

SHELTON PLANNING & ZONING COMMISSION JANUARY 10, 2013

The Shelton Planning and Zoning Commission held a special meeting on Thursday, January 10, 2012 at Shelton City Hall, Room 104, 7:00 p.m., 54 Hill Street, Shelton, CT 06484. The Chairperson reserved the right to take items out of sequence.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Anthony Pogoda (via Skype)
 Commissioner Virginia Harger
 Commissioner Joan Flannery
 Commissioner Elaine Matto
 Commissioner Ned Miller (alternate)
 Commissioner Thomas McGorty

Staff Present: Richard Schultz, Administrator
 Anthony Panico, Consultant (via conference phone)
 Karin Tuke, Recording Secretary

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

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Chairperson Ruth Parkins called the P&Z January 10th Special P&Z Meeting to order at 7:07 p.m. with the Pledge of Allegiance and roll call of members present. She noted that Comm. Pogoda was attending the meeting via Skype and P&Z Consultant, Tony Panico was present via conference phone.

Chair Parkins officially welcomed and congratulated the new P&Z alternate Commission member, Commissioner Ned Miller, who was sworn in yesterday.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Mr. Schultz indicated that the first two Separates, #6489 and #6529 have requested to be tabled by the respective applicants. They are expected to be on the Feb. 12th agenda.

SEPARATE #6489: KASH'S GARAGE/AUTO SALES, 78 BPT. AVE., SIGN

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table Separate #6489 at the request of the Applicant.

SEPARATE #6529: C&C FAMILY AUTO, 5 WHITE STREET, SIGN

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table Separate #6529 at the request of the Applicant.

SEPARATE #6532: PETE STUDENT, 1 PLATT ROAD, SIGN

Mr. Schultz indicated that this was for the Jehovah Witness Kingdom Hall at 1 Platt Road. Their monument sign, like many signs in town, had been damaged by Storm Sandy. They are proposing a nice upgrade to their sign which has been modeled after a ground sign located at the Jehovah Witness site in Trumbull.

Comm. Flannery asked if there was any reason why the sign was in Spanish also.

Mr. Schultz responded that in Shelton, Jehovah Witness has a large contingency of Spanish-speaking members. In Trumbull, they have the sign in Italian also because they have a large contingency of Italian people there.

Comm. Pogoda (via Skype) indicated that he has a copy of the proposed signage.

Chair Parkins asked what the sign says in Spanish.

Mr. Student, the applicant, responded that it says the exact same thing as it did but now it is in English and Spanish.

Mr. Schultz added that Staff recommends approval.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6532.

SEPARATE #6530: CLARK CUSTOM HOMES, 292 PROSPECT AVENUE, PAVEMENT

Mr. Schultz provided some background info and explained that this property is the former Safe House located down the road from City Hall. The Safe House has ended and now it is being transformed into a Group Home. For the members who are not aware of the State laws regarding Group Homes, group homes are treated as a single-family dwelling. The City of Shelton Zoning Commission has no authority on it; however, they have authority over how they use the exterior.

Mr. Schultz indicated that several months ago, they went ahead and poured a concrete slab for a dumpster. He added that, obviously, this is residential zone and that is something that this Commission would not like to see in a traditional residential zone. He commented that occurrence was when he found out about the transfer of this to a group home. Ultimately, the dumpster was eliminated and they will be using standard refuse containers provided by the City.

Mr. Schultz stated that he was also advised at that time that additional parking would be required and that would trigger P&Z Commission review and action. As the Commission is aware, the purpose of reviewing applications is to protect property values and make sure that there aren't any drainage concerns and if screening needs to take place for visual impact. Screening is something that can be done. He stated that the Applicant provided a Site Plan which is provided to the Commissioners.

Chair Parkins asked for clarification if this was the same group that used to have the Safe House and if it is a State organization.

Mr. Schultz responded no, it was not the same group but it is a State organization. It is a totally different group, new people. This is a national outfit that is headquartered in Delaware that searches for properties on the East Coast for Group Homes.

Chair Parkins asked if they would be able to tell them who the Group Home would be for.

Mr. Schultz stated that is what he wanted clarification on it but the Applicant does not seem to be present.

Chair Parkins asked if they were handicapped people.

The neighbor (unidentified) responded that it was for autistic people.

Mr. Schultz added that the neighbors are present but he wanted to hear from the Applicant. They realize that this is permitted as-of-right but, obviously, the Commission would like to know the particulars.

Comm. McGorty pointed to a location on the site plan and asked if it was the area.

Mr. Schultz responded yes. Jim Swift is here and he did the site drawing.

Chair Parkins asked if Jim Swift was representing the Applicant.

Mr. Schultz responded that he did not know if he was going to do that but he went to get Mr. Swift who was in the hallway.

Chair Parkins clarified that there was no representative here for the Clark Custom Homes applicant.

The neighbors responded that they spoke to the Applicant and he told them that he would be at this meeting. They indicated that they have been speaking to him about everything that has been going on.

Chair Parkins responded OK, but she can't allow them to speak on behalf of Applicant.

James Swift, P.E. and Landscape Architect joined the meeting and addressed the Commission.

Comm. Harger asked Rick Schultz if he knew where they put in the pavement.

Due to the confusion with Tony Pogoda and Tony Panico being virtually and not physically present, Chair Parkins indicated that for the remainder of the meeting, Mr. Panico would be addressed as A.J. while Comm. Pogoda would be called Tony.

Mr. Schultz stated that Mr. Clark, the Applicant is present, had been in the hallway, and he is going to explain how they came to acquire the property. Mr. Schultz stated again that this is a group home and asked Mr. Clark to provide as much information as he can.

Mr. Rick Clark, representative of Clark Custom Homes, 4542 Kirkwood St. Georges Road, Bear, Delaware addressed the Commission.

Comm. Harger asked if Rick Schultz could tell her where this pavement was poured before Mr. Clark begins.

Mr. Schultz pointed out the location of the concrete slab on the site drawing.

Mr. Clark stated that they were brought in after the house was already under contract. He normally handles all their construction, renovation and putting them on line and manages them after they are open. Mr. Clark indicated that when this came about, part of that driveway was still gravel and that's a concern for snow plowing in the wintertime for cars coming in and out. He added that was the main reason he was here – to clean that up.

Chair Parkins asked Mr. Clark if he was the owner of the property.

Mr. Clark responded no, he was not the owner of the property. He is the contractor and agent.

Chair Parkins asked if he was the contractor and agent doing the work for this.

Mr. Clark responded that was correct.

Comm. Harger asked who the owners were.

Mr. Clark responded that the owners are GI Partners out of California. It is GI (inaudible) Properties (inaudible)...

Comm. Harger asked if he had any idea when this transaction took place.

Mr. Clark responded that it was about two months ago when they actually made (inaudible).

Comm. Harger asked Rick Schultz when the Safe House went out.

Mr. Schultz responded that he wants to say that it was about (inaudible).

The Neighbor (unidentified) responded that it was around August - in the summertime.

Mr. Clark stated that the only thing that he heard was that their attorney got the call that the building was available and they made a deal quickly before he was even notified.

Chair Parkins asked Rick Schultz if this was an as-of-right.

Mr. Schultz responded yes, it is treated as a single-family. It is the exterior improvements that they review – screening, location of pavement, drainage and those types of issues. As he indicated to the Commission, he received a call from the neighbor about the pouring of a concrete slab for a dumpster. Obviously, a dumpster doesn't traditionally go into a residential neighborhood. The Applicant has been very cooperative in submitting these types of plans because this is something that is very helpful for the Commission and the neighbors. The neighbors are present to express their concerns.

Chair Parkins commented that one of her first questions would be to ask why they need a dumpster and why they can't use the City refuse.

Mr. Clark responded that if that is their only option they will use City refuse. They have found it was easier to use a dumpster because there are so many trash cans – whether there are 4, 5 or 6 residents. They haul them to the curb where (inaudible)... They found it easier to keep the dumpster and just close it but then they had a neighbor call with a concern – which was legit and made sense to him so...

Chair Parkins commented that now they'll have a big truck coming in there (inaudible)...

Mr. Clark commented, yes so they just said OK, they'll put the trash out in the front.

Chair Parkins asked if he meant that they would be putting the dumpster out in the front.

Mr. Clark responded no, naturally, now they'll be using the trash cans out front.

James Swift showed the location on the site plan where they had originally planned to put a dumpster but now it will not be used for that. He showed another location where there would be a concrete pad for the trash cans.

Mr. Clark added that there would be trash cans – the dumpster is out now.

Mr. Swift also clarified the locations for proposed additional parking.

Comm. Flannery asked how many square feet for this house.

Mr. Clark responded it was about 4,650...

Chair Parkins commented that she has been in that house and it is pretty big.

Mr. Schultz indicated that the definition of a Group Home, unless he is not correct, is for the care of up to six unrelated individuals.

Mr. Clark responded yes, six.

Mr. Schultz responded six, plus Staff.

Chair Parkins asked if 6 adults and Staff really needed six trash cans a week.

Mr. Clark responded yes, normally they do. He would rather say that they do then they don't.

Chair Parkins asked if he has seen the City trash cans because they are huge.

Mr. Clark asked if they were talking about the 55 gallon trash cans.

Chair Parkins responded no, these are bigger - very large.

Mr. Clark commented that he didn't know about that – but maybe then it is only four but he would still rather be safe than sorry.

Chair Parkins stated that she would rather they start off small and work their way up. They are here and if they need more than they can just call the Highway Dept. and they can bring them more. She asked for clarification on the site plan in regard to the driveway coming in.

Mr. Clark verified the location of the driveway coming in and the location of the parking. He added that the driveway was already there but not paved; it was still stones.

Chair Parkins asked where they were proposing the parking.

Mr. Clark pointed out the area for the parking.

Chair Parkins asked if there would be any kind of screening.

Mr. Clark responded that he was going to put a whole fence just like they did here. They put a whole fence around that thing and he'll do the same thing down there because the neighbors don't need to see all that.

Chair Parkins commented that they aren't bad looking.

Mr. Clark responded no, but this one was completely enclosed with gates and swinging doors.

Chair Parkins noted that most people bring them in, put them in the garage or in behind the house or something so that they aren't visible from the street. She added that they are going to leave them out front so that they are visible, then they are going to have to have some kind of enclosure or screening.

Mr. Clark stated that they absolutely agree and if he asks the neighbors, they can go by there right now and they'll tell you that they put the fence all the way around it with that dumpster.

Chair Parkins asked what type of fence it was.

Mr. Clark responded that it was a six foot high, white vinyl fence and they'll do the same thing here as soon as this is approved.

Comm. Harger asked Jim Swift where he would be doing this.

Jim Swift showed the new location near the evergreens (comments inaudible)...

Comm. Harger asked about the other fence.

Mr. Swift responded that it was still there.

Chair Parkins asked the neighbors if their address was on top of Hill Street.

The neighbors (unidentified) responded that they were on Prospect and their address is actually Coram – they are 292 Coram. Part of the group house faces Coram and they are 185 right next to Haliburton?(inaudible) – right on the side.

Mr. Schultz showed the neighbors location on the site plan in relation to City Hall and the Coram Road house.

Chair Parkins commented OK, his driveway is right here (inaudible)...She asked if he was proposing the arborvitaes for (inaudible)...

Mr. Clark responded yes, they were just putting them there because they were concerned with the cars at night. They are very sensitive to neighbors around them too; they know cars will be coming in with staff shift changes. They normally put the arborvitaes there just to knock down the brightness of the headlights (inaudible)...it will help screen with the trees and the fence.

Chair Parkins asked if those were the only things that they were proposing to change then— trees and garbage cans.

Mr. Clark responded that was pretty much it.

Mr. Schultz asked if they wanted to mention the exterior lighting for security.

Mr. Clark responded that it would just be normal flood lighting controlled by a switch.

Chair Parkins asked if the residents of this property would be coming and going on their own.

Mr. Clark responded no, they are supervised around the clock and they have three shifts.

Chair Parkins asked if he knew the average age of the residents.

Mr. Clark responded that he thinks that it is anywhere to age 21 – typically 18-21 but he isn't certain.

Comm. Harger asked if they were all under age 21 then.

Mr. Clark responded that he really doesn't know as far as the operation of the inside of the home. Sometimes the funding changes as far as the licensing requirements.

Chair Parkins asked if it was State-funded.

Mr. Clark responded yes.

Mr. Schultz added that it was important for the Commission to know that if any complaint comes in, he has to go to the State agency; he can't just walk over there. It is hands-off and the State controls it. They are here for the exterior issues such as the dumpster, landscaping, lighting, fencing, etc.

Comm. Harger asked if any of the residents drive cars.

Mr. Clark responded no.

Chair Parkins addressed the next door neighbors in the audience and asked about their concerns.

Bob Fazekas, 185 Prospect Avenue, Shelton addressed the Commission. Mr. Fazekas indicated that the trees are fine but he noticed that they are a little short. The trees that they've put in are not going all the way through the parking area. He thought that they would be doing it all the way through the parking (inaudible)...

Mr. Clark commented that he is talking about having another four trees then.

Chair Parkins indicated that she was going to say 3 or 4 more trees - whatever goes down to the end of that area.

Mr. Fazekas stated that the only concern that they have is that they wanted to have a tree with the shade. He asked about the original pad where they were going to put the dumpster and what it would be planned for now.

Mr. Clark responded that there is no plan for it right now. He doesn't know what they can do with it – it is just there, if there is any outdoor storage, he can't imagine what

they'll use it for. It is kind of a waste. They'll probably keep the fence there but (inaudible)...

Chair Parkins commented that at least it's a lesson learned.

Mr. Clark responded yes, absolutely. He could have left the dumpster as it was but the last thing they want to do is come in and start things off on the wrong foot. They'll change it and make it right.

Chair Parkins responded that they appreciate that. She indicated that they would ask for three or four more trees. She added that obviously, they will have to be maintained so if they die, they'll be replaced.

Mr. Clark responded yes, absolutely.

Mr. Fazekas asked if there would be some sort of border coming down the driveway because the parking spots are going to be (inaudible)...

Comm. Harger asked if he meant some type of fencing.

Mr. Fazekas asked if there would be some sort of border or fence where those parking spots are going to be.

Chair Parkins commented that these parking spaces have been there for years.

Mr. Fazekas responded that he understands, he was just asking (inaudible)...

Chair Parkins asked if right now it was open.

Mr. Fazekas responded yes, it is open to their driveway, the last people used to come over and use their driveway which they didn't appreciate.

Chair Parkins asked why they would do that and what they would access by going up his driveway.

Mr. Fazekas responded that they would access his lawn to get out and so that they wouldn't have to back out and they could double park (inaudible).

Mr. Clark commented that they could put in parking blocks. He also indicated that the neighbors should call him if that occurs again. They can make that go away.

Chair Parkins commented that she would not recommend putting in those parking blocks.

Mr. Clark stated yes, they are a little bit more commercial (inaudible)...he reiterated that the neighbors should call him though and they'll fix that issue.

Comm. Harger asked the Chair if she said that she didn't recommend the parking blocks.

Chair Parkins responded no, she doesn't recommend them – she thought some kind of chain link fence or something.

Mr. Clark commented that if there's a fence there it presents another issue when you are plowing.

Chair Parkins asked if they couldn't put up some sort of posts with just a chain to let people know not to do that.

Mr. Clark responded yes, they could do that.

Comm. Harger suggested doing something with planters as the anchors.

Chair Parkins asked Mr. Clark if he had given these neighbors some kind of contact information.

Mr. Clark responded yes and indicated that if the neighbors have any problem with the outside, he'll take care of it.

Mr. Schultz commented that Staff wanted to note that they have been very cooperative – it doesn't always end this way because it is an as-of-right thing. He reiterated that the Town does have the ability to guide the exterior.

Chair Parkins commented that they always appreciate when applicants and neighbors can work together because it makes their job easier. She asked Comm. Pogoda if he had any questions.

Comm. Pogoda responded no.

Chair Parkins asked for a motion with the noted conditions to add some more trees and change the trash receptacle location.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6530 with the conditions discussed regarding additional trees and relocation of trash receptacles.

SEPARATE #273: CITY OF SHELTON, 10 RIVERDALE AVENUE, AUXILIARY BLOWER BUILDING

Mr. Schultz indicated that in an effort to control the air emissions and the odor problems, the WPCA has decided to have this auxiliary blower building that would control the odors. The Commission already did a favorable 8-24 Referral for the upgrade. This is just an add-on to control the odor and obviously, that is a good thing.

Chair Parkins commented that yes, it would be good for the residents near there. She asked if anyone would be impacted by the noise or anything like that.

Mr. Schultz responded no. He stated that this is as-of-right because it is the City of Shelton but the Commission has asked him to run it by them when there are significant improvements. They will be doing the same thing for the Animal Shelter; they'll probably be getting plans for that within the next month.

Comm. Harger asked the size of the footprint.

Mr. Schultz responded 22'8" x 16' and 15' in height and it is setback a little bit.

Comm. Pogoda asked for clarification if Rick Schultz said it was low volume as far as the noise.

Chair Parkins responded yes, that's correct and it is more of a benefit to the community so that they don't experience the odors.

Comm. Pogoda commented, OK and he understood.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #273 for an auxiliary blower building for WPCA.

SEPARATE #6504: THE ROCK FALL CO., 18 DOME DRIVE, IN-LAW

Mr. Schultz indicated for the benefit of the new alternate, Ned Miller, that the Commission is hearing it all tonight from municipal waste to in-law apartments. He indicated that the Applicant was present for this; it is an addition to the main house which is a ranch style house with a garage under. They are adding this addition that would be connected to the main house.

Chair Parkins asked if the main house already existed or if it was under construction.

Mr. Schultz responded that it exists.

Chair Parkins asked how long it has been existing.

Mr. Schultz responded that it is on Dome Drive off of Old Stratford Road so...

The Applicant's contractor responded that the main home has been there since 1968.

Henry Radkin, The Rock Fall Co., 25 Columbus Avenue, Meriden, CT addressed the Commission. Mr. Radkin indicated that the Rock Fall Co. provides practical assisted living solutions. He provided a site plan and photos of the existing property for the accessory dwelling unit at 18 Dome Road. He explained that they were proposing a new addition, an in-law apartment with one-bedroom, living room and bath. It is coming off of the lower level and he showed the location of the drive under garage. He showed where the driveway comes in where the dimension lines were shown. The new addition would attach at that level and come in with a hallway that connects to the existing living space on the lower level.

Mr. Radkin stated that they chose this particular location on the existing house from an accessibility standpoint. His clients, the Harayda's are bringing Mrs. Harayda's mother and father who are in their early 90's to come and live with them. The accessibility from this location is easier from the driveway. There is really only one step up and they are going to create a concrete walkway so that there are no steps into the house.

Mr. Radkin commented that in that same area they have the well and septic system requirements. He showed the topography of the property and pointed out which side was the high side and where it comes down. He added that when you come out of the front door, there is actually a set of steps located there. Therefore putting the addition anywhere else on the property would create more of a hindrance for accessibility purposes.

He showed a photo of the front view of the house and pointed out the proposed location for the addition. He provided a computer generated rendering of what the addition would look like on the lower level. He showed a rear view photo of the house and the end of the house where the addition would come off.

Mr. Radkin provided a rendering of the west elevation of the house, the location of the addition and where the entry door would be located. He added that the east elevation would remain the same. He provided a floor plan of what is existing in the house right now including the lower part of the house which is presently a recreation room and laundry space and half bath which takes a 1/2 story up to a room with a pool table. He showed where the new hallway would be created, the garage space and then the addition.

Mr. Radkin indicated that it would be a pre-fabricated, modular addition where you would come in, set down a four foot crawl space and (inaudible)...

Chair Parkins commented that he is basically then taking that little building and attaching it to the back side of the house.

Mr. Radkin responded yes, exactly.

Chair Parkins added that there would be a common wall.

Mr. Radkin responded yes, exactly. It is a pretty simple design but it is placed on this part of the house for accessibility. He provided another rendering to show the neighborhood, the subject property outline and he explained that it is in harmony with the existing homes around it and homes abutting the property. He added that pretty much all of these houses have some kind of a small addition put onto it over the years.

Comm. Flannery asked if this was one acre zoning.

Mr. Schultz responded yes.

Comm. Harger asked to see the bottom of the chart.

Comm. Flannery asked if the well and septic would be OK.

Mr. Radkin responded that the well was actually 35 feet off of the front of the house. He showed the location on the site drawing and explained that it was away from all of the septic and it has been verified by the Naugatuck Valley Health District.

Comm. Flannery asked if the well would be big enough for the additional number of people.

Mr. Radkin responded that he doesn't see any problems so far with it. He doesn't know exactly what the gallons per minute are on the well but as long as it is in good working order it should be able to supply the additional uses in the house.

Chair Parkins asked what the length of the common wall would be.

Mr. Radkin responded that it was probably going to be about a six foot overlap – big enough to accommodate a three foot doorway and the hallway that goes down will be approximately four foot wide. Or they are going to end up putting a ramp that comes down that one step down into the hallway so that they can access the lower part of the house for laundry, etc.

Chair Parkins asked Rick Schultz if that meets their requirement.

Mr. Schultz responded yes, the Commission needs to review the overall aesthetics to see how it fits into the neighborhood.

Chair Parkins asked if everything else was in compliance.

Mr. Schultz responded yes.

Chair Parkins stated that she just wants to make sure that the common wall meets the requirements. She asked Mr. Radkin if this is what his company specializes in.

Mr. Radkin responded yes, they do additions and modifications for elderly and disabled people. He added that their additions are all pre-fabricated to their specifications. He provided company brochures for the commissioners.

Comm. Harger asked if there were constraints on locating this off the sunroom because of the septic.

Mr. Radkin responded yes, he referenced one of the site drawings and explained that the septic system tank is about 4 feet off of the sunroom addition. It was a grandfathered situation with what is there right now. Basically, if they put anything on this side they were restricted by the ledge that is there and they would be non-compliant on the setbacks. They were able to get their new reserve field out here so this whole side of the property pretty much opens up.

Comm. Harger asked if there was anything in the regulations having to do with pre-fab.

Mr. Schultz responded no.

Mr. Radkin stated that all the factory standards meet or exceed at site built construction.

Mr. Schultz asked if it was national and the State of Connecticut.

Mr. Radkin responded yes, absolutely. It is all third party inspected, engineering standards.

Chair Parkins asked Comm. Pogoda if he had any questions. She asked for a motion to approve Separate #6504.

On a motion made by Thomas McGorty seconded by Elaine Matto, it was unanimously voted to approve Separate #6504.

SEPARATE #6531: A PAPPAJOHN CO., 6 ARMSTRONG ROAD, BUSINESS

Mr. Schultz stated that they have another new tenant in 6 Armstrong that the Commission approved for additional parking. This is the John Zinc Company, a real estate investment and development company. They have 18 employees and they are leasing 4,947 square feet, hours of operation 8 a.m. to 6 p.m., Monday through Friday. Staff recommends approval. Mr. Schultz added that he believes this building is now full. It was all about the parking – that's why the Commission approved the parking expansion.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6531.

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).

Chair Parkins commented that the Public Hearing on this closed on October 24th. At that point, the Commission had some discussion about it and they had some recommendations and questions for the applicant. The Applicant came back and indicated that it was not feasible to do what the Commission recommended. They have since directed Staff to have Mr. Panico prepare a favorable resolution. She asked the Secretary to read the prepared resolution.

P&Z Secretary, Virginia Harger read the Draft Resolution for Application #12-20.

***See attached documentation, P&Z Report Resolution for Application #12-20, Blakeman Construction, LLC for Special Exception/Site Plan Approval, 11 Leavenworth Road, Shelton, CT.**

End of Tape 1A 7:40 p.m.

Chair Parkins asked for a motion and a second for discussion.

Comm. McGorty motioned and Comm. Harger seconded.

After Mr. Schultz verified some of the dates on the application (dated May 30, 2012/Revised July 30, 2012) and its revision, Chair Parkins asked if there was any questions or comments for discussion.

Comm. Harger asked if there hadn't been some discussion about lighting because it isn't referred to in the resolution.

Mr. Panico responded that he debated on mentioning the lighting but the lights standards are low-level.

Comm. McGorty added that he thought lighting became a non-issue because there was not much dialogue on it.

Chair Parkins commented that the neighbors were concerned about spotlights but there is no light that will be going into the neighboring properties. With no further questions or comments, she asked for a roll call vote.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was voted (5-1) to approve the favorable resolution for Application #12-20. Comm. Flannery voted in opposition.

APPLICATION #12-23, AHOLD USA RETAIL, LLC FOR FINAL SITE DEVELOPMENT PLANT APPROVAL (STOP & SHOP FUELING FACILITY), 900 BPT. AVENUE (MAP 9, LOT 15)

Chair Parkins indicated that this public hearing closed quite a while ago although she couldn't recall the date.

Atty. Steven Bellis responded that the Application was approved on May 24, 2012.

Mr. Panico stated that public hearing was held prior to the adoption of the Planned Development District Modification and it was conditional approval on the Site Development Plans and then they had to come back in with the revisions reflecting the new Site Development Plan. He added that is what they were dealing with tonight.

Atty. Steven Bellis addressed the Commission on behalf of the Applicant. He indicated that they were here tonight for the Final Site Development Plans and their review would be more like a Site Plan Approval. They had an approval of the Conceptual Development Plans for this whole PDD – PDD #2 for the Stop & Shop Gas Station.

Atty. Bellis indicated that there was a Statement of Uses that was changed and that was effective July 27, 2012. After that he met with Tom Simm of the WPCA and they are going to be connecting the same sewer line and he had no problem with it. He said it was not an issue with his office.

Atty. Bellis stated that tonight he has accompanying him, Raquel Chadelle (sp?) and she has some drawings to present.

He recalled that this was a site plan for the gas station and when the Commission approved it, they had some concerns about the way the traffic was actually entering into and exiting the facility. Since the time of the approved Initial Concept Plan, they had an informal meeting with Tony and Rick. They presented a whole new layout and everyone thought this was a much better proposal.

Ms. Chadelle presented the first drawing showing some of the changes to the site plan based on comments from the public meeting. She pointed out a driveway that they thought should be further back so now there is about 200 feet to the entrance which provides additional queuing should it be needed. She stated that this driveway access is also a longer road with five to six cars just in this drive alone for queuing. Also, this drive is set back about 500 feet (inaudible).

Ms. Chadelle noted another change to the provision of the landscaping and an 8 foot high pylon sign. The truck delivery movement does not come through the site. She showed the loading area that the delivery trucks would utilize in the area in the back of Stop & Shop and come in through a widened area which is to be striped and an area for the tanker to unload. She showed the tanker truck exit.

Chair Parkins asked if he would come in and turn around.

Ms. Chadelle responded yes, he circles around and comes back and parks. She showed a location where there was more than 15 feet to pull off (inaudible)...

Chair Parkins asked if they would be directed that that's something that they have to do and they just can't pull in and out.

Ms. Chadelle responded yes, and there is signage and it will be striped out – it is an unloading area.

Chair Parkins asked in terms of the truck coming and (inaudible)

Ms. Chadelle responded yes, for (inaudible) purpose it is already an unloading area (inaudible)...it won't be easy if they can't turn it is too tight to navigate.

Chair Parkins commented that she thinks Ms. Chadelle is misunderstanding her point.

Atty. Bellis stated that he thinks Chair Parkins wants to make sure that they aren't going in the other way and that they know to move around. He asked if that was correct.

Chair Parkins responded yes exactly, that is what she was asking.

Ms. Chadelle responded yes they would have to because of the way that they have to pull the hoses from the passenger side. So, if they came in that way, they would be on the wrong side and would have to drag it all the way from the truck so they wouldn't want to do that.

Comm. Flannery asked if the cars only leave the gas station from over there... (inaudible)...She asked how they would be able to turn left.

Ms. Chadelle asked for clarification as to what location she was talking about.

Chair Parkins commented that they weren't leaving there Comm. Flannery, they are going (inaudible)...

Comm. Flannery referenced the white arrow, that's where they leave, the cars only go in one direction and they have to go out that one way.

Ms. Chadelle responded that this drive is wide enough for two cars to stack one left and one right.

Comm. Flannery asked how they were going to turn left with the kind of traffic that they have on that road. They aren't going to be able to turn left.

Comm. Harger responded that is not on the road.

Mr. Schultz added that is the internal driveway - that road is parallel with Bridgeport Avenue.

Atty. Bellis clarified that Bridgeport Avenue is more to the north.

Chair Parkins asked Mr. Panico to repeat his comments.

Mr. Panico stated that he was having difficulty following the comments about that turning left motion that was being suggested.

Chair Parkins responded yes, it is the internal driveway.

Mr. Panico commented yes, it is the internal driveway. The left turns, if any, would be made at the signal. He stated that after the truck is discharged, it just continues straight ahead to the signalized light intersection and then it can turn left or right.

Chair Parkins clarified that Comm. Flannery was talking about the cars which would be exiting the fueling facility after they get gas.

Mr. Panico commented that there is just that one location and when they read his report, they are showing about a 30 foot opening which he thinks is on the large side. He's suggesting that it be brought down to something in the order of 24 feet or so.

Mr. Panico indicated that he had two or three suggestions on the site plan that he has tried to describe in his report but they are relatively simply. As you enter, shown on the bottom of the drawing, you see that pad on the right hand side set up for the air and he

thinks, a vacuum system. Right now, the vehicle parked there using those services, there is going to be a little bit of a conflict coming in and going to the extreme right pump island. He suggests that it be rotated back so that it is sort of parallel to the contours seen there.

Comm. McGorty asked if he means more into the radius there.

Atty. Bellis commented that he thinks he knows what Tony is saying.

Mr. Panico stated that on the opposite side of the entry, you'll see those three parking spaces. He is suggesting that they be removed and replaced by a slight widening of the pavement on the Stop & Shop side and creating three parallel spaces at that location. This will enable them to reshape the apron area in front of the pumps and gain added stacking capacity in front of the pumps. So those are basically the four items. Relocate those parking spaces, change the direction or reorient the pad for the air, create the new parking spaces on the Stop & Shop edge and shrink the exit lane from 30 feet to something in the order of 24 or 25 feet. He commented that he thinks that all of those work good without changing the location of any of the pumps or anything else.

Mr. Panico stated that the only outstanding issue that still seems to be hanging around is whether or not the Applicant is going to have to do any work at the radius of the entrance coming in off of Bridgeport. The Engineer's letter seems to suggest that there is an issue. He thinks that the Applicant has a responsibility of going back and sitting with DOT to work it out. If there is, they have to resolve it and if there is not, they need to be aware of it.

Chair Parkins commented that she thinks Atty. Bellis is going to address that shortly.

Ms. Chadelle showed some architectural renderings and commented that some of the architectural enhancements, when they've been permitted include the brick facing for the columns, the roof for the canopy and the gable over the kiosk. These enhancements are above and beyond and will also be a standard gas station canopy. It will also be coordinated with monument sign which also has (inaudible).

Chair Parkins asked if it would be real brick.

Ms. Chadelle responded that she wasn't sure – real brick.

Chair Parkins commented that they don't want plastic brick.

Ms. Chadelle responded that she doesn't that is quite durable, especially here.

Chair Parkins stated that they are just asking the question.

Atty. Bellis commented that he didn't know if it was red, white or yellow.

Mr. Schultz asked if they could provide samples.

Atty. Bellis stated that it would be real brick (inaudible)...

Chair Parkins commented that Ms. Chadelle just stated that she doesn't know if it will be real brick.

Ms. Chadelle stated that it is not going to be plastic or painted – it will definitely be a brick finish (inaudible)...

Chair Parkins indicated that brick finish and brick are two different things.

Ms. Chadelle commented that she thinks it (inaudible)...

Comm. Harger asked for clarification about the two pictures in the middle of the kiosk and what it says on the drawing.

Ms. Chadelle responded (inaudible)...

Comm. McGorty indicated that it just says "Front Kiosk" and "Rear Kiosk."

Atty. Bellis stated it was the front and the rear of the small building – there is a bathroom in there for the attendant.

Comm. Pogoda indicated that he could not hear when they were talking about the brick. He asked if it was going to be a faux brick or a real brick.

Chair Parkins responded that it was going to be masonry brick but they don't know the color yet. They will be getting samples. They are plugging it as an enhancement.

Comm. Pogoda commented OK. He that he thinks that they should get it.

Chair Parkins responded yes, they are going to get it. It is just more durable – if they put plastic there, it is just going to...

Comm. Pogoda brought up the issue that Mr. Panico mentioned about the radius. They were having problems with the trucks already going in, he's assuming the Stop & Shop trucks - that is something that is going to have to be addressed.

Atty. Bellis indicated that they would and they just haven't gotten to it yet.

Chair Parkins stated that it was going to be addressed. She asked Comm. Pogoda if he was able to see all of the drawings on the display board.

Comm. Pogoda responded that he had a copy of the same drawings anyway.

Ms. Chadelle showed another drawing and stated that it depicted the aspects of the truck delivery process. She pointed out the gravity-fed lines, the tanks – so the trucks are off when they come in. Their capacity is about 8,000 gallons such that they come around once a day depending on what is needed. There are two tanks on site – one premium and regular, so it would depend upon which one of those two would be required.

Chair Parkins asked if that it is once a day, 7 days a week or 5 days a week.

Ms. Chadelle responded yes, it is roughly around that.

Chair Parkins asked if somebody monitored it and calls if they need it more often.

Ms. Chadelle responded yes, the advantage is that the tests they keep are very large tanks as that they have to have (inaudible) deliveries ... They are several measures that they use such as constant monitoring of everything that will be containing or delivering all the way the end user is double-walled. The double-wall tanks also need double-walled piping from the tanks to the actual pump. There are catch basins below the loading pumps. These are also monitored with the float sensors. That is why the attendant has a space that is inside with several warnings. They are given the training so that they understand what all the components are should there be any warnings from the tank or at any point of delivery. All of that would be tracked.

Comm. Flannery asked where any gas spills from that would go to and if they could stop that.

Chair Parkins responded that it is all self-contained.

Ms. Chadelle reiterated that it was self-contained.

Comm. Flannery clarified that she was asking about any spills on the ground or the pavement.

Atty. Bellis commented that it was on the Best Practices (inaudible)...

Ms. Chadelle responded and showed another drawing – she explained that should there be a service spill, what is known as a positive limiting barrier shows up as a grid around each one of the fueling positions. These grooves about 1/2” inch are able to contain it should there be any flow. In addition to that there is a whole spill packet – a spill kit that is maintained in the kiosk area as well. In the interest of Best Practices, because the fueling tank location is looking outside the site that will also have a footed outlet with a catch basin.

She added that one of the comments from the City Engineer was to provide an operational maintenance, which was submitted to him, and that is also standard practice. It is a regular cleaning of the catch basins and the storm water oil separator. Those measures provide for (inaudible)...surface spill situations.

Ms. Chadelle indicated that she has discussed improvements, safety features and the last two items include landscaping and lighting. She showed a rendering of the proposed landscaping and mentioned that it was included in the site plan as well. She noted that there were a number of ornamental trees that were brought in. At one time, there was a concern to make sure that the vehicles exiting the site would have sufficient sight distance to see approaching traffic on the internal drive so some of the landscaping was moved in within this sight line to minimize any conflict.

Ms. Chadelle commented that the total tree count is 23 which is quite a bit for this size property. They are fairly regular all the way around the site.

Atty. Bellis stated that the types of trees are listed on the bottom.

Mr. Schultz commented that Staff also requires them to add a note that if the Commission requires additional plantings, they will be provided. They always do that for the PDD's because you never know – it is a good condition of approval.

Ms. Chadelle showed a site rendering with the proposed lighting. There are full cut-off fixtures. Stop & Shop would like to go with LED because they are more efficient and usually the light is more uniform.

Chair Parkins asked if they were brighter or just more efficient.

Comm. McGorty commented that they are equivalent. For brightness, they play around with the temperature and the color of the light – but it is the way to go.

Ms. Chadelle commented that under the canopy, these lights are already proposed as LED. They will just to keep the area under the canopy well-lit and not over lighting the other areas.

Comm. McGorty asked if the canopy area would be LED.

Ms. Chadelle responded yes and those would all be put in with the architectural finish so that they don't look (inaudible)...

Comm. McGorty commented OK, they'll be recessed.

Ms. Chadelle responded yes.

Atty. Bellis commented that they also submitted a traffic study from Langdon Engineering. He asked Ms. Chadelle to provide a brief synopsis because it is very detailed.

Ms. Chadelle indicated that after looking at the spill scenario and studying the impacts from the traffic, it was found that the existing network could accommodate this development (inaudible). She added that the internal circulation is laid out so as not to impact the existing circulation (inaudible).

Atty. Bellis commented that both Tony Panico and Tony Pogoda raised the issue of the curve coming from Bridgeport Avenue into the facility. There was a concern with the guard rail there getting dinged up.

Chair Parkins asked if it was from cars or trucks.

Atty. Bellis responded it was from trucks.

Ms. Chadelle showed a rendering of the traffic patterns and indicated that they met with the DOT this afternoon. The DOT said that they had several instances, and there was some evidence of that today, of the guard rail being dented in this location. They are going to work with the DOT on this. They explained to her that they were familiar with the development and the nature of what they would be doing and that they did have concerns with that area.

Comm. Harger asked if that was like a ravine that goes down there.

Ms. Chadelle responded yes, it drops off. It is not particularly steep. She added that she just thinks it is the nature of how this works with the trucks making its right turn and that immediate approach into this (inaudible).

Atty. Bellis commented that there may be some reconfiguration of the rail or there may be curving. They told the DOT that whatever they wanted or came up with, they agreed to meet with them and accommodate them.

Chair Parkins asked if the guard rail is the DOT's – State property.

Ms. Chadelle responded yes, and she showed the area of State property.

Comm. Matto asked if this was just an existing problem and they are just...

Atty. Bellis responded yes, they are just helping them out. He added that to summarize, it meets all the requirements of their regulations of 34.1. They have provided the site plan, the architectural plans for the canopy, the landscaping plans and the site lighting plans, the engineering plans and the traffic report. He stated that there is also a storm water management report that was reviewed and approved. As he mentioned earlier, it has a sanitary sewer and the WPCA is satisfied with that.

Atty. Bellis commented that he believes that they have met the big conditions that this Board had which was the actual traffic flow in and out of the facility. They have no problem with Tony's recommendation of narrowing the area and moving the air pad. He doesn't believe that the four points that Tony brought up significantly changes their project. He let them know that they would be willing to do that.

Chair Parkins responded OK, good.

Atty. Bellis offered to answer any questions that the Commissioners had.

Comm. Matto asked what the discussion or problem was regarding the ownership of it or linking it to Stop & Shop.

Atty. Bellis responded yes, they discussed that last time. The way that these things are done is that the owner of the land is going to lease the property to the gas station and the Applicant who is here tonight representing Ahold – which is Stop & Shop. They are going to be the ones who are operating it.

Chair Parkins commented that it is connected to Stop & Shop then– because that was their concern.

Atty. Bellis responded yes, Ahold is the Swedish name for he believes...

Mr. Panico stated that Ahold is Stop & Shop.

Atty. Bellis responded yes, they call it Stop & Shop but their corporate name is Ahold USA Retail LLC.

Chair Parkins indicated that they just wanted to make sure that the largest anchor in that shopping center was connected to it so that it wouldn't become a free-standing gas station.

Atty. Bellis indicated that the Commission did that in the modification done in July 10, 2012. They made that a condition already, so they don't need to make it a condition again.

Mr. Panico stated that the Commission concerns are set forth in the approved Planned Development District so they carry through regardless of what the drawings might show. At the present time, it is obviously going to be a Stop & Shop gas station.

Comm. Harger stated that there are gas facilities that Stop & Shop operates in the brand that are not on the Stop & Shop property. She mentioned that there was one in Branford and added that the Stop & Shop name brand is important.

Chair Parkins stated that the Commission asked Staff to prepare a favorable resolution for this. She asked P&Z Secretary, Comm. Harger to read that prepared resolution.

Comm. Harger read the favorable resolution for Application #12-23.

***See attached P&Z Report Resolution for Application #12-23, Ahold USA Retail LLC for Final Site Development Plan Approval (Stop & Shop Fueling Facility), 900 Bridgeport Avenue (Map 9, Lot 15)**

End of Tape 1B, 8:15 p.m.

Upon completion of reading the Draft Resolution, Chair Parkins asked for a motion and a second to be followed by any discussion.

Comm. Harger made a motion to approve the Draft Resolution for Application #12-23 and Comm. McGorty seconded.

Comm. Flannery commented that she was wondering if there was a big oil spill will it go into the water – the Beaver Dam Lake. She added that was one her main concerns too and it isn't mentioned here.

Mr. Schultz commented that was addressed by the Inland Wetlands Commission but to answer the question he responded no.

Comm. Flannery asked if he meant no - there was no way to stop it.

Mr. Schultz responded no – that it wouldn't happen.

Chair Parkins added that it is a double-walled tank and all the pipes are double-walled. They've got spill protections.

Mr. Schultz added that it is also because of the topography.

Comm. Matto commented that he was saying that the oil wouldn't go that way anyway.

Mr. Schultz responded yes. Let's say the tanker truck erupted – based upon his recollection, because of the topography (inaudible)...

Ms. Chadelle added that's correct, it's right on the edge of the watershed. She commented that if it helps, she brought a diagram showing the watershed area.

Mr. Panico commented that all of the catch basins are appropriately fitted with hoods, sumps and oil traps.

Chair Parkins asked if Commissioner Pogoda had any questions or comments.

Comm. Pogoda indicated that he was all set.

Chair Parkins took a roll call vote.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was roll call voted (5-1) to approve Application #12-23. Comm. Flannery voted in opposition.

Chair Parkins asked Atty. Bellis if he had an idea when the construction would begin.

Atty. Bellis responded that he didn't have an exact start date but he knows that they are anxious to get going.

NEW BUSINESS

APPLICATION #13-1, BSL CT DEVELOPMENT, LLC FOR MINOR MODIFICATION OF DETAIL DEVELOPMENT PLANS (INCREASE FROM 89 UNITS TO 92 UNITS: BENCHMARK ASSISTED LIVING FACILITY), PDD #52A, BRIDGEPORT AVENUE: ACCEPT, DISCUSSION AND POSSIBLE ACTION.

Atty. Steven Bellis indicated that he was here tonight with William Cooke from Benchmark who the Commission has met before. He indicated that he spoke to Rick Schultz about this issue and Rick thought it would be best to bring this to the Commission just to let them know what they would be doing as opposed to Rick just doing a minor modification.

Atty. Bellis stated that Bill Cooke will explain about this and he has brought a diagram of unit layout.

William Cooke, Product Manager, Benchmark Senior Living addressed the Commission. Mr. Cooke indicated that he was before the Commission about a year ago to have this approved. They have been working diligently and they are very close; they have filed for their building permit and should have it any day now.

Mr. Cooke indicated that what has happened is that they have some other properties in the area and they've found out that the studio apartments seem to be selling better than the one-bedroom apartments over the last year or so. Basically, they would like to add, specifically three, more studio apartments to the building.

Mr. Cooke used a building layout to explain how they would do that. He showed the original layout with two 1-bedroom units next to each other. He explained that they can replace them with three studio units. The square footage of the building is not increasing at all. The building is not getting any larger and all it really does is take the space occupied by two extra 1-bedrooms and creates a studio apartment and adds a bathroom.

Comm. Flannery asked how they were going from 89 to 92 units.

Mr. Cooke responded that they have three floors in the building. This rendering shows the second floor. He showed the section to be modified. He showed another rendering of the third floor where they would make similar modifications and noted another location in the building where they plan to do this as well.

Mr. Cooke commented that what that this gives them more flexibility because sometimes with the three studios you get an extra bathroom. This is something that they have done in other properties. Sometimes someone will come in and say that they want a 1-

bedroom, so they will lock the door from the outside on one side, reconfigure the closet area, poke a hole through the wall and it becomes a one-bedroom again.

Chair Parkins commented yes – with two bathrooms.

Mr. Cooke responded yes, two bathrooms. They can go to the bathroom in here and go to the bathroom from the bedroom. It gives them flexibility. If it goes that way, then it decreases the number of units. They will never go higher than the number of 92 units.

Chair Parkins asked if these were rental units.

Mr. Cooke responded yes.

Atty. Bellis added that he checked with the Statement of Uses and with Jim Swift, P.E.. It does not affect the parking requirements that they put into the Statement of Uses. They had an additional amount of parking so having three more units, albeit studios, it still fits in the parking requirements. He commented that he does not need to change the Statement of Uses. The only time that this appears is in the Resolution that the Commission approved with the number of units in it. Atty. Bellis commented that he thought it would be better to be forthright about this and bring it to the Commission now. He stated that it was a minor modification.

Chair Parkins agreed that it was very minor.

Atty. Bellis commented that he didn't want to start off on the wrong foot.

Chair Parkins responded that she appreciated that and asked for a motion and a second.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was voted (5-1) to approve Application #13-1.

Mr. Schultz commented that this was a new application and they need to accept and then approve it.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was voted to amended the previous motion and made a new motion to accept Application #13-1 and approve Application #13-1 (5-1) for a Minor Modification. Comm. Flannery voted in opposition.

APPLICATION #13-2, KIDS ZONE REALTY, LLC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (CHILD DAY CARE CENTER WITHIN DWELLING UNIT), 7 PLATT ROAD (MAP 64, LOT 8), R-1 DISTRICT: ACCEPT AND SCHEDULE PUBLIC HEARING

Mr. Schultz stated that this Applicant went to the ZBA for a Child Daycare Center not having the Permittee reside – so a commercial daycare center with up to 30 children. It was rejected. They regrouped. Mr. Schultz explained that there is a provision in the Shelton Zoning Regulations that allows you to apply for child daycare center as long as the Permittee resides there. This is for the care of up to 20 children and that formula is based upon the size of the house and the size of the outside play area.

Mr. Schultz stated that this is a regulation that was created 15+ years ago when there was a need within the community to provide for a variety of child daycare facilities, especially in the home.

He indicated that in the State of Connecticut, you have a Family Daycare for the care of up to 6 children (not including your own) and that is as-of-right no local jurisdiction. As for Group Daycare Home, it as-of-right but P&Z can require a site plan and it is for the care of up to 12 children (not including your own). He stated that this one is a regulation that takes it one step further. It is called a Child Daycare Center within a Dwelling Unit. The number of children is based upon the size of the house and the size

of the outside play area. He added that there is a formula that they will hear at the Public Hearing. They believe that they can care for up to 20 children.

Chair Parkins commented that it was by Special Exception which requires a public hearing.

Mr. Schultz commented that this is a regulation that is ...

Chair Parkins clarified that it is up to 20 children.

Mr. Schultz commented that it is not spelled out. It is based upon the square footage of the home. It is a State of Connecticut formula. This is a regulation that is not sitting well.

Chair Parkins commented that she thought this was their regulation – an amendment that they...

Mr. Schultz responded yes, but it doesn't have a fixed number. It is called a Child Daycare Center within a Dwelling Unit and the number of children is based upon the State's formula – size of the square footage of the home and the size of the outdoor play area. This is a hybrid that is not sitting well with the Shelton residents. They didn't know it existed in the Shelton Zoning Regulations. This was put in place many years ago to satisfy the need at the time.

Mr. Schultz indicated that residents are aware of Family Daycare and Group Daycare – those are spelled out by the State of Connecticut. This is a regulation in their regulations – the Shelton Zoning Regulations – that allows you to take it to a higher level. He added that you still have to live in the house...

Chair Parkins asked why, if it is in their regulation, they have to use a State formula.

Mr. Schultz responded that the State controls all of the child daycare centers in the State of Connecticut.

Chair Parkins commented that she still is not getting the point. If it is their own special regulation, why weren't they more thought-provoking in terms of using the State of formula.

Mr. Schultz responded that it was a hybrid. He knows what she is saying, that's right, but people want to know the numbers and that is what it is all about – the numbers.

Chair Parkins stated that they are kind of bypassing the State's regulations and going one step above then they should have their own measurement.

Mr. Schultz commented that he wanted them to know that it is not sitting well. They will hear all about it at the public hearing.

Comm. Matto asked if this house was currently occupied.

Mr. Schultz responded that it was not occupied. This was the house that cut down all the trees.

Chair Parkins added that it is directly across the street from the Jehovah Witness Kingdom Hall.

Comm. Harger asked about the bedroom on the first floor and if it was one of the rooms occupied by the resident. They've got one in the basement.

Mr. Schultz stated that these are the type of questions that Staff and the Commission have to ask for the record. They have to go very meticulously through this application. They have not processed one under this regulation - it is 15 – 18 years old.

Chair Parkins asked why the regulation was put in place if they didn't need to process it.

Mr. Schultz responded because there were several commissioners at the time that thought there was a need to create this hybrid type of regulation. They wanted more flexibility because 15 or 20 years ago they didn't have enough to support the population in town which was growing. It peaked and now it is flat.

Comm. McGorty asked if he had a rough order as to the size of this property and the size of the house – based on the State's ratio.

Mr. Schultz responded that Staff is going to get that and prepare...

Chair Parkins commented that he'll provide all of that at the public hearing.

Comm. McGorty responded yes, but he wanted to know if he looked at it already.

Comm. Matto asked if this was going to be an after school daycare.

Mr. Schultz responded that he thinks it is a before and after school. It is a special niche.

Comm. Harger asked if they indicated that they are gutting the house or renovating it according to their needs.

Mr. Schultz responded that they didn't go into that type of detail; however, those are the type of questions they will be asking. Obviously, questions about parking, pick-up, school bus stops, etc.

Chair Parkins asked the Commissioners to think about it and get their questions in line.

Mr. Schultz asked them to take a look at the property too – on Platt Road. He suggested that they avoid the peak times when Sikorsky employees get off of work around 3:30 or 4 p.m.

Comm. Flannery asked if Shelton Kindergarten was a half-day or a full-day.

Mr. Schultz responded that it is still a half-day. He recommended the date of February 27th for the public hearing – the 4th Wednesday in February.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept Application #13-2 and schedule a public hearing for Wednesday, February 27, 2013 at 7 p.m. in the City Hall Auditorium.

PUBLIC PORTION

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

Comm. Joan Flannery indicated that she would like to address the Commission as a private resident. She indicated that they have let other Commissioners do this so she would like to read a letter for the record addressed to her from Shelton resident, Nola Bain.

Joan Flannery, Daybreak Lane, Shelton read the following correspondence:

Nola Bain
3 Old Coram Road
Shelton, CT 06484

November 19, 2012

Re: Project Proposal by Country Club of CT LLC of Torrington

Planning & Zoning
Commissioner Joan Flannery

54 Hill Street
Shelton, CT 06484

Dear Joan Flannery,

My husband Alfred and I attended the Planning & Zoning Meeting on Wednesday, October 24th. Among other concerns, we were greatly concerned about encroachment of the Coram Cemetery.

A Commission member made it clear that no one should speak of anything unless it is about the plan itself.

The question was brought up about an Indian Burial ground. The Commission member asked "Is it an Indian Burial Ground?" As she looked my way, I nodded my head and replied "yes, my family members are buried there." The question was actually directed to someone sitting near me. Her reply was "No, it is not," - but Indians are buried there. I did not say anything further about her response, and I was deeply disturbed, and believed that I would have been stopped and an argument could ensue.

I know that my loved ones are buried there. They are descendants of the *Schaghticoke Tribe*, *Pequot Tribe*, *Cherokee* and *Mui Mui Tribe*. My beloved sister was the widow of an *Abenaki*. She was known as "*Princess Amanda Parney*" to the *Schaghticoke Tribe*. Her children may be buried there also someday. There is at least one other Tribe of which some members are buried there at the Coram Cemetery. I am certain of that.

Thank you for speaking out in the article that I read in The Connecticut Post newspaper dated Wednesday, November 14, 2012. You mentioned that it is an Indian Burial Ground among your other concerns.

My heart is heavy as I write this letter because I am thinking of my departed loved ones. They should be resting in peace. The Great Spirit is guiding me and telling me to stay strong.

A ceremony took place at the Indian Burial Ground for my brother, Wayne Orion Busi known as "*Raging Water*" to the *Schaghticoke Tribe*. Many attended the sacred Indian Ceremony. I dressed in full Regalia. Indian drum music could be heard in the background as the ceremony took place. What makes land sacred to American Indians is when something sacred happens on the land such as an act or a ceremony. An act may be planned according to beliefs that would make the land sacred or holy.

When a burial ceremony takes place at the graveside of a loved one who is of American Indian descent, prayers are offered to the deceased, and the loved ones of the deceased person, also referred to as ancestors. The location becomes a place to talk to that ancestor, by other family members, who are connected to the Spirit. Ceremonies are held under the Father Sky and Mother Earth.

In closing, I would like to ask the Planning & Zoning Commission to take careful consideration before making their decision on the proposed project and all issues.

Respectfully,

Nola Bain
"*Lillinonah*"

Comm. Flannery indicated that this was the letter she was not allowed to read at the last meeting. She added that it has now been read into the record.

With no one else wishing to address the Commission, Chair Parkins asked for a motion to close the public portion.

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

OTHER BUSINESS

APPROVAL OF THE MINUTES: 11/13/12, 11/29/12, 12/11/12

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the P&Z Minutes of 11/13/12 and 11/29/12. Comm. Harger abstained from voting.

803 RIVER ROAD (THE BODY SHOP) REQUEST FOR RELEASE OF SEDIMENT AND EROSION CONTROL BOND

Mr. Schultz indicated that they have been holding a \$5,000 Sediment and Erosion Control Bond until he finished paving it. He has finished paving it and Staff is recommending the release of the \$5,000 bond.

Comm. McGorty asked what would be going on the top there.

Mr. Schultz responded that he has the driveway that goes around to the top.

Comm. McGorty commented that there is a lot of dirt and they've done a lot of work up on the top.

Mr. Schultz responded that will be his storage.

Comm. McGorty asked if that was a part of this and if that was all set then. He asked if he was satisfied with what they've done up there.

Mr. Schultz responded that it is all process aggregate but the Commission wanted the lower area up to the driveway to be paved. He is using the upper area for storage. It is two levels and he drives around up to the top.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the request for release of Sediment and Erosion Control Bond for property located at 803 River Road (The Body Shop).

PAYMENT OF BILLS

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

STAFF REPORT

Mr. Schultz read the P&Z Staff Report dated January 10, 2012. He discussed ZBA issues, CT Siting Council/UI Substation, Zoning Subcommittee and DSC upcoming meetings and Zoning Enforcement issues.

Mr. Schultz indicated that the next meeting would be a Special P&Z on Wednesday, January 23rd. It would be a continuation of the public hearing for the apartment complex on the Francini property behind Bertucci's Restaurant.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 9 p.m.

Respectfully Submitted,

Karin Tuke

P&Z Recording Secretary