. So for the benefit of the residents here tonight, he is going to read the recommendations and the Commission can digest it. The applicant is here to listen and they’ll discuss it and have a Staff meeting with the applicant. This will be assigned to the January 11th meeting.

Mr. Schultz mentioned that the Inland Wetlands Commission has approved all regulated activities associated with this subdivision. He displayed a map on the easel showing the entire neighborhood so that they could see the total number of homes. He read the following correspondence:

*See attached correspondence to Richard Schultz from Robert Kulacz, City Engineer dated December 8, 2010.*

*See attached correspondence (email) from Sergeant Peter Zaksewicz addressed to Chief Hurliman, Shelton Police Department dated December 9, 2010.*
Mr. Schultz indicated that this subdivision is going to require the Commission to consider a lot of things. One of which is the through road versus permanent cul-de-sacs. The Commission is aware that this site is served by all utilities. The applicant is not proposing any sidewalks. There are no sidewalks in the area and the schools are in excess of one mile away. The utilities are proposed to be underground. That was raised at the initial meeting because Richard Boulevard has above ground utilities but this Commission has always favored underground utilities. The issues at hand, and this is where they need some direction from the Commission, because they need to meet with the Applicant and the residents - to move ahead with the through road (they've heard the recommendations) or to consider a modification obviously meeting the wishes of those in the neighborhood which is to preserve Richard Boulevard as a permanent cul-de-sac. It is currently a temporary cul-de-sac. The pavement diameter is only 80 feet. That is insufficient for the recommendation of the Fire Marshal. If the cul-de-sac is modified, normally it would be extended because it falls short before the end of the property in question.

He passed around a map that shows two permanent cul-de-sacs for illustrative purposes.

Chair Parkins noted for the record that Commissioner McGorty left at 8:47 p.m. and Comm. Spinelli will act as alternate in this discussion.

**Atty. Stephen Bellis addressed the Commission.** Atty. Bellis indicated that first, this is not a PDD so the Commission is acting in an administrative capacity because it is a subdivision and consequently the law is very clear that as long as their application meets the zoning regulations and the subdivision regulations, they must approve it.

Secondly, there is a new case that came out, a Supreme Court case that says that you can't look at offsite traffic considerations when talking about a subdivision application. This should not be confused with what they were discussing earlier which is a PDD. So that is against the law to consider off site traffic considerations on a subdivision application.

Third, Shelton's subdivision regulations are very clear. The way they proposed the application, they could never approve what Rick suggests with back to back cul-de-sacs and the reason is in the subdivision regulations which he read. “Under no circumstances shall the proposed dead end be capable of serving more than 30 building lots.” There are more than 30 building lots there so they cannot have two permanent cul-de-sacs.

Mr. Schultz commented that they do have a provision and ¾ of the sitting commissioners can modify that.

Atty. Bellis responded yes, there is a provision that Rick is referring to that they can waive subdivision regulations if ¾ of the members choose to do so. Not zoning regulations - subdivision regulations. However, he looking at that particular subdivision regulation and it says under no circumstances - it may not be something that they can waive. He agrees with Rick that there is a waiver provision for waiving and it is very clear – it’s if severe problems of topography exist, ¾ of the commission may waive certain requirements of these regulations.
He doesn’t think that they can waive that one because it says “under no circumstances.”

Atty. Bellis summarized that he did not think two permanent dead end cul-de-sacs is a viable solution so it should be taken right off the table. So he thinks that the only thing that they can consider is what's before them now because it meets all the subdivision regulations – and that is for the through road, or they could also consider a temporary cul-de-sac on their application. It could never have the radius of a permanent cul-de-sac as set forth in the subdivision regs.

Atty. Bellis commented that they can waive that requirement of having a radius on a temporary cul-de-sac. So he doesn’t think that should be an issue. They couldn’t do this permanent cul-de-sac on the end of Richard Boulevard because they would be taking Mr. Chad McNeil’s land. He has given a temporary easement to the City because he is the last house on Richard Boulevard. He indicated that you would really be going out on a limb to make an argument that they are going to take his land for a permanent cul-de-sac on Richard Boulevard. He doesn’t see any lawyer losing that case for Mr. McNeil. That shouldn’t even be under consideration.

Atty. Bellis stated that he thinks the solution of having two temporary cul-de-sacs would serve the same purpose as a permanent cul-de-sac because there is no land in between so no one will ever develop it. As far as open space is concerned, they are going under 8-25 which does allow for fee in lieu of. There are certain criteria in their own subdivision regs of when open space is appropriate and under those considerations it is specifically delineated when the City should take open space. He spent an hour with the Conservation Commission and went over all those considerations and they agreed with him that there were no reasons to accept the open space and they wanted a fee in lieu. So they are following subdivision regulations. It is not something where they willy-nilly say that want open space in this project. This is a subdivision application, not a PDD and not a CRD.

Comm. Sedlock asked if they take Mr. McNeil’s land if they put in a temporary cul-de-sac there.

Atty. Bellis responded no but it already has a temporary cul-de-sac at the end of Richard Boulevard and he’s given the City an easement for the land as well as his neighbor, Mr. Peter Gomez. Those are temporary easements that are given; the landowner still owns that land on a temporary cul-de-sac but they have given the City a temporary easement to pave it and have cars drive on it.

Chair Parkins thanked Atty. Bellis for his lessons in regulations and additional information that he provided to them. As a Commission they need to discuss this. They opened this for public discussion last time and allowed many people to speak. The homeowner on the end of the Richard Boulevard cul-de-sac requested a couple of minutes to comment.

Mr. Chad McNeil, 87 Richard Boulevard, Shelton addressed the Commission. Mr. McNeil indicated that he was not present at the last meeting because he was out of the country. He wanted to make some comments. Mr. McNeil indicated that a lot of the concern has been that putting a through road in would create more traffic. If they take a look at the maps that they have in place and take a look at the mid-section of Richard Boulevard all the way up to Grove Street, there are 30 licensed cars with drivers – he counted. That would be 60 trips back and forth from the lower part of Richard Boulevard – that would be traffic that would no longer happen. Additionally, if they took from the beginning of Richard Boulevard, because there was concern about through traffic from Belmont up to Polski, from a safety standpoint and a traffic standpoint, a
through street makes much more sense. There is a lot less that needs to be done than with the development of cul-de-sacs. Mr. McNeil added that emergency apparatus – from his point - if an ambulance or fire truck needs to get to his house, it has to go all the way down on Coram, all the way down Belmont and up Richard Boulevard when it is a lot faster as a through street.

Chair Parkins commented that he bought the house at the end of a cul-de-sac though.

Mr. McNeil responded yes, when he bought it he had no problem with that but with respect of two cul-de-sacs, it just doesn't make logistical sense to him.

Comm. Flannery commented that a few years ago with Daybreak Lane and Armstrong Road with the development that is going in now, the same question came up. They kept Daybreak Lane and Armstrong Road back to back cul-de-sacs and all the residents were happy. She would like to take the residents side on this case also.

Chair Parkins commented that she just wanted to say that they had a lot of people speak at the last meeting. She was surprised by the amount people and the passion that they had. As a commission member - the public needs to be aware when they purchase a house on a cul-de-sac, they need to do their homework and go to City Hall to find out what is at the end of that cul-de-sac and if it is permanent or temporary. If it is temporary, then the chances are that someday it may be cut through. Having said that, there are some cases where it doesn't make sense. With all due respect to the City Engineer, he pointed out public safety issues but she doesn't think that his concerns have been substantiated regarding public safety. In fact she feels that there may be more potential impact on public safety by making the cut through. There is going to be increased speed and there is no doubt about it. If there is a way to leave the temporary cul-de-sac on Richard Boulevard and temporary cul-de-sac on the new development, it could potentially raise values because everyone wants to live on a cul-de-sac. But again, that could also be a permanent cul-de-sac if it can be worked out that the City would get right-of-way in the event that it ever needed to be put through. So that the two cul-de-sacs would remain as temporary cul-de-sacs with City declaring right-of-way in between to make that connection should it be deemed necessary in the future. The residents would need to be apprised and aware that is the situation. Chair Parkins commented that she also thinks that the Fire Marshal’s comments are valid in regard to fire apparatus. Naturally, it is important for fire apparatus to get into any cul-de-sac or any City street as well as snow plows. As long as that could be accommodated, in this particular case, she would be in favor of keeping temporary cul-de-sacs in both locations.

Comm. Harger commented that she was leaning toward cul-de-sacs but there is a good point about the public safety and public services such as the snow plow so she has to think about that for a while.

Chair Parkins commented that it can be created so that as long as there are no islands and there is a radius and meets other safety requirements.

Comm. Harger indicated that she’d like to see how a little bit more design would work.

Mr. Schultz indicated that they would have that at the Jan. 11th meeting.

Comm. Sedlock commented that he would like Staff to work this out for a little while longer.
Mr. Schultz indicated that they now have all the required reports so Staff will sit down with the Applicant and continue to have communication with the neighborhood.

Comm. Spinelli commented that two cul-de-sacs is a lot of square footage and there is a question as to the feasibility of that but he thinks the Chair's suggestion might be the most viable with two temporary cul-de-sacs.

Comm. Flannery added that it would make the neighborhood happy.

Mr. Panico stated that if they want this developer to put in a temporary cul-de-sac than essentially Richard Boulevard is going to stay the way it is. It is a substandard cul-de-sac and it will continue to be a substandard cul-de-sac. From a planning point of view, he can only say that years ago when Richard Boulevard was first laid out, it was always envisioned that it would eventually work its way out to the other streets.

Mr. Panico stated that 40 years ago when subdivision was very active in the City, one of their endeavors for every subdivision was to look at the overall street system and to visualize how a particular subdivision relates to everything around it and if it was logical to eventually get a road that went from A to B. Otherwise, Richard Boulevard would never have been allowed to develop to the extent that it was developed – 72 homes. There is no way that 72 homes would have been allowed to be built were it not for the fact that this was always treated as a temporary cul-de-sac that was going to eventually be connected to another city street and to alleviate 72 houses – an excessive number on a dead end street. There are some circumstances where it is not warranted.

Comm. Flannery asked if, in the last 40 years, there had been any problems that it is a dead end street.

Mr. Panico responded that he doesn't know but it is similar to their previous discussion about accidents - the next accident, the next fire, the next ambulance call that can't be responded to in time - will be a bad one.

Chair Parkins commented that is hence to her suggestion for a right-of-way.

Comm. Sedlock asked if they were going to come under regulations about this road though.

Mr. Panico commented that they would handle that – he doesn't know if he totally agrees with Counselor (inaudible)

Chair Parkins indicated that they are leaving the option open by acquiring a right-of-way (inaudible)

Mr. Schultz commented that they have the reports now it needs the design solution.

**NEW BUSINESS**

**APPLICATION #10-25, DATA CENTERS PARTNERS, LLC FOR MODIFICATION OF SPECIAL EXCEPTION/SITE PLAN APPROVAL (OFFICES/DATA CENTER) 145 CONSTITUTION BLVD SOUTH (MAP 65, LOTS 25 AND 26), LI P DISTRICT - ACCEPT AND SCHEDULE PUBLIC HEARING**
On a motion made by Joe Sedlock seconded by Virginia Harger, it was unanimously voted to accept Application #10-25 and schedule a public hearing for January 26, 2011.

APPLICATION #10-26, GREG KAPETONEAS FOR SPECIAL EXCEPTION/ SITE PLAN APPROVAL (RELOCATION OF CAPTAIN'S PIZZA), 515 BPT. AVE. (MAP 50, LOT 13), CA-2 DISTRICT - ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Virginia Harger seconded by Joe Sedlock, it was unanimously voted to accept Application #10-26 and schedule a public hearing for January 26, 2011.

APPLICATION #10-27, HONG FU, INC. DBA HUNAN PAN FOR SPECIAL EXCEPTION/ SITE PLAN APPROVAL (HIBACHI SERVICE AND SERVICE BAR), 303 BPT. AVE. (MAP 303, LOT 16), RB DISTRICT - ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to accept Application #10-27 and schedule a public hearing for January 26, 2011.

APPLICATION #10-28, 140 BPT. AVE., LLC FOR MODIFICATION OF SITE PLAN APPROVAL (PARKING EXPANSION FOR PERSONAL FITNESS TRAINING), 140 BPT. AVE., (MAP 105, LOT 163), CB-2 DISTRICT - ACCEPT FOR REVIEW

On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to accept Application #10-28 for review.

PUBLIC PORTION

Chair Parkins asked if there was anyone from the public wishing to address the Commission on any item not on the agenda.

Ann Walsh, 189 Coram Road, Shelton addressed the Commission. Ms. Walsh indicated that she was present at the last meeting on November 30th. She lives across the street from Mr. Scinto's Hubbell building. She came to the 11/30 meeting for Mr. Scinto's next building and asked him about putting more white pine trees in the buffer zone by her house. Mr. Scinto indicated at the Nov. 30th meeting that he would do that and the trees were installed on December 6th. On December 10th, she woke up to discover that they were clear cutting into her 100 foot buffer for the construction of Mr. Scinto's next building.

Ms. Walsh indicated that she had 60 foot and 40 foot, nice trees for her privacy between her home and that massive building. She had a privacy buffer but now she can see a huge building in front of her home and a second one coming in. They clear cut into the buffer. Somehow or another, this Commission allowed an encroachment into the buffer so now she can see the Long Island Sound. She is hurt and devastated. She knows that this is after the fact and she does not know what to do. Ms. Walsh stated that she called Rick Schultz as they were cutting the trees. Mr. Schultz was on the phone with Mr. Scinto to get him to stop. He sent a staff member up to stop and get it investigated and they were encroaching on the 100 foot buffer. However, it is too late and her trees are gone.

Ms. Walsh indicated that now she is stuck looking at this big building with lights 24 hours a day almost 7 days a week. Mr. Scinto did plant the 6 foot white pines but she will be dead before they eventually grow. Ms. Walsh stated that Mr.
Scinto got his building, Mr. Swift got his design put in, the City of Shelton got its tax money. Mr. Schultz said that they didn’t approve the plan but now she is just out of luck.

Mr. Schultz indicated that it is a drainage swale that goes through the buffer area.

Chair Parkins asked if it was approved on the plan.

Mr. Schultz responded yes.

Chair Parkins commented that the plan was approved.

Ms. Walsh commented that somehow it was missed. To be in her home now, it is - she doesn’t know what to do. He promised her white pines again. She told him that she didn’t want a couple of white pines, she wants a lot of white pines - but what is a 6 foot tree going to do for her when she has to look at a 3 story building. She appreciates that Mr. Scinto is going to put them in. She asked if there was anything that they could do. Is there is any possible way with all the dirt that they are moving - can they build a mound and then put a 6 foot white pine by Coram. She knows that this is the public portion but she is devastated. She is looking at a 3-story building with lights on 24 hours a day - you could land a Sikorsky helicopter on that building in the middle of the night. She is very upset; it is not what she had. She wants her privacy back and she knows that her property values have plummeted.

Comm. Harger asked why the lights are on all night long.

Mr. Schultz responded that Staff will be addressing that. There are shields that can be placed. There are two issues here - enhancing the buffer, and there are ways, and a lighting plan. It requires some thought but Mr. Swift is a landscape architect. He will make sure that it is submitted for the January 11th meeting.

Chair Parkins asked if there were any other public comments.

Comm. Harger read the following letter to the Commission from an individual not present at the meeting.

Dear Sirs/Madam,

It seems that many have forgotten that an application for a zone change based upon a “conceptual plan” is not a plan at all. A concept, as defined by Webster’s is “something conceived in the mind: thought, notion; 2: an abstract or generic idea generalized from particular instances.”

If a conceptual plan is nothing more than the previous definition, then I must ask “where in the Connecticut State Statutes as they apply to planning and zoning, does it authorize a “conceptual plan” as something more?” The State Statutes under Title 8 clearly define the regulations that need to be adhered to and local regulations, ordinances etc. cannot supersede nor conflict them. A conceptual plan does not meet this criterium.

A “plan” has a defined ending which a “conceptual plan” lacks. If the plan is a concept, then that means that any traffic studies, environmental impact studies, and site preparation and excavation studies are meaningless. If the plan is a concept, how then could “expert” opinions be real if they are based upon a concept? They can’t!

This Commission is making decisions that affect the residents of Shelton based upon concepts. I guess we can liken it to a brain surgeon doing brain surgery on a family member based upon a concept. Would you allow your family member to undergo surgery based upon a concept? Why then would you approve a concept for the entire City of Shelton? Much like you would tell the surgeon to come up with a real plan, tell all applicants that they need to have a real plan before any zone changes could be authorized.
In closing, I hope that this commission remembers when making decisions that a “conceptual plan” is nothing more than an idea, and it is not a plan with a defined set of goals and a defined ending. I hope this commission takes into consideration the statutory regulations that a plan must meet, and that a “conceptual plan,” or an idea, is not a plan and therefore does not meet them.

Sincerely,

Mark S. Widomski

With no further public comments, Chair Parkins asked for a motion to close the Public portion.

**On a motion made by Virginia Harger seconded by Joe Sedlock, it was unanimously voted to close the Public Portion of the meeting.**

**OTHER BUSINESS**

A. **APPROVAL OF THE MINUTES: 9/14/10, 9/22/10, 10/12/10, 10/26/10, 11/9/10 AND 11/30/10.**

B. **8-24 REFERRAL: EXTENSION OF PUBLIC WATER TO 599-615 BOOTH HILL ROAD AND 10 OXFORD DRIVE**

C. **TURKEY ESTATES SUBDIVISION: RELEASE OF PERFORMANCE BOND AND ACCEPTANCE OF MAGGIE LANE**

D. **TWISTED VINE ESTATES SUBDIVISION: REQUEST FOR ONE YEAR EXTENSION TO COMPLETE PUBLIC IMPROVEMENTS**

E. **40 WATERVIEW DRIVE (HUBBELL BLDG): REQUEST FOR RELEASE OF SITE BOND**

F. **350 HOWE AVENUE (JOHNNY’S PIZZA): ACCEPTANCE OF AGREEMENT ON ALTERNATIVE EXTERIOR SIDING**

G. **PAYMENT OF BILLS**

H. **STAFF REPORT**

I. **REPORT FROM CHAIRMAN/ SUBCOMMITTEE CHAIRS**

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to table Agenda Items A, B, C, D, E, F, G, H, and I.

**ADJOURNMENT**

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 9:30 p.m.

Respectfully submitted,

Karin Tuke
Recording Secretary, Planning & Zoning Commission
SHELTON PLANNING AND ZONING COMMISSION

Application #10-16  714 LLC Initial Development Concept Approval
Preliminary Draft Plan Comments and Stipulations for Commission Discussion on 11/30/10
Revised and Expanded for Additional Discussion on 12/14/10

BACKGROUND/FINDINGS

The subject site, including that portion of the Access Road right-of-way that is proposed to be abandoned and conveyed to the applicant, totals approximately 12.5 acres. The proposal occupies a prime location adjacent to Bridgeport Avenue (CT Route 714) and strategically positioned about midway between Exits #12 and 13 of the Route 8 Expressway, with extensive street frontages and available utility services. The site is separated from Bridgeport Avenue by Access Road. Access Road was originally conveyed by the State to the City of Shelton with a restrictive covenant that it only be used for highway purposes. In order to utilize that right-of-way and thereby gain access directly to Bridgeport Avenue the applicant must acquire the right-of-way of that portion of Access Road that abuts its property and incorporate it into the overall development plans. The current status of Access Road is that the State has agreed to release the City from the restriction of its r.o.w. use for highway purposes. This will then enable the City to sell that portion of the r.o.w. to the applicant. The City has agreed to the process and the proceedings have been initiated. There will be no approval of Final Development Plans until all proceedings are completed and the applicant is in possession of title to the property. In addition, the applicant will also be responsible for all storm drainage and other utility work associated with and necessitated by the subject elimination of this portion of Access Road.

The most usable portion of the site is situated at the level of Bridgeport Avenue, then sloping up to Buddington Road which abuts the entire rear of the site. Any major development of the site will require significant site excavation and regrading of the rear area in the vicinity of Buddington Road. However, the applicant will be required to maintain and/or plant an adequate, vegetative buffer strip along the entire length of the Buddington Road frontage, on land of the applicant and at the elevation of Buddington Road, to provide maximum and effective screening.
It is anticipated that necessary excavation and grading will necessitate some blasting and rock removal. All required blasting will be done in conformity with State regulations as well as the local blasting ordinance. At minimum, pre-blast surveys of all houses and wells abutting Buddington Road opposite the subject site will be required. Specifics of the blasting program and requirements will be further addressed in greater detail prior to approval of Final Development Plans, when final grading is determined and additional geological information is available.

Historically, the subject site, including the abutting residential parcels on that side of Buddington Road, was zoned Commercial CB-2 for many years and was devoted to new and used car sales and services. At the completion of the Route 8 Corridor Update Plan in 2000 the Commission attempted to rezone the property to Industrial IA-2 in an effort to thwart any threat of undesirable uses that might occur as a matter of right under the CB-2 zoning designation. However, after strenuous objections by the automotive property owners in the area and a pending legal appeal of the IA-2 rezoning, a new hybrid commercial zone was developed and applied to these properties. This zone would protect the area from undesirable uses and discourage haphazard, marginal strip commercial development. Current circumstances, including the departure of the preexisting automotive uses combined with the current economy and marketing circumstances, dictate the need for a fresh look at coordinated development opportunities for the entire site. The current vacant buildings and site are at best unsightly. Permissible development under current zoning appears to be unduly restrictive as to permitted uses and allowable traffic generation. In addition, there has been no known demand for quality, corporate office development on this or other sites along Bridgeport Avenue, opting instead to seek other sites off of Bridgeport Avenue.

Regarding traffic impacts, the application includes a detailed traffic study entitled “Traffic Impact Study, Retail Development” dated August 2010 prepared by BL Companies of Meriden, CT. The traffic study investigated potential traffic impacts on area roads during the workday afternoon peak hours and the Saturday midday shopping peak hours. In view of the fact that future occupants of the proposed development are not yet determined, future traffic generation
was based on a worst-case situation, assuming a major food store as the primary tenant, thereby producing maximum potential site traffic generation. The study also limits the traffic volumes that can be attributed to existing “pass-by” traffic to 10%, whereas it might in reality be more like 15% to 20%. The 10% assumption also leads to conservatively higher figures for site-generated traffic. In any event, the scope of the proposal requires a Certificate of Operation from the State Traffic Commission (STC) who will carefully scrutinize traffic figures and the impacts on area roads and intersections. The intersection with the greatest impact is that of Bridgeport Avenue with Nells Rock Road/Platt Road. Proposed improvements include pavement widening and additional lanes, with dedicated turn lanes, and results in the preservation of a level of service of C or better after development.

The current intersection of Access Road with Nells Rock Road has for years been an awkward and dangerous condition that adversely impacts the safe, functional operation of the Nells Road Road-Bridgeport Avenue intersection. For several years, the City has contemplated the corrections necessary to address this condition, but due to excessive costs involved in implementing the solution it was never pursued. The solution involved terminating Access Road as a dead-end, eliminating its connection to Nells Rock Road and the problematic intersection. As noted above, Access Road is now proposed to be terminated at the southerly end of the site, either as a total dead end or with south-bound right-turn-only access. The Commission has determined that to best accommodate access conditions both now and in the future, the south-bound access to Access Road should be preserved if at all possible.

The proposal provides for a right-turn only exit from the site onto Nells Rock Road, primarily for the convenience of exiting truck traffic flow. The Commission believes that such a maneuver will interfere with Nells Rock Road traffic flow as well as conflict with traffic exiting from the Webster Bank. Therefore, this exit must be eliminated.

The traffic study assigns a 1% share of site-generated traffic to Buddington Road. One or more Commissioners who are knowledgeable about area roads and Buddington road in particular, are not convinced that there won’t be a greater amount, in that it provides one of the few connections
between the Huntington area and Bridgeport Avenue. It was determined that the travel route from Huntington Road to the subject site using Buddington Road is approximately 2.1 miles as compared to the travel route using Commerce Drive and Bridgeport Avenue which is approximately 2.6 miles, or about one-half mile longer. Buddington Road is a very old City road with stretches of narrow pavement width and substandard right-of-way. To accommodate possible future improvements to Buddington Road where it abuts the site, the applicant has provided for the widening of the right-of-way by establishing a new street line along the site that is at minimum 25 feet from the current centerline of the Buddington Road traveled way. Additional adjustments may be needed where Buddington Road approaches the Nells Rock Road intersection to provide a minimum 50 foot right-of-way, adequate pavement width and an adequate turning radius at the intersection.

In general, the Commission finds that with the street improvements proposed and as modified herein, together with such further modifications as needed to satisfy STC requirements, the area road system should be adequate to accommodate traffic flows without undue adverse impact. However, in conjunction with the review and approval of Final Development Plans, when the specific, major tenant mix is known, the Commission reserves the right to commission its own traffic impact evaluation with particular emphasis on Buddington Road and the possible need for further improvements predicated on demands attributed to the final proposed uses.

STIPULATIONS/CONDITIONS

1. Traffic and Circulation

   a) Limit connection to the site for entrance traffic only from Nells Rock Road. Provide a minimum distance of 80 to 100 feet of uninterrupted traffic flow entering from Nells Rock Road. Eliminate the proposed exit.
b) Show interconnection to adjacent Blanchette property as represented and promised at the public hearing.

c) If at all possible, attempt to preserve south-bound access to Access Road dead-end in negotiations with the ConnDOT/STC.

d) Provide for two-way traffic flow for both cars and trucks behind proposed buildings.

e) Establish a minimum 10 foot wide planted buffer strip on land of the applicant along the entire Buddington Road frontage. Attempt to increase the width of buffer at the northerly end of the site in the vicinity of Nells Rock Road and the wooded knoll.

f) Provide for a minimum 50 foot right-of-way and adequate intersection radius where Buddington Road approaches the Nells Rock Road intersection. Improve the pavement width of Buddington Road to a minimum of 26 feet from Nells Rock Road to the first curve, a distance of approximately 250 feet, subject to issues associated with U.I. pole relocations that may necessitate widening on the opposite side without U.I. pole relocations.

g) Provide additional right-of-way width on Nells Rock Road at the Bridgeport Avenue intersection to assure a minimum of 10 feet from the new curb line to the site property line.

2. Overall Site Plan Organization

a) Shift buildings about 10 feet closer to Bridgeport Avenue to provide additional space in the rear areas, accommodate the buffer strip on land of the applicant and provide additional separation from the existing houses on Buddington Road. Proposed
building(s) shall be no closer than 150 feet to the nearest house. Any loss of parking may result in a reduction of total floor space.

b) The Commission has reservations concerning detached Building C with its drive-up window and its potential to accommodate a high-activity traffic generator such as a coffee/donut shop or a fast-food outlet.

c) To offset any loss of parking spaces, consider removal of the 2800 square foot detached Building C at the left rear corner of the site and/or a reduction of the Building A footprint by shortening the north end. Consider relocating the 4,000 square foot Building B to the north corner of the site.

d) Consider division of Retail Building A to shorten the truck circulation route and possibly creating an angle to break up the overall front façade.

e) Recexamine the right rear of the site in an attempt to maximize the buffer in the area of the existing wooded knoll.

f) Create a significant design and landscape feature to anchor the corner of Bridgeport Avenue and Nells Rock Road. The feature might involve stone masonry, attractive plantings, lighting and identification signage as well as positioning and orientation of any proposed building in this area of the site.

g) Architectural designs and treatment of all buildings, whether as shown on the current Initial Development Concept plans or on future modifications and revisions, must preserve the character, treatment and materials shown or alternatives acceptable to the Commission.

h) The total building floor area shall not exceed 130,000 square feet. Any significant modification in site plan organization and/or building sizes and layout may necessitate
another public hearing, review and approval by the Commission of said modified site plans. No development of the site can proceed without the Commission approval of Final Detailed Site Plans. Should the applicant fail to obtain Commission approval of said Final Detailed Site Plans within a period of two (2) years from the date of adoption of the subject PDD designation, the Commission at its sole discretion may schedule a public hearing to change the zoning of the site back to the previously existing zone or to another appropriate zone.

3. Statement of Uses and Standards

a) The listing of Permitted Uses does not account for physical fitness centers and/or theatrical use. One or more of these may be appropriate. Theatrical uses, if permitted, should be restricted to live performances by a non-profit theatrical entity.

b) A standard specifying minimum distance to any existing residence should be established.

c) The paragraph pertaining to parking ratio and deferred parking should be revised to be consistent with zoning regulations language.

d) Signage paragraph should refer to compliance with the Shelton Zoning Regulations and to an approved overall signage plan as well as the standards set forth, whichever are more restrictive.
MEMORANDUM

To:     Shelton Planning and Zoning Commission

From:   Richard Schultz, Planning and Zoning Administrator

Date:   December 14, 2010

Re:     Application for Certificate of Zoning Compliance #5652

The applicant is seeking Commission approval on the recognition of an apartment unit in one of the two detached carriage structures on the property while the property owner constructs a new single family dwelling. The following information is provided for your review:

1. The detached carriage structure with the apartment was built in 1998 with proper permits but without the approval of the apartment and septic system.
2. The apartment unit was established sometime after 1998 without the benefit of zoning and building permits.
3. The Valley Health Dept. needs to officially approve the installation of the septic system which serves this apartment.
4. The applicant wishes the Commission to acknowledge this apartment as the official single family dwelling unit while the permanent single family dwelling is under construction. The applicant will remove this apartment when the CO is issued for the home under construction.
5. The Commission has never processed an application with a situation like this before.
December 8, 2010

Richard D. Schultz
Planning & Zoning Administrator
City of Shelton
54 Hill Street
Shelton, CT 06484-3207

Re: Scenic Grove Estates, Richard Boulevard;
1) Subdivision Plan dated July 30, 2010, revised September 23, 2010
2) Plan Sheets 1-5 all dated July 30, 2010, revised 10/28/10

Dear Mr. Schultz:

This office has reviewed the above referenced proposal to extend Richard Boulevard to Grove Street and to create a 15 lot subdivision. The stormwater management plan was thoroughly evaluated during the Inland Wetlands application review process and was significantly revised to address the concerns raised by both this office, the Wetlands Coordinator and several downstream property owners.

The roadway design is deficient in one aspect, that being the stopping sight distance. The distance is restricted by the topography of the site and the need to limit the length of the vertical curve. Since the high point of the proposed local road is less than 300 feet from Grove Street, this office supports a waiver of the subdivision design standards to reduce the stopping sight distance from 250 feet to 195 feet.

It is extremely important to complete the Richard Boulevard road connection to Grove Street so that there is a second access to the 74 existing homes in the Richard Boulevard / Bruce Drive / Joseph Court neighborhood. At the present time, the single sole access to these 74 homes is from Belmont Avenue. The construction of two new road extensions terminated by a cul-de-sac must not be considered in lieu of a through road extension. Public Health and Safety concerns and efficient snow removal operations should override any reservations with waiving a subdivision regulation provision.

I endorse this application for construction with the condition that the storm drainage report be revised to a Stormwater Management Plan that complies with the requirements of Ordinance No. 854 and that the following revisions and corrections are made to the drawings:

- The record subdivision map shall be revised to include:
  - The live seal of the Land Surveyor
  - The name & address of the applicant and property owner
  - Drainage Easements in favor of the City on Lot 8 and Parcel A
  - Drainage Easement and Right to Discharge Water on McNeil Property (87 Richard Boulevard) in a form acceptable to the City and ready for recording with the record map
• Submission of Stormwater Management Plan with culvert calculations
• Clarification on future ownership of Parcel A
• Specify type of metal beam rail and detail of anchorage or end treatments
• Permanent Pavement repair detail shall be 2” Class 1 binder course, 2” Class 2 surface course; add tack coat to vertical edges
• Change title of curtain drain detail on Sheet 5 to “underdrain”; Wrap entire trench with geotextile, change pipe material to 6” Perforated HDPE pipe (holes down)
• Relocate catch basin to property line of Lot 6/7
• Provide gravel vehicular access from Richard Boulevard to detention pond and fencing where required
• Provide additional E&S control near Grove Street storm sewer outfall construction
• Sheet 3, correct sanitary sewer manhole stationing and invert so that plan & profile information agree
• Widen the easement on Lot 8 to minimum of 15 feet; increase the easement area around the special manhole. The sole easement area on the McNeil property shall be limited to the pipe and splash pad / plunge pool and shall not the existing watercourse
• Manholes may need to be increased to 5 foot diameter to accommodate the proposed upgrade of the 30 inch culvert currently shown on the plan to 36 inches
• Provide a non-clogging debris rack for the detention pond outlet structure
• A detail for “Special Storm Manhole CC1” shall be provided

A recommended performance surety figure that includes the cost of public water will be prepared when all final revisions are incorporated into the drawings.

Very truly yours,

Robert F. Kulacz, P.E.
City Engineer

CC: John R. Cook, Wetlands Coordinator
    Joel Hurliman, Chief of Police
    Bruce Kosowsky, Board of Fire Commissioners
    James R. Sift, P.E.
    Tracy Lewis, L.S.

File: Scenic Grove Estates
RFK: lg
Dear Mr. Schultz:

We reviewed the site development plan for Scenic Grove Estates (P&Z application 10-22), and we received input from the applicant's representative as well as several neighbors on Richard Blvd. The Commission feels the fee in lieu of open space would be appropriate for this development.

The Conservation Commission recommends that the P&Z Commission impose conditions of approval to ensure that the stone walls around the perimeter of the subdivision be preserved except for the necessary openings for the continuation of Richard Blvd. and intersection of Grove Street.

We further recommend that the P&Z Commission require the 6 corners of Parcel "A" be pinned for boundary delineation and for maintenance purposes.

Finally, the Conservation Commission suggests that Planning & Zoning ensure that they have a report from the City Engineer regarding the sufficiency of the design plan for the detention pond to address the concerns of the downstream neighbors.

Sincerely,

Thomas Harbinson, Chairman
12/08/10

TO: Rick Schultz, Administrator
Planning & Zoning Commission

RE: Application #10-22

Dear Rick,
After review of the site plan submitted for the proposed housing project off Grove Street/Richards Boulevard the following shall apply;

1. Fire hydrants sufficient for fire protection shall be installed in accordance with requirements of the Fire Marshal.

With adherence to the above the site plans are approved as submitted.

Note: Should your commission consider making a cul de sac off Grove Street, separate from Richard Boulevard, I would grant approval with the requirement for hydrants aforesaid included AND that the cul de sac be of sufficient size to accommodate the largest emergency apparatus.

Should you have any questions please feel free to contact me.

James M Tortora
Fire Marshal
From: "Sgt Peter Zaksewicz" <pzaksewicz@sheltonpolice.net>
Date: Thu, 9 Dec 2010 16:49:23 -0500
To: 'Joel Hurstman' <jhurstman@sheltonpolice.net>
Subject: Scenic Grove Estates

Chief:

With regard to the Scenic Grove Estates Development, I recommend that we concur the City Engineer, Robert Kulacz's findings, to have Richard Blvd. connect with Grove Street. Mr. Kulacz has told me that joining both roads at the proposed location on Grove Street does reduce the minimum sight/stop distance from the recommended 250 feet down to 190 feet. Since the proposed junction (Richard Blvd. at Grove St.) is only about 300 feet east of the intersection with Coram Road, it does not appear to be a significant factor with vehicles building up speed before entering the proposed junction. I do recommend that the Developer be required to either install and/or pay all costs in the following required signage:

1. 2- yellow 30x30 junction warning signs.
2. 2- yellow curve arrow warning signs.
3. 1- 25 MPH speed limit sign to be installed at Richard Blvd. just past the junction with Grove Street for southbound traffic.
4. 1- 25 MPH speed limit sign to be installed at Richard Blvd., for northbound traffic, in an area located between Joseph Court and Bruce Drive and the proposed junction at Grove Street.
5. 2- 25 MPH speed limit signs on Grove Street in area of junction for each direction.
6. 1- new STOP sign to be installed at Richard Blvd. at Grove Street. (Signs to have a minimum of High Intensity grade of reflection.)

In addition to the required signage, the developer is to assume all costs for the installation of a street light on Grove Street at the junction with Richard Blvd., to include illumination fees for the first five (5) years of service.

If you have any questions, please contact me at your convenience.

Respectfully,

Sergeant Peter Zaksewicz
Shelton Police Department
Traffic Division
203-924-1544 ext 337
Dear Sirs/Madam,

It seems that many have forgotten that an application for a zone change based upon a "conceptual plan" is not a plan at all. A concept, as defined by Websters is "something conceived in the mind : thought, notion 2: an abstract or generic idea generalized from particular instances".

If a conceptual plan is nothing more than the previous definition, then I must ask "where in the Connecticut State Statues as they apply to planning and zoning, does it authorize a "conceptual plan" as something more"? The State Statutes under Title 8 clearly define the regulations that need to be adhered to and local regulations, ordinances etc can not supersede nor conflict them. A conceptual plan does not meet this criterium.

A "plan" has a defined ending which a "conceptual plan" lacks. If the plan is a concept, then that means that any traffic studies, enviromental impact studies, and site preperation and excavation studies are meaningless. If the plan is a concept, how then could "expert" opinions be real if they are based upon a concept? They cant!!

This Commission is making decisions that effect the residents of Shelton based upon concepts. I guess we can liken it to a brain surgeon doing brain surgery on a family member based upon a concept. Would you allow your family member to under go surgery based upon a concept? Why then would you approve a concept for the entire City of Shelton? Much like you would tell the surgeon to come up with a real plan, tell all applicants that they need to have a real plan before any zone changes could be authorized.

In closing, I hope that this commission remembers when making decisions that a "conceptual plan" is nothing more than an idea, and it is not a plan with a defined set of goals and a defined ending. I hope this commission takes into consideration the statutory regulations that a plan must meet, and that a "conceptual plan", or an idea, is not a plan and therefore does not meet them.

Sincerely,

Mark S. Widomski

12/14/2010