

**SHELTON PLANNING & ZONING COMMISSION**

**AUGUST 14, 2012**

The Shelton Planning and Zoning Commission held a regular meeting on August 14, 2012 at 7:00 p.m., Shelton City Hall, Auditorium, 54 Hill Street, Shelton, CT. The Chairman reserved the right to take items out of sequence.

Commissioners Present: Chairperson Ruth Parkins  
Commissioner Nancy Dickal (alternate)  
Commissioner Joan Flannery  
Commissioner Virginia Harger  
Commissioner Elaine Matto  
Commissioner Thomas McGorty  
Commissioner Anthony Pogoda

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](http://www.cityofshelton.org)

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL**

Chairperson Parkins called the Regular Planning & Zoning meeting to order at 7:03 p.m. with the Pledge of Allegiance and a roll call of the members present. She began the meeting with the request for a motion to add five items to the Agenda under Old Business and three items under New Business.

**AGENDA ADD-ONS**

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to add the following items under Old Business and New Business:**

Old Business

Separate #242: Yankee Gas Spoil Bins at Yankee Gas Facility on Cornell Street  
Separate #6360: Chiropractic Business and Sign at 161 Coram Avenue);  
Separate #6377: Business Office at 2 Trap Falls Road  
Separate #6378: Manufacturing Space at 50 Waterview Drive  
Separate #6209: In-law apartment at 7 Quail Court

New Business

Application #12-17 (Modification to #12-17) Country Club of CT LLC for PDD Zone Change (Final Development Plans), 2 Lot Subdivision, CAM Site Plan and Modifications to Future Land Use Plan.

Application #12-18 MPC 6, Armstrong LLC for Special Exception/Site Plan (parking expansion), 6 Armstrong Road (Map 18, Lot 22), IA-2 District (Accept and Schedule a Public Hearing)

Application #12-19 Winters Brothers for Modifications of Site Plan Approval (2<sup>nd</sup> story addition), 90 Oliver Terrace (Map 63, Lot 13). (Accept for Review).

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

**SEPARATE #6344: NICK GIATAS, 5 RESEARCH DRIVE, BUSINESS**

Mr. Schultz indicated that this is for a deli replacing the existing deli located at One Corporate Drive in the Scinto Building. It is a 1,000 square foot area, 3 employees, hours

of operation 8 a.m. to 8 p.m. He indicated that everything really stays the same. There have been no issues there and Staff recommends approval.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #6344.**

**SEPARATE #6358: CT. ORTHOPEDIC SPECIALISTS, 889 BRIDGEPORT AVE, BUSINESS**

Mr. Schultz indicated that this is for a physician's office located at 889 Bridgeport Avenue, near Duchess restaurant, with 10 – 15 employees, hours of operation 9 a.m. to 5 p.m. The leased area is 5,941 square feet and they are replacing Protection One.

Chair Parkins asked if there was sufficient parking at that location.

Mr. Schultz responded yes and he will send the Commissioners a follow-up with the location map.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6358.**

**SEPARATE #6365: DON MELODIA, 97 BRIDGEPORT AVE, BUSINESS**

Mr. Schultz stated that this is the Bruce Butler building in back of Shell at 97 Bridgeport Avenue. This is Unit #5 for a sewer and drain cleaning contractor. The lease area is 1000 square feet with one employee, 7 a.m. to 5 p.m. Staff recommends approval.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #6365.**

**SEPARATE #114: PEACH WAVE, 702 BRIDGEPORT AVE., STE. 205, BUSINESS AND SIGN**

Mr. Schultz indicated that this Suite #205 at 702 Bridgeport Avenue and it is Split Rock's last occupancy. The leased area is 1,600 square feet for a frozen yogurt shop with hours of operation Monday through Thursday, 11 a.m. to 10 p.m.; Friday through Sunday, 11 a.m. to 11 p.m. They will have various part time employees, as needed.

Mr. Schultz provided a rendering of the proposed signage to be placed in the front facing the back of Split Rock.

Mr. Panico asked if they would be oriented to the upper level.

Mr. Schultz responded yes.

Mr. Schultz asked the Applicant the orientation of their store.

The Applicant (name not provided) responded that it would be located right next to the Asian Bistro door and in between the liquor store where there are a couple of doors with stairs going upstairs.

Chair Parkins asked if it was located up on top in between the liquor store and Asian Bistro.

The Applicant responded yes.

Mr. Schultz stated that this is the last area that has not been previously occupied. He asked the Applicant if he was satisfied with his assigned parking spaces for his business.

The Applicant responded yes.

Comm. Harger asked if this was the “dispense your own yogurt” similar to the one in Stratford.

The Applicant responded yes, self-serve frozen yogurt. They own another one in Monroe but not the Stratford one.

Chair Parkins asked the Applicant if he was familiar with the area and if he realized that the parking is very tight up there at certain times.

The Applicant responded yes.

Mr. Schultz indicated that Staff recommends approval.

Chair Parkins asked if everyone was OK with “self-serve” being on the sign.

**On a motion made by Joan Flannery seconded by Thomas McGorty, it was unanimously voted to approve the business and the signage for Separate #114.**

**SEPARATE #6169: R. D. SCINTO, 5 RESEARCH DRIVE, BUSINESS**

Mr. Schultz indicated that this is an 8,837 square foot lease area for an information technology business with 20 employees, hours of operation Monday through Friday, 8 a.m. to 5 p.m. This will replace Web Loyalty. Staff recommends approval.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6169.**

**SEPARATE #6331: SOLMAR, INC., 480 HOWE AVENUE, SIGN**

Mr. Schultz indicated that this particular application met before the Downtown Subcommittee and the applicant is present to show the revised sketches for the proposed store signage.

**Abel Piazza, Owner Tequila Grill Mexican Restaurant, 9 Church Street, Naugatuck, CT addressed the Commission.** Mr. Piazza indicated that at the previous meeting, they recommended that he remove the graphics of the taco and burrito on the awning. As they can see, they did a background with the desert because they are a Mexican restaurant because they didn't like the other ones. He provided multiple options for the sign rendering. He noted that he had moved the logo around on different... (inaudible).

Comm. Pogoda narrowed it down to two renderings from the five provided.

Comm. Matto commented that she thought they were all very small and asked if anyone would be able to see it.

Chair Parkins agreed that “Mexican Restaurant” gets a little bit lost on #2 but stands out on #5 enough.

Comm. Flannery agreed.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve signage (Option #5) for Separate #6331.**

**SEPARATE #6372: AMERICAN SIGN, INC. 525 BRIDGEPORT AVENUE, BUSINESS & SIGN**

Mr. Schultz indicated that this is for All-State on Bridgeport Avenue; it's an older building across the street from the old Madison's Restaurant diagonally. He showed the Commission a rendering of the proposed signage. Staff recommends approval.

Comm. Harger asked about the 8 x 2 feet projection line and the curved awning.

The Applicant from American Sign, Inc. (name not provided) responded that the awning would be (inaudible)...

Chair Parkins asked a question about lighting (inaudible)...

The Applicant responded (inaudible)...

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6372.**

**SEPARATE #6366: LOU KATHRAKIS, 821-825 BRIDGEPORT AVENUE, BUSINESS & SIGN**

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve the withdrawal of Separate #6366.**

**SEPARATE #6242: ALL-STATE INSURANCE: 9 COMMERCE DRIVE STE. 5, BUSINESS & SIGN**

Mr. Schultz indicated that this is the building on top of Commerce Drive, right before Trap Falls on the right hand side for a real estate business for the All-State Insurance Company. The hours of operation would be 9:00 a.m. to 5:30 p.m. with two employees in 1,300 square foot leased area. He added that parking has been tight there but they haven't had any problems because the Commission controls the uses. Additionally, they have really been maintaining the complex well.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6242.**

**SEPARATE #6374: CT CAR STORAGE, LLC, 496 RIVER ROAD, BUSINESS & SIGN**

Mr. Schultz stated that this was the proposed ground sign for Ct Car Storage on River Road. He showed the Commission a rendering of the proposed signage.

Comm. Flannery questioned the web address shown on the sign and asked if they were allowed. She asked if that rule only applied to phone numbers.

Mr. Schultz responded phone numbers but it is the Commission's call because it's a PDD.

Comm. Matto commented that they had talked about it.

Comm. Flannery asked what they've done with other signs.

Chair Parkins commented that they typically request them not to put anything on the sign that would have to be written down while someone is driving.

Comm. McGorty stated that there was a real estate office going into Huntington Center and they made them take the website off of their sign. They should be consistent.

Mr. Panico stated that he really thinks that it's because of the nature of the operation. There is really nobody on the premises. It is not like a store that is open all the time. People may go there and try to figure out how to contact them. It does help to have something like that.

Comm. Flannery indicated that she was just saying that if they allow it for one, then they have to allow it for another.

Comm. Harger stated that people can Google it.

Comm. Flannery added that if they decide to allow it this time, then from here on out, she'll be allowing it.

Mr. Schultz indicated that he can put down that condition.

Chair Parkins commented that it isn't clear which type of storage it is (inaudible)...

**On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to approve the signage for Separate #6374 with the deletion of the website address.**

**SEPARATE #6363: LAURENTANO SIGN GROUP, 945 BRIDGEPORT AVENUE, SIGN**

Mr. Schultz indicated that the applicant is present and would also like to add some awnings.

The Applicant (name not provided) addressed the Commission and stated that there were four existing awnings on the building.

Mr. Schultz added that this was the previous Homestead Hotel Suites at Exit 11.

The Applicant showed the Commission the location of the awnings above the doorways on a site drawing and a sample of the material to be used.

Chair Parkins asked if there would be anything written on the awnings.

The Applicant responded no lettering.

Mr. Schultz added that this is a Planned Development District so the Commission has control of the exterior. There would be four awnings with no lettering on the awnings.

Comm. Pogoda asked what the purpose of the awnings was – and asked if it was just protection from the elements.

Chair Parkins commented that they have card swiping machines there so it's consistent with that. They don't want people hanging out there with their luggage getting all wet.

Mr. Schultz asked the applicant the new name of the hotel.

The Applicant responded (inaudible)...Extended Stay.

Comm. Flannery asked if this was the place advertising on the radio that they were adding kitchens to every room.

Mr. Schultz stated that there are kitchens in there already.

Chair Parkins added that Suite Hotels typically have a kitchenette.

Comm. Flannery commented that she just wanted to make sure that the rooms were the same and not being beefed up.

Mr. Panico asked if they should go out there and (inaudible)...

Mr. Schultz pointed out the entrance for the Extended Stay (inaudible)...

**On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to approve signage and awnings for Separate #6363.**

**SEPARATE #242: YANKEE GAS SPOIL BINS AT YANKEE GAS FACILITY ON CORNELL STREET**

Mr. Schultz asked if all the Commissioners were familiar with the Yankee Gas Facility at the corner of Cornell and Howe Avenue. As they know, Yankee Gas has to go into the roadways and do digging.

**Miguel Ortiz, representing Yankee Gas, addressed the Commission.** Mr. Ortiz provided additional blueprints for the Commissioners to review. He indicated that right now they have spoiled piles up there that aren't very pretty and don't fit into the area. He stated that they want to buy cement block, concrete block, that they are calling Riverstone Watch outside the surface. He added that on the wall they will look (inaudible). Right now it is just plain cement. The bin covers - there has been a canopy cover there for some time - he bought Shelter Logic which is the most expensive one on the market.

Chair Parkins asked if they bring spoil into this site from other sites.

Mr. Ortiz responded yes, from digging on the roads in town. They bring it in there, separate the rock, screen the dirt, and bring it back to the hold. The rock and asphalt from the road is recycled because they aren't allowed to throw it back in there. As soon as it has been screened, it is brought back, covered and compacted. The rock and the asphalt go back to the plant for recycling.

Comm. Pogoda asked if it was all 100% Shelton stuff.

Mr. Ortiz responded that all that they have here is. They have other ones in Norwalk but Norwalk is too far to haul it there. They have jobs in here for street work and there is no where to put it. They have other places, but with no covers.

Chair Parkins asked where they bring it if they are digging it up in Stratford.

Mr. Ortiz responded that Stratford's would go to Norwalk.

Comm. Pogoda asked about Trumbull.

Mr. Ortiz responded that he wasn't familiar with Trumbull and if they were bringing it to Shelton or not. The job that they want to do in here is because the place is not very pretty. They want to put in the recommended stone, the concrete block with stones on it and make it all uniform.

Comm. Harger asked if they were doing this here right now.

Mr. Ortiz responded no, but as soon as possible.

Comm. McGorty asked if this was a different type of operation than he's aware of. He commented that his office is right near there and he asked if they screen, separate and do all of that type of work down there right now.

Mr. Ortiz responded that they aren't doing that work there right now but the unit that they use for screening is portable. It's not something that is going to stay in there.

Comm. McGorty commented that it sounds like a shaker and commented that it sounds like a different use than what is going on down there right now. He asked if this request was to accept this use.

Mr. Schultz responded that the zoning can accept this use. The major concerns here are the noise, the visual and the aesthetics.

Comm. McGorty commented that it was going to be a processing yard.

Mr. Ortiz responded that it would not be a complete processing yard because it is such a small amount.

Comm. McGorty asked if it was going to grow.

Mr. Ortiz responded that it can't grow because there is not enough space in the yard.

Chair Parkins asked if he was expanding the current space that they have right now.

Mr. Ortiz responded no, the space that they have in there is what it is going to be.

Chair Parkins asked if he would be expanding or putting in an additional holding bay. The applicant responded no. This is what they have in there. The concrete project is (inaudible...).

Comm. McGorty commented that maybe he is missing something but it sounds like a different use than what is occurring there right now. He asked if this was a new operation.

Mr. Ortiz responded no, it is just the same thing that they have been doing.

Mr. Schultz commented that the issue is that this Commission has never reviewed the activity here. He indicated that when the Applicant came to his office, he told them that this would have to go before the Commission because there are a lot of issues that have to be dealt with. For one thing, they will be displacing six parking spaces. He will indicate that they have sufficient parking because they don't have a lot of employees who use this facility on a daily basis. The second issue was the aesthetics.

Comm. McGorty added that there is also the operation of separating out these materials with a shaker which is a pretty noisy operation. He asked if that operation would be acceptable at that location.

Mr. Ortiz responded that they have a unit that they bring in there. It is like a slope which filters the material, rolls it to one side without shaking it, and the rest rolls to the other side. There is no noise in there. The soil gets put with the (inaudible) and it gets dumped into the bin. It is not the type of machine that makes a lot of noise. It goes slow and the materials pass through it, slide to one side and get picked up.

Chair Parkins commented that she would like to see this go before the Downtown Subcommittee.

Comm. Harger asked what type of vehicles would be bringing the materials in and out of the site.

Mr. Ortiz responded that right now they are using Yankee Gas dump trucks.

Comm. Harger asked how many dump trucks there would be per day.

Mr. Ortiz responded that it depends if there are any jobs. Sometimes they have little jobs where they hardly ever see any trucks but then all of a sudden there can be an emergency gas leak and they have to repair it. The faster they can get the soil out of the hole, the faster they can repair that gas line.

Comm. Harger commented that basically when they are excavating a street, they need a someplace to put the material and then bring it back.

Mr. Ortiz responded yes and if it is close enough, they can put it there.

Comm. Harger asked where Yankee Gas had other locations besides Norwalk.

Mr. Ortiz responded that Norwalk has two facilities because they have a big area.

Chair Parkins commented that what they don't want to see is trucks coming down Howe Avenue with truckloads of dirt coming in from all over the place while they are in the process of trying to redo Downtown.

Mr. Ortiz responded no, that wouldn't be...there is a Norwalk facility on Harbor Avenue. There is a processing facility there and there are houses on both sides of that place. They only operate there during the daytime.

Comm. Harger asked again about the location of other Yankee Gas facilities where trucks are parked, where they have service trucks...

Mr. Ortiz responded that they have one on Hooper Street in Meriden, CT, one in Danbury, two in Norwalk. There aren't too many because they don't really take that much stuff out of the ground like asphalt and soil.

Comm. Harger asked what Yankee Gas does when it calls out a crew – she asked where those trucks come from.

Mr. Ortiz responded Newtown, Norwalk, Stamford, Cooper Street in Meriden and different towns. He added that not every facility has a truck because there aren't too many.

Comm. Harger indicated that she is trying to get a handle on the staging areas that they have at Yankee Gas.

Mr. Ortiz reiterated that there weren't too many with trucks.

Comm. Harger asked if Shelton was the closest location after Norwalk. She asked if there was anything near Bridgeport.

Mr. Ortiz responded that they don't have customers in Bridgeport.

Mr. Panico asked if they hire contractors for the hauling or does Yankee Gas do it themselves.

Mr. Ortiz responded that they have their own contractors for Yankee Gas. They have white or blue trucks with the signage on the door.

Mr. Panico asked if they need to keep a pay loader on site for the material.

Mr. Ortiz responded that it is cheaper to have the pay loader inside or a (inaudible)...

Chair Parkins commented that they have a committee that deals strictly with their Downtown area and she is going to recommend that this issue be referred to that subcommittee. They can go down and visit the site.

Mr. Ortiz invited them to visit the site in Norwalk as well.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to table Separate #242 and refer it to the Downtown Subcommittee for review.**

**SEPARATE #6360: CHIROPRACTIC OFFICE, 161 CORAM AVENUE, BUSINESS & SIGN**

Mr. Schultz indicated that the Applicant was present to explain the details about this location, their operation, their signage needs and their proposal to add some parking.

The Applicant (name not provided) indicated that it is located two buildings behind Video 7. It used to be a church built in the 1820's and became a ceramics studio. They will be taking that sign down and they've done a new logo for this chiropractic office. She indicated that the doctor (name inaudible) has been a practicing chiropractor for about 15 years. There was a fire at his previous chiropractic center in Monroe and he'll be moving into this building. She indicated that they need to expand the parking because it is a busy street and he has a lot of elderly patients. It would be hazardous for them to park on the street. They are hoping to put two spaces on the lawn, if that is possible.



The Applicant (name not provided) indicated that she has submitted a diagram of the site location with the proposed parking spaces.

Comm. Harger asked where the driveway on the right side of the building was going in to.

The Applicant responded that it goes to the back so they have off-street parking down there too. It is a little bit narrow though – about 13 feet across so they don't want people going up and down the driveway because it would not be safe.

Comm. Harger asked if this was the whole building on the main floor – not the basement.

The Applicant responded that on the top floor they have the tenant on the right hand side and then there is the studio on the top floor and where the old church was located.

Mr. Schultz added that the area is 1,100 square feet with two employees and hours of operation 9 a.m. to 7 p.m., Monday through Friday.

Mr. Panico referenced the site map and asked if there was a public sidewalk there.

The Applicant responded yes, they made the spaces 20 feet long. She added that she did not know how long they have to be.

Mr. Schultz responded that they should be 9' x 20' or 10' x 18'.

Mr. Panico asked if there was any reason that they've put the parking spaces on a diagonal.

The Applicant responded that people are usually coming down the hill and it is easier to back into traffic coming out at an angle. It said on the Internet that when you make a parking lot you'll need less space if you are at an angle.

Mr. Panico responded that the net result is going to be that they'll gain one space because they are going to lose a space at the curb.

The Applicant agreed but commented that it was for safety purposes. She added that when she had a shop there, two people got their car doors bent backwards by cars flying down Coram Avenue.

Mr. Panico asked if any of the neighbors had available parking spaces that she could lease for public spaces.

The Applicant responded that the Doctor's clients are usually not people in very good condition to walk.

The Doctor (name not provided) added that many of his patients have back pain and the spaces should be as close to the office as possible.

Mr. Schultz asked if the doctor's schedule was very tight.

The Doctor responded that yes, it was.

Mr. Panico asked if this was just a single doctor's office.

The Doctor responded yes, just himself and he works by appointment only.

Mr. Panico asked if he had a secretary.

The Applicant responded that she was his secretary.

Mr. Panico asked where they park their cars.

The Applicant responded that they don't mind parking up the street – they don't mind walking. The large factory there indicated that they could use his lot but it is around the corner and not very practical for the patients.

Mr. Panico asked how wide that public sidewalk was in front of the building.

The Applicant responded that it was about six feet or so.

Mr. Panico asked if there was any grass there or if it was just 5 to 6 feet from the curb.

Chair Parkins asked if that parking was going to be on the sidewalk.

The Applicant responded well, yeah...

Mr. Panico stated that it can't be on the sidewalk.

The Doctor commented (inaudible)

The Applicant asked if they could move it up a little bit. She added that she didn't want to take too much of the grass.

Chair Parkins indicated that she cannot take the public sidewalk away.

The Applicant responded no, they would not. They could move it up because there is 250 additional square feet paved and then they still have 408 square feet unpaved. She indicated that they could move it up and not be on the so much of the sidewalk.

Comm. Pogoda commented that she can't be anywhere near the public sidewalk.

The Applicant responded that she didn't want to because they said she couldn't go more than 50%.

Mr. Schultz commented that is another issue.

Mr. Panico asked the Applicant if she knew the distance between the front of her building and the sidewalk. He asked if she knew what the dimensions were.

The Applicant responded that it is one inch per foot – then she corrected herself. She referenced the site drawing and indicated that it was approximately 31 feet (inaudible)...

Mr. Schultz commented that the part of the driveway opening into the street is processed by the Engineering Department and they insist upon (inaudible)...

Chair Parkins asked if they would need a curb cut.

Mr. Schultz responded yes.

Mr. Panico asked if there was any curb cut there right now.

The Applicant responded that there is one for the driveway.

Chair Parkins commented that there isn't where they are proposing the parking spaces.

The Applicant showed the location of the existing driveway, the sidewalk and indicated that it is also (inaudible)...

Mr. Schultz responded (inaudible)...

Mr. Panico asked what the length of the driveway was.

The Doctor responded that the driveway was 13 feet.

Mr. Schultz added that there are no issues with trees anyway. He added that the City Engineer's Office has to regulate this though.

The Doctor responded that he understands.

Mr. Schultz indicated that he'll coordinate it with the Engineer's Office because he'll need a permit.

Mr. Panico asked if the grades were pretty flat there.

Comm. McGorty commented maybe, but it is going downhill though.

Mr. Schultz stated that it is not an ideal situation but it is needed for these patients.

Chair Parkins asked if there was access from the back.

The Doctor responded yes, there is.

Mr. Panico indicated that he would be concerned about the first person trying to back this way (inaudible)...and cars are coming straight down that road.

The Applicant indicated that it is a narrow driveway – 13 feet, so they may hit the building right next to it.

Mr. Panico asked who uses the driveway.

The Applicant responded that their tenant on the first floor does.

Chair Parkins asked if the whole building was just one floor.

The Applicant responded yes, but there's the basement; the occupied portion is upstairs.

Chair Parkins asked if they were going to take the place of this tenant.

The Doctor responded no, there is additional space.

Mr. Schultz added that it used to be a ceramics studio.

The Doctor commented that there is a residential entrance and a business entrance.

Mr. Schultz indicated that it was commercially zoned.

Mr. Panico asked how much square footage they were going to be using.

The Doctor responded 1,100 square feet – where she used to have her ceramics studio for about 15 years.

Chair Parkins commented that she thinks that they are going to have to table this.

Mr. Panico indicated that there was no problem with the use but they don't want them putting in parking spaces that really aren't going to work very well.

The Applicant indicated that even just one space would be OK but two would be ideal.

Mr. Schultz stated that the consensus of the Commission is that the use is OK but they are just going to assist them in the on the street parking and that will enable them to get their permit quicker through the Engineering Department because they will solicit them.

Chair Parkins indicated that they are OK with the business but they are going to table the entire application and have Staff work with them and Engineering on the parking issue.

The Doctor thanked the Commission.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to table Separate #242.**

**SEPARATE #6377 2 TRAP FALLS ROAD, BUSINESS**

Mr. Schultz indicated that this is for administrative business offices owned by Penny Hugg, Practice Manager (medical practice management) with 10 employees, hours of operation Monday through Thursday 8 a.m. to 4 p.m. and Friday 7 a.m. to 5 p.m. This will replace the Baldwin Company. The entire building is 150,000 square feet and they are leasing 2,276 square feet.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6377.**

**SEPARATE #6378: MANUFACTURING SPACE AT 50 WATERVIEW DRIVE**

Mr. Schultz indicated that this is the new building up by Pitney Bowes and they are occupying 5,906 square feet. The overall building is 108,784 square feet. This will be Enfield Technologies and there will be 12 employees, hours of operation 8 a.m. to 6 p.m. on Monday through Friday. Enfield Technologies conducts manufacturing operations. Staff recommends approval.

**SEPARATE #6209: IN-LAW APARTMENT AT 7 QUAIL COURT**

Mr. Schultz stated that Quail Court is a private drive off of River Road with many colonial homes. Previously the Commission approved a two-story addition at 7 Quail Court for the expansion of the living area. It was constructed under a previous permit with a garage under, upper floor area connected to the main doorway. Now they are going to convert a portion of the upper floor, 720 square feet into an in-law apartment. He provided a rendering of the floor plan and a site map of the location.

Comm. Pogoda asked when this addition went in.

Mr. Schultz responded that it went in March of this year. The Commission approved the two-story addition previously.

Chair Parkins commented that it was a nice, very elaborate bathroom for an in-law apartment.

Comm. Harger asked if it was a two car garage.

Mr. Schultz responded yes.

Mr. Schultz added that Staff recommends approval.

Comm. Flannery asked if it had only one exit and entrance.

Mr. Schultz responded yes from within the existing house. There are two means of getting to it so it complies with the ingress and egress.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6377.**

**APPLICATION #11-13 DOMINICK THOMAS FOR MINOR MODIFICATION OF DETAIL DEVELOPMENT PLANS/MODIFICATION OF RESOLUTION LANGUAGE FOR PDD #74 (CHANGE OF RETAIL USE TO FOOD ESTABLISHMENT), 821-825 BRIDGEPORT AVENUE (MAP 18, LOT 15).**

**Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission on behalf of the Applicant.**

Atty. Thomas distributed a packet of information for the Commission including a copy of the Statement of Uses and Standards that had been previously approved by the Commission. The Statement of Uses and Standards obviously states that the building was approved for the approved uses. The whole point is that his client has a tenant now, who is Five Guys. Five Guys makes hamburgers and they are also up in Woodbridge. They make French Fries or something in peanut oil and they are very popular. Five Guys has been very successful.

Atty. Thomas indicated that the resolution, when it was approved, referred to retail buildings. This application is to correct that. If the Commission was going to address the parking with respect to it, the second page of the packet prepares their approved Statement of Uses & Standards, off-street parking in a PDD and a listing of the existing tenants, the proposed tenant and even if the empty space were to become a restaurant (the other 1200 square feet) it could accommodate it (105 spaces required). There are 160 spaces on their approved site plan.

Atty. Thomas indicated that his client explained to him that the reason that they have 162 spaces is because they have room for two more spaces. They aren't sure where they are going to put two more spaces in there, but the site plan the Commission approved has 160 spaces. He added that in a couple of out-of-the way areas there is actually room to squeeze in two more spaces. At this point there is no need to do that because only 105 spaces are required and they have 160 spaces. This is really just to correct the language in the resolution.

Comm. Flannery commented that she remembered when this first came up. She said she went to Ruby Tuesday's and a lot of times she cannot find any parking there and they were proposing to take away parking spaces. She indicated that at that time, they told her that it wouldn't be a problem because this is going to be retail and no one will be there during dining hours to take those spaces. She added that now Atty. Thomas is saying that it is going to be for a food establishment with the same hours as the restaurants so people will be fighting for the same parking spaces.

Atty. Thomas responded that (inaudible)...

Comm. Flannery indicated that she tried going out to eat this week at 1 p.m. and could not find any restaurant because it is so crowded at 1 p.m.

Atty. Thomas responded that is exactly why Five Guys is coming in.

Comm. Flannery stated that there is no parking though.

Mr. Panico commented that the majority of Five Guy's business is take-out.

Comm. Flannery responded that there is no place to park to take it out.

Atty. Thomas indicated that actually there is and he referenced the last page of his packet with the parking sheet.

Comm. Flannery indicated that he was not going to be able to convince her.

Atty. Thomas referenced the last page with the parking plan.

Comm. Flannery stated that she has difficulty all the time. She lives in the neighborhood and gave up on going out at 12 noon and 1 p.m. She added that today she went out to get hamburgers at 11:30 a.m. to make sure she got there before the crowds.

Atty. Thomas stated that he has the PDD Parking Plan and the number that is (inaudible)...

Comm. Flannery responded that the plan was for a retail establishment and not for food.

Atty. Thomas stated that the point was to add retail in case there was a retail tenant. The approved Statement of Uses and Standards says that it is for (inaudible)...

Comm. Flannery responded fine, but there is not enough parking.

Atty. Thomas stated that they do have enough. If they look at Page 2, he put the parking standard from their approved Statement of Uses and Standards and they did it with a comparison to – in other words, they took the building and made it all for a restaurant. As a restaurant it would be the highest standard at 8 spaces per 1000 square feet of gross floor area – so they maximized it. The maximum requires on this site – obviously, DSA office space is already existing, Newtown Savings is already existing, Bruegger's Bagels, Ruby Tuesday's requires 39 spaces, Five Guys... If the balance of the space were to be a restaurant it would add 29 spaces totaling 105. He added that there are 160 spaces (even though it says 162 on the plan).

Comm. Matto asked if he was saying the standards would require 105 spaces.

Atty. Thomas responded yes, 105. A lot of the spaces for this site would be in the back.

Comm. Flannery commented that he is starting to sound like Michael Kay with the statistics. She is talking about reality and the reality is that there are not enough parking spaces in that parking lot as it is.

Atty. Thomas responded that they believe that there is and that is all he can really say.

Mr. Schultz stated that Staff was advised by the owner that in all likelihood it will be two tenants instead of four tenants under the retail scenario. He asked if that was Atty. Thomas' understanding as well.

Atty. Thomas responded yes, Five Guys was going to occupy 2400 square feet leaving only 1200 square feet. So there are really only...

Chair Parkins commented that OK, they are going to be 2/3 of that space with only 1/3 left.

Atty. Thomas responded yes, 2/3 and based on that configuration of 1200 square feet - they are only going to get one other tenant.

Comm. Harger asked if he knew what side they would be on – the right or the left.

Atty. Thomas responded that he didn't know.

Mr. Panico stated that the bottom line is that the Commission adopted a PDD zone, there is a family of permitted uses in that PDD zone, and the proposed use is consistent with that family of uses. The only thing at odds is that at the time that they had this approved, they illustrated that they thought it would have retail occupancy. This should not have been the sole barometer by which this Commission approved or denied this. As he always says, when they have use in front of them, he always tells the Commission that they have to be prepared to accept the most intensive use allowed under the zone.

Comm. Flannery stated that her argument at the time was that it cannot handle any more food establishments.

Mr. Panico responded yes, that is true Joan, but you were alone in that argument. The rest of the members felt that there was adequate parking there by the numbers and by what is required in that PDD zone - there was more than the required parking – and by a significant amount.

Comm. Flannery stated that she is saying that in reality it does not work.

Mr. Panico stated that has been her experience but he does not hear anybody else reinforcing that experience.

Comm. Flannery indicated that she is there all the time.

Mr. Panico stated that his personal experience has not been at the peak hours, but every time that he has been on that site prior to this construction, there have always been a lot of empty parking spaces. He added that was all he could say about it – he hasn't been up there since the new building was put into place.

Chair Parkins commented that she would concur with that.

Mr. Panico indicated that the total amount of parking is a very generous parking ratio. This Commission knew from day one that there was eventually going to be a use on that back portion of the site. No one knew for sure what the use was going to be but regardless, they adopted a zone that allowed a family of uses. Mr. Panico stated that if, at the time that the applicant submitted his development plans, showed that he was going to put a food operation in there and came in now for retail establishment, he doesn't think that there would be any problem because either one is a permitted use in that zone.

Chair Parkins noted that she has the July 13<sup>th</sup> minutes from that meeting right in front of her and the Applicant stated that although no one was knocking down the Applicant's door to put in additional restaurants, there is certainly adequate parking there to accommodate it. She added that at that time, it was for retail but it indicates that if they went to a restaurant, there would be adequate parking. Chair Parkins added that it was not as though the Applicant came in and tried to deceive the Commission.

Atty. Thomas stated that they configured the parking on the most intensive use because that is what the Commission required them do.

Comm. Matto asked if a restaurant was the most intensive use.

Atty. Thomas responded yes, the parking standard is 8 per 1000 square feet. In portions of some of their other regulations they use square footage of patron area, but the Statement of Uses and Standards in a PDD is their zoning book. In this case at that time, it was chosen to use the 1,000 of gross floor area. In talking about that, it includes the kitchen and the non- stuff in it as opposed to patron area. He added that patron area gets a little bit iffy sometimes.

Mr. Panico stated that he doesn't know what the intention of Five Guys is at this particular location but he's familiar with their operation in Woodbridge. Every time he goes there, there are people waiting to take their food out but he doesn't think he's ever seen more than five people inside sitting down at the tables to eat hamburgers.

Atty. Thomas stated that in regard to parking over in Woodbridge, they are in the same space as Amity Wines & Spirits which is a very popular liquor store because of their selection. In his experience, at a peak time, it is about 50/50. In other words, 50% of the people are inside and 50% are taking stuff out. Atty. Thomas stated that the bottom line is, when they did this, even if it were a restaurant, they figured there was an abundance of parking. Additionally, the parking that they are going to be using is in the rear of the place. Again, he can honestly say, and he has been there a lot on business for DSA, that he doesn't think he's ever seen any cars parked in back by that turn in at the back of the lot – and that is where the building is going.

Chair Parkins commented that it is like everywhere else. If there are a lot of people there and there's no available parking, then people will keep on going and not go in there.

Atty. Thomas indicated that developers talk about it all the time – the fact of the matter is, that even at the height of the recession, you still can't get a seat at a restaurant here. He added that certain restaurants are not that successful, but on the whole, when chains look in Shelton, they know that there is a ready-made group of people coming to town at 8:30 in the morning.

Comm. Flannery asked where Whole Foods was in that case.

Atty. Thomas responded yes, well Whole Foods and Trader Joe's, part of the problem with them is that they are far away and do it all by computer based on demographics.

Comm. Flannery asked what side of the building the front door would be on because he mentioned that most people would be parking in the back.

Atty. Thomas responded that he did not have any idea.

Chair Parkins added that she hoped it would be the employees who parked in the back.

Atty. Thomas indicated that he thinks that Five Guys in Woodbridge has a front and a rear entrance but he doesn't know if all their stores are like that.

Comm. Flannery stated that another one of the concerns that she had at the time was that there be a lot of lighting because of the possibility of someone being mugged as they were in Shop-Rite.

Chair Parkins responded that they already approved the site plans.

Comm. Flannery stated that if they expect a lot of people to park there, then they should make sure that there is good lighting.

Atty. Thomas responded yes, he's sure that there will be, in accordance with final development plans.

Comm. Harger stated that the way the parking is laid out, there are 88 parking spaces in the front half of the parking lot, and using the driveway parallel to Bridgeport Avenue as a divider, and there are 72 spaces on the Five Guy's side.

Atty. Thomas commented that more of the businesses are in the front, so 88 and 72, with that amount of tenants in the front and on both sides - that is a lot of space. He added that banks do not generate anywhere near the amount of traffic that they used to generate.

Chair Parkins indicated that she doesn't think that Five Guys, with the few that she's driven by in Orange and Monroe, well she's never seen mobs of people there. She doesn't think it will be a big problem. She requested a motion to approve the minor modification.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was roll call voted (5-1) to approve Application #11-13. the Change of Development Plans/Minor Modification of Resolution Language for PDD #74. Commissioner Flannery voted in opposition.**

**APPLICATION #12-10 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 (PUBLIC HEARING CLOSED ON 7/10/12).**

Mr. Schultz indicated that Staff has prepared a report resolution and all Commissioners have a hard copy. Staff has received favorable recommendations from the Fire Marshal and the City Engineer.

Mr. Panico stated that this is a very complete submission because by the time this Commission got to their end of the Detailed Review, the Applicant had already been to Inland/Wetlands and the City Engineer to work out major issues on the site regarding protection of the flood plane. They did have the benefit of sitting with the Applicant while plans were being developed so they were able to convey and address some of their major concerns with him. These concerns were dealt with and this site under went through a whole evolution of designs before this was decided upon. Mr. Panico indicated that from Staff's point of view, they are pretty familiar with how this was coming



together. He read the Draft Report Resolution for Application #12-10 for People's United Bank.

**\*See attached P&Z Report Resolution for Application #12-10 Joe Peirera, Peirera Engineering, LLC for Special Exception/Site Plan Approval (bank with drive-through), 500 Shelton Avenue (Map 74, Lot 5), CA-2 District.**

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, the draft Report Resolution for Application #12-10 was accepted for discussion.**

Chair Parkins indicated that there had been a question regarding the 26 width required for the Fire Marshal. She asked if this issue had been addressed.

Mr. Panico responded that has been addressed or will be addressed. He has specific engineering questions on a couple of spots on there.

Chair Parkins asked if he received confirmation from the Fire Marshal as to exactly what (inaudible).

Mr. Panico responded that he had not gone but the Engineer had reassured them that he satisfied the concerns of the Fire Marshal; however, he'll go back again to dot all the "I's" and cross all the "T's" before she signs off.

Comm. Flannery asked when this became a CA-2 district because someone told her that it used to be residential.

Mr. Panico responded that it was residential many years ago. He wasn't sure when it became CA-2. He asked Rick Schultz if it was done or extended for the Garden Center because it had always been CA-2 for across the street.

Mr. Schultz stated that it was before his time but P&Z probably consolidated it in the early 1970's.

Mr. Panico indicated that he thought it was after that.

Mr. Schultz stated that maybe it was the Aldermen that did it. It didn't happen in 1979 when he was there.

Mr. Panico indicated that it was after the Post Office vacated and either prior to or in conjunction with the placement of the Garden Center at that location.

Mr. Schultz stated that it was probably between 1972 and 1979.

Comm. Harger asked what the zoning would have been for the Post Office because the Post Office was there in the late 60's.

Mr. Schultz indicated that it was permitted by the Aldermen.

Mr. Panico stated that he honestly didn't know.

Comm. Flannery commented that she thought that maybe they had to change the zoning now – but it is already CA-2.

With no further questions, Chair Parkins asked for a motion to accept and have a roll call vote.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously roll call voted (6-0) to approve Application #12-10 for Special Exception/Site Plan Approval.**

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

Mr. Schultz indicated that the Applicant has submitted a request for authorization of 65-day extension. They are still working on getting a PE stamp for the site plans. They anticipate having it for the September meeting.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to accept the request for a 65-day extension for Application #12-11.**

**APPLICATION #12-14 SHELTON PARKS AND RECREATION DEPARTMENT FOR COASTAL AREA MANAGEMENT SITE PLAN APPROVAL (FLOATING DOCK AT SUNNYSIDE BOAT RAMP), 418 RIVER ROAD (MAP 66, LOT 135)**

Mr. Schultz indicated that Staff recommends tabling this because they are still awaiting DEP's letter.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to table Application #12-14.**

**APPLICATION #12-15 SOUNDVIEW CROSSING, LLC FOR SUBDIVISION APPROVAL (SOUNDVIEW CROSSING PARCEL A: 3 LOTS), SOUNDVIEW AVENUE (MAP 126, LOT 9) R-1 DISTRICT**

**APPLICATION #12-16 SOUNDVIEW CROSSING, LLC FOR SUBDIVISION APPROVAL (SOUNDVIEW CROSSING PARCEL B: 7 LOTS), 245 SOUNDVIEW AVENUE (MAP 126, LOT 9), R-1 DISTRICT**

Comm. Flannery asked if they needed a public hearing for this application.

Chair Parkins responded that no, they don't require a public hearing for this. People came out for the last meeting who wanted to make sure that no variances were being granted.

**James Rotondo, Licensed Professional Engineer and Principal of Rotondo Engineering LLC, 25 Brook Street, Shelton representing the Applicant, Soundview Crossing, LLC.**

Mr. Rotondo indicated that Soundview Crossing, LLC has two applications for subdivision approval before the Commission tonight. The properties are located on Soundview Avenue just east of Willoughby Road. He displayed a site map of the location and explained that the parcels are labeled Parcel A and Parcel B.

Mr. Rotondo indicated that Parcel A was located on the north side of Soundview Avenue and is approximately 5.1 acres in size. They are proposing a three lot subdivision, single family residential subdivision. Each of these parcels is located in the R-1 zone. Parcel A will consist of two frontage lots along Soundview Avenue and one interior lot.

Mr. Rotondo stated that Parcel B is located on the south side of Soundview Avenue and it is approximately 16.1 acres in size. They are proposing a seven lot single family residential subdivision. It will consist of four frontage lots. One of the lots contains the existing home owner's residence which will continue to be occupied by the current property owner. They are also proposing three interior lots.

Mr. Rotondo stated that in working with Staff on the lot layouts, they've incorporated into the plans is trying to minimize curb cuts by combining several of the driveways to serve the individual lots. On Parcel A, Lot #1 and Lot #2, the two frontage lots, they are proposing to share a curb cut. Those driveways will come in and split to service each of the residences. The access way is located to the east side of Lot #2 to serve the interior of Lot #3.

Mr. Rotondo indicated that on Parcel B, they are looking at the same concept. They have adjacent access ways to serve Lot #5 and Lot #6 with a common driveway. With that they are granting access rights to Lot #1 and Lot #2 so each of those lots will also be accessed off of the driveway. Lot #3 will have an individual driveway and the access to Lot #4 is located on the east side of Lot #3.

Mr. Rotondo stated that they do have some wetlands on the site located on Lot #4 located to the rear of the site. With that they are proposing a Conservation Easement over that wetland area. They are also proposing a ¼ of Open Space along the easterly side of the property. This is coordinated with the future Constitution Boulevard Plan. There is also an existing Iroquois Gas Transmission Line Easement along that easterly property line.

Mr. Rotondo stated that in working with Staff in laying out these properties, one thing that they took a look at was trying to provide, outside of that easement, an area where the 60 foot right-of-way could be incorporated into that in the future, at which time Constitution Boulevard moves forward. He mentioned the access ways. Also on easterly side of the lots to Lot #3 on Parcel A and Lot #4 on Parcel B, they have noted on the plan, that at such time that Constitution Boulevard goes forward, these access ways will be conveyed to the City of Shelton which could be combined into that Open Space area as additional Open Space area or additional area necessary for any kind of construction rights.

Comm. Flannery asked how they would get to their house.

Mr. Rotondo responded that new driveways would be provided. They become frontage lots onto Constitution Boulevard.

Comm. Flannery asked if that would be even if the houses are sideways.

Mr. Rotondo responded yes. He referenced the site map and stated that it would be situated facing the front for the rear lot here, and this would be situated from this location. They would basically be entered from the side.

Comm. Pogoda asked if there was a reason why they couldn't connect the Parcel B house on the right to the rear driveway to cut down on the curb cut.

Mr. Rotondo responded that could be discussed.

Mr. Panico stated that it wouldn't work because if it gets built the way that he envisions it, it will be a straight separation which leaves that area along the side of that driveway. Constitution Boulevard would be down on a cut. Basically, they would have the driveway of the house and the road there, and they wouldn't be able to make that connection very easily.

Mr. Panico indicated that the other ones are further back so the cut is out of the ground and they are at grade again but that particular one is very difficult to add that other house that way.

Comm. Pogoda responded OK, he was just trying to save a curb cut.

Comm. Flannery asked how many acres each house had since it is one-acre zoning.

Mr. Rotondo responded that Lot #1 is 41,187 square feet; Lot #2 is 40,080 square feet; Lot #3 is 60,717 square feet...

Comm. Flannery asked how many square feet make one acre.

Mr. Rotondo responded 43,560 square feet.

Mr. Rotondo stated that the minimum size lot in the R-1 is 40,000 square feet. All of these lots meet or exceed that requirement.

Comm. Matto asked a question about the shared driveways and if the people involved had to work issues out among themselves or is there anything written into the deeds regarding their maintenance.

Mr. Rotondo responded that would be worked out with the applicant and their attorney as far as how the paperwork is compiled, if there is a shared access way. With a shared access way, there would most likely be something written into the land records or written into the deed that would indicate that there would be a shared maintenance agreement.

Mr. Panico asked about the two on the other side that are going to have their own individual driveways but be butted.

Mr. Rotondo responded yes, that is correct – at the curb cut at Soundview Avenue.

Mr. Panico commented about the first link across the street between the first two driveway connections and the road have to be of adequate width because that particular stretch is going to serve four homes.

Mr. Rotondo stated that right now they are proposing an 18 foot wide driveway but they may want to increase that.

Mr. Panico agreed that they may want to bump that up to 20 feet because it is going to be like a little road in that segment.

Mr. Rotondo indicated that they've had a number of discussions about some of the natural features of this site. There are a number of stone walls located on the site and along Soundview Avenue and they are going to maintain those where feasible. Where they come through onto Soundview Avenue with the curb cuts, they will have to break through those stone walls to make access. Also throughout the site, a lot of those are aligned where they don't have to do any major removal of those stone walls. There are some areas where that will occur. They are significant in size and the Applicant has indicated that he doesn't want to just destroy the stone walls. They will be maintained as much as it is practical.

Comm. Pogoda indicated that he saw the request by the Conservation Commission and he asked if they were able to accommodate most of those requests concerning the stone walls.

Mr. Rotondo responded yes, he believes so. One of the changes that did occur, prior to meeting with Staff and working out the arrangement with the access way for the Parcel A they had it in between Lot #1 and Lot #2. The Conservation Commission had requested that this area be preserved with that stone wall. With the relocation of the access way, they do have to breach that stone wall but it will just be cut through enough for that driveway.

Mr. Rotondo indicated that on Soundview Avenue, Parcel A, Lot #2, the stone wall is no longer there so some of the stone that is removed for the construction of the driveway for Lot #2 and the common curb cut will be re-established along Soundview Avenue in that area.

Comm. Flannery asked about the Open Space and if the farmer would still be able to continue to cut the hay there for her horses.

Mr. Rotondo responded that he didn't believe that area was hayed right now.

Comm. Flannery commented that she knows that a lot of that area is hayed.

Mr. Rotondo responded that this is an easement right now just to maintain the brush to keep the easement clear. Most of this site is wooded. Up into Parcel B, Lot #1 there is some grass area coming into the back but it is basically wooded.

Comm. Harger asked if this was some special reason why Parcel B is not laid out as a cul-de-sac.

Mr. Rotondo responded that the Applicant looked at the economics of putting in a roadway and basically the numbers didn't work out for him so they looked at the alternative of putting in interior lots. The number of lots to justify putting in a roadway just did not work out.

Comm. Harger asked if it wasn't comparable to the number of driveways that have to be put in.

Mr. Panico responded that the City and the Commission kind of frown upon building a 250 foot piece of road just to service two lots.

Comm. Harger responded no, this is for the seven in the rear.

Mr. Panico indicated that it only serves two – the other two houses front on the main road. The only reason that they asked him to bring them out onto the access way was to avoid another curb cut; they don't need that access way.

Comm. Harger asked if the proposed Constitution Boulevard, which probably won't be completed in her lifetime, would be affected by it.

Mr. Panico responded no, that (inaudible) – that access way that goes along the edge of Constitution Boulevard right-of-way is going to have covenants put into that deed stating that if that road gets built and the City needs that extra right-of-way (inaudible)...Once they go past that point, and, hopefully, this road stays at a lower grade and underneath Soundview and this has more of an embankment so you can't really do that (inaudible)...

Comm. Harger asked what part would go into (inaudible)...

Mr. Panico responded that it is actually from this driveway (inaudible)...

Mr. Rotondo indicated that as far as utilities go, there is public water supply in Soundview Avenue that currently terminates just past the current property line of the existing residents. As part of this proposal they are proposing to extend that across the frontages to serve each of the lots and each of the lots will be served by their own septic systems.

Mr. Schultz commented that the pressure is fine, unlike what happened with Red Fern.

Mr. Rotondo indicated that they have had contact with Aquarian. They have sent them plans and they expressed to have a desire to have a meeting. They've tried to set that up but haven't had a response from them yet.

Chair Parkins asked if they were going to take the water up along that external – they are just going to run it onto the main...

Mr. Rotondo responded yes, that's correct. It terminates just past the existing house. The driveway to the neighbor across from Lot #1 on Parcel B – they'll be extending that up Soundview Avenue to approximately the extent of the Open Space. They are proposing a fire hydrant at that location and individual water services will be run into each of the properties.

Chair Parkins indicated that was her other question – are they going to run the water line for those rear units; otherwise, you'd need a right-of-way to connect the water lines to that house if they go in between those properties.

Mr. Rotondo responded yes, that's correct. They will run them down the access way for each of the interior lots.

Chair Parkins asked if the 60 feet that they are allocating for the potential road is outside the 50 foot easement.

Mr. Rotondo responded that is correct. The widths – Parcel A was at about 100 feet at Soundview Avenue with a 30 foot access way to be conveyed to the City. It extends out to about 160 feet at the rear.

Chair Parkins commented that they can't have that pipeline in the middle of the road.

Mr. Rotondo responded no, if they look at the blue line on the plan, that is a conceptual layout of the roadway and it is all outside of the easement area. On Parcel B they are ranging from about 130 feet to about 115 feet at Soundview Avenue plus the potential of a 30 foot access way being conveyed to the City.

Chair Parkins commented that she is trying to look at that blue line on the plan...

Mr. Rotondo brought the site plan closer to the Commissioner's table for review.

Mr. Panico explained that this tentative layout of road with the blue line that Jim has sketched in is outside of the easement line of the gas company. At this point, they can come across and (inaudible)...

End of Tape 1B 8:37 p.m.

Mr. Rotondo stated that this plan does not extend far enough down but that connects to the existing driveway on the condominiums, Summerfield, down below. It just picks up that alignment and the gas line is under that right now. They diverge from that as soon as they can, based upon this conceptual layout.

Mr. Panico asked if it was his intent that the light green area was going to be the conservation easement.

Mr. Rotondo responded not the conservation easement but this (inaudible)... The Applicant didn't want to put any additional restrictive covenants on those areas. That basically delineates their limits of disturbance.

Mr. Panico stated that they are going to be looking for a commitment along that property line and they are going to be looking for protection to that wetland. Right now it is only to the extent of the edge of the wetland.

Mr. Rotondo responded that as far as the wetland goes, there is a regulated area beyond that so any work that has to be done – and he understands his concerns.

Mr. Panico commented that Joan could contribute to this – these are primary horse lots. He added that if you have horses, you're going to want to walk them and ride them – or whatever. Suddenly there is going to be a conflict between the horses and the protection of that wetland. He added that he thinks that they have to pay some attention to that and a setback easement is going to be very difficult to enforce if they have to say that they need to keep the horses out of there.

Mr. Rotondo commented that even with Lot #4, even though it is an oversized lot, the wetland does take up that whole portion. The Applicant doesn't want to restrict the use. He's very cognizant of the wetlands and protecting the wetlands but there is a lot of dry land behind here that could be used by a potential property owner – not so much for horses or anything, and again anything that would be done in there is within the regulated area that would have to go before the Wetlands Commission.

Mr. Panico stated that he wasn't concerned about the physical disturbance but he's concerned about his ability to protect that wetland area above the horses. He thinks that they are going to probably ask for some sort of a band of a protective zone around there and postings or whatever. There is going to have to be something (inaudible)...

Mr. Rotondo stated that they'll take another look at that area. He indicated that basically concluded his presentation unless there were any other questions.

Chair Parkins asked if there were any other questions or comments from the Commissioners.

Mr. Schultz indicated that he wanted to advise the Commission they had a letter of recommendation from the Conservation Commission that is included in their packets. He added that Naugatuck Valley Health has recommended approval of all the lots subject to the Professional Engineer's system. The Fire Chief is recommending that the water be extended to the end, which Jim noted, for the location of the fire hydrant because right now the closest fire hydrant is about 800 feet away. The hydrant, as they know, is to serve the existing (inaudible) for fire suppression. He added that they are awaiting a letter from the City Engineer.

Chair Parkins commented that they already have a letter from the City Engineer dated August 9<sup>th</sup>.

Mr. Schultz responded that they are awaiting the letter from the City Engineer for the final plans though. The letter that they have dated 8/9/12 recommends tabling the initial submission. Since that time, the City Engineer has received the final detailed plans. The Commission will be getting a letter of recommendation for approval from the City Engineer regarding the final plans. Mr. Schultz stated that he'll be putting this application on the agenda for the September meeting for final action.

Mr. Panico asked Mr. Rotondo if he had received any more contact from the neighbors in the area because they were under the impression that several of them might show up tonight for the discussion. He added that the Chair had welcomed them to attend.

Mr. Rotondo responded that since they first started on the project, he received a phone call from Mr. Salvio located nearby. He just wanted a general explanation of what they were proposing. Mr. Rotondo stated that he seemed to be happy with it. He added that the gentleman across the street actually came out and talked to them while they were doing their test bits. Certified letters went out so they were all notified.

Mr. Panico stated that at the last meeting they did have a few of the neighbors here and they told them that it was premature to discuss it; however, they were told that tonight's meeting would be taking place so that they could ask questions.

Mr. Rotondo stated that Mrs. Blakeman called and he e-mailed her a plan to take a look at. Other than that, he had no contact from the neighbors.

Chair Parkins stated that there were quite a few of them here, they waited until the very end of the meeting and she welcomed them to come back tonight.

Comm. Flannery commented that a lot of people are on vacations though.

Chair Parkins added that none of them said that they wouldn't be here so they extended the invitation to them.

Mr. Rotondo stated that Mr. Salvio had expressed that once he found out it was a conventional subdivision, he was happy with that. He wanted to know if there was going to be any zone change and he told Mr. Salvio that there would not be.

Chair Parkins indicated that he also stated that he maintains that property now – he mows it.

Mr. Rotondo stated yes, he indicated that to him as well, that he mows along the easement area.

Mr. Panico stated that by all means this composite map and presentation has been very helpful for the Commissioners so that they are up to speed with what they've been working on.

Mr. Schultz asked Mr. Rotondo to provide any communication that he has from Aquarian for the Commission to look over. He recalled the difficulties that the Commission had regarding Red Fern because they had to put boosters in each home. The residents came back after the fact and indicated that they weren't made aware that this would happen.

Mr. Rotondo indicated that he would stay on them – this has been going on for a while now. When they made their initial submission, plans were sent and they had contact.

Chair Parkins commented that now the City has to approve septic or accept it as open space and asked if that was correct.

Mr. Schultz responded that it has to go to the Alderman before it comes back to the Commission.

Mr. Panico told Rick that before it goes to the Aldermen, he thinks that they should sit down and prepare a little bit of an explanation of what is going on. They aren't going to understand if they just give them a map of the open space.

Mr. Schultz stated that he provides a narrative, but it is going to need ...

Chair Parkins indicated that she had spoken to the Aldermen.

Mr. Panico stated that he thinks it is important that they understand that the proposal layout accommodates the ability to construct Constitutional Boulevard without infringing upon the easement for the gas line until the point comes where they have to cross it.

Chair Parkins indicated that the City also has to understand that when they accept that easement that if any trees fall down over the driveways or anything and the neighbors want it taken care of, then it is the City's responsibility to do that.

Mr. Panico responded yes, as it would be with any piece of open space.

Comm. Flannery asked if everyone was comfortable with how the driveways are going to change to Constitution Boulevard once that is built because that is going to be a busy street.

Mr. Panico stated that he personally visualizes Constitution Boulevard out in this area to be nothing more than a good two lane road that is capable of moving cars without a lot of fringe interference. The fact that they might have one or two driveways at that location will not be an issue.

Chair Parkins stated that it is not going to be as wide as Constitution Boulevard south.

Mr. Panico stated that they wouldn't want to create a subdivision of all (inaudible) but to accommodate this situation since it works best for everybody. It gives them more room if they do want to build Constitution Boulevard. This is probably the toughest spot to build a proposed Constitution Boulevard. As a planner he stated that it should not be a grade crossing because if they want to protect the beauty and sanctity of Soundview Avenue, you cannot connect it to Constitution Boulevard. Also, physically, if they look at the topography with the grades, it would be difficult to force that to happen. He added that the logical thing to do would be to add Soundview Avenue as a bridge over Constitution Boulevard as a crossing and keep them separated so that you don't go from Soundview onto Constitution.

Comm. Flannery stated that then that would cause a problem for the driveways.



Mr. Panico responded that by the time that they get to where the driveway would be, it will move away from that cut condition and back to a grade condition and it can be worked out. They looked at the preliminary profiles to see if that would be OK.

Chair Parkins commented that as it has been said, it probably won't happen in their lifetime, but it is something that they have to plan for. This will be on the September 11<sup>th</sup> agenda.

**NEW BUSINESS**

**APPLICATION #12-17 COUNTRY CLUB OF CT, LLC FOR PLANNED DEVELOPMENT DISTRICT ZONE CHANGE (FINAL DEVELOPMENT PLANS), 2 LOT SUBDIVISION, CAM SITE PLAN AND MODIFICATIONS OF FUTURE LAND USE PLAN, 550 RIVER ROAD (MAP 53, LOT 55 AND MAP 54, LOT 43): ACCEPT AND SCHEDULE A PUBLIC HEARING**

Chair Parkins indicated that all the Commissioners received a comprehensive package on this proposal for River Road. They have about a 1 ½ months to review this information. She asked for a motion to accept and schedule a hearing.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept Application #12-17 and schedule a public hearing for Wednesday, September 26, 2012.**

**APPLICATION #12-18 MPC 6 ARMSTRONG, LLC FOR SPECIAL EXCEPTION/SITE PLAN (PARKING EXPANSION), 6 ARMSTRONG ROAD (MAP 18, LOT 22), IA-2 DISTRICT: ACCEPT AND SCHEDULE A PUBLIC HEARING.**

**Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission.** Atty. Thomas indicated that this is actually Phase II. The Commission already approved Phase I. Phase II triggered the Special Exception. His client has asked him to request that the public hearing be held on 9/11/12. It is only for 10 more spaces. The Wetlands Commission has already approved it and they would like to commence the construction as soon as possible. He added that the plan is just for the front of the building for 10 more spaces. He thanked the Commission.

Chair Parkins asked for a motion to accept and schedule a hearing for 9/11.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept Application #12-18 and schedule a public hearing for Tuesday, September 11, 2012.**

**APPLICATION #12-19 WINTERS BROTHERS FOR MODIFICATIONS OF SITE PLAN APPROVAL (SECOND STORY ADDITION), 90 OLIVER TERRACE (MAP 63, LOT 13): ACCEPT FOR REVIEW.**

Mr. Schultz indicated that this is for the recycling facility at the end – Winter Brothers now owns and operates it. They received the permit from the DEP and this is for operational purposes.

Comm. Pogoda asked if this was for above the present building that is there.

Mr. Schultz responded yes, it is for above the present building. They do not have to go for any permit modification. The permit for the tonnage has all been approved. This is for operational purposes.

Comm. Flannery asked if they needed a public hearing for it.

Mr. Schultz responded no, the only part that the Commission is regulating is the setbacks and to make sure that there is sufficient on-site parking. The actual use of it is regulated by the DEP which they have approved the permit for.

Chair Parkins asked if they approved the permit to have the ownership turned over.

Mr. Schultz responded yes, and the increase of the tonnage.

Chair Parkins indicated that the increase was granted to the former owners and asked if this permit was just transferred.

Mr. Schultz responded yes, transferred.

Chair Parkins commented that there was no change in their application to transfer.

Mr. Schultz responded yes, that's correct.

Comm. Pogoda asked Rick if he knows what they intend to do up there as far as the second floor.

Mr. Schultz responded that he didn't know the specific operations but he'll get a narrative to the Commission.

Mr. Panico asked if this was the old place or the new place.

Comm. Pogoda responded that it was the one all the way in the back.

Mr. Panico commented #90 is the biggest one.

Chair Parkins commented that she thought that they had talked about expanding that building back when they went before (inaudible)...

Mr. Panico indicated that they talked about a trash-to-energy plant there.

Comm. Pogoda stated yes, but not a second story.

Mr. Panico indicated that the use aspect is out of their hands but the material location, bulk standards; parking – yes – there they do have a role.

Chair Parkins requested a narrative so that they would have a little bit more information.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to accept Application #12-19.**

#### **PUBLIC PORTION:**

Chair Parkins asked if there was anyone in the audience wishing to address the Commission on any item not on the agenda. With no one in the audience, she requested 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 THE MINUTES: 7/10/12**

Chair Parkins indicated that the minutes from 5/8/12, 5/23/12, and 6/13/12 were approved at the July 10<sup>th</sup> meeting.

**On a motion made by Anthony Pogoda seconded by Elaine Matto, it was unanimously voted to approve the minutes from the 7/10/12 P&Z Meeting.**

#### **CRANBERRY ESTATES: REQUEST FOR RELEASE OF SITE COMPLETION BOND FOR PHASE III**

Mr. Schultz indicated that they have a \$22,500 Site Completion Bond and an \$18,750 erosion control bond. He read the correspondence from Cranberry Estates LLC requesting the release of these two bonds associated with the completion of site improvements. The letter indicated that the above referenced site was inspected by Staff on August 2, 2012 and it was indicated that site improvements were satisfactorily completed. Staff recommends approval.

Comm. Flannery noted that she had been there a couple of days ago trying to walk where there is supposed to be a trail and somebody said that the Aldermen controlled the trail.

Mr. Schultz responded that the Aldermen rejected that – it is private property.

Chair Parkins responded that is private property.

Mr. Schultz stated that the Aldermen accept or reject the recommendation of this Commission for public open space. They rejected it and will now be association owned – it is private open space.

Comm. Flannery commented that OK, it is association-owned, private open space and asked if that means that they can't say anything about the trail.

Mr. Schultz responded yes, that's correct.

Comm. Flannery asked why – she stated that part of the reason - all the people coming out to go against this – that was the compromise – to get that trail.

Mr. Schultz responded that he understands completely what she is saying.

Mr. Panico commented that they fulfilled their role, they provided for it and clause for it to be implemented but the final step is for the Aldermen to accept or reject it. The BOA decided that they did not want it.

Chair Parkins added that they didn't want to the responsibility to maintain a trail that really doesn't connect anything to anything.

Comm. Flannery asked about the fire hydrant because there was supposed to be a fire hydrant in there too.

Mr. Schultz indicated that was rejected too by the Applicant.

Comm. Flannery asked if that means that all the commotion from all those people coming out went nowhere.

Mr. Schultz responded that's correct.

Comm. Flannery asked if it was because the Aldermen said no.

Mr. Schultz responded well, for the open space part of it.

Comm. Flannery asked about the fire hydrant.

Mr. Schultz responded that the fire hydrant was left open for the developer to voluntarily agree.

Comm. Flannery stated that she had a question – she commented that she walks that path all the time and she wanted to know if there was a way that they could get another path. They are talking about 30 feet of the street by Daybreak Lane. She asked if they could just have straight path going to that street there.

Chair Parkins responded yes, if you buy it from them.

Mr. Schultz stated that the developer was willing to do it but the Aldermen rejected it. They don't want it.

Comm. Flannery stated that what was originally proposed was a trail going perpendicular to Daybreak, going down a hill...

Mr. Schultz responded yes, he understands that but the Aldermen....

Comm. Flannery added that right now you could just go straight.

Comm. McGorty asked if that was what this motion is about.

Mr. Schultz responded no, that's a side issue. The Aldermen rejected a pedestrian easement.

Comm. McGorty stated that is something different then - they aren't going to do that here. They cannot decide upon that here.

Mr. Schultz stated that the Aldermen rejected the pedestrian easement and public open space. They did not want any liability issues.

Comm. Flannery asked if there could be something in this for making a straight path to Daybreak though.

Mr. Schultz responded no, they have no control over that.

Chair Parkins responded no, it is private property.

Mr. Schultz indicated that the Aldermen are the legislative body and they say "yeah" or "nay" to public open space and pedestrian easements and they said "nay" to both.

Comm. McGorty added that it was done – end it.

Comm. Flannery asked if that meant that there was nothing that they could do now to make a straight path.

Chair Parkins responded no.

Mr. Schultz responded no – because they asked them already and the eight members of the BOA rejected it. Every open space consideration, such as with this last subdivision, has to go to the BOA.

Mr. Panico indicated that this Association is not going to want to promote it because they don't want to take on a liability.

Comm. Flannery indicated that she was talking about 30 feet.

Comm. Pogoda stated that all you need is one foot for somebody to fall down and (inaudible)...

Mr. Panico stated that the Commission agreed with her and recommended that to the Aldermen.

Chair Parkins asked if it took 30 feet to get to that trail.

Comm. Flannery responded that the trail is all brush – they have 10 feet of trail still existing and 30 feet of grass to get to the road.

Mr. Panico commented that she is talking about getting to that internal road that serves that development.

Comm. Flannery responded yes.

Mr. Panico stated that he understands that but the only problem is that they don't control it anymore. They made overtures and provided for it and they chose not to implement it.

Comm. Flannery asked if the public now had to go and appeal to the Aldermen.

Mr. Schultz stated that they aren't going to entertain it now.

Comm. McGorty restated that it is a done deal.

Chair Parkins commented that there is no longer any obligation on the developer.

Comm. McGorty commented that this is for the releasing of the site bond.

Comm. Flannery indicated that her point was that she wasn't satisfied with the site because the trail that they promised was not made.

Comm. McGorty responded that it was the Aldermen who chose not to pursue it.

Comm. Pogoda added that it wasn't because of the developer – whatever he promised – he's not the bad guy. The developer was willing to do but it was the Aldermen who did it.

Chair Parkins indicated that the developer was willing to go along with it. The City didn't want the liability. She asked for a motion to release this site bond.

**On a motion made Anthony Pogoda seconded by Elaine Matto, it was voted (5-1) to approve the request for release of Site Completion Bond for Phase III. Comm. Flannery voted in opposition.**

#### **HICKORY ESTATES, SECTION II SUBDIVISION: REQUEST FOR RELEASE OF PERFORMANCE BOND**

Mr. Schultz indicated that Hickory Estates was on Frank Drive, Mohegan to Wigwam to Lisa Drive. This is a small cul-de-sac. If they haven't been up there, they did a very nice job with this three lot subdivision. He read a letter from the City Engineer dated August 2<sup>nd</sup> recommending the release of the performance bond in the amount \$45,000 with the noted conditions.

**\*See attached correspondence to Richard Schultz, P&Z Administrator from City Engineer, Robert Kulacz dated August 2, 2012.**

Mr. Schultz stated that their motion was one of two motions that the City has to take. The P&Z Commission, based on the City Engineer's recommendation, must state that everything was done in a workmanship-like manner and recommend to the BOA to accept it on behalf of the City. It has to go the Aldermen for a final vote and then it becomes part of the City's infrastructure.

**On a motion made by Anthony Pogoda seconded by Elaine Matto, it was unanimously voted to approve the release of the performance bond for Hickory Estates, Section II Subdivision with the noted conditions.**

#### **PAYMENT OF BILLS**

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

#### **STAFF REPORT**

**\*See attached P&Z Staff Report dated August 14, 2012**

Mr. Schultz read the Staff Report provided to all Commissioners and reviewed issues regarding ZBA, Citing Council, United Illuminating, DSC, Zoning Subcommittee and miscellaneous zoning matters.

**ADJOURNMENT**

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to adjourn the meeting at 9:15 p.m.**

Respectfully Submitted,

Karin Tuke, P&Z Recording Secretary