

SHELTON PLANNING & ZONING COMMISSION

OCTOBER 16, 2012

The Shelton Planning & Zoning Commission held a special meeting on Tuesday, October 16, 2012 at Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

COMMISSIONERS PRESENT: Chairperson Ruth Parkins
Commissioner Virginia Harger
Commissioner Anthony Pogoda
Commissioner Thomas McGorty (departed 8:03 p.m.)
Commissioner Elaine Matto
Commissioner Joan Flannery

STAFF PRESENT: Richard Schultz, P&Z Administrator
Anthony Panico, Consultant
Patricia Gargiulo, Court Stenographer
Karin Tuke, P&Z Recording Secretary

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

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Chairperson Parkins called the P&Z Special Meeting to order at 7:02 p.m. with the Pledge of Allegiance and a roll call of Commissioners and Staff present. Additionally, she provided a review of the standard public hearing procedures for those in attendance from the public. She requested that anyone wishing to speak sign the Sign-In sheet, clearly state their name/address, direct all questions/comments to the Chairperson and not to the Applicant or the audience. Chair Parkins also requested that any questions or comments be focused only on the application being presented here tonight and, in the interest of time, to try to avoid redundant comments made by previous speakers

PUBLIC HEARING

APPLICATION#12-17, COUNTRY CLUB OF CT, LLC FOR PLANNED DEVELOPMENT DISTRICT ZONE CHANGE: (FINAL DEVELOPMENT PLANS: 36 UNIT CLUSTER RESIDENTIAL DEVELOPMENT), CAM SITE PLAN, REVISION TO FUTURE LAND USE CATEGORY FOR THE 2006 POCD, 550 RIVER ROAD AND A PORTION OF ADJACENT PROPERTY (MAP 53, LOT 55 AND MAP 54, LOT 43), R-1/SDA AND IA-3

Chair Parkins opened the Public Hearing for Application #12-17 and requested that P&Z Secretary, Virginia Harger read the Call of the Hearing and any applicable correspondence. Comm. Harger read the Call of the Hearing and six pieces of correspondence.

1. **SEE ATTACHED LETTER TO RICHARD SCHULTZ FROM JAMES M. TORTORA, FIRE MARSHAL DATED 9/19/12.**
2. **SEE ATTACHED LETTER TO RUTH PARKINS, P&Z CHAIRPERSON FROM SHELTON CONSERVATION COMMISSION CHAIRMAN, THOMAS HARBINSON DATED 9/19/12.**
3. **SEE ATTACHED LETTER TO RICHARD SCHULTZ FROM ROBERT KULACZ, CITY ENGINEER DATED 10/4/12.**
4. **SEE ATTACHED LETTER TO RICHARD SCHULTZ FROM ROBERT KULACZ, CITY ENGINEER DATED 9/20/12.**
5. **SEE ATTACHED LETTER TO RICHARD SCHULTZ FROM CT DEEP, OFFICE OF LONG ISLAND SOUND PROGRAMS, KRISTAL KALLENBERG, ENVIRONMENTAL ANALYST, DATED 10/15/12**
6. **SEE ATTACHED LETTER TO RUTH PARKINS, P&Z CHAIRPERSON FROM MARTIN J. CONNOR, AICP, CITY PLANNER, CITY OF TORRINGTON DATED 10/11/12.**

7:40 p.m.

Mr. Schultz stated that he wanted to advise the audience that there is a pending Inland/Wetland application that has not yet been acted on. The next meeting of the Inland Wetland Commission will be November 8th. He commented that by the Inland/Wetland Commission not acting on it, it does not impact the P&Z Commission's ability to hold the Public Hearing or even close it. He reiterated that he just wanted to clarify that there is a pending Inland Wetland's application.

Peter Hughes, Land Use Planner, Country Club of Connecticut, LLC for Blue Heron Cove addressed the Commission. Mr. Hughes introduced those present for the Applicant including Dennis McMorro, Design Engineer of Berkshire Engineering & Surveying LLC, and Larry Reeves, Architect.

Mr. Hughes indicated that their Landscape Architect will be joining them at the 10/24/12 meeting because she had a prior commitment and could not attend tonight's meeting.

Mr. Hughes provided site drawings on an easel for the audience and Commission. He began his presentation by stating that the site is a 12.4 acre site on River Road. He showed the location in relation to Rocky Rest Road, Coram Cemetery, Latex International factory, the Wilhelm property, and the Housatonic River.

Mr. Hughes showed the location of the capped lagoon of Emhart Technologies. He stated that the Application incorporated 3.1 acres from the Emhart properties into the 9.3 creating the 12.4 acres that is before the Commission tonight.

He indicated that the existing conditions of the site are flagged wetlands. He pointed out the Ivy Brook corridor, Butternut Hollow, Housatonic River with the levee island, the tidal pond and the cemetery in the back. He stated that during the process of reviewing the application materials and regulations, they had some meetings with the town's Staff early on and they had looked at some possibilities to do in a PDD since this is an SDA Overlay already existing today.

Mr. Hughes stated that he was going to show everyone three things that they looked at. One of thing that they looked at – this was a 70 unit apartment complex. They met with Town Staff and the frown on the face was very quick and they were told that apartments of this size belong within the Downtown. They then proposed a 46-unit condominium development and again there were comments about the site so they reduced it down to a 39-unit condominium development. After additional town meetings with Staff, they submitted the application before them tonight for a 36 unit development with 15 buildings of duplex and triplex units on the site.

Mr. Hughes showed the existing access adjacent to the Ivy Brook which would become the emergency drive. He showed the proposed access coming across - they put a 550 foot private road to service the development. He indicated that the layouts of the units are shown on the site drawing and added that all the site utilities such as water and sewer will come in through the existing driveway and service the units. To provide orientation, he showed the location of the Coram Cemetery again.

Mr. Hughes stated that they are before the WPCA right now; they submitted their plans and their design plans and they expect action at their next meeting. You have capacity to serve the development.

Mr. Hughes showed another site drawing and indicated that it was their conservation plan. He indicated that they are preserving 8.6 of the 12.4 acres – 70% of the site. He showed the location of the Ivy Brook Corridor and the Butternut Hollow Corridor and the 1.8 preservation areas. The width of this corridor is between 60 and 80 feet. They have the Housatonic River preservation area which encompasses everything from the elevation 16 which is the 100-year flood plane down to the edge of the tidal pond, including the tidal pond, including the island, and including the upland area above the tidal pond.

All of the development activity is taking place in the SDA zone that is zoned today. He showed the location of the IA-3 parcel up in the open space. They are proposing no development in the IA-3. They are just adding a zone change that becomes conservation land.

Mr. Hughes showed another drawing and explained it was their grading plan layout. He reiterated that again, they would be coming in with a road, with a drive that comes down to service these six units, and a drive to come down to service these other units. All of the units are walk-out; they are at grade in the front, walk out in the back. There is an existing State drainage

that exits onto the property. They are proposing to pick it up, drain into a water quality basin and treat it, and discharge it into the Ivy Brook in the appropriate manner.

Mr. Hughes commented on the stream bank and the stream bank stabilization and showed the location of two areas and explained that there is erosion within the stream bank. He pointed out an upper area where four massive trees had blown over and the root balls were sitting up vertically. They are proposing to go in and move the root balls, lay in 30 inch rocks at the edge of the stream, tuck them in and vegetate behind them. He added that they can leave it, but they think it needs to be addressed. He commented that was what encompasses stream stabilization.

Mr. Hughes indicated that the plan they had been shown had an example of going into the stream if there were enough rocks to harvest and pull into the bank. They told the Wetland Commission that they will not do that; they will import stone so there will be no disturbance to the Ivy Brook.

Mr. Hughes stated that the bridge is outside the stream banks – they are 15 feet outside the stream banks with abutments. They go over the stream; they do not touch the stream. They are handed two little areas of 100-year flood plane in that 15 feet and that is their only impact into the 100 year flood plane. There is no activity in the Brook except for stabilization of the erosion. If the Conservation Commission thinks that is not warranted, then they won't do it but they feel it is warranted.

On the site drawing, Mr. Hughes explained that each unit has four parking spaces – two in the driveway and a two-car garage. They have provided 34 additional guest parking spaces on the site. He pointed them out in the shaded area on the plan. All the guest parking is grass pavers, real grass pavers – and it is going to look like grass pavers - not the cement ones like at Crescent Village where the grass is growing through and you can see the cement. He added that it will look like West Farms Mall's auxiliary parking lot, if they are familiar with that. Mr. Hughes indicated that it will be outlined so that they know it is a parking lot. He reiterated that they are using the pervious pavement as well so that all the storm water discharge is at zero increase, the hydrology to the stream and to the tidal pond stays the same. They aren't diverting water from one place to the other; they are bringing it all back.

Mr. Hughes stated that this site is all sand and gravel. They dug 13 test holes, 13 feet deep and it is just sand and gravel so all the root leaders are being tied into an infiltration system and go back into the ground and well. They are using low impact development techniques which are the best management practices that they have today with the pervious pavement and the infiltration of the storm water to protect the quality of the water to the Ivy Brook and to keep the hydrologic regime the same.

Mr. Hughes commented again that the units are walk-out. He showed the location of some small walls on the site plan and explained that they are landscaping walls that are 2-3 feet high behind each unit. The emergency ? (inaudible) the access. When they met with the Fire Marshal and

when they met with Staff, it was clear that there are to be two access points no matter what. So the road and the existing cut become the two access points. The existing cut becomes the emergency lane with a grass paving system and then (inaudible) the existing drive with a gate here and here (he showed those gate locations on the site plan). They are providing two parking spaces above the gate for access to the River on the proposed path down to the River.

Mr. Hughes indicated that they would have the visitor parking, the mail area and they will revise the plan to make that a dip so that cars can pull in and not block people going by. As far as recycling, he met with the Director of Public Works and they will do private recycling which he was amenable to.

Chair Parkins asked about trash pick-up.

Mr. Hughes stated that there are no City services in this development beyond Emergency Services. This is a private road, private sewer, private water – the only thing that this City will provide is Ambulance, Police, Fire – and hopefully, they won't need them.

Chair Parkins asked again if it would be private recycling – and private trash removal, as well.

Mr. Hughes responded yes, private trash removal.

Chair Parkins asked where the septic would be if it was private sewer.

Mr. Hughes responded that they are tying into the City sewer system. They will be building a low pressure sewer system. Each building has a duplex pump chamber with two pumps in there; it is 48" around x 96" deep. The pumps activate at a certain level and pump up to River Road where they will put a new manhole and it goes gravity line into the existing River Road pump station. He showed the location of the River Road pump station.

Mr. Hughes stated that the access to the cap that they have to give to Emhart would be using the emergency access coming through. He showed the location between the units where the grass paving allows them to bring equipment in so that they can maintain the cap in the future. They just redid it and it also gives them access for the development to walk down the existing Hollow Road out to the island.

Mr. Hughes commented about the public access in the CCMA, they are proposing two parking spaces outside the gate, utilizing the existing driveway to the cemetery which is on the property. On the site plan he showed that the existing driveway would connect with a trail, bringing it down, connecting it the trail and bringing it out to the island. Mr. Hughes clarified that there is 165 feet of 18% grade not 300 feet of 20%.

Chair Parkins asked Mr. Hughes to repeat his last statement.

Mr. Hughes reiterated that it was 165 feet of 18% grade and not 300 feet of 20% grade. ADA allows running grade with paths and sidewalks; there is no requirement to meet 5 – 8% (inaudible). He showed a stretch of area where they will provide a resting station – 5' x 5' pull-off area. He stated that if it is too strenuous for anyone, they can pull over to the side, take a break and move on. They are proposing to allow access into the island for the first 50 feet for public access. They increased it when they went before the Conservation Commission.

Mr. Hughes stated that this is the only point – he showed the point where the River comes in at high tide where there is a little leg in the island. He showed the accessible point to the River at low tide because the rest of it is like their park ¼ mile down the road. It is a four foot vertical change between tides. It gives the public direct access out to the River at low tide in the appropriate location and allows them to get back down because unless you have a big vertical jump then you aren't getting up.

He stated that they are providing meaningful access to the River. On the drawing he indicated that this cannot be built. They have to show CCMA what could be built. He stated that Applicant is not proposing to build the wharf/dock out to the River. They are proposing the walkway across the tidal pond but they had to show CCMA in case homeowners in the future wanted to do it. He stated that it could be done but it is not a part of the application.

Mr. Hughes stated that as far as the access – in laying this out, they were trying to separate the private expectations of the unit owners and balancing that with the public access. They felt that this perimeter access is appropriate for the public and interior access for the unit owners. Everyone has expectations of privacy where they live and they are trying to find that balance. He added that is what they are proposing in this access through here for the development access.

Mr. Hughes showed the location of the existing fence at the tidal pond today. They are going to remove the fence. He indicated that behind it there is a big area called *phragmites*. He showed another large location of *phragmites* down below it. Mr. Hughes stated that they are going to go through the State and ask them to remove the invasive species. As with the Wetland Commission, they will give them a copy of the invasive species plan, approved by the State, before they implement it so that everybody can take a look at it. He reiterated that it has to go through the State. Mr. Hughes stated that the plan is to remove the *phragmites*, put in native species, improve the water quality and the wildlife function of the tidal pond – that is restricted today by that fence.

Mr. Hughes indicated that they like the beavers – they are not going to touch the beavers. He added that the beavers will have a massive hotel out here and as long as they want to stay here, they are welcome.

As far as the landscaping comments, Mr. Hughes indicated that along the edge of the tidal pond, the beavers are gurgling (inaudible) the trees. The beavers go up three or four feet, strip the bark,

the tree eventually dies, and they start gnawing the tree. He indicated that they are proposing to replace that over time and that is why their landscaping plan shows it.

Mr. Hughes showed a location where he explained that there was not much vegetation on it today. They are proposing a wild grass that is 18" – 24" tall – not a mowed lawn – and a supplemental retaining edge of the pond that do have visual, aesthetic qualities and wildlife functions. Their landscape architect will go through this at the next meeting in more detail.

Mr. Hughes explained that the woodchip path is a woodchip path – there is no grading. They are going to take chips that they prepare on the site, reuse them, build a path for the unit owners to walk around. Again, if that is an intrusion that the Wetland Commission considers as inappropriate, then they won't have it. He reiterated that it is not a grading plan – it is a replanting plan with a high root meadow grass, shoreline planting and trees. He showed another area on the plan and indicated that it is the same thing – are an area where the stream encroaches – they will replant trees.

Mr. Hughes discussed that the Conservation Plan – and restated that this is 8.6 of 12.4 acres. On a site map, he indicated that everything in dark green colors was under Conservation. He added that the light green sections are the area managed by the Association and he added that there were no homeowners doing their individual lawn work. This was all a controlled scenario. Mr. Hughes commented that they recognize the important natural resources of the site, they have permanently protected them in their documents for both the Planning & Zoning Commission and the Inland Wetlands Commission have enforcement powers in the easement areas to make sure that the easement is fulfilled. He added – to make sure that the easement is fulfilled in everybody's mind and that the assertions in the town, Staff letters that homeowners are going to go wild and there is nothing that can be done – is not true. The City has enforcement powers – they have the right but not the obligation.

Mr. Hughes indicated that there is an oversight of an Association, there is the oversight of the City on the managed resources. They are preserving more land – this is an overlay of the Plan of Development for this site – then shown on the Plan of Development for this site. When they came here, to this site in April, they all realized the sensitivity and they went, accordingly, to conservation plan layout. He added that the landscaping plan is native species landscape – with witch hazel trees, red maple trees – they aren't bringing in trees that are not native to Connecticut. They have maintained a cluster that, again, they have the boundaries of the conservation, they have appropriate separation areas between the units. As far as the layout and the safety of the Fire Marshal - he does not have an issue with it and they have taken the Town Engineer's letter into account.

Mr. Hughes showed two different locations where they are putting fire hydrants and another location where they have been asked to put one by Rocky Rest Road. They will be providing the

WPCA with City water; they have a well at the pump station. He added that they will extend the City water at their cost, connect to the pump station and abandon the well.

Mr. Hughes indicated that in response to Staff comments at Staff meetings, Inland Wetland comments, Conservation Commission comments, he would like to talk to them about an alternative plan.

Comm. Flannery stated that she wanted to ask one question – she asked why they have 36 units and 33 parking spaces.

Mr. Hughes clarified that they have 34 extra spaces outside of the four spaces per unit. He recalled that per unit there were two in the garage and two in the driveway and then there are 34 other spaces out.

Comm. Flannery asked if there were parking spaces underneath every unit.

Mr. Hughes clarified that these were front-loaded, two-car garages.

Comm. Flannery asked if they were under each unit.

Mr. Hughes explained that they were not under – straight, drive-into, front-loaded – just drive in. He added that they are grade in the front and walk-out in the back. Mr. Reeves will go through the architectural plan later.

Comm. McGorty departed at 8:03 p.m.

Mr. Hughes commented that in discussions with Staff and in looking at the Town Engineer's comments, they are looking at this alternative layout to address the issue of dead-ending. He added that he talked to WPCA about this last week. On this driveway to service these six units, they are proposing to carry the driveway through, put a gate in for emergency access, connect up the existing driveway at the pump station that allows access back out to River Road. There is now two points of egress and it also allows the WPCA to bring it large equipment much more easily to service the pump station. They will allow the WPCA access to the pump station over that road as well. He showed where it would connect on the site map – he indicated that it was 150 feet long on that side. It is not a great distance. He commented that they took out the cul-de-sac and went with a hammerhead so there is no turning around. A fire truck, or whatever type of truck, can pull up, pull back, and pull out.

Mr. Hughes pointed to another location on the site map and commented that it was a radius for a large automobile. It was 48 feet and, they can make it larger. They've had some discussions with Staff that maybe the (inaudible) vehicular has to be a little larger. He added that this also pushes the units further apart and takes three of the units out of the 75 foot Ivy Brook corridor.

He stated that they gained 25 feet away from the stream. They are trying to address the comments from Inland Wetlands and the Conservation Commission so they made the corridor bigger with this change.

Mr. Hughes stated that the emergency access way is the same and he showed where it would come in. It is not as close to the units which were one of the concerns of Staff when it was located between the two units. This layout doubles it and really opens it up.

In regard to the alternate layout, Mr. Hughes summarized that it flows better, addresses dead-end issues – again, this is just 150 feet. He indicated that they prefer to keep it at 22 feet because it keeps them out of the 100-year flood plane and it is only 150 feet long as well. They feel that this alternative plan addresses some of the comments with the Town Engineer, Inland Wetlands Commission and the Conservation Commission.

As far as access points, Mr. Hughes stated and pointed out on the map that to utilize this driveway independent of this – there is a light 150 feet one way and an intersection 150 feet the other way – and you have to cross two lanes to take a left turn. They would have to clear the horizontal curb going toward Coram Cemetery to the factory and they would have to grade into the Coram Cemetery property to open up the sight line because you need about 500 feet of sight line. Mr. Hughes indicated that they don't feel as though this is appropriate; if it was, they would have used it. The clear message that they got from Staff and from the Fire Marshal was that they needed two points of egress. This is the only way that they can do that. He added that this bridge, this layout is the exact layout of past applications on this property. This road layout bridge hasn't moved. Wetlands gave them a bunch of past applications to look at. This is the location that (inaudible)...

Mr. Hughes reiterated that they are doing nothing in the stream – it's an arch. This is just like Berkshire Commons up on Murphy Road; the same kind of bridge. He summarized that this brings some of the units back, creates a little more space and really makes this more functional. He added that when they presented it to Staff, they felt it gives them something to really look at and they agree with them. He commented that they are asking the Commission to take that under consideration and they'll keep working with Staff. They think it improves the layout above the site.

Mr. Hughes stated that he wanted to go through some of the comments. He stated that as far as CCMA (Connecticut Coastal Management Act) they agreed that they are providing a public access path. It is an easement to the City. The Homeowner's Association will maintain it. They will put a detail on the plan and they will build it to the City spec. of 8 feet wide with a City gravel spec. This will be permanently maintained and permanently accessible. He showed the location of the resting spot on the plan, 165 feet of 18% grade. He stated again that they feel that the 50 feet on the island is adequate access that allows you to get to the River at low tide at a

meaningful point. As far as the greenway, he showed where you could walk but added that he was not brave enough to cross the Butternut Hollow/Ivy Brook concourse because he felt it would be up to about his chest level. He showed the point at which he felt that it wasn't really possible to traverse beyond on the site drawing. In looking at where the City boat launch is located, they have the marina right next to it so you really can't walk the City road launch down to there. Mr. Hughes stated that if the Commission thinks that there is something more that they can do there, they are open to discussion.

Chair Parkins stated that it would be helpful to her if he could comment on whose comments he was commenting on.

Mr. Hughes stated that the access point right here would be a Conservation Commission's comment and the Town Engineer's comment. The corridor issue is the Wetland Commission, the Conservation Commission and the Town Engineer. Their conservation plan, they believe, adequately protects the resources, maintains the immediate canopy. He added that when you go upstream to the Santos and Source View, it is 30 feet wide to 60 feet wide because, as they know, the top of the watershed is flat and broad and as it comes down it narrows. This is the only parcel where the stream bisects it in a meaningful way. All of the others are right up by the road. They understand the importance of the Ivy Brook corridor and they are protecting it. Above this lies between the two roads – Constitution Boulevard and Ivy Brook Road and that is the greenway. They think this protects that and the other protects Butternut Hollow.

Mr. Hughes stated that as far as access to Butternut Hollow from the Town Engineer's comment, it is very steep and very thick with vegetation and there isn't much to see because it is just the end of the brook. He showed the location of the confluence point lower on the map which can be seen at low tide. He showed the location of the access to walk down. He added that is how they walked with the Commission that day. He showed the path taken – their access point, down the island and back up Ivy Brook. He added that it is available at low tide but you can't walk it at high tide – it just isn't possible. There is access to this unique area so they are providing that. He showed the location of what is State Highway and commented that it dips way back, where they can see the 2 foot contours and there is about a 14 foot hole off the road. He also pointed out the stone embankment along the road that is not accessible.

Mr. Hughes stated that as far as the footprint they went through the scenarios. These units are 38 dense. He showed the area where they shorted the units from 42 to 46. They gave back the units to shorten them. They have addressed this 60 – 80 feet corridor in the comments of the Town Engineer, Conservation and Wetlands.

Chair Parkins asked if they were smaller units or just shaped differently.

Mr. Hughes responded yes, they are smaller units.

Comm. Matto commented that what they talked about was 100 feet on either side, not 60-80 feet all together.

Mr. Hughes responded that when they met with the Inland Wetland Commission in July formally, they told them that they wanted 60 feet wide between the buildings. If you go up to the Santos and Source View, it is only 30 feet wide on each side of the stream and then there's their parking lot.

Mr. Hughes commented that they thanked the Conservation Commission for the kudos that they gave them and they believe that they have tried to do the Best Management Practices on this site.

He commented that as far as the Town's Engineer, he's going to have Dennis McMorrow address some of his comments but as far as access, most of them are about the intensity of development, the conservation area. He reiterated that they are protecting a great portion of the site and all the natural resources. The units themselves sit on high bluffs. He pointed out the location and commented that if they look at the existing conditions, these units are sitting up here and there is a large drop-off. He indicated that they kept all of the units off of the steep slopes.

He showed the existing open tree canopy area, and a (inaudible) road that was built. He stated that they weren't talking about a pristine site but it is site with a lot of natural resources that it is critical that they protect. Mr. Hughes stated that in the end, he thinks that they did balance the conservation and the layout. They also looked at the River Road corridor from the Shelton/Stratford line to Constitution Boulevard and the Ivy Wood open area where they've done PDD's with commercial and residential. He thinks that they identify, rightly so, that this is a corridor that definitely seems to have accessibility to transportation – the train stations, the highways, bus line, the employment centers up the road. Mr. Hughes stated that they feel that this is the appropriate layout for the appropriate location.

Mr. Hughes noted that when the Commission looked at Crescent Village and Rivendell, they knew that was appropriate. They looked at duplexes and triplexes and tried to keep it smaller scale clustered together so that they could keep a natural site as much as they could.

Mr. Hughes stated that he would have Dennis McMorrow address the Town Engineer's comments and then have Larry Reeves discuss architecture.

Dennis McMorrow, Berkshire Engineering & Surveying, LLC, 143 Bantam Lake Road, Bantam, CT addressed the Commission. (01:57:33)

Mr. McMorrow stated that when they got involved in the project, the biggest utility or engineering concern that they were going to have to deal with was the drainage on the site. The drainage is really broken down into two different aspects. One would be the crossing of Ivy

Brook to gain access to the site and secondly, what they would do with site drainage when they developed the property.

Mr. McMorrow discussed the Ivy Brook crossing first. He indicated that the drainage area upstream of their crossing is 475 acres. It is a sizeable crossing which they can tell from the width of the Brook. It's in that area – it is a very well-defined channel with steep embankments going into it. The logical course of action was to size an arch to go over that, put the footings of the arch into the upland soils on either side of the brook and minimize the disturbance to the Brook. They looked at previously approved plans as a starting point for that crossing. They had previously approved a metal arch which was 24 feet wide x 8 feet. They started with that size of culvert and when they analyzed the crossing with that 475 foot watershed, they actually had to just bring in an additional foot to have the clearance that they needed so they did not have any water (inaudible) crossed. So that 24 x 9 con span(?) bridge has the water surface elevation of 1.2 feet above the 100 year flood plane and the bottom of that structure is 18 feet under that so the water passes completely underneath. There is no (inaudible) of the water in that area. Mr. McMorrow stated that was the biggest engineering concern that they had to deal with. It was an interesting drainage problem to go through.

Mr. McMorrow indicated that as Mr. Hughes talked about, the end result of the aspect of what to do with the site drainage, they dug 13 test bits out in the area. He added that the knoll out there is beautiful sand and gravel. They dug down thirteen feet deep with an excavator and in most areas just couldn't find bottoms; it was beautiful material. This gives them the opportunity to develop a site using some very interesting best management techniques. The permeable pavement, the grass pavers in the area were eventually selected for the project. For the roof drainage, they sized 4 x 4 galleries to, again, infiltrate the roof water. Being that far down on the water shed of Ivy Brook, they would be looking at water quality issues and not detention but because of the permeable pavement and infiltration of the roof water, they actually have a form of detention on the site in the 10-year storm for the developed area, they actually lower the post development flows from 7.7 CFS down 6.2 CFS. They have detention by default, but mostly because they were doing the best management practice of allowing the storm water to infiltrate because of the good soils.

Mr. McMorrow indicated that one of the concerns in the City Engineer's Report is about the load ability (?) of the sandy soils and if they going to add sediment into the Brook or the wetlands. He commented that he finds that with the sandy soils, with the silt fence, and possibly using some sediment basins in front of it, they can control the erosion much easier than if it were a hard pan soil. Silts, the clays and the hard pan soils are much harder to get out of suspension during a storm event. The sands and gravels are heavier, coarser particles and with the silt fence and the sediment basins, they will settle out quickly and he doesn't believe that they'll have any trouble during construction. The actual open area of the site on each side is only about 1 ½ to 2 acres of work so it's not a large area that they are going to open up at any one particular time.

Mr. McMorrow stated that they only have two catch basins on the proposed development and that is only because they have a culvert, an existing pipe from DOT that discharges into the property. Rather than just letting that discharge flow across their proposed driveway, he put two catch basins and then brought it into a water quality basin to be excavated into the ground, again, because of the sand and gravel. It will infiltrate and it most likely won't even have any surface run-off from that basin on the 10-year storm unless it is infiltrated into the gravel. He commented that there will be no curbing or any other basins proposed on this site.

Mr. McMorrow addressed the Town Engineer's comments on the Sept. 20th memo, and referenced the 8 ½ x 11 paper that he distributed to the Commissioners as a copy of their POCD map that is referenced in this correspondence. He commented that the map is very grainy and blurry because they took it right out of their POCD book and enlarged it on the computer to allow them to superimpose their site onto the POCD map. He indicated that the dark green area is from their POCD map showing what is proposed for open space. He explained that he superimposed the green hatching to show what they are proposing to preserve with their conservation restrictions for open space.

Mr. McMorrow referenced this enlarged POCD map and indicated that along the Housatonic, they are the same. When go up into the Emhart property, they are proposing more of that area than is currently proposed in the POCD map. In going up the Ivy Brook corridor, they can see that area was never even designated on the POCD map for open space; however, they are proposing it as open space with their plan.

Mr. McMorrow stated that in the Town Engineer's letter in that same paragraph about the property, he discussed the potential for erosion with the sandy soils. He reiterated that he finds it much easier to control the sandy soils on site than if it were a hard pan which would be much more difficult to have for water quality purposes during construction.

Mr. McMorrow indicated that the repairing of the corridor, he would refer to their Environmental Planner, Mr. Klein who prepared a report for the Wetlands Commission which indicates that there are no negative impacts to this development to that repairing of corridor. He added that in their alternative plan that Mr. Hughes just presented, they are able to move units 25 – 27 feet farther away the Brook with that layout.

In regard to access to the site where they have proposed the main access drive, Mr. McMorrow indicated that he believes it is the ideal spot for that purpose. He added that the DOT generally doesn't like proposing intersections closer than 400 feet apart. If they look at where they have the proposed driveway, at Rocky Rest Road, they are approximately 400- 450 feet in that area. If they were to utilize the existing curb cut which they are proposing as the emergency access way, that would only be about 150 feet and that can cause turning motion problems with the cars and the DOT does not like that. He stated that also they would have to be crossing two lanes of

traffic from their left turn lane out. Where their proposed driveway is shown, their left turn lanes would only be crossing one lane of oncoming traffic. Also, there could be queuing problems at the emergency access way with the traffic light by Constitution Boulevard. Mr. McMorrow stated that he thinks that they have (inaudible) with the appropriate place for the main access to the site. He added that there is also a traffic report that has been filled with this Commission by Scott Heska (?) who is a traffic engineer. He indicated that Scott would be at the 10/24 meeting because he had previous engagement.

Mr. McMorrow indicated that they have discussed the impact of the wetlands on their footings. The footings are outside of the wetlands where they cross with the Con span(?) Bridge. Also, as far as the three dead ends, the alternative layout plan eliminates two out of three. The only dead end that they have now is 150 feet. It's just Units #1 through #3 and 120 feet for Units #19, #20, and #21 at the end. He commented that the hammerhead allows for a better flow in the complex and especially when it came to the emergency vehicle access, if they ever did need to go out and use that. He thinks that it is a better location and its spread out between the units and not running through the units as tightly as it was previously.

Mr. McMorrow stated that at this point with the drainage and his responses to the Town Engineer's comments, he'll turn it over to their ...

Comm. Flannery indicated that she had a question for him. She commented that he keeps commenting that they need to stop the sand from (inaudible) and she asked how they were going to stop the sand from eroding.

Mr. McMorrow responded with a silt fence and temporary sediment basins in front of the silt fence. He explained that what happens when you have erosion, when you're in construction, your sites can – when you have a rainstorm, you can have the water moving the particles. He added that everybody sees job sites where they have the cloudy, dirty water that is leaving the site. That dirty water (inaudible) - that's the silts and the clays that are in suspension in that water. It is very difficult to get that out completely and actually DEEP acknowledges that a certain amount does leave a job site. However, when you have sands and gravels, those sands and gravels don't have a lot of those silts and clays in them and you get great infiltration. The soil particles are heavier and drop out of suspension quicker and easier and they absorb into the ground. If you open up a site with hard pan, it doesn't absorb into the ground, the water stays on the surface and you have all this silt in the water and it's not settling out. It's easier to handle the...

Comm. Flannery asked him to repeat the name of the fence.

Mr. McMorrow responded that it was a silt fence or a sediment fence. It's the fencing with the 3 foot high posts seen on job sites. He added that it is very standard and part of the Erosion Control Manual for the State of Connecticut.

Comm. Flannery asked how they stop the erosion after all the building is completed and they've moved out.

Mr. McMorrow responded that everything that was disturbed during the construction process is top soiled and seeded, whether it is grass or plants or vegetation based upon their landscaping plan. The silt fence is only during construction and after construction it is the vegetation that they are putting back onto the site.

Comm. Flannery asked if they were only planting grass on the sand.

Mr. McMorrow responded no – the top soil – when you come in, the Erosion and Sedimentation Control Plan specifies that the top soil would be stripped and stockpiled and then they do the rough cutting and filling of the site, and after the final grading, they re-use that top soil, replace it back on top of the grade, and then they plant seed plants. Mr. McMorrow commented that the answer to the question from the City Engineer that they are highly erosive would be that they actually absorb water better than the hard pans and he finds them much easier during the construction process than a hard pan.

Mr. Hughes interjected about this subject so that the Commission would understand how they operate. He commented that he and Dennis McMorrow are with the project to its end. They don't just come here, make a presentation and then walk away and let the owners run wild. They hire and have as a part of their team, a retired City Engineer/Public Works Director who is on site several times a week to oversee all construction. He also happens to be an Erosion Control fanatic so they are on site managing this site all the time. Mr. Hughes stated that if there is any question, he or Dennis are called in or Phil DeFillipo, who is their man on the site. As Mr. Connor stated in his letter, they react quickly. They don't want a problem and if they create a problem than it is a bigger problem for them. They take this very seriously. They are on-site and manage it very tightly.

Mr. Hughes reiterated that the temporary sediment basin – the silt fence is up 2 or 3 feet in front of it, they are going to excavate out 2 or 3 feet down, 10 or 12 feet wide – so it's a hole – and the water runs into that. As Dennis said, because of the soils, (inaudible). if it doesn't and fills up and it slowly goes toward the silt fence, then the silt fence does its job. As far as the delineation of construction, that was asked by the Conservation Commission, and that is the silt fence. If they want them to put an orange fence behind the silt fence, they can do that. Mr. Hughes indicated that right now he wanted to ask Larry to go through the architectural and he'll discuss one more thing after that.

Larry Reeves, architect and principal of the Reeves Design Associates addressed the Commission. Mr. Reeves indicated that he would be discussing a prettier portion of the presentation. He stated that they have really tried to develop a more traditional-looking structure for this site. This particular image that he is showing here is a typical example of their building

compositions. He stated that they have two and three unit buildings across the board. The units have some similarity as far as the front elevations of the majority of the units.

Mr. Reeves showed some additional images and commented that for most part – well, actually Units #31 to 36 units are front-loaded garages, essentially a three-story structure from roadside and then all of the units have at the rear... well, those first 31 units have full walk-out conditions on the back. They can then take advantage of the views. All of the units look out to the water, either to the Brook or out to the River.

Mr. Reeves indicated that the additional five units are kind of a reverse condition where they have a garage at the lower level and it is actually exposed less. It is an uphill condition but, in effect, all the buildings are working off of an average grade. They are looking at a 2-3-4 foot building height of an average grade to the high point of the bridges. This is referenced – the majority of them are a little bit under 30 feet or right at 30 feet for this particular building from the street front. It is a very standard building height. These are not massive buildings and actually the footprints are not much different than large homes.

Mr. Reeves stated that they have some treatments of how they approached the front elevations. They are actually setting it up so that they do have individual entrances. While they do have the two car garages, they have individual entrances. To keep the identity, they do expect to have some amount of subtle color changes between units and between buildings. However, all of that color palette will be very natural color range. He knows that something that was mentioned in some of the Conservation Commission reports as well. Mr. Reeves stated that they played a little bit with what those final colors are but they do expect a nice, traditional color palette.

Additionally, one of the primary aspects of the units, because they have waterfront exposure, they really placed the majority of the living spaces out to the rear of the site or out to the waterfront side of the units. All of the back elevations will be very open. There will be a lot of windows happening and a lot of nice views.

Mr. Reeves showed a black and white rendering of the same images shown earlier. He stated that this building is a duplex where they have shown it as a potential of pulling the two entrances together which he just mentioned they were not doing. He stated that they actually do expect to these to be pulled back apart so that they are looking at individual entry features. Mr. Reeves indicated that they did want to confirm one of the conditions on site that they might have this show up so they wanted to show this rendering as a possibility but they don't anticipate it at this time.

Mr. Reeves displayed another drawing and explained that this building is the other five units up at the top of the site adjacent to the cemetery. They are now at an opposite condition on this site where they are coming in on the low side and grade is coming up pretty dramatically up to the rear of the units in this case. Mr. Reeves showed where they would have a higher exposed wall

here but then at the back of the building they are back to essentially the same exposure that you see on the other elevations.

End of Tape 1A 8:30 p.m.

Mr. Reeves stated that in this case what happens is that they have all of these five units have a uniqueness of those views that are from the front as opposed to the rear. He indicated that the shift has occurred and now they are very open. They've established decks and walk-out spaces from the front. He noted that all of the units have decks or patios; however the condition works out. They have decks on almost all of the units and then the patios are down at the basement level. He added that they'll have a flat (inaudible) there.

Mr. Reeves stated that he would quickly go through the floor plans in general just to give them a sense...He stated that the floor plan displayed is called a Master Down unit; it is one of the larger units that they have. He showed the location of the garage with a front entry with the majority of the unit to the rear. They are really focusing on the rear windows because they do have two and three unit buildings, the majority of their units will have side windows as well. He added that they flip between sides in various conditions but typically they are looking at all of their family rooms likely having exposed, open windows on the sides as well. They are really taking advantage of the waterfront location.

Mr. Reeves indicated that in this case, they have set up the Master Suite on the main level to provide for a long-term living condition as well as a general market for retirees that can stick around here for a while and not have to worry about it.

Mr. Reeves stated that on the second floors, on this unit, they have two additional bedrooms and a study, a beautiful master suite that takes advantage of the views. He indicated that as he already mentioned, they have a full walk-out which leaves them with a lot of additional, flexible space for an office, family room, etc...

Mr. Reeves showed another floor plan and explained that this is the same kind of configuration in terms of access. He indicated that this is one of their smallest units, the 42 foot deep unit. The first unit was the largest, a 52 foot deep unit.

Battery dies on microphone...

Mr. Reeves restated that this unit is smaller. The first unit he showed is about 2300 or 2400 square feet on the two main floors and this one is about 1900 square feet on the two primary floors. They have left an option for access up into their roof structure for a possibility of a (inaudible). He added that they have basement space that they will be able to fill out. The loft is really going to be a function of the market. They don't know that it is actually going to be

necessary to get up into that space but it does not change their massing on the front of the house or anything. It is still essentially the same structure as (inaudible)...

Chair Parkins asked if he had said 1900 to 2500 square feet.

Mr. Reeves responded yes.

Comm. Pogoda asked if he had said 2300 or 2500 square feet.

Mr. Reeves responded that they do have a unit, the "C" Unit which is the uphill unit – there are five up by the Cemetery, those are actually 2500 square feet.

Chair Parkins stated OK, they are 1900, 2300 and 2500.

Comm. Flannery asked for clarification that they were going to dig into the sand to make a basement.

Mr. Reeves responded yes.

Comm. Flannery noted that in Florida, nobody has a basement because everything is sitting on sand, so everybody sits on a cement flat. She asked how he expects to...

Mr. Reeves responded that is actually quite different and what they are doing here is...

Chair Parkins suggested that the Commissioners wait and let the applicants finish their presentation before they begin throwing questions out because it would be more helpful.

Mr. Reeves indicated that all of these units are set so that they have natural grading that works from front to back on the units from whatever direction it happens to be. They have full flow of any underground water that might be moving around so that is very different than a flat site condition. He added that with that being said, sand is always a wonderful thing to build on, in general. As Comm. Flannery stated, Florida is very different conditions for a lot of other reasons.

Mr. Reeves stated that the floor plan shown is set up where there are no extra bedrooms on the first floor where they do have two bedrooms on the second floor with a flexible office space which could be enclosed or left as an open loft.

Mr. Reeves showed another plan and stated that this unit and the unit to be shown after this, are actually larger versions of the smaller units. These units are, though, the typical units that they have on the site. The majority – they have five of the Unit "C," six of smaller units, 7 units with the master bedroom down, so the remainder of the units are essentially this size unit with this layout; although they have some differences on how they are oriented inside.

Mr. Reeves stated that this is the “C” unit and it is on the uphill sites by the Cemetery where they have two full floors of living space rather than having a living space that is notched out by the garage. In this case, the garage is to the front and the basement faces out to the back and there is no walk-out condition on the living space. It is simply the garage and the entrance which is kind of a split level. They are coming up several steps to the landing on the exterior. In this case, they have picked up a first floor living that is flexible as far as being an office or a bedroom. They have it set up so that it can easily be both. It can be a private suite, a guest suite or as needed.

Mr. Reeves continued that on the second floor they have two bedrooms. They don’t have the extra office space in that area because it is accommodated on that first level as well as some flexibility on build in the basement. He concluded that those were the layouts and the general overview. He asked if there were any questions.

Comm. Harger asked how many of the units were 1900 square feet.

Mr. Reeves responded six.

Comm. Harger asked if that is what they were calling a model “A.”

Mr. Reeves responded that was “B-1.”

Comm. Harger asked about the 2300 square foot.

Mr. Reeves responded that is “A” and he believes that he wanted to give some clarification on the basement levels. He stated that what will be happening is that they will be finishing out all the basements on all of the “B” type units. The “C” unit won’t be a standard there; it will be 2400 – 2500 square feet. Back on the “A” units, they will have the build out on the lower level. On the “B” units, they will actually end up with an additional 700 – 800 square feet in those basements. The typical “B” unit will be about 2700 total square feet of living space. They will be full, useable, built-out basement spaces.

Comm. Harger asked how many of those there would be.

Mr. Reeves responded that the total of those would be – the ones up in the front – there would be six “B-1” units and they are slightly smaller ending up at 2400 – 2500 square feet including those basements. They have 15 typical “B” units are 2750 square feet. The “A” units get nine at about 2450 square feet with no build out on the basements. The “B1” units are 1900 square feet, not built out as a standard, but available. The “C” units are just short of 2500 square feet.

Comm. Harger asked if there were six of those.

Mr. Reeves responded yes, six of those.

Comm. Harger asked if they were consistent in all of the “B-1” units having “X” number of bedrooms.

Mr. Reeves responded yes.

Comm. Harger stated OK and asked how many bedrooms.

Mr. Reeves responded two.

Comm. Harger asked how many bedrooms in “A.”

Mr. Reeves responded three and there is an office space available too but there are three bedrooms.

Comm. Harger stated three bedrooms plus an office and asked if the office was definitely convertible.

Mr. Reeves responded not to a bedroom.

Comm. Harger asked how many bedrooms in the “C” units.

Mr. Reeves responded three and they are counting that main floor space as bedroom. It is built out to be (inaudible)...

Comm. Harger asked for clarification if Mr. Reeves was saying that there could be a fourth bedroom in the “C” units.

Mr. Reeves responded no.

Comm. Harger commented OK, it is just three bedrooms but it is just the orientation of where they are.

Mr. Reeves responded yes.

Comm. Harger asked how many bedrooms in the “B” units.

Mr. Reeves responded that in the standard “B” it is two bedroom but they have the flexibility of a third bedroom in those. Their office spaces have the capability of becoming a bedroom.

Comm. Harger commented they are convertible – OK.

Comm. Flannery asked how many “B-1” units there would be.

Mr. Reeves responded six.

Comm. Flannery asked how many bedrooms in the “B-1” units.

Mr. Reeves responded two.

Comm. Harger if they have any accommodations – she commented that less than half of the units have three bedrooms and the B’s have two bedrooms with the possibility of an office converted. She asked what accommodations they had for children who have to be picked up by the school bus.

Chair Parkins commented that they could be picked up on River Road.

Comm. Harger responded yes, but asked if they would have a pull off or something.

Mr. Hughes responded that in their market research of condominium developments in Shelton of a similar nature, there are on an average .45 children per unit. There are not that many children, but if there are children, they will have to come out to River Road for a pick up. It is a private drive and he’s assuming that (inaudible). They do not anticipate this being a family-oriented development. Mr. Hughes added that he doesn’t think that the duplex and triplex units lend themselves to that - the location on a busy road, the sites next to it include a factory and a cemetery. They don’t anticipate that kind of population. This is not age-restricted but it is age-targeted by design and that is what they expect to see. If they look around, that is what is seen in most of these types of developments today.

Chair Parkins asked the architect if he was proposing double-wide doors or two single garage doors for the garages.

Mr. Reeves responded that they have about two singles typically and on the “B1” units they have looked at the possibility of those being singles but they are also leaning toward those being double doors.

Chair Parkins asked if they were also responsible for getting back to one of the Conservation Commission’s comments about the color scheme being used. She noted that he showed three variations of the colors and asked if they were going to be muted colors – Cape Cod style colors.

Mr. Reeves responded yes, that it is very much in a kind of craftsman range and not a crazy, Victorian kind of an approach but more of a natural color palette. So the greens and reds are not big, bold, bright, crazy things. They are very subtle, very traditional, historical colors.

Comm. Flannery stated that she was still trying to count out the bedrooms. She indicated that she got 111 bedrooms minimum but she was wondering but they are talking about guest suites too and maybe changing offices into bedrooms. She asked what the maximum amount of bedrooms.

Mr. Hughes responded 108.

Comm. Flannery stated that he just gave them 111 and then he said that for the 15 “B” units, the office could be made into another bedroom – so that is another 15.

Chair Parkins responded no, he said that it couldn’t be made into a bedroom.

Comm. Flannery stated no, he said that for the “A” units.

Mr. Reeves responded that they are keeping that as a tight number and what Peter is saying is the 108 – that is also a part of the function of whether they get used as a bedroom or not. If he’s not mistaken, they have actually limited it to 108 as a total bedroom count.

Comm. Flannery asked if that included the guest suites.

Mr. Reeves responded yes.

Comm. Flannery stated that they are giving her two different sets of numbers.

Mr. Hughes commented that if there are no other questions for Larry Reeves, he just has a couple of other things to discuss.

Mr. Hughes stated that as far as the engineer’s drainage report that they submitted for the application, they had a second peer review done by Loureiro Engineering Associates. He read a letter from Loureiro Engineering Associates regarding the Blue Heron Cove drainage calculations performed by Berkshire Engineering & Surveying, LLC and submitted it to the Commission for the record.

***See attached correspondence dated 9/12/12 to Mr. Alan Tempkin from Christopher C. Winters, Senior Engineer/Project Manager, Loureiro Engineering Associates.**

Mr. Hughes stated that he wanted to address the appropriateness of this location for a PDD. First, the comprehensive Plan of the City of Shelton which is their Zoning Map and their Zoning Regulations indicate that this is eligible parcel for a PDD since it is already classified as SDA Overlay as well as the abutting properties to the south. The property is in a transitional area on River Road between the cemetery, factory, some older residential housing to the west, commercial projects down River Road within a 2 mile radius of the site, and the higher density developments of Crescent Village and Rivendell. The property is the SDA, they have a transitional area, they are on a transit line with the Bridgeport Transit system, they are right at the base of a major economic development area, near an employment center, Constitution Boulevard. They are with 2 – 7 miles of three train stations and near the entrance of the Merritt Parkway and from Route #8 you can get to I-95 quickly. The corridor of River Road is an appropriate area for the consideration of PDD’s. He thinks the Commission has done a good job in doing what they’ve done between Stratford and this area with past PDD approvals,

recognizing that this is a unique area of the City. Mr. Hughes indicated that they feel that they are in a proper location and have come in with a plan that they feel is a high design standard.

Mr. Hughes commented that they know that it is (inaudible) to get PDD approval (01:13:23) They have come in with high degree of architecture, a high degree of landscaping plan which will be discussed at the next meeting. They have a site that is a mix of duplex and triplex units, they aren't overly large. They aren't six-plex units or apartment buildings but they feel it is an appropriate size development for the site and they are protecting all of the natural resources of the site.

Mr. Hughes indicated that this development versus a single family development produces about \$200,000 – to about \$250,000 dollars in additional taxes to the City. They will go from an assessment of about \$6 million to an assessment of \$16 million. They see these units as averaging at \$450,000/unit. Mr. Hughes stated that coupled with all the private utilities, the private road, and in their research of what they looked at of .45 children, this development will be a positive cash flow to the City. The only services to the City would be for emergency services which they hopefully won't have to use. They have put together a plan that they feel is appropriate with a high degree of design. As he said, they take their job very seriously and they stay with the project and have an on-site manager.

Mr. Hughes continued, that in addition to the letter from Mr. Connor, AICP, from the City of Torrington, he wanted to submit some additional letters for the record. He read a recommendation letters from Mary Savage, City Planner for the Town of Southington and Doris Curtis, AICP & Mark LaSalle, Inland Wetlands Commission from the Town of Southbury.

***See attached correspondence from Mary Savage-Dunham, City Planner, Town of Southington dated ?**

***See attached correspondence from Town of Southbury, Doris Curtis, AICP Land Use Planner and Mark LaSalle, Inland Wetlands Commission dated October 11, 2012.**

Mr. Hughes submitted the two recommendation letters for the record and added that they know that the burden is on them. They take this seriously. They manage these sites. They work with the cities and their neighbors. He added that they would like to hear the neighbors concerns after they finish this presentation. They appreciate their patience for their long wait. They will meet with any of the neighbors afterward to hear their concerns. Mr. Hughes indicated that they have spoken with the Cemetery about putting some fencing up and they have to finalize the (inaudible) and they will raise their concerns to the Commission tonight. He stated that they are very proactive.

Mr. Hughes indicated that as far as the parking, they provide 178 parking spaces for 36 units. There are four in each unit – two in the driveway, two in the garage and 34 spaces are for visitors

on this site. That was one of the concerns expressed and they think that they have addressed that concern. They have rows that don't have curbing so people can park on the side. It doesn't restrict access or movement of cars going through the site. They think that they have addressed the parking issue well.

Mr. Hughes stated that as far as the bedroom count. They are restricting the bedrooms in each unit to not exceed three. They have applied to the WPCA for 108 bedrooms – 3 per unit – 36 x 3 is 108 and that is what is going to be. He commented that was the maximum. He reiterated that if you have no unfinished (inaudible) space then that doesn't become a bedroom but they have applied for the maximum number of bedrooms to the WPCA at 108.

Comm. Pogoda asked what the price range would be on these units.

Mr. Hughes responded that they are looking at \$389,000 to \$525,000 with an average around \$450,000.

Comm. Parkins stated that she had several questions. She indicated that unlike the Inland Wetlands, naturally, which has regulations that they have to adhere to, the Conservation Commission is an advisory commission. However, they sincerely appreciate the time and the effort that they have put into going down to do site visits and putting together a very comprehensive letter of comments. Comm. Parkins stated that she does concur with some of the comments that they have made and she would like them to address a few of them.

Comm. Parkins stated that under #4 Public Access Walkway, they claim that the “proposed public access walkway is shown directly behind the units below Coram Cemetery.” They suggest a privacy fence at a six foot height which should be considered along the retaining wall behind these units. She asked if they had any comments on that.

Mr. Hughes responded that they are required to put a 54” railing at the top of the wall so they are absolutely putting in fencing.

Comm. Parkins indicated that they point out the proposal suggests only two off street parking access parking spaces for public access. They are recommending that at least four be provided. She sees that they are a little bit tight on space up there. She asked if he would at least be able to get at least, perhaps, three.

Mr. Hughes responded yes, they will commit to three.

Comm. Parkins asked – four?

Mr. Hughes responded that they will look at four and will get her three. It is matter of grading in there with the wall and they just don't want to impact the Cemetery' s driveway.

Comm. Parkins commented that she was thinking that if two people meet up there then there is nobody else that can park there.

Mr. Hughes stated that one of the things that they looked at too was – he pointed out a ¼ mile area to Coram Road riverfront piece. People can walk across the street, if they are brave enough.

Comm. Parkins responded no.

Mr. Hughes stated that they will provide three spaces.

Comm. Parkins responded OK. She added that there are several comments made in this report about designating site disturbance limit lines that she agrees with.

Mr. Hughes responded yes, silt fence and they could put an orange construction fence behind it.

Comm. Parkins stated that she agrees with their tree cutting comments “a” and “b” about marking significant trees before the commencement of construction. She requested that they make sure that none are taken down accidentally because that sort of thing happens.

Mr. Hughes stated that what they have done – they have shown the trees at 24 that will be impacted. They can absolutely do that – they are marking the field right now.

Comm. Parkins commented about the other request in regard to working with Inland Wetlands prior to undertaking an “improvement” or “limb removal of trees” that are to remain.

Mr. Hughes responded yes, at their initial meeting in July and again in August, the discussion that they had with the Commission was that they would not remove trees but they would like to shape up, take dead down and lift the canopy a little bit. They said as long as they didn’t remove trees that it would be fine.

Chair Parkins commented that they don’t want to make big gaping holes either so that the residents (inaudible)...

Mr. Hughes responded no, and in response to one of the Conservation Commission comments from the River back - to the River it is 150 – 175 feet. He added that from the island to the channel it is another 200 – 300 feet. There is going to be 500 feet and this happens to be where the no wake zone starts, so they are zooming by.

Chair Parkins commented that she is sure that they are going to be very attractive units.

Mr. Hughes commented that there is a distance. These are not on top of the River.

Chair Parkins asked how they propose to separate or close off the private portion of the island – the private portion from the public.

Mr. Hughes responded that they would propose to use landscaping, provide benches so that people could sit down here, and some vegetative buffer but no fence.

Chair Parkins asked what prevent them from...

Mr. Hughes responded good manners. They don't want to post "No Trespassing." They aren't doing that. Again, they feel that there is an expectation of privacy when you are in a community and he understands about accessibility to the River. He reiterated that this is the most accessible point that is at grade so they will do some vegetation and some benching.

Chair Parkins asked if they propose any type of decorative gate or chain link for the emergency access where their hammerhead comes in.

Mr. Hughes responded yes, and showed the locations where they would be putting in two separate gates and one at the Cemetery as well.

Chair Parkins commented OK, so it is clearly marked and (inaudible)...She indicated that her final questions were from the DEEP comments. The DEEP said that there needs to be more coordination between the applicant and OLISP permitting portions. She asked where he stands with that right now.

Mr. Hughes responded that they didn't know who to speak to until they got this letter so they will make (inaudible) with the contact person. He, Michael Klein, Dennis and the owners will go up and see them.

Mr. Panico asked about the public parking spaces. He asked how, especially if they end up with three spaces, do they plan to turn those vehicles around to get out. He is assuming that they can't drive in with the (inaudible)...

Mr. Hughes responded that he really is "Mr. Turnaround."

Mr. Panico indicated that he is just curious as to how...

Mr. Hughes responded that is a very good question, Tony, and they will have to look into that. they have a really wide shoulder, and there is probably 12 feet of grass from their property line to the edge of the pavement. But they will look at that and see how they can swing.

Mr. Panico stated that somehow or another, they need to provide a place for them to back around.

Mr. Hughes responded that they may put a little hammerhead buffer.

Mr. Panico commented that it has to be somehow so that they can enter and once in, can head straight out.

Chair Parkins asked why they just can't back out into that road right here.

Mr. Panico responded to where? – (inaudible) but that's not wide enough for them to turn around. You can come out but they are still in a driveway and you can't come in here and turn around because it is going to be gated.

Chair Parkins asked why you can't back out into the driveway and pull forward.

Mr. Panico responded that he'll work it out (inaudible).

Mr. Hughes commented that they just have to extend the wall and create a small hammerhead.

Mr. Panico commented that perhaps where they propose to have that connection to the pathway that could be worked out and have an ability to back into that spot.

Mr. Hughes responded OK, they will look into that.

Comm. Matto asked about the first paragraph from the Conservation Commission about the protection of the Ivy Brook where it states "In contrast to the properties upstream, this proposal does not provide a corridor of undisturbed green space along Ivy Brook." Comm. Matto stated that they also discuss how they will be removing all of the large trees on either side and that is where all these units are going to go. There is concern about the effect on the water in the Brook and also just the width of the undisturbed space.

Mr. Hughes responded that when they met with the Inland Wetland Commission in July before they made their application, they talked to them about a 60 to 80 foot, it didn't have to be centered, retained area of vegetation. They are retaining all the vegetation in the corridor. The Conservation document allows for the removal of trees that are 2" in diameter and under so that the trees can grow up and are not crowded.

Comm. Matto commented that she thinks that they are talking about the even larger trees that even denser than the housing would be.

Mr. Hughes responded that the larger trees seen here are preserved – they are taking one out with the bridge. He showed where there are one or two in these units and there are a couple up here. they will go through them but for the balance, they aren't taking out the majority of the larger trees. They are shown here and they are on the plan.

Comm. Matto asked what that statement means – "In contrast to the properties upstream, this proposal does not provide a corridor of undisturbed green space along Ivy Brook."

Mr. Hughes responded that they disagree with that statement. He explained that if you look at the Ivy Brook corridor and they start at the Santos, their driveway when you turn in off of Constitution Boulevard - they're about 15 - 20 feet each side of their driveway with trees and

when they go up a couple of hundred feet to Source View, they are 40 -60 feet each side with trees. As they get up the hill between Constitution Boulevard and Ivy Brook Road, there is a big spot of open space land because it is a ravine. When the City built the road, they recognized that they couldn't build under it. So when those two roads were built, they created the corridor and they are continuing the corridor through the conservation easement. He added that he doesn't know if those properties up above have conservation easements.

Comm. Matto indicated that she just didn't understand where they are saying that you're not providing an undisturbed corridor of green space.

Mr. Hughes responded that they are – it is right here on the map. They may feel that it needs to be wider but their Environmental Consultant, Michael Klein, reported that they have no adverse impacts to the Wetlands directly because they aren't having any direct contact with the wetlands except for the stream (inaudible)...there are no adverse impacts from construction because Mr. McMorrow and Mr. Klein have designed the sediment erosion control plan.

Comm. Matto asked what the width was.

Mr. Hughes responded that it was 40 feet close to the bridge and it comes out to 80 feet. With the alternative plan, it opens up to about 110 feet in that spot. On the map, he showed the location of the driveway and explained that there were only about 12 feet from the existing driveway today to the edge of the Brook and it is not tree-lined. Fifteen feet of it is trees. There is a driveway, an open space, a cleared area – he reiterated that they are holding 15 feet off of the units. The conservation line starts 15 feet off of the units – so you either like nature or you live somewhere else. They took that into consideration.

Chair Parkins asked if there were any other questions from the Commissioners. With no Commission questions, she requested a five minute recess at 9:20 p.m.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to have a five minute recess beginning at 9:20 p.m.

Recess 9:20 p.m. – 9:25 p.m.

Chair Parkins resumed the meeting at 9:25 p.m. and stated for clarification, and as a reminder , that this Commission is not allowed to have any interaction with any of the Applicants or members of the public regarding this Application #12-17 while this public hearing is open. She added that everything has to be on the record and stated on the record for everybody in the public to hear. This is just a reminder so that there are no complications with that.

With no further comments or questions from the Commission, she opened the public hearing for comments and questions from audience members.

Irving Steiner, 23 Partridge Lane, Shelton, addressed the Commission. Mr. Steiner stated that he was an electrical engineer in communications for quite a long time before he retired. He wanted to open up by talking about the parcel that is called “in question,” that it is contaminated, should have been treated as a subdivision. It is now land-locked and by their regulations such a situation is not allowed. Attorney Sous, the City’s designated lawyer for P&Z legal problems would not have allowed this to happen but, unfortunately, he was removed from that responsibility (possibly due to conflict of interests) and an outside legal source is now responsible. Mr. Steiner asked who the person is in City Hall who has authorized this outside source to determine the validity of this decision. He asked which individual in City Hall has the power to choose outside legal services instead of lawyers...

Chair Parkins excused herself for interrupting and informed Mr. Steiner that she was going to need to interrupt him. She commented that she specifically stated at the beginning of the meeting that comments are to be specifically related to this proposal at hand.

Mr. Steiner responded that it is.

Chair Parkins commented that she does not believe his comments were specifically related to this proposal as it has been presented this evening. She stated that she would appreciate...

Mr. Steiner stated that he was talking about Application #12-17 and he is talking about minutes from the Conservation Commission which all apply to this #12-17. They all apply – what he is talking about applies.

Chair Parkins stated that the comments that were submitted by the Conservation Commission in the letters – he may comment on those.

Mr. Steiner responded that he doesn’t need to comment on those. He stated that he is commenting on facts here, ma’am. He asked who is the person in City Hall who has authorized this outside source to determine the validity of this decision. He asked which person in City Hall has the power to choose outside legal services instead of Lawyer Sous for such (inaudible)...

Chair Parkins indicated that was a question that has nothing to do with this application.

Mr. Steiner continued that this same land that previous mayors, Republican Hope and Democratic Pacowta had challenged the Mayor on regarding “conflict of interest.” The City denied the charge and no action was taken. He would like to comment on the minutes of the Conservation Commission of October 3rd and September 19th 2012 for the following reasons. Mr. Steiner addressed the Chair and indicated that he did not come up here, to wait this long – he’s 83 – and he deserves the right to talk up here.

Chair Parkins responded that she made the statement at the beginning of the meeting and he chose to stay.

Mr. Steiner stated that he heard her.

Chair Parkins commented again that Mr. Steiner chose to stay.

Comm. Flannery indicated that she had the same question written down, so she would like to hear what he has to say.

Mr. Steiner indicated that he spoke in the Public Portion of the September 19th 2012 which the Commission allowed. At that time, he mentioned that this property is owned by the Mayor and he now knows that the property was purchased for \$235,000. Even if they offered the Mayor double the price that he paid for it, everyone would be ahead and the public could enjoy it as a park or whatever. He stated that this is the largest piece of Riverfront property left on the shoreline. It consists of approximately 1000 feet of waterfront and approx. 600 feet on Route #110. This application before them would also impact on the quality of the two streams coursing through the property. Such a piece of property would add additional shoreline available to the public at minimal cost. Let us be as protective to the public as they are to the City by not letting the public live that close to contamination and give them additional shoreline access. Treat it health-wise like the Slab.

Mr. Steiner stated that the Conservation Commission used the word “purportedly” in their Executive Session of 10/3/12 evaluation of their position of this matter saying “there now being a property division line that has purportedly been implemented to segregate potential contaminated site that abuts it does not address the concerns the Commission had when it originally recommended that the City not pursue this for Open Space because a property line does not prevent future potential migration of contamination.” The Executive Session part of the minutes was brought back out and printed in the minutes. The reason for doing this is in question and it required an amendment to the minutes. Executive Session has now been printed on Page 6 and 7 of the Conservation minutes for 10/3/12. The Executive Session itself was separately amended to state that the Conservation Commission does have the money to buy it. The Conservation Commission reserves the right to again change the minutes of 10/3/12 after final approval at their next meeting. He is looking forward to the next issue of those minutes.

Mr. Steiner stated that the decision to not recommend the purchase of this property was made in Executive Session and there was no mention of the Mayor or amounts of money which would be most of the usual reasons for going into Executive Session.

Mr. Steiner discussed a 7/10/12 Legal Notice and copies of the minutes of 10/3 and 9/19 of the Conservation Commission. He thanked the Commission.

Mr. Panico commented that the fact that someone wants to propose the City buy it, that avenue is still out there.

Chair Parkins responded that they have stated twice that they have no interest.

Mr. Panico indicated that they have their legal obligations and they have to process an application.

Phyllis Walsh, 361 Coram Road, Shelton addressed the Commission. Ms. Walsh stated that she is part of a Cemetery Association organization and the reason she is here because she has a concern over protecting the Cemetery. She stated that she was concerned about protecting the Cemetery during construction. If they are going to have this path along the Cemetery, they are really going to need about a 20 foot iron fence and a gate to keep kids out. Ms. Walsh indicated that the Cemetery is almost 200 years old and these stones are very fragile. They are very concerned about kids climbing on them and so forth.

Ms. Walsh stated that they spoke to one of the applicants and he understands their concerns about having a fence. The main concern is to protect the Cemetery and they're talking about the sand shifting during construction and that they are concerned that might dig too close to the Cemetery and create a problem. She concluded that her only concern was about protecting the Cemetery. She thanked the Commission.

Chair Parkins asked Ms. Walsh if her concern was about the rec path going down.

Ms. Walsh responded that the path that goes down to the River would pass right by the Cemetery. They have always kept the Cemetery very quiet and a lot of people in town don't even know that it is there. That is the only way that they can protect it so by opening up that path to the River, it will allow all kinds of people in so that is the reason that they are concerned about having a very sturdy fence. She commented that right now they have what you would call a horse fence that has been there a very long time which serves its purpose. However, now if it is going to be opened up to the public and any children that might be there, they are concerned about exposure to things that they can't control.

Barbara Glover, 192 Meadow Street, Shelton addressed the Commission. Ms. Glover stated that she is also a member of the Cemetery Association Inc. she agrees with what the previous speaker, her sister, has said. The thing about the e pathway past the Cemetery – the bottom part of the River Road to the Cemetery is a deeded right-of-way that her father put in the deed when it went to Emhart. They are concerned because that Cemetery is still used. It is not abandoned like some people believe. They do have to have access from River Road to the Cemetery for hearses. They've had three burials up there in the last couple of years that she knows of and they are continuing to use it. Mrs. Glover commented that they would like to have some kind of control at River Road so that cars can't go up, which they do now. Then there will be no place to turn around and it opens it up for anyone who happens to come along.

Mrs. Glover stated that they are in the process of talking with some of these gentlemen to address this situation which they appreciate. They feel that they need a locked gate at the foot of the path. There is no reason for not having some type of walkway around it so that it is accessible to the public. However, they are very concerned with the security of the Cemetery. As Phyllis stated, it is almost 200 years old and it is still being used. They just need to protect it because being so old, some of those stones are very fragile. Since it is still active they need protection – actually from the public. Mrs. Glover indicated that is why they are here and why they’ve been speaking at any meetings that they’ve been able to get to.

Mrs. Glover clarified that they were not opposed to the project itself. She stated that whoever owns the property and if it is within regulations, can do what they want to do. It is going to be interesting for them to watch what goes on because that area used to be their meadow. It is where they went skating and did other things as kids so they have a very personal interest in what they are doing. The amendments that they have made to their plans, such as decreasing the amount of condos – it has been very interesting to watch what they are doing – and she thinks that they are trying to do the best that they can for the Town. She thanked the Commission.

Comm. Flannery asked Mrs. Glover about the rumors that there are Indian remains there – she asked if that was true or false.

Mrs. Glover responded yes, that’s true.

Comm. Flannery commented OK, because that presents another problem then, if that is true.

Mrs. Glover responded not really. The Indians that are there now are not ancient history. They are as Nola says, part of her family. Mrs. Glover added that if she is talking about ancient Indian burial grounds, there has been no sign of such a thing. She knows that issue has come up a number of times that this is an old, ancient Indian burial ground...She commented that she thinks that there may be other interesting things that they dig up in a number of other places in that area. For one thing, it is where the family buried the horses when they died – so they may find bones. She doubts very much that they’ll find Indian burials. They may find Indian heads and stuff like that, if people who have been over that land haven’t found them all already. Mrs. Glover stated that she’s sure that the Indians did use that area, however, because it is such good visual up and down the Housatonic. It would be very logical to think that they would use the knoll as a viewpoint. Mrs. Glover stated that yes, there are modern Indians there.

Renee Robillard, 28 Country Place, Shelton addressed the Commission. Ms. Robillard had a question about easements which Mr. Hughes talked about in his presentation. She thinks that he offered that the project will give the City easements as long as the City takes it and (inaudible)... and that answered her question.

Nancy Steiner, 23 Partridge Lane, Shelton addressed the Commission. Mrs. Steiner commented that regarding the contaminated adjoining site and as the Conservation Commission states “a property line does not prevent future potential migration of contamination...” They further went on to say that they don’t think that the City should incur the risk of acquiring the abutting land.

Mrs. Steiner stated that the abutting land is what they are talking about tonight. Her question was if the Conservation Commission does not want to put the City at risk here, how can P&Z consider this space for people’s homes where they would live their lives. She asked about their risk and their safety. She asked if it was all of a sudden OK for these homeowners to face the daily, hourly, minute by minute possible danger living in their own riverside home. Mrs. Steiner asked them to use their conscience – no one should live there so close to this contaminated site. She stated that as beautiful as it is, she wouldn’t want to live there. She thinks that the gentlemen here did a very nice job on the site. It looks great and they took good care (inaudible). They seem like a good company to work with and work for but she still says that she wouldn’t want to live there. She added that she doesn’t know what they are thinking to put homes there. If they look forward 10 or 20 years, citizens living down there could be getting sick. That is what they will be faced with if the OK this for a residential site. She apologized and added that she thinks it is a huge mistake to put people living so close to contaminated land. She thanked the Commission.

Nola Banes, Secretary of the Coram Cemetery Association, 304 Far Mill, Shelton addressed the Commission. Ms. Banes stated that she knows the public walkway has been discussed. She commented that anytime there is public anywhere near you, she has a theory that there will be a problem because it will go out of control. She added that she can see what happens in the little park near her. People put boats in there, go in the water and she doesn’t know how that will be supervised to keep people from doing things that they aren’t supposed to be doing. If they can walk there any time, she asked what might go on there later in the evening. She asked if there would be an increase in crime and noted that several homes have already been burglarized in the area. It is happening all over so that is a big concern about the public coming anywhere near the area.

Ms. Banes commented that it sounds like they have worked very diligently on the plan itself. She commented that she is very concerned about the traffic. The Sikorsky traffic alone is horrendous. Anymore traffic coming to River Road is going to be unbearable. Besides the noise, the fumes and she doesn’t think, truthfully, the area can handle any more traffic. She thanked the Commission.

Reinhold Wilhelm, 6 Falbo Drive, Seymour addressed the Commission. Mr. Wilhelm addressed the Chair and thanked her for the opportunity to speak. He stated that a good job was

done by the Applicant in presenting so many things in such detail and it appears very good. Mr. Wilhelm indicated that he owns the property to the east of this application, 590 River Road.

Mr. Wilhelm stated that he would have to go back to 1957 and he wanted to refer to the Applicant's maps so everyone can have an idea of what he found there. He wanted to give them an idea of what he found at the time. He looked at these areas at the time because he had the intention of building a marina. He added that this was earlier in his life. It did not materialize, but in 1968 he bought the property adjoining it.

Mr. Wilhelm indicated that in 1957 this was a really overgrown area. He added that it was 60% what they would call tidal wetlands today. Subsequently, the service came back in the '60's and looked at it again. There had been some type of activity there from Emhart. He commented that they did eyelet making and metal production of all kinds. In the process they needed to wash, clean and plate them which produced a corrosive product. They ran about a 4" plastic pipe from the higher elevation (he showed a location on the site map) where they had production into a pit off of the river bank about 25 to 30 feet. The length of the pit was longer than this conference room is wide – about 60 to 70 feet with a 30 foot width and an 8 foot depth.

Mr. Wilhelm stated that they had an old (inaudible) hose that they had dug out and put it aside. A bulldozer had taken it and pushed it inland and pushed it over the wetland reeds. This is how the uneven contour of the property sort of came about because they just literally pushed it in because they couldn't (inaudible) in the river. This is how Emhart disposed of what they call "plating sludge." Plating sludge starts out with a soapy water which was very aggressive soap although he has forgotten the name of it. Secondly, they used an acid bath where they used muriatic acids to clean the products and then go into plating tanks. These plating tanks were usually about 3 feet or even longer than 8 feet and these parts would go through there and be plated.

Mr. Wilhelm indicated that as part of 24 hour production made is necessary for them to empty out these vats at least once a week and clean everything out. In the process they also used lime excessively to neutralize the products. All of this was washed out into this pit area. Mr. Wilhelm commented that he remembered when it solidified sitting there and it having a greenish shine to it as it went into the second pit. The greenish shine is called copper sulfate. Copper sulfate, as some may know, is among one of the most poisonous substances, along with what they use to kill people with. Subsequently, one pit was filled, another pit was dug and filled. A third one was started that was a little bit shorter. They can figure that out as 80 feet, 20 -30 feet of space in between, another 100 - as consuming about 300 feet along the River for these sludge pits.

Mr. Wilhelm indicated that what happened is what they are calling a tidal pond here. At a later point, it was made deeper with the reeds growing in it and they took a bulldozer and pushed all

of that out and up the hill to gain land up there. Evidently the intention was to make it useable. So, they gained ground and pushed the gravel up.

Mr. Wilhelm stated that he had no intention of getting involved in this property for that reason because he was aware. He added that he has a mechanical background and was a contractor for 50 years. He was not going to be a part of this – no way. Subsequently, he purchased the property next to it but he was never able to do anything with it in spite of five applications with the City.

Mr. Wilhelm commented that the latest thing was when he walked across from his property over – (inaudible)...it was about three years ago, he walked across and he heard noise, truck traffic, and saw something white through the trees. He showed an area on the map that he saw had been cleared of trees and there were a couple 8 foot benches and a white tent (about 12' wide x 18' long) – it looked like a rest area for workers. He added that there were logs and it was a firewood production area. He added that a couple of cars were parked there – a couple of Mercedes.

He noticed, in this pond, of course, – he recalled that in the 1980's or 1990's, the EPA decided to take these sludge pits and cap them over. He recalled seeing them from his property up that way and seeing the equipment here doing the work but he couldn't tell you if they covered it that high or that high but they had material in which they could.

Mr. Wilhelm commented that the story in the newspaper stated that the EPA decided that they could not touch and remove this sludge there for the simple reason that it would have killed all of the aquatic life in the River and the Long Island Sound because of the potency of the material that was deposited there. They went and covered it and that is the end of the story there as far as the EPA goes. Mr. Wilhelm stated that the EPA does not have to approve this application here; otherwise, Hartford would have something to say about it.

Mr. Wilhelm stated that when he walked across here (he showed the area on the map), he saw a couple of truckloads of red dirt, which is typical of the material used in the wintertime to sand the roads. There were a couple of truckloads sitting there and the fence around this tidal pond which he believes the EPA put up, so nobody could go into it (he showed the location of the gate on the site map) and a land bridge had been produced which looks like this right here (he referenced something on the map) into the pond with the material, but of course, the gate was closed. Mr. Wilhelm indicated that was his last time there which was about three years ago.

Mr. Wilhelm stated that as far as this application goes, he thinks that the City will approve it but will make themselves subject to a lawsuit sometime down the road because these two base materials may have been capped over but that makes that property far from safe. He commented that they have to look at history, those had been used to push material excavated from that area up and undoubtedly, some of that material got into it.

Mr. Wilhelm stated that is where the City would OK such a development and then later on would be subject to a class action lawsuit. He commented that he thinks that the City should really give a good look at what they are trying to approve here. He understands fully for people like these applicants walking in on the site saying that it is perfect but they don't know the history.

Mr. Wilhelm indicated that he was in his late 70's, and he has given them a little history about it. He asked the Commission to evaluate it for what it is worth. He is sorry that it ever happened. He would never have dumped a quart of oil in the dirt. He indicated that he always, even before it became mandatory, had an oil collection barrel when he did his construction work. He reiterated that they should consider it for what it is worth and he's sorry if he brought something up here that he may not been aware of.

Mr. Wilhelm stated that as far as he is concerned, he would like to ask for this application to be denied. He thanked the Commission. Several audience members applauded Mr. Wilhelm's comments.

End of Tape 1B, 10:05 p.m.

Richard Widomski, 49 Christine Drive, Shelton addressed the Commission. Mr. Widomski stated that this may or may not be a big impact but sometime in July he came across a Legal Notice in the Connecticut Post. He indicated that it was a Public Notice listed as a Legal Notice. He read the notice: "Pursuant to Provisions 22A-113-Q-1, the Regulations of the Connecticut State Agencies notice is hereby given of the intent to record an environmental land use restriction for the property identified by the City of Shelton Tax Assessor as Lot 43, Map 54 on River Road in Shelton, CT. The property is a landlocked parcel located between 510 River Road and the Housatonic River. The property is owned by Emhart Technologies LLC, 1000 Stanley Road, New Britain, CT 06053."

The purpose of the environmental land use restriction is to prohibit residential use of the property and to prohibit disturbance of an engineered control located on the property. A copy of the Draft Environmental Land Use Restriction may be obtained by contacting Kevin Vidmar at Loureiro Engineering Associates Inc., Plainville, CT. He added that it says public comments on an Environmental Land Use Restriction may be submitted in writing in 30 days.

Mr. Widomski stated that the 30 days has certainly passed. He added that this is just something that he stumbled across and put aside. He noticed that it was the same Lot # as the application tonight. He doesn't know whether it would have an effect on it because there is some talk tonight about some three acres of property that was transferred – three acres from Emhart – that is all he wrote down in his notes. He commented that he did not know if that was the three acres that was contaminated. Mr. Widomski stated that he wanted to bring it to the attention of the Commission and the Applicant because it was a Legal Notice and he's surprised that nobody on P&Z or the Applicant brought it up. It was in July.

Mr. Panico responded that they were aware of the intent of ...

Mr. Widomski indicated that he was not asking for an answer, he is just making them aware of it.

Mr. Panico continued that they came into the P&Z Commission to make them aware of their plans for replacing and resealing the cover of that area.

Mr. Widomski stated that he doesn't have to explain it to him. It is just information, that's all.

Chair Parkins commented that he is explaining it for the record.

Mr. Widomski said OK and thanked that Commission.

Chair Parkins asked if there was anyone else from the audience wishing to speak.

Ralph Matto, 88 Audubon Lane, Shelton addressed the Commission. Mr. Matto indicated that he did not intend to start talking here but with all that he is hearing about people being scared about the bad stuff that could happen. He was approached by the Mayor many years ago and asked to meet with him on this property to show him what could be done as far as a subdivision or whatever. They went through the whole thing and spent almost a whole year just working on it. They got some outfit out of the State of Connecticut and they came down and did all of these tests, especially by the water. They said this water – don't even touch it and stay away from it – it's no good. They said this area is good, this is good, that's good – well, most of it was all good. All he is hearing tonight is that people had experience there before and are saying that everything is no good but 10 years ago, it was good. So as far as the Indians and (inaudible)...he just wanted to tell them that.

Joseph Matto, 72 Bridge Street, Shelton addressed the Commission. Mr. Matto indicated that is Ralph Matto's son and he commented that this is a really interesting project with a lot of constraints. He commended the architect and the engineers for juggling so many considerations but he would like to throw one more out for the Commission. Mr. Matto stated that is a mandate from the State that they consider the use of energy efficient patterns of development, the use of solar and other renewable forms of energy innovation. As he looks at the massing, the orientation and the footprint of the housing and he only sees three buildings that are facing anywhere near the south. All of the other buildings are facing east or west. In looking at the architect's drawings, he doesn't see any windows facing south.

Mr. Matto stated that in this very room in 1964, that first place award was given for the design of a solar house and here they are and they are still not incorporating ideas about solar energy into land development. He added that it might be something to consider.

Chair Parkins asked if there was anyone else in the audience wishing to speak for or against this proposal. There were no further comments. She indicated that they were going to continue this

public hearing because there were some associates for the Applicant who were not able to attend this meeting. They will hear from the landscape architect and the traffic engineer for this project on 10/24/12. This will be on the agenda along with another public hearing.

Comm. Matto asked when Inland Wetlands would be having their meeting on this application.

Mr. Hughes responded that they are trying to get a meeting for the 25th but as Rick Schultz said they have a regular meeting on November 8th.

Chair Parkins asked for a motion to continue this public hearing until Oct. 24th.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to continue the public hearing for Application #12-17 until October 24, 2012 at 7:00 p.m.

ADJOURNMENT

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 10:13 p.m.

Respectfully Submitted,

Karin Tuke, P&Z Recording Secretary