

SHELTON PLANNING & ZONING COMMISSION

JUNE 13, 2012

The Shelton Planning and Zoning Commission held a special meeting on June 13, 2012 at 7:00 p.m., Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT. The Chairman reserved the right to take items out of sequence.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Anthony Pogoda
 Commissioner Joan Flannery
 Commissioner Virginia Harger
 Commissioner Elaine Matto
 Commissioner Thomas McGorty

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

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

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Chairperson Parkins called the Special Planning & Zoning meeting to order at 7:02 p.m. with the Pledge of Allegiance and a roll call of Commissioners and Staff members present.

OLD BUSINESS

APPLICATIONS OF CERTIFICATE OF ZONING COMPLIANCE

SEPARATE # 6304 - TOM D'ADDARIO, 42 CANFIELD DR. RETAINING WALL & FILLING

Mr. Schultz indicated that all of the Commissioners have a copy of this complaint, the photos and a location map. He stated that this was an after-the-fact application and the photos were self-explanatory. He indicated that both the applicant and the complaint were present and they'll hear from both of them. He stated that when Staff received the complaint, they immediately notified the property owner. It was determined that the concrete retaining wall was unacceptable in its existing condition.

Mr. Schultz indicated that the removal of the wall would be excessive and it was determined that the screening of the wall would make the most sense. The property owner chose to install 21 trees. The photos show the property before and after the trees were planted.

Chair Parkins asked if these two properties abutted each other.

Mr. Schultz responded that they abut each other in the rear. He referenced Page 2 of the location map and indicated that the rear yard at 52 September Lane has a view of this retaining wall.

Chair Parkins asked what type of wall it was.

Mr. Schultz responded that it was pre-cast concrete. He stated that one of the things that Staff has requested from the property owner was to get a Field Inspection Report from a Certified Engineer indicating that the integrity of the wall was sound. This report, dated June 4, 2012 was submitted over the name of James E. Quill, P.E. The report lists five bullets and the fifth bullet indicates that the wall, as constructed, is structurally adequate to resist the soil eroding bed. This was a concern to the abutting property owners.

Mr. Schultz stated that the Commission is here tonight to see what has transpired and what has been done to date. Obviously, the Commission does not like to see the planting

of trees in June because, for the most part, it is usually too dry, the trees die, and the issue is compounded. Staff saw a wet pattern – it has been raining quite a bit – and the property owner took advantage of that and thought the installation of 21 trees would be adequate.

Mr. Schultz indicated that the abutting property owners are present to let the Commission know their reaction to this work. Mr. D'Addario is present as well in the event that there is a request from the abutting property owner for additional trees. Mr. D'Addario is prepared to say yes or no. It has been suggested to install some type of climbing ivy or other plantings.

Chair Parkins asked how much fill was put there.

Mr. Schultz asked Mr. D'Addario if he knew how many cubic yards.

Mr. D'Addario responded that he honestly didn't know. He stated that the property was sloping so the wall just brought it up. He commented that he thought it might be about 150 yards.

Mr. Schultz stated that Staff is not so much concerned with the quantity of fill because, as they know with the public hearing coming up, they are going to allow up to 400 cubic yards. The issue is the construction of the retaining wall, the materials used, and how it affects the visual impact of the neighborhood. It was suggested to add some material to the wall because of the large voids. He indicated that this is after-the-fact and the property owner chose to install these large evergreens now to take advantage of the wet weather. Mr. D'Addario has indicated that these trees are guaranteed for a one year period which is consistent with the Commission's policy on the planting of shrubs and trees.

Chair Parkins commented that they were pretty tall trees.

Mr. Schultz agreed that they were substantial in size and they needed to be because if they were any smaller, it would not be effective.

Comm. Harger asked at what date the construction of the wall took place or began.

Mr. D'Addario responded that the wall took place in October through November of last year (2011).

Mr. Schultz indicated that this complaint was signed on May 8, 2012.

Comm. Matto asked what this looked like before and was it just a hill.

Mr. Schultz responded yes, it sloped down.

Comm. Matto commented that they just decided to put a wall up.

Mr. Schultz stated that Mr. D'Addario has a pool in the backyard. He added that the Commission sees this type of thing all the time. People are investing into their properties.

Chair Parkins stated that it is something that probably would have been approved if it had gone through the right process.

Mr. Schultz responded yes, absolutely. The quantity of the fill materials is not an issue; it is the materials used in the retaining wall. He added that normally an application would be submitted and Staff would guide the property owner.

Comm. Harger asked how close this was to the property line.

Mr. Panico responded that the wall starts off on the side property line and as it goes to the back on Mr. D'Addario's property so on the back line, the wall is probably 40 or 50 feet

away. You can still see it (inaudible)...

Comm. Harger commented that she was thinking about maintenance and things to suggest fencing be put on the property line but (inaudible, multiple conversations)...

Comm. McGorty asked if it was 40 feet from back there (inaudible)...

Chair Parkins stated that she thinks (inaudible)....

Comm. Matto asked if the trees were on his property.

Mr. Schultz responded yes, absolutely.

Chair Parkins asked if the trees were installed recently.

Mr. D'Addario responded within the last two weeks as of Thursday (inaudible)...

Comm. Matto asked if anyone cared if these trees are going to work out in 10, 20 or 30 years from now.

Mr. Schultz responded that he thinks they are going to hear from the complaint on that.

Mr. Panico commented that it comes down here and circles around (inaudible)...

Chair Parkins indicated that they aren't cedar trees so they aren't going to mix.

Comm. Matto stated that they were hemlock and spruce.

Mr. Schultz commented that Comm. Matto knows her tree species.

Comm. Matto responded yes, she does.

Mr. Panico indicated that if they are going to get involved in any kind of ivy planting then it might be better to use the ivy that goes on the top and drapes down over the side a little bit because it is really the top part of the wall that is still going to be visible.

Mr. Schultz commented that there is juniper and one called procumbens. He referenced the Homestead Hotel where they cascade 20 feet down.

Mr. Panico added that after a period of time they wouldn't see the wall at all.

Comm. Harger asked what exactly the basis of the complaint was.

Chair Parkins indicated that they filed a complaint but then the trees were planted.

Mr. Schultz commented that it is about the visual – the wall, obviously.

Mr. Panico noted from the photographs that in the wintertime, the wall was pretty stark but now the trees do a lot to soften it.

Mr. D'Addario provided photographs taken today of the planted trees. He explained that the viewpoints were from his property facing the neighbor's property.

Chair Parkins asked Mr. D'Addario if he had basically cut off a good chunk of his property by putting this wall up.

Mr. D'Addario responded yes, with the idea that it would just overgrow and become a natural barrier. He explained some other photographs depicting a stone wall on his own property and the beginning of the neighbor's property.

Comm. Matto asked for clarification on the site map as to which location was his property. Mr. D'Addario explained the location of his property in the corner.

Chair Parkins asked if there was currently a tree barrier between them.

Comm. Matto asked Mr. D'Addario to show on the site map where he put his wall. He showed her where the wall started and goes around (inaudible)...

Chair Parkins commented that these pictures were taken from standing there (inaudible)...

Mr. Panico commented (inaudible, multiple conversations...)

Mr. D'Addario showed Comm. Matto a Google Earth map of his property, the trees that he planted by the wall, and the property line of the abutting neighbors.

Chair Parkins asked the abutting neighbors how they felt about the trees being put there.

Jessica Krentzman and Robert Rut, 52 September Lane, Shelton, CT addressed the Commission. Ms. Krentzman indicated that she appreciates that the trees are there but there are still gaps and this huge wall that you can see. She indicated that she was concerned about the long term aspect of this being a permanent structure. If these trees die or when they go to sell the property then they'll have these (inaudible) and a wall made out of inappropriate materials which was very visible from their entire backyard. The other issue is the grade (inaudible). His property is about 20 feet higher than hers. It kind of slopes down so from her perspective they are kind of looking up at the wall so they can't plant evergreens or anything to hide it.

Mr. Rut added that it has the appearance of being a 30 foot wall, it was a gentle slope but they put it closer to their property and raised it to make his backyard look deeper. At first they thought they would be putting some natural stone or something on it and that is why they didn't say anything right away. He heard that comment that this was after-the-fact, but they couldn't believe that someone would leave something this horrific up with the unfinished stone. They have had comments from visitors to their house ask if it was a recycling plant in their backyard. Now that they have approached the owner and the town, they've started to do something but, again, if they sell their property and someone doesn't take care of these trees then they are going to just see this big wall.

Mr. Rut commented that if you go to the Home Depot in Monroe where they used these same blocks, they've covered them with a natural stone. He finds that is what they do, even in commercial properties; never mind residential properties. He continued that because it is elevated so high and the trees are so mature, they do have some small brush that is growing down at the lower level and it's OK now but nine months of the year it is terrible.

Chair Parkins asked Mr. Schultz what their purview was in terms of the types of materials used to build walls.

Mr. Schultz responded that it was a judgment call by the Commission.

Chair Parkins commented that it has to be (inaudible)...

Mr. Schultz responded that it has to be appropriate for the surrounding area. This type of wall would be inconsistent with anything the Commission would recommend.

Comm. Pogoda asked about the time when this wall was going up. He asked if there was a reason why they didn't say anything to either P&Z or the neighbor then.

Mr. Rut responded that it was going up in the fall and they understood that, probably because of the weather, they couldn't continue to work on the wall. So they gave them the benefit of the doubt and waited. Then by May, it was springtime and they still

weren't doing anything so they approached them about it and it was very uncomfortable. They made their own view spectacular while they gave them a view of this wall.

Ms. Krentzman commented that they don't see any of the wall from their property but it is completely visible from her property.

Mr. Rut indicated that when they approached them, they said that they weren't going to do anything about it until they went to the town about it.

Mr. D'Addario responded that was not correct.

Mr. Rut stated that they had a conversation with Mr. D'Addario's wife and she indicated it was too expensive and they weren't going to do anything.

Mr. D'Addario responded that he called them right back about it.

Comm. Pogoda commented that the wall was put up in October 2011. He asked the complainant's if they had a problem with the type of wall at the time it was being put up.

Ms. Krentzman and Mr. Rut responded yes.

Comm. Pogoda asked if something was said to anyone at that time in October 2011.

Ms. Krentzman responded no, they did not approach them then, no. Unfortunately, they assumed that it was only partially completed and then it would be finished in the spring and made better – because it was so horrible.

Comm. Pogoda asked – as far as what – he asked how it was horrible. He asked what they thought it should be faced with.

Ms. Krentzman responded the materials.

Mr. Rut added that it was like an unfinished construction. It is just...

Comm. McGorty asked if they were saying it should be faced with some type of stone.

Ms. Krentzman responded yes, some stone facing, plantings and improved grading. She added that the other issue was the grading.

Mr. Rut commented that they assumed that a permit was in place. They didn't see any signs around the neighborhood asking about a variance requiring approval. They just assumed that it was all on the up-and-up. They don't go around questioning everything happening all over the neighborhood so it got to the point where (inaudible)...

Ms. Krentzman added that they are kicking themselves now about it. Clearly, they should have approached the owner at the time, but unfortunately, they assumed he would finish the process of (inaudible)...

Comm. Matto indicated that she wanted to comment about these trees because she has a horticulture interest. She stated that these trees get to be huge and from this photo it looks like they are planted butt up against each other. They are two different types of trees. They aren't going to work together all of the time and they aren't going to work – she's assuming that they are quite close to that wall. She doesn't know if they are under shade. She commented that the hemlock would work in a shady area but the spruce won't. Comm. Matto added that because they are planted every other one, obviously, she thinks that someone was trying to do something quick and very meaningfully for the view. However, over time, she really doesn't see how this planting is going to work.

Comm. Matto mentioned that the other thing is that the hemlock gets this thing called *Woolly Adelgid* if they aren't kept after and they can die very quickly in one season.

Comm. Harger commented yes, unless you spray them with (inaudible)...

Comm. Matto responded yes...

Chair Parkins asked how large, how long this wall is.

Mr. Rut responded that it was about 100 feet (? Inaudible...)

Comm. Flannery asked if it was the pink outlined section shown on the drawing.

Mr. Schultz responded yes, it doesn't follow the property line (inaudible)...

Mr. Panico commented about the length of the wall (inaudible)... Multiple conversations (inaudible)...

Mr. Schultz commented that obviously the issues are the treatment.

Chair Parkins asked if they should request that it be faced – that a certain length of it be faced.

Comm. Flannery suggested putting a stockade fence in front of it to block it.

Mr. Panico responded that he thinks that in the long run that would look worse than the wall.

Chair Parkins agreed that could start looking run down too.

Mr. Schultz stated that generally speaking, the Commission prefers that it be naturalized as they did on Ladyslipper, where they clear cut all the trees. The Commission wanted to naturalize it because it usually sits well with the neighbors. This is difficult because the soil is minimal here.

Comm. Harger asked how it was anchored into the slope.

Mr. Panico responded that in respect to the majority of it is just the gravity of the wall – those are pretty big blocks (inaudible)...

Comm. McGorty asked what the size of the blocks was – about 5 feet long.

Mr. Panico responded that they are generally about 2 feet x 4 feet and maybe 18 inches or 2 feet deep.

Comm. Harger commented that to jab plants inside of those crevices later on might be pushing something (inaudible)... it's porous but on the top – as Rick had mentioned, those hanging and climbing ivy plants...

Mr. Panico agreed that something natural that would end up covering it but it will take a couple of years.

Comm. Matto asked about the chain link – she doesn't understand why the chain link...

Comm. Pogoda commented that you don't see the chain link.

Comm. Matto responded that she does and that to her – up on top it is visible.

Comm. Flannery asked why they did that.

Mr. Panico responded that it was for security.

Mr. Schultz added that they have an in-ground pool.

Comm. Matto commented yes, but that, in her opinion that is as ugly as the wall.

Mr. Panico stated that fortunately, it is far enough away that you don't really get the impression of it because it is a dark black fab.

Comm. Pogoda agreed and added that the trees on top are pretty much integrated between so you don't really see it.

Comm. Matto stated that it is very noticeable in the photos but...OK.

Mr. Rut commented that the property owners planted trees on the other side of the wall and fence so that they don't have to look at it.

Ms. Krentzman commented that they can see the fence (inaudible)...

Mr. Panico stated that the fence is a security issue – with a wall that high, they have to have a fence on top of it.

Comm. McGorty commented that the chain link fence isn't so much the issue – you see plenty of those – people use different things now that are more decorative. The block wall is the real problem but the chain link is still an acceptable material but not with the block, especially for the surrounding area.

Comm. Matto commented that facing that wall would be challenging. She stated that building a stone wall in front of it – well, it would be prohibitively expensive – she asked if it would be possible though.

Mr. Panico responded that building a stone wall in front of this wall up to the full height of this wall would cost a fortune.

Comm. Matto agreed but added that it would solve the aesthetic problem.

Mr. Panico stated that then they should just rip the old wall out.

Comm. McGorty stated that it could be faced and fill in the crevices.

Mr. Panico commented that they could tone it down by putting some sort of a cement-like coating on everything and get it all the same color. They could further soften it with plants flowing down (inaudible)...

Chair Parkins asked how close the fence was to the wall and is there room to put those types of plantings.

Comm. Pogoda responded yes, that's not a problem.

Chair Parkins added that it will take a few years but...

Mr. Panico added that the kind of plantings that would become more effective, more quickly would be the type that drape down from the top rather than growing up from the bottom.

Chair Parkins agreed and added that is why she was asking if there was enough space.

Comm. Pogoda commented that he was sure you could buy some longer ones that are already long – and they grow pretty quickly.

Mr. Panico asked Rick Schultz how long it took for the growth on that wall up at Homestead.

Mr. Schultz responded that real quick growth started kicking in after the third year and then it started growing a couple of feet annually. All of these different scenarios were presented to the Applicant. The Commission is here to say A, B or C and the applicant is present to say yes or no.

Comm. Matto commented that she thinks the homeowners have more to say.

Mr. D'Addario addressed the Commission and apologized. He indicated that if he had known that a wall over 4 feet would have required him to come to this Commission, he certainly would have done so. He added that it was an honest mistake on his part. Mr. D'Addario continued that the wall was objectionable to neighbors even though they are about 65 or 70 feet from the wall to their property line.

He referenced the pictures he provided and the Google maps so that the Commissioners can see the location of their house and where his wall is located. Also, he referenced the pictures he took this morning standing on his property line looking toward their property and their house is almost invisible. A reverse picture from their property line shows that those trees are almost invisible. They're not making any allowance for those trees to grow and within 6 or 7 months – and they may grow 6 or 7 inches.

Mr. D'Addario commented that it seems that the complainant wants the trees to disappear immediately. He added that he spent a lot of money based upon the complainant's request that he should put some trees there which is what he said he would do. He stated that now he's looking at further and further steps for this. He indicated that he made a mistake and from that point he's pursued in good fashion to rectify it. Mr. D'Addario stated that he thinks that in a year to two years, 50 feet of undergrowth is going to make that wall invisible alone plus with the trees that have just been planted, it adds to it aesthetically right now. He added that he can't eliminate a one to two foot gap between two trees because that is just impossible.

D'Addario indicated that he thinks that he's done everything about the wall being unsightly. Over the next year or two years will become invisible. He pointed out a photo of an area on his property that is pretty clear from his property line up to those trees in which other neighbors were using it for an ATV track; otherwise, he thinks it would have been overgrown there even more too.

Comm. Pogoda commented that he can see the evidence of that.

Ms. Krentzman and Mr. Rut responded that the ATV track was not from them.

Comm. Pogoda responded yes, that knows that.

Mr. D'Addario commented that the neighbors who arranged to have their kids use that track haven't objected to his wall.

Chair Parkins indicated that the Commission appreciates that he acknowledges making an honest mistake but unfortunately... (inaudible)

Comm. Flannery commented about having ivy growing from the top coming down.

Mr. Schultz added yes, there are two approaches with that – spreading juniper or an ivy.

Ms. Krentzman addressed the Commission and commented that they do appreciate Mr. D'Addario putting in the trees however; when she spoke to people at P&Z and found out that no permit was filed for this, she started to get concerned about the safety of the engineering for this wall.

Chair Parkins responded yes, that's been addressed.

Ms. Krentzman commented that they also had concerns about the concrete block itself. They were very clearly told on the phone that this type of concrete block was not something that would generally be allowed in a neighborhood. She indicated that those were her reasons for the complaint. She added that she spoke to Rick Schultz a couple of times and mentioned that she didn't really want Mr. D'Addario to keep planting trees because she was afraid that if they decided it wasn't the right solution, he didn't want him to have wasted his money. However, it was mentioned to her by Rick that planting during all the rain was a good time to get moving on that kind of thing. She understands

that but the wall still clearly does not harmonize with the neighborhood at all. It is very visible from her property because it is so high and, therefore, looks so large from her property even though she understands that it isn't on her property line. They sit out on their deck which directly faces this wall.

Ms. Krentzman added that the trees, while they are helpful, are not a permanent solution. She is very concerned about how this will look in a few years or as her husband pointed out, what may happen if Mr. D'Addario sells the property then they won't be in a position to return to the Commission to have this corrected. She concluded that was why they are here at the present time to find a more permanent solution.

Chair Parkins indicated that the Applicant would have had the right to put up a wall and to put up a fence.

Comm. Matto commented that it would not have been that material though.

Chair Parkins agreed and indicated that it would not have been that material but now that it has been done...

Mr. Panico asked Rick if according to the old regulation, they would not have controlled that.

Chair Parkins agreed and indicated that was the question she had previously asked.

Mr. Schultz responded that they amended their regs after that incident on Soundview Avenue to give this Commission a higher level of scrutiny.

Comm. Harger commented about Tony's point of making it look more uniform in appearance and asked if he was talking about using some sort of spray paint.

Mr. Panico responded yes, something with a cement base to it because right now part of the problem is that the blocks all have different tones to them. He thinks that in the long run, they have to figure out a way to cover it up because it will take some time for plant material to really take root.

Mr. Schultz stated that he hopes the Commission agrees with Staff to work with the property owner to add the evergreen component that hugs the wall. He has to look into the climbing ivy approach or the procumbens juniper. He added that procumbens juniper was used at Homestead and Split Rock very successfully but it does like the sun. Ivy works in heavy shade. He hopes that the Applicant will agree to that one additional step.

Mr. D'Addario responded that he had no problem with that. He added that he's been cooperative to this point so (inaudible)...

Mr. Schultz responded that obviously, he has to concentrate of the view shed of the adjacent property owner first - and concentrate on that. He added that there's about 60 feet but if they only need 40 feet - then so be it.

Comm. Harger asked if he could start out with the kind of painting that Tony was talking about so that at least visually it would...

Mr. Schultz responded that personally, he was apprehensive about painting.

Comm. Harger asked why.

Mr. Schultz responded because if it starts to peel then it will draw even more attention.

Comm. Harger commented that it was a cement base - it isn't anything like an interior or exterior paint.

Mr. Panico stated that he was only there once but he asked Rick if he had taken the opportunity to walk back to the neighbor's property and look up. He asked what their

circumstances were right at that property line and could they do anything that would create an effective barrier at that location.

Ms. Krentzman commented that it is too high - you'd have to plant 30 foot trees.

Mr. Panico responded that if you get close to where your eye is then you only need 6 or 8 feet to cut off the 30 foot view.

Ms. Krentzman commented that if she's sitting on her deck and looking up then (inaudible)...

Mr. Panico asked about the elevation - how high above the ground her deck was.

Ms. Krentzman responded that it was very low. It just comes right off the backyard so it is very low to the ground.

Mr. Rut added that they thought about adding a fence of their own or something but whatever they put up – well, this thing goes 30 feet up in the air just sitting right there.

Comm. McGorty commented that looking closely at the object – for them – it cuts their angle off.

Ms. Krentzman tried to explain that the angle with his yard way up and hers (inaudible)...

Mr. Panico indicated that he understands that when you get something up high but block it close to the person's viewpoint, you cut off a very wide angle. If they can't do anything within a range 7 or 8 feet, than it probably isn't worth considering.

Mr. Rut responded that they thought of that but they'd have to get in the range of 20 feet to (inaudible)...

Mr. Schultz stated that the Applicant has agreed to additional ivy treatments and he thinks that they should just take it from there.

Chair Parkins commented that they would ask Staff to continue to work with the land owner to rectify this situation.

Comm. Harger indicated that she thought they should consider some type of face treatment.

Chair Parkins commented that one of the concerns she has, as Elaine had mentioned before, is if these trees start dying then they'll have a big wall and dead trees which would not be a very pretty site to look at.

Mr. Panico indicated that nothing is going to happen to those trees in the first 3 to 5 years.

Comm. Matto agreed and added that it is after that when they aren't going to work together.

Mr. Panico stated that it's a long range thing. Years ago, people used to love to have a Hemlock hedge – they are beautiful when they're young but over time, if they get that particular blight, it could take out the entire row.

Mr. Rut commented that is their concern – what will they be able to do in five years if that happens. He asked if they would come back here because he didn't think they'd have any recourse then.

Comm. Matto commented that the spruce and the hemlock – that's not going to work.

Chair Parkins asked Mr. D'Addario if he had a landscaping person recommend these trees.

Mr. D'Addario responded yes, at first they planted 11 trees and spaced them out with enough room to grow and fill in. Then, they were requested by these property owners to put more trees in and to alternate the types of trees so they planted spruce with the hemlocks – spruce then hemlock.

Chair Parkins asked if he did that at their request.

Mr. Rut responded no, they had no communication.

Mr. Schultz responded that it was suggested by him because it was raining and he wanted to eliminate another level for this Commission because it is better to naturalize a situation like this.

Chair Parkins asked if the trees were returnable.

Mr. D'Addario responded that he did not know.

Mr. Schultz added that they are guaranteed for one year.

Chair Parkins commented yes, but are they returnable.

Mr. Schultz responded no, not once they've been installed, no.

Chair Parkins indicated that the trees would have to stay then and they'll have to find additional cover for that wall.

Comm. Matto stated that those trees will grow and in two years they will cover that. She questioned what would happen after about 10 years though.

Ms. Krentzman commented that she agrees that it could look good but what if something happens.

Chair Parkins indicated that it will be all green so it isn't like your eyes are going to be drawn to it because it is just all green – they won't see the cement behind it.

Ms. Krentzman commented that their concern is if something happens to those trees after five years because they won't be able to do anything.

Mr. Rut added that the current property owner seems to be taking an interest in covering this wall up but they question what will happen if he doesn't remain as the property owner. They want to take care of this now in case the property owner sells or the trees die, etc.

Mr. Panico indicated that with supplementary planting that conceals the wall, the longer time goes on, they are going to be building up two layers of protection. If they lose one, they will still have the other.

Ms. Krentzman responded that she thinks that would help but feels that honestly the best thing would be to cover that wall with something that harmonizes with the rest of the neighborhood which is full of old stone walls and even in-laws that are made out of stone. No one around them has anything that looks like that wall.

Comm. Harger asked if this was the (inaudible) kind of stone.

Mr. Panico responded that you can't really do it because the wall is curvy so each block is in a different direction so you can't really tie it all together. Also, they are dealing with individual blocks so a little bit of movement might develop a crack on that joint.

Comm. Flannery suggested covering it with cement and put stones where there are holes in it.

Mr. Panico responded that would be a big mish mosh.

Comm. Pogoda agreed that would really be a mish mosh and that's worse.

Comm. Matto asked if they could have a stone mason look at it.

Mr. D'Addario commented that they saw the black fence there and asked if he should put a green fence down below up to the wall behind it in between the hemlocks. He indicated that then they'd have the stone, then the green fence, and then the hemlocks.

Comm. Harger asked if he was referring to the chain link kind of fence but in green.

Mr. D'Addario responded yes, green vinyl.

Mr. Panico commented that they aren't going to find a fence tall enough.

Mr. Schultz indicated that it is just another man-made feature versus naturalizing it. The Commission has always been more successful with naturalizing it.

Mr. Panico agreed about staying with natural stuff.

Comm. Matto asked if they could ask him to have a mason take a look at it and come up with a recommendation.

Mr. Schultz responded yes, absolutely. This is a learning curve for Staff. They are going to be seeing a lot more retaining walls in town.

Chair Parkins indicated that they aren't washing their hands of this but they are asking Staff to work with the Applicant. It sounds like Mr. D'Addario is willing to work to address these issues and then they will take it from there.

Comm. Harger asked if it could be included on the agenda in the future in Rick's Staff Report to keep track of the progress.

Mr. Schultz responded yes.

Chair Parkins commented that without ordinances, they have no authority to levy fines or anything like that so their hands are tied as far as that goes.

Comm. Harger stated that she thinks that they would all agree that they want some relief for the property owner that filed this complaint because of any loss they will have in their property value in the future.

Chair Parkins asked for a motion to direct Staff to work with the applicant.

On a motion made by Joan Flannery seconded by Virginia Harger, it was unanimously voted to direct Staff to work with the property owner of 42 Canfield Drive regarding the retaining wall and filling for Separate #6304.

SEPARATE #6303 – TD PROPERTIES, II, LLC, 409 BPT AVE., BUSINESS/SIGNS

Mr. Schultz indicated that as the Commission is aware, Mr. D'Addario has purchased the old Crabtree body shop building. He provided an overall site plan for review.

Comm. Harger asked if this was just for the building.

Chair Parkins asked if the building in the back was the auto body.

Mr. Schultz responded yes, the free standing building – more in back of Blanchette’s Sporting Goods. As part of that proposal they have two wall signs. One sign says “D’Addario” on the side facing Bridgeport Avenue and the other sign says “Collision Center.”

Comm. Harger asked why the “Collision Center” sign was on two separate lines not one line.

Comm. Flannery commented that it’s in the back.

Chair Parkins asked if they were approving a business or a sign.

Mr. Schultz responded that they are approving the occupancy of the building and the sign. He added that Mr. D’Addario was present to answer any questions.

Comm. Harger commented that after seeing the photo of the building, she asked why “Collision Center” was positioned on two lines instead of one.

Mr. D’Addario responded that if that is their preference, it can be changed.

Comm. Harger stated yes, just one line across would look better.

Chair Parkins agreed that it would look better but added that she wouldn’t necessarily go any larger in size.

Mr. Panico reviewed the elevations of the building from Bridgeport Avenue and asked if anything was going to happen to the building cosmetically.

Mr. D’Addario responded that they have changed the colors on it – painted it blue and gray and resealed the parking lot. The photos are of the original building that they started with. The “D’Addario” signs were just superimposed on it. The front of the building is all gray and blue along the side of the building.

Mr. Schultz asked if the consensus was to go with a single line on the sign.

Comm. Pogoda responded yes, because they have a broad face to fill up across there.

Mr. D’Addario asked if he could use the same letter height or should he reduce the letter size.

Comm. Pogoda responded no, just keep that the same with the words side by side instead of one word above the other.

Chair Parkins clarified that they didn’t want the same height of the two row sign though. The letters can stay that high - but not the sign.

Mr. Panico commented that the sign will be half as high and twice as long as the one shown.

Mr. D’Addario indicated that he understood.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6303 for the business occupancy and the signage (with the modifications discussed).

SEPARATE #6291 – NATIONAL SIGN, 329 BPT. AVENUE, SIGN

Mr. Schultz indicated that this is for the main facility to replace the existing free standing sign for the GM site – D’Addario’s.

A representative (name not provided) from the National Sign Company addressed the Commission to represent the D'Addario sign. He provided copies of the proposed signage for the Commissioners.

Mr. Schultz asked Mr. D'Addario what the current height of the sign was.

Mr. D'Addario commented that this was news to him because he didn't know about this sign change.

Chair Parkins asked Mr. D'Addario how he owned the business but didn't know about the sign change.

Mr. D'Addario responded that they rent the signs from General Motors so GM and the sign company work together and apparently, they don't work to well with him because they haven't told him what is going on.

Mr. Schultz commented that this is a surprise then.

The representative from National Sign Company (name not provided) indicated that the existing structure is staying the same but there is a new acrylic that will be going in. The second page shows the existing sign. The square footage and everything remains the same but the new sign face will show "GM Certified Pre-Owned Vehicles" instead of "GM Certified Used Vehicles". He added that the previous sign was white in the back whereas the new sign will be black with just the lettering and the logo.

Mr. Schultz added that the overall height now is 15 feet, 40 square feet, 8' x 5'.

Comm. McGorty asked Mr. D'Addario if he liked the new sign.

Mr. D'Addario responded that he didn't know. He was still in a little bit of shock.

Chair Parkins commented that they could table it.

Mr. D'Addario responded that it is a standard GM sign so he really has no control over it anyway.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6291.

End of Tape 1A 7:45 p.m.

SEPARATE #6181 – BUNNY VILLAGE CHILD CARE, 215 BPT. AVE, BUSINESS & SIGN.

Mr. Schultz indicated that this is the former Kid's Stop off of Exit 13 and it's a change of ownership. He added that it is an after-the-fact sign for Bunny Village Child Care. He indicated that the applicant was not present. He distributed a copy of the sign rendering.

Comm. Harger asked how long this has been in place.

Mr. Schultz stated that they came into his office in February of this year.

Comm. Harger asked if it was just now getting on the agenda.

Mr. Schultz responded that they came in February because they have to do the paperwork with the State of Connecticut.

Comm. Harger asked how long the sign has been in place.

Mr. Schultz responded that he doesn't know the date on that. This is an after-the-fact request.

Comm. Harger asked if they had to approve the business again because of the change in ownership.

Mr. Schultz responded yes, that he wanted to confirm that it is the same amount of children.

Mr. Panico asked if the sign was consistent with the other tenant signs on this building.

Mr. Schultz responded that this one was huge because it is the anchor store.

Comm. Harger added that it is on the second floor so it goes all the way across the top, whereas the individual businesses underneath have their own on their doorways.

Chair Parkins asked if it conformed to their size regs.

Mr. Schultz responded yes, 10% because they have the whole second floor.

Chair Parkins asked if it was already up there.

Mr. Schultz responded yes, this is after-the-fact.

Comm. Pogoda referenced the sign rendering and asked if it had all of this on it.

Mr. Schultz responded yes.

Comm. Pogoda asked what they can do to get it removed now.

Mr. Schultz responded that is the Commission's call. They can direct him to do that – he's Staff – and they'll have to have it eliminated.

Comm. Pogoda stated that this is getting ridiculous now.

Comm. Flannery commented that they could pay a fine.

Chair Parkins stated that they have no authority to levy fines.

Comm. Flannery stated that with the Stop & Shop sign, the Commissioners didn't want the pharmacy logo on it but they still have it up there. Nothing happened to them.

Comm. Matto asked if the sign would have been approved but the issue is that they put it up without coming in.

Mr. Schultz responded no, there is an element of this sign that the Commission wouldn't have approved – the .com and the graphics.

Mr. Panico stated that they have to understand that before they erect a sign in the town in Shelton they have to show some evidence that it has been approved.

Comm. Pogoda commented that the applicant also has to be made accountable in this. They asked the sign company to do this.

Mr. Panico stated that the applicant does it one time and they can almost be excused if they didn't understand how it is done but a sign company that works and puts signs up in the city of Shelton day in and day out should know better.

Chair Parkins asked who did the sign.

Mr. Schultz responded Speedy Sign Design in Shelton.

Comm. Pogoda commented that they are one of the biggest offenders.

Mr. Schultz clarified that it wasn't Russell Speeder's.

Mr. Panico added that they should really know better.

Comm. Pogoda agreed that they should know better because they've been harping on this sign thing forever.

Mr. Schultz stated that is going to be the condition of approval to have that removed - the dot com website address and that logo – the bunny.

Comm. Harger commented that she didn't mind that.

Comm. Pogoda responded that it's the same (inaudible)...

Comm. Flannery asked what would happen if it is not removed.

Mr. Schultz responded that he would come back to the Commission and they will take the appropriate action.

Comm. Flannery asked what that would be.

Mr. Schultz responded that it would be to initiate legal action with Corporation Counsel.

Comm. Flannery commented that they didn't do that with Stop & Shop.

Chair Parkins stated that they really need to have their sign regulations added on to an ordinance.

Mr. Schultz indicated that he would include that condition.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #6181 for the business and the sign with the stipulation that the .com website and logo be removed. Staff has been directed to provide a copy of the P&Z Sign Regulations to this applicant/owner and the sign company with the notification that after-the-fact signage requests will not be permitted by the Commission in the future.

SEPARATE #6171 – R. D. Scinto, 2 Enterprise Dr. business

Mr. Schultz indicated that the new business is Konica-Minolta, better known as a copier manufacturer. This is for the office end of it. They are leasing 5,776 square feet, 10 employees with hours of operation 8 a.m. to 5 p.m., Monday through Friday. Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the business occupancy for Separate #6171.

SEPARATE #6172 – R. D. Scinto, 2 TRAP FALLS ROAD, BUSINESS

Mr. Schultz indicated that this is for New England Home Care Services. They are leasing 5,673 square feet, 28 employees, hours of operation 9 a.m. to 5 p.m., Monday through Friday. They are replacing the Baldwin Company.

Comm. Harger asked if this was office workers.

Mr. Schultz responded yes.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #6172 for business occupancy.

SEPARATE #6302 – MARIA DE AGOILA, 522 SHELTON AVENUE, WALK-UP WINDOW

Mr. Schultz stated that this was for the Donut Shop behind Webster Bank. They are a corner store and they would like the Commission to consider having them install a window with a slider in it for customer service.

Mr. Panico asked if this was for a donut shop.

Mr. Schultz responded yes, on Old Shelton Avenue.

Chair Parkins commented that she knows exactly where it is but why would they want to put a (inaudible)...

Comm. Pogoda asked why they would want (inaudible)...

Comm. Harger stated that this isn't a drive up – it's a walk up.

Comm. Pogoda asked if it was in the back or on the side.

Mr. Schultz responded that it was on the side. This is something new to the Commission.

Chair Parkins commented that there is parking there.

Mr. Schultz indicated that they have a sidewalk. He asked if they wanted to table this and go take a look at it.

Chair Parkins stated that she is there all the time.

Mr. Schultz stated that they've requested this to provide better customer service.

Chair Parkins indicated that she was concerned with the parking being right there. It is the same issue as when they wanted to put tables up in front of the grocery store there. There is nothing to stop the cars from plowing right through.

Mr. Schultz stated that they have never really had any walk-up take-out type of situation before. This is kind of like a throw-back, actually.

Comm. Pogoda commented that all it is really going to do is eliminate having to go inside the store. It won't do anything else.

Mr. Schultz suggested tabling this to give it some thought because this is something new. He asked if there was a consensus. They could table it until the July meeting.

Chair Parkins asked if any of the Commissioners wanted to take a look at it.

Comm. Flannery stated that she would like to go look at it.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to table Separate #6302.

SEPARATE # 6274 – SHEILA GLAZER, 525 BPT AVE., BUSINESS

Mr. Schultz indicated that this was for an accounting office. This is one of the two older office buildings built in the 1980's located on Bridgeport Avenue past Wal-Mart. They are leasing 700 square feet, 2 employees, 9 a.m. to 5 p.m. Monday through Friday. Staff recommends approval.

On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to approve the business occupancy for Separate #6274.

SEPARATE #6281 – VIOLET HIDULGO, 66 CENTER STREET, BUSINESS

Mr. Schultz indicated that this is for the existing Chantal Salon with a change of ownership; an existing employee is taking it over. Everything else – the sign, store hours - will remain the same.

SEPARATE #6296 – SWAN COSMETIQUE, 439 RIVER ROAD, BUSINESS

Mr. Schultz indicated that this is in the Sunnyside Shopping Center where the old Head Company used to be. It is an 800 square foot leased area for a hair salon with one employee, hours of operation 10 a.m. to 7 p.m.

Comm. Pogoda asked if this was just for the business.

Mr. Schultz responded yes, no signage at this time.

SEPARATE #6299 – RAMA RAD POOSKUR, 429 SHELTON AVE., BUSINESS

Mr. Schultz indicated that this was across the street from Aspetuck Village. It is for a change of ownership at the convenience store. It's 1500 square feet, everything is the same. Number of employees is four. Hours of operation 6 a.m. to 10 p.m.

SEPARATE #6319 – JENNIFER HOLD, 555 BPT. AVE., BUSINESS

Mr. Schultz indicated that this was for the other older office building on Bridgeport Avenue. This is a naturopathic physician's office, 200 square feet, one employee. Hours of operation Monday through Friday, 9 a.m. to 5 p.m. Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6319.

NEW BUSINESS

APPLICATION #12-10 – JOE PERIERA, PERIERA ENGINEERING, LLC FOR JOE PERIERA, PERIERA ENGINEERING, LLC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (BANK WITH DRIVE-THRU), 500 SHELTON AVENUE (MAP 74, LOT 5), CA-2 DISTRICT: ACCEPT AND SCHEDULE PUBLIC HEARING

Mr. Schultz indicated that Staff recommended their next meeting, Tuesday, July 10th for the public hearing.

Chair Parkins commented that they've already discussed having only one meeting a month in the summer. She advised everyone to be aware that the July meeting agenda is going to be pretty full so it is going to be a late night. They have the choice of staying late or having a second meeting next month for the public hearings. The consensus was to have one meeting on July 10th.

Mr. Schultz added that as a side note, Inland Wetlands will probably be acting on this application this Thursday and the City Engineer is presently recommending a favorable action.

Chair Parkins asked if anyone had any conflicts for the July 10th meeting. There were no conflicts.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to accept Application #12-10 and schedule a public hearing for July 10, 2012.

APPLICATION #12-11 – COUNTRYSIDE VETERINARY HOSPITAL, LLC FOR SITE PLAN APPROVAL (ADDITIONS AND ALTERATIONS), 374 LEAVENWORTH ROAD (MAP 150, LOT 45), R-1A DISTRICT – ACCEPT FOR REVIEW

Mr. Schultz indicated that the applicant was present to provide a quick overview to the Commission.

Carl Kreglund, architect/designer for the Countryside Veterinary Hospital, LLC addressed the Commission. Mr. Kreglund indicated that there was already a standing approval for this site work. They had planned on doing a major renovation – he presented a rendering of the site plan with the proposed parking areas, the existing building and the proposed addition to the building.

Mr. Kreglund stated that over the five years since it has been approved, they have re-thought how they would like to do this. They brought in a builder that they like and that they want to use and have created some new designs.

Mr. Kreglund showed a representation of the new design. He explained that the colored portions on the site plan depicted the existing building, the pavement areas, the gravel areas and the grass areas. He put a shaded drawing over it to show their recommendations which include widening the entrance. He indicated that they are proposing an 1100 square foot addition. The Zoning Summaries are on the sheets that have been approved already.

Comm. Harger asked when this was approved.

Mr. Kreglund responded about five years ago (inaudible)...

Chair Parkins asked what the time limit was for these approvals.

Mr. Schultz responded 6 years.

Mr. Kreglund showed a photograph for those not familiar with Countryside Veterinary Hospital, as it appears today coming up from Route #110 and a view coming from Monroe. He pointed out the front entranceway as it exists right now.

Dr. Bruce Kerns, owner, Countryside Veterinary Hospital, 374 Leavenworth Road, Shelton addressed the Commission. Dr. Kerns stated that one of their goals was to make Countryside Veterinary Hospital more appealing in a country-like way. It was originally a light manufacturing building.

Mr. Kreglund indicated that Sheet #4 will give them a better idea of what they are proposing. He showed a rendering of the front view of the building and stated that they are trying to give it more of a country-looking, inviting, aesthetic-pleasing look. He referenced the rear view of the building and stated that the back portion of the building is pretty much the same. He indicated that there will be a 16 to 18 foot addition (depending upon where in the building you are) to the front of the building and a widening on one side of about 14 feet and 30 feet in back.

Dr. Kerns added that it was an “L” shaped addition that is basically the public side of it, facing the road as well as the parking lot side.

Mr. Kreglund referenced Sheet #2 and showed the layout of the proposed addition and referenced a portion that was already existing and the proposed addition which would add three examination rooms and expand the waiting rooms significantly because there is no place to put all the...

Comm. Flannery added all the dogs...

Mr. Kreglund indicated that it is presently pretty tight in there.

Comm. Flannery agreed that yes, it is. She added that she is there all the time.

Mr. Kreglund continued that a lot of the work is just to make it more suitable, more workable and more inviting.

Comm. Harger asked if they had any equipment that they would be installing.

Dr. Kerns responded no, not really. He indicated that they are basically adding space and then improving some of the existing spaces to accommodate and adjust for some of the office. There really is not a lot of new equipment going in. It will also give them an air lock because they presently just have a single door there. It gets warm in there, so they had an energy inspection done back when they submitted for the original expansion. They had an energy survey conducted because, obviously, what they needed to do to improve it and put an air lock in there.

Mr. Kreglund stated that when he first started looking at the building it was winter time and every time anybody opened the door, all the cold air would get in and the Staff would stand there shivering. He indicated that they've created an entry way that actually provides a small sitting area outside of it but it goes right in and there would be a vent right in front of the main doors as well as the door going out to the existing pavilion.

Comm. McGorty asked if he said there would be more parking spaces now.

Mr. Kreglund responded that they will be delineated now so, essentially, they are talking about adding real handicapped spaces, fully marked parking spaces for maybe three additional added spaces. They will be repaving the parking lot and fixing some of the grading so that it doesn't run into the middle and create any new issues.

Comm. Harger asked if there was only one entrance and one exit.

Dr. Kerns responded that there were three exits. He pointed out the location of the main one, another one on the side and another one in the back. He showed which exit was the one that currently exists.

Mr. Kreglund added that there will be five exits in total.

Chair Parkins asked if they board animals.

Dr. Kerns responded no, they do not.

Comm. Harger asked if the customers would basically be going in and out of the front entrance/exit.

Dr. Kerns responded yes, he added that actually there are two doors on either side of that so if they wanted to go to the Pavilion, they could – in essence it becomes five.

Mr. Kreglund commented that there will also be an alternative exit off the back which goes to a handicapped ramp as well as a stairwell.

Comm. Harger responded that was an important feature (inaudible)...

Mr. Kreglund indicated that another part of the design includes the installation of a proper handicapped bathroom inside.

With no further questions or comments, Chair Parkins thanked them for the initial presentation.

Comm. Harger asked if there was anything that they could do on this tonight.

Mr. Schultz responded no, that he has to make referrals to the City Engineer, Fire Marshal and Inland Wetlands has to act on it this Thursday night. He added that they need a motion to accept the application.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to accept Application #12-11.

APPLICATION #12-12 – BISHOP MANAGEMENT OF SHELTON FOR FINAL SITE DEVELOPMENT PLANS APPROVAL FOR PDD #72 (PHASE ONE: COMMERCIAL BUILDING), 762 RIVER ROAD (MAP 12, LOT 35), - ACCEPT FOR REVIEW

James Swift, P.E. and Landscape Architect representing the Applicant, Howard Soffan, addressed the Commission.

Mr. Swift presented a site plan and indicated that the original proposal was to use the existing building which is presently a light industrial building which they would convert to a commercial and then an office medical type building facing the rear with the parking area in between.

Mr. Swift indicated that this overall project requires a State Traffic Commission (STC) to come in, etc. and that looks like it may take awhile. He stated that right now, Howard Soffan is interested in getting started on the renovation of the front building. Therefore, tonight he's presenting for review the Detailed Development Plans just for the front building which would be Phase One. He added that they don't plan on making any changes and they are requesting Final Approval on the front piece first so that they can get started.

Chair Parkins commented that they would be phasing it then.

Mr. Swift responded yes, that's correct. He indicated that it is pretty much that simple and Joe has some architecture that he'd like to show them.

Mr. Panico stated that they had talked about making the supporting parking for Phase One a little bit larger.

Mr. Swift responded, yes they did and they have no issue with that. He recalled that in one of the Staff Sessions, a suggestion was made that instead of single bay back here (he pointed out the location) that they have two bays. Mr. Swift indicated that they'd have no problem doing that whatsoever.

Chair Parkins asked about the pond that they are proposing on the drawing in the middle of the parking lot.

Mr. Swift responded that what happens is that the final plans call for a fill and elaborate storm water system to be there. It is actually structural in nature but they've broken it into phases where they are temporarily going to make it just a pond, or a hole in the ground. He added that it is banked on gravel, it is all sand. Anywhere that they put it in (inaudible)...

Chair Parkins commented OK, she understood – she just saw that and didn't understand where the parking had gone.

Mr. Swift stated that is what they are proposing now is more of an open retention pond but they are doing it very carefully so that the bottom of this pond is not quite as deep as what the final system would look like. So, they are taking all of that into account. He indicated that when the time comes to put that underground, it will be there.

Joe Mingolello, Architect, Mingolello & Hayes Architects, 90 Huntington Street, Shelton addressed the Commission. Mr. Mingolello indicated that when they had originally designed two basically different looking buildings. They sat with Staff and talked about melding the architecture of the front building, the rehab with the office tower in the back. They were going to share all of this parking so they thought that they should share a look.

Mr. Mingolello stated that they tried to tie the materials together and also the architecture. He showed a rendering of the River Road elevation and explained that it can be broken into four different stores or one large store tenant. It is about 1,200 square feet total. He showed a rendering of the rear elevation. He indicated that the east elevation faces the

west elevation of the office tower. They feel that since these two elevations face each other, that if they are similar in style and architecture, it would be more harmonious. He added that the buildings would work better together especially since they share the parking.

Mr. Mingolello explained the material uses as a brick band down low for the office tower and they did the same for the other with brick down below, brick on the corners and articulation at the corners. He showed that they added some canopies to add some color and texture. He stated that basically that was the difference between the two.

Mr. Mingolello indicated that in the original proposal, the office building was to be a glass tower. It didn't work very well together. The owner wanted all glass so they went with that but then thought about it, listened to comments and spoke to Staff; they decided on this new rendering to tie it all together. He added that they think it is a much more handsome development. He concluded that was basically the architecture. The plan didn't change or the overall scope did not change – just the look of the buildings.

Mr. Panico clarified that for Phase One they would just be dealing with the rehab of the front building.

Mr. Mingolello responded yes, that's right. He pointed out which building would be Phase One.

Comm. Harger commented that she liked the treatment of the canopies.

Mr. Mingolello thanked Comm. Harger and added that he thinks it will be very handsome. There are a lot of things going on, it is highly visible and he personally likes the look of the office tower – he thinks that the two will work well together. They will be back here for Phase Two.

On a motion made Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to accept Application #12-12 Phase One for review.

APPLICATION #12-13 – BISHOP MANAGEMENT OF SHELTON FOR FINAL SITE DEVELOPMENT PLANS APPROVAL FOR PDD #73 (COMMERCIAL BUILDING), 781 AND 785 RIVER ROAD (MAP 12, LOTS 29, 43) – ACCEPT FOR REVIEW

James Swift, P.E. and Landscape Architect representing the Applicant, Howard Soffan, addressed the Commission. Mr. Swift presented the site layout for 781 River Road and explained that they presented this to the Commission originally, and the parking lot and the building layout are the same. They did have a Staff meeting and there were some minor comments that they are still open to and they will take all of those into account. He indicated that there were no changes.

Comm. Flannery asked if this was the building across the street.

Mr. Swift responded yes.

Comm. Flannery asked if it was the place next to the houses.

Mr. Swift responded that Wintergreen Lane comes off of River Road and then winds around the hill. He showed the location of the last house on Wintergreen.

Mr. Schultz clarified that it was Turner Estates off of River Road with a private common driveway.

Mr. Swift apologized and corrected to say that the private road comes up and touches all these lots that have houses but they aren't on River Road – he pointed out the last house in that area. He also showed the location of the last house on Wintergreen behind it in another location.

Joe Mingoello, Architect, Mingoello & Hayes Architects, 90 Huntington Street, Shelton addressed the Commission.

Mr. Mingoello added that when talking to Staff, they discussed the issue that they have a large rock cut here. Originally, they came in with a plan for a flat roof, not nearly as high or nearly as big – very plain and simple. In order to conceal some of that rock that they'll be removing, they added some verticality to the building by adding gabled roofs and dormers. He presented a rendering of the proposed architecture.

Mr. Mingoello indicated that this didn't change the size of the building and everything is still the same. He indicated that all they really need to change is the roof line. He added that it sort of ties in better with the Sports Center across the street because it is the same style of architecture. It has a single story, gabled roof and across the street they have clapboards and textured block instead of brick, but the architecture is very similar. He added that he thinks that they'll work well together.

Mr. Panico asked if they still had a significant overhang on the (inaudible) front precipice.

Mr. Mingoello responded yes.

Mr. Panico asked where the signage panels were going to be.

Mr. Mingoello showed the location for the sign panels right below this elevation – right underneath the overhang.

Comm. Harger asked if the dog houses up on the roof were the standard size.

Mr. Mingoello responded that they'll be whatever works architecturally and makes sense – about 4 feet wide would be about standard.

Comm. Harger asked how wide the door would be.

Mr. Mingoello responded that it was a little bit wider than that. The glass will probably be about three feet with trim on the sides.

Mr. Panico asked if they expect there to be a ground sign in association with the building or just the building signs.

Mr. Mingoello responded that they have a ground sign and pointed out the location inside the highway line. He added that all of the trash receptacles have been taken care of in the back.

Comm. Pogoda asked if they would be masonry enclosure.

Mr. Mingoello responded yes, it will match the brick siding of the building.

Mr. Panico asked if they are still planning on the drive-through window there.

Mr. Swift responded that at this point, yes, but again, it is not a tremendous one. He thinks it will be a coffee shop type of thing.

Mr. Mingoello added that he has three small shops that are going to go in there. He thinks that one is an ice cream, a coffee and (inaudible)...

Comm. Pogoda asked if he had the tenants already.

Mr. Mingoello responded yes, he's got four tenants as far as he knows. He doesn't know them all but he said he has people that are very interested.

Comm. Harger asked if there was a need for an overhang at the drive-through window.

Mr. Mingolello responded yes, enough for a car pulling up in the rain to reach across to pay – a minimal overhang. The front walk will have an overhang because they live in a climate environment where they'll need to get out of the elements.

Mr. Panico asked what the footprint of the building was.

Mr. Mingolello responded that the footprint was 5800 square feet – 58 feet x 100 feet.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was voted (5-1) to accept Application #12-13 for review. Comm. Flannery voted in opposition.

PROPOSALS OF THE SHELTON PLANNING AND ZONING COMMISSION TO AMEND SECTION 23, SCHEDULE A, USE LINE 19 (HOSPITALS AND CONVALESCENT HOMES) AND THE CONTINUATION OF PUBLIC HEARING ON THE RE-WRITE OF SECTION 32: EARTH MATERIALS REMOVAL: SCHEDULE PUBLIC HEARING DATE

Mr. Schultz stated that one of these is a new item where Corporation Counsel directed the Commission to amend Use Line #19 for Hospitals and Convalescent Homes so that it is ADA compatible. He added that it has to go to a public hearing.

He indicated that the Zoning Subcommittee has tweaked the last version of the Filling & Grading Section. He sent out all of the referrals including the Shelton Builder's Association.

Chair Parkins commented that they will be continuing the public hearing for the second section and opening a public hearing for the new one. She asked if they had to be treated as two separate hearings.

Mr. Schultz responded yes.

Comm. Pogoda stated that there was a lot of stuff to accommodate all the comments from the public (inaudible)...

Mr. Schultz indicated that he can't emphasize enough that they need the adoption of it quickly because they are getting so many requests. It is a high priority.

Chair Parkins asked all the Commissioners to read through it and prepare any questions or comments for that meeting.

Mr. Schultz stated that there are a lot of pages but it is an important regulation, as they all know.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to accept the Proposals of the Shelton Planning & Zoning Commission to amend Section 23, Schedule A, Use Line #19 (Hospitals and Convalescent Homes) and the continuation of Public Hearing on the Re-Write of Section 32 for Earth Material Removal for July 10, 2012.

PUBLIC PORTION:

Chair Parkins asked if there was anyone wishing to address the Commission on any item not on the Agenda. With no comments, she asked for a motion to close the public portion.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to close the Public Portion of the meeting.

OTHER BUSINESS

APPROVAL OF MINUTES: 5/8/12 AND 5/23/12

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to table the Approval of the Minutes for 5/8/12 and 5/23/12.

INFORMAL DISCUSSION: DOMINICK THOMAS ON BEHALF OF TALBOT & PARTNERS, LLC FOR A PROPOSED PDD TO BE LOCATED ON PROPERTY OFF BPT. AVE. (ASSESSOR'S MAP 19, LOT 56)

Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission. Atty. Thomas indicated that he was representing the developers present, Talbot Partners, LLC. He stated that Talbot Partners were proposing a residential apartment for a parcel of land which he showed on a location map and an aerial photo that he provided for all the Commissioners to review.

Atty. Thomas indicated that the map shows that the parcel of land is located behind Bertucci's and Planet Fitness. He referenced the smaller map from GIS (Geographic Information System) showing the subject site which many people probably don't even know exists. He explained that it is set back from the road, and explained that a portion of it was taken in the early 1970's for the now-Route 8 (when they relocated Route 8). It appears to be landlocked but he indicated that it does have a record – a 60-foot Right-of-Way through property that is in the front. They were all owned by entities related to the Francini family and are still owned by the Francini family.

Atty. Thomas stated that the site has been marketed for a number of years for a lot of reasons but obviously, the front ended up getting developed where Bertucci's and Planet Fitness are located. He indicated that the back portion just sort of sat around, sometimes the family actively pursued it and sometimes they did not; because of its setback and location, it had some issues. They looked into and are still looking into issues related to putting a big box there – it has no ability as a retail because it has no visibility and it sort of goes down towards Bridgeport Avenue.

Atty. Thomas indicated that after substantial studies and everything, it was determined that Talbot Brothers would enter into an agreement with the Francini family with the proposal to build upscale apartments. He stated that it was an excellent market. As they can see from some of the notes that he put on the aerial photo, they already have cluster and multi-family residential housing existing along or within what he calls "the box." The box is the area from Trap Falls, Commerce, Huntington, and the Bridgeport Avenue area in which they have the main corporate area. There are plenty of other retail services within this area, restaurants and the residential that has been put in or that was existing in this area has relatively flourished. He stated that although he doesn't have it on this map, the Avalon Bay went in down by Image Graphics and he's heard rumors that they are 95% rented but then somebody told him that they were a 100% rented. Atty. Thomas indicated that there is certainly a tremendous market for it.

End of Tape 1B 8:33 p.m.

Atty. Thomas stated that their proposal is a PDD which gives the Commission developmental control which is necessary with respect to this type of a project. They will see in the proposal the details for 248 units. The impact upon services is minimal and the taxes are really good. Atty. Thomas indicated that the reason that he can comment on that is because in 2003 – 2004, two major apartment proposals were brought before this Commission. He believes that the only Commissioner that was on at the time was Commissioner Pogoda for the Renaissance Plaza and Roseland Properties. At that time, a lot of issues were addressed. The Renaissance was obviously the one that was approved and it was built. His understanding, not personal knowledge, is that the condos (top floor) which they still see signs for, have not sold but the apartments are fully rented. In fact, he was told that one of floors that were allocated for condos was turned back into apartments because there is a great demand for them.

Atty. Thomas stated that one of the things that have always been raised is about how something like this is going to impact the schools and everything. He passed out a sheet taken from the Partners For a Strong Community and is it called the "The School Cost Myth." He indicated that it talks about where school children traditionally come from

and obviously, they don't come from apartments. He referenced the second sheet which was from 2004 when he was trying to get this Commission to approve both the Renaissance and Roseland at the same time and there were issues about school children.

Atty. Thomas indicated that Roseland is one of the biggest developers in the northeast with millions of square feet of apartments and commercial. He asked them for a breakdown of kids in different sized apartment units so they analyzed 2,859 apartment units with studios, one-bedroom and two-bedroom units. The total number of kids was divided into ages 0-5 and 6-18. They took Roseland I, Roseland II and Renaissance which totaled 481 apartments and they created two percentages. One percentage included 3 bedrooms and this proposal tonight has no three bedroom units. But using the three bedroom units that were in there, those 481 apartments would generate 17.7 school aged kids. If they eliminate the 3-bedroom units then they generate 15 kids. When they look at the impact from that many apartments, the impact is negligible on their school system, especially considering the fact that at the same time, they presented the Commission a very elaborate marketing study showing that this number of apartments and vehicles generates the same amount of taxes as a Class "A" Office Building. Also, it does not generate the peak traffic that an office building would during peak times.

Atty. Thomas stated that their feeling is that this a perfect fit for this site. It is a site that they will see there is a tremendous need for. He indicated that the need is really two-fold. The need relates to the several million square feet of office space up there and this will be very appealing to those companies, especially to the young people who can't afford homes. One of the things that they stressed in 2004, that disappeared in 2008, when banks were giving money to anybody without any verification in 2006-2007 – the pendulum has now swung the other way. He stated that young executives can be making a very good salary but cannot afford homes right now and can't afford the down payments right now. It is a serious issue and it is why the apartment phase, for all intents and purposes, is transitional housing for them.

Atty. Thomas indicated that the other thing that was popular in 2004 is still very popular now and that is snow birds or the type of person who has lived in Shelton for 60 or 70 years, wants to stay in Shelton and go where it is warm in the winter. but doesn't want to own a house and cut the grass.

He added that when the lady from Denver in the NPR story on "Why Apartments Were So Good" said "she lives in an apartment because when the furnace goes, she doesn't have to call anybody." He added that this is the same philosophy. The marketing is there. The use is appropriate and he thinks it would be a benefit. He stated that he would turn it over to Paul from Vanasse, Hangen Brustlin, Inc. for an overview.

Paul Busley(?), Vanasse, Hangen Brustlin, Inc. addressed the Commission. Mr. Busley indicated that Vanasse Hangen Brustlin, Inc is a full service engineering firm with approximately 600 engineers, scientists, planners, and surveyors located up and down the East Coast. He stated that their main office is located in Watertown, MA and his office is located in Middletown, CT.

Mr. Busley indicated that he wanted to briefly run through this project for the Commission.

Comm. Harger asked how many acres this site was.

Atty. Thomas responded 13 acres.

Comm. Flannery asked if it was all rock.

Atty. Thomas told Rick Schultz that they can answer those questions and discuss that.

Chair Parkins clarified that this was a very informal overview for this. They are asking and haven't put a lot of time and effort into coming up with a final plan for this if the consensus of this Commission is that it isn't the right fit or whatever. They are just going

to give an informal presentation now to see if the project is worthy of submitting an application to the Commission. She asked Atty. Thomas if that was correct.

Atty. Thomas responded yes, that's correct.

Mr. Busley indicated that he would be very brief. He showed a location map showing the property location off of Bridgeport Avenue. He indicated that they would be proposing a long driveway, approximately 60 feet wide, so they would have an opportunity to do something spacious with enough distance to create a boulevard-type feel with multiple lanes in and out. He continued to explain that once you enter that driveway, they are located in the back away from Bridgeport Avenue.

He explained that the site has a curved road around it and is flanked by two roads, one north/south and one east/west, four clusters of buildings with a total of 11 buildings and 248 units. When they enter the property, the first group of buildings would have a rental office, clubhouse, gym on the first floor and apartments above. Also, that would be the location for the tennis court, a pool and maybe a gazebo so that when you come in, it is the first area seen.

Mr. Busley indicated that the parking ratio is approximately two spaces per unit for about 469 parking spaces about (inaudible)... He indicated that the topography is an issue so they would have to deal with that. By the way that this plan is laid out, they would have to level the site and make it relatively flat. They would anticipate a series of retaining walls on some of the sides which they are showing here conceptually. He added that once they study the topography and conduct surveys they will have to explore in more detail. They know that they have to manage their storm water on site so they would designate areas for storm water management such as above ground ponds and things of that nature. He stated that another component that they have with something this large is the State Traffic Commission. The STC and the DOT would have to be involved and they would have to review it, give approval and insure that they aren't causing any traffic-related issues for Bridgeport Avenue.

Chair Parkins asked if in his experience with a complex of this size it would warrant a traffic light at the bottom of the hill.

Mr. Busley responded that it is really dependent upon the traffic and the proximity of other traffic signals and the timing that exists out there. It is not just dependent on the size of the development itself. Size is obviously a factor. Another point here is the fact that there is a long driveway leading to the site, so it's not right up on Bridgeport Avenue. He added that residential doesn't usually have the kind of peaks that come with a commercial development or something like that.

Comm. McGorty asked if that would be the same shared entrance with Planet Fitness.

Mr. Busley responded yes it is.

Mr. Panico responded that Planet Fitness is using a portion of that 60 foot Right-of-Way.

Mr. Busley indicated that it would be widened and expanded and there would be a connection there for Planet Fitness. He indicated that they would propose some secondary entrances to help mitigate things but right now it is just conceptual in nature. They do show a couple of proposed entrance points on the plan.

Atty. Thomas stated that those are emergency exits only.

Mr. Busley responded yes, emergency only. He concluded that was his brief overview of the project.

Mr. Panico asked how many stories.

Mr. Busley responded that the largest buildings have 4 stories so it's between three and four. He added that of the total 11 buildings, there are only three buildings with four

stories, eight of them would be three stories. The units within each building would be anywhere from 20 – 24. Some are 24 and the rest would be 26. He added that some units would have parking garages underneath. There are a couple of styles that they are looking at to mix it up. The units that they are showing don't have parking underneath but some of the other ones have garages up against them on the bottom floor.

Atty. Thomas stated that as the Chair indicated, this is a concept plan. They are still going back and forth. He showed the location of another cut so the boulevard may have to be cut at that point to accommodate that. Even though it is still related in some way to the Francini entity, this is owned differently than this other part is owned. He's in the process of working through those types of details. He pointed out the proposed emergency entrance which goes right onto Fran bard Shelton LLC.

Mr. Panico asked about the building materials.

Atty. Thomas indicated that they were just going to get to that.

Comm. Harger asked if what they were proposing conformed to the topography and if they were pretty much clear-cutting and re-grading.

Mr. Busley responded that right now that haven't done a complete a topographic survey or a geotechnical investigation which would reveal those types of things. The way that this plan is shown, it is basically going to the extreme limits of the site, so it is basically showing a plan that would involve clearing and leveling to experience that. They know by looking at some State-available topography things like that, that there is a grade change around here so they know that they're going to have to put some walls around the perimeter.

Comm. Harger asked if the land sloped down to Route 8.

Mr. Busley responded that it does do that – slope down in this direction. He pointed out the different direction of the slopes and the low point.

Comm. Harger asked if they could take advantage of any of that to keep you're ...

Mr. Busley responded that was obviously something that they would look into for the final design. It would be depend on whether the slope would (inaudible) but they would look at that.

Atty. Thomas commented that one of the things about the parking that he wanted to point out is that this proposal is studios, one-bedrooms and two-bedrooms with no three-bedrooms. So even though they've discussed parking at two per unit, it actually incorporates the visitor parking into it because studios aren't going to have too many people in them. Even in one-bedrooms, they would have a mixture of that. He added that the parking on site is pretty good.

Atty. Thomas indicated that one of the questions that have been brought up to them as they've met with other people is what this is going to look like in 20 years – and this relates to the materials put into it. He stated that a study was done and they went out and photographed some 20-year old apartment complexes. He added that he can't say how people are going to maintain it but they have to assume that they'll maintain it appropriately - and for a project of this size, the investment which is approximately \$30 million, so obviously, they aren't going to just let it go.

Atty. Thomas showed some photos of some 20-year old apartment units. He asked Mike ? where the photos were taken.

Mike (last name not provided), Talbot & Partners, LLC responded that some were in Stamford, Hamden and Danbury.

Atty. Thomas indicated that it shows the boulevard look and boulevard-type of entrance. He commented that he thought it was similar to Aspetuck Village which has a landscaped boulevard.

Mike presented photographs of apartments with wood frames, HardiPlank™ construction and brick accents.

Bill Winford, Talbot & Partners LLC addressed the Commission. Mr. Winford showed what the buildings that they proposed would look like – or similar to it with a cultured stone look which could be masonry or brick but that's on the bottom portion of the buildings with HardiPlank™ for the rest. HardiPlank™ is almost a light pine board. There is no vinyl siding or anything like that involved. He indicated that this is a project for them worth \$30 million dollars and they will put the best into it that they can and keep it for a long time.

Mr. Winford stated that this site has been in the Francini family for 40 years and over the 40 year period, they have been working on this site. There are very few trees on this site. In the southern end there are some trees but this site has been virtually leveled by the Francini family for the last 40 years from their construction on other buildings they've funded and they've brought material in and leveled it. He indicated that the site work is a balance, cut and fill project. He pointed out the side where they will have to put retaining walls which will be a masonry construction and commented that it will look very nice. Mr. Winford indicated that the site itself will be a balanced site so there won't be trucks coming in and out of here with materials being brought in and out. Everything on this site will be used on this site, so that is a good thing for travel flow during construction.

He pointed out the location of the emergency exit going to the warehouse and back between Bertucci's and the Gym for Fire and Police use only. He showed where the boulevard would come in and explained that it would have a security gate at the front.

Mr. Panico asked if somebody could tell them a little bit about Talbot. He asked if they would build this and own it or would they build it and package it as investors and sell it to somebody.

Mr. Winford responded that right now it is looking like they are going to be building the project themselves and owning it.

Mr. Panico asked if they manage other apartment projects of this nature.

Mr. Winford responded that Mike does – he's one of the partners and he does, yes – many in Florida and many here.

Atty. Thomas commented that with this being a PDD, and he explained this to Mike that the Commission gets the architectural control over the project that they normally wouldn't have (inaudible)...And their proposal is to go with high end with the construction.

Mr. Panico asked if they are going to have four stories, would it be a four-story walk-up.

Mike (no last name provided) responded that the three buildings with four stories would have elevators. The point for where they are placed is two-fold – the mobile home community is the highest point so they are putting the four-story building the farthest away to be less impactful. The other reason is that as they have customers enter, they want them focused here and have all the amenities on the first floor – rental office, gym, movie room, common room, etc. Theoretically, they will have the models there so everybody is self-contained and they don't have to move around.

Mike pointed out which area would lend itself to a four-story building, amenities on the ground floor, three stories of apartments here and here because of the type of topography. He added that they will have elevators but everything else will be stairs.

Mr. Panico asked for clarification that the three stories would be walk-ups and the four stories would be elevators.

Mike responded yes, correct.

Mr. Panico asked about three stories with the parking at the basement level.

Mr. Winford responded that there are garages (inaudible)...

Mr. Panico commented that from the garages, they are actually four levels.

Mr. Winford responded that he didn't think there were garages in those units just the three stories.

Comm. Flannery asked if the three-story had one apartment on each floor.

Mike responded that they have an apartment on the ground floor and a space next door so it would be similar to a townhouse with a split sort of apartment garage. There would be an apartment on the ground and above so it will be mixed.

Mr. Panico asked if in many of the buildings the top two floors are townhouse type units.

Mike responded yes, (inaudible) he'd make the assumption that with the garage units there will be some duplexes there.

Mr. Panico commented that they've said these are luxury apartments. He asked what the rental range would be.

Atty. Thomas responded between \$1500 and \$2500.

Mr. Winford added that it is comparable to Avalon and other projects in the area. He stated that it would be approximately a two-year construction time, 300 employees temporarily while the buildings are being built. He added there would probably be about 40 permanent jobs on site after construction including landscapers, office workers etc.

Atty. Thomas commented that obviously at the time of (inaudible) they will conduct a marketing study, a revenue study, impact study, etc.

Mr. Panico asked about the timetable and if everything went well, could they start next spring.

Mr. Winford responded yes.

Mr. Panico commented that the first units would be available maybe a year from this fall but more than likely, two years from now.

Mr. Winford stated that for talking purposes, if they got approval, he thinks 6 – 8 months from now. They are ready to go to work right away.

Mike added that it will probably be 12 months from that - so yearend – first quarter of 2014. delivering a building a month after that.

Mr. Panico asked if they would phase it in.

Mike responded yes, correct. The goal in projects like this is to lease ¾ unit a day or 20 a month – 20 apartments. They would probably try to deliver a building a month.

Mr. Panico asked if he would start with that first quarter at the end of the driveway and work their way into the site.

Mike responded that it would depend – they would want to cordon this off so that they can keep a beautiful front window away from all the construction traffic. He'd want to keep a couple of construction entrances so they could work their way back on the site.

Chair Parkins asked about Talbot and their history and what they are known for – in the way that Avalon is known for apartments.

Mike responded that Talbot is a multi-product investor that has experience in many product types but multi-family is a big part of what they collectively do. Several thousand units of (inaudible...)

Chair Parkins commented that she was thinking in terms of what is cyclical. She referenced how years ago, Balance Rock in Seymour was apartments because that was what everyone was looking for and then suddenly the rental units were no longer as desirable because mortgages were low, banks were giving out a lot of money, so people turned to condos.

Mike responded that they believe that the staying power here is apartments. They are long term believers in the rental business for a variety of reasons. They think that the "For Sale" business is going to be challenged for a long, long time. They think that the mobility of the Echo Boom Generation, the desire to be free of a mortgage and to relocate for a job is going to be paramount because the mortgage market has got a long way to go to heal itself. Also, many young people coming out today already have a mortgage in the form of student loans so they are 20+ year believers in the multi-family rental business.

Mr. Winford added that they've managed to keep the taxes pretty low in Shelton so it is an ideal situation for apartments.

Mr. Panico asked if the amenity package gets built up front initially.

Mike responded that they have to get their leasing office and the "sizzle" done first so that they can start marketing. The front quadrant with all the sex appeal associated with the pool, gym, movie room, tennis court, etc. is going to be done right away so that they can start leasing apartments. He commented that in going to any of these communities and there are subtle differences, but if the amenities package is (inaudible)...

Atty. Thomas stated that one of the things about the issue (inaudible)... There are people that are making a good salary but can't afford the 20% down payment and it creates an affordability gap combined with what Mike just mentioned about young executives with opportunities based upon relocation. He added that this is the appeal but they don't want to live in apartment like Balance Rock. They want to live in what has evolved into the new apartments. Interestingly enough, those apartments that Avalon built and outside of this state that Roseland built in the 1990's that people populated in the 1990's – when they had the crash and everything – they came out fine. That also enhances the marketing of it.

Atty. Thomas added that it is not just young executives that will be there. There will be other people there but it does enhance your corporate areas because now the businesses can say that they have housing available near them.

Atty. Thomas added that he thinks that there will be a day when it will be more pedestrian friendly here too. This is part of it along with other people wanting to live here and stay in Shelton. Shelton is a very popular place now. This is a company that knows what they are doing and is prepared to put in a premium product.

Comm. Pogoda asked how long this company has been in existence.

Mike responded that Talbot & Partners was formed specifically for this but the partnership amongst the owners has been in business for over 20 years.

Comm. Pogoda asked if he said that they also built commercial properties.

Mike responded yes, correct.

Comm. Pogoda asked if there were any in Connecticut.

Mike responded that there are some in Connecticut – Stop & Shop anchor grocery centers and some office buildings. He commented that two features that are paramount in luxury apartments today are technology and LEED certification. The younger generation, the people looking for apartments want the best quality from an environmental standpoint. They want them to be LEED certified Silver or Gold and they want them to be lit with fibers so that the technology, the Internet and accessibility there is paramount. Most of these people won't have land-line telephones or cable TV. They will use the Internet for a variety of things for communication and entertainment.

Comm. Pogoda asked if he was saying that these buildings would be LEED certified.

Mike responded yes, correct.

Mr. Panico asked when they are up and running and 100% occupied would there be on-site maintenance and managerial staff.

Mike responded yes, he thinks Bill mentioned 40 employees on site on an ongoing basis.

Mr. Panico asked how many of those 40 would live there – would there be a resident.

Mike responded yes, there would likely be a resident manager and what they often see in these projects is subsidized lease units. They'll provide some subsidized rents to police officers for their benefit and for the benefit of the community. There are probably an on-site manager and a half a dozen staff in the leasing office, 4-5 engineers around and a variety of professionals coming in from the landscaping standpoint, security and maintenance.

Chair Parkins asked if it would be heated with gas. She asked if there was gas service.

Mike responded that they aren't done with any final engineering and (inaudible)...

Chair Parkins commented that there is gas service there though.

Mr. Winford responded yes, hopefully is the answer to that.

Comm. Flannery asked why it was 248 apartments. It sounds like a lot of apartments. She asked why they wouldn't take away that back row and not be so close to Route #8.

Atty. Thomas commented that even though this looks visually like it is close to Route #8, he doesn't think that Route 8 is going to see the apartments – maybe during the winter months.

Comm. Flannery commented that she was thinking more about the sound.

Atty. Thomas responded yes and that is an important issue. As they evolve through the next steps of this, based upon this, if Talbot decides to go forward and formally develop a concept plan, then they can get into some real discussions concerning the various units and their locations. They'll be prepared to do that. He added that the issue with respect to the sound, he thinks that once they see the final plans, the topography and things of that nature, they'll be able to address those issues.

Mr. Winford added that they'll screen that (inaudible) or have a landscaping screen to cut the noise down.

Comm. Flannery showed the location of her house on the proposed site map. She commented that she listens to Route #8 all the time and she is not even half as close as this would be.

Atty. Thomas indicated that it is certainly an issue and it also relates to the construction of the building itself and the (inaudible)...

Mike commented that there are slated windows and sound attenuations available now to make it more palpable but you're going to hear it if you open the windows. There is no escaping it.

Chair Parkins asked what prompts the State to get involved with putting up some sort of sound barrier – walls like you see in New York State.

Atty. Thomas responded that they are not going to see it along here, especially not with the grade change and the trees here - they aren't going to see that. In New York, they have the nice walls that people can use to tag with their art work.

Mike responded that this site is approximately 25 to 30 feet above Route 8.

Atty. Thomas stated that they aren't talking about something that is (inaudible) There's basically almost a (inaudible)...

Mr. Winford commented about Route #8 and said that the people at this site can access Route #8 North and South which they will love with the easy access on and off.

Chair Parkins asked if there were any further questions or comments from the Commission. There were none.

Atty. Thomas thanked the Commission for the opportunity to have the informal discussion about this property.

PAYMENT OF BILLS

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the payment of bills, if funds are available.

End of Tape 1B, 9:20 p.m.

STAFF REPORT

Mr. Schultz reviewed the ZBA Agenda, Subcommittee Reports, ZEO Program issues, Sign Enforcement, Filling & Grading projects and other ongoing planning matters.

***See attached P&Z Department Staff Report dated June 13, 2012.**

ADJOURNMENT

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to adjourn at 9:25 p.m.

Respectfully Submitted,

Karin Tuke, P&Z Recording Secretary