

SHELTON PLANNING & ZONING COMMISSION DECEMBER 11, 2012

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, December 11, 2012 at the Shelton City Hall, Room 303, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

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

Staff Present: Richard Schultz, P&Z Administrator
 Anthony Panico, P&Z Consultant
 (via teleconference 7:30 p.m. – 8:20 p.m.)
 Karin Tuke, Recording Secretary

Tapes (1), 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

Chair Parkins called the regular P&Z Meeting to order at 7 p.m. with the Pledge of Allegiance and a roll call of members present.

AGENDA ADD-ONS

Chair Parkins requested a motion to add Separate #6501 to the Agenda under Old Business and a motion to add a Request for Site Bond Release on Bridgeport Avenue under Other Business.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to add Separate #6501 (405-407 Bridgeport Avenue, ground sign) to the Agenda under Old Business/Applications for Certificate of Zoning Compliance.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to add an item to the agenda under Other Business (Request for Release of Site Bond at 695 Bpt. Ave).

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #6511, PROFESSIONAL BLDG. GROUP, 4 ROSEWOOD LANE, IN-LAW

Mr. Schultz presented architectural drawings for property located at 4 Rosewood Drive off of Booth Hill, circulated an A-2 Survey, and indicated that the Applicant was present to answer questions. He stated that the application was for two distinct requests. One request is for a two- story addition and another is to expand the finished floor area for the single-family. The first floor is going to contain an in-law apartment and that is why it is before the Commission tonight. The upper floor area is part of the expansion to their finished livable floor area.

Mr. Schultz indicated that this also went before the ZBA and they received two variances for reduction of the street line setback which was reduced from 40 feet to 38 feet and for the left side yard which was reduced from 30 feet to 7 feet. He showed how close it was on the drawing. He added that this was a public hearing and the neighbors did not have an issue with it and there was support for it.

Mr. Schultz stated that tonight the Commission needs to look at the architectural drawings which are very detailed. He referenced the last page and pointed out the location of the front door. He stated that they asked the Applicant to move it to the side. Their regulations try to limit the

number of front doors; although some of the larger homes have multiple doors on the front. It is the Commission's call though. He restated that they asked the Applicant to consider that.

Comm. Harger held up the drawing showing the front door location.

Chair Parkins asked if it was a one-story addition.

Mr. Schultz indicated that it was a two-story addition and the first floor is for the in-law apartment and that is before the Commission tonight.

Chair Parkins asked if what they had then was a two-story, a one-story in between and then a two-story.

Mr. Schultz responded no, it was two-story addition added onto the house of which the first level is for an in-law apartment.

Chair Parkins commented that the drawings are indicating that it is a one-story in between the two 2-stories.

Mr. Schultz responded OK, that part...

Comm. McGorty commented that it must have been added on somewhere...

Chair Parkins responded OK, so it is like a breezeway almost.

Mr. Schultz commented no, and asked the Applicant to clarify things.

The Applicant (unidentified), the builder for the owners, Brad and Sharon Purciello, 4 Rosewood Lane, indicated that it was not a breezeway. He stated that you could walk from the existing home right into the in-law apartment.

Mr. Schultz stated it was a common wall to the foundation.

Comm. Harger asked how much of this was here right now.

Chair Parkins commented that it looks like a separate house added on.

The Applicant responded the building on her left hand side is the new addition and the other is existing house.

Comm. Flannery asked why they couldn't just build a second floor on top of the existing so it doesn't look like two houses stuck together.

The Applicant asked for clarification of where the second floor would be.

Comm. Flannery responded and pointed out the one in the middle.

The Applicant responded that this is for an in-law. It is a hardship case for the owner's father.

Comm. Flannery responded that she knows that but for the design she is saying...instead of having two houses stuck together, why can't they just put a second floor on top of the first (inaudible)...

The Applicant responded that there is a family room there and it is a cathedral ceiling and he thinks it was a lot more involved structurally.

Mr. Schultz commented that there is no question that this is a large single-family dwelling. It just went through a public hearing and the whole neighborhood on Rosewood is aware of this. Obviously, getting a setback reduced to 7 feet – that is quite a bit.

The Applicant commented that it was actually more than 7 feet, plus or minus – it is actually a little bit over it. He stated that was the only reason why - the structural issues that the architect (inaudible)...

Mr. Schultz asked if he had agreed to shift the front entrance door to the side.

The Applicant responded that was not a problem. He just had a question if they approved the front porch.

Chair Parkins asked what the existing square footage of the house was right now – without the addition.

The Applicant responded 3200.

Chair Parkins asked what it would be with the addition.

Mr. Schultz responded that the in-law apartment is 900 square feet.

Comm. McGorty commented that there was a second floor on that though.

Mr. Schultz responded that it was a little bit over 1200 square feet total of floor area – the two stories combined are 1200 square feet of which 900 square feet is going to be the in-law.

Comm. Harger commented that is actually a two-story addition so the family room up here...

The Applicant responded that the he won't have access to that.

Chair Parkins asked who won't have access to it – the in-law.

Mr. Schultz commented it was for the main house.

The Applicant responded yes.

Chair Parkins asked how you access it then.

Comm. Matto asked how you get there.

Comm. McGorty commented that there was a walkway through the top, well...

The Applicant responded that there is a staircase going up from the first floor but it is shut off from the in-law because as far as they understood, he could not have to have access.

Mr. Schultz stated that actually it is a better design because they actually have flow like a single-family house. They have people going through the in-law upstairs. He added that the in-law complies with the two accesses.

Chair Parkins commented that the in-law square footage complies with zoning regulations as long as they don't consider the upstairs addition.

Mr. Schultz added that was for the principal house and the ZBA made that a condition. The upper floor area is not to be used.

Comm. Matto commented that they really can't know that though.

Mr. Schultz responded unless they get a complaint.

Comm. Harger asked if a person comes in from the main floor, how do they get into the in-law.

Mr. Schultz responded that the in-law was on the first floor.

Comm. Harger stated that she knows that but pointed out the main level on the drawings.

Comm. McGorty pointed out the staircase.

Comm. Harger commented that she knows that and asked if she was interpreting it correctly. She showed the main level again and asked how you get into the in-law. She asked if you had to go outside to the deck.

Comm. McGorty asked the Applicant if you could access the in-law from this point (he pointed out a location on the plan)

The Applicant responded no that is where the side door is going to go. He showed a wall that was changed and explained that they have to make that an opening to create – they didn't want just a door there, so he's going to walk from this part through the main house. He can't access upstairs but they can access upstairs through that closed door.

Comm. Harger commented OK, that's a doorway now.

The Applicant stated that he was under the assumption that, from what he was told, that he can't have direct access from upstairs. They have to shut him off so that is why they did that there.

Comm. Flannery asked how many bedrooms were in the original house.

The Applicant responded four bedrooms so they are adding one there and upstairs there is going to be storage.

Comm. Harger commented that it is identified as a bedroom.

The Applicant showed where it would be storage, a front bedroom and a bath. They told them it had to be kept separate because they didn't want it to be like a rooming house, obviously, that's the reason why.

Mr. Schultz stated that it's because you show another bedroom upstairs.

The Applicant stated that it will be shut off. He will not have access to what is upstairs.

Mr. Schultz stated that the plan shows five bedrooms for the principal single-family dwelling and one bedroom for the in-law – and a bath on the second floor.

Comm. McGorty commented that there was another bath on the second floor and one on the first floor for the in-law.

Comm. Pogoda asked the Applicant if he was claiming that the upstairs room was not going to be a bedroom but a storage room.

The Applicant responded that the front room would be a bedroom and that the back room will be for storage – so it is not like there are two bedrooms upstairs.

Mr. Schultz commented that the house will have five bedrooms and then the in-law apartment which is the sixth.

The Applicant explained that they need that storage because their basement is finished. The storage room will be unfinished with no closet.

Comm. Pogoda asked if there was going to be a back room upstairs too.

Comm. Harger responded yes, it's about 10 x 18.

Chair Parkins commented that everybody has the same thought running through their heads. She stated that she is in agreement with not wanting the front door there because it makes it look like it is a separate house and, obviously, it can be.

Comm. Pogoda agreed and said it could be easily – there is enough room inside.

Mr. Schultz stated they should relocate the door to the side.

Comm. Flannery asked if they could table this until their Consultant can look at it.

Comm. McGorty responded no, the Consultant will look at and arrive at the same thing, he's sure.

Chair Parkins commented yes, she would just ask that the door be moved and there be no front entrance right there so it looks like one continuous house.

Comm. Matto asked about the neighbor on the 7 foot side – do they have a lot of area to the next house or is it something they aren't concerned about.

The Applicant responded that the 7 foot side is actually the narrowest part. As you can see, as it comes up to the street, it is almost 11 feet.

Comm. Matto asked who the neighbor on that side.

Chair Parkins asked what depth the neighbor has from the property line to their line.

The Applicant responded (inaudible)...over a hundred feet...it's a huge development...a lot of property.

Chair Parkins commented that if they didn't raise any complaints then she doesn't (inaudible)...She asked Rick Schultz what the hardship was on this.

Mr. Schultz responded family. This is a dead end street and a public hearing was held and the neighborhood did not have an issue with it.

The Applicant explained the hardship part was that the owner's father lives in California and the mother recently passed away. The father has no one to take care of him and he has to move up here. He will never be able to climb upstairs in the existing home. They thought this would be the best for him. He added that this was the only available place on the lot to build (inaudible)...

Chair Parkins responded that the Commission looks at it more in terms of longevity. When it no longer used as an in-law, what does it become? It could potentially become a rooming house – if that front door were to stay there and there are six bedrooms with access upstairs – that is where their concerns are. Their concern is about the separate entrance and cut off from the other house. Once you apply for an in-law, you basically have another apartment there. She asked if the Commissioners were in agreement about the door.

Mr. Schultz stated that Staff is recommending approval with those noted conditions.

Comm. Harger asked if the neighbors next door were the current neighbors.

The Applicant responded yes.

Comm. Harger asked if they had any issues with (inaudible)...

The Applicant stated that those neighbors submitted a letter.

Comm. Flannery asked if someone could read that letter.

The Applicant stated that they were actually there when they were doing the septic system. They are very nice people.

Comm. Harger asked if they wrote a letter in favor of this project.

Chair Parkins commented obviously, if they had a public hearing and approved it.

The Applicant responded that it is all staked out and the neighbors know exactly where it will be on the property line. The Surveyor (inaudible)...

Chair Parkins stated that they were granted a variance and a public hearing was held, so...She asked if everyone was in agreement on this. She added that they need to move the door to the side so that there is no front entrance there.

Mr. Schultz added yes, and the lower connection has to be made.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6511 for an in-law apt. with the door modifications discussed.

SEPARATE #6494, NATURAL GRAPHICS, 185 CANAL STREET, SIGN

Mr. Schultz stated that this is for the Avalon apartments. The applicant is present to distribute the packet of revised signs.

The Avalon Bay representative presented a site map showing the legend of the sign locations on the site and distributed revised signage packets.

Chair Parkins mentioned that there were some Commissioners that could not make to the site walk held on Friday. She stated that they did go out and visit the site and they indicated with plywood boards where the proposed signage would be located. She thanked them for doing that for the Commission.

Todd Nicotra, Avalon Bay addressed the Commission. Mr. Nicotra spoke in regard to questions that were raised at the previous meeting and stated that they made some modifications and eliminated a few signs from the previous packet. He added that he knows that several of the commissioners had an opportunity to see the new plan last week when they walked on Canal Street. He indicated that he would walk everyone through those changes tonight.

Mr. Nicotra explained that on the front page of the packet and going from left to right, he showed the overall plan. He showed the locations of two of the signs shown previously which have now been eliminated. He pointed out the garage entrance and stated that now they will only have the tin-mounted ID sign over the garage which states "Avalon Shelton Parking." He referenced that sign shown more clearly on Page 2 and describing the letters used for it on Page 3. He added that this sign did not change from the one shown in the previous packet.

Mr. Nicotra referenced Page 4 with the monument sign. He stated that the feedback regarding the monument was helpful and they looked at the possibility of changing the orientation of it but, unfortunately, they were constrained by the size of the site and the fence they have there providing privacy for the residents. He added that it is what it is; they wish it could face both ways too but it can't do the setback there.

Comm. Harger asked how large the section was that shows the actual street name and address. She asked how high it was.

Mr. Nicotra responded that by turning the page, the details explain that the sign is 6 inches.

Mr. Nicotra moved on to the "Leasing Information Center" sign and stated that, in response to feedback last week, they changed this sign to separate the phone number from the main sign. He referenced the revised sign rendering in the packet and noted that the phone number portion of the sign is temporary and removable. They will keep this sign up during the lease-up of apartments and it can cleanly be removed leaving the remainder of the sign intact.

Mr. Nicotra showed the "Directory" sign depicting the layout of the community. As they recall, this sign was previously located in an area floating in the grass over here which was not a good location. He indicated that they have moved it over closer to the sidewalk where someone could actually read it from the walkway. He thanked the Commissioners for that suggestion.

Mr. Nicotra referenced the site map on the right hand side and pointed out the location of the “Private Residential Community/No Soliciting & Distribution of Materials.” He indicated that this sign has not changed. It is about 4 feet tall and 2.8 feet wide. This sign identifies that this is a private community.

Mr. Nicotra explained the parking signs – “Future Resident Parking” signs and the “Handicapped Parking” signs. He noted that a question came up last week about the height of these signs. They actually checked with their consultants – a civil engineer and their sign consultant – and they indicated that the Code requires a 5 feet minimum to the bottom of the sign. This is higher than he realized it would be – it makes the signs either 6 or 7 feet tall.

Chair Parkins asked if this was in case they were run over (inaudible)...

Mr. Nicotra responded that he didn’t know but believes the rationale would be for the ADA so that if there is a handicapped-accessible van, it would be much higher up and more visible perhaps. He stated that he asked their sign consultant to put in what is legal and allowable. He concluded his presentation of the revised sign packet.

Chair Parkins thanked Mr. Nicotra for organizing the site walk and being so helpful. With no comments, she asked for a motion to approve the revised signs.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6494.

SEPARATE #6505, KALICI MANAGEMENT LCC, 350 HOWE AVENUE, SIGN

Mr. Schultz stated that this Applicant met with the DSC and he has eliminated the pizza graphic on the proposed sign rendering.

Comm. Harger commented that she personally thinks it is pretty close to the building. She asked about the rendering and if there is enough space underneath to fit the 24” and now that he has 24” inches for the three buildings and the “downtown” versus only 15 ½” for “pizza.”

The Applicant (unidentified) responded yes, there should be.

Comm. Harger commented that to the left of his doorway, he has a big ...

The Applicant responded that he thinks that it is about 35” or something like that.

Comm. Harger commented OK, she didn’t think it was that much.

The Applicant added that it looks small but it (inaudible)...The overhang is (inaudible)...

Comm. Harger stated OK, all this area where the window used to be – he wasn’t going to utilize that at all so...

The Applicant responded that he could do a window there if he wanted, but he doesn’t think so.

Comm. Harger commented that when they did some site visits, she recalled that he had said that he had to close up that window because of the structure.

The Applicant responded (inaudible)...when they did it after it supported triple the (inaudible) so basically it is (inaudible)...

Comm. Harger responded OK then.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6505.

SEPARATE #6489, KASH’S GARAGE/AUTO SALES, 78 BPT. AVENUE, SIGN

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to table Separate #6489.

SEPARATE #6513, KIM BENSEN, 405 BPT. AVENUE, SIGN

Mr. Schultz stated that this is the signage that the Commission authorized after Staff went to the site. He showed the renderings for the Hard Kore Gym and Sports as well as Kim's Café (she eliminated the word Light herself). He indicated that these signs would be non-internally illuminated with gooseneck lighting. They have not installed them yet.

Comm. Harger asked if "Kim's" would be centered over "Café" if the "Light" is being removed.

Mr. Schultz responded yes, it will be centered.

Chair Parkins asked why the "Light" was being taken off. She asked because that was part of her business.

Mr. Schultz responded he didn't know why – they wanted it eliminated for some reason. It is a white background with black letters.

Chair Parkins asked if they had asked her to take off "Light."

Mr. Schultz responded no. Chair Parkins responded OK.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6513.

SEPARATE #6703, THE SALON, LLC, 439 RIVER ROAD, BUSINESS/SIGN

Mr. Schultz stated that this is the location of the old Head Company. He showed renderings of the existing sign location and the proposed sign which will say "The Salon." He provided background information that the store is an 800 square foot business area with hours of operation Wednesday through Saturday, 10 a.m. to 8 p.m.

Chair Parkins asked if this was a nail salon or hair salon.

Mr. Schultz responded that it was a hair salon. The Head Company was there for a long time.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6703 for the business and the signage.

SEPARATE #6702, ACME SIGN CO., 4 RESEARCH DRIVE, SIGN

Mr. Schultz indicated that this was for sign replacements.

Michael Taranova, Acme Sign Co. addressed the Commission. Mr. Taranova stated that there are existing free-standing signs that will be refaced for a multi-tenant office building at 4 Research Drive.

Comm. Harger asked who the tenants in the building were.

Mr. Taranova responded (inaudible)...that there are about a dozen tenants.

Mr. Schultz stated that it was the Max building on the corner. The sidewalk runs along the side. These are replacement changes.

Chair Parkins asked if the island sign was already there.

Comm. Harger responded no, it is not on the island, it is the right of the driveway as you pull in.

Chair Parkins commented that it was the other one on the bottom.

Comm. Harger responded that is the one that is proposed. Mr. Taranova clarified it was the one being proposed.

Chair Parkins stated OK, then it is not there right now.

Mr. Taranova referenced the photograph showing the proposed location for the sign.

Mr. Schultz stated that they are relocating it.

Comm. Pogoda commented that it was directly across from BIC.

Comm. McGorty asked if they would be set back far enough.

Chair Parkins added that would be her question too because a lot of times people cannot see through these signs for traffic coming down. They have to stop at the street line.

Comm. McGorty asked Rick Schultz if he took a look at it there.

Comm. Pogoda asked if there was enough visually...sight lines,

Mr. Schultz stated that he would go up there again since the Commission is concerned about it.

Mr. Taranova explained that the island is set back about 4 feet from the street.

Comm. Pogoda commented that then the sign will be 8 -10 feet from the road.

Mr. Schultz stated that Staff will check it out before a permit is issued and he'll send an email out to all of the commissioners.

Comm. McGorty commented that if Rick is going to go out and everything passes his inspection with no sight line issues then they could move on it.

Chair Parkins clarified that all the sign would say would be 4 Research Drive without all the names of the companies.

Mr. Taranova responded yes, there would be no directory.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6702 with the condition of a site inspection by Staff.

SEPARATE #6384, R.D. SCINTO, 2 ENTERPRISE DRIVE, BUSINESS

Mr. Schultz stated that this would be for Pentegra Services, a web development business. They are leasing 7,190 square feet for 32 employees, hours of operation Monday through Friday, 8 a.m. to 5 p.m. They will be replacing CDW, the previous tenant. Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6384.

SEPARATE #6501, 405-407 BRIDGEPORT AVENUE, GROUND SIGN

Mr. Schultz stated that this sign is to advertise for the Crabtree site closer to Nells Rock Road.

The Realtor (unidentified) stated that there would be two signs – one near Nells Rock Road and one at the other end by Blanchette's Sporting Goods – back off of the road.

Mr. Schultz stated that these are plywood, 8 x 4 signs – the typical.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6501.

APPLICATION #12-17, COUNTRY CLUB, LLC FOR PLANNED DEVELOPMENT DISTRICT ZONE CHANGE: (FINAL DEVELOPMENT PLANS: 36-UNIT 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 (PUBLIC HEARING CLOSED ON 10/24/12).

P&Z Consultant, Anthony Panico, joined the meeting at 7:30 p.m. via teleconference phone. He stated that before the Report Resolution was read, he wanted to make a suggestion. He commented that in going through the report again, he noticed one oversight on his part that he should have included.

He asked them to go to the end of the report where the Commission is taking the Actions. He recalled that there are three actions – A, B & C. He stated that Action “C” should become Action “D.”

Mr. Panico added that he thinks that they need to insert a new Action “C” with the following wording: “The 2006 POCD is modified by changing the land use category of the Future Land Use Plan by designating the subject site as Multi-Family/Group Quarters, to become effective with the adoption of the PDD.

Mr. Panico indicated that he forgotten to include that action of amending the plan.

Mr. Schultz added that today he received correspondence from Atty. James Baldwin. Staff requested information if a subdivision was necessary and they received a legal opinion. He read the correspondence from Atty. Baldwin dated 12/11/12 which states “*Dr. Mr. Schultz, This is to confirm our recent discussion in which I shared my opinion that a subdivision approval is not necessary with respect to the above subject matter.*”

Mr. Schultz added that issue was done and it came in at a good time before the resolution is read. He indicated that he would be putting this correspondence in the file.

P&Z Secretary, Virginia Harger read the Draft Resolution for Application #12-17.

***See attached document dated December 10, 2012 (DRAFT for consideration at Commission Meeting of December 11, 2012).**

RE: Application #12-17 Petition of Country Club of CT, LLC for Approval of the Final Site Development Plans, Approval of the Coastal Area Management Site Plan (CAM), Adoption of a revision to the 2006 Plan of Development change the Future Land Use designation to Multi-Family/Group Quarters and Adoption of a Planned Development District (PDD) for a 36-unit cluster residential development, 550 River Road, currently zoned Residential R-1 and Industrial IA-3 District.

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

Chair Parkins requested a motion for discussion purposes of the Resolution for Application 12-17.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to discuss the Draft Resolution for Application #12-17.

Comm. Matto asked for clarification on Page 3, Paragraph #1 (at the end) “*To amend the existing zoning provisions to accommodate the proposal will open up the zone to other potentially undesirable proposals.*”

Mr. Panico responded that the existing zone is Residential R-1. In order to allow this proposal for attached townhouse units in the R-1 zone, by conventional zoning, they would have to place amendments which would then expose the resident’s R-1 District anywhere in town to that sort of proposal.

Chair Parkins added that by making it a PDD, they maintain control over (inaudible)...

Mr. Schultz stated that was preferred zoning technique – PDD instead of modifying the R-1 standards.

Comm. Matto indicated that she understood.

Mr. Schultz added that was why Shelton was unique. They have a PDD technique.

Comm. Matto commented OK, if they allow this here, then they have to allow this everywhere in the R-1's.

Comm. Flannery stated that she had a question on Page 11 under (a).

Mr. Panico stated that Page 11 simply has the last couple of paragraphs unless her numbering is different than his copy.

Comm. Flannery commented that on Page 11, she asked about section a) under B) “*Satisfaction of any engineering concerns and all final comments and concerns of the Fire Marshal, Local Traffic Authority, WPCA, IWC, ConnDOT and any and all other applicable municipal boards and commissions.*”

Comm. Flannery asked if “other applicable municipal boards...” and if that includes if they dig up Indian bones and the State comes in and stops them.

Mr. Panico responded no, this is the criterion that needs to be met in order to get signed off and have a completely approved project. Anything that happens like that would take place during the course of construction and there are State authorities that come into play. If they feel as though it is a critical find, they will put a stop on the construction.

Comm. Flannery asked what authority, what department that would be.

Chair Parkins responded State Historic Preservation (SHPO)

Mr. Schultz added yes, that's right – State archeologists within the State Historic Preservation (inaudible)...He told Comm. Flannery that was a State Statute.

Mr. Panico commented that was a subject matter that is far beyond the capability of their Boards and Commissions.

Mr. Schultz stated that whether you are digging in your own backyard or digging for a major commercial development, it is an applicable State Statute.

Comm. Flannery asked how they stop people if they do dig up Indian bones.

Mr. Schultz commented that the State will stop them.

Mr. Panico reiterated that the State will stop them if they feel it is appropriate.

Comm. Flannery asked how the State will know about it.

Mr. Panico responded the same way anyone would know about it. If it became public knowledge, the first thing anyone does is to notify the State.

Mr. Schultz added that it would be the operators.

Mr. Panico stated that if someone came into the P&Z Office and told Rick that something was found out there, Rick would in turn contact the State.

Mr. Schultz indicated that the individual operators are aware of it just like when you call before you dig.

Mr. Panico added that if you don't do that, there are severe penalties for overlooking that.

Chair Parkins stated that they aren't going to expose themselves to that situation.

Mr. Panico indicated that the woman from Cemetery Association who was very familiar with the area said that they more than likely were going to find bones but they will probably be the bones from the dead horses that they buried there. Without a doubt, they may very well find some bones there.

Comm. Harger commented that she believes it was Barbara Glover who made those comments. She indicated that she had a question on Page 5, Item #6, about halfway down "*All units will have decks and/or patios. Further minor adjustments may be needed.*" She asked if he was referring to the fact that as the construction commences and with the topography of the land and...

Mr. Panico responded no, he is more concerned that as they go the final tuning and positioning of the final locations of the buildings, something may trigger the need to examine one of the patios or decks – he doesn't know.

Comm. Flannery indicated that she had another question regarding Page #2, the last line – "*Others spoke of the history of the site, the need to protect its natural resources and that in their opinion it should be a City Park, despite the rejection of such a proposal by the Board of Aldermen a few years ago.*" She asked why the BOA rejected it.

Mr. Panico responded that he did not know.

Comm. Flannery asked if it was because of the contamination.

Mr. Panico reiterated that he did not know. He only knows that there was a referral to the BOA and the BOA declined.

Comm. Matto asked about Page 11, the final sentence under Section c). She asked about the DEEP confirmation of the suitability of the Emhart Technologies portion and if it was expected soon.

Mr. Panico responded that the letter from Loureiro Engineering said that they were satisfied and they made those findings, they had compared it to all of the appropriate State standards and filled out all of the paperwork and upon approval of the project, they would be submitting it to the State for their confirmation. Mr. Panico stated that if this action is taken tonight, they will have a conditional approval of the project - so submit it, get the final result from the State and they'll make sure they are in conformity.

Comm. Matto commented that she was just curious as to how long that takes.

Chair Parkins indicated that is the extra portion that is not P&Z so...

Mr. Panico added that it is only applicable to the so-called option piece which is the second piece of property.

Comm. Flannery stated that she had a question about the appropriate fencing around the Cemetery and capped lagoon. She asked what he meant by "appropriate" and did he mean that it would be appropriate so that kids can't climb over it. She asked if there would be barbed wire on top.

Mr. Panico responded that was something that needs to be worked out in conjunction with the Cemetery Association to make sure it is the type of fencing that they are satisfied with.

Chair Parkins commented that she would definitely stay away from barbed wire.

Mr. Panico added that there is no fence that a person can't climb if they really want to. All they can do is discourage the straying, if you will. His concern is that they are going to have a public walkway to satisfy public access to the water. A portion of that walkway parallels the property line, the other side of which contains the capped lagoon. He doesn't want it to be easy for people

to wander off into that area. He stated that he thinks that section ought to be fenced and in that particular location, perhaps a vinyl coated chain link would even be appropriate. They aren't going to put a fence to stop somebody if they want to go there.

Comm. Flannery commented OK, that she just wanted to clarify the word "appropriate."

Mr. Panico stated that if the Commission has other thoughts, obviously, they can impose that.

Comm. Flannery asked a question about the end of the report where he was summing everything up with a,b,c,d, etc. She read that "All utility services shall be located underground."

Mr. Panico responded yes, that's right.

Comm. Flannery asked if "underground" means they aren't going to be leaking chemicals...correct?

Mr. Panico responded that statement primarily refers to electrical, cable and those types of services. All of the other services are traditionally underground. They don't want overhead utility lines and that is what that is intended to say.

Comm. Flannery stated that her concern was – that by making everything underground, they are making channels for the chemicals that might be on the property that would run through those channels.

Mr. Panico responded that he cannot address that. The engineers have addressed it, in that there is porous soil all over the place and there is no reason why that particular trench that a utility line was buried in would be any different from the abutting property. He stated that it is not like where you are dealing with soil that is very impervious and now suddenly they create a ditch and backfill the ditch with gravel. They don't have that situation here; this soil is predominantly sandy soil.

Comm. Flannery stated that she is a science teacher and she thinks of things like this.

Chair Parkins asked if they were ready to take a roll call vote.

Comm. Pagoda voted aye.

Comm. Harger asked for a point of clarification that the previous motion was only for discussion.

Chair Parkins indicated that it is moving the favorable resolution so now they are voting.

Comm. Harger voted aye.

Comm. Flannery voted nay.

Comm. Matto voted aye.

Comm. McGorty voted aye.

Chair Parkins indicated that she would vote aye and it passes.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was roll call voted (5-1) to approve Application #12-17. Comm. Flannery voted in opposition

Comm. Flannery stated that on this topic she has a letter and Rick told her to read it after they voted.

Mr. Schultz stated well, through the Chairperson.

Comm. Flannery asked to read this letter sent to her at City Hall and it is dated November 19th about this project and it is after the public hearing. She stated that she would like to read it. She added that she just got it.

Chair Parkins responded that it is after the Public Hearing and it is correspondence to you. It is a moot point and (inaudible)...

Comm. Flannery stated that it was about the Indian burial ground and that it does exist there.

Chair Parkins responded that it is useless to read it because it is not be considered testimony. It is after the public hearing. The just moved to accept the resolution.

Mr. Panico added that if it is not factual, then it is simply here say.

Comm. Flannery stated that it was factual about the Indian cemetery and it has the names of the Indian tribes that are buried there.

Chair Parkins responded no, she cannot allow her to read that. She apologized that she could not.

Comm. Flannery asked if she could give a copy to Rick.

Chair Parkins responded that she can certainly give a copy to Rick but...

Mr. Schultz indicated that he would stamp it in.

Chair Parkins asked Rick Schultz why he would stamp it in because it is not pertinent to this application. It cannot be accepted as part of this application.

Mr. Schultz indicated the stamp just indicates when it is received.

Comm. Flannery indicated that it was addressed to Planning and Zoning....

Comm. Harger reiterated that it could not be accepted.

Chair Parkins indicated that she receives letters all the time to Planning & Zoning but it doesn't mean that they are factual. If people want to express their opinion on something, they can certainly do that and write to the Commissioners but this hearing is over and they aren't accepting anything.

Comm. Flannery stated that she knows the hearing is over but – she has three college degrees. One is in sociology and Native American Studies and that is why she takes this stuff to heart. Alright, and she does not want...

Chair Parkins responded that is fine but...she also has a degree – a Master's in Public Administration and she knows how meetings are run. She knows how public hearings are conducted and this is a done deal. It is over. So this information is going to do nothing.

Comm. Flannery stated that she just wants to make sure that Indian remains are not disturbed and this is very specific.

Comm. Matto commented that Comm. Flannery should send it to the State Agency that is responsible for that issue.

Comm. Flannery asked if the agency was SHPO.

Chair Parkins indicated that she was not making that recommendation. She stated to Comm. Flannery that she would not be sending it on behalf of this Commission, she would be sending it on behalf of herself.

Comm. Flannery indicated that she was sending them a copy.

Mr. Panico commented that she should be careful that if anything like that is passed on that it is passed on as an individual and in no way represents the Planning & Zoning Commission. He added that he was a little bit surprised that this information wasn't provided directly to the State.

Comm. Flannery commented that the family member is very, very upset about this.

Chair Parkins stated that there is a process and they all have to follow it. She thanked Mr. Panico for joining the discussion. He left the meeting at 8:20 p.m.

APPLICATION #12-20, BLAKEMAN CONSTRUCTION, LLC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (CONVERSION OF MIX USE BUILDING TO 14 UNIT APARTMENT COMPLEX), 11 LEAVENWORTH ROAD (MAP 146, LOTS 17 AND 18), CA-3 DISTRICT (PUBLIC HEARING CLOSED ON 10/24/12): EXTENSION ON DECISION PERIOD.

Mr. Schultz read a letter from Atty. Dominick Thomas authorizing the extension.

***See attached correspondence to Richard Schultz, P&Z Administrator from Atty. Dominick Thomas representing Blakeman Construction LLC dated December 10, 2012.**

Chair Parkins requested a motion for the extension on Application #12-20.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve an extension on the decision period until January 27, 2013 for Application #12-20.

Mr. Schultz stated that this is an as-of-right and it complies with all the regulations. Staff was directed to ask the Applicant if they could modify the roof design, and was capable of reducing the total number of units. It is of their opinion that they want to hold it the way it is. One way traffic circulation was also discussed and they would prefer to have the two in and outs on the north side of the building. If the Commission is concerned about the southern portion of the site, they will allow that as an in only. They would prefer to have two ways on both sides.

Mr. Schultz indicated that Staff is going to go ahead with the one way in on the south side and two ways on the north side of the building. At the January 8th meeting, he will have the draft resolution for them.

Chair Parkins commented that in coming southbound, it is going to be pretty hard to miss the entrance because it is right there in front of you. But coming northbound, if you miss it, you can still go in the other side. And just in case, they have somebody by chance parking there, and there is two ways then there is going to be a traffic mess there. Also, the sight line is exactly right there next to that house. OK, so basically, they are saying that they don't want to bring the roof down and they weren't necessarily trying to reduce units but reduce the massiveness of the building.

NEW BUSINESS

None

PUBLIC PORTION

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

OTHER BUSINESS

APPROVAL OF THE MINUTES

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve the minutes of 9/11/12; 9/26/12; 10/9/12; 10/16/12; 10/24/12 and to table the minutes of 11/13/12 and 11/29/12.

APPLICATION #05-35: ONE YEAR EXTENSION ON SITE PLAN APPROVAL: 66 HUNTINGTON STREET (ADDITION TO RESTAURANT).

Mr. Schultz indicated that this was for Aribella's restaurant. They are requesting a one year extension. This is the third one-year extension because their site plans are good for five years. They are going to go ahead now.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve the one year extension on Site Plan Approval for 66 Huntington Street (Application #05-35).

8-24 REFERRAL: AUXILIARY BLOWER BUILDING CONSTRUCTION FOR WASTE WATER TREATMENT FACILITY: 25 RIVERDALE AVENUE

Mr. Schultz stated that WPCA is requesting an 8-24 Referral for an Auxiliary Blower Building at the Waste Water Treatment Plant. This will improve odor control and treatment process. When the Commission did –originally on the planned expansion – this building was not included. Specifically this is a new building for odor control and treatment processes. The City Engineer endorses this proposal in his correspondence dated 12/6/12.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to vote favorably for an 8-24 Referral for an auxiliary blower building construction for the waste water treatment facility (25 Riverdale Avenue).

PAYMENT OF BILLS

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

695 BRIDGEPORT AVENUE: REQUEST FOR RELEASE OF SITE BOND

Mr. Schultz stated that this is for the hotel that added the pool house and slide. He read the letter from the applicant requesting release of the site bond.

Comm. Harger commented that it was Ameri-Suites.

Mr. Schultz added that Staff went up there today. They waited an entire year and everything held up very nicely.

Comm. Flannery indicated that she has been in the pool and the slide is fantastic – it has a lot of turns in it.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve the Request for Release of Site Bond for property located at 695 Bridgeport Avenue.

STAFF REPORT

Chair Parkins indicated that they would be tabling the Staff Report.

ADJOURNMENT

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to adjourn the meeting at 8:28 p.m.

Respectfully Submitted,

Karin Tuke
P&Z Recording Secretary